WEST HANTS REGIONAL MUNICIPALITY
Council Meeting Agenda
April 23, 2024 - 6:00 p.m.
In-person, Sanford Council Chambers, 76 Morison Dr, Windsor, NS
Virtual via Zoom (also FB Livestream)

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1. Call to Order

2. Attendance

3. Announcements

4. Approval of the Agenda, including additions or deletions
   a) Dashboard Action Items – Information Log
   b) Dashboard Action Items – Dangerous or Unsightly Premises

5. Declaration(s) of Conflict of Interest

6. Approval of Previous Meeting Minutes
   a) 2024-03-26 Council Meeting Minutes
   b) 2024-03-26 Public Hearing Minutes Payzant Drive Development Agreement PIDs 45053030, 45343878, 45343894, and 45234382
   c) 2024-03-26 Public Hearing Minutes WHMPS and WHLUB Amendments to the Hamlet Designation

7. Public Hearings
   a) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 – Planner Dunphy
   b) Willow Street, Hantsport HLUB Map Amendment PID 45045879 – Planner Dunphy
   c) Pesaquid Comprehensive Development District WMPS and WLUB Amendments – Planner Dunphy
   d) Hwy 215, Summerville, PID 45180635 Development Agreement – Planner Fredericks
   e) 4236 Hwy 14 Windsor Forks WHLUB Map Amendment Planner Fredericks

8. Second Readings (as it pertains to Public Hearings)
   a) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 (Recommending Postponing)
   b) Willow Street, Hantsport HLUB Map Amendment PID 45045879 – Planner Dunphy
   c) Pesaquid Comprehensive Development District WMPS and WLUB Amendments – Planner Dunphy
   d) Hwy 215, Summerville, PID 45180635 Development Agreement – Planner Fredericks
   e) 4236 Hwy 14 Windsor Forks WHLUB Map Amendment Planner Fredericks)

9. Unfinished Business/Postponed Motions
   a) Emergency Plan for Windsor Flood Zone – Councillor Ivey
   b) Financial Report ending February 29, 2024 – Director Rochon

10. Mayor's Report

11. Committee(s) of Council Excerpts/Recommendations
   a) Committee of the Whole Excerpts (April 9, 2024)
      i. 2024 Municipal and CSAP Elections Advance Poll Dates and Locations
      ii. 2024 Spring Debentures - MFC
      iii. Deer Management Information
      iv. Letter of Concern Regarding Dykes
      v. PACHAC Citizen Recommendation
      vi. PACHAC Terms of Reference
      vii. Payzant to King Connection
      viii. Payzant/Wentworth Connection - Lights
      ix. Railway Trail Parking Lot Light
      x. Windsor Water Storage Tank Construction
      xi. WHRM 2024 Provincial Representative Volunteer
      xii. Windsor Flood Study Phase 2

   b) Planning and Heritage Advisory Committee Recommendations (April 11, 2024) (as it relates to First Readings)
      i. 586 O'Brien Street, Windsor (PID 45054350) Development Agreement – Planner Dunphy
      ii. 523 Albert Street, Windsor (PID 45058872) WLUB Map Amendment - Planner Fredericks
      iii. 1781 King Street, Windsor (PID 45162005) WLUB Map Amendment – Planner Fredericks

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

13. Correspondence
   a) Information
      1. Avon Causeway Activity Log – None

      2. Ever Wind/Bear Lake Wind Farm
         i. Combined Correspondence as of April 23, 2024

      3. Correspondence Received Activity Log
         i. Michael Hackett Re Information Council Meetings

ii. Honourable John A. Lohr Re Canyon Point
iii. Minister Masland Re Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year (2024-25)
iv. Denise Forand Re Armstrong Lake OS
v. Angela Hiltz Re Landfill
vi. Edward Edelstein Letter to West Hants Municipality Re Regarding the Proposed Development Agreement for Lot W-7 A Gray Street, Windsor NS
vii. Bonnie Rankin, Executive Director of Policy and Corporate Services at the Department of Public Works Re Railway Act Response
viii. Troy Harvie Re Payzant Drive roundabout
ix. Michael Langois Re Payzant to King Connection
x. Letter to CAOs Re CCBF

b) Requests

c) Outgoing Correspondence Log
i. 2024-04-16 WHRM Letter to Premier, Minister Masland, MLA Sheehy-Richard and Mr. Lamal Re Flood concerns on the Belmont & New Town Roads

15. New Business - None

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

17. Next Meeting Date / Adjournment – May 14th, 2024 Committee of the Whole Meeting 6 p.m.

M - Motion
D - Direction/Discussion

West Hants Regional Municipality
Dashboard (Action List)
April 23, 2024

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

Matter	Start Date	Deadline / Update	Status/Progess Updates	Resp.
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 - RFQ posted on the NS Procurement website	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, Awaiting mtg dates from Glooscap	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 presentented to Council for discussion/decisison.	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, stafff are gathering information, a report will follow.	PW

Matter	Start Date	Deadline / Update	Status/Progess 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 revisist the Noise By-Law/Peace and Good Order.	2023-09-12	**2024**	Item to remain on the Dshboard, Work in progress. Staff will provide regular updates/reports for consideration.	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 ownerhip.	2023-10-10	**2024**	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/quater 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/Progess Updates	Resp.
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	Approved, Motion was amended. Information report presented at March COTW. More info to folow.	PW
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	Approved, Pending a report	PW
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
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	2024-05-14	Approved, Initial report presented at March COTW. Supplementry report to follow	CAO/Fin/Plan
WHMPS and WHLUB Amendment Request: Wind Farm Policies - direct staff to follow the planning process to amend the planning documents to include a 4 km setback for wind turbines from residential dwellings.	2024-02-27	2024	Approved, Report to follow	Plan

Matter	Start Date	Deadline / Update	Status/Progess Updates	Resp.
Avon River Heritage Museum Flooding - 1. CAO to direct staff to repair/raise berms at the Avon River Heritage Society property. **2**. CAO to direct staff to write a letter of concern about flooding issues of the Belmont and New Town Road infrastructure to the Department of Public Works area manager, West Hants MLA, Minister of Public Works and the Premier of NS.	2024-03-26	2024-04-23	Approved, PW's to complete repairs and Letter sent April 17, 2024	CAO/PW
Industrial/Commercial Lands - Staff report back on potential future industrial/commercial lands for future discussion.	2024-03-26	2024-06	Approved, Pending report	Plan
PACHAC Citizen Member Appointment - appoint John Bregante to PACHAC for the remainder of the Nov. 2022-Oct. 31, 2024 term.	2024-04-09	2024-04-23	Pending Council Approval	CAO/Plan
2024 Municipal & CSAP Election Polling Dates: 1. that Thursday Oct. 10th be set as the first Advance Poll date for the 2024 Municpal and CSAP Election. 2. that alternate voting commence on the first advance poll date (Oct. 10th) starting at 12 pm (Noon) and remain open 24 hours a day until 7 p.m. October 19th, 2024 (conclusion of ordinary poll day). 3. that the permanant register of electors established and maintained by Elections NS be used as the preliminary list of electors for the 2024 Municipal and CSAP election.	2024-04-09	2024-04-23	Pending Council Approval	CAO

Matter	Start Date	Deadline / Update	Status/Progess Updates	Resp.
2024 Spring Debenture – MFC 1. approves the Mayor and clerk sign the resolution for preapproval of debenture issuance, subject to interest rate confirmed not to exceed 6.5% to enable WHRM to issue a 5 yr debenture of $33,605, for the purchase of fire equipment. **2.** approves the Mayor and municipal clerk sign the resolution for preapproval of debenture issuance, subject to interest rate confirmed not to exceed 6.5% to enable WHRM to issue a 15 yr debenture of $789,586, for the roof at BFD Stn 1 & the purchase of a dump truck with salt plow. **3.** approves the Mayor and municipal clerk sign the resolution for preapproval of debenture issuance, subject to interest rate confirmed not to exceed 6.5% to enable WHRM to issue a 10 yr debenture of $228,240, for the paving of the rear parking lot at HFD & for the purchase of a sidewalk machine with a flail mower.	2024-04-09	2024-04-23	Pending Council Approval	Finance/CAO
Deer Management Program - CAO directs staff to provide an information report on deer mangement for the June COTW mtg.	2024-04-09	2024-06-11	Pending Council Approval	Plan/CAO
Dyke Concerns Request - CAO direct staff to write a letter of concern to the MLA, Dept. of Agriculture, Dept. Public Works, and the NS Premier addressing these concerns.	2024-04-09	2024-05		CAO

Matter	Start Date	Deadline / Update	Status/Progess Updates	Resp.
PACHAC Terms of Reference - the Meeting and Committee Procedural Policy be amended to change the committee composition by adding 12 members of Council and continue with the current citizen member composition (7) until October when it will be revisited by a new sitting Council.	2024-04-09	2024-04-23	Pending Council Approval	CAO
Payzant to King Connection - approves giving direction to Design Point to move forward with detailed design and competition documents and specifications for the Payzant to King St. connection Phase 2 at a an estimated cost of $80,000 plus applicable taxes	2024-04-09	2024-04-23	Pending Council Approval	CAO
Railway Trail Parking Lot Light - staff to install one (1) LED parking lot/yardlight/safe space light (from dusk till dawn) in the parking lot of the trail system at the corner of Chambers Road, Hwy 215, Brooklyn.	2024-04-09	2024-04-23	Pending Council Approval	PW
Windsor Water Storage Tank - 1. approve awarding the construction tender for the Windsor Water Storage Tank as identified in the 2023-24 Capital budget to Dexter Construction for the tendered cost of $4,886,100 plus applicable taxes. **2**. also approve a 10% contigency of $488,610; contract administration & management geotechnical and concrete testing for an estimated cost of $165,000 for a total project cost of $5,539,710.00 plus applicable taxes.	2024-04-09	2024-04-23	Pending Council Approval	PW

Matter	Start Date	Deadline / Update	Status/Progess Updates	Resp.
WHRM 2024 Provincial Representative Volunteer - approves the nomination of Betty Cox for the 2024 provincial representative volunteer award for WHRM	2024-04-09	2024-04-23	Pending Council Approval	CD
Windsor Flood Study Phase 2 - approves the proposal from CBCL for the Windsor Flood Study Phase 2 for an estimated amount of $240,500 plus applicable taxes.	2024-04-09	2024-04-23	Pending Council Approval	PW
Payzant Wentworth Connection - Lights - Staff to provide a Class D estimate on installing street lights at the intersection of Payzant and Wentworth	2024-04-09	2024-06	Pending Council Approval	PW

West Hants Regional Municipality
Dangerous or Unsightly
Dashboard (Action List)
April 23, 2024

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

Matter	Meeting	Status
Textile Mill	9/8/2022	Building Officials continue to monitor site for ongoing concerns
Site 2	9/11/2023	**RESOLVED**

West Hants

Public Hearing Agenda

1. Intro by Mayor
2. Presentation by Planner (Alex Dunphy)
3. Presentation by Applicant (Noel Taiani)
4. Comments or Questions from Public
5. Conclusion of Public Hearing

Payzant Drive, Windsor Development Agreement

Postponed Public Hearing

April 23, 2024

something inspiring awaits

Postponement Recommendation

…that Council postpones the Public Hearing until 6:00 pm on May 28 and postpones the Second Reading until May 28, 2024 in order to complete a revised site plan for the draft development agreement following the updated Road Reserve request from the Municipal Public Works Department.

West Hants

something inspiring awaits

westhants.ca

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: April 23, 2024

Subject: HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

…that Council gives Second Reading and approves amending Schedule A of the Hantsport Land Use By-law to rezone PID 45045879 on Willow Street in Hantsport, from the Single Unit Residential (R-1) zone to the Multiple Unit Residential (R-3) zone as shown in the report #24-01 to the Planning and Heritage Advisory Committee dated March 14, 2024.

…that Council gives Second Reading and approves amending the Hantsport Land Use By-law to clarify the minimum lot frontage requirement for the Multiple Unit Residential (R-3) zone in Section 8.4 in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.

BACKGROUND

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

A completed application was received from Tom Lavers on January 8, 2024. The application was to rezone the subject lot from Single Unit Residential (R-1) to Multiple Unit Residential (R-3) to allow for the potential to develop a 15-unit residential apartment building.

DISCUSSION

A Public Information Meeting was held on February 6, 2024.

On March 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed zone requirements, other uses surrounding the subject lot, the criteria of Policy RP-7, the challenging conditions of the subject lot, the feedback received from neighbours, stormwater concerns, potential negative affects on residents and the lack of proposal information. During the meeting, the Committee recommended against the rezoning of PID 45045879 on Willow Street in Hantsport and recommended in favour of the text amendments to the Hantsport Land Use By-law.

On March 26, 2024, staff presented the PAC/HAC recommendation to Council for First Reading. Council discussed matters such as the application and appeal process, the subjective interpretation of negative impacts, and as-of-right uses. During the meeting, Council recommended in favour of moving the application onto Public Hearing to allow the public and the applicant an opportunity to speak to Council.

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼
Public Information Meeting – February 6
▼
PAC/HAC receives staff report and PIM Notes PAC/HAC Review and Recommendation – March 14
▼
Regional Council First Reading – March 26
▼
Public Hearing & Second Reading – April 23
▼
Notice of Approval in Local Paper
▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- approve the amendments as drafted or as specifically revised by direction of Council;
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

Appendix A	2024-03-26 Staff Report - HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01A

CHIEF ADMINISTRATIVE OFFICER REVIEW

Staff have reviewed the file and made comments on the rezoning application in relation to MPS and LUB compliance. Further, it is important to note that the current zoning would permit a R-1 development "as of right" and if successful with the application, a R-3 development "as of right" providing the potential of up to 15 units. The applicant is not obligated to develop the 15 unit building if the rezoning is approved it only provides such capacity.

Development within the growth centers, specifically on vacant lots, is generally a preferred development strategy. Staff await the position of Council regarding the R-3 application and their position on the preferred development style and density of the subject property. All other matters regrading storm water management, driveway access, etc must be met through the permit application process should the property owner proceed with development of the site.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by:

Mark Phillips, Chief Administrative Officer

Attachment A –

2024-03-26 Staff Report - HLUB Map Amendment: PID 45045879, Willow Street, Hantsport;

File # 24-01A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: March 26, 2024

Subject: HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

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 Hantsport Land Use By-law to rezone PID 45045879 on Willow Street in Hantsport, from the Single Unit Residential (R-1) zone to the Multiple Unit Residential (R-3) zone as shown in the report #24-01 to the Planning and Heritage Advisory Committee dated March 14, 2024.

…that Council gives First Reading and will hold a Public Hearing to consider amending the Hantsport Land Use By-law to clarify the minimum lot frontage requirement for the Multiple Unit Residential (R-3) zone in Section 8.4 in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.

BACKGROUND

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

A completed application was received from Tom Lavers on January 8, 2024. The application was to rezone the subject lot from Single Unit Residential (R-1) to Multiple Unit Residential (R-3) to allow for the potential to develop a 15-unit residential apartment building.

DISCUSSION

A Public Information Meeting was held on February 6, 2024.

On March 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed zone requirements, other uses surrounding the subject lot, the criteria of Policy RP-7, the challenging conditions of the subject lot, the feedback received from neighbours, stormwater concerns, potential negative affects on residents and the lack of proposal information. During the meeting, the Committee recommended against the rezoning of PID 45045879 on Willow Street in Hantsport and recommended in favour of the text amendments to the Hantsport Land Use By-law.

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼
Public Information Meeting – February 6
▼
PAC/HAC receives staff report and PIM Notes PAC/HAC Review and Recommendation – March 14
▼
Regional Council First Reading – March 26
▼
Public Hearing & Second Reading – April 23*
▼
Notice of Approval in Local Paper
▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

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

APPENDIX

Appendix A	2024-03-14 Staff Report - HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01

CHIEF ADMINISTRATIVE OFFICER REVIEW

Staff have forwarded a report that reflects the position of the PAC/HAC committee. I will remind Council to reflect on the attached report to the PAC /HAC dated, March 14, 2024, form Planner Dunphy (attached).

Specifically, as Planner Dunphy states, "As noted above, the proposed amendment has been considered within the context of the general policies of the HMPS, and is consistent with the intent, objectives, policies and criteria of the HMPS. As a result, it is reasonable to amend the zoning of PID 45045879 to the Multiple Unit Residential (R-3) zone."

As the First Reading Phase and Public Hearing Phase support the final decision-making environment of Council (Second Reading), approving First Reading is typically the default position of staff so that concerns from the Public Information Meeting can be addressed and that any changes that the landowner may make, or address can be presented at the Public Hearing. To proceed with the Public Hearing will ensure all comments are captured including all existing comments as well as any new or modified points of view. To not proceed with First Reading may expose the Municipality to not following a thorough process before making a decision.

Staff do not speak in favor or against applications but comment on the level of compliance or consistency of the application in relation to the current general policies of the municipality and in this case the Hantsport Municipal Planning Strategy. Council does in all cases have the authority for final decision making.

I would suggest that Council consider proceeding with First Reading to ensure a thorough review of the application is conducted. If there are questions, concerns or interpretations of the planning language staff are available to provide support and answers at Council's request.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Attachment A –

2024-03-14 Staff Report - HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: March 14, 2024

Subject: HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the Hantsport Land Use By-law to rezone PID 45045879 on Willow Street in Hantsport, from the Single Unit Residential (R-1) zone to the Multiple Unit Residential (R-3) zone as shown in the report #24-01 to the Planning and Heritage Advisory Committee dated March 14, 2024.

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Land Use By-law to clarify the minimum lot frontage requirement for the Multiple Unit Residential (R-3) zone in Section 8.4 in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.

BACKGROUND

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

A completed application was received from Tom Lavers on January 8, 2024. The application was to rezone the subject lot from Single Unit Residential (R-1) to Multiple Unit Residential (R-3) to allow for the potential to develop a 15-unit residential apartment building.

DISCUSSION

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

All properties surrounding the subject lot are designated Residential and zoned Single Unit Residential (R-1). Adjacent properties are single unit dwellings, with other lots zoned Recreation Open Space (ROS) and Institutional (I) located on School Street.

Municipal Planning Strategy Review

Policy RP-7 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to allow new multi-unit residential uses within the Serviced Residential Designation by rezoning to the Multiple Unit Residential (R-3) zone provided proposed rezoning will not have a negative impact on adjacent residential uses and subject to the criteria contained in Section 11.3.1. The full policy analysis is included with this report in Attachment A. In summary, the proposal meets this policy since there are no concerns described by the Development Officer and there are other regulatory requirements to address potential impacts on surrounding properties.

Policy IM-3 establishes the general criteria that must be considered for all amendments to the Hantsport Land Use By-law. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

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

Minimum Lot Frontage Requirement

During the evaluation of lot suitability, staff discovered an ambiguity in the Minimum Lot Frontage requirement for Apartment Buildings and Grouped Homes category in the Multiple Unit Residential (R-3) zone in the Hantsport Land Use By-law (HLUB). The current section reads as follows:

	Townhouse Development	**Apartment Buildings and Grouped Homes**
Minimum Lot Frontage	22 metres (72.2 feet) for the first two units, plus 19.6 feet (6 metres) for the third and each additional unit	22 metres (72.2 feet) for the first two units, and 30 metres (98.4 feet) for three or more units

As seen in the above table, the word 'and' is used between the minimum lot frontage measurements for two units and three or more units. In all other circumstances in *Subsection 8.4.2, Lot* Specifications, the word 'plus' is used to indicate that the measurement for the first two units is to be added to the measurement for three and more units. The use of 'and' instead of 'plus' indicates to staff that the intention of the requirement is to separate the minimum lot frontage measurement for two units, in comparison to three or more units. Additionally, in both the Multiple Unit Residential (R-3) zone of the West Hants Land Use By-law (WHLUB) and the High Density Residential (R-4) zone of the Windsor Land Use By-law (WLUB), the minimum lot frontage is listed as 100 ft. (30.48 m.). The consistency of this measurement also indicated to staff that the intention of the HLUB is to maintain this requirement.

To address the ambiguity described above, staff suggest replacing the use of the word 'and' with the word 'or', as seen in Attachment B.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The property is not included with the Wetlands designation on the Hantsport GFLUM or the Conservation Open Space (COS) zone on the Hantsport Zoning Map.

Staff were advised by the Public Works Engineering Division that a stormwater management plan would be required during the permitting process.

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

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of the general policies of the HMPS, and is consistent with the intent, objectives, policies and criteria of the HMPS. As a result, it is reasonable to amend the zoning of PID 45045879 to the Multiple Unit Residential (R-3) zone.

Process

Staff Review

▼

Public Information Meeting – February 6

▼

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

▼

Regional Council First Reading – March 26*

▼

Public Hearing & Second Reading – April 23*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	Hantsport GFLUM Extract
Figure 2	Hantsport Zoning Map Extract

Figure 3	Hantsport Proposed Zoning Map Extract
Attachment A	Policy Summary for HLUB Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

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

Figure 1 – Hantsport GFLUM Extract

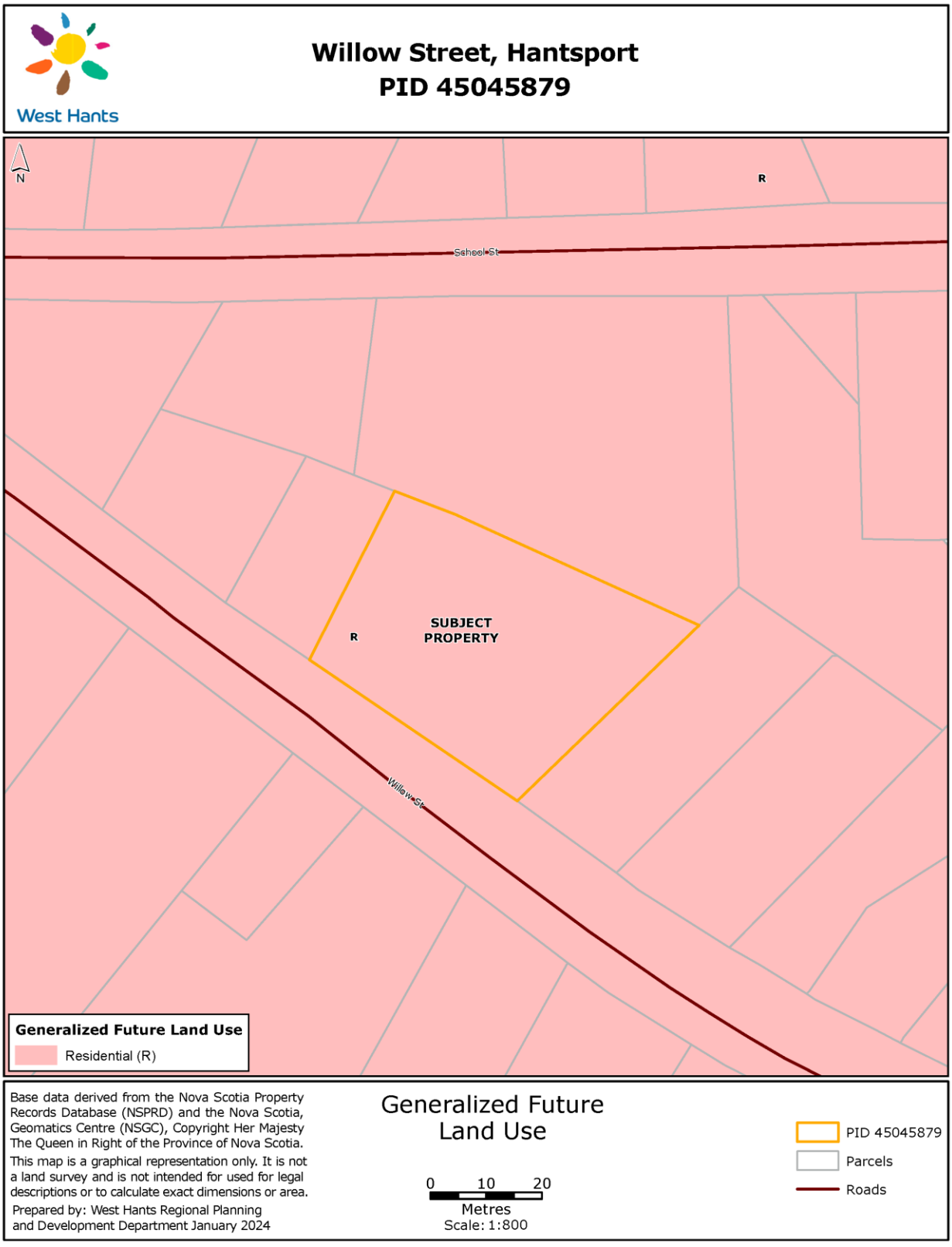


Figure 2 – Hantsport Current Zoning Map Extract

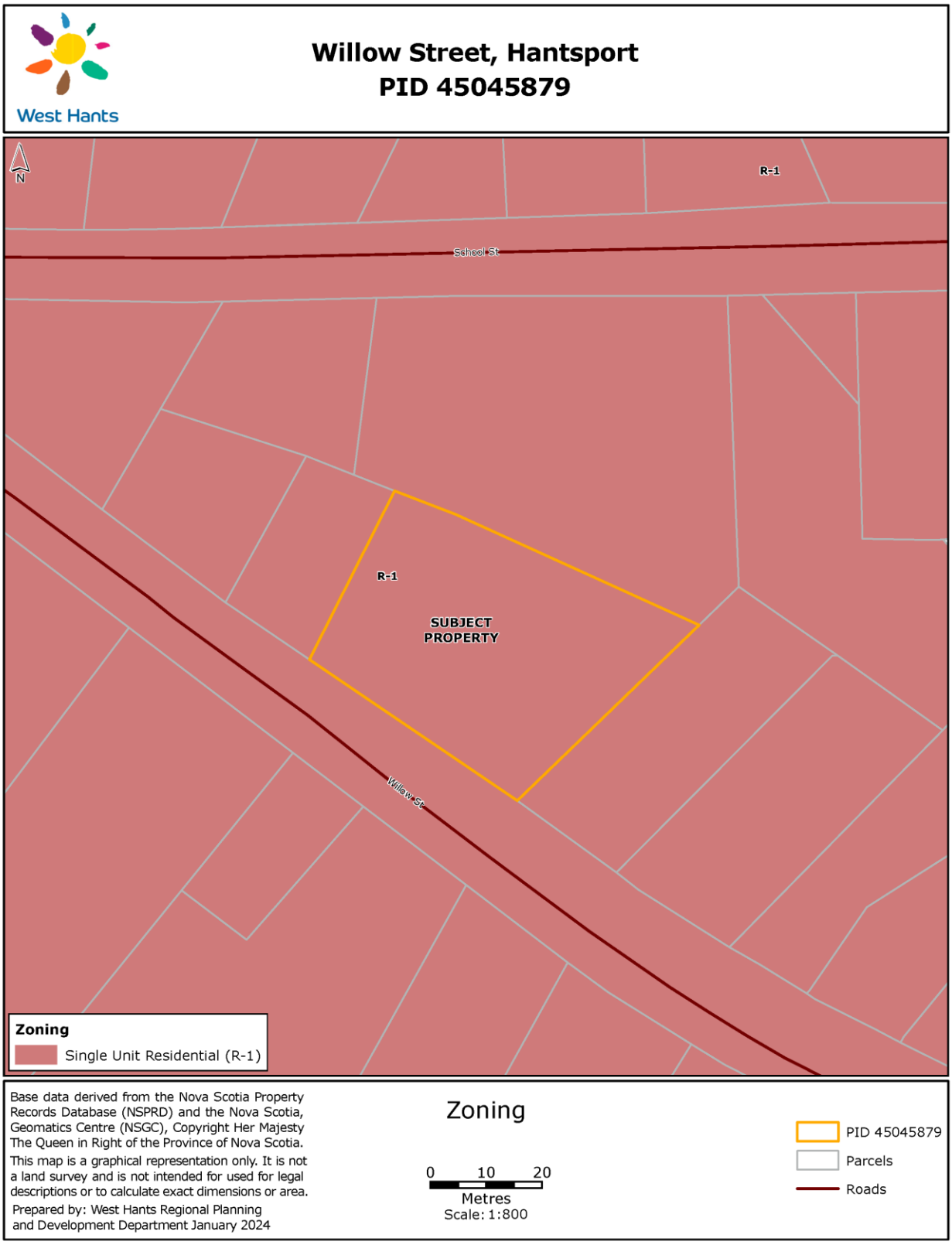
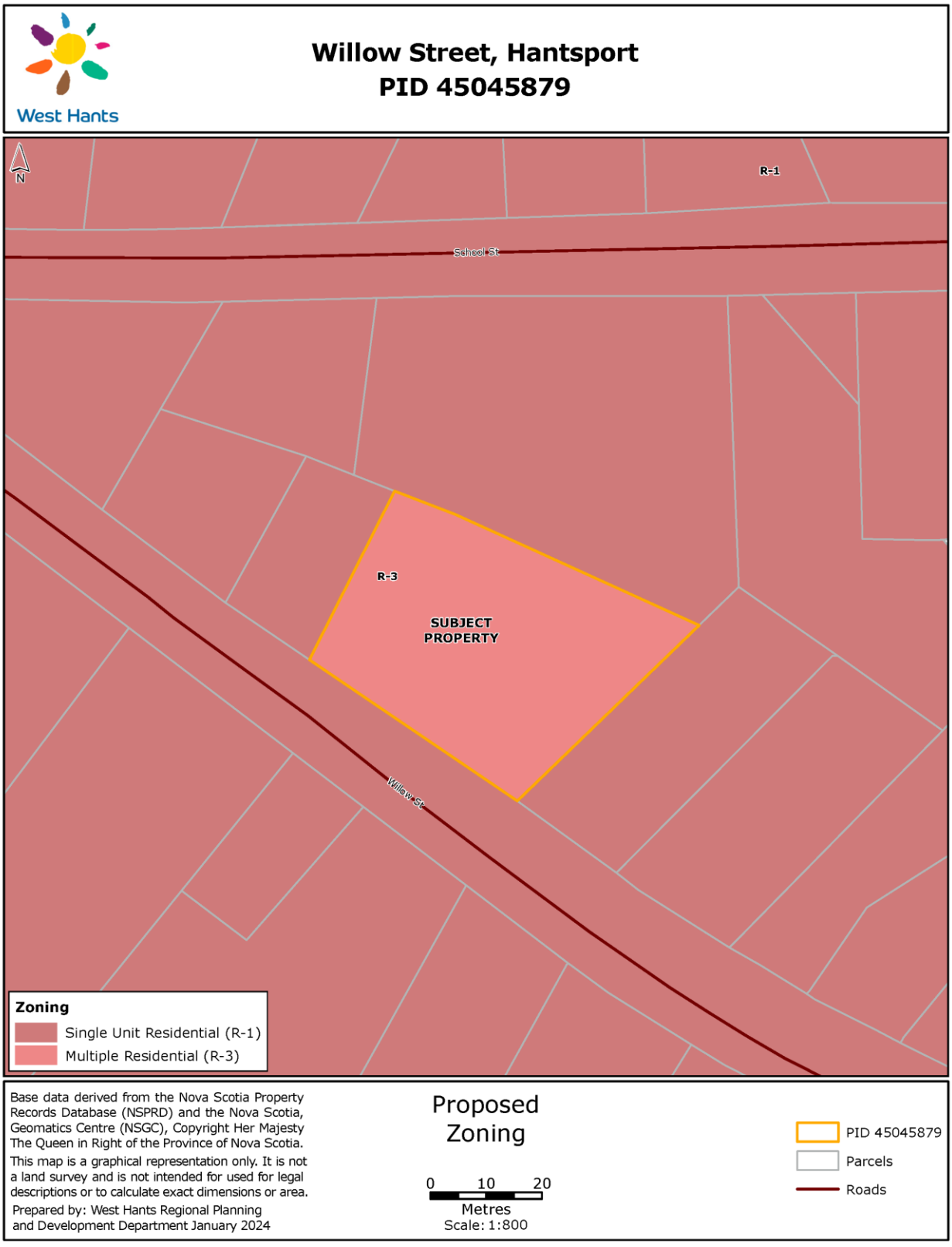


Figure 3 – Hantsport Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendments

Policy RP-7 *It shall be the policy of Council to allow new multi-unit residential uses within the Serviced Residential Designation by rezoning to the R-3 zone provided proposed rezoning will not have a negative impact on adjacent residential uses and subject to the criteria contained in Section 11.3.1*	The Development Officer commented that they had no concerns regarding the impact on surrounding uses. Of the potential impacts of the proposed development identified by the public, staff have been advised that there are adequate measures to ensure that surrounding properties are not affected by the development of this lot. This includes stormwater management, adequate on-site parking, building setbacks, maximum height, traffic capacity of Willow Street, municipal service capacity, and geotechnical requirements for the land. The proposal will be required to meet the zone requirements of the Multiple Unit Residential (R-3) zone and the designation is intended for residential development of varied density.

Policy IM-3 *In considering amendments to the Town of Hantsport 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 appropriate in terms of:	
(i) the adequacy of sewer and water services;	The Public Works Engineering Division commented that any sewer to a dwelling on the lot would likely require a domestic pump system to meet municipal specifications. The property owner has been notified of this requirement. Also, there is sufficient water capacity for domestic use, however, if a sprinkler system is

	required that the current service connection would not be sufficient and that a fire flow study would be required along with comment from the Municipal Building Official. The Manager of Building and Fire Inspection Services responded that there are alternative options for a developer to address issues with water capacity relating to fire safety, one option is for an engineered holding tank. Due to the alternative options available to address water and sewer servicing, staff consider this criterion met.
(ii) the adequacy of school facilities;	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated that projected capacity for student enrollment and student transportation appears sufficient to accommodate the proposed development.
(iii) the adequacy of fire protection;	The local Fire Chief commented that they had no concerns. The Manager of Building and Fire Inspection Services commented that an apartment building on the subject lot would require a sprinkler system if a 15-unit, 3-storey building had a footprint larger than 6,458 sq. ft. (600 sq. m.), otherwise no sprinkler system would be required. They had no concerns regarding the adequacy of fire protection.
(iv) the impact on adjacent uses;	See Policy RP-7.
(v) the adequacy of road networks adjacent to, or leading to the development; and	The Traffic Authority commented that Willow Street is an arterial road designed to handle high volumes of

	traffic and they had no concerns regarding the adjacent road network.
(vi) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Traffic Authority commented that they had no concerns regarding the suitability of movement and traffic or the proposed clarification of the minimum lot frontage requirement. A sidewalk is present on Willow Street directly abutting the subject lot, providing pedestrian access to Main St. There is no active rail line in the vicinity.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that provided the minimum lot frontage of the Multiple Unit Residential (R-3) zone in the HLUB is amended as drafted, they had no concerns regarding the adequacy of the dimensions and shape of the lot for the intended use.
(d) the pattern of development which the proposal might create;	The Development Officer commented that they had no concerns regarding the pattern of development which the proposal might create. The proposed zoning matches the intent of the Residential designation, which the subject lot is included within.
(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;	There are some existing challenges for construction on the subject lot. The first is the sloping to the rear of the subject lot, which would require some form of infilling to provide a stable base

	for construction. The Manager of Building and Fire Inspection Services advised staff that a geotechnical report would be required to be submitted to ensure that the infill is stable and will support the proposed structure. No waterbodies or wetlands appear to be present on the mapping for the subject lot, however, there have been comments from the public that there are wet conditions on the property. The Public Works Engineering Division commented that they would be requesting a stormwater management plan as part of the permitting process to ensure that pre- and post-development flows are neutral or better. Based on the correspondence received, staff consider this criterion met.
(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;	All Municipal, Provincial, and Federal regulations will have to be met.
(g) the impact of not only the use being proposed, but all uses permitted in the zone;	The proposed use is the maximum density of the lot which could be considered as-of-right in the Multiple Unit Residential (R-3) zone if rezoned. Any other uses permitted in the proposed zone would be considered less intensive.
(h) the site meets all of the zone requirements for the zone sought; and	See Policy IM-3 (c).

(i) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B – Draft Amendments

Note: purple text indicates a change from the present HLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Hantsport Land Use By-law

Text amendment to Section 8.4 of the Hantsport Land Use By-law to clarify the minimum lot frontage requirement for the Multiple Unit Residential (R-3) zone.

Amend 8.4.2, *Lot Specifications*, in the Hantsport Land Use By-law to replace the word 'and' with the word 'or', in the minimum lot frontage for apartment buildings and grouped homes, so that 8.4.2, *Lot Specifications*, reads as follows:

8.4.2 Lot Specifications

The following minimum specifications apply to all lots:

	Townhouse Development	**Apartment Buildings and Grouped Homes**
Minimum Lot Area	660 square metres (7104.4 square feet) for the first two units, plus 150 square metres (1614.5 square feet) for the third and each additional unit	660 square metres (7104.4 square feet) for the first two units, plus 100 square metres (1076 square feet) for the third and each additional unit
Minimum Lot Frontage	22 metres (72.2 feet) for the first two units, plus 19.6 feet (6 metres) for the third and each additional unit	22 metres (72.2 feet) for the first two units, ~~and~~ or 30 metres (98.4 feet) for three or more units
…		

Attachment C – Public Information Meeting Notes

February 6 – 20, 2024

HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01

Meeting date and time	A Public Information Meeting was held on February 6, 2024 beginning at 6:00 p.m. in Council Chambers at 76 Morison Drive in Windsor. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: Chair: • Mayor Zebian Four (4) members of staff: • Planner Dunphy • Planner Fredericks • Planning Assistant Lake • Director Poirier Approximately 9 members of the public, as well as the applicant.
Applicant Tom Lavers **Property** PID 45045879, Willow Street, Hantsport	Planner Dunphy outlined the application to rezone the subject lot to the Multiple Unit Residential (R-3) zone. The applicant, Tom Lavers, did not provide a formal presentation but provided answers to questions from the public.
Comments	Comments from the public could be submitted by mail, e-mail and telephone between February 6 –20, 2024. Staff received 1 phone call and 15 written submissions during the comment period. The phone call was to outline the caller's disapproval of the rezoning. 4 members of the public spoke during the Public Information Meeting. Staff and applicant responses are in purple. • Ryan Faulkner asked how drainage on the subject lot would be fixed. Alex responded by explaining that staff reach out to subject matter experts to address concerns and that a stormwater management plan would be required. Tom Lavers responded that the stormwater would be

	addressed through municipal requirements. Ryan asked about how his property value would be affected. Tom replied that the building would be well maintained. Ryan commented that policing is currently an issue and asked if the rezoning would only affect the lot and not the surrounding area. Mayor Zebian replied that this process is only for the individual lot. Ryan commented that there is flooding issues in that area that should be addressed. • Larry LeCouter commented that the subject lot is heavily sloped and that infill would be required. Larry was not in favour of the apartment building as the surrounding buildings are single-unit. Larry indicated that the property is swamp land, would require 300 loads of fill, and it is not suitable for a development. Larry was concerned with the lack of information in the proposal. • Barb LeCouter commented that Willow Street is heavily used when the highway is blocked and asked why this lot was chosen. Tom responded the property was the piece of land that was available. Barb was concerned with the pedestrian safety and the potential for issues with tenants. Tom responded that the same issues could occur with a single unit dwelling. Barb also indicated that flooding is an issue. • Jane Davis commented that there was another property available in McCully Pines that would be more suitable. Jane commented that the neighbourhood is quiet and asked about parking spaces as well as site plan availability so that the Planning Advisory Committee could consider more information. Jane asked what the square footage of the apartments would be and if the units would be

	affordable housing. Tom responded that the intent was for the units to be market rate and that the details for the plan are not developed yet as he was looking to complete the rezoning first. The 15-unit number was chosen due to that being the maximum unit density permitted, but it may be less than 15. Jane indicated support for housing, but in the right context, as this lot is in a low-density neighbourhood.
Adjournment	The Public Information Meeting was adjourned at approximately 6:27 p.m.

Public Email Responses Submitted for the Application

February 12, 2024
From Judith Swaine
To Alex Dunphy

Good morning

I am concerned about an apartment building being built on Willow Street.

I live close to where it is to be built and I don't want it there so I do not approve of the apartment building. I have lived at *ADDRESS REMOVED* since 1979. I hope this note makes a difference.

Thank you

Judith Swaine

February 12, 2024
From Cathy Ridge
To Alex Dunphy

Good morning Alex,

This letter is in concern for the proposal of a 15 unit apartment building on Willow Street, Hantsport NS.

I request that this lot be Not rezoned to R3. My reasoning is as follows:

The lot is not suitable for development, neither financially, size or for the water issues. Currently that land is like a swamp, aiding as a place for the rain waters to go to stay away from neighboring (house dwelling) properties.

The steep slope off the road will require hundreds of loads of fill, which is very costly. This will push more rain water into the neighboring properties causing severe damage. The cost of living is too high now, let alone having to pay extra for preventable damages.

There is a very large, very old cherry tree on this property. Building anything on this lot would require the destruction of natural resources and beauty. That would be a sin.

The nearest R2 is in "downtown commercial" district, as the neighbourhood is made of low density, single family homes. Our property values will drop considerably if there is an addition of an apartment building in the middle of our sweet single family dwellings.

I live on one side of this lot. I've been happy for 20 years, feeling confident that the lot will always be empty due to the high cost of filling in to build. It's my golden piece of people free nature within the community.

I do not approve of the zoning and building of an apartment building on this lot.

Thank you,

Cathy

February 12, 2024
From Laura Oickle
To Alex Dunphy

Hello Alex,

I completely agree that there should be no rezoning of this property for the development of an apartment building. There are other suitable places closer to the commercial spaces in the community. There is no need of an apartment building in this neighborhood. It is not warranted or wanted and plain doesn't really make any sense. My request is for this lot to not be approved for rezoning for an apartment building on Willow St. Hantsport.

Sincerely,

Laura Oikle

ADDRESS REMOVED

Hantsport, N.S.

February 15, 2024
From Jason Tucker
To Alex Dunphy

Good morning,

I am a long-time resident of Hantsport, and I'm writing to express my hope that the West Hants council will approve the rezoning of PID 45045879 to allow for the building of an apartment building.

Hantsport desperately needs new development and more housing. It makes perfect sense that additional housing should be built as close as possible to the shops and services in the "downtown" core.

There are already two other R-3 zoned units within about 500m of this location (on Main St. & Holmes Hill Rd.), though they are both many years old. The proposed property would be only about 800m from the centre of town. This is an ideal, walkable location for additional residents.

While the area has traditionally been only single-family homes, it's time to welcome a larger population into our community, and there is no way to do this without adding multi-until dwellings wherever possible, especially ones that are this close to all services.

I have heard from more than a few long-time residents that they would love to sell their Hantsport homes and stay in the community, but their options to do so are virtually zero. Until there are comfortable, new, modern apartments in this community, our existing housing stock will be underutilized by one or two senior citizens in 3-4 bedroom family homes that they can't sell because there's nowhere else to move.

As long as the professionals who evaluate proposals for West Hants don't see any physical reason to prevent this construction, I hope that they approve this and any other acceptable proposals that come before them. Hantsport can only benefit from adding new housing--lots of people want to live here, and for that I am grateful.

Thank you for your time.

--Jason Tucker

Hantsport.

February 15, 2024
From Candice Stark
To Alex Dunphy

Hi Alex,

I am writing to oppose the development of the lot on Willow Street. That area that a complete swamp and often floods the basements and backyards of those on school street. I personally know one family on school street that has significant flooding in their basement due to the marshy area and I know the municipality is aware of this issue. I understand that housing is needed but it should not be too the detriment of current homeowners.

There are many places in Hantsport that could be developed. Just not this particular lot.

Thank you for your time,

Candice Bowman

Hantsport resident

February 15, 2024
From Shaynna Crosby
To Alex Dunphy

Mr. Dunphy,

I am writing this letter upon hearing of the potential 15 unit apartment building complex to be built on Willow Street, in Hantsport. Although I no longer live in Hantsport, the proposed apartment building is to be built next door to my childhood home of *ADDRESS REMOVED*. The home my senior parents still reside in.

The lot that the proposed apartment building is to be built on is not suitable for development. It is a very steep slope off of the main road and would require massive amounts of fill to bring it up to street level. Growing up this lot was always considered bog land and would often flood. My parents basement also floods during the rainy season and I'm concerned that building up of this lot would force more run off into my parents property and then in to their basement causing further problems.

This neighbourhood has always been low density, single family homes. In approving the build of an apartment complex in this area is to greatly decrease the resale value of the surrounding homes and would be a slap in the face for the families who currently reside in the immediate and surrounding area.

There is a suitable zoned R3 building lot in the downtown area that is large enough for the proposed building. From my understanding it is also a serviced lot. I'm asking you to please reconsider approving the re-zoning of the lot on Willow Street. Please take in to consideration the families that this will greatly affect and the housing values that will be affected by this build. I agree that there is currently a housing crisis and that the building of a new apartment complex would be of great value however not on the proposed lot on Willow Street.

With kind regards,

Shaynna Crosby

February 16, 2024
From Dorothy Read
To Alex Dunphy

As the owner of the Francis deSilva property at *ADDRESS REMOVED* which is nearly directly opposite of the proposed development I have a vested interest in this proposal.

I feel this type of development is wildly inappropriate for a block that features a pleasant mix of historic & contemporary homes. A modern high rise would ruin the streetscape, increase traffic and dEstroy the wetlands that comprise most ofthat lt. The wEtlands is home to ducks, deer, turtles and other wIldlife.

Please suugest to deVeloper the apartment building would be better located elsewhere!

Thank you

Dorothy Read

February 17, 2024
From Larry LeCouter
To Alex Dunphy

please see attached letters regarding the proposed rezoning on Willow Street in Hantsport

Letters attached below

February 17, 2024
From Sheila Rafuse
To Alex Dunphy

Dear Mr. Dunphy,

After viewing the meeting on February 6, 2024 about the proposal to change Willow Street from single (R-1) dwelling to multi unit residential (R-3) dwelling, I submit these comments:

This is a low density single unit street and is not suitable for such a proposal. With there being an (R-3) property already in Hantsport, that location should be considered first.

Being a property owner directly across from this lot, I and other properties adjacent have been notified, but all the residents on Willow Street should be made aware as it will affect the quiet and slower pace of traffic. Parking will be a problem as the lot is at least 25 feet below street level, and is not suitable for any development,whether single or multi. This is why it has remained vacant for over 70 years except for a garden that existed many decades ago.

From the meeting, I heard the property owner directly behind this lot is having an issue with flooding and drainage being addressed after expressing his concerns for several years now. This poses many more problems to come from the lot being developed as (R-3) zone.

As of this year, my property will be up for sale, but I see this proposal as a deterrent for potential future buyers as this would not be suitable for someone looking for a small lot to build a single dwelling on. Please first consider the (R-3) multi unit lot which is already available with a sewer.

In summary, there are issues with parking, traffic and noise that cannot be disregarded. Please reconsider and notify all residents on Willow street, their concerns should also be heard.

February 18, 2024
From Therese Geizer
To Alex Dunphy

I'm writing regarding the purposed 15 unit apartment building on willow st in hantsport. My husband and I own two properties on school st. *ADDRESS REMOVED*, ever since we moved here we have had water issues in our basement.

We had to pour a new cement floor with gravel and drainage as the original floor was crumbing with water bubbling up from underneath. We also had to dig a dry well in our backyard as we were told there is an underground spring that runs under our properties. To this day we still have water coming into our basement with any rainfall despite these measures! I know that 8 homes across the street and adjoining to ours have water in the basements which are all within 300 ft of this purposed development. Water runs downhill and school st is at the bottom of the hill, this lot on willow is natural catch basin which disperses gradually when it overflows to other properties connected to it. Also when all those trees are cut down on that lot, that's more water that isn't getting absorbed and pooling there. The Faulkner's have had the worst flooding ever

since that house was built there as it backs onto that lot. I'm not an expert but I think if they put a bunch of fill and build a large structure on that lot the underground water will have to go somewhere and the only logical place would be to our properties and over time compromise the large building itself. Furthermore, whenever there is an accident on the 101 hwy and traffic is diverted into town, it runs up willow st. Not many cars park on willow but when they do there isn't enough room to pass them with on coming traffic, I can't imagine what a mess it would be having cars parked in front of a 15 unit apartment building with tenants and all their visitors parking on the street!

I agree we need more housing

but at what cost? With climate change we already have seen more water on our properties and if this development goes thru it will only get worse for our homes.

We are against this development for these reason's. Unfortunately, like the Faulkner's it's buyer beware (the town has done very little to help them) and for the developer who purchase this useless lot. I sincerely hope you take our very real concerns into your final decision. Our homes are our largest investments of our lives.

Regards

Therese & Tom Geizer

February 18, 2024
From Tiffany Faulkner
To Alex Dunphy

Dear Alex,

I hope this email finds you well. I am writing to express my concerns regarding the proposed construction of an apartment building behind our residence. Ryan & I strongly do not agree with this proposal.

As a neighbor, I have thoroughly considered the potential impacts that such a development could have on our community, and I am deeply worried about several aspects:

Privacy: The construction of an apartment building behind our house would significantly compromise our privacy. Increased foot traffic and the proximity of other residents could disrupt the peaceful environment we currently enjoy.

Noise and Disruption: The construction process itself would undoubtedly cause noise and disruption to our daily lives. This could be especially concerning if it occurs during early mornings or late evenings.

Traffic Congestion: A new apartment building would likely lead to an increase in traffic in our neighborhood, potentially causing congestion and safety hazards on our streets. If the 101 were to be shut down for any reason all traffic would be rerouted that direction which would cause a huge congestion of vehicles in that spot. When there is no room right now on that road for traffic to get by when cars are parked on side of the road.

Flooding Risk: Our property is particularly susceptible to flooding, as water naturally runs towards it. The construction of an apartment building could exacerbate this issue, leading to further flooding and potential damage to our property.

Impact on Property Values: There is a concern that the presence of a large apartment complex behind our residence could negatively impact the value of our property.

Questions: If the land we're to be filled in with a large amount of fill, how could you keep it from back filling on our property over a period of time?

For the size of the building compared to the small lot. How far off the property lines would a building that size have to be? The lot size doesn't seem big enough that it would be far enough off all the property lines.

Our biggest concern is if the land gets filled in, it will displace the water that layed in there before.

I hope the municipality gets an environmental assessment on that land before considering the proposed construction.

I understand the need for development and growth within our community, but I urge you to consider alternative locations or designs for the proposed apartment building that would minimize its impact on existing residents.

Thank you for your attention to this matter.

Sincerely,

Tiffany & Ryan Faulkner

February 19, 2024
From Adam Quinn
To Alex Dunphy

Hey Alex,

My family and I live near where this rezoning request is taking place. It was only recently brought to our attention that there is a possible apartment building proposal in place for this unfit for a residence lot that has been there for as far back as my grandparents can remember. From what I've been told it was a junk yard for many years before other houses started being developed around it.

I'm concerned on why this was not brought to the attention of the whole town and only to a select few houses neighbouring the property? If such an apartment building is placed in this location. Is it going to affect property values? Are we expecting increased value in our homes? For some that would be great. For others it's a burden due to higher taxes paid each year.

Is this going to affect our water and sewage system? That's a large number of new families to provide for and we already just had a water line issue on Riverview at the start of the winter.

Clarification on these matters would be greatly appreciated. Also would like clarification on what the plans are for this structure and its parking accommodations. The lot is not even half an acre in size. It is on a drastic hill and at the bottom of the hill is a soft marsh land. If the intentions are

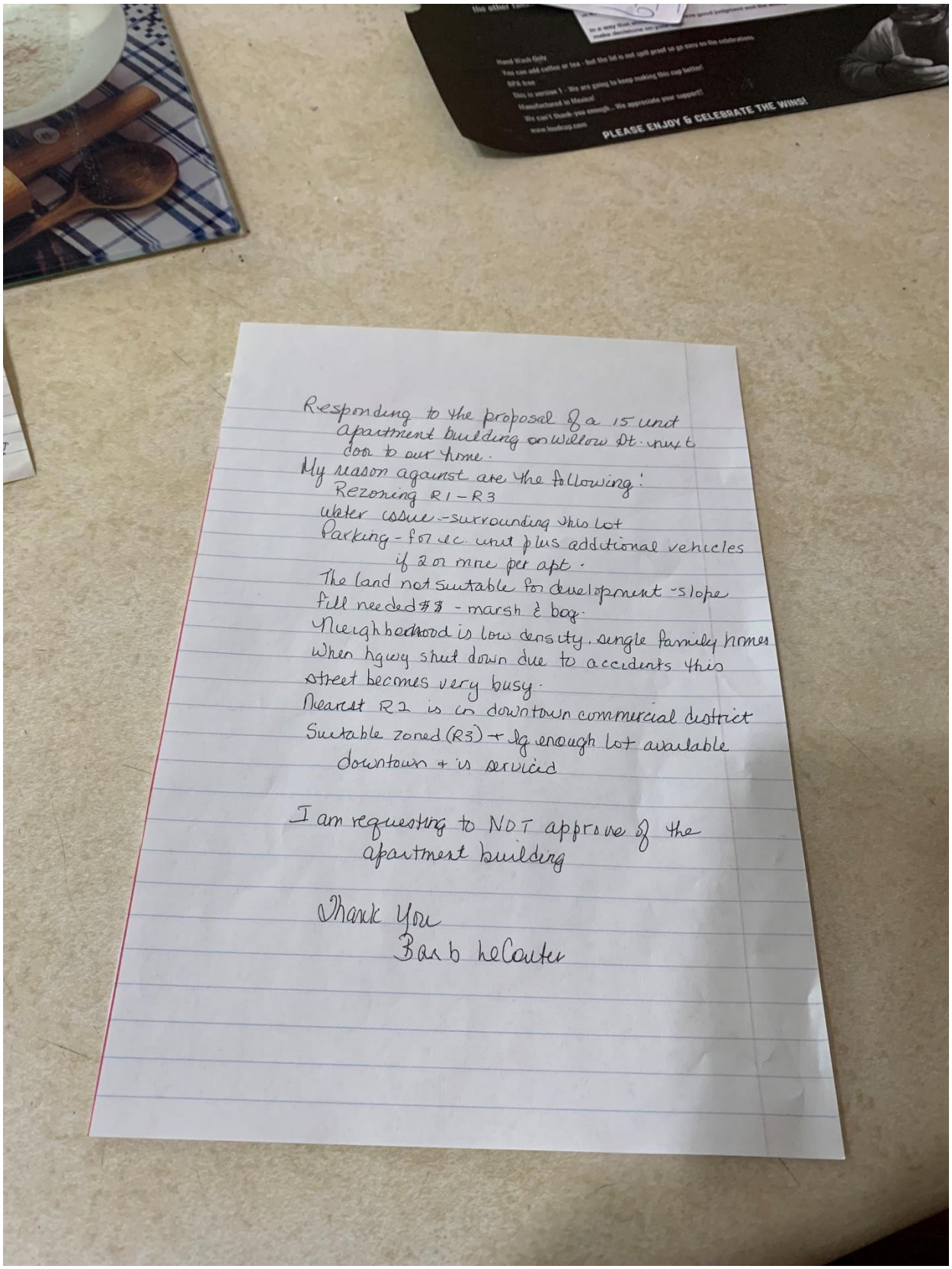
to build this land up for proper foundation for the structure then that will lead to major water run off for the houses behind and off the side of this lot on school street. Not to mention that it could even lead to damages to the ball field or with major rainfall even reach the school itself. Maybe if this does get rezoned then it will be in the best interest of the municipality to look into connecting a drainage runoff right into the sewage portion of the construction plans.

To end this letter of concern. I want to be clear that we do need more housing. A development of this size would be great for the area if located on a better plot of land that will not have a direct effect on citizens that have been here for years. Take into consideration the families that will have to deal with the decision you make and hear their concerns.

Thank you for your time and all you do for our area.

Best regards

Adam Quinn



Responding to the proposal of a 15 unit apartment building on Willow St. next door to our home.

My reason against are the following:

Rezoning R1 – R3

water issue - surrounding this lot

Parking - for 15 unit plus additional vehicles if 2 or more per apt.

The land not suitable for development - slope

fill needed $$ - marsh & bog.

Neighborhood is low density, single family homes

When hgwy shut down due to accidents this street becomes very busy.

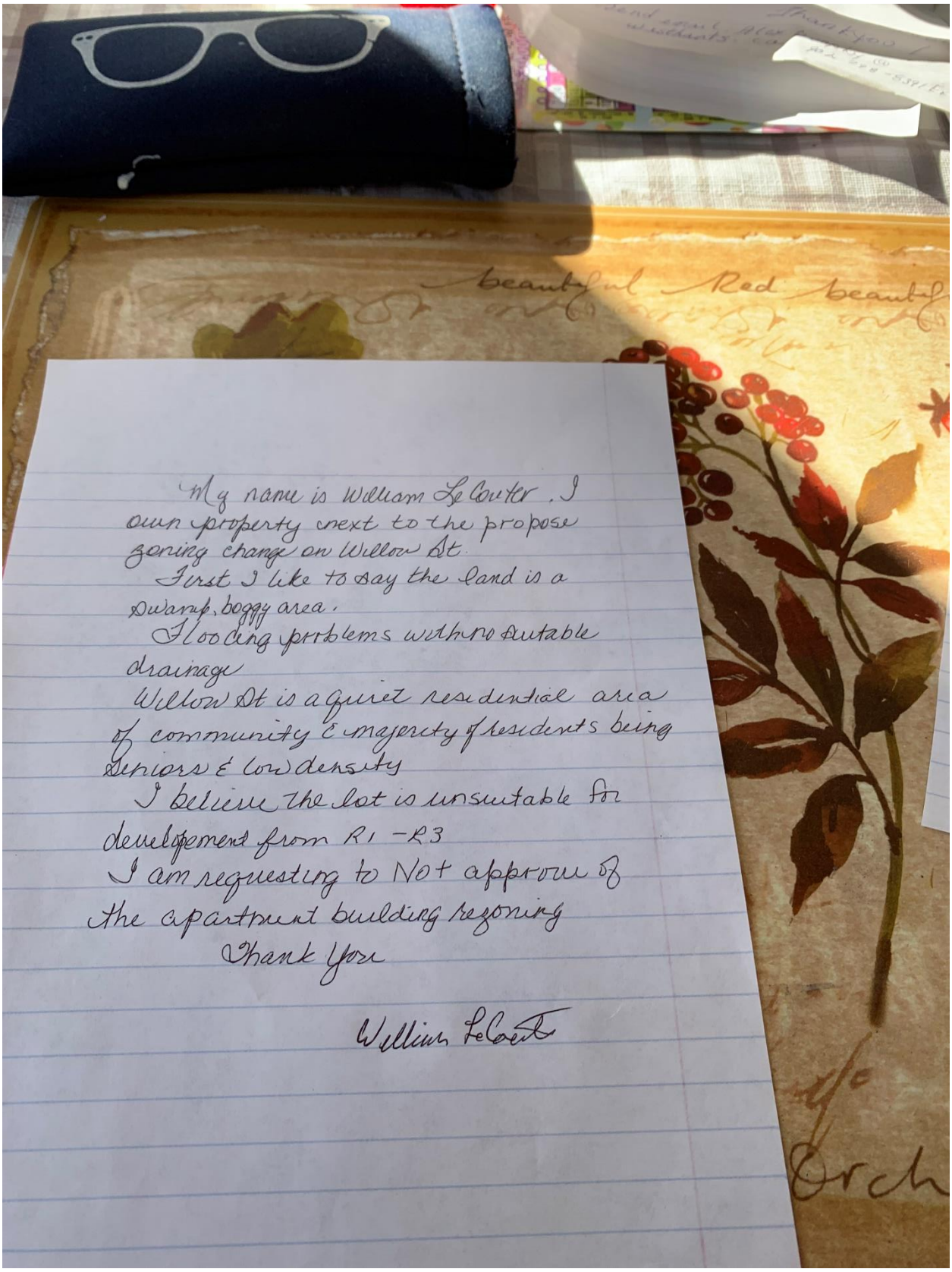
Nearest R2 is in downtown commercial district

Suitable zoned (R3) + lg enough lot available downtown + is serviced

I am requesting to NOT approve of the apartment building

Thank You

Barb McCarter



My name is William LeCouter. I own property next to the propose zoning change on Willow St.

First I like to say the land is a swamp, boggy area.

Flooding problems with no suitable drainage

Willow St is a quiet residential area of community & majority of residents being Seniors & low density

I believe the lot is unsuitable for development from R1 - R3

I am requesting to Not approve of the apartment building rezoning

Thank You

William LeCouter

To: Whom It may concern!

I am one of the homeowners on Willow Str. I disagree with the building of a 15 unit apartment on a piece of land between 2 houses with a steep hill that would not be appropriate for people living behind there.

neighborhood hood is low density and there would have to be lots of fill needed.

There is a suitable lot zoned (R3) & large enough building lot available in town & is serviced.

Please request to not approve of apartment building

Thank you!

Send email: Alex Dunphy @ westhants.ca 902-798-8391 Ext 118

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: April 23, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39D

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

…that Council gives Second Reading and approves amending the Windsor Municipal Planning Strategy and Land Use By-law to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.

BACKGROUND

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

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

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) to allow the requested change as-of-right, through amendments to the Windsor Land Use By-law. As there are only 16 properties within the Pesaquid Comprehensive Development District (PCDD) zone, the commercial uses will remain on the street frontage and the amendment only intended to add the option to include residential units behind those commercial uses, staff recommended text amendments to the Pesaquid Comprehensive Development District (PCDD) zone. The Committee discussed the wording for the location of the residential units, fire safety requirements, residential unit configuration, application background, and waterfront development. The Committee discussed the ability for this proposal to be considered by development agreement instead of through an amendment to the Pesaquid Comprehensive Development District (PCDD) zone at length. During the January 11 PAC/HAC meeting, the Committee recommended in favour of the amendments as drafted by staff.

During the January 23 Council meeting, direction was given to staff to draft a policy to permit the request to be considered by development agreement instead.

On March 14, 2024, staff presented a recommendation report to the PAC/HAC (Appendix A) to allow the requested change through the development agreement process, by amending the Windsor Municipal Planning Strategy and Land Use By-law. During that meeting, the Committee recommended in favour of the amended policies.

On March 26, 2024, staff presented the new PAC/HAC recommendation to Council for First Reading. Council discussed the process of this application and the focus on commercial development on the waterfront. During the meeting, Council recommended in favour of the application. If Council proceeds with the amendments, staff will begin the development agreement application process for the requested development.

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼

Public Information Meeting – December 7, 2023

▼

PAC/HAC Review and Recommendation – January 11, 2024

▼

Council First Reading – January 23, 2024

Direction given by Council to reconsider policy options

▼

PAC/HAC Review and Recommendation – March 14, 2024

▼

Council First Reading – March 26, 2024

▼

Public Hearing & Second Reading – April 23, 2024

▼

Ministerial Review/Approval

▼

Notice of Approval

*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:

- 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	2024-03-26 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39C

CHIEF ADMINISTRATIVE OFFICER REVIEW

The recommendation is in keeping with Council's direction.

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 –

2024-03-26 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39C

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: March 26, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39C

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

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 Windsor Municipal Planning Strategy and Land Use By-law to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.

BACKGROUND

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

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

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) to allow the requested change as-of-right, through amendments to the Windsor Land Use By-law. As there are only 16 properties within the Pesaquid Comprehensive Development District (PCDD) zone, the commercial uses will remain on the street frontage and the amendment only intended to add the option to include residential units without affecting the ability for commercial development, staff recommended text amendments to the Pesaquid Comprehensive Development District (PCDD) zone. The Committee discussed the wording for the location of the residential units, fire safety requirements, residential unit configuration, application background, and waterfront development. The Committee discussed the ability for this proposal to be considered by development agreement instead of through an amendment to the Pesaquid Comprehensive Development District (PCDD) zone at length. During the January 11 PAC/HAC meeting, the Committee recommended in favour of the amendments as drafted by staff.

During the January 23 Council meeting, direction was given to staff to draft a policy to permit the request to be considered by development agreement instead.

On March 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A) to allow the requested change through the development agreement process, by amending the Windsor Municipal Planning Strategy and Land Use By-law. During that meeting, the Committee recommended in favour of the amended policies.

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼
Public Information Meeting – December 7, 2023
▼
PAC/HAC Review and Recommendation – January 11, 2024
▼

Council First Reading – January 23, 2024
Direction given by Council to reconsider policy options
▼
PAC/HAC Review and Recommendation – March 14, 2024
▼
Council First Reading – March 26, 2024
▼
Public Hearing & Second Reading – April 23, 2024*
▼
Ministerial Review/Approval
▼
Notice of Approval

*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 or as specifically revised by direction of Council; or
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

Appendix A	2024-03-14 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39B

CHIEF ADMINISTRATIVE OFFICER REVIEW

To ensure a thorough planning process is conducted it is recommended that First Reading be supported by Council. It will allow for public feedback during the public hearing. Information at the Public Hearing will reflect public feedback from the PIM, comments from staff regarding MPS compliance and provide the public a formal opportunity to express their opinions on the amendment before Second Reading when a final decision is made by Council.

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 –

2024-03-14 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39B

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: March 14, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 210

RECOMMENDATION

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

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.

BACKGROUND

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

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

Staff reviewed the WMPS and WLUB and determined there were no policy options to consider the proposed use by development agreement. Staff reviewed the application and determined the request was similar to the Commercial (C-1) zone in Hantsport where residential uses are permitted with located behind, above, or below a commercial use. Staff originally drafted amendments based on the Commercial (C-1) zone from the Hantsport Land Use By-law which, if approved, would have allowed the requested residential use behind a commercial use on the ground floor to be permitted as-of-right.

During the January 11 PAC/HAC meeting, the committee recommended in favour of the amendments as drafted by staff.

During the January 23 Council meeting, direction was given to staff to draft policy to permit the request through consideration by development agreement. Staff have drafted amendments to the WMPS and WLUB, as seen below.

DISCUSSION

The applicants are owners of a business on Water Street in Windsor and would like to convert a portion of the ground floor to residential uses. The commercial use would still front on Water Street, with the residential uses being located in the rear of the ground floor.

The applicant's lot is designated Town Centre and Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS). The subject lot is zoned Pesaquid Comprehensive Development District (P-CDD) and is included in the Architectural Control District on Schedule A of the Windsor Land Use By-law (WLUB). Currently, the WMPS and WLUB do not allow residential uses on the ground floor in the Pesaquid Comprehensive Development District (P-CDD) zone.

Windsor Municipal Planning Strategy

Policy 7.5.2 and 7.5.3 of the Windsor Municipal Planning Strategy (WMPS) outline the types of uses that Council will consider by development agreement within the Pesaquid Comprehensive Development District (P-CDD) zone.

To permit the proposed residential uses behind commercial uses on the ground floor by development agreement as requested by Council, the following changes are required to the WMPS:

- Adding to Policy 7.5.2, residential uses behind commercial uses on the ground floor of existing buildings to the list of developments considered by development agreement;
- Adding wording to Policy 7.5.3 (c) to include residential uses to be located behind commercial uses on the ground floor of existing buildings; and
- Inserting a new policy in Section 7.5 to create the criteria to evaluate development agreement applications for residential uses to be located behind commercial uses on the ground floor of existing buildings.

The full set of changes can be found in Attachment B.

Windsor Land Use By-law

Section 6.1 of the Windsor Land Use By-law (WLUB) lists developments that may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy.

To permit the proposal, the following addition to the WLUB is required:

- Adding residential uses behind commercial uses on the ground floor of existing buildings to clause (g) of Section 6.1

The full set of proposed amendments can be found in Attachment B.

Impact of Proposed Changes

The proposed changes would only affect properties within the Pesaquid Comprehensive Development District (P-CDD) zone. There are currently only 16 properties within the P-CDD zone and they are all located on the north-west side of Water Street in Windsor (Figure 1). The existing uses located in this zone are primarily 1-2 storey buildings with ground floor commercial uses and residential units above. Allowing residential uses behind commercial uses on the ground floor to be considered by development agreement will not impact the intended streetscape experience, as commercial uses will still be required at the front of the buildings on the ground floor.

Based on inquiries to the local Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division, these changes did not raise any concerns which are not otherwise addressed in this report.

General Criteria

Policy 16.1.1 allows Council to review and make amendments to the WMPS. Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. In this circumstance, the request for a ground level residential use within a commercial district is not permitted within the

current planning documents and provides Council with the option to consider the proposal as a change in the development environment. The proposal also aligns with the Statement of Provincial Interest Regarding Housing as the amendment will provide additional opportunities for residential development which would not have otherwise been permitted.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WLUB. 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, Traffic Authority, and Public Works Engineering Division have no concerns which have not been otherwise 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 entirety of the Pesaquid Comprehensive Development District (P-CDD) zone.

As the proposal is intended to be contained within existing buildings, no impact to the flow of stormwater from properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.

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

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to permit the requested changes to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement.

Process
Staff Review

▼

Public Information Meeting – December 7

▼

PAC/HAC Review and Recommendation – January 11

▼

Council First Reading – January 23

Direction given by Council to reconsider policy options

▼

PAC/HAC Review and Recommendation – March 14

▼

Council First Reading – March 26*

▼

Public Hearing & Second Reading – April 23*

▼

Ministerial Review/Approval

▼

Notice of Approval

*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 amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	Windsor Zoning Map Extract
Attachment A	Policy Summary for Planning Document Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Attachment D 2024-01-23 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39A

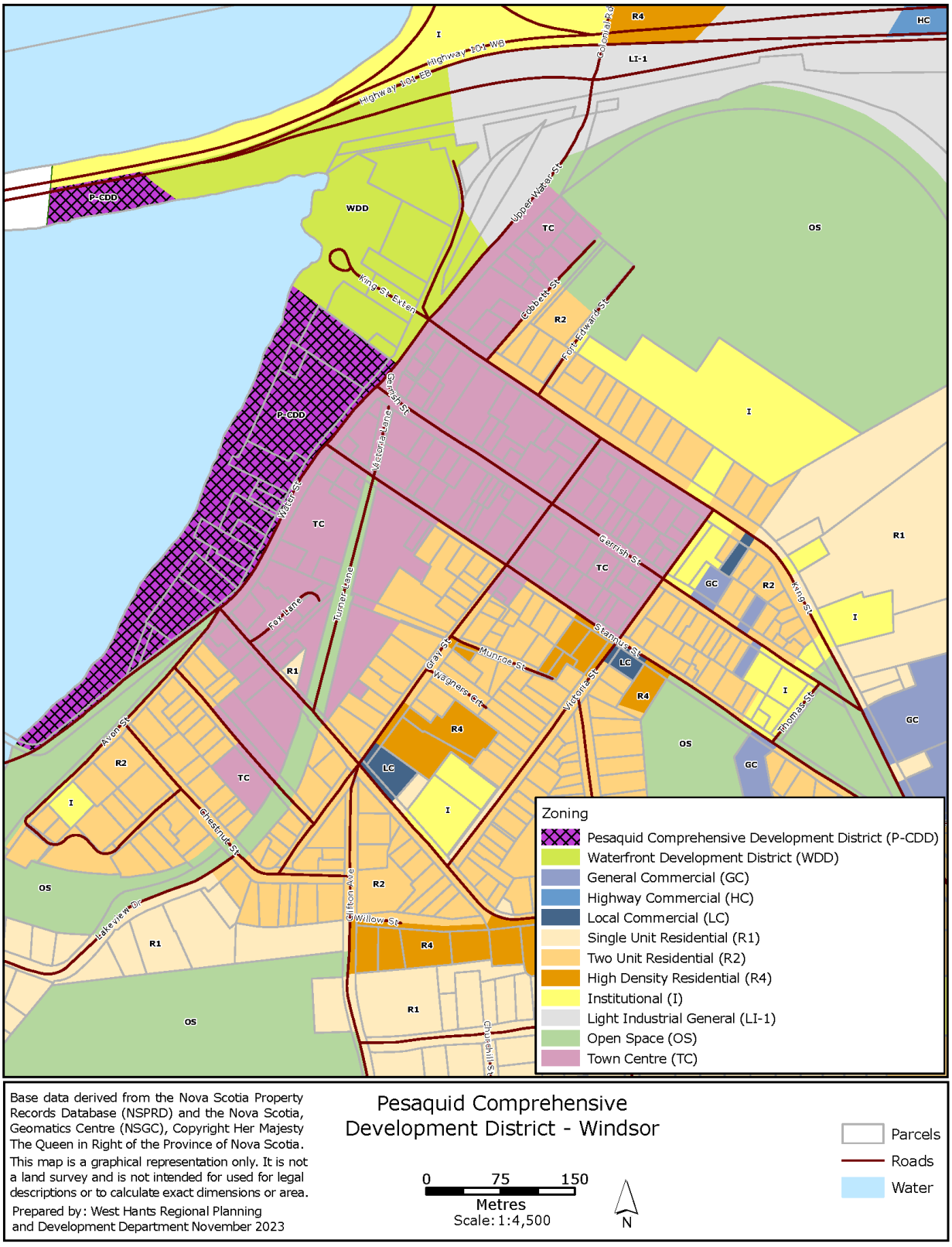
Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Figure 1 – Windsor Zoning Map Extract



Attachment A – Policy Summary for Planning Document Amendments

Policy 16.3.1 *In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*	
(a) whether the proposal is considered appropriate in terms of:	
(i) the adequacy of sewer and water services;	The Public Works Engineering Division commented that they had no concerns regarding ground level residential uses on Water Street or the capacity of water and sewer services.
(ii) the adequacy of school facilities;	The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that "We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development."
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services commented that any residential unit would require a fire separation from the commercial space. This fire separation is implemented to ensure that there is adequate fire protection between the residential and commercial uses. The local Fire Chief commented that any residential unit would require unimpeded access, which is already a requirement of the permitting process.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Municipal Traffic Authority commented that they did not have any

	concerns regarding the adequacy of the road networks provided that off-street parking is provided for the residential units. Off-street parking is required in the WLUB for as-of-right developments.
(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Traffic Authority has no concerns regarding the suitability of movement for properties in the Pesaquid Comprehensive Development District (P-CDD) zone, provided that off-street parking is provided for the residential units. Sidewalks are provided on Water Street for pedestrian traffic and there is no active rail line in the vicinity.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that they did not have any concerns regarding the adequacy of the dimensions and shape of the lots for the proposal. As the proposal intends to permit a residential use to occur within an existing building, this would not change the adequacy of the lots which the existing building is located.
(d) the pattern of development which the proposal might create;	The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create. The proposal is not anticipated to affect the streetscape of the Pesaquid Comprehensive Development District (P-CDD) zone, as the changes would only permit residential units to be built

	behind the commercial use on the ground floor of existing buildings.
(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;	As the proposal is intended to be contained within existing buildings, no impact to the suitability in terms of grade, soil, geological conditions, water bodies, or flooding of properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.
(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;	All Municipal, Provincial, and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B – Draft Amendments

Note: purple text indicates a change from the present WMPS or WLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Windsor Municipal Planning Strategy

Text amendments to Section 7.5, *Pesaquid Comprehensive Development District*, of the Windsor Municipal Planning Strategy to allow residential developments to be located on the ground floor, behind a commercial use within an existing building.

1. **Amend Policy 7.5.2 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.2 reads as follows:**

Policy 7.5.2 *It shall be the policy of Council that the following categories of development proposals in the Pesaquid CDD will be considered by development agreement subject to Policies 7.5.3, 7.5.4, and 7.5.5:*

(a) a change in use in an existing building to a use which is not permitted in the Town Centre (TC) zone;

(b) new main buildings;

(c) additions in excess of 1,000 ft2 (92.9 m2) in floor area.

(d) accessory structures in excess of 500 ft2 (46.5 m2) in floor area; or

(e) residential uses behind commercial uses on the ground floor of existing buildings.

2. **Amend Policy 7.5.3 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.3 reads as follows:**

Policy 7.5.3 *It shall be the policy of Council that within the Pesaquid CDD, Council will consider a mix of uses including:*

(a) commercial development including retail, service, office and entertainment uses;

(b) recreational facilities to accommodate passive and active recreational activities or special events;

(c) *residential development as a secondary focus, located behind the commercial uses on the ground floor or on the upper floors of existing commercial buildings; other types of residential development, such as apartment buildings or town houses, will be considered, but will not be the dominant feature of the development.*

3. Insert Policy 7.5.5 in the Windsor Municipal Planning Strategy following Policy 7.5.4 so that Policy 7.5.5 reads as follows:

Policy 7.5.5 *It shall be the intention of Council when evaluating a development agreement for residential uses behind commercial uses on the ground floor within the Pesaquid CDD, as enabled through Policy 7.5.2, to have regard to the following:*

(a) the residential uses on the ground floor of an existing building shall occupy no more than 50% of the ground floor area of the structure;

(b) the residential uses must be located behind a commercial use. The commercial use must have frontage on the street;

(c) the provisions of Policy 16.3.1

4. All policies following the new Policy 7.5.5 in Section 7.5 shall be renumbered.

Windsor Land Use By-law

Text amendment to the Section 6.1 of the Windsor Land Use By-law to include residential uses behind existing commercial uses on the ground floor within the Pisaquid Comprehensive Development District in the list of developments to be considered by development agreement.

1. Amend Clause (g) of Section 6.1, *Development Agreements*, in the Windsor Land Use By-law to include residential uses behind existing commercial uses on the ground floor within the Pesaquid Comprehensive Development District, so that clause (g) of Section 6.1 reads as follows:

6.1 The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

…

(g) development proposals in the Pesaquid CDD in accordance with Section 7.5 of the Municipal Planning Strategy for: signs in addition to those outlined in Section 7.18 of the Land Use By-law (Amendment WLUB 17-01 Effective March 6, 2018); new main buildings; additions in excess of 1,000 ft2 (92.90 m2) floor area; accessory structures in excess of 500 ft2 (46.45 m2) floor area; a change in use in an existing building to a use not permitted in the TC zone; or residential uses behind commercial uses on the ground floor of existing buildings;

…

Attachment C – Public Information Meeting Notes

December 7 - 21, 2023

WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

Meeting date and time	A Public Information Meeting was held on December 7, 2023, beginning at 6:14 p.m. in Council Chambers at 76 Morison Drive in Windsor. 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 and the applicants.
Applicant Chad and Mandy Singleton **Property** Not Applicable	Planner Dunphy outlined the application to amend the text of the Windsor Municipal Planning Strategy and Land Use By-law to permit residential uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District. The applicant presented on their plan to develop an additional residential unit within their property at 198 Water Street in Windsor, provided that the proposal is successful.
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 comments or questions from the public. 1 member of the public and the applicants spoke during the December 7, 2023, Public Information Meeting. Staff responses are included in purple text. • Paul Beazly asked about an option to build the residential unit through a development agreement.

	Alex clarified that there were no policies to allow Council to consider the proposed residential use by development agreement. • The applicant, Mandy Singleton, asked about how the change to the text of the planning documents would be determined. Alex responded that the wording of the proposed amendments has not yet been determined. A change is required due to the planning documents prioritizing commercial development in the Pesaquid Comprehensive Development District (P-CDD).
Adjournment	The PIM was adjourned at approximately 6:28 p.m.

Attachment D - 2024-01-23 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: January 23, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

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 Windsor Municipal Planning Strategy and Land Use By-law to allow residential units at the rear of commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated January 11, 2024.

BACKGROUND

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

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

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 wording for the location of the residential units, fire safety requirements, residential unit configuration, application background, and waterfront development. The Committee discussed the ability for this proposal to be considered by development agreement instead of through an amendment to the Pesaquid Comprehensive Development District (PCDD) zone at length. As there are only 16 properties within the Pesaquid Comprehensive Development District (PCDD) zone, the commercial uses will remain on the street frontage and the amendment only intends to add the option to include residential units without affecting the ability for commercial development, staff are recommending the amendments to the Pesaquid Comprehensive Development District (PCDD) zone.

Staff also relayed the feedback received from both the Fire Chief and the Public Works Engineering Division. The Fire Chief commented that residential units would require unimpeded access, which is already a requirement of the permitting process, and the Public Works Engineering Division commented that they did not have any concerns regarding the capacity of municipal services for the proposed amendment.

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

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼
Public Information Meeting – December 7, 2023
▼
PAC/HAC Review and Recommendation – January 11, 2024
▼
Council First Reading – January 23, 2024
▼
Public Hearing & Second Reading – February 27, 2024*
▼
Ministerial Review/Approval
▼
Notice of Approval

*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 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 - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

CHIEF ADMINISTRATIVE OFFICER REVIEW

This matter has been reviewed by the PAC / HAC. The amendment will assist with the provision of residential units in the downtown area. For the noted property owner, it will allow for residential use on the back side of the property but not requiring it should they elect to re-establish a commercial use.

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 –

2023-01-11 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: January 11, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to allow residential units at the rear of commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated January 11, 2024.

BACKGROUND

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

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

DISCUSSION

The applicants are owners of a business on Water Street in Windsor and would like to convert a portion of the ground floor for residential uses. The commercial use would still face the street. The applicant's lot is designated Town Centre and Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS). The subject lot is zoned Pesaquid Comprehensive Development District (P-CDD) and are included in the Architectural Control District on Schedule A of the Windsor Land Use By-law (WLUB). Currently, the WMPS and WLUB do not allow residential uses on the ground floor in the Pesaquid Comprehensive Development District (P-CDD) zone. Staff reviewed the WMPS and WLUB and determined there were no policy options to consider the proposed use by development agreement. Staff reviewed the application and determined the request was similar to the Commercial (C-1) zone in Hantsport where residential uses are permitted with located behind, above, or below a commercial use. Staff have drafted the following amendments based on the Commercial (C-1) zone from the Hantsport Land Use By-law which, if approved, would allow the requested residential use behind a commercial use on the ground floor.

Windsor Municipal Planning Strategy

Policy 7.5.3 and 7.5.5 of the Windsor Municipal Planning Strategy (WMPS) outlines the types of uses that Council will consider within the Pesaquid Comprehensive Development District (P-CDD) zone.

> *Policy 7.5.3 It shall be the policy of Council that within the Pesaquid CDD, Council will consider a mix of uses including:*
>
> *(a) commercial development including retail, service, office and entertainment uses;*
>
> *(b) recreational facilities to accommodate passive and active recreational activities or special events;*
>
> *(c)* ***residential development as a secondary focus, located on the upper floors of commercial buildings; other types of residential development, such as apartment buildings or town houses, will be considered, but will not be the dominant feature of the development****.*

Policy 7.5.5 It shall be the policy of Council that within the Pesaquid CDD, minor development such as a change in use in an existing building, a small addition or accessory building, and

repairs or renovations, shall be permitted as-of-right in accordance with the provisions of the Town Centre (TC) zone. In summary, to permit the proposed residential use, the following changes are required to the WMPS:

- Adding wording to Policy 7.5.3 (c) to include residential developments to be located behind an existing commercial use; and
- Adding wording to Policy 7.5.5 to allow residential developments to be located behind existing commercial uses.

The full set of changes can be found in Attachment B.

Windsor Land Use By-law

Section 15.1 of the Windsor Land Use By-law (WLUB) permits the following categories of development in the Pesaquid Comprehensive Development District (P-CDD) zone as-of-right:

(a) change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone;
(b) additions not exceeding 1,000 ft2 (92.90 m2) in floor area, alterations, repairs and renovations to existing buildings, subject to Town Centre (TC) zone requirements;
(c) accessory structures not exceeding 500 ft2 (46.45 m2) in floor area, subject to Town Centre (TC) zone requirements; and
(d) temporary retail sales and food service kiosks subject to Section 15.2. The current parking requirement for apartment buildings is a ratio of 1.5 parking spaces per dwelling unit.

In summary, to permit the proposal, the following addition to the WLUB is required:

- Adding residential uses on the ground floor not exceeding 50% of the ground floor area, located behind commercial use to Section 15.1.

The full set of proposed amendments can be found in Attachment B.

Impact of Proposed Changes

The proposed changes would only affect properties within the Pesaquid Comprehensive Development District (P-CDD) zone. There are currently only 16 properties within the P-CDD zone and they are all located on the north-west side of Water Street in Windsor (Figure 1). The existing uses located in this zone are primarily 1-2 storey buildings with ground floor commercial uses and residential units above. Allowing residential uses to be built behind existing commercial uses on the ground floor will not impact the intended streetscape experience, as commercial uses will still be required at the front of buildings at street level.

Based on inquiries to the local Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division, these changes did not raise any concerns which are not otherwise addressed in this report.

General Criteria

Policy 16.1.1 allows Council to review and make amendments to the WMPS. Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. In this circumstance, the request for a ground level residential use within a commercial district is not permitted within the current planning documents and provides Council with the option to consider the proposal as a change in the development environment. The proposal also aligns with the Statement of Provincial Interest Regarding Housing as the amendment will provide additional opportunities for residential development which would not have otherwise been permitted.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WLUB. 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, Traffic Authority, and Public Works Engineering Division have no concerns which have not been otherwise 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 entirety of the Pesaquid Comprehensive Development District (P-CDD) zone.

As the proposal is intended to be contained within existing buildings, no impact to the flow of stormwater from properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.

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

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to permit the requested changes to allow residential units behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone.

Process

Staff Review

▼

Public Information Meeting – December 7

▼

PAC/HAC Review and Recommendation – January 11

▼

Council First Reading – January 23*

▼

Public Hearing & Second Reading – February 27*

▼

Ministerial Review/Approval

▼

Notice of Approval

*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 amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1 Windsor Zoning Map Extract

Attachment A	Policy Summary for Planning Document Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

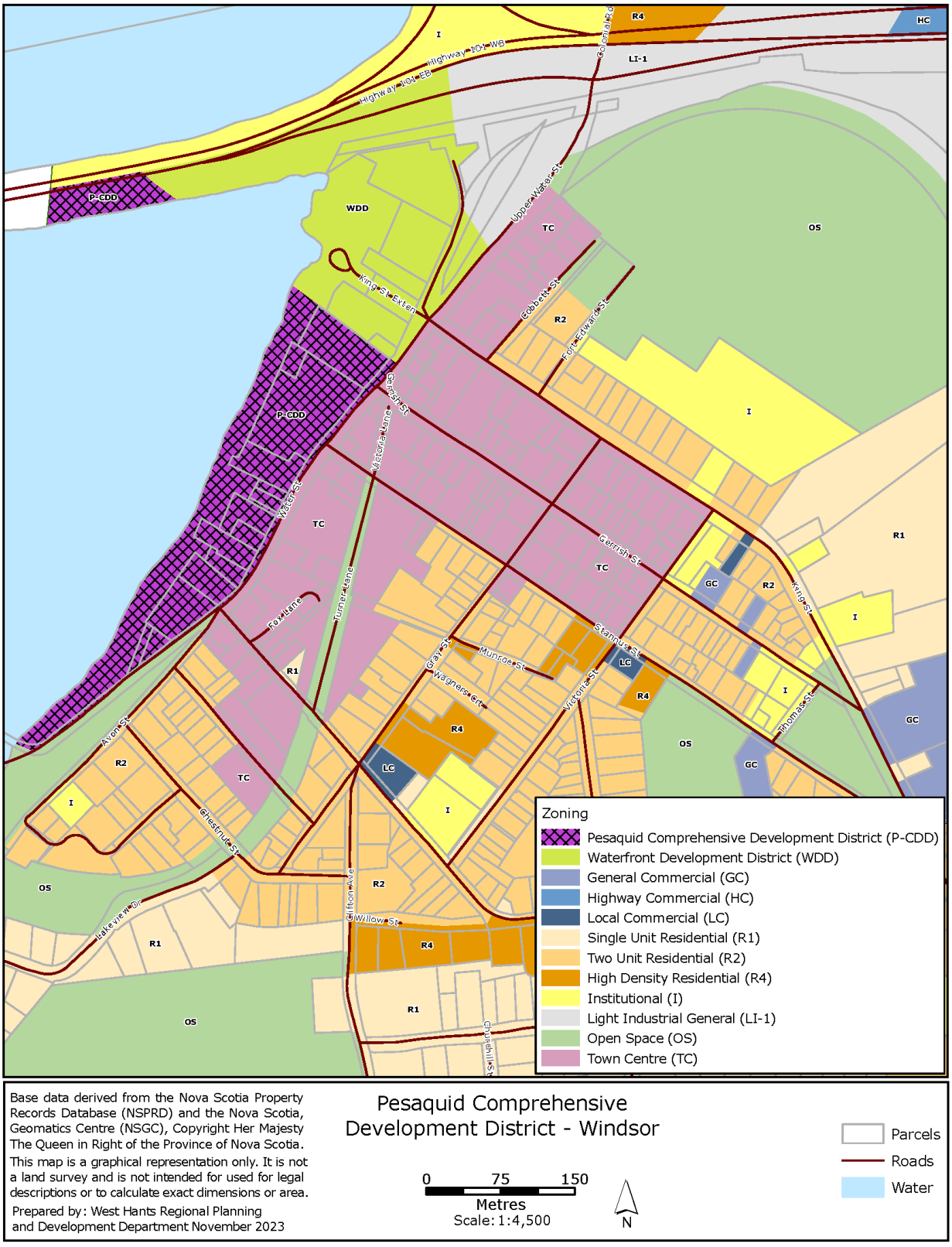
Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Figure 1 – Windsor Zoning Map Extract



Attachment A – Policy Summary for Planning Document Amendments

Policy 16.3.1 *In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*	
(a) whether the proposal is considered appropriate in terms of:	
(i) the adequacy of sewer and water services;	The Public Works Engineering Division commented that they had no initial concerns regarding ground level residential uses on Water Street. The Director of Public Works was unable to provide comment at the time of the writing of this report. Staff hope to have that feedback prior to the Planning and Advisory Committee Meeting.
(ii) the adequacy of school facilities;	The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that "We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development."
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services commented that any residential unit would require a fire separation from the commercial space. This fire separation is implemented to ensure that there is adequate fire protection between the residential and commercial uses. At the time of writing this report, staff have yet to receive comment from the

	Windsor Fire Chief. Staff hope to have that feedback prior to the Planning and Advisory Committee Meeting.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Municipal Traffic Authority commented that they did not have any concerns regarding the adequacy of the road networks provided that off-street parking is provided for the residential units. Off-street parking is required in the WLUB for as-of-right developments.
(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Traffic Authority has no concerns regarding the suitability of movement for properties in the Pesaquid Comprehensive Development District (P-CDD) zone, provided that off-street parking is provided for the residential units. Sidewalks are provided on Water Street for pedestrian traffic and there is no active rail line in the vicinity.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that they did not have any concerns regarding the adequacy of the dimensions and shape of the lots for the proposal. As the proposal intends to permit a residential use to occur within an existing building, this would not change the adequacy of the lots which the existing building is located.
(d) the pattern of development which the proposal might create;	The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create. The

	proposal is not anticipated to affect the streetscape of the Pesaquid Comprehensive Development District (P-CDD) zone, as the changes would only permit residential units to be built behind the commercial use on the ground floor of existing buildings.
(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;	As the proposal is intended to be contained within existing buildings, no impact to the suitability in terms of grade, soil, geological conditions, water bodies, or flooding of properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.
(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;	All Municipal, Provincial, and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B – Draft Amendments

Note: purple text indicates a change from the present WMPS or WLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Text amendments to Section 7.5 of the Windsor Municipal Planning Strategy to allow residential developments to be located on the ground floor, behind a commercial use within an existing building.

Windsor Municipal Planning Strategy

1. **Amend Policy 7.5.3 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.3 reads as follows:**

Policy 7.5.3 *It shall be the policy of Council that within the Pesaquid CDD, Council will consider a mix of uses including:*

(a) commercial development including retail, service, office and entertainment uses;
(b) recreational facilities to accommodate passive and active recreational activities or special events;
(c) residential development as a secondary focus, located behind the commercial uses on the ground floor or on the upper floors of existing commercial buildings; other types of residential development, such as apartment buildings or town houses, will be considered, but will not be the dominant feature of the development.

2. **Amend Policy 7.5.5 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.5 reads as follows:**

Policy 7.5.5 *It shall be the policy of Council that within the Pesaquid CDD, minor development such as a change in use in an existing building, a small addition or accessory building, and repairs or renovations, in accordance with the provisions of the Town Centre (TC) zone, as well as residential units located behind the commercial uses on the ground floor of existing buildings shall be permitted as-of-right.*

Text amendment to the Section 15.1 of the Windsor Land Use By-law to allow residential developments to be located on the ground floor, behind commercial uses within an existing building.

Windsor Land Use By-law

1. **Amend Section 15.1, *As-of-Right Development*, in the Windsor Land Use By-law to include residential developments on the ground floor to the permitted uses list, so that Section 15.1 reads as follows:**

As-of-Right Development

15.1 The following categories of development shall be permitted in the Pesaquid Comprehensive Development District (P-CDD) zone as-of-right:

(a) change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone;

(b) additions not exceeding 1,000 ft2 (92.90 m2) in floor area, alterations, repairs and renovations to existing buildings, subject to Town Centre (TC) zone requirements;

(c) accessory structures not exceeding 500 ft2 (46.45 m2) in floor area, subject to Town Centre (TC) zone requirements;

(d) temporary retail sales and food service kiosks subject to Section 15.2;

(e) residential uses on the ground floor of existing buildings in accordance with 15.1.1.

2. **Create Subsection 15.1.1, *Requirements for Ground Floor Residential Uses*, in the Windsor Land Use By-law to include provisions for ground floor residential uses, so that Subsection 15.1.1 reads as follows:**

Requirements for Ground Floor Residential Uses

15.1.1 Residential uses on the ground floor of existing buildings shall occupy no more than 50% of the ground floor area of the structure and be located behind or below a commercial use. The commercial use must have frontage on the street.

Attachment C – Public Information Meeting Notes

December 7 - 21, 2023

WMPS and WLUB Text Amendments:
Pesaquid Comprehensive Development District; File # 23-39

Meeting date and time	A Public Information Meeting was held on December 7, 2023 beginning at 6:14 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 and the applicants.
Applicant Chad and Mandy Singleton **Property** Not Applicable	Planner Dunphy outlined the application to amend the text of the Windsor Municipal Planning Strategy and Land Use By-law to permit residential uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District. The applicant presented on their plan to develop an additional residential unit within their property at 198 Water Street, Windsor, provided that the proposal is successful.
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 comments or questions from the public. 1 member of the public and the applicants spoke during the December 7, 2023, Public Information Meeting. Staff responses are included in purple text. • Paul Beazly asked about an option to build the residential unit through a development agreement. Alex clarified that there were no policies to allow

	Council to consider the proposed residential use by development agreement. • The applicant, Mandy Singleton, asked about how the change to the text of the planning documents would be determined. Alex responded that the wording of the proposed amendments has not yet been determined. A change is required due to the planning documents prioritizing commercial development in the Pesaquid Comprehensive Development District (P-CDD).
Adjournment	The PIM was adjourned at approximately 6:28 p.m.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: April 23, 2024

Subject: Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07B

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to approve the Development Agreement following the Public Hearing, the following motions would be in order:

… that Council gives Second Reading and approves the development agreement to permit a paintball facility on PID 45180635 on Highway 215 in Summerville, in a manner substantively the same as the draft set out in Appendix A of the report to Council regarding File # 23-07B dated April 23, 2024"

…that Council requires that the development agreement with Marlene Hill be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

A complete application was received on March 21, 2023, from Patrick Hill. Initially this application came with a letter of authorization from Marlene Hill, who was not the landowner at the time, but through a recent probate court decision in February of 2024, Marlene Hill is

now the owner of the land and has appropriate authority to authorize Patrick Hill to apply for a development agreement to be entered into with the Municipality.

The planning application was needed to establish a paintball facility on PID 45180635 on Highway 215 in Summerville.

DISCUSSION

A Public Information Meeting was held on June 6, 2023. Several public comments were received at the meeting and during the public comment period that followed. The concerns related to the proximity of the proposed paintball facility to the adjacent cemetery and questions about enforcement, environmental impact of the paintballs, fencing, buffering, parking, and support for bringing an outdoor activity to the community. Many of these issues were able to be addressed in the development agreement by using large setbacks and buffering requirements as well as a *development area* that constrains the paintball activity to a specific portion of the property.

On February 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix B). The Committee briefly discussed the buffering requirements and planting densities, start/stop sounds, and confirmed that the development agreement does require netting for playing courses. The PAC/HAC recommended in favour of the application at this meeting.

On March 26, 2024, staff presented the PAC/HAC recommendation to Council for First Reading. Council's discussion included questions about the buffer, funeral frequency at the adjacent cemetery and the range of paintballs. Council recommended in favour of moving the application onto Public Hearing with the following amendments to the development agreement:

- to include property boundary signage (Section 2.11); and
- to include *'and growing'* after maintained into the language regarding the vegetative buffer (Section 2.7).

These changes have been made in the Development Agreement and are shown in red text in Appendix A.

NEXT STEPS

The process for this application is as follows:

Process
Staff Review

▼

Public Information Meeting – February 6

▼

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

▼

Regional Council First Reading – March 26

▼

Public Hearing & Second Reading – April 23

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

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

APPENDIX

Appendix A	Revised Draft Development Agreement
Appendix B	2024-03-26 First Reading Report - Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07A

CHIEF ADMINISTRATIVE OFFICER REVIEW

Pending the review of Council and comments made at the Public Hearing 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 – Revised 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 –

MARLENE BONITA HILL, of Summerville, West Hants, Province of Nova Scotia.
(Hereinafter referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered owner of a parcel of land located on Highway 215, Summerville (PID 45180635) hereinafter referred to as the "Property", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Resource on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (the "Municipal Planning Strategy") and zoned General Resource (GR) on the Zoning Map of the West Hants Land Use By-law (the "Land Use By-law"), and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit a Paintball Facility on the Property (the "Development"); and

WHEREAS Policy 9.7.1 of the Municipal Planning Strategy and Section 6.1 (v) of the Land Use By-law enable Council to consider entering into a development agreement to allow a Recreation Commercial use within the General Resource (GR) 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 and the other conditions herein;

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

PART 1 AGREEMENT CONTEXT

1.1 Definitions

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

(a) "*Paintball Facility*" means a recreation commercial use open to the public and operated for profit by private individuals. The facility may include more than one paintball course, and various stations for rental equipment, storage, player rest areas and spectator viewing areas. The paintball courses are intended to host a game that simulates military combat with players on one team trying to eliminate players on an opposing team by shooting capsules of paint at them.

(b) "*Development Area*" means the portion of the property illustrated on Schedule B to this Agreement.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

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

(a) *Municipal Planning Strategy* means the Municipal Planning Strategy of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;

(b) *Land Use By-law* means the Land Use By-law of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;

(c) *Subdivision By-law* means the Subdivision By-law of the Municipality of the District of West Hants, approved on June 26, 2008, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

(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; and

(ii) a Paintball Facility.

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

2.2 Development Location and Design

(a) The Development shall be arranged within the *Development Area* as shown on the Site Plan in Schedule B.

(b) The Owner shall design the Development to minimize impact on nearby existing uses with vegetation and large setbacks as described in this Agreement.

(c) The Owner shall recognize the nearby Loyal Hill Cemetery and make reasonable efforts to pause or delay activity during funerals or other events in the cemetery.

2.3 Site Requirements

(a) Any temporary or permanent structures, parking areas and playing courses shall conform to the following requirements, and be located within the *Development Area* shown on the Site Plan:

Minimum Front Yard	100 feet (30.5m)
Minimum Rear Yard	100 feet (30.5m)
Minimum Side Yard	100 feet (30.5m)
Maximum Building Height	35 feet (10.6m)
Maximum Height of Accessory Building	25 feet (7.6m)

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

(c) The Owner shall keep all undeveloped areas of the Property landscaped or forested.

2.4 Access and Egress

The main access/egress to the lot shall be directly from Highway 215. The driveway shall be approved by the Nova Scotia Department of Public Works prior to the Paintball Facility opening to the public. The vehicular entrance and exit shall be clearly demarcated and maintained to a level adequate to the standard set by the Nova Scotia Department of Public Works.

2.5 Parking

(a) The Owner shall provide a minimum of twenty (20) parking spaces on the Property.

(b) No on-street parking shall be permitted.

(c) Each parking space shall be a minimum of 10 feet by 20 feet (3m by 6m)

(d) Parking shall be located within the *Development Area* as shown on the Site Plan in Schedule B.

(e) The number of parking spaces may be varied by the Development Officer in accordance with section 2.13 of this Agreement.

2.7 Vegetated Buffers, Netting and Fencing

(a) The Owner shall enclose all paintball course areas with safety netting that is appropriately sized to capture any stray paint capsules.

(b) If a paintball course is developed within the open field portion of the *Development Area* shown on the Site Plan, then the Owner shall also provide a wide vegetated buffer along any property line that abuts the Loyal Hill Cemetery.

(c) If all paintball courses are developed entirely within the wooded portion of the *Development Area* shown on the Site Plan, then the Owner does not need to provide a wide vegetated buffer.

(d) If required, wide vegetated buffers shall be a minimum of 20 ft. (6 m.) wide and include:

(i) A mixture of local deciduous and coniferous trees, shrubs, and berms to form a dense or opaque screen, and are maintained and growing for as long as the paintball facility is active.

(ii) The tree species within the vegetated buffer shall include predominately White Spruce. Secondary tree varieties may include Grey Birch, Red Pine, and White Pine. Other local tree species may also be included.

(iii) At the time of planting, each tree shall have a minimum height of 4 ft. and each shrub shall have a minimum height of 1.5 ft.

(iv) Additional plantings may include Ninebark, Rosa Rugosa, Lilacs, Boxwoods or other local species.

2.9 Servicing

(a) Waste Collection

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

The Owner shall provide water and sewer services to the property in a manner that is compliant with the provincial authority.

(c) Snow Plowing

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

2.10 Maintenance

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

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

2.11 Signs and Lighting

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

The property owner shall install signage to indicate the extent of the property boundary's side lot lines. These indicators are required in the front corners of the property where it meets Highway 215.

2.12 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 9:00 a.m. and 9:00 p.m. daily, inclusive.

2.13 Variance

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

(i) number of parking spaces required; and
(ii) height and area of a sign.

2.14 Subdivision

No alterations to the lot configuration, within the *Development Area* shown on the Site Plan are permitted except those required by the Municipality for the purpose of creating or expanding open space within the Property or those required by the road authority for the purpose of creating or expanding a public street over the Property.

PART 3 CHANGES AND DISCHARGE

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

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing.

3.3 The following matters are substantive matters:

(a) the uses permitted on the Property as listed in Section 2.1, *Use*;

(b) increase in size of the paintball facility beyond the boundaries of the *Development Area* as shown on the site plan.

3.4 Upon conveyance of land by the Owner to either:

(a) the road authority for the purpose of creating or expanding a public street over the Property; or

(b) the Municipality for the purpose of creating or expanding any municipally owned facility over the Property,

registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street or public facility, as the case may be, as of the date of registration with the Land Registry Office, but this Agreement shall remain in full force and effect for all remaining portions of the 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 may be given by the Municipality to the Owner following a resolution of Council to give such Notice:

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

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

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

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

PART 4 IMPLEMENTATION

4.1 Commencement of Development

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

(b) Development as provided in Part 2 of this Agreement shall commence not later than twenty-four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act, 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.

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

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

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

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

5.2 Severability of Provisions

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

5.3 Interpretation

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

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

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

5.4 Municipal Responsibility

(a) The Municipality does not make any representations to the Owner about the suitability of the Property for the Development proposed by this Agreement. The Owner assumes all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Development.

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

5.5 Breach of Terms or Conditions

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

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to **Marlene Hill, and Patrick Hill, 4850 Highway 215, Summerville NS B0N 2A0** or at any other address provided by the Owner.

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

5.10 Full Agreement

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

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

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

)
) Marlene Hill
)
)
_____ Per:_____
Witness) Property Owner

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 **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, **MARLENE HILL**, 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
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

I, Marlene Hill, the "Deponent", make oath and swear that:

1. **I acknowledge that I executed the foregoing instrument on the date of this affidavit; this acknowledgement 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 s.79(1)(a) of *the Land Registration Act* as the case may be.**
2. I am nineteen years of age or older and am a resident of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit "spouse" means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to section 55(1) of the Act.
4. I am not a spouse and, with respect to the within property, I have no former domestic partner with the rights contemplated by section 55 of the *Vital Statistics Act*, nor any former spouse with rights in the within property under the *Matrimonial Property Act*, as amended.

I certify that on this _____, 2024
the Deponent came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

_____ _____

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

MARLENE HILL

Schedule A
Legal Description
Taken from Property Online June 2023

Deed.pdf

Schedule B
Site Plan

Appendix B - 2024-03-26 First Reading Report - Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: March 26, 2024

Subject: Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07A

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing and Second Reading, the following motions would be in order:

… that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to permit a paintball facility on PID 45180635 on Highway 215 in Summerville, in a manner substantively the same as the draft set out in Attachment B of the report to the Planning and Heritage Advisory Committee regarding File # 23-07 dated March 14, 2024.

…that Council requires that the development agreement with Marlene Hill be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

A complete application was received on March 21, 2023, from Patrick Hill. Initially this application came with a letter of authorization from Marlene Hill, who was not the landowner at the time, but through a recent probate court decision in February of 2024, Marlene Hill is now the owner of the land and has appropriate authority to authorize Patrick Hill to apply for a development agreement to be entered into with the Municipality.

The planning application was needed to establish a paintball facility on PID 45180635 on Highway 215 in Summerville. This type of use can be considered by Council through a development agreement, as paintball facilities are not a listed permitted use (as-of-right) in the underlying zone.

A Public Information Meeting was held on June 6, 2023. Several public comments were received at the meeting and during the public comment period that followed. The concerns related to the proximity of the proposed paintball facility to the adjacent cemetery and questions about enforcement, environmental impact of the paintballs, fencing, buffering, parking, and support for bringing an outdoor activity to the community. Many of these issues were able to be addressed in the development agreement by using large setbacks and buffering requirements as well as a development area that constrains the paintball activity to a specific portion of the property.

A significant delay occurred between the Public Information Meeting and bringing the application to the Planning and Heritage Advisory Committee (PAC/HAC). The delay was caused by the legal requirement in establishing the family ownership as a Will needed to be processed through the Probate Court to recognize Marlene Hill as the owner of the land.

On February 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee briefly discussed the buffering requirements and planting densities, start/stop sounds, and confirming that the development agreement does require netting for playing courses.

The PAC/HAC recommended in favour of the application at this meeting.

NEXT STEPS

The process for this application is as follows.

Process
Staff Review ▼ Public Information Meeting – June 6, 2023 ▼ PAC/HAC receives staff report and PIM Notes

PAC/HAC Review and Recommendation – March 14, 2024

▼

Regional Council First Reading – March 26, 2024

▼

Public Hearing & Second Reading – April 23, 2024*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

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

APPENDICIES

Appendix A	2024-03-14 Staff Report – Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation and the application proceed through to the Public Hearing stage. This will allow for an up-to-date presentation of all information pertaining to the application for both Council and residents. Further, it will allow for a thorough review of that information at second reading when Council is asked to make a final decision on this matter.

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 – 2024-03-14 Staff Report - Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: March 14, 2024

Subject: Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motions:

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to permit a paintball facility on PID 45180635 on Highway 215 in Summerville, in a manner substantively the same as the draft set out in Attachment B of the report to the Planning and Heritage Advisory Committee regarding File # 23-07 dated March 14, 2024.

…that PAC/HAC recommends that Council require that the development agreement with Marlene Hill be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

A complete application was received on March 21, 2023, from Patrick Hill. Initially this application came with a letter of authorization from Marlene Hill, who was not the landowner at the time, but through a recent probate court decision in February of 2024, Marlene Hill is now the owner of the land and has appropriate authority to authorize Patrick Hill to apply for a development agreement to be entered into with the Municipality.

The planning application was needed to establish a paintball facility on PID 45180635 Highway 215, Summerville. This type of use can be considered by Council through a development agreement, as paintball facilities are not a listed permitted use (as-of-right) in the underlying zone.

DISCUSSION

PID 45180635 is approximately 400 acres (1,618,744 sq. m.) in size. The applicant intends on using a small portion of the property for the proposed paintball facility. This portion is near the front of the property where a field and forest can provide varied terrain for two versions of the sport.

- 'Speed Ball' being played in an enclosed field, with placed obstacles.
- 'Woods Ball' being played in a forested area with vegetation and terrain as obstacles.

The property is located within the Resource Designation on the Generalized Future Land Use Map (Figure 1) of the West Hants Municipal Planning Strategy (WHMPS) and zoned General Resource (GR) on the Zoning Map (Figure 2) of the West Hants Land Use By-law (WHLUB).

The General Resource (GR) zone permits a wide range of land uses as-of-right, including automotive and forestry uses, churches and restaurants, retail stores and residential uses. These uses could introduce traffic, noise, or other impacts on the surrounding community without requiring a development agreement.

Surrounding Context

The subject property is adjacent to the Loyal Hill Cemetery, in a rural area, just outside of the Hamlet of Summerville. The property includes a cleared field and forested areas. The properties to the south are generally located within the Summerville Hamlet and are zoned Rural Residential (R-4) and Rural Commercial (RC). The subject lot is well separated from the Hamlet of Summerville with approximately 400 feet of wooded area to the nearest dwelling. The subject property also has an increased elevation and a large, forested area that surrounds much of the proposed paintball facility.

Most of the properties outside of the Summerville Hamlet are zoned General Resource (GR) except for the Loyal Hill Cemetery, which is zoned Open Space (OS). The surrounding General Resource (GR) zone includes rural residential uses and an equestrian facility and riding ring across the street from the subject property.

Development Agreement

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

A development proposal being considered must be measured against only the specific and general criteria for the proposal in the MPS and not any other criteria.

The draft development agreement in Attachment B enables the paintball facility with the following requirements, as a summary:

- Parking – a minimum of 20 parking spaces to be provided. No on-street parking permitted.
- Size – parking, playing courses etc. must be contained within the *development area*.
- Setbacks – all activity must be setback a minimum of 100 ft. (30.5 m.) from all property lines.
- Buffers – vegetated buffer in the yard abutting the cemetery if any playing course is in the field. The buffering requirement would not apply if playing courses are fully located within the wooded area.
- Hours of operation – limits commercial play to occur between 9am – 9pm.
- Recognition of the abutting cemetery

Section 3.3 of the draft development agreement outlines substantive matters of the development agreement. Substantive matters are any items that Council has determined that would significantly alter the intended effect of the development agreement if changed. If a request is received from the developer to change a substantive matter outlined in a development agreement, the request must go through the entire development agreement process including Public Hearing before Council prior to Council making a final decision on the proposed amendment. Staff have determined the following items in this draft development agreement are substantive matters:

- Any change in the permitted uses list; and
- Any increase in the size of the facility, beyond the *development area*.

Document Review

WHLUB

New Recreation Commercial uses, including paintball facilities can be considered in any designation except the Village Core designation by development agreement. This type of development agreement is listed in Section 6.1 of the WHLUB.

WHLUB 6.1 Development Agreements

The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

…

(y) Recreation Commercial uses in any designation, except the Village Core, in accordance with Policy 13.3.2 of the Municipal Planning Strategy;

WHMPS

Part 9.0 of the WHMPS contains the overall intention for properties within the Resource designation and Section 9.1 describes the intention for areas zoned General Resource (GR). These areas are not considered prime agricultural land but are intended to encourage the utilization of natural resources and provide for a range of rural land uses. In addition to resource-based uses, other land uses can be considered by development agreement. Certain uses like a paintball facility may benefit from a rural location as large lot sizes and wooded areas can often provide separation from existing uses.

Specific Criteria

Policy 9.1.7 is the enabling policy to be considered for this application. This policy provides Council with the ability to consider new Recreation Commercial uses in the General Resource Zone, by development agreement. The full list of criteria is included in Attachment A. In summary, the criteria are met since:

- The use will not adversely affect existing resource uses in the area; and
- The use is well suited for a rural location and is not more appropriately located in a Growth Center, Village or Hamlet.

In addition to the criteria outlined in this policy, Council must also consider the criteria from Policies 13.3.2 and 13.3.3. Policy 13.3.3 does not apply to this situation and is intended only for off-highway vehicle courses or similar uses.

Policy 13.3.2 provides Council with the specific criteria to consider new Recreation Commercial uses through a development agreement. In summary, the criteria are met since:

- The use is a recreation facility open to the public;
- The use does not include frequent use of motor vehicles like a racetrack or motocross course;
- The lot dimensions and structures are appropriately sized;
- The property can accommodate a safe roadway access as determined by the Nova Scotia Department of Public Works;
- Adequate parking is to be provided on-site;
- 100-foot setbacks and buffering requirements, ensure that neighbouring uses will not be adversely affected by excessive noise, littering, lighting or other visual intrusion;

- Adequate landscaping and buffering requirements are included in the draft development agreement.

WHMPS General Criteria

Policy 16.3.1 establishes the general criteria that must be considered for all development agreement applications. In summary, the proposal meets the criteria as:

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

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) 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 development agreement has been considered within the context of both the specific and general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. The development agreement meets the specific and general criteria. As a result, it is reasonable to permit a development agreement for the proposed paintball facility.

Approval Process

Staff Review

▼

Public Information Meeting – June 6, 2023

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – March 14, 2024

▼

Regional Council First Reading – March 26, 2024*

▼

Public Hearing & Second Reading –April 23, 2024*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

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

Report Prepared by: _____

Mark Fredericks, Senior Planner

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

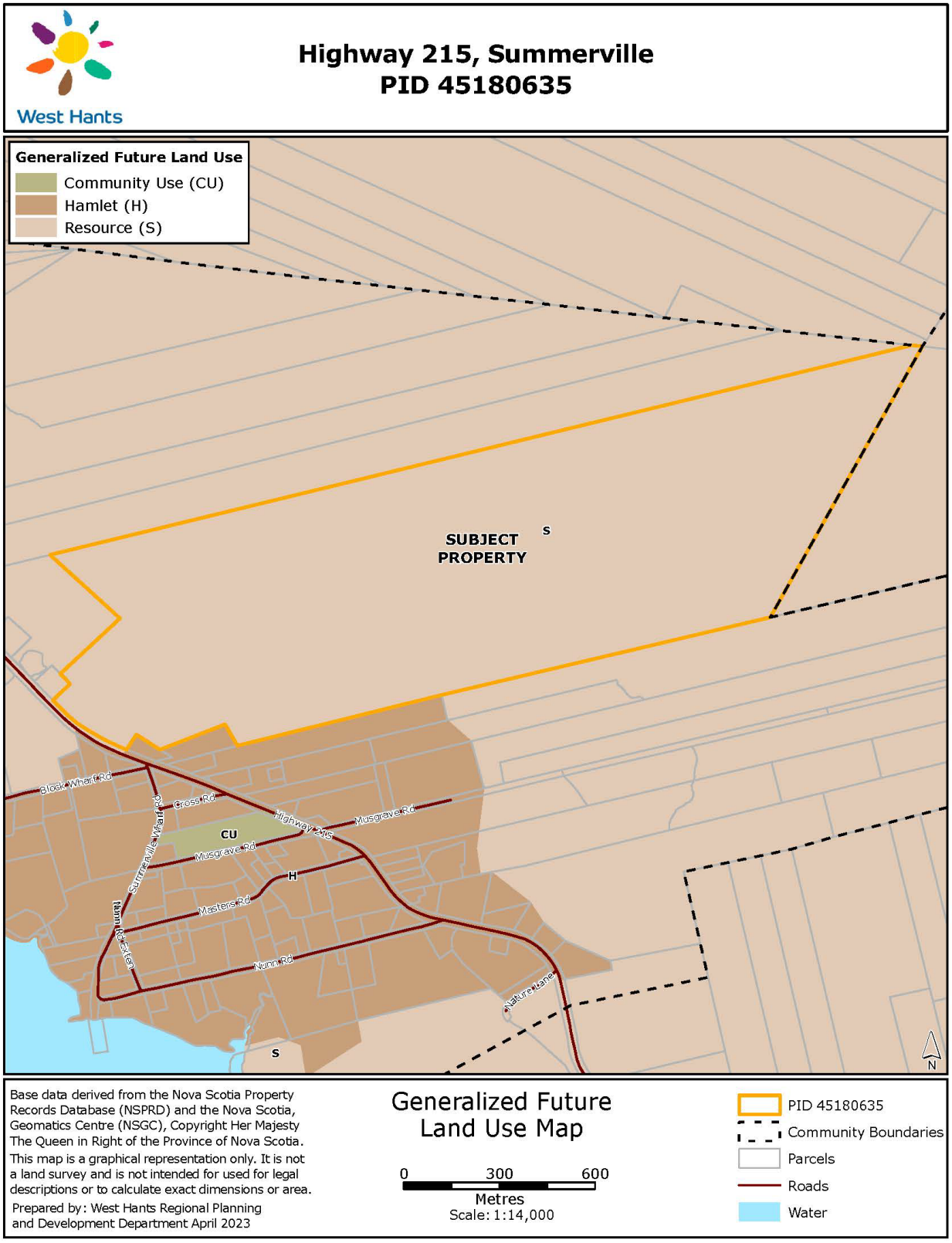
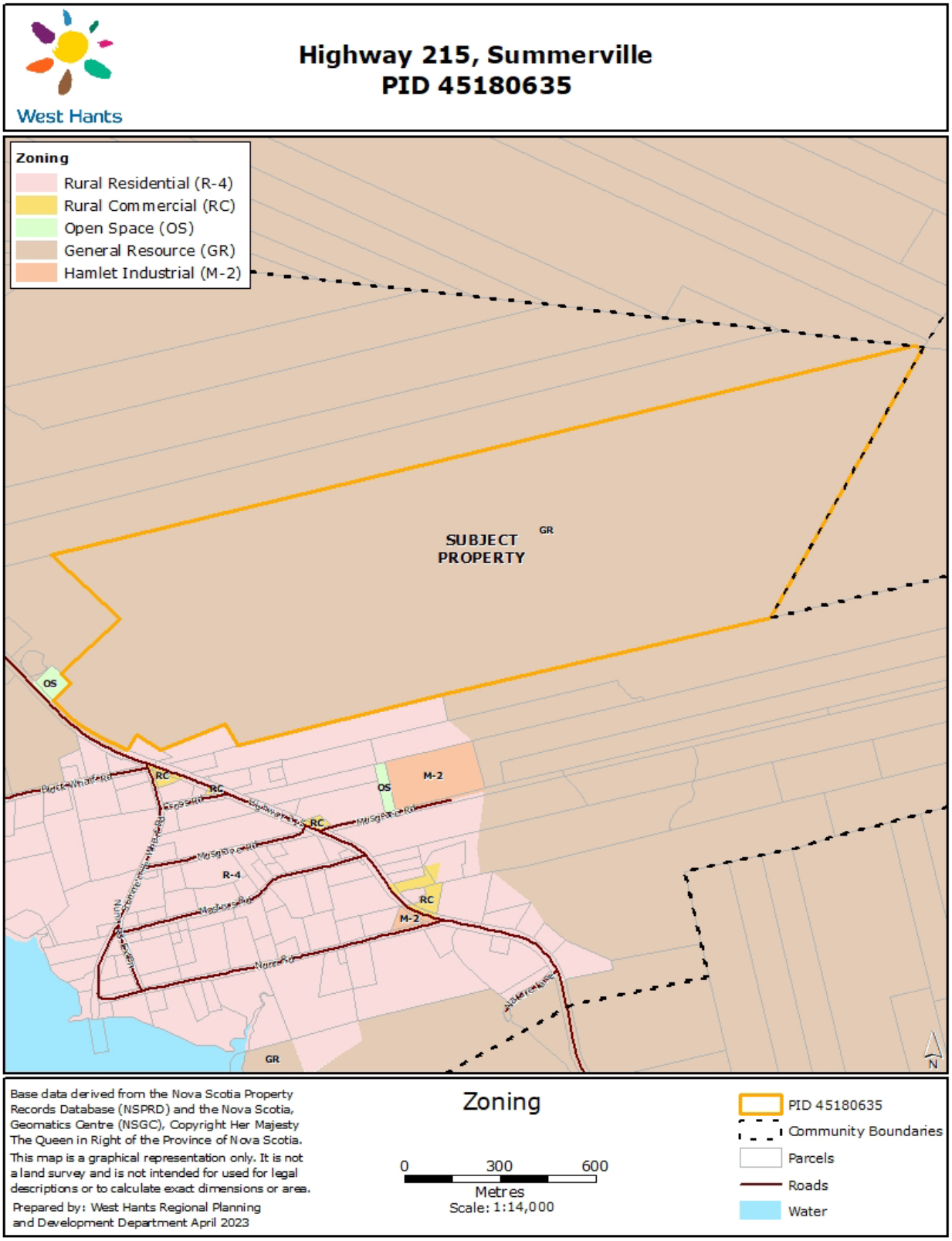


Figure 2 – West Hants Zoning Map Extract



Attachment A

Policy Summary for Development Agreements

West Hants Municipal Planning Strategy

Policy 9.1.7 It shall be the policy of Council that new Recreation Commercial uses may be considered in the General Resource (GR) zone by development agreement subject to Policies 13.3.2 and 13.3.3, provided:

CRITERIA	**COMMENT**
(a) the use will not adversely affect existing resource uses in the area; and	The proposed Paintball Facility is not expected to affect any existing resource uses in the area. With the use of 100-foot setbacks and buffering requirements, the impact on existing uses is expected to be minimal. The development area is located within the boundaries of a very large (400 acres) mostly wooded property. This provides separation from existing uses.
(b) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet.	The proposed Paintball Facility would not be better suited within a Growth Centre, Village or Hamlet. The proposed location, on the outer edge of the Hamlet of Summerville provides a large wooded property with more natural buffering and separation from existing uses.

Policy 13.3.2 It shall be the policy of Council to consider the establishment of new Recreation Commercial uses by development agreement in any designation except the Village Core subject to the following criteria:

CRITERIA	**COMMENT**
(a) the proposed use is a campground, golf course, driving range or other commercial entertainment or recreation facility which is open to the public and privately owned;	The proposed Paintball Facility is a recreation facility that will be open to the public and privately owned.
(b) the use shall not include race tracks, motocross courses or other establishments which require	The proposal does not include a race track, motocross course, or other frequent use of motor vehicles.

the continued or frequent use of motor vehicles;	
(c) the lot dimensions and any structures are adequate for the use at proposed capacity;	The property is 400 acres in size and the development area is intended to accommodate the structures and activity within a confined area.
(d) safe and efficient roadway access is provided;	The Nova Scotia Department of Public Works has no concerns regarding the road network and recommended a driveway location toward the southeast corner of the lot.
(e) adequate on site parking is provided;	A minimum number of on-site parking spaces is required in the draft development agreement.
(f) if the proposed development is located in a Growth Centre, the property has adequate frontage on an arterial or collector road;	Not applicable as the property is not located in a Growth Centre.
(g) neighbouring uses will not be adversely affected as a result of traffic generation, visual intrusion, hours of operation, noise, lighting, littering, dust or other impacts;	With the use of 100-foot setbacks and buffering requirements, the impact on existing uses is expected to be minimal.
(h) adequate landscaping, fencing or buffering, and separation distances will be provided;	The use of 100-foot setbacks and buffering requirements are included in the development agreement.
(i) any other matter which may be addressed by development agreement; and	No additional requirements considered.
(j) Policy 16.3.1.	See below

Policy 13.3.3 Notwithstanding clause (b) of Policy 13.3.2, Council may consider permitting off highway vehicle courses as Recreation Commercial uses by development agreement subject to the criteria of Policy 13.3.2 (excluding clauses (b) and (f)) and the following:

This policy is not applicable as the proposed Paintball Facility does not include any use of off highway vehicles or courses.

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;	The Municipal Public Works Engineering Division confirmed that no central sewer or water services are available at this location. The development agreement requires compliance with the Provincial authority regarding on-site water/sewer facilities.
(ii) the adequacy of school facilities;	Not applicable as the proposal does not include any residential units.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services has no issues with fire protection for the proposed uses. The local Fire Chief has stated that there is adequate fire protection for the proposed use and had no concerns.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Nova Scotia Department of Public Works has no concerns regarding the road networks adjacent or leading to the development.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) whether the development is serviced, or capable of being serviced, by a potable water	No central sewer or water services are available at this location. The

supply and either central sewer or an approved on-site sewage disposal system;	development agreement requires compliance with the Provincial authority regarding on-site water/sewer facilities.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Nova Scotia Department of Public Works has no concerns regarding movement suitability on the subject lot. There are no sidewalks leading to the site, however it is not anticipated that many people will walk to the Paintball Facility. There is no active rail transportation in the vicinity.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that the subject lot is suitable for this proposal.
(e) the pattern of development which the proposal might create;	The Development Officer has no concerns regarding the pattern of development.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;	The portion of the subject lot where the development area is located is relatively flat. There are no known water courses or wetlands on the property. No concerns were recorded during the site visit and the MCCAP report does not show any potential for inland or coastal flooding or saltwater intrusion.
(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	All Municipal, Provincial, and Federal regulations will have to be met.
(h) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B – Draft Development Agreement

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 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 –

MARLENE BONITA HILL, of Summerville, West Hants, Province of Nova Scotia.
(Hereinafter referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered owner of a parcel of land located on Highway 215, Summerville (PID 45180635) hereinafter referred to as the "Property", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Resource on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (the "Municipal Planning Strategy") and zoned General Resource (GR) on the Zoning Map of the West Hants Land Use By-law (the "Land Use By-law"), and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit a Paintball Facility on the Property (the "Development"); and

WHEREAS Policy 9.7.1 of the Municipal Planning Strategy and Section 6.1 (v) of the Land Use By-law enable Council to consider entering into a development agreement to allow a Recreation Commercial use within the General Resource (GR) 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 and the other conditions herein;

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

PART 1 AGREEMENT CONTEXT

1.1 Definitions

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

(a) "*Paintball Facility*" means a recreation commercial use open to the public and operated for profit by private individuals. The facility may include more than one paintball course, and various stations for rental equipment, storage, player rest areas and spectator viewing areas. The paintball courses are intended to host a game that simulates military combat with players on one team trying to eliminate players on an opposing team by shooting capsules of paint at them.

(b) "*Development Area*" means the portion of the property illustrated on Schedule B to this Agreement.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

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

(a) *Municipal Planning Strategy* means the Municipal Planning Strategy of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;

(b) *Land Use By-law* means the Land Use By-law of the Municipality of the District of West Hants, effective on June 26, 2008, as amended, or successor By-laws;

(c) *Subdivision By-law* means the Subdivision By-law of the Municipality of the District of West Hants, approved on June 26, 2008, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

(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; and

(ii) a Paintball Facility.

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

2.2 Development Location and Design

(a) The Development shall be arranged within the *Development Area* as shown on the Site Plan in Schedule B.

(b) The Owner shall design the Development to minimize impact on nearby existing uses with vegetation and large setbacks as described in this Agreement.

(c) The Owner shall recognize the nearby Loyal Hill Cemetery and make reasonable efforts to pause or delay activity during funerals or other events in the cemetery.

2.3 Site Requirements

(a) Any temporary or permanent structures, parking areas and playing courses shall conform to the following requirements, and be located within the *Development Area* shown on the Site Plan:

Minimum Front Yard	100 feet (30.5m)
Minimum Rear Yard	100 feet (30.5m)
Minimum Side Yard	100 feet (30.5m)
Maximum Building Height	35 feet (10.6m)
Maximum Height of Accessory Building	25 feet (7.6m)

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

(c) The Owner shall keep all undeveloped areas of the Property landscaped or forested.

2.4 Access and Egress

The main access/egress to the lot shall be directly from Highway 215. The driveway shall be approved by the Nova Scotia Department of Public Works prior to the Paintball Facility opening to the public. The vehicular entrance and exit shall be clearly demarcated and maintained to a level adequate to the standard set by the Nova Scotia Department of Public Works.

2.5 Parking

(a) The Owner shall provide a minimum of twenty (20) parking spaces on the Property.

(b) No on-street parking shall be permitted.

(c) Each parking space shall be a minimum of 10 feet by 20 feet (3m by 6m)

(d) Parking shall be located within the *Development Area* as shown on the Site Plan in Schedule B.

(e) The number of parking spaces may be varied by the Development Officer in accordance with section 2.13 of this Agreement.

2.7 Vegetated Buffers, Netting and Fencing

(a) The Owner shall enclose all paintball course areas with safety netting that is appropriately sized to capture any stray paint capsules.

(b) If a paintball course is developed within the open field portion of the *Development Area* shown on the Site Plan, then the Owner shall also provide a wide vegetated buffer along any property line that abuts the Loyal Hill Cemetery.

(c) If all paintball courses are developed entirely within the wooded portion of the *Development Area* shown on the Site Plan, then the Owner does not need to provide a wide vegetated buffer.

(d) If required, wide vegetated buffers shall be a minimum of 20 ft. (6 m.) wide and include:

  (i) A mixture of local deciduous and coniferous trees, shrubs, and berms to form a dense or opaque screen, and maintained for as long as the paintball facility is active.

  (ii) The tree species within the vegetated buffer shall include predominately White Spruce. Secondary tree varieties may include Grey Birch, Red Pine, and White Pine. Other local tree species may also be included.

  (iii) At the time of planting, each tree shall have a minimum height of 4 ft. and each shrub shall have a minimum height of 1.5 ft.

  (iv) Additional plantings may include Ninebark, Rosa Rugosa, Lilacs, Boxwoods or other local species.

2.9 Servicing

(a) Waste Collection

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

The Owner shall provide water and sewer services to the property in a manner that is compliant with the provincial authority.

(c) Snow Plowing

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

2.10 Maintenance

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

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

2.11 Signs and Lighting

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

2.12 Hours of Operation

The hours of operation for the commercial uses within this Development shall be limited to between 9:00 a.m. and 9:00 p.m. daily, inclusive.

2.13 Variance

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

(i) number of parking spaces required; and
(ii) height and area of a sign.

2.14 Subdivision

No alterations to the lot configuration, within the *Development Area* shown on the Site Plan are permitted except those required by the Municipality for the purpose of creating or expanding open space within the Property or those required by the road authority for the purpose of creating or expanding a public street over the Property.

PART 3 CHANGES AND DISCHARGE

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

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing.

3.3 The following matters are substantive matters:

(a) the uses permitted on the Property as listed in Section 2.1, *Use*;

(b) increase in size of the paintball facility beyond the boundaries of the *Development Area* as shown on the site plan.

3.4 Upon conveyance of land by the Owner to either:

(a) the road authority for the purpose of creating or expanding a public street over the Property; or

(b) the Municipality for the purpose of creating or expanding any municipally owned facility over the Property,

registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street or public facility, as the case may be, as of the date of registration with the Land Registry Office, but this Agreement shall remain in full force and effect for all remaining portions of the 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 may be given by the Municipality to the Owner following a resolution of Council to give such Notice:

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

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

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

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

PART 4 IMPLEMENTATION

4.1 Commencement of Development

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

(b) Development as provided in Part 2 of this Agreement shall commence not later than twenty-four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act, 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.

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

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with other By-laws and Regulations

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

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

5.2 Severability of Provisions

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

5.3 Interpretation

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

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

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

5.4 Municipal Responsibility

(a) The Municipality does not make any representations to the Owner about the suitability of the Property for the Development proposed by this Agreement. The Owner assumes all risks and must ensure that any proposed Development complies with this Agreement and all other laws pertaining to the Development.

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

5.5 Breach of Terms or Conditions

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

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to **Marlene Hill, and Patrick Hill, 4850 Highway 215, Summerville NS B0N 2A0** or at any other address provided by the Owner.

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

5.10 Full Agreement

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

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

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

)
) Marlene Hill
)
)
_____ Per:_____
Witness) Property Owner

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 **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, **MARLENE HILL**, 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
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

I, Marlene Hill, the "Deponent", make oath and swear that:

1. **I acknowledge that I executed the foregoing instrument on the date of this affidavit; this acknowledgement 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 s.79(1)(a) of *the Land Registration Act* as the case may be.**
2. I am nineteen years of age or older and am a resident of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit "spouse" means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to section 55(1) of the Act.
4. I am not a spouse and, with respect to the within property, I have no former domestic partner with the rights contemplated by section 55 of the *Vital Statistics Act*, nor any former spouse with rights in the within property under the *Matrimonial Property Act*, as amended.

I certify that on this _____, 2024
the Deponent came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

_____ _____

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

MARLENE HILL

Schedule A
Legal Description
Taken from Property Online June 2023

Deed.pdf

Schedule B
Site Plan

Attachment C

Public Information Meeting Notes
June 6 – June 20, 2023
Development Agreement –PID 45180635, Highway 215, Summerville; File #23-07

Meeting date and time	A Public Information Meeting was held on June 6, 2023 beginning at 6 p.m. in Council Chambers at 76 Morison Drive in Windsor. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: Three (3) Councillors: • Councillor Jannasch (Chair) • Councillor Ivey • Mayor Zebian Four (4) members of staff: • Planner Mark Fredericks • Planner Alex Dunphy • Planning Administrative Assistant Vanessa Lake • Chief Administrator Officer Mark Phillips Applicant: • Patrick Hill Approximately 25 members of the public attended the meeting in-person.
Applicant Patrick Hill **Property** Highway 215, Summerville PID 45180635	Senior Planner Mark Fredericks outlined the request from Patrick Hill to establish a Paintball Facility on PID 45180635, Highway 215, Summerville. The applicant made a formal presentation. Patrick presented his intention to provide an outdoor recreation opportunity for members of the public to experience and try the sport of paintball. He explained that the paintballs are bio-degradable and that only intends to operate Friday-Sunday 9am – 5pm. The operation would be seasonal from May – October and closed during the winter months. Decibel readings of paintball guns are approximately 40-50 decibels, which is comparable to rural traffic noise.
Comments	Comments from the public could be submitted to Senior Planner Fredericks by mail, e-mail and telephone between June 6 – June 20, 2023. Approximately 10 members of the public spoke at the Public Information Meeting. Seven (7) comments or questions were

	received via mail, email or phone. The questions and comments from the public are summarized below. Email responses are attached. Staff and applicant responses are included in purple. Members of the public present at the Public Information Meeting asked about the proximity to the cemetery, and driveway access and location. Comments from the public also included questions about the environmental impact of the paintballs, which the applicant indicated he planned to only use food-grade biodegradable paint capsules. Discussion points included parking and maximum capacity of players. • Horses and noise impact • Any plans to expand • Support for the idea of the business • Ideas for vegetation, fencing and noise buffering • Parking, ensuring all parking is contained on-site • Question about tournament and ensuring adequate parking is provided • Funeral notification process to Patrick who agreed to close the paintball fields during funerals • Questions about who would enforce/control these issues
Adjournment	The meeting was adjourned at 6:48 p.m.

Email and letter correspondence:

From: Lola Velden
To: Mark Fredericks
Date: June 6, 2023

Good evening,

After attending tonights public information meeting, I wanted to reach out and address some of my concerns and more of my questions I had surrounding the permit for the paintball facility. My questions/concerns are as follows:

-How will Mr. Hill communicate to his customers that there is a cancellation or that the facility will be closed due to a funeral service? I worry this will result in more issues concerning traffic, parking, and respect to the grave yard.

-Is there any proof that noise will "not be an issue." Yes, Mr. Hill did claim that a singular paintball gun should be no louder than local traffic, however where is this proof and can we be sure of this. After doing some research of my own, paintball guns and the facilities themselves are not a noise free activity. From the sound of the guns firing, people yelling, to the whistle and sirens that wail to inform the players that games are starting/ending. How can we ensure that respect will be kept for the other members of the community who will be affected by this.

-In relation to noise, what sort of "props" will be on the grounds of the facility. Will the facility be metal, blow-up, plastic? These props that will be used during the games will affect the noises that occurs. For example, if metal is used, then the noise of paintball shells hitting the siding of metal containers will be amplified and could cause more disruption for the community.
The community of Summerville is beautiful because of its simple beauty. Many tourists rave about the beauty of the community. Building large and odd parts for this facility would make the paintball area look out of place, and would not match the surrounding area.

-In the meeting, many people were concerned with the traffic, parking, and amount of people that would be commuting on the very narrow and low visibility part of the 215 highway. Again, Mr. Hill claimed that all of that would be dealt with and that safety would be ensured. I guess my question is, what is being done to ensure that safety is a number one priority. As well, is Mr. Hill willing to take responsibility for if there is a car accident due to the placement of the facility.

-Also in regards to safety, who will be monitoring the facility to insure proper safety is being implemented. Also what about maintenance of the facility, rule following, and the environmental state of the land?

-A comment came up in the meeting concerning the pond that is located behind the grave yard. Based on the layout for the proposed map of the facility, the playing fields and equipment storages will be in very close proximity to this pond. This pond has been known for years to have fish, frogs, and a beaver community. How can we ensure that this wildlife will be safe and remain protected?

-Mr. Hill mentioned that washrooms would be available on site. Will these be portable toilets? If so, how will they be taken care of and how will they be ensured they are maintained. Also, who is in charge of overseeing this part of the facility?

-One of my biggest concerns regarding the new facility is its proximity to the grave yard. Mr. Hill claimed that he would make proper arrangements to allow for the proper respect of those who might be visiting the grave yard due to a funeral. However, many members of the community visit the grave yard daily to pay their respects. I feel that having the paintball facility so close would impact the experience for those trying to mourn loved ones.
There is also concern of destruction to the tombstones due to the paintball guns. Again, Mr. Hill claimed that netting would be in place to protect this area, but there was no proof or further discussion around the matter during the meeting, which left me questioning what was actually going to be done to prevent this.

Overall, I just would like to state that I think the idea of a paintball facility in the community of Summerville is not a good idea. The fact that Mr. Hill was present at the meeting with no evidence of research, no written out plan, no details of the facility, and more seemed to be that he had no true plan of action and was just making promises to the public. How can we ensure that all these so called promises he has made will be met in this new facility.

Thank you for your time,
Lola Velden

…

From: Mark Fredericks
To: Lola Velden
Date: June 6, 2023

Hi Lola,
Thanks for reaching out.
We have not determined how the relationship with the cemetery will work yet. This is something we are investigating and recognize there may be visits beyond funerals that could be impacted by the Paintball facility. The paintball course props are not intended to be loud sheet metal but may include wood pallets and inflatable obstacles. Parking and road access will be controlled within the development agreement and road safety is the responsibility of the Provincial road authority who will issue a commercial access permit, only if the driveway location can meet their safe stop sight distance requirements. Setbacks from the road, property lines and watercourses will also be controlled within the development agreement to minimize impact on any ponds, streams, and adjacent properties. Portable toilets are being proposed, and we are investigating this aspect with the provincial department of environment who regulates septic systems and drinking water wells. If appropriate, these facilities can be controlled within the development agreement through a maintenance schedule to ensure any portable facilities are maintained regularly.

I've captured your concerns contained in this email and we aim to address many of these issues through the development agreement process.
Thanks

From: Pam Paterson-Hill
To: Mark Fredericks
Date: June 19, 2023

Good morning.
I am writing to give my support to the idea of a paintball range in the community of Summerville. I am a resident of Summerville.
Summerville is an area of West Hants that is prime for growth. It is 30 minutes from Windsor. An easy drive in the summer. Summerville and “the shore” have often felt like a forgotten region when it comes to development. This would be a step in the right direction. It would also be another activity to draw people to the area. Summerville has a wonderful restaurant and fantastic bass fishing. There is a campground in Kempt and a golf course in Cambridge. This paintball course would be another benefit to the area, providing entertainment and employment opportunities.
I cannot express my support more strongly. The naysayers my be vocal, but they are wrong. This is an opportunity that should be given support by the community and allowed the chance thrive for the benefit of future growth.
Pam Patterson

From: Carolyn Smith
To: Mark Fredericks
Date: June 14, 2023

Re: Proposed Paintball Facility in Summerville

Dear Mr. Fredericks:

In follow-up to the information meeting held on June 6, 2023, I would like to reiterate my position on the above-noted proposal.

I am President of the Loyal Hill/Musgrove Road Cemeteries Committee. I have only been involved with this group since November 2020 and am amazed at the amount of volunteer work that goes into keeping our cemeteries looking well. I have lived in this community for 60 years and I am not against a Paintball Facility and perhaps it would be a good thing for the community but why does it need to go directly beside the Loyal Hill Cemetery? They appear to own alot of acreage and I am sure they could find another spot that would be more suitable, other than the fact that this land is already cleared.

I do not know Patrick Hill personally and therefore cannot express an opinion on his behavior. At the meeting he appeared to want to be respectful of the cemetery and I can only hope that this will continue to be the case. I know that he told our local funeral director that he will not operate during a funeral. Who will be responsible to notify him when a funeral is taking place? It is not going to be anyone from our group.

Although most of the funerals are conducted by Reed Allen, there are other funeral homes who do conduct services there and last year a funeral home from Truro did a burial. How will these people know to contact Patrick? Again, we are not going to be responsible for this.

Unfortunately, most funerals are held on the weekend and this will be prime paintball activity time. I just cannot see the viability in shutting down for an hour or two. If anyone travels any distance to play and then finds out they have to stop for a period of time, I think that is when the problems will start. My fear is that they will take it out on the cemetery. We rely solely on donations and do a small amount of fundraising but we are a very small group and most of us are seniors. We do not have the means to start replacing or repairing headstones and we will be the first ones that the lot owners or family members will complain too. Will Patrick be required to carry liability insurance in the event that damage does occur?

In speaking with local residents, most were not aware that this was being proposed. Only those who have property within a certain distance were notified. Will you be holding a local meeting in the community perhaps at the Summerville Fire Hall or the Flying Apron so that other people can hear the pros and cons? Patrick did give some details but he really didn't have any

information to back up what he said. He said the paintballs cannot go over a 12 foot fence, which he plans to erect but where are the facts to prove this? I think we need alot more information as people are of differing opinions about how much damage can be done to the environment or to individuals. I would say that this is on him to prove to the community that this will be a good thing and he needs to present it with facts.

Also, has the local fire department been notified of this? There are acres of woodland around this area. Is there a possibility that a fire could occur due to paintball activity?

In closing, my main concern is that the cemetery remain protected and I think we need more information backed up by facts that will address everyones fears before granting approval to this request.

Thank you.

Carolyn Smith

From: Shauna Thompson
To: Mark Fredericks
Date: May 29, 2023

Hi Mark,

I understand you're looking after the file regarding the business proposal for the property described below. We're trying to understand how close the proposed business would be to our property. Are you able to disclose the site on the property they intend to develop? We operate an equestrian business across the road and proximity will determine the degree of impact (if any).

Thank you,

Shauna Thompson

…

From: Mark Fredericks
To: Shauna Thompson
Date: May 30, 2023

Hi Shauna and Glen,

Thanks for reaching out. I understand you have an equestrian riding ring across the street from the graveyard and the proposed paintball facility is planned to locate on the property to the south of the graveyard. Most of the activity is intended to locate towards the back of the field and in the wooded area. The *attached* sketch/site plan was submitted as part of the application and helps illustrate the proposed layout.

There is opportunity to adjustment or revise this layout in ways that could include additional buffering or fencing to help minimize the impact on the surrounding properties. For example, one revision will relate to the proposed driveway, which the road authority has asked to be moved further south to comply with their stop sight distance requirements.

Please let me know if you have any questions.

You can reach me at the number below if you'd like to discuss in more detail.

Thanks

From: Shauna Thompson
To: Mark Fredericks
Date: June 19, 2023

Mark Fredericks June 19, 2023
Senior Planner
West Hants Regional Municipality
Re: Paintball Permit for PID 45180635

Dear Mr. Fredericks,
My husband Glen Thompson and I live at 4993 Highway 215 and our property is across the road from the proposal indicated above. After attending the information session and doing some subsequent research on this type of business, we have the following feedback regarding the proposal for the Planning Committee's consideration:

Noise Concern

We are gravely concerned about the noise that will be created by the combat simulated, high intensity sport recognized as an extreme sport. Since neither of us have played speedball or paintball, we did some researching. After looking into the sport, noise from not only the guns, but from sirens, whistles, yelling, etc. is expected. Mr. Hill mentioned at the information session that 5 on 5 speedball would be played in the field area. There are countless videos easily found on YouTube that demonstrate the game. Please take a few minutes to watch the links below in order to get a sense of what this activity sounds and looks like (note; we picked the first two that weren't overlayed with music but there are many more available).
https://www.youtube.com/watch?v=8kqf9g3sl1o
https://www.youtube.com/watch?v=6mcyHx4TfBU
Based on what you see in videos such as these and what we've learned about paintball, we strongly believe that the disruption to Red Ridge Farm's equestrian business, operating out of the arena directly across the road, the Loyal Hill Cemetery adjacent to the proposed site and the surrounding community would be substantial. I am an Equestrian Canada Licensed Coach who uses the riding arena almost daily to teach and train riders and horses. Students range in age from children to adults at all levels of skill including beginner level and the arena is also rented out to other coaches who bring riders with a range of skill and ability. Young and inexperienced horses are also using the arena. Anyone who has equine experience will tell you that loud popping and cracking noises can easily startle horses putting the rider and horse at risk. A startled horse may run blindly and there are countless incidents citing injuries to horse and/or rider which can be severe enough to cause permanent disability or even death. Even if more experienced riders and horses handle the noise better, the noise and commotion from the paintball park would certainly have a negative impact on our growing business resulting in lost revenue.
The riding arena is used 6-7 days a week and I observe visitors at the Loyal Hill Cemetery several times a week during that time. It is likely that the frequency of visitors is much higher. Although there could be a way to accommodate funerals, it would be impossible to do this for the visitors and they would have to listen to combat type noise in the background. This could be especially upsetting, if not unbearable, for veterans.

Environmental Impact
There are environmental concerns still to be addressed. Has there been an environmental assessment performed? The proposed 12' netting needs to be reviewed to determine the risk to wildlife including birds. There are also numerous nocturnal species in the area including owls and bats that the nets may pose a risk to. Especially concerning is the risk to bats considering there are in decline due to the white-nose epidemic that has decimated their numbers. (https://batconservation.ca/#:~:text=Welcome%20to%20the%20Nova%20Scotia,invasive%20fungus%20(Geomyces%20destructans).

https://www.edp24.co.uk/news/local-council/20715967.paintball-site-near-ndr-rejected-amid-concerns-bats-woodland/

https://abcpaintball.com/is-paintball-bad-for-the-environment/

Future Expansion
Although the business will start up with limited hours and number of participants, it appears likely that there will be further expansion assuming the demand is there and in order for the business to be sustainable. Even with the limited number of 30 participants for the start up, this could easily equate to 50+ people at any given time (participants plus parents and/or spectators). Further expansion would result in large numbers of people on site creating further noise disruption in the area and impact on wildlife as well as increased traffic concerns.

We heard during the discussion at the information session that mitigations would be put in place 'if' the concerns raised by the community members were realized but this is much harder to address after approval and start-up of a business. A 'wait and see' approach to noise and disruption just creates tension and erodes relationships between neighbors and community members.

While we fully support local businesses, we implore the Municipality to seriously consider the fit of a paintball park in the beautiful, serene rural farming community of Summerville and the surrounding area. Is a loud, combat simulated extreme outdoor sport appropriate for this area, especially where the proposed location is next to a historic, regularly used graveyard and across the road from an equestrian business? Applications in other jurisdictions have been rejected due to impacts on wildlife, noise disruption, traffic concerns and lack of alignment with the community fabric (see below). We feel this should be the case in this application.

https://www.edp24.co.uk/news/local-council/20715967.paintball-site-near-ndr-rejected-amid-concerns-bats-woodland/

https://jocoreport.com/county-rejects-outdoor-paintball-business/

Thank you,

Shauna and Glen Thompson
Red Ridge Farm Owners and Operators

From: Mark Fredericks
To: Shauna Thompson
Date: June 20, 2023

Hi Shauna and Glen,

Thank you for attending the Public Information Meeting and for submitting this letter. I can confirm the municipality has received it and saved it as part of the application.

We recognize the same concerns and are exploring options for a revised layout with the applicant. We are also reviewing buffering and setback requirements to provide adequate separation between the different uses in this part of the community.

More information will be presented to the Municipality's Planning Advisory Committee at an upcoming meeting. You can preview this committee's agendas, here:

https://westhants.ca/planning-advisory-committee-1/planning-advisory-committee-meeting-packages/2023.html

Let us know if you have any questions.

Thanks

Received by mail:

June 13, 2023

Mark Fredericks
West Hants Regional Municipality
76 Morrison Dr., PO Box 3000
Windsor, NS
B0N 2T0

Re: Paintball Facility, Summerville, NS

Dear Mr. Fredericks:

I have been a volunteer with the Loyal Hill and Musgrove Road Cemeteries for approximately 25 years and have served as Treasurer for 23 years.

In the past, we have always worked sucessfully with the owner of the adjoining property, the late Bradley Lake. Since his death, we have had interference from his daughter, Marlene Hill on several occasions. She has always expressed concern about how any maintenance work carried out at the cemetery will affect the pond or the adjoining property. I feel that now since she is the acting agent, she will have influence on how this facility will be managed. Now it appears that her worries regarding how the land is maintained will be on the back burner.

I am also concerned regarding the potential noise that could come from the Paintball Facility. Because Summerville does not have a Noise Bylaw, this could take away from the cemetery being a peaceful place.

We had issues before regarding partying on the adjoining property which spilled over into the cemetery and vandalism occurred. We asked that they keep off the cemetery property, however this did not work and we had to report the damage to the RCMP. The only suggestion they had was to erect a fence and to put up "Keep Out" and "No Parking" signs. This is not acceptable for a cemetery. We feel that if similar issues occur because of this Paintball Facility, we will have little support from the RCMP.

We pride ourselves in the appearance of this cemetery and work hard to maintain this. I feel that the equipment on this Paintball Facility will take away from the peaceful appearance we as a group are striving for.

Please take into consideration all of my concerns when determining if this Paintball Facility will be granted.

Yours truly,

Juliette Spencer

Received by mail:

June 14, 2023

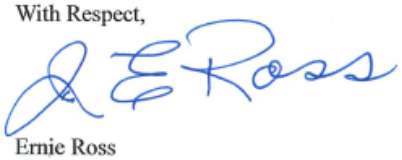
Submission to: Mark Fredericks

Re: The proposed zoning for a Paintball Operation on Hwy 215 Summerville.

Attached are three concers regarding the operation of a Paintball business.

Thank you for the oppportunity to submit this package.

With Respect,



Ernie Ross

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: April 23, 2024

Subject: WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks; File #23-41B

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

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

…that Council gives Second Reading and approves amending Schedule A of the West Hants Land Use By-law to rezone PID 45329851 at 4236 Highway 14 in Windsor Forks from the Rural Commercial (RC) zone to the General Resource (GR) zone as shown in the report #23-41 to the Planning and Heritage Advisory Committee dated March 14, 2024.

BACKGROUND

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

A completed application was received on January 8, 2024, from the owner of the property, Sheldon Musseau. The application requests Council consider rezoning the subject lot from the current Rural Commercial (RC) zone to the General Resource (GR) zone. Previous owners of the property operated an antiques shop under the Highway Commercial (HC) zoning. However, the

current owners no longer operate any commercial use on the property and have requested a zone change to the General Resource (GR) zone which is consistent with the surrounding area.

DISCUSSION

A Public Information Meeting was held on February 6, 2024. No public comments were received at the meeting or during the public comment period that followed.

On March 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The PAC/HAC recommended in favour of the application at this meeting.

On March 26, 2024, staff presented the PAC/HAC recommendation to Council for First Reading. Council recommended in favour of moving the application onto Public Hearing.

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼
Public Information Meeting – February 6
▼
PAC/HAC receives staff report and PIM Notes PAC/HAC Review and Recommendation – March 14
▼
Regional Council First Reading – March 26
▼
Public Hearing & Second Reading – April 23
▼
Notice of Approval in Local Paper
▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- approve the amendments as drafted or as specifically revised by direction of Council;
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

Appendix A	2024-03-26 First Reading Report - WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks; File #23-41A

CHIEF ADMINISTRATIVE OFFICER REVIEW

Pending the review of Council and comments made at the Public Hearing, 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

Attachment A –

2024-03-26 First Reading Report - WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks; File #23-41A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: March 26, 2024

Subject: WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks; File #23-41A

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing and Second Reading, 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 45329851 at 4236 Highway 14 in Windsor Forks from the Rural Commercial (RC) zone to the General Resource (GR) zone as shown in the report #23-41 to the Planning and Heritage Advisory Committee dated March 14, 2024.

BACKGROUND

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

A completed application was received on January 8, 2024, from the owner of the property, Sheldon Musseau. The application requests Council consider rezoning the subject lot from the current Rural Commercial (RC) zone to the General Resource (GR) zone to support the potential sale of the property for residential uses. The property currently includes a single unit dwelling and a large barn. The zoning change reduces the possible permitted uses as the proposed

General Resource (GR) zone permits fewer land uses than the current Rural Commercial (RC) zone.

In the early 2000's, the previous owners used the barn as an antiques shop and the Highway Commercial (HC) zoning was applied prior to the 2008 planning documents, to reflect the commercial nature of this business. The current owners no longer operate any commercial use on the property and have requested a zone change to the General Resource (GR) zone which is consistent with the surrounding area.

A Public Information Meeting was held on February 6, 2024. No public comments were received at the meeting or during the public comment period that followed.

On February 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The PAC/HAC recommended in favour of the application at this meeting.

NEXT STEPS

The process for this application is as follows.

Process

Staff Review

▼

Public Information Meeting – February 6

▼

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

▼

Regional Council First Reading – March 26

▼

Public Hearing & Second Reading – April 23*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the map amendment; or
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A — 2024-03-14 Staff Report – WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks; File #23-41

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation and the application proceeding through to the Public Hearing stage. This will allow for an up-to-date presentation of all information pertaining to the application for both Council and residents. Further, it will allow for a thorough review of that information at second reading when Council is asked to make a final decision on this matter.

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 – 2024-03-14 Staff Report - WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks; File #23-41

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: March 14, 2024

Subject: WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks; File #23-41

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 45329851 at 4236 Highway 14 in Windsor Forks from the Rural Commercial (RC) zone to the General Resource (GR) zone as shown in the report #23-41 to the Planning and Heritage Advisory Committee dated March 14, 2024."

BACKGROUND

A completed application was received on January 8, 2024, from the owner of the property, Sheldon Musseau. The application requests Council to consider rezoning the subject lot from the current Rural Commercial (RC) zone to the General Resource (GR) zone to support the potential sale of the property for residential uses. The property currently includes a single unit dwelling and a large barn. The zoning change reduces the possible permitted uses as the proposed

General Resource (GR) zone permits fewer land uses than the current Rural Commercial (RC) zone.

In the early 2000's, the previous owners used the barn as an antiques shop and the Highway Commercial (HC) zoning was applied prior to the 2008 planning documents, to reflect the commercial nature of this business. The current owners no longer operate any commercial use on the property and have requested a zone change to the General Resource (GR) zone which is consistent with the surrounding area.

DISCUSSION

The subject lot is approximately 1.88 acres in size with approximately 337 feet (103m) of road frontage on Highway 14. The lot is currently designated Resource on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (*Figure 1*). The subject lot is zoned Highway Commercial (HC) on Schedule A of the West Hants Land Use By-law (WHLUB) (*Figure 2*).

Surrounding Context

The subject lot is within the community of Windsor Forks along Highway 14, at the intersection of Sangster Bridge Road, near Ski Martock Road. The properties immediately surrounding the subject lot are also designated Resource and mostly zoned General Resource (GR). There are other properties nearby that have Rural Commercial (RC) zoning and on the other side of Highway 14 is a large area of Agricultural Priority 2 (AR-2) zoning. The immediately surrounding properties host a mixture of rural residential and agricultural uses.

Document Review

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

> ***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 the existing fabric of the Windsor Forks community, which is located outside of the Growth Centres, Villages/Hamlets and is well suited to accomodate rural residential dwellings or certain resource type uses if rezoned to the General Resource (GR) zone.

General Criteria

WHMPS Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WHLUB (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, and Nova Scotia Public Works have no concerns with the proposed rezoning which have not been addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The West Hants Municipal Climate Change Action Plan (MCCAP) does not recognize the Windsor Forks area to be at risk from coastal flooding or sea water intrusion, as this community is located inland and far from the coast. The subject lot is near a watercourse that is located on an adjacent property. The subject lot's buildings are upland from this watercourse, which appears to drain storm water effectively towards the northeast. The MCCAP report does not show any climate change related flood risk on the subject lot.

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. As a result, it is reasonable to amend the zoning of PID 45329851 from the Rural Commercial (RC) zone to the General Resource (GR) zone.

Approval Process

Staff Review

▼

Public Information Meeting – February 6

▼

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

▼

Regional Council First Reading – March 26*

▼

Public Hearing & Second Reading – April 23*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

- hold First Reading and authorize a Public Hearing to approve the 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
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

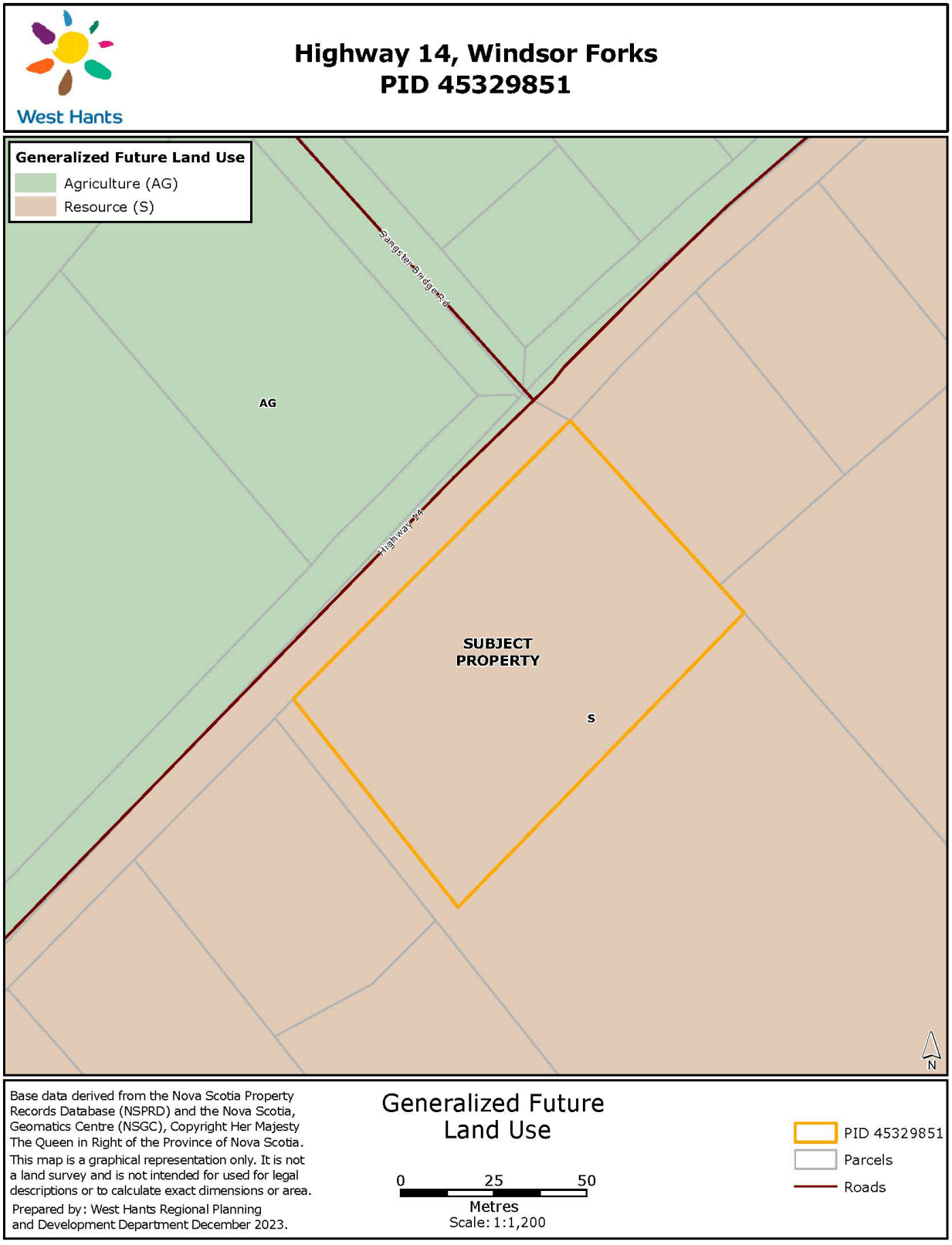


Figure 2 - West Hants Zoning Map Extract - Current

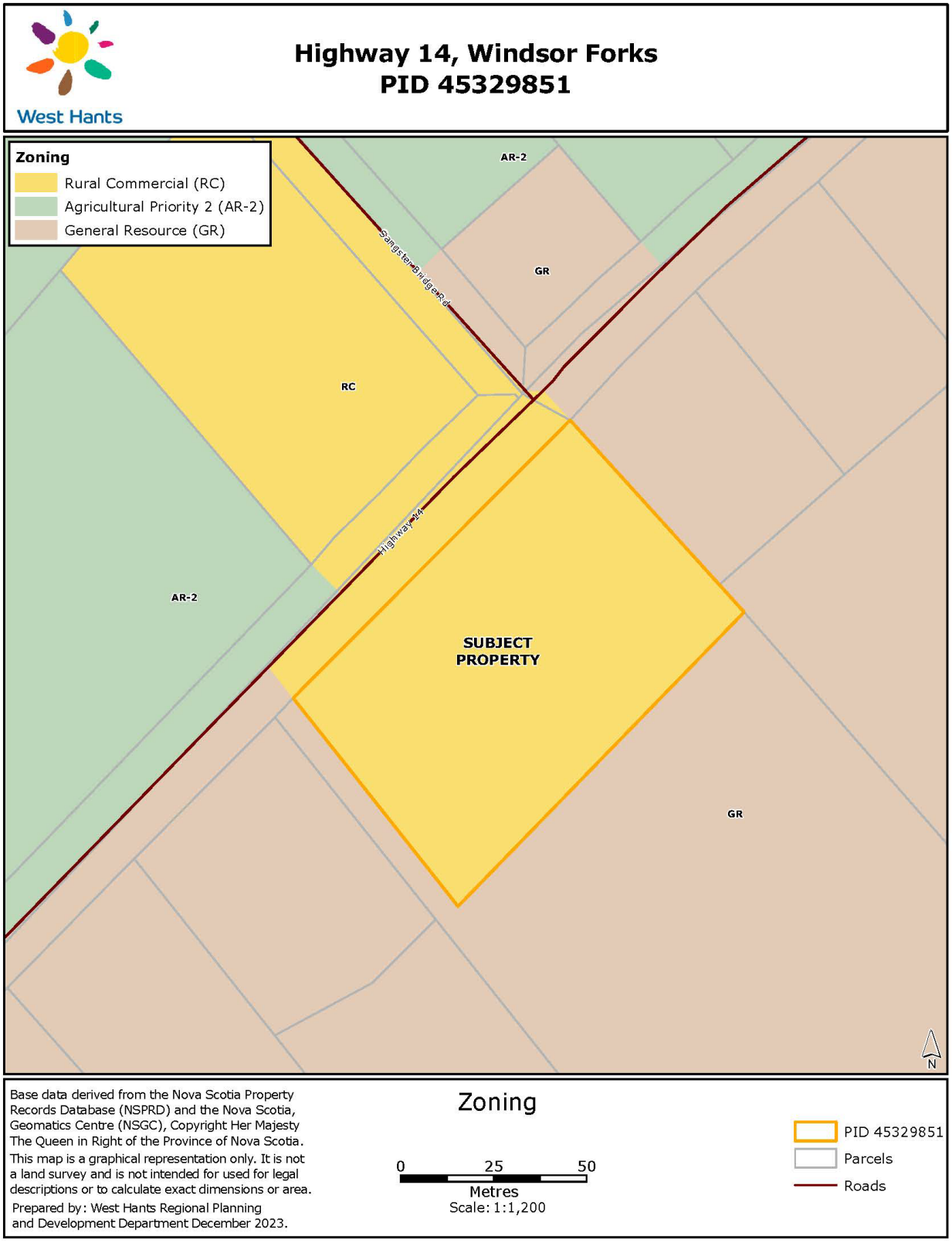
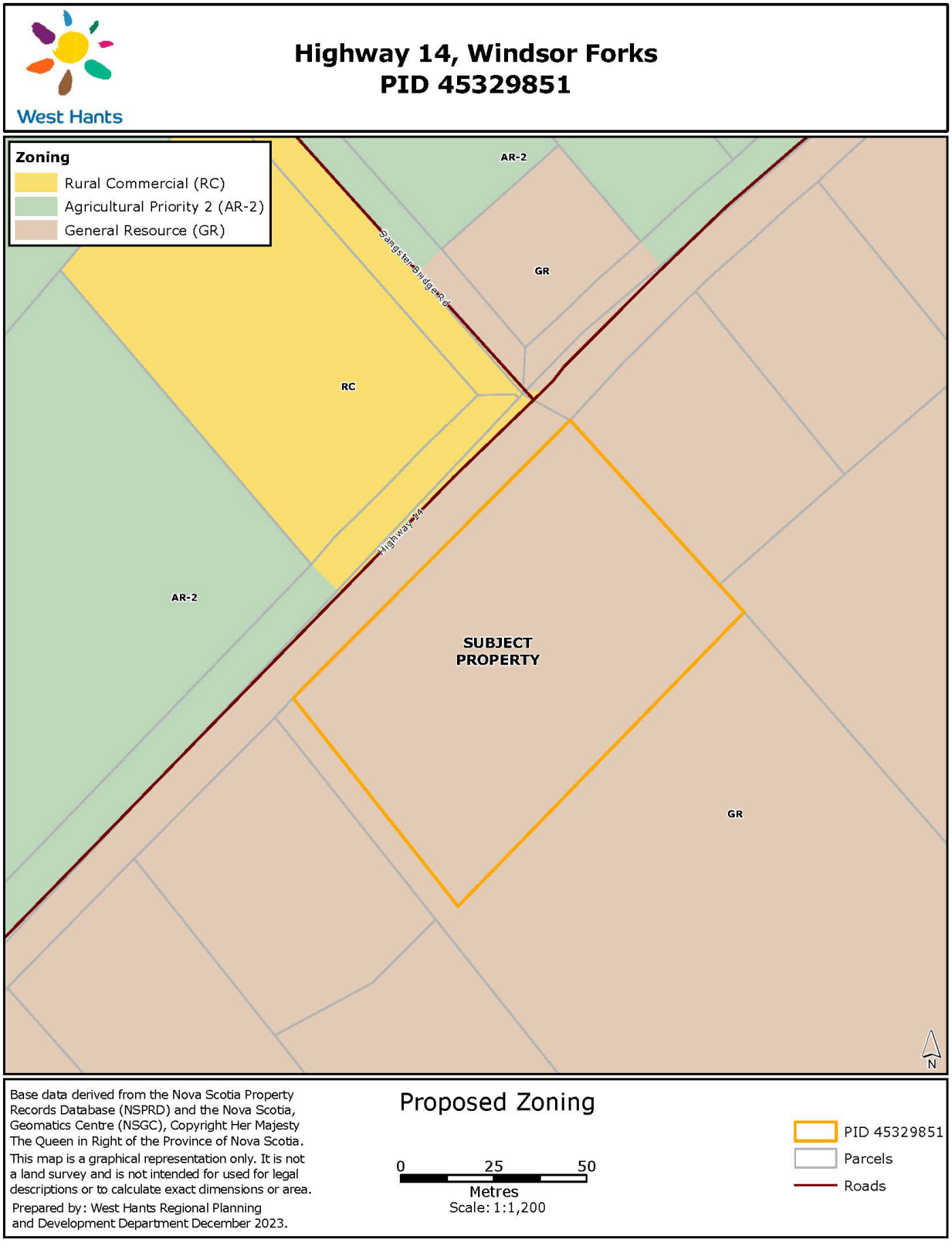


Figure 3 - West Hants Zoning Map Extract - Proposed



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:

(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	No Municipal sewer or water services are available in Windsor Forks. The property has an existing septic and well. The approval for these on-site services is within the jurisdiction of Nova Scotia Department of Environment and Climate Change.
(ii) the adequacy of school facilities;	The proposed rezoning does not represent a change in school population.
(iii) The adequacy of fire protection and other emergency services;	The subject lot is located within the Brooklyn Fire District. Staff reached out to the Fire Chief but have not yet received any feedback. It is unlikely that the proposed zoning change would create any new issues with adequacy of emergency equipment or response time due to the existing conditions of the site.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The subject lot has an existing driveway access to Highway 14. Nova Scotia Public Works has indicated the have no concerns with the current driveway or the surrounding road network.
(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) 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;	See (a)(i) above.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Nova Scotia Public Works has indicated they have no concerns with the surrounding road network and the movement of automobiles. There is no active rail transportation in the vicinity.

	There is no sidewalk or other pedestrian infrastructure in the vicinity.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer had no concern with the lot or the proposed rezoning. The lot has adequate lot area and more than double the required minimum lot frontage for the General Resource zone.
(e) the pattern of development which the proposal might create;	The rezoning would not create any unusual development patterns.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	The subject lot appears suitable. No changes are being proposed to the existing buildings, or uses on the property.
(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	All Municipal, Provincial, and Federal regulations will have to be met.
(h) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B - Public Information Meeting Notes

February 6 – 20, 2024
WHLUB Map amendment:4236 Highway 14 (PID 45329851), Windsor Forks; File 23-41

Meeting date and time	A Public Information Meeting was held on February 6, 2024 beginning at 6:26 p.m. in Council Chambers at 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 • Sheldon Musseau, Applicant No members of the public were present for the Public Information Meeting.
WHLUB map amendment: Rezone 4236 Highway 14 (PID 45329851) in Windsor Forks from Rural Commercial (RC) to General Resource (GR)	Planner Fredericks outlined the request and described the proposed rezoning process to change from the Rural Commercial (RC) zone to the General Resource (GR) zone. The applicant did not make a formal presentation.
Comments	No comments were made during the Public Information Meeting.
Adjournment	There being no further business, the meeting was adjourned at 6:36 p.m.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: West Hants Regional Municipal Council

Submitted by: Councillor Jim Ivey & Councillor Laurie Murley

Date: April 23, 2024

Subject: WHRM Flood and CSO Emergency Plan Recommendation Report

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LEGISLATIVE AUTHORITY

MGA 30 (1) (2) (3) (4)
MGA 65 Power to Expend Money

RECOMMENDATION or DECISION REQUEST

Recommend that staff be directed to begin the acquisition and preparation of the emergency storm kits including sump pumps, gas generators and hoses to be available for deployment for impacted homeowners on an emergency borrowed basis from the Municipality, not more than 30 days from this motion.

Recommend that staff be directed to begin the process of identifying the properties that would benefit from berms along their property perimeters that would serve to prevent the overflow of storm and sewer above the curbs and across private properties

Recommend that staff be directed prepare a plan to be implemented that would close 'flood zone' street sections to prevent traffic from creating 'waves' of CSO's during flooded street events

Recommend that during flood events that staff have available or on call suction truck[s], on call/ on site in preparation for storm-sewer system overflows and that following overflow events, the septic suction truck[s] remove free-standing storm-sewer water from immediate and surrounding areas.

Other recommendation or modifications to these recommendations may arise during council discussion including a motion to have staff determine the cost for provide a separate storm water pipe from the length of Stannus to the waterfront.

BACKGROUND

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

In January a motion for an emergency flood plan was initiated by Council to alleviate suffering experienced by residents in areas prone to extreme flooding and consequently combined sewer overflows in and around their properties.

As short-term solution were not unable to be identified in March, a letter was subsequently received from one of the residents offering short-term solutions that could be considered by Council and staff.

Unfortunately the recommendations of the resident were not attached or the April Committee of the Whole meeting and thus, this report is provided for Council's consideration and discussion.

Immediately below is the email positioning the recommendations from Stannus Street resident Mr. Peter Moore. Following his email correspondence you will find the temporary and permanent recommendation.

From: Peter Moore
Sent: March 27, 2024 7:26 AM
To: Mark Phillips
Cc: Abraham Zebian; PublicOnlyCouncilEmail; Minister, Environment; MLA Melissa Sheehy Richard; John Lohr; Kody Blois;
Subject: Suggested by Mayor Abe...

In a communique with Jennifer, the Mayor suggested residents could put forth their ideas regarding the Windsor Flood Zone crisis. Logically, it stands to reason, for those of us suffering the full and repeated effects of this ongoing crisis, that we are significantly more in tune with the issues than the Municipality; we have no choice. We are governed by common sense, not fears of setting precedence, liability, or driven by cost factors, or public perception or an unwavering resolve to maintain the status quo; you know, all the things that traditionally keep elected officials and public servants from doing the right thing. Without question, most of us living in the Windsor Flood Zone have been discussing our crisis every day for the past 30+ months [let that sink in]; what to do, what we have to do, what can be done, what 'they' should do... all with a tone of expressing deep frustration as to, 'why aren't they doing anything?'.

As no infrastructure solution is coming for the foreseeable future, an emergency plan is required to protect citizens from the emotional and financial impact of repeated flooding and environmental exposure to CSO's in surrounding areas, properties and homes.

For 30+ months Municipal Operations has been repeatedly directed by Governance to address the emergency and storm-sewer structural issues in the Windsor Flood Zone. To watch Council meetings of late, where the topic of the Windsor Flood Zone is to [finally] have decisions made regarding a] storm-system upgrades, and b] an actionable resident Emergency Plan, it is abundantly clear... it's not that Operations doesn't care, it that Operations couldn't care less. It also seems, more and more Councilors are expressing their frustration with the information, documentation and lack of 'motionable' recommendations they are receiving from Operations, from which they can debate and make decisions. Mainly, this speaks volumes to the lack of designated leadership, or perhaps intentional collaboration, in not stopping the proceedings to address 'the elephant in the room', specifically, the lack of leadership from Operations, and in presenting any meaningful effort regarding this crisis; no point is made of demanding accountability.

With regards to the long-standing knowledge of the undersized/ combined storm-sewer infrastructure issue, in the Windsor Flood Zone, Municipal Operations has yet to gain a quantifiable/ qualifiable understanding. And though reems of both types of information exist in this regard, their inability to analyze the data for the purpose of presenting clear 'solution oriented' recommendations to Governance, has not materialized. And, recently communicated to Council by Operations, any solution [structure] is not likely to start for another 18 months, or for an emergency plan, "nothing new here".

The attached document is presented to Council for their immediate and serious actionable consideration. Notwithstanding the Infrastructure Upgrade section [more common sense], the other ideas represent the most immediate, cost effective, actionable SOLUTIONS. These will suffice as the basis for a permanent and 'per event' Emergency Plan, to address the CSO flood crisis in the immediate area, on our properties and in homes.

Peter J Moore
'Conscience; truth's greatest witness

****

Emergency Plan Flood Solutions
Provided as an attachment with Mr. Moore's emails (pasted immediately below)

Who Qualifies
Any program[s] which have the potential to set 'precedent' must be clearly defined in terms of eligibility:

- Residential homes located in the Windsor area,

- are in close proximity or directly located in areas prone to repeated flooding, and/ or flood plains,
- where the storm system infrastructure is a 'combined' system, designed to carry both storm water and sewer water,
- where there is a constant threat of CSO's due to an undersized storm-sewer system in the immediate area,
- are subject to having 'standing CSO water' in these areas and on residential properties, days after the weather event has ended,
- as directed by the Municipality, have undertaken all measures to mitigate flooding of their properties, specific to defined home-owner responsibilities.

Emergency Plan

The Emergency Plan has a two-fold purpose. Firstly, to 'permanently' protect citizens from the repeated and potential overflow of the Municipality's *water* from a] an undersized storm system and b] CSO's onto their properties and into homes. Secondly, to safeguard citizens and properties from potential overflows during and after flood prone weather events.
Offered to qualified residents, either individually or as a collective, financed solely by the Municipality, undertaken by homeowners:

Option 1

Permanent

1. Property perimeter - berm properties and/ or multiple properties, designed to be ascetically appealing and structurally functional,
2. Driveway entrance – install permanent or detachable flood barriers, a water flood control shield.

Temporary

'Red Triangle' weather alerts, 'on-call, on-site'; in anticipation of storm system CSO overflow:

1. Close 'flood zone' street sections to prevent traffic from creating 'waves' of CSO's,
2. Minimal 3" gas powered pump with 50-100' of hose, gas cans; operated by residents and utilized should overflows breach berms,
3. During event, septic suction truck[s], on call/ on site in preparation for storm-sewer system overflow,
4. Following event, septic suction truck[s] remove free-standing storm-sewer water from immediate and surrounding areas.

Option 2

Residential Buyout

Amount to replace, 'same for same' in value, size, rooms, etc., factoring in the cost associated for decimating the property's value due to increased/ ongoing public-market awareness, and all moving, mortgage, legal, etc., costs.

Infrastructure Upgrade – Immediate

As per Wastewater Systems Effluent Regulations, 2017 Status Report, specific to CSO legislation, “Owners or operators of a wastewater system subject to the WSER and not designed to achieve the national effluent quality limits had until June 30, 2014 to apply for a transitional authorization (TA).

A TA establishes the conditions under which such systems may continue to operate and sets the deadline (end of 2020, 2030 or 2040) to meet the mandatory national effluent quality limits.1

Admittedly this writer did a quick search and quicker perusal of the document, gaining but a vague understanding of the report. However, the specific point of this search was simply to confirm there is legislation in place to eliminate combined storm-sewer systems in Canada, by specific dates.

There is little doubt or ability to argue, documented both in recent and ancient history, the Windsor Flood Zone is a long-standing issue, prone to repeated flooding, and on Stannus Street, repeated combined sewer overflows. Similarly, the absolute [known] fact is, the Stannus Street storm-sewer system is undersized for the volumes of water entering it, from more frequent-extreme volume occurrences due to climate change.

There exist two definitive statements of truth. 1] water always finds its own level, 2] all water runs to the sea. It is an observable fact, particularly with south Stannus Street, that it is located at the bottom of a bowl. During red triangle weather events, considerable amounts of ‘additional’ water runs over streets, down hills, through yards and also into the storm-sewer system, to Stannus Street… to get to the sea.

Therefore, logically, given CSO legislation, nature’s chosen avenue to the sea, and this ongoing emergency/crisis, Governance need only redirect committed capital project budget[s], aka delay them, and direct Operations to immediately remove the combined sewer system on Stannus Street.

Further, regardless of who, when, how someone finally has the capacity to determine the overall system [re]structural plan for downtown Windsor, given this crisis, little argument can be made to not immediately a] separate the storm sewer line on Stannus Street, and given the logic of ‘all water flows to the sea, via Stannus Street, at the same time, drop in an oversized [size?] pipe. Therefore, having one foundational piece in place for the design of any future system-infrastructure projects required for the Windsor Flood Zone.

1 https://publications.gc.ca/collections/collection_2021/eccc/En11-19-2017-eng.pdf; Section 3.1 p22. ” There are no applications for transitional authorization in Nova Scotia.2

2 Ditto, Table 9 p22-24. It is interesting to note, under section 4.2 179 Systems with Combined Sewers, the then, Town of Windsor was not listed as having combined sewers… even though the Stannus Steet upgrade occurred prior to this report.

DISCUSSION

From the options provided as outlined by Mr. Moore in the background of this report, Council should undertake a discussion on the following options:

1 (a) Berming of property perimeters
(b) Detachable flood barriers for driveway entrances
(c) For red triangle CSO alerts have flooded streets closed to non-local traffic (prevention of storm / CSO sewer waves. Additionally access to 3 inch gas-powered pumps with hoses for the removal of any CSO's and stormwater that may breach the perimeter berms / driveway barriers. Septic trucks on call for potential storm-sewer overflows into the streets or onto properties.

2 Residential Property buyouts

Additionally for discussion Council should consider and be prepared to discuss the following options as identified for consideration by Councillor Murley

1. Municipal storage of flood kits and manpower to deliver to residents and help to install when needed.
2. Sump pumps (perhaps battery operated)
3. Generators where necessary
4. Hoses
5. Batteries
6. Waterproof 2 x 4's, beams or saw horses to raise contents in basements off the floor
7. Sand bags
8. Flood Panels and Barriers
    a. Dams
    b. Self-Absorbing Flood Sacks
    c. Municipal Flood Risk Sharing in Canada
9. Immediate infrastructure upgrades on Stannus Street and in the flood zone to be discussed for 2024-25

NEXT STEPS

To Be Determined based on Council review and discussion

FINANCIAL IMPLICATIONS

To Be Determined

ALTERNATIVES

Council and Staff may wish to provide alternative solutions that can be achieved over the next 30 days.

ATTACHMENTS

(List any attachment to the report, if anything.)

CHIEF ADMINISTRATIVE OFFICER REVIEW

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

Report Prepared by: Councillor Jim Ivey and Councillor Laurie Murley

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)

2023-24 WEST HANTS REGIONAL OPERATING BUDGET UPDATE
ELEVENTH MONTH ENDING FEBRUARY 29, 2024

REVENUE	2023-24 BUDGET	% OF THE BUDGET	FORECAST MARCH 31, 2024	VARIANCE % (BASED ON FORECAST)	VARIANCE (BASED ON FORECAST)	ACTUALS FEBRUARY 29, 2024	VARIANCE % (BASED ON ACTUALS)
TAXES	$ 21,913,069	70%	$ 21,579,529	-1.5%	$ (333,540)	$ 21,579,529	1.5%
SEWER	$ 2,419,383	8%	$ 2,250,709	-7.0%	$ (168,674)	$ 1,688,032	30.2%
BUSINESS PROPERTY / DEED TRANSFER TAX	$ 2,420,477	8%	$ 2,261,712	-6.6%	$ (158,765)	$ 2,102,978	13.1%
GRANTS	$ 91,600	0%	$ 259,798	183.6%	$ 168,198	$ 259,798	100.0%
SERVICES PROVIDED TO OTHER GOVERNMENTS [1]	$ 1,159,282	4%	$ 1,359,332	17.3%	$ 200,050	$ 871,496	24.8%
SALES OF SERVICES	$ 1,014,521	3%	$ 941,162	-7.2%	$ (73,359)	$ 835,857	17.6%
OTHER REVENUE [2]	$ 666,961	2%	$ 1,236,388	85.4%	$ 569,427	$ 1,254,526	-88.1%
UNCONDITIONAL TRANSFERS	$ 1,230,201	4%	$ 667,567	-45.7%	$ (562,634)	$ 526,890	57.2%
TRANSFERS FROM FED OR PROV GOVT.	$ 15,000	0%	$ 24,107	60.7%	$ 9,107	$ 24,107	-60.7%
TRANSFERS FROM OTHER LOCAL GOVERNMENTS	$ 230,789	1%	$ 292,237	26.6%	$ 61,448	$ 249,259	-8.0%
TOTAL	**$ 31,161,283**	**100%**	**$ 30,872,542**	**-0.9%**	**$ (288,741)**	**$ 29,392,472**	**5.7%**
EXPENSES							
GENERAL GOVERNMENT SERVICES [3]	$ 3,576,930	11%	$ 3,752,928	4.9%	$ 175,998	$ 3,416,010	4.5%
PROTECTIVE SERVICES [4]	$ 9,206,807	30%	$ 9,623,160	4.5%	$ 416,353	$ 7,771,783	15.6%
TRANSPORTATION	$ 1,659,302	5%	$ 1,651,705	-0.5%	$ (7,597)	$ 1,469,226	11.5%
ENVIRONMENTAL HEALTH SERVICES [5]	$ 3,589,052	12%	$ 4,080,689	13.7%	$ 491,637	$ 3,200,744	10.8%
PUBLIC HEALTH SERVICES [6]	$ 298,345	1%	$ 292,687	-1.9%	$ (5,658)	$ 209,342	29.8%
PLANNING	$ 1,111,360	4%	$ 1,152,695	3.7%	$ 41,335	$ 1,028,426	7.5%
RECREATION	$ 3,054,574	10%	$ 3,023,452	-1.0%	$ (31,122)	$ 2,726,538	10.7%
EDUCATION	$ 5,000,882	16%	$ 5,028,292	0.5%	$ 27,410	$ 3,746,634	25.1%
PRINCIPAL INSTALLMENTS	$ 2,207,653	7%	$ 2,144,613	-2.9%	$ (63,040)	$ 1,358,172	38.5%
NET TRANSFERS	$ 1,456,378	5%	$ 1,431,378	-1.7%	$ (25,000)	$ -	100.0%
TOTAL	**$ 31,161,283**	**100%**	**$ 32,181,599**	**3.3%**	**$ 1,020,316**	**$ 24,926,875**	**20.0%**
SURPLUS / DEFICIT	***$ -***		**$ (1,309,057)**			**$ 4,465,597**	
MITIGATED BUDGETTING ERROR			$ (704,406)				
TOTAL SURPLUS (DEFICIT) OVER THE BUDGET			**$ (604,651)**	**-1.9%**			

Please note that if revenue and expenditures were incurred evenly over the year approximately 91.7% of the budget would be used. This percentage provides a guideline when reviewing the above. However, it is important to keep in mind that account variances (up or down) will occur throughout the fiscal year. For example, seasonal activities such as summer programs and facility maintenance, as well as winter snow removal, will influence the budget in a non-uniform manner throughout the year. Items such as transfers from reserves, will also impact budget to actuals throughout the year as they occur at fiscal year end.

The overall projected deficit based on the variance analysis for the general fund is $1,309,057, of which $704,406 is related to the budgeting error communicated at the September 26, 2023 Council meeting. It is was also communicated potential sources of mitigation of this error. The mitigating sources will be recognized and reported in the Net Transfers, during the year end process. It important to note, that mitigating efforts would only be utilized if the Municipality incurs a deficit. If the Municipality completes the year with a surplus, no mitigation is needed.
The unmitigated portion of the deficit has increaseded by $211,633 since January's Financial Update.

Keynotes:

Revenue:

- Current Deed Transfer Tax actual is at $1.67 million at February 29, 2024, which is 84% of budget. The projection has been updated to $1.83 million.
- Unconditional Transfers is projecting $562 thousand less, due to Municipal Financial Capacity Grant. It is not expected be doubled in 2023-24.
- Operational grants are coming in, and are projecting higher.
- Services provided to other governments is projecting higher, due to host community fees associated to the landfill. Host community fees came in higher by $349 thousand.
- Sale of services is projecting lower due to recreation revenue, up to $124,405 can be mitigated through safe restart funding.
- Sewer revenues continue to project lower following the third quarter.
- Other revenue is projecting higher than expected due to miscellaneous revenue, including permits, licenses, fines, rentals, tax certificates, and return on investment.

Expenses:

- RCMP is projecting higher, with the addition of the provincial RCMP quarterly billing $236,291, the 2022-23 operating RCMP credit will help mitigate this.
- Fire is projecting higher, with the major capital repairs for Hantsport Fire, and Windsor Fire apparatus. Increases are associated to Southwest Hants Fire Operating and Regional Fire Operations.
- Emergency Services is projecting higher with the additional communication priorities.
- Transportation is projecting slightly lower, this will be monitored as we finish off the winter season.
- Recreation expenses are projecting higher, due to increases in awarded grants, and the addition of the John Paris Junior event.
- General Government is projecting higher, with the increases associated with office buildings, council chambers furniture, Dial-A-Ride, and Property Tax Assistance Rebates.
- Environmental Health Services is projecting higher due to increases associated to sewer depreciations, and increased tipping charges associated to the flood. In addition the Windsor sewer's operational sewer treatment costs have increased due to higher utility costs (water & power), insurance, and Kings County sewer treatement shared costs.
- Facilities for the majority of departments are expecting to have higher than expected power costs.
- Education is projecting higher by $27,140, Regional Library is also higher by $7,710.
- Principal Installments been adjusted to reflect Council approved projects.

LEGEND:

1 - SERVICES PROVIDED TO OTHER GOVERNMENTS INCLUDES: RECYCLING/ENFORCMENT, HOST COMMUNITY FEES, ADMINISTRATION FEES, COURTHOUSE

2 - OTHER REVENUE INCLUDES: INTEREST & PENALTIES, RETURN ON INVESTMENTS, ADMINISTRATIVE RENTALS AND LEASES, FINES, LICENSES & PERMITS

3 - GENERAL GOVERNMENT SERVICE INCLUDES: LEGISLATIVE, ADMINISTRATION, FINANCIAL SERVICES, FACILITIES, LIBRARIES

4 - PROTECTIVE SERVICES INCLUDES: RCMP, FIRE, REMO, BY-LAW, COURTHOUSE, BUILDING INSPECTION

5 - ENVIRONMENTAL HEALTH SERVICES INCLUDES: SEWER, WASTE COLLECTION, WASTE DIVERSION, LANDFILL

6 - PUBLIC HEALTH SERVICES INCLUDES: CEMENTERIES, PUBLIC HOUSING

West Hants Regional Municipality
2023-24 Windsor Water Budget

REVENUE	2023-24 BUDGET	ACTUALS FEBRUARY 29, 2024	VARIANCE % (BASED ON ACTUALS)	FORECAST MARCH 31, 2024	VARIANCE % (BASED ON FORECAST)	VARIANCE (BASED ON FORECAST)
Rate Sales	$ 1,494,063	$ 1,021,892	-31.6%	$ 1,350,232	-9.6%	$ (143,831)
Fire Protection	$ 474,303	$ 474,303	0.0%	$ 474,303	0.0%	$ -
Sprinkler Services	$ 5,927	$ 4,238	-28.5%	$ 5,650	-4.7%	$ (277)
Other Operating Revenue	$ 113,993	$ 80,260	-29.6%	$ 105,651	-7.3%	$ (8,342)
Total Operating Revenue	**$ 2,088,286**	**$ 1,580,693**	**-24.3%**	**$ 1,935,836**	**-7.3%**	**$ (152,450)**
EXPENSES						
Source of Supply	$ 6,800	$ 8,596	26.4%	$ 10,377	52.6%	$ 3,577
Water Treatment	$ 532,192	$ 445,907	-16.2%	$ 551,805	3.7%	$ 19,613
Transmission & Distribution	$ 484,885	$ 379,529	-21.7%	$ 495,392	2.2%	$ 10,506
Administration & General	$ 587,149	$ 135,468	-76.9%	$ 493,072	-16.0%	$ (94,077)
Total Operating Expenditures	**$ 1,611,026**	**$ 969,500**	**-39.8%**	**$ 1,550,645**	**-3.7%**	**$ (60,381)**
Total Non-Operating Revenue	**$ 3,180**	**$ 27,747**	**772.4%**	**$ 29,247**	**819.6%**	**$ 26,066**
Total Non-Operating Expenditures	**$ 173,794**	**$ 164,044**	**-5.6%**	**$ 174,044**	**0.1%**	**$ 250**
Operating Surplus/Deficit	**$ 306,646**	**$ 474,896**	**54.9%**	**$ 240,394**	**-21.6%**	**$ (66,252)**

West Hants Regional Municipality
2023-24 West Hants Water Budget

REVENUE	2023-24 BUDGET	ACTUALS FEBRUARY 29, 2024	VARIANCE % (BASED ON ACTUALS)	FORECAST MARCH 31, 2024	VARIANCE % (BASED ON FORECAST)	VARIANCE (BASED ON FORECAST)
Rate Sales	$ 1,761,134	$ 1,293,809	-26.5%	$ 1,725,079	-2.0%	$ (36,055)
Fire Protection	$ 614,950	$ 612,357	-0.4%	$ 613,607	-0.2%	$ (1,344)
Sprinkler Services	$ 927	$ 900	-2.9%	$ 1,800	94.2%	$ 873
Other Operating Revenue	$ 188,959	$ 126,757	-32.9%	$ 95,957	-49.2%	$ (93,002)
Total Operating Revenue	**$ 2,565,970**	**$ 2,033,822**	**-20.7%**	**$ 2,436,442**	**-5.0%**	**$ (129,528)**
EXPENSES						
Source of Supply	$ 439,132	$ 237,685	-45.9%	$ 386,849	-11.9%	$ (52,282)
Water Treatment	$ 469,550	$ 405,613	-13.6%	$ 500,464	6.6%	$ 30,914
Transmission & Distribution	$ 822,337	$ 611,314	-25.7%	$ 774,314	-5.8%	$ (48,023)
Administration & General	$ 797,499	$ 101,850	-87.2%	$ 696,963	-12.6%	$ (100,535)
Total Operating Expenditures	**$ 2,528,518**	**$ 1,356,462**	**-46.4%**	**$ 2,358,591**	**-6.7%**	**$ (169,926)**
Total Non-Operating Revenue	**$ 3,500**	**$ 43,356**	**1138.7%**	**$ 47,391**	**1254.0%**	**$ 43,891**
Total Non-Operating Expenditures	**$ 136,044**	**$ 76,087**	**-44.1%**	**$ 146,087**	**7.4%**	**$ 10,043**
Operating Surplus/Deficit	**$ (95,091)**	**$ 644,630**	**-777.9%**	**$ (20,845)**	**-78.1%**	**$ 74,247**

WEST HANTS REGIONAL MUNICIPALITY
WATER UTILITIES - CONSUMPTION REPORT - FEBRUARY 2024

Utility	Q1	Q2	Q3	Q4	TOTAL CONSUMPTION*
West Hants Water					
TMP (incl. Wentworth)	7,794,882.90	9,364,341.21	7,981,048.09	52,352.62	25,192,624.82
Hantsport	4,736,764.97	6,284,906.78	5,584,032.07	9,678.64	16,615,382.46
Falmouth	8,177,128.09	9,760,245.05	6,781,204.85	834,005.87	25,552,583.86
Total by Quarter	20,708,775.96	25,409,493.05	20,346,285.00	896,037.13	67,360,591.14

*Note all figures are shown in imperal gallons.

Utility	Q1	Q2	Q3	Q4	TOTAL CONSUMPTION*
Windsor Water	21,072,450.48	24,611,106.60	23,453,402.48	(1,994,018.98)	67,142,940.58
Bulk Master Meters					
WH Dill Road	3,365,526.00	2,501,048.00	4,515,964.00	-	10,382,538.00
WH TMP 5 Back Rd	7,873,351.00	13,191,761.00	10,767,703.00	-	31,832,815.00
WH Underwood Rd***	42,234.00	-	46,584,375.00	-	46,626,609.00
WH Wentworth Rd	227,888.00	155,958.00	278,701.00	-	662,547.00
SUBTOTAL	11,508,999.00	15,848,767.00	62,146,743.00	-	89,504,509.00
TOTAL BY QUARTER	32,581,449.48	40,459,873.60	85,600,145.48	(1,994,018.98)	156,647,449.58

*Note all figures are shown in imperal gallons.

*** Four qaurters worth of consumption billed in the third qaurter of 2023-24.

VARIANCE BETWEEN TMP AND BULK MASTER METERS **	64,311,884.18
% OF VARIANCE FROM TOTAL BULK CONSUMPTION	71.9%

**The variance for imp. gallons is attributed to leakage, system flushing, fire hydrants, unauthorized usage, and old meter equipment, etc.

Committee of the Whole Excerpts
April 09, 2024

2024 MUNICIPAL AND CSAP ELECTIONS ADVANCE POLL DATES AND LOCATIONS EXCERPT

The Municipal Elections Act ("the Act") sets ordinary election day as Saturday, October 19, 2024. The date and time of the advance polls are set by the MEA and the Returning Officer. Section 114(4) of the Nova Scotia MEA provides for a legislated advanced poll to be held on Tuesday, the fourth day before regular poll (October 15th, 2024).

The MEA requires that the first advance poll be either Thursday, October 10, 2024, or Saturday, October 12, 2024 and signals the start date for electronic and telephone voting.

With Saturday October 12th being Thanksgiving holiday weekend, it was recommended that Thursday October 10th be set as the first advance poll date and Tuesday October 15th be the second advance poll date.

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

COUNCIL APPROVES THURSDAY OCTOBER 10TH, 2024 BEING SET AS THE OTHER ADVANCE POLLING DATE FOR THE PORTION OF THE 2024 MUNICIPAL AND CSAP ELECTION CONDUCTED IN THE WEST HANTS REGIONAL MUNICIPALITY.

COUNCIL APPROVES ALTERNATIVE VOTING COMMENCE ON THE FIRST ADVANCE POLL DAY STARTING 12:00 PM (NOON) ON OCTOBER 10TH, 2024 AND REMAIN 24 HOURS A DAY UNTIL 7:00 PM OCTOBER 19, 2024 (CONCLUSION OF ORDINARY POLL DAY).

COUNCIL APPROVES THAT THE PERMANENT REGISTER OF ELECTORS ESTABLISHED AND MAINTAINED BY ELECTIONS NOVA SCOTIA BE USED AS THE PRELIMINARY LIST OF ELECTORS FOR THE 2024 MUNICIPAL AND CSAP ELECTION CONDUCTED IN THE WEST HANTS REGIONAL MUNICIPALITY.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☑	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and members of WHRM Council

Submitted by: _____
Deanna Snair, Municipal Clerk

Date: April 9th, 2024 Committee of the Whole

Subject: Advance Poll Dates and locations for the 2024 Municipal and CSAP Elections

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LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) - Section 17

Municipal Elections Act (MEA

RECOMMENDATION or DECISION REQUEST

Council approves….

1. … that Thursday October 10th, 2024 be set as the other advance polling date for the portion of the 2024 Municipal and CSAP Election conducted in the West Hants Regional Municipality.

2. … that Alternative Voting commence on the first advance Poll Day starting 12:00 pm (Noon) on October 10th, 2024 and remain 24 hours a day until 7:00 pm October 19, 2024 (conclusion of Ordinary Poll Day).

3. … that the permanent register of electors established and maintained by Elections Nova Scotia be used as the preliminary list of electors for the 2024 Municipal and CSAP Election conducted in the West Hants Regional Municipality.

BACKGROUND

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

DISCUSSION

The Municipal Elections Act ("the Act") sets ordinary election day as Saturday, October 19, 2024. The date and time of the advance polls are set by the MEA and the Returning Officer. Section 114(4) of the Nova Scotia Municipal Elections Act ("the Act") provides for a legislated advanced poll on Tuesday, the fourth day before regular poll (October 15th, 2024). The hours of the Advanced Polls are also set by the MEA to be noon to 8:00 p.m.

The MEA requires that the first advance poll to be either Thursday, October 10, 2024, or Saturday, October 12, 2024.

The second advance poll date is decided by council and can be either Thursday, October 10, 2024 or Saturday October 12, 2024. The date selected would also signal the start date for electronic and telephone voting.

Council may select one other day or delegate its authority to select the first advanced poll to the Returning Officer. The choices are either

- Thursday, October 10th (9 days prior to ordinary poll day) or
- Saturday, October 12th (7 days prior to ordinary poll day).

With use of electronic voting, a polling period can begin on the first date of October 10th and continue for the entire period up to the close of the Ordinary Poll Day on October 19, 2024 giving voters 24-hour voting for 10 days (for electronic and telephone voting).

Saturday, October 12th, 2024 is the Saturday of Thanksgiving weekend. It is expected that voters may be more apt to be away or busy with family or other activities during this time which has potential to negatively impact in-person turnout. Additionally, there would be a considerable challenge in securing poll workers over the Thanksgiving holiday.

For this reason, Saturday, October 12th, 2024 is **not** being recommended as the second advanced polling date. In an effort to maximize in person voter turnout, Thursday, October 10th, 2024 is being recommended and also provides the opportunity to maximize the time allotted for electronic and telephone voting to ensure a high voter turnout and successful election.

The next important deadlines to be aware of for the 2024 Municipal Election are March 31, 2024 and April 15, 2024.

Polling Districts

Polling districts must be divided into divisions and reported to Council and must be available for public inspection by March 31, 2024 and Council must direct the RO to conduct enumeration or use recent elections list as the basis for the preliminary electors list.

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	

Polling Staff

In an attempt to offer voters an opportunity to vote by paper on advance poll days (Thursday, October 10th and Tuesday October 15th, 2024) and ordinary poll day (Saturday, October 19th, 2024), or by phone or internet each day from the opening of (Thursday, October 10th) to the close of polls at 7 pm on election day (Saturday, October 19th, 2024).

Electors who choose a paper ballot would then proceed to a traditional deputy returning officer and poll clerk.

Each district will need a poll clerk and deputy returning officer and the same team can be used for all three days.

It is being proposed that District 7 have two teams, both pairs working election day and one of the two advance poll days. An explanation of the reasoning will follow in the Polling District Divisions section.

District 1	1 Poll Clerk and 1 Deputy Returning Officer (1 Team)
District 2	1 Poll Clerk and 1 Deputy Returning Officer (1 Team)
District 3	1 Poll Clerk and 1 Deputy Returning Officer (1 Team)
District 4	1 Poll Clerk and 1 Deputy Returning Officer (1 Team)
District 5	1 Poll Clerk and 1 Deputy Returning Officer (1 Team)
District 6	1 Poll Clerk and 1 Deputy Returning Officer (1 Team)
District 7	2 Poll Clerks and 2 Deputy Returning Officers (2 Teams)

District 8	1 Poll Clerk and 1 Deputy Returning Officer (1 Team)
District 9	1 Poll Clerk and 1 Deputy Returning Officer (1 Team)
District 10	1 Poll Clerk and 1 Deputy Returning Officer (1 Team)
District 11	1 Poll Clerk and 1 Deputy Returning Officer (1 Team)

Ballot boxes would be sealed and securely stored at the end of each voting day. Should a ballot box become close to being full, it would be sealed and a new one started. A ballot counting team would then be brought in for the second ballot box if required.

Polling District Locations

It is anticipated many eligible electoral voters may/will utilize alternative voting options to cast their ballots; however, we also recognize that some voters will want to continue the practice of casting a ballot at their polling station.

By offering different locations on each of the polling days, this geographically large district should be conveniently covered for its voters and maintains the ability for each voter to go to the location or date that best suits them.

Only 14 Advance Poll locations will be required as Districts 2 and 3 will share one (1) Advanced Poll location (Brooklyn Civic Centre), Districts 7 and 9 will share one (1) Advanced Poll location (Falmouth Community Hall) and Districts 10 and 11 will share both Advanced Poll locations (Windsor Community Centre).

Only 9 Ordinary Poll locations will be required as Districts 2 and 3 will share their Ordinary Poll location (Brooklyn Civic Centre), Districts 7 and 9 will share their Ordinary Poll (Falmouth Community Hall) and Districts 10 and 11 will share their Ordinary Poll (Windsor Community Centre).

District 1

Bramber New Horizons Hall, 6943 Hwy 215, Bramber	Advance Poll Location
Centre Burlington Hall 3554 Hwy # 215, West Hants	Advance Poll Location
Summerville and District Volunteer Fire Department, 59 Summerville Wharf Rd, Summerville	Ordinary Poll Day

District 2

District 2 presented some unique challenges as to suitable locations that were also central and convenient for voters. Brooklyn Civic Centre was selected for one advance poll and election day because despite being slightly outside the district, it was geographically central to it and

convenient for the largest number of voters. It is also a location historically used in both federal and provincial elections for electors in many of these areas.

Avondale Community Hall, 50 Avondale Cross Road, Avondale	Advance Poll Location
Brooklyn Civic Centre, 995 Hwy 215, Brooklyn	Advance Poll Location
Brooklyn Civic Centre, 995 Hwy 215, Brooklyn	Ordinary Poll Day

District 3

Using Sweets Corner as one of the advance polls should making voting more convenient for voters in the western end of the district.

Sweets Corner Community Hall, 6351 Hwy 14	Advance Poll Location
Brooklyn Civic Centre, 995 Hwy 215, Brooklyn	Advance Poll Location
Brooklyn Civic Centre, 995 Hwy 215, Brooklyn	Ordinary Poll Day

District 4

Ardoise and Ellershouse are both good options for polls. Ellershouse was selected for election day because it already has wifi.

Ardoise Community Recreation Centre, 3 Ardoise School Road, Ardoise	Advance Poll Location
Ellershouse Community Hall, 429 Ellershouse Road	Advance Poll Location
Ellershouse Community Hall, 429 Ellershouse Road	Ordinary Poll Day

District 5

Looking at the population distribution and what is available in the district as locations, Three Mile Plains Hall seems the best option for all three days.

Three Mile Plains Community Hall, 4474 Hwy 1, Three Mile Plains	Advance Poll Location
Three Mile Plains Community Hall, 4474 Hwy 1, Three Mile Plains	Advance Poll Location
Three Mile Plains Community Hall, 4474 Hwy 1, Three Mile Plains	Ordinary Poll Day

District 6

Glad Tidings Church is geographically central to the district and has wifi. The firehall in Garlands Crossing has been used in the past as a location but with the population growth in that immediate area we have been finding it small during both the past provincial and federal elections.

Glad Tidings Worship Centre, 5398 Chester Rd, Windsor	Advance Poll Location
Glad Tidings Worship Centre, 5398 Chester Rd, Windsor	Advance Poll Location
Glad Tidings Worship Centre, 5398 Chester Rd, Windsor	Ordinary Poll Day

District 7

Since the District is divided into A and B, electors requiring paper ballots will need to vote at the polling district that their name is on the list for. Since there is a bridge and part of District 5 separating them, we are not anticipating this to be a problem. Although the Falmouth Hall is in District 9, it is historically where these voters are used to going.

Southwest Hants Fire Society Hall, 1884 Hwy 14, Vaughan	Advance Poll Location (A)
Falmouth Community Hall, 147	Advance Poll Location (B)
Southwest Hants Fire Society Hall (A), 1884 Hwy 14, Vaughan **and** Falmouth Community Hall (B), 147 Falmouth Back Road	Ordinary Poll Day

A. will consist of:

Leminster	82
Panuke Lake	0
Upper Vaughan	151
Vaughan	394
Wile Settlement	55
Total population	**682**

B. will consist of:

The portion of Falmouth assigned to district 7	229
Upper Falmouth	456
Total population	**685**

District 8

The new Baptist Church Hall is centrally located, accessible and has wifi. Using Ground Search and rescue in Mount Denson for an advance poll should be convenient for those residents.

West Hants Ground Search and Rescue, 821 Hwy 1, Mt. Denson	Advance Poll Location

Hantsport Baptist Church, 6 Willow St. Hantsport	Advance Poll Location
Hantsport Baptist Church, 6 Willow St. Hantsport	Ordinary Poll Day

District 9

Falmouth Community Hall, 147 Falmouth Back Road	Advance Poll Location
Falmouth Community Hall, 147 Falmouth Back Road	Advance Poll Location
Falmouth Community Hall, 147 Falmouth Back Road	Ordinary Poll Day

District 10

Windsor Community Centre is central and where voters in the district are used to going.

Windsor War Memorial Community Centre, 78 Thomas St, Windsor	Advance Poll Location
Windsor War Memorial Community Centre, 78 Thomas St, Windsor	Advance Poll Location
Windsor War Memorial Community Centre, 78 Thomas St, Windsor	Ordinary Poll Day

District 11

Windsor Community Centre is central and where voters in the district are used to going.

Windsor War Memorial Community Centre, 78 Thomas St, Windsor	Advance Poll Location
Windsor War Memorial Community Centre, 78 Thomas St, Windsor	Advance Poll Location
Windsor War Memorial Community Centre, 78 Thomas St, Windsor	Ordinary Poll Day

Mobile Poll

Traditional paper ballots would be used for mobile polls in the 2024 Municipal and CSAP election.

List of Electors from Elections Nova Scotia

The registry of electors maintained by Elections Nova Scotia will be used for the 2024 Municipal and CSAP Election. This registry is continuously updated using sources such as Registry of Motor Vehicle, death records and the latest Provincial and/or Federal elections. This registry of electors may not be 100% accurate; however, if used as the preliminary list of electors; the Returning Officers will conduct revisions to the list to increase accuracy. Revisions include identifying and

removing duplicates, organizing the list in an understandable format, and making corrections to, or adding new electors. To use the Elections Nova Scotia registry of electors, an Information Sharing Agreement must be signed between the Province of Nova Scotia and the Regional Municipality. This Agreement was signed January 31, 2024 in anticipation of the2024 Municipal and Conseil scolaire acadien provincial (CSAP) elections.

Notices

The MEA states that public notices regarding an election must be given by publishing them in a newspaper circulating in the area. For the 2024 Municipal and CSAP Elections this will be done by publishing information in the Valley Journal Advertiser. In addition, the MEA states that additional notices shall be given, "if directed by council," for notice of the preliminary list of electors, as well as "in any manner approved by council" for notice of poll.

It is proposed that additional notices/advertisements be prepared by also placing them on the West Hants Regional Municipality website and social media platforms such as Facebook and Twitter.

Amended List of Electors

The amended list of electors must be prepared in time to give to candidates when their nomination papers are filed. With Saturday, October 19, 2024 set as the date for the 2024 Municipal and CSAP elections, nominations deadline would be Tuesday, September 10, 2024. The use of alternative voting allows the list to be accessed by candidates electronically in a live format, so the date is not as significant. However, Monday, August 26th is recommended to ensure the one hard-copy of the amended list is prepared for candidates. This will ensure all candidates have the same information at the same time. Following candidates receiving the list, updates can still be made online and once InteliVote provides candidates with the training to access it, candidates will be able to view information in real-time.

NEXT STEPS

Once approved by Council, the Returning Officer and Assistant Returning Officer will proceed with the administration of the 2024 Municipal and CSAP election in accordance with the Municipal Election Act. This will include obtaining the preliminary list of electors from Elections Nova Scotia for which a 4-year agreement has already been executed and coordinating and securing locations for polling stations.

FINANCIAL IMPLICATIONS

The 2024 Municipal Election is a legislatively required action. An election budget is being prepared and will be presented to Council at a future meeting. The costs associated with the 2024 Municipal and CSAP election are included in the upcoming 2024-25 Operating Budget and will be presented for consideration during budget deliberations.

ALTERNATIVES

- Council could direct that the second advance poll date be Saturday October 12th, 2024. This is not the recommendation of the Returning Officer or staff.
- Council may choose to alter or not support any of the above-mentioned recommendations; however, this is not recommended by staff.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report addresses the mandatory requirements of the election. Deadlines are noted and sites and dates associated with advanced polls and ordinary poll dates are provided for Council's consideration. In addition to the multitude of in-person sites and opportunities for residents to vote by paper ballot, residents will have the open opportunity to vote by phone or electronic device from home or while "on the go" starting at the date of the advanced pools and through to the ordinary poll date / election day.

The options provided in this report are very accommodating to residents and their ability to vote in the fall election.

I support the recommendations.

Report Prepared by: _____
Debi Fitzpatrick, Returning Officer and Deanna Snair, Municipal Clerk

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
Mark Phiilips, Chief Administrative Officer

Committee of the Whole Excerpts
April 09, 2024

2024 SPRING DEBENTURE – MUNICIPAL FINANCE EXCERPT

The 2024 Spring Debenture call has been scheduled for April 25, 2024. Municipal Finance offers favorable fixed lending rates for municipal capital purchases. To meet lending requirements a Temporary Borrowing Resolution (TBR) is required, which needs Council and Ministerial approval, and the project must be complete.

Council approved the temporary borrowing resolutions on March 26th, 2024. In order to participate in the upcoming Municipal Finance semi-annual debenture call, a

'Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate' must be approved by Council.

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

COUNCIL APPROVES THE MAYOR AND MUNICIPAL CLERK TO SIGN THE RESOLUTION FOR PRE-APPROVAL OF DEBENTURE ISSUANCE, SUBJECT TO INTEREST RATE CONFIRMATION NOT TO EXCEED 6.5% TO ENABLE WEST HANTS REGIONAL MUNICIPALITY TO ISSUE A 5-YEAR DEBENTURE OF $33,605, FOR THE PURCHASE OF FIRE EQUIPMENT.

COUNCIL APPROVES THE MAYOR AND MUNICIPAL CLERK TO SIGN THE RESOLUTION FOR PRE-APPROVAL OF DEBENTURE ISSUANCE, SUBJECT TO INTEREST RATE CONFIRMATION NOT TO EXCEED 6.5% TO ENABLE WEST HANTS REGIONAL MUNICIPALITY TO ISSUE A 15-YEAR DEBENTURE OF $789,586, FOR THE ROOF AT BROOKLYN FIRE DEPARTMENT STATION 1 AND THE PURCHASE OF A DUMP TRUCK WITH SALT AND PLOW.

COUNCIL APPROVES THE MAYOR AND MUNICIPAL CLERK TO SIGN THE RESOLUTION FOR PRE-APPROVAL OF DEBENTURE ISSUANCE, SUBJECT TO INTEREST RATE CONFIRMATION NOT TO EXCEED 6.5% TO ENABLE WEST HANTS REGIONAL MUNICIPALITY TO ISSUE A 10-YEAR DEBENTURE OF $228,240, FOR THE PAVING OF THE REAR PARKING LOT AT HANTSPORT FIRE DEPARTMENT AND THE PURCHASE OF SIDEWALK MACHINE WITH A FLAIL MOWER.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☑	Decision Request ☐	Councillor Activity ☐

To: WHRM Council

Submitted by: _____
Carlee Rochon, Director, Financial Services

Date: April 9, 2024

Subject: Municipal Finance – Spring 2024 Debenture

LEGISLATIVE AUTHORITY

Municipal Government Act, Part VI, Power to Spend Money 65 (A) & Power to Borrow Money 66.

RECOMMENDATION or DECISION REQUEST

Council approves . . .

… the Mayor and Municipal Clerk to sign the Resolution for Pre-Approval of Debenture Issuance, subject to interest rate confirmation not to exceed 6.5% to enable West Hants Regional Municipality to issue a 5-year debenture of $33,605, for the purchase of fire equipment.

… the Mayor and Municipal Clerk to sign the Resolution for Pre-Approval of Debenture Issuance, subject to interest rate confirmation not to exceed 6.5% to enable West Hants Regional Municipality to issue a 15-year debenture of $789,586, for the roof at Brooklyn Fire Department Station 1 and the purchase of a dump truck with salt and plow.

… the Mayor and Municipal Clerk to sign the Resolution for Pre-Approval of Debenture Issuance, subject to interest rate confirmation not to exceed 6.5% to enable West Hants Regional Municipality to issue a 10-year debenture of $228,240, for the paving of the rear parking lot at Hantsport Fire Department and the purchase of sidewalk machine with a flail mower.

BACKGROUND

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

Announced February 26th, the 2024 Spring Debenture call has been scheduled for April 25th.

West Hants Regional Council approved the following capital projects to be funded through long-term borrowing:

Item		Budget Amount	Budget Approval	Total Cost
BFD 2 - Boiler Replacement	TBR 1	$ 20,000	2022-23 Budget	$ 16,050
HFD - SCBA		$ 25,000	2022-23 Budget	$ 21,050
HFD - Thermal Imaging Cameras		$ 15,018	2023-24 Budget	$ 13,197
HFD - Master Intake Valve Repair		$ 6,500	2023-24 Budget	$ 7,170
Total Fire Equipment		$ 66,518		$ 57,467
BFD 1 - Roof Replacement	TBR 2	$ 568,804	2023-24 Budget	$ 564,068
HFD - Rear Parking Lot	TBR 3	$ 120,000	2023-24 Budget	$ 65,252
Replace 2011 Salt/Plow - Dump Truck*	TBR 4	$ 250,000	2023-24 Budget	$ 285,062
Replace 2006 Sidewalk Machine with Flail Mower	TBR 5	$ 280,000	2022-23 Budget	$ 232,656

*An increase in value was approved during the procurement process, bringing the total approved to $350,000.

Council approved the temporary borrowing resolutions at the March 26th, 2024, council meeting. They have been sent to Department of Municipal Affairs and Housing for review and ministerial approval.

Once approved and received from the Department of Municipal Affairs and Housing these temporary borrowing resolutions will be submitted to the Municipal Finance Division for the Spring Debenture deadline of April 25, 2024.

DISCUSSION

Municipal Finance offers favorable fixed lending rates for municipal capital purchases. To meet the necessary lending requirements a Temporary Borrowing Resolution (TBR) is required, which needs Council and Minister approval. As well the project must be complete.

To be able to participate in the upcoming Municipal Finance semi-annual debenture call, a 'Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate' must be approved by Council. Approving this now would qualify the Municipality to take part in the Spring debenture call.

It should be noted that the Minister approval date of the TBR in the resolution document has been left blank. The resolution document is a Municipal Finance's procedural step and should be left blank for Municipal Finance Division staff to complete.

NEXT STEPS

Should Council approve the Resolution for Pre-Approval of Debenture Issuance, a time will be scheduled for the Mayor and Municipal Clerk to sign the documents. The package will be prepared for submission to the Municipal Finance Division by 4:30pm on April 25, 2024.

FINANCIAL IMPLICATIONS

The full financing charges for these items already make up part of the current fiscal year's budget, so they will have no impact on the 2023-24 operating budget.

Item		Total Cost	Debt Servicing	Total Borrowing	Borrowing Term	Completion Date
BFD 2 - Boiler Replacement	Pre-Res 1	$ 16,050	$ 8,557	$ 7,493		Nov. 21, 2022
HFD - SCBA		$ 21,050	$ 10,697	$ 10,353		Mar. 15, 2023
HFD - Thermal Imaging Cameras		$ 13,197	$ 3,216	$ 9,981		Aug. 21, 2023
HFD - Master Intake Valve Repair		$ 7,170	$ 1,392	$ 5,778		Jul. 30, 2023
Total 5 Years		$ 57,467	$ 23,862	$ 33,605	5 years	
BFD 1 - Roof Replacement	Pre-Res 2	$ 564,068	$ 43,771	$ 520,297		Nov. 1, 2023
Replace 2011 Salt/Plow - Dump Truck*	Pre-Res 2	$ 285,062	$ 15,773	$ 269,289		Jan. 31, 2024
Total 15 Years		$ 849,130	$ 59,544	$ 789,586	15 Years	
HFD - Rear Parking Lot	Pre-Res 3	$ 65,252	$ 6,383	$ 58,869		Jan. 22, 2024
Replace 2006 Sidewalk Machine with Flail Mower	Pre-Res 3	$ 232,656	$ 63,285	$ 169,371		Mar. 30, 2023
Total 10 Years		$ 297,908	$ 69,668	$ 228,240	10 Years	

Participating in the Municipal Finance debenture will allow the Municipality to clear its internal loan between the General Operating fund and the Capital fund.

ALTERNATIVES

- Council could reject moving forward with the MFC spring debenture and direct staff as to how the item is to be funded. This is not the recommended approach.

ATTACHMENTS

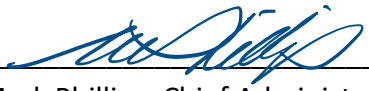
- Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate – 5 Years
- Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate – 15 Years
- Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate – 10 Years
- Temporary Borrowing Resolution – Spring 2024

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Carlee Rochon, Director, Financial Services

Report Approved by: 

Mark Phillips, Chief Administrative Officer

Name of Unit: __Fire Equipment_____

Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate

WHEREAS clause 66 (1) of the Municipal Government Act (the "Act") provides that a municipality may borrow to carry out an authority to expend funds for capital purposes conferred by the Act or another Act of the Legislature;

AND **WHEREAS** clause 91(1)(a) of the Act provides that where a municipality is authorized to borrow money, subject to the approval of the Minister of Municipal Affairs and Housing (the "Minister"), that the sum shall be borrowed by the issue and sale of debentures, in one sum or by installments, as determined by the council;

AND WHEREAS clause 91(1)(b) of the *Municipal Government Act* authorizes the council to determine the amount and term of, and the rate of interest, on each debenture, when the interest on a debenture is to be paid, and where the principal and interest on a debenture are to be paid;

AND WHEREAS clause 91(2) of the *Municipal Government Act* states, that in accordance with the *Finance Act*, the mayor or warden and clerk or the person designated by the council, by policy, shall sell and deliver the debentures on behalf of the municipality at the price, in the sums and in the manner deemed proper;

AND WHEREAS the resolution of council to borrow for was approved by the municipal council on_____March 26, 2024_____.
(council's TBR approval date)

BE IT THEREFORE RESOLVED

THAT under the authority of Section 91 of the *Municipal Government Act*, the

West Hants Regional Municipality
(Name of Unit)

borrow by the issue and sale of debentures a sum or sums not exceeding $___33,605___ , for a period not to exceed ____5____ years, subject to the approval of the Minister;

THAT the sum be borrowed by the issue and sale of debentures of the

West Hants Regional Municipality
(Name of Unit)

in the amount that the mayor or warden and clerk or the person designated by the council deems proper, provided the average interest rate of the debenture does not exceed the rate of 6.5%;

THAT the debenture be arranged with the Province of Nova Scotia with interest to be paid semi-annually and principal payments made annually;

THAT this resolution remains in force for a period not exceeding twelve months from the passing of this resolution.

For Province use only:

TBR #: _____

Minister signed: _____

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution duly passed at a meeting of the Council of the

West Hants Regional Municipality
(Name of Unit)

held on the 23 day of April 2024

GIVEN under the hands of the Mayor/Warden and the Clerk of the

West Hants Regional Municipality
(Name of Unit)

this day of April 2024

Mayor/Warden

Clerk

Name of Unit: __HFD Rear Parking Lot Paving & Sidewalk Machine w/ Flail Mower_____

Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate

WHEREAS clause 66 (1) of the Municipal Government Act (the "Act") provides that a municipality may borrow to carry out an authority to expend funds for capital purposes conferred by the Act or another Act of the Legislature;

AND **WHEREAS** clause 91(1)(a) of the Act provides that where a municipality is authorized to borrow money, subject to the approval of the Minister of Municipal Affairs and Housing (the "Minister"), that the sum shall be borrowed by the issue and sale of debentures, in one sum or by installments, as determined by the council;

AND WHEREAS clause 91(1)(b) of the *Municipal Government Act* authorizes the council to determine the amount and term of, and the rate of interest, on each debenture, when the interest on a debenture is to be paid, and where the principal and interest on a debenture are to be paid;

AND WHEREAS clause 91(2) of the *Municipal Government Act* states, that in accordance with the *Finance Act*, the mayor or warden and clerk or the person designated by the council, by policy, shall sell and deliver the debentures on behalf of the municipality at the price, in the sums and in the manner deemed proper;

AND WHEREAS the resolution of council to borrow for was approved by the municipal council on_____March 26, 2024_____.
(council's TBR approval date)

BE IT THEREFORE RESOLVED

THAT under the authority of Section 91 of the *Municipal Government Act*, the

West Hants Regional Municipality
(Name of Unit)

borrow by the issue and sale of debentures a sum or sums not exceeding $___228,240___ , for a period not to exceed ____10____ years, subject to the approval of the Minister;

THAT the sum be borrowed by the issue and sale of debentures of the

West Hants Regional Municipality
(Name of Unit)

in the amount that the mayor or warden and clerk or the person designated by the council deems proper, provided the average interest rate of the debenture does not exceed the rate of 6.5%;

THAT the debenture be arranged with the Province of Nova Scotia with interest to be paid semi-annually and principal payments made annually;

THAT this resolution remains in force for a period not exceeding twelve months from the passing of this resolution.

For Province use only:

TBR #: _____

Minister signed: _____

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution duly passed at a meeting of the Council of the

West Hants Regional Municipality
(Name of Unit)

held on the 23 day of April 2024

GIVEN under the hands of the Mayor/Warden and the Clerk of the

West Hants Regional Municipality
(Name of Unit)

this day of April 2024

Mayor/Warden

Clerk

Name of Unit: __BFD Station 1 Roof & Dump Truck _____

Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate

WHEREAS clause 66 (1) of the Municipal Government Act (the "Act") provides that a municipality may borrow to carry out an authority to expend funds for capital purposes conferred by the Act or another Act of the Legislature;

AND **WHEREAS** clause 91(1)(a) of the Act provides that where a municipality is authorized to borrow money, subject to the approval of the Minister of Municipal Affairs and Housing (the "Minister"), that the sum shall be borrowed by the issue and sale of debentures, in one sum or by installments, as determined by the council;

AND WHEREAS clause 91(1)(b) of the *Municipal Government Act* authorizes the council to determine the amount and term of, and the rate of interest, on each debenture, when the interest on a debenture is to be paid, and where the principal and interest on a debenture are to be paid;

AND WHEREAS clause 91(2) of the *Municipal Government Act* states, that in accordance with the *Finance Act*, the mayor or warden and clerk or the person designated by the council, by policy, shall sell and deliver the debentures on behalf of the municipality at the price, in the sums and in the manner deemed proper;

AND WHEREAS the resolution of council to borrow for was approved by the municipal council on_____March 26, 2024_____.
(council's TBR approval date)

BE IT THEREFORE RESOLVED

THAT under the authority of Section 91 of the *Municipal Government Act*, the

West Hants Regional Municipality
(Name of Unit)

borrow by the issue and sale of debentures a sum or sums not exceeding $___789,586___ , for a period not to exceed ____15____ years, subject to the approval of the Minister;

THAT the sum be borrowed by the issue and sale of debentures of the

West Hants Regional Municipality
(Name of Unit)

in the amount that the mayor or warden and clerk or the person designated by the council deems proper, provided the average interest rate of the debenture does not exceed the rate of 6.5%;

THAT the debenture be arranged with the Province of Nova Scotia with interest to be paid semi-annually and principal payments made annually;

THAT this resolution remains in force for a period not exceeding twelve months from the passing of this resolution.

For Province use only:

TBR #: _____

Minister signed: _____

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution duly passed at a meeting of the Council of the

West Hants Regional Municipality
(Name of Unit)

held on the 23 day of April 2024

GIVEN under the hands of the Mayor/Warden and the Clerk of the

West Hants Regional Municipality
(Name of Unit)

this day of April 2024

Mayor/Warden

Clerk

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: $ 57,467 Purpose: Fire Equipment (Bulk)

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHERAS the Council of the West Hants Regional Municipality has determined to borrow for the purposes of Fire Equipment (Bulk);

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipality borrow a sum or sums not exceeding Fifty-seven four hundred sixty-seven Dollars ($ 57,467) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding Fifty-seven four hundred sixty-seven Dollars ($ 57,467) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipality held on the 26th day of March, 2024.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipality this 26th day of March, 2024.

Deanna Smart

Clerk

WEST HANTS REGIONAL MUNICIPALITY

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: $ 285,062 Purpose: Dump Truck - Salt/Plow

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHERAS the Council of the West Hants Regional Municipality has determined to borrow for the purposes of Dump Truck - Salt/Plow;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipality borrow a sum or sums not exceeding two hundred eighty-five thousand and sixty-two Dollars ($ 285,062) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding two hundred eighty-five thousand and sixty-two Dollars ($ 285,062) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipality held on the 26th day of March, 2024.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipality this 26th day of March, 2024.

Diana Snair

Clerk

WEST HANTS REGIONAL MUNICIPALITY

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: $ 65,252 Purpose: HFD - Rear Parking Lot

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHERAS the Council of the West Hants Regional Municipality has determined to borrow for the purposes of HFD - Rear Parking Lot;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipality borrow a sum or sums not exceeding sixty-five thousand two hundred fifty-two Dollars ($ 65,252) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding sixty-five thousand two hundred fifty-two Dollars ($ 65,252) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipality held on the 26th day of March, 2024.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipality this 26th day of March, 2024.

Diana Shaw
Clerk

WEST HANTS REGIONAL MUNICIPALITY

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: $ 564,068 Purpose: BFD 1 Roof Replacement

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHERAS the Council of the West Hants Regional Municipality has determined to borrow for the purposes of BFD 1 Roof Replacement;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipality borrow a sum or sums not exceeding Five hundred sixty-four thousand and sixty-eight Dollars ($ 564,068) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding Five hundred sixty-four thousand and sixty-eight Dollars ($ 564,068) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipality held on the 26th day of March, 2024.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipality this 26th day of March, 2024.

Diana Shaw

Clerk

WEST HANTS REGIONAL MUNICIPALITY

MUNICIPAL COUNCIL OF THE

West Hants Regional Municipality

TEMPORARY BORROWING RESOLUTION

Amount: $ 232,656 Purpose: Sidewalk Machine with Flail Mower

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the West Hants Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the West Hants Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget; and

WHERAS the Council of the West Hants Regional Municipality has determined to borrow for the purposes of Sidewalk Machine with Flail Mower;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the West Hants Regional Municipality borrow a sum or sums not exceeding two hundred thirty-two thousand six hundred fifty-six Dollars ($ 232,656) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the West Hants Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Council borrow from time to time a sum or sums not exceeding two hundred thirty-two thousand six hundred fifty-six Dollars ($ 232,656) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the West Hants Regional Municipality held on the 26th day of March, 2024.

GIVEN under the hands of the Clerk and under the seal of the West Hants Regional Municipality this 26th day of March, 2024.

Joanna Anair
Clerk

WEST HANTS REGIONAL MUNICIPALITY

Committee of the Whole Excerpts
April 09, 2024

DEER MANAGEMENT INFORMATION EXCERPT

Residents in the region, specifically District 9, are experiencing a large and growing deer population that is causing concern for many who live and travel through that community. It is not uncommon to see deer roaming neighborhoods, eating shrubs/flowers and resident's gardens, as well as creating hazards for drivers. The desire is to provide accurate information to all residents on what other areas are experiencing and approaches that may be beneficial both at a personal, municipal and provincial level to address safety concerns that have been raised.

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

COUNCIL DIRECTS THE CAO TO DIRECT STAFF TO PROVIDE AN INFORMATION REPORT ON DEER MANAGEMENT FOR THE JUNE COMMITTEE OF THE WHOLE MEETING.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information X☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: **CoTW**

Submitted by: John Smith Councilor District 9

Date: April 4,2024

Subject: **Deer Population**

LEGISLATIVE AUTHORITY

(State where ability for consideration comes from if applicable)

RECOMMENDATION or DECISION REQUEST

Information Report

BACKGROUND

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

(Provide the Who, What, When, Where and Why. If a Councillor Activity Report check "Councillor Activity" and provide your update/info below in the "Discussion" section.)

DISCUSSION

I bring this discussion because it affects many of the residents and there seems to be misinformation about the situation so it would be desirable to have accurate information recorded in the minutes.

There is a large and growing deer population living in District 9. Fifteen years ago it was common to see one or two deer every now and then but the population has grown and it is common to see deer roaming the neighborhoods in large numbers, sometimes as many as 30

deer in one residential area. Falmouth is an ideal habitat for deer, they are protected from hunting because of the houses, they have plenty of woodland and fields to rest in and many shrubs to flowers to eat. In addition to eating peoples gardens the deer are a road hazard, many have been struck by vehicles causing hardship to both the drivers and the deer. I realize this type of wildlife situation is a Provincial jurisdiction but I'm wondering if other areas of our municipality have the same problem? Does the municipality have any means to help with this situation? Does the bylaw enforcement officer have any responsibility?

NEXT STEPS

FINANCIAL IMPLICATIONS

ALTERNATIVES

ATTACHMENTS

(List any attachment to the report, if anything.)

CHIEF ADMINISTRATIVE OFFICER REVIEW

Staff will discuss the matter prior to the COTW meeting for an understanding of Provincial jurisdiction, educational programs and any control measures available under the Provincial Departments. Additionally, communities such as Truro have experienced deer population increases. We'll do a quick search to see if there are "best practices" that can be considered.

Report Prepared by: John Smith_Councilor District 9

Report Reviewed by: _____

Mark Phillips, Chief Administrative Officer

Committee of the Whole Excerpts
April 09, 2024

DYKES EXCERPT

Residents have raised concerns related to the St. Croix River dyke breach on March 11, 2024 which resulted in flooding the land below and up to highway 14. Additional concern been raised that should the dyke fail completely; critical infrastructure and roads (Hwy 14 and Route 236) would be underwater resulting in extensive damages and potential road closures for the area.

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

THE CAO TO DIRECT STAFF TO WRITE A LETTER OF CONCERN TO THE MLA, DEPARTMENT OF AGRICULTURE, DEPARTMENT OF PUBLIC WORKS AND THE PREMIER OF NOVA SCOTIA ADDRESSING THESE CONCERNS.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information X	Recommendation ☐	Decision Request X	Councillor Activity X

To:

Submitted by: Scott McLean, Councillor District 2 _____

Date: **April 4, 2024**

Subject: Dyke infrastructure in West Hants

LEGISLATIVE AUTHORITY

RECOMMENDATION or DECISION REQUEST

For discussion – to be determined

BACKGROUND

During high tides on March 11, 2024, water breached over dyke infrastructure on the St. Croix and Herbert Rivers

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

DISCUSSION

I have had many discussions with residents who have never witnessed the St. Croix river dyke breach like it did on March 11, 2024 flooding the land below up to highway 14. Some of these residents are life-long residents who are in there 70's and 80's

My concern is if the dyke was to fail completely, than critical infrastructure would flood, roads like Highway 14 and Route 236 would be under water causing extensive damage and possible road closure similar to the floods of July 22, 2023. It would also cause extensive damage to agriculture lands. Our river system is unique as tides flow twice in 24 hours and extensive flooding would reoccur until the dyke infrastructure was repaired. These tides could make repairing dykes difficult as heavy equipment and materials would have to be transported to the site and if the

area is continuously flooded by reoccurring tides, this could make dyke repairs difficult. I would like to see dykes in these areas of concern raised to combat these rising tides.

NEXT STEPS

Write a letter with support of council to the MLA, Department or Agriculture, Department of Public Works and the Premier of Nova Scotia addressing these concerns

FINANCIAL IMPLICATIONS

Unknown at this time

TBD

ALTERNATIVES

TBD

ATTACHMENTS

Pictures attached

CHIEF ADMINISTRATIVE OFFICER REVIEW

Writing a letter will ensure the concerns are recorded with the Province as dykes are within their jurisdiction. The web extension below is an update on priorities of DOE in relation to dykes.

https://storymaps.arcgis.com/stories/e043dd1df6504f1791eb53ae1e0896ff

Report Prepared by: _____Councillor S.McLean_____
(Name and Title)

Report Reviewed by: _____
Mark Phillips, Chief Administrative Officer

From: Scott McLean
To: Deanna Snair
Subject: Dykes
Date: Thursday, April 4, 2024 10:35:55 AM

Hi Deanna,

I am sending a report to follow for Tuesday's COTW, I am sending picures first

Scott McLean
Councillor District 2
West Hants Regional Municipality
902-790-3100

From: Scott McLean
To: Deanna Snair
Date: Thursday, April 4, 2024 10:51:14 AM

St. Croix River dyke beside bridge on Hwy 14

Scotch Village Dyke on Kennetcook River

Scott McLean
Councillor District 2
West Hants Regional Municipality
902-790-3100

From: Scott McLean
To: Deanna Snair
Date: Thursday, April 4, 2024 10:52:35 AM

Scott McLean
Councillor District 2
West Hants Regional Municipality
902-790-3100

From: Scott McLean
To: Deanna Snair
Date: Thursday, April 4, 2024 10:47:33 AM

Scott McLean
Councillor District 2
West Hants Regional Municipality
902-790-3100

Committee of the Whole Excerpts
April 09, 2024

PACHAC CITIZEN MEMBER APPOINTMENT EXCERPT

Due to a vacancy public advertisement for a citizen member to represent Windsor for the remainder of the November 2022 – October 2024 term was placed in the Valley Journal Advertiser and advertised on the Municipal website and social media pages commencing February 27, 2024 and again on March 19, 2024. Interested persons were invited to apply until 12 p.m. (Noon) on Wednesday April 3rd, 2024 resulting in two (2) eligible expressions of interest being received.

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

COUNCIL APPOINTS JOHN BREGANTE TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE FOR THE REMAINDER OF THE NOVEMBER 2022 - OCTOBER 2024 TERM WHICH WILL FULFIL THE WINDSOR REPRESENTATIVE MEMBER VACANCY.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____

Deanna Snair, Clerk

Date: April 9th, 2024 Committee of the Whole

Subject: Resident Appointment to Planning and Heritage Advisory Committee

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LEGISLATIVE AUTHORITY

Municipal Government Act – Section 24 Standing, Special and Advisory Committees

RECOMMENDATION

…that Council appoints John Bregante to the Planning and Heritage Advisory Committee for the remainder of the November 2022 - October 2024 term which will fulfil the Windsor representative member vacancy.

BACKGROUND

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

Director Poirier received a resignation from one member of the PAC/HAC committee on February 24, 2024, resulting in the need to fill the vacancy for a representative from Windsor.

DISCUSSION

Public advertisement for a citizen member to represent Windsor for the remainder of the November 2022 – October 2024 term was placed in the Valley Journal Advertiser and on the

Municipal website and social media pages commencing February 27, 2024. No expressions of interest were received at that time.

An additional round of advertising in the Valley Journal Advertiser and on the Municipal website and social media pages commenced on March 19, 2024. Interested persons were invited to apply until 12 p.m. (Noon) on Wednesday April 3rd, 2024 resulting in two (2) eligible expression of interest being received. Both applications were reviewed by the Director of Planning and Development which resulted in the following recommendation before Council this evening.

NEXT STEPS

If approved by Council, Mr. Bregante will be notified of the appointment. Any additional information required will be sent, and the Planning and Development Department will host an information session for new members.

FINANCIAL IMPLICATIONS

Resident members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy, which is identified in the annual Operating Budget.

ALTERNATIVES

Council can choose to direct staff to readvertise for the vacant position.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Deanna Snair, Clerk

Report Reviewed by: _____

Sara Poirier, Director, Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Mark Phillips, Chief Administrative Officer

Committee of the Whole Excerpts
April 09, 2024

PACHAC TERMS OF REFERENCE EXCERPT

West Hants has and continues to experience a significant amount of development and growth which has resulted in many Land Use By Law changes and Development agreements being presented and approved.

With the amount of increased activity there may be value in having all of Council sit on the PACHAC advisory committee to participate in these conversations from the beginning to aid in further discussions that occur at Committee of the Whole and Council meetings.

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

COUNCIL DIRECTS THE MEETING AND COMMITTEE PROCEDURAL POLICY RCOGE-003.00 APPENDIX K BE AMENDED TO CHANGE THE COMMITTEE COMPOSITION BY ADDING TWELVE (12) COUNCILLORS TO PACHAC AND CONTINUE WITH THE CURRENT CITIZEN MEMBER COMPOSITION OF 7 UNTIL OCTOBER WHEN IT WILL BE REVISITED BY THE NEW SITTING COUNCIL.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information x	Recommendation ☐	Decision Request	Councillor Activity ☐

To: COTW

Submitted by: **Councillor Francis, District 5**

Date: Tuesday April 9, 2024

Subject: PAC/HAC

LEGISLATIVE AUTHORITY

Council Approval

RECOMMENDATION or DECISION REQUEST

Conversation regarding the PAC/HAC committee terms of reference.

BACKGROUND

Property	Public Opinion x	Environment ☐	Social ☐	Economic	Councilor Activity x

DISCUSSION

With the amount of development that is happening in the West Hants Regional Municipality there has been many Land Use By Law changes and Development agreements that are coming to Council and I often think if it would be best to have all Councillors sit on the advisory committee to be included in these conversations from the start. In previous Council terms all Councillors set on the PAC/HAC, it was when we consolidated the composition of the committee changed to two-year terms to include four councillors and resident members from each of the previous Windsor, West Hants and Hantsport Advisory Committees. Our resident members are valuable members of PAC/HAC and I would not want to see that change.

However, it may benefit to have a discussion with staff and Council to have all Councillors return to that committee. I realize our number of Council members is higher than previous Council size and with our resident members added in it would be a large committee, but I watch our PAC/HAC meetings and there are great conversations at the table with resident members and having Councillors engage in that conversation may benefit when the recommendations come to COTW and Council. It is one meeting a month and all Councillors will have the opportunity to sit at the table for conversation from start to finish. The decision to move the PIM (Public Information Meetings) to separate meetings has helped with the length of PAC/HAC meetings and an opportunity for conversations before the next PAC/HAC meetings. With all Council involved in the process may also help with the discussions at COTW and Council when these recommendations advance forward.

NEXT STEPS

Conversation for discussion among Council and staff input.

FINANCIAL IMPLICATIONS

No budget implications

ALTERNATIVES

Council could decide they are not interested in participating in the PAC/HAC committee and leave as is.

ATTACHMENTS

None

CHIEF ADMINISTRATIVE OFFICER REVIEW

The PAC/HAC member composition has been reviewed and changed in the past, each time trying to strike the right membership balance. I have provided a few options to assist council with their discussions. I would recommend that the committee not exceed 12 members.

Options for PAC/HAC Composition

1. Option 1 - Status Quo (9 members)
    - 3 council members
    - 6 citizen representatives (2 H / 2 W / 2 WH)
2. Option 2 – 50/50 Council and Citizen Members (12 members)
    - 6 council members (2 from Growth Centers and 4 from Non-Growth Centers)

- 6 citizen representatives (2 H / 2 W / 2 WH)

3. Option 3 – 75/25 Council with Citizen Members (12 members)
   - 9 council members (3 from Growth Centers and 6 from Non-Growth Centers)
   - 3 citizen representatives (1 H / 1 W / 1 WH)
4. Option 4 – Council Members ONLY (12 members)
5. Option 5 – Council with Citizen Members (15 members)
   - 12 council members (all council members)
   - 3 citizen representatives (1H/ 1W/1WH)
6. Option 6 – REMOVE the PAC/HAC Committee
   - PAC/HAC Committees are not required under the MGA.

Report Prepared by: Debbie Francis,
Councillor District 5

Report Reviewed by: _____
Mark Phillips, Chief Administrative Officer

Committee of the Whole Excerpts
April 09, 2024

PAYZANT TO KING CONNECTION EXCERPT

The Windsor Intersection Infrastructure Needs Assessment Study completed by WSP in 2020 recommended extending Payant Drive and making a connection to King Street. Design Point submitted a Proposal in August 2023 to do the engineering and surveying services for the Functional design of the extension and connection. The design would be completed in two (2) phases. Phase 1 was the "Extension" (Payzant Drive from Avon View High School driveway by approximately 255 meters) and be the developer's responsibility if the DA was approved. Phase 2 was referred to as the "Connection" (extended to connect with King Street) and was the responsibility of the Municipality. Upon approval by Council, staff will direct Design Point to move forward with the detailed design for Option 4 and potentially be ready to tender for construction by Spring of 2025 (ideal schedule) or a 2026 construction. The design will be for an urban street, c/w curb and gutter, concrete sidewalk, sanitary sewer, storm system and new water main.

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

COUNCIL APPROVES GIVING DIRECTION TO DESIGN POINT TO MOVE FORWARD WITH DETAILED DESIGN AND COMPETITION DOCUMENTS AND SPECIFICATIONS FOR THE PAYZANT EXTENSION TO KING STREET CONNECTION, PHASE 2, AT AN ESTIMATED COST OF $80,000 PLUS APPLICABLE TAXES.

West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☑	Decision Request ☐	Councillor Activity ☐

To: Committee of the Whole

Submitted by: _____
Todd Richard, Director of Public Works

Date: April 9, 2024

Subject: Payzant to King Street Connection

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 23 authorizes Council to make policies for municipal purposes.

RECOMMENDATION or DECISION REQUEST

Committee of the Whole to recommends to Council that:

Council approves giving direction to Design Point to move forward with Detailed Design and Competition documents and specifications for the Payzant Extension to King Street Connection, Phase 2, at an estimated cost of $80,000 plus applicable taxes.

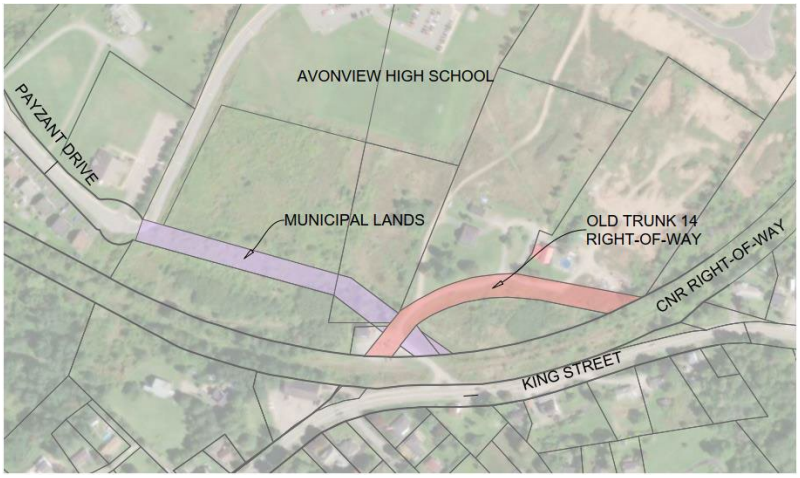
BACKGROUND

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

The Windsor Intersection Infrastructure Needs Assessment Study (WSP 2020) recommended extending Payant Drive and making a connection to King Street. Design Point submitted a Proposal in August 2023 to do the engineering and surveying services for the Functional design of the extension and connection.

DISCUSSION

The original objective was for Design Point to provide options for the proposed Alignment. Design Point completed preliminary work to determine the design constraints and obstacles. A topographic survey was completed to locate existing infrastructure and topography in the vicinity of the proposed alignment. It was determined there would be multiple obstacles to design around including a watercourse, wetlands, property acquisition and the railway line. Preliminary options needed to also consider vertical and horizontal alignment of Payzant Drive and King Street, intersection spacing, sight distances and environmental impacts.



Layout of Existing Land

In November 20203, McCallum Environmental completed a Wetland Delineation to aid in the development of options.

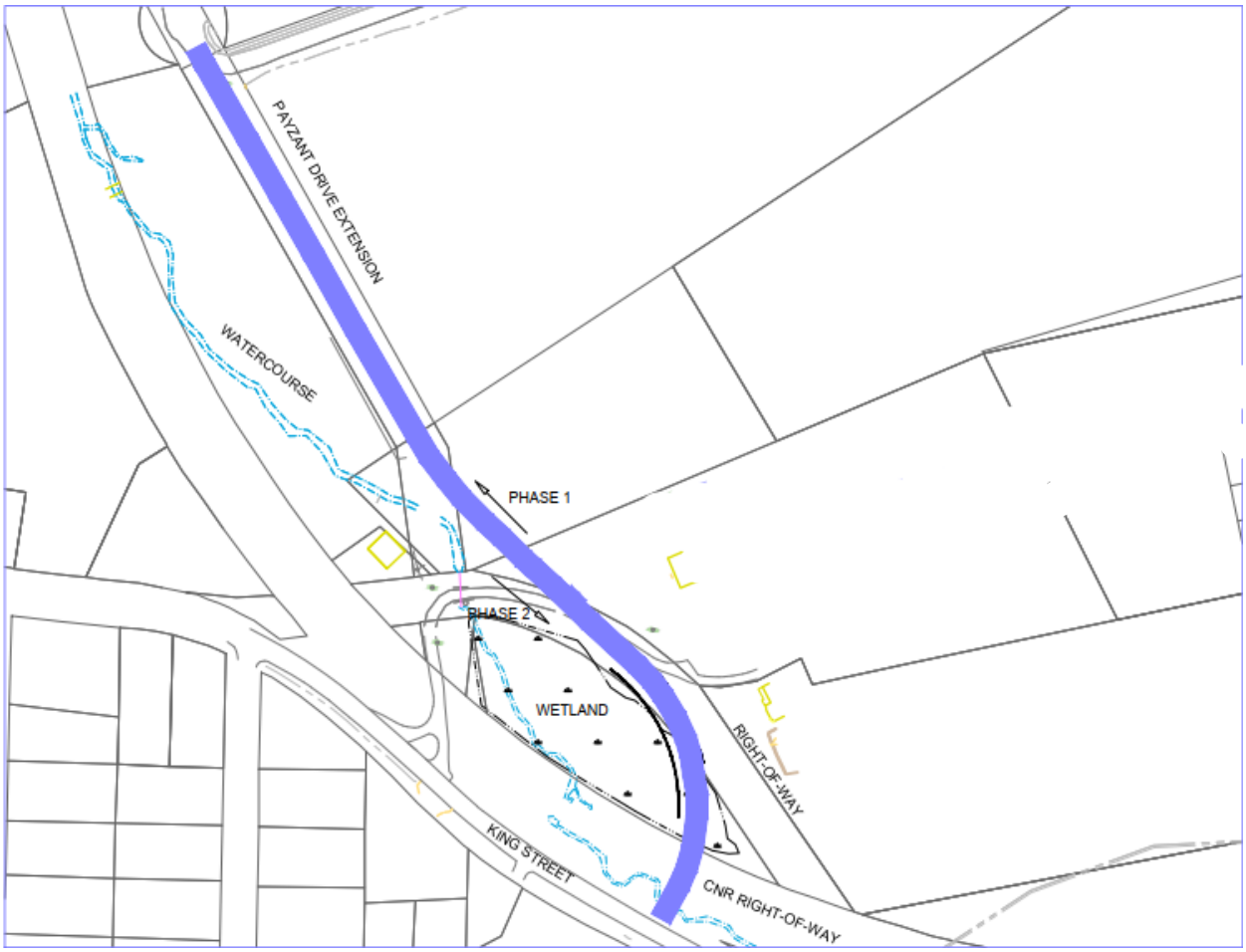
Mapped Wetland and Water Course

Design Point assumed the project will be two phases. The first phase "The Extension" would extend Payzant Drive from the Avon View High School driveway by approximately 255 meters, and the second phase, "The Connection" would extend to connect with King Street,

approximately 230 meters. Phase one has a relatively easy alignment and so options were required for Phase 2.

Currently there is a Development Agreement in progress for PID 45053030 and PID 45343894, which would be Phase 1, and the developer is responsible for this portion of the road construction.

Three options were developed over a period of a few months and presented to the Municipality in December for review and discussions. Upon review, the municipality asked for a hybrid of those options and after multiple design iterations, Option 4 was established. This option appears to be the most efficient alignment to overcome the numerous challenges in such a small area. It also includes an Urban Cross Section to allow for sidewalks.



Proposed Alignment by Design Point

The original proposal was to develop options for a Functional design and now that an option has been decided on, it is necessary to complete detailed design so the project can be tendered for construction.

High Level Class D Estimates for Construction (including Engineering & Contingency):

Phase 1: Responsibility of Developer

Phase 2: $1,269,000 plus applicable taxes

NEXT STEPS

Upon approval by Council, staff will direct Design Point to move forward with the detailed design for Option 4 and potentially be ready to tender for construction by Spring of 2025 (ideal schedule) or a 2026 construction. The design will be for an urban street, c/w curb and gutter, concrete sidewalk, sanitary sewer, storm system and new water main.

FINANCIAL IMPLICATIONS

Pending Councils decision, the amount of $83,432 for the detailed design including applicable taxes will be captured in the 2024-25 capital budget, to be funded through the operating reserve.

ALTERNATIVES

1. Council may choose not to proceed with this planned project.
2. Council may direct staff to put the detailed design out for public bidding (RFP).
3. Council may direct staff to put the detailed design out to our current engineering consultants that we have standing offers with.

Option 2 and 3 would most likely delay the process and not meet a potential 2025 construction schedule.

ATTACHMENTS

n/a

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report and recommendation align with past direction from Council. It's important to continue to highlight that the connector or Phase 2, as described in the report, is not required for the Development Agreement with Parsons Green currently being reviewed but will most certainly compliment the proposed development along with other neighboring developments

and general traffic flow in this very busy area of the municipality. It is a much needed connector that's been discussed over the Town and former municipality's long history.

I support the recommendation.

Report Prepared by: _____

Erin Amirault, P.Eng. Project Engineer Public Works

Report Reviewed by: _____

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Committee of the Whole Excerpts
April 09, 2024

PAYZANT/WENTWORTH TRAFFIC LIGHTS EXCERPT

Much discussion has occurred with respect to increased traffic concerns at the Payzant and Wentworth Road intersection. With a potential future connection from Payzant to King being explored and the significant increase in costs associated with a roundabout, a desire was expressed to consider and look at traffic signals installed at this intersection as a possible solution and cost savings.

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

COUNCIL DIRECTS THE CAO TO DIRECT STAFF TO COME BACK WITH A CLASS D ESTIMATE ON INSTALLING STREET LIGHTS AT THE INTERSECTION OF WENTWORTH AND PAYZANT.

West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☑	Decision Request ☐	Councillor Activity ☐

To: Committee of the Whole

Submitted by: _____
Todd Richard

Date: April 9, 2024

Subject: Payzant Drive / Wentworth Road Roundabout Design

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION or DECISION REQUEST

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

Council approve the award of tender WHRMPW24-03 for Construction of the Payzant Drive/Wentworth Road Roundabout to the low compliant bidder, Dexter Construction, for the tendered price of $4,274,980.00 plus applicable taxes. And, council also approves a construction contingency of 15% ($641,247) and the cost for overhead utility relocation, for a total construction estimated cost of $5,116,227 plus applicable taxes.

BACKGROUND

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

The intersection of Payzant Drive and Wentworth Road has proven to be extremely busy over the years, especially during peak times. Solutions have been researched, studied, and discussed extensively and experts agree the best solution needs to provide efficiency, longevity, sustainability and be most suitable for the area.

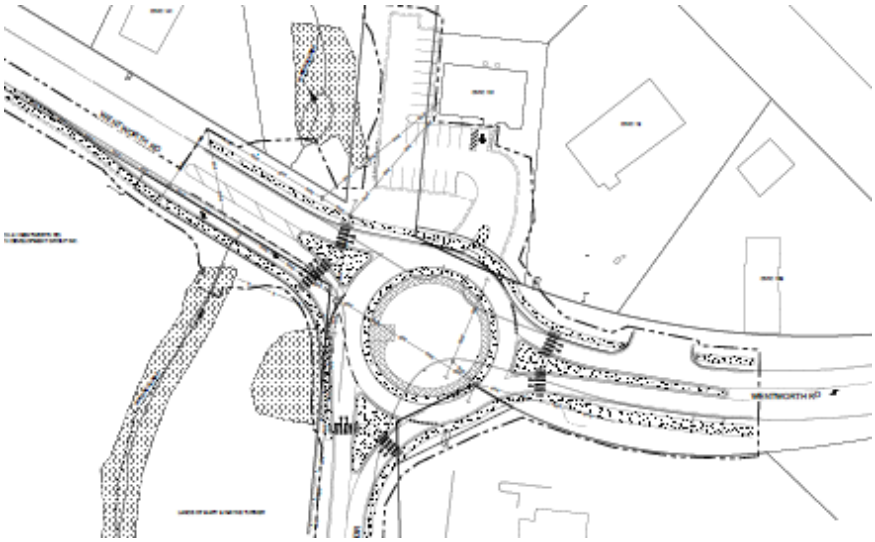
In August 2021 an Intersection Infrastructure Needs Assessment for this proposed project was completed by WSP. Based on findings from this study, in conjunction with the Hants County Exhibition Expansion Traffic Impact Study (WSP, May 2021), it was recommended that plans be prepared to upgrade this intersection to a roundabout.

In September 2021, Public Works requested proposals from pre-qualified engineering consultants to support this project from design through final construction. In October 2021, Public Works recommended Design Point, the low compliant bidder, be awarded the Engineering and Design work.

In January of 2023, Design Point presented at Committee of the Whole – "Proposed Traffic Circle Presentation".

The Municipality is focused on providing optimal long-term solutions for the residents of West Hants Regional Municipality. A Roundabout at The Payzant/Wentworth Intersection will provide this solution with many benefits including:

- Improved Safety – lower speeds and simplified Decision Making. Reduced right angle and head on collisions and fewer conflict points.
- Reduced Delay
- Reduced Environmental Impact – Keeping traffic moving at consistent lower speeds reduces idling, emissions and fuel consumption
- Improved Aesthetics for visual appeal at prominent locations
- Network considerations – allow for safer and more efficient traffic management strategies for surrounding area
- Ability to function during power outages



Proposed Payant/Wentworth Roundabout

DISCUSSION

The Construction tender was issued on the Nova Scotia Procurement website on March 8, 2024. There was a non-mandatory site meeting on March 21, 2024 and the only attendee was Dexter Construction. The tender closed on April 4, 2024 at 2pm. Results were reviewed by Public Works Staff and Design Point Engineering.

Tender Results:

Dexter Construction ***$4,274,980.00 plus applicable taxes.***

There was a water main component of this tender. It should be noted that this will need to be replaced at some time in the future, regardless of the work performed at the intersection of Payzant Drive and Wentworth Road. The Dexter amount for this portion was $620,855.00 and was over the amount originally budgeted was $430,425.00.

Dexter Construction would be an excellent contractor to complete a project of this complexity. Their experience and expertise in road work, services, knowledge of the area, construction scheduling and ability to coordinate simultaneous activities will help limit traffic interruptions and delays.

It is expected that a portion of the work will be in this construction season. There is a lot of NS Power and Bell work to be completed and Dexter is well versed to coordinate with them to provide the best schedule and coordination for the project. It is anticipated that Dexter will be able to complete portions of the work while allowing the utilities to complete their work in an effort to move construction along efficiently. For this reason, we are expecting the work to be carried out over two seasons and be completed by Fall of 2025.

NEXT STEPS

Pending approval of Council; staff will award formal contract to Dexter to proceed with engineering and design work in accordance with their proposal.

FINANCIAL IMPLICATIONS

Tendering Timeline:

Posted to Procurement	March 21, 2024
Closing Date	April 4, 2024
Price Expiry Date	June 3, 2024
Days Remaining	56 Days

2023-24 Capital Budget – Traffic Control Wentworth Road @ Payzant Drive

Tender Pricing	$5,116,227.00
Non-Recoverable Tax *(4.29%)*	$219,486.14
Tender Total	**$5,335,713.14**
2023-24 Budget Value	$2,725,000.00
Variance (over budget)	($2,610,713.14)

Within the 2023-24 Capital Budget, the traffic control project on Wentworth Road at Payzant Drive was scheduled to be funded primarily through long-term debt, with $500,000 to be funded evenly between the former Windsor Infrastructure Reserve and the WHRM Road Infrastructure Reserve. In addition, $100,000 in 2023-24 budgeted for the water main replacement.

The water main accounts for $774,613.13 of the total tender costs. To be funded through long-term borrowing for the water utility. The debt servicing for this will not show up in the water utility budget till the project is completed.

The estimated debt servicing in 2023-24 was $113,040. With the new project total, less the 2023-24 budgeted debt servicing and water utility portion, the estimated debt servicing will increase to $242,168.58. Pending Council decision, the updated figures will be captured in the 2024-25 Capital and Operating Budget.

ALTERNATIVES

1. Council may choose to award this project to an alternative proponent.
2. Council may choose to not to proceed with this capital project.

ATTACHMENTS

Tender Documents and Drawings. Addendum Number one and addendum Number two.

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report provides highlights to the history of the project, it's forecasted benefits and past budget projections (2023/24 $2,610,713.14). It is unfortunate to have one bidder on the project despite the tender being in the public forum. With the forecasted price and not having the debt to service ratio impacts for 2024/25, when considering such a large project, or the overall 2024/25 capital budget reviewed or approved by Council it is advisable that the project be forwarded to budget deliberations for a more thorough review by Council.

It is noted in the report that the tender price will be held until June 3,2024. With date in mind budget deliberations will have started well in advance of that date.

Report Prepared by: _____

Erin Amirault P.Eng. Project Engineer

Report Reviewed by: _____

Todd Richard, Director of Public Works

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Tender #WHRMPW24-03

Construction

Payzant Drive Roundabout

Issued: March 8, 2024
Closing: March 28, 2024

Contact:
Erin Amirault, P.Eng.
Project Engineer
EAmirault@westhants.ca
902-798-8391 Ext.126

SECTION	TITLE	Pages
00 20 00	Overview	1
00 21 00	Information to Tenderers	3
00 41 43	Tender Form	7
00 43 00	Supplementary Tender Information	7
00 53 43	Form of Agreement	5
00 74 00	Supplementary Specifications	16

Appendices

- Geotechnical Report prepared by DesignPoint Engineering & Surveying Ltd., dated March 7, 2022.
- Drawings: Payzant Drive Roundabout / Feb. 22, 2024 / Issued for Tender

END OF SECTION

This document is a Supplementary Specification to *The Standard Specifications for Municipal Services* as published by the Joint Committee on Contract Documents in association with Nova Scotia Road Builders Association, Consulting Engineers of Nova Scotia and Landscape Nova Scotia.

The West Hants Regional Municipality has decided to use the Standard Specifications in an effort to regulate their specification practices, simplify the review and approval process, and standardize the specifications written by their consultants.

These project documents have been prepared for use with and require being read in conjunction with *The Standard Specifications for Municipal Services* as published by the Joint Committee on Contract Documents. Copies of The Standard Specification are available from the Joint Committee on Contract Documents, c/o Spectech Limited, 18 Laurier Street, Dartmouth, NS, B3A 2G7; telephone: (902) 233-9362; e-mail: nsmunicipalservices@gmail.com; or visit: www.standardspec.ca.

END OF SECTION

Payzant Drive Roundabout
Windsor, Nova Scotia

Owner: West Hants Regional Municipality, 100 King Street, Windsor, NS, B0N 2T0
Engineer: DesignPoint Engineering & Surveying Ltd., 90 Western Parkway, Suite 500, Bedford, NS, B4B 2J3

1.1 Tender Submission

.1 Submit completed tender documents for above project in sealed envelope marked as follows:

TENDER

Payzant Drive Roundabout
Tender #WHRMPW24-03

Closing up to 2:00 p.m., local time, on March 28, 2024 and delivered to:

West Hants Regional Municipality
Public Works Department
100 King St.
PO Box 3000
Windsor, NS, B0N 2T0

.2 Electronic (email) submissions will only be accepted if all the following criteria are met:

- .1 The entire bid document is presented and issued in Adobe PDF format.
- .2 The PDF documents are emailed to WHRM Document Control (documentcontrol@westhants.ca) by no later than 2:00 p.m. Atlantic Daylight Time, of the stated closing date.
- .3 Emails must contain both of the following:
  - .1 A subject line which reads "Electronic Bid #WHRMPW24-03: Payzant Drive Roundabout" and
  - .2 The "Read Receipt" must be turned on, which will be acknowledged by staff upon opening of the email submission.

All PDF documents received will remain unopened until 2:15 p.m. on the stated closing date. At which time, they will be opened by municipal staff along with any hard-copy bids received by letter/courier mail.

.3 Any questions can be directed by email to:

Erin Amirault, P.Eng.
Project Engineer, West Hants Regional Municipality
EAmirault@westhants.ca

1.2 Post Tender Submission

.1 Submit post-tender submission documents no later than two (2) working days after tender closing. Failure to provide such documents may constitute grounds for forfeiture of tender security.

.2 Safety Certification

.1 Submit a copy of tenderer's current and valid safety accreditation issued by Nova Scotia Workers' Compensation Board or Certificate of Recognition (COR) issued by Construction Safety Nova Scotia.

.2 Out-of-province tenderers with a current and valid COR from a Canadian Federation of Construction Safety Associations member shall obtain and submit a current and valid Letter of Good Standing from Construction Safety Nova Scotia.

.3 Workers' Compensation

.1 Submit a copy of tenderer's current and valid clearance letter issued by the Workers' Compensation Board of Nova Scotia.

.2 Out-of-province tenderers shall submit a current and valid clearance letter from a government workers' compensation board but must register with the Nova Scotia Workers' Compensation Board prior to being awarded the Contract.

1.3 Tender Opening

.1 Tenders will be opened at 2:15 p.m. local time on March 28, 2024, after Tender close at the offices of West Hants Regional Municipality, 100 King Street, Windsor. Opening will be public.

.2 Tender amendments will be disclosed at public openings.

1.4 Accuracy of Referencing

.1 Indexing and cross-referencing are for convenience only.

1.5 Conditions of Tendering

.1 Take full cognizance of content of all Contract Documents in preparation of tender. Refer to Section 00 41 43 – Tender Form, Subsection 1.3.8 for a complete list of Contract Documents.

1.6 Tenderers to Investigate

.1 Tenderers will be deemed to have familiarized themselves with existing site and working conditions and all other conditions which may affect performance of the Contract. No plea of ignorance of such conditions as a result of failure to make all necessary examinations will be accepted as a basis for any claims for extra compensation or an extension of time.

1.7 Clarification and Addenda

.1 Notify Engineer not less than two (2) Working Days before tender closing of omissions, errors, or ambiguities found in Contract Documents. If Engineer considers that correction, explanation, or interpretation is necessary, a written addendum will be issued. All addenda will form part of Contract Documents.

.2 Confirm in the tender form that all addenda have been received. Tenderers are solely responsible to obtain and acknowledge the receipt of addenda at time of tender closing.

1.8 Preparation of Tender

.1 Legibly complete tender form provided with Project Documents. Tender all items and fill in all blanks. Have corrections initialed by person signing tender.

1.9 Taxes

.1 Include all taxes in prices except Harmonized Sales Tax (HST) in tender unit prices.

1.10 Tender Security

.1 Provide tender security in the minimum amount of ten percent (10%) of total price including HST. Provide security with tender in the form of a certified cheque or money order payable to the Owner, a bid bond on CCDC Form 220, or other Owner-approved form.

1.11 Contract Security

.1 Refer to Section 00 72 45 – General Conditions, subsection GC11.2 – CONTRACT SECURITY for form of contract security. Refer to Project Documents for amount of contract security and alternate type of contract security, if applicable.

1.12 Insurance

.1 Refer to Section 00 72 45, General Conditions, subsection GC11.1 - INSURANCE, Section 00 74 00 – SUPPLEMENTARY SPECIFICATIONS, and CCDC 41 for insurance requirements.

1.13 Form of Agreement

.1 Form of Agreement is attached for information purposes only until execution of the Contract.

1.14 Return of Tender Security

.1 Tender security will be returned to:

.1 All except the three lowest acceptable tenderers within seven (7) days of tender opening.

.2 Two (2) remaining unsuccessful tenderers within fourteen (14) days of date of award.

.3 Successful tenderer following receipt by Owner of executed agreement, specified contract security, and insurance documents.

1.15 Amendment or Withdrawal of Tender

.1 Tenders may be amended or withdrawn by post or email.

.2 Amendment of individual Unit Prices is the only acceptable price amendment. Amendments shall not disclose either original or revised total price.

.3 Head amendment or withdrawal as follows: "[Amendment/Withdrawal] of tender for Payzant Drive Roundabout, Tender # WHRMPW24-03 ". Sign as required for tender and submit to the address given for receipt of tenders. In order to be considered, submissions shall be received prior to time of tender closing.

1.16 Offer, Acceptance, Rejection

.1 The Municipality reserves the right to reject all or any tenders, and to not necessarily accept the lowest tender. The Municipality may accept any tender or any portion of any tender that may be considered in the best interests of the Municipality. The Municipality also reserves the right to waive formality, informality, or technicality in any tender. This includes the right to accept a tender that is not strictly compliant with the instructions in the tender documents.

1.17 Scope of Work

.1 The Work described in the Project Documents will be carried out in full or in part subject to available funding.

1.18 Site Meeting

.1 A formal site meeting is scheduled for March 21, 2024 at 10:30am. Meetup location at the West Hants Sports Complex Parking lot., 16 Centennial Drive, Windsor NS. Tenderers may make site visits as they deem appropriate, no prior permission is required for site visits.

1.19 Subsurface Investigation

.1 A subsurface investigation has been carried out at the site of the works. Subsurface investigation was carried out to determine the character of the sub-soil for design purposes. The report is being provided for information only and the owner assumes no responsibility for this information. The report can be found in the appendices.

1.20 Disruption to Existing Water Services

.1 Tenderers are advised that disruption to existing water services will have certain restrictions, and scheduling and sequencing requirements.

END OF SECTION

1.1 SALUTATION:

.1 To: West Hants Regional Municipality
100 King Street, PO Box 3000
Windsor, NS, B0N 2T0

.2 For: Tender # WHRMPW24-03
Payzant Drive Roundabout
Windsor, Nova Scotia

.3 From:

1.2 TENDERER DECLARES:

.1 That this tender was made without collusion or fraud.

.2 That the proposed work was carefully examined.

.3 That the tenderer was familiar with local conditions.

.4 That Contract Documents and Addenda No. __ to __ inclusive were carefully examined.

.5 That all the above were taken into consideration in preparation of this tender.

1.3 TENDERER AGREES:

.1 To enter into a contract to supply all labour, material and equipment and to do all work necessary to construct the Work as described and specified herein for the unit prices stated in Subsection 1.4 hereunder, Schedule of Quantities and Unit Prices.

.2 That the estimated Contract Price shall be the sum of the products of the tendered unit prices multiplied by the estimated quantities in Subsection 1.4 hereunder excluding Harmonized Sales Tax (HST).

.3 That this tender is valid for acceptance for sixty (60) days from tender closing.

.4 That measurement and payment for items listed in Subsection 1.4 hereunder shall be in accordance with corresponding items in Section 01 22 00 Measurement and Payment.

.5 To provide evidence of ability and experience within five (5) working days of request, including: experience in similar work, work currently under contract, senior supervisory staff available for the project, equipment available for use on the Work, and financial resources.

.6 To execute in triplicate the Form of Agreement and forward same together with the specified contract security and insurance documents to the Owner within ten (10) Working Days of written notice of award.

.7 That failure to provide post-tender submission documents or failure to enter into a formal contract and provide specified insurance documents and contract security within time required will constitute grounds for forfeiture of tender security.

.8 That if tender security is forfeited, Owner will retain difference in money between amount of tender and amount for which Owner legally contracts with another party to perform the Work and will refund balance, if any, to tenderer.

.9 That Contract Documents include:

.1 West Hants Regional Municipality's Municipal Services Specifications Manual Revision 3 (October 24, 2023).

.2 Standard Specification for Municipal Services listed in Table of Contents Page Dated January 2023.

.3 Overview

.4 Information to Tenderers

.5 Tender Form

.6 Supplementary Tender Information

.7 Form of Agreement

.8 Supplementary Specifications

.1 Section 00 74 00 – Supplementary Specifications

.9 Drawings

Sheet 1 / Cover Sheet / Feb. 22, 2024/ Issued for Tender
Sheet 2 / Existing Conditions / Feb. 22, 2024/ Issued for Tender
Sheet 3 / Storm Sewer Replacement Profiles / Feb. 22, 2024/ Issued for Tender
Sheet 4 / Catch Basin Profiles / Feb. 22, 2024/ Issued for Tender
Sheet 5 / Wentworth Road - Plan & Profile / Feb. 22, 2024/ Issued for Tender
Sheet 6 / Payzant Drive - Plan & Profile / Feb. 22, 2024/ Issued for Tender
Sheet 7 / Roundabout Grading Plan / Feb. 22, 2024/ Issued for Tender
Sheet 8 / Roundabout Geometry/ Feb. 22, 2024/ Issued for Tender
Sheet 9 / Cross Section Details / Feb. 22, 2024/ Issued for Tender
Sheet 10 / Lane Markings and Signage Plan / Feb. 22, 2024/ Issued for Tender
Sheet 11 / Utility Pole Plan / Feb. 22, 2024/ Issued for Tender
Sheet 12 / Road Construction Details / Feb. 22, 2024/ Issued for Tender
Sheet 13 / Construction Notes and Details 1/ Feb. 22, 2024/ Issued for Tender
Sheet 14 / Construction Notes and Details 2/ Feb. 22, 2024/ Issued for Tender

.10 Nova Scotia Environmental Regulations.

.11 Geotechnical Report prepared by DesignPoint Engineering & Surveying Ltd., dated March 7, 2022.

.12 All addenda as issued and confirmed in subsection 2.4 of this section.

1.4 SCHEDULE OF QUANTITIES AND UNIT PRICES

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
EARTHWORK					
2.	Grubbing	m^2	800		
8.	Exploratory Digs	ea	5		
10.	Karst Topography Cavern Infill (Provisional)				
	.1 Less than or equal to 5 cubic metres	ea	3		
	.2 Greater than 5 cubic metres	m^3	20		
			SUBTOTAL EARTHWORK:	$	
WATER MAIN					
11.	Pipe				
	.1 250mm PVC BIONAX	m	192		
	.2 200mm PVC BIONAX	m	135		
12.	Fire Hydrants				
	.1 Installation	ea	2		
	.2 Relocation	ea	1		
14.	Direct Buried Valves				
	.1 250mm Gate Valve	ea	3		
	.1 200mm Gate Valve	ea	2		
16.	Connections to Existing Main				
	.1 250mm, Payzant Drive 0+826	ea	1		
	.2 250mm, Payzant Drive 1+018	ea	1		
	.3 200mm, Wentworth Road 0+874	ea	1		
18.	Temporary Water	L.S.	1		
19.	Cap and Abandonment of Existing Main				
	.1 250mm, Payzant Drive 0+834	ea	1		
	.2 250mm, Payzant Drive 0+890	ea	1		
			SUBTOTAL WATER MAIN:	$	

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
STORM SEWER					
31.	Pipe				
.1	300mm PVC DR18	m	48		
.2	450mm RCP 65D	m	33.5		
32.	Manholes				
.1	1050mm	ea	1		
.2	1200mm	ea	1		
33.	Catch Basins				
.1	1050mm, Single	ea	5		
.2	1050mm, Double	ea	5		
34.	Catch Basin Leads				
.1	200mm PVC DR35	m	15		
.2	250mm PVC DR35	m	38		
.3	250mm PVC DR18	m	40		
.4	300mm PVC DR35	m	102		
.5	300mm PVC DR18	m	30		
36.	Connections to Existing				
.1	Existing Manhole	ea	1		
.1	Wentworth Road Culvert	ea	1		
37.	Culverts				
.1	1200mm RCP 65D	m	6.5		
39.	Precast Headwall				
.1	Up to 600mm Pipe	m	5		
.2	1200mm Pipe	m	1		
			SUBTOTAL STORM SEWER:	$	
STREET CONSTRUCTION					
41.	Gravels				
.1	Type 1 (150mm thick)	m^2	3750		
.2	Type 2 (500mm thick)	m^2	3750		
.3	Type 1 (Dentist Parking Lot) (150mm thick)	m^2	1110		
.4	Type 2 (Dentist Parking) (300 mm thick)	m^2	1110		
43.	Asphalt Concrete				
.1	Type C-HF (50 mm thick)	m^2	3750		
.2	Type B-HF (100 mm thick)	m^2	3750		
.3	Type C-HF (Dentist Parking Lot) (40mm thick)	m^2	980		
.4	Type B-HF (Dentist Parking) (50 mm thick)	m^2	980		

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
44.	Curb				
.1	Concrete	m	960		
45.	Concrete Sidewalk				
.1	Sidewalk/ Traffic Island (100mm)	m^2	1185		
.2	Truck Apron (200mm)	m^2	275		
46.	Tactile Walking Surface Indicators	ea	28		
50.	Adjust Existing Manhole Frames and Covers	ea	4		
52.	Segmental Retaining Wall				
.1	Center Island	m^2	98		
.2	Civic 151 Parking Lot	m^2	15		
53.	Street Signs and Bases	ea	38		
54.	Stone Pillar Reinstatement	L.S.	1		
55.	Sign Relocation				
.1	Credit Union	L.S.	1		
.2	Hospital	L.S.	1		
56.	Raised Crosswalks	ea	6		

SUBTOTAL STREET CONSTRUCTION: $_____

LANDSCAPING

61.	Topsoil and Sod	m^2	1050		
62.	Topsoil and Seed	m^2	530		
66.	Grass Pavers	m^2	205		
67.	Center Island Landscaping	L.S.	1		

SUBTOTAL LANDSCAPING: $_____

ADDITIONAL ITEMS

73.	Replacement of Unsuitable Material w/ Surge Rock	m^3	1900		
76.	Infrastructure Removal	L.S.	1		

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
77.	Trench Excavation – Contaminated Material (Provisional)	m^3	50		

SUBTOTAL ADDITIONAL ITEMS: $_____

ENVIRONMENTAL PROTECTION

90.	Environmental Measures	L.S.	1		

SUBTOTAL ENVIRONMENTAL PROTECTION: $_____

SUBTOTAL EARTHWORK $_____

SUBTOTAL WATER MAIN $_____

SUBTOTAL STORM SEWER $_____

SUBTOTAL STREET CONSTRUCTION $_____

SUBTOTAL LANDSCAPING $_____

SUBTOTAL ADDITIONAL ITEMS $_____

SUBTOTAL ENVIRONMENTAL PROTECTION $_____

ESTIMATED CONTRACT PRICE (EXCLUDING HST) $_____ (A)

ADD HARMONIZED SALES TAX (15% of Estimated Contract Price) $_____ (B)

TOTAL PRICE (A + B) $_____

TENDERER'S HST REGISTRATION NO. _____

1.5 GENERAL REQUIREMENTS

.1 Refer to Supplementary Specifications and the Tender Drawings for general requirements to complete the work that shall be included in the Tenderer's total price (i.e. erosion & sediment control measures, traffic control, disposal of existing services, coordination with utility owners during construction, pavement markings, etc.).

1.6 COMPLETION TIME

.1 Tenderer agrees to complete the Work during the 2024 and 2025 construction seasons. Substantial completion of the Work to be achieved on or before November 30th, 2025.

1.7 SIGNATURES*

DATED THIS _____ DAY OF_____ , 20_____.

_____
Name of Tenderer

_____ _____
Witness Signature of Signing Officer

_____
Name and Title (Printed)

_____ _____
Witness Signature of Signing Officer

_____
Name and Title (Printed)

*NOTE: Tenders submitted by or on behalf of any Corporation must be signed in the name of such Corporation by a duly authorized officer(s) or agent(s).

END OF SECTION

1. This Section is required to be completed and submitted at the time of tendering with all information requested completed in full. Failure to submit the information requested in this Section may be cause for the West Hants Regional Municipality to treat your Tender as non-compliant.

2. Submit with Tender the following:

   .1 Name and address of the chartered Canadian bank or reputable financial institutions to vouch for firm's financial status.

   .2 Name and address of the company who has agreed to underwrite the bonds for Performance and for Labour and Material Payment.

   .3 Name and address of the company who will underwrite the contract insurance required.

   .4 Particulars of recent contracts successfully completed or progressing towards completion.

   .5 A list of equipment to be used.

   .6 A list of project personnel.

   .7 A list of subcontractors.

   .8 A program of the work.

3. Submittals

   .1 Confirmation of Tenderer's financial status.

   Name _____

   _____

   Address _____

   _____

   Contact Person _____ Telephone _____

.2 Name and address of company who has agreed to underwrite the bonds for Performance and for Labour and Material Payment. These bonds shall be issued by a duly licensed surety company authorized to transact the business of suretyship in the Province of Nova Scotia.

Name _____

_____

Address _____

_____

Contact Person _____ Telephone _____

.3 Name and address of company who has agreed to underwrite insurance, the type and amount. This insurance shall be issued by a company having insurance adjusting representation in Nova Scotia.

Name _____

_____

Address _____

_____

Contact Person _____ Telephone _____

Type of Insurance	Amount
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

.4 Particulars of recent contracts. Furnish particulars of a minimum of three contracts successfully carried out or in the process of being constructed. Projects listed shall be approximate in nature to the work being tendered for and be comparable or greater in size.

Customer	Description	Date	Contract Value
_____	_____	from _____	$_____
	_____	to _____	
_____	_____	from _____	$_____
	_____	to _____	
_____	_____	from _____	$_____
	_____	to _____	
_____	_____	from _____	$_____
	_____	to _____	

.5 List of equipment to be used on this project.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

.6 List of project personnel.

Include below the names, qualifications and previous experience of those employees who will be directly involved with this project.

Name	Title/Role	Related Experience

.7 List of Subcontractors

Enter the name and address of each Subcontractor used in making up this Tender. Only name one Subcontractor for each part of the Work to be sublet.

Upon acceptance of a Tender by the Municipality of the District of West Hants, the Contractor shall not substitute another Subcontractor in place of the one named without the written approval from the Municipality of the District of West Hants.

Subtrade	Subcontractor Name and Address	Extent of Work	Value of Work

.8 Program of the Works

Insert a brief description of the proposed method of operation and phasing to ensure completion in the period set forth in Section – 00 74 00 – Supplementary Specifications, Subsection 3 – Scheduling and Coordination.

_____

_____

_____

_____

_____

_____

_____

_____

.9 References

Bidders shall supply two (2) references from past projects similar in nature to the Payzant Drive Roundabout project. Each reference shall include a brief description of the project, estimated construction cost, name and contact information for the Owner/Client. The Owner reserves the right to review and evaluate the reference information provided by Bidders as part of the Tender Selection process. The lowest price will not necessarily be selected for award.

Reference 1

Project Name & Location:	
Year Completed:	
Construction Value:	$
Owner Name:	
Project Contact Name:	
Project Contact Phone:	
Project Contact Email:	
Project Description:	

Reference 2

Project Name & Location:	
Year Completed:	
Construction Value:	$
Owner Name:	
Project Contact Name:	
Project Contact Phone:	
Project Contact Email:	
Project Description:	

END OF SECTION

This Agreement made on the __ day of ____ in the year___.

BY AND BETWEEN

West Hants Regional Municipality

hereinafter called the "Owner"

and

hereinafter called the "Contractor"

The Owner and the Contractor agree as follows:

ARTICLE A1 - THE WORK

.1 The Contractor shall:

.1 Perform the Work required by the Contract Documents for

Payzant Drive Roundabout Tender # WHRMPW24-03

located at Windsor, Nova Scotia

for which the Agreement has been signed by the parties, and for which

DesignPoint Engineering & Surveying Ltd.

is acting as and is hereinafter called the “Engineer”

and

.2 do and fulfill everything indicated by this Agreement, and

.3 attain Substantial Performance of the work as certified by the Engineer by the 30th day of November in the Year 2025.

ARTICLE A2 – AGREEMENTS AND AMENDMENTS

.1 This Contract supersedes all prior negotiations, representations or agreements, either written or oral, relating in any manner to the work, including the bidding documents that are not expressly listed in Article A3 of the Agreement.

ARTICLE A3 - CONTRACT DOCUMENTS

.1 The following is an exact list of the Contract Documents referred to in Article A1.1 of this Agreement and as defined in subsection 6 of Section 00 71 00 DEFINITIONS. This list is subject to subsequent amendments in accordance with the provisions of the Contract Documents.

.1 STANDARD SPECIFICATION FOR MUNICIPAL SERVICES.
Table of Contents Dated January 2023.

.2 Overview

.3 Information to Tenderers

.4 Tender Form

.5 Supplementary Tender Information

.6 Form of Agreement

.7 Supplementary Specifications

.1 Section 00 74 00 – Supplementary Specifications

.8 Drawings:

Sheet 1 / Cover Sheet / Feb. 22, 2024/ Issued for Tender
Sheet 2 / Existing Conditions / Feb. 22, 2024/ Issued for Tender
Sheet 3 / Storm Sewer Replacement Profiles / Feb. 22, 2024/ Issued for Tender
Sheet 4 / Catch Basin Profiles / Feb. 22, 2024/ Issued for Tender
Sheet 5 / Wentworth Road - Plan & Profile / Feb. 22, 2024/ Issued for Tender
Sheet 6 / Payzant Drive - Plan & Profile / Feb. 22, 2024/ Issued for Tender
Sheet 7 / Roundabout Grading Plan / Feb. 22, 2024/ Issued for Tender
Sheet 8 / Roundabout Geometry/ Feb. 22, 2024/ Issued for Tender
Sheet 9 / Cross Section Details / Feb. 22, 2024/ Issued for Tender
Sheet 10 / Lane Markings and Signage Plan / Feb. 22, 2024/ Issued for Tender
Sheet 11 / Utility Pole Plan / Feb. 22, 2024/ Issued for Tender
Sheet 12 / Road Construction Details / Feb. 22, 2024/ Issued for Tender
Sheet 13 / Construction Notes and Details 1/ Feb. 22, 2024/ Issued for Tender
Sheet 14 / Construction Notes and Details 2/ Feb. 22, 2024/ Issued for Tender

.9 West Hants Regional Municipality's Municipal Services Specifications Manual (October 24, 2023).

.10 Nova Scotia Environmental Regulations.

.11 Geotechnical Report prepared by DesignPoint Engineering & Surveying Ltd., dated March 7, 2022.

.12 Addenda as issued and as confirmed in subsection 2.4 of Section 00 41 43.

ARTICLE A4 - CONTRACT PRICE

.1 The estimated Contract Price is the sum of the products of the estimated quantities multiplied by the appropriate Unit Prices in the tender form excluding the amount of Harmonized Sales Tax.

.2 The estimated Contract Price is $ _____

.3 All amounts shall be in Canadian funds.

.4 The amounts shall be subject to adjustment as provided in the Contract Documents.

ARTICLE A5 - PAYMENT

.1 The Owner shall pay the Contractor in Canadian funds for the performance of the Contract. The Contractor's invoice format is to be submitted for review and approval by the West Hants Regional Municipality prior to issuing the first invoice.

.2 The Owner shall make monthly payments on account to the Contractor for the Work performed, as certified by the Engineer, subject to a 10% holdback.

.3 The amount of the monthly payments shall be calculated as follows:

- .1 The quantity for each pay item on which actual work has been performed shall be measured.
- .2 For each Unit Price item this quantity shall be multiplied by the applicable Unit Price as provided in the Tender Form.
- .3 For each lump sum item, multiply the percent complete by the value of the lump sum item.
- .4 The total value of work completed for the payment period shall be calculated by adding the total of the products for all pay items from 3.2 and 3.3 of this Article.
- .5 The amount of the monthly payment shall be determined by deducting the 10% holdback and the total of all previous payments from the total value of such completed work as determined under 3.4 of this Article.
- .6 To the amount calculated above, the Harmonized Tax shall be added.

.4 The last day of the payment period shall be the last working day of the month.

.5 Upon Substantial Performance of the Work as certified by the Engineer the Owner shall pay to the Contractor the holdback monies then due in accordance with the provisions of Section 00 72 45 - General Conditions, subsection GC5.8 – PAYMENT OF HOLDBACK UPON SUBSTANTIAL PERFORMANCE OF THE WORK.

.6 Upon the issuance of the final certificate for payment as certified by the Engineer, the Owner shall pay to the Contractor the balance of monies then due in accordance with the provision of Section 00 72 45 - General Conditions, subsection GC5.10 – FINAL PAYMENT.

.7 In the event of loss or damage occurring where payment becomes due under the property and boiler insurance policies, payment shall be made to the Contractor in accordance with the provisions of Section 00 72 45 - General Conditions, subsection GC11.1 - INSURANCE.

.8 If the Owner fails to make payment to the Contractor as it becomes due under the terms of the Contract, interest shall be payable as follows:

- .1 The annual interest rate applicable to the contract is 5% compounded monthly.
- .2 Interest shall be calculated on the overdue balance from the due date.

.9 The owner shall pay invoices no later than **30** days from date of receipt.

ARTICLE A6 - RECEIPT OF AND ADDRESSES FOR NOTICES IN WRITING

.1 Notices in writing shall be addressed to the recipient at the address set out below.

.2 The delivery of a notice in writing shall be by hand, courier, prepaid first class mail, or electronic communication during the transmission of which no indication of failure of receipt is communicated to the sender.

.3 A notice in writing delivered by one party in accordance with this Contract shall be deemed to have been received by the other party on the date of delivery if delivered by hand or courier, or if sent by

mail it shall be deemed to have been received five (5) Working Days after the date on which it was mailed.

.4 A notice in writing sent by a form of electronic communication shall be deemed to have been received on the date of its transmission provided that if such day is not a Working Day or if it is received after the end of normal business hours on the date of its transmission at the place of receipt, then it shall be deemed to have been received at the opening of business at the place of receipt on the first Working Day following the transmission thereof.

.5 An address for a party may be changed by notice in writing setting out the new address delivered to the other party in accordance with this Article.

.1 The Owner at West Hants Regional Municipality, 100 King Street, PO Box 3000 Windsor, NS, B0N 2T0

.2 The Contractor at _____

.3 The Engineer at DesignPoint Engineering & Surveying Ltd., 90 Western Parkway Suite 500, Bedford, NS, B4B 2J3

ARTICLE A7 - QUANTITIES AND MEASUREMENT

.1 The quantities shown in Section 00 41 43 Tender Form - Schedule of Quantities and Unit Prices are estimated.

.2 Measurement for the actual quantities used to determine payments and Contract Price shall be in accordance with Section 01 22 00 - Measurement and Payment.

ARTICLE A8 - SUCCESSION

.1 The aforesaid Contract Documents are to be read into and form part of the Agreement and the whole shall constitute the Contract between the parties and subject to law and the provisions of the Contract Documents shall inure to the benefit of and be binding upon the parties hereto, their respective heirs, legal representatives, successors and assigns.

ARTICLE A9 - RIGHTS AND REMEDIES

.1 No action or failure to act by the Owner, Engineer, or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

ARTICLE A10 - TIME

.1 Time shall be construed as being of the essence of the Contract.

In witness whereof the parties hereto have executed this Agreement and by the hands of their duly authorized representatives.

SIGNED AND DELIVERED
In the presence of:

OWNER

Name of Owner

Witness

Signature

Name and Title of Person Signing

Witness

Signature

Name and Title of Person Signing

CONTRACTOR

Name of Contractor

Witness

Signature

Name and Title of Person Signing

Witness

Signature

Name and Title of Person Signing

N.B. Where legal jurisdiction, local practice or Owner or Contractor requirements calls for (a) proof of authority to execute this document, attach such proof of authority in the form of a certified copy of a resolution naming the representative(s) authorized to sign the Agreement for and on behalf of the corporation or partnership; or (b) affixing of a corporate seal, this Agreement should be properly sealed.

END OF SECTION

INTENT

.1 Construct the Work of this Contract in accordance with the Standard Specifications for Municipal Services as developed by the Nova Scotia Road Builders Association and the Consulting Engineers of Nova Scotia Joint Committee on Contract Documents, except as modified herein.

.2 These Supplementary Specifications modify the specification sections to which they refer.

.3 The Supplementary Specifications take precedence over the Standard Specification to which they refer.

SECTION 00 72 45: GENERAL CONDITIONS

GC5.4 BASIS OF PAYMENT FOR COST PLUS WORK

Delete clause 5.4.1 and replace with the following:

.1 Payment for cost plus work shall be based on the cost of such work, as provided in paragraph 5.4.2, plus a fee calculated as a percentage of the cost of such work, for the Contractor's overhead and profit. The percentage amount shall be 10% for work done by the Contractor's own forces and 10% for work done by Subcontractors. The percentage shall not be applied to the cost of Construction Equipment when such cost is based on rates which already include the Contractor's overhead and profit. Equipment rates shall be as per Nova Scotia Roadbuilders rental rates.

GC 5.8 PAYMENT OF HOLDBACK UPON SUBSTANTIAL PERFORMANCE

Add Clause GC 5.8.6 as follows:

.6 If, within sixty (60) days after the issue by the Engineer of the Certificate of Substantial Performance, the Contractor has not corrected all the deficiencies, the Owner shall retain sufficient money to cover the cost of completing the said deficiencies, as determined by the Engineer, in addition to holding monies retained in accordance with the Contract and subject to appropriate legislation of Nova Scotia.

GC 6.5 – DELAYS

Add the following subsections:

.6 Notwithstanding the above subsections, time shall be construed as being of the essence of the Contract. The date of expiring of the time allowed in accordance with the Contract for substantial performance of the Work shall be termed the Date for Completion. Should the Contractor fail to substantially perform the Work by the Date for Completion, the period of time from the Date for Completion to the date of Substantial Performance of the Work as determined by the Engineer, shall be termed the Period of Delay.

.7 In the event of there being a Period of Delay caused by the Contractor, the Contractor shall be liable for and shall pay to the Owner the cost of continuance of supervision during the Period of Delay, and all additional fees, disbursements and costs incurred by the Owner by reason of there being such a period of delay. The said sum or sums in view of the difficulty of ascertaining the losses which the Owner may suffer by reason of delay in the Performance of the said Works, is hereby agreed upon, fixed and determined by the parties hereto as liquidated damages that the Owner will suffer by reason of said delay and default and not as a penalty. The value of the liquidated damages shall be $1000.00 per day for the duration of the Period of Delay. The Owner may deduct the amount of such liquated damaged from any monies payable to the Contractor under the contract.

Delete Subsection GC 6.7 – Quantity Variations and replace with the following:

GC 6.7 QUANTITY VARIATIONS

.1 The Work may be completed in full or in part subject to funding which may lead to substantial quantity adjustments. Due to the variability of the scope of work, Unit Prices issued at the time of Tender close will be final and will not be subject to adjustment upon quantity variation.

GC 11.1 – INSURANCE

Make the following changes to Section GC11.1:

GC11.1.1.1 Replace "$2,000,000 per occurrence with a property damage deductible not exceeding $2,500" with "$10,000,000 per occurrence with a property damage deductible not exceeding $25,000"

Add:
This policy shall include but not be limited to:

a) Name the Municipality of the District of West Hants as an additional insured
b) Cross-liability and severability of interest
c) Blanket Contractual
d) Products and Completed Operations
e) Premises and Operations Liability
f) Personal Injury Liability
g) Contingent Employers Liability
h) Municipality of the District of West Hants and Proponents Protective
i) Broad Form Property Damage
j) Firefighting Expenses
k) Elevator and Hoist Liability
l) Attached Machinery – while loading & unloading

The following may apply:

a. If applicable to the construction project described in the Agreement, coverage shall include shoring, blasting, excavation, underpinning, demolition, pile driving, caisson work and work below ground surface including tunneling and grading.
b. If the work involves asbestos removal, the policy shall either provide coverage for this exposure or coverage shall be provided through a Professional Liability Policy.
c. To achieve the desired limits, umbrella or excess liability insurance may be used.

GC11.1.1.2 Replace "limits of not less than $2,000,000 per occurrence" with "limits of not less than $5,000,000 per occurrence"

GC11.1.1.3 Replace all instances of "$2,000,000" with "$5,000,000".

Add Clause GC 11.1.1.6 as follows:

.6 The Contractor shall carry a Contractor's Pollution Liability Policy, underwritten by an insurer licensed to conduct business in the Province of Nova Scotia for a limit of not less than $10,000,000. Coverage shall include bodily injury, property damage, clean-up, and remediation costs.

Delete Subsection GC 11.2 – Contract Security and replace with the following:

GC 11.2 CONTRACT SECURITY

. 1 The Contractor shall provide to the owner within fourteen (14) days of acceptance of the Tender a Performance Bond and a Labour and Materials Bond each in the amount of 50% of the Estimated Contract Price.

GC 12.3 WARRANTY

Add the following sections:

.7 The Contract requires an operational combination of several components comprising the Work which are customarily guaranteed by their suppliers. Under the terms of this Contract, the Contractor shall provide a guarantee of the Works for a period of one (1) year following the date of Substantial Performance of Work. The terms of the guarantee shall be as follows:

1 Where failure or incipient failure of the material is apparent, the Contractor shall actively commence repair or other remedy not more than twenty-four (24) hours after receiving due notice.

2 If the Contractor on being notified does not for any reason commence repairs within twenty-four (24) hours, the Owner shall have the right to have repairs made by others as necessary to restore, complete, or continue service. The cost of such repairs by others is to be borne by the Contractor. The Owner shall at all times inform or attempt to inform the Contractor before hiring others to affect any repairs and it shall be at all times the Contractor's right to be informed as soon as possible of difficulties and proposed remedial action by others and to make or where practical to complete such repairs at any other time of the guarantee period in preference to others.

3 The employment of some other person or persons for reasons set out shall in no way affect the Contractor's obligations or liability hereunder or relieve him of the performance and fulfilment of any or all of his covenants, undertakings, obligations or duties under the Contract.

4 After the acceptance by the Owner and during the guarantee period, the burden of maintenance shall fall upon the Owner. In the event of damage, failure or incipient failure of any part or parts directly attributable to inadequate or improper maintenance, the Contractor shall be responsible for remedial action, but the cost of such repairs will be reimbursed by the Owner.

5 If the Contractor arranges that the manufacturer of some component or some other party approved by the Owner provide the guarantee on a sub-contract basis, he may designate the direct implementer of the guarantee as his agent under the Contract in which case due notice to the agent will be taken as due notice to the Contractor. This will be a matter for Contractor's convenience only, and shall in no way affect the Contractor's obligations and liabilities hereunder or relieve him from the performance and fulfilment of any or all of his covenants, undertakings, or duties under this contract.

6 In emergency situations, the Owner reserves the right to make appropriate repairs at the Contractor's expense.

SECTION 01 10 00: GENERAL REQUIREMENTS

Delete Subsection 2 – SUMMARY OF WORK and replace with the following:

2. SUMMARY OF WORK

.1 The work includes, but is not limited to, the following:

a. The construction of a roundabout at the intersection of Payzant Drive and Wentworth Road, as shown in the project documents.
b. Lay out of proposed cut and fill slope limits and review with Municipality staff prior to construction.
c. Installation and testing of municipal water and stormwater drainage infrastructure as shown in the project documents. Contractor to use extreme caution when working near existing water mains, sewer mains, and service laterals.
d. Removal of existing buried water and sewer infrastructure located within the project area as indicated on the project drawings.
e. Street construction for the roundabout including but not limited to subgrade, gravels, asphalt, curb, sidewalks, concrete medians, grass pavers, center island landscaping, street signs and bases, raised crosswalks, rectangular rapid flashing beacons, and traffic markings.
f. Installation of retaining walls and relocation of concrete pillars and signs as shown in the project documents.
g. Locate all existing infrastructure prior to construction and provide two week for review by the Engineer and the Municipality.
h. Provision of temporary water supply to all customers connected to the affected water mains, as required.
i. Removal and disposal of the existing road structure as required to complete the work.
j. Removal, disposal, and replacement of all sidewalks, curbs, asphalt, and landscaping within the construction limits, as indicated on the project drawings.
k. Provision of environmental protection for the duration of the project, including one year following project substantial completion.
l. Obtaining all necessary approvals and permits from the appropriate regulatory bodies as well as any associated costs.
m. Testing of services in accordance with Standard Specifications for Municipal Services, dated January 2023.
n. Dewatering of any and all excavations, erosion and sediment control including silt fences, flow checks, ground covers, water treatment, and all other environmental controls required during the course of the Work.
o. All traffic control and detours as per the Municipality of the District of West Hants and Nova Scotia Department of Public Works (NSDPW) Temporary Workplace Traffic Control Manual.
p. Removal, disposal, relocation and replacement of street signs as indicated.
q. Shoring of utility poles, as needed.
r. Clearing, grubbing (disposed of off-site), excavation of common, removal and off-site disposal of surplus material, and importing of fill.
s. Coordination with utilities for location of any existing infrastructure and alteration of this infrastructure. Contractor to notify Engineer of any discrepancies and to allow 2 weeks for review.
t. Coordinate construction with adjacent property owners. Maintain safe access to driveways and properties for the duration of the project. Provision of temporary access to all residents affected by the work, as required and directed by the Municipality.
u. Reinstatement of all disturbed areas to pre-construction condition or better.
v. All incidental items and costs associated with completing the work.

Add the following to Subsection 3 – SCHEDULING AND COORDINATION:

3. SCHEDULING AND COORDINATION

.5 The Contractor is to schedule the work such that the works are completed by November 30th, 2024, unless agreed otherwise with the Municipality.

.6 Contractor is to be familiar with Spring Weight Restrictions and plan accordingly.

Delete subsection 8 – RECORD DRAWINGS and replace with the following:

8. RECORD DRAWINGS

.1 The Contractor shall maintain project Record Drawings and accurately record significant deviations from Contract Drawings caused by site conditions and changes ordered by the Engineer.

.2 Mark changes and deviations in red on one set of whiteprints.

.3 Record the following significant deviations:

.1 Depths of various elements of works in relation to geodetic elevation.

.2 Horizontal and vertical location of underground utilities and appurtenances referenced to permanent surface such as foundation corners, etc. to the satisfaction of the Engineer.

.3 Field changes of dimensions.

.4 Other significant deviations which are concealed in construction and cannot be identified by visual inspection.

.4 At completion of the project and prior to final inspection, neatly transfer records to second set of whiteprints using fine, red marker. Neatly print lettering and number in size to match original. Line may be drawn free hand but shall be neat and accurate. Add at each Drawing Title Block Note: As- Built.

.5 Submit this set of Record Drawings to the Municipality along with a digital copy of all survey points.

.6 In the event that record drawings are not provided by the Contractor, the Value of the record drawings is agreed to be the cost incurred by the Owner to collect the data and produce the drawings and is agreed to be valued at $5000.00 + HST; such costs being removed from the final payment if the drawings are not properly provided.

Delete subsection 10 – TEMPORARY SITE FACILITIES and replace with the following:

10. TEMPORARY SITE FACILITIES

.1 Temporary Site Facilities are not required for this project.

Add the following to Subsection 12 – TRAFFIC CONTROL:

12. TRAFFIC CONTROL

.6 Provide access to all properties during work.

.7 Provide detour plans as required in consultation with the West Hants Regional Municipality and Nova Scotia Department of Public Works.

.8 Signs to be placed as directed by the Municipality indicating that the area is under construction and use is limited to local traffic only.

.9 Provide at minimum one lane of traffic flow at all times, unless approved by the West Hants Regional Municipality traffic authority.

.10 Coordinate all traffic disruptions with the Nova Scotia Health Authority and maintain access for emergency services.

Add the following subsections:

17. UTILITIES

.1 Contractor is responsible for obtaining permits from all utilities such as a Safe Clearance Report from Nova Scotia Power for Work near utilities.

.2 The existence, location, and elevation of underground utilities, utility poles, guy wires, and signs are not guaranteed, and notwithstanding any provision in the Contract Documents, the Contractor shall be responsible for determining the location and elevation of all sewer, water, or other such structures or utilities. The contractor shall coordinate and include in the contract price any required service supplied by any utility, company or provincial department.

.3 Unless designated for removal under this Contract, sustain in place and protect from damage any and all piping, conduits, cables, and all other structures in the approximate locations of buried services or structures, carefully excavate by hand, or similar means to expose these buried services or structures. Any utilities which cross an excavation must be properly supported or shored to prevent settlement. Where trenching is to be done under existing utilities, such utilities shall be shored before excavation commences and shoring is to be left in place. Notify the owners of such utilities or services prior to excavation.

.4 Repair immediately all piping conduits, cables, and all other structures damaged by the Contractor's operations. Provide a letter from the utility stating that any services damaged during construction have been repaired to the utility company's approval. Replace all signs as near as possible to their original location.

.5 The work includes coordination with underground and overhead utility owners to allow excavation in close proximity to their utilities. The contractor shall allow for all incidental costs arising from excavations near existing utility poles, underground utilities, and overhead utilities. Coordination with utilities will also be required during the work as the overhead utilities and poles within the work site may require shoring during the course of construction. No claim of delay will be accepted based on coordination activities between the contractor and the utilities.

18. FLOATATION AND FLOODING

.1 Prevent floatation and flooding during construction of the Work. Make good any damage to pipes or structures caused by floatation and flooding at no extra cost to the Contract.

.2 De-water all excavations and remove accumulations of water prior to backfilling.

.3 Dispose of water drained or pumped such that the Work and adjacent properties are not damaged.

.4 Temporary caps must be placed on all pipe ends when not actively being worked on.

19. DAMAGE AND INJURY

.1 Immediately inform the Engineer of any damage or injury to any persons, property, services, or materials.

.2 Reinstate survey markers, monuments, and survey pins disturbed or covered during construction under the direction of a qualified provincial land surveyor. Include costs in Contract Price.

.3 Any Nova Scotia Department of Public Works or Nova Scotia Power infrastructure that is moved or damaged, shall be reinstated to their specifications and standards.

Section 01 22 00: MEASUREMENT AND PAYMENT

GENERAL

Delete subsection 2 and 3 and replace with the following:

2. For each item include all of the following as required where individual quantities are not provided in the Tender Form: project sign, mobilization, demobilization, traffic control including preparation of traffic control plan, assistance to the Engineer, coordination with all utilities, locating existing infrastructure (including but not limited to service laterals, crossings, and connection points), coordination with home owners, NSPI or other utility charges when working under transmission lines on in the proximity of power or communication infrastructure, environmental protection, protection of existing trees, clearing and grubbing, common and rock excavation,

shoring, dewatering, protection and shoring of existing pipes and infrastructure, utility pole shoring, bedding, backfilling, compaction, removal and disposal of surplus material, removal and disposal of unsuitable material, importation and placement of material, joint restraints and thrust blocks, sleeving, insulation, removal and disposal of existing infrastructure (as required), connections to existing laterals, protective coatings, flushing, pressure testing, vacuum and mandrel testing, disinfection, dechlorination, corrosion protection, cleaning, video inspection prior to Substantial Performance of the Work and at the end of the Warranty Period, marker stakes, tracer wire and test stations, all electrical wiring, reinstatement, shop drawings, manhole and catchbasin frames and covers, rocklining, valve covers, grade adjustment rings, contingency plan and materials to address an existing watermain break, waterproofing membrane, all incidentals, and any other work and materials shown on the drawings.

EARTHWORK

Delete subsection 2 and replace with the following:

2. Grubbing

Unit of Measurement: square metre (m^2)

Method of Measurement: plane measure of indicated area.

This item includes: removal and disposal of all stumps, roots, downed timber, embedded logs, rootmat, humus, and topsoil from areas indicated.

Add new subsections as follows:

8. Exploratory Digs

Unit of Measurement: each (ea)

This item includes: excavation to confirm the horizontal and vertical locations of the existing water and sewer infrastructure, coordination with the Owner, and reinstatement of all disturbed areas. Locations to be provided to the Municipality and Engineer for review. Allow two weeks for review.

10. Karst Topography Cavern Infill (Provisional)

This is a provisional item in the event that during excavation, voids or caverns in gypsum bedrock (Karst Topography) are encountered. No payment will be made under this item unless authorized by the Engineer.

.1 Less than or equal to 5 cubic metres

Unit of Measurement: each (ea)

This item includes: cleaning off and washing down gypsum so that the void or cavern is accessible, pump or place non-shrink fill, and supply of all materials, labour, equipment, and incidentals to complete this work. Reinstatement to be reviewed and certified by project geotechnical engineer.

.2 Greater than 5 cubic metres

Unit of Measurement: cubic metre (m^3)

This item includes: cleaning off and washing down gypsum so that the void or cavern is accessible, pump or place non-shrink fill, and supply of all materials, labour, equipment, and incidentals to complete this work. Reinstatement to be reviewed and certified by project geotechnical engineer.

WATER SYSTEM

Delete subsection 11 and replace with the following:

11. Pipe

Unit of Measurement: metre (m)

Method of Measurement: along centreline of pipe through fittings, valves, and valve chambers.

This item includes: supply and installation of pipe complete with all fittings and thrust restraints, insulation, tracer wire and test stations, anodes, common excavation, removal and disposal of surplus material, import of material, location of and connection to existing services, bedding and pipe protection gravels, backfilling, testing, test stations, chlorination and de-chlorination, flushing, disinfection, dewatering, trench support, stabilization, and any other associated work or materials shown on the drawings not included in any other pay item.

Delete subsection 12 and replace with the following:

12. Fire Hydrants

.1 Installation

Unit of Measurement: each (ea)

This item includes: supply and installation of hydrant complete with lead, anchor tee, gate valve, valve box, anodes, thrust blocks, insulation, bedding and pipe protection gravels, geosynthetic fabric, tracer wire and test stations, common excavation, backfilling, dewatering, trench support, stabilization, and any other associated work or materials shown on the drawings not included in any other pay item.

.2 Relocation

Unit of Measurement: each (ea)

This item includes: relocation of existing hydrant, supply and installation of lead, anchor tee, gate valve, valve box, anodes, thrust blocks, insulation, bedding and pipe protection gravels, geosynthetic fabric, tracer wire and test stations, common excavation, backfilling, dewatering, trench support, stabilization, and any other associated work or materials shown on the drawings not included in any other pay item.

Delete subsection 14 and replace with the following:

14. Direct Buried Valves

Unit of Measurement: each (ea)

This item includes: supply and installation of direct buried valves complete with valve box, appurtenances, anodes, common excavation, backfilling, finished grade adjustment, and any other associated work or materials shown on the drawings not included in any other pay item.

Delete subsection 16 and replace with the following:

16. Connections to Existing Main

Unit of Measurement: each (ea)

This item includes: locating existing main, and supply and installation of pipe, nipples, reducers, fittings, common excavation, backfilling, and any other associated work or materials shown on the drawings not included in any other pay item. This item also includes producing and distributing temporary shutdown notices to affected customers.

Delete subsection 18 and replace with the following:

18. Temporary Water

Unit of Measurement: Lump Sum (L.S)

This item includes, but is not limited to: the supply of all labour, material and equipment required for installation, maintenance and removal of a temporary main line and service laterals complete with pipe, valves, backflow prevention device (sized to match temporary main line diameter), vacuum breakers at the connection to customers, insulation and protection from freezing, chlorination/ de-chlorination of line, testing (including bacteria and pressure), coordination with property owners, temporary laterals, and all fittings and incidentals necessary for a complete installation. Coordinate temporary lateral connections with property owners. Limits of temporary water service may extend outside limits of construction. Submit a proposed plan 2 weeks prior to installation for review by the Owner and Engineer. This item also includes installation of approved vehicle and pedestrian crossing protective measures. This item also includes producing and distributing temporary shutdown notices to affected customers.

Add new subsections as follows:

19. Cap and Abandonment of Existing Main

Unit of Measurement: each (ea)

This item includes: locating existing main, and supply and installation of fittings, grout, common excavation, backfilling, and any other associated work or materials shown on the drawings not included in any other pay item.

STORM SEWER

Delete subsection 31 and replace with the following:

31. Pipe

Unit of Measurement: metre (m)

Method of Measurement: along centreline of pipe through manholes.

This item includes: supply and installation of pipe complete with all fittings, insulation, sleeves, common excavation, removal and disposal of surplus material, import of material, bedding and pipe protection gravels, backfill, testing, flushing, video inspection, and any other associated work or materials shown on the drawings not included in any other pay item.

Delete subsection 32 and replace with the following:

32. Manholes

Unit of Measurement: each (ea)

This item includes: supply and installation of manhole, frame, cover, waterproofing membrane (such as Blueskin,

full manhole to be covered with waterproofing, including sides, bottom, and top of manhole), grout, adjustment to finished grade, common excavation, backfilling, bedding gravels, and any other associated work or materials shown on the drawings not included in any other pay item.

Delete subsection 33 and replace with the following:

33. Catch Basins

Unit of Measurement: each (ea)

This item includes: supply and installation of catch basins, frames and grates, waterproofing membrane (such as Blueskin, full structure to be covered with waterproofing, including sides, bottom, and top of structure), grout, grade adjustment (minimum 300mm), common excavation, backfilling, bedding gravels, and any other associated work or materials shown on the drawings not included in any other pay item.

Delete subsection 34 and replace with the following:

34. Catch Basin Leads

Unit of Measurement: metre (m)

Method of Measurement: along centreline of pipe through catch basins and manholes.

This item includes: supply and installation of pipe complete with all fittings, insulation, sleeves, common excavation, removal and disposal of surplus material, import of material, bedding and pipe protection gravels, backfill, and any other associated work or materials shown on the drawings not included in any other pay item.

Delete subsection 36 and replace with the following:

36. Connections to Existing

Unit of Measurement: each (ea)

This item includes: locating existing structure, supply and installation of all fittings, core drilling and sealing as indicated, common excavation, disposal of surplus material, bedding and pipe protection gravels, backfilling, and any other associated work or materials shown on the drawings not included in any other pay item.

Delete subsection 37 and replace with the following:

37. Culverts

Unit of Measurement: metre (m)

Method of Measurement: along centreline of pipe.

This item includes: supply and installation of culvert complete with all fittings, common excavation, removal and disposal of surplus material, pipe bedding, backfilling, and reinstatement of all disturbed areas not covered by other items (including, but not limited to, gravels, asphalt, sidewalk, and landscaped areas).

Delete subsection 39 and replace with the following:

39. Precast Headwall

Unit of Measurement: each (ea)

This item includes: supply and installation of headwall including common excavation, backfilling, bedding and grate as indicated.

STREET CONSTRUCTION

Delete subsection 41 and replace with the following:

41. Gravels

Unit of Measurement: square metre (m^2)

Method of Measurement: slope measure of indicated area at specified thickness.

This item includes: supply, placement, and compaction of gravel as indicated.

Delete subsection 43 and replace with the following:

43. Asphalt Concrete

Unit of Measurement: square metre (m^2)

Method of Measurement: slope measure of indicated area at specified thickness.

This item includes: cleaning, supply, placement, and compaction of asphaltic concrete as indicated including dry sweeping milled surfaces prior to tacking, tack coat, temporary pavement markings, adjustments to the top of castings, line painting, traffic markings, adjustments, and saw cutting as necessary. This item also includes supply, placement and compaction of asphalt concrete ramps installed at all limits including side streets and pedestrian ramps using hot mix asphalt (or approved equivalent) and a bond separator. Asphalt ramps are to be installed before work is completed for the day, and before the area is opened to live traffic. Asphalt ramps to be constructed to at least a 20 to 1 horizontal to vertical ratio.

Delete subsection 44 and replace with the following:

44. Curb

Unit of Measurement: metre (m)

Method of Measurement: along top face of curb.

This item includes: supply and installation of concrete curb and base gravels, including supply and placement of backfill as indicated, and removal and disposal of surplus material.

Delete subsection 45 and replace with the following:

45. Concrete Sidewalk

Unit of Measurement: square metre (m^2)

Method of Measurement: slope measure of indicated area at specified thickness.

This item includes: supply and installation of concrete, wire mesh where required, reinforcing as indicated on the project drawings, base gravels, backfill, removal and disposal of surplus material, and reinstatement of all disturbed areas not covered by other items (including, but not limited to, gravels, asphalt, sidewalk, and landscaped areas).

Delete subsection 46 and replace with the following:

46. Tactile Walking Surface Indicators

Unit of Measurement: each (ea)

This item includes: supply and installation of Duralast Cast Iron Detectable Warning Plate tactile walking surface indicators as per manufacturer's instructions and as indicated on the project drawings. This item also includes any TWSI wedges or incidentals as required.

Delete subsection 50 and replace with the following:

50. Adjust Existing Manhole Frames and Covers

Unit of Measurement: each (ea)

This item includes: common excavation and backfill, supply and installation of grade rings and grout, raising and lowering existing frames and covers to grades as indicated on the project drawings, removal and disposal of all debris accumulated during construction, and reinstatement of all disturbed areas not covered by other items (including, but not limited to, gravels, asphalt, sidewalk, and landscaped areas).

Delete subsection 52 and replace with the following:

52. Segmental Retaining Wall

Unit of Measurement: square metre (m^2)

Method of Measurement: total area of wall face.

This item includes: common excavation, removal and disposal of surplus material, importation of material, installation of foundation preparation and bedding, supply and installation of modular wall units, geotextile, guards, gravel, infill soil, backfilling, drainage, design, and shop drawings stamped by a Professional Engineer (licensed to practice in Nova Scotia). In addition to normal wall design, design to consider global stability and handrail placement. Only the top exposed faces of retaining walls are required to be aesthetic in nature. Buried sections may have simple/irregular finishes as long as they maintain their structural integrity.

Add new subsections as follows:

53. Street Signs and Bases

Unit of Measure: each (ea)

This item includes: supply and installation of retroreflective street signs conforming to the Manual on Uniform Traffic Control Devices, concrete bases (including provision of shop drawings for approval by the Municipality), galvanized posts and hardware (Telespar), common excavation, infill soil, removal and disposal of existing sign, post, base, and surface reinstatement. Exact locations and sign details to be determined by the Municipality at the time of construction.

54. Stone Pillar Reinstatement

Unit of Measurement: Lump Sum (L.S.)

This item includes: relocation and reinstatement of existing stone pillars, supply and installation of new stone pillars matching the aesthetics of the existing pillars, common excavation, removal and disposal of surplus material, importation of material, bedding, backfilling, and reinstatement of all disturbed areas not covered by other items (including, but not limited to, gravels, asphalt, sidewalk, and landscaped areas). This item also includes blending the reinstated pillars into the existing wall as indicated on the project drawings, and coordination with the property owner.

55. Sign Relocation

Unit of Measurement: Lump Sum (L.S.)

This item includes: removal and relocation of existing signs as indicated on the project drawings, and reinstatement of all disturbed areas not covered by other items (including, but not limited to, gravels, asphalt, sidewalk, and landscaped areas). Relocation of signs to be coordinated with the sign owner and Municipality.

56. Raised Crosswalk

Unit of Measurement: each (ea)

This item includes: supply and installation of raised crosswalks as per the project drawings. Cross sections of every constructed raised crosswalk are to be surveyed per details provided on the project drawings to verify that raised crosswalk has been constructed as intended and falls within required tolerance range. Contractor to provide survey information to the Engineer for review. Raised crosswalk will be acceptable only if it forms a shape relative to the design curve within the tolerance limits. Contractor shall be responsible to take steps necessary to correct any deficiencies that fall outside of required tolerance range. Include the supply and installation of two (2) Rectangular Rapid Flashing Beacons (RRFB) as per the project drawings, including all appurtenances and incidentals required for a complete and functioning installation and any other associated work or materials shown on the drawings not included in any other pay item.

LANDSCAPING

Delete subsection 61 and replace with the following:

61. Topsoil and Sod

Unit of Measurement: square metre (m^2)

Method of Measurement: slope measure.

This item includes: excavation, scarification of the existing soil, supply, placement and compaction of 100 mm topsoil, lime, fertilizer, sod, required accessories, and maintenance.

Delete subsection 62 and replace with the following:

62. Topsoil and Seed

Unit of Measurement: square metre (m^2)

Method of Measurement: slope measure.

This item includes: excavation, scarification of the existing soil, supply, placement and compaction of 100 mm topsoil, lime, fertilizer, mulch, erosion control agent, seed, and maintenance.

Add new subsections as follows:

66. Grass Pavers

Unit of Measurement: square metre (m^2)

Method of Measurement: slope measure of indicated area.

This item includes: excavation, bedding material, and supply and placement of GrassStone (Shaw Brick Item #7169) grass pavers (or approved equivalent) complete with topsoil and sod as per manufacturer's instructions and as indicated on the project drawings.

67. Center Island Landscaping

Unit of Measurement: Lump Sum (L.S.)

This item includes: preparation of subgrade, supply and placement of clearstone, filter fabric, and bedding sand as indicated on the project drawings, supply and placement of vegetation, lime and fertilizer, accessories and maintenance, common excavation, import of material, and infill soil. Placement and quantity of vegetation as directed by the Municipality. Vegetation species to include (unless otherwise directed by the Municipality):

- Winterberry
- Dogwood
- Fragrant Sumac
- Joe Pye Weed
- Swamp Milkweed
- Palm Sedge.

ADDITIONAL ITEMS

Add new subsection as follows:

Delete subsection 73 and replace with the following:

73. Replacement of Unsuitable Material w/ Surge Rock (Provisional)

Unit of Measurement: cubic metre (m^3)

Method of Measurement: surface-to-surface volume method between topographical survey taken before and after the placement and compaction of replacement material.

This item includes: supply, placement, and compaction of surge rock as directed by the Engineer. No payment will be made under this item unless authorized by the Engineer. This item also includes the supply and placement of filter fabric.

Add new subsection as follows:

76. Infrastructure Removal

Unit of Measurement: Lump Sum (L.S.)

This item includes: locating existing infrastructure to be removed, common excavation, removal and disposal of existing infrastructure in the project area as indicated on the project drawings, replacement of required volume with select material as required and backfilling as required. This item includes, but is not limited to, existing asphalt, road gravels, curbing, sidewalk, water infrastructure, and stormwater infrastructure. Dispose of infrastructure at locations approved for the relevant material.

77. Trench Excavation – Contaminated Material

Unit of Measurement: cubic metre (m^3)

Method of Measurement: average end area method for volume of contaminated material based on theoretical trench volume.

This item includes: all excavation, removal, and disposal of contaminated material exceeding Tier 1 RBSL's and CCME commercial guidelines as indicated in Section 39 00 00 – Standard Detail 01 22 00 – 01 and disposal as per requirements of NSE. Written authorization of Engineer required.

ENVIRONMENTAL PROTECTION

Add new subsection as follows:

90. Environmental Measures

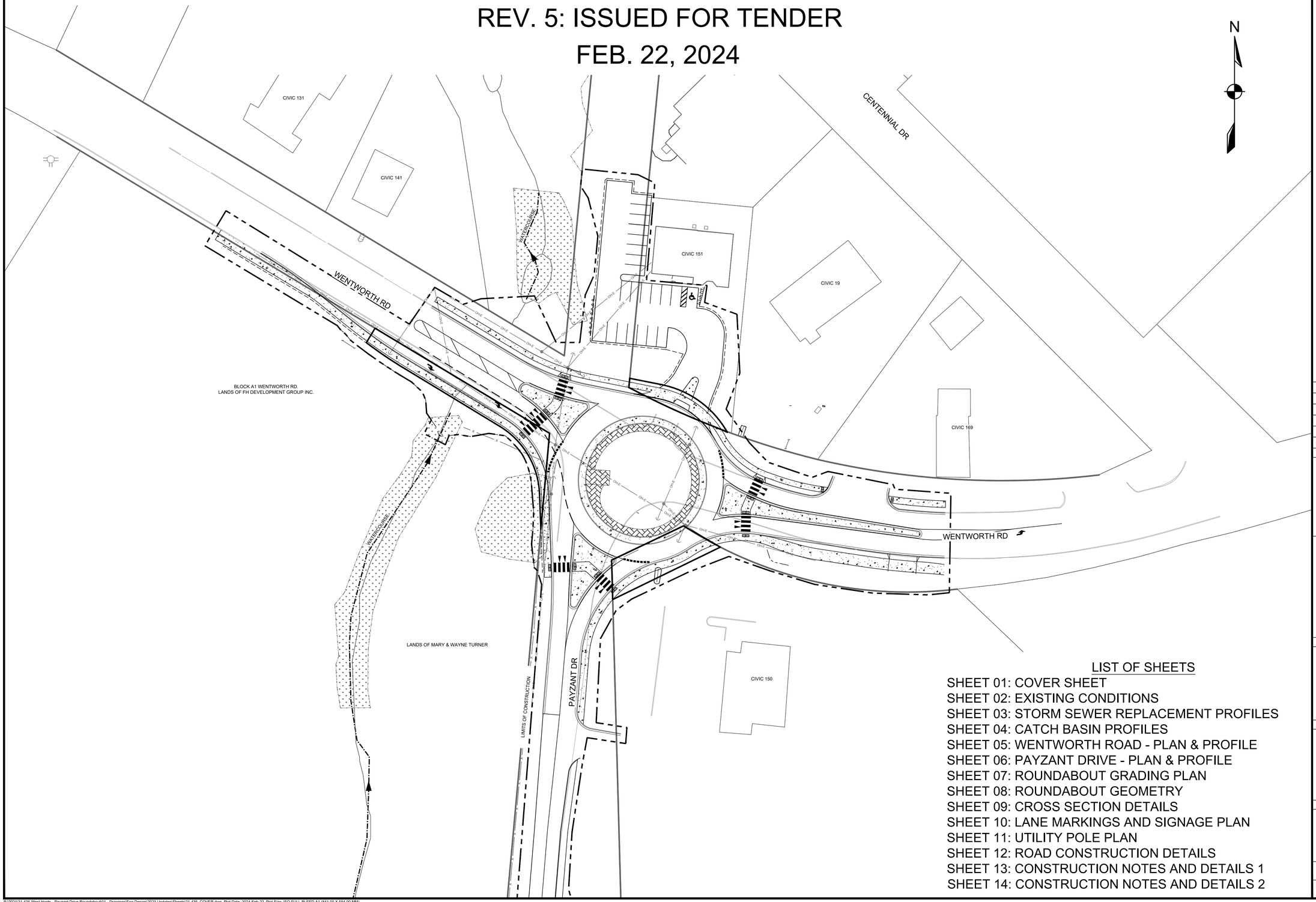
Unit of Measurement: Lump Sum (L.S.)

This item includes: supply and installation of all environmental protection measures required to complete the project works, including all erosion and sedimentation control measures. Erosion and sedimentation control measures shall be in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites by Nova Scotia Environment, most recent edition.

END OF SECTION

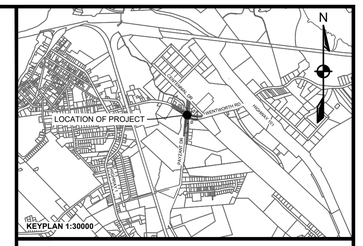
PAYZANT DRIVE ROUNDABOUT
WINDSOR, NOVA SCOTIA

REV. 5: ISSUED FOR TENDER
FEB. 22, 2024



LIST OF SHEETS

SHEET 01: COVER SHEET
SHEET 02: EXISTING CONDITIONS
SHEET 03: STORM SEWER REPLACEMENT PROFILES
SHEET 04: CATCH BASIN PROFILES
SHEET 05: WENTWORTH ROAD - PLAN & PROFILE
SHEET 06: PAYZANT DRIVE - PLAN & PROFILE
SHEET 07: ROUNDABOUT GRADING PLAN
SHEET 08: ROUNDABOUT GEOMETRY
SHEET 09: CROSS SECTION DETAILS
SHEET 10: LANE MARKINGS AND SIGNAGE PLAN
SHEET 11: UTILITY POLE PLAN
SHEET 12: ROAD CONSTRUCTION DETAILS
SHEET 13: CONSTRUCTION NOTES AND DETAILS 1
SHEET 14: CONSTRUCTION NOTES AND DETAILS 2



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ISSUE	DATE	DESCRIPTION
5	FEB. 22, 2024	ISSUED FOR TENDER
4	FEB. 15, 2024	ISSUED FOR REVIEW
3	AUG. 16, 2023	REVISED CROSSWALKS
2	JUN. 16, 2023	REVISED ROUNDABOUT ENTRANCE
1	JUL. 13, 2022	DRAFT

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REGISTERED PROFESSIONAL ENGINEER
DATE 22/02/2024
A. J. SKETCHLEY
11560
PROVINCE OF NOVA SCOTIA

REGISTERED PROFESSIONAL ENGINEER
DATE 22/02/2024
A. T. LEAHY
20200013
PROVINCE OF NOVA SCOTIA

CLIENT

West Hants
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PROJECT DESCRIPTION

PAYZANT DRIVE ROUNDABOUT

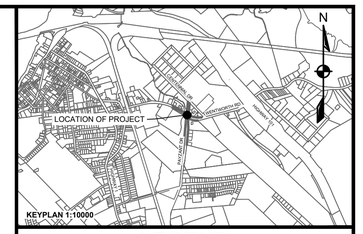
WEST HANTS, NOVA SCOTIA

SHEET DESCRIPTION

COVER SHEET

Drawn	Engineer	Project No.	Drawing No.
J. DWYER	P. BURGESS	21-435	C-T01
Scale	Filename		01 of 14
1:500	21-435_COVER.dwg		

P:\2021\21-435 West Hants - Payzant Drive Roundabout\01 - Drawings\Eng Design\2023 Updates\Sheets\21-435_COVER.dwg, Plot Date: 2024-Feb-22, Plot Size: ISO FULL BLEED A1 (841.00 X 594.00 MM)



LEGEND

EXISTING		PROPOSED
	VERTICAL PROFILE	
	APPROXIMATE 1 IN 100 YEAR FLOOD LIMIT	100 YR
	EASEMENT	
WA-E	WATER PIPE	WA WA
SA-E	SANITARY PIPE	SA SA
ST-E	STORM PIPE	ST ST
GAS-E	NATURAL GAS MAIN	GAS
	WATER LATERAL	
	SANITARY LATERAL	
	STORM LATERAL	
	NATURAL GAS LATERAL	
	SIDEWALK	
	WALKWAY/A.T. TRAIL	
	GUARDRAIL	
	TOP OF SLOPE	
	BOTTOM OF SLOPE	
X X	FENCELINE	X X

	EXISTING	PROPOSED		EXISTING	PROPOSED
CURB CUT/RAMP			AIR RELEASE VALVE	AV	AV
CURBSTOP			WATER VALVE		
REDUCER			HYDRANT		
PRECAST HEADWALL			CATCHBASIN		
STREET SIGN			UTILITY POLE w/ GUY WIRE		
STREET TREE			GLB		
			URD		

METRES
5 0 10 15
1:250

ISSUE	DATE	DESCRIPTION
5	FEB. 22, 2024	ISSUED FOR TENDER
4	FEB. 15, 2024	ISSUED FOR REVIEW
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2	JUN. 16, 2023	REVISED ROUNDABOUT ENTRANCE
1	JUL. 13, 2022	DRAFT

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REGISTERED PROFESSIONAL ENGINEER
DATE 22/02/2024
A. J. SKETCHLEY
11560
PROVINCE OF NOVA SCOTIA

REGISTERED PROFESSIONAL ENGINEER
DATE 22/02/2024
A. T. LEAHY
20200013
PROVINCE OF NOVA SCOTIA

CLIENT

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PROJECT DESCRIPTION

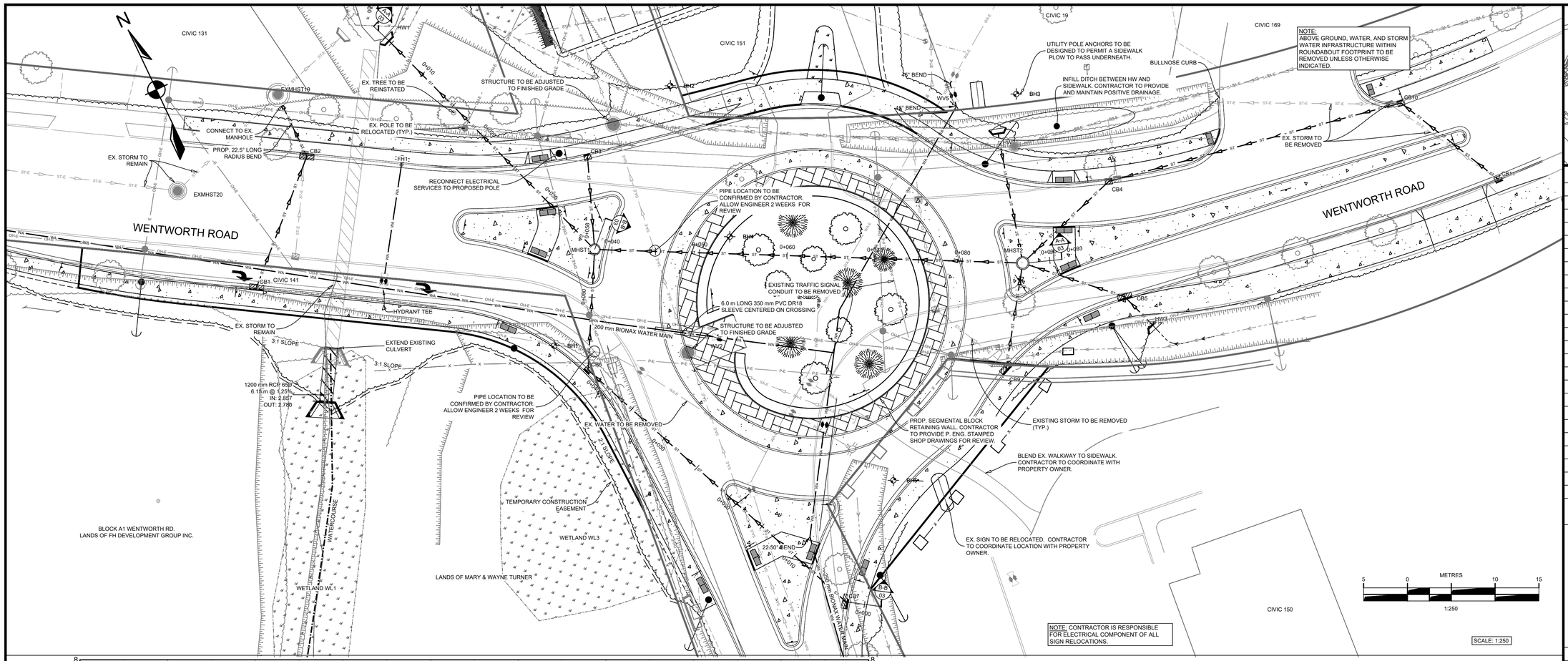
PAYZANT DRIVE ROUNDABOUT

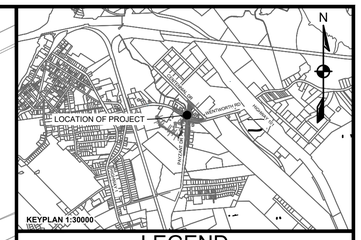
WEST HANTS, NOVA SCOTIA

SHEET DESCRIPTION

EXISTING CONDITIONS

Drawn J. DWYER	Engineer P. BURGESS	Project No. 21-435	Drawing No. C-TR02
Scale 1:250	Filename 21-435_TR01_EXISTING CONDITIONS.dwg		02 of 14



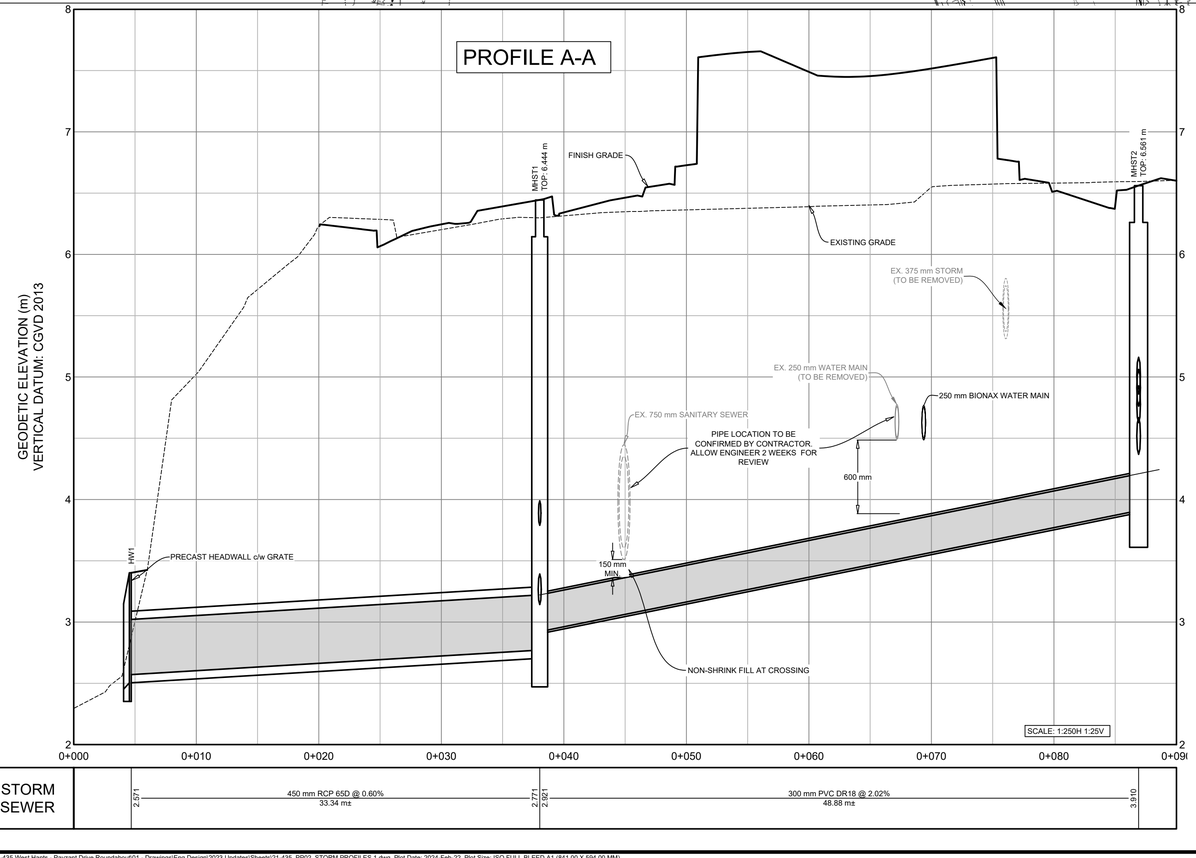


LEGEND

EXISTING		PROPOSED
	VERTICAL PROFILE	
	APPROXIMATE 1 IN 100 YEAR FLOOD LIMIT	100 YR
	EASEMENT	
WA-E	WATER PIPE	WA WA
SA-E	SANITARY PIPE	SA SA
ST-E	STORM PIPE	ST ST
GAS-E	NATURAL GAS MAIN	GAS
	WATER LATERAL	
	SANITARY LATERAL	
	STORM LATERAL	
	NATURAL GAS LATERAL	
	SIDEWALK	
	WALKWAY/A.T. TRAIL	
	GUARDRAIL	
	TOP OF SLOPE	
	BOTTOM OF SLOPE	
X X	FENCELINE	X X

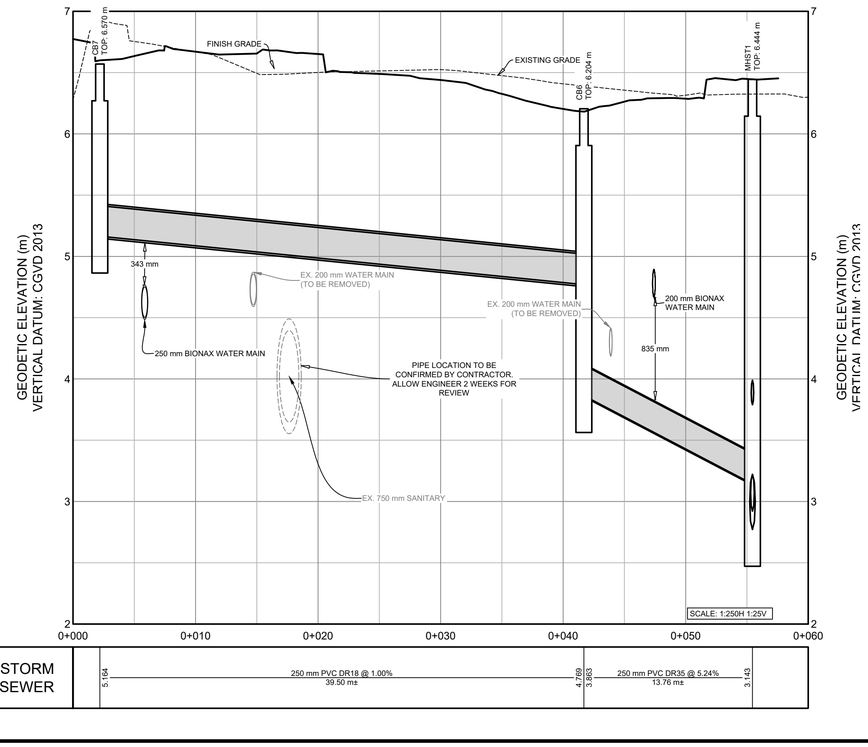
	EXISTING	PROPOSED		EXISTING	PROPOSED
CURB CUT/RAMP			AIR RELEASE VALVE		
CURBSTOP			WATER VALVE		
REDUCER			HYDRANT		
PRECAST HEADWALL			CATCHBASIN		
STREET SIGN			UTILITY POLE w/ GUY WIRE		
STREET TREE			GLB		
			URD		

PROFILE A-A



STORM SEWER			
2.571	450 mm RCP 65D @ 0.60% 33.34 m±	2.771	2.021
	300 mm PVC DR18 @ 2.02% 48.88 m±		3.910

PROFILE B-B



STORM SEWER			
5.164	250 mm PVC DR18 @ 1.00% 39.50 m±	4.769	3.953
	250 mm PVC DR35 @ 5.24% 13.76 m±		3.143

ISSUE	DATE	DESCRIPTION
5	FEB. 22, 2024	ISSUED FOR TENDER
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2	JUN. 16, 2023	REVISED ROUNDABOUT ENTRANCE
1	JUL. 13, 2022	DRAFT

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REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE: 22/02/2024 — A. J. SKETCHLEY — 11560

REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE: 22/02/2024 — A. T. LEAHY — 20200013

CLIENT

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PROJECT DESCRIPTION

PAYZANT DRIVE ROUNDABOUT

WEST HANTS, NOVA SCOTIA

SHEET DESCRIPTION

STORM SEWER REPLACEMENT PROFILES

Drawn	Engineer	Project No.	Drawing No.
J. GALLANT	A. SKETCHLEY	21-435	C-PP03
Scale	Filename		03 of 14
AS SHOWN	21-435_PP02_STORM PROFILES 1.dwg		

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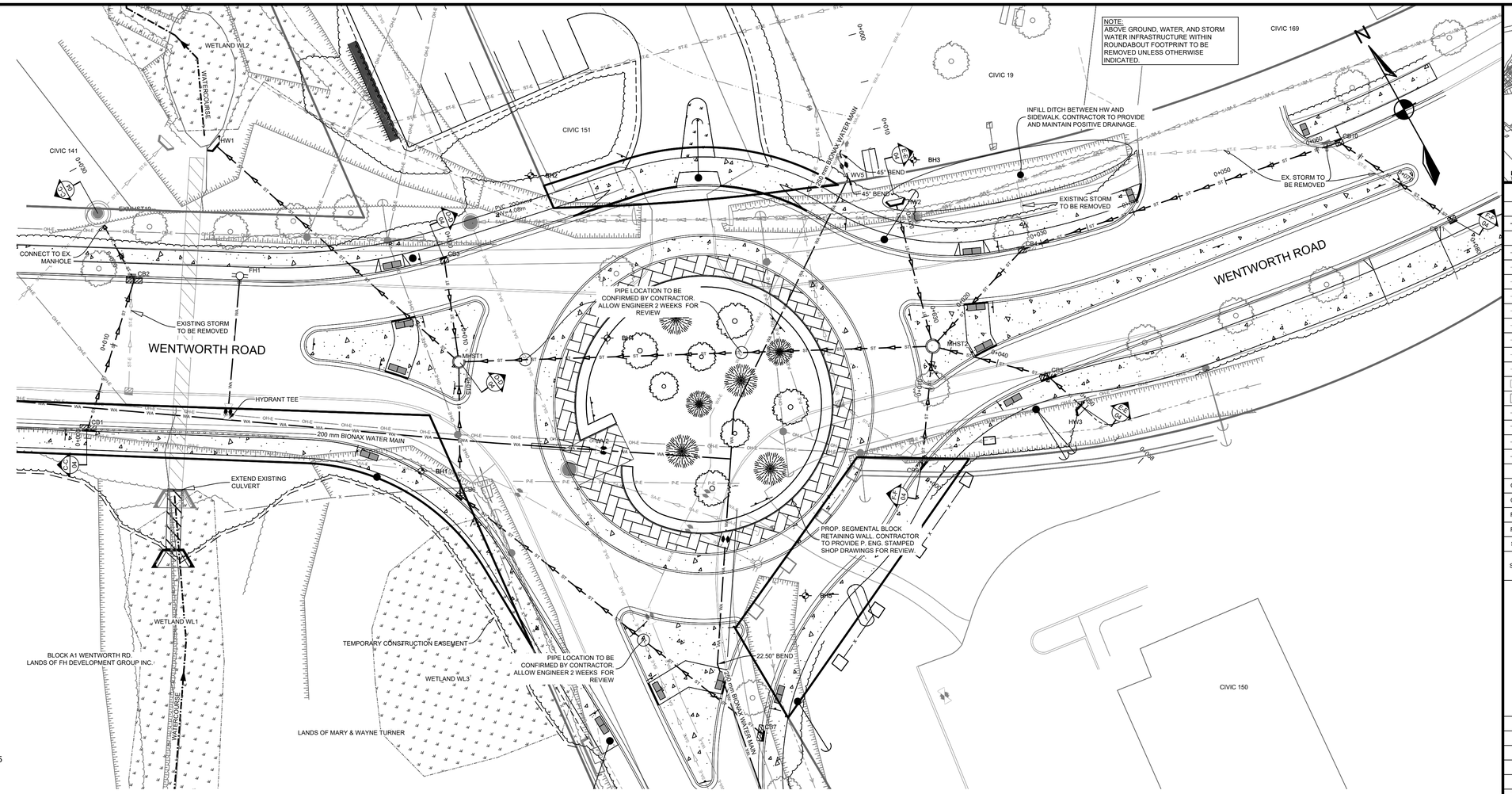
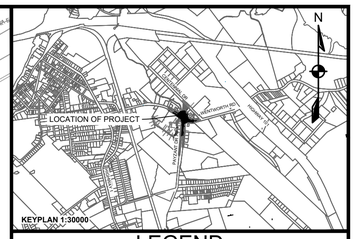
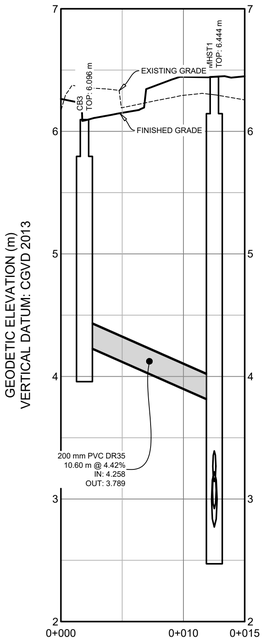
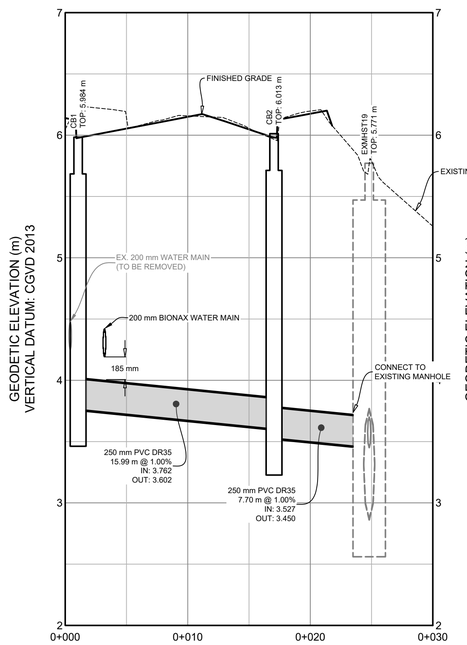




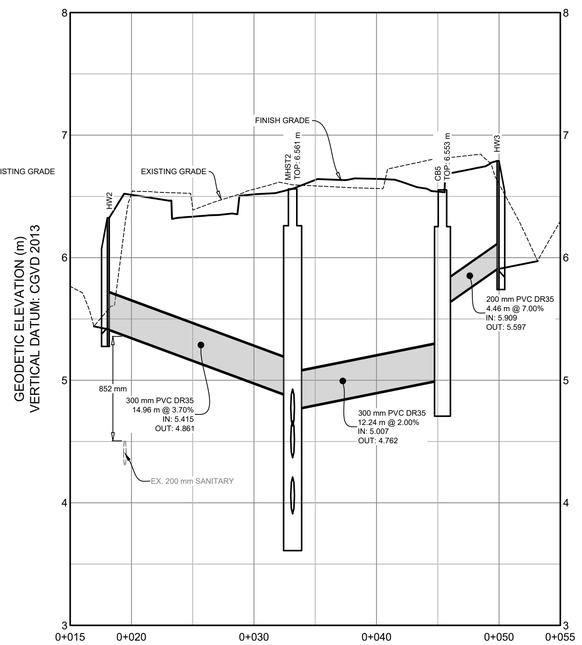
PROFILE D-D



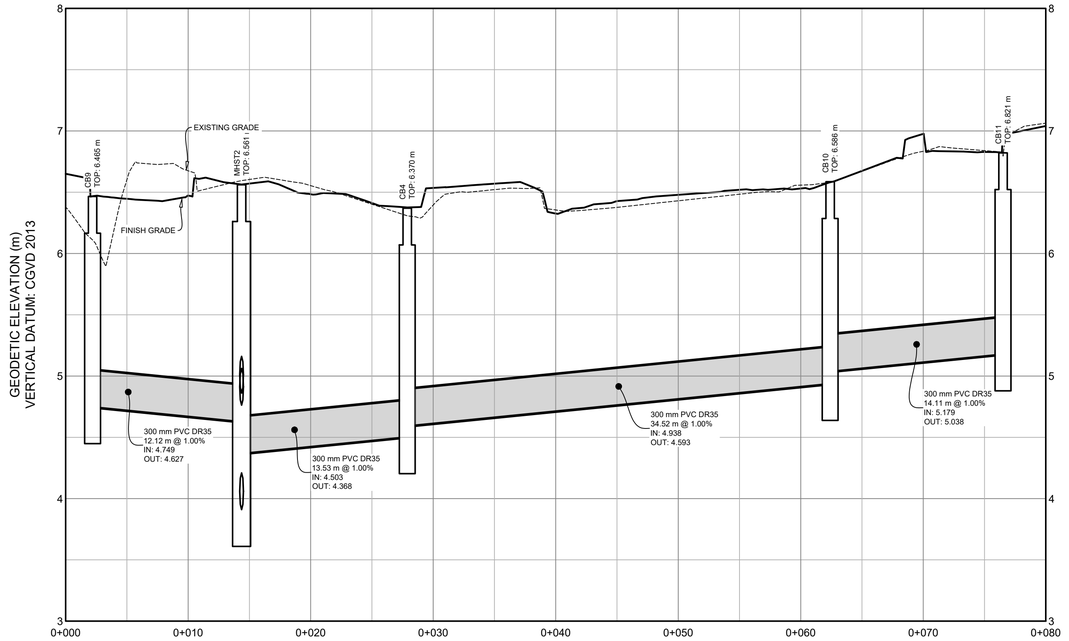
PROFILE C-C



PROFILE E-E



PROFILE F-F



LEGEND

EXISTING		PROPOSED
	VERTICAL PROFILE	
	APPROXIMATE 1 IN 100 YEAR FLOOD LIMIT	100 YR
	EASEMENT	
WA-E	WATER PIPE	WA WA
SA-E	SANITARY PIPE	SA SA
ST-E	STORM PIPE	ST ST
GAS-E	NATURAL GAS MAIN	GAS
	WATER LATERAL	
	SANITARY LATERAL	
	STORM LATERAL	
	NATURAL GAS LATERAL	
	SIDEWALK	
	WALKWAY/A.T. TRAIL	
	GUARDRAIL	
	TOP OF SLOPE	
	BOTTOM OF SLOPE	
X X	FENCELINE	X X

	EXISTING	PROPOSED		EXISTING	PROPOSED
CURB CUT/RAMP			AIR RELEASE VALVE		
CURBSTOP			WATER VALVE		
REDUCER			HYDRANT		
PRECAST HEADWALL			CATCHBASIN		
STREET SIGN			UTILITY POLE w/ GUY WIRE		
STREET TREE			GLB		
			URD		

METRES
5 0 10 15
1:250

ISSUE	DATE	DESCRIPTION
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REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE: 22/02/2024 — A. J. SKETCHLEY — 11560

REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE: 22/02/2024 — A. T. LEAHY — 20200013

CLIENT

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PROJECT DESCRIPTION

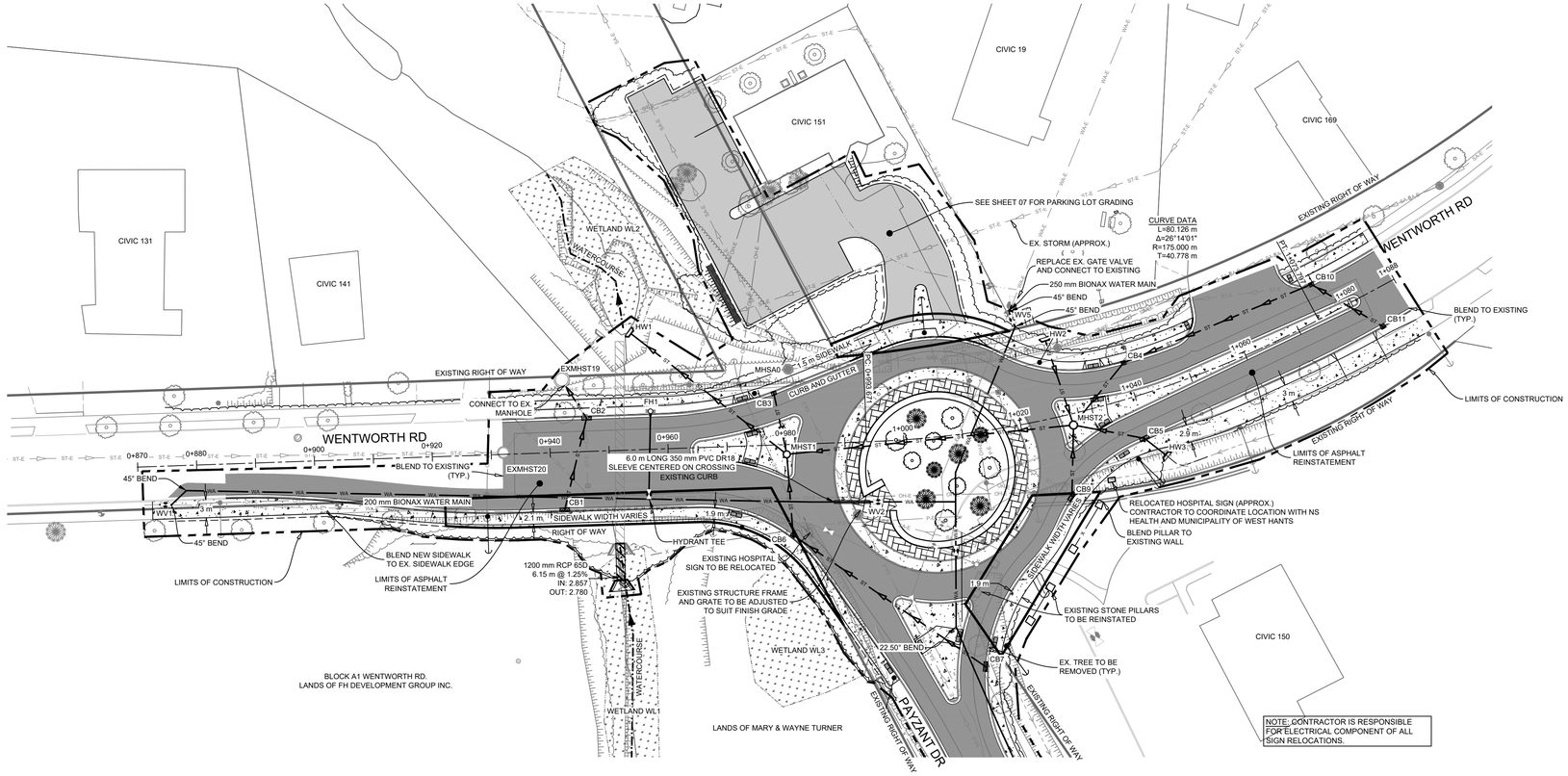
PAYZANT DRIVE ROUNDABOUT

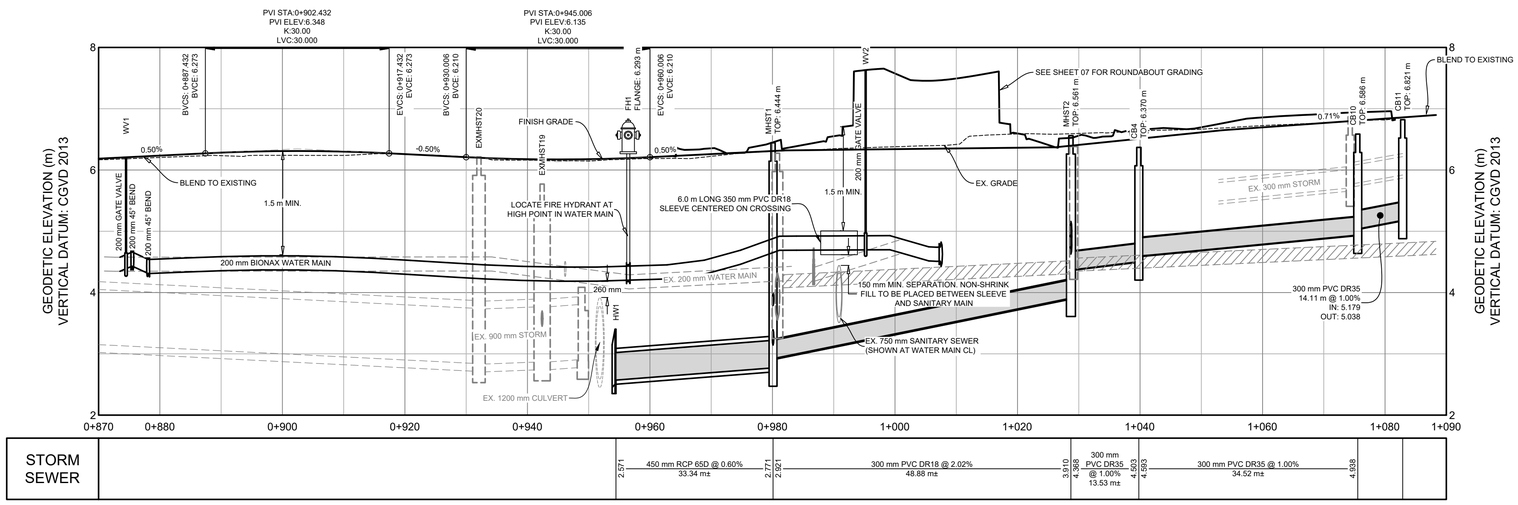
WEST HANTS, NOVA SCOTIA

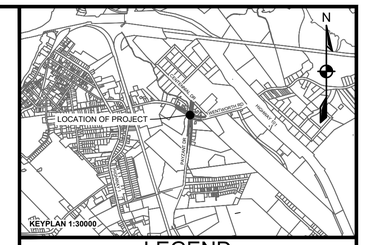
SHEET DESCRIPTION

CATCH BASIN PROFILES

Drawn	Engineer	Project No.	Drawing No.
J. GALLANT	A. SKETCHLEY	21-435	C-PP04
Scale	Filename		04 of 14
1:250 H; 1:25V	21-435_PP03_STORM PROFILES 2.dwg		







LEGEND

EXISTING		PROPOSED
	VERTICAL PROFILE	
	APPROXIMATE 1 IN 100 YEAR FLOOD LIMIT	100 YR
	EASEMENT	
WA-E	WATER PIPE	WA
SA-E	SANITARY PIPE	SA
ST-E	STORM PIPE	ST
GAS-E	NATURAL GAS MAIN	GAS
	WATER LATERAL	
	SANITARY LATERAL	
	STORM LATERAL	
	NATURAL GAS LATERAL	
	SIDEWALK	
	WALKWAY/A.T. TRAIL	
	GUARDRAIL	
	TOP OF SLOPE	
	BOTTOM OF SLOPE	
x	FENCELINE	x

	EXISTING	PROPOSED		EXISTING	PROPOSED
CURB CUT/RAMP			AIR RELEASE VALVE		
CURBSTOP			WATER VALVE		
REDUCER			HYDRANT		
PRECAST HEADWALL			CATCHBASIN		
STREET SIGN			UTILITY POLE w/ GUY WIRE		
STREET TREE			GLB		
			URD		

METRES
10 0 20 30
1:500

ISSUE	DATE	DESCRIPTION
5	FEB. 22, 2024	ISSUED FOR TENDER
4	FEB. 15, 2024	ISSUED FOR REVIEW
3	AUG. 16, 2023	REVISED CROSSWALKS
2	JUN. 16, 2023	REVISED ROUNDABOUT ENTRANCE
1	JUL. 13, 2022	DRAFT

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REGISTERED PROFESSIONAL ENGINEER
PROVINCE OF NOVA SCOTIA
DATE 22/02/2024
A. J. SKETCHLEY
11560

REGISTERED PROFESSIONAL ENGINEER
PROVINCE OF NOVA SCOTIA
DATE 22/02/2024
A. T. LEAHY
20200013

CLIENT

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PROJECT DESCRIPTION

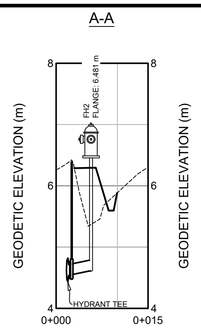
PAYZANT DRIVE ROUNDABOUT

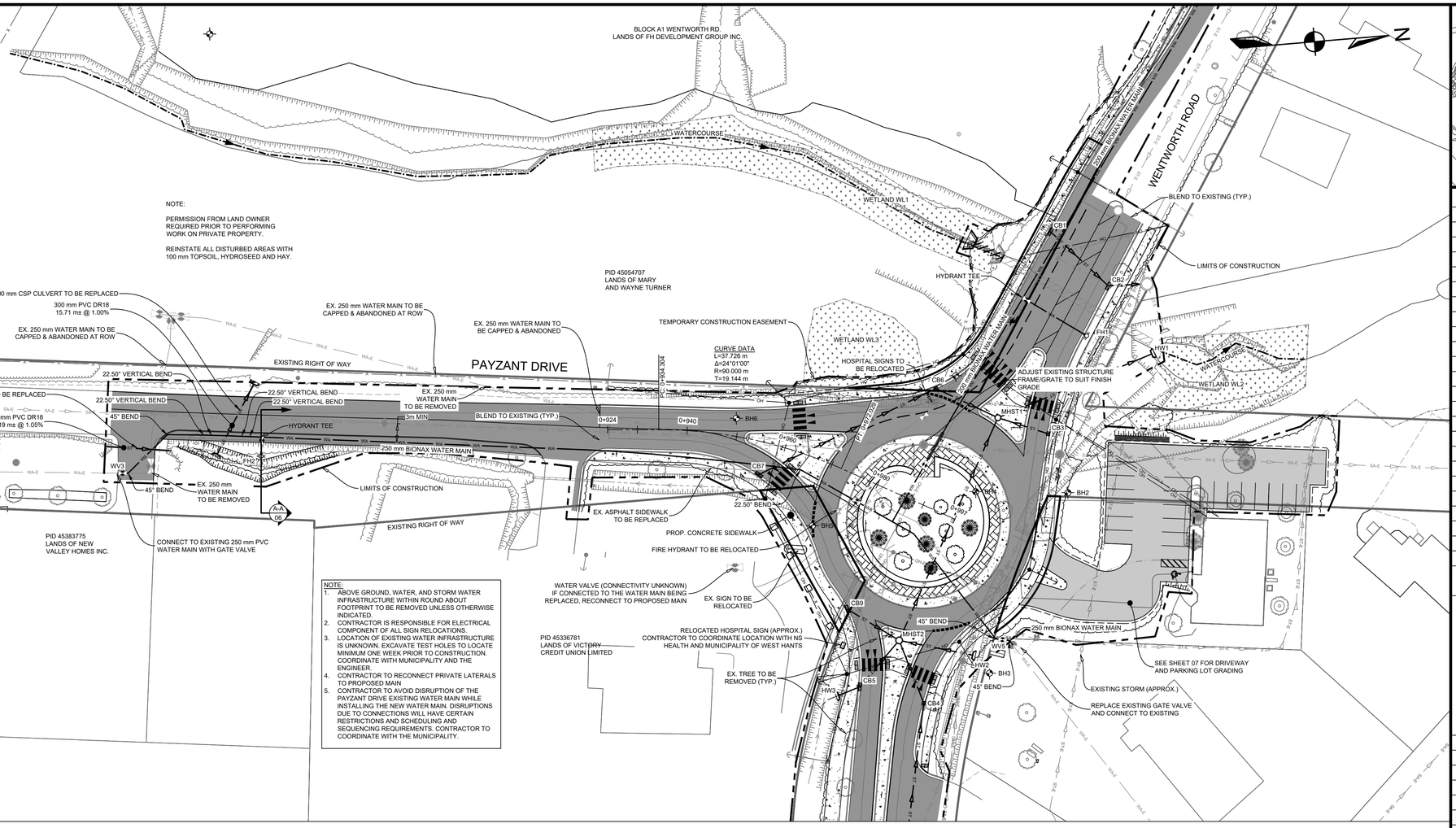
WEST HANTS, NOVA SCOTIA

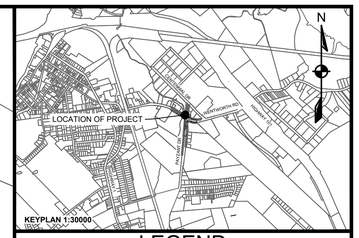
SHEET DESCRIPTION

WENTWORTH ROAD - PLAN & PROFILE

Drawn	Engineer	Project No.	Drawing No.
J. GALLANT	A. SKETCHLEY	21-435	TR05
Scale	Filename		05 of 14
1:500 H, 1:50 V	21-435_TR02_INT-WENTWORTH.dwg		







LEGEND

EXISTING		PROPOSED
	VERTICAL PROFILE	
	APPROXIMATE 1 IN 100 YEAR FLOOD LIMIT	100 YR
	EASEMENT	
WA-E	WATER PIPE	WA WA
SA-E	SANITARY PIPE	SA SA
ST-E	STORM PIPE	ST ST
GAS-E	NATURAL GAS MAIN	GAS
	WATER LATERAL	
	SANITARY LATERAL	
	STORM LATERAL	
	NATURAL GAS LATERAL	
	SIDEWALK	
	WALKWAY/A.T. TRAIL	
	GUARDRAIL	
	TOP OF SLOPE	
	BOTTOM OF SLOPE	
X X	FENCELINE	X X

	EXISTING	PROPOSED		EXISTING	PROPOSED
CURB CUT/RAMP			AIR RELEASE VALVE		
CURBSTOP			WATER VALVE		
REDUCER			HYDRANT		
PRECAST HEADWALL			CATCHBASIN		
STREET SIGN			UTILITY POLE w/ GUY WIRE		
STREET TREE			GLB		
			URD		

METRES
10 0 20 30
1:500

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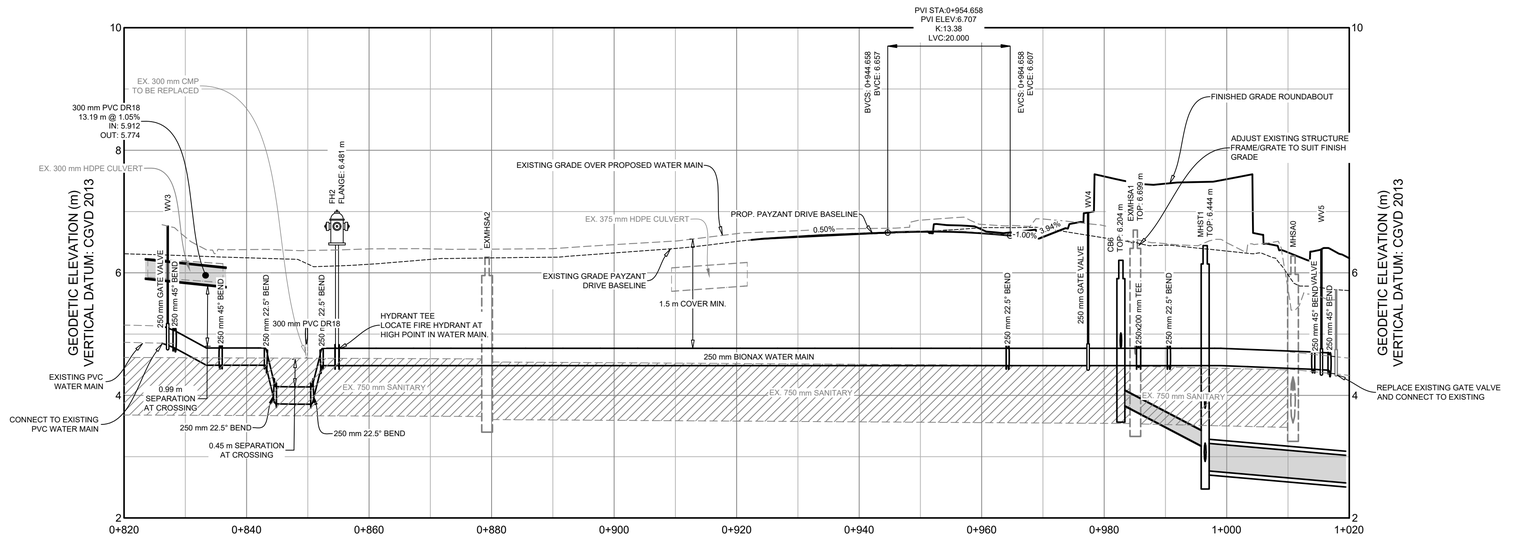
3	AUG. 16, 2023	REVISED CROSSWALKS
2	JUN. 16, 2023	REVISED ROUNDABOUT ENTRANCE
1	JUL. 13, 2022	DRAFT

NOTE:
LOCATION OF EXISTING INFRASTRUCTURE IS BASED ON BEST AVAILABLE INFORMATION, INCLUDING RECORD INFORMATION, AND IS APPROXIMATE. CONTRACTOR TO VERIFY SIZE AND LOCATION IN FIELD PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE ENGINEER. ALLOW ONE WEEK FOR REVIEW.

PAYZANT BASELINE PROFILE



STORM SEWER		250 mm PVC DR35 @ 5.24% 13.76 m±	450 mm RCP 65D @ 0.60% 33.34 m±
		3.963 3.143	2.771 2.571

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REGISTERED PROFESSIONAL ENGINEER PROVINCE OF NOVA SCOTIA
DATE 22/02/2024
A. J. SKETCHLEY
11560

REGISTERED PROFESSIONAL ENGINEER PROVINCE OF NOVA SCOTIA
DATE 22/02/2024
A. T. LEAHY
20200013

CLIENT

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PROJECT DESCRIPTION

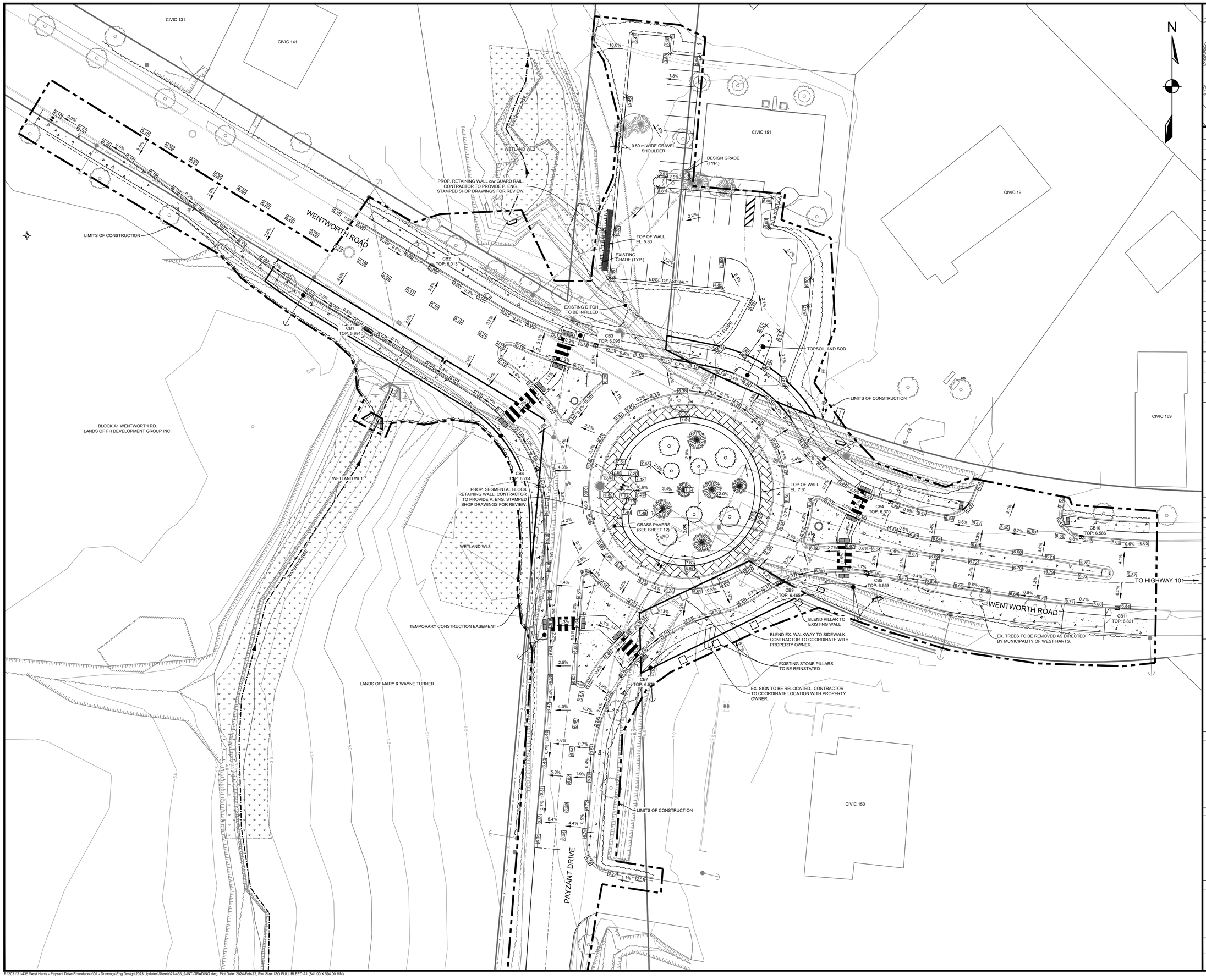
PAYZANT DRIVE ROUNDABOUT

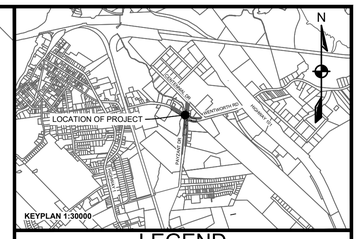
WEST HANTS, NOVA SCOTIA

SHEET DESCRIPTION

PAYZANT DRIVE PLAN AND PROFILE

Drawn	Engineer	Project No.	Drawing No.
J. GALLANT	A. SKETCHLEY	21-435	TR06
Scale	Filename		06 of 14
1:500 H; 1:50 V	21-435_3-PP01_PAYZANT.dwg		





LEGEND

EXISTING		PROPOSED
	VERTICAL PROFILE	
	APPROXIMATE 1 IN 100 YEAR FLOOD LIMIT	100 YR
	EASEMENT	
WA-E	WATER PIPE	WA
SA-E	SANITARY PIPE	SA
ST-E	STORM PIPE	ST
GAS-E	NATURAL GAS MAIN	GAS
	WATER LATERAL	
	SANITARY LATERAL	
	STORM LATERAL	
	NATURAL GAS LATERAL	
	SIDEWALK	
	WALKWAY/A.T. TRAIL	
	GUARDRAIL	
	TOP OF SLOPE	
	BOTTOM OF SLOPE	
X	FENCELINE	X

	EXISTING	PROPOSED		EXISTING	PROPOSED
CURB CUT/RAMP			AIR RELEASE VALVE	AV	AV
CURBSTOP			WATER VALVE		
REDUCER			HYDRANT		
PRECAST HEADWALL			CATCHBASIN		
STREET SIGN			UTILITY POLE w/ GUY WIRE		
STREET TREE			GLB		
			URD		

METRES
10 0 10 20
1:300

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REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE 22/02/2024 — A. J. SKETCHLEY — 11560

REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE 22/02/2024 — A. T. LEAHY — 20200013

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PROJECT DESCRIPTION

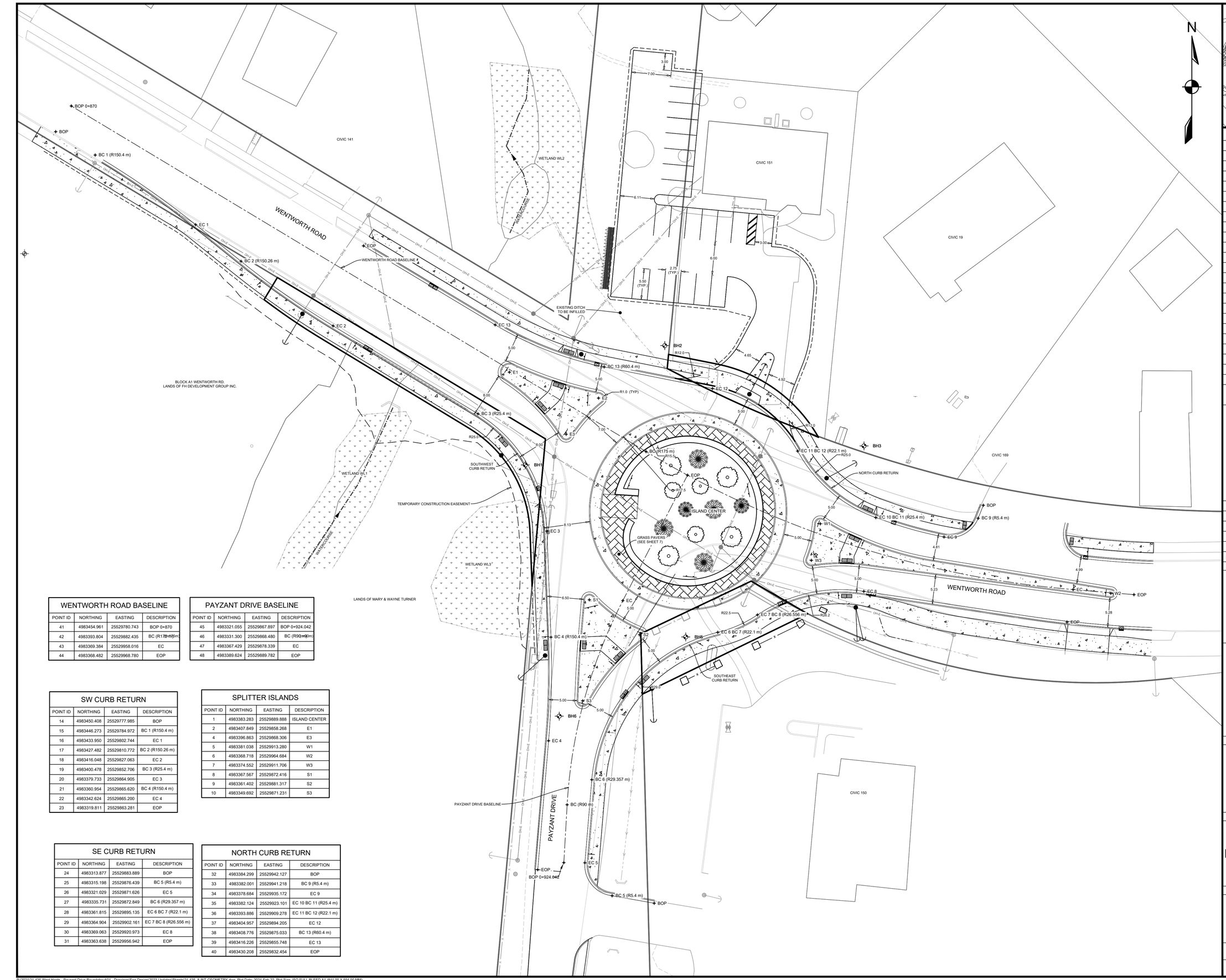
PAYZANT DRIVE ROUNDABOUT

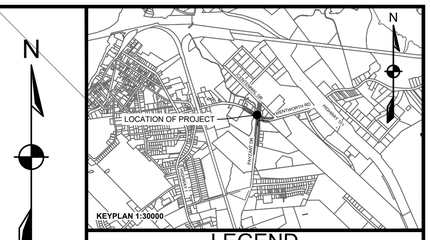
WEST HANTS, NOVA SCOTIA

SHEET DESCRIPTION

ROUNDABOUT GRADING PLAN

Drawn	Engineer	Project No.	Drawing No.
J. GALLANT	A. SKETCHLEY	21-435	TR07
Scale	Filename		07 of 14
1:300	21-435_9-INT-GRADING.dwg		





LEGEND

EXISTING		PROPOSED
	VERTICAL PROFILE	
	APPROXIMATE 1 IN 100 YEAR FLOOD LIMIT	100 YR
	EASEMENT	
WA-E	WATER PIPE	WA
SA-E	SANITARY PIPE	SA
ST-E	STORM PIPE	ST
GAS-E	NATURAL GAS MAIN	GAS
	WATER LATERAL	
	SANITARY LATERAL	
	STORM LATERAL	
	NATURAL GAS LATERAL	
	SIDEWALK	
	WALKWAY/A.T. TRAIL	
	GUARDRAIL	
	TOP OF SLOPE	
	BOTTOM OF SLOPE	
X	FENCELINE	X

	EXISTING	PROPOSED		EXISTING	PROPOSED
CURB CUT/RAMP			AIR RELEASE VALVE		
CURBSTOP			WATER VALVE		
REDUCER			HYDRANT		
PRECAST HEADWALL			CATCHBASIN		
STREET SIGN			UTILITY POLE w/ GUY WIRE		
STREET TREE			GLB		
			URD		

METRES
10 0 10 20
1:300

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1	JUL. 13, 2022	DRAFT

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REGISTERED PROFESSIONAL ENGINEER
PROVINCE OF NOVA SCOTIA
DATE 22/02/2024
P.V. BURGESS
6041

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PROJECT DESCRIPTION

PAYZANT DRIVE ROUNDABOUT

WINDSOR, NOVA SCOTIA

SHEET DESCRIPTION

ROUNDABOUT GEOMETRY

Drawn	Engineer	Project No.	Drawing No.
P.BURGESS	P.BURGESS	21-435	TR-08
Scale	Filename		08 OF 14
1:300	21-435_8-INT-GEOMETRY.dwg		

WENTWORTH ROAD BASELINE

POINT ID	NORTHING	EASTING	DESCRIPTION
41	4983454.961	25529780.743	BOP 0+870
42	4983393.804	25529882.435	BC (R175 m)
43	4983369.384	25529958.016	EC
44	4983368.482	25529968.780	EOP

PAYZANT DRIVE BASELINE

POINT ID	NORTHING	EASTING	DESCRIPTION
45	4983321.055	25529867.897	BOP 0+924.042
46	4983331.300	25529868.480	BC (R90 m)
47	4983367.429	25529878.339	EC
48	4983389.624	25529889.782	EOP

SW CURB RETURN

POINT ID	NORTHING	EASTING	DESCRIPTION
14	4983450.408	25529777.985	BOP
15	4983446.273	25529784.972	BC 1 (R150.4 m)
16	4983433.950	25529802.744	EC 1
17	4983427.482	25529810.772	BC 2 (R150.26 m)
18	4983416.048	25529827.063	EC 2
19	4983400.478	25529852.706	BC 3 (R25.4 m)
20	4983379.733	25529864.905	EC 3
21	4983360.954	25529865.620	BC 4 (R150.4 m)
22	4983342.624	25529865.200	EC 4
23	4983319.811	25529863.281	EOP

SPLITTER ISLANDS

POINT ID	NORTHING	EASTING	DESCRIPTION
1	4983383.283	25529889.888	ISLAND CENTER
2	4983407.849	25529858.268	E1
4	4983396.863	25529868.306	E3
5	4983381.038	25529913.280	W1
6	4983368.718	25529964.684	W2
7	4983374.552	25529911.706	W3
8	4983367.567	25529872.416	S1
9	4983361.402	25529881.317	S2
10	4983349.692	25529871.231	S3

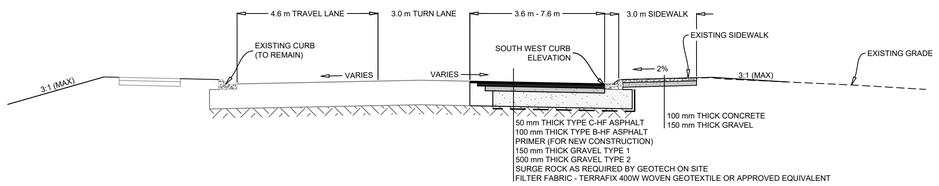
SE CURB RETURN

POINT ID	NORTHING	EASTING	DESCRIPTION
24	4983313.877	25529883.889	BOP
25	4983315.198	25529876.439	BC 5 (R5.4 m)
26	4983321.029	25529871.626	EC 5
27	4983335.731	25529872.849	BC 6 (R29.357 m)
28	4983361.815	25529895.135	EC 6 BC 7 (R22.1 m)
29	4983364.904	25529902.161	EC 7 BC 8 (R26.556 m)
30	4983369.063	25529920.973	EC 8
31	4983363.638	25529956.942	EOP

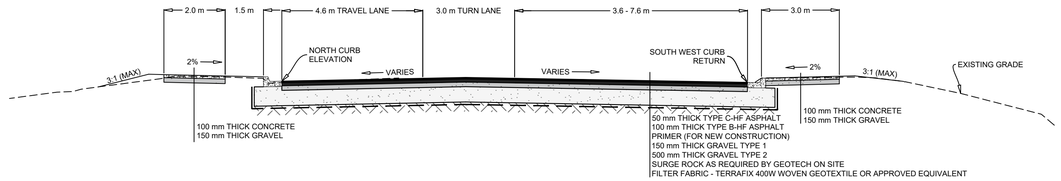
NORTH CURB RETURN

POINT ID	NORTHING	EASTING	DESCRIPTION
32	4983384.299	25529942.127	BOP
33	4983382.001	25529941.218	BC 9 (R5.4 m)
34	4983378.684	25529935.172	EC 9
35	4983382.124	25529923.101	EC 10 BC 11 (R25.4 m)
36	4983393.886	25529909.278	EC 11 BC 12 (R22.1 m)
37	4983404.957	25529894.205	EC 12
38	4983408.776	25529875.033	BC 13 (R60.4 m)
39	4983416.226	25529855.748	EC 13
40	4983430.208	25529832.454	EOP

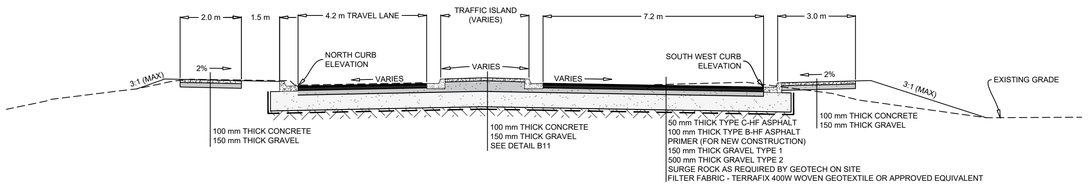
A 09 WENTWORTH RD TYPICAL PROPOSED CROSS SECTION 0+870 TO 0+925
N.T.S.



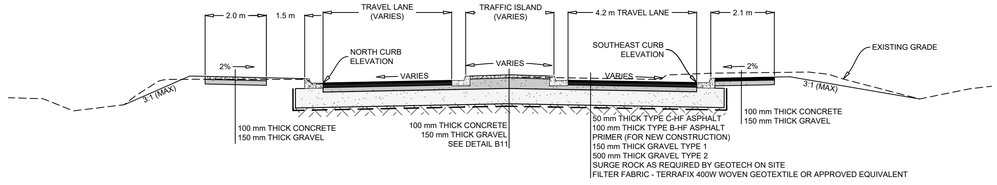
B 09 WENTWORTH RD TYPICAL PROPOSED CROSS SECTION 0+925 TO 0+960
N.T.S.



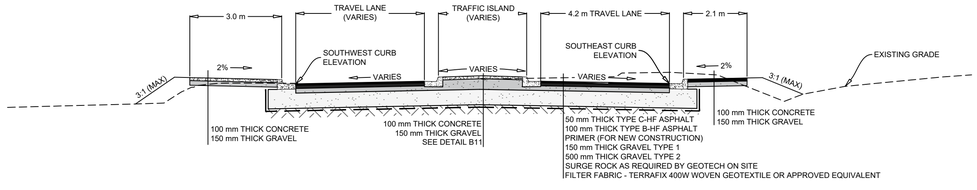
C 09 WENTWORTH RD TYPICAL PROPOSED CROSS SECTION 0+960 TO 0+975
N.T.S.



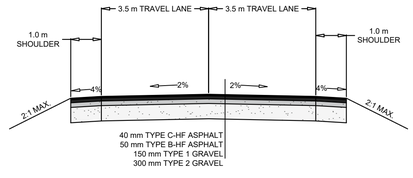
D 09 WENTWORTH RD TYPICAL PROPOSED CROSS SECTION 1+030 TO 1+045
N.T.S.



E 09 PAYZANT DR TYPICAL PROPOSED CROSS SECTION 0+950 TO 0+970
N.T.S.



F 09 DRIVEWAY TYPICAL PROPOSED CROSS SECTION
N.T.S.



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REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE 22/02/2024 — A. T. LEAHY — 20200013

CLIENT

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PROJECT DESCRIPTION

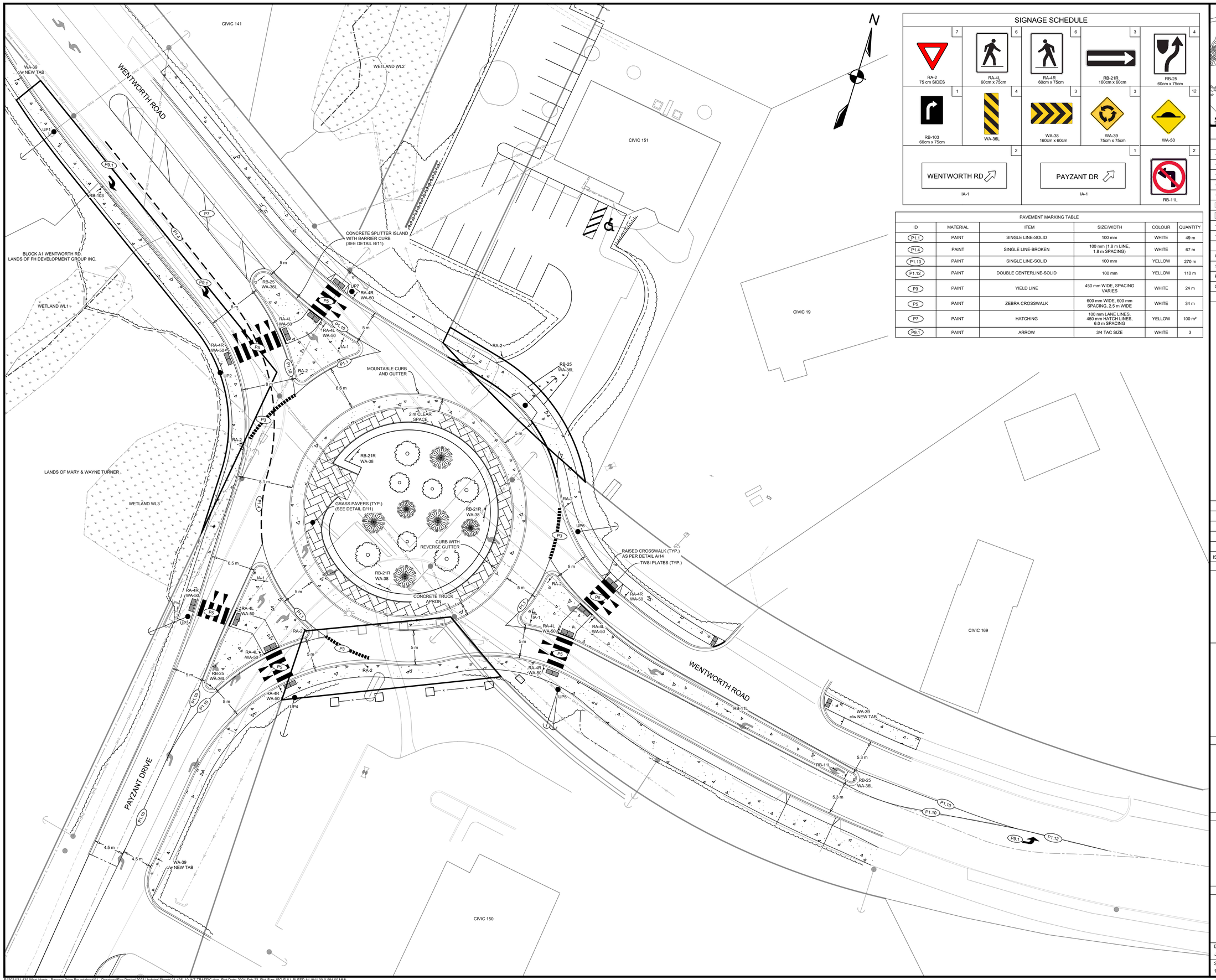
PAYZANT DRIVE ROUNDABOUT

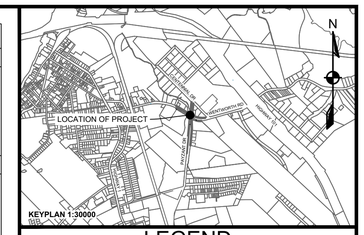
WEST HANTS, NOVA SCOTIA

SHEET DESCRIPTION

CROSS SECTION DETAILS

Drawn	Engineer	Project No.	Drawing No.
J. GALLANT	A. SKETCHLEY	21-435	TR09
Scale: N.T.S.	Filename: 21-435_TR05_INT-WENTWORTH XS.dwg		09 of 14





SIGNAGE SCHEDULE

7 RA-2 75 cm SIDES	6 RA-4L 60cm x 75cm	6 RA-4R 60cm x 75cm	3 RB-21R 160cm x 60cm	4 RB-25 60cm x 75cm
1 RB-103 60cm x 75cm	4 WA-36L	3 WA-38 160cm x 60cm	3 WA-39 75cm x 75cm	12 WA-50
2 WENTWORTH RD IA-1		1 PAYZANT DR IA-1		2 RB-11L

PAVEMENT MARKING TABLE

ID	MATERIAL	ITEM	SIZE/WIDTH	COLOUR	QUANTITY
P1.1	PAINT	SINGLE LINE-SOLID	100 mm	WHITE	49 m
P1.4	PAINT	SINGLE LINE-BROKEN	100 mm (1.8 m LINE, 1.8 m SPACING)	WHITE	67 m
P1.10	PAINT	SINGLE LINE-SOLID	100 mm	YELLOW	270 m
P1.12	PAINT	DOUBLE CENTERLINE-SOLID	100 mm	YELLOW	110 m
P3	PAINT	YIELD LINE	450 mm WIDE, SPACING VARIES	WHITE	24 m
P5	PAINT	ZEBRA CROSSWALK	600 mm WIDE, 600 mm SPACING, 2.5 m WIDE	WHITE	34 m
P7	PAINT	HATCHING	100 mm LANE LINES, 450 mm HATCH LINES, 6.0 m SPACING	YELLOW	100 m²
P9.1	PAINT	ARROW	3/4 TAC SIZE	WHITE	3

LEGEND

EXISTING		PROPOSED
	EASEMENT	
P/E P/E	UNDERGROUND POWER	P P
C/E C/E	UNDERGROUND COMM.	C C
TR/E	TRAFFIC CONDUIT	TR TR
OH/E	OVERHEAD LINE	OH OH
	SIDEWALK	
	WALKWAY/A.T. TRAIL	
	GUARDRAIL	
X X	FENCELINE	X X

	EXISTING	PROPOSED		EXISTING	PROPOSED
CURB CUT/RAMP			HYDRANT		
STREET SIGN			UTILITY POLE w/ GUY WIRE		
PRECAST HEADWALL			SIGNAL POLE		
CATCHBASIN			SIGNAL HEAD		
			PEDESTRIAN HEAD		

SIGNAGE NOTES:

1. WHRM TO INDICATE EXACT LOCATION OF NEW SIGN INSTALLATIONS ON SITE.
2. ALL SIGNS ARE TAC UNLESS OTHERWISE INDICATED ON SIGNAGE SCHEDULE.
3. REMOVED SIGNS AND POSTS TO BE RETURNED TO WHRM.

PAVEMENT MARKING NOTES:

1. ALL LANE MARKINGS SHALL BE ACCORDING TO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR CANADA (MUTCDC) USING SIGNS APPROVED FOR USE IN NOVA SCOTIA.
2. LANE LINES ARE TO BE 100 mm WIDE EXCEPT WHERE OTHERWISE INDICATED. CROSSWALK LINES ARE TO BE 200 mm WIDE. STOP BARS ARE TO BE 450 mm WIDE.
3. CENTERLINES AND CROSS HATCHING TO BE YELLOW. ALL OTHER PAVEMENT MARKINGS TO BE WHITE.
4. PEDESTRIAN CURB CUTS AND RAMPS TO BE PROVIDED AT BOTH ENDS OF ALL CROSSWALKS.
5. REMOVE ALL EXISTING PAVEMENT MARKINGS AT INTERSECTIONS AND APPROACHES AND RE-PAINT AS SHOWN, UNLESS OTHERWISE NOTED.
6. ALL MARKINGS DIMENSIONED TO CENTER OF LINES.

METRES
5 0 10 15
1:250

ISSUE	DATE	DESCRIPTION
5	FEB. 22, 2024	ISSUED FOR TENDER
4	FEB. 15, 2024	ISSUED FOR REVIEW
3	AUG. 16, 2023	REVISED CROSSWALKS
2	JUN. 16, 2023	REVISED ROUNDABOUT ENTRANCE
1	JUL. 13, 2022	DRAFT

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REGISTERED PROFESSIONAL ENGINEER
DATE 22/02/2024
P.V. BURGESS
6041
PROVINCE OF NOVA SCOTIA

CLIENT

West Hants
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PROJECT DESCRIPTION

PAYZANT DRIVE ROUNDABOUT

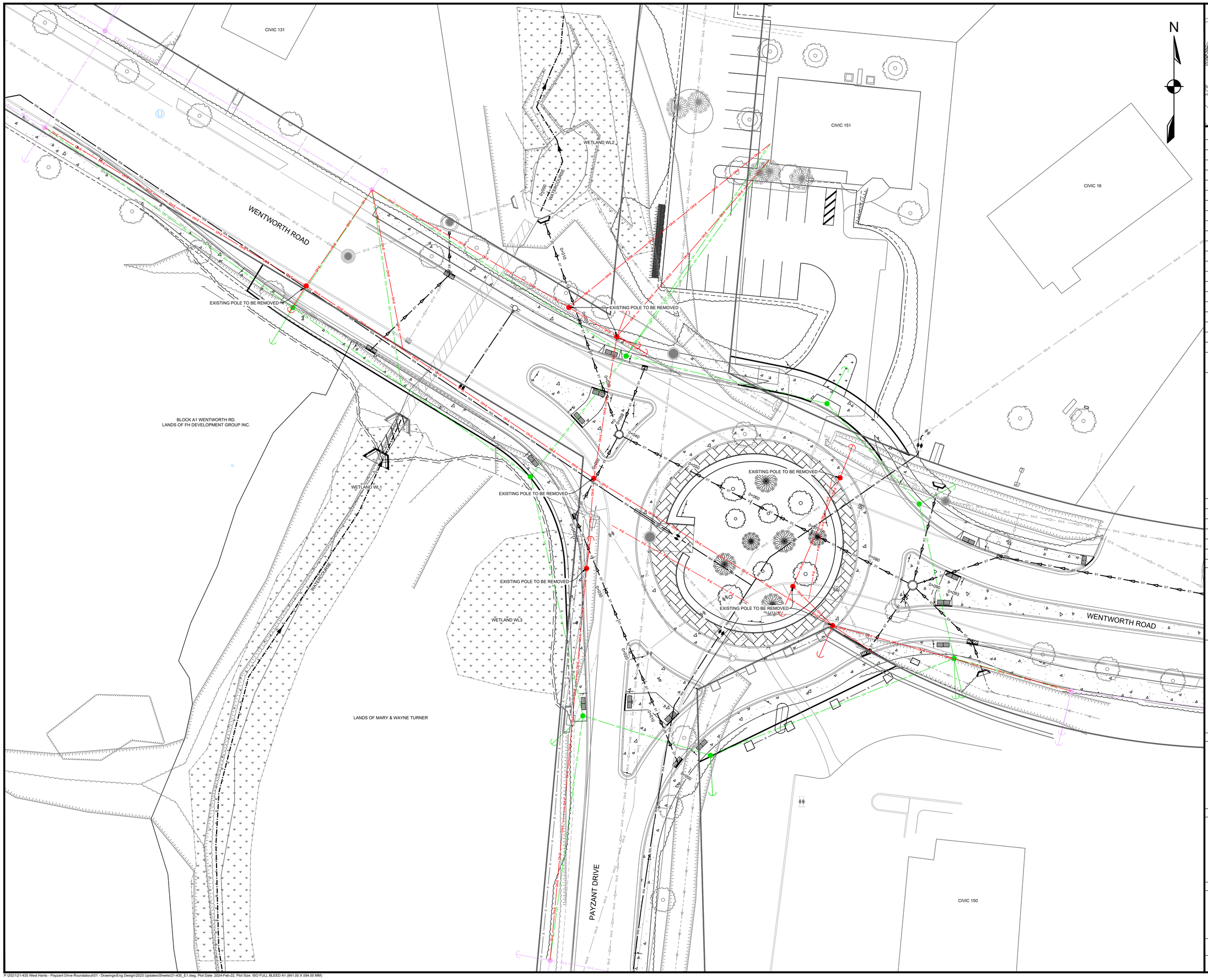
WEST HANTS, NOVA SCOTIA

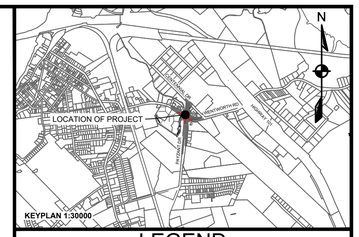
SHEET DESCRIPTION

LANE MARKINGS AND SIGNAGE PLAN

Drawn	Engineer	Project No.	Drawing No.
J. DWYER	P. BURGESS	21-435	C-TR10
Scale 1:250	Filename 21-435_10-INT-TRAFFIC.dwg		10 of 14

P:\2021\21-435 West Hants - Payzant Drive Roundabout\01 - Drawings\Eng Design\2023 Updates\Sheets\21-435_10-INT-TRAFFIC.dwg, Plot Date: 2024-Feb-22, Plot Size: ISO FULL BLEED A1 (841.00 X 594.00 MM)





LEGEND

EXISTING		PROPOSED
	VERTICAL PROFILE	
	APPROXIMATE 1 IN 100 YEAR FLOOD LIMIT	100 YR
	EASEMENT	
P-E	UNDERGROUND POWER	P
C-E	UNDERGROUND COMM.	C
	POWER SERVICE	
	COMMUNICATIONS SERVICE	
	OVERHEAD LINE	OH
OH-E	OVERHEAD LINE (TO BE REMOVED)	
	SIDEWALK	
	WALKWAY/A.T. TRAIL	
	GUARDRAIL	
X	FENCELINE	X

	EXISTING	PROPOSED		EXISTING	PROPOSED
CURB CUT/RAMP			AIR RELEASE VALVE		
CURBSTOP			WATER VALVE		
REDUCER			HYDRANT		
PRECAST HEADWALL			CATCHBASIN		
STREET SIGN			UTILITY POLE w/ GUY WIRE		
			UTILITY POLE (TO BE REMOVED)		
STREET TREE			GLB		
			URD		

METRES
5 0 10 15
1:250

ISSUE	DATE	DESCRIPTION
5	FEB. 22, 2024	ISSUED FOR TENDER
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REGISTERED PROFESSIONAL ENGINEER
DATE 22/02/2024
A. J. SKETCHLEY
11560
PROVINCE OF NOVA SCOTIA

REGISTERED PROFESSIONAL ENGINEER
DATE 22/02/2024
A. T. LEAHY
20200013
PROVINCE OF NOVA SCOTIA

CLIENT

West Hants
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PROJECT DESCRIPTION

PAYZANT DRIVE ROUNDABOUT

WEST HANTS, NOVA SCOTIA

SHEET DESCRIPTION

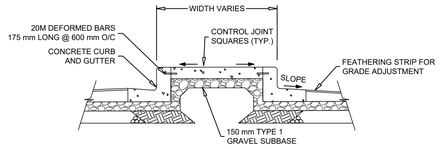
UTILITY POLE PLAN

Drawn	Engineer	Project No.	Drawing No.
A. LEAHY	A. SKETCHLEY	21-435	C-E11
Scale	Filename		11 of 14
1:250	21-435_E1.dwg		

P:\2021\21-435 West Hants - Payzant Drive Roundabout\01 - Drawings\Eng Design\2023 Updates\Sheets\21-435_E1.dwg, Plot Date: 2024-Feb-22, Plot Size: ISO FULL BLEED A1 (841.00 X 594.00 MM)

TYPICAL CONCRETE TRAFFIC ISLAND DETAIL — A / 12

(N.T.S.)

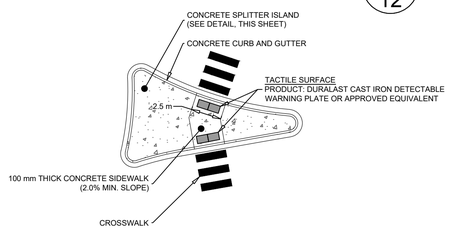


NOTES:

1. MAXIMUM SPACING FOR CONTROL JOINTS IS TO BE 2.5 m.
2. SLOPE SLAB TO FACILITATE DRAINAGE.
3. SLOPE GUTTER TO MATCH STREET CROSS SECTION.
4. ENDS AND CORNERS OF TRAFFIC ISLANDS TO HAVE HIGH BACK CONCRETE CURB AND GUTTER.
5. GEOMETRIC DESIGN OF CONCRETE ISLANDS TO BE AS PER THE TAC GEOMETRIC DESIGN GUIDE.

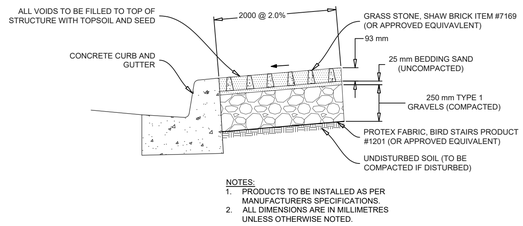
TYPICAL DROPPED SIDEWALK DETAIL — B / 12

(N.T.S.)



GRASS PAVER TYPICAL DETAIL — D / 12

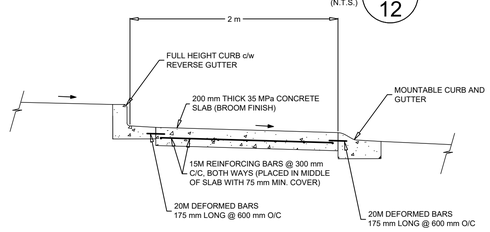
(N.T.S.)



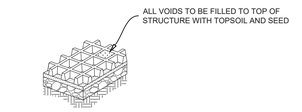
NOTES:
1. PRODUCTS TO BE INSTALLED AS PER MANUFACTURERS SPECIFICATIONS.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE NOTED.

TYPICAL TRUCK APRON DETAIL — C / 12

(N.T.S.)



GRASS PAVER ISOMETRIC VIEW

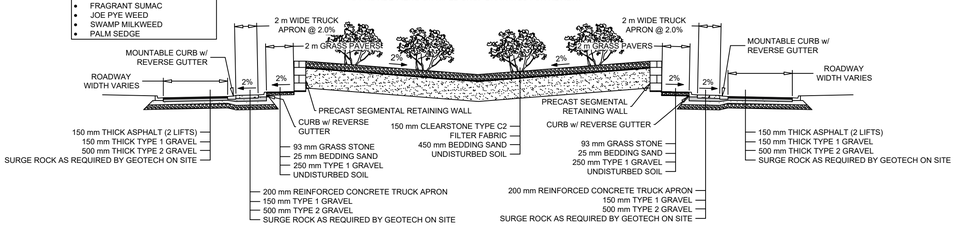


TYPICAL ROUNDABOUT CROSS-SECTION — E / 07

(N.T.S.)

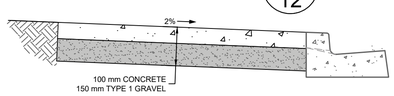
NOTE: CENTER ISLAND VEGETATION TO CONSIST OF THE FOLLOWING:
- WINTERBERRY
- DOGWOOD
- FRAGRANT SUMAC
- JOE PYE WEED
- SWAMP MILKWEED
- PALM SEDGE

NOTE: FOR PRECAST SEGMENTAL RETAINING WALL, CONTRACTOR TO PROVIDE P.ENG STAMPED SHOP DRAWINGS FOR REVIEW.



SIDEWALK STRUCTURE — F / 12

N.T.S.



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REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE 22/02/2024 — A. J. SKETCHLEY — 11560

REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE 22/02/2024 — A. T. LEAHY — 20200013

CLIENT

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PROJECT DESCRIPTION

PAYZANT DRIVE ROUNDABOUT

WEST HANTS, NOVA SCOTIA

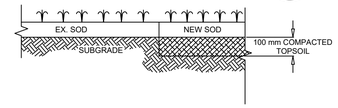
SHEET DESCRIPTION

ROAD CONSTRUCTION DETAILS

Drawn	Engineer	Project No.	Drawing No.
J. DWYER	P. BURGESS	21-435	C-D12
Scale	Filename		12 of 14
N.T.S.	21-435_D01_INT-DETAILS.dwg		

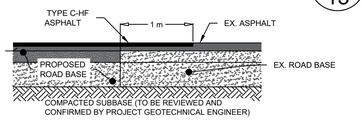
LANDSCAPING REINSTATEMENT (A 13)

N.T.S.



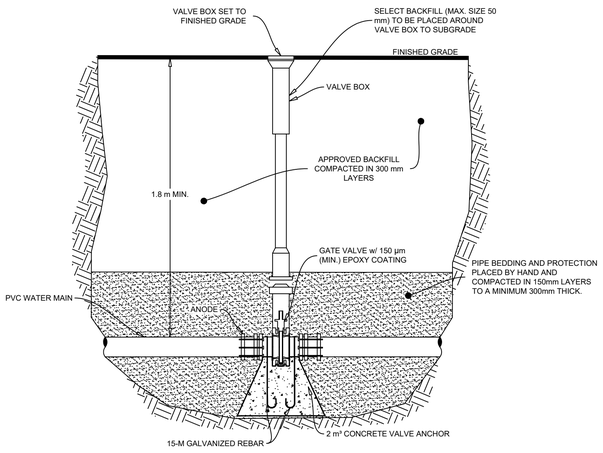
BLEND TO EX. PAVEMENT DETAIL (B 13)

N.T.S



STANDARD GATE VALVE CONNECTION (C 13)

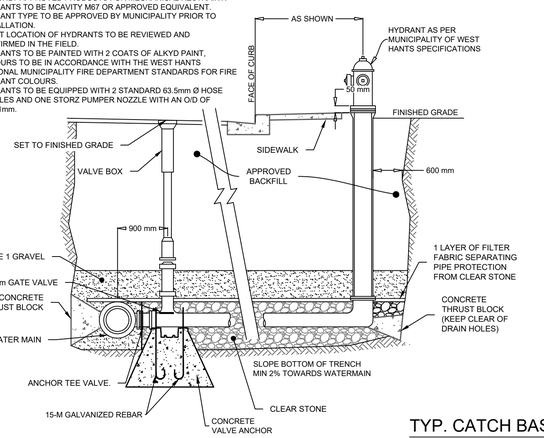
N.T.S.



TYPICAL FIRE HYDRANT DETAIL (D 13)

N.T.S.

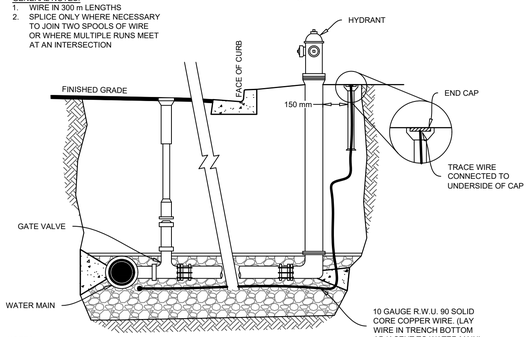
NOTES:
1. USE ONLY APPROVED PRODUCTS FOR MECHANICAL RESTRAINT.
2. HYDRANTS TO BE MCAVITY M67 OR APPROVED EQUIVALENT. HYDRANT TYPE TO BE APPROVED BY MUNICIPALITY PRIOR TO INSTALLATION.
3. EXACT LOCATION OF HYDRANTS TO BE REVIEWED AND CONFIRMED IN THE FIELD.
4. HYDRANTS TO BE PAINTED WITH 2 COATS OF ALKYD PAINT, COLOURS TO BE IN ACCORDANCE WITH THE WEST HANTS REGIONAL MUNICIPALITY FIRE DEPARTMENT STANDARDS FOR FIRE HYDRANT COLOURS.
5. HYDRANTS TO BE EQUIPPED WITH 2 STANDARD 63.5mm Ø HOSE NOZZLES AND ONE STORZ PUMPER NOZZLE WITH AN O/D OF 125.41mm.



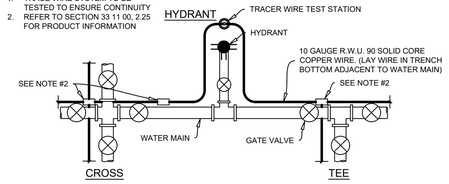
STANDARD TRACE WIRE DETAIL (FOR PVC WATER MAIN) (E 13)

N.T.S.

GENERAL NOTES:
1. WIRE IN 300 m LENGTHS
2. SPLICE ONLY WHERE NECESSARY TO JOIN TWO SPOOLS OF WIRE OR WHERE MULTIPLE RUNS MEET AT AN INTERSECTION

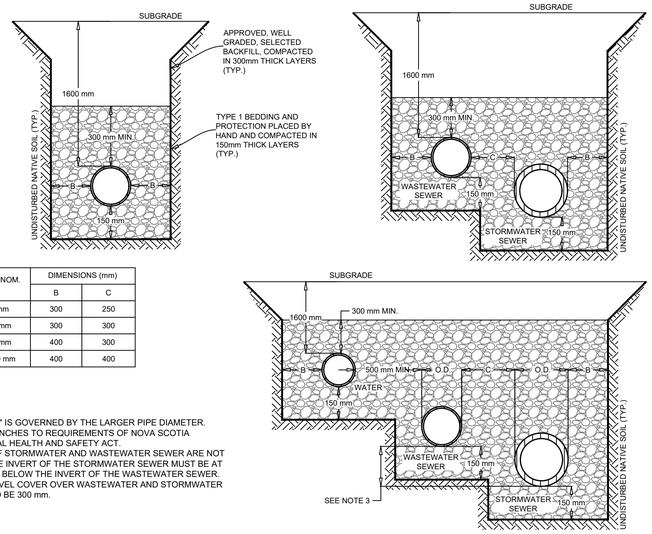


NOTES:
1. TRACE WIRE SYSTEM TO BE TESTED TO ENSURE CONTINUITY
2. REFER TO SECTION 33 11 00, 2.25 FOR PRODUCT INFORMATION



TRENCHING AND BACKFILL DETAIL (F 13)

N.T.S



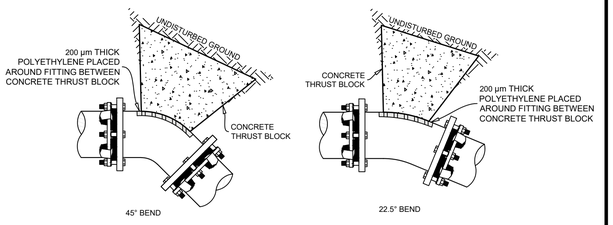
PIPE SIZE NOM. DIA.	DIMENSIONS (mm)	
	B	C
UP TO 375 mm	300	250
376 TO 500 mm	300	300
501 TO 750 mm	400	300
751 TO 1200 mm	400	400

NOTES
1. DIMENSION "C" IS GOVERNED BY THE LARGER PIPE DIAMETER.
2. SIDES OF TRENCHES TO REQUIREMENTS OF NOVA SCOTIA OCCUPATIONAL HEALTH AND SAFETY ACT.
3. IF CROWNS OF STORMWATER AND WASTEWATER SEWER ARE NOT MATCHED, THE INVERT OF THE STORMWATER SEWER MUST BE AT LEAST 100 mm BELOW THE INVERT OF THE WASTEWATER SEWER.
4. MINIMUM GRAVEL COVER OVER WASTEWATER AND STORMWATER SEWERS IS TO BE 300 mm.

THRUST BLOCK DETAILS (G 13)

N.T.S

DUCTILE IRON CL52 MECHANICAL JOINT FITTINGS



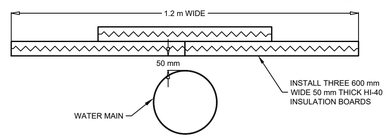
MINIMUM THRUST BLOCK CONTACT AREA (m²)

BASED ON SOIL BEARING CAPACITY OF 100 kPa AND INTERNAL PIPE PRESSURE OF 1035 kPa.

PIPE DIAMETER (mm)	CAP	TEE	45° BEND	22.5° BEND	11.25° BEND
100	0.25	0.25	0.20	0.16	0.16
150	0.48	0.48	0.40	0.24	0.16
200	0.80	0.80	0.64	0.32	0.16
250	1.28	1.28	0.96	0.48	0.24
300	1.76	1.76	1.44	0.72	0.40
350	2.40	2.40	1.96	0.98	0.54
400	3.13	3.13	2.56	1.28	0.71

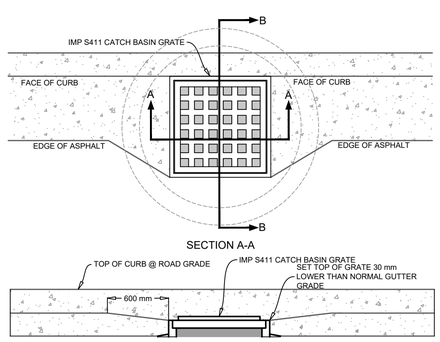
WATER MAIN INSULATION DETAIL (G 13)

N.T.S

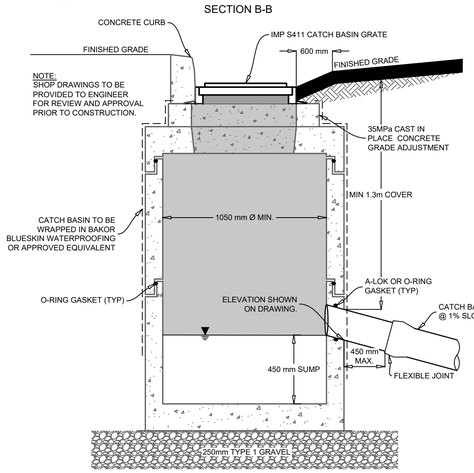


TYP. CATCH BASIN (I 13)

N.T.S

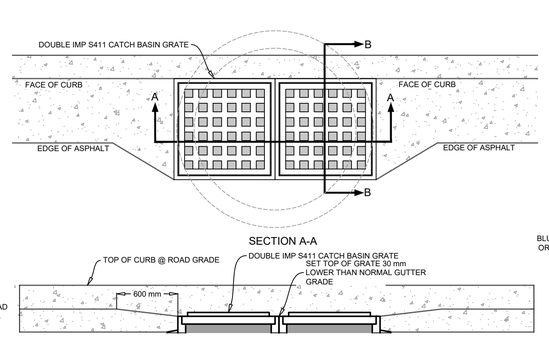


SECTION B-B

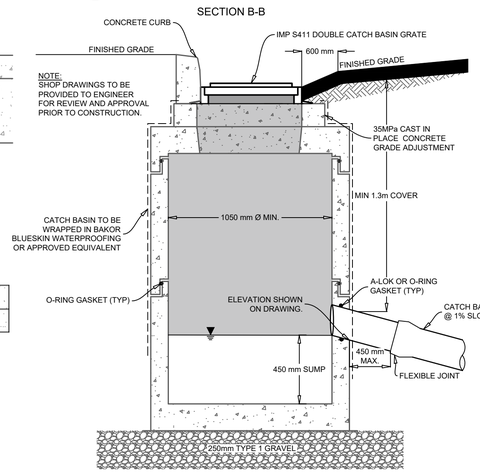


TYP. DOUBLE CATCH BASIN (J 13)

N.T.S



SECTION B-B



GENERAL CONSTRUCTION NOTES:

1. **SAFETY IS PARAMOUNT AND THE CONTRACTOR MUST USE SAFE WORK PRACTICES IN ACCORDANCE WITH THE NOVA SCOTIA OCCUPATIONAL HEALTH AND SAFETY ACT.**
2. ALL WORKS TO BE IN ACCORDANCE WITH MUNICIPAL SERVICES SPECIFICATION MANUAL (CURRENT EDITIONS).
3. ALL WORKS TO BE IN ACCORDANCE WITH THE "STANDARD SPECIFICATION FOR MUNICIPAL SERVICES" PREPARED JOINTLY BY THE NOVA SCOTIA ROADBUILDERS ASSOCIATION AND THE CONSULTING ENGINEERS OF NOVA SCOTIA (CURRENT EDITION).
4. ALL WORKS TO BE IN ACCORDANCE WITH REQUIREMENTS OF ALL PERMITS AND REGULATIONS AS ISSUED BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO NOTIFY DESIGNPOINT AND WEST HANTS REGARDING CONSTRUCTION SCHEDULING 2 WEEKS PRIOR TO COMMENCING CONSTRUCTION.
6. CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF NATURAL WATERCOURSES FROM DAMAGE DUE TO SILT-LADEN RUNOFF FROM THE CONSTRUCTION SITE. ACCEPTABLE CONSTRUCTION PROCEDURES MAY BE OBTAINED FROM 'EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" (CURRENT EDITION), BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
7. ALL DISTURBED AREAS NOT STABILIZED BY GRAVEL, ASPHALT, CONCRETE, OR SOD ARE TO BE STABILIZED WITH 100mm TOPSOIL AND HYDROSEEDED. HYDROSEEDED AREAS TO BE COVERED WITH HAY MULCH (MIN. 3500 kg/Ha). HYDROSEEDED AREAS THAT DO NOT SHOW ACTIVE GROWTH WITHIN THE FIRST GROWING SEASON TO BE RE-STABILIZED.
8. MATERIALS SHALL NOT BE SUBSTITUTED UNLESS PRIOR APPROVAL IS PROVIDED BY THE ENGINEER.
9. SHOP DRAWINGS TO BE PROVIDED FOR REVIEW AND APPROVAL BY THE ENGINEER PRIOR TO CONSTRUCTION.
10. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS REQUIRED TO PERFORM WORKS AND TO COMPLY WITH ALL PERMIT REQUIREMENTS AND CONDITIONS.
11. LOCATIONS OF EXISTING INFRASTRUCTURE IS BASED ON BEST AVAILABLE INFORMATION, INCLUDING RECORD INFORMATION. CONTRACTOR TO CONFIRM LOCATIONS OF EXISTING INFRASTRUCTURE AND NOTIFY ENGINEER OF ANY DISCREPANCIES IMMEDIATELY. CONTRACTOR TO ALLOW A 1 WEEK REVIEW PERIOD BY THE ENGINEER.
12. CONTRACTOR TO VERIFY ALL EXISTING UTILITY LOCATIONS, SUCH AS HERITAGE GAS, NOVA SCOTIA POWER, BELL ALIANT, AND EASTLINK. CONTRACTOR TO VISIT CLICKBEFOREYOUDIG.COM TO REQUEST LOCATES PRIOR TO COMPLETING ANY EXCAVATION. CONTRACTOR SHALL ADHERE TO ALL OCCUPATIONAL HEALTH AND SAFETY REGULATIONS FOR WORKING AROUND LIVE GAS MAINS.
13. ALL POWER AND COMMUNICATION INFRASTRUCTURE TO BE INSTALLED AS PER NSPI AND COMMUNICATION PROVIDER (I.E. BELL) SPECIFICATIONS. CONTRACTOR TO CONFIRM AND COORDINATE WITH UTILITIES AS REQUIRED.
14. PERMISSION FROM LANDOWNER(S) REQUIRED TO WORK ON PRIVATE PROPERTY.
15. CONTRACTOR TO NOTIFY PROPERTY OWNERS WHO WILL EXPERIENCE DISRUPTION DURING THE WORK (PROPERTY ACCESS, MUNICIPAL SERVICE LOSS, POWER/COMMUNICATION LOSS, ETC.) AT LEAST 48 HOURS PRIOR TO THE DISRUPTION.
16. ALL ELEVATIONS ARE METRIC AND GEODETIC. TOPOGRAPHICAL SURVEY COMPLETED BY DESIGNPOINT IN NOV. 2021. CONTRACTOR TO CONTACT DESIGNPOINT FOR CONSTRUCTION LAYOUT CONTROL INFORMATION 2 WEEKS PRIOR TO CONSTRUCTION.
17. ALL EART ORK (INCLUDING SUBGRADE), TRENCH WORK, PIPE BEDDING, AND SURFACE TREATMENT (INCLUDING GRAVELS, ASPHALT, AND CONCRETE) TO BE REVIEWED AND CERTIFIED BY PROJECT GEOTECHNICAL ENGINEER.
18. DRAWINGS SUBJECT TO CONSTRUCTION APPROVAL BY THE APPLICABLE APPROVAL AGENCIES (e.g. WEST HANTS AND NOVA SCOTIA DEPARTMENT OF ENVIRONMENT) PRIOR TO CONSTRUCTION.
19. CONTRACTOR RESPONSIBLE FOR ALL TRAFFIC CONTROL MEASURES REQUIRED FOR THE PROJECT. ALL TEMPORARY TRAFFIC CONTROL MEASURES TO BE IN ACCORDANCE WITH THE LATEST EDITION OF THE NOVA SCOTIA TRANSPORTATION AND INFRASTRUCTURE RENEWAL TEMPORARY WORKPLACE TRAFFIC CONTROL MANUAL AND THE LATEST EDITION OF THE TRANSPORTATION ASSOCIATION OF CANADA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR CANADA.
20. INSULATION TO BE 50mm THICK HI40 RIGID STYROFOAM (ROAD AND TRAFFIC RATED).
21. CONTRACTOR MAY REQUEST GRADE ADJUSTMENTS SUBJECT TO REVIEW AND APPROVAL BY ENGINEER AND APPLICABLE APPROVAL AGENCIES. CONTRACTOR RESPONSIBLE FOR COSTS ASSOCIATED WITH DRAWING REVISIONS AND APPROVALS.
22. ALL TEMPORARY ROAD CLOSURES WILL REQUIRE A ROAD CLOSURES PERMIT.
23. AT THE COMPLETION OF CONSTRUCTION, THE CONTRACTOR IS TO COMPLETE AND PROVIDE A COPY OF A CCTV INSPECTION AND REPORT TO THE ENGINEER FOR REVIEW OF ALL GRAVITY SEWERS 150 mm Ø OR LARGER.
24. ALL TESTING OF SEWERS TO BE IN ACCORDANCE WITH WEST HANTS SPECIFICATIONS, INCLUDING MANHOLE VACUUM TEST. PRESSURE TEST TO BE COMPLETED FOR ENTIRE PIPE LENGTH. TEMPORARY END CAPS TO BE INSTALLED AS REQUIRED TO FACILITATE TESTING.
25. ALL TESTING OF WATER MAINS TO BE IN ACCORDANCE WITH WEST HANTS SPECIFICATIONS, INCLUDING PRESSURE TEST AND CHLORINATION FOR ALL SERVICE LATERALS 100 mm Ø AND LARGER. BASE LIFT OF GRAVEL TO BE PLACED OVER WATER MAINS AND SERVICES PRIOR TO TESTING (PUBLIC AND PRIVATE INFRASTRUCTURE).
26. ANY FIELD MANHOLE CONNECTIONS (IF REQUIRED) TO BE MADE USING CORE DRILL AND KOR-N-SEAL (SUBJECT TO APPROVAL BY UTILITY AND ENGINEER).
27. ALL GRAVITY PIPE TO BE INSTALLED IN AN UPSTREAM DIRECTION. CONTRACTOR TO BEGIN PIPE INSTALLATION AT THE MOST DOWNSTREAM LOCATION. INSTALLING TEMPORARILY ORPHANED PIPE SECTIONS IS NOT ACCEPTABLE (UNLESS APPROVED BY THE UTILITY AND THE ENGINEER).
28. CONTRACTOR TO PROVIDE 24 HOURS NOTICE TO WEST HANTS AND THE ENGINEER OF PIPE AND MANHOLE TESTING, INCLUDING CCTV INSPECTION AND DEFLECTION TESTING.
29. ALL PRECAST MANHOLES AND CATCH BASINS TO BE WRAPPED IN BAKOR BLUESKIN OR APPROVED EQUIVALENT.

ISSUE	DATE	DESCRIPTION
1	JUL. 13, 2022	DRAFT

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REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE 22/02/2024 — A. J. SKETCHLEY — 11560

REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE 22/02/2024 — A. T. LEAHY — 20200013

CLIENT

West Hants
something inspiring awaits

PROJECT DESCRIPTION

PAYZANT DRIVE ROUNDABOUT

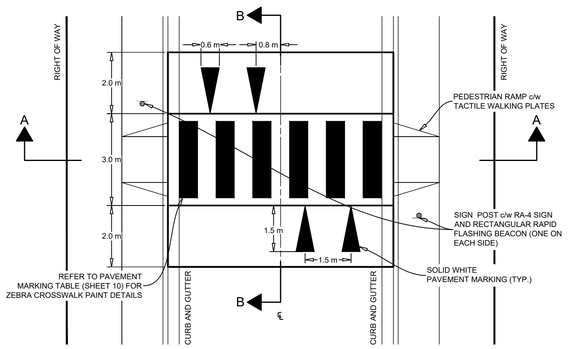
WEST HANTS, NOVA SCOTIA

SHEET DESCRIPTION

CONSTRUCTION NOTES AND DETAILS 1

Drawn	Engineer	Project No.	Drawing No.
J. GALLANT	A. SKETCHLEY	21-435	C-D13
Scale	Filename		13 of 14
N.T.S	21-435_D01_INT-DETAILS.dwg		

TYP. RAISED CROSSWALK (A) 14
N.T.S

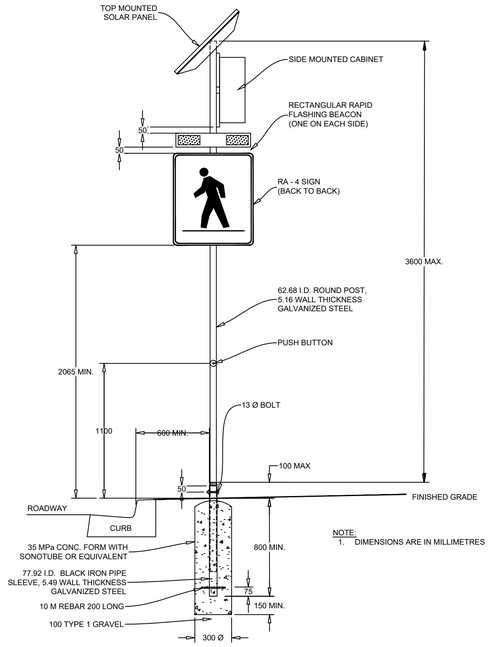


NOTES:
1. THE EXISTING ASPHALT SURFACE TO BE MILLED TO A DEPTH OF 40 mm WHEN RETROFITTING
2. CATCH BASINS ARE REQUIRED ON THE UPHILL SIDE OF THE RAISED CROSSWALK AS INDICATION ON PLANS.
3. POSITIVE DRAINAGE TO NEAREST CATCHBASIN TO BE CONFIRMED BY THE ENGINEER AND ADJUSTED AS REQUIRED
4. RAISED CROSSWALKS TO BE CONSTRUCTED USING TYPE D-HF ASPHALT (UNLESS OTHERWISE APPROVED BY THE W)
5. ALL DIMENSIONS ARE IN METERS UNLESS INDICATED OTHERWISE

SECTION A-A
N.T.S

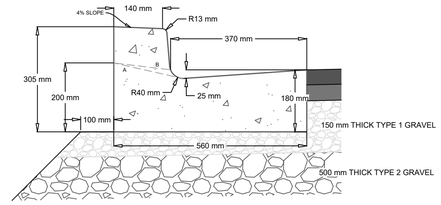
SECTION B-B
N.T.S

RECTANGULAR RAPID-FLASHING BEACON SIGNAL CONFIGURATION (SOLAR PANEL) (B) 14
N.T.S



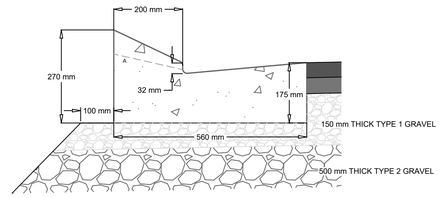
NOTE:
1. DIMENSIONS ARE IN MILLIMETRES

TYPICAL CURB DETAIL (C) 14
N.T.S.



NOTES:
LINE A INDICATES CURB AT PEDESTRIAN RAMPS.
LINE B INDICATES CURB AT DRIVEWAYS

MOUNTABLE CURB DETAIL (D) 14
N.T.S.



ISSUE	DATE	DESCRIPTION
5	FEB. 22, 2024	ISSUED FOR TENDER
4	FEB. 15, 2024	ISSUED FOR REVIEW
3	AUG. 16, 2023	REVISED CROSSWALKS
2	JUN. 16, 2023	REVISED ROUNDABOUT ENTRANCE
1	JUL. 13, 2022	DRAFT

CONSULTANT

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REGISTERED PROFESSIONAL ENGINEER * PROVINCE OF NOVA SCOTIA * DATE 22/02/2024 A. J. SKETCHLEY 11560

REGISTERED PROFESSIONAL ENGINEER * PROVINCE OF NOVA SCOTIA * DATE 22/02/2024 A. T. LEAHY 20200013

CLIENT

West Hants
something inspiring awaits

PROJECT DESCRIPTION

PAYZANT DRIVE ROUNDABOUT

WEST HANTS, NOVA SCOTIA

SHEET DESCRIPTION

CONSTRUCTION NOTES AND DETAILS 2

Drawn	Engineer	Project No.	Drawing No.
T.MILLS	A. SKETCHLEY	21-435	C-D14
Scale	Filename		14 of 14
N.T.S	21-435_D01_INT-DETAILS.dwg		

Addendum #1

To All Bidders of WHRMPW24-03:

Please note: the following addendum applies to WHRMPW24-03 and shall be taken into consideration when preparing bid documents.

Replace drawings: C-TR02 Sheet 2 of 14, Rev 5, dated February 22, 2024
C-D12 Sheet 12 of 14, Rev 5, dated February 22, 2024
C-D14 Sheet 14 of 14, Rev 5, dated February 22, 2024

With the following: C-TR02 Sheet 2 of 14, Rev 6, dated March 27, 2024
C-D12 Sheet 12 of 14, Rev 6, dated March 27, 2024
C-D14 Sheet 14 of 14, Rev 6, dated March 27, 2024

Add the following schematic:

Services Removal Plan	TSK-01	Sheet 1 of 1, dated March 27, 2024
Infill Surcharging Sketch	TSK-02	Sheet 1 of 1, dated March 28, 2024

Addendum #1

Replace Section 00 41 43 – Tender Form, Section 1.4 Schedule Of Quantities And Unit Prices:

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
EARTHWORK					
2.	Grubbing	m^2	800		
6.	Borrow	m^3	550		
8.	Exploratory Digs	ea	5		
9.	Infill Surcharging	L.S.	1		
10.	Karst Topography Cavern Infill (Provisional)				
.1	Less than or equal to 5 cubic metres	ea	3		
.2	Greater than 5 cubic metres	m^3	20		
			SUBTOTAL EARTHWORK:	$	
WATER MAIN					
11.	Pipe				
.1	250mm PVC BIONAX	m	192		
.2	200mm PVC BIONAX	m	135		
12.	Fire Hydrants				
.1	Installation	ea	2		
.2	Relocation	ea	1		
14.	Direct Buried Valves				
.1	250mm Gate Valve	ea	3		
.1	200mm Gate Valve	ea	2		
16.	Connections to Existing Main				
.1	250mm, Payzant Drive 0+826	ea	1		
.2	250mm, Payzant Drive 1+018	ea	1		
.3	200mm, Wentworth Road 0+874	ea	1		
18.	Temporary Water	L.S.	1		
19.	Cap and Abandonment of Existing Main				
.1	250mm, Payzant Drive 0+834	ea	1		
.2	250mm, Payzant Drive 0+890	ea	1		
			SUBTOTAL WATER MAIN:	$	

Addendum #1

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
STORM SEWER					
31.	Pipe				
.1	300mm PVC DR18	m	48		
.2	450mm RCP 65D	m	33.5		
32.	Manholes				
.1	1050mm	ea	1		
.2	1200mm	ea	1		
33.	Catch Basins				
.1	1050mm, Single	ea	5		
.2	1050mm, Double	ea	5		
34.	Catch Basin Leads				
.1	200mm PVC DR35	m	15		
.2	250mm PVC DR35	m	38		
.3	250mm PVC DR18	m	40		
.4	300mm PVC DR35	m	102		
.5	300mm PVC DR18	m	30		
36.	Connections to Existing				
.1	Existing Manhole	ea	1		
.1	Wentworth Road Culvert	ea	1		
37.	Culverts				
.1	1200mm RCP 65D	m	6.5		
39.	Precast Headwall				
.1	Up to 600mm Pipe	m	5		
.2	1200mm Pipe	m	1		
			SUBTOTAL STORM SEWER:	$	
STREET CONSTRUCTION					
41.	Gravels				
.1	Type 1 (150mm thick)	m^2	3750		
.2	Type 2 (500mm thick)	m^2	3750		
.3	Type 1 (Dentist Parking Lot) (150mm thick)	m^2	1110		
.4	Type 2 (Dentist Parking) (300 mm thick)	m^2	1110		
43.	Asphalt Concrete				
.1	Type C-HF (50 mm thick)	m^2	3750		
.2	Type B-HF (100 mm thick)	m^2	3750		

Addendum #1

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
	.3 Type C-HF (Dentist Parking Lot) (40mm thick)	m^2	980		
	.4 Type B-HF (Dentist Parking) (50 mm thick)	m^2	980		
44.	Curb				
	.1 Curb and Gutter - Concrete	m	550		
	.2 Curb only - Concrete	m	430		
45.	Concrete Sidewalk				
	.1 Sidewalk/ Traffic Island (100mm)	m^2	1185		
	.2 Truck Apron (200mm)	m^2	275		
46.	Tactile Walking Surface Indicators	ea	28		
48.	Guardrail				
	.1 Rail for Civic 151 wall	m	12		
50.	Adjust Existing Manhole Frames and Covers	ea	4		
52.	Segmental Retaining Wall				
	.1 Center Island	m^2	98		
	.2 Civic 151 Parking Lot	m^2	15		
53.	Street Signs and Bases	ea	38		
54.	Stone Pillar Reinstatement	L.S.	1		
55.	Sign Relocation				
	.1 Credit Union	L.S.	1		
	.2 Hospital	L.S.	1		
56.	Raised Crosswalks	ea	6		
57.	Temporary Asphalt Reinstatement (Provisional)	m^2	3000		

SUBTOTAL STREET CONSTRUCTION: $_____

LANDSCAPING

61.	Topsoil and Sod	m^2	1050		
62.	Topsoil and Seed	m^2	530		

Addendum #1

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
66.	Grass Pavers	m^2	205		
67.	Center Island Landscaping	L.S.	1		

SUBTOTAL LANDSCAPING: $_____

ADDITIONAL ITEMS

73.	Replacement of Unsuitable Material w/ Surge Rock (Provisional)	m^3	1900		
76.	Infrastructure Removal	L.S.	1		
77.	Trench Excavation – Contaminated Material (Provisional)	m^3	50		

SUBTOTAL ADDITIONAL ITEMS: $_____

ENVIRONMENTAL PROTECTION

90.	Environmental Measures	L.S.	1		

SUBTOTAL ENVIRONMENTAL PROTECTION: $_____

SUBTOTAL EARTHWORK $_____

SUBTOTAL WATER MAIN $_____

SUBTOTAL STORM SEWER $_____

SUBTOTAL STREET CONSTRUCTION $_____

SUBTOTAL LANDSCAPING $_____

SUBTOTAL ADDITIONAL ITEMS $_____

SUBTOTAL ENVIRONMENTAL PROTECTION $_____

ESTIMATED CONTRACT PRICE (EXCLUDING HST) $_____ (A)

ADD HARMONIZED SALES TAX (15% of Estimated Contract Price) $_____ (B)

TOTAL PRICE (A + B) $_____

TENDERER'S HST REGISTRATION NO. _____

Addendum #1

Add Section 01 22 00 – Measurement and Payment, Item 57. Temporary Asphalt Reinstatement:

9. Infill Surcharging

Unit of Measurement: Lump Sum

This item includes: supply, placement and compaction of borrow material to a thickness that is double the required fill thickness (grubbed grade to finished grade). Excavation and shaping of the placed material to occur in the following year to facilitate roadway construction. No payment additional payments will be made under pay item 6 for the imported borrow in these areas.

Replace Section 01 22 00 – Measurement and Payment, Item 48. Guardrail with the following:

48. Guardrail

Unit of Measurement: metre (m)

Method of Measurement: along the top of rail through posts.

This item includes: common excavation, importation of material, bedding, backfill, supply and placing posts, rail and accessories. This item also includes all coordination with retaining wall installation and any accessories required.

Replace Section 01 22 00 – Measurement and Payment, Item 52. Segmental Retaining Wall with the following:

52. Segmental Retaining Wall

Unit of Measurement: square metre (m2)

Method of Measurement: total area of wall face.

This item includes: common excavation, removal and disposal of surplus material, importation of material, installation of foundation preparation and bedding, supply and installation of modular Stone Strong wall units, geotextile, guards, gravel, infill soil, backfilling, drainage, design, and shop drawings stamped by a Professional Engineer (licensed to practice in Nova

Scotia). In addition to normal wall design, design to consider global stability and guardrail placement. Only the top exposed faces of retaining walls are required to be aesthetic in nature. Buried sections may have simple/irregular finishes as long as they maintain their structural integrity.

Add Section 01 22 00 – Measurement and Payment, Item 57. Temporary Asphalt Reinstatement:

57. Temporary Asphalt Reinstatement:

Unit of Measurement: square metre (m2)

Method of Measurement: slope measure.

This item includes: common excavation, removal and disposal of surplus material, supply and placement of gravel, asphalt and line painting as directed by the Engineer. No payment will be made under this item unless authorized by the Engineer.

Replace Section 01 22 00 – Measurement and Payment, Item 73. Replacement of Unsuitable Material w/ Surge Rock (Provisional) with the following:

73. Replacement of Unsuitable Material w/ Surge Rock (Provisional)

Unit of Measurement: cubic metre (m^3)

Method of Measurement: surface-to-surface volume method between topographical survey taken before and after the placement and compaction of replacement material.

This item includes: all excavation, removal, and disposal of unsuitable material. As well as the supply, placement, and compaction of surge rock as directed by the Engineer. No payment will be made under this item unless authorized by the Engineer. This item also includes the supply and placement of filter fabric.

The following questions have been asked and the answers are provided for clarification:

Addendum #1

Question 1: The new road structure details (detail A-E) shown on drawing TR09 indicates prime is required on top of the Type 1 gravel. As discussed at the site meeting, this is atypical for projects like this and would be difficult to apply as traffic will be traveling over the gravels prior to paving. Can you please confirm that prime won't be required?

Answer 1: **Primer will not be required on top of the Type 1 gravel.**

Question 2: The new road structure details (detail A-E) shown on drawing TR09 indicate geotextile is required under the new road structure on top of the subgrade. There isn't a pay item for this on the tender form. Could you please provide a pay item for this work?

Answer 2: **Geotextile is only required when placing surge rock on subgrade and has been added to the description of surge rock.**

Question 3: There is mention in the Geotechnical report under grade increases/settlement that preload/surcharge may be required for fill areas. As discussed at the site meeting and indicated in the geotechnical report, if this was required it would have had to be completed long before the project was tendered. Can you please confirm this won't be applicable for this project?

Answer 3: **See the attached Infill Surcharging sketch and pay item 9.**

Question 4: Further to the question we had submitted previously, it was discussed at the site meeting that pay items would be provided for mass excavation/earthwork scope required for this project. Can you please provide unit price items for Common Excavation and Disposal Offsite, Supply and Placement of Imported Borrow Material in Fill Areas, and Common Excavation and Re-Use in Landscape Areas on site.

Answer 4: **See the updated pay line items and schedule of quantities. Excavation, placement, and disposal are all included in General Item 2 in Measurement and Payment and apply to all items. A quantity has been added for borrow.**

Question 5: The existing conditions plan provides no existing grading information. The grading plan provides very minimal existing grading information but is insufficient for use to calculate volumes. Can you please provide more detailed existing grading information?

Answer 5: **See the updated existing conditions plan.**

Question 6: It was mentioned onsite that a specific type and color of retaining wall was wanted for the roundabout and the retaining wall at the dentist office parking lot. There was no design or specification provided with the tender documents and the tender drawings say the contractor is to provide a design and shop drawing for the retaining walls. Please provide details for retaining walls so that we can ensure we're allowing for the type and color of block that the municipality would like.

Answer 6: Stone Strong walls are to be used for both the roundabout and dentist office retaining walls.

Question 7: There are no details provided for headwalls. Please provide details for headwalls for pipe diameters up to 600mm and for the larger headwall required for the 1200mm pipe extension as well as details for any grates or rails that may be required.

Answer 7: See the updated detail sheet 14.

Question 8: The new water main on Payzant drive runs under the existing sidewalk from the optometrist to the credit union. There is a section of sidewalk and asphalt curb between the optometrist and credit union driveway entrances that appears to be shown as new asphalt sidewalk and curb but no notes or pay items to confirm this. Is the intent to replace this with new asphalt sidewalk or should this be concrete sidewalk like all of the other new sidewalk on the project? If the intent is to use asphalt sidewalk, please provide a detail and associated pay items. If this section is being replaced with concrete sidewalk, please confirm that this will be paid under item 45.1. Also, the existing curb in this area is asphalt. Please confirm if you require asphalt or concrete curb here and, if asphalt, provide a detail.

Answer 8: The existing curb and sidewalk are to be replaced with concrete curb and gutter and concrete sidewalk.

Question 9: After further review of the drawings and discussions at the site meeting, we would ask for some of the curb types to be changed. As discussed at the site meeting, we would ask that the curb around the inner circle of the roundabout be changed to standard NSDPW Type E High Back curb as the truck apron in front of this curb is graded away which makes gutter here redundant. Reverse gutter is also difficult to work with from a grading perspective. We would also ask that the curbed islands be changed to NSDPW Type E High Back Curb. There are no catch basins in the curbed islands and the adjacent asphalt is sloping away from the curb which also

makes gutter here redundant and will likely lead to water being trapped in the gutter. The Curb around the outermost edges of the roundabout island is currently designed as mountable curb with reverse gutter. We would also ask for this to be changed to remove the gutter as the grade on the adjacent asphalt is running away from the curb which makes gutter redundant and will also be much easier to match into with asphalt. We've attached a copy of a standard NSDPW detail that has been being used for this purpose on other roundabouts in the area. Please confirm if this will be acceptable.

Answer 9: Traffic island curb and gutter may be replaced with curb only. Refer to detail C-12 for roundabout curb detailing

Question 10: Detail A on drawing C-D12 has a note pointing to the asphalt in front of the curb that says feathering strip for grading adjustments. please clarify what is meant by this note?

Answer 10: Disregard that note. Note removed in revised detail sheet.

Question 11: It was mentioned at the site meeting that the existing buried infrastructure requires removal only in locations where it interferes with new buried infrastructure. On the drawings, it says to remove all buried infrastructure within the limits of construction. Please confirm we are only required to remove the existing buried infrastructure if it interferes with the new infrastructure. Also, further to the question we had submitted previously, please provide a separate removals plan so that removals can be accurately quantified.

Answer 11: See the attached removal plan.

Question 12: It was discussed at the site meeting that temporary asphalt reinstatement may be required over pipe trenches to keep traffic flowing safely given that the project will span the 2024 and 2025 construction seasons. Can you please provide a unit price pay item for temporary reinstatement of asphalt?

Answer 11: See the updated pay line items.

Question 13: What will be required for backfill material of pipe trenches between bedding material as shown on detail F/13 and the bottom of the proposed road and sidewalk structure? Will this need to be imported granular material or will excavated site material be acceptable for this?

Answer 13: Refer to section 5.2 of the geotechnical report.

Question 14: As discussed at the site meeting, we request an extension to the tender closing of one week to allow time for consultants to respond to questions and for the contractor to process their response.

Answer 14: Extension already posted on NS Procurement Site. April 4th, 2024 at 2pm.

Question 15: Pay item 76 for Infrastructure Removal has been provided on the tender form and is noted to include all removal of existing infrastructure. There is a note indicating that all water, storm, and surface infrastructure within the project footprint is to be removed unless otherwise noted; however, the level of detail on the drawings make it difficult to fully quantify the full scope of removals required for the project. As this is a lump sum item, we want to make sure we're able to capture all of the cost related to this scope of work under this item. Can you please revise the existing conditions plan (Drawing C-TR02) to clearly indicate all of the removals required for the project so they can be accurately quantified by all bidders?

Answer 16: See answer 11.

Question 16: Further to question 1 above, Pay item 76 also notes that common excavation and replacement of required volume with select material is to be included in this item. We'd like to request that separate unit price pay items be provided for these two items.

Answer 16: This pay item will remain as is.

Question 17: Pay item 18 for temporary water is provided as a lump sum item which will requires the bidder to quantify time and materials required for this scope of work. Can you please provide a plan showing the extents to which the existing water main in this area can be isolated so that we can determine the number of customers affected and the level of effort required to provide temporary water service to affected customers? Can we assume that temporary water can be provided by way of connection to existing hose bibs?

Answer 17: The following sequencing is suggested. The contractor will be responsible for the final temporary water plan and execution.

1. Payzant Drive – install new water main short of connections to existing so that existing water main may remain in service.

2. If disturbance of the lateral for 150 Wentworth Rd. is required, relocate around the new water main or provide temporary service.
3. Retap existing services to the 151 Wentworth Rd. and 19 Centennial Dr. north of water tie in point.
4. Test new Payzant water main.
5. Make connections to the existing water main at either end with a short-duration shut down.
6. Connect 150 Wentworth Rd. to new water main if existing service is still connected to existing main.
7. Wentworth Road – Install valve at Sta. 0+875 and a length of pipe so that the valve can be closed, leaving the existing main pressurized with a temporary shut down.
8. Provide service to 141 Wentworth Rd. from Civic 131 Wentworth Rd.

Question 18: Can excess excavated site material be disposed of at the Windsor public works yard?

Answer 18: **The excess excavated material can be disposed of at the dump site located on Colonial Road. Material shall be placed and leveled as directed by WHRM Staff.**

Question 19: Can you please confirm that coordination with Nova Scotia Power and any cost related to moving of poles and overhead wires will be the responsibility of the owner?

Answer 19: **These costs will be the responsibility of WHRM. The contractor will still be required to pay for any bracing/shoring required for existing or future poles and will need to coordinate with NSPI.**

Question 20: Pay item 73 for replacement of unsuitable material with surge notes that it includes supply, placement, and compaction of surge as directed by the engineer but doesn't note that excavation of unsuitable material is to be included under this item. Please clarify.

Answer 20: **Excavation is included in General Item 2 in Measurement and Payment and has been added to Item 73.**

Question 21: Pay item 52.2 has been provided for a segmental retaining wall at civic 151 with a tender quantity of 15m2. This particular wall requires a handrail on the top of it. As the actual quantity may vary somewhat from the tender quantity, can you please add a separate pay item for this handrail?

Answer 21: A pay item has been added for this guardrail.

Question 22: Please confirm whether the costs associated with electrical works as per drawing C-E11 are NOT included in the tender scope

Answer 22: See answer 19.

Question 23: In the Supplementary Specs for pay item number 8 for Exploratory Digs, it is noted that this item includes reinstatement of all disturbed areas. Is the intent for us to include asphalt reinstatement at the surface if located in an existing asphalt area? Please clarify. A previous question that we submitted requested a pay item for temporary asphalt. If this item is provided, can we assume that we will be paid under that new item for this? If located in a landscape area, can we assume that landscape reinstatement will be paid under the pay items for topsoil and sod or topsoil and seed?

Answer 22: Any and all reinstatement that is required as a result of exploratory digs/investigations are to be included in the pay item 8.

Question 24: The tender quantity for pay item 45.1 (concrete truck apron) is 275m2. The measured quantity from the drawing is approximately 195m2. We've requested pricing from our rebar supplier based on the tender quantity; however, if the actual quantity is significantly lower, this will significantly impact our lump sum price for rebar and will skew our bid cost for this item. Can you please adjust the tender quantity to reflect the quantity shown on the drawings?

Answer 24: The quantity has been updated in the revised schedule of quantities and prices above.

Question 25: Tender quantities for pay items 41.1 and 41.2 (Type 1 and Type 2 gravels) matches the tender quantity for pay items 43.1 and 43.2 (Type B and C asphalt). The cross sections on drawing TR09 show the road structure gravels beginning behind the curb and carrying through the curbed islands to behind the curb on the other side of the road as well as under the truck apron (detail E/07 on C-D12) which would make the actual quantity for pay items 41.1 and 41.2 higher than the quantities for 43.1 and 43.2. I realize that the supplementary specs for curb and sidewalk note that gravel is included in those items; however, in reality this gravel would be placed at the same time as the road structure gravel as it is the same type and thickness. Can we assume that placement of 500mm Type 2 and

150mm Type 1 in these areas will be paid under items 41.1 and 41.2 with any additional gravel between this elevation and the bottom of concrete in the islands included with concrete sidewalk pay items? If so, can you please adjust tender quantities to accommodate this?

Answer 25: **These pay items will remain as they are. Items 41.1 and 41.2 are for road gravels only. Gravels associated with concrete works are to be included in the pay items for those works.**

Question 26: The roundabout cross section detail (E/07 on dwg C-D12) shows asphalt at 150mm thick in two lifts. Cross sections on TR09 and pay items of course show this as 100mm of Type B and 50mm of Type C. However, the 100mm of Type B should be placed in two lifts as 100mm would be too thick too be placed in one lift and still achieve adequate compaction. Can you please confirm that the intent is to place 100mm Type B asphalt in two lifts to ensure that all bidders are on the same page?

Answer 26: **Please disregard the asphalt thickness shown in detail E-07 on sheet 12. Type B-HF asphalt should be placed in two 50 mm lifts.**

*******End of Addendum #1*******

EX. WATER INFRASTRUCTURE TO BE REMOVED (TYP.)

EX. STORM INFRASTRUCTURE TO BE REMOVED (TYP.)

PAYZANT DRIVE

WENTWORTH ROAD

WENTWORTH ROAD

1200 mm CULVERT

LANDS OF MARY & WAYNE TURNER

WATERCOURSE

WATERCOURSE

N

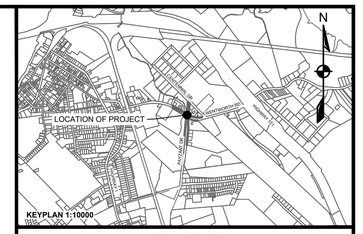
METRES

30 0 30 60

1:1000

CONSULTANT	CLIENT	PROJECT DESCRIPTION	SHEET DESCRIPTION		
DESIGNPOINT engineering • surveying • solutions 902.832.5597 designpoint.ca	West Hants something inspiring awaits	PAYZANT DRIVE ROUNDABOUT WINDSOR, NOVA SCOTIA	SERVICES REMOVAL PLAN	Engineer A.Leahy Scale 1:1000 Project No. 21-435 Filename	Drawn A.Leahy Date Mar. 27, 2024 Drawing No. TSK-01 1 OF 1

P:\2021\21-435 West Hants - Payzant Drive Roundabout\01 - Drawings\Eng Design\2023 Updates\Sheets\21-435_TR01_EXISTING CONDITIONS.dwg, Plot Date: 2024-Mar-27, Plot Size: ANSI full bleed B (11.00 x 17.00 Inches), Plotted By: Adam Leahy



LEGEND

EXISTING		PROPOSED
	VERTICAL PROFILE	
	APPROXIMATE 1 IN 100 YEAR FLOOD LIMIT	100 YR
	EASEMENT	
WA-E	WATER PIPE	WA WA
SA-E	SANITARY PIPE	SA SA
ST-E	STORM PIPE	ST ST
GAS-E	NATURAL GAS MAIN	GAS
	WATER LATERAL	
	SANITARY LATERAL	
	STORM LATERAL	
	NATURAL GAS LATERAL	
	SIDEWALK	
	WALKWAY/A.T. TRAIL	
	GUARDRAIL	
	TOP OF SLOPE	
	BOTTOM OF SLOPE	
X	FENCELINE	X

	EXISTING	PROPOSED		EXISTING	PROPOSED
CURB CUT/RAMP			AIR RELEASE VALVE		
CURBSTOP			WATER VALVE		
REDUCER			HYDRANT		
PRECAST HEADWALL			CATCHBASIN		
STREET SIGN			UTILITY POLE w/ GUY WIRE		
STREET TREE			GLB		
			URD		

EXISTING GRADE CONTOURS ARE SHOWN AT A 0.5 m INTERVAL

METRES 5 0 10 15

1:250

ISSUE	DATE	DESCRIPTION
6	MAR. 26, 2024	ISSUED FOR ADDENDUM 1
5	FEB. 22, 2024	ISSUED FOR TENDER
4	FEB. 15, 2024	ISSUED FOR REVIEW
3	AUG. 16, 2023	REVISED CROSSWALKS
2	JUN. 16, 2023	DRAFT

CONSULTANT

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REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE 27/03/2024 — A. J. SKETCHLEY — 11560

REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE 27/03/2024 — A. T. LEAHY — 20200013

CLIENT

West Hants
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PROJECT DESCRIPTION

PAYZANT DRIVE ROUNDABOUT

WEST HANTS, NOVA SCOTIA

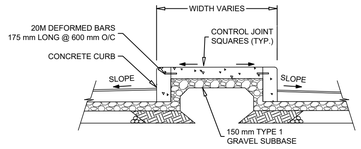
SHEET DESCRIPTION

EXISTING CONDITIONS

Drawn	Engineer	Project No.	Drawing No.
J. DWYER	P. BURGESS	21-435	C-TR02
Scale	Filename		02 of 14
1:250	21-435_TR01_EXISTING CONDITIONS.dwg		

TYPICAL CONCRETE TRAFFIC ISLAND DETAIL — A / 12

(N.T.S.)

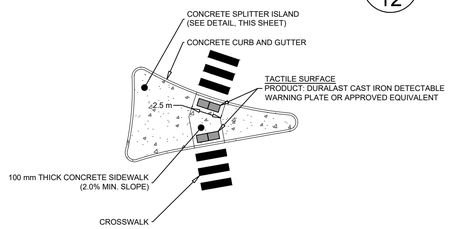


NOTES:

1. MAXIMUM SPACING FOR CONTROL JOINTS IS TO BE 2.5 m.
2. SLOPE SLAB TO FACILITATE DRAINAGE.
3. ENDS AND CORNERS OF TRAFFIC ISLANDS TO HAVE HIGH BACK CONCRETE CURB GEOMETRIC DESIGN OF CONCRETE ISLANDS TO BE AS PER THE TAC GEOMETRIC DESIGN GUIDE.

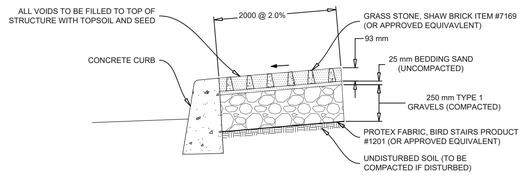
TYPICAL DROPPED SIDEWALK DETAIL — B / 12

(N.T.S.)



GRASS PAVER TYPICAL DETAIL — D / 12

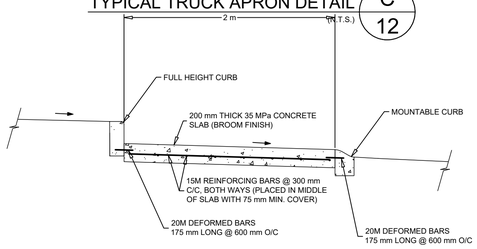
(N.T.S.)



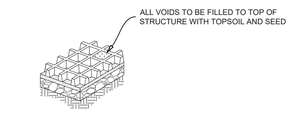
NOTES:
1. PRODUCTS TO BE INSTALLED AS PER MANUFACTURERS SPECIFICATIONS.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE NOTED.

TYPICAL TRUCK APRON DETAIL — C / 12

(N.T.S.)



GRASS PAVER ISOMETRIC VIEW

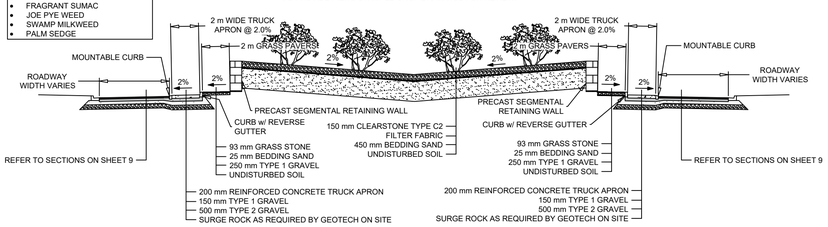


TYPICAL ROUNDABOUT CROSS-SECTION — E / 07

(N.T.S.)

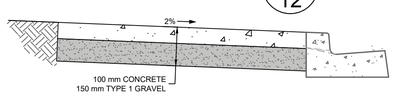
NOTE: CENTER ISLAND VEGETATION TO CONSIST OF THE FOLLOWING:
- WINTERBERRY
- DOGWOOD
- FRAGRANT SUMAC
- JOE PYE WEED
- SWAMP MILKWEED
- PALM SEDGE

NOTE: FOR PRECAST SEGMENTAL RETAINING WALL, CONTRACTOR TO PROVIDE P.ENG STAMPED SHOP DRAWINGS FOR REVIEW.



SIDEWALK STRUCTURE — F / 12

N.T.S.



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REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE 27/03/2024 — A. J. SKETCHLEY — 11560

REGISTERED PROFESSIONAL ENGINEER — PROVINCE OF NOVA SCOTIA — DATE 27/03/2024 — A. T. LEAHY — 20200013

CLIENT

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PROJECT DESCRIPTION

PAYZANT DRIVE ROUNDABOUT

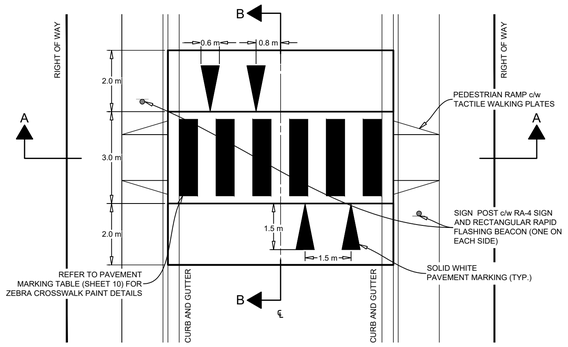
WEST HANTS, NOVA SCOTIA

SHEET DESCRIPTION

ROAD CONSTRUCTION DETAILS

Drawn	Engineer	Project No.	Drawing No.
J. DWYER	P. BURGESS	21-435	C-D12
Scale	Filename		12 of 14
N.T.S.	21-435_D01_INT-DETAILS.dwg		

TYP. RAISED CROSSWALK (A / 14)
N.T.S

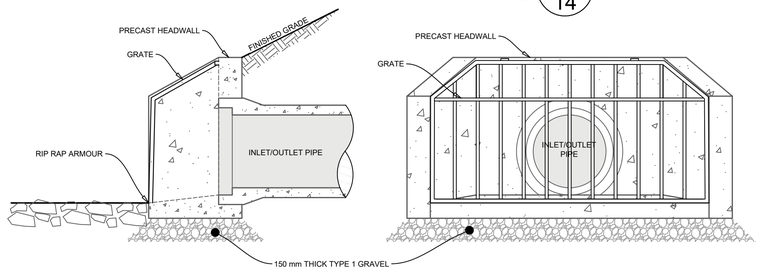


NOTES:
1. THE EXISTING ASPHALT SURFACE TO BE MILLED TO A DEPTH OF 40 mm WHEN RETROFITTING
2. CATCH BASINS ARE REQUIRED ON THE UPHILL SIDE OF THE RAISED CROSSWALK AS INDICATION ON PLANS.
3. POSITIVE DRAINAGE TO NEAREST CATCHBASIN TO BE CONFIRMED BY THE ENGINEER AND ADJUSTED AS REQUIRED
4. RAISED CROSSWALKS TO BE CONSTRUCTED USING TYPE D-HF ASPHALT (UNLESS OTHERWISE APPROVED BY THE W)
5. ALL DIMENSIONS ARE IN METERS UNLESS INDICATED OTHERWISE

SECTION A-A
N.T.S

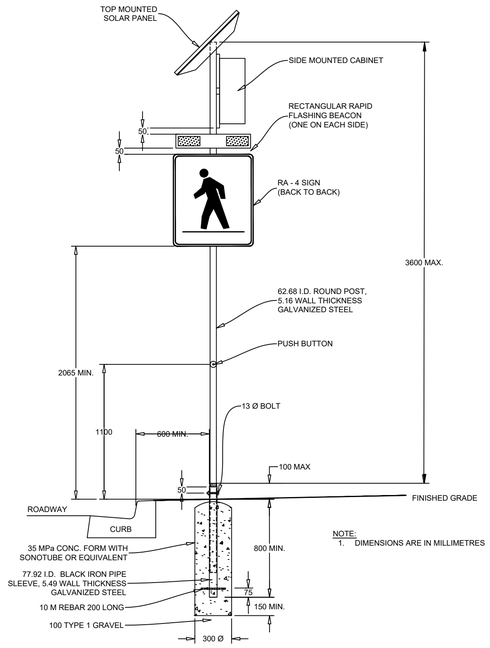
SECTION B-B
N.T.S

TYPICAL HEADWALL DETAIL (F / 14)
N.T.S.



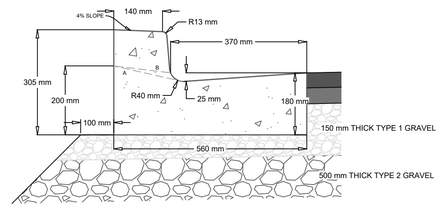
NOTES:
1. ANY PIPE SYSTEMS OR CULVERTS LONGER THAN 30 m TO HAVE HEADWALL GRATES ON INLETS.
2. BARS TO BE VERTICAL ON INLET GRATES. GRATES ARE NOT PERMITTED ON OUTLETS.
3. AREA OF HEADWALL GRATE (WHERE REQUIRED) TO BE MINIMUM 6 TIME LARGER THAN PIPE CROSS SECTIONAL AREA.
4. GRATES TO BE GALVANIZED STEEL.
5. HEADWALL TO BE SIZED BASED ON PIPE SIZE AS PER PRECAST MANUFACTURERS RECOMMENDATION.

RECTANGULAR RAPID-FLASHING BEACON SIGNAL CONFIGURATION (SOLAR PANEL) (B / 14)
N.T.S



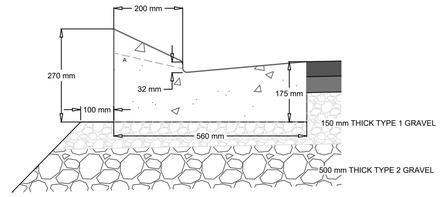
NOTE:
1. DIMENSIONS ARE IN MILLIMETRES

TYPICAL CURB AND GUTTER DETAIL (C / 14)
N.T.S.

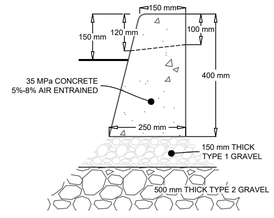


NOTES:
LINE A INDICATES CURB AT PEDESTRIAN RAMPS.
LINE B INDICATES CURB AT DRIVEWAYS

MOUNTABLE CURB AND GUTTER DETAIL (D / 14)
N.T.S.



TYPICAL CURB DETAIL (E / 14)
N.T.S



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CONSULTANT

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designpoint.ca

REGISTERED PROFESSIONAL ENGINEER
DATE 27/03/2024
A. J. SKETCHLEY
11560
PROVINCE OF NOVA SCOTIA

REGISTERED PROFESSIONAL ENGINEER
DATE 27/03/2024
A. T. LEAHY
20200013
PROVINCE OF NOVA SCOTIA

CLIENT

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PROJECT DESCRIPTION

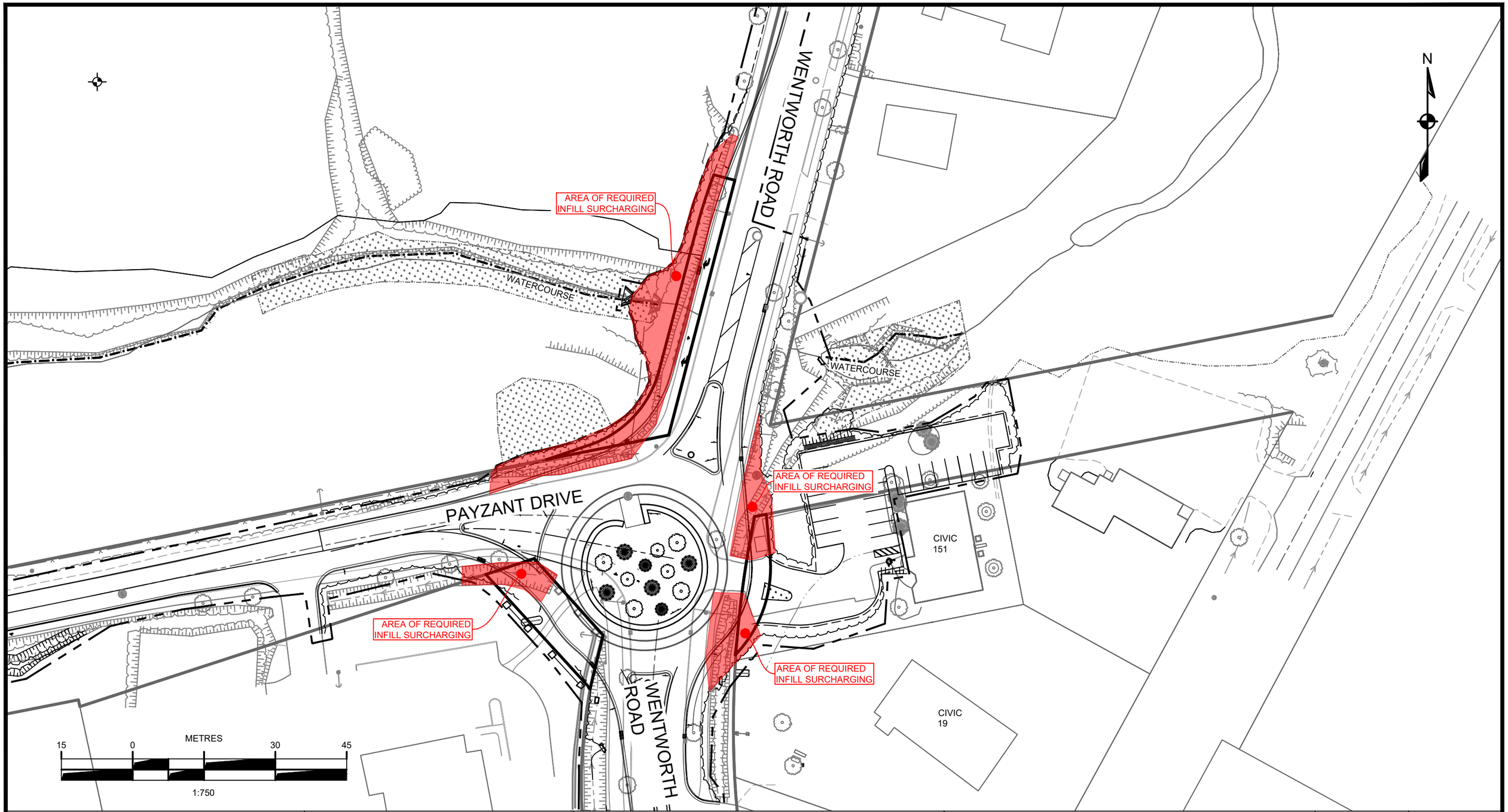
PAYZANT DRIVE ROUNDABOUT

WEST HANTS, NOVA SCOTIA

SHEET DESCRIPTION

CONSTRUCTION NOTES AND DETAILS 2

Drawn	Engineer	Project No.	Drawing No.
T.MILLS	A. SKETCHLEY	21-435	C-D14
Scale	Filename		14 of 14
N.T.S	21-435_D01_INT-DETAILS.dwg		



CONSULTANT	CLIENT	PROJECT DESCRIPTION	SHEET DESCRIPTION		
DESIGNPOINT engineering • surveying • solutions 902.832.5597 designpoint.ca	West Hants something inspiring awaits	PAYZANT DRIVE ROUNDABOUT WINDSOR, NOVA SCOTIA	INFILL SURCHARGING SKETCH	Engineer A.Leahy Scale 1:750 Project No. 21-435 Filename 21-435_3-PP01_PAYZANT.dwg	Drawn A.Leahy Date Mar. 28, 2024 Drawing No. TSK-02 REV 00

P:\2021\21-435 West Hants - Payzant Drive Roundabout\01 - Drawings\Eng Design\2023 Updates\Sheets\21-435_3-PP01_PAYZANT.dwg, Plot Date: 2024-Mar-28, Plot Size: ANSI full bleed B (11.00 x 17.00 Inches), Plotted By: Adam Leahy

Addendum #2

To All Bidders of WHRMPW24-03:

Please note: the following addendum applies to WHRMPW24-03 and shall be taken into consideration when preparing bid documents.

Replace Section 01 22 00 – Measurement and Payment, Item 57. Temporary Asphalt Reinstatement:

57. Temporary Asphalt Reinstatement:

Unit of Measurement: square metre (m2)

Method of Measurement: slope measure.

This item includes: common excavation, removal and disposal of surplus material, supply and placement of gravel, asphalt pavement, asphalt sidewalk and line painting as directed by the Engineer. Reinstatement extents to be confirm with engineer prior to placement. No payment will be made under this item unless authorized by the Engineer.

Replace Section 00 41 43 – Tender Form, Section 1.4 Schedule Of Quantities And Unit Prices:

Addendum #2

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
EARTHWORK					
2.	Grubbing	m^2	800		
6.	Borrow	m^3	550		
8.	Exploratory Digs	ea	5		
9.	Infill Surcharging	L.S.	1		
10.	Karst Topography Cavern Infill (Provisional)				
	.1 Less than or equal to 5 cubic metres	ea	3		
	.2 Greater than 5 cubic metres	m^3	20		
			SUBTOTAL EARTHWORK:		$
WATER MAIN					
11.	Pipe				
	.1 250mm PVC BIONAX	m	192		
	.2 200mm PVC BIONAX	m	135		
12.	Fire Hydrants				
	.1 Installation	ea	2		
	.2 Relocation	ea	1		
14.	Direct Buried Valves				
	.1 250mm Gate Valve	ea	3		
	.1 200mm Gate Valve	ea	2		
16.	Connections to Existing Main				
	.1 250mm, Payzant Drive 0+826	ea	1		
	.2 250mm, Payzant Drive 1+018	ea	1		
	.3 200mm, Wentworth Road 0+874	ea	1		
18.	Temporary Water	L.S.	1		
19.	Cap and Abandonment of Existing Main				
	.1 250mm, Payzant Drive 0+834	ea	1		
	.2 250mm, Payzant Drive 0+890	ea	1		
			SUBTOTAL WATER MAIN:		$

Addendum #2

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
STORM SEWER					
31.	Pipe				
.1	300mm PVC DR18	m	48		
.2	450mm RCP 65D	m	33.5		
32.	Manholes				
.1	1050mm	ea	1		
.2	1200mm	ea	1		
33.	Catch Basins				
.1	1050mm, Single	ea	5		
.2	1050mm, Double	ea	5		
34.	Catch Basin Leads				
.1	200mm PVC DR35	m	15		
.2	250mm PVC DR35	m	38		
.3	250mm PVC DR18	m	40		
.4	300mm PVC DR35	m	102		
.5	300mm PVC DR18	m	30		
36.	Connections to Existing				
.1	Existing Manhole	ea	1		
.1	Wentworth Road Culvert	ea	1		
37.	Culverts				
.1	1200mm RCP 65D	m	6.5		
39.	Precast Headwall				
.1	Up to 600mm Pipe	m	5		
.2	1200mm Pipe	m	1		
			SUBTOTAL STORM SEWER:	$	
STREET CONSTRUCTION					
41.	Gravels				
.1	Type 1 (150mm thick)	m^2	3750		
.2	Type 2 (500mm thick)	m^2	3750		
.3	Type 1 (Dentist Parking Lot) (150mm thick)	m^2	1110		
.4	Type 2 (Dentist Parking) (300 mm thick)	m^2	1110		
43.	Asphalt Concrete				
.1	Type C-HF (50 mm thick)	m^2	3750		
.2	Type B-HF (100 mm thick)	m^2	3750		

Addendum #2

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
	.3 Type C-HF (Dentist Parking Lot) (40mm thick)	m^2	980		
	.4 Type B-HF (Dentist Parking) (50 mm thick)	m^2	980		
44.	Curb				
	.1 Curb and Gutter - Concrete	m	550		
	.2 Curb only - Concrete	m	430		
45.	Concrete Sidewalk				
	.1 Sidewalk (100mm)	m^2	965		
	.2 Truck Apron (200mm)	m^2	190		
	.3 Traffic Island (100mm)	m^2	355		
46.	Tactile Walking Surface Indicators	ea	28		
48.	Guardrail				
	.1 Rail for Civic 151 wall	m	12		
50.	Adjust Existing Manhole Frames and Covers	ea	4		
52.	Segmental Retaining Wall				
	.1 Center Island	m^2	98		
	.2 Civic 151 Parking Lot	m^2	15		
53.	Street Signs and Bases	ea	38		
54.	Stone Pillar Reinstatement	L.S.	1		
55.	Sign Relocation				
	.1 Credit Union	L.S.	1		
	.2 Hospital	L.S.	1		
56.	Raised Crosswalks	ea	6		
57.	Temporary Asphalt Reinstatement (Provisional)	m^2	1500		

SUBTOTAL STREET CONSTRUCTION: $_____

LANDSCAPING

61.	Topsoil and Sod	m^2	1050		
62.	Topsoil and Seed	m^2	530		

Addendum #2

Item No.	Description	Unit of Measurement	Estimated Quantity	Unit Price	Item Total
66.	Grass Pavers	m^2	205		
67.	Center Island Landscaping	L.S.	1		

SUBTOTAL LANDSCAPING: $_____

ADDITIONAL ITEMS

73.	Replacement of Unsuitable Material w/ Surge Rock (Provisional)	m^3	1900		
76.	Infrastructure Removal	L.S.	1		
77.	Trench Excavation – Contaminated Material (Provisional)	m^3	50		

SUBTOTAL ADDITIONAL ITEMS: $_____

ENVIRONMENTAL PROTECTION

90.	Environmental Measures	L.S.	1		

SUBTOTAL ENVIRONMENTAL PROTECTION: $_____

SUBTOTAL EARTHWORK $_____

SUBTOTAL WATER MAIN $_____

SUBTOTAL STORM SEWER $_____

SUBTOTAL STREET CONSTRUCTION $_____

SUBTOTAL LANDSCAPING $_____

SUBTOTAL ADDITIONAL ITEMS $_____

SUBTOTAL ENVIRONMENTAL PROTECTION $_____

ESTIMATED CONTRACT PRICE (EXCLUDING HST) $_____ (A)

ADD HARMONIZED SALES TAX (15% of Estimated Contract Price) $_____ (B)

TOTAL PRICE (A + B) $_____

TENDERER'S HST REGISTRATION NO. _____

Addendum #2

The following questions have been asked and the answers are provided for clarification:

Question 1: A pay item, sketch, and associated supplementary spec was provided for infill surcharging. If I understand correctly, it appears that the intent is to grub the noted areas and supply and place twice the required imported borrow material as what is required to establish design subgrade in 2024 then remove half of that material and establish actual design subgrade in 2025.

The supplementary spec also notes that no additional payment for imported borrow will be made under pay item 6 in these areas. We're just wondering if you could clarify this. Pay item 6 for imported borrow was just added with this addendum. We would expect that the intent with this item would be for payment of any imported borrow material required to establish subgrade. Will any borrow required in surcharge areas up to design subgrade be paid under pay item 6 with the extra quantity above this to be part of the lump sum pay item 9? Or is the intent that all borrow material in surcharge areas including what is required to get to design subgrade as well as the additional material above this be included in the lump sum pay item for infill surcharging?

Answer 1: **The assumed intent is correct. Borrow required to fill areas up to subgrade will be paid under pay item 6, the additional material required for surcharging shall be included as part of pay item 9.**

Question 2: A provisional item was added for temporary asphalt as part of addendum 1 with a tender quantity of 3,000m2. It was our understanding from the site meeting that the intent with this item would be that it would be used for temporary reinstatement of trench cuts; however, where the tender quantity is quite high, we just wanted to confirm what the Municipality's intent is with this item. Is this just intended for temporary patching of trench cuts or is the intent to use this item to pave and temporary roadways/driveways?

Answer 2: **The temporary asphalt item is intended for trench cuts within the roadways, driveways, and sidewalks only. The quantity of this pay item has been reduced.**

Addendum #2

Question 3: As per Q&A item number 25 in addendum 1, all gravels associated with concrete works will be included in pay items for those works. Curb details show the same structure (500mm Type 2, 150mm Type 1) as under the asphalt areas which is also in keeping with cross sections on drawing TR09. Truck apron gravel structure is shown in cross section E/07 to be the same as what is under asphalt and curb.
However, there are conflicting details for gravels under concrete surfacing in curbed traffic islands and, if gravels for these areas are to be included with sidewalk items, we'll need clarification on which is correct. Cross sections on drawing TR09 show the same road structure carried under the curbed traffic islands. However, details A/12 and F/12 both indicate only 150mm of Type 1 under concrete sidewalk and traffic island. Both concrete traffic island and concrete sidewalk are paid under pay item 45 for concrete sidewalk. Can you please confirm which is correct?

Answer 3: **The pay item 45.1 has been split into two separate pay items (45.1 and 45.3). Concrete traffic islands shall include; 100 mm concrete, 150 mm Type 1 gravels, and 500 mm Type 2 gravels. Concrete sidewalk shall include; 100 mm concrete, and 150 mm Type 1 gravels.**

Question 4: Q&A item #24 in the addendum noted that the tender quantity for the truck apron was corrected but it looks like the revised tender form is still showing the same original quantity of 275m2.

Answer 4: **See the revised Schedule of Quantities and Unit Prices table.**

*******End of Addendum #2*******

Committee of the Whole Excerpts
April 09, 2024

RAILWAY TRAIL PARKING LOT LIGHT EXCERPT

Safety concerns have been raised in the parking area by Chambers Road and Highway 215 in Brooklyn. Residents who use this area for parking in the early mornings and on weekends to access the trail system have raised concerns about how dark the area is and the large volume of large truck traffic in the area.

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

COUNCIL DIRECTS CAO TO DIRECT STAFF TO INSTALL ONE (1) LED PARKING LOT/YARDLIGHT/SAFE SPACE LIGHT (FROM DUSK TILL DAWN) IN THE PARKING LOT OF THE TRAIL SYSTEM AT THE CORNER OF CHAMBERS ROAD, HWY 215, BROOKLYN.

Committee of the Whole Excerpts
April 09, 2024

WATER STORAGE TANK CONSTRUCTION EXCERPT

In April 2021, the additional water storage capacity project was deemed necessary through consultation with CBCL consulting engineers as part of a future needs assessment for the Windsor Water Utility.

The storage tank is the first main step in helping to bring the entire system up to current regulations and offers additional storage and capacity within the system that will be required in the future for population growth.

The integral expansion to the water distribution system will allow the flexibility and downtime that is required in order to properly maintain our current water treatment plant and lower operational risks in the event of a breakdown to help reduce and lower severity of service interruptions to customers.

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

COUNCIL APPROVE AWARDING THE CONSTRUCTION TENDER FOR THE WINDSOR WATER STORAGE TANK AS IDENTIFIED IN THE 2023-24 CAPITAL BUDGET TO DEXTER CONSTRUCTION FOR THE TENDERED COST OF $4,886,100 PLUS APPLICABLE TAXES.

COUNCIL ALSO APPROVE, A 10% CONTINGENCY OF $488,610; CONTRACT ADMINISTRATION & MANAGEMENT AND GEOTECHNICAL & CONCRETE TESTING FOR AN ESTIMATED COST OF $165,000 FOR A TOTAL PROJECTED PROJECT COST OF $5,539,710.00 PLUS APPLICABLE TAXES.

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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☑	Decision Request ☐	Councillor Activity ☐

To: Committee of the Whole

Submitted by: J. Richard

Todd Richard, Director of Public Works

Date: April 9, 2024

Subject: Construction of Windsor Water Storage Tank

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 23 authorizes Council to make policies for municipal purposes.

RECOMMENDATION or DECISION REQUEST

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

Council approve awarding the Construction Tender for the Windsor Water Storage Tank as identified in the 2023-24 capital budget to Dexter Construction for the tendered cost of $4,886,100 plus applicable taxes.

Council also approve, a 10% contingency of $488,610; Contract Administration & Management and Geotechnical & Concrete testing for an estimated cost of $165,000 for a total projected project cost of $5,539,710.00 plus applicable taxes.

BACKGROUND

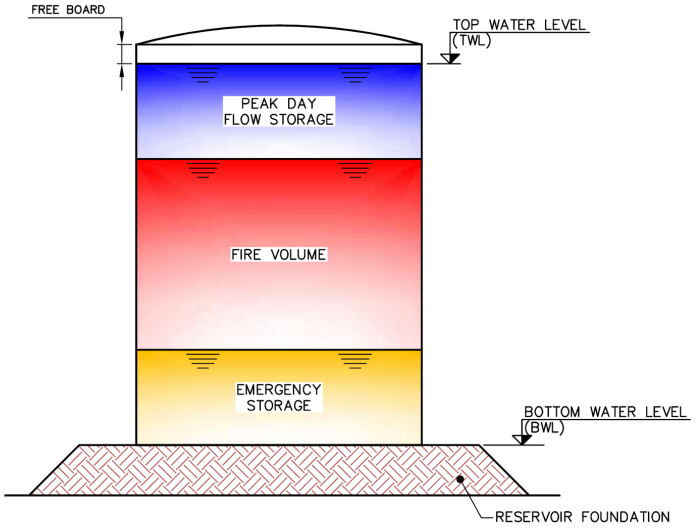
Property ☑	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐

In April 2021, the additional water storage capacity project was deemed necessary through consultation with CBCL consulting engineers as part of a future needs assessment for the Windsor Water Utility. As directed by Council in October 2021, CBCL was awarded the Engineering and Design work for the Windsor Water Storage Expansion Tank.

Design to date has been an iterative process and included Reservoir Siting Analysis, Topographic Survey, Geotechnical Investigation, Preliminary & Detailed Design and preparation of Tender Documents. The Construction of the Tank was issued for Tender on the Nova Scotia Procurement Site on February 2, 2024. The Tender closed on March 14, 2024.

Storage Requirement

5,472 m3 or 5,472,000 liters



RESERVOIR STORAGE SCHEMATIC

DISCUSSION

The storage tank is the first main step in helping to bring the entire system up to current regulations. The storage tank offers additional storage and capacity within the system that will be required in the future for population growth. Most importantly, this integral expansion to the water distribution system allows the flexibility and downtime that is required in order to properly maintain our current water treatment plant. The additional storage tank will lower operational risks in the event of a breakdown to help reduce and lower severity of service interruptions to customers. The additional storage will benefit the Windsor and West Hants Water Utilities, along with servicing Falmouth when the interconnection is complete.

Additional costs for contact administration / management are estimated to be approximately $165,000 +HST. Provincial funding has been approved under the Municipal Capital Growth Program (MNGP) in the amount of $3,074,208 (up to 50% of the total project cost to maximum approved amount).

There were a total of four Tender Submissions:

List of Bidders	Price (HST not included)	
Dexter Construction Company Limited	**$**	**4,886,100.00**
Gary Parker Excavating Limited	$	5,686,385.40
ITS Construction Inc.	$	5,231,648.00
Lindsay Construction	$	5,102,261.00

Public Works Staff and CBCL staff have reviewed all the submissions and determined that all satisfy requirements set out in the Tender with Dexter Construction having the lowest cost bid. Dexter Construction is very experienced and well equipped to handle a project of this size and complexity and have worked closely with WHRM on multiple projects in the past. They are very familiar with WHRM's standards, Health & Safety expectations and the overall scope of work involved in this project.

NEXT STEPS

Upon approval by Council, staff will award the Construction of the Windsor Storage Tank to Dexter Construction so they can proceed with finalized planning of the Construction Phase. It is expected that construction will start in May 2024 and finish in February 2024.

FINANCIAL IMPLICATIONS

Tendering Timeline:

Posted to Procurement	February 2, 2024
Closing Date	March 14, 2024
Price Expiry Date	May 13, 2024
Days Remaining	35 Days

2023-24 Capital Budget – Water Storage Tank Facility

Tender Pricing	$5,539,710.00
Non-Recoverable Tax *(4.29%)*	$237,653.56
Tender Total	**$5,777,363.56**
2023-24 Budget Value	$3,200,000.00
Variance (over budget)	($2,577,363.56)

Within the 2023-24 Capital Budget, the water storage tank facility was scheduled to be funded through long-term debt. And while the project itself is overbudget, we have received notification that we have received a grant up to 50% of the project costs to a maximum of $3,074,208, through the Municipal Capital Growth Program.

ALTERNATIVES

1. Council may choose not to proceed with this planned project.

ATTACHMENTS

N/A

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report hits the highlights of the history of this project, it's importance to the system and community, and its characteristics and costs.

The report and its recommendation are in alignment with past direction from Council. The cost is significantly higher than originally forecasted when the project was first considered. External funding will mitigate any unanticipated cost of the project to the water utility and its customers as previously forecasted.

I support the recommendation.

Report Prepared by: _____
Erin Amirault, P.Eng. Project Engineer Public Works

Report Reviewed by: _____

Report Approved by: _____
Mark Phillips, Chief Administrative Officer

Committee of the Whole Excerpts
April 09, 2024

WHRM 2024 PROVINCIAL REPRESENTATIVE VOLUNTEER EXCERPT

Each year municipal units are invited to nominate a volunteer to receive provincial recognition as a representative volunteer for their community. The Community Development Department received nominations of deserving volunteers from community groups/councillors and the public resulting in Betty Cox being nominated.

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

COUNCIL APPROVES THE NOMINATION OF BETTY COX FOR THE 2024 PROVINCIAL REPRESENTATIVE VOLUNTEER AWARD FOR THE WEST HANTS REGIONAL MUNICIPALITY.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐

To: West Hants Regional Municipal Council

Submitted by: Kathy Kehoe, Director, Community Development

Date: April 3, 2024

Subject: Provincial Representative Volunteer

LEGISLATIVE AUTHORITY

n/a

RECOMMENDATION or DECISION REQUEST

Committee of the Whole, recommends that Council approves the nomination of Betty Cox for the 2024 Provincial Representative Volunteer Award for the West Hants Regional Municipality.

BACKGROUND

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

Annually municipal units are invited to nominate a volunteer to receive provincial recognition as a representative volunteer for their community.

The Community Development Department received nominations of deserving volunteers from community groups/councillors and the public.

DISCUSSION

Individuals not selected as the West Hants Regional Municipality Provincial Representative Volunteer will be recognized for their service during the West Hants Regional Municipality annual recognition event.

NEXT STEPS

Should this recommendation be approved staff will prepare the information required to submit the nomination to the province.

FINANCIAL IMPLICATIONS

There are no additional implications as this recognition award is included in the Community Development 2024-25 proposed operating budget as part of the volunteer award banquet.

ALTERNATIVES

Council can choose not to accept the recommendation and can recommend a different nominee from the nominations list previously circulated via email.

Council can choose not to recognize a volunteer to the Provincial Volunteer event.

ATTACHMENTS

n/a

CHIEF ADMINISTRATIVE OFFICER REVIEW

It's wonderful to have such a great representative of the West Hants Regional Municipality.

I support the recommendation. Congratulations. Betty.

Report Prepared by: _____
Kathy Johnston-Isenor,
Manager, Recreation and Community Engagement

Report Reviewed by: _____
Kathy Kehoe, Director, Community Development

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

Report Approved by: _____
Mark Phillips, CAO

Committee of the Whole Excerpts
April 09, 2024

WINDSOR FLOOD STUDY PHASE 2 EXCERPT

In January of 2024 staff were directed to proceed in an expediated fashion for next steps towards a solution for storm water diversion and management, specifically for the residents along Stannus Street, Victoria St, Gray St, Monroe St, Lower Wiley Avenue, Wagners Crt, portions of Albert Street and Tremaine Crescent.

CBCL was asked to provide a cost proposal to take on the proposed work and submitted a proposal to move forward with the Stormwater solutions.

The work was expected to take between 6 and 8 months. The scope of work will include generating plan and profile drawings that will be used to:

- Identify upstream system connection locations to allow for expansion of the system
- Identify known existing utilities that would be impacted
- Identify if private property will be impacted and the extent
- Generate Class C Estimates

and proposed to be completed in four parts to narrow down options.

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

COUNCIL APPROVES THE PROPOSAL FROM CBCL FOR THE WINDSOR FLOOD STUDY PHASE 2 FOR THE ESTIMATED AMOUNT OF $240,500 PLUS APPLICABLE TAXES.

West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☑	Decision Request ☐	Councillor Activity ☐

To: Committee of the Whole

Submitted by: _____
Todd Richard

Date: April 9, 2024

Subject: Windsor Flood Water Study Phase 2 - CBCL

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION or DECISION REQUEST

Committee of the Whole recommends to Council that:

Council approves the Proposal from CBCL for the Windsor Flood Study Phase 2 for the estimated amount of $240,500 plus applicable taxes.

BACKGROUND

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

CBCL prepared the Windsor Stormwater Report and presented it to Council in December 2023. This report identified a series of optional approaches to stormwater management for the purpose of reducing flood risk in the specific areas of Windsor that have been prone to flooding. This report and the associated studies fully explored the analytics of the stormwater problem and created a thorough understanding to properly define the reasons behind the current issues as were presented in the report. In order to determine the best options to provide short term relief, it is imperative to consider all the effects both short term and long term.

In January of 2024 Council directed staff to proceed in an expediated fashion for next steps towards a solution for storm water diversion and management, specifically for the residents along Stannus Street, Victoria St, Gray St, Monroe St, Lower Wiley Avenue, Wagners Crt, portions of Albert Street and Tremaine Crescent.

CBCL was asked by staff to provide a cost proposal to take on the proposed work based on Council direction.

DISCUSSION

CBCL submitted a proposal to move forward with the Stormwater solutions. They will work with staff to develop a schedule that meets the project objectives while allowing suitable time to complete the work required to provide the Municipality with the answers they are looking for. This work is expected to take between 6 and 8 months.

To date, there has been extensive investigative work by CBCL. They have collected the data, created models and gained knowledge that now has to be transferred into practical, realistic infrastructure solutions. In order to decrease down the stormwater management solution options, it is necessary to move forward with preliminary engineering and design. This is required to identify conflicts, obstacles and risks; basically, to determine the practicality and constructability of each option. The scope of work will include generating plan and profile drawings. The plan profiles will be used to:

- Identify upstream system connection locations to allow for expansion of the system
- Identify known existing utilities that would be impacted
- Identify if private property will be impacted and the extent
- Generate Class C Estimates

The planned work Methodology proposed to narrow down the options includes:

Part A – Review existing data and determine what additional data is required. The data will generally consist of surveying existing infrastructure and pump station information.

Part B – Evaluate the options and identify up to three options that can move forward to Concept Development.

Part C – Develop Shortlist of Options through updated models based on data collection. This stage will include conceptual drawings for viable options and Class C Estimates for actual

construction costs. Drawings will show location of proposed infrastructure, infrastructure to be relocated, impacted private property and other key information.

Part D – Predesign Report to fully detail and explain the options with a review meeting to discuss the findings. A follow-up presentation will be made to Council.

CBCL proposes to do the work for the estimated fee of $240,500.00, this is based on the scope described and the fee could increase or decrease depending on the outcomes of the Option Evaluation and Shortlisted Option Development tasks.

NEXT STEPS

Pending approval of Council; staff will direct CBCL to commence Phase 2 of the Windsor Stormwater Study.

FINANCIAL IMPLICATIONS

The total cost for Windsor Flood Study Phase 2 is $250,817.45. Pending Council decision, the amount will be capture in 2024-25 Capital Budget, proposed to be funded through Municipal Finance Division.

ALTERNATIVES

1. Council may choose to not proceed with the phase 2 study.
2. Council may choose to direct staff to issues a RFP on the procurement site to solicit others proposals for this scope of work.
3. Council may choose to direct staff to issue an expression of interest or request for proposals on other potential short-term options or solutions not put forth by CBCL.

ATTACHMENTS

CBCL Storm Water Study Phase 2 proposal.

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report hits the highlights of past discussions and direction from Council as well as the scope of work. To comply with procurement requirements the approval of this work and its costs estimates have been returned to Council for approval.

Staff await direction from Council. I support the recommendation to ensure the solutions sought for the impacted areas continue to be supported so that future projects can be brought forward to Council for consideration.

Report Prepared by: _____

Erin Amirault P.Eng. Project Engineer

Report Reviewed by: _____

Todd Richard, Director of Public Works

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

March 21, 2024

Todd Richard
Director of Public Works
West Hants Regional Municipality
100 King Street
PO Box 3000
Windsor, NS B0N 2T0

Mr. Richard:

RE: Windsor Flood Study Phase 2

The areas of Stannus Street, Victoria St, Gray St, Monroe St, Lower Wiley Avenue, Wagners Crt, and portions of Albert St and Tremaine Cresent in Windsor are known to flood. Options to reduce flooding have been presented in the Windsor Stormwater Report (WSR) prepared by CBCL Limited (CBCL). This report identified a series of optional approaches to stormwater management for the purpose of reducing flood risk in areas of Windsor that have been prone to flooding historically. Additional analysis and engineering are required to determine which options are feasible, provide the greatest reduction in flood risk, and provide the highest cost benefit.

CBCL was asked by WHRM to look at methods that will immediately divert stormwater away from the noted areas to prevent short term flooding. Council requested that staff meet CBCL Limited to determine a specific scope of work to expand upon the initial work done to date that can provide short term relief and be expandable to remaining parts of Windsor.

Objective

The objective of this work is to confirm the initial modeling results and to conduct preliminary engineering to identify conflicts, obstacles and risks associated with the options under consideration. The scope will include generating plan and profiles drawings for the initial phase of the options being considered. The plan profiles will be used to:

- Identify upstream system connection location to allow for expansion of the system.
- Identify known existing utilities that would be impacted,
- identify if private property will be impacted, and
- Generate a Class C estimates

An initial screening of the options will be implemented to short list the options to 3 viable options. The screening will be based on several parameters such as time to implementation, permitting, costs, will impacts be local or impact the entire community, etc. We can review these and develop/expand on this list. It should be noted that this scope will not immediately divert water from the noted areas. Subsequent design and construction of specific measures will need to take place before improvements are achieved.

Options Being Considered

The WSR identified numerous options for further investigation and will form the basis of more detailed work. The option numbers below correspond to the WSR.

Full Separation - Option 3

The stormwater flow would be split between Albert Street and Cunnabel Creek. This option would evaluate installing a new sanitary sewer and storm sewer in Cunnabel Creek. This will require flow control at the connection points of the existing combined sewer into the new sanitary sewer that will allow combined sewer flows over a specified limit to discharge to the new storm sewer. The storm sewer will be discharged directly into the river and therefore there may be an increase in combined sewer overflows. This will need to be quantified, along with a time frame for additional separation, if this is the selected option, prior to NSE providing approval.

Cunnabel Creek Option 3A

This option looks at separating Stannus Street so it is no longer connected to the Cunnabel Creek combined sewer. Under this option a new sewer will be connected to the existing sewer interceptor and a new stormwater outfall would be constructed. We will look at sizing the new stormsewer to service Stannus Street and the local streets that currently discharge into it, not the entire watershed. A variation of this option would be to install a combined sewer pump to pump flows from Cunnabel Creek combined sewer into the new sewer, which would need to be upsized to accommodate this additional flow. This would allow the sewer to be installed at typical depths instead of the very deep depth required to get gravity flows from this area. The pumping option would likely require considerable upgrades to the downstream existing infrastructure to accommodate the additional flows.

Cunnabel Creek Option 3B

This option looks at diverting flows from Cunnabel Creek to Albert Street and Stannus Street. This option allows Cunnabel Creek to remain in service by reallocating the excess flows to other parts of the system with more capacity. This would result in a new system similar to

Option 3A to be installed on Stannus Street that would be expandable to allow separation to continue upstream of Stannus Street.

Cunnabel Creek Option 4A – Installation of a Stormwater Pump on Stannus Street

This option will look at preliminary sizing of a pump station to pump combined sewer from the existing Cunnabel Creek/Stannus Street combined sewer systems. The existing combined sewer would remain in service and this would provide additional capacity to the system. We will generate design parameters for the station and forcemain along with a concept plan identifying potential location of PS, modifications of combined sewer to connect to the pump station, and proposed routing for the forcemain to the existing newer treatment plant. We will review the capacity of the treatment plant to receive the additional flows.

Cunnabel Creek Option 4B – Installation of a Stormwater Tunnel to the STP

This option is the same as Option 4A but instead of pumping the combined sewer to the STP a new tunnel would be installed to connect this area to the 3 Lagoon Drive pump station that pumps into the treatment plant. The existing LS4 at the Lagoon Drive STP will need to be upgraded. Scope will include looking at an expansion to this pumping station to allow combined sewer to by directed to the new wastewater facility on Wentworth Rd and 3 Lagoon Drive STP or a flow variation directed to either plant as required. This would also need to include a force-main to be installed from 3 Lagoon Drive to the new WWTF on Wentworth Road

Storage

This option was explored at a high level in the initial Stormwater Report, this option will be investigated to see if storage could be implemented to offset the current capacity issues. Storage may be one large system or small storage systems throughout the system that could be installed in phases.

Methodology

Tasks for completing the work are outlined below.

Part A - Data Gap Analysis and Field Data Collection

We will work with WHRM to review existing data and determine what additional data is required. The data will generally consist of surveying existing infrastructure and pump station information.

Survey

Collect additional field information such as sewer inverts, road elevations, water courses, etc., to allow us to put together an existing condition drawing of the area. Watermain information from the GIS system will be incorporated into the existing conditions drawings. All underground piping will be reviewed and verified with WHRM staff.

Pump Stations

Pump stations control the amount of flow being pumped out of the system and additional information on how the system are performing would assist in further refining the model. Therefore, the pumping rate is important to understand when assessing the systems ability to move water to the next sewershed. In the previous work we completed drawdown tests on the pump station within the downtown core to assist in estimating wastewater use. We propose to conduct drawdown tests on the remaining pump stations to allow for more refined modeling to be completed.

Flow Monitoring

The previous flow monitoring program did not capture any significant wet weather events. This information is required to refine the model calibration to accurately support the concept design development and hydraulic assessment (i.e. pipe sizing, overflow analysis, and flow estimates). The flow metering work is currently being completed under a separate scope of work. This scope of work includes the model calibration to wet weather collected during the 2024 flow metering program. The updated model will be used to support the Phase 2 assessment.

Part B - Options Evaluation

Under this task we will develop general arrangement drawings of the options being considered that show location and routing of infrastructure, possible property impacts, connection points to existing system, and existing infrastructure conflicts. This information will be discussed with staff through a technical workshop. The objective of the workshop will be to identify options that can be implemented quickly, have the shortest approval windows, and can provide improved stormwater management in the impacted areas within or before the 2025/26 construction season. The objective will be to identify up to 3 options that can move forward to Concept Development. Modelling will not be completed at this stage, it will be completed to refine the shortlisted options.

Part C - Shortlisted Option Development

Under this option we will use our updated model to confirm the performance of the shortlisted options and refine design parameters such as pipe size, flows, discharge locations, connection location, and review down stream infrastructure that may be impacted by diversion of stormwater. If the model shows the option will not provide the level of service required, this will be noted and the option will no longer be consider a viable option. We will develop conceptual drawings of the shortlisted options that show benefits. The drawings will show the location of proposed infrastructure, infrastructure that will need to be relocated, impacted private property, and other key information. Class C opinion of probable construction costs will be developed for these options.

Part D - PreDesign Report

A design memo will be prepared that describes all options considered, the rational for the three (3) selected to move to the Concept Development phase, a description of the design parameters for the three (3) selected options, and Class C opinion of probable capital cost. This memo will be issued for review and consideration with a review meeting to discuss the findings. A finalized version of the memo will be released, and a follow up presentation will be made to council.

Project Team

Aaron Baillie will be the main point of contact and project manager; his contact information is as follows:

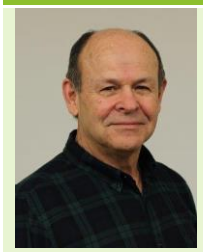
Aaron Baillie
Direct: 902-492-6750
Email: aaronb@cbcl.ca
Registry of Joint Stocks: 1116242 | HST No.10884 9066

The key project team members are identified below with short bios describing their work experience; detailed resumes are attached.

Aaron Baillie, P.Eng. – Project Manager

Aaron is the Municipal Department Head in CBCL's Halifax office. He has degrees in Environmental Engineering (P.Eng.) and Agricultural Mechanization (B.Sc.) with more than twenty-four years of experience in the design development, project management, detail design, procurement, construction, and cost estimating of municipal infrastructure projects. Aaron has been involved in all aspects of project delivery including planning, detail design, assessments, project management, construction administration, and commissioning.

Archie Thibault, PQS – Cost Estimating



Archie is a registered Professional Quantity Surveyor with the Canadian Institute of Quantity Surveyors who has over 39 years of experience in construction estimating, pre-construction management, and subcontractor procurement. His previous 26 years career as the Chief and Senior estimator with an industry leading Canadian General Contractor / Construction Manager; he successfully tendered over 200 projects covering most construction categories, and contract formats.

This experience provides CBCL, with a unique blend of experience and expertise from both sides of a construction contract. Since joining CBCL in 2006 he has provided Quantity Surveying cost consulting services for a wide range of projects. Specifically, he has carried out capital cost estimating for bridges, underpasses, roundabouts, highways, and industrial park road developments thru out Atlantic Canada.

Schedule and Fee

We will work with staff to develop a schedule that meets the project objectives while allowing suitable time to complete the work required to provide the Municipality with the answers they are looking for. The overall project timeline is expected to take between 6 and 8 months.

Fee

Our proposed lump sum fee is presented below, our standard terms and conditions are attached. This is a fee estimated based on the scope of described in this letter, this fee could decrease or increase depending on the outcomes of the Option Evaluation and Shortlisted Option Development tasks. If you accept our fee and agree to the terms and conditions attached, please provide us written notification to proceed with the work.

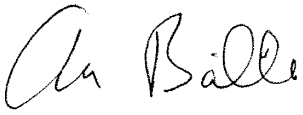
Fee:

Project Management	$ 17,000
Data Gap and Field Work	$ 15,500
Option Evaluation	$ 75,000
Shortlisted Option Development	$133,000
Total	$240,500

Todd Richard
March 21, 2024

Yours very truly,

CBCL Limited



Prepared by:
Aaron Baillie, P.Eng.
Manager, Municipal Engineering
Direct: 902-492-6750
E-Mail: aaronb@cbcl.ca

Reviewed by:
Andrew Gates, P.Eng.
VP Infrastructure Services

Attachments: CBCL Limited Standard Terms and Conditions

Proposal No: 248405.15

This document was prepared for the party indicated herein. The material and information in the document reflects CBCL Limited's opinion and best judgment based on the information available at the time of preparation. Any use of this document or reliance on its content by third parties is the responsibility of the third party. CBCL Limited accepts no responsibility for any damages suffered as a result of third party use of this document.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: April 23, 2024

Subject: Development Agreement: PID 45054350, O'Brien Street, Windsor; File # 24-04A

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 a multiple unit residential building, consisting of 6 dwelling units, on PID 45054350 on O'Brien Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #24-04 to the Planning and Heritage Advisory Committee dated April 11, 2024.

…that Council requires that the development agreement with Edward Edelstein which permits a multiple unit residential building, consisting of 6 dwelling units, on PID 45054350 on O'Brien Street in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

An application was received from Edward Edelstein of Geome Properties Limited on February 13, 2024. The application is to allow a 6-unit dwelling on O'Brien Street by development agreement.

DISCUSSION

A Public Information Meeting was held on March 5, 2024.

On April 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The only comment from a Committee member in relation to this application was to consider allowing development proposals similar to this as-of-right through the plan review process. During the meeting PAC/HAC recommended in favour the application.

NEXT STEPS

The process for this application is as follows:

Process

Public Information Meeting – March 5

▼

Staff Review

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – April 11

▼

Regional Council First Reading – April 23

▼

Public Hearing & Second Reading – May 28*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may:

- 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	2024-04-11 Staff Report - Development Agreement: PID 45054350, O'Brien Street, Windsor; File # 24-04

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation and the application to proceed through to the Public Hearing stage of the planning process. At the time of the Public Hearing it will allow for an up-to-date presentation of all information pertaining to the application for both Council and residents. Further, it will allow for a thorough review of that information at second reading when Council is asked to make a final decision on this matter.

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 – 2024-04-11 Staff Report - Development Agreement:
PID 45054350, O'Brien Street, Windsor; File # 24-04

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: April 11, 2024

Subject: Development Agreement: PID 45054350, O'Brien Street, Windsor; File # 24-04

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a multiple unit residential building, consisting of 6 dwelling units, on PID 45054350 on O'Brien Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #24-04 to the Planning and Heritage Advisory Committee dated April 11, 2024.

…that PAC/HAC recommends that Council require that the development agreement with Edward Edelstein which permits a multiple unit residential building, consisting of 6 dwelling units, on PID 45054350 on O'Brien Street in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

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

An application was received from Edward Edelstein of Geome Properties Limited on February 13, 2024. The application is to allow a 6-unit dwelling on O'Brien Street by development agreement.

DISCUSSION

The subject lot is designated Residential on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) (Figure 1). The subject lot is zoned High Density Residential (R-4) on Schedule A of the Windsor Land Use By-law (WLUB) (Figure 2). This lot would normally allow up to 4 units as-of-right, as the proposal is for 6-units the application is being considered through the development agreement process.

The subject lot is located on the southwest side of O'Brien Street and is currently vacant, following the demolition of the previous building on the lot in 2018.

Surrounding Context

Surrounding properties on the south side of O'Brien Street are designated Residential and zoned High Density Residential (R-4). Surrounding properties on O'Brien Street to the north or east are designated Commercial and zoned General Commercial (GC) and Highway Commercial (HC). Uses on surrounding properties consist of a variety of residential uses, a pharmacy to the east, and new commercial uses to the north.

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 multiple unit residential dwellings of three units or more in the Residential designation by development agreement. The full list of criteria is included within this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposal has setbacks that are consistent with other nearby residential buildings;
- the proposal is considered compatible with adjacent land uses;
- the Development Officer and the Municipal Traffic Authority have no concerns which have not otherwise been addressed in this report.

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

Comments from the Fire Chief

The current site plan for this proposal displays a right-of-way access of 10 ft. (3.05 m.) to allow access to the rear of the building. The local Fire Chief commented that it would be preferable to have a wider access to the rear of the property to allow potential access for a firefighting apparatus, however it would be unlikely that they would try to access behind the building with a fire truck. In response to this, the Development Officer and the Manager of Building and Fire Inspection Services indicated that there are no requirements in either the National Building Code of Canada or the Windsor Land Use By-law for a right-of-way access to be wider than 10 ft. (3.05 m.). Therefore, staff have required that the driveway providing access to the rear of the property must be maintained at a minimum width of 10 ft. (3.05 m.).

MUNICIPAL CLIMATE CHANGE ACTION PLAN

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

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.

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 building, consisting of 6 dwelling units, on PID 45054350 on O'Brien Street in Windsor by development agreement.

▼

Staff Review

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – April 11

▼

Regional Council First Reading – April 23*

▼

Public Hearing & Second Reading – May 28*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may:

- 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

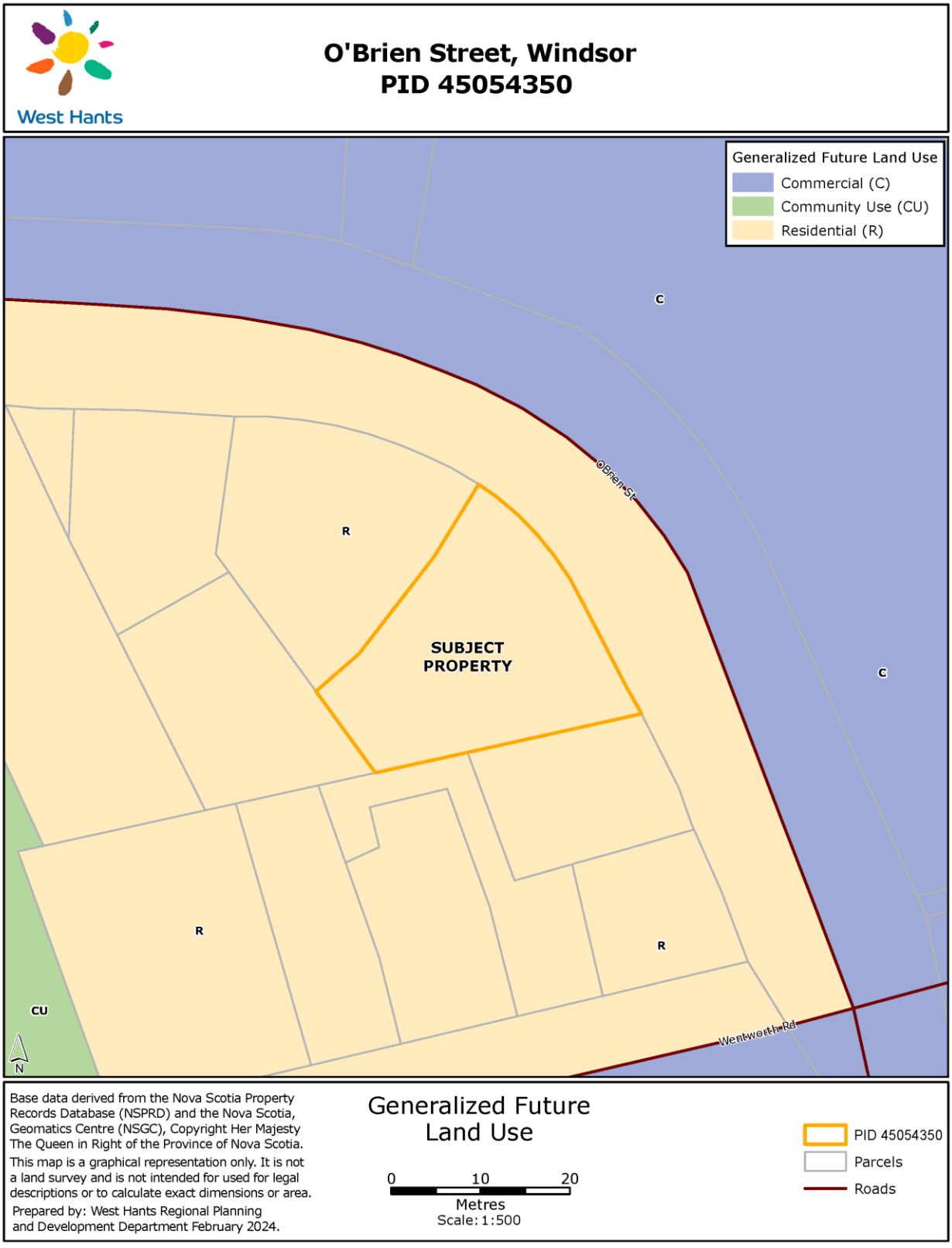
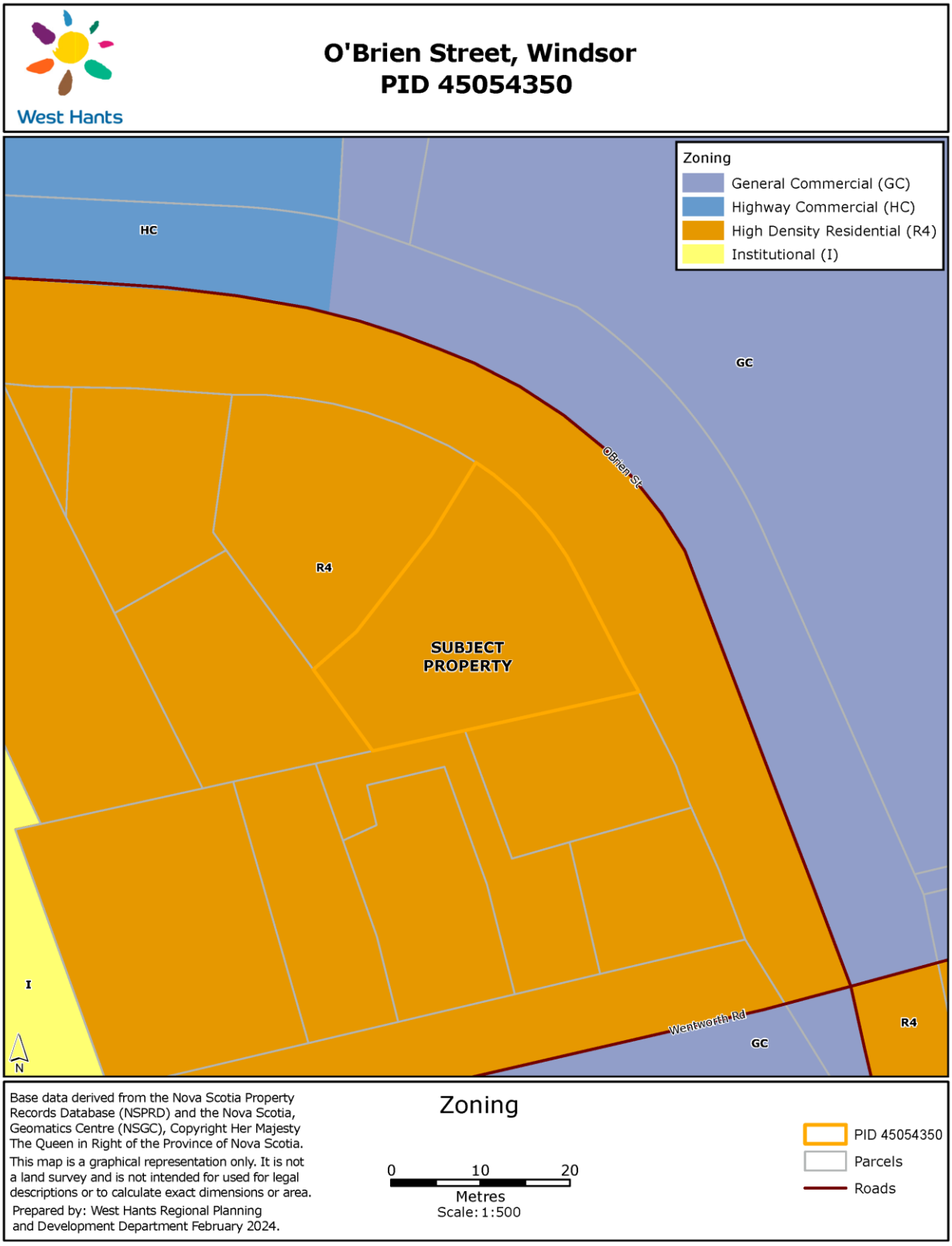


Figure 2 – Windsor Zoning Map Extract



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) 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 proposal meets all of the zone standards for the High Density Residential (R-4) zone except for the front and side yard setback requirements, and the minimum lot area. However, Section 5.6 of the Windsor Land Use By-law allows for the front yard setback to be reduced to the average setback of adjacent buildings and in this case, reduced to 10 ft. (3.05 m.). Both the side yard setback and the minimum lot area are able to be reduced through the development agreement process and in this case, are similar to other buildings in the area, as well as previous development agreements in Windsor. The Development Officer confirmed that the proposal is adequate in terms of meeting the zone requirements through the development agreement process.
(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;	Not applicable, as the proposal is for a new building.
(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;	The Development Officer commented that they had no concerns regarding the built form of the development.

	The proposal appears to be compatible with the size and appearance of adjacent land uses.
(c) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;	The Municipal Traffic Authority commented that they have no concerns regarding traffic generation or population density of the proposed development.
(d) consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;	The site design of the proposal is similar to other nearby residential uses as the main building is located near the front lot line and four of the parking spaces are located near the rear lot line of the subject lot. Of the remaining two parking spaces, one proposed to be located on the north side of the main building and the other is proposed to be located on the south side of the main building, with both being near the front lot line. The parking spaces near the rear lot line are obscured from the road by the bulk of the main building and similarly located on the lot to other adjacent residential properties. Due to the shape of the lot and the existing parking area on the abutting property to the north, the development agreement only requires buffering for parking spaces to adjacent properties to the south and west. Staff consider this criterion met.
(e) adequate on-site parking is provided and parking areas are well designed;	A total of 6 parking spaces are provided within the proposal, this is consistent with other development agreements for residential uses in Windsor. The Development Officer commented that the parking proposed would be adequate for the development.
(f) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of	As the existing subject lot is undersized, there is limited space for on-site recreational space aside from balconies.

existing buildings, nearby public parks may be deemed sufficient;	There are nearby recreational spaces, such as Victoria Park, within walking distance from the proposal. The Development Officer commented that they have no concern regarding the adequacy of nearby recreational space for the proposal.
(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;	Not applicable, as the proposal consists of 6 dwelling units in total. However, this criterion would be met regardless, as O'Brien Street is considered an arterial street on the Transportation Map of the WMPS.
(h) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;	Not applicable, as the subject lot is not within an Architectural Control District.
(i) in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;	Not applicable, as the proposal is for a new build.
(j) any other matter which may be addressed in a development agreement; and	All relevant matters have been addressed in this report.
(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.	See below.

Policy 16.3.1 *In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*	
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Public Works Engineering Division commented that the subject lot has access to Municipal services and there are no concerns regarding capacity for the proposal.

(ii) the adequacy of school facilities;	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated that they will accommodate all students.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services commented that they did not have any concerns. The local Fire Chief commented that it would be preferable to have a wider access to the rear of the property to allow potential access for a firefighting apparatus, however it would be unlikely that they would try to access behind the building with a fire truck. In response to this, staff reached out to the Development Officer and the Manager of Building and Fire Inspection Services. Both commented that there is no requirement in either the National Building Code of Canada or the Windsor Land Use By-law for a right-of-way access to be wider than 10 ft. (3.05 m.). Therefore, staff have required that the driveway providing access to the rear of the property must be maintained at a minimum width of 10 ft. (3.05 m.).
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Traffic Authority has no concerns regarding the road networks adjacent or leading to the proposed development.
(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding the proposed development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Traffic Authority has no concerns regarding movement suitability on the subject lot. There is a deeded right-of-way shared with the abutting property to the north of the subject lot which provides access to the proposed development.

	Sidewalks are provided on O'Brien Street and pedestrian access is required to the building entrance in the draft development agreement. There is no active rail line in the vicinity.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The draft development agreement reduces the required minimum setbacks for the front and side yard, as well as the minimum lot area. The underlying High Density Residential (R-4) zone requirements were met in all other cases. The requirements of the proposed development agreement are similar to other development agreements for residential uses in Windsor. The Development Officer commented that the subject lot is suitable in terms of dimension and shape for this proposal.
(d) the pattern of development which the proposal might create;	The proposal does not significantly change the existing pattern of development. The Development Officer has no concerns regarding the pattern of development that the proposal may create.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;	The subject lot is not located within the Dykeland Overlay or the Environmental Constraints Overlay. The lot appears relatively flat and stable with no visible watercourse present.
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial, and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B – Draft Development Agreement

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 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 parcel of land located at PID 45054350 on O'Brien Street in Windsor hereinafter referred to as the "Property", which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Residential on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned High Density Residential (R-4) on the Zoning Map of the Land Use By-law*;* and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit a multiple unit building consisting of up to 6 dwelling units on the Property (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 multiple unit residential dwellings of three units or more by development agreement; 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, 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 the Development once active construction has commenced for an extended period of time, but shall not apply to stoppages of a seasonal nature or resulting from Force Majeure; and

(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.

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) multiple unit dwelling, consisting of up to 6 total dwelling units.

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

2.2 Development Location and Design

(a) The Development location and design shall be consistent with the Site Plan shown in Schedule B.

(b) The Development Officer may approve in writing minor changes to the location of the building or other aspects of the Site Plan, provided that the front yard setback and the driveway access width are not further reduced.

(c) The Property shall be limited to a multiple unit dwelling consisting of 6 dwelling units. The Development shall conform to the following site requirements:

Minimum front yard	10 ft. (3.05 m.)
Minimum side yard	10 ft. (3.05 m.)
Minimum rear yard	35 ft. (10.67 m.)
Maximum storey of main building	3 storeys*
Maximum height of accessory building	15 ft. (4.57 m.)

*Maximum storey of the main building shall not include a mechanical room or roof access.

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

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

2.3 Access and Egress

(a) The Owner shall develop, construct, and maintain the driveways in the Development in general conformance with the driveways shown on Schedule B. The driveway providing access to the rear of the property must be maintained at a minimum width of 10 ft. (3.05 m.).

(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. The driveways may be constructed using permeable construction materials to assist with stormwater retention. The vehicular entrances and exits 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 to the south and west of the Property, 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 Property and building 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 O'Brien Street.

(b) Water and Sewer Services

(i) The building shall be serviced with water and sewer services provided by West Hants Regional Municipality and 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 Property by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

PART 3 CHANGES and DISCHARGE

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

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

3.3 The following matters are substantive matters:

(a) the uses permitted on the Property as listed in Section 2.1, *Use*;

(b) a reduction of the minimum front yard setback as listed in Section 2.2, *Development Location and Design*;

(c) a reduction of the minimum driveway width as listed in Section 2. 3, *Access and Egress*; and

(d) the fire safety requirements listed in Section 2.9, *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 Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Owner begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.

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

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

4.2 Material to be Provided

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

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

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

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

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

5.2 Severability of Provisions

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

5.3 Interpretation

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

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

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

5.4 Municipal Responsibility

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

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

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

5.5 Breach of Terms or Conditions

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

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to GEOME PROPERTIES LIMITED, 2159 GOTTINGEN STREET, HALIFAX, NOVA SCOTIA B3K 3B5, or at any other address provided by the Owner in writing.

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

5.10 Full Agreement

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

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

SIGNED, SEALED AND DELIVERED	**) WEST HANTS REGIONAL**
In the presence of:	) **MUNICIPALITY**
	)
	)
	)
_____	Per: _____
Witness	) Abraham Zebian, Mayor
	)
	)
_____	) Per: _____
Witness	) Deanna Snair, Municipal Clerk
	)
	)
	) **GEOME PROPERTIES LIMITED**
	)
	)
_____	Per: _____
Witness	) Edward Edelstein, 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 **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. 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, **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 _____, 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
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 _____, 2024
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

_____ _____

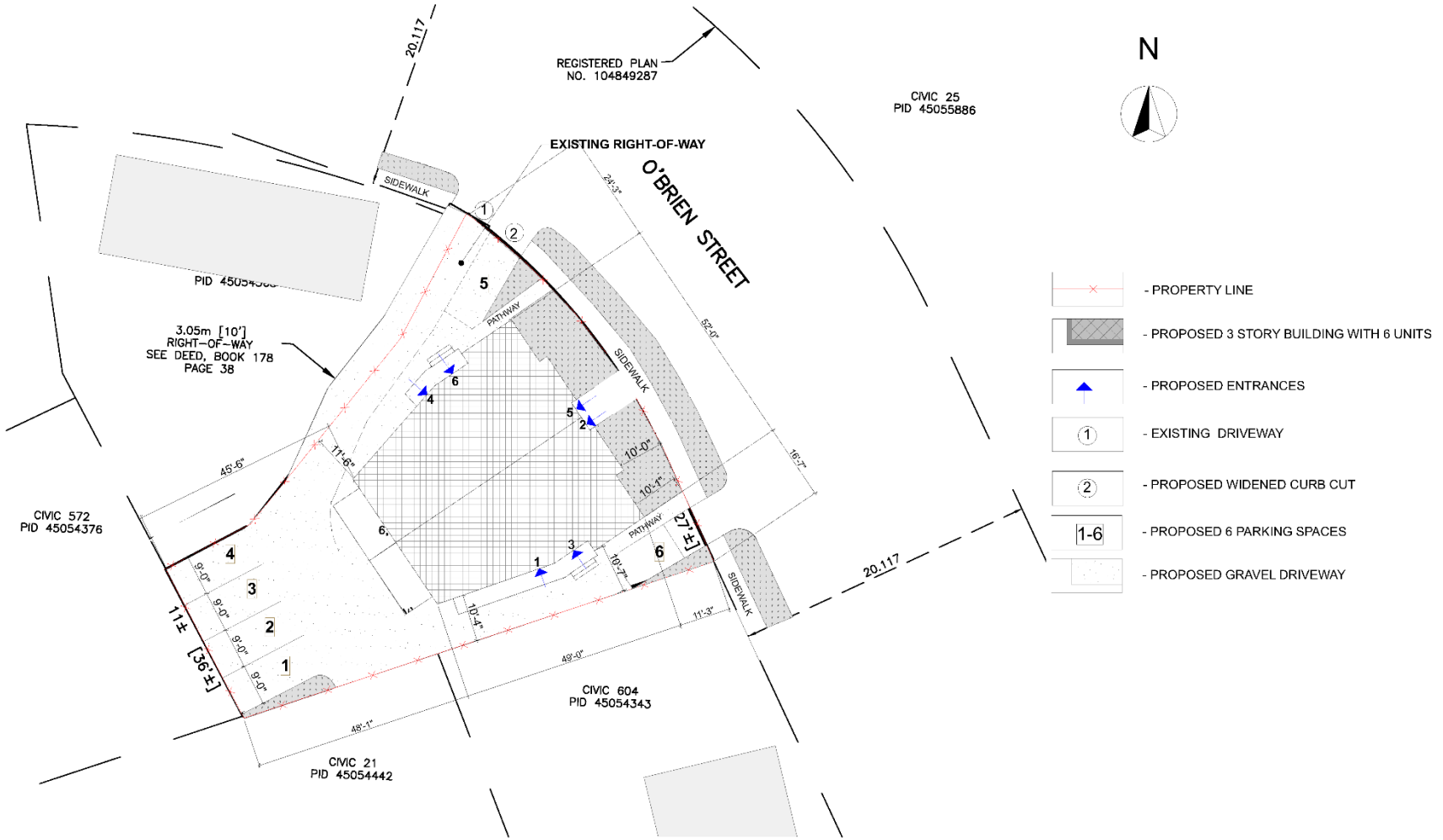
A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

Edward Edelstein, President

Schedule A
Legal Description – PID 45054350

ALL that lot of land conveyed by Charles MacDonald and wife to Walter E. Regan by Deed dated the 6th day of October, 1952, recorded at the registry of Deeds at Windsor in Book 198, Page 179 and wherein described as follows:
BEGINNING on the Southwestern side of O Brien Street at an iron pipe driven in the ground at the Eastern corner of lands recently conveyed by the said Walter E. Regan to Earl W. Blenkhorn by Deed dated July 15th, 1947;
THENCE Southwesterly along the Southern side of the lands so conveyed to the said Earl W. Blenkhorn as aforesaid Twenty-eight and Three-Tenths Feet, (28.3ft) to an iron pipe driven in the ground;
THENCE continuing in a Southwesterly direction Fifty-two and Six-tenths Feet, (52.6ft) along the said Southern boundary of said lands to another iron pin in front of and in centre of the woodshed Twenty-one Feet (21ft) to the line of lands of John Wilkins conveyed to him by the said Grantors;
THENCE Southerly along the line of the said lands of the said John Wilkins Thirty-six and Five-tenths feet, (36.5ft) or to the Northern line of lands formerly of Rupert Lavers;
THENCE Southeasterly along the line of the lands formerly of the said Rupert Lavers, One Hundred and Three Feet (103ft) more or less, to the Southwestern side of O Brien Street;
THENCE Northerly along the Southwestern side of O Brien Street to the iron pin at the place of beginning;
The same being or intended to be a portion of those lands and premises conveyed to the said Walter D. Regan by Isobel G. Dimock et al by Deed bearing date the 25th day of April, A.D., 1946, and recorded in the Office of the Registrar of Deeds in Book 169, Page 429. Such portion thereof being shown upon a certain plan attached to said Deed to Blenkhorn and filed in the said Registry of Deeds in Book 178, Page 38 and lying to the South of the lands outlined in red thereon conveyed to the said Earl W. Blenkhorn.
Together with all rights of way over and across any portion of the lands lying the north of the lands hereby conveyed and now of the said Earl W. Blenkhorn for gaining access to the lands hereby conveyed as the same were reserved to the said Grantors in the said Deed from the said Grantors to the said Earl W. Blenkhorn aforesaid and also in a Deed from the said Grantors to one John Wilkins, but subject however to all rights-of-way over and upon the lands hereby conveyed as the same were granted by the said Grantors to the said Earl W. Blenkhorn and to the said John Wilkins by the hereinbefore recited Deeds.

Schedule B
Site Plan



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

SITE PLAN

586 O'BRIEN STREET

Date: 2024-01-24
Scale: 1:250

A-002

Attachment C – Public Information Meeting Notes

March 5 – 19, 2024

Development Agreement: PID 45054350, O'Brien Street, Windsor; File # 24-04

Meeting date and time	A Public Information Meeting was held on March 5, 2024 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: One (1) Chair: • Deputy Mayor Morton Four (4) members of staff: • Planner Dunphy • Planner Fredericks • Planning Assistant Lake • Director Poirier No members of the public attending the meeting.
Applicant Edward Edelstein of Geome Properties Limited **Property** 586 O'Brien Street, Windsor (PID 45054350)	Planner Dunphy outlined the application to allow a proposed 6-unit dwelling on the subject lot by development agreement. Edward Edelstein provided a presentation on the proposal.
Comments	Comments from the public could be submitted by mail, e-mail and telephone between March 5 –19, 2024. No comments were submitted from the public during the comment period. No members of the public spoke during the Public Information Meeting.
Adjournment	The Public Information Meeting ended at 6:16 p.m.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: April 23, 2024

Subject: WLUB Map Amendment: Portion of PID 45058872, Windsor; File #24-05A

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

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 amending Schedule A of the Windsor Land Use By-law to rezone a portion of PID 45058872 in Windsor from the Two Unit Residential (R-2) zone to the General Commercial (GC) zone as shown in the report #24-05 to the Planning and Heritage Advisory Committee dated April 11, 2024.

BACKGROUND

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

A completed application was received on January 31, 2024, from Ezra Edelstein on behalf of the owner 4331187 NOVA SCOTIA LIMITED (The August House Inn). The application requests Council to consider rezoning a portion of the subject lot from the current Two Unit Residential (R-2) zone to the General Commercial (GC) zone to enable additional amenity space for guests

of the August House Inn. Most of the subject property is already zoned General Commercial (GC), and the request is to extend this commercial zoning to the full extent of the property.

DISCUSSION

A Public Information Meeting was held on March 5, 2024. No concerns were raised by the public at this meeting or during the comment period that followed.

On April 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee confirmed that comments from the Fire Chief were received, which staff clarified had come later than the release of the agenda, but these comments were collected, and no fire related concerns were raised with the rezoning. During the meeting PAC/HAC recommended in favour of the application.

NEXT STEPS

The process for this application is as follows:

Process
Public Information Meeting – March 5
▼
Staff Review
▼
PAC/HAC receives staff report and PIM Notes PAC/HAC Review and Recommendation – April 11
▼
Regional Council First Reading – April 23
▼
Public Hearing & Second Reading – May 28*
▼
Notice of Approval in Local Paper
▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may:

- 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	2024-04-11 Staff Report: WLUB Map Amendment: Portion of PID 45058872, Windsor; File #24-05

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation and the application proceed through to the Public Hearing stage. This will allow for an up-to-date presentation of all information pertaining to the application for both Council and residents. Further, it will allow for a thorough review of that information at second reading when Council is asked to make a final decision on this matter.

Report Prepared by: _____

Mark Fredericks, Senior Planner

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Report Reviewed by:

Mark Phillips, Chief Administrative Officer

Appendix A – 2024-04-11 Staff Report: WLUB Map Amendment: Portion of PID 45058872, Windsor; File #24-05

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: April 11, 2024

Subject: WLUB Map Amendment: Portion of PID 45058872, Windsor; File #24-05

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To enable the rezoning of a portion of the subject lot to the General Commercial (GC) 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 will hold a Public Hearing to consider amending Schedule A of the Windsor Land Use By-law to rezone a portion of PID 45058872 in Windsor from the Two Unit Residential (R-2) zone to the General Commercial (GC) zone as shown in the report #24-05 to the Planning and Heritage Advisory Committee dated April 11, 2024.

BACKGROUND

A completed application was received on January 31, 2024, from Ezra Edelstein on behalf of the owner 4331187 NOVA SCOTIA LIMITED (The August House Inn) which includes Ezra Edelstein, Colette O'Hara and Laura MacLachlin.

The application requests Council to consider rezoning a portion of the subject lot from the current Two Unit Residential (R-2) zone to the General Commercial (GC) zone to enable

additional amenity space for guests of the August House Inn. Most of the subject property is already zoned General Commercial, and the request is to extend this commercial zone to the full extent of the property. Previously this property had been two separate lots, in common ownership, but within different land use zones. These two lots have been consolidated into one larger lot which created the split zoning shown on *Figure 2* which the owners have applied to change, to ensure consistency for the entire property.

DISCUSSION

The subject lot is the former Cocoa Pesto restaurant and Inn, which was recently purchased and renovated by the applicant and business partners in 2022 to establish the 11-bedroom August House Inn. The Inn is located at 494 King Street. The proposed rezoning applies to a portion of the property, located behind the Inn, which is addressed as 523 Albert Street which is approximately 5,060 sq. ft. in area (approximately 470 sq. m.). This location had previously included an accessory structure that provided storage for the former use. This area is intended to be repurposed to provide additional amenities for the guests of the August House Inn.

The total subject lot is approximately 18,868 sq. ft. (1,752.9 sq. m.) in size and has approximately 103.6 ft. (31.6 m) of road frontage on King Street and approximately 210 ft. (64 m) of road frontage on Albert Street. The site includes an 11-bedroom Inn with pedestrian access on King Street and vehicular access and parking on Albert Street. The site has 10 off-street parking spaces. The subject lot is designated Residential on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) (*Figure 1*). The subject lot is currently split zoned between General Commercial (GC) zone and Two Unit Residential (R-2) on Schedule A of the Windsor Land Use By-law (WLUB) (*Figure 2*). The rezoning request is to extend the General Commercial (GC) zone to cover the entire property.

The property includes the 11-bedroom Inn and a residential accessory building currently under construction in the area of the rezoning. This accessory building was permitted under the existing Two Unit Residential (R-2) zoning and is intended to provide indoor and outdoor lounge areas, saunas, and patio space to the guests of the August House Inn.

Surrounding Context

The subject property is in an area where residential and commercial uses mix. While Albert Street is primarily residential, the surrounding neighborhoods include low to medium density residential development, institutional uses like churches, community centres and park spaces, and nearby commercial uses including restaurants and retail stores. The location is outside of the Architectural Control Districts.

Document Review

The intention of the Residential designation is outlined in Section 5 of the WMPS. The intentions for the Commercial designation are outlined in Section 8, where certain policies enable commerical opportunites within other designations.

> ***WMPS 8.3 General Commercial*** *The General Commercial zone is intended to encompass commercial uses outside of the Town Centre which do not fall within local commercial or highway commercial categories. The zone encompasses local shopping centres (20,000 ft2 (1,858 m2) or less of floor space) and other free-standing commercial enterprises, but does not include many of the automobile-related uses and those which require large areas for outdoor display which are more appropriate in the Highway Commercial zone. Certain general commercial uses, depending on their nature and size, may be compatible with residential areas. For this reason, Council will consider permitting new general commercial uses by rezoning in any designation…*

The WMPS recognizes that the residential areas can accommodate a certain scale of commercial uses through a site specific rezoning amendment enabled by the following policy:

> ***Policy 8.3.2*** *It shall be the policy of Council to consider the creation of new General Commercial zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law subject to the following criteria: …*

The subject lot can be considered for the requested rezoning to General Commercial (GC) through this policy. The criteria that relate to this policy are reviewed in detail in Attachment A. In summary, the proposed rezoning meets the eligibility criteria as:

- The property has direct access to an arterial road (King Street);
- The proposed use will not conflict with adjacent uses;
- The building's scale, design and traffic generation is compatible with the area, and the rezoning will not increase the number of bedrooms in the existing Inn. The rezoning will only provide additional amenity space for the guests;
- 10 parking spaces are existing, and additional spaces may be required at the permitting stage;
- Landscaping, greenspace, and buffering are all included in the proposed site design to help enclose the amenity space; and
- The property is not located within any of the Architectural Control Districts.

General Criteria

WMPS Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WLUB (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, Public Works Engineering division, Manager of Building and Fire Inspection Services, and the Municipal Road Authority have no concerns with the proposed rezoning which have not been addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The 2014 Windsor Municipal Climate Change Action Plan (MCCAP) does not recognize the area to be at risk as illustrated on the simulated flooding extent maps, as the property is elevated above the low-lying areas of nearby Stannus Street.

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 Residential designation, Commercial designation, and the general amendment criteria of the WMPS and is consistent with the intent, objectives, and policies of the WMPS. As a result, it is reasonable to amend the zoning of PID 45058872 to extend the General Commercial (GC) zone to cover the portion that is currently zoned Two Unit Residential (R-2).

Approval Process

Staff Review

▼

Public Information Meeting – March 5

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – April 11

▼

Regional Council First Reading – April 23*

▼

Public Hearing & Second Reading – May 28*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

- hold First Reading and authorize a Public Hearing to approve the WLUB 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	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract - Current
Figure 3	Windsor Zoning Map Extract – Proposed
Attachment A	Policy Summary for General Commercial rezonings & WLUB 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 - Windsor GFLUM Extract

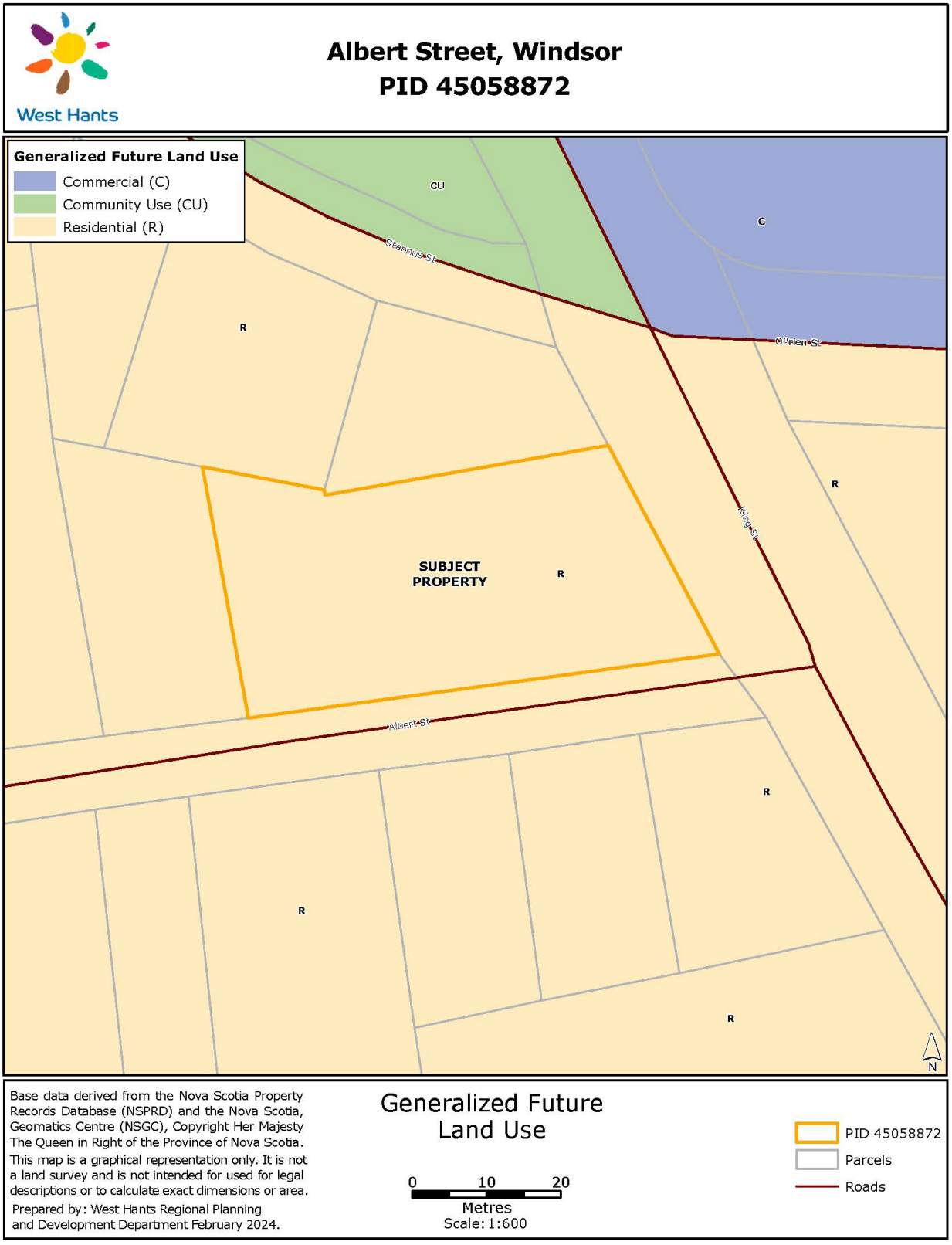


Figure 2 - Windsor Zoning Map Extract - Current

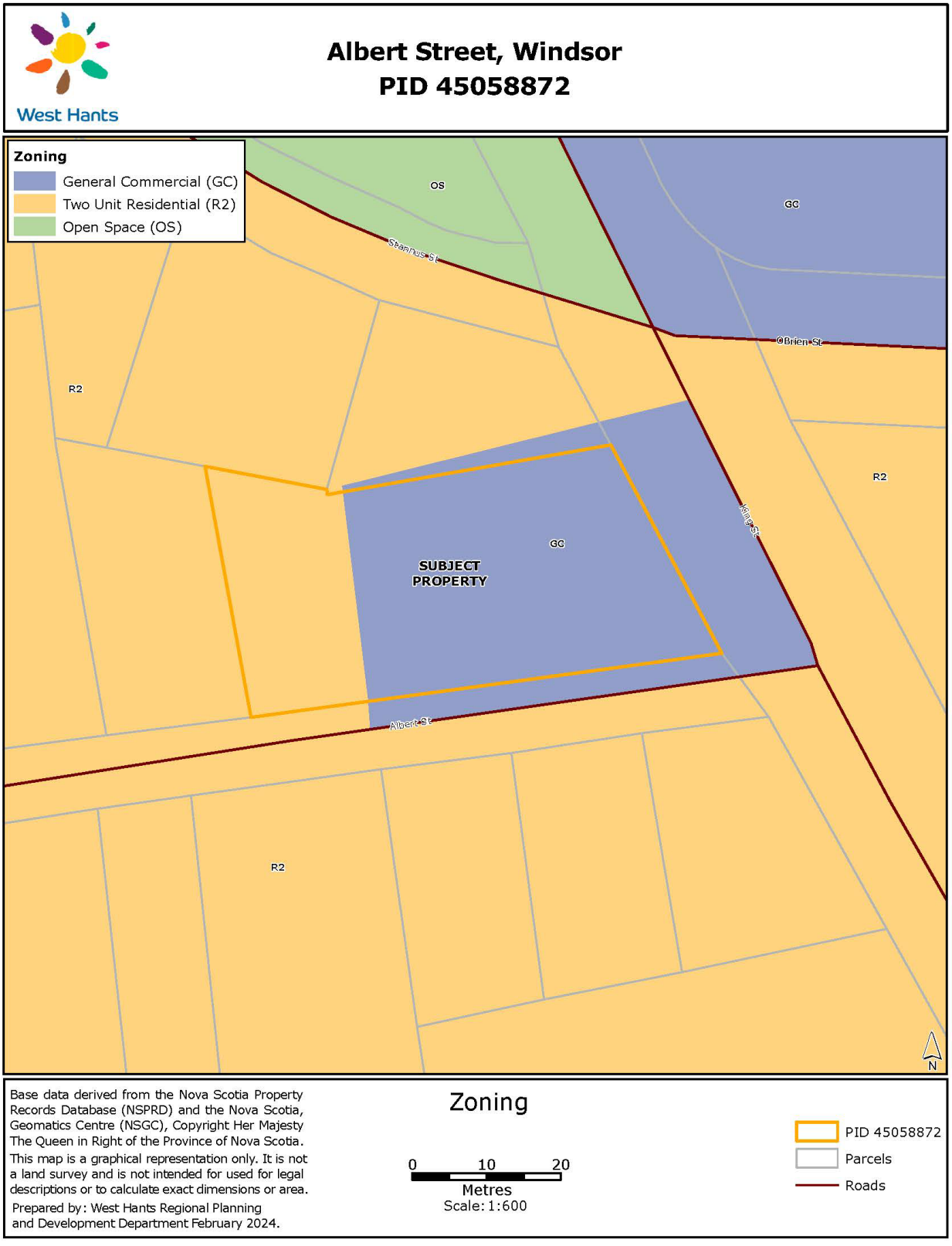
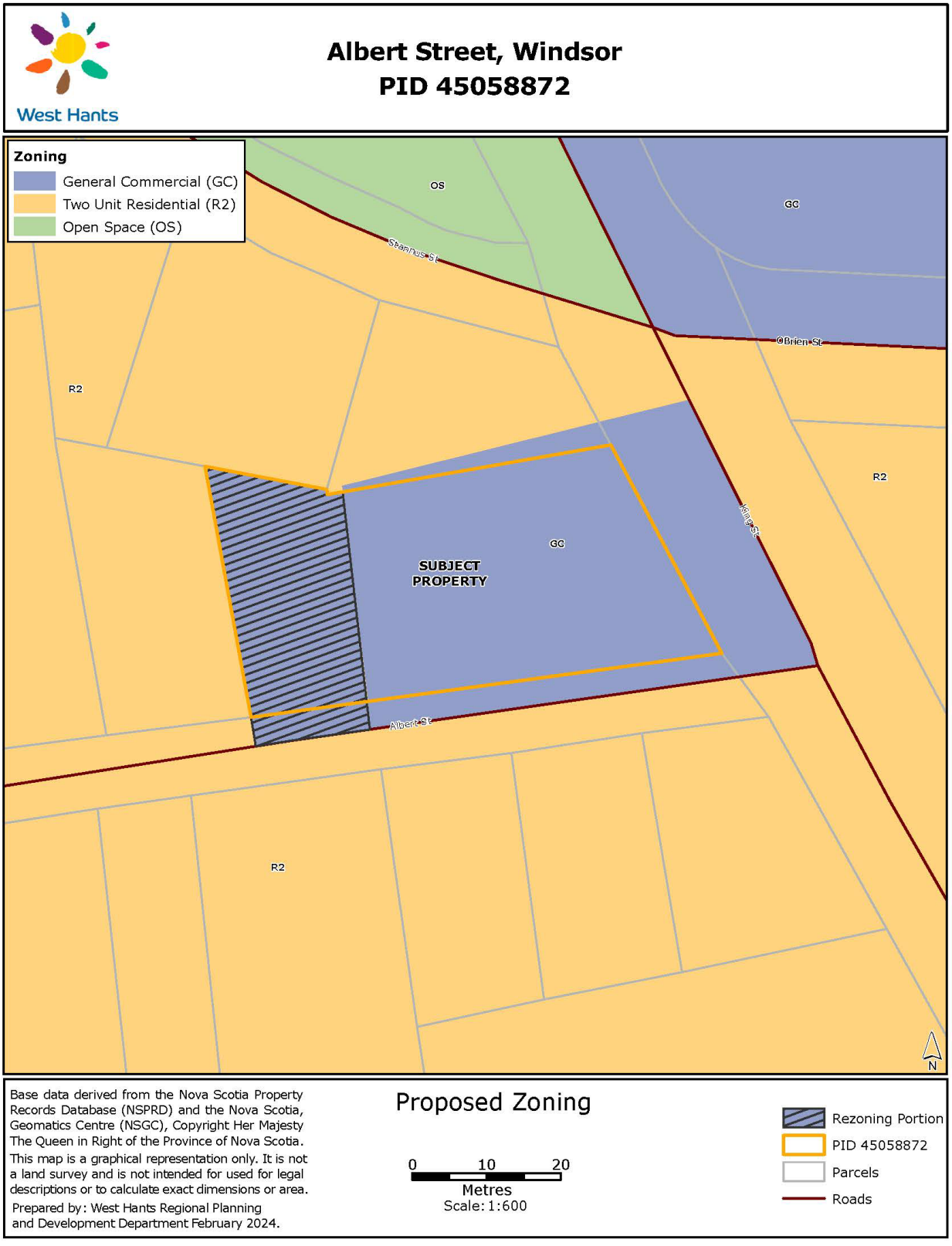


Figure 3 - Windsor Zoning Map Extract - Proposed



Attachment A - Policy Summary for General Commercial rezonings & WLUB Amendments

Policy 8.3.2 *It shall be the policy of Council to consider the creation of new General Commercial zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law subject to the following criteria:*

(a) the proposed use has direct access to; *(i) an arterial road as shown on the Transportation Map (Map 2), or* *(ii) a major collector road shown on the Transportation Map (Map 2) provided a traffic impact study is submitted to the Town which demonstrates the proposed use will not have an unacceptable impact on traffic flows and existing streets as determined by the Traffic Authority; (Amendment WMS 09-01 Effective June 9, 2009)*	*The property has direct frontage on an arterial road (King Street) as shown on the Transportation Map (Map 2).*
(b) the proposed use will not conflict with adjacent uses; where located in the Residential designation, particular attention is paid to compatibility in terms of building scale and design and traffic generation;	The proposed use will not conflict with adjacent uses. The building's scale, design and traffic generation are all reasonable consistent with the neighborhood. The rezoning will not increase the number of bedrooms in the Inn, but will provide additional amenity space for the guests.
(c) required parking can be provided;	10 parking spaces are already provided on-site for the Inn. Additional spaces may be required at the permitting stage.
(d) traffic flow and pedestrian safety will not be adversely affected;	The Municipal Traffic Authority has no concerns with the traffic flow or pedestrian safety with the current arrangement of driveways, parking, or sidewalks.
(e) adequate landscaping, green space and buffering will be provided;	Landscaping, greenspace, and buffering are all included in the proposed site design to help enclose the outdoor amenity spaces.

(f) 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;	The property is not located within an Architectural Control District.
(g) any other matter which may be addressed in a Land Use By-law; and	All relevant matters have been addressed in this report.
(h) the provisions of Policy 16.3.1.	Reviewed below

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

(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	Municipal sewer and water services are available in this area. Public Works Engineering division has confirmed the services are adequate to serve the subject lot under the proposed General Commercial (GC) zoning.
(ii) the adequacy of school facilities;	Not applicable.
(iii) the adequacy of fire protection;	The subject lot is located within the Windsor Fire District. Staff reached out to the Fire Chief but have not yet received any feedback. It is unlikely that the proposed zoning change would create any new issues with adequacy of emergency equipment or response time.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Municipal Traffic Authority has indicated they have no concerns with the surrounding road network.
(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.

(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Municipal Traffic Authority has indicated they have no concerns with the surrounding road network and the movement of automobiles. There is no active rail transportation in the vicinity. There are sidewalks on both King Street and Albert Street that are well connected to the larger pedestrian infrastructure network.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer recognized the site was relatively tight due to the existing buildings and parking, but had no concern with the adequacy or shape of the lot for the proposed use and rezoning. The lot has adequate lot area, and the shape of the lot provides flexibility as it is a corner lot that fronts on both King Street and Albert Street.
(d) the pattern of development which the proposal might create;	The rezoning would not create any unusual development patterns as it is located within an existing neighborhood. The Development Officer had no concerns.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;	The subject lot is relatively flat with no identified watercourses. The property is not located within any protected Marsh areas.
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial, and Federal regulations will have to be met. This includes the Windsor Outdoor Fires By-Law which may apply to the proposed outdoor amenity space.
(g) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B - Public Information Meeting Notes

March 5 – 19, 2024

WLUB Map amendment: Portion of 523 Albert Street (PID 45058872), Windsor; File 24-05

Meeting date and time	A public information meeting was held on March 5, 2024 beginning at 6:18 p.m. in Council Chambers, 76 Morison Drive, Windsor
Attending	In attendance: Chair: • Councillor Murley Four (4) members of staff: • Director of Planning and Development, Sara Poirier • Senior Planner, Mark Fredericks • Planner, Alex Dunphy • Planning Administrative Assistant Vanessa Lake Applicants: • Colette O'Hara • Laura MacLachlin Council members: • Mayor Zebian Six (6) members of the public attended the meeting.
Applicants Colette O'Hara and Laura MacLachlin, on behalf of Ezra Edelstein **Property** Portion of 523 Albert Street (PID 45058872) in Windsor	Planner Fredericks outlined the request to rezone a portion of the property located behind the August House Inn, to the General Commercial (GC) zone. This area was recently consolidated into a larger property and the owners have requested that the General Commercial (GC) zone be extended to include this land. The intention is to provide additional amenity space for the guests of the Inn, including indoor and outdoor lounge spaces. Colette O'Hara and Laura MacLachlin made a presentation describing the history of the August House and the vision for the 11 room Inn as well as tourism for the Region. They discussed the intention of the area to be rezoned to provide saunas, firepits and, indoor and outdoor seating to offer their guests with more things to do during their stay and provide outdoor ceremony space for weddings which they

	host throughout the year. They intend to limit the hours of this area and minimize the impact on surrounding properties with fencing and buffering elements in the landscape.
Comments	No comments were made during the public information meeting. No comments were received following the meeting during the comment period.
Adjournment	There being no further business, the meeting adjourned at 6:36 p.m.

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: April 23, 2024

Subject: WLUB Map Amendment: 1781 King Street, Windsor (PID 45162005); File #23-34A

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

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

… that Council gives First Reading and will hold a Public Hearing to consider amending Schedule A of the Windsor Land Use By-law to rezone PID 45162005 at 1781 King Street in Windsor from the Agriculture (AG) zone to the Two Unit Residential (R-2) zone as shown in the report #23-34 to the Planning and Heritage Advisory Committee dated April 11, 2024.

BACKGROUND

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

A completed application was received on February 13, 2024, from Chrystal Fuller on behalf of the owner, Brison Developments. The application requests Council to consider rezoning the subject lot from the current Agriculture (AG) zone to the Two Unit Residential (R-2) zone to support future residential uses.

DISCUSSION

The lot is currently designated Residential on the Generalized Future Land Use Map and zoned Agriculture (AG) but no active agricultural uses are occurring on the property.

A Public Information Meeting was held on March 5, 2024. Some infrastructure concerns, as well as traffic and sidewalk related concerns were raised by the public at this meeting.

On April 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed a desire to have road connections in the area and asked about the public comments regarding sidewalks and where nearby sidewalks started/stopped. During the meeting PAC/HAC recommended in favour of the application.

NEXT STEPS

The process for this application is as follows:

Process
Public Information Meeting – March 5
▼
Staff Review
▼
PAC/HAC receives staff report and PIM Notes PAC/HAC Review and Recommendation – April 11
▼
Regional Council First Reading – April 23
▼
Public Hearing & Second Reading – May 28*
▼
Notice of Approval in Local Paper
▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may:

- 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	2024-04-11 Staff Report - WLUB Map Amendment: 1781 King Street, Windsor (PID 45162005); File #23-34

CHIEF ADMINISTRATIVE OFFICER REVIEW

The identified lands and rezoning request is in keeping with the surrounding use and overall development strategy. I support the recommendation and the application to proceed through to the Public Hearing stage. At the time of the Public Hearing it will allow for an up-to-date presentation of all information pertaining to the application for both Council and residents. Further, it will allow for a thorough review of that information at second reading when Council is asked to make a final decision on this matter.

Report Prepared by: _____

Mark Fredericks, Senior Planner

Report Reviewed by: _____

Sara Poirier, Director of Planning and Development

Report Reviewed by: _____

Mark Phillips, Chief Administrative Officer

Appendix A – 2024-04-11 Staff Report - WLUB Map Amendment: 1781 King Street, Windsor (PID 45162005); File #23-34

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: April 11, 2024

Subject: WLUB Map Amendment: 1781 King Street, Windsor (PID 45162005); File #23-34

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To enable the rezoning of the subject lot to the Two Unit Residential (R-2) 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 will hold a Public Hearing to consider amending Schedule A of the Windsor Land Use By-law to rezone PID 45162005 at 1781 King Street in Windsor from the Agriculture (AG) zone to the Two Unit Residential (R-2) zone as shown in the report #23-34 to the Planning and Heritage Advisory Committee dated April 11, 2024.

BACKGROUND

A completed application was received on February 13, 2024, from Chrystal Fuller on behalf of the owner, Brison Developments. The application requests Council to consider rezoning the subject lot from the current Agriculture (AG) zone to the Two Unit Residential (R-2) zone to support future residential uses.

DISCUSSION

The lot is currently designated Residential on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) (*Figure 1*). The subject lot is zoned Agriculture (AG) on Schedule A of the Windsor Land Use By-law (WLUB) (*Figure 2*). The designation indicates the future intention of the land to be used for residential purposes. The agricultural zoning reflects a historic activity where the land was once used for agriculture but is no longer actively farmed.

The property currently includes a single unit dwelling and a detached garage/accessory building addressed as 1781 King Street with a large field behind these structures. The property also includes a gravel access road that extends from the end of Irven Drive to the shared driveway that provides access to King Street. No agricultural uses are actively occurring on the subject property or any adjacent property.

The subject lot is approximately 5 acres in size and Development Officers have confirmed the property can meet the zone requirements of the proposed Two Unit Residential (R-2) zone.

Surrounding Context

The subject property is close to the former town boundary where Windsor meets Garlands Crossing. This area is rapidly changing and accommodating new development proposals positioned near Avon View High School, and various commercial uses on King Street. The surrounding mixture of housing includes various residential forms in the Crossing community, and nearby zoning also includes institutional and commercial zoning.

Document Review

The Residential designation is outlined in Section 5 of the WMPS. The Residential designation is intended to accommodate various forms of residential development, appropriatley scaled to each neighborhood with multi-unit development being considered by development agreement. The Two Unit Residential (R-2) zone has been applied to existing residential areas and to land anticipated for future residential development.

Section 6 of the WMPS discusses Agriculture in the former Town of Windsor and describes the intention of these areas.

> ***WMPS Section 6.0*** *…Council wishes to encourage and facilitate the ongoing operation of the active farms in Windsor as long as the owners wish to continue to farm; however, because of the shortage of developable, serviced land within the Town boundaries, Council will consider rezoning agriculturally zoned land for other uses, provided the proposed development will not have a negative impact on adjacent active farms. No new land will be zoned for agricultural use and no new intensive livestock operations will be permitted.*

The WMPS goes on to establish rezoning policies including the following:

> ***Policy 6.0.10*** *It shall be the policy of Council to permit lands zoned Agriculture to be considered for other uses by amendment to the Land Use By-law subject to Policy 16.3.1.*

In considering such a rezoning, Council shall have regard to the potential impact of the new development on adjacent active farms..

The subject lot is zoned Agiculture, but does not include active agricultural uses on it or on any adjacent property, so a rezoning for other uses can be considered within this policy as the impact of the rezoning for residential development is not expected to have a negative impact on any active farms.

General Criteria

WMPS Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WLUB (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 rezoning are anticipated; and
- the Development Officer, Public Works Engineering division and the Municipal Road Authority have no concerns with the proposed rezoning which have not been addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The 2014 Windsor Municipal Climate Change Action Plan (MCCAP) does not recognize the area to be at risk on the simulated flooding extents maps, as this area is located further inland. The subject lot is near a watercourse and wetland but these features are on nearby properties and are not expected to be impacted by the rezoning as the subject lot is elevated and distanced from these areas.

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 Residential designation, Agriculture policies and the general amendment criteria of the WMPS and is consistent with the intent, objectives, and policies of the WMPS. As a result, it is reasonable to amend the zoning of PID 45162005 from the Agriculture (AG) zone to the Two Unit Residential (R-2) zone.

Approval Process

Staff Review

▼

Public Information Meeting – March 5

▼

PAC/HAC receives staff report and PIM Notes
PAC/HAC Review and Recommendation – April 11

▼

Regional Council First Reading – April 23*

▼

Public Hearing & Second Reading – May 28*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

- hold First Reading and authorize a Public Hearing to approve the WLUB 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	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract - Current
Figure 3	Windsor Zoning Map Extract – Proposed
Attachment A	Policy Summary for WLUB 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 - Windsor GFLUM Extract

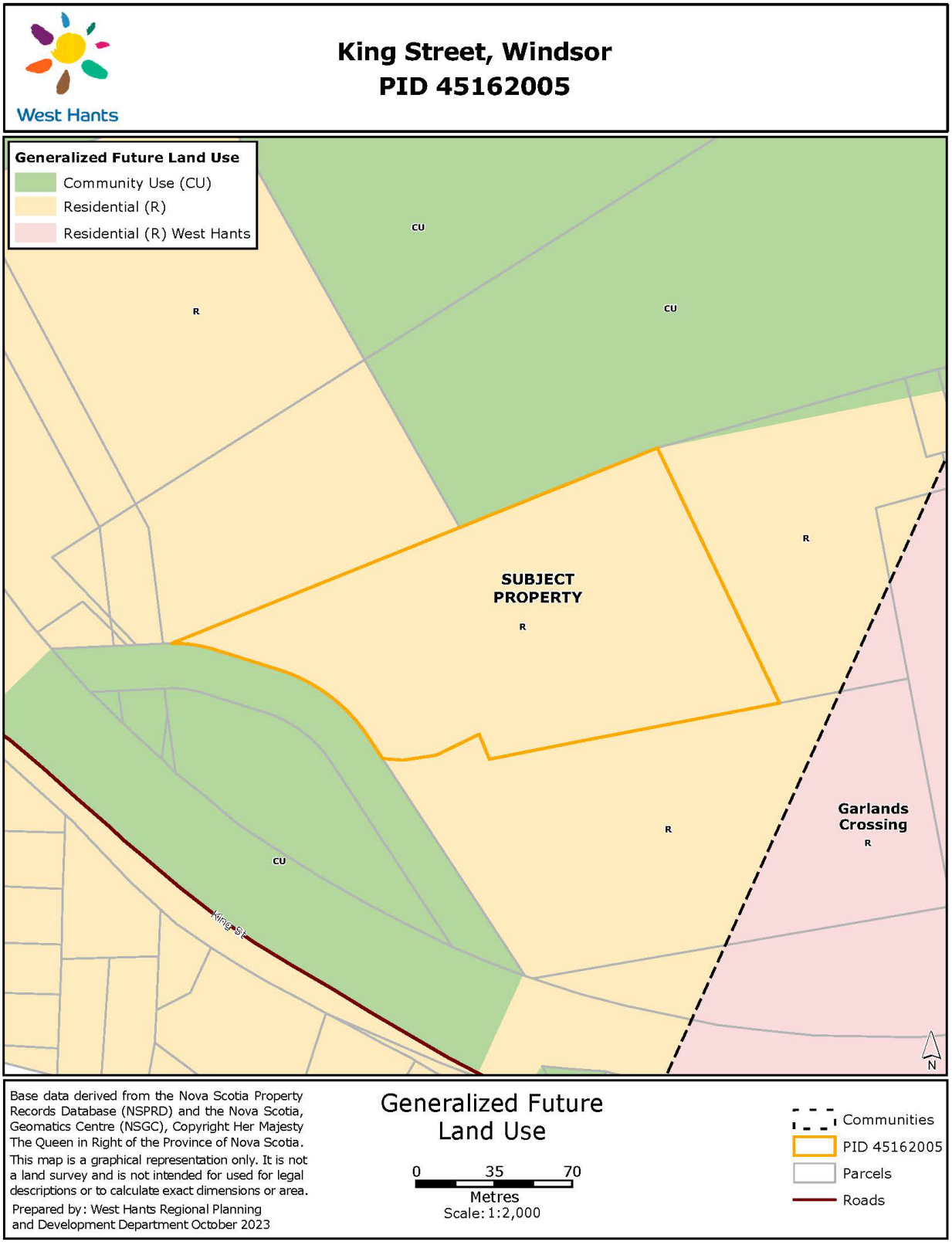


Figure 2 - Windsor Zoning Map Extract - Current

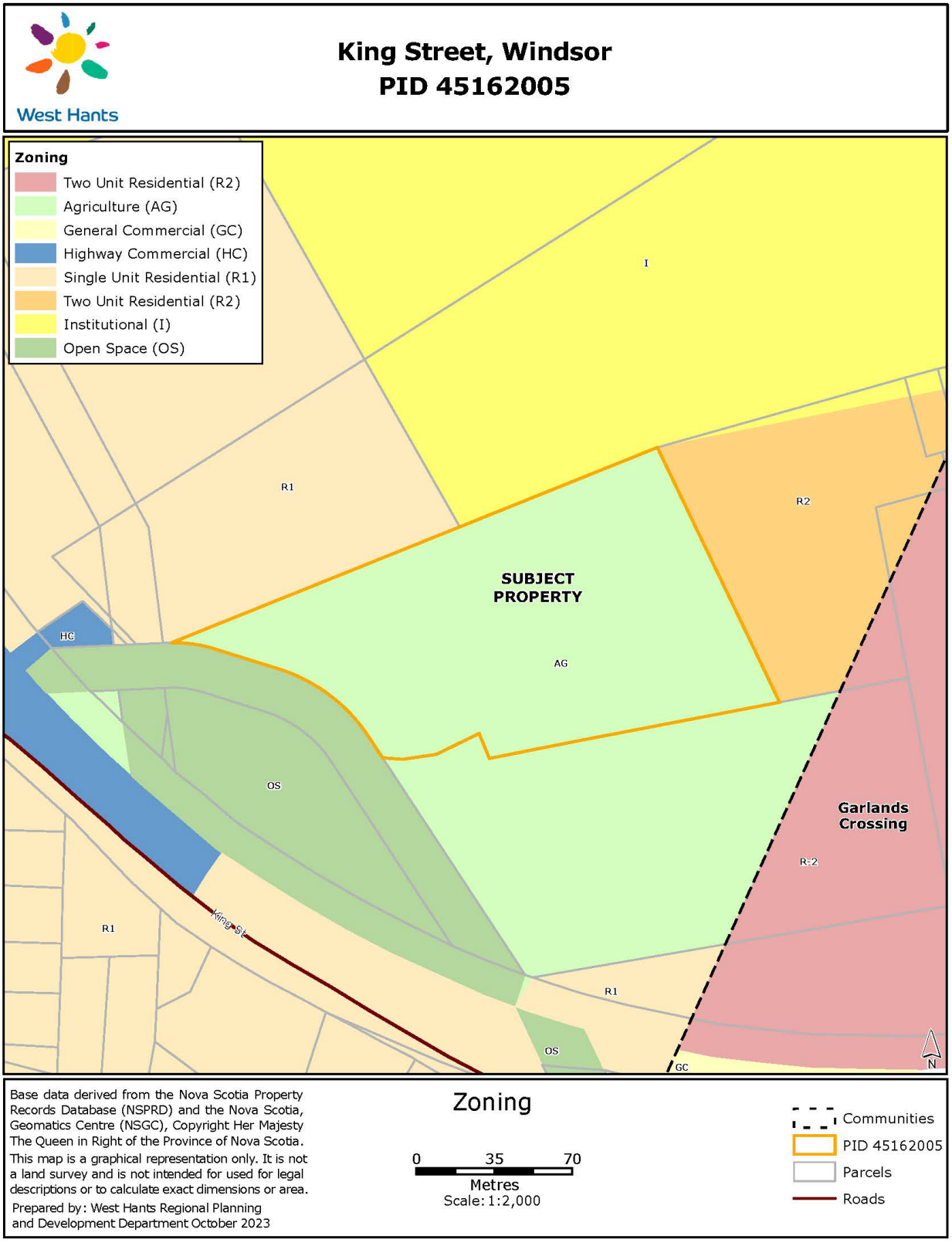
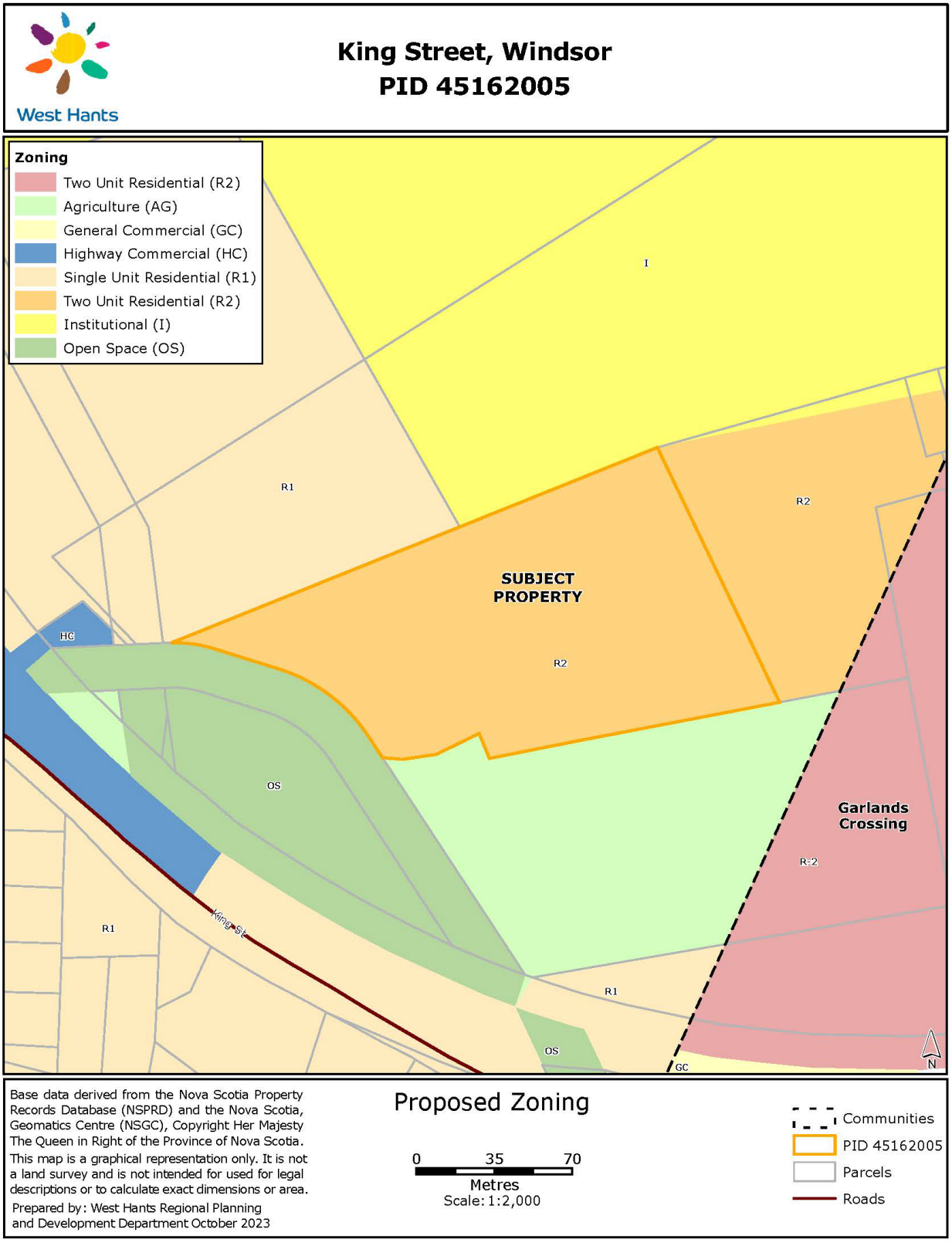


Figure 3 - Windsor Zoning Map Extract - Proposed



Attachment A - Policy Summary for WLUB Amendments

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

(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	Municipal sewer and water services are available in this area. Municipal Public Works Engineering division has confirmed the services are adequate and have capacity to serve the subject lot under the proposed Two Unit Residential (R-2) zoning.
(ii) the adequacy of school facilities;	The proposed rezoning could represent a change in school population. The elementary and high school are both within walking distance. It is staff's understanding that these schools are prepared to accommodate any increase in student population.
(iii) the adequacy of fire protection;	The subject lot is located within the Windsor Fire District. Staff reached out to the Fire Chief but have not yet received any feedback. It is unlikely that the proposed zoning change would create any new issues with adequacy of emergency equipment or response time.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The subject lot has an existing driveway access to King Street and a potential connection from Irven Drive. The Municipal Traffic Authority has indicated they have no concerns with the current driveway or the surrounding road network. For future development of building lots, the property owners would be required to construct a new public street to provide access to the land.
(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Municipal Traffic Authority has indicated they have no concerns with the surrounding road network and the movement of automobiles. There is no active rail transportation in the vicinity. There are some streets with sidewalks and others without sidewalks, but the collector roads that

	would connect the subject lot to shopping, recreation or employment areas include sidewalks.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer had no concern with the lot or the proposed residential rezoning. The lot has adequate lot area and road access through a shared driveway.
(d) the pattern of development which the proposal might create;	The rezoning would not create any unusual development patterns. This rezoning represents an extension of the Crossing and Payzant Drive areas where a variety of residential development has been focused.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;	The subject lot is gently sloping towards the south with no identified watercourses within the property. The property is not located within any protected Marsh areas.
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial, and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B - Public Information Meeting Notes

March 5 – 19, 2024
WLUB Map amendment: 1781 King Street (PID 45162005), Windsor; File 23-34

Meeting date and time	A public information meeting was held on March 5, 2024 beginning at 6:36 p.m. in Council Chambers, 76 Morison Drive, Windsor
Attending	In attendance: Chair: • Councillor Murley Four (4) members of staff: • Director of Planning and Development, Sara Poirier • Senior Planner, Mark Fredericks • Planner, Alex Dunphy • Planning Administrative Assistant Vanessa Lake Applicants: • Chrystal Fuller Council members: • Mayor Zebian Six (6) members of the public attended the meeting.
Applicants Chrystal Fuller on behalf of the owner, Brison Developments **Property** 1781 King Street (PID 45162005) in Windsor	Planner Fredericks outlined the request to rezone the property at 1781 King Street from Agriculture (AG) to Two Unit Residential (R-2) to prepare the land for future residential development. The enabling and general policies were described, and the rezoning process was outlined before the Chair opened the floor to public comments. The applicant did not make a formal presentation in relation to this rezoning request.
Comments	Grant Burgess lives close to the subject lot and operates a trucking and excavation business from the adjacent property. Mr. Burgess has a shared driveway and a sewer easement that are within the property at 1781 King Street. He has concerns about these and how they may be maintained or changed in relation to this rezoning. David Pemberton shared his concerns around King Street and the surrounding area as this could increase traffic in an area

	that is already very busy with vehicle traffic, high school student pedestrian traffic, and in an area where no sidewalks are provided. Cathy Pemberton shared her concerns around the King Street area becoming even busier and highlighted the lack of sidewalk infrastructure to support safe walking networks. No comments were received following the meeting during the comment period.
Adjournment	There being no further business, the meeting adjourned at 6:56 p.m.

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting / logged
Danny	Dill	2020-06-30	2020-07-14 COTW
Quentin	Davison	2020-07-06	2020-07-14 COTW
Alyson	Bremner	2020-07-07	2020-07-14 COTW
Cecil	Rolfe	2020-07-13	2020-07-14 COTW
Pat	Porter	2020-07-13	2020-07-14 COTW
Nikki-Marie	Lloyd	2020-08-02	2020-09-08 COTW
Heather	Boylan (Martock)	2020-09-01	2020-09-08 COTW
Greg	O'Leary	2020-09-03	2020-09-08 COTW
Dr. Abby	Kirumira	2020-09-02	2020-09-08 COTW
Dean	Manning	2020-09-08	2020-09-08 COTW
David & Michelle	Rideout	2020-09-08	2020-09-08 COTW
Colleen	Walsh-Bouman	2020-09-08	2020-09-08 COTW
Nicholas & Alyson	Juurlink/Bremner (Linked Farms)	2020-09-08	2020-09-22 Council
Tasha	Rogers	2020-09-08	2020-09-22 Council
Brad	Carrigan	2020-09-23	2020-10-13 COTW
Karen	Carrigan	2020-09-23	2020-10-13 COTW
Elaine	Morehouse	2020-09-24	2020-10-13 COTW
Gary	Morehouse	2020-09-24	2020-10-13 COTW
Dr. A	Kirumira	2020-09-24	2020-10-13 COTW
Blake	Sarsfield	undated	2020-10-13 COTW
Greg	Webster	2020-10-01	2020-10-13 COTW
Bobby	Kidston	2020-10-02	2020-10-13 COTW
NSTIR	(Province of NS)	2021-01-13	2021-01-26 Council
Darren	Porter	2021-03-19	2021-03-23 Council
Rylan	Carrigan	2021-03-29	2021-04-13 COTW
Robin	Bremner-Popma (Hants Co Fed of Agri)	2021-03-29	2021-04-13 COTW
Roslyn	MacDuff	2021-03-29	2021-04-13 COTW
Darlene	Taylor	2021-03-23	2021-04-13 COTW
Daniel	Oulton	2021-03-26	2021-04-13 COTW
Karen	Carrigan	2021-03-26	2021-04-13 COTW
Marie & Andrew	Connolly	2021-03-26	2021-04-13 COTW
Robin	Thomson (Atlantic Division Canoe Kayak Canada)	2021-03-30	2021-04-13 COTW
Barbara	Hughes	2021-03-29	2021-04-13 COTW
Laura	Fisher	2021-04-01	2021-04-13 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting / logged
Nikki-Marie	Lloyd	2021-04-06	2021-04-13 COTW
Ken	Donnelly (Hwy 101 Twinning CLC)	2021-04-01	2021-04-13 COTW
Darren	Porter	2021-04-06	2021-04-13 COTW
Karen	Lynch	2021-04-09	2021-04-13 COTW
Carilee	Eddy	2021-04-15	2021-04-27 Council
Nikki-Marie	Lloyd	2021-04-19	2021-04-27 Council
Sheldon	Hope	2021-04-19	2021-04-27 Council
Adrienne	Wood	2021-04-22	2021-04-27 Council
Magda	Montgomery	2021-04-22	2021-04-27 Council
Sheldon	Hope	2021-04-26	2021-04-27 Council
Andrew	Smiley	2021-05-02	2021-05-11 COTW
Carrilee	Eddy	2021-05-03	2021-05-11 COTW
Denise	Forand	2021-04-27	2021-05-11 COTW
Erin	Naugler	2021-05-02	2021-05-11 COTW
Janet	Comeau	2021-05-02	2021-05-11 COTW
Kristyn	Anderson	2021-05-02	2021-05-11 COTW
Laura	Fisher	2021-04-01	2021-05-11 COTW
Nick	Rafuse	2021-05-03	2021-05-11 COTW
Nicole	McLeod	2021-05-02	2021-05-11 COTW
Robyn	Cook	2021-05-02	2021-05-11 COTW
Sheldon	Hope	2021-05-02	2021-05-11 COTW
Tammy	Hilden	2021-05-02	2021-05-11 COTW
Tracey	Sexton	2021-05-03	2021-05-11 COTW
Ginette	Pitcher	2021-05-03	2021-05-11 COTW
Greg	Miller	2021-05-05	2021-05-11 COTW
David & Michelle	Rideout	2021-05-05	2021-05-11 COTW
Sylvia & Vince	Burgess	2021-05-05	2021-05-11 COTW
Scott (Adrienne)	Miniou (Wood)	2021-05-03	2021-05-11 COTW
Barbara	Sullivan	2021-05-06	2021-05-11 COTW
Sandra & Skip	Hogan	2021-05-06	2021-05-11 COTW
Marie & Andrew	Connolly	2021-05-06	2021-05-11 COTW
Karen	Carrigan	2021-05-07	2021-05-11 COTW
Adrienne	Wood (Petition)	2021-05-07	2021-05-11 COTW
Lisa	Hines	2021-05-07	2021-05-11 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting / logged
Cam	Hartley	2021-05-07	2021-05-11 COTW
Troy & Vicki	Harvie	2021-05-07	2021-05-11 COTW
Jenn	McDermott	2021-05-08	2021-05-11 COTW
Jennifer	Daniels	2021-05-09	2021-05-11 COTW
Krista & Colin	Duncan	2021-05-09	2021-05-11 COTW
Robin	Bremner-Popma	2021-05-07	2021-05-11 COTW
Roslyn (Darlene) [Barb]	MacDuff (Taylor) [Hughes]	2021-05-08	2021-05-11 COTW
Wayne & Dianne	Hines	2021-05-09	2021-05-11 COTW
Bob & Sandra	Langdon	2021-05-10	2021-05-11 COTW
Brad	Hood	2021-05-10	2021-05-11 COTW
Ed & Cathy	Kerr	2021-05-10	2021-05-11 COTW
Ann	MacArthur	2021-05-10	2021-05-11 COTW
Carole Anne	Casey	2021-05-10	2021-05-11 COTW
Sarah	MacDonald	2021-05-10	2021-05-11 COTW
Andre & Donna	Arsenault	2021-05-11	2021-05-11 COTW
Aaron	Leblanc	2021-05-12	2021-05-25 Council
Adrian	Rooney	2021-05-19	2021-05-25 Council
Adrienne	Wood	2021-05-12	2021-05-25 Council
Barb	Sullivan	2021-05-16	2021-05-25 Council
Barbara	Beck	2021-05-15	2021-05-25 Council
Bethany	Rozee	2021-05-12	2021-05-25 Council
Carl	Siler	2021-05-12	2021-05-25 Council
Carol	Bradley	2021-05-16	2021-05-25 Council
Carol	McKinley	2021-05-12	2021-05-25 Council
Chad	Pothier	2021-05-18	2021-05-25 Council
Chris	Cann	2021-05-21	2021-05-25 Council
Connie	Shay	2021-05-15	2021-05-25 Council
Conrad	Mullins	2021-05-18	2021-05-25 Council
Darlene	Taylor	2021-05-15	2021-05-25 Council
Darren	Porter	2021-05-12	2021-05-25 Council
Darren	Woods	2021-05-13	2021-05-25 Council
Dawson	Sheehy	2021-05-16	2021-05-25 Council
Deanna	Hamilton	2021-05-15	2021-05-25 Council
Debbie	Porter-Wood	2021-05-13	2021-05-25 Council
Debbie	Siler	2021-05-15	2021-05-25 Council
Denise	Forand	2021-05-13	2021-05-25 Council

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting / logged
Devan	Archibald	2021-05-18	2021-05-25 Council
Diane	Ogilvie	2021-05-13	2021-05-25 Council
Erin	Naugler	2021-05-13	2021-05-25 Council
Ernest	Eddy	2021-05-15	2021-05-25 Council
Gerry	Young	2021-05-15	2021-05-25 Council
Gina	Cochrane	2021-05-12	2021-05-25 Council
Harry	Ullock	2021-05-15	2021-05-25 Council
Hope	Moon	2021-05-12	2021-05-25 Council
Ian	Shaw	2021-05-16	2021-05-25 Council
J	Davis (and J Griffith)	2021-05-17	2021-05-25 Council
Jacqueline	Farvacque	2021-05-12	2021-05-25 Council
Jayne	Murray	2021-05-16	2021-05-25 Council
Jeff	Redden	2021-05-17	2021-05-25 Council
Jennifer	Shaw	2021-05-16	2021-05-25 Council
Jocelyne	Marchand	2021-05-12	2021-05-25 Council
John & Sarah	Monette	2021-05-19	2021-05-25 Council
Jordan	Macumber	2021-05-12	2021-05-25 Council
Josette	Dugue	2021-05-12	2021-05-25 Council
Judy	Lynch	2021-05-13	2021-05-25 Council
June	Pedersen-LaPierre	2021-05-15	2021-05-25 Council
Justin	Cochrane	2021-05-12	2021-05-25 Council
Karen	Lynch	2021-05-18	2021-05-25 Council
Kathryn	Bergeron	2021-05-16	2021-05-25 Council
Kathy	Veinot	2021-05-15	2021-05-25 Council
Kyle	Pellegrini	2021-05-12	2021-05-25 Council
Lachlan	Riehl	2021-05-12	2021-05-25 Council
Laura	Stewart	2021-05-19	2021-05-25 Council
Lee	Billington	2021-05-12	2021-05-25 Council
Lee	Millett	2021-05-12	2021-05-25 Council
Lexie	Barkhouse	2021-05-12	2021-05-25 Council
Linda	Card	2021-05-11	2021-05-25 Council
Monique	Wood	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-16	2021-05-25 Council
Nancy	Sheehy	2021-05-18	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-12	2021-05-25 Council
Nikki-Marie	Lloyd	2021-05-17	2021-05-25 Council

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting / logged
Olena	Kharytonova	2021-05-15	2021-05-25 Council
Pat	Porter	2021-05-12	2021-05-25 Council
Paula	Lake	2021-05-12	2021-05-25 Council
Robert	Bowkett	2021-05-18	2021-05-25 Council
Roslyn	MacDuff	2021-05-15	2021-05-25 Council
Ruth	Angevine	2021-05-13	2021-05-25 Council
Scotch Village	Farm	2021-05-19	2021-05-25 Council
Shirley	Pineo	2021-05-12	2021-05-25 Council
Stephen	Brooks	2021-05-12	2021-05-25 Council
Trudy	Sheehy	2021-05-17	2021-05-25 Council
Steven	Bouman	2021-05-17	2021-05-25 Council
Sue	Sheehy	2021-05-14	2021-05-25 Council
Susie	Smith	2021-05-12	2021-05-25 Council
Tasha	Rogers	2021-05-12	2021-05-25 Council
Tera	Brommit	2021-05-17	2021-05-25 Council
Toni-Lee	Burns	2021-05-12	2021-05-25 Council
Tony	Wood	2021-05-18	2021-05-25 Council
Tracey	Sexton	2021-05-16	2021-05-25 Council
Trevor	Levy	2021-05-12	2021-05-25 Council
Tricia	Brommit	2021-05-17	2021-05-25 Council
Vince & Sylvia	Burgess	2021-05-16	2021-05-25 Council
Loretta	MacEachern	2021-05-20	2021-05-25 Council
Tim & Jennifer	Bayers	2021-05-21	2021-05-25 Council
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darlene	Taylor	2021-05-25	2021-06-08 COTW
Darren	Porter (forwarded email from/to another source)	2021-05-27	2021-06-08 COTW
Dawn	Allen	2021-05-25	2021-06-08 COTW
John	Monette	2021-05-25	2021-06-08 COTW
Richard	Dunham	2021-05-25	2021-06-08 COTW
Carrilee	Eddy	2021-06-06	2021-06-22 Council
Darlene	Taylor	2021-06-09	2021-06-22 Council
Darren	Porter	2021-06-06	2021-06-22 Council
Lisa	Bland	2021-06-08	2021-06-22 Council
Krista & Scott	Lloy	2021-06-07	2021-06-22 Council
Nancy	Sheehy	2021-06-06	2021-06-22 Council
Karen	Beazley	2021-07-06	2021-07-13 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

First Name	Last Name	Correspondence Date	Meeting / logged
Quentin	Davison	2021-07-13	2021-07-13 COTW
Iain (Hon.)	Rankin	2021-07-16	2021-07-27 Council
Karen	Beazley	2021-07-15	2021-07-27 Council
G.E.	Morehouse	2021-07-22	2021-07-27 Council
Darlene	Taylor	2021-07-26	2021-09-14 COTW
Heather	MacLean	2021-08-13	2021-09-14 COTW
Kim (Hon)	Masland	2021-09-22	2021-10-12 COTW
Darren	Porter	2022-02-01	2022-02-08 Council
Hon. Steve	Craig	2022-03-02	2022-03-08 COTW
Hon. Greg	Morrow	2022-03-08	2022-03-22 Council
Sheldon	Hope	2022-03-10	2022-03-22 Council
Darren	Porter	2022-06-02	2022-06-14 COTW
Darren	Porter	2022-06-27	2022-06-28 Council
Hon. Joyce	Murray	2022-07-12	2022-07-26 Council
Jennifer	Allen	2022-08-30	2022-09-13 COTW
Hon. Kody	Blois	2022-10-07	2022-10-11 COTW
K Salter	Salter	2022-10-28	2022-11-08 COTW
Hon. Kody	Blois	2023-06-02	2023-06-13 COTW
Andre	Arsenault	2023-06-02	2023-06-13 COTW
Darlene	Taylor	2023-06-02	2023-06-13 COTW
Kevin	Walsh	2023-06-03	2023-06-13 COTW
Alyson and Nicholas	Bremner/Juurlink	2023-06-03	2023-06-13 COTW
Hants County Federation of Agriculture		2023-06-03	2023-06-13 COTW
Al	Mailman	2023-06-03	2023-06-13 COTW
Greg	O'Leary	2023-06-03	2023-06-13 COTW
Lisa	Bland	2023-06-04	2023-06-13 COTW
Karen	Lynch	2023-06-04	2023-06-13 COTW
Judy	Lynch	2023-06-04	2023-06-13 COTW
Greg	Miller	2023-06-04	2023-06-13 COTW
Darren	Porter	2023-06-04	2023-06-13 COTW
Monique	Wood	2023-06-04	2023-06-13 COTW
Lana	Patterson	2023-06-04	2023-06-13 COTW
Dr. AK.	Kirumira	2023-06-04	2023-06-13 COTW

Bonnie	O'Leary	2023-06-04	2023-06-13 COTW
Robyn	Bremner-Popma	2023-06-04	2023-06-13 COTW
Traci and Elizabeth	Curry	2023-06-04	2023-06-13 COTW
Sheldon	Hope	2023-06-05	2023-06-13 COTW
Wilf and Diane	Ogilvie	2023-06-05	2023-06-13 COTW
Aaron	Ewing	2023-06-05	2023-06-13 COTW
Cara	Pfeffer	2023-06-05	2023-06-13 COTW
Maxine	Chandler	2023-06-05	2023-06-13 COTW
Pat	Porter	2023-06-05	2023-06-13 COTW
Shannon	Cunningham	2023-06-05	2023-06-13 COTW
Anna	DeNicola	2023-06-06	2023-06-13 COTW
Jen	Murphy	2023-06-06	2023-06-13 COTW
Karen	Beazley	2023-06-06	2023-06-13 COTW
Linda	Card	2023-06-06	2023-06-13 COTW
Richard	Dunham	2023-06-06	2023-06-13 COTW
Doug	Symonds	2023-06-06	2023-06-13 COTW
Krista	Lunn	2023-06-06	2023-06-13 COTW
Barbara	Hughes	2023-06-06	2023-06-13 COTW
Andrew	Smiley	2023-06-06	2023-06-13 COTW
Nikki	Lloyd	2023-06-06	2023-06-13 COTW
Aaron	Ewing	2023-06-07	2023-06-13 COTW
Jim	White	2023-06-07	2023-06-13 COTW
Sasha	Stevens	2023-06-07	2023-06-13 COTW
Chris	Phillips	2023-06-07	2023-06-13 COTW
Chad	Pothier	2023-06-07	2023-06-13 COTW
Darlene	Taylor	2023-06-07	2023-06-13 COTW
Nancy and Bruce	Cameron	2023-06-07	2023-06-13 COTW
James	Pothier	2023-06-07	2023-06-13 COTW
Abe	Zebian	2023-06-07	2023-06-13 COTW
Judith	Kazmirski	2023-06-08	2023-06-13 COTW
Nikki Lloyd	Lloyd	2023-06-08	2023-06-13 COTW
Darren	Porter	2023-06-09	2023-06-13 COTW
Ashley Imlay	Imlay	2023-06-09	2023-06-13 COTW
Valerie	Wilcox	2023-06-11	2023-06-13 COTW

Colleen	Walsh-Bouman	2023-06-12	2023-06-13 COTW
G. Wayne	Hines	2023-06-12	2023-06-13 COTW
Sharon	Johnson	2023-06-12	2023-06-13 COTW
Nicholas	Juurlick	2023-06-11	2023-06-13 COTW
Ed and Cathy	Kerr	2023-06-12	2023-06-13 COTW
Tracey	Sexton	2023-06-12	2023-06-13 COTW
Peter	Nicol	2023-06-12	2023-06-13 COTW
Jennifer	Shaw	2023-06-13	2023-06-13 COTW
Jayne	Murray	2023-06-13	2023-06-13 COTW
Reid & Roslyn	MacDuff	2023-06-13	2023-06-13 COTW
Monique	Wood	2023-06-13	2023-06-13 COTW
Dean	Manning	2023-06-13	2023-06-13 COTW
Karen	Beazley	2023-06-14	2023-06-27 Council
Carrilee	Eddy	2023-06-15	2023-06-27 Council
Maria DeNicola	DeNicola	2023-06-15	2023-06-27 Council
Anna	DeNicola	2023-06-16	2023-06-27 Council
Karen F.	Beazley	2023-06-16	2023-06-27 Council
Lisa	Bland	2023-06-16	2023-06-27 Council
Duncan	Armour	2023-06-19	2023-06-27 Council
Gwendolyn	Aker	2023-06-19	2023-06-27 Council
Laura	Fisher	2023-06-19	2023-06-27 Council
Barbara	Hughes	2023-06-21	2023-06-27 Council
Reid & Roslyn	MacDuff	2023-06-21	2023-06-27 Council
Kim	Jansen	2023-06-22	2023-06-27 Council
Brian and Sandra	Hogan	2023-06-22	2023-06-27 Council
Maria	DeNicola Re Concerns of Racism, Bullying and Slander	2023-06-22	2023-06-27 Council
Karen	Langille	2023-06-22	2023-06-27 Council
Anne	Desneiges	2023-06-22	2023-06-27 Council
Darren	Porter	2023-06-25	2023-06-27 Council
Barbara	Hughes	2023-06-27	2023-07-11 COTW
Louis	Coutinho	2023-06-28	2023-07-11 COTW
Darlene	Taylor	2023-06-29	2023-07-11 COTW
Eric	D-Entremont	2023-07-10	2023-07-11 COTW
Canadian Wildlife Federation Letter		2023-07-10	2023-07-11 COTW

Avon River Causeway Correspondence

(aka Hwy. 101 Twinning, Aboiteau, Causeway, Lake Pisiquid)

Beth	McBrine	2023-07-14	2023-07-25 Council
Judi	Wilson	2023-07-19	2023-07-25 Council
Dr. AK. Kirumira (WHRM copied)		2023-07-21	2023-07-25 Council
Dawn	Allen (WHRM copied)	2023-07-23	2023-07-25 Council
Denise	Forand	2024-03-10	2024-03-12 COTW

Bear Lake Windfarm Correspondence

First Name	Last Name	Correspondence Date	Meeting / logged
Karen	Prince	2024-03-30	2024-04-09 COTW
Steve	Hart	2024-03-26	2024-04-09 COTW
Anne	Jodrey	2024-04-02	2024-04-09 COTW
Elizabeth	Skelhorn	2024-04-02	2024-04-09 COTW
Andrea	Lynn	2024-04-03	2024-04-09 COTW
Duane and Shirley	Walker	2024-04-04	2024-04-09 COTW
Shirley	Walker	2024-04-07	2024-04-09 COTW
Natasha	Weatherbee	2024-04-09	2024-04-09 COTW
Graham	Sanford	2024-04-10	2024-04-23 Council
Chief & CEO, Membertou		2024-04-11	2024-04-23 Council
Debbie	Spears	2024-04-11	2024-04-23 Council
Phillip Eagles	Eagles	2024-04-12	2024-04-23 Council
Bonnie	Haywood	2024-04-13	2024-04-23 Council
Denise	Forand	2024-04-13	2024-04-23 Council
Karen	Wallace	2024-04-15	2024-04-23 Council
Andrew	Hardman	2024-04-16	2024-04-23 Council
Ellen	Hart	2024-04-16	2024-04-23 Council
Steven	Hart	2024-04-16	2024-04-23 Council
Wagner Forest NS Ltd		2024-04-18	2024-04-23 Council
Jennifer	Dillman	2024-04-19	2024-04-23 Council
Ryan Long	Long	2024-04-19	2024-04-23 Council
Dwight	Lovegrove	2024-04-20	2024-04-23 Council
John MacKinnon	MacKinnon	2024-04-20	2024-04-23 Council

Bear Lake Windfarm Correspondence

Elizabeth	Skelhorn	2024-04-21	2024-04-23 Council
Dave	Paddock	2024-04-21	2024-04-23 Council
Ellen	Hart	2024-04-21	2024-04-23 Council
Sheryl	Paddock	2024-04-21	2024-04-23 Council
Patrick and Lucy	Landry	2024-04-21	2024-04-23 Council
Andrew	Hardman		2024-04-23 Council
Jason	Hart	2024-04-22	2024-04-23 Council
Karen	Wallace	2024-04-22	2024-04-23 Council
Krista	Hart	2024-04-22	2024-04-23 Council
Seamus	Marriott	2024-04-22	2024-04-23 Council
Steven	Hart	2024-04-22	2024-04-23 Council
Mark	Stewart (Bear Lake Engagement Officer)	2024-04-22	2024-04-23 Council
Steven	Hart	2024-04-22	2024-04-23 Council
Judy	Lynch	2024-04-24	2024-04-23 Council
Keith Bown	Bown	2024-04-22	2024-04-23 Council

From: Abraham Zebian
To: Natasha Weatherbee
Cc: Mark Fredericks; protect vaughans terry paul; kelsea macneil; mark stewart; info@bearlakewind.com; andrew woods;Adam Langer; daniel Lee thomas wheat; Deanna Snair
Subject: Re: Racist response - apology. PUBLIC INFORMATION MEETING FILE #24-03 Bear Lake Wind Farm Project
Date: Wednesday, April 10, 2024 12:22:01 AM

On Apr 9, 2024, at 5:08 PM, Natasha Weatherbee wrote:

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April 9, 2024

Mark Fredericks, Senior Planner
76 Morison dr. PO Box 3000
Windsor, NS B0N 2T0

Re:Racist response

Dear Mr. Fredericks,

I attended the public information meeting last night, and along with the rest of my community I listened respectfully and intently to the panel consisting of representatives from Everwind and Graham Marshall of Membertou.

When it became time for questions and comments from the community, it was noticeable to everyone in the chambers that Mr. Marshall couldn't have shown he cared less. You can see in the picture I have provided what I am referring to along with all the video of the meeting.

Mr.Marshall had his back facing the community. His head was down facing his phone and rarely looked up at any of the speakers during their questions and comments. I personally was saddened when Ms. Tera Sisco spoke about losing her son in the floods due to climate change but even though we gave him our undivided attention, he couldn't even look up and listen to her. She even referenced him directly, and he still would not look up from his phone.

Racism is a massive problem, anyone that denies that has their head in the sand, but using racism as an excuse for disrespectful behaviour (and for being called out on disrespectful behaviour) where racism doesn't exist is childish and puts a shadow over real incidents of racism. I hope you will take this seriously.

I called him out and he got mad and that was his only line of defense. I should honestly demand EverWind and Membertou apologize for that! They should honestly be ashamed of themselves.

I'm not holding my breath on an apology, but I wanted the mayor, counsel and everyone to be aware of the beginning stages of the relationship between this company, it's affiliates and some of the community already. The behaviour is an indicator of what is to come if this project is allowed to move along.

As I said last night, I don't want this project here, the reasons have been provided to you by several community members, there is absolutely no benefit to the residents of West Hants, more importantly Vaughan. They'll have you consider tax dollars, money. Mr. Marshall may be willing to sacrifice and be fine with destroying the landscape and way of Life in Vaughan in exchange for money himself, a lot more than $1000 a year that is offered to some residents.

Our residents of Vaughan, however, would never sell out! There is no price tag on what should be protected here. I'm so sad that the other projects, Benjamin mills and Canoe lake have already taken place. This is all of our Mother Earth actually, and they're not going to destroy Vaughan and then say it's okay because they partnered with Ducks Unlimited and say they have a wet land over there instead. No, we are not having this! What a disgrace for him to be talking about his respect for mother earth, asserting his race and then totally pillaging her for money, and disrespecting the rest of us. Unbelievable really.

The ones that are in touch with this piece of the Earth, in touch with the whole entire Earth, they have no race, they say "No!".

Sincerely,

Natasha Weatherbee
[redacted]

From: Graham Sanford
To: Mark Fredericks; PublicOnlyCouncilEmail; Protect Vaughans Community
Subject: PIM Comments on Bear Lake Windfarm Project-Graham Sanford, Hants Border
Date: Wednesday, April 10, 2024 1:11:10 PM

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Good afternoon, Planner Fredericks, and Council.

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

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

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

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

However, we have a situation where certain provincial departments in the approval chain have shifted their views on such matters. An example would be the discrete change to assessing wetlands of significance:
https://www.cbc.ca/news/canada/nova-scotia/wetlands-environment-species-at-risk-tim-halman-1.7013811

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

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

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

It is estimated that Nova Scotia has less than one percent of old growth forest remaining. In consideration of this, re-planting needle trees as is the standard practise, building roads that create wind tunnels perfect for the spread of wildfire, or the two for one trade off when

destroying a wetland, are not sustainable practises and are only meant to appease the public.

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

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

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

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

The setback criteria of being from a dwelling and not a property line cannot be legal, and at any rate is an overreach. All setbacks should always be from a property line, as these are our neighbours, which have the right to develop their property if they chose according to established Land Use rules. Allowing setback simply from a dwelling would open legal liability for the Municipality, of which, the taxpayer would be footing the bill.
In addition, the process allowing the proponent to contract out the necessary surveys, has terrible optics, given this is a for profit endeavour. I suggest the Municipality should consider creating a position to overlook such surveys/studies in such sensitive areas.

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

Thank you for your careful consideration of this matter.

Regards,

Graham Sanford
[redacted]

From: Abraham Zebian
To: Terry Paul
Cc: Mark Fredericks; natashaweatherbee; Adam Langer; Thomas Wheat; Daniel Lee; protectvaughans[redacted]; info@bearlakewind.com; Mark Stewart; andrew.woods[redacted]; Kelsea MacNeil; Deanna Snair
Subject: Re: Response Letter - April 8 Meeting
Date: Thursday, April 11, 2024 12:46:17 PM

On Apr 11, 2024, at 11:52 AM, Terry Paul wrote:

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Good morning Mayor Zebian and Mr. Fredericks,
Please see the attached letter in response to the meeting that took place on April 8th, and the letter sent through from Ms. Weatherbee.

Mayor Zebian, I appreciate the time that you and your council have given to our project thus far, and look forward to future information sharing.

Wela'lioq - Thank You,
Chief Terry Paul

Terry Paul, *O.C*

Chief & CEO, Membertou

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<Letter to West Hants - April 11 2024.pdf>

Membertou
WELCOMING THE WORLD!

April 10, 2024

Mayor Abraham Zebian
Mark Fredericks, Senior Planner
76 Morison dr. PO Box 3000
Windsor, NS B0N 2T0

Mayor Zebian and Mr. Fredericks,

I am writing you in response to a letter that was sent along from a West Hants community member, Natasha Weatherbee, who attended the public meeting on April 8, 2024.

Firstly, I want to thank you, the staff, and the mayor and council for providing time and space to share the Bear Lake Wind project. Membertou is the majority owner of the Bear Lake Wind Project, and there are three critical reasons that we brought this project forward:

1. We understand climate change to be the greatest risk to our generation, and the generations to come. Based on stories that were told at the public meeting, it would seem that most of us agree on this point. The Bear Lake Wind Project ensures that Nova Scotia is at the forefront of creating solutions to the massive issues that climate change is presenting.

2. As Mi'kmaq in the province, historically our communities and people have been left out of industry opportunities – which as we know now, has contributed significantly to our communities and people remaining dispossessed of our lands. Today, is a new day. Having majority ownership in projects from an indigenous community is still unheard of in most parts of this country. We've fought through racist barriers, and clearly we still do today, to get to the place where we have ownership opportunities. We're committed to doing this right.

3. Our people. Last and most importantly, we've invested in this project because through our economic model, all fiscal benefits that return to Membertou will be reinvested in housing, education and social development. The furthest thing from selling out, is scaling up. We do it for our community, and we always will. In fact, we feel strongly that there will be significant benefit to the community members of West Hants, with funds from this project going back to the municipality to support your community initiatives.

Now, I'd like to address the comments made towards Membertou Council Member, Graham Marshall. Graham is a man of integrity, and a friend to me, who has worked tirelessly on this project for the betterment of his community. I was disheartened to hear directly from him that evening that there were discriminatory remarks and overt comments directed at him from members of the public gallery.

But that's not new.

As Mi'kmaq, we face these issues every single day. We're often caught in the crossfires of who settlers think we should be, and where we belong in a system they've created. To begin a meeting with a land acknowledgement, but then allow mocking remarks about Graham's references to his connection to Mother Earth, is not reconciliation.

In her letter, Ms. Weatherbee claimed that Graham was asserting his race, and pillaging through his presentation. I resent these comments – someone sharing their culture and viewpoint does not threaten those who welcome open dialogue and differing perspectives. It is an example of intolerance at every level.

Comments about Graham's body language were referenced, and I hope the council does not take offence to the reaction Graham had after sitting through several hours of intolerant comments made at his expense.

I've been elected Chief in Membertou for the last forty years. I understand the incredibly difficult decisions that often need to be made as local leaders. A constant balance of taking a risk for the betterment of your community, while being met by the old guard, who for various reasons, don't want to see change take place. It's challenging.

But, we're elected to do what's best for our communities today, and tomorrow. We're trusted to make the unpopular decision because it aligns with where we're going, not where we are today.

In the pursuit to stop progress, some will point fingers, or criticize others to bring focus away from what truly matters; creating a strong, prosperous community and province for all. With the Bear Lake Project, we're working to create an opportunity for our province, and the world, to have greener, more viable options for the future.

I hope that the loud, distracting voices of a few does not erode our opportunity to work together and to build a strong, lasting connection to West Hants.

Mayor Zebian and Mr. Fredericks, I would be happy to speak with you, and anyone from your county to discuss this exciting project and share the benefits that your communities and mine can experience by working together.

In peace and friendship,

Chief Terry Paul, *O.C*
Chief & CEO, Membertou

From: Debbie Spears
To: PublicOnlyCouncilEmail
Subject: Bear Lake Wind Project
Date: Thursday, April 11, 2024 5:04:17 PM

Caution [External Email]
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Dear Mr. Mayor and Council,

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

Climate change is here as we in West Hants, experienced last year with the devastating flood in July and the wildfires throughout Nova Scotia. Those who believe climate change is a conspiracy theory, in my opinion, are sadly mistaken. We have not been good stewards of our home, the Earth. The generations who come after me will be left to attempt and mitigate the consequences.

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

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

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

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

Kindest regards,

Debbie Spears
[redacted]

From: Abraham Zebian
To: Phillip Eagles
Cc: Mark Fredericks; Deanna Snair
Subject: Re: Everwind and Bear Lake Project.
Date: Friday, April 12, 2024 5:42:39 AM

> On Apr 12, 2024, at 12:32 AM, Phillip Eagles wrote: >

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>
To Mr Zebian and Mr Fredericks,

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

Respectively

> Phillip Eagles.
> Sent from my iPhone

From: Abraham Zebian
To: Deanna Snair
Subject: Fwd: Chief Terry Paul's letter....
Date: Saturday, April 13, 2024 10:52:15 AM

From: Bonnie Haywood
Date: April 13, 2024 at 10:30:13 AM ADT
To: Abraham Zebian <AZebian@westhants.ca> **Cc:**
Ed Sherman <esherman@westhants.ca>

Subject: Chief Terry Paul's letter….

Caution [External Email]
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Dear Mayor Zebian,
I was dismayed to read the letter to you from Chief Paul. I take issue with the contention that Graham Marshall was subjected to "several hours of intolerant comments ". I was sitting in the back row, so maybe missed some of the content of presentations, but I was only aware of one comment directed to Mr. Marshall that "might"have been interpreted as intolerant or personal.

In general, I thought members of the public presented their concerns in a balanced, sincere manner.

You had a much better view of all that was said, and I'm sure your reply to Chief Paul will require all of your diplomatic skills.

Sincerely,
Bonnie Haywood
[redacted]
Sent from Bonnie's iPad

From: Denise
To: PublicOnlyCouncilEmail; Abraham Zebian
Subject: Thoughts on comments made for the April 9 meeting
Date: Saturday, April 13, 2024 4:32:07 PM

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To Mayor and Council,

1- college road, you mentioned lowering king street/ hwy #1 to align better with College rd.
In the years of rising sea levels I didn't think lowering a road was a smart option in our lowland region. My parents causeway has been elevated twice is 20 years.

2- have you investigated in a Tregothic channel thru town? We have issues at a few areas. - behind former Baptist church area along the tracks.
- behind the homes along the tracks on left side of Obrien from the lights towards Tremaine Crescent
- Tremaine crescent , new boxes might only separate the long path of issues along this tidal watercourse.
- potential for problems at the new connector Payzant Dr extension to Hwy1 /King Street re watercourse and very low elevation and the people's homes on the opposite side.

Thinking maybe this deserves some very important observation and studies as the height of the water will only elevate with climate change and affect so much of Windsor's sea level issues.

3- Has anyone looked into connecting Payzant to Cottage? Or further away from our wetlands like connect the highway directly into the crossing via Underwood drive?
Or wait for the Cole Drive connecting that is approved.

The tidal watercourse of the Tregothic flow into our community will not weaken , it will increase just as all sea levels rise.

4-One more thing that caught my attention was the lots behind Subway and the Petro can.
These are flood lands if I remember. Hopefully no developers will be allowed to hoodwink desperate homeowners with this wet parcel off the St. Croix River when the province wants to eliminate dykes and we desperately need them rebuilt all along our highest tides in the world on our tidal rivers and estuaries that will only get higher with sea levels.
Hopefully you will consider these points and advance with qualified knowledge.

5-One more note. I strongly urge you keep 6 invested residents on your planning committee.
This is important. If not it is just another meeting for you guys when you're supposed to be directed by the citizen of your region you represent . This a a big and diverse area that needs town planers and rural guidance for all to work together in harmony for a goal of achieving a great destination of both Townships and rural communities.
Regards,
A Concerned and invested Citizen ,
Denise

Sent from my iPad

From: Karen Wallace
To: spoirer@westhants.ca; Mark Phillips; Ed Sherman; PublicOnlyCouncilEmail
Subject: Opinion on setback bylaws for wind farms
Date: Monday, April 15, 2024 9:19:33 AM

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They are not making any more land, it is limited.

Place windmills offshore with strict federal regulations and supervision.

NO MORE WINDMILLS ON LAND!

Sincerely

Karen Wallace. [redacted]

From:	Andrew Hardman
To:	Sara Poirier
Cc:	Debbie Innes; Debbie Whynot; Mark Kehoe; Seamus Marriott; Stephen Rafuse; Steve Hart; PublicOnlyCouncilEmail; Mark McLean; Mark Fredericks; Alexander Dunphy; Jeff Hartt; Jim Ivey; Scott McLean; Laurie Murley; John Smith; Debbie Francis; Ed Sherman; Bob Morton; Rupert Jannasch; Paul Morton; Deanna Snair; Mark Phillips; Vanessa Lake; Abraham Zebian; Shelleena Thornton; West Hants Planning
Subject:	Windfarm Turbine Setback
Date:	Tuesday, April 16, 2024 8:34:10 PM

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Hello Ms. Poirier

I'm going to be pretty dry about my suggested setback for the Bear Lake wind turbines.

Policy 4.24 of the MPS addresses appropriate setbacks for wind turbines up to 400 ft tall. The current "standard" is 1000 from dwellings.

The Bear Lake wind turbines are 677 ft tall. Using simple math 677ft/400ft x 1000m = 1692 meters. This would make them appear to be of relative size to a 400 ft turbine at 1000m. That is, a similar visual intrusiveness to a 400 ft tall turbine.

In addition, the noise produced by a turbine of this size would not have a linear correlation to a smaller turbine.

Also, it is unfair to property owners whose property extends toward a turbine that they would not have the same setback if there were not an already a dwelling at the property boundary closest to the wind turbine.

I therefore suggest that that the minimum set-back be set at **1692 metres from the closest property boundary of a non-participating property owner**.

Sincerely,

Andrew Hardman, P.Eng.
[redacted]

April 16, 2024
Re: Public Information Meeting held April 8, 2024

Hello:

Today I am reaching out regarding the recent Public Information Meeting held Monday, April 8, 2024, and subsequent letter received by Mayor Zebian from Chief Terry Paul. I would like to note that I have read both the letter Ms. Weatherbee sent and the response from Chief Terry Paul.

As I write this, I acknowledge it is from a place of great privilege.

Councillor Marshall has indicated through Chief Paul that he endured discriminatory remarks and overt comments directed at him by members of the gallery.

That evening, I like many others in attendance was focused on Everwinds presentation and following that, listened intently to the concerns of the residents. I did not witness discriminatory actions. It is not up to me to decide what is offensive to someone. I extend my sincerest apologies to Councillor Marshall if he felt less than comfortable in the presence of the West Hants community.

My heart goes out to Ms. Weatherbee, while many shared her sentiment, witnessing the same clear indifference, she alone voiced concern. I believe Ms. Weatherbee has been judged unfairly by Chief Paul.

It has been suggested that out mayor allowed residents of West Hants to make unfavorable remarks towards Councillor Marshall. Our mayor does not enable or condone discrimination. Hopefully, he will not take these accusations to heart.

Residents of West Hants will tell you it matters not who the majority stakeholder is in this operation.

Chief Paul indicates that our community wishes to stop progress, this is very far from the truth. The community has concerns about whether this type of progress will suit our area, let alone benefit it. West Hants has done our fair share. The majority of economic benefits from these projects go to a corporation and community *outside* of West Hants. I applaud Chief Paul for looking to better his community, however, it cannot be at the expense of West Hants and our natural environment.

The residents of West Hants have long welcomed the boom in development in the area, we have no wish to stop meaningful progress. We do, however, wish to tread with caution when it comes to progress that may well have profound effects on our valuable wilderness and wildlife. Have we not learned from the causeway? It too has created great turmoil in our community, and if we do not proceed with caution, we may well be looking at our second disaster. How much more can one community handle? This is not something that can be easily deconstructed once in place. Does Nova Scotia even have the land mass required to sustain green energy of this type? Enough to support ourselves as well as the foreign contracts that are in motion? These questions must be addressed.

Chief Paul also spoke in his letter about creating a strong prosperous community. There is no clear benefit to the people of Vaughans; our community will not prosper under a windfarm. Setting aside the potential ecological effects. The residents stand to lose as well, including but not limited to how residents use and enjoy their property. The 45% that is on crown land will severely hamper access by the public.

Do we have enough information to move forward? No, we do not. We have only what is presented. A skewed interruption at best, that works in favor of only those presenting it.

Disagreement with this project is not a personal attack on the people of Membertou, or Councillor Marshall. Rather it is a plea that West Hants council take a long look at what benefits our community, and what harms it. It is a plea to West Hants to stop allowing the province and other outside corporations to decide the best course for West Hants and its residents.

Who the majority stake holder is at Bear Lake Wind is not a concern for the people of West Hants, and Vaughan in particular. As a resident of West Hants, I am more concerned about what Everwind is *not* saying and *not* doing. They hold all the cards here and it seems like these meetings are simply an annoyance until they get what they perceive is a done deal.

Please remember that Everwind is a money generating business, not a person, not a community. The goal here is revenue, not concern for the municipality of West Hants, or its residents.

As a resident of West Hants that frequents the beauty of Vaughan, I am asking our council and planning committee to proceed with caution and listen to residents' ever-growing concerns.

Sincerely,

Ellen Hart
[redacted]

From:	Steve Hart
To:	Sara Poirier
Cc:	Mark McLean; Mark Fredericks; Alexander Dunphy; Jeff Hartt; Jim Ivey; Scott McLean; Laurie Murley; John Smith; Debbie Francis; Ed Sherman; Bob Morton; Rupert Jannasch; Paul Morton; Deanna Snair; Mark Phillips; Vanessa Lake; Abraham Zebian; Shelleena Thornton; West Hants Planning
Subject:	Comment Submission Regarding Wind Farm Setbacks.
Date:	Tuesday, April 16, 2024 11:36:44 AM
Attachments:	20240106_114825.mp4

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

Dear Sara,

I hope this email finds you well. I am writing to provide my feedback on the proposed adjustments of wind farm setbacks.
This is a complex issue that requires careful consideration and articulation to effectively convey my point. Which is based upon facts from reputable sources and personal experiences.

Sara, as you know, this has been an extremely important topic for me as I am undeniably passionate about my municipality, my community and the members who make West Hants whole. We strive for inspiriement and we strive for participation in passionate matters. It has become clearly evident with the participation from residents in the most recent meetings at council chambers that we have achieved the ultimate level of inspiration and participation. Oftentimes society will label residents of rural communities as uneducated, slack jawed, unprofessional, and vocal minorities.That label could not be farther from the truth. I am proud to say the communities mostly affected by wind farms are packed with well respected business owners, medical professionals, teachers, engineers and some of the best baked goods and community support you've ever experienced. When I started this journey of informing the community of what is going on in our area I was completely blown away with the amount of support that I had behind me. Which inspired me to push through all the other negative impacts this has had on my life. It is amazing how our community has come together, put differences aside and supported one another through what will, without a doubt, change their lives indefinitely with the stroke of a pen.

We, as a community, have been repeatedly told that we are not to worry about the environmental aspect of such developments like wind farms as the provincial government has our backs. I can tell you with certainty this is giving the residents false hope. I know you have been hearing me beating the drum of what is happening with the South Canoe Wind Farm with the oil running all over the ground, blades detaching from the turbines, drums of oil left open to the atmosphere through some of the most torrential rain falls I have ever experienced. I had reached out to all the proper channels provided by the government that we are supposed to, and eventually once I hit a brick wall with our MLA I went a step ahead and reported the environmental disaster to the Department Of Environment. They did a report on the wind farm (I had to FOIPOP) and once I received the report it stated they only reviewed 3 turbines, not the other 31 turbines which were reported on in the first place and that everything was "fine". It is very hard to have faith in a system which is built intentionally to frustrate someone out of trying to make a difference, and make the owners of these industrial complexes abide by the very rules they put in place themselves...

Then we move over to the newly approved Benjamin Mills Wind Farm development, which to be honest, I was in full support of.... At first...
I took it upon myself to do my own research and travel through the development at its construction phase, and after the "big blast" that could be felt clear to Mount Denson I bought a radiation detector and traveled through the roads. As you know, this particular wind farm development is located in Atlantic Canada's largest uranium deposit, estimated at over 190,000,000 kgs of uranium. Even in the EARD provided by Dillon Consulting they referenced the level of radiation that one is safe to be around for a certain amount of time.. That's scary, was Council aware of this?
While i was driving through the roads I received a very high reading of 1.5usv/h on one of the roads from the windmill sites **IN A WATER COURSE.**
Someone has clearly built the road out of uranium or some sort of radioactive material provided onsite and put it in a water course that is running directly to the residents of Falls Lake and surrounding areas. I have no idea how far radioactive material can flow, but I can only assume it is farther than 1km from a wind turbine. (I have attached a video for your reference.)

I understand that WHRM can only address land uses, and setbacks as the rest is solely the responsibility of the Province. However, these sorts of things have to be considered when allowing a development to commence. Many, many studies have been performed by very reputable organizations and doctors indicating the adverse health effects of industrial wind turbines being in close proximity to residential houses and the devaluation it causes to property. Many residents within Vaughan have been there for over 200 years. 7 generations of families with the intent to hand those properties down to their loved ones to keep the generational knowledge within the community they hold near and dear to their hearts. I am proud to be one of those 7 generational families. Despite what the self appointed medical professional stated over the last two weeks on Everwinds behalf. I sincerely hope that planning staff, council and members of the public heard what he inadvertently admitted to in regards to the Bear Lake Project. He openly admitted that South Canoe, Benjamin Mills, Martock Ridge and Ellershouse 1,2 and 3 wind farms were not considered when evaluating the cumulative effects of these wind farms combined with Bear Lake, after he stated he was satisfied with the cumulative effect study performed. He also admitted the only cumulative effects measured were for birds and bats, not adverse health effects. Then testified there would be no adverse health effects. So, who are we to believe? The hired, self appointed medical professional by a wind farm company who has yet to build a wind farm? I think we should be taking the road less travelled and read between the lines of the professionals who do not stand to make a significant financial gain from approving projects.

Moreover, many of these wind farms are being built a-top mountainous terrain with villages at the foot of these hills, and more often than not require countless wetland removals and destruction. Wetlands are the kidney to our ecosystems, they prevent flooding and help filter out our drinking water. I can only reference the proposed Bear Lake Project as it has stated it will require destruction of 77 wetlands out of 94 which were identified. Just think of the potential flooding risks that are associated with wetland and forest destruction, especially if these turbines are only 1km from a dwelling.
I have spoken to residents from Ellershouse that can speak directly about what happened to them after last year's flood which is partially due to the wind farm developments in their area, its sad, scary and disheartening.

Over the last year I have consulted and conversed with many medical professionals, engineers, residents and elected officials who have stated wind turbines need to have a greater setback and that they should be based off of non-participating property lines and not from dwellings. These opinions were from well respected individuals with experience to back their opinions. Many fire chiefs recommend the distance to be 2-3kms from property lines to allow for fire breaks, habitability and safety aspects. These were also supported by recommendations from engineers and medical professionals. (I would be happy to share this information should you want to set up a meeting.)

With all this being said, as a passionate resident with deep ancestral ties to the land of Vaughan and West Hants I am asking you to please support amending our set-back bylaw to a minimum of 2.5km from a non-participating property line and support the residents who support you!
A multi-billion dollar business enterprise should not be allowed to pre-determine the destiny of a community member's property usage.

Yours truly,
Steven Hart
[redacted]

WAGNER
FOREST NS, LTD.

Wagner Forest NS Ltd.
1019 Prince Street, Truro NS,
B2N 4R1

April 18, 2024

Re: Letter of Support for the Bear Lake Wind Energy Project

To whom it may concern,

Please accept this letter in support of the Bear Lake Wind Energy Project which is majority owned by the Membertou First Nation

Our company is active in Nova Scotia and owns lands that will host parts of the above-mentioned project.

The wind project, with a capacity of 89 MW, will generate a significant amount of clean, renewable energy, contributing to our region's sustainability goals and reducing greenhouse gas emissions.

It will generate significant local job opportunities. During construction and operations, the project will create employment opportunities for local residents, thereby stimulating economic growth in the area with 150-250 construction jobs during construction and 6-12 permanent and part time jobs through operations and maintenance.

The owners of the wind project are committed to investing in the local community by contributing to an electricity subsidy fund, a community vibrancy fund and a bursary program which will all be managed by a local committee to enhance the overall well-being of the residents. The development includes investments in local infrastructure and will contribute approximately $730,000 per year ($31 million over the life of the project) in municipal tax revenue. In addition to these benefits, other local benefits include:

- **$70k annually** in proximity payments

- **$20k annually** in community vibrancy fund fund
- **$50,000 bursary** (10x $5,000 scholarship) program for renewables education
- **Jobs Benefits:** focus on hiring and bringing jobs locally (detailed in community benefits agreement)

Best regards,

Ian Johnstone
General Manager
Wagner Forest NS Ltd

From: Abraham Zebian
To: Deanna Snair
Subject: Fwd: Urgent Request for Reconsideration of Windmill Project!
Date: Friday, April 19, 2024 11:28:06 AM

From: Jennifer Dillman
Date: April 19, 2024 at 10:54:13 AM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Subject: Urgent Request for Reconsideration of Windmill Project!

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

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

I believe a comprehensive report/investigation should be conducted on the current BM project before allowing the third project to commence in our community. Many of us chose to reside in this serene "cottage country" environment to enjoy nature and escape the hustle and bustle of urban life. The placement of a windmill project nearby threatens to disrupt the tranquility we cherish and diminish

property values, undermining the very reasons many of us chose to live here. Additionally, I am deeply concerned that I will have a direct view of the windmills from my property, which would significantly impact my enjoyment of my home.

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

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

2. Visual Impact: The installation of towering wind turbines can also have a profound visual impact on our landscape, altering the scenic beauty of our surroundings. As someone who values the natural aesthetics of our community, I worry that the presence of these structures may detract from the charm and character of our neighborhood. Additionally, I am concerned about the potential negative impact on property values, as the visual prominence of wind turbines may deter prospective homebuyers and investors. The proposed automated flashing red lights on top of the windmill haven't been approved, and if they don't receive approval, it would mean that residents will not only be looking at the windmills during the day but also at many constant red lights blinking at night. Light pollution is a real concern, and the prospect of constant flashing lights is troubling for our community's peace and well-being.

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

Additionally, the fact that the energy will be sold to Germany suggests that profit motives may be prioritized over environmental concerns. Moving the project deeper into crown land would be beneficial to all involved, except for the

developer. Claiming that there will be less impact on the environment using existing roads is a just an excuse because building new roads will be costly to the project.

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

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

Sincerely,
Jennifer Dillman
[redacted]

This communication (including any attachments) is intended solely for the recipient(s) named above and may contain information that is confidential, privileged or legally protected. Any unauthorized use or dissemination of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by return e-mail message and delete all copies of the original communication. Thank you for your cooperation

From: Abraham Zebian
To: Ryan Long
Cc: Mark Fredericks; Deanna Snair
Subject: Re: Support for the Bear Lake Wind Farm Project
Date: Friday, April 19, 2024 9:48:18 AM

On Apr 19, 2024, at 9:02 AM, Ryan Long 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 & Mr. Fredericks,

I hope this email finds you well. I am writing to express support for the Bear Lake Wind Farm Project. To provide transparency, I want to disclose that the company I represent & work for has ambitions to potentially serve as a subcontractor on the project.
I understand that there has been opposition, but I firmly believe that the Bear Lake Wind Farm Project is a key step toward fulfilling the province's sustainable energy generation goals and fostering economic growth. I am convinced that this initiative holds significant benefits for the region and beyond, and therefore merits collective support.

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

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

Thank you for reading.
Respectfully,

Ryan Long
AW Leil Cranes & Equipment

From: Abraham Zebian
To: Dwight Lovegrove
Cc: Ed Sherman; Mark Fredericks; Deanna Snair
Subject: Re: Bear Lake Wind Project
Date: Saturday, April 20, 2024 10:00:28 PM

On Apr 20, 2024, at 9:06 PM, Dwight Lovegrove wrote:

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

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

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

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

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

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

Regards
Dwight Lovegrove

[redacted]

CONNECT ATLANTIC
UTILITY SERVICES

April 21, 2024

Mark Fredericks
Senior Planner, West Hants Regional Municipality
76 Morison Dr., P.O. Box 3000
Windsor, Nova Scotia B0N 2T0

Subject: Support Letter for Bear Lake Wind Farm

Dear Mr. Fredericks,

I am writing this letter to convey my strong support for the Bear Lake Wind Farm. I have worked in the electrical utility industry for the past 16 years. I am currently the President of Connect Atlantic Utility Services, a high-voltage contractor that employees over 140 people in Nova Scotia. During my time in this industry, I have participated in the planning, construction, and maintenance of 5 wind farms in Nova Scotia and 11 wind farms in other parts of Canada. I have also been a part of the planning, construction, and maintenance of 6 solar farms. Currently, my company is completing the project management on the Chester, Berwick, and Antigonish solar farms. We are proud to be doing our part to enable the move from fossil fuels to renewable energy.

I have seen first-hand the tremendous benefits of renewable energy projects to communities, to economies, and to the environment. I have also seen first-hand the initial resistance to wind farms by a vocal minority of residents within communities. My experience has been that these vocal minority were reasonably skeptical that the wind farm project would have the stereotypical negative impacts of industrial projects. However, once complete, most of that vocal minority realize that the projects followed strict environmental regulations to protect wildlife and the surrounding environment, that roads and trails that they use to access the wilderness are upgraded and better maintained, and that overall, the projects benefited their communities. Furthermore, I have direct experience with members of both the RES and EverWind teams. I strongly vouch for their capabilities and integrities.

The local community will greatly benefit from the Bear Lake Wind Farm in at least three major ways:

1. **Millions of Dollars added to the West Hants Annual Budgets**: EverWind will pay annual municipal taxes of tens of millions of dollars over the life of the wind farm. That is millions of dollars that the Council can utilize to meet many demands that exceed its current budget.
2. **Hundreds of Direct and Indirect Jobs**: There will be hundreds of jobs during the construction phase such as engineering, procurement, logistics, road building, excavating, crane operations, electrical work, and more. After construction, there will be many permanent green-energy jobs. All these jobs involve highly transferrable skills that can be applied to other construction and/or energy projects that will benefit the local community for years and decades to come.
3. **Economic boost to local suppliers of goods and services**: Millions of dollars will be paid to local suppliers of goods and services to the projects before, during, and after construction. These contracts will help local goods and services suppliers grow and expand their offerings to meet the needs of the growing renewable energy industry in other parts of Nova Scotia.

In addition to the many benefits to the local community, the project will have a tremendous benefit on the overall Nova Scotia economy because this project is one of three EverWind wind power projects in Nova Scotia that will enable the launch of a multi-billon-dollar Green Hydrogen industry. Green Hydrogen is important tool

in battling climate change because it is made with green energy so there are no green house gases emitted. Furthermore, Green Hydrogen can be used to generate electricity without emitting any green house gases; when hydrogen is used as fuel, the exhaust is water vapor. It is truly clean energy.

There is significant demand for Green Hydrogen in many parts of the world including one of Canada's key trading partners and allies, Germany. Germany is looking for alternatives to its imports of Natural Gas from Russia. Green Hydrogen is an excellent substitute for that Natural Gas.

A common criticism of EverWind is that it is using Nova Scotian wind resources to produce Green Hydrogen for export rather than using the wind domestically to reduce our reliance fossil fuels. This is short-sighted for three main reasons: first, Earth has one atmosphere, so an off-set of carbon anywhere on Earth benefits the entire World; second, Nova Scotia has plans to meet its carbon reduction targets independent of the EverWind projects; and third, once there is a supply of Green Hydrogen, Nova Scotia Power will be able to convert power plants to utilize Green Hydrogen, thereby further reducing our use of fossil fuels.

EverWind Fuels, in partnership with Membertou, Paqtnkek, and Potlotek Mi'kmaw First Nations, plans to use the energy from the Bear Lake Wind Farm and other wind power projects to produce in Green Hydrogen by repurposing the formerly dormant NuStar Terminal in Point Tupper, Nova Scotia. The site already has much of the needed infrastructure in place (e.g., storage facility, deep water port, rail access…). By repurposing an existing industrial site, EverWind is further minimizing environmental impacts. It is a global race for Green Hydrogen and because of EverWind's investment in the NuStar terminal, EverWind has a head start on other Green Hydrogen Projects that enables the launch of the Green Hydrogen industry here at home.

It is important to note that a delay in the development of this wind farm could put the entire EverWind program in jeopardy. There is tremendous competition for capital investment dollars around the world. A delay introduces uncertainty to investors. Any doubt could prevent EverWind from locking in multi-hundred-million-dollar contracts for wind turbines and other items with high global demand and very long lead times. EverWind would need to decide if it should wait and hope it has not lost its schedule advantage in the race to launch the global Green Hydrogen industry, or if it should invest in different projects in more pro-business, pro-green energy jurisdictions. We need to confirm to EverWind that they already selected the best pro-business, pro-green energy jurisdiction.

I would like to end my letter by sharing a story about my late grandmother, Wilma Burke and the Glen Dhu Wind Farm in Pictou County, Nova Scotia. My grandmother attended public meetings in support of the Glen Dhu Wind Farm because she knew that a small number of her neighbours were speaking out against the project. She lived at the bottom of the hill where the Glen Dhu Wind Farm was being built and she hoped to live to see the turbines spinning from her porch before she died. Granny passed away in 2019 at the age of 100, but that was after several years of enjoying seeing those turbines spin at the top of the hill. I encourage all of you who support wind power to speak up like my grandmother did. Doing so will be to the benefit of West Hants, Nova Scotia, Canada, and the World.

Sincerely,

John MacKinnon
President
Connect Atlantic Utility Services

From:	Elizabeth Skelhorn
To:	Mark Fredericks
Cc:	Abraham Zebian; Laurie Murley; Bob Morton; Paul Morton; Alexander Dunphy; Mark McLean; Jim Ivey; Jeff Hartt; Scott McLean; John Smith; Debbie Francis; Ed Sherman; Rupert Jannasch; Deanna Snair; Mark Phillips; Vanessa Lake; Shelleena Thornton; Sara Poirier
Subject:	Bear Lake WindFarm Proposal
Date:	Sunday, April 21, 2024 5:46:17 PM

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

Dear Mark
Sorry for the early sending of my message.
Please accept these remarks about the proposed Bear Lake Wind Farm .

It seems fitting that this is Earth Day/Week, as I prepare my thoughts about the proposed wind farm project surrounding Vaughans and Mill Section communities. I attended a recent meeting at the Council Chambers and became increasingly unsure regarding environmental oversight. Although the province says it has considered the impact on this area and granted approval, they do not seem to make a complete or professional assessment. From facts learned, there are already problems not acted upon at the Mill Lake Wind Farm. Many people have been wise to make careful research of problems faced at other sites and learned the lack of interest in mitigation of serious issues affecting waterways and released radioactive materials.

I am amazed at the lack of regard to the " 77 " wet lands that will be impacted by the Bear Lake project!! How can that possibly be approved by the provincial regulatory body and then overlooked by our local council. Then the construction required to blast rocks and then truck tons of cement . All for an outside corporation (no matter who the owners are) to profit. Not to provide power for our province. We all understand the need for Nova Scotia to have access to clean energy for the protection of climate. But to cause such upheaval for outside profits is unacceptable. The residents of the Vaughans / Mill Section area are right to see depreciation of property values. Based on the proposed setbacks to structures or homes rather than their property boundaries, residents will be unable to extend or fully use their properties.

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

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

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

Sincerely
Elizabeth Skelhorn

Sent from my iPhone

From: Abraham Zebian
To: Dave Paddock
Cc: Mark Fredericks; Ed Sherman; Deanna Snair
Subject: Re: Bear Lake Windmill Project - Observations and Concerns
Date: Sunday, April 21, 2024 6:42:01 PM

On Apr 21, 2024, at 12:04 PM, Dave Paddock wrote:

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

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

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

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

Next is the fact that Membertou-Everwind-RES has agreed to provide a secondary route out of Chalet Hamlet. We in the community have been trying to establish an alternate route out of the Hamlet for many years but have not been successful. This is a potential life saver for our residents in the event a fire prevented us from exiting via Armstrong Lake East Rd, the main route out.

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

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

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

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

Regards

Dave Paddock
[redacted]

April 21, 2024
ATTN: West Hants Planning and Council

Hello:

Reaching out as a resident of West Hants regarding the application for a wind farm in the community of Vaughan, by Bear Lake.

On April 8, 2024, I attended a public information session. It left me with deep concerns over the potential for a windfarm in our beautiful community of Vaughan. Especially given some of the misleading information surrounding the project.

Green energy is something I fully support. However, it must fit into the community it is being constructed in. I do not believe the Bear Lake project as it stands fits within West Hants, or the community of Vaughan.

Earlier in the week I sent my thoughts on the current 1KM set back. I would like to echo those thoughts again. 1KM set-back is not sufficient. Not only does the size of set-back itself need to be addressed, but also how the set-back is measured. The set-back needs to be measured from property lines. Allowing the windfarm to be self-contained within itself. This will also ensure it does not dictate how a landowner uses their property in the future.

This venture is a revenue generating business, it cares not for our community. It is important that this project cares as much about our community as we do. As such, there are a few more points that we as a community, and our leaders need to touch on to ensure we do not end up holding the bag on another failed project in this province.

The amount of land mass being used for this project? Does it make sense for our community to give up some much of our natural space? Access by the public cannot be denied. I have heard varying accounts of how the proponent intends to proceed. It is worth remembering that generations of families have hunted, hiked, foraged, and enjoyed these crown properties. From what I have been able to ascertain we have not been given a firm answer from the proponent on how this will be handled and specifically what access the public will have if any. The proponent seems reluctant to work with the community on this.

It was difficult to hear about the volume of wetland that will be affected by this project. The proponent's plan to purchase 'reclaimed' wetlands from Ducks Unlimited doesn't sit well. Given what we will be losing. In fact, it sounds a lot like the billionaire that flies his private jet all over, but it's ok, they purchased 100 acres of rain forest to compensate. We cannot continue to sell off natural spaces for donations elsewhere. The construction of these giants is going to be devasting to the wildlife in the area.

Fire. We are a community that currently is under a state of emergency on the chance we run out of water, leaving us unable to fight a fire of substantial size. We are expecting another dry summer in Nova Scotia. It boggles the mind one would think this project can move forward without addressing the potential for a catastrophic forest fire. The proponent will say it is very unlikely. As a community member living not far from the forests of Vaughan, I will need better than unlikely. I need to hear what will be done in case it does happen. Given the scope of this project, automatic fire suppression does not seem like too big of an ask.

The proponent seems to have determined what they feel is a fair settlement for residents affected by the windfarm. Who was negotiating for the residents? West Hants would be remiss if they do not support all residents potentially affected. Residents should not bear the legal costs associated with this matter. That support should come from West Hants.

We have heard a lot about the economic benefits to West Hants. 6-12 part time/fulltime jobs are not a booming industry. We will not be sending our kids out to farm wind. This industry will generate revenue for itself, but very little in the long term for the people of West Hants. Jobs during construction are not permanent. Given that these tax dollars are new revenue for West Hants, perhaps a percentage, if not all, should go towards the betterment of the affected communities.

It was unclear to me exactly what happens at the end of the short lifespan of this project. As a resident I will need to know that something is in place for take down and removal. How this is addressed may be with a bond for cleanup. The taxpayers of West Hants should bear no burden for this.

Windsor and surrounding areas are seeing exponential growth. Now more than ever we need to be careful about the projects that we choose for our area. Especially projects with such profound effects on our environment.

We have one ecological disaster sitting downtown, it would be a shame if we added another to our forests.

Sincerely,

Ellen Hart

From: Abraham Zebian
To: Deanna Snair
Subject: Fwd: Bear Lake Windmill Project - Resident Concerns
Date: Monday, April 22, 2024 8:51:59 AM

From: Sheryl Paddock
Date: April 21, 2024 at 7:40:07 PM ADT
To: Mark Fredericks <MFredericks@westhants.ca>, Abraham Zebian <AZebian@westhants.ca>, Ed Sherman <esherman@westhants.ca>
Subject: Bear Lake Windmill Project - Resident Concerns

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

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

This project will bring significant financial benefits to our community, not to mention the tax windfall that it will create. That coupled with 150 to 200 temporary jobs that infuse significant money into the local economy. Another 5 to 6 full time local jobs will be created in addition to the temporary jobs. I'm not an economist, but I can do the simple math that

the infusion of money into our local economy is a big plus for Windsor West Hants. Most of this money will go directly into the town of Windsor's economy.

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

The fact that Membertou-Everwind has agreed to provide an alternate route out of Chalet Hamlet, is a life saver for our community. You only need to look at the fires last year in Hammond's Plains to see how this is an absolute necessity for any community with only one route in and out.

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

It is my intent to forward this letter to our Federal MP Cody Blois. I am not convinced that he is aware of the Councils intention to derail this project. Let's not forget that PM Trudeau has committed green ammonia energy to Germany through an MOU which has been signed by both countries.

Lastly, the project has received support from both the Federal and Provincial governments. Does WWH council know something more than the rest of us? Please respond and share your wisdom if I'm missing something?

I am asking that the Mayor and District 7 Councilor support this project.

Sheryl Paddock

[redacted]

[redacted]

[redacted]

April 21, 2024

To: Mayor Abe Zebian

Councillor Ed Sherman

Senior Planner Mark Fredericks

Re: Proposed Bear Lake Wind Project

The purpose of this letter is to state our objection to the proposed Bear Lake Wind Project.

We are full-time residents in Chalet Hamlet. In general, we are in favour of green energy, and the province of Nova Scotia's migration from fossil fuels to other energy sources such as wind, solar, and/or tidal power. However, we find it difficult to be supportive of the Bear Lake project.

The Bear Lake project is a private company installing windmills to generate energy to power their private facilities which will produce a product (hydrogen) which they will sell overseas for their own profit. This private enterprise does not make Nova Scotia's energy any greener.

Representatives from the Bear Lake project have met with Chalet Hamlet residents a number of times, starting in the late summer of 2023. Chalet Hamlet is reliant on a single road to get in or get out. For quite some time we have been trying to find a way to establish an alternative emergency exit. During initial meetings with Bear Lake representatives, they provided assurances that their project would provide an alternate emergency exit for Chalet Hamlet residents. However, over the relatively short period from last summer to the present, the information that we're receiving about that emergency exit continues to change. Instead of a road that would be maintained year-round and navigable by "city cars", our current understanding is that it would not be a maintained road, and that it might only be navigable by off-road vehicles. This would provide very minimal benefit to most of Chalet Hamlet's residents.

There are already other windmill developments in the Vaughan area. Why add another one here instead of locating it elsewhere in the province?

Why now? Once the windmills are in place, they will likely be there for a long time. Why not wait until the Benjamins Mill wind project is completed and there is a better understanding of the impact?

If the Bear Lake project can't be stopped, is there a way that it could benefit local residents? Could approval of the project be contingent on Everwind maintaining a year-round emergency exit road for Chalet Hamlet? Or, alternatively, could the Municipality of West Hants use some of the tax windfall from the project to open and maintain an emergency exit for Chalet Hamlet?

Patrick Landry and Lucy Landry

From: Andrew Hardman
To: Mark Fredericks
Cc: PublicOnlyCouncilEmail
Subject: Bear Lake Wind Farm proposal
Date: Monday, April 22, 2024 11:21:22 AM

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Hello Mr. Fredricks

Policy 4.24 of the MPS addresses appropriate setbacks for wind turbines up to 400 ft tall. The current "standard" is 1000 from dwellings.

The Bear Lake wind turbines are 677 ft tall. Using simple math 677ft/400ft x 1000m = 1692 meters. This would make them appear to be of relative size to a 400 ft turbine at 1000m. That is, a similar visual intrusiveness to a 400 ft tall turbine.

In addition, the noise produced by a turbine of this size would not have a linear correlation to a smaller turbine.

It is unfair to property owners whose property extends toward a turbine that they would not have the same setback if there were not an already a dwelling at the property boundary closest to the wind turbine.

If there were to be wind turbines at the Bear Lake sire, I suggest that that the minimum set-back be set at **1692 metres from the closest property boundary of a non-participating property owner**.

More important is that the community of Vaughan is being surrounded by wind farms. There should be a moratorium put on any further (further to South Canoe and Benjamins Mill) wind farm development to assess the effects on the community and the environment.

Sincerely,

Andrew Hardman, P.Eng.
[redacted]

From: Jason Hart
To: Mark Fredericks
Cc: PublicOnlyCouncilEmail
Subject: Bear Lake Wind public comment
Date: Monday, April 22, 2024 10:53:40 AM

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Planner Fredericks, West Hants planning and council.

I'm writing regarding the application for a wind farm in the community of Vaughan by Bear Lake Wind.

This application in my opinion should not make it in front of council for 1st reading. It cannot be considered complete as it stands. Community engagement cannot be checked off.

Community engagement, we have been told by the proponents has been extensive. They have stated to multiple levels of governments, municipal included, that they have listened to the community and evolved the project to suit the community.

I have personally and through our community group tried to engage this proponent since August 2023. There engagement can be better described as misinformation, omission, misleading, and to be blunt outright lies. The only evolving this project has seen is in propaganda tactics. Most recently with the addition of DR Olson to the Bear lake team, these characteristics have reached a new high.

In the interest of keeping this letter short I will include only a few examples.

Hunting on the crown land portion, that residents have hunted for years
Answers provided include: no restrictions, not during construction or while maintaining but ok otherwise. When the community did there own research they discover each turbine is considered a commercial business thus eliminating hunting on this crown block and portions of peoples own woodlots. We asked the proponent if they would work with the province to make provisions on their site as has been done in other areas like Quebec. The answer was maybe they would consider this. We have not heard of any attempt to address this.

Adjust the layout so as to not affect the uses of the private property abutting the project. IE push turbines further onto the property they have leased(basically include the min setback from property line of leased land) to allow woodland owners to hunt on there own property, walk, hike, berry pick, build a new home on there own property without fear of noise, shadow flicker, ice through, ultrasound, blade liberation, etc. These requests were met with no answer no discussion. It is important to remember that no matter how many times Bear Lake Wind tells or writes that no noise will be heard, the residents know better as to the West is South Canoe Wind that is clearly heard at over 4KM away. I cant imagine how being surrounded by wind turbines will be with the Bear lake wind farm a mere 1KM to the East

Accumulative effects study: proponent has told community repeatedly this study has shown there to be no negative effects adding the Bear lake project to a community that has extensive wind farms including south canoe and Benjamin mills. Most recently on April 8th PIM the proponent testified extensively to this fact, only under intense cross-examination did they reluctantly admit that their study only included Kaiser meadow wind farm. A wind farm consisting of one small turbine, and the study was only bats and birds NOT human effects.
I consider this a bold lie, the opposite of community engagement.

Community wanted guarantees that this project wouldn't turn out to be a leaking, squeaking, blade falling off mess like they see at South Canoe wind farm. Proponents response was they would never use Acciona turbines (the brand of turbine like South canoe did)
After a quick Google search the community could easily see Bear lakes turbine of choice, Nordex is the new name for Acciona. Deception is not engagement. Honestly it is more than a little insulting the proponent believes the residents of Vaughn can be duped so easily.

Fire: Our community has been told repeatedly by this proponent that fire risk is a non-issue; odds are so low of an event that it's not a concern. April 8th the proponent testified at the PIM that the odds were far greater that a camp would catch fire, an ATV muffler, or a carless smoker would start a fire. Any one of these causes were hundreds of times greater than a fire from a wind farm. One needs to look no farther than the 2023 NS Wild fire statistics to see that power lines on there own are the 4th largest cause of wild fire in NS. In fact Unknown cause, Spontaneous combustion, Structure, Vehicle/machine, Lightning, ATV, carless smoking, and vehicle exhaust added together doesn't equal the number of power line caused wild fires. This speaks to how loose with facts the proponent is willing to be.

Again in the interest of keeping this letter short I will include as my last example of disingenuous community engagement, and quite possibly the most perplexing as the deception on this issue bares no weight other than another example the proponent is so accustomed to deception they seam incapable of presenting facts.

The proponent was asked on numerous occasions if they have applied for a development agreement with West Hants beginning in early January of 2024 and most recently March 20th 2024.
Each time the answer was a variation of "we will be applying in the coming weeks" . We now know from planner Fredericks this happened January 19th as a incomplete application and was finalized on March 8th 2024. Has deception become so habitual for the proponent that even in front of the residents and planning staff of Chester municipality on March 20th when asked, the truth about submitting a application to West Hants could not be told? Am I missing something? What could be gained by hiding this fact?

With this small sampling of concerns identified by the community, and left unanswered by the proponent, I believe we cannot say meaningful community engagement has taken place. I expect that the residents of Vaughn are reasonable people and if the proponent would like to start this process over without the misdirection, omission and obstruction of facts, Vaughn would give them a fair hearing.

Policy 4.24.4 Enables council to consider the development of permanent wind farms. I would like to suggest that this policy means just that, consider. Consider is not an automatic yes.

Should PAC recommend 1st Reading and council somehow decide it appropriate to grant it, Great care must be taken in the prep for a development agreement. The global battle against climate change cannot come with the destruction of a way of life for West Hants residents. Local property owners must not be expected to subsidise large offshore corporations with the loss of use of their land and the crown land they have utilized for 5,6,and 7 generations. Bear Lake being a energy supply for a hydrogen manufacture adds another level to this decision. Does West Hants really want to gamble the community of Vaughan on a for profit energy company that has not even secured a market yet for there product?

A development agreement must contain clear language that cannot be up for interpretation, As has came to light recently the condition " the developer shall consult with the Chief of the fire department having jurisdiction on the installation and operation of a fire detection and suppression system in the nacelle of each turbine" has been taken to mean a smoke detector and a fire extinguisher by West Hants staff and the developer of Benjamin mills Wind farm. This is absolutely not acceptable and could be taken as deceptive by the public. I can only assume if one were to dig into this issue at Martock ridge and Ellershouse wind we would find the same has transpired.

Items that must be addressed in a DA to protect the local residents and tax payers of West Hants are:

Set backs must be from property lines, and must be larger than 1km. A decade and several hundred feet in turbine height ago Chester Municipality thought it appropriate to have a set back of 1.2KM following basic math the turbine height has increased 38% so set back should be at min increased to 1.66km. This must be from property line as well. To measure from residence allows the owner of one PID to pre determine the destiny of another. And do so without offering compensation. Another point of note is Bear lake wind is proposing a site between two densely populated (by rural standards) communities, Vaughan and Armstrong lake west. Further supported by the fact that this area is still awaiting decision on whether it will receive Village or Hamlet designation. ,

Fire suppression in nacelle, Fire ponds with pumper connections, and a vegetation free area around turbine must be addressed. The 100M radius proposed by Bear lake Wind is not enough. The experience of the fire chief in Pubnico in march of 2019 was burning debris from a turbine fire flew thousands of feet into the forest. After discussing this issue with fire professionals the consensuses is 1000m radius of combustible free area would be preferred.

Un restricted access to the Crown land portion of this development must be written into this DA

A Bond for clean up at decommissioning must be posted and enforced with this agreement. A look at a previous DA for a Wind farm in West Hants shows a fund that may or may not get funded starting at the 10 year mark. No dollar amount requested and to make the taxpayers burden even higher West Hants states that they will clean it up and try to recoup the cost by repossessing the above ground facility. The irony in that condition is astounding

Community compensation must be addressed; the proponent has offered 70K as affected residents compensation, or a power bill rebate, or as profit share. The proponent has arbitrarily picked this amount and the number of residents it will be divided up amongst is a moving target. This changes with each community engagement event. The DA must not proceed before this has been fully negotiated to include as many residents as affected at the appropriate level of compensation. West Hants should bare the cost of the legal representation required by the residents to accomplish this task.

AS part of the DA, I believe the funding per KW received by West Hants should go directly to a separate fund named the Bear Lake Wind contingency fund. Since this revenue stream has not been seen before, West Hants wont miss it. This fund would then be available to compensate residents for loss of use of their land, God forbid a catastrophic fire or another accident. Or clean up at the end of this project should somehow West Hants not get the appropriate value of bond. Also a property tax reduction could be considered for the residents that have to endure the project.

Conclusion (Yes Finally) :

I believe this project is a bad fit for the proposed location; It will be visually intrusive (especially when coupled with South

Canoe and Benjamin Mills. The location is wedged between two communities and at distances deemed unacceptable in 2013 with turbines that were almost 200' shorter. A quick look around municipalities in Nova Scotia shows a trend, set backs for wind farms are increasing, and the more wind farms a municipality has the further the set backs go. Sadly this trend was not identified by Planner Poirier in her presentation to council regarding set backs. Vaughan will be a poster child for what not to do if this project is allowed to proceed.

Speaking of visual intrusive, I recently came across a sight simulation of Benjamin mills wind farm taken from Bent Ridge. I sincerely doubt that planning or council saw this image before approving that project. 28 Turbines that are taller than the mountain they are perched on.

If Planning staff would like some visual assessments of Bear Lake Wind, they might want to reach out to Steve Hart from the Protect Vaughan group, he has some spectacular simulations of the project and Google earth simulations of Bear lake, South Canoe and Benjamin mills combined. It is scary how much land mass the three farms take in that community. Benjamin mills in its own uses 21% of Vaughn, Mill section, Upper Falmouth combined.

Lastly I just wanted to make my concerns known around the way set backs are looked at by council and staff. During the setback presentation by Sarah Poirier, and subsequent discussion by council, I heard variations of " If we go to X set back there is very little room left for windmills. Most councillors seamed to favour a 2km set back as it "left lots of room for wind farms". It has taken me several weeks to identify what is wrong with that line of thinking, and this is what I concluded. Picking a set back to get the desired number of wind farms is akin to an Engineer setting the allowed load on a new plane based solely on the desires of the ticket agent. See my logic? I think it would be best to consider the set back based on safety and quality of life for the residents; whatever space that leaves for wind farms it leaves. West Hants is only the size that it is. We cannot fit every project that desires to be here. If oceans continue to rise we may well need the very land consumed by wind farms to build our homes on.

Note from Community Led Wind Mill Meeting of Oct 14th 2023

Trent Vichi (CEO of Everwind fuels) himself was in attendance. At this meeting Trent assured us he would post a Bond suitable to West Hants based on 3rd party engineers cost estimate prior to starting the project. Also he assured the community if he received a NO from our council he would take his project and go home. These two items might be useful for council when making their decisions. I believe also he has been quoted by Joan Baxter of the Halifax examiner as stating he would not appeal a NO from a municipality

Thank you for reading

Jason Hart

COMMENTS REGARDING THE "PROPOSED" BEAR LAKE WIND FARM DEVELOPMENT

To: Mark Fredericks, Senior Planner, West Hants Municipality
Abraham Zebian, Mayor, West Hants
All Council, West Hants
Protect Vaughans Co.
Whom it Concerns

Pre Face

Before you embark on the reading of my response, I would like to plant a seed.... "what does it mean to be human"?

Introduction

My name is Karen Wallace. I have pretty much been a lifetime resident of Hants County for 65 years. I have never attended council meetings nor got involved in much locally, except for the occasional petition that showed up at my door.

I have debated with myself whether to approach this document personally or scientifically. I have opted for the personal approach as I am attempting to defend my home, your home, our province our country, our planet and future generations. It is personal.

In the past few months I have been consumed with reading and viewing materials on:

Windmills
- construction,
- noise pollution,
- flickering effect,
- flying ice,
- human side effects,
- effects on wet lands,
- chosen locations,
- effect on property values
- lack of proper maintenance
- lack of use

Uranium
- poisoning
- law suits/settlements

as well as,

the **“professionals”** who have come into our community to advocate for them.

In summary, in my opinion, there are two sides to the information; those that are making the money and those who are not, but are left with the side effects and no where to turn.

The following is my take.

FINDINGS the WHAT, WHEN, WHERE, WHO, AND WHY

What

Climate Change Upon The World

If I dwell on it, I find the world to be a dismal place.

The list is endless: wars; displaced peoples; viruses; floods; fires; hatred; hunger; disparity of wealth; inequalities based on race, religion, gender and sexual orientation. We are divided.

Divide to conquer was the military strategy of Julius Caesar and Napoleon. I look around and I believe the undercurrent is comprised, sadly, of the politicians who choose to look the other way, and sadder still, the politicians who give a little lip service and the status quo remains.

I have just returned from a trip to Nunavet. It is horrendously sad that the Inuit people, who I would claim, as having had the smallest carbon foot print on the world, are also the ones who are wreaking the greatest destruction. The glacier termed “the glacier that never melts”, well, it is melting.

The United Nations, whose slogan is “Peace, dignity and equality on a healthy planet” states “climate change is the defining issue of our time and we are at a defining moment. From shifting weather patterns that threaten food production, to rising sea levels that increase the risk of catastrophic flooding, the impacts of climate change are global in scope and unprecedented in scale. Without drastic action today, adapting to these impacts in the future will be more difficult and costly.”

I get it. Countries of the world have to commit to reducing emissions. We all have a part to play.

When

David Suzuki has been telling us this since 1989. There are still climate change deniers, and fossil fuel lobbyists. Yes, we need to take a quantum leap forward, now, in order for our species, our humanity to survive.

In 2012, South Canoe Wind Power Project, Lunenburg County (Oxford Frozen Foods, Minas Basin Pulp and Power, Nova Scotia Power Incorporated)

In 2022, Benjamin Mills Wind Project, Hants County (Natural Forces Developments Limited Partnership)

Due to the fact that so much pertinent information is REDACTED, how do we know what is really going on with their promised production. (Saltwire article) When they were visited by members of our community and the sad state of affairs with oil leakage spewing from them reported, they were fixed, with no trespassing signs.

Where

If this deal goes through, I am under the impression that approximately one third of West Hants will be claimed by wind farms. It is more important to note where they are not. Why not off the shores of Chester? Why not offshore Point Tupper? Baddeck? Lead by example and put them in your back yard, Premier Houston, former Deloitte employee. (Premier gets earful at town hall about proposed Pictou County wind project, Halifax Examiner April 19, 2024)

Of the 13.6 million acres of land in Nova Scotia, about 3.8 million acres or 26% of the province is designated as Crown land. Crown land is owned by the Province and managed by the Department of Natural Resources on behalf of the citizens of Nova Scotia. It is a collective asset which belongs to all of us. Nova Scotians are welcome onto crown land to explore the natural beauty. The right to use and explore Crown land comes with an obligation to leave nature in its natural state. Trees and underbrush must not be cut without a license. Plants may not be dug up and removed. Wildlife must not be disturbed.

Questions: How do you come in and erect a 50 story tall windmill, blowing up uranium laced rocks for the concrete base and not destroy the natural state, the natural beauty? Add on another windmill, after another windmill, 11 times, plus 4 more in the next county, add access roads, and transmission towers to store and send off to Cape Breton. HOW IS THAT MITIGATED?

Who

Each and everyone of us on the planet needs to cut their footprints.

All footprints are not created equal. Some wear really big shoes, I believe theirs, should be cut the greatest.

I was raised to always turn the light off when you left a room. If you were cold you put on sweater and socks. Bringing in clothes from the line, well sometimes, the jeans could stand up by themselves.

Lifestyles, greed, and the commercialization of the world has gotten so far out of whack.

Here in Hants County, and for our second wind farm, we have been sent Everwind to save us to save the world.

EVERWIND

A few facts ...

2022	EverWind purchased Point Tupper facility.
December 2022	EverWind was the successful proponent in a Provincial request for applications for Crown land and is now exclusively applying for leases on 137,000 acres of land to develop a 2GW onshore wind farm...expected to power second phase of its green energy production facility by 2026.
October 24, 2023	Bear Lake Wind registered the project for environmental assessment.
November 17, 2023	Federal government loans EverWind 125M
December 13, 2023	Timothy Halman, MLA, (Dartmouth East) approves the undertaking “in accordance with section 40, following a review of the information provided by Bear Lake Wind

Limited and the information provided by the Mi'kmaq of Nova Scotia and the public during consultation on the environmental assessment, "I am satisfied that any adverse effects or significant environmental effects of the undertaking can be adequately mitigated through compliance with attached terms ..... it will be important that you work with Dept. of Natural Resources and Renewables to address and mitigate any impacts that may arise from your project given the naturally occurring uranium." (I had to look up the meaning of mitigate – to make less severe.)

February 07, 2023 EverWind remains on track to deliver green ammonia to German off-takers.

March 18, 2024 EverWind praises Historic Canada Germany Agreement to sell Canadian Green Hydrogen

April 3, 2024 EverWind announces completion of Feed

Questions: How does government procurement work? Loaning billionaires millions, for a private company to rape and pillage our land.

How is it that EverWind can continuously be moving forward and we are saying "NO"?

MEET THE EVERWIND TEAM

Company	Headquarters	CEO/Salary	No. of Employees	Comments	Revenue
EverWind					
At EverWind, we're producing green hydogen to decarbonize the world. Built with community promise. EverWind is a private company. Everwind received the first Environmental approval in North America for a large scale green hydrogen project.					
	Halifax, NS	Trent Viche CEO Net Worth of 54.9 million Source Internet Search 04/20/24		Who gave them the environmental approval? At a brief glance through of the Registry of joint stocks it is unclear who owns what and who is responsible, it is a spider web, I do not know much about finances but I wonder is this how shell companies are created?	
Black and Veatch					
We bring global consulting, engineering and construction expertise in critical energy, water, and communications infrastructure safely, on-time and on budget.....personally accountable to partner with clients to deliver the reliable, resilient solutions that serve the worlds most important human needs while securing a more sustainable and resilient future for the planet.					
	Overland Park, Kansas USA	Mario Azar most compensated executive makes 450,000 annually comparably.com	11,000 (2022)	The management is selfish, cruel and self interested Source Internet search 04/19/24 indeed.com et al	4.25 Billion
ILF Consultants					
Leading energy companies trust ILF to provide solutions in all disciplines including, engineering, project management, design drafting, procurement, commissioning, start up support and operation support.					
	Rum/Innsbruck (Austria) Munich (Germany)	Corporate Counsel 182,335 Source Internet Search 04/19/24 comparably.com	2500 plus at 45 offices on 5 continents Source Internet Search 04/19/24 linkedin.com	The project control group is not clear with staff and is abusive Source Internet Search 04/19/24 glassdoor.ca	418.2 M per year
Nova Scotia Power An Emera Company					
Is a regulated electrical utility serving more than 525,000 residential, commercial and industrial customers in Nova Scotia.					

The utility provides 95 per cent of Nova Scotias generation, transmission and distribution services.					
	Halifax	Scott Balfour 8.2 million plus Source Internet Search 04/19/24 cbc.com	11,000 (2022)	Of 14 established performance standards, the utility did not meet five designed to improve reliability and customer service Source Internet Search 04/19/24 halifaxexaiminer.ca	7.6 Billion (2023)
Strum Consultants					
Our multi disciplinary team consists of certified site professionals (certified across multiple provinces), engineers, geologists and hydro geologists, biologists, technologists. Legal land surveyors, and masters level environmental specialists					
	Bedford, Nova Scotia	Chris Boudreau	150 plus	Not Better Business Bureau accredited Source Internet Search 04/19/24 bbb.org	28.1 Million source internet Search 04/19/24 zoominfo.com
Deloitte					
Premier Tim Houston's former employer. Is a brand under which tens of thousands of dedicated professionals in independent firms throughout the world collaborate to provide audit, consulting, financial advisory, risk management, tax and related services to select clients.					
	London England UK	Anna Marks Chairperson Deloitte Global	457,000	Deloitte fined 900,000 pounds by watchdog over SIG audit failures (Dec 2022) Source Internet Search 04/19/24 theguardian.com	64.9 billion US (2023) Source Internet Search 04/19/24 wikipedia.org
Res power for good					
By providing a holistic view of asset performance, we give you the tools to optimize performance, streamline processes and unlock growth.					
	Kings Langley, United Kingdom	Eduardo Medina CEO salary unknown Andre Cangucu CEO Americas	Over 4500 employed around the world source	Res Disclaimer This document ("Report") has been prepared by Renewable Energy Systems America Inc. ("RES"). RES shall not be deemed to make any representation	Unknown Americas Revenue 3.2 billion US

		Res Group Americas most compensated executive makes 700,000 annually Source Internet Search 04/19/24 res-group.com comparably.com	internet Search 04/19/24 res-group.com	regarding the accuracy, completeness, methodology reliability or current status of any material contained in this Report, nor does RES assume any liability with respect to any matter or information referred to or contained in the Report. Source Internet Search 04/19/24 nrel.gov National Renewable Energy Laboratory	(2021) Source Internet Search 04/19/24 statista.com
Citi					
Our business and philanthropy are helping build more sustainable, diverse and equitable communities around the world. At Citi, we have a long track record of using our global resource and expertise to empower the communities we serve.					
	New York, NY USA	Jane Fraser CEO	26 million (2023)	Please be advised that due to the high volume of complaints received for this business, Better Business Bureau (BBB) publishes 1 out of every 5 complaints handled through our conciliation process Source Internet Search 04/19/24 bbb.org This business is not Better Business Bureau accredited	Global revenue 78.46 Billion dollars (2023)
K and S King and Spalding					
Best Law firm of the year – American Lawyer 2023. Market leading offerings strategically positioned where our clients need us to be.					
	Peachtree, Atlanta Georgia	Robert D. Hays (Chairman)	1300 lawyers in 24 offices globally source internet Search	This business is not BBB accredited	1.83 billion USD (2022) source internet Search 04/19/24

			04/19/24 www.kslaw.com		wikipedia.org
Morgan Stanley					
Global leader in Financial Services. At Morgan Stanley, clients come first. We help individuals, families, institutions and governments raise, manage and distribute the capital they need to achieve their goals					
	New York, NY, USA	Ted Hick James Gorman previous CEO salary 39.4 million annually Source Internet Search 04/19/24 www.reuters.com	80006 (2023)	72 complaints closed in last three years 22 complaints closed in last 12 months Source Internet Search 04/19/24 bbb.org This business is not Better Business Bureau accredited	54.1 billion USD (2023) source internet Search 04/19/24 wikipedia.org
McInnes Cooper					
Is among Canada's 25 largest business law firms and exclusive member of Lex Mundi for Atlantic Canada, the worlds leading network of independent law firms. Providing strategic counsel to industry leading clients here and abroad for more than 160 years, we continue to thrive through our relentless focus on client success. (**Lex Mundi)** is the worlds leading network of independent law firms, lawyers and business professionals – in more than 125 countries to provide world class cross border legal solutions. Our member firms offer a global resource of unmatched breadth and depth with over 23,000 lawyers world wide.)					
	Halifax, NS	Jocelyn Legge Chief Financial Officer CEO 216 K – 394 K per year which includes base pay, bonus pay and stock Source Internet Search 04/19/24 glassdor.com	Nearly 200 lawyers 1361 employees Source Internet Search 04/19/24 wikipedia.org growjo.com	In 1992, the firm worked on the privatization of NS Power. Source Internet Search 04/19/24 wikipedia.org	Estimated revenue is currently 514.5 m per year estimated revenue per employee is 378,000 Source Internet Search 04/19/24 growjo.com
Enterprise Canada					
Is a leading Canadian public affairs firm with expertise in government relations, digital and public relations.					
	Toronto, ON offices in	Jason Lietaer, President	Ranges from 100 to 250 people	Slogan We find strategic, creative	Estimated annual varies between 25 million – 100

	Hamilton ON Edmonton AB Halifax NS Ottawa ON	salary unknown former executive director of the Conservative Resource Group reporting to former PM Stephen Harper		ways to: build trust shape opinion navigate issues influence audiences activate supporters Source Internet Search 04/19/24 enterprisecanada.com	million Source Internet Search 04/19/24 signalhire.com
Mazars					
is a leading international audit, tax and advisory firm. Operating as a united partnership, we work as one integrated team, leveraging expertise, scale and cultural understanding to deliver exceptional and tailored services in audit and accounting as well as tax, financial advisory, consulting and legal services.					
	Paris, France Canadian offices Gatineau, QC Maniwaki, QC Montreal, QC Saint_Leonard, QC Montreal, QC	Herve Helias CEO	Globally 50,000 plus professionals 100 plus countries and territories Source Internet Search 04/19/24 mazars.com		2.45 Billion Euros (2021 - 2022)
CIBC					
At CIBC we aim to help our clients, employees, communities and shareholders achieve theirs. Our purpose drives our ability to create value for all CIBC stakeholders.					
	Toronto, ON Victor G. Dodig 10.7 million		47,000 team members globally	Something I personally notice, at our Windsor, Hants County Branch they have **two** very dedicated tellers. They have not bothered to replace the flooring since the flood, July 2023 Lots of reviews on trustpilot.com	23.3 billion Canadian
Leidos					
Formerly known as Science Applications International Corporation (SAIC) is an American defense, aviation, information technology and biomedical research company that provides scientific, engineering, systems integration, and technical					

services. Mission: Leidos makes the world safer, healthier and more efficient through technology, engineering and science.					
	Reston, Virginia USA	Tom Bell CEO 9.19 M	47,000 employees world wide	Pierce vs Leidos Pierce alleges that Leidos retailiated against him after he complained about racial discrimination. Source Internet Search 04/20/24 casetext.com Leidos treatment of female whistleblower gets Pentagon review Source Internet Search 04/20/24 Bloomberg News Wire bnnbloomberg.ca Formerly Lockhead Martin	15.4 Billion (2023) Source Internet Search 04/20/24 leidos.com
Lockton					
Is the worlds largest independent insurance brokerage providing customized solutions to meet your organizations risk, benefits and retirement.					
	Kansas City, Missouri USA	Ron Lockton CEO DISCLAIMER the salary range presented here is an estimation that has been dervived from our proprietary algorithm. It should be noted that this range does not originate from the company's factual payroll records or	7,500 associates in 100 different offices world wide	Ron is the son of the brokerages founder. Not BBB accredited. Google: Lockton vs case Lockton president, Trump golfing buddy, bond hunter. When Donald Trump argued before a New York court that meeting a $464 Million bond requirement presents a “practical impossibility” the assertion	3.1 Billion (2023)

		survey data. It appears that the compensation range for a managing director is between $728, 130 and $1, 206,702 Source Internet Search 04/20/24 salary.com		came with the backing of Gary Guilietti, the president of the North East Series at Lockton Companies. Guiletti, whose Palm Beach office is just minutes away from Mar-a-lago ....golf partner, business partner and staunch defender .... received during the fraud trial 1.2 million in commissions from the Trump organization ..... he did not bill for his testimony because he anticipated that payment would be included in our overall relationship, year over year. Judge Engoron wrote that in more than 20 years as a judge he had "never encountered an expert witness who was not only a close personal friend of a party, but also had a personal financial interest in the outcome of a case of which he was being offered as an expert." Source Internet Search 04/20/24 insurancebusinessmag.com	
McKinsey and Company					
Is an American multinational strategy and management consulting firm that offers professional services to corporations, governments and other organizations. "Everything you wanted to know about carbon removals but were afraid to ask."					
	As a global firm, McKinsey does not have a traditional headquarters: the managing partner chooses his or her home office. Our presence across continents and time zones enables us to	Bob Sternfels CEO salary unknown Former McKinsey director acquires 1.3 Billion net worth in 6 years. Source Internet Search	Global reach: 133 cities in 67 countries, more than 35,000 colleagues, our people speak 135 languages and represent over 140 citenships.	McKinsey has been the subject of significant controversy related to its business practices. The company has been criticized for its role promoting OxyContin use during the opiod crisis, its work with Enron, and its work for authoritarian regimes like Saudi Arabia and Russia.	16 Billion (2023)

	quickly deliver the right teams, with the right experience and expertise. McKinsey Canada. WE exemplify the spirit of innovation, entrepreneurship, and vibrancy of Canada .... our community of consultants and the professionals who support them across four locations – Calgary, Montreal, Toronto and Vancouver – reflect the rich diversity of our country.	04/20/24 wallstreetoasis.com		Source Internet Search 04/20/24 wikipedia.org	
Rise results					
RISE (Research, Insight, Strategy, Execution) we understand the importance of community and stakeholder engagement in the development process .....We'll work with you to develop a strategy via consultation, interviews, research and engagement analysis, budgetary and work plan development, and full monitoring and measurement of marketing initiatives. Our legacy is deeply intertwined with Indigenous communities, particularly in Unama'ki.					
	Sydney NS	Noelle MacLean	As best as I can tell 8. A core team of 5, with 3 special project partners.	RISE Results handled all, planning, execution, marketing and branding for Assembly of First Nations 2018 New Years Eve Gala in Membertou. The event featured a champagne reception, prizes and a full night of live music.	5 Million Source Internet Search 04/20/24 zoominfo.com
Svitzer					
Every three or four minutes, somewhere in the world, a ship relies on Svitzer for safe and sustainable towage in or out of our bustling port or terminal. Cargo and container ships, tankers, car carriers etc. Depend on Svitzer's expertise to manoeuvre them safely the first and last miles of their journey.					
	Global Head Office Copenhagen, Denmark Canada: Halifax, NS	Kasper Friis Nilaus The remuneration for the Executive Management consists of a fixed base salary, inclusive of	As a truly people centric company, Svitzer is committed to creating an inclusive, diverse and psychologicall	Svitzer has been part of the Maersk group of companies. I am never surprised at how data can be interpreted: a goal of diversity and inclusion, there are 4 people on the board on	DKK 5,786 M (1,136,835,874.47 Canadian Dollars) Source Internet Search Annual Report

		company pension contribution and car, short term incentives as well as long term incentive components. ...the structure is intended to drive a reward for the performance culture by aligning individual reward to company performance and shareholder value creation.	y safe workplace where everyone can feel seen, heard, included and valued. Across our functions, global fleet, markets and regions Svitzer comprises 4000 engaged colleagues from more than 75 countries.	directors. 3 men and 1 women. Yes, that can be claimed as 25% representation.	04/20/24 svitzer.com
MEMBERTOU					
Membertou is an urban and progressive Mi'kmaq community located on Unama'ki – Cape Breton Island.					
	Cape Breton, NS	Terrance Paul Chief Honorarium, salary, travel expenses and other remuneration paid Total 239,268 (2022) Source Internet Search 04/20/24 membertou.ca	13 elected officials 8 senior non elected officials	Population:1582 On/off reserve (2019)	67 M (2019) 79,112,644 M (2022) 85,113,706 (2023) Source Internet Search 04/20/24 Membertou Annual Report (2019-2022) memberbertou.ca
Ollson **Environmental Health Management (OEHM)**					
Consultant – He has tackled some of North Americas highest profile environmental projects					
	Greater Toronto Area ON	Christopher Ollson		A phd degree. I could not validate his self claimed credentials. nor find a PHD thesis. I concluded it does not matter, the smartest, most wisest people, I have ever met had no more than a grade 6 education.	

My summary of the team: that is a lot of money, a lot of lawyers, a lot of engineers, a lot of accountants, a lot of consultants, an insurance agent and a party planner.

WHY

To power a facility, located in Point Tupper, Cape Breton, so EverWind can produce green hydrogen and thus produce green ammonia to be shipped to Germany for Uniper Global Commodities. Uniper is a German energy company with operations in more than 40 countries and around 13,000 employees. It was created when German utility E. ON split into two companies in 2016. Unipers' mainstays of business are power generation and global commodity trading. It is the biggest energy company by revenue in the world.

Benefits to West Hants

5 – 6 part time jobs.

1000 taxable dollars per year, per household, to a maximum of 70,000, for anyone underneath the windmills.

A limited amount of scholarships for those wanting to follow in the EverWind footsteps.

Some tax dollars.

In my opinion, very little to gain and a lot to gamble on.

Meanwhile some of those listed above will go on and live their life of the rich and famous in their climate controlled, air conditioned mansions, with a wall of televisions, a movie theatre, a popcorn machine, and a bowling alley. Lets not forget the fleet of vehicles, in a heated garage, or the yacht down at the marina, and when your bored jump on the jet and go to the south of France or an island in the Caribbean, or Dubai.

Meanwhile the majority of us here in Hants will have clothes on the line, spending summer time securing firewood for when we have those NS Power outages, making and trading preserves, sharing meat, till all of our mainland moose and deer have disappeared, and the cranberry bogs are filled in with windmill access roads, unless of course, we are dead from the uranium leakage.

If the rich people of the world lived as humbly as we do in Hants County, my guess is there would not be a climate crisis. Your lifestyle is eliminating my lifestyle. I see the parallels with genocide.

CONCLUSIONS

In a birds eye view, I see so many conflicts of interest.

The word green has many meanings and shades. They may claim it as being green “to make less harmful and sensitive to the environment”, but if I cut through the chase, I see it as being green in the context of “being inexperienced, naive and gullible” and in slang as “greenback, a term for the US dollar.”

There is no global planning for the positioning of windmills, I think one day we may find them to be bad for the planet. If we went solar and each home was responsible for their own power ...well they don't want to encourage us to be independent, there would be no money in it for them.

Offshore wind power is more efficient. I have at some point seen a video that claimed they were becoming a sanctuary for marine life which may compliment Clearwater Seafoods. “The shallow waters near Sable Island alone could accommodate at least 1,000 offshore turbines ....enough to power 6.5 million homes. (Keith Doucette Canadian Press, October 2023)

I personally feel let down by our First Nations people, but I understand. In my younger years as a woman we sat on the same side of the table fighting for diversity and inclusion in a white mans world. Judging from the show of men in council chambers representing EverWind, some things never change.

Although I could not find the exact wording of the oath that municipal councillors take, I am praying that you swear to protect the people you serve and not the above, who outwardly, appear to serve themselves.

We are a species on this planet. We also claim to be the smart ones, but greed and consumption is destroying us. What does it mean to be human?

Sadly, I think it is already a done deal. In my heart of hearts, I want to know that I have done everything in my power to protect my home, your home, our province, our country, our planet and future generations. The buck has to stop somewhere.

FAREWELL TO NOVA SCOTIA

From: Abraham Zebian
To: Deanna Snair
Subject: Fwd: Bear Lake Wind Proposal
Date: Monday, April 22, 2024 8:49:18 AM

From: kristahart
Date: April 21, 2024 at 7:57:20 PM ADT
To: Mark Fredericks <MFredericks@westhants.ca> **Cc:** PublicOnlyCouncilEmail <allcouncil@westhants.ca>
Subject: Bear Lake Wind Proposal

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Good Morning Planner Fredericks and West Hants Council,

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

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

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

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

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

As an animal lover I feel all these developments that have been built and are wanting to come are only destroying the animals habitats and driving them closer to where people live as they have no other options and then we have some residents who don't want the animals in there back yard, then what happens to the animals, I hate to think what happens next.

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

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

In conclusion, I don't know if these letters carry any weight or if you and council even take time to read the thoughts of your residents I truly hope you do. But I do know Planner Fredericks that you sat in council chambers on the

evening of April 8th and you heard and I hope listened to your fellow neighbors about the many concerns that they shared, and like I witnessed the lack of concern and attention shown by Bear Lake Wind representatives and its partner.

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

Thank you,
Krista Hart
Life long resident of West Hants

Reply

Forward
Attendee panel closed
Bear Lake Wind

(No subject)

(No subject)

(No subject)

Copy

From: Seamus Marriott
To: Mark Fredericks
Cc: PublicOnlyCouncilEmail; protectvaughans; Andrew Hardman; Mark Kehoe
Subject: Bear Lake
Date: Monday, April 22, 2024 11:16:58 AM

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

Dear Planner Fredericks and WHRM Council,

In a 2022 article in the Halifax Examiner, Trent Vichie (Everwind) said "*his company would not build wind farms where they are not wanted", for example along "the Cabot Trail, the Cabot Links golf course" in Inverness County. "That's a beautiful part of Nova Scotia that has an amazing growing economic area."* Apparently, the underlying message from Everwind is that Vaughan and Upper Vaughan, perhaps even all West Hants, is not beautiful and holds little economic potential.

As residents we believe our community is beautiful with pristine lakes and streams, gorgeous forests and an abundance of wildlife. A large windmill farm in one's backyard/community is cause for numerous questions and concerns. Issues around such topics as: Physical & Mental Health, Property Values and Environmental impacts, just to mention a few.

The proponents of such projects wish us all to believe that our chosen community has won the lotto in terms of the benefits they will bestow upon us. Proponents preach that all is well. There should be absolutely no worries or concerns regarding people's physical or mental health, their property values or any disastrous environmental impacts to our community. The proponents would have us believe that we simply need to have trust, for they are the experts.

Proponents claim that wind farms have no Impact on human health, yet numerous scientific studies indicate otherwise. One issue of concern is infrasound and its effect on humans and wildlife. Low frequency pulsations identified as Wind Turbine Syndrome (WTS) by Dr. Dr. Nina Peirpont MD, PHD. Symptoms of WTS include headache, painful pressure on the ears, dizziness, weakness, tachycardia, tinnitus, nausea, insomnia, panic attacks and more. There are numerous studies that demonstrate that WTS is real.

One very recent study published Feb. 2024 in the Journal Canadian Audiologist entitled: Adverse Health Effects of Industrial Wind Turbine Noise: How the Ear and Brain Process Infrasound outlines the impact of WTS. Scientific research by Dr. Alec Salt and colleagues at the Washing University School of Medicine have led Dr. Salt to state unequivocally that **"Wind turbines can be hazardous to human health".** Dr. Salt and colleagues have found that when higher-pitched sounds (150-1500 Hz) are present, they can suppress infrasound. This means

that the ear is most sensitive to infrasound when higher-frequency sounds are absent. This occurs at night when wind turbine noise is present, and ambient sound levels are low. This would be particularly acute given the topography and quiet rural setting of Vaughan & Upper Vaughan.

Project proponents claim that wind farms have no effect on property values. At a recent Everwind Community meeting the question of impact on property values was asked. One Everwind representative took the company line that there is no impact whatsoever. Approximately 15 minutes later another Everwind representative shared that there was a negative impact on property values, but that values would come back over time. As residents and property owners what are we to believe. Want is the timeline for values to recoup? 1 year, 3yars, 5 years a decade?

More importantly, recently an Everwind representative was asked about responsibility and accountability should properties have diminished values. The response was that if Everwind follows the bylaws of the municipality and is approved by the Municipality, then it would be the Municipality that would be accountable as they approved and permitted the project. Is this true, will the Municipality cover the potential losses in property values? Has this even been discussed as a possible outcome at Council? Everwind's response gives us a glimpse into the company's ethics and sense of corporate responsibility.

The Environmental Impact of this project is overwhelming. Just stop and think about a 206m/677ft windmill. Think about the damage to the forests, wetlands and ecosystem though the construction phase. The Everwind project will impact over 70 wetland areas within the scope of the project. How much concrete is required for the base of one windmill and how does the required blasting disturb uranium deposits in the area? What are the long-term impacts to people's health? There are approximately 600 tonnes of steel in each tower and each one of the 286-foot carbon fibre/epoxy blades weigh (25000 KG). Would you want this in your backyard? In your field of vision? Towering over your community?

There is no question that the windmills to be constructed for the Bear Lake Project will be the largest ever used in West Hants. The Municipal Planning Strategy addresses the question of setback for windmills 165' to 400', but there is no reference to windmills of 206m/677', which will be constructed with the Everwind project. Given the sheer size of these giant structures there is a definite need to stop and think about the need for greater setback requirements.

Think about a quiet rural community where the night skies are ablaze with stars suddenly polluted by the glow of red lights from atop of windmills. Originally, we were told that Everwind would employ an ADLS lighting system, so lights only came on when air traffic was within 3 nautical miles of a tower. Now we are told that the system is being evaluated as it is costly. Again, what are we to believe? Makes one wonder what other short cuts are at play

and promises broken, for the sake of the bottom line.

At a recent community meeting when asked “Who are the experts within the municipal staff tasked to review the information and data presented by Everwind for this development agreement?” The response by municipal officials was “we have no one”. We rely on provincial departments. The issue is that the provincial departments do not conduct their own studies. They rely on the data and information presented by the consultants hired by Everwind. This leaves one questioning the legitimacy of the entire process.

Unfortunately, as a community we have first-hand experience on the effects of a current wind farm, first-hand experience of what it's like to live with a wind farm under construction and the lasting impact on people within our community and the environment because of previously trusting the so-called experts. Knowing history and learning from mistakes of the past assists us from not repeating past errors. To this end, we believe it is of utmost importance for the council to do its due diligence, before advancing any stage of this project. We ask the council to provide funding for independent legal advice, as well as funds for independent studies to ensure that people and the environment, in which we live, are protected through cautious and educated steps in regard to Bear Lake and other such projects proposed for WHRM.

Mr. Trent Vinchie of Everwind, stated in the 2022 Examiner article and again at a community meeting in Upper Vaughan in 2023, that “*his company would not build wind farms where they are not wanted”* Let’s hold Mr. Vinchie to his word, let’s complete our due diligence, let’s investigate and examine if the claims made by this American multinational company are true. Let’s take some time to examine if the approved project at Benjamin Mills meets or exceeds all their promises, before trusting even bigger claims & jumping onboard the Everwind Bear Lake project.

The right of the public to enjoy health and well-being should be paramount to the economic and political interests of the wind industry and governmental bodies. These rights need to be protected on a proactive, and not just on a retroactive, basis. Council would you wish to have this in your backyard. Should the residents of Vaughan & Upper Vaughan be punished because of the topography of where they built their homes & chose to live? Council, you are our elected leaders. Our health & welfare, the equity we have built in our homes and the environment in which we live is in your hands. Please give careful consideration to all our voices, before selling even more of West Hants to corporate suitors. Thank you.

Seamus Marriott
[redacted]

From:	Abraham Zebian
To:	Steve Hart
Cc:	Mark Fredericks; Mark Phillips; Alexander Dunphy; Jim Ivey; Vanessa Lake; Shelleena Thornton; Rupert Jannasch; Mark McLean; Scott McLean; Jeff Hartt; Debbie Francis; Bob Morton; Ed Sherman; Paul Morton; John Smith; Laurie Murley; West Hants Planning; Deanna Snair
Subject:	Re: Comment Submission For The Bear Lake Wind Farm
Date:	Monday, April 22, 2024 12:00:54 PM

On Apr 22, 2024, at 11:55 AM, Steve Hart wrote:

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

Good morning Mr. Fredericks, planning staff and council.

I'm writing to you this morning to express my unequivocal opposition to the proposed Bear Lake Wind Farm development application submitted on March 8th 2024. I have been struggling with myself to determine the direction I wanted to take when writing this letter, be it personal, community based, scientific or experience with organizations like this. I determined it should be all of the above. So, please bear with me as I try to briefly touch on all aspects and try to accentuate why I am in opposition to this project.

In 1816 a man by the name of William Hart moved to Lower Vaughan trying to escape from the British Army. He escaped in hopes to provide a better, more secure way of life for him and his family. For 208 years the Hart family has been flourishing between Lower Vaughan and Upper Vaughan while passing down significant amounts of generational knowledge in which I am proud to continue carrying the torch for today. I am also excited to announce that in July I will be able to add to another generation of Hart's. For many, many years this particular piece of land in which Bear Lake Wind intends to occupy has provided for my family. Hunting, fishing, berry picking, wildlife observing and has respectfully helped employ many of my ancestors. My wife and I own a few parcels of land in the vicinity of this project and I am fearful, if approved, it will destroy the very reason we purchased these properties and essentially determine our properties

inhabitable, should my children or relatives plan on building their forever homes there. My niece, who is of visual minority has completed 8 years of schooling to be an optometrist and is also completing her PhD in thoracic surgery intends on building her forever home in Upper Vaughan in the next few years on one of these parcels and has told me that if this particular wind farm receives approval she will not be moving back to Nova Scotia. Upper Vaughan is the only place she wants to live. Her studies have taught her the true effects of living next to large scale industrial electrical complexes such as windfarms and stated the adverse side effects are too severe to chance the wellbeing of her and her family. This is terribly heartbreaking for me as she has always wanted to live in the community where her ancestors settled, and to be truthful it is her ancestral land just as much as any other. If this project is allowed to commence, the 3000 acres of crown land, and the 13000 acres of private leased land will become inaccessible and render the properties unsafe. This is clear, despite what the proponents have verbally stated. In Vaughan, there are only two portions of crown land, and the proponents intend to occupy both, rendering no accessible public land to the community to forage and explore. The irony in this all, I suppose, is I was actually in the beginning phases of trying to get this land protected and added to the bordering South Panuke WIlderness Reserve with the help of Nature Nova Scotia and The Canadian Wildlife Federation prior to hearing about this proposed project.

In August of 2023 I engaged in a public meeting held by Everwind at the Southwest firehall. I respectfully conversed with many of the representatives expressing my interest, concerns and opinions of the project. I took notes from the meeting on the information that I was provided from the representatives and immediately determined someone needs to investigate this proposed project as each representative I talked to provided me with a different answer, another question or inaccurate facts. Three things stick out to me from this meeting, a representative from Strums Consulting who was hired to do the environmental assessment stated they hadn't found any endangered species. One Representative stated the turbines would be turned off during "peak" bat times (from 4pm-7pm) much like other wind farms (South Canoe), and another representative argued with me profusely that the project was not going to be located on crown land. I immediately determined all three of those statements were false and devoted the last 8 months of my life delving into this project, the actual owners, and educating myself from other projects. **For the record, South Canoe does not shut their wind farm off during "peak" bat times, there are LOADS of endangered species in this area, and 7 of the 11 proposed turbines will be located on crown land.**

After all this I helped launch the group named Protect Vaughans, in hopes to get community support, educate and gather information for the residents to help them make an informed decision on the proposed project. I had no idea that I would have gained so much support and met so many like minded individuals from all across the province, in which I wouldn't have had that opportunity if Bear Lake Wind didn't blow into town, so I am deeply grateful for that.
I have requested funding from the municipality for legal council so the residents can receive advice from a professional as the proponents have openly stated they cannot offer tax advice or financial advice, which has appeared to have fallen on deaf ears. Planning staff had requested the province to come in and do a

presentation to council to try and alleviate some of the unknowns from turbines and their processes which turned into being an undeniable disaster and left council with even more concerns and unanswered questions. So, who are we to turn to? We cannot be held responsible to fund legal support for a project the community doesn't want. Then, the proponents hired a self appointed environmental health expert to speak to planning staff, council and the residents and explain to them that there is "nothing to fear". I would highly suggest going back and watching the video from the PIM where Dr. Ollson openly stated that cumulative effects are not measured by potential adverse health effects, only environmental. After stating he was satisfied with the studies performed. The proponents have provided inaccurate information, downplaying the potential negative effects that such large-scale projects could have on the surrounding area. We have welcomed one extremely large windfarm development to our community without argument. Please, listen to the residents and don't paint us with the "anti" renewable energy brush like the proponents have. We are respectful individuals that just expect the respect to be reciprocated.
Dr Ollson also stated that the probability of a wind turbine catching fire is "1/10000" and that may be the case. However, Nova Scotia has experienced one catastrophic windmill fire, and the recent wildfire survey from DNR shows electrical transmission lines are one of the largest contributors to wildfires in the province. Bear Lake Wind intends to build 16kms of electrical transmission line through the very dry forests between two largely populated communities in Vaughans, and destroy the very wetlands we need to help prevent forest fires. I have attached the statistics from the DNR.

I had the pleasure of attending a community meeting organized by our premier Tim Houston just last week, and he was blown away by the fact he had never thought of setbacks being based off of non participating property lines and said he would take that back to the office and give it some serious consideration as that is something that needs to be looked into. That was a bit of fresh air to be honest, and I think the council needs to follow suit.
This proposed project is located far too close to residential properties and dwellings in comparison to the sheer height of them. (taller than Ski Martock) This proposed area is located on top of a mountain and the turbines are as tall as this mountain, and in order to have these turbines installed 77 of 94 wetlands need to be destroyed which will, undeniably cause flooding on Armstrong Lake Road West and Upper/Lower Vaughan. and will contaminate the Avon River Valley and its waterways with uranium rich contaminates.

The proponents call themselves an industry leader in green hydrogen but have not produced one pound of green hydrogen, nor have they ever owned or operated a wind farm, and it shows. Everwind has contracted two different companies to do visual sight assessments on how intrusive the wind farms will be on the community and both of them are different. Not just a little bit different, but significantly different. They are so inaccurate that Protect Vaughans has contracted a company out the United Kingdom to do their own non -biased site assessment and the differences are significant. I would be happy to share the comparisons at council and planning staff's request.

In closing, I am requesting this project not be given the opportunity to destroy my

heritage and our communities way of life.

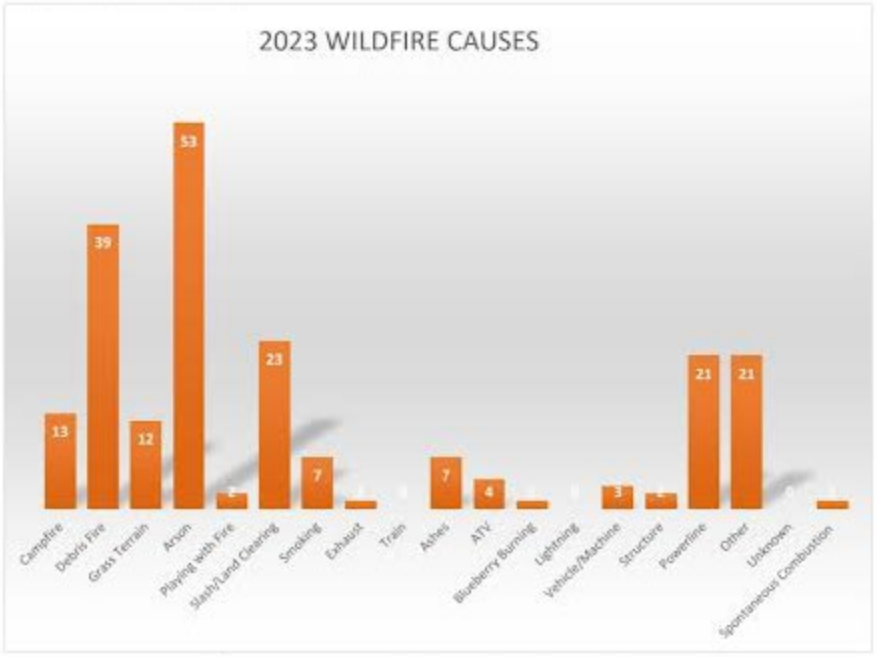
Sincerely,
Steve Hart
[redacted]

FIRE CAUSES

Over the past five years fire numbers have remained around the same there has however been an increase in area burned. Below compares the fires over the past 5 years.

Year	Fire Numbers	Hectares Burned
2023	220	25093.29
2022	152	3389
2021	113	197
2020	176	710
2019	143	154.5
5-year average	**160**	**5909**

FIRE CAUSES FOR 2023



From:	Abraham Zebian
To:	Mark Stewart
Cc:	Mark Fredericks; Kelsea MacNeil - External; Graham Marshall; Daniel Lee - External; Andrea Cosman; Paul Currie - External; Deanna Snair
Subject:	Re: Follow up Q&A from Public Information Session for Comment Period - Bear lake Wind Project
Date:	Monday, April 22, 2024 11:56:18 AM
Attachments:	image001.png image001.png Bear_Lake_Q_A_April_2024-Public_Information_Meeting.pdf Bear_Lake_Q_A_Nov_2023..pdf Bear_Lake_Q_A_Jan_2024..pdf

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On Apr 22, 2024, at 11:53 AM, Mark Stewart wrote:

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

Dear Mr. Fredericks and team –

Thank you for the opportunity to present on Monday April 8th, 2024 during our Public Information Session – as a follow up to our meeting, the Bear Lake Wind project team wanted to provide a brief set of Q&A which was addressed during our session and provides additional context:

- Bear Lake Q A April 2024 (Public Information Meeting)

Additionally, Bear Lake Wind has been providing follow up written responses to the community since October 2023 and circulating the responses through the mailing list and posting them on our website at https://bearlakewind.com/project_documents. For your records, please find attached the following documents:

- Bear Lake Q A Nov 2023 (includes responses from October as well)
- Bear Lake Q A Jan 2024

Please don't hesitate in reaching out with any questions you may have.

Thanks,

Mark

Mark Stewart
Engagement Manager
Nova Scotia, Canada
[redacted]

Committed to a future where everyone has access to affordable zero carbon energy

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WIND STRENGTH

Bear Lake Community Questions and Answers:

Our commitment to the Bear Lake Community is to continue to engage through active and ongoing consultation. To date, we have responded to individuals or groups questions as soon as possible. Additionally, we have organised meetings where written responses couldn't convey the depth of response, we or the community members desired. We will continue to answer questions, organize community meetings and schedule open houses over the coming months to ensure individuals and the community are well informed and the project is guided by community feedback.

To ensure transparency with the community, we have compiled this document representing Questions we have received to date and Answers our team have compiled. Consultation is an active and ongoing process, please reach out if have any further questions or comments and feel free to email us anytime at info@bearlakewind.com.

Community Benefit Funds:			
Understandably, most of the questions that have been raised by community members relate to how the project will benefit the community and how will the funds be allocated. We expect to provide annual benefits programs of $1,000/MW (project is expected to be 89MW, resulting in an annual community benefits program of $89,000 distributed between the annual electricity subsidy fund and community vibrancy fund). We also expect to provide a bursary fund of $50,000 for at least 10 scholarships of $5,000 each for training in the renewable energy industry across EverWind Wind Projects, to be re-upped once used. The table below breaks down the funds for the Bear Lake community in greater detail.			
Fund	**Timing**	**Terms**	**Amount**
Electricity Subsidy Fund	Annual, starting after first full year of operations	Details will be finalized once layout is confirmed, with initial structuring below: 1. Must be within [minimum of 2KM – TBD] of a wind turbine 2. Fund will be administered on an annual basis, with the budgeted $70,000 annually to be allocated equally 3. Must submit a Nova Scotia Power bill from civic address with opt-in program	Approximately $70,000 **annually** through operations
Community Vibrancy Fund	Annual, starting after first full year of operations	Annual to community. Fund oversight will be governed by acommittee with community	Approximately $20,000 **annually** through operations

		members, council representatives, and project representatives (i.e. CLC)	
Bursary Fund	Start of construction (Fall 2024)	At least 10x scholarships of $5,000 each to community members to be used for training in the renewable energy industry (across all EverWind Wind Projects – to be re-upped once used)	At least $50,000 available at start of construction

Topics and Responses Gathered Through Community Consultation:

Topics	Response
Clarification on "Bear Lake Phase 2"	There are no further phases / "Phase 2". There are no plans for any more turbines for the Bear Lake Wind Project outside of the 15 turbines communicated to the community. **We are aware of other projects in the area owned by other developers but EverWind/WindStrength do not have any relation to those projects beyond the 15 turbines for Bear Lake.**
Visual Simulations	Several additional viewshed simulations were requested from residents; we are happy to provide one-off viewshed simulations and can coordinate with Strum to provide for residents close to the Bear Lake wind farm project.
How much is municipal tax?	Based on an assumed inflation of 3%, municipal turbine taxes will be $8,245 / MW. This is based on the installed MW, so the turbine tax is not impacted in any way by whether or not the wind blows. The $8,245 / MW will inflate at 1% per year, and start in 2026 when the wind project is operational. Based on an 89MW layout, municipal turbine tax will be approximately **$733,000 per year**, escalating over time. Based on a 35-year project life, the total municipal turbine tax is expected to be approximately **$31 million.** The taxes will be paid directly to the municipality in which the turbines are located.
Wind Farm decommissioning? Who will be doing?	Decommissioning is the responsibility of the project owners. While it may not be required from the municipality, EverWind and Wind Strength will decommission the project and will post a decommissioning bond at the start of operations. RES has experience decommissioning projects in compliance with local requirements.
Bear Lake Entity Corporate Structure	Bear Lake Ltd. (Canadian entity) is 51% owned by Wind Strength (100% owned by Membertou Development Corporation) and 49% owned by EverWind Investments LP.

	Bear Lake Ltd. has contracted RES, Strum, and other construction, environmental, and other consulting firms to support its wind development.
Light Pollution	We are in the process of evaluating Aircraft Detection Lighting System (ADLS). ADLS turns lights off entirely when there are no planes in sight of the radars. It will also significantly (by ~95%) reduce the red flashing lights mounted at the top of wind farms during night-time.
Is this a migratory bird route?	**Strum Response:** *While there are numerous migratory species that have been observed throughout field surveys across all 4 seasons, the Study Area and the Regional Assessment Area (as defined/illustrated in the avifauna chapter of the EA) have not been observed to be a "corridor", "passageway" or "concentration area" of migratory flocks. A fulsome response will be included in the EA.*
Noise level: What are municipal bylaw requirements and what is the calculation technique?	**Strum Response:** *The Guide to Preparing an EA Registration Document for Wind Power Projects in Nova Scotia requires operational sound levels for projects do not exceed 40 dBA. Local municipal bylaws do not have operational sound requirements for receptors. A summary of sound level requirements and guidelines is provided in Table 10.9 of the Environmental Assessment.* *The Strum team is happy to elaborate on the calculation methodology and provide additional simulations if helpful for the community.*
Noise level: What is impact of noise between wind farms and will surrounding wind farms (e.g. South Canoe & Benjamin Mills) amplify noise?	**Strum Response:** *Given the distance from the Project to other wind projects in the region, cumulative effects from operational noise are not anticipated.* *The Benjamin Mill site is approximately 8.2km from the nearest Project Turbine (T15). The South Canoe site is approximately 5.6km from the nearest Project Turbine (T6). In addition, Highway 14 runs directly between the Bear Lake Project and the two projects mentioned above (which also have the New Ross Road running directly between them).* *Bear Lake is situated to the southeast of the Upper Vaughan community, meaning increased noise levels might be observed primarily when the wind blows from the southeast. As a consequence, noise from other projects would not likely be heard given South Canoe is situated to the southwest, while Benjamin Mills is to the north.*
Subsurface Noise/Vibration	**Strum Response:** *EA Section 10.5 addresses sound as an environmental component, while Appendix O contains a literature review of Low Frequency Sound and related concerns.* *All structures have a natural vibration and turbines are no different. That said, a recent study by Natural Resources Canada specifically studying wind turbines found that ground motion at 125m from a turbine was 100 times lower than the threshold of human perception. The report concluded that it was unlikely that seismic 'noise' generated by the turbines would be perceived by area residents. By law, in West Hants, HRM and Chester municipalities, no turbine can be placed closer than 1,000m from a dwelling.*

Access allowed on Crown land?	During operations, access to Crown Land will not be impeded outside of restrictive infrastructure such as gating, fencing, etc. around the turbines. Subject to our Crown land lease, we commit to limiting restrictive infrastructure outside of those required. During construction, we won't restrict access but will sign post to ensure the public knows it is an active construction site. However, if there is an area (like an excavation or a lifting zone) where we must restrict access due to safety concerns, we will barricade and restrict access using cones, candle sticks, t-posts and rope.
Access allowed on Private land?	We do not expect to restrict access to private land. As mentioned above, there may be some restricted areas during construction due to safety concerns.
Hunting allowed on Crown land?	We commit to not restricting hunting on Crown Land outside of: - Restrictions as included in our Crown Land lease - Required restrictions for safety - Legislated setbacks for hunting requirements ("No person shall at any time discharge a shotgun loaded with shot, a crossbow or a bow within 182 metres of a dwelling, playground, golf course, athletic field, woods operation, place of business, agricultural building or public building other than a school") https://www.novascotia.ca/Just/Regulations/regs/wifire.htm
Hunting allowed on Private land?	We do not expect to restrict hunting on private land outside of legislated setbacks for hunting requirements.
Access allowed on access roads?	As above, access to the access roads on Crown Land will not be impeded outside of restrictive infrastructure (gating, fencing, etc). We commit to limiting restrictive infrastructure outside of those required. However, access would only be allowed following commercial operations (not during construction for safety reasons).

Additional Q&A follow up from Community Meeting on Saturday 14th October:

Electricity Subsidy	
- What constitutes a full year of operation? All 15 Wind turbines producing at full capacity	The year following installation and start up of all turbines that are approved. If one or more turbines installations are delayed for whatever reason, the $70,000 allocation may be scaled down on a prorata basis but the electricity subsidy will begin.
- You state that a home MUST be within a MINIMUM of 2kms of a wind turbine, but then state that this is still " to be determined" This is not an answer.	The "TBD" is in reference to the distance; the minimum setback has not yet been finalized but will be at least 2km. As discussed in the Saturday meeting, we would like to ensure that all affected residents will be eligible for the subsidy. We are still evaluating how many civic addresses there are and where they're located to determine an appropriate distance for inclusion.

- Also, is this any particular wind turbine? or a specific turbine on the project?	The subsidy applies to all installed turbines on the site.
- Is the $70.000.00 allocated just for the residents of Vaughan? Or is this for all of Everwind and its members' projects across Atlantic Canada?	The $70,000 is exclusively for the Bear Lake wind project and will be fully funded prior to start of construction.
- How Is the Opt-In program presented to the community? And how do residents sign up for it? And how does it work?	The manner in which the program will be administered are still yet to be finalized. This will likely be finalized through the construction phase of the project to give residents time to opt in. At a high-level, in order to opt into the program and receive the electricity subsidy, a resident living within the zone of eligibility will simply have to provide a proof of address to the company. The program will likely be administered by RES.
Community Vibrancy Fund	
- It states the fund will be dispersed after the first year of its operation, why does it have to run for a full year to start this fund?	We would like to establish a community monitoring committee and have time to determine a process for how funds are allocated. Funds will be deployed in the community by the end of the first year of operation to local community initiatives, programs or services.
- Will the fund continue even if the project is sold to another company?	We can not guarantee that the fund will continue in the event the project is sold to another company, however, it is typical for wind farms that are acquired to maintain benefits programs. We commit to approaching the municipality to sign an agreement committing to the community benefits so that if the project changes hands the community benefits are more likely to continue.
- If this fund starts after the first year, does this mean the community will lose out on the last year of funding, should the project last 35 years?	No – the first fund will be deployed at the end of the 1st year and the 35th year will be deployed at the end of the year 35.
Bursary Fund	
- Will this be issued in time for enrollment in the renewable resource program?	Can you please clarify the renewable resource program you reference? We plan on making the bursary fund available mid-2024, prior to construction.
Visual Simulations	
- How and who do the community members contact in order to get these "one off" visual simulations completed?	Please feel free to contact info@bearlakewind.com and we will send a team member to site to take a photo of the viewpoint in question. A visual simulation would then be created and sent to the community member.
Municipal Taxes	
- Most windmill manufacturers advertise a 25 year life span. Everwind is basing their	Turbine technology has progressed significantly over the past years and turbine manufacturers now often guarantee their product for up to 30 years. While the guarantee is 30 years, the project can still operate beyond

estimation off of a 35 year project. The Benjamín Mills Project was marketed at a 25 year life span, South Canoe Windfarm was estimated at a 25 year life span. But South Canoe hasn't operated properly in its 8 years of operation. Why is the project based off of 35 years?	that timeframe with proper maintenance. Thus, we expect the project life to be around 35 years.
Wind Farm Decommissioning	
- How much is the Bond and who is the Payee?	The decommissioning security will be in an amount equal to 100% of an independent engineer's assessment of the net cost to decommission the project. The beneficiary of the security will be the landowner or the municipality, depending on applicable municipal requirements.
- Who holds the bond? Wind Strength, Bear Lake LTD, Everwind Fuels, Everwind LLC, Everwind Investments LP?	Once posted, the security will be issued by a surety, a bank or a guarantor in favour of the landowner or the municipality, depending on applicable municipal requirements.
Bear Lake Entity Corporate Structure	
- Could you provide us with the Bear Lake corporate identifier number/register I.D number?	Bear Lake Wind Ltd. Registry ID: 4554430
- Is Everwind Investments LP a Canadian corporation?	EverWind Investments LP is in the process of being formed and will be a Canadian corporation.
Aircraft Detection System	
- Has there been testing on this system to identify whether or not it affects the bats ability to avoid the turbine?	An aircraft detection lighting system consists of a radar installed on a discrete lattice tower which detects incoming aircraft. We don't know of any studies that have assessed the impact of radars located on lattice towers on bats' ability to avoid turbines.
Migratory Bird Route	
- When was the start and finish date of the environmental assessment?	**Strum Reply:** Environmental Assessment Field avifauna studies were started in 2021 (2021 Fall Migration Bird Studies commenced on September 17th), with 2021-22 Overwintering and Owl surveys, 2022 Spring Migration surveys, 2022 Breeding Bird Surveys, and 2022 Fall Migration Surveys also being included in the Environmental Assessment Registration Document. Avian Radar and Avian Acoustic Studies were also completed in spring and fall 2022. As noted in section 7.4.5 of the EA, further bird studies are currently underway, and results will be provided to ECCC-CWS upon availability.
Noise Level	

- Who, and how does the community member get in touch with to have these noise simulations performed?	Please feel free to contact info@bearlakewind.com to discuss noise simulations, which will be performed by Strum.
Access To Crown Land	
- In order to interpret the answer you have provided to us, we would need to have a copy of your lease agreement. Could you kindly forward that along?	Once we have the lease, we will be able to provide more clarity with respect to public access to lands. We do not plan on making the Crown land leases public. To reiterate, we do not intend on restricting access beyond what is required for safety considerations primarily around the project substation and the turbines and the remainder of restrictions would be up to the Crown.
- How far around the windmills will this fence be? as a radius not circumference.	There will be a gravel service ring around the base of the turbine for access during maintenance activities that will range between 3 and 5 m in width. This gravel ring is not typically fenced. If a fence is determined to be required around the turbines, it would be limited to include the turbine base, which is roughly 6m in diameter, and the gravel ring, for a total diameter of up to 11m. Infrastructure on site that will be entirely fenced will be the project substation, the switching station and possibly the Operations and Maintenance building. The substation will be a maximum size of 200m by 100m, the O&M building will be a maximum size of 140m x 75m. These are very conservative estimates, and the final footprint will be smaller.
- Will The gating be on the crown access road?	No, there will be no gating on the access road to the crown land.
- Will entering the crown land be at the person's own risk?	Yes
- if someone gets hurt due to ice being thrown from the windmills and they are outside of the fence, can Everwind or Wind Strength be held liable?	**Legal Counsel Response:** Bear Lake Wind Ltd. could be held liable, depending on the particular facts and the conduct of the parties involved. As a general principle, Bear Lake Wind Ltd. must take due care to prevent reasonably foreseeable injury and damage from ice throw.
Hunting On Crown Land	
- According to your answer, and since each windmill has its own civic address, the community will not be allowed to hunt within 402m of each windmill. Can you confirm?	**Legal Counsel Response:** All legislated hunting setbacks would apply, in accordance with applicable legislation.
- Your answer did not include rifles which is a longer distance	**Legal Counsel Response:** All legislated setbacks would apply, including those in respect of rifles, in accordance with applicable legislation.

required to be away from windmills, why?	
- Can you confirm if each windmill is considered a dwelling?	**Legal Counsel Response:** We do not believe that a wind turbine meets the common definition of a dwelling.
- Is Bear Lake Windfarm LTD leasing all of the crown land according to the outline on the Site Overview Map?	**Legal Counsel Response:** It is anticipated that the footprint of the crown land leased for the project will be reduced to only the area required to operate the wind farm once the layout of the windfarm is finalized.
More Questions	
- During your first open house meeting, one of your representatives suggested he worked on a wind farm project in Quebec and on that particular project the company allowed special provisions for the hunters, so they could hunt near the windmills themself. Would Everwind allow such a thing for this particular project?	We are certainly open to evaluating the allowance of special provisions for hunters on the project lands near the wind turbines. Before construction, we can commit to having a discussion outlining the details of the special provisions such that we can ensure the safety of our personnel and that of service providers accessing the site lands on a regular basis, as well as the integrity of the project infrastructure. That is EverWind's primary concern.
- Would Everwind be willing to amend the Bear Lake Plan to exclude the crown land block	Approximately 45% percent of the Bear Lake Wind Project (up to 7 turbines) is currently anticipated to be located on Crown land. We cannot commit to amending the project layout in order to exclude the Crown land block as this land is required to achieve the planned project capacity. However, the final turbine technology has not yet been selected, and depending on the chosen model, the project may require fewer turbine locations and therefore, fewer turbines might be located on the Crown land parcels. That said, no more than 7 turbines will be located on Crown land.
- What is the total area impacted by this project? Not just the land that the windmills will be set on, But the TOTAL area impacted	During construction, it is anticipated that the "limits of disturbance" of the project, that is, the land that will be touched by construction of the roads, collection system, substation, operations and maintenance building, turbines transmission line and switching station in some manner, will be approximately 1,000 acres. This is a very conservative estimate as we are currently applying a blanket limits of disturbance around the project infrastructure given we are still at the detailed design stage, and it includes much land that has already been disturbed such as existing roads. If your question is rather about the area over which the project will extend, the 15 project turbines will be located across approximately 3,000 acres of both private and public lands. To be clear, the majority of the 3,000 acres will mostly be untouched by the project.

WJU'SNEWIKNAQ
WIND STRENGTH

Q&A follow up from Community Meetings in December 2023

To ensure transparency with the community, we have compiled this document representing questions we received during our December 2023 Community meetings. For the Complete Q&A to date, please visit our website's Document Page https://bearlakewind.com/project_documents.

Consultation is an active and ongoing process, please reach out if have any further questions or comments and feel free to email us anytime at info@bearlakewind.com.

Wind Turbines Energy Payback / CO2 Emissions	
- Wind turbines are not 'green' and require a lot of CO2 emissions to manufacture, transport, construct, and operate. How do you justify their environmental impact?	While it's true that there are carbon emissions associated with the manufacturing, transportation, and construction of wind turbines, their operational phase is where they shine environmentally. Wind turbines produce clean, renewable energy without emitting greenhouse gases during electricity generation. Over their lifespan, the emissions associated with their manufacturing are offset by the significant reduction in CO2 emissions from traditional power sources. Some studies have pointed to an energy payback (CO2 off-set) of anywhere between 3 to 7 months depending on the technology, location, and site characteristics. • **Wind has a range of 5 to 26 grams of C02-equivalent per kilowatt-hour.** • **Natural Gas has a range of 437-758 grams C02-equivalent per kilowatt-hour.** • **Coal has a range of 675-1689 grams of C02-equivalent per kilowatt-hour.** *Source(s):* **Comparative life cycle assessment / Nordex Delta 4000 - LCA Report**
Blasting and Water Contamination Concerns	
- The community has expressed concerns relating to blasting required for road building and foundation construction potentially causing water contamination to nearby wells, damaging foundations of houses near the project, and contamination to watercourses and wetlands. How are these concerns being addressed?	We understand and prioritize the community's concerns about blasting associated with road building and foundation construction. Rigorous safety measures will be implemented to mitigate potential risks. Pre-blast inspections are conducted, and residents will be informed well in advance. Our construction team adheres to best practices, ensuring the prevention of any harm to water sources or structures. To address specific concerns related to arsenic, radon, and uranium (ARU) impacts on waterways, it's crucial to note that these materials are naturally occurring across large parts of Nova Scotia, including areas with existing wind farms, such as South Canoe. Our geotechnical data and soil/bedrock samples collected at Bear Lake show no presence of arsenic, no acid-producing potential, and no uranium. This is not to say that these chemical elements are not present in the area, just that none have been identified during our geotechnical campaign to date. It's important to highlight that the biggest risks to human health from ARU occur through drinking water from drilled wells (uranium) or enclosed spaces like

	basements (radon). To ensure due diligence, we will conduct pre-blast surveys for all wells within 800 meters of the blasting area. This distance is a conservative measure, and if any impacts to well quality or quantity occur as a result of project operations, the proponent or contractor is responsible for drilling a new well. Sixty-eight wells within 800 meters of the assessment area have been identified (we anticipate the number of wells within 800 meters of blasting will be significantly less than sixty-eight, if any). These wells are identified and characterized in the **Environmental Assessment (EA), Appendix D.** The pre-blast surveys not only serve as a due diligence measure but also offer an opportunity to inform homeowners of any existing water quality issues. In addition to the above response, we take comprehensive steps for watercourse and site management: • Project personnel are educated on the sensitivity of aquatic habitats, emphasizing awareness and responsible practices. • Proactive impact avoidance measures include marking and avoiding impact to watercourses and wetlands where possible. • Certified installation and habitat enhancement ensure that crossing designs maintain natural flow and watercourse edges are revegetated for habitat enhancement. • Wetland management and mitigation minimize impacts, adhering to alteration processes and compensating for lost habitat, implementing measures like crane matting during necessary travel. • Comprehensive site management involves work scheduling during certain periods, development of erosion and sedimentation plans, and integration of water management systems. A site environmental specialist conducts audits to ensure compliance across the site. Our commitment is to transparently address concerns and implement measures that prioritize environmental protection and community well-being throughout the project's lifecycle.
Spills and Contamination	
- What is the site action plan for the prevention and response to spills and contamination?	Our site action plan prioritizes the prevention of spills and contamination, employing industry-leading measures to safeguard the environment. This includes comprehensive training for our team, regular equipment maintenance, and the use of environmentally friendly materials. In the event of a spill, our response plan is swift and effective, involving containment, cleanup, and reporting protocols. We are dedicated to transparency and cooperation with regulatory bodies to ensure the highest standards of environmental protection are maintained throughout the project's lifecycle. *It's worth noting that the Nordex platform chosen for the Bear Lake wind project utilizes an electric motor drive for pitching the wind turbine blades, as opposed to a hydraulic ram pitch system. This engineering shift has eliminated the potential release of hydraulic fluid at the Bear Lake wind project and provides a more environmentally friendly solution.* **RES – Release Prevention and Response**

WJU'SNEWIKNAQ
WIND STRENGTH

West Hants Public Questions from April 8 Meeting: Responses for Public Comment Period.

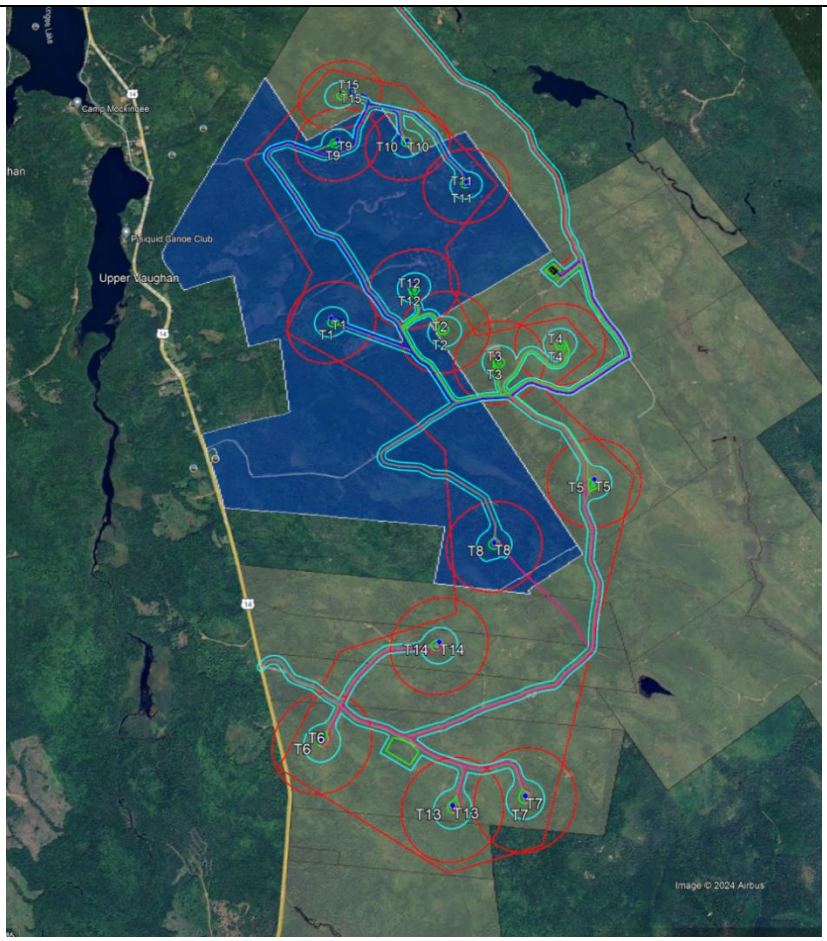
Dear Mark Fredericks and team –
Thank you for the opportunity to present during our Public Information Session – as a follow up to our meeting, we wanted to provide a brief set of Q&A which was addressed during our session. I've also included links to the Q&A previously provided to residents, which is also available on our website (https://bearlakewind.com/project_documents).

Question	Response
What is the blasting management plan and how will sediment be controlled?	The blasting management plan is a requirement of Condition 5.5 of the Environmental Assessment Approval. The blasting management plan will include details related to blasting procedures, blasting safety, monitoring, and best management practices. The plan will also include pre-blast surveys for any wells within 800 m of a blasting location. This will be completed to ensure that there is no change in water quality or yield at wells within 800 m of a blast. if there is a proven negative effect on water quality or yield of a well within 800 m of a blast, Bear Lake Wind will re-establish or treat the affected well. A sediment and erosion control plan and a surface water management plan are required to be developed prior to project commencement. These plans will apply to site preparation and construction activities and will outline the locations of sediment and erosion control structures (e.g., sediment fence, rock check dams) and mitigations. During construction, environmental monitors will ensure sediment and erosion control structures are properly installed and maintained so that no sediment is released into the environment.
What type of impact will blasting have on the uranium deposits in the ground, ie. well water contamination and air pollution?	Risk mapping shows the Study Area and surrounding area is predominantly in a "High Risk" region for arsenic and uranium containing bedrock formations. The risk is related to drilled potable water supply wells constructed within the underlying bedrock formations (Drawings 7.6 and 7.7 of the EA). Construction activities involving blasting have the potential to impact the quality and quantity of nearby groundwater supply wells depending on the proximity of the water wells and the extent of the disturbance. For this Project, only shallow disturbance of surficial materials is anticipated based on the requirements for road construction and upgrades, and installation of foundations, thus reducing the risk to groundwater. Furthermore, blasting will only be required in specific areas where very

	shallow bedrock exists. Geotechnical investigations are currently being completed across the Project Area to evaluate locations that may require blasting. Where blasting is required, pre-blast surveys will be completed in accordance with the provincial Procedure for Conducting a Pre-Blast Survey which will identify existing structures and wells within 800 m of any planned blasting activity. If there is a proven negative effect on water quality or yield of a well within 800 m of a blast, Bear Lake Wind will reestablish or treat the affected well. In relation to air pollution, chemical uranium found in bedrock is not volatile, and therefore, the risk of exposure via inhalation is low.
What steps will be taken to address the presence of uranium in the area	The use of existing road networks, siting in previously disturbed areas, and use of existing right of ways were prioritized, to the extent possible, to minimize the Project's disturbance to the geologic environment/interaction with uranium containing bedrock. For blasting activities required for the Project and within high-risk areas for uranium containing bedrock, a Blasting Management Plan will be developed to address blasting procedures, blasting safety, monitoring, and best management practices. Where blasting is required, pre-blast surveys will also be conducted to identify and perform water quality testing for wells within 800 m of any planned blasting activity. Water quality testing at individual wells is completed to establish baseline/existing conditions; if there is a proven negative effect on water quality or yield of a well within 800 m of a blast, Bear Lake Wind will reestablish or treat the affected well. An Erosion & Sedimentation Control Plan will also be developed for the Project, which will include mitigation and control measures to ensure disturbed material (from blasting, construction, etc.) does not migrate off-site.
What is the land that will be used during construction and operation of the site?	During the construction and operation of the site, the land use will undergo changes. Initially, an estimated 250-650 acres of tree clearing will be required across the entire project. This figure will be further refined as detailed engineering progresses. This clearing represents approximately 4-13% of the total project area. Additionally, new roads totaling around 16 kilometers will be constructed, while approximately 25 kilometers of existing roads will be utilized and upgraded to meet site requirements. The total operational footprint is estimated to cover roughly 130 acres, which accounts for **less than 1% of the leased land** for the project. Each turbine footprint will occupy up to 0.3 acres. The final width of roads will be 5 meters, expanding to 11 meters when including shoulder, ditch, and distribution poles.
Siting of transmission line on private property	We are still in the design and planning stages for the routing of the collection and transmission lines. Based on our original design assumptions we anticipate that the medium voltage lines will connect at the substation, which is located East of Armstrong Lake West Road.

	A high voltage transmission line will then leave the substation and run parallel to the Armstong Lake West Road, crossing the Armstong Lake East Road and running East of Middle Lake where it will connect to a switching station and then tie into the existing 138kV transmission line. We are still in the stages of speaking with landowners and securing land easements to allow for this line to be constructed across privately owned land. Upon receiving notice from a local resident that we were planning infrastructure on their property before ever having spoken to him, a surveying team was sent to confirm the accuracy of property lines in the project area. It was found that there were many inaccuracies in the provincial parcel data which was the basis for the original transmission line siting. Bear Lake Wind Ltd. has no intention of commencing construction activities on land for which it does not have rights and will work to acquire all necessary land rights.
With this land use, what is the impact on large mammals (i.e. deer)?	Habitat loss and fragmentation has been minimized by designing the project layout to utilize existing access roads to the extent practicable and from siting turbines (7 of 15) within previously disturbed habitat. Although minimized, habitat loss will still occur. Sensory disturbance from project development (particularly during the construction phase of the project) is also expected, which may disturb wildlife. Noise from forestry activities and recreational activities currently exist, therefore, impacts from sensory disruptions caused by the project are anticipated to be low. Per Condition 6.5 of the Environmental Assessment Approval, Bear Lake Wind is required to complete two years of monitoring for mainland moose during operations.
Who pays for the environmental studies completed on the site?	All environmental studies, including those already completed and those required to be completed, are paid for in full by Bear Lake Wind. Strum Consulting is a leading environmental consultancy that is entirely Atlantic Canadian-owned and operated with over 150 environmental, engineering, and surveying professionals across eight offices. Strum is proud to maintain an industry-recognized, outstanding reputation for delivering practical and solutions-oriented approaches to problem-solving. Quality assurance is an integral part of project delivery, and as such, is continuously applied throughout the work Strum undertakes. Strum has established relationships with regulators and a defined program of quality control to ensure the collection of meaningful and scientifically defendable work procedures, data collection, documentation protocols, and training that meets federal and provincial standards/guidelines.
What is the impact on the property value in the area?	Much research examining the impacts of wind projects on property values has been carried out through the years. Community demographics and wind facility characteristics are site-specific, and effects on property values often largely depend on perception of visual impacts. While several studies have indicated that even large-scale wind farms have no significant impacts on

	property values, a recent peer-reviewed study using a 133-turbine wind farm in a rural community in Ontario has shown that, although the wind farm did not generally affect property values, the value of individual properties in close proximity to wind turbines can be negatively affected based on lack of community support (Vyn, 2015). Another recent study in the US indicated that property values may decrease during construction only to have a subsequent increase once operation begins (Brunner and Schwegman, 2022). That said, the most recent and comprehensive study on property values was published this year by Brunner et al. (2024) of the Lawrence Berkley National Laboratory. It compared data on commercial wind turbines and residential property transactions between 2005 to 2020 in both urban and rural areas across the United States. The study found that there was indeed a negative impact on property values (~11%) for those homes located within 2.4 km of a wind turbine **in an urban area with a population of greater than 250,000 people**. However, **there was no impact on property values found in rural (agricultural and forested) areas** with homes in proximity to wind turbines (population <250,000). Given that West Hants has a population of ~15,000 people, it is unlikely that there would be any negative impact of property values in the area of the Project (Brunner et al., 2024).
How will the development of the wind farm impact the enjoyment of this area?	Access to project lands are not anticipated to be restricted, therefore, recreational activities (e.g., ATVing and hunting) that are currently undertaken on site may continue throughout the life of the project. During the construction phase of the project, there will be temporary access limitations for public safety. Activities, such as hunting, undertaken on project lands during operations must comply with provincial hunting and safety regulations. The image below has a 402 meter radius drawn around the turbines, as per provincial legislation, hunting with rifle is not permitted within 402 meters of a place of work. The area outside of that, predominately on crown land, hunting activities would still be permitted. *Firearm and Bow Regulations made under Section 113 of the Wildlife Act R.S.N.S. 1989, c. 504* *Discharge of firearm/bow near buildings 11* *(2) No person shall at any time hunt, take or kill or attempt to hunt, take or kill wildlife with a firearm loaded with a rifle cartridge, single ball or slug or discharge a firearm loaded with a rifle cartridge, single ball or slug within 402 metres of a dwelling, playground, golf course, athletic field, woods operation, place of business, agricultural building or public building other than a school. Subsection 11(2) amended: O.I.C. 95-499, N.S. Reg. 96/95; O.I.C. 96-460, N.S. Reg. 109/96; O.I.C. 2015-239, N.S. Reg. 284/2015.*



What are the concerns with infrasound and wind turbine syndrome?	The concerns surrounding infrasound and wind turbine syndrome are often raised in discussions about wind farm developments. However, a comprehensive review of scientific literature and studies provides evidence that these concerns may not be supported by empirical data: • Infrasound Levels: Studies consistently show that the levels of infrasound emitted by wind turbines are typically within background levels and well below thresholds that could cause health impacts. Despite being emitted by wind turbines, infrasound levels are generally lower than those from common natural and anthropogenic sources like ocean waves, thunder, and road traffic. • Health Studies: Several extensive studies, including Health Canada's Wind Turbine Noise and Health Study, have been conducted to understand the potential impacts of wind turbine noise on human health and well-being. These studies involved large sample sizes and comprehensive assessments of various health indicators. Overall, they did not find a significant correlation between wind turbine noise exposure and adverse health effects beyond annoyance. • Scientific Findings: Scientific literature, including peer-reviewed studies and comprehensive reviews, consistently

	suggests that wind turbine noise, including infrasound and low-frequency noise, does not pose unique health risks to people living near wind turbines. Studies have found no evidence supporting the existence of wind turbine syndrome or a causal relationship between wind turbine noise and adverse health outcomes. • Regulatory Standards: Existing regulatory standards for wind turbine noise, typically based on audible noise levels (dBA), are considered effective in protecting human health. These standards are supported by scientific research and are designed to ensure that wind farm developments are compatible with surrounding communities. In summary, while concerns about infrasound and wind turbine syndrome are understandable, scientific evidence suggests that the health risks associated with wind turbines are minimal. Comprehensive studies, regulatory standards, and scientific consensus support the conclusion that wind turbine developments can coexist with communities without significant adverse health impacts.
What is the project's commitment to ADLS?	The project has been evaluating different aircraft detection lighting systems (ADLS) for use on the turbines. This system works by using a radar to monitor the airspace and when an aircraft is detected within 3-4 nautical miles, the obstruction lights are turned on. Once the aircraft has passed the wind farm, the lights turn off. In some instances, this system can be capable of reducing the presence of red lights by as much as 95% on the nights sky. This system would require approval from Transport Canada but these systems are currently used on several projects in both the US and Canada. The Bear Lake Wind Project is committed to the installation of an ADLS system based on its approval from Transport Canada.
What commitment has been made to the local fire departments?	The project team met with the local Fire Chief to understand his concerns and considerations regarding the Bear Lake wind project. We're dedicated to collaborating with local departments to ensure compliance with all local and provincial regulations. We'll develop our site emergency response plan with input from these departments and take necessary measures to prevent and mitigate fires during both construction and operation.
What fire protection will be included in the turbines and onsite?	The fire protection measures incorporated into the Nordex turbines include passive fire protection systems such as a lightning protection system, voltage overload protection systems (fuses & breakers), and temperature detection systems (PT100s). Additionally, the project is evaluating the use of fire detection and suppression systems, and ongoing dialogue with the local Fire Chief will continue on this topic. Furthermore, the site will adhere to an emergency response plan (ERP) throughout both construction and operations. This ERP will ensure that all personnel are adequately trained to handle emergencies, including fire incidents, covering aspects like preparedness, early detection and

	notification, response coordination, evacuation procedures, resource allocation, and risk assessment and mitigation. Additionally, all personnel will be required to carry ABC fire extinguishers in their trucks and have them readily available up tower during work activities.
What is the GHG analysis on the site and the energy offset (i.e. Section 7.15 in the EA)	The Project's GHG analysis is presented in Section 7.15 in the EA and was completed in accordance with NSECC's Standards for Quantification, Reporting, and Verification of Greenhouse Gas Emissions (2020) and the International Standard ISO 14064 (2019). The GHG analysis concluded that the Project will have a net positive effect on the GHG environment; the Project's will generate GHG primarily during the construction phase, but the Project is anticipated to have a **0.2-year payback period to offset the construction-related GHG emissions**. The GHG emission reduction over the Project's lifespan (35 years) is expected to **be 5,612,146.60 tonnes of carbon dioxide equivalent (tCO_2e)**.
How do we know the turbines are suitable for the area and wind?	Understanding the suitability of turbines for an area's unique environmental conditions, like wind patterns and terrain, is a critical aspect of wind energy development. To ensure this, a comprehensive assessment is conducted using industry-standard practices, which is standard practice across all Original Equipment Manufacturers (OEMs) in the wind energy industry. The assessment starts by looking at long-term weather data gathered from specialized equipment like met masts. These tools give detailed info on things like wind speed, how wind is spread out, how turbulent it is, and the air's density. The data is the carefully analyzed, often using methods like the Measure-Correlate-Predict (MCP) technique, to make sure it's accurate and reflects what we can expect in the long run. Additionally, factors like terrain characteristics, forestation, and other environmental factors, outlined in industry standards are carefully considered. Sophisticated modeling techniques are then applied to predict both normal and extreme wind conditions, accounting for factors like terrain complexity and wake effects. Importantly, uncertainties inherent in the modeling process, such as measurement errors and data quality, are thoroughly addressed to ensure the reliability of the results. The outcome of this assessment provides a clear indication of whether the selected turbines meet or exceed the design requirements specified in industry standards, such as the IEC 61400-1. Moreover, OEMs typically propose operational strategies tailored to the specific wind conditions of the site, aiming to optimize turbine performance and ensure structural integrity. These strategies involve adjusting turbine operation in response to wind direction and speed ranges, effectively managing wind sector effects and minimizing mechanical loads caused by turbulence and wake effects. In conclusion, the process of assessing turbine suitability for a particular area's wind conditions is a standard practice adopted by all OEMs in the industry. Through meticulous analysis, adherence to industry standards, and the implementation of tailored operational strategies, we can confidently

	conclude that the chosen turbine model, Nordex N163/5.9MW, is indeed suitable and safe for the Bear Lake site area and its wind conditions.
How does the project benefit local people as opposed to FN partners and owners?	In addition to the tax revenue for the municipality, which in this case is ~$545,000 per annum for the WHRM for the life of the project, there will be annual voluntary community benefits paid out directly to individuals and allocated in part by the Community Liaison Committee. Firstly, $70,000 will be paid directly to residences as proximity payments to offset their electricity bills and the rising cost of living. If the site layout remains the same, there are 57 civic addresses within 1.5km from the site, that will receive an annual payment of approximately $1,200 for the life of the project (35 years). Secondly, there will be an annual vibrancy fund of $20,000 that can be allocated by the CLC to local groups, causes or infrastructure to enhance the community. The vibrancy fund is managed and allocated by the community. Finally, there is $50,000 in scholarships for local applicants wanting training and education in renewable energy or environmental science.
What is the plan for Armstrong Lake West Road and the second access and egress point?	Armstrong Lake West Road will be used initially as a supplementary access road during the construction phase and will be upgraded accordingly. Once the main access are established, Bear Lake Wind does not anticipate the road will be used as a site road or primary access road. The Project commits to repair, in a timely manner, any damage cause by us or contractors to any portion of the road and leave it in a standard at least equal to or better than the condition at the start of construction. Furthermore, Bear Lake Wind commits to ensure a secondary emergency access and egress route through the site to Highway 14 for the residents of Chalet Hamlet in the event of an emergency. Additionally, the Project is working with Chalet Hamlet and other local landowners to determine mutually beneficial arrangements and good neighbour contributions for ongoing road maintenance.
What are the projects impacts on wetlands?	Bear Lake Wind followed the mitigation hierarchy by first, designing the project to avoid impacts to wetlands to the extent possible followed by minimizing wetland impacts. The Environmental Assessment identifies 77 wetlands impacted by the project layout, which may be reduced during final project design. Wetland alteration approval permits will be obtained from Nova Scotia Environment and Climate Chane prior to alteration. All approval terms and conditions will be followed, and Bear Lake Wind will work with a wetland restoration specialist to compensate for wetland area lost from the development of the project.
How could wind turbines affect those with Autism and Sensory Processing Disorder (ASD/Autism)?	Autism is a neurodevelopmental disorder that includes impairments in language, communication skills and social interactions that is combined with restricted and repetitive behaviours, interest or activities. Because each person with ASD is unique this condition is named a “spectrum” disorder, where ones’ abilities and deficits can fall anywhere along a spectrum. There is no question that it is a life-long complex condition that impacts not only the child with ASD, but their families, caregivers and the community.

	In 2018, the Public Health Agency of Canada (PHAC) released a report on Autism Spectrum Disorder Among Children and Youth in in Canada (PHAC, 2018). They reported that 1 in 42 males (2.4%) between the ages of 5 – 17 years old were diagnosed with ASD. We understand people's concerns that wind turbine sound, shadow flicker and even the spinning of the turbines themselves could be challenging for those with autism. There are over 300 operating wind farms in Canada with an installed capacity of wind generation 13,413 MW in 2019. There are over 300 operating wind turbines in Nova Scotia. Given the prevalence rate of Autism in the Canadian population it is reasonable to assume that there are a number of children with ASD living around existing wind projects. With over 80,000 operating wind turbines in North America this is all but a certainty. A search of the National Libraries of Medicine PubMED database did not return any results for autism, ASD, ADHD and wind turbines. Therefore, there has been no peer-reviewed published studies that have found children with ASD or ADHD have been impacted by living in proximity to wind turbines. This is certainly an issue Dr. Ollson has dealt with over the past fifteen years of researching potential health effects of living in proximity to wind turbines and talking with concerned parents in areas of proposed wind projects. A search of the Internet reveals that there were a few parents worried about their ASD children's response to proposed wind projects (mainly in the early 2010s). However, Dr. Ollson cannot find even anecdotal evidence to suggest that this fear has manifested into actual effects once projects are built. Dr. Ollson has worked on a number of wind projects where concerns were raised by parents for their children with ASD and have spoken to these families prior to the permitting phase of the project. To the best of his knowledge, they have not filed complaints once projects become operational. Note that all turbines in the Bear Lake Wind Project will be located greater than 1 km from everyone's home. At this distance sound levels will be <40 dBA (a low noise level) and shadow flicker will be kept to <30 hours a year and <30 minutes at a time. These are very stringent standards for operating wind project and the vast majority of homes will experience levels far lower. Infrasound has not been demonstrated to impact autism, even at levels far greater than would be emitted from the turbines. Although we can understand parents' concerns for their family's health, there is nothing in the scientific literature to suggest that children with ASD are impacted by the operation of wind turbines. Residents with concerns about their child's autism are encouraged to reach out directly to Bear Lake Wind representatives for further discussion.
What are the decommissioning plans and how much does it	Bear Lake Wind will meet all decommissioning bond requirements as set out by the Development Agreement which will be reviewed and voted on by municipal councillors. The decommissioning bond will be a form of financial

cost? Who will hold the bond?	security set aside to cover decommissioning costs so that in any scenario including a sale of the projects, funds remain available to cover the cost of taking down the associated infrastructure.

From:	Abraham Zebian
To:	Protect Vaughans Community
Cc:	Mark Fredericks; Mark Phillips; Alexander Dunphy; Jim Ivey; Vanessa Lake; Shelleena Thornton; Rupert Jannasch; Mark McLean; Scott McLean; Jeff Hartt; Debbie Francis; Bob Morton; Ed Sherman; Paul Morton; John Smith; Laurie Murley; Deanna Snair
Subject:	Re: Comment Submission For The Bear Lake Wind Farm
Date:	Monday, April 22, 2024 12:01:47 PM

On Apr 22, 2024, at 12:00 PM, Protect Vaughans Community wrote:

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

Good morning Mr. Fredericks,

I will keep this brief as I understand the responses are meant to be from the public and not community groups.
That being said, I have been requested by 17 resident's to submit an email on their behalf as they do not have access to emails or the internet.
They have requested me to advise planning staff and council that they are undeniably against destroying their property values, heritage and environment for a private organization on public/crown land.

Sincerely,
Steve Hart, (on the behalf of residents who cannot email.)

Correspondence Received

First Name	Last Name	Correspondence Date	Meeting / logged
Katherine	Mcleod, P.Eng, Dept. Environment and climate change	2021-10-28 (Received)	2022-01-11 COTW
Hants County Legion		2021-11-25	2021-12-07 COTW
Hon. Melissa	Sheehy-Richard	2021-11-30	2021-12-07 COTW
Hon. John	Lohr	2021-11-30	2021-12-07 COTW
Hon. Kim	Masland	2021-12-01	2021-12-16 Council
NSUARB		2021-12-10	2021-12-16 Council
Bennet	Mary Lou	2021-12-13	2021-12-16 Council
Hon. Kim	Masland	2021-12-17	2022-01-11 COTW
Bland	Lisa	2021-01-17	2022-01-11-COTW
Wilson	John	2021-12-21	2022-01-11 COTW
Pineo	Shirley	2021-12-17	2022-01-11 COTW
Nelson	Gary	2022-01-11	2022-01-25 Council
Hon. Kody	Blois	2022-01-13	2022-01-25 Council
Denise	Forand	2022-01-19	2022-01-25 Council
Dawn	Allen	2022-01-18	2022-01-25 Council
Sarah	Brothers	2022-01-19	2022-01-25 Council
Roland	Newcombe	2022-01-20	2022-01-25 Council
Valerie	Newcombe	2022-01-20	2022-01-25 Council
Andrea	Moore	2022-01-21	2022-01-25 Council
Gary	Nelson	2022-01-26	2022-02-08 COTW
Hon. Minister	Johns	2022-01-27	2022-02-08 COTW
Hon. John	Lohr	2022-02-01	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Kim	MacQuarrie	2022-02-06	2022-02-22 Council
Sheldon	Hope	2022-02-08	2022-02-22 Council
Brad	Carrigan	2022-01-24	2022-03-08 COTW
Dr. Gordon	Haliburton	2022-02-14	2022-03-08 COTW
Hon. Kim	Masland	2022-03-01	2022-03-08 COTW
East Hants		2022-03-01	2022-03-08 COTW
Hon. John	Lohr	2022-03-22	2022-04-12 COTW
Andrea	Parker	2022-03-28	2022-04-12 COTW
Bulk Water Haulers		2022-03-30	2022-04-12 COTW
Mark	Wainman	2022-04-04	2022-04-12 COTW
Jeff	Houser	2022-03-23	2022-04-12 COTW
Kathrin	Winkler	2022-04-05	2022-04-12 COTW
Joseph, PVSC	Feeney	2022-04-14	2022-04-26 Council

Darren	Porter	2022-04-21	2022-04-26 Council
Daphnee	de Lamirande	2022-04-29	2022-05-10 COTW
Hon. John	Lohr	2022-05-02	2022-05-10 COTW
Ann- Marie	Mathieu, Annapolis Valley Regional Library	2022-05-05	2022-05-10 COTW
2022-05-11 Yves	Arsenault re Information session for Hosting of 44th annual Final des Jeux de l'Acadie for 2025	2022-05-11	2022-05-26 Council
Anna	Allen	2022-05-22	2022-06-14 COTW
Seamus	Marriott, Community Petition re Zwicker lake	2022-05-31	2022-06-14 COTW
Scott	Carson (Presenting letter in person to Council)	2022-06-03	2022-06-14 COTW
Hon. John	Lohr (DMA)	2022-06-10	2022-06-14 COTW
Nancy	Sherwood	2022-06-14	2022-06-28 Council
Bobby	Best	2022-06-16	2022-06-28 Council
Hon. Kim	Masland	2022-06-21	2022-06-28 Council
Sherri	Bulger	2022-06-28	2022-06-28 Council
Hon. John	Lohr	2022-06-30	2022-07-12 COTW
Domenic	Padula	2022-07-07	2022-07-12 COTW
Hon. Joyce	Murray	2022-07-12	2022-07-26 Council
Diana	Gibson re: RCMP & Fort Edward Information	2022-06-29	2022-07-26 Council
Acute Care	Tanya Penney	2022-07-19	2022-07-26 Council
Darren	Porter	2022-07-27	2022-09-13 COTW
PVSC		2022-08-02	2022-09-13 COTW
DMA		2022-08-04	2022-09-13 COTW
Breaking Barriers Together		2022-08-17	2022-09-13 COTW
Bill	Preston	2022-08-18	2022-09-13 COTW
Alix	Munro (POSSE)	2022-09-01	2022-09-13 COTW
County of Annapolis	Letter to Premier Tim Houston and Hon. Tim Halman re Moratorium on Aerial Herbicide Spraying	2022-09-14	2022-09-27 Council
Darren	Porter	2022-09-14	2022-09-27 Council
Darren	Porter	2022-09-16	2022-09-27 Cour

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

Graham Sandford	Re: response to outstanding concerns sent after the presentation to Council on December 13th, 2022.	2023-01-09	2023-01-10 COTW
Graham Sanford	Re: File to Rezone Lots along Bog Road	2023-01-24	2023-01-24 Council
Nova Scotia Department of Public Works Request	Re: Pothier Motors Crosswalk Request	2023-02-03	2023-02-14 COTW
Windsor Township Business Association	Re: Expression of Thanks and Continued Conversations	2023-02-09	2023-02-14 COTW
Hants County Federation of Agricultural and the Great Falmouth Marsh Body	Re: Remaining ACOA funds	2023-02-23	2023-02-28 Council
Seamus Marriot (Zwicker Lake Property Owners)	Re Permit Clarification	2023-02-17	2023-03-14 COTW
Windsor Lions Club	Re Tourist Bureau Park Request	2023-02-23	2023-03-14 COTW
Carrilee Eddy	Re Affordable Housing	2023-02-28	2023-03-14 COTW
Graham Sanford	Re: Don't Be The Dirt Advocacy Presentation	2023-02-28	2023-03-14 COTW
Andrew Hardman	Re 997 Highway 14 Distribution Depot - Trans-World Concerns	2023-03-02	2023-03-14 COTW
Seamus Marriot (Zwicker Lake Property Owners)	Re Permit Clarification	2023-03-02	2023-03-14 COTW
FCM Executive Decision	Re Green Municipal Fund application	2023-03-03	2023-03-14 COTW
Avondale Hall	Re Floor repair and renovation request	2023-03-08	2023-03-14 COTW
Letter From Private Road Development	Re Petition for Waste Collection Services	2023-03-09	2023-03-14 COTW
Hon. Greg Morrow	Response to Expenses incurred due to fencing	2023-03-14	2023-03-28 Council
Sarah Reddington	Re Hantsport Memorial Community Center and Pickleball Facility	2023-03-14	2023-03-28 Council
Core Committee - Zwicker Lake Property Owners	Re Permit Clarification	2023-03-14	2023-03-28 Council
Hantsport Community Rep	Re: Apple Blossom Festival Sponsorship Request	2023-03-15	2023-03-28 Council
MLA Sheehy-Richard	Request for a Nomination for the Order of Nova Scotia	2023-03-15	2023-03-28 Council
VREN I	Re Response to continued partnership and IMSA	2023-03-16	2023-03-28 Council
NS Power	Re Avon Hydro System Relicensing	2023-03-20	2023-03-28 Council
Public Health	Re New alcohol guidance on harms and risks for residents	2023-03-20	2023-03-28 Council
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
Barry Maxner	Re No replies - Concerns with the Pisiquid Canoe Club.pdf	2023-06-23	2023-06-27 Council
Honourable Timothy Halman	Response Re Coastal Protection Act	2023-06-25	2023-06-27 Council
Core Committee Zwicker Lake Property Owners	Re Seeking clarity	2023-06-27	2023-06-27 Council
Core Committee Zwicker Lake Property Owners (Seamus Marriott)	Re Seeking clarity	2023-06-29	2023-07-11 COTW
Lisa Bland	Re Safety Measures during this Emergency (Request)	2023-06-30	2023-07-11 COTW
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 NSFM Re Cellular Coverage (WHRM copied)	2023-10-11	2023-10-24 Council
Glen LeBlanc	Re Poor Cellular Service	2023-10-13	2023-10-24 Council
Letter mailed to WHRM	Re 35 William Street Developer	2023-10-16	2023-10-24 Council
Response from Maria Medioli	Re King’s Meadows (WHRM copied)	2023-10-17	2023-10-24 Council
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

	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

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

Keith Aucoin	Re Excessive Property Evaluation	2024-02-17	2024-02-27 Council
Wine Growers NS	Re Letter to the Premier Re Consequences of the Government of Nova Scotia's Commercial Wine Support Program	2024-02-22	2024-02-27 Council
Mimi O'Handley	Re Coastal Announcement from the Province	2024-02-26	2024-02-27 Council
Letter from the Province to Mayors, Wardens, Councillors	Re Coastal Protection	2024-02-26	2024-02-27 Council
Letter from Chief Paul	Letter to West Hants Council Re Bear Lake Wind Farm	2024-02-27	2024-02-27 Council
Lloyd Blagdon	Re Windmill project Vaughan	2024-02-27	2024-02-27 Council
From HCCC#1 Board of Directors	Re Canyon Point Road Community Temporary Laneway Flooded	2024-02-29	2024-03-12 COTW
Peter Moore	Re Capped Property Assessment (WHRM copied)	2024-02-29	2024-03-12 COTW
Randy Hussey	Re Underwood Road Traffic Safety Issue	2024-03-07	2024-03-12 COTW
Jennifer Moore	Re Home Flood Protection Program Information Report	2024-03-12	2024-03-12 COTW
Avon River Heritage Society	Re Flooding March 11th, 2024	2024-03-12	2024-03-26 Council
Jennifer Moore	Re Information Report Home Flood Protection program	2024-03-12 and 13th	2024-03-26 Council
Maryann Norbury	Re Payzant Drive Extension	2024-03-12	2024-03-26 Council
Dorothy Read	Re Opposition to Willow Street rezoning application	2024-03-14	2024-03-26 Council
Royal Canadian Legion, Hants County Branch No. 9	Re Grant for Veteran Banner Program	2024-03-14	2024-03-26 Council
Joe Alcorn and Donna Smith	Re Payzant Road - Roundabout or Extension	2024-03-18	2024-03-26 Council
Judi Wilson	Re Payzant Connector Road	2024-03-19	2024-03-26 Council
Response to Mr. Hussey from MLA Sheehy-Richard	Re Underwood Road Traffic (WHRM copied)	2024-03-19	2024-03-26 Council
Cathy and Dave Pemberton	Re New builds - roads	2024-03-20	2024-03-26 Council
Jamie Leopold	Re Safety Concern at the West Hants Sportsplex	2024-03-21	2024-03-26 Council
Emme Manuel	Re Open Arms New Outreach Program	2024-03-21	2024-03-26 Council
Petition from Hantsport Residents	Re: Request to defeat Williow Street Application	2024-03-21	2024-03-26 Council
Kim and John Olejnik	Re Payzant Drive extension over to Hwy 1, (sometimes referred to Hwy 14)	2024-03-25	2024-03-26 Council
Jeanette Poirier	Re Payzant Drive Extension	2024-03-25	2024-03-26 Council
Avon River Heritage Society Newport Landing	Re Flooding	2024-03-25	2024-03-26 Council

Correspondence Received

Memo to Council	Re voting and Planning matters	2024-03-25	2024-04-09 COTW
Gail Stone	Re The Crossing	2024-03-26	2024-04-09 COTW
Krista Beeler	Re Dykeland Lodge - Correspondence Request - Secondary Emergency Road	2024-03-26	2024-04-09 COTW
Peter Moore	Re Suggestions for Windsor Flood Zone crisis.	2024-03-26	2024-04-09 COTW
Steve Hart	Re Official correspondence to counsel requesting URGENT funding	2024-03-26	2024-04-09 COTW
Hon. Minister John Lohr	Re Emergency Management	2024-03-28	2024-04-09 COTW
Hon. Minister John Lohr	Re Service Exchange	2024-03-28	2024-04-09 COTW
Merve Ferguson	Re March 26th Council Meeting Concerns	2024-03-28	2024-04-09 COTW
Karen Prince	Re Wind farms	2024-03-30	2024-04-09 COTW
Anne Jodrey	Re Protect Vaughan	2024-04-02	2024-04-09 COTW
Elizabeth Skelhorn	Re Protect Vaughan	2024-04-02	2024-04-09 COTW
Andrea Lynn	Re Vaughans Windfarms	2024-04-03	2024-04-09 COTW
Richard Murphy Re Speeding	Re Speeding	2024-04-03	2024-04-09 COTW
David & Carolyn Borden	Re PID 45218658, Armstrong Lake East, Vaughan	2024-04-04	2024-04-09 COTW
Duane and Shirley Walker	Re Bear Lake Windfarm	2024-04-04	2024-04-09 COTW
MLA Response to Kim Lake	Re Newport Landing Flooding (WHRM copied)	2024-04-05	2024-04-09 COTW
Shirley Walker	Re Further Point on the Bear Lake Windfarm	2024-04-07	2024-04-09 COTW
Greg Hazel	Re ATV proposal	2024-04-07	2024-04-09 COTW
Alva Construction Limited	Re Hartville Quarry Expansion, 783 Ellershouse Road, Windsor West Hants	2024-04-03	2024-04-09 COTW
Michael Hackett	Re Information Council Meetings	2024-04-11	2024-04-23 Council
Honourable John A. Lohr Re Canyon Point	Re Canyon Point	2024-04-12	2024-04-23 Council
Public Works Minister Kim Masland	Re Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year 2024-25	2024-04-12	2024-04-23 Council
D Forand	Re Armstrong Lake OS	2024-04-13	2024-04-23 Council
Angela Hiltz	Re Landfill	2024-04-13	2024-04-23 Council
Edward Edelstein Letter to West Hants Municipality	Re Regarding the Proposed Development Agreement for Lot W-7 A Gray Street, Windsor NS	2024-04-15	2024-04-23 Council

Correspondence Received

Jennifer Moore	Re Dashboard item - sewer odour	2024-04-15	2024-04-23 Council
Troy Harvie	Re Payzant Drive roundabout	2024-04-16	2024-04-23 Council
Michael Langois	Re Payzant to King Connection	2024-04-18	2024-04-23 Council
Deputy Minister Byron Rafuse	Re CCBF Funding	2024-04-19	2024-04-23 Council

From: Abraham Zebian
To: Deanna Snair
Subject: Fwd: Council Meetings
Date: Thursday, April 11, 2024 11:33:34 AM

From: Mike Hackett [redacted]
Date: April 11, 2024 at 10:56:16 AM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Subject: Council Meetings

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

I am concerned about the fact that West Hants Regional Municipality does not publish items for upcoming meetings in the Chronicle Herald, East Hants and Kings County does. Does the council not care for input from its residents? It is evident that our district is growing and with growth comes growth problems and it is up to council to keep ahead of the problems before it is beyond the financial capabilities of West Hants. There is a strong building growth in our area and this will put a strain on the infrastructure of West Hants and mainly the town of Windsor. All this extra traffic is going to lead to problems without better traffic control, it should not take a year to make a decision on how to make an intersection safe.

Michael Hackett
[redacted]

NOVA SCOTIA

Municipal Affairs and Housing
Office of the Minister

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902-424-5550 Fax 902-424-0581 • novascotia.ca

April 12, 2024

Your Worship Abraham Zebian
Mayor
West Hants Municipality
Via Email: azebian@westhants.ca

Dear Mayor Abraham Zebian:

Thank you for your email of April 2, 2024, requesting that the Emergency Management Office increase the funding for Canyon Point Resort from $77,966 to $200,000 to assist with bridge repairs.

I am happy to report that the Emergency Management Office working in conjunction with our engineering resources, Alex Cocker, Treasurer of Canyon Point Resort and Anthony Blencowe, President of Canyon Point Resort, has been able to increase the disaster assistance funding to $165,677. Both Alex Cocker and Anthony Blencowe have been advised of the increased funding made available for the required repairs.

Thank you for your interest in this matter as your community continues to recover from last year's devasting flood.

Sincerely,

Honourable John A. Lohr
Minister of Municipal Affairs and Housing

NOVA SCOTIA

Public Works
Office of the Minister

PO Box 186, Halifax, Nova Scotia, Canada B3J 2N2

His Worship Abraham Zebian
Mayor of West Hants Regional Municipality
76 Morison Drive
Box 3000
Windsor, NS B0N 2T0

Dear Mayor Zebian:

Re: Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year 2024-25.

Thank you for your Municipality's submission under the Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year 2024/25.

We are pleased to inform you that the roads listed below has been approved under this program:

Road Name	Description	KM's	Total Cost Estimate (excludes HST)	Cost Share Estimate (excludes HST)
Etter Road	from Trunk 14 West to Route 215 East, paving	0.25	$150,000	$75,000
Etter Road Extension	from Etter road to end of listing, paving	0.963	$576,000	$288,000
Church Hill Drive	from Trunk 14 to Etter Road, repaving	0.103	$36,000	$18,000
Total		**1.32**	**$762,000**	**$381,000**

Under the terms of Cost Share Agreement 2023-022, the Municipality has agreed to notify the Department within 20 Business Days from the time of receipt, whether it accepts the list of approved projects and the cost estimates. If a notice of acceptance is not received within this time, the Municipality is deemed to not accept the list of approved projects and the cost estimates, and the Province will proceed no further with these projects.

Due to program limits, the Department will not be able to proceed with Lakewood Drive, Lakewood Drive Extension, Leighton Drive, Chalet Crescent, Elm Court, and Elm Drive. The Municipality may wish to re-submit these candidates for the 2025-26 program under the terms outlined in the Cost Share Agreement.

If you choose to accept the list and cost estimates, please complete, and sign the attached Notice of Acceptance and return to the attention of Laura Cunningham, Capital Program Administration Officer.

Yours sincerely,

Kim D. Masland
Minister of Public Works

c: Todd Richard, Director, West Hants Regional Municipality
Mark Phillips, Chief Administrative Officer, West Hants Regional Municipality
Gary Rafuse, District Director, Central
Matt Clarke, Construction Manager, Central
Laura Cunningham, Capital Program Administration Officer

NOTICE OF ACCEPTANCE:

West Hants Regional Municipality accepts the cost estimates of only the projects listed as "Yes" below for fiscal year 2024-25 and wishes to proceed with construction as per the terms of Agreement 2023-022.

Road Name	Description	KM's	Total Cost Estimate (excludes HST)	Cost Share Estimate (excludes HST)	Accept: Yes / No (please write in)
Etter Road	from Trunk 14 West to Route 215 East, paving	0.25	$150,000	$75,000	
Etter Road Extension	from Etter road to end of listing, paving	0.963	$576,000	$288,000	
Church Hill Drive	from Trunk 14 to Etter Road, repaving	0.103	$36,000	$18,000	
Total		**1.32**	**$762,000**	**$381,000**	

Name (Print): _____

Name (Signature): _____

Title (Print): _____

Date (Print Year-Month-Day): _____

Please ensure the yellow highlighted column is filled in and return signed document via email to:

Laura Cunningham at laura.cunningham@novascotia.ca

From: Denise
To: PublicOnlyCouncilEmail; Mark Phillips; West Hants Planning
Subject: Armstrong lake OS
Date: Saturday, April 13, 2024 3:28:39 PM

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

_____

In regards to PID# 45218658 On Armstrong Lake ,

Please delete this one selected property from going thru the sale process as it should not be the only one out of the long list to be moved before you stopped the proceedings. This land was given to all the landowners as Open Space with usually good reasons. These were all the worst lots for homes hence why they were given to the residents as green spaces for all to enjoy.
Regards, D Forand
Sent from my iPad

From: Abraham Zebian
To: Deanna Snair
Subject: Fwd: Landfill
Date: Saturday, April 13, 2024 8:21:34 PM

From: Angela Hiltz
Date: April 13, 2024 at 8:06:41 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Subject: Landfill

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

I am a resident in west Hants and I do not agree with our municipality buying land to create more landfill to take in garbage from other provinces. This is a hazard for our communities. We have enough garbage to deal with our own, and that's bad enough! Our environment is toxic enough we don't need to add to it! Walton woods road has been **** on enough, they're taking our trees and our oxygen, and now you want to add more toxic air for our residents? Our children who have a future? You're taking away our future if you say yes to this travesty! Say NO!
Sincerely, born and raised in Walton Hants county,
Angela Hiltz

Sent from my iPhone

From: Geome Properties Limited, & EcoGreen Homes

Date: April 15, 2024

TO: Sara Poirier, Director of Planning, Alex Dunphy, Planner, Mayor Zebian & Council, Planning and Heritage Advisory Committee for West Hants Regional Municipality, CAO Mark Phillips

Regarding the Proposed Development Agreement for Lot W-7 A Gray Street, Windsor NS

Every Development Agreement process presents an opportunity for the Town, the Public Community, and the Developer. We are very grateful to have the continued support of Staff and Council for the approved Development Agreements we have presented. Staff's reviews of our proposals found them to be both generally and reasonably consistent with applicable policy and code requirements.

This proposal however directly contravenes most of the **relevant land use policies.** Even worse, its presentation is so incomplete and inaccurate that it is very misleading. As the neighbours directly abutting this proposed project, **we strongly object to this Proposed Development Agreement for Lot W-7 A Gray St.** We are not opposed to development or a Development Agreement on this lot. We do not feel this proposal is in anyone's best interest, including the developer themselves. "**PDA"** is used in this letter to signify this specific **Proposed Development Agreement Application for Lot W-7 A** by Nuvo Architecture.

Although this is the "West Hants Municipality", the documents governing the legislation all use the name "Town of Windsor" as do we. We ask the reader to patiently read through this whole letter to understand the full implications. We hope the planning department will find our comments useful as they undertake a new regional planning strategy and bylaws.

Summary Reasons for Our Objections:

1. The PDA **does not reasonably comply** with relevant portions of the Town of Windsor MPS

2. The PDA **does not reasonably comply** with the Town of Windsor Land Use Bylaws and contains a number of errors and omissions that are misleading and unprofessional

3. The PDA **does not reasonably comply** with the Town of Windsor Architectural Design Manual **requirements** for this Central Residential Architectural Control District Site

4. The PDA will likely **contribute significant additional storm water** runoff in an area prone to flooding and lacking any storm sewer infrastructure

5. The PDA could likely **undermine the new foundations of our re-building of historical Wagners Court** due to its size, proximity and the delicate soil conditions onsite

6. The PDA is **not feasible to build** as proposed and would likely create **significant life safety hazards** with possible financial implications for West Hants

SUMMARY REASON 1 -NON-COMPLIANCE WITH THE TOWN OF WINDSOR MPS

With due respect, we remind Council that in deciding matters related to Development Agreement Proposals, it **must** act as required by the **Planning Section 8 of the Municipal Government Act**. The issues Council are obliged to consider about this proposal are not a matter of personal opinion, of liking or not liking the appearance of a project or its potential nor least of all, opinions about the author, in this case a developer and neighbour. Council is obliged by legislation to reasonably follow all relevant portions of the **Windsor Municipal Planning Strategy (MPS),** the associated **Land Use Bylaw (LUB**) and in this case, its **Town of Windsor Architectural Design Manual.** The **Windsor MPS** speaks in many places about general principles such as:

"the density, scale and architectural design are compatible with neighbouring uses"
"doesn't compromise the residential integrity of the area"
"reasonably consistent with yard standards"
"does not create conflict with neighbouring uses"
"Environmental Constraints"
"diminished flood water capacity"

We maintain that in the case of this PDA, none of these general principles are met. We maintain it will create conflict and harm to the neighbouring uses already in place or under construction if approved.

Relevant Policy of the Windsor MPS:

Policy 5.4.1

It shall be the policy of Council to establish a High Density Residential (R-4) zone which allows multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities.

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:

1. *(a) the proposed use meets one of the following:*

    1. *(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*

2. ***(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;***
3. ***(c) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;***

4. ***(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;***
5. ***(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.***

We maintain that the PDA does not meet any of the BOLDED policy listed above of the Town of Windsor Municipal Planning Strategy Document

In addition, the site can accommodate 19 units AS OF RIGHT without a DA process which is considerable given the location

5.5 Height Provisions (of the Windsor MPS)

There are no residential buildings in Windsor taller than three storeys. **The general intent of the Municipal Planning Strategy is to restrict residential uses to three storeys; however, buildings of more than three storeys may be considered, provided they are compatible with the area.**

Policy 5.5.1

In any residential zone, Council may consider permitting dwellings in excess of three storeys by development agreement, subject to the following conditions:

1. ***(a) the side yards are at least one-half the height of the building;***
2. *(b) the building will in no instance exceed 80 ft (24.38 m) in height;*
3. ***(c) the building design, height and scale is compatible with the surrounding area;***
4. *(d) any other matter which may be addressed in a development agreement; and*
5. *(e)* ***the provisions of Policy 16.3.1 of the Municipal Planning Strategy****.*

We maintain the PDA does not meet the general intent of the MPS 5.5 bolded above
We maintain the PDA does not meet standards 5.5.1- 1.(a), 3.(c), and 5.(e)

Policy 13.0.1 *It shall be the policy of Council to designate Architectural Control Districts in areas of Windsor where there is a concentration of historic or architecturally significant buildings. Architectural Control Districts shall be identified on a map which shall form a schedule to the Land Use By-law (Schedule 'C').*

Policy 13.0.2 *It shall be the intention of Council to adopt an Architectural Design Manual as Schedule 'D' to the Land Use By-law including guidelines and requirements governing the architectural design of new buildings and alterations and additions to existing buildings located within the Architectural Control Districts.*

We maintain that the PDA is in the zone specified by 13.0.1 and that it does not meet the standards or guidelines referred to in 13.0.2

Windsor Municipal Planning Strategy

12.0 ENVIRONMENTAL CONSTRAINTS

An Environmental Constraints Overlay on the Zoning Map (Schedule 'A') will be used to identify lands which are subject to flooding or subsidence, are low lying, marshy or unstable, or have other constraints for development by virtue of soil conditions or topography. This designation includes dyked marshlands where development is regulated under the Nova Scotia Agricultural Marshland Conservation Act.

We maintain that even though this area is not in the "Environmental Constraints Overlay" area mentioned above, **there are significant environmental constraints in this area that should be considered by Planning Staff and Council.**

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

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

(i) the adequacy of sewer and water services;

(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 Town to absorb any costs relating to the development.

(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic

(c) the adequacy of the dimensions and shape of the lot for the intended use

(d) the pattern of development which the proposal might create;

(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;

We maintain the PDA will create problems for:

- **sewers as per (a) (i)**
- **cannot be properly fire protected as per a(iii)**
- **may create financial problems for a(v)**
- **is not adequate for lot area (c)**
- **will set an unwanted precedent for (d)**
- **is not suitable for (e) in terms of soil and geological conditions**
- **will be highly susceptible of flooding -also (e)**

We maintain the PDA does not reasonably meet the intent of Policy 16.3.1 as whole

SUMMARY REASON 2- NON-COMPLIANCE WITH THE WINDSOR LUB:
THE PDA AS PRESENTED HAS ERRORS, OMMISIONS AND IS MISLEADING AS TO WHAT IS REALLY BEING PROPOSED

From Page 32
Town of Windsor **Land Use By-Law**

R-4 Zone General Requirements

11.2 In the R-4 zone, no development permit shall be issued except in conformity with the following:

		Dwellings with more than 6 units, Boarding Houses, Residential Care Facilities	Grouped Dwellings
Minimum lot area		10,000 ft² (929.00 m²) for the first 4 dwelling units **plus** 1,500 ft2 (139.35 m2) for each additional unit	3,000 ft2 (278.70 m2) for each dwelling unit
Minimum lot frontage		100 ft (30.48 m)	100 ft (30.48 m)
Minimum front yard		35 ft (10.67 m)	
Minimum rear yard		35 ft (10.67 m)	
Minimum side yard	**one side**	15 ft (4.57 m) or ½ the height of the main building, whichever is greater	
	other side	5 ft (1.52 m)	
Maximum height of main building		3 storeys	
Maximum height of accessory building		15 ft (4.57 m)	

Summary Table of The Proposed Development Agreement by Nuvo Architecture

LOT W-7A GRAY STREET, WINDSOR, NOVA SCOTIA						
LOT SIZE						32,893 sq'
BUILDING FOOTPRINT						12,384 sq'
LOT COVERAGE						37.7%
FLOOR	FLOOR AREA	COMMERCIAL	1 BEDROOM (ACCESSIBLE UNIT)	1 BEDROOM	2 BEDROOM	TOTAL
		NO.	NO.	NO.	NO.	NO.
GROUND FLOOR	12,250 sq'	0	1	7	2	10
SECOND FLOOR	12,325 sq'	0	1	7	2	10
THIRD FLOOR	12,325 sq'	0	1	7	2	10
FOURTH FLOOR	12,250 sq'	0	0	8	2	10
FIFTH FLOOR	12,250 sq'	0	0	8	2	10

ZONING REQUIREMENT SCHEDULE		
R - 4	REQUIRED	PROVIDED
BUILDING HEIGHT	HEIGHT EQUALS 2 X 25' SETBACK (ALL SIDES)	50' 0"
MINIMUM LOT AREA	20,000 sq'	32,893 sq'
MINIMUM FRONT YARD SETBACK	25'	varies min. 25' 0"
MINIMUM SIDE YARD SETBACK	25'	varies min. 25' 0"
MINIMUM REAR YARD SETBACK	25'	varies min. 25' 0"
RESIDENTIAL USE MAXIMUM	MAX 100%	100%
COMMERCIAL USE MAXIMUM	0 sq'	0 sq'
RESIDENTIAL PARKING	1 space per unit (50 spaces required)	58 spaces
COMMERCIAL PARKING	0	0
OPEN SPACE	-	16,280 sq' GRND FLOOR AND 3,320 sq' BALCONIES

SUMMARY TABLE

Error # 1- Minimum Lot Area Requirement

In the table on page 32, in an R-4 Zone, the Town LUB requirement for a minimum lot area based on the number of units is stated for any multi-unit apartment building.
It states 10,000 sq ft for the first four apartments, and 1500 sq ft for each apartment or dwelling unit after that.

The total lot area is shown as **32,893 sq ft.** and **50 units** are proposed.

The area **required by the Town LUB** is calculated as follows:

10,000 sq ft of lot for the first four units PLUS
46 units in addition) x 1500 sq ft each = 69,000 sq ft

Total required lot area is then 79,000 sq ft. which is 2.40 times the actual lot area

Thus this proposal does not meet the minimum lot area requirement

*Nuvo Architecture "Zoning Requirement Schedule" states that **20,000 sq ft meet the lot area requirement which is totally wrong** according to the R4 requirement table of the LUB and confirmed by my conversation on April 12,2024 with Sara Poirier, Director of Planning*

The PDA does not meet the required lot area for this number of units.

Error # 2- Definition of "Building"

Building means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. Any tent, awning, bin, bunker, platform, vessel or vehicle used for any of the said purposes shall be deemed a building;

Page 76
Town of Windsor Land Use By-Law

Main Building means the building on a lot in which the principal use of the lot is carried out;
Main Wall means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof;

Page 83
Town of Windsor Land Use By-Law

The Windsor LUB definition of **"building"** includes housing of equipment, including vehicles.

The garage is a part of the **"building".** Structural support including all exterior walls is also part of the definition of **"main building**". The exterior walls of the garage form part of the "**main building**." We also maintain that **"structural fill"** in section

The PDA shows the garage housing the elevator, sprinkler and mechanical room all containing "equipment" as well as housing vehicles and as such this underground space is meets the LUB concept of **"building".**

Please note as well Section 8 of the Municipal Governance Act also defines **structure as "building"**

Nuvo Architecture states that the underground parking area ***should not be included as part of the "building"*** *for purposes of* ***SETBACKS*** *and* ***LOT AREA COVERAGE CALCULATION.***

This is both incorrect and misleading.

Nuvo Architecture excludes the underground garage ***from its dimensioning of distances from the lot lines which is a gross and misleading error***

Nuvo created a misleading impression ***about the extent of the building.***

Error # 3- Omission of Frontage Dimension and Frontage Requirement

Minimum lot frontage	100 ft (30.48 m)	100 ft (30.48 m)

Page 32 of the Windsor LUB clearly requires 100 feet of frontage in order to build a multi-unit residence in this R-4 zone as shown in the table on its own separate lot, W-7A.

Nuvo Architecture in the PDA ***remarkably omits this LUB frontage requirement*** *from their "SUMMARY TABLE"*

Nuvo omits giving any dimension of the lot frontage *along the street.*

The lot has about 41 feet of frontage only more or less and ***does not have sufficient frontage for the R 4 zone***

Omitting frontage requirement and dimensions *without any explanation is misleading and unacceptable for any site plan approval process. Normal practice requires site plans to include dimensions for lot frontage* ***as sufficient frontage is a LUB requirement.***

Error # 4- Incorrect Building Setback & Omission of Dimensions

Page 32 of the Windsor LUB shows the R 4 zone building "set back requirements" by defining the yard requirements between the building and the lot lines. The dimensions state the "**building"** cannot be closer to the lot lines as defined by the table below.

Page 88 following defines "yard" and indirectly defines "setbacks" by defining the distance from **any portion of a "building" to the lot lines.**

In addition, as a five-story building, **both lot lines require setbacks of ½ the building height as stated in the Windsor MPS section 5.5.1 (a)**

Minimum front yard		35 ft (10.67 m)
Minimum rear yard		35 ft (10.67 m)
Minimum side yard	**one side**	15 ft (4.57 m) or ½ the height of the main building, whichever is greater
	other side	5 ft (1.52 m)

Yard means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In

Page 88
Town of Windsor Land Use By-Law

determining yard measurements the minimum horizontal distance from the respective lot lines shall be used;

(a) **Flanking Yard** means the side yard of a corner lot that abuts the street line;
(b) **Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; minimum front yard means the smallest allowable distance a front yard can be measured;
(c) **Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any building or structure on the lot; minimum rear yard means the smallest allowable distance a rear yard can be measured;
(d) **Side Yard** means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any building or structure on the lot; minimum side yard means the smallest distance a side yard can be measured;

The LUB defines "yard" as the distance **from a lot line** to **<u>any portion of the building</u>**. It is **not defined as the portion above or below ground.**

As defined, **the garage is also the "building"**.

The LUB states yards must be"**unoccupied by buildings or structures".**

The LUB defines front yard setback is defined by a line extending **across the <u>full width of the lot</u>** and the smallest allowable distance **from any wall of the building, in this case, including the garage,** to that line across the full width of the lot that can be measured.

By the LUB definition, any wall of the building including the garage portion of the proposed building must be 35 feet away from the rear lot lines of 203, 205 and 213 Gray Street and in the same manner 35 feet away from the rear lot lines of 204, 212, and 220 Victoria Street and based on the height 25 away from both side yard lot lines.

The building setbacks must include the garage and therefore none of the setbacks comply with the LUB.

Even worse, structural fill as discussed in Summary Reason #5 also forms part of the building structure. We maintain structural fill extent be included as the building setback line.

Nuvo Architecture omits dimensions on the plan for the underground portion of the project which is confusing and also misleading. Normal practice is to show setbacks from the lot lines to any portion of the building as part of a site plan.

The underground parking size and extent contravenes the LUB setback requirements.

Nuvo only showed dimensions for the above ground portion of the building and ***wrongly stated only the above ground portion of the building matters for setbacks.***

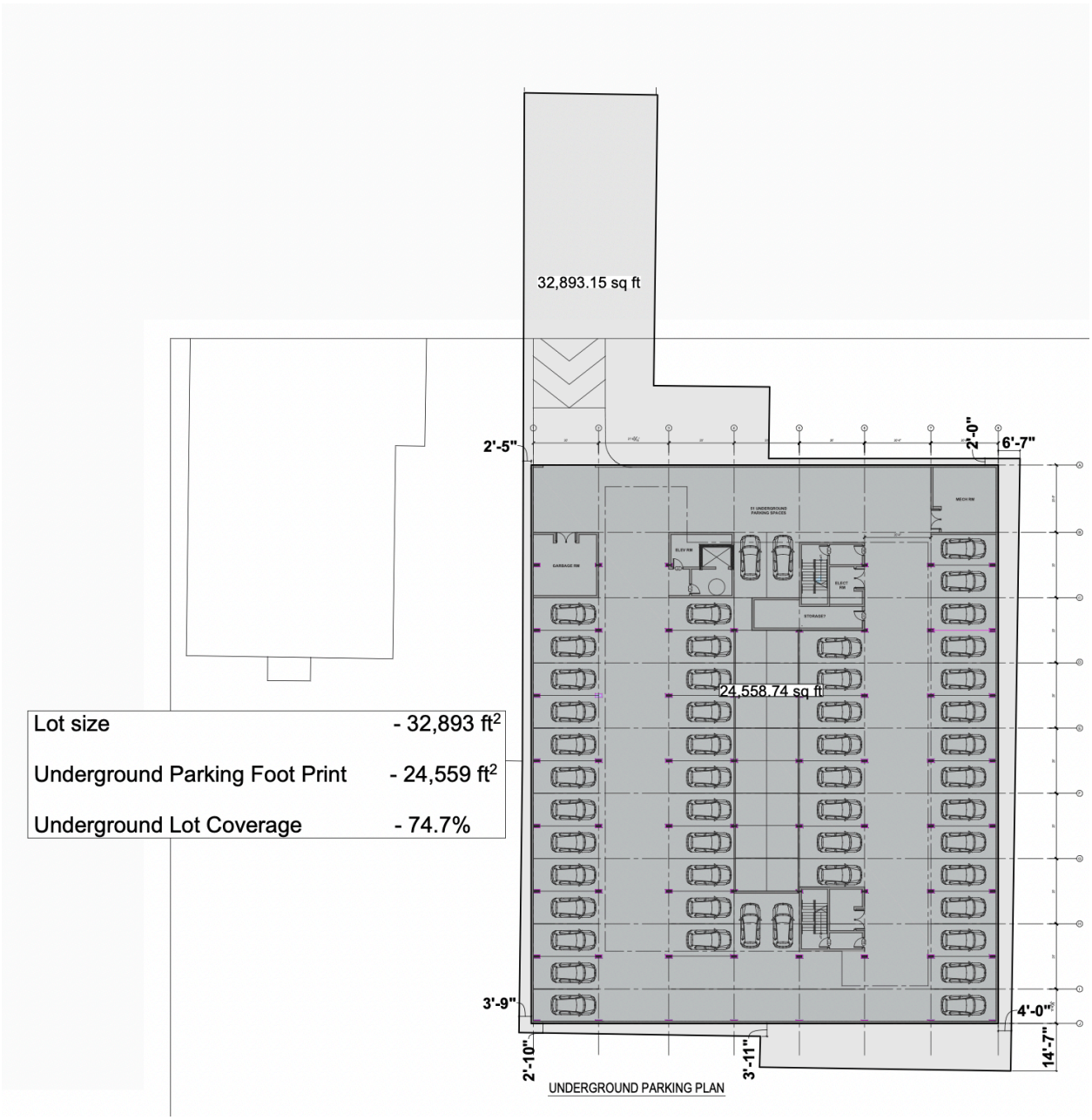
Drawing 1 *on the following page shows the dimensions omitted from the Nuvo's PDA drawings.*

Please note the building setback or yard area ***IS AS LITTLE AS 2'10" at the rear and IS ABOUT 4' from Wagners Court lot line both of which will create problems as per our engineers letter as explained in Summary Reason # 5***

Drawing 2 shows the ***allowable building area*** *in keeping with the LUB yard requirements if three stories or less.*

*A****s of right the "buildable footprint" is large @ 13,896 sq ft.***

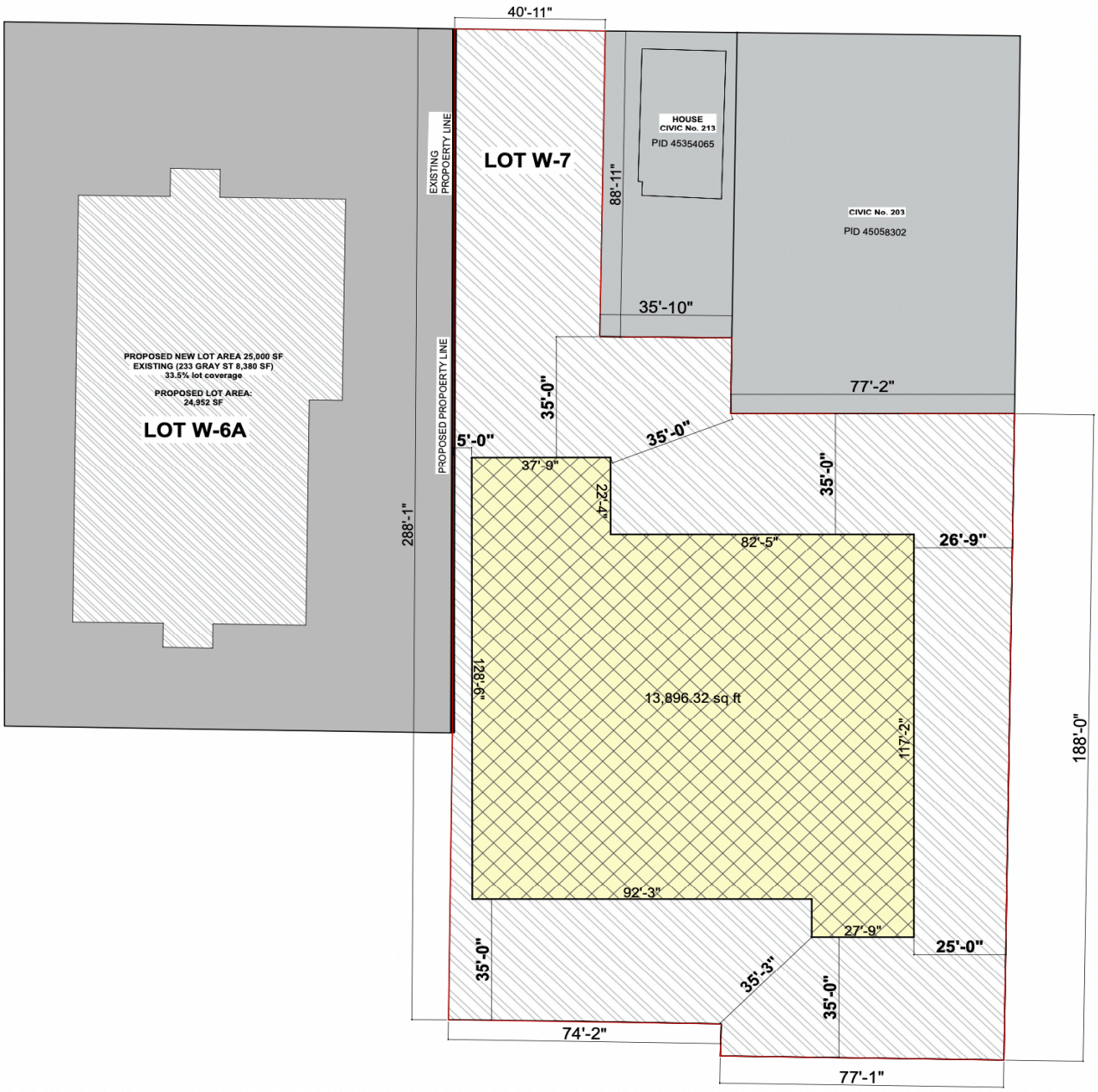
We suggest a number of smaller buildings would be more compatible with the intent of the LUB and the Architectural Design Guide that applies in this area.



Drawing 1- Parking Lot Structure SHOWING DIMENSIONS TO THE LOT LINES

Agreement Lot W 7 A as drawn by Nuvo Architecture with added dimensions to lot lines by the author's designer to within a few inches' accuracy. **Lot coverage is 75 to 80%** including the parking ramp not shown by Nuvo, **which is not at all normal in residential areas.**

These 2 to 4 foot setbacks will likely disturb our new foundations and cause differential settling. **These setbacks are also not a minor type of variance but are within 2'-0"to 4'-O" feet of the lot lines when they should be 25 feet and 35 feet away or even more including <u>structural fill</u> which by definition <u>forms part of the building.</u>**



Drawing 2- As of Right Buildable Area If Under Three Stories

Showing yards and setbacks required by the Windsor LUB for three stories and under and a large allowable “as of right buildable area” of 13,896 sft. This is 42.2 % lot coverage in sync with normal residential standards.

A five-story building requires more side yard setback as per Windsor MPS section 5.5.1. We suggest some creative thinking be applied to see how this buildable area could best be utilized in harmony with the surrounding historical houses. A massive building is not going to be harmonious. We suggest a bunches of smaller buildings like Wagners Court might be more appropriate.

Error # 5- Incorrect Lot Coverage Calculation

Lot Coverage means the percentage of the lot that is covered by buildings, also known as the building footprint; maximum lot coverage means the largest allowable area that can be covered by any building or buildings on a lot;

The Windsor LUB only indirectly defines allowable lot coverage in each residential zone such as R-1, R-2 etc. For example, in an R-1 zone, considering both minimum lot size and at the same time required yards, **one finds that the allowable lot coverage in the Windsor LUB is about 33% in an R-1 zone.** This is about the residential "industry standard". Halifax typically allows 35% lot coverage in residential areas although recently that has changed due to increased density requirements to 40% in some residential areas.

Lot coverage is defined by the Windsor LUB on page 82 as the area of the lot covered by buildings or also known as the "**building footprint**". For the PDA as proposed, using the definitions of **"building"** of the bylaw, **the lot coverage proposed is 75%.** This may be normal in a high-density commercial area such as downtown Windsor or Halifax, **it should not be allowed in a residential area such as Gray Street.**

While we understand this is below ground, this still has **significant implications and is not in keeping with normal residential standards.**

Nuvo Architecture's ***PDA incorrectly states the lot coverage as 37.7%*** *which would be a fair amount for a residential area, however they completely neglect to mention the fact that* ***the underground building covers 74% of the lot.***

Allowing 74 % or 80%with the driveway ramp hard surface lot coverage in a historical residential zone would set an ***unfortunate precedent contrary to MPS article 16.3.1***

By definition of "building" in the Windsor LUB the underground portion cannot be simply "ignored" and is thus in error.

SUMMARY REASON 3- THE PDA DOES NOT COMPLY WITH THE TOWN OF WINDSOR ARHCITECTURAL DESIGN MANUAL

> The Manual contains mandatory requirements which must be satisfied to obtain development and building permits. The Manual also includes guidelines which are advisory in nature and are intended to offer ideas on design and development so the design approach taken is consistent with the architectural style and character of the area.

Page 1 of the manual states "The manual contains **mandatory requirements** which **must be satisfied to obtain development and building permits."**

This is a very clear sentence that Council **cannot reasonably contravene in making decisions about a Development Agreement.**

> **1.2 Central Residential Architectural Control District**
>
> The Central Residential Architectural Control District applies to the core residential area of Windsor as shown on Map 'A'. Many of the homes in this District date from the 1880s to the early 1900s. These homes show elements of the plain Greek Revival architectural style including a simple building footprint, little decoration and a gable roof which runs perpendicular to the street line. The popularity of this style is certainly related to the need to quickly rebuild after the fires of 1897 and 1924. Indeed, Wagner's Court includes several examples of relief housing which was constructed
>
> Town of Windsor Architectural Design Manual
> Page 2
>
> after the 1897 fire. Like the Ferry Hill Architectural Control District, some of the larger buildings in the Central Residential District have been converted to multiple unit structures. While there is little vacant land in the District, Windsor Town Council remains concerned about the preservation of the architectural heritage and feels that new development and redevelopment of existing structures should be sensitive to the overall architectural character of the District.

This excerpt from the Architectural Design Manual cites Wagners Court as a noteworthy example of historical style. Placing a five-storey building within 25 feet of Wagners Court development is **hardly "sensitive to the overall architectural character of the area."**

We note both Wagners Court and this PDA site are located **in the center** of the **Central Residential Architectural Control District and therefore the Standards of the Design Manual must be used.**

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.

Please note that the manual **forms a part of the Windsor Town Bylaw** and applies in addition to all other requirements. Also note that where there is a conflict with any other Bylaw, **this Design Manual takes precedence.**

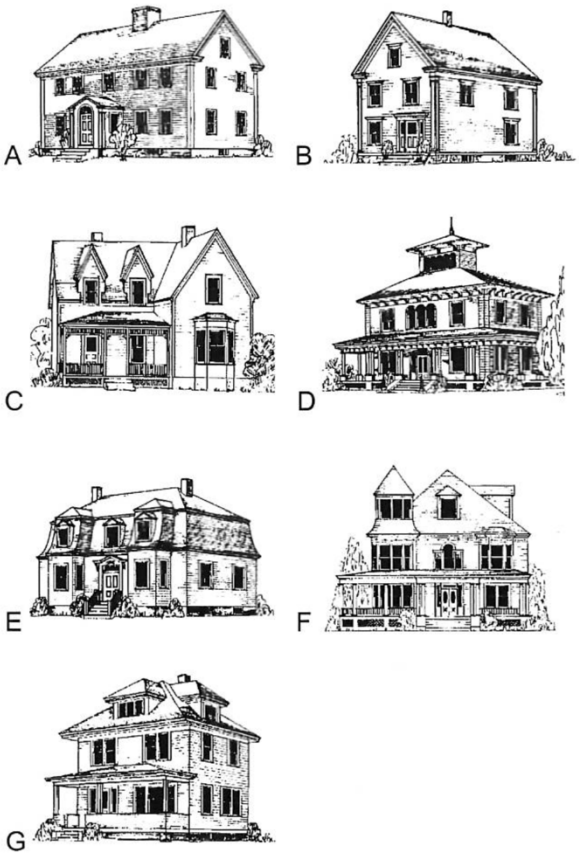
2.3 Development by Development Agreement

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.

Please note that Staff and Council **are obliged by the MPS** to use the design guidelines found in the manual as a reference to guide any new development in this area.

Staff and Council cannot reasonably override **shall portions** of the guidelines.

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)

Please note the manual **shows only up to 2 and ½ storey** examples and **all examples have <u>pitched roofs</u>.**

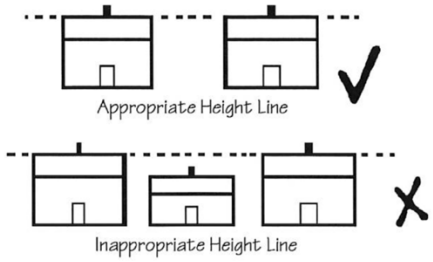
The Design Manual **very clearly states "**Buildings **SHALL** be designed and constructed in an architectural style which reflects and responds to the historical style of the Architectural Control District**."**

"Shall" is in bold face in the Manual; **it does not mean "maybe" thus it is a requirement.**

We maintain that based on the styles shown above, any new construction in this Central Residential Architectural Control District must also be 2 ½ stories or less in height and have a completely pitched roof on all sides.

We maintain the flat roofed, five storey PDA meets **none of the styles and height as seen in the drawings above.**

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.

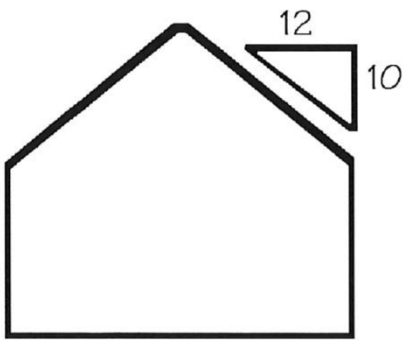
Please note the manual states another bold and clear ***shall statement*:**

"**Building height shall be between 1 ½ and 2 ½ storeys."**

And also states **'Height lines of adjacent structures should be respected."**

Wagners Court and all adjacent, surrounding historical residential and for that matter other buildings are up to 2 ½ stories, and no higher. **Very simply put, five stories are not allowed in this district according the Town's own Architectural Design Manual.**

3.1.6 Roof Pitch and Style



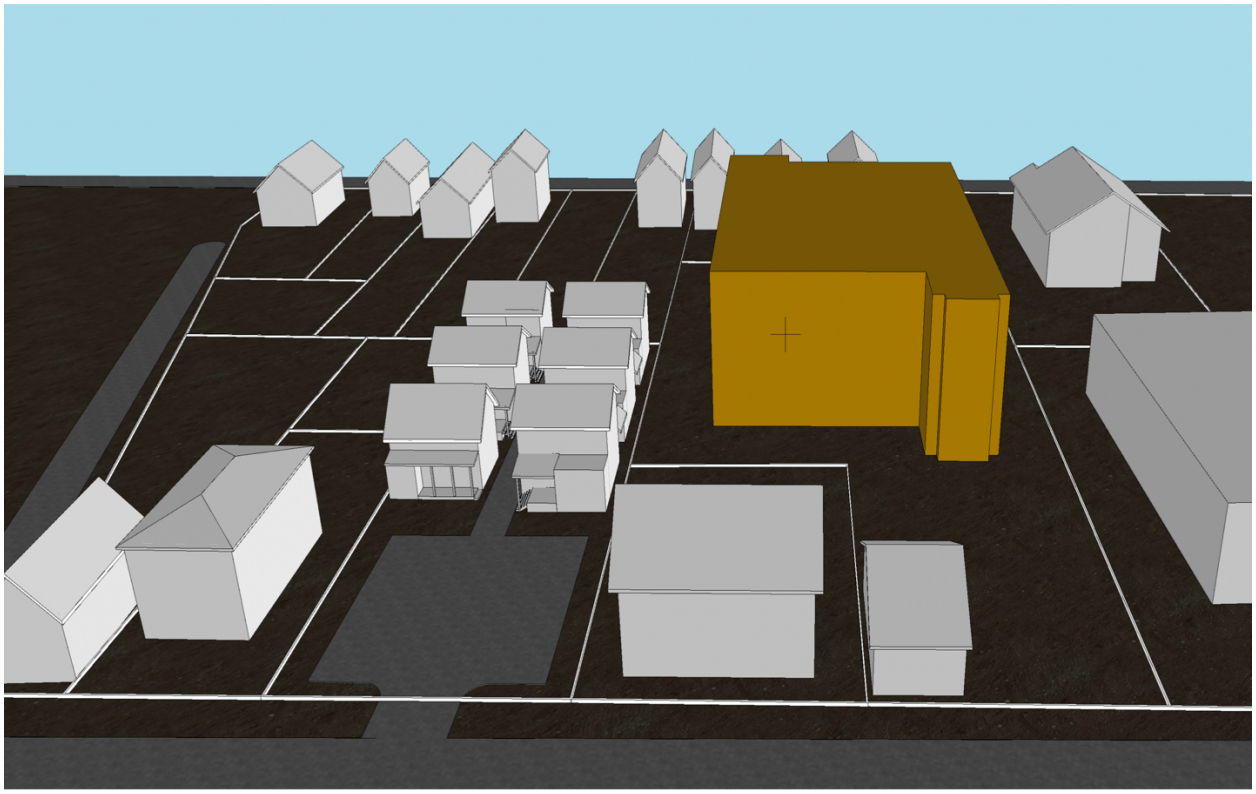
The majority of the houses in the Architectural Control Districts have steeply pitched roofs and exhibit gable roof styles, with a few examples of hipped and mansard roofs.

- 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

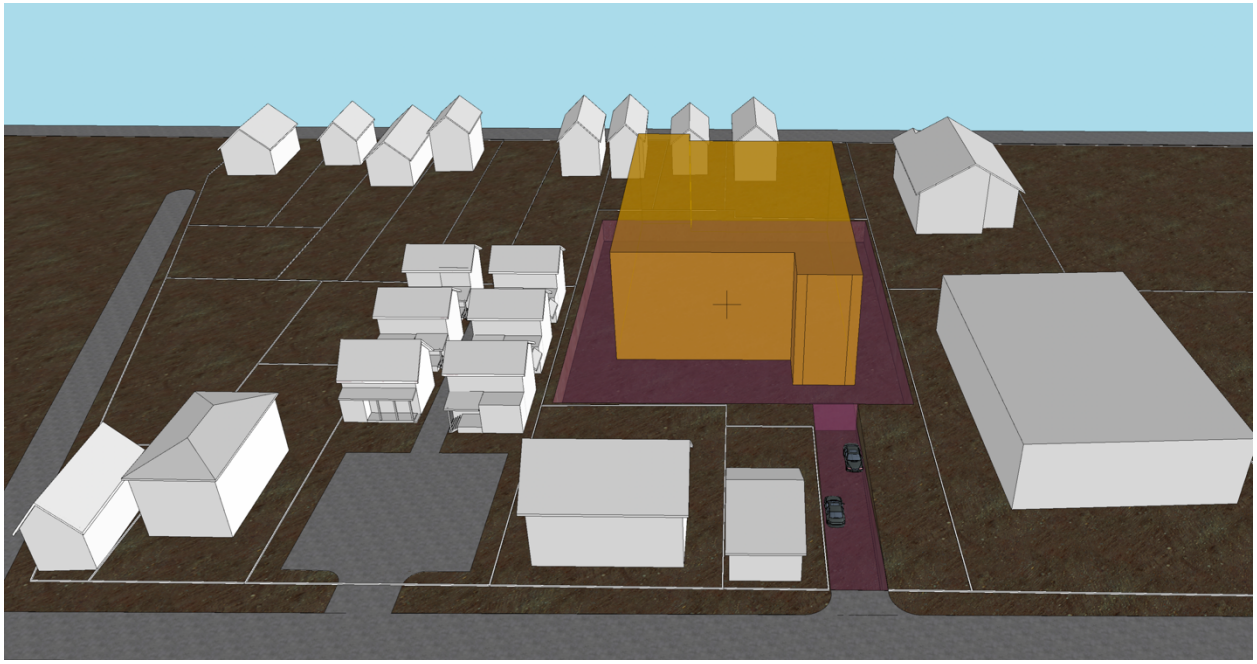
Section 3.1.6 states two more clear **requirements**:

1-Roof pitch shall be medium to steep with a minimum roof pitch of 8:12 and
2- Roofs must be gable, hipped or mansard or a combination.

The PDA has mostly flat roof and does not comply with either of these requirements.



Mass of the **PDA** in relation to existing houses



Purple are shows extent of underground parking lot and ramp needed from Gray Street

This shows Nuvo Architecture's street view concept

-They omitted the required ramp down to the proposed parking garage (see next page).
The large trees shown cannot grow **on top of a concrete parking garage under.**
-Omitted is any of the **parking requirements for the existing apartment next door**
-The height directly contravenes the Design Guideline for the area.

TYPICAL ENTRANCE TO AN UNDERGROUND PARKING LOT- HARRIS ST CONDOS, HALIFAX- note the concrete retaining walls both sides and the large overhead garage door.

The view of the PDA from Gray Street would actually be similar to this with the 5 stories directly behind the garage door. A maximum 8 percent grade is required for auto so the ramp would extend to Gray Street.

Retaining walls would be needed to keep the second entrance for parking for the existing apartment building on the one side, and on the other side to retain the soil from the existing residence.

We know of no commercial garage door that could safely structurally withstand the amount of water that flooded this street last summer.

SUMMARY REASON # 4 -THE PDA WILL CONTRIBUTE ADDITIONAL STORM WATER RUNOFF IN THIS AREA PRONE TO FLOODING and LACKING STORM SEWERS

Town engineers, and locals, are very **aware the whole area surrounding Gary and Victoria Streets have no separate storm water sewers in the street**. Last summer's rain event flooded Gray Street with **both rain and raw sewage water** as there was with backup from the Town's sanitary system.

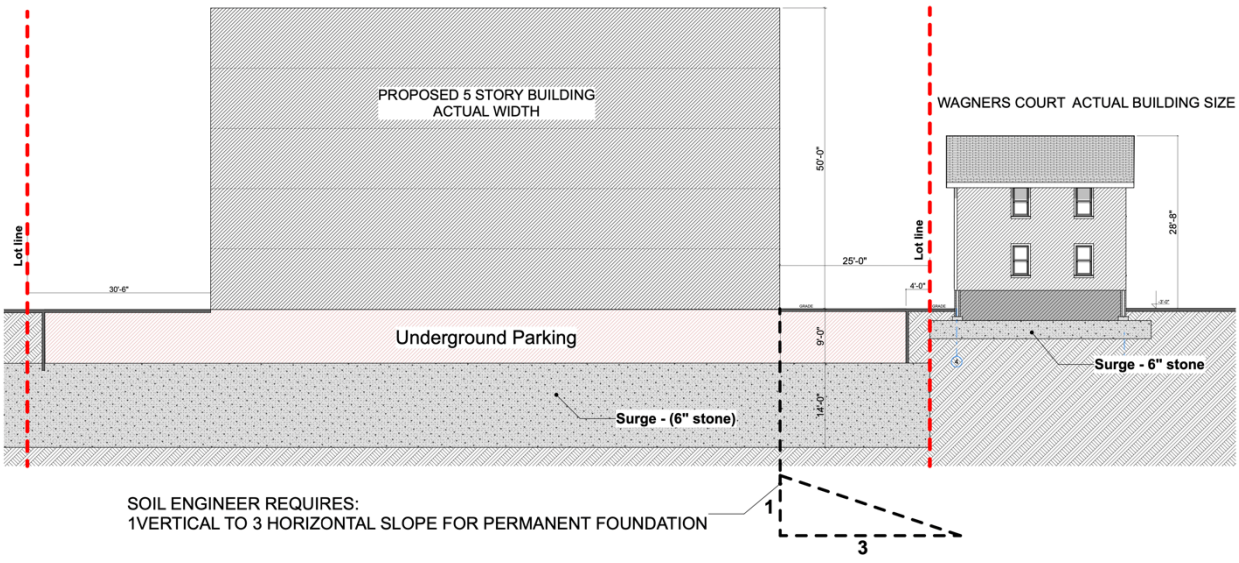
The proposed **lot coverage structure** is actually **75 %** and **not 33% as stated**. The underground structure will be made of concrete. **Additionally, the driveway entrance (**not shown by Nuvo) **going down to the underground parking increases hard surface bring the hard surface to 80% of lot coverage. (26312/ 32892 sq ft)**

This could set as per MPS 16.3.1 an unwanted "pattern of development".

None of this hard surface area will have any appreciable storm water retention ability. Even with green roofs and grass planted on top of the concrete parking deck, storm water retentions will be very limited compared to the earth currently found there. It is unlikely engineers can design equal pre and post construction storm water flows given the 80 % hard surface lot coverage. **This PDA creates more flooding problems for this whole area.**

SUMMARY REASON # 5

The PDA will undermine the foundations of the rebuilding of historical Wagners Court due size, proximity and the delicate soil conditions onsite.



The section above shows the new foundations for Wagners Court which required three feet minimum of structural surge or six-inch stone fill **extending four feet on all sides beyond the new footings and new foundation walls.** It also shows the underground parking lot and proposed five story building above.

We were informed by our neighbour's representative that **6" surge stone fourteen feet deep** would be required **under the new underground parking lot** to support the weight of the PDA. Our section drawing shows that to scale.

Our soil engineer states that an **underground slope of 1 vertical to 3 horizontal** would be needed **as part of the permanent foundation of the new building**.

If the building were setback shown 25 feet away from our property line, as proposed and shown in the section, **the neighbour's surge would have to extend under our buildings to maintain this slope.**

Even worse, **surge would be likely be required to extend on a 1:3 slope past the limits of the parking lot which would be completely under our Wagners Court buildings.**

This area should be studied for the new planning initiative undertaken by the Municipality as an "area with environmental concerns" due to the silt/sand soils which require special foundations. These unusual and very delicate soils are sand mixed with silt.

Making both of these site even more difficult to build on is **the water table only three feet from the surface.** In our hands on experience digging at Wagners Court we have found that any disturbance with our excavation equipment turns these water laden soils to a "Jello-like" consistency and even large 6" rocks then sink into the soil.

Should Council approve this PDA, there will be **differential settling or complete collapse of the Wagners Court foundations** due both to the **proximity of machinery work vibrating the ground** and also **the proximity of the neighbour's new foundations with structural surge.**

The surge is part of the foundation or "building" structure required by our soils engineer.

We maintain **the extent of structural fill is part and parcel of the building structure.**

Structural fill is part and parcel of the "building" therefore **we maintain that the extent or outer limit of this fill is the outer limit of the building.**

The **limit line of structural fill** defines the **setback required from our lot line according to the LUB and the MPS.** This is not just mere words or cleverness but based on the soil conditions as we have shown, **it has significant implications for the neighbouring structures**.

On the following pages we attach a letter **by our licensed, professional soils engineer confirming the special soil conditions and the foundation requirements.**

Roach Engineering Inc

April 12, 2024

Project 24035

Edward Edelstein
EcoGreen Homes
2159 Gottingen Street
Halifax, NS
B3K 3B5

Re: Regarding Lot W-7 A, Gray Street, Windsor, Nova Scotia – Proposed Development Agreement

Attention Of: Windsor Planning Department, Mayor, Council and Members of the Planning and Heritage Advisory Committee

After my review of the Proposed Development Agreement, we have the following concerns related to geotechnical and stability issues of our clients properties on Wagner Court:

The proposed development could likely undermine the foundations of the rebuilding of historical Wagners Court due to construction activities, size, proximity, and the delicate soil conditions onsite.

Due to the soil conditions encountered on Wagner's Court, over excavation was required to ensure the footings were on suitable bearing material. To achieve this the horizontal limits of the excavations and backfilling, with structural fill, were to the property line.

It is anticipated that excavations for the proposed PDA would be much deeper than the residential units on Wagner's Court and, given the height and proximity of the proposed 5 storey apartment complex, it is likely that the soils on the Wagner Court properties would be severely compromised if excavation slopes are steeper than 1.5H:1V (horizontal to vertical).

The concern with the underlying soils anticipated on the PDA site, and what was encountered on the Wagner Court site, are loose grey silty sand/sandy silts with a high moisture content. These types of soils can become susceptible to movement and failure from vibrations such as vibratory rollers and pile driving equipment.

(902)329-8886
sheldon@roachengineering.com
Roachengineering.com
Sheldon Roach P.Eng

Roach Engineering Inc

Deep excavations and heavy vibratory equipment, operating in the vicinity of the Wagner Court property lines has a high potential to damage the foundations and structures.

If you have any questions or concerns, please reach out at your earliest convenience.

Sheldon Roach, P.Eng
Partner
Roach Engineering Inc.

REGISTERED PROFESSIONAL ENGINEER
DATE 2024-04-11
S.C. ROACH
6793
PROVINCE OF NOVA SCOTIA

(902)329-8886
sheldon@roachengineering.com
Roachengineering.com
Sheldon Roach P.Eng

REASON # 6
THE PDA IS LIKELY UNBUILDABLE AS PRESENTED AND COULD CREATE LIFE SAFETY HAZARDS DUE TO ITS LOCATION IN A LOW-LYING FLOOD PRONE AREA

With our experience digging foundations next door at Wagners Court we can confidently state that the developer will find the ground water table digging three feet or so below ground level. **At a depth of three feet one finds standing water permeating the entire lot in this area.**

In order to construct the underground parking lot proposed, **the developer must dig a hole of about 25,000 sq ft at least 8 feet deep covering 75% of the lot and extending to within 2 to 4 feet of the property boundaries.** As the next page illustration shows, **this is more than twice the size West Hants Administrative Building.**

(The illustration following shows the sheer size of this proposal in relation to the size of 76 Morrison Drive, the Municipality of West Hants Administrative Center we all are familiar with) While digging, this hole will immediately fill with water and require constant pumping. An elevator on this garage level requires a pit deeper still, at least another 8 feet down or 16 feet total depth. Even deeper and below the level of the elevator pit, a sump is required by the elevator code to keep the pit dry to a total depth of 21 feet below Gray Street, **which is well below the Town sewer.** As the PDA parking lot is below the ground water table, in a best-case scenario, it will require constant pumping to stay dry since the town sewer is likely not deep enough to drain the water invading the parking structure by gravity alone. This means the site will also require a generator for cases of power failure.

It is doubtful one could even build this parking structure cost effectively. Imagine now what is in the garage below. There one finds an electrical room, mechanical room along with an elevator and various pulleys and cables. It also will house 50 or so vehicles many of which will contain gasoline and oil or lithium batteries. High voltage and amperage electrical supplies are required in a building of this size, along with a sophisticated heating system fed with propane or natural gas. Also designed is a room for residential garbage from 50 units.

In the case of a flood as occurred last summer, the ramp down to the garage door will fill with water. The garage door will likely implode into the garage as these doors are not able to withstand an eight foot head or higher of water pressure. The electrical room could short out creating a significant life hazard, the mechanical equipment with its gas supply will no longer function, and the elevator will stop working and be rendered useless as once the rails cables and pulleys are wetted they will rust. The vehicles remaining there will fill with water and release oil and gasoline in the garage. Lastly there will be a mix of floating residential garbage.

In this environmentally disastrous scenario, the building could become uninhabitable as occurred with 4 of our buildings due to the flood at Wagners Court last summer. In this case, the developer, as a numbered company, could simply walk away from the project leaving West Hants with the costs of demolition and cleanup.

Even worse the media has numerous examples of **drownings or near drownings in underground garages in areas not as prone to flooding as this area.** Please see RELATED CONCERNS which follow.

Overlay showing that **two of the 76 Morrison Drive, West Hants Administration Buildings** easily fit inside the proposed parking lot.

*Image from Google maps satellite view and scaled accurately to illustrate how big a hole would be required in the **center of the Central Residential Architectural Control District***

RELATED CONCERNS:

1-Recent Drownings in Underground Garages -There are many recent examples but here are two:

> **Typhoon Hinnamnor: Seven drown in flooded South Korean car park**
> 7 September 2022 By Frances Mao**,** BBC News

Seven people in South Korea have died after they were trapped in an underground car park during floods caused by Typhoon Hinnamnor. **They had gone down to move their cars** but got caught by the incoming torrents. Crew said they rescued two people, who reportedly survived by clinging to ceiling pipes for more than 12 hours. Typhoon Hinnamnor, the strongest cyclonic storm this year so far, hit South Korea earlier this week. Rescuers had to wade through metres of brown water to enter the almost completely submerged basement on Tuesday night.

According to news site Yonhap, all nine people were residents of an apartment building who had earlier on Tuesday morning been told by the management office to move their cars from the car park.

The survivors - a man in his 30s and a woman in her 50s - were reported to be in stable condition.

Men trapped in flooded elevator in Toronto punched through ceiling to make lifesaving 911 call- Toronto police officers swam with a crowbar to rescue the pair

John Rieti · CBC News · Posted: Aug 08, 2018 2:10 PM ADT | Last Updated: August 8, 2018

Klever Freire says he and a colleague prayed and panicked as storm water started gushing into the elevator they were stranded in at their office building in north Toronto.

As the lift quickly filled with water, the two men found themselves in chin-deep water, despite standing on the elevator's handrails. When they only had about 30 centimetres of space between the water and the roof of the elevator, they frantically started punching a ceiling panel in an attempt to escape.

Const. Ryan Barnett said he could hear the men screaming for help when they arrived. His partner, **Const. Josh McSweeney, estimated the men "might have had about five or 10 more minutes" before the entire elevator would have filled with water.**

2-Building Code Concerns:

Part 3- National Building Code Building of Canada- applies for all buildings above three stories. Part 3 would **require fire access not possible in the site plan as submitted.**

3- Parking Requirements for Existing Apartment Building Concerns:

The submission has no mention nor account of the fact **the current use of the lot is for parking for the apartment building next door owned by the same developer.** The PDA assumes the lot can be re-figured taking land away from the existing building reconfigured. The existing parking needs should have been included and should be part of any development if the lot is reconfigured.

Mass of building showing parking ramp (omitted from Nuvo design drawings)
The Architectural Design Manual standards for the area do not allow this as a street view

CONCLUSION:

We ask Planning Staff and Council to **reject this proposal outright**

and as well,

Ensure for any subsequent proposal, that it meet all the stringent Architectural Design Manual requirements including:

- height limited to 2 ½ stories including a fully pitched roof as **required** in the shall statements
- **no underground parking be allowed** due to environmental, flooding and safety concerns
- **Lot coverage be reasonably limited** due the environmental issues related to flooding and current lack of storm water infrastructure
- Lot line **setbacks be determined to the extent of structural fill** to avoid any issues with any of the neighbouring buildings

Perhaps the developer has submitted this proposal knowing full well that it will not be acceptable and will be looking for a "compromise version" of **four or perhaps three stories**.

We trust Staff and Council's judgement for any future amendments or PDAs will be thorough and rigorous in upholding the many **requirements** outlined here for the benefit of the whole community.

What would really be appropriate on this R4 Lot in this historically controlled area?

Due to its location being **at the centre** of the Central Residential Architectural Control District, the strict requirements of the Architectural Control Manual and the proximity of Wagners Court next door this development should be a model to be emulated, not a mass to be hidden.

As of right the owner can build 19 units which is considerable with no development agreement required assuming the lot predates the Bylaw enactment for lot frontage.

One could imagine a trendy yet historical style development complimentary to the Wagners Court reconstruction and all the other surrounding residences of modest low-rise townhomes or a combination of duplex homes **all with above grade parking**.

One can also imagine a cluster of residences now highly sought after similar for example to those built on Stanley Street in Halifax (photo below) that blend and contribute to the area as a Central Historical Zone, ecologically built with real green space, sustainable, and interesting.

Stotts Architecture and Kerry Lynch Builder

Edward Edelstein

Respectfully submitted by Edward Edelstein, GEOME Properties.

April 15, 2024

NOVA SCOTIA
Public Works

April 16, 2024

His Worship Abraham Zebian
Mayor of West Hants Regional Municipality
76 Morison Drive
Windsor, NS B0N 2T0
azebian@westhants.ca

Dear Mayor Zebian:

Thank you for your letter dated July 5, 2023, regarding the Railways Act amendments and the Windsor and Hantsport Railway Company specifically. I have been asked to respond on behalf of Minister Masland. I apologize for the delay in response.

Regulations under the Railways Act continue to be under development. I am hopeful that work will be completed by the end of the year. The department will be conducting consultations prior to finalizing the regulations to ensure that issues identified by stakeholders are addressed.

The Province continues to be engaged in legal proceedings with the Windsor and Hantsport Railway Company (WHRC) and as such, I cannot discuss matters related to WHRC at this time. I appreciate your concerns regarding this matter.

I would like to congratulate you on the significant work to develop active transportation options in your communities.

Sincerely,

Bonnie Rankin, LLB
Executive Director of Policy and Corporate Services
Department of Public Works

c: Municipality of East Hants
Kody Blois, MP Kings-Hants
Melissa Sheehy-Richard, MLA West Hants
West Hants Regional Municipal Council
Mark Phillips, CAO, West Hants

From: Abraham Zebian
To: Deanna Snair
Subject: Fwd: Payzant Drive roundabout
Date: Tuesday, April 16, 2024 2:00:59 PM

From: Windsor Physiotherapy
Date: April 16, 2024 at 1:51:04 PM ADT
To: Abraham Zebian <AZebian@westhants.ca>
Cc: John Smith <JSmith@westhants.ca>, Todd Richard <trichard@westhants.ca>
Subject: Payzant Drive roundabout

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

Good Afternoon,

I'm writing to express my grave concerns on the proposed roundabout at the end of Payzant Drive.

My business, Windsor Physiotherapy has been located and operated on Payzant Drive since 2016. I drive this road several times each day and have 80-100 staff and clients that use this road daily. With the exception of 9 am and 3:20 pm the wait at the end is minimal (much less than 3 mins). Proposed development on the other end and subsequent connections will likely lessen the traffic not greatly increase it.

The concerns as a business owner would be the lengthy and very costly disruption as the project would not be short or easy. As a business that has suffered for 3 years from the pandemic we could not sustain further disruption. Our client appointments are time sensitive and strongly believe many will be reluctant to book appointments and have to navigate constant delays. Many will likely choose alternate providers. Unfortunately there has been no consultation given with the business owners on this road. At this point I am dead set against it!

As a taxpayer I also am concerned on the unnecessary costs associated with a project like this compared to traffic lights. This isn't the time to be extravagant, your community members are struggling and need cost saving measures not added expenses.

Sincerely,
Troy Harvie

From: Michael Langois
To: Abraham Zebian; PublicOnlyCouncilEmail
Subject: Re: Thank you
Date: Thursday, April 18, 2024 2:08:59 PM

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

Hi Mayor.
Many of us were discussing the connecting of Payzant Drive to King Street this morning over our weekly coffee meet and greet.(Garlands Crossing Group).
We see Council will be discussing moving forward with designing, environmental, studies, etc... that would be required for the Municipal portion of a connection between Payzant and King. We just now noticed that the development agreement that would require a developer to complete the first part of that connection has been postponed until a future meeting. My question to you would be how can Council move forward with a "connection" as your staff have put it when they do not know what is happening with the "extension"? From how we see it, the Council is looking at building something that may not have anything to connect to? Is this correct?
We were all disappointed with the council's decision to not move forward with a roundabout but understand the reasons. It's unfortunate Council did not ask for the total cost of funds expended to date with design work, studies, etc associated with the roundabout. Do you have that amount? As a retired transportation professional, I understand the council was skittish on the cost and rightfully so. It's unusual to invite potential bidders on a project to discuss it before receiving the bids. If only one shows up, logic will tell you they will inflate their bid. As tax payers, we hope the council will not repeat the same mistake that was made with the roundabout. The council should know exactly what this project will look like, the costs involved, and whether there will actually be a developer who will construct the "extension." Has the council asked itself what happens if it does not approve the proposed DA at the end of Payzant? What if it is approved and gets appealed and is overturned? Council would no longer have a developer who is responsible for constructing the "extension" and now the cost to the municipality would be much more.
We would ask the Council to postpone any decisions on the "connection" until it knows exactly what is happening with the "extension". Anything else would not be responsible decision making.

Mike L.
Garland Crossing

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April 19, 2024

Chief Administrative Officers
Town Clerks

Dear CAOs and Town Clerks:

As you are aware the 2014-2024 Canada Community-Building Fund (CCBF) agreement expired March 31, 2024. I am writing to provide you with an update on the renewal of the CCBF.

In coordination with the Nova Scotia Federation of Municipalities, the Province continues to work diligently with the Federal Government on the new 2024-2034 CCBF agreement negotiations. All provinces and territories have been presented with changes to the CCBF program that are largely a result of the Federal Government's commitment to tying new infrastructure investments to actions that will, in their view, increase the supply of housing. The Federal Government will require some municipalities to provide housing needs assessments to access federal funding opportunities.

In 2022, the Department of Municipal Affairs and Housing (DMHA) launched a province-wide housing needs assessment (HNA) process to better understand the housing demand in local communities. HNAs were completed for and shared with all municipalities in 2023 and can be leveraged to meet federal requirements. Informed by the HNAs, DMAH released the Our Homes, Action for Housing plan in 2023. This plan was created to guide the provincial commitments to support the development of more housing and to complement federal and municipal initiatives.

Both of these initiatives position the Province and municipalities well regarding the new CCBF agreement.

I would also like to take this opportunity to remind municipalities that until a renewed CCBF agreement is signed, any unspent funds and any interest earned thereon held by municipalities, that have not been expended as of March 31, 2024, will nevertheless continue to be subject to the 2014-2024 CCBF Municipal Funding Agreements (MFA). Once the new Federal/Provincial CCBF agreement is signed, we will send out new MFA's that cover the program parameters and will schedule information sessions to ensure a clear understanding of the new agreement.

We are working hard to ensure that there is no interruption in the flow of CCBF funding to municipalities, however, taking the time to ensure the agreement is in the best interest of all parties is paramount. If you have any questions, please feel free to send them to the program email at: CCBF@novascotia.ca.

Regards,

Byron Rafuse, FCPA
Deputy Minister

Correspondence Sent

First Name	Last Name	Correspondence Date	Meeting / logged
Katherine MacLeod	MacLeod, Dept. Envir. and Climate Change	2021-10-27	2022-01-11 COTW
Robyn	Homans	2021-11-23	2021-12-07 COTW
Hon. Kim	Masland	2022-01-20	2022-01-25 Council
Hon. Kim	Masland re: clarity on correspondence sent 2022-02-20	2022-02-16	2022-02-08 COTW
Hon. Joyce	Murray	2022-02-02	2022-02-08 COTW
Hon. Greg	Morrow	2022-02-04	2022-02-08 COTW
VREN		2022-03-10	2022-03-22 Council
Station Food Hub		2022-04-28	2022-05-10 COTW
MLA Melissa	Sheehy-Richard re: Avon River Eco/Tourism	2022-05-02	2022-05-02 COTW
MLA Melissa	Sheehy-Richard re: exit 6	2022-05-02	2022-05-02 COTW
Hon. Joyce	Murray	2022-05-06	2022-05-10 COTW
KMK Assembly Mi'kmaw Chiefs		2022-05-06	2022-05-10 COTW
The Premier	The Hon. Tim Houston	2022-06-27, sent 2022-06-30	2022-07-09 COTW
The Premier	The Hon. Tim Houston	2022-06-30	2022-07-09 COTW
Hon. Kim	Masland	2022-08-23	2022-09-13 COTW
POSSE		2022-09-14	2022-09-27 Council
Minister Murray	re Pumpkin Regatta	2022-10-20	2022-10-25 Council
VREN	Re: IMSA and request for a presentation to Council	2022-12-20	2023-01-10 COTW
MLA Sheehy-Richard	Re: Invitation to meet with Council re: Highway 101 Twinning project	2022-12-21	2023-01-10 COTW
MP Kody Blois	Re: Invitation to meet with Council re: Highway 101 Twinning project	2022-12-21	2023-01-10 COTW
Deputy Minister of Environment and Climate Change	Re: Costs incurred for fencing at 417 Wentworth Road	2023-02-15	2023-02-24 Council
VREN	Re Continued Partnership and lntermunicipal Service Agreement (IMSA}	2023-03-03	2023-03-14 COTW
Minister Masland	Re Provincial Intersection Street Lighting	2023-03-10	2023-03-14 COTW
Hockey Hall of Fame	Re Letter of Support John Paris Jr	2023-03-14	2023-03-28 Council
Premier Tim Houston	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
Hon. Joyce Murray	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council

Correspondence Sent

First Name	Last Name	Correspondence Date	Meeting / logged
Hon. Steve Craig	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
Hon. Tim Halman	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
Hon. Susan Corkum-Greek	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
Hon. Kim Masland	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
MP Blois	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
MLA Sheehy-Richard	Re Reimagine Lake Pisiquid, Windsor, Nova Scotia	2023-03-24	2023-03-28 Council
MLA Sheehy-Richard, Premier, NS Public Works Minister(Kim Masland), District Area Manager (Robyn Homans)	Re Support to pave Cogmagun and Beaverpond Roads	2023-05-17	2023-05-23 Council
Hon. Tim Halman, Premier, MLA Sheehy-Richard	Re Coastal Protection Act Regulations	2023-05-23	2023-05-23 Council
Indigenous Services Canada	Re Response to the Proposed Addition to Reserve, Glooscap First Nation	2023-06-27 Sent 2023-06-30	2023-07-11 COTW
Premier Tim Houston, Hon. Joyce Murray, Hon. Steve Craig, Hon. Tim Halman, Hon. Susan Corkum-Greek, Hon. Kim Masland, MP Blois, MLA Sheehy-Richard	Re Follow up to correspondence sent on March 23, 2023 Re Reimagination Strategy Exercise	2023-06-29	2023-07-11 COTW
Hon. Kim Masland	Re The Railways Act- Bill 236	2023-07-05	2023-07-11 COTW
NS Minister of Agriculture, Premier of NS, Minister of Fisheries, Oceans and the Canadian Coast Guard, Minister of Fisheries and Aquaculture, Minister of Public Works, MP Blois, MLA Sheehy-Richard, Nic Juurlick, President of the Hants County Federation of Agriculture	Re Permanent Freshwater Resource for Agricultural Communities	2023-07-20	2023-07-25 Council

Correspondence Sent

Federal and NS Ministers of Environment and Climate Change, Premier of NS, Minister of Fisheries, Oceans and the Canadian Coast Guard, Minister of Public Works, MP Blois, MLA Sheehy-Richard, Municipality of Kings County	WHRM Letter of Support for the Residents of Avon Street, Hantsport Re Erosion	Sent 2023-07-21	2023-07-25 Council
CRTC and Innovation Science and Economic Development Canada Re Poor Cellular Service	Re Poor Cellular Service Connectivity	Sent via mail August 9, 2023	2023-09-12 COTW
MLA Sheehy-Richard	Re Additional Carpool Parking Lot	2023-11-27	2023-11-28 Council
Minister Masland	Re Smileys Provincial Park	2023-11-30	2023-12-05 COTW
Prime Minister of Canada	Re Call for an immediate ceasefire by all parties in the occupied Gaza Strip and Israel	2023-12-18	2024-01-09 COTW
Annapolis Valley Regional Centre for Education	Re School Bus Cancellation Concerns	2023-12-18	2024-01-09 COTW
Premier, Minister Lohr, MP Blois and MLA Sheehy-Richard	Re Affordable Housing	2024-01-18	2024-01-23 Council
WHRM Letter to NS Public Works and MLA Sheehey-Richard	Re Roadwork from Windsor to St. Croix	2024-04-02	2024-04-09 COTW
WHRM Letter to the Province and Minister Lohr	Re Canyon Point Resort and DFA Funding	2024-04-02	2024-04-09 COTW
WHRM Letter to Premier, Minister Masland, MLA Sheehy-Richard and Mr. Lamal	Re Flood concerns on the Belmont & New Town Roads	2024-04-16	2024-04-23 Council

West Hants
something inspiring awaits

April 16, 2024

Sent electronically to:
premier@novascotia.ca, publicworksminister@novascotia.ca, melissa.mlaoffice@gmail.com and patrick.lemal@novascotia.ca

Dear Honourable Premier Tim Houston, Minister Masland, MLA Sheehy-Richard and Mr. Lamal Area Manager – Hants County NS Department of Public Works

RE: Concern about flooding on sections of the Belmont and New Town Roads.

Please accept the following letter on behalf of the West Hants Regional Municipality (WHRM) and its Council regarding converging flooding conditions due to overland flooding from the Minas Basin and stormwater flooding that is occurring on the Belmont and New Town Roads in the Avondale area of West Hants, Nova Scotia as a result of ongoing provincial infrastructure concerns.

During the March 26, 2024 meeting, Council received a report and several letters of concern highlighting the urgent need for action to address coastal flooding along the Belmont and New Town Roads, as well as the Avon River Heritage Museum.

With the awareness that the Belmont and Town Roads fall within provincial jurisdiction and the land and berm surrounding the Avon River Museum is located on municipal lands a collaborative approach from both provincial and municipal levels of government is required to address this complex issue.

It is no surprise that increased tidal events and climate change continue to impact The Region's low lying and coastal areas, impacting both residential and public properties. As climate change continues to evolve, action is required to address the challenges faced by residents, communities and businesses in the affected areas. These impacts are well documented in the Avondale area and immediately surrounding the Heritage Museum.

To formally express the current position of the Council who met on March 26, 2024, to discuss this matter the following motion was ratified.

"COUNCIL DIRECTS CAO TO DIRECT STAFF TO WRITE A LETTER OF CONCERN ABOUT FLOODING ISSUES OF THE BELMONT AND NEW TOWN ROAD INFRASTRUCTURE TO THE DEPARTMENT OF PUBLIC WORKS

AREA MANAGER, WEST HANTS MLA, MINISTER OF PUBLIC WORKS AND PREMIER OF NOVA SCOTIA".

West Hants Regional Municipality thanks you for your attention to this matter and we look forward to further discussions and a collaborative approach that addresses the need for improved infrastructure.

Respectfully,

Abraham Zebian, Mayor

ds/az

CC: West Hants Regional Municipal Council
Chief Administrative Officer, Mark Phillips