

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda Amended

February 27, 2024 - 6:00 p.m.

In-person, Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also FB Livestream)



West Hants
something inspiring awaits

1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log (Pg. 4)
 - b) Dashboard Action Items – Dangerous or Unsightly Premises (Pg. 9)
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2024-01-23 Council Meeting Minutes
 - b) 2024-01-30 Special Council Minutes
7. Presentations
 - a) Ellershouse Church Roof Project – Darrell Leighton (Pg. 10)
 - b) Valley Regional Enterprise Network (VREN) - Jennifer Tufts (Pg. 19)
 - c) Steven Hart - Protect Vaughans Amendment (Pg. 37)
8. Public Hearings
 - a) WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan – Planner Fredericks (Pg. 49)
 - b) Bog Road Boundary Review WH-MPS/LUB and H-MPS/LUB Amendment – Planner Dunphy (Pg. 72)
 - c) Wagners Court Development Agreement – Planner Dunphy (Pg. 92)
9. Second Readings
 - a) WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan – Planner Fredericks
 - b) Bog Road Boundary Review WH-MPS/LUB and H-MPS/LUB Amendment – Planner Dunphy
 - c) Wagners Court Development Agreement – Planner Dunphy
10. Unfinished Business/Postponed Motions
 - a) WHMPS and WHLUB Amendment Request: Wind Farm Policies Decision Request Report – Director Poirier (Pg. 152)

11. Mayor's Report
12. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (February 13, 2024)
 - i. 2024 Municipal Elections Returning Officer (Pg. 232)
 - ii. Birthplace of Hockey In-Kind Ice Donation (Pg. 237)
 - iii. Insurance RFP (Pg. 240)
 - iv. Land Matter (PID 45054707) (Pg. 247)
 - v. Windsor Hockey Heritage Change of Grant Request (Pg. 248)
 - vi. Zwicker Lake - Decision Permit D2023-019 (Pg. 253)
 - b) Planning and Heritage Advisory Committee Recommendations (as it relates to First Readings)
 - i. WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone - Planner Fredericks (Pg. 278)
 - ii. Payzant Drive Development Agreement – Planner Dunphy (Pg. 296)
13. Councillor Municipal Business/Activity Reports
 - a) Councillor Ivey, District 11 Activity Report
14. Correspondence
 - a) Information
 1. Avon Causeway Activity Log - None (Pg. 400)
 2. Correspondence Received Activity Log (Pg. 409)
 - i. Kjeld Mizpah Conyers-Steede Re Valley REN Board Member Connection (Pg. 422)
 - ii. Keith Aucoin Excessive Property Evaluation (Pg. 425)
 - iii. Wine Growers NS Letter to the Premier Re Consequences of the Government of Nova Scotia's Commercial Wine Support Program (Pg. 430)
 - iv. Mimi O'Handley Re Coastal Announcement from the Province (Pg. 435)
 - v. Letter from the Province to Mayors, Wardens, Councillors Re Coastal Protection (Pg. 437)
 - vi. Letter from Chief Paul to West Hants Council Re Bear Lake Wind Farm (Pg. 440)
 - vii. **Lloyd Blagdon Re Wind Fram Project, Vaughan (Pg. 442)**
 - b) Requests
 - i. Mike Murphy Re 2-hour parking on Stannus Street. (Pg. 445)
 - ii. Andrew Hardman Re Ken No. 522430 - Hardman et al v. West Hants Regional Municipality (Pg. 446)
 - c) Outgoing Correspondence Log – None (Pg. 447)
15. New Business
16. In-Camera
 - a) MGA 22(2)(a) Legal Matter

b) MGA 22(2)(a) Legal Matter

17. Next Meeting Date / Adjournment – March 12th, 2024 Committee of the Whole Meeting 6 p.m.

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
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	On-going	Beautification Strategy presentation provided at Nov, 2023 COTW mtg. 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 - RFP pending	CAO
Panuke Rd Event - Event to be arranged by Mayor	2021-03-09	Late Spring/Summer 2024	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, Item remains on the Dashboard, Mayor will follow up.	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	Unknown	Item remains on the Dashboard, Mayor will follow up.	Mayor/CAO
Subdivision Street Lighting - Create a policy to come back to Council for review.	2023-01-10	2024	Report at October COTW, More information will be presented to Council for discussion/decision.	PW
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	Approved, staff are gathering information, a report will follow.	PW

Matter	Start Date	Deadline / Update	Status/Progress Updates	Resp.
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	Approved, Report to follow	PW
Noise By-Law/Peace and Good Order - staff revisit the Noise By-Law/Peace and Good Order.	2023-09-12	2024	Approved, Draft By-law and Report to follow in March	CAO
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	2024	Approved, Report to follow	PW
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 ownership.	2023-10-10	2024-03	Verbal update provided. Will remain on the agenda until follow up completed.	PW/PLAN/CAO
Dykeland Lodge Request - staff review possible options for an alternate route in and out of College Road.	2023-11-28	2024	Approved, Pending a report	PW
Bulk Water and Sewer Rebate - 1. Staff create a regional sewer rebate in the same manner as the low income residential tax rebate that includes a \$50/quarter rebate with funding avenues to be presented by staff. 2. Staff create a regional bulk water rebate that would be similar to the low income residential tax rebate that includes a \$200/yr/residential property owner to be funded through avenues presented by staff.	2023-12-12	2024	Approved, Pending report	Finance

Matter	Start Date	Deadline / Update	Status/Progress Updates	Resp.
Stormwater Management - Staff come back with more information including a suggested RFP for Council to review utilizing the CBCL report and that the RFP identifies developing a stormwater mitigation plan identifying both short and longer term phased in solutions.	2023-12-19	2024	Approved, See updated motion to reflect alternate procurement being used for CBCL to complete the work. Motion will be rescinded at the March COTW.	PW
Floodzones - staff create a "Home Flood Protection Program" to present to Council by the March COTW meeting for viewing and or approval for budgetary implications.	2024-01-09	2024-03-12	Approved, report to follow	PW
Floodzones - develop an Emergency plan for Windsor and Hantsport Floodzones and could encompass all areas that flood (intended to be a Regional program) and may include diverting of waters from residences and present it to Council by the March COTW meeting.	2024-01-09	2024-03-12	Approved, Motion was amended. Report to follow	PW
Windsor and WH Water Utilities Detailed Audit - a water utility financial report including the volume of water that is delivered wholesale to the transmission and distribution system and the volume of water that is billed through the Finance Dept. to the retail end users be presented on a monthly basis.	2024-01-09	2024-01-23	Approved, Monthly Reports to follow	Finance
Windsor Stormwater Management - staff meet with CBCL to expand on the initial work completed to expand the project into a phase 2 stage in the interest of accelerating the process to determine next steps and analysis of work needing to be done for a broader Windsor Storm Water Management plan.	2024-01-09	2024-01-23	Approved, Pending a report	PW

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Windsor and WH Water Utilities Detailed Audit - CAO to secure an independent firm to undertake a detailed operational and financial audit of WH and Windsor water utilities.	2024-01-23	2024	Approved, Pending an audit report	CAO/Fin
2024 Municipal and CSAP Election Appoint a Returning Officer - 1.Council appoint Debi Fitzpatrick as the Returning Officer for the 2024 Nova Scotia Municipal and Conseil scolaire acadien provincial (CSAP) elections setting the fee for the Returning Officer to a maximum of \$32,500 (based on hours worked) and further that any expenses incurred in the 2023/24 fiscal year be funded through the Regional Elections Reserve. 2.Council gives authority to the CAO to appoint Assistant Returning Officer(s).	2024-02-13	2024-02-27	Pending Council Approval	CAO
Insurance RFP - approves the award of Request for Proposals Tender #WHRMFS23-01 for General Insurance and Risk Management Services to Intact Public Entities Inc., in partnership with Brokerlink Inc.	2024-02-13	2024-02-27	Pending Council Approval	Fin
Windsor Hockey Heritage Change of Grant Request - approve the Change of Grant Request for the Windsor Hockey Heritage Society to allow them to utilize the previously approved 2023 Municipal Grant for the Windsor Hockey Heritage Society fundraising dinner to be held in April 2024.	2024-02-13	2024-02-27	Pending Council Approval	Comm Dev.
Land Matter PID 45054707 - staff be directed to negotiate with the owners of PID 45054707 Re: the purchase of a portion of that property as directed in-camera.	2024-02-13	2024-02-27	Pending Council Approval	PW

<u>Matter</u>	<u>Start Date</u>	<u>Deadline / Update</u>	<u>Status/Progress Updates</u>	<u>Resp.</u>
Birthplace of Hockey Tournament - In kind Donation - a \$1,500 in kind donation of ice rental waving of the fee be approved.	2024-02-13	2024-02-27	Pending Council Approval	CD/Fin
Zwicker Lake - Decision Permit D2023-019 - CAO be directed to engage staff to provide Council with a summary outline of the total cost of legal services incurred by WHRM relating to the Zwicker Lake property land use issue for permit D2023-019.	2024-02-13	2024-03	Pending Council Approval	CAO/Fin/Plan

West Hants Regional Municipality In-Camera Dashboard (Action List)

February 27, 2024

Green - Complete

Yellow - In-progress

Red - Not started

[illegible]

The community of Ellershhouse Hants Co is applying for a grant of ____\$25,000.____to install a metal roof on the St Louise Union church building.

Here is a brief history of the St Louise Church building. The building was built on approx. 2 acres of land in the village as a church by Mr. Francis von Ellershausen around 1870 and named after one of his daughters. Mr. Ellershausen was an immigrant from the old Germany regions of Europe and had vast land and property holdings in the local area. He had built the village of Ellershhouse for his workers who mainly worked in the woods in the lumber industry. In 1890 Mr. Ellershausen had some bad dealings and had to declare bankruptcy. His lawyers in Windsor, Mr. WH Blanchard and his cousin Aubrey Blanchard, were investors in his estate. Mr. WH Blanchard took control of the assets to sell off the land and property to settle past debts of Mr. Ellershausen.

In the fall of 1900 Mr. WH Blanchard and his wife deeded the Church and church property over to the Community of Ellershhouse. (Register of Deeds for Hants Co. Book 92, page 381)

The church was operated as a Protestant Union church until 2018. With dwindling numbers of the Ellershhouse congregation, the remainder amalgamated with the St Croix United Church in St Croix. The St Louise Union Church building was never owned by the United Church of Canada. It was always owned by the Ellershhouse community governed by a board of trustees. This building sits in the center of the village of Ellershhouse adjacent to the Ellershhouse Community Hall property.

In January 2023, the church and property were transferred to the Ellershouse Community Hall in a document from the Supreme Court of Nova Scotia. The community hall is a registered not-for-profit organization with the Nova Scotia Registry of Joint Stocks companies.

Since regular church services ended in 2018, the church building has been used for various indoor community events. We have held annual Christmas Carol singing; flea markets and yard sales and a couple craft fairs have been held. We have held live music events indoors during inclement weather, a wedding with a reception was held there last year. It has been used as a meeting place, children and senior's birthday parties, a movie set, movie support as storage and as a lunch/relaxation area for the casts and crews of several local movie making companies. We have used the Church building for larger meetings and seminars for the Provincial and Municipality governments and Windfarm development companies. We hope to have the building available for who ever would like to use it. We make a very modest income from the rental of the indoor space. The property has a small green space park with a new gazebo for a lot of outdoor events but the indoors is required for inclement weather.

The church building is a little over 150 years old but still a sturdy and well-kept building. The current asphalt shingles were installed in 2003, 23 years ago, but started to leak for a few years now. Two years ago, we used roofing tar to stop some minor leaks, but they have now returned. The shingles must be replaced. The main roof is a very steep 12/16 pitched roof, 60 ft x 30 ft per side. (Approx 30,000 sq ft to cover the roof and steeple skirt.

Our main Ellershose hall is equipped and has been used as a Comfort Station during our recent storms and we want to upgrade the church building to be used if needed. The total floor interior floor space is approx. 1730 square feet. We have future plans to build onto the church building, to install washrooms, to upgrade the electrical system and install heat pumps. But first we need a good solid roof to protect the building from water damage. Although a metal roof is more expensive, we feel that the metal roofing will make a low maintenance, long-lasting, leak-proof roof for many years to come.

A grant of _\$25,000_ to install a metal roof on the St Louise Union church building would greatly help the community secure the building from future water damage and let us continue to offer the community a safe and dry building for community events.

Your consideration and assistance in this matter would be greatly appreciated by the Community members of the Village of Ellershose.













FEBRUARY 2024

VALLEY REGIONAL ENTERPRISE NETWORK

IMMIGRATION AND SETTLEMENT SUPPORT IN
THE ANNAPOLIS VALLEY



LAND ACKNOWLEDGEMENT

We acknowledge that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People. This territory is covered by the "Treaties of Peace and Friendship" which Mi'kmaq and Wolastoqiyik (Maliseet) People first signed with the British Crown in 1725. The treaties did not deal with surrender of lands and resources but in fact recognized Mi'kmaq and Wolastoqiyik (Maliseet) title and established the rules for what was to be an ongoing relationship between nations.

We also acknowledge that people of African descent have been part of Nova Scotia for over 400 years, and we honour and offer gratitude to those ancestors of African descent who came before us to this land.

WHO WE ARE AND WHAT WE DO

- Regional Economic Development Organization
- Business led and mission focused
- Engaged with businesses
- Ensuring we serve and satisfy parties – provincial, municipal, first nation
- Engaged with and supporting sectors
- Acting on behalf of the region
- Creating regional economic development strategy
- Creating the conditions to be population and investment ready

OUR PARTNERS



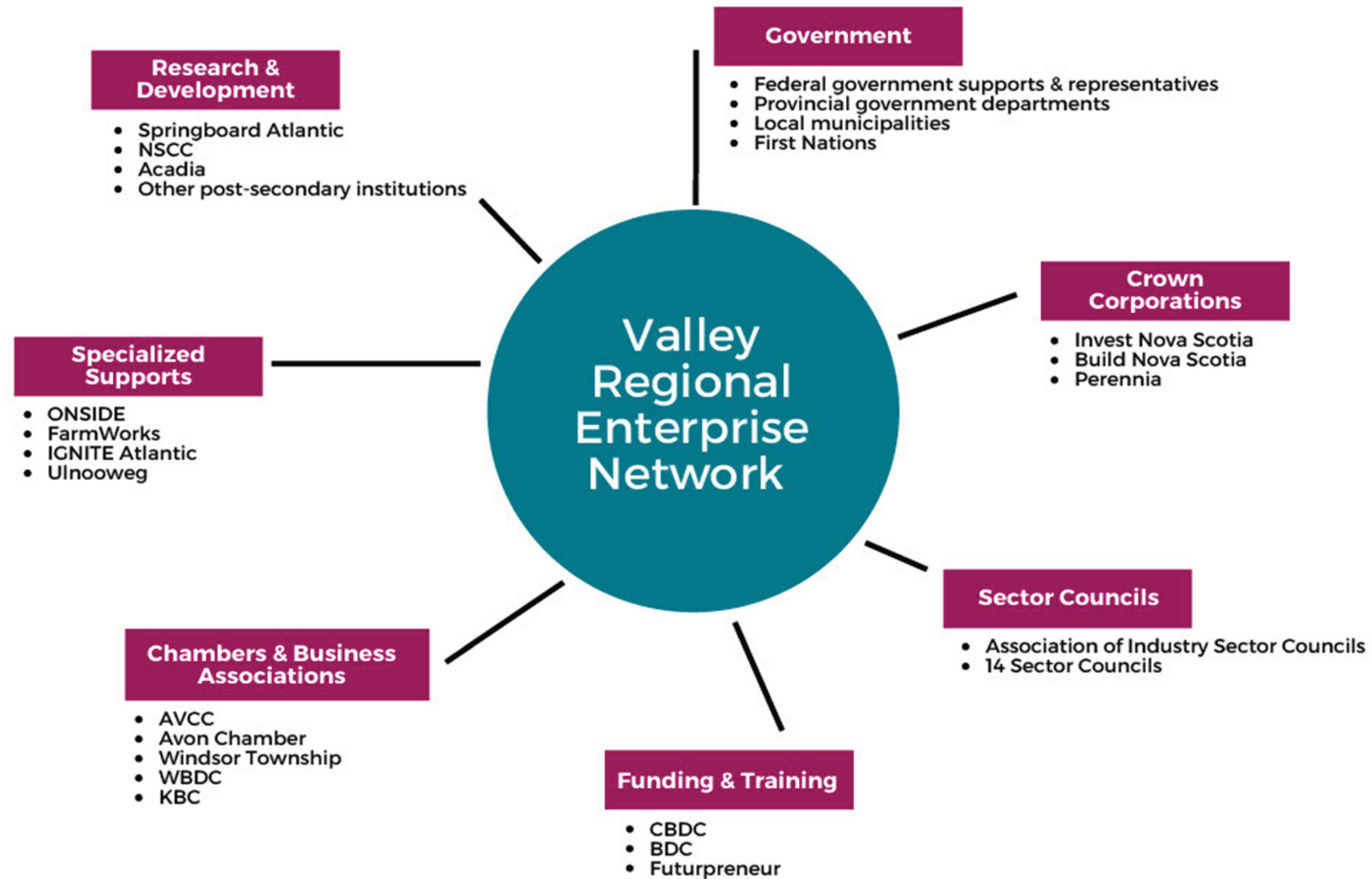
REGIONAL ENTERPRISE NETWORKS OF NS

RENs act as a central spoke of a wheel: as navigators and connectors within our regions with varying levels of engagement; sometimes as leaders, partners, supporters and sometimes simply as an information source.



RENs are a network of networks linked not only to the ecosystem of supports within regions, but also linked provincially through the other NS RENs and the Province of Nova Scotia and its crown corporations and federally through entities such as ACOA.

The Valley Regional Enterprise Network maintains a network of business and industry support services to foster economic development.



IMMIGRATION AND SETTLEMENT ROLE

- Completed and launched a Regional Workforce Development Strategy: Towards Workforce Prosperity in September 2021
 - Provides recommendations to develop, attract and retain labour
 - Require additional 6,570 workers by 2029 to meet demand
 - Immigration will be a key solution to helping fill this need
 - Employers lack understanding of immigration programming
 - Retention of newcomers
 - Valley REN pursued funding in 2022
 - Secured funding in 2023 for 3 year program:

Annapolis Valley Immigration and Settlement Navigation Program	Province and ACOA: \$255,000	Valley REN: \$19,000
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IMMIGRATION AND SETTLEMENT SUPPORT IN THE ANNAPOLIS VALLEY

What does it look like?

OVERALL GROWTH OF THE VALLEY



EMPLOYERS/
BUSINESSES



WELCOME NETWORK
hello neighbor, welcome home!

supports with
hiring and
recruiting
foreign talents

retaining
newcomers to
live and settle
in the Valley

sets up
and
supports

EMPLOYERS/BUSINESSES

WHAT DOES THE SUPPORT LOOK LIKE?

Navigate immigration programs
Help them be “immigration-ready”

“yes..but how?”
also, what is immigration-ready?

a human-approach to learning about DEI, and immigration programs

EMPLOYERS/BUSINESSES FAQs

I heard that it is expensive to bring/hire foreigners, is that true?

Is there someone to guide me along the way?

How can I help my Temporary Foreign Workers be permanent residents?

AIP? NSNP? NOC? TEER? is this English?

What are the steps I need to take to be immigration-ready?

ok now..seriously. what IS IMMIGRATION-READY?

IMMIGRATION PROGRAMS FOR BUSINESSES

Essential knowledge on provincial programs and how to
use it as a tool for recruitment

January 2024



Valley Regional Enterprise Network

Kathleen Novelia

Immigration and
Settlement Navigator

UPCOMING SESSIONS

Friday, March 15: 10–11.30am. Windsor
Strategies for a Culturally Diverse Workplace

Dive into the dynamic world of cultural intelligence and communication strategies with our workshop. Designed for helping us navigating intercultural environments, this session offers insights and interactive experiences to enrich your understanding and skills.

BUT NEWCOMERS LEAVE.
WHAT DO WE DO FOR RETENTION?



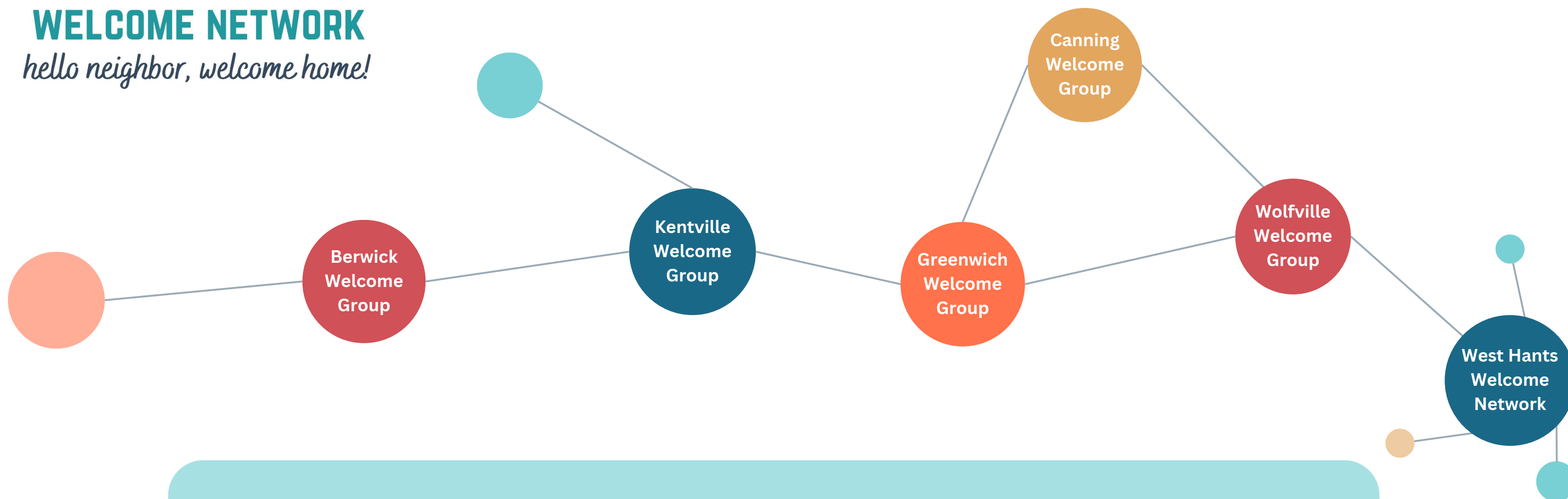
WELCOME NETWORK
hello neighbor, welcome home!



WELCOME NETWORK

hello neighbor, welcome home!

Since September 2023, we have 6 active groups in the community.
Still expanding.



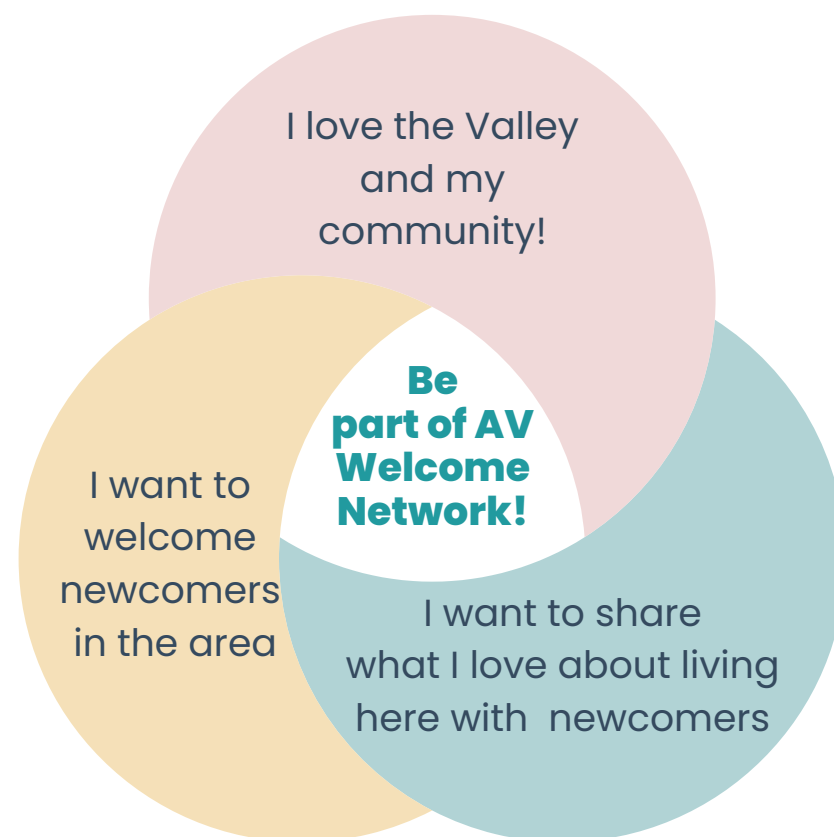
A constellation of our community ambassadors ready to welcome you home!



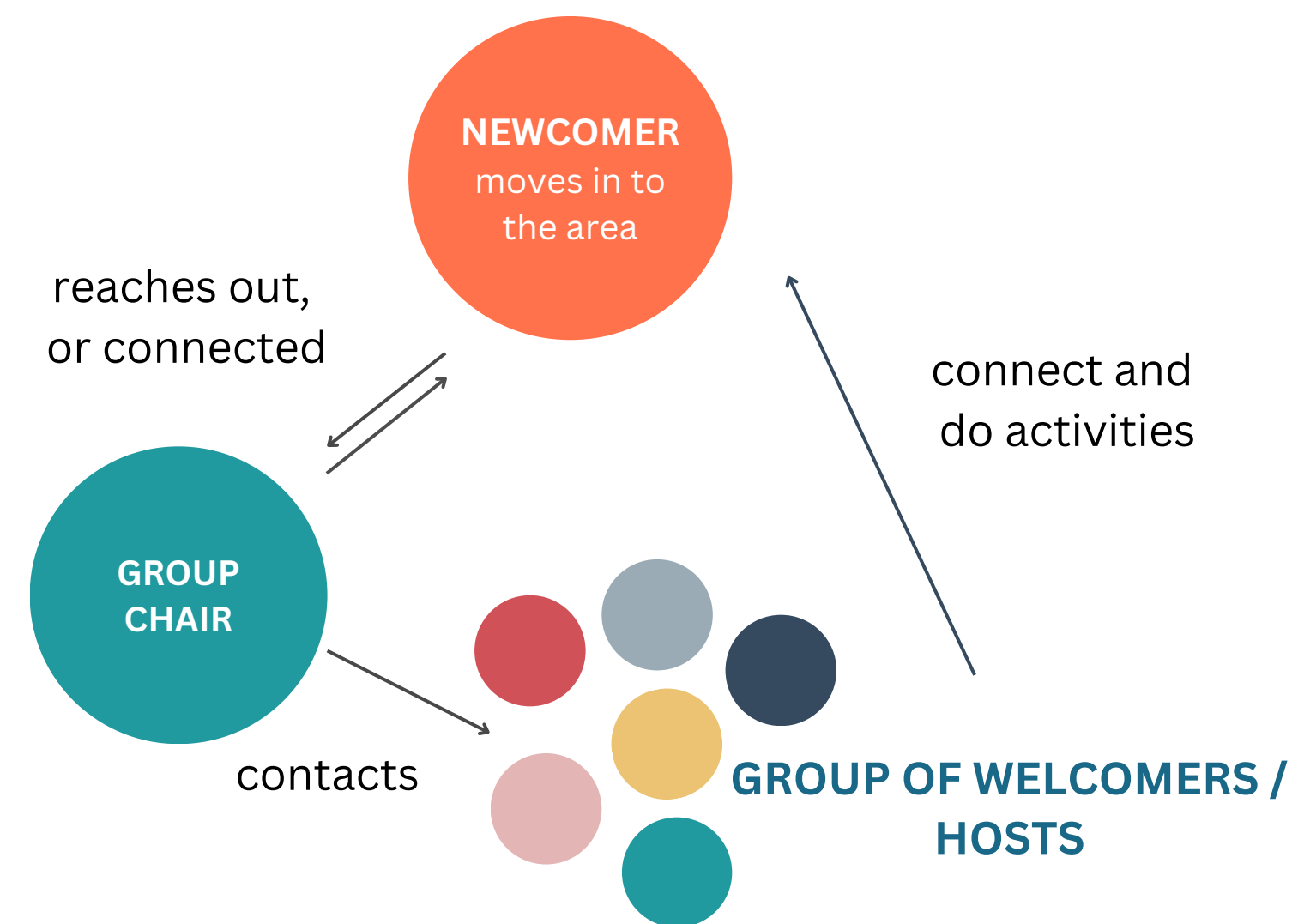
WELCOME NETWORK

hello neighbor, welcome home!

What do community welcome groups do? Some make phone calls, virtual visits, welcome baskets, meet ups for coffee, hikes – it's entirely up to the volunteers and the newcomers' comfort level.



How does it work?





HOW DO PEOPLE FIND US?

WEBSITE

www.haveitallav.ca



SOCIAL MEDIA

[Facebook Page: Annapolis Valley Welcome Network](#)

Advertisements, newsletters



NEEDED SUPPORTS

WE ARE STILL LOOKING FOR MORE VOLUNTEERS FOR THESE COMMUNITIES:

- CANNING/CENTREVILLE
- GREENWICH/NEW MINAS
- BERWICK
- WOLFVILLE
- WEST HANTS

KINGSTON/
GREENWOOD
WELCOME GROUP

FOLLOW US ON FACEBOOK

REMEMBER US, REMEMBER YOUR COMMUNITY.

OUTREACH, SHARE, AND CONNECT PEOPLE TO THE WELCOME NETWORK



Protect Vaughan

Keeping Nature Natural

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Current By-Law – 4.22.4

- Policy 4.22.4 It shall be the policy of Council to consider the development of permanent or long-term installations of large wind turbines or wind farms outside the Growth Centre, Village and Hamlet designations by development agreement, having regard to the following:
 - (a) any required provincial and/or federal government environmental assessment processes have been completed;
 - (b) adequate separation distances are maintained from adjacent land uses to minimize impacts of noise and shadow and to ensure public safety;
 - (c) the development is not visually intrusive in the landscape, taking into account the location and distance from which it is visible, and the significance and sensitivity of the landscape, topography, vegetation and built form in the surrounding area;
 - (d) safe roadway access can be provided;
 - (e) any other matter which may be addressed in a development agreement; and
 - (f) Policy 16.3.1.

Current By-Law – 4.22.4 continued...

- Section 16.3: Land Use By-law Amendments and Development Agreements
- Changes to the Land Use By-law-whether map amendments (rezoning) or text amendments-may be considered by Council provided they are in conformity with the Municipal Planning Strategy. Should Council consider amending the Land Use By-law, it must fully examine the implications of the change and the amendment must comply with all other legal requirements as set out in the Municipal Government Act.
- A development agreement is a legal agreement between Council and a property owner. In such agreements, a wide range of factors may be addressed that go beyond what may be considered under standard zoning. Development agreements provide an opportunity for Council to exercise a greater degree of control over many aspects of a development proposal such as use, design, architectural detail, hours of operation and other matters of concern to adjacent landowners. Development agreements also can provide a greater degree of flexibility to the developer. A development agreement is binding upon a property until the agreement is discharged by Council.
- Policy 16.3.1
In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:
 - (a) whether the proposal is considered premature or inappropriate in terms of:
 - (i) the adequacy of sewer and water services;
 - (ii) the adequacy of school facilities;
 - (iii) the adequacy of fire protection;
 - (iv) the adequacy of road networks adjacent to, or leading to the development; and
 - (v) the financial capacity of the Municipality to absorb any costs relating to the development.

Current By-Law – 4.22.4 continued...

- (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;
- (c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;
- (d) the adequacy of the dimensions and shape of the lot for the intended use;
- (e) the pattern of development which the proposal might create;
- (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;
- (g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and
- (h) any other matter required by relevant policies of this strategy.

Amendment Request

- No large wind turbine or wind farm shall be considered inside a 20km radius from an existing or under construction large wind turbine or wind farm, or an approved development agreement for a large wind turbine or wind farm until all large wind turbines or wind farms falling within the 20km radius have operated at project capacity for a minimum of 24 months.

Explanation of Amendment Request

CURRENT BY-LAW

- Under current policy 4.22.4 appendix B; adequate separation distances are maintained from adjacent land uses to minimize impacts of noise and shadow and to ensure public safety.

AMENDMENT EXPLANATION

- The amendment requested will allow adequate opportunity to newly approved windfarms to operate properly to ensure the residents nearby; whether they are within a 2 km radius or not, time to adjust or dispute the accuracy of the effects predicted by the developer; such as noise, shadow flicker. This also allows time for the council representatives to engage in public dialog and become informed on the community members personal impacts of the development.

Explanation of Amendment Request

CURRENT BY-LAW

- Appendix C – The development is not visually intrusive in the landscape, considering the location and the distance from which it is visible, and the significance and sensitivity of the landscape, topography, vegetation and built form in the surrounding area.

AMENDMENT EXPLANATION

- The requested amendment will also allow the first approved project to operate at full capacity and give the ability for community members and council representatives to see firsthand the visual implications of the project.
- ie: Benjamin Mills windfarm project has been approved with “simulations” as to what the project will look like. Thus, Making it impossible to know what a second projects visual implications could be without having the first project completed. This is what we refer to when we reference “Cumulative Effects”.
- You cannot visualize the implications of two projects if the first one has not been completed.

Explanation of Amendment Request

CURRENT BY-LAW

- Appendix E – Any other matter which may be addressed in a development agreement.

AMENDMENT EXPLANATION

- As time progresses and the race for renewable energy increases, the risk of burdens to residents' property value and health issues increase drastically.
- There have been numerous case studies done all over North America of the effects of property values decreasing significantly as these windfarms move closer and closer to small rural communities. With our requested amendment, it will allow residents of these communities' ample time to feel the full effects of a windfarm and have a more educated opinion on whether a second windfarm would be the right fit for their area.
- This appendix is for the “unknowns” which is impossible to predict. The unknowns will only be known when the first project has operated at full capacity for a minimum of two years.

Reasons for Changes to Current Amendment

- Sight and sound assessments are desktop assumptions.
- Infrasound has no way to be measured, microbarometers are not mandated in the EA process.
- Windfarms in forested areas are relatively new, 24 operational months will provide council the opportunity to observe any missed opportunities when approving the next windfarm.
- Setbacks remain the same despite windmills becoming taller. (Currently taller than a 50ft skyscraper, or Ski Martock)
- Desirable wind farm locations are harder to find for developers. (Pre-constructed road network, easily accessible electrical grid, uninformed communities) Desktop modeling suggested that 28 turbines located in Atlantic Canada's largest uranium deposit would not affect residents well water, 24-month operational conditions will allow time for that hypothesis to be tested, prior to approving another wind farm in the same uranium deposit.
- West Hants currently has 14 windmills in operation with 40 more approved and 34 on its border in New Ross. We also have 49 more in the works for potential development agreements. This will be 137 windmills within 62 sq/kms and no studies on cumulative effects to support these projects.

Conclusion

- Protect Vaughans is requesting council to motion toward adding the following text stated below;
- No large wind turbine or wind farm shall be considered inside a 20km radius from an existing or under construction large wind turbine or wind farm, or an approved development agreement for a large wind turbine or wind farm until all large wind turbines or wind farms falling within the 20km radius have operated at project capacity for a minimum of 24 months.

The background is a soft, misty landscape with a teal and light blue color palette. It features rolling hills and mountains in the distance, with a calm body of water in the foreground reflecting the scene. The overall atmosphere is serene and ethereal.

Questions?



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: February 27, 2024

Subject: WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan; File #23-29B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

... that Council gives Second Reading and approves amending Schedule A of the West Hants Land Use By-law to rezone PID 45218658 on Armstrong Lake East Road in Vaughan, from the Open Space (OS) zone to the General Resource (GR) zone as shown in the report #23-29 to the Planning and Heritage Advisory Committee dated January 11, 2024.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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A completed application was received on September 20, 2023, from Mark Phillips, Chief Administrative Officer (CAO) of West Hants Regional Municipality, on behalf of the landowner, West Hants Regional Municipality. The application was needed for Council to consider rezoning the subject lot from the Open Space (OS) zone to the General Resource (GR) zone. This request follows Council's direction to rezone select surplus properties for future residential use,

following the list of divestiture recommendations contained within the 2016 Parks and Open Space Plan.

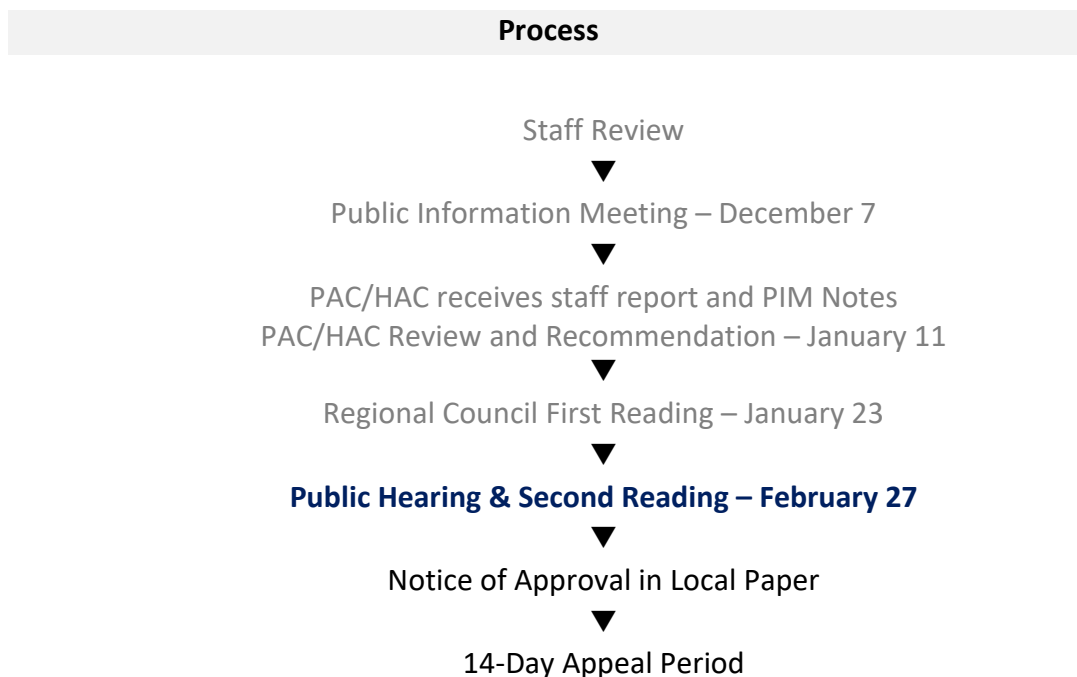
A Public Information Meeting was held on December 7, 2023.

On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee briefly discussed how a residential driveway could enter the lot. The PAC/HAC recommended in favour of the application at this meeting.

Council held First Reading on January 23, 2024.

NEXT STEPS

The process for this application is as follows.



FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- hold Second Reading and approve the map amendment; or
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2024-01-23 Staff Report – WHLUB Map Amendment: PID 45218658,
Armstrong Lake East Road, Vaughan; File #23-29A

CHIEF ADMINISTRATIVE OFFICER REVIEW

See CAO comments from first reading in Appendix A. Additional CAO comments may follow.

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 – 2024-01-23 Staff Report – WHLUB Map Amendment: PID 45218658, Armstrong
Lake East Road, Vaughan; File #23-29A**



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: January 23, 2024

Subject: WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan; File #23-29A

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 amending Schedule A of the West Hants Land Use By-law to rezone PID 45218658 on Armstrong Lake East Road in Vaughan, from the Open Space (OS) zone to the General Resource (GR) zone as shown in the report #23-29 to the Planning and Heritage Advisory Committee dated January 11, 2024.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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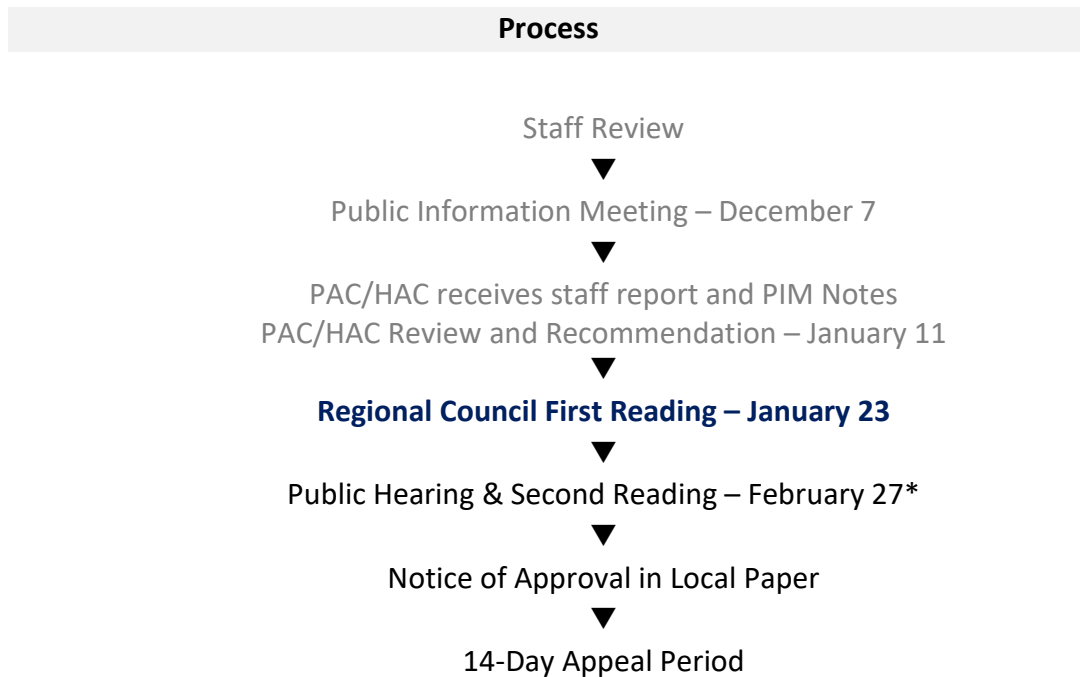
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A Public Information Meeting was held on December 7, 2023.

On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee briefly discussed how a residential driveway could enter the lot. The PAC/HAC recommended in favour of the application at this meeting.

NEXT STEPS

The process for this application is as follows.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the map amendment; or

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

APPENDICIES

Appendix A 2023-12-14 Staff Report – WHLUB Map Amendment: PID 45218658,
Armstrong Lake East Road, Vaughan; File #23-29

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report and recommendation are in keeping with the direction provided by Council to-date.

It is recognized that planning staff, PAC/HAC, and members of Council have received expressions of concern from residents, particularly those adjacent to the surplus lands about the rezoning.

To proceed with first reading will allow for the formal public hearing process that will ultimately support the final decision-making phase, 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 – 2024-01-11 Staff Report – WHLUB Map Amendment: PID 45218658, Armstrong
Lake East Road, Vaughan; File #23-29**



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: January 11, 2024

Subject: WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road, Vaughan; File #23-29

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To enable the rezoning of the subject lot to the General Resource (GR) zone, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

"...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone PID 45218658 on Armstrong Lake East Road in Vaughan, from the Open Space (OS) zone to the General Resource (GR) zone as shown in the report #23-29 to the Planning and Heritage Advisory Committee dated January 11, 2024."

BACKGROUND

The subject lot was conveyed to the Municipality of West Hants when a subdivision application was submitted by the landowners, Dalhousie Projects Ltd. in 1989. The original survey is included as *Figure 4* which labels the subject property as lot #128.

The Parks and Open Space plan was adopted by West Hants Council in 2016 with two goals: (1) to direct the operations, maintenance, acquisition, divestment, funding, and programming of

the Municipal parks and open space network; and (2) To ensure that the local network of parks and open space will continue to meet recreational needs and protect unique, natural, and cultural resources for the next ten years. This plan recognized several parcels that were suitable for divestiture. On October 26, 2021, Council approved the motion to:

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

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

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

A completed application was received on September 20, 2023, from Mark Phillips, Chief Administrative Officer (CAO) of West Hants Regional Municipality, on behalf of the landowner, West Hants Regional Municipality. The application was needed for Council to consider rezoning of the subject lot from the Open Space (OS) zone to the General Resource (GR) zone to allow the potential for residential development.

DISCUSSION

The subject lot is approximately 16 acres in size with approximately 133 feet of road frontage on Armstrong Lake East Road. The lot is currently designated Resource (S) on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (*Figure 1*). The subject lot is zoned Open Space (OS) on Schedule A of the West Hants Land Use By-law (WHLUB) (*Figure 2*).

Surrounding Context

All properties surrounding the subject lot are also designated Resource and zoned General Resource (GR) zone. The subject lot is in a lake side cottage area of Vaughan, that surrounds Armstrong Lake in a development called Chalet Hamlet.

The immediately surrounding properties are a mixture of vacant lots and some single unit dwellings and cottages. The south and east sides of the subject lot border a large lot (2750 acres) of Crown land. The nearest dwelling which abuts the subject lot on the west is a single unit dwelling owned by David Borden, who met with staff on site and provided a tour of his property and the subject lot. This tour highlighted some of the rocky terrain common to the area, including steep slopes and exposed bedrock which could be barriers for parkland

development, or residential development. The subject lot has large rock outcroppings and a wet area along Armstrong Lake East Road.



Figure 1 - Exposed bedrock throughout subject lot



Figure 2 - Entrance to subject lot

Parks and Open Space

The 2016 Parks and Open Space Plan identified the subject lot as an appropriate property to divest. The plan recognized the proceeds of the sale could be used to help fund other Municipally owned parks and open spaces in the area. The Armstrong Lake community has a picnic park with water access on a 4-acre property owned by the Municipality known as the Armstrong Lake Park, at 640 Armstrong Lake East Road.



Figure 3 - Armstrong Lake Park

Subdivision By-law

The West Hants Subdivision By-law outlines the parkland dedication required as part of any subdivision process. This process is the method that resulted in the Municipality owning the subject lot during a subdivision process in 1989. The details of parkland dedication are outlined in the Subdivision By-law, and an excerpt of this is shown below:

PART 14: PARKLAND DEDICATION

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

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

Document Review

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

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

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

The subject property has been zoned Open Space (OS) since it was created, as it was publicly owned over the past 34 years. However, this parcel was never developed into a park and the 2016 Parks and Open Space Plan identified it as a property for the Municipality to consider divesting. This determination considered the availability of open space in the area and the potential for the divestment to help fund the development of nearby Municipally owned parks and open space uses.

The intention of the Resource designation is outlined in Section 9 of the WHMPS. The purpose of the General Resource (GR) zone and the Resource designation is to prioritize resource based land uses and accommodate rural residential development which includes cottage style developments.

Policy 9.1.1 *It shall be the policy of Council to establish a General Resource (GR) zone which will apply to areas of West Hants in the Resource designation which are outside the Growth Centres, Village and Hamlets and are not zoned for agricultural, mineral or water supply uses. This includes large parcels of Crown land, land owned by forestry companies, areas of seasonal residential development which are accessed by private roads, and rural areas which are not considered to be under intense development pressure.*

The subject lot is part of an existing community around Armstrong Lake which is not zoned for agriculture, or part of a growth centre, village, or hamlet and meets the intent and purpose of the General Resource (GR) zone. The subject lot is on a private road owned and maintained by the Chalet Hamlet Property Owners Association. This area can most appropriately accommodate seasonal dwellings and single unit dwellings as outlined in Policy 9.1.8 and may permit some resource type uses if rezoned to the General Resource (GR) zone.

Policy 9.1.8 *It shall be the policy of Council that new private roads for subdivision purposes shall be permitted only in the General Resource zone. Development on private roads shall be limited to seasonal dwellings, single unit dwellings, home-based businesses and resource uses.*

General Criteria

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

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Development Officer, Manager of Building and Fire Inspection Services, Nova Scotia Public Works, and the private road owners/property owners association have no concerns with the proposed rezoning which have not been addressed in this report.

Public Information Meeting

During the Public Information Meeting for this file staff heard from a neighboring property owner regarding the topography and valuation of the property if listed for sale. Another comment during the meeting was regarding access during extreme weather events like a wildfire. While this community does include secondary/ informal routes, the overall road

network for private roads is not under review as part of this application. However, staff will be considering amendments to the MPS, LUB and SUB to require secondary/emergency exits for private road developments in the future, through the planning document review project which is ongoing. More information is included in Attachment B – Public Information Meeting Notes.

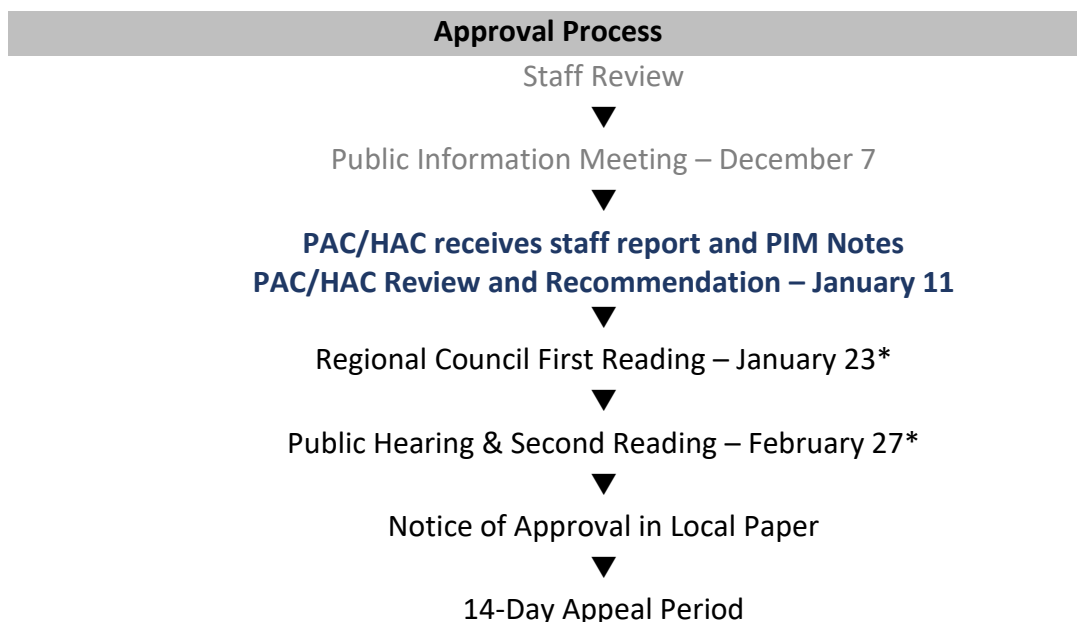
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The West Hants Municipal Climate Change Action Plan (MCCAP) does not recognize the Vaughan area to be at risk from sea level or storm surge. The subject lot is elevated above Armstrong Lake and is sloped towards the road which appears to drain storm water effectively towards the lake. The MCCAP report does not show any climate change related flood risk on the subject lot.

If the property is sold, any new property owners are responsible for ensuring that the lot is suitable for the proposed use.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of both the intent of the Resource designation and the general amendment criteria of the WHMPS and is consistent with the intent, objectives, and policies of the WHMPS. The amendment is also consistent with the findings and recommendations of the 2016 Parks and Open Space Plan. As a result, it is reasonable to amend the zoning of PID 45218658 from the Open Space (OS) zone to the General Resource (GR) zone.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract - Current
Figure 3	West Hants Zoning Map Extract – Proposed
Figure 4	Survey of Subdivision 1989
Attachment A	Policy Summary for WHLUB Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: _____
Mark Fredericks, Senior Planner

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

Figure 1 - West Hants GFLUM Extract



Figure 2 - West Hants Zoning Map Extract - Current

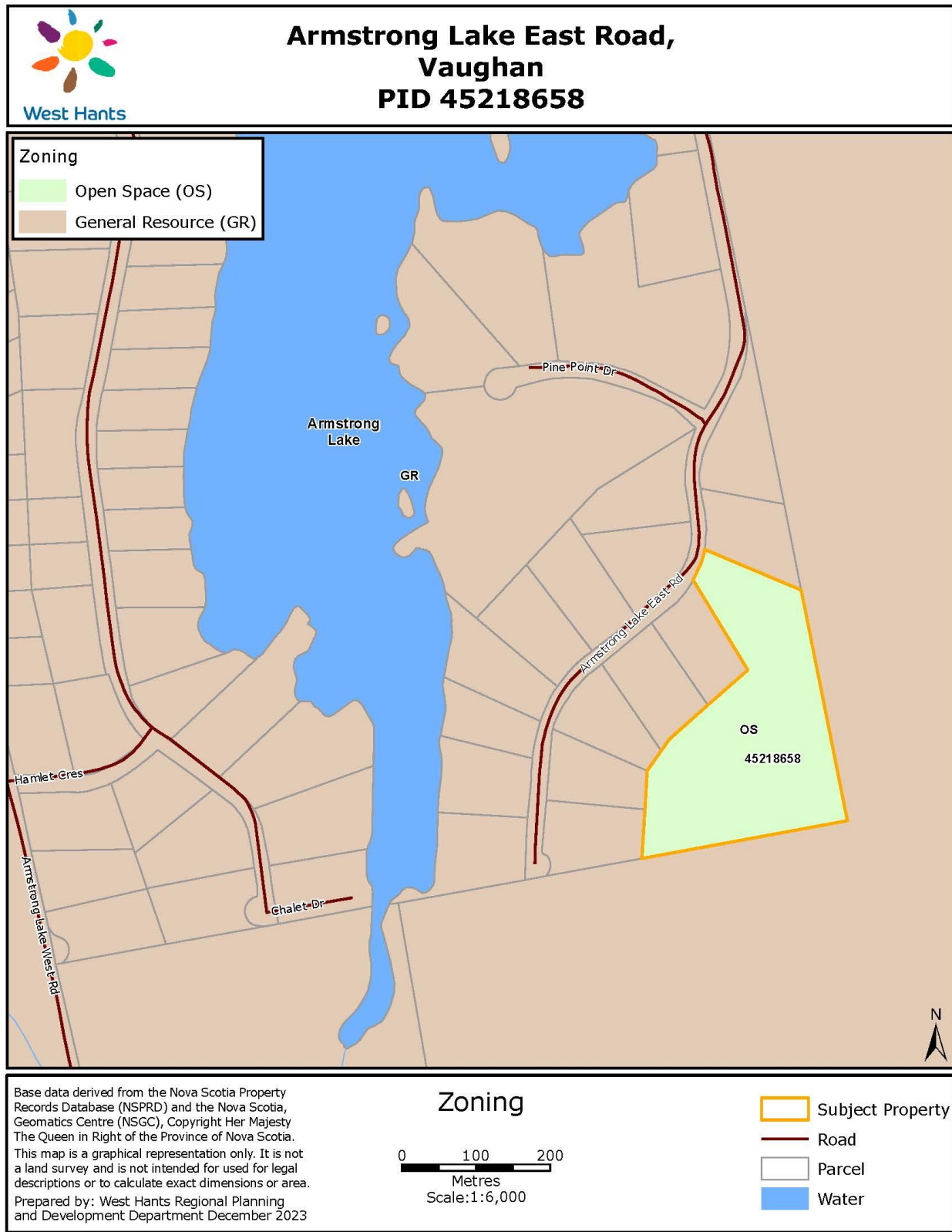
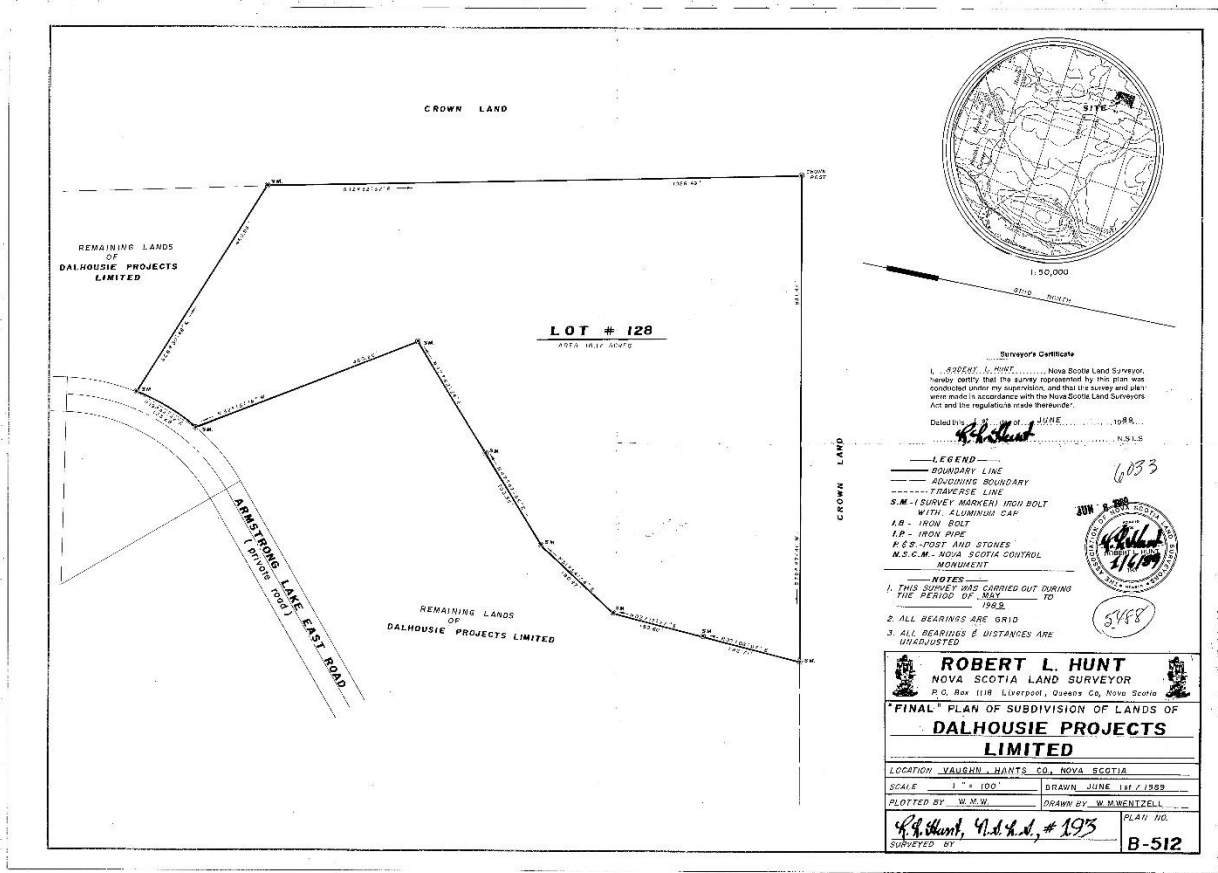


Figure 3 - West Hants Zoning Map Extract - Proposed



Figure 4 - Survey Subdivision 1989



Attachment A - Policy Summary for WHLUB Amendments

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

<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	No Municipal sewer or water services are available in Vaughan. The subject property has more than adequate lot area to meet the minimum lot size requirements for lots serviced by on-site well and septic. The approval for these on-site services is the jurisdiction of Nova Scotia Department of Environment and Climate Change.
<i>(ii) the adequacy of school facilities;</i>	The proposed rezoning represents a very small potential increase in school population which is expected to be accommodated by surrounding schools.
<i>(iii) The adequacy of fire protection and other emergency services;</i>	The South West (Windsor) Fire Department is approximately 5km away from the subject property. Staff reached out to the Fire Chief but have not yet received any feedback. It is unlikely that the proposed zoning would create any new issues with adequacy of emergency equipment or response time due to the low density of the residential uses permitted in the General Resource (GR) zone.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The local roads around Armstrong Lake are privately owned and maintained by the Chalet Hamlet Property Owners Association. Staff spoke with Patrick Landry who is one of the Directors of the association. He was supportive of the rezoning and possible sale, as this could increase the number of homes or cottages which contribute dues towards the maintenance of the road. Patrick confirmed that the existing roads are able to accommodate low density residential development if rezoned.

<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development. However, the possible future sale of the subject property, following the rezoning, could generate Municipal revenue.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on site sewage disposal system;</i>	See (a)(i) above.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Chalet Hamlet Property Owners Association had no concerns with the suitability of road regarding the proposed rezoning. There is no active rail transportation in the vicinity. There is no sidewalk or other pedestrian infrastructure in the vicinity.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The shape and size of the lot is larger than the surrounding lots. Staff expect that the shape and dimensions of the subject lot could enable it to be used for a residential use.
<i>(e) the pattern of development which the proposal might create;</i>	The arrangement of properties in this area is consistent with typical rural residential private road developments. The rezoning would not create any unusual development patterns.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i>	The subject lot appears suitable for the proposed residential development. The subject lot has a wet area next to the road and has an incline and out cropping of bedrock throughout it. These aspects may introduce some challenges for most forms of development including parkland or residential.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B - Public Information Meeting Notes

December 7 - 21, 2023

WHLUB Map Amendment: PID 45218658, Armstrong Lake East Road; File 23-29

Meeting date and time	A Public Information Meeting was held on December 7, 2023 beginning at 6 p.m. in Council Chambers at 76 Morison Drive in Windsor.
Attending	In attendance: • Councillor Francis • Councillor Ivey • Senior Planner, Mark Fredericks • Planner, Alex Dunphy • Director of Planning and Development, Sara Poirier • Planning Administrative Assistant, Vanessa Lake • PAC/HAC member, Paul Beazley • 4 members of the public
Applicant CAO Mark Philips on behalf of Council Subject Lot PID 45218658, Armstrong Lake East Road	Planner Fredericks outlined the request from the Chief Administrative Officer to rezone a surplus Municipal property on Armstrong Lake East Road from the Open Space (OS) zone to the General Resource (GR) zone.
Comments	Four members of the public were present at the meeting. Paul Beazley requested that the PAC/HAC report should include some discussion around road access, particularly relating to the wildfires issues with limited access in the spring of 2023. Staff responded that this information could be included in the report that comes forward to PAC/HAC. David Borden requested that when pricing the property for sale, consideration should be given to the steep slopes, rocky terrain, and water on the site as these may present barriers to residential development and the appraised value should reflect this. Staff responded that appraisals were being done for some of the selected surplus lands being rezoned, but they were not certain if this property has or will be receiving a property appraisal. Planner Fredericks is looking to meet David on the site to explore the area as it abuts Mr. Borden's property.

	No additional input was received during the comment period.
Adjournment	There being no further business, the meeting adjourned at 6:15 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Alex Dunphy, Planner

Date: February 27, 2024

Subject: Housekeeping Amendment: Hantsport – West Hants Boundary; File # 23-44B

LEGISLATIVE AUTHORITY

Municipal Government Act Part VIII, *Planning and Development*

RECOMMENDATION

Should Council wish to approve the amendments, the following motions would be in order:

...that Council gives Second Reading and approves amending the boundary line shown on the maps of the Hantsport Municipal Planning Strategy and Land Use By-law and the West Hants Municipal Planning Strategy and Land Use By-law to reflect the former Town of Hantsport boundary as shown on the 2006 survey plan in the report File #23-44 to the Planning and Heritage Advisory Committee dated January 11, 2024;

...that Council gives Second Reading approve amending the Generalized Future Land Use Map of the Hantsport Municipal Planning Strategy to include a portion of PID 45046315 and 45366515 in the Residential designation and amending Schedule A of the Hantsport Land Use By-law to include a portion of PID 45046315 and 45366515 in the Two Unit Residential (R-2) zone as shown in the report File #23-44 to the Planning and Heritage Advisory Committee dated January 11, 2024.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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It was brought to staff's attention during an application to rezone five (5) lots on Bog Road that there was a discrepancy between the text and the map of the Hantsport Land Use By-law. Additional background information can be found in the staff reports for File 22-24 and 22-25. This report outlines an option to remedy the identified discrepancy, ensuring that the planning documents follow the former Town of Hantsport boundary as previously surveyed.

DISCUSSION

A Public Information Meeting was held on December 7, 2023.

On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the jurisdiction of the boundary. During the January 11 meeting, PAC/HAC recommended in favour of the amendments.

On January 23, 2024, staff presented the PAC/HAC recommendation to Council for First Reading. Council recommended in favour of the amendments at that time.

NEXT STEPS

The process for this application is as follows:



FINANCIAL IMPLICATIONS

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

There are implications to the owner of PIDs 45046315 and 45366515 based on how much of the lot can be developed as-of-right under the new zoning. Residential zoning would permit subdivision of the lots to allow residential development which is more than what the original agricultural zoning would permit.

APPENDIX

Appendix A 2024-01-23 Staff Report - Housekeeping Amendment: Hantsport – West Hants Boundary; File # 23-44A

CHIEF ADMINISTRATIVE OFFICER REVIEW

See CAO comments from first reading in Appendix A. Additional CAO comments may follow.

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Appendix A –

**2024-01-23 Staff Report - Housekeeping Amendment: Hantsport – West Hants Boundary; File
23-44A**



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Alex Dunphy, Planner

Date: January 23, 2024

Subject: Housekeeping Amendment: Hantsport – West Hants Boundary; File # 23-44A

LEGISLATIVE AUTHORITY

Municipal Government Act Part VIII, *Planning and Development*

RECOMMENDATION

Should Council wish to approve the amendments, the following motions would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the boundary line shown on the maps of the Hantsport Municipal Planning Strategy and Land Use By-law and the West Hants Municipal Planning Strategy and Land Use By-law to reflect the former Town of Hantsport boundary as shown on the 2006 survey plan in the report File #23-44 to the Planning and Heritage Advisory Committee dated January 11, 2024;

...that Council gives First Reading and will hold Public Hearing to consider amending the Generalized Future Land Use Map of the Hantsport Municipal Planning Strategy to include a portion of PID 45046315 and 45366515 in the Residential designation and amending Schedule A of the Hantsport Land Use By-law to include a portion of PID 45046315 and 45366515 in the Two Unit Residential (R-2) zone as shown in the report File #23-44 to the Planning and Heritage Advisory Committee dated January 11, 2024.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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It was brought to staff's attention during an application to rezone five (5) lots on Bog Road that there was a discrepancy between the text and the map of the Hantsport Land Use By-law. Additional background information can be found in the staff reports for File 22-24 and 22-25. This report outlines an option to remedy the identified discrepancy, ensuring that the planning documents follow the former Town of Hantsport boundary as previously surveyed.

DISCUSSION

A Public Information Meeting was held on December 7, 2023.

On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the jurisdiction of the boundary.

During the January 11 meeting, PAC/HAC recommended in favour of the application.

NEXT STEPS

The process for this application is as follows:



FINANCIAL IMPLICATIONS

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

There are implications to the owner of PIDs 45046315 and 45366515 based on how much of the lot can be developed as-of-right under the new zoning. Residential zoning would permit subdivision of the lots to allow residential development which is more than what the original agricultural zoning would permit.

ALTERNATIVES

In response to this application, Council may decide to:

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

APPENDIX

Appendix A 2023-01-11 Staff Report - Housekeeping Amendment: Hantsport – West
Hants Boundary; File # 23-44

CHIEF ADMINISTRATIVE OFFICER REVIEW

First reading will allow for the formal public hearing process that will ultimately support the final decision-making phase, SECOND READING.

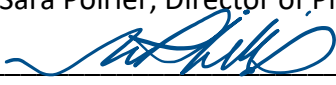
I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

Appendix A –

**2023-01-11 Staff Report - Housekeeping Amendment: Hantsport – West Hants Boundary;
File# 23-44**



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Alex Dunphy, Planner

Date: January 11, 2024

Subject: Housekeeping Amendment: Hantsport – West Hants Boundary; File # 23-44

LEGISLATIVE AUTHORITY

Municipal Government Act Part VIII, *Planning and Development*

RECOMMENDATION

Should Council wish to approve the amendments, the following motions would be in order:

...that PAC/HAC recommends that Council give First Reading and hold Public Hearing to consider amending the boundary line shown on the maps of the Hantsport Municipal Planning Strategy and Land Use By-law and the West Hants Municipal Planning Strategy and Land Use By-law to reflect the former Town of Hantsport boundary as shown in the 2006 survey plan as show in the report File #23-44 to the Planning and Heritage Advisory Committee dated January 11, 2024;

...that PAC/HAC recommends that Council give First Reading and hold Public Hearing to consider amending the Generalized Future Land Use Map of the Hantsport Municipal Planning Strategy to include a portion of PID 45046315 and 45366515 in the Residential designation and amending Schedule A of the Hantsport Land Use By-law to include a portion of PID 45046315 and 45366515 in the Two Unit Residential (R-2) zone as show in the report File #23-44 to the Planning and Heritage Advisory Committee dated January 11, 2024.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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It was brought to staff's attention during an application to rezone five (5) lots on Bog Road that there was a discrepancy between the text and the map of the Hantsport Land Use By-law. Additional background information can be found in the staff reports for File 22-24 and 22-25. This report outlines an option to remedy the identified discrepancy, ensuring that the planning documents follow the former Town of Hantsport boundary as previously surveyed.

DISCUSSION

Section 3.3. of the Hantsport Land Use By-law outlines how zoning boundaries will be determined. Section 3.3 (e) states that *"where a zone boundary is indicated as following the town boundary, the town limit shall be the boundary"*. However, upon further investigation of a survey plan from 2006 (Appendix A) it was determined that the mapping boundary does not follow the former Town boundary as previously surveyed. The survey plan indicates that the surveyor established an approximate location for the former Town boundary, which follows the lot boundary of PID 45046315 and that splits through PID 45366515. This line is also depicted on archived mapping of the former Hantsport and West Hants (1976, 1994). Staff are unaware of when the boundary line was changed on the mapping.

The issue was brought to staff's attention by a developer's surveyor who is adamant that more of their property should be designated/zoned residential rather than agricultural. They believe the planning document mapping should follow the former Town boundary, as stated in the Hantsport Land Use By-law.

Department of Municipal Affairs and Housing

In response to questions about the boundary in March 2023 the Department of Municipal Affairs and Housing responded that "As the former Town of Hantsport dissolved in 2015, the Municipality is responsible for determining the location of the boundary. We have reviewed the documents and the subdivision plan from 2006 and suggest you seek a legal opinion on the location of the boundary in relation to your planning documents. In the Hantsport Land Use By-law, Section 3.3 (e) ties the zoning boundary to the former town boundary."

Legal Opinion

To follow up to the correspondence from the Department of Municipal Affairs and Housing, staff reached out to the Municipal Solicitor for legal advice on the Hantsport Land Use By-law referencing the former Town boundary as the zoning boundary. The Municipal Solicitor advised staff that it would be best to ensure that all mapping produced by the Municipality is consistent. Two options were proposed, both of which requiring the usually public planning process:

1. Alter the mapping in the West Hants Municipal Planning Strategy and Land Use By-law, as well as the Hantsport Municipal Planning Strategy and Land Use By-law to reflect the former town boundary line as shown in the 2006 survey plan; or
2. Change the statement in the Hantsport Land Use By-law (Section 3.3(e)) to remove the requirement that the mapping follow the former Town boundary.

This report relates to the first option provided by the Municipal Solicitor, which is to amend the mapping of the planning documents to follow the text of the Hantsport Land Use By-law.

Designation and Zoning

The smaller of the two affected lots (PID 45366515) is split designated Residential on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) and the Hantsport Municipal Planning Strategy (HMPS). The lot is split zoned Two Unit Residential (R-2) on Schedule A of the West Hants Land Use By-law (WHLUB) and the Hantsport Municipal Planning Strategy (HLUB). Surrounding land uses include primarily low-density residential units and farmland to the south of the affected lots.

If Council agrees to change the boundary of the mapping in the Hantsport Municipal Planning Strategy (HMPS), Hantsport Land Use By-law (HLUB), West Hants Municipal Planning Strategy (WHMPS), and West Hants Land Use By-law (WHLUB) to follow the former Town of Hantsport boundary as identified on a survey plan from 2006, Council will also need to determine the designation and zoning of lots impacted by the boundary change. This would include a portion of PID 45046315 and a portion of PID 45366515 which would then be contained within the Hantsport plan area.

Both PIDs would require designation and zoning amendments to the Residential designation on the Generalized Future Land Use Map of the HMPS (Appendix B) and the Two Unit Residential (R-2) zone on the zoning map of the HLUB (Appendix C).

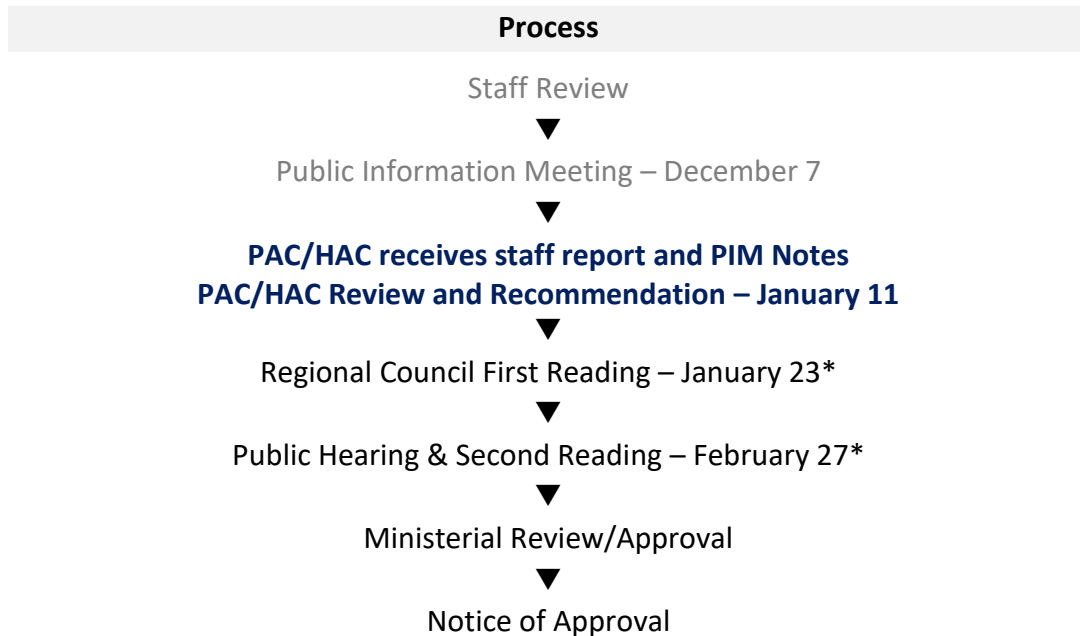
NSCAF Community Boundary

Staff consulted with a representative for the Nova Scotia Civic Addressing File (NSCAF) who confirmed that their data for the Hantsport community boundary has been the same as what is currently shown in the planning document since at least 2006. The Hantsport town boundary layer that was used in previous versions of the planning documents came from the Nova Scotia Topographic Database (NSTDB), which was at the time different than NSCAF community boundaries.

The representative for the Nova Scotia Civic Addressing File (NSCAF) confirmed that the process to change the NSCAF community boundary is straightforward once a request is made. These changes can be implemented within a few business days. From discussions with NSCAF, there are no implications to changing this boundary, other than including more of the sole property

owner's lots within the Hantsport planning area.

NEXT STEPS



FINANCIAL IMPLICATIONS

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

There are implications to the owner of PIDs 45046315 and 45366515 based on how much of the lot can be developed as-of-right under the new zoning. Residential zoning would permit subdivision of the lots to allow residential development which is more than what the original agricultural zoning would permit.

APPENDICIES

Appendix A	2006 Survey
Appendix B	Proposed GFLUM Boundary Amendment
Appendix C	Proposed Zoning Boundary Amendment
Appendix D	Public Information Meeting Notes

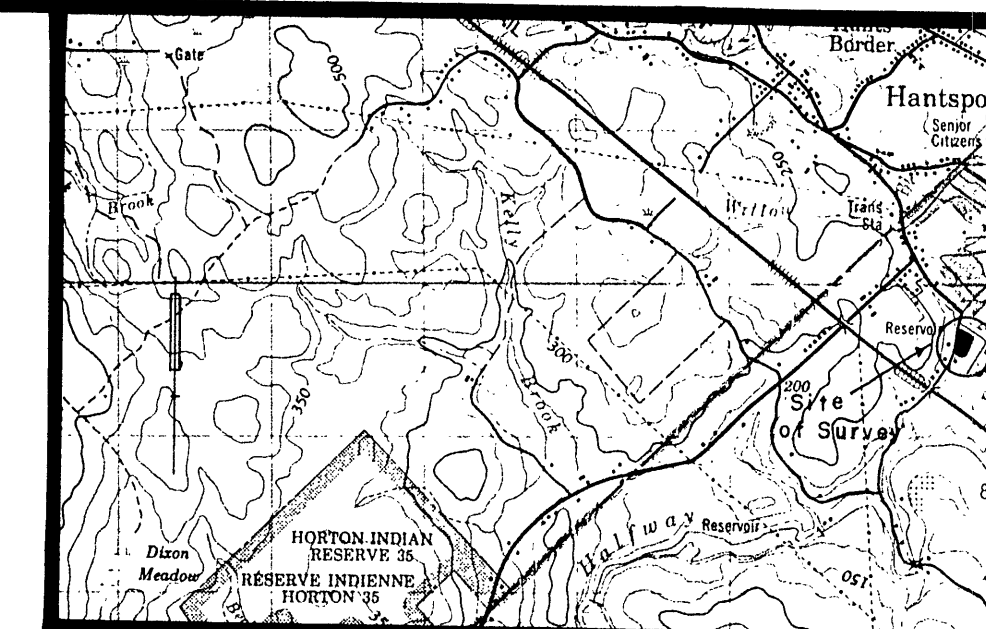
Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by:

Sara Poirier, Director of Planning and Development

Appendix A – 2006 Survey



KEY PLAN SCALE 1" = 50,000

LEGEND

- S.M. SURVEY MARKER
- I.P. IRON PIPE
- I.B. IRON BAR
- CALCULATED POINT
- R.P. ROCK POST
- △ N.S.C.M. NOVA SCOTIA CONTROL MONUMENT
- W.P. WOODEN POST
- Fd. FOUND
- WIT. WITNESS
- P.C. POINT OF CURVATURE
- R, A, Ch, T. RADIUS, ARC, CHORD, TANGENT
- (D), (M), (P), (C). DEED, MEASURED, PLAN, CALCULATED
- C/L, T/L. CENTRELINE, TIE LINE
- O.H.W.M. ORDINARY HIGH WATER MARK
- LANDS DEALT WITH BY THIS SURVEY
- LINE NOT TO SCALE

THIS SURVEY WAS CONDUCTED DURING THE PERIOD OF MAY 2 - JUNE 1, 2005.

SCALE FACTOR WAS NOT APPLIED TO DISTANCES.

COMPASS RULE ADJUSTMENT WAS APPLIED TO MEASUREMENTS.

BEARINGS ARE REFERRED TO THE NOVA SCOTIA S² MODIFIED TRANSVERSE MERCATOR GRID, ZONE 5, CENTRAL MERIDIAN 64°30' WEST AND WERE DERIVED FROM THE LINE JOINING N.S.C.M. 8456 TO N.S.C.M. 8457 HAVING A BEARING S 41°41' 34" E.

REGISTERED OR RECORDED AT 1:41.9 O'CLOCK
AUG 23 2006 A.D. AS NO. 85951516
Janet Burns, Acting Registrar

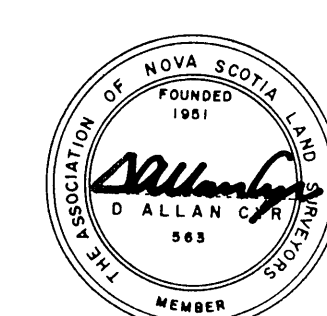
PLAN OF SURVEY SHOWING

LOTS 1 to 6

SUBDIVISION OF LAND OF

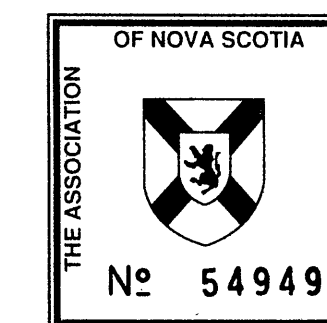
ANDREW JOHN MARSH AND
ARLETTE MARIE COMEAU-MARSH

BOG ROAD, HANTSPORT,
HANTS COUNTY, NOVA SCOTIA.

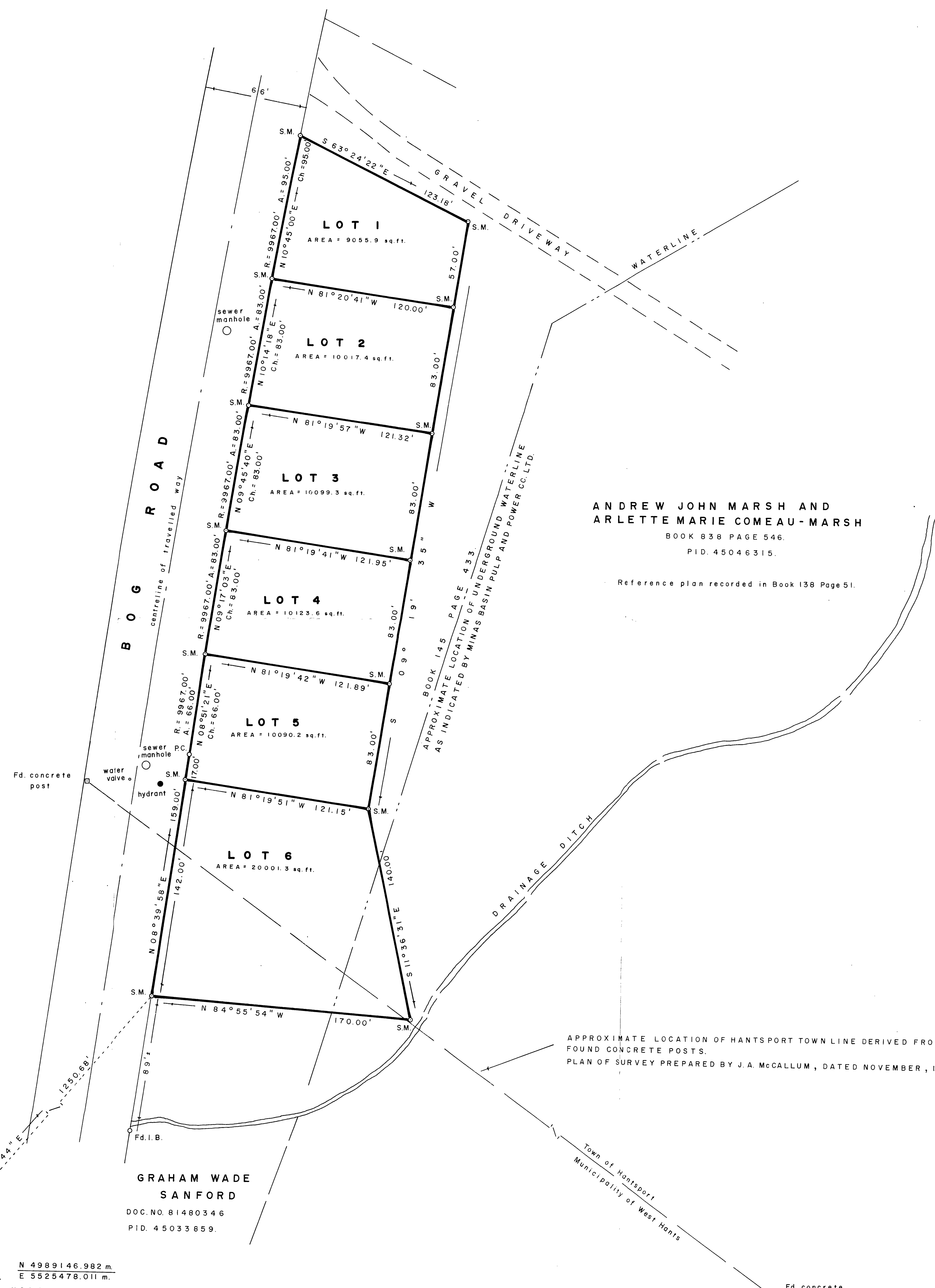


SURVEYORS CERTIFICATE
I, D. ALLAN CYR, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAN WAS CONDUCTED UNDER MY SUPERVISION AND THAT THE SURVEY AND PLAN WERE MADE IN ACCORDANCE WITH THE NOVA SCOTIA LAND SURVEYORS ACT AND THE REGULATIONS MADE THEREUNDER.
DATED THIS 7th DAY OF JUNE, 2005
D. Allan Cyr N.S.L.S.

SCALE: 1" = 40'
40 30 20 10 0 40 80 120



CYR SURVEYS
D. ALLAN CYR,
Nova Scotia Land Surveyor
P.O. Box 904,
Kentville, N.S.
B4N 4H8
DATE OF PLAN JUNE 7, 2005
PLAN NO. S-1-2005-024



ANDREW JOHN MARSH AND
ARLETTE MARIE COMEAU-MARSH
BOOK 838 PAGE 546.
PID. 45046315.

Reference plan recorded in Book 138 Page 51.

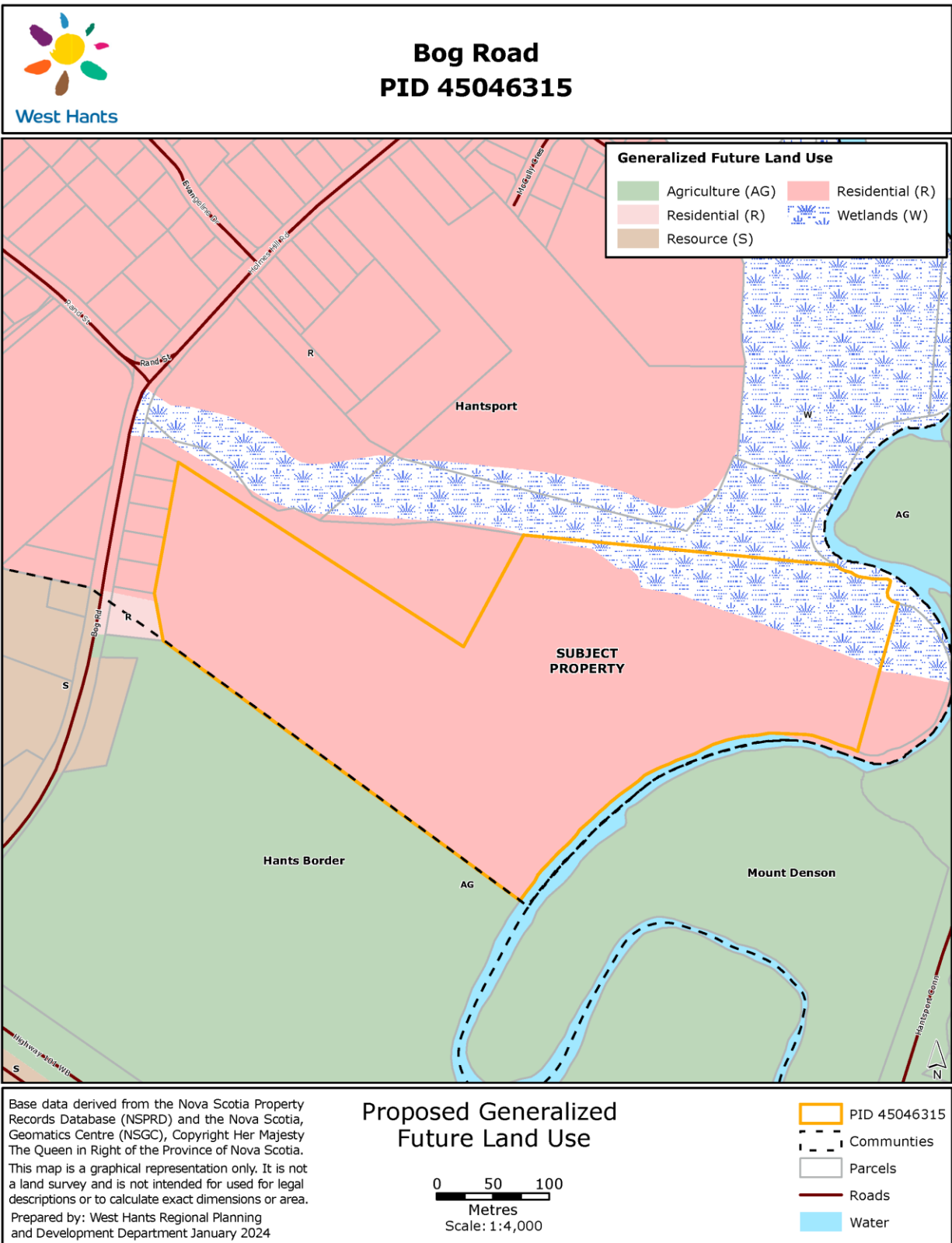
APPROXIMATE LOCATION OF HANTSPORT TOWN LINE DERIVED FROM FOUND CONCRETE POSTS.
PLAN OF SURVEY PREPARED BY J.A. McCALLUM, DATED NOVEMBER, 1904.

GRAHAM WADE
SANFORD
DOC. NO. 81480346
PID. 45033859.

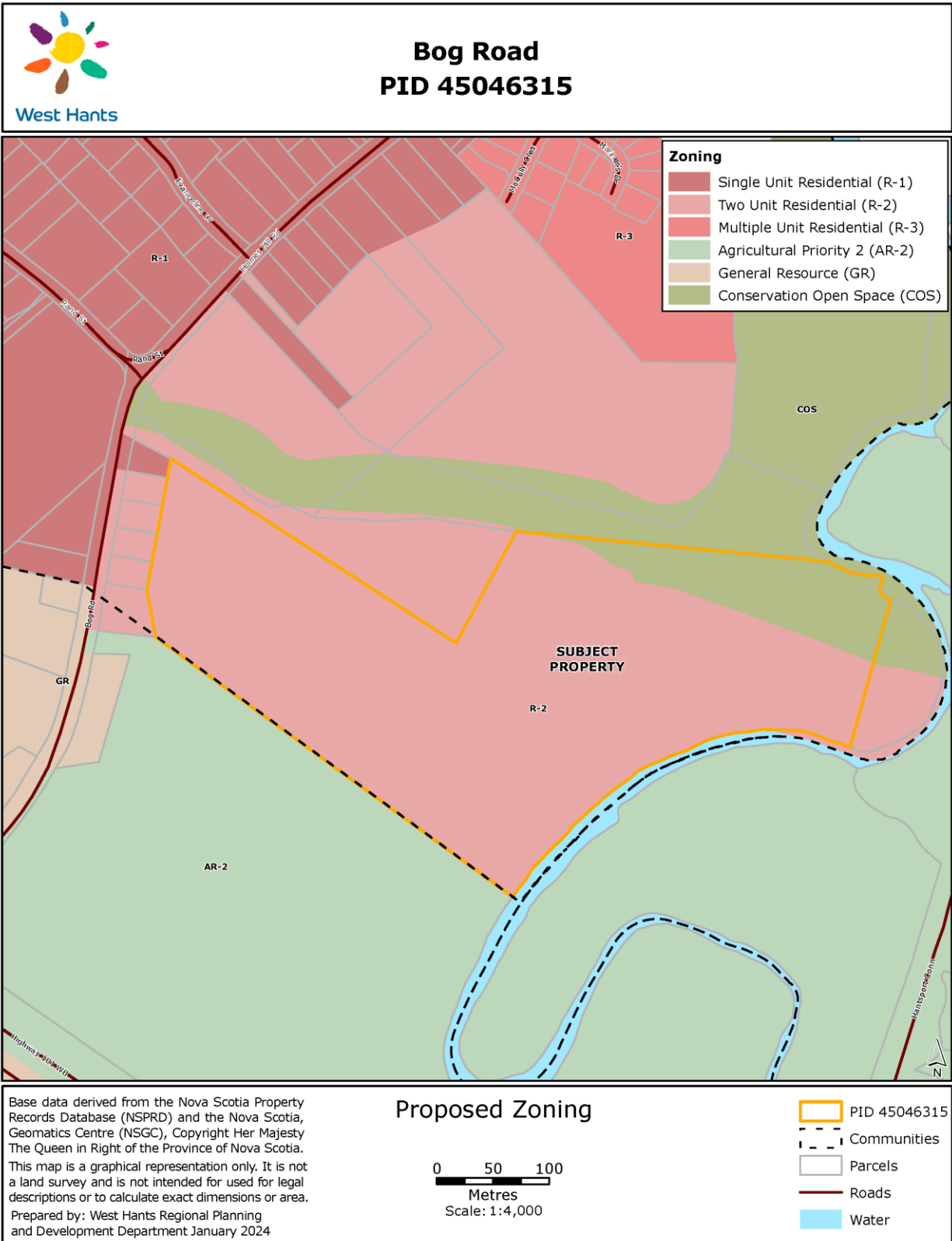
N 4989146.982 m
E 5525478.011 m
N.S.C.M. 8457

MUNICIPALITY OF WEST HANTS
FINAL PLAN APPROVED
PLAN No. 32-06
APPROVAL OF LOT 6
REMARKS: No objection of any N.S.C.M. 4990379.259 m.
I certify that this plan of subdivision has been duly approved in accordance with the provisions of the Municipal Government Act.
Date Aug 23/2006 Signed [Signature] WEST HANTS MUNICIPAL DEVELOPMENT OFFICER

Appendix B – Proposed GFLUM Boundary Amendment



Appendix C – Proposed Zoning Boundary Amendment



Appendix D – Public Information Meeting Notes

December 7 - 21, 2023

Housekeeping Amendment: Hantsport – West Hants Boundary; File # 23-44

Meeting date and time	A Public Information Meeting was held on December 7, 2023 beginning at 6:29 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: Two (2) Councillors: • Councillor Francis (Chair) • Councillor Ivey Four (4) members of staff: • Planner Dunphy • Planner Fredricks • Planning Assistant Lake • Director Poirier 3 members of the public.
Applicant Internal project Property Hantsport/West Hants boundary	Planner Dunphy outlined the application to amend the Hantsport and West Hants planning documents to change the Hantsport/West Hants boundary line to follow the former Town boundary line as shown in a survey provided to staff.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between December 7 - 21, 2023. Staff received no additional comments or questions from the public.1 Councillor spoke during the December 7, 2023, Public Information Meeting. Staff responses are included in purple text. • Councillor Ivey asked about a former rezoning which occurred on one of the lots that would be affected by the movement of the boundary line. <i>Alex explained the previous rezoning application for the lots along Bog Road and that moving the boundary line would not affect that property.</i> Councillor Ivey then asked if the intent was to split the lot affected as shown in the survey plan. <i>Alex responded that the intention was to follow the</i>

	former Town boundary line and that the lot would be split between the Hantsport and West Hants jurisdiction.
Adjournment	The PIM was adjourned at approximately 6:44 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: February 27, 2024

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

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

... that Council gives Second Reading and approves entering into a development agreement to allow grouped dwellings, consisting of 11 dwelling units, on PIDs 45058310 and 45058344 on Wagners Court in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-35 to the Planning and Heritage Advisory Committee dated December 14, 2023.

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

BACKGROUND

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

DISCUSSION

A Public Information Meeting was held on November 2, 2023.

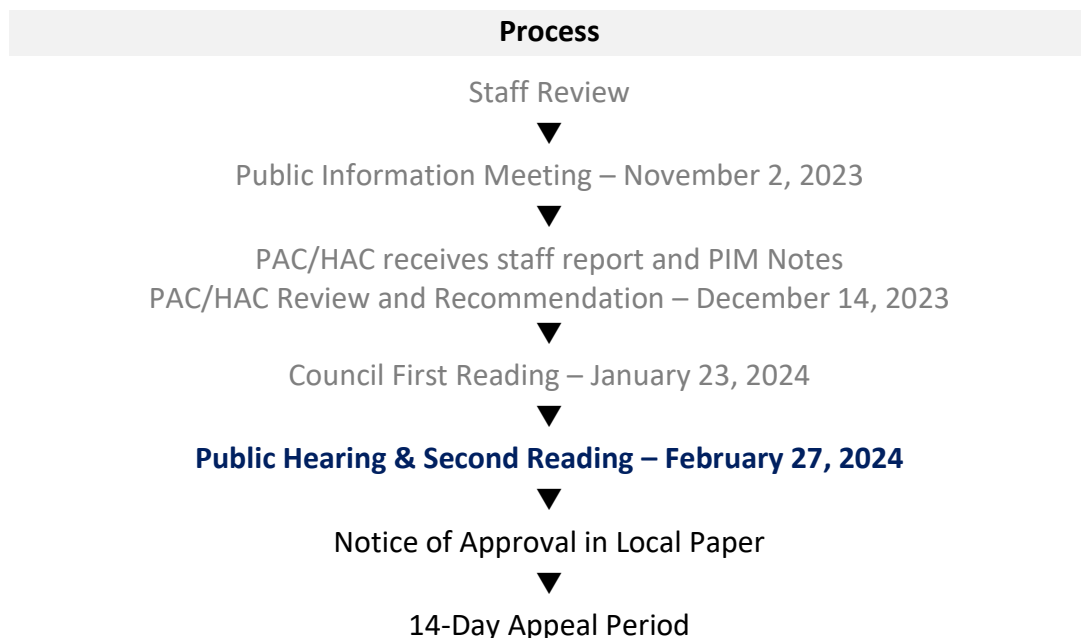
On December 14, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the property owners plan to demolish the original structures and build new due to damage, flooding protections in the proposal, and the stormwater management requirement. Staff also relayed the feedback received from both the Fire Chief and Manager of Building and Fire Inspection Services, stating that the proposed separation distances between buildings would be sufficient, provided that non-combustible building materials are used.

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

On January 23, 2024, staff presented the PAC/HAC recommendation to Council for First Reading. Council recommended in favour of the application at that time.

NEXT STEPS

The process for this application is as follows:



FINANCIAL IMPLICATIONS

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

APPENDIX

Appendix A 2024-01-23 Staff Report - Development Agreement: 172, 179, 180, 187 & 188 Wagners Court, Windsor (PIDs 45058310 and 45058344); File # 23-35A

CHIEF ADMINISTRATIVE OFFICER REVIEW

See CAO comments from first reading in Appendix A. Additional CAO comments may follow.

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 –

**2024-01-23 Staff Report - Development Agreement: 172, 179, 180, 187 & 188 Wagners Court,
Windsor (PIDs 45058310 and 45058344); File # 23-35A**



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: January 23, 2024

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

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 grouped dwellings, consisting of 11 dwelling units, on PIDs 45058310 and 45058344 on Wagners Court in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-35 to the Planning and Heritage Advisory Committee dated December 14, 2023.

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

BACKGROUND

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

DISCUSSION

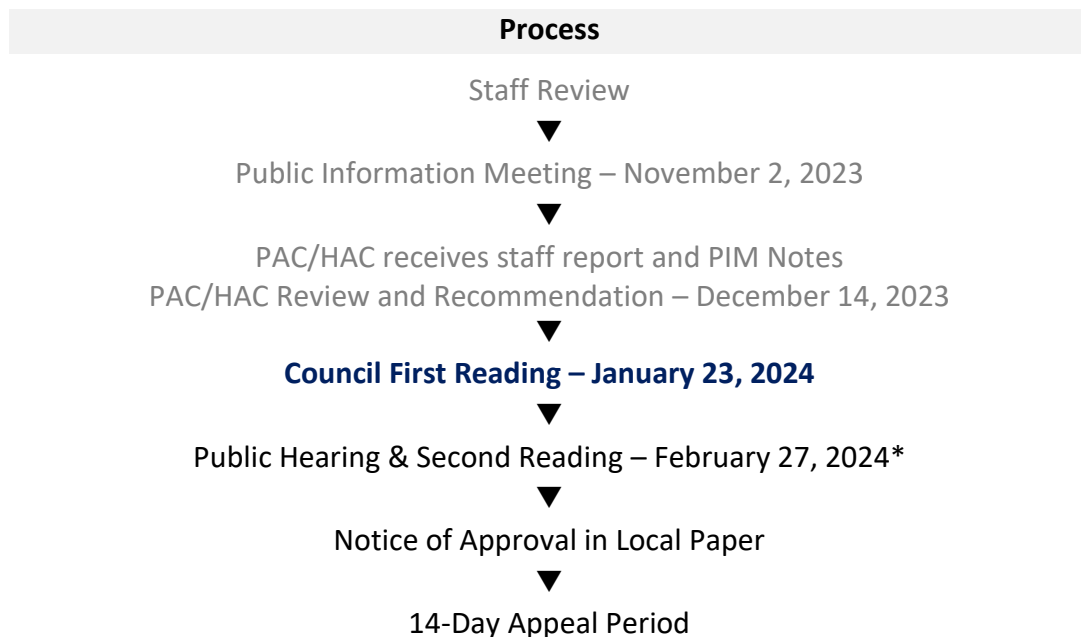
A Public Information Meeting was held on November 2, 2023.

On December 14, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the property owners plan to demolish the original structures and build new due to damage, flooding protections in the proposal, and the stormwater management requirement. Staff also relayed the feedback received from both the Fire Chief and Manager of Building and Fire Inspection Services, stating that the proposed separation distances between buildings would be sufficient, provided that non-combustible building materials are used.

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

NEXT STEPS

The process for this application is as follows:



*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.

APPENDIX

Appendix A 2023-12-14 Staff Report - Development Agreement: 172, 179, 180, 187 & 188 Wagners Court, Windsor (PIDs 45058310 and 45058344); File # 23-35

CHIEF ADMINISTRATIVE OFFICER REVIEW

The development and proposed changes to the Wagner Court area have been clearly displayed by Mr. Edelstein and shared with the PAC /HAC and community through the PIM process. The development addresses housing challenges in the community and can be recognized as an improvement not only to the housing units through modernization but the proposal will help to address historic flood related concerns and improve energy efficiency for those living in the units.

First reading will allow for the formal public hearing process that will ultimately support the final decision-making phase, SECOND READING.

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 –
2023-12-14 Staff Report - Development Agreement: 172, 179, 180, 187 & 188 Wagners Court,
Windsor (PIDs 45058310 and 45058344); File # 23-35**



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: December 14, 2023

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

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

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

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

BACKGROUND

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

An application was received from Edward Edelstein of Geome Properties Limited on October 11, 2023. The application is to allow the conversion of 5 single unit dwellings into 5 two-unit dwellings on Wagners Court by development agreement.

DISCUSSION

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

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

Surrounding Context

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

Municipal Planning Strategy Review

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

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

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

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

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

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

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

MUNICIPAL CLIMATE CHANGE ACTION PLAN

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

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

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

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

ADDITIONAL CONSIDERATIONS

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

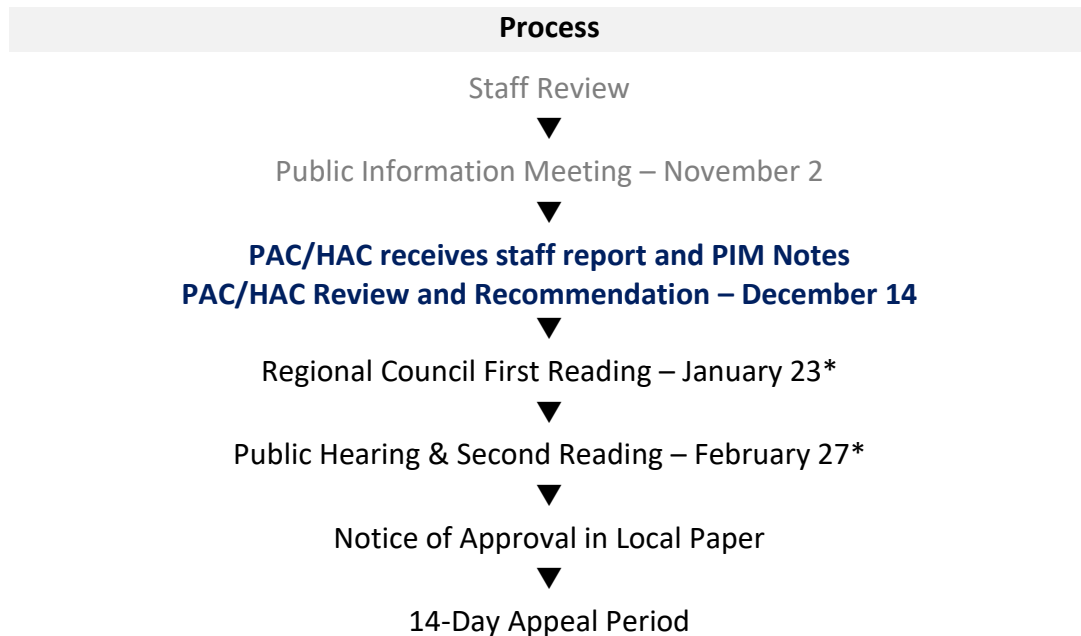
During the November 9, 2023 PAC/HAC meeting, a Committee member asked about the notification signage referring to the proposal as affordable housing. Staff responded that this was a mistake and that our policies only allow development agreements to regulate land use, not rental cost.

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

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

NEXT STEPS

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



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

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

Report Prepared by: _____
Alex Dunphy, Planner

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

Figure 1 – GFLUM Extract

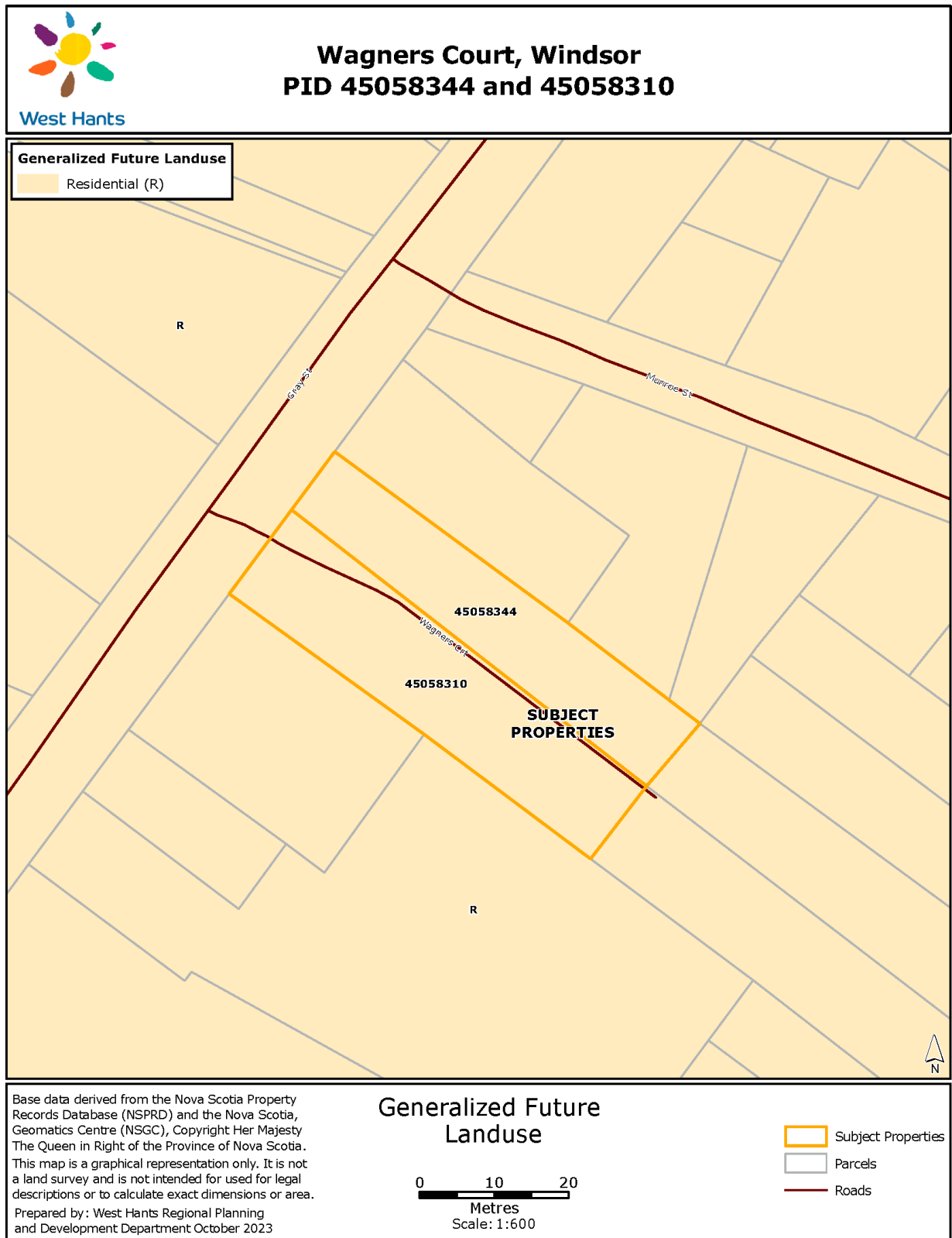
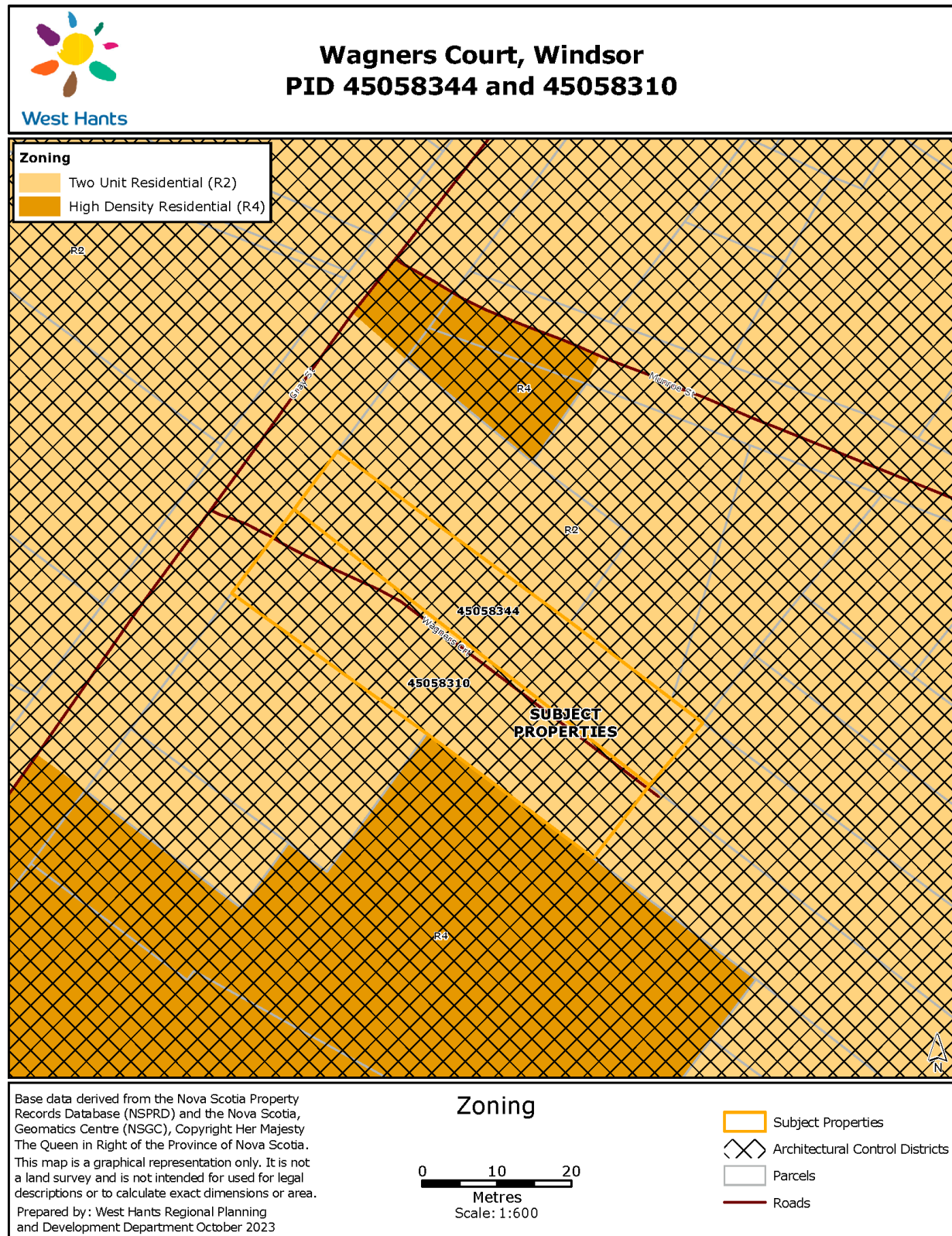


Figure 2 – Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

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

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

(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 existing buildings on the subject lots are considered existing non-conforming buildings as they were built prior to the current WLUB. The applicant has stated that the buildings have been significantly damaged due to the July 2023 flood events and need to be demolished and reconstructed. The Development Officer commented that the proposed development does not meet the rear or side yard setback requirements, minimum lot frontage, or minimum lot area for the High Density Residential (R-4) zone. However, as the current buildings are existing non-conforming, they may be reconstructed or repaired using the footprints of the existing buildings, as long as setbacks are not further reduced during the reconstruction. A property owner is given 12 months following demolition to reconstruct the buildings within the same footprint (Section 5.23 (c) of WLUB).

(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;

See Criterion (a) (i) of Policy 5.4.6.

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

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

Policy 13.0.3

It shall be the policy of Council to seek comments and recommendations from the Windsor Heritage Advisory Committee on the following:

<i>(a) design review of applications for development agreements or Land Use By-law amendments within the Architectural Control Districts; and</i>	Staff have included the proposed building designs and the relevant section of the Architectural Control Manual to allow members of the PAC/HAC to review and provide comments.
---	--

<i>(b) the designation of new Architectural Control Districts and amendments to the Architectural Design Manual.</i>	Not Applicable, as no amendment is proposed.
--	--

Policy 16.3.1 <i>In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Public Works Engineering Division commented that although capacity is not considered to be an issue, given the age of the current water/sewer infrastructure, they would suggest that the developer upgrade the mains under Wagner Court. The Public Works Engineering Division will also requires a bulk meter chamber to be installed by the developer. Staff have passed these comments along to the applicant. The applicant will be required to implement the requests of the Public Works Engineering Division during the construction phase.
<i>(ii) the adequacy of school facilities;</i>	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated that they will accommodate all students.
<i>(iii) the adequacy of fire protection;</i>	As the newest site plan was provided to staff immediately prior to the filing of this report, staff have not yet received comment from the Fire Chief and Manager of Building and Fire Inspections Services based on the altered setback. Staff have reached out to all parties to set up a meeting to discuss any potential concerns. This criterion will need to be addressed prior to finalization of the draft development agreement.

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

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

Attachment B – Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2024.

BETWEEN:

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

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

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

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

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

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

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

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

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

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

PART 1 AGREEMENT CONTEXT

1.1 Definitions

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

1.2 Schedules

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B - Site Layout

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

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

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

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

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

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

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

2.2 Development Location and Design

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

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

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

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

2.3 Access and Egress

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

2.4 Parking

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

2.5 Buffering

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

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

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

2.6 Signs and Lighting

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

2.7 Maintenance

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

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

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

2.8 Servicing

(a) Waste Collection

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

(b) Water and Sewer Services

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

(c) Snow Plowing

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

2.9 Fire Safety

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

2.10 Architectural Design

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

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

PART 3 CHANGES and DISCHARGE

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

PART 4 IMPLEMENTATION

4.1 Commencement of Development

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

4.2 Material to be Provided

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

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

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

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

5.2 Severability of Provisions

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

5.3 Interpretation

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

5.4 Municipal Responsibility

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

5.5 Breach of Terms or Conditions

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

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

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

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

5.9 Written Notice

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

5.10 Full Agreement

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

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

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

Per: _____

) Abraham Zebian, Mayor

)

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

)

) **GEOME PROPERTIES LIMITED**

)

)

Per: _____

) Edward Edelstein, President

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

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

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

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

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

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

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

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

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

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

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

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

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

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Edward Edelstein, President

Schedule A
Legal Description – PIDs 45058310 & 45058344

PID 45058310

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

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

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

PID 45058344

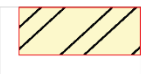
THAT certain other lot of land situate on Gray Street aforesaid in the Town of Windsor bounded and described as follows:

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

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

Schedule B
Site Plan and Architectural Design Drawings



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



2159 Gottingen St
Halifax, Nova Scotia
B3K 3B2

902. 412. 2329
info@ecogreenhomes.ca

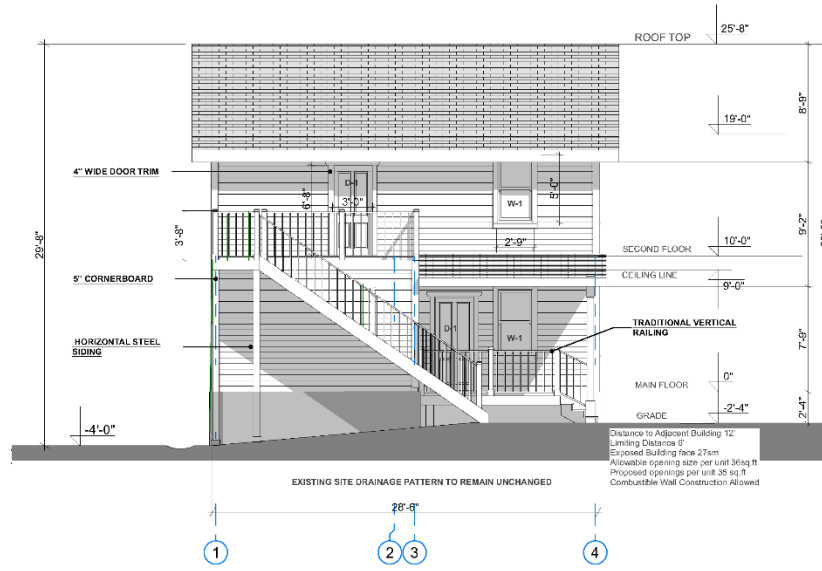
SITE PLAN

171, 172, 179, 180, 187, 188 Wagners Ct

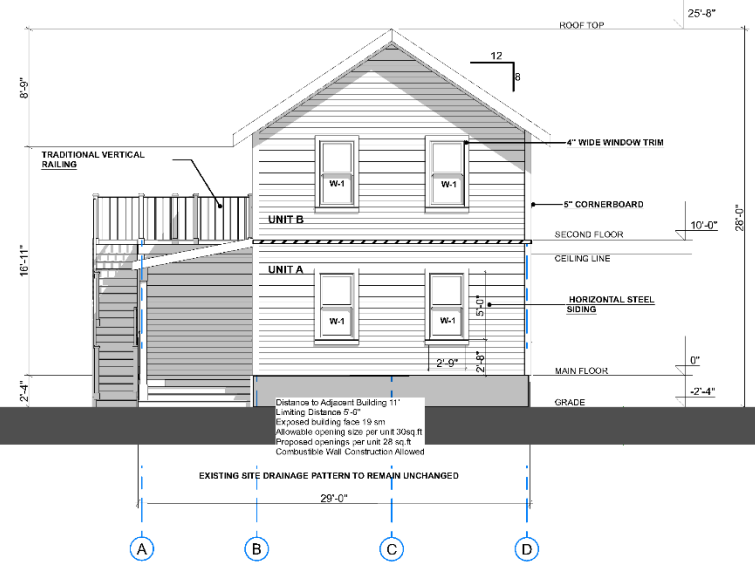
Date: 2023-12-07

A001

WEST ELEVATION



SOUTH ELEVATION



2159 Gottingen St
Halifax, Nova Scotia
B3K 3B2

902. 412. 2329
info@ecogreenhomes.ca

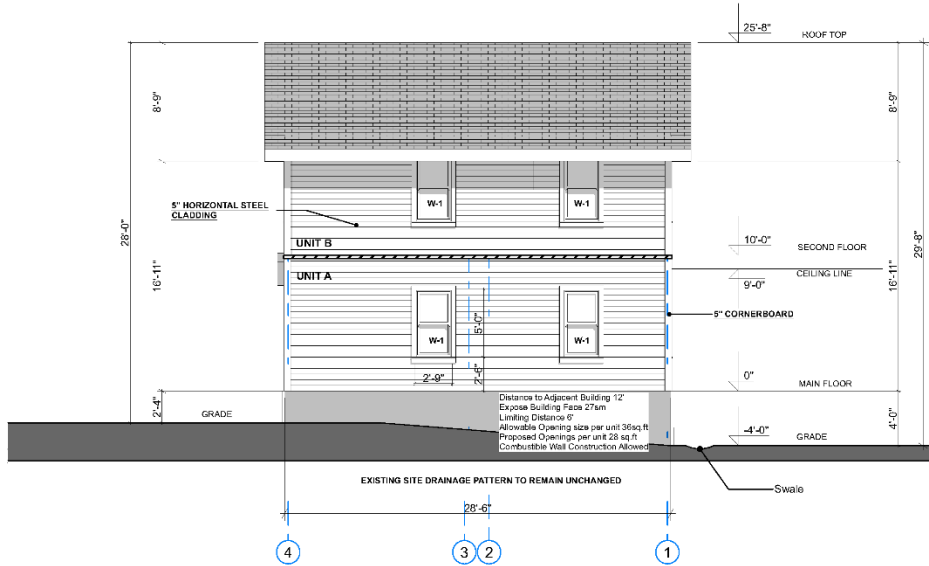
PROPOSED WEST AND SOUTH ELEVATIONS

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

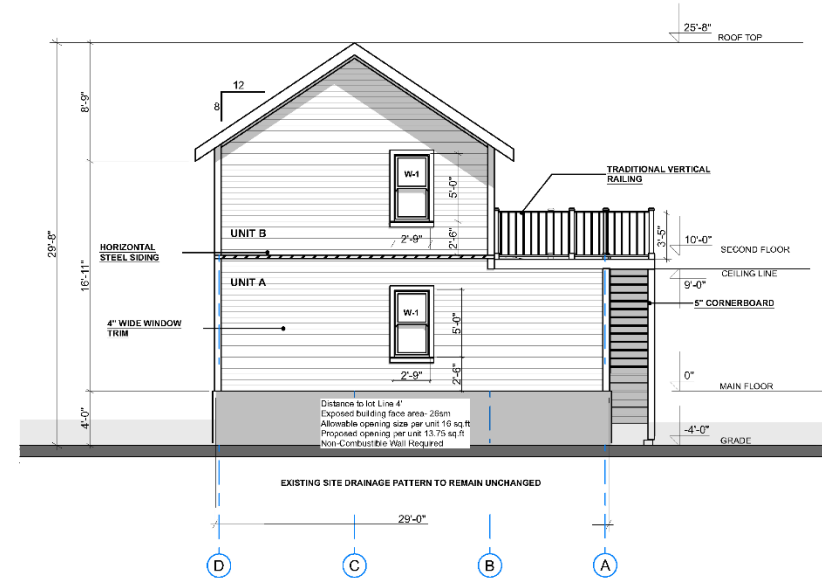
Date: 2023-12-07

A201

EAST ELEVATION



NORTH ELEVATION



2159 Gottingen St
Halifax, Nova Scotia
B3K 3B2

902. 412. 2329
info@ecogreenhomes.ca

PROPOSED NORTH AND EAST ELEVATIONS

171 WAGNERS CT.

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

A-202

Attachment C - Architectural Design Manual Excerpt – Central Residential District

2.0 GENERAL PROVISIONS

2.1 Relationship to the Land Use By-law

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

2.2 Application for a Development Permit

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

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

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

2.3 Development by Development Agreement

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

2.4 Unintentional Destruction of Conforming Structures

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

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

2.5 Intentional Demolition of Existing Structures

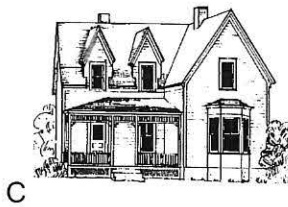
In cases where a building in the Ferry Hill, Central Residential or Town Centre Architectural Control Districts is intentionally demolished, whether it conformed to the style of the District or not, any new proposed building will be subject to the requirements for new construction as set out in Sections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

3.0 FERRY HILL AND CENTRAL RESIDENTIAL DISTRICTS

3.1 New Construction

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

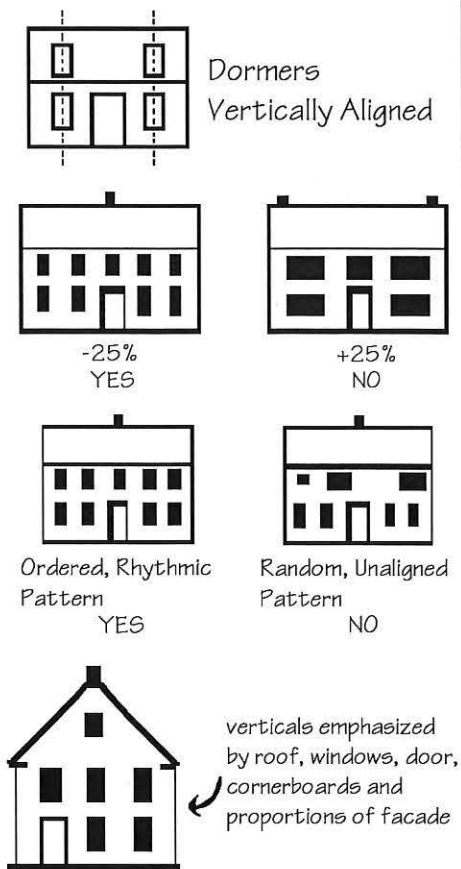
3.1.1 Architectural Style



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

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

3.1.2 Façade Design

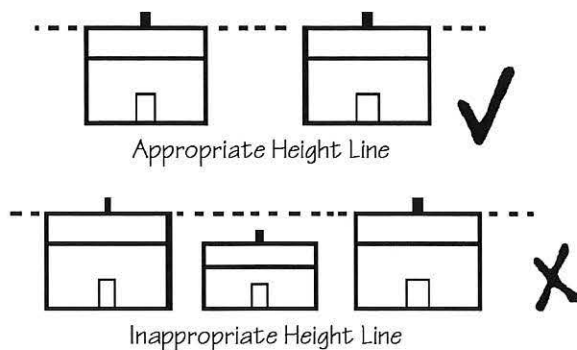


Façade elements such as doors, windows and dormers of houses in the Ferry Hill and Central Residential Architectural Control Districts tend to be aligned in a regular pattern which does not overwhelm the building façades.

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

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

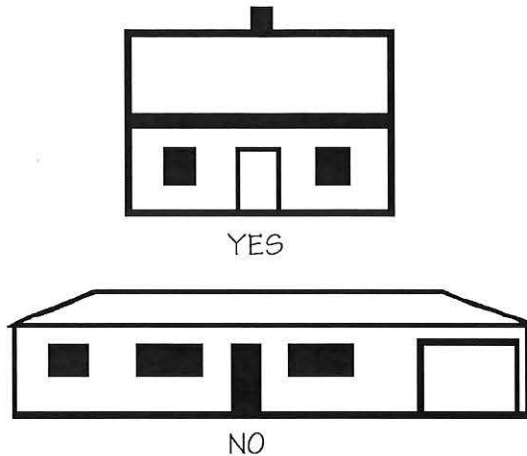
3.1.3 Height



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

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

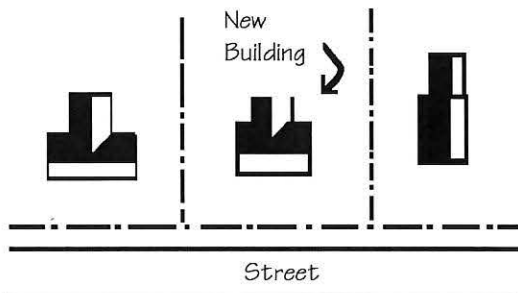
3.1.4 Proportion and Orientation



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

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

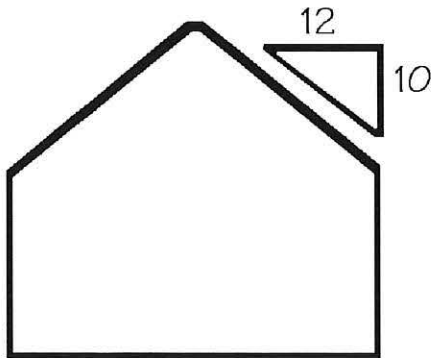
3.1.5 Setbacks



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

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

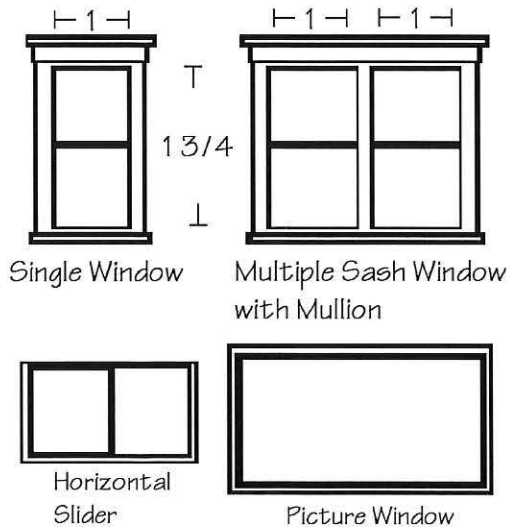
3.1.6 Roof Pitch and Style



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

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

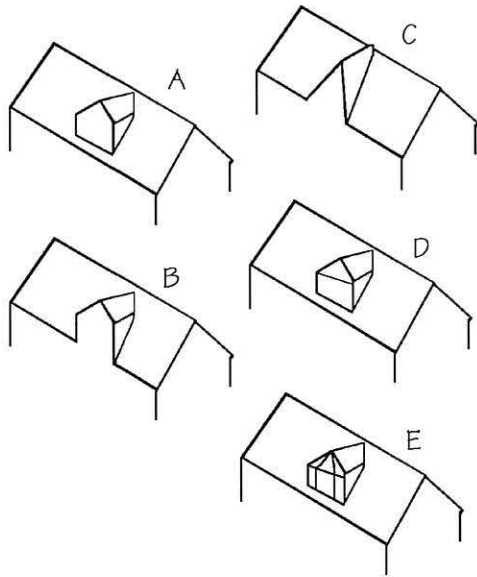
3.1.7 Windows



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

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

3.1.8 Dormers



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

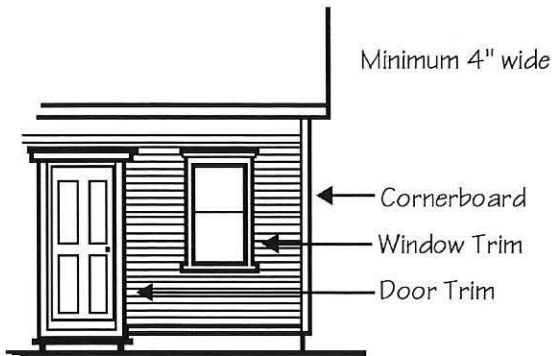
- No building **shall** have more than three dormers per roof side.
- Large shed dormers **shall not** be permitted. Smaller dormers are preferred.
- The following dormer styles are typical of existing houses and are preferred:
 - (a) Gable style (Figures A and B)
 - (b) Gothic (Figure C)
 - (c) Hipped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

3.1.9 Cladding

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

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

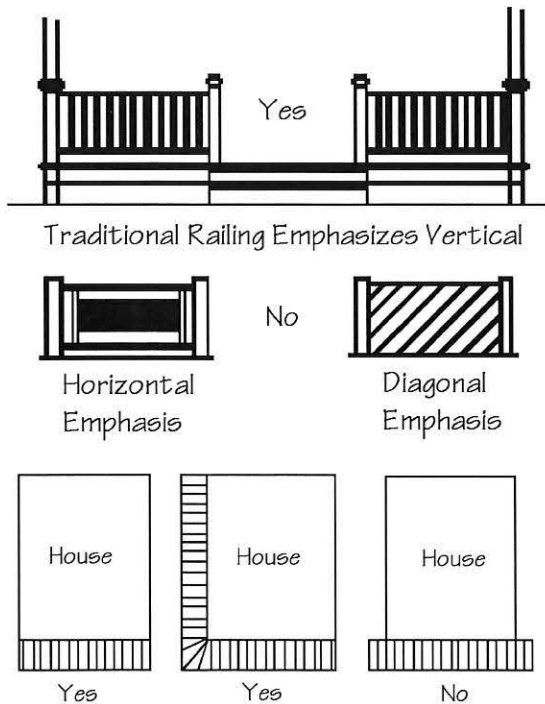
3.1.10 Trim



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

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

3.1.11 Porches, Porticos and Verandas



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

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

3.1.12 Exterior Staircases and Fences



Traditional stairway with capped
newel posts & top & bottom rails
with balusters
6-8" apart

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

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

3.1.13 Barrier-Free Access

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

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

3.2 Additions or Alterations

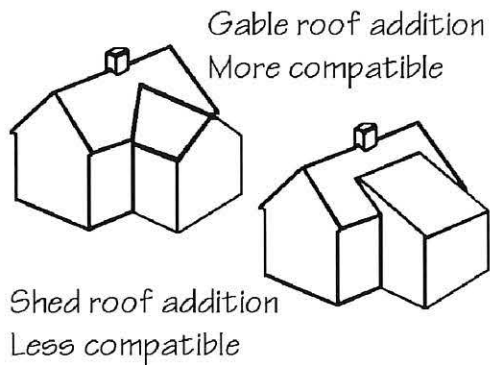
Turn of the century houses were both well designed and well constructed. The detailing in these early homes is extensive and many steps were taken in the original architectural design to protect the decorative features from the elements. It is the detailing in these Victorian homes that contributes most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

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

3.2.1 Architectural Style

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

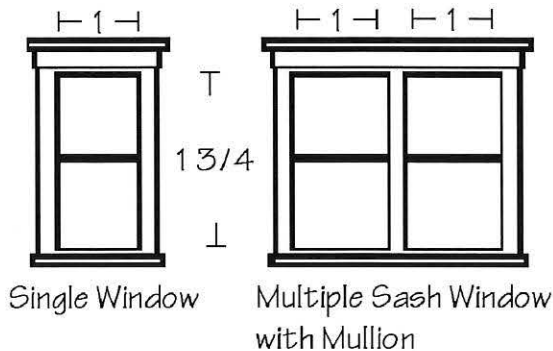
3.2.2 Roof Pitch and Style



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

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

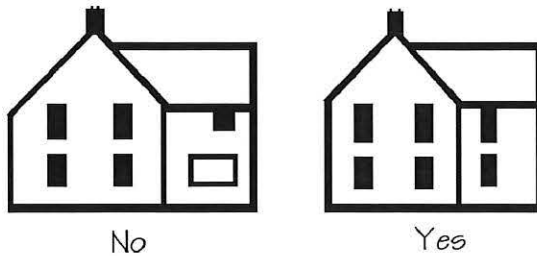
3.2.3 Window Alterations



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

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

3.2.4 Windows on Additions



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

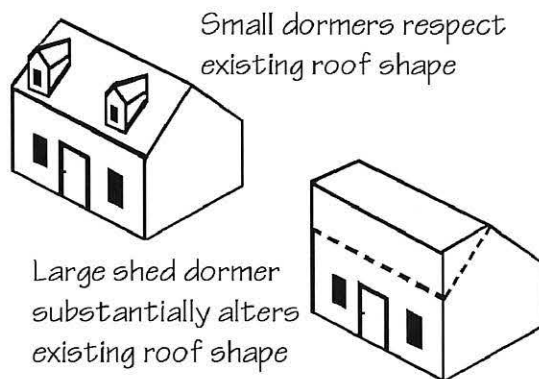
- Windows on additions **shall** have proportions and alignment which complement the existing windows on the principal structure.
- At a minimum, window orientation and style **shall** comply with 3.1.7. There are, however, a few cases where the original window orientation is horizontal rather than vertical.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

3.2.5 Skylights

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

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

3.2.6 Dormers



Small dormers respect existing roof shape

Large shed dormer substantially alters existing roof shape

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

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

3.2.7 Doors

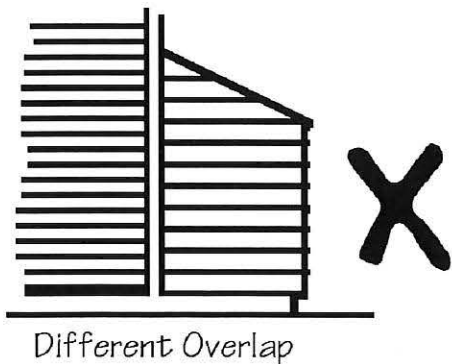
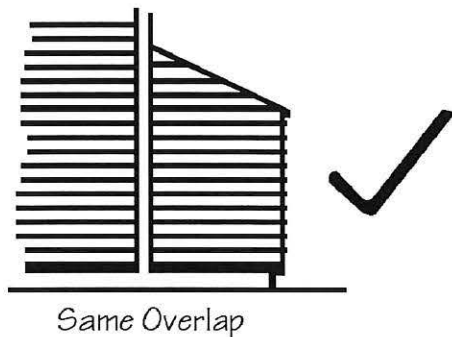
The buildings in the Architectural Control Districts generally have one front entrance, a single door. Double patio doors or sliding doors at the front of the house are not characteristic. Expanding a door frame in the public façade to include double doors or sliding doors is not permitted.

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

3.2.8 Replacement of Cladding Materials

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

3.2.9 Cladding and Trim on Additions



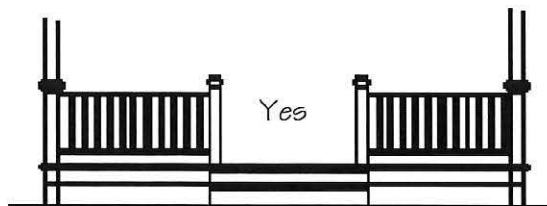
- The cladding on an addition **shall** match the cladding on the principal structure and should have the same overlap.
- The trim on an addition **shall** be of similar width and style as the trim on the principal structure.
- The requirements for trim as contained in 3.1.10 **shall** also apply.

3.2.10 Trim Alterations

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

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

3.2.11 Porches, Porticos and Verandas



Traditional Railing Emphasizes Vertical



Horizontal
Emphasis

No



Diagonal
Emphasis

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

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

3.2.12 Exterior Staircases and Fences

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

3.2.13 Barrier-Free Access

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

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

3.3 Non-Conforming Buildings

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

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

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

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

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

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

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

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

3.4 New Accessory Structures

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

Attachment D – Public Information Meeting Notes

November 2 –16, 2023

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

Meeting date and time	A Public Information Meeting was held on November 2, 2023 beginning at 6:22 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: One (1) Chair: • Mayor Zebian One (1) Councillor: • Councillor Francis Four (4) members of staff: • Planner Dunphy • Planner Fredericks • Planning Assistant Lake • Director Poirier Approximately 30 members of the public.
Applicant Edward Edelstein, Geome Properties Limited Property 172, 179, 180, 187 & 188 Wagners Court, Windsor (PIDs 45058310 and 45058344)	Planner Dunphy outlined the application to allow 5 proposed two-unit dwellings grouped on two subject lots by development agreement. Edward Edelstein provided a presentation on the proposal and answered questions from the public.
Comments	Comments from the public could be submitted by mail, e-mail and telephone between November 2 –16, 2023. No comments were submitted from the public during the comment period. 4 members of the public and the applicant spoke during the Public Information Meeting. Staff and applicant responses are in purple. • David Morison asked how it would be possible to increase the number of units on a lot that was zoned Two Unit Residential (R-2). Alex responded by explaining the development agreement process.

	Edward also commented that the bedroom count would not be changing and provided some background on the existing and proposed uses. • Marty Butler commented that they were in favour of the proposal and asked about the affordable housing grant. Edward responded by explaining that the development would receive a portion of funding from Housing Nova Scotia to rent the units at the median market rate for a period of 10-15 years. • Margarette Morison asked about the traffic and the effect on the property value. Edward responded that traffic is not a concern based on the consultation with a traffic engineer and that nearby property value would increase. Margarette was concerned with the parking. Mayor Zebian responded that parking would be dealt with through the development agreement. • Richard Levy asked if the buildings would be complete new builds. Edward responded that the framework would remain, however all the other building components would be new.
Adjournment	The Public Information Meeting ended at 6:52 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

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

Date: 2024-02-27

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

LEGISLATIVE AUTHORITY

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

DECISION REQUEST

Staff require direction from Council on how to proceed with this application.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☒	Social ☐	Economic ☐	Councillor Activity ☐
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On November 7, 2023, Steven Hart of Vaughan applied for amendments to the West Hants Municipal Planning Strategy (WHMPS) Section 4.24 to further evaluate wind farm development proposals within the Municipality.

During the PAC/HAC meeting on December 14, the Committee discussed the application. Staff provided an overview of the current wind farms within the WHRM, the policies, regulations, and authorities governing wind farms, and examples from other jurisdictions. More information can be found in the report entitled “WHMPS and WHLUB Amendment Request: Wind Farm Policies; File# 23-43” to the Planning and Heritage Advisory Committee on December 14, 2023 (Attachment B).

Staff requested direction from the Committee on whether amendments to the WHMPS and West Hants Land Use By-law (WHLUB) should be drafted in response to this application and the

extent of those amendments. The Committee discussed possible amendments at length and concluded that they would like to see maps of specific buffer distances from existing dwellings to determine whether any amendments to the wind turbine setback requirements should be considered.

The motion from PAC/HAC to Council was that:

...COUNCIL PROVIDE THE STAFF RESOURCES TO DO A MAPPING EXERCISE TO POINT OUT EXISTING DWELLINGS AND MAP WHERE WIND FARMS COULD BE DEVELOPED USING RADIUS RANGES FROM 1KM, WHICH IS THE EXISTING SETBACK, TO 4KM, WHICH IS A PROJECTED DISCUSSION RANGE FOR POTENTIAL AMENDMENTS TO SETBACKS.

Council reviewed this recommendation on January 23, 2024 and approved the motion.

DISCUSSION

At the February 8, 2024, PAC/HAC meeting the Committee reviewed the staff report and buffer distances of 1 to 4 km from existing residential civic address points in Attachment A.

The Committee discussed how residents in other communities with active wind farms such as Ellershous feel about the existing wind farms within their community, how a two tier setback for wind turbines under and over 200 m. in height could work similar to what is used in Colchester County, and how the mapping does not show the suitability of the remainder land for wind development. The Committee discussed the question of how many wind farms is too many in WHRM and some stated that they are unaware of studies showing the cumulative effects of wind developments. Some suggested designated areas for future wind development during the plan review and others thought there may need to be a pause on wind farm development approvals to gather more information and implement any necessary changes.

Following the Committee discussion, a motion was made to “recommend that Council not move forward with this application or any amendments associated with this request at this time”. With a vote of 4-4 the motion was defeated.

Following the PAC/HAC meeting on February 8, 2024, staff reviewed the MGA and requested further information from legal regarding the ability to pause approvals on wind farm developments for a period of time. There were a couple of sections of the MGA that were discussed:

No action inconsistent with planning strategy

217 (1) A municipality shall not act in a manner that is inconsistent with a municipal planning strategy.

As Council already permits wind farms to be considered in the WHMPS by development agreement, Council would be acting inconsistently if a motion was made to pause approvals on wind farms for a specific period of time.

Content of a Land Use By-law

220 (3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.

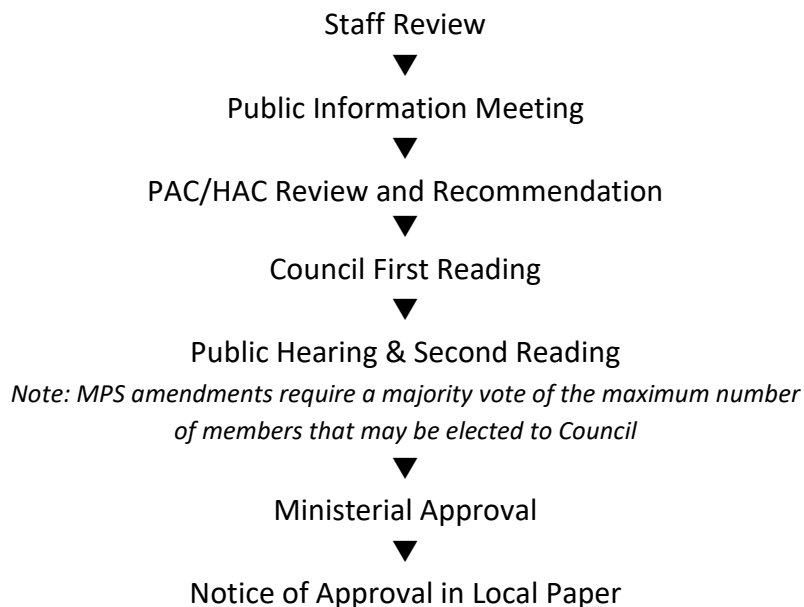
The MGA does not permit Council to outright prohibit wind farm developments. Council can consider amendments to the WHMPS and WHLUB that would specify:

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

Staff require direction from Council on how to proceed with this application.

NEXT STEPS

If Council provides direction for staff to draft amendments to the WHMPS and WHLUB to increase the setbacks required for wind turbines, the process for the amendments would be as follows:



Note: Any applications that are received for wind farm developments prior to Council holding Second Reading on amendments to the setback requirements for wind farm developments would be subject to the current WHMPS and WHLUB requirements.

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this report, Council may:

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

ATTACHMENTS

Attachment A	2024-02-08 Staff Report - WHMPS and WHLUB Amendment Request: Wind Farm Policies; File# 23-43B
Attachment B	2023-12-14 Staff Report - WHMPS and WHLUB Amendment Request: Wind Farm Policies; File# 23-43

CHIEF ADMINISTRATIVE OFFICER REVIEW

CAO comments to follow.

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

Report Reviewed by: _____
Mark Fredericks, Senior Planner

Report Approved by: _____
Mark Phillips, Chief Administrative Officer



Attachment A

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

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

Date: 2024-02-08

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

LEGISLATIVE AUTHORITY

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

RECOMMENDATION or DECISION REQUEST

This report is being provided for information purposes only.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☒	Social ☐	Economic ☐	Councillor Activity ☐
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On November 7, 2023, Steven Hart of Vaughan applied for amendments to the West Hants Municipal Planning Strategy (WHMPS) Section 4.24 to further evaluate wind farm development proposals within the Municipality.

During the PAC/HAC meeting on December 14, the Committee discussed the application. Staff provided an overview of the current wind farms within the WHRM, the policies, regulations, and authorities governing wind farms, and examples from other jurisdictions. More information can be found in the report entitled “WHMPS and WHLUB Amendment Request: Wind Farm Policies; File# 23-43” to the Planning and Heritage Advisory Committee on December 14, 2023.

Staff requested direction from the Committee on whether amendments to the WHMPS and West Hants Land Use By-law (WHLUB) should be drafted in response to this application and the extent of those amendments. The Committee discussed possible amendments at length and

concluded that they would like to see maps of specific buffer distances from existing dwellings to determine whether any amendments to the wind turbine setback requirements should be considered.

The motion from PAC/HAC to Council was that:

...COUNCIL PROVIDE THE STAFF RESOURCES TO DO A MAPPING EXERCISE TO POINT OUT EXISTING DWELLINGS AND MAP WHERE WIND FARMS COULD BE DEVELOPED USING RADIUS RANGES FROM 1KM, WHICH IS THE EXISTING SETBACK, TO 4KM, WHICH IS A PROJECTED DISCUSSION RANGE FOR POTENTIAL AMENDMENTS TO SETBACKS.

Council reviewed this recommendation on January 23, 2024 and approved the motion.

DISCUSSION

The Municipal GIS Technician developed the mapping in Attachment A-E by creating buffers from any civic addressing point identified as a residential land use. The maps show buffers of 1-4 km from those residential civic addressing points. The remainder of the Municipality outside of the buffer areas is shown in white. The white areas represent possible siting locations for future large scale wind turbines. The maps also reference the location of existing wind turbines within the Ellershouse and Martock wind farms and the proposed location of wind turbines permitted in the Benjamins Mill wind farm development agreement.

Other Jurisdictions

Staff reviewed the minimum setbacks requirements for wind turbines from residential dwellings in other jurisdictions to provide context to the discussion.

As noted below, some municipalities regulate setbacks based on the height of the turbines. Height of wind turbines has increased in the past decade. For comparison, the wind turbines that were constructed in the Ellershouse and Martock wind farms around 2014, are approximately 100 m. (328 ft.) in height, whereas the height of the wind turbines proposed within the Benjamins Mill wind farm in 2023 are approximately 205 m. (673 ft.). Additionally, some municipalities listed in the table allow a reduction in the setback requirements if the adjacent property owner agrees in writing to the reduced setback.

Table 1: Setbacks for Wind Turbines in Other Jurisdictions

Municipality	Minimum Setback for Wind Turbines from Residential Dwellings
West Hants Regional Municipality	1000 m. (3,280 ft.)
Municipality of East Hants	4 times the height of the wind turbine

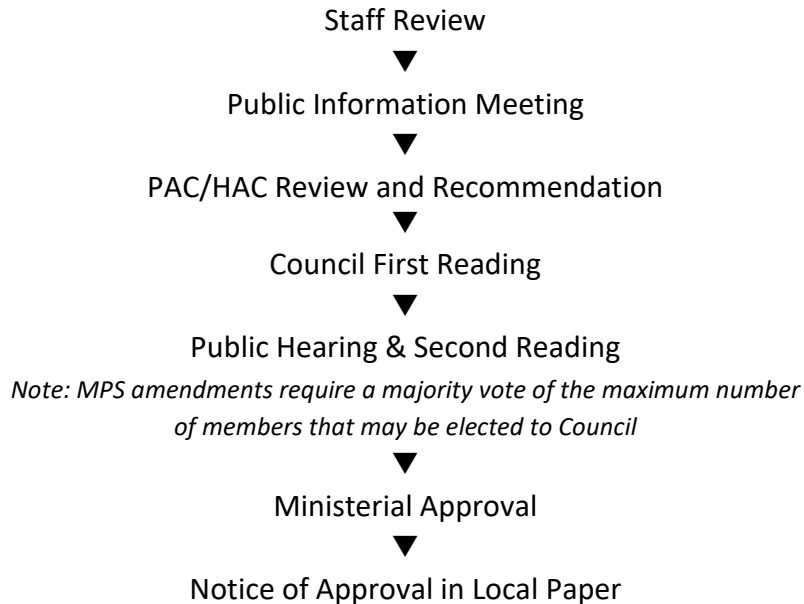
Municipality of the County of Kings	Only permitted in the “Large Scale Wind Turbine Overlay”; the boundaries of the overlay are a minimum of 3 km from dwellings existing on November 15, 2018.
Colchester County	1 km if the wind turbine is 100 m. (328 ft.) in height or less; or 2 km for wind turbines greater than 100 m. (328 ft.). If a wind turbine exceeds 200 m. (656 ft.) an increased setback of 7.5 m. (26.5 ft.) is required for every 1 m. (3.3 ft.) of additional height if the increased minimum setback is necessary to satisfy the maximum ambient degradation noise standard of the By-law.
Municipality of Yarmouth	1000 m. (3,280 ft.) or 6.5 times the height of the turbine, whichever is greater
Region of Queens Municipality	1.5 times the total height of the turbine from all property lines and watercourses
Municipality of the County of Annapolis	Only permitted within a “Wind Resource Areas”; requires a minimum of 1,000 m (3,280 ft.) .
Halifax Regional Municipality	550 m. (1,805 ft.)
Municipality of Cumberland	1000 m. (3,280 ft.) or 3.5 times the height of the turbine, whichever is greater
Municipality of the District of Digby	1000 m. (3,280 ft.)
Municipality of Pictou County	1000 m. (3,280 ft.)
Municipality of the County of Antigonish	1000 m. (3,280 ft.)

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for West Hants was developed in 2013. There is no mention of wind development in the MCCAP as the document focuses more on the impacts of climate change on the Municipality versus options to reduce greenhouse gas emissions.

NEXT STEPS

If Council provides direction for staff to draft amendments to the WHMPS and WHLUB to increase the setbacks required for wind turbines, the process for the amendments would be as follows:



Note: Any applications that are received for wind farm developments prior to Council holding Second Reading on amendments to the setback requirements for wind farm developments would be subject to the current WHMPS and WHLUB requirements.

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

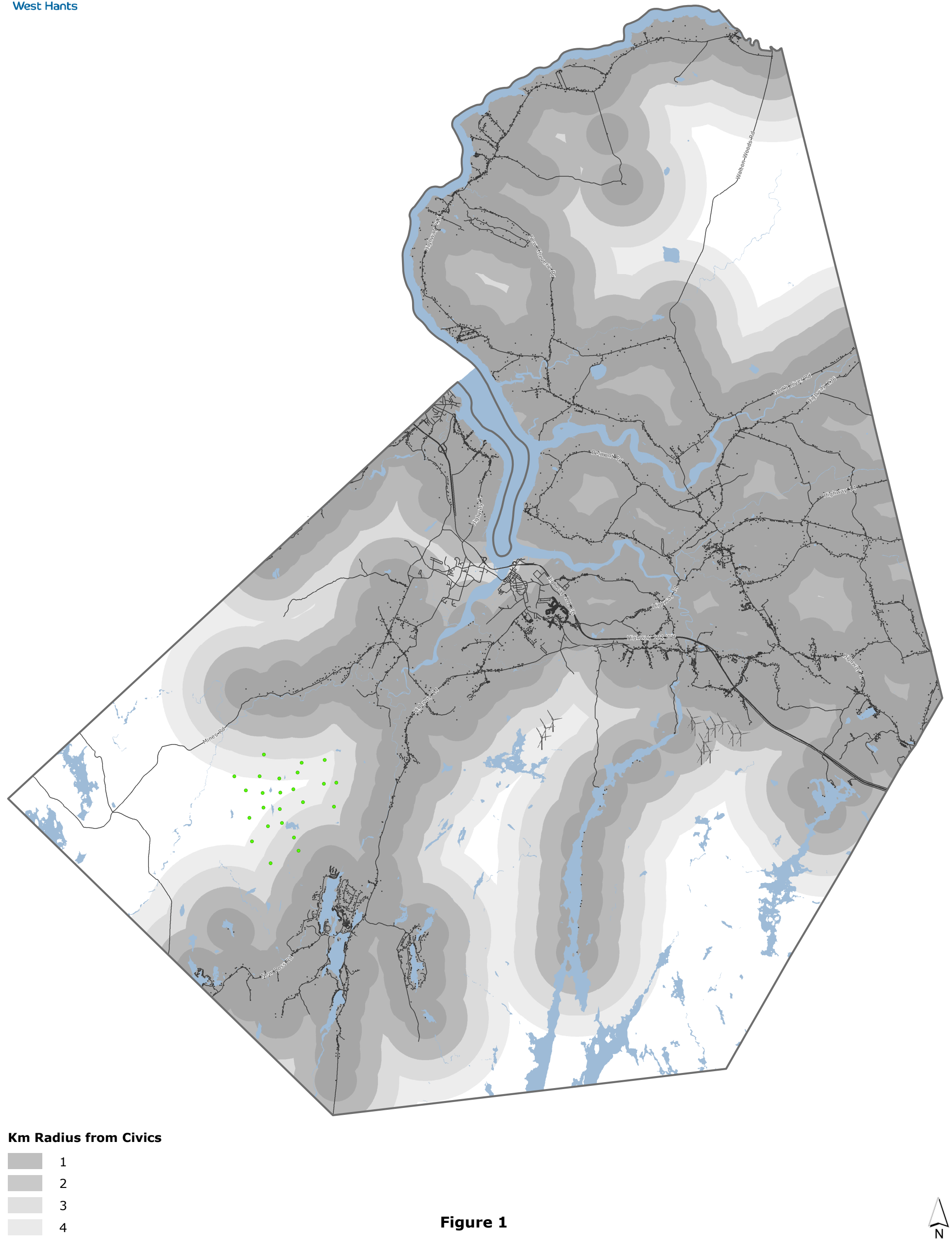
ATTACHMENTS

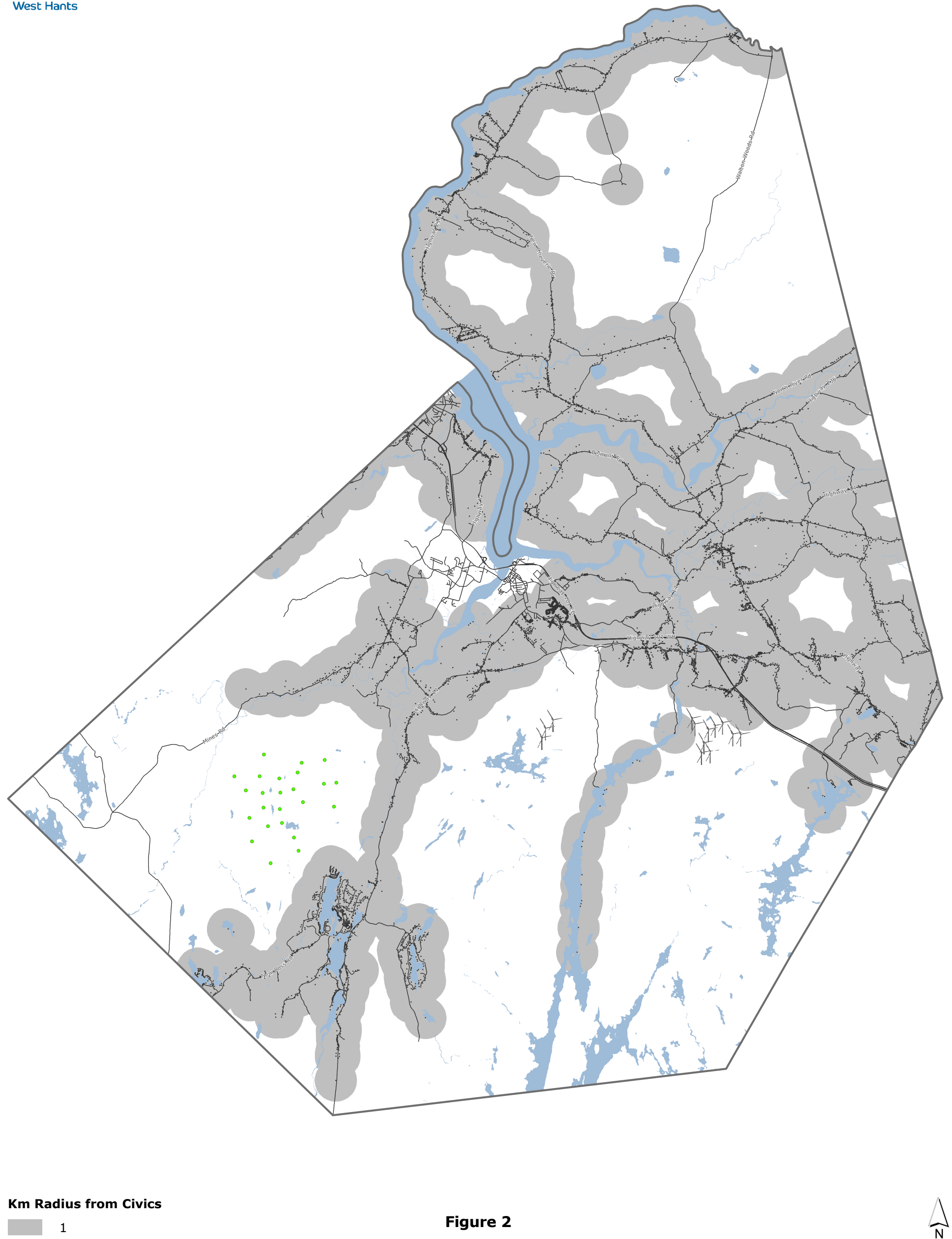
Figure 1	Buffers from Residential Civic Address Points
Figure 2	Buffers from Residential Civic Address Points – 1 km
Figure 3	Buffers from Residential Civic Address Points – 2 km
Figure 4	Buffers from Residential Civic Address Points – 3 km
Figure 5	Buffers from Residential Civic Address Points – 4 km

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

Report Reviewed by: _____
Mark Fredericks, Senior Planner

Report Reviewed by: _____
Alex Dunphy, Planner





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

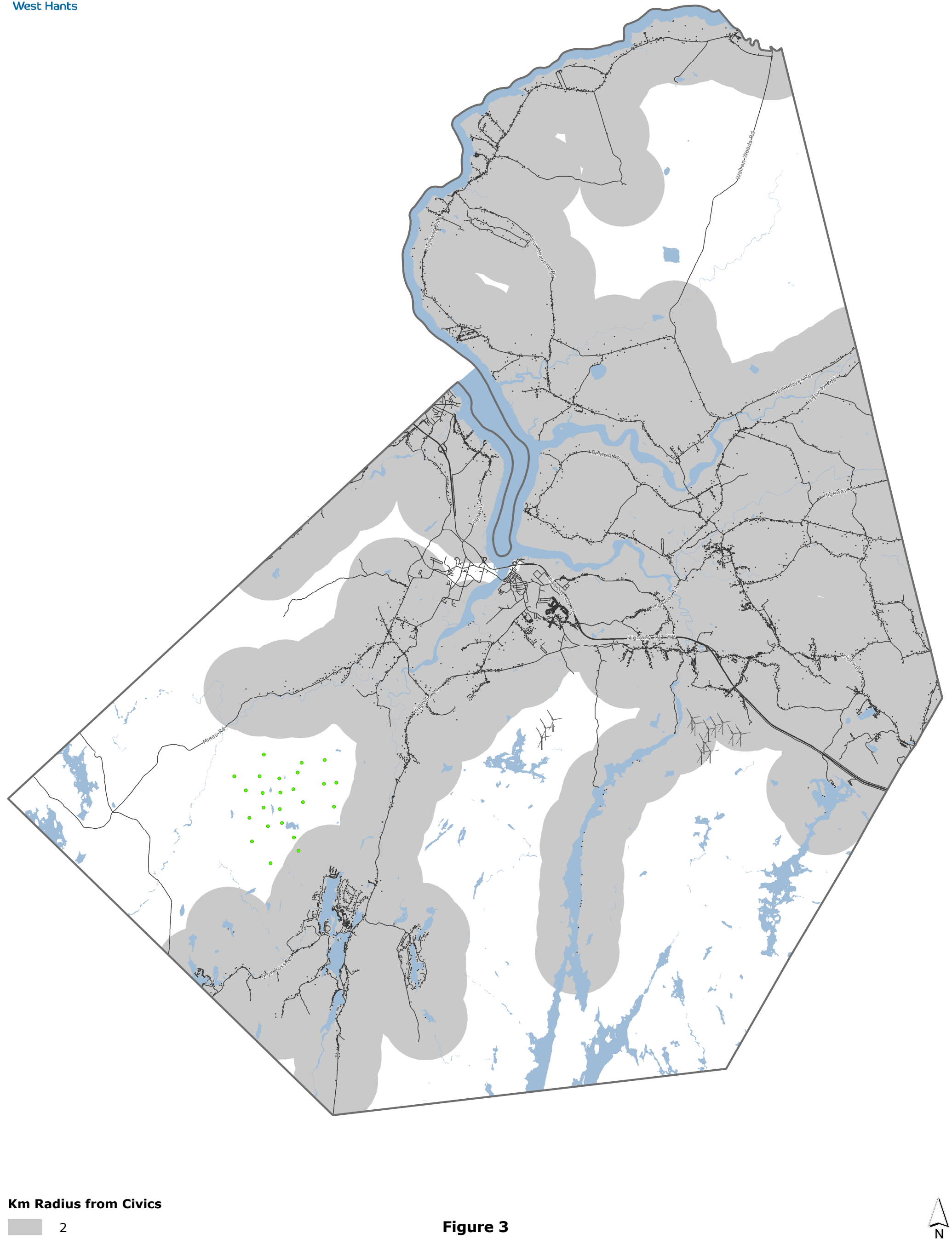
This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.

Prepared by: West Hants Regional Planning and Development Department January 2024

Buffers from Residential Civic Address Points 1 Kilometer

0 3,000 6,000
Metres
Scale: 1:165,000

- Civics
- Estimated Benjamins Mill Wind Turbine Locations
- ✶ Wind Turbines 2023
- ▭ Municipal Boundary
- - - Communities
- Roads
- Water



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

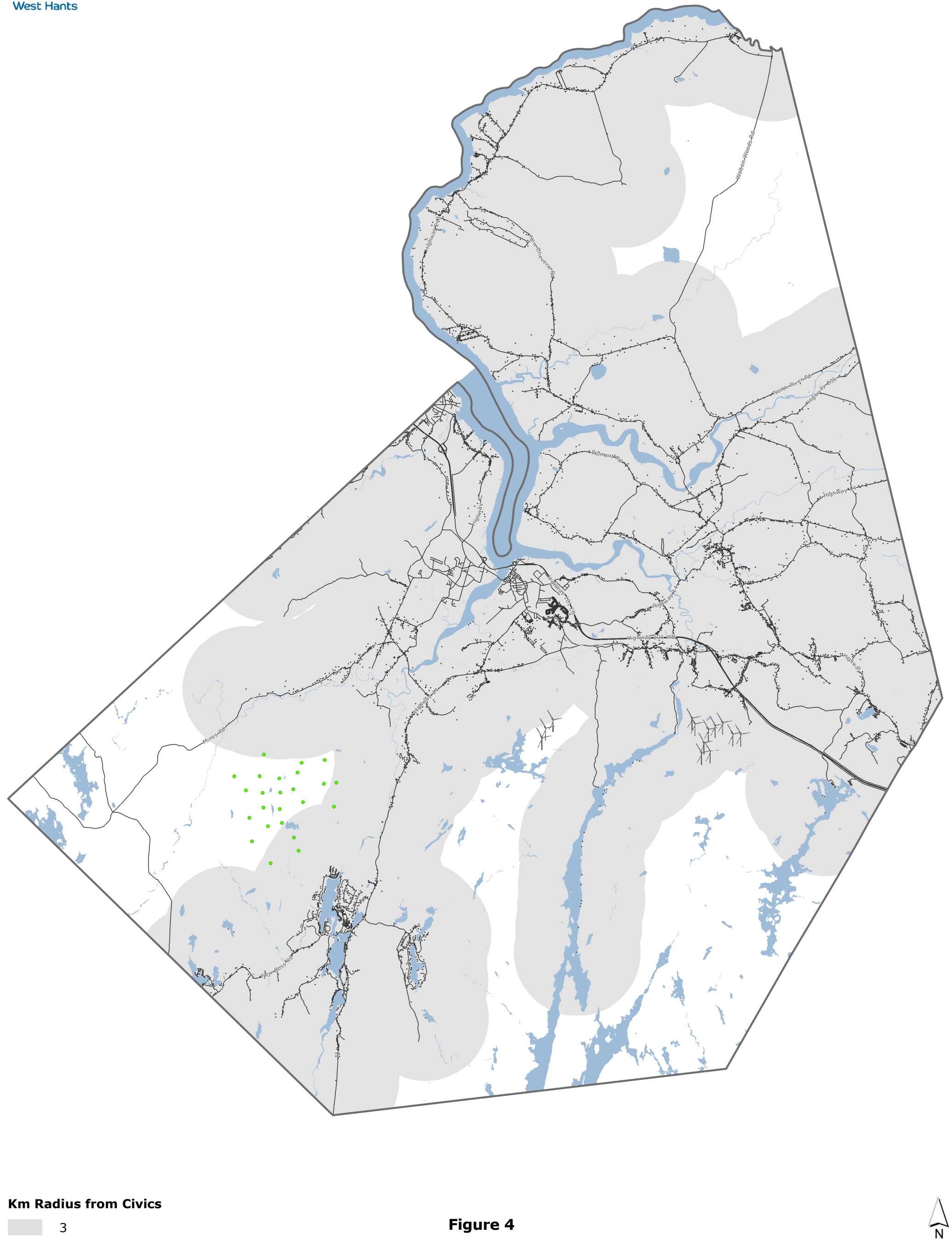
This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.

Prepared by: West Hants Regional Planning and Development Department January 2024

Buffers from Residential Civic Address Points 2 Kilometer

0 3,000 6,000
Metres
Scale: 1:165,000

- Civics
- Estimated Benjamins Mill Wind Turbine Locations
- ✈ Wind Turbines 2023
- ▭ Municipal Boundary
- - - Communities
- Roads
- Water



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

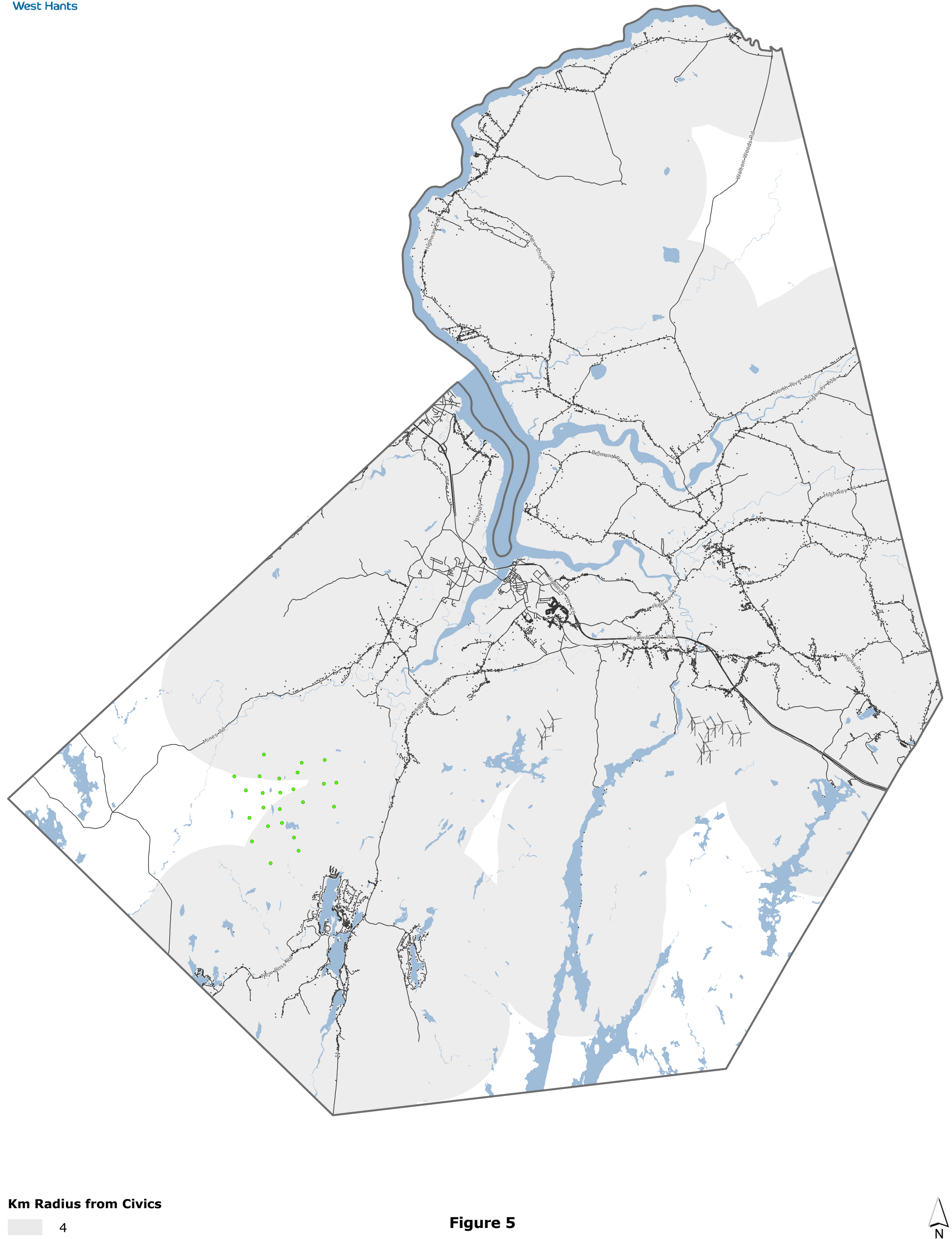
This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.

Prepared by: West Hants Regional Planning and Development Department January 2024

Buffers from Residential Civic Address Points 3 Kilometer

0 3,000 6,000
Metres
Scale: 1:165,000

- Civics
- Estimated Benjamins Mill Wind Turbine Locations
- ✶ Wind Turbines 2023
- ▭ Municipal Boundary
- - - Communities
- Roads
- Water



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

This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.

Prepared by: West Hants Regional Planning and Development Department January 2024

Buffers from Residential Civic Address Points 4 Kilometer

0 3,000 6,000
Metres
Scale: 1:165,000

- Civics
- Estimated Benjamins Mill Wind Turbine Locations
- ✶ Wind Turbines 2023
- ▭ Municipal Boundary
- - - Communities
- Roads
- Water



Attachment B

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

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

Date: 2023-12-14

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

LEGISLATIVE AUTHORITY

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

DECISION REQUEST

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

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☒	Social ☐	Economic ☐	Councillor Activity ☐
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On November 7, 2023, Steven Hart of Vaughan applied for amendments to the WHMPS Section 4.24 to further evaluate wind farm development proposals within the Municipality.

DISCUSSION

Application

The application that was received by staff specified the following:

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

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

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

Table 1: Wind Farms within WHRM

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

Provincial Environment Goals

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

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

Wind Farm Regulations

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

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

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

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

West Hants Municipal Planning Strategy

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

West Hants Land Use By-law

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

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

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

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

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

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

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

Other Jurisdictions

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

East Hants

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

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

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

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

Kings County

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

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

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

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

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

Colchester County

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

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

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

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

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

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

Staff Considerations

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

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

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

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

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

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

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

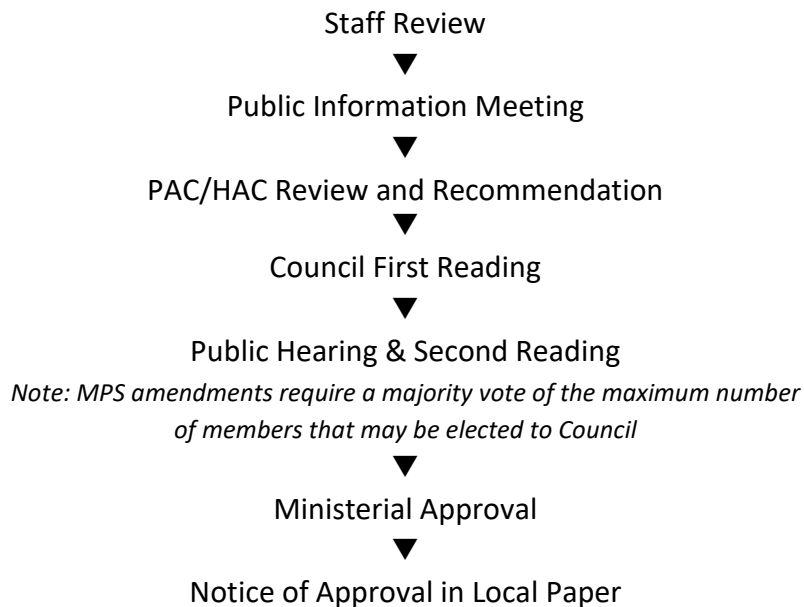
MUNICIPAL CLIMATE CHANGE ACTION PLAN

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

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

NEXT STEPS

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



FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

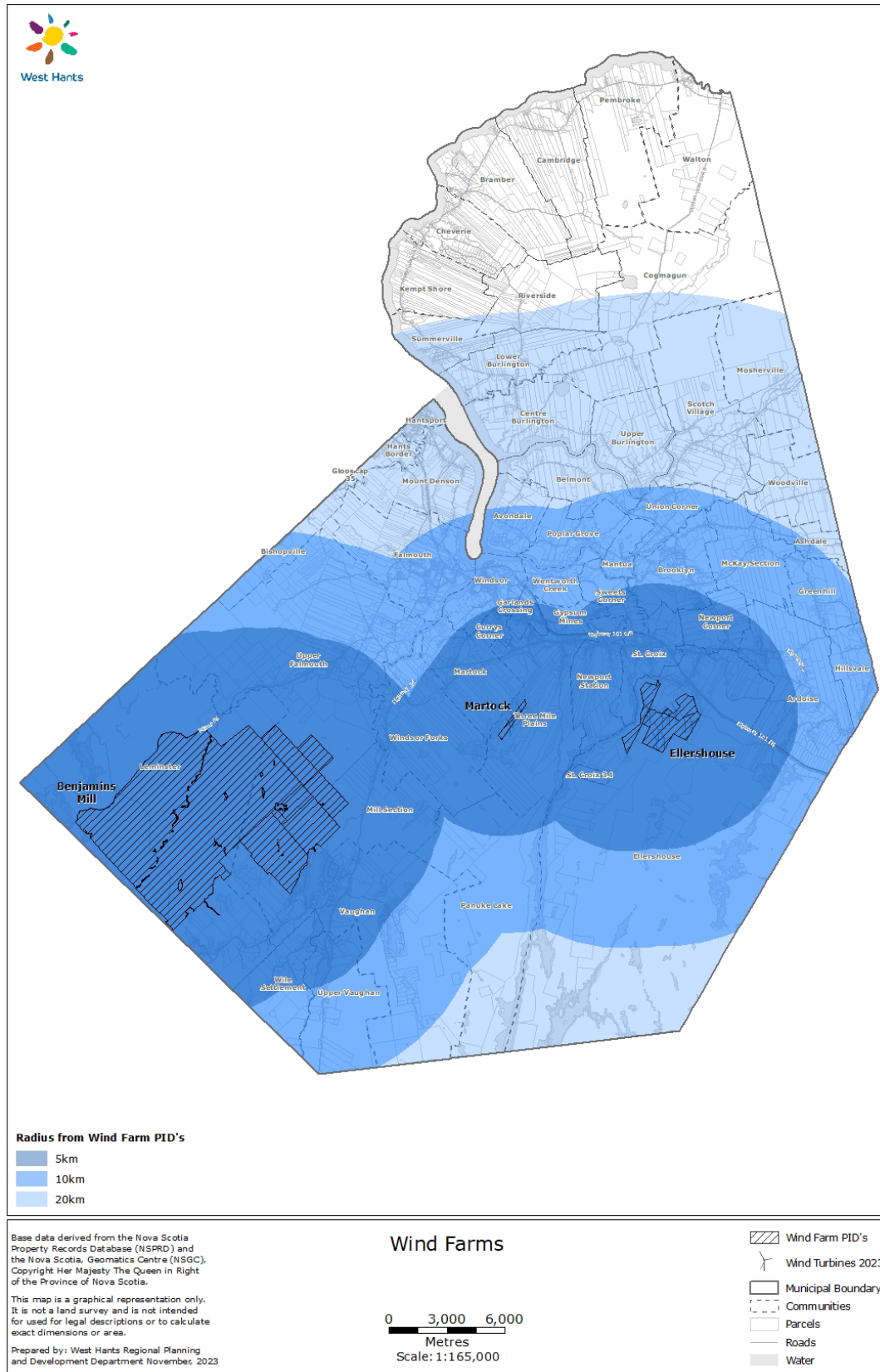
Figure 1	Existing or Approved Wind Farms with Buffers
Attachment A	Department of Energy Jurisdiction for Wind Farm Regulations
Attachment B	Department of Energy and Climate Change Wind Farm Environmental Assessment Checklist
Attachment C	Department of Energy and Climate Change Guide to Preparing an EA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

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

Report Reviewed by: _____
Mark Fredericks, Senior Planner

Report Reviewed by: _____
Alex Dunphy, Planner

Figure 1



Attachment A
Department of Energy Jurisdiction for Wind Farm Regulations

Regulation: How does government regulate wind energy projects?

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

Municipal

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

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

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



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

Provincial

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

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

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

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

Federal

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

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

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

Environmental Assessment for Wind Projects

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

Minimum Requirements

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

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

Wind Environment Baseline Studies Checklist

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

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

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

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

Short Guide: Environmental Assessment Registration for Wind Projects



Environment and Climate Change

EA Branch Contact:

Phone: 902-424-3600

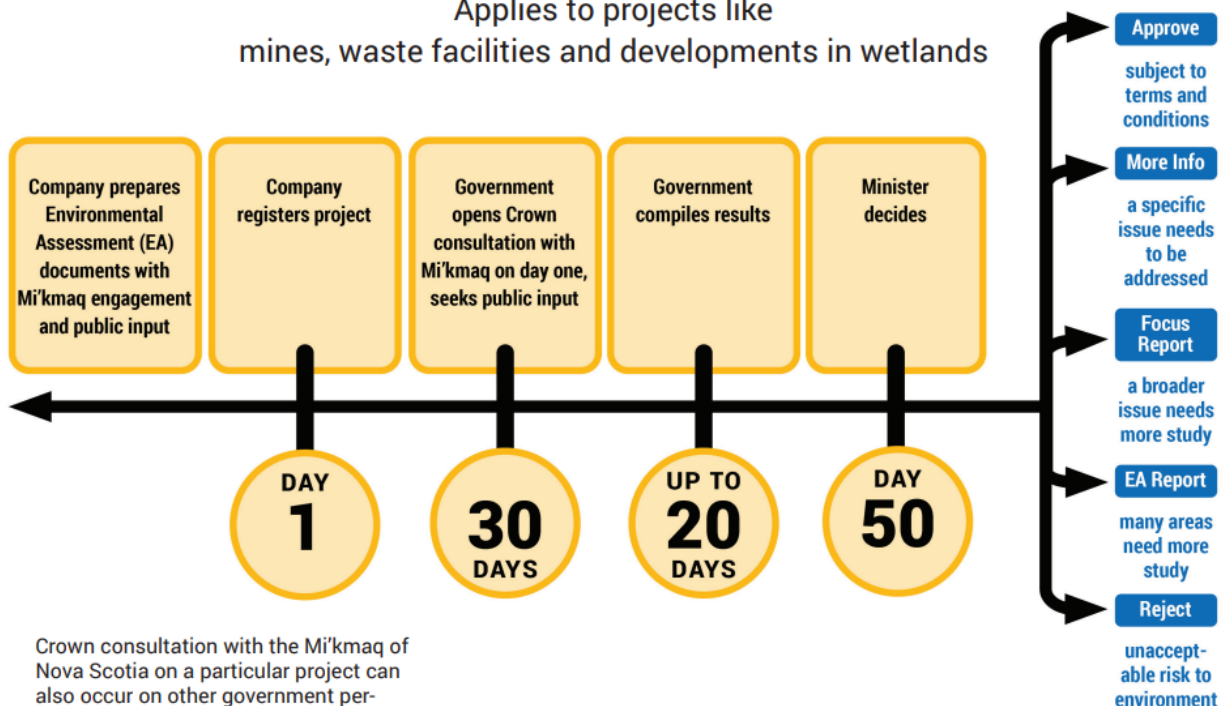
Email: ea@gov.ns.ca

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



Class I Environmental Assessment Process

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



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



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

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

May 2007

Revised October 2021



Policy Division
Environmental Assessment Branch

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About this Guide

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

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

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

More specifically, this guide will help proponents:

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

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

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

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

Does the Wind Project Require Environmental Assessment?

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

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

Planning for Environmental Assessment

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

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

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

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

Engagement with the Mi'kmaq of Nova Scotia

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

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

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

Public Engagement

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

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

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

What to include in your EA Registration Document

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

In addition, EA Registration Documents for wind projects should:

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

The outline of a comprehensive EA Registration Document includes:

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

Guide to Preparing an EA Registration Document for Wind Power Projects

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

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

Proponent Description

Describe the project proponent in the following detail:

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

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

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

Project Information

Outline your project in the following detail:

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

Mi'kmaq of Nova Scotia

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

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

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

Mi'kmaq Engagement

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

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

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

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

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

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

Public Engagement

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

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

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

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

Description of the Undertaking

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

Geographical Location

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

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

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

The proponent is also encouraged to:

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

Physical Components

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

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

Site Preparation and Construction

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

Setbacks and Separation Distances

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

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

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

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

Operation and Maintenance

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

Decommissioning

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

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

Valued Environmental Components (VECs) and Effects Management

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

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

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

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

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

Guidance on Information Requirements for Valued Economic Components

Biophysical Environment

Weather Conditions

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

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

Climate Change

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

GHG Emissions

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

Air Quality

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

Geology

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

- Include geological maps in your EA Registration Document.

Surface Water

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

Groundwater

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

Wetlands

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

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

Flora and Fauna Species and Habitat

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

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

Project Risk Categories:

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

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

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

Site Sensitivity:

Potential Sensitivity	Determining factor
Very high	Species identified are: 1. Listed as “at risk” federally or provincially under the SARA or NSESA 2. Assessed as “at risk” by COSEWIC or S1, S2 and S3 listed species (under the Atlantic Canada Conservation Data Center) occurring within, or being negatively affected by the development Site identified as: 3. habitat for a large or important bird colony, such as herons, gulls, terns, common eider and seabirds 4. a known bat hibernacula (25 km radius) 5. a significant migration staging or wintering area for bats, waterfowl or shorebirds 6. an area recognized as internationally, nationally or provincially important for birds (e.g., by being located in or adjacent to a provincial Wildlife Management Area or Wildlife Sanctuary, National Wildlife Area, Migratory Bird Sanctuary, Important Bird Area, National Park, Western Hemisphere Shorebird Reserve Network (WHSRN) and/or Ramsar sites, or similar area specifically designated to protect birds) 7. providing habitat for large concentrations of raptors (e.g. wintering, migration) 8. a known, or reasonably inferred migration or connectivity corridor 9. having potential to reduce functional quality/quantity of habitat (e.g., relatively intact natural areas) and/or cause significant land

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

Project Size:

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

Turbine Height:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Refer to:

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

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

Native Vegetation/Biodiversity

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

Bird Migration

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

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

Bats

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

Fish and Fish Habitat

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

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

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

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

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

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

Visual Impact Assessment

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

Noise Levels

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

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

Shadow Flicker

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

Other Issues

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

Socio-Economic Conditions

Economy

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

Land Use and Value

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

Transportation

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

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

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

Recreation and Tourism

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

Human Health

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

Cultural and Heritage Resources

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

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

Other Undertakings in the Area

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

Effects of the Undertaking on the Environment

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

Effects of the Environment on the Undertaking

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

Other Approvals Required

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

Funding

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

Additional Information

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

Reference Documents

Endangered Species Act of Nova Scotia

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

Migratory Birds Convention Act (MBCA)

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

Nova Scotia Environment and Climate Change - Environmental Assessment Regulations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proponent's Guide to Environmental Assessment

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

Species at Risk Public Registry

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

Special Places Protection Act of Nova Scotia

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

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

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

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

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

DFO Projects Near Water

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

Fisheries Act

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

Species at Risk Act

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

Aquatic Invasive Species Regulations

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

Appendix I

List of Abbreviations

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

Definitions

Adaptation

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

Bird Strike

A collision between a bird and a wind turbine.

Blade glint

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

Broadband

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

Class 1 Undertaking

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

Cumulative Effects

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

Decommissioning

Preparing facilities for abandonment at the end of project life.

Electromagnetic impacts

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

Environment

As defined in the Environment Act:

The components of the earth and includes:

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

Environmental Assessment

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

Environmental Effect

In respect of an undertaking,

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

Erosion

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

Fauna

Animals

Fish Habitat

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

Flora

Plants

Groundwater

All water naturally occurring under the surface of the province.

Habitat

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

Hazardous Materials

Any prohibited, restricted, or controlled product.

Heritage Resource

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

Hibernacula

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

Impact

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

Impulsive (noise)

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

Low Frequency

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

Migration (birds)

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

Mitigation

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

Tonal Noise

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

Paleontology

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

Proponent

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

Property Identification Numbers

A unique number assigned to each piece of real estate.

Protected Areas

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

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

Rotor Blades

The aerodynamic surface that catches the wind.

EA Registration Document

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

Setback

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

Shadow Flicker

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

Site Plan

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

Significant

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

Species

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

Species of Conservation Interest

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

Species at Risk

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

Surface water

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

Topography

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

Undertaking

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

Universal Transverse Mercator

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

Valued Environmental Component (VEC)

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

Visual impact assessment

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

Watercourse

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

Wetland

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

Wind Power Project

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

Appendix II

Contact Information

Nova Scotia Environment and Climate Change

Environmental Assessment Branch

Suite 2085 1903 Barrington Street

Halifax, NS

B3J 2P8

Phone: 902-424-3600

Fax: 902-424-0503

Email: EA@novascotia.ca

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

Nova Scotia Environment and Climate Change

Protected Areas and Ecosystems

Suite 2085 1903 Barrington Street

Halifax, NS

B3J 2P8

Phone: 902-424-3600

Fax: 902-424-0503

Email: protectedareas@novascotia.ca

Website: www.novascotia.ca/nse/protectedareas

Nova Scotia Department of Natural Resources and Renewables

Wildlife Division

136 Exhibition Street

Kentville, NS

B4N 4E5

Phone: 902-679-6091

Fax: 902-679-6176

Email: BIODIVERSITY@novascotia.ca

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

Nova Scotia Department of Communities, Culture, Tourism and Heritage

Heritage Stewardship Section

Heritage Division

1747 Summer Street

Halifax, NS

B3H 3A6

Phone: 902-424-7370

Fax: 902-424-0560

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

Nova Scotia Office of L'nu Affairs (OLA)

Consultation Division

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

Atlantic Canada Conservation Data Centre

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

Impact Assessment Agency of Canada

Atlantic Region

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

Fisheries and Oceans Canada (DFO)

Fisheries Protection Program

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

Environment Canada and Climate Change

Canadian Wildlife Service

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

Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO)

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

Native Council of Nova Scotia

Mi'kmaq Environments Resource Developments Secretariat (MERDS)

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

NAV CANADA

AIS Data Collection Unit and Land Use Office

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

Department of National Defence

Wind Turbines

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

Attachment D

WHMPS Excerpt

4.24 Wind Turbines

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

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

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

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

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

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

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

Attachment E
WHLUB Excerpt

Wind Turbines

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

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

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

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

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



Committee of the Whole Excerpts
February 13, 2024

2024 MUNICIPAL ELECTIONS RETURNING OFFICER RECOMMENDATION EXCERPT

Preparation for the 2024 Municipal Election has started and much discussion has previously occurred around voting methods (hybrid vs fully electronic vs paper ballots). Following the January 23, 2024 WHRM Council meeting, Intelivote was awarded the contract to perform alternative voting for the 2024 Nova Scotia Municipal and Conseil scolaire acadien provincial (CSAP) elections.

To proceed and meet the deadlines outlines within the Municipal Elections Act (MEA) it is critical that a Returning Officer (RO) be appointed by March 15, 2024.

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

COUNCIL APPOINT DEBI FITZPATRICK AS THE RETURNING OFFICER FOR THE 2024 NOVA SCOTIA MUNICIPAL AND CONSEIL SCOLAIRE ACADIEN PROVINCIAL (CSAP) ELECTIONS SETTING THE FEE FOR THE RETURNING OFFICER TO A MAXIMUM OF \$32,500 (BASED ON HOURS WORKED) AND FURTHER THAT ANY EXPENSES INCURRED IN THE 2023/24 FISCAL YEAR BE FUNDED THROUGH THE REGIONAL ELECTIONS RESERVE.

COUNCIL GIVES AUTHORITY TO THE CAO TO APPOINT ASSISTANT RETURNING OFFICER(S).



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Deanna Snair

Date: February 13, 2024 Committee of the Whole

Subject: 2024 Municipal Election – Returning Officer

LEGISLATIVE AUTHORITY

Municipal Elections Act, Chapter 300 of the Revised Statutes, 1989, amended 2019, published 2021 *Municipal Government Act*, R.S.N.S. 1998

RECOMMENDATION or DECISION REQUEST

that Committee of the Whole recommends that

- 1. Council appoint Debi Fitzpatrick as the Returning Officer for the 2024 Nova Scotia Municipal and Conseil scolaire acadien provincial (CSAP) elections setting the fee for the Returning Officer to a maximum of \$32,500 (based on hours worked) and further that any expenses incurred in the 2023/24 fiscal year be funded through the Regional Elections Reserve.*
- 2. Council gives authority to the CAO to appoint Assistant Returning Officer(s).*

BACKGROUND

Preparation for the 2024 Municipal Election has started. Much discussion was held around voting methods (hybrid vs fully electronic vs paper ballots). Following the November meeting, the RFQ#WHRM24-01 (Alternate Voting – Hybrid for the 2024 Nova Scotia Municipal and CSAP Election) was released on the NS Procurement site on December 15, 2023.

At the January 23, 2024 WHRM Council meeting, Council approved contracting and performing alternative voting for the 2024 Nova Scotia Municipal and Conseil scolaire acadien provincial (CSAP) elections to Intelivote for the quoted price of 41,075.00 plus applicable taxes and be funded through the Regional Election Reserves.

Council also approved using both electronic and paper ballots on both advanced poll dates and ordinary poll day for the 2024 Nova Scotia Municipal and Conseil scolaire acadien provincial (CSAP) elections.

In order to proceed forward, staff are seeking direction from Council in the following areas:

- Appoint the Returning Officer and associated fee
- Authority to appoint Assistant Returning Officer(s)

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

The 2024 Municipal Election has important deadlines as per the NS Municipal Elections Act.

Returning Officer (RO) must be appointed by Council.	March 15, 2024
Polling districts must be divided into divisions and reported to Council and must be available for public inspection.	March 31, 2024
Council must direct the RO to conduct enumeration or use recent elections list as the basis for the preliminary electors list.	April 15, 2024
No special election is required to be held unless council or the Minister determine otherwise.	April 19, 2024
The RO must prepare a preliminary list of electors for each polling division.	July 31, 2024
Last day to establish procedures and forms for the conduct of voting in accordance with the by-law.	August 20, 2024
Nomination Day	September 10, 2024
Ordinary Polling Day	October 19, 2024

The next critical step is to secure a Returning Officer (RO) for the 2024 Nova Scotia Municipal and Conseil scolaire acadien provincial (CSAP) elections. An RO must be appointed by Council **on or before March 15, 2024**, in order to meet deadlines as per the NS Municipal Elections Act (MEA).

The role of the Returning Officer cannot be understated, as there is a significant amount of work to ensure a successful election in compliance with the Nova Scotia MEA.

It is recommended that Debi Fitzpatrick serve as the Returning Officer and be compensated for time and expenses associated with the upcoming 2024 elections. RO Compensation varies by election, depending on status of employment of the RO and time/overtime expended. At the last meeting staff identified that it may be challenging to secure an RO and that if successful, it would come at a greater cost.

There will also be a need for an Assistant Returning Officer and support from other municipal staff; these employees all qualify for overtime under the current human resource policies.

Municipal HR policies pay overtime at time and one half of the hourly wage. All such expenses will be billed to the election project.

NEXT STEPS

Pending Council approval, the RO will begin the necessary work needed to meet the deadlines as per the NS Municipal Elections Act.

FINANCIAL IMPLICATIONS

As indicated in previous reports, it is estimated that traditional voting costs (paper ballot) for the 2024 Municipal election will be approximately 20-25% higher than costs incurred during the 2020 election. The projected balance in the Regional Elections Reserves on March 31, 2024, is \$50,000, of which \$42,837.12, has been awarded to Intelivote. Leaving a balance of \$7,162.88 remaining for other 2024 Election expenses.

Approval of additional costs (Returning Officer, Assistant Returning Officer, Printing, Hall Rentals, Poll Workers, etc.) associated with the 2024 Municipal and CSAP (Conseil scolaire acadien provincial) will be included in the upcoming 2024-25 Budget and something presented to Council through the Returning Officer (once appointed)

2020 Actual Municipal Election expenses were \$61,177.92. In November 2023 staff were advised to expect a 20-25% increase in traditional paper ballot costs associated with the upcoming 2024 elections. The exact costs are unknown at this time; however, staff have provided projected costs which account for a 25% increase. The following table compares costs associated with the 2020 Municipal election and projected costs associated with the 2024 elections.

	2019 Costs (Actuals)	2024 Costs (Projected)
Hall Rentals	\$5835.82	\$7,294.77
Signage	\$894.15	\$1,117.68
Poll Workers	\$20773.54	\$25,966.92
Advertising	\$4957.82	\$6,197.28
Poll Supplies	\$19444.84	\$24,306.05
Payroll Exp	\$9271.75	\$37,500.00 (incl RO)
Intelivote	\$0	\$42,837.12
Printers		\$3,000.00
Starlink	\$0	\$4,500.00
Tablets	\$0	\$13,000.00
Total	\$61,177.92	\$ 165,719.82

ALTERNATIVES

1. Council could choose not to support the recommendations, in which case Council will need to provide alternate direction to staff. This is not the staff's recommendation.

ATTACHMENTS

N/A

CHIEF ADMINISTRATIVE OFFICER REVIEW

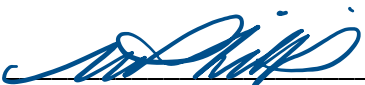
The recommendation and report is in keeping with the direction of Council. The expenses are an estimate at this time and trending higher than the previous election due to having both paper and electronic options for voters.

The timeline has been provided for Council's information with the first priority to appoint a returning officer.

I support the recommendation.

Report Prepared by: _____
Deanna Snair, Municipal Clerk

Report Reviewed by: _____
Carlee Rochon, Director Financial Services

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
February 13, 2024

BIRTHPLACE OF HOCKEY TOURNAMENT EXCERPT

The Birthplace of Hockey tournament will be hosted over March 8-10 for Under 11C, Under 13 and Under 15 C divisions and March 16-17 for the Under 9 divisions (all levels). Approximately 60 games will be played over the 2 weekends with approx. 650 children playing from all over Nova Scotia.

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

COUNCIL PROVIDE A \$1,500 IN KIND DONATION OF ICE RENTAL WAIVING OF FEE.

From: [Abraham Zebian](#)
To: [Deanna Snair](#)
Subject: Fwd: BOH - Information, Ice time & fees
Date: Friday, February 9, 2024 9:07:44 AM

From: Will Eisener
Date: January 30, 2024 at 1:44:23 PM AST **To:**
Abraham Zebian <AZebian@westhants.ca>
Subject: BOH - Information, Ice time & fees

Caution [External Email]

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

Ab, thanks for the great conversation. As requested here is some information on the Birth Place of Hockey Tournament and cost.

The Birthplace of Hockey tournament will be hosted over March 8-10 for Under 11C, Under13C and Under15 C divisions and March 16-17 for our Under 9 divisions (all levels). We will have approx. 60 games played over 2 weekends with approx. 650 children playing from all over Nova Scotia.

I can provide much more details if required.

Ice Time costs:

Age Group	Venue	Hours	Rate	Cost
U9 Weekend	Windsor	12	\$ 245.00	\$ 2,940.00
U9 Weekend	Brooklyn	12	\$ 240.00	\$ 2,880.00
U11, U13, U15 weekend	Windsor	21.5	\$ 245.00	\$ 5,267.50
U11, U13, U15 weekend	Brooklyn	16	\$ 240.00	\$ 3,840.00
Total ice cost				\$ 14,927.50

Other costs:

- Medals = \$3500

Ready bags for kids (power aid, bars etc...) = 1000

- Turf time open = X hours per weekend with someone to watch

William Eisener, Director of Fundraising

West Hants Minor Hockey Association

Fundraising@westhantswarriors.com

902-456-6252



Committee of the Whole Excerpts
February 13, 2024

INSURANCE RFP EXCERPT

During the 2023-24 budget deliberation meetings, staff were directed to engage a consultant to do a review of insurance across the Municipality (all operations) to be able to optimize insurance expenditures with the intention that an RFP be released in the next two months. Following this direction an external consultant was engaged to review the Municipality's current insurance policy and create the Request for Proposal document to be posted publicly on the Nova Scotia Procurement website. The current insurance policy was reviewed to ensure adequate and complete coverage resulting in a few suggested additions; Increased Deductible, Cyber Security Add on and Increased Capped value for Culverts Payouts.

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

COUNCIL APPROVES THE AWARD OF REQUEST FOR PROPOSALS TENDER #WHRMFS23-01 FOR GENERAL INSURANCE AND RISK MANAGEMENT SERVICES TO INTACT PUBLIC ENTITIES INC., IN PARTNERSHIP WITH BROKERLINK INC.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: West Hants Regional Municipality's Committee of the Whole

Submitted by: _____
Carlee Rochon, Director, Financial Services

Date: February 13, 2024

Subject: Insurance RFP Recommendation Report

LEGISLATIVE AUTHORITY

- Municipal Government Act (MGA)

RECOMMENDATION or DECISION REQUEST

Committee of the Whole recommends that . . .

. . . Council approves the award of Request for Proposals Tender #WHRMFS23-01 for General Insurance and Risk Management Services to Intact Public Entities Inc., in partnership with Brokerlink Inc.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☐
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During the 2023-24 budget deliberation meetings, Council approved the below motion:

Council direct staff to engage a consultant (if needed) to do a review of the insurance across the Municipality (across all operations) to be able to optimize insurance expenditures with the intention that an RFP be released in the next two months.

DISCUSSION

Following this direction from Council to release a public tender for insurance coverage, an external consultant was engaged to review the Municipality's current insurance policy and create the Request for Proposal document to be posted publicly on the Nova Scotia

Procurement website. Through this engagement our current insurance policy was reviewed to ensure adequate and complete coverage. And found no omissions in the current policy, but a few items were suggested from the consultant that were determined to be a benefit to the Municipal Insurance Policy. These items include:

- Increased Deductible
 - The consultant suggested we increase our deductible on assets such as buildings, allowing us to self insurance to a higher level, and hopefully reduce the insurance premium.
 - For these items the deductible was increased from \$5,000 to \$25,000.
- Cyber Security Addition
 - The Municipality's current policy does not include cyber security. This is something that has been in discussions with the IT Department for months and given the recent example of cyber threat in our area, this was added to our RFP documents.
 - This will give the Municipality added security should anything ever happen to our electronic files and databases.
- Increased Capped value for Culverts Payouts
 - After reviewing recent culvert damages, it was determined that an increase in capped value should be included in our insurance policy.
 - This capped value was increased from \$50,000 to \$100,000.

Once these decisions were made the consultant wrote the RFP documents, which were reviewed and posted by the Financial Services team.

Tendering Timeline:

April 25, 2023	Council Motion Approved
July 5, 2023	External Consultant Engaged
November 3, 2023	Tender Posted
December 14, 2023	Tender Closed
December 15, 2023	External Evaluator Engaged
April 1, 2024	New Contract to Begin

Throughout the tendering process, we received questions from several insurance brokerages and companies. However, in the end received only one submission. This was submitted by our currently insurer, Intact through Brokerlink.

Through our consultant we were provided with a firm to review insurance tenders and evaluate how well they meet the RFP request. Sigma Risk was engaged for this and provided a written evaluation, stating that the submitted bid meet our requests. Sigma Risk also provided a few notes for us to consider about the proposal.

Pricing Comparison

	Current Policy (including additions/removals since renewal date)	Proposed New Rates	Variance (New - Current)
General Liability	\$ 144,320.00	\$ 145,682.00	\$ 1,362.00
Errors & Omissions Liability	\$ 16,678.00	\$ 16,678.00	\$ -
Non-Owned Automobile Liability	\$ 407.00	\$ 407.00	\$ -
Environmental Liability	\$ 18,103.00	\$ 18,103.00	\$ -
Crime	\$ 2,991.00	\$ 2,991.00	\$ -
Board Members Accident	\$ 992.00	\$ 1,054.00	\$ 62.00
Conflict of Interest	\$ 849.00	\$ 849.00	\$ -
Legal Expense	\$ 8,780.00	\$ 8,857.00	\$ 77.00
Facility Users Program	\$ 3,100.00	\$ 3,100.00	\$ -
Property	\$ 220,464.00	\$ 323,032.00	\$ 102,568.00
Equipment Breakdown	\$ 12,443.00	\$ 10,185.00	\$ (2,258.00)
Owned Automobiles	\$ 85,002.00	\$ 102,132.00	\$ 17,130.00
Agency Fee (to Brokerlink)	\$ 12,723.90	\$ 15,826.75	\$ 3,102.85
Fee to NSFM	\$ 14,632.49	\$ 15,826.75	\$ 1,194.26
	\$ 541,485.39	\$ 664,723.50	\$ 123,238.11
	Percentage Increase in Proposal		22.76%

Important notes to keep in mind regarding the pricing breakdown above:

- The current policy column includes any additions or removals since our renewal date of April 1st, 2023 however the proposed new rates only include any additions or removals since the list was pulled in late October 2023.
 - This means that there will be additional costs added to the property, equipment, and vehicle lines that have not be captured here.
- Until we complete the full application for cyber security a quote can not be generated.
 - This means that there will be an additional expense for the proposed new rates related to the cyber security.
- This RFP submission defines a one (1) year term from April 1, 2024 to April 1, 2025. At this point, West Hants Regional Municipality has the option to do a simple rate renewal with this copy or retender for insurance in hopes of engaging additional companies.

NEXT STEPS

Should Council approve awarding this RFP to Intact Insurance, through Brokerlink, Brokerlink will be contacted to start the contract process and formalize the new policy.

FINANCIAL IMPLICATIONS

There are currently no financial implications for the 2023-24 budget year. However, with the increase in premium proposed in this bid, there will be increases to the operational budget, across all insurance accounts in the upcoming 2024-25 budget.

ALTERNATIVES

- Council could choose not to award the tender, and direct staff on how to proceed.

ATTACHMENTS

- Sigma Risk evaluation

CHIEF ADMINISTRATIVE OFFICER REVIEW

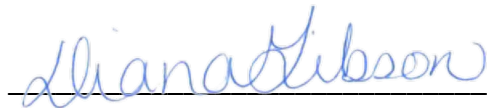
The report is a reflection on the level of thoroughness and detail applied to the review of the existing policy, modifications made to the insurance requirements of the municipality and the evaluation process.

As noted in the report, additional consulting services including Sigma Risk were engaged to evaluate the RFP and bid submission. As noted, there was one submission which is not preferred, however, Sigma Risk has provided comments on the quality of the bid as well as a comment regarding industry cost comparisons.

The term of the policy is one (1) year and set to expire in March of 2025. At this time premiums are expected to be revisited and provided by Intact. Alternatively, the municipality could re-post the RFP, that has been renewed and modernized this year, again next year to see if other insurance providers submit bids and /or see if insurance costs change. The one (1) year term provides the opportunity to synchronized fire services that have policies that do not expire at the same time as the municipality.

I support the recommendation.

Report Prepared by: _____



Diana Gibson, Manager, Accounting & Financial Reporting

Report Reviewed by: _____

Carlee Rochon, Director, Financial Services

Report Approved by: _____



Mark Phillips, Chief Administrative Officer

REGIONAL MUNICIPALITY OF WEST HANTS

INSURANCE TENDER | EVALUATION REPORT

Purpose

This report outlines our evaluation of the one proposal received in response to West Hants' RFP for insurance.

We were to evaluate the proposal in accordance with the evaluation scoring in the RFP.

The Proposal

The one proposal was received from an insurance broker (Brokerlink) but the proposal was not prepared by the broker, but rather by a managing general agent (Intact Public Entities or IPE) for the insurers (Intact, Munich Re, Lloyds and Liberty Mutual).

The brokers' covering letter notes that an additional 5% commission will be charged in addition to the proposal quotations. Again, this is unusual, not incorporated within the quote and its disclosure is rather nonchalant.

Evaluation

Our evaluation of the first three evaluation categories is as follows:

Item	Maximum	Awarded to IPE Proposal
Completeness	10	10
Experience, Security and Experience	20	20
Services	30	20
Total Points	60	50

Note that ten marks were deducted because the services, advice and loyalties of an insurance broker seem to be missing, not to mention the additional commissions. It seems more a "direct sales" model, i.e. directly with the sole agent of the insurer, not a registered insurance broker.

Otherwise, the proposal and its insurance and service offering are of very good technical quality.

Coverage

No material deficiencies in coverage were observed, except for the following:

1. Contractors equipment older than 5 years is insured only to its market value, not replacement cost new as specified. This is a prevailing condition in the current insurance marketplace for contractors equipment.
2. Three sublimits were imposed, viz:

Bylaws	\$10 million
Extra Expense	\$500,000
Newly Acquired Property	\$1 million

These sublimits would seem more than adequate to West Hants' needs.

We would suggest that both deviations are reasonable and acceptable.

Price

With one bid, price is still an issue, namely... is the price reasonable?

We benchmarked the general liability insurance rate inclusive of the 0.5% additional commission (0.36% of revenues) with two other of our Atlantic Canada municipal clients. The IPE quoted rate benchmarks closely.

Initially, the quoted property insurance rate (0.30%) appeared high to our expectations (0.20%),

We observed the following possible reasons:

1. West Hants' relatively poor property loss experience ($\approx 100\%$ loss ratio)
2. Significant wood construction
3. Appraisal services are included in the price.

The IPE proposal includes appraisal services for up to ten properties a year. Assuming IPE delivers on these promises, the value of these services is estimated at \$15-20,000, or about 5% of the property insurance premium. We have, however, often seen such proposal promises not delivered, even with prompting.

Summary

The IPE proposal was generally of a superior quality with reputable insurers, and with coverage compliance to West Hants' insurance specification.

The IPE price does not appear unreasonable.

We see no reason why the proposal should not be accepted.

Sigma Risk



Committee of the Whole Excerpts
February 13, 2024

LAND MATTER PID 45054707 EXCERPT

Motion as a result of In-Camera discussions.

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

STAFF BE DIRECTED TO NEGOTIATE WITH THE OWNERS OF PID 45054707 REGARDING THE PURCHASE OF A PORTION OF THAT PROPERTY AS DIRECTED IN-CAMERA.



Committee of the Whole Excerpts
February 13, 2024

WINDSOR HOCKEY HERITAGE CHANGE OF GRANT REQUEST EXCERPT

During the 2023 Grants and Contributions review process a Special Events Grant in the amount of \$1,750 for the Windsor Hockey Heritage Society to be used towards the costs associated with hosting the 2024 Long Pond Heritage Classic event was approved.

It was noted that due to circumstances beyond their control the 2024 Long Pond event would have to be cancelled resulting in a request to re-allocate the previously approved Special Event Grant Funding to support the Windsor Hockey Heritage fundraising dinner to be held in April 2024.

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

COUNCIL APPROVES THE CHANGE OF GRANT REQUEST FOR THE WINDSOR HOCKEY HERITAGE SOCIETY TO ALLOW THEM TO UTILIZE THE PREVIOUSLY APPROVED 2023 MUNICIPAL GRANT FOR THE WINDSOR HOCKEY HERITAGE SOCIETY FUNDRAISING DINNER TO BE HELD IN APRIL 2024.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: West Hants Regional Municipal Council
Submitted by: Kathy Kehoe, Director Community Development
Date: February 5, 2024
Subject: **Change of Grant Request**

LEGISLATIVE AUTHORITY

Municipal Government Act sections 65 and 273

RECOMMENDATION

Committee of the Whole approve the Change of Grant Request for the Windsor Hockey Heritage Society to allow them to utilize the previously approved 2023 Municipal Grant for the Windsor Hockey Heritage Society fundraising dinner to be held in April 2024.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☒	Economic ☒	Councillor Activity ☐
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During the 2023 Grants and Contributions review process West Hants Municipal Council approved a Special Events Grant in the amount of \$1,750 for the Windsor Hockey Heritage Society to be used towards the costs associated with hosting the 2024 Long Pond Heritage Classic event.

DISCUSSION

A Change of Grant Request was submitted by Dan Boyd, President, Windsor Hockey Heritage Society on January 23, 2024. It was noted that due to circumstances beyond their control the 2024 Long Pond event would have to be cancelled. The Windsor Hockey Heritage Society has requested permission to re-allocate the previously approved Special Event Grant Funding to support the Windsor Hockey Heritage fundraising dinner to be held in April 2024.

NEXT STEPS

N/A

FINANCIAL IMPLICATIONS

With the funds being awarded in 2023 as part of the Grants and Contributions process there is no impact on the operational budget with this request and potential approval.

ALTERNATIVES

Council can choose to not approve the change of grant request and request that the Windsor Hockey Heritage Society return the previously approved funding.

ATTACHMENTS

Windsor Hockey Heritage Society Change of Grant Request

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Kathy Kehoe, Director Community Development

Report Reviewed by: _____

Carlee Rochon, Director, Financial Services

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer



West Hants Regional Municipality
Change of Grant Request
Community Development Department

Name of organization or group asking for change:	<u>Windsor Hockey Heritage Society</u>
Contact Person Name:	<u>DAN BOYD</u>
Signature:	<u>[Signature]</u>
Phone #:	<u>902-798-2984</u>
E-mail address:	<u>DANSELLBOYD61@gmail.com</u>

I wish to change my original grant application. Please see details below:

see attached page.

Grant Change Request: Approve _____ Yes _____ No _____
More information required: _____
Date: _____

I would like for all council members to see a copy of this letter but I write today about the Windsor Hockey Heritage Society Grant which Council so kindly gave us in May of this past year in the amount of \$1750. It was designed to assist us with organizing our annual Long Pond Classic in 2024 which we have held numerous years since 2012 attracting a number of tourists as well as many local hockey enthusiasts.

It had to be postponed in February 23 because of the severe cold when wind chill dipped to -40 the first weekend in February. Now with the floods in the summer of 23, the road leading back to Long Pond has become practically impassable and requires substantial work forcing the cancellation of Our Classic in 2024.

We obviously recognize that we will have to refund the \$1750 unless council will permit us to use the funding to assist with a major fundraising dinner we are planning for Saturday April 20/24 at the Brooklyn Civic Centre. We will have at least 1 and potentially more. Bryan Trottier a 4 time Stanley Cup Winner with the New York Islanders is expected to be one of our prominent guests.

If council could consider our request, it would truly be appreciated.

Yours Truly

Dan Boyd
Windsor Hockey Heritage Society President



Committee of the Whole Excerpts
February 13, 2024

ZWICKER LAKE DECISION EXCERPT

The recent decision of the Judicial Review found WHRM and the permit applicant did not follow the process outlined in the LUB for non-permitted uses. It was noted that a better understanding of processes and procedures for adherence to land use regulations and bylaws for pre-existing uses and processes and procedures necessary to bring about changes of use where pre-existing land uses already exist.

WHRM incurred costs associated with the judicial review, there was value in having a detailed account of the costs associated with this file.

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

CAO BE DIRECTED TO ENGAGE STAFF TO PROVIDE COUNCIL WITH A SUMMARY OUTLINE OF THE TOTAL COST OF LEGAL SERVICES INCURRED BY THE WEST HANTS REGIONAL MUNICIPALITY RELATING TO THE ZWICKER LAKE PROPERTY LAND USE ISSUE FOR PERMIT D2023-019.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request	Councillor Activity ☒
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To: Committee of the Whole – West Hants Regional Municipality

Submitted by: **Jim Ivey, Councillor, Windsor South, District 11**

Date: December 12, 2023

Subject: Zwicker Lake - Decision Permit D2023-019

LEGISLATIVE AUTHORITY

Meeting and Committee Procedural Policy: Councillor Reports

RECOMMENDATION or DECISION REQUEST

CAO be directed to engage staff to provide Council with a summary outline of the total cost of legal services incurred by the West Hants Regional Municipality relating to the Zwicker Lake property land use issue for Permit D2023-019.

CAO be directed to engage staff to secure copies of the expenses incurred by the Zwicker Lake residents in the work undertaken for the judicial review by their lawyers and consultants, for reimbursement of their costs estimated to be circa \$21,000.

CAO be directed to engage staff to provide Council with the WHRM file of legal correspondence (for a future in-camera review) relating to the Zwicker Lake land use issue regarding Permit D2023-019.

Property ☒	Public Opinion ☒	Environment ☐	Social ☐	Economic ☒	Councillor Activity ☒
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BACKGROUND:

The issues surrounding land use permissions relative to the West Hants Regional Municipality's land use bylaws and zoning regulations surrounding Zwicker Lake has been raised in brief fashion on numerous occasions over the course of the last eighteen months to two years.

The conclusion reached from within the recent decision of the Judicial Review (decision January 10, 2024 attached), are noted and generally paraphrased from paragraphs 70, 71 and 72 as follows:

[70] ... in this case, the text of the Municipality's Land-Use By-Law, considered as a whole and in the context of the Act and the Municipal Planning Strategy, points overwhelmingly in favour of only one reasonable interpretation: that the intention of the Municipality was to limit outdoor recreational activities, including day camps like those being carried out by the club, to land zoned Water Supply and Open Space.

[71]...the decision to issue the development permit ... is not justified in relation to the relevant statutory constraints, it is unreasonable. The application for judicial review is granted, and the development permit is quashed.

[72]... Declining to remit a matter to the decision-maker may be appropriate where it becomes evident to the court, in the course of its review, that a particular outcome is inevitable and that remitting the case would therefore serve no useful purpose: Vavilov at para.142. For the reasons already outlined, the text of the Municipality's Land-Use By-Law leads inevitably to the conclusion that the club's day camps are not permitted use on its Zwicker Lake property. I exercise my discretion not to remit the matter to the Development Officer for redetermination.

DISCUSSION:

The purpose in putting this matter before Council is to ensure that we all understand the process and procedures for adherence to land use regulations and bylaws for pre-existing uses. Further, (perhaps better said), that we all understand the process and procedures necessary to bring about changes of use where pre-existing land uses already exist.

As noted within the Judicial Review, it appears we did not follow the pre-established regulations of the West Hants Municipality. It appears we took an advocacy position on behalf of a new-use -of-property regardless of the ensuing impact on the existing residents.

It should not have been necessary for members of the Upper Vaughan Community to have incurred almost \$21,000 in legal and consulting costs related to the judicial review. These are costs they incurred because we failed to follow our procedures. For the same reasons, West Hants has incurred costs yet to be determined.

As identified by the residents, no one sought to cease youth sports on Zwicker Lake. They only asked that the WHRM and the permit applicant follow the process outlined in the LUB for a non-permitted use, (development agreement or a zoning change, both of which would have required a public input process).

Two points on closing, paraphrased from within the letter received from Mr. Hardman's (signed on behalf of Mr. Hardman, Ms. Innes, Mr. Kehoe and Mr. Marriott) they ask that we all 'follow our processes carefully' and that our (by)laws be taken seriously.

NEXT STEPS

To Be Determined

FINANCIAL IMPLICATIONS

To be determined

ALTERNATIVES

To be determined

ATTACHMENTS:

CHIEF ADMINISTRATIVE OFFICER REVIEW

Councillor Ivey has provided a report with three recommendations that can be presented in the public forum. However, I would suggest that there are both legal and personnel related aspects of the report noted in the second and third recommendation that warrant in-camera discussions. A response to the first recommendation can be provided as it is administrative in nature as costs can be identified and shared if that is the wish of Council in response to this report. At the time comments were provided through the report (February 8, 2024) I have asked the solicitor to comment on what I anticipate to be the identified in-camera points for discussion. I will confirm with Council at the February 13th meeting.

I recommend that Council move to go in-camera to initiate discussions regarding the report.

Report Prepared by: **Jim Ivey, Councillor Windsor South, District 11**

Report Reviewed by: 
Mark Phillips, Chief Administrative Officer

SUPREME COURT OF NOVA SCOTIA

Citation: *Hardman v. West Hants (Municipality)*, 2024 NSSC 22

Date: 20240122

Docket: 522430

Registry: Kentville

Between:

Andrew Hardman, Debbie Innes, Mark Kehoe and Seamus Marriott

Applicants

v.

West Hants Regional Municipality and Pisiquid Canoe Club

Respondents

Judge: The Honourable Justice Gail L. Gatchalian

Heard: November 3, 2023, in Kentville, Nova Scotia

Counsel: Richard W. Norman, for the Applicants
John T. Shanks, for the Respondent Municipality
R. Michael MacKenzie, for the Respondent Pisiquid Canoe Club

By the Court:

Introduction

[1] Until 2022, the Pisiquid Canoe Club operated on Lake Pisiquid in Windsor, Nova Scotia. In 2022, Lake Pisiquid was drained under the terms of a federal Department of Fisheries order. In the spring of 2022, the Canoe Club bought property on Zwicker Lake. The property falls in the General Resource zone under the Land-Use By-Law of the West Hants Regional Municipality. The property had previously been used as a residential property. The Canoe Club wanted to carry out outdoor seasonal day camps on the property. This was a change in use, requiring the Canoe Club to obtain a development permit under the Land-Use By-Law. On February 6, 2023, the Municipality granted a development permit to the Canoe Club, which reads as follows:

...

Proposed Use: *Seasonal Daycamp*

Use Description: Operation of the noted PID's as a paddling club focused on athlete training, equipment storage *seasonal day camp* programming for youth athletes.

...

Conditions:

Development permit issued for change in use for *athletic Day Camps* & equipment storage related to non-profit community canoe club. ...

[emphasis added]

[2] The Applicants, Andrew Hardman, Debbie Innes, Mark Kehoe and Seamus Marriott, also own properties on Zwicker Lake. The Applicants filed an application for judicial review of the decision of the Municipality to issue the development permit to the Canoe Club. The Applicants say that the Land-Use By-Law prohibits the operation of outdoor recreational activities, such as the Canoe Club's day camps, on the property. They want the court to quash the development permit.

Standard of Review

[3] Reasonableness is presumed to be the applicable standard of review, and there is no basis for departing from that presumption in this case: *Canada v. Vavilov*, 2019 SCC 65 at paras.23, 33 and 53. The burden is on the Applicants to show that the Municipality's decision is unreasonable: *Vavilov* at para.100.

[4] In circumstances where reasons for an administrative decision are required and available, the decision must be: (a) based on reasoning that it is both rational and logical and (b) justified in light of the relevant factual and legal constraints: *Vavilov* at paras.78 and 101.

[5] Even in circumstances in which a decision-maker is not required to give reasons, the reviewing court must look to the record as a whole to understand the decision: *Vavilov* at para.137. If neither the record nor the larger context sheds light on the basis for the decision, the reviewing court must still examine the decision in light of the relevant constraints on the decision-maker in order to determine whether

the decision is reasonable: *Vavilov* at para.138.

The Record

[6] The decision to grant the development permit to the Canoe Club was made by the Municipality's Development Officer, Doug MacInnis. He did not provide reasons when he issued the development permit.

[7] The Municipality filed a 308-page record and a 61-page supplemental record in response to the application for judicial review. I also permitted the Municipality to supplement the record with an affidavit of Mr. MacInnis concerning past decisions of the Municipality: *Hardman v. West Hants (Municipality)*, 2023 NSSC 211. Mr. MacInnis was cross-examined on his affidavit. Further exhibits were entered into evidence at the hearing.

[8] The record shows why Mr. MacInnis made the decision to issue the development permit. After he granted the development permit, Mr. MacInnis provided the following reasons for his decision in an email to the Applicants dated February 23, 2023:

... The General Resource zone allows a wide range of community non-commercial activities. Pisaquid [sic] Canoe Club is governed by a local board registered under the Societies Act as a not for profit organization which carries out community activities not unlike a tennis club, or soccer club, or softball association which provides sporting and/or training activities to any community members who wish to register and participate for the programs offered. ...

[9] In his affidavit, Mr. MacInnis stated that his decision to issue the permit was based on the material from his file as well as his knowledge that the Municipality and its predecessors have always allowed day camps to take place in buildings that were

community centres within the definition the Land-Use By-Law, including at the Ellershouse Community Hall, the Ardoise Community Recreation Centre and the Centre Burlington Hall. Mr. MacInnis stated that each of these buildings is located in a zone that permits “churches, community centres and fire halls,” just as the General Resource zone allows.

The Position of the Parties

The Applicants

[10] The Applicants say that the decision to grant the development permit is unreasonable because, under the terms of the Land-Use By-Law, day camps are not listed as a permitted use on land zoned General Resource. The Applicants also rely on the fact that the term “day camp” only appears once in the Land-Use By-Law, in the definition of “Recreation Uses, Outdoor.”

[11] “Recreation Uses, Outdoor” is defined as:

... the use of land for parks, playgrounds, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, golf courses, driving ranges, picnic areas, outdoor swimming pools, *day camps*, and similar uses to the foregoing together with necessary and accessory buildings and structures but shall not include a track for the racing of animals, or any form of motorized vehicles.

[emphasis added]

[12] Recreation Uses, Outdoor is a permitted use only on land that is zoned Water Supply and Open Space.

The Municipality

[13] The Municipality says that Mr. MacInnis’ decision is based on his conclusion

that the Canoe Club meets the definition of “community centre.” “Community centre” is one of the permitted uses in the “General Resource” zone.

[14] The Land-Use By-Law defines “community centre” as follows:

any tract of land and the buildings thereon, the control of which is vested in the Municipality or local board or agent which is used for community activities and not used for commercial purposes ...

[Emphasis added]

[15] The Municipality says that Mr. MacInnis reasoned that day camps are permitted and customarily included in a community centre, and therefore that the Canoe Club is authorized to operate day camps. The Municipality also says that day camps are permitted as an “accessory use” to a community centre.

[16] Accessory Use is defined in the Land-Use By-Law as “a use ***subordinate in impact*** and naturally, customarily and normally ***incidental to*** and exclusively devoted to a ***main use*** of land or building and located on the same lot” [emphasis added].

Issues

[17] In order to determine whether the Applicants have discharged their burden to show that Mr. MacInnis’ decision to issue the permit was unreasonable, I will consider the following:

1. Whether the conclusion of Mr. MacInnis – that day camps are a permitted use on the property – follows from his analysis that the Canoe Club meets the definition of community centre.
2. Whether an interpretation of the Land-Use By-Law as allowing outdoor recreational activities on property zoned General Resource is justified in light of the governing statutory scheme and the principles of statutory interpretation,

in particular, the definition of “Recreational Uses, Outdoor, the definition of “community centre,” and the context in which “community centre” is used.

Internally Coherent Reasoning?

Legal Principles

[18] As a reviewing court, I must place Mr. MacInnis’ reasons first: *Vavilov* at para.84. I must examine the reasons he provided with “respectful attention” and seek to understand the reasoning process that Mr. MacInnis followed to arrive at his conclusion: *ibid*. I do not ask what decision I would have made in place of that of Mr. MacInnis, attempt to ascertain the “range” of possible conclusions that would have been open to him, conduct a *de novo* analysis or seek to determine the “correct” solution to the problem: *Vavilov* at para.83. I am not to make my own yardstick and then use that yardstick to measure what Mr. MacInnis did: *ibid*.

[19] The reasons of Mr. MacInnis should be read in light of the record and with due sensitivity to the administrative regime in which they were given: *Vavilov* at para.103. For example, I might consider the evidence before Mr. MacInnis, the submissions of the parties, publicly available policies or guidelines that informed his work, and past decisions of the Municipality: *Vavilov* at para.94.

[20] Reasonableness review is not a “line-by-line treasure hunt for error”: *Vavilov* at para.102. However, the reviewing court must be able to trace the decision-maker’s reasoning without encountering any fatal flaws in its overarching logic, and it must be satisfied that there is a line of analysis within the given reasons that could reasonably lead the decision-maker from the evidence before him to the conclusion at which he arrived: *ibid*.

[21] A decision will be unreasonable if the reasons for it, read holistically, fail to reveal a rational chain of analysis or if they reveal that the decision was based on an irrational chain of analysis: *Vavilov* at para.103. A decision will also be unreasonable where the conclusion reached cannot follow from the analysis undertaken, or if the reasons read in conjunction with the record do not make it possible to understand the decision-maker's reasoning on a critical point: *ibid*.

Review of Record

[22] I have reviewed and taken into account the entire record. However, I will only be referring to the most relevant portions of the record in these reasons.

Communication between Development Officer and Applicants

[23] There was a significant amount of communication between Mr. MacInnis and the Applicants concerning the proposed change in use of the Canoe Club's property, beginning as early as May of 2022, and continuing after Mr. MacInnis granted the permit.

[24] The Applicants took the position throughout that day camps were not a permitted use on the property, and that the Canoe Club did not meet the definition of community centre.

[25] At first, Mr. MacInnis and his superior, Madelyn LeMay, the Municipality's Director of Planning and Development, appeared to agree with the position of the Applicants.

August 3, 2022 Email from Ms. LeMay to Mr. MacInnis

[26] On August 3, 2022, Ms. LeMay emailed Mr. MacInnis, asking whether he had obtained a legal opinion regarding whether the term “community centre” includes the use of a sports organization that runs day camps. Ms. LeMay stated that Mr. MacInnis’ conclusion that the Canoe Club did not meet the definition of “community centre” was the reason that the Club was asked to apply for a by-law amendment. Ms. LeMay asked Mr. MacInnis to consider that day camps are included within the definition of Recreation Uses, Outdoor, which is listed as a permitted use only on property zoned Water Supply and Open Space.

August 5, 2022 Letter from Mr. MacInnis

[27] In a letter dated August 5, 2022 to the Canoe Club, Mr. MacInnis informed the Canoe Club that day camps were not a permitted use on the property and that the Canoe Club was in violation of the Land-Use By-Law.

August 8, 2022 Email from Director of Planning and Development

[28] In an email dated August 8, 2022 to Mr. MacInnis, Ms. LeMay suggested that the Canoe Club apply in writing for development permit for a community centre so that Mr. MacInnis could refuse it in writing.

August 18, 2022 Email from Mr. MacInnis

[29] However, on August 18, 2022, after receiving legal advice that the property met the definition of community centre, Mr. MacInnis directed the Canoe Club to apply for a permit for a change of use to day camps.

October 7, 2022 Email from Director of Planning and Development

[30] Ms. LeMay disagreed with Mr. MacInnis' approach. She emailed Mr. MacInnis on October 7, 2022, stating that the Canoe Club must first apply to use the property as a community centre and then apply for a separate permit to operate a day camp.

October 7, 2022 Email from Mr. MacInnis

[31] Later on October 7, 2022, Mr. MacInnis wrote to the Canoe Club, suggesting that the Club complete an application to use the property as a community centre and stating that he would then determine whether such a development permit could be issued.

November 2, 2022

[32] Approximately one month later, on November 2, 2022, Mr. MacInnis wrote to the Canoe Club, pointing out that he had not yet received an application for a development permit to operate a "not for profit community sports organization," and that he was passing the matter on to the Municipality's lawyer for legal action.

Application and Permit

[33] The Canoe Club eventually applied for a permit to authorize "[o]peration of the noted PID's as a paddling club focused on athlete training, equipment storage seasonal day camp programming for youth athletes."

[34] Ultimately, Mr. MacInnis granted the development permit, which authorizes the property to be used for seasonal day camps.

Conclusion re: Internally Coherent Reasoning

[35] There is a fatal flaw in Mr. MacInnis' reasoning process. According to his rationale, the Canoe Club is permitted to run a day camp because it meets the definition of a community centre. However, the Canoe Club did not apply for nor did Mr. MacInnis grant the Canoe Club a development permit to operate a community centre. In the absence of such a permit, the Canoe Club is prohibited from operating a community centre under the terms of the Land-Use By-Law. The Club cannot, therefore, operate a day camp on the property. The conclusion reached by Mr. MacInnis – that day camps are a permitted use on the property – cannot follow from his analysis.

Consistent with the Text, Context and Purpose of the Statutory Scheme?

Legal Principles

[36] In addition to the need for internally coherent reasoning, a decision, to be reasonable, must be justified in relation to the constellation of law and facts that are relevant to the decision: *Vavilov* at para.105. A number of elements will generally be relevant in evaluating whether a decision is reasonable: the governing statutory scheme, other relevant statutory or common law, the principles of statutory interpretation, the evidence before the decision-maker, the submissions of the parties, the past practices and decisions of the administrative body, and the potential impact of the decision on the individual to whom it applies: *Vavilov* at para.106.

[37] In this case, the most relevant constraints are the governing statutory scheme and the principles of statutory interpretation.

[38] Matters of statutory interpretation are also evaluated on a reasonableness

standard: *Vavilov* at para.115.

[39] On a question of statutory interpretation, I do not undertake a *de novo* analysis of the question or ask myself what the correct decision would have been: *Vavilov* at para.116.

[40] Administrative decision-makers are not required to engage in a formalistic statutory interpretation exercise: *Vavilov* at para.119. However, they are to interpret the contested provision in a manner consistent with the text, context and purpose of the provision: *ibid* at para.121. The decision-maker's responsibility is to discern meaning and legislative intent, not to "reverse-engineer" a desired outcome: *ibid*.

[41] If it is clear that the decision-maker may well, had it considered a key element of a statutory provision's text, context or purpose, have arrived at a different result, its failure to consider that element would be unreasonable: *Vavilov* at para.122.

Omissions are not stand-alone grounds for judicial intervention: the key question is whether the omitted aspect of the analysis causes the reviewing court to lose confidence in the outcome reached by the decision-maker: *ibid*.

[42] Even if my task is not to perform a *de novo* analysis or to determine the correct interpretation of a disputed provision, it may sometimes become clear that the interplay of text, context and purpose leaves room for a single reasonable interpretation of the statutory provision: *Vavilov* at para.124.

The Governing Statutory Scheme

The Municipal Government Act

[43] Municipal planning is governed by the *Municipal Government Act*, S.N.S. 1998, c.18.

[44] The purpose of the *Act* includes vesting municipalities such as the West Hants Regional Municipality with broad authority: see ss.2 and 9A of the *Act* and *Midtown Tavern & Grill Ltd. v. Nova Scotia (Utility and Review Board)*, 2006 NSCA 115 at para.33.

[45] The subjects of planning and development of land are dealt with in Part VIII of the *Act*. Under Part VIII, municipalities are given primary authority over planning: see s.190 of the *Act* and *Midtown Tavern & Grill* at para.34.

[46] Under the *Act*, a municipality must appoint a development officer to administer its land-use by-law [s.243(1)], a development permit must be obtained before any development is commenced [s.244(1)], and a development permit “shall” be issued for a proposed development if the development meets the requirements of the land-use by-law [s.246(1)].

The Municipal Planning Strategy

[47] A municipality must adopt a municipal planning strategy, and all land within a municipality must be the subject of a municipal planning strategy: ss.212(1) and (3) of the *Act*.

[48] Under s.213 of the *Act*, the purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the municipality.

[49] Section 9 of the Municipality’s Municipal Planning Strategy sets out the policy of the Municipality in relation to lands designated “Resource,” including lands zoned General Resource. Section 9.1 sets out the Municipality’s policy in relation to the General Resource zone. Policy 9.1.2 of the Municipal Planning Strategy provides as follows:

Policy 9.1.2 It shall be the policy of Council to permit in the General Resource (GR) zone uses such as: agricultural and agricultural support uses; forestry and forestry related uses; structures associated with sand and gravel extraction operations; single and two unit dwellings, manufactured homes; ***community and commercial uses which serve the local area such as community centres, churches, fire halls, restaurants, small retail stores, automobile service stations, farm equipment sales and personal service shops.***

[emphasis added]

The Land-Use By-Law

[50] Under s.219(1) of the *Act*, where a municipality adopts a municipal planning strategy that contains policies about regulating land use and development, it must, at the same time, adopt a land-use by-law that enables the policies to be carried out.

[51] A land-use by-law must divide the planning area into zones and list permitted or prohibited uses for each zone: s.220(1) and (2) of the *Act*.

[52] Section 2.4 of the Municipality’s Land-Use By-Law states that: (a) unless otherwise stated in the By-Law, no person shall use land without first obtaining a development permit from the development officer, and that (b) the development officer shall only issue a development permit in conformance with the By-Law.

[53] Section 4.4(a) of the Land-Use By-Law states that “any use not listed as a

permitted use in a zone *is prohibited* in that zone unless otherwise indicated”

[emphasis added]. Section 4.4(b) states that, “[w]here a permitted use within any zone is defined in this By-Law, the uses permitted in the zone include any *similar uses* that satisfy such definition except where a definition specifically excludes any similar use” [emphasis added].

[54] Section 5.1(g) of the Land-Use By-Law states that “[a]ccessory uses” shall be located on a lot held in the same ownership and: (i) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and (ii) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.

[55] Section 22.1 of the Land-Use By-Law states that “[t]he following uses shall be permitted in the General Resource (GR) zone.” Sixteen permitted uses are listed, including “Churches, community centres and fire halls.” Day camps are not listed as a permissible use in the General Resource zone.

[56] Section 35.1, the definition section of the Land-Use By-Law, states that “all words carry their customary meaning except for those words and phrases defined as follows...” Section 35.1 contains the definitions for the terms “Recreation Uses, Outdoor,” “Community Centre,” and “Accessory Use.”

Conclusion re: Consistency with Text, Context and Purpose of Governing Statutory Scheme

[57] The decision of Mr. MacInnis to issue a permit for the day camps proposed by the Canoe Club is not justified in light of the constraints imposed on him by the text

of the Land-Use By-Law considered as a whole and in the context of the *Act* and the Municipal Planning Strategy. In coming to this conclusion, I have not undertaken a *de novo* analysis or asked myself what the correct decision would have been. Rather, I have asked myself whether the merits of Mr. MacInnis’ decision are consistent with the text, context and purpose of the relevant statutory provisions.

[58] While it is true that, under the *Act*, the Municipality is given broad authority, the role of the Municipality’s Development Officer within the governing statutory scheme is quite strictly constrained: see *Entertainment Software Association v. Society Composers*, 2020 FCA 100 at para.33, appeal dismissed, 2022 SCC 30. No person shall use land without first obtaining a development permit from the development officer. The development officer *must* issue a development permit for a proposed development *if* the development meets the requirements of the Land-Use By-Law. He may *only* issue a development permit in conformance with the Land-Use By-Law. A land-use by-law *must* list permitted or prohibited uses for each zone. Any use not listed as a permitted use in a zone is *prohibited* in that zone unless otherwise indicated.

[59] The specific reference to the term “day camp” in the definition of Recreation Uses, Outdoor in the Land-Use By-Law, and the absence of that term anywhere else in the By-Law, strongly suggests that the Municipality intended that outdoor recreational activities such as the day camps run by the Canoe Club would only be allowed in zones with Recreation Uses, Outdoor listed as a permitted use.

[60] My conclusion is supported by the fact that the definition of Recreation Uses, Outdoor includes “similar uses” to those uses listed, which include the use of land for

tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, golf courses, driving ranges, and outdoor swimming pools. As recognized by Mr. MacInnis in his February 23, 2023 email, the Canoe Club carries out community activities not unlike a tennis club, or soccer club, or softball association that provides sporting and/or training activities. The Canoe Club's outdoor day camps clearly fall within the definition of Recreation Uses, Outdoor.

[61] The question is whether there is another reasonable interpretation of the Land-Use By-Law, that is, whether outdoor day camps are also permitted to be carried out by a community centre.

[62] In my view, Mr. MacInnis' interpretation of "community centre" as encompassing the outdoor day camps proposed by the Canoe Club fails to consider the words used in the definition of "community centre" and the context within which the term "community centre" is used in the Municipal Planning Strategy and within the Land-Use By-Law.

[63] The definition of community centre in the Land-Use By-Law is "any tract of land **and** the buildings thereon..." [emphasis added], suggesting that the activities of a community centre are operated out of a building and cannot be exclusively outdoor activities. This alone might not be sufficient to render the decision of Mr. MacInnis unreasonable. However, when the entire context is considered, I lose confidence in the outcome reached by Mr. MacInnis. In the Municipal Planning Strategy and the Land-Use By-Law, "community centre" is used in a manner that strongly suggest that it is an indoor use or operated out of a building, and that it does not refer to recreational activities that are solely conducted outside.

[64] In Policy 9.1.2 of the Municipal Planning Strategy, which describes the types of uses permitted in the General Resource zone, community centres are listed along with churches, fire halls, restaurants, small retail stores, automobile service stations, farm equipment sales and personal service shops as examples of “community and commercial uses.” All of these examples operate out of a building.

[65] In the Land-Use By-Law, “community centre” is not listed by itself as a permitted use in the General Resource Zone. Rather, the permitted use is worded as “Churches, community centres and fire halls.” Churches and fire halls are buildings.

[66] In the “Rural Residential” zone, one of the permitted uses is “[e]xisting churches, community centres, fire halls, schools and post offices,” all buildings. In the “Manufactured Home Park” zone, the Land-Use By-Law refers to “indoor recreational uses *such as community or recreation centres*” [emphasis added]. In the “Agricultural Priority Two” and “Agricultural Priority Three” zones, the Land-Use By-Law sets out the maximum height of the main building for “Dwellings, Churches, Community Centres, Fire Halls.” In the Institutional zone, community centres are listed as a permissible use along with 14 other uses that appear to involve a building, for example, churches, colleges and indoor recreation uses.

[67] Mr. MacInnis appears to have focussed only on part of the definition of community centre, and to have failed to consider the words “and the buildings thereon” in the definition as well as other key elements of the text, context and purpose of the relevant statutory provisions.

[68] It was therefore unreasonable for Mr. MacInnis to find that the day camps proposed by the Canoe Club fall within the definition of “community centre” and that

they are therefore a permitted use on the Club's Zwicker Lake property.

[69] Although not necessary, I will address the argument of the Municipality that the proposed day camps are an "accessory use" to a community centre. Even if the Canoe Club met the definition of "community centre," the proposed day camps would not be a use subordinate in impact to the community centre purportedly operated by the Canoe Club. The proposed day camps are not incidental to a main use. The day camps are the main use.

Conclusion

[70] Multiple legal and factual constraints may bear on a given administrative decision, and these constraints may interact with one another: *Vavilov* at para.194. In some case, a failure to justify the decision against any one relevant constraint may be sufficient to cause the reviewing court to lose confidence in the reasonableness of the decision: *ibid*. In this case, the text of the Municipality's Land-Use By-Law, considered as a whole and in the context of the *Act* and the Municipal Planning Strategy, points overwhelmingly in favour of only one reasonable interpretation: that the intention of the Municipality was to limit outdoor recreational activities, including day camps like those being carried out by the Canoe Club, to land zoned Water Supply and Open Space.

[71] As Mr. MacInnis' decision to issue the development permit to the Canoe Club is not justified in relation to the relevant statutory constraints, it is unreasonable. The application for judicial review is granted, and the development permit is quashed.

Remedy

[72] Declining to remit a matter to the decision-maker may be appropriate where it becomes evident to the court, in the course of its review, that a particular outcome is inevitable and that remitting the case would therefore serve no useful purpose: *Vavilov* at para.142. For the reasons already outlined, the text of the Municipality's Land-Use By-Law leads inevitably to the conclusion that the Canoe Club's day camps are not a permitted use on its Zwicker Lake property. I exercise my discretion not to remit the matter to the Development Officer for redetermination.

Gatchalian, J.

Correspondence sent from Andrew Hardman to Council Jan 23, 2024:

Andrew Hardman
PublicOnlyCouncilEmail
Seamus Marriott; Mark Kehoe; Debbie Innes
Supreme Court Decision re Permit D2023-019
Tuesday, January 23, 2024 2:09:16 PM
2024 NSSC 22 Harman et al.pdf
WHRM Permit D2023-019, Feb 6, 2023.pdf
Caution [External Email]

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

Hello Councillors:

We are attaching a copy of the recent decision of the Supreme Court of Nova Scotia. The decision refers to a judicial review requested of a permit issued by the WHRM to permit "Seasonal Daycamps (sic)" to operate in the General Resource zone. (Permit #D2023-019)

The reason that we are sending you a copy of the decision is that we do not have faith in our administrative staff to be forthright. We have seen, during council sessions, that information on this subject has been withheld and there seemed to be a good amount of gaslighting taking place.

The Court's decision, in summary, says:

1. The logic involved in reaching the decision to issue the permit did not track as coherent reasoning.
2. The decision to issue the permit did not conform to the land use bylaws.

We would like to note here that the Director of Planning and Development, at the time, did not agree with issuing a permit for “Seasonal Daycamps (sic)” since they would be an accessory use to a community center. No permit for a community center had been issued. The development permit applicant simply claimed that the property was a community center because of their organizational structure.

The Director of Planning and Development has said in the past that “...change of ownership or tenancy does not change the use of a property....” The property was, and still is, residential. No other permits have been issued other than a permit to store equipment.

It is worth noting that the development permit for “Seasonal Daycamps” was applied for on February 2, 2023, and issued on February 6, 2023. Just a few days after (we believe) the Director of Planning and Development retired.

Members of the Upper Vaughan Community have incurred almost \$21,000 in legal and consulting costs related to this judicial review. That is, costs that we should not have had to incur if our municipal staff had been doing their jobs properly. Jobs that we already pay for through our taxes. The WHRM will also have had legal and other costs in this court case. Costs that the taxpayers of WHRM will have to cover. If we had to estimate, the cost to the taxpayers will be well over \$50,000.

We want to be clear. No one has ever sought to cease youth sports on Zwicker Lake. Since early 2022, the only thing that we have asked is that the WHRM and the permit applicant follow the process outlined in the LUB for a non-permitted use. That is either a Development Agreement or a Zoning change. Both of which would require a public input process.

Instead, the WHRM and the permit applicant seem to have taken an approach that appears to be entitled and have disregarded our bylaws. The bylaws have been developed by the citizens of WHRM. By past and present Councils. If we were Councillors, we would be offended by the disregard for the hard work of past and present Councils.

We trust that no costly appeal will be mounted by WHRM. We trust that Council will give firm direction to the administrative staff to follow the process carefully. We trust that you will be aware if there is more gaslighting during your Council sessions. We trust that you will ask tough questions and demand answers. We trust that you will demand that our laws be taken seriously.

We would be glad to make available all the material we have related to this Judicial Review. It includes:

1. Permits
2. FOIPOP
3. WHRM Communication Record
4. WHRM Supplemental Communication Record
5. Motions and letters
6. Lawyers’ briefs
7. Summary of costs
8. NS Supreme Court Decision

Sincerely,

Andrew Hardman
Debbie Innes
Mark Kehoe
Seamus Marriott



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: February 27, 2024

Subject: WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone; File #23-45A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205.

RECOMMENDATION

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

...that Council gives First Reading and will hold a Public Hearing to consider amending the text of the West Hants Municipal Planning Strategy and West Hants Land Use By-law as shown in Attachment B of the report #23-45 to the Planning and Heritage Advisory Committee dated February 8, 2024.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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An application was received from Andrea Parker, on behalf of *August 16 Developments*, on November 24, 2023. *August 16 Developments* purchased the former Kempt United Baptist Church with the intention of repurposing the building to include 5 residential units at 20 Musgrave Road in Summerville. The property is located within the Hamlet designation. Hamlets are intended to provide limited residential density. With the divestment of some churches in rural communities, an opportunity to repurpose these buildings for residential uses could be a

reasonable balance that would allow slightly more density than currently permitted under the Rural Residential (R-4) zone, while still maintaining the rural character of the Hamlet communities.

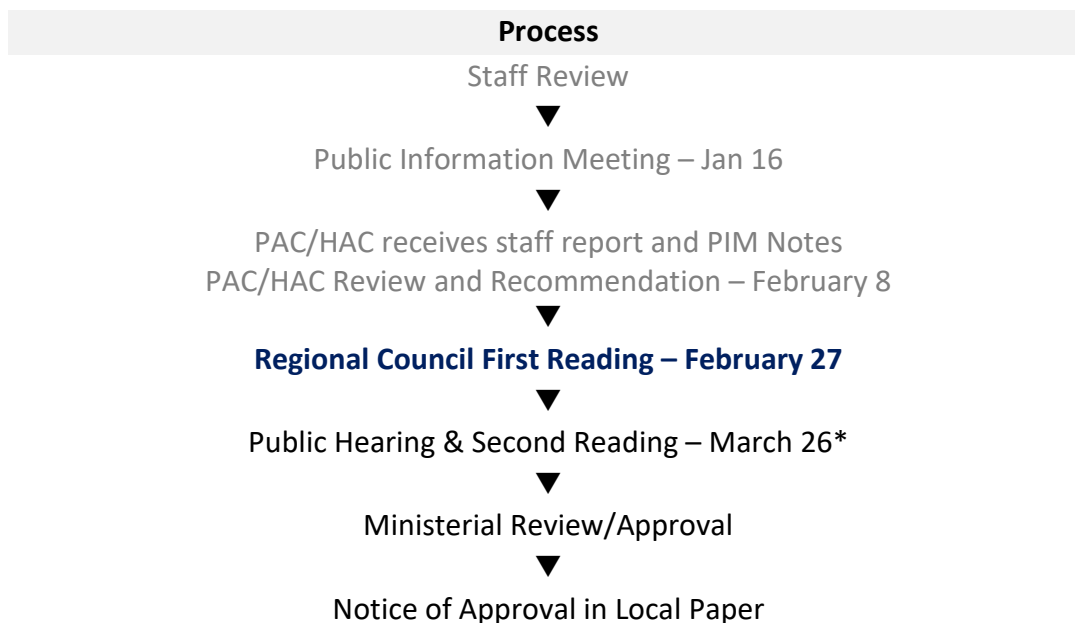
A Public Information Meeting was held on January 16, 2024.

On February 8, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The proposed general text amendments would enable the conversion of former churches within the Rural Residential (R-4) zone to include up to 5 residential units, provided most of the building's form is maintained.

At this meeting the Committee discussed how notifications to other properties could be improved and how the proposed amendments provided for the creative reuse of this building in Summerville and sets up the potential for others. The PAC/HAC recommended in favour of the text amendments at this meeting.

NEXT STEPS

The process for this application is as follows.



*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 amendments as drafted;
- consider the application through the creation of a specific policy and DA process; or
- provide alternative direction, such as requesting further information on a specific topic

APPENDICIES

Appendix A 2024-02-08 Staff Report – WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone; File #23-45

CHIEF ADMINISTRATIVE OFFICER REVIEW

CAO comments may follow.

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 – 2024-02-08 Staff Report WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone; File #23-45**



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: February 8, 2024

Subject: WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone File #23-45

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

To enable the repurposing of the former church at 20 Musgrave Road, Summerville to permit 5 residential units, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Municipal Planning Strategy and West Hants Land Use By-law as shown in Attachment B of the report #23-45 to the Planning and Heritage Advisory Committee dated February 8, 2024.

BACKGROUND

An application was received from Andrea Parker, on behalf of *August 16 Developments*, on November 24, 2023. *August 16 Developments* own the property at 20 Musgrave Road in Summerville, the former Kempt United Baptist Church. The applicants purchased the former church with the intention of repurposing the building to include 5 residential units and to maintain a space in the lower level of the building as community space, which may be used for continued church service or other events.

The property's zoning does not permit more than 2 residential units as-of-right. Staff explored alternatives within the West Hants Municipal Planning Strategy (WHMPS) including the options

for rezoning or a development agreement but did not find any suitable mechanisms to enable the conversion of this structure to include 5 units. The property is within the Hamlet designation. Hamlets are intended to provide limited residential density. It was recognised that with the divestment of churches, an opportunity to repurpose these buildings could be a reasonable policy exception to permit slightly more residential density than currently allowed under the Rural Residential (R-4) zone, while still maintaining the rural character of the Hamlet communities.

DISCUSSION

The subject lot (PID 45207792) is approximately 53,830 sq. ft. or approximately 1.23 acres in size with approximately 197 ft. (60 m.) of road frontage. The lot is currently designated Hamlet on the Generalized Future Land Use Map (GFLUM) of the WHMPS (*Figure 1*). The subject lot is zoned Rural Residential (R-4) on Schedule A of the West Hants Land Use By-law (WHLUB) (*Figure 2*).

Approximately 7 other churches exist within the designated Hamlets. All of these are zoned Rural Residential (R-4). Staff believe a text amendment to the Rural Residential (R-4) zone to permit up to 5 residential units would be a reasonable level of density and provide for the creative repurposing of former churches. Many of these existing churches are often large enough to be split into more than 2 residential units and already include several parking spaces and road access that could support up to 5 residential units.

Surrounding Context

All properties surrounding the subject lot are also within the Rural Residential (R-4) zone and within either the Hamlet or Community Use designations. Some of the surrounding properties are vacant or include low-density single unit dwellings. Two significant community landmarks are on the opposite side of the street, including the Summerville Fire Hall, and Summerville Elementary school. The subject lot is positioned in the centre of the community with close access to a variety of community amenities.

Many of the other churches within the Rural Residential (R-4) zone are located on main roads. If the proposed amendments are approved, the ability would also apply to these properties without the site-specific review of a planning application. However, staff believe that the historic use and nature of these properties would support the conversion of up to 5 residential units without creating land use compatibility issues as these churches are often on larger properties with sufficient parking and a history of community use.

West Hants Municipal Planning Strategy

Section 7 of the WHMPS describes the Council's intention with the 11 designated Hamlets. These rural communities often include low density residential, and a mixture of community amenities and landmarks including schools, fire halls, community halls, parks, and rural services and occasional commercial or industrial uses. The current and former churches within these communities have historic importance or relevance and if they are sold, staff believe it is important to support their re-use as residential which may help preserve the structures and

ensure their community presence is maintained. Staff believe that it is reasonable to permit the conversion of these building to a limited scale of residential development that re-uses the buildings to a density that still maintains the rural character of the designated Hamlets.

For clarity, staff are proposing the following wording be added to Policy 7.1.4 to support the ability to repurpose churches for residential re-use. The specific amendments to the WHMPS can be found in Appendix B.

Policy 7.1.4 *It shall be the policy of Council not to permit multiple unit residential development in Hamlets, except as provided in Policy 7.1.3 and within repurposed churches in the Rural Residential (R-4) zone.*

West Hants Land Use By-law

The Rural Residential (R-4) zone of the WHLUB also requires amendments to add the land use to the list of permitted uses. These text changes are illustrated in Attachment B. The proposed text amendments add “**Former churches to include up to 5 residential units**” to the list of permitted uses in the Rural Residential (R-4) zone and clarifies that new windows, doors and minor extensions can be constructed to enable up to 5 residential units within a former church building.

West Hants Municipal Planning Strategy - General Criteria

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

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated;
- adequate schools and fire protection services are available; and
- no concerns with the suitability of the site or the pattern of development the proposal might create.

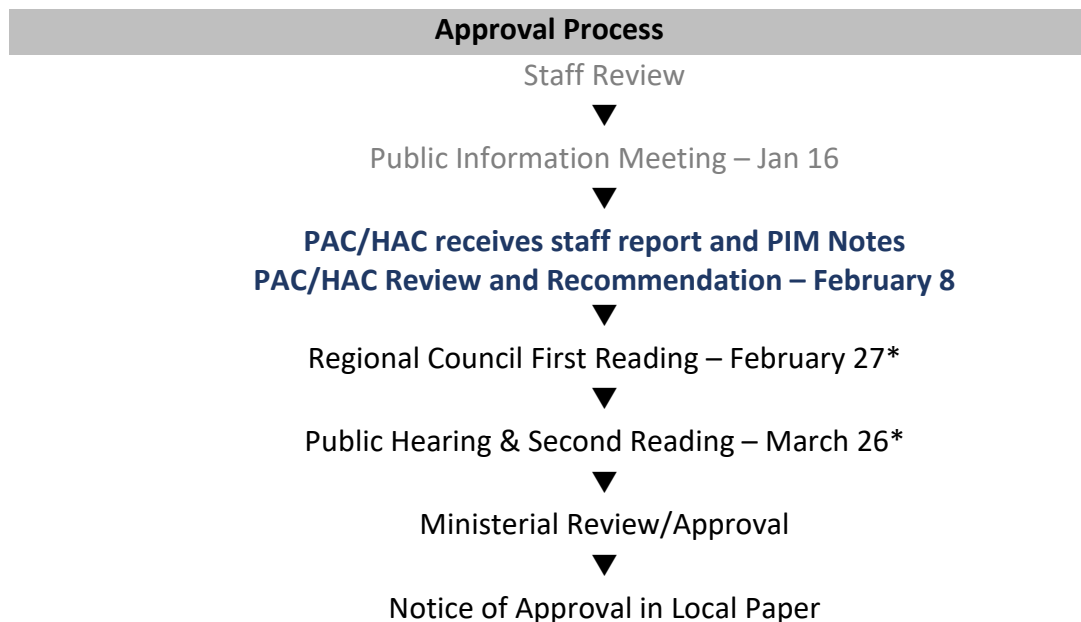
MUNICIPAL CLIMATE CHANGE ACTION PLAN

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. The subject lot also has a low risk shown on the Seawater Intrusion Vulnerability map.

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

NEXT STEPS

As noted above, the proposed text amendments have been considered within the context of both the specific Hamlet policies and general amendment policies of the WHMPS and are consistent with the intent, objectives, and policies of the WHMPS. The proposed text amendments meet the general criteria for amendments to the WHLUB or WHMPS. As a result, it is reasonable to permit the requested changes to allow up to 5 residential units to locate within former church buildings in the Rural Residential (R-4) zone.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC;
- consider the application through the creation of a specific policy and DA process; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1 West Hants GFLUM Extract

Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Zoning Map Extract – churches within Hamlets
Attachment A	Policy Summary for WHLUB Amendments
Attachment B	Proposed Text Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Mark Fredericks, Senior Planner

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

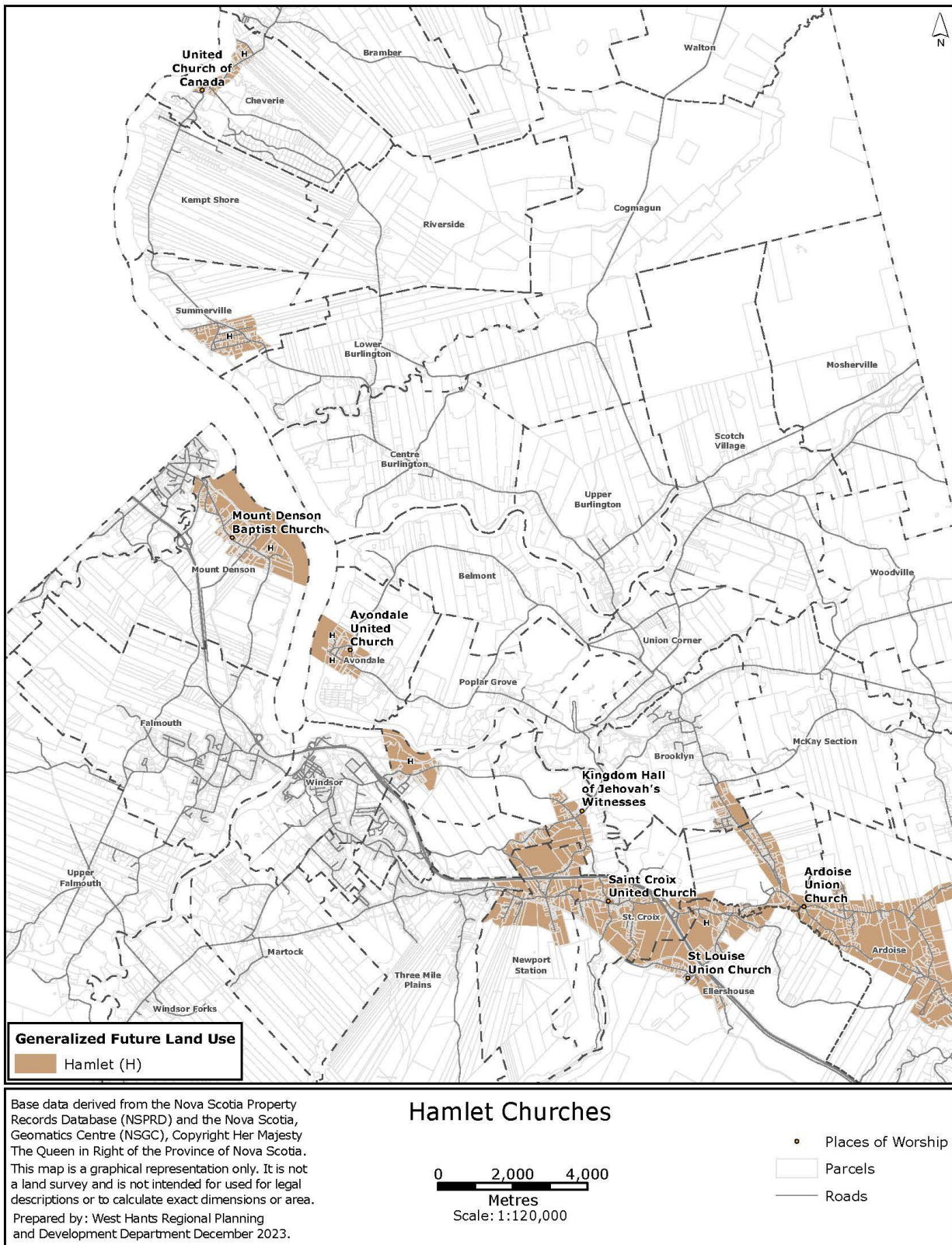
Figure 1 - West Hants GFLUM Extract



Figure 2 - West Hants Zoning Map Extract



Figure 3 - West Hants Zoning Map Extract – Churches within Hamlets



Attachment A - Policy Summary for WHLUB Amendments

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

<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	No central sewer or water services are available in this community or the other designated Hamlets. The subject property has adequate lot area to meet the minimum standard for un-serviced lots. This indicates the lot should be capable of accommodating an on-site well and septic system to service up to 5 residential units. The existing on-site systems may be adequate or may require upgrades, but these details are determined at the time of permitting, with the approval coming from Nova Scotia Department of Environment and Climate Change who has jurisdiction over septic systems and wells. For any other property, the owners will have to determine the suitability of water and sewer services during the permitting process.
<i>(ii) the adequacy of school facilities;</i>	Summerville Elementary School is located across the street from the subject property. The proposed building is intended to provide housing for seniors, but if young families were to live here, 5 units represents a small potential increase in school population which is expected to be accommodated by local schools.
<i>(iii) The adequacy of fire protection and other emergency services;</i>	The Summerville Fire Department is immediately across the street from the subject property.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Provincial Department of Public Works (DPW) indicated the surrounding road network was adequate for the proposed residential use. They have also confirmed that the existing driveways

	are adequate and appropriate for the proposed use. Other properties would be checked at the permitting stage.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on site sewage disposal system;</i>	See 16.3.1 (a) (i) above.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Provincial DPW indicated they had no concerns with the suitability of the proposed development for automobiles or pedestrians. Generally, in Hamlets there are limited to no sidewalk infrastructure. Suitability for other properties would be considered at the permitting stage.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The shape of the lot is a rectangle, and similar to the surrounding residential lots and presents no concerns for the proposed use.
<i>(e) the pattern of development which the proposal might create;</i>	The arrangement of properties in this area would be consistent with typical rural residential lots, and changing from a church to 5 residential units should not create any unusual development patterns, as the site has a history of community use, and adequate parking.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i>	The site and surrounding area appear suitable for the proposed residential development. No concerns with grade or soil conditions as the amendments will apply to existing structures, the site conditions are established.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other</i>	All Municipal, Provincial, and Federal regulations will have to be met.

<i>relevant municipal by laws and regulations; and</i>	
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Proposed Text Amendments

Note: red text indicates a change from the present WHLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Text amendments to section 11.0 in the West Hants Land Use By-law to allow churches to be converted into a residential use, with up to 5 residential units.

11.0 RURAL RESIDENTIAL (R-4)

Permitted Uses

11.1 The following uses shall be permitted in the Rural Residential (R-4) zone:

- Existing churches, community centres, fire halls, schools and post offices
- Manufactured homes
- Seasonal dwellings subject to the GR zone requirements
- Single and two-unit dwellings
- Former churches to include up to 5 residential units

R-4 Zone General Requirements

11.2 In the R-4 zone, no development permit shall be issued except in conformity with the following:

		Single unit and seasonal dwellings, manufactured homes	Two units	Other uses
Minimum lot area		29,000 ft ² (2,694.10 m ²)	29,000 ft ² (2,694.10 m ²)/unit	40,000 ft ² (3,716.00 m ²)
Minimum lot frontage		100 ft (30.48 m)	100 ft (30.48 m)/unit	100 ft (30.48 m)
Minimum front yard		25 ft (7.62 m)		
Minimum rear yard		25 ft (7.62 m)		
Minimum side yard	one side	6 ft (1.83 m)		
	other side	10 ft (3.05 m)		
Maximum height of main building		35 ft (10.67 m)		

11.3 When a church is repurposed, the majority of the building form shall be maintained, with opportunity for alternate window and door alterations and architecturally compatible expansions to accommodate up to 5 residential units.

Note: red text indicates a change from the present WH LUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Text amendments to section 7.0 in the West Hants Municipal Planning Strategy to allow churches to be converted into a residential use, with up to 5 residential units within the Rural Residential (R-4) zone.

Policy 7.1.4 It shall be the policy of Council not to permit multiple unit residential development in Hamlets, except as provided in Policy 7.1.3 and within repurposed churches in the Rural Residential (R4) zone.

Attachment C - Public Information Meeting Notes

January 16 – 30, 2024

WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone;
File #23-45

Meeting date and time	A Public Information Meeting was held on January 16, 2024 beginning at 6 p.m. in Council Chambers, 76 Morison Drive in Windsor.
Attending	In attendance: • Mayor Zebian • Senior Planner, Mark Fredericks • Planner, Alex Dunphy • Director of Planning and Development, Sara Poirier • Planning Administrative Assistant, Vanessa Lake • Chief Administrative Officer, Mark Phillips • 11 members of the public
WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone Origin: 20 Musgrave Road, Summerville.	Planner Fredericks outlined the request and described the general amendments to permit repurposing of churches within the Hamlet designation. The general text amendments originated from the new owner of the former Kempt United Baptist Church in Summerville. Andrea Parker and Jermey Parker made a presentation describing their intention with the building, including the conversion of the church to 5 residential units, maintaining a community/church space within the building, and providing transportation for weekly trips to Windsor for tenants, energy efficiency and the desire to keep seniors living in their community.
Comments	No comments were made during the Public Information Meeting or following the meeting.
Adjournment	The meeting adjourned at 6:19 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: February 27, 2024

Subject: Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382, Payzant Drive; File # 23-04A

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 allow up to 280 units within grouped multi-unit apartment buildings and 18 townhouse units on PIDs 45053030, 45343878, 45343894, and 45234382 Payzant Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-04 to the Planning and Heritage Advisory Committee dated February 8, 2024.

...that Council requires that the development agreement with Abraham Zebian on behalf of 3324482 NOVA SCOTIA LIMITED for PIDs 45053030, 45343878, 45343894, and 45234382 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	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐
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	Opinion ☐				
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An application was received from Noel Taiani of Parsons Green Developments on behalf of the property owner 3324482 NOVA SCOTIA LIMITED on March 15, 2023. The application was to allow a proposed development including a total of 280 apartment units, across 4 multiple-unit apartment buildings and 18 townhouse units grouped on the subject lots by development agreement. Abraham Zebian is the President of 3324482 NOVA SCOTIA LIMITED.

DISCUSSION

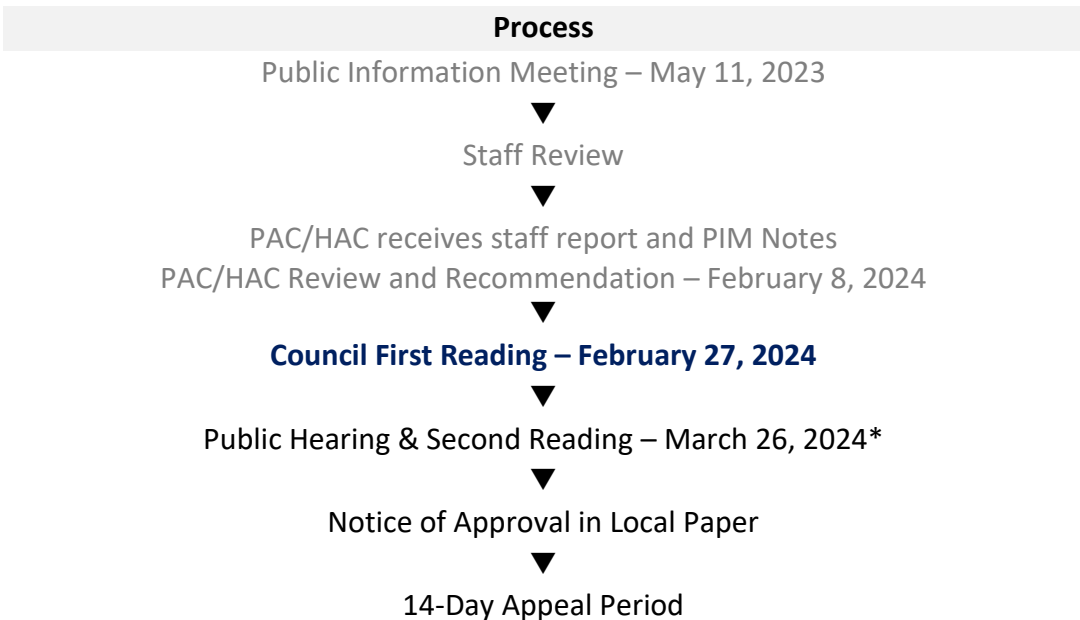
A Public Information Meeting was held on May 11, 2023.

On February 8, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed reduced yard requirements, proposed driveway access, the timeline for the road extension completion, the existing watercourse, and the Traffic Impact Study (TIS). Staff have included that TIS as Appendix B in this report. The Traffic Authority indicated that there were no concerns regarding the contents of the TIS.

During the February 8 meeting, PAC/HAC recommended in favour of the application.

NEXT STEPS

The process for this application is as follows:



FINANCIAL IMPLICATIONS

A road extension of Payzant Drive would be required in order to service this proposed development. The developer will be required to construct the extension of Payzant Drive and all associated infrastructure to the extent of the frontage of the subject lots. Separately, during the June 27, 2023 Council meeting, Council directed staff to begin the process of designing the Payzant Drive to King Street connection. Any connection outside of what would be constructed by the developer to provide frontage and access to this development would be a cost to the Municipality.

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	2024-02-08 Staff Report - Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382, Payzant Drive; File # 23-04
Appendix B	2023-07-26 Traffic Impact Study – Payzant Drive Development

CHIEF ADMINISTRATIVE OFFICER REVIEW

CAO comments to follow.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

**Appendix A –
2024-02-08 Staff Report - Development Agreement: PIDs 45053030, 45343878, 45343894, and
45234382, Payzant Drive; File # 23-04**



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Alex Dunphy, Planner

Date: February 8, 2024

Subject: Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382, Payzant Drive; File # 23-04

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

To allow the requested development, 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 up to 280 units within grouped multi-unit apartment buildings and 18 townhouse units on PIDs 45053030, 45343878, 45343894, and 45234382 Payzant Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-04 to the Planning and Heritage Advisory Committee dated February 8, 2024.

...that PAC/HAC recommends that Council require that the development agreement with Abraham Zebian on behalf of 3324482 NOVA SCOTIA LIMITED for PIDs 45053030, 45343878, 45343894, and 45234382 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 ☐
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An application was received from Noel Taiani of Parsons Green Developments on behalf of the property owner 3324482 NOVA SCOTIA LIMITED on March 15, 2023. The application was to allow a proposed development including a total of 280 apartment units, across 4 multiple-unit apartment buildings and 18 townhouse units grouped on the subject lots by development agreement. Abraham Zebian is the President of 3324482 NOVA SCOTIA LIMITED.

DISCUSSION

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

Surrounding Context

Properties surrounding the subject lots are primarily designated Residential and Community Use. The properties designated Residential range in zoning from Single Unit Residential (R-1) to High Density Residential (R-4) and Agriculture (AG). Properties designated Community Use are zoned either Institutional (I) or Open Space (OS). The Avon View High School is located east of the subject lots. The Windsor Baptist Church and two-unit residential dwellings are located north of the subject lots. King Street is located south and west of the subject lots.

Payzant Drive Extension

Staff have been in discussions with the Public Works Engineering Division regarding the required road extension to Payzant Drive in order to service this proposed development. The developer will be required to construct the extension of Payzant Drive to the extent of the frontage of the subject lots. This process has overlapped with the consideration for a connection from Payzant Drive to King Street to provide improved access to the uses currently on Payzant Drive. Work has begun on the design of the connection to King Street and may require a small portion of the land on which the proposed development is sited. This portion of land has been captured in the draft development agreement through a road reserve, which if deemed unnecessary for the connection to King Street, will allow the developer to develop on the road reserve as normal.

Municipal Planning Strategy Document Review

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

- the proposed development is generally consistent with the High Density Residential (R-4) zone standards;

- the future Municipal road, constructed at the cost of the developer, will provide adequate access to the proposed development;
- adequate on-site parking, amenity space, and buffering will be required for the proposal as per the draft development agreement; and
- the Development Officer and the Municipal Traffic Authority have no concerns which have not been addressed in this report.

Policy 5.5.1 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 storeys by development agreement, in any residential zone. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the draft development agreement requires side yards to be at least one-half the height of the buildings above 3 storeys;
- the draft development agreement restricts the apartment buildings to 5 storeys in height and in no instance are they to exceed 80 ft (24.38 m) in height; and
- the proposal building is compatible with the surrounding area in terms of design, height and scale.

Policy 16.3.1 establishes the general criteria that all development agreements must meet. 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;
- the costs relating directly to the development will not impact the Municipality.; 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

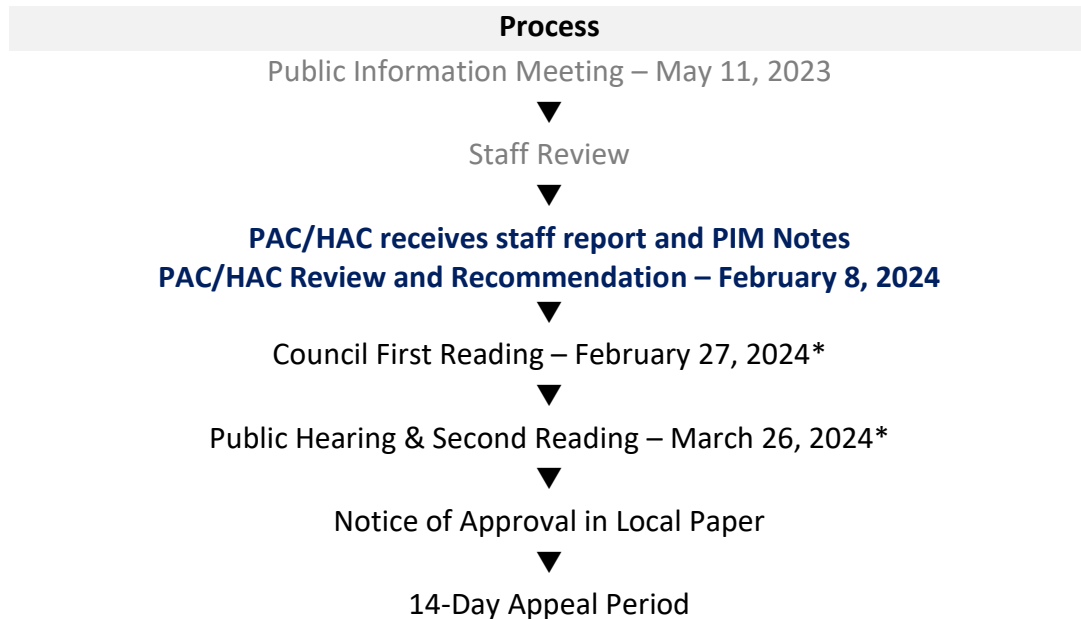
The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent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

In accordance with the Municipal Services Specifications Manual, the Public Works Engineering Division will require the developer to provide a stormwater management plan showing that the pre- and post-development flows are neutral or better than before the development. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

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 multiple-unit residential development, consisting of 280 apartment units and 18 townhouse units on PIDs 45053030, 45343878, 45343894, and 45234382 in Windsor by development agreement.



FINANCIAL IMPLICATIONS

A road extension of Payzant Drive would be required in order to service this proposed development. The developer will be required to construct the extension of Payzant Drive and all associated infrastructure to the extent of the frontage of the subject lots. Separately, during the June 27, 2023 Council meeting, Council directed staff to begin the process of designing the Payzant Drive to King Street Connection. Any connection outside of what would be constructed by the developer to provide frontage and access to this development would be a cost to the Municipality.

ALTERNATIVES

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

- 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

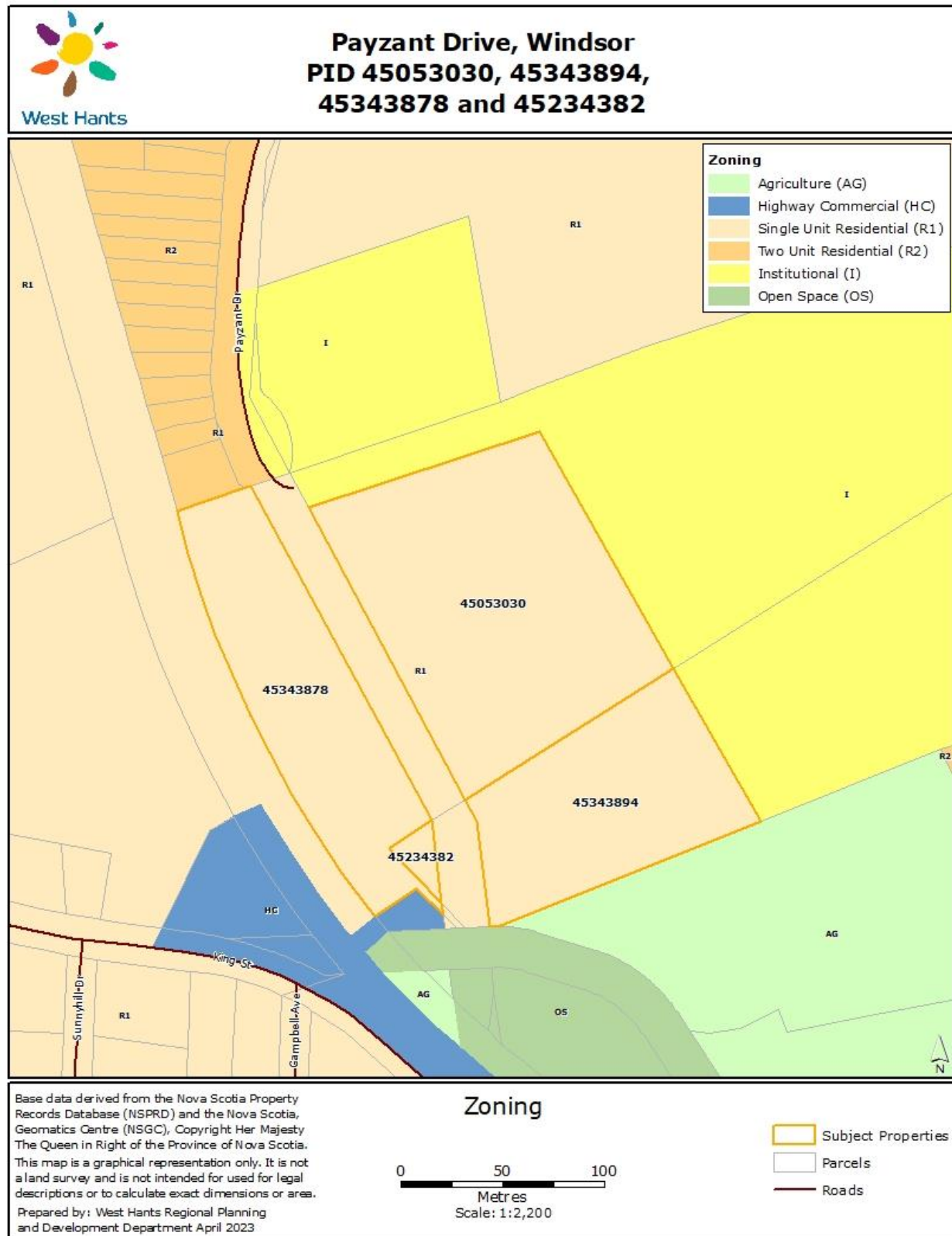
Report Approved by: _____

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 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>(i) in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards; or</i>	The development will be generally consistent with the High Density Residential (R-4) zone standards. The front and rear yard setbacks, as well as the minimum lot size have been reduced to allow the proposed density requested. The Development Officer commented that the reduced lot requirements were deemed acceptable.
<i>(ii) in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;</i>	Not applicable as the proposal is for a new construction.
<i>(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;</i>	The individual apartment buildings within the proposal are of a similar size or smaller in scale than another multi-unit residential development that have been previously approved by Council on Payzant Drive. In addition, nearby larger buildings include the Avon View High School and the Hants Community Hospital. The height, bulk, lot coverage, and appearance of the buildings within the development are considered to be compatible with the land uses in the area.
<i>(c) the development is considered compatible with the residential character of the area with</i>	A Traffic Impact Study was provided for the proposed development and the study indicated that no improvements

<i>respect to traffic generation and population density;</i>	to accommodate traffic generated by the proposed development were recommended. The Municipal Traffic Authority commented that they have no concerns regarding traffic generation or density for the proposed development as the proposed extension to Payzant Drive will be required to be built to the standard of the Municipal Services Specifications Manual.
<i>(d) consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;</i>	The draft development agreement outlines the buffering and landscaping requirements for all parking areas of the development.
<i>(e) adequate on-site parking is provided and parking areas are well designed;</i>	The proposal provides more parking spaces than what is required based on the draft development agreement. The Development Officer commented that they have no concerns regarding the parking proposed to be provided.
<i>(f) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;</i>	The draft development agreement requires that amenity space is provided in accordance with Section 10.5 of the WLUB.
<i>(g) the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units;</i>	As stated in Policy 5.4.6 (c), the proposed extension to Payzant Drive will be required to be built to the standard of the Municipal Services Specifications Manual. That road extension will provide direct access to the proposed development.
<i>(h) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;</i>	Not applicable as the subject lots are not within an Architectural Control District.

<i>(i) in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;</i>	Not applicable as the proposal is for a new build, not the conversion of an existing building.
<i>(j) any other matter which may be addressed in a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.</i>	See below.
Policy 5.5.1 <i>In any residential zone, Council may consider permitting dwellings in excess of three storeys by development agreement, subject to the following conditions:</i>	
<i>(a) the side yards are at least one-half the height of the building;</i>	The draft development agreement requires that the side yards for the proposed apartment buildings to be at least one-half the height of the building.
<i>(b) the building will in no instance exceed 80 ft (24.38 m) in height;</i>	The draft development agreement limits the proposal to 5 stories in height. The maximum building height will not exceed 80 ft.
<i>(c) the building design, height and scale is compatible with the surrounding area;</i>	As stated in Policy 5.4.6 (b), larger multi-unit residential development was approved by Council on Payzant Drive and Community Way. As well as other nearby larger uses including the Avon View High School and the Hants Community Hospital. The Development Officer commented that the height, design, and scale of the buildings within the development are considered to be compatible with the surrounding area.
<i>(d) any other matter which may be addressed in a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(e) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.</i>	See below.
Policy 5.4.5	See Policy 5.4.6 (f).

<i>It shall be the policy of Council to require adequate recreational space for multiple unit residential development.</i>	
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Policy 16.3.1 <i>In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Public Works Engineering Division commented that the current water and sewer services are adequate for the proposal, however if all potential projects in Windsor were to be constructed all at once, the current infrastructure installed and in service today would be close to an 'uncomfortable state'. In a meeting with the Public Works Engineering Division, staff confirmed that provided the Municipal infrastructure upgrades outlined in the 5-year capital plans stay on track, there should be no water or sewer capacity issues for Windsor.
<i>(ii) the adequacy of school facilities;</i>	The Regional Executive Director for the Annapolis Valley Regional Centre for Education has stated that their facilities will accommodate any new development.
<i>(iii) the adequacy of fire protection;</i>	The Manager of Building and Fire Inspection Services commented that they had no issues, but the apartment buildings would need to have sprinkler systems installed and that comments from the Fire Chief would be required to confirm that they are equipped to handle a 5-storey building. The Public Works Engineering Division confirmed that a fire flow test would be

	required to be conducted. This would likely have to occur after the developer has replaced the water main servicing the development. The local Fire Chief has commented that the proposal has 360 access to the apartment buildings and that beyond the normal mountable curbs and overhead obstruction prevention which are included in the draft development agreement, there were no further concerns regarding firefighting capacity.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	A Traffic Impact Study was requested for the proposed development. The Traffic Impact Study indicated that no improvements to accommodate traffic generated by the proposed development were recommended. In a meeting with the Traffic Authority and the applicant, it was determined that a road reserve was required in order for the Municipality to connect the Payzant Drive road extension to King Street. The Traffic Authority commented that they had no further concerns regarding the road networks adjacent or leading to the development.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	A road extension of Payzant Drive would be required in order to service this proposed development. The developer will be required to construct the extension of Payzant Drive and all associated infrastructure to the extent of the frontage of the subject lots. Any connection outside of what would be constructed by the developer to provide frontage and access to this development would be a cost to the Municipality. The costs relating directly

	to the development will not impact the Municipality.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic</i>	The Traffic Authority commented that they had no concerns regarding movement suitability for the proposed development. Sidewalks are required on the future Municipal road which will service the proposed development and will connect to the existing sidewalk on Payzant Drive. Pedestrian walkways are required to all building entrances in the draft development agreement. There is no active rail line in the vicinity.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use</i>	The Development Officer commented that the subject lots are suitable in terms of dimension and shape for this proposal.
<i>(d) the pattern of development which the proposal might create;</i>	The proposal is within the Residential designation, one which Council intends for the ability to consider multi-unit residential developments. The Development Officer commented that they had no concerns regarding the pattern of development.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	The subject lots are relatively flat and cleared. The subject lots have not been identified to be within either the Dykelands or Environmental Constraints overlays on the Zoning Map for the Windsor Land Use By-law. A small watercourse has been identified on the western portion of the subject lots. The usual watercourse setback for any development will be required.
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all</i>	All Municipal, Provincial, and Federal regulations will have to be met.

<i>other relevant municipal by-laws and regulations; and</i>	
<i>(g) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Draft Development Agreement



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 -

3324482 NOVA SCOTIA LIMITED a body corporate, with a head office at 31 Cochrane Lane, Sweets Corner, 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 the parcels of land located on Payzant Drive (PIDs 45053030, 45343894, 45343878, and 45234382), hereinafter referred to as the “Properties”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS PIDs 45053030, 45343894, 45343878, and 45234382 are 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 the Owner has requested that the Municipality enter into a development agreement to permit up to 280 apartment units and up to 18 townhouse units grouped on the Properties (the “Development”); and

WHEREAS Policy 5.4.6 of the Municipal Planning Strategy and Section 6.1 (b) of the Land Use By-law enable Council to consider entering into a development agreement to allow new multiple unit residential developments consisting of three or more units in a Residential designation, and Policy 5.5.1 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 new dwellings in excess of three stories in a residential zone; and

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

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) “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) “Ceased Operation” means the stopping of work on a particular building within the Development once active construction has commenced for an extended period of time, but shall not apply to the period of time between phases or stoppages of a seasonal nature or resulting from Force Majeure;
- (c) “Commencement” means the date the Owner begins Active Construction on the apartment buildings within this Agreement as permitted by an issued development and building permit;
- (d) “Front Lot Line” means the Property line abutting the future public street on PIDs 45213980 and 45234374;

- (e) “Mechanical Penthouse” means an enclosed structure and/or area located on the roof surface of the building that may include mechanical equipment such as generators, cooling towers, chillers, electrical equipment, and elevator shafts;
- (f) “Minor Change” means an alteration which does not affect the intent of this Agreement or require an amendment to the text of this Agreement;
- (g) “Rear Lot Line” means the lot line furthest from or opposite to the front lot line;
- (h) “Side Lot Line” means a lot line other than a front or rear lot line;

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 Town of Windsor, effective on September 21, 2005, as amended, or successor by-laws;
- (b) Land Use By-law means the Land Use By-law of the Town of Windsor, effective on September 21, 2005, as amended, or successor by-laws;
- (c) Subdivision By-law means the Subdivision By-law of the Town of Windsor, 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) four, five (5) storey apartment buildings, each containing up to 70 dwelling units, up to an aggregate maximum of 280 apartment units on PIDs 45053030 and 45343894;
 - (iii) townhouse units including up to 18 dwelling units on PID 45343878;
 - (iii) amenity space contained within the apartment buildings; and
 - (iv) underbuilding, underground and surface parking for the uses within the buildings.

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 Municipality and the Owner acknowledge that the Development as shown on Schedule B is a phased Development. The Development location and design of the townhouse buildings located on PID 45343878 shall follow requirements as listed in Section 2.2 (b). The Development location and design of the apartment buildings located on PIDs 45053030 and 45343894 shall follow the requirements as listed in Section 2.2 (c).

- (b) The townhouse buildings shall be limited to a maximum of 18 dwelling units and shall be limited to 6 units per group. The townhouses may include underground and underbuilding parking and shall conform to the following requirements:

Minimum Front Yard	15 ft. (4.57 m.)
Minimum Rear Yard	35 ft. (10.67 m.)
Minimum Side Yard	10 ft. (3.05 m.)*
Maximum Building Height	35 ft. (10.67 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

*No side yard setback is required along the common lot boundary dividing townhouse units

- (c) The four (4) apartment buildings shall be limited to a maximum of 280 dwelling units in total. The buildings may include underground and underbuilding parking and shall conform to the following requirements:

Maximum Number of Units per Building	70
Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	25 ft. (7.62 m.)
Minimum Side Yard	15 ft. (4.57 m.) or half the height of the main building
Maximum Storey of Main Buildings	5 storeys*
Maximum Height of Accessory Buildings	15 ft. (4.57 m.)

*The building will in no instance exceed 80 ft (24.38 m) in height

- (d) Subject to the approval in writing of the Municipal Engineer, the lot for the apartment building located furthest away from the future municipal road may be created on a right-of-way that is at least 19.69 ft. (6 m.) wide and shall not require any frontage. The lots for all other apartment buildings shall have a minimum lot frontage of 100 ft. (30.48 m.) on the future municipal road.
- (e) In the event that the Owner chooses to build and occupy one apartment building at a time, the following infrastructure is required for that building:

- (i) the necessary services for the proper use and enjoyment of the building including but not limited to a driveway and access, landscaping, pedestrian walkways, parking, lighting, and water and sewer services; and
 - (ii) the required usable recreation space as per Section 10.5, Recreational Space, of the Land Use By-law.
- (f) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (g) Recreational space shall be regulated under Section 10.5 of the Land Use By-law, *Recreational Space*, and may include:
 - (i) individual balconies;
 - (ii) dedicated indoor amenity space; and
 - (iii) common use landscaped areas.
- (h) The Owner shall keep all undeveloped areas of the Properties landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

2.3 Access and Egress

- (a) The Owner shall develop, construct, and maintain the two shared driveways in the Development. One driveway shall be required for the first and second apartment building and the second driveway shall be required for the remaining apartment buildings. The distance between the driveways must be approved by the Municipal Engineer in accordance with the Municipal Specifications Manual.
- (b) The driveways 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.
- (c) The Owner agrees that it will seek and obtain approval in writing from the Municipality before any driveway from the Development is connected to Payzant Drive or any other public road.

2.4 Road and Municipal Services

- (a) Roads and Municipal Services in the development shall conform to the following:
 - (i) the layout of the street extension within the development shall be as generally shown on Schedule B. The Development Officer, in consultation with the Municipal Engineer, may give consideration to minor incidental

changes to the design of the street extension, without such changes being deemed to be amendments to this development agreement;

- (ii) the street extension, municipal services, and stormwater management within the Development shall be designed and constructed in accordance with the requirements of the Municipal Services Specifications Manual. Detailed design plans of the street networks, water and sewer servicing, and storm water systems shall be approved by the Municipal Engineer for each phase of the development prior to construction commencing for that phase;
- (c) Prior to the completion of the first phase of the Development, the water main running through PIDs 45213980 and 45234374 must be replaced at the expense of the Owner; and
- (d) A 5 ft. (1.52 m.) wide pedestrian walkway shall be provided along the street extension to the main entrances of the apartment 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.
- (e) Construction of the road extension through the entirety of PIDs 45213980 and 45234374 and all relevant infrastructure shall be completed by 2030, to allow the connection of the extension of Payzant Drive to King Street. If by mutual agreement between the Municipality and the Owner, the road extension completion date may be changed.

2.5 Parking

- (a) All required parking spaces for the apartment buildings shall be located on the same lot as that building.
- (b) All parking spaces for vehicles using the townhouses shall be located on the same lot as the townhouses.
- (c) A minimum of one (1) parking space per dwelling unit shall be provided for each apartment building.
- (d) Parking may be provided either underbuilding, underground or outside at grade.
- (e) 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.

- (f) Each required 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 spaces provided in addition to the required parking spaces may be built without meeting the minimum size requirement for the use of a compact vehicle. Parking aisles shall be a minimum of 20 ft. (6.1 m.) wide.
- (g) 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) connected to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.
- (b) Specific curbs shall be designed to be mountable by emergency services vehicles as determined by the Manager of Building and Fire Inspection Services in consultation with the local Fire Chief.
- (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 Buffering

Outdoor parking for the apartment buildings and townhouses shall be screened from lots outside of the Development, 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. (1.37 m.) above the surrounding grade and a minimum height of 5 ft. (1.52 m.); or
- (b) a hedge of a variety of coniferous shrubs each of which will reach over 6 ft. (1.83 m.) in height at maturity; or
- (c) a wall or an opaque fence which is a minimum of 5 ft. (1.52 m.) 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 shall be maintained to that standard.

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 apartment buildings. The Owner shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the apartment buildings.
- (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, excluding the street extension to Payzant Drive upon conveyance to the Municipality.

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 driveways to a level 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 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.

2.12 Subdivision

- (a) As noted in Section 2.2 (e) the lot for the apartment building located furthest from the front lot line shall be permitted to be subdivided on a right-of-way approved in writing by the Municipal Engineer.
- (b) At the time of subdivision application, the Owner must convey a right-of-way to ensure continued access/egress from the future municipal road and convey easements for any services including but not limited to water, sewer and stormwater, from the lot on which the driveway is constructed in favour of the subsequent lots to ensure continued access/egress and servicing to those lots regardless of future ownership. The Owner acknowledges that the shared driveways from the future Municipal road and the services which may cross the lot on which the driveway is constructed to service the subsequent lots are a joint and several responsibility of each owner of the lots benefiting from the infrastructure.
- (c) Subdivision of the properties shall be permitted in accordance with the applicable Subdivision By-law, with the exception of Section 2.12 (a) and the minimum lot size, which shall be 55,000 sq. ft. per lot. No additional parkland or parkland fees shall be required for subdivision or consolidation of the properties subject to this agreement.
- (d) Subject to Section 2.2 (b) of this Agreement, any lot(s) subdivided from PID 45343878 that will be developed as townhouses under this Agreement, shall no longer be subject to this Agreement.

2.13 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*:

- (i) minimum required yard dimensions, excepting side yard setbacks, as required in Section 2.2 (c) of this Agreement;
- (ii) minimum required yard dimensions as required in Section 2.2 (d) of this Agreement; and
- (iii) number of parking spaces required.

2.14 Road Reserve

In accordance with the Payzant Drive Extension Plan, a road reserve on PID 45343894 will be required to ensure that there is available land to construct the Payzant Drive extension, as shown on Schedule B. In the event that the Municipal Engineer determines in their discretion that the road reserve is unnecessary for the construction of the Payzant Drive extension, the Developer may construct on this portion of the lot with the permission in writing of the Municipal Engineer and the Development Officer, and changes to the Site Plan reflecting this will be deemed not to be an amendment to this agreement.

2.15 Phasing

- (a) Construction of the first apartment building and all relevant infrastructure and landscaping as outlined in Section 2.2 (h) of this Agreement shall be completed within seventy-two (72) months of the commencement of Development outlined in Section 4.1 of this Agreement. If, in the opinion of the Development Officer, this time limit has not been met, Development as per this agreement shall no longer be permitted and this Agreement may be discharged in part at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act thirty (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.
- (b) Construction of all apartment buildings and all relevant infrastructure and landscaping as outlined in Section 2.2 (h) of this Agreement shall be completed within one hundred and twenty (120) months of the actual commencement of the Development provided that such commencement is within the time limit prescribed in Section 4.1 of this Agreement. If, in the opinion of the Development Officer, this time limit has not been met, Development of the

apartment buildings shall no longer be permitted and this Agreement may be discharged in part solely at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act thirty (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.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not increase the number of apartment buildings, or the number of units within any apartment buildings 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 maximum number of units permitted within the Development and within each component thereof as listed in Section 2.1, *Use*;
- (b) the maximum height and storeys of the apartment buildings as listed in Section 2.2, *Development Location and Design*;
- (c) the fire safety requirements listed in Section 2.6, *Fire Safety*;
- (d) the landscaping requirements in Section 2.7, *Buffering*; and
- (e) the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.8, *Site Drainage*.

3.4 Upon conveyance of land by the Owner to either:

- (a) the Municipality for the purpose of creating or expanding a public street over the Property; or
- (b) the Municipality for the purpose of creating or expanding any municipally owned facility or infrastructure over the Property;

registration of the deed reflecting the conveyance shall be conclusive evidence that 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 Property.

- 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 in whole or in part may be given by the Municipality to the Owner following a resolution of Council to give such Notice:
- (a) as provided for in 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.
- 3.7** Council may discharge this Agreement in whole or in part 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 Properties (other than the Land Use By-law and Subdivision by-law to the extent expressly 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 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 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 Abraham Zebian at 31 Cochrane Lane, Sweets Corner, 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 constitutes the entire agreement and contract entered into by the Municipality and the Owner. No other agreement or representation, oral or written, shall be binding.

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

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

Per: _____

) Mark Phillips, Chief Administrative Officer

)

)

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

)

)

) **3324482 NOVA SCOTIA LIMITED**

)

)

Witness

)
Per: _____
) Abraham Zebian, President

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2024, 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. 2024, 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, **Abraham Zebian**, 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 _____, 2024
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, Abraham Zebian, Nova Scotia, make oath and say that:

1. I, Abraham Zebian, of **3324482 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 _____, 2024
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

Abraham Zebian, President

Schedule A
Legal Description

PID 45053030

ALL THAT lot of land and premises, situate, lying and being in the Town of Windsor, County of Hants, Province of Nova Scotia, being PID # 45053030 and bounded and described as follows:

BOUNDED AND LYING north and east of the road allowance owned by the Town of Windsor, shown as Lot A on an Expropriation Plan registered in the Land Registry Office for the County of Hants on January 01, 1971 as Plan # 126, and being PID # 45213980;

BOUNDED AND LYING south and west of those lands owned by HER MAJESTY THE QUEEN and shown on a plan of survey (Field Plot No. P-063/02) signed on the 14th day of June, 2002 by Greg Smith, Nova Scotia Land Surveyor, and filed in the Department of Natural Resources Office, Halifax, Province of Nova Scotia;

AND BOUNDED AND LYING north of the lands more particularly described as follows and being PID # 45343894:

ALL that certain lot, piece or parcel of land situate, lying and being at Windsor in the County of Hants, Province of Nova Scotia and being more particularly described as follows:

BEGINNING at a survey marker placed on a northern boundary of Lot AB-1, land now or formerly of Dwight Banks, situate (by grid bearings referenced to the Nova Scotia Three degree Modified Transverse Mercator Projection, Zone 5, central meridian Sixty-four degrees Thirty minutes West longitude) North Sixty-four degrees Seventeen minutes Zero One seconds East a distance of Two Hundred Twenty-six decimal Nine Six Three metres from Nova Scotia Coordinate Monument No. 8629 having coordinate values (Northing 4,982,024.877 metres, Easting 5,529,748.857 metres);

THENCE (from the place of beginning) South Sixty-seven degrees Zero Zero minutes Zero Zero seconds West following a northern boundary of Lot AB-1, land now or formerly of Dwight Banks, a distance of One Hundred Thirty-six decimal Six Nine Seven metres to a survey marker on a northern boundary of Parcel OHR-2, land now or formerly of the Town of Windsor, formerly the Old Halifax Road;

THENCE South Eighty-six degrees Twenty-one minutes Twenty-three seconds West following a northern boundary of Parcel OHR-2, land now or formerly of the Town of Windsor, formerly the Old Halifax Road, a distance of Four decimal Four Two Eight metres to a southeastern corner of Lot D, land now or formerly of the Town of Windsor;

THENCE northwesterly following an eastern boundary of Lot D, land now or formerly of the Town of Windsor, to a point being the southwest corner of lands now or formerly of Gary Edward Dill;

THENCE following the southerly boundary of lands now or formerly of Gary Edward Dill to a survey marker placed on a southwestern boundary of lands now or formerly of Her Majesty the Queen, in right of the Province of Nova Scotia, being the Avon View High School lands;

THENCE South Twenty-eight degrees Thirty-eight minutes Fifty-one seconds East following a southwestern boundary of the said school land a distance of Eighty-three decimal Two Nine Five metres to the place of beginning.

The parcel is exempt from the requirement for subdivision approval under the Municipal Government Act because it is the remainder parcel after the subdivision of Adjoining lands.

PID 45343878

ALL THAT lot of land and premises, situate, lying and being in the Town of Windsor, County of Hants, Province of Nova Scotia, being PID # 45343878 and bounded and described as follows:

BOUNDED AND LYING south and west of the road allowance owned by the Town of Windsor, shown as Lot A on an Expropriation Plan registered in the Land Registry Office for the County of Hants on January 01, 1971 as Plan # 126, and being PID # 45213980;

AND BOUNDED AND LYING east of the railway lands being PID # 45343894 and shown on Retracement Plan 7004B registered in the Land Registry Office for the County of Hants on January 01, 1993;

AND BOUNDED AND LYING south of the lands conveyed by Annie May Burgess to the Nova Scotia Farm Loan Board by a deed dated the 30th day of September, 1981 and recorded in the Land Registry Office for the County of Hants as Document number 500884241 and being PID # 45358314;

AND BOUNDED AND LYING north and west of the lands conveyed by Phillip Burgess and Patricia Burgess to Gary E. Dill by a deed recorded in the Land Registry Office for the County of Hants on April 14, 2005 as Document number 81731110 and being PID # 45234382;

AND BOUNDED AND LYING north and west of lands owned by the Town of Windsor and described as Part D on a Plan of Survey filed as P-284 in the Land Registry Office for the County of Hants and being PID # 45234416;

AND BOUNDED AND LYING north and west of lands owned by Wilfred J Jodrey as shown on a Plan of Survey filed as P-284 in the Land Registry Office for the County of Hants and being PID # 45053048;

The parcel is exempt from the requirement for subdivision approval under the Municipal Government Act because it is the remainder parcel after the subdivision of adjoining lands.

PID 45343894

ALL that certain lot, piece or parcel of land situate, lying and being at Windsor in the County of Hants, Province of Nova Scotia and being more particularly described as follows:

BEGINNING at a survey marker placed on a northern boundary of Lot AB-1, land now or formerly of Dwight Banks, situate (by grid bearings referenced to the Nova Scotia Three degree Modified Transverse Mercator Projection, Zone 5, central meridian Sixty-four degrees Thirty minutes West longitude) North Sixty-four degrees Seventeen minutes Zero One seconds East a distance of Two Hundred Twenty-six decimal Nine Six Three metres from Nova Scotia Coordinate Monument No. 8629 having coordinate values (Northing 4,982,024.877 metres, Easting 5,529,748.857 metres);

THENCE (from the place of beginning) South Sixty-seven degrees Zero Zero minutes Zero Zero seconds West following a northern boundary of Lot AB-1, land now or formerly of Dwight Banks, a distance of One Hundred Thirty-six decimal Six Nine Seven metres to a survey marker on a northern boundary of Parcel OHR-2, land now or formerly of the Town of Windsor, formerly the Old Halifax Road;

THENCE South Eighty-six degrees Twenty-one minutes Twenty-three seconds West following a northern boundary of Parcel OHR-2, land now or formerly of the Town of Windsor, formerly the Old Halifax Road, a distance of Four decimal Four Two Eight metres to a southeastern corner of Lot D, land now or formerly of the Town of Windsor;

THENCE northwesterly following an eastern boundary of Lot D, land now or formerly of the Town of Windsor, to a point being the southwest corner of lands now or formerly of Gary Edward Dill;

THENCE following the southerly boundary of lands now or formerly of Gary Edward Dill to a survey marker placed on a southwestern boundary of lands now or formerly of Her Majesty the Queen, in right of the Province of Nova Scotia, being the Avon View High School lands;

THENCE South Twenty-eight degrees Thirty-eight minutes Fifty-one seconds East following a southwestern boundary of the said school land a distance of Eighty-three decimal Two Nine Five metres to the place of beginning.

SUBJECT to an easement for access and drainage over the above described lands and known as Easement C and being more particularly described as follows:

BEGINNING at a point situated on a northern boundary of Lot AB-1, land now or formerly of Dwight Banks, said point also being the southwestern corner of Parcel B and situate (by grid bearings referenced to the Nova Scotia Three degrees Modified Transverse Mercator Projection, Zone 5, central meridian Sixty-four degrees Thirty minutes West longitude) North Sixty-four degrees Seventeen minutes Zero One seconds East a distance of Two Hundred Twenty-six decimal Nine Six Three metres from Nova Scotia Coordinate Monument No. 8629 having coordinate values (Northing 4,982,024.877 metres, Easting 5,529,748.856 metres);

THENCE (from the place of beginning) South Sixty-seven degrees Zero Zero minutes Zero Zero seconds West following a northern boundary of Lot AB-1, land now or formerly of Dwight Banks a distance of One Hundred Thirty-six decimal Six Nine Seven metres to a point situated on a northern boundary of Parcel OHR-2, land now or formerly of the Town of Windsor, formerly the Old Halifax Road;

THENCE South Eighty-six degrees Twenty-one minutes Twenty-three seconds West following a northern boundary of Parcel OHR-2, land now or formerly of the Town of Windsor, formerly the Old Halifax Road, a distance of Four decimal Four Two Eight metres to a southeastern corner of Lot D, land now or formerly of the Town of Windsor;

THENCE North Zero Eight degrees Fifty-five minutes Twenty-four seconds West following an eastern boundary of Lot D, land now or formerly of the Town of Windsor, a distance of Nineteen decimal Two Two Six metres to a point;

THENCE North Sixty-seven degrees Zero Zero minutes Zero Zero seconds East a distance of One Hundred Thirty-four decimal Two Zero Nine metres to a point situated on a southwestern boundary of Parcel B, which said Parcel B forms a portion of lands now or formerly of Her Majesty the Queen in right of the Province of Nova Scotia, being the Avon View High School lands;

THENCE South Twenty-eight degrees Thirty-eight minutes Fifty-one seconds East following a southwestern boundary of Parcel B a distance of Twenty decimal Two One Five metres to the place of beginning.

The above described Easement C contains Zero decimal Two Seven Seven hectares.

PID 45234382

All that certain parcel of land situate at Curry's Corner, Windsor, in the County of Hants, Province of Nova Scotia being a triangular piece of land lying to the west of Town of Windsor sewer line which said parcel is sketched as Harry Burgess and Ivan Burgess (Nova Scotia Farm Loan Board) on a Plan of Survey entitled Lands shown as Lots A, B, C, D, & E under Conveyance to the Town of Windsor for a Proposed Sewer Line Right-of-Way, said Lands being in or at

Currys Corner, in the Town of Windsor, NS made by E. Elliott, NSLS and recorded at the Office of the Registry of Deeds for the Registration District of Hants County on January 2, 1973 under Plan No. P-284, which said parcel may be more particularly bounded and described as follows:

Beginning at the point on the Westerly boundary of lands of the Town of Windsor shown as Lot A on said plan, intersects the northeasterly boundary of lands formerly of John Dill, now of Gary E. Dill;

Thence North 14 degrees 08 minutes East along lands of the Town of Windsor a distance of 102.0 feet to a point;

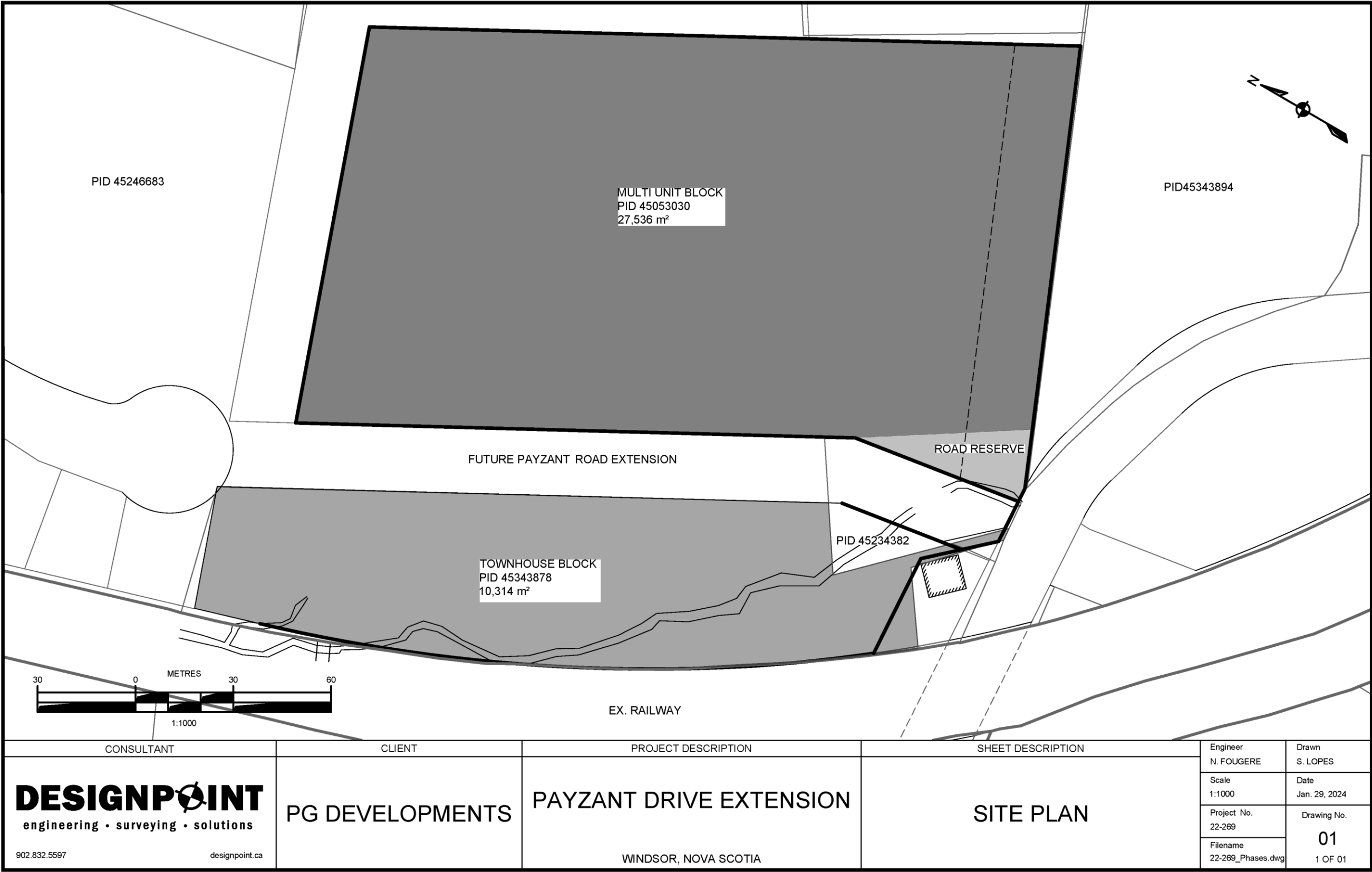
Thence North 7 degrees 45 minutes West continuing along lands of the Town of Windsor a distance of 9 feet, more or less, to a Southeasterly boundary of lands of Gary E. Dill;

Thence South 79 degrees 58 minutes West along lands of Gary E. Dill a distance of 59 feet, more or less to a point;

Thence South 19 degrees 20 minutes East along lands of Gary E. Dill to the place of beginning.

All bearings are magnetic for the year 1971.

Schedule B
Site Plan



Attachment C – Public Information Meeting Notes

May 11 - May 25, 2023

**Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382, Payzant Drive
; File # 23-04**

Meeting date and time	A Public Information Meeting was held on May 11, 2023 beginning at 6:22 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the first meeting: One (1) Chair: • Jennifer Nicholls (Chair) Four (4) members of staff: • Director Poirier • Planner Dunphy • Planner Fredericks • Planning Assistant Lake PAC/HAC Members: • Councillor Ivey • Councillor Murley • Jane Davis • Stefan Palios • Tasha Rogers • Lisa Bland Approximately 15 members of the public.
Applicant Noel Taiani on behalf of Abraham Zebian Property Payzant Drive, Windsor Multiple Use Residential (PIDs 45053030, 45343878, 45343894, and 45234382)	Planner Dunphy outlined the application to allow up to 280 apartment units and 18 townhouse units grouped on the subject lots by development agreement. The applicant did not give a presentation.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between May 11 – May 25, 2023. Staff received 2 pieces of written submissions during the comment period, included at the bottom of this chart. 5 members of the public spoke during the Public Information Meeting. The following are the comments from the public.

	Staff, Chair and applicant responses are included in purple text. • Grant Burgess commented that they live nearby and indicated that they were concerned with the sewer line that runs nearby the brook. • Rick Percal indicated that the sewer line runs through the proposal land. Rick also asked if the road would be extended from Payzant and if the road would connect to King Street and had concerns with traffic. Jennifer Nichols responded that concerns would be brought to the appropriate authorities to address issues such as traffic. • Grant Burgess indicated that the trail between the development was not a right-of-way but was being used as such by the public. Grant was concerned with the traffic on this piece of land. • David Pemberton had concerns regarding the traffic and how it would be addressed. Alex Dunphy replied that part of the application process is to address issues such as traffic through consultation with the Public Works Department and the Municipal Traffic Authority. • Kathy Pemberton was concerned with the view from their property being blocked and the value of their property. • Rick Percal asked what would be developed on the smallest property (PID 45234382). Alex Dunphy replied that nothing was indicated to be located on that property in the proposal and that sometimes the project area includes pieces of land that are not developed on. • Kathy Pemberton asked who the developer was and where they were located. Alex Dunphy replied that the developer was Parsons Green Developments and were present at the meeting. • David Cameron asked where the developer was from and how they acquired the property. David also commented that apartment buildings would introduce more cars and garbage to the area.
Adjournment	The presentation portion of the PIM ended at approximately 6:38 p.m.

Public Email Responses Submitted for the Application

May 12, 2023

From Tamara Stevens

To Alex Dunphy

Good day,

I wanted to comment on the proposed rezoning for the area on Payzant Dr. The pictures indicate that the area has been cleared and I am guessing it was probably farmland. I am quite concerned with the amount of farmland that is being rezoned both province-wide and locally. The population is increasing, and we are going to continue to need more food not less. I do not believe farmland should be rezoned at all regardless of how long it has been unused. We should be encouraging groups or individuals to develop any unused farmland for growing food not vineyards, actual food. As well, I would be interested in what level of rent will be demanded of tenants. If these apartments are going to be anything but low income, I don't believe that this is good development as I believe it would encourage people from outside the area rather than address the lack of living space for current residents. We have many struggling to find affordable housing, but the developers are only interested in what they can make a profit on. I think it important for government to determine this information prior to approval.

L.Tamara Stevens

May 25, 2023

From John Edgecombe

To Alex Dunphy

Dear Mr Dunphy, my name is John Edgecombe and live at *ADDRESS REMOVED* as well own the commercial property at *ADDRESS REMOVED*.

I sat through the public meeting on the 11th and after hearing what is proposed I wanted to send you a note.

The property in mention is zoned single family homes and I feel it should remain that way. As we build our community with families and seniors we need to keep our "town" feeling. If I wanted to be in the city I would have lived there. Having four (4) 70 unit apartments in front of high school with one access road seems absurd. Along with de-valuing our properties. I know West Hants wants to grow and we have lots of space to do that, but let's keep it the way it is as a community. We do not need to become a Bayers Lake with apartments everywhere and nobody knowing their neighbors. Plus, we do not have the infrastructure in place for that many more cars, sewer systems or even people.

As well, I have no idea what it will do to the brook that runs through the property environmentally wise either.

Anyway my two cents worth, I agree to the single family homes but NOT to the apartment buildings.

Sincerely,

John Edgecombe

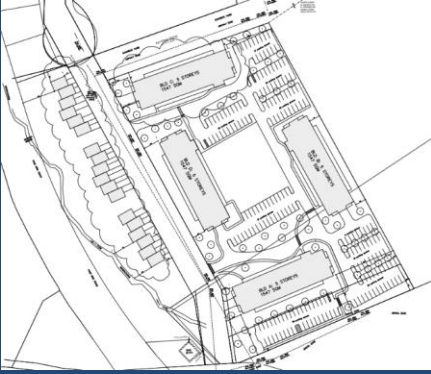
Appendix B – 2023-07-26 Traffic Impact Study – Payzant Drive Development

DRAFT Traffic Impact Study

July 26, 2023

Payzant Drive Development

Windsor, NS



SUBMITTED BY:

DesignPoint Engineering & Surveying Ltd.

90 Western Parkway, Suite 500
Bedford, NS B4B 2J3

SUBMITTED TO:

4489461 NS Ltd

C/O Parsons Green Developments
PO Box 36116, RPO Spring Garden
Halifax, NS B3J 3S9
Hazelview Investments



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Appendix A – Vistro Reports

Appendix B – Auxiliary Turn Lane Warrants

1.0 INTRODUCTION

1.1 PROJECT OVERVIEW

DesignPoint Engineering & Surveying Ltd. has been engaged to complete a traffic impact study for a proposed development on Payzant Drive in Windsor, NS. The development proposes adding 298 residential units through the addition of townhouses and multi-unit buildings. The site will be accessed through an extension of Payzant Drive.

1.2 STUDY AREA

The site is located at the end of Payzant Drive, adjacent to Avon View High School, as shown in Figure 2. Payzant Drive at Wentworth Road is considered the critical intersection for this analysis, as all other existing intersections are low density residential intersections.

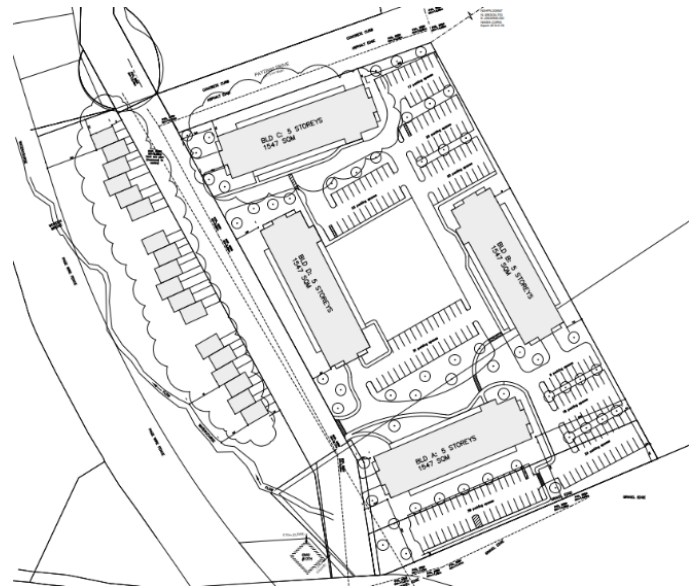


Figure 1 - Proposed Development



Figure 2 – Proposed development location on Payzant Drive

Payzant Drive

Payzant Drive is two lanes with a posted speed limit of 50km/h. It serves as a primary connection for two destinations: Avon View High School and Hants Community Hospital. Additionally, there are several residential properties on or connecting to Payzant Drive. A sidewalk on the northeast side of the road extends the length of the road. Payzant Drive currently ends at Avon View High School, though the potential for a future connection with King Street has been identified. Payzant Drive is owned by West Hants Regional Municipality.



Figure 3 - Payzant Drive towards Wentworth Road

Wentworth Road

Wentworth Road is a two-lane road with a posted speed limit of 50km/h. It serves as a direct connection to Highway 101. Sidewalk on both sides of the road extends from Industrial Drive to O'Brien Street, where sidewalk further extends to King Street on the northwest Side.



Figure 4 - Wentworth Road towards Payzant Drive

Properties on Wentworth Road are primarily commercial, though there is an increase in residential properties towards King Street. Both the West Hants Sports Complex and Hants Exhibition Arena are located on Wentworth Road.

Wentworth Road is owned by West Hants Regional Municipality.

Payzant Drive at Wentworth Road

The intersection of Payzant Drive and Wentworth Road is a four-legged, two-way stop-controlled intersection. The commercial driveway on the north side of the intersection acts as the fourth leg. The intersection is stop controlled on Payzant Drive and at the driveway. Payzant Drive and Wentworth Road have left turn lanes with varying storage lengths. The eastbound left turn lane on Wentworth Road has a storage length of 25m, while the westbound left turn lane has a storage length of 80m. The northbound left turn lane on Payzant Drive has a storage length of 60m. Through and right turn movements on Payzant Drive and Wentworth Road share a lane. Through, right, and left turn movements share a lane at the driveway.



Figure 5 - Existing intersection layout of Payzant Drive and Wentworth Road

The Municipality of West Hants is undertaking a detailed design to convert this intersection into a roundabout.

Future Connections

A note that ongoing work is happening to the west of this development as part of the “The Crossing” project by Brison Developments. This development is in varying stages of completion, construction, and design but ultimately will include several new connections from Payzant Drive. Community Way will connect Payzant Drive to Irven Drive, and Underwood Drive will eventually connect with links to Irven Drive and Cole Drive. From these connections, a road user can navigate through the development to both Wentworth Road and King Street.

For the purposes of this study, we have not included traffic redistribution from either of these connections. This is based largely on two main considerations: the first is that these connections are non-direct circuitous routes through residential areas which makes them less attractive as through routes for drivers, and the second is that by directing all of the site development traffic away from these connections, we are representing a conservative traffic scenario (that is, likely a worst case scenario).

2.0 EXISTING CONDITIONS

2.1 EXISTING TRAFFIC VOLUMES

Existing traffic volumes for Payzant Drive at Wentworth Road were obtained from the “Windsor Intersection Infrastructure Needs Assessment” prepared by WSP for the West Hants Regional Municipality. Traffic volumes were collected by WSP on Tuesday, January 19, 2021. Data were collected from 7 AM to 9 AM, 11:30 AM to 1:30 PM, and 3:30 PM to 5:30 PM. A seasonal factor of 1.17 and a COVID-19 factor of 1.05 were applied to the raw count data to account for volume fluctuations on the collection day. Anticipated trips generated by the West Hants Sports Complex and Hants County Exhibition were also added by WSP to the data to finalize the existing intersection volumes for 2021. As part of this traffic study, these volumes were compared with data collected for other private developments in the area and found to be appropriately representative of typical traffic patterns.

To represent 2023 existing volumes, an annual growth of 1.5% was applied to the final existing intersection volumes from the 2021 report. This annual growth was identified in the 2021 WSP assessment as the area’s growth based on historical traffic data from Highway 101 Section 60 and accounts for growth from unknown developments.

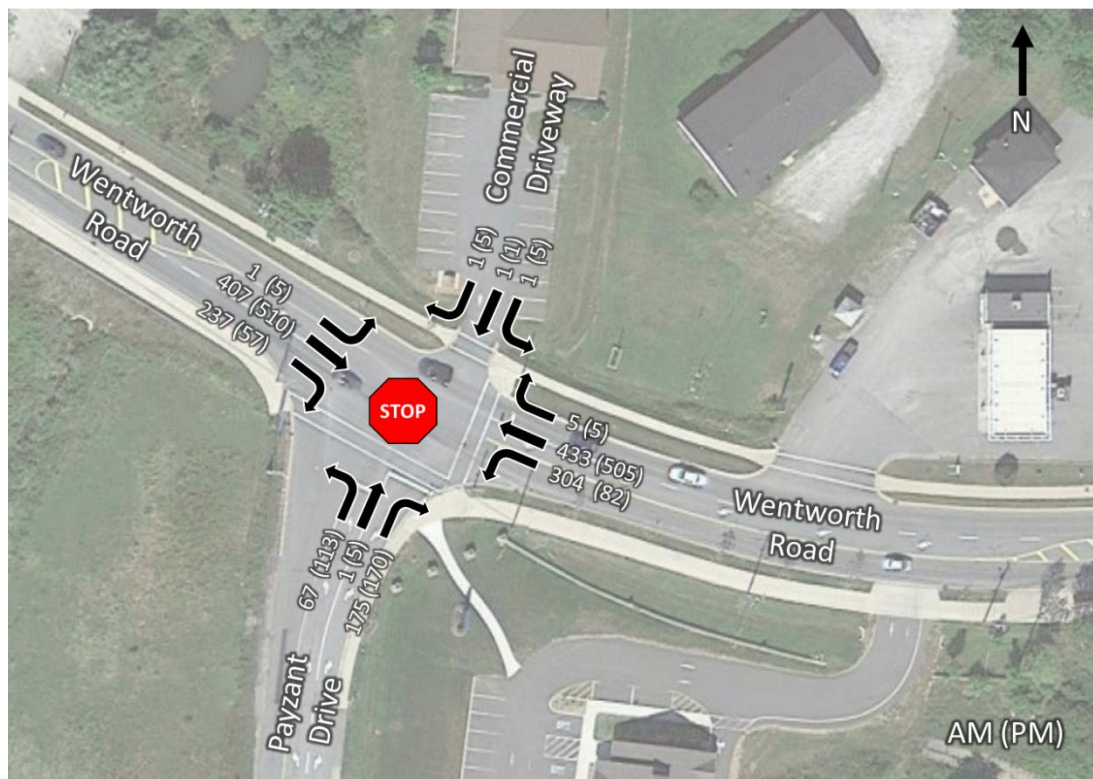


Figure 6 - 2023 existing traffic volumes for the AM & PM peak hours (based on data from Windsor Intersection Infrastructure Needs Assessment, WSP 2021)

2.2 EXISTING TRAFFIC OPERATIONS

A level of service (LOS) analysis is a method to determine how well a transportation facility, typically an intersection, performs from a driver's perspective during a specific period (usually peak hours). The LOS is measured by the average delay of each vehicle travelling through an intersection with grades ranging from A to F, where A is associated with minimal delay, and F is associated with heavily congested conditions. The desired or acceptable level of service can range depending on the location and context of individual streets. Streets within dense urban corridors are expected to experience some level of congestion during peak hours, and a lower level of service (D or E) is usually acceptable. The acceptable level of service of streets within more rural areas would typically be higher (A to C), where congestion and longer delays are unexpected.

The adjacent table provides the level of service criteria as defined in the *Highway Capacity Manual* (Transportation Research Board, 2010) for unsignalized intersections.

Table 1 - Level of Service Criteria for Unsignalized Intersections

Level of Service	Average Control Delay (seconds per vehicle)
A	≤10
B	>10 – 15
C	>15 – 25
D	>25 – 35
E	>35 – 50
F ¹	>50

Source: Highway Capacity Manual 2010, *Transportation Research Board, 2010*

1. If the volume-to-capacity ratio for a lane group exceeds 1.0 LOS F is assigned to the individual lane group for all unsignalized intersections, or minor street approach at two-way stop-controlled intersections. Overall intersection LOS is determined solely by the control delay.

A level of service analysis has been completed for the intersection using PTV Vistro traffic modelling software. A summary of the AM and PM peak hour level of service measures for the intersection of Payzant Drive at Wentworth Road has been provided in Table 2. The northbound left turn movement is overcapacity in the AM Peak hour with a level of service of F. All other movements operate below capacity.

Table 2 - Summary of AM & PM peak hour level of service measures for 2023 existing traffic volumes

AM Peak Hour - 2023 Existing Traffic														
LOS Criteria	Intersection Control	Wentworth Road			Wentworth Road			Payzant Drive			Driveway			Intersection
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Vehicle Count		1	407	237	304	433	5	67	1	175	1	1	1	
v/c		0.00	0.00	0.00	0.32	0.00	0.00	1.12	0.01	0.32	0.03	0.02	0.00	
Delay (s)		8.2	0.0	0.0	10.6	0.0	0.0	269.2	56.7	14.8	108.8	64.6	13.4	14.77
LOS		A	A	A	B	A	A	F	F	B	F	F	B	B
95th% Queue (m)		0.02	0.0	0.0	10.7	0.0	0.0	41.8	10.9	10.9	1.1	1.1	1.1	
PM Peak Hour - 2023 Existing Traffic														
LOS Criteria	Intersection Control	Wentworth Road			Wentworth Road			Payzant Drive			Driveway			Intersection
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Vehicle Count		5	510	57	82	505	5	113	5	170	5	1	5	
v/c		0	0	0	0	0	0	0.8	0.03	0.31	0.06	0.01	0.01	
Delay (s)		8.43	0	0	8.9	0	0	92.26	30.61	15.29	50.2	29.7	13.36	9.77
LOS		A	A	A	A	A	A	F	D	C	F	D	B	A
95th% Queue (m)		0.1	0.0	0.0	2.0	0.0	0.0	38.2	11.6	11.6	1.8	1.8	1.8	

3.0 SITE GENERATED TRAFFIC

3.1 ACCESS REVIEW

The site plan for the proposed development includes 18 townhouses and four multi-unit mid-rise residential buildings (70 units each), resulting in 298 new residential units. The proposed townhouse driveways will front Payzant Drive, while the multi-unit buildings will be accessed by two driveways at opposite ends of the development. Stopping sight distance at the access driveways has not been reviewed as part of this study since the roadway has not yet been constructed.

The design of the future road extension should consider adequate sight lines at these driveways.

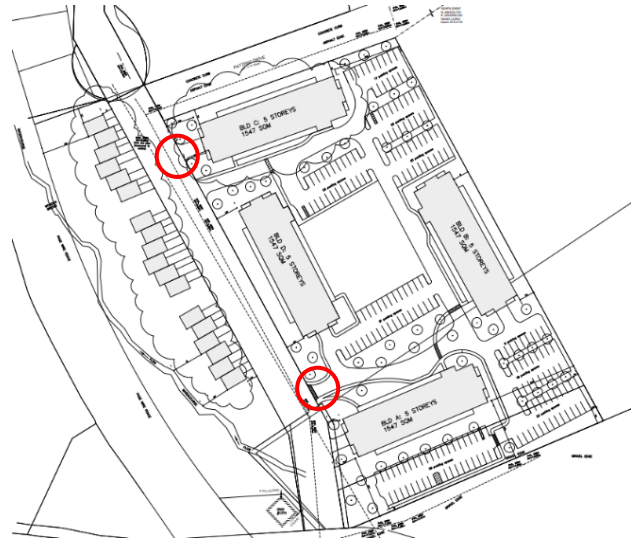


Figure 7 – Proposed access locations to multi-unit site

3.2 SITE GENERATED TRAFFIC

Site generated traffic has been calculated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition. Townhouse trips have been represented by the Single-Family Detached Housing land use to better reflect rural travel patterns. The development is estimated to generate 112 two-way vehicle trips in the AM peak hour and 126 two-way vehicle trips in the PM peak hour.

Table 3 - Site generated trip calculations

Land Use	Code	Units	Variable	Trip Generation Rates ¹						Trips Generated			
				AM Peak			PM Peak			AM Peak		PM Peak	
				Rate	In	Out	Rate	In	Out	In	Out	In	Out
Single-Family Detached Housing	210	18	Dwelling Units	0.75	0.26	0.74	0.94	0.63	0.37	4	10	11	6
Multifamily Housing (Mid-Rise)	221	280	Dwelling Units	0.35	0.26	0.74	0.39	0.6	0.4	25	73	66	44
Estimated Site Generated Trips										29	83	76	50
Notes:		Trip generation rates from ITE <i>Trip Generation Manual</i> , 11th Edition.											

3.3 TRIP DISTRIBUTION

Trip distribution of site generated trips through the study area has been estimated using the distribution of existing traffic volumes. Existing volumes indicate approximately 70% of trips originating from Payzant Drive in the AM peak hour and 60% of trips in the PM peak hour travel towards Highway 101. Due to the proximity and connectivity of Highway 101, it is anticipated site generated trips will also follow this distribution. The estimated distribution is provided in Figure 8, and the distribution of site generated trips at the Payzant Drive and Wentworth Road intersection is shown in Figure 9.

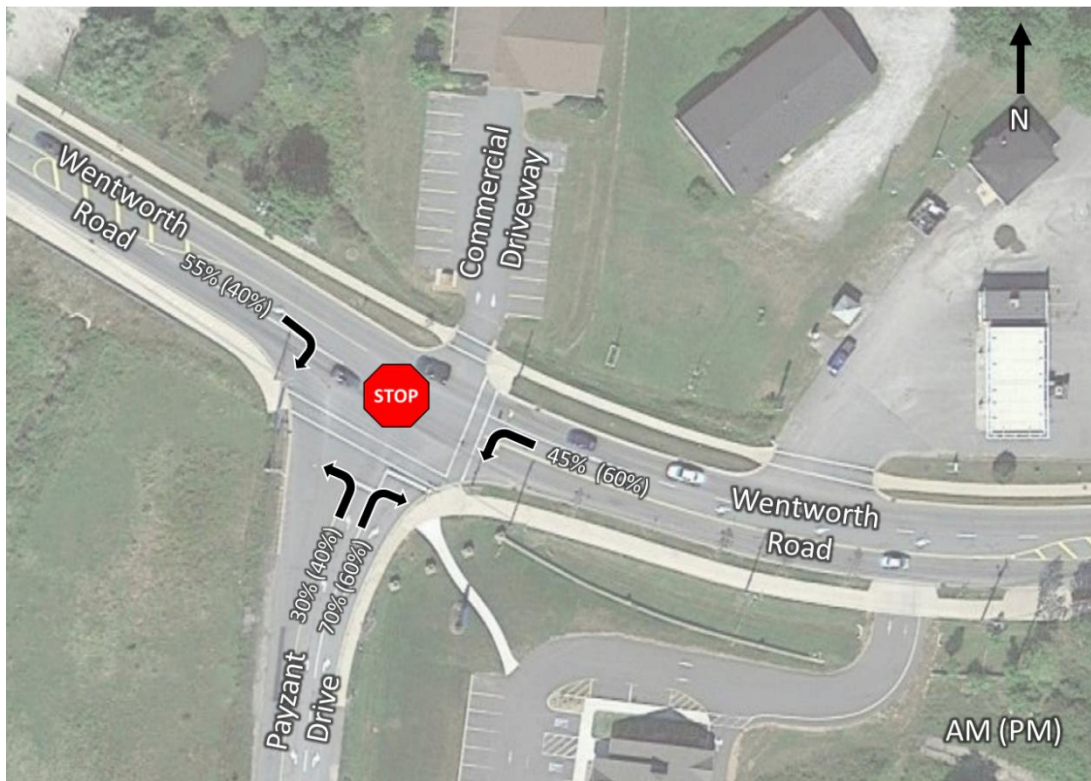


Figure 8 - Estimated distribution of site generated traffic



Figure 9 - AM and PM distribution of site generated traffic at the Payzant Drive and Wentworth Road intersection

4.0 FUTURE CONDITIONS

4.1 2033 BACKGROUND TRAFFIC VOLUMES

Background traffic is the traffic added by general annual traffic growth. A 1.5% annual growth rate has been used to calculate background traffic volumes. This annual growth was identified in the 2021 Infrastructure Needs Assessment based on historical traffic trends of Highway 101 Section 60 and to account for growth from unknown developments. All trips from unknown developments are assumed to be captured by this annual growth. This study analyzes a horizon year of 2033 (5 years past an estimated 5-year build out).

As part of the 2021 WSP assessment, the existing intersection was recommended to be upgraded to a roundabout. It is understood that the municipality plans to proceed with this recommendation. Two 2033 background scenarios have been evaluated for this recommendation: the existing two-way stop-controlled intersection and the proposed roundabout. The 2033 Background Traffic Volumes for the two-way stop-controlled scenario are shown in Figure 10, and the 2033 Background Traffic Volumes for the roundabout scenario are shown in Figure 11.

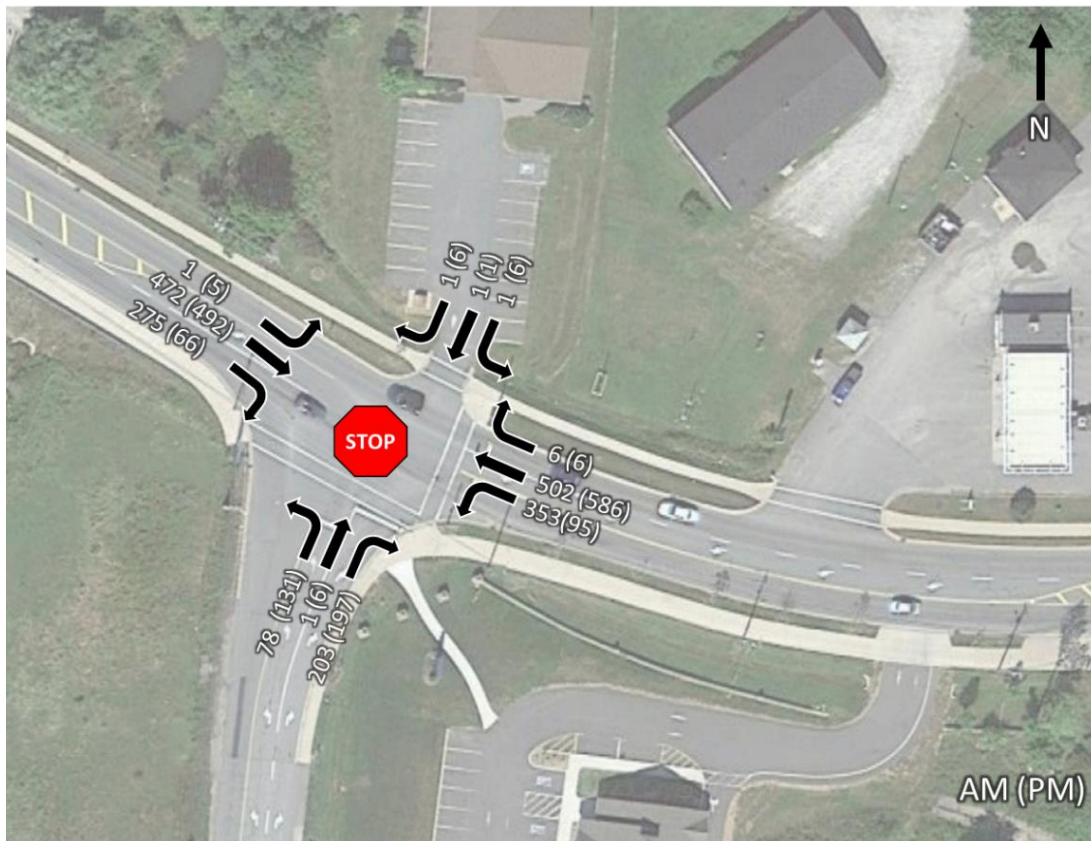


Figure 10 – 2033 background traffic volumes for the AM & PM peak hours two-way stop-controlled scenario



Figure 11 – 2033 background traffic volumes for the AM & PM peak hours roundabout scenario

A level of service summary has been completed for the 2033 background traffic volumes to determine how the Payzant Drive at Wentworth Road intersection operates without site generated traffic. A summary of the two-way stop-controlled intersection is provided in Table 4, and a summary of the roundabout is provided in Table 5. In the two-way stop-controlled scenario, northbound left turn movements operate above capacity in the AM and PM peak hours with a level of service of F. With the roundabout, all movements operate below capacity.

Table 4 - Summary of AM & PM peak hour level of service measures for 2033 two-way stop-controlled background traffic volumes

AM Peak Hour - 2033 Background Traffic														
LOS Criteria	Intersection Control	Wentworth Road			Wentworth Road			Payzant Drive			Driveway			Intersection
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Vehicle Count		1	472	275	353	502	6	78	1	203	1	1	1	
v/c		0.00	0.00	0.00	0.41	0.00	0.00	2.26	0.02	0.41	0.06	0.03	0.00	
Delay (s)		8.4	0.0	0.0	12.1	0.0	0.0	826.0	90.0	18.0	222.4	110.8	20.9	38.97
LOS		A	A	A	B	A	A	F	F	C	F	F	C	E
95th% Queue (m)		0.02	0.0	0.0	15.4	0.0	0.0	66.9	16.4	16.4	2.0	2.0	2.0	
PM Peak Hour - 2033 Background Traffic														
LOS Criteria	Intersection Control	Wentworth Road			Wentworth Road			Payzant Drive			Driveway			Intersection
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Vehicle Count		6	592	66	95	586	6	131	6	197	6	1	6	
v/c		0.01	0.00	0.00	0.10	0.00	0.00	1.31	0.05	0.41	0.12	0.01	0.01	
Delay (s)		8.7	0.0	0.0	9.3	0.0	0.0	272.6	41.1	19.0	84.2	42.2	18.5	24.32
LOS		A	A	A	A	A	A	F	E	C	F	E	C	C
95th% Queue (m)		0.1	0.0	0.0	2.6	0.0	0.0	70.2	17.8	17.8	3.6	3.6	3.6	

Table 5 - Summary of AM & PM peak hour level of service measures for 2033 background roundabout background traffic volumes

AM Peak Hour - 2033 Background Traffic															
LOS Criteria	Intersection Control	Wentworth Road			Wentworth Road			Payzant Drive			Driveway			Intersection	
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR		
Vehicle Count		1	472	275	353	502	6	78	1	203	1	1	1		
v/c		0.47	0.47	0.27	0.69	0.69	0.69	0.77	0.77	0.77	0.01	0.01	0.01		
Delay (s)		9.1	9.1	6.3	12.6	12.6	12.6	21.5	21.5	21.5	7.1	7.1	7.1		13.6
LOS		A	A	A	B	B	B	C	C	C	A	A	A		
95th% Queue (m)		19.69	19.7	8.6	45.6	45.6	45.6	59.0	59.0	59.0	0.1	0.1	0.1		
PM Peak Hour - 2033 Background Traffic															
LOS Criteria	Intersection Control	Wentworth Road			Wentworth Road			Payzant Drive			Driveway			Intersection	
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR		
Vehicle Count		6	592	66	95	586	6	131	6	197	6	1	6		
v/c		0.47	0.47	0.05	0.59	0.59	0.59	0.46	0.46	0.46	0.02	0.02	0.02		
Delay (s)		7.7	7.7	3.3	10.4	10.4	10.4	11.5	11.5	11.5	6.5	6.5	6.5		9.35
LOS		A	A	A	B	B	B	B	B	B	A	A	A		
95th% Queue (m)		19.8	19.8	1.3	30.7	30.7	30.7	18.7	18.7	18.7	0.5	0.5	0.5		

4.2 2033 TOTAL TRAFFIC VOLUMES

The 2033 Total Traffic Volumes result from 2033 Background volumes plus site-generated traffic added by the development. Total Traffic Volumes for the stop-controlled scenario are shown in Figure 12, and the Total Traffic Volumes for the roundabout scenario are shown in Figure 13.

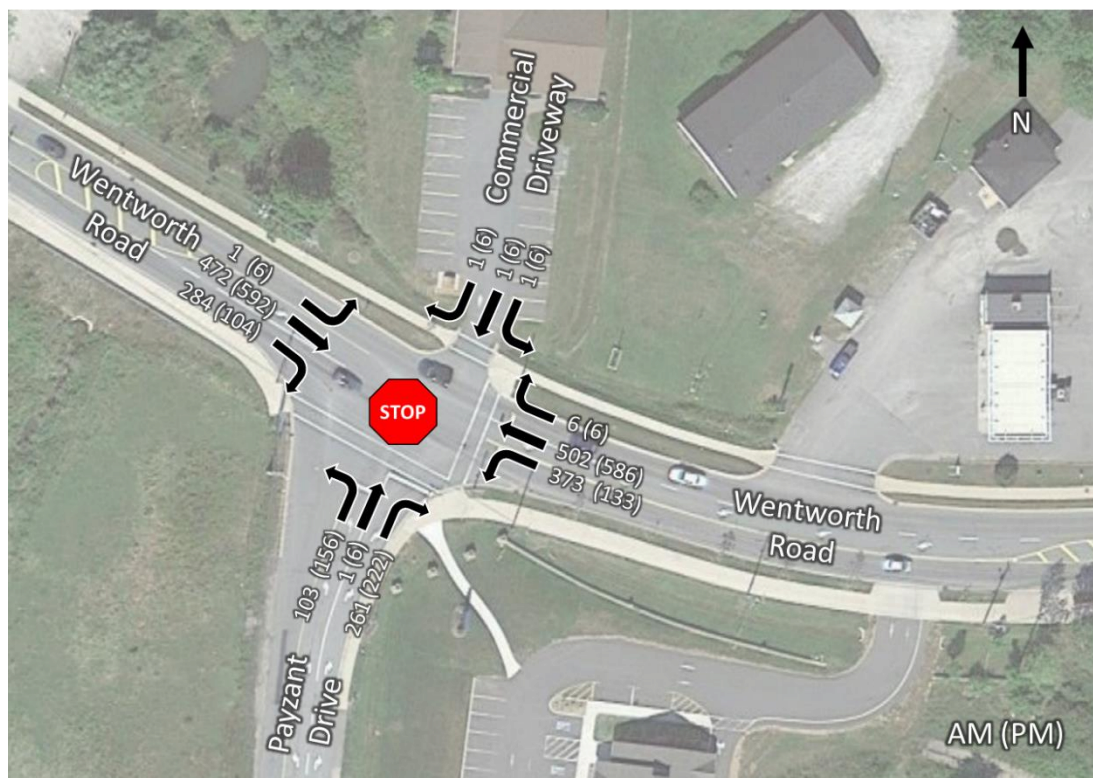


Figure 12 - 2033 future volumes for the AM and PM peak hours two-way stop controlled scenario

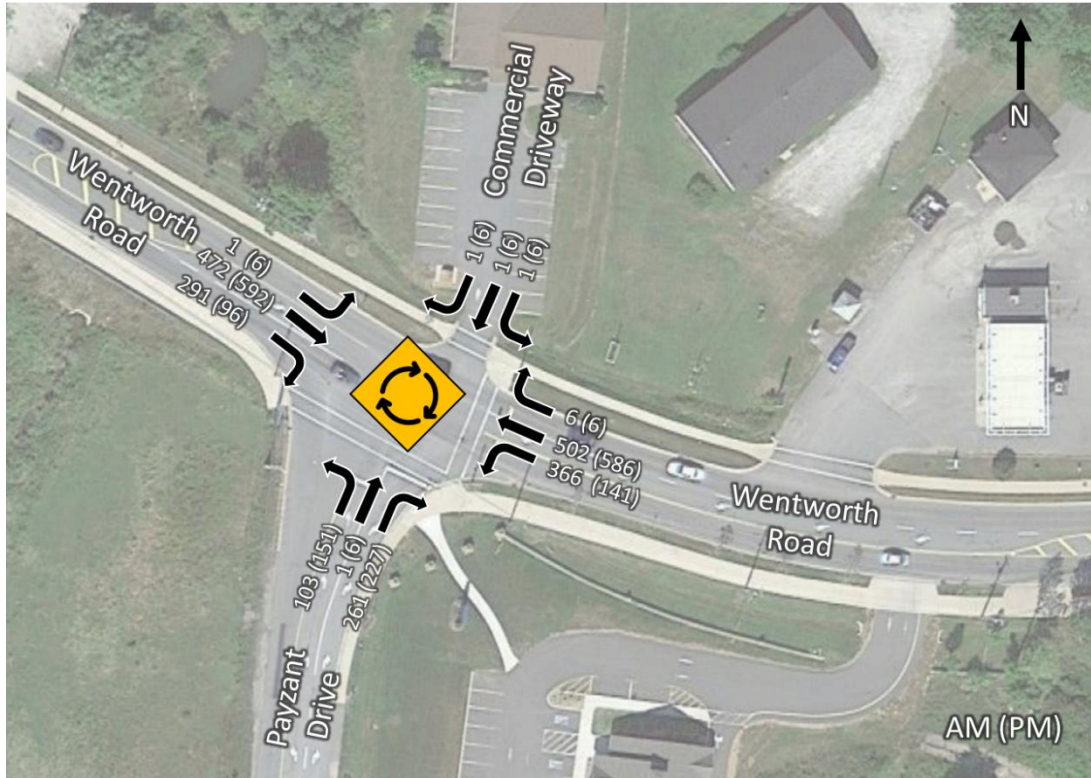


Figure 13 - 2033 future volumes for the AM and PM peak hours roundabout scenario

A level of service analysis has been completed for AM and PM peak hours using total traffic volumes to evaluate the impact of traffic added by the development. The analysis has been completed for the existing two-way stop-controlled intersection and the proposed roundabout. The two-way stop-controlled scenario is shown in Table 6, and the roundabout scenario is shown in Table 7. In the AM and PM stop-controlled scenario, northbound left turn movements operate above capacity at a level of service of F. The overall intersection operates at a level of service of F. In the AM and PM roundabout scenario, all movements operate below capacity at a high level of service.

Table 6 - Summary of AM & PM peak hour level of service measures for 2033 two-way stop-controlled total traffic volumes

AM Peak Hour - 2033 Total Traffic													
LOS Criteria	Intersection Control	Wentworth Road			Wentworth Road			Payzant Drive			Driveway		
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Vehicle Count	STOP	1	472	291	366	502	6	103	1	261	1	1	1
v/c		0.00	0.00	0.00	0.43	0.00	0.00	3.28	0.02	0.53	0.08	0.03	0.00
Delay (s)		8.4	0.0	0.0	12.4	0.0	0.0	1289.0	100.6	21.6	324.1	128.3	28.6
LOS		A	A	A	B	A	A	F	F	C	F	F	D
95th% Queue (m)		0.02	0.0	0.0	16.7	0.0	0.0	92.4	25.5	25.5	2.7	2.7	2.7
PM Peak Hour - 2033 Total Traffic													
LOS Criteria	Intersection Control	Wentworth Road			Wentworth Road			Payzant Drive			Driveway		
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Vehicle Count	STOP	6	592	96	141	586	6	151	6	227	6	1	6
v/c		0.01	0	0	0.16	0	0	1.91	0.06	0.48	0.18	0.01	0.01
Delay (s)		8.7	0.0	0.0	9.7	0.0	0.0	539.9	50.8	21.9	126.7	57.6	25.8
LOS		A	A	A	A	A	A	F	F	C	F	F	D
95th% Queue (m)		0.1	0.0	0.0	4.2	0.0	0.0	101.1	23.7	23.7	5.2	5.2	5.2

Table 7 - Summary of AM & PM peak hour level of service measures for 2033 roundabout total traffic volumes

AM Peak Hour - 2033 Total Traffic														
LOS Criteria	Intersection Control	Wentworth Road			Wentworth Road			Payzant Drive			Driveway			Intersection
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Vehicle Count		1	472	291	366	502	6	103	1	261	1	1	1	
v/c		0.48	0.48	0.29	0.72	0.72	0.72	0.44	0.44	0.44	0.01	0.01	0.01	
Delay (s)		9.3	9.3	6.6	13.8	13.8	13.8	10.0	10.0	10.0	7.4	7.4	7.4	11.00
LOS		A	A	A	B	B	B	A	A	A	A	A	A	
95th% Queue (m)			20.1	20.1	9.4	50.9	50.9	50.9	17.4	17.4	17.4	0.1	0.1	0.1
PM Peak Hour - 2033 Total Traffic														
LOS Criteria	Intersection Control	Wentworth Road			Wentworth Road			Payzant Drive			Driveway			Intersection
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Vehicle Count		6	592	96	141	586	6	151	6	227	6	1	6	
v/c		0.49	0.49	0.08	0.64	0.64	0.64	0.53	0.53	0.53	0.02	0.02	0.02	
Delay (s)		8.3	8.3	3.6	11.9	11.9	11.9	13.2	13.2	13.2	6.9	6.9	6.9	10.48
LOS		A	A	A	B	B	B	B	B	B	A	A	A	
95th% Queue (m)			21.4	21.4	2.0	37.4	37.4	37.4	24.2	24.2	24.2	0.6	0.6	0.6

4.3 FUTURE CONNECTION TO KING STREET

4.3.1 2033 Background Volumes

The 2021 WSP assessment evaluated the impacts of extending Payzant Drive to connect to King Street as a stop-controlled T-intersection. The proposed intersection geometry includes a warranted eastbound left turn lane on King Street and separated right and left turning movements on Payzant Drive.

The WSP report evaluated the intersection for 2030 background traffic volumes, where 1.5% annual growth was applied between 2021 and 2030. The background volumes also consider the redistribution of trips caused by the Payzant Drive connection and trips generated by the Hants County Exhibition Expansion.

The 1.5% annual growth was applied for three additional years to reach 2033 background volumes. The 2033 Background Traffic Volumes for the intersection are shown in Figure 15.



Figure 14 - Approximate location of the future Payzant Drive connection



Figure 15: 2033 background volumes for the AM and PM peak hours at King Street

A level of service analysis has been completed for AM and PM peak hours using background traffic volumes to evaluate the impact the connection has on traffic operations. A summary of the intersection is shown Table 8. Though the southbound left turn movement experiences a level of service of F and high delays, it operates below capacity.

Table 8 - Summary of AM & PM peak hour level of service measured for 2033 King Street background traffic volumes.

AM Peak Hour - 2033 Background Volumes														
LOS Criteria	Intersection Control	King Street			King Street						Payzant Drive			Intersection
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Vehicle Count		112	276			463	96				90		82	
v/c		0.12	0.00			0.00	0.00				0.39		0.15	
Delay (s)		9.0	0.0			0.0	0.0				30.1		12.5	4.26
LOS		A	A			A	A				D		B	A
95th% Queue (m)		2.98	0.0			0.0	0.0				13.2		3.9	
PM Peak Hour - 2033 Background Volumes														
LOS Criteria	Intersection Control	King Street			King Street						Payzant Drive			Intersection
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Vehicle Count		109	478			567	89				94		125	
v/c		0.12	0			0	0				0.6		0.25	
Delay (s)		9.38	0			0	0				58.43		14.75	5.72
LOS		A	A			A	A				F		B	A
95th% Queue (m)		3.0	0.0			0.0	0.0				24.6		7.9	

4.3.2 Trip Distribution

Considering the distribution of site generated trips to the future intersection of Payzant Drive and King Street, we have assumed an even split between vehicles heading north and south. In this scenario there is 50% of site generated trips are assigned to the new intersection.

Distribution of trips at the future Payzant Drive and King Street intersection has been estimated using the distribution proposed in the 2021 Infrastructure Needs Assessment. The turning movement distribution at Payzant Drive and King Street is shown in Figure 16. The site generated trip distribution is shown in Figure 17.

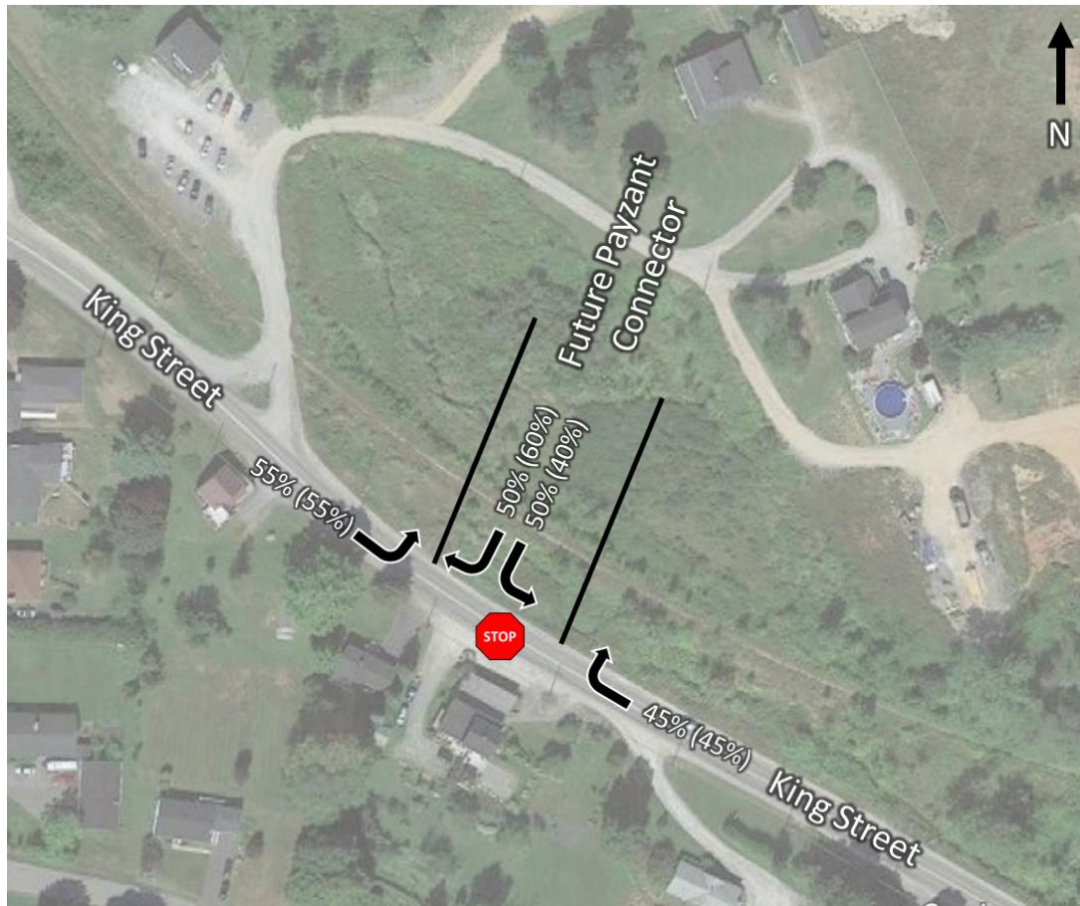


Figure 16 - AM and PM distribution of traffic at the future Payzant Drive and King Street intersection

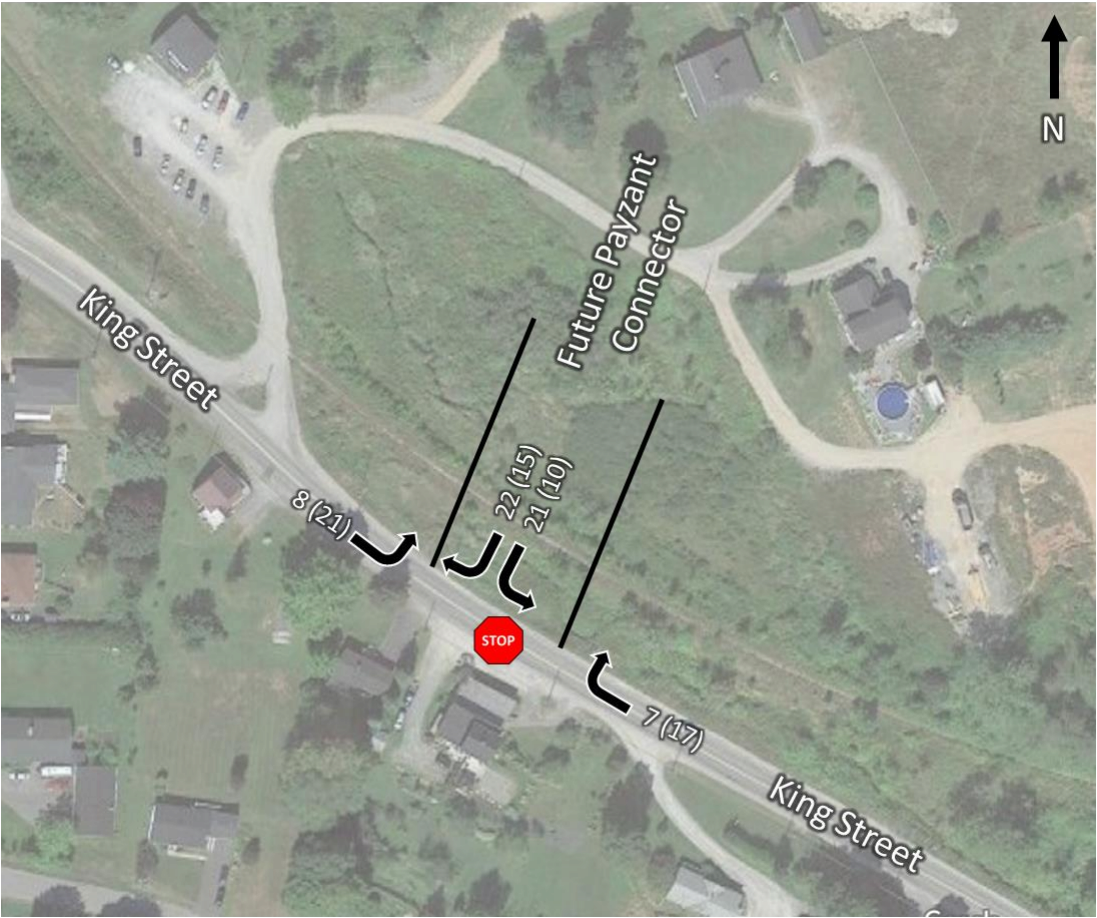


Figure 17 - Estimated distribution of site generated traffic at King Street

4.3.3 2033 Total Traffic Volumes

The 2033 Total Traffic Volumes result from 2033 Background volumes plus site-generated traffic added by the development. The 2033 Total Traffic Volumes are shown in Figure 18.



Figure 18 - 2033 future volumes for the AM and PM peak hours at King Street

A level of service analysis has been completed for AM and PM peak hours using total traffic volumes to evaluate the impact site generated traffic will have on the proposed intersection. A summary of the intersection is shown in Table 9. The southbound left turn movement experiences increased delay but still operates below capacity. The southbound right turn movement experiences a decrease in level of service from B to C due to site generated traffic.

From these results, we can conclude that site generated trips do not result in a significant impact on this intersection in the future scenario. The southbound left LOS 'F' for the PM Peak Hour is observed under both the future background growth and total traffic scenario and is not created by the new trips generated by this development. We recommend that once this intersection is constructed, the Municipality monitors the location to determine if traffic signals are warranted in the future.

Table 9 - Summary of AM & PM peak hour level of service measures for 2033 King Street total traffic volumes

AM Peak Hour - 2033 Future Volumes															
LOS Criteria	Intersection Control	King Street			King Street						Payzant Drive			Intersection	
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR		
Vehicle Count		125	276			463	103				111		104		
v/c		0.12	0.00			0.00	0.00				0.50		0.19		
Delay (s)		9.1	0.0			0.0	0.0				36.1		12.9		5.48
LOS		A	A			A	A				E		B		A
95th% Queue (m)		3.23	0.0			0.0	0.0				0.0		19.2		5.2
PM Peak Hour - 2033 Future Volumes															
LOS Criteria	Intersection Control	King Street			King Street						Payzant Drive			Intersection	
		EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR		
Vehicle Count		130	478			567	106				104		140		
v/c		0.14	0			0	0				0.74		0.29		
Delay (s)		9.57	0			0	0				81.08		15.32		7.75
LOS		A	A			A	A				F		C		A
95th% Queue (m)		3.8	0.0			0.0	0.0				0.0		33.2		9.0

4.3.4 Auxiliary Turn Lane Warrant Analysis

Turn lane warrants are not required for this site until the extension to King Street has been completed.

The site access has been reviewed for a southbound left turn lane and a northbound right turn lane into the development for the future scenario with this connection made.

Left Turn Lane

Site generated trips and the anticipated trips at the Payzant Drive and King Street intersection were used to evaluate a left turn lane into the development. The MTO Design Supplement for TAC 2017 was used to identify the need for a left turn. Based on the analysis, a southbound left turn lane into the development is not warranted. This analysis is included in Appendix B.

Right Turn Lane

Site generated trips and the anticipated trips at the Payzant Drive and King Street intersection were used to evaluate a right turn lane into the development. The Ohio Department of Transportation's State Highway Access Management Manual right turn lane warrant analysis was used to identify the need for a right turn lane. Based on the analysis, a northbound right turn lane into the development is not warranted. This analysis is included in Appendix B.

5.0 CONCLUSIONS

The following conclusions were developed from this traffic impact study:

- The proposed development will add four mid-rise multi-unit buildings (280 units) and 18 townhouses for a total of 298 units.
- Townhouses will front Payzant Drive, and multi-unit buildings will be accessed from a driveway connecting to Payzant Drive.
- The proposed development is estimated to generate 112 two-way vehicle trips (29 entering and 83 exiting) in the AM peak hour and 126 two-way vehicle trips (76 entering and 50 exiting) in the PM peak hour.
- Sight distance was not measured at the proposed access locations since this street has not yet been constructed.
- The Payzant Drive and Wentworth Road intersection is the critical intersection for this analysis. The traffic analysis shows that northbound left turn movements exceed capacity in the AM peak hour under existing conditions.
- Two scenarios were evaluated for background and future conditions: the existing two-way stop control and a proposed roundabout. Northbound left turn movements continue to operate above capacity in the AM and PM peak hours under two-way stop control in the background and total traffic volumes. The intersection operates at a level of service F under total traffic volumes in the AM peak hour. These issues are resolved with the construction of the planned roundabout.
- The proposed Payzant Drive connection to King Street was evaluated for background and total traffic volumes. Under both scenarios, the southbound left turn movements operate below capacity but have high delays. The overall intersection operates at an acceptable level of service.
- Auxiliary left and right turn lanes entering the site are not warranted.

6.0 RECOMMENDATIONS

There are no recommended improvements to accommodate traffic generated by the proposed development.

The street network, under future conditions, can accommodate traffic generated by the proposed development without upgrades beyond those already planned by the Municipality. We recommend that if the Payzant Drive extension is completed and a new intersection is constructed at King Street, the Municipality monitors the location to determine if traffic signals are warranted in the future.

APPENDIX A – VISTRO REPORTS

Intersection Level Of Service Report**Intersection 1: Payzant at Wentworth**

Control Type: Two-way stop
 Analysis Method: HCM 7th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 269.2
 Level Of Service: F
 Volume to Capacity (v/c): 1.122

Intersection Setup

Name												
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	1	0	0	0	0	0	1	0	0	1	0	0
Entry Pocket Length [m]	60.00	30.48	30.48	30.48	30.48	30.48	25.00	30.48	30.48	80.00	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28			48.28			48.28			48.28		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name												
Base Volume Input [veh/h]	65	1	170	1	1	1	1	395	230	295	420	5
Base Volume Adjustment Factor	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	67	1	175	1	1	1	1	407	237	304	433	5
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	17	0	44	0	0	0	0	102	59	76	108	1
Total Analysis Volume [veh/h]	67	1	175	1	1	1	1	407	237	304	433	5
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Stop	Free	Free
Flared Lane	No	No		
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No	No		
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	1.12	0.01	0.32	0.03	0.02	0.00	0.00	0.00	0.00	0.32	0.00	0.00
d_M, Delay for Movement [s/veh]	269.21	56.67	14.82	108.79	64.59	13.39	8.21	0.00	0.00	10.64	0.00	0.00
Movement LOS	F	F	B	F	F	B	A	A	A	B	A	A
95th-Percentile Queue Length [veh/ln]	5.49	1.43	1.43	0.14	0.14	0.14	0.00	0.00	0.00	1.41	0.00	0.00
95th-Percentile Queue Length [m/ln]	41.81	10.93	10.93	1.07	1.07	1.07	0.02	0.00	0.00	10.72	0.00	0.00
d_A, Approach Delay [s/veh]	85.13			62.26			0.01			4.36		
Approach LOS	F			F			A			A		
d_I, Intersection Delay [s/veh]	14.77											
Intersection LOS	F											

Intersection Level Of Service Report**Intersection 1: Payzant at Wentworth**

Control Type: Two-way stop
 Analysis Method: HCM 7th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 92.3
 Level Of Service: F
 Volume to Capacity (v/c): 0.803

Intersection Setup

Name												
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	1	0	0	0	0	0	1	0	0	1	0	0
Entry Pocket Length [m]	60.00	30.48	30.48	30.48	30.48	30.48	25.00	30.48	30.48	80.00	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28			48.28			48.28			48.28		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name												
Base Volume Input [veh/h]	110	5	165	5	1	5	5	495	55	80	490	5
Base Volume Adjustment Factor	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	113	5	170	5	1	5	5	510	57	82	505	5
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	28	1	43	1	0	1	1	128	14	21	126	1
Total Analysis Volume [veh/h]	113	5	170	5	1	5	5	510	57	82	505	5
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Stop	Free	Free
Flared Lane	No	No		
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No	No		
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.80	0.03	0.31	0.06	0.01	0.01	0.00	0.01	0.00	0.08	0.01	0.00
d_M, Delay for Movement [s/veh]	92.26	30.61	15.29	50.20	29.74	13.36	8.43	0.00	0.00	8.90	0.00	0.00
Movement LOS	F	D	C	F	D	B	A	A	A	A	A	A
95th-Percentile Queue Length [veh/ln]	5.01	1.52	1.52	0.24	0.24	0.24	0.01	0.00	0.00	0.27	0.00	0.00
95th-Percentile Queue Length [m/ln]	38.16	11.55	11.55	1.83	1.83	1.83	0.11	0.00	0.00	2.03	0.00	0.00
d_A, Approach Delay [s/veh]	45.76			31.59			0.07			1.23		
Approach LOS	E			D			A			A		
d_I, Intersection Delay [s/veh]	9.77											
Intersection LOS	F											

Intersection Level Of Service Report**Intersection 1: Payzant at Wentworth**

Control Type:
Analysis Method:
Analysis Period:

Two-way stop
HCM 7th Edition
15 minutes

Delay (sec / veh):
Level Of Service:
Volume to Capacity (v/c):

826.0
F
2.263

Intersection Setup

Name												
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	1	0	0	0	0	0	1	0	0	1	0	0
Entry Pocket Length [m]	60.00	30.48	30.48	30.48	30.48	30.48	25.00	30.48	30.48	80.00	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28			48.28			48.28			48.28		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name												
Base Volume Input [veh/h]	65	1	170	1	1	1	1	395	230	295	420	5
Base Volume Adjustment Factor	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	78	1	203	1	1	1	1	472	275	353	502	6
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	20	0	51	0	0	0	0	118	69	88	126	2
Total Analysis Volume [veh/h]	78	1	203	1	1	1	1	472	275	353	502	6
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Stop	Free	Free
Flared Lane	No	No		
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No	No		
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	2.26	0.02	0.41	0.06	0.03	0.00	0.00	0.00	0.00	0.41	0.01	0.00
d_M, Delay for Movement [s/veh]	825.97	90.04	17.96	222.38	110.80	20.89	8.41	0.00	0.00	12.05	0.00	0.00
Movement LOS	F	F	C	F	F	C	A	A	A	B	A	A
95th-Percentile Queue Length [veh/ln]	8.77	2.15	2.15	0.27	0.27	0.27	0.00	0.00	0.00	2.02	0.00	0.00
95th-Percentile Queue Length [m/ln]	66.86	16.36	16.36	2.02	2.02	2.02	0.02	0.00	0.00	15.39	0.00	0.00
d_A, Approach Delay [s/veh]	241.71			118.02			0.01			4.94		
Approach LOS	F			F			A			A		
d_I, Intersection Delay [s/veh]	38.43											
Intersection LOS	F											

Intersection Level Of Service Report
Intersection 1: Payzant at Wentworth

Control Type: Two-way stop
 Analysis Method: HCM 7th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 272.6
 Level Of Service: F
 Volume to Capacity (v/c): 1.311

Intersection Setup

Name												
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	1	0	0	0	0	0	1	0	0	1	0	0
Entry Pocket Length [m]	60.00	30.48	30.48	30.48	30.48	30.48	25.00	30.48	30.48	80.00	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28			48.28			48.28			48.28		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name												
Base Volume Input [veh/h]	110	5	165	5	1	5	5	495	55	80	490	5
Base Volume Adjustment Factor	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	131	6	197	6	1	6	6	592	66	95	586	6
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	33	2	49	2	0	2	2	148	17	24	147	2
Total Analysis Volume [veh/h]	131	6	197	6	1	6	6	592	66	95	586	6
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Stop	Free	Free
Flared Lane	No	No		
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No	No		
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	1.31	0.05	0.41	0.12	0.01	0.01	0.01	0.01	0.00	0.10	0.01	0.00
d_M, Delay for Movement [s/veh]	272.64	41.11	19.01	84.22	42.17	18.46	8.68	0.00	0.00	9.31	0.00	0.00
Movement LOS	F	E	C	F	E	C	A	A	A	A	A	A
95th-Percentile Queue Length [veh/ln]	9.21	2.33	2.33	0.47	0.47	0.47	0.02	0.00	0.00	0.34	0.00	0.00
95th-Percentile Queue Length [m/ln]	70.21	17.76	17.76	3.60	3.60	3.60	0.14	0.00	0.00	2.59	0.00	0.00
d_A, Approach Delay [s/veh]	118.88			50.63			0.08			1.29		
Approach LOS	F			F			A			A		
d_I, Intersection Delay [s/veh]	24.32											
Intersection LOS	F											

Intersection Level Of Service Report
Intersection 1: Payzant at WentworthControl Type:
Analysis Method:
Analysis Period:Roundabout
HCM 7th Edition
15 minutesDelay (sec / veh):
Level Of Service:13.6
B**Intersection Setup**

Name												
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	1	0	0	0
Entry Pocket Length [m]	30.48	30.48	30.48	30.48	30.48	30.48	30.48	30.48	30.48	30.48	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28			48.28			48.28			48.28		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name												
Base Volume Input [veh/h]	65	1	470	1	1	1	1	395	230	295	420	5
Base Volume Adjustment Factor	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Proportion of CAVs [%]	0.00											
Growth Factor	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	78	1	561	1	1	1	1	472	275	353	502	6
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	20	0	140	0	0	0	0	118	69	88	126	2
Total Analysis Volume [veh/h]	78	1	561	1	1	1	1	472	275	353	502	6
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Number of Conflicting Circulating Lanes	1			1			1			1		
Circulating Flow Rate [veh/h]	483			952			362			82		
Exiting Flow Rate [veh/h]	642			8			593			1055		
Demand Flow Rate [veh/h]	78	1	561	1	1	1	1	472	275	353	502	6
Adjusted Demand Flow Rate [veh/h]	78	1	561	1	1	1	1	472	275	353	502	6

Lanes

Override Calculated Critical Headway	No			No			No			No		
User-Defined Critical Headway [s]	4.00			4.00			4.00			4.00		
Override Calculated Follow-Up Time	No			No			No			No		
User-Defined Follow-Up Time [s]	3.00			3.00			3.00			3.00		
A (intercept)	1380.00			1380.00			1420.00			1380.00		
B (coefficient)	0.00102			0.00102			0.00091			0.00102		
HV Adjustment Factor	0.98			0.98			0.98			0.98		
Entry Flow Rate [veh/h]	653			4			483			281		
Capacity of Entry and Bypass Lanes [veh/h]	843			523			1022			1022		
Pedestrian Impedance	1.00			1.00			1.00			1.00		
Capacity per Entry Lane [veh/h]	827			513			1002			1002		
X, volume / capacity	0.77			0.01			0.47			0.27		

Movement, Approach, & Intersection Results

Lane LOS	C	A	A	A	B
95th-Percentile Queue Length [veh]	7.74	0.02	2.58	1.12	5.98
95th-Percentile Queue Length [m]	58.96	0.13	19.69	8.55	45.59
Approach Delay [s/veh]	21.47	7.09	8.10		12.56
Approach LOS	C	A	A		B
Intersection Delay [s/veh]	13.60				
Intersection LOS	B				

Intersection Level Of Service Report
Intersection 1: Payzant at Wentworth

Control Type: Roundabout
 Analysis Method: HCM 7th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 9.4
 Level Of Service: A

Intersection Setup

Name												
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	1	0	0	0
Entry Pocket Length [m]	30.48	30.48	30.48	30.48	30.48	30.48	30.48	30.48	30.00	30.48	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28			48.28			48.28			48.28		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name												
Base Volume Input [veh/h]	110	5	165	5	1	5	5	495	55	80	490	5
Base Volume Adjustment Factor	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Proportion of CAVs [%]	0.00											
Growth Factor	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	131	6	197	6	1	6	6	592	66	95	586	6
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	33	2	49	2	0	2	2	148	17	24	147	2
Total Analysis Volume [veh/h]	131	6	197	6	1	6	6	592	66	95	586	6
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Number of Conflicting Circulating Lanes	1			1			1			1		
Circulating Flow Rate [veh/h]	616			828			104			146		
Exiting Flow Rate [veh/h]	165			18			737			811		
Demand Flow Rate [veh/h]	131	6	197	6	1	6	6	592	66	95	586	6
Adjusted Demand Flow Rate [veh/h]	131	6	197	6	1	6	6	592	66	95	586	6

Lanes

Override Calculated Critical Headway	No			No			No	No	No		
User-Defined Critical Headway [s]	4.00			4.00			4.00	4.00	4.00		
Override Calculated Follow-Up Time	No			No			No	No	No		
User-Defined Follow-Up Time [s]	3.00			3.00			3.00	3.00	3.00		
A (intercept)	1380.00			1380.00			1420.00	1420.00	1380.00		
B (coefficient)	0.00102			0.00102			0.00091	0.00091	0.00102		
HV Adjustment Factor	0.98			0.98			0.98	0.98	0.98		
Entry Flow Rate [veh/h]	341			14			610	68	701		
Capacity of Entry and Bypass Lanes [veh/h]	737			593			1292	1292	1190		
Pedestrian Impedance	1.00			1.00			1.00	1.00	1.00		
Capacity per Entry Lane [veh/h]	722			582			1267	1267	1166		
X, volume / capacity	0.46			0.02			0.47	0.05	0.59		

Movement, Approach, & Intersection Results

Lane LOS	B	A	A	A	B
95th-Percentile Queue Length [veh]	2.46	0.07	2.60	0.16	4.03
95th-Percentile Queue Length [m]	18.74	0.52	19.83	1.26	30.72
Approach Delay [s/veh]	11.53	6.45	7.28		10.36
Approach LOS	B	A	A		B
Intersection Delay [s/veh]	9.35				
Intersection LOS	A				

Intersection Level Of Service Report**Intersection 1: Payzant at Wentworth**

Control Type:	Two-way stop	Delay (sec / veh):	1,289.0
Analysis Method:	HCM 7th Edition	Level Of Service:	F
Analysis Period:	15 minutes	Volume to Capacity (v/c):	3.278

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	1	0	0	0	0	0	1	0	0	1	0	0
Entry Pocket Length [m]	60.00	30.48	30.48	30.48	30.48	30.48	25.00	30.48	30.48	80.00	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28			48.28			48.28			48.28		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	65	1	170	1	1	1	1	395	230	295	420	5
Base Volume Adjustment Factor	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	25	0	58	0	0	0	0	0	16	13	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	103	1	261	1	1	1	1	472	291	366	502	6
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	26	0	65	0	0	0	0	118	73	92	126	2
Total Analysis Volume [veh/h]	103	1	261	1	1	1	1	472	291	366	502	6
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Stop	Free	Free
Flared Lane	No	No		
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No	No		
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	3.28	0.02	0.53	0.08	0.03	0.00	0.00	0.00	0.00	0.43	0.01	0.00
d_M, Delay for Movement [s/veh]	1288.99	100.59	21.56	324.14	128.27	28.57	8.41	0.00	0.00	12.41	0.00	0.00
Movement LOS	F	F	C	F	F	D	A	A	A	B	A	A
95th-Percentile Queue Length [veh/ln]	12.13	3.34	3.34	0.35	0.35	0.35	0.00	0.00	0.00	2.19	0.00	0.00
95th-Percentile Queue Length [m/ln]	92.44	25.48	25.48	2.65	2.65	2.65	0.02	0.00	0.00	16.70	0.00	0.00
d_A, Approach Delay [s/veh]	379.43			160.32			0.01			5.19		
Approach LOS	F			F			A			A		
d_I, Intersection Delay [s/veh]	71.55											
Intersection LOS	F											

Intersection Level Of Service Report**Intersection 1: Payzant at Wentworth**

Control Type:
Analysis Method:
Analysis Period:

Two-way stop
HCM 7th Edition
15 minutes

Delay (sec / veh):
Level Of Service:
Volume to Capacity (v/c):

539.9
F
1.910

Intersection Setup

Name												
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	1	0	0	0	0	0	1	0	0	1	0	0
Entry Pocket Length [m]	60.00	30.48	30.48	30.48	30.48	30.48	25.00	30.48	30.48	80.00	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28			48.28			48.28			48.28		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name												
Base Volume Input [veh/h]	110	5	165	5	1	5	5	495	55	80	490	5
Base Volume Adjustment Factor	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	20	0	30	0	0	0	0	0	30	46	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	151	6	227	6	1	6	6	592	96	141	586	6
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	38	2	57	2	0	2	2	148	24	35	147	2
Total Analysis Volume [veh/h]	151	6	227	6	1	6	6	592	96	141	586	6
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Stop	Free	Free
Flared Lane	No	No		
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No	No		
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	1.91	0.06	0.48	0.18	0.01	0.01	0.01	0.01	0.00	0.16	0.01	0.00
d_M, Delay for Movement [s/veh]	539.92	50.75	21.86	126.65	57.56	25.80	8.68	0.00	0.00	9.70	0.00	0.00
Movement LOS	F	F	C	F	F	D	A	A	A	A	A	A
95th-Percentile Queue Length [veh/ln]	13.26	3.11	3.11	0.69	0.69	0.69	0.02	0.00	0.00	0.55	0.00	0.00
95th-Percentile Queue Length [m/ln]	101.05	23.70	23.70	5.24	5.24	5.24	0.14	0.00	0.00	4.19	0.00	0.00
d_A, Approach Delay [s/veh]	226.03			74.79			0.08			1.87		
Approach LOS	F			F			A			A		
d_I, Intersection Delay [s/veh]	48.90											
Intersection LOS	F											

Intersection Level Of Service Report
Intersection 1: Payzant at WentworthControl Type: Roundabout
Analysis Method: HCM 7th Edition
Analysis Period: 15 minutesDelay (sec / veh): 11.0
Level Of Service: B**Intersection Setup**

Name												
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	1	0	0	0
Entry Pocket Length [m]	30.48	30.48	30.48	30.48	30.48	30.48	30.48	30.48	30.00	30.48	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28			48.28			48.28			48.28		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name												
Base Volume Input [veh/h]	65	1	170	1	1	1	1	395	230	295	420	5
Base Volume Adjustment Factor	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Proportion of CAVs [%]	0.00											
Growth Factor	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	25	0	58	0	0	0	0	0	16	13	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	103	1	261	1	1	1	1	472	291	366	502	6
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	26	0	65	0	0	0	0	118	73	92	126	2
Total Analysis Volume [veh/h]	103	1	261	1	1	1	1	472	291	366	502	6
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Number of Conflicting Circulating Lanes	1			1			1			1		
Circulating Flow Rate [veh/h]	483			990			375			107		
Exiting Flow Rate [veh/h]	671			8			618			749		
Demand Flow Rate [veh/h]	103	1	261	1	1	1	1	472	291	366	502	6
Adjusted Demand Flow Rate [veh/h]	103	1	261	1	1	1	1	472	291	366	502	6

Lanes

Override Calculated Critical Headway	No			No			No	No	No
User-Defined Critical Headway [s]	4.00			4.00			4.00	4.00	4.00
Override Calculated Follow-Up Time	No			No			No	No	No
User-Defined Follow-Up Time [s]	3.00			3.00			3.00	3.00	3.00
A (intercept)	1380.00			1380.00			1420.00	1420.00	1380.00
B (coefficient)	0.00102			0.00102			0.00091	0.00091	0.00102
HV Adjustment Factor	0.98			0.98			0.98	0.98	0.98
Entry Flow Rate [veh/h]	373			4			483	297	892
Capacity of Entry and Bypass Lanes [veh/h]	843			503			1010	1010	1238
Pedestrian Impedance	1.00			1.00			1.00	1.00	1.00
Capacity per Entry Lane [veh/h]	827			493			990	990	1213
X, volume / capacity	0.44			0.01			0.48	0.29	0.72

Movement, Approach, & Intersection Results

Lane LOS	A	A	A	A	B
95th-Percentile Queue Length [veh]	2.28	0.02	2.64	1.23	6.68
95th-Percentile Queue Length [m]	17.40	0.14	20.12	9.39	50.92
Approach Delay [s/veh]	9.97	7.38	8.29		13.81
Approach LOS	A	A	A		B
Intersection Delay [s/veh]	11.00				
Intersection LOS	B				

Intersection Level Of Service Report
Intersection 1: Payzant at WentworthControl Type: Roundabout
Analysis Method: HCM 7th Edition
Analysis Period: 15 minutesDelay (sec / veh): 10.5
Level Of Service: B**Intersection Setup**

Name												
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	1	0	0	0
Entry Pocket Length [m]	30.48	30.48	30.48	30.48	30.48	30.48	30.48	30.48	30.00	30.48	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28			48.28			48.28			48.28		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name												
Base Volume Input [veh/h]	110	5	165	5	1	5	5	495	55	80	490	5
Base Volume Adjustment Factor	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300	1.0300
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Proportion of CAVs [%]	0.00											
Growth Factor	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600	1.1600
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	20	0	30	0	0	0	0	0	30	46	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	151	6	227	6	1	6	6	592	96	141	586	6
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	38	2	57	2	0	2	2	148	24	35	147	2
Total Analysis Volume [veh/h]	151	6	227	6	1	6	6	592	96	141	586	6
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Number of Conflicting Circulating Lanes	1			1			1			1		
Circulating Flow Rate [veh/h]	616			896			151			166		
Exiting Flow Rate [veh/h]	243			18			758			842		
Demand Flow Rate [veh/h]	151	6	227	6	1	6	6	592	96	141	586	6
Adjusted Demand Flow Rate [veh/h]	151	6	227	6	1	6	6	592	96	141	586	6

Lanes

Override Calculated Critical Headway	No			No			No	No	No		
User-Defined Critical Headway [s]	4.00			4.00			4.00	4.00	4.00		
Override Calculated Follow-Up Time	No			No			No	No	No		
User-Defined Follow-Up Time [s]	3.00			3.00			3.00	3.00	3.00		
A (intercept)	1380.00			1380.00			1420.00	1420.00	1380.00		
B (coefficient)	0.00102			0.00102			0.00091	0.00091	0.00102		
HV Adjustment Factor	0.98			0.98			0.98	0.98	0.98		
Entry Flow Rate [veh/h]	392			14			610	98	748		
Capacity of Entry and Bypass Lanes [veh/h]	737			554			1238	1238	1165		
Pedestrian Impedance	1.00			1.00			1.00	1.00	1.00		
Capacity per Entry Lane [veh/h]	722			543			1214	1214	1142		
X, volume / capacity	0.53			0.02			0.49	0.08	0.64		

Movement, Approach, & Intersection Results

Lane LOS	B	A	A	A	B
95th-Percentile Queue Length [veh]	3.17	0.07	2.81	0.26	4.91
95th-Percentile Queue Length [m]	24.18	0.56	21.43	1.96	37.39
Approach Delay [s/veh]	13.18	6.92	7.63		11.83
Approach LOS	B	A	A		B
Intersection Delay [s/veh]	10.48				
Intersection LOS	B				

Intersection Level Of Service Report**Intersection 3: Payzant at King**

Control Type: Two-way stop
 Analysis Method: HCM 7th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 30.1
 Level Of Service: D
 Volume to Capacity (v/c): 0.389

Intersection Setup

Name						
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	0	1	1	0	0	0
Entry Pocket Length [m]	30.48	30.48	30.48	30.48	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28		48.28		48.28	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		Yes		Yes	

Volumes

Name						
Base Volume Input [veh/h]	86	78	112	264	443	92
Base Volume Adjustment Factor	1.0457	1.0457	1.0457	1.0457	1.0457	1.0457
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	90	82	117	276	463	96
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	23	21	29	69	116	24
Total Analysis Volume [veh/h]	90	82	117	276	463	96
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.39	0.15	0.12	0.00	0.00	0.00
d_M, Delay for Movement [s/veh]	30.10	12.49	9.02	0.00	0.00	0.00
Movement LOS	D	B	A	A	A	A
95th-Percentile Queue Length [veh/ln]	1.74	0.51	0.39	0.00	0.00	0.00
95th-Percentile Queue Length [m/ln]	13.23	3.87	2.98	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	21.70		2.69		0.00	
Approach LOS	C		A		A	
d_I, Intersection Delay [s/veh]	4.26					
Intersection LOS	D					

Intersection Level Of Service Report**Intersection 3: Payzant at King**

Control Type: Two-way stop
 Analysis Method: HCM 7th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 58.4
 Level Of Service: F
 Volume to Capacity (v/c): 0.605

Intersection Setup

Name						
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	0	1	1	0	0	0
Entry Pocket Length [m]	30.48	30.48	30.48	30.48	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28		48.28		48.28	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		Yes		Yes	

Volumes

Name						
Base Volume Input [veh/h]	90	120	104	457	542	85
Base Volume Adjustment Factor	1.0457	1.0457	1.0457	1.0457	1.0457	1.0457
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	94	125	109	478	567	89
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	24	31	27	120	142	22
Total Analysis Volume [veh/h]	94	125	109	478	567	89
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.60	0.25	0.12	0.00	0.01	0.00
d_M, Delay for Movement [s/veh]	58.43	14.75	9.38	0.00	0.00	0.00
Movement LOS	F	B	A	A	A	A
95th-Percentile Queue Length [veh/ln]	3.23	1.00	0.40	0.00	0.00	0.00
95th-Percentile Queue Length [m/ln]	24.62	7.59	3.02	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	33.50		1.74		0.00	
Approach LOS	D		A		A	
d_I, Intersection Delay [s/veh]	5.72					
Intersection LOS	F					

Intersection Level Of Service Report**Intersection 3: Payzant at King**

Control Type: Two-way stop
 Analysis Method: HCM 7th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 36.1
 Level Of Service: E
 Volume to Capacity (v/c): 0.497

Intersection Setup

Name						
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	0	1	1	0	0	0
Entry Pocket Length [m]	30.48	30.48	30.48	30.48	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28		48.28		48.28	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		Yes		Yes	

Volumes

Name						
Base Volume Input [veh/h]	86	78	112	264	443	92
Base Volume Adjustment Factor	1.0457	1.0457	1.0457	1.0457	1.0457	1.0457
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	21	22	8	0	0	7
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	111	104	125	276	463	103
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	28	26	31	69	116	26
Total Analysis Volume [veh/h]	111	104	125	276	463	103
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.50	0.19	0.12	0.00	0.00	0.00
d_M, Delay for Movement [s/veh]	36.09	12.89	9.09	0.00	0.00	0.00
Movement LOS	E	B	A	A	A	A
95th-Percentile Queue Length [veh/ln]	2.52	0.68	0.42	0.00	0.00	0.00
95th-Percentile Queue Length [m/ln]	19.17	5.15	3.23	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	24.86		2.83		0.00	
Approach LOS	C		A		A	
d_I, Intersection Delay [s/veh]	5.48					
Intersection LOS	E					

Intersection Level Of Service Report**Intersection 3: Payzant at King**

Control Type: Two-way stop
 Analysis Method: HCM 7th Edition
 Analysis Period: 15 minutes

Delay (sec / veh): 81.1
 Level Of Service: F
 Volume to Capacity (v/c): 0.739

Intersection Setup

Name						
Approach	Southbound		Eastbound		Westbound	
Lane Configuration						
Turning Movement	Left	Right	Left	Thru	Thru	Right
Lane Width [m]	3.66	3.66	3.66	3.66	3.66	3.66
No. of Lanes in Entry Pocket	0	1	1	0	0	0
Entry Pocket Length [m]	30.48	30.48	30.48	30.48	30.48	30.48
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [m]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [km/h]	48.28		48.28		48.28	
Grade [%]	0.00		0.00		0.00	
Crosswalk	Yes		Yes		Yes	

Volumes

Name						
Base Volume Input [veh/h]	90	120	104	457	542	85
Base Volume Adjustment Factor	1.0457	1.0457	1.0457	1.0457	1.0457	1.0457
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	10	15	21	0	0	17
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	104	140	130	478	567	106
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	26	35	33	120	142	27
Total Analysis Volume [veh/h]	104	140	130	478	567	106
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Stop	Free	Free
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance	No		
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.74	0.29	0.14	0.00	0.01	0.00
d_M, Delay for Movement [s/veh]	81.08	15.32	9.57	0.00	0.00	0.00
Movement LOS	F	C	A	A	A	A
95th-Percentile Queue Length [veh/ln]	4.35	1.18	0.49	0.00	0.00	0.00
95th-Percentile Queue Length [m/ln]	33.18	8.96	3.75	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	43.35		2.05		0.00	
Approach LOS	E		A		A	
d_I, Intersection Delay [s/veh]	7.75					
Intersection LOS	F					

APPENDIX B – AUXILIARY TURN LANE WARRANTS

Estimated Left Turning Traffic Scenarios for Proposed Development

Data and Assumptions:

Posted Speed: 50 km/h

Design Speed: 60 km/h

Assume 50% of site generated trips turn left into development

Assume 50/50 split from development

Left turn volume= 15 (based off Trip Generation rates)

V_A = Southbound volume + Left turn volume

V_O = Northbound volume

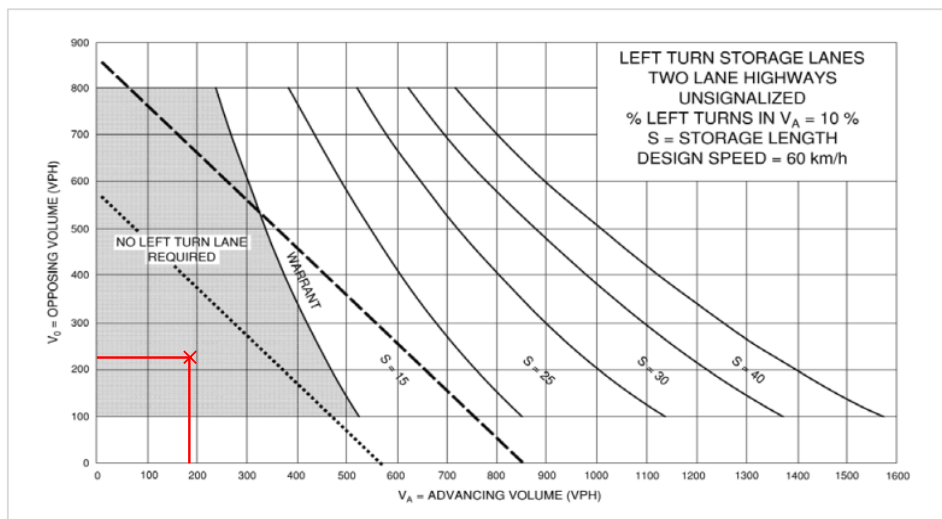
2033 Future Traffic Volumes

2-way Peak Hour Volume = 415 vph

V_A = 187 vph

V_O = 228 vph

% Left Turns in V_A = 8%



Estimated Left Turning Traffic Scenarios for Proposed Development

Data and Assumptions:

Posted Speed: 50 km/h
Design Speed: 60 km/h

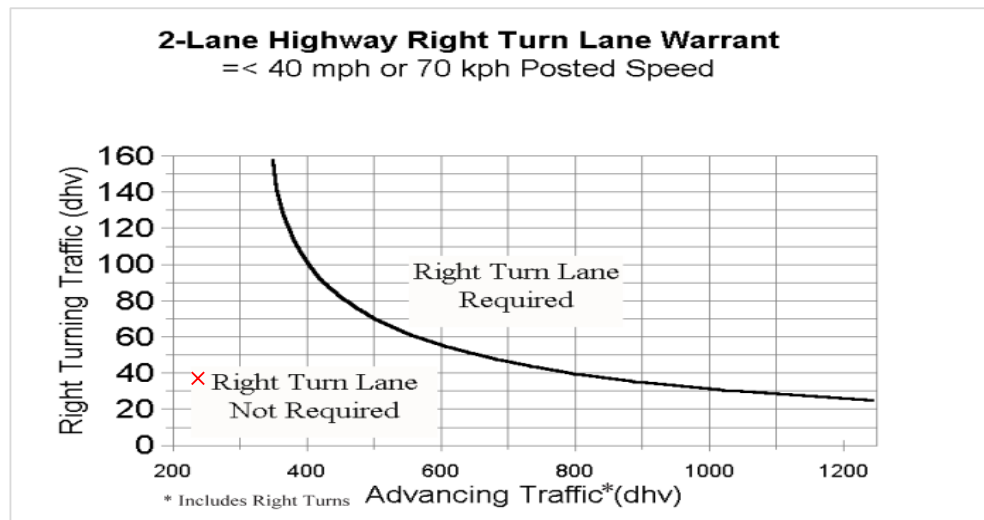
Assume 50% of site generated trips turn right into development

Right Turn Volume = 38 (based off Trip Generation rates)

V_A = Northbound Volume
 V_O = Southbound Volume

2033 Future Traffic Volumes

2-way Peak Hour Volume = 493 vph
 V_A = 236 vph
 V_O = 257 vph



Estimated Left Turning Traffic Scenarios for Proposed Development

Data and Assumptions:

Posted Speed: 50 km/h

Design Speed: 60 km/h

Assume 50% of site generated trips turn left into development

Left turn volume= 38 (based off Trip Generation rates)

V_A = Southbound volume + Left turn volume

V_O = Northbound volume

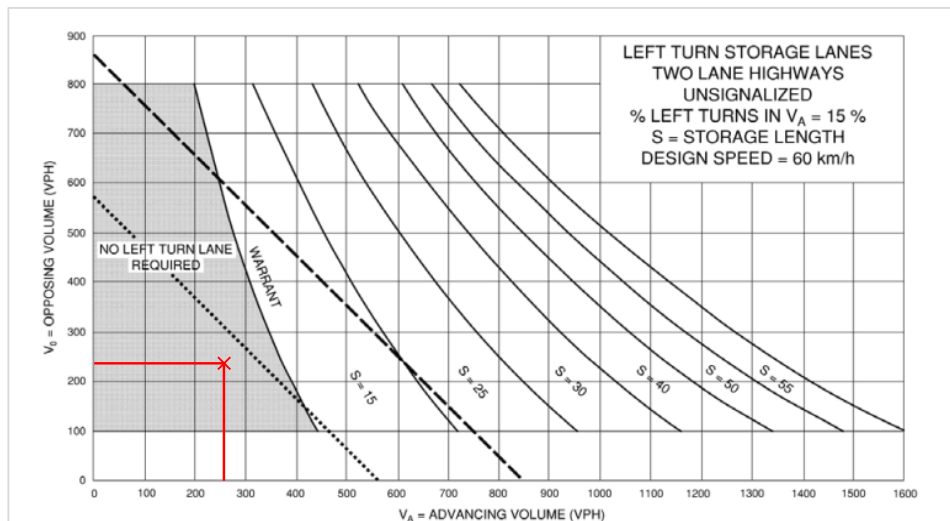
2033 Future Traffic Volumes

2-way Peak Hour Volume = 493 vph

V_A = 257 vph

V_O = 236 vph

% Left Turns in V_A = 15%



Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Danny	Dill	2020-06-30	2020-07-14 COTW
Quentin	Davison	2020-07-06	2020-07-14 COTW
Alyson	Bremner	2020-07-07	2020-07-14 COTW
Cecil	Rolfe	2020-07-13	2020-07-14 COTW
Pat	Porter	2020-07-13	2020-07-14 COTW
Nikki-Marie	Lloyd	2020-08-02	2020-09-08 COTW
Heather	Boylan (Martock)	2020-09-01	2020-09-08 COTW
Greg	O'Leary	2020-09-03	2020-09-08 COTW
Dr. Abby	Kirumira	2020-09-02	2020-09-08 COTW
Dean	Manning	2020-09-08	2020-09-08 COTW
David & Michelle	Rideout	2020-09-08	2020-09-08 COTW
Colleen	Walsh-Bouman	2020-09-08	2020-09-08 COTW
Nicholas & Alyson	Juurlink/Bremner (Linked Farms)	2020-09-08	2020-09-22 Council
Tasha	Rogers	2020-09-08	2020-09-22 Council
Brad	Carrigan	2020-09-23	2020-10-13 COTW
Karen	Carrigan	2020-09-23	2020-10-13 COTW
Elaine	Morehouse	2020-09-24	2020-10-13 COTW
Gary	Morehouse	2020-09-24	2020-10-13 COTW
Dr. A	Kirumira	2020-09-24	2020-10-13 COTW
Blake	Sarsfield	undated	2020-10-13 COTW
Greg	Webster	2020-10-01	2020-10-13 COTW
Bobby	Kidston	2020-10-02	2020-10-13 COTW
NSTIR	(Province of NS)	2021-01-13	2021-01-26 Council
Darren	Porter	2021-03-19	2021-03-23 Council
Rylan	Carrigan	2021-03-29	2021-04-13 COTW
Robin	Bremner-Popma (Hants Co Fed of Agri)	2021-03-29	2021-04-13 COTW
Roslyn	MacDuff	2021-03-29	2021-04-13 COTW
Darlene	Taylor	2021-03-23	2021-04-13 COTW
Daniel	Oulton	2021-03-26	2021-04-13 COTW
Karen	Carrigan	2021-03-26	2021-04-13 COTW
Marie & Andrew	Connolly	2021-03-26	2021-04-13 COTW
Robin	Thomson (Atlantic Division Canoe Kayak Canada)	2021-03-30	2021-04-13 COTW
Barbara	Hughes	2021-03-29	2021-04-13 COTW
Laura	Fisher	2021-04-01	2021-04-13 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Nikki-Marie	Lloyd	2021-04-06	2021-04-13 COTW
Ken	Donnelly (Hwy 101 Twinning CLC)	2021-04-01	2021-04-13 COTW
Darren	Porter	2021-04-06	2021-04-13 COTW
Karen	Lynch	2021-04-09	2021-04-13 COTW
Carilee	Eddy	2021-04-15	2021-04-27 Council
Nikki-Marie	Lloyd	2021-04-19	2021-04-27 Council
Sheldon	Hope	2021-04-19	2021-04-27 Council
Adrienne	Wood	2021-04-22	2021-04-27 Council
Magda	Montgomery	2021-04-22	2021-04-27 Council
Sheldon	Hope	2021-04-26	2021-04-27 Council
Andrew	Smiley	2021-05-02	2021-05-11 COTW
Carrilee	Eddy	2021-05-03	2021-05-11 COTW
Denise	Forand	2021-04-27	2021-05-11 COTW
Erin	Naugler	2021-05-02	2021-05-11 COTW
Janet	Comeau	2021-05-02	2021-05-11 COTW
Kristyn	Anderson	2021-05-02	2021-05-11 COTW
Laura	Fisher	2021-04-01	2021-05-11 COTW
Nick	Rafuse	2021-05-03	2021-05-11 COTW
Nicole	McLeod	2021-05-02	2021-05-11 COTW
Robyn	Cook	2021-05-02	2021-05-11 COTW
Sheldon	Hope	2021-05-02	2021-05-11 COTW
Tammy	Hilden	2021-05-02	2021-05-11 COTW
Tracey	Sexton	2021-05-03	2021-05-11 COTW
Ginette	Pitcher	2021-05-03	2021-05-11 COTW
Greg	Miller	2021-05-05	2021-05-11 COTW
David & Michelle	Rideout	2021-05-05	2021-05-11 COTW
Sylvia & Vince	Burgess	2021-05-05	2021-05-11 COTW
Scott (Adrienne)	Miniau (Wood)	2021-05-03	2021-05-11 COTW
Barbara	Sullivan	2021-05-06	2021-05-11 COTW
Sandra & Skip	Hogan	2021-05-06	2021-05-11 COTW
Marie & Andrew	Connolly	2021-05-06	2021-05-11 COTW
Karen	Carrigan	2021-05-07	2021-05-11 COTW
Adrienne	Wood (Petition)	2021-05-07	2021-05-11 COTW
Lisa	Hines	2021-05-07	2021-05-11 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Cam	Hartley	2021-05-07	2021-05-11 COTW
Troy & Vicki	Harvie	2021-05-07	2021-05-11 COTW
Jenn	McDermott	2021-05-08	2021-05-11 COTW
Jennifer	Daniels	2021-05-09	2021-05-11 COTW
Krista & Colin	Duncan	2021-05-09	2021-05-11 COTW
Robin	Bremner-Popma	2021-05-07	2021-05-11 COTW
Roslyn (Darlene) [Barb]	MacDuff (Taylor) [Hughes]	2021-05-08	2021-05-11 COTW
Wayne & Dianne	Hines	2021-05-09	2021-05-11 COTW
Bob & Sandra	Langdon	2021-05-10	2021-05-11 COTW
Brad	Hood	2021-05-10	2021-05-11 COTW
Ed & Cathy	Kerr	2021-05-10	2021-05-11 COTW
Ann	MacArthur	2021-05-10	2021-05-11 COTW
Carole Anne	Casey	2021-05-10	2021-05-11 COTW
Sarah	MacDonald	2021-05-10	2021-05-11 COTW
Andre & Donna	Arsenault	2021-05-11	2021-05-11 COTW
Aaron	Leblanc	2021-05-12	2021-05-25 Council
Adrian	Rooney	2021-05-19	2021-05-25 Council
Adrienne	Wood	2021-05-12	2021-05-25 Council
Barb	Sullivan	2021-05-16	2021-05-25 Council
Barbara	Beck	2021-05-15	2021-05-25 Council
Bethany	Rozee	2021-05-12	2021-05-25 Council
Carl	Siler	2021-05-12	2021-05-25 Council
Carol	Bradley	2021-05-16	2021-05-25 Council
Carol	McKinley	2021-05-12	2021-05-25 Council
Chad	Pothier	2021-05-18	2021-05-25 Council
Chris	Cann	2021-05-21	2021-05-25 Council
Connie	Shay	2021-05-15	2021-05-25 Council
Conrad	Mullins	2021-05-18	2021-05-25 Council
Darlene	Taylor	2021-05-15	2021-05-25 Council
Darren	Porter	2021-05-12	2021-05-25 Council
Darren	Woods	2021-05-13	2021-05-25 Council
Dawson	Sheehy	2021-05-16	2021-05-25 Council
Deanna	Hamilton	2021-05-15	2021-05-25 Council
Debbie	Porter-Wood	2021-05-13	2021-05-25 Council
Debbie	Siler	2021-05-15	2021-05-25 Council
Denise	Forand	2021-05-13	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Devan	Archibald	2021-05-18	2021-05-25 Council
Diane	Ogilvie	2021-05-13	2021-05-25 Council
Erin	Naugler	2021-05-13	2021-05-25 Council
Ernest	Eddy	2021-05-15	2021-05-25 Council
Gerry	Young	2021-05-15	2021-05-25 Council
Gina	Cochrane	2021-05-12	2021-05-25 Council
Harry	Ullock	2021-05-15	2021-05-25 Council
Hope	Moon	2021-05-12	2021-05-25 Council
Ian	Shaw	2021-05-16	2021-05-25 Council
J	Davis (and J Griffith)	2021-05-17	2021-05-25 Council
Jacqueline	Farvacque	2021-05-12	2021-05-25 Council
Jayne	Murray	2021-05-16	2021-05-25 Council
Jeff	Redden	2021-05-17	2021-05-25 Council
Jennifer	Shaw	2021-05-16	2021-05-25 Council
Jocelyne	Marchand	2021-05-12	2021-05-25 Council
John & Sarah	Monette	2021-05-19	2021-05-25 Council
Jordan	Macumber	2021-05-12	2021-05-25 Council
Josette	Dugue	2021-05-12	2021-05-25 Council
Judy	Lynch	2021-05-13	2021-05-25 Council
June	Pedersen-LaPierre	2021-05-15	2021-05-25 Council
Justin	Cochrane	2021-05-12	2021-05-25 Council
Karen	Lynch	2021-05-18	2021-05-25 Council
Kathryn	Bergeron	2021-05-16	2021-05-25 Council
Kathy	Veinot	2021-05-15	2021-05-25 Council
Kyle	Pellegrini	2021-05-12	2021-05-25 Council
Lachlan	Riehl	2021-05-12	2021-05-25 Council
Laura	Stewart	2021-05-19	2021-05-25 Council
Lee	Billington	2021-05-12	2021-05-25 Council
Lee	Millett	2021-05-12	2021-05-25 Council
Lexie	Barkhouse	2021-05-12	2021-05-25 Council
Linda	Card	2021-05-11	2021-05-25 Council
Monique	Wood	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-18	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-12	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-17	2021-05-25 Council

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Olena	Kharytonova	2021-05-15	2021-05-25 Council
Pat	Porter	2021-05-12	2021-05-25 Council
Paula	Lake	2021-05-12	2021-05-25 Council
Robert	Bowkett	2021-05-18	2021-05-25 Council
Roslyn	MacDuff	2021-05-15	2021-05-25 Council
Ruth	Angevine	2021-05-13	2021-05-25 Council
Scotch Village	Farm	2021-05-19	2021-05-25 Council
Shirley	Pineo	2021-05-12	2021-05-25 Council
Stephen	Brooks	2021-05-12	2021-05-25 Council
Trudy	Sheehy	2021-05-17	2021-05-25 Council
Steven	Bouman	2021-05-17	2021-05-25 Council
Sue	Sheehy	2021-05-14	2021-05-25 Council
Susie	Smith	2021-05-12	2021-05-25 Council
Tasha	Rogers	2021-05-12	2021-05-25 Council
Tera	Brommit	2021-05-17	2021-05-25 Council
Toni-Lee	Burns	2021-05-12	2021-05-25 Council
Tony	Wood	2021-05-18	2021-05-25 Council
Tracey	Sexton	2021-05-16	2021-05-25 Council
Trevor	Levy	2021-05-12	2021-05-25 Council
Tricia	Brommit	2021-05-17	2021-05-25 Council
Vince & Sylvia	Burgess	2021-05-16	2021-05-25 Council
Loretta	MacEachern	2021-05-20	2021-05-25 Council
Tim & Jennifer	Bayers	2021-05-21	2021-05-25 Council
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darren	Porter (forwarded email from/to another source)	2021-05-27	2021-06-08 COTW
Dawn	Allen	2021-05-25	2021-06-08 COTW
John	Monette	2021-05-25	2021-06-08 COTW
Richard	Dunham	2021-05-25	2021-06-08 COTW
Carrilee	Eddy	2021-06-06	2021-06-22 Council
Darlene	Taylor	2021-06-09	2021-06-22 Council
Darren	Porter	2021-06-06	2021-06-22 Council
Lisa	Bland	2021-06-08	2021-06-22 Council
Krista & Scott	Lloy	2021-06-07	2021-06-22 Council
Nancy	Sheehy	2021-06-06	2021-06-22 Council
Karen	Beazley	2021-07-06	2021-07-13 COTW

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
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

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

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

Avon River Causeway Correspondence
(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

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)

[illegible]

Correspondence Received

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
Katherine	Mcleod, P.Eng, Dept. Environment and climate change	2021-10-28 (Received)	2022-01-11 COTW
Hants County Legion		2021-11-25	2021-12-07 COTW
Hon. Melissa	Sheehy-Richard	2021-11-30	2021-12-07 COTW
Hon. John	Lohr	2021-11-30	2021-12-07 COTW
Hon. Kim	Masland	2021-12-01	2021-12-16 Council
NSUARB		2021-12-10	2021-12-16 Council
Bennet	Mary Lou	2021-12-13	2021-12-16 Council
Hon. Kim	Masland	2021-12-17	2022-01-11 COTW
Bland	Lisa	2021-01-17	2022-01-11-COTW
Wilson	John	2021-12-21	2022-01-11 COTW
Pineo	Shirley	2021-12-17	2022-01-11 COTW
Nelson	Gary	2022-01-11	2022-01-25 Council
Hon. Kody	Blois	2022-01-13	2022-01-25 Council
Denise	Forrand	2022-01-19	2022-01-25 Council
Dawn	Allen	2022-01-18	2022-01-25 Council
Sarah	Brothers	2022-01-19	2022-01-25 Council
Roland	Newcombe	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

Correspondence Received

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
Darren	Porter	2022-09-14	2022-09-27 Council
Darren	Porter	2022-09-16	2022-09-27 Cour

Correspondence Received

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 Sanford	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
Kody Blois	Re: Letter to the Hon. Kim Masland	2023-03-21	2023-03-28 Council

Correspondence Received

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	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
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

Correspondence Received

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
Grant Thomas	Re Theft	2023-05-03	2023-05-09 COTW
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

Correspondence Received

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
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

Correspondence Received

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
<u>Barry Maxner</u>	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
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

Correspondence Received

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
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

Correspondence Received

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 NSFMR 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
King's Meadows Residence	Re Non Profit Options	2023-10-25	2023-11-14 COTW
Premier Tim Houston	Re Future Energy Security for NS letter to Councillor	2023-10-25	2023-11-14 COTW
Premier Tim Houston	Re YourHealthNS app	2023-11-02	2023-11-14 COTW
Sheldon Hebb	Re Curbside Waste Collection	2023-10-25	2023-11-14 COTW
VREN	Re Land and Asset Database Update and User	2023-11-06	2023-11-14 COTW

Correspondence Received

	Integration		
Kelsey MacNeil	Re Wind Strength Update	2023-11-08	2023-11-14 COTW
Steven Hart (Protect Vaughans Community)	Re Amendment to Policy 4.22.4 (3 emails)	2023-11-02	2023-11-14 COTW
Mandy Singleton	Re Riverview Drive Rezoning Brooklyn	2023-11-09	2023-11-14 COTW
Ian Daniels	Re Windsor Elementary School	2023-11-13	2023-11-14 COTW
Sandra Watson	Re Rezoning PID 45215290 Riverview Drive Brooklyn	2023-11-15	2023-11-28 Council
Steven Hart	Re Follow-up to Policy Amendment 4.22.4 (4 emails)	2023-11-16	2023-11-28 Council
Amanda Dunfield	Re Windsor Stormwater: CSO Outfall Signage	2023-11-20	2023-11-28 Council
Hon. Kim Masland	Re Provincial Intersection Street lighting	Sent 2023-04-03 and resent 2023-11-21	2023-11-28 Council
Amanda Dunfield	Re Minas Basin Sessions/Requests Recording of Community Events	2023-11-23	2023-11-28 Council
Kelsea MacNeil, Director, Public Relations & Business Development Membertou Development Corporation	Re Bear Lake Wind Project Information Session	2023-11-23	2023-11-28 Council
Residents of the Concerned Citizens	Call to Action	2023-11-24	2023-11-28 Council
MADD Annapolis Valley	Re Red Ribbon Request	2023-11-16	2023-11-28 Council
Dykeland Lodge	Re Request for a Secondary Exit from College Road	2023-11-21	2023-11-28 Council
Protect Vaughans Community (Steven Hart)	Re Follow-Up To Wind Farm	2023-11-21	2023-11-28 Council
Kelsey McNeil	Re Bear Lake Wind Information - Tax Memo & Community Benefits	2023-11-30	2023-12-05 COTW
Lubna Jamshaid	Re Support Ceasefire in Gaza!	2023-11-28	2023-12-05 COTW
Jill Pasquet	Re Cease Fire	2023-11-28	2023-12-05 COTW
Shawkat Ali	Re Support for Ceasefire in Palestine	2023-11-28	2023-12-05 COTW

Correspondence Received

Youseff Rafih	Re Ceasefire Now! Not Pause	2023-11-30	2023-12-05 COTW
Ahmed Nassrat	Re Motion for Peace	2023-11-29	2023-12-05 COTW
Andrew Zebian	Re Call For Ceasefire	2023-11-30	2023-12-05 COTW
Jennifer Crawford	Re West Hants call for ceasefire in Gaza	2023-11-30	2023-12-05 COTW
Kody Blois to the Premier	Re Marshlands (WHRM copied)	2023-12-01	2023-12-05 COTW
Amanda Dunfield	Re 2023.11.30 Stormwater Discussions Formal Request for Presentation Materials	2023-11-30	2023-12-05 COTW
Elizabeth Tuck	Re In Support of a Ceasefire	2023-12-03	2023-12-05 COTW
Frank Bezanson	Re A call for a permanent ceasefire	2023-12-03	2023-12-05 COTW
Mohammed Barrah	Re Urgent Letter to Mayor Zebian and WHRM Council	2023-12-04	2023-12-05 COTW
Lubna Jamshaid	Re: Support Ceasefire in Gaza	2023-12-05	2023-12-12 Council
Andrea Parker	Re Health Plan Survey Opportunity	2023-12-06	2023-12-12 Council
MLA Sheehy-Richard	Re: Response Re Additional Carpool Parking Lot	2023-12-12	2023-12-12 Council
Myra Stephen	Re: When you know better, do better	2023-12-13	2024-01-09 COTW
Katherine Wadden	Re: PID 45215290 Riverview Drive Brooklyn	2023-12-13	2024-01-09 COTW
Jeff Dunfield	Re: Council Meeting Called for Next Week (Dec. 19, 2023)	2023-12-15	2024-01-09 COTW
Peter Moore	Re December 19th Special Council Meeting	2023-12-18	2024-01-09 COTW
NSFM	Re: Letter To Minister Morrow Re Dyke System (WHRM copied)	2023-12-20	2024-01-09 COTW
Peter Moore	Re: COTW - October 12, 2021	2023-12-20	2024-01-09 COTW
Minister Rushton	Re: Response to WHRM Re Smiley's Park	2023-12-21	2024-01-09 COTW
Robert Crow	Re: Lot 13 Rezoning Milliard Crt	2024-01-03	2024-01-09 COTW
Annapolis Valley Regional Library	Re: Letter to Minister MacMaster (WHRM copied)	2023-12-05, Received 2024-01-04	2024-01-09 COTW
Emily Seaboyer	Re: Application for Rezone of OS lot, Millard Court, Union Corner	2024-01-04	2024-01-09 COTW
Denise Forand	Re: The rezoning of gifted lands for subdivisions and our Historic Architectural zone	2024-01-06	COTW2024-01-09
Elizabeth Rondhuis	Re: Land Rezoning PID45236601	2024-01-07	2024-01-09 COTW
Karl Coutino	Re Request for Postponement of Commercial Wine Support Program Announcement	2024-01-08	2024-01-09 COTW

Correspondence Received

Peter Moore	Re Rainfall Warning	2024-01-09	2024-01-09 COTW
Christina Hudgins	Re Millard Court	2024-01-09	2024-01-23 Council
Emily Seaboyer, Shawn Seaboyer & Family	Re Application for Rezone of OS lot, Millard Court, Union Corner	2024-01-09	2024-01-23 Council
Phil Pidgeon	Re Rezoning of PID 45236601 Millard Court, Union Corner	2024-01-12	2024-01-23 Council
Haley Brown	Re Urgent Request for Postponement of Commercial Wine Support Program Announcement	2024-01-12	2024-01-23 Council
Wine Growers Nova Scotia (WGNS)	Re Important Update on Nova Scotia Farm Wine Industry Developments with attached letters	2024-01-16	2024-01-23 Council
Mary Penner	Re Thank You to Citizens of Windsor	2024-01-18	2024-01-23 Council
West Hants Historical Society Letter to WHRM	Re Paris Name	2024-01-17	2024-01-23 Council
Andrew Hardman	Re Supreme Court Decision re Permit D2023-019	2024-01-23	2024-01-23 Council
2024 Update	Re Regional Chairs Coordinators activities at the Provincial level for Waste Management.	2024-01-18	2024-02-13 COTW
Avon Street Erosion Society	Re Registered as a Not-for-Profit Society	2024-01-18	2024-02-13 COTW
Cathy Illsley	Re Discontinuing Aquafit Classes	2024-01-25	2024-02-13 COTW
Denise Forand	Re Opposed to Rezoning PID 45215290 Riverview Drive Brooklyn	2024-01-25	2024-02-13 COTW
Debbie Spears	Re Aqua fitness	2024-01-26	2024-02-13 COTW
HCCC #1 Letter to WHRM Re Request for Financial Support	Re Request for Financial Support	2024-02-01	2024-02-13 COTW
Jennifer Enright	Proclamation Request Re Amyloidosis Awareness Month	2024	2024-02-13 COTW
Denise Forand Re	Re Snow removal from the causeway highway	2024-02-08	2024-02-13 COTW
Birthplace of Hockey Tournament Costs		2024-02-09	2024-02-13 COTW
Amanda Dunfield	Re Windsor Stormwater Municipal Snow Storage	2024-02-09	2024-02-13 COTW
Response from Minister Lohr	Re WHRM Affordable Housing Letter	2024-02-09	2024-02-13 COTW
Carrilee Eddy	Re Assembly of NS Mi'kmaw Chiefs	2024-02-13	2024-02-13 COTW
Kjeld Mizpah Conyers-Steede	Re Valley REN Board Member Connection	2024-02-14	2024-02-27 Council
Andrew Hardman	Re Ken No. 522430 - Hardman et al v. West Hants Regional Municipality	2024-02-15	2024-02-27 Council
Mike Murphy	Re 2-hour parking on Stannus Street	2024-02-15	2024-02-27 Council

Correspondence Received

[illegible]

From: [Abraham Zebian](#)
To: Kjeld Mizpah Conyers-Steede
Cc: [Deanna Snair](#); [Mark Phillips](#)
Subject: Re: Valley REN Board Member Connection
Date: Wednesday, February 14, 2024 11:49:00 AM

On Feb 14, 2024, at 10:29 AM, Kjeld Mizpah Conyers-Steede wrote:

Caution [External Email]

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

Dear Mayor Zebian,

I trust this message finds you well. I am writing to inform you and the council that I accepted the Valley REN board of directors position a few months ago. As a resident of West Hants, it is crucial to keep our municipality's strategic and operational leadership informed about such appointments.

In joining the Valley REN board, I am committed to ensuring that West Hants' interests and perspectives are well-represented. As the organization develops its new strategic plan, I invite the municipality to share any observations or concerns you may wish to convey through my position on the board. I am honoured to be a conduit between our municipality and the Valley REN, ensuring our community's voice is heard and considered.

--

Kjeld Mizpah (KJ) Conyers-Steede, BA
Principal Consultant

Catalyst Conversation Strategies
[Explore the Ideas](#) | [Book a Meeting](#)



"We cannot solve our problems with the same thinking we used when we created them" - Albert Einstein

From: [Abraham Zebian](#)
To: [Deanna Snair](#)
Subject: Fwd: Excessive Property Evaluation
Date: Saturday, February 17, 2024 9:35:03 AM
Attachments: [2024, Jan. 18-A-Property Values for 430 Stannus Street.doc](#)
[2023, Nov. 19- Memo to Min. Lohr re Win Flood Zone.doc](#)

From: Keith Aucoin
Date: February 16, 2024 at 9:48:44 PM AST
To: John Lohr
Cc: Abraham Zebian, Jim Ivey, Peter Moore, Melissa Sheehy-Richard
Subject: Excessive Property Evaluation

Caution [External Email]

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Minister Lohr.

This is in regard to an excessive increase in the property assessment value for our property at 430 Stannus Street, Windsor, NS. Attached is a copy of the assessment figures for our property for the past 10 years, as well as, a similar set of figures for the capped valuation for the same period. You will note that between 2014 and 2022 the increases and reductions in value vary by $\pm 1-2\%$. However in 2023 the increased assessed value escalated by \$35,000+ (22%) and in 2024 the assessed value on our property shot up another \$37,000 (19.2%). This is an increase from $\pm 1-2\%$ during the earlier period to $41\% \pm$ in two years. I note that there was a slight decrease in the property value in the 8 previous years but a 41% increase in two years is outrageous. Even the capped assessed value increased by 18+% in the past three years.

The people who are managing the property files for lower reaches of Windsor know full well that for the past three years, Stannus and several other streets in the lower area of Windsor have been under water 10+ times in 3 years. I might add that this area of Windsor has a combined storm and sanitary drainage system and each time the undersized pipes overflow, the sewage/storm mixture flows onto our streets, into our yards and many basements, into Victoria Park across our street and in Elmcroft park as well just down the street. This is a health hazard by any measure and the Municipality of West Hants recognizes this. The remedy to fix this problem is perplexing, and the situation is stressful to many families and financially devastating. Please see the attached copy of my earlier memo to you outlining in

detail the issues of the flooding and the Municipality's response to the problem.

This area of Windsor in the past three years has become widely known as a flood zone and the actual resale values of the homes has decreased considerably as a result. In addition to the above, we have not had any new upgrades to our 430 Stannus St. property in at least the past 10 + years and some aspects of our property are showing their age. There have not been any property sales in our immediate area for a good many years so increased property values for houses in our flood zone should be decreased in value if anything.

Considering all of the above information, we would ask that the assessed value of our property be reevaluated taking into account the negative impact the flooding situation has on our property value.

*Respectively submitted,
Keith AuCoin*

Keith P. AuCoin, [REDACTED]
[REDACTED]

E-mail: [REDACTED]

Phone: [REDACTED]

To: John Lohr, Minister of Municipal Affairs and Housing
From: Keith P. AuCoin
Subject: Windsor Flooding Issues
Date: November 19, 2023

Minister Lohr.

I'm a long time resident of Stannus Street, Windsor, NS and this memo pertains to the extensive flooding that many residents of the lower levels of Windsor have been experiencing for decades, but in recent years, the flooding has been much more frequent, intense and devastating to numerous families in the affected area. My family residence is in the affected area and we have been impacted by the huge influx of water from more frequent and intensive rain storms in recent years.

Many of the impacted residents have been in frequent contact with our Municipal officials including, senior municipal staff and Council. Two public meetings have been held in the past couple of years so residents could provide information to the municipality on the extent of the flooding on private property, the financial impact of basement flooding, several destroyed vehicles and perhaps most importantly, the physical and mental health of the affected residents. Even after many residents spoke out about the numerous personal impacts and costs of each flood, the local residents are left with a huge measure of uncertainty about what remedial action the municipality would take to resolve the problems. It's painful to watch Municipal promises snailing along and deadlines come and go with little or no accountability, commitment or results. The current study on Windsor's drainage system infrastructure was issued about 2 years ago with a 6 month timeline. We are now a 1.5 years past that completion deadline and at a recent September citizens meeting, on the insistence of the residents, the report was promised in another 6 weeks. That timeframe has come and gone again and we now hear the report may be presented in early December. With a situation this bad and emergency written all over it, this casual type of management by our local government is unconscionable.

Without getting too technical, the problem in our area is one of simple geography and gravity. Rain water from the three surrounding hills in Windsor flows down to our catchment area (formerly Cunnable Creek) and the size of the pipe infrastructure isn't able to handle excessive storm water. To add to this problem, there seems to be obstructions in the last 1000 feet $\pm$ before reaching the pumphouse at Lake Pisiquid. Eight or nine years ago, the then Town of Windsor put in a new sewage collection system from the top of Stannus Street to Gray Street, and at the time they opted for the same size pipe and to put in a single combined sewage/rainwater pipe instead of installing separate lines. The engineer who influenced that decision, some of the staff and most of the Councillors are no longer in the loop. But we the residents are stuck with this regressive decision. Regrettably, in less than 10 years following the previous upgrade, this will have to be dug up again in order to install a dual line with the appropriate sized pipe to help alleviate the problem.

In 2023, it's an accepted fact by over 90% of climate scientists world wide that Climate Change is a legitimate factor in most of the severe climatic events globally that we are currently experiencing. In essence, we are currently being inundated with more traumatic events, with considerable more intensity and higher frequency. And the logical minds are in agreement that this will only get worse in the short term. In the past $2 \pm$ years, Windsor has been struck with two such events that were privously believed to be 1 in a 100 year events. We are living in a new reality and the response from everyone, especially governments, needs to be one of sincerity and support for the citizenry in these distressing and troublesome times.

The drainage system in much of Windsor is a combined sanitary and storm collection infrastructure and when the system is overwhelmed with excessive rain, both sewage and rain water overflows on the streets, onto adjoining residential properties, in the public parks and recreation areas and it flows into too many basements of private residents.

The cleaning up of individual properties of the combined sewer and storm water overflow in residential basements and around the properties is very expensive and creates a significant environmental and health hazard. As a note of interest, the municipality hires companies for such clean-ups that will only go into their buildings in Hazmat Suits. At least one family have been experiencing concerning health issues due to the sewage overflows. As well, children have been seen playing in Victoria Park and Elmcroft playgrounds shortly after a sewer overflow without any warning by officials about the potential health hazards. Some families are experiencing considerable trauma, thinking of the up-coming danger they will face each time a rain storm warning is broadcast.

In recent years, the municipality has been busy replacing the combined drainage system with dual lines but unfortunately, they started at the top of the southern hill in Windsor working downward. That logic escapes me, as the major problem is with the drainage infrastructure in the lower reaches of the town which is overwhelmed with each severe rain storm. As described above, immediate action is needed on the drainage system in the (Cunnable Creek) area of Windsor. Unfortunately, the personal trauma, and the looming health and environmental dilemma experienced by many residents with each severe storm doesn't register with the municipal officials as a priority.

You may recognize the frustration in the tone and content of this memo, and that would be an accurate assessment. I'm sending this to you with the hope you may be able to help us with this distressing situation. Budgetary priorities may be part of the municipality's guarded approach in dealing with this serious problem but with all the increased housing development in West Hants in the past 10 or so years, the budgetary tax surplus in recent years could be used more purposefully. Everyone including municipal officials recognize the seriousness and urgency of fixing this problem so that the local residents don't have to endure any more incident trauma. Unfortunately, a municipal contribution to solving the problem has been lacking. Our frustration is growing out of the in-action and lack of urgency on the part of the municipality to eliviate this serious situation. If your office could help influence an expeditious remedy to our problem, the affected residents would be sincerely grateful.

With our sincere appreciation,
Yours truly,

Keith P. AuCoin

Property Assessment Values for [REDACTED] Windsor, NS

Year	Ass. Val.	\$ Diff.	% Diff.	Capped Val. Taxation Val.	\$ Diff.	% Diff.	Taxes Paid	Diff	
2013	\$ [REDACTED]			[REDACTED]					
2014	[REDACTED]	-\$3,400	- 2.0 %	[REDACTED]	\$ 900	0.8%			
2015	[REDACTED]	- 3,100	- 1.9%	[REDACTED]	\$ 2,200	2.1%	[REDACTED]		
2016	[REDACTED]	- 2,400	- 1.5%	[REDACTED]	300	0.3%	[REDACTED]	\$ 5.7	
2017	[REDACTED]	2,800	1.8%	[REDACTED]	1,500	1.4%	[REDACTED]	\$28.5	8 years
2018	[REDACTED]	- 2,200	-1.4%	[REDACTED]	900	0.8%	[REDACTED]	\$-5.3	
2019	[REDACTED]	1,600	1.0%	[REDACTED]	3,200	2.9%	[REDACTED]	\$60.2	
2020	[REDACTED]	- 0,400	-0.2%	[REDACTED]	1,100	1.0%	[REDACTED]	\$43.9	
2021	[REDACTED]	1,300	0.8%	[REDACTED]	- 100	-0.1%	[REDACTED]	\$-17.6	▼ \$10K 9.4%
2022	[REDACTED]	- 1,900	-1.2%	[REDACTED]	6,000	5.2%	[REDACTED]	\$104.3	
2023	[REDACTED]	\$35,300	22.0%	[REDACTED]	10,000	8.2%	[REDACTED]	\$-106.2	3 years
2024	[REDACTED]	\$37,500	19.2%	[REDACTED]	4,200	3.2%			▼ \$22K 19.0%

Residence of [REDACTED]

January 18, 2024

From: [Abraham Zebian](#)
To: [Deanna Snair](#)
Subject: Fwd: Consequences of the Government of Nova Scotia's Commercial Wine Support Program
Date: Thursday, February 22, 2024 4:04:10 PM
Attachments: [22 02 24 - Letter to Premier Houston \(1\).docx.pdf](#)

From: Wines of Nova Scotia
Date: February 22, 2024 at 4:02:26 PM AST
To: Abraham Zebian <AZebian@westhants.ca>, Rupert Jannasch <RJannasch@westhants.ca>, Scott McLean <smclean@westhants.ca>, Mark McLean <mmclean@westhants.ca>, Jeff Hartt <jhartt@westhants.ca>, Debbie Francis <DFrancis@westhants.ca>, Bob Morton <bmorton@westhants.ca>, Ed Sherman <esherman@westhants.ca>, Paul Morton <PMorton@westhants.ca>, John Smith <JSmith@westhants.ca>, Laurie Murley <lmurley@westhants.ca>, Jim Ivey <jivey@westhants.ca>
Subject: Consequences of the Government of Nova Scotia's Commercial Wine Support Program

Caution [External Email]

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Dear Mayor Zebian and members of the West Hants/Windsor Town Council,

We hope this message finds you well. We are reaching out today to provide you with an update on the Government of Nova Scotia's Commercial Wine Support Program.

At this point, we hope to continue to keep this program out of the media and keep working on constructive conversations, but given that 5 weeks have passed since our last communication with our province, we are losing hope. We have sent a letter to Premier Houston today with our most recent concerns regarding the Government of Nova Scotia's Commercial Wine Support Program.

Find the letter to the Premier attached.

Thank you for your support,
Haley Brown



February 22, 2024

Premier Tim Houston
7th floor, One Government Place
1700 Granville Street
Halifax, NS
B3J 1X5

Sent by email: premier@novascotia.ca

Dear Premier Houston,

We are compelled to write given your government's failure to honour a commitment to consult on matters of extreme importance to our members. January 5th, 2024, was a dark day for the farm wine and grape growing industry when we were presented with the absolutely horrible plan to offer a significant Nova Scotia taxpayer funded subsidy to incentivize commercial wine bottling businesses in the province.

The proposal as presented is simply unacceptable, jeopardizing over two decades of diligent effort and substantial investment aimed at cultivating a locally renowned wine sector. This reckless plan poses a dire threat to the hard-earned reputation and international acclaim that our local wine industry has built over the years. Further, visitors will not be drawn to Nova Scotia to tour automated bottling plants and nor will international consumers be interested in purchasing products produced with cheap imported grape juice. It is beyond alarming that this idea has gone from drawing board to implementation without any consultation with those local businesses that could be decimated by this ill-informed provincial government policy.

We appreciated the opportunity to meet with Minister Morrow and Minister MacMaster to explain our deep opposition to this policy and outline why it will have devastating consequences on Nova Scotia's farm wineries and grape growers. However, we are extremely disappointed that five weeks later, and following repeated messages, that a commitment to further engage and consult has not materialized. A legislative session will commence in a week and be quickly followed by the tabling of a budget. It would be unacceptable, and contrary to the commitment made by the ministers to reconvene with our members, if legislative or budgetary measures are taken that have not been discussed with us. We have conveyed the very real and consequential ramifications of the January 5th presentation. The Commercial Wine Support Program will have irreparable harm on the farm wine sector and the rural communities where they exist.

The Provincial Government's allocation of \$6-12 million annually to just two commercial bottlers represents only the beginning of potential funding, especially considering the absence of caps or limits on the number of licenses or requisite investment in vineyards. Not only is the sum substantial for commercial bottlers, but the benefits are minimal when it comes to job creation due to the automation of bottling lines. Moving forward with the proposed "Commercial Wine Support Program" would not only jeopardize the future of our farm wine industry but also undo the significant contributions it has made to our province.



Over 1,100 direct jobs put at risk; over \$92 million in business revenue annually and \$14 million in tax revenue threatened; and \$35 million in wages evaporated. The total economic activity related to Nova Scotia Farm Wine has reached an impressive \$245 million annually. Moreover, farm wineries play a crucial role in tourism in rural Nova Scotia, injecting hundreds of millions of dollars back into the economy while showcasing the value of Nova Scotia grown products, with each bottle worth \$76.73 compared to imported wine valued at \$16.57 per bottle.

The provincial government should be focused on working with us to discuss how to grow our farm wine industry into a \$500 million industry with significant benefits to rural Nova Scotia. Instead, if implemented, the proposed Commercial Wine Support program will catapult commercial bottlers far ahead of local farm wine producers in terms of sales margin recovery thereby removing the business rationale for investing in vineyards. In this worst-case scenario, you will not only affect our livelihoods but the cultural fabric of our rural communities and all the businesses and families that depend upon us. This would force the Nova Scotia Farm wine industry to seek a funding model that mirrors the 4.8x sales margin recovery we've consistently held, leveraging it to sustain the substantial investment required for cultivating a world-class Nova Scotia Farm Wine industry. Such an industry not only enriches our province economically but also culturally, positioning Nova Scotia as a premier destination for travellers worldwide.

Your attention to this matter is appreciated and we look forward to meaningful discussions with your government on how to grow our wine sector and our rural communities. We are local business operators who are prepared to publicly defend our interests and inform Nova Scotians how a poorly considered public policy could undermine a growth sector in which they have developed a high degree of pride.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karl Coutinho".

Karl Coutinho
Board Chair - WGNS
Avondale Sky

A handwritten signature in black ink, appearing to read "Darren Carey".

Darren Carey
Bear River Vineyards

A handwritten signature in black ink, appearing to read "Bruce Ewert".

Bruce Ewert
L'Acadie Vineyards



A handwritten signature in blue ink, appearing to read "Ashley McConnell-Gordon".

Ashley McConnell-Gordon
Treasurer - WGNS
Benjamin Bridge

A handwritten signature in blue ink, appearing to read "Tim Ramey".

Tim Ramey
Blomidon Estate Winery

A handwritten signature in black ink, appearing to read "Beatrice Stutz".

Beatrice Stutz
Secretary - WGNS
Domaine de Grand Pre

A handwritten signature in blue ink, appearing to read "Melanie Eelman".

Melanie Eelman
Beausoleil Farmstead

A handwritten signature in blue ink, appearing to read "Ken MacLellan".

Kenneth MacLellan
Eileanan Breagha

A handwritten signature in blue ink, appearing to read "Mike Lightfoot".

Mike Lightfoot
Lightfoot & Wolfville Vineyards

A handwritten signature in blue ink, appearing to read "Jill Delaney".

Jill Delaney
Board Director - WGNS
Lost Bell

A handwritten signature in blue ink, appearing to read "Geena Lockett".

Geena Lockett
Vice Chair – WGNS
Lockett Vineyards

A handwritten signature in blue ink, appearing to read "John McLarty".

John McLarty
Board Director – WGNS
Planter's Ridge



WINE GROWERS NOVA SCOTIA

Board of Directors
Grape Growers Association of Nova Scotia

Steve Ells
President

Bernie Thorne
Vice President

Melanie Eelman
Secretary

Louis Coutinho
WGNS Representative

Jean Benoit Deslaurier
WGNS Representative

Naeem Khan
Director

Anne-Marie Muttart
Director

Scott Savoy
Director

Kevin Taylor
Director

Cc:

Hon. Greg Morrow
Hon. Allan MacMaster
Hon. John Lohr
Kelliann Dean, Deputy Minister of Finance
Loretta Robichaud,
Deputy Minister of Agriculture
Greg Hughes, President and CEO, NSLC
David Pace, Chair, NSLC

From: [Abraham Zebian](#)
To: [Deanna Snair](#)
Subject: Fwd: Coastal Announcement from the Province
Date: Monday, February 26, 2024 12:13:43 PM

From: Mimi O'Handley
Date: February 26, 2024 at 12:11:46 PM AST
To: Abraham Zebian <AZebian@westhants.ca>
Subject: Coastal Announcement from the Province

Caution [External Email]

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

Hello Mayor Abraham Zebian,

My name is Mimi O'Handley, and I work on Ecology Action Centre's Coastal and Water team. Last summer, your municipality sent a letter to Nova Scotia's Environment and Climate Change Minister, Timothy Halman, demanding that the province immediately release and implement the Coastal Protection Act regulations.

Today the Province announced their plan titled "[Future of Nova Scotia's Coastline](#)." **The plan does not mention the Coastal Protection Act, or its regulations.** The plan continues to offload responsibility to coastal municipalities, communities and individual landowners. Despite the significant amount of taxpayer dollars spent over the last five years to develop the Coastal Protection Act, the announcement today brings us back to where we started.

The Ecology Action Centre is deeply disappointed by the lack of leadership. We are going to be issuing a press release shortly, and are strategizing to make as much noise as possible on this issue.

We would encourage you and your municipality to amplify these messages, including by speaking with media. We can also be in touch to discuss next steps. If you have any further questions, do not hesitate to let us know. [_____](#)

Sincerely,

Mimi O'Handley (she/her), Wetlands and Water Coordinator
Kjipuktuk, Unceded Mi'kmaw Territory
2705 Fern Lane, Halifax, NS, B3K 4L3
ecologyaction.ca



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Please note, EAC operates on a 4-day work week - Monday through Thursday. [Learn more about why.](#)

Our Fern Lane office is open to the public Monday - Thursday mornings from 9:30 a.m. to 12:30 p.m.

February 26, 2024

Dear Mayors, Wardens, and Councillors:

Today, February 26, the Government of Nova Scotia announced *The Future of our Coastline: Nova Scotia's plan to protect people, homes, and nature from climate change*.

This plan has 15 actions for property owners, municipalities, and the province to keep coastal homes, communities, and natural areas safer from the impacts of climate change, such as rising sea level and more frequent and intense storms which lead to coastal flooding and erosion. You can read it at novascotia.ca/coastal-plan.

Nova Scotians are a coastal people, and being near the ocean contributes significantly to our quality of life – people want to live by it and enjoy it safely. As the elected representatives of our communities, we all share the same vision – safe, sustainable, healthy, and climate-resilient communities.

Nova Scotians in every part of the province are now experiencing the negative effects of climate change. Last summer's flooding and wildfires were a heartbreaking reminder of that. Our coast is on the front lines of climate change. In response, we are taking action. We are:

- achieving the ambitious targets set out in the *Environmental Goals and Climate Change Reduction Act*,
- providing important climate information to Nova Scotians through the first provincial Climate Risk Assessment developed since 2005,
- making significant progress on achieving the 68 goals in the Climate Change Plan,
- designating new protected areas,
- implementing a new strategy to achieve 20 per cent land and water protection by 2030, and
- introducing a new coastal protection plan that responds to specific concerns related to the impacts of climate change on our coast such as erosion, rising sea levels and coastal flooding.

We developed this plan after listening to Nova Scotians, municipalities, and other stakeholders. We also did thorough and thoughtful analysis of all possible options. It does not involve proclaiming the *Coastal Protection Act*, which was too limiting in that it only applied to new builds.

This plan is broader, more flexible, and comprehensive. It is about empowering coastal property owners to make informed decisions, supporting municipal leadership, and taking provincial action to empower our people and our communities to adapt to the impacts of climate change. It is about giving municipalities, communities and private property owners options, because one size fits all doesn't work.

It is the best and most effective path forward to protect the coast and all homes along it – whether they were built 50 years ago or are being planned for the future.

Municipalities are leaders in climate change adaptation and mitigation, and have been for years. Every day, you are leading the change needed to make sure our communities are climate-resilient. Whether that is installing EV chargers, moving to green energy like wind and solar, greening your municipal fleet, or retrofitting buildings and installing heat pumps, you are helping prepare our province for the future.

As Mayors, Wardens, and Councillors, you are leaders in your communities, and you know them best. At the council table, you navigate difficult decisions regarding land-use planning, zoning, by-laws, policies and permits day-in, day-out. This is why we believe that municipalities are best equipped to take critical action designing and building coastal communities that are safe and resilient to climate change, especially as Nova Scotia is experiencing rapid growth. Your leadership is essential in meeting our goals, and working together we cannot fail.

We know you are working tirelessly to manage many issues and priorities and our aim is that you will see the benefits and embrace the actions in this plan. Our government will support you by:

- investing in more flood line maps for you to use in your zoning and planning work,
- investing in your climate adaptation and mitigation work through funding programs like the Sustainable Communities Challenge Fund and the Community Climate Capacity Program, and
- conducting a province-wide erosion risk assessment, and more.

In the coming months we will continue to thoughtfully engage with municipal leadership through the Nova Scotia Federation of Municipalities, the Association of Municipal Administrators Nova Scotia, and directly with you and your municipality.

By working together, the Province, municipalities and property owners will ensure our coastal communities are designed, planned and built to help protect them from climate change impacts.

With these actions we've set out today, we look forward to continuing to work with you to create thriving, sustainable and resilient communities in Nova Scotia.

Our best regards,



Honourable John A. Lohr
Minister of Municipal Affairs and Housing



Honourable Timothy Halman
Minister of Environment and Climate Change

Additional Resources:

Environmental Goals and Climate Change Reduction

Act: <https://nslegislature.ca/sites/default/files/legc/statutes/environmental%20goals%20and%20climate%20change%20reduction.pdf>

Our Climate, Our Future: Nova Scotia's Climate Change Plan for Clean Growth:

<https://climatechange.novascotia.ca/sites/default/files/uploads/ns-climate-change-plan.pdf>

Weathering What's Ahead: Climate Change Risk and Nova Scotia's Well-being:

<https://climatechange.novascotia.ca/climate-impacts>

More information on the Sustainable Communities Challenge Fund is available at:

<https://nschallengefund.ca/>

More information on Community Climate Capacity Program is available at

<https://cleanfoundation.ca/ccp/>



Membertou
WELCOMING THE WORLD!

February 27, 2024

RE.: Bear Lake Wind Farm and Bylaw Amendment

Kwe - Hello,

Dear West Hants councillors,

On behalf of Membertou and EverWind, we are looking forward to working with West Hants municipality for our Bear Lake wind development. Our full wind development team is available at any time to present our project, environmental stewardship, and benefits.

My community of Membertou, located on Unama'ki – Cape Breton Island, has a strong focus on community growth through economic development. The spirit of Membertou is driven by its close-knit and vibrant people; our people are our greatest stakeholders and therefore will be just one of the beneficiaries of this project.

Membertou is the majority owner of the Bear Lake wind farm. We have been developing the Bear Lake wind farm since 2021 with a focus on environmental stewardship to support our **urgent** fight against climate change.

We have reviewed Protect Vaughan's proposed bylaw amendments which are largely based on incorrect and unfounded claims. We urge council to reject the by-law amendments and not entertain a first reading of the amendments. Please do not let the short-sighted view of a vocal minority determine what is needed for the province's decarbonization.

Bear Lake Wind Environmental Protection

- We have constructed and designed Bear Lake with environmental stewardship as the highest priority:
 - In Mi'kmaq culture, we value preservation of our lands for the next seven generations.
 - We believe the actions we take today, will determine what is inherited by our children and grandchildren for years to come.
- We have received [Environmental Approval](#) for Bear Lake from the Minister of Environment and Climate Change.
 - These include strict conditions of approval and post-environmental monitoring.
- All cumulative effects are studied and reviewed with mitigants as prepared by a professional third-party environmental company, Strum.

Concerns with Municipal Planning Strategy Amendment

- Proposed amendments are unsubstantiated and set dangerous precedent for the urgent fight against climate change:
 - There are in excess of 900 GW of installed wind projects globally, we do not see any stricter than the proposed amendments.
 - The proposed amendments would inhibit Bear Lake's development and are not based on any scientific reason.
- Protect Vaughan's *Reasons for Changes to Current Amendment* are largely false.
- West Hants' municipal planning strategy, as noted in the staff review is in-line with all other municipal planning strategies in the province.
 - It is also in-line with standard requirements globally and scientific research.

Community Engagement

- Our Bear Lake Wind team has gone above and beyond to engage the community including the vocal minority.
- We have consistently held open houses including: Aug 22nd, Sept 19th, Oct 14th, Dec 7th, and Dec 8th, 2023 and have held open office hours in West Hants every two weeks since January 2024.
- We have circulated cumulative Q&A, provided project information on our website, and continue to welcome an open dialogue with the community.

Bear Lake Wind Farm Municipal Benefits

- We will be generating significant municipal taxes from the Bear Lake wind farm: \$730,000 per annum (escalating) in municipal tax revenue (\$31 million over time)
- We would like to sign a binding community benefits agreement committing to:
 - \$70k annually for the Bear Lake wind farm in proximity payments.
 - \$20k annually for the Bear Lake wind farm in community vibrancy fund.
 - \$50,000 bursary (10x \$5,000 scholarship) program for renewables education.
 - Jobs Benefits: focus on hiring and bringing jobs locally (detailed in CBA).

For generations, the Mi'kmaq were excluded from participating in and benefitting from the economic development of our natural resources. This project provides an opportunity for true economic reconciliation for our community. We are happy to work with the community, municipality, and yourselves to address any concerns and provide information about our project.

Thank you – Wela'liog,



Chief Terry Paul, OC
Chief & CEO, Membertou

From: [Abraham Zebian](#)
To: Lloyd Blagdon
Cc: [Ed Sherman](#); The Wife; [Deanna Snair](#)
Subject: Re: Windmill project Vaughan
Date: Tuesday, February 27, 2024 4:49:00 PM

Thanks for the email Lloyd.
We will add it to correspondence for Councils information.

Kindest regards.

Mayor Abraham Zebian
West Hants Regional Municipality
76 Morrison Drive
Windsor NS
B0N 2T0
902-790-1566

On Feb 27, 2024, at 4:41 PM, Lloyd Blagdon wrote:

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Appreciate your prompt reply. I just wanted to express that the views of the vocal minority are not representative of all. I'm concerned that any change to the time line or project design would jeprodize an excellent opportunity moving forward. Thanks again.

Lloyd.

On Tue, Feb 27, 2024, 4:22 p.m. Ed Sherman <esherman@westhants.ca> wrote:

Thanks for your email Lloyd,
Yes there will be a presentation tonight at Council. I am glad you reached out to express your opinion on the project. I will definitely consider your opinion as well as all the other opinions when it comes time to make decisions. As councillors we always try to make the best decisions with as much information as we can gather on each topic.
Once again thanks.
Ed

Sent from my iPhone

On Feb 27, 2024, at 3:41 PM, Lloyd Blagdon wrote:

Caution [External Email]

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Good day Ed.

I am reaching out to you as a member of the local community in Chalet Hamlet. I just found out that there is a meeting where a presentation by the vocal opposition to the purposed windmill farm is presenting. We have been property owners since 2009 and enjoy our property immensely. Since building our residence in 2015 we spend most of the year at our place. My wife works as a nurse at the Hants Community Hospital, and teaches online from our place in Chalet Hamlet. I commute to down town Halifax where I am employed with the Port of Halifax.

We are avid ATV enthusiasts and hunters. Both our children have been raised enjoying the area. They have experienced (as have we) everything that a small community environment offers. We participate in community events and harvest the resources on our property and surrounding area to our enjoyment and bennifit. We enjoy the freedom and have worked very hard to build and plan for our future on our property. We appreciate that while change in any area can be difficult. Our property and residence is one of closest effected by the windmills.

We feel that the project known as Bear Lake Windfarm is not only a vital step towards a clean energy solution, it purposes economic and physical bennifits locally that are welcomed by ourselves and others in the community. I can only accurately represent my family's opinion.

I have spent countless hours researching the issues that have been raised, attending meetings and communicating with representatives from the project. The project team has been very easy to deal with and accommodating when requested.

To the point, I would like to express, as property owners directly affected, one of the closest residences to the project, we support the project.

We would like to see the project move forward as described, with the protections and oversight that all levels of goverment can offer. We feel that while the construction and change to the surrounding area may be difficult, the net bennifits will far out weigh any inconvenience in the short term.

I feel this project is flexible and vital, that it will provide West Hants and Nova Scotia an opportunity to be leaders in the initiative to move forward in a sustainable manner.

Yours sincerely

Lloyd Blagdon

From: [Abraham Zebian](#)
To: [Deanna Snair](#)
Subject: Fwd: 2 hour parking on Stannus Street
Date: Thursday, February 15, 2024 8:31:33 AM

From: Mike Murphy
Date: February 14, 2024 at 9:20:56 PM AST **To:**
Abraham Zebian <AZebian@westhants.ca>
Subject: 2 hour parking on Stannus Street

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Hi Mayor Abraham,

I am a resident of an apartment on Stannus street in Windsor. Stannus street is basically a residential street. Yet there is a 2-hour parking rule set in place. I often have to park on the street near my apartment because there is only one tenant parking space at my building. I'm constantly getting parking tickets for parking longer than 2 hours! I'm a crippled Senior citizen and have a lot of mobility issues...walking. So getting out every 2 hours to move my car is a problem for me. Can you please remove the 2-hour parking enforcement on Stannus street downtown Windsor?

Thanks and Best Regards,
Mike Murphy

From: Andrew Hardman
To: [PublicOnlyCouncilEmail](#)
Cc: Mark Kehoe; Seamus Marriott; Debbie Innes; "Ada & Ed Smith"; "Andrew"; Andrew Hardman; "Barry Maxner"; "beverly lake"; "Brian Peveril"; "davein whitehorn"; "Debbie Innes"; "Denise Thibault"; "Doug Christie"; "Faylene Lunn"; "greg oleary"; "Heather Peveril"; "Heidi"; "Janet Maxner"; "JANIS KINNIE"; "Joanne OLeary"; "john a brownless"; "jo shinny; Kevin Smith; "ktcopeland@me.com"; "Lee"; "Liam Kelley"; Marcel Simard; "Mark Kehoe"; "Nick"; "Robin Christie"; "Ron Smith"; "Seamus Marriott"; "Seamus Marriott"; "sharon daniels"; "Shirley Pineo"; "Shirley Walker"; "Smeltzers"; "Stewart Russell"; "Thelma Chandler"; "Traci Curry"
Subject: Re: Ken No. 522430 - Hardman et al v. West Hants Regional Municipality et al
Date: Thursday, February 15, 2024 4:38:20 PM

Caution [External Email]

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Hello Councillors

In the case noted in the subject line.

We see from your COTW meeting on Tuesday February 13, 2024 that a proposal brought forward to reimburse us for 100% of our legal costs was voted 6-4 against. The main reason given was that, although you support the Upper Vaughan Residents, we (the Residents) had not sent a formal request.

We had, in fact, sent a formal request to your municipal lawyer earlier that day. Please see the attached letter. An excerpt from your COTW agenda was also sent to Mr. Shanks.

A total of 17 individuals/families contributed to the costs for this case. With individual contributions ranging between \$60 and \$5000. All of whom will be reimbursed for their contribution.

Sincerely,

Andrew Hardman

On behalf of:

All Residents who contributed

Correspondence Sent

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
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 Intermunicipal 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

<u>First Name</u>	<u>Last Name</u>	<u>Correspondence Date</u>	<u>Meeting / logged</u>
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

[illegible]