



West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
March 13, 2025 – 6:00pm
Sanford Council Chambers and Zoom / YouTube Live
AMENDED MARCH 13, 2025

- 1.0 Call to Order and Attendance**
- 2.0 Announcements**
- 3.0 Approval of Agenda and Additions**
- 4.0 Declaration of Conflict of Interest**
- 5.0 [Approval of Minutes \(January 9, 2025\)](#)**
- 6.0 New Business**
 - 6.1 [File #24-25 Rezoning: 33 Lakewood Drive, Brooklyn, PID 45017183 \(Will Hong\) - Pg. 3](#)
 - 6.2 [File #25-01 Rezoning and WHLUB Amendments: PID 45405784, College Rd, Windsor \(Will Hong\) - Pg. 15](#)
 - 6.3 [File #24-26 Rezoning: 1177 King Street, Windsor, PID 45053816 \(Alex Dunphy\) - Pg. 38](#)
 - 6.4 [File #25-13 Development Agreement: Bear Lake Wind Farm \(Kari Fougere\) - Pg. 63](#)
 - 6.5 [Wind Turbine Policy Research \(Kari Fougere\) - Pg. 245](#)
 - 6.6 [Plan Review: Growth Centre Policies Discussion \(Alex Dunphy\) - Pg. 252](#)
- 7.0 Business Arising from the Public Information Meetings (March 5, 2025)**
 - 7.1 PIDs 45055241, 45190386, and 45366457, Wentworth Rd, Windsor (Will Hong)
- 8.0 [Business Arising from the Minutes \(File Updates\) - Pg. 255](#)**
 - 8.1 File #24-22 Development Agreement: 411 King Street, Windsor Phase 2 (Alex Dunphy)
 - 8.2 File #23-21 Windsor, West Hants and Hantsport MPS/LUB Amendments: Housing Accelerator Fund Initiatives #1-3 (Will Hong)
 - 8.3 File #24-03 Development Agreement: Bear Lake Wind Farm (Kari Fougere)
 - 8.4 File #24-21 Development Agreement: 439 Clifton Avenue, Windsor (Alex Dunphy)
 - 8.5 File #24-10 WHMPS Amendments: Wind Turbine Setbacks (Kari Fougere)

- 8.6 ~~File #24-01 Rezoning: PID 45045879 Willow St, Hantsport (Alex Dunphy)~~
- 8.6 File #23-33 Development Agreement: PID 45402831 Windsor Back Road, Three Mile Plains (Alex Dunphy)
- 9.0 [Building and Development Activity Reports \(January and February 2025\) - Pg. 258](#)
- 10.0 **Notices from Adjacent Municipal Units**
- 10.1 [Municipality of Chester – Short-term Rentals - Pg. 260](#)
- 11.0 **Public Participation Period**
- 12.0 **Next Meeting Date (April 10, 2025) / Adjournment**



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: _____
Will Hong, Planner

Date: March 13, 2025

Subject: WHLUB Map Amendment: 33 Lakewood Drive, Brooklyn (PID 45017183); File # 24-25

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 45017183 at 33 Lakewood Drive in Brooklyn from the split zone of Two Unit Residential (R-2) and Highway Commercial (GC) zone to the Two Unit Residential (R-2) zone entirely as shown in the report #24-25 to the Planning and Heritage Advisory Committee dated March 13, 2025.

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 Michael Redmon on behalf of Diane Saunders on November 5, 2024. The application was to rezone the subject lot from a split zone of Highway Commercial and Two Unit Residential to Two Unit Residential (R-2) entirely in order to subdivide three different residential lots after rezoning.

DISCUSSION

The subject lot is 20 acres with frontage on both Highway 215 and 33 Lakewood Drive, which contains a single unit dwelling fronting the Lakewood Drive and a derelict, old barn located on the eastern side of the property.

The subject lot is currently designated Village on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is split into two zones, with a portion zoned Two Unit Residential (R-2) and another portion zoned Highway Commercial (HC) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

All properties surrounding the subject lot are designated Village. Adjacent uses primarily consist of low-density residential dwellings, and a self-storage facility on Highway 215. These properties have a mix of zoning including the Two Unit Residential (R-2) zone, Highway Commercial (HC) zone, Resource Industrial (M-1) zone

Municipal Planning Strategy Review

Policy 6.2.3 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning land to Single Unit Residential (R-1) or Two Unit Residential (R-2) within the Village designation. The policy also includes criteria which must be considered in relation to the proposal. The evaluation of the full list of criteria is included in Attachment A. In summary, the proposal meets the criteria since:

- the subject lot is 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 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.

Public Comment Response

Staff did not receive any responses during the 14 days comment period. Staff received one response from resident in the area before the Public Information Meeting including concerns regarding safe road access on potential new driveway on Highway 215.

In response to this concern, staff contacted Nova Scotia Public Works Department (NSDPW), who has the jurisdiction of Highway 215. The initial response from NSDPW confirmed that the subject property has safe roadway access to both Lakewood Drive and Highway 215.

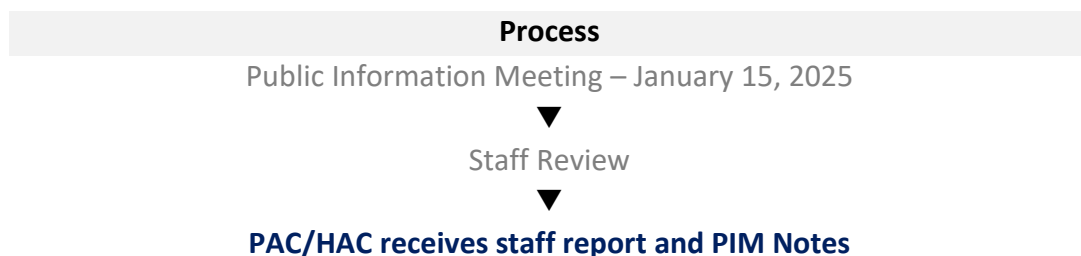
A Public Information Meeting was held on January 15, 2025. There was one question from the member of public to better understand what is being proposed on the lot. The applicant provided further details about their development plans to subdivide into 3 lots for personal use after rezoning.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

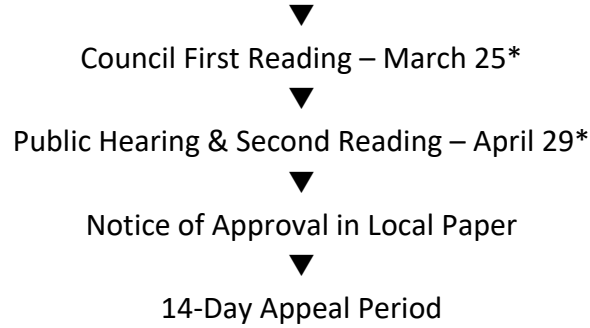
The Municipal Climate Change Action Plan (MCCAP) Coastal Flooding map does not show any risks of coastal flooding on the subject lot. The MCCAP Inland Flooding map shows the property as having both 0-0.10 m and 0.11 - 0.50m depth to water table. Section 4.3.2 of the MCCAP (pg. 40-41) explains the Inland Flooding map in more detail. It states “The Depth to Water Table categories, as seen on the map, indicate quality of drainage: the 0-0.10 m class is generally associated with poor drainage and the 0.11-0.50 m class with imperfect drainage. These areas can be used to infer where water will naturally flow and/or accumulate in the landscape. Therefore, 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 45017183 to the Two Unit Residential (R-2) zone.



Review and Recommendation – March 13, 2025



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality 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 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: _____
Will Hong, Planner

Report Approved by: _____
Kari Fougere, Acting Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

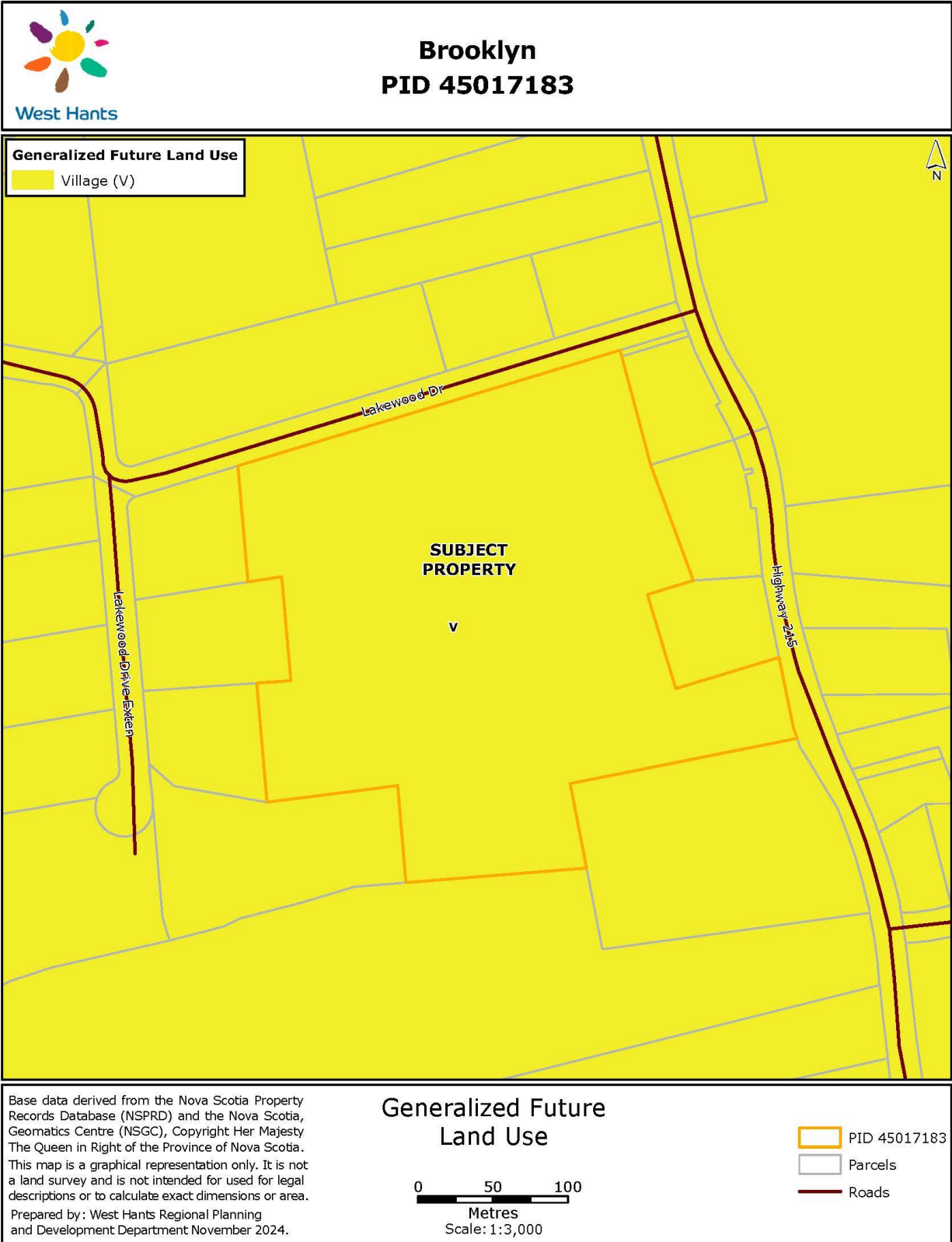


Figure 2 – West Hants Zoning Map Extract

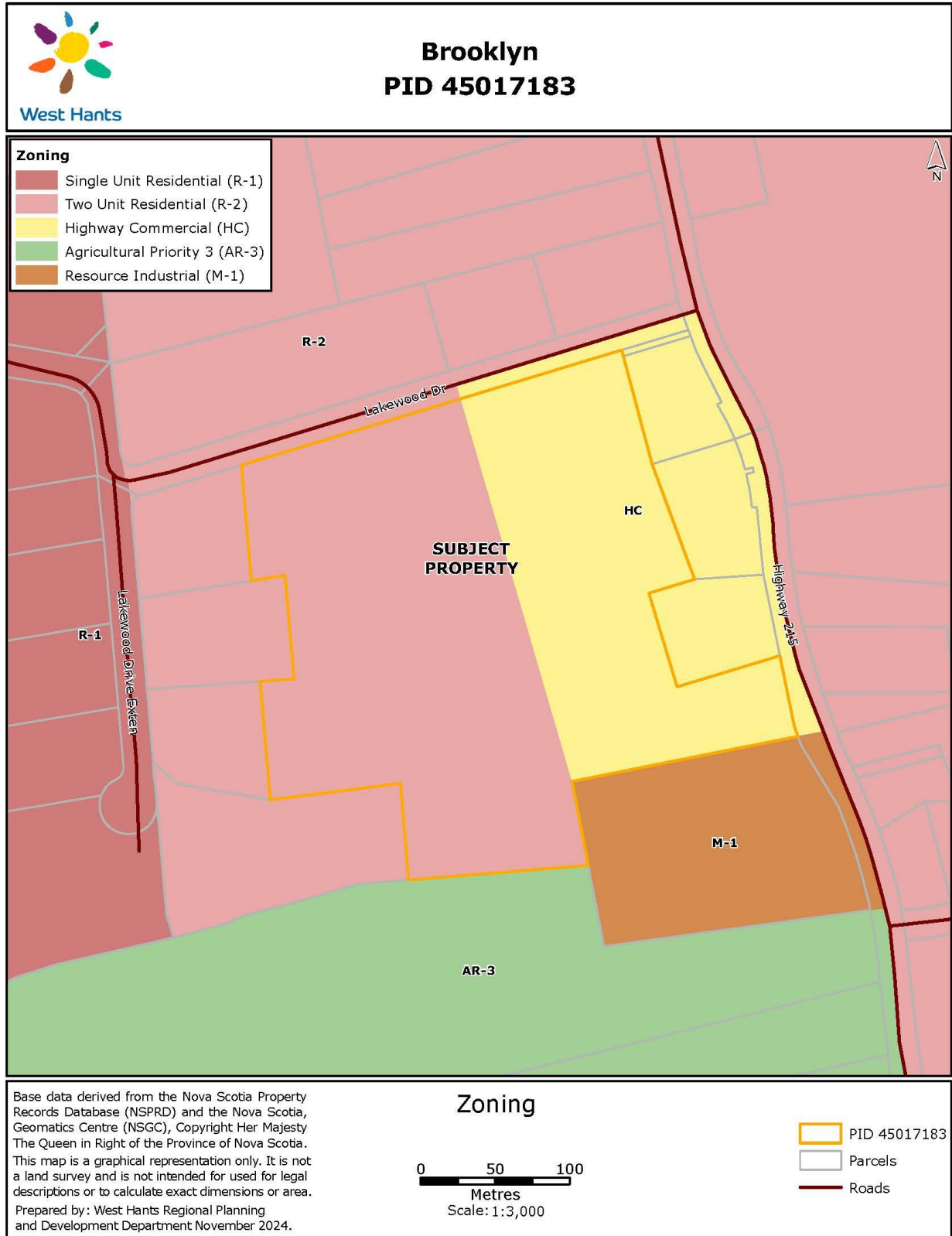
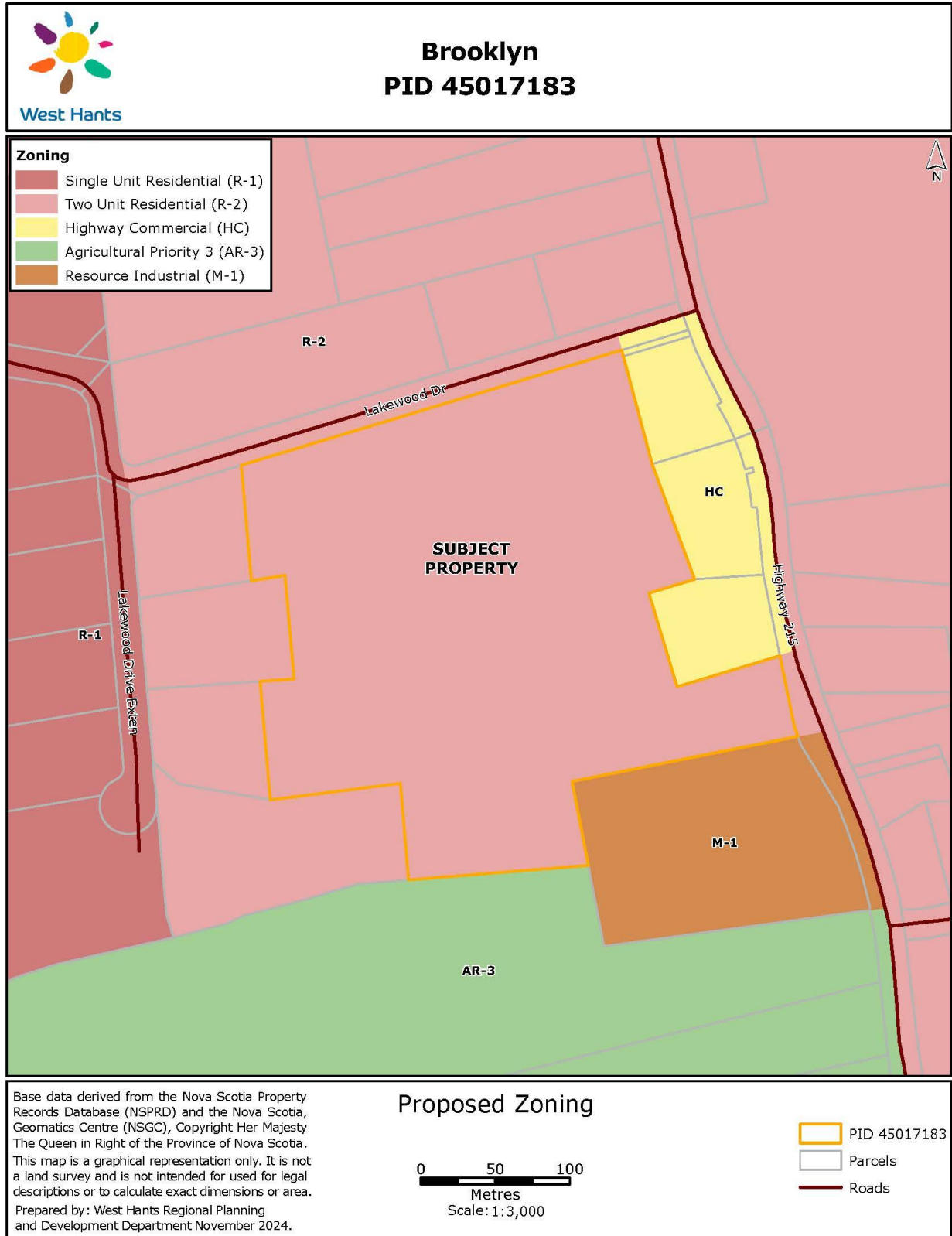


Figure 3 – West Hants Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendments

Policy 6.2.3 <i>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:</i>	
<i>(a) the proposed use will not conflict with adjacent existing uses;</i>	The proposed residential use is compatible with the surrounding properties, which are primarily residential. Only one adjacent property is zoned Resource Industrial (M-1) and is currently used as a commercial self-storage facility. No conflicts are anticipated between the proposed residential use and this property, as residential use is also permitted in the Resource Industrial (M-1) zone, and the property is subject to a more restrictive setbacks and buffering requirements.
<i>(b) any other matter which may be addressed in a Land Use By law; and</i>	See Policy 16.3.1 below.
<i>(c) Policy 16.3.1.</i>	See Policy 16.3.1 below.

Policy 16.3.1 <i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Public Works Engineering Division commented that no central sewer or water services are available in Brooklyn or the other designated Village. In this case, on-site water and sewer will be required. See Policy 16.3.1 (b) below.

<p><i>(ii) the adequacy of school facilities;</i></p>	<p>The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that “We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new 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 subject property has adequate lot area to meet the minimum standard for un-serviced lots. This indicates the lot should be capable of accommodating an on-site well and septic system.</p> <p>The existing on-site systems may be adequate or may require upgrades, but these details are determined at the time of permitting, with the approval coming from Nova Scotia Department of Environment and Climate Change who has jurisdiction over septic systems and wells.</p>

	For any other future subdivision, the owners will have to determine the suitability of water and sewer services during the permitting process.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager of the Nova Scotia Department of Public Works commented that they had no concerns regarding this criteria.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they had no concerns regarding the adequacy of the dimensions and shape of the lot for residential uses.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer commented that they had no concerns regarding the pattern of development which the proposal might create.
<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 majority of the subject lot appears to be flat. No waterbodies or wetlands appear to be present on the mapping for the subject lot.
<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

January - 15, 2025

WHLUB Map Amendment: 33 Lakewood Drive, Brooklyn (PID 45017183); File # 24-25

Meeting date and time	A Public Information Meeting was held on January 15, 2025 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal YouTube Channel.
Attending	<p>In attendance for the meeting:</p> <p>One (1) Chair:</p> <ul style="list-style-type: none"> • Mayor Zebian <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> • Acting Director Fougere • Senior Planner Dunphy • Planner Hong • Planning Assistant Lake <p>Approximately 9 members of the public.</p>
<p>Applicant Michael Redmon on behalf of Diane Saunders</p> <p>Property PID 45017183, 33 Lakewood Drive, Brooklyn</p>	Planner Hong outlined the application to rezone the subject lot entirely to the Two Unit Residential (R-2) zone.
Comments	<p>Comments from the public could be submitted by mail, e-mail and telephone between January 15-29, 2025.</p> <p>Staff did not receive any phone calls or written submissions during the comment period.</p> <p>1 member of the public spoke during the Public Information Meeting. Applicant responses are in purple.</p> <ul style="list-style-type: none"> • Liam McNeil, who lives adjacent to the subject property, was curious about what was going on. • Michael Redmond, applicant, explained that the intention after rezoning is to subdivide into 3 lots for personal use: one for the property owner’s son, the other two for the owner or possible future sale. Property needs to be rezoned to be able to build residential.

Adjournment	The Public Information Meeting was adjourned at approximately 6:20 p.m.
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Public Email Responses Submitted for the Application

From: Kevin Arenburg

Date: January 7, 2025

To: Will Hong and Vanessa Lake

Thank you for the notice on the proposed rezoning of the above mentioned property. We would like to offer our support in favour of the rezoning so long as the driveway access is restricted to and from Lakewood Drive. The vehicular speeds observed on Highway 215, despite posted speed limits, are often well above safe levels. The RCMP devote most of their attention to the school zone on Hwy 14 during the school year and drivers evidently make up for their lost time in all directional routes from this "speed trap". We would not encourage any additional driveway access points on Highway 215. This stretch of road has had many vehicle accidents. A near fatality occurred May 2013 as a school bus was stopped loading children in the morning at the intersection of Murdock Harvey Road and Highway 215 very close (within 500ft) to where a portion of this land parcel abuts Highway 215. Four months ago another school bus incident occurred near Sterling Road.

By copy of this email to Vanessa Lake, can you send us the registration link via Zoom.

Sincerely,

Kevin and Julia Arenburg



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: _____
Will Hong, Planner

Date: March 13, 2025

Subject: Windsor LUB Amendment: PID 45405784 College Rd, Windsor; File # 25-01

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 the Zoning Map of the Windsor Land Use By-law to rezone PID 45405784 on College Road in Windsor from Single Unit Residential (R-1) to the Institutional (I) zone as shown in the report #25-01 to the Planning and Heritage Advisory Committee dated March 13, 2025.

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Land Use By-law to allow agrivoltaics systems as an accessory use in the Institutional zone as shown in the report #25-01 to the Planning and Heritage Advisory Committee dated March 13, 2025.

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 Brighter Community Planning on behalf of King's-Edgehill School (KES) on January 7, 2025. The application is to rezone the subject lot from Single

Unit Residential (R-1) to Institutional (I) zone and amend the Windsor Land Use By-law to allow agrivoltaics systems as an accessory use in the Institutional zone.

DISCUSSION

The 10.66-acre subject lot is located southwest of Windsor, with approximately 60 ft. (18 m.) of frontage on College Road. The property is directly adjacent to the King's-Edgehill School (KES) and was purchased by KES in 2017. The lot is largely undeveloped, with much of the land remaining in its natural state. In recent years, portions of the property have been actively used for agricultural purposes, including the cultivation of pumpkins and hay.

The subject lot is designated Residential on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (Figure 1). The subject lot is zoned Single Unit Residential (R-1) on the Zoning Map of the Windsor Land Use By-law (Figure 2).

The surrounding area of the subject lot includes designations of Residential, Community Use, and the College Road Comprehensive Development District. Adjacent properties consist of low-density residential dwellings, institutional use for King's-Edgehill School, and vacant lands. These properties have a mix of zoning, including the Single Unit Residential (R-1) zone, the Institutional (I) zone, and the College Road Comprehensive Development District (CR-CDD).

Proposal

Although the lot is designated Residential, staff from KES confirmed that they have no intention of developing housing on the subject lot. The application letter outlines the proposal to install a field of solar panels with agricultural activities integrated between the rows, combining renewable energy generation with sustainable farming practices. This dual-use solar practice integrates crop production beneath solar panels, a system often referred to as 'agrivoltaics'. The application letter further details the proposed solar installation area would be located in the upper portion of the subject lot, at least 475 feet back from the College Road.

The purpose of this development is to generate green energy for the planned KES campus electrification, supporting the school's goal of eliminating its carbon footprint. Simultaneously, the lot will remain in agricultural use, offering opportunities to enhance local food production and support KES educational initiatives. Additionally, the application letter highlights KES's vision to become the first school in Canada to invest in agrivoltaics.

Solar Panels in the Municipality

Solar panels, both roof-mounted and ground-mounted, are currently allowed as an accessory use in any zone to the main building or use and subject to the setbacks required for a main use in the underlying zone on which they are located. In 2023, Council created a Property Assessed Clean Energy (PACE) program, which later branded as Switch West Hants Program, focusing on

promoting energy efficient renovations and reducing greenhouse gas emissions in the Municipality. Solar panels are one of the eligible projects under this program. Staff have seen a steady increase in the number of solar panels applications in recent years, particularly roof-mounted solar panels.

Agrivoltaics in other jurisdictions

Agrivoltaics is an emerging land use in North America. It includes solar energy systems co-located with crops, grazing, and pollinator habitat. Based on research, staff are not aware of any existing agrivoltaics projects in Nova Scotia. In fact, the implementation of such dual-use systems is still uncommon in Canada, and most existing agrivoltaics projects are in the United States. Staff view this application as one-of-a-kind proposal for the Municipality due to the nature of dual-use, scale, and novelty. In jurisdictions where agrivoltaics are regulated in the land use by-laws, staff found the following common regulatory standards for agrivoltaics systems:

- Height regulations, including limitations on the maximum tilt of ground-mounted solar system;
- Setback from roadway and residential dwellings;
- Screening along property lines to reduce visibility and prevent projection of glare, especially when adjacent properties are not within the same zone, or the adjoining lot has an existing residential use;
- Additional mitigation for use of solar array on prime agricultural soils or agricultural zones.

Municipal Planning Strategy Review

Policy 16.1.3 is the enabling policy to be considered for this application's rezoning request. This policy provides Council with the ability to consider to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied. In summary, the proposal meets the policy since:

- the subject lot is immediately adjacent to the King's Edgehill School, which is designated Community Use on the Generalized Future Land Use Map of Windsor, and Institutional (I) zone is a permitted zone in the Community Use designation.

Policy GP-1 and GP-2 is the enabling policy to allow Council to regulate accessory uses in the WLUB. Specifically, Policy GP-1 allows Council to regulate accessory uses and buildings by:

- (a) regulating the number, size, location and height of accessory buildings; and
- (b) regulating the type, location, and size of accessory uses.

Policy GP-2 allows Council to consider accessory uses to be located on a lot held in the same ownership and directly abuts from the lot containing the main building or use it is intended to serve. In summary, the proposal meets this policy since:

- the subject lot is immediately adjacent to the King's Edgehill School and held in the same ownership as the KES, and the proposed agrivoltaics systems intend to serve the buildings and institutional uses of KES by producing green energy to electrify the campus and eliminate its dependency on fossil fuels.

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 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, Traffic Authority, and Public Works Engineering Division have no concerns which have not been otherwise addressed in this report.

Windsor Land Use By-law

Proposed Amendments

To align with the proposed development, both the Zoning Map and text of the Windsor Land Use By-law will be amended to change the zoning of the subject lot from Single Unit Residential (R-1) to Institutional (I) zone. Section 5.47 and 5.48 have been added to the WLUB to allow agrivoltaics systems as an accessory use in the Institutional zone. The requirements of accessory uses will apply to agrivoltaics systems. This includes the requirement that the accessory uses shall not be built in the front yard and must comply with the setback required in the zone for the main building. In this case, the underlying zone would be Institutional (I), which requires a setback of 30 feet (9.14 meters) for rear yard and side yards. In addition, a site plan is required to identify the layout of the solar system and areas designated for agricultural use.

The proposed amendments to the Zoning Map of the WLUB are shown in Figure 3 and amendments to the text of the WLUB are in Attachment A.

Public Comment Response

Staff received one correspondence from the surrounding neighbor expressing some concerns over potential noise and water run-off from the solar PV panels during the 14 days comment

period. Staff also received one response before the Public Information Meeting regarding the proposal for this application.

In response to these concerns, staff directed the questions to applicant for further clarifications on the proposal. Staff also contacted the Municipal Public Works Department who confirmed that there were no concerns with erosion and drainage. Public Works staff expected the contractor to minimize exposed soil and to protect watercourses from runoff as per NSECC’s “Erosion and Sediment Control Handbook”, and standard practices and protocols apply.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

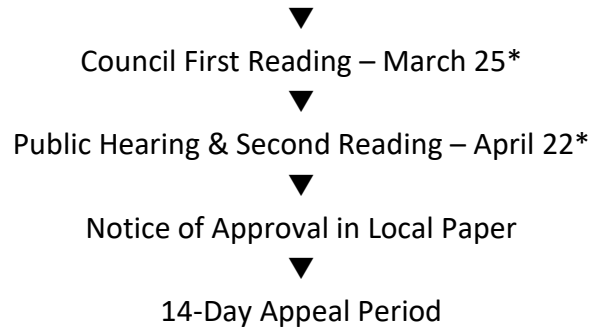
The Municipal Climate Change Action Plan (MCCAP) Coastal Flooding map does not show any risks of coastal flooding on the subject lot. The MCCAP Inland Flooding map shows the property as having a 0.11 - 0.50m depth to water table. Section 4.3.2 of the MCCAP (pg. 40-41) explains the Inland Flooding map in more detail. It states “The Depth to Water Table categories, as seen on the map, indicate quality of drainage: the 0-0.10 m class is generally associated with poor drainage and the 0.11-0.50 m class with imperfect drainage. These areas can be used to infer where water will naturally flow and/or accumulate in the landscape. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

In addition, the proposed solar energy development directly aligns with the Municipal Green House Gas Emission Local Action Plan, which aims to reduce carbon emissions, promote renewable energy adoption, and enhance environmental sustainability within the municipality.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of the general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. The proposed amendments to allow agrivoltaics systems reflect the intent of the general policies of the Windsor Municipal Planning Strategy and Municipal Climate Change Action Plan. As a result, staff recommends proceeding with the approval process for the proposed amendments.





*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality 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 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	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract
Figure 3	Proposed Windsor Zoning Map Extract
Attachment A	Draft WLUB Amendments
Attachment B	General Criteria for Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Will Hong, Planner

Report Approved by: _____
Kari Fougere, Acting Director of Planning and Development

Figure 1 – Windsor GFLUM Extract

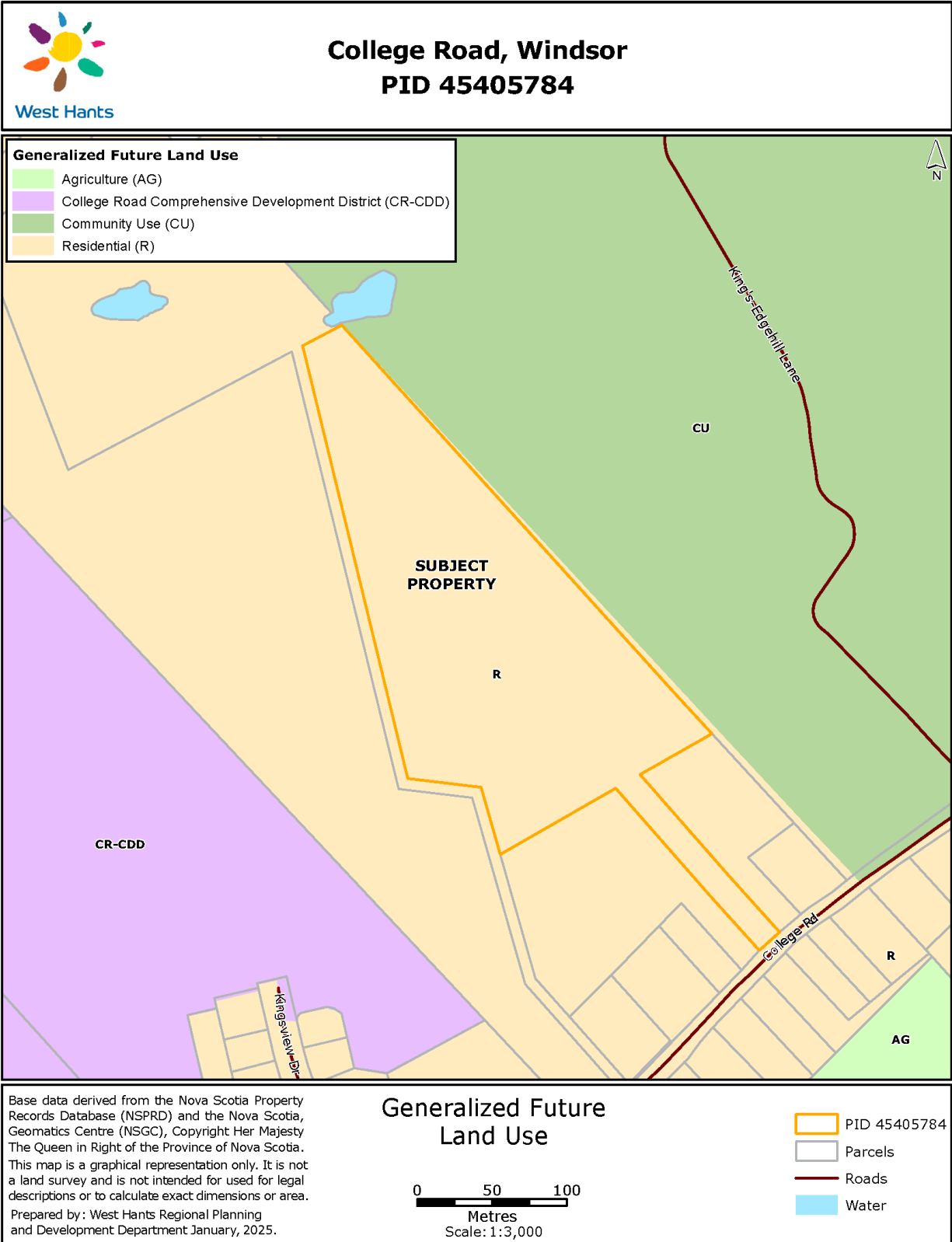


Figure 2 – Windsor Zoning Map Extract

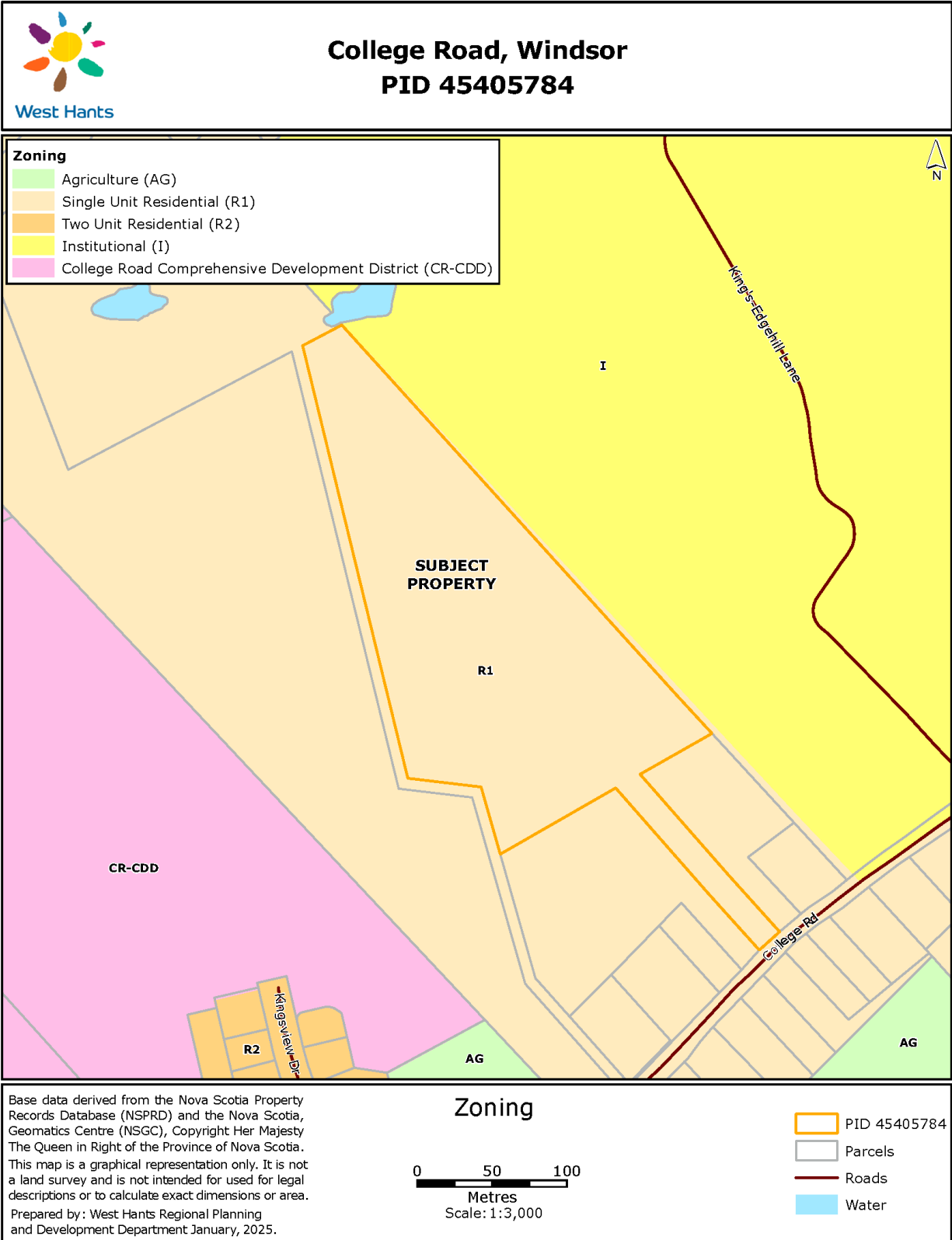
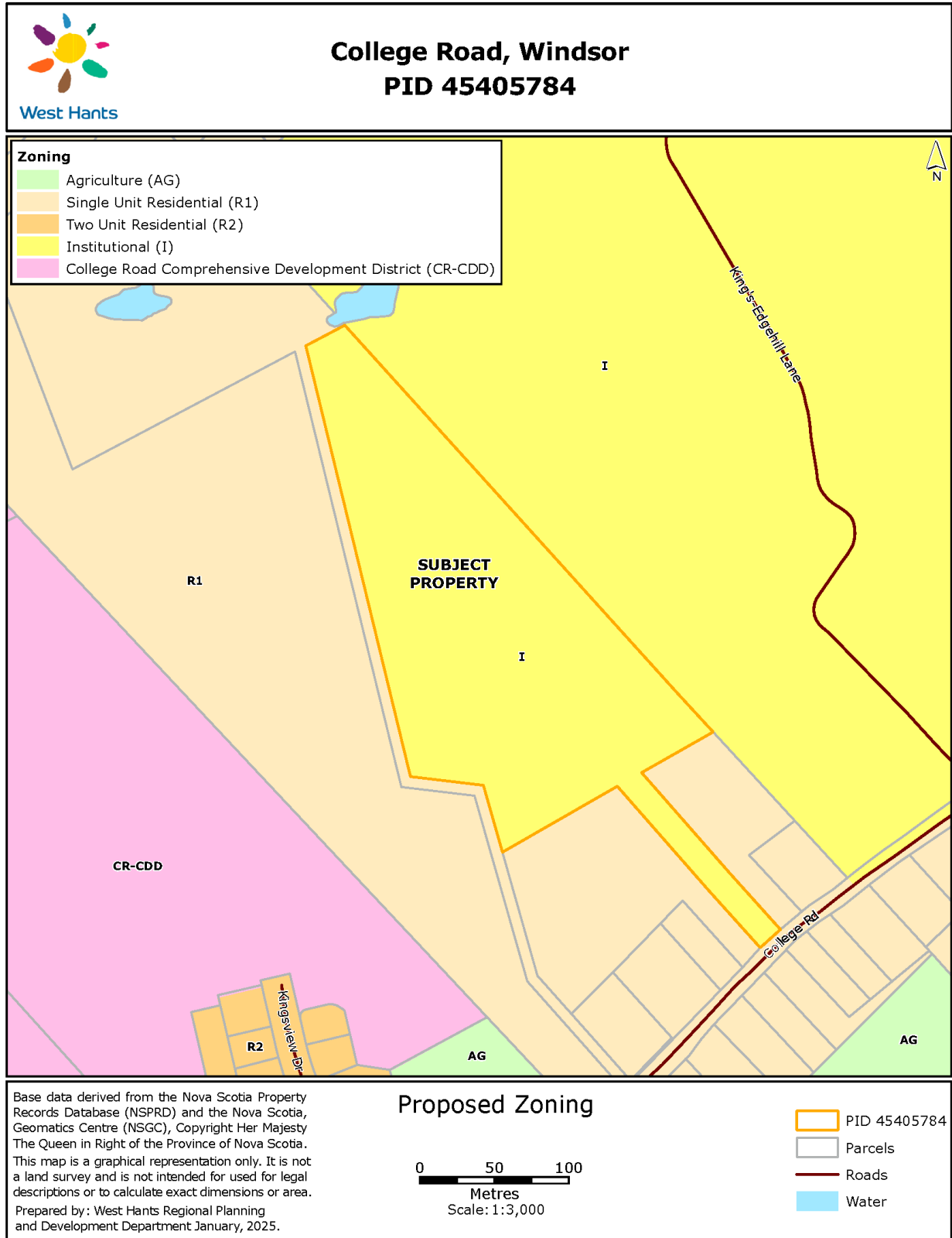


Figure 3 – Windsor Proposed Zoning Map Extract



Attachment A – Draft WLUB Amendments

1. Amend Part 5.0, GENERAL PROVISIONS FOR ALL ZONES, of the Windsor Land Use By-law to add subsection 5.47 and 5.48 for Agrivoltaics System, so that Part 5.0 reads as follows:

5.0 GENERAL PROVISIONS FOR ALL ZONES

Agrivoltaics System

(Amendment WLUB 25-01 Effective *insert date here*)

- 5.47 Agrivoltaics systems are an accessory use in the Institutional (I) zone.
- 5.48 In addition to all other regulations of this By-law, the following provisions shall apply to agrivoltaics systems:
- (a) a site plan shall be submitted to identify the following:
 - (i) All existing and proposed access locations, driveways, structures on the lot;
 - (ii) The proposed location and total area of solar photovoltaic panels on the lot;
 - (iii) The proposed area for the co-location of agricultural uses on the lot;
 - (iv) Setbacks from the property lines and existing or proposed structures; and
 - (v) Proposed screening or landscaped buffer along the property lines adjacent to residential lots or public streets to prevent projection of reflective glare.

2. Amend Part 32 of the Windsor Land Use By-law to insert a definition of “Agrivoltaics System” after “Agricultural Use”, so that Part 32 reads as follows:

32.0 DEFINITION

Agrivoltaics System means the simultaneous use of land for both renewable energy production through an arrangement of solar photovoltaic panels and agricultural uses of growing and harvesting of vegetables, fruits, berries, nuts, or other similar products.

Attachment B – Policy Summary for Amendments

<p>Policy GP-1 <i>It shall be the policy of Council to consider regulate accessory uses and buildings by:</i></p> <p><i>(a) regulating the number, size, location and height of accessory buildings; and</i></p> <p><i>(b) regulating the type, location, and size of accessory uses.</i></p>	
<p>Policy GP-2 <i>It shall be the policy of Council to permit accessory uses to be located on a lot held in the same ownership and:</i></p> <p><i>(a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and</i></p> <p><i>(b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.</i></p>	
<p>Policy 16.1.3 <i>It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.</i></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>Municipal Public Works Department confirmed that the proposed development is not premature or inappropriate in terms of the adequacy of sewer and water services within serviced areas of the Municipality.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>No impact on school facilities is anticipated.</p>
<p><i>(iii) the adequacy of fire protection and other emergency services;</i></p>	<p>The Manager of Building and Fire Inspection Services has stated that they have no issues with the proposed development. Windsor Fire Chief stated he has no concerns for the adequacy of</p>

	<p>fire protection as long as solar panels run NE-SW and the rows are accessible. He further stated that with the popularity of solar panels on the rise, more training is needed to help mitigate risks while dealing with any issues involving from them.</p>
<p><i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>In response to questions from Planning staff on whether the proposed amendments are premature or inappropriate in terms of adequacy of road networks which the proposed amendments may create within serviced areas, the Municipal Traffic Authority commented that they had no concerns.</p>
<p><i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i></p>	<p>There are no financial implications to the Municipality with regard to the proposed 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>Municipal Public Works Department confirmed that the subject lot is 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>In response to questions from Planning staff on whether the proposed amendments are premature or inappropriate in terms of the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic, the Municipal Traffic Authority commented that they had no concerns. There is no 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>In response to questions from Planning staff on whether the proposed amendments are premature or inappropriate in terms of adequate of road networks which the proposed amendments may create within serviced areas, the Municipal Traffic Authority commented that they had no concerns.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create. The proposed amendments will only apply to Institutional zones in Windsor planning area; therefore the impact is anticipated to be negligible 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, wetlands, and susceptibility of flooding;</i></p>	<p>The Municipal Climate Change Action Plan (MCCAP) Coastal Flooding map does not show any risks of coastal flooding on the subject lot. The subject lot is not within the Windsor Environmental Constraints layer.</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>

(h) any other matter required by relevant policies of this Strategy.

There are no other relevant policies of this Strategy.

Attachment C – Public Information Meeting Notes

February - 5, 2025

Windsor LUB Amendment: PID 45405784 College Rd, Windsor; File # 25-01

Meeting date and time	A Public Information Meeting was held on February 5, 2025 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal YouTube Channel.
Attending	In attendance for the meeting: One (1) Chair: <ul style="list-style-type: none">• Councillor Jim Ivey (District 11) One (1) Councillor: <ul style="list-style-type: none">• Chrystal Remme (District 3) Four (4) members of staff: <ul style="list-style-type: none">• CAO Phillips• Senior Planner Dunphy• Planner Hong• Planning Assistant Lake Approximately 11 members of the public.
Applicant Brighter Community Planning on behalf of King’s Edgehill School Property PID 45405784 College Rd, Windsor	Planner Hong outlined the application to rezone the subject lot to the Single Unit Residential (R-1) zone and amend the Windsor Land Use By-law to allow agrivoltaics systems as an accessory use to the Institutional (I) zone.
Comments	Comments from the public could be submitted by mail, e-mail and telephone between February 5-19, 2025. Staff receive one written submission during the comment period. 5 members of the public spoke during the Public Information Meeting. Applicant and staff responses are in purple. <ul style="list-style-type: none">• Greg Dickie, College Rd, asked about the timeline of construction.• Joe Seagram, applicant, explained that for getting approval from Nova Scotia Power, a design from the engineers, and construction, may be 8-10 months,

with the hope of the solar panels being in operation in the next 2 years.

- Harold Adams asked if this was an amendment to the Windsor or West Hants LUB. He further inquired about setbacks, erosion, drainage, and noise about solar panels. Harold also asked about whether it makes sense to rezone the subject lot to Institutional zone. Harold asked about noise from the solar panel inverters.

Will replied that it is within the Windsor planning area, so the change only applies to Windsor LUB. Will further confirmed that the setback in the Institutional zone is 30 ft.

Chair Ivey said the erosion and drainage concerns would be looked at during the permitting stage. Will agreed and said no site plan was submitted or required for a rezoning.

Alex replied that for simplicity, the whole parcel will be rezoned. Split zoning can cause issues.

Joe, applicant, said he is committed to working with neighbours. They will ensure proper drainage, possibly put up screening, etc.

- Ning Liang asked if WHRM was planning to allow agrivoltaics as of right in other zones (ex. Industrial, Agricultural).

Alex replied that there is currently no direction from Council to do so, but staff would be open to doing so if requested.

- Anne Knowles asked about future decommissioning. Anne also asked if there would be any accessory agricultural buildings constructed and if there would be room for them, and if agricultural buildings could be built in future, like barns, to store produce.

Alex replied that as this is a rezoning and not a development agreement, there is no contract, and it would be up to the property owner. A decommissioning clause is common in development

	<p>agreements for wind farms, etc., but are not a part of this rezoning process.</p> <p>Joe replied that they have equipment on (the King's-Edgehill) campus already and would be able to house it. The only planned "building" on the plot is the power station.</p> <p>Will replied that any structures or buildings devoted to agricultural uses (like a barn or a greenhouse, etc.) would not be permitted as-of-right in the Institutional zone.</p> <ul style="list-style-type: none"> • Danny Dill, Dill Enterprises, commented that this is a great project and educational tool. We must do what we can for the future and the environment. He wished KES good luck in their farming endeavours.
Adjournment	The Public Information Meeting was adjourned at approximately 7:04 p.m.

Public Email Responses Submitted for the Application PIM

Public Email Responses Submitted before and after the Public Information Meeting. Staff responses are included in purple and applicant responses are included in dark blue

January 21, 2025

From: Guido Furlani

To: Will Hong

Hello Will,

I would like to ask information about the PIM below, which I will attend as a PAC HAC Member

When can we have a brief call?

Warm Regards

Guido

Will Hong January 23, 2025

Good morning, Guido,

Attached is a letter from the applicant, which outlines the purpose and their vision for this agrivoltaics project. I hope this answers some of your questions.

If you would like to have a brief call, please just let me know.

Best,

Will

[Applicant letter is attached below]

February 11, 2025

From: Harold G.S. Adams

To: Kari Fougere

Morning Kari:

Attached are my questions.

My concern is drainage as we receive a lot of water from Kings.

Also there is a question of glare from the panels.

Thanks.

Harold

[Question sheet is attached below]

Will Hong February 20, 2025

Good afternoon, Harold,

As promised, please find below responses from the applicant.

1. Are the solar panels to be stationary or will they track? Stationary
2. If stationary will they all face in the same direction? As far as we know, yes.
3. Which direction will the panels face? South.
4. What height will the panels be? Don't know yet.
5. Will the panels be in rows?
Most likely as that is the most efficient method of arranging them.
6. What will be the separation distance between the rows?

This is a question for the engineers, but the separation distance will be positioned to best absorb sunlight and to grow crops.

7. Do you anticipate there will be noise from the solar field and if so, what noise buffers will be installed?

Solar panels are noiseless.

8. Will there be glare from the panels and if so what features will be installed to prevent the glare?

Glare comes from reflected sunlight, which is why there is so much glare from snow. Solar panels are designed to absorb sunlight and convert it to electric power. These will be high quality and efficient panels. There should be negligible glare.

9. Will the panels be installed vertically?

Not sure what this means. They will be angled to maximize exposure to the sun.

10. What plans will be made for drainage? What effect will run off from the panels have on adjacent properties?

We don't anticipate there to be any more run off than there is currently. The current drainage ditches will be maintained to maximize their efficiency.

11. What set backs will be maintained from adjacent properties?

We understand that thirty feet is the minimum required setback. We will not encroach on this minimum.

12. How will the electricity be transmitted to the school? Will this be by underground transmission lines or above ground by poles and lines?

This is a question for the engineers - however, our understanding is that the electricity will not go directly to the school but dumped onto the grid and returned to the school using its current infrastructure.

13. Will poles and power lines be installed on the 60 foot wide strip of land to College Road?

There are no current plans to develop the access "road".

14. Will fencing be installed around the solar farm?

No, although electric fencing may be used to protect the crops from deer.

15. What measures will be taken to protect the field from storms?

This is a question for the engineers, but our understanding is that the panels will be engineered and constructed to withstand whatever Mother Nature throws at them.

I hope these answers are helpful.

Best wishes,
Will

February 21, 2025

From: Harold G.S. Adams

To: Will Hong

Hi Will:

Thank you for sending me the reply to my questions by Kings Edgehill.

I guess I was not more specific in number 7 of my questions when I asked about noise. It is correct to say the solar panels do not make noise, However the inverters do make noise. So my question is what efforts will be made to silence this noise?

Question 10. My research has shown that erosion can occur from rain runoff from the panels. Depending of the topography of the land this can add more run off on adjacent properties. My suggestion is that there be a ditch dug from the Kings property running along the east boundary of the proposed solar farm to connect with the existing ditch which is the southern boundary of this property. A drainage easement will probably be needed.

Regards.

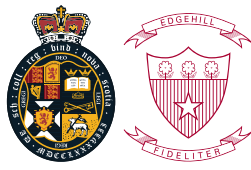
Harold G.S. Adams

Will Hong February 24, 2025

Good morning Harold,

Thank you for your comments, I appreciate you reaching out and I will include this information to the Planning Advisory Committee and Council for their consideration.

Kind regards,
Will



King's-Edgehill School

Dear Neighbour,

For the past 236 years, we have been your neighbour. Maybe not you specifically, but neighbours to the residents of College Road, the visitors to Dill Farm and Long Pond, and neighbours to all who come to this historic part of Windsor.

As neighbours, we want you to be one of the first to hear of King's-Edgehill School's new and exciting plans to be not only the oldest school in Canada but the first to electrify its campus and eliminate its dependency on fossil fuels. Being "green" and helping the planet by eliminating carbon emissions is part of our strategic vision for the future.

While there are many things we are doing within our walls to achieve this goal, one very big and exciting initiative happening outside our walls is to produce our own green sourced power by having our own solar field! You may remember that a few years ago King's-Edgehill School purchased the land between Dill Farm and Long Pond with the intention of stewarding the strong working relationship between the Dill and the KES family.



The addition of solar panels to this land would not take away from its agricultural use, in fact, our vision is to also be the first school in Canada to invest in agrivoltaics, which will keep our solar farm an actual farm by growing crops under and around the panels. Research across Europe and North America has shown that some crops grow exceptionally well in partially shaded environments and benefit from panels which not only provide shade against an increasingly hot sun but also reduce evaporation, aiding in water retention in the soil. The panels are positioned to provide enough room for crops to grow and people to tend them. The renewable and non-CO2 emitting solar panels also work to offset the greenhouse gasses that are typically produced as a by-product of farming.

Not only would this solar farm assist in producing green power, but its actual "produce" can be used to feed KES students (further reducing the carbon footprint associated with food warehousing, distribution and transportation) and the local community of West Hants. This, in combination with the panels being completely noiseless, amounts to a net positive for the land and the community.

We hope you feel as excited as we do about this new endeavour and know you likely have questions, please feel free to contact me directly at 902-798-2278 or jseagram@kes.ns.ca. The municipality will be discussing this project at an upcoming Public Information Meeting on Wednesday, February 5 at 6:00 pm in Council Chambers where you are invited to ask questions and show your support.

Sincerely,
Your neighbour
Joe Seagram, Head of School
King's-Edgehill School



Solar farm here - this side of gravel road

“When I first heard from the Headmaster about the School’s hopes for a solar farm I had never heard of agrivoltaics. It was a no-brainer to put it bluntly! Hopefully, another 'BIG FIRST' for the Little Town of Big Firsts.”

~ Danny Dill
January 2025

Questions for Kings-Edgehill School

1. Are the solar panels to be stationary or will they track?
2. If stationary will they all face in the same direction?
3. Which direction will the panels face?
4. What height will the panels be?
5. Will the panels be in rows?
6. What will be the separation distance between the rows?
7. Do you anticipate there will be noise from the solar field and if so, what noise buffers will be installed?
8. Will there be glare from the panels and if so what features will be installed to prevent the glare?
9. Will the panels be installed vertically?
10. What plans will be made for drainage? What effect will run off from the panels have on adjacent properties?
11. What set backs will be maintained from adjacent properties?
12. How will the electricity be transmitted to the school? Will this be by underground transmission lines or above ground by poles and lines?
13. Will poles and power lines be installed on the 60 foot wide strip of land to College Road?
14. Will fencing be installed around the solar farm?
15. What measures will be taken to protect the field from storms?



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, Senior Planner

Date: March 13, 2025

Subject: Rezoning: 1177 King Street, Windsor; File # 24-26

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

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 amending Schedule A of the Windsor Land Use By-law to rezone PID 45053816 at 1177 King Street in Windsor from the Single Unit Residential (R-1) to Two Unit Residential (R-2) as shown in the report File #24-26 to the Planning and Heritage Advisory Committee dated March 13, 2025.

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 Peter Detmers on November 8, 2024. The application is to rezone the subject lot from Single Unit Residential (R-1) to Two Unit Residential (R-2) to allow for conversion of the existing residence to a two unit dwelling and subdivision of the subject lot.

DISCUSSION

The subject lot is designated Residential on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) (Figure 1). The subject lot is zoned Single Unit Residential (R-1) on Schedule A of the Windsor Land Use By-law (WLUB) (Figure 2).

Surrounding Context

Surrounding properties are mostly designated Residential and zoned Single Unit Residential (R-1), apart from the cemetery across King Street being designated Community Use and zoned Open Space. Uses on surrounding properties consist of a variety almost entirely low-density residential uses, apart from the cemetery.

Municipal Planning Strategy Review

Policy 5.1.4 of the WMPS is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning land within the Residential designation to Two Unit Residential (R-2). The full list of criteria is included within this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposal is compatible with the traffic generation, population density and architectural design and scale of the area;
- the proposal provides adequate on-site parking and access to the subject lot;
- the Development Officer and the Municipal Traffic Authority have no concerns which have not otherwise been addressed in this report.

Policy 16.3.1 of the WMPS establishes the general criteria that must be considered for all rezoning 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.

Restrictive Covenant Applicability

Staff determined that a restrictive covenant was registered to the subject lot in 1954, permitting only single unit dwellings, restricting subdivision, in addition to other matters. As restrictive covenants are not especially common in the Municipality, staff reached out to the Municipal Solicitor for confirmation on how it would interact with the Municipal planning process. The Municipal Solicitor explained that staff cannot base their recommendation off of restrictive covenants, as they are based on private law and government authorities are based on public law (i.e., through the Municipal Government Act). Former cases brought to the Nova

Scotia Utility and Review Board (NSUARB) have shown that Restrictive Covenants are not enforceable through methods such as planning appeals.

Staff have been informed by the property owner that they are currently seeking to remove the restrictive covenant from the property.

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 lot.

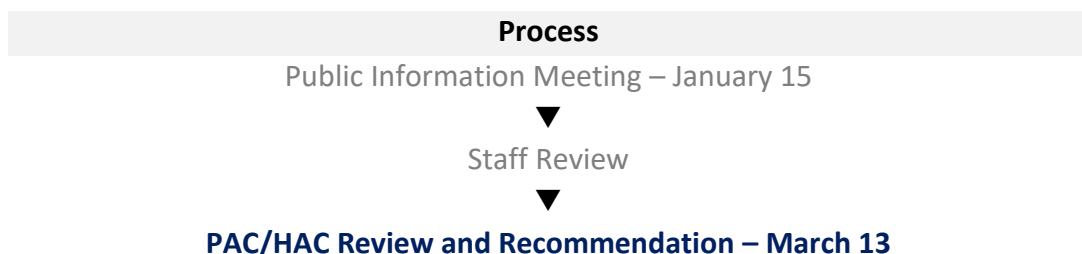
A portion of the subject lot's frontage on Tremain Crescent is within the Environmental Constraints Area and the Dykelands Overlay. This portion is not planned to be developed on as part of the proposal. Any development that may be proposed to take place within this portion will require an Environmental study, as well as permission from the Nova Scotia Department of Environment and Climate Change.

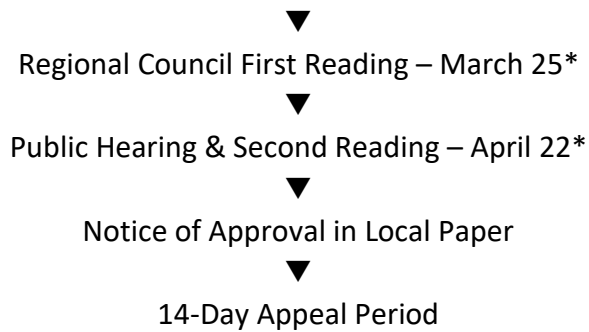
In accordance with the Municipal Services Specifications Manual, the Public Works Engineering Division will require the developer to provide a confirmation from an engineer that the pre- and post-development flows are neutral or better than before the development and a lot grading plan will also be required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

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

NEXT STEPS

As noted above, the proposed rezoning 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 rezoning the subject lot from Single Unit Residential (R-1) to Two Unit Residential (R-2) to allow for conversion of the existing residence to a two unit dwelling and subdivision of the subject lot, on PID 45053816 at 1177 King Street in Windsor.





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, PAC may:

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

ATTACHMENTS

Figure 1	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract
Figure 3	Windsor Proposed Zoning Map Extract
Attachment A	Policy Summary for Rezoning
Attachment B	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Senior Planner

Report Approved by: _____
Kari Fougere, Acting Director of Planning and Development

Figure 1 – Windsor GFLUM Extract

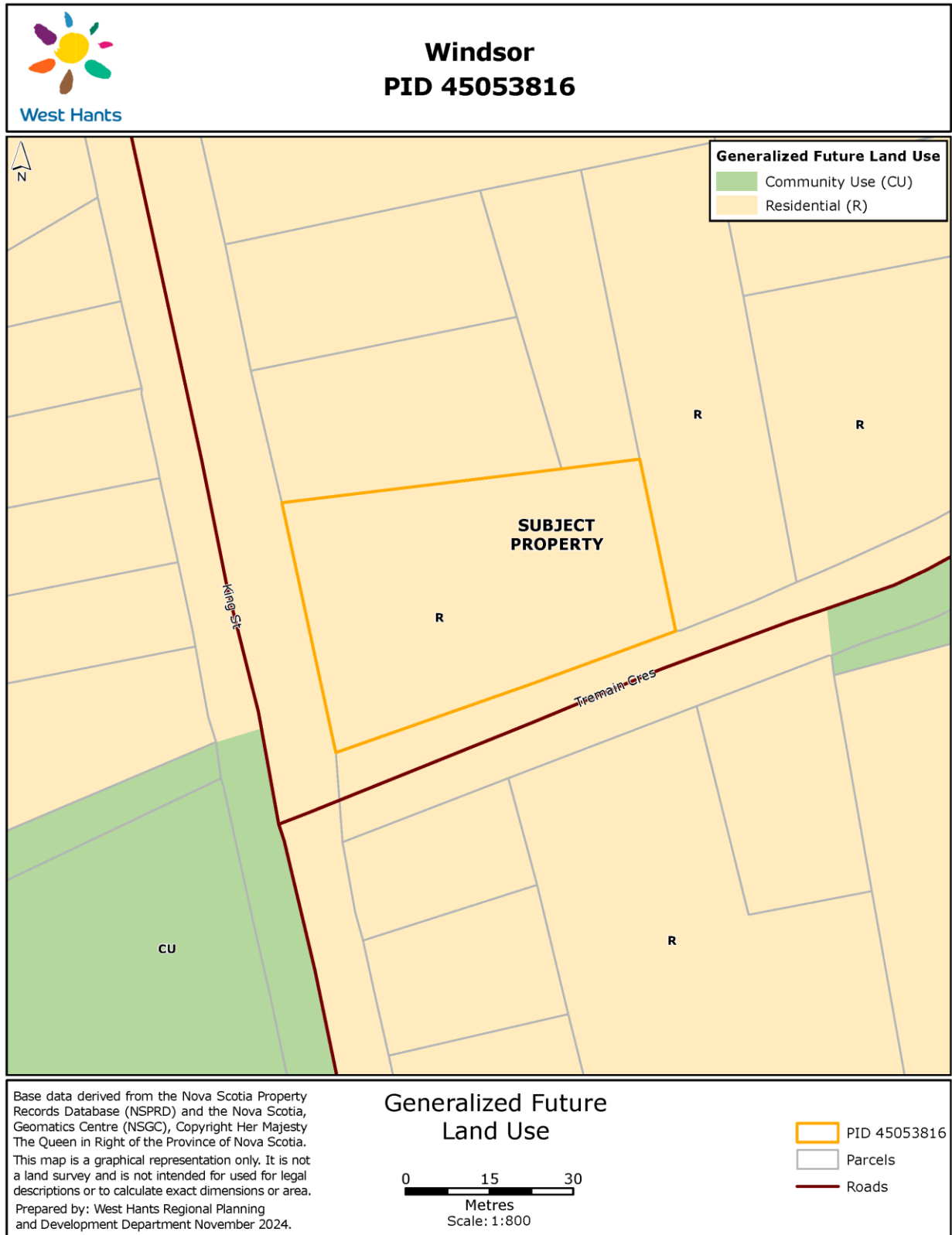


Figure 2 – Windsor Zoning Map Extract

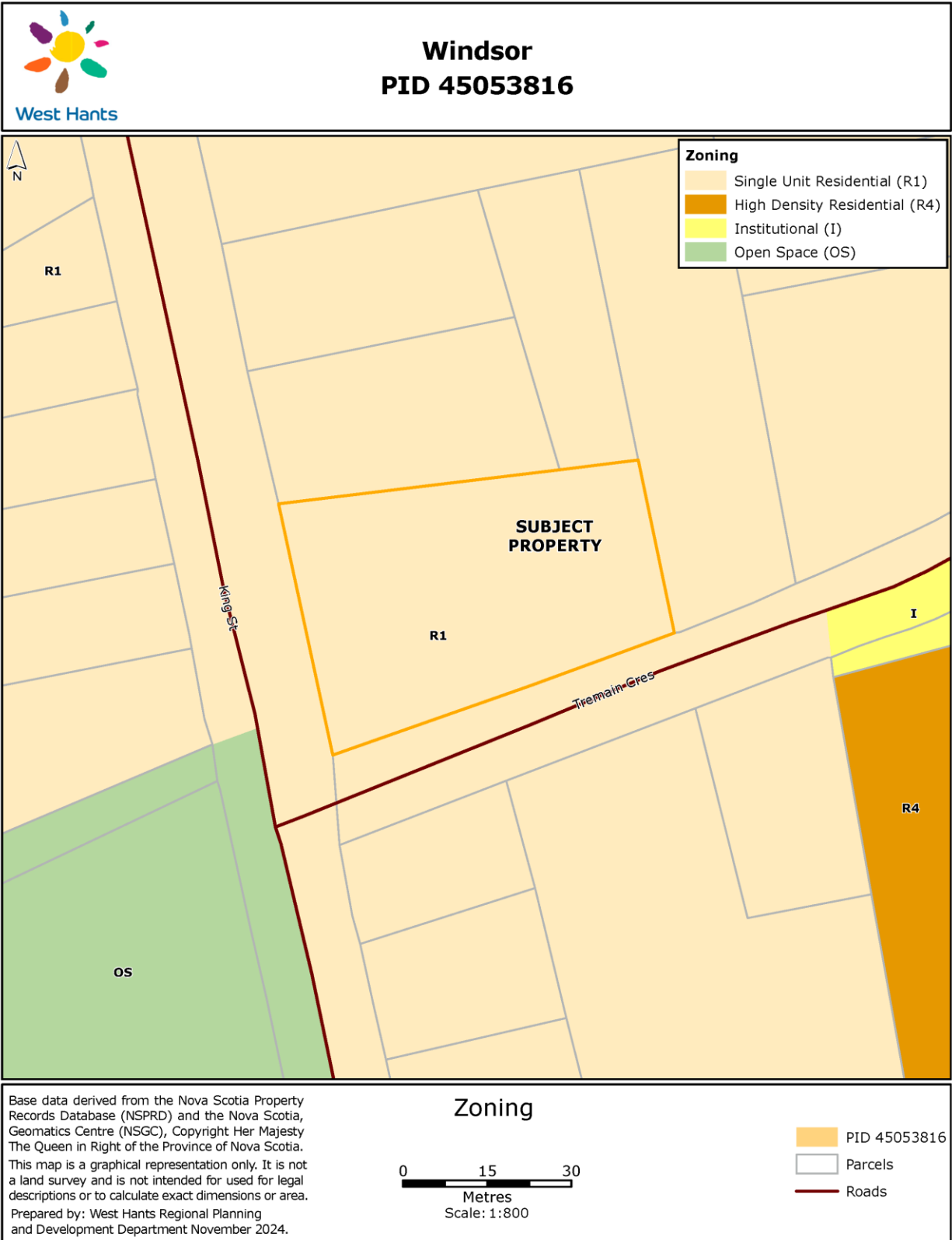
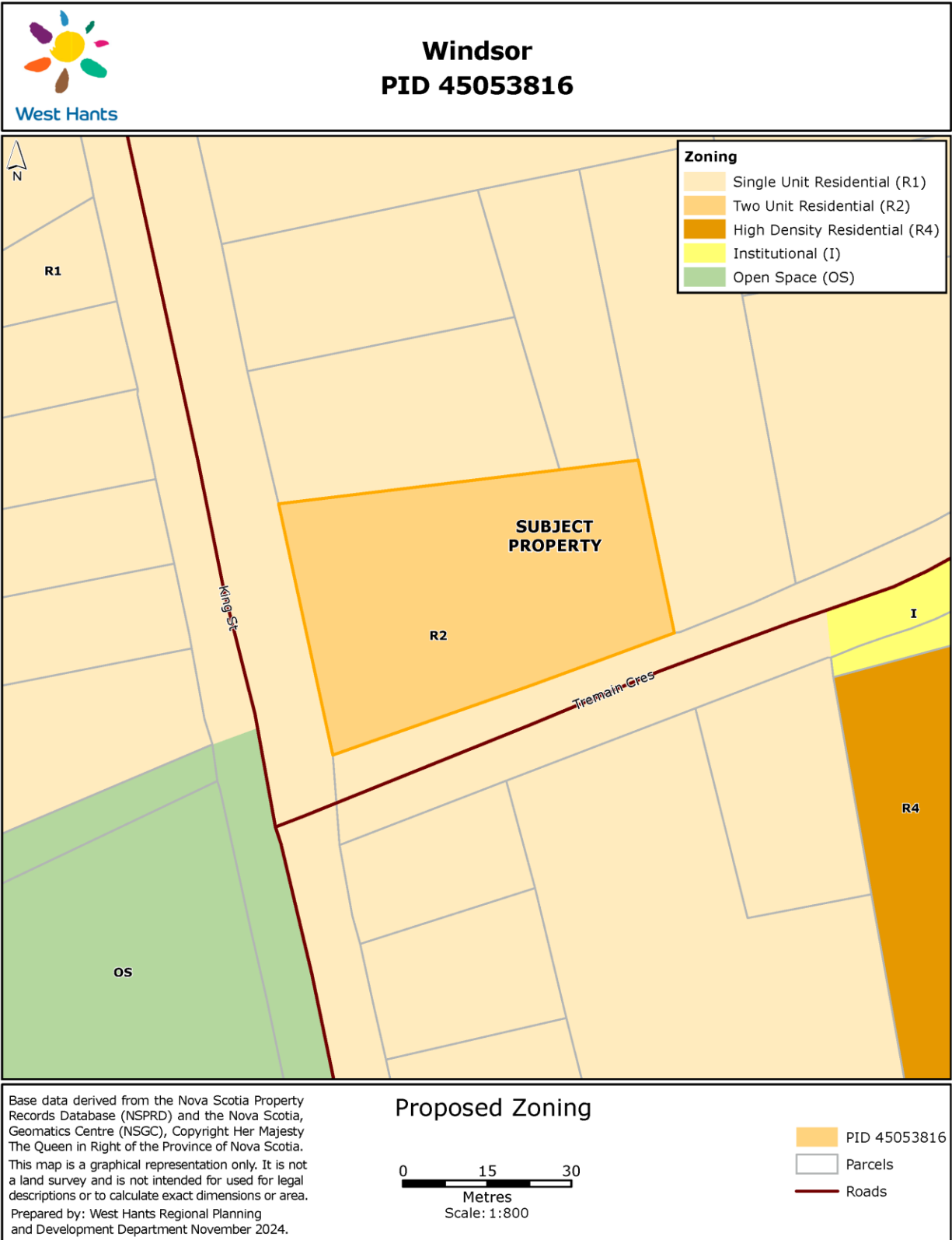


Figure 2 – Windsor Proposed Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

<p>Policy 5.1.4 <i>It shall be the policy of Council that within the Residential designation, areas zoned Single Unit Residential (R-1) may be rezoned to Two Unit Residential (R-2). In considering such a rezoning, Council shall have regard to the following:</i></p>	
<p><i>(a) the proposed use is compatible with the residential character of the area with respect to such things as traffic generation, population density and architectural design and scale;</i></p>	<p>It is clear that the original intent of the restrictive covenant registered to the subject lot and surrounding properties was to limit residential development to that of single unit dwellings, however, staff cannot base their recommendation off of it, as restrictive covenants are based on private law and government authorities are based on public law. This understanding is based on a legal opinion from the Municipal Solicitor. Staff is only required to review the rezoning application based on its compliance with the MPS and LUB.</p> <p>The Development Officer commented that they had no concerns regarding the pattern of development. The Traffic Authority commented that the proposal was considered to be compatible with the residential character of the area regarding traffic generation. As-of-right development following a rezoning would be required to meet all architectural requirements of the Land Use By-law. Lastly, the dissemination area that this subject lot is within has a population of 516 (Stats Canada, 2021 Census), adding a maximum of three dwelling units to this population will not be a significant change to the density.</p>
<p><i>(b) adequate on-site parking can be provided;</i></p>	<p>The Development officer commented that they had no concerns regarding adequacy of on-site parking.</p>

<i>(c) access to the site will not be hazardous with respect to traffic flow;</i>	The Public Works Engineering Division commented that a driveway installed on Tremain Crescent to accommodate the provisional second dwelling would meet the sight-stopping distance requirements and is more than 50ft from the King Street intersection. The Traffic Authority also commented that the site was considered to have safe roadway access to both King Street and Tremain Crescent.
<i>(d) adequate landscaping and recreational or open space can be provided;</i>	The Development Officer commented that there are no applicable landscaping or recreational/open space requirements within the Two Unit Residential (R-2) zone.
<i>(e) any other matter which may be addressed in a Land Use By-law; and</i>	All relevant matters have been addressed in this report.
<i>(f) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.</i>	See below.

<p>Policy 16.3.1 <i>In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Public Works Engineering Division commented that the subject lot has access to Municipal services and there are no concerns regarding capacity for the proposal.
<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>	The Manager of Building and Fire Inspection Services commented that they did not have any concerns

	<p>regarding fire separation for two-unit structures. The local Fire Chief commented that they had no concerns regarding the proposal.</p>
<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 proposed 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 the proposed 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 lot. There is an existing sidewalk on King Street, directly abutting the subject lot. 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 lot is suitable in terms of dimension and shape for this proposal. Any development will need to meet the requirements of the Land Use By-law following rezoning.</p>
<p><i>(d) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer has no concerns regarding the pattern of development that the proposal may create. The proposal will add more density than what currently exists in the surrounding area. However, Council's policies (5.1.4, above) enable the consideration for rezonings within the Residential designation, such as the proposal.</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>There is a small portion of the lot within the Environmental Constraints Overlay and the Dykeland Overlay. The proposal does not coincide with this portion of land. Any development</p>

	<p>proposed to take place within this portion will require an Environmental study, as well as permission from the Nova Scotia Department of Environment and Climate Change. The Public Works Engineering Division confirmed that as a part of the subdivision process, a lot grading plan would be required alongside a memo, stamped by a Professional Engineer, indicating that there will be no increase in stormwater flow off of the property.</p>
<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></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(g) 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

January 15 - 29, 2025

Rezoning: 1177 King Street, Windsor; File # 24-26

Meeting date and time	A Public Information Meeting was held on January 15, 2025 beginning at 6:11 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 Hong• Planning Assistant Lake• Acting Director Fougere The applicant and 8 members of the public attending the meeting.
Applicant Peter Detmers	Planner Dunphy outlined the application to rezone the subject property.
Property 1177 King Street, Windsor (PID 45053816)	Peter Detmers spoke to the proposal.
Comments	Comments from the public could be submitted by mail, e-mail and telephone between January 15 –29, 2025. Staff received 9 emails and 3 phone calls during the public comment period. The phone calls were not in favour of the proposal and one individual was concerned with the restrictive covenant. Email correspondence is included below. One member of the public spoke during the Public Information Meeting. Staff responses are purple. Ron Phillips asked where the second driveway would be located. Alex explained it will not be finalized at this stage and will be done during the subdivision process. The rezoning must meet safe roadway access requirements and Public Works will provide comments on the matter.
Adjournment	The Public Information Meeting ended at 6:20 p.m.

Public Email Responses Submitted for the Application PIM

January 20, 2025

From Jill Martin

To Mayor Zebian and Alex Dunphy

Dear Mr. Dunphy and Mr. Zebian,

I hope this letter finds you both well. I am writing to express my concerns regarding the proposed residential rezoning at 1177 King Street in Windsor. As a property-owning resident in this area since 2010, I have been recently made aware of the rezoning application and would like to formally submit my opposition and raise several points for consideration.

My primary concerns are as follows:

Increased Traffic and Congestion

The potential increase in traffic resulting from higher density of residents in one small area, in a school zone, would significantly affect the flow of traffic, making our roads less safe and more congested. Our neighborhood is home to many families, school-aged children and seniors that use the sidewalks and roads surrounding that property. The increase in traffic would potentially limit their recreational activities, active transport, and the safety of children going to and from school and the two bus stops at that corner of King and Tremaine.

Strain on Public Services

Increased population density will place undue pressure on public services such as water, waste management, and emergency services. This could lead to a decline in service quality or even delays in response times, which would affect the overall quality of life for residents. Our area already experiences issues with waste water during storms and water line issues that are repaired promptly each time. Extra residents will only increase the wear and tear on these aging infrastructure.

Impact on Community Character

Our neighborhood is characterized by its quiet, family-oriented nature, and I believe that rezoning could alter the sense of community and diminish the quality of life for current tax paying residents. We chose this area for the sense of safety and community to raise our children and help encourage community with interacting with neighbors, both young and those who have been living in this neighborhood for decades. The proposed changes may also be at odds with the recreational and spiritual use of the Maplewood Cemetery across the street from 1177 King Street. It is currently accessed numerous times, by vehicles, dog-walkers and those exercising, by crosswalk between 1177 and 1184 King Street. The increase of noise pollution in construction, living, and traffic will impact all users' experience with Maplewood.

Lack of Public Consultation

I feel that there has been insufficient consultation with residents and stakeholders about the

potential impacts of the rezoning. It is crucial that the municipality consider the views of those who live in and experience the area daily. Even more information about the proposed buildings would help in informing our decisions and opinions about the growth. We know that change is inevitable and often beneficial, but not all growth is completed in the best way and we would like to make sure that this has been considered for our area, not just because one person wants it.

In light of these concerns, I kindly request that the municipality reconsider the proposed residential rezoning or at the very least conduct a more thorough review, with giving more details to the neighbouring property owners and users. I also urge that the municipality explore alternatives that would meet residential growth needs without compromising the character of our neighborhood or the quality of life for its residents.

Thank you for your time and attention to this matter. I trust that the municipality will carefully consider the potential long-term effects of the proposed rezoning on our community. I look forward to your response and to an opportunity for further discussion.

Sincerely,
Jill Martin

January 20, 2025

From Monique Wood

To Alex Dunphy

SEE ATTACHED LETTER

January 22, 2025

From Heather Lunan

To Alex Dunphy

Good day My Dunphy,

I have been away and was just informed by my neighbour of the intention of our mutual neighbour at 1177 King St.

My understanding is that he would like to rezone his lot to a multi resident property.

I find myself questioning what that actually means. Is it possible for you to provide more details to this request? For example, what are the restrictions and possibilities for a lot this size?

I apologize for not having been available to attend the meeting. And in light of this, I look forward to further information from you that I might make a more intelligent decision about the future of our neighbourhood.

Thanking you in advance.

Heather Lunan

January 22, 2025

From Jackie Bacon

To Alex Dunphy

Alex,

I would like to express my opposition to the rezoning of property 1177 King St. Windsor (PID 45053816) from R1 to R2. Since I live within 300 feet of this proposed rezoning lot, I received a letter informing me of this. I am deeply concerned about having multiple duplexes on one lot. The proposal from R1 to R2 will not suit the surrounding established single dwelling homes that are present in the area now.

Again, I am strongly opposed to this proposal.

Thank you,

Jacqueline Bacon.

January 23, 2025

From Patricia Phillips

To Alex Dunphy

In regards to this request, we as in the neighbouring property of ***ADDRESS REDACTED***, Windsor, do not agree with this change. Duplexes on this single dwelling neighbourhood would not be a welcomed change for many reasons; effect value of existing homes, crowding the corner of King St. & Tremaine Cr, extra traffic, driveway specifications, especially next to our property, lack of privacy. Other property owners have purchased single family homes because of the lack of duplexes. Repairing the existing property of 1177 King St. as (R-1) single dwelling would definitely be an agreeable action the the neighbouring homes.

Ronald & Patricia Phillips

January 24, 2025

From Nigel Gutcher

To Alex Dunphy and Kari Fougere

Kari Fougere and Alex Dunphy,

and The Regional Municipality of Windsor-West Hants department of Planning & Development, I hope everyone is doing well. Please consider this formal objection to the application for re-zoning 1177 King Street, here in Windsor, from R1 to R2.

As a resident in the immediate vicinity of the site, I have a few concerns to voice with hope to avoid future issues from impacting the well-being of local residents.

Objection #1: noise -

Residences near the corner of King & Tremain are dealing with increasing through-fare traffic from commercial and local vehicles. Adding a multi-stage development project to the immediate vicinity will disrupt, for example, the working life of anyone who lives nearby and works remotely. My office window and desk face out and are able to see the edge of 1177 King Street property, which is roughly 15-20 meters away.

My spouse, Stephanie Smith (CC'd on this email), also works remotely in very close proximity to the site. We have the well-being of retired individuals and young families living very close by, as well, to consider.

Please refer to the following scientific scholarly article reporting on the health impacts of construction noise:

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.google.com_url-3Fsa-3Dt-26source-3Dweb-26rct-3Dj-26opi-3D89978449-26url-3Dhttps-3A_www.sciencedirect.com_science_article_pii_S2210670723000811-26ved-3D2ahUKEwiwpN7H946LAXV-5FpokEHdRBKa0QFnoECBUQAQ-26usg-3DAOVVaw0TS-5Fz4CMVOciW7cIKNJGub&d=DwICAg&c=euGZstcaTDIlvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=1tj02Gr1SNhyPB_0qBF5YmEa9g7bJaHgkYonkfZXtwM&m=fL64ZxY4fzwn79iif76R5veajK-jsBVp8GGdZBpWP0TquZzl2RkpWlvtV8IHgEin&s=OjVzvFeUjqDDNh61nyg_PhB3sYSypLxpbD84SCRZT-M&e=

As someone who witnessed his parents go through extreme stress and fatigue from a re-zoning construction project beside my childhood home, let me convey to you; the impacts on human life can be very real.

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Objection #2: pollution -

In a capacity similar to noise, the amount of pollution this vital corridor of Windsor has been impacted by increased through-fare traffic

- including both air pollution and litter. Construction projects are not a physically 'inert' activity, as solvents, debris, dust could pose a threat to the health of those in the immediate area.

My neighbour, John Trinacty (included on this email), grows prize-winning watermelons in the summer that he donates to children and local groups. He is able to sustain himself for several seasons with a modestly-sized garden plot that would be directly in the blast radius of any construction made in this area.

I also garden near this space, and - depending on the building methods and materials - I would likely feel unsafe consuming any of that produce before having my soil tested after any major construction. Air quality impacts are also a concern, since residences here depend on the direction of the wind to keep diesel and persistent traffic pollution away from our homes. Adding dust and solvents to the mix from another vector could have impacts on the health of nearby residents. Persistent and repeat vibration also has the potential to dislodge particles within our homes.

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Objection 3: structural integrity of neighbouring houses - Digging, pile driving, and crushing rock may have geological and structural implications for the neighbouring buildings that would likely need to be assessed. The foundation at my residence - ***ADDRESS REDACTED*** - was poured in the 1950's, and it shows several cracks that have needed to be patched. During the spring thaw, we often get water ingress through the cracks (and via capillary action). If extended high-intensity vibrations are being considered in the building process, they could have a detrimental impact on the value and integrity of surrounding homes.

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Objection 4: privacy -

There is a view through a straight corridor from the north-east section of the property at 1177 King Street that, at elevation, would allow anyone occupying residences in that spot to view the majority backyard activity of at least 4 residences. Currently, we have reasonable barriers (including growing foliage) ensuring privacy between each other at eye level, but adding a new multi-tenant residence to the proposed spot would allow anyone residing there to monitor the activity of their surrounding neighbours, altering the social dynamic and privacy of our neighbourhood.

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Objection 5: road infrastructure -

King Street is already heavily taxed by commercial and industrial vehicles, as well as commuter and local traffic. The edges of the road are crumbling, and while a pedestrian stop has been added to the corner of King and Tremain I would like to convey some concern about the potential of a multi-tenant dwelling on the safety of this corner.

1) local and commercial traffic generally do not respect the speed limit in this area

2) this corner is a hot zone in the morning, with school busses turning in to drop children off at the local elementary school

3) I have recently witnessed, first hand, an automotive accident at this corner when a lady in a mid-sized SUV was attempting to turn onto Tremain, and was rear-ended and pushed into the iron chain fence in the adjacent cemetery.

I must stress that motorists often do not respect the speed limit here, and residents on King Street must be very risk-averse about leaving our driveways. Adding more load to this corner without improvements may require further assessment.

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Thank you for considering this objection. I am available to field any follow-up questions or concerns you may have.

Sincerely,

Nigel Gutcher

January 27, 2025

From Terry Ferguson

To Alex Dunphy

I spoke to you last week on the phone but decided to also email you with my opposition to 1177 King Street application for rezoning from R1 to R2 . All neighbouring properties are opposed to this rezoning application ! Thank you , T F

January 29, 2025

From Jed Martin

To Alex Dunphy and Mayor Zebian

Dear Mr. Dunphy and Mr. Zebian,

I hope this letter finds you both well. I am writing to express my concerns regarding the proposed residential rezoning at 1177 King Street in Windsor. As a property-owning resident in this area since 2010, I have been recently made aware of the rezoning application and would like to formally submit my opposition and raise several points for consideration.

My primary concerns are as follows:

1. **Neighborhood Character and Aesthetic Impact:**

- **Change in Density:** Rezoning could lead to a significant increase in density, potentially altering the character of the neighborhood. Single-family residential areas often maintain a specific look and feel that could be disrupted by introducing more units, leading to overcrowding or overdevelopment.
- **Visual Incompatibility:** The conversion from a single-unit residence to a two-unit dwelling may not blend well with the architectural style and design of existing homes in the neighborhood.

2. Traffic and Parking Concerns:

- **Increased Traffic:** A two-unit dwelling typically means more residents and, consequently, more vehicles. This can put added pressure on already limited parking and lead to congestion in areas not designed to handle increased traffic.
- **Parking Shortages:** If the property doesn't provide adequate off-street parking, this could lead to on-street parking problems for residents and visitors, especially in a neighborhood where parking is already limited.

3. Potential Strain on Infrastructure and Services:

- **Water, Sewer, and Utilities:** The infrastructure in a single-family residential area might not be adequately equipped to support additional units. This could place strain on local water, sewer, and utility systems, possibly leading to increased maintenance costs or the need for costly upgrades.
- **Public Services:** Higher densities could also require more frequent public services, which might be an added cost to the municipality or create service disruptions.

4. Environmental Impact:

- **Loss of Green Space:** Subdividing the lot may reduce green space or yard areas, negatively impacting the local environment and reducing opportunities for residents to have outdoor space for recreational purposes.
- **Stormwater Drainage:** Increased impervious surfaces due to construction or parking areas could lead to runoff and flooding problems, particularly if the neighborhood is not well-equipped for stormwater management.

5. Property Value Concerns:

- **Decreased Property Values:** Residents might worry that converting the lot from R-1 to R-2 could lower their property values due to increased density, reduced privacy, and potential changes in neighborhood dynamics. This concern may impact overall neighborhood desirability.

6. Zoning and Planning Precedents:

- **Encouraging More Rezoning:** Allowing one rezoning request could set a precedent for further rezonings in the area, leading to increased density and a shift in the community's character, potentially spiraling out of control.
- **Consistency with Master Plans:** If the rezoning contradicts existing neighborhood or city plans for future development, it could undermine long-term planning goals or create conflicts with other West Hants priorities.

7. Community Opposition:

- **Local Resident Concerns:** Rezoning may face opposition from local residents who feel that the proposed changes are not in keeping with their expectations for the neighborhood.
- **Loss of Community Cohesion:** Higher-density development can disrupt the sense of community, especially in neighborhoods that value their quiet, single-family character.

In general, a balanced approach should be taken to consider the needs of the existing community, environmental sustainability, and long-term growth strategies. It's important to weigh the benefits against the potential negative impacts of rezoning.

Thank you for your time and attention to this matter.

Sincerely,
Jed Martin

January 29, 2025

From Ben Bennett

To Alex Dunphy and Mayor Zebian

Alex Dunphy – West Hants Regional Municipality,

We would like to start by thanking the West Hants Regional Municipality for allowing us to voice our opinions on the proposed changes to 1177 King Street.

We will keep this relatively brief, as our concerns regarding the proposed rezoning are self-explanatory. We'd also like to note that this is not a case of "NIMBY" (Not in My Backyard). We're happy to see developments and changes that make sense within our community; however, this is not one of them.

MISINFORMATION & POOR PLANNING

Misinformation— I guess that’s what we call it these days. Peter is a nice guy; however, he has told various stories to different neighbours in the surrounding community. These range from flipping the single-unit house to creating a duplex and even adding two more residential structures to the property.

This has created confusion for the neighborhood and the West Hants Regional Municipality. A property can’t be rezoned without a plan. And, there is no plan. Additionally, a property cannot be rezoned to allow someone to develop without restrictions in a densely populated residential area.

If Peter's not able to be clear about his intentions, then there’s an issue and a reason for concern. If it looks like a duck, swims like a duck, and quacks like a duck, then it probably is a duck.

SETTING A PRECEDENT

We believe it’s not a good idea for the West Hants Regional Municipality to set an open-ended development precedent, as noted above. If Peter wants to convert the property into a single duplex, that makes logical sense.

However, adding multiple buildings with multiple dwellings on a single PID is a full-scale development. And no town, city, or municipality allows individuals or companies to develop without a clear, structured plan.

Hopefully, a precedent hasn’t already been set with the development on the corner of Gabriel Road and the Falmouth Back Road. I’ll be frank—We don’t know a single person in the community who thinks that development is a good look or strategy for Falmouth.

Honestly, we believe this also undermines the hard work that the West Hants Regional Municipality’s Mayor, Council, and Staff have put into securing the multi-unit dwellings that are currently under construction, with more to come.

Municipalities and towns are about planning and ensuring developments are placed appropriately. As citizens, we believe the West Hants Regional Municipality is doing an excellent job of this at the moment. That’s because the developments currently happening are being built in the right places at the right time.

INFRASTRUCTURE AND TRAFFIC

We currently have infrastructure issues in this area of town, from sewer concerns to frequent water main breaks. This is an old street with aging infrastructure. More importantly, we have

flooding issues—specifically on that property. The culverts and ditches cannot support the current number of homes in this area.

King Street is one of the oldest streets in Windsor, and it's part of the old Number 1 Highway system. It always has been and always will be busy. The speed limit is 50 km/h; however, 60 km/h or more seems to be the norm.

Adding more structures on a corner where accidents occur regularly is not a good decision. This is especially concerning given the number of school buses that travel to and from Windsor Elementary, leaving from the Termaine Crescent and King Street intersection.

The former Windsor Fire Chief was actually involved in an accident at the very corner of the proposed rezoning site. Furthermore, I've caused two accidents simply by patiently waiting to cross the street. Even with the crosswalk and flashing lights, this intersection is dangerous.

It is not logical to obstruct that corner further.

We'd like to thank you for reviewing and considering our thoughts and opinions. We look forward to discussing the matter further once Peter has a plan that he is able to present to the West Hants Regional Municipality.

Thanks,

Ben Bennett & Alexa Goucher

Monique Wood
ADDRESS REDACTED

January 20, 2025

West Hants Municipality

Alex Dunphy

Regarding Residential Rezoning Proposal 1177 King St Windsor

Dear Mr. Dunphy,

I am writing to express my concerns regarding the rezoning proposal at 1177 King St. I have resided here for 35 years, having actively participated in and been involved in many municipal activities. I was not present for the public meeting, however I did request Zoom access and did review the proceedings.

I understand and support the housing initiatives, and also appreciate that change is difficult and challenging. These are my concerns with the proposal of rezoning:

Traffic/ Safety : Tremain Cresc is narrow, with a short sidewalk leading to the school. During peak times, the area is quite congested with vehicular traffic, posing safety issues for the children travelling to and from school: school busses turning in or out from King St, along with another bus stop at King & Tremain for the high school route, transfer trucks, GFL vehicles, courier vans, traffic to the two Centennial apartments. The narrow street does not have speed bumps or traffic calming measures. Additional driveways onto King and Tremain can potentially negatively impact the flow at and leading to this intersection.

Maplewood Cemetery has become a popular location as a walking path, attracting many seniors, frequently in the morning, adding to the traffic at King St and Tremain.

I would like to hear more details on what rezoning means to our neighborhood.

Does this rezoning to R-2 open the gates for any nearby home owner, with a large property (which was one of the attractions to this area) to add multiple units; what is the height restriction to these units, what is the plan for traffic control?

Flood Mitigation/ Marshland Protection

Many of the homes, including my property and a portion of the property in question, lie in the Tregothic Marsh Land, a protected area. As owners on the marshland, we are responsible for the protection of this area. Construction of a new building, as has been proposed, will be on the marshland and could potentially disrupt drainage. We have already witnessed flooding on the street (Tremain), which is a low lying area. It would be important that this factor be examined more carefully and consideration be given to potential detrimental effects to our Tregothic Marshland.

Follow up: I look forward to having the opportunity to discuss these concerns at a follow up meeting. I trust that the review committee takes my concerns into consideration and carefully examines the Tregothic Marsh Land Use Regulations and bylaws.

Respectfully,

Monique Wood





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: _____
Kari Fougere, Acting Director of Planning and Development

Date: March 13th, 2025

Subject: Development Agreement: Bear Lake Wind Project; File # 25-13

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION or DECISION REQUEST

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a Wind Farm on PIDs 45060068, 45399540, 45399573, 45399532, 45060076, 45060092, 45061694, 45062957, 45399557, 45399581, 45401833, 45401841, 45401858, 45042660, and 45042694 which is substantively the same as the draft set out in Attachment D of the report File #25-13 to the Planning and Heritage Advisory Committee dated March 13, 2025.

...that PAC/HAC recommends that Council require that the development agreement with Bear Lake Wind Ltd., Wagner Forest NS Ltd., and Atlantic Star Forestry Ltd., for PIDs 45060068, 45399540, 45399573, 45399532, 45060076, 45060092, 45061694, 45062957, 45399557, 45399581, 45401833, 45401841, 45401858, 45042660, and 45042694 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 <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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An application for a development agreement to permit a new wind farm in the communities of Mill Section, Vaughn and Upper Vaughn was submitted in March 2024. The application was evaluated over the course of several months and was submitted to PAC/HAC on October 10, 2024 where it received a positive recommendation, with amendments. The application and recommendation were presented to Council on November 28, 2024 for consideration for first reading. At that time, Council postponed first reading requesting further detail by way of a Cumulative Visual Effects Study. In February 2025, representatives of Bear Lake Wind Ltd. resubmitted their application for a development agreement to be considered under recently amended Municipal Planning Strategy policy. The application was submitted by Andrea Cosman and Mark Stewart on behalf of Bear Lake Wind Ltd, and deemed complete on February 25, 2025. The draft development agreement for the project remains unchanged.

The project is proposed to have a total of 15 wind turbines, with 2 wind turbines located in the Municipality of Chester and another 2 located in Halifax Regional Municipality. The proposal for West Hants Regional Municipality (WHRM) is an 11 turbine wind farm. Each turbine has a capacity of 5.9 MW and a total height of 206.5 m.

On December 13, 2023, the Minister of the Department of Environment and Climate Change gave the Bear Lake Wind Project Environmental Assessment Approval, subject to a list of conditions (Attachment F).

On January 24, 2025 new West Hants Municipal Planning Strategy policy came into effect pertaining to large wind turbine development that will be used to evaluate this development agreement.

DISCUSSION

The Bear Lake Wind Farm proposal consists of 15 separate PIDs that measures approximately 8,294 acres in total area within WHRM. Four of the lots are Crown land owned by the Province of Nova Scotia, totalling approximately 4,310 acres (Figure 1). Six of the turbines are proposed on Crown land. The Province has given permission for the applicants to apply for a development agreement for the proposed wind farm on Crown land, with the understanding that the final agreement will not be recorded on those lots until the applicant has a land lease with the Province. The lease process is underway, and the draft development agreement acknowledges that this lease should be in place before December 31, 2025.

The other 11 lots are primarily cleared forestry land with an existing network of forestry service roads. These lots are owned by Atlantic Star Forestry, and either leased by Bear Lake Wind Ltd. or leased by Wagner Forestry and sub-leased by Bear Lake Wind Ltd. for this wind project. Five turbines are proposed on private land within WHRM.

All of the lots are designated Resource on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (Figure 2) and are zoned General Resource (GR) on the Zoning Map of the West Hants Land Use By-law (Figure 3). Uses permitted in the General

Resource (GR) zone include agricultural uses, automobile service stations, forestry and other resource uses, low density residential uses, retail and service shops.

All properties abutting the project area are designated Resource and zoned General Resource (GR). The private road community of Chalet Hamlet is centrally located to the subject lots. While the project area does abut these residential uses, the closest proposed wind turbine is setback a distance of 1 km from the closest dwelling.

West Hants Land Use By-law

Section 6.0 of the WHLUB, *Development Agreements*, states that *“The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:*

(aa) permanent or long-term installations of large wind turbines or wind farms outside the Growth Centre, Village and Hamlet designations in accordance with Policy 4.22.4 of the Municipal Planning Strategy.”

Development Agreement

A development agreement is a contract between an owner of land and the Municipality to allow Council to consider a use that is not a listed permitted use within a zone on a specific lot. The ability for Council to consider a development agreement must be stated in the Land Use By-law and the Municipal Planning Strategy must identify the kinds of uses Council may consider in each area. Uses which Council may consider are those which Council has determined may have sufficient impact on an area that a negotiated process is required to ensure the potential impact is minimized. In the Municipal Planning Strategy Council usually identifies both specific and general criteria which must be considered when making decisions regarding a development agreement.

A proposal being considered must be measured against only the specific and general criteria in the Municipal Planning Strategy and not any other criteria.

Proposed Development Agreement

The draft development agreement in Attachment D outlines the parameters of the proposed 11 turbine wind farm within WHRM.

Section 2.3 of the draft development agreement requires a minimum setback from any lot line not included in the project area of 1.1 times the height of the turbine, a minimum setback of 1,000 m. (3,280 ft.) from any dwelling, hotel, motel, or apartment hotel existing as of date the agreement is approved, and 550 m. (1,804 ft.) from any woods camps existing as of the date the agreement is approved. These distances are consistent with other previously approved development agreements in WHRM and are over and above the separation distances required by Policy 4.24.4 in the West Hants Municipal Planning Strategy (WMPS). The wind farm requires the primary road access to be provided from Highway 14 and requires an external point of entry/exit to Chalet Hamlet for emergency use only.

Section 2.5 of the draft development agreement requires the applicant to install either an automatic aircraft detection system or dimmable lighting on each turbine, if approved by

Transport Canada to reduce visual impact. Section 2.7 of the draft development agreement requires the applicant to consult with the local Fire Chief on the design and construction of the Facility to ensure adequate access for fire vehicles, the installation and operation of a fire detection and suppression system in the nacelle of each turbine, and to provide a copy of an emergency response plan to the local Fire Chief and the Municipal Emergency Management Coordinator. The applicant is also required to provide a stormwater management plan prior to any development permits being issued to show that post-development peak flows leaving the project area are equal to pre-development peak flows in a 1 in 5-year storm event (Section 2.8).

Section 2.10 and 2.11 outline the requirements of decommissioning and a decommissioning fund being required. By the tenth anniversary of the commencement of commercial operation of the wind farm, the applicant is required to provide proof that the decommissioning fund holds a sum of money sufficient to decommission the project.

The Executive Director of Land Services with the Provincial Department of Natural Resources and Renewables has indicated that the Province will not participate in a development agreement, as they are a higher level of government than the Municipality and the land lease (if approved) will be more stringent than Municipal requirements. The Municipal Solicitor has removed reference of the Province being party to the agreement but acknowledges that a land lease must be obtained from the Province before the development agreement is executed on those lots.

Public Input

A Public Information meeting for File #24-03 was held on April 8, 2024. Given the application remains the same, no additional Public Information Meetings are required for this file. The public will be given another opportunity to provide input at the Public Hearing prior to Council making a final decision on the application.

After the Public Information meeting held in April 2024, staff received numerous comments from the public during the Public Information Meeting comment period from April 8-22, 2024. All comments received were considered by staff when drafting this report and draft development agreement. A copy of the complete comments can be found in Attachment G. Staff have summarized the themes of the public comments below.

Those opposed to the project cited the following concerns:

• Environmental impacts	• Perceived health impacts
• Wetland impacts	• Shadow flicker
• Habitat loss	• Sound/infra-sound effects
• To bird population	• Use of Crown land
• Light pollution	• Restricted access
• Flood risk	• Loss of land for recreational uses (i.e., hunting, etc.)
• Well water / drinking water impacts from blasting	

<ul style="list-style-type: none"> • Too many wind farms • Cumulative effects • Visually unappealing 	<ul style="list-style-type: none"> • Lack of financial benefit to WHRM • Suspicion around community benefit payments • Exporting power
<ul style="list-style-type: none"> • Fire suppression concerns 	<ul style="list-style-type: none"> • Perceived impact to property values
<ul style="list-style-type: none"> • Distance to residential areas 	<ul style="list-style-type: none"> • Impact of trucks/machinery on Hwy 14
<ul style="list-style-type: none"> • Decommissioning 	<ul style="list-style-type: none"> • Need for third-party to fact check

The concerns regarding environmental and health impacts of the project are reviewed in the Provincial Environmental Assessment process and the conditions set as part of project approval require additional studies to be provided at various stages of project construction, including but not limited to a surface water management plan, a detailed sediment and erosion control plan, a wildlife management plan, and a blasting plan. The conditions of the Environmental Assessment approval require the applicant to ensure that operational noise levels at any permanent or seasonal receptors do not exceed 40 dBA and that shadow flicker does not exceed the shadow flicker limits of 30 minutes per day, or 30 hours per year, at any permanent or seasonal receptor. The conditions also require the applicant to provide updated shadow flicker assessment, noise modelling (including background/baseline noise), and the final turbine selection / placement to the Department of Environment and Climate Change prior to road construction and/or upgrades.

The inclusion of Crown land in the project site is at the discretion of the Provincial Department of Natural Resources and Renewables. As noted, a land lease with the Province is required to allow the wind turbines to be constructed on Crown land. The lease process is underway, and the draft development agreement acknowledges that this lease should be in place before December 31, 2025. From staff's understanding, if the lease is approved by the Province, the Crown land lease will be specific to the location of the turbines and potential roadways, and not impede full access of the Crown land.

The Provincial Department of Public Works was contacted for comment on the adequacy of road networks leading to the subject lots. The applicant is working directly with representatives from NSDPW to address all necessary permitting and upgrades required for the proposed wind farm.

Requirements for decommissioning and fire protection are outlined in the draft development agreement. The applicant provided additional information on the fire prevention and monitoring systems for the proposed turbines. They noted that they employ fire prevention and mitigation methods and have a site-specific emergency response plan for both construction and operations phases of the project. The additional information on the fire prevention, detection and monitoring is cited below.

“The turbines we have chosen are equipped with passive fire prevention systems that meet industry standards. These systems include lightning protection and overvoltage systems, which mitigate risks from lightning strikes and electrical faults. These features are designed to protect sensitive components and reduce the risk of fires associated with these events. Additionally, the turbines are fitted with temperature sensors, such as PT100 sensors, to monitor the temperatures of various wind turbine components. These sensors trigger alarms if potential overheating is detected, enabling timely intervention to mitigate fire risks. The alarms are monitored 24/7 and alerts are sent out to local employees for appropriate action.”

“To further enhance safety, we implement measures to prevent and contain the spread of fires. This includes clearing and grubbing the area around turbine bases, creating staging grounds for emergency personnel, and preventing the spread of fires into forested areas should debris fall to the ground in the unlikely event of a fire incident. Our enhanced project road infrastructure will also improve emergency service access, thereby enhancing response capabilities for turbine-related incidents and other emergencies that may threaten the area. There will also be fire extinguishers and first aid kits on the vehicles with the site crews and also taken up to the nacelle with the crews.”

“Our turbines comply with international safety and fire protection standards and are continuously monitored using sensors and remote monitoring systems to detect early signs of malfunction. We employ Supervisory Control and Data Acquisition (SCADA) systems, Programmable Logic Controllers (PLCs), and communication networks to monitor operational parameters in real time, detect anomalies, and trigger alarms.”

Those in favour of the project cited the following benefits:

<ul style="list-style-type: none"> • Increase local employment opportunities 	<ul style="list-style-type: none"> • Help reduce global carbon emissions
<ul style="list-style-type: none"> • Project to provide: • Community vibrancy fund • Bursaries • Proximity payments 	<ul style="list-style-type: none"> • Secondary access for Chalet Hamlet • Provincial and Federal approval for the project already received

Bear Lake Wind has proposed the draft Community Benefit Agreement (CBA) (Attachment E). The draft CBA outlines the parameters for employment opportunities, proximity payments, the community vibrancy fund, and the proposed bursary program. The draft CBA specifies the establishment of a committee to oversee the disbursement of the benefits. Two representatives appointed by WHRM Council would be included in the committee composition.

A Community Benefit Agreement is not required as part of the policy criteria evaluated for wind turbine proposals, however it does provide transparency for staff, Council and the community in relation to the benefits the wind farm developer is committing to providing if the project is

approved. The draft CBA has been reviewed by the Municipal Solicitor. Council will be asked to review and approve this CBA at Second Reading for the draft development agreement.

Planning and Heritage Advisory Committee Review October 2024

The staff recommendation report and draft development agreement for File #24-03 was presented to the Planning and Heritage Advisory Committee (PAC/HAC) on October 10, 2024. The Committee discussed the application in detail including whether the development is considered premature or inappropriate in relation to the Policy criteria 16.3.1(a), the Provincial Environmental Assessment approval process, adequacy and suitability of Provincial roads, secondary access, fire suppression systems, setback distances, as well as environmental impact of the development.

Ultimately, PAC/HAC made a recommendation for Council to:

...give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a Wind Farm on PIDs 45060068, 45399540, 45399573, 45399532, 45060076, 45060092, 45061694, 45062957, 45399557, 45399581, 45401833, 45401841, 45401858, 45042660, and 45042694 which is substantively the same as the draft set out in Attachment D of the report File #24-03, *except for a change to the setbacks to 1.7 km to property line unless agreed to by property owners, the addition of a gate for the emergency access road, and non-passive fire suppression system based on current technology available*, to the Planning and Heritage Advisory Committee dated October 10, 2024.

After the meeting, staff reviewed the comments and concerns from the PAC/HAC, and after thorough discussion the following conclusions were made:

Timing of Development: The PAC/HAC expressed concerns on whether the development would be considered premature or inappropriate in relation to the Policy criteria 16.3.1(a) of the Municipal Planning Strategy (MPS). Staff's assessment of the criteria within Policy 16.3.1(a) is based on comments from subject matter experts, the pattern of development in the area and the type of development being proposed based on capacity of infrastructure, school facilities, fire protection and emergency services, road networks and the financial capacity of the Municipality to absorb and costs relating to the development. No concerns regarding those criteria were raised during the application review process of File #24-03 or the resubmitted application File #25-13. Further, given that this is the third windfarm being proposed in the area and the existing pattern of development in the area, being Resource designation, is characteristically rural and low density in nature, the proposed development is consistent with the intent of the designation as well as the existing uses within the area.

Environmental Assessment and Environmental Impacts:

The PAC/HAC expressed concerns with the Provincial Environmental Assessment approval process and the conditions the development proposal is subject to through that approval. There were concerns raised about the order in which technical studies are completed, how the studies are reviewed, as well as the level of uranium identified in the assessment. While these concerns are noted, the Environmental Assessment Approval and the conditions therein are

regulated by the Province and are beyond the scope of the Municipality. Further, it is the responsibility of the property owner to report elevated levels of uranium to the Department of Environment and Climate Change and the Department of Natural Resources and Renewables.

As to concerns regarding the impacts the development may have on the natural environment and subsequent impacts on stormwater management in the area. Staff are satisfied with the Provincial Environmental Approval process and the conditions that were set out by the Province to the applicant to ensure compliance with their approvals. This application would not be considered without such approval from the Province. Further, a stormwater management plan will be required prior to any development permit being issued to show that post-development peak flows leaving the project area are equal to pre-development peak flows in a 1 in 5-year storm event.

Access to and from the Development:

Concerns were raised about the proposed secondary access to the site and comments made that the emergency access and egress road to Chalet Hamlet should be gated and locked. The applicant reached out to a representative of the Chalet Hamlet Property Owners Association on this matter and they expressed concern with a locked gate as it could impede evacuation efforts during a time-sensitive emergency. Furthermore, there is no requirement for secondary access to the site in the policy and gating access to Crown Land is not permitted.

Additionally, concerns were raised about the adequacy of the Provincial road network to the site. Following the recommendation from the PAC/HAC, the applicant has been in direct consultation with the Nova Scotia Department of Public Works (NSDPW) to coordinate and ensure that all essential documentation and updates related to safe roadway access are shared promptly as the information becomes available in order to prioritize safe and accessible roadways throughout the project and to work with NSDPW to address all safety considerations and requirements as the project progresses. Staff also reached out to NSDPW in February 2025 to reconfirm original comments made on the application, and NSDPW maintains their comments remain the same.

Setback Distances:

Separation distance were a topic of concern and discussion at the PAC/HAC meeting and further when the application was presented to Council for first reading on November 28th, 2024. Since those discussions the Province responded to the Municipality's request to amend the West Hants Municipal Planning Strategy (WHMPS) to add separation distances for large wind turbines. The Province approved the amendments with additional amendments. Given this application was submitted after the date the amendments became effective, the development agreement will now be evaluated based on minimum separation distances required under Policy 4.24.4.

The setback distances detailed within Section 2.3 of the draft development agreement were originally agreed upon using the Provincial Environmental Assessment Approval which states the required distance for the turbines to meet noise and shadow flicker requirements. The development agreement requires a minimum setback from any lot line not included in the project area of 1.1 times the height of the turbine, a minimum setback of 1,000 m. (3,280 ft.)

from any dwelling, hotel, motel, or apartment hotel existing as of date the agreement is approved, and 550 m. (1,804 ft.) from any woods camps existing as of the date the agreement is approved. These distances are consistent with other previously approved development agreements within the Municipality. Those distances meet new WHMPS criteria which now require a minimum separation distance of four times the wind turbine height between turbines and dwellings (826 metres for this application). The development includes an array of separation distances based on each turbine location, ranging from from 1016-3337 metres, which exceed minimum requirements.

Fire Suppression Systems:

Concerns were raised by the PAC/HAC around the proposed fire suppression system and whether the fire suppression systems used in other approved windfarms would be considered more adequate and therefore should be a requirement and a standard for future windfarm applications. The local Fire Chief, Chief Harvey, provided comment on the application on September 10, 2024, and stated that a passive fire suppression system meets industry standard and while a non-passive fire suppression system would be ideal, it would not change how they would approach a fire in a turbine. The applicant then met with Chief Harvey on November 1, 2024, to discuss the turbine fire suppression system and emergency response plan for the site further. The meeting covered fire safety standards for the Bear Lake Wind Project, including response protocols, water supply, and road access. The applicant and the Fire Chief agreed that industry-standard passive fire prevention (e.g., temperature monitoring, shutdown systems) is sufficient but could be complemented by a non-passive fire suppression system. It was also noted that suppression systems may not fully prevent fires or affect firefighting strategies and that having a fire suppression system installed would not change how the Fire Department would approach a fire in a turbine.

Further, Section 2.7 of the draft development agreement requires the applicant to consult with the local Fire Chief on the design and construction of the Facility to ensure adequate access for fire vehicles, consult with the Fire Chief on the installation and operation of a fire detection and suppression system in the nacelle of each turbine, and provide a copy of an emergency response plan to the local Fire Chief and the Municipal Emergency Management Coordinator.

West Hants Municipal Planning Strategy

WHMPS Specific Criteria

Policy 4.24.4 of the WHMPS establishes Council intent to consider installations of large wind turbines or wind farms outside of the Growth Centre, Village, and Hamlet designations by development agreement. The criteria of Policy 4.24.4 are examined in detail in Attachment A. In summary:

- the proposed development has received Environmental Assessment Approval from the Minister of Environment and Climate Change;
- the proposed development is required to provide an updated shadow flicker assessment and noise modelling prior to road construction and/or upgrades as specified in the conditions of the Environmental Assessment Approval to ensure that adequate

separation distances are maintained from adjacent land uses to minimize impacts of noise and shadow and to ensure public safety;

- the turbine selection and siting, and requirements for automatic aircraft detection system or dimmable lighting on each turbine will reduce the visual intrusiveness of the proposal; and
- the developer is working directly with representatives from the Nova Scotia Department of Public Works to ensure that all necessary permits and road upgrades are completed.

WHMPS General Criteria

The proposed development will meet the general criteria for development agreements set out in WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment B. In summary:

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

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for West Hants (2013) Inland Flooding map shows part of the properties identified as having a 0.11 - 0.50m depth to water table. Section 4.3.2 of the MCCAP (pg. 40-41) explains the Inland Flooding map in more detail. It states *“The Depth to Water Table categories, as seen on the map, indicate quality of drainage: the 0-0.10 m class is generally associated with poor drainage and the 0.11-0.50 m class with imperfect drainage. These areas can be used to infer where water will naturally flow and/or accumulate in the landscape.”*

The draft development agreement requires a stormwater management plan to be submitted to the Public Works Engineering Division to ensure pre- and post-development flows are met prior to receiving a development permit for the proposed uses.

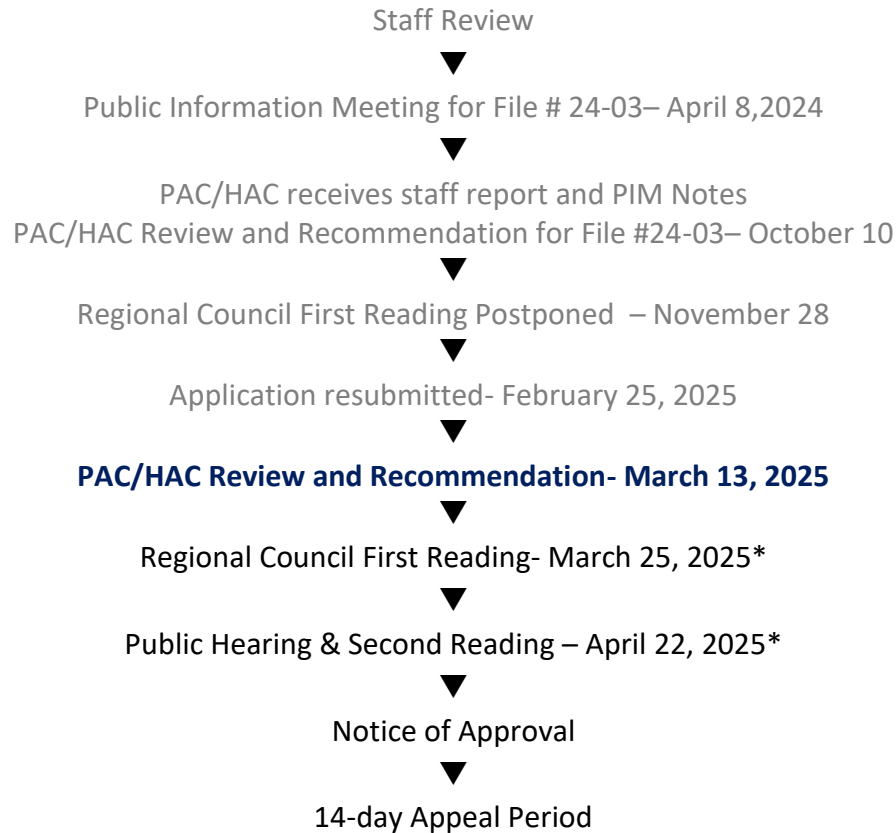
The Environmental Assessment Approval conditions require a surface water management plan to be provided to the Department of Environment and Climate Change prior to road construction and/or upgrades and a detailed sediment and erosion control plan to be submitted to the Department of Environment and Climate Change prior to commencement.

Property owners and/or applicants are responsible for ensuring that their project site is suitable for the proposed uses.

NEXT STEPS

The anticipated process for this application is as follows:

Process



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

- hold First Reading and authorize a Public Hearing to approve the development agreement as drafted or as specifically revised by direction of PAC/HAC;
- hold First Reading and authorize a Public Hearing to refuse the development agreement as drafted, citing the criteria that PAC/HAC consider not to be met; or

provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1 Land Ownership of Project PIDs

Figure 2	GFLUM Extract
Figure 3	Zoning Map Extract
Attachment A	Specific Criteria for Development Agreement
Attachment B	General Criteria for Development Agreement
Attachment C	Wind Turbine Renderings / Visualizations
Attachment D	Draft Development Agreement
Attachment E	Draft Community Benefit Agreement
Attachment F	Environmental Assessment Approval and Terms and Conditions
Attachment G	Public Information Meeting Notes

Report Prepared by: _____
Kari Fougere, Acting Director of Planning and Development

Report Reviewed by: _____
Alex Dunphy, Senior Planner

Figure 1
Land Ownership of Project PIDs

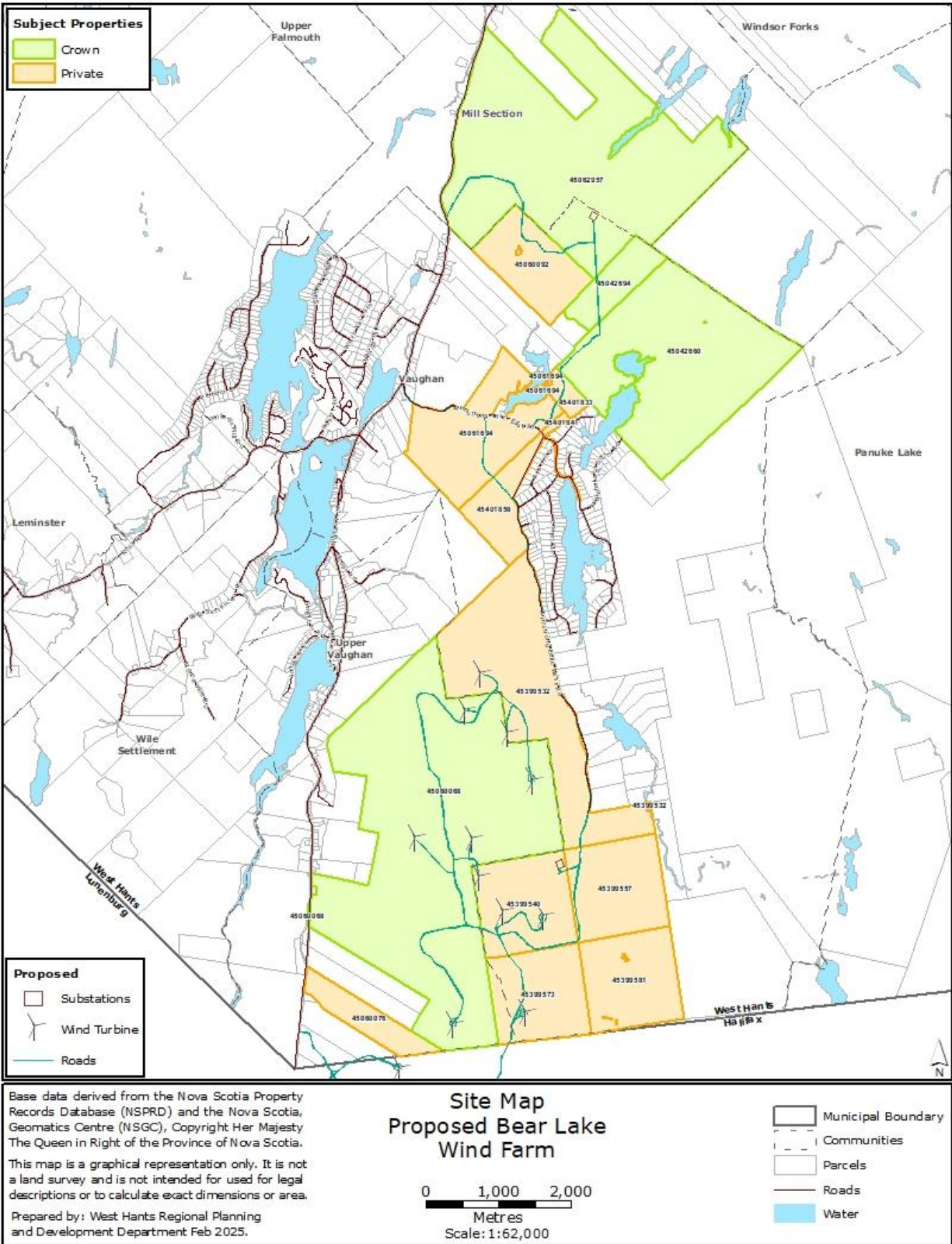
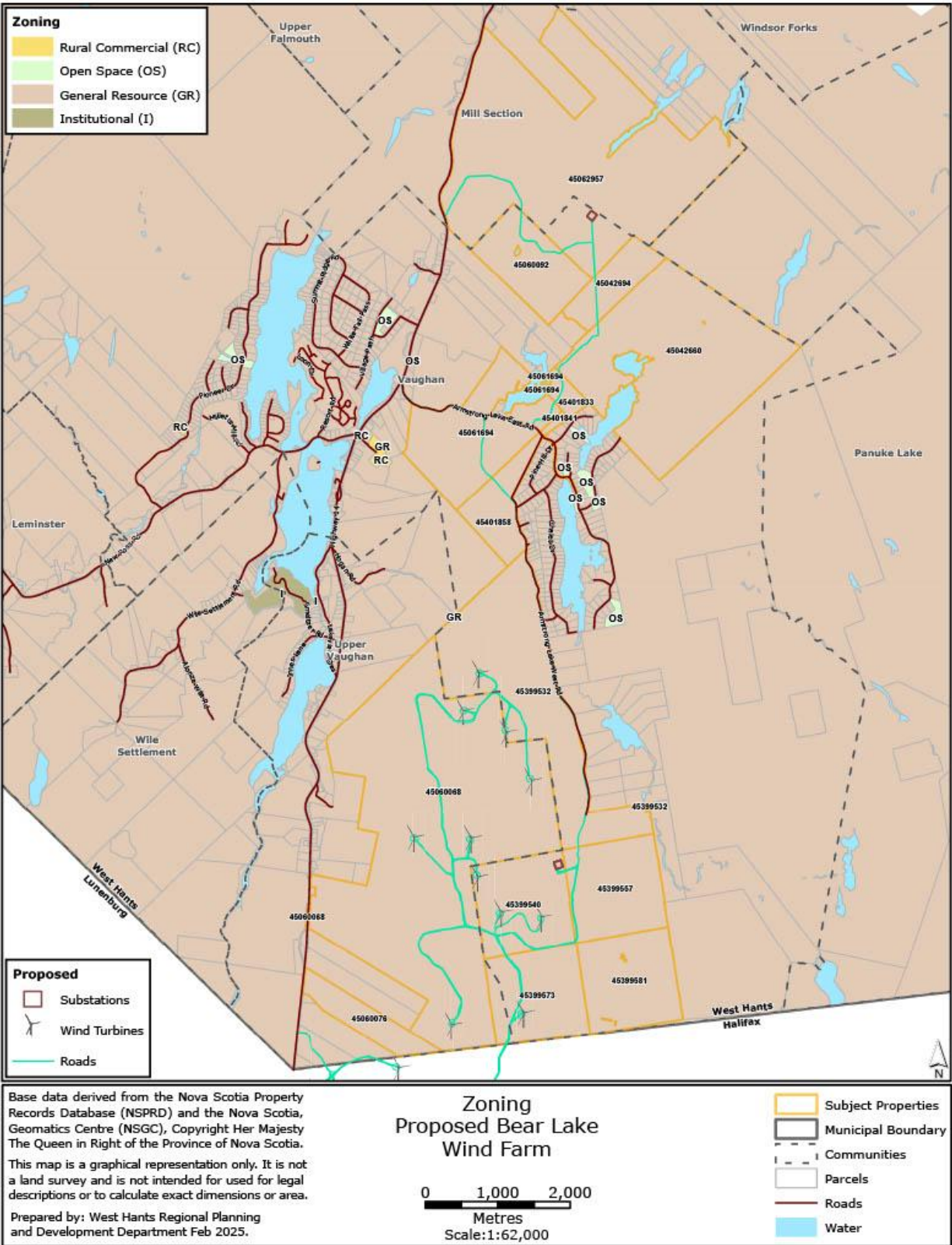


Figure 3
Zoning Map Extract



Attachment A
Specific Criteria for Development Agreements
West Hants Municipal Planning Strategy

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 (amended by file #24-01 – effective January 24, 2025):

CRITERIA	COMMENT
<p>(a) any required provincial and/or federal government environmental assessment processes have been completed;</p>	<p>The Environmental Assessment for the Bear Lake Wind project was submitted to the Nova Scotia Department of Environment and Climate Change on October 24, 2023. The Minister of Environment and Climate Change granted Environmental Assessment Approval on December 13, 2023, stating that <i>“I am satisfied that any adverse effects or significant environmental effects of the undertaking can be adequately mitigated through compliance with the attached terms and conditions.”</i></p> <p>The Environmental Assessment Approval conditions require the applicant to provide the following to the Department of Environment and Climate Change:</p> <ul style="list-style-type: none"> • a surface water management plan, an Archaeological Resource Impact Assessment (ARIA) for heritage research permit and a program of subsurface testing for any areas of elevated archaeological potential identified under heritage research

	<p>permit report, and a Mi'kmaq Ecological Knowledge Study (MEKS) for the project prior to road construction and/or upgrades;</p> <ul style="list-style-type: none"> • a detailed sediment and erosion control plan, a wildlife management plan, a comprehensive complaint resolution plan, a Mi'kmaq communication plan, and a comprehensive contingency plan prior to commencement; • a blasting plan prior to blasting; • a monitoring program for Mainland Moose and an adaptive management plan in relation to bird and bats prior to construction of turbines; • an additional year of baseline field bird and bat studies and a mortality monitoring program for birds and bats prior to turbines becoming operational; • decommissioning and site reclamation plan, two years prior to the end of operation. <p>The development agreement is contingent on the proposed development adhering to the conditions of the Environmental Assessment Approval.</p>
<p>(b) adequate separation distances are maintained from adjacent land uses to minimize impacts of noise and shadow and to ensure public safety, but installations shall not be</p>	<p>The conditions of the Environmental Assessment approval require the applicant to ensure that operational noise levels at any permanent or seasonal receptors</p>

<p>required to have separation distances from a dwelling that exceed the greater of;</p> <ul style="list-style-type: none"> i. four times the wind turbine height; and ii. the distance required to ensure that <ul style="list-style-type: none"> a. sound levels from the wind turbine do not exceed 40 dBA at the exterior of a residential dwelling, and b. a residential dwelling receives less than 30 minutes per day or 30 hours per year of shadow flicker; 	<p>do not exceed 40 dBA and that shadow flicker does not exceed the shadow flicker limits of 30 minutes per day, or 30 hours per year, at any permanent or seasonal receptor. The conditions also require the applicant to provide updated shadow flicker assessment, noise modelling (including background/baseline noise), and the final turbine selection / placement to the Department of Environment and Climate Change prior to road construction and/or upgrades.</p> <p>Further, the turbine model being considered for this application is the Nordex N163 5.9 MW turbine model with a nominal nameplate capacity of 5.9 megawatts. These turbines have a hub height of 125 metres, blade length of 81.5 metres and a 163 metre rotor diameters for a total height of 206.5 metres. Therefore, the minimum separation distance required would be 826 metres between dwellings and the turbine. The site plan maintains separation distance ranging from 1016-3337 metres which is over and above the minimum required by this policy.</p>
<p>(b) safe roadway access can be provided;</p>	<p>In June 2024, The Nova Scotia Department of Public Works (NSDPW) stated that <i>“the Department does not</i></p>

have any concerns regarding the proposed location of the wind turbines. There are no concerns with the location of the southern access from Highway 14 on PID 45381217. The location of the norther access is acceptable, however there are road improvements planned for the nearby area involving re-alignments which may require an adjustment to the existing access". The NSDPW added that *"there are concerns regarding both adequacy and suitability of the existing Provincial road network" "as it relates to transportation of the turbine components".* The NSPDW concluded that *"Public Works has been in discussion with some of the many possible stakeholders involved in this proposed project. However, it is worth noting that this project is extremely complicated and the limited discussions have been preliminary at best."*

Staff reached out to NSDPW on February 20, 2025 and NSDPW confirmed their original comments on the application.

The applicant is working directly with representatives from NSDPW to address all necessary permitting and upgrades required for the proposed wind farm.

(c) any other matter which may be addressed in a development agreement; and	All other matters are addressed elsewhere in this report.
(d) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.	Please see Attachment B for further details.

Attachment B

General Criteria for Development Agreements

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

(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	There are no Municipal water and sewer services provided to this area of the Municipality. It is unlikely that the proposed wind farm would need sewer and water services, however any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.
(ii) the adequacy of school facilities;	N/A
(iii) the adequacy of fire protection and other emergency services;	<p>The Manager of Building and Fire Inspection Services noted that they had no comments in relation to this application as the Building Officials do not issue any building permits for wind turbines. Building permits would only be required for any building associated with the operation of the wind facility.</p> <p>The applicant noted that they employ fire prevention and mitigation methods and have a site-specific emergency response plan for both construction and operations phases of the project. The additional information from the applicant on the fire prevention, detection and monitoring is cited below.</p> <p><i>“The turbines we have chosen are equipped with passive fire prevention systems that meet industry standards. These</i></p>

systems include lightning protection and overvoltage systems, which mitigate risks from lightning strikes and electrical faults. These features are designed to protect sensitive components and reduce the risk of fires associated with these events. Additionally, the turbines are fitted with temperature sensors, such as PT100 sensors, to monitor the temperatures of various wind turbine components. These sensors trigger alarms if potential overheating is detected, enabling timely intervention to mitigate fire risks. The alarms are monitored 24/7 and alerts are sent out to local employees for appropriate action.”

“To further enhance safety, we implement measures to prevent and contain the spread of fires. This includes clearing and grubbing the area around turbine bases, creating staging grounds for emergency personnel, and preventing the spread of fires into forested areas should debris fall to the ground in the unlikely event of a fire incident. Our enhanced project road infrastructure will also improve emergency service access, thereby enhancing response capabilities for turbine-related incidents and other emergencies that may threaten the area. There will also be fire extinguishers and first aid kits on the vehicles with the site crews and also taken up to the nacelle with the crews.”

“Our turbines comply with international safety and fire protection standards and are continuously monitored using sensors and remote monitoring systems to detect early signs of malfunction. We employ Supervisory Control and Data Acquisition (SCADA) systems, Programmable Logic Controllers (PLCs), and communication networks to monitor operational parameters in real time, detect anomalies, and trigger alarms.”

In response to an inquiry the local Fire Chief commented that *“There is adequate water supply in the vicinity of the proposed area. Any response to a turbine on fire would be strictly to observe and protect possible exposures. Either the fire will burn itself out or the structure will become compromised and collapse. In the event of a collapse then we would be able to enter the area and extinguish any remaining fire. The department will not enter the collapse zone of a turbine with an active fire, unless there are lives at risk.”* Regarding access to the site, they commented that *“The two entry points are ideal, however a connecting road from Armstrong Lake West Road to the cluster of four turbines in PID 45399532 would be beneficial. I am not familiar with the landscape in that area so I'm not sure if it is possible to do or not.”* The Fire Chief concluded that *“A fire suppression system would be ideal*

	<p><i>however, the passive fire prevention system does meet industry standard. Having a fire suppression system would not change how we approach a fire in a turbine.”</i></p> <p>Section 2.7 of the draft development agreement requires the applicant to consult with the local Fire Chief on the design and construction of the Facility to ensure adequate access for fire vehicles, consult with the Fire Chief on the installation and operation of a fire detection and suppression system in the nacelle of each turbine, and provide a copy of an emergency response plan to the local Fire Chief and the Municipal Emergency Management Coordinator.</p>
<p>(iv) the adequacy of road networks adjacent to, or leading to the development; and</p>	<p>Please refer to 4.24.4 (b).</p>
<p>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p>(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;</p>	<p>Any on-site services must meet the requirements of the Nova Scotia Department of Environment and Climate Change.</p>
<p>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</p>	<p>The NSDPW has <i>“no concerns with the location of the southern access from Highway 14 on PID 45381217. The location of the norther access is acceptable, however there are road improvements planned for the nearby</i></p>

	<p><i>area involving re-alignments which may require an adjustment to the existing access". The NSDPW added that "there are concerns regarding both adequacy and suitability of the existing Provincial road network" "as it relates to transportation of the turbine components". The NSDPW concluded that "Public Works has been in discussion with some of the many possible stakeholders involved in this proposed project. However, it is worth noting that this project is extremely complicated and the limited discussions have been preliminary at best."</i></p> <p>The applicant is working directly with representatives from NSDPW to address all necessary permitting and upgrades required for the proposed wind farm.</p> <p>The proposed wind farm will also provide an emergency access and egress for Chalet Hamlet as specified in Section 2.4 of the draft development agreement.</p> <p>There is no rail line in the area.</p> <p>Staff reached out to NSDPW on February 20, 2025 and NSDPW confirmed their original comments on the application.</p>
<p>(d) the adequacy of the dimensions and shape of the lot for the intended use;</p>	<p>The proposal consists of 15 separate PIDs and measures approximately 8,294 acres in total area within WHRM. There are no concerns regarding the adequacy of dimensions and shape of the subject lots.</p>

<p>(e) the pattern of development which the proposal might create;</p>	<p>This is the third wind farm being proposed in the vicinity of the southern portion of WHRM. The South Canoe Wind Farm has been operational in Lunenburg County since 2013 and the Benjamins Mill Wind Farm was recently approved by WHRM Council through the development agreement process in 2023. The pattern of development for the Resource designation consists of private road residential developments, residential development along Highway 14, small scale commercial uses, resource uses (i.e., forestry activities), as well as the existing wind farms. The proposed development is consistent with the intent of the Resource designation.</p>
<p>(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;</p>	<p>The contour mapping for the subject lots shows that the grade increases from Highway 14 to the proposed turbine sites. The grade along Highway 14 in the area of the subject lots is approximately 135 - 180 m above sea level whereas the location of the turbines are approximately 210 – 260 m above sea level. There are no watercourses depicted on the mapping of the subject lots. There are a few water bodies, including Middle Lake, that the subject lots have frontage on. The Municipal Climate Change Action Plan (MCCAP) for West Hants (2013) Inland Flooding map shows part of the properties identified as having a 0.11 - 0.50m depth to water table. Section 4.3.2 of the MCCAP (pg. 40-41)</p>

explains the Inland Flooding map in more detail. It states “The Depth to Water Table categories, as seen on the map, indicate quality of drainage: the 0-0.10 m class is generally associated with poor drainage and the 0.11-0.50 m class with imperfect drainage. These areas can be used to infer where water will naturally flow and/or accumulate in the landscape.”

The draft development agreement requires a stormwater management plan prior to any development permits being issued to show that post-development peak flows leaving the project area are equal to pre-development peak flows in a 1 in 5-year storm event (Section 2.8).

The Environmental Assessment Approval conditions require a surface water management plan to be provided to the Department of Environment and Climate Change prior to road construction and/or upgrades and a detailed sediment and erosion control plan to be submitted to the Department of Environment and Climate Change prior to commencement.

In the Minister of Environment and Climate Change Environmental Assessment Approval letter, the Minister notes that *“It will be important that you work with the Department of Natural Resources and Renewables to address and mitigate any impacts that may arise from your project given the*

	<p><i>naturally occurring uranium in the area.”</i> The Provincial government has a website entitled “<i>Uranium in Well Water</i>” and an online mapping portal “<i>Uranium Risk in Bedrock Water Wells</i>” which depicts large areas of Hants, Kings, Annapolis, Digby, Lunenburg, and Halifax counties showing high risk for uranium in well water.</p> <p>https://novascotia.ca/natr/meb/water-resources/uranium.asp</p> <p>The Environmental Assessment Approval conditions require the applicant to immediately contact the Department of Environment and Climate Change and the Department of Natural Resources and Renewables if elevated levels of uranium mineralization are encountered on the project site, and at the request of the Department, develop and implement a plan to manage the uranium mineralization.</p>
<p>(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</p>	<p>The Province has given permission for the applicants to apply for a development agreement for the proposed wind farm on Crown land, with the understanding that the final agreement not be recorded on those lots until the applicant has a land lease with the Province. The lease process is underway. The Executive Director of Land Services with the Provincial Department of Natural Resources and Renewables has indicated that the Province will not participate in a development agreement, as they are a higher level of government than the</p>

	<p>Municipality and the land lease (if approved) will be more stringent than Municipal requirements. The Municipal Solicitor has removed reference of the Province being party to the agreement but acknowledges that a land lease must be obtained from the Province before the development agreement is executed on those lots. The draft development agreement acknowledges that this lease should be in place before December 31, 2025.</p> <p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p>(h) any other matter required by relevant policies of this Strategy.</p>	<p>All relevant matters have been addressed in this report.</p>

Attachment C
Wind Turbine Renderings / Visualizations

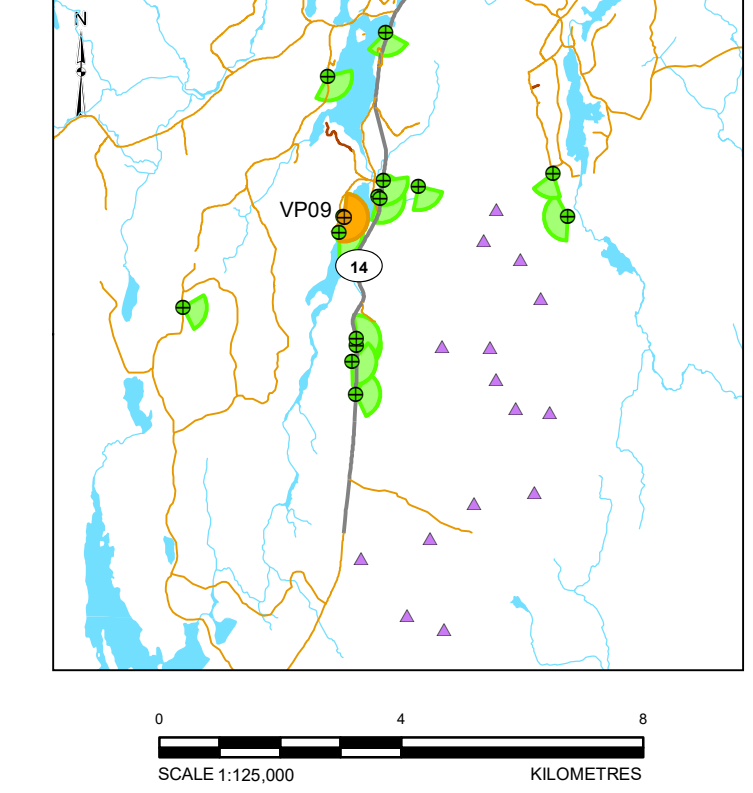
VIEWPOINT SIMULATION



BASELINE PHOTO



VIEWPOINT INFORMATION



LEGEND

	TURBINE LOCATION		HIGHWAY
	CURRENT VIEWPOINT		LOCAL ROAD
	VIEWPOINT		
	CURRENT VIEWPOINT FIELD OF VIEW		
	OTHER VIEWPOINT FIELD OF VIEW		

VIEWPOINT INFORMATION

VIEWPOINT NUMBER:	VP-09
EASTING:	401813 m
NORTHING:	4982605 m
ELEVATION:	114 m
DATE:	09 FEBRUARY 2024
WEATHER CONDITIONS:	OVERCAST (BLUE SKY DEPICTED)
DIRECTION:	EAST
FOCAL LENGTH:	50 mm
FIELD OF VIEW:	-185°
HEIGHT OF CAMERA ABOVE GROUND:	1.7 m

REFERENCES
 DIGITAL BASE DATA OBTAINED FROM GEOGRATIS, © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED
 DATUM: NAD83 PROJECTION: UTM ZONE 20

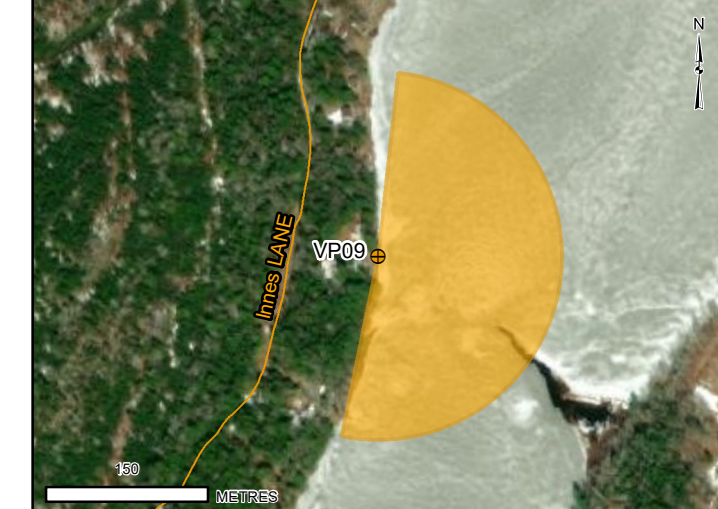
CLIENT
 EVERWIND FUELS (EWF)

PROJECT
 BEAR LAKE WIND PROJECT

TITLE
 VISUAL SIMULATION VIEWPOINT 09

CONSULTANT	YYYY-MM-DD	2024-03-06	
	DESIGNED	PT	
	PREPARED	OAR	
	REVIEWED	LB	
	APPROVED	TC	
	PROJECT NO	CONTROL	REV.
CA0020489.7754	1001	0	09-2

VIEWPOINT LOCATION DETAIL



PATH: I:\CLIENTS\RES - Canada\CA0020489_7754\Mapping\Visual\Bear Lake\Rev0\CA0020489_7754_Fig10-2_blue-sky_Rev0.mxd PRINTED ON: 2024-03-06 AT: 10:52:37 AM

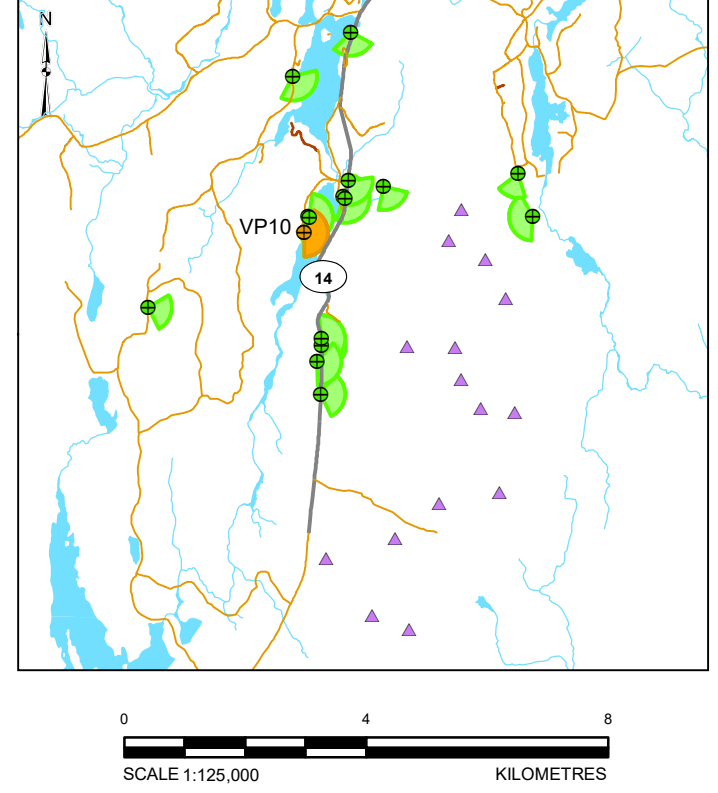
VIEWPOINT SIMULATION



BASELINE PHOTO



VIEWPOINT INFORMATION



- LEGEND**
- ▲ TURBINE LOCATION
 - CURRENT VIEWPOINT
 - VIEWPOINT
 - CURRENT VIEWPOINT FIELD OF VIEW
 - OTHER VIEWPOINT FIELD OF VIEW
 - HIGHWAY
 - LOCAL ROAD

VIEWPOINT INFORMATION

VIEWPOINT NUMBER:	VP-10
EASTING:	401744 m
NORTHING:	4982344 m
ELEVATION:	106 m
DATE:	09 FEBRUARY 2024
WEATHER CONDITIONS:	OVERCAST (BLUE SKY DEPICTED)
DIRECTION:	EAST
FOCAL LENGTH:	50 mm
FIELD OF VIEW:	-155°
HEIGHT OF CAMERA ABOVE GROUND:	1.7 m

REFERENCES
 DIGITAL BASE DATA OBTAINED FROM GEOGRATIS, © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED
 DATUM: NAD83 PROJECTION: UTM ZONE 20

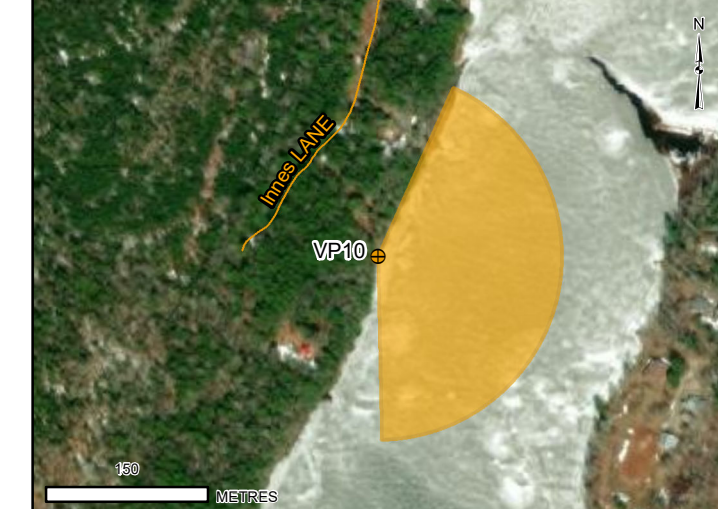
CLIENT
 EVERWIND FUELS (EWF)

PROJECT
 BEAR LAKE WIND PROJECT

TITLE
 VISUAL SIMULATION VIEWPOINT 10

CONSULTANT	YYYY-MM-DD	2024-03-06
	DESIGNED	PT
	PREPARED	OAR
	REVIEWED	LB
	APPROVED	TC

VIEWPOINT LOCATION DETAIL

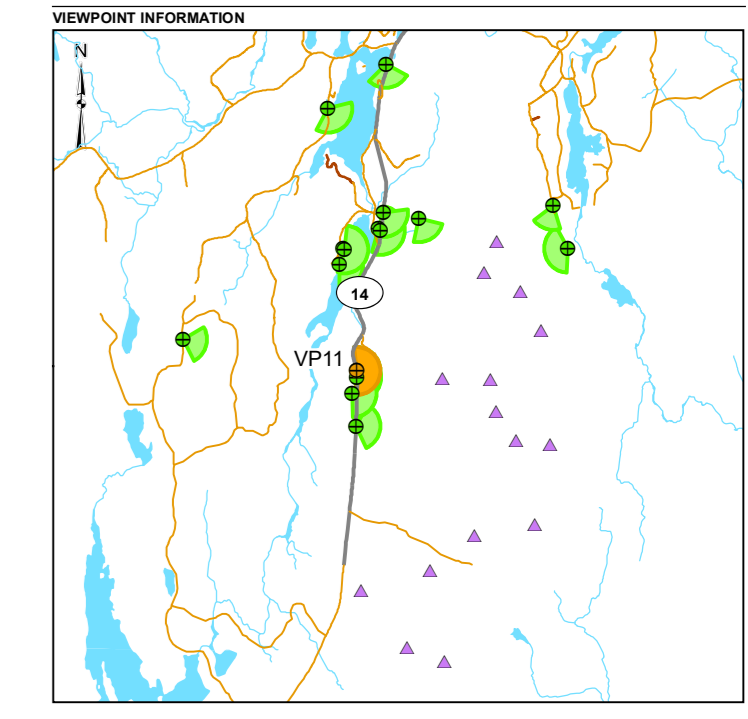


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VIEWPOINT SIMULATION



BASELINE PHOTO



- LEGEND**
- ▲ TURBINE LOCATION
 - CURRENT VIEWPOINT
 - VIEWPOINT
 - CURRENT VIEWPOINT FIELD OF VIEW
 - OTHER VIEWPOINT FIELD OF VIEW
 - HIGHWAY
 - LOCAL ROAD

VIEWPOINT INFORMATION

VIEWPOINT NUMBER: VP-11
 EASTING: 402032 m
 NORTHING: 4960983 m
 ELEVATION: 162 m
 DATE: 09 FEBRUARY 2024
 WEATHER CONDITIONS: OVERCAST (BLUE SKY DEPICTED)
 DIRECTION: EAST
 FOCAL LENGTH: 50 mm
 FIELD OF VIEW: -185°
 HEIGHT OF CAMERA ABOVE GROUND: 1.7 m

REFERENCES

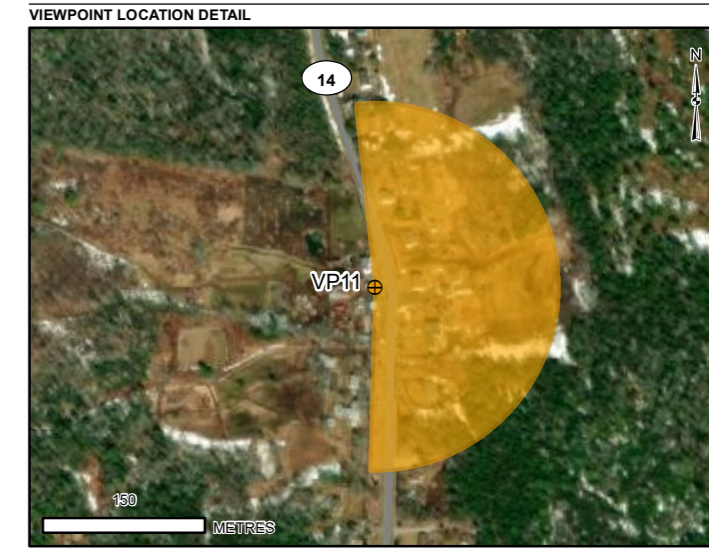
DIGITAL BASE DATA OBTAINED FROM GEOGRATIS, © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
 DATUM: NAD83 PROJECTION: UTM ZONE 20

CLIENT
 EVERWIND FUELS (EWF)

PROJECT
 BEAR LAKE WIND PROJECT

TITLE
 VISUAL SIMULATION VIEWPOINT 11

CONSULTANT	YYYY-MM-DD	2024-03-06	
	DESIGNED	PT	
	PREPARED	QAR	
	REVIEWED	LB	
	APPROVED	TC	
	PROJECT NO.	CONTROL	REV.
CA0020489.7754	1001	0	11-2

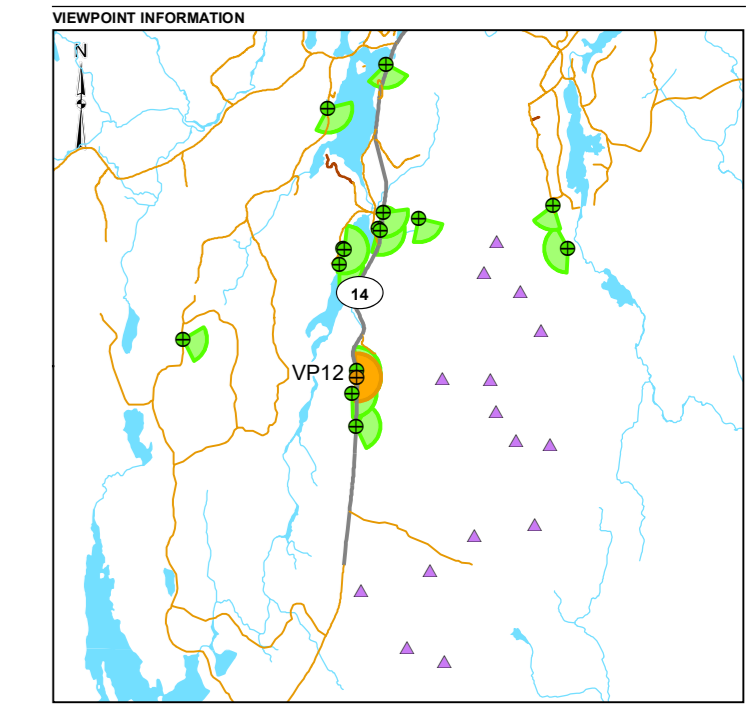


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VIEWPOINT SIMULATION



BASELINE PHOTO



SCALE 1:125,000
KILOMETRES

- LEGEND**
- TURBINE LOCATION
 - CURRENT VIEWPOINT
 - VIEWPOINT
 - CURRENT VIEWPOINT FIELD OF VIEW
 - OTHER VIEWPOINT FIELD OF VIEW
 - HIGHWAY
 - LOCAL ROAD

VIEWPOINT INFORMATION

VIEWPOINT NUMBER:	VP-12
EASTING:	402032 m
NORTHING:	4960475 m
ELEVATION:	165 m
DATE:	09 FEBRUARY 2024
WEATHER CONDITIONS:	OVERCAST (BLUE SKY DEPICTED)
DIRECTION:	EAST
FOCAL LENGTH:	50 mm
FIELD OF VIEW:	-185°
HEIGHT OF CAMERA ABOVE GROUND:	1.7 m

REFERENCES
DIGITAL BASE DATA OBTAINED FROM GEOGRATIS, © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
DATUM: NAD83 PROJECTION: UTM ZONE 20

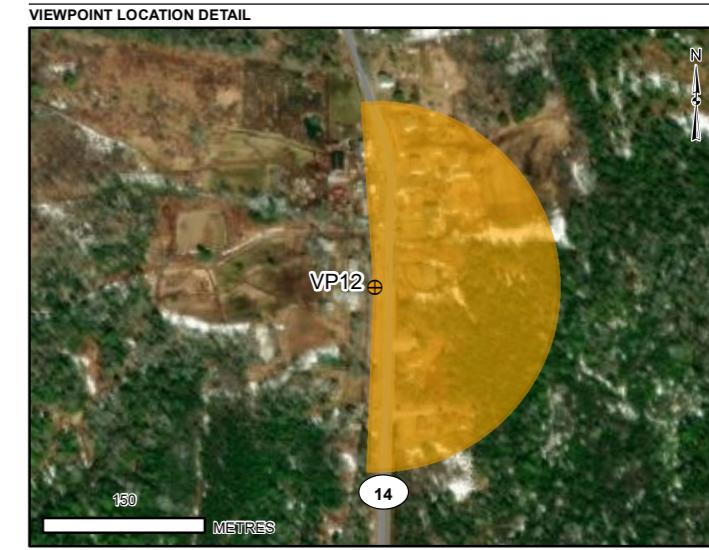
CLIENT
EVERWIND FUELS (EWF)

PROJECT
BEAR LAKE WIND PROJECT

TITLE
VISUAL SIMULATION VIEWPOINT 12

CONSULTANT	YYYY-MM-DD	2024-03-06
	DESIGNED	PT
	PREPARED	QAR
	REVIEWED	LB
	APPROVED	TC

PROJECT NO. CA0020489.7754 CONTROL 1001 REV. 0 FIGURE 12-2

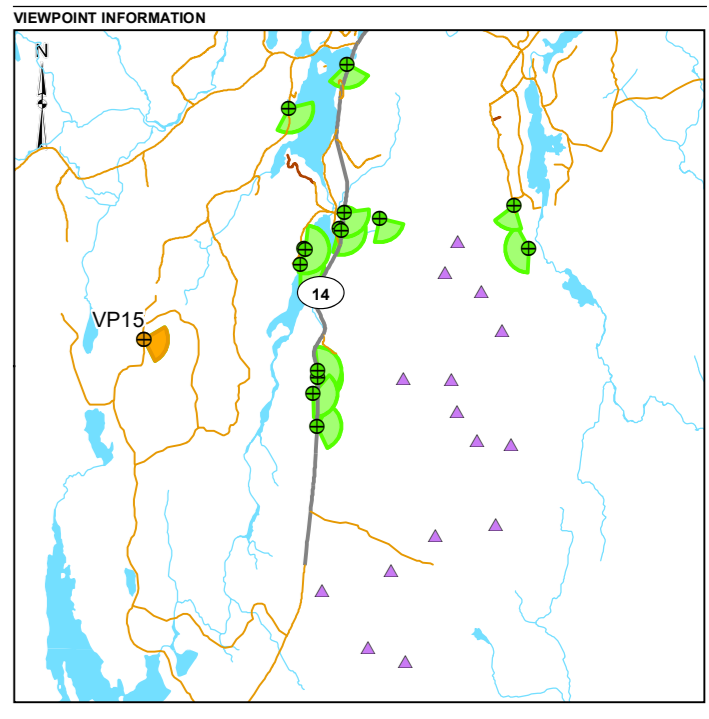


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VIEWPOINT SIMULATION



BASELINE PHOTO



SCALE 1:125,000
KILOMETRES

- LEGEND**
- TURBINE LOCATION
 - CURRENT VIEWPOINT
 - VIEWPOINT
 - CURRENT VIEWPOINT FIELD OF VIEW
 - OTHER VIEWPOINT FIELD OF VIEW
 - HIGHWAY
 - LOCAL ROAD

VIEWPOINT INFORMATION

VIEWPOINT NUMBER: VP-15
 EASTING: 399161 m
 NORTHING: 4961105 m
 ELEVATION: 167 m
 DATE: 07 DECEMBER 2023
 WEATHER CONDITIONS: OVERCAST (BLUE SKY DEPICTED)
 DIRECTION: EAST
 FOCAL LENGTH: 80 mm
 FIELD OF VIEW: -95°
 HEIGHT OF CAMERA ABOVE GROUND: 1.7 m

REFERENCES

DIGITAL BASE DATA OBTAINED FROM GEOGRATIS, © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
 DATUM: NAD83 PROJECTION: UTM ZONE 20

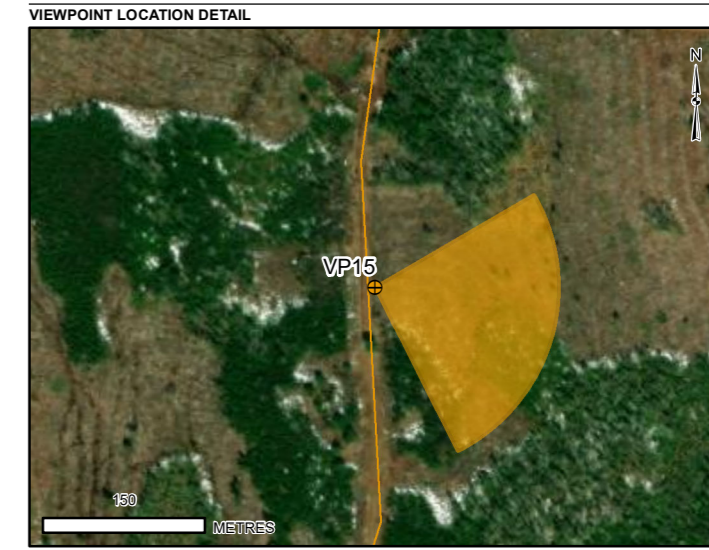
CLIENT
 EVERWIND FUELS (EWF)

PROJECT
 BEAR LAKE WIND PROJECT

TITLE
 VISUAL SIMULATION VIEWPOINT 15

CONSULTANT	YYYY-MM-DD	2024-03-06
DESIGNED	PT	
PREPARED	OAR	
REVIEWED	LB	
APPROVED	TC	

PROJECT NO. CA0020489.7754 CONTROL 1001 REV. 0 FIGURE 15-2

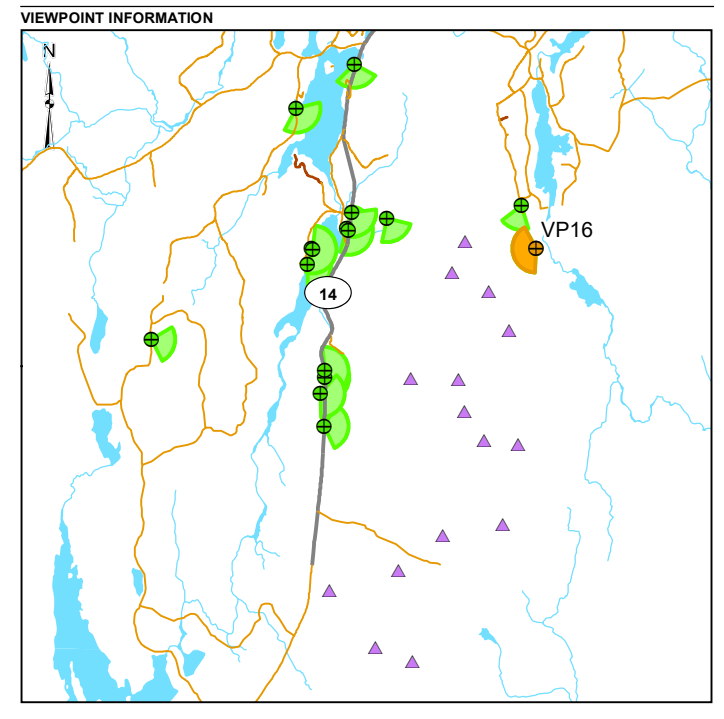


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VIEWPOINT SIMULATION



BASELINE PHOTO



SCALE 1:125,000
KILOMETRES

- LEGEND**
- ▲ TURBINE LOCATION
 - CURRENT VIEWPOINT
 - VIEWPOINT
 - CURRENT VIEWPOINT FIELD OF VIEW
 - OTHER VIEWPOINT FIELD OF VIEW
 - HIGHWAY
 - LOCAL ROAD

VIEWPOINT INFORMATION

VIEWPOINT NUMBER:	VP-16
EASTING:	405532 m
NORTHING:	4962609 m
ELEVATION:	165 m
DATE:	22 FEBRUARY 2024
WEATHER CONDITIONS:	OVERCAST (BLUE SKY DEPICTED)
DIRECTION:	WEST
FOCAL LENGTH:	50 mm
FIELD OF VIEW:	-145°
HEIGHT OF CAMERA ABOVE GROUND:	1.7 m

REFERENCES
DIGITAL BASE DATA OBTAINED FROM GEOGRATIS, © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED
DATUM: NAD83 PROJECTION: UTM ZONE 20

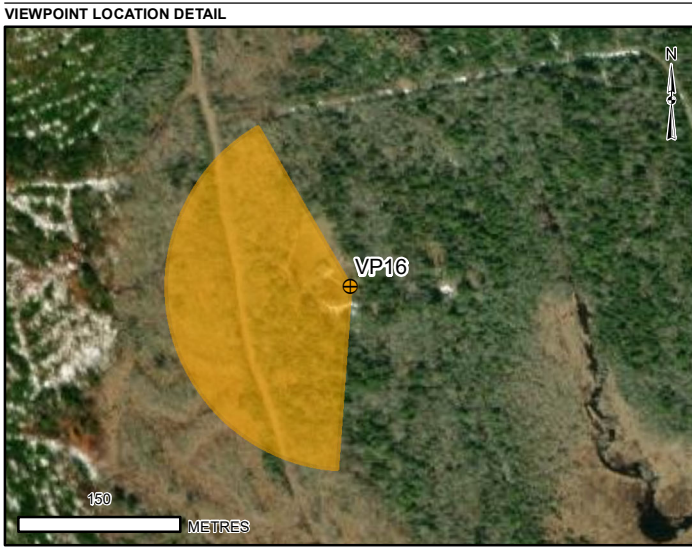
CLIENT
EVERWIND FUELS (EWF)

PROJECT
BEAR LAKE WIND PROJECT

TITLE
VISUAL SIMULATION VIEWPOINT 16

CONSULTANT	YYYY-MM-DD	2024-03-07
	DESIGNED	PT
	PREPARED	OAR
	REVIEWED	LB
	APPROVED	TC

PROJECT NO.	CONTROL	REV.	FIGURE
CA0020489.7754	1001	0	16-2



PATH: I:\CLIENTS\RES Canada\CA0020489_7754\Mappping\Visual\Bear Lake\CA0020489_7754_Fig19-2_blue_sky_RevA.mxd PRINTED ON: 2024-03-21 AT: 10:46:44 AM

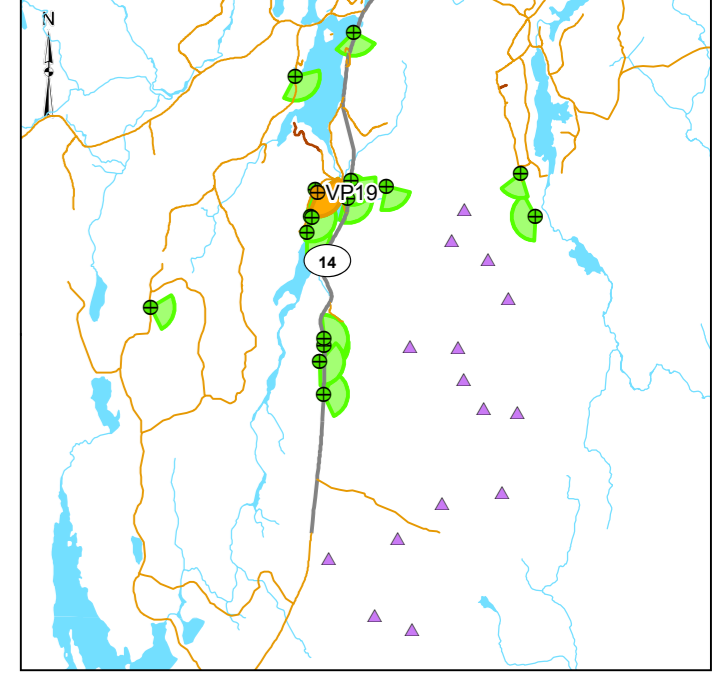
VIEWPOINT SIMULATION



BASELINE PHOTO



VIEWPOINT INFORMATION



SCALE 1:125,000
KILOMETRES

DRAFT

- LEGEND**
- ▲ TURBINE LOCATION
 - CURRENT VIEWPOINT
 - VIEWPOINT
 - CURRENT VIEWPOINT FIELD OF VIEW
 - OTHER VIEWPOINT FIELD OF VIEW
 - HIGHWAY
 - LOCAL ROAD

NOTE
SOME TURBINES MIGHT BE (PARTIALLY) OBTSCURED BY VEGETATION IN CLOSE PROXIMITY TO THE VIEWPOINT.

VIEWPOINT INFORMATION

VIEWPOINT NUMBER:	VP-19
EASTING:	401929 m
NORTHING:	4963011 m
ELEVATION:	108 m
DATE:	14 MARCH 2024
WEATHER CONDITIONS:	CLOUDY (BLUE SKY DEPICTED)
DIRECTION:	SOUTHEAST
FOCAL LENGTH:	50 mm
FIELD OF VIEW:	~145°
HEIGHT OF CAMERA ABOVE GROUND:	1.7 m

REFERENCES
DIGITAL BASE DATA OBTAINED FROM GEOGRATIS, © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED
DATUM: NAD83 PROJECTION: UTM ZONE 20

CLIENT
EVERWIND FUELS (EWF)

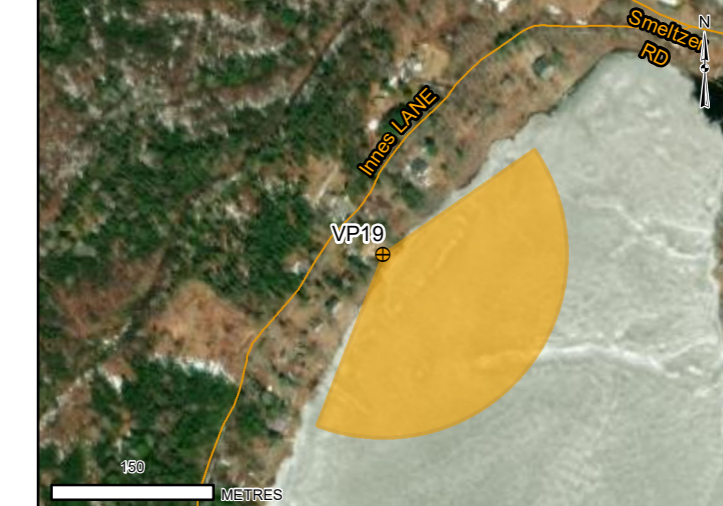
PROJECT
BEAR LAKE WIND PROJECT

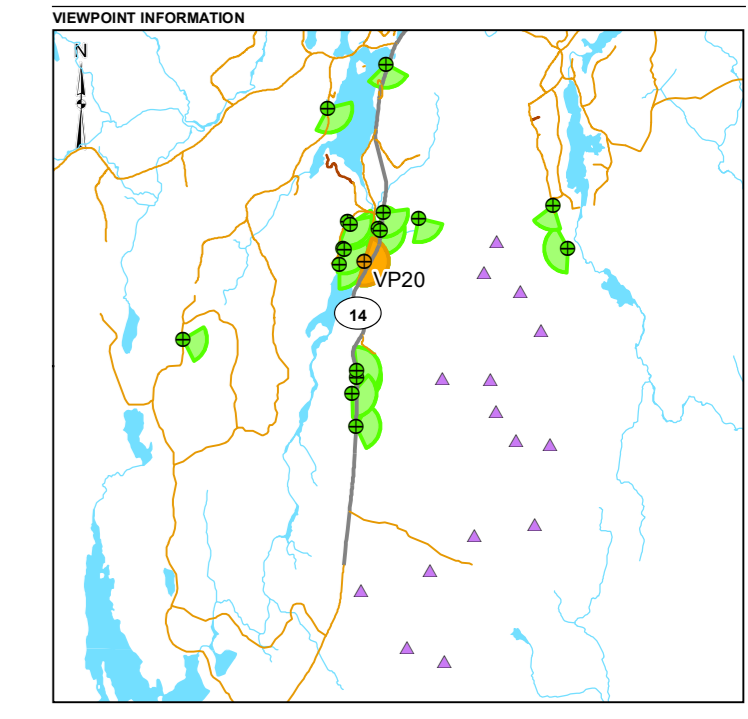
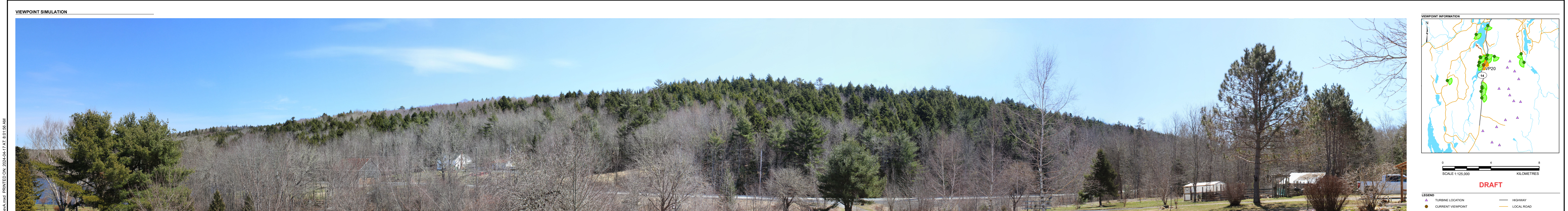
TITLE
VISUAL SIMULATION VIEWPOINT 19

CONSULTANT	WSP	YYYY-MM-DD	2024-03-21
		DESIGNED	PT
		PREPARED	OAR
		REVIEWED	
		APPROVED	

PROJECT NO. CA0020489.7754 CONTROL 1001 REV. A FIGURE 19-2

VIEWPOINT LOCATION DETAIL





DRAFT

LEGEND

	TURBINE LOCATION		HIGHWAY
	CURRENT VIEWPOINT		LOCAL ROAD
	VIEWPOINT		
	CURRENT VIEWPOINT FIELD OF VIEW		
	OTHER VIEWPOINT FIELD OF VIEW		

VIEWPOINT INFORMATION

VIEWPOINT NUMBER:	VP-20
EASTING:	402159 m
NORTHING:	4962397 m
ELEVATION:	119 m
DATE:	08 APRIL 2024
WEATHER CONDITIONS:	CLEAR SKIES
DIRECTION:	EAST
FOCAL LENGTH:	50 mm
FIELD OF VIEW:	-170°
HEIGHT OF CAMERA ABOVE GROUND:	1.7 m

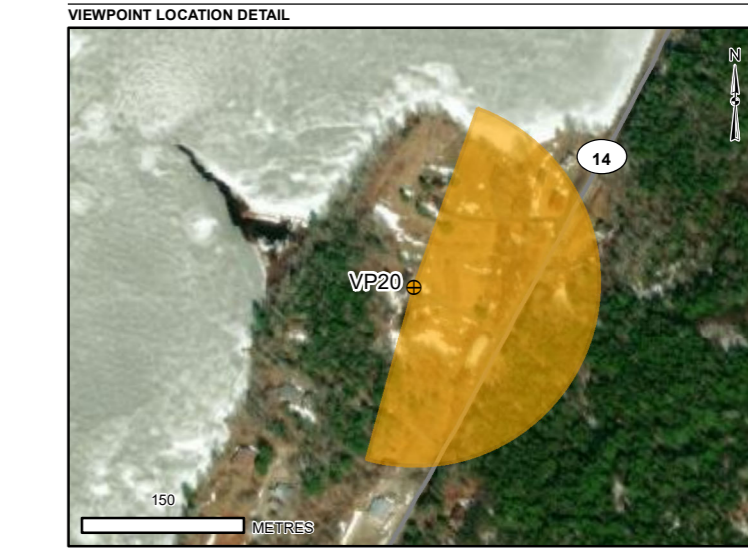
REFERENCES
 DIGITAL BASE DATA OBTAINED FROM GEOGRATIS, © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
 DATUM: NAD83 PROJECTION: UTM ZONE 20

CLIENT
 EVERWIND FUELS (EFW)

PROJECT
 BEAR LAKE WIND PROJECT

TITLE
 VISUAL SIMULATION VIEWPOINT 20

CONSULTANT	YYYY-MM-DD	2024-04-17
	DESIGNED	PT
	PREPARED	OAR
	REVIEWED	
	APPROVED	



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Attachment D
Draft Development Agreement



West Hants

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 202_.

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 -

BEAR LAKE WIND LTD., a body corporate, with a Halifax office at 2101-1969 Upper Water Street, in the Regional Municipality of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Developer”)

OF THE SECOND PART

- and -

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

(Hereinafter referred to as the “Sublessor”)

OF THE THIRD PART

- and -

ATLANTIC STAR FORESTRY LTD., a body corporate, with an office at 1019 Prince Street, Suite B, Truro, in the County of Colchester, Province of Nova Scotia,

(Hereinafter referred to as the "Owner")

OF THE FOURTH PART

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

WHEREAS Sub-Lessor has entered into a sub-lease (the "Sub-Lease") with Nova Scotia Power Inc. (the "Original Sublessee") as to a portion of its leased premises (being 45399540, 45399573, 45060076, 45399581, 45401858, 45061694 (portion of), 45399557 (portion of), and 45399532 (portion of) in Mill Section, Vaughan, and Upper Vaughan) being the Subleased Premises therein, and hereinafter referred to as the "WFNS Subleased Property" for the purpose of building and operating a Wind Energy Facility comprising wind turbines, access roads, fencing, service buildings and transmission equipment. The Original Sublessee has assigned its interest in the WFNS Sublease to the Developer who has assumed the same with the consent of the Sublessor. The Sublessor and the Developer have subsequently added PID number 45060092 to the WFNS Sub-Lease and all reference hereafter to the WFNS Subleased Property shall include such additional PID.

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

AND WHEREAS Owner has entered into a lease (the "ASF Direct Lease") with Nova Scotia Power Inc. (the "Original Lessee") as to certain other of its lands, being PID numbers 45401833, 45401841, 45061694 (portion of), 45399557 (portion of) and 45399532 (portion of) in Mill Section, Vaughan, and Upper Vaughan (being the ASF Leased Premises therein, and hereinafter referred to as the "ASF Direct Leased Property" for the purpose of building and operating a Wind Energy Facility comprising wind turbines, access roads, fencing, service buildings and transmission equipment. The Original Lessee has assigned its interest in the ASF Direct Lease to the Developer who has assumed the same with the consent of the Owner.

AND WHEREAS Developer has made application for a lease from the Crown in right of the Province of Nova Scotia in respect of Crown lands bearing PIDs 45060068, 45062957, 45042660, and 45042694 (collectively, the “Crown Land”), and the Developer anticipates entering into a lease with the Crown in right of the Province of Nova Scotia in respect thereof (the “Crown Lease”) on or before December 31, 2025;

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

AND WHEREAS the Council of the Municipality, at a meeting held on **Month Day, 202_**, approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto;

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

PART 1 AGREEMENT CONTEXT

1.1 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A – Legal Description of the Property and of the Crown Land

Schedule B – Site Plan

1.2 Definitions

- (a) *Municipal Planning Strategy* means the Municipal Planning Strategy of the Municipality of the District of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (b) *Land Use By-law* means the Land Use By-law of the Municipality of the District of West Hants, approved on May 13, 2008, as amended, or successor by-laws;
- (c) *Subdivision By-law* means the Subdivision By-law of the Municipality of the District of West Hants, approved on May 13, 2008, as amended or successor by-laws;

- (d) *Environmental Assessment Approval* means the Environmental Assessment Registration Document, any Addendum, the Minister's Decision, and the accompanying Terms and Conditions dated on or before December 13, 2023, as well as all supportive documents such as, but not limited to, the Environmental Protection Plan and the Erosion and Sedimentation Control Plan which must be submitted to Nova Scotia Environment and Climate Change for approval;
- (e) *Project Area* means all properties which are included as part of the overall Property and Crown Land;
- (f) *Turbine* means a wind energy conversion system whose parts include a foundation, tower, nacelle, rotor assembly and any components within, or attached thereto;
- (g) *Turbine Height* means a vertical distance measured from grade to the tip of the highest extended rotor blade;
- (h) *Wind Energy Facility* (hereinafter sometimes referred to as the "Facility") means the facility containing all equipment and improvements necessary for the conversion and delivery of wind energy into electricity, to be developed by the Developer on the Property and the Crown Land, including, but not limited to:
- (i) one or more Turbines and associated electrical controllers;
 - (ii) any electrical distribution lines or cabling, communication lines, electric transformers, towers, interconnection or switching facilities, telecommunication equipment, energy storage facilities, power generation facilities, access roads, driveways, meteorological towers, water wells, wind measurement equipment, maintenance/administrative/control buildings, maintenance yards, fencing, gates, berms or other earthworks for environmental protection, signage, and any related equipment, apparatus, accessories, works or appurtenances thereto;
- and except where otherwise stated in this Agreement applies only to portions of the Wind Energy Facility located in West Hants;
- (i) *Commencement of Commercial Operation* means the date upon which energy is generated by the Wind Energy Facility for sale;
- (j) *Decommissioning Fund* means as defined in section 2.11 of this Agreement;
- (k) *Property* means collectively the WFNS Subleased Property and the ASF Direct Leased Property;

1.3 Conditions Precedent

Notwithstanding any other provision hereof, this Agreement is subject to each of the following conditions precedent being satisfied, or waived by the Municipality, on or before December 31, 2025, each of which is acknowledged to be inserted for the exclusive benefit of the Municipality and may be waived by the Municipality, in its sole discretion:

- (a) The Developer entering into a Crown Lease in respect of the Crown Lands and registering this Agreement against its leasehold interests at the registry as defined in the *Municipal Government Act*; and
- (b) The Developer and the Municipality entering into a Community Benefits Agreement (“CBA”) in respect of the Development, on substantially the same commercial terms and conditions as provided for in the draft CBA presented to the Municipality on **Month Day, 202_**.

In the event that either of the foregoing conditions precedent are not satisfied or waived by the Municipality by December 31, 2025, this Agreement may be terminated by the Municipality or the Developer by written notice to the other Parties hereto.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

The Parties agree that uses on the Property and on the Crown Land shall be limited to the following:

- (a) those uses permitted by the underlying zoning in the Land Use By-law; and
- (b) a Wind Energy Facility including all associated equipment and improvements necessary for the conversion of wind energy into electricity and delivery thereof.

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

The uses permitted by this Agreement on the Property shall be limited to the proposed Wind Energy Facility, which consists of up to eleven (11) turbines and associated facilities, together with all components associated with the Facility located in West Hants.

2.2 Development Location and Design

- (a) The development location and design shall be consistent with the layouts shown on Schedule B.
- (b) The Development Officer may approve changes to the location of the equipment or other aspects of the site plan, and inclusion of additional parcels of land in the Property and/or the Crown Land, provided that setbacks listed in Section 2.3, *Site Requirements*, of this Agreement are met. Changes to the site plan may also be approved in accordance with reports generated in response to Section 2.9, (c), *Environmental Assessment Approval*, of this Agreement provided that the setbacks listed in Section 2.3, *Site Requirements*, of this Agreement are met.
- (c) The Developer shall ensure that the wind turbine colouring will conform with Transport Canada regulations for aviation safety.

2.3 Site Requirements

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

Minimum Setback from any Lot Line*	1.1 times the height of the Turbine
Minimum Setback between any turbine measured from the closest edge of the base of the tower to any dwelling, hotel, motel, or apartment hotel in West Hants existing as of Month Day, 202_ unless written permission is given by the owner thereof	1,000 meters (3,280 feet)
Minimum Setback between any turbine measured from the closest edge of the base of the tower to any woods camp in West Hants existing as of Month Day, 202_ unless written permission is given by the owner thereof	550 meters (1,804 feet)

* Only the lot lines of the Property which are abutting neighbouring properties outside of the Project Area shall be used, lot lines within the Project Area will not be required to meet the setback. The Developer shall ensure that Turbines which are part of the Wind Energy Facility but located outside the Municipality comply with these setbacks from lot lines, dwellings, hotels, motels, apartment hotels and woods camps located within West Hants.

- (b) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (c) Nothing in this Agreement shall prevent the future reconstruction, repair or renovation of any accessory building on the Property or on the Crown Land which is part of the Wind Energy Facility, provided all requirements of this Agreement and the Land Use By-law can be met.

2.4 Access

The Developer shall reasonably minimize the duration and volume of traffic to and from the proposed Development in the vicinity of the primary access from Highway 14 and ensure that all required permits are received from Nova Scotia Department of Public Works and any other applicable traffic authority. The Developer shall also construct an external point of entry/exit within the Project Area to provide redundancy of access and egress to Chalet Hamlet for emergency use only.

2.5 Signs and Lighting

- (a) Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the Land Use By-law, *Illumination and Signs*, which controls lighting, size, location, and number of signs.
- (b) The Developer shall ensure that any illumination has as minimal impact as possible and will use an automatic aircraft detection system if approved by Transport Canada or will use dimmable lighting to adjust the brightness of any lights if approved by Transport Canada.
- (c) The Developer shall ensure that any illumination not required by Transport Canada shall not project glare or direct illumination onto adjacent properties in West Hants other than those of the Owner and the Crown Land.

2.6 Operation and Maintenance

- (a) The Developer shall ensure that the Facility is operated in accordance with the Environmental Assessment Approval Conditions as registered with Nova Scotia Department of Environment and Climate Change as part of the Environmental Assessment Approval, and in particular that:
 - (i) the sound level generated by the operation of the wind turbines does not exceed the forty (40) dBA maximum relative to identified receptors as prescribed by Nova Scotia Environment and Climate Change in the Environmental Assessment Approval; and

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

2.7 Hazardous Materials and Fire Protection

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

2.8 Stormwater Management

- (a) Prior to commencement of any earth works in the Project Area a Stormwater Management Plan for the Property and the Crown Land must be submitted to the Municipality. The Plan must confirm that the Stormwater Standard outlined in subparagraph (b) of this Section will be maintained throughout construction and operation of the Development. This Plan must be designed, certified and stamped by a professional engineer licensed to practice in the Province of Nova Scotia;
- (b) The Stormwater Management Plan shall include details confirming that post-development peak flows leaving the Property and the Crown Land are equal to pre-development peak flows into all watercourses for a 1 in 5-year storm event. Further the Stormwater Management Plan must be designed to protect the Turbines and associated development from flooding during a 1 in 100-year storm event. Should the Stormwater Management Plan be found in the reasonable opinion of the Municipal Engineer not to perform according to these design standards, the Developer shall carry out such remediation as may reasonably be directed by the Municipal Engineer.

2.9 Environmental Assessment Approval

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

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

2.10 Decommissioning

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

regulations and in accordance with the Environmental Assessment Approval Regulations.

2.11 Decommissioning Fund

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

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

The Developer shall provide notice within 30 days to the Municipality of the Commencement of Commercial Operation of the Wind Energy Facility, with a copy of such notice to the Owner and Sublessor.

On or before the fifth anniversary of the Commencement of Commercial Operation of the Wind Energy Facility (and at least 180 days prior to any proposed substantive change in the form or management of the Decommissioning Fund), the Developer shall provide to the Municipality a written description of its plan to establish (or alter) and manage the Decommissioning Fund, with a copy to the Owner and Sublessor. The Municipality, Owner and Sublessor may review the plan for its adequacy and shall provide written notice of acceptance or rejection (with reasons therefore) within thirty (30) days. If the parties cannot agree to a suitable plan within 90 days of the Municipality’s receipt of said plan, the matter may be arbitrated by a single arbitrator under the *Commercial Arbitration Act* of Nova Scotia with the arbitrator having jurisdiction to stipulate the nature and terms of the Decommissioning Fund.

By the tenth anniversary of the Commencement of Commercial Operation of the Wind Energy Facility and at all times thereafter until and unless this Agreement is discharged, the Decommissioning Fund shall hold or provide for a sum of money estimated to be

sufficient to decommission the portions of the Wind Energy Facility on the Property net of any salvage value, as reasonably estimated by an independent engineer or assessor designated jointly by the Developer, the Municipality, Owner and Sublessor and, if not, such failure shall constitute a default and entitle the Municipality to remedies for default as provided herein, including but not limited to the discharge of this Agreement.

By the 20th anniversary of the Commercial Operation Date and every ten years thereafter, an independent engineer or assessor designated jointly by the Developer, Municipality, Owner and Sublessor at the Developer's expense, shall estimate the sum of money estimated to be sufficient to decommission the portions of the Wind Energy Facility on the Property, net of any salvage value, which amount shall become the amount then required to be held in the Decommissioning Fund.

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

If at any time:

- (1) the Owner and Sublessor give notice to the Municipality that the ASF Direct Lease and the Sublease have been terminated or expired and the Developer has failed to decommission the portions of the Wind Energy Facility located on the Property; or
- (2) the Municipality has discharged this Agreement and the Developer has not decommissioned the portions of the Wind Energy Facility located on the Property in accordance with Section 2.10 despite an obligation of the Developer to do so;

and in either case the Owner and Sublessor then give further notice to the Municipality in respect of the same and the Municipality has not either:

(A) caused the Developer to decommission the Wind Energy Facility in accordance with Section 2.10; or

(B) enforced and collected upon the Decommissioning Fund, applied the proceeds against the decommissioning expense, and caused decommissioning to be completed,

within twelve (12) months of (1) or (2) above, the Municipality shall assign all the Municipality's right and interest in the Decommissioning Fund to the Owner and Sublessor jointly, unless they have otherwise provided a jointly executed direction to pay providing for a different allocation, and transfer any unspent funds received by the Municipality from the Decommissioning Fund to the Owner and Sublessor in the same manner, and the Owner or the Sublessor shall thereafter decommission the portion of the Wind Energy Facility on the Property in accordance with the requirements of Section 2.10(b). Provided however, in the event that the reason for the Municipality not having caused either (A) or (B) is due to its efforts being frustrated or prevented by legal proceedings, directive or order of a governmental body or order of a court of competent jurisdiction then the reference to "twelve (12) months of (1) or (2) above" shall be twelve (12) months from the date when such proceedings, directive or order shall cease to frustrate or prevent the Municipality from causing either (A) or (B).

2.12 Community Benefits

The Developer shall not assign this Development Agreement without having the assignee execute such document(s) as the Municipality may reasonably require to bind the assignee to the same terms as those in the CBA and in this section of the Development Agreement.

PART 3 CHANGES AND DISCHARGE

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

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

3.3 The following matters are substantive matters:

- (a) the uses permitted on the Property as listed in Section 2.1 of this Agreement, *Use*;
- (b) the minimum setback requirements as listed in Section 2.3 of this Agreement;
- (c) the requirements for a stormwater management plan as listed in Section 2.8 of this Agreement; and
- (d) the secondary emergency access requirement as specified in Section 2.4 of this Agreement.

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

3.5 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Developer, with a copy to the Owner and Sublessor, following a resolution of Council to give such Notice:

- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
- (b) at the discretion of the Municipality, with or without the concurrence of the Developer, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
- (c) at any time upon the written request of the Developer, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.6 In the event that Notice is given pursuant to Section 3.5 of this Agreement the Developer shall immediately cease all electrical generation at the site and shall comply with any decommissioning requirements pursuant to Section 2.10 and 2.11 of this Agreement.

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

PART 4 IMPLEMENTATION

4.1 Commencement of Development

- (a) The Developer may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.

- (b) Development as provided in Part 2 of this Agreement shall commence not later than twenty-four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* 30 days after giving Notice of Intent to Discharge to the Developer. Upon the written request of the Developer, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.
- (c) If the Developer is bona fide delayed from commencing the development for reasons which are reasonably determined by the Development Officer to be beyond the Developer's control, then performance by the Developer is excused for the period of the delay and the time period for the Developer to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Developer shall provide record drawings to the Development Officer for any turbine or building foundations within sixty (60) days of their completion and for other aspects of the development for which an engineered design is required, including but not limited to stormwater management, within one hundred and twenty (120) days of Commencement of Commercial Operation.
- (b) The Developer shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

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

- (c) The Developer represents and warrants that the Sub-Lease complies in all respects with the *Municipal Government Act* of Nova Scotia and all other applicable provincial legislation and that if any amounts were payable for Deed Transfer Tax in respect thereof, that the same have been duly paid and that the same representations and warranties apply to any renewal or successor sub-leases.

5.2 Severability of Provisions

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

5.3 Interpretation

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

5.4 Municipal Responsibility

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

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement in relation to the Property, the Municipality may notify the Owner, the Sub-lessor and the Developer in writing. In the event that the Developer, the Owner or the Sub-lessor has not cured any such breach or

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

5.6 Relationship of Parties and Severability

Nothing in this Agreement is intended to, or shall be deemed to, establish any partnership or joint venture between any of the parties, constitute any party the agent of another party, or authorize any party to make or enter into any commitments for or on behalf of any other party.

Neither the Owner nor the Sublessor shall have any liability or obligation with respect to the acts or omissions of the Crown, Developer or any other third party in respect of the Crown Lands. Any right of the Municipality to a discharge of this Agreement against the Crown Lands shall not automatically establish a right to so discharge this Agreement against the Property. Each of the Owner and Sublessor shall be entitled to exercise any rights, remedies or defences it may have pursuant to this Agreement without regard to the Crown Lands.

5.7 Costs

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

5.8 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 Property which is the subject of this Agreement and shall run with the Developer's leasehold interest in the Crown Land until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*. The Developer and Sub-Lessor agree that the Sub-Lease shall be binding upon the parties thereto and their heirs, executors, administrators, successors and assigns, and shall run with their respective interests in the land. Owner agrees that its lease with Sub-Lessor shall be binding upon the parties thereto and their heirs, executors, administrators, successors and assigns, and shall run with the land.

5.9 Reduced Sub-leased Area

The Developer, subject to consent of the Owner and Sublessor: (1) may subdivide (if it can do so as of right); or (2) may apply to subdivide; the lots comprising the Property. Such subdivision will remove from the scope of this Development Agreement areas not required for the operation of the Wind Energy Facility. In the event of such application as provided in (2) herein the Municipality's Development Officer, in determining whether to approve such application shall not take into consideration as a reason to refuse the application that the subdivision would reduce the value of a potential statutory lien nor other reasons not permitted by law. In the event of such subdivision the parcels not required for the operation of the Wind Energy Facility shall automatically cease to be bound by this Development Agreement upon the necessary documentation being duly filed at the registry as defined in the *Municipal Government Act*.

5.10 Assignment of Agreement

The Developer may, subject to section 2.12 hereof, at any time and from time to time, transfer or assign, in whole or in part, this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the Developer's sub-leasehold interest therein provided that such successor, heir or purchaser be bound by the terms of this Agreement.

5.11 Written Notice

- (a) The Municipality may serve notice on the Developer personally or by ordinary mail which shall be deemed to have been received within three (3) business days

of mailing, addressed to 2101-1969 Upper Water Street, Halifax, in the County of Halifax, Province of Nova Scotia.

- (b) The Developer may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Developer.
- (c) Notices to the Sublessor and Owner may be served personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to the at 1019 Prince St, Suite B, Truro, NS.

5.12 Full Agreement

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

[remainder of page intentionally blank]

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

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

) Per: _____

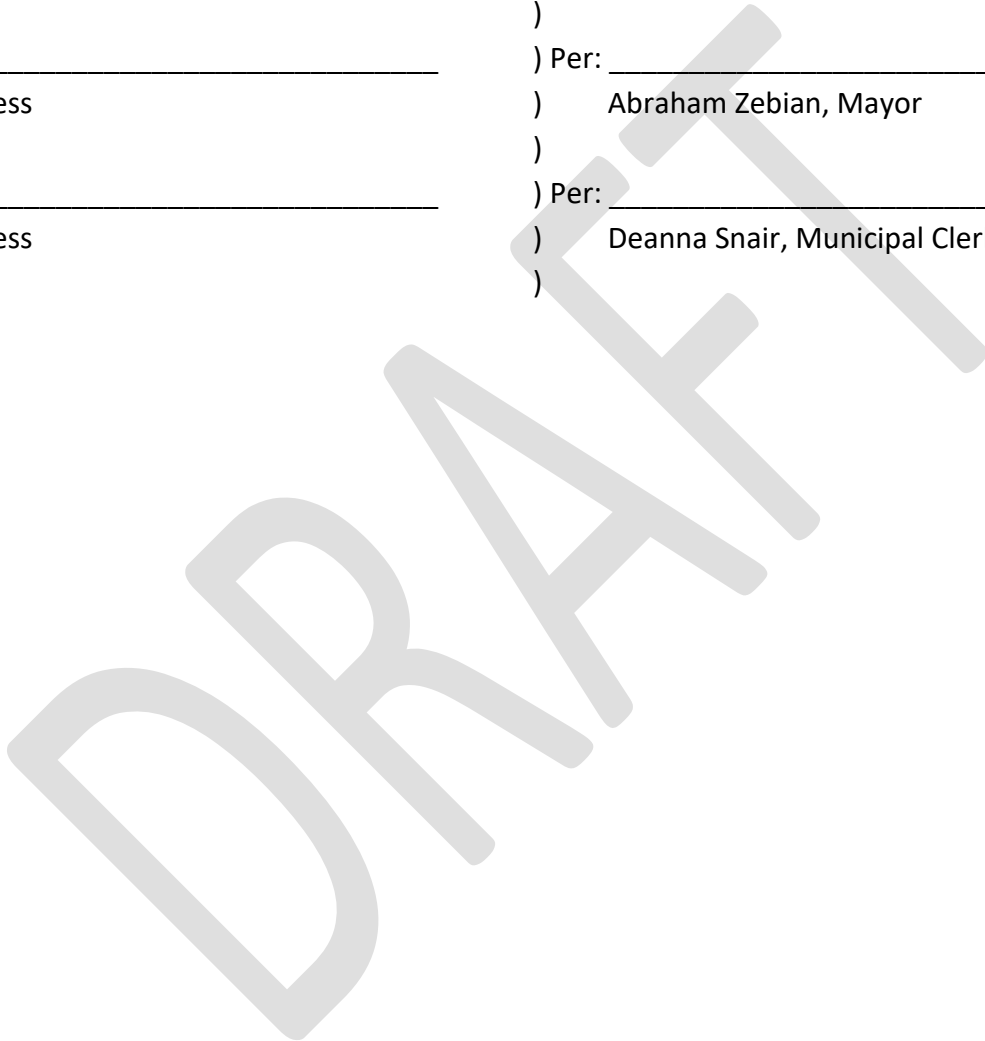
) Abraham Zebian, Mayor

)

) Per: _____

) Deanna Snair, Municipal Clerk

)



) BEAR LAKE WIND LTD.

)

)

) Per: _____

) Matthew Tinari, CFO

)

Witness

DRAFT

) **Wagner Forest NS Ltd.**

)

)

)

) Per: _____

Witness

) Daniel H. Hudnut, President

)

)

) **Atlantic Star Forestry Ltd.**

)

)

)

) Per: _____

Witness

) Daniel H. Hudnut, President

DRAFT

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

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

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 202_ , before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, one of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court of Nova Scotia

**AFFIDAVIT OF CLERK
WEST HANTS REGIONAL MUNICIPALITY**

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

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

Sworn before me at _____, Nova Scotia,
this _____, 202_.

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

Deanna Snair, Clerk

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

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

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

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

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

I certify that on this _____, 202_ the Deponent came before me, made oath, and swore the foregoing affidavit at _____, Nova Scotia.

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

Schedule A – Legal description

WFNS SUBLEASED PROPERTY

PIDs: 45399540; 45399573; 45060076; 45399581; 45401858; 45061694; 45399557; and 45399532

ASF DIRECT LEASED PROPERTY

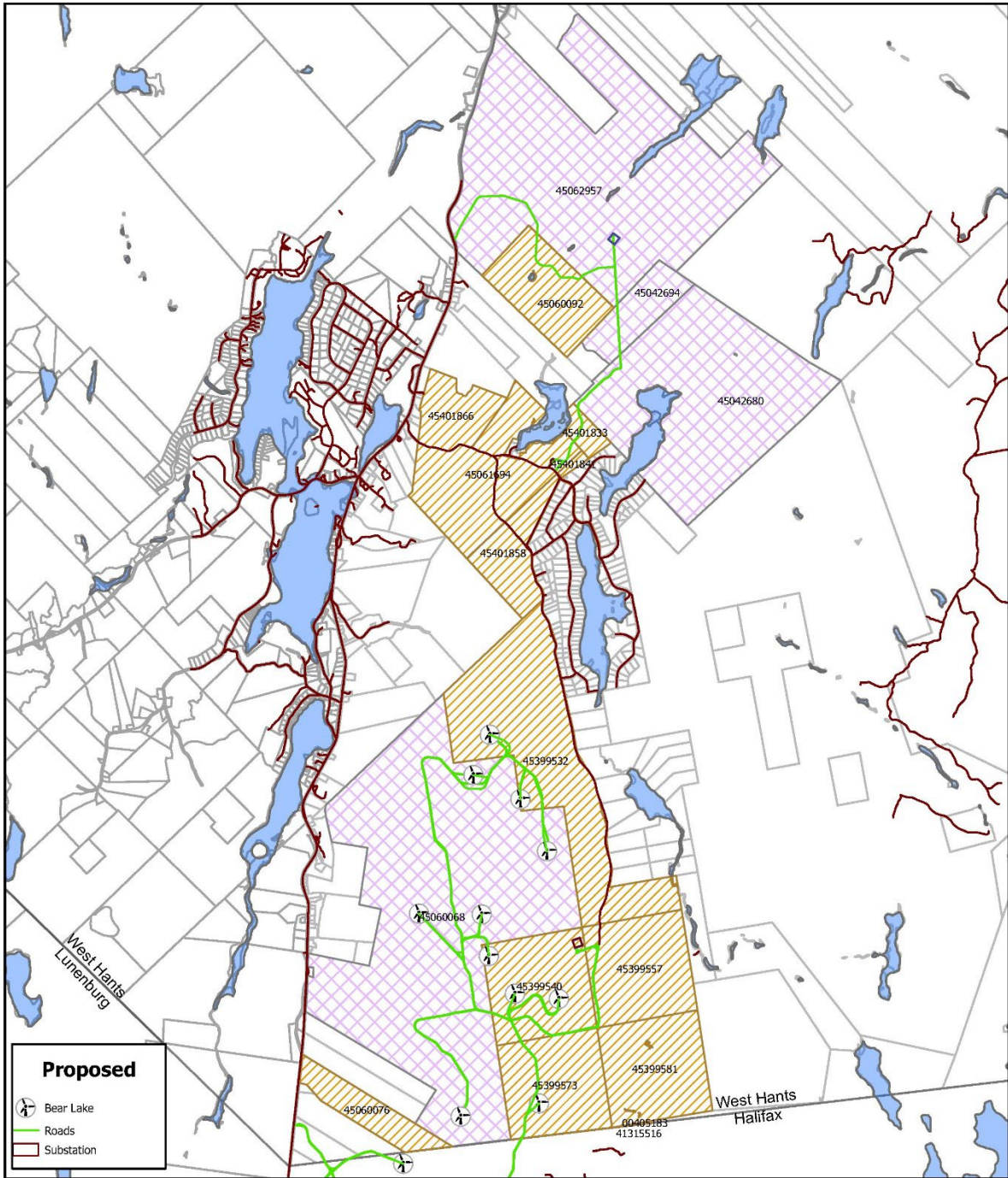
PIDs: 45401833; 45401841; 45061694; 45399557; and 45399532

CROWN LAND

PIDs: 45060068; 45062957; 45042660; and 45042694

DRAFT

Schedule B - Site Plan



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC). Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for used for legal description or to calculate exact dimensions or area.

Site Map
Proposed Bear Lake
Wind Farm



- Private Lands
- Crown Lands
- Municipal Boundary
- Parcels
- Water

Attachment E
Draft Community Benefit Agreement

THIS **COMMUNITY BENEFITS AGREEMENT** made this [] day of [], 202_ (the “Effective Date”)

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a municipal body corporate (hereinafter referred to as “**West Hants**”)

AND: **HALIFAX REGIONAL MUNICIPALITY**, a municipal body corporate (hereinafter referred to as “**Halifax**”)

AND: **THE MUNICIPALITY OF THE DISTRICT OF CHESTER**, a municipal body corporate (hereinafter referred to as “**Chester**” and together with **West Hants** and **Halifax**, collectively the “**Municipalities**”)

AND: **BEAR LAKE WIND LTD.**, a company limited by shares incorporated under the laws of the Province of Nova Scotia (hereinafter referred to as “**Bear Lake Wind**”)

WHEREAS:

Bear Lake Wind is developing an 89 MW wind power project in the Municipalities known as the Bear Lake Wind Project (the “**Project**”) in connection with EverWind’s green hydrogen and green ammonia project development in Nova Scotia;

AND WHEREAS:

Bear Lake Wind wishes to enter into this Community Benefits Agreement with the Municipalities, to benefit the Municipalities’ residents and communities;

Now this agreement witnesses that in consideration of the covenants and conditions set out below, the sum of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which is acknowledged and agreed to by the parties, the Municipalities and Bear Lake Wind now agree as follows:

1. **DEFINITIONS AND INTERPRETATION**

1.1 Capitalized terms used in this Agreement shall have the meaning ascribed to such terms in the recitals above or in this Section 1.1, unless the context of their use requires otherwise:

- (a) “**Agreement**” means this Community Benefits Agreement;
- (b) “**Arbitration**” has the meaning set out in Section 10.2;

- (c) “**Arbitrator**” has the meaning set out in Section 10.2;
- (d) “**Bear Lake Commercial Operation Date**” means the date on which Bear Lake Wind commences delivering scheduled energy to its offtaker;
- (e) “**Business Day**” means a weekday (Monday to Friday) this is not a “holiday” as defined in the *Interpretation Act* (Nova Scotia);
- (f) “**Chair**” has the meaning set out in Section 8.3;
- (g) “**Contractor**” means any general contractor or subcontractor entering into a contract with Bear Lake Wind to undertake work on, and/or provide goods, products, equipment or services for, the development of the Project;
- (h) “**Dispute**” has the meaning set out in Section 10.1;
- (i) “**Dispute Notice**” has the meaning set out in Section 10.2;
- (j) “**Effective Date**” means the date set out on page 1;
- (k) “**Laws and Regulations**” means any and all applicable laws, statutes, bylaws, rules, regulations, ordinances, codes and orders of any and all governmental authorities (including regulatory bodies) and courts having jurisdiction;
- (l) “**Members**” has the meaning set out in Section 8.2;
- (m) “**Municipal Representatives**” has the meaning set out in Section 8.2(a);
- (n) “**Parties**” means the Municipalities and Bear Lake Wind, and “**Party**” means any one of them, as applicable;
- (o) “**Person**” or any word or expression descriptive of a person, includes any body corporate and politic, association, society, corporation, individual, joint stock company, joint venture, partnership, trust, or unincorporated organization, and their heirs, executors or administrators, or other legal representatives of such person;
- (p) “**Residents**” means all individuals residing in the Municipalities; and
- (q) “**Supplier**” means any business entity that supplies goods, products, equipment or services to Bear Lake Wind or its Contractors for the Project.

2. EMPLOYMENT OPPORTUNITIES - CONSTRUCTION

- 2.1 Bear Lake Wind shall insert language in its contracts with its Contractors engaged in the construction of the Project or obtain letters of undertaking from its Contractors engaged in the construction of the Project, which will require the Contractors to:
- (a) take reasonable steps to publicize, in the Municipalities, employment opportunities in connection with the construction of the Project and give full and fair consideration to Residents who apply for such employment opportunities;
 - (b) provide advanced notification of employment opportunities in connection with the construction of the Project to Residents, through advertisements in media active in the Municipalities;
 - (c) provide for training and hiring programs for Residents of the Municipalities in respect of skills required in connection with the construction of the Project; and
 - (d) work cooperatively with the Municipalities to remove or reduce barriers to employment for Residents by examining all qualifying criteria for jobs identified by the Municipalities to ensure that such criteria do not create unwarranted barriers to employment opportunities for Residents in connection with the construction of the Project.
- 2.2 Bear Lake Wind shall obtain an undertaking from its Contractors to ensure that all Residents hired by such Contractors in accordance with this section 2, shall have the same pay rate and terms and conditions of employment as the other comparable employees of the Contractors hired for similar positions in respect of the construction of the Project.
- 2.3 Bear Lake Wind shall insert the following language in its contracts, purchase orders, request for bids, or other procurement documents with its Suppliers for the construction of the Project:
- “Bear Lake Wind Ltd. is a company that continually tries to achieve the highest standards of social, ethical, environmental, and business practices in all facets of our work. We believe that our strong commitment to corporate social responsibility will not only help our company to prosper but will also help to bring sustainable social and economic benefits to the communities in which we do business. Bear Lake Wind Ltd. seeks out and builds relationships with suppliers who also support and practice corporate social responsibility. In particular, Bear Lake Wind Ltd. wishes to do business with suppliers whose actions and business

principles will contribute to the development of West Hants, Chester and Halifax (the “Municipalities”). To this end Bear Lake Wind Ltd. is working collaboratively with the Municipalities and is committed to creating development opportunities for the Municipalities in connection with the Bear Lake Wind Project. Bear Lake Wind Ltd. encourages its suppliers to register and work with the Municipalities, and challenges its suppliers to engage employees, supplies and contractors from the Municipalities and to otherwise seek to generate social and economic benefits for the Municipalities as a result of their work on the Bear Lake Wind Project.”

- 2.4 On a bi-annual basis, Bear Lake Wind shall inform the Municipalities of the names of the material Suppliers and Contractors it has engaged for the Project, their addresses, and any other information that would help the Municipalities to encourage Suppliers to register with the Municipalities.

3. EMPLOYMENT OPPORTUNITIES - OPERATIONAL

- 3.1 Bear Lake Wind agrees to work with the Municipalities to publicize, in the Municipalities, employment opportunities in connection with the operation of the Project and give full and fair consideration to Residents who apply for such employment opportunities.
- 3.2 Bear Lake Wind shall make commercially reasonable efforts to locate training programs for permanent operational Project employees at locations in the Municipalities.

4. PROXIMITY PAYMENTS WITHIN THE MUNICIPALITIES

- 4.1 Bear Lake Wind shall, as of the Bear Lake Commercial Operation Date, and while the Bear Lake Wind Project is operating, provide a minimum of \$70,000.00 annually (the “**Bear Lake Annual Proximity Payment**”) to residents with civic addresses located within [1.5] kilometers of turbine locations for the Bear Lake Wind Project (the “**Bear Lake Proximity Eligibility Area**”). The Bear Lake Annual Proximity Payment will be distributed pro rata among residents within the Bear Lake Proximity Eligibility Area annually and delivered to civic addresses via cheque. The foregoing amount is based on an 89 MW Project, and will be adjusted pro rata according to final nameplate capacity.

5. COMMUNITY VIBRANCY FUND WITHIN THE MUNICIPALITIES

- 5.1 Bear Lake Wind shall, commencing on the Bear Lake Commercial Operation Date and while the Bear Lake Wind Project is operating, provide a minimum of \$20,000.00 in annual financial support (the “**Bear Lake Community Vibrancy Fund**”) for community development organizations within the Municipalities, which, by way of example, may include, but may not be limited to, organizations focused on the following:
 - Low-income housing
 - Hospital auxiliaries

- Non-profit community groups
- Sport & recreation
- Education

The foregoing amounts is based on an 89 MW Project, and will be adjusted pro rata according to final nameplate capacity.

- 5.2 Allocations of the Bear Lake Community Vibrancy Fund will be determined by Bear Lake Wind in consultation with a committee consisting of representatives of the Municipalities' residents, the Municipalities' Councilors, and Bear Lake Wind. It is the intention of Bear Lake Wind that the Bear Lake Community Vibrancy Fund be allocated to organizations active in the Municipalities, over the long run, in accordance with the proportion of Project wind turbines located in each Municipality.

6. **BURSARY PROGRAM**

- 6.1 Bear Lake Wind shall establish, upon making a final investment decision for the Project, 10 one-time bursaries for residents of the Municipalities who are entering the first year of a post-secondary education in fields relevant to the future personnel needs of Bear Lake Wind (the "**Bear Lake Bursary Program**"). Each bursary will be in the one-time amount of \$5,000.00 and will be awarded in consultation with the Committee described in section 8 based on merit, location of applicants' residence, and the essay described in section 6.2.
- 6.2 To qualify for the Bear Lake Bursary Program, interested students must submit a short (500 words or less) essay identifying their awareness of, and interest in, the future health of our environment and planet. Students are encouraged to provide their personal perspective regarding what a 'Green Future' means to them, and how they may play a role in achieving a 'Green Future'. The students will be required to submit proof of acceptance or enrollment at a qualified post-secondary institution.

7. **BUSINESS AND DEVELOPMENT OPPORTUNITIES**

- 7.1 Bear Lake Wind shall commit to work with Nova Scotia Works and Community Inc. to assess local labour market training and employment opportunities relevant to the skills required in connection with the Project.
- 7.3 Bear Lake Wind shall commit to work with Nova Scotia Works and Community Inc., with direct focus on the Windsor office, to assess pathways to support initiatives relevant to the skills required in connection with the Project.
- 7.4 Bear Lake Wind shall establish a Local Information / Project Office located in one of the Municipalities prior to construction of the Project. This office shall be maintained during construction of the Project.
- 7.5 Bear Lake Wind agrees that it will use commercially reasonable efforts to hold site progress

meetings that are to be held in-person in the Municipalities related to the development of the Project, its construction and operation, within the Municipalities.

- 7.6 Bear Lake Wind agree that it will use commercially reasonable efforts to conduct site visits and provide progress updates in respect of the Project for residents and Municipal Councillors of the Municipalities during Project construction and operations.
- 7.7 Bear Lake Wind agrees that it will present to high schools and education institutions within the Municipalities on wind energy and green fuels production.
- 7.8 Bear Lake Wind shall ensure that all notices and advertisements by Bear Lake Wind related to the Project that are required by any governmental or regulatory body shall be made in media active in the Municipalities.
- 7.9 Bear Lake Wind (or an affiliate thereof) will maintain membership in the Avon Chamber of Commerce.
- 7.10 Bear Lake Wind acknowledges and agrees that the municipal tax revenues from the development of the Project, which are anticipated to be in excess of **\$30,939,672.40** over the life of the Project (the calculation of this estimate is set out in Schedule “A” hereto), are part of the benefit to the Municipalities and to the community as contemplated in this Agreement. Bear Lake Wind agrees to pay all municipal property taxes in accordance with the assessments as determined by the Property Valuation Services Corporation of Nova Scotia, subject to all rights of appeal thereto, and will not seek any legislation by the Province of Nova Scotia capping or reducing the amount of municipal property tax payable with respect to the Project or any part thereof.

8. MONITORING

- 8.1 The Parties shall establish a “Community Benefits Agreement Oversight Committee” (the “**Committee**”) to:
 - (a) advise Bear Lake Wind with respect to the implementation of this Agreement;
 - (b) advise Bear Lake Wind with respect to the provision of the community financial support contemplated in Section 4, 5, and 6 of this Agreement;
 - (c) facilitate ongoing dialogue and cooperation between the Municipalities and Bear Lake Wind in respect of this Agreement and the Project; and
 - (d) develop such practices, procedures, and policies as are needed to fulfill its mandate.

- 8.2 The Committee shall be comprised of only the following members (“**Members**”):
- (a) one representative appointed by the Councils of each of Halifax and Chester and two representatives appointed by the Council of West Hants (collectively, the “**Municipal Representatives**”); and
 - (b) two representatives from Bear Lake Wind.
- 8.3 One of the Municipal Representatives, as chosen by the Municipalities, will chair all meetings (the “**Chair**”).
- 8.4 The Chair, in consultation with other Members, shall establish the meeting times, and shall, upon the written request of any two Members, call a meeting. Except with the consent of all the Members a minimum of 48 hours of notice will provided for all meetings.
- 8.5 Bear Lake Wind agrees to provide to the Municipalities, quarterly written reports during the construction phase of the Project, outlining the steps taken to comply with its employment, supplier and training commitments set out in this Agreement.
- 8.6 Commencing on the Commercial Operation Date, Bear Lake Wind shall provide annual reports to the Municipalities outlining the steps taken to comply with its commitments set out in this Agreement.

9. **NOTICES**

- 9.1 All notices and other communications under this Agreement shall be sufficiently given if sent by e-mail, courier or registered mail to the following addresses:

To West Hants:

Chief Administrative Officer of West Hants
76 Morison Dr.
Windsor, NS B0N 2T0

To Chester:

Chief Administrative Officer of Chester
151 King Street
Chester, NS B0J 1J0

To Halifax:

Chief Administrative Officer of HRM
1841 Argyle St.
P.O. Box 1749
Halifax, NS, B3J 3A5

To Bear Lake Wind:

1969 Upper Water Street, Suite 2101
Halifax, Nova Scotia
B3J 3Y5
Attention: Trent Vichie
e-mail: trent.vichie@everwindfuels.com

Or at such other addresses in Nova Scotia as any Party may, in writing, advise the others.

Any notice or other communication shall be deemed to have been given and received, if delivered or sent by e-mail, courier or registered mail, on the Business Day on which it is received if received prior to 4:00 p.m. (Atlantic Time) and, if received after 4:00 p.m. on such Business Day, shall be deemed to have been received on the next Business Day.

10. DISPUTE RESOLUTION

- 10.1 This Article 10 will apply to any dispute arising out of or relating to this Agreement (a “**Dispute**”)
- 10.2 In the event of a Dispute, within ten (10) days following the delivery of a written request by a Party (a “**Dispute Notice**”), each Party to the Dispute shall nominate a senior officer with authority to irrevocably bind such Party to a resolution of the Dispute. Within ten (10) Business Days after delivery of a Dispute Notice, the senior officers for the Parties to the Dispute shall negotiate in good faith to resolve the Dispute. If the Parties to the Dispute are unable to resolve the Dispute in accordance with this Section 10.2 within fifteen (15) Business Days following delivery of the Dispute Notice, the Parties to the Dispute shall submit the Dispute to binding arbitration and shall otherwise conform to the requirements set forth below.
- (a) The Dispute shall be submitted to arbitration by one arbitrator pursuant to the Arbitration Rules of the procedure set forth in this Section 10.2 and pursuant to the ADRIC Arbitration Rules of the ADR Institute of Canada (“**Arbitration**”). If the provisions of this Section 10.2 are inconsistent with the ADRIC Arbitration Rules, the provisions of this Section 10.2 shall prevail to the extent of such inconsistency.

- (b) A Party may make a demand for Arbitration by sending a notice in writing to the other Party or Parties to the Dispute, setting forth the nature of the Dispute, the amount involved and the name of the arbitrator it proposes to be appointed.
- (c) Within fifteen (15) Business Days after any demand for Arbitration under Subsection 10.2(b), the Parties shall agree on the designation of the arbitrator and should the Parties fail to do so, the arbitrator shall be appointed by a judge of competent jurisdiction upon motion of any Party to the Dispute (the “**Arbitrator**”).
- (d) Arbitration hearings shall be held in Halifax, Nova Scotia or as otherwise agreed by the Parties, and shall commence no later than thirty (30) days after the appointment of the Arbitrator. The decision of the Arbitrator shall be made not later than sixty (60) days after the Arbitrator’s appointment. The decision of the Arbitrator shall be final, without appeal, and be binding on the Parties to the Dispute.
- (e) Unless otherwise provided by the Arbitrator in his or her award, each Party shall bear the costs and expenses of all lawyers, consultants, advisors, witnesses and employees retained by it in any Arbitration, and the expenses and fees of the Arbitrator shall be paid equally by the Parties to the Dispute.

10.3 Notwithstanding the existence of a Dispute, and until the Arbitrator renders a decision, each Party shall be obligated to fulfill its obligations and continue its performance in accordance with the terms hereof.

11. GENERAL PROVISIONS

- 11.1 The Parties covenant and agree that, notwithstanding any other provisions of this Agreement to the contrary, they shall each, in performing their obligations under this Agreement, comply with all applicable laws and regulations.
- 11.2 This Agreement may not be modified or amended except by an instrument in writing of equal formality as this Agreement executed by the Parties or by their successors or assigns.
- 11.3 All obligations under this Agreement, which by their nature require fulfillment or performance following the expiry or earlier termination of this Agreement, shall survive such expiry or earlier termination.
- 11.4 Nothing in this Agreement shall derogate from the obligations of Bear Lake Wind under any other agreement(s) with the Municipalities or prejudice or affect the Municipalities’ powers, duties or obligations in the exercise of their functions pursuant to the *Municipal Government Act*, as amended from time to time and the rights, powers, duties and

obligations of the Municipalities under all public and private statutes, bylaws, orders and regulations which may be, if the Municipalities so elects, as fully and effectively exercised as if this Agreement had not been executed and delivered.

- 11.5 This Agreement and the rights and duties of the Parties hereunder shall be interpreted, performed, and enforced in accordance with the laws of the Province of Nova Scotia, without regard to the principles of conflicts of law and, Subject to Article 8, any suit, action or proceeding relating to or arising out of this Agreement shall be brought solely in the courts of the Province of Nova Scotia.
- 11.6 No Party shall assign its interest under this Agreement without the prior written consent of the other parties, which shall not be unreasonably withheld, delayed or conditioned.
- 11.7 The Parties acknowledge that this Agreement shall extend to, be binding upon, and enure to the benefit of the Parties and their successors and permitted assigns.
- 11.8 The Parties agree that nothing in this Agreement shall serve to create any agency, employment or other master and servant relationship, partnership or joint venture relationship, or fiduciary relationship amongst the Municipalities and Bear Lake Wind and accordingly, none of the Parties is or will be deemed to be, partners, appointees, employees or agents of any other Party. No Party shall represent to anyone that:
 - (a) it has any authority to bind any other Party to this Agreement in any way;
or
 - (b) it is an agent of any Party to this Agreement.
- 11.9 No failure by a Party to enforce any right under this Agreement at any time or times shall operate as a waiver of such Party's rights in respect of any continuing or subsequent breach of this Agreement or so as to defeat or affect in any way the rights of such Party in respect of a continuing or subsequent breach by the other Party(ies) and no waiver shall be inferred from or implied by anything done or omitted by such Party unless expressed clearly as a waiver in writing of such a right.
- 11.10 If any provision of this Agreement is held to be invalid, illegal, or unenforceable, then such provision shall be deleted from this Agreement and the remaining provisions shall continue in full force and effect. The Parties shall in good faith negotiate a mutually acceptable and enforceable substitute for the invalid, illegal, or unenforceable provision, which substitute shall be as consistent as possible with the original intent of the Parties.
- 11.11 Wherever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate wherever the context or the parties so require.

- 11.12 This is the entire Agreement among the Parties in respect of the subject matter hereof. No prior statement or correspondence shall modify or affect the terms and conditions hereof. Prior representations, promises, warranties or statements by a Party, or by any agent or employee of a Party, that differ in any way from the terms and conditions hereof shall be given no effect.
- 11.13 This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which shall constitute one instrument.

IN WITNESS WHEREOF the Parties have executed this Agreement as of the Effective Date:

WEST HANTS REGIONAL MUNICIPALITY, by its authorized signatories:

per: _____

per: _____

THE MUNICIPALITY OF THE DISTRICT OF CHESTER, by its authorized signatories:

per: _____

per: _____

HALIFAX REGIONAL MUNICIPALITY, by its authorized signatories:

per: _____

per: _____

BEAR LAKE WIND LTD., by its authorized signatory:

per: _____

Name:

Title:

SCHEDULE “A” CALCULATION OF MUNICIPAL TAX PAYMENTS

The following is an estimate of the property taxes anticipated to be payable to the municipalities in which the Project is located, based on the assumptions set out below, and the provisions of the *Wind Turbine Facilities Municipal Taxation Act* (the “Act”) as they currently stand. These amounts are estimates only.

Assumptions

- The aggregate nameplate capacity of the Project will be 89 MW
- The first year the Project will be commissioned for at least six months will be 2025
- The useful life of the Project will be 35 years
- The Consumer Price Index to be applied is the Consumer Price Index, annual average, not seasonally adjusted (Statistics Canada table 18-10-0005-01) (“CPI”)
- CPI will increase by 3% in 2023 and 2024, such that CPI will be 160.41 as of the end of 2024

Analysis

The wind turbine facilities and related equipment, devices and structures comprising the Wind Farms are not subject to municipal property tax under the *Assessment Act*, but rather, they are taxed pursuant to the Act.

Sections 5(5) to 5(7) of the Act set out the municipal tax obligation for new wind turbine facilities. Section 5(5)(b) specifies the tax obligation for the first municipal taxation year:

where it is the 2007-08 or a subsequent municipal taxation year, the wind turbine facility tax rate is \$5,500.00 per megawatt plus a percentage of \$5,500.00 equal to the percentage increase in the Consumer Price Index for Canada at the end of the calendar year ending in the immediately preceding municipal taxation year relative to the Consumer Price Index for Canada at the end of the 2005 calendar year.

Under the above section, a wind turbine facility that is first taxed in 2025 would be taxed at the base \$5,500.00 per megawatt, plus the percentage change in the CPI since 2005. CPI at the end of 2005 was 107.0, and is assumed to be 160.41 at the end of 2024. This represents a 49.92% increase in the CPI, thus an additional \$2,745.60 would be added on top of the base rate of \$5,500.00 for a total tax of **\$8,245.60 per megawatt** for that year.

The first municipal taxation year in which a wind turbine facility is taxed will be the municipal taxation year in which the wind turbine facility has been commissioned for at least six months, as set out in s. 5(6) of the Act:

(6) Where in the first municipal taxation year in which a wind turbine facility is taxed the taxes on the initial nameplate capacity are for only part of the municipal taxation year, the tax is the same for the second municipal taxation year.

If the first municipal taxation year is less than a full year, taxes are prorated based on the number of days remaining in such municipal taxation year after commissioning, and are the same in the first full municipal tax year thereafter. After the first full municipal taxation year, the rate increases by one percent of per year, pursuant to section 5(7) of the Act.

The Act does not provide for any sharing of the municipal taxes payable thereunder with the Province – all such taxes accrue to the relevant municipality.

Pursuant to Section 8 of the Act, where a wind turbine facility crosses municipal boundaries such that it is located in two or more municipalities, the taxes payable pursuant to the Act are to be shared by the municipalities based on the proportion of the construction costs of the portion of the facility that is in each municipality.

It is important to note that the land on which the wind turbine facility is located, and any roads and buildings on the lands are taxed separately, in accordance with the regular municipal property tax requirements in the Province, as set out in section 4(2) of the Act. Such taxes are in addition to the taxes paid pursuant to the Act.

Calculation

\$8,245.60 per MW x 89 MW = \$733,858.40 in municipal taxes for first full year of operation.

Stub	\$366,929.20
1	\$733,858.40
2	\$741,196.98
3	\$748,608.95
4	\$756,095.04
5	\$763,655.99
6	\$771,292.55
7	\$779,005.48
8	\$786,795.53
9	\$794,663.49
10	\$802,610.12
11	\$810,636.23
12	\$818,742.59
13	\$826,930.01
14	\$835,199.31
15	\$843,551.31
16	\$851,986.82
17	\$860,506.69
18	\$869,111.76

19	\$877,802.87
20	\$886,580.90
21	\$895,446.71
22	\$904,401.18
23	\$913,445.19
24	\$922,579.64
25	\$931,805.44
26	\$941,123.49
27	\$950,534.73
28	\$960,040.07
29	\$969,640.47
30	\$979,336.88
31	\$989,130.25
32	\$999,021.55
33	\$1,009,011.77
34	\$1,019,101.88
35	\$1,029,292.90
Total	\$30,939,672.40

Attachment F
Environmental Assessment Approval and Terms and Conditions



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

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

File number: 40100-30-338

December 13, 2023

Mark Savory, Executive Vice President, Project Delivery
Bear Lake Wind Power Project
c/o EverWind Fuels Limited
1969 Upper Water Street, Suite 201
Purdy's Wharf II
Halifax, NS B3J 2V1

Dear Mark Savory:

RE: Environmental Assessment – Bear Lake Wind Limited - Bear Lake Wind Power Project - Hants, Halifax and Lunenburg Counties, Nova Scotia

The environmental assessment of the proposed Bear Lake Wind Power Project in Hants, Halifax and Lunenburg Counties, Nova Scotia has been completed.

This letter is to advise that I have approved the above project in accordance with Section 40 of the Nova Scotia *Environment Act*, S.N.S., 1994-95 and subsection 13(1)(b) of the Environmental Assessment Regulations, N.S. Reg. 348/2022, made under the Act. Following a review of the information provided by Bear Lake Wind Limited, and the information provided by the Mi'kmaq of Nova Scotia, and the public during consultation on the environmental assessment, I am satisfied that any adverse effects or significant environmental effects of the undertaking can be adequately mitigated through compliance with the attached terms and conditions.

In your Environmental Assessment Registration Document, you identified that much of your project is on Crown land which will require a Crown land lease. It will be important that you work with the Department of Natural Resources and Renewables to address and mitigate any impacts that may arise from your project given the naturally occurring uranium in the area.

If you have any questions regarding the approval of this project, please contact Bridget Tutty, Manager, Environmental Assessment Branch, at (902) 452-7891 or via email at Bridget.Tutty@novascotia.ca.

Sincerely,

Honourable Timothy Halman, MLA
Minister of Environment and Climate Change

Encl.

cc: Bridget Tutty, Environment and Climate Change

Environmental Assessment Approval

Approval Date: December 13, 2023

BEAR LAKE WIND PROJECT

Bear Lake Wind Limited
Hants, Lunenburg and Halifax Counties, Nova Scotia

Terms and Conditions for Environmental Assessment Approval

1 Definitions

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

Nova Scotia Environment and Climate Change
Western Region, Kentville Office
136 Exhibition Street, Halifax NS B4N 4E5
Phone: 902-679-6086 Fax: 902-679-6186
- 1.3 Minister means the Minister of Environment and Climate Change.
- 1.4 Commencement means the same as to commence work, as defined in the Environmental Assessment Regulations.
- 1.5 EA means Environmental Assessment.
- 1.6 Surface watercourse means a watercourse as defined in the Environment Act, excluding groundwater.
- 1.7 Registration Documentation means the Registration Document and all documentation submitted as part of the EA process to the Department prior to the issuance of this approval as well as any supporting documentation.

2 Scope

- 2.1 This Approval (the "Approval") relates to the Approval Holder(s) and their Registration Documentation for the Bear Lake Wind Power Project, situated near Upper Vaughan, and within the counties of Hants, Halifax and Lunenburg, Nova Scotia, hereafter referred to as the "Project."
- 2.2 The Approval Holder(s) shall ensure the Project is carried out in accordance with this Approval and their Registration Documentation.

3 General

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

ownership of the Approval Holder(s). It is the responsibility of the Approval Holder(s) to ensure that such a contravention does not occur. Failure to retain said authorization may result in this Approval being cancelled or suspended.

- 3.8 The Approval Holder shall not transfer, sell, lease, assign or otherwise dispose of this Approval without the written consent of the Minister. The sale of a controlling interest of a business or a transfer of this Approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.
- 3.9 Upon any changes to the Registry of Joint Stock Companies information related to the Approval Holder, the Approval Holder shall provide a copy to the Department within 5 days of the changes.
- 3.10 If there is a discrepancy between the Registration Documentation and the terms and conditions of this Approval, the terms and conditions of this Approval shall apply.
- 3.11 Where a timeline is associated with a condition(s) of the Approval, the Approval Holder shall fulfil the requirements of the condition(s) within the prescribed timeline, unless otherwise authorized in writing by the Department.
- 3.12 Where the provision of a plan is associated with a condition(s) of the Approval, the Approval Holder may submit the plan in phases, with the written consent of the Department, and shall fulfil the requirements of the condition(s). Where consent is provided in accordance with this section, work associated with and subject to a particular phase of a plan may only continue to the extent where the relevant phase(s) of the plan are complete.
- 3.13 The Approval Holder shall notify the Department of any incidents of non-compliance with this Approval immediately and in accordance with the Act and Regulations.
- 3.14 The Approval Holder shall bear all expenses incurred in carrying out the environmental management and monitoring required under the terms and conditions of this Approval, the Act or the Regulations.
- 3.15 Unless specified otherwise in this Approval, all samples required to be

collected by this Approval, the Act or the Regulations shall be collected, preserved, and analysed, by qualified personnel, in accordance with recognized industry standards and procedures and in accordance with any Standard under the Act or Regulations.

- 3.16 The Approval Holder shall ensure that this Approval, or a copy, is present at the Project site while personnel are on site and that personnel directly involved in the Project are made fully aware of the terms and conditions which pertain to this Approval.
- 3.17 The Approval Holder shall update and/or revise any of the plans, programs or other documents required in this Approval to reflect the progressive development of the Project, and at any time deemed necessary by the Department. The Approval Holder shall make the documents available upon request by the Department.
- 3.18 Throughout the life of the Project, the Approval Holder shall conduct any additional studies or monitoring and/or implement additional mitigation measures as required by the Department.
- 3.19 The Approval Holder shall provide to the Department a summary table detailing the results of the monitoring required in this Approval, or otherwise completed for the Project, on or before January 31 of each year until released in writing by the Department.

4 Project Design and Operation

- 4.1 Prior to road construction and/or upgrades, the Approval Holder shall submit an updated shadow flicker assessment, noise modelling (including background/baseline noise), and the final turbine selection/placement to the Department. The updated modelling must include specifications from final selected turbines and demonstrate compliance with this Approval.
- 4.2 The Approval Holder shall be responsible for the costs of any third-party review of plans, reports, or monitoring results deemed necessary by the Department over the life of the Project.

5 Water Resources

- 5.1 The Approval Holder shall not conduct any Project activities, construct a turbine, or remove vegetation within 30 metres of a surface watercourse

and/or a wetland unless otherwise authorized in writing by the Department.

- 5.2 Prior to road construction and/or upgrades, the Approval Holder shall submit a surface water management plan to the Department. This plan shall identify potential effects from construction of roads or other Project components on local surface water drainage patterns and identify mitigation measures for the protection of wetlands and surface watercourses. This plan shall be developed by a qualified professional engineer, hydrogeologist or geoscientist licensed to practice in the Province of Nova Scotia.
- 5.3 Prior to commencement, the Approval Holder shall submit a detailed sediment and erosion control plan to the Department. The plan shall include all clearing, grubbing, and stripping required for the Project and shall be designed by a professional engineer licensed to practice in Nova Scotia.
- 5.4 The Approval Holder shall immediately contact the Department should sulphide bearing material be encountered on the Project site, and at the request of the Department, develop and implement a plan to manage the sulphide bearing material.
- 5.5 Prior to blasting, the Approval Holder shall submit a blasting plan to the Department. The plan shall include completed pre-blast surveys and a water quality analysis for each water well within 800m of the point of blast that includes, but is not limited to, analyses for uranium and arsenic.
- 5.6 The Approval Holder, at their expense, shall replace any water supplies lost or damaged resulting from Project operations, as authorized and required by the Department.
- 5.7 The Approval Holder shall immediately contact ECC and NRR – Geosciences and Mines Branch should elevated levels of uranium mineralization be encountered on the Project site, and at the request of the Department, develop and implement a plan to manage the uranium mineralization.

6 Habitat, Flora and Fauna

- 6.1 Prior to commencement, the Approval Holder shall provide the Wildlife Division and Regional Services, NRR with digital way points and shape files revealing precise locations for wetlands, and species listed under the

Species at Risk Act (SARA) and/or Endangered Species Act (ESA), as well as Species of Special Concern (SOCC) (i.e. species assessed by the Committee on the Status of Endangered Wildlife in Canada as at risk, but not listed under SARA or ESA, and all S1, S2 and S3 listed species under the Atlantic Canada Conservation data Centre) identified during field work. The data provided to NRR shall include, at minimum, the date of the field observations and habitat description.

- 6.2 Prior to commencement, the Approval Holder shall submit a Wildlife Management Plan to ECC, NRR and Environment and Climate Change Canada (ECCC). The plan must describe how the Approval Holder intends to meet the requirements of relevant federal and provincial legislation, including but not limited to, *ESA*, the *Migratory Birds Convention Act* and *SARA*.
- 6.3 The Approval Holder shall complete baseline field surveys for turtles in spring 2024. Mitigation measures shall be employed to protect turtle habitat should clearing proceed prior to baseline surveys and could include clearing exclusion zones. The Approval Holder shall provide details of mitigation measures, methods and results of surveys to NRR.
- 6.4 The Approval Holder shall complete baseline field surveys for Mainland Moose over winter 2023/2024. The Approval Holder shall provide methods and results of surveys to NRR.
- 6.5 Prior to construction of turbine(s) the Approval Holder must develop and submit to NRR and ECC a monitoring program for Mainland Moose for not less than two years. The program shall be implemented from the time the turbines become operational.
- 6.6 Prior to the time turbine(s) become operational, the Approval Holder must complete an additional year of baseline field bird studies and submit results to ECC, NRR and ECCC to inform future monitoring and mitigation planning.
- 6.7 Prior to the time turbine(s) become operational, the Approval Holder must complete an additional year of baseline field bat studies and submit results to ECC, NRR and ECCC to inform future monitoring and mitigation planning.

- 6.8 Prior to the time turbine(s) become operational the Approval Holder must develop a mortality monitoring program for birds and bats for not less than two years and submit to NRR and ECCC. The program shall include associated reporting requirements and be implemented from the time turbine(s) become operational.
- 6.9 Prior to construction of turbine(s) the Approval Holder must develop and submit to ECC, NRR and ECCC an Adaptive Management Plan that includes a decision-making process to mitigate potential project impacts to bird and bat species, and the associated reporting requirements. The Plan shall be implemented from the time turbine(s) become operational. Additional mitigation measures may be required by the Department.

7 Air Quality, Noise and Visual Impact

- 7.1 The Approval Holder shall ensure that operational noise levels at any permanent or seasonal receptors do not exceed 40 dBA. At the request of the Department, The Approval Holder shall retain a qualified person to develop a plan to monitor noise in accordance with the Department's "Guidelines for Environmental Noise Measurement and Assessment, 2023", as amended from time to time. The plan shall be submitted to the Department and implemented upon request.
- 7.2 The Approval Holder shall ensure that all noise emissions meet sound levels limits specified in the Nova Scotia Environment and Climate Change "Guidelines for Environmental Noise Measurement and Assessment" (2023), as amended from time to time.
- 7.3 The Approval Holder shall ensure that shadow flicker does not exceed the shadow flicker limits of 30 minutes per day, or 30 hours per year, at any permanent or seasonal receptor.
- 7.4 At the request of the Department, the Approval Holder shall develop and implement a plan to monitor shadow flicker under varying seasonal conditions. The plan shall include sampling locations, parameters, monitoring methods, protocols and frequency.

8 Archaeological and Heritage Resources

- 8.1 The Approval Holder shall cease work and contact the Special Places

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

- 8.2 Prior to road construction and/or upgrades, or any associated ground disturbance activities the Approval Holder shall complete the Archaeological Resource Impact Assessment (ARIA) for Heritage Research Permit A2023NS156, as described in the Registration Documentation. The report shall be made available to CCTH and ECC.
- 8.3 Prior to road construction and/or upgrades, or any associated ground disturbance activities, the Approval Holder shall complete a program of subsurface testing for any areas of elevated archaeological potential identified under Heritage Research Permit Report A2023NS156, that cannot be avoided in the course of development. Results shall be submitted to CCTH and ECC prior to construction to determine if further archaeological monitoring is required during ground disturbance activities of these areas.

9 Public Engagement

- 9.1 Prior to commencement, the Approval Holder shall develop and implement a comprehensive complaint resolution plan for receiving and responding to complaints related to the Project. The plan will include, but not be limited to, a reporting system which records all complaints received, sets out a timeline for responding to complaints and establishes a recording system that details all corrective measures taken to alleviate the cause and prevent its recurrence. The plan shall be made available to the Department upon request.
- 9.2 Prior to commencement, the Approval Holder shall appoint a contact person designated to deal with complaints and shall provide the contact information to the Department.
- 9.3 At the request of the department, the Approval Holder shall develop and implement a plan for the formation and operation of a Community Liaison

Committee (CLC) including terms of reference, which meet the Department's Guide for the Formation and Operation of a Community Liaison Committee, as amended from time to time. The Approval Holder shall operate the CLC for the duration of the Project or until released in writing by the Department.

10 Engagement with the Mi'kmaq of Nova Scotia

- 10.1 Prior to commencement, the Approval Holder shall develop and implement a Mi'kmaq Communication Plan, which will include, but not be limited to, a process for communicating Project details and seeking input from the Mi'kmaq of Nova Scotia on the development and implementation of Project mitigation and monitoring plans. The plan shall be updated regularly and be available to the Department and the Mi'kmaq of Nova Scotia upon request.
- 10.2 Prior to road construction and/or upgrades, or any associated ground disturbance activities, the Approval Holder shall complete the Mi'kmaq Ecological Knowledge Study (MEKS) for the Project, as described in the Registration Documentation. The MEKS shall be provided to the Department and the Mi'kmaq of Nova Scotia.

11 Contingency Plan

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

12 Rehabilitation

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



Honourable Timothy Halman, MLA
Minister of Environment and Climate Change

Attachment G
Public Information Meeting Notes



Public Information Meeting Notes

April 8 – 22, 2024

Development Agreement: Bear Lake Wind farm, Vaughan; File 24-03

<p>Meeting date and time</p>	<p>A public information meeting was held on April 8, 2024, beginning at 6:00 p.m. in Council Chambers at 76 Morison Drive in Windsor.</p>
<p>Attending</p>	<p>In attendance:</p> <ul style="list-style-type: none"> • Mayor Zebian, Chair <p>Three (3) members of staff:</p> <ul style="list-style-type: none"> • Senior Planner, Mark Fredericks • Director of Planning and Development, Sara Poirier • Planning Administrative Assistant Vanessa Lake <p>Applicants and presenters:</p> <ul style="list-style-type: none"> • Mark Stewart (RES) • Brendan Chard (EverWind) • Jeff Bonazza (EverWind) • Dr. Chris Ollsen (OEHM) • Graham Marshall (Membertou) • Andrew Woods (RES) • Shawn Duncan (Strum) <p>Council members:</p> <ul style="list-style-type: none"> • Ed Sherman • Bob Morton • Debbie Francis • John Smith • Jim Ivey <p>PAC members:</p> <ul style="list-style-type: none"> • Paul Beazley (Zoom) <p>Eighty (80) members of the public attended the meeting.</p>
<p>Applicants Andrea Cosman and Mark Stewart, Bear Lake Wind Ltd.</p>	<p>Planner Fredericks outlined the request for a development agreement for Bear Lake Wind Ltd. to permit 11 large scale wind turbines across multiple properties in Mill Section,</p>

<p>Properties</p> <p>Multiple vacant properties in Mill Section, Vaughan and Upper Vaughan. PIDs include: 45060068, 45399540, 45399573, 45399532, 45060076, 45060092, 45061694, 45062957, 45399557, 45399581, 45401833, 45401841, 45401858, 45042660, 45042694</p>	<p>Vaughan and Upper Vaughan on lands owned by the Province of Nova Scotia and Atlantic Star Forestry. The planning process was reviewed, including the criteria used to evaluate the development agreement.</p> <p>The applicants provided a formal presentation. Graham Marshall, a Council member Membertou First Nations, spoke about the project as the majority owner. He described how wind turbine development is an opportunity to co-succeed together by enabling a cleaner, greener energy system for future generations. Mark Stewart and team members presented specific sections of the project. Braden Chard described how the energy would be utilized by EverWind in their Green Hydrogen and Green Ammonia production facility in Point Tupper, Nova Scotia. Mark Stewart presented details of the full Bear Lake Wind project that spans across 2 other municipalities, including HRM and the District of Chester. He described how the location has high wind resources and is in close proximity to Nova Scotia Power transmission lines which makes the location well suited for wind development. He also outlined the past public engagement sessions that were held between August and December of 2023 and the continued open office hours in the local schoolhouse. Jeff Bonazza described the efforts to locate the development on existing road networks and to minimize impact on the environment by doing everything they can to avoid areas of old growth forests and wetlands. Mr. Bonazza also described the monitoring and baseline studies required for moose, turtles and birds and the other Environmental Assessment requirements for a contingency plan, archeology and complaint resolution plan. Dr. Chris Ollsen spoke on the health impacts of wind turbines and the research done by Health Canada which supports the 1 km setback being a reasonable distance to maintain from homes. The Nova Scotia sound level of 40dBa measured at the outside of dwellings are some of the most strict noise requirements. The Nova Scotia Environmental Assessment also regulates shadow flicker to a maximum of 30min/day</p>
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	<p>and 30hours/year and Dr. Ollsen described these impacts are most often intermittent and not continual as the sun moves through the day and at different angles through the year. At 7:25 p.m. the floor was opened to the public for comments and questions.</p>
<p>Comments</p>	<p>20 members of the public spoke at the Public Information Meeting and 61 individuals submitted written comments via email. The questions and comments from the public are summarized below. Email responses are attached. Staff responses are included in purple.</p> <ul style="list-style-type: none"> • Colin Hines asked about the proposed substation and how the transmission lines may pass over his land as he has not had any correspondence about this possible impact. Mr. Hines shared concerns about uranium, deer hunting and the insignificance of the job creation to the area. • Karen Wallace shared her concern about the noise impact of wind turbines and demonstrated noise impact with a sound recording. • Tony Murphy asked why wind turbines cannot be located on top of buildings or offshore. • A resident described the spirit of the forest and the lessons of nature that may be lost if the wilderness is not protected. • Patricia shared her decision to move to the Falls Lake area and her surprise to find windmills surrounding her. She is concerned about the potential impact on lake water quality. • Seamus Marriot highlighted how the local residents are the ones most impacted by the installation of wind turbines. He shared health and property value concerns, infrasound concerns, information about wind turbine syndrome, and asked how the Municipal Planning Strategy criteria about visual intrusion will be answered. Mr. Marriot also discussed the volume of concrete required for the base of each turbine and questioned

the Province relying on the studies done by the applicants.

- Beth Brown-Carver described her intention to leave land to her children and her concerns about the potential loss of value of the land if turbines are built. Ms. Brown-Carver noted concerns about fire protection equipment and the impact of wind turbines on local community members with autism and PTSD. Ms. Brown-Carver suggested that setbacks should be measured to property lines, not dwellings, and suggested an independent review.
- Jamie Pothier spoke about the electric vehicle market slowing down and linked this to a potential parallel with wind energy generation. He asked about the carbon input required to build and install each large turbine. Mr. Pothier suggested other locations for turbines, expressed how the residents will be most impacted, and spoke about concerns of land impacts and hunting/wildlife.

Mark Stewart responded that approximately 2% of the land is used for turbines, and the rest of the land is left for nature. He added that decommissioning includes the removal of concrete 2 m below grade.

- Linda Moxen-Skinner shared her thanks to the applicants to recognize the concerns expressed during previous public consultations that requested another road access for the residents of Chalet Hamlet.
- Tara Sisco shared the devastation of losing a child during the 2023 flood and her conflict between addressing climate change and protecting the natural value of the land in Vaughan. Ms. Sisco spoke to concerns with wells and potential risk as uranium is high in the area.
- Elizabeth Skelhorn asked about the utilization of the power that would be generated.

Brendan Chard described the intention to use the power to contribute to the green hydrogen plant in Point Tupper and that the energy may be shipped to Europe with excess energy being utilized in the local grid.

Ms. Skelhorn asked about impact to wetlands and wells. Jeff Bonazza described the water testing conducted as a baseline and the requirements to re-establish any wells impacted by blasting within 800m.

- John Kennedy shared his concerns with the height of the turbines, property values, and blasting. Mr. Kennedy expressed his belief that the Vaughan area has enough wind turbines already and asked about the power generated and whether it will be for sale.
- David Cameron asked about the Municipal Planning Strategy criteria relating to visual intrusion and how that would be evaluated. Mr. Cameron shared his concern with who is calculating the common good vs. impact on the community and asked about the time for the renewable energy to pay off the embodied energy in the installations.

Mark Stewart responded that the time to offset the embodied energy takes approximately 2 months per turbine.

- Natasha Weatherbee shared her concerns about potential impact on wells, the importance of protecting nature and her lack of trust in the approval process.
- Shirley Walker asked about the contract between EverWind and German purchasers for the potential hydrogen and.
- Steven Hart and Jason Hart asked the applicants team if they would live near turbines, about health and sleep impacts, and commented on the proposed proximity payments. They asked what changes occurred to the site plan following the public engagement and cited their concerns related to fire suppression systems, setbacks in Germany, decommissioning requirements, and property line setback requests that were made. The Hart's also asked about cumulative impact of all other wind projects, and the impact of infrasound on children with autism.

Mark Stewart responded that the layout and site design with main access has been modified and a donation was

	<p>made to the Chalet Hamlet road owners association to support road repairs. Dr. Chris Ollsen disputed wind turbine syndrome and shared how minimal infrasound is expected from wind turbines by making comparisons to infrasound levels in cars and homes.</p> <ul style="list-style-type: none"> • Nancy Durnford asked if the turbines are tested for their ability to handle the wind speeds, and shared concerns with blasting and potential impact on older homes. • Jason Hart asked if the South Canoe turbines were tested as there have been blade failures. • Seamus Marriot asked if Nova Scotia Power would be purchasing the power generated and questioned the financial benefit to rate payers. He also highlighted a change of increasing setbacks in places like Slovakia. • Steven Rafuse spoke about his history of farming in the community with land that backs onto crown land where turbines are proposed. Mr. Rafuse shared his concern about the potential loss of use of the land for his children and concerns about well contamination. • Karen Rafuse spoke about concerns about her autistic daughter and potential impact on the land and risk to wells or their spring fed water source. • Nancy Durnford asked about the proposed second access from Highway 14, the proposed substation, road maintenance and questioned where the transmission lines would be located. <p>Mark Stewart responded that the power lines would potentially follow Armstrong Lake West Road but that Nova Scotia Power still has to provide input.</p> <ul style="list-style-type: none"> • Steven Hart asked about the wetland compensation process and how most of the identified wetlands in the area will be impacted. <p>Jeff Bonazza commented that alteration of 77 wetlands was identified in the Environmental Assessment process and that they have to offset this impact in a 2:1 ratio.</p>
Adjournment	There being no further business, the meeting adjourned at 10:20 p.m.

Public Email Responses Submitted for the Application PIM

March 28, 2024

From: Jason Hart

To: Mark Fredericks

Hello Mark, Thank you for taking my call March 26th 2024 regarding Bear Lake Wind . Could you kindly forward me a copy of the application submitted by Bear Lake ?

Also please provide any staff reports completed to date .

Any documentation you have on this file would be helpful to plan for the upcoming public info session

Thank you in advance

April 2, 2024

From: Mark Fredericks

To: Jason Hart

Hi Jason,

We don't have any staff reports available yet. Once there are staff reports and presentations given, they will be available on our website here:

<https://www.westhants.ca/staff-reports.html>

The application materials are not made available to the public, but I will reach out to the applicants to explore connecting them with you as they may be willing to share this with you.

The best source of information right now is the EA documents available on the Provincial website here:

<https://novascotia.ca/nse/ea/bear-lake-wind-power/>

These include mapping, background info and the approval/conditions that they're required to follow.

I hope this helps. Let me know if you have any questions.

Thanks

Mark Fredericks

Senior Planner

March 30, 2024

From: Kyle Hooper

To: Mark Fredericks

Mark,

I am writing, as a resident on Armstrong Lake, with some questions for the upcoming Bear Lake Wind Project.

Firstly, why was the notice only sent to people within 500ft of the proposed properties? Surely this impacts people farther out than that, if not by statute than perceptually.

I see the project has been reduced from 15 Turbines down to 11, can you confirm this is because they have selected the Turbines they will use now? If so, could you please provide specifications and have the company confirm their modelling was done off this selection.

Most importantly, why are the 4 site locations that have been cut from the plan as part of the reduction, the ones the farthest away from Armstrong Lake? I do not think because they were the cheapest ones to cut as a result of reduced (already planned) infrastructure costs is acceptable here.

Surely with the Noise Modelling, and Flicker charts already so close to those on the south side of the lake they should be airing on the side of caution and keeping the windturbines as far from those houses as possible. Especially wherein they have already designated them viable sites?

Thanks for your time on this matter,

Kyle Hooper

April 2, 2024

From: Mark Fredericks

To: Kyle Hooper

Hi Kyle,

Thanks for reaching out.

- The 500 feet notification area is established in the Municipal Planning process as part of the public participation policy. This distance was established by Council as a suitable distance for notification on planning applications.
- The number of towers is reflective only of the towers within West Hants and not the entire project. There are a few towers that fall outside the southern boundary of the

Municipality and are in the neighboring Municipalities of Halifax and Chester. This is not a reduction in the plan, but a jurisdictional issue where West Hants can only address the towers within our boundary.

- I'm in touch with the applicants to confirm the modeling was done based on their selected turbine types and will follow up with you shortly.

Thanks

April 4, 2024

From: Mark Fredericks

To: Kyle Hooper

Hi Kyle,

I am following up on my previous email.

We have spoken with the applicants who provided the following information about the modeling and turbine selection, along with relevant details from the provincial Environmental Assessment.

Thanks

-

For sound and shadow flicker modelling, the details of the methodologies are included in the EA registration document ([link](#)), which was approved by the Minister of Environment and Climate Change.

Turbine Technology

The proponent has chosen the same technology of turbines that were used in noise and shadow flicker modelling (excerpt from the EA is included below)

- "For the purposes of this EA's noise and shadow flicker modelling, the Nordex N163 5.9 MW wind turbine generator was selected"

Conservative Modelling

An excerpt from the EA is included below (emphasis added):

- "Assessment Scenario A was conducted using the WindPRO version 3.5.552 software package, which assumes that all the criteria listed in Section 10.3.1 are always met."

- "Assessment Scenario A uses highly conservative assumptions, resulting in modelled conditions that are not possible to occur in practice."

- "For shadow flicker to occur, the following criteria must be met:

- o The sun must be shining and not be obscured by clouds/fog.
- o The source turbine must be operating.
- o The wind turbine must be situated between the sun and the shadow receptor.

- o The wind turbine must be facing directly towards, or away from, the sun such that the rotational plane of the blades (i.e., rotor plane) is perpendicular to the azimuth of incident sun rays. For this to occur, the wind direction would have to be parallel to the azimuth of the incident sun rays throughout the day.
- o The line of sight between the turbine and the shadow receptor must be clear. Light impermeable obstacles, such as vegetation, tall structures, etc., will prevent shadow flicker from occurring at the receptor.
- o The shadow receptor has to be close enough to the turbine to be in the shadow.”

Provincial sound and shadow flicker guidelines are science-based and the proponent, based on conservative modelling, is meeting the guidelines. The proponent has indicated interest in engaging in a discussion reviewing scientific literature and modelling, and has provided contact info: info@bearlakewind.com

Specific turbine specs include:

Turbine Model	Nordex N163 5.9MW
Hub Height	Up to 125 m
Blade Length	Up to 81.5 m

Source: <https://www.nordex-online.com/en/product/n163-6-x/>

April 2, 2024

From: Elizabeth Skelhorn

To: WHRM Council, Mark Fredericks, Mark Phillips, Alex Dunphy, Shelleena Thornton

Hello

Mayor Zebian

and West Hants Councillors

In view of the Bear Lake Wind Farm and concerns of nearby communities, it is most important that residents be taken seriously.

The request for the by-law for adjusting windmill setbacks to 4kms may seem like it shuts out future wind opportunities in West Hants . However that should not be the basis for making a decision for set back of only 2 km . You are making a decision that can affect property values of your residents and impact their wellbeing. Money cannot be the only factor to consider.

Our world has changed and hopefully we have learned lessons from the past.

Please take great care to listen to your residents. I live in Windsor but have also lived in Windsor Forks and family in Mill Section. Not all councillors are as familiar with the area. It is important to those who have lived there for their lifetime and their families.

Thank you for your service and attention to this area.

Regards

Elizabeth Skelhorn

April 2, 2024

From: Karen Rafuse

To: Vanessa Lake

To whom this may concern.

I am a property owner and I was sent a letter letting me know that a windmill would be placed close to my property line. I strongly feel that this matter could affect my property value. And would strongly oppose to having them put there without even contacting us personally to explain in more detail.

Thanks Karen and Greg Rafuse

April 3, 2024

From: Greg Kustudic

To: Vanessa Lake

Hello Vanessa Lake. As a land owner affected by the proposal for "Bear Lake Wind Farm" I would certainly want to attend the meeting virtually, as I live in Ontario. However, the meeting has been scheduled for the date on which the solar eclipse, which is a once in a lifetime event, is going to happen. This will make it impossible for many participants to attend.

The fact this date just happens to be the date set for the meeting regarding ruining land value by building a wind farm is obviously not a coincidence. Something negative is being pushed through and the meeting is being held at an entirely inappropriate time.

This is not a good start for establishing communications with the affected land owners. Please provide an alternate date for the meeting that does not occur on a day when people will be traveling out of the province to see the eclipse.

Sincerely,
Greg Kustudic

April 4, 2024

From: Vanessa Lake

To: Greg Kustudic

Hello Greg,

Thank you for your email. Our sincerest apologies for the inconvenience. We have several other meetings scheduled for next week, and this was the date available to hold this one. We did not intentionally schedule it on the same night as the eclipse.

This is only the first step in the process; no decisions have been made yet. The intent of the Public Information Meeting is to bring the application to the attention of the public and to initiate discussion.

This meeting can be attended in-person, via Zoom, and will be streamed live on our Municipal Facebook page (<https://www.facebook.com/RMWindsorWestHants/>). The video will be recorded and will be available to watch on the Facebook page at any time. The presentations from the meeting will also be posted on our website under Applications and Amendments Under Consideration (<https://www.westhants.ca/staff-reports.html>).

The comment period will be open for two weeks after the meeting, ending on April 22, 2024, at noon. You are welcome to ask questions and share your thoughts during this period. All questions and comments received will be reviewed and included in the staff report going forward. The planner responsible for this file is Mark Fredericks who can be reached at mfredericks@westhants.ca or 902-798-8391 ext. 148.

Again, we apologize for the inconvenience.

Sincerely,
Vanessa Lake

April 4, 2024

From: Duane and Shirley Walker

To: WHRM Council, Mark Fredericks, Mark Phillips, Alex Dunphy, Vanessa Lake, Shelleena Thornton, WH Planning

Good evening,

I would like to take this opportunity to express our concerns regarding the proposed Bear Lake Windfarm in Upper Vaughan. We have lived in Upper Vaughan for 11 years now and enjoy the community and environment immensely. All of my neighbors are very concerned about this project, and the negative effects it will have on our community, and in fact our lives. We have seen the total disregard that EverWind has for the environment as they have built roads through wetlands, a cranberry bog, destroying habitat for turtles and many aquatic animals, as well as building bridges where they should not have been built. If any of us had done any of this activity on our property, there would be consequences and no doubt fines to pay. Clearly this is in violation of the conditions of any permits issued, and is a clear example of what can be expected should this project be allowed to proceed.

The woodland that the project will decimate, is vital to the wildlife in this area, and includes a designated over-wintering area for deer which is supposed to be protected and is a flyway for migrating birds, who will have no defense against the blades, and the vortex created by them, which sends them crashing to their death. This is particularly true due to the numerous other wind turbines in the area (and a great many more that will be built), which they have to navigate through to get to the lakes to nest, and to the woods to search for food to feed their young. It is also very important to residence for recreation which is vital to our health. Owls hunt at night, making them even more vulnerable to turbines, and there are several nesting pair in the area. It would be a sad evening indeed, if we could not hear their calls cutting through the dark night.

It is important to note that the application that Bear Lake will present to you, is only PHASE 1 of this project. In order for it to operate sufficiently to provide enough power for the sale of their goods to Germany, many more turbines will be required. This is only the tip of the iceberg.

It is a well-known fact that living this close to a windfarm can have severe physical and mental consequences to residence, including headaches, ringing in the ears, insomnia, depression and an increased rate of suicides. Given the number of turbines already in the area, the cumulative effect could be horrific. Our community is a valley, with high hills on either side, with a watercourse down the middle which amplifies sound. We can hear someone across the lake talking normally as if they were sitting beside us. I doubt that any studies that EverWind will present to you will take this into account.

This is a private venture, and will put a substantial amount of money in the pockets of the private owners, and it is not owned by Nova Scotians. Yes there will be tax benefits, however how far does that take us? I understand that the Municipality received less than \$150,000.00

from tax revenue in 2023 from the operations of the existing windfarms in our area. That is a very small amount considering the mess that South Canoe is in, with turbines leaking oil and other toxic fluids.

Regarding the proposed setback amendments, the fact that EverWind stated they are not prepared to accept anything more than 1km from residences is simply arrogant. 2km from the boundaries of existing properties (not residences), would be more acceptable, given that landowners who have not yet built on their land, but would want to do so in the future, should also be taken into consideration.

I would ask that you take these matters into consideration and help us preserve the beautiful community that we live in, for us to enjoy the rest of our lives, and hopefully for the lives of our children. This project is one project too many for this area. Thank you for your kind consideration.

Best regards,
Duane and Shirley Walker
Upper Vaughan

April 8, 2024

From: Mike and Sheila Porter
To: Mark Fredericks, Ed Sherman

Please include our voices as being a 'vote' AGAINST this development. We do not need another wind farm in this area! We have attended these hearings virtually and are very concerned by what information has been presented by potential developer.

Thanks. Mike and Sheila Porter.

April 10, 2024

From: Graham Sanford
To: Mark Fredericks, WHRM Council

Good afternoon, Planner Fredericks, and Council.

Could you please ensure these comments form part of the record for public input on this project.

As a taxpayer and resident of West Hants, thank you for the opportunity.

My comments are based on two assumptions:

1. Climate change is real and being accelerated by our activities.
2. Climate change must consider not only the release of greenhouse gases into the atmosphere from the burning of fossil fuels, but equally to do with how we protect natural places that filter and store water (wetlands), provide forest canopy cover to combat intense heat providing relief for wildlife, and protect old growth forest and the intricate web of life that depends on such places remaining intact.

Council and PAC have a difficult job in such matters, as your decisions assume that other provincial government departments have done their due diligence to assess such projects and their impact to the areas involved.

However, we have a situation where certain provincial departments in the approval chain have shifted their views on such matters. An example would be the discrete change to assessing wetlands of significance:

<https://www.cbc.ca/news/canada/nova-scotia/wetlands-environment-species-at-risk-tim-halman-1.7013811>

Examples of the lack of intent to assess and protect valuable areas are all around us. Goldsmith Lake Wilderness Area is a perfect example, where DNRR found no species at risk. Citizen Scientists established a camp, and so far, have found fifty, scientifically verified protected or species at risk.

Even if verified, the involved government departments may still only require a setback area from such species at risk, instead of keeping the entire tract, intact.

Given the municipality is the last approver and holds the final decision on such projects, it is imperative council takes a pause to gather more information before making such decisions to approve.

It is estimated that Nova Scotia has less than one percent of old growth forest remaining. In consideration of this, re-planting needle trees as is the standard practise, building roads that create wind tunnels perfect for the spread of wildfire, or the two for one trade off when destroying a wetland, are not sustainable practises and are only meant to appease the public.

I ask you consider, given the amount of work that many concerned citizens have put into this, as being no different than the appropriate decision of council to hold off on the Bog Road rezoning last year, to gather more information. That was an appropriate decision at the time, and the same should apply here, even more so given what is at risk.

Wind power is good, but only when combined with other renewables, grid scale and local energy storage, and non fossil fuel base load power generation. On its own, it is not our saviour towards the reduction of greenhouse gas emissions. It also carries with it a huge footprint of required infrastructure, for something with a lifespan of thirty-five years.

In this case we also have the added hype of "green hydrogen" where the destructions of natural spaces will be primarily to export ammonia offshore, and not to the benefit of the rate payers in West Hants.

If the claimed tax revenue to the Municipality of Twenty-Two Million dollars, is accurate, could you please disclose the math behind that calculation? Is that figure inline with tax revenue generated for other wind projects already operating in West Hants?

The setback criteria of being from a dwelling and not a property line cannot be legal, and at any rate is an overreach. All setbacks should always be from a property line, as these are our neighbours, which have the right to develop their property if they chose according to established Land Use rules. Allowing setback simply from a dwelling would open legal liability for the Municipality, of which, the taxpayer would be footing the bill.

In addition, the process allowing the proponent to contract out the necessary surveys, has terrible optics, given this is a for profit endeavour. I suggest the Municipality should consider creating a position to overlook such surveys/studies in such sensitive areas.

In closing, I agree we need to look generations ahead, and consider not our vision, but our values; what do we stand for? This endeavour has a lifespan of thirty-five years, and I suggest that is not looking far enough ahead.

Thank you for your careful consideration of this matter.

Regards,

Graham Sanford
Hants Border

April 10, 2024

From: Jason Hart

To: Sara Poirier

Hello Sarah , In regards to Monday nights PIM I asked you about the intent of planning department when they wrote “the developer shall consult with the Chief of the fire department having jurisdiction on the instulation and operation of a fire detection and suppression system in the nacelle of each turbine”

I believe you said you would get back to me on this . Can you tell me what planning staff intended this to mean ? IE did you want a hand operated Fire extinguisher or did you want a fire suppression system ?

Thank you in advance Jason Hart

April 11, 2024

From: Sara Poirier

To: Jason Hart

Good morning, Jason,

Thanks for reaching out. I looked through the approved Benjamins Mill DA which you noted states “The Developer shall consult with the Chief of the Fire Department having jurisdiction on the installation and operation of a fire detection and suppression system in the nacelle of each turbine.” in Section 2.7 (e).

I looked through the correspondence received from the local Fire Chief when considering this project and the associated staff report. The staff report notes “The local Fire Chief has stated that they have no concerns regarding fire protection. The Manager of Building and Fire Inspection Services had no concerns, with the exception of ensuring access for first responders. Access will be dealt with through communications between the developer and the DPW.” To your point made during Monday evenings meeting and the clause indicated above, it would be left up to the developer to consult with the Fire Chief to determine what type of fire suppression system is to be within the nacelle.

I have cc'd Mark Fredericks on this email so he can ask for more detail from the Fire Chief in response to the questions that were raised at the PIM for the Bear Lake wind farm.

All the best,

Sara

April 11, 2024

From: Jason Hart

To: Sara Poirier

Hello Sarah. Would you be so kind to forward the correspondence received from the local fire chief as well as the staff report mentioned ?

Thank you in advance

April 12, 2024

From: Sara Poirier

To: Jason Hart

Good morning, Jason,

The staff reports can be found on our website <https://www.westhants.ca/staff-reports.html>
I have also attached it to this email.

I checked with our Municipal Clerk, Deanna, who also administers the Freedom of Information and Protection of Privacy (FOIPOP) Act requirements of the Municipality. We are unable to provide the specific email with the Fire Chief comments. You may be able to request them through the FOIPOP process. More information can be found on the Municipal website <https://www.westhants.ca/freedom-of-information-and-protection-of-privacy-foipop.html>

All the best,
Sara

April 11, 2024

From: Paul Keeler

To: Mark Fredericks

Good day Mr Fredericks,

I am the owner of property on Armstrong Lake Rd East and I attended the Wind farm meeting last night on line after receiving an invitation from West Hants. I do appreciate the opportunity to ask a few questions regarding the implications of the Wind farm for us.

The rationale for the invitation was the proximity to the privately owned lands you mentioned within 500 meters from us and I believe these lands are possibly owned by a logging company that harvests trees there and possibly owns the logging road proposed for the transmission lines for the Wind farm project.

Can you please explain the implications of our proximity to the mentioned lands in your letter for our property? Will this have to do perhaps with any potential well issues from blasting for the transmission lines? I know the panel last night reassured property owners of remediation of their wells if affected but I am not sure otherwise about the effects of our proximity to these lands.

I have read a fair amount of the information on line from the Nova Scotia.ca website. Could you also please comment on whether any of the turbines or the proposed transmission tower north east of our property will be visible? I did not see any indication whether these structures will be visible from our location.

I look forward to your response.

Thank you.

Paul Keeler

April 11, 2024

From: Mark Fredericks

To: Paul Keeler

Hi Paul,

Thanks for reaching out.

Your property at [REDACTED] is only within proximity to the road network that forms part of the application for this wind farm. The turbines themselves are located south of Armstrong Lake and will be approximately 3km+ from your property. The potential for impacts to wells relates to the blasting that may occur for the turbine foundations. Given the distance, we don't expect any direct implications on your property. The routing of the transmission lines is still to be determined so it's possible that this may be visible, and the towers may also be visible from your location. Well impacts from any blasting required for the transmission lines will also fall under the provincial regulations with an 800m radius for compensation if damage occurs.

We will be working with the applicants on renderings to get a better idea of the visual impacts before moving forward with the application.

Thanks

April 11, 2024

From: Paul Keeler

To: Mark Fredericks

Hi Mark,

Thanks so much for your quick response to my queries about the direct implications for our property of the application for the wind farm.

I will continue to absorb the updates and look forward to discussing any other potential effects of the project with you.

Much Appreciated

Paul

April 11, 2024

From: Debbie Spears

To: WHRM Council, Mark Fredericks, Deanna Snair

Dear Mr. Mayor and Council,

I attended the Meeting of April 8th, 2024, until approximately 8:45pm, regarding the Bear Lake Wind Project Development Application. The representatives of EverWind presented a very detailed Development Application and for the most part answered questions from the floor in a professional manner. I was dismayed, however, with Mr. Graham Marshall from Membertou's First Nation's assertion he sat with his back to the gallery during the meeting because he was in a room with racists. His body language and comments showed a total lack of interest in what the residents in attendance had to say.

Climate change is here as we in West Hants, experienced last year with the devastating flood in July and the wildfires throughout Nova Scotia. Those who believe climate change is a conspiracy theory, in my opinion, are sadly mistaken.

We have not been good stewards of our home, the Earth. The generations who come after me will be left to attempt and mitigate the consequences.

We do need to find energy sources other than fossil fuels. We need to harness the power of the sun, water and wind. Manufacturing windmills, I understand, is not carbon neutral, but certainly less so than the processes to mine coal and other fossil fuels.

So, windmills are necessary as one step toward slowing climate change. Not a panacea, but a step. Currently, in West Hants, there are windmills in Ellershouse, Canoe Lake (on West Hants border) and Benjamin Mills. We, in West Hants, have done our part.

Vaughan is cottage country, farm country, lake country, hunters and fishers country. We should not be asked to sacrifice any of our forests, wildlife habitat, wetlands or lake enjoyment to windmill farms.

I respectfully ask WHRM Council to REJECT the Development Application for Bear Lake Wind Project.

Kindest regards,
Debbie Spears
Lower Vaughan

April 12, 2024

From: Phillip Eagles

To: Mark Fredericks, Mayor Zebian

To Mr Zebian and Mr Fredericks

I am emailing you to respectfully let you know that that I do not wish this wind project, or any other for that matter in my community. This project is on my door step and I'm disgusted and disappointed it has made it even this far in the process considering we already have two. I've lived here in west hants, Upper Vaughan all my life, been married and have had 3 children. This is not how I envisioned my children's community looking like and would be remiss in not making my thoughts and feelings known. My dealings with Everwind while polite have left me feeling disillusioned. They do not care what happens to this area. They have their talking points and their strategy's to get their approvals and then they'll move on to the next place to take advantage of. Lastly while normally I am a very passive person my blood boiled when I saw the letter from chief Paul. To be clear, I was not at the meeting nor did I watch it, if there was racism I DO NOT condone it. I do however feel I need to say, I am not the old guard and I do not want this. I am not the loud and apparent few, I don't not want this. That letter is just more propaganda and my community is the pawn.

Respectively
Phillip Eagles

April 13, 2024

From: Denise Forand

To: WHRM Council, Mark Fredericks

I am writing to say enough is enough. You should not put more Wind Farms with its destruction in an area that is already Full to capacity. Wind farms are already taking 25% of the land mass of County of West Hants. Yes 1/4 of our land with too much concentration of our land in Vaughans region.

Reason for refusal.

- visually unappealing with surround sound, unacceptable -physical and mental health being affected by too close proximity's to humans -loss of property values -infrasound effects know as WTS by Dr Salt Feb/24 Canadian Audiologist -environmental study, Our own environmental study , not theirs.

- wildlife sensitivity designation area cannot co exist with more set backs from unnatural noise and pollution.

- what is our carbon cost to this?

- red blinking sky lights not welcome in our night sky -the municipality has no expertise hence no data is ever verified

- Due diligence from municipality to protect us the ratepayers the residents.

- Our land is to the property lines not the house boundaries.

- Crown land should benefit the residents of the land not bring them harm.

- Q- how are Benjamin Mills and South Canoe affecting us to date?

- who is watching and testing at the existing wind farms?

Can we see a latest copy of the last environmental assessment and reports?

The Chester Road is the most scenic drive in the fall and you think you can destroy all that makes this area unique for us residents.

This area should be designed Cottage not resources . Waiting for 4+ years.

This is are Lake District = Cottage country and more. It is supposed to be a place of nature with a peaceful environment, not a electrical grid for others at the expense of us, the taxpayers.

DND choose this site to heal its struggling service men and women.

We are not for sale! 22 million probably won't ever fix the irreparable damage to our land Our environment and mental health loss.

Q—-I request a rate study on the disposal of the farms including our carbon emissions in building and removal.

Regards, Denise Forand

April 15, 2024

From: Mark Fredericks

To: Denise Forand

Hi Denise,

Thank you for your comments, we appreciate you reaching out and we will include this for the Planning Advisory Committee and Council to consider.

In your email you requested access to the latest Environmental Assessment. These documents can be found on the Nova Scotia website here:

<https://novascotia.ca/nse/ea/bear-lake-wind-power/>

Please let me know if you have any questions.

Thanks

April 14, 2024

From: Fred Starratt

To: Mark Fredericks, Mayor Zebian, Councillor Sherman

Hello, My wife and I attended the community information session hosted by Ed Sherman and the public information meeting at the council chambers on April 8th. We both feel strongly that the Bear Lake Windfarm should not be approved. We already have approval on the Benjamin Mills development project. We also have the South Canoe Windfarm operating in our area. The Bear Lake project affects members of our community directly as it borders their properties and can have the potential of causing drinking water issues and decreasing the property value and use. The question was asked on April 8th "would you like this in your backyard? ". There was no one on the Bear Lake project team or counsel members present that said they would. The tax money raised by this project over the 35 years will benefit the Towns of Windsor and Hantsport more than the rural area as that appears to be the bulk of spending in the municipality. Our community has already done our share with 2 wind farms

Fred & Wanda Starratt

Mill Section

April 14, 2024

From: Jason Hart

To: Mark Fredericks, Sara Poirier, Mark Phillips

Hello, could you please tell me is there automatic fire suppression in the 3 turbines located in the water supply for Windsor / West Hants (known as Martock Ridge Wind farm) ? If so please provide details of system. If not please advise what measures are used

Thank you in advance

Jason Hart

April 15, 2024

From: Mark Fredericks

To: Jason Hart, Sara Poirier, Mark Phillips

Hi Jason,

Thanks for the question. We have looked back at the Martock Ridge wind turbine project and found in the PAC report that the recommendation from the local fire chief (Scott Burgess - Windsor Fire Department) was to include a fire suppression system in the nacelle of each turbine. This recommendation was addressed in the development agreement, as a required consultation with the fire chief regarding the installation and operation of a fire detection and suppression system suitable for use within a water supply area in the nacelle of each turbine.

Due to the language, it's not clear whether these systems were installed, but we will reach out to the Windsor Fire Department to investigate further.

With the Bear Lake Wind project, we will work with the area fire chief to explore this idea and follow up on any recommendations that are received.

Thanks

April 16, 2024

From: Jason Hart

To: Mark Fredericks, Sara Poirier, Mark Phillips

Hello Mark, I look forward to hearing the results of your investigation. Also a thought I have might be you could reach out to the operator of Martock Ridge and check with them as well, Im not sure Windsor Fire would have those records.

As you can imagine the community is very concerned about fire after last years events and the continued state of emergency in West Hants for fire concern. With this in mind the community deserves to know if previous proponents have been held to the agreement they entered into.

Thank you in Advance

Jason Hart

April 24, 2024

From: Jason Hart

To: Mark Fredericks, Sara Poirier, Mark Phillips

Hello Mark, Just checking in to see if you have results back from investigation of fire suppression at Martock Ridge?

Thank you in advance

April 25, 2024

From: Mark Fredericks

To: Jason Hart, Sara Poirier, Mark Phillips

Hi Jason,

I had the opportunity to discuss this question with the Operations Manager at Martock Ridge, who confirmed those turbines do have fire suppression systems in the nacelle of each turbine. The Martock Ridge turbines use Stat-X units <https://www.statx.com/application/wind-turbines/specifically>

These are specifically designed for use in wind turbines and are typically add-on systems that can be accommodated in most turbines, pending consultation with the turbine manufacture.

We will explore including these as a requirement in the Bear Lake Wind Farm development agreement.

Thank you for bringing this to our attention.

Please let me know if you have any questions.

Thanks again.

Mark Fredericks

April 25, 2024

From: Mark Fredericks

To: Jason Hart, Sara Poirier, Mark Phillips

Jason,

My previous email had an error in the web link. The correct url is available here:

<https://www.statx.com/application/wind-turbines/>

Thanks

Mark Fredericks

April 26, 2024

From: Jason Hart

To: Mark Fredericks

Hello Mark, Thank you for the reply. I must say I am relieved to hear that suppression systems made it into the Martock Ridge turbines. I would very much like to see suppression in all turbines. Another area of concern is the cleared area around the turbines. If memory serves Bear Lake is looking to do 100M radius around turbines. From speaking with fire industry professionals there feeling is 1000M radius would be required for a reasonable vegetation free / staging area for fire departments.

Just on a side note. I recently had a conversation about wake effect in a wind farm. Very interesting topic. A turbine creates turbulence in the wind so turbines must be spaced 5-8 times there height (larger turbine more spacing) in the prodominate wind directions. This of course is a balance with the available space also a concern. A recent study from Harvard University shows the industry has been underestimating this wake effect by up to a factory of 10 . My interest is this. Bear Lake wind has aprox. 1.5KM spacing in the NE-SW direction (predominate wind direction) between turbine clusters. If its not acceptable to to place turbines closer to one another than 1.5KM how would it be reasonable to allow a development agreement to alter the wind on another land owners property. IE one land owner change the weather of another land owner. Further goes to the argument setbacks need to be 1.5KM + and from Property lines.

Thank you very much for the reply

Jason Hart

April 15, 2024

From: Andrea Lynn

To: Mark Fredericks

If there are to be any more windmills in Hants West, they should be for the energy use of the people in the windmill construction area, not for the business purposes of a private company.

Setbacks then would be decided by residents living near to the said wind turbines and might vary depending on topography, site lines, lot sizes etc.

Setback should be from the lot line of greatest distance from the primary dwelling, not the dwelling itself. 2 km should be the minimum setback but 4 km preferred.

The type of geology in Upper Vaughans proposed for the Everwind Mill Farm is simply not conducive to health or safety.

Sincerely
Andrea Lynn

April 15, 2024

From: Colin Tye

To: Mark Fredericks

Good Morning Mark,

My name is Colin Tye. I'm one of our Water Utility employees here at WHRM.

Reaching out to you to inquire about the Bear Lake Wind Farm. I see you're listed on the file for the PIM last week on the 8th.

We (my wife and I) have recently been approached by a landowner looking to sell his land to us out on Hwy 14, but, we see it is engulfed by the proposed Wind Farm. This parcel is directly in front of and beside the proposed farm area that I found online.

What was the result of the meeting on April 8th? Is this moving forward? Is it smaller scale than originally thought to be? Can you send along all information we have as a Municipality on this project? Project property lines? Will it be on crown land? How many turbines now? I've read a few different numbers.

I worked in Solar and Wind for many years in Ontario, prior to my time here in West Hants, and I can say from first-hand experience, the citizens here have a right to not want this farm.

They always leave land destroyed and a " biohazard zone " when the project ends. At least in my experience, they always did.

We are interested in buying this parcel of land offered to us, but not if it's going to lose its views and access to nature and wildlife to this project. We are wanting to move to a quieter, more isolated lot, but if this happens then we are certainly not signing up to be near it.

Just doing my homework!

Any and all information on the project is greatly appreciated.

Thanks,

Colin Tye

April 15, 2024

From: Mark Fredericks

To: Colin Tye

Hi Colin,

Thanks for reaching out.

We are working through a planning process for a development agreement that could enable 11 turbines (206m height) within West Hants (15 total, 4 turbines located in HRM/Chester). The public meeting on April 8th was very well attended and we heard a consistent message from the residents that they don't want to see another wind farm in the area. Council will ultimately decide, and they may choose to refuse the application, or they may approve it. At the same time as we work on this process, Council has asked us to increase the required setback between turbines and dwellings to 4km (it's currently 1km).

The Bear Lake wind farm EA documents are all available here:

<https://novascotia.ca/nse/ea/bear-lake-wind-power/>

The project is proposed on Crown land and private land owned by a forestry company. I have attached a map that shows this arrangement and the proposed turbine locations. You might be able to determine how close these turbines are to the property you're considering, but if not, we can prepare a map with distance measurements to give you an idea of how close these turbines would be if the project is approved. Just send me a PID# or civic address if that would be helpful.

Let me know if you have any questions.

Thanks

April 15, 2024

From: Colin Tye

To: Mark Fredericks

Morning!

Thanks for the speedy reply! The parcel we are looking at is one of the two on the bottom of that map just inside the bottom yellow tab.

It's 110 acres owned by [REDACTED] and another co-owner he said.

When will council be deciding on the project?

If I were to buy it and build my new home as I plan, how can turbines be installed on that bottom tab where they won't be 4km?

Or will this prevent me from building my home on it if the project gets approved?

April 15, 2024

From: Colin Tye

To: Mark Fredericks

Now that I look again, the green is also wind farm too? Just crown land? How is EverWind gaining the ability to build on that land where it's collectively owned by taxpayers/the province?

So the lot I'm looking at is completely swallowed up by wind farm. If I build a home there, does that stop the the farm from being built in a 4km radius around it?

April 15, 2024

From: Mark Fredericks

To: Colin Tye

Colin,

- The green properties are crown land, and the orange ones are private forestry land. The applicants have submitted signed authorization agreements with the province and the forestry company to allow them to use the land for wind turbine development. The province is aiming to move to 80% renewable energy by 2030 so they are open to allowing crown land to be used for wind turbines.
- The 4km setback is only an idea proposed by Council and this distance requirement is not in effect yet.

- The property you're looking at would be close to the proposed turbines. However, your ability to build a house is available with or without the wind turbines.
 - When a wind farm application is proposed, we look for a setback of 1km to all existing homes. New homes can still be built after that, so you wouldn't lose that ability.
 - Council will consider the development agreement at a future meeting, probably in June or July.
-

April 15, 2024

From: Dennis Hartt

To: Mark Fredericks

Good Day,

I am emailing with some concerns regarding the proposed Windmill project in the community of Chalet Hamlet.

These windmills and their proposed location will effect most of the Vaughan community, not just the people in Chalet Hamlet. I am concerned for the well being of the local community, with regards to mental health over this major change. If there are no risks involved then why is the community and the closest residence being offered a kick back? The only reason that these windmills are not moved further away from this developed area is the cost associated with moving them, that comes off the bottom line of all financially involved in the massive money maker.

Thanks for your time and consideration.

Dennis Hartt

Vaughan

April 15, 2024

From: Jennifer Dillman

To: Sara Poirier

Dear Sara Poirier,

I am writing to express my deep concerns regarding the proposed windmill project within close proximity to our community. As a resident of this area, I feel compelled to voice my apprehensions regarding the potential impacts this project may have on our neighborhood and the well-being of its residents.

Firstly, while the proponents of the windmill project are portraying it as an environmentally beneficial initiative, I find it suspicious that compensation is being offered to residents within a 1.5 km radius. If this project truly holds the promised benefits for our environment and community, such compensations should not be necessary. This raises doubts about the true intentions and potential adverse effects of the project.

This proposed project marks the third windmill initiative in our area, but the first to be situated in close proximity to residential areas. Many of us chose to reside in this serene "cottage country" environment to enjoy nature and escape the hustle and bustle of urban life. The placement of a windmill project nearby threatens to disrupt the tranquility we cherish and diminish property values, undermining the very reasons many of us chose to live here. Additionally, I am deeply concerned that I will have a direct view of the windmills from my property, which would significantly impact my enjoyment of my home.

The proposed automated flashing red lights on top of the windmill haven't been approved, and if they don't receive approval, it would mean that residents will not only be looking at the windmills during the day but also at many constant red lights blinking at night. Light pollution is a real concern, and the prospect of constant flashing lights is troubling for our community's peace and well-being.

Moving the project deeper into crown land would be beneficial to all involved, except for the developer. Claiming that there will be less impact on the environment using existing roads is a cop-out because building new roads will be costly to the project.

I urge you to reconsider the approval of this windmill project or, at the very least, advocate for its relocation to a more suitable location away from residential areas. Our community's well-being and the preservation of our cherished environment should be paramount considerations in decision-making processes.

Thank you for your attention to this matter, and I sincerely hope that you will give due consideration to the concerns raised by myself and other concerned residents.

Sincerely,
Jennifer Dillman
Pine Point Dr.

April 19, 2024

From: Jennifer Dillman

To: Mark Fredericks

Dear Mr. Frederick,

I am writing to express my deep concerns regarding the proposed windmill project within close proximity to our community. As a resident of this area, I feel compelled to voice my apprehensions regarding the potential impacts this project may have on our neighborhood and the well-being of its residents.

This proposed project marks the third windmill initiative in our area, but the first to be situated in close proximity to a residential area. While sourcing energy from windmills may have less impact on the environment, the concern is developing this project so close to a residential area.

I believe a comprehensive report/investigation should be conducted on the current BM project before allowing the third project to commence in our community. Many of us chose to reside in this serene "cottage country" environment to enjoy nature and escape the hustle and bustle of urban life. The placement of a windmill project nearby threatens to disrupt the tranquility we cherish and diminish property values, undermining the very reasons many of us chose to live here. Additionally, I am deeply concerned that I will have a direct view of the windmills from my property, which would significantly impact my enjoyment of my home.

While I understand the importance of renewable energy initiatives and the potential benefits they can bring to our community, I am deeply concerned about the negative effects that large-scale wind turbines may have on our environment and quality of life. Specifically, I would like to highlight two primary concerns:

1. **Sound Pollution:** The operation of wind turbines can produce significant levels of noise, which has the potential to disrupt the peace and tranquility of our community. Studies have shown that prolonged exposure to the low-frequency noise generated by windmills can lead to adverse health effects, including sleep disturbance, stress, and annoyance. As such, I am concerned about the potential impact of sound pollution on the well-being of myself and my fellow residents.

2. **Visual Impact:** The installation of towering wind turbines can also have a profound visual impact on our landscape, altering the scenic beauty of our surroundings. As someone who values the natural aesthetics of our community, I worry that the presence of these structures may detract from the charm and character of our neighborhood. Additionally, I am concerned about the potential negative impact on property values, as the visual prominence of wind

turbines may deter prospective homebuyers and investors. The proposed automated flashing red lights on top of the windmill haven't been approved, and if they don't receive approval, it would mean that residents will not only be looking at the windmills during the day but also at many constant red lights blinking at night. Light pollution is a real concern, and the prospect of constant flashing lights is troubling for our community's peace and well-being.

While the proponents of the windmill project are portraying it as an environmentally beneficial initiative, I find it suspicious that compensation is being offered to residents within a 1.5 km radius. If this project truly holds the promised benefits for our environment and community, such compensations should not be necessary. This raises doubts about the true intentions and potential adverse effects of the project.

Additionally, the fact that the energy will be sold to Germany suggests that profit motives may be prioritized over environmental concerns. Moving the project deeper into crown land would be beneficial to all involved, except for the developer. Claiming that there will be less impact on the environment using existing roads is just an excuse because building new roads will be costly to the project.

I urge you to reconsider the approval of this windmill project or, at the very least, advocate for its relocation to a more suitable location away from residential areas. Our community's well-being and the preservation of our cherished environment should be paramount considerations in decision-making processes.

Thank you for your attention to this matter, and I sincerely hope that you will give due consideration to the concerns raised by myself and other concerned residents.

Sincerely,
Jennifer Dillman

April 15, 2024

From: Stephen and Vanessa Rafuse

To: Mark Fredericks

Hello Mr. Fredericks

I had sent this same message to Sara Poirier as I believe the message overlaps with both topics of the purposed setback and as to why we the residents have major concerns of this project moving forward.

As homeowners that will visually see 8 of these turbines from our front deck, we do NOT welcome the purposed Bear Lake Wind Power project!!!! Our home, being the 4th generation farmer, the place we have grown up in and raised our family in. feels lately like it is of no importance to the major project that wishes to take away our backyard, sort of speak. Our community has given enough towards a greener tomorrow, and very little to nothing to show for its sacrifice. Our home is [REDACTED] as visible on the attached map, upper left portion and we own shares in a family piece of land labeled lot, to the lower right area that is adjacent to the property line that of the project. If it is a go ahead, that land will be deemed worthless and useless to us and future generations. The 1km setback is ridiculous from a dwelling. As most in this area having land proceeding towards the purposed project property line. This setback should be declared from the back property line and then even considered at a larger distance than that of 1 km. The words have been said that you can not create more land once ours is all gone. We need to save and protect what we do have around us for the future to come. Allowing strangers to come in to our neighborhood to set up construction of a project that we the community, province nor country is going to benefit from, is puzzling why our Municipality would even consider. If the small portion of tax return over the 35 years is what weavers the decision, well we would understand that our Municipality has a blind eye to that of the residents of the affected areas. And the kicker, upon dismantle, we the tax payers are going to have to pay towards removing something we never wanted in the first place. The one thing that Everwind does not know because they know no history of this area is the way that the water feeds from our high elevation to the water resources between Upper Vaughan clear into the Dykes and on in to Windsor. The blasting alone can leave many of people without a water supply from the many of natural spring that feed our wells. The disruption from the blasting I don't even want to think of its impact on the older/weaker foundations of the older homes in the area. Ours being one that is considered to be over 140 years old. We don't have a fund set aside for these kinds of repairs and no clear definite answer was giving from Everwind as to who will carry the responsibility of such damages. They seem to have painted a pretty picture and make us believe that we need to ...again... sacrifice our community/land to help with making the world a greener place. Well take it else where as I'm sure there are less invasive places that this project would be more suited. We are over populated with turbines in our area and don't care for more!!! The council has listened to the plea/cries of the people of the community and everyone has beyond valid reasons why this project is NOT for OUR COMMUNITY!!

Thank you for reading our concerns,

Stephen and Vanessa Rafuse of Upper Vaughan

April 18, 2024

From: Mark Fredericks
To: Stephen and Vanessa Rafuse

Hi Stephen and Vanessa,
Thanks for sharing. We will include this information to the Planning Advisory Committee and Council for their consideration.
We are preparing a map to provide you with some site-specific information for the two properties you mentioned. I will follow up shortly with this map that shows the approximate distances from the nearest turbines to your house and to the family land shown in your email.

Thanks

April 18, 2024

From: Mark Fredericks
To: Stephen and Vanessa Rafuse

Please find two maps attached to show the distances for those two properties.
Let me know if you have any questions.

April 16, 2024

From: Nicole and Greg Traverse
To: Sara Poirier

Ms. Poirier,

I am writing to express my deep concerns regarding the proposed windmill project in Vaughns. I have just built a cottage on Zwicker Lake and am eagerly anticipating the opportunity to enjoy the beauty and serenity of the surrounding. Learning that there are going to be towering windmills directly in my view has made me very upset. While I understand the importance of renewable energy initiatives, I am apprehensive about the potential impact on both the scenic beauty of the area and its wildlife.

The installation of wind turbines over 600 meters tall will significantly alter the natural beauty and tranquility of our beloved lake. The uninterrupted view of the pristine landscape is one of the primary reasons why many of us chose to invest in properties here. The imposing presence of these turbines will undoubtedly detract from the aesthetic appeal and diminish the recreational value of the area.

The proposed automated flashing red lights on top of the windmill haven't been approved, and if they don't receive approval, it would mean that residents will not only be looking at the windmills during the day but also at many constant red lights blinking at night. Light pollution is

a real concern, and the prospect of constant flashing lights is troubling for our community's peace and well-being.

While I assume that a wildlife study has been completed, I have not yet had the opportunity to review its results. Nevertheless, I trust that these findings will be given utmost consideration in the decision-making process. Preserving the habitat of our diverse wildlife, particularly the birds and turtles that call this area home, is paramount. Any actions that could jeopardize their well-being should be approached with the utmost caution and concern.

I urge you to reconsider the approval of this windmill project or, at the very least, advocate for its relocation to a more suitable location away from residential areas. Our community's well-being and the preservation of our cherished environment should be the primary considerations in the decision-making processes.

Thank you!

Nicole & Greg Traverse

April 16, 2024

From: Chris Rafuse

To: Mark Fredericks

I would like to start to say thank you for reading this, and taking the time to do that. It's much appreciated. My name is Chris Rafuse and I live in upper Vons. I am against the windmills. I believe we have too many to begin with, and putting these windmills in we would be totally surrounded by them, and we would have no peace at night time, which would bother me for sleeping wise

For some odd reason something about this windmill company just rubs me the wrong way I do not feel that they are in this to help anybody other than themselves what they are offering. The people of Vons is just a drop in the bucket and it's just to shut them up.

If these windmills do get put in the place, I would like a 4 km setback. That would be much appreciated. Windmills are a good thing as long as the people of Nova Scotia can benefit from it but as far as I see it, the only one benefitting from this is ever not even the province

Where these windmills are going is where I enjoy going for wheeling and hunting, and this will be taken away from me as well not looking forward to that

One thing that was not talked about was if it is going to be 24 hour work on this project most windmills are 24 hours and I am not looking forward to that as well

I believe if this windmill company want it to actually be more efficient, they would put them up by Port Tupper. That way they're they can generate the power there and then do it that way.

April 18, 2024

From: Darryl McDonald

To: Mark Fredericks, Mayor Zebian

Attachments: Bear Lake Wind Project Support Letter

Please see attached Bear Lake Project Support letter from Potlotek.

Darryl

Wela'lin,

Darryl McDonald, MBA-Chief Executive Officer

Potlotek First Nation

April 18, 2024

From: Ian Johnstone

To: Mark Fredericks, Mayor Zebian

Attachments: Bear Lake Support Letter

Hi Folks,

Please find attached letter of support for the Bear Lake Wind Project from Wagner Forest NS Ltd.

Best regards,

Ian Johnstone
General Manager
Wagner Forest NS Ltd

April 19, 2024

From: Colleen Rogers

To: Mark Fredericks

Attachments: Wind Farm

Mark: please find attached my comments on this project.

Colleen Rogers

April 19, 2024

From: Ryan Long

To: Mark Fredericks, Mayor Zebian

Dear Mayor Zebian & Mr. Fredericks,

I hope this email finds you well. I am writing to express support for the Bear Lake Wind Farm Project. To provide transparency, I want to disclose that the company I represent & work for has ambitions to potentially serve as a subcontractor on the project.

I understand that there has been opposition, but I firmly believe that the Bear Lake Wind Farm Project is a key step toward fulfilling the province's sustainable energy generation goals and fostering economic growth. I am convinced that this initiative holds significant benefits for the region and beyond, and therefore merits collective support.

It is understandable to have concerns about the project's impact on local quality of life, wildlife, and the local landscape. It is very important to approach these issues with utmost seriousness – which I believe EverWind has demonstrated that they are committed to doing. The group has held many public sessions and demonstrated on other projects that they will work with residents and scientists to adjust project parameters to best suit the local ecosystem. They have already undertaken extensive measures to identify & mitigate any potential negative effects, as evidenced by the comprehensive Environmental Impact Assessment (EIA) they have conducted.

As you deliberate on the development application, please consider the broader benefits that the Bear Lake Wind Farm Project brings to the province. Supporting this initiative will contribute towards aspirations for a cleaner & greener future, catalyze job creation, and drive economic prosperity.

Thank you for reading.

Respectfully,

Ryan Long

AW Leil Cranes & Equipment

April 20, 2024

From: Dwight Lovegrove

To: Mark Fredericks, Mayor Zebian, Councillor Sherman

The following is a summary of my concerns regarding the Bear Lake Wind Project in Vaughan, West Hants.

I along with others live streamed the meeting held on Monday, April 8 th 2024. I have concerns regarding the position of some of the Councillor's and non-committal positions of the Mayor.

A veteran of 40 years service to this country, I am the largest property owner along Armstrong Lake West Road outside of Wagner's Properties and realize the windmills are literally in my backyard. Tower 11 is within 1 km of my property. My property is not only utilized for my recreational enjoyment, but is offered as a retreat to fellow veterans who suffer from PTSD. I support the benefits that the windmills will bring to our community. From what I observed in the meeting, you are hearing from a loud minority. Normally folks that support such projects never say anything.

Membertou-Everwind-RES has agreed to maintain Armstrong Lake West Road. I, along with other property owners outside of Chalet Hamlet have been maintaining this un-serviced road out of our pockets for years in order to gain access to our cottages and welcome any assistance in maintaining the road.

In closing, this project has been supported and approved by both Federal and Provincial governments. Am I missing something here? Are both levels of government wrong and Windsor West Hants knows better than the Feds and the province? It's a serious question that requires an answer.

I would ask that the Mayor and District 7 Councillor support this project.

Regards

Dwight Lovegrove
Vaughan, NS

April 20, 2024

From: Janice Caldwell

To: Mark Fredericks

I'm writing to you with concerns about the construction of the proposed Bear Lake Wind farm project. I strongly suggest that council should decide against this project in the best interest of our community. I was born and raised in this community and enjoyed every minute of it. We

had beautiful scenery and bodies of water to enjoy ourselves and animals as well. As time goes on we continue to be hit with destruction of one kind or another. Enough is enough. The woods have been badly destroyed over the years, we are loaded down with constant traffic to the Keizer Meadow dump site which is not garbage from our own area but Kings and Halifax counties. Next we had the South Canoe Project and then slide in the Benjamin Mills Project. Since the flood last July our main road on Highway 14 is not up to safety standards and you risk your life everyday you drive on it. It needs major work which we have no answers on and not even repaired in places that could be and should be to make it more passible. Now you are talking about allowing the Bears Lake Project. We are tax payers as well as the rest of the municipality so should we not have some consideration as well? It sure doesn't seem we do. The project may bring revenue in to the municipality but it's of no or very little advantage directly to our community. We are aware of many reasons not to have it. Once this phase is complete then it will continue to transition into more sites. It should be thrown off the track now and let another area take a share of these monsters we already have more than enough. I'm sure many neighbors have the same feeling. Do the right thing and choose in favor of our community and do not allow Bear Lake to proceed!

Thank you
Janice Caldwell
Upper Vaughan

April 20, 2024

From: Lacey Wheaton

To: Mark Fredericks

Good evening Mark,

I hope you're enjoying your weekend. I am reaching out to officially submit my concerns regarding the proposed Bear Lake Wind-farm. As a resident of Lower Vaughan and the mother of a young family, I feel this is an extremely important matter that will affect our community long-term.

We have previously lived next to "one" operating wind turbine in Cape Breton. This turbine was just over 2 km from our home and again, it was only one. The turbine resulted in near constant swooshing sounds, especially noticeable at night. It got to the point that the children would notice at night when it was not working, because they became so accustomed to the pattern of shooshing sounds as their background noise. I do not wish to relive that experience. We moved to cottage country to experience peace and the sound of nature. Not constant man-made background noise.

The real estate agent also voiced buyer concern with the noise of the windmill and the fact it impeded the natural scenic views. As a result, this single windmill resulted in a lower resale value of our home.

I am a big believer in transitioning to green energy. But, I am also strongly opposed to having these windmills closer than 4km to any private residence. It is unfair to ruin a peaceful community with noise pollution and have people lose property value. These wind farms need to be at least 4km away from any residence. There is no reason we can't have the best of both, being environmental conscious but also respecting the residents already living in the community.

Thank you for your time. I truly pray you make the necessary changes to keep everyone happy.

Kind regards,
Lacey Wheaton

April 20, 2024

From: Terry Caldwell

To: Mark Fredericks

I'm a resident from upper Vaughan since 1977, and I'm not supporting this operation proposed by ever wind. We as a community enjoy our village. We fish the lakes, brooks and rivers. In the fall we enjoy hunting the mountains, I harvested my first deer on the proposed site. Taught my son how to drive on the crown road known as the fire road. It has of now been harvested for wood quite severely, but the forest floor is still there and it will grow back, it won't grow back once the top of the mountain has been blasted and leveled. Our water, both recreational and potable for our wells. I have been employed in the construction industry for 50 years, first 5 years I drilled and blasted and the last 45 years have operated a bulldozer. I know firsthand what will happen to our mountain and honestly it's not friendly to Mother Earth as ever wind has promised, I beg you and council to not support this project. It's our village, we pay our taxes to live here. Please don't let them ruin it for us and then pack up and leave. I worked on the digby wind farm and south canoe site, to give you an idea of what happens on these sites, they don't just dig a little hole in the ground to hold these things. Each site for a turbine is as big as the store yard here in Vaughans, the base is 20 feet square and 20 feet deep, to blast 20 feet they have to drill 30 because of the drill boreings don't all come out, the granite here is uranium and arsenic laden, mater of fact it's of the charts high. And is full of natural cracks and fissures, these cracks are where our water travels. This project is a environmental disaster waiting to happen. It's funny really how they refuse to install them in cape Breton, the owner of everwind said he'd never put them in cape Breton because it was too beautiful, there's more than a few people that knows that wind and solar is not the way of the future, south canoe

barely ever have a turbine moving, they are sitting leaking oil and the wings are throwing the oil all over the place. Killing birds , we have a healthy population of owls on our mountain, what will happen to them. We will be stuck with these monsters for years and years, each one holds 1500 litres of dangerous oil made by shell oil company, it has an ingredient in it that never dissipates. What a shame if this project is allowed to happen.

Thank you for listening.

Terry Caldwell.

Upper Vaughan

April 21, 2024

From: Andy Swinamer

To: Mark Fredericks

Hello Mark, my name is Andy swinamer. I reside in three Mile Plains and have a cottage on Mockingigh Lake. I agree with windmills in the appropriate spots, but I feel these Bear Lake windmills are just too close to residential areas. All the groundwork that is done up higher on radioactive Soil can't help but to run downhill to the nearby areas. Also, I'm not impressed when they restrict our access to these areas even though they say they won't. Also concerned with what happens to the windmills when they're decommissioned. I've heard stories of them just burying the parts or dumping them in the Ocean. Based on a lot of information that I've read and heard at different meetings and seminars, I am uncomfortable with this project. Therefore, I'm a "NO GO". Thanks for listening to my concerns, Andy

April 21, 2024

From: Anthony Murphy

To: Mark Fredericks

Windmills

To whom it may concern,

We do not want windmills built in our community. We live here because it is away from the noise from industrial parks and urban buildup. We live here to be in touch with the tranquility of nature and rural life.

We were told there were noise restrictions of 40 db, the windmills at south canoe which are twice as far away can be heard on a quiet night. How loud are these really going to be? I have damaged hearing and tinnitus from my time serving in the military, as do I'm sure some others in our community. I have concerns that a low yet constant noise will aggregate this.

I have lived in the hive of civilization, in the city, near airports. Development of technology, the industry that gives us the luxuries we enjoy are part of human growth have appropriate places

in the world. Green energy, even if it is being used for profit also has an appropriate place, Vaughan's is not that place. How many of you have windmills within a few kilometres from your home?

There are other locations, other options. Offshore or industrial areas already prone to noise and light disturbances.

We already have several windmills surrounding the area. Enough is enough.

Please do not turn this into an industrial community with the light, noise and disturbance of these mechanical monstrosities.

Thank you for taking the time to read this.

Anthony Murphy
Hwy 14

April 21, 2024

From: Dave Paddock

To: Mark Fredericks

The following is a summary of my concerns regarding the Bear Lake Wind Project in Vaughan, West Hants.

I live streamed the meeting held on Monday, April 8th 2024. I have concerns regarding the position of some of the Councillor's and the non-committal position of the Mayor.

I live full time in Chalet Hamlet and realize the windmills are literally in my backyard, however I support the benefits the windmills will bring to our community. From what I observed in the meeting, you are hearing from a loud minority. Normally folks that support such projects never say anything. However, I'm speaking up in favour of it.

Firstly, the wind mill project will generate approximately \$600,000.00 annually (\$22,000,000.00 over the life of the project) in direct revenue to Windsor-West Hants and the bulk of that money will go directly to the town of Windsor. This makes sense due to the fact that one third of the population in West Hants resides in the town of Windsor. I cannot understand why anybody in local government would pass on that kind of yearly revenue. I believe it would be irresponsible as an elected official not to take advantage of every opportunity to boost the revenue in local coffers. Additionally, it will infuse more money into the local economy during the construction phase of the project.

Next is the fact that Membertou-Everwind-RES has agreed to provide a secondary route out of Chalet Hamlet. We in the community have been trying to establish an alternate route out of the

Hamlet for many years but have not been successful. This is a potential life saver for our residents in the event a fire prevented us from exiting via Armstrong Lake East Rd, the main route out.

Membertou-Everwind-RES has already assisted our community with a \$10,000.00 donation to assist with the road washouts during the heavy rains and thunderstorms last summer. Additionally, they are committed to assisting our community going forward which is big win for Chalet Hamlet.

Finally, this project has been supported and approved by both Federal and Provincial governments. Am I missing something here? Are both levels of government wrong and Windsor West Hants knows better than the Feds and the province? It's a serious question that requires an answer.

In closing, I intend to contact MP Cody Blois regarding this issue as well. It appears that PM Trudeau and the German Chancellor signed a MOU to export green ammonia energy to Germany. I'm certain that there would be repercussions if Windsor West Hants is the show stopper for this project. The repercussions won't be positive, that I'm sure of.

I would ask that the Mayor and District 7 Councillor support this project.

Regards

Dave Paddock

Vaughan, NS

Chalet Hamlet

April 21, 2024

From: Elizabeth Skelhorn

To: WHRM Council, Mark Fredericks, Mark Phillips, Alex Dunphy, Shelleena Thornton
Deanna Snair, Vanessa Lake, Sara Poirier

Dear Mark

Sorry for the early sending of my message.

Please accept these remarks about the proposed Bear Lake Wind Farm .

It seems fitting that this is Earth Day/Week, as I prepare my thoughts about the proposed wind farm project surrounding Vaughans and Mill Section communities. I attended a recent meeting at the Council Chambers and became increasingly unsure regarding environmental oversight. Although the province says it has considered the impact on this area and granted approval, they do not seem to make a complete or professional assessment. From facts learned, there are

already problems not acted upon at the Mill Lake Wind Farm. Many people have been wise to make careful research of problems faced at other sites and learned the lack of interest in mitigation of serious issues affecting waterways and released radioactive materials.

I am amazed at the lack of regard to the " 77 " wet lands that will be impacted by the Bear Lake project!! How can that possibly be approved by the provincial regulatory body and then overlooked by our local council. Then the construction required to blast rocks and then truck tons of cement . All for an outside corporation (no matter who the owners are) to profit. Not to provide power for our province. We all understand the need for Nova Scotia to have access to clean energy for the protection of climate. But to cause such upheaval for outside profits is unacceptable.

The residents of the Vaughans / Mill Section area are right to see depreciation of property values. Based on the proposed setbacks to structures or homes rather than their property boundaries, residents will be unable to extend or fully use their properties.

I believe we have given enough to wind farming in this area. It is time to rethink what is best for our neighbour hood rather than corporations.

These issues are serious enough for the municipality to place a stop to this project . But little can we imagine how this is damaging our natural habitat. Once the area is torn apart by heavy road construction , deforestation and destruction of 77 wetlands , it will be too late and near impossible to recover the impact on waterways, wells and wildlife. We have had serious issues with water management without destroying the natural processes that wetlands provide. Whether lack of water supply in existing wells, safety of existing water sources or the potential of flooding risk, wetlands are vital to protect water resources.

I believe the best interest for the ecosystem and its inhabitants in West Hants Regional Municipality is to decline the Bear Lake proposal. Thank you for your continued consideration .

Sincerely
Elizabeth Skelhorn

April 21, 2024

From: Ellen Hart

To: WHRM Council, Mark Fredericks, Deanna Snair

Attachments: April 21, 2024 Bear Lake Letter

Hello,

Please find attached correspondence regarding the Bear Lake wind farm.

Thank you,

--

Ellen Hart

April 21, 2024

From: John MacKinnon

To: Mayor Zebian, Mark Fredericks

Attachments: Bear Lake Letter of Support

Mr. Fredericks,

I attended the April 8, 2024 Public Information Meeting regarding the Bear Lake Wind Farm. The agenda circulated in the meeting indicated that you would be accepting questions and comments until April 22, 2024 at noon. Please find attached a letter of support for the Bear Lake Wind Farm.

Sincerely,

John MacKinnon

President

CAUS Ltd.

April 21, 2024

From: Krista Hart

To: WHRM Council, Mark Fredericks

Good Morning Planner Fredericks and West Hants Council,

I would like to start by saying that I don't normally question how West Hants does their job, you and your departments have either been hired or voted into your positions to do and make decisions in the best interest of the residents of West Hants. However lately I have been questioning a lot about the decisions that have been made, so I find myself sending this letter concerning the Bear Lake Wind proposal.

I have attended two of the open houses that Bear Lake Wind representatives have held, I have attended all of the community led meetings, and I have attended all of the meetings that West Hants Council has held in chambers, I have read information provided by both sides, and what I have found is that the community of Vaughn is very passionate about their community and the well being of its residents, I do not feel that this project is right for the community, there are far too many windmills in the area already, and they do not present a very calming effect for residents trying to enjoy their properties.

After attending the meeting in council chambers on April 8th, where Bear Lake representatives discussed their plan for this wind farm, I left feeling even more certain that they do not have the best interests or intentions for the community of Vaughn, I also left feeling that they have no intention of working with the residents and listening to their concerns, their only goal is to make money at the expense of Vaughns and surrounding area. Vaughns has done their part more than enough!

When I drive around other Municipalities, all I notice is there are no windfarms even though there are plenty of areas they could go, so I have to ask myself why is it only the area of Vaughn's that can possibly work.

My other concern is that the residents of Vaughns and all of West Hants will not even benefit from this project, and I don't feel that it's our job to save another country because they don't know how to manage their own resources.

As an animal lover I feel all these developments that have been built and are wanting to come are only destroying the animals habitats and driving them closer to where people live as they

have no other options and then we have some residents who don't want the animals in there back yard, then what happens to the animals, I hate to think what happens next.

If by some chance this does come before council for review and reading I would hope that there would be strict changes made, first that the distance should be 2kms from a persons property line not their dwelling, residents should be able to enjoy their entire property without any conditions imposed by other people or companies.

The next condition is of safety, after all the devastation that we witnessed and felt in 2023 with floods and wildfires there needs to be a fire suppression in place that can handle any and all malfunctions, I don't feel that someone climbing up 650 feet with a fire extinguisher is the way to go.

In conclusion, I don't know if these letters carry any weight or if you and council even take time to read the thoughts of your residents I truly hope you do. But I do know Planner Fredericks that you sat in council chambers on the evening of April 8th and you heard and I hope listened to your fellow neighbors about the many concerns that they shared, and like I witnessed the lack of concern and attention shown by Bear Lake Wind representatives and its partner.

Please do the right thing and do not send this proposal to council for first reading.

Thank you,
Krista Hart
Life long resident of West Hants

April 21, 2024

From: Nancy Durnford

To: Mark Fredericks

I would first like to thank you for taking the time to read and take my concerns regarding the Bear Lake project into consideration.

I have grave concerns about the wetlands that will be destroyed if this project goes forth, not to mention the areas that have already been affected. These wetlands are so important to the mainland moose, deer, eagles, turtles, and bats that this windfarm will destroy. We have no idea what the outcome will be after disturbing these areas. The WHRM has stated in one of its mission statements that they want to be 'stewards of the land', this project is in direct violation of that mission.

There so many unknowns possibilities with this project; effect on the Vaughan valley with wind farms on all sides; what turbines of this size will do to the surrounding area; what the blasting alone will do the the wells, watersheds, streams and lakes on all sides the the area. Once the damage is done what will we be able to do. I found it very interesting at the public hearing the 'expert' that was supposed to respond to health issues answered technical questions for Everwind. I have read so much information that contradicts his responses that I have to say I don't trust him.

This project is supposed to be about 'green energy' except the carbon footprint of producing these turbines, the sheer volume of concrete that will needed to support them, the number of vehicles involved in this project makes me wonder if there really is any savings. Plus please keep in mind that this energy isn't for NS but to make a profit from overseas. And quite frankly if this is to produce power for the Hydrogen plant in Cape Breton it should be built there. At one of the open houses held at the Vaughan fire station, Everwind was asked that question and the response was it was too beautiful. Well in my opinion, Vaughan can rival anything Cape Breton has to offer in beauty so build it there.

My husband and I purchased our property to enjoy the peace and quiet of this area. Now we will have unsightly turbines looking down over our deck(see attached photo generated by Strum, that is the edge of our house in the picture)I realize that 'not in my backyard' is a phrase tossed around but seriously would you want this in your backyard? Plus based on my experience with Everwind where at every open house the answers changed depending on who you talked to, I simply don't trust them. They have promised Chalet Hamlet a second egress but what they haven't promised is whether the egress will be maintained. An egress is not of much use if it turns out to be impassable . Everwind stated at the open house that they would not be maintaining that egress.

Noise pollution is also a huge concern as we are so close to part of the windfarm. If you look at the studies done in Ontario after the fact, there have been huge concerns on health and the fact that people have had to leave their homes because of the turbines, and these are smaller ones. Everwind says it won't be a problem but who will advocate for us if that's not the result! Again I don't trust Everwind.

Again thank you for listening and I hope HWRM will decide in favour of the residents of Vaughan and the surrounding area as I firmly believe this project is not in the best interest of HWRM.

Nancy Durnford
Armstrong Lake West Rd



April 21, 2024

From: David Cameron

To: Mark Fredericks

As residents and property owners in Upper Vaughan we wish to express our objections to the Bear Lake windfarm proposal. The size of the units would be extremely visually intrusive in this area of beautiful lakes and forested hills already compromised to an extent by other wind-farms, cell-towers and distribution corridors.

Further installations of such magnitude are very likely to erode property market values and residential and recreational desirability in the area. We believe the municipality stands to gain more tax revenue from ever increasing property values, as is, than it would gain from taxes on another wind-farm.

Wind-farm installation would fill-in 77 of 84 wetlands and deeply disturb thousands of tons of radioactive bedrock, with the potential of increasing radon levels in groundwater, wells, and the riparian system from Upper Vaughan to Windsor.

Another wind-farm in our area will shrink further the Crown lands open to recreation in the wild by local residents.

Wind-farm generated noise and visual intrusion will very likely be deeply disturbing and possibly adversely affect the mental health of some local full and part-time residents.

Thank you for attention to our concerns.

Sincerely,

Nancy Sherwood and David Cameron

April 21, 2024

From: Sheryl Paddock

To: Mark Fredericks

I watched the meeting held on Monday, April 8th 2024 via live stream on the Windsor West Hants (WWH) Facebook page. I have some cause for major concerns regarding the position of some of the Councilor's and the Mayor.

My husband and I live in Chalet Hamlet and are realistic concerning the windmills which will contribute to a greener environment for our country and indeed the world. These windmills are in my backyard; nevertheless, I support the benefits the windmills contribute to a greener environment for ourselves and future generations to come. I am speaking up due to the fact that a small minority, from what I have seen, is a group of anti-climate change warriors attempting to sabotage a green initiative which is needed to get our country and indeed the world off fossil fuels.

This project will bring significant financial benefits to our community, not to mention the tax windfall that it will create. That coupled with 150 to 200 temporary jobs that infuse significant money into the local economy. Another 5 to 6 full time local jobs will be created in addition to the temporary jobs. I'm not an economist, but I can do the simple math that the infusion of money into our local economy is a big plus for Windsor West Hants. Most of this money will go directly into the town of Windsor's economy.

I am at a loss to understand why anybody in local government would pass on that kind of revenue. I believe as an elected official it is only sensible to take advantage of every opportunity to boost the yearly revenue for WWH.

The fact that Membertou-Everwind has agreed to provide an alternate route out of Chalet Hamlet, is a life saver for our community. You only need to look at the fires last year in

Hammond's Plains to see how this is an absolute necessity for any community with only one route in and out.

Membertou-Everwind has assisted our community when our roads washed out during the heavy rains last summer. As well, they have committed to further assisting our community going forward. This is significant due to the fact our funds are stretched and subjected to a limited amount each year through association fees.

It is my intent to forward this letter to our Federal MP Cody Blois. I am not convinced that he is aware of the Councils intention to derail this project. Let's not forget that PM Trudeau has committed green ammonia energy to Germany through an MOU which has been signed by both countries.

Lastly, the project has received support from both the Federal and Provincial governments. Does WWH council know something more than the rest of us? Please respond and share your wisdom if I'm missing something?

I am asking that the Mayor and District 7 Councilor support this project.

Sheryl Paddock
Middle Lake North Road
Vaughan, NS
Chalet Hamlet

April 22, 2024

From: Ana Kaur

To: Mark Fredericks

Hello,

I am writing to let you know that I do not support the Bear Lake Wind Farm project - Nova Scotia needs to generate power the province before it even thinks about using it to create ammonia for export by foreign companies.

Sincerely,
Ana Kaur

April 22, 2024

From: Andrew Hardman

To: WHRM Council, Mark Fredericks

Hello Mr. Fredricks

Policy 4.24 of the MPS addresses appropriate setbacks for wind turbines up to 400 ft tall. The current “standard” is 1000 from dwellings.

The Bear Lake wind turbines are 677 ft tall. Using simple math $677\text{ft}/400\text{ft} \times 1000\text{m} = 1692$ meters. This would make them appear to be of relative size to a 400 ft turbine at 1000m. That is, a similar visual intrusiveness to a 400 ft tall turbine.

In addition, the noise produced by a turbine of this size would not have a linear correlation to a smaller turbine.

It is unfair to property owners whose property extends toward a turbine that they would not have the same setback if there were not an already a dwelling at the property boundary closest to the wind turbine.

If there were to be wind turbines at the Bear Lake site, I suggest that that the minimum setback be set at 1692 metres from the closest property boundary of a non-participating property owner.

More important is that the community of Vaughan is being surrounded by wind farms. There should be a moratorium put on any further (further to South Canoe and Benjamins Mill) wind farm development to assess the effects on the community and the environment.

Sincerely,

Andrew Hardman, P.Eng.
Lakeview Cres.
Upper Vaughan, NS

April 22, 2024

From: Brenda Lee Blagdon

To: Mark Fredericks

Good evening

My husband and i have a cottage at [REDACTED] Armstrong Lake West Road in Vaughan. We live at this property over half the year and absolutely love the area. I wanted to send a quick email to express my support in regards to the Everwind project in Vaughan. I believe that the development is going to be a positive for the area. Our cottage is the closest dwelling to the

Windmill project, and although we are happy the way things are currently we have been a supporter for the project.

I feel the voices of objection for the project are very loud and clear. However they are not speaking for everyone. I am a supporter of the project and wanted it noted while decisions are being made.

Thank you for your time.

Sincerely

Brenda Lee Blagdon
Armstrong Lake West Road

April 22, 2024

From: Deborah Innes

To: Mark Fredericks

Mr. Fredericks:

I am so disheartened by the turmoil that the Bear Lake Wind Farm is taking on the communities of Vaughan and Upper Vaughan's. Is anyone really listening to all the concerns being expressed? These are trying times for each and every one of us being impacted on a global scale by climate change, rising food and fuel prices, on-going COVID-19 health related issues, families wanting to raise their children in a safe and protected community and I could go on and on. How much can we endure! We need to look after our own and one another. Are the well-being of these communities and the people who reside in them not important? Really, who is benefitting from this project – it appears only those that have invested money and who will use this land and once the project is finished or fails, will leave many scars on not only the people but the land itself – the land we call home.

I recently viewed pictures of the disturbance and destruction and what appears to be the blatant disregard by the developers to show any respect for the environment by not only plowing through wetlands but also the total disregard for areas marked off by I am assuming our Natural Resources/Environment Departments as being protected with yellow tape run over and lying on the ground. Are there no rules for the developers – who regulates the developers to do what is right. Is there no respect for the wildlife that we cohabit this land with. This land is their home as well!

Enough is enough, do the right thing and vote this project down. It is now time to stand up, be held accountable and look after the people who elected you, who trust you to do the right thing on their and my behalf.

Respectfully submitted,
Deborah Innes

April 22, 2024

From: Elaine Rafuse

To: Mark Fredericks

Good morning Mr. Fredericks. My name is Elaine Rafuse and I am representing myself and my husband Todd Rafuse. We are residents of Upper Vaughan. As you are well aware, Everwind would like to put a Wind Farm in our community. We are strongly opposed to this. Currently we have two wind farms very near us. One which is South Canoe and the other being Benjamin Mills which is currently being constructed. I feel that we have enough wind turbines in our area now. With Bear Lake being so close to our homes, it only means disaster. Let's talk property value.

Our land and homes will be worth nothing. Who would want to buy or build near a wind farm? The answer is no one. We have to consider the damage that will be done during the construction of the wind farm. Blasting will be very near our homes. This will lead to the cracking of home foundations, not to mention the ruination of wells from the very high uranium content in the land(the most in the province), but you already know that. Sound and shadow flickering is another concern. Wildlife: so much harm will come to our wildlife population. This includes migrating moose, raptors (we have a healthy raptor population), and again, you are aware of this. Wetlands will be affected. Also bear and deer. Then you have the concrete that will be used to support the turbines. Our environment will not support ANOTHER wind farm. At the end of the day, it comes down to the almighty dollar. These already wealthy businessmen will only become wealthier at the expense of the residents of Upper Vaughan and surrounding communities which include Lower Vaughan, Mill Section, Chalet Hamlet, Chateau Village and Wile Settlement. We will not benefit at all from this project. Yes, they promised us some money. No amount of money will replace or compensate for what we will lose if this project is allowed. Please take into consideration what our residents are trying to tell you. We elected all of the West Hants Council and I feel that the council should protect it's residents. Am I against green energy? Of course not! Wind farms belong in our tidal waters(we have the highest tides in the world) or perhaps in a location where there are no homes. Please, do not let this project go forth. The health and well being of our residents should be your only concern,

not lining the pockets of already wealthy people who care nothing about the environment or the people who have lived here all our lives.

Thank you,
Todd & Elaine Rafuse

April 22, 2024

From: Jason Hart

To: WHRM Council, Mark Fredericks

Planner Fredericks, West Hants planning and council.

I'm writing regarding the application for a wind farm in the community of Vaughan by Bear Lake Wind.

This application in my opinion should not make it in front of council for 1st reading. It cannot be considered complete as it stands. Community engagement cannot be checked off.

Community engagement, we have been told by the proponents has been extensive. They have stated to multiple levels of governments, municipal included, that they have listened to the community and evolved the project to suit the community.

I have personally and through our community group tried to engage this proponent since August 2023. There engagement can be better described as misinformation, omission, misleading, and to be blunt outright lies. The only evolving this project has seen is in propaganda tactics. Most recently with the addition of DR Olson to the Bear lake team, these characteristics have reached a new high.

In the interest of keeping this letter short I will include only a few examples.

Hunting on the crown land portion, that residents have hunted for years
Answers provided include: no restrictions, not during construction or while maintaining but ok otherwise. When the community did there own research they discover each turbine is considered a commercial business thus eliminating hunting on this crown block and portions of peoples own woodlots. We asked the proponent if they would work with the province to make provisions on their site as has been done in other areas like Quebec. The answer was maybe they would consider this. We have not heard of any attempt to address this.

Adjust the layout so as to not affect the uses of the private property abutting the project. IE push turbines further onto the property they have leased(basically include the min setback from property line of leased land) to allow woodland owners to hunt on there own property, walk, hike, berry pick, build a new home on there own property without fear of noise, shadow flicker, ice through, ultrasound, blade liberation, etc. These requests were met with no answer no discussion. It is important to remember that no matter how many times Bear Lake Wind tells or writes that no noise will be heard, the residents know better as to the West is South Canoe Wind that is clearly heard at over 4KM away. I cant imagine how being surrounded by wind turbines will be with the Bear lake wind farm a mere 1KM to the East

Accumulative effects study: proponent has told community repeatedly this study has shown there to be no negative effects adding the Bear lake project to a community that has extensive wind farms including south canoe and Benjamin mills. Most recently on April 8th PIM the proponent testified extensively to this fact, only under intense cross-examination did they reluctantly admit that their study only included Kaiser meadow wind farm. A wind farm consisting of one small turbine, and the study was only bats and birds NOT human effects. I consider this a bold lie, the opposite of community engagement.

Community wanted guarantees that this project wouldn't turn out to be a leaking, squeaking, blade falling off mess like they see at South Canoe wind farm. Proponents response was they would never use Acciona turbines (the brand of turbine like South canoe did)

After a quick Google search the community could easily see Bear lakes turbine of choice, Nordex is the new name for Acciona. Deception is not engagement. Honestly it is more than a little insulting the proponent believes the residents of Vaughn can be duped so easily.

Fire: Our community has been told repeatedly by this proponent that fire risk is a non-issue; odds are so low of an event that it's not a concern. April 8th the proponent testified at the PIM that the odds were far greater that a camp would catch fire, an ATV muffler, or a carless smoker would start a fire. Any one of these causes were hundreds of times greater than a fire from a wind farm. One needs to look no farther than the 2023 NS Wild fire statistics to see that power lines on there own are the 4th largest cause of wild fire in NS. In fact Unknown cause, Spontaneous combustion, Structure, Vehicle/machine, Lightning, ATV, carless smoking, and vehicle exhaust added together doesn't equal the number of power line caused wild fires. This speaks to how loose with facts the proponent is willing to be.

Again in the interest of keeping this letter short I will include as my last example of disingenuous community engagement, and quite possibly the most perplexing as the deception

on this issue bears no weight other than another example the proponent is so accustomed to deception they seem incapable of presenting facts.

The proponent was asked on numerous occasions if they have applied for a development agreement with West Hants beginning in early January of 2024 and most recently March 20th 2024.

Each time the answer was a variation of “we will be applying in the coming weeks” . We now know from planner Fredericks this happened January 19th as a incomplete application and was finalized on March 8th 2024. Has deception become so habitual for the proponent that even in front of the residents and planning staff of Chester municipality on March 20th when asked, the truth about submitting a application to West Hants could not be told? Am I missing something? What could be gained by hiding this fact?

With this small sampling of concerns identified by the community, and left unanswered by the proponent, I believe we cannot say meaningful community engagement has taken place. I expect that the residents of Vaughn are reasonable people and if the proponent would like to start this process over without the misdirection, omission and obstruction of facts, Vaughn would give them a fair hearing.

Policy 4.24.4 Enables council to consider the development of permanent wind farms. I would like to suggest that this policy means just that, consider. Consider is not an automatic yes.

Should PAC recommend 1st Reading and council somehow decide it appropriate to grant it, Great care must be taken in the prep for a development agreement. The global battle against climate change cannot come with the destruction of a way of life for West Hants residents. Local property owners must not be expected to subsidise large offshore corporations with the loss of use of their land and the crown land they have utilized for 5,6,and 7 generations. Bear Lake being a energy supply for a hydrogen manufacture adds another level to this decision. Does West Hants really want to gamble the community of Vaughan on a for profit energy company that has not even secured a market yet for there product?

A development agreement must contain clear language that cannot be up for interpretation, As has came to light recently the condition “ the developer shall consult with the Chief of the fire department having jurisdiction on the installation and operation of a fire detection and suppression system in the nacelle of each turbine” has been taken to mean a smoke detector and a fire extinguisher by West Hants staff and the developer of Benjamin mills Wind farm. This is absolutely not acceptable and could be taken as deceptive by the public. I can only assume if

one were to dig into this issue at Martock ridge and Ellershouse wind we would find the same has transpired.

Items that must be addressed in a DA to protect the local residents and tax payers of West Hants are:

Set backs must be from property lines, and must be larger than 1km. A decade and several hundred feet in turbine height ago Chester Municipality thought it appropriate to have a set back of 1.2KM following basic math the turbine height has increased 38% so set back should be at min increased to 1.66km. This must be from property line as well. To measure from residence allows the owner of one PID to pre determine the destiny of another. And do so without offering compensation. Another point of note is Bear lake wind is proposing a site between two densely populated (by rural standards) communities, Vaughan and Armstrong lake west. Further supported by the fact that this area is still awaiting decision on whether it will receive Village or Hamlet designation. ,

Fire suppression in nacelle, Fire ponds with pumper connections, and a vegetation free area around turbine must be addressed. The 100M radius proposed by Bear lake Wind is not enough. The experience of the fire chief in Pubnico in march of 2019 was burning debris from a turbine fire flew thousands of feet into the forest. After discussing this issue with fire professionals the consensus is 1000m radius of combustible free area would be preferred.

Un restricted access to the Crown land portion of this development must be written into this DA

A Bond for clean up at decommissioning must be posted and enforced with this agreement. A look at a previous DA for a Wind farm in West Hants shows a fund that may or may not get funded starting at the 10 year mark. No dollar amount requested and to make the taxpayers burden even higher West Hants states that they will clean it up and try to recoup the cost by repossessing the above ground facility. The irony in that condition is astounding

Community compensation must be addressed; the proponent has offered 70K as affected residents compensation, or a power bill rebate, or as profit share. The proponent has arbitrarily picked this amount and the number of residents it will be divided up amongst is a moving target. This changes with each community engagement event. The DA must not proceed before this has been fully negotiated to include as many residents as affected at the appropriate level of compensation. West Hants should bare the cost of the legal representation required by the residents to accomplish this task.

AS part of the DA, I believe the funding per KW received by West Hants should go directly to a separate fund named the Bear Lake Wind contingency fund. Since this revenue stream has not been seen before, West Hants wont miss it. This fund would then be available to compensate residents for loss of use of their land, God forbid a catastrophic fire or another accident. Or clean up at the end of this project should somehow West Hants not get the appropriate value of bond. Also a property tax reduction could be considered for the residents that have to endure the project.

Conclusion (Yes Finally) :

I believe this project is a bad fit for the proposed location; It will be visually intrusive (especially when coupled with South Canoe and Benjamin Mills. The location is wedged between two communities and at distances deemed unacceptable in 2013 with turbines that were almost 200' shorter. A quick look around municipalities in Nova Scotia shows a trend, set backs for wind farms are increasing, and the more wind farms a municipality has the further the set backs go. Sadly this trend was not identified by Planner Poirier in her presentation to council regarding set backs. Vaughan will be a poster child for what not to do if this project is allowed to proceed.

Speaking of visual intrusive, I recently came across a sight simulation of Benjamin mills wind farm taken from Bent Ridge. I sincerely doubt that planning or council saw this image before approving that project. 28 Turbines that are taller than the mountain they are perched on.

If Planning staff would like some visual assessments of Bear Lake Wind, they might want to reach out to Steve Hart from the Protect Vaughan group, he has some spectacular simulations of the project and Google earth simulations of Bear lake, South Canoe and Benjamin mills combined. It is scary how much land mass the three farms take in that community. Benjamin mills in its own uses 21% of Vaughn, Mill section, Upper Falmouth combined.

Lastly I just wanted to make my concerns known around the way set backs are looked at by council and staff. During the setback presentation by Sarah Poirier, and subsequent discussion by council, I heard variations of " If we go to X set back there is very little room left for windmills. Most councillors seemed to favour a 2km set back as it "left lots of room for wind farms". It has taken me several weeks to identify what is wrong with that line of thinking, and this is what I concluded. Picking a set back to get the desired number of wind farms is akin to an Engineer setting the allowed load on a new plane based solely on the desires of the ticket agent. See my logic? I think it would be best to consider the set back based on safety and

quality of life for the residents; whatever space that leaves for wind farms it leaves. West Hants is only the size that it is. We cannot fit every project that desires to be here. If oceans continue to rise we may well need the very land consumed by wind farms to build our homes on.

Note from Community Led Wind Mill Meeting of Oct 14th 2023

Trent Vichi (CEO of Everwind fuels) himself was in attendance. At this meeting Trent assured us he would post a Bond suitable to West Hants based on 3rd party engineers cost estimate prior to starting the project. Also he assured the community if he received a NO from our council he would take his project and go home. These two items might be useful for council when making their decisions. I believe also he has been quoted by Joan Baxter of the Halifax examiner as stating he would not appeal a NO from a municipality

Thank you for reading
Jason Hart

April 22, 2024

From: John and Lori Kennedy

To: Mark Fredericks

Hello Mark,

I am very concerned about the Bear Lake wind farm as I live near the South Canoe one and the municipality is already reviewing a 3rd proposal for our area. This is totally unacceptable. It is simply unfair, in fact unjust, for the residents of the community of Vaughan to be subject to the oppressive environment that wind farms produce visually and audibly both day and night and to the disruption in our neighbourhood when they are being constructed due to the disturbance and damage caused by the amount of traffic bearing heavy equipment on our roadways for months on end.. I am also worried about the serious threat to our water, as it is a simple and well known fact that there is uranium in the ground in this area. I know we need new Green Energy forms, but I think some consideration has to be given to the people who must live within these conditions. I am sure not one person on council would wish to have a wind farm near their residence.

One must also consider the very great damage done to the natural habitat in the areas where the turbines are placed and therefore the terrible harm done to the well being of the wildlife that live in the region. Lastly, I don't believe a word of any study that says they do not affect the real estate value of homes within the vicinity of a wind farm. Wind farms need to be constructed 5 Kms from residences, the red flashing night lights must be replaced with ones that only signal when an aircraft is close to the area and **one community should not be the sole victim of their presence. Certainly not THREE of them!**

Regards,
John and Lori Kennedy

April 23, 2024

From: Mark Fredericks
To: John and Lori Kennedy

Thank you for sharing this, John, and Lori.
We will include your comments in our reports to be considered by the Planning Advisory Committee and Council in their future deliberations.
Thanks again.

April 23, 2024

From: John and Lori Kennedy
To: Mark Fredericks

Hello Mark,

Thanks for your reply. I just today received a notification in the mail of a further PHASE 2 of the Benjamin Mills project that Natural Forces is going to propose. Let me say emphatically that as a resident of this area **I do not want any further wind farm development in this area.** We are being exploited. Tell all these green for profit companies to build turbines where they live. I hope our municipal representatives will stand by and support the people of Vaughan whom they represent. We will have two wind farms in our region and so we have made our contribution to green energy. Let others in other regions of the province share in the commitment to a healthier and cleaner environment. Enough is enough. I hope our municipality will not betray us.

Regards,
John and Lori Kennedy

April 22, 2024

From: Judy Lynch
To: WHRM Council, Councillor Sherman, Mark Fredericks

Dear Mr. Fredericks,

I've been a full time resident of Leminster and now Vaughans since 2006. First living at the cottage my family has owned on North Canoe Lake since the 1970's and then purchasing my own home in Chateau Village in 2016. Over the years I have tried to be an informed resident by

attending information sessions held by each wind farm developer from South Canoe Lake, Benjamin Mill, and now Bear Lake. I realize the South Canoe Windfarm is not technically in West Hants but has a direct impact on our community.

With each of these developments many stories were told about how amazing wind energy is for the environment and how small the impact will be on those living near the turbines. While always an impressive display of experts and positive messaging, my lived experience with these projects has not been representative of the propaganda pushed on the community during the development phase.

The South Canoe Windfarm has changed the environment in Leminster and I don't believe it's been for the better. Wildlife behaviours have been altered, oil has been spilled, and turbine blades have broken and crashed to the ground. And, while Benjamin Mill is just under construction, to my knowledge, they already haven't lived up to promises made during their community engagement sessions. Promises such as - providing updated view mock ups from Falls Lake and more detailed survey of wildlife as their findings were challenged by residents. Not to mention, I've become increasingly concerned about side effects of the site prep blasting that violently shakes my house, shifts pictures on my walls, and frightens my animals.

I recognize I can't provide you with evidence to support all of my comments but isn't two negative experiences with windfarm developments enough for our community? At the last Bear Lake info session I attended, I asked Bear Lake representatives about my negative experience with South Canoe, they acknowledged the spilled oil and failed turbines but simply commented that their turbines are newer and better technology. Forgive me, but their response didn't provide much reassurance or increased confidence that this time will be different.

At the end of the day, I choose to live in this rural community for many reasons that all begin and end with appreciation and respect for natural world that surrounds me. If given a vote, I'd vote against the Bear Lake Windfarm as I believe we've altered the landscape enough in this area in support of wind energy and will not truly understand the impact for many years to come. And, to say there will be no impact or damage to the environment because of these developments is just as naive a statement as saying climate change isn't real. Somehow we have to find a balance, and right now, with two large wind farms well underway, we're dangerously tipping the scales away from protecting the environment that is truly only protected if we (humans) stay away from it.

Sincerely,
Judy Lynch
Summit Ridge Road
Vaughan

April 22, 2024

From: Karen Rafuse

To: Mark Fredericks

Mark.

This is my official letter opposing the placement of turbines in my community. We have had couple conversations on this matter. And I have made it known that my water source to my home is very close. I am still in fear my water source will be affected. As a community member I feel that our area has done our sure when it comes to Windmill farms for our area. Please take deep consideration before the municipality moves forward on this matter. I know it not just your decision , but please feel free to share this with those who will have the final decision.

Sincerely

Karen Rafuse

April 29, 2024

From: Karen Rafuse

To: Mark Fredericks

Good morning Mark.

I took some time over the weekend to measure out the distance to my well and then to my spring. My well and spring are basically straight up the mountain behind my house. The well is 410 feet from my house. And the spring is another 70 feet past that. Geography wise I'm not sure how close that puts me away from the turbines. Do you feel in your honest opinion that my water will be affected? And if so. Should I have something in writing from Everwind should something come of it? I feel like our community can set our voices to the highest , but that is still not going to stop the turbines from coming.

Sincerely

Karen Rafuse

April 22, 2024

From: Keith Bown

To: Mayor Zebian, Councillor Sherman, Mark Fredericks

Good day Mr. Abe Zebian, Ed Sherman, & Mark Fredericks,

My name is Keith Bown, I have a cottage in Chalet Hamlet and virtually attended the Bear Lake Wind Turbine project meeting on 8th April 24. I have to say, I was disappointed with the people who physically attended this meeting and their negative representation/comments on this project. I would have attended in person, but I currently reside in ON. I thought about voicing my concerns online, but it would have been useless given the negativity within the room, therefore I decided to send this email instead. The majority of their comments were not in support of this project however their comments and concerns were not evidence or fact based

and did not provide accurate information to support them. From what I witnessed it was a lot of finger pointing and asking questions that were not even relevant to the meeting.

I am in support of this project and from what I understand this project will bring in millions of dollars in revenue during its life span. This funding will assist with required projects for the Municipality of Windsor, as well it will create new jobs within the area. This project will also supply Chalet Hamlet with a secondary road access out of the community something that the community has been trying to do for years with no success. The Federal & Provincial government has already supported this project therefore lets make the decision before we are told that it will happen regardless and get the benefits from this project for the community as a whole.

Respectfully

Keith Bown
Armstrong Lake West Rd
Vaughan, NS
Chalet Hamlet

April 22, 2024

From: Kenneth Carver

To: Mark Fredericks

Mark Fredericks
Senior Planner

I am writing with concerns about the Bear Lake Windfarm. My wife already spoke the evening Everwind presented their proposal; I'm not comfortable in front of a crowd or a microphone so I'm choosing to voice my concerns this way.

My main concern is the risk of fire from the Windfarm. When we purchased our home, (yes, it is a home, not just a house), we made sure we had more than one way out. We purposely located on the #14 so we could go to Windsor, Chester, or New Ross if needed. I've already experienced three (3) major fires in my life and honestly, I'm not sure I would survive a fourth. I don't think I have it in me to start over and rebuild yet again. We know fires can happen on the turbines; yes, the proponent can tell us the risk is small, but the risk is there, and we need to make sure there are proper working and maintained automatic fire suppression systems on each turbine. If a fire were to start, we're not looking at Hammonds Plains, we're looking at Shelburne. A remote area with few volunteer fire fighters, a wooded area not easily reached and very little equipment. Shelburne lost approximately 23,525 hectares to the fire last year; how much of West Hants are we willing to lose?

My other concern is that we don't seem to have anyone with expertise fact checking the proponent's information. I've heard that the Province does all the approvals and West Hants doesn't need to check any further. I truly believe West Hants needs to hire their own experts and do some of their own research, not just follow the Province. We cannot trust the information we are receiving is correct without doing our own fact checking and research. When you go purchase a new vehicle, do you believe everything the salesman tells you? Do you believe their manager? My guess, is that you do your own research, talk to other people that have a model like that, check consumer reports. Why are we not doing our own research? Why are we not asking other experts their opinions? Why are we taking the salesman at his word?

Mark, I am not against sustainable energy for Nova Scotia. I understand the need to get Nova Scotia away from fossil fuels and provide the Province with a greener source. This project does not do that! Nova Scotians will not be benefitting from greener energy for NS Power; this energy is going overseas. I think we should be looking at home first, get Nova Scotia sustainable and greener before we sacrifice our land to help other countries in the world be green. We cannot help other people until we are green and sustainable ourselves; then we will be able to share our expertise and resources with the rest of the world.

I appreciate your time and hope you take all our concerns under advisement.

Yours truly,
Kenneth Carver

April 22, 2024

From: Kim Dykens

To: Mark Fredericks

Dear Council,

I hope this message finds you well. I am writing to express my concerns regarding the proposed Bear Lake Wind Farm development. As a landowner in both the Windsor Forks and Vaughans areas, I am deeply troubled by the prospect of another wind farm project in our municipality. The impacts of the most recent project are already palpable at both of my properties.

I had the opportunity to attend a community meeting organized by the Protect Vaughans group at the Red School House last fall. During this meeting, I interacted with Mr. Trent Viche, the CEO of Everwind. Mr. Viche indicated that if the residents of Vaughan's were opposed to the project, he would reconsider its implementation. However, his demeanor and narcissistic behavior during the meeting did not inspire confidence.

Furthermore, I was able to follow the recent public meeting held at the municipality online. I was disheartened by the apparent lack of empathy and attention our community received from the representative of Membertou.

Many of my concerns have been echoed by other community members in previous meetings. These include the potential impact of blasting, the presence of uranium deposits, the quality of well water, property values, fire risk, and more. I am particularly worried about the potential effects on the natural environment, the quality of our well water, and property values.

From the last meeting, I gathered that the proposed setbacks for this project could result in families losing the use of land that has been in their possession for generations. It is disconcerting that the Municipality is considering this proposal without acknowledging these significant issues. This situation has unfortunately led to a sense of distrust in our elected officials. My concerns are heightened as we are in the early stages of building our dream home in Vaughan. We are now questioning whether West Hants is the best place to invest our hard-earned money, despite being lifelong residents. It seems our values no longer align.

In conclusion, it appears that this project offers no benefits to the residents of Vaughans, or much if any benefit to Nova Scotia. I strongly urge you to reconsider the implementation of this project. Our community has already contributed significantly to the fight against climate change. It is crucial that we preserve the remaining natural aspects of our community and allow residents to enjoy what they moved or continued to live here for.

Thank you for your time and consideration.

Best regards,

Kim Dykens HB Com CPA, CGA

April 22, 2024

From: Laura Hart

To: Mark Fredericks

Good morning,

I am writing this email to inform you that I do NOT support the Bear Lake Wind Farm in our community.

My reasons for this decision is as followed;

The company has not been honest or informative to anyone who has asked serious questions.

It is going to damage so much natural land, not to mention a large amount of protected areas such as wetlands and mainland moose corridor.

There is already enough windfarms in this area, I do support green energy and reducing emissions. I do feel as if there needs to be a balance with everything and 2 things I do not feel like we have a balance with right now is the massive rush to 100% "green energy" and the amount of windfarms in our area.

I would like to preserve the land for its beauty. My family spends all of our free time outside, in the woods. We want this land to be preserved for generations to come and putting in this windfarm will not only destroy the beauty but also the homes of so many animals. Another study that has never been completed is what happens to all the displaced wildlife from the affected areas of windfarm.

With this email, I hope you can understand see that this windfarm in this area is just not the right fit. I am confident that there are many other areas Bear Lake Windfarm can place their project.

Please keep in mind the elected officials of West Hants Municipality have been chosen by the communities to represent the people of these community's and to speak on their behalf to not make decision for them.

Sincerely,

Laura Hart

April 22, 2024

From: Lesley Turvey-Hartt

To: Mark Fredericks

Good morning,

I would like to express my opposition to the proposed wind farm project at Bear Lake. This project is to enable a foreign company to produce a dangerous chemical for export. This does not help Nova Scotians. Any wind projects should be to green Nova Scotia first.

This project will put a strain on the Nova Scotia power grid. Residents will have to deal with power interruptions as wind power is not reliable. Taxpayers pay higher rates when wind projects are added to the power supply. We can see examples of this if research is done on wind projects across Canada and around the world. Nova Scotia residents already pay some of the highest energy costs in Canada. Affordable, reliable energy is a necessity in northern climates like ours.

Wind turbine projects are presented as benevolent projects but the truth is these gigantic turbines are the industrialization of thousands upon thousands of natural habitat. Large wind turbines raise the local temperature by 1.5 degrees and dry the land. Turbines can contaminate the water table and thus private wells. Animal habitats will be destroyed. Local and migratory birds will be decimated. Human health can be affected by infrasound (measurable up to 5km from the base of turbines).

Please say no to this project.

Sincerely,

Lesley Turvey-Hartt

April 22, 2024

From: Lianne Perry

To: Councillor Sherman, Mark Fredericks

Attachment: Bear Lake Wind Farm Development Letter

Dear Mr. Fredericks,

Please see attached my letter regarding the proposed Bear Lake Wind Farm development.

Sincerely,

Lianne Perry

Chalet Drive, Vaughan

April 22, 2024

From: Lloyd Blagdon

To: Mark Fredericks

Attachment: Bear Lake Wind Farm

Good day Mark.

I have attached my letter of support for the Bear Lake Wind Farm.

Thank you.

Lloyd Blagdon.

Armstrong Lake West rd.

April 22, 2024

From: Mark Kehoe

To: Mark Fredericks

Hello Mark, Mark Kehoe here. I'm a resident of Upper Vaughans. I own a home, cottage and a woods camp in Upper Vaughan. I'm very strongly opposed to this project being constructed in our community.

Our small rural community is being surrounded by wind farms and this one in particular is too close. When I reviewed the MGA, its direction was to create municipal planning for large windmills 165 to 400 feet in height. The windmills Bear Lake and Everwind plan to construct are 207m....677 feet. These are much taller and should be required to have a greater set back then 1km. I feel a 2km set back would be reasonable and appropriate.

I should mention, Everwind is offering a proximity payment for dwellings within 1.5kms. In essence, they are acknowledging there's issues greater than 1km.

I also feel "camps" on private property should also be considered dwellings. They are when it comes to provincial regulations like hunting. I own a camp that borders this proposal and if this is approved it will diminish our enjoyment of using our cabin. We should not be subjected to constant noise, light and sight pollution from this private business deal.

Also, I strongly feel setbacks should be considered from property lines, not the dwelling itself. Property owners may want to develop or build homes on their own property and they shouldn't have to do it in the shadow of a 677 foot windmill. It would also decrease their property values for development.

This project is being partially built on Crown Land, public land. This area has been hunting grounds for generations. Once a windmill is built, there will be no big game hunting within 402m's of the structure. That's provincial law. So there will be a hunting area loss of 804m circle around every structure. That's not reasonable for public land that should remain accessible to everyone.

If this project is allowed to proceed as planned, the land in the communities of UpperVauaghn, Mill Section and Upper Falmouth will be approximately 45% windfarm. That's unacceptable. And this doesn't include the South Canoe Windfarm that sits right on our county border beside Upper Vaughan's. It's too much. This project should be pushed back off public land and away from communities.

Thanks

Mark

--

Mark Kehoe

Account Manager

JC Bakker & Sons Ltd

April 22, 2024

From: George Robinson

To: Mayor Zebian, Councillor Sherman, Mark Fredericks

Good Morning Mr. Frederick:

My Name is George Robson, I am the Owner's Site Rep at South Canoe Wind Farm in Lunenburg County. I live in Lemister, (West Hants) I've been a resident here for 22 years. I've been working in Wind since 2012. I've been the site manager of the largest Renewable Energy Installation in the province for 9 years. I have no affiliation with Bear lake and I have tried to stay away from this [REDACTED].

I would like to start by saying that the RES/ Everwind/ Membertou group has done an excellent job citing and researching this project. Dr. Chris Olsen is one of the best in this industry and RES has Developed hundreds of renewable energy assets, all over the world. This group is professional and obviously very patient as well.

During one of the meetings concerning the Bear Lake Wind Turbine Development, I saw the Question Period dominated by [REDACTED] asking the same questions over and over again. It is obvious that they have no Expertise in any relevant field, and that their motives are purely selfish. These Questions have been answered multiple times and the answers given by the Bear Lake team are correct and perfectly reasonable.

Shadow Flicker has been calculated for thousands of Wind Farm and is a mature scientific endeavor. There is Software that makes this assessment as simple as a Mortgage calculation. The limits for exposure to shadow flicker have been studied by groups all over the world and the Bear Lake Group exposure levels are well within the industry acceptable limits.

Ground Water Changes come up during every development in nearly every industry. Any well or road or basement added to the ground could have negative effects on the local watershed. There is a legislated process to follow for any work that risks disturbing the groundwater and Bear Lake has complied with all rules and regulations thus far. These rules and regs are similar in most jurisdictions, as the challenges and risks are the same everywhere. I saw this question answered 25 times in one meeting, there might already be something in the water up there.

Infrasound is created by everything around us. The methods for determining the Wind Farm contribution to the local infrasound are widely accepted in the global wind industry. I have reviewed this study and it is reasonable. Turbines do not cause adverse health effects. This has

been proven hundreds of times. I personally have spent 30,000 hours on a wind farm in the last 10 years. And I live less than a mile away.

Setbacks are always a hot topic and people get out of hand with ridiculous demands like 4 km or 5 km. Truthfully 1 km is more than enough. My house is 1.6km from a turbine. I could count on one hand the number of times I have been able to hear a turbine in 9 years. Always outside. I have never heard the turbine from inside my house. A 4 km setback would exclude the wind industry from further developments in Hants West. The Wind industry is the most promising industry for our region in the next 20 years. Mining, Fishing, Boat Building, Manufacturing, are all dead. Forestry and Farming are in decline. Tourism is coming to an end. Wind provides good Jobs that support Families in a sustainable industry for a sustainable future. We are not all retired cottage dwellers. Many of our young men have families to support and this municipality needs good jobs in the skilled trades. Voting to exclude Wind Developments from our municipality is a Career Limiting Move.

[REDACTED]

I will be attending the next meeting on the 23rd of April.

[REDACTED]

Feel Free to call me to discuss reasonable parameters for Wind Turbine Generation Developments. Or anything you can think of that is wind turbine related.

Sincerely,

George Robson
Oxford Frozen Foods
South Canoe Wind Farm

April 22, 2024

From: Karen Wallace

To: WHRM Council, Mark Fredericks

Attachments: Comments

please find attached

April 22, 2024

From: Nicole Rafuse

To: Mark Fredericks

Mr. Fredricks,

My name is Nicole Rafuse and I am a resident of Upper Vaughan. I live at 820 Upper Vaughan. My home is directly in front of one of the proposed turbines. My concerns with this project are endless. In fact, the moment I was informed that ANOTHER wind farm would be surrounding my home, I was absolutely devastated. My house is on the very bedrock that Everwind will need to blast to have the turbines installed- this means that the integrity of the foundation of my house will be significantly impacted. My home was built in 1943, the plaster walls and foundation of the house will NOT withstand the blasts from the explosives.

Now, let's talk about well water. My water comes from a spring that flows from the land that the turbines are proposed to be situated. Currently, it is beautiful clean drinkable water. But it will NOT be after Everwind blasts the land that is highly saturated in Uranium. The Uranium will destroy my water.

Light flicker and sound pollution- at night, it will be similar to living in front of Ski Martock. The countless studies have shown that the effects from these are very impactful to the surrounding residents, from increased suicidal ideation, to developing sleep disorders and other health concerns.

THIS IS NOT FAIR. Why should the residents of Vaughan be subjected to ANOTHER wind farm, when I have one within sight across the lake from me, and another wind farm beside me currently underway.

If the Everwind project is approved and becomes a reality, it will only prove that the municipality has one agenda in mind: the almighty dollar. You will prove to your residents of Vaughan's that we are nothing more than test subjects, and our lives do not matter.

I sincerely hope our concerns are taken seriously.

Thank you,

Nicole Rafuse

April 22, 2024

From: Partrick Landry

To: Mayor Zebian, Councillor Sherman, Mark Fredericks

Attachment: Letter to West Hants

Gentlemen,

My wife and I wish to express our concerns and opposition to the proposed Bear Lake wind project. Please see our attached letter.

Thank you for your attention to this issue.

April 22, 2024

From: Steve Hart, Protect Vaughan

To: WHRM Council, Mark Fredericks, Mark Phillips, Alex Dunphy, Vanessa Lake, Shelleena Thornton

Good morning Mr. Fredericks,

I will keep this brief as I understand the responses are meant to be from the public and not community groups.

That being said, I have been requested by 17 resident's to submit an email on their behalf as they do not have access to emails or the internet.

They have requested me to advise planning staff and council that they are undeniably against destroying their property values, heritage and environment for a private organization on public/crown land.

Sincerely,

Steve Hart, (on the behalf of residents who cannot email.)

April 22, 2024

From: Richard Redden

To: Mark Fredericks

Barbara and Richard Redden say "Nay" to the project, the key point being no benefit to the local area and power grid. Also, the impact of machinery and trucks on Highway 14 which is already in disrepair.

Thank you,

Barbara and Richard Redden

Property owners on Mockingee Lake

April 22, 2024

From: Seamus Marriott

To: WHRM Council, Mark Fredericks

Dear Planner Fredericks and WHRM Council,

In a 2022 article in the Halifax Examiner, Trent Vichie (Everwind) said "*his company would not build wind farms where they are not wanted*", for example along "*the Cabot Trail, the Cabot Links golf course*" in Inverness County. "*That's a beautiful part of Nova Scotia that has an*

amazing growing economic area.” Apparently, the underlying message from Everwind is that Vaughan and Upper Vaughan, perhaps even all West Hants, is not beautiful and holds little economic potential.

As residents we believe our community is beautiful with pristine lakes and streams, gorgeous forests and an abundance of wildlife. A large windmill farm in one’s backyard/community is cause for numerous questions and concerns. Issues around such topics as: Physical & Mental Health, Property Values and Environmental impacts, just to mention a few.

The proponents of such projects wish us all to believe that our chosen community has won the lotto in terms of the benefits they will bestow upon us. Proponents preach that all is well. There should be absolutely no worries or concerns regarding people’s physical or mental health, their property values or any disastrous environmental impacts to our community. The proponents would have us believe that we simply need to have trust, for they are the experts. Proponents claim that wind farms have no impact on human health, yet numerous scientific studies indicate otherwise. One issue of concern is infrasound and its effect on humans and wildlife. Low frequency pulsations identified as Wind Turbine Syndrome (WTS) by Dr. Dr. Nina Peirpont MD, PHD. Symptoms of WTS include headache, painful pressure on the ears, dizziness, weakness, tachycardia, tinnitus, nausea, insomnia, panic attacks and more. There are numerous studies that demonstrate that WTS is real.

One very recent study published Feb. 2024 in the Journal Canadian Audiologist entitled: Adverse Health Effects of Industrial Wind Turbine Noise: How the Ear and Brain Process Infrasound outlines the impact of WTS. Scientific research by Dr. Alec Salt and colleagues at the Washing University School of Medicine have led Dr. Salt to state unequivocally that **“Wind turbines can be hazardous to human health”**. Dr. Salt and colleagues have found that when higher-pitched sounds (150-1500 Hz) are present, they can suppress infrasound. This means that the ear is most sensitive to infrasound when higher-frequency sounds are absent. This occurs at night when wind turbine noise is present, and ambient sound levels are low. This would be particularly acute given the topography and quiet rural setting of Vaughan & Upper Vaughan.

Project proponents claim that wind farms have no effect on property values. At a recent Everwind Community meeting the question of impact on property values was asked. One Everwind representative took the company line that there is no impact whatsoever. Approximately 15 minutes later another Everwind representative shared that there was a negative impact on property values, but that values would come back over time. As residents

and property owners what are we to believe. What is the timeline for values to recoup? 1 year, 3 years, 5 years a decade?

More importantly, recently an Everwind representative was asked about responsibility and accountability should properties have diminished values. The response was that if Everwind follows the bylaws of the municipality and is approved by the Municipality, then it would be the Municipality that would be accountable as they approved and permitted the project. Is this true, will the Municipality cover the potential losses in property values? Has this even been discussed as a possible outcome at Council? Everwind's response gives us a glimpse into the company's ethics and sense of corporate responsibility.

The Environmental Impact of this project is overwhelming. Just stop and think about a 206m/677ft windmill. Think about the damage to the forests, wetlands and ecosystem through the construction phase. The Everwind project will impact over 70 wetland areas within the scope of the project. How much concrete is required for the base of one windmill and how does the required blasting disturb uranium deposits in the area? What are the long-term impacts to people's health? There are approximately 600 tonnes of steel in each tower and each one of the 286-foot carbon fibre/epoxy blades weigh (25000 KG). Would you want this in your backyard? In your field of vision? Towering over your community?

There is no question that the windmills to be constructed for the Bear Lake Project will be the largest ever used in West Hants. The Municipal Planning Strategy addresses the question of setback for windmills 165' to 400', but there is no reference to windmills of 206m/677', which will be constructed with the Everwind project. Given the sheer size of these giant structures there is a definite need to stop and think about the need for greater setback requirements. Think about a quiet rural community where the night skies are ablaze with stars suddenly polluted by the glow of red lights from atop of windmills. Originally, we were told that Everwind would employ an ADLS lighting system, so lights only came on when air traffic was within 3 nautical miles of a tower. Now we are told that the system is being evaluated as it is costly. Again, what are we to believe? Makes one wonder what other short cuts are at play and promises broken, for the sake of the bottom line.

At a recent community meeting when asked "Who are the experts within the municipal staff tasked to review the information and data presented by Everwind for this development agreement?" The response by municipal officials was "we have no one". We rely on provincial departments. The issue is that the provincial departments do not conduct their own studies. They rely on the data and information presented by the consultants hired by Everwind. This leaves one questioning the legitimacy of the entire process.

Unfortunately, as a community we have first-hand experience on the effects of a current wind farm, first-hand experience of what it's like to live with a wind farm under construction and the lasting impact on people within our community and the environment because of previously trusting the so-called experts. Knowing history and learning from mistakes of the past assists us from not repeating past errors. To this end, we believe it is of utmost importance for the council to do its due diligence, before advancing any stage of this project. We ask the council to provide funding for independent legal advice, as well as funds for independent studies to ensure that people and the environment, in which we live, are protected through cautious and educated steps in regard to Bear Lake and other such projects proposed for WHRM.

Mr. Trent Vinchie of Everwind, stated in the 2022 Examiner article and again at a community meeting in Upper Vaughan in 2023, that *“his company would not build wind farms where they are not wanted”* Let’s hold Mr. Vinchie to his word, let’s complete our due diligence, let’s investigate and examine if the claims made by this American multinational company are true. Let’s take some time to examine if the approved project at Benjamin Mills meets or exceeds all their promises, before trusting even bigger claims & jumping onboard the Everwind Bear Lake project.

The right of the public to enjoy health and well-being should be paramount to the economic and political interests of the wind industry and governmental bodies. These rights need to be protected on a proactive, and not just on a retroactive, basis. Council would you wish to have this in your backyard. Should the residents of Vaughan & Upper Vaughan be punished because of the topography of where they built their homes & chose to live? Council, you are our elected leaders. Our health & welfare, the equity we have built in our homes and the environment in which we live is in your hands. Please give careful consideration to all our voices, before selling even more of West Hants to corporate suitors. Thank you.

Seamus Marriott
Upper Vaughan

April 22, 2024

From: Steve Hart

To: WHRM Council, Mark Fredericks, Mark Phillips, Alex Dunphy, Vanessa Lake, Shelleena Thornton, West Hants Planning

Attachment: Image

Good morning Mr. Fredericks, planning staff and council.

I'm writing to you this morning to express my unequivocal opposition to the proposed Bear Lake Wind Farm development application submitted on March 8th 2024. I have been struggling with myself to determine the direction I wanted to take when writing this letter, be it personal, community based, scientific or experience with organizations like this. I determined it should be all of the above. So, please bear with me as I try to briefly touch on all aspects and try to accentuate why I am in opposition to this project.

In 1816 a man by the name of William Hart moved to Lower Vaughan trying to escape from the British Army. He escaped in hopes to provide a better, more secure way of life for him and his family. For 208 years the Hart family has been flourishing between Lower Vaughan and Upper Vaughan while passing down significant amounts of generational knowledge in which I am proud to continue carrying the torch for today. I am also excited to announce that in July I will be able to add to another generation of Hart's. For many, many years this particular piece of land in which Bear Lake Wind intends to occupy has provided for my family. Hunting, fishing, berry picking, wildlife observing and has respectfully helped employ many of my ancestors. My wife and I own a few parcels of land in the vicinity of this project and I am fearful, if approved, it will destroy the very reason we purchased these properties and essentially determine our properties inhabitable, should my children or relatives plan on building their forever homes there. My niece, who is of visual minority has completed 8 years of schooling to be an optometrist and is also completing her PhD in thoracic surgery intends on building her forever home in Upper Vaughan in the next few years on one of these parcels and has told me that if this particular wind farm receives approval she will not be moving back to Nova Scotia. Upper Vaughan is the only place she wants to live. Her studies have taught her the true effects of living next to large scale industrial electrical complexes such as windfarms and stated the adverse side effects are too severe to chance the wellbeing of her and her family. This is terribly heartbreaking for me as she has always wanted to live in the community where her ancestors settled, and to be truthful it is her ancestral land just as much as any other. If this project is allowed to commence, the 3000 acres of crown land, and the 13000 acres of private leased land will become inaccessible and render the properties unsafe. This is clear, despite what the proponents have verbally stated. In Vaughan, there are only two portions of crown land, and the proponents intend to occupy both, rendering no accessible public land to the community to forage and explore. The irony in this all, I suppose, is I was actually in the beginning phases of trying to get this land protected and added to the bordering South Panuke Wilderness Reserve with the help of Nature Nova Scotia and The Canadian Wildlife Federation prior to hearing about this proposed project.

In August of 2023 I engaged in a public meeting held by Everwind at the Southwest firehall. I respectfully conversed with many of the representatives expressing my interest, concerns and opinions of the project. I took notes from the meeting on the information that I was provided

from the representatives and immediately determined someone needs to investigate this proposed project as each representative I talked to provided me with a different answer, another question or inaccurate facts. Three things stick out to me from this meeting, a representative from Strums Consulting who was hired to do the environmental assessment stated they hadn't found any endangered species. One Representative stated the turbines would be turned off during "peak" bat times (from 4pm-7pm) much like other wind farms (South Canoe), and another representative argued with me profusely that the project was not going to be located on crown land. I immediately determined all three of those statements were false and devoted the last 8 months of my life delving into this project, the actual owners, and educating myself from other projects. For the record, South Canoe does not shut their wind farm off during "peak" bat times, there are LOADS of endangered species in this area, and 7 of the 11 proposed turbines will be located on crown land.

After all this I helped launch the group named Protect Vaughans, in hopes to get community support, educate and gather information for the residents to help them make an informed decision on the proposed project. I had no idea that I would have gained so much support and met so many like minded individuals from all across the province, in which I wouldn't have had that opportunity if Bear Lake Wind didn't blow into town, so I am deeply grateful for that. I have requested funding from the municipality for legal council so the residents can receive advice from a professional as the proponents have openly stated they cannot offer tax advice or financial advice, which has appeared to have fallen on deaf ears. Planning staff had requested the province to come in and do a presentation to council to try and alleviate some of the unknowns from turbines and their processes which turned into being an undeniable disaster and left council with even more concerns and unanswered questions. So, who are we to turn to? We cannot be held responsible to fund legal support for a project the community doesn't want. Then, the proponents hired a self appointed environmental health expert to speak to planning staff, council and the residents and explain to them that there is "nothing to fear". I would highly suggest going back and watching the video from the PIM where Dr. Ollson openly stated that cumulative effects are not measured by potential adverse health effects, only environmental. After stating he was satisfied with the studies performed. The proponents have provided inaccurate information, downplaying the potential negative effects that such large-scale projects could have on the surrounding area. We have welcomed one extremely large windfarm development to our community without argument. Please, listen to the residents and don't paint us with the "anti" renewable energy brush like the proponents have. We are respectful individuals that just expect the respect to be reciprocated. Dr Ollson also stated that the probability of a wind turbine catching fire is "1/10000" and that may be the case. However, Nova Scotia has experienced one catastrophic windmill fire, and the recent wildfire survey from DNR shows electrical transmission lines are one of the largest contributors to wildfires in the province. Bear Lake Wind intends to build 16kms of electrical transmission line through the very dry forests between two largely populated communities in

Vaughans, and destroy the very wetlands we need to help prevent forest fires. I have attached the statistics from the DNR.

I had the pleasure of attending a community meeting organized by our premier Tim Houston just last week, and he was blown away by the fact he had never thought of setbacks being based off of non participating property lines and said he would take that back to the office and give it some serious consideration as that is something that needs to be looked into. That was a bit of fresh air to be honest, and I think the council needs to follow suit.

This proposed project is located far too close to residential properties and dwellings in comparison to the sheer height of them. (taller than Ski Martock)

This proposed area is located on top of a mountain and the turbines are as tall as this mountain, and in order to have these turbines installed 77 of 94 wetlands need to be destroyed which will, undeniably cause flooding on Armstrong Lake Road West and Upper/Lower Vaughan. and will contaminate the Avon River Valley and its waterways with uranium rich contaminates.

The proponents call themselves an industry leader in green hydrogen but have not produced one pound of green hydrogen, nor have they ever owned or operated a wind farm, and it shows. Everwind has contracted two different companies to do visual sight assessments on how intrusive the wind farms will be on the community and both of them are different. Not just a little bit different, but significantly different. They are so inaccurate that Protect Vaughans has contracted a company out the United Kingdom to do their own non -biased site assessment and the differences are significant. I would be happy to share the comparisons at council and planning staff's request.

In closing, I am requesting this project not be given the opportunity to destroy my heritage and our communities way of life.

Sincerely,
Steve Hart
Lower Vaughan

April 22, 2024

From: Tyler Maskell

To: Mark Fredericks

Hello, my name is Tyler maskell, I am a resident of upper Vaughan, one of the windmills is right behind my house. I do not approve of this project and think it should be denied for alot of reasons. I have trouble sleeping as is and with this behind my house I will get non I have a red light flashing from the one windmill farm I can already see blinking in the dark and now will have another plus the sound of it keeping me awake. We have to many windmills out that way already we do not appreciate it and do not need to be a guinea pig project to see if they will work out or not!

My house as many other on this stretch of land are on bedrock, so when they start to blast who will pay for all the repairs they WILL happen not if WILL! The foundation in my house will not withstand the shock.

The wells all along this stretch of land will be destroyed by uranium because we have the highest count in our land out here and EVERYONE is on well or stream fed and they will just destroy our water systems..

And they said in the meeting that they didn't harm or do anything to the land yet but I can show you where they have already built roads and pushes trees back and built bridges to the locations of the supposed windmills.

If you guys approve this project you will not only have a VERY UNHAPPY COMMUNITY but you guys will be signing up the community to be destroyed.

April 24, 2024

From: Rose Paul

To: Mayor Zebian, Mark Fredericks

Attachment: Bear Lake Wind Farm Support Letter from Paqtnekek Bayside

Dear Mr. Fredericks and Mayor Zebian,

As the Chief Executive Officer of the Bayside Development Corporation of the Paqtnekek Mi'kmaw Nation it is my pleasure to bring forth this letter as an acceptance, that our NATION has full support for Membertou and EverWind's Bear Lake Wind Power Project.

Please find attached our support letter for the Bear Lake Wind Farm Project.

Rose Paul, MBA, CEO

Bayside Development Corporation



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Kari Fougere, Acting Director of Planning and Development

Date: 2025-03-13

Subject: Regulations for Wind Farm Development

LEGISLATIVE AUTHORITY

Municipal Government Act, Part VIII, Planning and Development

RECOMMENDATION OR DECISION REQUEST

The report is being provided for information purposes only.

BACKGROUND

On January 14, 2025 the Municipality received correspondence from the Province in regards to proposed amendments to the West Hants Municipal Planning Strategy (WHMPS) and the West Hants Land Use By-law (WHLUB). The amendments pertaining to increased separation distances of wind turbines was approved with additional amendments that ultimately reduced separation distances and removed criteria around visual intrusiveness.

At the January 28, 2025 Council meeting Council passed a motion to direct staff to review potential options for additional amendments to the WHMPS that would speak to a maximum height of windmills, a maximum number of windmills/turbines permitted within an area/the region or the potential for a moratorium or means to limit the total volume of wind turbines within WHRM, and if these were options for Council to consider.

MOVED BY COUNCILLOR IVEY AND LEARY-PINCH THAT COUNCIL DIRECT THE CAO TO REVIEW POTENTIAL OPTIONS FOR AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY (MPS), SUCH AS WINDMILL HEIGHT, VOLUME AND OTHER MEANS WHICH MAY SERVE TO LIMIT THE TOTAL VOLUME OF WIND TURBINES WITHIN THE WEST HANTS REGION OVER TIME.

On March 7, 2025 the municipality received a letter from the Minister of Municipal (Attachment 1) stating that the Municipal Government Act (MGA) has been amended to implement a maximum setback for commercial wind turbines, and further, that visual impact or aesthetic appearance of wind turbine development is not a matter Council can consider prior to approval. All municipalities will have to ensure their existing wind turbine requirements are consistent with these regulations.

Large scale wind turbine developments, or wind farms, are subject to requirements from the provincial government, federal government (in certain circumstances) and municipal policies and regulations. Currently, the WHMPS and WLUB require large scale wind turbines to only be considered by development agreement which are subject to WHMPS Policy.

A development agreement is a contract between an owner of land and the Municipality to allow Council to consider a use that is not a listed permitted use within a zone on a specific lot. The ability for Council to consider a development agreement must be stated in the Land Use By-law and the Municipal Planning Strategy must identify the kinds of uses Council may consider in each area. In a Municipal Planning Strategy Council usually identifies both specific and general criteria which must be considered when making decisions regarding a development agreement, these criteria must be consistent with MGA requirements. A proposal being considered must be measured against only the specific and general criteria in the Municipal Planning Strategy and not any other criteria. Provisions within the development agreement are negotiated but must be reasonably agreed upon and subject to Municipal Planning Strategy policies.

Previous jurisdictional scans of other municipalities across Nova Scotia show that they have different requirements, such as as-of-right development, or specific requirements for these developments. However, with the recent announcement from the Province, municipalities will be required to amend their planning documents to be consistent with the new MGA requirements. This will create a consistent standard across the Province for wind turbine development.

At the provincial level, all wind energy projects over 2MW in size are required to 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.

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

With respect to the question regarding moratoriums on wind farm development, in February, 2024, a legal opinion from the Municipal Solicitor determined that a resolution of Council to put a moratorium on large wind turbine developments would be and of no force or effect. Municipal planning documents enable applications to be made and granted if they conform with the planning documents and a resolution of Council to over-ride that statutory process would be contrary to the Municipality’s obligations under Part VIII of the MGA. A moratorium is not a planning construct recognized within the MGA and essentially would amount to totally banning an entire class of development activity and would also contradict new MGA requirements and provincial interests.

With respects to further amendments to the WHMPS and WHLUB: The MGA allows for municipalities to lawfully enact restrictions into their Municipal Planning Strategies and Land Use By-laws on height and density of developments; however, policies and regulations must be consistent with the Statements of Provincial Interest (SPI) and other requirements in the MGA. The MGA also allows planning documents to identify uses that are permitted or prohibited for each zone or designation however development may not be totally prohibited, unless prohibition is permitted within the MGA. Further, any new or amended policies within the MPS are subject to approval or amendments by the Province. The Province has the authority to approve, reject or approve with their own amendments, new policies.

Municipal policies and regulations are subject to MGA requirements and are based off of and grounded in land use incompatibilities. Height and density of turbines are not grounded in land use incompatibilities such as noise, smell, or other; height and density of turbines relate more to visual intrusiveness as issues such as noise and shadow flicker, which may be legitimate concerns for land use incompatibility and can have an impact on surrounding land uses, are addressed through the EA approval process with the Province and now within our current WHMPS policies. Other environmental concerns are also address through the EA approval process. Turbine height and density could be considered to relate to visual intrusiveness and/or the aesthetics of wind farm developments, which is no longer a matter Council can consider.

Currently, in the WHMPS, DAs for wind farms are only to be considered in the Agriculture and Resource designations. Through the MGA, Council does have the authority to limit the consideration of DAs to certain designations within Municipal Planning Strategies. However, it is important to consider that wind farms are most appropriately placed in resource designations, over other designations, as they are considered resource-type development and these areas are typically characterised as rural. Further, wind farms can be compatible land uses within agricultural areas due to their small land footprint and ability to allow agricultural activities to still take place. These designations were likely chosen in the WHMPS due to no major land use incompatibilities and further the WHMPS states that *“the intent of the [WHMPS] is to minimize*

potential conflicts and to treat resource activity as paramount in these areas". Restricting wind farms to a single designation as a way to limit the number of wind farm developments could also be seen as further restricting wind farm development and it may be unlikely an amendment as such be granted ministerial approval.

Through the more recent process to amend the WHMPS to include greater setbacks, it was determined through the ministerial review of the amendments that the increased setbacks, and consequently, visual intrusiveness, was determined to be in contravention to the SPI. Further amendments to the WHMPS to include additional restrictions that would limit wind turbine development could also be seen as being in contravention to the SPI as well as new requirements within the MGA.

Based on the correspondence received from the Department of Municipal Affairs, it is unlikely that any potential amendments to the existing planning documents to restrict or limit wind turbine development would be granted ministerial approval.

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

N/A

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

N/A

ATTACHMENTS

Attachment 1: Letter from Municipal Affairs-Office of the Minister re: MGA Amendments for Wind Turbine Development

Report Prepared by: _____
Kari Fougere, Acting Director of Planning and Development

Report Reviewed by: _____
Alex Dunphy, Senior Planner



**Municipal Affairs
Office of the Minister**

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902 424-5550 Fax 902 424-0581 • novascotia.ca

March 7, 2025

Dear Mayors and Wardens:

I am writing to inform you that the Minimum Planning Regulations under Section 214 of the *Municipal Government Act* (MGA) and Section 229 of the *Halifax Regional Municipality Charter* (HRMC) have been amended to implement a maximum setback for commercial wind turbines.

The new regulations will require that the maximum distance between a commercial wind turbine and a dwelling cannot be more than either four times the height of the turbine, or the distance needed to keep noise levels below 40 decibels outside the home and limit shadow flicker to no more than 30 minutes a day or 30 hours a year.

Additionally, the amendments stipulate that visual impact or aesthetic appearance of a wind turbine development is not a matter Council can consider prior to approval.

The Government of Nova Scotia is committed to reaching 80% renewables by 2030. These regulatory amendments will support this goal by providing consistent standards across Nova Scotia's municipalities, making it easier for wind energy projects to move forward, while also protecting residents from negative impacts from wind development projects such as noise and shadows.

You can find the updated Minimum Planning Regulations using the following links:

- *Halifax Regional Municipality Charter*
<https://novascotia.ca/just/regulations/rxaa-l.htm#hrmcmpr>
- *Municipal Government Act*
<https://novascotia.ca/just/regulations/rxam-z.htm#mgampr>

I have also included a Question-and-Answer document that provides further information about the updated regulations.

I want to thank you for taking the time to participate in the online survey from earlier this summer. Your feedback was invaluable throughout the regulation development process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John A. Lohr'.

Honourable John A. Lohr
Minister of Municipal Affairs and Housing

c: Juanita Spencer, NSFM
Chief Administrative Officers

Wind Turbine Setbacks

Summary of Changes

The Department of Municipal Affairs is making amendments to the Minimum Planning Requirements Regulations under Section 214 of the *Municipal Government Act* (MGA) and Section 229 of the *Halifax Regional Municipality Charter* (HRMC) to implement a provincial standard for wind turbine setbacks.

The new regulations will require that the maximum distance between a commercial wind turbine and a dwelling cannot be more than either four times the height of the turbine or the distance needed to keep noise levels below 40 decibels outside the home and limit shadow flicker to no more than 30 minutes a day or 30 hours a year.

Additionally, the amendments stipulate that visual impact or aesthetic appearance of a wind turbine development is not a matter Council can consider prior to approval.

Nova Scotia is committed to reaching 80% renewables by 2030. These changes support this goal by providing consistent standards across Nova Scotia's municipalities, making it easier for wind energy projects to move forward while protecting residents from negative impacts from wind development projects such as noise and shadows.

FAQ

Q: What are the benefits of Wind Energy in Nova Scotia

Wind energy does not result in emissions that cause the health problems associated with fossil fuels, such as sulfur dioxide, nitrous oxide, mercury, or the environmental problems that come from carbon dioxide - one of the greenhouse gases that contribute to climate change. Every megawatt of wind energy can reduce our greenhouse gas emissions by as much as 2,500 tonnes per year—enough clean energy to power 350–400 Nova Scotian homes.

Wind energy does not use up natural resources. Capturing and transforming the energy of wind into the energy of electricity is infinitely renewable.

Nova Scotia has legislated goals in the *Environmental Goals and Climate Change Reduction Act* (PDF) to get off coal and have 80% of electricity generated with renewables by 2030 – and to reach net zero by 2050. [Learn more here.](#)

Q: Should residents be concerned about the resulting noise and light flicker of Wind Turbines? What about concerns with the turbines causing illness?

It's important to remember that potential wind farms over 2 megawatts must undergo an environmental assessment which requires companies to identify the benefits of their project, its potential impacts on the environment and human health, and their plans to mitigate impacts. Projects must also obtain other required authorizations, permits and permissions from various levels of government before being built. There is no scientific evidence to support the belief that wind turbines cause illnesses.

The proposed regulatory changes will ensure municipalities have consistent standards regarding wind turbine setback distances that will ensure that residents will not be impacted by noise and light flicker.

Q: What about the threat to migratory birds that turbines present?

Wind turbines are attributable to less bird deaths than cats and tall buildings. Consideration of potential impacts to migratory birds as a result of a wind turbine project are included within the Government of Nova Scotia's environmental assessment process. Companies must ensure that they comply with federal migratory bird legislation.

Q: Why is the Nova Scotia Government Making this change?

Wind turbines do create noise and may not be appropriate for all locations. The Government of Nova Scotia is making this change to ensure that wind projects are properly developed and managed consistently across all municipalities.

Q: How would distance required for sound and shadow flicker be established?

Distance for sound and shadow flicker is based on project specific factors. The provincial Environmental Assessment process considers these factors prior to granting approval of commercial Wind Turbine projects (at least 2MW). A municipality may decide to incorporate the *Minimum Planning Requirements Regulations* about setbacks from wind turbines to dwellings, as written, into their Planning Documents for ease of implementation.

Q: How does a municipality determine if their existing requirements are consistent with the proposed maximums?

We understand that many municipalities who regulate wind turbines, have policies or bylaws including a distance setback (i.e., Kms). These policies or bylaws may be contrary to the *Minimum Planning Requirements Regulations* amendments. The Provincial Planners supporting your region and the NRR contact provided can help you consider how your existing requirements relate to the amendments to the *Minimum Planning Requirements Regulations*. You should also seek advice from your solicitor should you have questions regarding the regulations.

Q: Will there be a deadline for when municipalities that have existing wind requirements should be consistent with the new requirements?

There is no specific deadline set. It is expected that municipalities bring their setback requirements in line with the newly amended *Minimum Planning Requirements Regulations* as soon as reasonably possible.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
 Alex Dunphy, Senior Planner

Date: March 13, 2025

Subject: Growth Centres Discussion: Background

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social X	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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As part of the work being done through the plan review, staff have identified that Growth Centres as a key discussion point to for further consideration with the Planning Advisory Committee and Council. Staff hope to provide some basic background on Growth Centres and the relevant policies in existing documents to find potential areas improvement that can be reflected upon in the drafting of the new regional planning documents.

DISCUSSION

The general intent of Growth Centres is to encourage more concentrated residential and commercial development, services, and amenities in certain areas with access to efficient servicing of both water and sewer. This concentration of density and growth in specific areas helps to take development pressure off of the rest of the Municipality, which in turn reduces sprawl.

The current planning documents identify Three Mile Plains and Falmouth as Growth Centres within the West Hants Municipal Planning Strategy. Staff are also considering Windsor and

Hantsport as Growth Centres in this discussion, as they have been identified as such in the drafted Municipal Planning Strategy.

Residential Development in Three Mile Plains Growth Centre

Multiple unit residential dwellings under three stories are generally processed through rezoning. Any multiple unit residential development over three stories must be considered through development agreement.

Residential Development in Falmouth Growth Centre

Higher density multiple unit residential dwellings are not permitted. Only townhouse or duplex buildings can be considered by development agreement. Proposals must be comprehensively designed, include single unit dwellings as nearly a third of the total number of units, be at least 25 acres, and cannot exceed certain restrictions on density.

Commercial and Industrial Development in Both West Hants Growth Centres

Commercial development is generally only allowed within commercially designated areas. A broad range of commercial uses are permitted as-of-right. Only smaller scale commercial uses can be considered outside of the commercial designation by development agreement.

Industrial developments are exclusively considered through development agreements.

There is a policy to consider expansion of the boundaries of the Growth Centres, should Council deem it necessary.

Development in Windsor

Unless pre-zoned for higher density, all residential development or three units or above must be considered through development agreement. There are few higher density pre-zoned residential lands available for development. There is a policy which specifically restricts rezoning residential lots to a higher density zone.

Any new main buildings in the downtown area can only be considered by development agreement.

General commercial development can be achieved through rezoning within Windsor, regardless of underlying designation. Larger scale commercial developments are permitted in specific zones through development agreement, while smaller scale commercial developments can be considered anywhere by development agreement.

Only light industrial developments can be considered outside of industrially designated areas by development agreement.

Development in Hantsport

Higher density residential development is considered strictly through rezoning, there is no option for consideration by development agreement.

Hantsport currently has no policy support to allow for commercial or industrial development outside of appropriately designated areas.

NEXT STEPS

Staff will use the discussion points from the Planning and Heritage Advisory Committee in further drafting of documents for the Growth Centre section of the plan review.

FINANCIAL IMPLICATIONS

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

Report Prepared by: _____

Alex Dunphy, Senior Planner

Report Approved by: _____

Kari Fougere, Acting Director of Planning and Development

8.0 Business Arising from the Minutes (File Updates)

Staff Review

8.1 File #24-22 Development Agreement: 411 King Street, Windsor Phase 2 (Alex Dunphy)

This is a development agreement application for Phase 2 of the residential development at 411 King Street, Windsor. The first phase is already approved and is for 18 stacked townhouse units on the site of the old Baptist church. The second phase is a 7-storey, 60-unit apartment building on the land behind the church. The PIM was held on November 6, 2024. Alex is processing feedback from inquires and working with the developer to address that feedback before he brings this file forward to the PAC/HAC.

8.2 File #23-21 Windsor, West Hants and Hantsport MPS/LUB Amendments: Housing Accelerator Fund Initiatives #1-3 (Will Hong)

The Housing Accelerator Fund is a federal funding program initiated by the Canadian Mortgage Housing Corporation (CMHC). Through this program, municipalities can access funding and resources to help streamline the development process to accelerate housing development. As part of the application, a Housing Action Plan was submitted with 7 initiative items to support housing development. To fulfill the funding agreement, staff have drafted amendments to Initiatives #1-3, which include amendments to the West Hants, Windsor, and Hantsport Municipal Planning Strategies and Land Use By-laws. PAC/HAC recommended in favour of the amendments on January 9, 2025. Staff consulted with CMHC to ensure the proposed amendments align with the agreement's objectives before introducing it to Council. First Reading was held on February 25, 2025, and Council voted to continue to Public Hearing and second reading on March 25, 2025.

First Readings / Public Hearings

8.3 File #24-03 Development Agreement: Bear Lake Wind Farm (Kari Fougere)

This application is for a development agreement to permit an 11-turbine wind farm across multiple PIDs in Vaughan. The Public Information Meeting was held on April 8, 2024. PAC/HAC recommended in favour of this application with amendments on October 10, 2024. The developer chose to move forward with their application without the recommendations. The developer has since withdrawn and resubmitted their application under the newly amended Wind Turbine section of the West Hants Municipal Planning Strategy. This item can be removed from the agenda and the new application, File #25-13, will go forward.

8.4 File #24-21 Development Agreement: 439 Clifton Avenue, Windsor (Alex Dunphy)

This is a development agreement application to convert the existing single unit dwelling and detached garage at 439 Clifton Avenue, Windsor, into 8 dwelling units (7 in the main building, 1 within the garage). The Public Information Meeting was held on September 4, 2024. PAC/HAC recommended in favour of this application on November 14, 2024. First Reading was held on November 26, 2024. Public Hearing and Second Reading were scheduled to be held on January 28, 2025, however, due to an advertising error, it was postponed to February 25. At this time, Council approved the development agreement. A Notice of Approval was placed in the paper on March 7, 2025, initiating the 14-day appeal period.

Notice of Approval / Minister Review / Appeals

8.5 File #24-10 WHMPS Amendments: Wind Turbine Setbacks (Kari Fougere)

An application received in November 2023 requesting amendments to Section 4.24 of the WHMPS to further evaluate wind farm development proposals which began a staff investigation and Council discussions on appropriate setbacks for large-scale wind turbines. Following those discussions, Council approved a motion on February 27, 2024, to direct staff to “follow the planning process to amend the planning documents to include a 4 km setback.” A recommendation report was brought to PAC/HAC on May 9, 2024, and the Committee did not vote in favour of these amendments. The amendments were taken to Council for First Reading on May 28, 2024, at which time Council directed staff to “bring back a report to Council which identifies property lines as the designation for measurement from wind farms and that the distance be established at 2.5 km and with development agreement as part of the process.” Staff revised the report as requested and First Reading was held on June 25, 2024. Council amended the motion to read, “...2.5 km from abutting lots with frontage on a roadway, unless written permission is given by the abutting property owner.” The Public Hearing was held on July 23, 2024. The Second Reading was held on September 24, 2024, where Council approved the amendments. On January 14, 2025, the Minister of Planning approved Council’s decision with additional amendments. The notice of approval was placed in the paper on January 24, 2025. The amendments are now in effect and both the West Hants Municipal Planning Strategy and West Hants Land Use By-law have been updated and uploaded to the website. The Department of Municipal Affairs’ response can be found on the municipal website under Applications and Amendments Under Consideration, at www.westhants.ca/staff-reports. This item can now be removed from the agenda.

8.6 File #23-33 Development Agreement: PID 45402831 Windsor Back Road, Three Mile Plains (Alex Dunphy)

This application is for a development agreement to permit 87 residential units in 3 multi-unit buildings on a vacant property on Windsor Back Road in Three Mile Plains. The Public Information Meeting was held on November 2, 2023. PAC/HAC recommended in favour of this application on June 13, 2024. First Reading was scheduled to be held on June 25, 2024, however Council requested staff get written confirmation from NSECC regarding the watercourse on the property. First Reading was then postponed until such confirmation is received. Written confirmation was received, and First Reading was held on July 23, 2024. The Public Hearing and Second Reading were held on September 24, 2024, where Council refused the application. Notification was sent to the applicant on September 27, 2024, outlining Council's reasonings for refusal and initiating the 14-day appeal period. The developer has appealed Council's decision on October 10, 2024. The appeal hearing was held mid-February 2025. Staff are now awaiting the UARB's decision.

ACTIVITY REPORT

For Month of January 1/31/2025

Type	Jan 2024			Jan 2025		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Family	16	7	1,701,250	11	6	1,226,168
Duplex/Semi	0	0	0	0	0	0
Apartments	1	0	15,000	2	8	900,000
Other Residential	5	0	44,700	6	0	418,300
Commercial	4	0	240,000	1	0	200,000
Industrial	0	0	0	0	0	0
Inst & Gov	1	0	771,098	0	0	0
Agriculture	2	0	120,000	0	0	0
Other	1	0	367,000	0	0	0
Total	30	7	3,259,048	20	14	2,744,468
Year To Date	30	7	3,259,048	20	14	2,744,468
Demolition	1	1		2	0	
Sign Permits	0			2		
Sub Applications	5	3 (Lots Requested)		10	6 (Lots Requested)	

ACTIVITY REPORT

For Month of February 2/28/2025

Type	Feb 2024			Feb 2025		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Family	7	7	3,385,347	6	7	1,140,000
Duplex/Semi	0	0	0	1	2	750,000
Apartments	0	0	0	0	0	0
Other Residential	3	0	130,000	4	0	154,000
Commercial	0	0	0	1	0	2,000
Industrial	0	0	0	0	0	0
Inst & Gov	0	0	0	0	0	0
Agriculture	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total	10	7	3,515,347	12	9	2,046,000
Year To Date	30	14	5,605,047	25	24	4,193,444
Demolition	0	0		1	1	
Sign Permits	1			0		
Sub Applications	5	4 (Lots Requested)		7	7 (Lots Requested)	

From: [Deanna Snair](#)
To: [Mark Phillips](#); [Kari Fougere](#)
Cc: [Alexander Dunphy](#)
Subject: FW: Early Notification MPS/LUB Amendments - Short-term Rentals
Date: Wednesday, March 5, 2025 10:51:48 AM

Sharing



Deanna Snair

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

T 902-798-8391 Ext. 134
M 902-792-8035
E DSnair@westhants.ca
W www.westhants.ca

From: Paul Riley <priley@chester.ca>
Sent: March 5, 2025 9:56 AM
To: Deanna Snair <DSnair@westhants.ca>
Subject: Early Notification MPS/LUB Amendments - Short-term Rentals

Caution [External Email]

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

Good Day,

In accordance with the Engagement Programs Content Regulations of the Municipal Government Act and Chester Municipal Planning Strategy (MPS) Policy A-6, I am writing to advise that in accordance with direction from Council, municipal staff are preparing amendments to the MPS and Land Use By-law to consider changes to distinguish between Short-term Rental and other tourist accommodations.

This notice offers an opportunity to provide comments in relation to the proposal for consideration by Council as the file progresses.

This notice does not replace the standard practice of providing advance notice of a Public Hearing to adjacent municipalities per Section 206 (5) of the Municipal Government Act. Such notice will be provided if and when a date for a Public Hearing is set.

If you have any questions or wish to submit comments in relation to the attached, please let me know.

Thank you,
Paul



Paul Riley

Planner
Community Development & Recreation

Municipality of Chester
186 Central Street, Chester, NS, B0J 1J0

Office: [902-275-4149](tel:902-275-4149)
General Inquiries: [902-275-2599](tel:902-275-2599)

Web: www.chester.ca



♣ Consider the environment. Do you really need to print this email?

I (we) respectfully acknowledge that I (we) live and work in Mi'kma'ki as a steward of the ancestral territory of the Mi'kmaq people. We are all treaty people.

This message contains confidential information and is intended only for the intended recipients in communication with the Municipality of Chester. If you are not an intended recipient you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.