

WEST HANTS REGIONAL MUNICIPALITY
Council Meeting Agenda - AMENDED
March 22, 2022 - 6:00 p.m.
Virtual via Zoom
(also FB Livestream)

Agenda is subject to change due to additions that may not be able to be reflected until after the meeting.



West Hants
something inspiring awaits

1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous/Unsightly
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2022-02-22 Council Meeting Minutes
7. Public Hearings
 - i. ~~Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797~~
ADJOURNED UNTIL JUNE 28, 2022
8. Second Readings
 - i. ~~Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797~~
ADJOURNED UNTIL JUNE 28, 2022
9. Unfinished Business/Postponed Motions
10. Mayor's Report
11. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (March 8, 2022)
 - i. Audit Committee Member Appointment
 - ii. Equipment Purchase for New Pumper Tanker Brooklyn Fire Dept
 - iii. Mobile Canteens Vending By-law
 - iv. Quint Fire Apparatus Purchase Hantsport Fire Dept
 - b) Planning and Heritage Recommendations (March 10, 2022)
 - i. Mobile Canteen Vending By-Law Amendment
 - ii. Wentworth Road Gateway District: WMPS and WLUB Text Amendment

12. Councillor Municipal Business/Activity Reports
13. Correspondence
 - a) Information
 1. Avon Causeway Activity Log
 - i. Current Avon River Correspondence up to March 17, 2022
 2. Current Correspondence Received Log
 3. Fort Edward Activity Log
 - i. Fort Edward Current Correspondence as of March 17, 2022
 4. Storm Wastewater Activity Log
 - i. Storm Wastewater Correspondence as of March 17, 2022
 - ii. Verbal discussion on sporadic odours specifically in the Albert, Cedar and Gray Street areas.
 - b) Requests – None
 - c) Outgoing
 1. Current Correspondence Sent as of March 17, 2022
 - i. 2022-03-10 Valley REN re: partnership and formal withdrawal notice
14. New Business
 - a) MFC Spring 2022 Debenture – Recommendation Report – Dir. Rochon
 - ~~b) Avon River – Mayor Zebian~~
 - c) Budget Workshop Information -Recommendation Report - Councillor Ivey
 - d) Tax Sale Notifications – Recommendation Report - Councillor Ivey
 - e) West Hants Avon River Region – Tourism/Economic Development – Report Summary - Councillor Ivey
15. In-Camera
16. Next Meeting Date / Adjournment

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Sewer Billing Review - Staff explore what the sewer rates would be if sewer util. fees were put back on the taxes. (Tabled until after budget) (Also at 2020-04-14 COTW mtg)	2020-05-12		In progress	CAO/Fin
Asset Mgmt (Strategic Sustainability) - Strategic Sustainability Plan is needed	2020-05-12	On-going until approx. Oct. 2022	Staff training all Public Works and Community Development Staff	PW
Pedestrian Signage and Barriers - Have consistent and align with Branding outcomes. Staff prepare report for 2021/22 Capital & Operating budgets. (These items should be incorporated into our growth centres). Staff report back.	2020-09-22	Align with Branding outcomes 2021-07, On-going	Pending Beautification Strategy. Street and Community sign options currently being explored	PW/Comm. Dev
Diversity & Inclusion Committee (from Meeting & Committee Procedural Policy Amendments) - Advertise for Committee	2020-10-13	2021-05 (also with Rad Consulting)	Ongoing	Comm Dev
W. B Stephens Building Design Project Management Tender Award - Defer award until staff obtain additional operational costing information of the other municipal buildings. (100 King Street)	2020-10-27	2022-on going	Ongoing, working group has met twice. Recommendation coming to Council soon. Waiting on structural review	CAO
Panuke Rd Event - Event to be arranged by Mayor	2021-03-09	2021-06	Unknown	Mayor
Noise By-law - Staff revise by-law (Peace and Good Order)	2021-03-23	2022-on going	Ongoing review	Planning/ CAO
Cheverie Land Exchange - Agree	2021-03-23	2022 on going	Pending site visit	CAO
WHRM Land Dispute Policy - CAO Office to establish a practice to keep council informed	2021-04-27	2022-04	Currently reviewing. Policy to follow	CAO
Dog Park - Staff review historical information related to dog park feasibility	2021-06-08	2022-04	Outstanding. Information gathered	Comm. Dev
Glooscap First Nation & WHRM Council Meeting - Send formal invite for a meeting to discuss many topics including reconciliation	2021-06-22		Set to meet on March 15, 2022	Mayor

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Request to Meet with Avon Causeway Gate Stakeholders - Send letter to Glooscap First Nation requesting immediate joint council mtg. to discuss Avon River Causeway/Aboiteau Gate System and Ministerial Order	2021-06-22		Ongoing informal communication continues through the Mayor	Mayor/CAO
Review former By-Laws RV-001 (Mobile Canteen)- Review former By-Laws and create a new all encompassing By-Law with public input.	2021-09-28	2022-06	Pending Councils approval, Public Hearing.	CAO/Plan
Outdoor Fires By-Law - Staff review existing Fire-related by-laws and have an all encompassing Regional By-Law	2021-09-28	2022-04	Ongoing review. Approved by Fire Chiefs with Public input received, approved by Fire Chiefs. Returing for Council consideration in April 2022	CAO
Capped Assessment - Staff provide a new aggregated report that will coincide with PVSC's presentation in January/February.	2021-09-28	2022	Outstanding	Finance
Valley REN - Send a letter to advise VREN that WHRM will remain a partner for the perod of Aprl 1, 2022- March 31, 2023 in order to continie to see the benefits that the VREN offers and also give formal notice that the WHRM will cease to be a partner after March 31, 2023.	2022-02-08	2022-02-22	Letter has been sent	CAO
Panuke Road Booster Staion - Provide ongoing updates to Council	2022-02-22	ongoing	Footings installation complete, ICF in progress	PW
Hantsport Fire Station - Provide ongoing progress updates to Council	2022-02-22	ongoing	Roof shingle installation being completed, rough-ins in progress	PW
Front End Wheel Loaders - Provide ongoing progress reports to Council	2022-02-22	ongoing	Second Loader in transit for Halifax destination. ETA unknown	PW
Post Consolidation Funding - Report to Council on the progress related to this funding	2022-02-22	ongoing	Project submitted. Pending Provincial/Federal Government approval	CAO/Fin
Audit Committee - appoint Kathryn Duffy to the Audit Committee for the period of April 1, 2022 to December 31, 2022	2022-03-08	2022-03-22	Pending Council Approval	Fin

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Brooklyn Fire Dept. Equipment Purchase - Purchase equipment to outfit the new pump truck that was ordered and set to arrive in May 2022.	2022-03-08	2022-05-30	Pending Council approval. Once approved, equipment will be ordered.	CAO
Quint Fire Apparatus Purchase- Hantsport Fire Dept.- Replace the 2002 E-1 engine (11) with this apparatus	2022-03-08	2022-03-22	Pending Council approval	CAO
Removal of Bridge Remnants- Write to PW local Area manager Robyn Homans and forward research regarding the old bridge to allow PW to further investigate.	2022-03-08	2022-04-12	Information being gathered	CAO/PW
Fort Edward- Return to the March 22, 2022 with details re: Phase 2 to Archaeological Assessment on 36 and 65 Fort Edward Lands	2022-03-16	2022-03-22	In progress	CAO
36 and 65 Fort Edward - Set up a site visit for Council	2022-03-16	2022-03-22	In progress	CAO

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List)
March 17, 2022

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

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



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: March 22nd, 2022

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

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

... that Council adjourns the Public Hearing until 6:00 pm on June 28 and postpones the Second Reading until June 28th, 2022 in order to complete and consider the results of the Phase 2 Archaeological Resource Impact Assessment for 65 Fort Edward Street, Windsor (PID 45059797).

BACKGROUND

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

DISCUSSION

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

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

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

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

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

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

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

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

extended until March 11th. Staff have received a total of nine (9) correspondence submissions from the public, all of which were not in favour of the proposed amendments. The correspondence mainly cited the preservation of history, detriment to the character of the area, and an opportunity for tourism.

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

Dr. Johnathan Fowler made the following statement as an outcome of the report:

Should construction take place on the properties in question, it is recommended that:

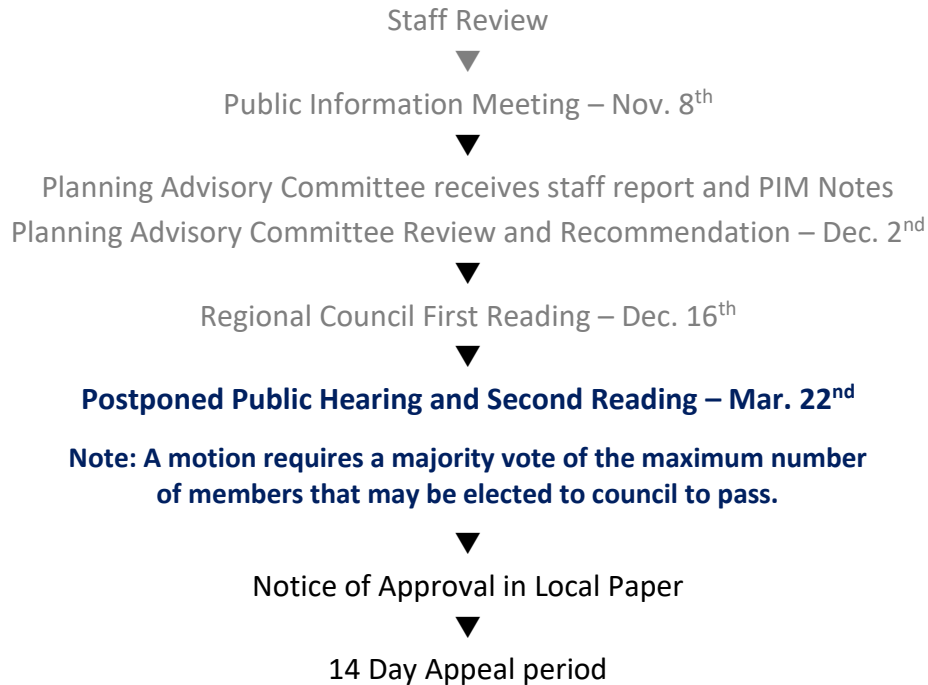
1. *The entire study area be subject to a Phase 2 ARIA in advance, with the exception of the deepest portions of the former swimming pool footprint. The Phase 2 assessment should include:*
 - a. *Sub-surface testing and possibly geophysical prospection to assess the nature of archaeological deposits and soil disturbance; and*
 - b. *Special attention focused on the areas where 18th century maps show buildings (see Figure 29, above). Although this area has been artificially terraced, the impact of terracing on archaeological resources has not necessarily been destructive, and even archaeological materials in secondary context can have value.*
2. *Any future constructions planned for these properties should respect Fort Edward's viewplane of the Avon River, which Parks Canada identifies as essential to maintaining the site's sense of historic place and commemorative integrity.*

The Phase 1 ARIA has been submitted to the Nova Scotia Department of Communities, Culture, Tourism, and Heritage for acceptance. Dr. Johnathan Fowler estimated that a response to the submission of that report could take approximately a month. Dr. Johnathan Fowler then estimated that the timeline for an archaeologist to receive a permit would be five (5) to ten (10) business days, followed by a month or two to carry out the Phase 2 ARIA, in the best-case scenario. As it is likely that the Nova Scotia Department of Communities, Culture, Tourism, and Heritage will advise the Municipality to pursue a Phase 2 ARIA, staff feel as though adjourning the Public Hearing and postponing the Second Reading to carry out the necessary work for the Phase 2 ARIA is the best course of action to make a fully informed decision. In order to provide enough time to complete and consider the results of the Phase 2 ARIA, staff recommend that Council adjourn the Public Hearing to 6:00 pm on June 28th, 2022.

NEXT STEPS

Process

The process for this application is as follows:



FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may:

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

ATTACHMENTS

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

CHIEF ADMINISTRATIVE OFFICER

In addition to the comments made in this report by Planner, Dunphy, at the Special Council Meeting on March 16, 2022 Council requested that details associated with a Phase 2 Archeological Assessment for the site be presented to Council at the March 22nd meeting. It is the wishes of Council to have this assessment carried out. The report and the added request from Council is in alignment with the recommendation.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____


Mark Phillips, Chief Administrative Officer

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



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: December 16th, 2021

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

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

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

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

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

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

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

BACKGROUND

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

DISCUSSION

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

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

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

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

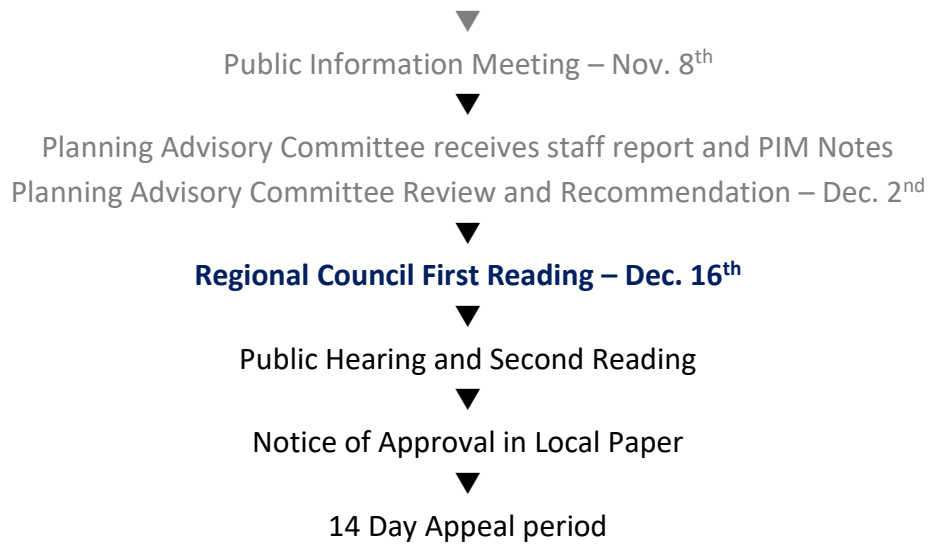
NEXT STEPS

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

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

Process

Staff Review



FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may:

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

APPENDICIES

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

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

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

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

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

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

Further information was requested by PAC /HAC.

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

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

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

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

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

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



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: December 2nd, 2021

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

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

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

BACKGROUND

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

Previous Uses

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

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

Previous Council Discussions

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

DISCUSSION

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

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

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

Surrounding Neighbourhood

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

Table 1: Use Abutting Subject Lot by Direction

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

Proposed Designation and Zone

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

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

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

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

Public Information Meeting Comments

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

DOCUMENT REVIEW

Municipal Planning Strategy

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

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

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

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

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

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

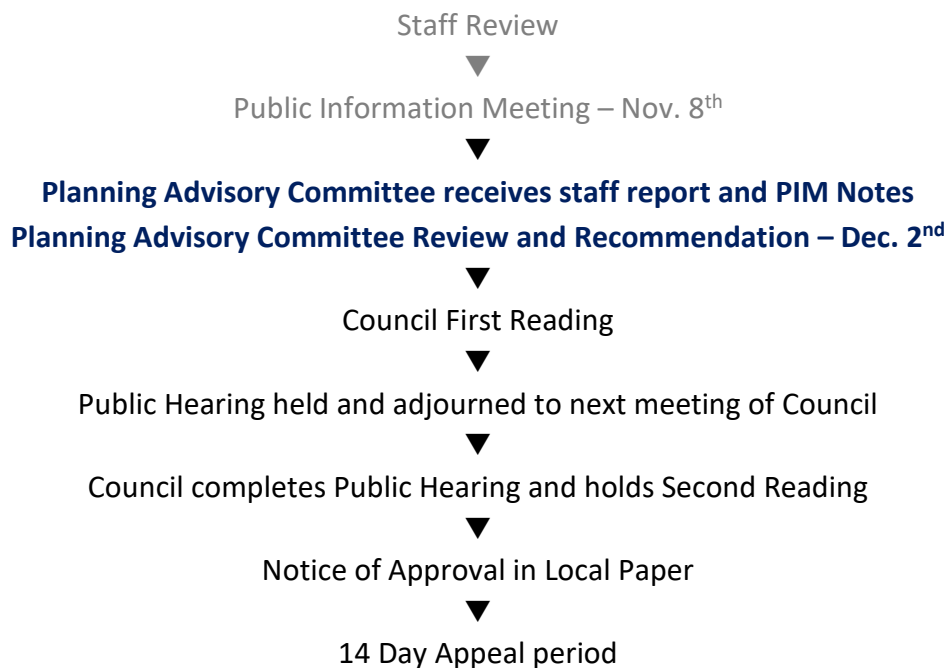
Policy 11.0.1 establishes the Community Use designation, which is the current designation of this property. As the property is currently a vacant gravel lot used for parking, it does not reflect the intent of the Community Use designation.

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

NEXT STEPS

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

Process



FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, PAC may:

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

ATTACHMENTS

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

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – Windsor GFLUM Extract: Current Designation



Figure 2 – Windsor GFLUM Extract: Proposed Designation



Figure 3 – Windsor Zoning Map Extract: Current Zone

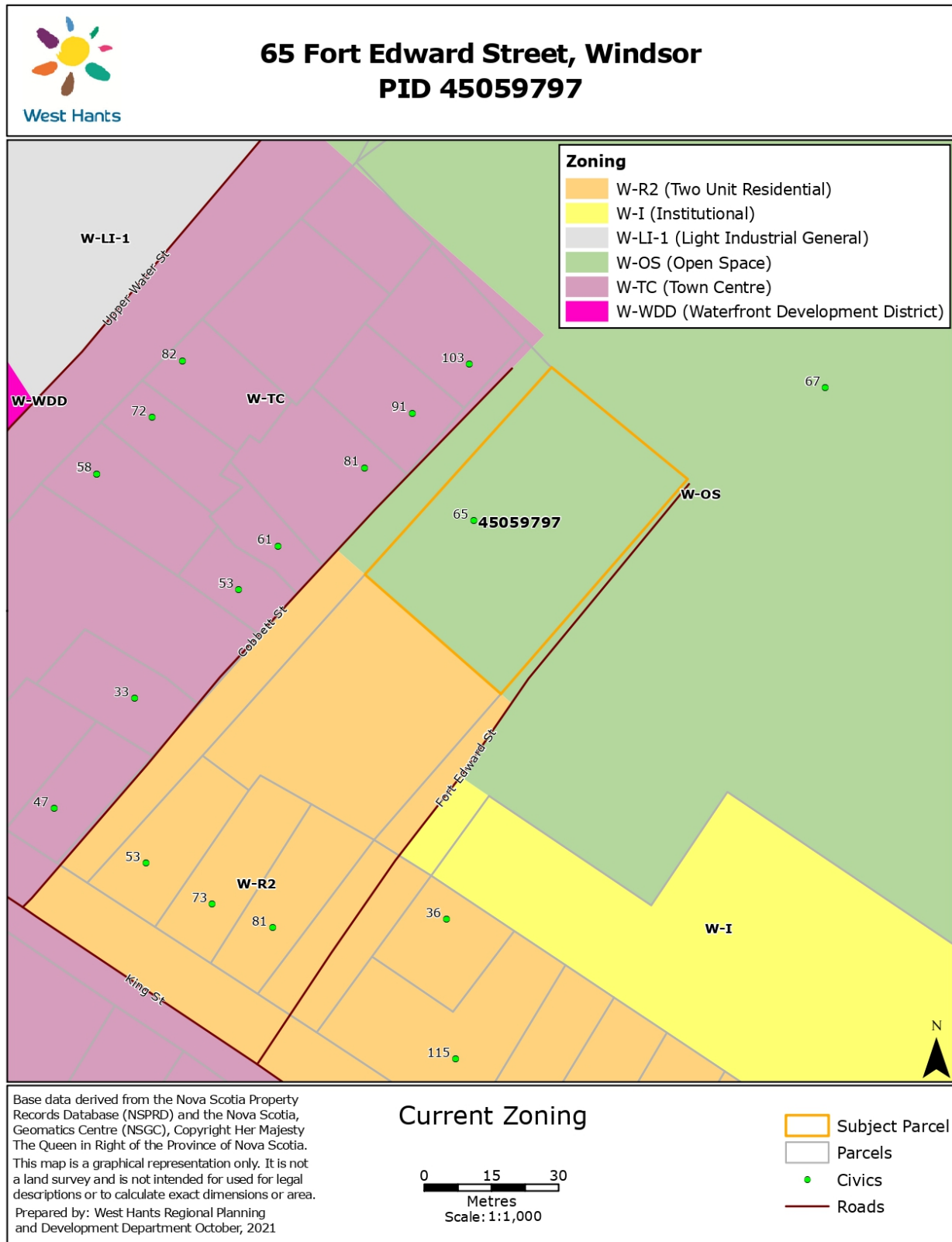
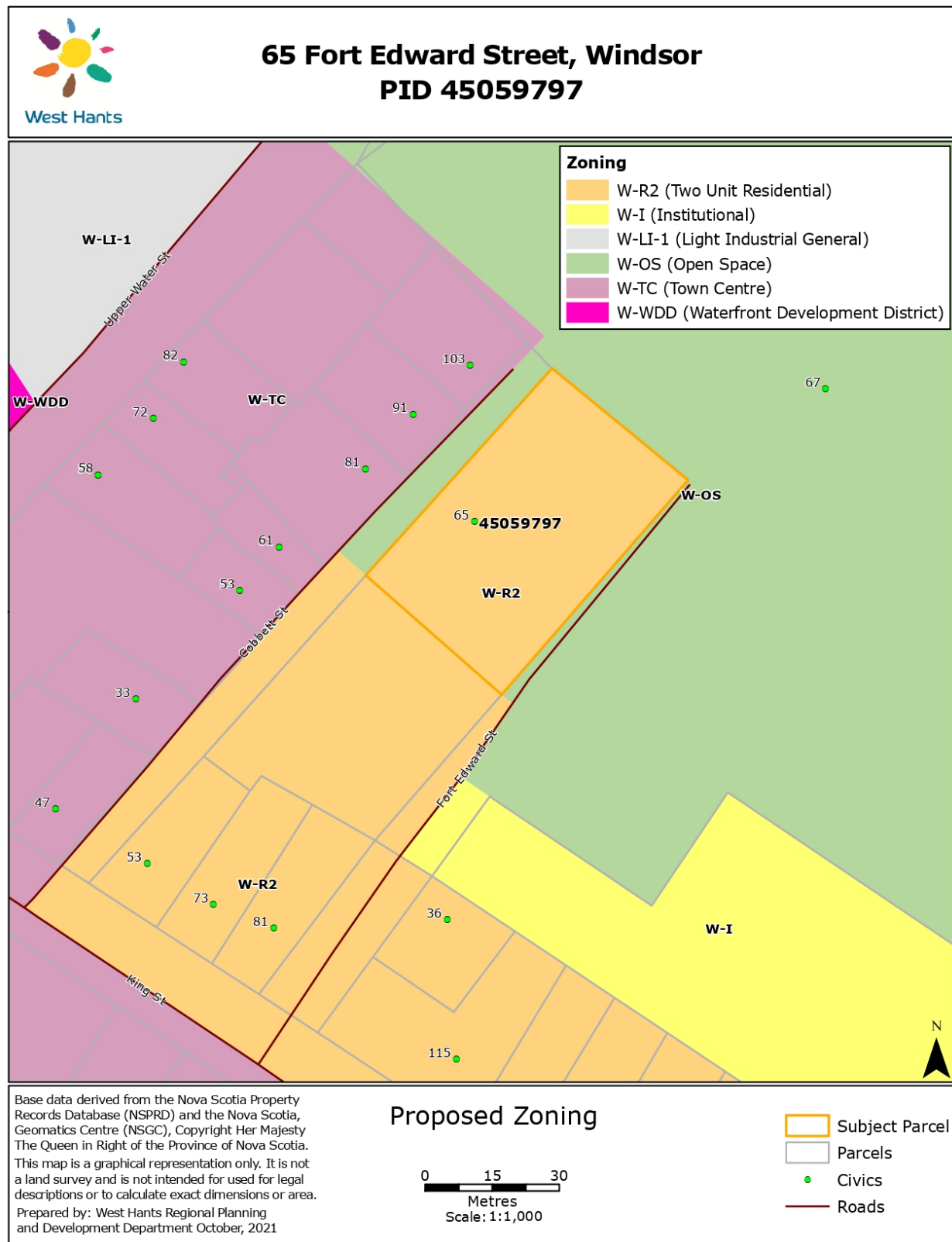


Figure 4 – Windsor Zoning Map Extract: Proposed Zone



Attachment A – Policy Summary

Enabling Policy

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

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

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

Supporting Policy

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

Policy 11.2.1

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

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

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

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

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

ATTACHMENT A

PIM Submissions: 65 Fort Edward Street

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

Compiled: November 24th, 2021

Letter

November 16, 2021

Shirley Pineo
President
West Hants Historical Society

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

Dear Mayor, Councillors and Planning Committee Members:

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

Importance of Fort Edward

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

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

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

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

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

West Hants Historical Society

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

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

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

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

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

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

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

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

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

Signed respectfully,
Shirley Pineo
President
West Hants Historical Society

C.C.

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

November 23, 2021

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

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

See attached letter

Emails

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

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

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

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

Regards,
Kelly McGregor

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

Hi Alex,

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

I also have 3 questions.

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

The letter I received states that the redesignation is proposed.

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

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

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

Thank you,
Andrea Moore

Hi Alex,

Thank you for your responses to my initial questions.

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

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

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

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

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

Sincerely,
Andrea Moore

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

Dear Mr Dunphy,

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

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

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

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

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

The region is in great financial shape.

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

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

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

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

Sincerely,
Denise

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

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

Thank You, Denise

From: Don Hurshman

Sent: November 23, 2021 12:47 PM

To: Alexander Dunphy <ADunphy@westhants.ca>

Subject: Just my opinion.

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

Thank you for your time

Don Hurshman

Phone Calls

From: Liz Galbraith

Date: October 28, 2021

To: Alexander Dunphy

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

From: G. Fogarty

Date: November 4, 2021

To: Alexander Dunphy

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

From: Roaland Newcomb

Date: November 8, 2021

To: Alexander Dunphy

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

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

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

Staff Comment Response

PIM Comments Response – Nov. 8th, 2021

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

In response to these concerns, staff provide the following:

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

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

In response to these questions, staff provide the following:

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

This concludes the comments received so far.

Nov 23/2021

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

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

Dear Sir;

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

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

RECEIVED

NOV 23 2021

11:40 am

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

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

3/5

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

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

Hilroy

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

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

5/5

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

Thank you for your careful consideration of this matters.

Sincerely

Teresa Newcomb

Teresa Newcomb
81 A King St,
Windsor NS.

902-798-5143

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



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: 2022-01-13

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

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

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

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

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

BACKGROUND

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

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

DISCUSSION

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

ATTACHMENTS

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

Report Prepared by: _____
Alex Dunphy, Planner

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

Attachment A – Email Response from Johnathan Fowler

Alexander Dunphy

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

Follow Up Flag: Follow up
Flag Status: Flagged

Caution

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

Good evening, Madelyn and team.

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

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

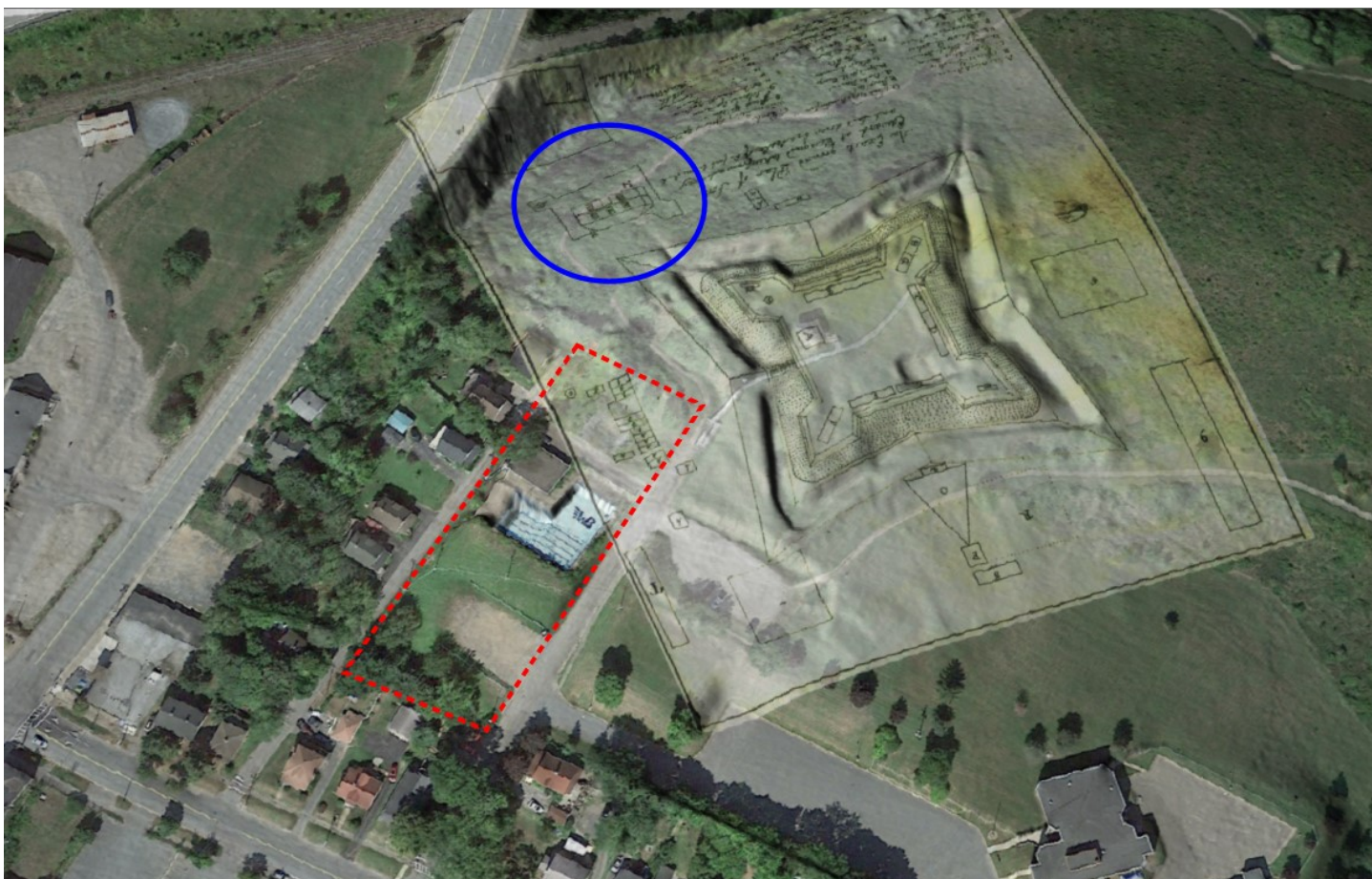
A quick look at the landscape with the aid of 2011 LiDAR data, which gives us the ability to map elevation very precisely (and remove trees and buildings), with the properties in question outlined in the red dashed line:



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



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



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

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

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

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

Best,

Jonathan
902 478-1896

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

Good morning, Jonathan!

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

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

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

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

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

Anything you can offer would be really appreciated.

Madelyn



Madelyn LeMay

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

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

Attachment B – Email Response from Sara Beanlands

Alexander Dunphy

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

Caution

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

Hi Madelyn,

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

Hope this helps,
Sara

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

Good morning

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

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

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

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

Anything you can offer would be really appreciated.

Madelyn



Madelyn LeMay

Director of Planning and Development

West Hants Regional Municipality

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

T 902-798-8391 Ext. 114

E MLeMay@westhants.ca

W www.westhants.ca

Attachment B1 - Attachment 1 to Sara Beanlands Response



JEWISH LEGION CENTENNIAL SOCIETY

May 21, 2019

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

Re: Jewish Legion Society

Dear Mayor Allen & Councillors,

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jon Goldberg', with a stylized, flowing script.

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

Attachment B2 - Attachment 2 to Sara Beanlands Response



JEWISH LEGION CENTENNIAL SOCIETY

June 13, 2019

Re: Jewish Legion Memorial in Windsor, Nova Scotia

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

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

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

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

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

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

Respectfully submitted,

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

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



MacKay-Lyons Sweetapple
Architects Limited

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

Journal of the Royal Nova Scotia Historical Society

Volume 21, 2018

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

by SARA BEANLANDS

Read before the Royal Nova Scotia Historical Society 15 March 2017

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

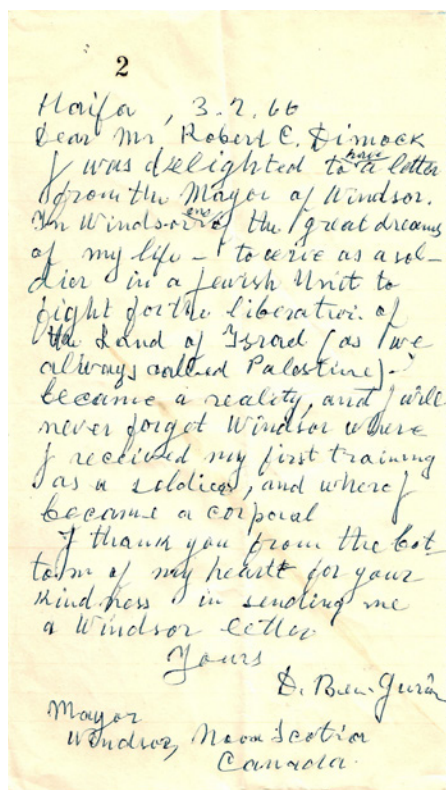
As Bernard Joseph, a prominent Israeli cabinet minister, expressed in 1967, the formation of the Jewish Legion represented not only the creation of the first modern Jewish military formation, but a social transformation of Jewish communities throughout the world. These events would become part of the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

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

Dear Mr. Robert C. Dimock,

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

Yours, D. Ben-Gurion³



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 3 David Ben-Gurion to Robert Dimock, 3 July 1966, Dimock Family Private Collection.
- 4 Watts, *The Jewish Legion and the First World War*, 2.
- 5 David Ben-Gurion, *Memoirs* (World Publishing Company, 1970), 34.
- 6 Elias Gilner, *War and Hope: A History of the Jewish Legion* (New York: Herzl Press, 1969), 107.
- 7 Joshua H. Neumann, “The Jewish Battalions and the Palestine Campaign,” *American Jewish Yearbook*, 21 (1920), 121.
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- 9 Michael Keren and Shlomit Keren, *We are Coming, Unafraid: The Jewish Legions and the Promised Land in the First World War* (Lanham: The Rowman & Littlefield Publishing Group, Inc., 2010), 5.

- 10 Jonathan Katz, "Constructing a Jewish Legion for Canadians," *Dorot: The McGill Undergraduate Journal of Jewish Studies* (The Jewish Studies Students' Association of McGill University), 9 (2007), 117.
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- 17 Watts, 47; Gilner, 89-90; Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation", 70.
- 18 Watts, 47.
- 19 Watts, 22-23.
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- 21 Brian Denis, *The Seven Lives of Colonel Patterson: How an Irish Lion Hunter Led the Jewish Legion to Victory* (Syracuse: Syracuse University Press, 2008), 221.
- 22 Keren, *We are Coming, Unafraid*, 5; Watts, 83.
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- 29 David Ben-Gurion, *Letters to Paula*, trans. Aubrey Hodes (London: Vallentine, Mitchell, 1971), 1.
- 30 Ibid., 1,3
- 31 Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 69-70.
- 32 Ben-Gurion, 3.
- 33 Ibid.
- 34 Ibid., 3-4.
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- 38 Tulloch, "Fort Edward NHS", 9; L.S. Loomer. Windsor, Nova Scotia: A Journey in History (Windsor: West Hants Historical Society, 1996), 286.

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- 41 Ben-Gurion, 2-3.
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- 46 Roman Freulich, *Soldiers in Judea: Stories and Vignettes of the Jewish Legion* (New York: Herzl Press, 1964), 31.
- 47 See Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 73.
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- 66 Ben-Gurion, 23.
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- 68 *Ibid.*, 8, 12.
- 69 *Ibid.*, 14.
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- 75 Gilner, 154.
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- 77 Watts, 241.
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- 79 Pers. Com. September 2018.

Attachment C – Email Response from Catherine Cottreau-Robins

Alexander Dunphy

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

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Hi Madelyn,

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

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

Yours,

Katie

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

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

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

Madelyn



Madelyn LeMay

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

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

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

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Hi Madelyn,

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

Yours, katie

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

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

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Hi, Katie

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

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

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

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

Anything advice would be really appreciated!

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

Madelyn



Madelyn LeMay

Director of Planning and Development

West Hants Regional Municipality

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

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

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

Fort Edward Street
Archaeological Resource Impact Assessment
HRP A2022NS013



Prepared for: West Hants Regional Municipality
Prepared by: Jonathan Fowler
23 February 2022

EXECUTIVE SUMMARY

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

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

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

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

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

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

Based on these findings, it is recommended that any future construction activities on these properties be subject to a thorough Phase 2 Archaeological Resource Impact Assessment, including engagement with the Mi'kmaw and Acadian communities. Viewplanes essential to Fort Edward's commemorative integrity should be respected. The phase 2 archaeological assessment would benefit from archaeological geophysical prospection, subsurface testing, and monitoring of mechanical excavations.

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1.0 INTRODUCTION

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



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

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

2.0 DEVELOPMENT AREA

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

2.1 Indigenous presence

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

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

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

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

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

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

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

2.2 French presence

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

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

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



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

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

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

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

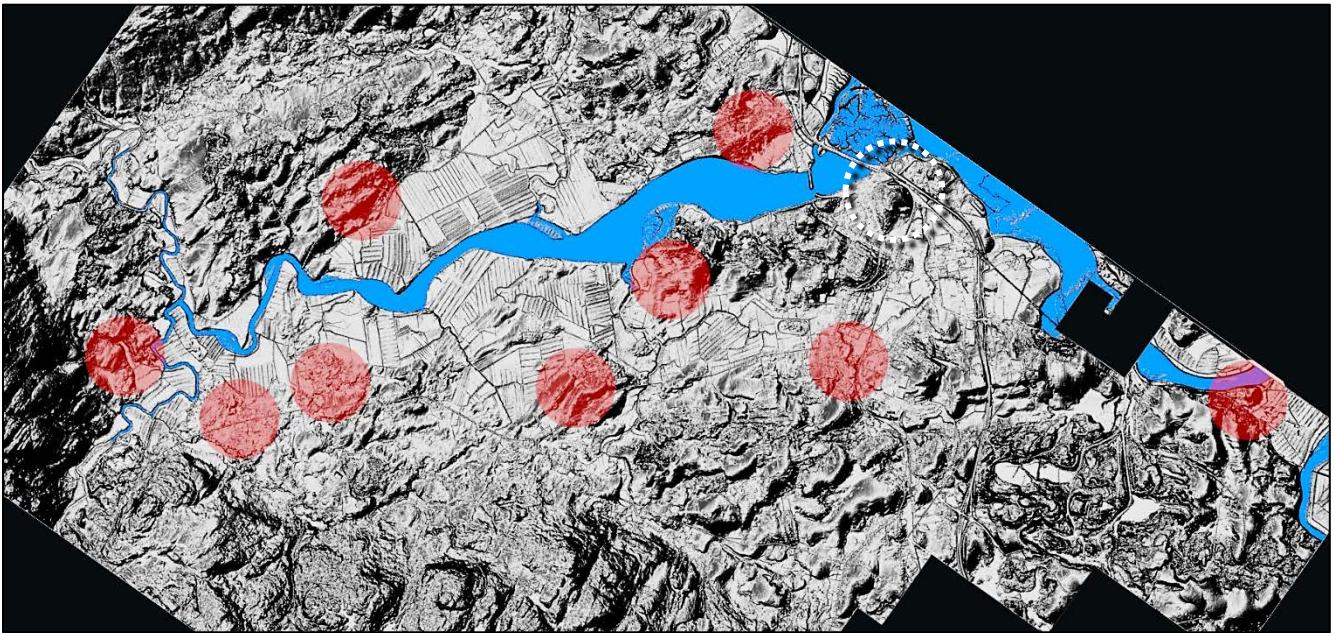


Figure 3: Map of most of the known pre-Deportation Acadian hamlet sites near Fort Edward as derived from historical and archaeological evidence and plotted on 2018 LiDAR hillshade. Fort Edward is highlighted by a dashed white circle at upper right. SOURCE: Province of Nova Scotia.

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

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

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

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



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

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

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

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

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

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

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

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

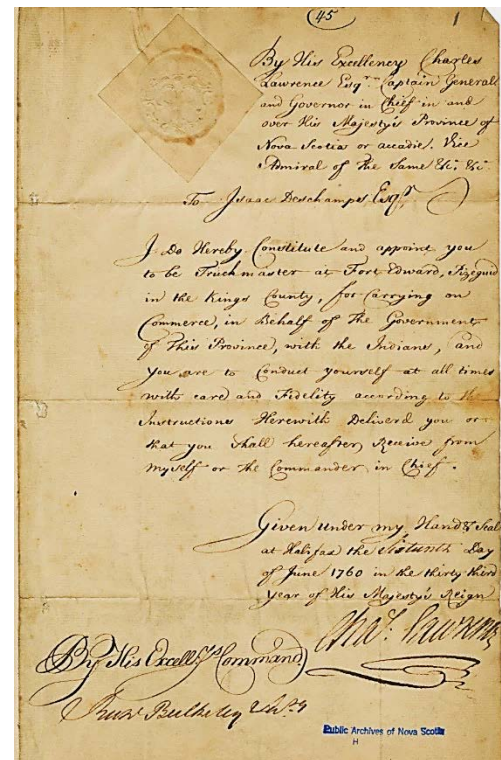


Figure 5: Commission appointing Isaac Deschamps truckmaster at Fort Edward, "for Carrying on Commerce, in Behalf of the Government of this Province, with the Indians." NSA, MG 1 vol. 258 no. 1.

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

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

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

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

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

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

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

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

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

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

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

2.3 Anglo-American presence

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

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

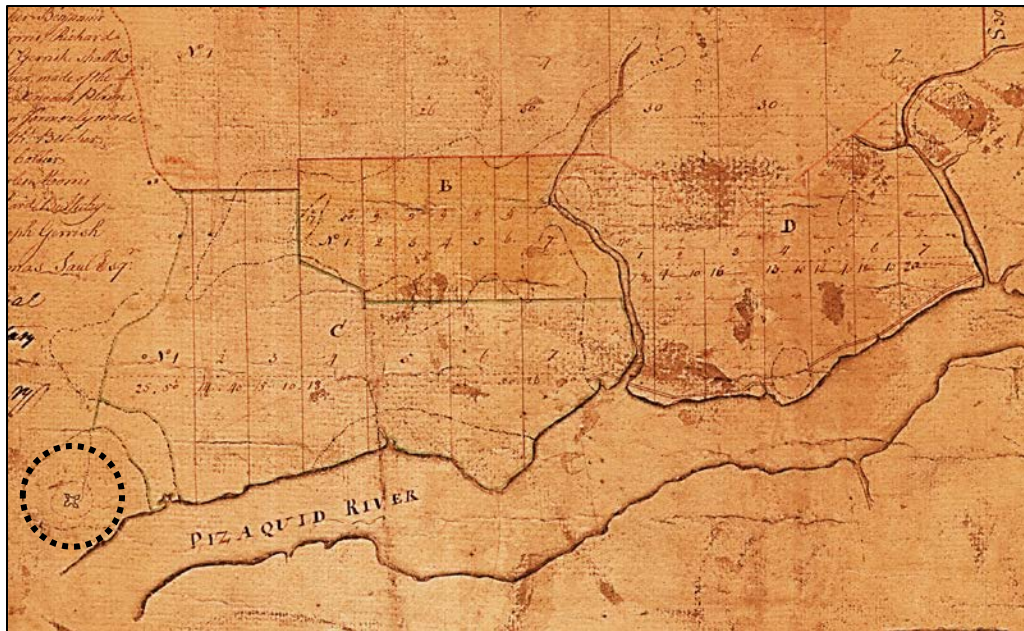


Figure 6: Detail of part of the Councillors' Grant of former Acadian lands at Pesiktk (north at bottom, Fort Edward circled at lower left). The proprietors named are Jonathan Belcher, John Collier, Charles Morris, Richard Bulkeley, Joseph Gerrish, and John Cunningham (for Thomas Saul). Collier and Belcher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

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

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

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



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

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

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

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

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

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

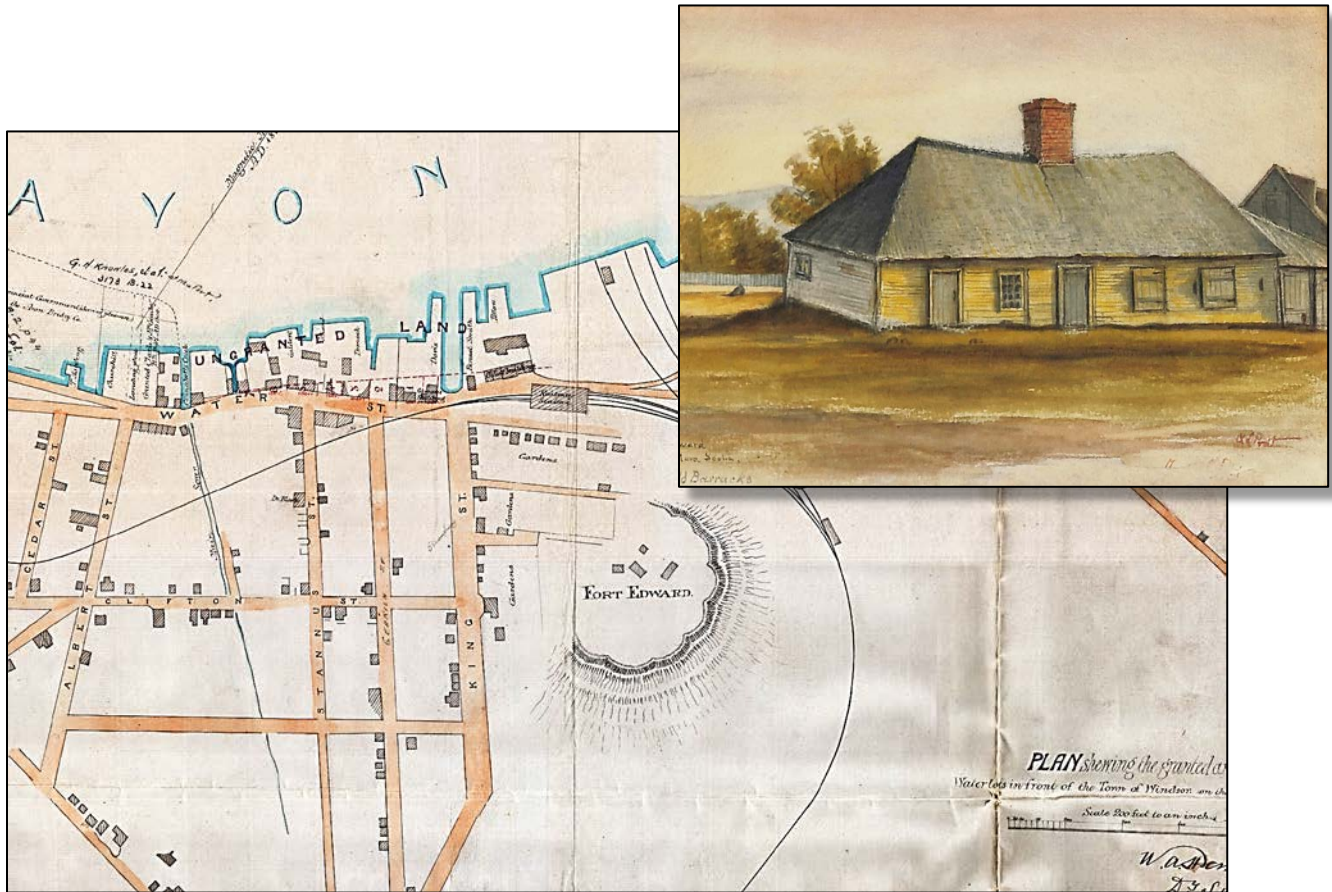


Figure 8: Detail of a map showing the Town of Windsor and four standing buildings at Fort Edward in 1879. North at upper right. Inset: Watercolour of the old soldiers' barracks painted ca. 1880 by Annie L. Pratt. The north-facing gable end of the provision store can be seen at right, behind the soldiers'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

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



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

3.0 STUDY AREA

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

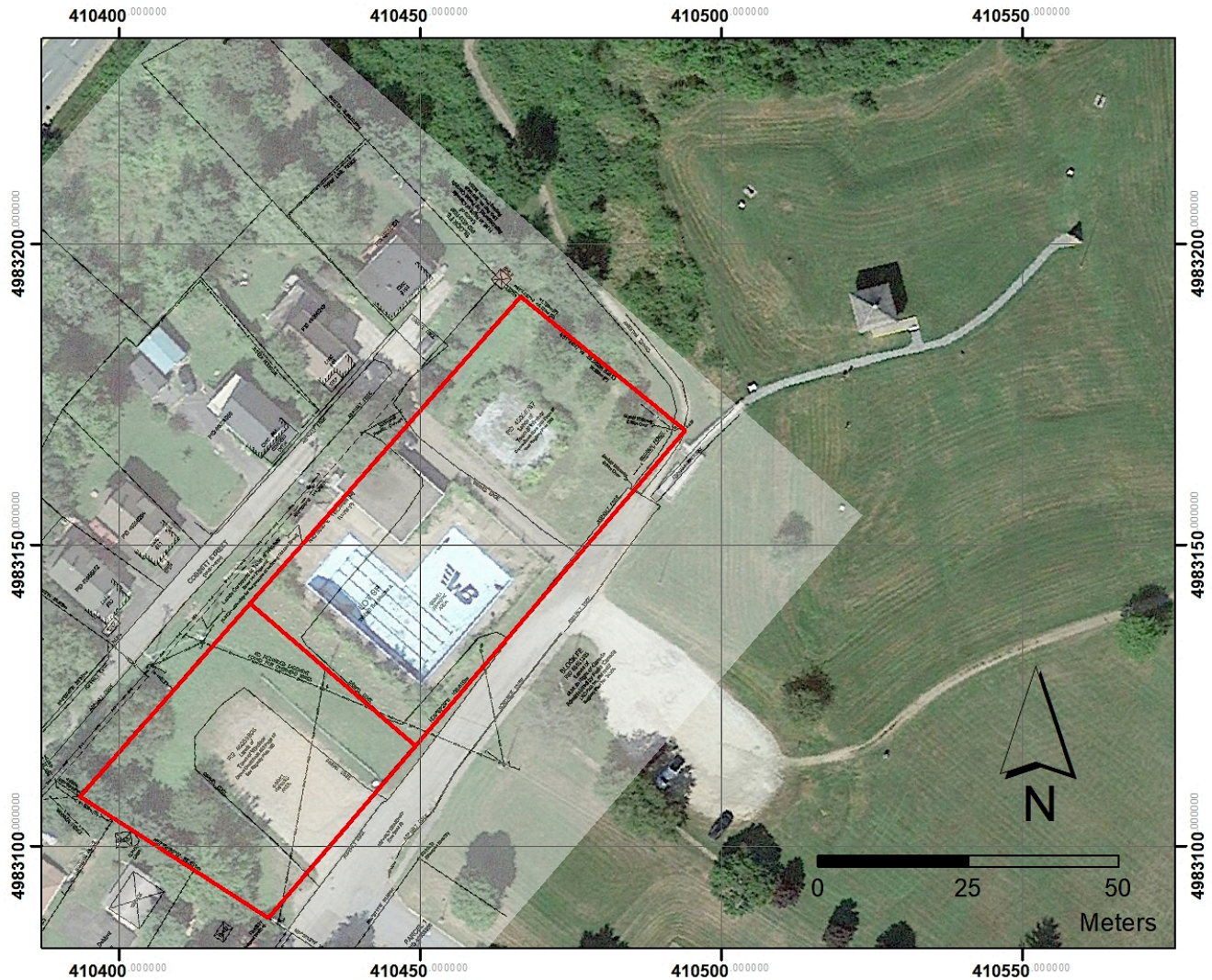


Figure 10: The study area (outlined) as indicated by a new survey plan dated 15 February 2022. The smaller of the two contiguous properties is PID 45059805 and the larger is PID45059797. SOURCE: West Hants Regional Municipality and Google Earth 2015.

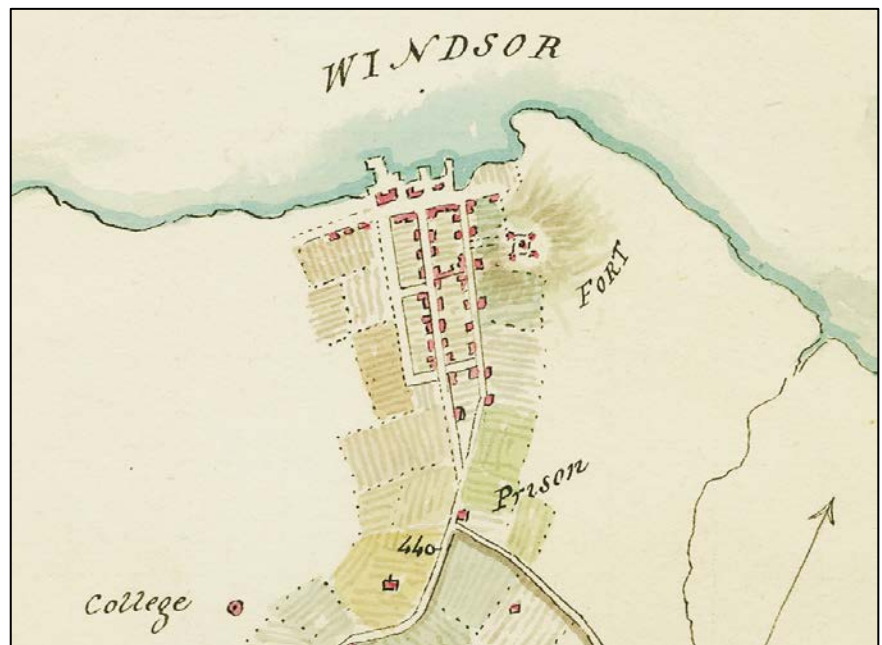
The study area occupies part of the space between the British fort on the hilltop and the planned settlement of Windsor that developed below it to the west (**Figure 11**). Eighteenth century Windsor, in this context, may be recognize as an

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

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

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

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



4.0 METHODOLOGY

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



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

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

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

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

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

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

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

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

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

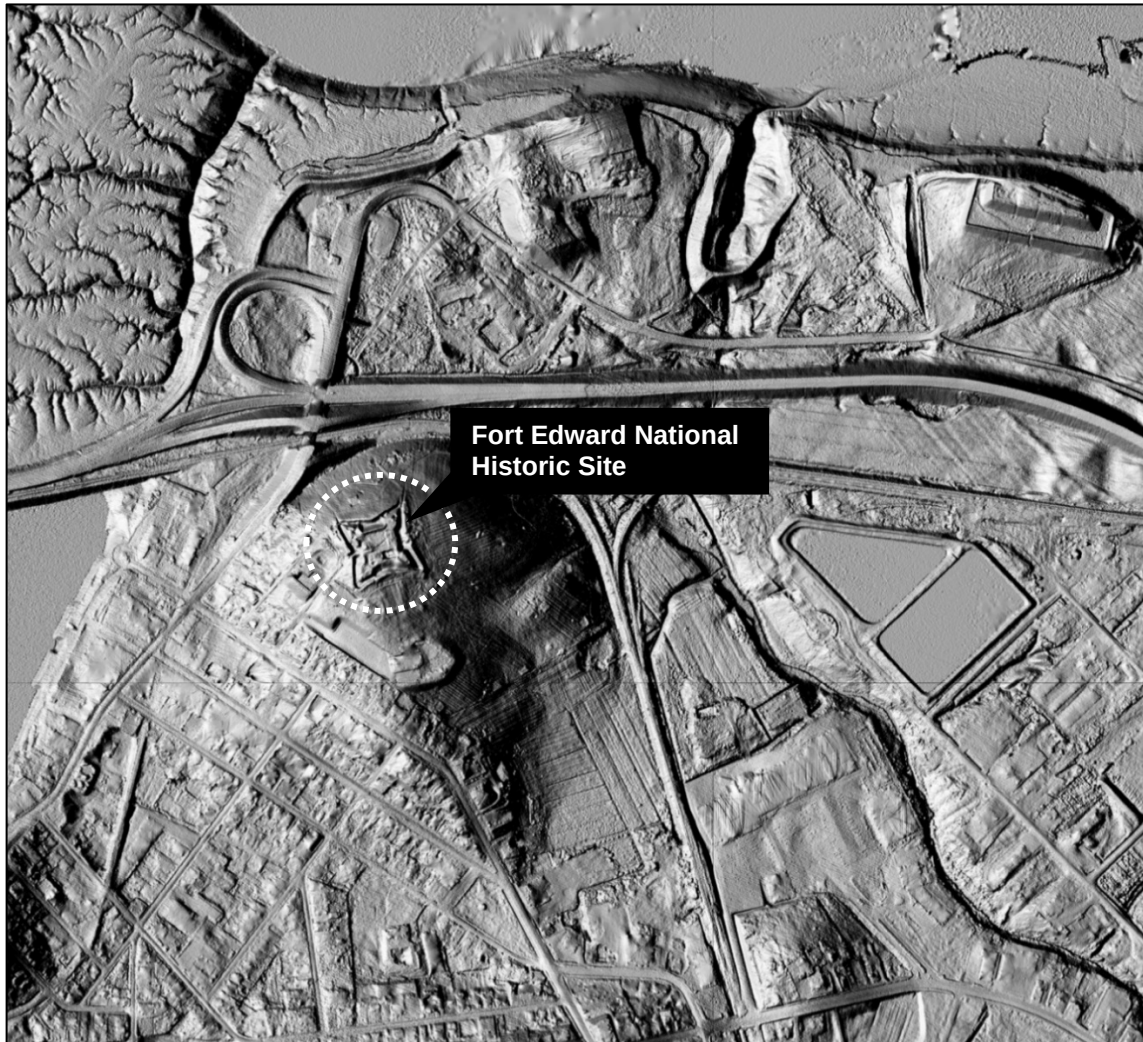


Figure 13: Bare earth LiDAR hillshade model of the confluence of the Avon and St. Croix rivers showing Fort Edward (circled). LiDAR data allows minor variations in relief to be measured, facilitating archaeological site prospection. SOURCE: Province of Nova Scotia (2011).

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

5.0 RESOURCE INVENTORY

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

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

Each is now examined in sequence.

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

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

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



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

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

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

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

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

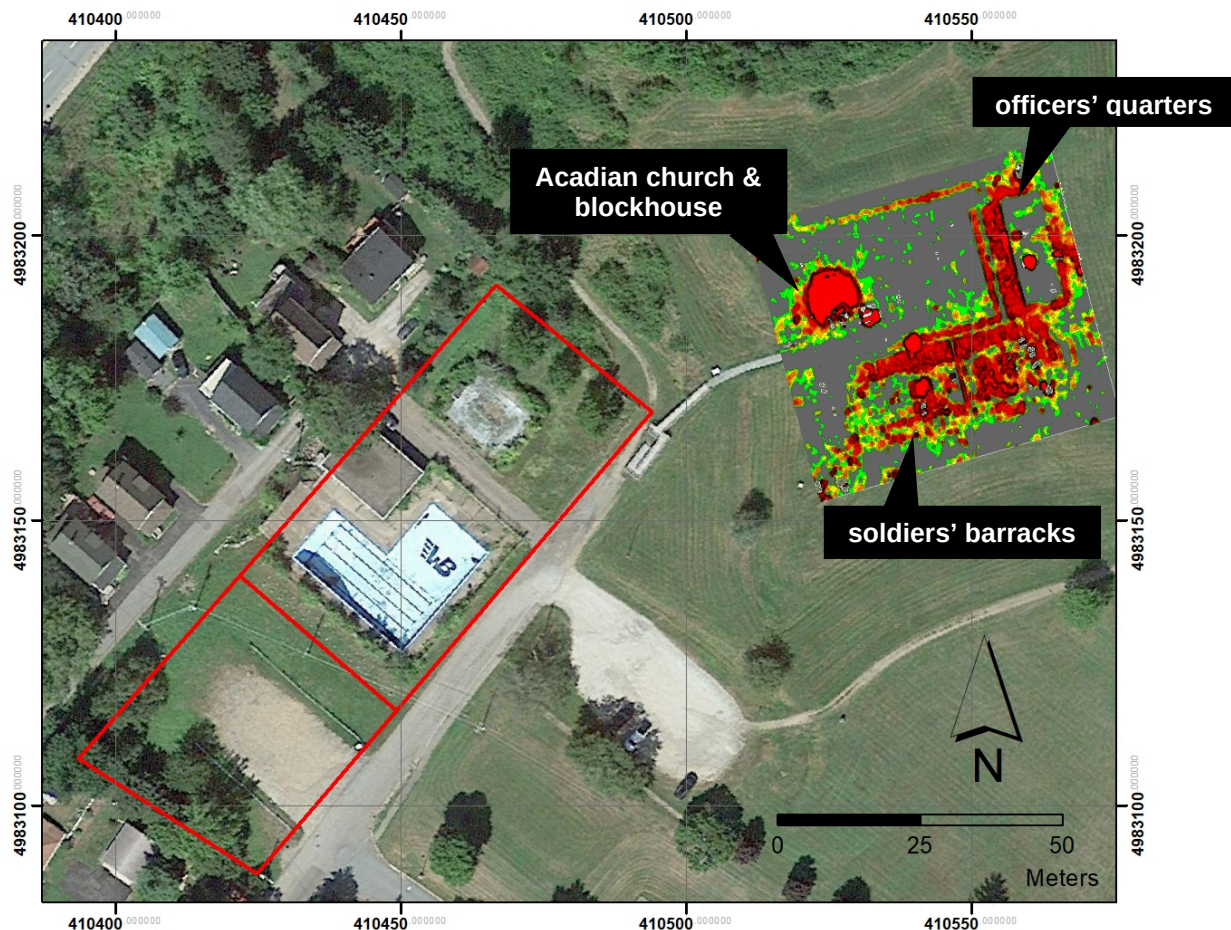


Figure 15: Magnetic susceptibility map of the interior of Fort Edward showing the vanished soldiers' barracks, officers' quarters, and, extending from beneath the blockhouse, the remains of what may be the Acadian parish church of Notre-Dame-de-L'Assomption, approximately 30m from the northern edge of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

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

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



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

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

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

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

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

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

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

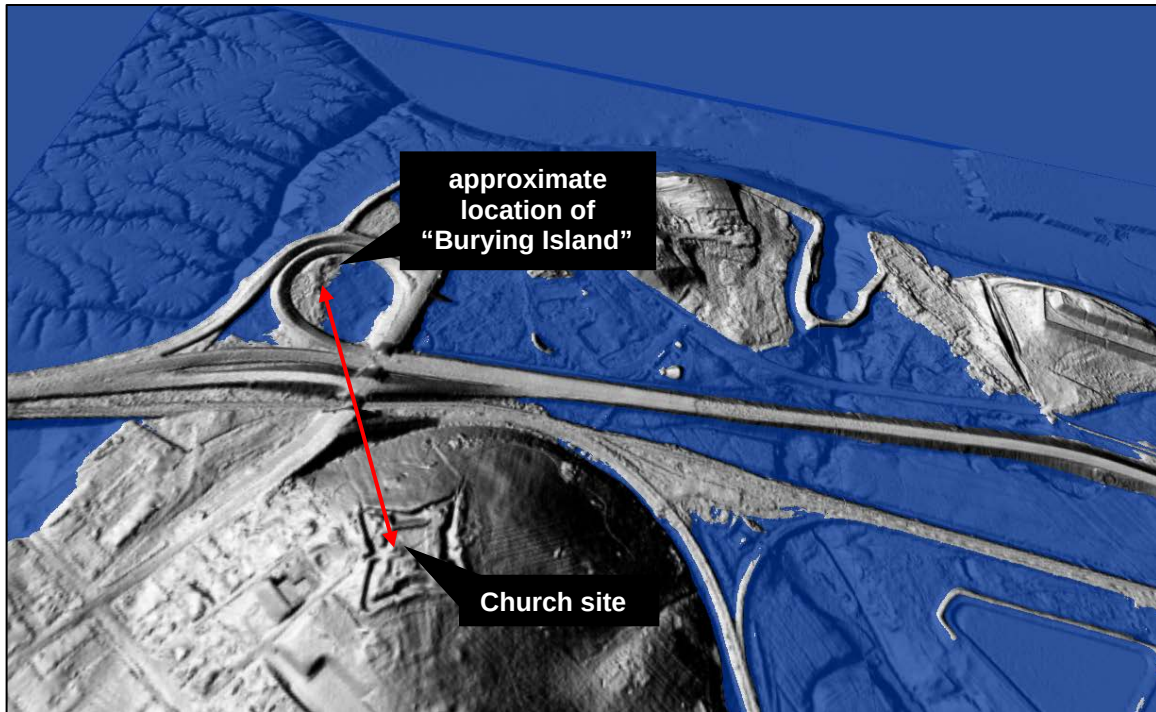


Figure 17: 3D LiDAR model with simulated tidal flooding showing the ca. 350m distance separating the known Acadian church site from the “Burying Island” identified by Henry Youle Hind as the parish cemetery. The distance seems too great for this to have been an Acadian cemetery. This area appears recently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

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

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

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

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

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

5.2 Fort Edward

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

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

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

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

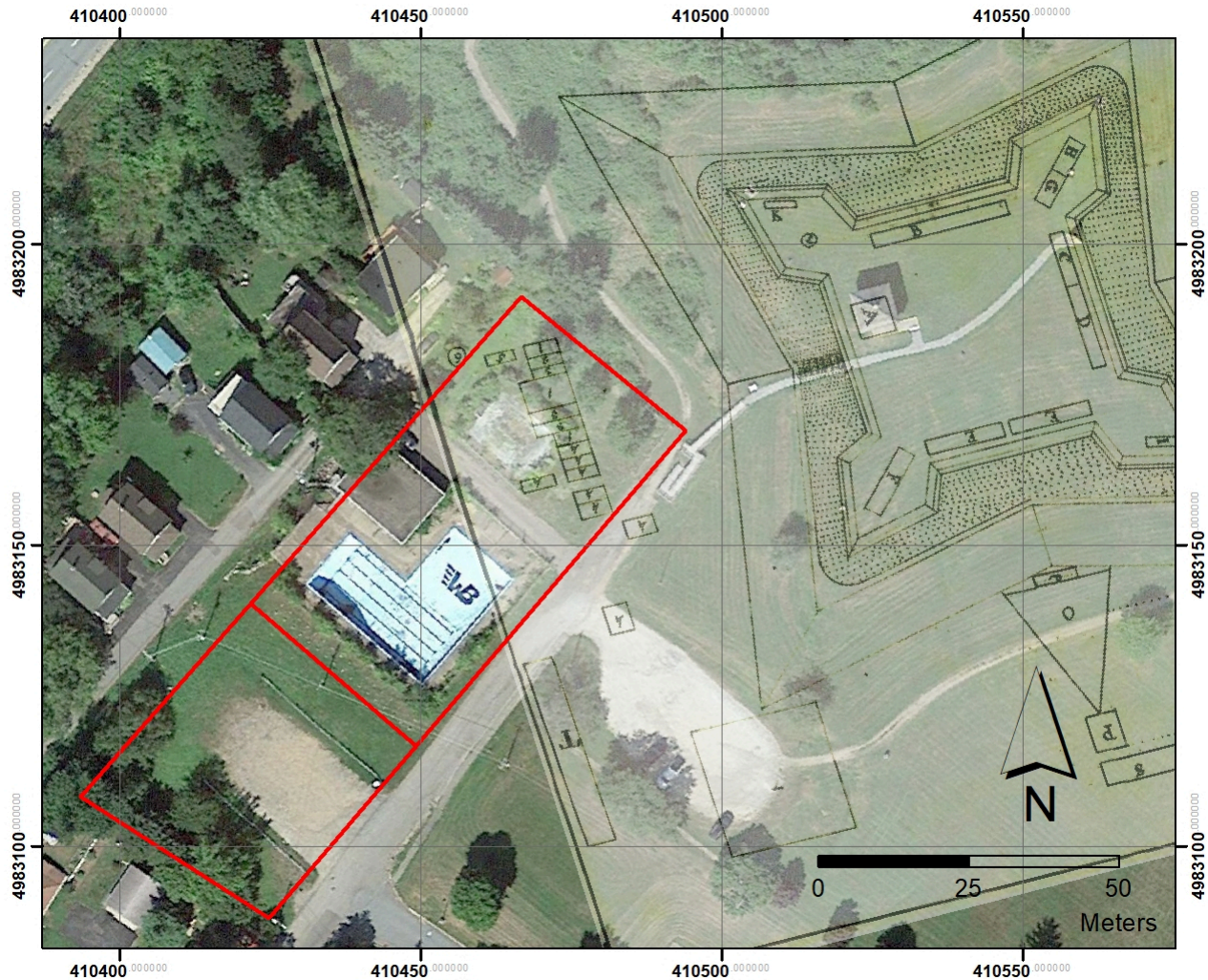


Figure 18: Georeferenced 1757 plan of Fort Edward showing military infrastructure in the study area. These include hay yards, the commandant's stable, bullock houses, and soldiers' huts. SOURCE: Edward Wight. 1757. "An Exact ground Plan of Fort Edward at Pesaquid taken from a survey and Laid down by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

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

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

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

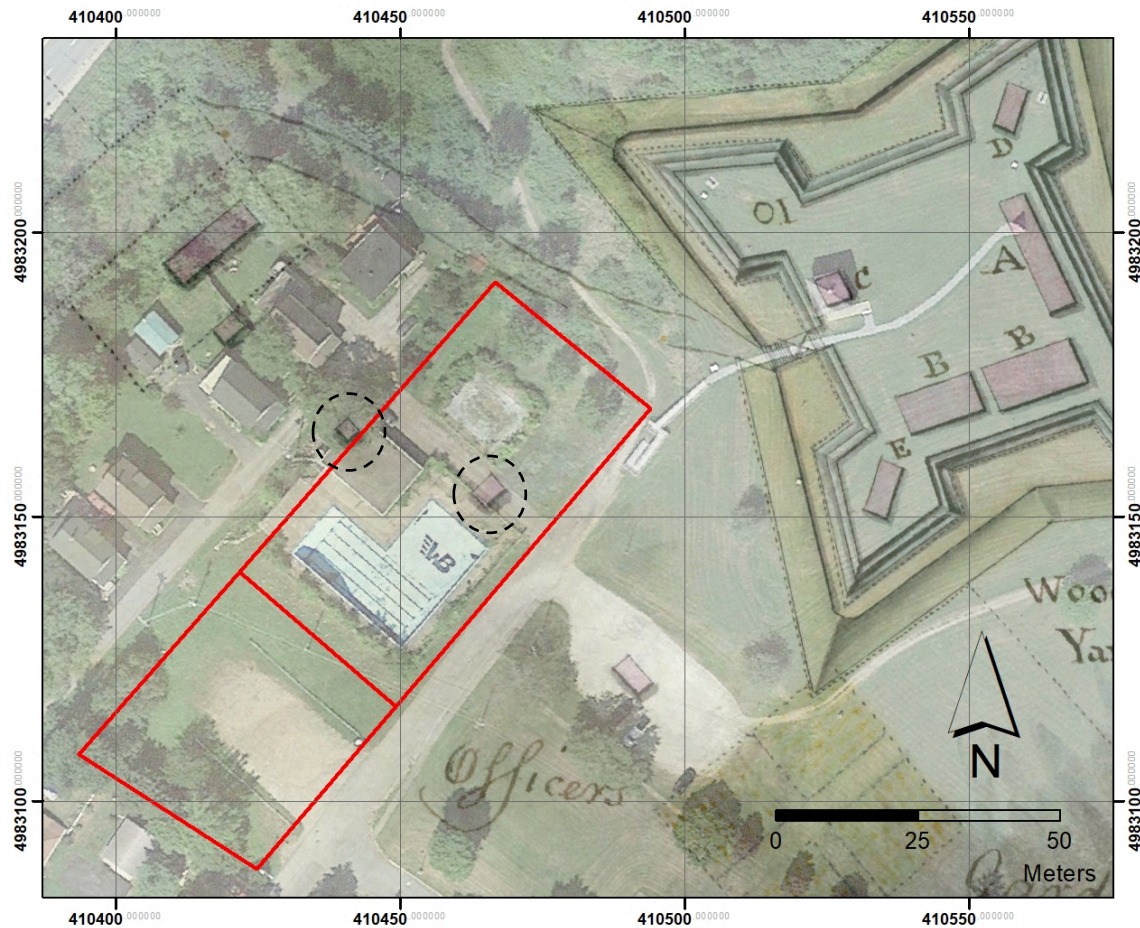


Figure 19: Georeferenced 1779 plan of Fort Edward showing buildings in the study area (circled). SOURCE: W. Spry. 1779. "A Plan of Fort Edward in Nova Scotia." William L. Clements Library 8398.

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

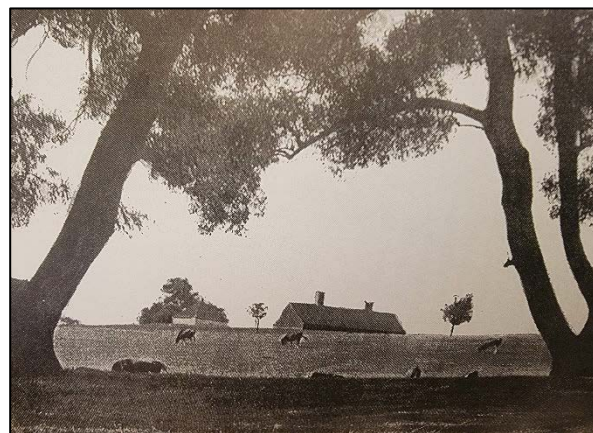


Figure 20: Site of the garrison cemetery and associated willows shown in an old photograph. The blockhouse and officers' quarters can be seen in the distance, suggesting a location downslope and to the east-southeast (Loomer 1996, 5).

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

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

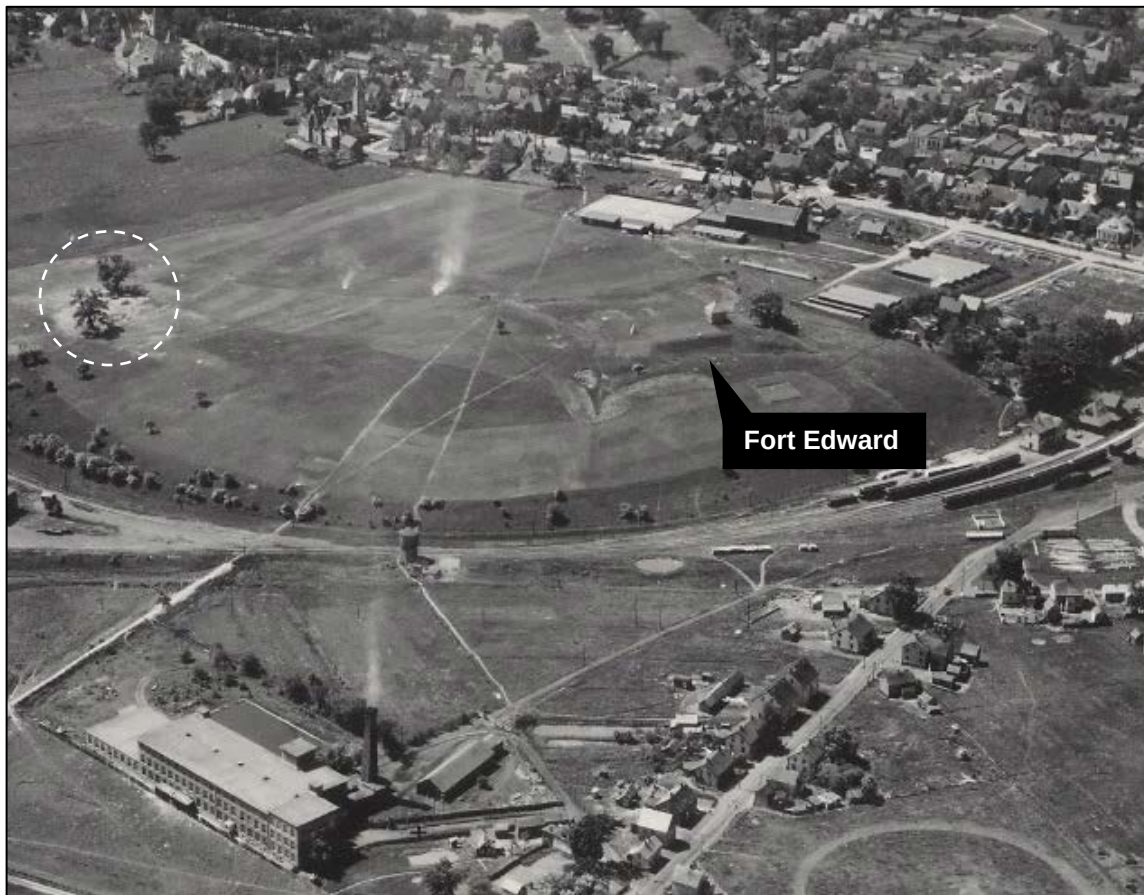


Figure 21: A 1929 aerial photo showing the old willow trees associated with the cemetery. SOURCE: National Air Photo Library (NAPL) A1236-83.

5.3 The Truckhouse

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

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

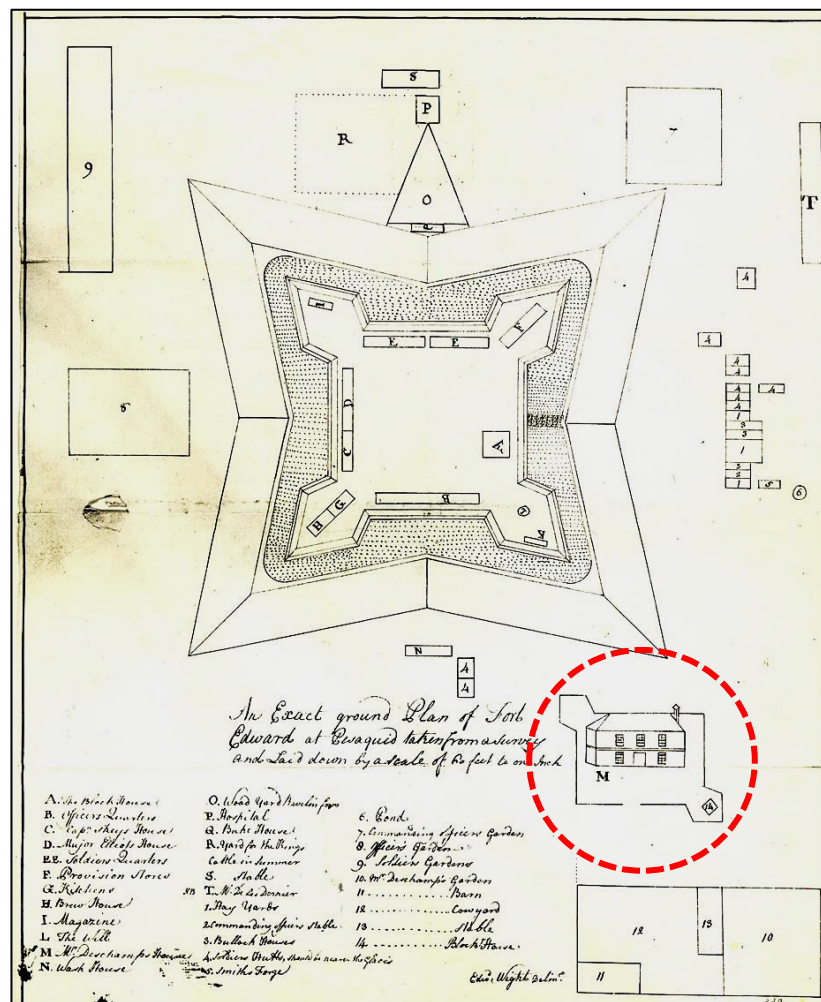


Figure 22: Edward Wight's 1757 plan of Fort Edward appearing to show the truckhouse compound occupying a position roughly in line with the fort's western bastions (North is at the bottom of the map). The actual location as proved by more carefully surveyed cadastral maps is more to the west, and likely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

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



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

5.4 The Agricultural Fair

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

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

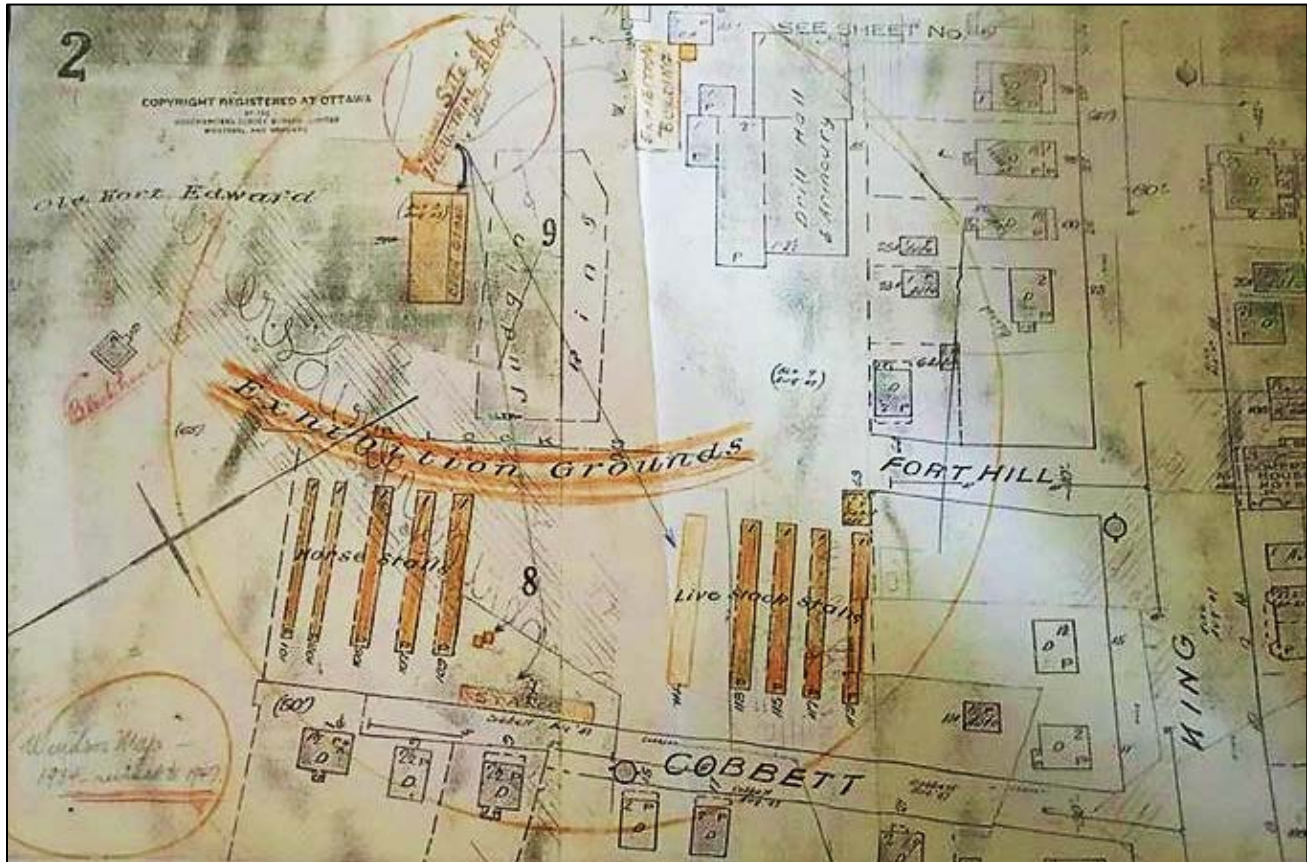


Figure 24: A 1934 (revised 1947) fire insurance plan showing the “Exhibition Grounds” in the study area. SOURCE: West Hants Historical Society.

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

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

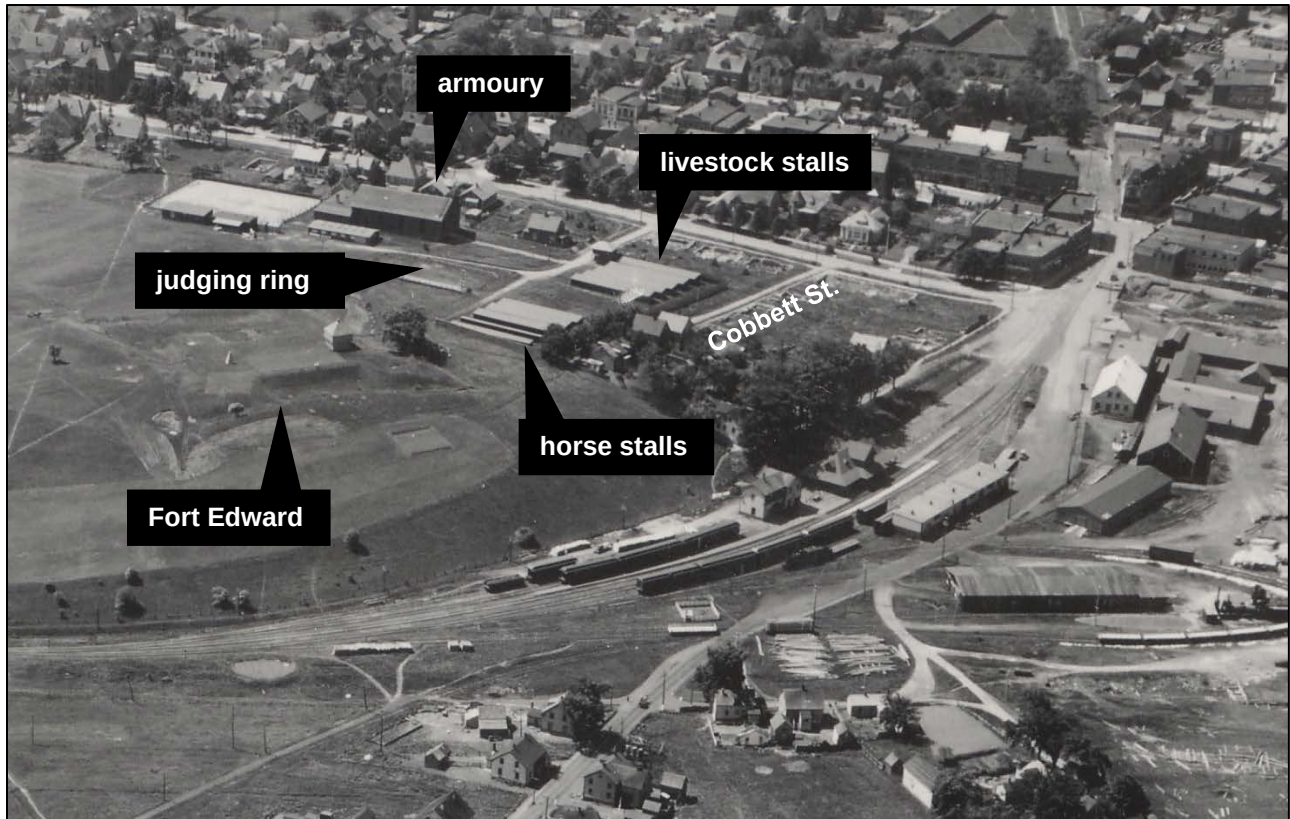


Figure 25: Fort Edward and the Exhibition Grounds from the north. SOURCE: NAPL A1236-83.

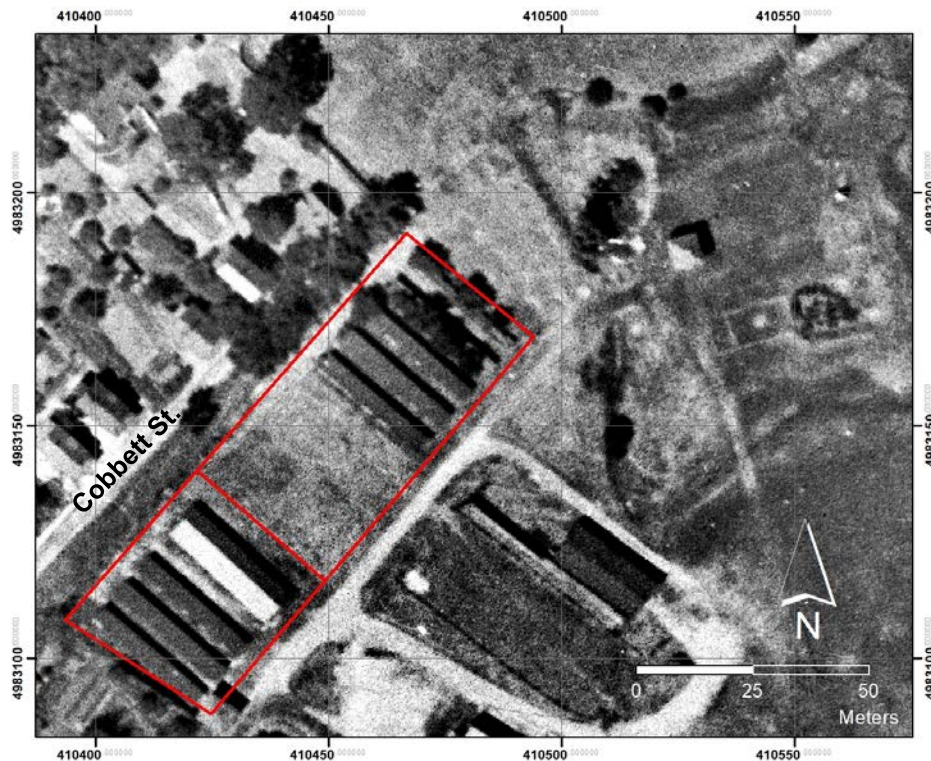


Figure 26: A 1945 aerial photograph of Fort Edward georeferenced to the modern landscape showing the exhibition grounds and nearby buildings. SOURCE: NAPL A8725-013.

6.0 RESOURCE EVALUATION

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

The key findings are as follows:

6.1 Extramural fort features and the historic place

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

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

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

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

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

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

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

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

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

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

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

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

Isaac Deschamps, the Fort Edward truckmaster, spoke French fluently and facilitated communication between British officials, the garrison, and the Acadians throughout the middle years of the 18th century. In 1755, he translated the infamous Deportation Order into French. The documents read on September 5th to the assembled Acadian men and boys by John Winslow at Grand-Pré (**Figure 27**), and by Alexander Murray at Fort Edward were, according to Winslow himself, “put into French” by Isaac Deschamps (Winslow 1883, 90).

Figure 27: Historical reconstruction artwork depicting John Winslow reading the Deportation Order to Acadians at the parish church in Grand-Pré on September 5, 1755. A similar scene took place at Fort Edward at the same time. Both texts were translated into French by truckmaster Isaac Deschamps. SOURCE: Claude Picard 1986. “The Deportation Order.” Parks Canada.



6.3 A Pre-Deportation Acadian religious site

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

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

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

6.4 A Mi'kmaw Treaty site

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

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

6.5. The site of Canada's oldest agricultural fair

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

The market and agricultural fair grew out of the pre-existing commercial relationships between the British, Acadians, and Mi'kmaq at Fort Edward Hill. Abundant evidence places 19th and early 20th century fair infrastructure in the study area (**Figure 28**). The fair continues to exist today in the form of the popular Windsor Exhibition, which has since relocated to another site. Being the oldest event of its kind in Canada, the Windsor Agricultural Fair has been designated as an event of national historic significance.



Figure 28: Historical scenes from the agricultural fair. Top: the festival atmosphere, 1947; middle: horse teams in the judging ring, 1940; bottom: a sign of continuity of practice? Mi'kmaw participants with wigwam on a parade float going up Fort Edward Street, 1935. SOURCES: West Hants Historical Society: 28.7.07.83, 92.843, 12.7.23.10.

6.6 Potential economic benefits of heritage resource mobilization

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

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

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

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

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

7.0 RESULTS AND DISCUSSION

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

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

Potential archaeological features associated with structures depicted on historical maps and aerial photographs are plotted in **Figure 29**. All of the structures noted on historical maps and aerial photographs are located outside the footprint of the large swimming pool built in the 1960s. It is noteworthy that the legend on Edward Wight's 1757 map of Fort Edward indicates the "Soldiers Hutts should be nearer the Glacis." How much nearer cannot be known, but it is likely that at least some of the structures he drew were located in the study area.

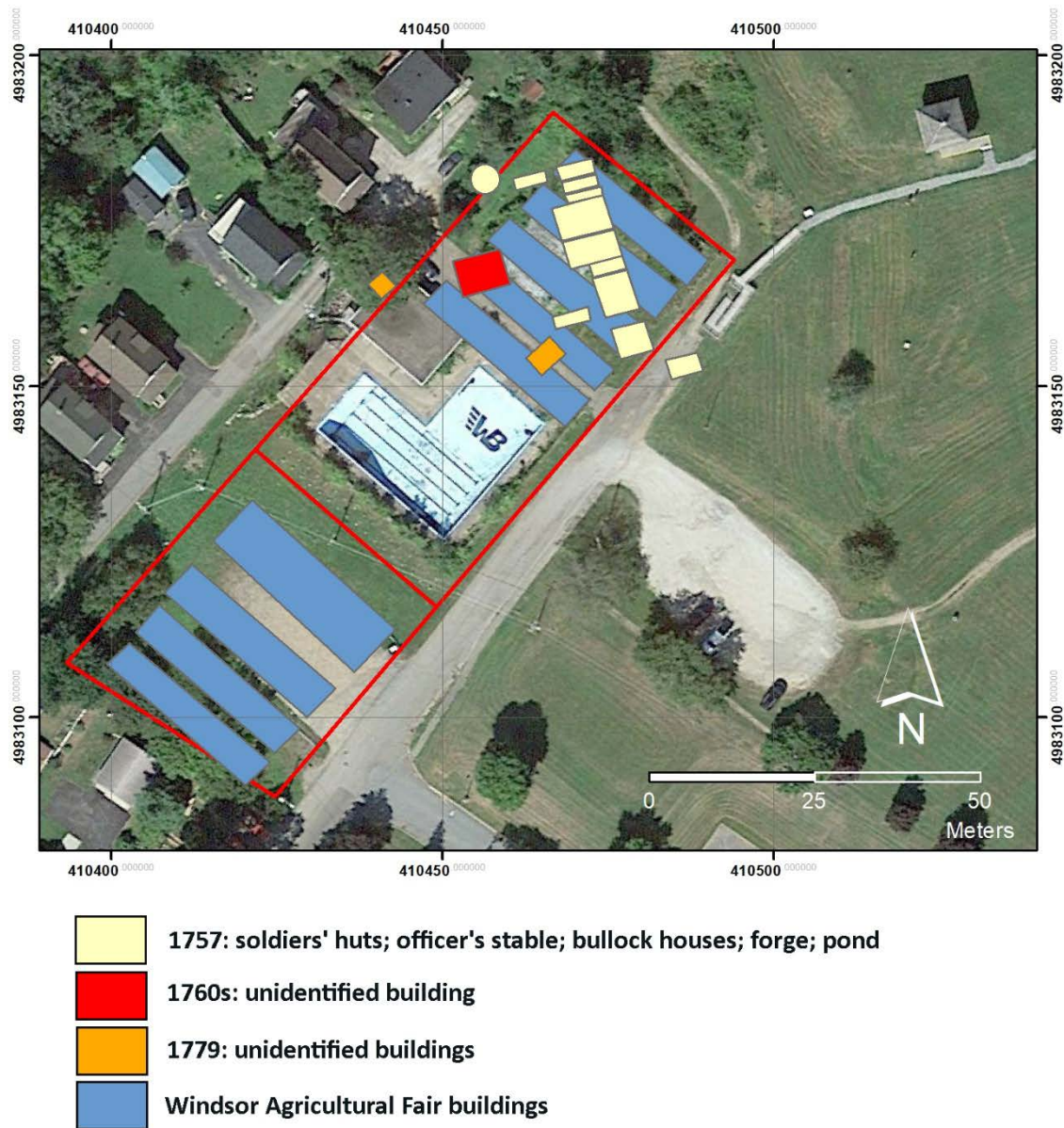


Figure 29: Archaeological potential map showing the locations of former structures identified using historical maps and aerial photographs. SOURCE: Google Earth 2015.

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

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

impacts (**Figure 30**).³⁴ It appears likely that material excavated from the pool in the 1960s was cast up to form berms on the west, south, and east sides of the pool. The upslope – or roughly north – side appears essentially flush with the (previously graded?) surface. ***Based on the evidence consulted to date, it appears the construction of the large swimming pool in the 1960s did not likely directly impact any of the anticipated archaeological features.***

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

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

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

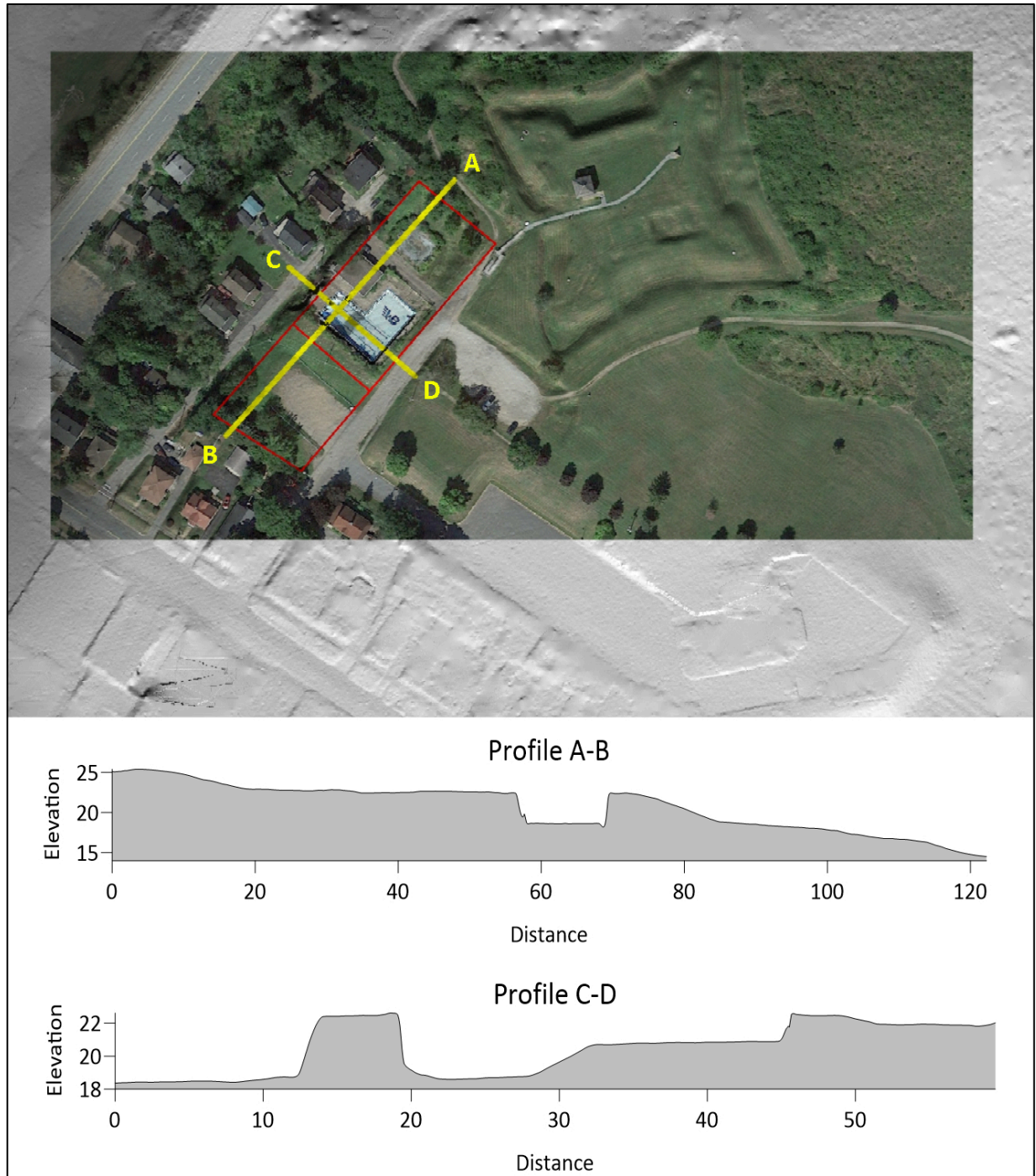


Figure 30: LiDAR data of the study area (outlined in red) and its surroundings with profiles indicating variations in relief arising from previous construction activities. Scale in metres; north at top. SOURCES: Province of Nova Scotia 2019 and Google Earth 2015.

8.0 INTERPRETATION

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

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

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

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

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

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

9.0 EVALUATION OF RESEARCH

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

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

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

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

10.0 CONCLUSIONS AND RECOMMENDATIONS

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

10.1 General Conclusions and Recommendations

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

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

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

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

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

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

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

10.2 Archaeological Heritage Mitigation During Future Construction

Should construction take place on the properties in question, it is recommended that:

1. The entire study area be subject to a Phase 2 ARIA in advance, with the exception of the deepest portions of the former swimming pool footprint. The Phase 2 assessment should include:
 - a. Sub-surface testing and possibly geophysical prospection to assess the nature of archaeological deposits and soil disturbance; and
 - b. Special attention focused on the areas where 18th century maps show buildings (see Figure 29, above). Although this area has been artificially terraced, the impact of terracing on archaeological resources has not necessarily been destructive, and even archaeological materials in secondary context can have value.
2. Any future constructions planned for these properties should respect Fort Edward's viewplane of the Avon River, which Parks Canada identifies as essential to maintaining the site's sense of historic place and commemorative integrity.

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

11.0 REFERENCES

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Committee of the Whole Excerpts
March 8, 2022

Audit Committee Member Appointment

The Audit Committee will consist of five (5) members; two of which are resident members who are not members of Council or Municipal Staff. Members of the committee serve a one-year term and are eligible for reappointment to serve up to two – one-year terms. The committee currently has once resident member spot to be filled.

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

COUNCIL APPROVES THE APPOINTMENT OF KATHRYN DUFFY TO THE AUDIT COMMITTEE FOR THE PERIOD OF APRIL 1, 2022 TO DECEMBER 31, 2022.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: 
Carlee Rochon, Director, Financial Services

Date: March 8, 2022

Subject: Audit Committee Appointment

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 44, Subsection 4 and 5

WHRM Meeting and Committee Procedural Policy RCOGE-003.00 – Appendix E

RECOMMENDATION or DECISION REQUEST

It is recommended for Committee of the Whole to recommend to Council that:

Council approves the appointment of Kathryn Duffy to the Audit Committee for the period of April 1, 2022 to December 31, 2022.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐
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Following the guidelines in Council's Meeting and Committee Procedural Policy, RCOGE-003.00 - Appendix E, the Audit Committee will consist of five (5) members; two of which are resident members who are not members of Council or Municipal Staff. Members of the committee serve a one-year term and are eligible for reappointment to serve up to two – one-year terms.

The committee currently has once resident member spot to be filled.

If appointed to the Audit Committee, the resident members will serve a one-year term to expire in December 2022. This service term is in direct correlation with the scheduling of the 2021-22 audit. Annual appointments will occur for the Audit Committee each December.

DISCUSSION

The January 2022 municipal newsletter included a section advertising for community committee members. Interested applicants were directed to our website for more information. There were two applications submitted for the Audit Committee vacancy. In order to qualify, resident members must demonstrate that they are sufficiently versed in financial matters.

Both candidates' applications went through an evaluation process to determine their level of financial experience and knowledge. Based on this evaluation, staff are recommending Kathryn Duffy to fill the vacant resident member spot.

NEXT STEPS

- Notify appointed member and begin training.

FINANCIAL IMPLICATIONS

In accordance with the Council Remuneration Policy, resident committee members are provided a meeting honorarium. The associated costs are included in the annual operating budget.

ALTERNATIVES

N/A

ATTACHMENTS

Meeting and Committee Procedural Policy, RCOGE-003.00 - Appendix E

CHIEF ADMINISTRATIVE OFFICER REVIEW

(For use if report is from a Councillor. CAO to provide additional comments on background, department/staff responsible and workload, budget, options, preferred strategy. State "Not Applicable" if report is from staff which already incorporates CAO review.)

Report Prepared by:



Carlee Rochon, Director, Financial Services

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

APPENDIX E
Audit Committee

1. PURPOSE

- 1.1. The primary purpose of the Audit Committee (the "Committee") is to provide advice to Council on all matters relating to audit and finance. The objective of the Committee is to:
- a) fulfil the requirements outlined in Section 44 of the *Municipal Government Act*; and
 - b) assist Council in meeting its oversight responsibilities by ensuring the adequacy and effectiveness of financial report, risk management and internal controls.

2. SCOPE

- 2.1. This Policy is applicable to all serving members Audit Committee.

3. DEFINITIONS

- 3.1. In Appendix E,
- a) "Auditor" means the External Auditor conducting the audit of the Municipality;
 - b) "CAO" means the Chief Administrative Officer for the Municipality;
 - c) "Director of Finance" means the Director of Financial Services for the Municipality;
 - d) "Municipality" means the West Hants Regional Municipality.

4. COMMITTEE COMPOSITION

- 4.1. Council will annually appoint members to an Audit Committee.
- 4.2. The Audit Committee will consist of five (5) members: the Mayor, two Council members, and two resident members who are not members of Council or Municipal Staff.
- a) Resident members should be sufficiently versed in financial matters to understand the Municipality's account practices and policies and the major judgements involved in preparing the financial statements.
 - b) Where an audit committee does not include any resident members, the audit committee will continue to meet and perform its duties and may exercise its powers. The Municipality will advertise to recruit resident members at least once every six months until the requirement is met.
 - c) The Mayor will chair the Audit Committee meetings, and in their absence, another appointed Council member will chair.
 - d) The CAO and/or Director of Financial Services will provide staff support to the Committee. They are not voting members of the Committee.

- e) The Council Remuneration Policy will be followed regarding any remuneration for the two resident members.
- f) All members must abide by the Administrative Terms of Reference set out by the Committee and reviewed the by CAO.

5. DUTIES AND RESPONSIBILITIES

5.1. Audit:

- a) Review the qualifications, independence, quality of service, performance, and fees of the auditors and recommend the appointment of an auditor to Council.
- b) Carry out the responsibilities of the Audit Committee contained in Section 44 of the *Municipal Government Act*, in consultation with Management.

5.2. Finance and Risk Management

- a) Review with Management the quarterly financial updates and recommend to Council to be received.
- b) Management will give a presentation on all financial policies used in the preparation of the external financial statements; at the first annually meeting of the year.
- c) Review with Management the adequacy of internal controls.
- d) Review with Management annually risk management practices including insurance coverage.

6. ADMINISTRATION

- 6.1. Meetings of the Audit Committee will be held at least quarterly. Additional meetings may be necessary to review items relating to the audit and will be called by the Chair.



Committee of the Whole Excerpts
March 8, 2022

Equipment Purchase for New Pumper Tanker, Brooklyn Fire Dept

At the November 24, 2020, Council meeting, Council supported the acquisition of the 2000 Imperial Gallon Pumper-Tanker Fire Apparatus Purchase for the Brooklyn Fire Dept at a cost of \$1,082,491.55. This apparatus is expected to arrive in May 2022. The apparatus purchase approved in 2020 excluded equipment. In order to outfit the apparatus, equipment needs to be sourced now so as to arrive around the same time, mid-May.

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

COUNCIL APPROVE \$74,794.18 PLUS HST FOR EQUIPMENT AS IDENTIFIED IN THE ATTACHED LIST TO OUTFIT BROOKLYN FIRE DEPARTMENT'S 2000 IMPERIAL GALLON PUMPER-TANKER FIRE APPARATUS.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: 
Shelleena Thornton, Municipal Operations Supervisor

Date: March 8, 2022

Subject: Equipment Purchase for New Pumper Tanker, Brooklyn Fire Dept - Recommendation Report

LEGISLATIVE AUTHORITY

MGA Section 65(a) – Authorized Municipal Expenditures

Fire and Emergency Service Policy (WHRM) Section 8 – Financial Matters and Section 9 – Procurement Practices

RECOMMENDATION or DECISION REQUEST

That Committee of the Whole recommend to Council that Council...

approve \$74,794.18 plus HST for equipment as identified in the attached list to outfit Brooklyn Fire Department's 2000 Imperial Gallon Pumper-Tanker Fire Apparatus.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐
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At the November 24, 2020 Council meeting, Council supported the acquisition of the 2000 Imperial Gallon Pumper-Tanker Fire Apparatus Purchase for the Brooklyn Fire Dept at a cost of \$1,082,491.55. This apparatus is expected to arrive in May 2022.

That apparatus was supported by the Regional Fire Study and recommendations adopted by the Co-ordinating Committee leading into consolidation, this purchase was because it would help the Three Mile Plains Fire Station (Station 2) with structural fire fighting capabilities. This apparatus is designed to arrive on a fire with more water volume than a rescue pumper, giving

the initial attack team more water to reduce fire spread. With a large coverage area of rural fire fighting calls, it will be an asset to have this amount of water on one unit.

It will also reduce the mileage and aging of Squad 9 which has been responding to every alarm in the TMP coverage since the station was developed in 2015, as well as any mutual aid requests. With the relief of the second unit responding to structure fire alarms, it will keep Squad 9 in service and response ready. Squad 9 will be changed to a rescue pumper and be used for MVC and rescue related calls.

DISCUSSION

The apparatus purchase approved in 2020 excluded equipment. In order to outfit the apparatus, equipment needs to be sourced now so as to arrive around the same time; mid-May. The rationale behind not including the equipment in the apparatus tender was to:

- inventory existing equipment for potential transfer to the new apparatus
- obtain quotes from multiple suppliers for best value (as a tender would just take from one supplier and prices/delivery/availability have been changing drastically during COVID and even current quotes vary significantly)

The shelf life or work life of equipment varies from the life expectancy of an apparatus. Hand tools, hoses and appliances don't have as exact a timeline due to usage and inspection factors. Lighter tools such as shovels and axes vary significantly. While Brooklyn Fire Dept. has some equipment that can be transferred, some is also on-hand at the station. The remainder is 30+ years old and non-functionable, as well as past its life expectancy.

Quotes were received from three suppliers: Nova Fire Equipment, Cummings, and K & D Pratt. The majority selected were the lowest quotes with the exception of several pieces. These included:

- hoses (with the lowest quote, hoses would not arrive until months after the new apparatus arrived)
- traffic vests (due to the 'break-away' safety feature)
- medical bag (require entire kit versus individual components)
- traffic wands (include the red/green safety function)
- bolt cutters (blade longevity was a consideration)
- the six pieces of equipment that include 'mounts,' (mounts weren't included in the lower quotes but required)

Further, for future consideration, reference to potential equipment purchases will be included as information in the apparatus procurement report; however, not necessarily included in the tender.

NEXT STEPS

Contact the vendors and order the equipment.

FINANCIAL IMPLICATIONS

The total equipment listing is \$76,256.09 plus HST; however, items that are locally sourced and not impacted by supply chain delays (highlighted yellow in the attachment), can be obtained and funded from Brooklyn Fire Department's 2021/22 operating budget capacity and are valued at \$1,461.91 plus HST.

Due to supply chain delays the remaining \$74,794.18 plus HST is being proposed for preapproval in the 2022-23 Capital Budget. To ensure equipment can be ordered in time to outfit the apparatus in May 2022.

The Region's fire equipment reserve is being proposed to fund \$13,205.17 plus HST. The Region's fire equipment reserve currently has a proposed balance on March 31, 2022, of \$60,378. The West Hants operating reserve is proposed to fund the remaining \$61,589.01 plus HST, it currently has a proposed balance on March 31, 2022, of \$1,458,436.

ALTERNATIVES

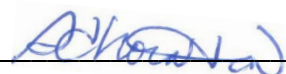
The recommendation may not be supported; however, this is not staff's recommendation as the apparatus requires equipment to function as intended.

ATTACHMENTS

- Equipment Listing

CHIEF ADMINISTRATIVE OFFICER REVIEW

(For use if report is from a Councillor. CAO to provide additional comments on background, department/staff responsible and workload, budget, options, preferred strategy. State "Not Applicable" if report is from staff which already incorporates CAO review.)

Report Prepared by: 
Shelleena Thornton, Municipal Operations Supervisor

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

Report Reviewed by: _____
Carlee Rochon, Director of Financial Services

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

Spartan Gladiator Pumper/Tanker # 1 Chief Ryan Richard (902)-798-7285

Qty:	Equipment: \$76,256.09	Model/Brand:	Price:	Supplier:
	Drivers/Officers Cab: \$7348.00	Model/Brand:		
1	TMR2 Mobile Radio XTL2500	Nova Communications / C.T	\$ 1,985.00	Nova Communications
1	VHF Mobile Radio	Motorola XPR5550e	\$ 1,320.00	Nova Communications
1	VHF Portable	Nova Communications	\$ 1,750.00	Nova Communications
1	I-pad	Apple	\$ 1,000.00	Apple
1	SCBA with Mask (transferring from Rescue 11)	Scott	\$ -	
2	Traffic Vests		\$ 48.00	Cummings
1	Accountability Card		\$ 20.00	Porter's Engraving
1	Vulcan 180 Stream Light with charging station		\$ 250.00	Nov K & D Pratt
1	Reveal FirePRO X Manual TIC		\$ 975.00	Nova Fire Equipment
			\$ 7,348.00	
	Crew Cab: \$5971.89			
4	SCBA's (transferring from Rescue 11)	Scott	N/A	
2	VHF Portable radios	Motorola	\$ 3,500.00	Nova Communications
1	Set of Irons/Flat Head Axe with New York Pro Bar 30 inch Halligan	includes Mounts	\$ 505.00	Nova Fire Equipment
1	TIC (transferring from Rescue 11)	Scott	N/A	
2	Vulcan 180 Stream Light with charging station		\$ 500.63	K & D Pratt
4	Firefighter Streamlights Knucklehead		\$ 360.00	Nova Fire Equipment
3	Traffic wands-Red and Green	Red & Green version	\$ 210.26	K & D Pratt
4	Traffic Vests	safety required	\$ 96.00	Break Away
1	Medical Bag with all required equipment	**Entire Kit	\$ 800.00	Nova Fire Equipment
			\$ 5,971.89	
	Pump Panel: \$3400.00			
1	Driver Side: Jumbo BIV Short. 6.0 in Male x 6.0 in Female AQ8NX-NX-PS		\$ 3,050.00	Nova Fire Equipment
1	Passenger Side: 6.0 in Female x 5.0 in Storz (30 degree angle)		\$ 350.00	Nova Fire Equipment
			\$ 3,400.00	
	Transverse Lines/Bumper Line: \$6876.93			
3	1 3/4 in Nozzle		\$ 1,650.00	Nova Fire Equipment
1	2 1/2 in Nozzle		\$ 925.00	Nova Fire Equipment
550 ft	1 3/4 in Hose		\$ 2,829.09	Cummings
200 ft	2 1/2 in Hose		\$ 1,472.84	Cummings
			\$ 6,876.93	
	Left # 1 Compartment: \$7827.34			
1	1 3/4 in nozzle		\$ 257.00	Cummings
1	6 in female master intake to 5 in Storz		\$ 356.00	Cummings
1	2 1/2 in nozzle		\$ 925.00	Nova Fire Equipment
2	50 foot lengths of 5 in LDH		\$ 1,492.36	Cummings
2	25 foot lengths of 5 in LDH		\$ 1,022.98	Cummings
2	5 in to 4 in adaptors		\$ 610.00	Nova Fire Equipment
1	Large Storz wrench's/spanners with Mounts (set of 4)	comes with Mounts (other don't)	\$ 237.00	Nova Fire Equipment
3	Small spanners with Mounts	comes with Mounts (other don't)	\$ 90.00	Nova Fire Equipment
1	Rubber Mallet		\$ 17.00	Nova Fire Equipment
1	Ram XD Rapid Attack Monitor		\$ 2,270.00	Cummings
1	1 3/4 Straight Bore Nozzle		\$ 550.00	Cummings
			\$ 7,827.34	
1	Hydrant Box Left #1 Compartment: \$1586.50			
1	Hydrant front steamer 4.5 inch connection with 5 in Storz		\$ 280.00	Cummings
1	5 inch storz to 4 in storz adaptor		\$ 305.00	Nova Fire Equipment
1	5 in storz to 2 1/2 female adaptor		\$ 237.00	Nova Fire Equipment
2	Large Storz spanners with mounts	Comes with Mounts (other don't)	\$ 147.50	Nova Fire Equipment
1	2 1/2 in gate valve		\$ 480.00	Nova Fire Equipment
2	Small spanners with mounts	Comes with Mounts (other don't)	\$ 60.00	Nova Fire Equipment
1	Rubber Mallet		\$ 17.00	Nova Fire Equipment
1	Hydrant Wrench		\$ 60.00	Nova Fire Equipment
			\$ 1,586.50	
	Left # 2 and # 3 Compartment: \$1032.46			
1	Set bolt cutters	Mid-price due to longevity. Blade strength	\$ 70.00	Nova Fire Equipment
1	Dry wall hook		\$ 97.08	K & D Pratt
1	Pick or bad axe		\$ 77.19	K & D Pratt
1	Flat head axe		\$ 77.19	K & D Pratt
1	Sledge Hammer		\$ 59.00	Cummings
1	Chimney Bar with "D" ring		\$ 75.00	K & D Pratt
1	Flat Shovel		\$ 22.00	Windsor Home Hardware
1	Round mouth Shovel		\$ 24.00	Windsor Home Hardware

1	Large Broom		\$	26.00	Windsor Home Hardware
1	Set of Irons/Flat Head Axe with New York Pro Bar 30 inch Halligan	Includes the Mounts	\$	505.00	Nova Fire Equipment
			\$	1,032.46	
	Left # 4 Compartment: \$8426.98				
1	Electric Positive Pressure Fan		\$	6,605.17	K & D Pratt
3	Tarps (S, M & L) 6x8, 9x10, 10x16		\$	269.97	Princess Auto
2	Heavy Duty Extension Cords		\$	120.00	Kent Building Supplies
2	Lengths of 1 3/4 hose		\$	414.38	K & D Pratt
2	Lengths of 2 1/2 hose		\$	555.75	K & D Pratt
6	Pylons	battery operated collapsible (safet	\$	461.71	K & D Pratt
			\$	8,426.98	
	Right # 1 Compartment: \$1123.77				
1	20 lb ABC Dry Chemical Fire Extinguisher		\$	133.50	K & D Pratt
1	Pressurized Water Can		\$	-	Station 2 Inventory
2	Chimney Buckets		\$	49.98	Princess Auto
1	Length of Chain		\$	25.00	Windsor Home Hardware
2	Shovels		\$	29.98	Canadian Tire
1	Mirror		\$	19.98	Princess Auto
2	Sets of Chimney Gloves or Mittens		\$	65.33	K & D Pratt
1	Chimney Brush Kit		\$	790.00	Cummings
1	Container of Dry Chem Bombs		\$	-	Station 2 Inventory
1	Container for Floor Dry		\$	10.00	Windsor Home Hardware
1	Bag of Absorbent Pads		\$	-	Station 2 Inventory
1	Co Extinguisher				
			\$	1,123.77	
	Right # 2 Compartment: \$1445.00				
1	50 Ft Rope		\$	225.00	Nova Fire Equipment
1	100 Ft Rope		\$	370.00	Nova Fire Equipment
1	Tool Box with Tools		\$	850.00	Princess Auto
2	Cases of Water		\$	-	Station 2 Inventory
2	Cases of G2		\$	-	Station 2 Inventory
1	Box of Energy Bars		\$	-	Station 2 Inventory
			\$	1,445.00	
	Right # 3 Compartment: \$6252.32				
2	Cordless 20 Volt Tripod LED DeWALT Light	Dewalt Factory Store	\$	712.32	Dewalt Factory Store
1	Hard Suction Drafting Float Dock		\$	1,030.00	Nova Fire Equipment
1	Hard Suction Porta-Tank attachment with Jet Siphon		\$	690.00	Nova Fire Equipment
1	Hard Suction Strainer		\$	270.00	Nova Fire Equipment
1	5x5x5 Storz LDH		\$	3,550.00	Cummings
			\$	6,252.32	
	Right # 4 Compartment: \$2474.90				
1	Chain Saw Stihl MS 250		\$	459.95	Griffin's Sales & Service Kentville
1	Roof/Rescue Vent Saw Stihl MS 461 RS		\$	1,999.95	Griffin's Sales & Service Kentville
1	Jug for Mixed Fuel		\$	15.00	Windsor Home Hardware
6	Jugs of Foam			N/A	Rocky Mountain Phoenix
			\$	2,474.90	
	Top of Hose Bed: \$22490.00				
1000	Feet of 5 inch LDH	Higher priced one due to when can get it	\$	13,250.00	Nova Fire Equipment
800	Feet of 2 & 1/2 inch Hose	Mid price due to when can get it and currently running it	\$	6,800.00	Nova Fire Equipment
400	Feet of 1 & 3/4 inch Hose		\$	2,440.00	Nova Fire Equipment
			\$	22,490.00	
	Miscellaneous Items:	Station Inventory		Budget Item Costs	
1	Roll of Fire Tape	"		"	
8	Safety Glasses	"		"	
1	Box of Garbage Bags	"		"	
1	Roll Paper Towel	"		"	
3	Teddy Bears	"		"	
2	Blankets	"		"	
2	Hand Sanitizer	"		"	
1	Package of 9V Batteries	"		"	
1	Box of Medical Gloves (Sm, Md, Lrg)	"		"	
1	Box of Face Masks	"		"	
		TOTAL:	\$	76,256.09	



Committee of the Whole Excerpts
March 8, 2022

Mobile Canteen Vending By-law Amendment Request

A request was raised at the September 14, 2021 meeting to consider amending the Mobile Canteen Vending By-law. The proposed amendments are to allow mobile vendors to be located on community centre and church properties and a text amendment to the text definition of Community Centre in the West Hants Land Use By-law.

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

THAT COUNCIL GIVES FIRST READING AND HOLDS A PUBLIC HEARING TO CONSIDER AMENDING CLAUSE 4.1 (F) TO STATE THE FOLLOWING: "NO LICENCE SHALL BE ISSUED IF THE APPLICATION IS FOR A LOCATION WHERE THE RELEVANT LAND USE BY-LAW DOES NOT PERMIT RESTAURANTS, WITH THE EXCEPTION OF COMMUNITY CENTRE AND CHURCH PROPERTIES."

THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER AMENDING THE TEXT OF THE DEFINITION OF COMMUNITY CENTRE IN THE WEST HANTS LAND USE BY-LAW TO READ AS FOLLOWS: "COMMUNITY CENTRE MEANS ANY TRACT OF LAND AND THE BUILDINGS THEREON, THE CONTROL OF WHICH IS VESTED IN THE MUNICIPALITY OR LOCAL BOARD OR AGENT WHICH IS USED FOR COMMUNITY ACTIVITIES AND NOT USED FOR COMMERCIAL PURPOSES WITH THE EXCEPTION OF MOBILE CANTEENS".



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: March 8th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

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

RECOMENDATION

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of Clause 4.1 (f) of the Mobile Canteen Vending By-law to read as follows: *"No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants, with the exception of community centre and church properties."*

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of the definition of Community Centre in the West Hants Land Use By-law to read as follows: *"Community Centre means any tract of land and the buildings thereon, the control of which is vested in the Municipality or local board or agent which is used for community activities and not used for commercial purposes with the exception of mobile canteens".*

BACKGROUND

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

Mayor Zebian brought forward a recommendation to Council on September 14th, 2021 to request a staff report on amending the Mobile Canteen Vending By-law (RV-001) to allow mobile canteens to operate on community centre properties.

DISCUSSION

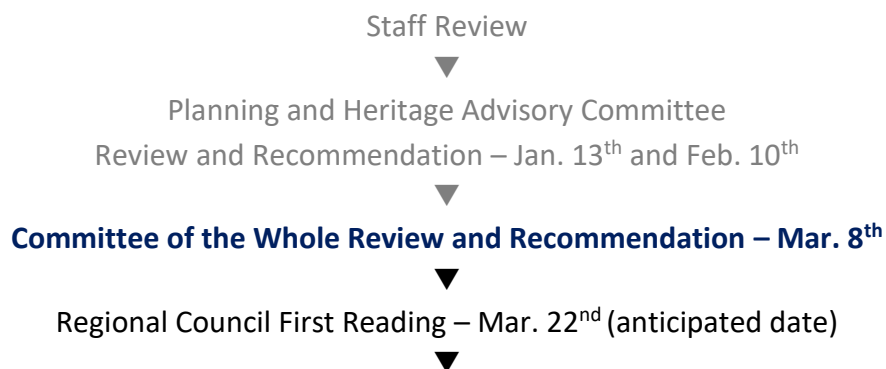
On January 13th, 2022 staff presented an information report to the Planning and Heritage Advisory Committee regarding the request to amend the Mobile Canteen Vending By-law to allow mobile vendors to locate on community centre properties. Staff outlined that the request would require amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law. Staff also discussed the possibility of including church properties within the amendment. The Committee requested further information about taxation and the inclusion of church properties in the amendment from the Planner.

On February 10th, 2022 staff presented a decision request report to the Planning and Heritage Advisory Committee to follow up on the requested amendment to the Mobile Canteen Vending By-law. Staff discussed the surrounding context of both community centre and church properties, access requirements, and parking requirements. Staff also provided information from the Property Valuation Services Corporation regarding the valuation of tax-exempt properties. Staff suggested the inclusion of a statement during the permitting process to notify applicants and property owners that a change in taxation assessment may occur. The Committee then recommended that staff draft amendments to the Land Use By-law and Mobile Canteen Vending By-law to allow the operation of mobile canteens on community centre and church properties and present them to Committee of the Whole.

NEXT STEPS

The PAC/HAC recommendations would result in amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law (WHLUB).

The required process for amendments to each document is:



Public Hearings and Second Reading - April 26 (anticipated date)



Notice of Approval in Local Paper

FINANCIAL IMPLICATIONS

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

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

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

ALTERNATIVES

In response to the proposed amendments, Council may:

- recommend that only community centres be included in the amendment to the Land Use By-law and Mobile Canteen Vending By-law; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A 2022-02-10 File 21-20 C Mobile Canteen Decision Request Report

CHIEF ADMINISTRATIVE OFFICER REVIEW

I believe the recommendation is in alignment with past Council, PAC / HAC and staff discussions.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____


Mark Phillips, CAO

Attachment A - Mobile Canteen Decision Request Report



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: February 10th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

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

DECISION REQUEST

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

BACKGROUND

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

DISCUSSION

Community Centres in Land Use By-laws (LUBs)

Previously, staff noted that community centres were only defined in the West Hants Land Use By-law and that definition specifically excluded the possibility of commercial use. The current definition of community centres is *any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality or local board or agent thereof*. To allow for the possibility of operating a mobile canteen, staff suggest editing the definition to read as *any tract of land and the buildings thereon used for community activities and not used for commercial purposes except mobile canteens, and the control of which is vested in the Municipality or local board or agent thereof*. This definition could then be added to both the Windsor and Hantsport Land Use By-law to ensure conformity between the documents.

Staff have also suggested extending the amendment to include church properties. Across the Windsor, West Hants, and Hantsport Land Use By-laws, the definition of church does not specifically exclude commercial uses. In this case, no amendment to the definition would be necessary to allow mobile canteens to operate on church properties.

Community Centres in the Mobile Canteen Vending By-law

Clause 4.1 (f) of the Mobile Canteen Vending By-law states: *No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants*. To allow for the possibility of operating a mobile canteen, staff suggest editing the Clause to state: *No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants, with the exception of community centre and church properties*.

Parking Requirements for Mobile Canteens, Community Centres, and Churches

Parking requirements for mobile canteens are based on the parking requirement for the main use of the property on which the mobile canteen is located. Across all of the Land Use By-laws, both community centres and churches require one (1) parking space for every 100 sq. ft. of floor area. This parking requirement would also be applied to any mobile canteen locating on a community centre or church property. Generally, mobile canteens with this parking requirement would need to provide very few parking spaces. Correspondence with the Development Officer did not raise any issues with mobile canteens operating on community centre or church properties during lower-use periods of time.

Access Requirements for Mobile Canteens

Staff requested input regarding access requirements for mobile canteens from both the Traffic Authority and the District Manager with the Nova Scotia Department of Public Works (formerly the Department of Transportation). The Traffic Authority stated that each situation is different and dependent on the driveway. However, mobile canteens would not necessarily require a commercial access. The District Manager with the Nova Scotia Department of Public Works stated that most community centres and churches in the region have commercial access and are the preferred location for mobile canteens. The District Manager also informed staff that access permits are issued to the property owner, so would not be issued to the mobile canteen operator.

Surrounding Context of Community Centres and Churches

In general, community centres are located in areas designated Hamlet, Resource, or Agricultural. A common link between these designations is the rural intent of these areas. With community centre properties being primarily located in rural areas, the likelihood of a disturbance due to the operation of a mobile canteen is lower than in a more developed area. Rural areas also generally have a limited supply of commercially designated areas. Allowing mobile canteens on community centre properties would provide more options for the operator to select a property which works for them.

Church properties are mostly located in areas designated Community Use, Residential, Hamlet, or Resource. Unlike the designations of community centres, churches are more evenly distributed between rural and urban areas. The Community Use and Residential designations apply to more populated areas of the Regional Municipality. Similar to community centre properties, mobile canteens on rural church properties are less likely to cause a disturbance for adjacent uses. However, mobile canteens on the church properties located in more urban areas may disrupt adjacent uses by increasing traffic flow.

Taxation Implications Follow-up

During a follow-up conversation with Property Valuation Services Corporation (PVSC), staff requested further information regarding the evaluation of tax-exempt properties. The representative said that properties are evaluated based on the degree of use. This means that if a property is frequently used commercially or if there have been changes to the property to facilitate commercial use, it is more likely to be evaluated as commercial. Some additional factors that account for a commercial evaluation include the addition of permanent structures intended for commercial use or formal agreements to facilitate commercial use.

The PVSC representative also informed staff of the December 1st 'state date'. A 'state date' is the date that the property assessment formally takes place and the assessment is based on the state of the property at that date. So seasonal and mobile businesses are less likely to factor into the consideration to evaluate a property as commercial if there is no evidence of the mobile canteen on the property at this time.

Staff suggest that an authorization statement during the permitting process should be added to the application to read as *any mobile canteen located on a property may cause a change in taxation as determined by PVSC.*

NEXT STEPS

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

FINANCIAL IMPLICATIONS

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

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

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

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

ALTERNATIVES

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

- recommend staff to draft the amendments to the Land Use By-law and Mobile Canteen Vending By-law; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A West Hants Regional Municipality Churches Map

Attachment B 2022-01-13 Mobile Canteen Information Report for PAC

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

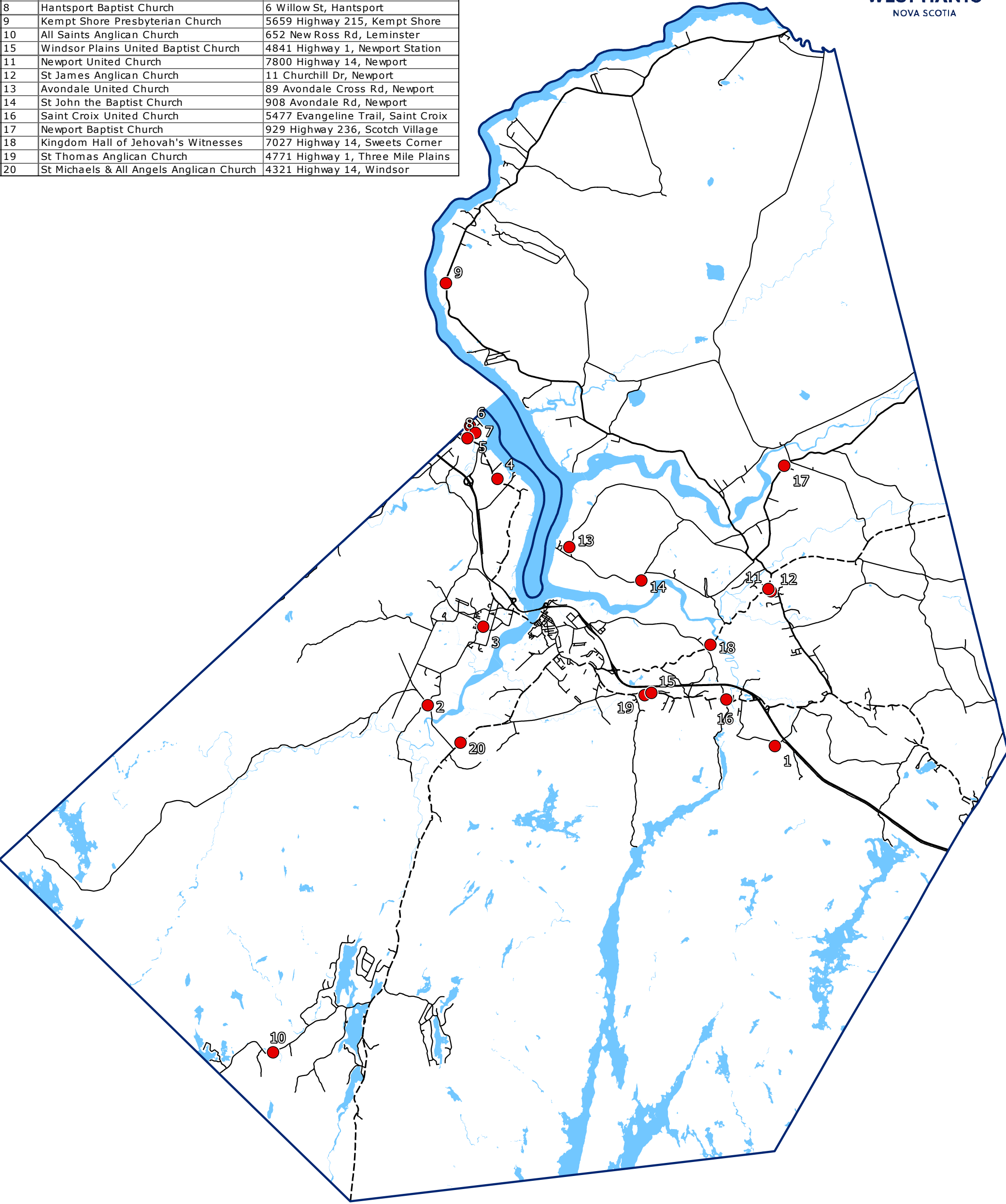
Madelyn LeMay, Director of Planning and Development

Attachment A - West Hants Regional Municipality Churches Map



WEST HANTS
NOVA SCOTIA

NUM	NAME	ADDRESS
1	St Louise Union Church	16 Maple Ave, Ellershouse
2	St George's Anglican Church	465 Sangster Bridge Rd, Falmouth
3	Falmouth United Baptist Church	404 Town Rd, Falmouth
4	Mount Denson Baptist Church	533 Highway 1, Hantsport
5	St Andrew's Anglican Church	59 Main St, Hantsport
6	St Mary's Catholic Church	67 Main St, Hantsport
7	Avon United Church	17 Prince St, Hantsport
8	Hantsport Baptist Church	6 Willow St, Hantsport
9	Kempton Shore Presbyterian Church	5659 Highway 215, Kempton Shore
10	All Saints Anglican Church	652 New Ross Rd, Leminster
11	Windsor Plains United Baptist Church	4841 Highway 1, Newport Station
12	Newport United Church	7800 Highway 14, Newport
13	St James Anglican Church	11 Churchill Dr, Newport
14	Avondale United Church	89 Avondale Cross Rd, Newport
15	St John the Baptist Church	908 Avondale Rd, Newport
16	Saint Croix United Church	5477 Evangeline Trail, Saint Croix
17	Newport Baptist Church	929 Highway 236, Scotch Village
18	Kingdom Hall of Jehovah's Witnesses	7027 Highway 14, Sweets Corner
19	St Thomas Anglican Church	4771 Highway 1, Three Mile Plains
20	St Michaels & All Angels Anglican Church	4321 Highway 14, Windsor



Municipality of the District of West Hants

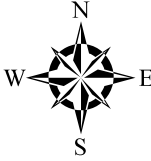
Churches in West Hants

- Church
- Municipal Boundary
- Roads
 - Local (Public and Private)
 - Regional
 - Arterial
 - Collector
- Water

Prepared by:
West Hants Planning Department
February 2019

Base data derived from the Nova Scotia Property
Records Database (NSPRD), Copyright Her Majesty
The Queen in Right of the Province of Nova Scotia

0 2500 5000 7500 10000
Metres
Scale: 1:160,500



Attachment B - 2022-01-13 Mobile Canteen Information Report for PAC



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: January 13th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

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

BACKGROUND

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

DISCUSSION

Community Centres in Land Use By-laws (LUBs)

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

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

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

Remote Community Centres

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

Consideration of Churches or Other Institutional Uses

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

Long-term vs. Short-term Licensing

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

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

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

Taxation Implications

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

Questions for PAC

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

NEXT STEPS

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

FINANCIAL IMPLICATIONS

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

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

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

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

ALTERNATIVES

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

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

ATTACHMENTS

Attachment A West Hants Regional Municipality Community Centres Map

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

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

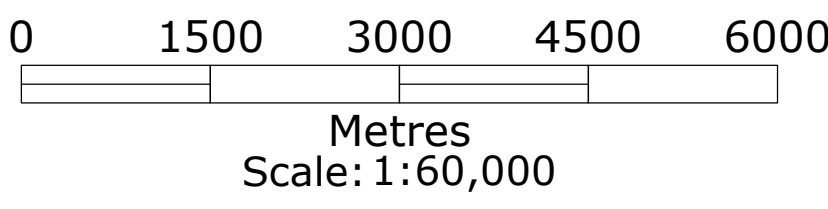
Madelyn LeMay, Director of Planning and Development

Attachment A - West Hants Regional Municipality Community Centres Map

West Hants Regional Municipality

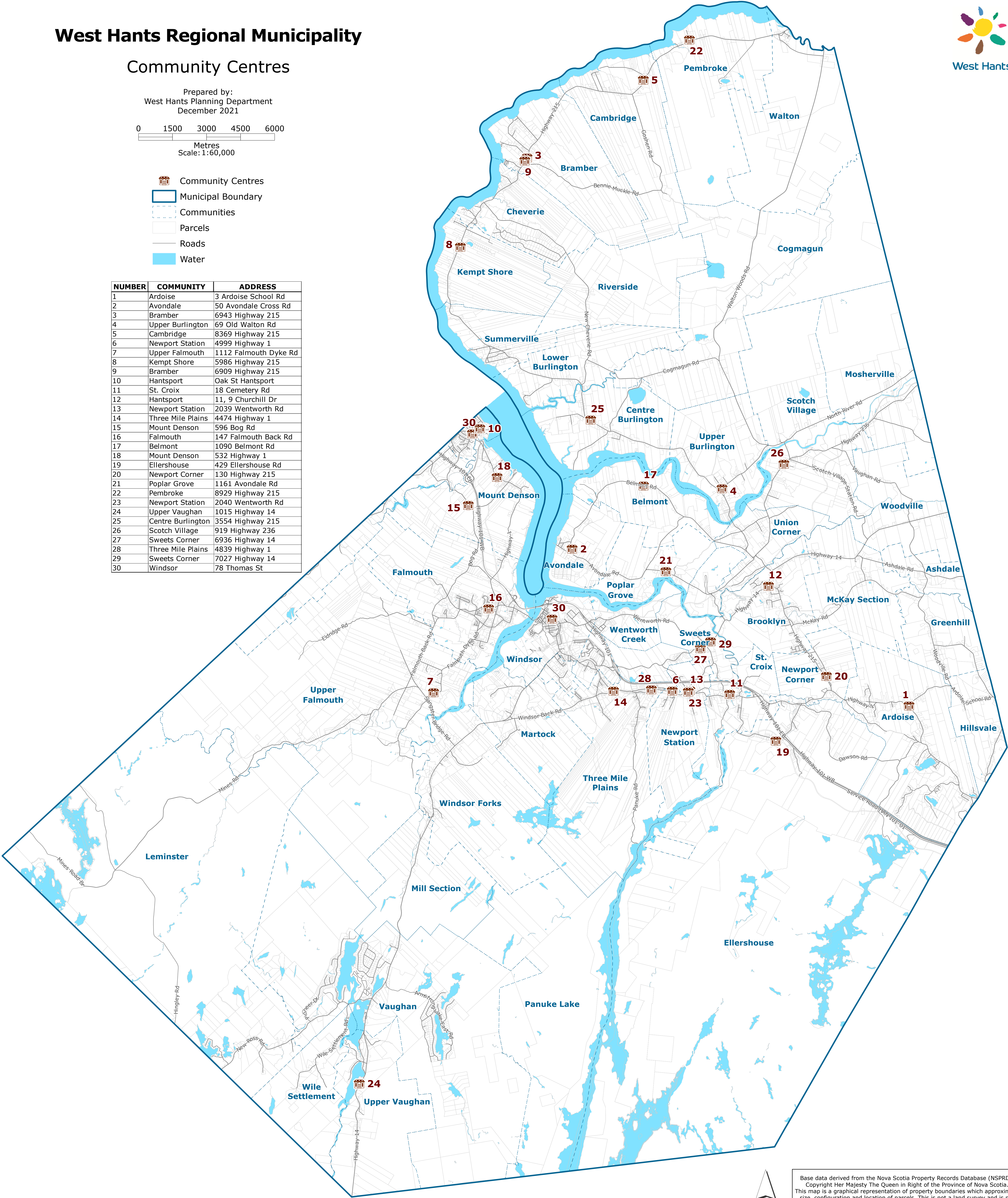
Community Centres

Prepared by:
West Hants Planning Department
December 2021



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

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



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

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



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Planner

Date: 2021-07-27

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

LEGISLATIVE AUTHORITY

MGA 172 Power to make By-laws

MGA 173 Vending on Streets

RECOMMENDATION

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

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

BACKGROUND

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

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

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

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

\$100 / three (3) months

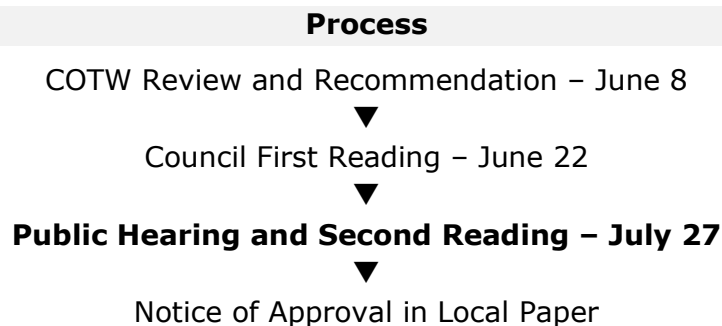
\$200 / an additional three (3) months on the same property

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

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

\$1000 / year on the same property

NEXT STEPS



APPENDICIES

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

CHIEF ADMINISTRATIVE OFFICER REVIEW

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

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

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

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

I support the recommendation as presented. "

Report Prepared by: _____
Sara Poirier, Planner

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

Report Approved by:  _____
Mark Phillips, CAO

Appendix A



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Planner

Date: 2021-06-08

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

LEGISLATIVE AUTHORITY

MGA 172 Power to make By-laws

MGA 173 Vending on Streets

RECOMMENDATION or DECISION REQUEST

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

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

BACKGROUND

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

Background information can be found in the following reports:

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

and minutes of the following Committees and Council meeting:

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

DISCUSSION

Mobile Canteen

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

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

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

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

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

Fees

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

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

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

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

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

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

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

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

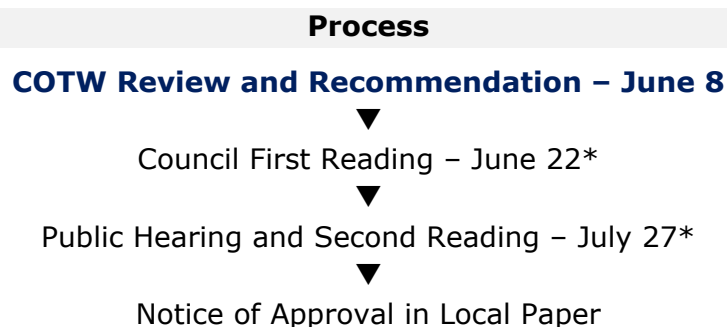
Option 1: Existing Mobile Canteen provisions in the Windsor Hawkers, Traders and Peddlers By-law	Option 2: Amend the Windsor Hawkers, Traders and Peddlers By-law to permit mobile canteens on a monthly, seasonal, or yearly basis	Option 3: Amend the Windsor Hawkers, Traders and Peddlers By-law to permit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

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

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

NEXT STEPS



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

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

ALTERNATIVES

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

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

ATTACHMENTS

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

CHIEF ADMINISTRATIVE OFFICER REVIEW

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

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

I support the recommendation as presented.

Report Prepared by: _____
Sara Poirier, Planner

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

Report Approved by:  _____
Mark Phillips, CAO

MOBILE CANTEEN VENDING BY-LAW

1.0 AUTHORITY

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

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

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

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

2.0 PURPOSE

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

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

3.0 DEFINITIONS

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

4.0 APPLICATIONS AND LICENSING

MOBILE CANTEEN VENDING BY-LAW

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

4.1 Criteria for Licensing Mobile Canteens

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

MOBILE CANTEEN VENDING BY-LAW

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

6.0 REFUSAL

The licensing authority shall refuse to issue a permit where:

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

MOBILE CANTEEN VENDING BY-LAW

7.0 REVOCATION

The licensing authority shall revoke a permit where:

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

8.0 PENALTIES AND ENFORCEMENT

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

9.0 APPEALS

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

MOBILE CANTEEN VENDING BY-LAW

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

10.0 REPEAL

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

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

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

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



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

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

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

15.06

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

15.07

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

15.08

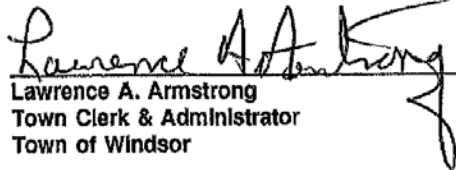
All licenses issued in the Town shall be signed by the Mayor and Chief Administrative Officer and sealed with the seal of the Town and shall bear date of the day of issue.

15.09

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

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

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


Lawrence A. Armstrong
Town Clerk & Administrator
Town of Windsor

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



**TOWN OF WINDSOR
BYLAW # 40**

Temporary Vendor Bylaw

AUTHORITY

40.01

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

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

INTERPRETATION

40.02

In this bylaw:

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

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

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

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

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

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

"Town" means the Town of Windsor;

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

SALES OF GOODS AND SERVICES

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

LICENSING

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

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

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

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

40.06 A license issued under this by-law shall:

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

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

40.08 Revocation

A license may be revoked where:

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

40.09 Appeals

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

PENALTIES AND ENFORCEMENT

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

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

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

LICENSE FEES

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

EFFECTIVE DATE

40.13 This Bylaw shall be effective upon publication.

SCHEDULE "A"

Goods or services to be licensed

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

CAO/Clerk's Annotation (Office Use Only)

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

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



Louis Coutinho, CAO
Town of Windsor



Committee of the Whole Excerpts
March 8, 2022

Quint Fire Apparatus Purchase, Hantsport Fire Dept.

The recommendation is to replace the 2002 e-One engine (11) with this apparatus. After the 20-year mark, these units exceed the ability to meet NFPA and ULC ratings as a front-line fire apparatus.

It was preapproved for ordering in 2021-22. This was due to anticipated supply chain delays following the procurement process. There was no capital budget or debt servicing amount allocated in the 2021-22 Budget. It was estimated at the time to be a \$1.6 million dollar apparatus, identified in Year 2 (2022/23) of the Capital Budget; however, the quote came in higher.

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

THAT COUNCIL APPROVES THE PURCHASE OF THE QUINT FIRE APPARATUS FOR THE WEST HANTS REGIONAL FIRE SERVICE STATION 6, HANTSPORT FIRE DEPARTMENT, BE FROM ROCKY MOUNTAIN PHOENIX AT A COST OF \$1,646,131 BEFORE APPLICABLE TAXES, AS QUOTED AND OBTAINED THROUGH THE CANOE PROCUREMENT PROCESS WHICH IS RECOGNIZED IN NOVA SCOTIA AS MEETING THE PROCUREMENT REQUIREMENTS FOR THIS PURCHASE.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Committee of the Whole

Submitted by:



Shelleena Thornton, Municipal Operations Supervisor

Date: March 08, 2022

Subject: Quint Fire Apparatus Purchase, Hantsport Fire Dept.

LEGISLATIVE AUTHORITY

MGA Section 65(a) – Authorized Municipal Expenditures

Fire and Emergency Service Policy (WHRM) Section 8 – Financial Matters and Section 9 – Procurement Practices

RECOMMENDATION or DECISION REQUEST

It is recommended that Committee of the Whole recommends to Council that Council approves...

the purchase of the Quint fire apparatus for the West Hants Regional Fire Service Station 6, Hantsport Fire Department, be from Rocky Mountain Phoenix at a cost of \$1,646,131 before applicable taxes, as quoted and obtained through the Canoe Procurement process which is recognized in Nova Scotia as meeting the procurement requirements for this purchase.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐
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Three independent studies have been conducted with respect to the Hantsport Fire Department operations since 2004. Each study contained recommendations for apparatus requirements and replacements schedules. In all three studies, one common recommendation was the addition of a quint fire apparatus to the Hantsport Fire fleet. Most recently, this was recommended in the 2020 West Hants Regional Fire Study and during the 2021-22 budget

deliberations, it was preapproved for ordering in 2021-22. This was due to anticipated supply chain delays following the procurement process. There was no capital budget or debt servicing amount allocated in the 2021-22 Budget. It was estimated at the time to be a \$1.6 million dollar apparatus, identified in Year 2.

The recommendation is to replace the 2002 e-One engine (11) with this apparatus. As recommended in all three studies, engines/pumpers are replaced at the 20-year mark of service life for the apparatus. After the 20-year mark, these units exceed the ability to meet NFPA and ULC ratings as a front-line fire apparatus.

Manufacturing of fire apparatus takes on average 600 days from time of signing the contract. It is prudent through planning mechanisms that apparatus orders take into consideration this timeline as to not disadvantage the fire service with apparatus that no longer meet the 20-year ULC/NFPA requirements.

DISCUSSION

A committee was formed to review the needs for the Hantsport Fire Department. The committee consisted of three Hantsport Fire members along with a senior officer from both Windsor and Wolfville Fire Departments. This approach provided a comprehensive review of the needs of our area, with the combined knowledge of the current fire apparatus available through the mutual aid system.

The committee reached out to the team who conducted the West Hants Regional Fire Service study to garner a deeper understanding of their recommendation for a quint in Hantsport. The recommendation from this meeting was for the addition of a mid-mount aerial platform that would support the needs of both Hantsport Station 6 along with providing an additional effective option to support the broader region. The mid-mount will provide additional versatility for positioning at emergencies throughout the region and will not duplicate apparatus already in service for the region.

The rationale to recommend a mid-mount platform is as follows:

- Mid-mount platforms have unobstructed driver forward visibility. There is no bucket hanging ahead of the cab blocking the view
- Mid-mount aerials offer lower overall travel height
- The cab can be easily tilted with no obstruction presented by the aerial device
- Mid-mount towers allow for easy bucket entry from the ground at the rear of the apparatus
- Mid-mount aerials offer a compact five (5) section ladder allowing the ladder to be operated in confined space requirements at the fire scene
- Mid-mount aerials are generally easier to spot and position on the fire ground with the turntable positioned behind the cab

- Mid-mount aerials offer superior scrub area coverage on buildings compared to rear mount aerial designs. Scrub area is the part of the platform or tip of the aerial device that can touch the building line especially at lower angles

The selected quote was the lowest of three quotes and reflects the Canoe Procurement pricing. This apparatus will meet all the requirements of the Hantsport Fire Department and this unit will compliment other apparatus in service throughout the Region.

NEXT STEPS

Work with selected vendor to finalize the purchase prior to April 1, 2022.

FINANCIAL IMPLICATIONS

The purchase of this apparatus was pre-approved (for tendering only) with \$0 allocation in 2021/22 budget. This process was due to the understanding that apparatus can take a year or more to arrive once ordered; therefore, allowing the procurement process to begin with the understanding that the actual costs wouldn't occur till the 2022/23 fiscal year budgets.

While completing the procurement process, the quotes received were higher than the original estimate of \$1.60 Million. The total amount for preapproval for the 2022-23 Capital Budget is \$1,716,750.02 including the non-refundable HST portion. This is over the Chief Administrative Officer approval level and requires approval of Council before proceeding with the order.

The apparatus would be financed over 15 years and will add an estimated amount of \$136,119 to the debt servicing in the operating budget in 2022-23. This amount will be used to reduce the final borrowing request once the apparatus is delivered.

This capital purchase will be reviewed by the Municipality of Kings County and presented at their next area rate meeting. If approved, the annual debt servicing costs would be shared based on the 3-year call average percentage. In 2022-23 this would represent 29.5% of the debt servicing costs.

ALTERNATIVES

Other types of quint apparatus are available; however, these devices may not meet the requirements of the Hantsport Fire Department and would result in duplication of existing fire apparatus in service within the region.

ATTACHMENTS

Review and Recommendation for supply of a "Quint" Fire Apparatus Hantsport Fire Department January 2022.

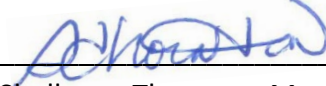
CHIEF ADMINISTRATIVE OFFICER REVIEW

(For use if report is from a Councillor. CAO to provide additional comments on background, department/staff responsible and workload, budget, options, preferred strategy. State “Not Applicable” if report is from staff which already incorporates CAO review.)

Report Prepared by: _____
Peter Johnson, Hantsport Fire Chief

Report Prepared by: _____
Paul Maynard, Hantsport Fire, Deputy Chief

Report Reviewed by: _____
Carlee Rochon, Director of Financial Services

Report Reviewed by:  _____
Shelleena Thornton, Municipal Operations Supervisor

Report Approved by: _____
Mark Phillips, Chief Administrative Officer



Review and Recommendation for supply of a
“Quint” Fire Apparatus
Hantsport Fire Department
January 2022

History and Overview

Over the course of approximately 20 years, three independent studies were conducted with respect to the Hantsport Fire Department operations. Each study contained recommendations for apparatus requirements and replacements schedules. In all three studies, one common recommendation was the addition of a quint fire apparatus to the Hantsport Fire fleet. Most recently, this was recommended in the **West Hants Regional Fire Study** and identified in the West Hants Regional Municipality 2021/2022 budget.

The National Fire Protection Association outlines the requirements for a piece of apparatus necessary to function as a quint in NFPA Standard 1901, The Standard for Automotive Fire Apparatus. Here is a summary of the quint requirements as detailed in Chapter 9 of the standard:

- Fire pump with a minimum capacity of 1,000 gallons per minute
- Water tank with a minimum capacity of 300 gallons
- Aerial ladder or elevating platform with a permanently installed waterway
- Hose storage area with a minimum of 30 cubic feet of storage area capable of accommodating 2.5 inch or larger fire hose; two hose storage areas, each with a minimum of 3.5 cubic feet or 1.5 inch or pre-connected hose lines.
- Enclosed compartments with a minimum of 40 cubic feet for equipment storage
- Complement of ground ladders containing a minimum of 85 feet of ground ladders, including at least: two extension ladders, one roof ladder and one attic ladder
- Suction hose of a minimum of 15 feet of soft suction hose or 20 feet of hard suction hose for drafting water.

The recommendation is to replace the 2002 e-One engine (11) with this apparatus. As recommended in all 3 studies, engines/pumpers are replaced at the 20-year mark of service life for the apparatus. After the 20-year mark, these units exceed the ability to meet NFPA and ULC ratings as a front-line fire apparatus. Our recommendation would be to dispose of this asset in coordination with the West Hants Municipal Policy on the disposal of capital assets. Any proceeds from the sale of this unit could be placed towards the quint.

Manufacturing of fire apparatus takes on average 500 days from time of signing the contract. It is prudent through planning mechanisms that apparatus orders take into consideration this timeline as to not disadvantage the fire service with apparatus that no longer meet the 20-year ULC/NFPA requirements.

The impact of a fire vehicle not meeting the 20-year status as a front-line apparatus is reflected in the Fire Underwriter's Insurance grading. To help establish appropriate fire insurance rates for residential and commercial properties, insurance companies need reliable, up-to-date information about a community's fire-protection services. Fire Underwriters Survey provides that information through the Public Fire Protection Classification (PFPC) and Dwelling Protection Grades (DPG) insurance grading systems. These grades are based in part on the following:

- Type and number of apparatuses
- The condition and age of fire apparatus and fire suppression equipment
- Pumping capacity

- The type of staffing (i.e., career Firefighters vs. paid-on-call)
- The distribution of companies relative to fire risk
- Response to alarm protocols
- Management of emergency services
- The quality of training programs for the fire fighter including specialized training
- Pre-incident planning

Communities across Canada are assessed and PFPC and DPG grades are calculated by Certified Fire Protection Specialists, Engineering Technologists and Professional Engineers. This information is then published in the online Fire Insurance Grading Index. The information published in the online Fire Insurance Grading Index is used by insurers to determine their underwriting capacities and to help set property insurance rates. Reduction of any of the above conditions could negatively impact both the residential and commercial insurance rates in Hantsport Fire's coverage area.

The quint will provide a well actioned initial response to several types of calls in the West Hants Regional Fire Service. Quints first and foremost provide a stable, safe working structure for firefighting operations at both height and for horizontal rescue/exposure protection operations. The quint will serve as a functional "pumper/engine" with pumps, water, ground ladders to provide initial attack on any fire emergency in our region. The quint will also carry a full compliment of vehicle extrication tools to provide emergency extrication operations on our highways and roadways.

A quint in Hantsport will be a first due fire apparatus for a large percentage (over 60%) of emergencies in our local fire district. It will also serve as a primary backup to other incidents in both West Hants and Kings Counties.

Methods/Needs Assessment

A committee was formed to review the needs for the Hantsport Fire Department. The committee consisted of 3 members of Hantsport Fire along with a senior officer from both Windsor and Wolfville Fire Departments. This approach provided a comprehensive review of the needs of our area, with the combined knowledge of the current fire apparatus available through the mutual aid system. The Hantsport fire district consists of a variety of construction types as follows:

- Fire Resistive – Type I.
- Non-combustible/limited combustible – Type II.
- Ordinary – Type III.
- Heavy timber – Type IV.
- Wood frame – Type V.

Much of the former town of Hantsport and throughout Hants Border, Lockhartville and Mount Densen consist of legacy residential buildings with multiple exposures. Commercial buildings range from heavy wood timber such as the CKF plant and facility warehouses to modern construction such as the ESSO/Tim Horton's at Glooscap Landing. There are several multi-story nursing and respite care homes in Hantsport on Chittick Avenue, Jubilee Court, Main and William Streets, along with a large residential multi-story housing facility in Hants Border. The Hantsport Fire Department also services the Horton First Nation community where there is a mix of residential and commercial buildings. Hantsport, Hants

Border, and Bishopville have a static water supply through municipal hydrants that would support the water volume necessary to sustain aerial operations.

A quint also provides a safe working platform for firefighters conducting operations on homes and businesses that have installed metal roofs and solar panels. In modern construction, the Underwriters Laboratories found that these structures will burn up to 10 times faster than legacy construction. This gives very limited window of opportunity for firefighters to make an aggressive stop on fires in new construction. Lightweight truss design is an extreme hazard in modern construction with the only safe alternative for roof operations at fires to be from an aerial device, which must be put in place during the first initial minutes of an alarm.

A common misunderstanding with respect to quints is that they are only required for multi-storey buildings. A quint can preform all operations of a regular engine with the extra ability to provide a safe and stable platform for firefighters to work from in both single story dwellings and multi-story buildings.

A quint is a diverse piece of apparatus that can be used for the following operations:

- Single story to multi-story residential access to roofs
- Ability to safely work on roofs with solar panels
- Ability to safely work on metal roofs
- Ability to safely work on ice/snow covered roofs
- Rescue and life safety operations
- Elevated direct fire control operations
- Elevated exposure protection fire operations
- Below grade rescue
- Elevated lighting at scenes
- Horizontal operations for exposure protection or direct attack into collapse zones
- Safely investigate commercial or residential systems on or near the roof line (air handling units)

Review of Apparatus

The committee met with 4 vendors that could provide a quint style fire apparatus. These vendors included E-One, Pierce, Rosenbauer and Metalfab.

The committee reviewed multiple options for a quint including the following:

- Various sized mid-mount platforms
- 75', 78', 100' and 125' and above aerials
- Straight stick quints
- Rear mount platform quints
- Single axle and tandem axle units
- Snorkel style apparatus

The committee reviewed aerials that provided extended reach (125' and above). These units are challenging in terms of training and safe operations and would require a great deal of continued and on-going training for firefighters to safely operate this apparatus. These units would also exceed the allotted budget.

Secondly, the committee reviewed 75' to 78' quints. Although, these apparatuses provide excellent maneuverability, the overall size and function of these vehicles are not much different than a 100' quint. As well, the 75-78' quint would fall short of safe operations around some of the larger commercial structures such as CKF where the apparatus should be placed away from any collapse zone during a fire.

Snorkel apparatus are made only to reach 50' and much like the larger quints, they require a comprehensive and ongoing training program to safely operate. The cost of this style apparatus exceeds the budget allotted.

Platforms provide a safe, stable work environment and are often utilized at lengthy, sustained operations. The current aerial platforms in Wolfville and Brooklyn are designed with rear configuration meaning the operation of the aerial is coordinated from the rear of the apparatus. Although very effective, often these apparatuses must be positioned perfectly by backing into a scene to achieve full capability.

The committee reached out to the team who conducted the West Hants Regional Fire Service study to garner a deeper understanding of their recommendation for a quint in Hantsport. The recommendation from this meeting was for the addition of a mid-mount aerial platform that would support the needs of both Hantsport Station 6 along with providing an additional effective option to support the broader region. The mid-mount will provide additional versatility for positioning at emergencies throughout the region and will not duplicate apparatus already in service for the region.

The rationale to recommend a mid-mount platform is as follows:

- Mid-mount platforms have unobstructed driver forward visibility There is no bucket hanging ahead of the cab blocking the view.
- Mid-mount aerials offer lower overall travel height
- The cab can be easily tilted with no obstruction presented by the aerial device
- Mid-mount towers allow for easy bucket entry from the ground at the rear of the apparatus
- Mid-mount aerials offer a compact five (5) section ladder allowing the ladder to be operated in confined space requirements at the fire scene
- Mid-mount aerials are generally easier to spot and position on the fire ground with the turntable positioned behind the cab
- Mid-mount aerials offer superior scrub area coverage on buildings compared to rear mount aerial designs. Scrub area is the part of platform or tip of the aerial device that can touch the building line especially at lower angles

Recommendation

Following the comprehensive review and needs assessment of all available quint style apparatus, the committee is recommending a minimum of 100' quint on a custom chassis, with a mid mount configuration, including a minimum of 300 gals of water and minimum 1500 gpm pump. This quint will meet the requirements of the Hantsport Fire Department and this unit will compliment other apparatus in service throughout the Region.

The committee recommends the procurement of this vehicle be conducted through the assistance of Canoe Procurement (upon approval by Council), recognized in Nova Scotia as meeting the procurement requirements for this purchase.

West Hants Regional Municipal intends to participate in one or more procurements conducted by the Nova Scotia Federation Municipalities (NSFM) -Canoe between July 1, 2021, to March 31, 2022. For further information and access to NSFM-Canoe tender notices, please review the Nova Scotia Procurement website at www.procurement.novascotia.ca or the MERX website at www.merx.com. For further information on the Nova Scotia Federation Municipalities please visit the website at www.nsfm.ca at this time.

On behalf of the Quint Committee.

*Paul Maynard, Deputy Chief Hantsport Fire
Jason States, Captain, Hantsport Fire
Captain Mark Turner, Hantsport
D/O Ron Starratt
Woody Miller, Lieutenant, Hantsport Fire
Jamie Harvey, Deputy Chief, Windsor Fire
Michael Whitman, Deputy Chief, Wolfville Fire*



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: March 22nd, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

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

RECOMENDATION

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of Clause 4.1 (f) of the Mobile Canteen Vending By-law to read as follows: *"No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants, with the exception of community centre and church properties."*

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of the definition of Community Centre in the West Hants Land Use By-law to read as follows: *"Community Centre means any tract of land and the buildings thereon, the control of which is vested in the Municipality or local board or agent which is used for community activities and not used for commercial purposes with the exception of mobile canteens".*

BACKGROUND

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

DISCUSSION

On January 13th, 2022 staff presented an information report to the Planning and Heritage Advisory Committee regarding the request to amend the Mobile Canteen Vending By-law to allow mobile vendors to locate on community centre properties. Staff outlined that the request would require amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law. Staff also discussed the possibility of including church properties within the amendment. The Committee requested further information about taxation and the inclusion of church properties in the amendment from the Planner.

On February 10th, 2022 staff presented a decision request report to the Planning and Heritage Advisory Committee to follow up on the requested amendment to the Mobile Canteen Vending By-law. Staff discussed the surrounding context of both community centre and church properties, access requirements, and parking requirements. Staff also provided information from the Property Valuation Services Corporation regarding the valuation of tax-exempt properties. Staff suggested the inclusion of a statement during the permitting process to notify applicants and property owners that a change in taxation assessment may occur. The Committee then recommended that staff draft amendments to the Land Use By-law and Mobile Canteen Vending By-law to allow the operation of mobile canteens on community centre and church properties and present them to Committee of the Whole.

On March 8th, 2022 staff presented a recommendation report to the Committee of the Whole to move forward with the requested amendment to the Mobile Canteen Vending By-law. During the presentation, staff discussed the proposed amendments, the surrounding context of both community centres and church properties, and the taxation implications of allowing mobile canteen operations on community centres and church properties. The Committee of the Whole recommended in favour of the proposed amendments, which will allow staff to take the proposal to Council for First Reading.

NEXT STEPS

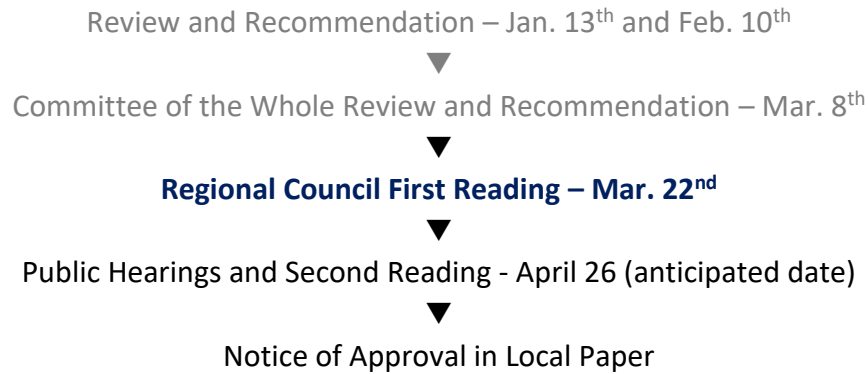
The COTW recommendations would result in amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law (WHLUB).

The required process for amendments to each document is:

Staff Review



Planning and Heritage Advisory Committee



FINANCIAL IMPLICATIONS

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

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

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

ALTERNATIVES

In response to the proposed amendments, Council may:

- recommend that only community centres be included in the amendment to the Land Use By-law and Mobile Canteen Vending By-law; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A 2022-03-08 File 21-20 C Mobile Canteen COTW Recommendation

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____


Mark Phillips, CAO

Attachment A - Mobile Canteen COTW Recommendation Report



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: March 8th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

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

RECOMENDATION

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of Clause 4.1 (f) of the Mobile Canteen Vending By-law to read as follows: *"No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants, with the exception of community centre and church properties."*

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of the definition of Community Centre in the West Hants Land Use By-law to read as follows: *"Community Centre means any tract of land and the buildings thereon, the control of which is vested in the Municipality or local board or agent which is used for community activities and not used for commercial purposes with the exception of mobile canteens".*

BACKGROUND

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

DISCUSSION

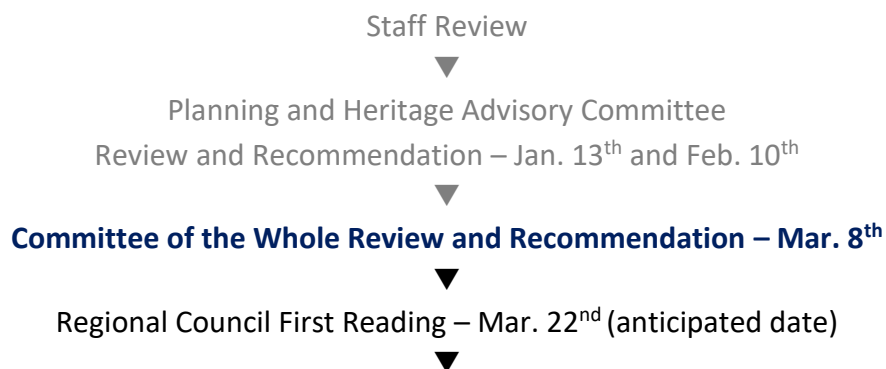
On January 13th, 2022 staff presented an information report to the Planning and Heritage Advisory Committee regarding the request to amend the Mobile Canteen Vending By-law to allow mobile vendors to locate on community centre properties. Staff outlined that the request would require amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law. Staff also discussed the possibility of including church properties within the amendment. The Committee requested further information about taxation and the inclusion of church properties in the amendment from the Planner.

On February 10th, 2022 staff presented a decision request report to the Planning and Heritage Advisory Committee to follow up on the requested amendment to the Mobile Canteen Vending By-law. Staff discussed the surrounding context of both community centre and church properties, access requirements, and parking requirements. Staff also provided information from the Property Valuation Services Corporation regarding the valuation of tax-exempt properties. Staff suggested the inclusion of a statement during the permitting process to notify applicants and property owners that a change in taxation assessment may occur. The Committee then recommended that staff draft amendments to the Land Use By-law and Mobile Canteen Vending By-law to allow the operation of mobile canteens on community centre and church properties and present them to Committee of the Whole.

NEXT STEPS

The PAC/HAC recommendations would result in amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law (WHLUB).

The required process for amendments to each document is:



Public Hearings and Second Reading - April 26 (anticipated date)



Notice of Approval in Local Paper

FINANCIAL IMPLICATIONS

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

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

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

ALTERNATIVES

In response to the proposed amendments, Council may:

- recommend that only community centres be included in the amendment to the Land Use By-law and Mobile Canteen Vending By-law; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A 2022-02-10 File 21-20 C Mobile Canteen Decision Request Report

CHIEF ADMINISTRATIVE OFFICER REVIEW

I believe the recommendation is in alignment with past Council, PAC / HAC and staff discussions.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____

Mark Phillips, CAO

Attachment A - Mobile Canteen Decision Request Report



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: February 10th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

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

DECISION REQUEST

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

BACKGROUND

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

DISCUSSION

Community Centres in Land Use By-laws (LUBs)

Previously, staff noted that community centres were only defined in the West Hants Land Use By-law and that definition specifically excluded the possibility of commercial use. The current definition of community centres is *any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality or local board or agent thereof*. To allow for the possibility of operating a mobile canteen, staff suggest editing the definition to read as *any tract of land and the buildings thereon used for community activities and not used for commercial purposes except mobile canteens, and the control of which is vested in the Municipality or local board or agent thereof*. This definition could then be added to both the Windsor and Hantsport Land Use By-law to ensure conformity between the documents.

Staff have also suggested extending the amendment to include church properties. Across the Windsor, West Hants, and Hantsport Land Use By-laws, the definition of church does not specifically exclude commercial uses. In this case, no amendment to the definition would be necessary to allow mobile canteens to operate on church properties.

Community Centres in the Mobile Canteen Vending By-law

Clause 4.1 (f) of the Mobile Canteen Vending By-law states: *No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants*. To allow for the possibility of operating a mobile canteen, staff suggest editing the Clause to state: *No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants, with the exception of community centre and church properties*.

Parking Requirements for Mobile Canteens, Community Centres, and Churches

Parking requirements for mobile canteens are based on the parking requirement for the main use of the property on which the mobile canteen is located. Across all of the Land Use By-laws, both community centres and churches require one (1) parking space for every 100 sq. ft. of floor area. This parking requirement would also be applied to any mobile canteen locating on a community centre or church property. Generally, mobile canteens with this parking requirement would need to provide very few parking spaces. Correspondence with the Development Officer did not raise any issues with mobile canteens operating on community centre or church properties during lower-use periods of time.

Access Requirements for Mobile Canteens

Staff requested input regarding access requirements for mobile canteens from both the Traffic Authority and the District Manager with the Nova Scotia Department of Public Works (formerly the Department of Transportation). The Traffic Authority stated that each situation is different and dependent on the driveway. However, mobile canteens would not necessarily require a commercial access. The District Manager with the Nova Scotia Department of Public Works stated that most community centres and churches in the region have commercial access and are the preferred location for mobile canteens. The District Manager also informed staff that access permits are issued to the property owner, so would not be issued to the mobile canteen operator.

Surrounding Context of Community Centres and Churches

In general, community centres are located in areas designated Hamlet, Resource, or Agricultural. A common link between these designations is the rural intent of these areas. With community centre properties being primarily located in rural areas, the likelihood of a disturbance due to the operation of a mobile canteen is lower than in a more developed area. Rural areas also generally have a limited supply of commercially designated areas. Allowing mobile canteens on community centre properties would provide more options for the operator to select a property which works for them.

Church properties are mostly located in areas designated Community Use, Residential, Hamlet, or Resource. Unlike the designations of community centres, churches are more evenly distributed between rural and urban areas. The Community Use and Residential designations apply to more populated areas of the Regional Municipality. Similar to community centre properties, mobile canteens on rural church properties are less likely to cause a disturbance for adjacent uses. However, mobile canteens on the church properties located in more urban areas may disrupt adjacent uses by increasing traffic flow.

Taxation Implications Follow-up

During a follow-up conversation with Property Valuation Services Corporation (PVSC), staff requested further information regarding the evaluation of tax-exempt properties. The representative said that properties are evaluated based on the degree of use. This means that if a property is frequently used commercially or if there have been changes to the property to facilitate commercial use, it is more likely to be evaluated as commercial. Some additional factors that account for a commercial evaluation include the addition of permanent structures intended for commercial use or formal agreements to facilitate commercial use.

The PVSC representative also informed staff of the December 1st 'state date'. A 'state date' is the date that the property assessment formally takes place and the assessment is based on the state of the property at that date. So seasonal and mobile businesses are less likely to factor into the consideration to evaluate a property as commercial if there is no evidence of the mobile canteen on the property at this time.

Staff suggest that an authorization statement during the permitting process should be added to the application to read as *any mobile canteen located on a property may cause a change in taxation as determined by PVSC.*

NEXT STEPS

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

FINANCIAL IMPLICATIONS

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

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

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

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

ALTERNATIVES

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

- recommend staff to draft the amendments to the Land Use By-law and Mobile Canteen Vending By-law; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A West Hants Regional Municipality Churches Map

Attachment B 2022-01-13 Mobile Canteen Information Report for PAC

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

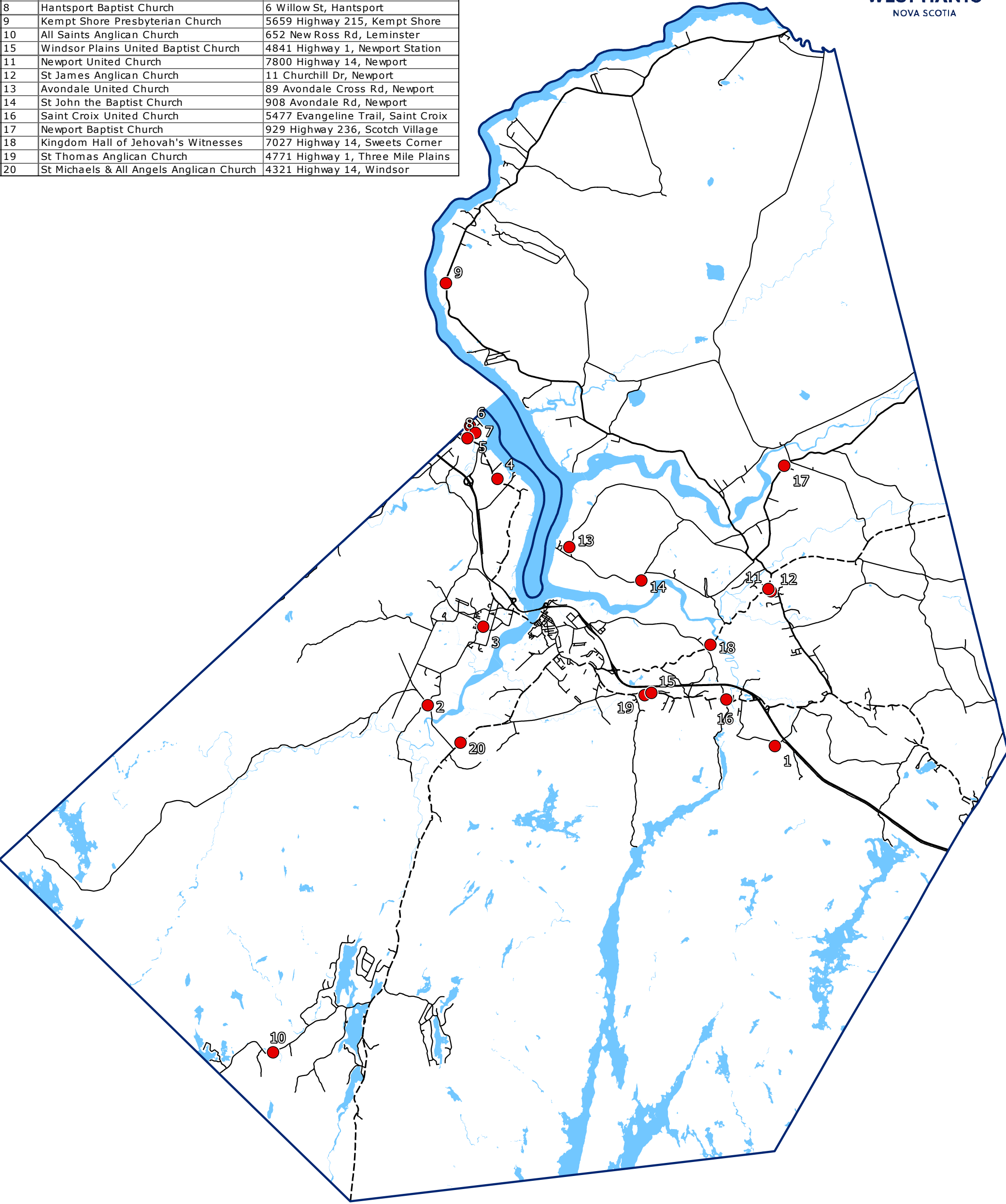
Madelyn LeMay, Director of Planning and Development

Attachment A - West Hants Regional Municipality Churches Map



WEST HANTS
NOVA SCOTIA

NUM	NAME	ADDRESS
1	St Louise Union Church	16 Maple Ave, Ellershouse
2	St George's Anglican Church	465 Sangster Bridge Rd, Falmouth
3	Falmouth United Baptist Church	404 Town Rd, Falmouth
4	Mount Denson Baptist Church	533 Highway 1, Hantsport
5	St Andrew's Anglican Church	59 Main St, Hantsport
6	St Mary's Catholic Church	67 Main St, Hantsport
7	Avon United Church	17 Prince St, Hantsport
8	Hantsport Baptist Church	6 Willow St, Hantsport
9	Kempton Shore Presbyterian Church	5659 Highway 215, Kempton Shore
10	All Saints Anglican Church	652 New Ross Rd, Leminster
15	Windsor Plains United Baptist Church	4841 Highway 1, Newport Station
11	Newport United Church	7800 Highway 14, Newport
12	St James Anglican Church	11 Churchill Dr, Newport
13	Avondale United Church	89 Avondale Cross Rd, Newport
14	St John the Baptist Church	908 Avondale Rd, Newport
16	Saint Croix United Church	5477 Evangeline Trail, Saint Croix
17	Newport Baptist Church	929 Highway 236, Scotch Village
18	Kingdom Hall of Jehovah's Witnesses	7027 Highway 14, Sweets Corner
19	St Thomas Anglican Church	4771 Highway 1, Three Mile Plains
20	St Michaels & All Angels Anglican Church	4321 Highway 14, Windsor



Municipality of the District of West Hants

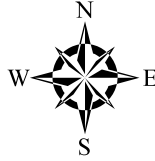
Churches in West Hants

- Church
- Municipal Boundary
- Roads
 - Local (Public and Private)
 - Regional
 - Arterial
 - Collector
- Water

Prepared by:
West Hants Planning Department
February 2019

Base data derived from the Nova Scotia Property
Records Database (NSPRD), Copyright Her Majesty
The Queen in Right of the Province of Nova Scotia

0 2500 5000 7500 10000
Metres
Scale: 1:160,500



Attachment B - 2022-01-13 Mobile Canteen Information Report for PAC



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: January 13th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

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

BACKGROUND

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

DISCUSSION

Community Centres in Land Use By-laws (LUBs)

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

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

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

Remote Community Centres

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

Consideration of Churches or Other Institutional Uses

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

Long-term vs. Short-term Licensing

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

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

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

Taxation Implications

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

Questions for PAC

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

NEXT STEPS

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

FINANCIAL IMPLICATIONS

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

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

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

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

ALTERNATIVES

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

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

ATTACHMENTS

Attachment A West Hants Regional Municipality Community Centres Map

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

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

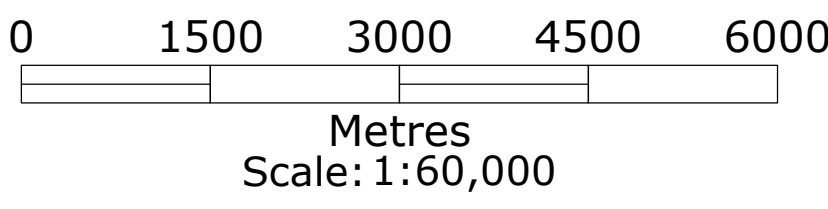
Madelyn LeMay, Director of Planning and Development

Attachment A - West Hants Regional Municipality Community Centres Map

West Hants Regional Municipality

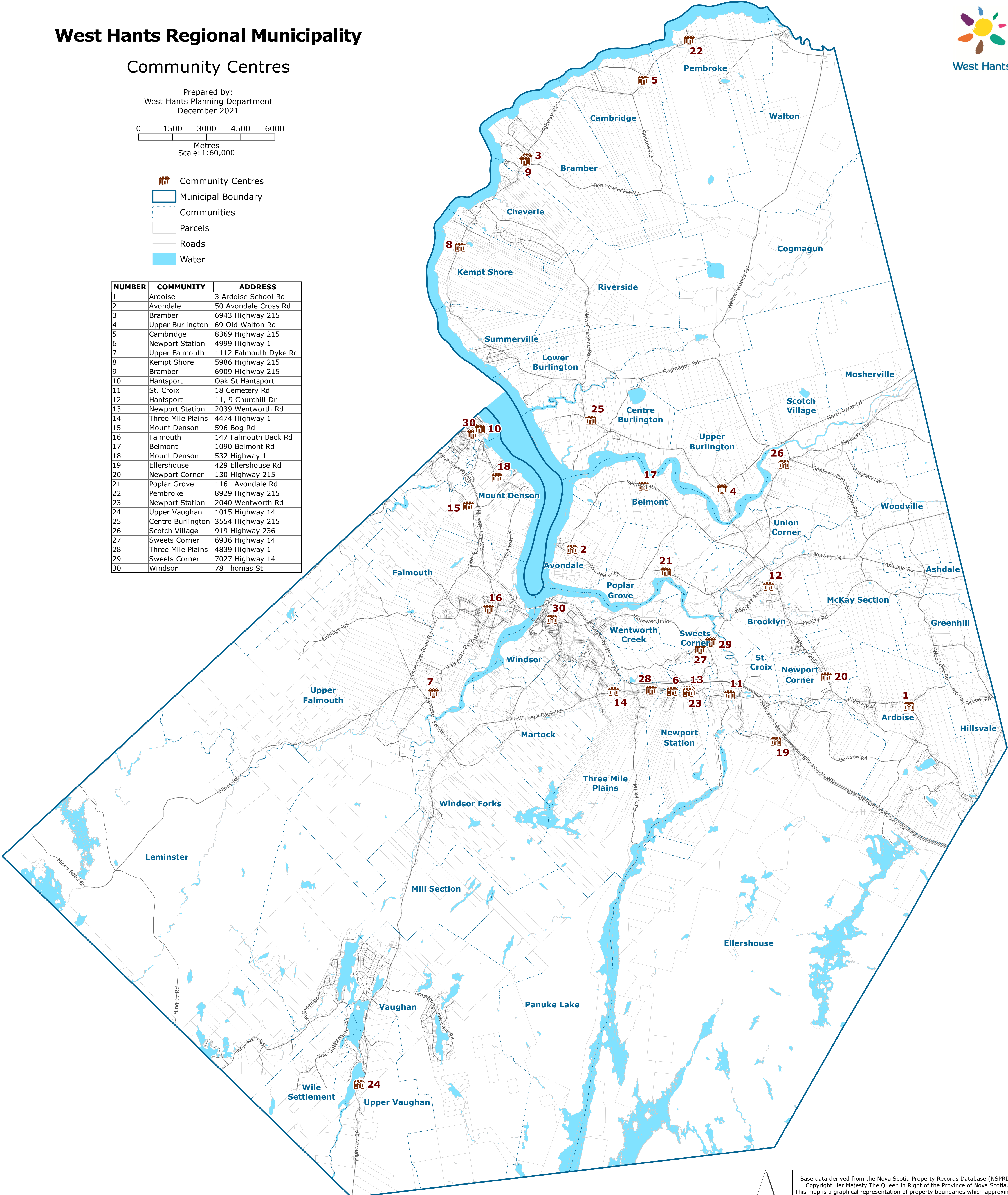
Community Centres

Prepared by:
West Hants Planning Department
December 2021



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

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



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

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



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Planner

Date: 2021-07-27

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

LEGISLATIVE AUTHORITY

MGA 172 Power to make By-laws

MGA 173 Vending on Streets

RECOMMENDATION

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

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

BACKGROUND

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

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

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

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

\$100 / three (3) months

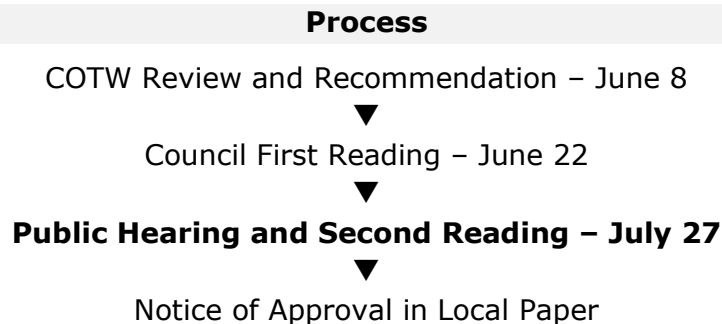
\$200 / an additional three (3) months on the same property

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

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

\$1000 / year on the same property

NEXT STEPS



APPENDICIES

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

CHIEF ADMINISTRATIVE OFFICER REVIEW

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

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

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

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

I support the recommendation as presented. "

Report Prepared by: _____
Sara Poirier, Planner

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

Report Approved by:  _____
Mark Phillips, CAO

Appendix A



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Planner

Date: 2021-06-08

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

LEGISLATIVE AUTHORITY

MGA 172 Power to make By-laws

MGA 173 Vending on Streets

RECOMMENDATION or DECISION REQUEST

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

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

BACKGROUND

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

Background information can be found in the following reports:

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

and minutes of the following Committees and Council meeting:

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

DISCUSSION

Mobile Canteen

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

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

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

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

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

Fees

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

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

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

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

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

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

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

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

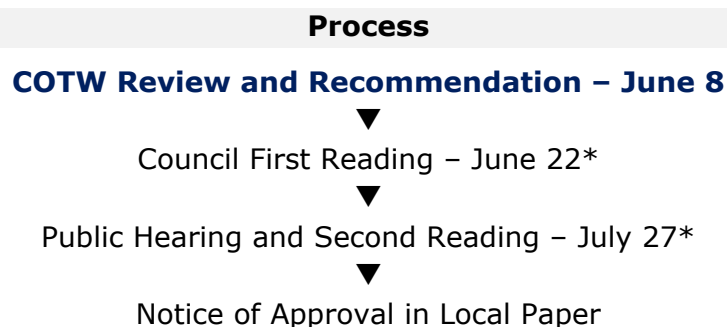
Option 1: Existing Mobile Canteen provisions in the Windsor Hawkers, Traders and Peddlers By-law	Option 2: Amend the Windsor Hawkers, Traders and Peddlers By-law to permit mobile canteens on a monthly, seasonal, or yearly basis	Option 3: Amend the Windsor Hawkers, Traders and Peddlers By-law to permit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

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

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

NEXT STEPS



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

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

ALTERNATIVES

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

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

ATTACHMENTS

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

CHIEF ADMINISTRATIVE OFFICER REVIEW

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

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

I support the recommendation as presented.

Report Prepared by: _____
Sara Poirier, Planner

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

Report Approved by:  _____
Mark Phillips, CAO

MOBILE CANTEEN VENDING BY-LAW

1.0 AUTHORITY

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

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

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

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

2.0 PURPOSE

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

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

3.0 DEFINITIONS

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

4.0 APPLICATIONS AND LICENSING

MOBILE CANTEEN VENDING BY-LAW

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

4.1 Criteria for Licensing Mobile Canteens

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

MOBILE CANTEEN VENDING BY-LAW

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

6.0 REFUSAL

The licensing authority shall refuse to issue a permit where:

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

MOBILE CANTEEN VENDING BY-LAW

7.0 REVOCATION

The licensing authority shall revoke a permit where:

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

8.0 PENALTIES AND ENFORCEMENT

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

9.0 APPEALS

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

MOBILE CANTEEN VENDING BY-LAW

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

10.0 REPEAL

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

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

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

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



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

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

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

15.06

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

15.07

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

15.08

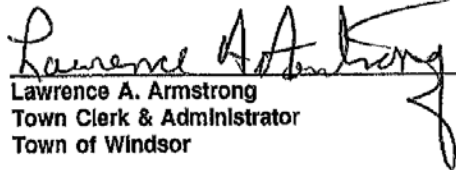
All licenses issued in the Town shall be signed by the Mayor and Chief Administrative Officer and sealed with the seal of the Town and shall bear date of the day of issue.

15.09

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

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

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


Lawrence A. Armstrong
Town Clerk & Administrator
Town of Windsor

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



**TOWN OF WINDSOR
BYLAW # 40**

Temporary Vendor Bylaw

AUTHORITY

40.01

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

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

INTERPRETATION

40.02

In this bylaw:

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

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

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

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

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

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

"Town" means the Town of Windsor;

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

SALES OF GOODS AND SERVICES

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

LICENSING

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

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

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

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

40.06 A license issued under this by-law shall:

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

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

40.08 Revocation

A license may be revoked where:

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

40.09 Appeals

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

PENALTIES AND ENFORCEMENT

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

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

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

LICENSE FEES

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

EFFECTIVE DATE

40.13 This Bylaw shall be effective upon publication.

SCHEDULE "A"

Goods or services to be licensed

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

CAO/Clerk's Annotation (Office Use Only)

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

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



Louis Coutinho, CAO
Town of Windsor



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-03-22

Subject: WMPS and WLUB Text Amendments: Wentworth Road Gateway District; File #22-01 B

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the text of the Windsor Municipal Planning Strategy and the Windsor Land Use By-law to allow Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, by development agreement in the Wentworth Road Gateway District in a manner substantively the same as the draft set out in Attachments A and B of the Planning and Heritage Advisory Committee report #22-01 dated March 10, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on January 20, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of the property owner Faisal Al-Hammadi of FH Development Group Inc. The application was to consider permitting a mixed-use development consisting of grouped multiple unit residential buildings and townhouses on the lot at PID 45059631 on Wentworth Road.

The lot is currently vacant and is owned by FH Development Group Inc.; Mr. Al-Hammadi is the President of that company.

Staff recommend amending the text of the planning documents related to the Wentworth Road Gateway District which would then allow Council to consider the requested uses by development agreement.

DISCUSSION

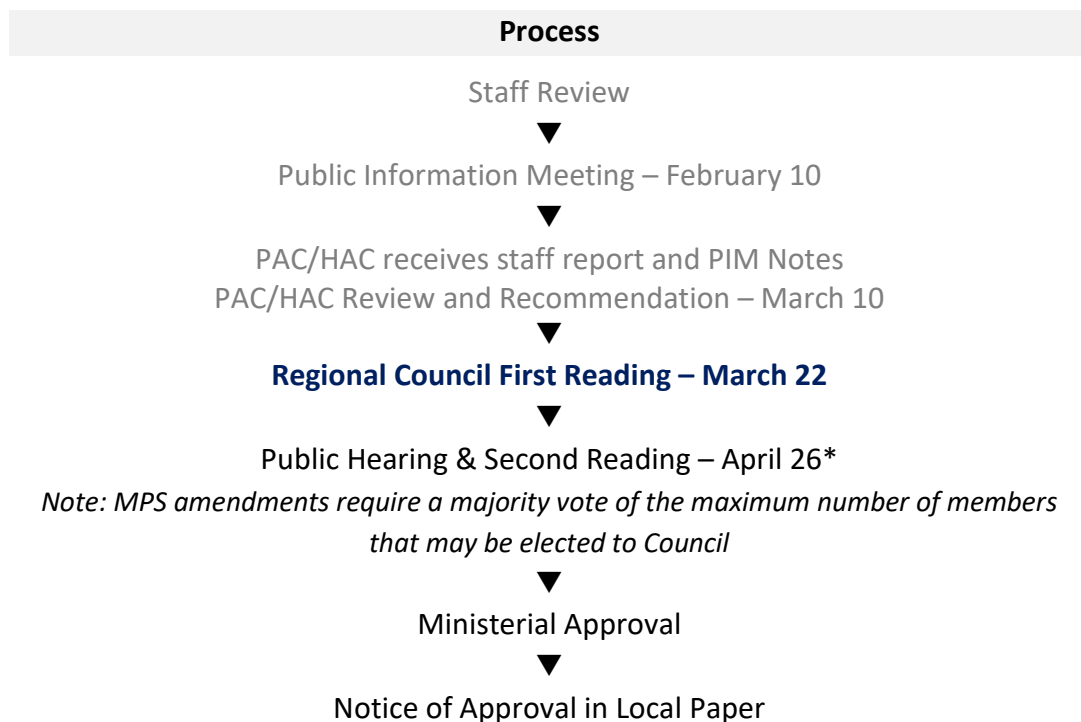
A Public Information Meeting was held on February 10, 2022.

On March 10, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

PAC/HAC recommended in favour of the amendments on March 10, 2022.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality with regard to amending the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law.

ALTERNATIVES

In response to the application, Council may decide to:

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

APPENDICIES

Appendix A 2021-03-10 Staff Report - WMPS and WLUB Text Amendments: Wentworth Road Gateway District; File #22-01

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-03-10

Subject: WMPS and WLUB Text Amendments: Wentworth Road Gateway District; File #22-01

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

To allow the 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 amending the text of the Windsor Municipal Planning Strategy and the Windsor Land Use By-law to allow Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, by development agreement in the Wentworth Road Gateway District in a manner substantively the same as the draft set out in Attachments A and B of the Planning and Heritage Advisory Committee report #22-01 dated March 10, 2022.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on January 20, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of the property owner Faisal Al-Hammadi of FH Development Group Inc. The application was to consider permitting a mixed-use development consisting of grouped multiple unit residential buildings and townhouses on the lot at PID 45059631 on Wentworth Road.

The lot is currently vacant and is owned by FH Development Group Inc.; Mr. Al-Hammadi is the President of that company.

DISCUSSION

The 8.43-acre subject lot is located on Wentworth Road in Windsor. The lot is currently designated Commercial on the Generalized Future Land Use Map (Figure 1) of the Windsor Municipal Planning Strategy (WMPS). It is also located in the Wentworth Road Gateway District. Part 8.0 of the WMPS contains the overall intention for properties designated Commercial in Windsor and Section 8.6 describes the intention for development in the Wentworth Road Gateway District.

The subject lot is zoned Wentworth Road Commercial (WR-C) on the Zoning Map of the Windsor Land Use By-law (WLUB) (Figure 2). Residential uses are permitted in the Wentworth Road Commercial (WR-C) zone however not on the ground floor. Grouped dwellings on the same lot are not permitted.

Almost the entire subject lot is located within the Environmental Constraints area and is within the Tregothic Marsh. The Windsor Dykeland's Background Report (2001) specifies that the subject lot, and approximately 40 percent of the properties within the Tregothic Marsh, have been exempted by the Province from the requirements of Section 41 of the *Agricultural Marshland Conservation Act*. The *Agricultural Marshland Conservation Act* (2001) protects marshland for agricultural purposes. Being exempt from this portion of the Act means that the owner would not have to apply to the marsh body to allow any future construction within the designated area of the subject lot.

Properties within the Environmental Constraints designation must meet more stringent requirements including completing an environmental study before being issued a development permit for any new building. The property owner is proposing to develop a currently vacant lot

therefore any of the buildings to be constructed on the Environmental Constraints area of the subject lot would have to meet Section 27.0 of the WLUB. Section 27.0 of the WLUB outlines the requirement for an environmental study to be completed prior to receiving a development permit. The study should describe site conditions and suitable construction methods for the specific lot.

The subject lot directly abuts properties with a variety of different zoning and designations. The designation of the properties abutting the subject lot include Agriculture and Commercial and the zoning of these abutting lots are Wentworth Road Commercial (WR-C), General Commercial (GC), and Agriculture (AG).

History of Subject Lot

The subject lot (PID 45059631) was the location of former Windsor High School which was decommissioned in 2004. The subject lot was owned by the Municipality until 2021 when it was deemed to be surplus property and advertised for sale publicly. The lot was sold to FH Development Group Inc.

A completed application was received on January 20, 2022, to consider permitting a mixed-use development consisting of grouped multiple unit residential buildings and townhouses on the subject lot.

Grouped Dwellings

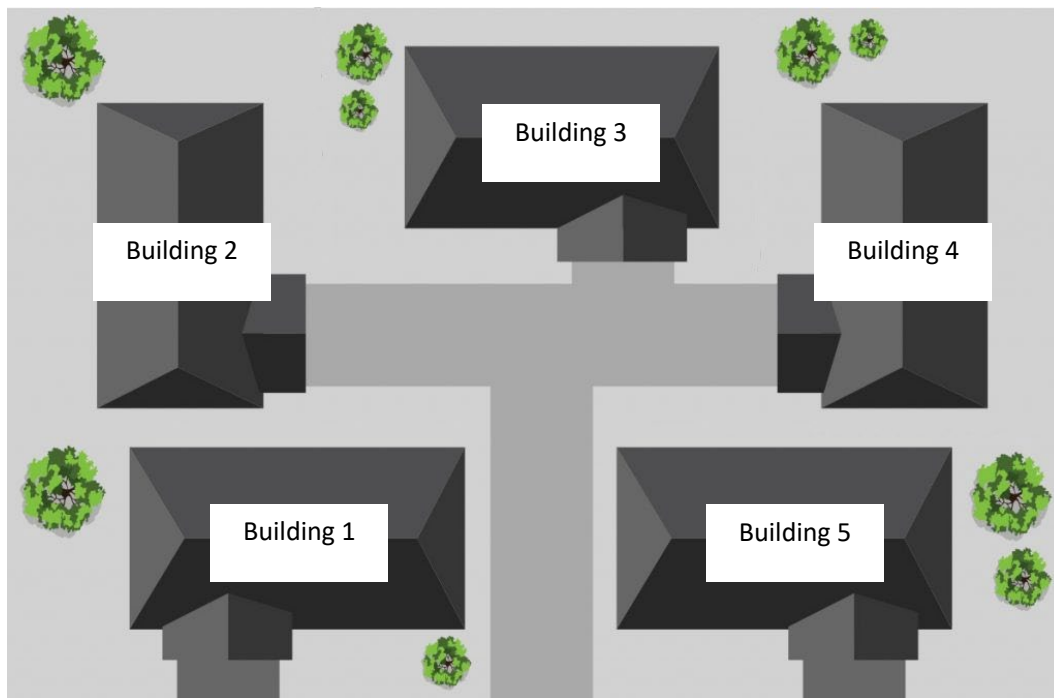
The WLUB defines grouped dwelling as “two or more dwelling units which are contained in two or more buildings designed to be part of a group of dwellings clustered on a single lot”. An example of a development with grouped dwellings is provided in Figure 1. In a grouped dwelling development, driveways, parking areas and amenity space are typically shared amongst all buildings to create a more cohesive and compact development.

The WLUB permits grouped dwellings as-of-right in the High Density Residential (R-4) zone. Grouped dwellings are also permitted to be considered in the Residential designation by development agreement in accordance with Policy 5.4.6.

Grouped dwellings can be beneficial for the following reasons:

- they increase density in serviced areas and promote an efficient use of water and sewer services;
- the shared parking and driveways reduce hardscaping and help manage stormwater more effectively on the lot;
- if placed centrally, they can promote a more active community where active transportation is used more frequently as a means to access services and facilities;
- they can allow a variety of housing options for future residents (i.e., this development the property owner is proposing includes apartment units and townhouses);
- they promote a sense of community through shared amenity spaces.

Figure 1: Grouped dwelling example



Staff are recommending Council consider grouped dwellings in the Wentworth Road Gateway District by development agreement as grouped dwellings would align with the vision of the District to be a vibrant gateway to downtown Windsor that promotes walkability and active transportation use. The District is also located in proximity to a variety of existing services, restaurants, stores, recreational facilities and trails.

Windsor Municipal Planning Strategy

Wentworth Road Gateway District

Part 8.0 of the WMPS contains the overall intention for properties designated Commercial in Windsor and Section 8.6 describes the intention for development in the Wentworth Road Gateway District. The Wentworth Road Gateway District extends from the Highway 101 overpass to O'Brien Street in Windsor. There are approximately 35 lots including the subject lot located within the Wentworth Road Gateway District.

Wentworth Road is described as one of the main entrance routes into Windsor and therefore Council created increased regulations to ensure development in this area is attractive to visitors. Council created the following objectives for developments within the Wentworth Road Gateway District:

- to identify Wentworth Road as important entrance route into Windsor, for pedestrians and cyclists as well as for vehicles;
- to promote a sense of welcome and arrival to town; and
- to assist in visitor orientation and direction to the Town Centre, as the main business district.

To achieve these objectives, new developments within this special development area are required to provide landscaping and other features that contribute to the overall attractiveness of the streetscape and create a safe and pleasant pedestrian environment, as well as allowing for efficient traffic movement.

The Wentworth Road Commercial (WR-C) zone permits a wide range of general commercial and highway commercial uses, as well as large format retail stores within a specified size limit as-of-right. Policy 8.6.15 of the WMPS permits Council to consider “*proposals for large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area, regional shopping centres, institutional uses, mixed use, multiple unit residential, or light industrial development by development agreement*” within the Wentworth Road Gateway District, subject to specific criteria. Mixed use, multiple unit residential developments are already permitted to be considered by development agreement. However, there is no mention of considering grouped dwellings in the policy.

Proposed Amendments

The proposal for the subject lot does include mixed-use multiple-unit dwellings, however these uses are contained within grouped dwellings on the subject lot and the proposal also includes townhouses grouped on the lot. Grouped dwellings and townhouses are not permitted in the underlying zone or allowed in Policy 8.6.15 to be considered by development agreement. Therefore, staff are proposing an amendment to Policy 8.6.15 of the WMPS and Section 6.1 (j) of the WLUB to allow Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings by development agreement in the Wentworth Road Gateway District.

Policy 16.1.1 (c) states that “it shall be the policy of Council to review and make amendments to this Strategy when Council deems it necessary because of a change in policy intentions or the development environment.” Since the former Windsor High School was decommissioned in 2004 and demolished the subject lot has sat vacant and not been developed. This proposal would reflect a change in the development environment.

Section 219 (1) of the *Municipal Government Act* states that where a council adopts a municipal planning strategy amendment that contains policies about regulating land use and development, the council shall, at the same time, adopt a land-use by-law amendment that shall enable the policies to be carried out. This allows both the amendment to the text of the Municipal Planning Strategy and the Land Use By-law to happen concurrently.

Proposed amendments to the text of the WMPS can be found in Attachment A.

Windsor Land Use By-law

Proposed Amendments

Section 6.0 of the WLUB outlines all the developments Council may consider by development agreement. Section 6.0 (j) states “development proposals in the Wentworth Road Gateway District in accordance with Policy 8.6.15 of the Municipal Planning Strategy for: large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area; regional shopping centres; institutional uses; mixed use; multiple unit residential; or light industrial

development". This section will need to be amended to align with the WMPS amendment. The proposed amendments to the text of the WLUB are located in Attachment B.

WMPS Specific Criteria

There are no specific criteria for this amendment.

WMPS General Criteria

As this is a text amendment to the WMPS and WLUB most of the general criteria for amendments set out in the WMPS Policy 16.3.1 do not apply, as these amendments will specify that applications for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings within the Wentworth Road Gateway District will be considered by development agreement. Any proposed development for grouped dwellings within the Wentworth Road Gateway District would have to go through the development agreement process at which time staff would evaluate the specific application against the specific and general criteria. The general criteria are examined in detail in Attachment B.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

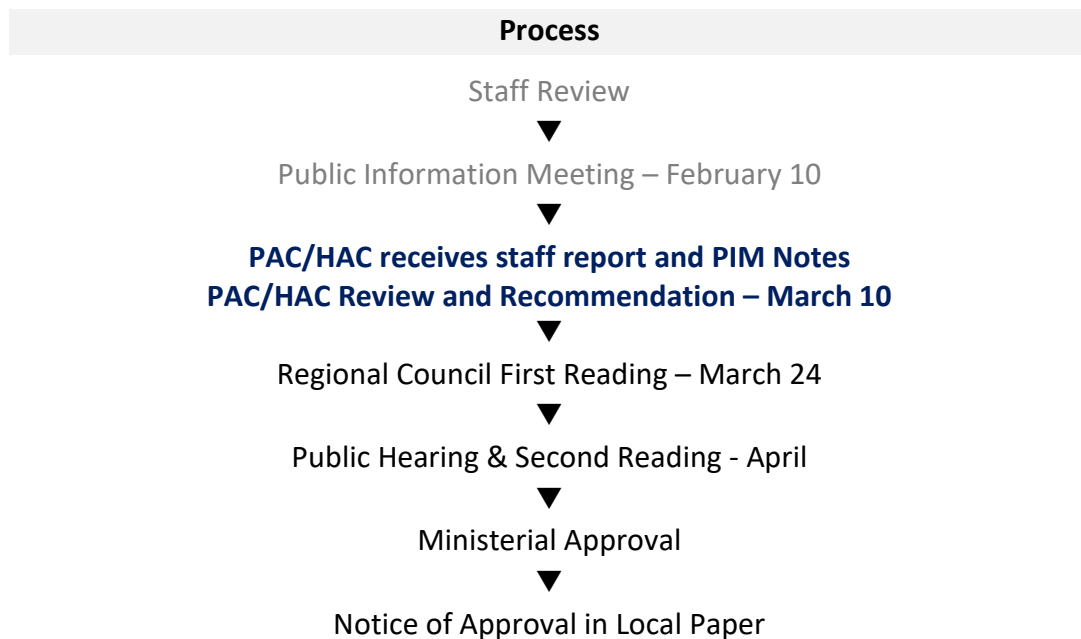
The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent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

This proposed amendment will allow Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings by development agreement in the Wentworth Road Gateway District. Through the development agreement process staff will write clauses in the development agreement to require the developer to provide an environmental study and a stormwater management plan prior to receiving development permits for development on the subject lot. The environmental study will ensure that the proposed development is constructed in a manner suitable for the site conditions and in a way that addresses any potential flooding issues. The stormwater management plan will ensure the stormwater is managed by the developer on-site and will not impact abutting properties. The Public Works Department will be requested to comment on this in more detail during the development agreement process.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and are consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to amend the text of the WMPS and the WLUB to

enable Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings by development agreement in the Wentworth Road Gateway District.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality with regard to amending the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law.

ALTERNATIVES

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

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

ATTACHMENTS

Figure 2	Wentworth Road Gateway District Map
Attachment A	Draft Amendments to the Windsor Municipal Planning Strategy
Attachment B	Draft Amendments to the Windsor Land Use By-law
Attachment C	General Criteria for Amendment

Attachment D

Public Information Meeting Notes

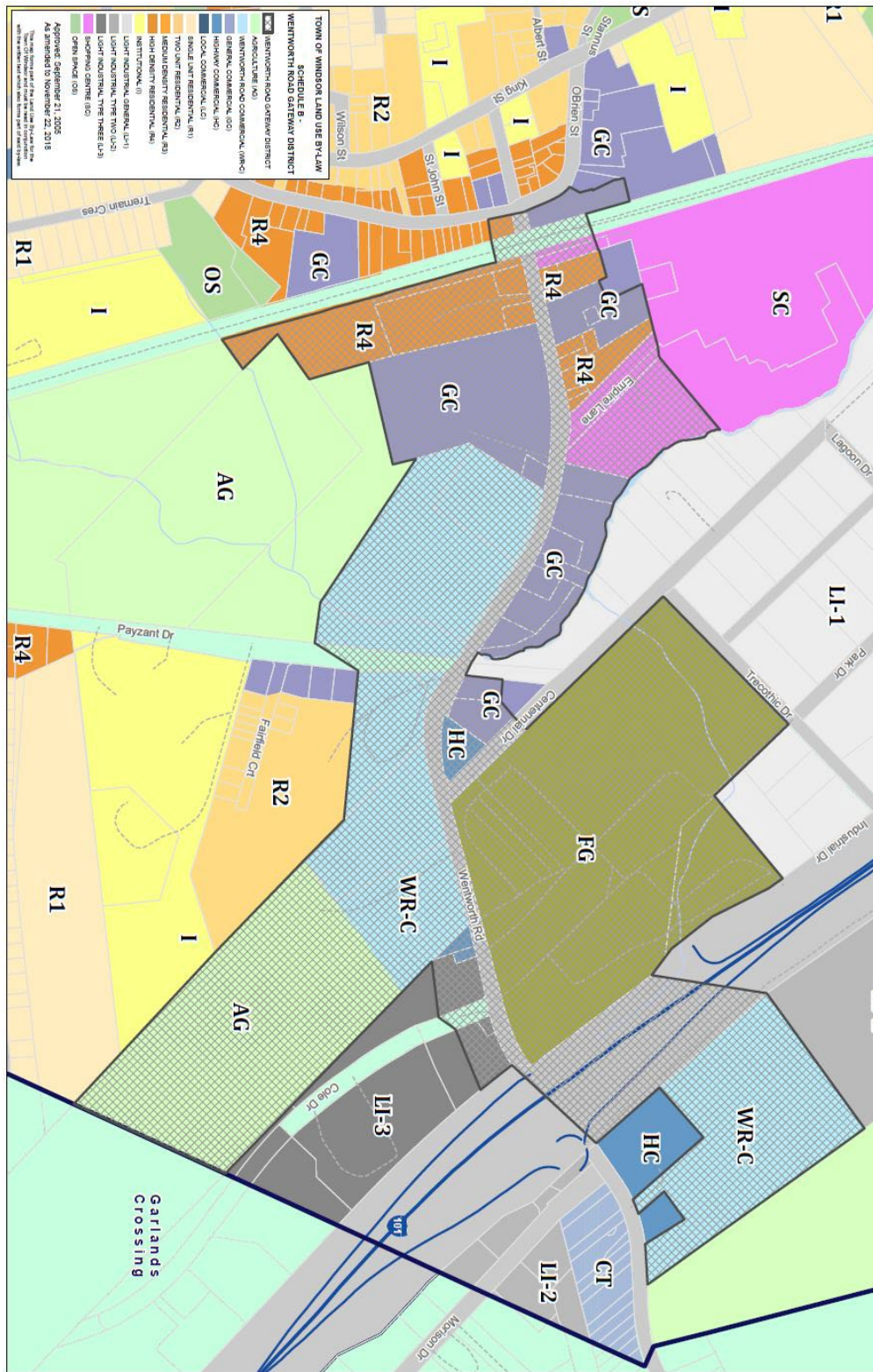
Report Prepared by: _____

Sara Poirier, Senior Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Figure 2
Wentworth Road Gateway District



Attachment A

Draft Amendments to the Windsor Municipal Planning Strategy

Text amendments to the Windsor Municipal Planning Strategy to allow Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings by development agreement in the Wentworth Road Gateway District.

[Blue text = Amendments to the WMPS]

8.0 COMMERCIAL

8.6 Wentworth Road Gateway District

The development of the Wentworth Road area between Highway 101 and O'Brien Street is of concern to Council for several reasons. As one of the main entrance routes to ~~the town~~ Windsor, it is important that the streetscape present an attractive appearance. Furthermore, this is one of the few areas of ~~town~~ Windsor where there is an existing concentration of commercial uses, as well as land with potential for new development or redevelopment.

Council intends to recognize the role of Wentworth Road as an entrance to Windsor by designating it as a Gateway District. Within the District, a combination of public and private initiatives and development controls will be used to achieve the following objectives:

- to identify Wentworth Road as important entrance route into Windsor, for pedestrians and cyclists as well as for vehicles;
- to promote a sense of welcome and arrival ~~to town~~; and
- to assist in visitor orientation and direction to the Town Centre, as the main business district.

Landscaping, signage for identification and wayfinding, and provisions for pedestrian and bicycle movement are the key measures that will be used to achieve these objectives. The intent is to treat the District as an important and special place. In particular, new developments must contribute to the overall attractiveness of the streetscape. By 2010, ~~Town~~ Windsor Council will have invested close to \$5 million in street upgrades to Wentworth Road with traffic signals and turning lanes to improve traffic flow, repaving, wide sidewalks on both sides of the street and street trees. These upgrades will make the area more attractive to new and existing businesses and their customers. Council feels it is important that those wishing to develop on Wentworth Road also do their share by ensuring their developments enhance the appearance of the District and make adequate provision for efficient traffic movement and a pleasant pedestrian environment.

...

Policy 8.6.15 It shall be the policy of Council that within the Wentworth Road Gateway District, Council will consider proposals for ~~comprehensively designed~~

developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area, regional shopping centres, institutional uses, mixed use, multiple unit residential, or light industrial development by development agreement in accordance with the relevant policies of this Strategy and the specific provisions for development in the Wentworth Road Gateway District as contained in Policy 8.6.16.

Policy 8.6.16 It shall be the policy of Council to have due regard to the following in reviewing proposals in the Wentworth Road Gateway District for rezoning to the WR-C zone pursuant to Policy 8.6.14 or development agreements pursuant to Policy 8.6.15:

- (a) the proposed use will not conflict with neighbouring uses;
- (b) the architectural design and scale of the proposed development is compatible with surrounding commercial and/or residential buildings and enhances the appearance of the streetscape, consistent with the objectives of the Wentworth Road Gateway District;
- (c) the building design incorporates windows and other elements in the street level façade to avoid the appearance of solid blank walls;
- (d) the developer provides a traffic study, acceptable to the Town and conducted by a qualified person, which demonstrates that the surrounding street network will efficiently accommodate the anticipated traffic flows and that the development will not necessitate major infrastructure improvements such as traffic lights at the expense of the Town;
- (e) the provisions of Policies 8.6.4 and 8.6.8;
- (f) any other matter which may be addressed in a development agreement or land use by-law; and
- (g) the provisions of Policy 16.3.1

Attachment B

Draft Amendments to the Windsor Land Use By-law

Text amendments to the Windsor Land Use By-law to carry out the intent of the WMPS amendments.

[Blue text = Amendments to the WLUB]

6.0 DEVELOPMENT AGREEMENTS

Developments to be considered by Development Agreement

6.1 The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

- (j) development proposals in the Wentworth Road Gateway District in accordance with Policy 8.6.15 of the Municipal Planning Strategy for: [comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings](#), large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area; regional shopping centres; institutional uses; mixed use; multiple unit residential; or light industrial development;

Attachment C

General Criteria for Amendment

Policy 16.3.1

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

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	As this is a text amendment to the WMPS and WLUB most of the criteria are not applicable as these amendments specify that applications for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings within the Wentworth Road Gateway District will be considered by development agreement. Any proposed development for grouped dwellings within the Wentworth Road Gateway District would have to go through the development agreement process at which time staff would evaluate the specific application against the criteria.
<i>(ii) the adequacy of school facilities;</i>	Not applicable at this time.
<i>(iii) the adequacy of fire protection;</i>	Not applicable at this time.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	Wentworth Road Gateway District includes properties along Wentworth Road from Highway 101 to O'Brien Street. Wentworth Road is designated an arterial road on the Transportation Map of the WMPS. The specifics of any proposed developments including proposed traffic volume and driveway entrances would be evaluated through the development agreement process.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	Not applicable.

<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	As noted in (a) (iv) the specifics of any proposed developments would be evaluated through the development agreement process.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	Not applicable at this time.
<i>(d) the pattern of development which the proposal might create;</i>	Policy 8.6.15 already permits Council to consider mixed use, multiple unit developments within the Wentworth Road Gateway District by development agreement. It is not anticipated that amending this policy to provide Council the opportunity to consider grouped dwellings will significantly change the pattern of development in the area.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	Lots within the Wentworth Road Gateway District are relatively flat. Approximately half of the lots within the District are within the Environmental Constraints area which means any new building would have to be constructed to meet Section 27.0 of the WLUB, including providing an environmental study describing site conditions and suitable construction methods prior to receiving a development permit. It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial and Federal regulations will have to be met.
<i>(g) any other matter required by relevant policies of this Strategy.</i>	There are no other relevant policies of this Strategy.

Attachment D
Public Information Meeting Notes
February 10 – February 25, 2022
File 22-01
Wentworth Road Gateway District Text Amendments

Meeting date and time	A virtual Public Information Meeting was held on February 10, 2022, beginning at 6:24 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Five (5) members of staff: • Director LeMay • Senior Planner Poirier • Planner Dunphy • Meeting Secretary Lake • CAO Mark Phillips The following members of the public requested Zoom invites to the meeting: • Linda Card
Applicant Faisal Al-Hammadi, FH Development Group Inc. Property Wentworth Road, PID 45059631	Planner Poirier outlined the application to amend the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to allow Council to consider grouped dwellings, including townhouses and mixed use, multiple unit residential buildings, by development agreement in the Wentworth Road Gateway District. A formal presentation was not made by the applicant.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between February 10 and noon on February 25, 2022. No written or verbal comments were received from the public.
Adjournment	The meeting was adjourned at 6:30 p.m.

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Danny	Dill	2020-06-30	2020-07-14 COTW
Quentin	Davison	2020-07-06	2020-07-14 COTW
Alyson	Bremner	2020-07-07	2020-07-14 COTW
Cecil	Rolfe	2020-07-13	2020-07-14 COTW
Pat	Porter	2020-07-13	2020-07-14 COTW
Nikki-Marie	Lloyd	2020-08-02	2020-09-08 COTW
Heather	Boylan (Martock)	2020-09-01	2020-09-08 COTW
Greg	O'Leary	2020-09-03	2020-09-08 COTW
Dr. Abby	Kirumira	2020-09-02	2020-09-08 COTW
Dean	Manning	2020-09-08	2020-09-08 COTW
David & Michelle	Rideout	2020-09-08	2020-09-08 COTW
Colleen	Walsh-Bouman	2020-09-08	2020-09-08 COTW
Nicholas & Alyson	Juurlink/Bremner (Linked Farms)	2020-09-08	2020-09-22 Council
Tasha	Rogers	2020-09-08	2020-09-22 Council
Brad	Carrigan	2020-09-23	2020-10-13 COTW
Karen	Carrigan	2020-09-23	2020-10-13 COTW
Elaine	Morehouse	2020-09-24	2020-10-13 COTW
Gary	Morehouse	2020-09-24	2020-10-13 COTW
Dr. A	Kirumira	2020-09-24	2020-10-13 COTW
Blake	Sarsfield	undated	2020-10-13 COTW
Greg	Webster	2020-10-01	2020-10-13 COTW
Bobby	Kidston	2020-10-02	2020-10-13 COTW
NSTIR	(Province of NS)	2021-01-13	2021-01-26 Council
Darren	Porter	2021-03-19	2021-03-23 Council
Rylan	Carrigan	2021-03-29	2021-04-13 COTW
Robin	Bremner-Popma (Hants Co Fed of Agri)	2021-03-29	2021-04-13 COTW
Roslyn	MacDuff	2021-03-29	2021-04-13 COTW
Darlene	Taylor	2021-03-23	2021-04-13 COTW
Daniel	Oulton	2021-03-26	2021-04-13 COTW
Karen	Carrigan	2021-03-26	2021-04-13 COTW
Marie & Andrew	Connolly	2021-03-26	2021-04-13 COTW
Robin	Thomson (Atlantic Division Canoe Kayak Canada)	2021-03-30	2021-04-13 COTW
Barbara	Hughes	2021-03-29	2021-04-13 COTW
Laura	Fisher	2021-04-01	2021-04-13 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Nikki-Marie	Lloyd	2021-04-06	2021-04-13 COTW
Ken	Donnelly (Hwy 101 Twinning CLC)	2021-04-01	2021-04-13 COTW
Darren	Porter	2021-04-06	2021-04-13 COTW
Karen	Lynch	2021-04-09	2021-04-13 COTW
Carilee	Eddy	2021-04-15	2021-04-27 Council
Nikki-Marie	Lloyd	2021-04-19	2021-04-27 Council
Sheldon	Hope	2021-04-19	2021-04-27 Council
Adrienne	Wood	2021-04-22	2021-04-27 Council
Magda	Montgomery	2021-04-22	2021-04-27 Council
Sheldon	Hope	2021-04-26	2021-04-27 Council
Andrew	Smiley	2021-05-02	2021-05-11 COTW
Carrilee	Eddy	2021-05-03	2021-05-11 COTW
Denise	Forand	2021-04-27	2021-05-11 COTW
Erin	Naugler	2021-05-02	2021-05-11 COTW
Janet	Comeau	2021-05-02	2021-05-11 COTW
Kristyn	Anderson	2021-05-02	2021-05-11 COTW
Laura	Fisher	2021-04-01	2021-05-11 COTW
Nick	Rafuse	2021-05-03	2021-05-11 COTW
Nicole	McLeod	2021-05-02	2021-05-11 COTW
Robyn	Cook	2021-05-02	2021-05-11 COTW
Sheldon	Hope	2021-05-02	2021-05-11 COTW
Tammy	Hilden	2021-05-02	2021-05-11 COTW
Tracey	Sexton	2021-05-03	2021-05-11 COTW
Ginette	Pitcher	2021-05-03	2021-05-11 COTW
Greg	Miller	2021-05-05	2021-05-11 COTW
David & Michelle	Rideout	2021-05-05	2021-05-11 COTW
Sylvia & Vince	Burgess	2021-05-05	2021-05-11 COTW
Scott (Adrienne)	Miniau (Wood)	2021-05-03	2021-05-11 COTW
Barbara	Sullivan	2021-05-06	2021-05-11 COTW
Sandra & Skip	Hogan	2021-05-06	2021-05-11 COTW
Marie & Andrew	Connolly	2021-05-06	2021-05-11 COTW
Karen	Carrigan	2021-05-07	2021-05-11 COTW
Adrienne	Wood (Petition)	2021-05-07	2021-05-11 COTW
Lisa	Hines	2021-05-07	2021-05-11 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Cam	Hartley	2021-05-07	2021-05-11 COTW
Troy & Vicki	Harvie	2021-05-07	2021-05-11 COTW
Jenn	McDermott	2021-05-08	2021-05-11 COTW
Jennifer	Daniels	2021-05-09	2021-05-11 COTW
Krista & Colin	Duncan	2021-05-09	2021-05-11 COTW
Robin	Bremner-Popma	2021-05-07	2021-05-11 COTW
Roslyn (Darlene) [Barb]	MacDuff (Taylor) [Hughes]	2021-05-08	2021-05-11 COTW
Wayne & Dianne	Hines	2021-05-09	2021-05-11 COTW
Bob & Sandra	Langdon	2021-05-10	2021-05-11 COTW
Brad	Hood	2021-05-10	2021-05-11 COTW
Ed & Cathy	Kerr	2021-05-10	2021-05-11 COTW
Ann	MacArthur	2021-05-10	2021-05-11 COTW
Carole Anne	Casey	2021-05-10	2021-05-11 COTW
Sarah	MacDonald	2021-05-10	2021-05-11 COTW
Andre & Donna	Arsenault	2021-05-11	2021-05-11 COTW
Aaron	Leblanc	2021-05-12	2021-05-25 Council
Adrian	Rooney	2021-05-19	2021-05-25 Council
Adrienne	Wood	2021-05-12	2021-05-25 Council
Barb	Sullivan	2021-05-16	2021-05-25 Council
Barbara	Beck	2021-05-15	2021-05-25 Council
Bethany	Rozee	2021-05-12	2021-05-25 Council
Carl	Siler	2021-05-12	2021-05-25 Council
Carol	Bradley	2021-05-16	2021-05-25 Council
Carol	McKinley	2021-05-12	2021-05-25 Council
Chad	Pothier	2021-05-18	2021-05-25 Council
Chris	Cann	2021-05-21	2021-05-25 Council
Connie	Shay	2021-05-15	2021-05-25 Council
Conrad	Mullins	2021-05-18	2021-05-25 Council
Darlene	Taylor	2021-05-15	2021-05-25 Council
Darren	Porter	2021-05-12	2021-05-25 Council
Darren	Woods	2021-05-13	2021-05-25 Council
Dawson	Sheehy	2021-05-16	2021-05-25 Council
Deanna	Hamilton	2021-05-15	2021-05-25 Council
Debbie	Porter-Wood	2021-05-13	2021-05-25 Council
Debbie	Siler	2021-05-15	2021-05-25 Council
Denise	Forand	2021-05-13	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Devan	Archibald	2021-05-18	2021-05-25 Council
Diane	Ogilvie	2021-05-13	2021-05-25 Council
Erin	Naugler	2021-05-13	2021-05-25 Council
Ernest	Eddy	2021-05-15	2021-05-25 Council
Gerry	Young	2021-05-15	2021-05-25 Council
Gina	Cochrane	2021-05-12	2021-05-25 Council
Harry	Ullock	2021-05-15	2021-05-25 Council
Hope	Moon	2021-05-12	2021-05-25 Council
Ian	Shaw	2021-05-16	2021-05-25 Council
J	Davis (and J Griffith)	2021-05-17	2021-05-25 Council
Jacqueline	Farvacque	2021-05-12	2021-05-25 Council
Jayne	Murray	2021-05-16	2021-05-25 Council
Jeff	Redden	2021-05-17	2021-05-25 Council
Jennifer	Shaw	2021-05-16	2021-05-25 Council
Jocelyne	Marchand	2021-05-12	2021-05-25 Council
John & Sarah	Monette	2021-05-19	2021-05-25 Council
Jordan	Macumber	2021-05-12	2021-05-25 Council
Josette	Dugue	2021-05-12	2021-05-25 Council
Judy	Lynch	2021-05-13	2021-05-25 Council
June	Pedersen-LaPierre	2021-05-15	2021-05-25 Council
Justin	Cochrane	2021-05-12	2021-05-25 Council
Karen	Lynch	2021-05-18	2021-05-25 Council
Kathryn	Bergeron	2021-05-16	2021-05-25 Council
Kathy	Veinot	2021-05-15	2021-05-25 Council
Kyle	Pellegrini	2021-05-12	2021-05-25 Council
Lachlan	Riehl	2021-05-12	2021-05-25 Council
Laura	Stewart	2021-05-19	2021-05-25 Council
Lee	Billington	2021-05-12	2021-05-25 Council
Lee	Millett	2021-05-12	2021-05-25 Council
Lexie	Barkhouse	2021-05-12	2021-05-25 Council
Linda	Card	2021-05-11	2021-05-25 Council
Monique	Wood	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-18	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-12	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-17	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Olena	Kharytonova	2021-05-15	2021-05-25 Council
Pat	Porter	2021-05-12	2021-05-25 Council
Paula	Lake	2021-05-12	2021-05-25 Council
Robert	Bowkett	2021-05-18	2021-05-25 Council
Roslyn	MacDuff	2021-05-15	2021-05-25 Council
Ruth	Angevine	2021-05-13	2021-05-25 Council
Scotch Village	Farm	2021-05-19	2021-05-25 Council
Shirley	Pineo	2021-05-12	2021-05-25 Council
Stephen	Brooks	2021-05-12	2021-05-25 Council
Trudy	Sheehy	2021-05-17	2021-05-25 Council
Steven	Bouman	2021-05-17	2021-05-25 Council
Sue	Sheehy	2021-05-14	2021-05-25 Council
Susie	Smith	2021-05-12	2021-05-25 Council
Tasha	Rogers	2021-05-12	2021-05-25 Council
Tera	Brommit	2021-05-17	2021-05-25 Council
Toni-Lee	Burns	2021-05-12	2021-05-25 Council
Tony	Wood	2021-05-18	2021-05-25 Council
Tracey	Sexton	2021-05-16	2021-05-25 Council
Trevor	Levy	2021-05-12	2021-05-25 Council
Tricia	Brommit	2021-05-17	2021-05-25 Council
Vince & Sylvia	Burgess	2021-05-16	2021-05-25 Council
Loretta	MacEachern	2021-05-20	2021-05-25 Council
Tim & Jennifer	Bayers	2021-05-21	2021-05-25 Council
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darren	Porter (forwarded email from/to another source)	2021-05-27	2021-06-08 COTW
Dawn	Allen	2021-05-25	2021-06-08 COTW
John	Monette	2021-05-25	2021-06-08 COTW
Richard	Dunham	2021-05-25	2021-06-08 COTW
Carrilee	Eddy	2021-06-06	2021-06-22 Council
Darlene	Taylor	2021-06-09	2021-06-22 Council
Darren	Porter	2021-06-06	2021-06-22 Council
Lisa	Bland	2021-06-08	2021-06-22 Council
Krista & Scott	Lloy	2021-06-07	2021-06-22 Council
Nancy	Sheehy	2021-06-06	2021-06-22 Council
Karen	Beazley	2021-07-06	2021-07-13 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

[illegible]

February 22, 2022

Ref. #: M122 2021-2022/CRM:0871243

Mayor Abraham Zebian
West Hants Regional Municipality
PO Box 2000, 76 Morison Drive
Windsor, NS B0N 2T0

Dear Mayor Zebian:

As Minister of Agriculture, the Premier has asked that I respond to your letter of February 3, 2020, regarding the Avon River and the suggested addition of tidal water into the former Lake Pisiquid location in the hopes of preventing airborne dust in the area.

Community flood protection, while protecting the operability of the infrastructure, are key objectives of the department. The current Avon River Aboiteau structure was not designed for tidal intrusion. Presently the structure is operating under a Department of Fisheries and Oceans' (DFO) Ministerial Order by law the department is required to continue to follow the Federal Order.

Thank you for sharing your concerns, if you have any questions regarding the operation of the Avon River Aboiteau please contact the Director of Resource Sustainability, Kevin Bekkers at Kevin.Bekkers@novascotia.ca or 902-870-1619.

Sincerely,



Honourable Greg Morrow
Agriculture

Subject: Avon River Causeway

Honourable Tim Houston
Office of the Premier
1700 Granville Street, PO Box 726
Halifax, Nova Scotia, B3J 2T3
premier@novascotia.ca

March 10, 2022

Dear Mr. Houston,

The Pisiquid Watershed Society for Sustainable Community and Ecosystems is a volunteer-based society in West Hants. As residents, farmers, recreation advocates, business owners, and representatives of the tourism sector and Marsh Bodies, we have all been impacted by the Ministerial Order in place under the authority of the Minister of Fisheries, Oceans and the Canadian Coast Guard at the Avon River Causeway.

Renewed every two weeks since March 2021, this Ministerial Order has drained the freshwater reservoir known as Lake Pisiquid and the upstream river system with every outgoing tide. This has resulted in severe consequences and ripple effects on the freshwater ecosystem and entire region. This freshwater resource is vital to over 3,500 acres of actively farmed land, many freshwater species, and our region's largest employer and off-peak tourism draw, as well as many others.

Residents and business owners in our community have voiced their concerns and desire to restore and maintain this freshwater resource with letters to your office and other elected officials, a signage campaign, rallies, parades, and casting votes in recent election for your Progressive Conservative party, electing MLA Melissa Sheehy-Richard. While campaigning for our support, our community was promised your government would address our concerns and help resolve this issue that has been holding our community hostage for over a year with no end sight.

The ongoing Ministerial Order was an election issue last summer and continues to be an election issue which is damaging our community on a daily basis. We understand Ms. Sheehy-Richard has been attentive to this issue, but we're greatly concerned by the inaction and lack of communication to our community from the provincial departments working on this file.

Please accept our invitation to meet us in Windsor to see, as well as hear, how our community is being impacted. However, if travelling to Windsor is not possible, we'd be pleased to meet at your office in Halifax.

We look forward to hearing from you.

Sincerely,
Sheldon Hope
President
Pisiquid Watershed Society

CC: Honourable Kody Blois, Member of Parliament - Kings Hants
Melissa Sheehy-Richard, MLA- Hants West
Abe Zebian, Mayor- West Hants Regional Municipality

Correspondence Received

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Katherine	Mcleod, P.Eng, Dept. Environment and climate change	2021-10-28 (Received)	2022-01-11 COTW
Hants County Legion		2021-11-25	2021-12-07 COTW
Hon. Melissa	Sheehy-Richard	2021-11-30	2021-12-07 COTW
Hon. John	Lohr	2021-11-30	2021-12-07 COTW
Hon. Kim	Masland	2021-12-01	2021-12-16 Council
NSUARB		2021-12-10	2021-12-16 Council
Bennet	Mary Lou	2021-12-13	2021-12-16 Council
Hon. Kim	Masland	2021-12-17	2022-01-11 COTW
Bland	Lisa	2021-01-17	2022-01-11-COTW
Wilson	John	2021-12-21	2022-01-11 COTW
Pineo	Shirley	2021-12-17	2022-01-11 COTW
Nelson	Gary	2022-01-11	2022-01-25 Council
Hon. Kody	Blois	2022-01-13	2022-01-25 Council
Denise	Forrand	2022-01-19	2022-01-25 Council
Dawn	Allen	2022-01-18	2022-01-25 Council
Sarah	Brothers	2022-01-19	2022-01-25 Council
Roland Newcombe	Newcombe	2022-01-20	2022-01-25 Council
Valerie	Newcombe	2022-01-20	2022-01-25 Council
Andrea	Moore	2022-01-21	2022-01-25 Council
Gary	Nelson	2022-01-26	2022-02-08 COTW
Hon. Minister	Johns	2022-01-27	2022-02-08 COTW
Hon. John	Lohr	2022-02-01	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Kim	MacQuarrie	2022-02-06	2022-02-22 Council
Sheldon	Hope	2022-02-08	2022-02-22 Council
Brad	Carrigan	2022-01-24	2022-03-08 COTW
Dr. Gordon	Haliburton	2022-02-14	2022-03-08 COTW
Hon. Kim	Masland	2022-03-01	2022-03-08 COTW
East Hants		2022-03-01	2022-03-08 COTW

Fort Edward Lands Correspondence

First Name	Last Name	Correspondence	Meeting/Logged
Theresa	Newcombe	11/23/2021	2022-03-22 Council
Gary	Nelson	12/17/2021	2022-01-11 COTW
Lisa	Bland	12/17/2021	2022-01-11 COTW
John	Wilson	12/21/2021	2022-01-11 COTW
Gary	Nelson	1/11/2022	2022-01-25 Council
Andrea	Moore	1/21/2022	2022-01-25 Council
Valerie	Newcombe	1/21/2022	2022-03-22 Council
Gary	Nelson	1/26/2022	2022-02-08 COTW
Sara	Brothers	1/19/2022	2022-01-25 Council
Dawn	Allen	1/17/2022	2022-01-25 Council
Marty	Fougarty	2/5/2022	2022-03-22 Council
Dr. Gordon	Haliburton	2/14/2022	2022-03-08 COTW
Theresa	Newcombe	3/11/2022	2022-03-22 Council
Marie	Claude-Roiux	3/9/2022	2022-03-22 Council
Barbara	Gallagher	No Date	2022-03-22 Council
Roland	Newcombe	1/20/2022	2022-01-25 Council
Liz	Galbraith	12/16/2021	2021-12-16 COTW
Mary Lou	Bennet	12/13/2021	2021-12-16 COTW
Jean	Scotney	2/25/2022	2022-03-22 Council
Denise	Forand	3/16/2022	2022-03-22 Council
Jonathan Fowler	Fowler	3/13/2022	2022-03-22 Council
Heather	Pick	3/17/2022	2022-03-22 Council

From: [Madelyn LeMay](#)
To: [Marty Fogarty](#)
Cc: [Alexander Dunphy](#)
Subject: RE: Stop rezoning Fort Edward Street.
Date: Tuesday, February 8, 2022 9:54:13 AM
Attachments: [image492907.png](#)

Thanks for your comment. By copy of this email I am sending your comments to the planner responsible for the file.

If you have any further comments, or any questions, Alex would be pleased to respond.

Madelyn LeMay

-----Original Message-----

From: Marty Fogarty
Sent: Saturday, February 5, 2022 11:20 PM
To: Madelyn LeMay
Subject: Stop rezoning Fort Edward Street.

Caution

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

Please don't put apartment buildings on a historical site . It will be an eye sore on a great neighborhood and distract from the character of this great area .

Thank you , Marty Fogarty

Sent from a phone

March 11 / 2022

To: Alex Murphy
All Planners
All Councillors
Mayor
CAO
And all involved in
this matter



Re: 65 Ft Edward St. PID 45059797
36 Ft Edward St. PID 45059805

Dear All concerned,

I am resubmitting my letter from Nov 23/2021 to be read and considered at any meetings since it contains important points and ideas that apply to BOTH of the above properties.

As I explained to Alex Murphy, in a telephone call around noon on Nov 23/2022, at the time I wrote my letter, I assumed 65 Ft Edward St was the address of the entire property given to the town of Windsor for community use (swimming pool + parking etc) by Parks Canada. I now know this land has been divided into two lots (65 AND 36 Ft. Edward). Thus I will clarify, as I did in my phone conversation, that I want to see all the land given to ^{the} town kept for community use. That is; both lots.

→
please see
page 2

page 2

I am alarmed to find that 36 Ft Edward, PID 45059805 was already converted to R2 - two unit residential zoning, without public consultation. This must be corrected. Please restore 36 Ft Edward to its original Community use zoning.

Please keep 65 Ft Edward PID 45059797 in its current designation, as Community use zoning.

Please consider my letter, included here, understanding that my comments refer to the entire parcel of former Parks Canada land, given to the town, that we are extremely lucky to have. (now WWH)

Please keep this land in the community and develop it in a sustainable manner as I outline in the following letter.

No to rezoning from Community Use to Residential and No to rezoning from Open Space (OS) to Two Unit Residential on Ft Edward St.

Thank you for all your work and your attention to this matter.


(Terese Newcomb)

Nov 23/2021

To: Alex Burphay
c/o Abraham Zebian
Windsor West Hants

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

Dear Sir,

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

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

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

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

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

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

4/5

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

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

5/5

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

Thank you for your careful consideration of this matters.

Sincerely

Teresa Newcomb

Teresa Newcomb

March 9th, 2022

Mayor and West Hants Council
Chair and Members of West Hants Planning Committee
76 Morisson Dr
Windsor, Nova Scotia
B0N 2T0

SUBJECT : Potential sale of two municipal plots adjacent to Fort Edward

Mr. Mayor,
Members of the Council and of the Planning Committee,

As the Executive Director of the Fédération acadienne de la Nouvelle-Écosse, I attended Dr. Jonathan Fowler's presentation before the Committee of the Whole session that took place last night, March 8th.

Founded in 1968, the Fédération acadienne de la Nouvelle-Écosse is the official spokesperson of the Acadian and Francophone population of Nova Scotia and comprises 29 regional, provincial and institutional organizations.

In his presentation, Dr. Fowler explained the importance of Fort Edward and the surrounding areas not only as a cultural heritage for West Hants but also for the entire Acadian diaspora. An important element of our mission is to safeguard and promote the cultural heritage of our ancestors.

As you are certainly aware, the Windsor-Digby area of the province has a network of historic sites that tell the story of the Acadian people, from their initial settlement through the Deportation and beyond. Fort Edward is an important part of that chain of our history. Therefore, we are deeply concerned about the proposed sales of PIDs 45049797 and PIDs 45059805. In this report, Dr. Fowler made it abundantly clear that these lots could contain precious artefacts and remnants of our ancestors and we feel it would be premature to proceed with the sale of those lots without further archeological investigation. Obviously, our Federation fears that, without such investigation, this would result in another instance where the presence of our people on these lands is simply erased.

Fort Edward, its view planes and the surrounding area represent a rich heritage for West Hants Regional Municipality to mobilize heritage resources around the shared experience of our communities. We hope you will seize this opportunity to consider a community approach that would further highlight that heritage and we would be delighted to collaborate further in this regard.

Regards,



Marie-Claude Rioux

CC : Hon. Colton LeBlanc, Minister, Acadian Affairs and Francophonie
Mrs. Melissa Sheehy-Richard, MLA for Hants West
Mrs. Shirley Pineo, President, West Hants Historical Society

5740 Hwy 215
Kempt Shore
B0N 2A0

To: Alex Dunphy
Re: Rezoning for 65 Fort Edward Street (PID 45059797)

Thank you for the opportunity to provide comments that will be forwarded to the mayor and councillors.

When I recently learned of the proposed rezoning, I had serious concerns about the appropriateness of such on this unique property. After reading the report and listening to the presentation by Dr. Jonathan Fowler at the COTW meeting on Mar. 8th, it certainly seems these reservations are justified.

The historical value of the viewplanes toward the Avon and St. Croix rivers is a given considering the reason for placement of the Fort. It was reassuring to hear Dr. Fowler stress the need to preserve the integrity of the viewplanes as a heritage resource. In the Executive Summary he states: "The two properties are part of the viewplanes Park Canada identifies as essential to the commemorative integrity of Fort Edward National Historic Site."

The importance of the Mi'kmaq history and culture is strongly tied to this site. It was suggested that a trading post or truckhouse had been on this actual site, and was a formal part of the Treaty relationship between the British and Mi'kmaq.

Most of us in West Hants know that Windsor is recognized as having Canada's oldest Agricultural Fair. I wonder how many realize that the fair is believed to have originally been held on the plot to be rezoned (and sold).

One has to question why Fort Edward has been almost forgotten from the chain of historical events involving the Acadians. We are so familiar with both the history lessons and the physical surroundings of Fort Anne, Port Royal, and Grand Pre, and their appeal to tourists. Compared to these other historic sites, Fort Edward has been neglected, and as Dr. Fowler suggests, "to the detriment of the local culture and economy" (p. 42)

We still have an opportunity to preserve this priceless site and celebrate it's significance in a history that includes Mi'kmaq, early English and French settlers, the deportation of the Acadians, and stories of other settlers and soldiers. The importance of an early trading post and a celebration of agriculture that began in 1765 are lessons not just for tourists, but also local students.

With a tourist bureau, this site could be a drawing card with information on attractions and experiences available within the municipality. Its unforgettable view would introduce tourists to the majestic scenery offered throughout Hants County.

If this "very significant heritage resource" is rezoned and sold, an opportunity for both cultural and economic growth is lost. I urge Council to postpone rezoning for at least a couple years to allow time for interested area residents, the Mi'kmaq, Acadian descendents, and other relevant groups to develop a plan of action for this site.

Respectfully submitted,
Barbara Gallagher

From: [Shelleena Thornton](#)
To: [Alexander Dunphy](#)
Subject: FW: Jean Scotney has submitted General Feedback
Date: Monday, February 7, 2022 8:57:28 AM
Attachments: [image389056.png](#)

From: Jean Scotney
Sent: Saturday, February 5, 2022 3:25 PM
To: Shelleena Thornton <SThornton@westhants.ca>
Subject: Jean Scotney has submitted General Feedback

Caution

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

Jean Scotney has submitted a General Feedback comment.

Phone Number:
Alternative Phone Number:

E-mail:

Mailing Address:

Comments: The very idea that council would entertain the idea of building an apartment complex at Fort Edward is incomprehensible. That is desecration at its finest. There was a perfectly wonderful proposal put forward in 2018. I for one will be rethinking my voting if this goes through.

From: [Denise Forand](#)
To: [Laurie Murley](#); [PublicOnlyCouncilEmail](#); [Mark Phillips](#); kody.blois@parl.gc.ca; [MLA Office](#); [West Hants Planning](#)
Subject: Fort Edward surrounding land
Date: Wednesday, March 16, 2022 11:07:36 AM

Caution

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

Dear Mayor and elected councillors, CEO , MP and MLA,

I am pleading with you to make the right decision on stopping the rezoning of OUR lands of the former Windsor pool deemed OS (open spaces) and follow the recommendation from the planning committee and many of the residents concerning OUR historic location plus many historians.

The information presented by West Hants Historical museum on why it should not be sold was reaffirmed by Jonathan Fowler from Northeast Archaeological Research stating that this location is of major significance and should not be developed for residential.

Nova Scotia Acadian Federation also opposes the decision to sell.

This land was received from Parks Canada for our Centennial pool to the residents for our needs, hence not yours to sell as it does not benefit the residents of the intended gift.

This land has many opportunities to enhance OUR needs. Our 250+ year history displayed in a Information centre along with a new tourist bureau would be one idea.

That way the land stays with the rightful beneficiaries, the community.
Give me any reasonable explanation of why we have to sell this land?

Sincerely, Denise Forand

Sent from my iPad

From: [Jonathan Fowler](#)
To: [PublicOnlyCouncilEmail](#)
Cc: [Madelyn LeMay](#)
Subject: Fort Edward follow-up
Date: Sunday, March 13, 2022 1:52:16 PM

Caution

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

Dear Mayor Zebian, Councillors, and colleagues,

Thank you again for the opportunity to present the archaeology report to you this past week. As I mentioned in the report, I see Fort Edward at Windsor as very similar to Fort Anne at Annapolis Royal, not only in terms of historical development, but in heritage resource terms.

While Fort Anne anchors the heritage economy of Annapolis Royal and its neighbourhood, Fort Edward is a largely neglected heritage asset. Yet the histories of many peoples are intimately connected to this place, it offers natural beauty and impressive views, and what's more it is just off the main highway and so much closer to the population center of Halifax. Provincial data indicates nearly 3 million vehicles per year travel westbound along Highway 101 annually, many of them no doubt on their way to visit other natural and historic sites. Surely, more can be done to entice even a fraction of that traffic into Windsor. I'd like to help you do that.

When Mark first engaged me to undertake the archaeological assessment, we agreed that my role, despite my personal feelings as a citizen and heritage advocate, would not be that of an advocate for one policy or another re. the future of these properties. Rather, I would present a well-rounded picture of the archaeological resource and its landscape and heritage context and potential. It is your role as elected representatives to make the best decision, and to assist you I have worked hard to place quality information in your hands.

With respect to tourism potential, I would direct your attention to page 35 of the report (Section 6.6: Potential economic benefits of heritage resource mobilization).

Perhaps in further response to Councillor Ivey's question about the changing nature of tourism, I would add that it has been my experience that today's traveller (and I suppose I am one of them) is much more motivated by learning than ever before. I certainly have experienced this over the years when tourists spend time at our archaeological excavations - they are fascinated to learn about what we are doing, and often want to join us in the work. Sometimes they do. We were getting so many requests like this that we launched a project at Saint Mary's a few years ago called *Open Archaeology*, in which we invite members of the public to join our projects, dig with us, and discover history in a hands-on way. We've run very

popular and successful projects for several years now in Nova Scotia and in Cuba, and we are always looking for new opportunities to discover history and work with community partners.

My main purpose in writing to you today is to reiterate that I remain available at your convenience if any of you would like to continue the archaeology and heritage conversation. My mobile number is (902) 478-1896 and I invite you to ring any time.

I also want to reinforce my commitment to working with you on heritage resource development in your community regardless of the future of the properties we have been discussing. Although I am active as a consultant, I regularly engage with communities as a non-profit partner, as we have done for over 20 years at Grand-Pré. I'll happily work with you either way if you ask me to, but if you do consider a public, community-based redevelopment at Fort Edward, you can count on whatever support our research and outreach programs might bring.

All the best,

Jonathan

PS - Couldn't resist a final illustration. This is a 1935 photo of a parade up Fort Edward Street, likely associated with the Agricultural Fair, in which we see what appears to be a Mi'kmaw couple representing their community's historical relationship to this place. It is a surprising sign of continuity linking the old 18th century treaty truckhouse and more modern times. I have a feeling many more surprising discoveries await in and around Fort Edward.



From: [Eric & Heather](#)
To: [PublicOnlyCouncilEmail](#)
Subject: Fort Edward
Date: Thursday, March 17, 2022 11:08:41 AM

Caution

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To the members of Council:

I would like to express my concern over your sale of the property near Fort Edward. I feel more study should be done before rushing into anything that may be regretted at a later date. Rich heritage sites should be protected not used for development and the site in question covers so much of the various periods of Nova Scotia's history.

I hope you will carefully consider what a decision today means for tomorrow.

Trusting you will make the right choice

Heather Pick
Falmouth

Combined Overflow System Correspondence

First Name	Last Name	Date Received	Meeting/Logged
Katherine	MacLeod	10/27/2021	2022-01-11 COTW
Katherine	MacLeod	10/28/2021	2022-01-11 COTW
Carrilee	Eddy	3/13/2022	2022-03-22 Council
Anna	DeNicola	3/12/2022	2022-03-22 Council
Darren	Porter	3/13/2022	2022-03-22 Council
Ellen	Hart	3/13/2022	2022-03-22 Council
Jennifer	Davidson	3/13/2022	2022-03-22 Council
Felicia	McNeil	3/14/2022	2022-03-22 Council
Darren	Porter	3/15/2022	2022-03-22 Council
Susie	Smith	3/15/2022	2022-03-22 Council
Carol	Bradley	3/17/2022	2022-03-22 Council

From: Carrilee E
Date: March 12, 2022 at 9:24:50 PM AST
To: "allcouncil@westhants.ca"
Cc: "melissa.mlaoffice"
Subject: Combined storm/sewage into Avon River/homes

Caution

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I have previousl asked WHRM about raw sewage being allowed to be piped into the Avon River (aka "lake pisiquid"). I asked the first time I heard talk about this which I hoped was rumor. The answer was (I understand now) intentionally vague when I was told there were no sewage pipes going into the "lake". I now understand there is raw sewage, along with storm water, piped into the river via that combined pipe. The attitude from WHRM staff & Council that this is acceptable is beyond disappointing. Keeping raw sewage out of our waterways and peoples' homes needs to be bumped up on the priority list, imo. I ask Council to have this rectified sooner than planned.

Carrilee Eddy
Windsor, NS

From: [Highland Farm](#)
To: [PublicOnlyCouncilEmail](#)
Subject: Question for Council
Date: Sunday, March 13, 2022 1:17:39 PM

Caution

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To All Council,

I am writing you today to ask you to inquire at your next possible opportunity with Municipal Affairs as to the process one undertakes to call for the resignation or dismissal of Mayor Abraham Zebian.

Mayor Zebian is our elected representative accountable for the ongoing controversy in Windsor related to serious environmental problems and pollution, infringements of indigenous rights and community division related to issues regarding the Windsor causeway, the Pisiquid Conoe Club and the towns combined wastewater overflow, as well as others. This reflects a clear view that he should be deemed no longer fit to hold this position, has failed to carry out his obligations and has made decisions that are detrimental to his constituents.

I await your response as a concerned citizen of West Hants.

Thank you,
Anna DeNicola

--

Anna DeNicola

From: darren porter

Date: March 13, 2022 at 11:41:30 AM ADT

To: "allcouncil@westhants.ca", Abraham Zebian, Todd Richard

Cc: "Kody.Blois@parl.gc.ca", MLA Office, Premier, "min@dfo-mpo.gc.ca"

Subject: Combined waist water over flow questions for the next package and the record., (deleterious substance)

Caution

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

Could you correct me if my calculations are not right please?

The pipe that discharges The combined raw untreated sewage with the waist water, storm run off water into the area of the prior known lake piziquid area is a 42 inch pipe, with a capacity of 71 gallons per foot, that discharges (moving) at "full" capacity at a rate of a boat 6 ft per second, which equals around

426 Gallons per second?

25560 gal per minute?

1, 533,600 gallons per hour?

Is the math even close that we are at full capacity dumping 1.5 million gallons of untreated waste water that contains raw sewage per hour into the environment at this location in west hants?

For the records last yesterday it was dumping at about half capacity, so what would that calculation be when it's reported to the provincial and federal authorities?

I believe this falls under deleterious substance

I also assume this is being tested? As it is likely to contain toxins that get dumped down drains, bpa s, pthalates, endocrine disruptors, microplastics from laundry and dumped down sinks, and not to mention the excreted medications , petroleum

products.... And so on.

Thanks I believe these are reasonable questions with daily east answers to them so I'd like to formally request the answers.

1. Is the calculation that 1.5 million gallons of untreated combined waist water being dumped into Avon River at the location on the Windsor water front when that pipe is at maxim capacity ? If not what is the correct calculation for the record.

2. What's the calculation for half capacity per hour such as in the case last night ?

3. Is this considered a deleterious substance?

4. Is this currently being tested

5. What would this combined waste water contain in a breakdown?

6. Where this is a federal body of water is it being reported to the proper federal authorities?
7. Is the only timeline that is applicable to have this rectified 2039? Or are there others?
8. Are all permits currently obtained to discharge the substance into the marine environment?

Thank you

Sent from my iPhone

From: Ellen Hart
Date: March 13, 2022 at 11:16:19 AM ADT
To: allcouncil@westhants.ca
Subject: Sewage being dumped into down town

Hello,

Was absolutely disgusted to learn that sewage is being dumped into the area the town refers to as Lake Pisiquid.

Last year all I heard form the town, local mla Melissa Sheehy Richard and federal rep Kody Blois was that we must protect fresh water.

You encouraged people to use the water front area and be in, and on the water. You did so knowing that you were dumping sewage into the area.

What is being done to correct this???????

Ellen Hart

From: jennifer davidson

Date: March 13, 2022 at 11:18:34 AM ADT

To: "allcouncil@westhants.ca"

Subject: What do you think about the dumping of sewage in the enviroment.

Hello i am writting to tell you how very disgusted i am with the raw sewage being run off right into the enviroment! Just down from the uap , combined wastewater being dumped into the lake, where people even kids go out on ...the enviroment you are destroying...i did not know you were doing this and i can hardly believe this! And the problem is not that it can be seen, the problem is THAT YOU ARE DOING THIS!!!! And youre letting children go on this lake that you are dumping sewer in !?! God help us.

I await your response.

Thank you.

Jennifer Davidson.

From: [Felicia MacNeil](#)
To: [PublicOnlyCouncilEmail](#); [kody.blois](#); [melissa.mlaoffice](#)
Subject: Desperate Plea
Date: Monday, March 14, 2022 2:54:43 AM

Hi there,
My name is Felicia MacNeil. I reside at 32C Albert Street, Windsor, NS, along with my spouse and our daughter.

I am reaching out to you all, as a mother, to desperately address the sewage problem in downtown Windsor.

This is the first year the sewage odor/gases have been so bad that it is severely affecting our health.

We rent our unit. Safeguard Properties have done everything they can on their end to try and bandaid our situation. However, fixing the problem is out of their hands.

It's no secret the raw sewage gets pumped into the lake during the hours of the night. I have been aware of this for some time. The pipe isn't that far from our home! We have two outside town sewage vents that sit below our windows. When it rains and the sewage is being dumped that's when its the worst!

The gases sweep up into the cracks of the house. The air pushes the gases up through the pipes and out our drains. The hot water heater radiates with a toxic aura! The wind blows it in our windows if we try to open our windows to air out the drains! Theres no escape!

It has gotten increasingly worse. We had to vacate our home last Wednesday at 3:30AM. I had to spend hundreds of dollars on air purifiers in order to re-enter our home! It was inhabitable!

They have been going ever since!

We had the wax seal on our toilet replaced. A brand new sink. All the p-traps are functioning properly. Theres no clogged drains. We have done everything we could.

The most recent dump from Saturday night is still lingering! The air purifiers are detecting the poor air quality. The air fresheners and dryer sheets are on stand by. And me? Well, I'm monitoring the degree of the smell in my daughters room while she sleeps. She was adamant on sleeping in her own room. Said its not fair that she is to be forced out of her own room because the town is irresponsible. So there are TWO full size air purifiers running in her room and I'm on stand by to make sure the air she is breathing doesn't become toxic! To make sure another dump isn't made in the hours of the night and have the aftermath violate our ability to breath!

You try living a life like this.

Now its mandatory that the actual problem be addressed!

My daughter has a history of asthma. Her bedroom is one of the highly affected areas.

I have a weak immune system. I have been to the ER three times in the last 3 months.

Nasal membrane inflammation. Sudden and unexplained nosebleeds. Swelling of the throat. Cough. Nausea. Headache. Rash.

But guess what!? Those symptoms are only present when the gases are present!

The citizens are being harmed by this sewage dump set up! Physically. Emotionally. Socially.

Our childrens immune systems are still developing.

Let me ask you... How would you feel, waking up to the smell of toxic shit. Your children experiencing respiratory symptoms while they sleep. Trying everything in your power to vent out your home but its coming in from the outside and sneaking up your pipes!

Lets be honest here. A family can not just up and leave when the sewage gets dumped. A family can not just up and move with the rental disaster of our economy and the ridiculous sale prices on homes.

Our society is no doubt experiencing a economical downfall. So why does it seem to be so convenient to pollute the air quality of the nearby residents why they sleep? Why does it just so happen to occur when its raining? Perhaps to explain why the lake is suddenly a lake again? Oh look the rain filled it up! No. The town sewage did.

Rain is suppose to create a sense of calm. A sense of revitalization. A cleansing sensation.

Now when it rains, there's panic. There's fear for our health safety. There's disgust. There's anger. There's disappointment. There's corruption. There's a lack of moral value! There's a lack of ethics.

And the people responsible? They should feel a sense of shame and remorse.

Now is the time to make things right! Put the people first! Take care of the town and its residents.

You may think its no big deal. But, go ahead and spend a night in our situation. Then tell me different.

Take action.

Sincerely,
A mom, a responsible citizen, a human being!

Felicia MacNeil

Cell:

From: [darren.porter](#)
To: [PublicOnlyCouncilEmail](#)
Cc: [MLA Office](#)
Subject: Effects of discharging untreated combined waste water including raw untreated sewage on the fisheries, recreational , tourism, home owners and Tenants.
Date: Tuesday, March 15, 2022 7:18:25 AM

Caution

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

“Quality water is integral to the health and wellbeing of our communities and to ensuring a clean environment for the future.”

New Windsor wastewater treatment facility improves water quality for Nova Scotians - Canada.ca

<https://www.canada.ca/en/office-infrastructure/news/2016/12/new-windsor-wastewater-treatment-facility-improves-water-quality-nova-scotians.html>

“ The completion of the new wastewater treatment facility in Windsor is a key step to improving the quality of life for Nova Scotians.”

“This state-of-the-art treatment facility incorporates the latest technologies to meet the standards of the Federal Wastewater Systems Effluent Regulations.”

1. What Federal Regulation's?

2. Are west hants staff reporting combined over flows to these Federal authorities?

“It will greatly reduce the amount of effluent released into the St. Croix River and eliminate combined sewage overflows.”

3. Who's responsibility was it to ensure the elimination of the sewage overflows?

“Residents of Windsor will also enjoy cleaner water in the Minas Basin, creating ample opportunities for recreation and enabling

citizens and tourists alike to continue enjoying this valuable natural playground for generations to come.”

4., The above quote alludes to a health concern to the recreation in the area of the combined over flow, are there any liability steps being taken to inform the citizens and tourist of the risks? E.g. canoe club, swimmers....?

"The Town recognizes that responsible leadership is about making investments where our society and neighbouring communities will benefit from cleaner ecosystems, cleaner shores and cleaner water for economic activities including fisheries, aquaculture and tourism."

*Anna Allen,
Mayor of Windsor*

5. What is the risk to the fisheries?

6. I'm requesting immediate action to direct staff to complete a measurement of combined waste water overflow being discharged that includes untreated raw sewage into the Avon river at the Windsor waterfront. This measurement process can start with the capacity at full per second discharge , and frequency of events.

“ You can not manage what you do not measure”

What's the effects that the past mayor of Windsor alluded to regarding the Fisheries I believe at the very least council can do is order that measurement so that we can figure out or attempt to figure out the effects on our industry.

The official definition meaning of Fisheries in Canada under the act includes commercial, recreational, and indigenous.

Darren Porter

Sent from my iPhone

From: [Susie Smith](#)
To: [PublicOnlyCouncilEmail](#)
Subject: Sewage
Date: Tuesday, March 15, 2022 12:10:22 PM

Caution

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

I am writing in regards to the now visable effluent being pumped into the Avon River. I , as well as many others, believed this was no longer the case after big dollars /major upgrades were completed a few years back. To totally disregard the potentially negative health impacts on your local population is quite concerning to say the least. Especially the children. Also the tourists who came for the pumpkin regatta...or shall we call it the poo poo paddle?

Are there any immediate plans to rectify/ stop this polluting ?

Is there going to be a written explanation to the public as to why kids were allowed to play on /in this pollution?

Were any water samples tested for safety ?

Is there an explanation of why this was not rectified when monies were available for upgrades to the system?

Hope a solution is found quickly.

S. Smith

From: [Carol Bradley](#)
To: [PublicOnlyCouncilEmail](#)
Cc: [MLA Office](#); [Env Minister Tim Halman](#)
Subject: Sewage overflow into Piziquid/Avon river: West Hants
Date: Thursday, March 17, 2022 12:35:09 PM

Caution

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

Dear Mayor and Councillors:

Yes, the faithful Darren Porter's on it again, and yes, he's right.

"put kids on another lake , up grade the system , separate the sewage "

and where IS the accounting for the money given for amalgamation?

--

Carol Bradley

Correspondence Sent

[illegible]



March 08, 2022

Sandra Snow
Chair Liaison Oversight Committee
Valley Regional Enterprise Network
448 Main Street
Kentville, Nova Scotia, B4N 1K8

Delivered electronically to ssnow@kentville.ca

RE: Continued Partnership and Notice of Withdrawal and Termination

Dear Ms. Snow,

The West Hants Regional Municipality would like to thank the Valley Regional Enterprise Network for their attendance and presentation at the February 22, 2022, Committee of the Whole meeting. Council was appreciative of the information presented.

At the February 22, 2022 Council meeting of the West Hants Regional Municipality, Council made the following motion to be forwarded to the Valley Regional Enterprise Network (VREN) in accordance with Section 14 of the Valley Regional Network Inter-Municipal Agreement:

COUNCIL SEND A LETTER TO THE VALLEY REN ADVISING THAT WEST HANTS REGIONAL MUNICIPALITY WILL REMAIN A PARTNER OF THE VALLEY REN FOR THE PERIOD OF APRIL 1ST, 2022 TO MARCH 31ST, 2023 IN ORDER TO CONTINUE TO SEE THE INCREASING BENEFITS THE VALLEY REN OFFERS FOR THE REGION OF WEST HANTS. ALSO, THAT THE WEST HANTS REGIONAL MUNICIPALITY FORMALLY ADVISES THE VALLEY REN THAT IT WILL CEASE TO BE A PARTNER AFTER MARCH 31ST, 2023.

The West Hants Regional Municipality would like to continue its partnership to the VREN for the period of April 1, 2022, to March 31, 2023. Please consider our previous letter sent on March 2, 2021, withdrawn (enclosed for reference); however, we put you on formal notice (enclosed) that the West Hants Regional Municipality will cease to be a partner after March 31st, 2023.

Please refer to the attached letter as formal notice. We trust that this will meet the terms of agreement outlined in Section 14 of the Valley Regional Enterprise Network Inter-Municipal Agreement.

Respectfully,



Abraham Zebian

Mayor

mp/ds

CC: WHRM Council

Mark Philips, Chief Administrative Officer

Shelleena Thornton, Municipal Operations Supervisor

Jennifer Tufts, Valley REN Chief Executive Officer, jt tufts@valleyren.ca

Paul Dixon, Valley REN, Chair, paul@safeguardservices.ca

WEST HANTS REGIONAL MUNICIPALITY

76 Morison Drive, PO Box 3000
Windsor, NS B0N 2T0

Phone # 902-798-8391 Ext. 133

Email Address: mphillips@westhants.ca

www.westhants.ca



March 2, 2021

Sandra Snow, Chair Liaison Oversight Committee
Valley Regional Enterprise Network
354 Main St.
Kentville, NS B4N 1K6
Email: ssnow@kentville.ca

RE: Notice of Withdrawal and Termination

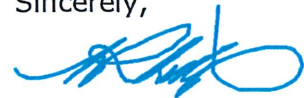

Dear Mayor Snow,

At the February 23, 2021 Council Meeting of the West Hants Regional Municipality, Council made the following motion to be forwarded to the Valley Regional Enterprise Network (VREN) in accordance with Section 14 of the Valley Regional Enterprise Network Inter-Municipal Agreement:

That Council provide direction to the Chief Administrative Officer to provide notice to the Valley Regional Enterprise Network (VREN) of the intention of the West Hants Regional Municipality to leave the VREN effective March 31, 2022.

Please be advised that the Municipality intends to continue its participation and fulfill its responsibilities to the VREN over the coming year. The Municipality also wishes to thank the Valley Regional Enterprise Network, including members of the Liaison and Oversight Committee, Board Members and staff, for their efforts and contributions to the economic landscape in the Annapolis Valley.

Sincerely,



Mark Phillips
Chief Administrative Officer

/rb

Cc: Mayor Zebian and West Hants Regional Municipal Council
Gerard d'Entremont, Valley REN Board of Directors Chair, gerard.dentremont@nsc.ca
Jennifer Tufts, Valley REN Chief Executive Officer, jtufts@valleyren.ca



March 08, 2022

Sandra Snow, Chair Liaison Oversight Committee
Valley Regional Enterprise Network
448 Main St.
Kentville, NS
B4N 1K8

Delivered electronically to ssnow@kentville.ca

RE: Notice of Withdrawal and Termination

Dear Ms. Snow,

At the February 22, 2022 Council Meeting of the West Hants Regional Municipality, Council made the following motion to be forwarded to the Valley Regional Enterprise Network (VREN) in accordance with Section 14 of the Valley Regional Enterprise Network Inter-Municipal Agreement:

That Council send a letter to the Valley REN advising that the West Hants Regional Municipality formally advises the Valley REN that it will cease to be a partner after March 31st, 2023.

Please be advised that the Municipality intends to continue its participation and fulfill its responsibilities to the VREN over the coming year. The Municipality also wishes to thank the Valley Regional Enterprise Network, including members of the Liaison and Oversight Committee, Board Members and staff, for their efforts and contributions to the economic landscape in the Annapolis Valley.

Sincerely,

Abraham Zebian
Mayor

mp/ds

Respectfully,

CC: Mayor Zebian and WHRM Council
Mark Phillips, CAO

Shelleena Thornton, Municipal Operations Supervisor

Gerard d'Entremont, Valley REN Board of Directors Chair, gerard.dentremont@nsc.ca

Jennifer Tufts, Valley REN Chief Executive Officer, jtufts@valleyren.ca

West Hants Regional Municipality

PO Box 3000, 76 Morison Drive, Windsor, NS, B0N 2T0

902-798-8391 • www.westhants.ca



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: WHRM Council

Submitted by: _____
Carlee Rochon, Director, Financial Services

Date: March 22, 2022

Subject: MFC Spring 2022 Debenture

LEGISLATIVE AUTHORITY

Municipal Government Act, Part VI, Power to Spend Money 65 (A) & Power to Borrow Money 66.

RECOMMENDATION or DECISION REQUEST

Council approves . . .

... the Mayor and Municipal Clerk to sign the Resolution for Pre-Approval of Debenture Issuance, subject to interest rate confirmation not to exceed 5.5% to enable West Hants Regional Municipality to issue a 15-year debenture of \$231,323, for purchase of a Fire Rescue Truck for Southwest Hants Fire Department.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐
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In the 2020-21 Capital Budget, Council approved a Fire Rescue Truck for Southwest Hants Fire Department. The purchase of this apparatus was approved by Council at the October 27, 2020, meeting and awarded to Rocky Mountain Phoenix. The temporary borrowing resolution for purchase in the amount of \$263,123 was also approved at this October meeting. This temporary borrowing resolution has expired, and Council approved its renewal in February 2022.

Once renewed by the Department of Municipal Affairs and Housing it will be submitted to the Municipal Finance Corporation for the Spring 2022 Debenture deadline of April 22, 2022.

DISCUSSION

The Municipal Finance Corporation offers favorable fixed lending rates for municipal capital purchases. To meet the necessary lending requirements a Temporary Borrowing Resolution (TBR) is required, which needs Council and Minister approval.

To be able to participate in the upcoming MFC semi-annual debenture call, a 'Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate' must be approved by Council. Approving this now would qualify the Municipality to take part in the Spring debenture call.

It should be noted that the Minister approval date of the TBR in the resolution document has been left blank. The resolution document is an MFC procedural step and should be left blank for MFC staff to complete.

NEXT STEPS

Should Council approve the Resolution for Pre-Approval of Debenture Issuance, a time will be scheduled for the Mayor and Municipal Clerk to sign the documents. The package will be prepared for submission to the Municipal Finance Corporation by noon on April 22, 2022.

FINANCIAL IMPLICATIONS

The full financing charges for the Fire Rescue Truck already make up part of the current fiscal year's budget, so they will have no impact on the upcoming 2022-23 operating budget. This purchase was approved in the 2020-21 Capital and Operating Budgets.

As a result, there were debt servicing costs of \$15,900 that have been budgeted for in 2020-21 and 2021-22. These can be used to lower the overall borrowing request, bringing it from \$263,123 to \$231,323.

The Municipal Finance Corporation offers favourable fixed lending rates for municipal capital purchases. Participating in the MFC debenture will allow the Municipality to clear its internal loan between the General Operating fund and the Capital fund.

ALTERNATIVES

- Council could reject moving forward with the MFC spring debenture and direct staff as to how the item is to be funded. This is not the recommended approach.

ATTACHMENTS

- Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate

- Temporary Borrowing Resolution – February 2022

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Carlee Rochon, Director of Finance

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate

WHEREAS clause 66 (1) of the Municipal Government Act (the “Act”) provides that a municipality may borrow to carry out an authority to expend funds for capital purposes conferred by the Act or another Act of the Legislature;

AND WHEREAS clause 91(1)(a) of the Act provides that where a municipality is authorized to borrow money, subject to the approval of the Minister of Municipal Affairs (the “Minister”), that the sum shall be borrowed by the issue and sale of debentures, in one sum or by installments, as determined by the council;

AND WHEREAS clause 91(1)(b) of the *Municipal Government Act* authorizes the council to determine the amount and term of, and the rate of interest, on each debenture, when the interest on a debenture is to be paid, and where the principal and interest on a debenture are to be paid;

AND WHEREAS clause 91(2) of the *Municipal Government Act* states, that in accordance with the *Municipal Finance Corporation Act*, the mayor or warden and clerk or the person designated by the council, by policy, shall sell and deliver the debentures on behalf of the municipality at the price, in the sums and in the manner deemed proper;

AND WHEREAS the resolution of council to borrow for was approved by the municipal council on February 22, 2022 _____.
(council’s TBR approval date)

BE IT THEREFORE RESOLVED

THAT under the authority of Section 91 of the *Municipal Government Act*, the

West Hants Regional Municipality
(Name of Unit)

borrow by the issue and sale of debentures a sum or sums not exceeding \$ 231,323 , for a period not to exceed 15 years, subject to the approval of the Minister;

THAT the sum be borrowed by the issue and sale of debentures of the

West Hants Regional Municipality
(Name of Unit)

in the amount that the mayor or warden and clerk or the person designated by the council deems proper, provided the average interest rate of the debenture does not exceed the rate of 5.5%;

THAT the debenture be arranged with the Nova Scotia Municipal Finance Corporation with interest to be paid semi-annually and principal payments made annually;

THAT this resolution remains in force for a period not exceeding twelve months from the passing of this resolution.

For MFC use only:

TBR #: _____

Minister
signed: _____

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution duly passed at a meeting of the Council of the

West Hants Regional Municipality
(Name of Unit)

held on the _____ day of _____ 20____

GIVEN under the hands of the Mayor/Warden and the Clerk of the
West Hants Regional Municipality
(Name of Unit)

this _____ day of _____ 20____

Mayor/Warden

Clerk

MUNICIPAL COUNCIL OF THE

TEMPORARY BORROWING RESOLUTION RENEWAL

Amount: \$ 263,123

Renewal Project: Fire Rescue Truck - SWHFD

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget;

WHEREAS pursuant to a resolution passed by Council on the 22 day of February, 2022, the Council postponed the issue of debentures and with the approval of the Minister of Municipal Affairs and Housing dated the 12 day of November, 2020, did borrow from a chartered bank or trust company doing business in Nova Scotia a sum not exceeding Two hundred sixty-three thousand one hundred twenty Dollars (\$ 263,123) for the purposes set out above and for a period not exceeding twelve months; and

WHEREAS Council has deemed it expedient that the period of borrowing be further extended;

BE IT THEREFORE RESOLVED

THAT subject to the approval of the Minister of Municipal Affairs and Housing, the authorized period of borrowing in the amount not exceeding Two hundred sixty-three thousand one hundred twenty Dollars (\$ 263,123) be extended for a further period not exceeding Twelve (12) months from the date of the approval of the Minister of Municipal Affairs and Housing.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipality held on the 22 day of February, 2022.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipality this 01 day of March, 2022.

Dianna Smith
Clerk



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☒
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To: Council of the West Hants Regional Municipality

Submitted by: Jim Ivey, Councillor, Windsor South, District 11

Date: March 22, 2022

Subject: Budget Workshop Lunch 'n Learn Information

LEGISLATIVE AUTHORITY

N/A

RECOMMENDATION or DECISION REQUEST

Council direct that staff to include the information packages used as part of the Council Lunch 'n Learn budget workshops with the budget packages, or earlier if appropriate, prior to the budget sessions in the coming month.

BACKGROUND:

In the past month the West Hants Regional Municipality staff undertook to provide 3 sessions in preparation for this year's budget discussions. The sessions were in a presentation format utilizing public current-year information for the purpose of providing additional guidance for council on the budget structure and process. The sessions were informational in an educational format.

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

The material provided was created for education of Council on the structure and function of the budget. While it is important for Council to be educated in the format and to understand the budget setup and content, it would also valuable for our residence to have the same information and understanding. The background information would serve to enhance resident's understanding of the process in the Municipality's budget.

DISCUSSION

In simple terms the content and nature of the lunch 'n learn sessions & content can only serve to better inform our residents on our budget composition and financial condition. It is my opinion that it would be a positive addition to include such information for the residents as well.

NEXT STEPS

Direct staff to make the budget background information available for public access through the Municipal website or alternate media as they deem appropriate.

FINANCIAL IMPLICATIONS

TBD

ATTACHMENTS

(List any attachment to the report, if anything.)

CHIEF ADMINISTRATIVE OFFICER REVIEW

(For use if report is from a Councillor. CAO to provide additional comments on background, department/staff responsible and workload, budget, options, preferred strategy. State "Not Applicable" if report is from staff which already incorporates CAO review.)

Report Prepared by: _____
(Name and Title)

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Council of the West Hants Regional Municipality

Submitted by: Jim Ivey, Councillor, Windsor South, District 11

Date: March 22, 2022

Subject: Tax Sale Notifications - 30-Days Prior Advertisement / Notification

LEGISLATIVE AUTHORITY

MGA:

Tax sale advertisement

142 (2) Notice of the sale at public auction or the call for tenders shall *be published*

- (a) at least twice prior to the sale or when tenders close in a newspaper circulating in the municipality;
- (b) with the first advertisement *appearing* at least *thirty days prior* to the sale or when tenders close; and
- (c) setting out each lot of land to be sold and the date, time and place of the sale or when tenders close.

RECOMMENDATION or DECISION REQUEST

Council direct that staff request our legal council review the tax sale condition (MGA 142 (2b), which requires that “the first advertisement *appearing* at least *thirty days prior* to the sale or when tenders close” to determine the appropriateness of using the print date as the first date the ad appears. Additionally, to request that legal review the inclusion of the partial date of the actual tax sale as a day in the 30-day period as well.

BACKGROUND:

In the past month (Feb-Mar) the West Hants Regional Municipality has exercised right / option to sell at public sale or auction the collection of taxes in arrears for 20+ West Hants properties.

The tax sale process is quite detailed within the MGA by way of notice requirements.

The tax sale advertisement in the local paper caught my attention because the first ad in the paper appeared on February 15th which advertised the tax sale date of March 15th. As February only had 28 days this year, it caused me to wonder how are we able to squeeze 30 days (between Feb 15th and Mar 15th) out of 28 days?

Property ✓	Public Opinion ☐	Environment ☐	Social ☐	Economic ✓	Councillor Activity ☐
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Discussion

Resulting from an inquiry on the matter, it was explained to me that the 30-day window began on the 14th of February when the ad was printed (a day before public circulation) and that we also count the day of the auction being the 15th of March as the property can still be removed from the sale at that time. It was further communicated that our legal council had confirmed we are within the time frame required.

With full respect for the work done by staff and our legal council, I offer the following 2 points regarding the requirement which necessitates - the first advertisement *appearing at least thirty days prior to the sale or when tenders close*:

1. the day the ad is printed is not the same day that the ad appears. In many cases with a weekly paper the day a newspaper is printed can be several days before it appears or is circulated publicly,
2. 30 days prior to the sale does cannot reasonably be expected to include the date of the sale as this can only represent 2 to 4 hours of a normal day – start of auction to finish.

It is my opinion the intent of the 30-day notice period is to allow the property owners the final opportunity to remove their properties from a tax sale list before they enter a more expensive redemption period.

The requirement for the ad to appear 30 days prior to the sale is not a measure that should be squeezed out of a printing day when the advertisement is not publicly available nor a tax sale date which does not afford a full day for the property to be removed from the sale list. (The tax sale date might be better viewed as the final grace period).

DISCUSSION

While we have heard that we have a legal opinion from our attorney, supporting the timeframe provided, I believe with necessary due diligence, our attorney's opinion might best be reviewed again prior to selling future properties at a tax sale.

NEXT STEPS

Request a follow up review with our attorney regarding the term / condition which requires "the first advertisement *appearing at least thirty days prior to the sale or when tenders close*".

FINANCIAL IMPLICATIONS

TBD

ALTERNATIVES**ATTACHMENTS**

(List any attachment to the report, if anything.)

CHIEF ADMINISTRATIVE OFFICER REVIEW

(For use if report is from a Councillor. CAO to provide additional comments on background, department/staff responsible and workload, budget, options, preferred strategy. State “Not Applicable” if report is from staff which already incorporates CAO review.)

Report Prepared by: _____
(Name and Title)

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)