WEST HANTS REGIONAL MUNICIPALITY
Council Meeting Agenda
October 24, 2023 - 6:00 p.m.
Sanford Council Chambers, 76 Morison Dr, Windsor, NS
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.

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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 or Unsightly Premises

5. Declaration(s) of Conflict of Interest

6. Approval of Previous Meeting Minutes
   a) 2023-09-11 Special Council Meeting Minutes
   b) 2023-09-26 Council Meeting Minutes
   c) 2023-09-26 Public Hearing Minutes 35 William Street, Hantsport PID 45044419
   d) 2023-09-26 Public Hearing Minutes Pemberton Avenue, Garlands Crossing PID45003563

7. Presentations
   a) Short Term Rentals – Susan Sanford

8. Public Hearings
   a) 8 Upper Water St., Windsor – Planner Dunphy
   b) 65 Fort Edward St. (Municipal Lands), Windsor Rezoning – Planner Dunphy
   c) Cole Dr., Windsor PID 45366432 – Planner Dunphy
   d) 187 Payzant Dr., Windsor – Senior Planner Fredericks

9. Second Readings
   a) 8 Upper Water St., Windsor – Planner Dunphy
   b) 65 Fort Edward St. (Municipal Lands), Windsor Rezoning – Planner Dunphy
   c) Cole Dr., Windsor PID 45366432 – Planner Dunphy
   d) 187 Payzant Dr., Windsor – Senior Planner Fredericks

10. Unfinished Business/Postponed Motions
    a) Public Participation Program Amendment Recommendation Report – Councillor Ivey

11. Mayor's Report
12. Committee(s) of Council Excerpts/Recommendations
    a) Committee of the Whole Excerpts (October 10th, 2023)
        i. 2022-23 HMCC Financial Statements
        ii. Carpool Parking Lot
        iii. Fire Apparatus Consultant Tender Award
        iv. Fire Apparatus Pre-approval
        v. Fresh Water Resource – Explore Pond Ownership
        vi. Purchase of an AWD Electric SUV (WHRMPD23-03)
        vii. Sewer Odours
        viii. Road Construction- Communication Policy Supporting Businesses

    b) Planning and Heritage Advisory Excerpts (October 12th, 2023)
        i. 411 King Street, Windsor – Planner Dunphy
        ii. MacLeod Court, Three Mile Plains PID 45006947 and 45415668 – Senior Planner Fredericks

    c) Audit Committee Excerpts (October 16, 2023)
        i. West Hants Regional Municipality's Audited Consolidated Financial Statements ending March 31, 2023

13. Councillor Municipal Business/Activity Reports
    a) Councillor Ivey, District 11 Activity Report

14. Correspondence
    a) Information
        1. Avon Causeway Activity Log

        2. Correspondence Received Activity Log
            i. Peter Moore Re Municipality of West Hants A Study or Plan, and why it matters.
            ii. 2023-10-11 NS Public Works Response to Reimagine Windsor and Falmouth waterfront area.
            iii. 2023-10-11 Letter to NSFM Re Cellphone Coverage (WHRM copied)
            iv. 2023-10-13 Glen LeBlanc, Vice Chair Bell Atlantic Canada Re Poor Cellular Service (WHRM Letter sent)
            v. 2023-10-16 Letter Mailed to WHRM
            vi. 2023-10-17 Response from Maria Medioli Re King's Meadows (WHRM copied)

        3. Fort Edward Activity Log – None

    b) Requests - None

c) Outgoing Correspondence Log - None

15. New Business
    a) Affordable Housing/ More Housing Discussion – Mayor Zebian
    b) PACHAC Member Appointment

16. In-Camera
    a) Legal Matter MGA 22(2)(a)
    b) Personnel Matter MGA 22(2)(a)

17. Next Meeting Date / Adjournment – November 8th, 2023 Committee of the Whole Meeting 6 p.m.

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List)
October 24, 2023

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

Matter	Start Date	Deadline / Update	Status/Progess Updates	Resp.
Sewer Billing Review - Staff explore what the sewer rates would be if sewer util. fees were put back on the taxes.	2020-05-12		Discussions to occur once the Rate Study was completed. Anticipate seeing a report in November.	CAO/Fin
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 **On-going**	Pending Beautification Strategy. PRIME has been engaged to create how the signs will look and are working on gathering suitable photos for Hantsport, Windsor and West Hants.	PW/Comm. Dev
W. B Stephens Building Design Project Management Tender Award (Municipal Office) - Draft an RFP that will look at A) the 100 King Street Building B) The 76 Morison Building and C) or an alternative new location is required to facilitate the needs of the Municipality.	2020-10-27	2022-on going	Ongoing - continue with RFP	CAO
Panuke Rd Event - Event to be arranged by Mayor	2021-03-09	Unknown	On-going, an event will be scheduled this year.	Mayor
Glooscap First Nation & WHRM Council Meeting - Send formal invite for a meeting to discuss many topics including reconciliation.	2021-06-22		On-going	Mayor
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		Pending, awaiting meeting dates from Glooscap Council	Mayor/CAO
65 Fort Edward Street (Municipal Lands) - the Public Hearing and Second Reading be adjourned until Ocober 2023	2022-06-28	2023-10-24	On-going meetings with Dr. Fowler (pending plan submission and approval) **POSTPONED SECOND READING UNTIL OCTOBER 24, 2023**	CAO/Planning
Subdivision Street Lighting - Create a policy to come back to Council for review.	2023-01-10	**2024-01-22**	Report at October COTW, More information wil be presentented to Council for discussion/decisison.	PW

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List)
October 24, 2023

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

Matter	Start Date	Deadline / Update	Status/Progess Updates	Resp.
WFD Rescue Engine - approve the award of tender WHRMAD22-03A for the supply of a Rescue Engine to the compliant bidder, Techno Fu Inc., at the tendered price of $1,496,490.36 plus applicable taxes.	2023-01-10	2023-10	Re-issue a new tender when permitted	CAO
Waste Collection By-Law - initiate the process for consolidating the Windsor and West Hants waste by-law to remove the disparities that exist between the two.	2023-03-28	**2024-01-24**	Approved, stafff are gathering information, a report will follow.	PW
Public Participation Policy - staff explore amending the Public Participation Program Policy (PPPP) to include strengthening public notice of information meetings.	2023-03-28	**2023-10-24**	Item returning to October Council Meeting	Plan
Sidewalk Extension from Wentworth Road to the WH Sports Complex - prepare a report on what is required to extend the sidewalk from Wentworth Rd. to the WH Sports Complex and as a second step to include extending the sidewalk to the end of the block (intersection of Wentworth and Tregothic).	2023-04-11	**2024-01-24**	Approved, Report to follow	PW
Insurance - engage a consultant (if needed) to do a review of insurance costs across the Municipality (all operations) to be able to do a review to optimize insurance expenditures. (Amended - to be done within the next two months)	2023-04-12	**2023-12**	Underway	Fin
Bulk Water Options - staff explore options for having bulk water rates reduced to previous levels prior to regulation from the UARB.	2023-04-19	**2023-11**	Approved, Report to follow based on the rate study (November)	Fin
Downtown Draft Parking By-Law - staff prepare a draft Parking By-Law for WHRM to be reviewed by Council.	2023-05-09	**9/12/2023**	Report at October COTW	PW/By-Law

Matter	Start Date	Deadline / Update	Status/Progess Updates	Resp.
Short Term Rentals - Planning staff prepare a report with recommendations/regulations if appropriate for short term rentals within WHRM rentals. Report will go to PAC first.	2023-05-09	**2023-09-26**	Approved, Report to follow	Plan
Aberdeen Beach Road - staff explore the restricted vehicular access to Aberdeen Beach Road through a safety lens re: emergency vehicles (fire apparatus, ambulance and emergeny vehicles)	2023-06-13	**2023-10-10**	Report at October COTW	CAO/PW
Noise By-Law/Peace and Good Order - staff revisist the Noise By-Law/Peace and good order.	2023-09-12	2023-12-05	Approved, Report to at Nov COTW	CAO
Municipal Fees Review -CAO direct staff to review WHRM Fees Policy for tax statements and burial fees and report back at the Nov. COTW mtg.	2023-09-12	2023-11	Approved, a report to follow	
SERMGAR- Council write a letter to the Province regarding concerns about aspects of the SERMGAR.	2023-09-26	2023-09-26	Approved, letter being drafted.	CAO
2022-2023 HMCC Financial Statements - Council accepts the financial statements provided by HMCC & any 22/23 holdbacks & eligable 23/24 area rate payments be released.	2023-10-10	2023-10-24	Pending Council Approval	FIN
AWD Electric Vehicles for Planning Department - approve the award of tender for the purchase of 1 (one) AWD Electric SUV from Bruce Leasing for the tendered price of $50,067.48 plus taxes.	2023-10-10	2023-10-24	Pending Council Approval	PLAN
Sewer Odours - staff explore options on masking sewer odours arising from the Combined Storm/Sewer System & report back to Council with recommendations.	2023-10-10	2023-11-24	Pending Council Approval	PW

Matter	Start Date	Deadline / Update	Status/Progess Updates	Resp.
Fresh Water Resources/Explore Ownership of the pond - staff determine if the property known as Town Pond is or was ever a public resource, further if it was a public resource but is no longer, then when and how did it transition from public to private ownerhip.	2023-10-10	2023-11-24	Pending Council Approval	PW/PLAN/CAO
Road Construction-Communication Policy - staff enhance the communication policy for road closures.	2023-10-10	2023-10-24	Pending Council Approval	PW
Fire Apparatus Pre-approval - pre-approval of the issuance of an RFP for the supply of an apparatus to replace WFD's Engine 4.	2023-10-10	2023-10-24	Pending Council Approval	CAO
Fire Apparatus Consultant Tender Award - approve the award ofstanding offer contract tender WHRMRF23-01 for consulting services and writing RFP's for Fire Apparatus services to Goudreaukt Associates for the 2 yr term ending March 31, 2025.	2023-10-10	2023-10-24	Pending Council Approval	CAO

West Hants Regional Municipality
Dangerous or Unsightly Dashboard (Action List)
October 24, 2023

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Red - Not started

Matter	Meeting	Status
Textile Mill	9/8/2022	Building Offical continues to monitor the site for ongoing concerns
Site 2	9/11/2023	Ongoing matter

Leading Change

October 24 – 2023

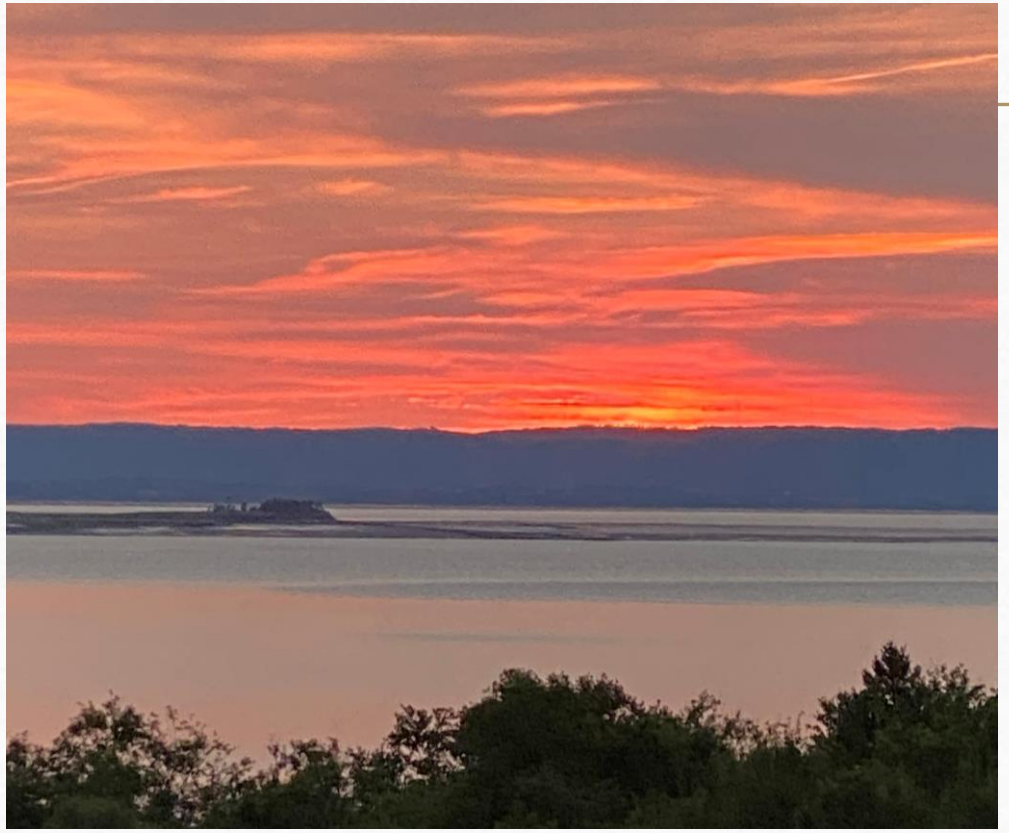
Presentation for West Hants Council

Family/Community/Economy

Overview

- 1.Who we are
- 2. Affordable Housing – Who's Responsibility?
- 3. STRs Assumptions vs Facts
- 4. Benefits of STRs
- 5. Summary
- 6. Conclusion

Who We Are



- Owners (5) of Seasonal Dwellings- Homes and Cottages (all registered) on the Hants Shore
- Personal Use and Share as Short-Term Rentals
- Ambassadors for our area, attracting new visitors
- Facilitators of FREE National and International Marketing specific to our area
- Did not convert LTRs to STRs
- Strong supporters of local community, business and economy for the Shore/West Hants/Province

Affordable/New Housing Supply– Who's Responsibility?



- Federal/Provincial Government Deal– 222 units
- Federal Government - HRM 2,600 units
- Province/HRM - New bill
- Municipal Government creates Land use By laws that support housing development.

Assumptions vs Facts



- Bias
- LTRs are converted to STRs
- No STRs = increased LTRs
- STRs will be affordable housing
- STRs = noise complaints

Benefits of STRs

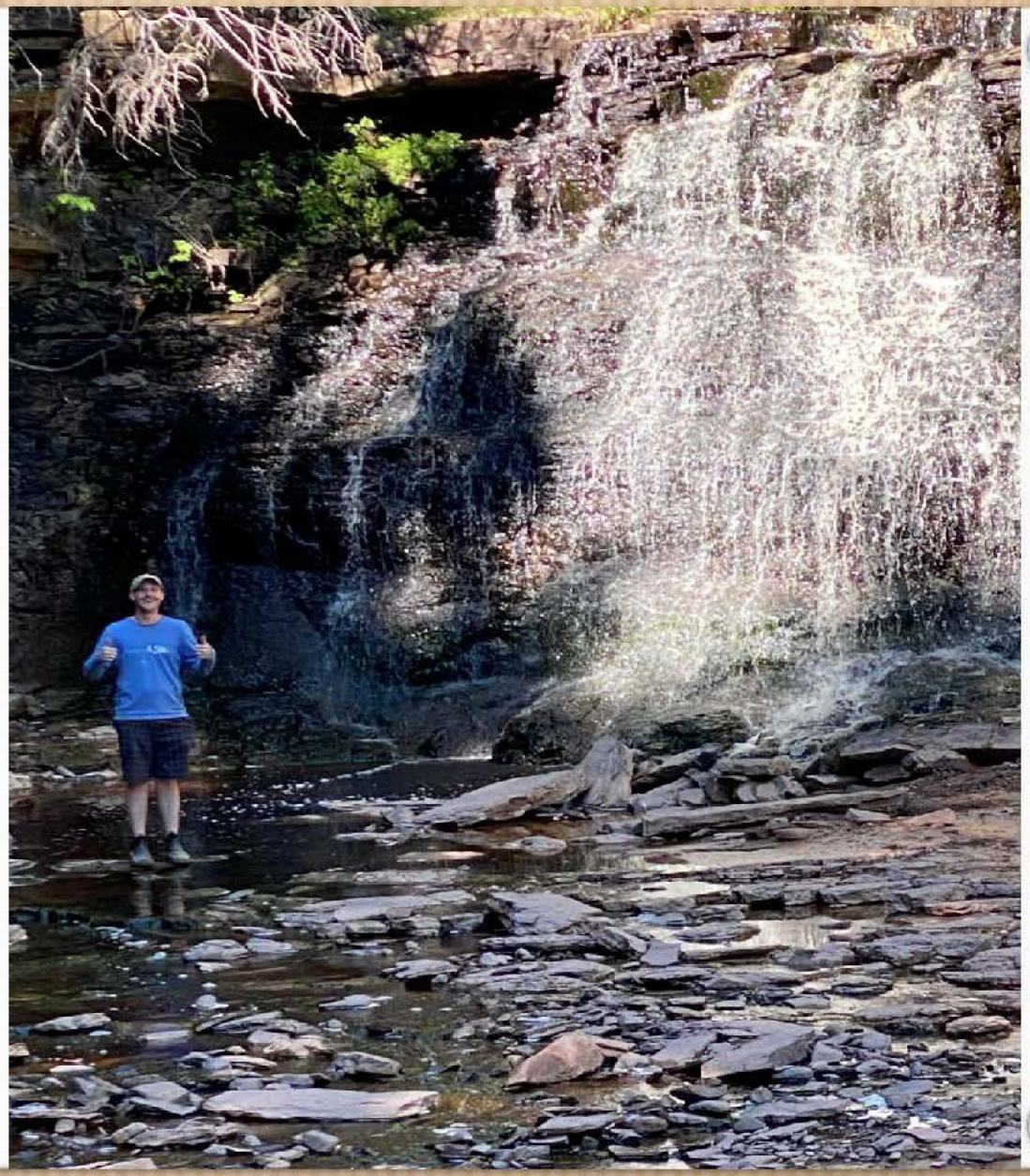
- Help with costs of ownership
- Increased quality of life for families
- Year-round support for local businesses
- Employment opportunities in community otherwise non-existent
- #s of Ambassadors promoting underserved areas
- Free to you - National and International Marketing specific to underserved areas



July 22nd 2023

Thank you for opening up your gorgeous place to our family! It was the perfect place to relax together. Our new favourite activity is hunting for seaglass on the shores while watching the beautiful skies. A highlight was our sucessful journey to find the waterfall. Thank you for the hospitality - we could not ask for a better place to stay!

- Erin, Whit, Alex, Ian, Grant, + Zach
(Milton, ON)



Summary

- We are 5 owners of Seasonal Dwellings, homes and cottages on the Shore, registered as STRs
- We are not taking away from affordable housing; a Provincial and Federal Responsibility
- Our property's will not be affordable housing or LTRs; they are for family/business use
- We share through STR to offset our costs of ownership. We and our visitors support the community and local economy year-round.

Conclusion

Two Recommendations

1. Alternative Direction – gather more information relative to STRs in the West Hants Region. Understand the actual benefits and challenges. Make informed decisions on information specific to our communities! Look beyond bias.

And

2. Not introduce regulations for short term rentals currently. Monitor and reassess.

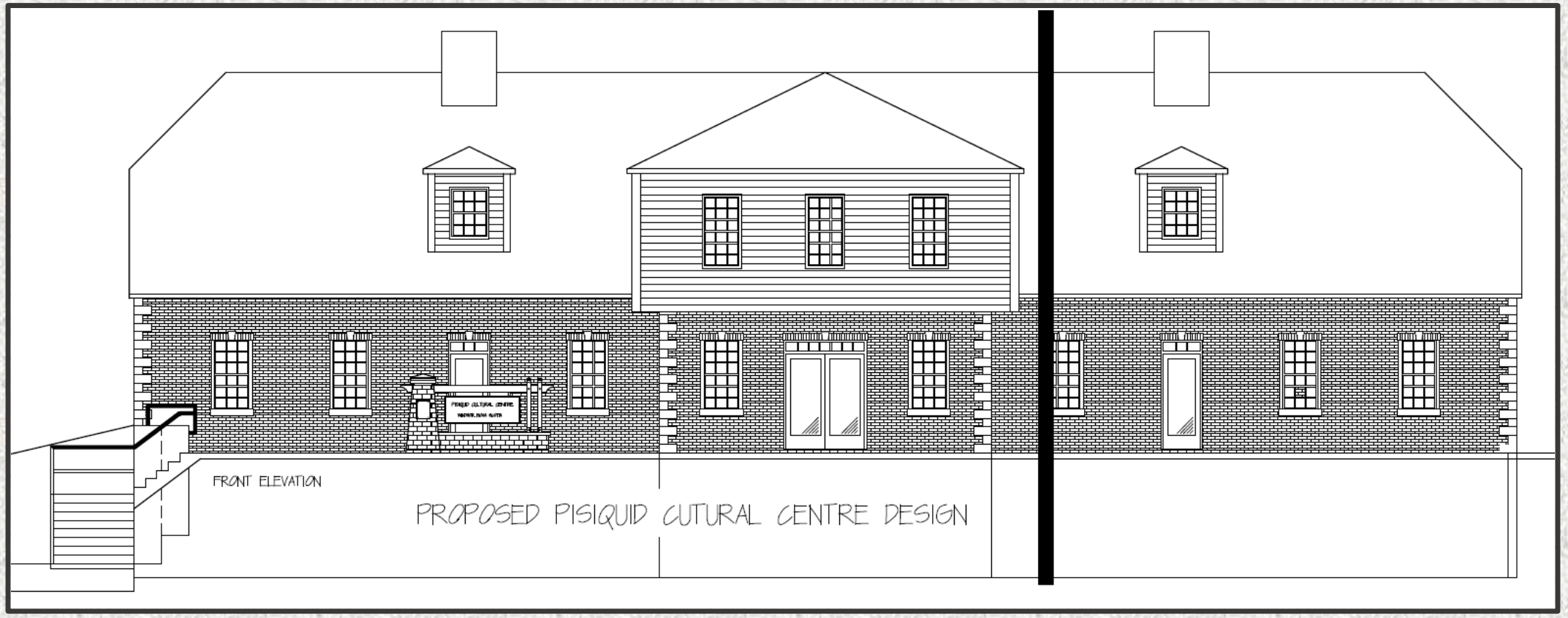
Lead Change that's best for the West Hants Region!




Vision for Lands Adjacent to
Fort Edward Historic Site
Presentation October 24th, 2023 to
West Hants Regional Municipal Council
by
West Hants Historical Society
Shirley Pineo, President

Proposed Heritage & Cultural Centre

Concept Drawing – facing extension of Fort Edward Street



Culture and Heritage Timeline

- For millennia – Indigenous/Mi'kmaq
- 1680 ± - Acadians settled, dyked and farmed Pisiquid area
- 1722 - Built - Parish Church of Notre-Dame-de-l'Assomption
- 1750 - British/Military/Trading Post
- 1755 - Le Grand Dérangement (Expulsion of the Acadians)
- 1760/61 - New England Planters
- 1760-63 - Acadian Prisoners at Fort Edward
- 1765 - Oldest Agricultural Fair in North America
- 1765-1918 - Military & Defence - American Revolution, War of 1812, World War I
- 1922 - Designated National Historical Site

Planning Committee

- West Hants Historical Society
- Mi'kmaq Warriors Society
- Glooscap First Nation
- La Fédération acadienne de la Nouvelle-Écosse
- Les Amis de Grand-Pré (The Friends of Grand-Pré)
- African Nova Scotian Community
- Royal Canadian Legion
- Parks Canada
- Hantsport & Area Historical Society
- West Hants Regional Municipality

- Nova Scotia Museum – Grand-Pré Research Assistant
- Anthropology Dept., St. Mary's University
- Heritage Trust of Nova Scotia
- 84th Regiment 2nd Battalion Reenactors
- Community-led Vision for Fort Edward Hill
- Windsor Agricultural Society

Via Updates

- Mi'kmaq Cultural Centre
- Boreas Heritage Consulting

Engaging the Community



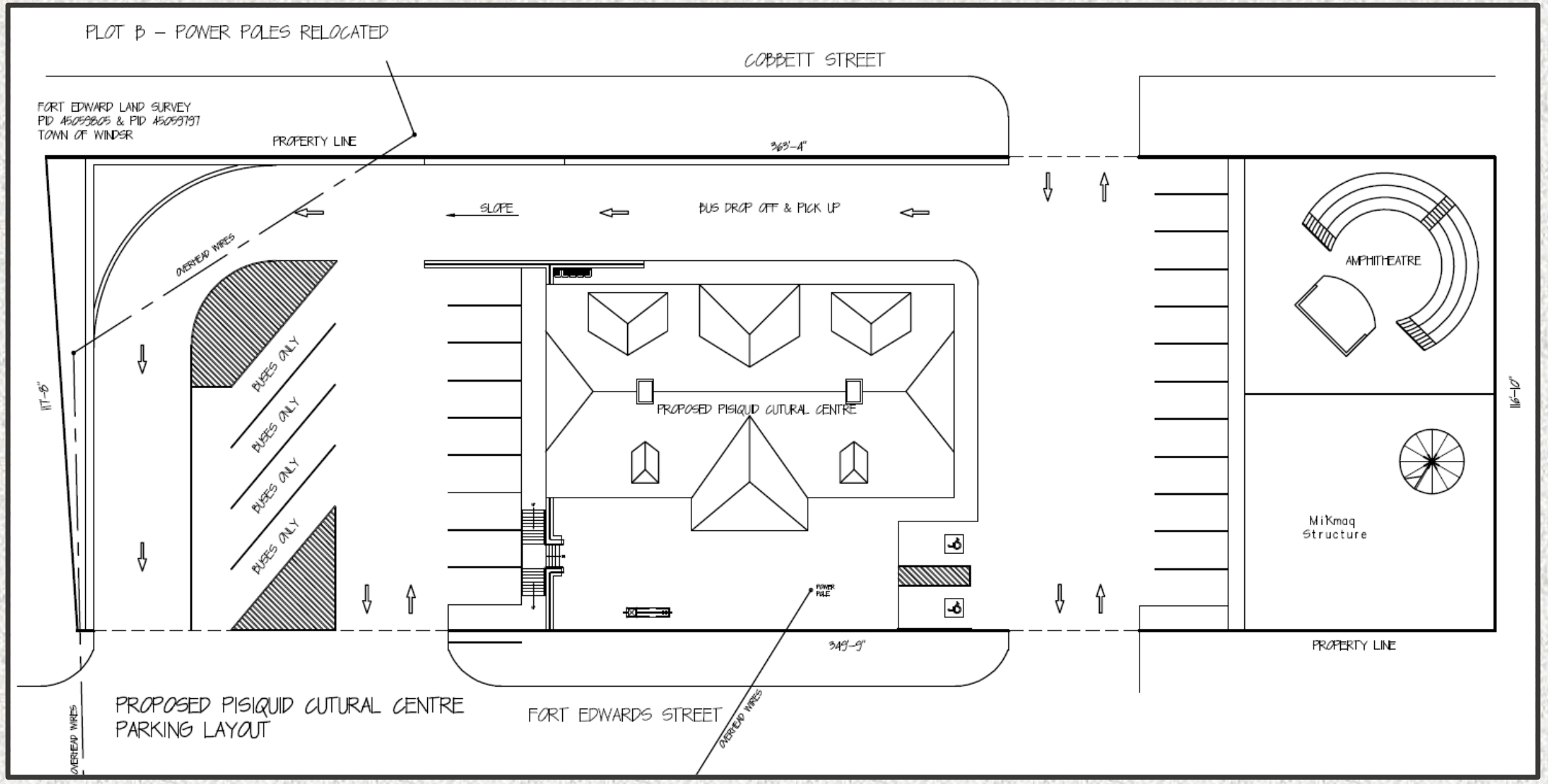


Verbal Support from MP and MLA





Lot Plan - Concept Drawing



Benefits





Cultural Education & Understanding

Benefits





Historical Education & Re-enactments

Benefits – Family Recreation & Community Events















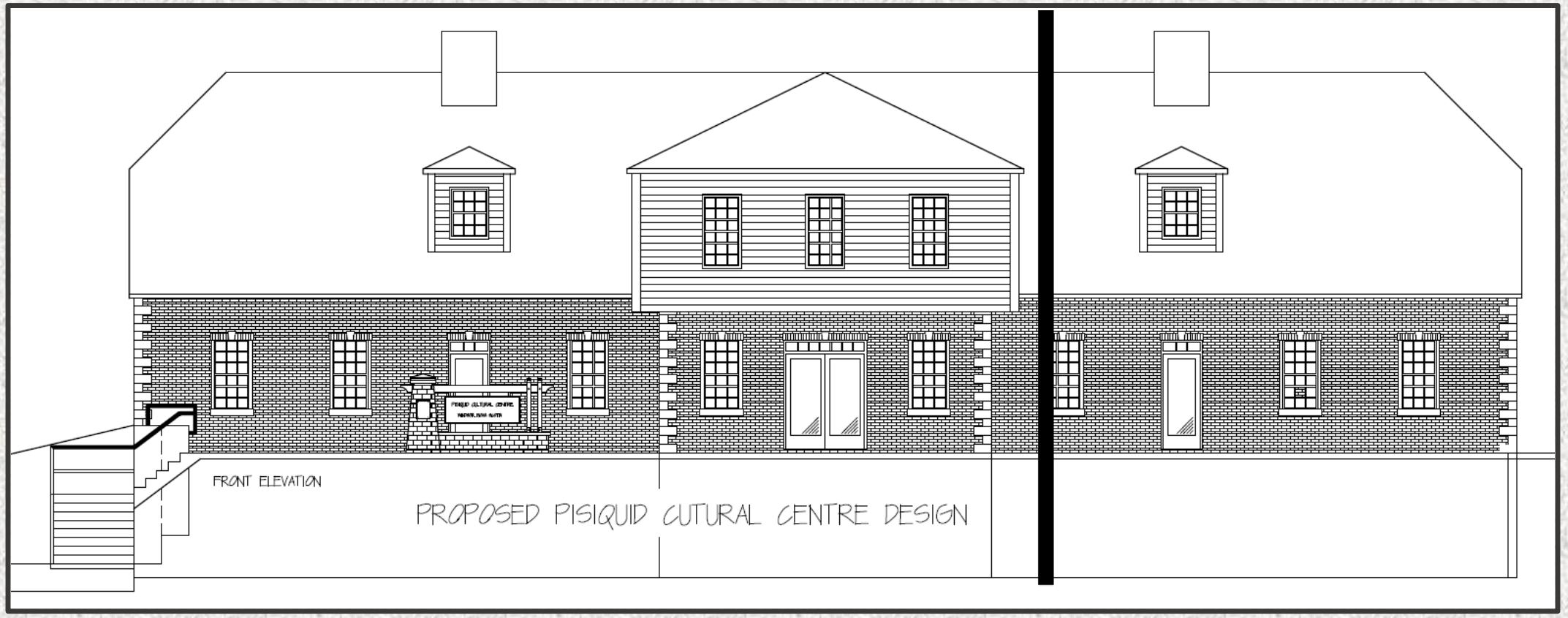






Proposed Heritage & Cultural Centre

Concept Drawing – facing extension of Fort Edward Street





Thank You

West Hants Historical Society

Shirley Pineo, *President*

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: October 24, 2023

Subject: Development Agreement: 8 Upper Water Street, Windsor (PID 45333291); File # 23-14B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

…that Council gives Second Reading to and approves entering into a development agreement to permit a six storey, mixed-use apartment building on PID 45333291 at 8 Upper Water Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-14 to the Planning and Heritage Advisory Committee dated September 14, 2023.

…that Council requires that the development agreement with Justin Brown which permits a six storey, mixed-use apartment building on PID 45333291 at 8 Upper Water Street in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

An application was received from Justin Brown of Halyard Developments Limited on May 30, 2023. The application is to consider permitting a six (6) storey, mixed-use apartment building by development agreement.

DISCUSSION

A Public Information Meeting was held on July 5, 2023.

On September 14, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed unit availability as rentals or for purchase, allocation of parking, and water supply concerns. Staff explained that the application had received a 'cautious approval' from the Engineering Division of the Public Works Department. This was given as Public Works has many proposed developments in queue and there are capital water system improvements pending over the next few years which will increase capacity.

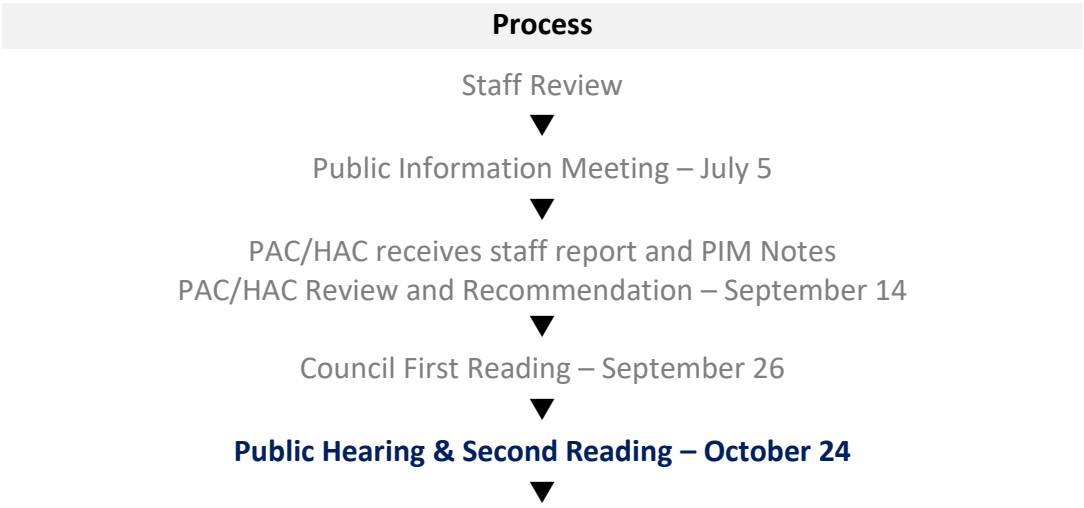
During the September 14 meeting, PAC/HAC recommended in favour of the application.

On September 26, 2023, staff presented the PAC/HAC recommendation to Council for First Reading. Council discussed matters of parking, view planes from Fort Edward, the setback requirements, stormwater management, and municipal service capacity.

During the September 26 meeting, Council recommended in favour of the application.

NEXT STEPS

The process for this application is as follows:



Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- hold Second Reading and approve the development agreement as drafted or as specifically revised by direction of Council; or
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A	2023-09-26 Staff Report – Development Agreement: 8 Upper Water Street, Windsor (PID 45333291); File # 23-14A

CHIEF ADMINISTRATIVE OFFICER REVIEW

The development described in the report and Development Agreement drafted is in keeping with development anticipated in the growth centres of the WHRM and specifically the community of Windsor. The proposal has been reviewed in the public forum to-date through a PIM and pending public hearing.

I support the recommendation.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by: 

Mark Phillips, Chief Administrative Officer

Appendix A – 2023-09-26 Staff Report – Development Agreement: 8 Upper Water Street, Windsor (PID 45333291); File # 23-14A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: September 26, 2023

Subject: Development Agreement: 8 Upper Water Street, Windsor (PID 45333291); File # 23-14A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

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 entering into a development agreement to allow a six storey, mixed-use apartment building on PID 45333291 at 8 Upper Water Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-14 to the Planning and Heritage Advisory Committee dated September 14, 2023.

… that Council requires that the development agreement with Justin Brown which permits a six storey, mixed-use apartment building on PID 45333291 at 8 Upper Water Street in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

An application was received from Justin Brown of Halyard Developments Limited on May 30, 2023. The application is to consider permitting a six (6) storey, mixed-use apartment building by development agreement.

DISCUSSION

A Public Information Meeting was held on July 5, 2023.

On September 14, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The committee discussed unit availability as rentals or for purchase, allocation of parking, and water supply concerns. Staff explained that the application had received a 'cautious approval' from the Engineering Division of the Public Works Department. This was given as there are a large number of pre-approval capacity statements given to developments in queue and there are also water system capacity improvements pending over the next few years.

During the September 14 meeting, PAC/HAC recommended in favour of the application.

NEXT STEPS

The process for this application is as follows.

Process

Staff Review

▼

Public Information Meeting – July 5

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – September 14

▼

Regional Council First Reading – September 26

▼

Public Hearing & Second Reading – October 24*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

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

APPENDICIES

Appendix A	2023-09-14 Staff Report – Development Agreement: 8 Upper Water Street, Windsor (PID 45333291); File # 23-14

CHIEF ADMINISTRATIVE OFFICER REVIEW

To approve first reading and a public hearing will promote public feedback regarding the proposal and allow Council to thoroughly review not only the components of the DA application but public feedback. The proposal is a significant development for the downtown area changing the landscape. This type of potential change will likely initiate feedback from the community.

I support the recommendation.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

Appendix A – 2023-09-14 Staff Report – Development Agreement: 8 Upper Water Street, Windsor (PID 45333291); File # 23-14

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: September 14, 2023

Subject: Development Agreement: 8 Upper Water Street, Windsor (PID 45333291); File # 23-14

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a six storey, mixed-use apartment building on PID 45333291 at 8 Upper Water Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-14 to the Planning and Heritage Advisory Committee dated September 14, 2023.

…that PAC/HAC recommends that Council require that the development agreement with Justin Brown which permits a six storey, mixed-use apartment building on PID 45333291 at 8 Upper Water Street in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

An application was received from Justin Brown of Halyard Developments Limited on May 30, 2023. The application is to consider permitting a six (6) storey, mixed-use apartment building by development agreement.

DISCUSSION

The subject lot is approximately 27,000 sq. ft. (2,500 sq. m.) in size. It is designated Town Centre on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) (Figure 1). The subject lot is zoned Town Centre (TC) on Schedule A of the Windsor Land Use By-law (WLUB) (Figure 2).

The property currently has a single storey office building on the corner of Upper Water Street and King Street which hosts the Nova Scotia Tourism Bureau, as well as a parking lot and undeveloped land fronting on Cobbett Street.

Surrounding Context

Properties to the east of the subject lot are designated Residential and are zoned Two Unit Residential (R-2). Properties to the north and south are designated Town Centre and zoned Town Centre (TC). Lastly, properties to the west are designated Town Centre and zoned Waterfront Development District (WDD). North of the subject lot is the on-ramp to Highway 101. There are a number of residential uses surrounding the subject lot to the north and east and a variety of commercial uses across Upper Water Street to the west. Further northeast of the subject lot is the Fort Edward National Historic Site.

Municipal Planning Strategy Document Review

Policy 7.2.1 of the WMPS is the first enabling policy to be considered for this application. This policy provides Council with the ability to consider new main buildings in the Town Centre (TC) zone by development agreement subject to Policy 7.2.2. As the proposal is for a new main building, this policy is considered met.

Policy 7.2.2 of the WMPS provides Council with the criteria to review development proposals permitted to be considered by Policy 7.2.1. The full list of criteria is included in Attachment A. In summary, the proposal meets the criteria since:

- the proposed use is a permitted use in the Town Centre (TC) zone;
- the proposal incorporates windows and other elements in the street level façade;
- an adequate amount of parking in included in the proposal; and
- the planned greenspace is adequately landscaped.

Policy 7.4.2 of the WMPS is the second enabling policy to be considered for this application. This policy provides Council with the ability to consider the construction of a new residential buildings containing three or more dwelling units in the Town Centre (TC) zone by development agreement subject to Policy 7.4.3. As the proposal is for a new residential building containing three or more dwelling units, this policy is considered met.

Policy 7.4.3 of the WMPS provides Council with the criteria to review development proposals permitted to be considered by Policy 7.4.2. The full list of criteria is included in Attachment A. In summary, the proposal meets the criteria since:

- the architectural design and scale of the proposal is reasonably compatible with the surrounding area;
- the proposal is not included in the Architectural Control District;
- the proposal consists of commercial uses at the street level; and
- the Development Officer and Municipal Traffic Authority have no concerns which have not been otherwise addressed in this report.

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

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

Additional Consideration

The proposal provides a total of 89 vehicle parking stalls for 95 dwelling units and 4165 sq. ft. (386.9 sq. m.) of commercial floor area. Generally, a parking ratio of 1 parking space per dwelling unit with additional parking spaces for the commercial use has been required in past development agreements. However, as this proposal is located in the core of Windsor, provides secure bicycle parking stalls, and there are plans to implement car sharing spaces, staff consider that the lowered parking ratio is justified.

The Public Works Engineering Division commented that there is an abundance of development requests that have not yet been built out. There are also pending water system capacity improvements to take place over the next few years which contribute to difficulty determining water capacity for future projects. At this time, a cautious pre-approval was given by the Public Works Engineering Division.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

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

The Municipal Services Specifications Manual will require the developer to provide information to the Public Works Engineering Division to ensure pre- and post-development flows are met. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the draft development agreement has been considered within the context of both the specific and general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to consider permitting a six (6) storey mixed-use apartment building on PID 45333291 at 8 Upper Water Street in Windsor by development agreement.

Process
Staff Review
▼
Public Information Meeting – July 5
▼
PAC/HAC receives staff report and PIM Notes **PAC/HAC Review and Recommendation – September 14**
▼
Regional Council First Reading – September 26*
▼
Public Hearing & Second Reading – October 24*
▼
Notice of Approval in Local Paper
▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

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

Figure 1 – Windsor GFLUM Extract

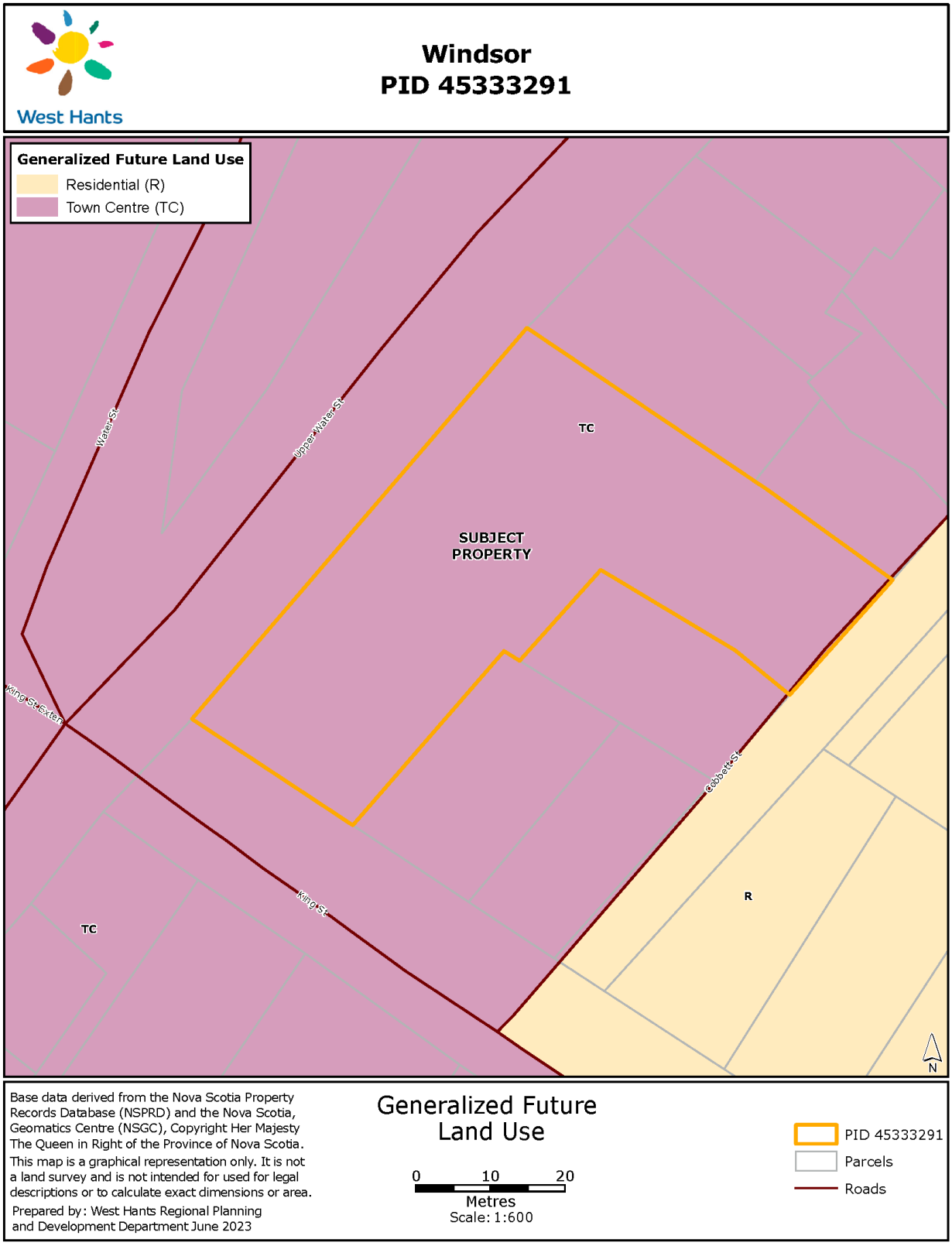
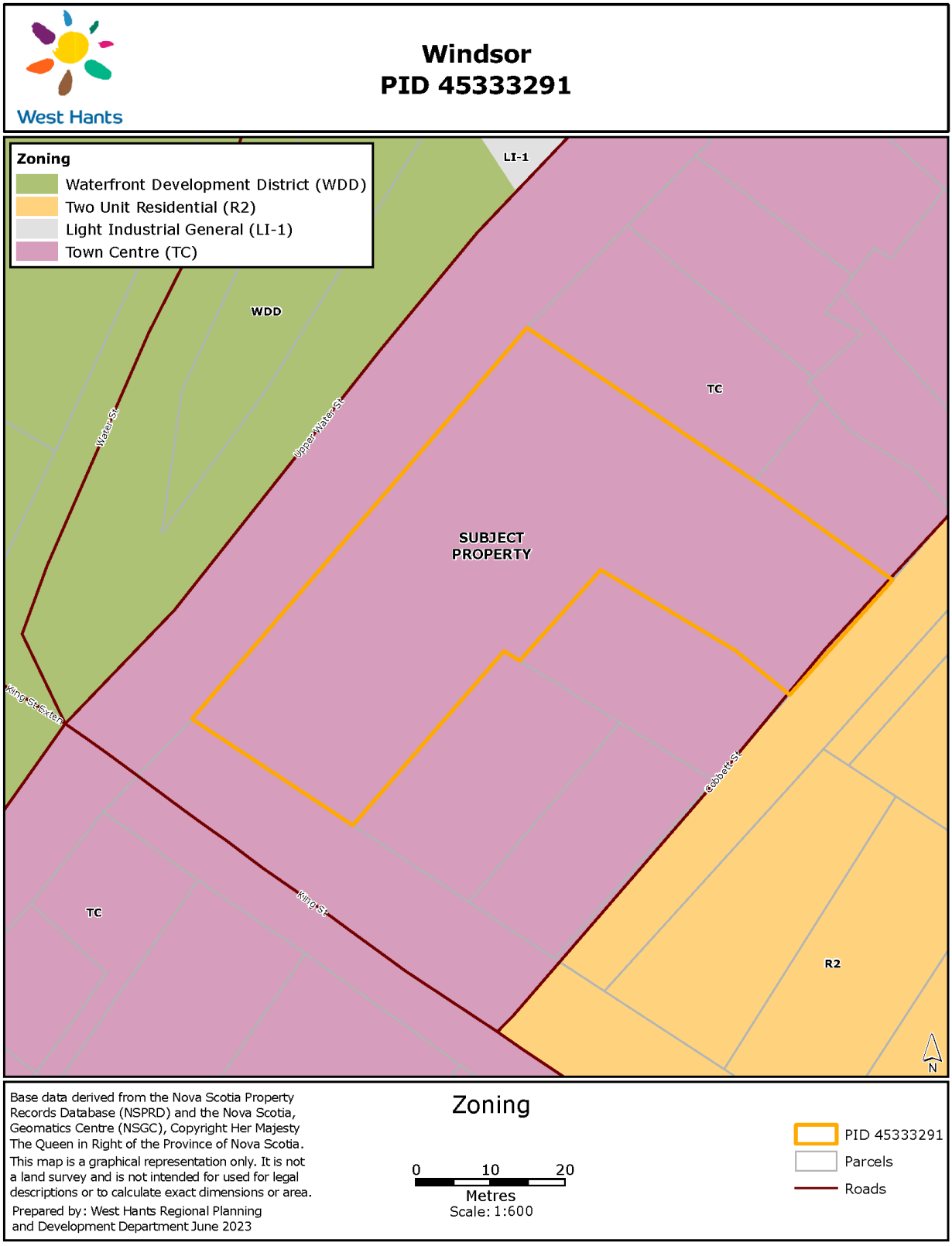


Figure 2 – Windsor Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

Policy 7.2.1 *It shall be the policy of Council that the following categories of development proposals in the Town Centre zone will be considered by development agreement subject to Policy 7.2.2:*	
(a) new main buildings;	The proposal to demolish the current building and reconstruct would be deemed a new main building.
(b) additions in excess of 1,000 ft2 (92.9 m2) in floor area to the front façade of an existing building; or	N/A
(c) where the development will be located on a parcel of land exceeding one acre (0.4 hectare) in size;	N/A
(d) ground signs.	N/A
Policy 7.2.2 *It shall be the policy of Council that the review of development proposals under Policy 7.2.1 will have due regard to the following conditions:*	
(a) the proposed use is a permitted use in the Town Centre zone;	The proposed use is a permitted use in the Town Centre (TC) zone.
(b) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual;	The subject lot is not within an Architectural Control District.
(c) the building design incorporates windows and other elements in the street level façade to avoid the appearance of solid blank walls;	The proposal includes a variety of windows and entrances on the ground level.
(d) adequate provision is made for parking or Policy 4.11.3 is applied;	The proposed development agreement requires 86 vehicle parking spaces, with one being a flexible car share space to service 95 dwelling units and 4165 sq. ft. (386.9 sq. m.) of commercial floor area. As the proposal is located in the core of Windsor, provides bicycle parking stalls, and there are plans to implement car sharing spaces, this criterion is considered met.

	The Development Officer stated that they agreed with the reasoning to lower the standard parking ratio.
(e) where possible, landscaping and pedestrian areas, such as courtyards, are provided;	The proposal does not accommodate additional landscaped open space due to the lot size, but the required yard setbacks are landscaped.
(f) any other matter which may be addressed in a development agreement; and	All relevant matters have been addressed in this report.
(g) the provisions of Policy 16.3.1.	See below.

Policy 7.4.2 *To provide more control over new residential development and increases in the number of dwelling units in existing residential buildings, and recognizing that most existing lots and buildings cannot conform to current standards, it shall be the policy of Council that the following types of residential development shall be considered in the Town Centre zone by development agreement subject to Policy 7.4.3:*	
(a) the construction of a new residential building containing three or more dwelling units; and	The proposal is for a new mixed use residential building containing 95 units, so it may be considered under this policy.
(b) an increase in the number of dwelling units in an existing residential building.	N/A
Policy 7.4.3 *In considering development agreements specified under Policy 7.4.2, it shall be the policy of Council to have due regard to the following conditions:*	
(a) the architectural design and scale of the proposed development is compatible with the surrounding area and is reasonably consistent with the provisions of the Architectural Design Manual;	The subject lot is not within the Architectural Control District. The Development Officer commented that a step-back design for each story above the third story would be preferable to reduce the scale of the building for pedestrians, however there is no requirement in the WMPS for the design to incorporate step-backs. The provided design meets this criterion as it is reasonably compatible with the surrounding area. The subject lot is

	located in an area of Windsor that is intended for this density of development.
(b) where the development involves the construction of a new residential building, commercial space shall be included at the street level, except in cases where commercial space is not appropriate because the development is proposed for a fringe area of the Town Centre which is still predominantly residential;	The proposed development consists of commercial uses at street level and residential units above. The proposal therefore meets this policy criteria.
(c) the location of the proposed development does not compromise the commercial integrity of the area or restrict existing commercial development patterns;	The proposal includes commercial uses located at the street level of the subject lot. The inclusion of commercial space in the proposal conforms with the intended development pattern.
(d) adequate provision is made for parking and for access to and from the site;	The Municipal Traffic Authority stated that they did not have any issues with the access provided to the subject lot. As stated above, the Development Officer determined that the parking provided in the proposal is adequate.
(e) adequate recreational open space is available either on site or in nearby public parks;	The proposal provides greenspace and balconies as on-site recreational space. In addition, the Fort Edward Historic Site and surrounding park are located within walking distance of the proposal. The Development Officer stated that the available recreational space is adequate.
(f) any other matter which may be addressed in a development agreement; and	All relevant matters have been addressed in this report.
(g) the provisions of Policy 16.3.1.	See below.

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 Public Works Engineering Division provided a cautious pre-approval statement for capacity of water supply within the Windsor Utility. This is due to an abundance of development requests that have not yet been built out. There are also pending water system capacity improvements to take place over the next few years. There was stated to be no issue with sewer capacity.
(ii) the adequacy of school facilities;	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated that projected capacity for student enrollment and student transportation appears sufficient to accommodate the proposed development.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services has no issues with fire protection but did mention that the building would require an adequate water supply for a sprinkler system. The local Fire Chief has stated that it is preferable to have 360 degree access to the building, but a suitable alternative is for rolling curbs and a restriction on overhead obstructions on all access routes.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Traffic Authority has no concerns regarding the road networks adjacent or leading to the development.
(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 has no concerns regarding movement suitability on the subject lot.

(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that the subject lot is suitable in terms of dimension and shape for this proposal.
(d) the pattern of development which the proposal might create;	The proposal matches the intent of the Town Centre designation as it includes a mix of commercial and dense residential development. The Development Officer commented that a step-back design above the third storey would be preferable, but indicated no concerns regarding the pattern of development.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;	The site appears to have a varied elevation throughout. There appears to be a near storey difference in elevation between the King/Upper Water Street side and the Cobbett Street side of the lot. The proposal does consider this elevation and lowers the height of the portion of the building on the Cobbett street side to three storeys. There are no watercourses or wetlands located on the property. No concerns were recorded during the site visit.
(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.

Attachment B – Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

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

(Hereinafter referred to as the "Municipality")

OF THE FIRST PART

- and -

HALYARD DEVELOPMENTS LIMITED a body corporate, with a head office at 84 Wickwire Avenue, Wolfville, in the County of Kings, Province of Nova Scotia,

(Hereinafter referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered Owner of parcel of land located at 8 Upper Water Street, PID 45333291, hereinafter referred to as the "Property", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS PID 45333291 is designated Town Centre on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned Town Centre (TC) on the Zoning Map of the Land Use By-law; and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit up to 95 apartment units and up to 4165 sq. ft. (386.9 sq. m.) of commercial space within a six (6) storey apartment building on the Property (the "Development"); and

WHEREAS Policy 7.2.1 of the Municipal Planning Strategy and Section 6.1 (e) of the Land Use By-law enable Council to consider entering into a development agreement to allow new main buildings in the Town Centre (TC) zone, and Policy 7.4.2 of the Municipal Planning Strategy and Section 6.1 (f) of the Land Use By-law enable Council to consider entering into a development agreement to allow new multiple unit residential development containing more than three units; and

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

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

PART 1 AGREEMENT CONTEXT

1.1 Definitions

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

(a) "Active Construction" means that the Owner has active development and building permits for the construction of the apartment building and the associated parking podium, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit.

(b) "Commencement" means the date the Owner begins Active Construction on the apartment building within this Agreement as permitted by an issued development and building permit; and

(c) "Commercial Floor Area" means the total useable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common hallways between stores.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

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

(a) Municipal Planning Strategy means the Windsor Municipal Planning Strategy, effective on September 21, 2005, as amended, or successor by-laws;

(b) Land Use By-law means the Windsor Land Use By-law, effective on September 21, 2005, as amended, or successor by-laws;

(c) Subdivision By-law means the Windsor Subdivision By-law, effective on March 21, 2012, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

(a) The Parties agree that uses on the Property shall be limited to the following:

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

(ii) a six (6) storey apartment building containing up to 95 apartment units and up to 4165 sq. ft. (386.9 sq. m.) of Commercial Floor Area on the ground floor area fronting onto Upper Water Street and King Street, which shall be limited to the following:

- Arts and crafts studios including photography
- Banks and financial institutions
- Clubs and community organizations
- Commercial schools
- Day care centres, licensed and non-licensed
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Licensed liquor establishments
- Microbrewery, Microdistillery, Winery
- Museums, art galleries and libraries
- Offices
- Parking structures
- Repair and rental establishments
- Restaurants
- Retail stores
- Service and personal service shops
- Veterinary clinics and animal hospitals

(iii) underbuilding, underground and surface parking for the uses within the building.

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

2.2 Development Location and Design

(a) The Development location and design shall be generally consistent with the site plan shown in Schedule B.

(b) The Development Officer may approve in writing minor changes to the location of the building or other aspects of the Site Plan.

(c) The apartment building shown on the Site Plan in Schedule B shall be limited to a maximum of 95 dwelling units and up to 4165 sq. ft. (386.9 sq. m.) of Commercial Floor Area on the ground floor. The building may include underground and underbuilding parking and shall conform to the following requirements:

Minimum Front Yard (Upper Water St.)	0 ft. (0 m.)
Minimum Flanking Yard (King St.)	0 ft. (0 m.)
Minimum Rear Yard (Cobbett St.)	20 ft. (6.10 m.)
Minimum Side Yard	7 ft. (2.13 m.)
Maximum Storey of Main Building	6 storeys
Maximum Building Height	60 ft. (18.29 m.)*
Maximum Height of Accessory Building	15 ft. (4.57 m.)

*Maximum building height shall not include a mechanical penthouse or roof access.

(d) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.

(e) The Owner shall keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Access and Egress

(a) The Owner shall develop, construct, and maintain the driveways in the Development in general conformance with the driveways shown on Schedule B.

(b) The driveways shown on Schedule B shall be paved with a minimum paved surface width of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated.

2.4 Parking

(a) All parking spaces for vehicles using the Property shall be located on the lot and shall be generally located as shown on Schedule B.

(b) A minimum of 86 parking spaces, with at least one space which may be used as a care share space, and a minimum of 10 bicycle parking spaces to accommodate the residential and commercial uses.

(c) Parking may be provided either underbuilding, underground or outside at grade.

(d) Outside parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.

(e) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m.) wide.

(f) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.5 Fire Safety

(a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.

(b) All curbs shall be designed to be mountable by emergency services vehicles.

(c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.6 Buffering

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

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

(b) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or

(c) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or

any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.

2.7 Servicing

(a) Waste Collection

(i) No Municipal garbage collection will be provided to the Development. The Owner shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.

(ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

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

(ii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Property.

(c) Snow Plowing

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

2.8 Maintenance

(a) The Owner shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

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

2.9 Signs and Lighting

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

2.10 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 6:00 a.m. and 11:00 p.m. daily, inclusive.

2.11 Variance

In accordance with Section 5.48 of the Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

(i) minimum required yard dimensions as required in Section 2.2 (c) of this Agreement; and
(ii) number of parking spaces required.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not vary or change the number of units within the apartment building on the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.

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

3.3 The following matters are substantive matters:

(a) the number of units permitted within the apartment building on the Property as listed in Section 2.1, *Use*;
(b) maximum building height as listed in Section 2.2, *Development Location and Design;*

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

3.5 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:

(a) as provided for in Section 4.1, *Commencement of Development,* of this Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or

(c) at any time upon the written request of the Owner, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.6 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

(a) The Owner may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Owner begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.

(b) Active Construction shall commence not later than forty-eight (48) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of commencement of Development without such an extension being deemed to be an amendment to this Agreement.

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

4.2 Material to be Provided

(a) The Owner shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required, within ten (10) days of completion of any work which requires the engineered design.

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

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

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

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

5.2 Severability of Provisions

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

5.3 Interpretation

(a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.

(b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

(c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

(a) The Municipality does not make any representations to the Owner about the suitability of the Property for the Development proposed by this Agreement. The

Owner assumes all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Development.

(b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

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

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Justin Brown at 84 Wickwire Avenue, Wolfville, B4P 1W2 , or at any other address provided in writing or email by the Owner.

(b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided in writing or email by the Municipality to the Owner.

5.10 Full Agreement

This Agreement replaces and discharges the development agreement dated July 22, 2013 between the Town of Windsor and Cedarwood Developments Limited recorded at the Land Registration Office in Hants County, Nova Scotia on August 20, 2013 as document #103626942, such that the sole development agreement applicable to the lands described in Schedule A attached hereto is this agreement.

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

SIGNED, SEALED AND DELIVERED	**) WEST HANTS REGIONAL**
In the presence of:	**) MUNICIPALITY**
	)
	)
	)
_____	Per: _____
Witness	) Abraham Zebian, Mayor
	)
	)
	)
_____	) Per: _____
Witness	) Deanna Snair, Municipal Clerk
	)
	)
	)
	) HALYARD DEVELOPMENTS LIMITED
	)
	)
	)
_____	Per:_____
Witness	) Aaron Ewer, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

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

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.

3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.

4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

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

_____
A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

_____
Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Aaron Ewer, Nova Scotia, make oath and say that:

1. I Justin Brown of **HALYARD DEVELOPMENTS LIMITED** the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.

3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.

4. The Corporation is a resident of Canada under the Income Tax Act (Canada).

5. The Ownerhip of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

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

_____ _____

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

Aaron Ewer, President

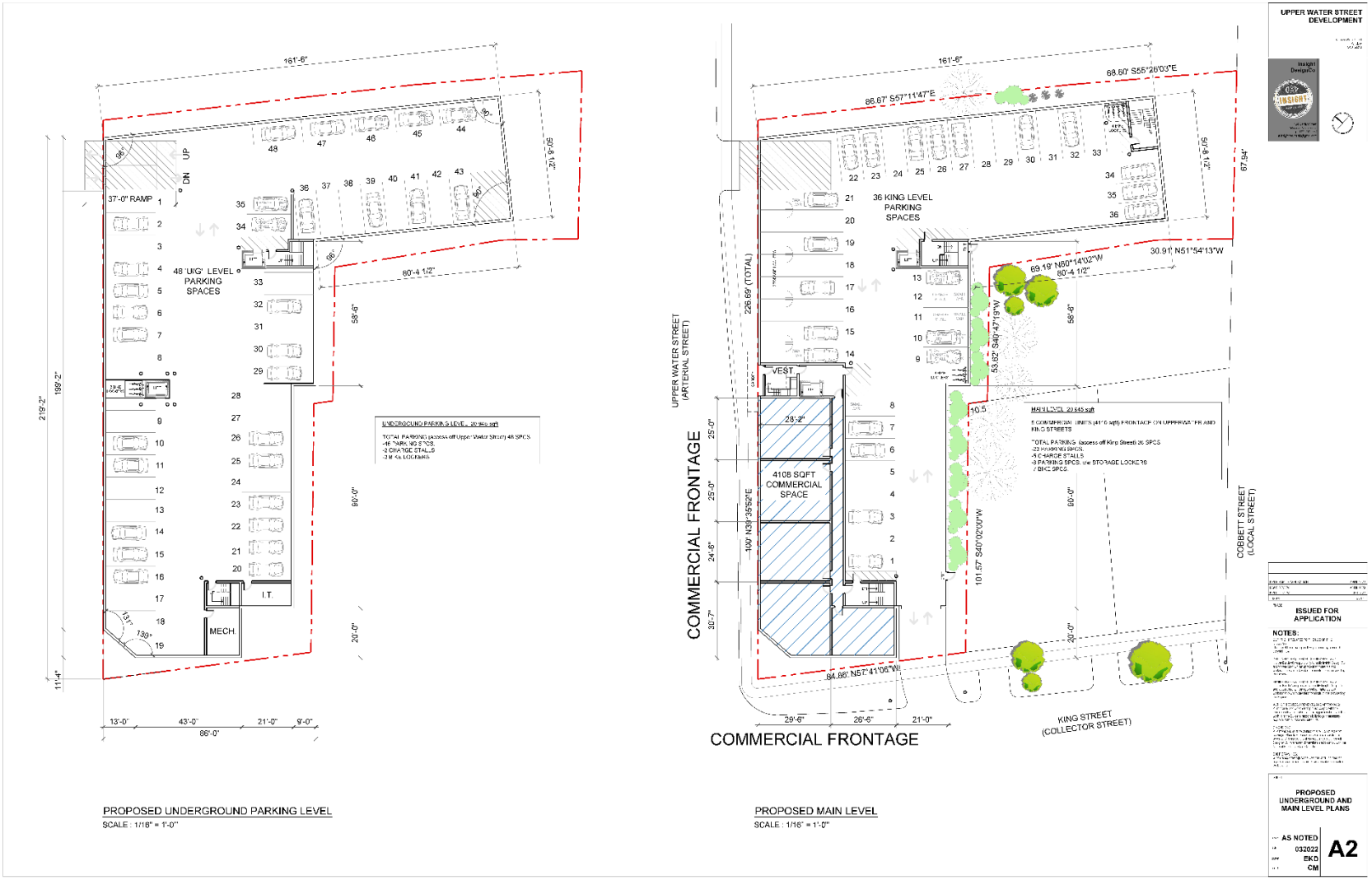
Schedule A
Legal Description

PID 45333291
Place Name: Water Street, Windsor
Designation of Parcel on Plan: Lot DTR-1
Title of Plan: Plan of survey showing Lot DTR-1 a consolidation of land of Dragon Tan Restaurant and Lounge Limited, Water Street, Windsor, Hants County, Nova Scotia
Registration of District: Hants
Registration Reference of plan: 8494
Registration Date: April 11, 2001

The parcel complies with the subdivision provisions of Part IX of the Municipal Government Act

Schedule B
Site Plan


UPPER WATER STREET DEVELOPMENT
NORTH
86.67' S57°11'47"E
68.60' S55°26'03"E
67.94'
69.19' N60°14'02"W
20 945 sqft
SIX STOREY MIXED USE
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
226.69' (TOTAL)
UPPER WATER STREET
(ARTERIAL STREET)
100' N39°35'52"E
83.82' S40°01'08"W
101.67' S40°02'00"W
COBBETT STREET
(LOCAL STREET)
84.86' N57°41'06"W
KING STREET
(COLLECTOR STREET)
PROPERTY STATISTICS
10.5
PROPOSED SITE PLAN
SCALE : 1/16" = 1'-0"
HWY. 101
WATER STREET
UPPER WATER STREET
COBBETT STREET
KEYPLAN
LOCAL RECREATION AND OPEN SPACE:
-FORT EDWARD TRAILS
-HALIBURTON HOUSE PROPERTY
-PESIQUID PATHWAYS
-FORMER DOMINION ATLANTIC RAILWAY TRAILS
-EXPANSION OF AVON RIVER WATERFRONT WALKING
PATHWAYS AND CONNECTIVITY TRAILS
-HANTS AQUATIC CENTRE
-WEST HANTS SPORTS PLEX
KING STREET
PROPOSED MASSING MODEL
NTS - REFER TO SHEET A4 FOR ARCHITECTURAL
ELEVATIONS
ISSUED FOR
APPLICATION
NOTES:
PROPOSED SITE PLAN
AND MASSING MODEL
AS NOTED
032022
EKD
CM
A1


UPPER WATER STREET DEVELOPMENT
PROPOSED UNDERGROUND PARKING LEVEL
SCALE : 1/16" = 1'-0"
PROPOSED MAIN LEVEL
SCALE : 1/16" = 1'-0"
COMMERCIAL FRONTAGE
UPPER WATER STREET (ARTERIAL STREET)
COBBETT STREET (LOCAL STREET)
KING STREET (COLLECTOR STREET)
37'-0" RAMP
48 U/G' LEVEL PARKING SPACES
36 KING LEVEL PARKING SPACES
4108 SQFT COMMERCIAL SPACE
VEST
I.T.
MECH
ISSUED FOR APPLICATION
NOTES:
PROPOSED UNDERGROUND AND MAIN LEVEL PLANS
AS NOTED
032022
EKD
CM
A2


UPPER WATER STREET DEVELOPMENT
UPPER WATER STREET (ARTERIAL STREET)
86.67' S57°11'47"E
68.60' S55°26'03"E
67.94'
69.19' N60°14'02"W
53.62' S40°47'19"W
101.57' S40°02'00"W
84.86' N57°41'06"W
226.69' (TOTAL)
100' N39°35'52"E
CORBETT STREET (LOCAL STREET)
KING STREET (COLLECTOR STREET)
TWO BDRM +DEN 1140 sq/t
ONE BDRM +DEN 800 sq/t
ONE BDRM 700 sq/t
ONE BDRM 870 sq/t
BUILDING SERVICES
ONE BDRM +DEN 820 sq/t
ONE BDRM 805 sq/t
ONE BDRM 525 sq/t
ONE BDRM 765 sq/t
ONE BDRM 775 sq/t
TWO BDRM 1000 sq/t
TWO BDRM 960 sq/t
ONE BDRM 710 sq/t
ONE BDRM 570 sq/t
TWO BDRM +DEN 960 sq/t
10.5
SECOND LEVEL 23,945 sqft
21 RESIDENTIAL UNITS
2 - TWO BDRM + DEN
2 - TWO BDRM
2 - ONE BDRM + DEN
15- ONE BDRM
TOTAL PARKING (access off Corbett St. west) 5 SPCS.
THIRD AND FOURTH LEVELS 23,945 sqft (per level)
21 RES DENTIAL UNITS
2 - TWO BDRM + DEN
2 - TWO BDRM
2 - ONE BDRM + DEN
15- ONE BDRM
ISSUED FOR APPLICATION
NOTES:
PROPOSED SECOND, THIRD AND FOURTH LEVEL PLANS
AS NOTED
032022
EKD
CM
A3
PROPOSED SECOND LEVEL
SCALE : 1/16" = 1'-0"
PROPOSED THIRD, FORTH LEVELS
SCALE : 1/16" = 1'-0"


UPPER WATER STREET DEVELOPMENT
UPPER WATER STREET (ARTERIAL STREET)
COBBETT STREET (LOCAL STREET)
KING STREET (COLLECTOR STREET)
86.67' S57°11'47"E
68.60' S55°26'03"E
67.94'
69.19' N60°14'02"W
63.62' S40°47'19"W
101.57' S40°02'00"W
84.86' N57°41'06"W
226.69' (TOTAL)
100' N38°35'52"E
THREE BDRM 1140 sqft
THREE BDRM + DEN PENTHOUSE 1320 sqft
ROOF
BUILD. SERV.
ONE BDRM 785 sqft
ONE BDRM 775 sqft
TWO BDRM 1000 sqft
TWO BDRM 900 sqft
ONE BDRM 710 sqft
ONE BDRM 670 sqft
TWO BDRM +DEN 960 sqft
10.5
FIFTH LEVEL 17,005 sqft
6 RESIDENTIAL UNITS
1 - THREE BDRM + DEN PENT HOUSE
1 - THREE BDRM
1 - TWO BDRM + DEN
2 - TWO BDRM
1 - ONE BDRM
PROPOSED FIFTH LEVEL
SCALE : 1/16" = 1'-0"
ROOF BELOW
BUILDING SERVICES
SIXTH LEVEL - 7,755 sqft
10 RESIDENTIAL UNITS
1 - THREE BDRM + DEN PENTHOUSE
1 - THREE BDRM
1 - TWO BDRM + DEN
2 - TWO BDRM
11 - ONE BDRM
PROPOSED SIXTH LEVEL
SCALE : 1/16" = 1'-0"
ISSUED FOR APPLICATION
NOTES:
PROPOSED FIFTH AND SIXTH LEVEL PLANS
AS NOTED
032022
EKD
CM
A4


UPPER WATER STREET DEVELOPMENT
PARKING ACCESS OFF UPPER WATER STREET
UPPER WATER STREET
PROPOSED EXTERIOR ELEVATIONS (UPPER WATER STREET)
SCALE : 1/16" = 1'-0"
UPPER WATER STREET
COBBETT STREET
PARKING ACCESS OFF KING STREET
PROPOSED EXTERIOR ELEVATIONS (KING STREET)
SCALE : 1/16" = 1'-0"
STONE
COBBETT STREET
GRADE OMITTED FOR CLARITY
PROPOSED EXTERIOR ELEVATIONS (COBBETT STREET)
SCALE : 1/16" = 1'-0"
COBBETT STREET
UPPER WATER STREET
PROPOSED EXTERIOR ELEVATIONS (EAST)
SCALE : 1/16" = 1'-0"
ISSUED FOR APPLICATION
NOTES:
PROPOSED EXTERIOR ELEVATIONS
AS NOTED
032022
EKD
CM
A5

Attachment C – Public Information Meeting Notes

July 5 – July 19, 2023

Development Agreement: 8 Upper Water Street, Windsor (PID 45333291); File # 23-14

Meeting date and time	A Public Information Meeting was held on July 5, 2023 beginning at 6:20 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Four (4) members of staff: • Planner Fredricks • Planner Dunphy • Planning Assistant Lake • Director Poirier No members of the public were present for this meeting.
Applicant Justin Brown on behalf of Halyard Developments Limited **Property** 8 Upper Water Street (PID 45333291)	Planner Dunphy outlined the application to allow a proposed mixed-use six (6) storey apartment building by development agreement. The applicant did not attend.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between July 5 and July 19, 2023. One (1) phone call was received from the public with questions about the clearing of the property for construction.
Adjournment	The presentation portion of the public information meeting ended at approximately 6:23 p.m.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Alex Dunphy, Planner

Date: October 24, 2023

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

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

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

…that Council gives Second Reading to and approves the redesignation and concurrent rezoning of 65 Fort Edward Street, Windsor (PID 45059797) from the Community Use designation to the Residential designation and the Open Space (OS) zone to the Two Unit Residential (R-2) zone.

BACKGROUND

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

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

On February 23, 2022, the Phase 1 ARIA (Archeological Resource Impact Assessment) was completed by Dr. Jonathan Fowler. A Phase 2 ARIA was recommended to be carried out prior to further ground disturbance of the subject lot.

During a special meeting of Council on March 16, 2022, Council motioned to give direction to the CAO to return with a Phase 2 ARIA for the subject lot.

On October 25, 2022, staff presented a recommendation to Council during the Public Hearing.

During the October 25, 2022 meeting, Council adjourned the Public Hearing to October 24, 2023 in response to a request from the West Hants Historical Society.

On May 9, 2023, the West Hants Historical Society presented a proposal for the subject lot. The proposal consisted of two options for an interpretation centre, amphitheatre, and a Mi'kmaq longhouse structure.

On October 2, 2023, staff received an update email from Dr. Jonathan Fowler pertaining to the completion of the test excavation program in relation to the Phase 2 ARIA. A high-level summary of the results was provided, stating: "there is archaeological material present, especially in the middle (gravel pad) and lower portions of the property, but these materials, in general, have been impacted by previous construction activities, and are therefore in what we would call secondary contexts. A lot of fill has been moved around here."

NEXT STEPS

The process for this application is as follows:

Staff Review

▼

Public Information Meeting – November 8, 2021

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – December 2, 2021

▼

Council First Reading – December 16, 2021

▼

Council Public Hearing – October 25, 2022 *postponed until October 24, 2023

▼

Postponed Public Hearing and Second Reading – October 24, 2023

Note: A motion requires a majority vote of the maximum number of members that may be elected to council to pass.

▼

Ministerial Review / Approval

▼

Notice of Approval

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to the application, Council may decide to:

- hold Second Reading and approve the application as drafted or as specifically revised by the direction of Council; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A	2022-06-28 Staff Report - Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15E

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report highlights the history of the rezoning application. It is important to note that the rezoning application provides for a better opportunity for the surplus property to transition into another use if desired by Council.

The decision of Council to rezone the property should be viewed independently to the decision of Council as to who or what organization will be considered as the future developer of the lands. That will be a separate discussion by Council for which the West Hants Historical Society is one of those interested parties as well as a developer.

With regards to the Phase 2 Archeological Assessment that has been carried out to-date by Dr Jonathan Fowler. It was conducted as a non-mandatory process to provide insight as to what levels of archeological resources might be present within the boundaries of the lands and at the depths explored. Dr Fowler will provide additional comments to support the report but generally his comments to-date relay that his twenty-one (21) test pits did not reveal significant evidence of artifacts that would be of public interest at this stage and potentially influence development options being considered. It is noted that should a development of any kind proceed, that the development will require a specific Phase 2 Assessment, overseen by Nova

Scotia Community Culture and Heritage (CCH) that aligns with the footprint of the development and the depths of excavation of the structure.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, 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# 21-15E

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Alex Dunphy, Planner

Date: June 28th, 2022

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

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

… that Council adjourns the Public Hearing until 6:00 pm on October 25 and postpones the Second Reading until October 25th, 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 X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐

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. Then during the March 22nd Council

meeting, staff recommended adjourning the Public Hearing and postponing the Second Reading until June 28th. That motion was carried.

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.

The report was submitted and revised by the Nova Scotia Department of Communities, Culture, and Heritage. The revised report was then returned on May 17th to Dr. Fowler and the Municipality with the following as a revised outcome of the report:

> *Should further ground disturbance be planned for any part of the study area, it is recommended that a thorough Phase 2 ARIA be undertaken in advance to better assess the nature of, and mitigate potential impacts to, archaeological resources.*
>
> *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.*
>
> *Finally, although Parks Canada's viewplane is not part of provincial jurisdiction or the Special Places Protection Act's regulatory framework, the West Hants Regional Municipality is advised of Parks Canada's concerns in relation to the viewplane, particularly regarding PID 45059797, which is also the property with the greater number of documented archaeological features.*

Staff are currently awaiting further information regarding viewplanes from Park's Canada representatives.

Dr. Johnathan Fowler 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. 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 October 25th, 2022.

NEXT STEPS

Process

The process for this application is as follows:

Staff Review

▼

Public Information Meeting – Nov. 8th

▼

Planning Advisory Committee receives staff report and PIM Notes

Planning Advisory Committee Review and Recommendation – Dec. 2nd

▼

Regional Council First Reading – Dec. 16th

▼

Postponed Public Hearing and Second Reading – June 28th

Note: A motion requires a majority vote of the maximum number of members that may be elected to council to pass.

▼

Ministerial Review / Approval

▼

Notice of Approval

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

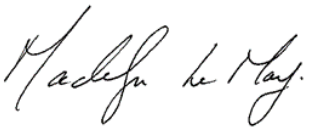
Attachment A	2021-12-16 Staff Report - Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File# 21-15A
Attachment B	2022-01-13 Supplementary Report – Redesignation and Concurrent Rezoning: 65 Fort Edward Street, Windsor; PID 45059797; File # 21-15B
Attachment C	Revised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

CHIEF ADMINISTRATIVE OFFICER REVIEW

N/A

Report Prepared by: _____

Alex Dunphy, Planner



Report Approved by: _____

Madelyn LeMay, Director of Planning and Development;
Acting 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 X	Decision Request ☐	Councillor Activity ☐

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

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

▼

Public Information Meeting – Nov. 8th

▼

Planning Advisory Committee receives staff report and PIM Notes

Planning Advisory Committee Review and Recommendation – Dec. 2nd

▼

Regional Council First Reading – Dec. 16th

▼

Public Hearing and Second Reading

▼

Notice of Approval in Local Paper

▼

14 Day Appeal period

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

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 X	Decision Request ☐	Councillor Activity ☐

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 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

Staff Review

▼

Public Information Meeting – Nov. 8th

▼

Planning Advisory Committee receives staff report and PIM Notes

Planning Advisory Committee Review and Recommendation – Dec. 2nd

▼

Council First Reading

▼

Public Hearing held and adjourned to next meeting of Council

▼

Council completes Public Hearing and holds Second Reading

▼

Notice of Approval in Local Paper

▼

14 Day Appeal period

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

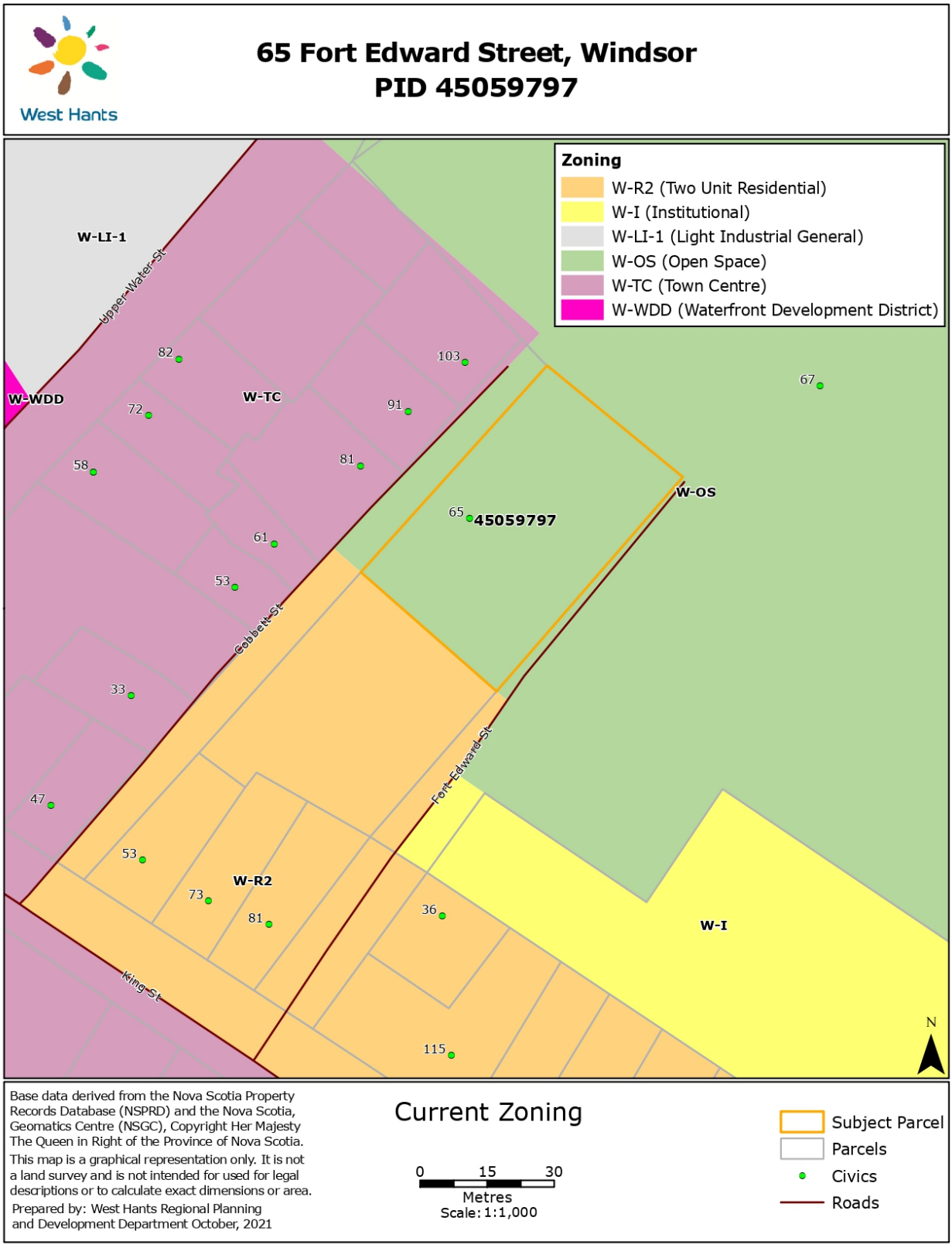
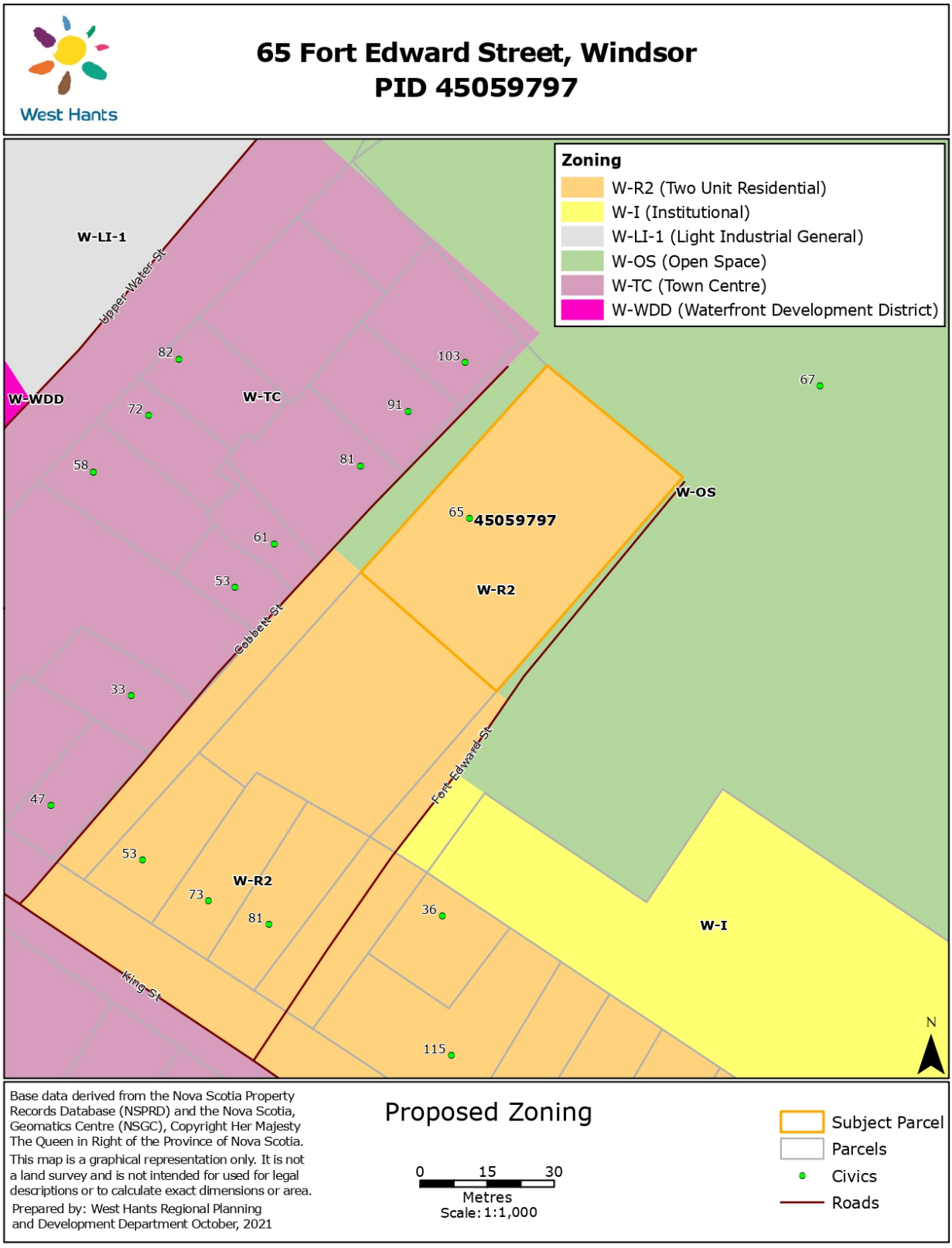


Figure 4 – Windsor Zoning Map Extract: Proposed Zone



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 haas 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 WHRM	Mr. Dunphy outlined the application for a redesignation and concurrent rezoning at PID 45059797. 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 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

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 + salt marsh 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)

RECEIVED
NOV 23 2021
11:40 am

- the site offers commanding views of the beautiful Avon River valley and distant hills of Falmouth, Maitland 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 tourist 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, washrooms 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 WWH.

- 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 WWH 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 WWH really needs to be a leader in sensitively developing this gem of a property.

Hilbury

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 lanes from FENHS.

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 902-798 5743
81 A King St,
Windsor NS.

Hilroy

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 ☐

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 ☐

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

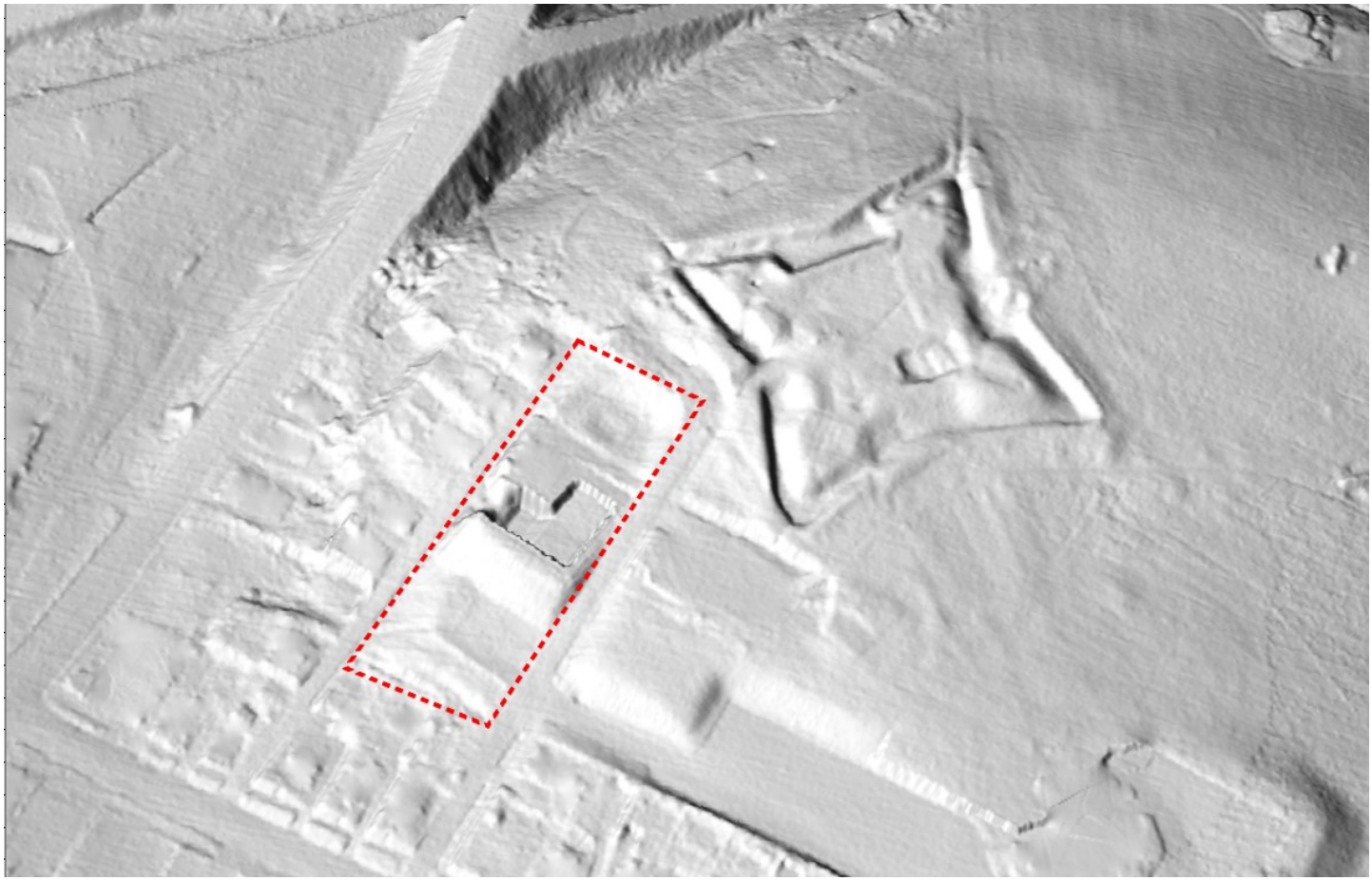
Caution
This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

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.

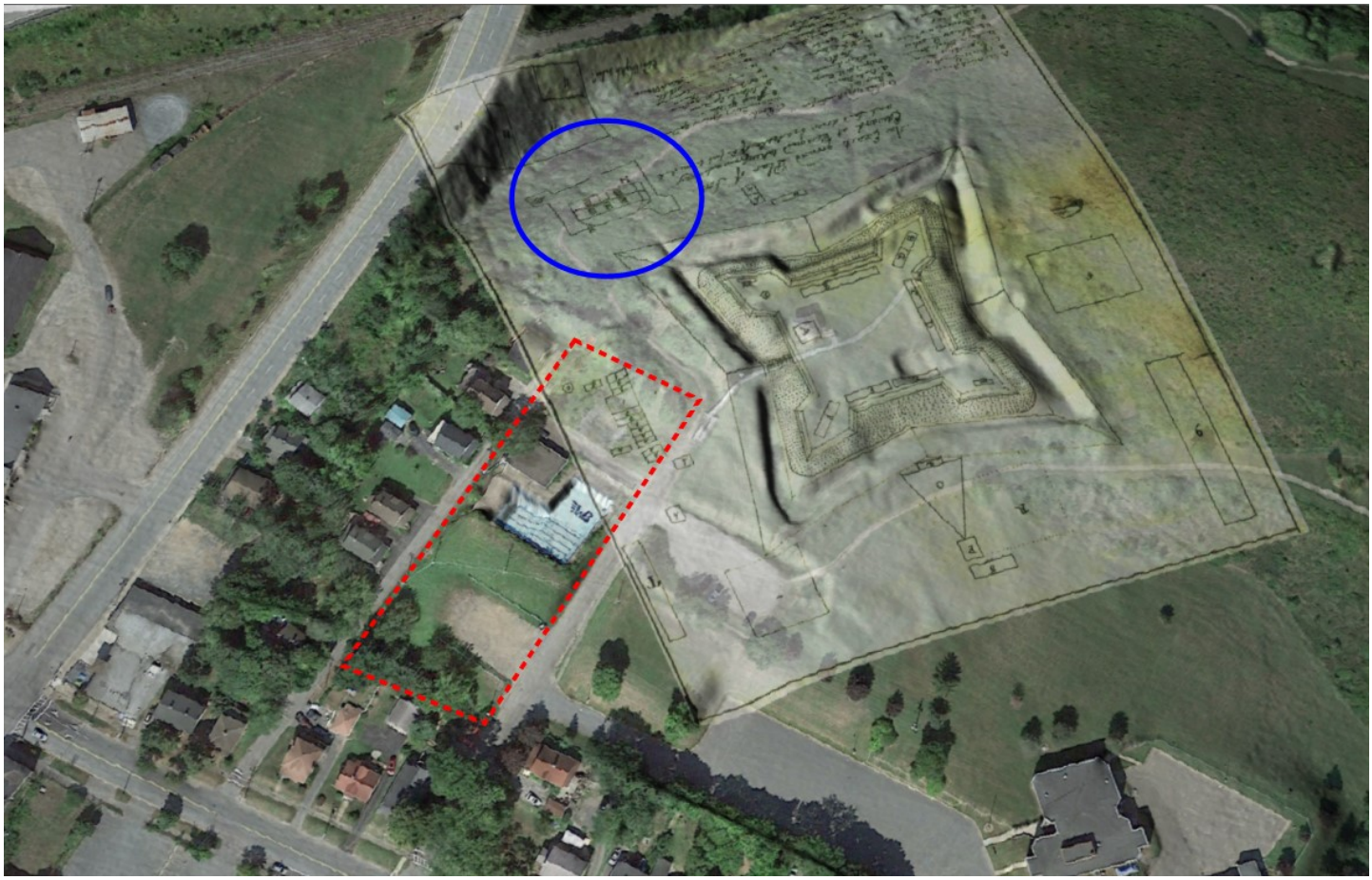
A quick look at the landscape with the aid of 2011 LiDAR data, which gives us the ability to map elevation very precisely (and remove trees and buildings), with the properties in question outlined in the red dashed line:



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

West Hants
something inspiring awaits

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,



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,



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

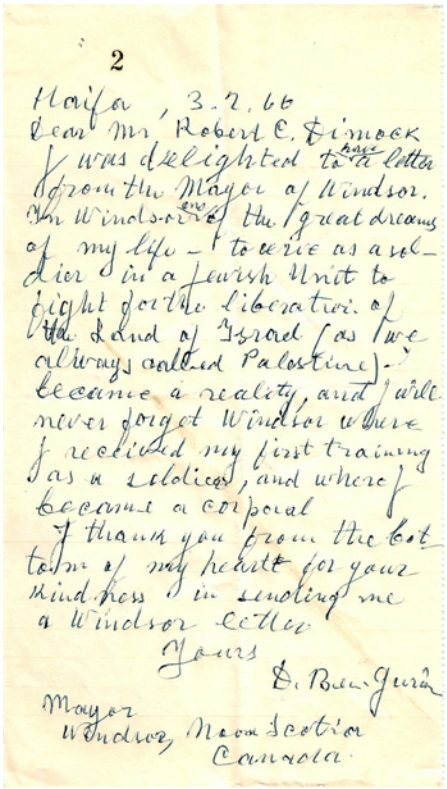
Read before the Royal Nova Scotia Historical Society 15 March 2017

> 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-Gurion[3]



2

Haifa, 3.2.66

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-Gurion

Mayor
Windsor, Nova Scotia
Canada

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

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

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

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

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

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

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

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

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

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

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

of the Zion Mule Corps and volunteers from Jewish enclaves in Britain, many of whom had emigrated from Russia and were well aware of the anti-Jewish ideology that accompanied the Bolshevik Revolution.[24] In North America, recruitment centres were established in New York, Philadelphia, Boston, Pittsburgh, Cleveland, Detroit, Chicago and Montreal, with troops being drawn from across the continent and beyond, as far south as Argentina and Brazil.[25] All male non-citizens of the United States, and citizens of allied and neutral countries, between the ages of 18½ and 45 were eligible; though American citizens of draft age were not permitted to join.[26] Contingents of recruits, some numbering as many as 500, left every three weeks for Windsor, Nova Scotia, for in-transit training at Camp Fort Edward. The first unit of 150 to 200 men left New York on February 27, 1918 as part of the newly-formed 39th Battalion, and in May, the first group of Jews residing in Canada joined the American recruits in Nova Scotia.[27] Ben-Zvi, who would later serve as the Jewish state's second President, left for Windsor with the fourth group in early May, while Ben-Gurion enlisted with the fifth group, leaving Boston later that month and arriving at Fort Edward on June 1, 1918.[28]

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Having left Fort Edward, members of the 39th battalion went to the Regimental Depot at Crown Hill barracks, near Plymouth in southern England, which was the permanent holding and training area for the Royal Fusiliers.[75] Here, the Legionnaires received 13 weeks of additional, and more rigorous, military training prior to being posted to conflict areas in Palestine. Although the first Jewish contingent from North America reached England in early April of 1918, the recruitment cycle was extended so that some of the Jewish volunteers were, in fact, still receiving their initial training at Fort Edward at the time of the armistice with Turkey. From England, they were sent to various military holding facilities outside Cairo, where members of the Jewish battalions received additional training before being sent to Palestine. Eventually, both the 38th and 39th battalions were deployed to the front lines and fought in the Jordan Valley during the latter stages of the war. Members of both battalions were among the British troops who marched into Jerusalem with Turkish prisoners in the fall of 1918.[76] The Legion suffered significant losses during the campaign in Palestine, both from military action and malaria, and was disbanded shortly after the armistice with Germany. Yet, the historical significance of the Jewish Legion lies more in its symbolism to the Jewish people, than in its military contributions during the First World War.

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

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

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

Endnotes

1 Shlomit Keren and Michael Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," *Journal of Modern Jewish Studies*, 6: 1 (2007), 81-82.

2 See Roman Freulich, *Soldiers in Judea, Stories and Vignettes of the Jewish Legion* (New York: Herzl Press, 1964); Elias Gilner, War and Hope: A History of the Jewish Legion (New York: Herzl Press, 1969); Vladimir Jabotinsky, *The Story of the Jewish Legion* (B. Ackerman, 1945); Zachariah Kay, "A Note on Canada and the formation of the Jewish Legion," *Jewish Social Studies*, 24: 3 (1967), 171-7; J.H. Patterson, With the *Judaeans in Palestine* (London: Hutchinson & Co., 1922); Alan Sillitoe, "Patterson the Zionist," *Jewish Quarterly*, 28: 4 (no. 105), 16-18; Patrick Streeter, *Mad for Zion: a Biography of Colonel J. H. Patterson* (Harlow: The Matching Press, 2004); Martin Watts, *The Jewish Legion and the First World War* (New York: Palgrave MacMillan, 2004).

3 David Ben-Gurion to Robert Dimock, 3 July 1966, Dimock Family Private Collection.

4 Watts, *The Jewish Legion and the First World War*, 2.

5 David Ben-Gurion, *Memoirs* (World Publishing Company, 1970), 34.

6 Elias Gilner, *War and Hope: A History of the Jewish Legion* (New York: Herzl Press, 1969), 107.

7 Joshua H. Neumann, "The Jewish Battalions and the Palestine Campaign," *American Jewish Yearbook*, 21 (1920), 121.

8 Watts, 20.

9 Michael Keren and Shlomit Keren, *We are Coming, Unafraid: The Jewish Legions and the Promised Land in the First World War* (Lanham: The Rowman & Littlefield Publishing Group, Inc., 2010), 5.

10 Jonathan Katz, "Constructing a Jewish Legion for Canadians," *Dorot: The McGill Undergraduate Journal of Jewish Studies* (The Jewish Studies Students' Association of McGill University), 9 (2007), 117.

11 Keren, *We are Coming, Unafraid*, 3.

12 Ibid., 4.

13 Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 69-70.

14 Ibid.

15 Keren, *We are Coming, Unafraid*, 5; Gilner, 19; Watts, 3.

16 Watts, 5.

17 Watts, 47; Gilner, 89-90; Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation", 70.

18 Watts, 47.

19 Watts, 22-23.

20 See Calvin Ruck, *The Black Battalion 1916-1920—Canada's Best Kept Military Secret* (Halifax: Nimbus Publishing, 1987).

21 Brian Denis, *The Seven Lives of Colonel Patterson: How an Irish Lion Hunter Led the Jewish Legion to Victory* (Syracuse: Syracuse University Press, 2008), 221.

22 Keren, *We are Coming, Unafraid*, 5; Watts, 83.

23 Keren, *We are Coming, Unafraid*, 5.

24 Brian, 103; Watts, 82-84.

25 Gilner, 169.

26 *Ibid.*, 151.

27 Gilner, 152; Brian, 239; Neumann, 127-128.

28 Gilner, 179-180.

29 David Ben-Gurion, *Letters to Paula*, trans. Aubrey Hodes (London: Vallentine, Mitchell, 1971), 1.

30 *Ibid.*, 1,3

31 Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 69-70.

32 Ben-Gurion, 3.

33 *Ibid.*

34 *Ibid.*, 3-4.

35 *Ibid.*, 4.

36 Judith Tulloch, "Fort Edward: Guide Briefing Notes" (Undated Manuscript).

37 Judith Tulloch, "Fort Edward NHS: Confirmation and Clarification of National Historic Significance," (Undated Manuscript), 4.

38 Tulloch, "Fort Edward NHS", 9; L.S. Loomer. Windsor, Nova Scotia: A Journey in History (Windsor: West Hants Historical Society, 1996), 286.

39 "History of the Imperial Recruits Depot," The Hants Journal, November 20, 1918, 2. See also A. Ruffman & C. Howell, *Ground Zero: A Reassessment of the 1917 Explosion in the Halifax Harbour* (Halifax: Nimbus Publishing, 1994).

40 Gilner, 187-188.

41 Ben-Gurion, 2-3.

42 *Ibid.*, 13.

43 Gilner, 189.

44 Ben-Gurion, 5-6, 18-19, Gilner, 190.

45 Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 70, 72.

46 Roman Freulich, *Soldiers in Judea: Stories and Vignettes of the Jewish Legion* (New York: Herzl Press, 1964), 31.

47 See Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 73.

48 Gilner 190-191.

49 *Ibid.*, 190.

50 *Ibid.*

51 *Ibid.*

52 Ben-Gurion, 6.

53 "British Expeditionary Forces," *The Hants Journal*, April 24, 1918, 1.

54 "Notes From Imperial Recruits Depot, Fort Edward," *The Hants Journal*, June 5, 1918, 1.

55 Ben-Gurion, 8.

56 See Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 78.

57 Ben-Gurion, 6.

58 Gilner, 188.

59 Gilner, 190.

60 "Jewish New Year at Fort Edward," *The Hants Journal*, September 1, 1918.

61 Loomer, 294.

62 "History of the Imperial Recruits Depot," *The Hants Journal*, November 20, 1918, 2.

63 Ben-Gurion, 12.

64 *Ibid.*, 13.

65 "History of the Imperial Recruits Depot," *The Hants Journal*, November 20, 1918, 2.

66 Ben-Gurion, 23.

67 *Ibid.*, 8.

68 *Ibid.*, 8, 12.

69 *Ibid.*, 14.

70 Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 70, 72.

71 Ben-Gurion, 23.

72 *Ibid*.

73 Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation".

74 *Ibid*., 76.

75 Gilner, 154.

76 Keren, *We are Coming, Unafraid*, 6; Neumann, 130.

77 Watts, 241.

78 Keren, "The Jewish Legion in the First World War as a Locus of Identity Formation," 81-82.

79 Pers. Com. September 2018.

Attachment C – Email Response from Catherine Cottreau-Robins

Alexander Dunphy

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

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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

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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

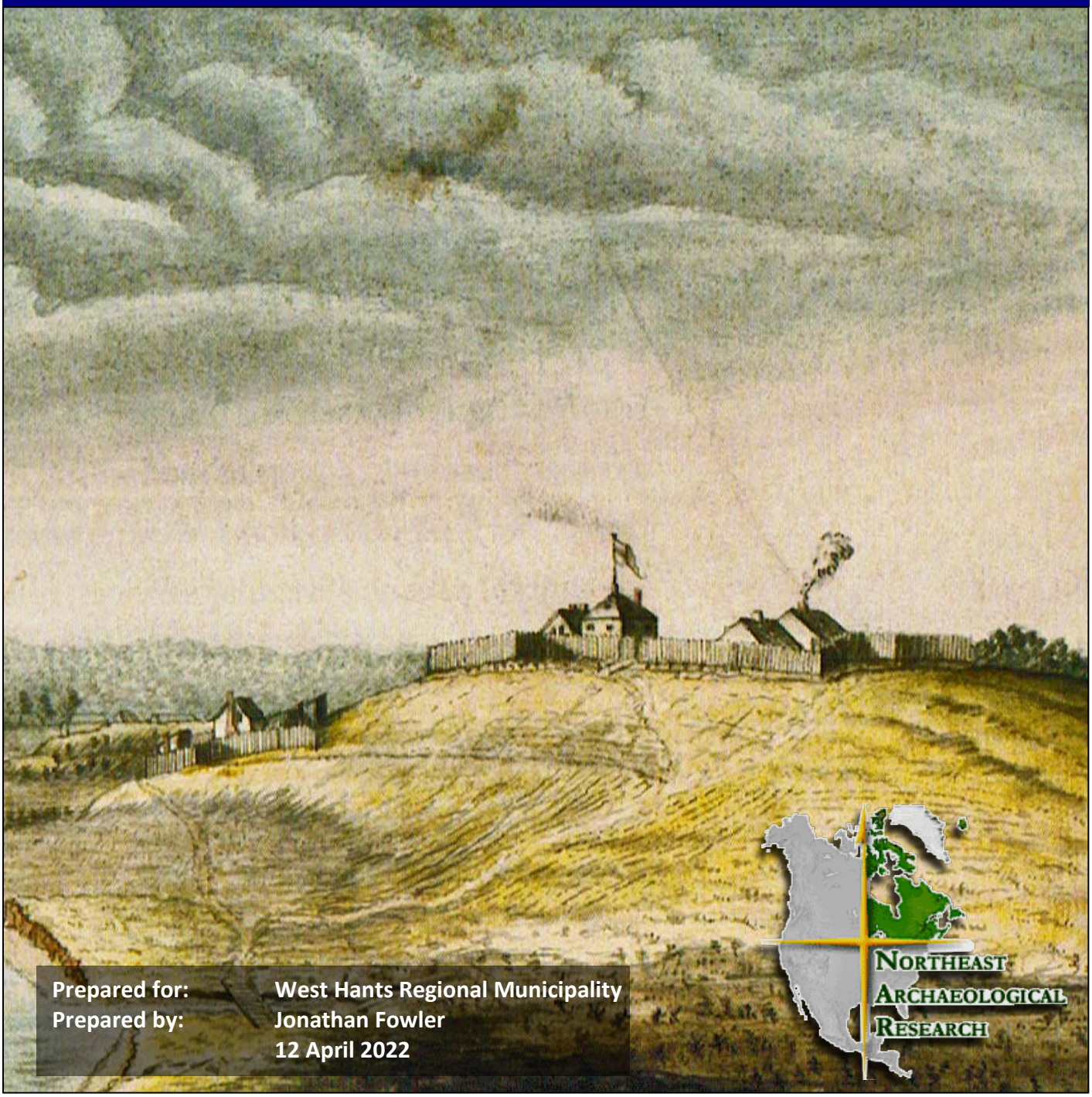
West Hants
something inspiring awaits

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Attachment C – Revised 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
12 April 2022

NORTHEAST ARCHAEOLOGICAL RESEARCH

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 northernmost of the two properties is also within the viewplane 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 prior to ground disturbance, including engagement with the Mi'kmaw and Acadian communities.

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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/archaeologicalresourceimpactassessmentc.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 *Pesikitk* ("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 palaeobotantical 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 find 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 Mockingigh 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 sites[4] (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 Pesikitk 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 Pesikitk 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 Pesikitk 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, 1:145–49). The symbology of a 1737 map suggests wigwams at Pesikitk (**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 Pesikitk.[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 Pesikitk area. The portage route connecting Pesikitk to Kjipuktuk (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 Pesikitk 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 Pesikitk 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. Pesikitk 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 imperfect[7], 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.

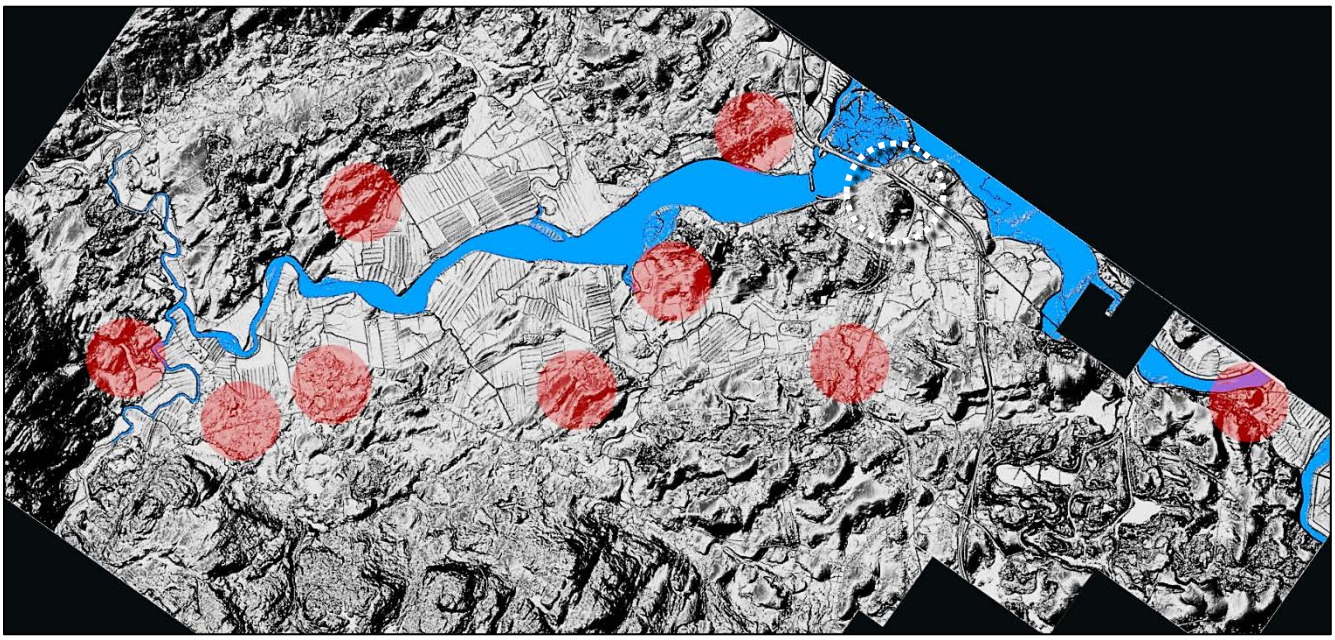


Figure 3: Map of most of the known pre-Deportation Acadian hamlet sites near Fort Edward as derived from historical and archaeological evidence and plotted on 2018 LiDAR hillshade. Fort Edward is highlighted by a dashed white circle at upper right. SOURCE: Province of Nova Scotia.

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 Pesikitk 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 truckhouse[9] – 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.

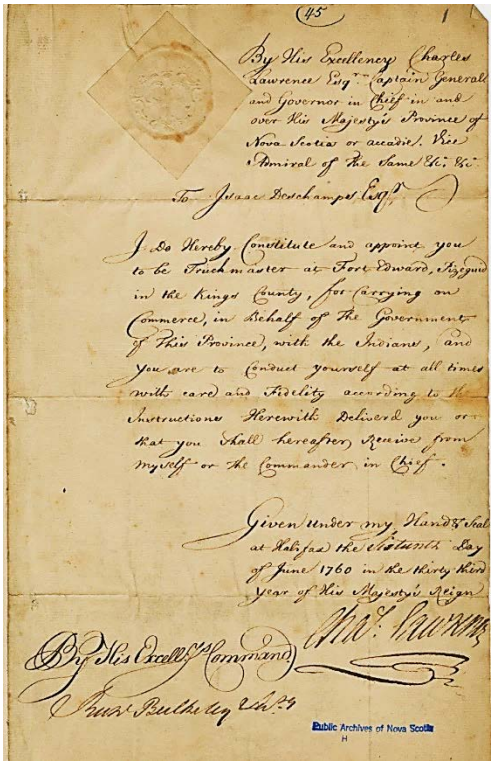


Figure 5: Commission appointing Isaac Deschamps truckmaster at Fort Edward, "for Carrying on Commerce, in Behalf of the Government of this Province, with the Indians." NSA, MG 1 vol. 258 no. 1.

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 Pesikitk 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

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 Deschamp'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'kmaw 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	*Joseph Bernard*	1 boy, 1 girl
	Pierre Bernard	
	Barth^{y} Amquaret	2 boys
	Barth^{y} Amquaret	Sen^{r} [?]
	Pierre Amquaret	
	Paul Amquaret	
	Philippe Amquaret	2 boys, 1 girl
	Joseph Dugas	
	Francois Michel	1 girl
	Simon Amquaret	
	Blaize Amquaret	
	Jean Argoumatine	1 boy, 2 girls
	Joseph Argoumatine	
	Jos. Denis	

"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	
	Louis Michel	

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 Pesikitk. 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 perpretrators 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]

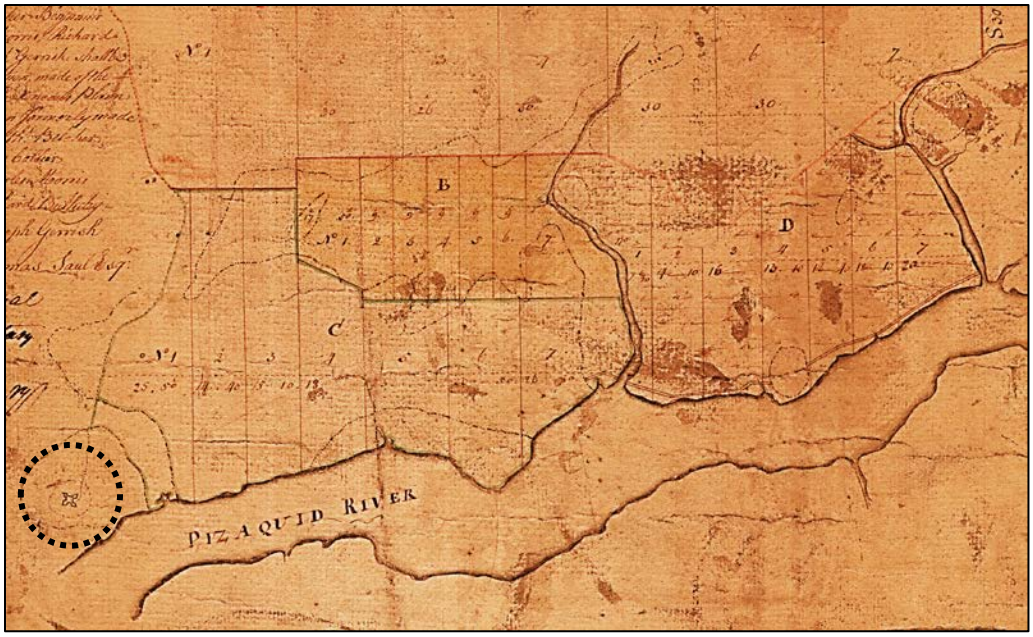


Figure 6: Detail of part of the Councillors' Grant of former Acadian lands at Pesikitk (north at bottom, Fort Edward circled at lower left). The proprietors named are Jonathan Belcher, John Collier, Charles Morris, Richard Bulkeley, Joseph Gerrish, and John Cunningham (for Thomas Saul). Collier and Belcher 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 spiriting 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.

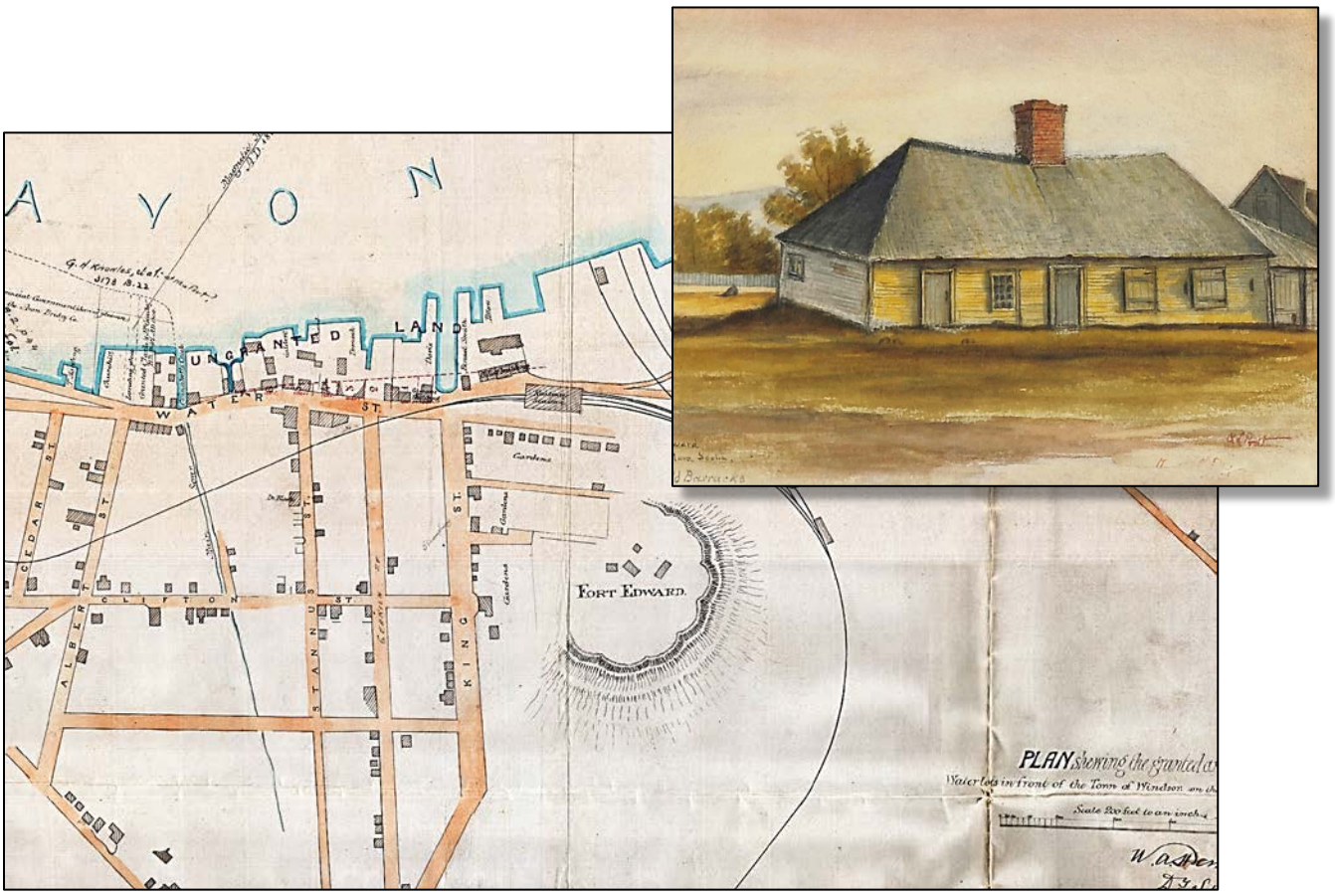


Figure 8: Detail of a map showing the Town of Windsor and four standing buildings at Fort Edward in 1879. North at upper right. Inset: Watercolour of the old soldiers' barracks painted ca. 1880 by Annie L. Pratt. The north-facing gable end of the provision store can be seen at right, behind the soldiers' 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 (**Figures 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.

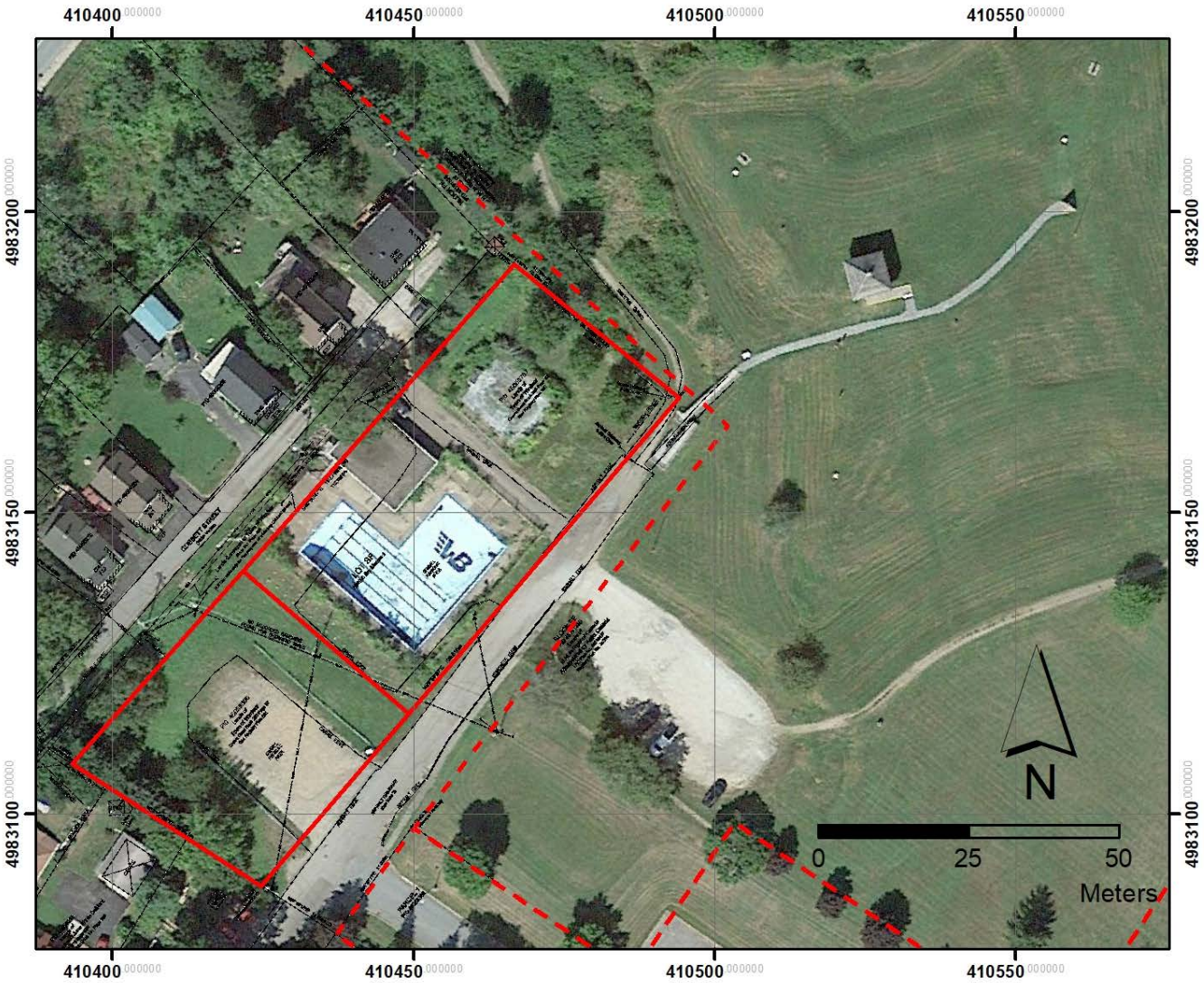


Figure 10: The study area (solid red outline) as indicated by a new survey plan dated 15 February 2022, in reference to the Parks Canada property (dashed red line). The smaller of the two contiguous municipal properties is PID 45059805 and the larger is PID 45059797. SOURCES: Google Earth (2015), Parks Canada, and West Hants Regional Municipality.

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.

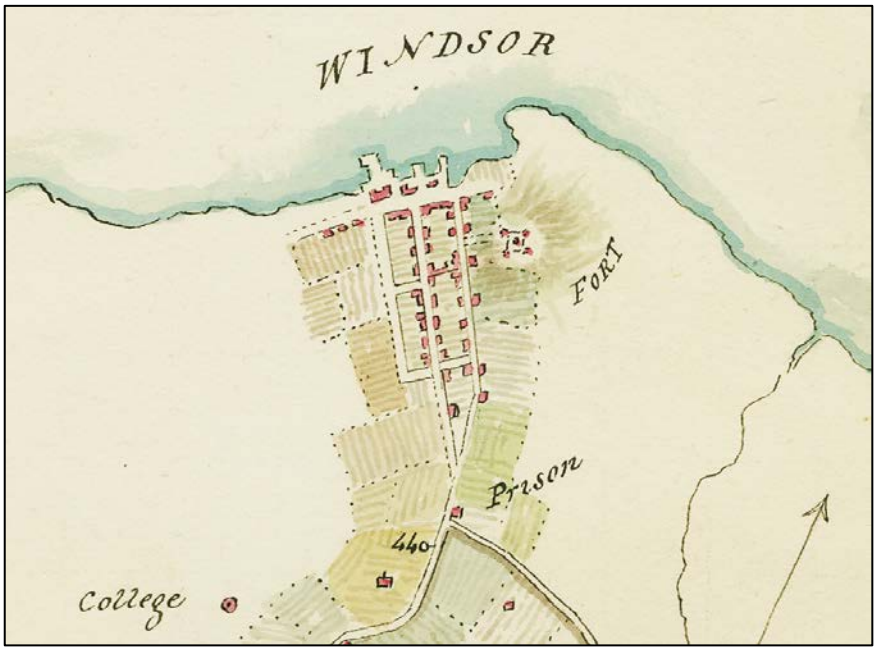


Figure 11: Fort Edward and Windsor in the Regency period, showing the relationship between Fort Edward and the town that grew up at its feet. Methodologically, the resilience of the town's street pattern offers ground control points (the intersections) for georeferencing old maps. SOURCE: John Elliott 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 between1.7 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.

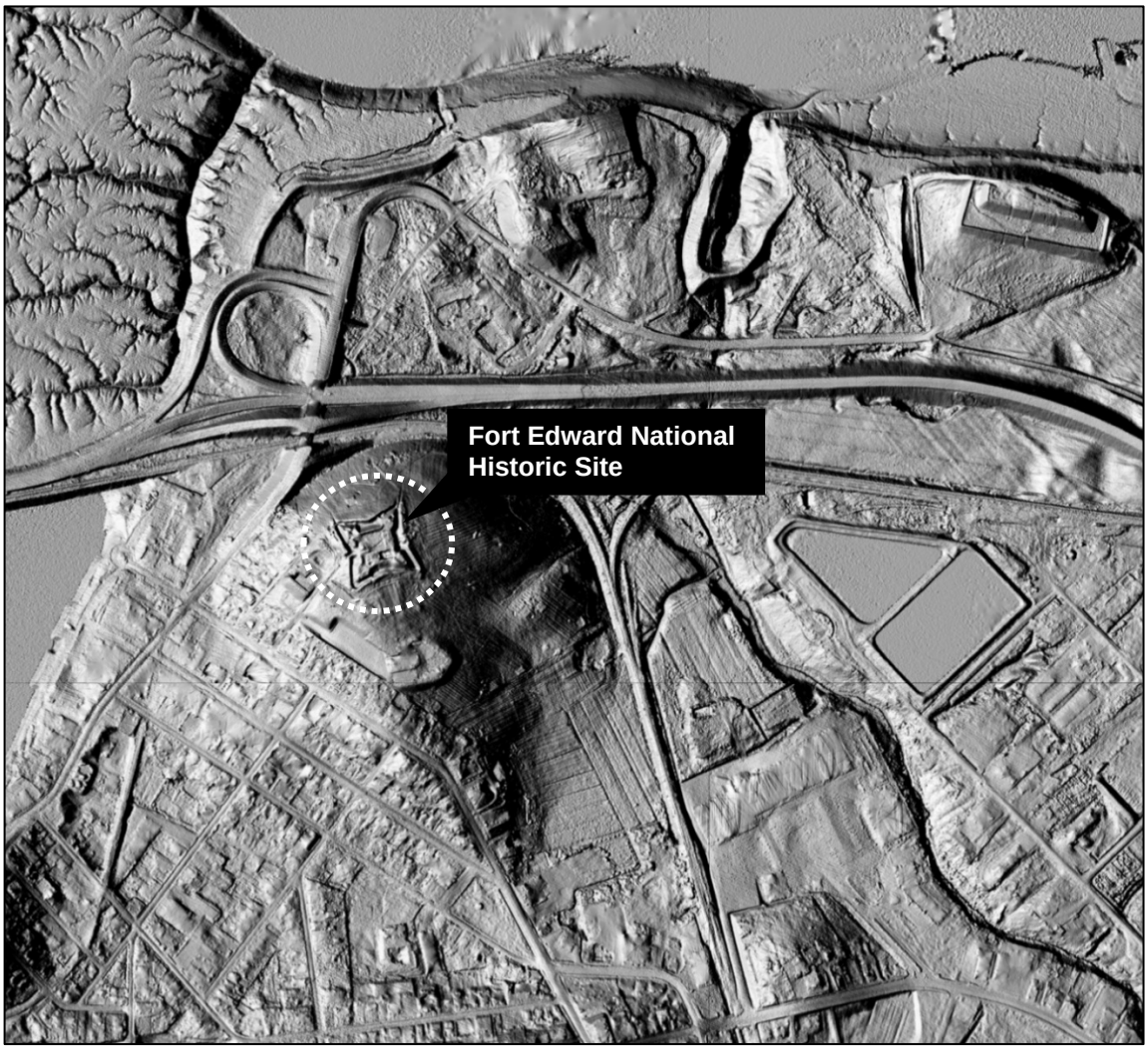


Figure 13: Bare earth LiDAR hillshade model of the confluence of the Avon and St. Croix rivers showing Fort Edward (circled). LiDAR data allows minor variations in relief to be measured, facilitating archaeological site prospection. SOURCE: Province of Nova Scotia (2011).

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).

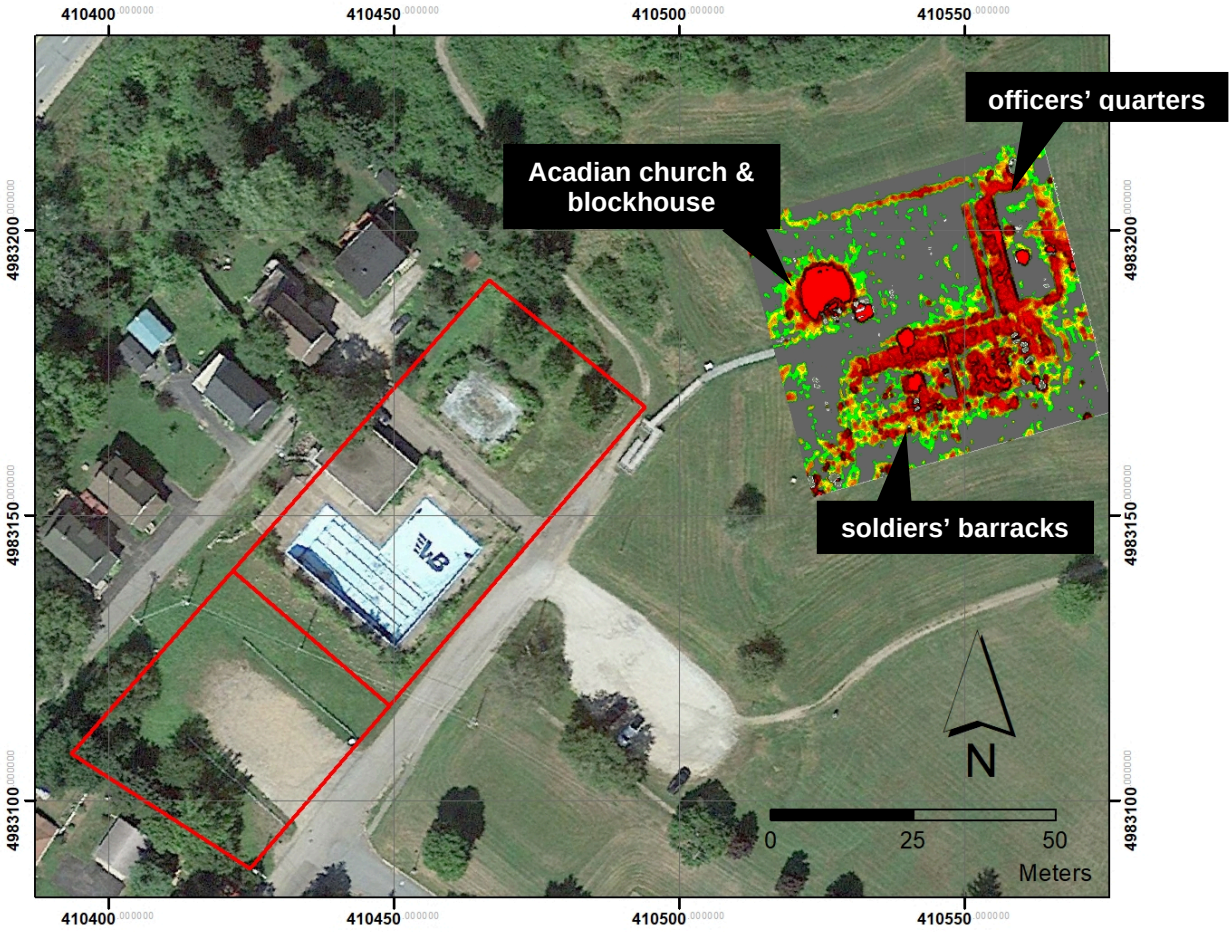


Figure 15: Magnetic susceptibility map of the interior of Fort Edward showing the vanished soldiers' barracks, officers' quarters, and, extending from beneath the blockhouse, the remains of what may be the Acadian parish church of Notre-Dame-de-L'Assomption, approximately 30m from the northern edge of 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 sites[25] – 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.

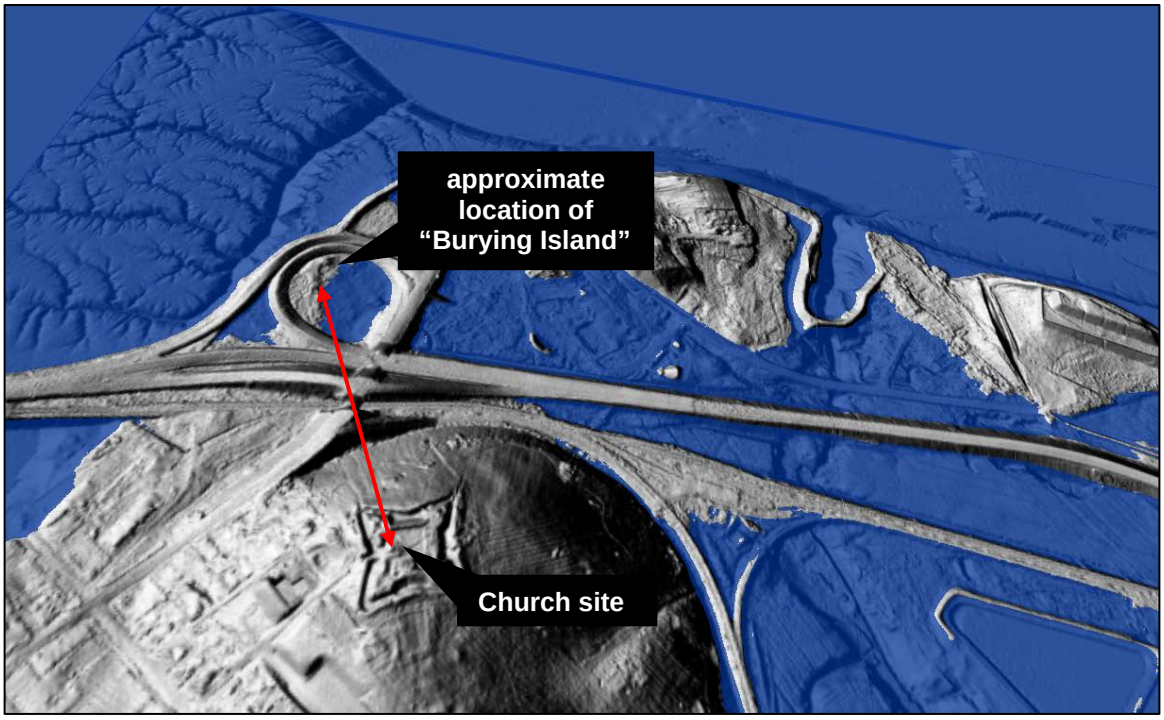


Figure 17: 3D LiDAR model with simulated tidal flooding showing the ca. 350m distance separating the known Acadian church site from the "Burying Island" identified by Henry Youle Hind as the parish cemetery. The distance seems too great for this to have been an Acadian cemetery. This area appears recently 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.

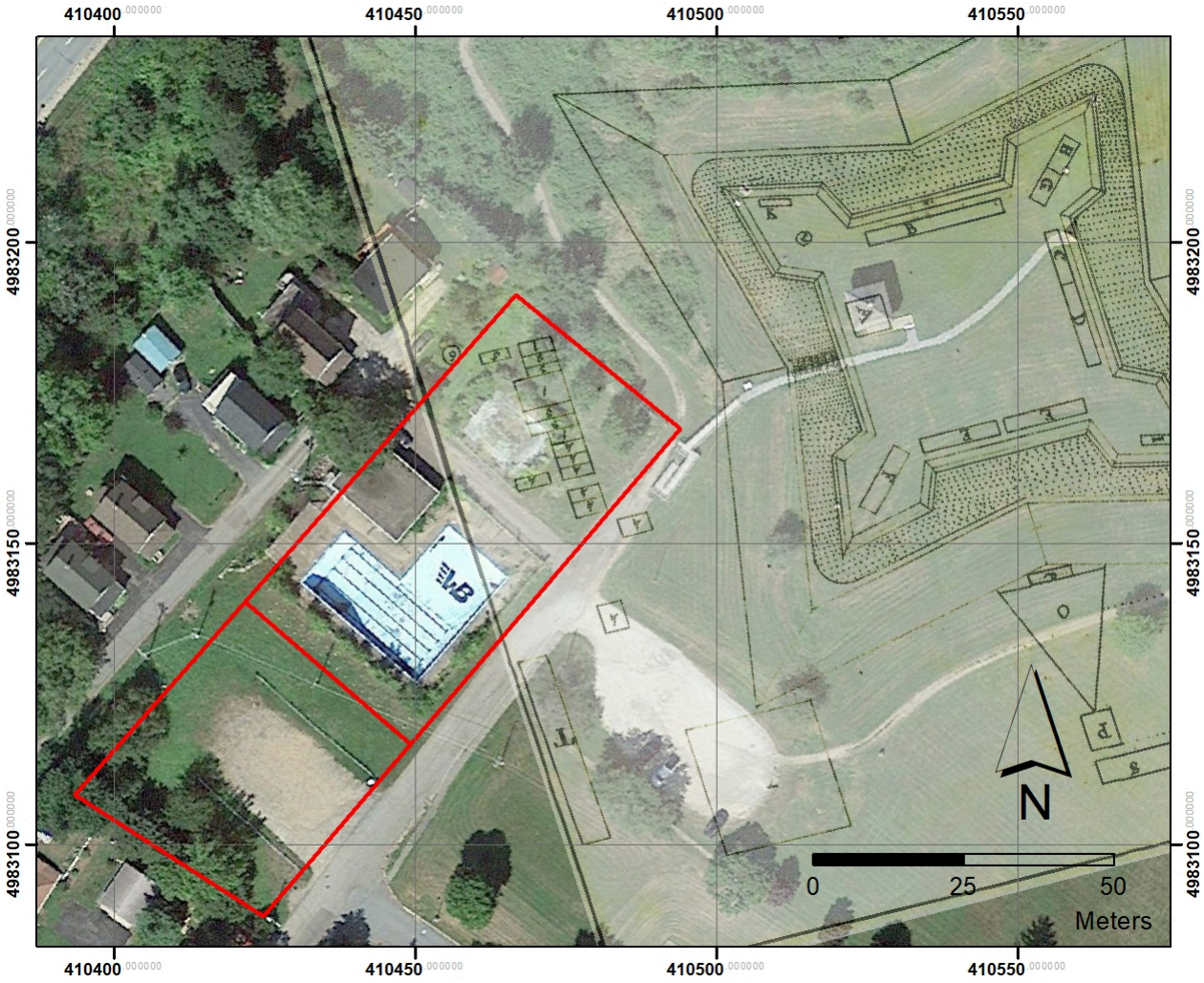


Figure 18: Georeferenced 1757 plan of Fort Edward showing military infrastructure in the study area. These include hay yards, the commandant's stable, bullock houses, and soldiers' huts. SOURCE: Edward Wight. 1757. "An Exact ground Plan of Fort Edward at Pesaquid taken from a survey and Laid down by 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."

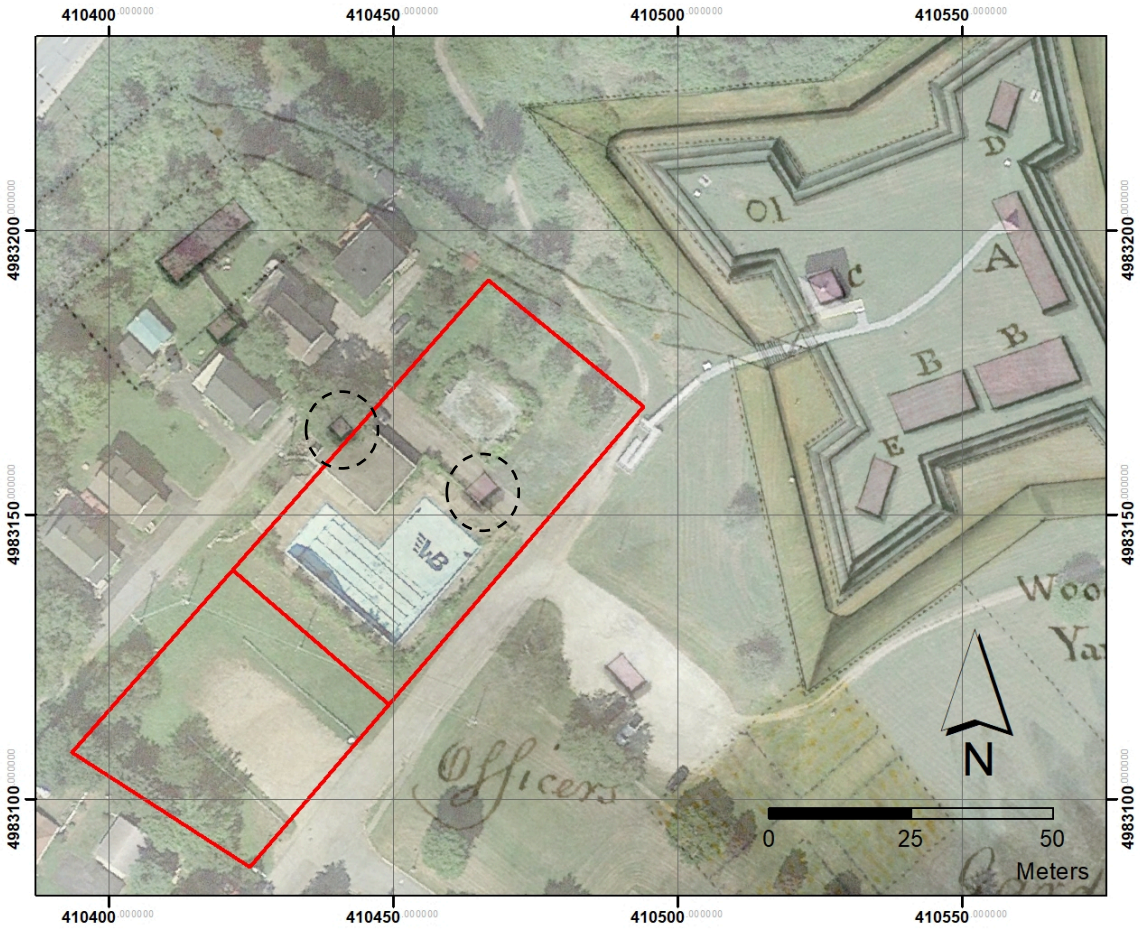


Figure 19: Georeferenced 1779 plan of Fort Edward showing buildings in the study area (circled). SOURCE: W. Spry. 1779. "A Plan of Fort Edward in Nova Scotia." William L. Clements Library 8398.

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.

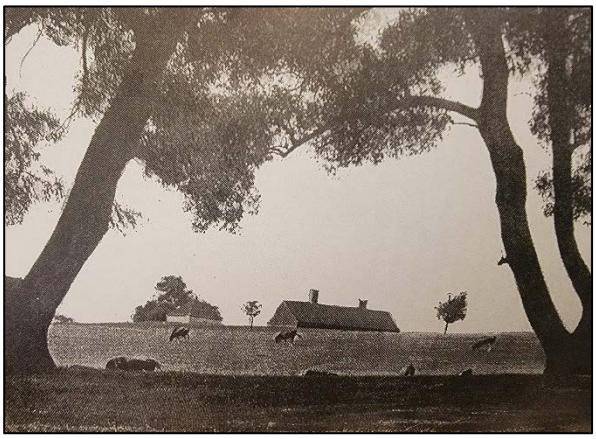


Figure 20: Site of the garrison cemetery and associated willows shown in an old photograph. The blockhouse and officers' quarters can be seen in the distance, suggesting a location downslope and to the east-southeast (Loomer 1996, 5).

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.

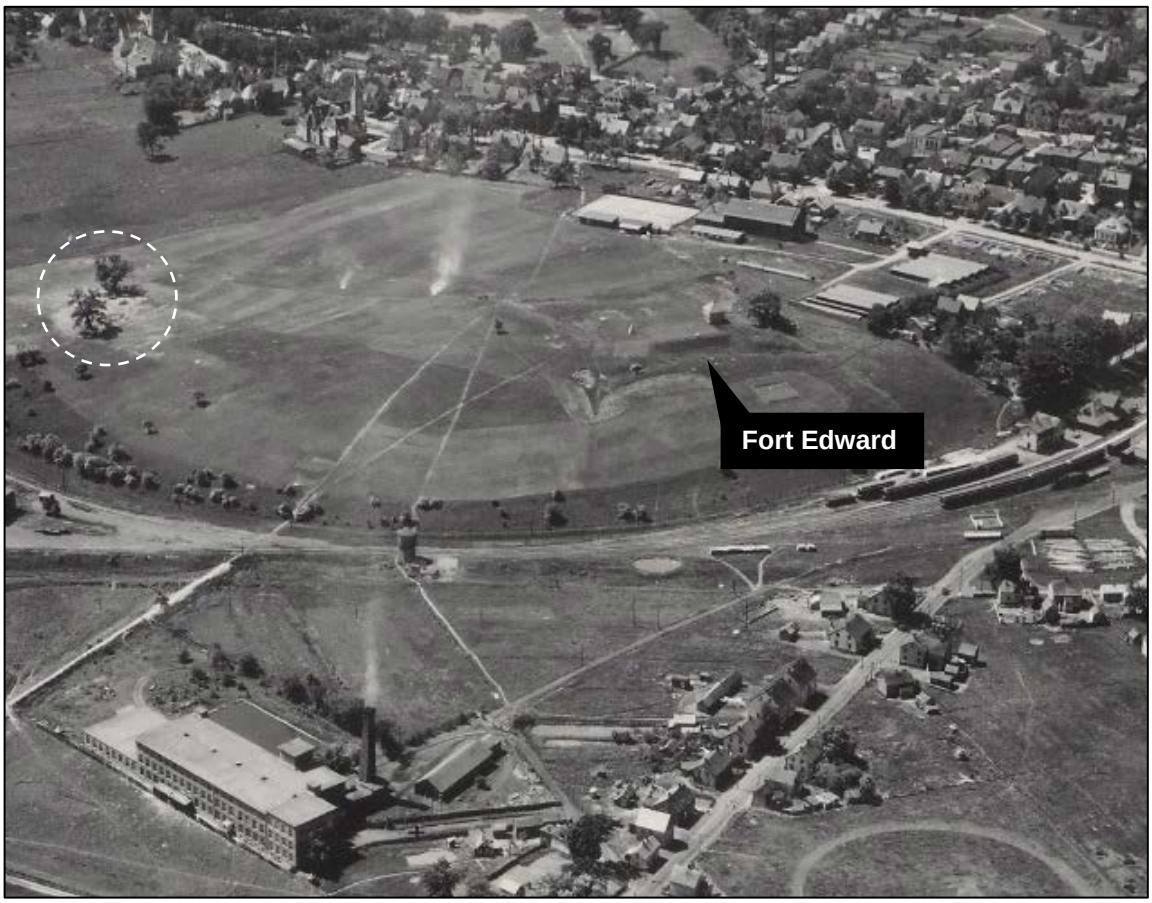


Figure 21: A 1929 aerial photo showing the old willow trees associated with the cemetery. SOURCE: National Air Photo Library (NAPL) A1236-83.

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.

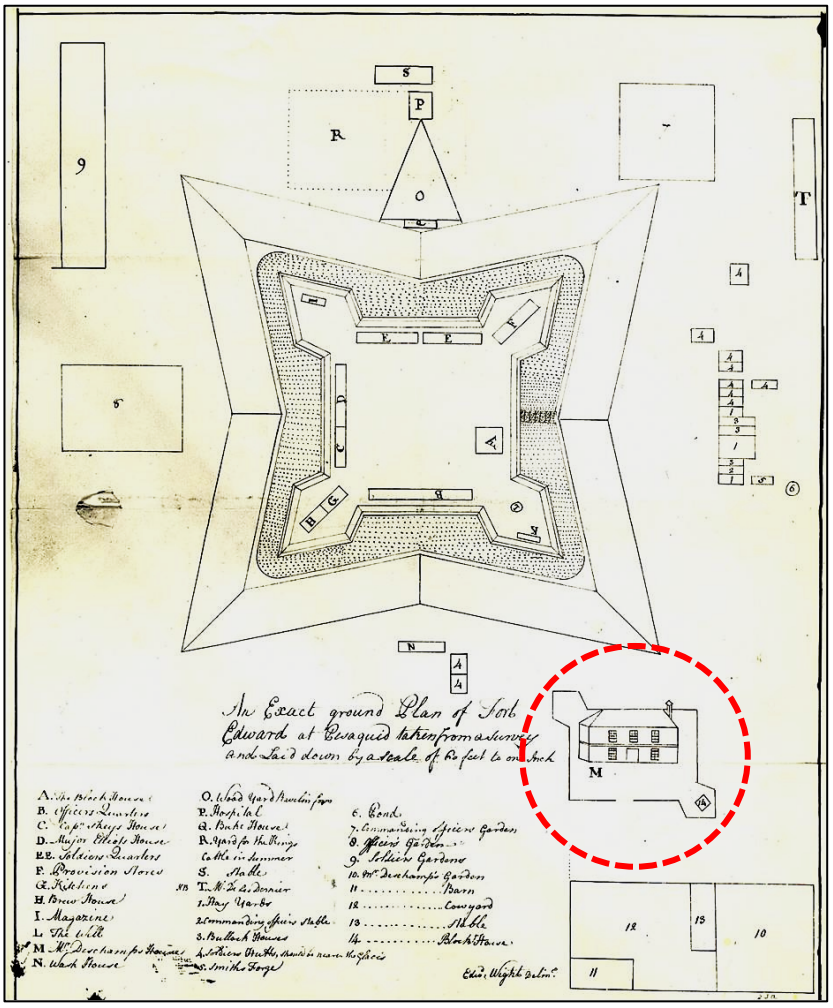


Figure 22: Edward Wight's 1757 plan of Fort Edward appearing to show the truckhouse compound occupying a position roughly in line with the fort's western bastions (North is at the bottom of the map). The actual location as proved by more carefully surveyed cadastral maps is more to the west, and likely 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 Pesaquid 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**).

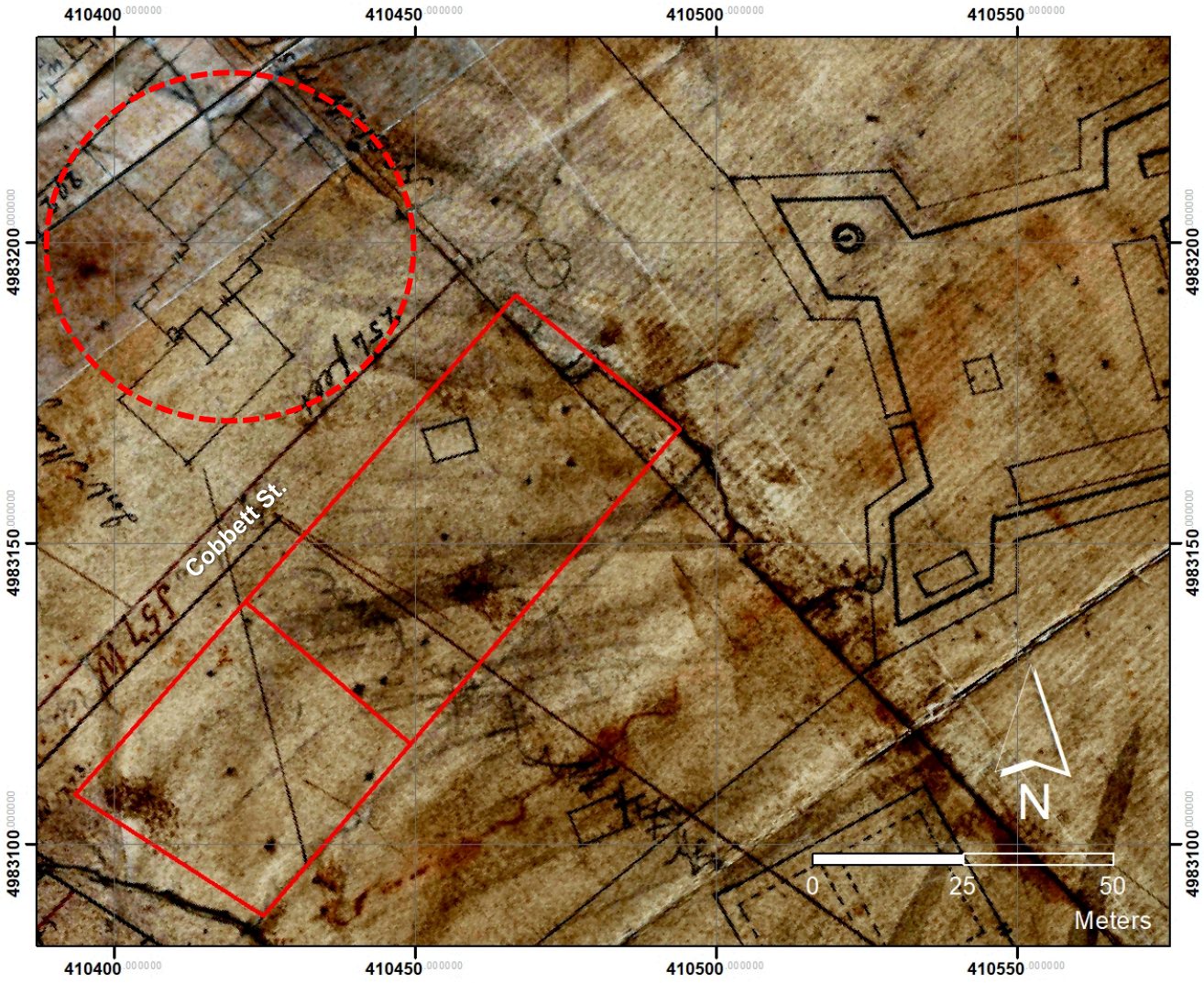


Figure 23: A cadastral plan showing the location of the truckhouse (circled) in reference to Fort Edward and the study area (outlined). The site is presently across Cobbett Street. This map is undated but contextual clues place it in perhaps the 1760s. As in Figure 19, above, which shows the 1779 map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

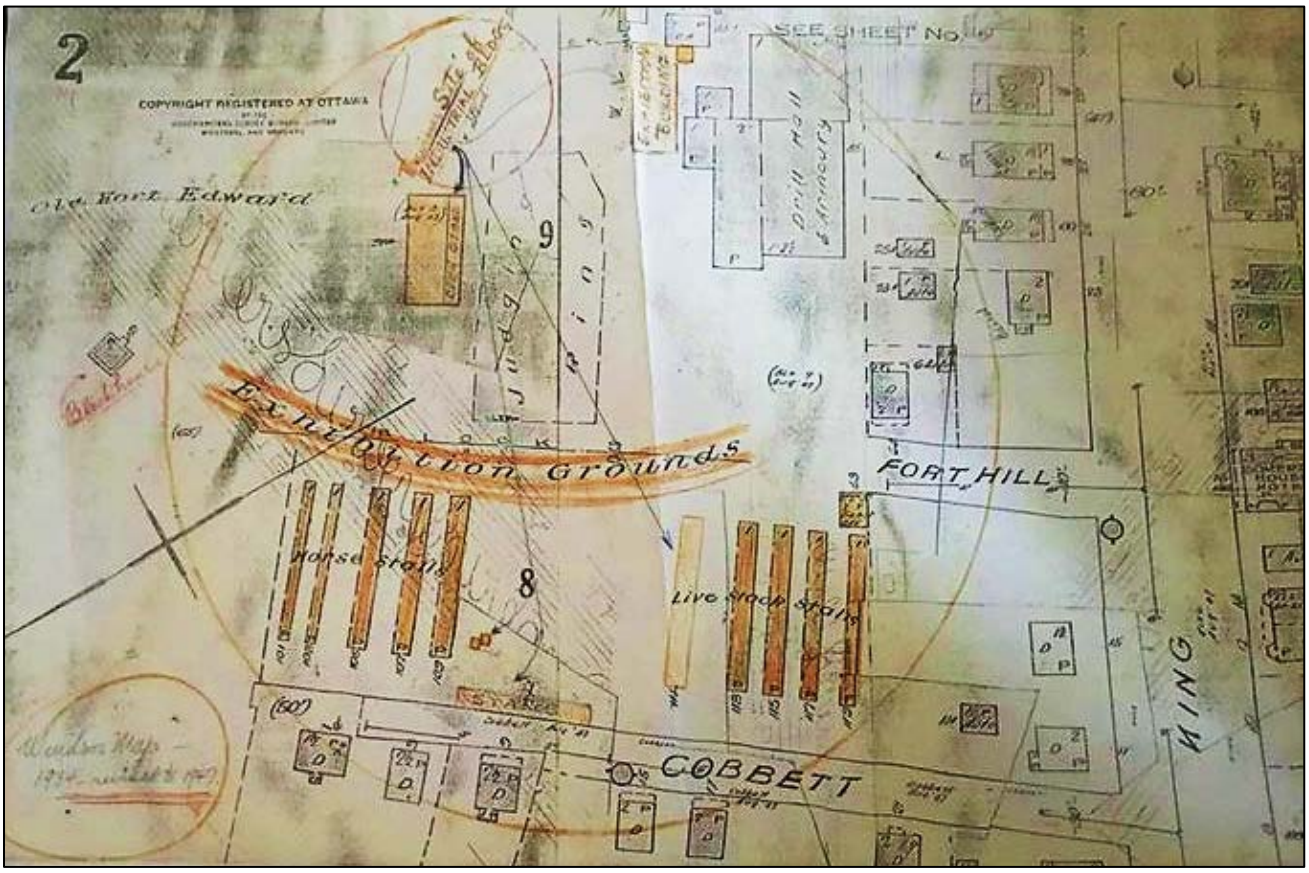


Figure 24: A 1934 (revised 1947) fire insurance plan showing the "Exhibition Grounds" in the study area. SOURCE: West Hants Historical Society.

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.

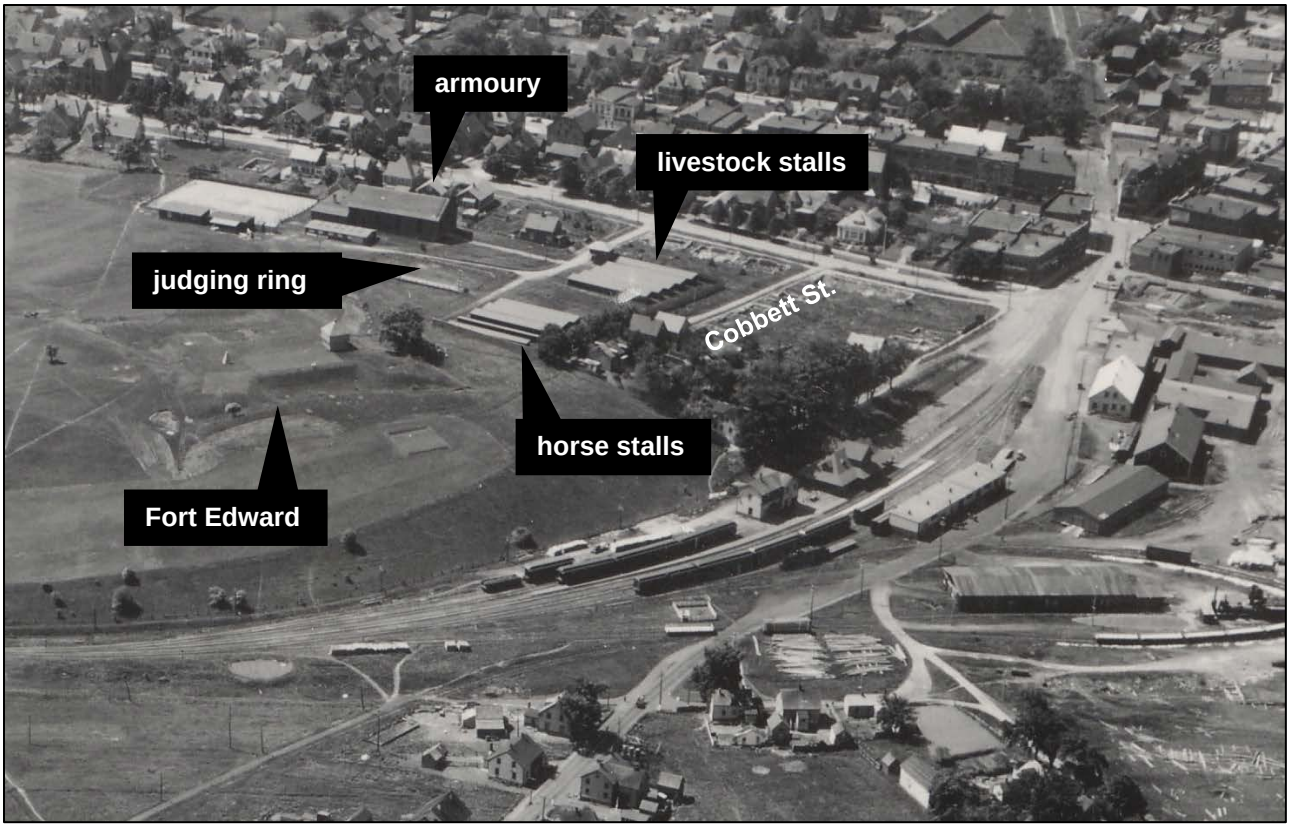


Figure 25: Fort Edward and the Exhibition Grounds from the north. SOURCE: NAPL A1236-83.

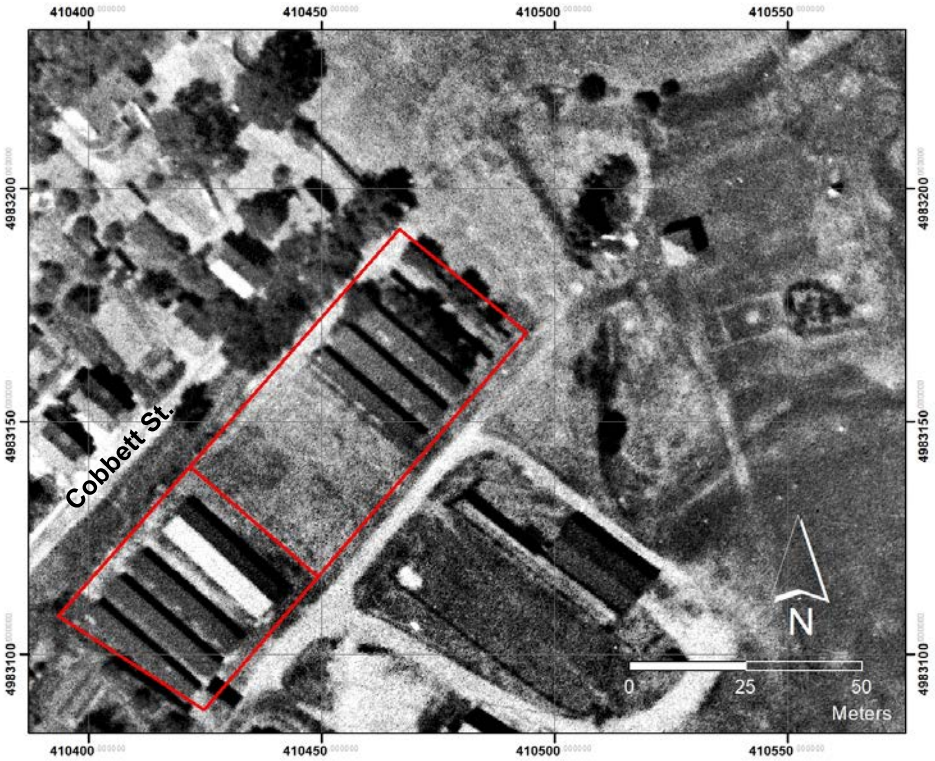


Figure 26: A 1945 aerial photograph of Fort Edward georeferenced to the modern landscape showing the exhibition grounds and nearby buildings. SOURCE: NAPL A8725-013.

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 the fort's viewplane 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 (**Figure 27**) are of critical importance – is key to ensuring Fort Edward's commemorative integrity "is not impaired or under threat" (Marineau 1998, 7–8; see also Parks Canada 2016, 38).

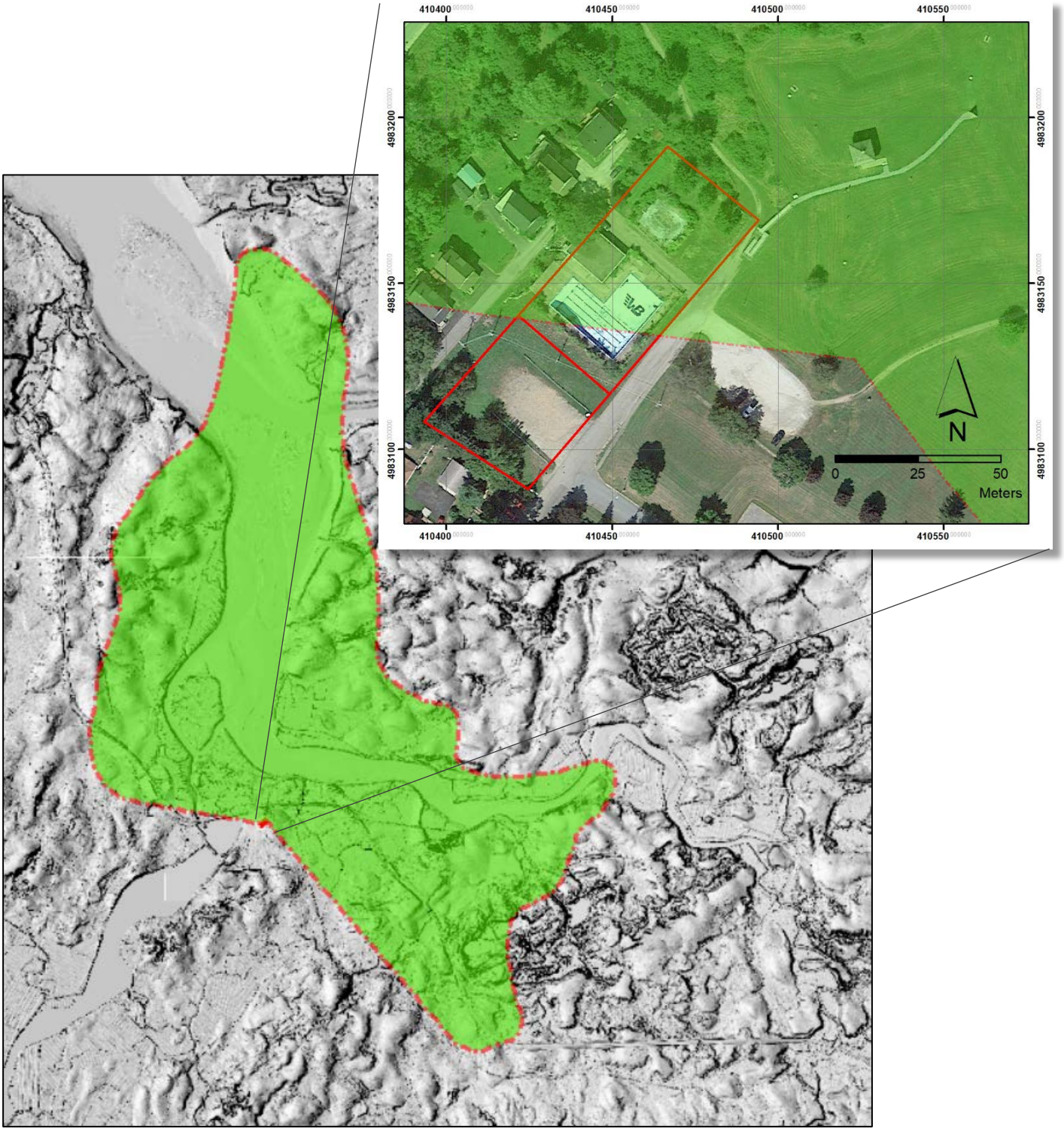


Figure 27: Fort Edward's viewplane in reference to the broader landscape (background) and to the study area (foreground). SOURCES: Google Earth (2015), Province of Nova Scotia (LiDAR), Parks Canada (viewplane).

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 28**), and by Alexander Murray at Fort Edward were, according to Winslow himself, "put into French" by Isaac Deschamps (Winslow 1883, 90).

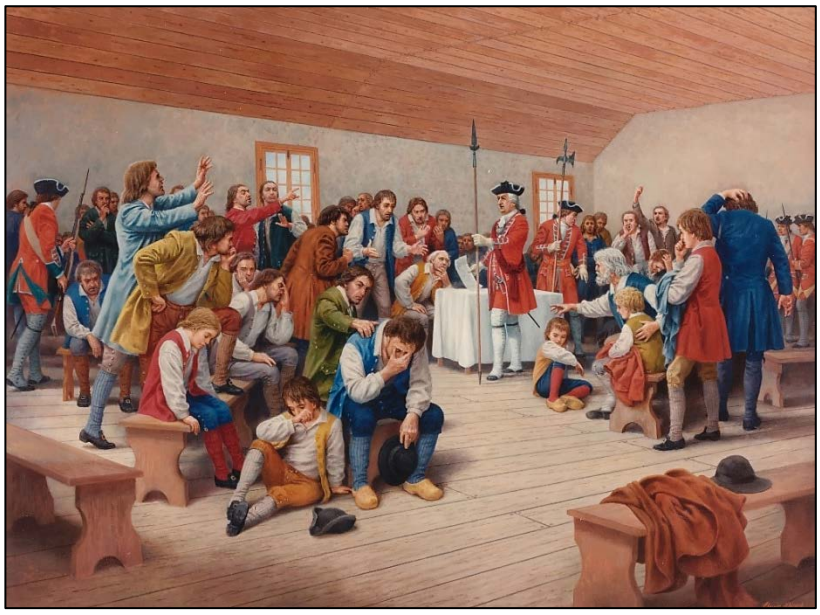


Figure 28: Historical reconstruction artwork depicting John Winslow reading the Deportation Order to Acadians at the parish church in Grand-Pré on September 5, 1755. A similar scene took place at Fort Edward at the same time. Both texts were translated into French by truckmaster Isaac Deschamps. SOURCE: Claude Picard.

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 29**). 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 29: 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 30**. 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.

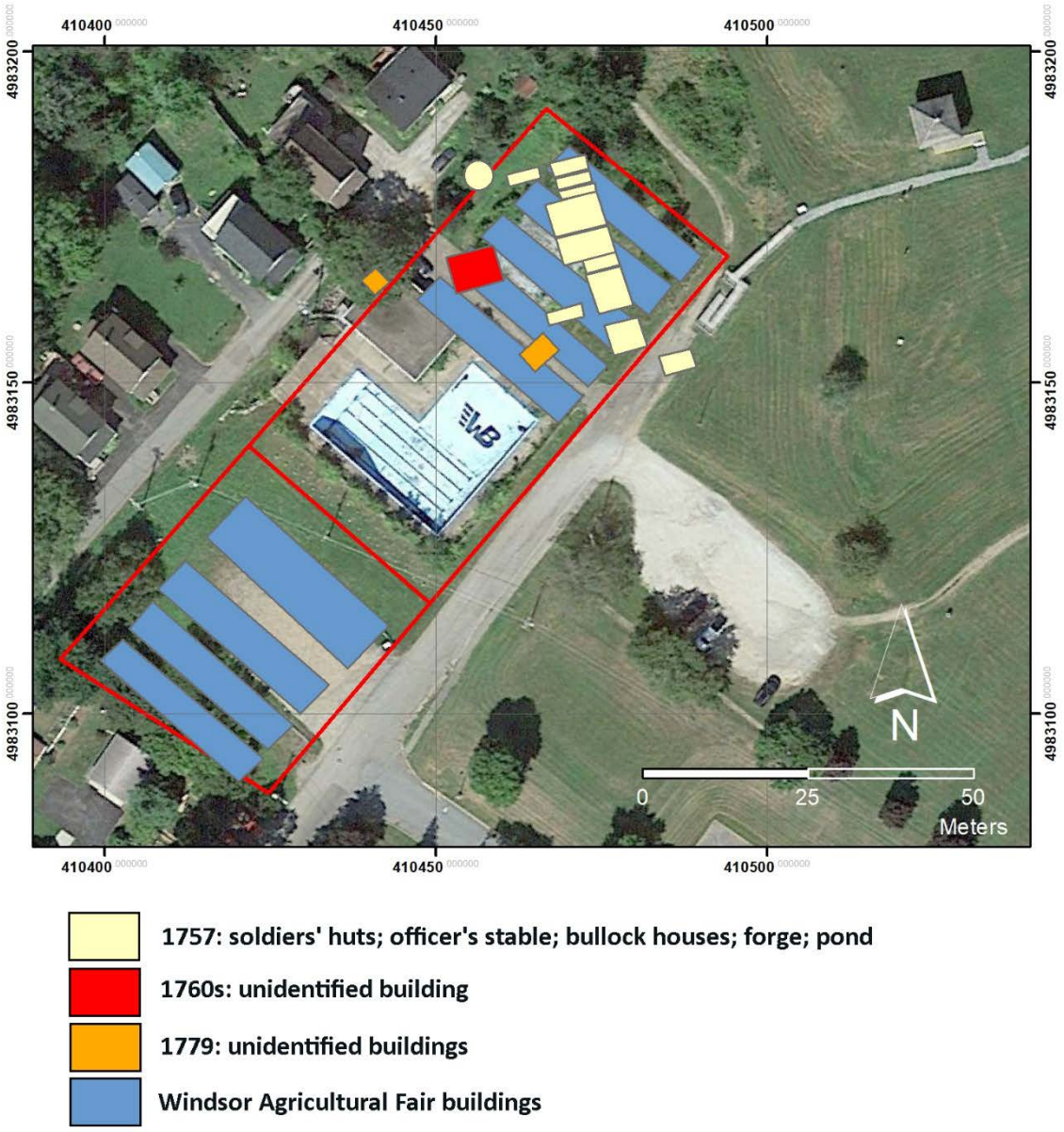


Figure 30: Archaeological potential map showing the locations of former structures identified using historical maps and aerial photographs. SOURCE: Google Earth 2015.

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 31**).[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.

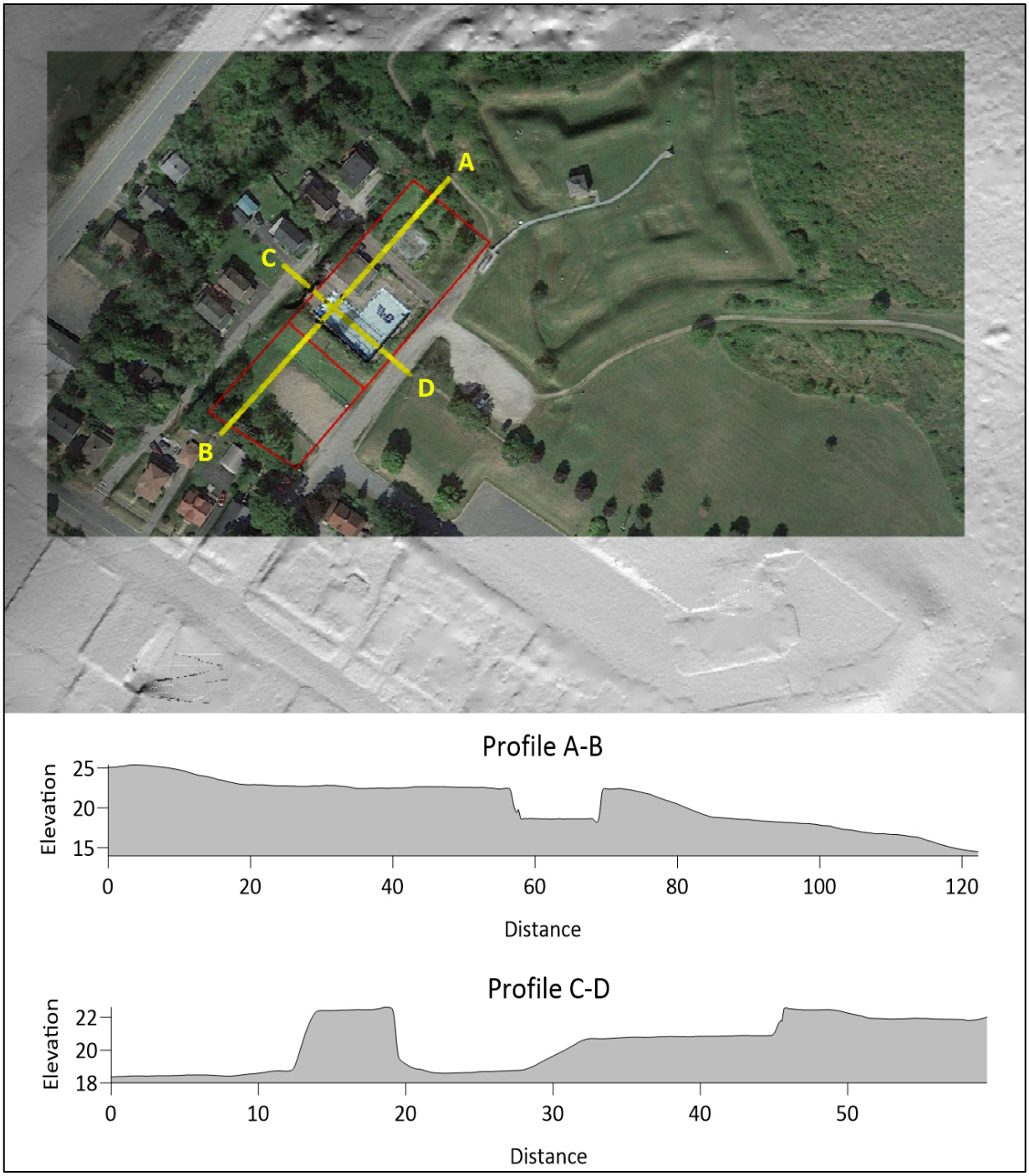


Figure 31: LiDAR data of the study area (outlined in red) and its surroundings with profiles indicating variations in relief arising from previous construction activities. Scale in metres; north at top. SOURCES: Province of Nova Scotia 2019 and Google Earth 2015.

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'kmaw 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 further ground disturbance be planned for any part of the study area, **it is recommended that a thorough Phase 2 ARIA be undertaken in advance** to better assess the nature of, and mitigate potential impacts to, archaeological resources.

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.

Finally, although Parks Canada's viewplane is not part of provincial jurisdiction or the Special Places Protection Act's regulatory framework, the West Hants Regional Municipality is advised of Parks Canada's concerns in relation to the viewplane, particularly regarding PID 45059797, which is also the property with the greater number of documented archaeological features.

11.0 REFERENCES

Abbé de l'Isle-Dieu. 1890. "Mémoire Sur Le Rêglement Des Limites (1753)." In *Collection de Documents Inédits Sur Le Canada et l'Amérique*, 3:60–87. Quebec.

Akins, Thomas Beamish. 1869. *Selections from the Public Documents of Nova Scotia*. Halifax: Nova Scotia Archives.

———. 1895. *History of Halifax City*. Halifax: Nova Scotia Historical Society.

Anon. 1886. "An Ancient Graveyard." *The Morning Herald*, 1886, August 26th edition.

Beanlands, Sara. 2014. "Formation of the Jewish Legion at Fort Edward." Halifax: Parks Canada Agency.

Brown, Andrew. 1819. "Removal of the French Inhabitants of Nova Scotia by Lieut. Governor Lawrence and His Majesty's Council in October 1755." Edinburgh. Special Collections. University of Edinburgh Library.

Bujold, Stéphan. 2004. "L'Acadie Vers 1750: Essai de Chronologie Es Paroisses Acadiennes Du Bassin Des Minas (Minas Basin, NS) Avant Le Grand Dérangement." *Études d'histoire Religieuse* 70: 59–79.

Cann, D.B., J.D. Hilchey, and G.R. Smith. 1954. *Soil Survey of Hants County*. Nova Scotia Soil Survey 5. Truro: Nova Scotia Department of Agriculture.

Chapman, Henry. 2006. *Landscape Archaeology and GIS*. Stroud, Gloucestershire: Tempus.

Chard, Donald Donald F. 1979. "Mauger, Joshua." In *Dictionary of Canadian Biography*. Vol. 4. Toronto and Quebec: University of Toronto and Université Laval.

Clark, Andrew Hill. 1968. *Acadie: The Geography of Early Nova Scotia to 1760*. Madison: University of Wisconsin Press.

Crépeau, Andrée, and David Christianson. 1995. "Home and Hearth: An Archaeological Perspective on Acadian Domestic Architecture." *Canadian Folklore Canadien* 17 (2): 93–109.

Cuthbertson, B.C. 1983. "Deslesdernier, Moses." In *Dictionary of Canadian Biography*. Toronto and Quebec: University of Toronto and Université Laval.

Davis, Derek S., and Sue Browne. 1996. *The Natural History of Nova Scotia: Theme Regions*. Vol. 2. Halifax: Nova Scotia Museum.

Deal, Michael. 2001. “Archaeological Investigations at Castle Frederick, Upper Falmouth, 1992.” In *Archaeology in Nova Scotia 1992, 1993 and 1994*, 16–55. Curatorial Report 95. Halifax: The Nova Scotia Museum.

———. 2016. *The Collection of Ages: Pre-Contact Archaeology of the Maritime Provinces*. Unpublished manuscript.

Dickason, Olive Patricia. 1971. “Louisbourg and the Indians: A Study in Imperial Race Relations, 1713-1760.” Ottawa, Ont.: University of Ottawa.

Duncanson, John V. 1983. *Township of Falmouth Nova Scotia*. Belleville, ON: Mika.

———. 1985. *Newport, Nova Scotia, a Rhode Island Township*. Belleville, ON: Mika.

———. 1989. *Rawdon and Douglas: Two Loyalist Townships in Nova Scotia*. Belleville, ON: Mika.

Eaton, Arthur Wentworth Hamilton. 1915. “Rhode Island Settlers on the French Lands in Nova Scotia 1760 to 1761.” *Americana* 10: 83–104.

Faragher, John Mack. 2005. *A Great and Noble Scheme: The Tragic Story of the Expulsion of the French Acadians from Their American Homeland*. New York: W.W. Norton & Company.

Ferguson, Robert. 1987. “Fort Edward National Historic Site.” In *Archaeology in Nova Scotia, 1985 and 1986*, 117–41. Curatorial Report 63. Halifax: Nova Scotia Museum.

Fowler, Jonathan. 2001. “The Minas Environs Project 2nd Annual Report, 1999-2000.” Halifax: The Nova Scotia Museum.

———. 2005. “A New Acadian Domestic Site at Poplar Grove, Nova Scotia.” Halifax: Nova Scotia Department of Communities, Culture and Heritage.

———. 2006a. “A Possible Pre-Deportation Acadian Domestic Site on the St. Croix River.” Halifax: Nova Scotia Department of Communities, Culture and Heritage.

———. 2006b. “An 18th Century Domestic Site on the Avon River, Archaeological Research Report, Heritage Research Permit A2006NS65.” Halifax: Nova Scotia Department of Communities, Culture and Heritage.

———. 2012. “From Acadians to Planters in the Grand-Pré Area: An Archaeological Perspective.” In *The New England Planters in the Atlantic World, 1760-1830*, 37–61. Fredericton, NB: Acadiensis Press.

———. 2013. “Geophysical Survey at the Thibodeau Site, Poplar Grove, HRP A2012NS160.” Nova Scotia Department of Communities, Culture and Heritage.

———. 2020. “Geophysical Surveys at Grand-Pré National Historic Site, 2017-2019.” Halifax: Parks Canada.

———. in prep. “The Acadian Villages of Pesikitk.” Halifax.

Fowler, Jonathan, Sara Beanlands, and Robert Ferguson. 2016. “Geophysical Survey at Fort Edward National Historic Site.” Halifax: Parks Canada Agency.

Fowler, Jonathan, and Robert Ferguson. 2010. “Beneath the Blockhouse Floor.” In *Underground Nova Scotia: Stories of Archaeology*, 63–74. Halifax: Nimbus Publishing.

Fowler, Jonathan, and Stéphane Noël. 2017. “‘Poetry Is Always Truer than History’: The Curious Parentage of Acadian Archaeology.” In *The Country Where My Heart Is: Historical Archaeologies of Nationalism and National Identity*, 37–68. Gainesville: University Press of Florida.

Green, William, and John F. Doershuk. 1998. “Cultural Resource Management and American Archaeology.” *Journal of Archaeological Research* 6 (2): 121–67.

Gwyn, Julian. 2010. *Planter Nova Scotia 1760-1815: Falmouth Township*. Wolfville: Kings-Hants Heritage Connection.

Haliburton, G. Brenton. 2011. *A Colonial Portrait: The Halifax Diaries of Lady Sherbrooke, 1811-1816*. Raleigh, N.C.: Lulu Press.

Harrison, Rodney. 2010. *Understanding the Politics of Heritage*. Manchester and Milton Keynes: Manchester University Press in association with the Open University.

Herbin, John Frederic. 1911. *The History of Grand-Pre*. St. John, N.B. : Barnes & co., limited. http://archive.org/details/historyofgrandpr00herbiala.

Hind, Henry Youle. 1889. *Sketch of the Old Parish Burying Ground of Windsor, Nova Scotia, with an Appeal for Its Protection, Ornamentation, and Preservation*. Windsor, N.S.: Jason A. Anslow.

Hutton, Elizabeth Ann. 1983. “Indian Affairs in Nova Scotia, 1760-1834.” In *The Native Peoples of Atlantic Canada: A History of Indian-European Relations*, 63–80. Ottawa, Ont.: Carleton University Press.

Johnston, A.J.B. 2004. “The Call of the Archetype and the Challenge of Acadian History.” *French Colonial History* 5: 63–92.

Johnston, A.J.B., and Wayne Kerr. 2004. *Grand-Pré: Heart of Acadie*. Halifax: Nimbus Publishing.

LeBlanc, Barbara. 2003. *Postcards from Acadie: Grand-Pré, Evangeline & the Acadian Identity*. Kentville: Gaspereau Press.

LeBlanc, Ronnie-Gilles. 2005. “Pigiguit: L’impact de Grand Dérangement Sur Une Communauté de l’ancienne Acadie.” In *Du Grand Dérangement à La Déportation: Nouvelles Perspectives Historiques*, 167–246. Quebec: Marquis.

Lewis, Roger. n.d. “The History of Truckhouses in Nova Scotia.” *What Is a Truckhouse?* (blog). n.d. https://stopaltongas.wordpress.com/whyoppose/treaties/.

Longley, R.S. 1961. “The Coming of the New England Planters to the Annapolis Valley.” *Collections of the Nova Scotia Historical Society* 33: 81–101.

Loomer, L.S. 1996. *Windsor, Nova Scotia: A Journey in History*. Windsor, N.S.: West Hants Historical Society.

MacFarlane, R.O. 1938. “British Indian Policy in Nova Scotia to 1760.” *The Canadian Historical Review* 19 (2): 154–67.

MacKenzie, Shelagh. 2002. *Halifax Street Names: An Illutrated Guide*. Halifax: Formac Publishing Company.

Marineau, Francois. 1998. “Fort Edward National Historic Site: Commemorative Integrity Statement.” Halifax: Parks Canada.

Mattingly, David. 2006. *An Imperial Possession: Britain in the Roman Empire, 54 BC - AD 409*. London: Penguin.

Milner, Cameron. 2014. “The Precontact Village at St. Croix (BfDa-1), Nova Scotia: Explorations of Site Size and Stratigraphic Integrity.” St. John’s: Memorial University.

Moody, Barry. 2014. *A History of Annapolis Royal, A Town with a Memory, Volume 2: 1749-2005*. Halifax: Nimbus Publishing.

Morse, William Inglis. 1935. *Acadiensia Nova (1598-1779)*. Vol. 1. 2 vols. London: Bernard Quaritch Ltd.

Murdoch, Beamish. 1866. *History of Nova Scotia or Acadie*. Vol. 2. Halifax: James Barnes.

Nova Scotia Department of Transportation and Infrastructure Renewal. 2021. "Traffic Volume Census on Provincial Highway System." Halifax: Nova Scotia Department of Transportation and Infrastructure Renewal. https://novascotia.ca/tran/publications/Primary_Roads_-_Traffic_Volume_Data.pdf.

Parks Canada. 2012. "Grand-Pré National Historic Site of Canada Management Plan." Ottawa, Ont.: Parks Canada.

———. 2016. "The National Historic Sites of Southwest Nova Scotia, Port-Royal, Fort Anne, Charles Fort, Fort Edward and Melanson Settlement: Management Plan." Ottawa: Parks Canada Agency.

Preston, Brian. 1991. "Heritage Research Permit A1988NS03: Summary Report." In *Archaeology in Nova Scotia 1987 and 1988*, 113–27. Halifax: Nova Scotia Museum.

Reid, John G. 2004. "Pax Britannica or Pax Indigena? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification." *The Canadian Historical Review* 85 (4): 669–92.

Rumsey, David, and Meredith Williams. 2002. "Historical Maps in GIS." In *Past Time, Past Place: GIS for History*, 1–18. Redlands, CA: ESRI Press.

Sable, Trudy, and Bernie Francis. 2012. *The Language of This Land, Mi'kma'ki*. Sydney, NS: Cape Breton University Press.

Schmeisser, Barbara M. 2001. "A History of the Reconstruction of the Port-Royal Habitation." Halifax: Parks Canada.

Shand, Gwendolyn Vaughan. 1979. *Historic Hants County*. Published by the Author.

Stea, R.R., H. Conley, and Y. Brown. 1992. "Surficial Geology Map of the Province of Nova Scotia." Halifax: Nova Scotia Department of Natural Resources. https://www.arcgis.com/home/item.html?id=e41319add9db485a8d3c6827210fd5f1.

Tainter, Joseph A., and G. John Lucas. 1983. “Epistemology of the Significance Concept.” *American Antiquity* 48 (4): 707–19.

Tourism Nova Scotia. 2022. “Tourism Revenues.” Halifax: Tourism Nova Scotia. https://tourismns.ca/tourism-revenues.

Tulloch, Judith. n.d. “Fort Edward NHS: Confirmation and Clarifaction of National Historic Site Significance.” Historic Sites and Monuments Board of Canada.

United Nations World Tourism Organization. 2021. “The Economic Contribution of Tourism and the Impact of Covid-19.” Madrid: United Nations World Tourism Organization. https://www.e-unwto.org/doi/epdf/10.18111/9789284423200.

Upton, L.F.S. 1979. *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867*. Vancouver: University of British Columbia Press.

Webster, John Clarence. 1936. *The Journal of Joshua Winslow*. St. John: New Brunswick Museum.

White, Richard. 1991. *The Middle Ground: Indians, Empires, and Republics in the Gteat Lakes Region 1650-1815*. Cambridge: Cambridge University Press.

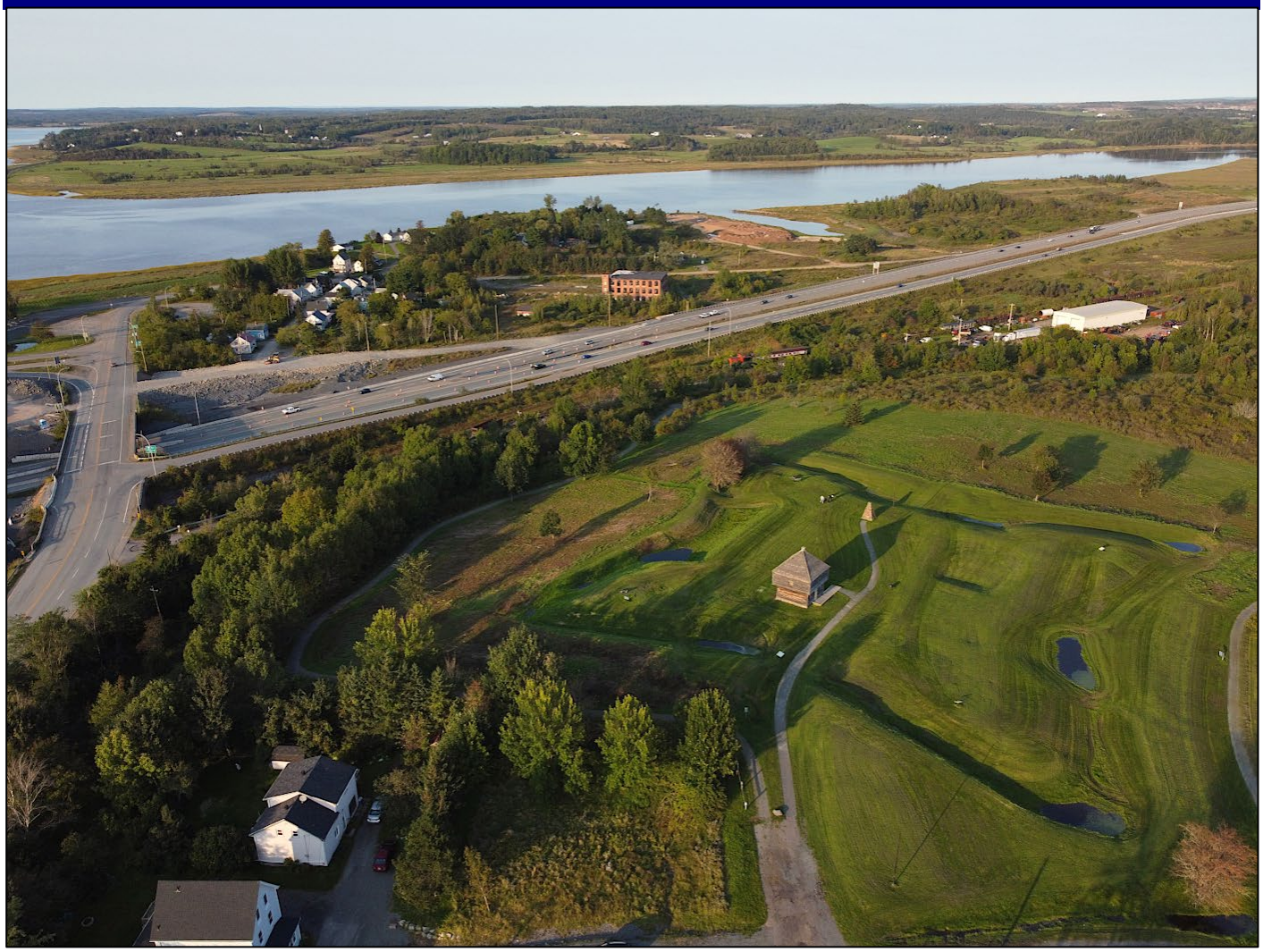
Whitehead, Ruth Holmes. 1993. *Nova Scotia: The Protohistoric Period 1500-1630, Four Micmac Sites: Oak Island: BlCu-2,3, Northport: BlCx-1, Pictou BkCp-1, Avonport: BgDb-6.* Curatorial Report 75. Halifax: The Nova Scotia Museum.

Wicken, William C. 2002. *Mi’kmaq Treaties on Trial: History, Land, and Donald Marshall Junior*. Toronto: University of Toronto Press.

Winslow, John. 1883. “Journal of Colonel John Winslow, of the Provincial Troops, While Engaged in Removing the Acadian French Inhabitants from Grand Pre, and the Neighbouring Settlements, in the Autumn of the Year 1755.” *Report and Collections of the Nova Scotia Historical Society for the Years 1882-1883* 3: 71–196.

———. 1884. “Journal of Colonel John Winslow of the Provincial Troops, While Engaged in the Siege of Fort Beauséjour in the Summer and Autumn of 1755.” *Collections of the Nova Scotia Historical Society* 4: 113–246.

Fort Edward Street
Archaeological Resource Impact Assessment, Preliminary Testing:
HRP A2023NS178



NORTHEAST ARCHAEOLOGICAL RESEARCH

Prepared for: West Hants Regional Municipality

Prepared by: Jonathan Fowler

22 October 2023

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. This work was conducted under Heritage Research Permit A2022NS013 and concluded that the properties have high archaeological potential even though this land has obviously been subject to significant disturbance in recent decades. We recommended thorough subsurface testing be conducted in advance of any planned construction (Fowler 2022a, 38–40, 44).

In the late summer of 2022, the West Hants Regional Municipality again retained Northeast Archaeological Research Inc., this time to conduct a series of exploratory sub-surface test excavations at Fort Edward Street. Although the municipality has – at the time of writing – yet to determine the future of this land, the CAO, Mark Philips, considered it appropriate that Council's deliberations be informed by at least a preliminary program of archaeological testing.

To that end, we introduced 21 shovel test excavation units across the property between September 22-30, 2023.

Our results brought to light artifactual evidence spanning the 18th-20th centuries. No material cultural evidence of Indigenous occupation was noted. Possible evidence of French colonial (Acadian) activity was noted, and no significant physical evidence of military activity associated with adjacent Fort Edward was observed. All of the test units gave evidence of significant disturbance caused by modern construction activities and, with the exception of a small number of very recent finds recovered near the surface, artifacts were generally in secondary context.

Prior construction activities have stripped soil from the upslope portion of the site and deposited it downslope, likely redepositing archaeological materials in the process. Nevertheless, abundant archaeological evidence appears to still be present at Fort Edward Street, and there is a reasonable likelihood that the original surface of much of the site is entombed. Unfortunately, some of the areas with the greatest documented concentrations of archaeological resources appear to have been heavily impacted.

Although this report indicates zones of disturbance and backfilling where superficial construction activities could take place without the need for further archaeological mitigation, circumstances prevented our testing program from being comprehensive, and no formal architectural plans or engineering designs have yet been advanced. We therefore recommend that a final Archaeological Resource Impact Assessment, informed by these plans and designs, should precede any future construction.

Portions of this report reiterate background material presented in the previous, Phase 1 exercise.

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1.0 INTRODUCTION

In late summer 2022, the West Hants Regional Municipality retained Northeast Archaeological Research Inc. to conduct a Phase 2 Archaeological Resource Impact Assessment of two contiguous properties, 36 and 65 Fort Edward Street, in Windsor (**Figure 1**). Our Phase 1 assessment, presented the year before, found this land to have high potential for significant archaeological resources relating to Mi'kmaw, Acadian, and Anglo-American communities and traditions (Fowler 2022a). The present report describes investigations conducted under Category C Heritage Research Permit A2023NS178 in the early autumn of 2023, 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/archaeologicalresourceimpactassessmentc.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 *Pesikitk* ("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 palaeobotantical 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 find 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 Mockingigh 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 sites[4] (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 Pesikitk 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 Pesikitk 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; 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 Pesikitk 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, 1:145–49). The symbology of a 1737 map suggests wigwams at Pesikitk (**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 Pesikitk.[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 Pesikitk area. The portage route connecting Pesikitk to Kjipuktuk (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 Pesikitk 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 (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 Pesikitk in 1755, using Fort Edward as a base of operations and a prison (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. Pesikitk 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 imperfect[7], 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.

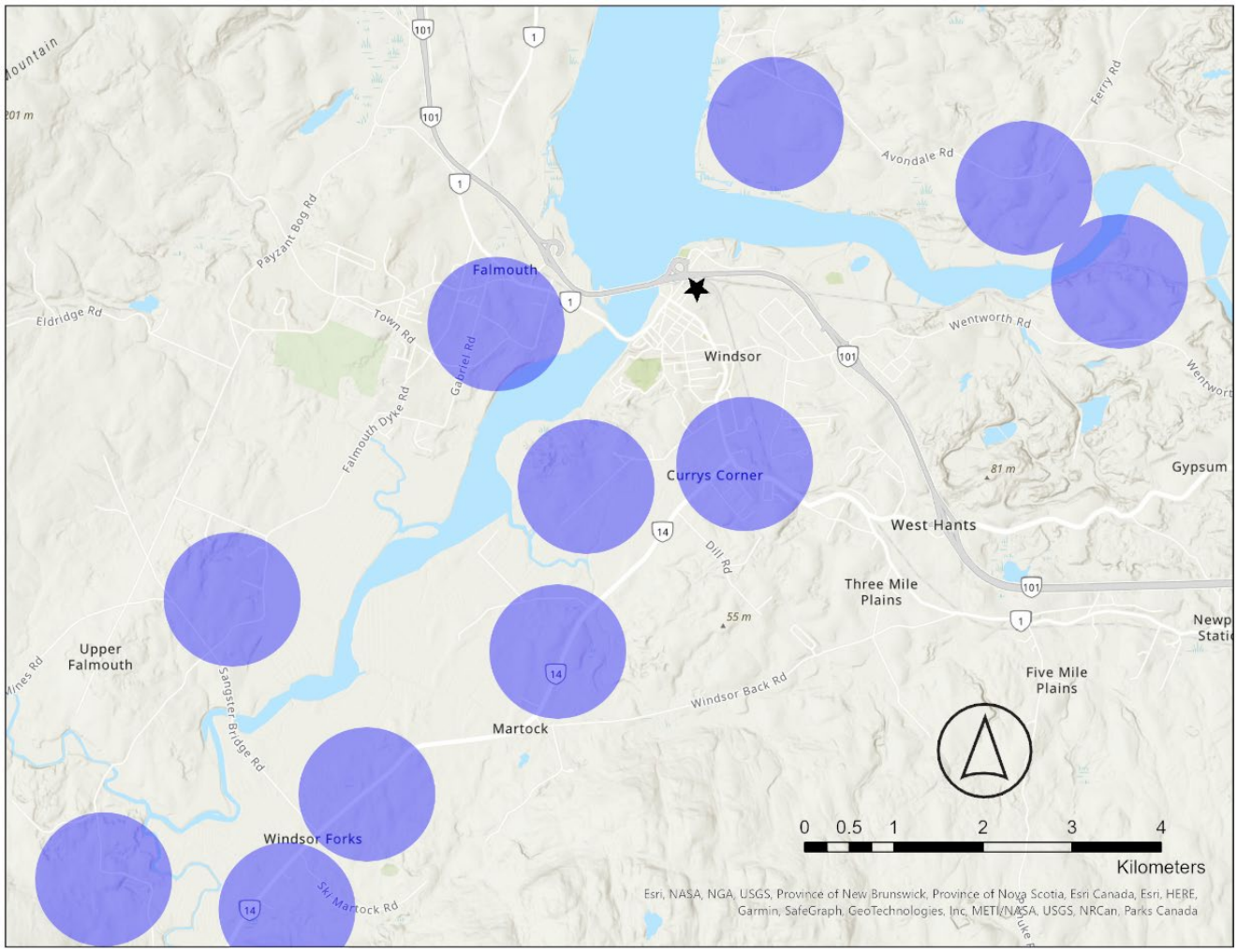


Figure 3: Map of most of the known pre-Deportation Acadian hamlet sites near Fort Edward as derived from historical and archaeological evidence. Fort Edward is marked by a black star.

[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.

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 Pesikitk 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 trading post – or truckhouse[9] – 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.

[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*.

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] 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).

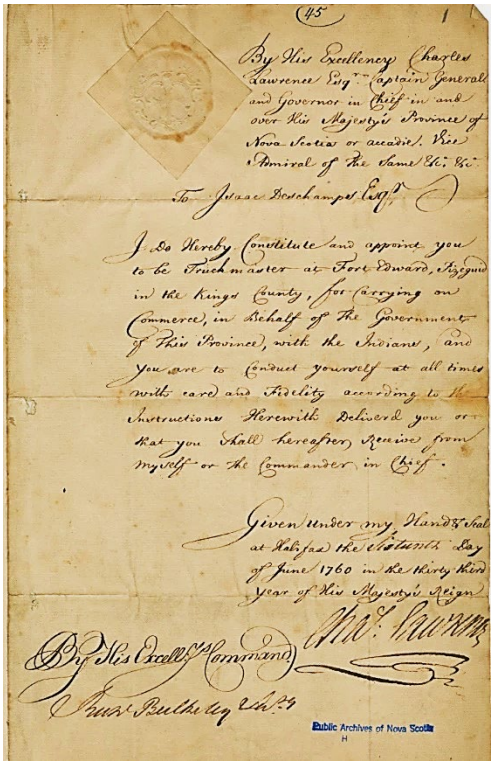


Figure 5: Commission appointing Isaac Deschamps truckmaster at Fort Edward, "for Carrying on Commerce, in Behalf of the Government of this Province, with the Indians." NSA, MG 1 vol. 258 no. 1.

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

[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.

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 Pesikitk 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 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 Deschamp'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'kmaw 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	*Joseph Bernard*	1 boy, 1 girl
	Pierre Bernard	
	Barth^{y} Amquaret	2 boys
	Barth^{y} Amquaret	Sen^{r} [?]
	Pierre Amquaret	
	Paul Amquaret	
	Philippe Amquaret	2 boys, 1 girl
	Joseph Dugas	
	Francois Michel	1 girl
	Simon Amquaret	
	Blaize Amquaret	
	Jean Argoumatine	1 boy, 2 girls
	Joseph Argoumatine	
	Jos. Denis	

"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	
	Louis Michel	

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 Pesikitk. 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 perpretrators 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]

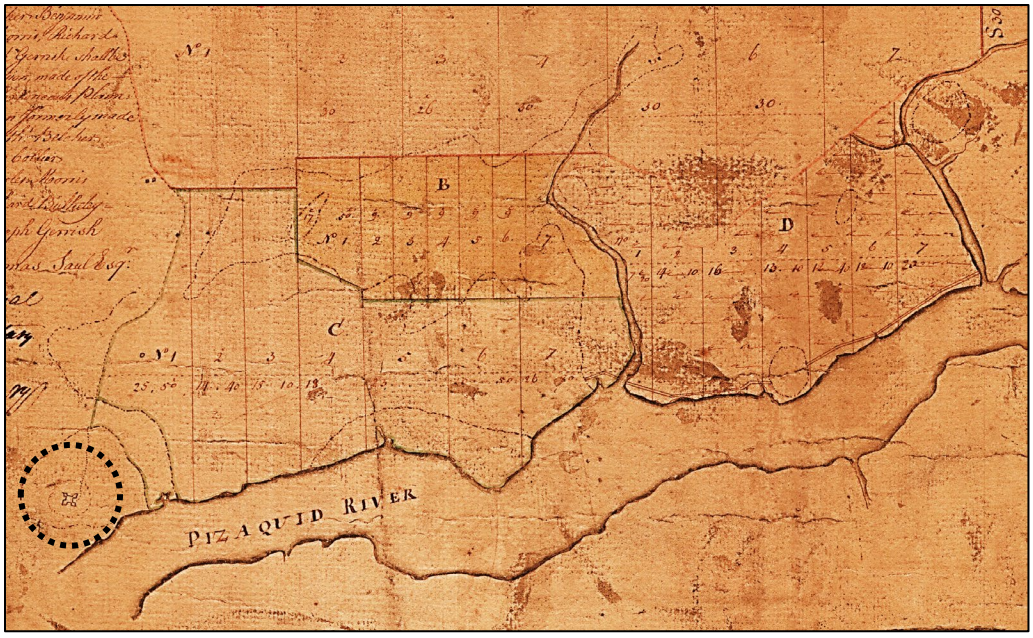


Figure 6: Detail of part of the Councillors' Grant of former Acadian lands at Pesikitk (north at bottom, Fort Edward circled at lower left). The proprietors named are Jonathan Belcher, John Collier, Charles Morris, Richard Bulkeley, Joseph Gerrish, and John Cunningham (for Thomas Saul). Collier and Belcher 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. Structures associated with the agricultural fair – most of which are long stalls for horses and livestock – appear on early 20th century photographs (**Figure 7**). These structures become relevant in light of the results of our archaeological testing program.

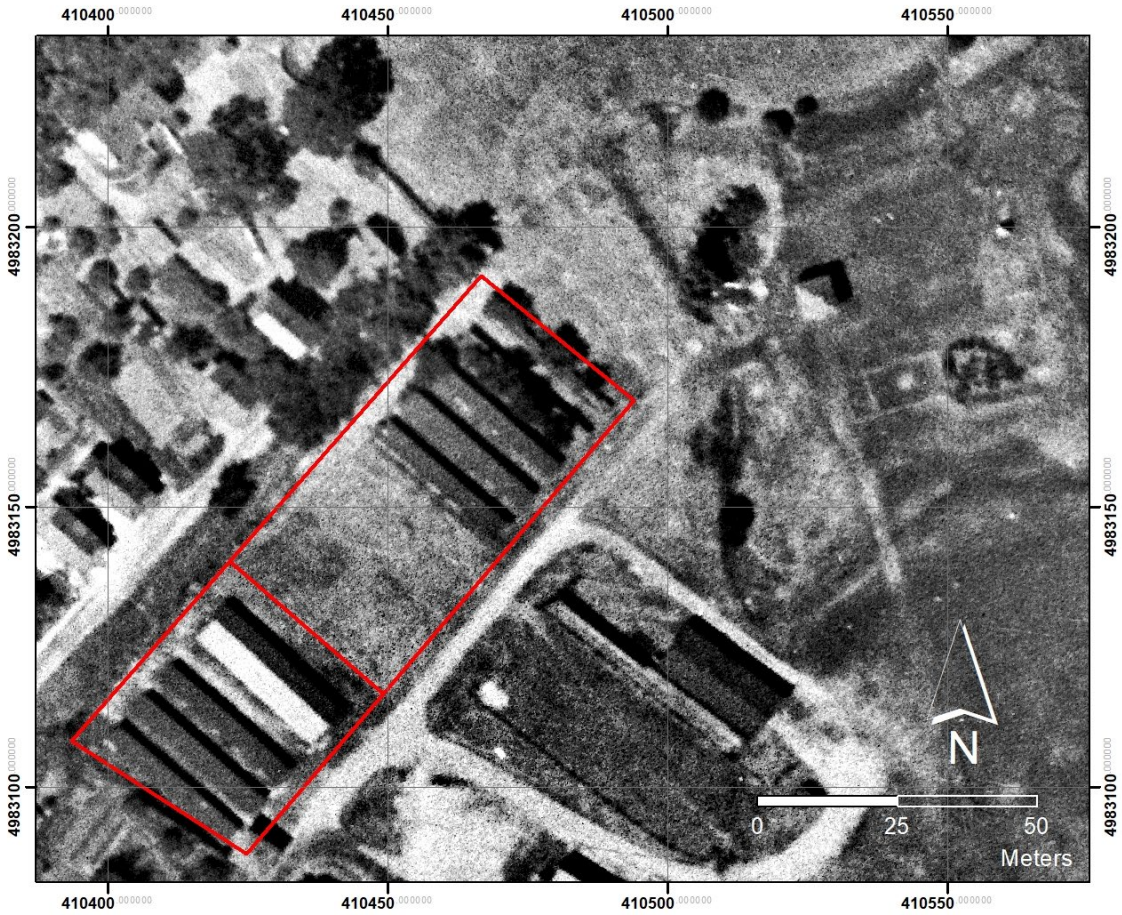


Figure 7: A 1945 aerial photograph of Fort Edward georeferenced to the modern landscape showing the exhibition grounds and nearby buildings, study area outlines in red. SOURCE: NAPL A8725-013.

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 8**), is well known for her role in spiriting 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 8: 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 four building appear on an 1879 map of the town of Windsor (**Figure 9**), the store house and soldiers' barracks would soon be demolished.

[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.

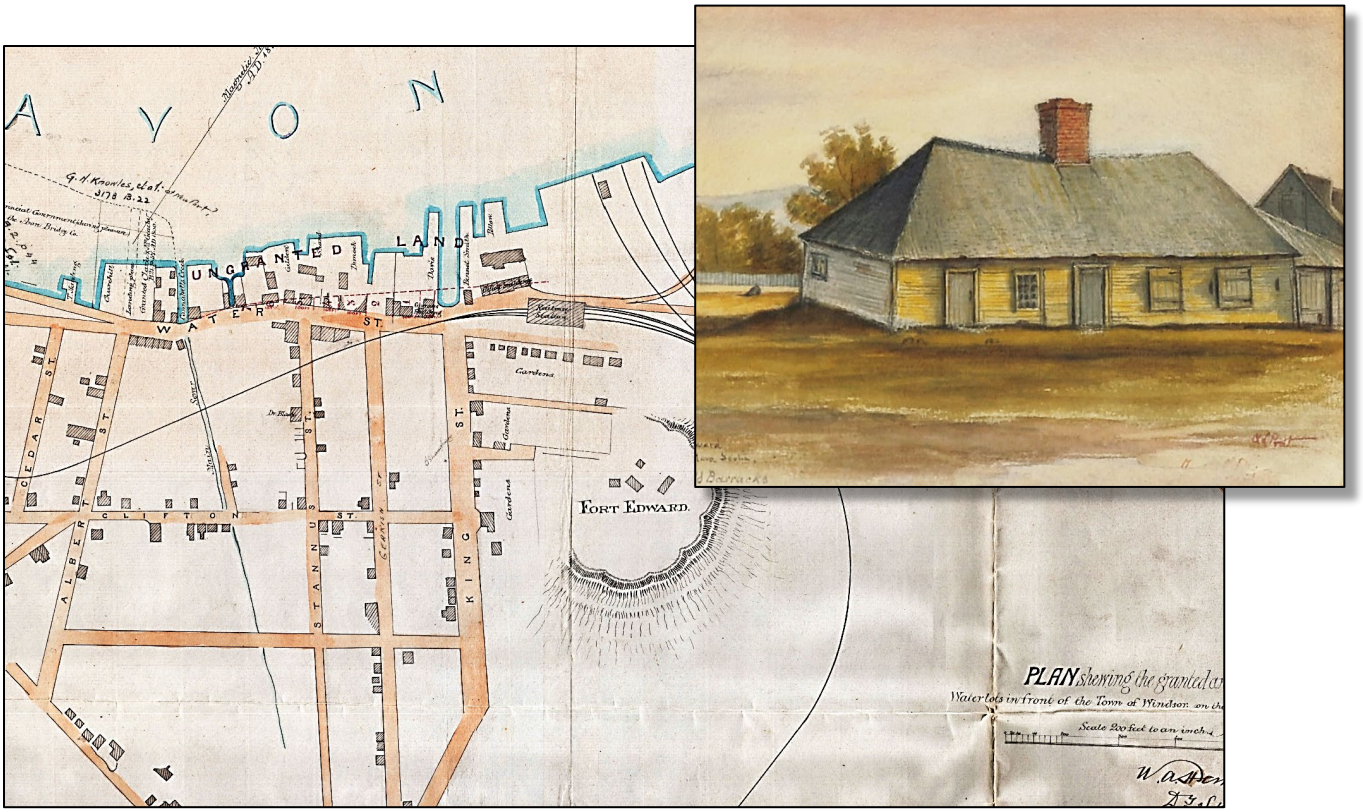


Figure 9: Detail of a map showing the Town of Windsor and four standing buildings at Fort Edward in 1879. North at upper right. Inset: Watercolour of the old soldiers' barracks painted ca. 1880 by Annie L. Pratt. The north-facing gable end of the provision store can be seen at right, behind the soldiers' 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 10**). The golf course lease was renewed before and after WWII and was finally terminated in 1973 (Tulloch n.d., 10).



Figure 10: 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 foregoing discussion highlights the pertinent historical and archaeological context, and the following sections examine the results of preliminary archaeological testing. The study area consists of two contiguous properties (PIDs 45059805 and 45059797) at 36 and 65 Fort Edward Street (**Figures 11**).

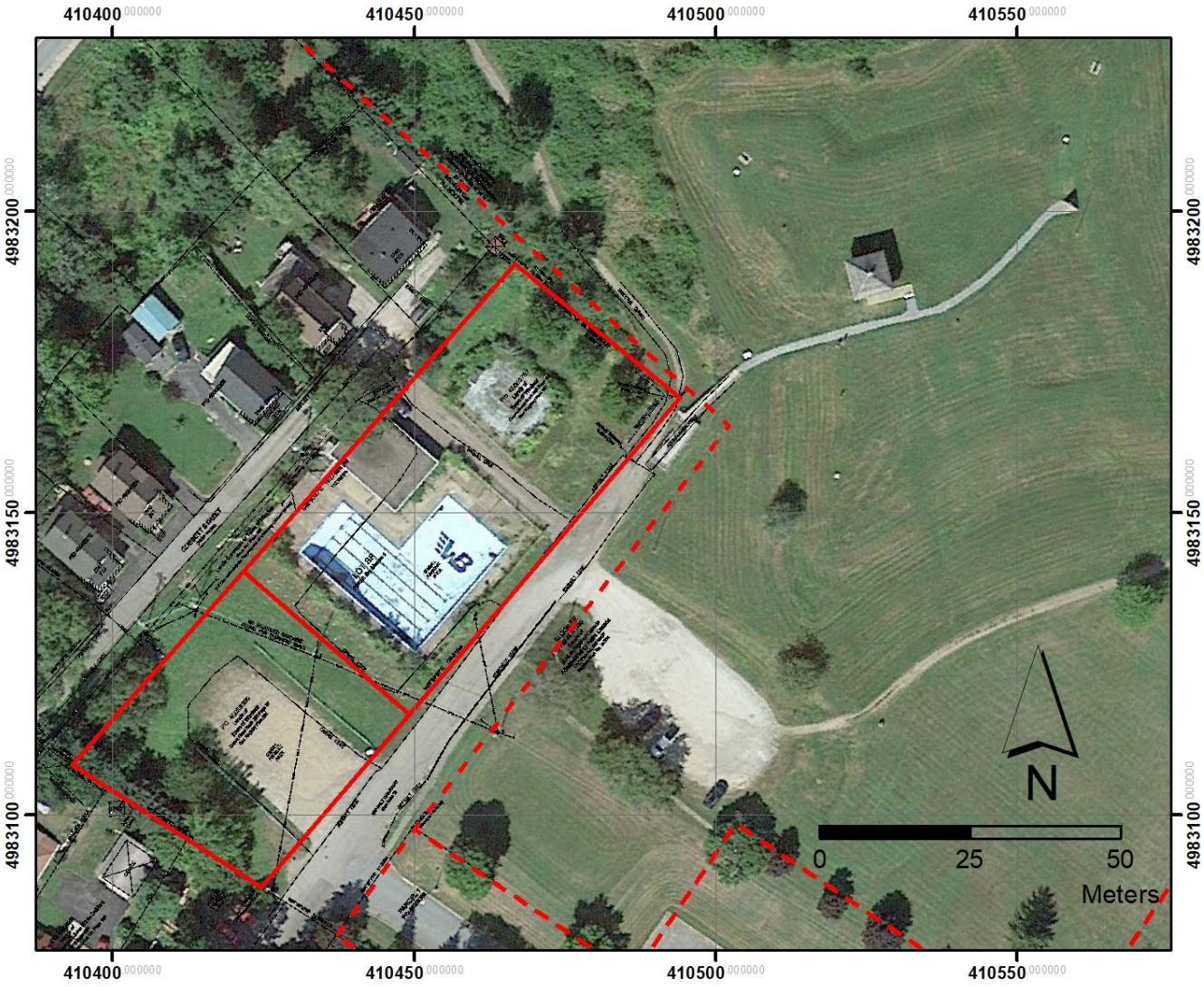


Figure 11: The study area (solid red outline) as indicated by a new survey plan dated 15 February 2022, in reference to the Parks Canada property (dashed red line). The smaller of the two contiguous municipal properties is PID 45059805 and the larger is PID 45059797. SOURCES: Google Earth (2015), Parks Canada, and West Hants Regional Municipality.

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**). The area subject to archaeological test excavation underwent significant cultural modification in the late 1960s, when a municipal pool facility

was built here. Although no longer in use when the Google Earth imagery shown in Figure 10, above, was taken in 2015, the large pool at the middle of the property, and the smaller wading pool upslope, had not yet been filled. This was done in late 2019 or early 2020, judging from Google Earth imagery, and the main pool area was capped with gravel fill.



Figure 12: The study area, outlined in red, with Fort Edward in the foreground, photographed on 2 May, 2023. Camera facing southwest.

In April-May 2023, the study area was subject to Ground-Penetrating Radar (GPR) surveys as part of an archaeological remote sensing field school at Saint Mary's University, which I directed under Heritage Research Permit A2023NS076. The final report of this research is not yet complete, and GPR results will not be treated here. In general, these results were limited by the widespread presence of clay, which reduces the effective depth of penetration of the radar signal.

The results of our Phase 1 Archaeological Resource Impact Assessment provide additional context for interpreting the test excavation results (**Figure 13**). These findings suggest that early 20th century buildings associated with the agricultural fair occupied the upper and lower portions of the study area, while the middle area, where the main pool was constructed in the late 1960s, appears to have been vacant in this period. Moving upslope, and closer to Fort Edward, historical

photographs and maps indicate the presence of additional animal stalls in the later period. Mid-to-late 18th century maps also show several structures in this area, likely associated with Fort Edward and/or the neighbouring truckhouse (Fowler 2022a, 26–27, 38).

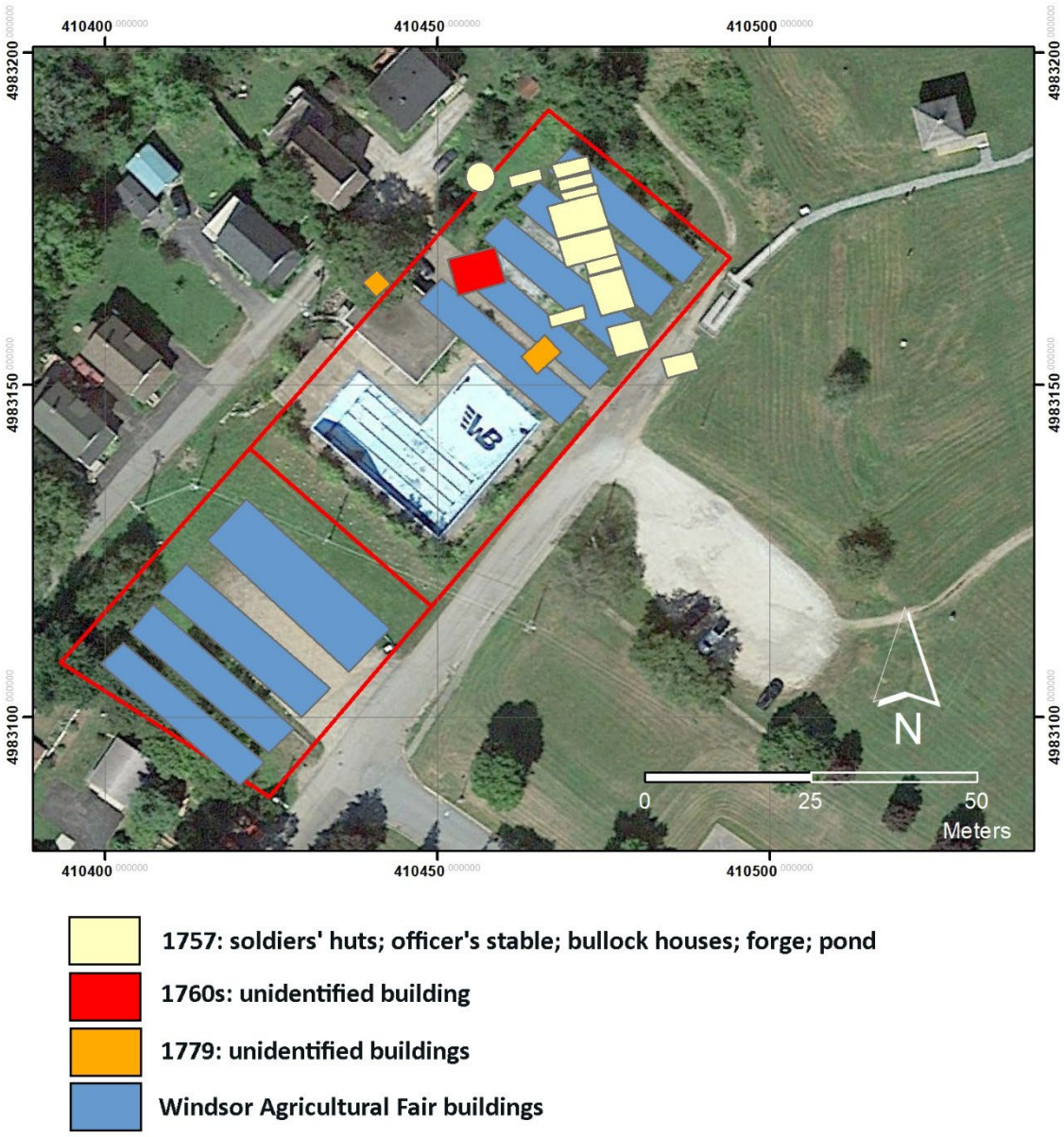


Figure 13: Archaeological potential map showing the locations of former structures identified using historical maps and aerial photographs. SOURCE: Google Earth 2015.

4.0 METHODOLOGY

The West Hants Regional Municipality requested that archaeological testing be undertaken to obtain a *preliminary* sense of the nature, extent, and state of preservation of the heritage resource in the study area. Ordinarily, subsurface testing programs such as this are guided by architectural plans and engineering designs associated with a planned construction activity, but that was not so in this instance because the municipality has yet to determine this property's future. At least one company has expressed interest in acquiring the property and building housing, while a broad coalition of community members and groups, under the auspices of the West Hants Historical Society, advocate retaining the land as a public resource. Their goal is to build an interpretation centre.

The community coalition's architectural plans are still in development, but the private company has submitted a provisional design to the West Hants Regional Municipality.[18] Our archaeological test units were positioned in relation to this provisional design, with the understanding that (1) information gained will inform whichever development (if any) Council decides to support; and (2) regardless of the outcome of this preliminary testing program, subsequent construction activities will necessitate further archaeological mitigation.[19]

We consequently excavated 22 shovel test units between September 24 and October 1, 2023 according to the provisional architectural drawings forwarded to us by Mark Philips, CAO of the West Hants Regional Municipality. These excavation units reflect locations of footings for foundations associated with the provisional, private sector (housing) option. **Figure 14** shows the locations of test units in relation to hi-resolution aerial imagery of the site captured on May 5, 2023, georeferenced to a 2019 provincial LiDAR hillshade map. The latter reveals the footprint of the now infilled pool.[20]

All test units were excavated manually to a depth of 120cm where possible, and the resulting sediments screened through ¼" steel mesh. Observations were recorded on shovel test record sheets (**Appendix A**). All ceramic, glass, and metal objects were collected for analysis, while brick and concrete fragments, charcoal, coal, and cinders were sampled. Prior to manual excavation, municipal staff on September 29 assisted in mechanically removing modern overburden (largely gravel fill) with an excavator.

[18] West Hants Regional Municipality CAO Mark Philips to Jonathan Fowler, personal communication, 21 July 2023.
[19] West Hants Regional Municipality CAO Mark Philips to Coordinator of Special Places John Cormier and Jonathan Fowler, personal communication, 29 August 2023.
[20] One additional test unit associated with proposed footings northeast of TP08 was omitted because it falls within the deep end of the old pool, and has been filled with modern material.

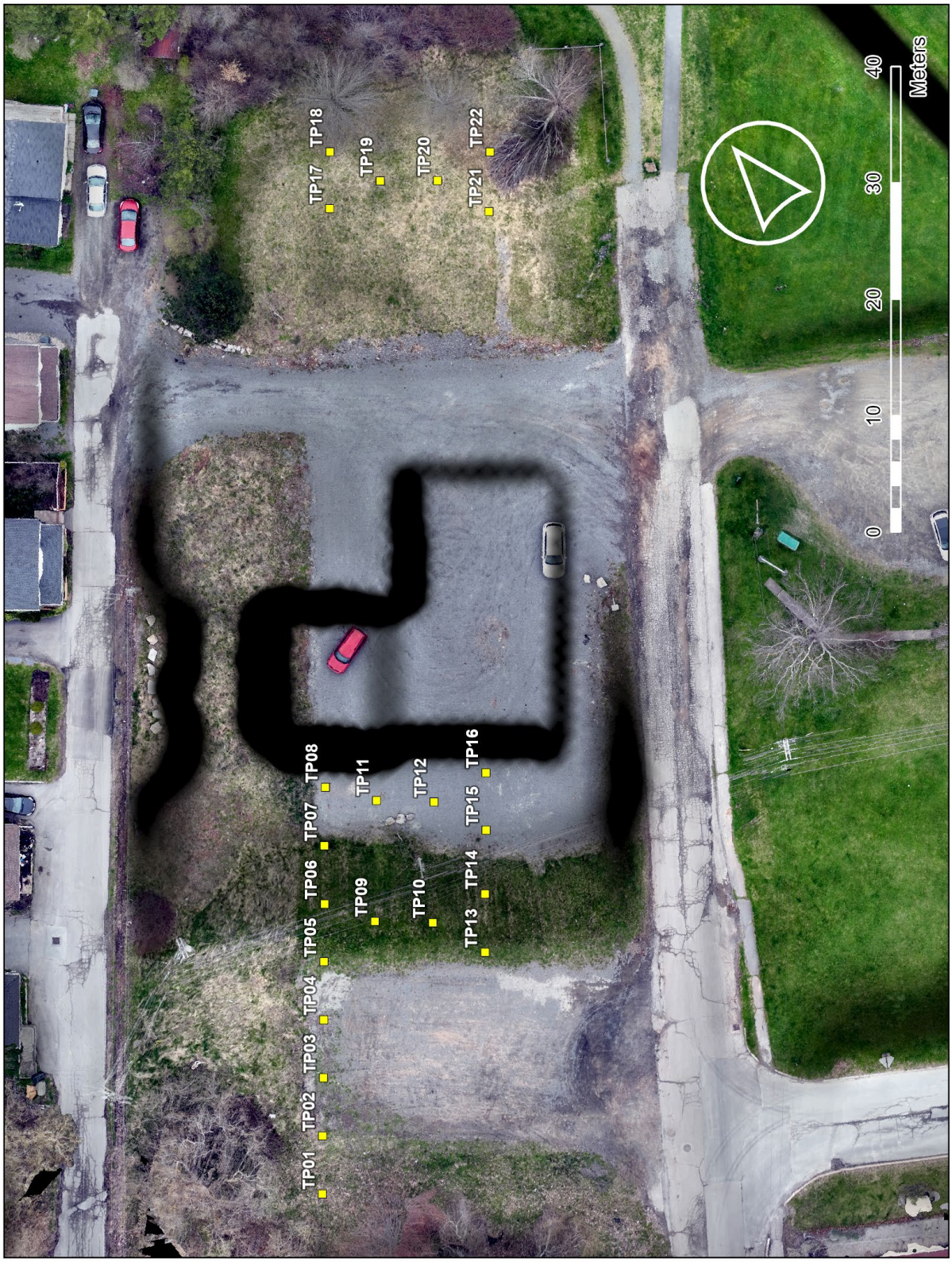


Figure 14: Plan of test excavation units in reference to a May 5 aerial photograph and 2019 LiDAR hillshade map.

5.0 Resource Inventory

Twenty-one of the proposed 22 test units were excavated. Water was encountered beneath the sod in unit 22, preventing further excavation here. In sum, 538 artifacts were collected, cleaned, and assessed. Removing brick, charcoal, cinder, and coal samples yields an assemblage numbering 345 objects. The complete artifact inventory is presented in **Appendix B**.

The first general observation is that artifact distribution varied significantly by location, with the majority of finds being concentrated in the area downslope, to the southwest (**Table 2**, **Figure 15**). Test units 17-22, which are located upslope, in the vicinity of the old wading pool, yielded very little evidence. This distribution pattern informs our understanding of site formation processes, to which subject we will return in the next sections.

Table 2: Artifact Count by Test Unit

Unit	Artifacts
TP01	62
TP02	31
TP03	22
TP04	36
TP05	25
TP06	14
TP07	9
TP08	1
TP09	14
TP10	31
TP11	7
TP12	9
TP13	25
TP14	23
TP15	1
TP16	10
TP17	18
TP18	1
TP19	2
TP20	2
TP21	2
TP22	0
	345

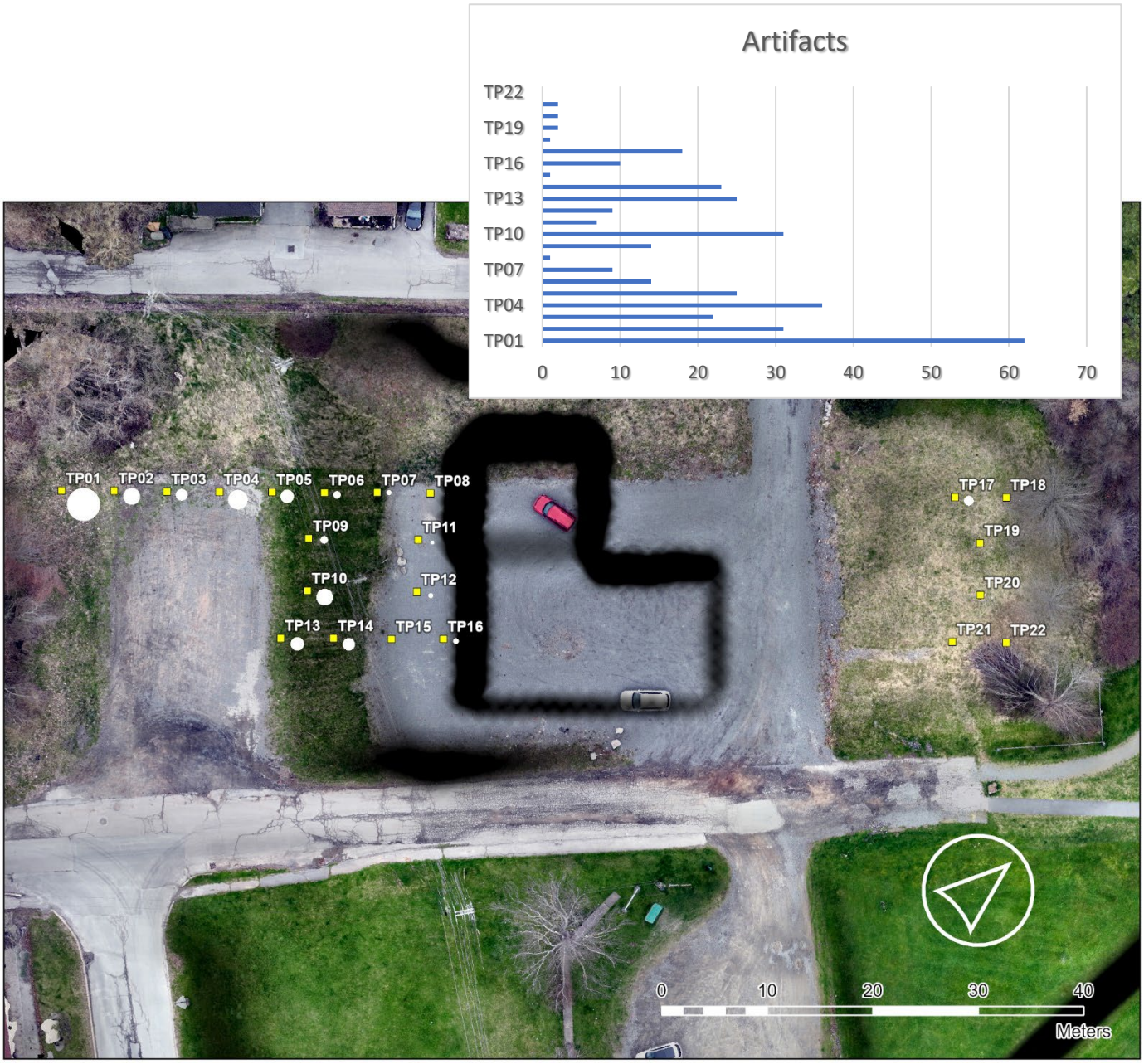


Figure 15: Artifact distribution by test unit. The white circles are scaled proportionately and demonstrate that the majority of the finds originated in the downslope portion of the property, with the largest single. These figures have been adjusted by removing brick, charcoal, cinder, and clinker samples.

Next, it should be observed that no evidence of Indigenous material culture was observed. No worked or unworked tool stone, for example, came to light, nor did we encounter any other materials associated with Mi'kmaw and ancestral material cultural traditions. Naturally, one cannot know the ethnicity of those who interacted with the various fragments of ceramics and glass recovered.

The date ranges of the artifacts we encountered span the 18th to 20th centuries, the more recent end of this time scale being witnessed by materials such as wire nails, fragments of concrete, pieces of plastic, and painted and unpainted wood fragments. A range of glass types were encountered, most of which cannot be securely dated, but the ceramic assemblage is more instructive. The majority of the ceramic evidence dates to the post-Deportation period, although there are several specimens of ceramics – notable tin-glazed earthenware (**Figure 16**), white salt-glazed stoneware, and Jackfield ware – that span the pre- and post-Deportation periods. The temporal distribution of the most securely datable elements of the ceramic assemblage is shown in **Figure 17**.

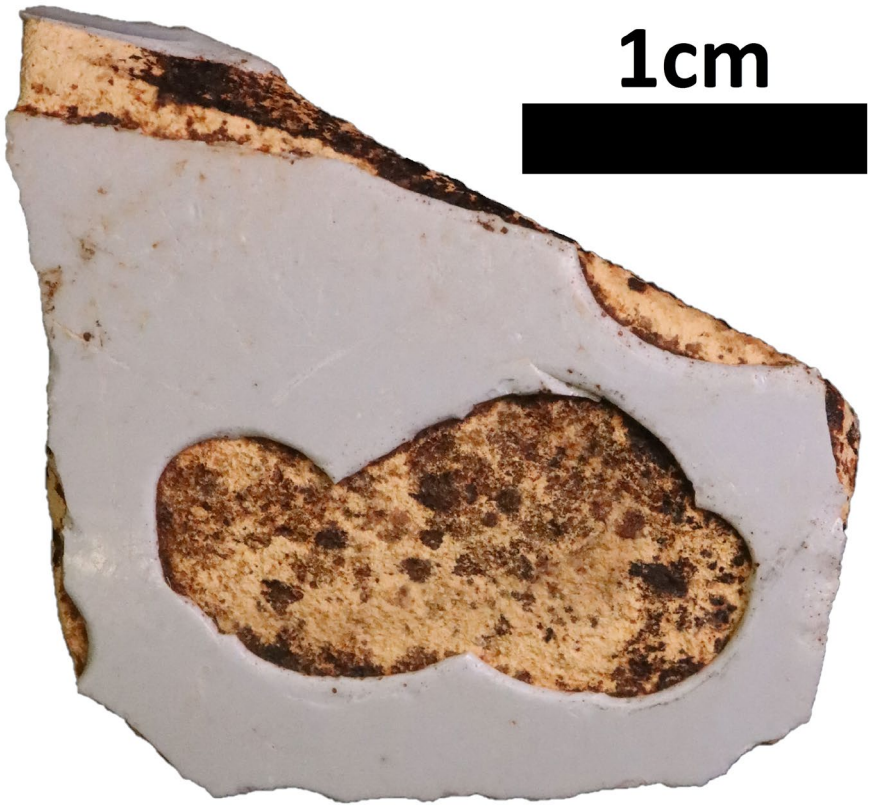


Figure 16: Tin-glazed earthenware sherd (ca. 1650 - 1800) recovered from test unit 2.

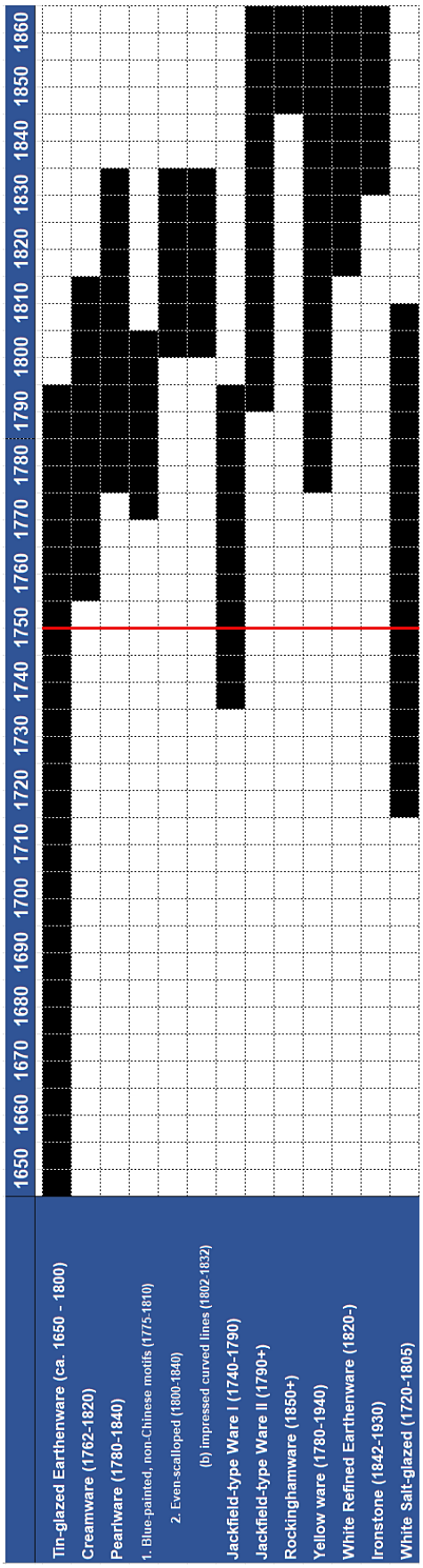


Figure 17: Ceramic intersection chart showing dates of the most securely datable ceramics in the Fort Edward Street assemblage. The red line at 1755 marks the date of the deportation of the Acadians of from this area.

Although the glass assemblage is generally much less informative than the ceramic assemblage, two shards of leaded stemware were observed, one in test unit 5 and one in test unit 17. These specimens were identified with the aid of a UV lamp, which causes the lead to fluoresce (**Figure 18**). English lead crystal has been noted in the Americas since the 1670s, so this is another potential indicator of pre-Deportation occupation (Noël Hume 1969, 186; Miller et al. 2000, 7).



Figure 18: Leaded stemware shard from test unit 17 fluorescing under the influence of a UV lamp.

Functionally, the artifacts speak predominantly of domestic activities (**Figure 19**). Refined ceramic table wares are especially common, and much more so than utilitarian wares used for storage or food preparation. A modest faunal assemblage includes 17 fragments of shell and 13 of bone, 9 of the latter being calcined, giving evidence of burning. Most of these faunal remains are likely too small to support species-level identification, but at least one oyster shell is apparent. Evidence of burning is also discernable on many of the ceramic sherds and glass objects. Three clay smoking pipe fragments were noted, including a stem with a 4/64” bore diameter and a partial, undecorated bowl fragment, possibly of an 18th century form.

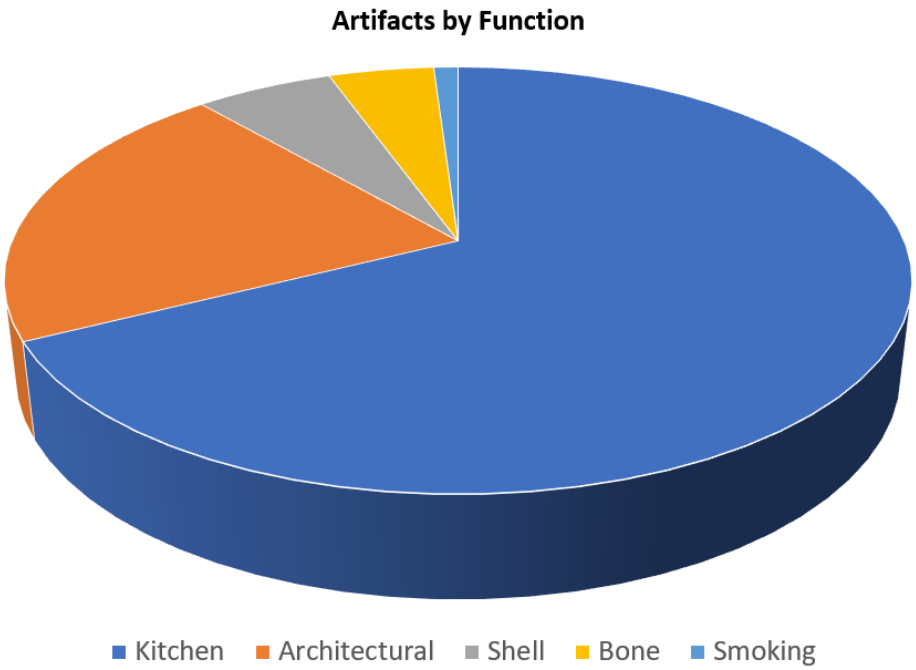


Figure 19: Pie graph showing the distribution of artifacts by identifiable function. The categories are adapted from the functional typology advanced by South (1977).

It is noteworthy that the Arms functional group (including gun parts, musket balls, gun flints, etc.) is not evident here, nor is the Clothing group.

In addition to shedding light on the nature and chronology of past activities in the study area, the testing program revealed a great deal about sediments and stratigraphy. In fact, our results indicate that the study area may be characterized in one of two ways. Downslope, test units 1-16 constitute a zone of redeposited fill. None of the units excavated in this area encountered the B-horizon within 120cm of the modern surface, signifying a normal soil profile. In the gravel-covered area where the large swimming pool formerly stood, fine over course gravels (recent construction fill) extended to a depth of approximately 80-85cm below the surface. Beneath this, an artifact-bearing stratum of redeposited clay to sandy clay, Munsell colour 5YR 3/4 – 4/4, was generally noted. On the other hand, upslope, test units 18-21 encountered the B-horizon in the form of a deep, culturally sterile, medium compacted slay to sandy clay stratum, Munsell colour 5YR 4/4 - 4/6 (glacial till).[21] We will return to this phenomenon below.

[21] Test unit 17 fell within the footprint of the old wading pool and encountered recently deposited construction sand fill at 55cm depth and standing water at about 93cm depth. The overlying fill contained artifacts, however, including 18th century ceramics and glass.

Finally, test unit 5 yielded a significant stratigraphic result in the form of a buried concrete surface – perhaps a floor – at a depth of approximately 110cm below the surface (**Figure 20**). This provides a vivid illustration of the depth of fill in this area.



Figure 20: Excavation in test unit 5 was limited to 110cm below the surface, which is the depth at which we encountered a concrete surface, likely a floor. The author, shown here, is standing on it. Camera facing northeast.

A photographic inventory of the completed shovel test units is presented in **Appendix C**, to which photographs of noteworthy artifacts have been attached.

6.0 Resource Evaluation

The assignment of value in heritage is complex, often political, and is subject to change over time as societal norms and preoccupations evolve (Bender 1993; Lowenthal 1985; Smith 2006). 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.[22]

That said, nothing we recovered during this preliminary archaeological testing program seems particularly noteworthy or special in this regard. The artifacts we

[22] Readers are directed to our Phase 1 Archaeological Resource Impact Assessment for a more thorough treatment of the heritage values associated with this property in more general, historical terms (Fowler 2022a).

encountered are all of familiar types that are frequently encountered in late colonial-era and more recent sites. None represent particularly well-preserved or complete examples of these types, nor are their contexts especially valuable or well-preserved, the majority deriving from fill (i.e. secondary contexts). The only feature in primary context was the concrete surface in test unit 5, which, when collated with historical mapping and aerial photography, seems most like to be the floor of an early 20th century livestock stall associated with the Agricultural Fair (**Figure 21**). The absence of this concrete floor in nearby test units 9, 10, and 13 may be explained by the additional elevation of the modern surface at these locations (+60cm, +86cm, and +40cm respectively). Nevertheless, a rubble layer composed of large stones was encountered at a depth of 110cm in test unit 13, and it is possible that this layer, which prevented further excavation, may be destruction fill resting upon a preserved concrete surface at this location as well.

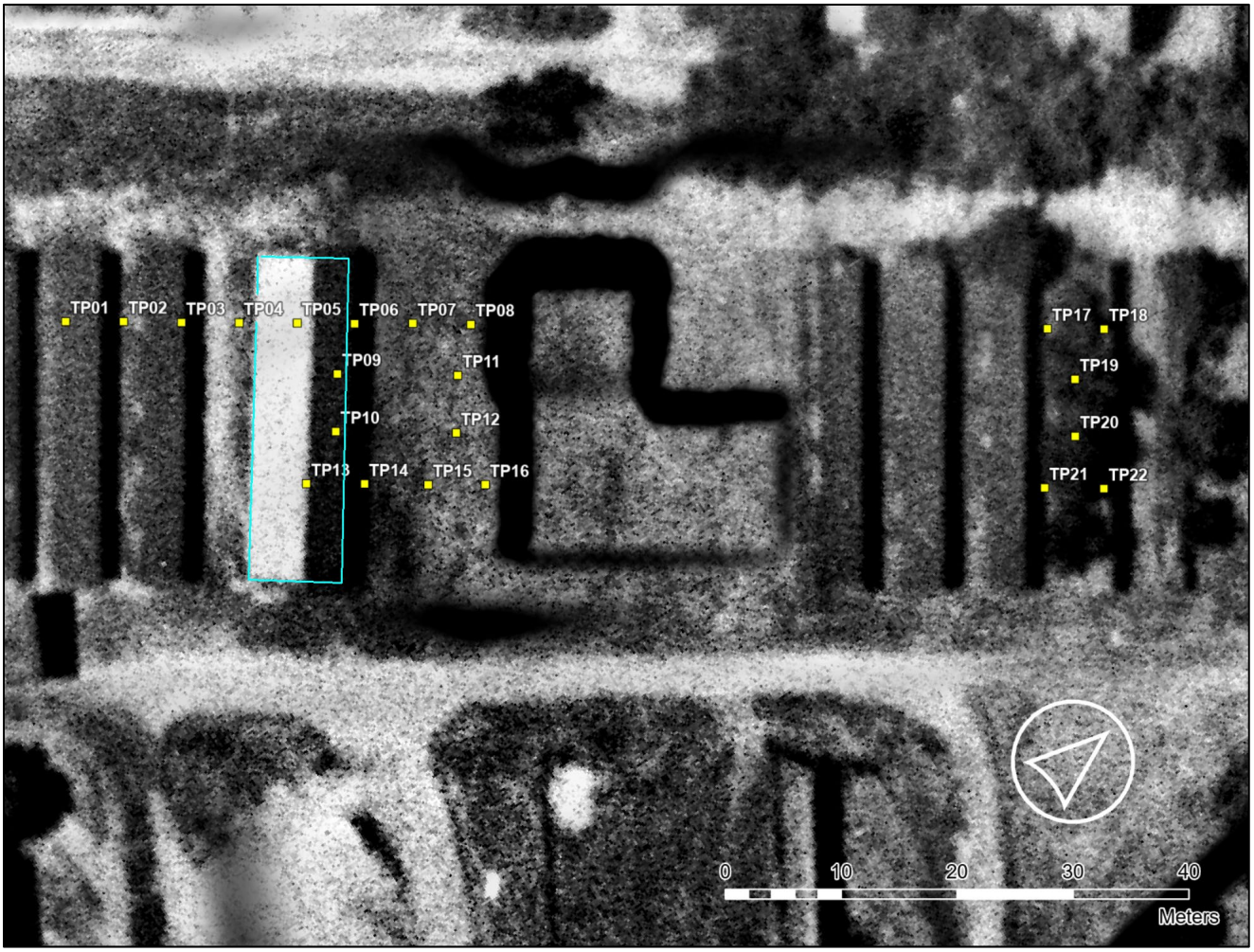


Figure 21: The concrete surface located at a depth of approximately 110cm beneath the modern surface in test unit 5 corresponds to a livestock stall as shown in this georeferenced aerial photograph from 1945 (building outlined in light blue). The photograph is also georeferenced to a 2019 LiDAR hillshade map, which shows the location of the late 20th century pool. SOURCE: Natural Resources Canada A8725-013.

7.0 Results and Discussion

As this investigation aims to present only a preliminary assessment of subsurface resources, and as Council has yet to decide on the property's future, there are no mitigative results to report at this time. In the next section, however, we will advance an interpretation concerning the study area's evolution that may have some bearing on future considerations around archaeological potential and mitigation.

8.0 Interpretation

It is plainly evident that the study area is located in a landscape rich in archaeological potential. As noted in our previous Archaeological Resource Impact Assessment, the land on Fort Edward Street is situated near an important Mi'kmaw transportation route, beside a pre-Deportation Acadian parish church and subsequent British fort (and 1755 deportation site), within perhaps 20m of a truckhouse associated with the Treaties of Peace and Friendship, and on the ground of the old Windsor Agricultural Fair (Fowler 2022a). As the extent of the Acadian ecclesiastical site is unknown, and the location of the Acadian cemetery is – as yet – unknown, this property merits extra vigilance.[23]

Interestingly, despite these well-documented historical associations, no unambiguous artifactual evidence of Mi'kmaw or Acadian activity was observed during the testing program. A handful of ceramic sherds span the Acadian and New England Planter periods, and thus could give evidence of either community members' activities, but if we were on top of either a Mi'kmaw or an Acadian domestic site we would expect to see much more. One hesitates to regard absence of evidence as evidence of absence, especially after a modest program of testing in such an obviously disturbed environment, but this void in the material cultural record is nevertheless noteworthy.

The stratigraphy of our test units reveals much about site formation processes at Fort Edward Street. Not surprisingly, the most significant alterations to the site appear to be associated with the construction of the pool facility in the late 1960s. Aerial LiDAR data helps to visualize these impacts (**Figure 22**).

[23] The 'Burying Island' shown on 18th century maps to be located approximately 350m to the north of the study area may be associated with the Acadian parish, but perhaps more likely is a Mi'kmaw site (Fowler 2022b).

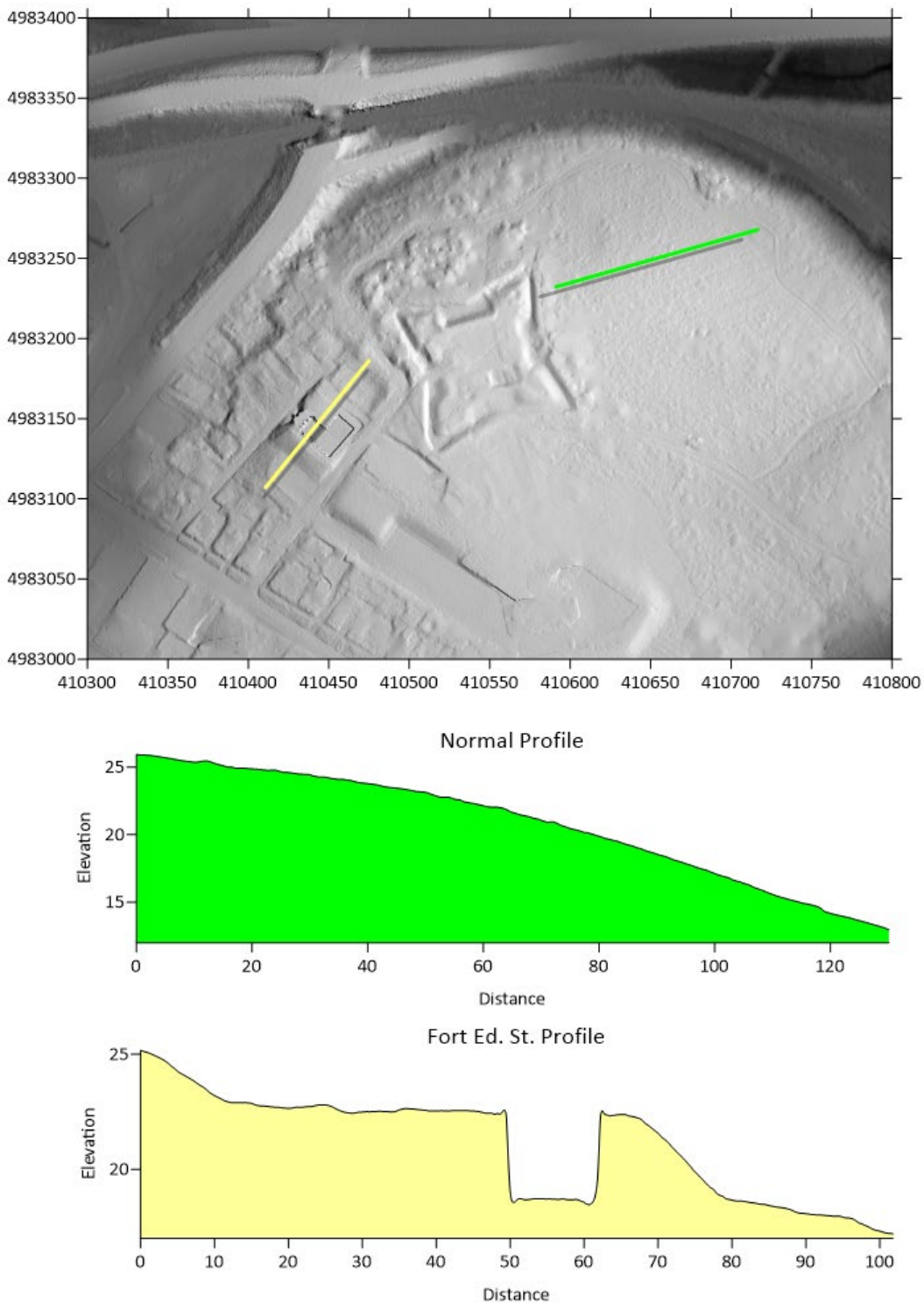


Figure 22: 2019 aerial LiDAR data showing Fort Edward. The coloured lines show a normal (green) slope profile and the altered slope profile (yellow) at the pool site. SOURCE: Province of Nova Scotia.

A very rough approximation of the original slope at the study area is superimposed on a 2019 LiDAR profile in the form of a staggered green line (**Figure 23**). From this we can infer two zones of soil removal (A), associated with the flat area upslope (the former wading pool area), and the larger pool area in the middle of the property. Presumably, material mechanically excavated from these areas in the 1960s was pushed downslope to form the terrace and berm around the pool area (B). Additional fill – possibly intrusive, and perhaps deposited earlier – covered the concrete floor of the old Agricultural Fair animal stall we encountered farther downslope.

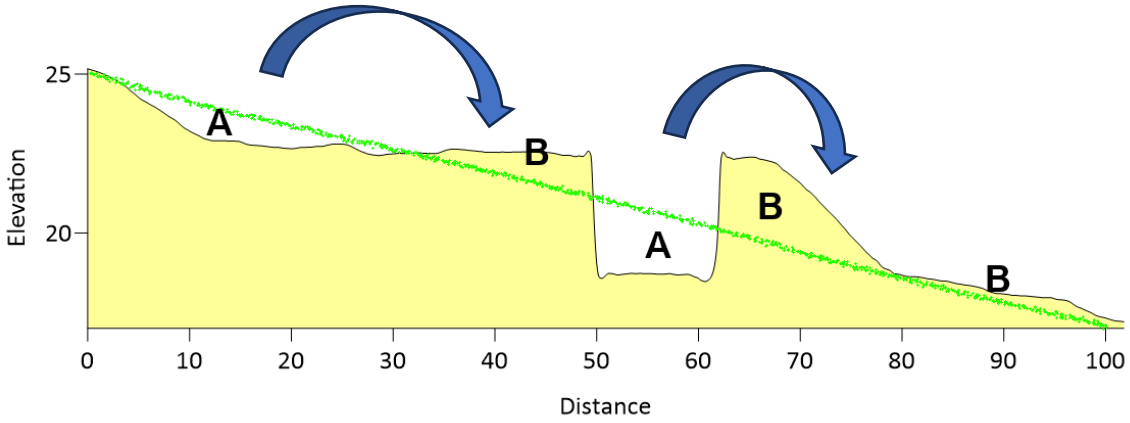


Figure 23: Model of likely soil redeposition processes associated with the 20th century abandonment of the Agricultural Fair property and the subsequent construction of the municipal pool complex. Horizontal and vertical scale in metres. SOURCE: Province of Nova Scotia (2019).

This model explains why most of our upslope test units encountered culturally sterile glacial till almost immediately beneath the sod, and also why test units downslope encountered (redeposited) cultural material mixed with clay sediments but no evidence of natural soil horizons. The old surface is likely entombed beneath this fill. It follows that archaeological resources – including much of the 18th century material noted on Figure 13, above – have almost certainly been removed from much of the wading pool area and pushed downslope. Ceramic sherds, leaded glass, and smoking pipe fragments collected from the downslope portions of the study area may once have been associated with archaeological features in the wading pool area, but these appear no longer to be in situ.[24]

[24] Interestingly, the upper fill layer at test unit 17, in the wading pool area, yielded a shard of leaded stemware, and a similar shard – possibly from the same object – was recovered well downslope in test unit 5.

A final observation in relation to slope suggests that the impacts of former construction activities at Fort Edward Street likely vary across the site. True, significant areas have been quarried away, but there appear also to be many areas where the original surface lies close to today's surface (e.g. near where the green line in Figure 23 intersects with the modern surface), or is preserved beneath fill. Plotting these zones with certainty is not possible without more accurate information about the original slope, but the model above suggests the original surface may still be found beneath fill in the areas labelled 'B' in Figure 23, above. It seems likely that the areas shaded red in **Figure 24** likely no longer contain significantly intact archaeological features, but our testing demonstrates that oldest material can still be present in fill.

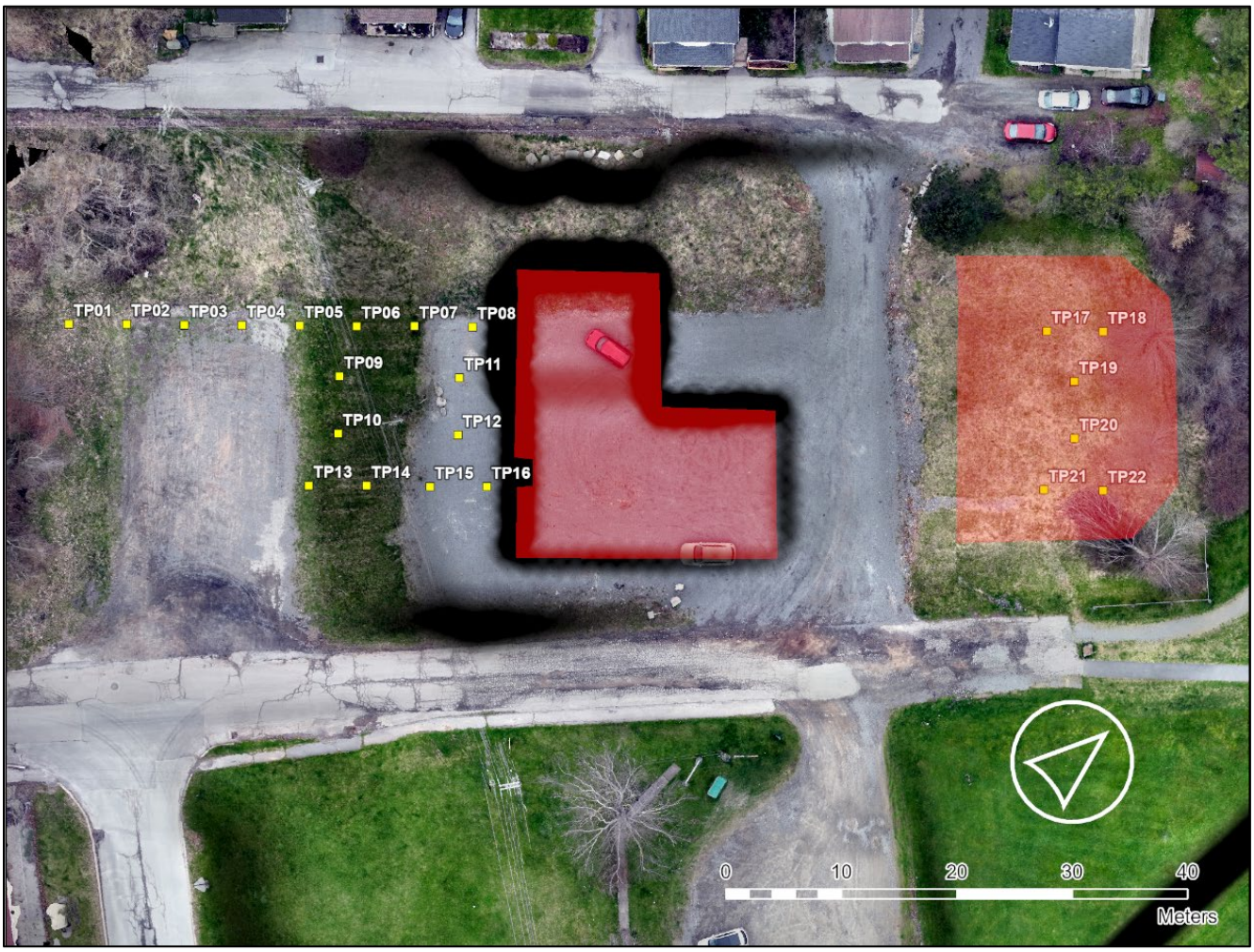


Figure 24: Approximate extent of quarried areas (shaded red). Elsewhere, there is a reasonably likelihood that the original surface of Fort Hill is entombed by modern fill.

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.[25]

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'kmaw communities.

Our subsurface testing program proceeded as expected and the results validated hypotheses about archaeological resource potential advanced in our Phase 1 report.

10.0 Conclusions and Recommendations

The general conclusions and recommendations of our Phase 1 Archaeological Resource Impact Assessment remain unmodified by these results (Fowler 2022a), and should further ground disturbance be planned for any part of the study area, **it is recommended that a thorough Phase 2 ARIA be undertaken in advance**, informed by architectural plans and engineering designs, to better assess the nature of, and mitigate potential impacts to, archaeological resources.

Although our findings show the study area to have been heavily impacted by 20th century construction activities, important artifacts may still be encountered in secondary contexts. Depending on the locations of future construction activities, archaeological mitigation may not be necessary (e.g. in the wading pool area, where cultural deposits have been scoured away), or perhaps limited to monitoring.

[25] Jonathan Fowler to Talva Jacobson, 18 January, 2022; Talva Jacobson to Jonathan Fowler, 02 February 2022; Jonathan Fowler to Laura Rogers, 31 August 2023.

Despite these precautions, as always, 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

Akins, Thomas Beamish. 1869. *Selections from the Public Documents of Nova Scotia*. Halifax: Nova Scotia Archives.

———. 1895. *History of Halifax City*. Halifax: Nova Scotia Historical Society.

Beanlands, Sara. 2014. "Formation of the Jewish Legion at Fort Edward." Halifax: Parks Canada Agency.

Bender, Barbara. 1993. *Landscape: Politics and Perspectives*. Oxford: Berg Publishers.

Brown, Andrew. 1819. "Removal of the French Inhabitants of Nova Scotia by Lieut. Governor Lawrence and His Majesty's Council in October 1755." Edinburgh. Special Collections. University of Edinburgh Library.

Bujold, Stéphan. 2004. "L'Acadie Vers 1750: Essai de Chronologie Es Paroisses Acadiennes Du Bassin Des Minas (Minas Basin, NS) Avant Le Grand Dérangement." *Études d'histoire Religieuse* 70: 59–79.

Cann, D.B., J.D. Hilchey, and G.R. Smith. 1954. *Soil Survey of Hants County*. Nova Scotia Soil Survey 5. Truro: Nova Scotia Department of Agriculture.

Chard, Donald Donald F. 1979. "Mauger, Joshua." In *Dictionary of Canadian Biography*. Vol. 4. Toronto and Quebec: University of Toronto and Université Laval.

Clark, Andrew Hill. 1968. *Acadie: The Geography of Early Nova Scotia to 1760*. Madison: University of Wisconsin Press.

Cuthbertson, B.C. 1983. "Deslesdernier, Moses." In *Dictionary of Canadian Biography*. Toronto and Quebec: University of Toronto and Université Laval.

Davis, Derek S., and Sue Browne. 1996. *The Natural History of Nova Scotia: Theme Regions*. Vol. 2. Halifax: Nova Scotia Museum.

Deal, Michael. 2001. "Archaeological Investigations at Castle Frederick, Upper Falmouth, 1992." In *Archaeology in Nova Scotia 1992, 1993 and 1994*, 16–55. Curatorial Report 95. Halifax: The Nova Scotia Museum.

———. 2016. *The Collection of Ages: Pre-Contact Archaeology of the Maritime Provinces*. Unpublished manuscript.

Dickason, Olive Patricia. 1971. "Louisbourg and the Indians: A Study in Imperial Race Relations, 1713-1760." Ottawa, Ont.: University of Ottawa.

Duncanson, John V. 1983. *Township of Falmouth Nova Scotia*. Belleville, ON: Mika.

———. 1985. *Newport, Nova Scotia, a Rhode Island Township*. Belleville, ON: Mika.

———. 1989. *Rawdon and Douglas: Two Loyalist Townships in Nova Scotia*. Belleville, ON: Mika.

Eaton, Arthur Wentworth Hamilton. 1915. "Rhode Island Settlers on the French Lands in Nova Scotia 1760 to 1761." *Americana* 10: 83–104.

Faragher, John Mack. 2005. *A Great and Noble Scheme: The Tragic Story of the Expulsion of the French Acadians from Their American Homeland*. New York: W.W. Norton & Company.

Ferguson, Robert. 1987. "Fort Edward National Historic Site." In *Archaeology in Nova Scotia, 1985 and 1986*, 117–41. Curatorial Report 63. Halifax: Nova Scotia Museum.

Fowler, Jonathan. 2001. “The Minas Environs Project 2nd Annual Report, 1999-2000.” Halifax: The Nova Scotia Museum.

———. 2005. “A New Acadien Domestic Site at Poplar Grive, Nova Scotia.” Halifax: Nova Scotia Department of Communities, Culture and Heritage.

———. 2006a. “A Possible Pre-Deportation Acadian Domestic Site on the St. Croix River.” Halifax: Nova Scotia Department of Communities, Culture and Heritage.

———. 2006b. “An 18th Century Domestic Site on the Avon River, Archaeological Research Report, Heritage Research Permit A2006NS65.” Halifax: Nova Scotia Department of Communities, Culture and Heritage.

———. 2012. “From Acadians to Planters in the Grand-Pré Area: An Archaeological Perspective.” In *The New England Planters in the Atlantic World, 1760-1830*, 37–61. Fredericton, NB: Acadiensis Press.

———. 2013. “Geophysical Survey at the Thibodeau Site, Poplar Grove, HRP A2012NS160.” Nova Scotia Department of Communities, Culture and Heritage.

———. 2022a. “Fort Edward Street Archaeological Resource Impact Assessment: HRP A2022NS013.” Halifax: Nova Scotia Department of Communities, Culture, Tourism and Heritage.

———. 2022b. “The Burying Island: An Archaeological Summary.” Halifax: Nova Scotia Department of Public Works.

———. in prep. “The Acadian Villages of Pesikitk.” Halifax.

Fowler, Jonathan, and Robert Ferguson. 2010. “Beneath the Blockhouse Floor.” In *Underground Nova Scotia: Stories of Archaeology*, 63–74. Halifax: Nimbus Publishing.

Green, William, and John F. Doershuk. 1998. “Cultural Resource Management and American Archaeology.” *Journal of Archaeological Research* 6 (2): 121–67.

Gwyn, Julian. 2010. *Planter Nova Scotia 1760-1815: Falmouth Township*. Wolfville: Kings-Hants Heritage Connection.

Haliburton, G. Brenton. 2011. *A Colonial Portrait: The Halifax Diaries of Lady Sherbrooke, 1811-1816*. Raleigh, N.C.: Lulu Press.

Harrison, Rodney. 2010. *Understanding the Politics of Heritage*. Manchester and Milton Keynes: Manchester University Press in association with the Open University.

Hutton, Elizabeth Ann. 1983. “Indian Affairs in Nova Scotia, 1760-1834.” In *The Native Peoples of Atlantic Canada: A History of Indian-European Relations*, 63–80. Ottawa, Ont.: Carleton University Press.

Johnston, A.J.B. 2004. “The Call of the Archetype and the Challenge of Acadian History.” *French Colonial History* 5: 63–92.

Johnston, A.J.B., and Wayne Kerr. 2004. *Grand-Pré: Heart of Acadie*. Halifax: Nimbus Publishing.

LeBlanc, Ronnie-Gilles. 2005. “Pigiguit: L’impact de Grand Dérangement Sur Une Communauté de l’ancienne Acadie.” In *Du Grand Dérangement à La Déportation: Nouvelles Perspectives Historiques*, 167–246. Quebec: Marquis.

Lewis, Roger. n.d. “The History of Truckhouses in Nova Scotia.” *What Is a Truckhouse?* (blog). n.d. https://stopaltongas.wordpress.com/whyoppose/treaties/.

Longley, R.S. 1961. “The Coming of the New England Planters to the Annapolis Valley.” *Collections of the Nova Scotia Historical Society* 33: 81–101.

Loomer, L.S. 1996. *Windsor, Nova Scotia: A Journey in History*. Windsor, N.S.: West Hants Historical Society.

Lowenthal, David. 1985. *The Past Is a Foreign Country:* Cambridge: Cambridge University Press.

MacFarlane, R.O. 1938. “British Indian Policy in Nova Scotia to 1760.” *The Canadian Historical Review* 19 (2): 154–67.

MacKenzie, Shelagh. 2002. *Halifax Street Names: An Illutrated Guide*. Halifax: Formac Publishing Company.

Miller, George, Patricia Samford, Ellen Shlasko, and Andrew Madsen. 2000. “Telling Time for Archaeologists.” *Northeast Historical Archaeology* 29: 1–22.

Milner, Cameron. 2014. “The Precontact Village at St. Croix (BfDa-1), Nova Scotia: Explorations of Site Size and Stratigraphic Integrity.” St. John’s: Memorial University.

Morse, William Inglis. 1935. *Acadiensia Nova (1598-1779)*. Vol. 1. 2 vols. London: Bernard Quaritch Ltd.

Murdoch, Beamish. 1866. *History of Nova Scotia or Acadie*. Vol. 2. Halifax: James Barnes.

Noël Hume, Ivor. 1969. *A Guide to Artifacts of Colonial America*. Philadelphia: University of Pennsylvania Press.

Preston, Brian. 1991. “Heritage Research Permit A1988NS03: Summary Report.” In *Archaeology in Nova Scotia 1987 and 1988*, 113–27. Halifax: Nova Scotia Museum.

Reid, John G. 2004. “Pax Britannica or Pax Indigena? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification.” *The Canadian Historical Review* 85 (4): 669–92.

Sable, Trudy, and Bernie Francis. 2012. *The Language of This Land, Mi’kma’ki*. Sydney, NS: Cape Breton University Press.

Smith, Laurajane. 2006. *Uses of Heritage*. London: Routledge.

South, Stanley. 1977. *Method and Theory in Historical Archaeology*. Columbia, South Carolina: University of South Carolina Press.

Stea, R.R., H. Conley, and Y. Brown. 1992. “Surficial Geology Map of the Province of Nova Scotia.” Halifax: Nova Scotia Department of Natural Resources. https://www.arcgis.com/home/item.html?id=e41319add9db485a8d3c6827210fd5f1.

Tainter, Joseph A., and G. John Lucas. 1983. “Epistemology of the Significance Concept.” *American Antiquity* 48 (4): 707–19.

Tulloch, Judith. n.d. “Fort Edward NHS: Confirmation and Clarifaction of National Historic Site Significance.” Historic Sites and Monuments Board of Canada.

Upton, L.F.S. 1979. *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867*. Vancouver: University of British Columbia Press.

White, Richard. 1991. *The Middle Ground: Indians, Empires, and Republics in the Gteat Lakes Region 1650-1815*. Cambridge: Cambridge University Press.

Wicken, William C. 2002. *Mi'kmaq Treaties on Trial: History, Land, and Donald Marshall Junior*. Toronto: University of Toronto Press.

Appendix A:

Shovel Test Records

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST,

Date: 30 SEPT, 2023 Excavator[s]: LOWE Unit Ref: TP 1

Base Excv. (DBS): 130cm Surface Elev (m ASL): 17,08 GPS ref: ☑ 4984110, 138 410409, 313

Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐		fill:	☐		Artifacts:	☑	
laminated sand:	☐		regolith:	☐		^{14}C samples:	☐	
paleosol:	☐		other:	☑	CONSTRUCTION	Soil Samples:	☐	

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

SOD = 5 YR 3/3 SCL OVER A DARK GREY GRAVEL FILL LAYER. THIS BEDS ONTO THE USUAL CLAY / SANDY CLAY HETEROGENEOUS LOT CONTAINING MANY ARTIFACTS (GLASS, NAILS, BRICK FRAGS, SOME WOOD, AND SOME SHELL-EDGED PEARLWARE). THIS MATERIAL IS 5 YR 3/3 BUT TENDS TO BE REDDER THAN THE SOD MATERIAL.

BENEATH THE HETEROGENEOUS CLAY LAYER IS A DARK (10 YR 3/2 SANDY CLAY W/ A HIGH MOISTURE CONTENT) LAYER AND THIS STILL CONTAINS ARTIFACTS, INCLUDING SOME BLUE DECORATED WHITE BODIED EARTHENWARE. SOME MORE VARIED SC STRATA DOWN HERE.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST,

Date: 30 SEPT. 2023 Excavator[s]: CAMERON Unit Ref: TP 2

Base Excv. (DBS): 130 cm Surface Elev (m ASL): 17.87 GPS ref: ☑ 410412.595 4983113.911

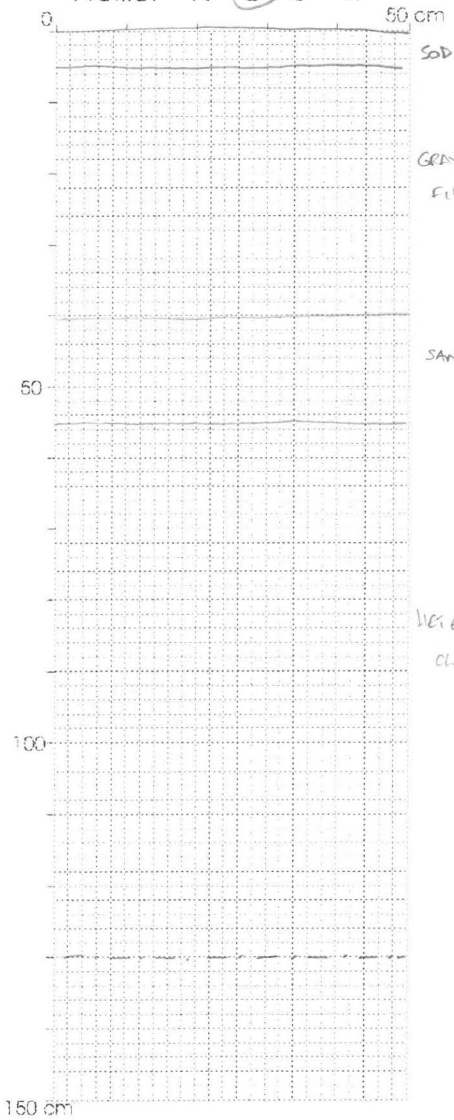
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☐	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☑ CONSTRUCTION	Soil Samples:	☐

unit grid & dimensions

40 × 40

Profile: N (E) S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

SOD = 5 YR 3/3 SCL MOD COMP.

BEDS OVER GRAVEL FILL, WHICH HAS SOME MODERN CONSTRUCTION SAND / FILL BENEATH IT.

THE ARTIFACT-BEARING HETEROGENEOUS CLAY / SANDY CLAY EXTENDS BENEATH THIS TO THE LIMIT OF EXCAVATION, DENSELY COMPACTED 5 YR 3/3 AND TRENDING REDDER.

ARTIFACTS INCLUDE NAILS, GLASS, SOME 19TH C. CERAMICS, ETC. - SIMILAR TO ADJACENT UNITS.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 30 SEPT, 2023 Excavator[s]: TAYLOR / JESS Unit Ref: TP 3

Base Excv. (DBS): 120cm Surface Elev (m ASL): 18.12 GPS ref: ☑ 410415.93 4983117.624

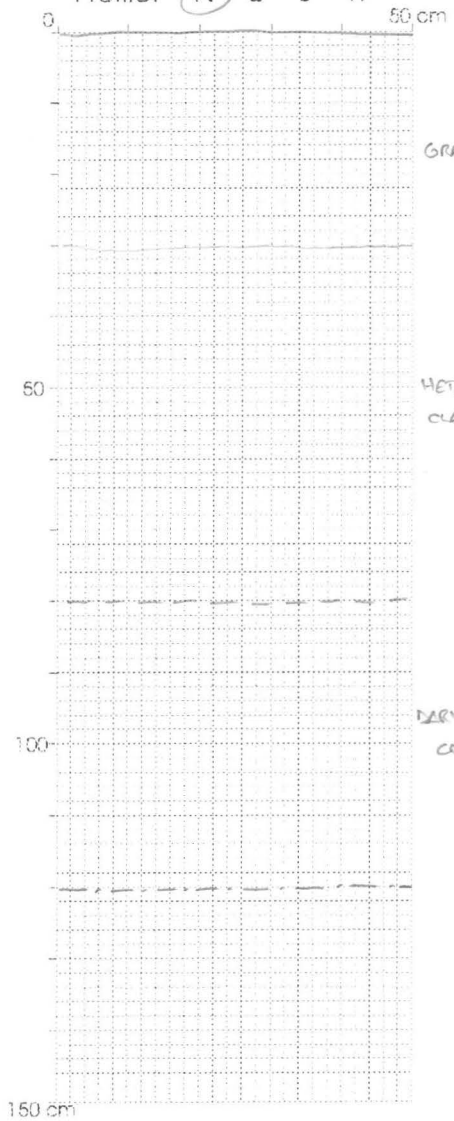
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☐	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☑ CONSTRUCTION	Soil Samples:	☐

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

SOD LAYER PRACTICALLY NON-EXISTANT HERE. THIN GRASS BEDS ONTO GRAVEL. THIS GIVES WAY TO THE HETERERODGENEOUS CLAY / SANDY CLAY 5YR 3/3 (+ REDDER) LAYER, CONTAINING ARTIFACTS. BENEATH THIS (DOTTED LINE) THE CLAY GETS DARKER (TOWARD 5YR 3/2) BUT ARTIFACTS PERSIST ALL THE WAY TO THE BOTTOM. SOME EVIDENCE OF BURNING IN THE FORM OF CHARCOAL FLECKS AND BURNT WOOD AT THE VERY BOTTOM OF THE UNIT.

CULTURAL ALL THE WAY DOWN TO THE BOTTOM.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 30 SEPT. 2023 Excavator[s]: TAYLOR Unit Ref: TP 4

Base Excv. (DBS): 125 cm Surface Elev (m ASL): 18.50 GPS ref: ☑ 410419.218 4983121.376

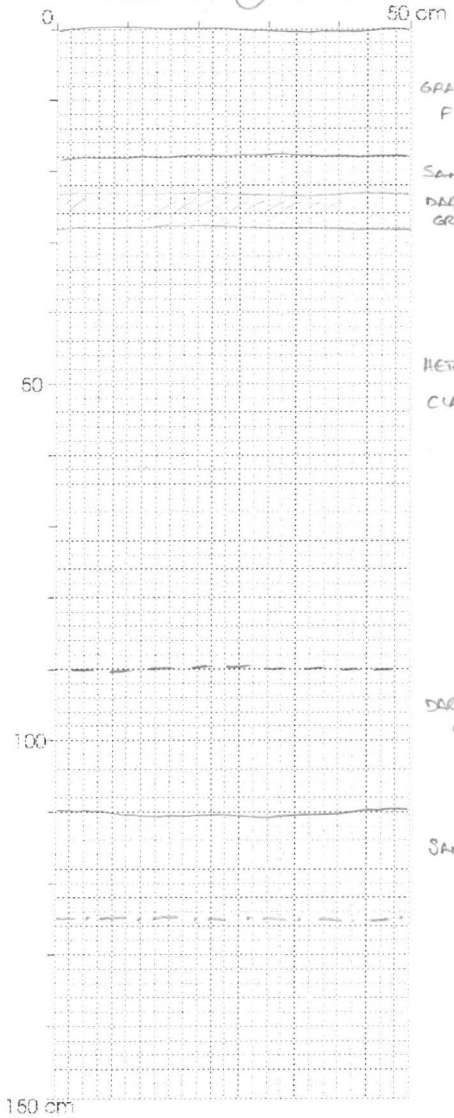
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☐	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☑ CONSTRUCTION	Soil Samples:	☐

unit grid & dimensions

40 × 40

Profile: N (E) S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

SIMILAR IN SUBSTANTIVE STRATA TO NEIGHBOURING TP 5, THE 5 YR 3/3 HETEROGENEOUS CLAY CONTAINS MOST OF THE ARTIFACTS. THE CLAY DARKENS BENEATH THIS TO 5 YR 3/2. BENEATH THIS, CULTURALLY STERILE, LOOSELY COMPACTED SAND, 5 YR 4/4 TO 5 YR 4/6

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 30 SEPT. 2023 Excavator[s]: JESS Unit Ref: TP 5

Base Excv. (DBS): 110cm Surface Elev (m ASL): 18.74 GPS ref: ☑ 410422, 518 4983125, 137

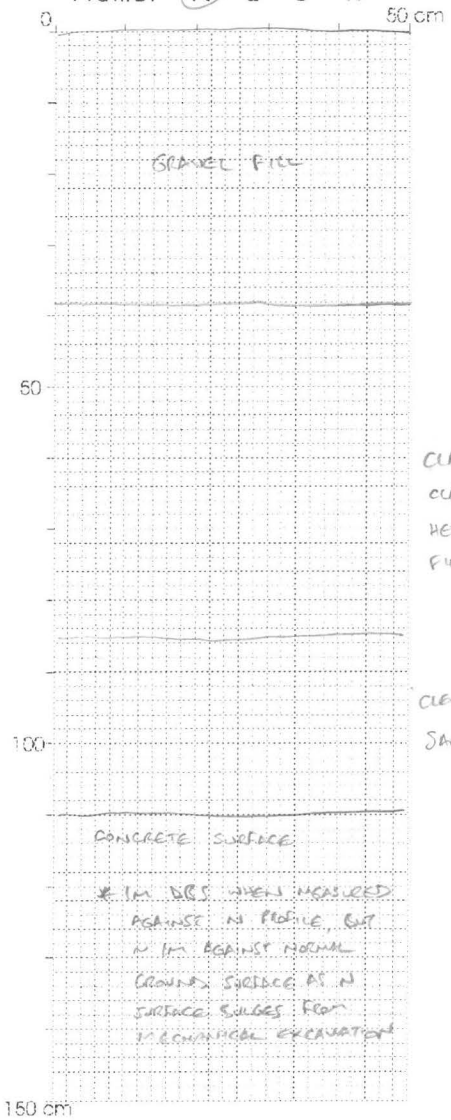
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐		fill:	☐		Artifacts:	☑	
laminated sand:	☐		regolith:	☐		^{14}C samples:	☐	
paleosol:	☐		other:	☑	CONSTRUCTION	Soil Samples:	☐	

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

THE UPPER STRATUM IS MODERN FILL. BENEATH THIS IS THE USUAL HETEROGENEOUS CLAY / SANDY CLAY, 5 YR 3/3, AND THIS IS WHERE THE ARTIFACTS ARE LOCATED, MED. TO DENSE COMPACTION, W/ STONES. BENEATH THIS IS A LAYER OF STERILE SAND, LOOSELY COMPACTED AND 5 YR 4/4 TO 4/6.

ARTIFACTS INCLUDE SHELLS, BITS OF OLD NAILS, GLASS, SEVERAL BRICK FRAGMENTS, SOME BITS OF WHITE REFINED EARTHENWARES - SIMILAR MATERIAL AS IS COMING OUT OF NEIGHBOURING UNITS, BUT THE SAND STRATUM IS CULTURALLY STERILE.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐ ——→

Permit #: A 2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 29 SEPT. 2023 Excavator[s]: TAYLOR Unit Ref: TP6

Base Excv. (DBS): 110 cm Surface Elev (m ASL): 19.64 GPS ref: ☑ 410425, 811 4983128.833

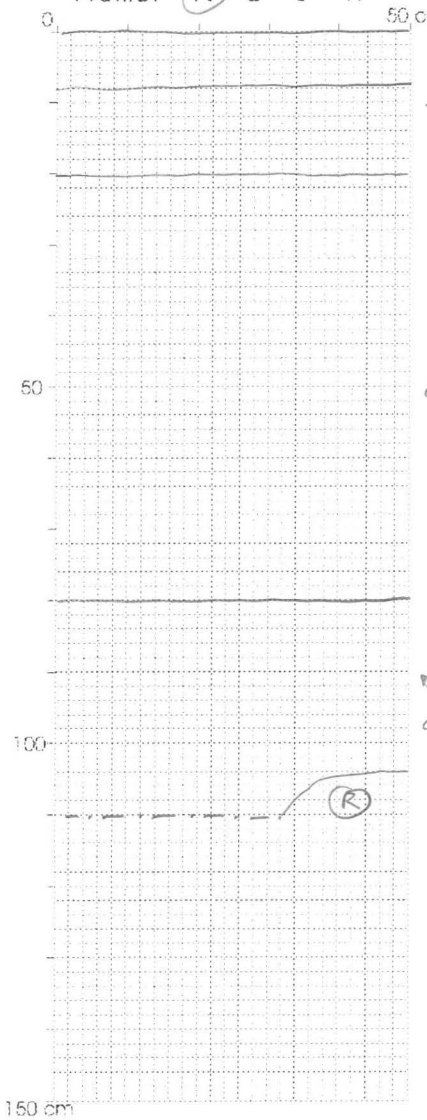
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☐	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☑ CONSTRUCTION	Soil Samples:	☐

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

SOD = 5 YR 3/3 SCL MED. COMP.

TOPSOIL = 5 YR 3/3 MED. COMP. SCL ; MORE PEBBLES + STONES (5M) THAN SOD LAYER.

CLAY LAYER = 5 YR 3/3 MED TO DENSELY COMPACTED CLAY TO SC. BRICK FRAGS. AND SOME FLECKS & CHARCOAL.

DARKER CLAY/LOAM LAYER IS MORE FRIABLE AND EASILY SCREENED THAN THE LOT ABOVE : 5 YR 3/2 OR SIMILAR.

THERE IS MODERN WIRE, AS FROM A FENCE, AND CONCRETE FRAGS. IN THIS LAYER.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A 2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 29 SEPT. 2023 Excavator[s]: CAMERON Unit Ref: TP 7

Base Excv. (DBS): 115 cm Surface Elev (m ASL): 21.38 GPS ref: ☑ 410429.084 4983132.638

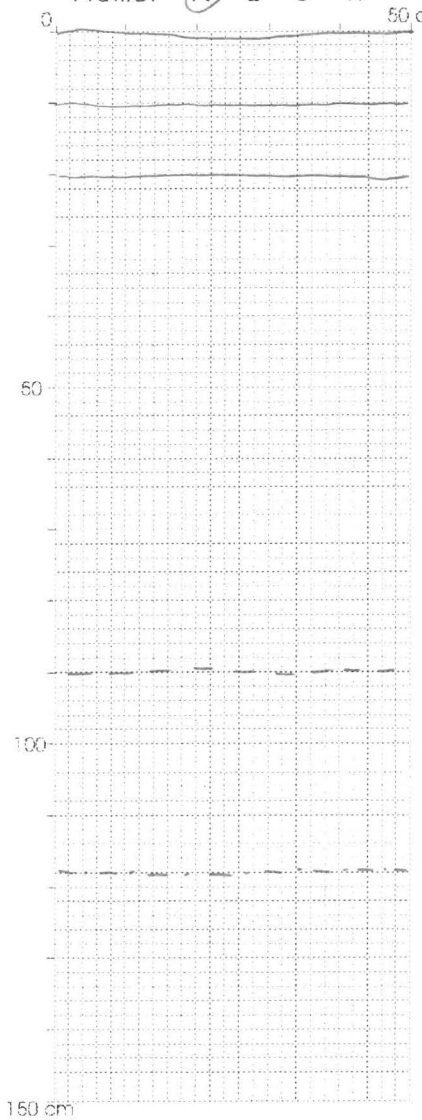
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐		till:	☐	
laminated sand:	☐		regolith:	☐	
paleosol:	☐		other:	☑	CONSTRUCTION
Artifacts:	☑				
^{14}C samples:	☐				
Soil Samples:	☐				

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

SOD = 5 YR 3/3 MED COMP. SCL

TOPSOIL = 5 YR 3/3 MED. COMP. SCL ; MORE PEBBLES

CLAY LAYER = HETEROGENEOUS 5 YR 3/3 MED. TO DENSELY COMPACTED FILL, BRICK FRAGS, CHARCOAL FLECKS

THE DEEPER CLAY LAYER IS SIMILAR MATRIX TO THE ABOVE BUT FEWER BRICK FRAGS. AND MORE WOOD FRAGS.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A 2023 NS 178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 29 SEPT. 2023 Excavator[s]: LOWE Unit Ref: TP 8

Base Excv. (DBS): 120cm Surface Elev (m ASL): 22.44 GPS ref: ☑ H10432.438 498 3136.359

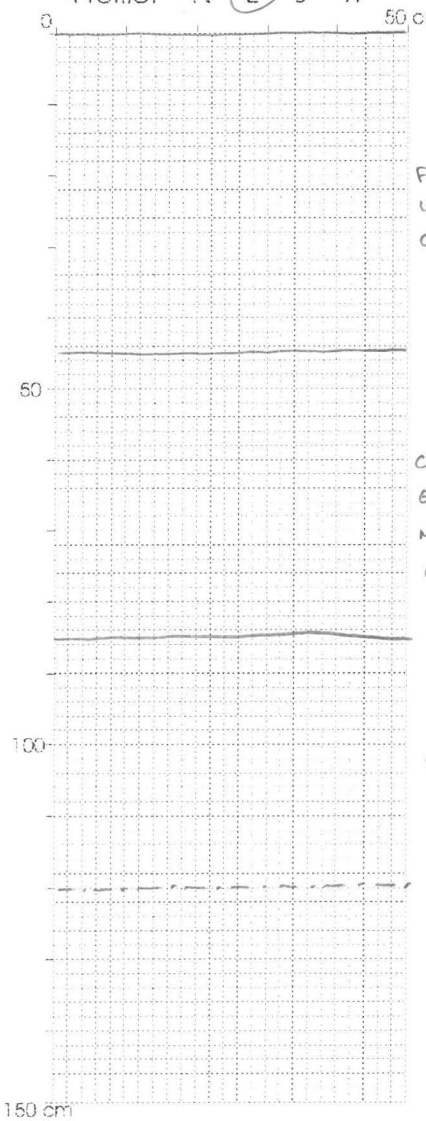
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☐	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☑ CONSTRUCTION	Soil Samples:	☐

unit grid & dimensions

40 × 40

Profile: N (E) S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

UPPER TWO LOTS = RECENT CONSTRUCTION FILL.

SAME AS NEIGHBOURING UNITS

COARSE GRAVEL MIDDLE LOT = 10 YR 4/3

LOOSELY COMPACTED SC. MATRIX.

CLAY LAYER AT BASE OF EXCAVATION = 5 YR 4/4 TO 5 YR 3/4

IN THE CLAY LAYER WE'RE SEEING WOOD AND SOME BRICK FRAGS. SOME CHARCOAL FLECKS.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 24 SEPT. 2023 Excavator[s]: FOWLER Unit Ref: TP 9

Base Excv. (DBS): 86cm Surface Elev (m ASL): 19.34 GPS ref: ☑ 4983124.867 410428.105

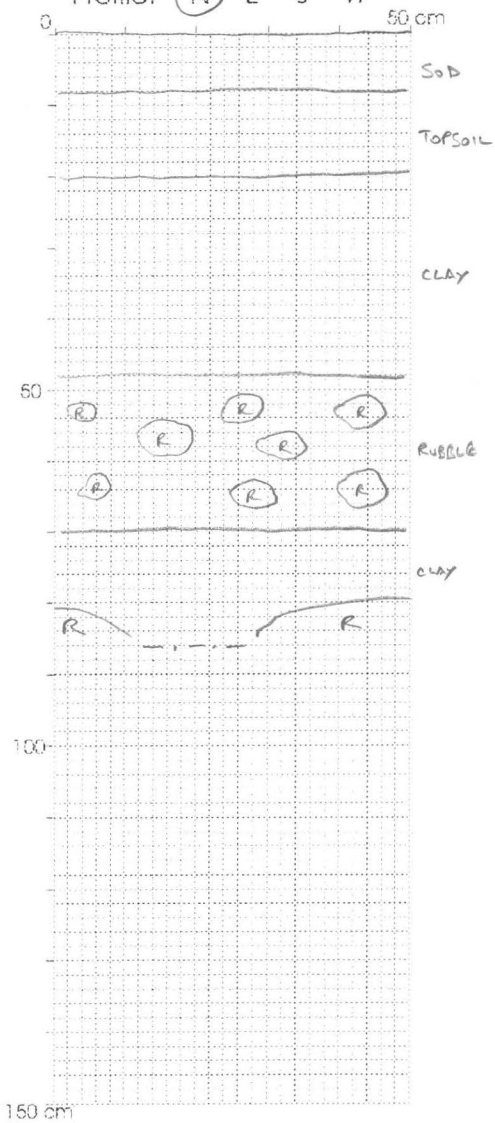
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☐	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☑ CONSTRUCTION	Soil Samples:	☐

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

CONSTRUCTION DEBRIS. ALL ARTIFACTS IN SECONDARY CONTEXT.

SOD = 5 YR 3/3 SCL MED. COMPACTION

TOPSOIL = " " MED. COMPACTION BUT SLIGHTLY MORE HETEROGENEOUS THAN THE SOD LAYER - SOME SMALL PEBBLES, BRICK FRAGS.

CLAY = 5 YR 3/3 CLAY / SANDY CLAY, V. COMPACTED.

RUBBLE = 5 YR 4/3 SAND-RICH SANDY CLAY, MANY PEBBLES AND SMALL ROCKS / COBBLES. LOOSELY COMPACTED

CLAY = 5 YR 4/4 DENSE CLAY, V. COMPACTED.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 24 SEPT. 2023 Excavator[s]: TARDY Unit Ref: TP 10

Base Excv. (DBS): 110 cm Surface Elev (m ASL): 19.60 GPS ref: ☑ 410431.761 4983121.519

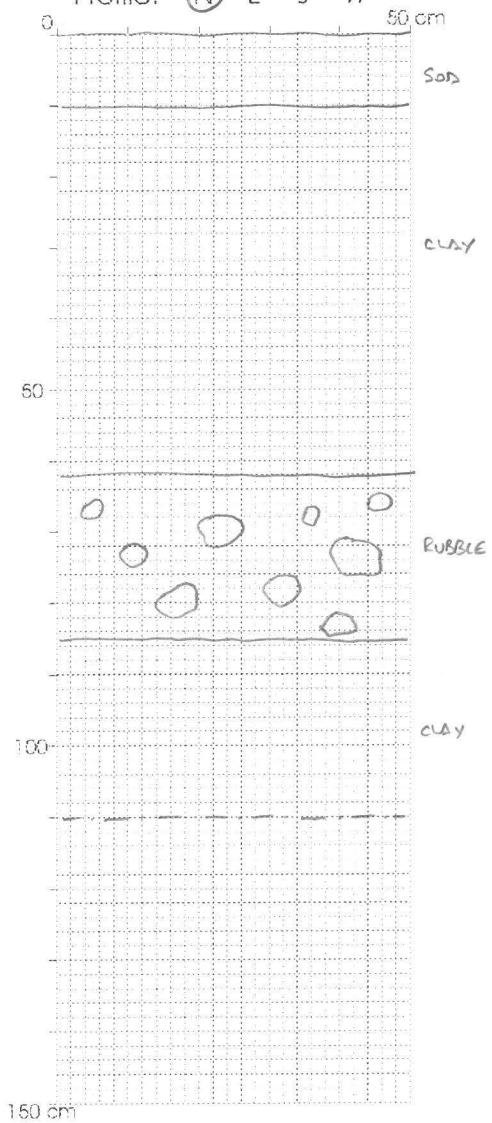
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐		till:	☐		Artifacts:	☑	
laminated sand:	☐		regolith:	☐		^{14}C samples:	☐	
paleosol:	☐		other:	☑	CONSTRUCTION	Soil Samples:	☐	

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

SOD = 5 YR 3/3 MED. COMP. SCL

CLAY = 5 YR 3/3 MED. COMP CLAY / SANDY CLAY

RUBBLE = 5 YR 4/3 SAND+ RICH SC W/ MANY PEBBLES, SM. ROCKS / COBBLES, LOOSELY COMPACTED

CLAY 5 YR 4/4 DENSE, V. COMPACTED

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 29 SEPT. 2023 Excavator[s]: TAYLOR Unit Ref: TP 11

Base Excv. (DBS): 120cm Surface Elev (m ASL): 22.56 GPS ref: ☑ 4983132.623 410435.005

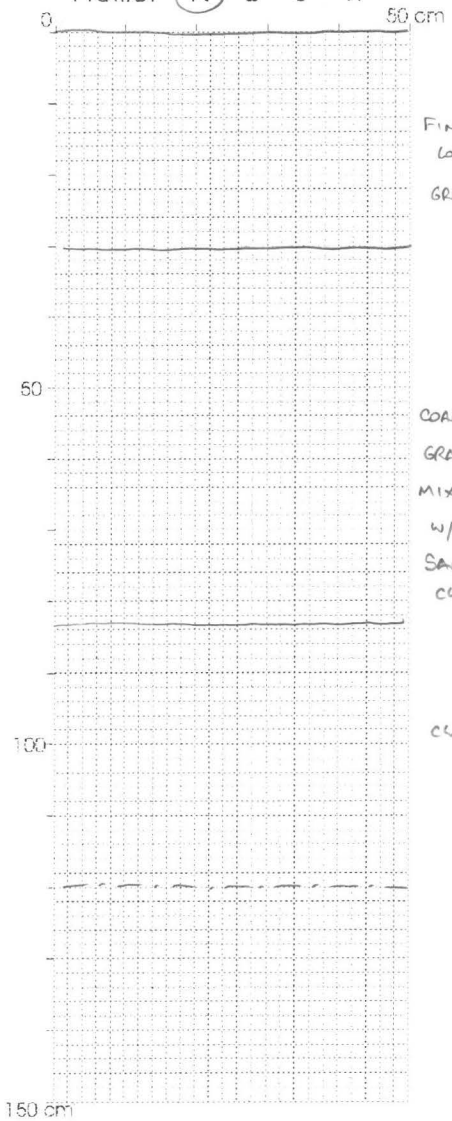
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐		till:	☐	
laminated sand:	☐		regolith:	☐	
paleosol:	☐		other:	☑	CONSTRUCTION
Artifacts:	☑				
^{14}C samples:	☐				
Soil Samples:	☐				

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

UPPER TWO LOTS = RECENT CONSTRUCTION FILL AFTER THE SWIMMING POOL WAS DISMANTLED.

COARSE GRAVEL MABLE LOT = 10 YR 4/3

LOOSELY COMPACTED SC MATRIX.

CLAY LAYER BENEATH = 5 YR 4/4 - 3/4

ARTIFACTS IN CLAY INCLUDE MODERN GLASS, ASPHAULT.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023-MS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 29 SEPT, 2023 Excavator[s]: FOWLER Unit Ref: TP 12

Base Excv. (DBS): 120 cm Surface Elev (m ASL): 22.55 GPS ref: ☑ 4498129.285 410438.668

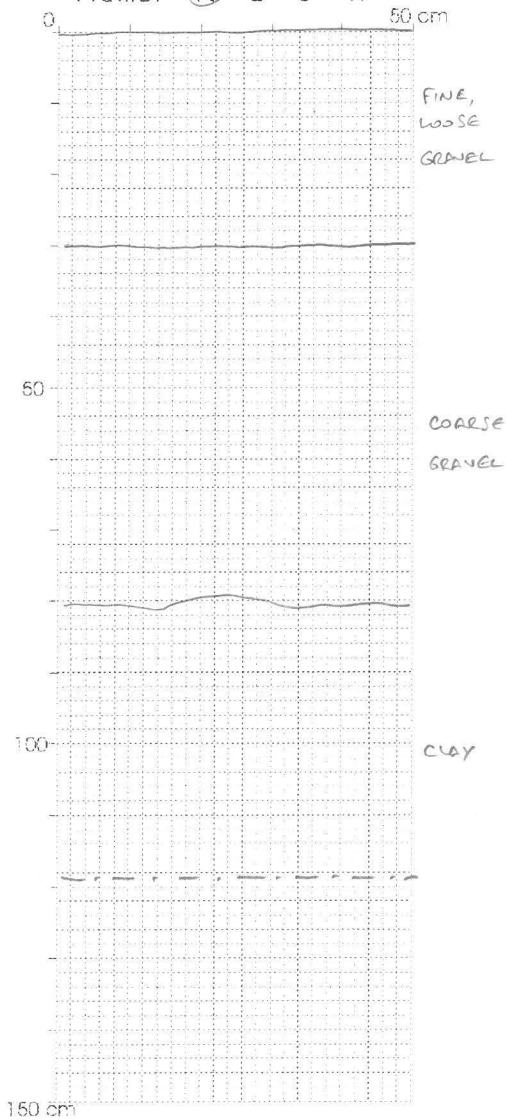
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐		till:	☐		Artifacts:	☑	
laminated sand:	☐		regolith:	☐		^{14}C samples:	☐	
paleosol:	☐		other:	☑	CONSTRUCTION	Soil Samples:	☐	

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

MODERN GRAVEL FILL IN THE FIRST TWO LOTS; SOLID CLAY BELOW. THE CLAY IS DENSELY COMPACTED BUT NOT NATURAL, BEING MIXED W/ A FEW PIECES OF WHITEWARE, ALSO MODERN PLASTIC AND CONCRETE FRAGS.

THIS IS ALL MODERN FILL. CLAY IS 5 YR 3/4 OR SLIGHTLY REDDER. SOME ASPHALT IN CLAY LAYER.

COARSE GRAVEL MATRIX IS SC 10 YR 4/3 LOOSELY COMPACTED.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 30 SEPT. 2023 Excavator[s]: FOWLER Unit Ref: TP13

Base Excv. (DBS): ~115 cm Surface Elev (m ASL): 19.14 GPS ref: ☑ 410433.487 4983116.651

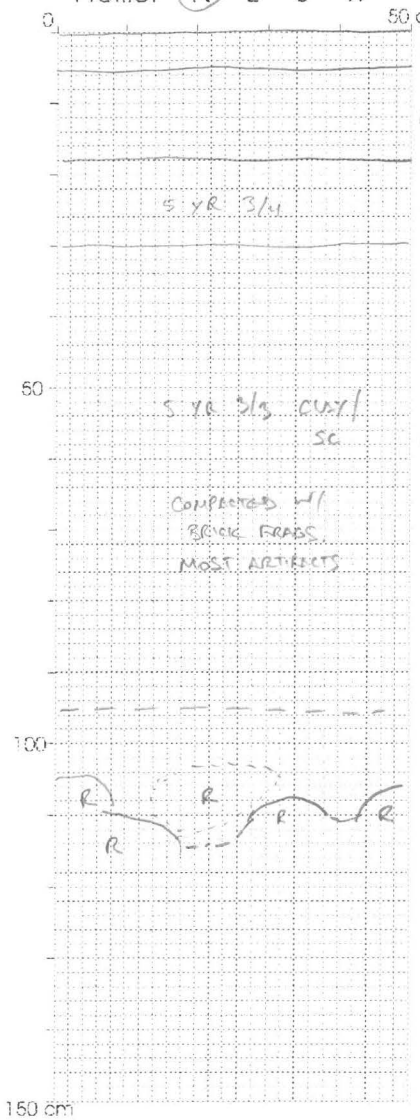
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☐	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☑ CONSTRUCTION	Soil Samples:	☐

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

BENEATH THE SOD (5YR 3/3 MED. GMP. SCL) WE HAVE A LAYER OF MODERN GRAVEL / COBBLE FILL, AFTER WHICH THE BULK OF THE UNIT GIVES WAY TO A MASSIVE CLAY / SANDY CLAY, HETEROGENEOUS DEPOSIT CONTAINING THE VAST MAJORITY OF THE ARTIFACTS PLENTY OF BRICK FRAGS, SOME CINDERS, MORTAR FRAGS, SOME MODERN AND OLDER BOTTLE GLASS, A COUPLE OF WHITEWARE FRAGS, A COUPLE OF PIECES OF JACKFIELD. THE BASE OF THE UNIT RESTS ON LARGE STONES, POSSIBLY ARCHITECTURAL, PERHAPS MORE LIKELY FILL. FEWER ARTIFACTS HERE, BUT THIS IS NOT A NATURAL STRATUM.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 24 SEPT. 2023 Excavator[s]: MAMADOU NDIAYE Unit Ref: TP 14

Base Excv. (DBS): 120cm Surface Elev (m ASL): 20.51 GPS ref: ☑ 4484120.435 410436.487

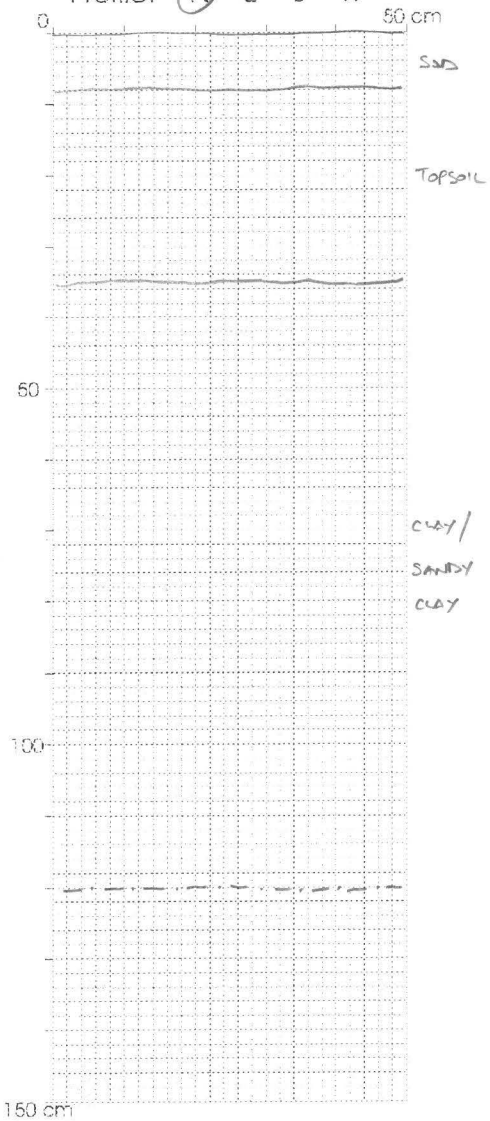
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☐	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☑ CONSTRUCTION	Soil Samples:	☐

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

SOD = 5 YR 3/3 MED. COMP, SCL

TOPSOIL = 5 YR 3/3 MED. COMP. SCL SLIGHTLY MORE HETEROGENEOUS THAN SOD LAYER, MORE PEBBLE + SM. STONES

CLAY / SANDY CLAY = 5 YR 3/3 CLAY TO SC DISTURBED MATERIAL CONSISTENT ALL THE WAY DOWN TO 120cm. SOME STONE IN THE FORM OF BOULDERS / COBBLES, BUT NOT MUCH COMPARED TO TEST UNITS TO THE NORTH (E.G. TP 9, 10).

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 25 SEPT. 2023 Excavator[s]: CAMERON + LOWE Unit Ref: TP 15

Base Excv. (DBS): 110cm Surface Elev (m ASL): 22.27 GPS ref: ☑ 410440.446 4983124.520

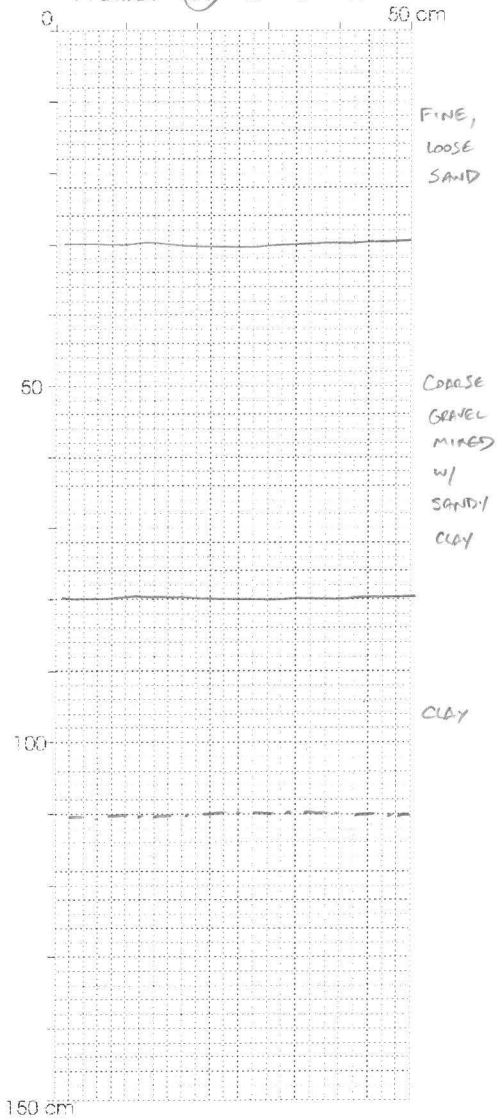
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☐	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☑ CONSTRUCTION	Soil Samples:	☐

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

SIMILAR STRATIGRAPHY TO THAT OF NEIGHBOURING UNITS.

UPPER TWO LOTS ARE MODERN GRAVEL FILL POST-SWIMMING POOL. THE MIDDLE STRATUM IS COARSER AND MIXED W/ SANDY CLAY CA. 10 YR 4/3.

ALL OF THIS RESTS ONTO DENSELY PACKED REDDISH CLAY, CA. 5 YR 4/4 - 3/4.

SOME BRICK FRAGS IN THE LOWER CLAY LAYER, DEMONSTRATING THAT IT IS NOT STERILE.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023 NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 29 SEPT. 2023 Excavator[s]: TAYLOR Unit Ref: TP 16

Base Excv. (DBS): 120 cm Surface Elev (m ASL): 22.56 GPS ref: ☑ 4983128.251 410443.672

Presence/Absence ✓ or **N** & depth (DBS)

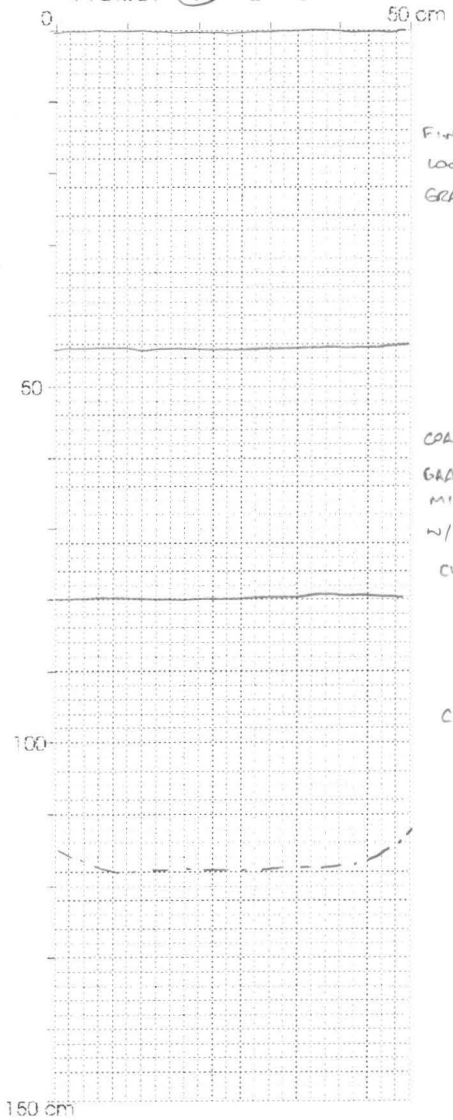
poorly sorted sand:	☐	till:	☐	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☑ CONSTRUCTION	Soil Samples:	☐

unit grid & dimensions

40

40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

THE UPPER TWO LOTS ARE MODERN GRAVEL - FINE + COARSE RESPECTIVELY - 10 YR 4/3 (OR SIMILAR) SANDY CLAY AS MATRIX IN THE MIDDLE.

LOWER CLAY LOT IS DENSELY PACKED 5 YR 5/3 OR SIMILAR. ARTIFACTS IN THE CLAY INCLUDE PANE GLASS, WIRE, IRON FRAGS, AND SOME SMALL BRICK FRAGS. ALSO A PIECE OF ASPHALT.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD STREET

Date: 30 SEPT. 2023 Excavator[s]: JESS, TAYLOR Unit Ref: TP 17

Base Excv. (DBS): 96cm Surface Elev (m ASL): 22.86 GPS ref: ☐ 410465.348 4983173.665

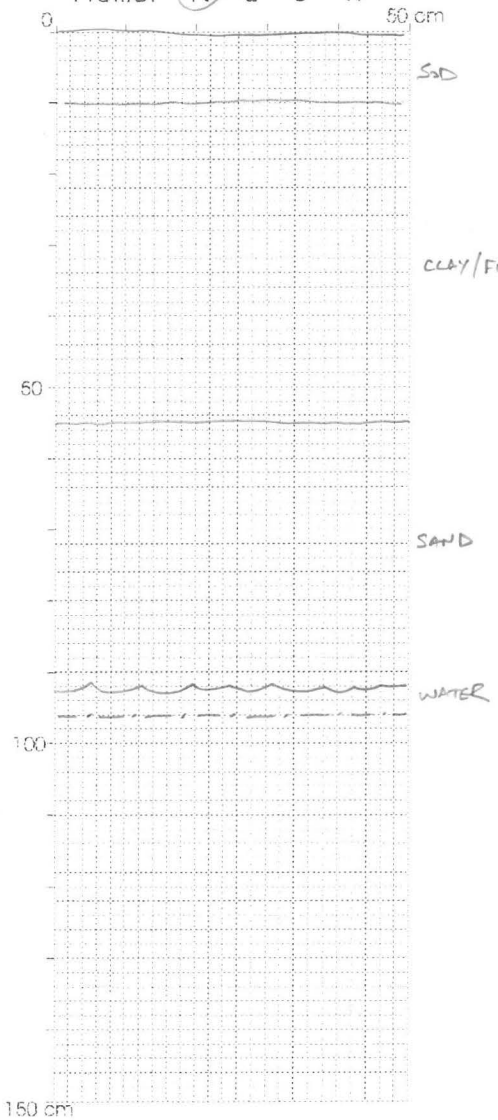
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐		fill:	☐		Artifacts:	☑	
laminated sand:	☐		regolith:	☐		^{14}C samples:	☐	
paleosol:	☐		other:	☑	CONSTRUCTION	Soil Samples:	☐	

unit grid & dimensions

40 × 40

Profile: (N) E S W



Scale 1:10

Stratigraphic Descriptions

colour - matrix - texture - structure - inclusions

SOD = 5YR 4/3 MED. COMP SCL.

GRADUAL INTERFACE W/ 5YR 4/4 - 4/6 SC/CLAY CONTAINING SOME ARTIFACTS AND BRICK FRAGS, ETC. SIMILAR TO THE DOWNSLOPE UNITS BUT FAR FEWER ARTIFACTS BENEATH THIS, WE HAVE A LOOSELY COMPACTED SAND, CULTURALLY STERILE. LOOKS VERY MUCH LIKE GLACIAL TILL OR AN OUTWASH DEPOSIT. THIS STUFF IS 5 YR 2/3. THIS COULD BE OUR S-HORIZON, IN ANY CASE, IT IS CULTURALLY STERILE.

* THIS UNIT IS INSIDE THE OLD WADING POOL, SO THE SAND IS CONSTRUCTION FILL.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐ ——→

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD STREET

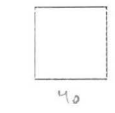
Date: 30 SEPT. 2023 Excavator[s]: JESS, TAYLOR Unit Ref: TP 18

Base Excv. (DBS): _____ Surface Elev (m ASL): 23.08 GPS ref: ☑ 410468.576 4983177.333

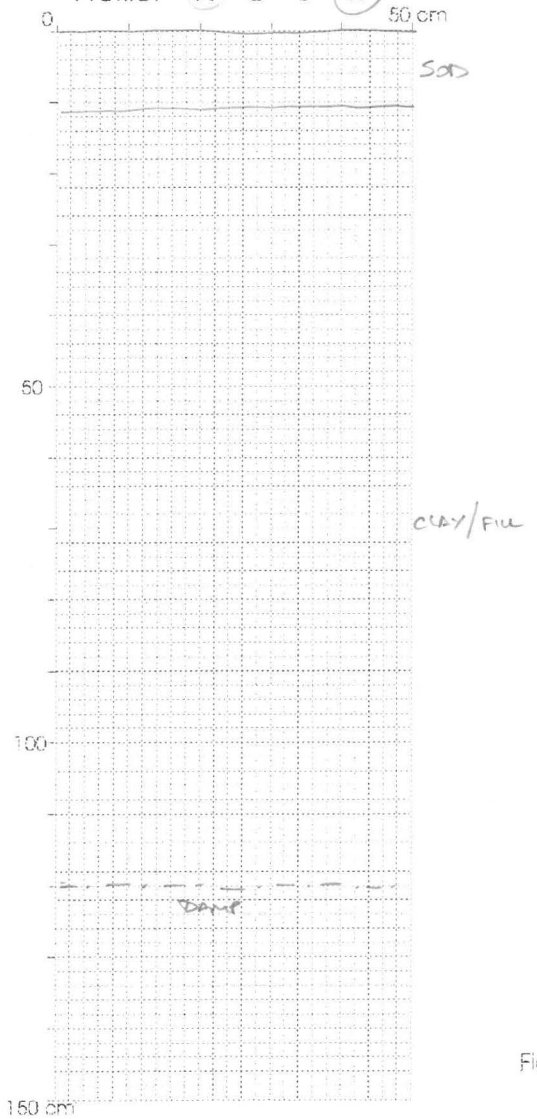
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐		till:	☑ 11 cm	Artifacts: ☑
laminated sand:	☐		regolith:	☐	^{14}C samples: ☐
paleosol:	☐		other:	☐	Soil Samples: ☐

unit grid & dimensions



Profile: N E S W



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

SOD OF 5 YR 4/3 MED COMP. SCL SITTING ON TOP OF A DENSE CLAY-TO-SANDY CLAY FILL EVENT (ARTIFACTS FROM THIS MASSIVE LOT), AS W/ NEIGHBOURING TP 17. THIS MATERIAL IS PREDOMINANTLY 5 YR 4/4 - 5 YR 4/6, BUT PERHAPS REDDER IN GENERAL (5 YR 4/6) THAN THE CORRESPONDING STRATUM IN TP 17). MEDIUM DENSITY. LIKE TP 17'S VERSION, THIS CLAY FILL HAS FEWER INCLUSIONS THAN THE MATERIAL WE ARE SEEING IN THE TEST UNITS DOWN SLOPE TO THE SW, FEWER ARTIFACTS AS WELL. CLAY/FILL LAYER WAS STERILE - ALL ARTIFACTS IN SOD + SOD/CLAY INTERFACE.

Fieldnotes: _____

Photographs: ☑ _____ Photo ID #: _____

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 1 OCT, 2023 Excavator[s]: FULL CREW Unit Ref: TP 19

Base Excv. (DBS): 120cm Surface Elev (m ASL): 22.97 GPS ref: ☑ 410470.193 4983172.602

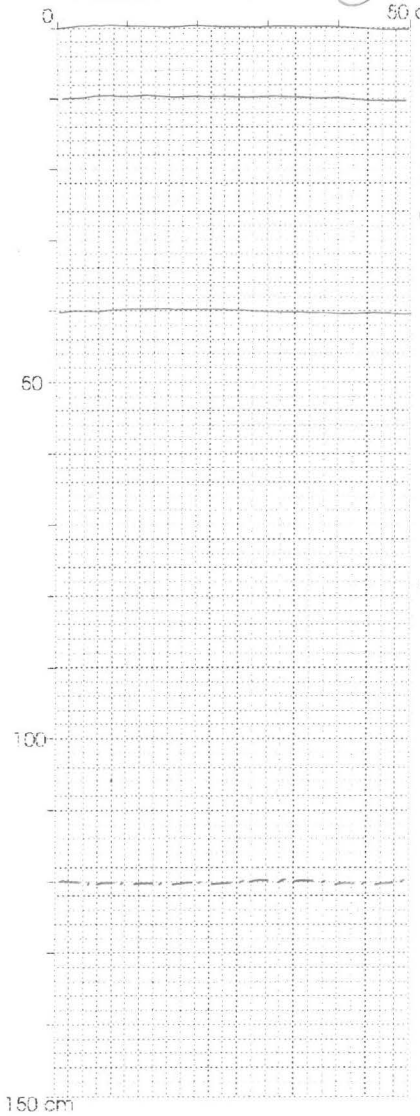
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐		till:	☑ 40 cm	Artifacts: ☑
laminated sand:	☐		regolith:	☐	^{14}C samples: ☐
paleosol:	☐		other:	☐	Soil Samples: ☐

unit grid & dimensions

40 × 40

Profile: N E S (W)



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

5 YR 4/3 MED. COMP. SCL SOD BEDS OVER A 5 YR 3/3 MED. - TO - LOOSELY COMPACTED SANDY CLAY LAYER (VERY HIGH SAND CONTENT). THIS IS LIKELY CONSTRUCTION FILL. VERY FEW ARTIFACTS, ALL CONFINED TO THE SOD / SAND INTERFACE OR TO THE SOD LAYER ITSELF.

BENEATH THIS, A CULTURALLY STERILE MED. COMPACTED CLAY, 5 YR 4/4 - 4/6. THIS IS THE B HORIZON, SOME WATER - WORN COBBLES AND MANY SMALL PEBBLES.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 1 OCT. 2023 Excavator[s]: FULL CREW Unit Ref: TP 20

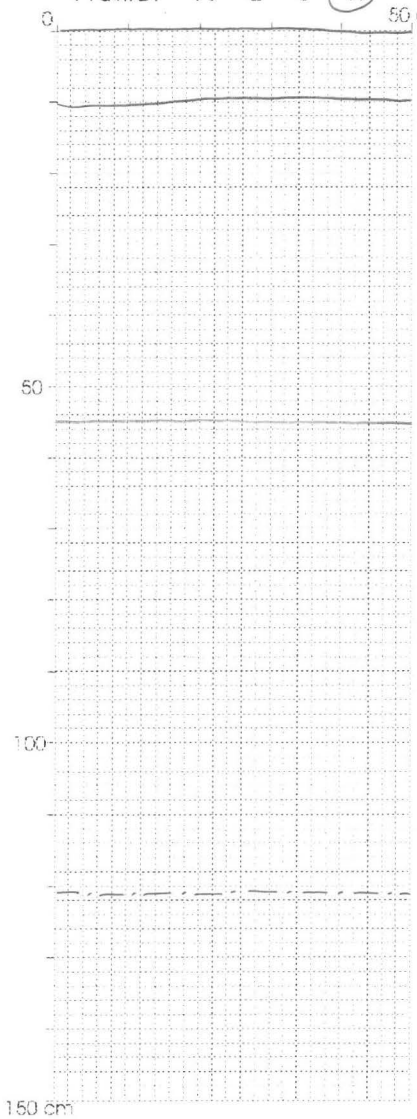
Base Excv. (DBS): 121 cm Surface Elev (m ASL): 22.93 GPS ref: ☑ 41 0473.919 4983169.396

Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☑ 55 cm	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☐	Soil Samples:	☐

unit grid & dimensions: 40 × 40

Profile: N E S (W)



Scale 1:10

Stratigraphic Descriptions

colour - matrix - texture - structure - inclusions

SOD = 5 YR 4/3 MED. COMP. SCL

SANDY CLAY LAYER IS LIKELY CONSTRUCTION FILL, 5 YR 3/3, HIGH SAND CONTENT, MED. - TO - LOOSE COMPACTION. MODERN ARTIFACTS (FEW) ONLY IN THE SOD & SOD / SANDY CLAY INTERFACE.

CLAY LAYER APPEARS TO BE NATURAL B HORIZON; MED. COMP. 5 YR 4/4 - 4/6 REDDISH CLAY w/ A SAND COMPONENT, PEBBLE INCLUSIONS.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 1 OCT. 2023 Excavator[s]: FULL CREW Unit Ref: TP 21

Base Excv. (DBS): 120 cm Surface Elev (m ASL): 23.34 GPS ref: ☐ 4104178. 945 4983168. 303

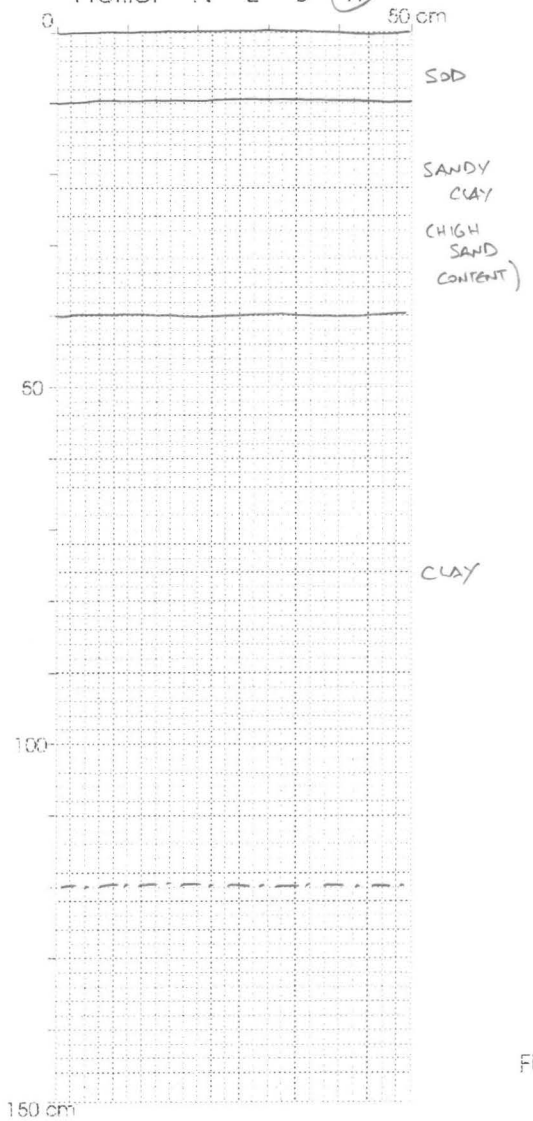
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☑ 40cm	Artifacts:	☑
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☐	Soil Samples:	☐

unit grid & dimensions

40 / 40

Profile: N E S (W)



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

VIRTUALLY IDENTICAL TO TP 20, IMMEDIATELY TO THE SW:

5 YR 4/3 MED. COMP. SCL SOD OVER LIKELY CONSTRUCTION FILL, 5 YR 3/3 SANDY CLAY W/ HIGH SAND CONTENT. THIS BEDS ONTO WHAT APPEARS TO BE THE B HORIZON:

MED. COMP. 5 YR 4/4 - 4/6 CLAY W/ SOME SAND AND PEBBLES, MODERN ARTIFACTS ONLY NEAR SURFACE.

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Permit #: A 2023NS178

Shovel Test Record

reviewed ☐
correlated ☐
entered ☐

Site: FORT EDWARD ST.

Date: 1 OCT, 2023 Excavator[s]: FOWLER Unit Ref: TP 22

Base Excv. (DBS): 10 cm Surface Elev (m ASL): 23.06 GPS ref: ☑ 410475, 536 4983164, 485

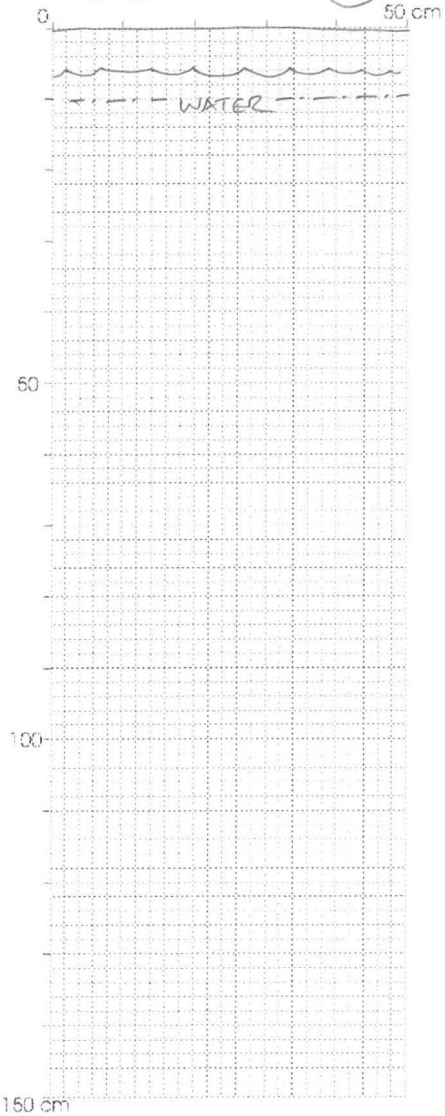
Presence/Absence ✓ or **N** & depth (DBS)

poorly sorted sand:	☐	till:	☐	Artifacts:	☐
laminated sand:	☐	regolith:	☐	^{14}C samples:	☐
paleosol:	☐	other:	☐	Soil Samples:	☐

unit grid & dimensions

40 × 40

Profile: N E S (W)



Scale 1:10

Stratigraphic Descriptions

colour · matrix · texture · structure · inclusions

Fieldnotes:

Photographs: ☑ Photo ID #:

continued on reverse ☐

Appendix B:

Artifact Inventory

Unit	Material	Object	Ware	#	Function	Heated	Notes
1	Metal	Nail, wrought		4	Architectural	N	
1	Metal	Nail, cut		1	Architectural	N	Incomplete
1	Metal	Nail, wire		14	Architectural	N	Incomplete
1	Metal	Nail, wire		4	Architectural	N	Roofing
1	Metal	Nail, unidentified		3	Architectural	N	
1	Glass	Wine bottle		6	Kitchen	N	Body shards
1	Glass	Wine bottle		1	Kitchen	Y	Dark green
1	Glass	Container		2	Kitchen	N	Clear
1	Glass	Container		2	Kitchen	N	Clear
1	Glass	Container		3	Kitchen	Y	Clear
1	Glass	Container		2	Kitchen	N	Lime green
1	Ceramic	Brick		60	Architectural	N	Fragments
1	Ceramic	Clay Pipe		1	Smoking	Y	Fragmented longitudinally, ca. 4/64"
1	Ceramic	Tableware	Creamware	3	Kitchen	N	Undecorated
1	Ceramic	Tableware	Pearlware	4	Kitchen	N	Undecorated
1	Ceramic	Tableware	Pearlware	5	Kitchen	N	Blue transfer print
1	Ceramic	Tableware	Pearlware	1	Kitchen	Y	Shell edge
1	Ceramic	Tableware	Ironstone	1	Kitchen	N	
1	Ceramic	Tableware	White	2	Kitchen	Y	Type unidentifiable (WRE?)
1	Faunal	Shell		3	Shell	N	Small fragments
				122			

Unit	Material	Object	Ware	#	Function	Heated	Notes
2	Metal	Nail, unidentified		3	Architectural	N	Incomplete
2	Metal	Iron, unidentified		3	Unidentified	N	
2	Glass	Wine bottle		2	Kitchen	N	Dark green
2	Glass	Wine bottle		1	Kitchen	Y	Dark green
2	Glass	Container		4	Kitchen	N	Lime green
2	Glass	Container		3	Kitchen	N	Light blue tint
2	Glass	Container		1	Kitchen	N	Clear
2	Glass	Flat glass		1	Unidentified	Y	Possible window pane
2	Ceramic	Tableware	Pearlware	1	Kitchen	N	Hand painted, blue rim sherd
2	Ceramic	Tableware	Pearlware	1	Kitchen	N	sm, undecorated
2	Ceramic	Tableware	White	2	Kitchen	N	Type unidentifiable (WRE?)
2	Ceramic	Tableware	White	4	Kitchen	Y	Type unidentifiable (WRE?)
2	Ceramic	Tableware	Ironstone	1	Kitchen	N	
2	Ceramic	?	Stoneware	1	Kitchen	Y	Cylindrical container (prob. 19th c.)
2	Ceramic	Brick		52	Architectural	N	Fragments
2	Faunal	Shell		1	Shell	N	
2	Other	Coal		2	Activities	N	
2	Other	Plastic		2	Activities	N	
				85			

Unit	Material	Object	Ware	#	Function	Heated	Notes
3	Glass	Wine bottle		4	Kitchen	N	Dark green
3	Glass	Container		1	Kitchen	N	Clear; threaded lip
3	Glass	Container		1	Kitchen	N	Light green
3	Glass	Case bottle		1	Kitchen	Y	Dark green
3	Glass	Flat glass		1	Unidentified	N	Light blue tint
3	Ceramic	Tableware	Tin-glazed	1	Kitchen	N	Light blue/white glaze
3	Ceramic	Tableware	WRE	6	Kitchen	N	Looks like WRE (sm frags)

3	Ceramic	Tableware	Pearlware	5	Kitchen	N	
3	Ceramic	Tableware	Pearlware	1	Kitchen	Y	
3	Ceramic	Tableware	Ironstone	1	Kitchen	N	
3	Ceramic	Brick		4	Architectural	N	
3	Other	Coal		4	Activities	N	
3	Other	Cinders		2	Unidentified	Y	
				32			

Unit	Material	Object	Ware	#	Function	Heated	Notes
4	Metal	Iron, unidentified		1	Unidentified	N	
4	Glass	Wine bottle		5	Kitchen	N	
4	Glass	Wine bottle		2	Kitchen	Y	
4	Glass	Container		1	Kitchen	N	Clear
4	Glass	Container		1	Kitchen	N	Green tint
4	Glass	Unidentified		1	Unidentified	N	Brown tint
4	Glass	Unidentified		1	Unidentified	N	Clear
4	Glass	Flat glass		1	Unidentified	N	Clear
4	Glass	Unidentified		3	Unidentified	Y	Heat altered / melted
4	Ceramic	Tableware	Pearlware	12	Kitchen	N	Undecorated
4	Ceramic	Tableware	Pearlware	1	Kitchen	N	Blue transfer print
4	Ceramic	Tableware	Pearlware	2	Kitchen	Y	Undecorated
4	Ceramic	Tableware	Yellowware	1	Kitchen	N	Hollowware
4	Ceramic	Tableware	White salt-glazed	1	Kitchen	N	Possible cup
4	Ceramic	Unidentified		2	Unidentified	N	Crude, coarse earthenware , brown
4	Ceramic	Brick		2	Architectural	N	
4	Faunal	Shell		1	Shell	N	
4	Other	Coal		1	Activities	N	
				39			

Unit	Material	Object	Ware	#	Function	Heated	Notes
5	Metal	Iron, unidentified		1	Unidentified	N	Flat, short 'bar' shape
5	Metal	Nail, unidentified		3	Architectural	N	Type uncertain
5	Glass	Wine bottle		1	Kitchen	N	
5	Glass	Container		1	Kitchen	N	Blue tint; cylindrical
5	Glass	Container		1	Kitchen	N	Blue tint; possibly globular
5	Glass	Container		1	Kitchen	N	Green tint
5	Glass	Tableware		1	Kitchen	N	Leaded wine glass
5	Glass	Flat glass		1	Unidentified	N	Thick, clear, sliver; possibly container
5	Glass	Flat glass		1	Unidentified	N	Light blue tint
5	Glass	Unidentified		2	Unidentified	Y	Heat altered / melted
5	Ceramic	Tableware	Pearlware	2	Kitchen	N	Undecorated
5	Ceramic	Tableware	Pearlware	1	Kitchen	Y	Undecorated
5	Ceramic	Tableware	Pearlware	1	Kitchen	N	Handle frag., brown transfer print
5	Ceramic	Tableware		1	Unidentified	N	Looks like WRE (sm frag)
5	Ceramic	Brick		18	Architectural	N	
5	Faunal	Bone		2	Bone	Y	
5	Faunal	Shell		5	Shell	N	
				43			

Unit	Material	Object	Ware	#	Function	Heated	Notes
6	Metal	Nail, wire		1	Architectural	N	

6	Metal	Nail, unidentified		1	Architectural	N	Possible wrought; lg
6	Metal	Iron, unidentified		1	Architectural	N	Wire (from dark soil at bottom of unit)
6	Glass	Container		1	Kitchen	N	Blue tint; cylindrical
6	Glass	Container		3	Kitchen	N	Clear
6	Glass	Windowpane		2	Architectural	N	Blue tint
6	Ceramic	Tableware	White bodied	3	Kitchen	N	Undecorated
6	Ceramic	Tableware	White bodied	1	Kitchen	Y	Blue transfer print
6	Ceramic	Brick		1	Architectural	N	
6	Ceramic	Tile		2	Architectural	N	Drainage tile
6	Faunal	Bone		1	Bone	Y	Sm calcined bone
6	Other	Coal		1	Activities	N	
				18			

Unit	Material	Object	Ware	#	Function	Heated	Notes
7	Metal	Nail, wrought		1	Architectural	N	Incomplete
7	Metal	Nail, cut		1	Architectural	N	Incomplete
7	Ceramic	Tableware	Pearlware	2	Kitchen	N	Undecorated
7	Ceramic	Tableware	Pearlware	1	Kitchen	N	Blue (can't tell transfer or painted)
7	Ceramic	Tableware	Jackfield	1	Kitchen	N	Debased Jackfiled teapot filter (19th c.)
7	Ceramic	Tableware	Ironstone	1	Kitchen	Y	Undecorated, flatware (plate), base
7	Ceramic	Tableware	White bodied	1	Kitchen	Y	Sm, badly heated
7	Ceramic	Brick		15	Architectural	N	
7	Faunal	Bone		1	Bone	Y	sm, calcined
7	Other	Clinker		2	Activities	Y	
				26			

Unit	Material	Object	Ware	#	Function	Heated	Notes
8	Ceramic	Tableware	Pearlware	1	Kitchen	N	Undecorated
8	Ceramic	Brick		5	Architectural	N	
				6			

Unit	Material	Object	Ware	#	Function	Heated	Notes
9	Glass	Wine bottle		2	Kitchen	N	
9	Glass	Unidentified		2	Unidentified	Y	Possible melted window pane
9	Ceramic	Tableware	Creamware	5	Kitchen	N	Undecorated
9	Ceramic	Tableware	Pearlware	2	Kitchen	N	Blue transfer print
9	Ceramic	Tableware	Ironstone	1	Kitchen	Y	Undecorated
9	Ceramic	Clay Pipe		1	Smoking	N	4/64"
9	Ceramic	Tile		2	Architectural	N	
9	Faunal	Shell		1	Shell	N	
				16			

Unit	Material	Object	Ware	#	Function	Heated	Notes
10	Metal	Nail, unidentified		1	Architectural	N	
10	Metal	Nail, wought		2	Architectural	N	Incomplete
10	Metal	Nail, wought		1	Architectural	N	Complete, sm (tack?)
10	Metal	Nail, wire		3	Architectural	N	
10	Glass	Flat glass		4	Unidentified	N	Blue tint; possible windowpane
10	Glass	Flat glass		2	Unidentified	N	Clear
10	Glass	Container		1	Kitchen	N	Blue tint
10	Ceramic	Tableware	Tin-glazed	1	Kitchen	N	
10	Ceramic	Tableware	Creamware	1	Kitchen	N	Sm, undecorated
10	Ceramic	Tableware	Pearlware	1	Kitchen	N	Sm, undecorated
10	Ceramic	Tableware	WRE	9	Kitchen	N	Undecorated

10	Ceramic	Tableware	Rockinghamware	2	Kitchen	N	
10	Ceramic	Tableware	Porcelain	2	Kitchen	N	Sm, undecorated
10	Ceramic	Tile		1	Architectural		
10	Faunal	Bone		1	Bone	N	Sm, calcined
				32			

Unit	Material	Object	Ware	#	Function	Heated	Notes
11	Metal	Iron, unidentified		1	Unidentified	N	blog/hunk
11	Glass	Container		2	Kitchen	N	1 delicate (maybe lamp shade?)
11	Glass	Flat glass		1	Unidentified	N	Clear
11	Ceramic	Tableware	WRE	1	Kitchen	N	Undecorated
11	Ceramic	Tableware	WRE	1	Kitchen	N	Brown transfer print
11	Ceramic	Brick		1	Architectural	N	
11	Faunal	Shell		1	Shell	N	Oyster
11	Other	Coal		1	Activities	N	
				9			

Unit	Material	Object	Ware	#	Function	Heated	Notes
12	Ceramic	Tableware	White bodied	1	Kitchen	N	Maybe be Creamware or Pearlware
12	Faunal	Shell		1	Shell	N	Sm
12	Other	Concrete		1	Architectural	N	
				3			

Unit	Material	Object	Ware	#	Function	Heated	Notes
13	Metal	Nail, wrought		1	Architectural	N	Incomplete
13	Metal	Nail, unidentified		2	Architectural	N	Incomplete
13	Glass	Wine bottle		3	Kitchen	N	Dark green
13	Glass	Container		1	Kitchen	N	Blue tint
13	Glass	Container		1	Kitchen	N	Lime green tint
13	Glass	Container		2	Kitchen	N	Clear (looks like modern pint bottle)
13	Glass	Container		1	Unidentified	N	Brown
13	Glass	Flat glass		1	Unidentified	N	Light blue tint
13	Glass	Unidentified		2	Unidentified	Y	Badly melted
13	Ceramic	Tableware	Pearlware	2	Kitchen	N	Undecorated
13	Ceramic	Tableware	Pearlware	1	Kitchen	N	Blue transfer print
13	Ceramic	Tableware	Unidentified	1	Kitchen	Y	White bodied hollowware
13	Ceramic	Tableware	Jackfield	2	Kitchen	N	
13	Ceramic	Unidentified	Coarse redware	1	Unidentified	N	Possible tile fragment
13	Ceramic	Brick		2	Architectural	N	
13	Faunal	Shell		4	Shell	N	
13	Other	Coal		2	Activities	N	
13	Other	Concrete		2	Architectural	N	
				31			

Unit	Material	Object	Ware	#	Function	Heated	Notes
14	Metal	Nail, wrought		2	Architectural	N	
14	Metal	Nail, wire		2	Architectural	N	
14	Metal	Nail, wire		1	Architectural	N	Roofing nail
14	Glass	Container		1	Kitchen	N	Blue tint
14	Glass	Container		1	Kitchen	N	Clear
14	Glass	Container		1	Kitchen	N	Green tint
14	Glass	Unidentified		1	Unidentified	N	Yellow/brown tint, moulded
14	Glass	Unidentified		3	Unidentified	Y	
14	Ceramic	Tableware	Pearlware	2	Kitchen	N	Undecorated
14	Ceramic	Tableware	Pearlware	1	Kitchen	N	Light blue transfer print

14	Ceramic	Unidentified	Coarse redware	1	Unidentified	N	Possibly tile fragment
14	Ceramic	Clay Pipe		1	Smoking	N	Bowl fragment, undecorated (18th c.?)
14	Faunal	Bone		3	Bone	N	
14	Faunal	Bone		2	Bone	Y	
14	Other	Unidentified		1	Activities	N	Jack Daniels medallion
14	Other	Coal		1	Activities	N	
				24			

Unit	Material	Object	Ware	#	Function	Heated	Notes
15	Glass	Unidentified		1	Unidentified	N	Red tint
15	Ceramic	Brick		9	Architectural	N	
15	Other	Clinker		3	Activities	N	
				13			

Unit	Material	Object	Ware	#	Function	Heated	Notes
16	Metal	Nail, unidentified		1	Architectural	N	
16	Metal	Nail, wire		1	Architectural	N	
16	Glass	Flat glass		3	Architectural	N	Blue/green tint; possible window pane
16	Glass	Flat glass		1	Unidentified	N	Clear
16	Ceramic	Tableware	Pearlware	1	Kitchen	N	Undecorated
16	Ceramic	Tableware	WRE	1	Kitchen	N	Undecorated
16	Faunal	Bone		2	Bone	Y	
16	Other	Clinker		2	Activities	Y	
				12			

Unit	Material	Object	Ware	#	Function	Heated	Notes
17	Ceramic	Tableware	Tin-glazed	1	Kitchen	N	
17	Ceramic	Tableware	Creamware	1	Kitchen	N	
17	Ceramic	Tableware	WRE	2	Kitchen	N	Brown transfer print
17	Ceramic	Tableware	WRE	1	Kitchen	N	Light blue transfer print
17	Ceramic	Tableware	WRE	2	Kitchen	N	Undecorated
17	Ceramic	Tableware	Porcelain	1	Kitchen	N	Undecorated
17	Ceramic	Tableware	Yellowware	2	Kitchen	N	Undecorated
17	Ceramic	Brick		2	Architectural	N	
17	Glass	Windowpane		1	Architectural	N	Blue tint
17	Glass	Container		1	Kitchen	N	Clear
17	Glass	Container		2	Kitchen	N	Brown tint
17	Glass	Container		3	Kitchen	N	Green tint
17	Glass	Container		1	Kitchen	N	Clear - leaded
				20			

Unit	Material	Object	Ware	#	Function	Heated	Notes
18	Glass	Container		1	Kitchen	N	Brown tint
				1			

Unit	Material	Object	Ware	#	Function	Heated	Notes
19	Iron	Unidentified		1	Unidentified	N	Sm
19	Ceramic	Tile		2	Architectural	N	
19	Faunal	Bone		1	Bone	Y	

				4			
Unit	**Material**	**Object**	**Ware**	**#**	**Function**	**Heated**	**Notes**
20	Iron	Nail, wire		1	Architectural	N	
20	Glass	Container		1	Kitchen	N	Green tint
				2			
Unit	**Material**	**Object**	**Ware**	**#**	**Function**	**Heated**	**Notes**
21							
				0			
			TOTAL	538			

Appendix C:

Photographic Record of Test Units

TP01



Shell-edged Pearlware

TP02





Tin-glazed earthenware

TP03



TP04





White salt-glazed stoneware

TP05





Leaded stemware

TP06



TP07



TP08



TP09



TP10



TP11



TP12



TP13



TP14





Jack Daniels token/ medallion



Clay pipe bowl

TP15



TP16



TP17



Creamware





Leaded stemware



Tin-glazed earthenware

TP18



TP19



TP20



TP21



TP22



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: October 24, 2023

Subject: Development Agreement: PID 45366432, Cole Drive, Windsor; File # 23-09B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

… that Council gives Second Reading to and approves entering into a development agreement to permit a four storey, mixed-use apartment building on PID 45366432 on Cole Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-09 to the Planning and Heritage Advisory Committee dated July 13, 2023.

… that Council requires that the development agreement with Shawn Foote & Mark Hartlin which permits a four storey, mixed-use apartment building on PID 45366432 on Cole Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

An updated application was received from Darren Shupe of Brighter Community Planning & Consulting on behalf of the property owner Mainland South Investments on March 21, 2023. The application is to consider permitting a 4-storey mixed-use apartment building by development agreement. This report relates to the second of two buildings in this area by this developer.

DISCUSSION

A Public Information Meeting was held on June 6, 2023.

On September 14, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed stormwater management at the site. Staff explained that a stormwater management plan will be required to be provided prior to construction, to ensure that pre- and post-development flows were neutral or better than previous levels.

During the September 14 meeting, PAC/HAC recommended in favour of the application.

On September 26, 2023, staff presented the PAC/HAC recommendation to Council for First Reading.

During the September 26 meeting, Council recommended in favour of the application.

NEXT STEPS

The process for this application is as follows.

Process
Staff Review
▼
Public Information Meeting – June 6
▼
PAC/HAC receives staff report and PIM Notes PAC/HAC Review and Recommendation – September 14
▼
Council First Reading – September 26
▼
Public Hearing & Second Reading – October 24
▼
Notice of Approval in Local Paper
▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- hold Second Reading and approve the development agreement as drafted or as specifically revised by direction of Council; or
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A	2023-09-26 Staff Report – Development Agreement: PID 45366432, Cole Drive, Windsor; File # 23-09A

CHIEF ADMINISTRATIVE OFFICER REVIEW

The development and application is in keeping with other development trends occurring in the growth centres. This is favorable in supporting the housing needs within our community.

I support the recommendation.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

Appendix A – 2023-09-26 Staff Report – Development Agreement:
PID 45366432, Cole Drive, Windsor; File # 23-09A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: September 26, 2023

Subject: Development Agreement: PID 45366432, Cole Drive, Windsor; File # 23-09A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

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 entering into a development agreement to allow a four storey, mixed-use apartment building on PID 45366432 on Cole Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-09 to the Planning and Heritage Advisory Committee dated July 13, 2023.

… that Council requires that the development agreement with Shawn Foote & Mark Hartlin which permits a four storey, mixed-use apartment building on PID 45366432 on Cole Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

An updated application was received from Darren Shupe of Brighter Community Planning & Consulting on behalf of the property owner Mainland South Investments on March 21, 2023. The application is to consider permitting a 4-storey mixed-use apartment building by development agreement. This report relates to the second of two buildings in this area by this developer.

DISCUSSION

A Public Information Meeting was held on June 6, 2023.

On September 14, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The committee discussed stormwater management at the site. Staff explained that a stormwater management plan was required to be provided prior to construction to ensure that pre- and post-development flows were neutral or better than previous levels.

During the September 14 meeting, PAC/HAC recommended in favour of the application.

NEXT STEPS

The process for this application is as follows.

Process
Staff Review
▼
Public Information Meeting – June 6
▼
PAC/HAC receives staff report and PIM Notes PAC/HAC Review and Recommendation – September 14
▼
Regional Council First Reading – September 26
▼
Public Hearing & Second Reading – October 24*
▼
Notice of Approval in Local Paper
▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

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

APPENDICIES

Appendix A	2023-07-13 Staff Report – Development Agreement: PID 45366432, Cole Drive, Windsor; File # 23-09

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by: 
Mark Phillips, Chief Administrative Officer

Appendix A – 2023-07-13 Staff Report – Development Agreement:
PID 45366432, Cole Drive, Windsor; File # 23-09

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: July 13, 2023

Subject: Development Agreement: PID 45366432, Cole Drive, Windsor; File # 23-09

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a four storey, mixed-use apartment building on PID 45366432 on Cole Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-09 to the Planning and Heritage Advisory Committee dated July 13, 2023.

…that PAC/HAC recommends that Council require that the development agreement with Shawn Foote & Mark Hartlin which permits a four storey, mixed-use apartment building on PID 45366432 on Cole Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

An updated application was received from Darren Shupe of Brighter Community Planning & Consulting on behalf of the property owner Mainland South Investments on March 21, 2023. The application is to consider permitting a 4-storey mixed-use apartment building by development agreement. This report relates to the second of two buildings in this area by this developer.

DISCUSSION

The subject lot is a approximately 2 acres (9200 sq. m.) in size. The subject lot is primarily within the jurisdiction of the Windsor Municipal Planning Strategy and a smaller portion of the subject lot is within the jurisdiction of the West Hants Municipal Planning Strategy.

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

The West Hants portion is designated Residential and included within the Three Mile Plains Growth Centre on the GFLUM of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). This portion is zoned Multiple Unit Residential (R-3) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

Surrounding Context

Properties to the south of the subject lot are designated Residential and are zoned Agriculture (AG). Properties to the west are designated Joint Industrial and zoned Light Industrial Type Three (LI-3). Properties to the east are designated Residential and zoned Multiple Unit Residential (R-3). North of the subject lot is Highway 101. There is a large grocery store directly abutting the subject lot to the northwest. Further along Cole Drive in the Joint Industrial Park designation is a hotel and a vacant lot. Highway 101 also directly abuts the subject lot on the northeast lot line. The Residentially designated land located on the south side of Cole Drive is currently being developed for residential uses.

Municipal Planning Strategy Document Review

Policy 5.4.6 of the WMPS is the first enabling policy to be considered for this application. This policy provides Council with the ability to consider new multiple unit residential development consisting of more than three units by development agreement. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the size and design of the proposed development is compatible with the surrounding existing uses;
- the draft development agreement outlines buffering and landscaping requirements;
- the amount of recreational space provided in the proposal exceeds the amount of recreational space required by the Windsor Land Use By-law;
- Cole Drive has been identified as a Collector Street on the Future Streets Map within the West Hants Subdivision By-law; and
- the Development Officer, Public Works Engineering Division, Fire Chief, Manager of Building and Fire Inspection Services, and the Municipal Traffic Authority have no concerns which have not otherwise been addressed in this report.

Policy 5.5.1 of the WMPS is the second enabling policy to be considered for this application. This policy provides Council with the ability to consider permitting dwellings in excess of three stories by development agreement. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposed development has side yards that are at least one half the height of the main building;
- the proposed building is limited to a maximum height of 50 ft.; and
- the proposal is of a similar scale and design to the surrounding existing uses.

Policy 9.1.1 of the WMPS is the third enabling policy to be considered for this application. This policy provides Council with the ability to consider mixed use residential/commercial developments with two or more dwelling units by development agreement. This policy also includes criteria which must be considered in relation to the proposed development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposed development is of a similar size and design to surrounding buildings;
- the draft development agreement allows for a select list of permitted uses in the General Commercial (GC) zone; and
- the Development Officer has no additional concerns.

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

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and

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

Additional Consideration

There is a small portion of the subject lot which is within the jurisdiction of the West Hants planning documents. This area does not intersect with the proposed building and the West Hants policies have been examined in the first part of this development agreement application in report File #23-05. Due to this, staff have chosen not to address the West Hants policies as part of this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the subject lot, however the bottom of Cole Drive may experience flooding.

The Municipal Services Specifications Manual will require the developer to provide information to the Municipal Department of Public Works to ensure pre- and post-development flows are met. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the draft development agreement has been considered within the context of both the specific and general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to consider permitting a four (4) storey mixed-use apartment building on PID 45366432 on Cole Drive in Windsor by development agreement.

Process
Staff Review
▼
Public Information Meeting – June 6
▼
PAC/HAC receives staff report and PIM Notes **PAC/HAC Review and Recommendation – July 13**
▼
Regional Council First Reading – July 25*
▼

Public Hearing & Second Reading – September 26*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	Windsor/West Hants GFLUM Extract
Figure 2	Windsor/West Hants Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

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

Figure 1 – Windsor/West Hants GFLUM Extract

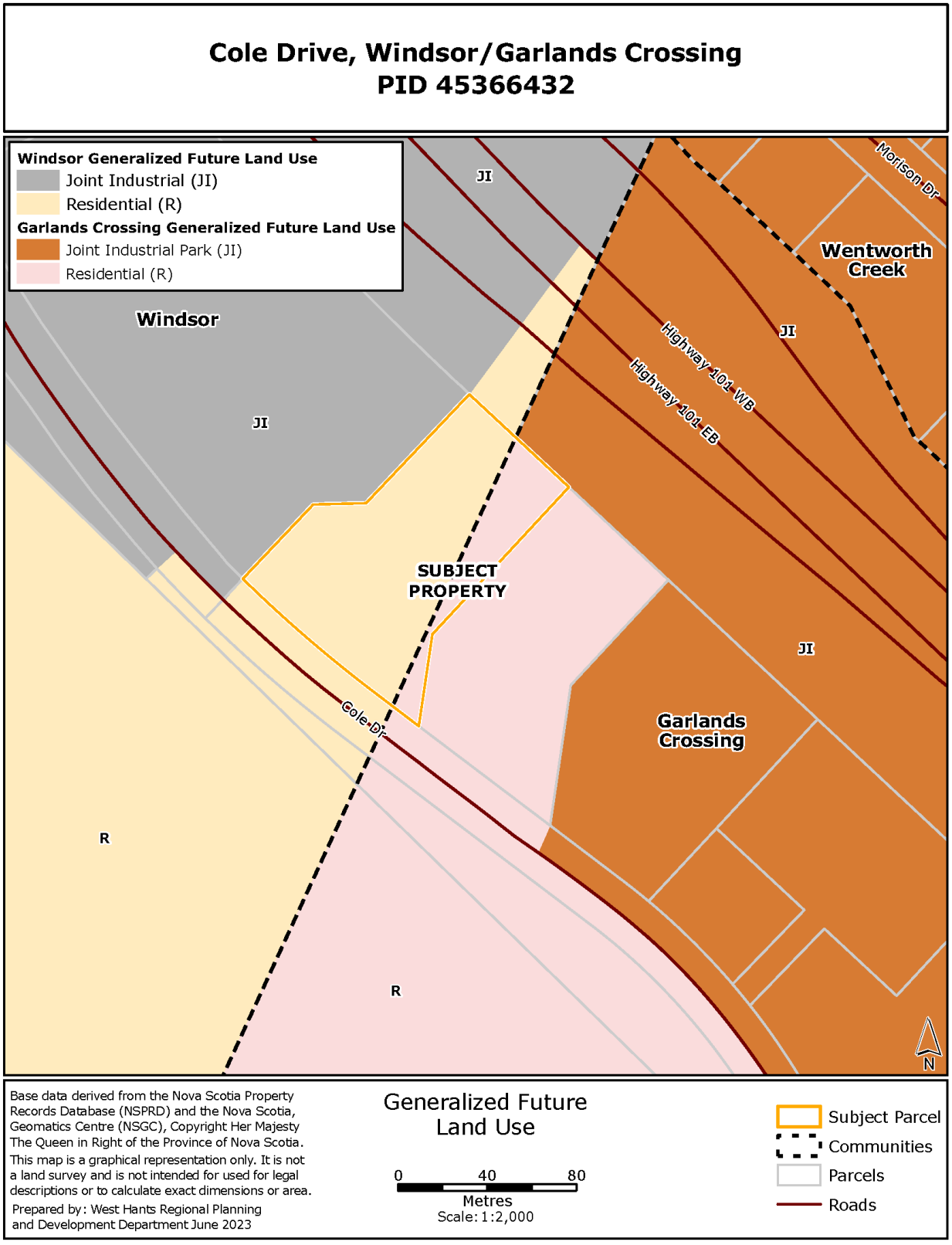
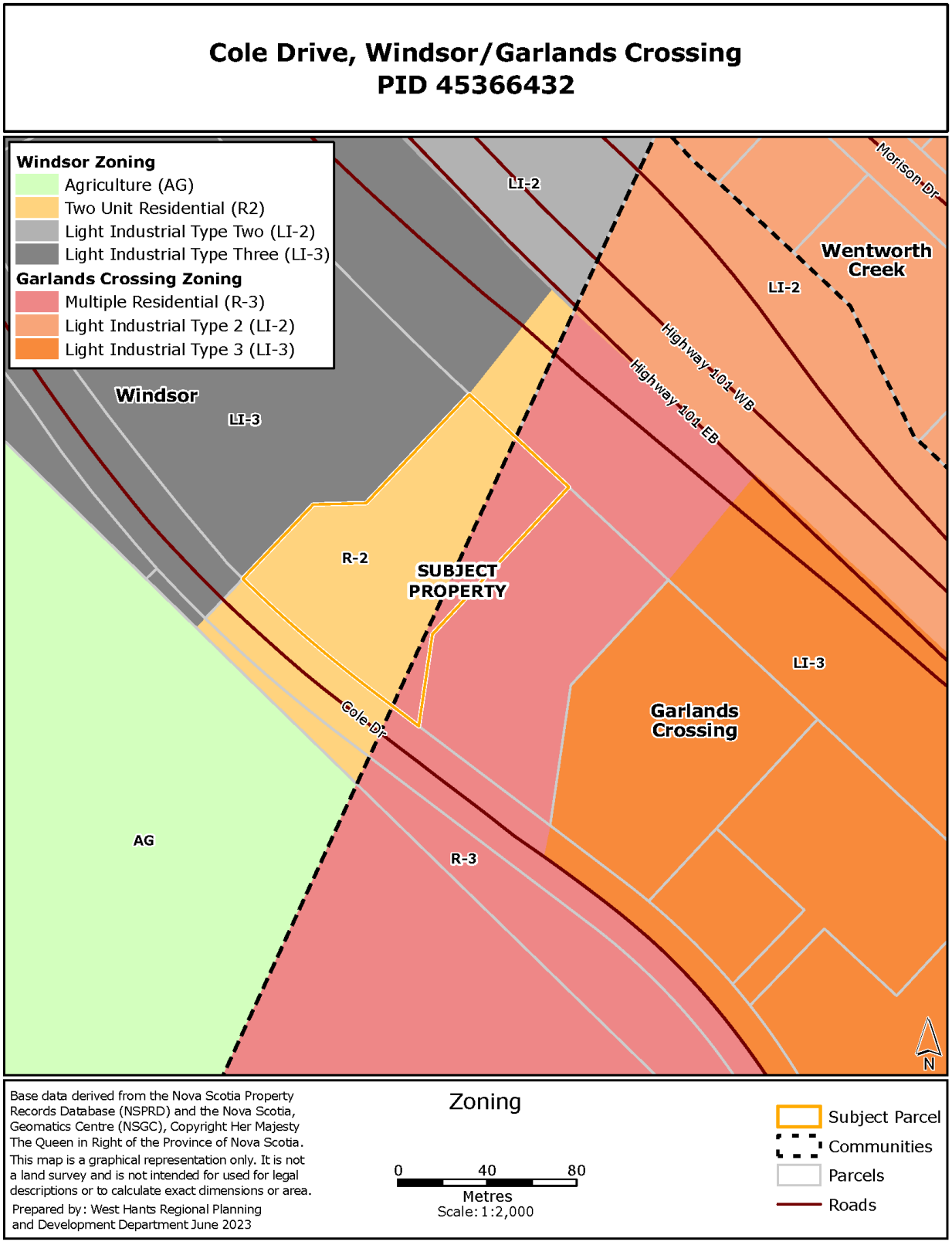


Figure 2 – Windsor/West Hants Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

Policy 5.4.6 *It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings to three or more units, subject to the following:*	
(a) the proposed use meets one of the following:	
(i) in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards; or	The Development Officer commented that the shape and dimensions of the subject lot were appropriate for the proposed building.
(ii) in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;	N/A
(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;	The proposal is of a similar size and appearance to the surrounding existing uses. Staff consider this proposal to be compatible with existing uses.
(c) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;	The Municipal Traffic Authority commented that they have no concerns regarding traffic generation or density for the proposed development.
(d) consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;	The draft development agreement outlines the buffering and landscaping requirements for all parking and service areas of the development.
(e) adequate on-site parking is provided and parking areas are well designed;	The Development Officer commented that the parking provided is considered adequate.
(f) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of	The amount of recreational space provided in the proposal exceeds the amount of recreational space required by the Windsor Land Use By-law. The

existing buildings, nearby public parks may be deemed sufficient;	Development Officer commented that they have no concern regarding the adequacy of on-site recreational space.
(g) the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units;	Cole Drive is shown as a local road on the Transportation Map of the Windsor Municipal Planning Strategy. Even though Cole Drive is within an area designated Joint Industrial Park and was constructed with a sidewalk on one side of the street, it is most likely classified as a local road due to it being a dead-end street with no current connections elsewhere. The Future Streets Map attached to the West Hants Subdivision By-law identifies Cole Drive as a collector street. Due to this classification and the Traffic Authority having no concerns, this criterion is considered met.
(h) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;	N/A
(i) in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;	N/A
(j) any other matter which may be addressed in a development agreement; and	All relevant matters have been addressed in this report.
(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.	See below.

Policy 5.5.1 *In any residential zone, Council may consider permitting dwellings in excess of three storeys by development agreement, subject to the following conditions:*	
(a) the side yards are at least one-half the height of the building;	The proposed building is 4 storeys and has side yards of at least 25 ft.

(b) the building will in no instance exceed 80 ft (24.38 m) in height;	The proposed building is limited to a maximum height of 50 ft.
(c) the building design, height and scale is compatible with the surrounding area;	The proposal is of a similar scale and design to the surrounding existing uses. Staff consider this proposal to be compatible with existing uses.
(d) any other matter which may be addressed in a development agreement; and	All relevant matters have been addressed in this report.
(e) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.	See below.

Policy 9.1.1 *It shall be the intention of Council to consider mixed use residential/commercial developments with two or more dwelling units by development agreement in areas designated Residential subject to the following:*	
(a) the density, scale and architectural design of the development are compatible with the surrounding area;	The proposal is of a similar scale and design to the surrounding existing uses. Staff consider this proposal to be compatible with development in the surrounding area.
(b) the development is reasonably consistent with the provisions of the Architectural Design Manual, if it is located in an Architectural Design Control District;	N/A
(c) the development is reasonably consistent with the yard standards of the underlying zone;	The Development Officer commented that they have no concerns regarding the adequacy of the subject lot in terms of the setback requirements. The draft development agreement sets out specific setback requirements which supersede that of the underlying zone.
(d) the proposed development does not compromise the residential integrity of the area;	The proposed development would be the first residential use in the area, aside from the first part of this application which was approved by Council on June 27. Staff have no

	concerns regarding the residential integrity of the area.
(e) the commercial use is permitted in the General Commercial (GC) zone;	The draft development agreement permits a number of commercial uses which are included in the permitted uses list of the General Commercial (GC) zone.
(f) the commercial use is located at the street level and does not exceed one-third of the total floor area of the development;	The commercial component of the proposed development accounts for approximately one quarter of the total floor area of the development, which is less than the limit of one-third.
(g) adequate landscaping, open space and natural or artificial buffering is provided;	The Development Officer commented that they have no concerns regarding the buffering, landscaping, or open space for the proposed development.

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 Public Works Engineering Division confirmed that the existing municipal services are adequate for the proposed development.
(ii) the adequacy of school facilities;	The Annapolis Valley Regional Centre for Education has stated that they will accommodate all students.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services has no issues with fire protection but did mention that the proposal has a steep driveway access for the fire department. Staff have included a provision in the draft development agreement to require consultation with the Fire Chief

	regarding the appropriate construction of the driveway. The local Fire Chief has stated that it is preferable to have 360 degree access to the building, but a suitable alternative is for rolling curbs and a restriction on overhead obstructions on all access routes.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Traffic Authority has no concerns regarding the road networks adjacent or leading to the development.
(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 has no concerns regarding movement suitability on the subject lot.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that the subject lot is suitable in terms of dimension and shape for this proposal.
(d) the pattern of development which the proposal might create;	The proposal is in line with the pattern of development surrounding Cole Drive. There have been more applications to consider residential uses in this area lately. The Development Officer has no concerns regarding the pattern of development.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;	The site appears to be at a higher elevation in comparison to buildings closer to Wentworth Road. There are no watercourses or wetlands located on the property. No concerns were recorded during the site visit.
(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.

Attachment B – Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

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

(Hereinafter referred to as the "Municipality")

OF THE FIRST PART

- and -

MAINLAND SOUTH INVESTMENTS INC. a body corporate, with a head office at 56 Jebel Lane, Herring Cove, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the "First Co-owner")

OF THE SECOND PART

- and -

3171692 NOVA SCOTIA LIMITED a body corporate, with a head office at Suite 411, 5 Ramsgate Lane, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the "Second Co-owner")

OF THE THIRD PART

WHEREAS the Co-owners are the registered owners of parcel of land located on Cole Drive, PID 45366432, hereinafter referred to as the "Property", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS PID 45366432 has one portion which is designated Residential and is within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy and zoned Multiple Unit Residential (R-3) on the Zoning Map of the West Hants Land Use By-law and one portion which is designated Residential on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy and zoned Two Unit Residential (R-2) on the Zoning Map of the Windsor Land Use By-law; and

WHEREAS the Co-owners have requested that the Municipality enter into a development agreement to permit up to 42 apartment units and up to 13,400 sq. ft. of commercial space within a four (4) storey apartment building on the Property (the "Development"); and

WHEREAS Policy 5.4.6 of the Windsor Municipal Planning Strategy and Section 6.1 (b) of the Windsor Land Use By-law enable Council to consider entering into a development agreement to allow multiple unit residential development consisting of more than three units, and Policy 5.5.1 of the Windsor Municipal Planning Strategy and Section 6.1 (c) of the Windsor Land Use By-law enable Council to consider entering into a development agreement to allow dwellings in excess of three storeys in any residential zone, and Policy 9.1.1 of the Windsor Municipal Planning Strategy and Section 6.1 (k) of the Windsor Land Use By-law enable Council to consider entering into a development agreement to mixed use residential/commercial uses in the Residential designation, and Policy 5.3.8 of the West Hants Municipal Planning Strategy and Section 6.1 (a) of the West Hants Land Use By-law enable Council to consider entering into a development agreement to allow multiple unit residential development greater than three storeys in the Three Mile Plains Growth Centre, and Policy 5.6.4 of the West Hants Municipal Planning Strategy and Section 6.1 (h) of the West Hants Land Use By-law enable Council to consider entering into a development agreement to allow new local commercial uses in Growth Centres outside of the Commercial designation; and

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

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

PART 1 AGREEMENT CONTEXT

1.1 Definitions

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

(a) "Active Construction" means that the Co-owners have active development and building permits for the construction of the apartment building and the associated parking podium, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit.

(b) "Commencement" means the date the Co-owners begin Active Construction on the apartment building within this Agreement as permitted by an issued development and building permit; and

(c) "Commercial Floor Area" means the total useable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common hallways between stores.

(d) "Co-owners" means the First Co-owner and the Second Co-owner, jointly and severally.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

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

(a) West Hants Municipal Planning Strategy means the Municipal Planning Strategy of West Hants, effective on June 26, 2008, as amended, or successor by-laws;

(b) West Hants Land Use By-law means the Land Use By-law of West Hants, effective on June 26, 2008, as amended, or successor by-laws;

(c) West Hants Subdivision By-law means the Subdivision By-law of West Hants, effective on June 26, 2008, as amended, or successor by-laws;

(a) Windsor Municipal Planning Strategy means the Windsor Municipal Planning Strategy, effective on September 21, 2005, as amended, or successor by-laws;

(b) Windsor Land Use By-law means the Windsor Land Use By-law, effective on September 21, 2005, as amended, or successor by-laws;

(c) Windsor Subdivision By-law means the Windsor Subdivision By-law, effective on March 21, 2012, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

(a) The Parties agree that uses on the Property shall be limited to the following:

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

(ii) a four (4) storey apartment building containing up to 42 apartment units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor for commercial uses which shall be limited to the following:

- Arts and crafts studios including photography
- Banks and financial institutions
- Clubs and community organizations
- Commercial schools
- Day care centres, licensed and non-licensed
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Licensed liquor establishments
- Microbrewery, Microdistillery, Winery
- Offices
- Repair and rental establishments
- Restaurants, excluding drive-through restaurants
- Retail stores
- Service and personal service shops
- Veterinary clinics and animal hospitals

(iii) underbuilding, underground and surface parking for the uses within the building.

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

2.2 Development Location and Design

(a) The Development location and design shall be generally consistent with the site plan shown in Schedule B.

(b) The Development Officer may approve in writing minor changes to the location of the building or other aspects of the Site Plan provided the side yards are not decreased.

(c) The apartment building shown on the Site Plan in Schedule B shall be limited to a maximum of 42 dwelling units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor. The building may include underground and underbuilding parking and shall conform to the following requirements:

Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	35 ft. (10.67 m.)
Minimum Side Yard	15 ft. (4.57 m.) or one-half the height of the building whichever is greater
Maximum Storey of Main Building	4 storeys
Maximum Building Height	50 ft. (15.24 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

(d) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.

(e) A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreation space as outlined in Section 2.6, *Recreational Space*, shall be required.

(f) The Co-owners shall keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Access and Egress

(a) The Co-owners shall develop, construct, and maintain the driveways in the Development in general conformance with the driveways shown on Schedule B.

(b) The driveways shown on Schedule B shall be constructed a minimum of 100 ft. (30.48 m.) from a street intersection. The driveways shall be paved with a minimum paved surface width of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated.

2.4 Parking

(a) All parking spaces for vehicles using the Property shall be located on the lot and shall be generally located as shown on Schedule B.

(b) A minimum of one (1) parking space shall be provided per dwelling unit and a minimum of one (1) parking space shall be provided for every 500 sq. ft. (46.45

sq. m.) of Commercial Floor Area dedicated to commercial uses on the Properties.

(c) Parking may be provided either underbuilding, underground or outside at grade.

(d) Outside parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Co-owners. They may be constructed using permeable construction materials to assist with stormwater retention.

(e) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.

(f) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.5 Fire Safety

(a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.

(b) All curbs shall be designed to be mountable by emergency services vehicles.

(c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Co-owners to allow unimpeded access to the Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

(d) Prior to the construction of the driveway, consultation with the district Fire Chief regarding the slope of the driveway will be required to ensure adequate emergency vehicle access.

2.6 Recreational Space

A minimum of 10,020 sq. ft. (930.89 sq. m.) of usable recreational space shall be provided on the Property and may include:

(a) individual balconies; and

(b) common use landscaped areas.

2.7 Buffering

Outdoor parking, driveways, and parking aisles shall be screened from adjacent properties, except for the lot line abutting Cole Drive and the lot line abutting PID 45411808, through the use of:

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

(b) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or

(c) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or

any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.

2.8 Servicing

(a) Waste Collection

(i) No Municipal garbage collection will be provided to the Development. The Co-owners shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.

(ii) The Co-owners shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

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

(ii) The Co-owners shall be responsible for constructing, installing and maintaining the water and sewer services on the Property.

(c) Snow Plowing

The Co-owners shall have sole responsibility for snow plowing within the Development.

2.9 Maintenance

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

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

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

2.10 Signs and Lighting

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

2.11 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 7:00 a.m. and 10:00 p.m. daily, inclusive.

2.12 Variance

In accordance with Section 5.48 of the Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

(i) minimum required yard dimensions except side yard requirements as required in Section 2.2 (c) of this Agreement; and

(ii) number of parking spaces required.

PART 3 CHANGES AND DISCHARGE

3.1 The Co-owners shall not vary or change the number of units within the apartment building on the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.

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

3.3 The following matters are substantive matters:

(a) the number of units permitted within the apartment building on the Property as listed in Section 2.1, *Use*;

(b) the minimum side yard requirements and maximum building height of the building as listed in Section 2.2, *Development Location and Design;*

(c) the fire safety requirements as listed in Section 2.5, *Fire Safety*;

(d) the hours of operation for the commercial uses as listed in Section 2.11, *Hours of Operation.*

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

3.5 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Co-owners following a resolution of Council to give such Notice:

(a) as provided for in Section 4.1, *Commencement of Development,* of this Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the Co-owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or

(c) at any time upon the written request of the Co-owners, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.6 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

(a) The Co-owners may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Co-owners begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.

(b) Active Construction shall commence not later than forty-eight (48) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* 30 days after giving Notice of Intent to Discharge to the Co-owners. Upon the written request of the Co-owners, the Municipality, by resolution of Council, may grant an extension to the date of

commencement of Development without such an extension being deemed to be an amendment to this Agreement.

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

4.2 Material to be Provided

(a) The Co-owners shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required, within ten (10) days of completion of any work which requires the engineered design.

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

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

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

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

5.2 Severability of Provisions

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

5.3 Interpretation

(a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.

(b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

(c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

(a) The Municipality does not make any representations to the Co-owners about the suitability of the Property for the Development proposed by this Agreement. The Co-owners assume all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Development.

(b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

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

5.6 Costs

The Co-owners shall pay all costs associated with registering this Agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject

of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Co-owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Shawn Foote at 56 Jebel Lane, Herring Cove, NS, B3V 1T2, and Mark Hartlin at Suite 411, 5 Ramsgate Lane, Halifax, NS, B3P2S6, or at any other address provided in writing or email by the Co-owners. Service upon one co-owner shall be deemed to be service upon both.

(b) The Co-owners may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided in writing or email by the Municipality to the Co-owners.

5.10 Full Agreement

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

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

SIGNED, SEALED AND DELIVERED	**) WEST HANTS REGIONAL**
In the presence of:	**) MUNICIPALITY**
	)
	)
_____	Per: _____
Witness	) Abraham Zebian, Mayor
	)
_____	) Per: _____
Witness	) Deanna Snair, Municipal Clerk
	)
	) MAINLAND SOUTH INVESTMENTS INC.
	)
_____	Per:_____
Witness	) Shawn Foote, President
	)
	) 3171692 NOVA SCOTIA LIMITED
	)
_____	Per:_____
Witness	) Mark Hartlin, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

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

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.

3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.

4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

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

_____ _____

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Shawn Foote, Nova Scotia, make oath and say that:

1. I Shawn Foote of **MAINLAND SOUTH INVESTMENTS INC.** the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.

3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.

4. The Corporation is a resident of Canada under the Income Tax Act (Canada).

5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

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

_____ _____

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

Shawn Foote, President

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mark Hartlin, Nova Scotia, make oath and say that:

6. I Mark Hartlin of **3171692 NOVA SCOTIA LIMITED** the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.

7. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.

8. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.

9. The Corporation is a resident of Canada under the Income Tax Act (Canada).

10. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

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

_____ _____

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

Mark Hartlin, President

Schedule A
Legal Description

PID 45366432
Registration County: HANTS COUNTY
Street/Place Name: COLE DRIVE /GARLANDS CROSSING
Title of Plan: PLAN OF S/D TO CREATE LOT 2 S/D OF OF LOT 2R LAND REGISTRED TO 3102673 NOVA SCOTIA LTD COLE DR & HWY NO 101 WINDSOR & GARLANDS CROSSING
Designation of Parcel on Plan: LOT 1
Registration Number of Plan: 122141428
Registration Date of Plan: 2023-03-08 11:29:32

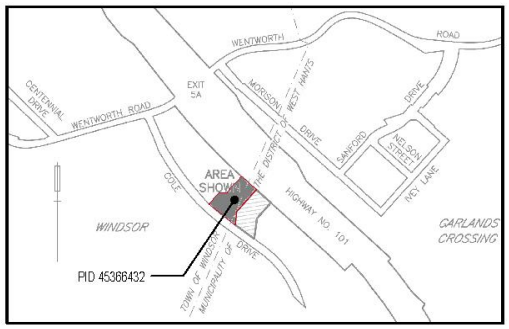
*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act
Registration District: HANTS COUNTY
Registration Year: 2023
Plan or Document Number: 122141428

Schedule B
Site Plan

brighter community
PLANNING & CONSULTING



KEYPLAN
NTS



ARCHITECTURAL SITE PLAN
1/64" = 1'-0"

JUNE 2023

Attachment C – Public Information Meeting Notes

June 6 – June 20, 2023

Development Agreement: PID 45366432, Cole Drive; File # 23-09

Meeting date and time	A Public Information Meeting was held on June 6, 2023 beginning at 6:50 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: Two (2) Councillors: • Councillor Jannasch (Chair) • Councillor Ivey Four (4) members of staff: • Planner Fredricks • Planner Dunphy • Planning Assistant Lake • CAO Phillips Applicant: • Darren Shupe, Brighter Community Planning (Applicant's Planner) • Shawn Foote (Applicant) No members of the public were present for this meeting.
Applicant Darren Shupe on behalf of Shawn Foote **Property** Cole Drive (PID 45366432)	Planner Dunphy outlined the application to allow a proposed mixed-use 4 storey apartment building by development agreement. Darren Shupe provided a presentation on behalf of the applicant.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between June 6 and June 20, 2023. No comments were received from the public.
Adjournment	The presentation portion of the PIM ended at approximately 7:05 p.m.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Mark Fredericks, Senior Planner

Date: October 24, 2023

Subject: Development Agreement: PID 45276441 and 45366986 and 45055167, Payzant Dr, Windsor; File #23-13B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

…that Council gives Second Reading to and approves entering into a development agreement to permit a Community/Recreation Centre on PIDs 45276441 and 45366986 and 45055167 on Payzant Drive in Windsor, in a manner substantively the same as the draft set out in Attachment B of the report File # 23-13 to the Planning and Heritage Advisory Committee dated September 14, 2023.

…that Council requires that the development agreement with Mitch Brison which permits a Community/Recreation Centre on PIDs 45276441 and 45366986 and 45055167 on Payzant Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

A completed application was received on May 31, 2023 from Chrystal Fuller of Brighter Community Planning on behalf of the landowner, 3329190 Nova Scotia Ltd (Brison Developments). The planning application was needed to establish a community/recreation centre on PID 45276441, which would repurpose an existing single unit dwelling currently addressed as 187 Payzant Drive, Windsor. Some additional land may also be used from PIDs 45366986 and 45055167 in the final subdivision.

DISCUSSION

A Public Information Meeting was held on July 5, 2023.

On September 14, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). The Committee discussed the conversion of the existing dwelling into a community/recreation centre and staff clarified that a development agreement was the required process to achieve this. Staff also confirmed that the development agreement would require the existing sewer and water laterals to be upgraded to the standards of the Municipal Public Works Department, as the existing laterals may require increased size and relocation to accommodate the proposed use and the intended development surrounding the site. The PAC/HAC recommended in favour of the application at this meeting.

On September 26, 2023, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A). During the September 26 meeting, Council recommended in favour of the application.

NEXT STEPS

The process for this application is as follows.

Process
Staff Review
▼
Public Information Meeting – July 5
▼
PAC/HAC receives staff report and PIM Notes PAC/HAC Review and Recommendation – September 14
▼

Council First Reading – September 26

▼

Public Hearing & Second Reading – October 24

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

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

APPENDICIES

Appendix A	2023-09-26 PAC/HAC Recommendation to Council – Development Agreement: PID 45276441 and 45366986 and 45055167, Payzant Dr, Windsor; File #23-13A

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____
Mark Fredericks, Senior Planner

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

Report Approved by: 

Mark Phillips, Chief Administrative Officer

Appendix A –

2023-09-26 PAC/HAC Recommendation to Council – Development Agreement: PID 45276441 and 45366986 and 45055167, Payzant Dr, Windsor; File #23-13A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Mark Fredericks, Senior Planner

Date: September 26, 2023

Subject: Development Agreement: PID 45276441 and 45366986 and 45055167, Payzant Dr, Windsor; File #23-13A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motions would be in order:

…that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to permit a Community/Recreation Centre on PIDs 45276441 and 45366986 and 45055167 on Payzant Drive in Windsor, in a manner substantively the same as the draft set out in Attachment B of the report File # 23-13 to the Planning and Heritage Advisory Committee dated September 14, 2023.

…that Council requires that the development agreement with Mitch Brison which permits a Community/Recreation Centre on PIDs 45276441 and 45366986 and 45055167 on Payzant Drive in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

A completed application was received on May 31, 2023 from Chrystal Fuller of Brighter Community Planning on behalf of the landowner, 3329190 Nova Scotia Ltd (Brison Developments). The planning application was needed to establish a community/recreation centre on PID 45276441, which would repurpose an existing single unit dwelling currently addressed as 187 Payzant Drive, Windsor. Some additional land may also be used from PIDs 45366986 and 45055167 in the final subdivision.

DISCUSSION

A Public Information Meeting was held on July 5, 2023.

On September 14, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the conversion of the existing dwelling into a community/recreation centre and staff clarified that a development agreement was the required process to achieve this. Staff also confirmed that the development agreement would require the existing sewer and water laterals to be upgraded to the standards of the Municipal Public Works Department, as the existing laterals may require increased size and relocation to accommodate the proposed use and the intended development surrounding the site. The PAC/HAC recommended in favour of the application at this meeting.

NEXT STEPS

The process for this application is as follows.

Process
Staff Review
▼
Public Information Meeting – July 5
▼
PAC/HAC receives staff report and PIM Notes PAC/HAC Review and Recommendation – September 14
▼
Regional Council First Reading – September 26
▼

Public Hearing & Second Reading – October 24*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

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

APPENDICIES

Appendix A	2023-09-14 Staff Report – Development Agreement: PID 45276441 and 45366986 and 45055167, Payzant Dr, Windsor; File #23-13

CHIEF ADMINISTRATIVE OFFICER REVIEW

I would encourage Council to proceed with first reading to allow for the required public hearing / public feedback to proceed regarding the application. Proceeding and conducting a public hearing will best inform Council prior to the decision-making process surrounding the application when presented through the consideration of second reading.

I support the recommendation.

Report Prepared by: _____

Mark Fredericks, Senior Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Appendix A – 2023-09-14 Staff Report – Development Agreement: PID 45276441 and 45366986 and 45055167, Payzant Dr, Windsor; File #23-13

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Mark Fredericks, Senior Planner

Date: Sept 14, 2023

Subject: Development Agreement: PID 45276441 and 45366986 and 45055167, Payzant Dr, Windsor; File #23-13

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motions:

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to permit a Community/Recreation Centre on PIDs 45276441 and 45366986 and 45055167, Payzant Dr, Windsor, in a manner substantively the same as the draft set out in Attachment B of the report to the Planning and Heritage Advisory Committee regarding File # 23-13 dated September 14, 2023.

…that PAC/HAC recommends that Council require that the development agreement with Mitch Brison be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

A completed application was received on May 31, 2023 from Chrystal Fuller of Brighter Community Planning on behalf of the landowner, 3329190 Nova Scotia Ltd (Brison Developments). The planning application was needed to establish a community/recreation centre on PID 45276441 currently addressed as 187 Payzant Drive, Windsor. Some additional land may also be used from PIDs 45366986 and 45055167 in the final subdivision. This type of use can be considered by Council through a development agreement because the proposed community/recreation centre would not be permitted use (as-of-right) in the underlying residential zoning.

DISCUSSION

PID 45276441 is the primary land area which is approximately 10.5 acres (42,492 sq. m.) in size. The owner intends on using a 2.3 acre portion of the property for the proposed community/recreation centre, while the remainder will be used for a mixture of residential uses to be subdivided into separate lots. The property will also obtain road frontage on Community Way, which is street currently under construction by the owner and will become a public street owned by the Municipality in the future. The 2.3 acre portion intended for the community/recreation centre includes an existing single unit dwelling (187 Payzant Dr). This existing structure is expected to be repurposed for the community/recreation centre and may expand over time to include some of the following amenities:

- a gathering space for social and physical activities
- classroom spaces
- a swimming pool
- a venue for special events
- accessory commercial uses (may include canteens/cafe, fitness related offices/clinics)
- outdoor recreation fields, courts, and walking track

The property is located within the Residential Designation on the Generalized Future Land Use Map (Figure 1) of the Windsor Municipal Planning Strategy (WMPS) and zoned Single Unit Residential (R-1) on the Zoning Map (Figure 2) of the Windsor Land Use By-law (WLUB). The Single Unit Residential (R-1) zone permits low density residential uses. The proposed community/recreation centre is not a permitted use.

Surrounding Context

The subject property is adjacent to the Windsor Baptist Church and Avonview High School to the south, and a mixture of residential and vacant land to the north/east/west. These surrounding properties also have a mixture of Institutional and Residential zoning.

The owner is currently developing a new road, Community Way and it is expected that a variety of residential development will occur on this new street. A recently approved development for the corner of Payzant Drive and Community Way permits an 8 storey, 90-unit apartment building. The increasing density in the area may result in some users choosing to walk to and from the proposed community/recreation centre.

Development Agreement

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

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

The draft development agreement in Attachment B includes the ability for the owner to construct a 90-unit apartment building, which was approved earlier in 2023. The amending agreement combines this already approved agreement with the proposed community/recreation centre (additional requirements generally represented in red text). This approach of combining two development agreements was necessary as the proposed uses overlap on larger parcels that cannot be subdivided yet. The subdivision process will be a requirement of the agreement and can be done following the completion of Community Way being transferred to the Municipality as a public street.

The draft amending agreement permits a community/recreation centre with the following requirements, as a summary:

- Parking is to be provided at one parking space per 300 sq. ft. (27.87 sq. m.) of commercial floor area
- Sidewalks are to be provided to the entrance of all main buildings for pedestrian access
- All structures must be setback at least 25 ft. (30.5 m.) from property lines
- Commercial activity is limited to between 7am – 9pm with exceptions for a limited number of special events in the Community/Recreation Centre.

Section 3.3 of the draft development agreement outlines substantive matters of the development agreement. Substantive matters are any items that Council has determined that would significantly alter the intended effect of the development agreement if changed. If a request is received from the developer to change a substantive matter outlined in a development agreement, the request must go through the entire development agreement process, including Public Hearing before Council, prior to Council making a final decision on the proposed amendment. Staff have determined the following items in this draft development agreement are substantive matters:

- the number of units permitted within the apartment building on the Properties as listed in Section 2.1, *Use*;
- the minimum side yard requirements and maximum building height of the apartment building as listed in Section 2.2, *Development Location and Design;*
- the fire safety requirements listed in Section 2.5, *Fire Safety*;
- the hours of operation for the commercial uses as listed in Section 2.11, *Hours of Operation.*

Document Review

WLUB

New institutional and recreation commercial uses can be considered in any designation by development agreement. This type of development agreement is listed in Section 6.1 of the WLUB.

> *WLUB 6.1 Development Agreements*
>
> *The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:*
>
> *…*
>
> *(n) new institutional uses in any designation in accordance with Policy 11.1.4 of the Municipal Planning Strategy;*
>
> *(o) new Recreation Commercial uses in any designation in accordance with Policy 11.3.1 of the Municipal Planning Strategy;*

WMPS

Part 11.0 of the WMPS contains the overall intention for properties within the Community Use designation and Section 11.1 describes the intention for areas zoned Institutional (I). This section also recognizes that institutional uses can locate in isolated large lots and at other times, institutional uses will be located within residential neighbourhoods. The proposed community/recreation centre is located adjacent to other institutional uses (a church and high

school), is surrounded by existing and future residential development, and is expected to integrate well with its surroundings.

Section 11.3 describes the intention for recreation commercial uses. This section recognizes that recreation commercial uses can often encourage and promote active lifestyles by providing a range of recreation facilities. This section of the MPS enables new recreation commercial uses by development agreement to bring attention to traffic/parking, setbacks, and to give neighboring property owners the opportunity to comment on the proposal.

Specific Criteria

Policy 11.1.4 is the enabling policy for new institutional uses. Policy 11.3.1 is the enabling policy for new recreation commercial uses. Both policies provide Council with the ability to consider the proposed community/recreation centre through a development agreement process. The full list of criteria is included in Attachment A. In summary, the criteria are met since:

- The proposed use is a recreation related facility;
- It will not conflict with neighboring uses and will provide adequate parking and access;
- The use is located near the corner of Payzant Drive and Community Way, both of which are expected to be designated as collector roads in the near future; and
- The lot dimensions and size are adequate to accommodate the proposed uses.

WMPS General Criteria

Policy 16.3.1 establishes the general criteria that must be considered for all development agreement applications. In summary, the proposal meets the criteria as:

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

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Simulated Flooding Extent from Storm Surge and Maximum Flood extent from Climate Change do not show significant risk of storm surge or climate change related flood risk on the subject lot.

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

NEXT STEPS

As noted above, the proposed development agreement has been considered within the context of both the specific and general policies of the WMPS and is consistent with the intent, objectives and policies of the WMPS. The development agreement meets the specific and general criteria. As a result, it is reasonable to permit a development agreement for the proposed community/recreation centre in the proposed location.

Approval Process

Staff Review

▼

Public Information Meeting – July 5

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – Sept 14

▼

Regional Council First Reading – September 26*

▼

Public Hearing & Second Reading – October 24*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Public Information Meeting Notes

Report Prepared by: _____

Mark Fredericks, Senior Planner

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Figure 1
Windsor GFLUM Extract

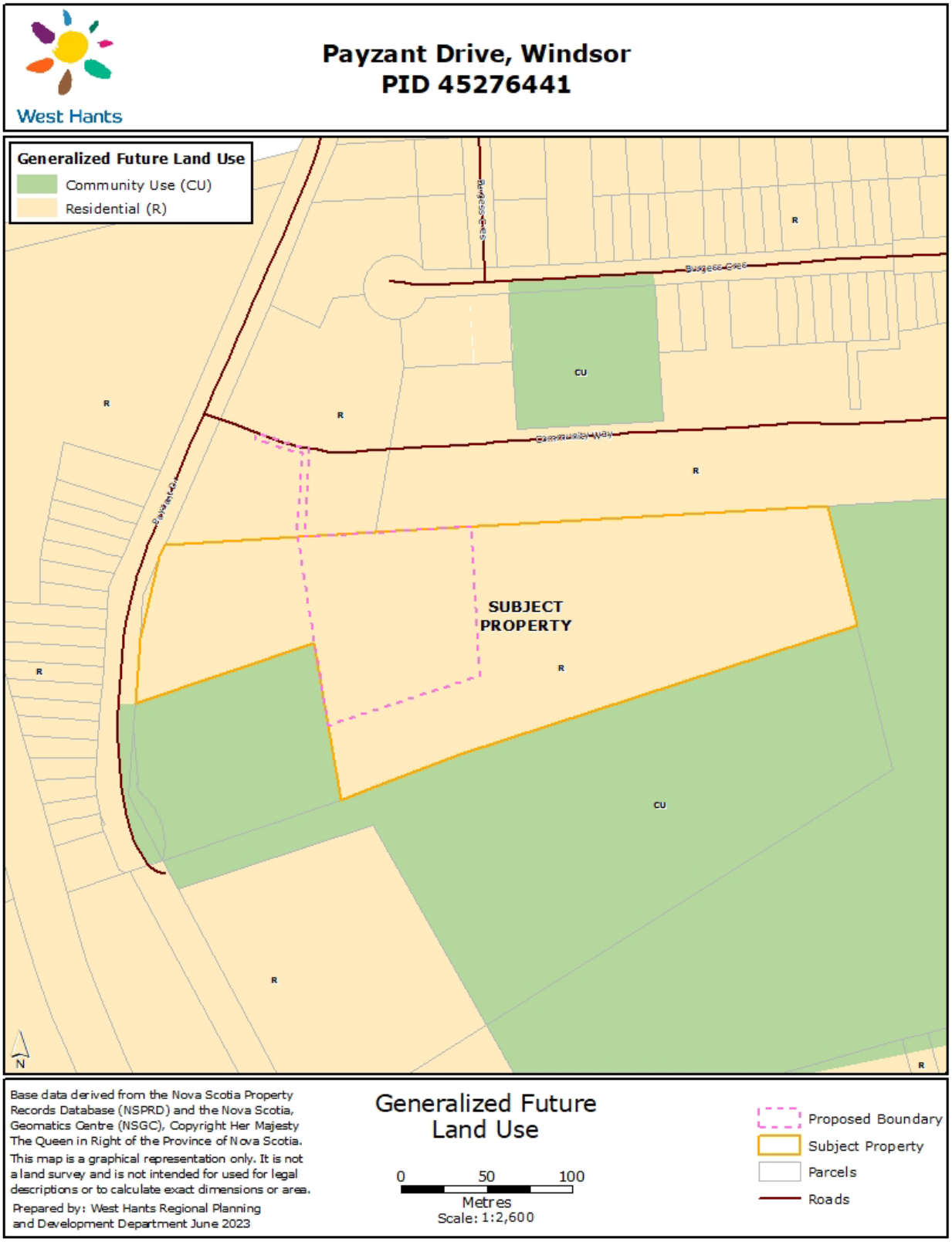
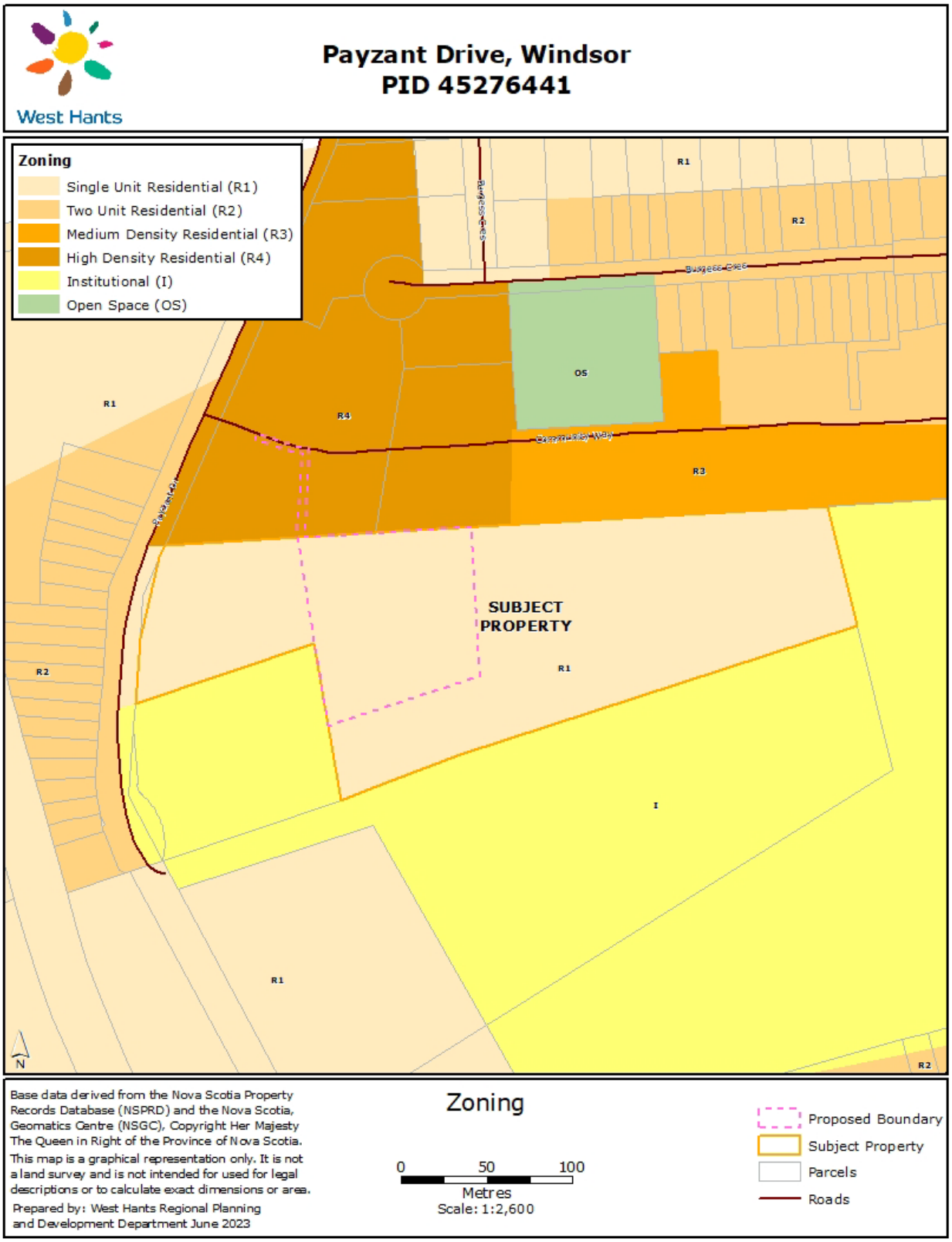


Figure 2
Windsor Zoning Map Extract



Attachment A
Policy Summary for Development Agreements

West Hants Municipal Planning Strategy

Policy 11.1.4 It shall be the policy of Council to consider new institutional uses in any designation by development agreement subject to the following:

CRITERIA	**COMMENT**
(a) the proposed use will not conflict with neighbouring uses;	The proposed use is intended and expected to be complimentary to neighbouring uses which include a church, high school and a mixture of residential development. The area is also growing with new streets under construction which are expected to accommodate low to medium density residential buildings.
(b) the noise and traffic generation of the proposed use is not excessive in relation to the existing development pattern of the area;	The Municipal Traffic Authority commented that the proposal would not generate excessive traffic.
(c) the use fronts on an arterial or collector road or on a street which has direct access to an arterial or collector road;	The proposed use is intended to have road frontage on Community Way, which is a road currently under construction and is expected to function as and be designated as a collector street in the future. The access is also close to the intersection with Payant Drive which is partly designated as a collector road.
(d) the development is served by municipal water and sewer services;	The Municipal Public Works Engineering Division confirmed that central sewer and water services are available at this location. The draft development agreement requires connection to these services in compliance with the requirements of the Municipal Services Specifications Manual.
(e) any structure will be architecturally compatible with neighbouring structures and if the proposed development is located in an Architectural Design Control District, the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual;	The proposal re-purposes an existing structure which can expand in size/height and is consistent with surrounding residential zoning. The lot is not within an Architectural Design Control District.

(f) adequate open space, landscaping, buffering and separation distances will be provided;	The draft development agreement enables outdoor recreational open-space and requires setbacks that ensure adequate separation.
(g) any other matter which may be addressed by development agreement; and	No additional requirements considered.
(h) the provisions of Policy 16.3.1.	Reviewed below.

Policy 11.3.1 It shall be the policy of Council to consider the establishment of Recreation Commercial uses by development agreement in any designation subject to the following criteria:

CRITERIA	**COMMENT**
(a) the proposed use is a campground, golf course, driving range, or similar recreation facility which is open to the public and privately owned;	The proposed use is a community/recreation centre which may include a gym, swimming pool, and walking track that is available to the public via a membership.
(b) the use shall not include race tracks, motocross courses, or other establishments which require the continued or frequent use of motor vehicles;	The development agreement does not include any frequent use of motor vehicles.
(c) neighbouring uses will not be adversely affected as a result of traffic generation, hours of operation, noise, dust or other impacts;	The proposed use is not expected to adversely impact neighbouring uses. The hours of operation will limit the frequency of use past 9pm and prohibits any outdoor amplification, to help minimize noise impacts.
(d) the lot dimensions, parking and structures are adequate for the use at proposed capacity;	The Development Officer did not indicate any concerns with the lot dimensions or parking requirements outlined in the draft development agreement.
(e) the proposed use has frontage on an arterial road;	The proposed use is intended to have road frontage on Community Way, which is a road currently under construction and is expected to function as and be designated as a collector street

	in the future. The access is also close to the intersection with Payant Drive which is partly designated as a collector road.
(f) adequate landscaping, fencing or buffering, and separation distances will be provided;	The draft development agreement requires setbacks that ensure adequate separation.
(g) the development is served by municipal water and sewer services;	The Municipal Public Works Engineering Division confirmed that central sewer and water services are available at this location. The development agreement requires connection to these services in compliance with the requirements of the Municipal Services Specifications Manual.
(h) any other matter which may be addressed by development agreement; and	All other requirements have been considered elsewhere in this report.
(i) the provisions of Policy 16.3.1.	Reviewed below.

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 Municipal Public Works Engineering Division confirmed that central sewer and water services are available at this location. The development agreement requires connection to these services in compliance with the requirements of the Municipal Services Specifications Manual.
(ii) the adequacy of school facilities;	Not applicable as the proposal does not include any residential units.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services has no issues with fire protection for the proposed uses. The local Fire Chief has stated that there is adequate fire protection for the proposed use and they have no concerns.

(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Municipal Traffic Authority has no concerns regarding the road networks adjacent or leading to the development.
(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 Municipal Traffic Authority has no concerns regarding movement suitability on the subject lot. There are adequate sidewalks leading to the site on Payzant Drive and proposed on Community Way. Additional sidewalks are required within the development. There is no active rail transportation in the vicinity.
(c) the adequacy of the dimensions and shape of the lot for the intended use	The Development Officer commented that the subject lot is suitable for this proposal.
(d) the pattern of development which the proposal might create;	The Development Officer has no concerns regarding the pattern of 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 site and surrounding area appear suitable for the proposed development.
(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.

Attachment B
Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

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

(Hereinafter referred to as the "Municipality")

OF THE FIRST PART

- and -

3229190 NOVA SCOTIA LIMITED a body corporate, with a head office at 99 Windsor Street, Windsor, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered owner of parcels of land located on Payzant Drive, PID 45276441 and 45366986 and 45055167, hereinafter referred to as the "Properties", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS PID 45276441 is designated Residential on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned Single Unit Residential (R-1) on the Zoning Map of the Land Use By-law; and

WHEREAS PID 45366986 is designated Residential on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned High Density Residential (R-4) on the Zoning Map of the Land Use By-law; and

WHEREAS the Owner has a development agreement for PIDs 45276441 and 45366986 approved by Council on May 23, 2023 permitting up to 90 apartment units and up to 10,000 sq. ft. of commercial space within an eight (8) storey apartment building on the Properties (the "Apartment Development area") and wishes to amend it by adding an additional permitted use on a portion of the Properties (including also PID 45055167) beyond the site plan for that development agreement; and

WHEREAS PID 45055167 is designated Residential on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned High Density Residential (R-4), Medium Density Residential (R-3), and Two Unit Residential (R-2) on the Zoning Map of the Land Use By-law; and

WHEREAS the Owner has requested that the Municipality enter into a new amended development agreement replacing the previously approved one to additionally permit a community/recreation centre with indoor and outdoor recreation uses on the Properties (the "Community/Recreation Centre Development area"); and

WHEREAS Policy 11.1.4 of the Municipal Planning Strategy and Section 6.1 (n) of the Land Use By-law enable Council to consider entering into a development agreement to allow new institutional uses in any designation and Policy 11.3.1 of the Municipal Planning Strategy and Section 6.1 (o) of the Land Use By-law enable Council to consider entering into a development agreement to allow new Recreation Commercial uses in any designation; and

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

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

PART 1 AGREEMENT CONTEXT

1.1 Definitions

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

(a) "Active Construction" means that the Owner has active development and building permits for the construction of the apartment building and the associated parking podium, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit.

(b) "Commencement" means the date the Owner begins Active Construction on the apartment building within this Agreement as permitted by an issued development and building permit;

(c) "Commercial Floor Area" means the total useable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common hallways between stores; and

(d) "Parking podium" means a concrete structure constructed at least partially under a building or underground that provides parking spaces to the uses within the attached building.

(e) "Community/Recreation Centre" means a structure and site intended to provide a gathering place for social, educational, and recreational opportunities including but not limited to indoor recreation facilities and outdoor recreation facilities useable by members of the centre or the public, and may include a variety of accessory commercial, institutional and recreational uses.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan – Development Areas

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

(a) *Municipal Planning Strategy* means the Municipal Planning Strategy of the Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;

(b) *Land Use By-law* means the Land Use By-law of the Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;

(c) *Subdivision By-law* means the Subdivision By-law of the Town of Windsor, approved on January 24, 2012, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

The Parties agree that uses on the Properties shall be limited to the following and located within the respective development areas as illustrated on Schedule B - Site Plan - Development Areas:

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

(b) an eight (8) storey apartment building containing up to 90 apartment units and up to 10,000 sq. ft. (929.03 sq. m.) of Commercial Floor Area on the ground floor for commercial uses which shall be limited to the following:

- Arts and crafts studios including photography
- Banks and financial institutions
- Clubs and community organizations
- Commercial schools
- Day care centres, licensed or non-licensed
- Dry cleaning and laundry establishments
- Entertainment, recreation and assembly uses
- Offices
- Repair and rental establishments
- Restaurants, excluding drive-through restaurants
- Retail stores including pharmacies
- Service and personal service shops
- Veterinary clinics and animal hospitals; and
- underbuilding, underground and surface parking for the uses within the building.

(c) A Community/Recreation centre that may include any of the following main uses and accessory uses:

- Accessory commercial, institutional and recreational uses
- Any institutional use which is incorporated under the Societies Act
- Business and professional offices
- Churches and associated halls
- Colleges, universities and schools, including school dormitories
- Commercial School
- Community centres
- Community service clubs and organizations
- Homes for special care
- Indoor and outdoor recreation uses, including but not limited to gyms, pools, tennis courts, sports fields, walking tracks and associated club houses.

- Libraries, museums, and art galleries
- Medical clinics
- Meeting rooms
- Special events including but not limited to weddings and birthday parties
- Tourist bureaus

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

2.2 Development Location and Design – Apartment Development

(a) The Apartment Development location and design shall be generally consistent with the site plan shown in Schedule B.

(b) The Development Officer may approve in writing minor changes to the location of the building or other aspects of the Site Plan provided the side yards are not decreased. Changes to the Site Plan may also be approved in writing in accordance with reports generated in Section 2.7, *Site Drainage*, of this Agreement provided the side yards are not decreased.

(c) The apartment building shown on the Site Plan in Schedule B shall be limited to a maximum of 90 dwelling units and up to 10,000 sq. ft. (929.03 sq. m.) of Commercial Floor Area on the ground floor. The building may include underground and underbuilding parking and shall conform to the following requirements with all setbacks measured from the boundaries of the Apartment Development Area and "Lot" being deemed to be a reference to that Development Area:

Minimum Lot Size	3 acres
Minimum Lot Frontage	100 ft. (30.48 m.)
Minimum Front Yard	35 ft. (10.67 m.)
Minimum Rear Yard	35 ft. (10.67 m.)
Minimum Side Yard	15 ft. (4.57 m.) or one-half the height of the building whichever is greater
Maximum Storey of Main Building	8 storeys
Maximum Building Height	80 ft. (24.38 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

(d) The parking podium shall not be located closer than 15 ft. (4.57 m.) from any external lot line whether or not the parking podium is visible above ground.

(e) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.

(f) A minimum of 13,500 sq. ft. (1,254 sq. m.) of usable recreation space as outlined in Section 2.8, *Recreational Space*, shall be required.

(g) The Owner shall keep all undeveloped areas of the Properties landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Development Location and Design – Community/Recreation Centre

(a) The Community/Recreation Centre Development location and design shall be generally consistent with the site plan shown in Schedule B, though the structure may deviate from the building form illustrated in Schedule B, provided the setbacks in 2.3 (b) can be met and provided that it remains within the Community/Recreation Centre Development Area as shown on Schedule B. The existing Single Unit Dwelling (currently addressed as 187 Payzant Dr) shall be re-purposed with renovations, additions and expansions as needed to provide for the services and amenities of the facility which may change over time.

(b) The Community/Recreation Centre shown on the Site Plan in Schedule B shall conform to the following requirements with all setbacks measured from the boundaries of the Community/Recreation Centre Development Area as shown on Schedule B and "Lot" being deemed to be a reference to that Development Area:

Minimum Lot Size	2 acres
Minimum Lot Frontage	100 ft. (30.48 m.)
Minimum Front Yard	25 ft. (7.62m.)
Minimum Rear Yard	25 ft. (7.62m.)
Minimum Side Yard	25 ft. (7.62 m.)
Maximum Building Height	35 ft. (10.67 m.)
Maximum Height of Accessory Building	25 ft. (7.62 m.)

(c) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.

(d) The Owner shall keep all undeveloped areas of the Properties landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.4 Access and Egress

(a) The Owner shall develop, construct, and maintain the driveways in both Development areas in general conformance with the driveways shown on Schedule B.

(b) The driveways shown on Schedule B shall be constructed a minimum of 100 ft. (30.48 m.) from a street intersection. The driveways shall be paved with a minimum paved surface width of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated.

(c) The Owner agrees that it will seek and obtain approval in writing from the Municipality before any other driveway from the Development is connected to Payzant Drive or any other public road.

(d) A 5 ft. (1.52 m.) wide pedestrian walkway shall be provided from the sidewalk on Payzant Drive and Community Way to the main entrances of all main buildings. The pedestrian walkways shall be constructed so as to create a stable surface and may use permeable construction materials to assist with stormwater retention.

2.5 Parking - Apartment Development

(a) All parking spaces for vehicles using the Properties shall be located on the properties and shall be generally located as shown on Schedule B.

(b) A minimum of one (1) parking space shall be provided per dwelling unit and a minimum of one (1) parking space shall be provided for every 500 sq. ft. (46.45 sq. m.) of Commercial Floor Area dedicated to commercial uses on the Properties.

(c) Parking may be provided either underbuilding, underground or outside at grade.

(d) Outside parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.

(e) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.

(f) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.6 Parking - Community/Recreation Centre

(a) All parking spaces for vehicles using the Properties shall be located on the properties and shall be generally located as shown on Schedule B.

(b) A minimum of one (1) parking space shall be provided for every 300 sq. ft. (27.87 sq. m.) of Commercial Floor Area dedicated to commercial uses on the Properties.

(c) Parking may be provided either underbuilding, underground or outside at grade.

(d) Outside parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.

(e) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.

(f) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.7 Fire Safety

(a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.

(b) All curbs shall be designed to be mountable by emergency services vehicles.

(c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.8 Recreational Space

A minimum of 13,500 sq. ft. (1,254 sq. m.) of usable recreational space shall be provided on the Properties for the Apartment Development and may include:

(a) individual balconies; and

(b) common use landscaped areas.

2.9 Site Drainage

The Owner shall undertake all construction activities in accordance with an erosion and sedimentation control plan prepared by a Professional Engineer, unless otherwise directed by Nova Scotia Environment, and also agrees to assume sole responsibility for compliance with all regulations of Nova Scotia Environment.

2.10 Servicing

(a) Waste Collection

(i) No Municipal garbage collection will be provided to the developments. The Owner shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the developments.

(ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

(i) All main buildings shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

(ii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Properties.

(c) Snow Plowing

The Owner shall have sole responsibility for snow plowing for the developments.

2.11 Maintenance

(a) The Owner shall keep the Properties and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

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

2.12 Signs and Lighting

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

2.13 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 7:00 a.m. and 9:00 p.m. daily, inclusive.

Exceptions to exceed these hours to 11:59pm on Fridays and Saturdays shall be permitted for special events held in the Community/Recreation Centre, to a maximum of 12 occurrences per calendar year, provided the activity is generally contained within a building and no amplified audio is broadcast outside.

2.14 Subdivision

(a) Subdivision of the properties shall be permitted in accordance with the applicable Subdivision By-law. No additional parkland or parkland fees shall be required for subdivision or consolidation of the properties subject to this agreement.
(b) Subdivision must occur in general conformance with the development areas as illustrated in Schedule B, prior to the Development Permit being issued for the Apartment Building or for any development upon, or change of use for, the Community/Recreation Centre Development Area.
(c) Any lot(s) subdivided from the portions of PID 45276441 and 45366986 and 45055167 that are included in the development areas shown on Schedule B shall no longer be subject to this Agreement.

2.15 Variance

In accordance with Section 5.40 of the Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

(a) minimum required yard dimensions except side yard requirements as required in Section 2.2 (c) of this Agreement;
(b) number of parking spaces required; and
(c) floor area occupied by a home-based business.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not vary or change the number of units within the apartment building on the Properties from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.

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

3.3 The following matters are substantive matters:

(a) the number of units permitted within the apartment building on the Properties as listed in Section 2.1, *Use*;

(b) the minimum side yard requirements and maximum building height of the apartment building as listed in Section 2.2, *Development Location and Design;*

(c) the fire safety requirements listed in Section 2.5, *Fire Safety*;

(d) the hours of operation for the commercial uses as listed in Section 2.11, *Hours of Operation.*

3.4 Upon conveyance of land by the Owner to either:

(a) the road authority for the purpose of creating or expanding a public street over the Properties; or

(b) the Municipality for the purpose of creating or expanding any municipally owned facility or infrastructure in or over the Properties;

registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street or public facility, as the case may be, as of the date of registration with the Land Registry Office, but this Agreement shall remain in full force and effect for all remaining portions of the Properties.

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

3.6 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:

(a) as provided for in Section 4.1, *Commencement of Development,* of this Agreement; or

(b) after subdivision of the development areas, at the discretion of the Municipality, with or without the concurrence of the Owner, where the apartment

development or the community/recreation centre development, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or

(c) at any time upon the written request of the Owner, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.7 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

(a) The Owner may not commence any construction or use on the Properties until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Owner begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.

(b) Active Construction shall commence not later than forty-eight (48) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of commencement of either development without such an extension being deemed to be an amendment to this Agreement.

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

4.2 Material to be Provided

(a) The Owner shall provide record drawings to the Development Officer for any portion of either development for which an engineered design is required, within ten (10) days of completion of any work which requires the engineered design.

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

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

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

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

(c) Enforcement of this agreement shall be the responsibility of the Municipality. The agreement shall be administered by the Development Officer for the Municipality.

5.2 Severability of Provisions

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

5.3 Interpretation

(a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.

(b) Where the written text of this Agreement conflicts with information provided in the Schedule attached to this Agreement, the written text of this Agreement shall prevail.

(c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

(a) The Municipality does not make any representations to the Owner about the suitability of the Properties for the Developments proposed by this Agreement. The Owner assumes all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Developments.

(b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

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

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Mitchell W. Brison, 99 Water Street, P.O. Box 280, Windsor, NS, B0N 2T0, or at any other address provided in writing or email by the Owner.

(b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided in writing or email by the Municipality to the Owner.

5.10 Full Agreement

This Agreement replaces and discharges the development agreement dated Month Day, 2023 between the West Hants Regional Municipality and Mitch Brison recorded at the Registry of Deeds in Hants County, Nova Scotia on Month Day, Year in Book XXXX at pages XXXX as document #XXXX, such that the sole development agreement applicable to the lands described in Schedule A attached hereto is this agreement.

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

SIGNED, SEALED AND DELIVERED	**) WEST HANTS REGIONAL**
In the presence of:	**) MUNICIPALITY**
	)
	)
_____	Per: _____
Witness	) Abraham Zebian, Mayor
	)
_____	) Per: _____
Witness	) Deanna Snair, Municipal Clerk
	)
	) 3229190 NOVA SCOTIA LIMITED
	)
_____	Per:_____
Witness	) Mitchell W. Brison, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____
A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2023, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **WEST HANTS REGIONAL**

MUNICIPALITY, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

_____

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK
WEST HANTS REGIONAL MUNICIPALITY

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

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.

3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.

4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

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

_____ _____

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mitchell W. Brison, Nova Scotia, make oath and say that:

1. I Mitchell W. Brison of **3229190 NOVA SCOTIA LIMITED** the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.

3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.

4. The Corporation is a resident of Canada under the Income Tax Act (Canada).

5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

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

_____ _____

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

MITCHELL W. BRISON, President

Schedule A
Legal Description

PID 45276441
Location: Windsor
Designation of Parcel on Plan: Lot PB-2
Title of Plan: Plan of Resurvey Lot PB-2 Lands Conveyed to Nova Scotia Farm Loan Board
Registration County: Hants
Registration Reference of Plan: 7755

The parcel complies with the subdivision provisions of Part IX of the Municipal Government Act.

PID 45366986
Place Name: PAYZANT DRIVE WINDSOR
Municipality/County: TOWN OF WINDSOR/HANTS COUNTY
Designation of Parcel on Plan: LOT 77AB
Title of Plan: PLAN OF SURVEY OF LOT 77AB, S/D OF LOT 77 & PORTION OF REMAINDER OF LOT AX, LANDS CONVEYED TO ANAHID INVESTMENTS LTD, PAYZANT DRIVE & BURGESS CRESCENT, WINDSOR
Registration County: HANTS COUNTY
Registration Number of Plan: 86093482
Registration Date of Plan: 2006-09-11 11:44:07

PID 45055167
ALL THAT parcel of land situate in the Town of Windsor, County of Hants, Province of Nova Scotia and shown as Lot A and X (approved as an addition to lot A) on a plan of subdivision of Tregothic Heights, Windsor, Nova Scotia, prepared by V.E. Swinamer Surveying Limited dated May 22, 1975, approved by the Town of Windsor on November 1, 1978 as plan 78-6 and filed with the Registrar of Deeds for the County of Hants as P2342 and more particularly described as follows:
BEGINNING at a point where the eastern boundary of Burgess Street intersects the southern boundary of Underwood Street and at the northwest corner of Lot 44 as shown on the plan;
THENCE on a bearing S19 degrees 28.5 minutes W along the western boundary of Lot 44 a distance of 125 feet to an iron bar;
THENCE on a bearing S71 degrees 37.6 minutes E along the southern boundaries of Lot 44 to 34 inclusive a distance of 893.35 feet to the southeastern corner of Lot 34;
THENCE on a bearing N17 degrees 27.1 minutes E along the eastern boundary of Lot 34 a distance of 125.01 feet to an iron bar located at the northeast corner of Lot 34 and the

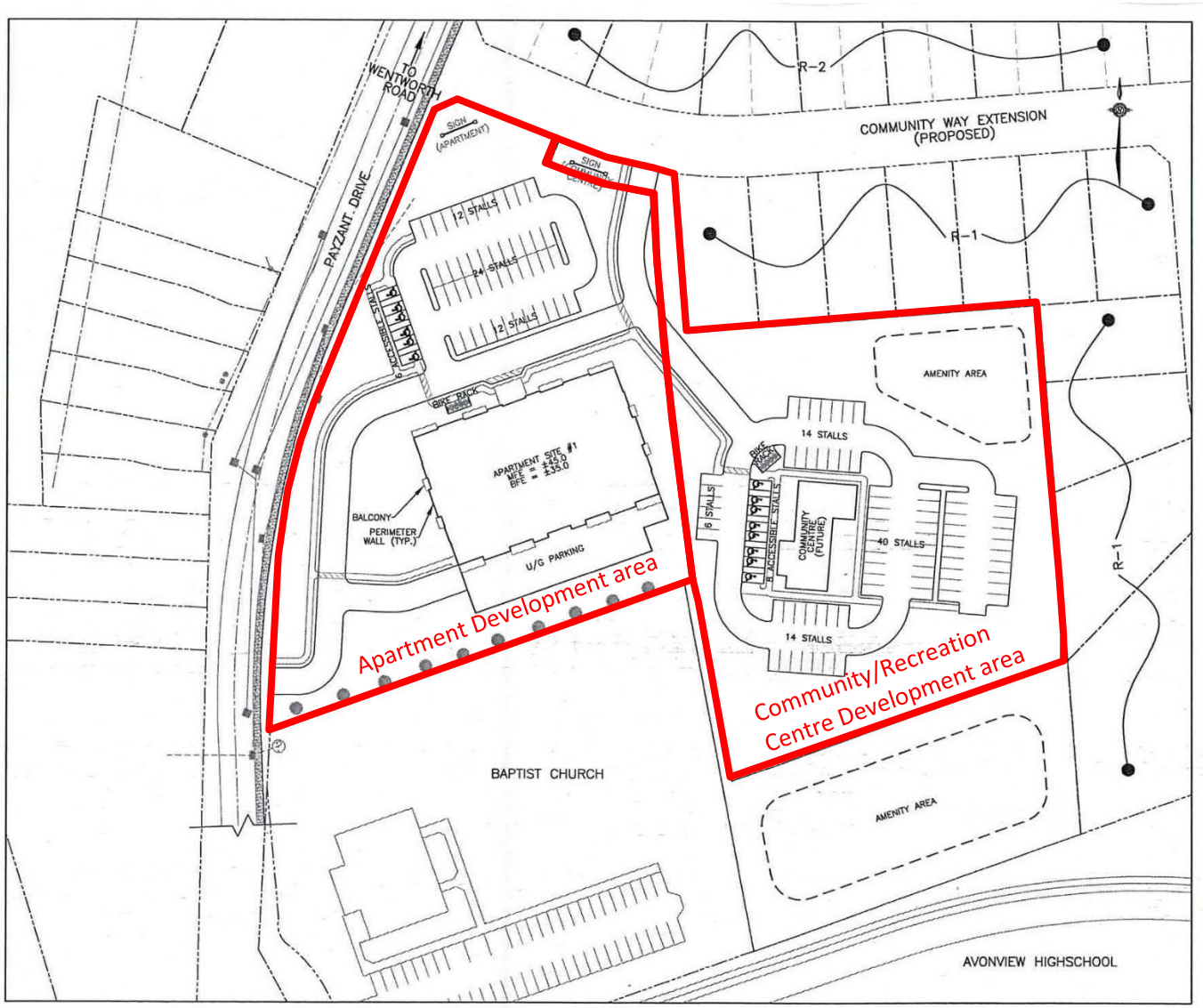
southern boundary of Underwood Street:
THENCE in a southeasterly direction along the southern boundary of Underwood Street on a bearing S72 degrees 32.9 minutes E a distance of 18.64 feet to a point;
THENCE southeasterly along the southern boundary of Underwood Street on a bearing S74 degrees 57.4 minutes E a distance of 31.39 feet to an iron bar located at the northwest corner of Lot 33 as shown on the plan;
THENCE on a bearing S17 degrees 27.1 minutes W along the Western boundary of Lot 33 a distance of 100.09 feet to an iron bar marking the southwest corner of Lot 33;
THENCE southeasterly along the southerly boundaries of Lots 33 to 29 inclusive on a bearing S74 degrees 57.4 minutes E a distance of 256.89 feet to an iron bar marking the southeast corner of Lot 29;
THENCE on a bearing N15 degrees 2.6 minutes E along the Eastern boundary of Lot 29 a distance of 100 feet to an iron bar marking the northeast corner of Lot 29;
THENCE in a southeasterly direction along the southern boundary of Underwood Street on a bearing S74 degrees 57.4 minutes E a distance of 66 feet to a point marking the northwest corner of Lot 28 as shown on the plan;
THENCE on a bearing S15 degrees 2.6 minutes W along the western boundary of Lot 28 a distance of 100 feet to a point marking the southwest corner of Lot 28 as shown on the plan;
THENCE on a bearing S74 degrees 57.4 minutes E a distance of 190.25 feet to a point;
THENCE on a bearing S46 degrees 25.5 minutes W along the Town of Windsor, Municipality of West Hants boundary line a distance of 575 feet to a point;
THENCE on a bearing N43 degrees 34.5 minutes W a distance of 130 feet to a point;
THENCE on a bearing S46 degrees 25.5 minutes W a distance of 264.56 feet to a point;
THENCE on a bearing N71 degrees 37.6 minutes W a distance of 1,850.50 feet to a point on the eastern boundary of Hospital Drive as shown on the plan;
THENCE in a northeasterly direction along the eastern boundary of Hospital Drive on a bearing N45 degrees 30.8 minutes E a distance of 500.23 feet to a point being the southwesterly corner of Lot 47 as shown on the plan;
THENCE on a bearing S44 degrees 29.2 minutes E along the southern boundary of Lot 47 a distance of 105.00 feet to a point;
THENCE on a bearing N45 degrees 30.8 feet E a distance of 61.23 feet to a point on the southern boundary of a 25 foot wide sewer easement as shown on the plan;
THENCE on a bearing S74 degrees 44.2 minutes E along the southern boundary of the sewer easement a distance of 60.05 feet to a point in the arc of a curve;
THENCE northerly, northeasterly, easterly and southeasterly along the arc of a curve having a radius of 61 feet a distance of 199.44 feet to a point being the southeasterly corner of Lot 47 and southwesterly corner of Lot 48 as shown on plan;

THENCE northeasterly along the eastern boundary of Lot 47 on a bearing N19 degrees 28.5 minutes E a distance of 140.00 feet to an iron bar located at the northeasterly corner of Lot 47 and the southwesterly corner of Lot 45 as shown on the plan;
THENCE on a bearing S71 degrees 37.6 minutes E along the southern boundary of Lot 45 a distance of 90 feet to an iron bar;
THENCE northeasterly along the eastern boundary of Lot 45 on a bearing N19 degrees 28.5 minutes E a distance of 110.96 feet to an iron bar located at the northeast corner of Lot 45 and on the southern boundary of Underwood Street;
THENCE in a southeasterly direction along the southern boundary of Underwood Street on a bearing S70 degrees 31.5 minutes E a distance of 50 feet to the place of beginning.
SAVE AND EXCEPTING THEREOUT AND THEREFROM:
THAT portion of Burgess Street outlined in yellow on the plan and deeded to the Town of Windsor by Irven Burgess and Ann Burgess by deed dated January 12, 1979 filed as Registry Plan Number 2031.
SAVE AND EXCEPTING THEREOUT AND THEREFROM:
THAT lot of land shown as parkland and outlined in green on the plan which was conveyed by Irven Burgess and Ann Burgess to the Town of Windsor by deed dated January 12, 1979 filed as Registry Plan Number 2031.
SAVE AND EXCEPTING THEREOUT AND THEREFROM:
THOSE lots of land shown on a plan of lands of Victor Holdings Ltd. prepared by Frank Longstaff Surveying Ltd., known as lots 48, 49A, 49-57, 66-68, 68A and 69 filed as Registry Plan Number 5903.
SAVE AND EXCEPTING THEREOUT AND THEREFROM:
THAT lot of land shown of the aforesaid plan and designated Burgess Street Extension filed as Registry Plan Number 5903.
SAVE AND EXCEPTING THEREOUT AND THEREFROM:
THOSE lots of land shown on a plan showing Tregothic Heights Subdivision dated May 22, 1975, revised April 29, 1978 and being lots 74, 75, 76, and 77 filed as Registry Plan Number 2343.
ALSO SAVING and EXCEPTING Lots 201 to 225, inclusive; Parcel P-1; Parcel FD-1, Parcel BC-1 and Parcel WW-2 as shown on registered Plan No. 84603233
TOGETHER with an easement/right of way in favour of the Town of Windsor for drainage purposes, as more particularly described in an easement recorded as document number 84796607, and shown on said plan.
SAVING and EXCEPTING Parcel AB as shown on registery Plan No. 86093482
SAVING and EXCEPTING Parcel E and Parcel F as shown on Registered Plan No. 121073671 recorded in the Land Registration Office for Hants County.
AND ALSO Parcel D as shown on Registered Plan No. 121073671 recorded in the Land Registration Office for Hants County.

SAVING AND EXCEPTING all that lot of land situate at Garlands Crossing being a portion of Lot 1-B shown on Registry Plan No. 122521256, prepared by Alderney Surveys Limited, dated February 25, 2023, bounded and described as follows:
COMMENCING at the southeast corner of Lot 220 located on the south side of Burgess Crescent and the west side of Fraser Drive;
THENCE in a northerly direction along the east side of Lot 220 to Fraser Drive;
THENCE southeasterly along Fraser Drive and Lot 225 to the southeastern corner of Lot 225;
THENCE S23 19' 35"W to the northeast corner of a lot of land conveyed by Wanda Elaine Donelle to 3229190 Nova Scotia Limited by deed dated April 29, 2021;
THENCE northwesterly along the said lot formerly of Donelle to its northwest corner;
THENCE southwesterly along the west side of the said Donelle lot to its southwest corner;
THENCE northeasterly to the southeast corner of the said Donelle lot;
THENCE S23 19' 21"W 167.82' to the northeast side of Lot 26, located on the northeast side of Community Way;
THENCE N36 58' 02"W 76.80 feet to a survey marker at the northern corner of Lot 27;
THENCE S53 01' 58"W 120' to the northeast side of Community Way;
THENCE N36 58' 02"W 89.28' to a survey marker;
THENCE N52 37' 42"E 125.61' to a survey marker; and
THENCE N10 44' 42"E 240.78' to the place of beginning.
SAVING AND EXCEPTING Lot 1-C shown on Registry Plan No. 122521256, prepared by Alderney Surveys Limited, dated February 25, 2023.
SAVING and EXCEPTING Lot 1-C as shown on registered Plan No. 122521256 at the Land Registration Office for Hants County.
*** Municipal Government Act, Part IX Compliance ***
Compliance:
The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act
Registration District: HANTS COUNTY
Registration Year: 2023
Plan or Document Number: 122521256
NEW DESCRIPTION FOR REMAINING LANDS - LOT AX-R1 AS CREATED BY PLAN OF SUBDIVISION.

Schedule B

Site Plan – Development Areas



Attachment C

Public Information Meeting Notes
July 5 – July 20, 2023
Development Agreement – 187 Payzant Drive, Windsor

Meeting date and time	A Public Information Meeting was held on July 5, 2023 beginning at 6 p.m. in Council Chambers at 76 Morison Drive, Windsor. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: • Councillor Ivey (Chair) Five (5) members of staff: • Chief Administrative Officer, Mark Phillips • Director of Planning and Development, Sara Poirier • Senior Planner, Mark Fredericks • Planner, Alex Dunphy • Planning Administrative Assistant, Vanessa Lake Applicant: • Chrystal Fuller Two (2) members of the public attended the meeting in-person.
Applicant Chrystal Fuller on behalf of Mitch Brison, 3229190 Nova Scotia Limited **Property** 187 Payzant Drive PID 45276441	Senior Planner Mark Fredericks outlined the request to establish a Community/Recreation Centre at PID 45276441 on Payzant Drive in Windsor. A formal presentation was made by Chrystal Fuller of Brighter Community Planning on behalf of the applicant.
Comments	Comments from the public could be submitted to Senior Planner Fredericks by mail, e-mail, and telephone between July 5 – July 20, 2023. No comments from the public were received during the comment period.
Adjournment	The meeting was adjourned at 6:18 p.m.

Committee of the Whole Excerpts
October 10, 2023

2022-2023 HMCC FINANCIAL STATEMENTS EXCERPT

In 2016 an Area Rate Policy was passed by Council, allowing the Municipality to collect and transfer revenue for services provided by HMCC and a copy of the Area Rate Policy was included in the response to HMCC. Following this the citizens of Hantsport voted in favour of having an area rate for HMCC.

The recommended motion was that Committee of the Whole recommends …

COUNCIL ACCEPTS THE FINANCIAL STATEMENTS PROVIDED BY HANTSPORT MEMORIAL COMMUNITY CENTRE (HMCC) AND THAT ANY 2022-23 HOLDBACKS AND ELIGIBLE 2023-24 AREA RATE PAYMENTS BE RELEASED TO HMCC FOR THE PURPOSES OF PROVIDING SERVICES DEFINED IN THE 2023-24 BUDGET.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation √	Decision Request ☐	Councillor Activity ☐

To: Committee of the Whole

Submitted by: _____
Diana Gibson, Manager, Accounting & Financial Reporting

Date: October 10, 2023

Subject: Hantsport Memorial Community Centre 2022-23 Financial Statements

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LEGISLATIVE AUTHORITY

MGA Section 75 – Area Rates and Uniform Charges

75 (1) Council may spend money in an area, or for the benefit of an area, for any purpose for which a municipality may expend funds or borrow.

(5) Charges pursuant to subsection (4) are first liens on the real property and may be collected in the same manner as taxes.

RECOMMENDATION or DECISION REQUEST

Committee of the Whole recommends that:

Council accepts the financial statements provided by Hantsport Memorial Community Centre (HMCC) and that any 2022-23 holdbacks and eligible 2023-24 area rate payments be released to HMCC for the purposes of providing services defined in the 2023-24 budget.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic √	Councillor Activity ☐

In April 2016 a request for an area rate was made by the Hantsport Memorial Community Centre (HMCC). The CAO responded to the request indicating that an Area Rate Policy was recently passed by Council, allowing the Municipality to collect and transfer revenue for

services provided by HMCC. A copy of the Area Rate Policy was included in the response to HMCC.

Since then, citizens of Hantsport voted in favour of having an area rate for HMCC. The former Municipality of West Hants Council approved a total area rate expense for HMCC for $54,230 in 2016-17, $53,780 in 2017-18, and $54,560 in 2018-19. In 2019-20 the area rate was increased to $84,560 to allow for a Recreation Director to be hired. In 2020-21, 2021-22, and 2022-23 this amount was adjusted according to the consumer price index.

DISCUSSION

The results of the 2022-23 review engagement for HMCC show a consolidated net deficit of $131,109. The Municipality, through a Community of Hantsport area rate, contributed $90,349 for various operational expenses. $29,998.57 of this total amount has been held back until the attached financial statements are accepted by West Hants Regional Municipality.

As per section 8.2 of the Area Rate Policy, organizations that benefit from area rate funding must conduct their business on a breakeven basis. Any deficit within a fiscal year must be the first charge in the next fiscal year and any reserves or surpluses are not to occur without Council approval of a reserve business case. Although HMCC showed a new deficit of $131,109, section 8.2 of the Area Rate Policy only applies to the specific expenses that are associated with the area rate. Actual expenses relating to the area rate funding are shown in ***Note 10*** on ***Page 11*** of the financial statements, which includes a portion of the held back amount..

Although HMCC has met the requirements of the Area Rate Policy, there is the new deficit for the overall operations of the organization shown for fiscal 2022-23. West Hants Regional Municipality staff will monitor this during the next fiscal year and will discuss this with HMCC if the financial condition does not improve.

NEXT STEPS

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality. The amount to be paid to HMCC for 2022-23 has been collected through the Hantsport area rate.

ALTERNATIVES

- Council could choose to now allow further funds to be distributed to HMCC. If this were to occur, it would be recommended that Council direct staff to place the remaining area rate funds collected into a reserve for HMCC until such a time that Council wishes to redistribute the funds.

ATTACHMENTS

- Hantsport Memorial Community Centre, Financial Statements, Year Ended March 31, 2023

CHIEF ADMINISTRATIVE OFFICER REVIEW

I have reviewed the report and support the recommendation.

Report Prepared by: _____

Diana Gibson, Manager, Accounting & Financial Reporting

Report Approved by: _____

Todd Richard, Acting Chief Administrative Officer

HANTSPORT MEMORIAL COMMUNITY CENTRE

Financial Statements

Year Ended March 31, 2023

HANTSPORT MEMORIAL COMMUNITY CENTRE
Index to Financial Statements
Year Ended March 31, 2023

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Bishop & Company
Chartered Professional Accountants
Member of The AC Group of Independent Accounting Firms

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Wolfville, Nova Scotia, Canada B4P 2N5
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INDEPENDENT PRACTITIONERS' REVIEW ENGAGEMENT REPORT

To the Members of Hantsport Memorial Community Centre

We have reviewed the accompanying financial statements of Hantsport Memorial Community Centre (the Centre) that comprise the statement of financial position as at March 31, 2023, and the statements of revenues and expenditures, changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian Accounting Standards for Not-for-Profit Organizations (ASNPO), and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Practitioners' Responsibility

Our responsibility is to express a conclusion on the accompanying financial statements based on our review. We conducted our review in accordance with Canadian generally accepted standards for review engagements, which require us to comply with relevant ethical requirements.

A review of financial statements in accordance with Canadian generally accepted standards for review engagements is a limited assurance engagement. The practitioners perform procedures, primarily consisting of making inquiries of management and others within the entity, as appropriate, and applying analytical procedures, and evaluates the evidence obtained.

The procedures performed in a review are substantially less in extent than, and vary in nature from, those performed in an audit conducted in accordance with Canadian generally accepted auditing standards. Accordingly, we do not express an audit opinion on these financial statements.

Basis for Qualified Conclusion

In common with many charitable organizations, the Centre derives revenue from the general public in the form of donations and also engages in fundraising activities, the completeness of which is not susceptible to us obtaining evidence we considered necessary for the purpose of the review. Accordingly, our review of these revenues was limited to the amounts recorded in the records of the Centre and we were not able to determine whether any adjustments might be necessary to revenue, excess of revenues over expenses, and cash flows from operations for the year ended March 31, 2023, current assets and net assets as at March 31, 2023. Our review conclusion on the financial statements for the year ended March 31, 2022 was modified accordingly because of the possible effects of this limitation of scope.

Qualified Conclusion

Based on our review, except for the possible effects of the matter described in the *Basis for Qualified Conclusion* paragraph, nothing has come to our attention that causes us to believe that the financial statements do not present fairly, in all material respects, the financial position of Hantsport Memorial Community Centre as at March 31, 2023, and the results of its operations and its cash flows for the year then ended in accordance with Canadian Accounting Standards for Not-for-Profit Organizations (ASNPO).

Bishop & Company

Wolfville, NS
August 24, 2023

CHARTERED PROFESSIONAL ACCOUNTANTS

HANTSPORT MEMORIAL COMMUNITY CENTRE
Statement of Financial Position
March 31, 2023

	2023	2022
ASSETS		
CURRENT		
Cash	**$ 128,430**	$ 66,708
Accounts receivable *(Note 4)*	**4,169**	13,337
Inventory	**554**	725
Harmonized sales tax recoverable	**6,411**	3,901
	139,564	84,671
PROPERTY AND EQUIPMENT *(Note 5)*	**749,963**	746,910
LONG TERM INVESTMENTS *(Note 6)*	**249,920**	243,092
RESTRICTED CASH AND INVESTMENTS *(Note 7)*	**481,819**	630,020
	$ 1,621,266	$ 1,704,693
LIABILITIES AND NET ASSETS		
CURRENT		
Accounts payable and accrued liabilities	**$ 15,256**	$ 10,552
Employee deductions payable	**-**	1,004
Deferred income	**-**	465
	15,256	12,021
DEFERRED CONTRIBUTIONS *(Note 9)*	**81,454**	37,007
	96,710	49,028
NET ASSETS		
General Fund - unrestricted	**869,372**	852,280
Endowment Funds - restricted	**124,500**	124,500
R. A. Jodrey Income Fund - restricted	**357,319**	505,520
Contributed surplus	**173,365**	173,365
	1,524,556	1,655,665
	$ 1,621,266	$ 1,704,693

ON BEHALF OF THE BOARD

_____ *Director*

_____ *Director*

See accompanying notes to financial statements

HANTSPORT MEMORIAL COMMUNITY CENTRE
Statement of Revenues and Expenditures
Year Ended March 31, 2023

	2023	2022
REVENUE		
Events and fundraising	**$ 93,161**	$ 53,119
Area Rate Funding *(Note 10)*	**72,580**	85,234
Donations and bequests	**42,169**	14,117
Government grants *(Note 11)*	**41,825**	45,460
Capital grant amortization	**1,747**	1,534
	251,482	199,464
EXPENSES		
Amortization	**15,316**	16,737
Events and programs	**39,034**	19,068
Insurance	**21,022**	18,282
Interest and bank charges	**180**	143
Office and administration	**7,350**	8,082
Professional fees	**4,838**	5,214
Repairs and maintenance	**30,932**	19,410
Salaries and wages	**101,390**	112,016
Utilities	**24,140**	19,509
	244,202	218,461
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENSES FROM OPERATIONS	**7,280**	(18,997)
INVESTMENT INCOME		
Change in balance of unrealized gains	**(178,941)**	109,116
Interest and dividends	**40,552**	35,242
	(138,389)	144,358
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENSES	**$ (131,109)**	$ 125,361

See accompanying notes to financial statements

HANTSPORT MEMORIAL COMMUNITY CENTRE

Statement of Changes in Net Assets

Year Ended March 31, 2023

	General Fund	Endowment Funds	R. A. Jodrey Income Fund	**2023**	2022
NET ASSETS - BEGINNING OF YEAR	$ 852,280	$ 124,500	$ 505,520	**$ 1,482,300**	$ 1,356,939
Deficiency of revenue over expenses	(16,549)	-	(114,560)	**(131,109)**	125,361
Transfers	33,641	-	(33,641)	**-**	-
NET ASSETS - END OF YEAR	$ 869,372	$ 124,500	$ 357,319	**$ 1,351,191**	$ 1,482,300

See accompanying notes to financial statements

HANTSPORT MEMORIAL COMMUNITY CENTRE

Statement of Cash Flows

Year Ended March 31, 2023

	2023	2022
OPERATING ACTIVITIES		
Cash receipts from operations	**$ 304,633**	$ 195,961
Cash paid to suppliers and employees	**(224,835)**	(199,212)
Investment income	**40,552**	35,242
Interest paid	**(181)**	(145)
Harmonized sales tax	**(2,510)**	2,472
Cash flow from operating activities	**117,659**	34,318
INVESTING ACTIVITIES		
Purchase of property and equipment	**(18,369)**	(1,901)
Purchase of long term investments	**(37,568)**	(32,660)
Proceeds on disposal of investments	**-**	-
Restricted cash accounts	**-**	702
Cash flow used by investing activities	**(55,937)**	(33,859)
FINANCING ACTIVITY		
Repayment of long term debt	**-**	(611)
INCREASE (DECREASE) IN CASH FLOW	**61,722**	(152)
Cash - beginning of year	**66,708**	66,860
CASH - END OF YEAR	**$ 128,430**	$ 66,708

See accompanying notes to financial statements

1. PURPOSE OF THE CENTRE

Hantsport Memorial Community Centre (the "Centre") was incorporated by an Act of the Provincial Legislature in 1948. As a registered charity, the Centre is exempt from the payment of income tax under Subsection 149(1) of the Income Tax Act (Canada).

The objectives of the Centre are:

- to perpetuate the memory of those citizens of Hantsport who in the two Great World Wars died in the service of their country while serving in the armed forces of Canada;
- to own, maintain and make available to the community of Hantsport, recreational, athletic, social and education facilities; and
- to own, establish, maintain and manage a community centre and such other properties and equipment as may be generally desirable, without profit to the members, and to make such changes as shall be determined by the by-laws.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of presentation

The financial statements were prepared in accordance with Canadian Accounting Standards for Not-for-Profit Organizations (ASNPO).

Measurement uncertainty

The preparation of financial statements in conformity with Canadian Accounting Standards for Not-for-Profit Organizations requires management to make estimates and assumptions that affect the reported amount of assets and liabilities, disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the period. Such estimates are periodically reviewed and any adjustments necessary are reported in earnings in the period in which they become known. Actual results could differ from these estimates.

Cash and cash equivalents

Cash and cash equivalents include cash on hand, balances with banks and marketable securities.

Financial instruments policy

Financial instruments are recorded at fair value when acquired or issued. In subsequent periods, investments in equity instruments that are quoted in an active market are reported at fair value, with any unrealized gains and losses reported in income. All other financial instruments are subsequently reported at amortized cost, and tested for impairment when there are indicators of impairment.

Transaction costs on the acquisition, sale, or issue of financial instruments which are subsequently reported at fair value are expensed when incurred. Transaction costs on the acquisition, sale, or issue of financial instruments which are subsequently reported at amortized cost are amortized over the expected life of the instrument.

Financial assets measured at amortized cost include cash and cash equivalents, accounts receivable, and investments in bonds.

Financial liabilities measured at amortized cost include accounts payable and accrued liabilities.

Financial assets measured at fair value include equity investments which are quoted in an active market.

(continues)

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES *(continued)*

Inventory

Inventory consists of bar supplies and is measured at the lower of cost and net realizable value, with cost being determined using the first in first out method. Net realizable value is the estimated selling price in the ordinary course of business, less any applicable variable selling costs.

Property and equipment

Property and equipment are stated at cost except for donated capital assets which are recorded at fair market value. Amortization is provided annually on the straight-line basis at rates calculated to write off the assets over their estimated useful lives as follows:

Buildings	20 years
Equipment	5 years
Outdoor facilities	20 years
Chain link fence	20 years
Parking lots	25 years

The Churchill House historic property is not amortized.

Amortization in the year of purchase is recorded at one-half the normal rate.

The Centre regularly reviews its property and equipment to eliminate obsolete items. Property and equipment are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount of an asset may not be recoverable.

Restricted funds

The Endowment Funds report the revenues, expenses and net assets related to contributions which are subject to externally imposed stipulations specifying that they be maintained permanently:

1. In 1995 Med Starratt bequeathed $94,500 to the Centre with the following conditions: "Only the interest shall be used for any HMCC purpose or other recreational purposes within the Town of Hantsport. The principal portion of the bequest is to be invested and not used to fund any aspect of the Corporation or Town of Hantsport."

2. The Roy A. Jodrey Hantsport Memorial Fund (R. A. Jodrey Fund) was established in 1974 with a $30,000 endowment for the purpose of maintaining the Churchill House. The Indenture stipulates that the income from this endowment shall be used annually to defray the costs of maintenance of the building, as well as taxes, utilities and insurance. Income which is not utilized in a given year shall be accumulated for the purpose of defraying such expenses in the future.

The R. A. Jodrey Income Fund represents the accumulated unused income generated from the initial $30,000 endowment. These funds shall be used annually to defray the costs of maintenance of the building, as well as taxes, utilities and insurance.

(continues)

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES *(continued)*

Revenue recognition

Hantsport Memorial Community Centre follows the deferral method of accounting for contributions.

a) Endowment contributions are recognized as direct increases in net assets in the year received.

b) Unrestricted contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

c) Investment income includes dividends and interest income, and realized and unrealized gains and losses. Unrealized gains and losses on equity investments are recognized as revenue in the statement of operations. Investment income is recognized in revenue in the period it is earned.

d) Grant revenue is recognized when there is a reasonable assurance that all conditions necessary to obtain the grant have been complied with.

e) Unrestricted donations and bequests are recognized in the year received.

f) Capital donations are deferred and amortized on the same basis as the property and equipment to which they relate.

g) Restricted donations are deferred and recognized as revenue in the year in which the related expenses are incurred.

h) All other sources of revenue are recognized as services are performed and ultimate collection is reasonably assured.

Contributed services and donated goods

Volunteers contribute a significant amount of their time each year. Because of the difficulty in determining their fair value, contributed services are not recognized in the financial statements.

Donated goods are not recorded in the financial statements because of the difficulty in determining their fair value.

3. FINANCIAL INSTRUMENTS

The Centre is exposed to various risks through its financial instruments and has a comprehensive risk management framework to monitor, evaluate and manage these risks. The following analysis provides information about the Centre's risk exposure and concentration as of March 31, 2023.

Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. The Centre has a comprehensive plan in place to meet their obligations as they come due - primarily from cash flow from fundraising activities.

(continues)

3. FINANCIAL INSTRUMENTS *(continued)*

Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Market risk comprises three types of risk: currency rate risk, interest rate risk and other price risk. The Centre is mainly exposed to interest rate and other price risk.

Interest rate risk

Interest rate risk is the risk that the value of a financial instrument might be adversely affected by a change in the interest rates. The Centre is exposed to interest rate risk on its fixed and floating rate interest bearing financial instruments which includes investments in bonds. Changes in the bank lending rates can cause fluctuations in cash flows and interest expense. The Centre does not use any derivatives to manage this risk.

Other price risk

Other price risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices (other than those arising from interest rate risk), whether those changes are caused by factors specific to the individual financial instrument or its issuer, or factors affecting all similar financial instruments traded in the market. The Centre is exposed to other price risk through its investment in quoted shares.

4. ACCOUNTS RECEIVABLE

	2023	2022
Accounts receivable	**$ 658**	$ 13,337
Source deductions receivable	**3,511**	-
Allowance for doubtful accounts	**-**	-
	$ 4,169	$ 13,337

5. PROPERTY AND EQUIPMENT

	Cost	Accumulated amortization	**2023 Net book value**	2022 Net book value
Land	$ 206,900	$ -	**$ 206,900**	$ 206,900
Historic property: Churchill House	312,349	-	**312,349**	312,349
Buildings	47,594	13,066	**34,528**	29,662
Equipment	19,409	18,442	**967**	-
Outdoor facilities	130,703	37,058	**93,645**	89,522
Chain link fence	131,142	35,802	**95,340**	101,897
Parking lots	8,658	2,424	**6,234**	6,580
	$ 856,755	$ 106,792	**$ 749,963**	$ 746,910

6. LONG TERM INVESTMENTS

	2023	2022
Equities	**$ 321,910**	$ 315,082
Bonds	**22,504**	22,504
Credit Union shares	**5**	5
DaSilva paintings	**1**	1
Subtotal	**344,420**	337,592
Less: Med Starratt Endowment	**(94,500)**	(94,500)
	$ 249,920	$ 243,092

The DaSilva paintings and murals are on loan to the Art Gallery of Nova Scotia. The fair market value is not determinable.

7. RESTRICTED CASH AND INVESTMENTS

	2023	2022
Cash	**$ 22**	$ 22
Equities	**387,297**	535,498
Subtotal	**387,319**	535,520
Plus: Med Starratt Endowment	**94,500**	94,500
	$ 481,819	$ 630,020

8. CREDIT FACILITIES

The Collabria VISA card is limited to $2,000, bears interest at 19.9% and is secured by a term deposit held at Valley Credit Union.

9. DEFERRED CONTRIBUTIONS

	2023	2022
Restricted donations of $29,294 received in 2023 for upgrading the tennis/ pickleball building.	**$ 29,294**	$ -
Valley Credit Union donation of $22,000 received in 2020 for improvements to the Med Starratt Baseball field.	**18,962**	19,846
Restricted donations of $16,901 received in 2023 for promoting baseball activities.	**16,901**	-
Private donation of $15,360 received in 2021 for the replacement of a fence.	**13,440**	14,208
Province of Nova Scotia grant of $3,000 received in 2022 for the construction of GaGa ball pits.	**2,857**	2,953
	$ 81,454	$ 37,007

10. AREA RATE FUNDING

The Area Rate is collected by the Municipality of the District of West Hants under the terms of its Area Rate Policy. Responsibility for certain operating costs have been assumed by HMCC and these costs have been assigned as follows:

	2023	2022
Area Rate Funding		
Municipality of the District of West Hants	**$ 72,580**	$ 85,234
Area Rate Expenses		
Administration fee	**$ 6,598**	$ 7,749
Insurance	**19,434**	17,083
Repairs and maintenance	**29,594**	9,043
Salaries and wages	**16,079**	50,224
Utilities	**875**	1,135
	$ 72,580	$ 85,234

11. GOVERNMENT GRANTS

Government grants were received or accrued during the year under the following programs:

	2023	2022
Province of Nova Scotia Student Summer Skills Program	**$ 18,123**	$ 12,103
Canada Summer Jobs Program	**16,558**	7,907
Federal Canada Day Grant	**3,360**	3,200
Province of Nova Scotia Tennis Program Amateur Sport Fund	**2,424**	-
Province of Nova Scotia Active Communities Grant	**1,360**	-
Province of Nova Scotia Non-Profit Recreation Facilities COVID-19 Emergency Funding	**-**	20,000
Province of Nova Scotia Canada Day Grant	**-**	1,500
Federal Participaction Community Better Challenge Grant	**-**	750
	$ 41,825	$ 45,460

These grants are reported in income and are not repayable.

12. IMPACT OF COVID-19

The outbreak of the novel strain of coronavirus, specifically identified as “COVID-19”, has resulted in governments worldwide enacting emergency measures to combat the spread of the virus. These measures, which include the implementation of travel bans, self-imposed quarantine periods, and social and physical distancing, have caused material disruption to businesses globally resulting in an economic slowdown. Global equity markets have experienced significant volatility. Governments and central banks have reacted with significant monetary and fiscal interventions designed to stabilize economic conditions.

The duration and impact of the COVID-19 pandemic is unknown at this time, as is the efficacy of the government and central bank interventions. It is not possible to reliably estimate the length and severity of these developments and the impact on the financial results and condition of the Centre in future periods.

Committee of the Whole Excerpts
October 10, 2023

CARPOOL PARKING LOT EXCERPT

The report highlighted a need for an additional carpool parking area for the region to provide residents with another parking resource.

The recommended motion was that Committee of the Whole recommends …

COUNCIL DIRECT STAFF TO WRITE A LETTER TO MLA SHEEHY-RICHARD REQUESTING THAT THE PROVINCE EXPLORE OPTIONS AND CREATE AN ADDITIONAL CARPOOL PARKING LOT BETWEEN EXIT 7 (FALMOUTH) AND EXIT 5 (THREE MILE PLAINS).

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: **Committee of the Whole**

Submitted by: **Councillor Sherman**

Date: **October 10, 2023**

Subject: **Carpool Parking**

LEGISLATIVE AUTHORITY

Municipal Government Act

RECOMMENDATION or DECISION REQUEST

…Council direct staff to write a letter to MLA Sheehy-Richard requesting that the province explore options and create an additional carpool parking lot between Exit 7 (Falmouth) and Exit 5 (Three Mile Plains).

BACKGROUND

Property ☑	Public Opinion☑	Environment ☐	Social ☑	Economic ☐	Councillor Activity ☐

Since consolidation, many individuals and families have relocated to the area and now call West Hants their home. With this growth, comes a need to expand available parking options for those who now call West Hants their home.

DISCUSSION

A need for shared mobility has drastically increased and is believed to be a potential sustainable transport means. Carpooling provides benefits not only to carpoolers (cost reduction and time

saving) but also to the environment and society at large in terms of relieving traffic congestion as well as reducing energy consumption and carbon emissions and helps reduce the demand or need for increased parking infrastructure.

Many individuals and families moving to our area travel outside of the region for employment, recreation/social or medical purposes. Having an additional carpool parking area for the region would provide residents with another parking resource.

NEXT STEPS

Staff prepare correspondence and send it to MLA Sheehy-Richard.

FINANCIAL IMPLICATIONS

No financial implications with the preparation of this report with the exception of staff time.

ALTERNATIVES

Council may not choose to direct staff on this issue recommendation.

Council may choose a different course of action.

ATTACHMENTS

None.

CHIEF ADMINISTRATIVE OFFICER REVIEW

Pending Comments

Report Prepared by: Councillor Sherman

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)

Committee of the Whole Excerpts
October 10, 2023

FIRE APPARATUS CONSULTANT TENDER AWARD EXCERPT

Council identified the need to have a third-party consultant to assist WHRM fire departments and staff in creating fire apparatus needs, specifications and recommendations for Request for Proposals (RFP's). An RFP was posted on the Nova Scotia Procurement Website on May 10, 2023 and closed on June 5, 2023 resulting in one (1) proposal was received.

The recommended motion was that Committee of the Whole recommends …

COUNCIL APPROVES THE AWARD OF STANDING OFFER CONTRACT TENDER WHRMRF23-01 FOR CONSULTING SERVICES AND WRITING OF REQUEST FOR PROPOSALS FOR FIRE APPARATUS SERVICES TO GOUDREAULT ASSOCIATES, FOR THE TWO (2) YEAR TERM, ENDING MARCH 31ST, 2025.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐

To: Committee of the Whole

Submitted by: _____

Shelleena Thornton, Municipal Operations Supervisor

Date: October 10, 2023

Subject: Consulting Services and Writing of Request for Proposals for Fire Apparatus Tender Award (WHRMRF23-01) - Recommendation Report

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LEGISLATIVE AUTHORITY

Municipal Government Act, R.S.N.S. 1998, c. 18 - Section 65 – Adoption of Budgets

RECOMMENDATION or DECISION REQUEST

… Council approves the award of standing offer contract Tender WHRMRF23-01 for Consulting Services and Writing of Request for Proposals for Fire Apparatus services to Goudreault Associates, for the two (2) year term, ending March 31st, 2025.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐

At the January 24, 2023 Council meeting, much discussion was held around fire apparatus (replacement schedule, apparatus specifications (wants versus needs), who prepares the Request for Proposals (RFP), levels of expertise and experience in identifying apparatus specifications within an RFP, ensuring that RFPs are broad enough to receive as many proposals from manufacturers/suppliers as possible, etc.

During this meeting, Council expressed the need to have a third-party consultant to assist WHRM fire departments and staff in creating fire apparatus needs, specifications and recommendations for Request for Proposals.

DISCUSSION

A Request for Proposals was posted on the Nova Scotia Procurement Website on May 10, 2023 and closed on June 5, 2023. One proposal was received for this two-envelope process.

Envelope #1 – Supplier responds to the criteria and technical component of the RFP.

Envelope #2 – Supplier provides their bid (financial component) to the RFP.

Envelope #1 – The Fire Chiefs and Fire Coordinator reviewed and evaluated the tender submission based on the specifications outlined in the Request for Proposals. Each were scored independently before meeting collectively for an overall assessment. Only suppliers' whose proposals met a minimum score of 80% had their financial envelope (#2) opened. If they do not pass with at least 80%, their financial envelope is returned to them un-opened. The bidder was:

Proposal Submission	**Technical Score**	**Financial Bid before taxes**
Goudreault Associates	80.0%	Estimate RFQ cost per project range from $18,140 to $43,099. Consulting costs range from $25 to $85 per hour depending on the task plus daily rates for expenses.

RFP Posted to Procurement	May 10, 2023
RFP Closing Date	June 5, 2023
60 Calendar Days - Expiry of Pricing	August 3, 2023
Days Remaining Before Expiry	Zero; however, Goudreault Associates have confirmed that the pricing is held

The Request for Proposals would be a two-year standing offer with a 90-day exit clause for either party.

RFP specifications included:

- Consultant is to represent the needs and interests of West Hants Regional Municipality when developing and recommending a piece of apparatus for purchase and to promote standardization of apparatus selection when possible, and support and justify customization of apparatus only when required.
- Consultant is to comment on the overall rationale for the need to replace the apparatus based on need versus want due to lifecycle, expiration, cost benefit, safety for service, standards, compliance, etc.

- Consultant is to work with and support fire service representatives with the drafting, posting, evaluating, and recommendation of apparatus to council.
- Proponents were asked to identify:
    - Education level
    - Experience as it relates to mechanical engineering (although not a requirement, it would identify skill set)
    - Experience in designing fire apparatus and associated equipment
    - Conceiving and developing detailed fire apparatus technical specifications meeting applicable NFPA 1901 standards and specific needs.
    - Analyzing and developing an understanding of community fire protection needs, using recognized methods.
    - Capital equipment and project estimating.
    - Capital project management from inception through to sign-off.
    - The Municipal capital purchasing process.
    - Report writing in Municipal Government (template will be provided).
    - Working with volunteer firefighter committees.
    - Development of fire apparatus commissioning process.
    - The ability and accessibility to travel for meetings, inspections, etc.
    - Any and all affiliation and/or relationships they have, perceived or otherwise, with manufacturers and/or suppliers.
    - Experience with, in particular, the following types of fire service apparatus:
        - Pumper Fire Apparatus
        - Initial Attack Fire Apparatus
        - Mobile Water Supply Apparatus
        - Aerial Fire Apparatus
        - Quint Fire Apparatus
        - Special Service Fire Apparatus
        - Mobile Foam Fire Apparatus

Goudreault Associates proposal met all the needs as requested.

It is important to recognize that fire apparatus is very complex and limited to those with the expertise and experience in creating the specifications for design. Which validates the limited proposals received for this RFP.

The bid proposal – Apparatus specifications and fire department assistance can vary significantly, the bid proposal reflected many variables and the time, expenses and resources required for each. They included:

- Standards review
- Needs analysis (as that would vary dept to dept)
- Drafting apparatus specifications
- Specifications validation
- Drafting, finalizing, and issuing the RFP

- Reviewing and evaluating proposals
- Reporting to the Municipality
- Develop and managing the contract between the Municipality and the supplier
- Participating in pre-build meetings
- Inspection of the chassis
- Pre-delivery review and Inspection
- Post-delivery acceptance
- Commissioning
- (other variables include: additional travel related expenses, vehicle rental costs, meals, etc., as the inspections can be anywhere in the United States or Canada).

An important note is that the variables reflected above are not new and part of the natural process. To-date they have been done by the Fire Departments due to them being the ones that have created the Request for Proposals.

FINANCIAL IMPLICATIONS

The standing offer agreement has no direct financial implications, with awarding this contract. Individual projects will be quoted and follow the Procurement and Tendering Policy for approval.

See Action CAO's note below.

NEXT STEPS

Pending approval of Council, staff will award the formal two-year standing offer contract to Goudreault Associates and proceed to seek their expertise with respect to fire apparatus.

ALTERNATIVES

- Council may choose to not award this tender.
- Council may choose to re-tender this project.
    - If this is the preferred option, substantial changes would need to be made to the RFP in order to re-issue.
    - If there are no substantial changes to be made to the RFP, it would not be permitted to be re-tendered for at least 9-12 months following its closing date, as per NS Procurement Operations (which would delay in the acquisition of apparatus)

Neither of these alternatives are recommended to council.

ATTACHMENTS

No attachments.

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report and recommendations are in-line with the direction from council for the need of a Third party review and assistance in the RFP / specification process. It is unfortunate only one bid was received however as stated in the report this is most likely due to the skill set required along with current availability of consultants to do this type of work. There is a financial component to proceeding with the standing offer as it will add a cost for services that was previously done in-house by each independent local fire service. For example, any pre-approved fire apparatus in the capital budget will essentially add the cost for consultant services for RFP and specifications preparation and tendering.

I support the recommendation.

Report Prepared by: _____
Shelleena Thornton, Municipal Operations Supervisor

Report Reviewed by: _____
Diana Gibson, Manager, Accounting & Financial Reporting

Report Approved by: _____
Todd Richard, Acting CAO

Committee of the Whole Excerpts
October 10, 2023

FIRE APPARATUS PRE-APPROVAL EXCERPT

Windsor Fire is looking to replace one of their apparatus (2000 Pumper (E-One Cyclone). Engine 4 is WFD'S main engine and a first response apparatus for anything fire related (not medical or accidents). Engine 4 will be 26 years old when it is replaced. Due to the age of the apparatus maintenance can be costly.
As per fire underwriting, apparatus should be put on reserve at age 20 years and retired at 25 years.

The recommended motion was that Committee of the Whole recommends …

COUNCIL APPROVES PRE-APPROVING THE ISSUANCE OF A REQUEST FOR PROPOSAL FOR THE SUPPLY OF AN APPARATUS TO REPLACE WINDSOR FIRE DEPARTMENT'S ENGINE 4.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐

To: Committee of the Whole

Submitted by: _____

Shelleena Thornton, Municipal Operations Supervisor

Date: October 10, 2023

Subject: Fire Apparatus Pre-approval Recommendation Report

LEGISLATIVE AUTHORITY

Municipal Government Act, R.S.N.S. 1998, c. 18 - Section 65 – Adoption of Budgets

WHRM Procurement & Tendering Policy, Section 4 – Purchasing Authority

RECOMMENDATION or DECISION REQUEST

… that Council approves pre-approving the issuance of a Request for Proposal for the supply of an apparatus to replace Windsor Fire Department's Engine 4.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐

Fire apparatuses are taking approximately 2-3 years to manufacture, resulting in the need to tender in advance.

Pre-approvals are to approve tendering the apparatus only; not expending the funds to procure them. No money is expensed during this fiscal year and Council will have another opportunity to review the reports that come before council regarding any tender proposals received. At that time, council will have another opportunity to support or deny any recommendation for procurement.

DISCUSSION

The fire apparatus slated for replacement in the next couple of years and reflected in the projected five-year capital budget includes:

Replacement year 2025-26 (WFD) - $1.8 Million to replace Engine 4 – The current apparatus is a 2000 Pumper (E-One Cyclone) – It will be 26 years old when it is physically replaced and the concern for maintenance on an apparatus of this age is high and can be costly. As per fire underwriting, apparatus should be put on reserve at age 20 years and retired at 25 years. Engine 4 is a first response apparatus for anything fire related (not medical or accidents). Engine 4 is WFD's main engine.

FINANCIAL IMPLICATIONS

As this is a request to go to tender only, there are no financial implications. Should Council approve the request, the Procurement and Tendering Policy will be followed and the recommendation to move forward with a contract will come back to Council for review and approval. Once a price is determined and Council approves the future Capital Budget will be updated to that pricing.

NEXT STEPS

Pending approval of Council, staff will work with either the Fire Dept Truck Committee and/or the Consultant (if one is approved) to issue an RFP for the apparatus.

ALTERNATIVES

- Council may choose to not approve this pre-approval to draft and post an RFP.

This is not recommended to council.

ATTACHMENTS

No attachments.

CHIEF ADMINISTRATIVE OFFICER REVIEW

If the standing offer for consultants services for fire apparatus is approved there would be a operational expense for tendering and specifications review and writing. There expenses have not been forecasted in the 2023/24 budget.

I support the recommendation.

Report Prepared by: _____

Shelleena Thornton, Municipal Operations Supervisor

Report Reviewed by: _____

Diana Gibson

Report Approved by: _____

Todd Richard, Acting CAO

Committee of the Whole Excerpts
October 10, 2023

FRESH WATER RESOURCES/ DETERMINE TOWN POND OWNERSHIP EXCERPT

At the September 26th, 2023 meeting an information report was shared which included ground water resources (Three Mile Plains, Windsor Forks, Falmouth) from 1960's studies done by the Department of Energy Mines and Resources as part of the Federal ARDA program (Agricultural Regional Development Act). Town Pond was identified as a surface water resource within the Falmouth area. Ownership of this pond was unclear, there was value in reviewing the history and determining ownership.

The recommended motion was that Committee of the Whole recommends …

COUNCIL DIRECTS THE CAO TO ENGAGE STAFF TO DETERMINE IF THE PROPERTY KNOWN AS TOWN POND IS OR WAS EVER A PUBLIC RESOURCE, FURTHER IF IT WAS A PUBLIC RESOURCE BUT IS NO LONGER, THEN WHEN AND HOW DID IT TRANSITION FROM PUBLIC TO PRIVATE OWNERSHIP.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ✓	Decision Request ☐	Councillor Activity ☐

To: Committee of the Whole – West Hants Regional Municipality

Submitted by: **Jim Ivey, Councillor, Windsor South, District 11**

Date: October 10, 2023

Subject: Fresh Water Resources – Recommnendations

LEGISLATIVE AUTHORITY

MGA 30 (1) (2) (3)

RECOMMENDATION or DECISION REQUEST

Council directs the CAO to engage staff to review and report back regarding the Fresh Water Resources summary information report provided at the Council Meeting Sept 21, 2023 to determine if an opportunity exists for the the Municipality to further enhance its access to fresh water resources for purposes of potable water, industrial expansion, fire fighting resources (dry hydrants), or agricultural purposes.

Council also directs the CAO to engage staff to determine if the property known as Town Pond is or was ever a public resource, further if it was a public resource but is no longer, then when and how did it did it transition from public to private ownerhip.

BACKGROUND

Property ✓	Public Opinion ☐	Environment ✓	Social ☐	Economic ✓	Councillor Activity ✓

A summary raw information report on Fresh Water Resources within West Hants was introduced at the West Hants Municipal Council meeting on Sept 26, 2023.

The purposes of the report was to identify West Hants fresh water resources based on local information sourced by Mr RG Armstrong as possible sources for West Hants in the short, medium and longer term.

DISCUSSION

Fresh water resources have been a regular discussion amongst this and prior Councils.

More recently the discussions have related to sources for fire fighting (dry hydrants / wildfires), access to potable water amongst municipal water utilities and drawdown limits, potable water access for water haulers, fresh water for agricultural purposes, water inventory for sprinkler services due to increased development demand and other reasons.

Sources of fresh water from information resources in the September 26 2023 Council report included ground water resources (Three Mile Plains, Windsor Forks, Falmouth) from studies in the 1960's done by the Department of Energy Mines and Resources as part of the federal ARDA program (Agricultural Regional Development Act). Town Pond was identified as a surface water resource within the Falmouth area through the anecdotal history provided by Mr Armstrong as well as other fresh water surface resources identified (225+/-) through the Department of Environment and Climate Change fresh water lake mapping tool.

Given the prior and more recent discussions on fresh water resources within the West Hants Region, it seems appropriate at this stage that staff be asked to review the resources identified as well as others possibly overlooked. The review should serve to inform West Hants as to its status for accessibility to fresh water for the purposes identified (potable water, fire fighting, agricultural use, industrial expansion and any other purpose deemed appropriate.

NEXT STEPS

To be Determined

FINANCIAL IMPLICATIONS

Staff time in reviewing and researching the information identified in the initial report

ALTERNATIVES

Council may choose not to proceed with added review of fresh water resources in West Hants

ATTACHMENTS:

Fresh Water Resource Report- Council Meeting Sept 26, 2023

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: **Jim Ivey, Councillor Windsor South, District 11**

Report Reviewed by: _____

(Name and Title)

Report Approved by: _____

(Name and Title)

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ✓	Recommendation	Decision Request ☐	Councillor Activity ✓

To: Committee of the Whole – West Hants Regional Municipality

Submitted by: **Jim Ivey, Councillor, Windsor South, District 11**

Date: Sept 26, 2023

Subject: Fresh Water Resources

LEGISLATIVE AUTHORITY

N/A

RECOMMENDATION or DECISION REQUEST

This is an initial information report.
Any recommendation or decision request would likely occur at a future meeting to be determined as appropriate.

BACKGROUND

Discussion regarding fresh water resources has been a topic over the course of the last number of years with both the current and prior councils. Varied topics on the agendas have included sources for potable water, irrigation, fire fighting as well as distribution and other topics.

In August I received documents from a local resident relating to freshwater resources within the West Hants Region which included:

1. A four page summary document composed of anecdotal history from a local resident titled *"A Brief Description of an Underground Aquifer in Falmouth Nova Scotia"*. (Attached)
    a. (Included within his document is a pictorial overview of the areas that were reported to have been previously serviced by the aquafer – 12 aerial images with a few descriptive bullet notes for each).
2. West Hants topo map with pin markings identifying fresh water resourrces within the West Hants Region (225 between St Croix and Hantsport -both sides of the river) as found through a new map marking tool introduced by the Nova Scotia Department of Environment and Climate Change. The tool itself can be found here: (https://novascotia.ca/nse/surface.water/)
3. Historical groundwater reference material sourced through the Nova Scotia Department of Environment and Climate Change.
   Source of Reports: https://novascotia.ca/nse/groundwater/groundwaterresources.asp .
   Under the Hants County section 2 primary reports of interest are:

a. **Groundwater Resource Report Windsor Hantsport Walton** https://novascotia.ca/nse/groundwater/docs/GroundwaterResourcesReport_Windsor-Hansport-WaltonArea.pdf
b. **Groundwater Resource Report for Falmouth** https://novascotia.ca/nse/groundwater/docs/GroundwaterResourcesReport_Groundwater_Survey_Falmouth_Area_Hants_County_Hennigar_1965.pdf

Property ✓	Public Opinion ☐	Environment ✓	Social ☐	Economic ✓	Councillor Activity ✓

The purpose of this report is to share the information received (in its raw format at present), with the intent of a future discussion on the freshwater assets and policy within the municipality for the short, medium and longer term.

DISCUSSION

The information received was sourced by the local resident having been inspired by recent discussions at Council on freshwater resources.

1. In the initial report (A brief Report about an Underground Aquafer in Falmouth Nova Scotia), the information provided by Mr RG Armstrong provides historical and anecdotal information regarding the fresh water aquafer in Falmouth.

   …'The report identifies a large fresh-water aquafer of unknown size close to the surface which was referred to by some as "The big underground river". The surface water, locally known as "Town Pond" (a gypsum sink-hole reported to be 90 feet deep), is regarded by some to be a public property (to be determined), as part of a larger grant to the Falmouth Township in 1760. The summary includes anecdotal history and information that recounts the use of the aquafer for public and homeowner consumption as well as for two commercial greenhouse operations and three family hothouse businesses. The history includes previous disucssion with prior councils in considering uses for fire fighting and for potable water for Falmouth.'…

   There is a question raised a about the ownership of the pond and its groundwater. The question regarding this item has existed for some time. It is a matter that would likely be best resolved by staff through dedicated research of municipal and historical records.
   - Aerial Images provided relate to the water use at different points in Falmouth over time of from the aquafer.

(a) The local resident sought to plot local freshwater water resources in the Falmouth and Windsor area with use of a new freshwaterlake mapping tool

As referenced in the background section , the purpose of this report at this stage is to share the information received with Council and Staff (in its raw format at present), with the intent of a future discussion on the freshwater assets and policy within the municipality for the short, medium and longer term.

NEXT STEPS

To Be Determined

FINANCIAL IMPLICATIONS

To be Determined

ALTERNATIVES

Nothing at present

ATTACHMENTS:

A Brief Description of an Underground Aquafer in Falmouth NS– RG Armstrong
Falmouth Aquafer Aerial Image with Notes
West Hants Fresh Water Topographical Map with Pin Locations

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: **Jim Ivey, Councillor West Hants Regional Municipality**

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)

A Brief Description of an Underground Aquifer

In

Falmouth, Nova Scotia

Lower Falmouth is located in Hants County, N.S., to the west, and across the Avon River from Windsor, and directly across from the mouth of the St. Croix River. The soil is sandy clay on top of gypsum, which can be seen at the surface in certain areas. It is above a large fresh-water aquifer of unknown size, very close to the surface. Those who had wells and pipes tapped into this system, including my father, Harry Armstrong (1915-2005) and other farmers, called it "The Big Underground River". This water source served the Acadian village of Vincent Babin (est. 1689), and all subsequent family dwellings up until 1967 when the municipal water system was built.

This aquifer, in my memory, had four above ground water supplies available for public use. A large well on the side of the Back Road to the West of the Dyke Rd. intersection, was filled in the late 50`s by road widening. A pipe above ground was, and may still be in use on the Falmouth Community Hall property. Just to the East of the Dyke Rd./Back Rd. Intersection, towards Windsor was a large pipe on a small piece of property that was owned by T.B. Akin, and bequeathed to the Community of Falmouth in his will. That small property with that large water supply was "acquired" by a neighbouring landowner in 1959, and taken over for supplying 21 single family mobile homes in a trailer park on School St.. across from the Falmouth elementary school. The fourth public water supply was a big pond known as the "Town Pond" in the common land/town plot property of 260 acres, granted to the Planter settlers in 1760.

In addition to the public`s and home owner`s source for water, this aquifer supplied two commercial greenhouse operations, and 3 family hothouse businesses. Avon Valley and H. Loomer greenhouses both grew flowers, while William Porter, Lorne Smith and Charles McClellan all grew cucumbers and tomatoes. All the wells and ponds, and the pipes not capped by valves, overflowed constantly, thus making any place in the area easy to tap into.

The main point of this brief essay is for information as to this aquifer being an additional and alternative water supply for potable water for Falmouth, and firefighting resources for the area. The large pond (Town Pond) is a gypsum sink-hole recorded to be 90 feet in depth, and two hundred feet or more in diameter, and never goes dry, running constantly. The pond, and the land around the pond, is approximately 5 acres in size, with a 2-rod (33 feet) surveyed right-of-way road from the #1 Highway, in to the pond, then continuing due south to the Green Lane.

This small property with its` large water supply was the last that remained of the original 260 ac. Town plot/ common land granted to the Falmouth Township. It was surveyed and a barbed wire fence was in place around the perimeter. This fence was maintained and checked weekly by a caretaker, up until 1983 by Tom Aylward, then from that year to 2000 by Lorne Smith.

In 1999, a property to the West was purchased by J&T Holdings, with this owner also laying claim to the town plot/common land property as well. In 2001, the last caretaker, Lorne Smith, asked me if I would assist him in trying to have the West Hants Municipal Council retain this land for a future park for the community of Falmouth, which I agreed to do. In the next few months, myself, Fred Horne, who was the Mun. Councillor for the area, and several others tried to re-establish Falmouth`s ownership of the property. Mr. Smith offered his own property, with its` own large water supply to the municipality in a trade for simply retaining the public town plot and the big Town pond. Council refused the offer! In the autumn of 2001, Fred Horne obtained an affidavit from Lorne Smith regarding his brief biography and what he wished to happen to the public land. Council dropped the matter shortly afterward, and Mr. Smith passed away in January of 2002.

Some points to consider regarding true ownership if this public property:

1. Granted to the Falmouth Township in 1760 as a 60 acre Town Plot surrounded by 200 acres of Common Land. This 60 acre parcel was surveyed out to be the future Town of Falmouth, with the 200 acres laid out for gardens, pastureland, community use, and cemetery.
2. Over the years, the new settlers built and established dwellings on the land they were granted outside the town center, and the 260 acres remained vacant land. The Township Proprietors started selling off parts of the public land for orchards, pastures and private homes.
3. It is unclear at this time when the last piece of public land was sold leaving only the big Town Pond aquifer, with the right-of-way road and approximately 5 acres of good land.
4. There is anecdotal evidence and possibly newspaper clippings in the West Hants Historical Society that tell of the pond`s use to cut ice for iceboxes before electricity. At one time a child drowned in the pond, and recovery efforts revealed the pond was 90 feet deep.
5. In an entry in John Duncanson`s book " Falmouth- A New England Township in Nova Scotia" page 77, The West Hants Council discussed a dispute with someone claiming ownership of the property. Then in 1910 someone again claimed ownership by erecting a fence on the Pond Road, thereby preventing the public from cutting ice. The fence was ordered to be removed by Council`s solicitor.
6. In the 1950`s, the Windsor Fire Department and West Hants Council discussed the fire department using the town pond to fill their tankers, since it was known to be public land. The right-of-way road was to be built up to accommodate heavy trucks.
7. Hay was available from the land around the pond to whoever wanted it, on a first ask basis. In around 1970, my father would get the hay at times, but since the land was known to be public he would ask one of the last proprietor`s, either Tom Aylward or Lorne Smith for the hay.
8. J&T Holding`s own deed mentions this Public land and Town Pond as being on one side of the land they actually purchased.

This large "Underground River" aquifer, known as the Town Pond, would have been used as a water supply for maybe hundreds of years. For the Indigenous, a source of potable water, a place to fish in the pond and a place to tan hides. The Acadian village of Vincent Babin was established around the big pond in 1689. There is also mention (Capt. Alexander Murray, Ft. Edward 1755) of a grist mill on a small pond to the east. Then later in Planter times and onward, it was used to cut ice in along with public skating parties.

In the 1950`s, the Windsor Fire Department discussed with Municipal Council the possibility of having the pond as a water source for the tanker trucks, but the matter was dropped. In 2001, the issue was again brought to Council`s attention by a few residents in the area, but still nothing was done. And in the past 5 years, present council has also been made aware of this large water supply.

All effort should be made at this time to recover and retain this valuable pond water supply for fire fighting resources, as well as future additional drinking water, instead of simply letting it run away, as it is now. If the right-of-way road was repaired into the property, the pond itself could handle several dry hydrants, with possibly several more along the drainage route to the Lake. One could be put in the flood zone behind the brick warehouse, and one at the water truck fill station. And since this water supply runs constantly, there`s a good chance it could be piped across the causeway to Windsor. There`s definitely no shortage of water in this area of Lower Falmouth!

Also included is a 1969 report titled `Groundwater Resources and Hydrogeology of the Windsor-Hantsport-Walton Area, Nova Scotia., available online under NSE/publications, Water Resource Reports

This is a very informative report of the quantity and quality of three large aquifers under 5 communities in West Hants and 1 in East Hants. All three aquifers are large enough, and with good recharging abilities to have small treatment plants for domestic uses, and possibly light industry or agriculture. High-lighted sections are very important to the topic.

There are 4 reports on Hants County, this being the first on the list, 2 and 3 being irrelevant to the topic, and number 4 very important regarding a water resource report for Falmouth titled `Groundwater Survey Falmouth Area (Hennigar 1965) (ID numbers-432531/OFR339) that couldn`t be printed, due to the almost un-readable nature of old type-written paper. It mentions Shey Lake as a possible future source of domestic water. This report may be available in digitized form from NSE.

Also available from NSE are Nova Scotia well logs database, that covers over one hundred thousand water wells drilled in the province since 1920

The map included is a several square kilometre section of the Pisiquid River watershed, with a close count of all the lakes, ponds and larger surficial bodies of water in the area. Both lentic and lotic environments were counted for firefighting sources. This is a workable map on NSE called Lake Mapping Tool. Map can be enlarged and markers placed with each marker having the exact map co-ordinates, however this info will not print. From Hantsport to Windsor Forks area, west side of river there are 104 surface water bodies of different sizes, and on the east side, south of the St. Croix River, 122. Many of these are large enough for the placement of dry hydrants.

With the amount of groundwater in the form of aquifers close by, and surface water in ponds and lakes in the immediate area, there should be no reason to want or need the Pisiquid River itself as a water supply. As of now, after the major rain event of July 21/22, 2023, this Lake/Headpond and upper river system has become a toxic impoundment of all forms of contaminates that the subsequent upstream flooding caused. It may take some time to clear up, and with climate change could happen more frequently.The safer, more viable source of water close by makes the case of returning this river to a tidal system very strong indeed.

R. G. Armstrong

Falmouth, NS

July/August 2023



Picture #1
Showing corner of Falmouth Back Road and Dyke Road

Block #1- Pump house with pipes from underground aquifer, deeded to Community of Falmouth in 1959 by T. B. Akin.

Block #2 Building formerly used as a car wash, supplied by same water source. Drainage ditches, both downhill and uphill of this pipe run constantly.

Next…



Picture #2A
Large Town Pond area
#1 Known as Falmouth Town Pond, this is a large gypsum sink-hole, approximately 90 feet deep.

#2 Ditch that drains a smaller pond uphill and to the south. Both ponds flow into ditch #3, which originally flowed across dykeland #4, east, and into Avon River. At present, since Highway twinning started, this ditch, #5, now flows east, between long brick warehouse, and 101 Highway, then along highway and into Lake Pisiquid (so called). These streams flow constantly, year round, and always have in my memory.

Next…



Picture #2B
Different angle than #2A, showing raised water levels, with some flooding at #1, caused by re-routing of drainage ditch from original
route across dykeland, to present drain into Lake Pisiquid. This was first visible to me in 2019.

Next…



Picture #3
Properties supplied by aquifer of the Town Pond
#1 Lorne Smith's hothouses grew tomatoes and cucumbers for local and city markets. Supplied by S large wells, one 10 feet in diameter, and a large pipe out of the ground. One well still exists above ground, and all 5 wells over-flowed constantly, with the pipe capped with a valve

#2 My own dykeland, with two brooks that originate from the upland to the west. These brooks run all the time, have never dried up, and their exact source is unknown. A small pond on the west side of Aylward Road feeds into one brook while the water from the old carwash/pump house area, plus two ponds feeds into the other.

#3(in red) was the Charles and Arthur Mclellan hothouse property, also growing tomatoes and cucumbers, and was also supplied by this aquifer. I don't recall how many wells were here, probably more than 3.

There were also three wells on the property west of the Town Pond. These would have be Acadian dwelling wells; the exact location unknown.

Also, before 1967 when the Municipal water supply was sourced from French Mill Brook, every house would have had an above ground well.
Next…



Picture #4A
Former out-flow for Town Pond,
#1 across dyke-land, and into Avon River
#2 New water level since 2019,
#3, New out-flow into Lake Pisiquid
#4 shows water truck filling station, installed in 2020 or 2021, from Municipal water main.

Next…



Picture #48
Former out-flow, #1
Present out-flow, #2

Next...



Picture# 5A
Shows Individual Units supplied by this Aquifer since 1960, a total of 22. This is an approximate figure.



Picture #5 B
Shows same image on bottom as #SA, with an expanded view looking eastward.

Next…



Picture #6A
Shows 5 large structures and many private dwellings that would be serviced by a large water supply in the immediate vicinity.

Next…



Picture #6B
Shows an expanded view of 6A, looking East, with additional houses and large structures. This large pond is actually just about central to the areas in Pictures 6A, 6B, and 7, which is approximately One Square Kilometer in size

Next...



Pictures #7
Shows Falmouth subdivisions that were possibly supposed to be supplied by drilled wells into the aquifer below, but are now on the municipal water system from French Mill Brook.

Showing also is the large structure of Meadowland Place Retirement Home, and the driveway to 'The Elms' complex.

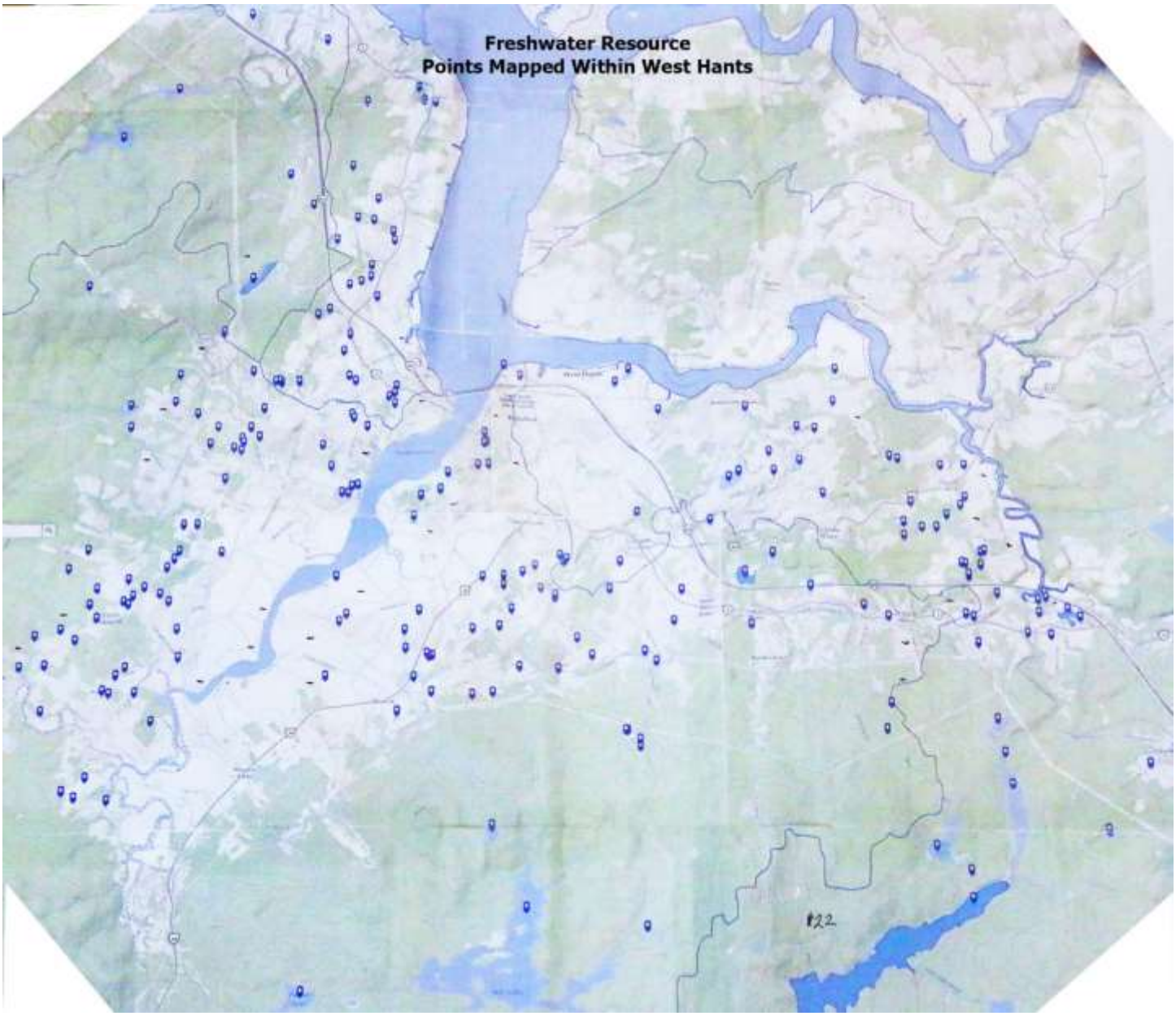
In the far left are the approximate location of two wells (now filled in) that over-flowed constantly #1 was a 40 foot deep well inside Fred Lunn 's barn that was at this location, and #2 was a large stone well on the edge of the road where horses were watered and the public could draw from. (Filled in I'm told, when the road was re-aligned).

Next…

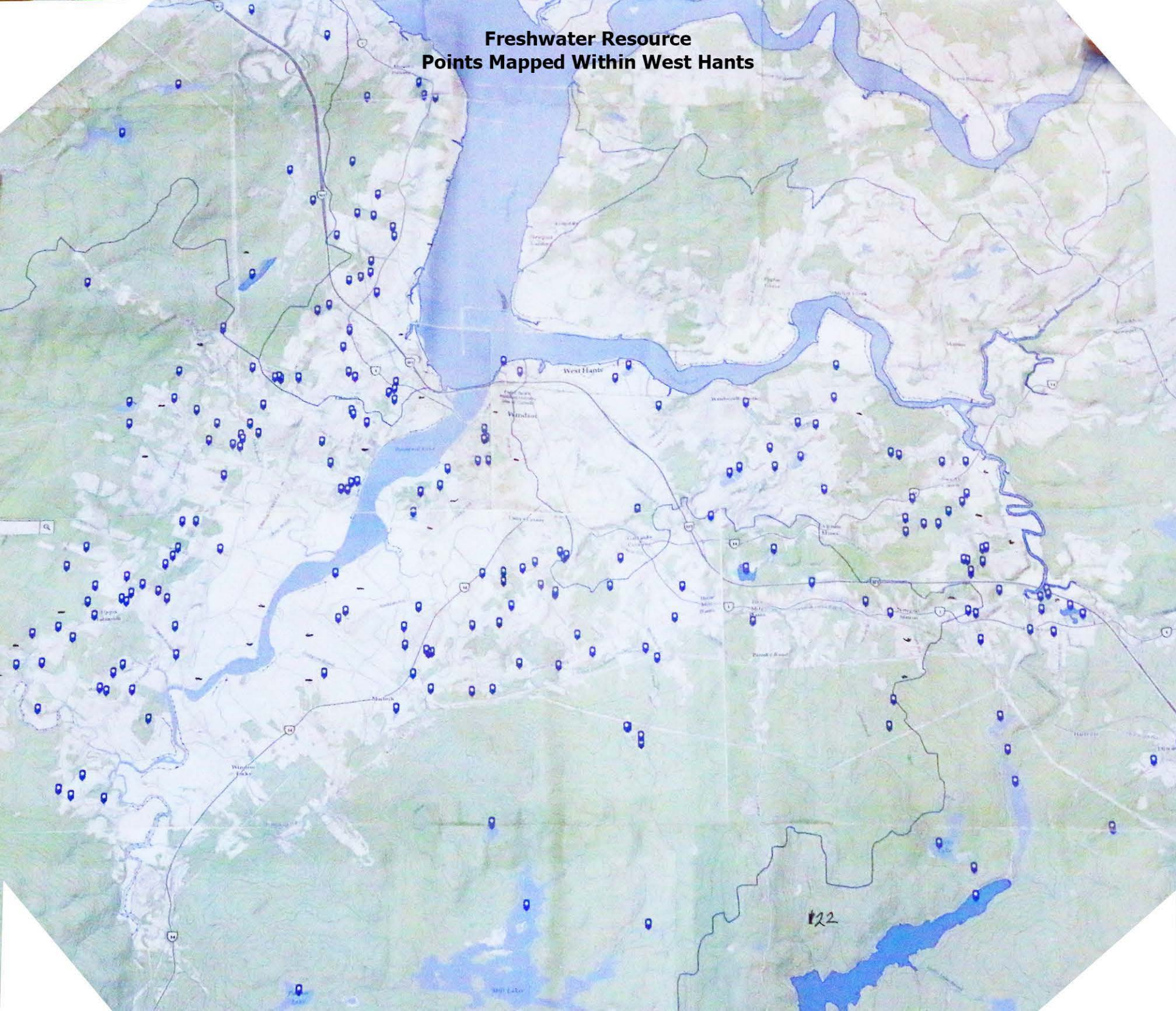


Picture #8
Shows, top right, the Falmouth Community Hall. I'm told that very close to this building there is a pipe out of the ground for use of the public for drawing water. Exact location is unknown at this time.

Center of the picture is the large 'The Elms' Retirement complex
These buildings are supplied by the Falmouth water supply, but could possibly be hooked up to the aquifer below. It may also be prudent to have hydrants from an independent source in case something were to happen to the Municipal water supply.(Low due to a dry summer).



Approximately 225 points mapped in the area displayed


Freshwater Resource
Points Mapped Within West Hants
West Hants
Windsor
122

Committee of the Whole Excerpts
October 10, 2023

PURCHASE OF TWO (2) AWD ELECTRIC SUVS (WHRMPD23-03) EXCERPT

During the 2023-24 Budget Deliberations two (2) AWD Electric SUV vehicles were identified and pre-approved for purchase in 2024-25 and 2025-26. Two (2) vehicles were tendered (WHRMPD23-03), however, staff are requesting Council's approval on the purchase of one vehicle in the 2024-25 budget year as the lead time for the specific vehicle tendered is shorter than originally anticipated. The Manager of Building and Fire Inspection Services typically uses his personal vehicle to travel to and from inspections due to the lack of available Municipal vehicles, which equates to an average of 480 km per month.

The recommended motion was that Committee of the Whole recommends …

COUNCIL APPROVES THE AWARD OF TENDER FOR THE PURCHASE OF ONE AWD ELECTRIC SUV (WHRMPD23-03) FROM BRUCE LEASING FOR THE TENDERED PRICE OF $50,067.48 PLUS APPLICABLE TAXES.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipal Council

Submitted by: _____

Sara Poirier, Director of Planning and Development

Date: 2023-10-10

Subject: Purchase of one (1) AWD Electric SUV (WHRMPD23-03)

LEGISLATIVE AUTHORITY

Section 65 of the Municipal Government Act.

RECOMMENDATION

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

> …Council approves the award of tender for the purchase of one AWD Electric SUV (WHRMPD23-03) from Bruce Leasing for the tendered price of $50,067.48 plus applicable taxes.

BACKGROUND

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

Two (2) AWD Electric SUV vehicles were identified and pre-approved during the 2023-24 budget deliberations for purchase in 2024-25 and 2025-26. Two (2) vehicles were tendered (WHRMPD23-03), however, staff are requesting Council's approval on the purchase of one vehicle in the 2024-25 budget year as the lead time for the specific vehicle tendered is shorter than originally anticipated.

DISCUSSION

During 2023-24 budget deliberations it was discussed that one of the electric vehicles was identified in the 2022-23 Operating Budget as a lease, however the Department determined they are unable to lease an electric vehicle and that the delivery time to purchase an electric vehicle is approximately 1.5 to 2 years. The second vehicle is needed during the 2025-26 budget year and was requested for pre-approval based on the lead time required to purchase electric vehicles.

The request during the 2023-24 budget deliberations was for pre-approval for up to $85,000 including net tax per vehicle during the 2023-24 year, knowing that the expenses will not be recorded until 2024-25 and 2025-26.

Planning and Development Department Fleet

The Planning and Development Department currently has five vehicles in its fleet which are used by the three (3) Building and Fire Officials and two (2) By-law Enforcement Officers. The Manager of Building and Fire Inspection Services typically uses his personal vehicle to travel to and from inspections due to the lack of available Municipal vehicles. The Managers' travel in his personal vehicle equates to an average of 480 km per month.

The Municipally owned Planning and Development Department vehicles are outlined below. It is anticipated that the electric vehicle tendered will provide an additional vehicle to the Department and eventually replace the 2015 Ford Escape as that vehicle comes to its end of life.

Year	**Vehicle Make and Model**	**Financing**
2015	Ford Escape	Paid in full
2015	Ford F150	Paid in full
2018	Jeep Compass	Last year of financing
2021	Jeep Compass	Year 2 of 5 years
2023	Jeep Compass	Lease

Procurement

As per the West Hants Regional Municipality's Procurement Policy and the evaluation formula set out in the tenders document the following are the results after review and evaluation of the above-mentioned tenders.

1. Tender # WHRMPD23-03 had one complete tender submission for both vehicles. After evaluation with consideration given to tendered specification needs, warranty, service

availability and price the bid received from Bruce Leasing Limited is recommended for one vehicle.

The Planning and Development Department had a number of specifications within the tender. Bruce Leasing quoted two (2) 2024 Hyundai IONIQ 5 which have an estimated range of 428 km per charge. Service of the vehicle will be conducted in New Minas. It is anticipated that the vehicle will arrive within 6-8 months of ordering.

The total amount of the vehicles tendered (WHRMPD23-03) is $50,067.48 plus HST per vehicle. This is within the pre-approved amount of up to $85,000 including net tax per vehicle determined through the 2023-24 budget deliberations, however, is over the CAO's purchasing authority outlined in the Procurement and Tendering Policy.

Tender #	**Budgeted Amount Per Vehicle**	**Tendered Price Per Vehicle**
WHRMPD23-03	$85,000.00 including net tax	$50,067.48 plus HST

NEXT STEPS

Pending approval of Council; staff would award the equipment tender and issue Purchase Orders to the successful proponent.

FINANCIAL IMPLICATIONS

Tendering Timeline:

Posted to Procurement	July 25, 2023
Closing Date	August 24, 2023
Price Expiry Date	October 23, 2023
Days Remaining	14 Days

Building Inspection Vehicles – Ordering Approval Request

Tender Pricing	$50,067.48
Non-Recoverable Tax *(4.29%)*	$2,147.90
Tender Total	**$52,215.38**
2024-25 Budget Value	$85,000.00
Variance (over budget)	$32,784.62

As this item has come in under the expected value for 2024-25, we will see a smaller draw from our reserves to cover the cost of this. However, there are currently no financial implications, as this will

not be paid for or taken ownership of until 2024-25, and the Capital Budget for that year will be updated to reflect the actual price approved by Council through this tendering process.

ALTERNATIVES

1. Council may choose not to proceed with the purchase.

ATTACHMENTS

- None

CHIEF ADMINISTRATIVE OFFICER REVIEW

The recommendation is within budget projections, and is a resource requirement for performing municipal functions. Starting this acquisition of purchasing electric vehicles is also alignment with the objectives / terms of reference from the MCCAP committee to transition to an electric fleet where appropriate and feasible. I support the recommendation.

Report Prepared by: _____
Tim Leslie, Manager of Building and Fire Inspection Services

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

Report Reviewed by: _____
Diana Gibson, Manager, Accounting & Financial Reporting

Report Approved by: 
Todd Richard, Acting Chief Administrative Officer

Committee of the Whole Excerpts
October 10, 2023

SEWER ODOURS EXCERPT

During the Windsor storm water meeting, residents raised concerns over sewer odours that are frequently being experienced and arise from the combined system. There was value in addressing this issue until the combined system can be separated.

The recommended motion was that Committee of the Whole recommends …

COUNCIL DIRECT STAFF TO EXPLORE OPTIONS ON MASKING OR ELIMINATING THE SEWER ODOURS ARISING FROM THE COMBINED STORM/SEWER SYSTEM AND REPORT BACK TO COUNCIL WITH RECOMMENDATIONS.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: **Committee of the Whole**

Submitted by: **Mayor Abraham Zebian**

Date: **October 10, 2023**

Subject: **Sewer Odours in Windsor Flood Zone**

LEGISLATIVE AUTHORITY

Municipal Government Act

RECOMMENDATION or DECISION REQUEST

…Council direct staff to explore options on masking or eliminating the sewer odours arising from the combined storm/sewer system and report back to council with recommendations.

BACKGROUND

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

Since consolidation, Regional Council has learned a great amount about the former Town of Windsor' water, waste water, sewer, and drainage systems. Council has taken steps to help address various issues by purchasing a pump to help during extreme rain events and commissioning storm water management study.

On September 18, 2023, West Hants held its first storm water meeting in the community of Hantsport. That meeting was followed up by a second meeting on September 25 in Windsor.

DISCUSSION

During the Windsor storm water meeting, one item raised was the sewer odours that residents are experiencing frequently arising from the combined system. The frustration with this, among other things, was very clear and evident. I believe council should address this issue in the present time until the combined system can be separated.

NEXT STEPS

Staff prepare a report on solutions.

FINANCIAL IMPLICATIONS

No financial implications with the preparation of this report with the exception of staff time.

There would be budgetary implications if council implements solutions.

ALTERNATIVES

Council may not choose to direct staff on this issue recommendation.

Council may choose a different course of action.

ATTACHMENTS

None.

CHIEF ADMINISTRATIVE OFFICER REVIEW

Pending Comments

Report Prepared by: Abraham Zebian, Mayor

Report Reviewed by: _____

(Name and Title)

Report Approved by: _____

(Name and Title)

Committee of the Whole Excerpts
October 10, 2023

ROAD CONSTRUCTION - COMMUNICATION POLICY SUPPORTING BUSINESS EXCERPT

With significant road and infrastructure renewal projects occurring throughout the region, there was value in exploring an enhanced communication policy to advise potential business customers that although road/infrastructure work may be occurring; businesses in that area remain open. Some business owners have expressed concerns that they may lose clients if it is not clear that 'businesses are remaining open' during construction.

The recommended motion was that Committee of the Whole recommends …

COUNCIL DIRECT THE CAO TO ENGAGE STAFF FOR THE ENHANCEMENT OF THE COMMUNICATION POLICY FOR ROAD CLOSURES DUE TO CONSTRUCTION PROJECTS TO MITIGATE IMPACTS ON BUSINESSES OPERATIONS THAT COULD BE NEGATIVELY IMPACTED WITH THE PLACEMENT OF SIGNS SOLELY AS, 'ROADS CLOSED – LOCAL TRAFFIC ONLY'.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ✓	Decision Request ☐	Councillor Activity ☐

To: Committee of the Whole – West Hants Regional Municipality

Submitted by: **Jim Ivey, Councillor, Windsor South, District 11**

Date: October 10, 2023

Subject: Road Construction - Communication Policy Supporting Business Recommendation

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LEGISLATIVE AUTHORITY

MGA 30 Sections (1) (2) (3)
MGA 7 Sections 1 through 8

RECOMMENDATION or DECISION REQUEST

Council direct the CAO to engage staff for the enhancement of the communication policy for road closures due to construction projects to mitigate impacts on businesses operations that could be negatively impacted with the placement of signs solely as, 'Roads Closed – Local Traffic Only'.

BACKGROUND

Property ✓	Public Opinion ✓	Environment ☐	Social ☐	Economic ✓	Councillor Activity ☐



West Hants continues with the implementation of significant road and infarastructure renewal projects throughout the region. On occasion the work can involve longer than normal road closures and detours for street work and sidewalk upgrades. Signage typically employed in West Hants involves standard messaging: "Road Closed – Local Traffic Only".

Depending on the type of properties on the street, the messaging can have differing interpretations for residential or commercial premises. While its clear that residential properties can still access

their homes, it might not be so clear for clients of commercial businesses.

DISCUSSION

The intent of the enhancement of the communication policy is to remove any ambiguity that might exist for potential business customers. Owners of some businesses have expressed concerns that they may lose clients if it is not clear that 'businesses are remaining open' during construction. Depending on the type of clientele targeted by a business, the loss or gain of even a single client can be significant and impactful.

Other municipal governments throughout Nova Scotia and North America enhance their messages to the motoring and pedestrian public with an additional sign beside the road closure notice. These messages include:

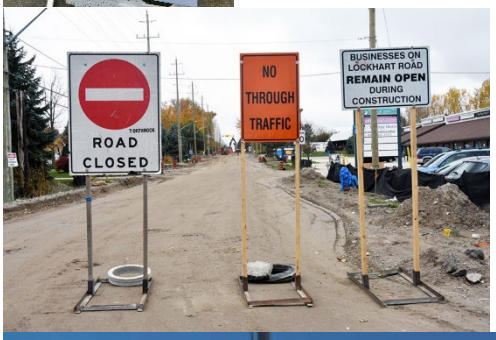
- Businesses remain open during construction
- Businesses are still open and appreciate your patronage
- Businesses are still open including: (then they list the businesses on the street).

During the resurfacing of Gerrish Street in 2018 and 2019 the former Town of Windsor placed a sandwich board sign at Gerrish and Gray which identified that businesses were still open. Some examples of other areas are provided in the table below.













NEXT STEPS

Approve the motion as drafted for staff to enhance the road signage utilized during construction projects and detours that could have a negative impact on commercail businesses on the affected streets.

FINANCIAL IMPLICATIONS

Staff time in enhancing the plan / policy as well as cost of sign production to create to a standard that would meet the requirements of the traffic authority.

ALTERNATIVES

N/A

ATTACHMENTS:

Images in Report can be found at: Google Search:
Road Closed Businesses Remain Open

CHIEF ADMINISTRATIVE OFFICER REVIEW

Pending Comments

Report Prepared by: **Jim Ivey, Councilor Windsor South District 11**

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: October 24, 2023

Subject: Development Agreement: 411 King Street, Windsor (PID 45059755); File # 23-19A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

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 entering into a development agreement to permit a stacked townhouse development, consisting of 18 dwelling units on PID 45059755 at 411 King Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-19 to the Planning and Heritage Advisory Committee dated October 12, 2023.

…that Council requires that the development agreement with Edward Edelstein which permits a stacked townhouse development, consisting of 18 dwelling units on PID 45059755 at 411 King Street in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

An application was received from Edward Edelstein of Ecogreen Homes on July 7, 2023. The application is to allow a stacked townhouse development, consisting of 18 dwelling units by development agreement.

DISCUSSION

A Public Information Meeting was held on September 7, 2023.

On October 14, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the number of units, front yard setback, existing building footprint, and stormwater runoff.

During the September 14 meeting, PAC/HAC recommended in favour of the application.

NEXT STEPS

The process for this application is as follows:

Process

Staff Review

▼

Public Information Meeting – September 7

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – October 12

▼

Council First Reading – October 24

▼

Public Hearing & Second Reading – November 28*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

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

ATTACHMENTS

Appendix A	2023-10-12 Staff Report – Development Agreement: 411 King Street, Windsor (PID 45059755); File # 23-19

CHIEF ADMINISTRATIVE OFFICER REVIEW

For Council to approve First Reading and hold a public hearing it will allow for the public information process to formally receive comments from the public. The application reflects a redevelopment of an abandoned church into multi-unit residential development.

I support the recommendation.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by: 
Mark Phillips, Chief Administrative Officer

Appendix A – 2023-10-12 Staff Report – Development Agreement:
411 King Street, Windsor (PID 45059755); File # 23-19

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: October 12, 2023

Subject: Development Agreement: 411 King Street, Windsor (PID 45059755); File # 23-19

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a stacked townhouse development, consisting of 18 dwelling units on PID 45059755 at 411 King Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-19 to the Planning and Heritage Advisory Committee dated October 12, 2023.

…that PAC/HAC recommends that Council require that the development agreement with Edward Edelstein which permits a stacked townhouse development, consisting of 18 dwelling units on PID 45059755 at 411 King Street in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

An application was received from Edward Edelstein of Ecogreen Homes on July 7, 2023. The application is to allow a stacked townhouse development, consisting of 18 dwelling units by development agreement.

DISCUSSION

The subject lot is 2.79 acres (1.13 hectares) in size. It is designated Community Use on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) (Figure 1). The subject lot is zoned General Commercial (GC) (Figure 2), and the majority of the subject lot is included in both the Dykeland Variance overlay and Environmental Constraints overlay on Schedule A of the Windsor Land Use By-law (WLUB) (Figure 3).

The subject lot is located on King Street and is currently occupied by a church. The building was constructed in 1898 and the property was used as Windsor United Baptist Church until November 2019 when the congregation moved to a different location.

The proposal includes two Phases for a completed build out. This application and report only apply to Phase 1 of the proposal, which is the 18-unit stacked townhouse development fronting on King Street. Phase 2, which includes 2 six-storey apartment buildings, may be developed in the future, however that will require an amendment to the proposed development agreement and a separate application and public process.

The majority of the subject lot is within the Environmental Constraints overlay of the Zoning Map of the WLUB (Figure 3). In accordance with the WLUB, the developer will be required to provide an environmental study for any development within this area. The front portion of the subject lot along King Street, where Phase 1 is proposed, is outside of this area. Therefore, will not be requiring the developer to submit an environmental study at this time.

Surrounding Context

Properties to the north of the subject lot are primarily designated Residential and zoned Single Unit Residential (R-1). Properties to the south and east are designated Commercial and zoned a mix of General Commercial (GC) and Highway Commercial (HC). Lastly, properties to the west are designated Community Use and zoned Open Space (OS). Across King Street to the west is the Windsor Community Centre.

Municipal Planning Strategy Document Review

Policy 16.1.4 of the WMPS is the first enabling policy to be considered for this application. This policy states that “It shall be the intention of Council to consider entering into a development agreement for a property immediately adjacent to a given land use designation on the

Generalized Future Land Use Map (Map 1) without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied." As the subject lot abuts a number of properties within the Residential designation, it is appropriate to use this policy to consider entering into a development agreement enabled through the Residential designation policies.

Policy 5.4.6 of the WMPS is the second enabling policy to be considered for this application. This policy provides Council with the ability to consider new multiple unit residential development consisting of more than three units by development agreement. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the size and design of the proposed development is compatible with the surrounding existing uses;
- the draft development agreement outlines buffering and landscaping requirements;
- the amount of recreational space provided in the proposal exceeds the amount of recreational space required by the Windsor Land Use By-law;
- King Street is considered an arterial road on the Transportation Map of the Windsor Municipal Planning Strategy; and
- the Development Officer, Public Works Engineering Division, Fire Chief, Manager of Building and Fire Inspection Services, and the Municipal Traffic Authority have no concerns which have not otherwise been addressed in this report.

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

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

MUNICIPAL CLIMATE CHANGE ACTION PLAN

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

The Municipal Services Specifications Manual will require the developer to provide a stormwater management plan to the Public Works Engineering Division to ensure pre- and post-development flows are neutral or better than before the development. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the draft development agreement has been considered within the context of both the specific and general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to consider permitting a stacked townhouse development, consisting of 18 dwelling units on PID 45059755 at 411 King Street in Windsor by development agreement.

Process

Staff Review

▼

Public Information Meeting – September 7

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – October 12

▼

Regional Council First Reading – October 24*

▼

Public Hearing & Second Reading – November 28*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Zoning Map Extract
Figure 3	Environmental Constraints Overlay Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

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

Figure 1 – GFLUM Extract

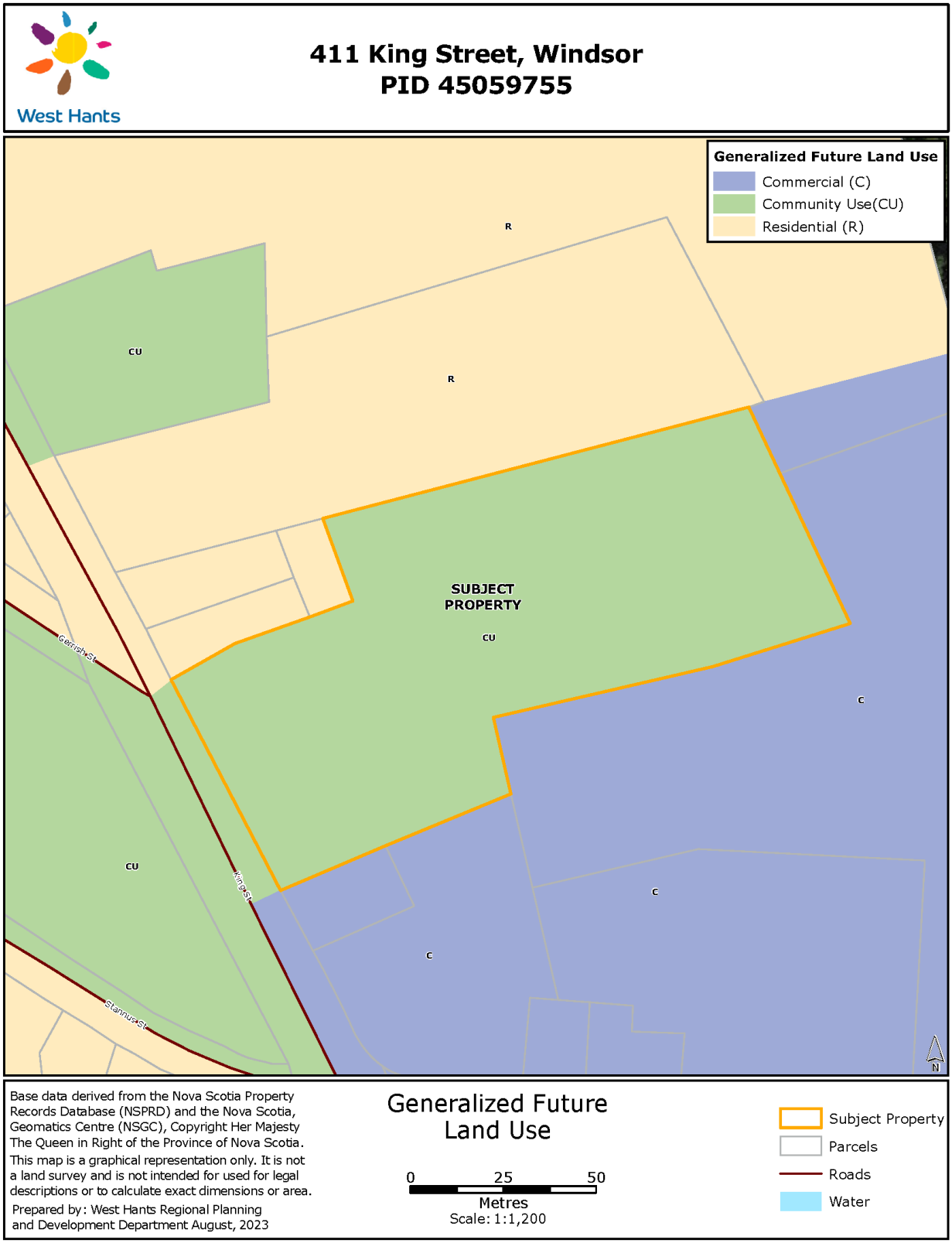


Figure 2 – Zoning Map Extract

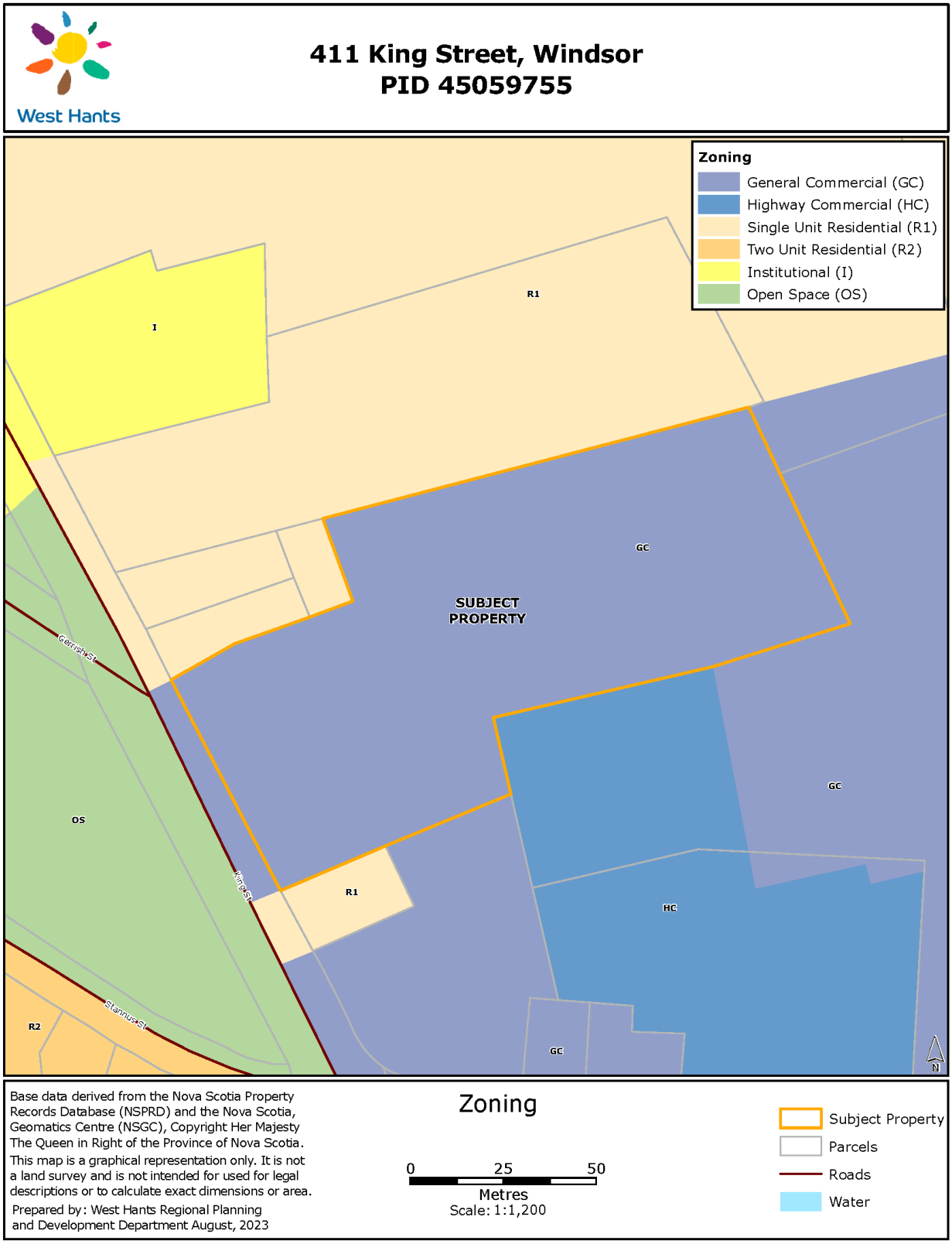
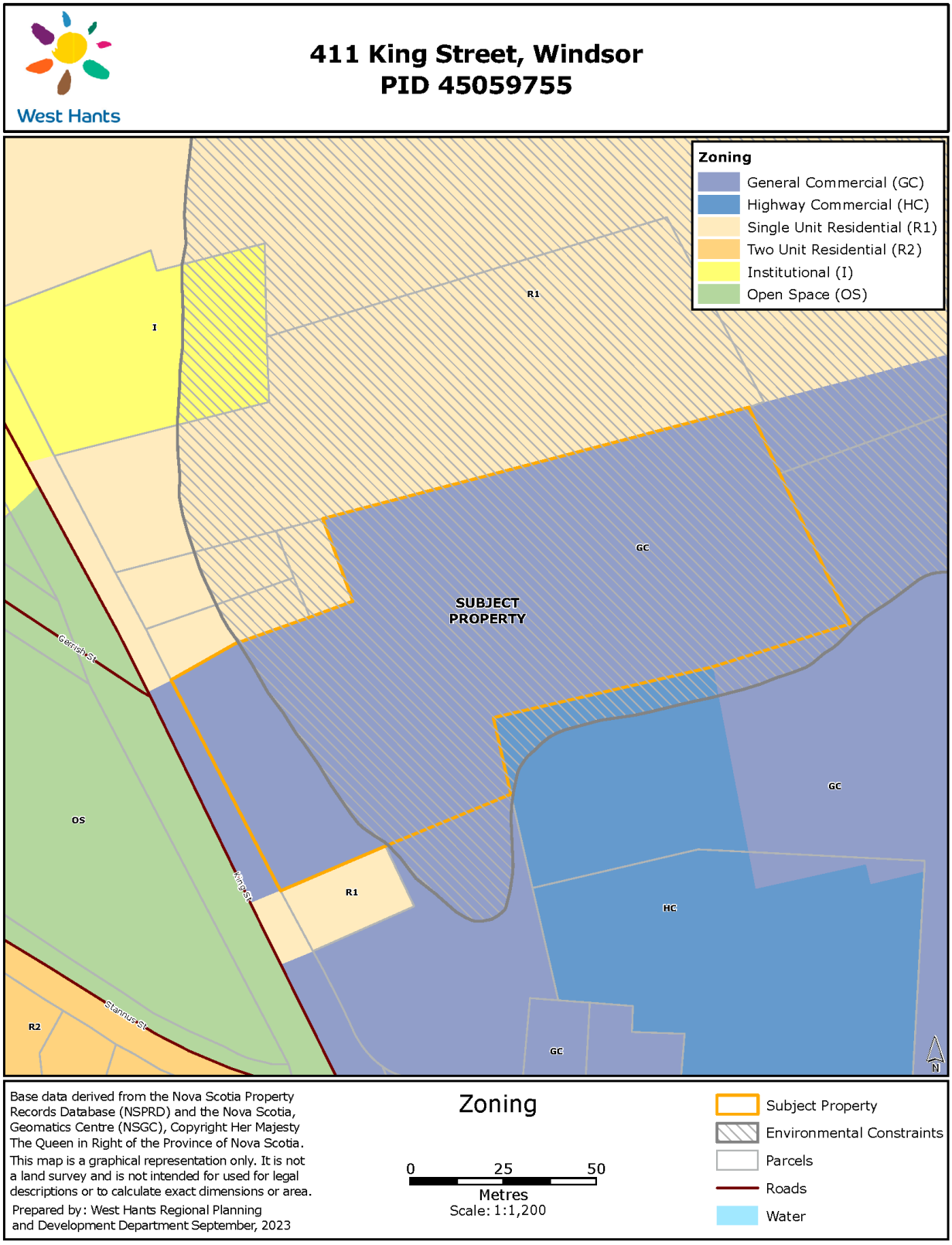


Figure 3 – Environmental Constraints Overlay Extract



Attachment A – Policy Summary for Development Agreement

Policy 16.1.4 *It shall be the intention of Council to consider entering into a development agreement for a property immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.*	Multiple properties abutting the subject lot to the north are included in the Residential designation on the GFLUM of the WMPS. This provides the opportunity for Council to consider entering into a development agreement enabled through the Residential designation policies on the subject lot.

Policy 5.4.6 *It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings to three or more units, subject to the following:*	
(a) the proposed use meets one of the following:	
(i) in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards; or	The development will be generally consistent with the High Density Residential (R-4) zone standards. The required front yard has been reduced to reflect that the proposal will be constructed with the same distance from the front lot line as the existing building on the subject lot. The Development Officer commented that the shape and dimensions of the subject lot were appropriate for the proposed building.
(ii) in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;	N/A

(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;	The proposal is of a similar size and appearance to the surrounding existing uses. Staff consider this proposal to be compatible with existing uses.
(c) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;	The Municipal Traffic Authority commented that they have no concerns regarding traffic generation or density for the proposed development.
(d) consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;	The draft development agreement outlines the buffering and landscaping requirements for all parking areas of the development.
(e) adequate on-site parking is provided and parking areas are well designed;	The Development Officer commented that they have no concerns regarding the parking proposed to be provided.
(f) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;	The amount of recreational space provided in the proposal exceeds the amount of recreational space required by the WLUB. The Development Officer commented that they have no concern regarding the adequacy of on-site recreational space.
(g) the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units;	King Street is considered an arterial road on the Transportation Map of the WMPS. This criterion is considered met.
(h) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;	Not applicable as the subject lot is not within an Architectural Control District.
(i) in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;	Not applicable as the existing building will be demolished to permit the proposal.
(j) any other matter which may be addressed in a development agreement; and	All relevant matters have been addressed in this report.
(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.	See below.

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 Public Works Engineering Division provided a statement describing the Windsor Water Utility as approaching its limit based on development requests that have been allocated for but not yet built out. However, they did respond that there is currently water capacity for the proposed 18 dwelling units. They also stated there to be no issue with sewer capacity for this development.
(ii) the adequacy of school facilities;	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated that they will accommodate all students.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services has no issues with fire protection. The local Fire Chief has stated that it is preferable to have 360 degree access to the building, but rolling curbs and a restriction on overhead obstructions on all access routes would provide a suitable alternative. This is a requirement of the draft development agreement.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Traffic Authority has no concerns regarding the road networks adjacent or leading to the development.

(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 has no concerns regarding movement suitability on the subject lot. Sidewalks are provided on King Street and pedestrian access is required to all building entrances in the draft development agreement. There is no active rail line in the vicinity.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that the subject lot is suitable in terms of dimension and shape for this proposal.
(d) the pattern of development which the proposal might create;	The proposal is an extension of the Residential designation immediately abutting the subject lot as a residential development. The Development Officer has no concerns regarding the pattern of development.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;	The subject lot is relatively flat. A portion of the subject lot is within the Tregothic Marsh and identified on the Environmental Constraints overlay mapping. However, the portion of the subject lot being used for the townhouses is not included in this area.
(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.

Attachment B – Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

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

(Hereinafter referred to as the "Municipality")

OF THE FIRST PART

- and -

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

(Hereinafter referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered owner of the parcel of land located at 411 King Street, Windsor (PID 45059755) hereinafter referred to as the "Property", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Community Use on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned General Commercial (GC) with a portion of the lot

also within the Dykeland Variance and Environmental Constraints Overlays on the Zoning Map of the Land Use By-law*;* and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit up to 18 townhouse units on the Property (the "Development"); and

WHEREAS Policy 16.1.4 of the Municipal Planning Strategy enables Council to consider entering into a development agreement for a use permitted in the abutting designation and Policy 5.4.6 of the Municipal Planning Strategy and Section 6.1 (b) of the Land Use By-law enables Council to consider a development agreement for multiple unit residential development consisting of three or more units in a Residential designation; and

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

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

PART 1 AGREEMENT CONTEXT

1.1 Definitions

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

(a) "Stacked Townhouse" means a building that is divided vertically into two or more dwelling units and horizontally into at least two or more dwelling units, which each dwelling unit having independent entrances to a front or rear yard, immediately abutting the front and rear walls of each dwelling unit;

1.2 Schedules

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B - Site Layout

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

(a) Municipal Planning Strategy means the Windsor Municipal Planning Strategy, effective on September 21, 2005, as amended, or successor by-laws;

(b) Land Use By-law means the Windsor Land Use By-law, effective on September 21, 2005, as amended, or successor by-laws;

(c) Subdivision By-law means the Windsor Subdivision By-law, effective on March 21, 2012, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

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

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

(b) a stacked townhouse development, consisting of 18 total dwelling units.

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

2.2 Development Location and Design

(a) The Development location and design shall be consistent with the Site Plan shown in Schedule B.

(b) The Development Officer may approve in writing minor changes to the location of the building or other aspects of the Site Plan.

(c) The stacked townhouse development shall be limited to 18 dwelling units. The Development shall conform to the following site requirements:

Minimum front yard	20 ft. (6.10 m.)
Minimum rear yard	35 ft. (10.67 m.)
Minimum side yard	15 ft. (5.49 m.)
Maximum storeys of main building	3 storeys
Maximum height of main building	40 ft. (10.97 m.)
Maximum height of accessory building	15 ft. (4.57 m.)

(d) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, Accessory Buildings and Structures.

(e) The Owner shall keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Access and Egress

(a) The Owner shall develop, construct, and maintain the driveways in the Development in general conformance with the driveways shown on Schedule B.

(b) The driveways shown on Schedule B shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention. The vehicular entrance and exit shall be clearly demarcated.

2.4 Parking

(a) All parking spaces shall be located on the lot and shall be generally located as shown on Schedule B.

(b) A minimum of one parking space per dwelling unit shall be provided for the Development.

(c) Outside parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.

(d) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m.) wide.

(e) The number, location and arrangement of parking spaces may be varied by the Development Officer.

2.5 Recreational Space

A minimum of 4,560 sq. ft. (423.64 sq. m.) of private recreational space shall be provided on the Property and may include:

(a) individual balconies; and

(b) common use landscaped areas in accordance with the Site Plan attached as Schedule B.

2.6 Buffering

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

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

(b) a hedge of a variety of coniferous shrubs each of which will reach over 6 ft. in height at maturity; or

(c) a wall or an opaque fence which is a minimum of 5 ft. in height and of sufficient height to provide a visual buffer to the abutting property; or

any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.

2.7 Signs and Lighting

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

2.8 Maintenance

(a) The Owner shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

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

2.9 Servicing

(a) Waste Collection

(i) No Municipal garbage collection will be provided to the Development. The Owner shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.

(ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

(i) The building shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications

Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

(ii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Property.

(c) Snow Plowing

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

2.10 Fire Safety

(a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.

(b) All curbs shall be designed to be mountable by emergency services vehicles.

(c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

PART 3 CHANGES and DISCHARGE

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

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

3.3 The following matters are substantive matters:

(a) the uses permitted on the Property as listed in Section 2.1, *Use*; and

(b) the fire safety requirements listed in Section 2.10, *Fire Safety*.

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

3.5 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:

(a) as provided for in Section 4.1, *Commencement of Development,* of this Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or

(c) at any time upon the written request of the Owner, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.6 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

(a) The Owner may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Owner begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.

(b) Active Construction shall commence not later than forty-eight (48) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of commencement of Development without such an extension being deemed to be an amendment to this Agreement.

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

4.2 Material to be Provided

(a) The Owner shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten (10) days of completion of any work which requires the engineered design.

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

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

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

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

5.2 Severability of Provisions

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

5.3 Interpretation

(a) Where the context requires, the singular shall include the plural and the neutral gender shall include the masculine and feminine.

(b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

(c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

(a) The Municipality does not make any representations to the Owner about the suitability of the Property for the development proposed by this agreement. The

Owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the Development.

(b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

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

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to GEOME PROPERTIES LIMITED, 2159 GOTTINGEN STREET, HALIFAX, NOVA SCOTIA B3K 3B5, or at any other address provided by the Owner in writing.

(b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner in writing.

5.10 Full Agreement

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

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

SIGNED, SEALED AND DELIVERED	**) WEST HANTS REGIONAL**
In the presence of:	) **MUNICIPALITY**
	)
	)
	)
_____	Per: _____
Witness	) Abraham Zebian, Mayor
	)
	)
_____	) Per: _____
Witness	) Deanna Snair, Municipal Clerk
	)
	)
	) **GEOME PROPERTIES LIMITED**
	)
	)
_____	Per: _____
Witness	) Edward Edelstein, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

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

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.

3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.

4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

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

_____ _____

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

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

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

1. I, Edward Edelstein of **GEOME PROPERTIES LIMITED**, the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.

3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.

4. The Corporation is a resident of Canada under the Income Tax Act (Canada).

5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

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

_____ _____

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

Edward Edelstein, President

Schedule A
Legal Description – PID 45059755

ALL THAT lot of land situate at Windsor, in the County of Hants, and Province of Nova Scotia known as lot 12-A shown and delineated on a plan of survey entitled Plan of Survey showing lots 1 and 2, Lands of the Trustees of The Windsor United Baptist Church, Parcel A, being a subdivision of lands of M. E. Edwards Take-Out Foods Limited and Parcel B, being a subdivision of lands of the Trustees of the Windsor United Baptist Church, King Street and OBrien Street, Windsor, County of Hants, Province of Nova Scotia prepared by James C.Banks, N.S.L.S. dated the 7th day of September, 1989, approved by the Town of Windsor under Plan No. 90-1 on February 26th, 1990, and filed at the Office of the Registry of Deeds for the Registration District of Hants on February 26, 1990, as Plan No. 6248.

SUBJECT TO an easement right of way shown in a deed dated April 30, 1951 and recorded at the Registry of Deeds for Hants County on May 1st, 1951 as document no. 53 in book 193 at page 189.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

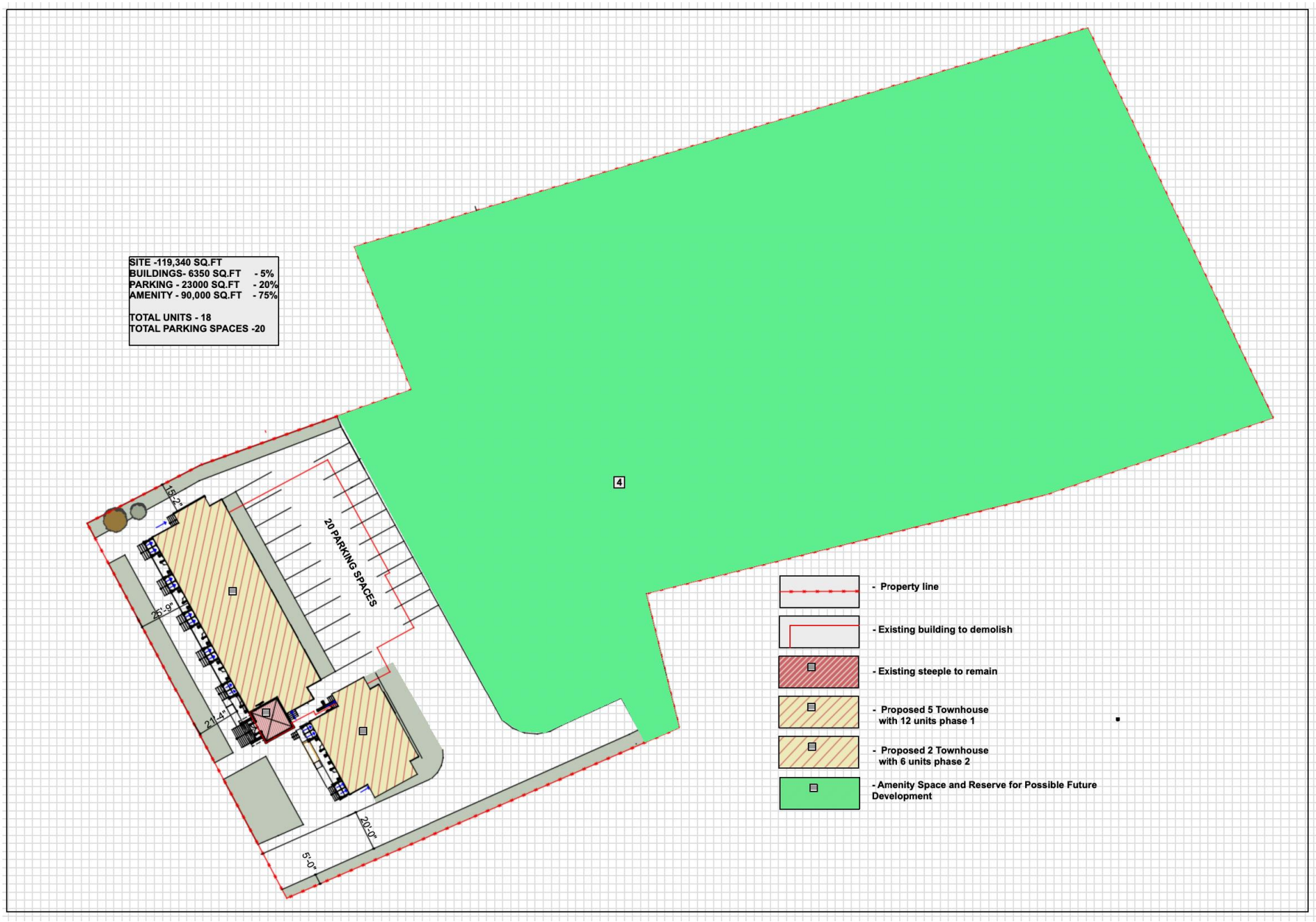
The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: HANTS COUNTY

Registration Year: 1990

Plan or Document Number: 6248

Schedule B
Site Plan


SITE -119,340 SQ.FT
BUILDINGS- 6350 SQ.FT - 5%
PARKING - 23000 SQ.FT - 20%
AMENITY - 90,000 SQ.FT - 75%
TOTAL UNITS - 18
TOTAL PARKING SPACES -20
4
20 PARKING SPACES
15'-2"
25'-9"
21'-4"
20'-0"
5'-0"
- Property line
- Existing building to demolish
- Existing steeple to remain
- Proposed 5 Townhouse with 12 units phase 1
- Proposed 2 Townhouse with 6 units phase 2
- Amenity Space and Reserve for Possible Future Development

Attachment C – Public Information Meeting Notes

September 7 – 21, 2023

Development Agreement: 411 King Street, Windsor (PID 45059755); File # 23-19

Meeting date and time	A Public Information Meeting was held on September 7, 2023 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: Two (1) Councillors: • Councillor Francis (Chair) • Councillor Ivey Four (4) members of staff: • Planner Fredricks • Planner Dunphy • Planning Assistant Lake • Director Poirier Eleven (11) members of the public were present for this meeting.
Applicant Edward Edelstein on behalf of Ecogreen Homes **Property** 411 King Street, Windsor (PID 45059755)	Planner Dunphy outlined the application to allow a proposed 18-unit stacked townhouse by development agreement. Edward Edelstein provided a presentation on the current and future proposal for the subject lot. Edward also answered questions from the public.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between September 7 and September 21, 2023. No comments were submitted from the public during the comment period. 6 members of the public and the applicant spoke during the Public Information Meeting. Staff and applicant responses are in purple. • Ian Daniels asked about the opportunity to formalize the path to Sobeys and if there was an opportunity to reduce the parking required in Phase 2. Edward responded that there may be liability issues for a public pathway, that the parking included in the proposal meets the 1:1 parking space to dwelling unit ratio, and that the possibility of a permeable parking lot was being investigated.

	• Penny Taylor raised concerns about the marshland on the subject lot and construction on the subject lot related to the church had caused additional water damage in the past. Penny requested upgrades to the sidewalk in front of the subject lot and raised concerns regarding parking on the street and the existing Right-of-Way on the property. Edward responded that there was only one driveway on the proposal and that the side of the development with the Right-of-Way only had greenspace and a walkway. Edward also discussed an interest in traditional marsh crops, net zero vegetation. Alex responded that the pre- and post- development flows of stormwater from the subject lot would be required to either be neutral or better than before the development and that the Municipal Public Works Department would look into the possibility of a sidewalk upgrade in the infrastructure plan. • Ian Daniels asked another question about the infrastructure cost to the Municipality. Alex responded that the current process is only for Phase 1 of the proposal and that the Public Works Department did not have any initial concerns regarding municipal services for Phase 1 of the proposal. • Colin Taylor provided some historic context for the area including that hay was grown on the marsh, that the property has become more saturated over time, that the church basement used to flood, and a pond was dug to remedy the increased waterflow. The resident asked what would happen to the water runoff from the lot and if there would be heat pump used for the development. Edward responded that the drainage pipes running from the church would be removed when the building is demolished and runoff would be sorted out in the stormwater management plan. Edward also responded that the development would likely use a centralized heating/cooling system. • Keith Aucoin was supportive for the development being environmentally sensitive. Keith asked about the timeline for Phase 2 and if Phase 1 would be able to financially sustain itself. Keith raised concerns with the sanitary and storm infrastructure not being separated, adding more people to the system, traffic issues, and the marsh.

	Edward responded that the timeline is flexible and that Phase 1 would be independent from Phase 2 financially. Edward also responded that the sanitary line would connect to King Street and that the surface runoff would be directed to the rear of the property. • Teresa Aucoin raised concerns with the phasing of the development and that flooding has been an issue in the area. • Adam Thornton asked how the demolition of the church would affect the Right-of-Way on the subject lot. Edward responded that the construction management plan is not yet in place, but that fencing would be used to ensure the Right-of-Way is not affected.
Adjournment	The Public Information Meeting ended at 7:10 p.m.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Mark Fredericks, Senior Planner

Date: October 24, 2023

Subject: Development Agreement: MacLeod Court, Three Mile Plains PID 45006947 and 45415668; File #22-23A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motions would be in order:

…that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to permit 27 townhouse units grouped on PID 45006947 and 45415668 in Three Mile Plains which is substantively the same as the draft set out in Attachment C of the report File #22-23 to the Planning and Heritage Advisory Committee dated October 12, 2023.

…that Council requires that the development agreement with Faisal Al-Hammadi of FH Development Group Inc. for PID 45006947 and 45415668 in Three Mile Plains be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

A complete application was received on February 7, 2023, from Darren Shupe of Brighter Community Planning & Consulting on behalf of the property owner Faisal Al-Hammadi of FH Development Group Inc. The application was initially requesting two multi-unit residential buildings on PID 45006947 and 45415668 in Three Mile Plains. A Public Information Meeting was held on March 9, 2023. Following feedback from the community, a revised application was submitted by Darren Shupe on June 19, 2023 which changed the format of the proposal from two multi-unit residential buildings, to 27 townhouse units grouped on the same lot. The lots are currently vacant and are owned by FH Development Group Inc.; Mr. Al-Hammadi is the President of that company.

DISCUSSION

A Public Information Meeting was held on September 7, 2023.

On October 12, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed as-of-right development and lot boundary arrangements, land use compatibility, the access issue of Panuke Road being the only entrance/exit and the narrow conditions of the road, and many comments regarding the paving of MacLeod Court, as required by the Provincial Department of Public Works. The PAC/HAC recommended in favour of the application at this meeting.

NEXT STEPS

The process for this application is as follows.

Process

Staff Review

▼

Public Information Meeting – September 7

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – October 12

▼

Council First Reading – October 24

▼

Public Hearing & Second Reading – November 28*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

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

APPENDICIES

Appendix A 2023-10-12 Staff Report – Development Agreement: MacLeod Court, Three Mile Plains PID 45006947 and 45415668; File #22-23

CHIEF ADMINISTRATIVE OFFICER REVIEW

It is recognized that the applicant and developer has amended the application to a development that is more in keeping with the surrounding developments and neighborhood. The development does promote density beyond what is currently found in the proposed area, which is within one of the four designated growth centers within the municipality (Three Miles Plains, Windsor, Falmouth and Hantsport), therefore I support the recommendation. It is a positive response to housing needs within the municipality.

I support the recommendation.

Report Prepared by: _____

Mark Fredericks, Senior Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Appendix A – 2023-09-14 Staff Report – Development Agreement: PID 45276441 and 45366986 and 45055167, Payzant Dr, Windsor; File #23-13

West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Mark Fredericks, Senior Planner

Date: October 12, 2023

Subject: Development Agreement: MacLeod Court, Three Mile Plains PID 45006947 and 45415668; File #22-23

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motions:

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow 27 townhouse units grouped on PID 45006947 and 45415668 in Three Mile Plains which is substantively the same as the draft set out in Attachment C of the report File #22-23 to the Planning and Heritage Advisory Committee dated October 12, 2023.

…that PAC/HAC recommends that Council require that the development agreement with Faisal Al-Hammadi of FH Development Group Inc. for PID 45006947 and 45415668 in Three Mile Plains be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

A complete application was received on February 7, 2023, from Darren Shupe of Brighter Community Planning & Consulting on behalf of the property owner Faisal Al-Hammadi of FH Development Group Inc. The application was initially requesting two multi-unit residential buildings on PID 45006947 and 45415668 in Three Mile Plains. A Public Information Meeting was held on March 9, 2023. Following feedback from the community, a revised application was submitted by Darren Shupe on June 19, 2023 which changed the format of the proposal from two multi-unit residential buildings, to 27 townhouse units grouped on the same lot.

The lots are currently vacant and are owned by FH Development Group Inc.; Mr. Al-Hammadi is the President of that company.

DISCUSSION

The application is proposed over two currently separate lots (portion of PID 45006947 and 45415668). The applicant proposes to go through the subdivision process to subdivide/consolidate the lots as shown on the site plan attached to the draft development agreement. This process would create one 6.54-acre (26,470 sq. m.) lot to accommodate the 27 townhouse units. These townhouse units would be accessed from a new public street, Redfox Court, that would connect through a public road reserve on MacLeod Court. MacLeod Court is currently a gravel cul-de-sac accessed from Panuke Road, with approximately 17 existing homes.

Currently (prior to the proposed consolidation) PID 45006947 is approximately 3.26 acres (13,193 sq. m.) in size and PID 45415668 is approximately 12.68 acres (51,314 sq. m.) in size. After subdivision/consolidation, the remainder of these properties are intended to be developed as-of-right under the existing Two-Unit Residential (R-2) zoning. The configuration of proposed property boundaries are shown on the site plan attached to the draft development agreement.

PID 45006947 and 45415668 are designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1) and are within the Three Mile Plains Growth Centre. Part 5.3 of the WHMPS contains the overall intention for properties designated Residential in the Three Mile Plains Growth Centre.

The lots are zoned Two-Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). Groups of townhouse units are not permitted as-of-right in the Two-Unit Residential (R-2) zone but grouped dwellings in a townhouse configuration can be considered through a development agreement.

The subject lots directly abut other properties zoned Two Unit Residential (R-2) and designated Residential. These properties are all within the Three Mile Plains Growth Centre and include existing residential uses, forested land, and some agricultural uses.

Development Agreement

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

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

Section 3.3 of the draft development agreement outlines substantive matters of the development agreement. Substantive matters are any items that Council has determined that would significantly alter the intended effect of the development agreement if changed. If a request is received from the developer to change a substantive matter outlined in a development agreement, the request must go through the entire development agreement process including Public Hearing before Council prior to Council making a final decision on the proposed amendment. Staff have determined the following items in this draft development agreement are substantive matters:

(a) the uses permitted on the Properties as listed in Section 2.1, *Use*;
(b) subject to Section 2.13, the minimum side yard requirements and maximum building height as listed in Section 2.3 (a);
(c) the fire safety requirements as listed in Section 2.6, *Fire Safety*; and
(d) the stormwater management plan requirements as listed in Section 2.8, *Site Drainage*.

West Hants Land Use By-law

Section 6.1 of the WHLUB, Development Agreements, states that "The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

(c) grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre in accordance with Policy 5.3.10 of the Municipal Planning Strategy;

West Hants Municipal Planning Strategy

Part 5.0 of the WHMPS contains the overall intention for Growth Centres in West Hants; Section 5.3 outlines the residential policies for the Three Mile Plains Growth Centre. Policy 5.3.10 establishes Council's intention to consider *"development of grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre by development agreement".*

WHMPS Specific Criteria

Policy 5.3.10 outlines the specific criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the criteria are met since:

- road frontage on a public street is required in the development agreement;
- buildings are grouped and located to conserve existing natural features of the site;
- the lot is capable of being serviced by municipal water and sewer;
- the development is resonably compatible with the charcter of the area with respect to building scale and traffic generation;
- adequate open space is provided and back yard spaces for each townhouse unit are required; and
- adequate on-site parking is provided.

WHMPS General Criteria

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

- the proposal is not premature or inappropriate for the area, provided the new pulic street is built to municipal specifications, which is a requirement of the development agreement;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Provincial Department of Public Works have no concerns which have not been addressed in the development agreement. The Provincial Department of Public Works has indicated that upgrades including paving of MacLeod Court will be required as part of the developer's new road construction.

MCCAP

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the subject properties. The Three Mile Plains Flood Risk Assessment Study shows that there may be flooding expected at the Lebreau Creek Brook road crossing at Panuke Road in the future. This one access point could

interrupt access to the subject properties during extreme weather events due to the reliance of the intersection of Panuke Road and Highway 1 to serve the proposed development.

Residents of the area experienced significant flooding of the Lebreau Creek during the flash flooding event in July 2023 and shared photos with staff of the intersection of Panuke Road and Highway 1, which was impassable at the peak of this extreme weather event. This poses a significant risk during future storms, though does not appear to impact the location of the proposed townhouse units, and a significant setback from the watercourse helps to reduce potential impacts to the built environment during future storms.

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

NEXT STEPS

As noted above, the proposed development agreement has been considered within the context of both the specific and general policies of the WHMPS and are consistent with the intent, objectives and policies of the WHMPS. As a result, it is reasonable to consider permitting 27 townhouse units on portions of the subject properties following construction of the proposed public road, Redfox Court.

Approval Process

Staff Review

▼

Public Information Meeting – September 7, 2023

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation - October 12, 2023

▼

Regional Council First Reading – October 24, 2023*

▼

Public Hearing & Second Reading – November 28, 2023*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Zoning Map Extract
Attachment A	Specific Criteria for Development Agreement
Attachment B	General Criteria for Development Agreement
Attachment C	Draft Development Agreement
Attachment D	Public Information Meeting Notes

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Figure 1
GFLUM Extract

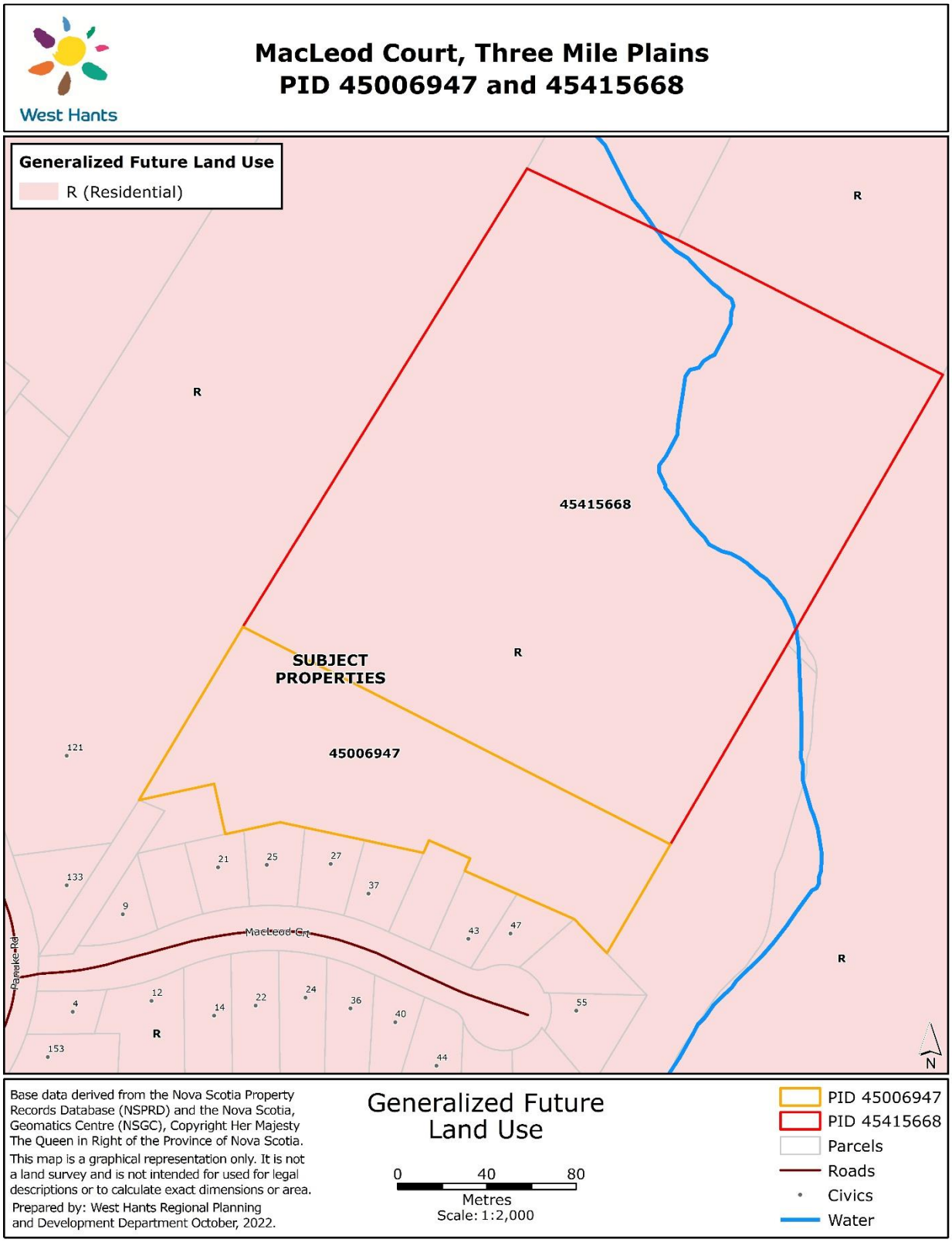
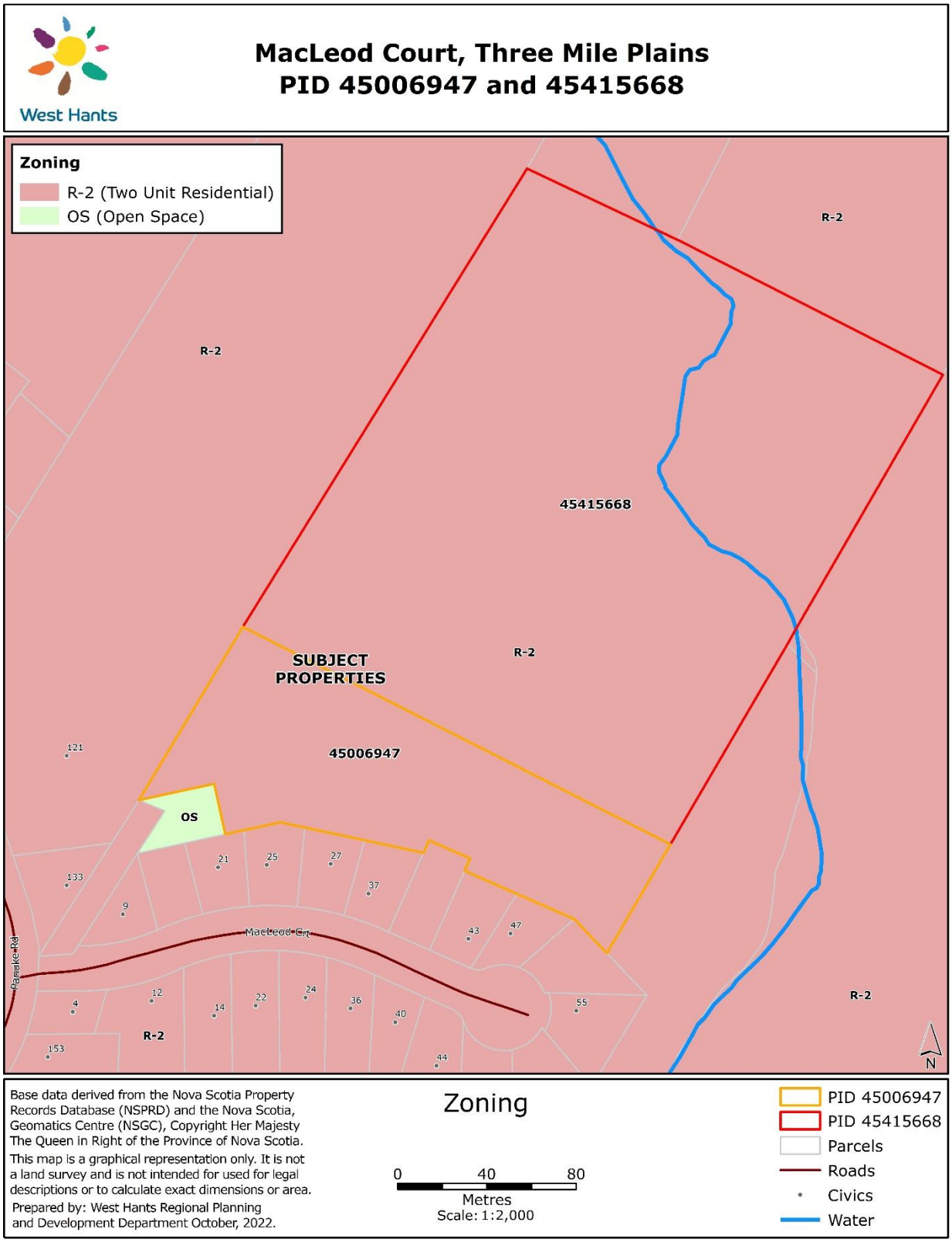


Figure 2
Zoning Map Extract



Attachment A
Specific Criteria for Development Agreement

West Hants Municipal Planning Strategy

Policy 5.3.10 It shall be the policy of Council to consider development of grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre by development agreement subject to the following:

CRITERIA	COMMENT
(a) the development has frontage on:	
(i) a public street; or	The proposed development will have public street frontage on Redfox Court, and this aspect is a requirement of the draft development agreement.
(ii) a right-of-way clearly granted by deed or easement, unrestricted	N/A
(b) where access to the development is by a right-of-way as specified in clause (a)(ii), the street along such right-of-way shall be designed by a professional engineer, who is a member in good standing of the Association of Professional Engineers of Nova Scotia and who carries appropriate professional liability insurance, who will certify that the design and construction of the street are adequate to accommodate the traffic generated by the development and access by emergency protection vehicles. Street design and construction plans shall be subject to review by the Municipal Engineer;	Not applicable as the development will have frontage on a public street, not a right-of-way.
(c) building clusters are located so as to conserve existing natural features of the site;	The buildings are located upland from the creek, which allows most of the lower land to remain undeveloped and available to continue to provide floodplain and ecosystem functions. Approximately 75% of the future lot boundary would remain undeveloped.

(d) the specific requirements for multiple unit development set out in clauses (b) to (h) of Policy 5.3.7;	See below for review of criteria (b) to (h) of policy 5.3.7.
(e) the application is accompanied by:	
(i) a site plan drawn to scale showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;	Submitted
(ii) other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and	Submitted
(iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;	Submitted
(f) any other matter which may be addressed in a development agreement; and	All other relevant matters are addressed elsewhere in this report.
(g) Policy 16.3.1.	Please see Attachment B for further details

Policy 5.3.7 It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:

CRITERIA	COMMENT
(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)	The Public Works Engineering Division stated that the lot is capable of being served with Municipal sewer and water. However, the infrastructure has not yet been installed or approved by Municipal Public Works. It is expected that the future construction of Redfox Court would provide these services, and this aspect has been made a requirement of the draft development agreement.

(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;	The proposed development of townhouses is compatible with the development pattern surrounding the subject site. However, the density and format of housing are different from the existing single- and two-unit dwellings in the area. The proposed townhouse units will be buffered by a change in elevation and retention of vegetation to help provide a screen between the new development and existing development.
(d) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;	The Provincial Public Works Department indicated the road network will require upgrades including the paving of MacLeod Court to support the increased traffic from the development. This aspect will be addressed during the road construction phase, which is a requirement of the draft development agreement. The road connection will need to be designed and approved by the provincial road authority before the townhouse units can be built. The developer provided a Traffic Impact Study to the Provincial Public Works Department. The Provincial Department indicated the potential traffic impact resulting from the development proposal is considered appropriate for the area.
(e) adequate open space or recreational space is provided;	Adequate open space is being provided and individual back yard recreational space for each townhouse unit is a requirement in the draft development agreement.
(f) adequate on-site parking is provided;	The proposed parking is adequate at 1 garage space, plus 1 driveway parking space.
(g) any other matter which may be addressed in a Land Use By-law; and	All other matters are addressed elsewhere in this report.
(h) Policy 16.3.1.	Please see Attachment B for further details

Attachment B
General Criteria for Development Agreement

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

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Public Works Engineering Division stated that the lot is capable of being served with Municipal sewer and water. However, the infrastructure has not yet been installed or approved by Municipal Public Works. It is expected that the future construction of Redfox Court would provide these services, and this aspect has been made a requirement of the draft development agreement.
(ii) the adequacy of school facilities;	Staff requested comments on the potential impact of the proposed development on the public school system but did not receive a response from the Annapolis Valley Regional Centre of Education. It is expected that the schools would accommodate any increase in enrollment.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services had no concerns with the proposed townhouse buildings and the local Fire Chief indicated no concerns and confirmed that the Three Mile Plains Fire Department can provide adequate fire service to the site and the proposed buildings.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Nova Scotia Department of Public Works has stated the surrounding roads will require upgrades including the paving of MacLeod Court. This aspect is a requirement of the draft development agreement. The road connection will need to be designed and

	approved by the provincial road authority before the townhouse units can be built.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;	The Public Works Engineering Division stated that the lot is capable of being served with Municipal sewer and water. However, the infrastructure has not yet been installed or approved by Municipal Public Works. It is expected that the future construction of Redfox Court would provide these services, and this aspect has been made a requirement of the draft development agreement.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Nova Scotia Department of Public Works has stated the potential traffic impact was appropriate for the area, following their review of the submitted Traffic Impact Study. They stated the surrounding roads will require upgrades including the paving of MacLeod Court. This aspect is a requirement of the draft development agreement. The road connection will need to be designed and approved by the provincial road authority before the townhouse units can be built. There are no active rail lines in the area. The former rail line represents an opportunity for future active transportation connections to better serve the community of Three Mile Plains with surrounding communities. Highway 1, Panuke Road and MacLeod Court do not have sidewalks, and pedestrian traffic was a concern raised by many of the existing residents.

(d) the adequacy of the dimensions and shape of the lot for the intended use;	The proposed property boundary is approximately 6.5 acres and the shape of the lot determined the proposed layout of townhouse units. The Development Officer commented that the subject lot is suitable in terms of dimension and shape for this proposal.
(e) the pattern of development which the proposal might create;	The proposal is compatible with the pattern of development surrounding the area. The Development Officer has no concerns regarding the pattern of development.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	The portion of the properties where the buildings are proposed appears suitable and located above the watercourse on the property. The MCCAP Inland Flooding and Coastal Flooding maps do not consider the subject properties to be at significant risk. The only road access to Highway 1, via Panuke Road has flooded in the past, where it crosses Lebreau Creek Brook. The MCCAP recognizes that the Lebreau Creek Brook frequently overtops its banks and has caused flooding of homes adjacent to the brook along Highway 1. This flood risk is not within the area of development but does represent an existing potential access issue during extreme weather events, with the only way in and out of the proposed development and the existing development on Panuke Road and MacLeod Court. The property owner is responsible for ensuring that the lot is suitable for the proposed uses.
(g) whether the proposal meets the requirements of the appropriate	All Municipal, Provincial and Federal regulations will have to be met.

provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	
(h) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment C

Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2023.

BETWEEN:

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

(Hereinafter referred to as the "Municipality")

OF THE FIRST PART

- and -

FH DEVELOPMENT GROUP INC. a body corporate, with a head office at 153 Sackville Drive, Suite 1, Lower Sackville, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered owner of a parcels of land located in Three Mile Plains (PID 45006947 and 45415668) hereinafter referred to as the "Properties", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Properties are designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (the "Municipal Planning Strategy") and zoned Two-Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (the "Land Use By-law") and are within the Three Mile Plains Growth Centre; and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit 27 townhouse units on the Properties (the "Development"); and

WHEREAS Policy 5.3.10 of the Municipal Planning Strategy and Section 6.1 (c) of the Land Use By-law enable Council to consider entering into a development agreement to allow grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre; and

WHEREAS the Council of the Municipality, at a meeting held on Month Date, 2023 approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto and the other conditions herein;

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

PART 1 AGREEMENT CONTEXT

1.1 Definitions

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

(a) "Qualified site professionals" includes professional engineers, architects and/or hazardous materials professionals.

(b) "Townhouse unit" means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

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

(a) *Municipal Planning Strategy* means the Municipal Planning Strategy of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;

(b) *Land Use By-law* means the Land Use By-law of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;

(c) *Subdivision By-law* means the Subdivision By-law of the Municipality of the District of West Hants, approved on June 26, 2008, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

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

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

(ii) twenty-seven (27) Townhouse units.

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

2.2 Development Location and Design

(a) The Development location and design shall be generally consistent with the Site Plan shown in Schedule B.

(b) The Development shall have road access to a public street that meets the minimum standard of the Municipal Services Specifications Manual and is approved by the Municipal Engineer

(c) The Development Officer may approve in writing minor changes to the location of the Buildings or other aspects of the Site Plan provided the side yards are not decreased. Changes to the Site Plan may also be approved in writing in accordance with reports generated in Section 2.3 (e) and 2.8, *Site Drainage,* of this Agreement provided the side yards are not decreased.

2.3 Site Requirements

(a) The buildings shall conform to the following requirements:

Minimum Road Frontage for the grouped dwellings development	50 ft. (15.24 m.)
Maximum number of townhouse units per block, before a minimum side yard is required between buildings	10 townhouse units
Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	25 ft. (7.62 m.)
Minimum Side Yard	15 ft. (4.57 m.)
Maximum Storey of Main Building	3 storeys
Maximum Building Height	35 ft. (15.24 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)
Minimum watercourse setback	50 ft. (15.24 m.)

(b) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.

(c) A minimum of 500 sq. ft. (46.45 sq. m.) of usable recreation space in the rear yard of each townhouse unit, as outlined in Section 2.7, *Recreational Space*, shall be required.

(d) The Owner shall keep all undeveloped areas of the Properties landscaped to maintain a vegetative buffer between the development and the existing homes on MacLeod Court.

2.4 Access and Egress

(a) The Owner shall develop, construct, and maintain the driveway in the Development in general conformance with the driveway shown on Schedule B.

(b) The driveway shown on Schedule B shall provide a minimum paved surface width of 20 ft. (6.09 m.), except to the extent varied by the Provincial Department of Public Works in respect of its connection to the public road. The vehicular entrance and exit shall be clearly demarcated.

(c) No occupancy permit will be issued until the condition specified in 2.2 (b) has been fulfilled.

2.5 Parking

(a) All parking spaces for vehicles using the Properties shall be located on the lot and shall be generally located as shown on Schedule B.

(b) The Owner shall provide a minimum of one (1) parking space per dwelling unit on the Properties.

(c) Parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.

(d) Each parking space shall be a minimum of 10 ft. by 20 ft. (3.05 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.

(e) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

2.6 Fire Safety

(a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.

(b) All curbs shall be designed to be mountable by emergency services vehicles.

(c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.7 Recreational Space

(a) A minimum of 500 sq. ft. (46.45 sq. m.) per unit, of private recreational space immediately adjacent to the back of each townhouse unit shall be provided on the Properties.

2.8 Site Drainage

(a) No development permit shall be issued until the Owner provides to the Development Officer a stormwater management plan that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will balance pre- and post-construction flows to ensure there is no negative impact on downstream properties. If the stormwater management plan provided by the Owner does not in fact balance pre-and post-construction flows to ensure the absence of such impacts the Owner shall undertake such remediation as the Municipal Engineer may reasonably require.

(b) The Owner shall undertake all construction activities in accordance with an erosion and sedimentation control plan prepared by a Professional Engineer, unless otherwise directed by Nova Scotia Environment, and also agrees to assume sole responsibility for compliance with all regulations of Nova Scotia Environment.

2.9 Servicing

(a) Waste Collection

(i) No Municipal garbage collection will be provided to the Development. The Owner shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.

(ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or

cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

(b) Water and Sewer Services

(i) The Buildings shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

(ii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Properties.

(c) Snow Plowing

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

2.10 Maintenance

(a) The Owner shall keep the Properties and Buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

(b) The Owner shall maintain the driveway to a standard adequate to allow for access by emergency services vehicles.

2.11 Signs and Lighting

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

2.12 Subdivision

(a) Subdivision of the Properties outside of the development area shall be permitted in accordance with the applicable Subdivision By-law. No subdivision is permitted within the development area shown on the Site Plan that would reduce the lot area. No additional parkland or parkland fees shall be required for subdivision or consolidation of the Properties subject to this Agreement.

(b) Any lot(s) subdivided from the portions of PID 45006947 and 45415668 that will be developed under this Agreement, shall no longer be subject to this Agreement.

2.13 Variance

In accordance with Section 5.48 of the Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

(i) minimum required yard dimensions except side yard requirements as required in Section 2.3 (a) of this Agreement;
(ii) number of parking spaces required;
(iii) floor area occupied by a home-based business; and
(iv) height and area of a sign.

PART 3 CHANGES AND DISCHARGE

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

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

3.3 The following matters are substantive matters:

(a) the uses permitted on the Properties as listed in Section 2.1, *Use*;
(b) subject to Section 2.13, the minimum side yard requirements and maximum building height as listed in Section 2.3 (a);
(c) the fire safety requirements as listed in Section 2.6, *Fire Safety*; and
(d) the stormwater management plan requirements as listed in Section 2.8, *Site Drainage*.

3.4 Upon conveyance of land by the Owner to either:

(a) the road authority for the purpose of creating or expanding a public street over the Properties; or

(b) the Municipality for the purpose of creating or expanding any municipally owned facility over the Properties,

registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street or public facility, as the

case may be, as of the date of registration with the Land Registry Office, but this Agreement shall remain in full force and effect for all remaining portions of the Properties.

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

3.6 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:

(a) as provided for in Section 4.1, *Commencement of Development,* of this Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or

(c) at any time upon the written request of the Owner, provided the use of the Properties is in accordance with the applicable Land Use By-law or a new agreement has been entered into.

3.7 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

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

(b) Development as provided in Part 2 of this Agreement shall commence not later than twenty-four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act, 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.

(c) If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which shall

be at the sole discretion of the Development Officer, then performance by the Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

(a) The Owner shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required within ten (10) days of completion of any work which requires the engineered design.

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

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

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

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

(c) Enforcement of this agreement shall be the responsibility of the Municipality. The agreement shall be administered by the Development Officer for the Municipality.

5.2 Severability of Provisions

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

5.3 Interpretation

(a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.

(b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

(c) References to particular sections of statutes and by-laws shall be deemed to be references to any successor legislation and by-laws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

(a) The Municipality does not make any representations to the Owner about the suitability of the Properties for the Development proposed by this Agreement. The Owner assumes all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Development.

(b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

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

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Faisal Al-Hammadi, FH Development Group Inc., 153 Sackville Drive, Suite 1, Lower Sackville, NS, B4C 2R3, or at any other address provided in writing by the Owner.

(b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner.

5.10 Full Agreement

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

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

SIGNED, SEALED AND DELIVERED	**) WEST HANTS REGIONAL**
In the presence of:	**) MUNICIPALITY**
	)
	)
	)
_____	Per: _____
Witness	) Abraham Zebian, Mayor
	)
	)
	)
_____	) Per: _____
Witness	) Deanna Snair, Municipal Clerk
	)
	)
	)
	) FH DEVELOPMENT GROUP INC.
	)
	)
_____	Per:_____
Witness	) Faisal Al-Hammadi, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

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

_____

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

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

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.

3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.

4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

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

_____ _____

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Faisal Al-Hammadi, Nova Scotia, make oath and say that:

1. I Faisal Al-Hammadi of FH DEVELOPMENT GROUP INC. the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.

3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.

4. The Corporation is a resident of Canada under the Income Tax Act (Canada).

5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

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

_____ _____

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

FAISAL AL-HAMMADI, President

Schedule A
Legal Description

PID 45006947

ALL that certain lot of land and premises situate in the Town of Windsor, being part of the first lot of land conveyed by Laura Brown et al to the Grantor by Deed dated April 18th, 1953 and recorded in the Office of the Registrar of Deeds at Windsor, in the County of Hants. The said lot is bounded and described as follows:

BEGINNING at a pine tree at the Northern corner of a lot of land occupied by Rufus Wile;

THENCE North 53 degrees East along the Southern boundary of land of Cyril Kelly 784 feet to a spruce tree;

THENCE South 42 1/4 degrees East 685 feet;

THENCE South 51 1/2 degrees West 788 feet to the boundary of land of Rufus Wile;

THENCE Northwesterly along said boundary 705 feet more or less to the POINT OF BEGINNING.

The said lot contains 12 1/2 acres, more or less.

SAVING AND EXCEPTING that lot of land conveyed in a deed recorded on June 29, 1950 in book 187 at page 514.

ALSO SAVING AND EXCEPTING Lot H-1 as conveyed in a deed recorded on April 26, 1989 in book 599 at page 564.

ALSO SAVING AND EXCEPTING Lots H-2 and U-1A as shown on a plan recorded on September 28, 1989 as number 6138.

ALSO SAVING AND EXCEPTING that lot of land conveyed in a deed recorded on November 14, 1991 in book 663 at page 529.

ALSO SAVING AND EXCEPTING Lots 1 to 16 and Parcels RR-1 and P-1 as shown on a plan recorded on April 28, 1992 as number 6696.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: HANTS COUNTY
Registration Year: 1992
Plan or Document Number: 6696

PID 45415668
ALL that lot of land and premises which was conveyed to the said George Whitehead by James Whitehead by Deed bearing date the 18th day of March, 1883 and recorded in the office for the Registry of Deeds at Windsor aforesaid in Book 75 page 30 and therein described as follows:

ALL that certain lot of land in Windsor being part of lot number four of the Councillors Grant, so called, and formerly owned by one Leonard Maxner, beginning at the Southern corner of a lot (part of lot number four) otherwise called the Belcher Lot conveyed by Charles T. Wilkens to Stephen Hines;

THENCE to follow the Southeast line of said lot number four six(6) chains and ten (10) links;

THENCE to run North seventy-five (75) degrees West eleven (11) chains and eighty (80) links to the Northwest line of said Belcher Lot;

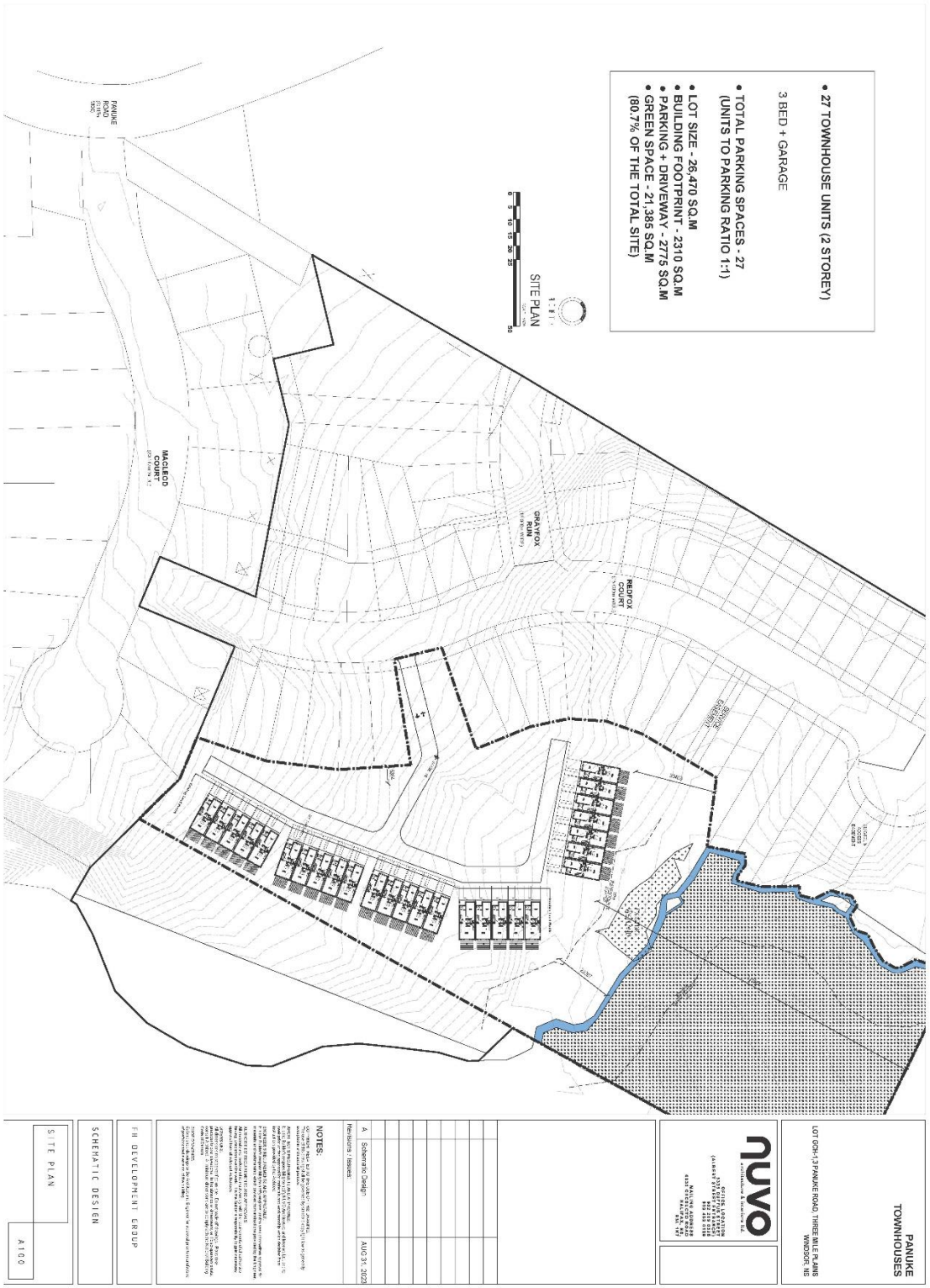
THENCE to follow said line eleven chains and eighty links to Hines lot;

THENCE the course of Hines' line to the place of beginning containing ten and one quarter acres, more or less.

*** Municipal Government Act, Part IX Compliance ***
Compliance:
The parcel originates with an instrument (registration details below) and the subdivision is validated by Section 291 of the Municipal Government Act
Registration District: HANTS COUNTY
Registration Year: 1950
Book: 187 Page: 513

Schedule B

Site Plan



Attachment D
Public Information Meeting Notes
September 7 – 22, 2023
File 22-23
MacLeod Court, Three Mile Plains; PID 45006947 and 45415668

Meeting date and time	A Public Information Meeting was held on September 7, 2023 beginning at 7:10 p.m. in Council Chambers at 76 Morison Drive, Windsor.
Attending	In attendance: One (1) Councillor: • Councillor Francis (Chair) Three (3) members of staff: • Director of Planning and Development, Sara Poirier • Planner, Alex Dunphy • Planning Administrative Assistant, Vanessa Lake Applicant • Ahsan Khan of FH Development Group Inc. • Darren Shupe of Brighter Community Planning and Consulting Seven (7) members of the public were present.
Applicant Faisal Al-Hammadi, FH Development Group Inc. **Property** MacLeod Court, Three Mile Plains; PID 45006947 and 45415668	Director Poirier outlined the request from FH Development Group Inc. to permit up to 27 townhouse units on portions of PIDs 45006947 and 45415668, on MacLeod Court in Three Mile Plains. Darren Shupe of Brighter Community Planning and Consulting made a presentation on behalf of the applicant.
Comments	Comments from the public could be submitted to Senior Planner Fredericks by mail, e-mail and telephone between September 7 – 22, 2023. 6 members of the public spoke at the Public Information Meeting. Three (3) comments were received via mail, email or phone. The questions and comments from the public are summarized below. Email responses are attached. Staff and applicant responses are included in purple.

	At the Public Information Meeting the following comments were made: • Keith owns a property on MacLeod Court. His main concern is related to traffic increases to MacLeod Court in relation to the 26 new residential lots and 27 townhouses being proposed. He stated that this could potentially equate to 106 vehicles traveling on a road that currently only has 17 homes. He noted that MacLeod Court is a gravel road that currently has to be fixed 3 times a year as-is. The poster boards created by FH Developments spell the project as "Penuke" but it is spelled "Panuke" Road and there is no access shown from the development to Panuke Road. Darren noted the spelling error and confirmed there would be no direct access to Panuke Road for the development. The Public Works Department has already visited Keith at his home. They told him that the new pump house on Panuke Road is running at about 70-80% capacity already for water. He's concerned that if there is already water capacity concerns with the new pump house that was installed to service the 99 homes on Panuke Road and MacLeod Court, that this system will not be able to handle the additional homes being proposed in this development. Keith also noted the school systems in the area, the fact that there are no crosswalks, no streetlights, and that MacLeod Court isn't paved. He asked what is being done to address these issues? Sara stated that whenever there is a development agreement application, through the staff review, staff reach out to stakeholders such as the Nova Scotia Department of Public Works, Municipal Public Works Department and School Board for comment on infrastructure capacity in relation to the overall proposal. These items will all be addressed in the staff report presented to the Planning and Heritage Advisory Committee.

	• Mike Forrester lives on Highway 1. He mentioned the brook that runs behind the property and at the bottom of Panuke Road in relation to the flooding event in the area a few weeks ago. During that time the intersection of Panuke Road and Highway 1 completely flooding, making it impassible. This development will increase non-permeable surfaces in the area which he believes could cause more runoff into these water systems. Darren responded that the developers' engineers will be developing a site servicing plan which will address stormwater from the development. • Barry Sherman lives on Panuke Road. He questioned the road infrastructure, specifically why a wooden bridge would have been built at the end of Panuke Road. He is not a fan of development in this area and is concerned about the impact on property values and taxes for residents in the area with this proposal. He wondered what was going to happen to the remaining area of land included in the development agreement application that doesn't show townhouses on it? Darren noted that 75% of the lot to be created for the townhouse units will be retained in its natural state. Barry asked why the developer chose to develop here, in this quiet area? Darren commented that the developer sees potential for the land and the planning document policies allow Council to consider this proposal in a growth centre. How will MacLeod Court be used as an access? Darren and Sara responded that the Nova Scotia Department of Public Works owns a road reserve parcel between MacLeod Court the developers lots. The developer will have to receive permission to use that access to connect the proposed roads from this development to MacLeod Court. Darren also noted that the developer is also discussing the upgrades required to MacLeod Court to accommodate the increased traffic to this development with the Nova Scotia Department of Public Works.

	Barry asked how construction will impact the area, as this will add to the effects already felt by residents living in the area that have to deal with the quarry on Panuke Road. Is the developer from the area? Are they familiar with Panuke Road? Darren responded that the developer is HRM based and have other projects nearby such as a site on Wentworth Road. • Keith asked if these units will be for sale or for rent? Ahsan responded that most will be for sale and some will be rental. Further discussions need to be had on this. Keith was also concerned that this was the only opportunity to comment on the proposal. Sara reiterated the information shown on the process slide of the presentation, noting that the Public Information Meeting is the first step in the process and there will be further opportunities for the public to comment (i.e., at Public Hearing). Due to the original proposal being completely revised by the developer, staff determined it was best to restart the process from the beginning. • Linda lives on Highway 1. She noted that the truck traffic and traffic in general is very busy. This proposal will make it worse, also increasing noise, fumes, etc. It makes it extremely dangerous to walk in the area as there are no sidewalks. Residents must drive everywhere. She wants to be able to feel comfortable in her community. • Tammy lives on MacLeod Court. She is worried that the proposal will remove the country setting of the area. She already experiences issues with the traffic, especially truck traffic on the roads from the quarry. Theres no amenities in the area i.e., no stores and school-aged children need to be bussed to school. A number of neighbours are considering moving because this development will ruin the area. She also noted that she believes the development should have access directly to Panuke Road or Highway 1 due to traffic congestion.

	• Lisa Bland lives on Panuke Road. She wanted to make the developers aware of the RAD Consulting report where they completed community engagement sessions with members of the Acadian, Native and African Nova Scotian community. She wanted to remind the developers that they are presenting about an area that is a historic black community, Five Mile Plains. There have been clear recommendations made from the community about items such as road safety in the RAD Consulting report which should be respected. She noted that Council should consider items from the RAD Consulting report in relation to this proposal.
Adjournment	There being no further business, the meeting adjourned at 7:44 p.m.

Public Email Responses Submitted after the PIM

From: Barry White
To: Mark Fredericks
Sept 12, 2023

I watched the zoom meeting, Sept 7 at 6pm.
I was surprised that public works were not asked to do a report on if this will even work.
That's a lot of sewer that has to be pumped uphill. A lot of water on a system that is constantly being repaired. A lot of traffic already on a road that has nowhere in places on Panuke road for kids to walk to the school bus.
This development does not comply with section 5.3.10 of the MPS. All the surrounding homes are single detached.
Nearest place to buy milk is 3.3 km away. Local parents have swingsets and playhouses in their backyard because there are no parks around here.
Panuke road and #1 will continue to flood and strand us up the hill again. Picture attached. This development will just make it more often.
Picture of the road leading up to the proposed development. Quiet country dead end street. A lot of people come down here to walk their dogs everyday.
Google search New 3 bedroom townhouse with attached garage. In my research, will be around $600,000. Rent would be $3000 is a educational guess.
15 year resident
Barry White
Three Mile Plains





From: Mark Fredericks
To: Barry White
Sept 12, 2023

Hi Barry,

Thanks for reaching out and sharing your concerns and photos.

We will have discussions with the provincial road authorities and municipal publics works which will need to be favorable to recommend the approval of the townhouse units.

We have captured your comments and will include them in the report to the Planning Advisory Committee who will make a recommendation to Municipal Council on this decision in the coming months.

Thanks again for sharing.

From: Michael Forrester and Lynda Gradt
To: Mark Fredericks
Sept 19, 2023

To,
Planning and Heritage Advisory Committee
West Hants Regional Municipality
Attn: Mark Fredericks
Re: File #22-23 Development Agreement: PID 45006947 and 45415668, MacLeod Court, Three Mile Plains
Greetings,
Due to the fact that none of the comments or statements made at the Public Information Meeting were recorded as a matter of public record, we would at this time like to express our opinions on the Development being proposed on MacLeod Court.

We found out about the proposed development completely by accident because of a concerned
resident's social media post. Having recently relocated some 1800 kilometres from a major metropolitan area, we chose this area because it was in a generally rural setting.

Given the size and scope of this proposal it will affect far more residents than those who reside within the 500-foot radius of the notification. We're sure the developers are well aware of the local bylaws concerning the notification area. Such a project by its very nature deserves a wider scope of public notification and input. This proposal if approved would greatly affect the community at large by the pressure placed on public roadways, schools and infostructure in general. With the changes in climate and the more frequent heavier than normal rain events, paving over such a large area will affect storm run off into the local brooks and creeks.

The proposal doesn't seem to fit the area. The sitemap of the area in question doesn't show exactly where this new project would be placed. Being situated off a single road that is already heavily burdened by truck traffic to and from the quarries one can only imagine to increased traffic that a multi-year project like this would inflict on the area.

Once again, the developer's spokesperson seemed woefully ill-prepared for the presentation and the developer didn't seem to want to answer any direct questions. We fail to understand how someone, or a company would not have done much more of the groundwork and necessary research before coming to council with yet another absurd proposal.

There seems to be a great lack of foresight in approving these developments.

Sincerely yours,
Michael Forrester and Lynda Gradt

Three Mile Plains, NS

…

From: Mark Fredericks
To: Michael Forrester and Lynda Gradt
Sept 19, 2023

Thanks Michael and Lynda,

The Municipality is in the process of establishing larger notification areas for planning applications. It's expected to increase to 1000 ft around a subject property. The traffic issues in this case are also being investigated and the developers may be required to pave MacLeod Court to improve surrounding road conditions. Site drainage is another aspect that will be a requirement of any future development.

We have captured your comments and will include them in the report to the Planning Advisory Committee.

Thanks for reaching out. Please let me know if you have any further comments or questions.

From: Keith Pottie
To: Mark Fredericks
Sept 20, 2023

Hello,
As a resident of Macleod court I have many concerns with the development which someone is looking to have move forward. The community is a small, and quiet country setting which will be destroyed by this development moving forward. We have a gravel road which already needs to be repaired 2-3 times a year from traffic of 17 homes. We have no street lights or sidewalks. We do not have basic community amenities which I assumed I am being taxed for. The water pressure is decreased and I have already had Public works tell me the system cannot handle the homes it has and someone thinks it's a good idea to vastly increase the population of the area. There's 99 homes between Macleod court and Panuke road. This developer wants to put in 26 residential properties along with 27 townhouses. We do not have the infrastructure for the population to grow by 50 percent or more. All this is going to do is drive up taxes in a low income area which already has taxes far higher than amenities which are being supplied. You also need to look at the school system and area in general. TMPDS is at capacity already and cannot handle the increase. Panuke road homes several commercial quarries which sees several hundred trucks a day which damage the roads, bridge and is unsafe for people to walk on without sidewalks. I have witness busses, vehicles and pedestrians almost hit several times.

Macleod is not a place where this development should be and someone's greed is going to ruin a peaceful home for many. Someone from the council needs to step up and look at what is not in place and not allow this to move forward without proper planning. In the Public Information Meeting it was made clear that things were going to evaluate but greed should not supersede current residents well being and safety Fix the roads properly (paving and grading), replace the bridge with steel/concrete and not wood, replace the old water lines, install sidewalks, install street lights and give the current residents the items they deserve before moving forward with a greedy developer. This is not the place and the community does not support this. Thank you.

Keith Pottie

…

From: Mark Fredericks
To: Keith Pottie
Sept 28, 2023

Hi Keith,

Thanks for reaching out. We are working with the provincial road authorities and municipal publics works who will both need to have their requirements met. This includes paving of MacLeod Court and ensuring the adequate supply of water and sewer services with any system upgrades if necessary.
We have captured your comments and will include them in the report to the Planning Advisory Committee who will make a recommendation to Municipal Council on this decision in the coming months.

Thanks again

West Hants
something inspiring awaits

WRHM Audit Committee Meeting Excerpt
October 16, 2023

Audited Financial Statements

On May 31, 2023, the Audit Committee met with Kent and Duffett Auditor, Andy Forse, to discuss audit planning. On October 16, 2023, Auditor Forse presented the committee with West Hants Regional Municipality's draft Consolidated Financial Statements.

Committee members receive the following training materials to ensure they are prepared to review and engage with the auditor when Financial Statements are presented:

- Department of Municipal Affairs and Housing training modules, which detail the purpose of an audit committee, the role of an external auditor, financial reporting, risk and internal controls, and the alleged wrongdoing function.
- West Hants Regional Municipality's policies, procedures, and by-laws that have impacts on the financial statements and practices.

Auditor Keynotes:

- This was another successful audit. The auditors are offering an unqualified opinion of the Consolidated Financial Statements, with no errors or omissions in the statements. The consolidated financial statements were prepared in accordance with Canadian Public Sector Accounting Standards and for the reasonable individual, with no material misstatement.
- The number of adjustments this year was under ten (a normal amount) and a significant improvement from last year.
- The auditors agree with West Hants' treatment of the new Asset Retirement Obligation standard. It was noted that the initial analysis was thoroughly undertaken. Through departmental collaboration, staff identified and properly recorded several cases of asset retirement obligations.
- The auditors did find one item for possible improvement. Some balances brought over from the former Town of Windsor and District of West Hants had not changed in value for a few years. This involved a vey small number of accounts and should not be concerning to residents or Council. Recommended best practice would be to establish a process for monthly or quarterly reviewing of balances to ensure adjustments are being made as required.
- Current year results show that the Municipality is in a vibrant, healthy position. Expenditures were consistent with last year. Costs were controlled better than expected and kept below inflation levels.

Financial Results Keynotes:

- Consolidated statements show an annual surplus of $7,203,717, due mainly to the following two items:
    - Under Conditional Transfers from Federal and Provincial Governments and Agencies, a $3.4 million dollar consolidation grant was received this year.
    - Under Gas Tax Transfers, the money that was received this year and remains unspent shows as deferred revenue on page four and sits in our reserve accounts in the general ledger.
- This consolidated annual surplus does not factor in items such as debt repayment, amortization and the general capital fund. It is representative of an accounting figure, not a cash amount
- Net assets are showing as a positive figure this year. This is a tremendous financial position to be in.
- Reserve positions are healthy and strong.
- The municipality's long-term debt number is very low.
- On the General Operating side there was a surplus of $1.2 million
- The Windsor Water Utility was flagged as showing a deficit of $425,784. Not alarming but if this trend continues, a rate review and/or consolidation with the West Hants Water Utility should be considered.
- West Hants Water Utility's fiscal year results shows a surplus of $340,526, which is $528,444 higher than the budgeted deficit of $187,918.

The recommended motion was…

> **That Council approve the West Hants Regional Municipality's Audited Consolidated Financial Statements ending March 31, 2023, as presented to the Audit Committee.**

<u>Information Report: Financial Update – Month Ending June 30, 2023</u>

This financial update was reviewed with the Audit Committee and is included for Council's reference.

<u>Chief Administrative Officer Review</u>

Excerpt Prepared by: _____
Carlee Rochon, Director, Financial Services

Excerpt Approved by: _____
Mark Phillips, Chief Administrative Officer

WEST HANTS REGIONAL MUNICIPALITY

CONSOLIDATED FINANCIAL STATEMENTS

MARCH 31, 2023

DRAFT

KENT & DUFFETT
Chartered Professional Accountants

WEST HANTS REGIONAL MUNICIPALITY

CONSOLIDATED FINANCIAL STATEMENTS

MARCH 31, 2023

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WEST HANTS REGIONAL MUNICIPALITY

CONSOLIDATED FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 2023

WEST HANTS REGIONAL MUNICIPALITY

The accompanying consolidated financial statements of the West Hants Regional Municipality are the responsibility of the Municipality's management and have been prepared in compliance with legislation, and in accordance with Canadian public sector accounting standards established by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada ("CPA"). A summary of the significant accounting policies are described in Note 1 to the consolidated financial statements. The preparation of financial statements necessarily involves the use of estimates based on management's judgment, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The Municipality's management maintains a system of internal controls designed to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded in compliance with legislative and regulatory requirements, and reliable financial information is available on a timely basis for preparation of the consolidated financial statements. These systems are monitored and evaluated by management.

The audit committee meets with management and the external auditors to review the consolidated financial statements and discuss any significant financial reporting or internal control matters prior to their approval of the consolidated financial statements.

The consolidated financial statements have been audited by Kent & Duffett, independent external auditors appointed by the Municipality. The accompanying Auditor's Report outlines their responsibilities, the scope of their examination and their opinion on the Municipality's consolidated financial statements.

DRAFT

A. Zebian
Mayor
September 30, 2023

M. Phillips
Chief Administrative Officer
September 30, 2023

KENT & DUFFETT
Chartered Professional Accountants

Incorporated Partners
Forse Investments Limited
Crosby Smith Holdings Limited

46 Chipman Dr, Unit 1, Box 817
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INDEPENDENT AUDITOR'S REPORT

His Worship the Mayor and Members of Council of the
West Hants Regional Municipality

Opinion

We have audited the consolidated financial statements of the West Hants Regional Municipality which comprise the consolidated statement of financial position as at March 31, 2023, consolidated statement of financial activities, consolidated change in net assets and consolidated cash flow for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying consolidated financial statements of the Municipality are prepared, in all material respects, in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the Municipality in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Municipality's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Municipality, or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Municipality's financial reporting process.

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Chartered Professional Accountants

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INDEPENDENT AUDITOR'S REPORT (continued)

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgement and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Municipality's internal control.

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.

- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Municipality's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Municipality to cease to continue as a going concern.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Kent & Duffett

Kentville, Nova Scotia
September 30, 2023

Chartered Professional Accountants
Registered Municipal Auditor

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WEST HANTS REGIONAL MUNICIPALITY

CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES

YEAR ENDED MARCH 31, 2023

	Budget (unaudited)	**2023 Actual**	2022 Actual
REVENUES			
Taxes	$ 25,128,949	**$ 25,700,918**	$ 24,512,047
Payments in lieu of taxes	90,085	**244,765**	249,464
Services provided to other governments	604,091	**1,067,710**	694,578
Sales of services	818,499	**956,365**	885,665
Other revenue from own sources	796,482	**1,707,754**	1,488,364
Unconditional transfers from other governments	662,151	**786,698**	1,331,135
Conditional transfers from Federal and Provincial governments and agencies	147,008	**3,413,257**	202,495
Gas tax transfers	-	**2,031,672**	886,761
Proceeds from disposal of assets	-	**250,700**	413,499
Other	76,430	**885,230**	912,811
Cemetary	107,325	**129,483**	101,309
Water rates	3,863,416	**3,860,776**	3,712,132
	32,294,436	**41,035,328**	35,390,260
EXPENSES			
General government services	2,937,947	**3,062,329**	2,870,088
Protective services	8,694,870	**8,361,056**	7,813,778
Public works and transportation services	1,912,788	**2,103,683**	2,043,759
Environmental health services	3,379,367	**3,359,873**	2,995,169
Public health services	195,000	**212,062**	128,139
Environmental development services	972,186	**895,422**	705,845
Recreation and cultural services	2,690,314	**2,579,874**	2,429,187
Other transfers	2,003,506	**1,427,247**	1,150,518
Cemetary	107,325	**107,334**	60,509
Appropriation to school boards	4,680,803	**4,682,544**	4,623,048
Write off of tangible capital assets	-	**-**	452,272
Amortization	694,281	**4,676,043**	4,404,792
Water treatment and distribution	2,291,726	**2,364,144**	2,108,023
	30,560,113	**33,831,611**	31,785,127
ANNUAL SURPLUS	$ 1,734,323	**7,203,717**	3,605,133
ACCUMULATED SURPLUS AT BEGINNING OF YEAR		**86,736,088**	83,353,272
Adjustment to surplus for change in cemetery treatment		**-**	(222,317)
ACCUMULATED SURPLUS AT END OF YEAR		**$ 93,939,805**	$ 86,736,088
			note 11

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The accompanying notes are an integral part of these financial statements.

WEST HANTS REGIONAL MUNICIPALITY

CONSOLIDATED STATEMENT OF FINANCIAL POSITION

AS AT MARCH 31, 2023

	2023	2022
FINANCIAL ASSETS		
Cash (note 1(e))	**$ 26,335,789**	$ 22,195,973
Accounts receivable (net of valuation allowance) (note 3)	**5,519,655**	5,325,145
Equity in Valley Waste Resource Management	**152,558**	152,558
	32,008,002	27,673,676
LIABILITIES		
Bank indebtedness	**33,511**	33,511
Accounts payable	**6,435,859**	4,411,629
Asset retirement obligations (note 1(m))	**731,600**	-
Deferred revenue (note 8)	**9,183,276**	8,953,585
Tax sales surplus (note 8)	**537,248**	504,264
Long-term debt (note 4)	**13,061,454**	14,554,808
	29,982,948	28,457,797
NET ASSETS (DEBT) (page 5)	**2,025,054**	(784,121)
NON-FINANCIAL ASSETS		
Tangible capital assets (note 5)	**91,667,239**	87,321,481
Prepaid expenses	**247,512**	160,066
Inventory	**-**	38,662
	91,914,751	87,520,209
ACCUMULATED SURPLUS	**$ 93,939,805**	$ 86,736,088

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On behalf of the West Hants Regional Municipality

_____ Mayor

_____ Chief Administrative Officer

WEST HANTS REGIONAL MUNICIPALITY

CONSOLIDATED STATEMENT OF CHANGE IN NET ASSETS

AS AT MARCH 31, 2023

	Budget (unaudited)	**2023**	2022
ANNUAL SURPLUS (page 3)	$ 1,734,323	**$ 7,203,717**	$ 3,605,133
Acquisition of tangible capital assets	-	**(8,974,305)**	(6,803,593)
Amortization of tangible capital assets	694,281	**4,676,043**	4,404,792
Other items affecting tangible capital assets	-	**(47,496)**	39,246
NBV of assets disposed	-	**-**	452,272
Other items affecting accumulated surplus	-	**-**	(222,317)
	2,428,604	**2,857,959**	1,475,533
Change in inventory and prepaid expenses		**(48,784)**	4,617
CHANGE IN NET ASSETS	$ 2,428,604	**2,809,175**	1,480,150
Net assets (debt) beginning of year		**(784,121)**	(2,264,271)
NET ASSETS (DEBT) AT END OF YEAR		**$ 2,025,054**	$ (784,121)

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WEST HANTS REGIONAL MUNICIPALITY

CONSOLIDATED STATEMENT OF CASH FLOWS

AS AT MARCH 31, 2023

	2023	2022
OPERATING TRANSACTIONS		
Annual surplus	**$ 7,203,717**	$ 3,605,133
Amortization of tangible capital assets	**4,676,043**	4,404,792
NBV of assets disposed	**-**	452,272
Other items affecting accumulated surplus	-	(222,317)
Other items affecting tangible capital assets	**(47,496)**	39,246
	11,832,264	8,279,126
(Increase) decrease in accounts receivables	**(194,510)**	471,791
Increase (decrease) in accounts payable	**2,024,230**	1,908,316
Increase (decrease) in asset retirement obligations	**731,600**	-
Increase (decrease) in deferred revenue	**229,691**	1,023,346
Increase (decrease) in tax sale surplus	**32,984**	223,499
(Increase) decrease in non-financial assets	**(48,784)**	4,617
	14,607,475	11,910,695
CAPITAL TRANSACTIONS		
Acquisition of tangible capital assets	**(8,974,305)**	(6,803,593)
FINANCING ACTIVITIES		
Net change in bank debt	**-**	(2,753,000)
Proceeds from issuance of new debt	**695,275**	2,183,394
Repayment of long term debt	**(2,188,629)**	(1,375,521)
	(1,493,354)	(1,945,127)
INCREASE IN CASH AND CASH EQUIVALENTS	**4,139,816**	3,161,975
Opening balance	**22,195,973**	19,033,998
CASH AND CASH EQUIVALENTS AT END OF YEAR	**$ 26,335,789**	$ 22,195,973

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The accompanying notes are an integral part of these financial statements.

WEST HANTS REGIONAL MUNICIPALITY

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

AS AT MARCH 31, 2023

1. SIGNIFICANT ACCOUNTING POLICIES

The consolidated financial statements of the West Hants Regional Municipality are prepared by management in accordance with Canadian generally accepted accounting standards for local governments as recommended by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada. Significant aspects of the accounting policies adopted by the Municipality are as follows:

(a) Reporting entity

The consolidated financial statements reflect the assets, liabilities, revenues, expenditures and changes in fund balances and in financial position of the reporting entity. The reporting entity is comprised of all organizations and enterprises accountable to the Municipality for the administration of their financial affairs and resources and which are owned or controlled by the Municipality.

Trust funds administered by the Municipality amounting to $517,780 have not been included in the Consolidated Statement of Financial Position nor have these operations been included in the Consolidated Statement of Financial Activities.

Interdepartmental and organizational transactions and balances have been eliminated.

(b) Basis of accounting

The Municipality follows the accrual method of accounting for revenues and expenses. Revenues are normally recognized in the year in which they are earned and measurable. Expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and/or the creation of a legal obligation to pay.

(c) Fund accounting

Funds within the consolidated financial statements consist of the operating, capital and reserve funds. Transfers between funds are recorded as adjustments to the appropriate fund balance.

(d) Use of estimates

In preparing the Municipality's financial statements, management is required to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities and reported amounts of revenue and expenses. Actual amounts could differ from these estimates.

In addition, the Municipality’s implementation of PS3280 Asset Retirement Obligations has resulted in the requirement for management to make estimates regarding the useful lives of affected tangible capital assets and the expected retirement costs, as well as the timing and duration of these retirement costs.

(e) Cash and cash equivalents

Cash and cash equivalents include cash on hand and balances with banks, bank overdrafts, and highly liquid temporary money instruments with original maturities of three months or less. Bank borrowings are considered to be financing activities.

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1. SIGNIFICANT ACCOUNTING POLICIES (continued)

(f) Accounts receivable

Uncollected taxes and rates

Accounts receivable are shown net of allowance for doubtful accounts. The Municipality provides a valuation allowance for estimated losses that will be incurred on collecting receivables outstanding.

(g) Revenue and expenditure

The accrual basis of accounting is used for all funds. The accrual basis of accounting recognizes revenues as they are earned and measurable; expenses are recognized as they are incurred and measurable as a result of a legal obligation to pay.

Tax and related revenue

Property tax billings are prepared by the Municipality based on assessment rolls issued by the Property Valuation Services Corporation. Tax rates are established annually by Council during the budget approval process. Tax adjustments as a result of appeals and re-assessment are recorded when the result of the appeals process is known.

Government transfers

Federal and/or provincial transfers for operating and capital purposes are recognized in the period in which all eligibility criteria and/or stipulations have been met and the amounts are authorized. Any funding received prior to satisfying these conditions is deferred until conditions have been met. When revenue is received without any eligibility criteria or stipulations, it is recognized when the transfer(s) from the Federal government and/or the Province of Nova Scotia are authorized.

Interest revenue

Interest earned on investments in the depreciation fund or on any other fund is recorded within the respective funds, unless otherwise approved by the Nova Scotia Utility and Review Board.

Other revenues

Other revenues are recognized as services or goods are provided, the exchange amount is measurable and collectability of the amount is reasonably assured.

(h) Tangible capital assets

Capital assets are recorded at cost which includes all amounts that are directly attributed to acquisition, construction, development or betterment of the asset.

Amortization is recorded in the financial statements on a straight line basis over an asset's estimated useful life as noted below.

Tangible capital assets are written down when conditions indicate that they no longer contribute to the Municipality's ability to provide goods and services, or when the value of future economic benefits associated with the tangible capital assets are less than their net book value. The net write downs are accounted for as expenses in the consolidated statement of financial activities.

Tangible capital assets received as contributions are recorded at their fair value at the date of receipt and are also recorded as revenue.

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1. SIGNIFICANT ACCOUNTING POLICIES (continued)

(h) Tangible capital assets (continued)

Capital	Years
Land improvements	
Buildings	40
Small equipment	5
Vehicles	5
Roads and streets	30-50
Sidewalk	20
Sewer system	25-50
Fire department vehicles and equipment	10
Parks	25
Schools	40

Water Utility	Years
Structures, improvements, and wells	50-77
Equipment	5-20
Transmission	77
Distribution	77
Meters	20
Hydrants	50-77
Services	50

(i) Depreciation - water utility

In accordance with the Nova Scotia Utility and Review Board regulations, the depreciation expense in the Water Operating Fund are transferred to a special bank account in the Water Capital Fund which is used to help fund replacement of existing plant and equipment or, subject to approval by the Utility and Review Board, to repay the principal of capital debt.

(j) Financial instruments

The Municipality's financial instruments include cash and cash equivalents, temporary investments, receivables, payables and accruals and long-term debt. Unless otherwise noted, it is management's opinion that the Municipality is not exposed to significant interest, currency or credit risks arising from financial instruments. The fair market value of these instruments approximate their carrying value.

(k) Allocation of municipal costs to water utility funds

Where identifiable, costs incurred by the Municipality on behalf of the Water Utility are charged to the Utility funds. Salary and wage related costs are allocated in proportion to time spent performing functions on behalf of the Water Utility. Administration and general expenses incurred for the benefit of both the Municipality and Water Utility are partially allocated to the Water Utility.

(l) Deferred revenue

Deferred revenue includes government transfers received with eligibility criteria that have not been met. When criteria have been met, deferred revenue is recognized as revenue in the fiscal year in a manner consistent with the circumstances and evidence used to support the initial recognition of the contributions received as a liability as detailed in Note 1(g).

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WEST HANTS REGIONAL MUNICIPALITY

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

AS AT MARCH 31, 2023

1. SIGNIFICANT ACCOUNTING POLICIES (continued)

(m) Asset retirement obligation

An asset retirement obligation is recognized when, as at the financial reporting date, all of the following criteria are met:

- There is a legal obligation to incur retirement costs in relation to a tangible capital asset;
- The past transaction or event giving rise to the liability has occurred;
- It is expected that future economic benefits will be given up; and
- A reasonable estimate of the amount can be made.

The liability is discounted using a present value calculation, and adjusted yearly for accretion expense. The recognition of a liability resulted in an accompanying increase to the respective tangible capital assets. The increase to the tangible capital assets is being amortized in accordance with the depreciation accounting policies outlined in 1.(h).

(n) Equity in Valley Waste Resource Management

The Valley Region Solid Waste-Resource Management Authority is a corporate body formed under an Inter-Municipal Services Agreement encompassing the Municipality of Annapolis County, the Municipality of the County of Kings, and the Towns of Annapolis Royal, Berwick, Kentville, Middleton, Wolfville, for the purpose of collaborative resource management in the region. The Municipality records the investment in Valley Regional Solid Waste-Resource Management under the modified equity method.

2. CONTRIBUTIONS TO BOARDS, REGIONAL AUTHORITIES, AND OTHER ENTITIES

The West Hants Regional Municipality is required to finance the operations of various Boards and Regional Authorities, along with other municipalities in the Annapolis Valley, to the extent of its participation based upon assessment and/or population formula.

In addition to any budgeted contributions, the Municipality shares in the deficits or surpluses of some of these organizations based upon the relevant cost-sharing percentage. The Municipality's share of any deficit is to be paid in the next fiscal year and any surplus is to be taken into operations in the estimates of the organization in the next fiscal year.

Nova Scotia Housing Development Corporation

An amount of $212,062 (2022 - $138,139) was provided for as at March 31, 2023 as the Municipality's share of the deficit of the Nova Scotia Housing Development Corporation for the period April 1, 2022 to March 31, 2023.

Annapolis Valley Regional Library Board

During 2022-23, the Municipality paid $134,400 (2022 - $119,543) as its share of the operations of the Annapolis Valley Regional Library Board, which serves Annapolis, Kings, and West Hants.

Annapolis Valley Regional School Board

During 2022-23, the Municipality paid $4,682,544 (2022 - $4,623,048) as its share of the operations of the Annapolis Valley Regional School Board, which serves Annapolis, Kings, and West Hants.

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WEST HANTS REGIONAL MUNICIPALITY

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

AS AT MARCH 31, 2023

3. ACCOUNTS RECEIVABLE

Taxes receivable	Current year	Prior years	2023 Total	2022 Total
Balance, net of prepaid taxes, beginning of year	**$ -**	**$ 1,702,841**	**$ 1,702,841**	$ 1,429,307
Current year tax levy	**25,640,105**	**-**	**25,640,105**	24,444,334
	25,640,105	**1,702,841**	**27,342,946**	25,873,641
Deduct:				
Current year collections	**24,318,404**	**1,131,590**	**25,449,994**	24,238,512
Reduced taxes	**(56,677)**	**-**	**(56,677)**	(55,460)
	24,261,727	**1,131,590**	**25,393,317**	24,183,052
Total taxes receivable	**$ 1,378,378**	**$ 571,251**	**$ 1,949,629**	$ 1,690,589
Interest on taxes			**226,235**	67,712
Valuation allowance			**(60,138)**	(69,488)
Net taxes receivable			**2,115,726**	1,688,813
Water rates and Sewer charges			**1,457,884**	1,551,201
Due from federal government and its agencies			**829,718**	736,018
Other receivables			**1,116,327**	1,349,113
			$ 5,519,655	$ 5,325,145

Opening prior year balance represents amounts from former Town of Windsor and Municipality of the District of West Hants

4. LONG-TERM DEBT

	2023	2022
Municipal Finance Corporation debenture, bearing interest at a variable rate from 2.575% to 4.119%, with annual principal repayments of $15,422 plus interest; maturing in 2037.	**$ 231,323**	$ -
Municipal Finance Corporation debenture, bearing interest at a variable rate from 4.579% to 4.939%, with annual principal repayments of $54,000 plus interest; maturing in 2024.	**108,000**	162,000
Municipal Finance Corporation debenture, bearing interest at a variable rate from 3.645% to 4.026%, with annual principal repayments of $37,667 plus interest; maturing in 2026.	**150,663**	188,330
Municipal Finance Corporation debenture, bearing interest at a variable rate from 2.004% to 2.925%, with annual principal repayments of $218,603 plus interest; maturing in 2026.	**874,414**	1,093,017
Carried forward	**$ 1,364,400**	$ 1,443,347

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WEST HANTS REGIONAL MUNICIPALITY

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

AS AT MARCH 31, 2023

4. LONG TERM DEBT (continued)

	2023	2022
Brought forward	**$ 1,364,400**	$ 1,443,347
Municipal Finance Corporation debenture, bearing interest at a variable rate from 1.660% to 3.108%, repayable in annual instalments of $154,000 plus interest; maturing in 2031.	**1,016,000**	1,170,000
Municipal Finance Corporation debenture, bearing interest at a variable rate from 2.297% to 3.073%, repayable in annual instalments of $59,700 plus interest; maturing in 2027.	**298,500**	358,200
Municipal Finance Corporation debenture, bearing interest at a variable rate from 2.582% to 3.501%, with annual principal repayments of $49,944 plus interest; maturing in 2033.	**1,048,827**	1,098,771
Municipal Finance Corporation debenture, bearing interest at a variable rate from 2.830% to 3.048%, with annual principal repayments of $16,500 plus interest; maturing in 2023.	**16,502**	33,002
Municipal Finance Corporation debenture, bearing interest at a variable rate from 2.048% to 2.265%, with annual principal repayments of $18,754 plus interest; maturing in 2024.	**37,510**	56,264
Municipal Finance Corporation debenture, bearing interest at a variable rate from 0.678% to 2.378%, with annual principal repayments of $43,333 plus interest; maturing in 2035.	**563,337**	606,671
Municipal Finance Corporation debenture, bearing interest at a variable rate from 4.580% to 4.875%, with annual principal repayments of $26,000 plus interest; maturing in 2025.	**122,000**	148,000
Municipal Finance Corporation debenture, bearing interest at a variable rate from 3.340% to 3.856%, with annual principal repayments of $20,500 plus interest; maturing in 2027.	**80,000**	100,500
Municipal Finance Corporation debenture, bearing interest at a variable rate from 2.769% to 3.347%, with annual principal repayments of $4,500 plus interest; maturing in 2024.	**9,000**	13,500
Municipal Finance Corporation debenture, bearing interest at a variable rate from 4.760% to 4.770%, repaid in 2023.	**-**	379,122
Municipal Finance Corporation debenture, bearing interest at a variable rate from 4.760% to 4.770%, repaid in 2023.	**-**	332,750
Carried forward	**$ 4,556,076**	$ 5,740,127

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WEST HANTS REGIONAL MUNICIPALITY

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

AS AT MARCH 31, 2023

4. **LONG TERM DEBT** (continued)	**2023**	2022
Brought forward	**$ 4,556,076**	$ 5,740,127
Municipal Finance Corporation debenture, bearing interest at a variable rate from 5.190% to 5.210%, repaid in 2023.	**-**	33,745
Municipal Finance Corporation debenture, bearing interest at a variable rate from 5.004% to 5.088%, with annual principal repayments of $9,502 plus interest; maturing in 2023.	**9,502**	19,009
Municipal Finance Corporation debenture, bearing interest at a variable rate from 5.209% to 5.644%, with annual principal repayments of $58,933 plus interest; maturing in 2024.	**117,871**	176,804
Municipal Finance Corporation debenture, bearing interest at a variable rate from 4.580% to 4.875%, with annual principal repayments of $160,885 plus interest; maturing in 2025.	**1,287,070**	1,447,955
Municipal Finance Corporation debenture, bearing interest at a variable rate from 4.580% to 4.875%, with annual principal repayments of $20,513 plus interest; maturing in 2025.	**164,119**	184,632
Municipal Finance Corporation debenture, bearing interest at a variable rate from 3.251% to 4.114%, with annual principal repayments of $4,307 plus interest; maturing in 2028.	**25,837**	30,144
Municipal Finance Corporation debenture, bearing interest at a variable rate from 2.134% to 3.449%, with annual principal repayments of $11,740 plus interest; maturing in 2030.	**93,920**	105,660
Municipal Finance Corporation debenture, bearing interest at a variable rate from 2.297% to 3.382%, with annual principal repayments of $181,574 plus interest; maturing in 2032.	**2,723,600**	2,905,174
Municipal Finance Corporation debenture, bearing interest at a variable rate from 2.582% to 2.884%, with annual principal repayments of $98,595 plus interest; maturing in 2023.	**98,595**	197,190
Municipal Finance Corporation debenture, bearing interest at a variable rate from 1.948% to 3.048%, with annual principal repayments of $10,888 plus interest; maturing in 2034.	**185,086**	195,974
Municipal Finance Corporation debenture, bearing interest at a variable rate from 0.400% to 2.809%, with annual principal repayments of $91,446 plus interest; maturing in 2036.	**1,268,009**	1,359,455
Carried forward	**$ 10,529,685**	$ 12,395,869

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4. LONG TERM DEBT (continued)

	2023	2022
Brought forward	**$ 10,529,685**	$ 12,395,869
Municipal Finance Corporation debenture, bearing interest at a variable rate from 0.400% to 2.809%, with annual principal repayments of $7,446 plus interest; maturing in 2036.	**59,597**	67,043
Municipal Finance Corporation debenture, bearing interest at a variable rate from 3.847% to 4.567%, with annual principal repayments of $30,930 plus interest; maturing in 2037.	**463,952**	-
Municipal Finance Corporation debenture, bearing interest at a variable rate from 0.500% to 2.677%, with annual principal repayments of $83,676 plus interest; maturing in 2036.	**2,008,220**	2,091,896
	$ 13,061,454	$ 14,554,808

All long-term debt outstanding has been authorized by Nova Scotia Department of Municipal Affairs.

Principal repayments required during the next five years are as follows:

2024	$ 1,474,092
2025	1,349,500
2026	2,120,301
2027	1,010,304
2028	716,649

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WEST HANTS REGIONAL MUNICIPALITY

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

AS AT MARCH 31, 2023

5. TANGIBLE CAPITAL ASSETS

General Capital Fund

Cost	2022	Additions	Disposals	**2023**
Land	$ 3,716,443	$ 320,290	$ -	**$ 4,036,733**
Parks	1,979,312	383,610	-	**2,362,922**
Buildings	38,796,423	2,409,305	-	**41,205,728**
Motor vehicles	2,112,569	60,185	-	**2,172,754**
Sewer lagoon	3,535,686	2,172	-	**3,537,858**
Sewers	21,637,269	170,604	-	**21,807,873**
Roads	19,171,235	150,883	-	**19,322,118**
Equipment	10,806,519	4,155,288	-	**14,961,807**
Donated assets	1,364,094	-	-	**1,364,094**
	$ 103,119,550	$ 7,652,337	$ -	**$ 110,771,887**

Accumulated Amortization	2022	Adjustments	Amortization	**2023**
Land	$ -	$ -	$ -	**$ -**
Parks	400,592	-	35,399	**435,991**
Buildings	7,555,184	-	1,049,741	**8,604,925**
Motor vehicles	1,706,024	-	294,131	**2,000,155**
Sewer lagoon	982,741	-	70,757	**1,053,498**
Sewers	8,682,058	-	535,651	**9,217,709**
Roads	7,565,928	-	640,716	**8,206,644**
Equipment	7,202,772	-	1,383,054	**8,585,826**
Donated assets	189,205	-	27,282	**216,487**
	$ 34,284,504	$ -	$ 4,036,731	**$ 38,321,235**

Net book value	2022	**2023**
Land	$ 3,716,443	**$ 4,036,733**
Parks	1,578,720	**1,926,931**
Buildings	31,241,239	**32,600,803**
Motor vehicles	406,545	**172,599**
Sewer lagoon	2,552,945	**2,484,360**
Sewers	12,955,211	**12,590,164**
Roads	11,605,307	**11,115,474**
Equipment	3,603,747	**6,375,981**
Donated assets	1,174,889	**1,147,607**
	$ 68,835,046	**$ 72,450,652**

Cemetery Fund

Net book value	2022	Additions	Disposals	**2023**
Land	$ 42,591	$ -	$ -	**$ 42,591**

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WEST HANTS REGIONAL MUNICIPALITY

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

AS AT MARCH 31, 2023

5. TANGIBLE CAPITAL ASSETS (continued)

Windsor Water Capital

Cost	2022	Additions	Disposals	**2023**
Land and land rights	$ 291,680	$ 136,219	$ -	**$ 427,899**
Structures and improvements	1,130,800	162,231	-	**1,293,031**
Plants and equipment	3,826,695	268,236	-	**4,094,931**
Mains	6,582,077	44,092	-	**6,626,169**
Meters	170,009	30,528	-	**200,537**
Hydrants	79,421	-	-	**79,421**
Services	9,028	-	-	**9,028**
	$ 12,089,710	$ 641,306	$ -	**$ 12,731,016**

Accumulated Amortization	2022	Adjustments	Amortization	**2023**
Land and land rights	$ -	$ -	$ -	**$ -**
Structures and improvements	310,197	-	79,017	**389,214**
Plants and equipment	1,939,539	-	80,287	**2,019,826**
Mains	1,663,641	-	78,538	**1,742,179**
Meters	89,242	-	9,396	**98,638**
Hydrants	26,582	-	1,588	**28,170**
Services	5,348	-	181	**5,529**
	$ 4,034,549	$ -	$ 249,007	**$ 4,283,556**

Net book value	2022	**2023**
Land	$ 291,680	**$ 427,899**
Parks	820,603	**903,817**
Buildings	1,887,156	**2,075,105**
Motor vehicles	4,918,436	**4,883,990**
Sewer lagoon	80,767	**101,899**
Sewers	52,839	**51,251**
Roads	3,680	**3,499**
	$ 8,055,161	**$ 8,447,460**

Note: Additions include any asset retirement obligations recorded.

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WEST HANTS REGIONAL MUNICIPALITY

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

AS AT MARCH 31, 2023

5. TANGIBLE CAPITAL ASSETS (continued)

West Hants Water Capital

Cost	2022	Additions	Disposals	**2023**
Intangible assets	$ 1,293	$ -	$ -	**$ 1,293**
Land and land rights	266,692	-	-	**266,692**
Structures and improvements	5,248,039	514,771	-	**5,762,810**
Plants and equipment	1,089,996	82,124	-	**1,172,120**
Mains	3,728,051	8,603	-	**3,736,654**
Meters	1,068,584	11,212	-	**1,079,796**
Hydrants	431,026	-	-	**431,026**
Services	886,332	63,952	-	**950,284**
Other assets	226,161	-	-	**226,161**
Donated assets	2,122,315	-	-	**2,122,315**
	$ 15,068,489	$ 680,662	$ -	**$ 15,749,151**

Accumulated Amortization	2022	Adjustments	Amortization	**2023**
Intangible assets	$ -	$ -	$ -	**$ -**
Land and land rights	-	-	-	**-**
Structures and improvements	1,976,008	-	165,788	**2,141,796**
Plants and equipment	437,543	-	46,429	**483,972**
Mains	819,236	(47,496)	48,592	**820,332**
Meters	654,965	-	53,990	**708,955**
Hydrants	185,284	-	6,540	**191,824**
Services	157,436	-	19,006	**176,442**
Other assets	166,295	-	18,269	**184,564**
Donated assets	283,039	-	31,691	**314,730**
	$ 4,679,806	-$ 47,496	$ 390,305	**$ 5,022,615**

Net book value	2022	**2023**
Intangible assets	$ 1,293	**$ 1,293**
Land and land rights	266,692	**266,692**
Structures and improvements	3,272,031	**3,621,014**
Plants and equipment	652,453	**688,148**
Mains	2,908,815	**2,916,322**
Meters	413,619	**370,841**
Hydrants	245,742	**239,202**
Services	728,896	**773,842**
Other assets	59,866	**41,597**
Donated assets	1,839,276	**1,807,585**
	$ 10,388,683	**$ 10,726,536**

Note: Additions include any asset retirement obligations recorded.

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6. RATE OF RETURN ON RATE BASE

For the year ended March 31, 2023 the Water Utility had a rate of return on rate base of 3.17% . The rate of return is calculated using the amortization approved by the Nova Scotia Utility and Review Board.

7. DISCLOSURE OF REMUNERATION

The total remuneration paid to each member of Municipal Council and to the Chief Administrative Officer is as follows:

Council	Elected Officials	
	Salary	Expenses
Abraham Zebian Mayor	56,709	2,370
Councillor District #1	28,354	1,621
Councillor District #2	28,354	995
Councillor District #3	28,354	456
Councillor District #4	28,354	148
Councillor District #5	28,354	-
Councillor District #6	28,354	281
Councillor District #7	28,354	281
Councillor District #8	29,906	234
Councillor District #9	28,354	91
Councillor District #10	28,354	101
Councillor District #11	28,354	72
	$ 370,155	$ 6,650
Chief Administrative Officer	$ 175,757	$ 3,190

8. DEFERRED REVENUE

	2023	2022
Tax and user charges	**$ 173,326**	$ 91,977
Gas tax	**6,376,847**	7,049,735
Other	**2,633,103**	1,811,873
	$ 9,183,276	$ 8,953,585

Tax and user charges represent funds collected for which the related services have yet to be performed.

Gas tax represents funds received from the Federal Government that have not yet been used to fund eligible projects under the terms of the Gas Tax Agreement. These funds remain in deferred revenue until the stipulations for their use have been met.

Tax Sale Surplus - the Municipal Government Act requires a twenty year holding period for maintaining these funds.

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9. PENSION PLANS

Defined contribution plan

The Municipality provides its employees with a defined contribution pension plan. The Municipality will match the employees contribution up to a maximum of 6%. During the year the Municipality contributed $313,225

Defined benefit plan

The Municipality provides a pension to the surviving spouse of a retired former Town of Hantsport clerk and uses the accrual method of accounting. The Municipality estimates its obligation based on the present value of the remaining term of the agreement.

Pension cost	$	18,622
Accrued benefit obligation	$	70,597

The Municipality provides a pension to a retired Municipal clerk and uses the accrual method of accounting. The Municipality estimates its obligation to the retired clerk based on estimated life expectancy and future inflation rate of 2%.

Pension cost	$	44,478

10. SEGMENTED INFORMATION

The West Hants Regional Municipality is a municipal unit that provides a wide range of services to its residents. The Municipality's operations and activities are organized and reported by fund for the purpose of recording specific activities to meet objectives as outlined by legislation, special regulation, or other limitations and restrictions.

Services are provided by department and their activity is reported in these funds.

General government services

Legislative - The council serves as elected representatives of the West Hants Regional Municipality. It facilitates the decision-making process. In this role it formulates policy and provides strategic direction to guide the Chief Administrative Officer.

Administrative - This department is responsible for financial and local government administration. Functions include budget and financial statement preparation, tax collection, the Municipal Government Act administration, and accounts payable and receivable.

Protection services

The Municipality contracts with the Royal Canadian Mounted Police for police services. Fire protection is provided by grants to fire departments throughout the Municipality.

The Municipality supplies animal control services through this department.

Transportation services

Transportation services provides the administration and provision of engineering and public works, and street lighting.

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10. SEGMENTED INFORMATION (continued)

Environmental health services

This department provides for sewage collection and treatment, solid waste collection and recycling.

Public health services

Public health services provides a transfer to the Regional Housing Authority.

Environmental development services

Environmental planning and zoning administers policy and enforces codes, by-laws, and regulations pertaining to the Municipal Planning Strategy.

Recreation and cultural services

This department is responsible for promoting and offering opportunities and activities to residents.

Water treatment and distribution

The water utilities provide the delivery of drinking water through supply, pumping, treatment, and distribution to its users.

11. TRUST FUNDS

Trust funds administered by the Municipality amounting to $517,780 (2022 - $509,276) have not been included in the consolidated statement of financial position nor have their operations been included in the consolidated statement of operations.

12. SAFE RESTART FUND

The Safe Restart fund is a federal funding program designed to assist municipalities recover from the effects of the COVID-19 virus. The program provides funding for revenue shortfalls and certain additional expenditures specifically related to dealing with COVID-19.

Safe Restart funding, beginning balance	$ 225,619
Less safe restart expenses	
Personal protective equipment	-
Control protocols	-
Lost revenues	(101,214)
	(101,214)
Safe Restart funding, ending balance (page 42)	$ 124,405

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13. CONSOLIDATED SCHEDULE OF OPERATIONS BY FUNCTION

	General Gov't	Protective Services	Transportation Services	Env. Health Services	Public Health Services	Env. Development Services	Recreation and Cultural Services	Water Utility	2023
REVENUE									
TAXES	$ 23,275,327	$ -	$ -	$ 2,316,553	$ -	$ 30,020	$ 89,716	$ -	**$ 25,711,616**
PAYMENTS IN LIEU OF TAXES	215,011	29,755	-	-	-	-	-	-	**244,765**
SERVICES PROVIDED TO OTHER LOCAL GOVERNMENTS	99,898	103,863	-	854,313	-	-	-	-	**1,058,073**
SALE OF SERVICES	195,663	155,897	-	-	126,034	152,391	-	-	**629,985**
OTHER REVENUE FROM OWN SOURCES	1,484,503	211,309	(813)	(10,601)	-	-	-	-	**1,684,398**
UNCONDITIONAL TRANSFERS FROM OTHER GOV'TS	773,942	12,755	-	-	-	-	-	-	**786,698**
CONDITIONAL TRANSFERS FROM FEDERAL OR PROVINCIAL GOVERNMENTS AND AGENCIES	83,435	-	-	-	-	-	197,597	-	**281,032**
CONDITIONAL TRANSFERS FROM OTHER LOCAL GOVERNMENTS	-	-	-	-	-	-	-	-	-
GAS TAX FUNDING	-	1,000,000	20,014	-	-	-	299,985	468,491	**1,788,489**
WATER RATES								4,172,684	**4,172,684**
OTHER	1,930								**1,930**
TOTAL REVENUE	**26,129,710**	**1,513,578**	**19,201**	**3,160,265**	**126,034**	**182,411**	**587,297**	**4,641,175**	**36,359,671**
EXPENDITURES									
SALARIES, WAGES AND BENEFITS	1,805,835	643,810	572,583	735,264	86,010	761,813	1,451,366	1,250,961	**7,307,641**
OPERATING COSTS	1,521,120	7,880,359	1,092,352	2,828,054	21,454	134,760	1,215,354	2,392,303	**17,085,755**
AMORTIZATION	419,189	1,226,012	985,173	666,971	826	9,001	729,558	593,895	**4,630,625**
OTHER	438,055	631,839	170,392	273,241	-	-	102,430	615,534	**2,231,491**
INTEREST ON LONG-TERM DEBT	17,209	132,070	73,191	106,224	-	-	46,802	115,371	**490,867**
TOTAL EXPENDITURES	**4,201,408**	**10,514,089**	**2,893,691**	**4,609,754**	**108,290**	**905,574**	**3,545,510**	**4,968,064**	**31,746,380**
SURPLUS (DEFICIT)	**$ 21,928,302**	**$ (9,000,510)**	**$ (2,874,490)**	**$ (1,449,489)**	**$ 17,744**	**$ (723,164)**	**$ (2,958,213)**	**$ (326,889)**	**$ 4,613,291**

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WEST HANTS REGIONAL MUNICIPALITY

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 2023

14. BUDGET DATA

The unaudited budget data presented in these consolidated financial statements is based upon the 2022-2023 operating and capital budgets approved by Council. Amortization was not contemplated on development of the budget and, as such, has not been included. The chart below reconciles the approved budget to the budget figures reported in these consolidated financial statements.

	Budget amount
Approved budget surplus for the year	$ -
Budget adjustments:	
Amortization	**(3,981,762)**
Other revenue from own sources, reserves	**374,555**
Proceeds from sale of assets	**250,700**
Gas tax revenues	**2,031,672**
Capital grants	**732,230**
Other transfers	**(38,184)**
Debt principal repayments	**2,365,112**
Total PSAS adjustments	**1,734,323**
PSAS adjusted budget surplus per consolidated financial statements	**$ 1,734,323**

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION
OF THE GENERAL OPERATING FUND
AS AT MARCH 31, 2023

	2023	2022
ASSETS		
Cash	**$ 5,225,637**	$ 7,619,704
Taxes receivable (net of valuation allowance $60,138 in the current year)	**2,123,161**	1,696,249
Sewer rates receivable	**602,029**	585,862
Due from other local governments	**36,895**	36,895
Due from Province of Nova Scotia	**6,716**	6,716
Due from Regional 6 Waste Management	**-**	98,305
Other accounts receivable	**315,625**	434,217
Harmonized sales tax	**829,718**	736,018
Due from		
General capital	**19,703,780**	17,716,471
Water capital	**250,123**	91,017
Due from special reserves	**2,438**	2,571
Inventory	**-**	11,421
Prepaid expenses	**242,212**	136,864
	$ 29,338,334	$ 29,172,310
LIABILITIES		
Accounts payable and accrued liabilities	**$ 6,008,623**	$ 3,991,244
Bank indebtedness	**33,511**	33,511
Pension liability	**70,597**	89,219
Due to Regional 6 Waste Management	**100,971**	-
Due to trust funds	**4,280**	4,037
Due to		
Capital reserve	**13,353,333**	13,759,375
Water operating	**48,464**	697,799
Hantsport cemetery	**165,313**	108,981
Operating reserve	**6,214,852**	6,840,155
	25,999,944	25,524,321
OTHER LIABILITIES		
Prepayment of taxes and sewer charges	**91,977**	91,977
Deferred revenue	**1,459,327**	635,992
Tax sale surplus	**537,248**	504,264
	2,088,552	1,232,233
	28,088,496	26,756,554
ACCUMULATED SURPLUS (DEFICIT)	**1,249,838**	2,415,756
	$ 29,338,334	$ 29,172,310

On behalf of the West Hants Regional Municipality

Mayor

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE GENERAL OPERATING FUND

YEAR ENDED MARCH 31, 2023

	2023 Budget	**2023 Actual**	2022 Actual
REVENUE			
Taxes	$ 25,128,949	**$ 25,700,917**	$ 24,512,046
Grants in lieu of taxes	90,085	**244,765**	249,463
Services provided to other governments	1,091,245	**1,554,227**	1,348,186
Sales of services	818,499	**956,365**	879,436
Other revenue from own sources	796,482	**1,172,369**	857,705
Unconditional transfers from other governments	662,151	**786,698**	1,331,135
Conditional transfers from federal and provincial governments and agencies	147,008	**281,032**	202,495
Other	76,430	**1,930**	-
	28,810,849	**30,698,303**	29,380,466
EXPENDITURES			
General government services	2,937,947	**3,023,582**	2,870,087
Protective services	7,941,698	**8,361,056**	7,817,158
Public works and transportation services	1,936,855	**2,111,297**	2,197,856
Environmental health services	3,500,323	**3,480,829**	3,116,461
Public health services	195,000	**212,062**	128,139
Environmental development services	972,186	**895,422**	705,844
Recreation and cultural services	2,696,912	**2,586,472**	2,429,187
Other transfers	801,650	**800,865**	771,256
Interest on long-term debt	1,201,856	**375,451**	379,262
Appropriation to regional school boards	4,680,803	**4,682,544**	4,623,048
	26,865,230	**26,529,580**	25,038,298
NET REVENUE	1,945,619	**4,168,723**	4,342,168
FINANCING AND TRANSFERS			
Debenture principal instalments	(1,724,726)	**(1,615,957)**	(1,126,254)
Net transfer from (to) own reserves, funds and agencies	(220,893)	**(1,302,928)**	(800,158)
	(1,945,619)	**(2,918,885)**	(1,926,412)
Change in fund balance	$ -	**1,249,838**	2,415,756
Opening fund balance		**2,415,756**	709,440
Opening surplus transferred to operating reserve		**(2,415,756)**	(709,440)
Closing fund balance		**$ 1,249,838**	$ 2,415,756

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION OF THE GENERAL CAPITAL FUND

AS AT MARCH 31, 2023

		2023		2022
ASSETS				
Cash	**$**	**5,526**	$	1,258,900
Receivables				
Third party gas tax		**845,838**		760,379
Due from				
Capital reserves		**5,448,535**		5,371,127
Operating reserves		**659,010**		247,020
Special reserves		**5,720,505**		5,659,800
		12,679,414		13,297,226
Property and equipment, at cost		**110,771,888**		103,119,550
Accumulated amortization		**(38,321,236)**		(34,284,504)
Investment in Valley Waste Resource Management		**152,558**		152,558
		72,603,210		68,987,604
	$	**85,282,624**	$	82,284,830
LIABILITIES				
Payables and accruals	**$**	**97,520**	$	78,891
Due to				
Municipal operating		**19,703,780**		17,716,471
Water operating		**5,422**		4,007
Water capital		**75,665**		121,767
Deferred revenue		**845,838**		760,379
Asset retirement obligations		**726,600**		-
Long-term debt		**11,858,047**		12,700,842
		33,312,872		31,382,357
ACCUMULATED SURPLUS		**51,969,752**		50,902,473
	$	**85,282,624**	$	82,284,830

On behalf of the West Hants Regional Municipality

Mayor

CAO

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF INVESTMENT IN CAPITAL ASSETS OF THE GENERAL CAPITAL FUND

YEAR ENDED MARCH 31, 2023

	2023	2022
BALANCE, BEGINNING OF YEAR	**$ 50,902,473**	$ 51,063,948
Add:		
Capital additions	**7,652,337**	5,897,469
Repayment of debt	**1,014,217**	3,870,449
Grants	**732,230**	912,811
Other revenue from own sources	**19,257**	-
Interest	**27,465**	-
Proceeds from disposal of assets	**64,625**	413,499
Transfers and other	**(4,234,699)**	(4,927,605)
Less:		
Proceeds of long-term debt	**(171,422)**	(2,158,939)
Net book value of assets disposed	**-**	(433,795)
Amortization	**(4,036,731)**	(3,735,364)
BALANCE, END OF YEAR	**$ 51,969,752**	$ 50,902,473

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION OF THE WINDSOR WATER UTILITY OPERATING FUND

AS AT MARCH 31, 2023

		2023		2022
ASSETS				
Cash	**$**	**638,525**	$	199,204
Receivables				
Water rates (net of valuation allowance $21,600)		**322,349**		442,968
Inventory		**-**		27,241
Due from				
General capital		**2,294**		2,294
West Hants water utility		**8,042**		-
General operating		**423,849**		1,161,816
	$	**1,395,059**	$	1,833,523
LIABILITIES				
Payables and accruals	**$**	**84,405**	$	74,757
Deferred revenue		**2,823**		3,021
Due to				
West Hants water utility		**-**		287,412
Water capital		**546,402**		281,120
		633,630		646,310
ACCUMULATED SURPLUS		**761,429**		1,187,213
	$	**1,395,059**	$	1,833,523

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On behalf of the West Hants Regional Municipality

Mayor

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE WINDSOR WATER UTILITY OPERATING FUND

YEAR ENDED MARCH 31, 2023

	2023 Budget	**2023 Actual**	2022 Actual
OPERATING REVENUE			
Revenue from water rates	$ 1,165,900	**$ 798,374**	$ 933,136
Flat rate sales	459,000	**465,140**	457,455
Water supply for fire protection	476,241	**474,303**	474,303
Sprinkler service	7,548	**5,728**	10,504
Interest	9,354	**5,741**	6,849
Other	6,189	**5,400**	8,900
	2,124,232	**1,754,686**	1,891,147
OPERATING EXPENDITURES			
Source of supply	7,000	**12,742**	9,857
Water treatment	466,200	**544,119**	422,094
Transmission and distribution	430,350	**450,832**	435,256
Administration and general	266,683	**315,818**	196,724
Taxes	29,478	**45,647**	28,560
Depreciation	249,469	**249,007**	262,550
	1,449,180	**1,618,165**	1,355,041
NET OPERATING REVENUE (EXPENDITURES)	675,052	**136,521**	536,106
NON-OPERATING EXPENDITURES			
Capital expenditures out of revenue	-	**17,922**	26,820
Debenture principal	525,143	**512,538**	197,933
Interest repayment	31,845	**31,845**	45,338
	556,988	**562,305**	270,091
Change in fund balance	$ 118,064	**(425,784)**	266,015
Opening fund balance		**1,187,213**	921,198
Closing fund balance		**$ 761,429**	$ 1,187,213

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION OF THE WEST HANTS WATER UTILITY OPERATING FUND

AS AT MARCH 31, 2023

	2023	2022
ASSETS		
Cash	**$ 1,055,772**	$ 178,400
Receivables		
Water rates (net of valuation allowance $350)	**528,767**	522,372
Prepaids	**16,165**	29,061
Due from		
Windsor water utility	**-**	287,412
General capital	**3,128**	1,713
	$ 1,603,832	$ 1,018,958
LIABILITIES		
Payables and accruals	**$ 137,613**	$ 116,996
Deferred revenue	**57,269**	55,000
Due to		
Municipal operating	**375,383**	464,018
Windsor water utility	**8,042**	-
Water capital	**320,281**	28,226
Reserve for future expenditures	**92,362**	82,362
	990,950	746,602
ACCUMULATED SURPLUS	**612,882**	272,356
	$ 1,603,832	$ 1,018,958

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On behalf of the West Hants Regional Municipality

Mayor

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE WEST HANTS WATER UTILITY OPERATING FUND

YEAR ENDED MARCH 31, 2023

	2023 Budget	**2023 Actual**	2022 Actual
OPERATING REVENUE			
Revenue from water rates	$ 1,253,100	**$ 1,107,458**	$ 995,985
Flat rate sales	490,569	**708,471**	680,644
Water supply for fire protection	597,039	**595,789**	597,039
Sprinkler service	918	**-**	900
Interest	9,500	**3,860**	9,893
Other	20,553	**2,961**	27,195
	2,371,679	**2,418,539**	2,311,656
OPERATING EXPENDITURES			
Source of supply	467,970	**296,994**	535,438
Power and pumping	48,800	**45,465**	35,521
Water treatment	362,000	**354,414**	314,253
Transmission and distribution	751,345	**671,666**	467,170
Administration and general	308,364	**202,281**	276,006
Taxes	39,372	**18,243**	35,450
Depreciation	444,812	**390,304**	406,880
	2,422,663	**1,979,367**	2,070,718
NET OPERATING REVENUE (EXPENDITURES)	(50,984)	**439,172**	240,938
NON-OPERATING EXPENDITURES			
Capital expenditures out of revenue	50,000	**24,941**	44,668
Transfer to reserves	10,000	**-**	10,000
Debenture principal	60,134	**60,134**	51,334
Interest repayment	16,800	**13,571**	15,691
	136,934	**98,646**	121,693
Change in fund balance	$ (187,918)	**340,526**	119,245
Opening fund balance		**272,356**	153,111
Closing fund balance		**$ 612,882**	$ 272,356

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION OF THE WINDSOR WATER UTILITY CAPITAL FUND

AS AT MARCH 31, 2023

	2023	2022
ASSETS		
Cash - depreciation	**$ -**	$ 399,687
Due from		
Water operating	**546,402**	281,120
	546,402	680,807
Capital assets at cost	**12,731,016**	12,089,710
Accumulated amortization	**(4,283,556)**	(4,034,549)
	8,447,460	8,055,161
	$ 8,993,862	$ 8,735,968
LIABILITIES		
Long-term debt	**567,557**	$ 1,080,095
Due to		
General operating	**213,961**	2,893
General capital	**81,717**	63,581
	863,235	1,146,569
ACCUMULATED SURPLUS	**8,130,627**	7,589,399
	$ 8,993,862	$ 8,735,968

On behalf of the West Hants Regional Municipality

Mayor

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION OF THE WEST HANTS UTILITY CAPITAL FUND

AS AT MARCH 31, 2023

		2023		2022
ASSETS				
Cash	**$**	**123,363**	$	742,399
Cash - depreciation		**413,081**		400,665
Receivables		**4,204**		4,204
Due from				
General capital		**157,381**		185,348
Water operating		**320,281**		28,226
Special reserves		**739,820**		271,319
		1,758,130		1,632,161
Capital assets at cost		**15,749,151**		15,068,490
Accumulated amortization		**(5,022,615)**		(4,679,807)
		10,726,536		10,388,683
	$	**12,484,666**	$	12,020,844
LIABILITIES				
Payables and accruals	**$**	**64,719**	$	15,699
Deferred government assistance		**1,085,179**		1,085,179
Nova Scotia Municipal Finance Corporation		**635,850**		773,871
Due to				
General operating		**36,163**		88,124
		1,821,911		1,962,873
ACCUMULATED SURPLUS		**10,662,755**		10,057,971
	$	**12,484,666**	$	12,020,844

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On behalf of the West Hants Regional Municipality

Mayor

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF INVESTMENT IN CAPITAL ASSETS OF THE WATER UTILITY CAPITAL FUNDS

YEAR ENDED MARCH 31, 2023

2023	**Windsor**	**West Hants**
BALANCE, BEGINNING OF YEAR	**$ 7,589,399**	**$ 10,057,971**
Add:		
Capital additions	**641,306**	**680,662**
Repayment of debt	**512,538**	**661,874**
Less:		
Net book value of assets disposed	**-**	**-**
Proceeds from issuance of new debt	**-**	**(523,853)**
Amortization	**(249,007)**	**(390,304)**
Net transfers and other	**(363,609)**	**176,405**
BALANCE, END OF YEAR	**$ 8,130,627**	**$ 10,662,755**

2022	Windsor	West Hants
BALANCE, BEGINNING OF YEAR	$ 7,229,594	$ 9,873,036
Add:		
Capital additions	334,738	571,387
Repayment of debt	304,175	75,198
Less:		
Net book value of assets disposed	-	-
Amortization	(262,550)	(406,880)
Net transfers and other	(16,558)	(54,770)
BALANCE, END OF YEAR	$ 7,589,399	$ 10,057,971

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION OF THE OPERATING RESERVE FUNDS

AS AT MARCH 31, 2023

	2023	2022
ASSETS		
Cash	**$ 4,072,703**	$ 836,754
Due from		
Municipal operating	**6,214,852**	6,840,155
Special reserves	**178,850**	178,850
	$ 10,466,405	$ 7,855,759
Due to		
General capital	**$ 659,010**	$ 247,020
Capital reserves	**789,328**	884,328
	1,448,338	1,131,348
RESERVE	**9,018,067**	6,724,411
	$ 10,466,405	$ 7,855,759

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE OPERATING RESERVE FUNDS

YEAR ENDED MARCH 31, 2023

	Sewer Reserve	Carryover Reserve	Region Operating Reserve	West Hants Operating Reserve	Windsor Operating Reserve	Equipment Reserve	Landfill Reserve	Balance forward
REVENUE								
Interest	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Other	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
EXPENDITURES								
Contributions to other organizations	-	-	-	-	-	-	-	-
NET REVENUE	-	-	-	-	-	-	-	-
FINANCING AND TRANSFERS								
Transfers (to) from other funds, net	-	225,269	2,236,151	(370,170)	-	(2,600)	-	2,088,650
Change in fund balance	-	225,269	2,236,151	(370,170)	-	(2,600)	-	2,088,650
Opening fund balance	242	428,351	573,879	2,702,006	1,314,180	25,444	692	5,044,794
Closing fund balance	$ 242	$ 653,620	$ 2,810,030	$ 2,331,836	$ 1,314,180	$ 22,844	$ 692	$ 7,133,444

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE OPERATING RESERVE FUNDS (CONTINUED)

YEAR ENDED MARCH 31, 2023

	General Fund Snow Removal Reserve	Swimming Pool Reserve	Hantsport Snow Removal Reserve	RCMP Operating Reserve	Acquisition of Land	Election Reserve	5% Res Land and Improvement Reserve	Balance forward
REVENUE								
Interest	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Other	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
EXPENDITURES								
Contributions to other organizations	-	-	-	-	-	-	-	-
NET REVENUE	-	-	-	-	-	-	-	-
FINANCING AND TRANSFERS								
Transfers (to) from other funds, net	-	-	-	-	**8,000**	**25,000**	-	**33,000**
Change in fund balance	-	-	-	-	**8,000**	**25,000**	-	**33,000**
Opening fund balance	**17,851**	**50,038**	**27,105**	**1,294,385**	**155,024**	**-**	**30,916**	**1,575,319**
Closing fund balance	**$ 17,851**	**$ 50,038**	**$ 27,105**	**$ 1,294,385**	**$ 163,024**	**$ 25,000**	**$ 30,916**	**$ 1,608,319**

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE OPERATING RESERVE FUNDS (CONTINUED)

YEAR ENDED MARCH 31, 2023

	Open Space (Brison) Reserve	Sports Complex Donation Reserve	Fire Equipment Reserve	Boundary Reserve	Interest Earned	Balance brought forward	2023	2022
REVENUE								
Interest	$ -	$ -	$ -	$ -	$ 34,756	$ -	$ 34,756	$ 8,780
Other	123,000	-	30,000	-	-	-	153,000	-
	123,000	-	30,000	-	34,756	-	187,756	8,780
EXPENDITURES								
Contributions to other organizations	-	-	-	-	-	-	-	66,760
NET REVENUE	123,000	-	30,000	-	34,756	-	187,756	(57,980)
FINANCING AND TRANSFERS								
Transfer (to) from other funds	-	-	(28,000)	12,250	-	2,121,650	2,105,900	1,343,968
Change in fund balance	123,000	-	2,000	12,250	34,756	2,121,650	2,293,656	1,285,988
Opening fund balance	22,235	2,000	7,309	-	72,754	6,620,113	6,724,411	5,438,423
Closing fund balance	$ 145,235	$ 2,000	$ 9,309	$ 12,250	$ 107,510	$ 8,741,763	$ 9,018,067	$ 6,724,411

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION OF THE SPECIAL RESERVE FUNDS

AS AT MARCH 31, 2023

	2023	2022
ASSETS		
Cash	**$ 11,458,870**	$ 7,639,853
Accounts Receivable	**2,425**	2,425
Due from		
Municipal operating	**2,229,197**	2,635,239
Capital reserves	**4,939,692**	4,939,692
Cemetery	**167,927**	167,927
	$ 18,798,111	$ 15,385,136
Due to		
General capital	**$ 5,720,505**	$ 5,659,800
Water capital	**739,820**	271,319
Operating reserves	**178,849**	178,849
	6,639,174	6,109,968
RESERVE	**12,158,937**	9,275,168
	$ 18,798,111	$ 15,385,136

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE SPECIAL RESERVE FUNDS

YEAR ENDED MARCH 31, 2023

	Consolidation Reserve	Capital Grant Reserve	Hantsport Capital Grant Reserve	Sale of Land Reserve	Hantsport Sale of Land Reserve	Tax Sale Surplus Reserve	Sinking Fund Reserve	Balance forward
REVENUE								
Interest	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Conditional transfers	**3,000,000**	-	-	-	-	-	-	**3,000,000**
Proceeds from sale of school	-	-	-	-	-	-	-	-
Gain on disposal of asset	-	-	-	-	-	-	-	-
	3,000,000	-	-	-	-	-	-	**3,000,000**
EXPENDITURES								
Other expenditures	**1,303**	-	-	-	-	-	-	**1,303**
NET REVENUE	**2,998,697**	-	-	-	-	-	-	**2,998,697**
FINANCING AND TRANSFERS								
Transfers (to) from other funds, net	**(96,897)**	-	-	-	-	-	-	**(96,897)**
Change in fund balance	**2,901,800**	-	-	-	-	-	-	**2,901,800**
Opening fund balance	**709,547**	**2,327**	**56,801**	**4,583**	**1,479**	**22,499**	**765**	**798,001**
Closing fund balance	**$ 3,611,347**	**$ 2,327**	**$ 56,801**	**$ 4,583**	**$ 1,479**	**$ 22,499**	**$ 765**	**$ 3,699,801**

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE SPECIAL RESERVE FUNDS (CONTINUED)

YEAR ENDED MARCH 31, 2023

	Dissolution Sale of Asset Reserve	Landfill Closure Reserve	Landfill Current Closure Reserve	West Hants Gas Tax Reserve	Windsor Gas Tax Reserve	Balance brought forward	Balance forward
REVENUE							
Interest	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Conditional transfers	-	-	-	-	-	3,000,000	3,000,000
Proceeds from sale of assets	-	-	-	-	-	-	-
Gain on disposal of asset	-	-	-	-	-	-	-
	-	-	-	-	-	3,000,000	3,000,000
EXPENDITURES							
Other expenditures	-	70,187	-	-	-	1,303	71,490
NET REVENUE	-	(70,187)	-	-	-	2,998,697	2,928,510
FINANCING AND TRANSFERS							
Transfers (to) from other funds, net	-	-	-	(532,233)	(63,228)	(96,897)	(692,358)
Change in fund balance	-	(70,187)	-	(532,233)	(63,228)	2,901,800	2,236,152
Opening fund balance	221,567	231,954	1,662	3,902,313	153,046	798,001	5,308,543
Closing fund balance	$ 221,567	$ 161,767	$ 1,662	$ 3,370,080	$ 89,818	$ 3,699,801	$ 7,544,695

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE SPECIAL RESERVE FUNDS (CONTINUED)

YEAR ENDED MARCH 31, 2023

	Gas Tax Reserve	Hantsport Smoothing Reserve	Interest earned	Investment in Capital Assets Reserve	Dissolution Transition Reserve	Balance brought forward	Balance forward
REVENUE							
Interest	$ 225,539	$ -	$ 104,200	$ -	$ -	$ -	$ 329,739
Conditional transfers	1,047,786	-	-	-	132,225	3,000,000	4,180,011
Proceeds from sale of school	-	-	-	-	-	-	-
Gain on disposal of asset	-	-	-	-	-	-	-
	1,273,325	-	104,200	-	132,225	3,000,000	4,509,750
EXPENDITURES							
Other expenditures	179,441	-	-	-	-	71,490	250,931
NET REVENUE	1,093,884	-	104,200	-	132,225	2,928,510	4,258,819
FINANCING AND TRANSFERS							
Transfers (to) from other funds, net	(1,193,028)	-	-	-	-	(692,358)	(1,885,386)
Change in fund balance	(99,144)	-	104,200	-	132,225	2,236,152	2,373,433
Opening fund balance	2,272,743	300,150	15,467	56,475	41,450	5,308,543	7,994,828
Closing fund balance	$ 2,173,599	$ 300,150	$ 119,667	$ 56,475	$ 173,675	$ 7,544,695	$ 10,368,261

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE SPECIAL RESERVE FUNDS (CONTINUED)

YEAR ENDED MARCH 31, 2023

	Infrastructure - Hantsport Dissolution Reserve	Hantsport Infrastructure Reserve	Windsor Infrastructure Reserve	Hantsport Tax Sale Surplus Reserve	Safe Restart Reserve	Balance brought forward	2023	2022
REVENUE								
Interest	$ -	$ -	$ -	$ -	$ -	$ 329,739	$ 329,739	$ 54,790
Conditional transfers	-	-	-	-	-	4,180,011	4,180,011	3,058,842
Proceeds from sale of school	-	-	-	-	-	-	-	191,808
Gain on disposal of asset	-	-	-	-	-	-	-	-
	-	-	-	-	-	4,509,750	4,509,750	3,305,440
EXPENDITURES								
Other expenditures	-	-	-	-	-	250,931	250,931	206,347
NET REVENUE	-	-	-	-	-	4,258,819	4,258,819	3,099,093
FINANCING AND TRANSFERS								
Transfers (to) from other funds, net	-	338,250	273,300	-	(101,214)	(1,885,386)	(1,375,050)	(2,280,694)
Change in fund balance	-	338,250	273,300	-	(101,214)	2,373,433	2,883,769	818,399
Opening fund balance	17,663	829,568	202,800	4,690	225,619	7,994,828	9,275,168	8,456,769
Closing fund balance	$ 17,663	$ 1,167,818	$ 476,100	$ 4,690	$ 124,405	$ 10,368,261	$ 12,158,937	$ 9,275,168

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION OF THE CAPITAL RESERVE FUNDS

AS AT MARCH 31, 2023

	2023	2022
ASSETS		
Cash	**$ 3,258,943**	$ 2,802,856
Due from		
Municipal operating	**11,124,136**	11,124,136
Operating reserves	**789,328**	884,327
	$ 15,172,407	$ 14,811,319
Due to		
General capital	**$ 5,448,535**	$ 5,371,127
Cemetery	**167,927**	167,927
Special reserves	**4,939,692**	4,939,692
	10,556,154	10,478,746
RESERVE	**4,616,253**	4,332,573
	$ 15,172,407	$ 14,811,319

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE CAPITAL RESERVE FUNDS

YEAR ENDED MARCH 31, 2023

	Building Reserve	Transportation Reserve	Vehicle Reserve	West Hants Sewer Reserve	Windsor Fire Reserve	Windsor Sewer Reserve	Sale of Land Reserve	Road Infrastructure Reserve	Balance Forward
REVENUE									
Interest	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Conditional transfers	-	-	-	-	-	-	186,075	-	186,075
	-	-	-	-	-	-	186,075		186,075
EXPENDITURES									
Contributions to other organizations	-	-	-	-	-	-	-	-	-
NET REVENUE	-	-	-	-	-	-	186,075		186,075
FINANCING AND TRANSFERS									
Transfers (to) from other funds, net	-	(26,580)	-	119,768	(43,646)	(226,517)	-	95,054	(81,921)
Change in fund balance	-	(26,580)	-	119,768	(43,646)	(226,517)	186,075	95,054	104,154
Opening fund balance	684,396	218,848	7,305	1,228,019	351,907	921,017	-	173,965	3,585,457
Closing fund balance	$ 684,396	$ 192,268	$ 7,305	$ 1,347,787	$ 308,261	$ 694,500	$ 186,075	$ 269,019	$ 3,689,611

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE CAPITAL RESERVE FUNDS

YEAR ENDED MARCH 31, 2023

	Windsor Equipment Reserve	Recreation Reserve	Vehicle Reserve	Building Reserve	Hantsport Fire Reserve	Interest Earned Reserve	Balance forward	2023	2022
REVENUE									
Interest	$ -	$ -	$ -	$ -	$ -	$ 79,351	$ -	$ 79,351	$ 21,584
Other revenue	-	-	-	-	50	-	186,075	186,125	-
	-	-	-	-	50	79,351	186,075	265,476	21,584
EXPENDITURES									
Contributions to other organizations	-	-	-	-	-	-	-	-	-
NET REVENUE	-	-	-	-	50	79,351	186,075	265,476	21,584
FINANCING AND TRANSFERS									
Transfers (to) from other funds, net	(29,383)	-	60,222	69,286	-	-	(81,921)	18,204	99,846
Change in fund balance	(29,383)	-	60,222	69,286	50	79,351	104,154	283,680	121,430
Opening fund balance	320,914	215,633	100,000	50,000	19,544	41,025	3,585,457	4,332,573	4,211,143
Closing fund balance	$ 291,531	$ 215,633	$ 160,222	$ 119,286	$ 19,594	$ 120,376	$ 3,689,611	$ 4,616,253	$ 4,332,573

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION OF THE SCHOOL FUNDS

AS AT MARCH 31, 2023

	2023	2022
ASSETS		
Falmouth District School	**$ 277,199**	$ 277,199
School Bus garage	**407,273**	407,273
	684,472	684,472
Accumulated amortization	**(684,472)**	(684,472)
	$ -	$ -
SURPLUS	**$ -**	$ -

On behalf of the West Hants Regional Municipality

Mayor

CAO

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION OF THE CEMETERY FUND

AS AT MARCH 31, 2023

		2023		2022
ASSETS				
Cash	**$**	**83,369**	$	117,550
Land		**42,591**		42,591
Due from (to) other funds		**165,315**		108,983
	$	**291,275**	$	269,124
Deferred revenue	**$**	**1,000**	$	1,000
ACCUMULATED SURPLUS		**290,275**		268,124
	$	**291,275**	$	269,124

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE CEMETERY FUND

YEAR ENDED MARCH 31, 2023

		2023		2022
REVENUE				
Operating grant	**$**	**81,825**	$	66,081
Interest income		**6,039**		5,223
Sale of lots		**8,896**		9,015
Care of lots		**5,284**		6,992
Burial fees		**27,439**		13,998
		129,483		101,309
EXPENDITURES				
Wages		**85,878**		46,099
Ground maintenance		**16,976**		6,762
Equipment maintenance		**980**		1,150
General projects		**360**		2,778
Miscellaneous		**3,138**		3,720
		107,332		60,509
Change in fund balance		**22,151**		40,800
Opening fund balance		**268,124**		227,324
Closing fund balance	**$**	**290,275**	$	268,124

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WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL POSITION OF THE TRUST FUNDS

AS AT MARCH 31, 2023

	Perpetual Care Cemetery	Grace Oulton	Ellen Beazley Scholarship	Windsor Trust Fund	Windsor Youth Recreation	2023	2022
ASSETS							
Cash	**$ 83,153**	**$ -**	**$ (15)**	**$ 83,688**	**$ 31,660**	**$ 198,486**	$ 192,434
Investment	**64,919**	**19,906**	**-**	**260,682**	**-**	**345,507**	342,955
Land	**-**	**1**	**-**	**-**	**-**	**1**	1
	$ 148,072	**$ 19,907**	**$ (15)**	**$ 344,370**	**$ 31,660**	**$ 543,994**	$ 535,390
Due to							
Municipal operating	**$ 1,847**	**$ 2,026**	**$ (8,358)**	**$ 29,316**	**$ 1,383**	**$ 26,214**	$ 26,114
TRUST BALANCE	**146,225**	**17,881**	**8,343**	**315,054**	**30,277**	**517,780**	509,276
	$ 148,072	**$ 19,907**	**$ (15)**	**$ 344,370**	**$ 31,660**	**$ 543,994**	$ 535,390

WEST HANTS REGIONAL MUNICIPALITY

NON-CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES OF THE TRUST FUNDS

YEAR ENDED MARCH 31, 2023

	Perpetual Care Cemetery	Grace Oulton	Ellen Beazley Scholarship	Windsor Trust Fund	Windsor Youth Recreation	2023	2022
REVENUE							
Interest earned	**$ 8,255**	**$ -**	**$ -**	**$ 249**	**$ -**	**$ 8,504**	$ 1,858
Investment income	**-**	**-**	**-**	**-**	**-**	**-**	-
Donations	**-**	**-**	**-**	**-**	**-**	**-**	-
	8,255	**-**	**-**	**249**	**-**	**8,504**	1,858
NET REVENUE	**8,255**	**-**	**-**	**249**	**-**	**8,504**	1,858
Change in fund balance	**8,255**	**-**	**-**	**249**	**-**	**8,504**	1,858
Opening fund balance	**137,970**	**17,881**	**8,343**	**314,805**	**30,277**	**509,276**	507,418
Closing fund balance	**$ 146,225**	**$ 17,881**	**$ 8,343**	**$ 315,054**	**$ 30,277**	**$ 517,780**	$ 509,276

On behalf of the West Hants Regional Municipality

Mayor

CAO

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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☑	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: Audit Committee

Submitted by: Carlee Rochon

Carlee Rochon, Director, Financial Services

Date: October 16th, 2023

Subject: Financial Update – Month Ending June 30, 2023

LEGISLATIVE AUTHORITY

Municipal Government Act, Part II, Administration, Section 31 (c)

RECOMMENDATION or DECISION REQUEST

Not Applicable

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☑	Councillor Activity ☐

As a recap, the 2023-24 Municipal Operating budget was passed on April 25, 2023.

- 2023-24 Operating Budget of $31,161,282
- 2023-24 Capital Budget of $24,376,228

WHRM Council provides overall governance of Municipal funds while the Chief Administrative Officer is responsible for the administration of the budget after adoption.

The intent of this report is to provide a summary view of what is currently recorded on the Municipal Operating Fund. Municipal Departments are responsible for overseeing the day-to-day activity of their budget areas.

DISCUSSION

Please refer to the attached Actual Budget Variance reports for the period ending June 30th, 2023.

Revenues at June 30th, are projecting 0.4% lower than the budgeted revenues. While expenses are projecting 2.2% higher than the budgeted expenses. The overall projected deficit based on the variance analysis for the general fund is $799,022. Projections are based on the current information and limited historical trends. The possibility of fluctuations within these projections should be presumed as the year progresses. Potential mitigation for a deficit has been presented to Committee of the Whole, and will be presented to Audit Committee. However this will not be finalized till year end.

Revenue Highlights

Municipal revenues are projected to be lower. The main items that have caused the decrease in revenue are Community Development Programs and Facility Rental, and Sewer Revenue. Some revenue sources are projected to be higher, such as miscellanous revenue, including permits, licenses, general rentals, tax certificates, and return on investment.

Community Development revenue has come in lower than budgeted, however, we are able to use the Safe Restart grant received from the province to offset the variance up to $83,373. Sewer revenues are projecting lower for the first quarter of the year. This projection will be updated after the summer billing is completed.

West Hants Regional Municipality's budgets set the Deed Transfer Tax revenue at $2 million. Given the current real estate market activity, we are forecasting to meet budget. For the first quarter we have reached 11.7% of the budgeted deed transfer tax amount. This will be monitored over the next two quarters.

Expenditure Highlights

Municipal expenditures are projected to be higher, with a projected variance of 2.2% from what was budgeted. Some expenditure sources are projecting to be higher, such as Protective Services, General Government and Environmental Health Services .

Protective Services' higher variance is a result of the RCMP line item. With the addition of the provincial RCMP quarterly billing of $236,291, the 2022-23 operating RCMP credit will help mitigate this. In addition, the Fire Services line item is projecting higher, with two major capital repairs for Hantsport Fire, and Windsor Fire apparatuses. There are also increases associated to Southwest Hants Fire Operations and Regional Fire Operations.

General Government is projecting higher, with the increases associated with Facilities and Dial-A-Ride. Enviromental Health Services are projecting higher due to the increase associated to sewer depreciations.

In addition to these three areas, the mandatory Education and Library amounts are higher by $34,850.

NEW ITEMS

Not Applicable

FINANCIAL IMPLICATIONS

The projections provided are limited as we are currently at the end of the third month into the fiscal year. The overall projected deficit based on the variance analysis for the general fund is $799,022.

ALTERNATIVES

Not Applicable

ATTACHMENTS

- Actual vs Budget 2023-2024 – Ending June 30, 2023

CHIEF ADMINISTRATIVE OFFICER REVIEW

Report Prepared by: _____
Carlee Rochon, Director, Financial Services

Report Reviewed by: _____
Mark Phillips, Chief Administrative Officer

West Hants Regional Municipality
Income Statement - Actual vs. Budget
For the Third Month Ending June 30, 2023

	2023-24 Budget	*YTD Actual*	*Remaining Funds*	Act./Bud. Percentage	*Forecast June 30, 2023*	
TOTAL REVENUES						
ASSESSABLE PROPERTIES						
RESIDENTIAL	8,483,934	(161)	8,484,095	(0.0%)	8,473,762	
COMMERCIAL	1,309,086	-	1,309,086	0.0%	1,312,052	
SPECIAL TAX AGREEMENT	58,147	-	58,147	0.0%	37,697	
RESOURCE	328,793	(8)	328,801	(0.0%)	316,235	
WEST HANTS AREA RATES	7,005,316	(188)	7,005,504	(0.0%)	6,836,934	
HANTSPORT AREA RATES	620,505	-	620,505	0.0%	589,374	
WINDSOR AREA RATES	4,107,288	-	4,107,288	0.0%	4,037,120	
TOTAL	21,913,069	(357)	21,913,426	(0.0%)	21,603,174	-1.4%
SEWER UTILITY REVENUE						
WEST HANT SEWER	1,294,235	295,339	998,896	22.8%	1,196,188	
WINDSOR SEWER	1,125,148	245,927	879,221	21.9%	990,924	
TOTAL	2,419,383	541,266	1,878,117	22.4%	2,187,112	-9.6%
BUSINESS PROPERTY						
MT&T	79,380	73,102	6,278	92.1%	73,102	
NS POWER	244,368	244,368	-	100.0%	244,368	
HST OFFSET GRANT	86,729	-	86,729	0.0%	112,207	
TOTAL	410,477	317,470	93,007	77.3%	429,677	4.7%
OTHER						
DEED TRANSFER TAX	2,000,000	234,450	1,765,550	11.7%	2,000,000	
5% SUBDIVISION	10,000	-	10,000	0.0%	10,000	
TOTAL	2,010,000	234,450	1,775,550	11.7%	2,010,000	0.0%
GRANTS-IN-LIEU						
FEDERAL	51,206	-	51,206	0.0%	51,206	
PROVINCIAL	40,394	102	40,292	0.3%	40,394	
TOTAL	91,600	102	91,498	0.1%	91,600	0.0%
LOCAL GOVERNMENT						
GENERAL GOV SERVICES	2,000	490	1,510	24.5%	3,116	
RECYCLING/ENFORCEMENT	75,700	-	75,700	0.0%	60,689	
HOST COMMUNITY FEES	431,438	209,874	221,564	48.6%	488,725	
COURTHOUSE	95,315	18,000	77,315	18.9%	86,398	
RESERVE TFR - TIPPING FEES	53,860	-	53,860	0.0%	53,860	
ADMINISTRATION FEES	500,969	8,934	492,035	1.8%	500,969	
KINGS COUNTY FIRE GRANT	71,600	30,394	41,206	42.4%	71,600	
GLOOSCAP FIRE GRANT	7,065	-	7,065	0.0%	7,065	
CAPITAL FIRE GRANT - KINGS	72,124	-	72,124	0.0%	72,124	
MISC GLOOSCAP	30,000	-	30,000	0.0%	30,000	
TOTAL	1,340,071	267,692	1,072,379	20.0%	1,374,545	2.6%
LICENSES & PERMITS						
LICENCES	90,000	24,438	65,562	27.2%	122,105	35.7%
FINES	31,000	12,095	18,905	39.0%	56,647	82.7%
RENTALS						
RENTALS	64,311	900	63,411	1.4%	64,311	
LEASES	36,500	31,400	5,100	86.0%	36,500	
TOTAL	100,811	32,300	68,511	32.0%	100,811	0.0%
RETURN ON INVESTMENT	75,000	108,209	(33,209)	144.3%	327,270	336.4%
INTEREST & PENALTIES						
INTEREST & PENALTIES	322,150	57,751	264,399	17.9%	282,534	
TOTAL	322,150	57,751	264,399	17.9%	282,534	-12.3%
OTHER						
WIND FARMS	175,676	-	175,676	0.0%	175,676	

West Hants Regional Municipality
Income Statement - Actual vs. Budget
For the Third Month Ending June 30, 2023

	2023-24 Budget	*YTD Actual*	*Remaining Funds*	Act./Bud. Percentage	*Forecast June 30, 2023*	
MISC	48,000	58,946	(10,946)	122.8%	263,316	
TOTAL	223,676	58,946	164,730	26.4%	438,992	96.3%
COMMUNITY DEVELOPMENT						
RECREATION	238,975	54,922	184,053	23.0%	238,975	
RECREATION - FACILITIES	599,870	42,647	557,223	7.1%	487,000	
	838,845	97,569	741,276	11.6%	725,975	-13.5%
SERVICE NS & MUN RELATIONS						
EQUALIZATION GRANTS	1,125,416	140,677	984,739	12.5%	1,125,416	
FARM PROPERTY ACREAGE	98,485	98,485	-	100.0%	98,485	
911 COST RECOVERY	6,300	-	6,300	0.0%	6,300	
TOTAL	1,230,201	239,162	991,039	19.4%	1,230,201	0.0%
FEDERAL GOVERNMENT GRANTS	15,000	7,010	7,990	46.7%	18,094	20.6%
LOCAL GOVERNMENTS	50,000	1,047,633	(997,633)	2095.3%	50,000	
OWN VALUATION ALLOW & EQUITY						
OTHER FUNDS GENERAL	-	627	627	0.0%	627	
TOTAL REVENUE	**31,161,283**	**3,046,363**	**28,116,174**	**496%**	**31,049,364**	-0.4%

West Hants Regional Municipality
Income Statement - Actual vs. Budget
For the Third Month Ending June 30, 2023

	2023-24 Budget	*YTD Actual*	*Remaining Funds*	Act./Bud. Percentage	*Forecast June 30, 2023*	
LEGISLATIVE						
WARDEN	61,740	13,151	48,589	21.3%	64,553	
COUNCIL	365,160	78,600	286,560	21.5%	365,160	
CONSOLIDATION & TRANSITION	-	-	-			
OTHER LEGISLATIVE	29,000	1,303	27,697	4.5%	29,000	
TOTAL	455,900	93,054	362,846	20.4%	458,713	0.6%
GENERAL ADMINISTRATION						
ADMINISTRATIVE MANAGEMENT	535,208	93,530	441,678	17.5%	486,850	
FINANCIAL MANAGEMENT	990,200	181,912	808,288	18.4%	943,860	
LEGAL/AUDITOR	90,460	1,145	89,315	1.3%	90,460	
TAXATION	185,340	33,449	151,891	18.0%	253,306	
COMMON SERVICES	4,000	1,269	2,731	31.7%	3,067	
OTHER GENERAL ADMIN						
OFFICE ADMIN	120,335	43,160	77,175	35.9%	120,335	
FACILITIES	-	59,624	(59,624)	0.0%	256,646	
LIBRARIES	51,351	2,715	48,636	5.3%	46,374	
DATA SERVICES	452,620	147,839	304,781	32.7%	452,620	
INSURANCE	242,900	223,070	19,830	91.8%	242,900	
PUBLIC SAFETY GRANTS	43,500	-	43,500	0.0%	47,600	
OTHER	72,695	6,424	66,271	8.8%	72,695	
TOTAL	2,788,609	794,137	1,994,472	28.5%	3,016,713	8.2%
PROTECTIVE SERVICES						
POLICE	5,504,910	70,369	5,434,541	1.3%	5,741,201	
LAW ENFORCEMENT	187,110	34,900	152,210	18.7%	187,110	
FIRE FIGHTING	2,683,451	377,652	2,305,799	14.1%	2,773,381	
EMERGENCY	44,320	7,777	36,543	17.5%	54,320	
BUILDING INSPECTION	433,930	86,541	347,389	19.9%	433,930	
FOOD BANK	6,490	304	6,186	4.7%	6,490	
TOTAL	8,860,211	577,543	8,282,668	6.5%	9,196,432	3.8%
TRANSPORTATION						
ROADS & STREETS - ADMIN	705,952	166,262	539,690	23.6%	705,952	
ROADS & STREETS - WEST HANTS	212,350	43,555	168,795	20.5%	212,350	
ROADS & STREETS - WINDSOR	524,300	76,505	447,795	14.6%	524,300	
ROADS & STREETS - HANTSPORT	216,700	30,047	186,653	13.9%	216,700	
TOTAL	1,659,302	316,369	1,342,933	19.1%	1,659,302	0.0%
ENVIRONMENTAL HEALTH SERVICES						
WEST HANTS SEWER						
ADMINISTRATION	654,604.00	110,718.00	543,886	16.9%	786,785	
OPERATING COSTS	243,587.00	58,953.00	184,634	24.2%	219,948	
LONG TERM DEBT	122,145.00	-	122,145	0.0%	122,145	
WINDSOR SEWER						
ADMINISTRATION	407,099.00	76,813.00	330,286	18.9%	556,324	
OPERATING COSTS	270,060.00	72,261.00	197,799	26.8%	270,060	
LONG TERM DEBT	308,214.00	43,285.00	264,929	14.0%	308,214	
SUB-TOTAL	*2,005,709*	*362,030*	*1,643,679*	*18.0%*	*2,263,476*	12.9%
GARBAGE & RECYCLING						
GARBAGE & WASTE - WEST HANTS	1,137,933	232,090	905,843	20.4%	1,070,402	
GARBAGE & WASTE - WINDSOR	315,850	51,157	264,693	16.2%	246,374	
CLOSED LANDFILL	53,860	8,263	45,597	15.3%	53,860	
RECYCLING/ENFORCEMENT	75,700	13,491	62,209	17.8%	60,689	
SUB-TOTAL	*1,583,343*	*305,001*	*1,278,342*	*19.3%*	*1,431,325*	
TOTAL ENVIRO HEALTH SERVICES	3,589,052	667,031	2,922,021	18.6%	3,694,801	2.9%
ENVIRONMENTAL DEVELOPMENT SERVICES						
PLANNING	843,200.00	188,213.00	654,987	22.3%	843,200	
MCAPP/VCFN/REN/TOURISM	213,760.00	29,725.00	184,035	13.9%	213,760	
INDUSTRIAL PARK	4,400.00	1,109.00			4,200	
HANTS SHORE COMMUNITY HEALTH CENTRE	50,000.00	-	50,000	0.0%	50,000	
TOTAL	1,111,360	219,047	889,022	19.7%	1,111,160	0.0%

West Hants Regional Municipality
Income Statement - Actual vs. Budget
For the Third Month Ending June 30, 2023

	2023-24 Budget	*YTD Actual*	*Remaining Funds*	Act./Bud. Percentage	*Forecast June 30, 2023*	
RECREATION & CULTURAL SERVICES						
ADMINISTRATION	373,450.00	146,622.00	226,828	39.3%	373,450	
RECREATION SITES & MAINTENANCE	480,989.00	125,484.00	355,505	26.1%	480,645	
PROGRAMS	584,700.00	110,184.00	474,516	18.8%	569,700	
POOL	168,370.00	43,928.00	124,442	26.1%	162,793	
COMMUNITY CENTRE	195,440.00	55,119.00	140,321	28.2%	195,761	
SPORTS COMPLEX	621,650.00	119,676.00	501,974	19.3%	621,650	
COMMUNITY ECONOMIC DEVELOPMENT	367,550.00	50,664.00	316,886	13.8%	367,550	
HMCC	135,735.00	16,136.00	119,599	11.9%	135,735	
MAPLEWOOD CEMETERY	52,300.00	-	52,300	0.0%	52,300	
RIVERBANK CEMETERY	31,045.00	-	31,045	0.0%	31,045	
TOTAL	3,011,229	667,813	2,343,416	22.2%	2,990,629	-0.7%
FISCAL SERVICES						
VALUATION ALLOWANCE & BAD DEBTS	-	-	-	0.0%	5,000	
HOUSING AUTHORITY	215,000	209,342	5,658	97.4%	209,342	
ASSESSMENT	332,421	83,105	249,316	25.0%	332,420	
CORRECTIONAL	251,281	62,919	188,362	25.0%	251,676	
REGIONAL LIBRARY	126,690	33,640	93,050	26.6%	134,560	
EDUCATION	5,000,882	1,170,636	3,830,246	23.4%	5,028,292	
TOTAL	5,926,274	1,559,642	1,750,986	26.3%	5,961,290	0.6%
COURTHOUSE	95,315	20,221	75,094	21.2%	95,315	0.0%
			-			
LONG TERM DEBT	2,207,653	551,786	1,655,867	25.0%	2,207,653	
TRANSFER TO RESERVES	1,456,378	-	1,456,378	0.0%	1,456,378	
TOTAL EXPENDITURES	**31,161,283**	**5,466,643**	**23,075,703**	**17.5%**	**31,848,385**	2.2%
SURPLUS/(DEFICIT)*	**-**	**(2,420,280)**	**(2,420,280)**		**(799,022)**	-2.6%

SURPLUS / DEFICIT (799,022)

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting / logged
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)

First Name	Last Name	Correspondence Date	Meeting / logged
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)	Miniou (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)

First Name	Last Name	Correspondence Date	Meeting / logged
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)

First Name	Last Name	Correspondence Date	Meeting / logged
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)

First Name	Last Name	Correspondence Date	Meeting / logged
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)

First Name	Last Name	Correspondence Date	Meeting / logged
Quentin	Davison	2021-07-13	2021-07-13 COTW
Iain (Hon.)	Rankin	2021-07-16	2021-07-27 Council
Karen	Beazley	2021-07-15	2021-07-27 Council
G.E.	Morehouse	2021-07-22	2021-07-27 Council
Darlene	Taylor	2021-07-26	2021-09-14 COTW
Heather	MacLean	2021-08-13	2021-09-14 COTW
Kim (Hon)	Masland	2021-09-22	2021-10-12 COTW
Darren	Porter	2022-02-01	2022-02-08 Council
Hon. Steve	Craig	2022-03-02	2022-03-08 COTW
Hon. Greg	Morrow	2022-03-08	2022-03-22 Council
Sheldon	Hope	2022-03-10	2022-03-22 Council
Darren	Porter	2022-06-02	2022-06-14 COTW
Darren	Porter	2022-06-27	2022-06-28 Council
Hon. Joyce	Murray	2022-07-12	2022-07-26 Council
Jennifer	Allen	2022-08-30	2022-09-13 COTW
Hon. Kody	Blois	2022-10-07	2022-10-11 COTW
K Salter	Salter	2022-10-28	2022-11-08 COTW
Hon. Kody	Blois	2023-06-02	2023-06-13 COTW
Andre	Arsenault	2023-06-02	2023-06-13 COTW
Darlene	Taylor	2023-06-02	2023-06-13 COTW
Kevin	Walsh	2023-06-03	2023-06-13 COTW
Alyson and Nicholas	Bremner/Juurlink	2023-06-03	2023-06-13 COTW
Hants County Federation of Agriculture		2023-06-03	2023-06-13 COTW
Al	Mailman	2023-06-03	2023-06-13 COTW
Greg	O'Leary	2023-06-03	2023-06-13 COTW
Lisa	Bland	2023-06-04	2023-06-13 COTW
Karen	Lynch	2023-06-04	2023-06-13 COTW
Judy	Lynch	2023-06-04	2023-06-13 COTW
Greg	Miller	2023-06-04	2023-06-13 COTW
Darren	Porter	2023-06-04	2023-06-13 COTW
Monique	Wood	2023-06-04	2023-06-13 COTW
Lana	Patterson	2023-06-04	2023-06-13 COTW
Dr. AK.	Kirumira	2023-06-04	2023-06-13 COTW

Bonnie	O'Leary	2023-06-04	2023-06-13 COTW
Robyn	Bremner-Popma	2023-06-04	2023-06-13 COTW
Traci and Elizabeth	Curry	2023-06-04	2023-06-13 COTW
Sheldon	Hope	2023-06-05	2023-06-13 COTW
Wilf and Diane	Ogilvie	2023-06-05	2023-06-13 COTW
Aaron	Ewing	2023-06-05	2023-06-13 COTW
Cara	Pfeffer	2023-06-05	2023-06-13 COTW
Maxine	Chandler	2023-06-05	2023-06-13 COTW
Pat	Porter	2023-06-05	2023-06-13 COTW
Shannon	Cunningham	2023-06-05	2023-06-13 COTW
Anna	DeNicola	2023-06-06	2023-06-13 COTW
Jen	Murphy	2023-06-06	2023-06-13 COTW
Karen	Beazley	2023-06-06	2023-06-13 COTW
Linda	Card	2023-06-06	2023-06-13 COTW
Richard	Dunham	2023-06-06	2023-06-13 COTW
Doug	Symonds	2023-06-06	2023-06-13 COTW
Krista	Lunn	2023-06-06	2023-06-13 COTW
Barbara	Hughes	2023-06-06	2023-06-13 COTW
Andrew	Smiley	2023-06-06	2023-06-13 COTW
Nikki	Lloyd	2023-06-06	2023-06-13 COTW
Aaron	Ewing	2023-06-07	2023-06-13 COTW
Jim	White	2023-06-07	2023-06-13 COTW
Sasha	Stevens	2023-06-07	2023-06-13 COTW
Chris	Phillips	2023-06-07	2023-06-13 COTW
Chad	Pothier	2023-06-07	2023-06-13 COTW
Darlene	Taylor	2023-06-07	2023-06-13 COTW
Nancy and Bruce	Cameron	2023-06-07	2023-06-13 COTW
James	Pothier	2023-06-07	2023-06-13 COTW
Abe	Zebian	2023-06-07	2023-06-13 COTW
Judith	Kazmirski	2023-06-08	2023-06-13 COTW
Nikki Lloyd	Lloyd	2023-06-08	2023-06-13 COTW
Darren	Porter	2023-06-09	2023-06-13 COTW
Ashley Imlay	Imlay	2023-06-09	2023-06-13 COTW
Valerie	Wilcox	2023-06-11	2023-06-13 COTW

Colleen	Walsh-Bouman	2023-06-12	2023-06-13 COTW
G. Wayne	Hines	2023-06-12	2023-06-13 COTW
Sharon	Johnson	2023-06-12	2023-06-13 COTW
Nicholas	Juurlick	2023-06-11	2023-06-13 COTW
Ed and Cathy	Kerr	2023-06-12	2023-06-13 COTW
Tracey	Sexton	2023-06-12	2023-06-13 COTW
Peter	Nicol	2023-06-12	2023-06-13 COTW
Jennifer	Shaw	2023-06-13	2023-06-13 COTW
Jayne	Murray	2023-06-13	2023-06-13 COTW
Reid & Roslyn	MacDuff	2023-06-13	2023-06-13 COTW
Monique	Wood	2023-06-13	2023-06-13 COTW
Dean	Manning	2023-06-13	2023-06-13 COTW
Karen	Beazley	2023-06-14	2023-06-27 Council
Carrilee	Eddy	2023-06-15	2023-06-27 Council
Maria DeNicola	DeNicola	2023-06-15	2023-06-27 Council
Anna	DeNicola	2023-06-16	2023-06-27 Council
Karen F.	Beazley	2023-06-16	2023-06-27 Council
Lisa	Bland	2023-06-16	2023-06-27 Council
Duncan	Armour	2023-06-19	2023-06-27 Council
Gwendolyn	Aker	2023-06-19	2023-06-27 Council
Laura	Fisher	2023-06-19	2023-06-27 Council
Barbara	Hughes	2023-06-21	2023-06-27 Council
Reid & Roslyn	MacDuff	2023-06-21	2023-06-27 Council
Kim	Jansen	2023-06-22	2023-06-27 Council
Brian and Sandra	Hogan	2023-06-22	2023-06-27 Council
Maria	DeNicola Re Concerns of Racism, Bullying and Slander	2023-06-22	2023-06-27 Council
Karen	Langille	2023-06-22	2023-06-27 Council
Anne	Desneiges	2023-06-22	2023-06-27 Council
Darren	Porter	2023-06-25	2023-06-27 Council
Barbara	Hughes	2023-06-27	2023-07-11 COTW
Louis	Coutinho	2023-06-28	2023-07-11 COTW
Darlene	Taylor	2023-06-29	2023-07-11 COTW
Eric	D-Entremont	2023-07-10	2023-07-11 COTW
Canadian Wildlife Federation Letter		2023-07-10	2023-07-11 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

Beth	McBrine	2023-07-14	2023-07-25 Council
Judi	Wilson	2023-07-19	2023-07-25 Council
Dr. AK. Kirumira (WHRM copied)		2023-07-21	2023-07-25 Council
Dawn	Allen (WHRM copied)	2023-07-23	2023-07-25 Council

Correspondence Received

First Name	Last Name	Correspondence Date	Meeting / logged
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	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
Hon. John	Lohr	2022-03-22	2022-04-12 COTW
Andrea	Parker	2022-03-28	2022-04-12 COTW
Bulk Water Haulers		2022-03-30	2022-04-12 COTW
Mark	Wainman	2022-04-04	2022-04-12 COTW
Jeff	Houser	2022-03-23	2022-04-12 COTW
Kathrin	Winkler	2022-04-05	2022-04-12 COTW
Joseph, PVSC	Feeney	2022-04-14	2022-04-26 Council

Darren	Porter	2022-04-21	2022-04-26 Council
Daphnee	de Lamirande	2022-04-29	2022-05-10 COTW
Hon. John	Lohr	2022-05-02	2022-05-10 COTW
Ann- Marie	Mathieu, Annapolis Valley Regional Library	2022-05-05	2022-05-10 COTW
2022-05-11 Yves	Arsenault re Information session for Hosting of 44th annual Final des Jeux de l'Acadie for 2025	2022-05-11	2022-05-26 Council
Anna	Allen	2022-05-22	2022-06-14 COTW
Seamus	Marriott, Community Petition re Zwicker lake	2022-05-31	2022-06-14 COTW
Scott	Carson (Presenting letter in person to Council)	2022-06-03	2022-06-14 COTW
Hon. John	Lohr (DMA)	2022-06-10	2022-06-14 COTW
Nancy	Sherwood	2022-06-14	2022-06-28 Council
Bobby	Best	2022-06-16	2022-06-28 Council
Hon. Kim	Masland	2022-06-21	2022-06-28 Council
Sherri	Bulger	2022-06-28	2022-06-28 Council
Hon. John	Lohr	2022-06-30	2022-07-12 COTW
Domenic	Padula	2022-07-07	2022-07-12 COTW
Hon. Joyce	Murray	2022-07-12	2022-07-26 Council
Diana	Gibson re: RCMP & Fort Edward Information	2022-06-29	2022-07-26 Council
Acute Care	Tanya Penney	2022-07-19	2022-07-26 Council
Darren	Porter	2022-07-27	2022-09-13 COTW
PVSC		2022-08-02	2022-09-13 COTW
DMA		2022-08-04	2022-09-13 COTW
Breaking Barriers Together		2022-08-17	2022-09-13 COTW
Bill	Preston	2022-08-18	2022-09-13 COTW
Alix	Munro (POSSE)	2022-09-01	2022-09-13 COTW
County of Annapolis	Letter to Premier Tim Houston and Hon. Tim Halman re Moratorium on Aerial Herbicide Spraying	2022-09-14	2022-09-27 Council

Correspondence Received

Darren	Porter	2022-09-14	2022-09-27 Council
Darren	Porter	2022-09-16	2022-09-27 Counc
Philip	Hyam	2022-09-17	2022-09-27 Council
Mash Up Lab re: Opportunity for Aspiring Entrepreneurs in West Hants		2022-10-17	2022-10-25 Council
Minister Masland	Re: Potential Mi'kmaq Burial site	2022-10-19	2022-10-25 Council
Heather Hughes,	Executive Director Re: Proposed changes to Weed Control Act	2022-09-13	2022-11-08 COTW
Minister of Finance and Treasury Board	Re: Provincial Non-Resident Deed Transfer Tax	2022-10-21	2022-11-08 COTW
Home Hardware	Re: Security Cameras	2022-10-21	2022-11-08 COTW
Windsor Township	Re: Security Cameras	2022-10-24	2022-11-08 COTW
Dawna MacIvor	Re: November is Crohn's and Colitis Awareness Month	2022-10-28	2022-11-08 COTW
Waye Mason	re Concerns and Information regarding Bill 225 and HRM Noise By-Law	2022-11-02	2022-11-08 COTW
Peter Gregg	Re Information on Bill 212, An Act to Amend Public Utility Act	2022-11-02	2022-11-08 COTW
Andrea Parker	Re Road repair work needed	2022-11-06	2022-11-22 Council
WAEFA Recipient Confirmation - 2022	(Awards sponsored by the West Hants Regional Municipality)	2022-11-07	2022-11-22 Council
CAO Letter	Comfort Centre Designation - Garden of Eden Community Centre	2022-11-10	2022-11-22 Council
David Old,	President Hantsport Seniors and Elders Club re Community Generator Program	2022-11-10	2022-11-22 Council
Juanita Wilcox	re Expression of Thanks	2022-11-12	2022-11-22 Council
Emily McNeil	re Renewal of the Operating Approval for the Avon Hydro System	2022-11-14	2022-11-22 Council
Paul Beazley	re Boundary Review Questions	2022-11-16	2022-11-22 Council
West Hants Historical Society	Re Old Parish Burying Ground Letter	2022-11-16	2022-12-06 COTW
Graham Sanford	Re Road Concerns	2022-11-16	2022-12-06 COTW
Fidelis House	Re financial assistance request	2022-11-30	2022-12-06 COTW
Lawrencetown Education Centre	Re Big Chill Donation request	2022-12-06	2022-12-13 Council
Kate Sircom, Secretary, St. Andrew's Church Council	Re Community Comfort Centre proposal	2022-12-06	2022-12-13 Council
NSFM	Re: Code of Conduct - Summary of content from consultation	2022-12-14	2023-01-10 COTW

Correspondence Received

Graham Sandford	Re: response to outstanding concerns sent after the presentation to Council on December 13th, 2022.	2023-01-09	2023-01-10 COTW
Graham Sanford	Re: File to Rezone Lots along Bog Road	2023-01-24	2023-01-24 Council
Nova Scotia Department of Public Works Request	Re: Pothier Motors Crosswalk Request	2023-02-03	2023-02-14 COTW
Windsor Township Business Association	Re: Expression of Thanks and Continued Conversations	2023-02-09	2023-02-14 COTW
Hants County Federation of Agricultural and the Great Falmouth Marsh Body	Re: Remaining ACOA funds	2023-02-23	2023-02-28 Council
Seamus Marriot (Zwicker Lake Property Owners)	Re Permit Clarification	2023-02-17	2023-03-14 COTW
Windsor Lions Club	Re Tourist Bureau Park Request	2023-02-23	2023-03-14 COTW
Carrilee Eddy	Re Affordable Housing	2023-02-28	2023-03-14 COTW
Graham Sanford	Re: Don't Be The Dirt Advocacy Presentation	2023-02-28	2023-03-14 COTW
Andrew Hardman	Re 997 Highway 14 Distribution Depot - Trans-World Concerns	2023-03-02	2023-03-14 COTW
Seamus Marriot (Zwicker Lake Property Owners)	Re Permit Clarification	2023-03-02	2023-03-14 COTW
FCM Executive Decision	Re Green Municipal Fund application	2023-03-03	2023-03-14 COTW
Avondale Hall	Re Floor repair and renovation request	2023-03-08	2023-03-14 COTW
Letter From Private Road Development	Re Petition for Waste Collection Services	2023-03-09	2023-03-14 COTW
Hon. Greg Morrow	Response to Expenses incurred due to fencing	2023-03-14	2023-03-28 Council
Sarah Reddington	Re Hantsport Memorial Community Center and Pickleball Facility	2023-03-14	2023-03-28 Council
Core Committee - Zwicker Lake Property Owners	Re Permit Clarification	2023-03-14	2023-03-28 Council
Hantsport Community Rep	Re: Apple Blossom Festival Sponsorship Request	2023-03-15	2023-03-28 Council
MLA Sheehy-Richard	Request for a Nomination for the Order of Nova Scotia	2023-03-15	2023-03-28 Council
VREN I	Re Response to continued partnership and IMSA	2023-03-16	2023-03-28 Council
NS Power	Re Avon Hydro System Relicensing	2023-03-20	2023-03-28 Council
Public Health	Re New alcohol guidance on harms and risks for residents	2023-03-20	2023-03-28 Council

Correspondence Received

Kody Blois	Re: Letter to the Hon. Kim Masland	2023-03-21	2023-03-28 Council
Margot Bureaux	Re Cancellation of ABF Leadership Competition	2023-03-21	2023-03-28 Council
Shawna Nichols	Re: Lego program	2023-03-23	2023-03-28 Council
West Hants Historical Society	Proclamation Request	2023-03-23	2023-03-28 Council
Pisiquid Canoe Club	Re: Funding Request	2023-03-24	2023-03-28 Council
KMK Negotiation Office	Re: Expression of interest to meet and discuss the Avon River and downtown waterfront	2023-03-28	2023-04-11 COTW
Markus Kehoe	Re Expression of appreciation	2023-03-29	2023-04-11 COTW
Chantelle Hill	Re Proclamation of Parental Alienation Bubbles of Love Day April 25 2023 Request	2023-03-30	2023-04-11 COTW
Communities in Bloom	Re Invitation to participate	2023-03-30	2023-04-11 COTW
David Simpson	Re Rails-to-trails to Windsor	2023-03-30	2023-04-11 COTW
Mark Kehoe	Re Permit D2023-019 Pisiquid Canoe Club Day Camps - Not Valid	2023-03-30	2023-04-11 COTW
Minister Lohr DMA	Re Sustainability Services Growth Fund (SSGF)	2023-03-30	2023-04-11 COTW
Hon. Masland	Re Intersection Lighting	2023-04-03	2023-04-11 COTW
Brenda Shiers Chair West Hants Uniacke Community Health Board	Re Request for Funding Support	2023-04-04	2023-04-11 COTW
Windsor Township Business District	Reimagine Lake Pisiquid	2023-04-04	2023-04-11 COTW
Poplar Grove Community Hall	Funding Request	2023-04-06	2023-04-11 COTW
Heather Lake	Re Cogmagun and Beaver Pond Petition	2023-04-11	2023-04-11 COTW
Laurent Breault, General Director	Re International Day Against Homophobia and Transphobia, May 17, 2023	2023-04-09	2023-04-25 Council
Trudy Flynn	Re Light up Municipal office Purple for May 12 Fibromyalgia Awareness Day.	2023-04-10	2023-04-25 Council
Zwicker Lake Core Committee	Re Letter of Complaint - Disrespectful Behaviour	2023-04-10	2023-04-25 Council
Gloria Shanks	S Re Old Shanks Road dated March 30, 2023	2023-04-10	2023-04-25 Council
Response to MP Blois	Re Highway 101 Twinning	2023-04-11	2023-04-25 Council
Hants County Federation of Agriculture	Re Expression of Appreciation for meeting	2023-04-11	2023-04-25 Council

Correspondence Received

Trevor Levy	Re Scotch Village Station Road Development	2023-04-14	2023-04-25 Council
Mark Kehoe	Re 2023-24 Tax Exemption Concern - Upper Vaughan	2023-04-16	2023-04-25 Council
Tom Levy	Re 301 Station Road Development	2023-04-16	2023-04-25 Council
Roberto Gueli and Anke Kungl	Re Community feedback for Sustainable Hill proposal	2024-04-17	2023-04-25 Council
Glooscap First Nation	Letter of Intent Re Proposed Addition to Reserve, Glooscap First Nation	2023-04-18	2023-04-25 Council
VREN to WHRM	Re Regional Enterprise Networks Review	2023-04-18	2023-04-25 Council
Mike Smith	Re Support of the Proposal from Sustainable Hill Campground and Yoga Dome	2023-04-20	2023-04-25 Council
Kathy Blois, Chair Hants County Senior Safety Association	Re Letter of Notice	2023-04-20	2023-04-25 Council
Seamus Marriot	Re FOIPOP Follow up	2023-04-20	2023-04-25 Council
Erin Naugler	Re Falmouth Highway Access	2023-04-23	2023-04-25 Council
Jessica and Allan Hill	Re Additional Considerations for Sustainable Hill's Application	2023-04-24	2023-04-25 Council
Karen Bourque-Ward and Art Ward	Re Scotch Village Station Road PID 45166915	2023-04-24	2023-04-25 Council
Wesley Petite	Re MPSA Retroactive Pay	2023-04-24	2023-04-25 Council
Hants County Federation of Agriculture	Re Scotch Village Rezoning Application	2023-04-25	2023-04-25 Council
Andrew Hardman	Re 997 Highway 14 - Zoning Change challenge	2023-04-26	2023-05-09 COTW
Guide Furlani	Re Concerns re 20 deer roaming and eating anything they can	2023-04-26	2023-05-09 COTW
Trevor Levy	Re Scotch Village Station Rd. PID 45166915	2023-04-26	2023-05-09 COTW
Denise Forand	Re Windsor Causeway and my Windsor’s township waterfront vision	2023-04-27	2023-05-09 COTW
Barry Maxner	Re 50% Tax Reduction Request pertaining to Zwicker Lake Property and Pisiquid Canoe Club Concerns	2023-04-29	2023-05-09 COTW
Margot Bureaux	Re Banners	2023-05-02	2023-05-09 COTW
2023-05-03 Grant Thomas	Re Theft	2023-05-03	2023-05-09 COTW

Correspondence Received

Aissa Thomas	Re Windsor Textile Development	2023-05-04	2023-05-09 COTW
Art Ward	Re Scotch Village Station Road PID 45166915	2023-05-06	2023-05-09 COTW
Core Committee Zwicker Lake Property Owners	Re CCBF Funding and the Canoe Club	2023-05-08	2023-05-09 COTW
John Fitzgerald	Re Scotch Village yoga retreat	2023-05-10	2023-05-23 Council
Karen Fitzgerald	Re Yoga resort plan	2023-05-10	2023-05-23 Council
Bill Preston	Re Unsightly etc.	2023-05-11	2023-05-23 Council
Garret Johnston	Re Avon Street Erosion Hantsport Nova Scotia	2023-05-11	2023-05-23 Council
Margy Fletcher	Re Expansion to King Street from Payzant Drive	2023-05-11	2023-05-23 Council
Art Ward and Karen Bourque-Ward	Re Scotch Village Station Road PID 45166915 and PID 45148608.	2023-05-15	2023-05-23 Council
Letter to NSFM from the Minister of Municipal Affairs and Housing	Re 12 Month Notice	2023-05-15	2023-05-23 Council
Andrew Hardman	Re Property Tax Exemption List	2023-05-15	2023-05-23 Council
Upper Vaughan Property Owners	Re 997 Highway 14, Permit #C2020-371	2023-05-15	2023-05-23 Council
Denise Forand	Re Waterfront options are ours to design for generations to come. Ebb n Flow.	2023-05-16	2023-05-23 Council
Warden Nickerson	Re RCMP Retroactive Costs - Copy	2023-05-18	2023-05-23 Council
Art Ward	Re Proposed DA for Scotch Village Station Road PID 45166915 and PID 45148608.	2023-05-19	2023-05-23 Council
Shelley Arsenault	Re Rezoning and Development of Agricultural Land	2023-05-19	2023-05-23 Council
Lee and Debbie Watson	Re Old Railway, Collapse in Mt Denson	2023-05-21	2023-05-23 Council
Dave Smith	Re Zwicker Lake Petition	2023-05-22	2023-05-23 Council
Seamus Marriott	Re Petition to Reconsider Canoe Club Tax Exemption	2023-05-22	2023-05-23 Council
Denise Thibault	Re Concerned property owner and taxpayer	2023-05-23	2023-06-13 COTW
Glooscap First Nation	Re Proposed Addition to Reserve, Bishopville Road	2023-05-25	2023-06-13 COTW
Mark Kehoe	Re Property Tax Exemption Community Center	2023-05-26	2023-06-13 COTW
Barry Maxner	Follow up Re Definition of Community Centre and the Pisaquid Canoe Club	2023-05-29	2023-06-13 COTW

Correspondence Received

Will Balser, Coastal Adaptation Coordinator	Re Joint Statement Call to Release the Coastal Protection Act Regulations	2023-06-01	2023-06-13 COTW
Chrystal Fuller on behalf of Mitch Brison	Re connecting Payzant and King Street request to Council	2023-06-02	2023-06-13 COTW
Carrilee Eddy	Re World Ocean Day	2023-06-07	2023-06-13 COTW
Carrilee Eddy	Re Fire Protection	2023-06-07	2023-06-13 COTW
Mark Peck, CEO of Joint Regional Transportation Agency	Re Invite to Municipal Working Group	2023-06-07	2023-06-13 COTW
Wayne and Edith.	Re the Gate and the Crossing.	2023-06-07	2023-06-13 COTW
Steph Sedgwick	Re the Gate and the Crossing.	2023-06-08	2023-06-13 COTW
Debbie Stoddard-Pageau	Re the Gate and the Crossing.	2023-06-08	2023-06-13 COTW
Rachelle Trudel	Re Garlands Crossing - Access Roads	2023-06-09	2023-06-13 COTW
Mike MacDonell	Re Agritourism and Rural Development - Sustainable Hill Resort	2023-06-11	2023-06-13 COTW
Melissa Levy	Re Appeal	2023-06-12	2023-06-13 COTW
Paul and Amy Brown	Re Gate in the crossing	2023-06-13	2023-06-13 COTW
Jason Tucker and Tim Carr	Re Canada Day Events in Hantsport	2023-06-13	2023-06-13 COTW
Kimm Kent, POSSE	Re Addressing housing insecurity and homelessness	2023-06-13	2023-06-27 Council
Paul Pierce	Re Award of Tender	2023-06-15	2023-06-27 Council
Nova Scotia Provincial Housing Agency	Re Priority Access to Housing	2023-06-09	2023-06-27 Council
Core Committee Zwicker Lake Property Owners	Re CCBF Funding	2023-06-14	2023-06-27 Council
Adriane Salah	Re Request for letter of support Re Tremaine Crescent	2023-06-20	2023-06-27 Council
Barry Maxner	Re No replies - Concerns with the Pisiquid Canoe Club.pdf	2023-06-23	2023-06-27 Council
Honourable Timothy Halman	Response Re Coastal Protection Act	2023-06-25	2023-06-27 Council
Core Committee Zwicker Lake Property Owners	Re Seeking clarity	2023-06-27	2023-06-27 Council
Core Committee Zwicker Lake Property Owners (Seamus Marriott)	Re Seeking clarity	2023-06-29	2023-07-11 COTW
Lisa Bland	Re Safety Measures during this Emergency (Request)	2023-06-30	2023-07-11 COTW

Correspondence Received

Nancy Sheehy	Re State of Emergency (Request)	2023-06-30	2023-07-11 COTW
Pat Miller	Re Fireworks and Calming your dog	2023-06-30	2023-07-11 COTW
Carrilee Eddy	Re Avon River Fish Passage (Request)	2023-07-03	2023-07-11 COTW
Maria DeNicola	Re clarification on health and safety issue	2023-07-05	2023-07-11 COTW
Nova International	Re Letter to West Hants	2023-07-05	2023-07-11 COTW
NSEMO - Emergency Management Preparedness Office	Re Region 3 Resignation	2023-07-06	2023-07-11 COTW
Chris Shields	Re Construction on the 101 and Lake Pisiquid	2023-07-07	2023-07-11 COTW
Carrilee Eddy	Re Declining to meet with Nikki-Marie Lloyd	(WHRM copied) 2023-07-12	2023-07-25 Council
East Hants Letter	Re Bill 236 - Railways Act - Windsor Hantsport Rail	(WHRM copied) 2023-07-19	2023-07-25 Council
Matt Dunfield	Re Question Re Falmouth Family Park	2023-07-20	2023-07-25 Council
Laura de Boer	Re St. Croix Dam Evacuation - Flood Mapping Request	2023-07-23	2023-07-25 Council
Benjamin Dykeman	Re Municipal Funding to Community Crisis Response	2023-07-24	2023-07-25 Council
Louis Coutinho	Re EMO and Torrential Rain & Flooding	2023-07-24	2023-07-25 Council
Peter Moore	Re Where's the pump X 4	2023-07-24 and July 25, 2023	2023-07-25 Council
Denise Forand	Re Questions re Cunnable Creek and overflow	2023-07-24 and 2023-08-14	2023-09-12 COTW
CCBF	Re Confirmation of Funding Re Pisiquid Canoe Club	2023-08-01	2023-09-12 COTW
Municipality of Kings County	Re Flood Event	2023-07-28	2023-09-12 COTW
Hants County Condominium Corp.	Re Damages to Critical infrastructure	2023-08-09	2023-09-12 COTW
UARB	Re 2023 Municipal Boundary Notice of Approval	2023-08-10	2023-09-12 COTW
Virginia Deering	Re Flooding on Chittick Ave.	2023-08-09 and 2023-08-11	2023-09-12 COTW
Hon. Greg Morrow response to Correspondence Re Fresh water resource for the Agricultural Community	Re Fresh water resource for the Agricultural Community	2023-08-14	2023-09-12 COTW
Jacqueline and Ryan Heffler	Re Bus transportation needed	2023-08-25	2023-09-12 COTW

Correspondence Received

MP Kody Blois	Re Letter to Minister Morrow re Dyke Land (WHRM copied)	2023-08-31	2023-09-12 COTW
Darren Porter	Re Water Testing and follow up emails	2023-08-14 and 2023-09-05	2023-09-12 COTW
Pamela DeNicola	Re Agricultural land preservation and protection	2023-09-06	2023-09-12 COTW
Jean Sanford	Re chairs	2023-09-12	2023-09-26 Council
Keith Aucoin	Re Impact of Hurricane Lee	2023-09-12	2023-09-26 Council
Luke Garagan	Re Transportation for West Hants	2023-09-12	2023-09-26 Council
Maria Medioli	Re Response to Blaise Fraser and Jackie Doucet Re Kings Meadows (WHRM copied)	2023-09-13	2023-09-26 Council
Peter Moore	Re Unprecedented weather event and Preparedness	2023-09-13 and 2023-09-14	2023-09-26 Council
Jennifer Moore	Re Preparedness	2023-09-14 x 2	2023-09-26 Council
Steve Turner	Re Windsor Hantsport Railway (WHRM copied)	2023-09-14	2023-09-26 Council
Laura Moore	Re Abuse of Emergency Management Act	2023-09-16	2023-09-26 Council
Daniel Steeves	Re Short Term Rental	2023-09-21	2023-09-26 Council
Kings County	Re Notice of Public Hearing	2023-09-21	2023-09-26 Council
Colleen Rogers	Re Transportation in West Hants	2023-09-23	2023-09-26 Council
Selling Scotia	Re Discussions around banning STRs	2023-09-25	2023-09-26 Council
Hants Health and Wellness Team	Re Transportation Options and Municipal Staff to undertake a Feasibility Study	2023-09-28	2023-10-10 COTW
Sherry Williams	Re Concern for Kings Meadows Closing (WHRM copied)	2023-09-29	2023-10-10 COTW
Peter Moore	Re CBC, below sea-level	2023-09-30	2023-10-10 COTW
Denise Forand x2	Re CBCL	2023-10-04	2023-10-10 COTW
Peter Moore	Re Weather	2023-10-05	2023-10-10 COTW
Peter Moore	Re A Study or Plan and why it matters	2023-10	2023-10-24 Council
NS Public Works	Response to Reimagine the Windsor and Falmouth Waterfront area	2023-10-11	2023-10-24 Council
Shelburne Counties	To NSFM Re Cellular Coverage (WHRM copied)	2023-10-11	2023-10-24 Council
Glen LeBlanc	Re Poor Cellular Service	2023-10-13	2023-10-24 Council
Letter mailed to WHRM	Re 35 William Street Developer	2023-10-16	2023-10-24 Council
Response from Maria Medioli	Re King's Meadows (WHRM copied)	2023-10-17	2023-10-24 Council

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

To all this does concern,

So here we are again, another round of Municipal comments, another round of fact checks; thank God it's a shorter list this time.
[Statements copied from CBC News · Posted: Sep 29, 2023, https://www.cbc.ca/news/canada/nova-scotia/windsor-nova-scotia-flood-zone-1.6979928?__vfz=medium%3Dsharebar]

1. Richard also pointed to a "shared responsibility" between the municipality and its residents, highlighting that Winsdor is an old town, and many of these homes were built in low lying areas, some either at, or slightly below sea level . - **the picture I sent to Todd** this past weekend states that "this mark is 23.815 feet ABOVE mean sea level." That marker is about 100' from our home on Stannus St. Is this not the first time Director Richard, either through ignorance or calculated manipulation, been proven to have spoken and misguided the truth?
2. The mayor also spoke of a large, $100,000 pump that council purchased as a Band-Aid solution to the flooding, but he agrees with residents that it hasn't been doing the trick. - **for anyone who cares** to do the 'leg work', which we have, there is a catalogue of video, pictures, emails and citizen documentation that 'the Band-Aid' pump has seldom been in place in anticipation of any pending weather warning, and if so, un-personed/ not operating; and most certainly NOT before and during the July '23 event. That's our Mayor publically implying it was and has been, but not doing the trick!
3. Todd Richard, director of Public Works with the Municipality of West Hants, said in an interview that the systems must be separated — creating one pipe for sanitary sewer, and another for stormwater. However, the municipality is waiting on results of a **study** that's been in the works since 2021. **AND** West Hants Mayor Abraham Zebian said he feels for the residents of Windsor and wishes there was something he could do to speed up the process, but the commissioned **study** has taken much longer than anticipated.

Indeed, let's talk about the Study, that in our understanding, in context, actually started out as a Motion for a Plan, not a Study. Let me explain, chronologically:

- July 27th, 2021, another unprecedented weather event, some 4 inches or rain in 40+ minutes, the Windsor Flood Zone, South Stannus Street, our area, street, properties, basements flooded with storm and sewer water.
- October, 12, 2021, Committee of the Whole Meeting, item 7b. - Stannus Street/ Flooding - Peter Moore, Resident; (https://fb.watch/nqtlb02l66/?mibextid=GpiG5r):
    - Mr. Moore presented the want and need to address the recent flooding concerns on Stannus Street and other areas in the vicinity.
      Discussion Points:
      • Mr. Moore presented a chronological record of the recent events since July 27th, 2021.
      • Verbal presentation focused on three statements that Mr. Moore heard referenced at a previous meeting: 1. Never saw flooding like what occurred. 2. Hiring a professional water drainage engineer. 3. Look at both short and long term solutions.
      • Mr. Moore spoke to the sense of urgency felt by the residents affected in this area. He offered to aid in gathering information for the Municipality and historical accounts of both verbal and written documentation of flooding in the former Town of Windsor.
      • The Municipality met with residents in this area. Residents were assured their voices were heard; however, residents feel differently after reading the report.
      • concern that projects are based on the aging infrastructure and not on climate change, which is increasing every day.
      • no communication surrounding caution or advising that there was sewer overflow in the park area.
      • Mr. Moore made two recommendations to Council to consider: 1. The need for an Emergency Response Windsor Flood Zone team. Council needs to budget, equipment and train a team to respond when there is a weather system. 2. To retain a professional water drainage engineer who is well versed in leading edge climate models to look at Windsor

- October 12, 2021, Committee of the Whole Excerpts:
    - Mayor Zebian recused himself from the Chair to make a recommendation. Deputy Mayor P. Morton assumed the chair 7:48 p.m.
      Discussion Points:
      • Need to be looking at a long-term solution as well.
      • Have an understanding that the motion take on the broader base impacts of climate change and alike as referenced in the discussion and **include the overall**

area in the Windsor lowland areas where flooding is occurring and be included in the RFP.
• Be aware of grants or funding through MCCAP, Federations of Canadian Municipalities, or perhaps Kody Blois could be of assistance.
• Cast a wide net to look at expertise through the tender process.
MOVED BY MAYOR ZEBIAN AND COUNCILLOR SHERMAN THAT COMMITTEE OF THE WHOLE RECOMMEND COUNCIL TO DIRECT STAFF TO CALL FOR AN RFP, TO ENGAGE A PROFESSIONAL CONSULTING FIRM, TO PROVIDE A MASTER STORM WATER **PLAN** AND PRELIMINARY DESIGN FOR THE WINDSOR AREA. MOTION CARRIED.

- **JUNE 22, 2021**, Council Meeting Minutes, Item 12a) Committee of the Whole Excerpts - June 08, 2021, Item i:
    - MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT COUNCIL SUPPORT AN APPLICATION TO THE 2021 FLOOD RISK INFRASTRUCTURE INVESTMENT PROGRAM (FRIIP) TO FUND 50% OF A WINDSOR FLOOD RISK IMPACT **STUDY**, WITH THE REMAINING FUNDS TO COME FROM COMMUNITY BUILDING FUND RESERVE. MOTION CARRIED.

- **OCTOBER 8, 2021**, Request for Proposals [RFP] - Document, Windsor Flood Risk Assessment **Study**:
    - Public Works Released RFP October 8, 2021
    - Due Date: October 21, 2021

- **October 12, 2021**, Report Cunnabel Creek - Storm Water System, Director Public Works, Todd Richard:
    - (excerpt); Staff would suggest the next steps could be to call for an RFP to engage a professional consulting firm to provide a master stormwater plan and preliminary design for the Windsor area (high level cost estimate $75 to $125K). **[See above, Mayor's Motion October 12th]**

- **November 9, 2021**, Committee of the Whole Meeting, Unfinished Business/ Postponed Motions:
    - a) Windsor Flood Risk Assessment Study – Recommendation Report - Dir. Richard reviewed the report.

Discussion Points:
• Stantec was awarded the design of the 2026 Wastewater Treatment plant.
• **Windsor has not had a wastewater study done.** Studies were done on specific projects. Nothing was done referencing climate change.
• Design will include an environmental protection assessment.
• Regulatory requirements would be at the design stage.
• Systems will be looked at as a whole. Look at separating storm water flows, level monitors, flow studies, data collected during rainstorms, lidar and surveys will all be looked. This will not be a desk top exercise.
• Broad recommendation will arise from this study. Data and information to get to the next step.
• **Hopeful the report will be done over winter months and have a final report by early summer.**
MOVED BY COUNCILLORS FRANCIS AND MURLEY THAT COMMITTEE OF THE WHOLE RECOMMEND COUNCIL APPROVE THE AWARD OF TENDER WWHPW21-18 FOR FLOOD RISK ASSESSMENT STUDY TO THE LOW COMPLIANT BIDDER, CBCL, FOR THE TENDERED PRICE OF $79,550, PLUS APPLICABLE TAXES, WITH $43,854 COMING FROM CANADA COMMUNITY BUILDING FUND RESERVE. MOTION CARRIED **[See above June 22nd]**

- **November 23, 2021**, Council Meeting Minutes, Item 11a:
  - vi. Windsor Flood Risk Assessment Study
    Discussion Points:
    • CBCL is involved and familiar with the sewer systems.
    MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE THE AWARD OF TENDER WWHPW21-18 FOR FLOOD RISK ASSESSMENT **STUDY** TO THE LOW COMPLIANT BIDDER, CBCL, FOR THE TENDERED PRICE OF $79,550, PLUS APPLICABLE TAXES, WITH $43,854 COMING FROM CANADA COMMUNITY BUILDING FUND RESERVE. MOTION CARRIED. Nays: Hartt **[See above Oct 8th]**

There are many things which could, and probably do need to be discussed about this chronology, however, the main thing is to keep focused on the main thing[s]. In this regard it is the question of 'Motions', plural, to conduct a Study, and, prepare a Plan, and the

timeliness of completion, or lack thereof.

The first thing is to look at the dates,[specifically see above June 22 versus Oct 8 versus Dir Richard's recommendation Oct 12, versus the Mayor's Motion, also Oct 12]:

- Up to the COTW Mayor's motion, which called for a **Plan**, [and design], specific to the Windsor Area, on Oct 12, 2021, these follow chronologically. Then,
- on June 22 a motion was passed to fund A WINDSOR FLOOD RISK IMPACT **STUDY**. Then,
- Public Works released an RFP for a Windsor Flood Risk Assessment Study October 8th [**before** the Director's Cunnabel Creek Report recommendation and the Mayor's COTW Motion for a '**Plan'** on Oct 12th, which RECOMMEND COUNCIL TO DIRECT STAFF TO CALL FOR AN RFP, TO ENGAGE A PROFESSIONAL CONSULTING FIRM, TO PROVIDE A MASTER STORM WATER PLAN AND PRELIMINARY DESIGN FOR THE WINDSOR AREA]. Then,
- Council recommends awarding the **Study** [RFP released Oct 8] to CBCL, Nov 9th, "hopeful it will be completed by early summer 2022. Then,
- Council approves awarding the RFP to CBCL, Nov 23rd.

The second thing to look at, is the RFP itself, specifically 2.0 Purpose:

- "There have been previous Flood Risk Assessment studies performed for Three Mile Plains1, Falmouth2 and Hantsport3. This study **should take these previous studies into consideration, to ensure that flood risks are reviewed up to the boundaries of these former reports**.

The last thing to look at:

- What happened to the Director's recommendation with/ and/ or the Mayor's Motion of October 12, 2021, DIRECT STAFF TO CALL FOR AN RFP, TO ENGAGE A PROFESSIONAL CONSULTING FIRM, TO PROVIDE A MASTER STORM WATER **PLAN** AND PRELIMINARY DESIGN FOR THE WINDSOR AREA?

Conclusions to be drawn:

Firstly, it seems the CBCL representative's repeated 'dear in headlights' looks, and side glances to the CAO/ Director of Public Works, during the September 25th Community Meeting, were because he had no clue about the 'micro' ongoing Windsor Flood Zone saga between citizens and the Municipality shirking its responsibilities. It is not hard to surmise, from his and CBCL's perspective, the **STUDY**, which focuses on the 'macro', a border to

border to border Flood Risk Assessment for Windsor, did not direct them or require them to specifically PROVIDE A MASTER STORM WATER PLAN AND PRELIMINARY DESIGN FOR THE WINDSOR AREA. CBCL was hired to conduct a Study, as a puzzle piece, which along with those for Hantsport, Falmouth and Three Mile Plains, completes the West Hants Municipal Flood Risk Assessment picture; **not to develop a specific [urgent] Plan for the Windsor Flood Zone**!

So for CBCL, and considering the scope, the study is perhaps a tad overdue, but certainly not, as the Mayor repeatedly states, "frustrated as to why the study is taking so long to complete"... simply because that Study [called for on June 22nd **BEFORE** the major weather event on July 27th 2021], IS NOT the Plan the Mayor motioned for and the Director of Public Works recommended, Oct 12th [**AFTER** the major weather event... and my presentation, also Oct 12th].

Secondly, it appears the Oct 12 COTW Mayor's Motion, for a 'specific Plan', in context of the preceding discussion points from that meeting, was left on the cutting room floor, never making it to Council for approval. Though, more likely some form of leadership discussion simply viewed it to be morphed into the soon to be awarded RFP to CBCL. Needless to say, as far as the citizens are concerned, a Plan specific to our area is what we've been waiting for... for almost 2 years, not the Flood Risk Assessment Study puzzle piece. Wouldn't be the first time we were led to believe [and assume] a thing was happening, while the truth was elsewhere.

Finally, when citizens were having none of the Mark & Todd pony show, they repeatedly pushed [the CBCL representative] to a] break out the Windsor Flood Zone **Plan** from the **Study** and focus on completing that first, and b] demanded a date for its completion; the result was yes to 'a' and about 6-weeks to 'b'.

Which leads to the only point left, even if the RFP has generally directed CBCL to develop a Plan for the Windsor Flood Zone they were [obviously] never [urgently] directed to **first** focus on 'our Plan' as part of the Study [RFP]. And/ or therein, if the Director's recommendation and Mayor's Motion to develop a Plan and preliminary design [Oct 12, 2021] had moved forward - which was specific to our [urgent] need and Municipal responsibility - that would have started somewhere around Nov 23, 2021, and to be generous, make it 8-10 weeks to complete, we/ they would have had a solution by **end January early February, 2022!**

So yeah, there's THAT!!!

It is near impossible for me to see otherwise... there are employed people within the leadership pack at the Municipality of West Hants who have zero fear of ever being held accountable [to citizens or for

some, to Council], for their words & deeds. As such, and can easily be proven, these continue to say, do, divert, mislead, manipulate, ignore, deceive and yes, lie, whatever is expedient for their purposes 'in the moment'; their motivations being quite transparent to the citizenry. So I ask, if Council repeatedly[?] 'Directs Staff' to undertake a Motion, and staff seemingly decides[?] not to proceed or manipulate the process, what value is Council to the citizens?

Sadly, there has never been an actionable commitment to help those of us suffering the effects of multiple weather events in the Windsor Flood Zone. For two years, some in governance and paid employees in leadership positions, have used smoke & mirrors, deception & manipulation as their guise for waiting to fulfill the Municipalities responsibility. Their latest 'misdirection' is to try and shift the 'reason & responsibility' to CBCL; I for one ain't buying it. I ponder how far these people are prepared to go to continue neglecting their responsibility of keeping Municipal sewer and stormwater off our properties and out of our basements. So far they've been blaming the system for not being designed for these weather events, blaming these events as unprecedented, blaming and pushing an endless timeline for the study's completion, the Director blaming citizens for not sharing the responsibility, and even the Town of Windsor, and now blaming CBCL, seemingly throwing them under the bus...

And we know what comes next - 'the cost' issue. The recommended solution and how it will take Phases [years] to implement, and we will be expected to keep suffering the before, during and after of these weather events - because apparently that's part of **our** responsibility - until, if, sorta, kinda, maybe, notta actionable solution is undertaken. So as the woman who repeatedly asked at the Community Meeting [and received no answer], 'how many homes will it take for this to be declared an emergency [which implies an immediate solution be undertaken]? Though now I add... 'before it becomes a civil if not criminal liability to the Municipality?

All this need never have gotten this far, if it would have been actioned, following my presentation on Oct 12th, to simply do the right thing! And what might that be? Keep <u>your</u> sewer & stormwater from repeatedly flooding our area, our street[s], our properties, our basements, and from affecting our health, AND NOW, for you to understand there is a price for the material, market and emotional cost of this blatant negligence.

You've been told repeatedly we can not stop... until you stop our suffering.

Peter J Moore

'Conscience; truth's greatest witness.'

NOVA SCOTIA

Public Works
Office of the Minister

PO Box 186, Halifax, Nova Scotia, Canada B3J 2N2

OCT 11 2023

His Worship Abraham Zebian
Mayor, West Hants Regional Municipality
PO Box 3000
76 Morison Drive
Windsor, NS B0N 2T0
DSnair@westhants.ca

Dear Mayor Zebian:

On behalf of Premier Houston and myself, thank you for your follow-up correspondence dated June 29, 2023. While I appreciate the West Hants Regional Municipality Council's desire to pursue proactive and collaborative planning for the Windsor and Falmouth waterfront area, I must reiterate the Province's position from our previous correspondence.

As stated, we are currently in discussions with the federal government about the operations of the current aboiteau, as well as working with our consultants to meet the Department of Fisheries and Oceans' latest requests related to the construction of a replacement aboiteau.

Clear direction on the aboiteau is an important piece of future planning for the area. We will continue to focus on reaching an appropriate resolution with our federal partners and will be prepared to engage with the Municipality when further developments on this matter are known.

Yours sincerely,

Kim D. Masland
Minister

c: Honourable Tim Houston, Premier
Honourable Diane Lebouthillier, Minister of Fisheries, Oceans and the Canadian Coast Guard
Honourable Susan Corkum-Greek, Minister of Economic Development
Honourable Timothy Halman, Minister of Environment
Honourable Kent Smith, Minister of Fisheries and Aquaculture
Kody Blois, MP Kings-Hants
Melissa Sheehy-Richard, MLA Hants West
West Hants Regional Municipality Council
Mark Phillips, Chief Administrative Officer, West Hants Regional Municipality

October 11, 2023

Nova Scotia Federation of Municipalities
Suite 1304, 1809 Barrington Street
Halifax, NS B3J 3K8

Attention: Mayor Brenda Chisholm-Beaton, President, Nova Scotia Federation of Municipalities (NSFM)
Email: bchisholmbeaton@townofph.ca

Subject: Urgent Need for Advocacy to Improve Rural Cell Phone Coverage for Emergency Preparedness

Dear Mayor Chisholm-Beaton,

I am writing to you with an urgent and critical concern that necessitates immediate action; the lack of reliable cell phone coverage in rural parts of Nova Scotia. Recent events, such as wildfires, floods, and hurricanes, have emphasized the imperative need for robust communication networks in these areas.

While natural disasters have always posed a risk, the increasing frequency and severity of these events make it even more essential for our rural communities to have dependable cell phone coverage. In times of emergencies, many residents do not receive timely alerts or information due to the inadequate or non-existent cell phone signal, endangering lives, and properties. Communication is a vital lifeline that can make all the difference in these perilous situations.

The recent initiative in Toronto, where all subway riders will have cellphone service from October 3rd, underscores the vital importance of connectivity for public safety and economic prosperity. Spearheaded by the Federal Minister of Innovation, Science and Industry, François-Philippe Champagne, this move responds to concerns over restricted connectivity, ensuring that riders can promptly access emergency services and maintain consistent communication for both personal and business needs. If such measures can be executed in urban centers like Toronto, it becomes imperative for the government to address similar concerns in rural communities, such as the Municipality of Shelburne. In emergencies like the recent fires, several residents couldn't receive crucial evacuation alerts due to absent cell coverage. Just as Toronto's subway riders are safe guarded with mandated service provisions, residents of rural communities deserve the same commitment to their safety and well-being.

As you are aware, reliable cell phone coverage is not merely a matter of convenience but a critical infrastructure need that impacts the well-being and safety of our residents. Not only does this affect individual households, but it also hampers the efforts of emergency responders who rely on clear lines of communication to coordinate rescue and relief activities.

I urge you, in your capacity as the President of the Nova Scotia Federation of Municipalities, to prioritize and intensify your advocacy towards both the Provincial and Federal Governments through your Public Safety Advisory Committee or possibly creating a dedicated committee on the issue. While it is understood that there are multiple challenges and budget constraints to be managed, the well-being and safety of the citizens should always be paramount.

Moreover, improved cellular infrastructure would not only enhance safety but also contribute to the economic and social development of these rural areas. This long-term investment would benefit our communities in multiple ways, making it a "win-win" situation for all stakeholders involved.
Thank you for your attention to this vital issue. Together, we can forge a stronger and safer Nova Scotia for everyone.

Sincerely,

Warden Penny Smith
Municipality of Shelburne



Warden Eddie Nickerson
Municipality of Barrington



Mayor Rex Stoddard
Town of Clark's Harbour



Mayor Cory Nickerson
Town of Lockeport



Mayor Harald Locke
Town of Shelburne



Tim Houston, Premier
Rick Perkins, MP – South Shore – St. Margarets
Nolan Young, MLA – Shelburne
Juanita Spencer, NSFM - Chief Executive Officer
Ellen Desmond, CRTC – Commissioner Atlantic Region & Nunavut
Paul Mason, NSEMO – Executive Director
All Nova Scotia Municipalities

Bell Canada
15 Western Parkway
Bedford NS BVB 0V1

Glen LeBlanc
Vice Chair Atlantic
Bell Canada

glen.leblanc@bell.ca

October 13, 2023

Mark Phillips
Chief Administrative Officer
West Hants Regional Municipality

Mr. Phillips,

I'm in receipt of your August 9th letter to Mirko Bibic regarding cellular coverage in the West Hants Regional Municipality.

Our CEO joined our team in Halifax last week, sharing with business and community leaders at the Halifax Chamber of Commerce that Bell is proud to be a leader in Nova Scotia. Our wireless network is the largest in the region, covering 98% of the population and 76% of the geography. We have 574 cell sites across Nova Scotia, more than all of our competitors combined. Bell has invested $1 billion in this province since 2013, primarily through our broadband and wireless network investments.

Additional infrastructure is needed to support the growing population and increased network usage. In some regions of our province, there are areas with gaps in coverage with no providers, the result of less population density and increased distance from cell sites.

Governments have supplemented these investments and must continue to play a role by creating conditions that encourage private investment. I recently met with Build Nova Scotia CEO David Benoit to discuss their plans and how we can help, and am encouraged by their initiative to strengthen the wireless network throughout the province.

The key to moving forward is through collaboration and partnership to expand our wireless network in areas where private investment alone is a challenge. Whether in support of economic development, or for the delivery of public safety services over private network infrastructure, both require a collective effort and needs to involve all levels of government and all wireless providers.

The current reality is that continued progress is at risk as increased regulatory intervention from the federal government threatens the economic viability of continued expansion. Technological innovation carries major potential for your municipality and many others. We can only achieve this if government works with the private sector to encourage investment. We need policymakers to recognize this and support Bell accordingly.

Together, we have the opportunity to level the playing field through investments in network technology so that one's postal code should not determine one's economic future. As we continue to review the landscape, we look forward to ongoing collaborative discussions with all levels of government.

Regards,



Glen LeBlanc
Vice Chair, Atlantic
Bell Canada

cc.
The Honourable Francois-Philippe Champagne, Minister of Innovation, Science and Industry of Canada
The Honourable Chrystia Freeland, Deputy Prime Minister of Canada
The Honourable Tim Houston, Premier of Nova Scotia
The Honourable Kim Masland, Nova Scotia Minister of Public Works
Kody Blois, MP Kings-Hants
Melissa Sheehy-Richard, MLA



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HANTSPORT

West Hants Regional Municipality
76 Morison Dr., P.O. Box 3000
Windsor, NS B0N 2T0

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RECEIVED
OCT 13 2023

Attention: Sara Poirier and Dept. of Planning and Devel., Mayor Abraham Zebian, Deputy Mayor Paul Morton, all WWH municipal councillors

Tenants say landlord held thousands in unreturned security deposits

Former tenants of Michael Lawen describe dirty move-in conditions, weeks without heat and waiting months—in some cases, years—for money they claim they're owed.

By Martin Bauman

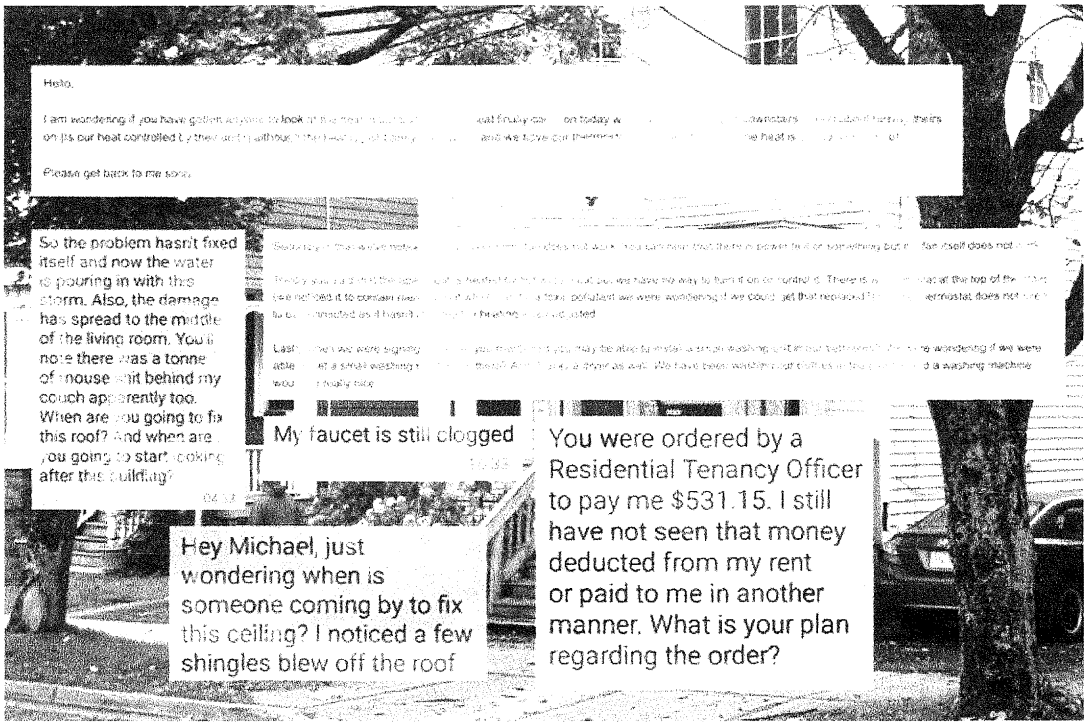


Photo: Martin Bauman / The Coast. Illustration: Martin Bauman / The Coast

Numerous former tenants of Michael Lawen spoke with The Coast to share their experiences of having him as a landlord—and attested to unsafe living conditions, difficulties reaching Lawen when they voiced concerns and issues with receiving their security deposits.

Neena Brostowski says she's been waiting four years for Michael Lawen to return her security deposit.

The Dartmouth-based wedding photographer was a tenant of Lawen's between 2017 and 2018, while she and her then-roommate were students at Dalhousie and NSCC's Akerley campus. For Brostowski at the time, the location was great: One house in from the corner of South and Robie Streets, it was close to downtown, a jaunt from the Halifax Public Gardens and down the road from the Seaport Farmers' Market. But the apartment—and her experience with Lawen—left Brostowski with a sour taste.

"It was a weird experience," she says.

Brostowski is one of at least a dozen former tenants of Lawen's who say he's withheld payment, dodged phone calls, broken tenancy promises and—in one alleged instance—become violent when confronted about returning money. (Most of these claims have not been tested in court. Lawen is not facing any active criminal charges, nor, to The Coast's knowledge, is he

involved in any current civil claims against him in relation to tenancy disputes.)

And while Brostowski has given up on getting her $700 security deposit back, she hopes her story can serve as a warning to others.

"No matter how desperate you are to live there, it's not worth it," she tells The Coast.

Mould and mixed messages

In hindsight, Brostowski says, the move-in day should have been the first indication of what she and her roommate were getting into.

"The toilet had mould in it," she says. "There was a bunch of hair all around the floor... like, wipe your finger, and it was dirty."



Photo: Martin Bauman / The Coast

Neena Brostowski says her South Street apartment had mould in the toilet when she moved in.

Brostowski brushed it off, but it didn't take long for things to escalate. One day, within the first few months of their tenancy, she came home to a letter from Halifax Water. It was a warning: The utility was shutting off water service to the building.

Panicked, she called Halifax Water.

"I was like, 'That doesn't make any sense. I've been paying my rent on time.' And they said that the landlord hadn't been paying the water bill."

Brostowski phoned Lawen, who resolved the issue, but it stuck in her mind as a "little bit of a red flag."

Before long, that was the least of her problems.

Overcharges and online horror stories

Ryder was another Lawen tenant, who rented a one-bedroom apartment near the Emera Oval for a year. (At their request, we've changed their name to protect their identity.) They say they always paid their rent on time and kept the place clean. But irregularities started after they moved in: On Ryder's first rent billing, which they paid by pre-authorized deposit, they say Lawen overcharged them by $25. They called him about it, and Lawen sent them $25 back. According to Ryder, Lawen blamed the error on the bank and promised it wouldn't happen again.

"And it continued for about four months," Ryder tells The Coast.

Tenants say landlord held thousands in unreturned security deposits (3)

Photo: Martin Bauman / The Coast

Ryder rented an apartment from Michael Lawen near the Emera Oval for a year. They say he overcharged their rent by $25 four months in a row, and they had to ask him to refund the amount.

Frustrated by their experience with Lawen, Ryder turned to Reddit to see if anyone else had shared similar experiences with him. Stories poured in with claims of faulty appliances, unmaintained fire systems and prolonged battles to retrieve unreturned money. One Reddit user replied that Lawen had bought their building around 2014 and had promised they wouldn't get evicted, only to change his mind and give two weeks notice. ("I was homeless for two months," they wrote.) Another claimed Lawen threw a chair at them after they confronted him about their unreturned deposit. ("I had a feeling he'd escalate things so I had my phone recording in my pocket. He did cave and wrote my [cheque] after telling him I had recorded our little interaction," they wrote.)

Most of the above allegations against Lawen have neither been tested in court nor with the Residential Tenancies Program's dispute resolution process. But numerous former tenants of Lawen's spoke with The Coast, both on- and off-record, to share their experiences of having him as a landlord—and attested to unsafe living conditions, difficulties reaching Lawen

when they voiced concerns and issues with receiving their security deposits.

"I was like, 'That doesn't make any sense. I've been paying my rent on time.' And they said that the landlord hadn't been paying the water bill." - Neena Brostowski, former tenant

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We reached out to Lawen by phone and email several times over the course of three weeks for comment on whether he hadn't repaid any former tenants—and if so, why.

Lawen told us by phone that if any of his former tenants didn't receive their deposit, "there would have been a reason why," and that tenants can always appeal to Residential Tenancies if they have a complaint. (Per Nova Scotia's Residential Tenancies Act, a landlord can keep part or all of a security deposit as compensation for "outstanding rent" or expenses incurred from tenants causing "damage to residential premises"—but a landlord has to have the tenant's permission in writing. Otherwise, they have to return the full deposit within 10 days of the lease's end.)

When pressed about other claims tenants have made against him, Lawen told The Coast, "I've got nothing to say," and "you're just following bullshit talk.

"Don't call me anymore," he said. Then he hung up.

Tenants went without water for nine days

Brostowski isn't the only one of Lawen's tenants to face water issues. In 2020, residents of a five-unit apartment building at 85 Evans Avenue went without water for nine days in the middle of July after being informed their water would be shut off because of an apparent "electrical leak," according to a CBC News story from the time. The Fairview apartment residents had already been served eviction notices earlier in the month, resident Stephen Cluett told CBC reporter Cassidy Chisholm.

Tenants say landlord held thousands in unreturned security deposits (5)

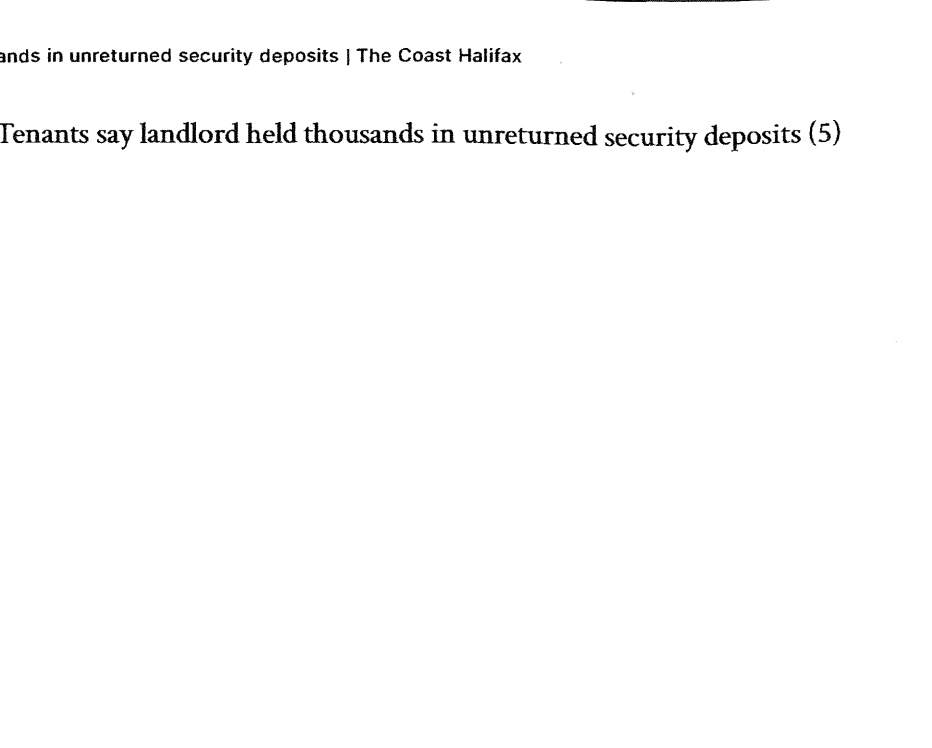


Photo: Martin Bauman / The Coast

Residents at 85 Evans Avenue went nine days without water in 2020, according to a CBC News article from the time.

"I cried myself to sleep last night because I couldn't wash my floors because they're all sticky [from the heat]," Cluett said at the time. "That's how my life is. It's miserable."

The CBC story doesn't list Lawen—or any landlord—by name. But The Coast obtained provincial land registration records that list the Evans Avenue address as belonging to 3335629 Nova Scotia Limited: a company that, according to Nova Scotia's joint stock registry, is directed by Lawen. The company bought the Fairview property in April 2020, records show—three months before tenants were told they had to leave by August 1.

The Coast emailed and left a voicemail with Lawen to ask if the CBC story was accurate—and if so, why the water had been shut off, and why tenants had been served an eviction notice. Lawen has not responded to either of The Coast's inquiries.

'He was really careless'

"As soon as you guys are out, I'm jacking the rent up on this place."

Those are the words Emily recalls Lawen telling her boyfriend when they were getting ready to move out of a two-bedroom apartment Lawen owned on St. Margarets Bay Road.

Emily, who asked that her last name not be used, tells The Coast she was a tenant of Lawen's from 2017 to 2019 while she was an undergraduate at Dalhousie. She, too, says she had trouble getting her security deposit back—and says it took two weeks of "calling him incessantly" and eventually threatening to go to the Residential Tenancies director before it was returned.

Tenants say landlord held thousands in unreturned security deposits (7)

Photo: Google Maps

Emily rented a two-bedroom apartment from Michael Lawen on St. Margarets Bay Road from 2017 to 2019.

Emily remembers Lawen as a "careless" landlord. Twice, she says, her unit's propane-supplied heat shut off in the middle of winter, even though it was meant to be included in their rent. The temperature in the unit dropped to 10 degrees.

"Either Michael or [his] employee, whoever was responsible for contacting the propane company to refill the tanks, like, he just didn't do it," she tells The Coast. (We asked Lawen by email what happened with Emily's heat. He hasn't responded.)

A similar scenario happened to Brostowski. She and her roommate had been promised heating was included as part of their $1,250/month rent. But as she recalls, "there wasn't any actual heat source."

She asked Lawen about it, who replied the apartment had hot water baseboard heating.

"But when we looked, it looked like there was just a plastic hot water tube running through a pre-existing electric baseboard."

That proved pesky come winter. Brostowski says she and her partner bought two space heaters to keep the place warm, but they couldn't run them both in the same room, "because the power would trip."

They slept in their socks and piled five blankets atop the regular bed sheets. They tried reporting the issue to Lawen on at least two separate occasions, but "nothing was ever done," Brostowski says. Emails to Lawen inquiring about heat went unanswered. (So, too, did The Coast's email asking for Lawen's recollection of what happened with Brostowski's heating.)

Tenants say landlord held thousands in unreturned security deposits (2)

Illustration: Martin Bauman / The Coast

Emails Neena Brostowski sent to Michael Lawen about heat issues in 2017. Screenshots submitted.

"We were constantly cold," Brostowski says. "You could not walk around [the apartment] without being fully clothed."

Complex business structure

It is unclear how many rental units Lawen operates within the Halifax Regional Municipality. The Coast asked Lawen by email, but he hasn't replied. (There are several real estate groups bearing the Lawen name in Halifax; Michael Lawen's businesses are not affiliated with the Lawen Group, nor with Dexel or Paramount Management.)

Land records obtained by The Coast list 16 properties, assessed at a combined $9.95 million, as tied to Lawen or one of his three businesses. Seven of those properties are tied up in an estate battle between Lawen and his sisters. Two of those businesses have no public name beyond their company number. A third, Cornerstone Developments Ltd., claims on LinkedIn to provide "client-focused residential construction solutions."

Known properties linked to Michael Lawen, per Nova Scotia land records

The Coast obtained records of 16 properties linked to Lawen or one of his businesses

Source: Nova Scotia Land Registry records, 2022 • Photos: Google Maps and The Coast

Several of Lawen's former tenants—Ryder included—say they largely dealt with Lawen through a third-party property management company, Essence Property Management and Consulting.

When The Coast reached out to Essence Property, a person identifying themselves as Jack answered and replied there was "no affiliation with Michael Lawen."

Public joint stock company records show, however, that Essence Property is helmed by Jack Lawen—who, according to several tenants The Coast spoke to, is Michael's son. (A public Facebook profile photo of Jack Lawen's shows him posing with Michael at a high school football game.) Essence Property shares a registered address with two of Michael's businesses. Its website also lists two businesses operated by Michael as its "biggest clients" and boasts of managing 200 residential units across the HRM. Jack Lawen's LinkedIn also lists him as a property manager with Cornerstone—the same company where Michael serves as director and president.

Tenancy disputes

Michael Lawen has been found owing in residential tenancy disputes before.

Theresa Plumb took her issues with Lawen to the director of Nova Scotia's Residential Tenancies Program—and won—while she was a tenant of his from 2018 to 2020.

"He's the worst landlord I've ever had," Plumb tells The Coast.

Residential Tenancy Board dispute resolution by Martin Bauman on Scribd

NOVA SCOTIA

Service Nova Scotia
Residential Tenancies
Phone: 902-424-5200
Toll Free: 1-800-670-4357

Order of the Director
File Number: 202000370

Address of Rental Unit: 2213 Brunswick St
E
Halifax B3K 2Y9

Applicant: Theresa K Plumb (Tenant)
Address: 2213 Brunswick St., Apt E
Halifax NS B3K 2Y9

Respondent: 3241236 Nova Scotia
Ltd. (Landlord)
Address: 3175 Mcman St
Halifax NS B3L 3W3

Download this PDF 1 of 2

A naval warfare officer with the Royal Canadian Navy, Plumb was stationed at CFB Halifax and was looking for a place to live nearby. She found a unit at 2213 Brunswick Street—only, in her initial viewing, she noticed what looked like water damage on the living room ceiling. She brought it up with Lawen, who, she says, told her not to worry about it. (The Coast emailed and asked Lawen about Plumb's claims, but he didn't respond.)

She mentioned the damage again in late November the following year, when water began to leak from the ceiling after a rainstorm. Lawen promised he would have it fixed "early the following week," but Plumb says weeks passed without progress—during which time, plaster from the ceiling had begun crumbling and falling onto her couch.

1 of 3

Lawen sent a maintenance worker on Dec. 11, 2019, but Plumb says "nothing was done." According to testimony from the residential tenancy officer's ruling, Lawen promised the leak would be fixed by Dec. 16. But the ceiling wasn't fixed until Jan. 9, 2020—47 days after Plumb had reported the leak.

"He basically didn't fix anything or do anything for about two months, until I had building [code inspectors] come into my apartment, and they threatened to fine him if he didn't do anything," she tells The Coast.

"He's the worst landlord I've ever had." - Theresa Plumb, former tenant

tweet this

Plumb asked Lawen if he would reimburse her for part of her rent—"because I didn't have a third of my unit to use, and my couch got ruined," she says. Plumb recalls Lawen offered $100 off the next month's rent, but nothing more. So, she applied to the Residential Tenancies Program's director and asked for compensation for lost vacation days, and time and money spent cleaning the unit. The director agreed and ruled Lawen owed Plumb $531.15.

That hearing was in March 2020, eight months before Nova Scotia introduced a temporary 2% rent cap to limit the amount landlords could raise rents between terms. Lawen finally paid Plumb in May 2020, she says. According to Plumb, he also informed her that her rent would increase from $1,200/month to $1,450/month.

Potential legislation change could impact landlord-tenant disputes

Hannah Wood has seen scores of tenants face issues with getting their security deposits back from landlords. As co-chair of ACORN's Halifax Peninsula chapter, an advocacy group for low- and moderate-income people facing housing, pay and disability concerns, she has lobbied for more rigorous tenant protections within Nova Scotia's legislation—and was part of the push for the province's temporary 2% rent cap.

She tells renters to document every interaction with their landlords, large and small.

"In relationships with landlords, you are at a rights disadvantage. And you need to treat the situation that way from the beginning," she tells The Coast. That's because, as she argues, the onus is "entirely on tenants to fight to get their security deposits back," whereas there is "next to no onus on landlords to prove, track or provide receipts for the supposed costs they've incurred."

Tenancy disputes in Nova Scotia, when they can't be mutually resolved, are settled through the Residential Tenancies Program's director. That process can be overburdensome for claimants, Wood argues: Not only does it require time and funds (it costs $31.15 to file a claim with the tenancy board), it also requires that applicants are able to serve a notice of the dispute to the other party in-person—an immediate problem for student renters who might only be in Halifax for eight months of the year.

Even if a claimant wins their dispute, they aren't guaranteed reimbursement. That's because, as Bedford South MLA Braedon Clark tells The Coast, any rulings the Residential Tenancies Program's director makes are difficult to enforce. There are no provincial landlord registries that prevent unscrupulous landlords from renting to other tenants. (There are no registries for tenants either, it should be noted.) Even small claims court rulings can be appealed. Claimants can ask the Sheriff's Office to get involved, but that comes with additional costs. And if a debtor can't pay at all, there's not much else a claimant can do.

Tenants say landlord held thousands in unreturned security deposits (6)

Photo: Martin Bauman / The Coast

Bedford South MLA Braedon Clark wants to change the Residential Tenancies Act to add a so-called "Enforcement and Compliance Unit."

"What we've found is that over the past few decades—really 25 to 30 years—there's really been no enforcement [in tenancy disputes]," Clark says. "The police aren't really in charge, the Residential Tenancies [Program] isn't really in charge, small claims court isn't really in charge."

That could change, if Clark gets his way. Last week, the Nova Scotia Liberal Party's shadow housing minister introduced a private member's bill to amend the Tenancies Act by creating a so-called "Enforcement and Compliance Unit" to handle matters where landlords or tenants break the rules.

Clark envisions a system akin to Ontario's where, if one party is found guilty of wrongdoing, the enforcement unit can levy fines and garnish wages "to actually enforce an order... so if your landlord is withholding $700 illegally, you can actually get that money back."

Related

Nova Scotia has a fixed-term lease problem:
Housing, legal advocates say the 'loophole' doesn't exist in some provinces—and it should be closed

That bill still faces an uphill battle. Before it would become law, it would need to pass a second and third reading—a process which could take days, weeks, upwards of a month or never pass at all—but Clark says he's heard support for the idea from both tenants and landlords.

"When you find a situation where people who are often on separate sides of an issue actually agree, that's usually a sign that something needs to be done."

'So many horror stories'

Brostowski doesn't hold much hope of getting her $700 back. She figures she sent "about 14 emails" and tried calling Lawen "multiple times" in the months after her tenancy ended, but she couldn't get a hold of him.

"He just turned into a ghost," she says.

Emily counts herself as one of the lucky ones. She's moved to a new unit where the landlords are "really nice people." They look after the place, she says, and the rent is "pretty good." But she wants to see change within the HRM.

"I've heard so many horror stories from so many people about so many different landlords, and someone has to do something about this—like, this is just not sustainable. And it's not fair," she tells The Coast. "It's really frustrating, and it's really upsetting."

Ryder, too, has moved on—but they also want to warn other tenants to look out for themselves.

"Be aware that it can happen."

Editor's note: *An earlier version of this story noted that tenancy dispute hearings in Nova Scotia were settled in-person. Telephone hearings have been available since 2018. The Coast regrets the error.*

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From: DSP Executive Director
To:
Cc: Langley, Laura Lee; PublicOnlyCouncilEmail; Acker, Randy; Hazelwood, Michael; MacDonald, Charlotte A; Neil, Nancy; Croft, Karen; Rudolf-Naas, Andrea
Subject: King's Meadows
Date: Tuesday, October 17, 2023 12:28:46 PM

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

Dear Sherry Gillam:

Thank you for your e-mail of September 29, 2023, to MLA Melissa Sheehy-Richard, with respect to King's Meadow. Your e-mail has been shared with the Honourable Trevor Boudreau, Minister of Community Services, and he has requested that I respond to you on his behalf as Executive Director of the Disability Support Program (DSP).

Thank you for taking the time to tell us about your experience and concerns as a neighbor of King's Meadow.

The direction in the legally binding Remedy is to begin by offering individualized planning and support to people with disabilities in a manner that focuses on their choices for the life they want to lead in community. DSP Participants, including King's Meadow residents, will have the opportunity to consider and make these decisions, including who they want to live with and which service provider will support them.

At the same time, with the human rights ruling the Disability Support Program's current reliance on segregated and congregated settings has been deemed discriminatory, and group homes are a model that will not be sustainable for service providers over the long term. Rather than a one-size fits all approach where we fill vacancies in homes, services and supports will have to evolve and innovate to meet individual interests. DSP will support service providers like King's Meadow to innovate and co-create new and sustainable support options with the participants that choose to work with them.

Year four of the five-year plan is the timeline identified in the Remedy when we will begin to focus on participants living in group home settings. DSP does not anticipate changes before then, however we will continue to work with participants and service providers, and to consider opportunities that arise before that time. For example, some group home providers may choose to slowly reduce the capacity of their homes if participants leave before year four of the Remedy.

These are significant changes to disability supports in Nova Scotia, and for persons with disabilities. We will continue to engage with participants, families, service providers, and communities to work together to remedy the discrimination in our current system and ensure all persons with disabilities live a life of their choosing in community.

Thank you for your e-mail.

Sincerely,

Maria Medioli
Executive Director
Disability Support Program

cc: Honourable Tim Houston, Premier
Honourable Trevor Boudreau (2017-01-02373)
Laura Lee Langley, Clerk of the Executive Council
Melissa Sheehy-Richard, MLA
Maria Medioli, Executive Director
Randy Acker, Director
Michael Hazelwood, Manager
Charlotte Macdonald, A/ Coordinator
Nancy Neil, Coordinator
Karen Croft, Care Coordinator
Andrea Rudolph-Naas, Care Coordinator
West Hants Regional Council

NOVA SCOTIA

Municipal Affairs and Housing
Office of the Minister

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902-424-5550 Fax 902-424-0581 • novascotia.ca

Oct 20/23

Juanita Spencer
Chief Executive Officer
Nova Scotia Federation of Municipalities
1809 Barrington Street – Suite 1304
Halifax NS B3J 3K8
Via email: jspencer@nsfm.ca

Dear Juanita Spencer:

I want to take this opportunity to confirm with you Government's plans with regards to the Service Exchange Agreement.

The intention is to complete regulations and approve programs in keeping with the proposed agreement negotiated with SERMGAR and which was presented during consultations this past summer.

To be clear, that means for the 48 municipalities covered by the renegotiated agreement, the legislation and eventual regulations will:

- remove the requirement under the *Corrections Act* for municipalities to make an annual contribution towards corrections;
- remove the requirement under the *Housing Supply and Services Act* for municipalities to pay a portion of the net operating losses for public housing;
- change the *Education Act* so that, in the future, ownership of schools built prior to 1981 would transfer back to the Province when they are deemed obsolete, with municipalities given the first right of offer to purchase the building at a negotiated price;
- update the *Municipal Grants Act* and move elements of the Municipal Financial Capacity Grant formula into regulation so it is more flexible and easier to adapt to the changing needs of municipalities and enabling government to implement the new formula agreed to by municipalities.

The new legislation and regulations will take effect April 1, 2024.

In addition, our plan is to create a new program for Infrastructure. The originally negotiated Roads Part A will also see a new program created. We have listened to the concerns of Municipalities raised during our consultation process and Part B of roads will be moved to Schedule A for further discussions. Both Infrastructure and Roads Part A will see programs open during the 2024/25 fiscal year.

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I trust that this information is helpful.

Sincerely,

Honourable John A. Lohr
Minister of Municipal Affairs and Housing

C: Byron Rafuse, Deputy Minister, Municipal Affairs and Housing Municipal Affairs and Housing

Fort Edward Lands Correspondence

First Name	Last Name	Correspondenc	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
Wanda	Donelle	2/22/2022	2022-04-12 COTW
Teresa	Newcombe	3/22/2022	2022-04-12 COTW
Patti	Quinn	3/22/2022	2022-4-12 COTW
Martin	Theberge	4/6/2022	2022-04-12 COTW
Rene	Cormier	4/12/2022	2022-04-26 Council
Daphnee	de Lamirande	4/29/2022	2022-05-12 COTW
Carol	Bradley	6/23/2022	2022-06-28 Council
Ruth	Angevine	6/24/2022	2022-06-28 Council
Denise	Forand	6/28/2022	2022-06-26 Council
Marie	Claude-Roiux	6/28/2022	2022-07-12 COTW
Colleen	Rogers	7/24/2022	2022-09-13 COTW
Shirley	Pineo	8/9/2022	2022-09-13 COTW
Pamela	Spence	8/19/2022	2022-09-13 COTW
Councillor Gail	Tupper	8/22/2022	2022-09-13 COTW

Camilla	Noiles	9/3/2022	2022-09-13 COTW
Sandra Barss	Heritage Trust of NS	10/18/2022	2022-10-25 Council
Richard	Skelton	2/2/2023	2023-02-14 COTW
Jon	Hall	2/16/2023	2023-02-28 Council

Correspondence Sent

First Name	Last Name	Correspondence Date	Meeting / logged
Katherine MacLeod	MacLeod, Dept. Envir. and Climate Change	2021-10-27	2022-01-11 COTW
Robyn	Homans	2021-11-23	2021-12-07 COTW
Hon. Kim	Masland	2022-01-20	2022-01-25 Council
Hon. Kim	Masland re: clarity on correspondence sent 2022-02-20	2022-02-16	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Hon. Greg	Morrow	2022-02-04	2022-02-08 COTW
VREN		2022-03-10	2022-03-22 Council
Station Food Hub		2022-04-28	2022-05-10 COTW
MLA Melissa	Sheehy-Richard re: Avon River Eco/Tourism	2022-05-02	2022-05-02 COTW
MLA Melissa	Sheehy-Richard re: exit 6	2022-05-02	2022-05-02 COTW
Hon. Joyce	Murray	2022-05-06	2022-05-10 COTW
KMK Assembly Mi'kmaw Chiefs		2022-05-06	2022-05-10 COTW
The Premier	The Hon. Tim Houston	2022-06-27, sent 2022-06-30	2022-07-09 COTW
The Premier	The Hon. Tim Houston	2022-06-30	2022-07-09 COTW
Hon. Kim	Masland	2022-08-23	2022-09-13 COTW
POSSE		2022-09-14	2022-09-27 Council
Minister Murray	re Pumpkin Regatta	2022-10-20	2022-10-25 Council
VREN	Re: IMSA and request for a presentation to Council	2022-12-20	2023-01-10 COTW
MLA Sheehy-Richard	Re: Invitation to meet with Council re: Highway 101 Twinning project	2022-12-21	2023-01-10 COTW
MP Kody Blois	Re: Invitation to meet with Council re: Highway 101 Twinning project	2022-12-21	2023-01-10 COTW
Deputy Minister of Environment and Climate Change	Re: Costs incurred for fencing at 417 Wentworth Road	2023-02-15	2023-02-24 Council
VREN	Re Continued Partnership and lntermunicipal Service Agreement (IMSA}	2023-03-03	2023-03-14 COTW
Minister Masland	Re Provincial Intersection Street Lighting	2023-03-10	2023-03-14 COTW
Hockey Hall of Fame	Re Letter of Support John Paris Jr	2023-03-14	2023-03-28 Council
Premier Tim Houston	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
Hon. Joyce Murray	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council

Correspondence Sent

First Name	Last Name	Correspondence Date	Meeting / logged
Hon. Steve Craig	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
Hon. Tim Halman	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
Hon. Susan Corkum-Greek	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
Hon. Kim Masland	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
MP Blois	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
MLA Sheehy-Richard	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
MLA Sheehy-Richard, Premier, NS Public Works Minister(Kim Masland), District Area Manager (Robyn Homans)	Re Support to pave Cogmagun and Beaverpond Roads	2023-05-17	2023-05-23 Council
Hon. Tim Halman, Premier, MLA Sheehy-Richard	Re Coastal Protection Act Regulations	2023-05-23	2023-05-23 Council
Indigenous Services Canada	Re Response to the Proposed Addition to Reserve, Glooscap First Nation	2023-06-27 Sent 2023-06-30	2023-07-11 COTW
Premier Tim Houston, Hon. Joyce Murray, Hon. Steve Craig, Hon. Tim Halman, Hon. Susan Corkum-Greek, Hon. Kim Masland, MP Blois, MLA Sheehy-Richard	Re Follow up to correspondence sent on March 23, 2023 Re Reimagination Strategy Exercise	2023-06-29	2023-07-11 COTW
Hon. Kim Masland	Re The Railways Act- Bill 236	2023-07-05	2023-07-11 COTW
NS Minister of Agriculture, Premier of NS, Minister of Fisheries, Oceans and the Canadian Coast Guard, Minister of Fisheries and Aquaculture, Minister of Public Works, MP Blois, MLA Sheehy-Richard, Nic Juurlick, President of the Hants County Federation of Agriculture	Re Permanent Freshwater Resource for Agricultural Communities	2023-07-20	2023-07-25 Council

Correspondence Sent

Federal and NS Ministers of Environment and Climate Change, Premier of NS, Minister of Fisheries, Oceans and the Canadian Coast Guard, Minister of Public Works, MP Blois, MLA Sheehy-Richard, Municipality of Kings County	WHRM Letter of Support for the Residents of Avon Street, Hantsport Re Erosion	Sent 2023-07-21	2023-07-25 Council
CRTC and Innovation Science and Economic Development Canada Re Poor Cellular Service	Re Poor Cellular Service Connectivity	Sent via mail August 9, 2023	2023-09-12 COTW

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: **Committee of the Whole**

Submitted by: **Mayor Abraham Zebian**

Date: **October 24, 2023**

Subject: **Affordable Housing/More Housing**

LEGISLATIVE AUTHORITY

Municipal Government Act

RECOMMENDATION or DECISION REQUEST

…Council to direct staff to identify potential municipally owned parcels of land that Council could consider earmarking for an affordable housing project.

…Council direct staff to establish an affordable housing reserve with funding to be determined during 2024/25 budget deliberations. The intent of the reserve is to help compliment or support affordable housing projects.

BACKGROUND

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

Since 2020, the West Hants Regional Municipality has seen unprecedented growth in development, planning activities, and population. This growth, in my opinion, has been triggered by various factors including residents choosing to move back “home” from out of Province, the “more value for your money” that exists here in West Hants, immigration levels, and quality of life among other factors. As a result of this growth, prices of all types of housing and rental has increased significantly creating a situation with some unable to secure housing.

West Hants Regional Council has undertaken many initiatives in the past few years by updating planning policies to allow for a variety of housing needs such as secondary suites, small option housing, and tiny homes.

DISCUSSION

I believe Council can further expand on the great work it has done on housing in West Hants by identifying a potential parcel of land that is municipally owned and request expressions of interest by developers for an affordable housing project. Council has also touched on creating an affordable housing reserve which could help compliment future projects that offer more affordable housing options for residents within West Hants.

The intent of this report and potential recommendations is to create a discussion of council with clear direction of its wishes.

NEXT STEPS

Staff to undertake the direction of Council or carry on with other business if council wishes to not give direction.

FINANCIAL IMPLICATIONS

No financial implications with the preparation of this report with the exception of staff time.

There could be financial implications depending on Council direction.

ALTERNATIVES

Council may not choose to direct saff.

Council may choose a different course of action.

ATTACHMENTS

None.

CHIEF ADMINISTRATIVE OFFICER REVIEW

Pending Comments

Report Prepared by: Abraham Zebian, Mayor

Report Reviewed by: _____

(Name and Title)

Report Approved by: _____

(Name and Title)

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Deanna Snair, Clerk

Date: October 24, 2023

Subject: 2023 Resident Appointment to Planning and Heritage Advisory Committee

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LEGISLATIVE AUTHORITY

Municipal Government Act – Section 24 Standing, Special and Advisory Committees

RECOMMENDATION

…that Council appoint Paul Beazley to the Planning and Heritage Advisory Committee for the remainder of the 2022-2024 term which will fulfil the Windsor representative member vacancy.

BACKGROUND

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

Director Poirier received a resignation from one member of the PAC/HAC committee on September 20, 2023, resulting in the need to fill the vacancy for a representative from Windsor.

DISCUSSION

Public advertisement for a citizen member to represent Windsor was placed in the Valley Journal Advertiser on October 3rd, 2023, and on the Municipal website and Facebook pages commencing September 26th, 2023. Interested applicants were invited to apply until 12 p.m. (Noon) on Friday, October 13th, 2023 resulting in (4) four expressions of interest received. All applications were

reviewed by the Director of Planning and Development resulting in the following recommendation before Council this evening.

NEXT STEPS

If approved by Council, Mr. Beazley will be notified of the appointment. Any additional information required will be sent, and the Planning and Development Department will host an information session for new members.

FINANCIAL IMPLICATIONS

Resident members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy, which is identified in the annual Operating Budget.

ALTERNATIVES

Council can choose to direct staff to readvertise for the vacant position.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Deanna Snair, Clerk

Report Reviewed by: _____

Sara Poirier, Director, Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer