

Please note: A Public Hearing re Hebbville Rezoning Application will be held at 8:30 a.m. on Tuesday, December 14, 2021.

Municipal Council Meeting Agenda
Tuesday, December 14, 2021 – 9:00 a.m.
MODL Council Chambers – 10 Allée Champlain Drive, Cookville
Via Video/Audio Teleconferencing

- 1. Call to Order**
 - 1.1 Mi'kma'ki Territorial Acknowledgement
- 2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION**
 - 2.1 60 Year Volunteer Firefighter Service Award – Mervyn Joudrey, Blockhouse & District Fire Department
- 3. Approval of Agenda (as circulated)**
- 4. Approval of Minutes – November 23, 2021**
- 5. Business Arising from Minutes**
- 6. Awarding of Tenders/RFPs**
- 7. Presentations/Scheduled Times - Nil**
- 8. Consideration of Correspondence - Nil**
- 9. Recommendations from Committees & Boards**
 - 9.1 Finance Committee**
 - 9.1.1 Seniors' Safety Program – Support for Provincial Funding Request (1) 2-6
 - 9.2 Nominating Committee**
 - 9.2.1 Internal Transportation Committee – Terms of Reference (7) 8-9
 - 9.2.2 Planning Advisory Committee – Appointment of Members 10
 - 9.3 Sustainability Committee**
 - 9.3.1 Community Engagement Plan – Local Climate Change Action Plan..... (11) 12-22
- 10. Staff Reports**
 - 10.1 Planning & Development Department**
 - 10.1.1 Second Reading – Hebbville Rezoning Application (McCarthy's Towing) 23-36
 - 10.1.2 Municipal Public Road Transfer – Concordia Drive 37-49

10.2 Finance Department

10.2.1 2022 Tax Sale 50-51

11. Mayor’s/Deputy Mayor’s/Councillors’ Matters

- 11.1 MJSB Update
- 11.2 Deputy Mayor’s Update
- 11.3 Mayor’s Update

12. Added Items

13. In Camera

- 13.1 Contract Negotiations re Straight Pipe Installation, Middle LaHave under Section 22(2)(e) of the MGA
- 13.2 Contract Negotiations re Response to Rate Based Procurement RFP under Section 22(2)(e) of the MGA
- 13.3 Litigation Matter under Section 22(2)(f) of the MGA
- 13.4 Litigation Matter under Section 22(2)(f) of the MGA

14. Adjournment



Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4
Phone: 902.543.8181 Fax: 902.543.7123 Web Site: www.modl.ca

December 9, 2021

To Her Worship, Mayor Bolivar-Getson, and Councillors
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Finance Committee, in session on Tuesday, December 7, 2021, made the following
recommendation to Council:

1. That Municipal Council write a letter to Hon. Barbara Adams, Minister of Seniors and Long Term-Care, to support the Lunenburg County Seniors' Safety Partnership Society's request for increased provincial funding for Seniors' Safety Programs.

Respectfully submitted,

Chairman and Members
Finance Committee

/rh
Attachments

From: [REDACTED]
To: [REDACTED]
Subject: Seniors' Safety Program - Support for Provincial Funding Request
Date: November 30, 2021 3:11:54 PM
Attachments: [2021_11_Ltrr to Minister FINAL.pdf](#)

CAUTION: This email originated from an external sender.

Mayor Bolivar-Getson, Municipality of the District of Lunenburg
Mayor Devenne, Town of Mahone Bay
Mayor Mitchell, Town of Bridgewater
Mayor Risser, Town of Lunenburg
Warden Webber, Municipality of the District of Chester

Dear Mayors, Warden and Members of Councils:

As the recently elected chair of the Lunenburg County Seniors' Safety Partnership Society, I am reaching out to introduce myself and to re-introduce the subject of municipal funding contributions to the operations of the Seniors' Safety Program.

We are deeply grateful for the financial support received from the county's five municipalities and for the many municipal expressions of appreciation for the program's varied services. Municipal funding was first established in 2014 when the program sought to increase staffing from 0.5 FTE to 1.0 FTE in response to increasing service demands. All five municipal units stepped up to provide the amounts requested, amounts that were based proportionally on population. With that amount assured, we were able to create a full time Seniors' Safety Coordinator position. In the seven years since then, we have used occasional reserves and project grants to provide additional part-time contracted staffing to address steadily growing service demands.

Since 2014 there has been only one increase in municipal funding, a 2% increase in 2018 which has continued to provide a total of \$27,000 from the municipalities. The same year the province increased its grant from \$20,000 to \$25,000 making municipal and provincial contributions almost equal. That basic core funding has been supplemented by contributions from the Lunenburg County United Way that have decreased over the years from \$10,000 to the current \$5000.

Now, in preparation of our 2022/2023 budget, with increasing costs and no financial reserves, at a time when our service statistics warrant the need for 2.0 FTE staff positions, we are facing the prospect of reduced staffing complement with resulting reduction in service. With this in mind, we intend to approach our five municipalities by end of January 2022 with a request for increased contributions. In doing so, we are heartened by the fact that our local United Way has pledged to increase their contribution to match any percentage increase made by the municipalities.

Recognizing the provincial responsibility for services such as we provide, we want to assure you that we communicated the need for increased funding to Department of Seniors officials during the previous government, and this month are again submitting a similar request to the new Minister with copies to the three local MLAs.

Attached you will find a copy of our letter to Minister Adams. We are requesting that your Council consider sending a message to the Minister in support of our request for increased provincial funding for Seniors' Safety Programs.

Yours sincerely,

David Murdoch
Chair, Lunenburg County Seniors' Safety Partnership Society
Phone 902 277 0766



November 29th, 2021

Hon. Barbara Adams,
Minister of Seniors and Long-Term Care,
Government of Nova Scotia

Dear Minister Adams,

As chair of the Lunenburg County Seniors' Safety Partnership Society, I am pleased to congratulate you on your appointment as Minister of the Department of Seniors and Long-Term Care, a newly formed department that is sure to provide you and your staff with exciting opportunities to foster dynamic, collaborative relationships amongst people and departments that were previously housed separately. I look forward to learning more about your re-organized department and about the part that the Seniors' Safety programs will play in the new configuration.

Since my appointment as chair of our Society, I've learned about the high esteem in which our Seniors' Safety Program is held by community partner organizations – well over 100 local, regional and provincial organizations. I am proud of the contribution that our 1 FTE Coordinator, with occasional help from contracted staff, has made to the safety, health and well-being of some of the 21,000 people age 55+ who live in Lunenburg County via community education and one-to-one direct service.

I am proud ... and concerned.

Concerned because I've learned about significant gaps and barriers in the resource network for older adults, gaps that our Seniors' Safety Coordinator is frequently called upon to address. Seniors' Safety Programs have been characterized as "crack fillers" because they help vulnerable older adults navigate the uncharted spaces between service boundaries: they arrange supports for frail elderly persons on home care waiting lists; they help ensure required standards are met so that home care can be implemented (everything from arranging for a mop to having a hoarding situation cleaned out); they assist people transitioning from Income Assistance when they lose their support worker and financial coverage for medical and dietary needs; they help locate and fill out forms that ensure that income is not interrupted. They respond to the increasing number of seniors who are precariously housed or who are homeless.



Concerned because our referrals doubled between 2018 and 2020 and because municipal and provincial funding has been unchanged since 2018. The core of our operating budget is derived from the provincial Seniors' Safety grant (\$25,000), contributions from all five municipalities in the county totalling \$27,000, and \$5000 from the United Way.

Concerned because the reasons for referral have become more serious and more complex: our Coordinator assists with issues such as homelessness, hoarding, mental health, elder abuse, financial hardship, lack of supports, suicide, and food insecurity among others.

Careful budgeting and creative grant-writing enable us to hire part-time staff intermittently to supplement the work of our 1.0 FTE permanent Coordinator. This year, having exhausted our reserves, without knowing what funding will come from the Department of Seniors, and without knowing municipal decisions on our requests for increased funding until May or June, we must prepare a bare bones 2022/23 budget that will necessitate a reduction in the service we can provide. Seniors will be caught in the gaps. Seniors will suffer.

Municipalities have expressed reluctance to increase funding to Seniors' Safety without seeing a provincial increase. We want to tell them that the province is stepping up with more funds to support the health and well-being of seniors. The Lunenburg County United Way has pledged to increase their grant by the same percentage as any municipal increases, a heartening show of local support that hinges in part on increased provincial funding.

We are seeking the soonest possible assurance that the province will increase the base funding for Seniors' Safety Programs, and implement a funding formula that recognizes the extra burdens on programs in counties with larger populations and/or geographic areas.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Murdoch".

David Murdoch
Chair, Lunenburg County Seniors' Safety Partnership Society



A handwritten signature in black ink, appearing to read "Penny Carver".

Penny Carver
Councillor, Town of Mahone Bay
Past Chair, Lunenburg County Seniors' Safety Partnership Society

cc

Deputy Minister, Paul LaFleche

Assoc. Deputy Minister, Tracey Barbrick

Faizel Nanji, Executive Director, Dept. of Seniors

Jacqueline Campbell, Policy Analyst, Dept. of Seniors

Lunenburg MLA, Minister Hon. Susan Corkum Greek

Lunenburg West MLA, Minister Hon. Becky Druhan

Chester-St Margarets MLA, Danielle Barkhouse



Municipality of the District of Lunenburg

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November 23, 2021

To Mayor Bolivar-Getson and Municipal Councillors:

Dear Municipal Council,

The Nominating Committee met on November 23, 2021, and made the following recommendation to Municipal Council:

1. **“that Municipal Council approve the Terms of Reference for the Internal Transportation Committee as presented”.**

To clarify, the regular meeting time as defined in subsection 7(1) of the Terms of Reference is set for 9:30 a.m. on every third Wednesday.

Respectfully submitted,

Chairman & Members
Nominating Committee

Enclosed: the Internal Transportation Committee Terms of Reference (2021)

/bk

Municipality of the District of Lunenburg

Terms of reference

Committee: Internal Transportation Committee	
Effective date: December 14, 2021	Amended date: N/A

Title

- 1 This terms of reference is titled the **Internal Transportation Committee Terms of Reference.**

Definition

- 2 In this terms of reference,
 - (a) "Committee" means the Internal Transportation Committee of the Municipality; and
 - (b) "transit service" means a public transportation service as stated in Section 55 of the **Municipal Government Act.**

Administration

- 3
 - (1) Municipal Council establishes a standing committee under the authority of Section 24 of the **Municipal Government Act.**
 - (2) The purpose of this Committee is to advise Municipal Council respecting a transit service in the Municipality, such as
 - (a) the type of vehicles to provide the transit service;
 - (b) the operation of the transit service; or
 - (c) providing financial assistance to a person who undertakes to provide the service.
 - (3) The duties of this Committee is to recommend Municipal Council on
 - (a) developing transit initiatives that support the residents and businesses of the Municipality;
 - (b) coordinating communications to the public and to other municipalities;
 - (c) updating the Municipal Council on the transit service; and
 - (d) fulfilling other transit-related activities as the Municipal Council directs.

Membership

- 4 The membership of the Committee must consist of 4 councillors and the mayor as an ex officio member as defined in Section 5 of Policy 002.

Appointment

- 5 (1) The terms of Committee members are one year.
- (2) Under subsection 2.3 of Policy 002, the Nominating Committee appoints the members of this Committee.

Officer

- 6 (1) The Committee members must, at their first meeting after an annual appointment by Council, elect a chair and vice chair.
- (2) The chair shall preside at all Committee meetings, and the vice chair must act in the absence, inability, or vacancy of the chair.
- (3) The maximum number of consecutive terms that an officer holds is unlimited.

Meeting procedure

- 7 (1) A Committee meeting occurs every third Wednesday of a month.
- (2) A Committee meeting must be governed in accordance with Policy 001.

Staff support

- 8 The Director of Planning & Development or their delegate is the primary contact for the Municipality, and may assign a staff member to
 - (a) circulate an agenda and minutes of the Committee meetings;
 - (b) conduct research related to an item on the agenda;
 - (c) implement and report on identified transit projects; and
 - (d) present on behalf of, and as requested by, the Committee.

From: Martin Bell <Martin.Bell@modl.ca>
Sent: December 8, 2021 9:02 AM
To: Byung Jun Kang <ByungJun.Kang@modl.ca>
Cc: Carolyn Bolivar-Getson <CBG@modl.ca>; Michelle Greek <Michelle.Greek@modl.ca>; Leitha Haysom <Leitha.Haysom@modl.ca>; Martin Bell <Martin.Bell@modl.ca>; Joanne Powers <Joanne.Powers@modl.ca>
Subject: RE: PAC Appointments 2021 - Nominating Committee

Good morning Byung Jun Kang.

I wish to reply to your email of November 30, 2021. Please be advised that the Nomination Committee met on December 7th and wish to make the following recommendation to Municipal Council.

On a motion by Councillor Greek, seconded by Mayor Bolivar-Getson, " *The nominating committee wish to suggest to municipal Council that Mr. **James Makaruk** be appointed to the PAC for a one year term and further that Ms. **Kathleen Gray** and Ms. **Ann Mech** each be appointed for a two year term.*" Motion carried.

I have CC: Ms. Joanne Powers this email but please take any further steps required to forward this recommendation to the next Council agenda.

Yours truly,

Martin

Councillor Martin E. Bell, CMG, EMDr, District #2
Municipality of the District of Lunenburg
10 Allée Champlain Drive
Cookville NS B4V 9E4



Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4
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November 25, 2021

To Her Worship, the Mayor Bolivar-Getson and Councillors
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors;

The Sustainability Committee, in session on Thursday, November 25, 2021, made the following
recommendation to Council:

**“That the Sustainability Committee recommend Municipal Council that they approve the
community engagement plan for the Local Climate Change Action Plan.”**

Respectfully submitted,

Chairperson and Members
Sustainability Committee



Municipality of the District of Lunenburg

Request for Decision

Report to: Municipal Council
Submitted by: Abhi Jain, Sustainability Planner
Date: December 14, 2021
Re: Community Engagement Plan for the Local Climate Change Action Plan

Recommendation

THAT Municipal Council:

- 1. Approve the community engagement plan for the Local Climate Change Action Plan.**

Discussion:

A Council workshop was held on November 2, 2021, to inform the Municipal Council about the development of Local Climate Change Action Plan. The Municipal Council suggested to revise the draft action items list and that Sustainability Committee provide recommendation to the Council on the community engagement plan.

The Sustainability Committee in session on Thursday, November 25, 2021, was presented with the community engagement plan and the revised draft action items list. In discussion with the MODL Communications Officer, the staff recommended to the Committee members to extend engagement window until the February 28, 2022, to achieve the initial engagement goals of the plan. The updated engagement plan includes community pop-ups along with a municipal wide survey. The complete community engagement plan is attached below as Appendix-A. In regard to the draft action items list, the list has been reduced to 23 from the initial 31 action items. The updated draft action items list is attached as Appendix-B. The Sustainability Committee approved the updated draft action items list and the community engagement plan. The Committee made the following recommendation that Municipal Council approve the community engagement plan for the Local Climate Change Action Plan.

Appendix-A: Community Engagement Plan

Goals

- To create awareness about the Local Climate Change Action Plan
- To learn the public support for the respective proposed action items
- To identify champions and supporters in the community who will lead the respective action items

Printed material

- Handout/postcard sized
- Printed community survey

Promotion and Awareness

- Engage.modl.ca email newsletter list
- MODL Messenger – **December 2021 to February 2022**
- Carolyn's Corner article in South Shore Breaker – **December 2021**
- Radio ads
- Facebook posts and ads
- Community Survey: **December 2021 to February 2022**
- Printed survey and handout provided to Council members
- Community pop-ups: **December 2021 to February 2022**

Appendix-B: Updated Action Items List

MODL Local Climate Change Action Plan (2021 - 2030): Main Categories and Proposed Action Items

Main Categories	S. No.	Proposed Future Action Item(s)	Key Areas	Investment	GHG Reduction Potential	Year of Implementation									
						2022	2023	2024	2025	2026	2027	2028	2029	2030	
Category 1: Energy Efficient Built Environment	1	Clean Energy Financing (expansion and promotion)	Financial	\$\$\$	High										
	2	Energy efficiency standards for new construction	Bylaw/MODL 2040	\$	High										
	3	Commercial energy efficiency retrofits	Education	\$	Medium										
Category 2: Sustainable Low-Carbon Transportation	4	Electric vehicles charging infrastructure	Financial	\$\$\$	Low										
	5	Electric vehicles promotion and education	Education	\$\$	Low										
	6	Anti-idling policy	Bylaw/MODL 2040	\$	Low										
	7	Carshare program	Program	\$\$	N/A										
	8	E-bike program	Program	\$\$	Low										
	9	Public transit service	Financial	\$\$\$	Low										
Category 3: Waste Reduction, Recycling and Composting	10	Waste management educational programs	Education	\$\$	Low										
	11	Join in bring your own promotion and subsidy	Program	\$	Low										
Category 4: Land Use for Energy Conservation and Sustainable Development	12	Mixed land use bylaw development	Bylaw/MODL 2040	\$	N/A										
Category 5: Natural Environment Conservation	13	Tree planting program	Program	\$	Low										
	14	Land conservation	Financial	\$\$	Low										
Category 6: Community Engagement	15	Community Pledges	Advocacy	\$	Low										
	16	Youth Engagement	Advocacy	\$	N/A										
	17	Region-wide climate working group	Advocacy	\$	N/A										
	18	MODL environmental and resilience champion award	Program	\$	N/A										
	19	Community solar garden	Program	\$	High										
Category 7: Renewable Energy Generation	20	Community garden	Program	\$\$	Low										
	21	Food security programs	Program	\$	Low										
Category 8: Food Security	22	Dry hydrants	Financial	\$\$	N/A										
	23	Education on the impacts of climate change	Education	\$	N/A										

Legend	
Investment	
\$	less than \$10,000
\$\$	\$10,000 - \$100,000
\$\$\$	more than \$100,000
GHG Reduction Potential	
Low	less than 1% of total GHG emissions
Medium	1% - 5% of total GHG emissions
High	more than 5% of total GHG emissions
N/A	No estimate available

Note: The plan is in draft stage. The numbers reflected in 'Investment' column above are only provisional and are subject to change. The anticipated 'Year of Implementation' of the respective action items are subject to change.



Municipality of the District of Lunenburg

Request for Decision

Report to: Sustainability Committee
Submitted by: Abhi Jain, Sustainability Planner
Date: November 18, 2021
Re: Local Climate Change Action Plan's Draft Action Items List, and Engagement Plan

Recommendation

THAT Council:

- 1. Approve the community engagement plan for the Local Climate Change Action Plan.**

Background

In October 2019, Council declared climate emergency and added "climate emergency" as a priority in its strategic plan, and passed a resolution to act on climate change by joining the Partners for Climate Protection (PCP) program. The PCP program is a five-milestone framework that mandates the creation of a Local Climate Change Action Plan (LCCAP) and identify ways to mitigate our greenhouse gas (GHG) emissions and guide MODL towards a low carbon future.

The Sustainability Committee had initially identified draft 9 Main Categories and 31 possible future action items for the LCCAP. A Council workshop was held on 2nd November 2021 to inform the Council of the draft action items list and the LCCAP engagement plan and get feedback from the Council on it. After the workshop, the Council members asked the staff to refine draft action items list and reduce the number of proposed future action items, as well as bring the engagement plan back to the Sustainability Committee to provide recommendation to the Council for decision. In regard to LCCAP engagement plan, Council members suggested to extend the engagement window to minimum 90 days.

In consideration of Council feedback, the draft action items list has been revised. The number of action items in the updated possible future action items list has been reduced to 23 from the initial 31 action items. In regard to the LCCAP engagement plan, and discussion with the MODL Communications Officer, the community engagement window is recommended to be extended

for 60 days to achieve the initial engagement goals of the plan. The LCCAP engagement will include a community wide survey as well as community pop-ups. The Sustainability Committee recommends Council to approve the LCCAP engagement plan.

Discussion

The LCCAP is being built around a central vision that MODL will be a low carbon community, with the long-term goal of becoming a sustainable, resilient, and net-zero community. The Plan sets out a path for MODL to reduce its Corporate and Community GHG emissions. The Plan will identify and prioritize Main categories and several key action items that will be delivered over the next 10 years.

The Sustainability Committee had initially identified 9 Main Categories and 31 Proposed Future Action Items for the LCCAP, as shown in the Table-1 below. A Council workshop was held on 2nd November 2021 to inform the Council of the draft action items list and the plan's timeline and get feedback from the Council on it. After the workshop, the Council members asked the staff to refine draft action items list and reduce the number of proposed future action items. In consideration of Council feedback, the draft action items list has been revised. The yellow highlighted action items in the Table-1 are recommended to be dropped from the original draft action items list. The number of action items in the updated possible future action items list, as shown in the Table-2 below, has been reduced to 23 from the initial 31 action items.

For better understanding, the staff has also added several new columns to the updated draft action items Table-2. One of them is the 'Key Areas' column. The 'Key Areas' column shows how MODL will approach the corresponding action items and categorizes them into the following five areas respectively:

- a) Advocacy
- b) Bylaw/MODL 2040
- c) Education
- d) Financial
- e) Program

The 'GHG Reduction Potential' column depicts the tentative GHG reduction potential for the respective action items. This will aid in getting better sense of which action items may reduce the highest or the least GHG emissions respectively.

Table-1: Original Action Items List (items highlighted with yellow color are recommended to be dropped from the proposed list)

MODL Local Climate Change Action Plan (2021 - 2030): Main Categories and Proposed Future Action Items

Main Categories	S. No. Proposed Future Action Item(s)	Description
Category 1: Energy Efficient Built Environment	1 Clean Energy Financing program expansion	Retrofit existing residential buildings with higher energy efficiency equipment and appliances.
	2 Clean Energy Financing program promotion	Promote and educate developers and the community on energy efficiency in the buildings including energy efficiency upgrade options and cost savings
	3 Energy efficiency standards	Investigate and adopt green building standards/certifications that require/support newly constructed buildings to be of certain minimum energy efficiency standard as well as EV level 2 charging and solar installation ready
	4 Green affordable housing	Research and invest in affordable housing options through MODL2040 and adopt minimum energy efficiency building standards through Local Climate Change Action Plan (LCCAP)
	5 Commercial, Institutional and Industrial green buildings	Promote and educate developers and commercial, institutional and industrial owners/groups to build sustainable and energy efficient buildings. E.g., use sustainable building materials, green walls, install rainwater harvesting system, etc. and further encourage them to attain green buildings certifications
	6 Commercial energy efficiency retrofits	Promote and educate community about EfficiencyNS's energy efficiency retrofit options available for small businesses as well as commercial buildings
Category 2: Sustainable Low-Carbon Transportation	7 Electric vehicles charging infrastructure	Install more EV public charging stations.
	8 Electric vehicles promotion and education	Promote and support transition to EVs through educational programs
	9 Anti-idling policy	Create an anti-idling policy for the municipality
	10 Biofuel as an alternate fuel	Promote and support initiatives for biofuel use in buildings or in vehicles
	11 Carshare program	Support and promote initiatives for carshare/carpool programs; Pilot projects can be launched to understand the feasibility, cost savings, emissions reductions, barriers and opportunities.
	12 E-bike	Support and promote initiatives for E-bike share programs; Pilot projects can be launched to understand the feasibility, cost savings, emissions reductions, barriers and opportunities.
	13 Geotab loan service	Provide Geotab loan service where user can purchase/loan Geotab to install in it's vehicle and be able to track and improve his/her driving behavior
	14 Public transit service	Initiate a operational study to explore viable public transit options in MODL
Category 3: Waste Reduction, Recycling and Composting	15 Waste reduction, recycling and composting educational programs	Develop education programs in partnership with DivertNS and staff from LRCRC to support and encourage waste reduction, recycling and composting practices
	16 Join in bring your own promotion and subsidy	Launch 'Join In Bring Your Own Program' to promote and support initiatives to reduce single use plastics (e.g., bring your own cutlery, coffee cups, shopping bags, etc.)
	17 Circular economy recycling strategy (battery)	Advocate for battery recycling
Category 4: Land Use for Energy Conservation and Sustainable Development	18 Mixed land use bylaw development	Develop land use bylaws as part of MODL2040 to reduce sprawl and energy consumption, support sustainable development, enhance public health and accessibility to businesses and services.
	19 Green landscaping	Education on emissions impacts of small engines, promote green landscaping, less mowing, rain gardens, etc.
Category 5: Natural Environment Conservation	20 Tree planting program	Develop tree planting program in partnership with NSCC and provide required space for tree plantation.
	21 Land conservation	Purchase land and/or accept land donations for the conservation and protection of biodiversity and natural environment
Category 6: Community Engagement	22 Community Pledges	Community members can sign up on MODL website and pledge to reduce emissions at individual level
	23 Youth Engagement	Collaborate with environmental societies in local schools
	24 Region-wide climate working group	Regional networking and information sharing summit
	25 MODL environmental and resilience champion award	Create an award recognition program for environmental champions in our communities
Category 7: Renewable Energy Generation	26 Community solar garden	Invest in renewable energy generation through solar community garden
	27 EVs in driveways as energy source	Partner with NSP for bi-directional EV energy storage and usage (include comfort centres and Regional Emergency Management Organization (REMO))
Category 8: Food Security	28 Community garden	Providing space for community gardens to support food security
	29 Food security programs	Investigate and adopt food security programs that support local farmers, food security initiatives, and increase the availability of local food
Category 9: Emergency Preparedness and Response	30 Dry hydrants	Emergency management. Essential for fire protection.
	31 Education on the impacts of climate change	Develop educational program to provide education on emergency events preparedness and response including fire, floods, droughts, and Lyme disease

Table-2: Updated Action Items List

MODL Local Climate Change Action Plan (2021 - 2030): Main Categories and Proposed Action Items

Main Categories	S. No.	Proposed Future Action Item(s)	Key Areas	Investment	GHG Reduction Potential	Year of Implementation									
						2022	2023	2024	2025	2026	2027	2028	2029	2030	
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Legend	
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\$\$	\$10,000 - \$100,000
\$\$\$	more than \$100,000
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High	more than 5% of total GHG emissions
N/A	No estimate available

Note: The plan is in draft stage. The numbers reflected in 'Investment' column above are only provisional and are subject to change. The anticipated 'Year of Implementation' of the respective action items are subject to change.

LCCAP Engagement Plan

For the successful development and implementation of LCCAP, community engagement plays an important role. In the initial engagement stage, the primary goal of the engagement is to create awareness about the LCCAP, learn the public support for the respective proposed action items, and identify champions and supporters in the community who will lead the respective action items. The development and implementation of LCCAP will require continued engagement throughout the plan implementation. Once the plan gets Council approval, more detailed engagement will be conducted at different stages of the plan implementation for each respective action item. For example: If 'Community Garden' will be implemented in the year-2 of the plan, a comprehensive community engagement will be conducted for that action item in the year-2, and so on. Further continued engagement will also be required for the modification or improvement of the action items, in case, action items are not working as desired.

In Council workshop held on 2nd November 2021, the Council members asked the staff to bring the engagement plan back to the Sustainability Committee and provide recommendation to the Council for decision. The Council also asked the staff to allocate minimum 90 days for the community engagement for the plan. In consideration of the Council feedback, and discussion with the MODL Communications Officer, the community engagement window is recommended to be extended for 60 days to achieve the initial engagement goals of the plan.

All the actions under the LCCAP engagement plan are summarized in the Chart-1 below. The staff will conduct a community-wide survey from December 2021 to February 2022. A copy of the draft community survey is attached below. During this engagement window, the staff will also conduct municipality wide 'community pop-ups' and cover as many locations possible in MODL to achieve the maximum community engagement.

The LCCAP plan timeline is shown in the Chart-2 below. The plan timeline shows the planned next steps in the LCCAP development until the final approval of the plan by Council in May 2022.

Chart-1: LCCAP Engagement Plan

Goals

- To create awareness about the Local Climate Change Action Plan
- To learn the public support for the respective proposed action items
- To identify champions and supporters in the community who will lead the respective action items

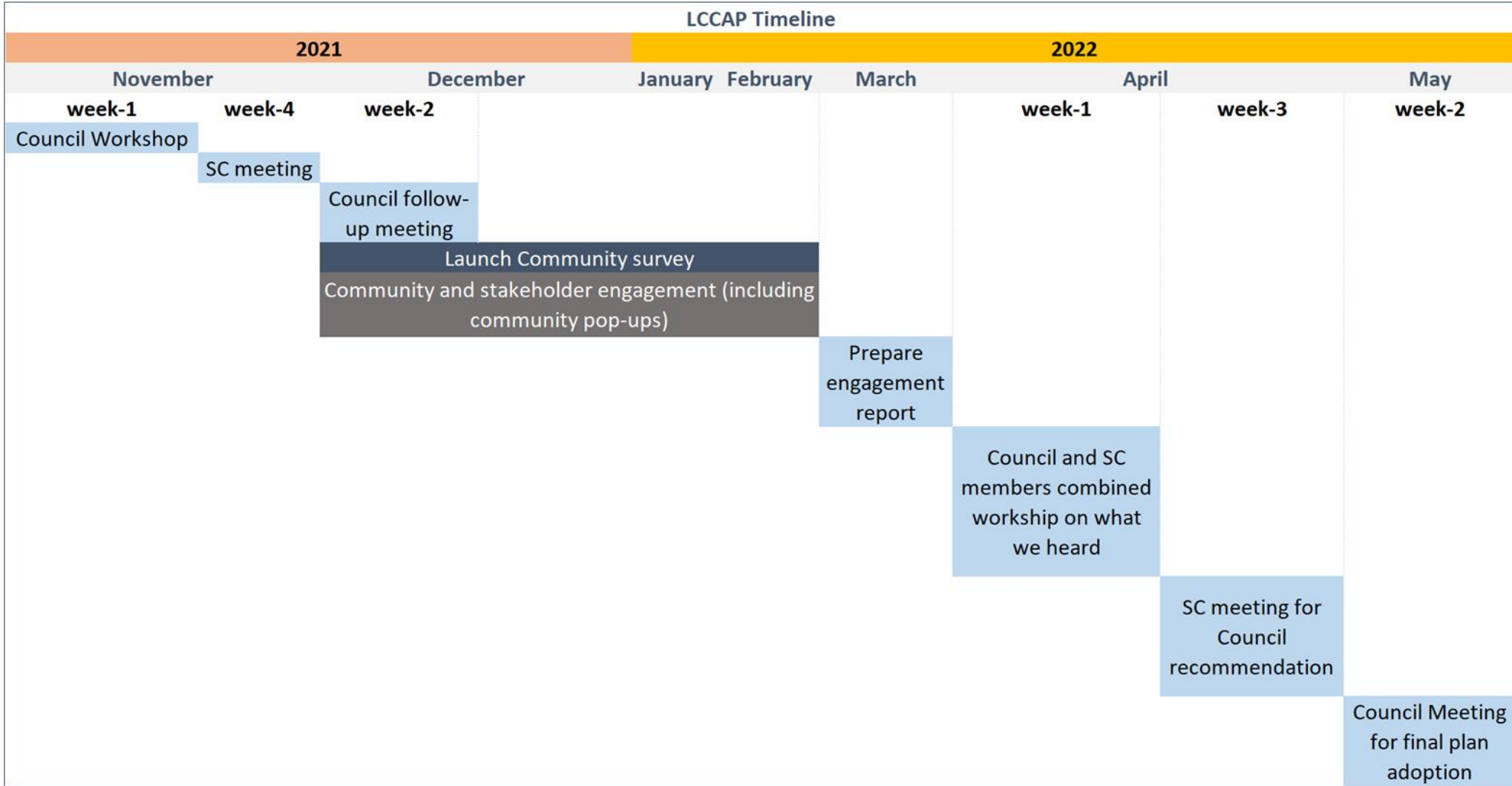
Printed material

- Handout/postcard sized
- Printed community survey

Promotion and Awareness

- Engage.modl.ca email newsletter list
- MODL Messenger – **December 2021 to February 2022**
- Carolyn's Corner article in South Shore Breaker – **December 2021**
- Radio ads
- Facebook posts and ads
- Community Survey: **December 2021 to February 2022**
- Printed survey and handout provided to Council members
- Community pop-ups: **December 2021 to February 2022**

Chart-2: LCCAP Plan Timeline (November 2021 – May 2022)



Note: Once the plan gets Council approval, more detailed engagement will be conducted at different stages of the plan implementation for each respective action item as required.

Budget implications

The LCCAP is at its preliminary stage where the identified action items are not prioritized and finalized yet. In Table-2, the 'Investment' column is added to reflect on tentative budget requirements for the respective action items. However, these numbers are only provisional and more detailed numbers will be computed after the LCCAP community and stakeholder engagement. The engagement component will enable the staff to understand the feasibility, public support, potential lead, funding/grants options available for the respective action items. Once the engagement is complete, the staff will prepare an engagement report and priority matrix for the action items. The action items will be given a score based on several factors such as GHG emission reduction potential, high or low budget, identified action item lead/stakeholder, available grant options, etc.

The 'Year of Implementation' columns, added to the Table-2 denotes the years when the respective action items will be implemented. The blue highlighted boxes under the 'Year of Implementation' columns denote the tentative respective years when the corresponding action item will withdraw funds from the Capital or Operating budget. The 'Year of Implementation' columns are in draft stage and will be refined after the community and stakeholder engagement.

Strategic plan

Climate Emergency is a strategic priority of Council.

Alternatives

Council can alter the LCCAP engagement plan, shown in Chart-1, as necessary.

Conclusion

LCCAP plays a pivotal role in guiding MODL towards a sustainable, resilient, and net-zero carbon community. For successful development and implementation of LCCAP, continued engagement throughout the plan implementation will be required. In the initial engagement, shown in Chart-1, the primary goal is to create awareness about LCCAP, learn the public support for the respective proposed action items, and to identify champions and supporters in the community who will lead the action items. More detailed engagement plans will be developed at different plan implementation stages as required. Through this report, the Sustainability Committee recommends Council to approve the LCCAP engagement plan.



Municipality of the District of Lunenburg

Memorandum

REPORT TO: Municipal Council
SUBMITTED BY: Byung Jun Kang, Planner
DATE: December 14, 2021
RE: Hebbville Rezoning Application from McCarthy – Second Reading

RECOMMENDATION

that Municipal Council approve the adoption of By-law 027G, the amendments to Hebbville Secondary Planning Strategy and Land Use By-law (2021).

ORIGIN

Resolution 2021-164 was passed on November 9, 2021, to give notice of a public hearing and second reading to approve a rezoning application from McCarthy's Towing in Hebbville.

LEGISLATIVE AUTHORITY

Municipal Government Act, subsection 205(6): "Second reading shall not occur until the council has considered any submissions made or received at the public hearing."

BACKGROUND

Municipality received an official correspondence from the staff at Nova Scotia Environment & Climate Change about the environmental impact of the proposed development:

"I was on the McCarthy's property at PID 60426442 in Hebbville where they're proposing to construct a garage. I did not see any obvious environmental related concerns that would prevent the construction of a garage on the property" (Mike MacDonald, personal communications, November 2, 2021).

The staff further stated that the wetland identified on the back of proposed site is not necessarily considered as a wetland, as it is simply wet due to drainage from the pond. The hardwood in the "wetland" are not a wetland species, and the drainage water from the pond is simply inundating these trees for the time being.

DISCUSSION

Following the council meeting on November 9, 2021, staff issued a public notice to:

1. LighthouseNOW as 2 newspaper advertisements;
2. all landowners living within 305 metres from the property line of the proposed site;
3. the Town of Bridgewater;
4. Hebbville Village Commission; and
5. the EngageMODL website.

Staff received one submission from a landowner living within 305 metres from the proposed site on November 25, 2021. The following is a paraphrase of the telephonic conversation:

“While I am not necessarily opposed to the McCarthy’s application in particular, I am concerned about how this larger-scale commercial development may impact the surrounding residential area in terms of property values. For example, property values went up in this area when car dealerships came on Highway 3 past Jubilee Road. This proposal sets precedence of bigger development into this area that has traditionally been used as rural residential uses.”

ALTERNATIVE

Once the Municipal Council is conducting Second Reading, the Council may vote in favour or against the approval of this rezoning application. Before the decision, Municipal Council has to consider any submissions made or received at the public hearing.

Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2021-11-25

Report approved by: Jeff Merrill, Director

Date: 2021-12-01

Reviewed by CAO: Tom McEwan, Chief Administrative Officer

Date: 2021-12-09



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Planning Advisory Committee
SUBMITTED BY: Byung Jun Kang, Planner
DATE: October 28, 2021
RE: **PL210004: Rezoning Application from Rural to Light Industrial from McCarthy's Towing and Recovery Ltd. at PID 60426442**

RECOMMENDATION

MOVE THAT the Planning Advisory Committee recommend Municipal Council to approve the rezoning application submitted by McCarthy's Towing and Recovery Ltd. by adopting By-law 027G, the amendments to the Hebbville Secondary Planning Strategy and the Hebbville Land Use By-law (2021).

EXECUTIVE SUMMARY

McCarthy's Towing & Recovery Ltd. applied to rezone PID 60426442 on Highway 3 by Forest Side Drive in Hebbville from the Rural and the Two-Unit Residential Zones to the Light Industrial Zone. This is to replace a former 1,500-ft² repair garage on 16015 Highway 3, Hebbville, with a new 7,000-ft² building.

While this may be viewed as spot zoning, it is difficult to deny this application because of that when the Secondary Planning Strategy recognizes Hebbville as a mixed-use community. Staff was not able to identify negative impacts on the environment, traffic, fire safety, and security. While a steep slope may be a concern, it can be addressed by applicants through grading work. Based on public engagement, the local community is generally in favour of this development. Overall, municipal staff is recommending this proposed application to be approved.

ORIGIN

An applicant, McCarthy's Towing & Recovery Ltd., submitted a rezoning application for PID 60426442 in the Village of Hebbville on August 9, 2021.

Municipal Council passed **Resolution 2021-140** on September 14, 2021, to direct staff to hold a public information session, and to direct the Planning Advisory Committee for review of the rezoning application. Hebbville Area Advisory Committee recommended the Planning Advisory Committee to move forward with the application on October 12, 2021.

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 219 (adoption of land use by-law or amendment)

INTRODUCTION

The proposed site, PID 60426442, is an 18-acre vacant lot facing Highway 3 in Hebbville, near Forest Side Drive and Hebbville Academy. The proposed site is 200 metres southwest of the applicant's main office on 16013 Highway 3, Hebbville. The site is zoned Two-Unit Residential, for the portion within 33.5 metres (110 feet) from the right-of-way of Highway 3, and Rural, for rest of the site. Under subclause 2(1)(s)(ii) of the **Assessment Act**, the proposed site is a forest resource property.

The applicant proposed to build a 70'-by-100' customer repair garage for light vehicles and company fleet to replace the original 30'-by-50' building (16015 Highway 3, Hebbville) burnt down on November 17, 2020. Because a repair garage and vehicle storage is considered a light industrial use under clause 7.3.1. j) of the **Hebbville Land Use By-law**, it is:

- prohibited in the Two-Unit Residential Zone (subsection 5.3.1 of the Land Use By-law);
- permitted in the Rural Zone
 - if the building is under 70 m² (750 ft²), or
 - by development agreement (subsection 9.4.2 of the Land Use By-law); and
- permitted in the Light Industrial Zone (clause 7.3.1. j)) of the Land Use By-law),
 - unless a driveway is going through a residential zone to reach a public highway (subsection 7.2.7. of the Land Use By-law).

Instead of applying for a development agreement, the applicant requested for rezoning from both the Rural and the Two-Unit Residential Zone to the Light Industrial Zone. This would allow all the other permitted uses in the Light Industrial Zone, on top of the repair garage.

Because all three zones are under different land use designations in the Hebbville Secondary Planning Strategy, this rezoning process requires amendments to both the Planning Strategy and Land Use By-law.

DISCUSSION

Under subsection 7.2.6 of the Hebbville Secondary Planning Strategy, Municipal Council must be satisfied with the aspects listed in Table 1 before approving an amendment application.

Table 1

List of considerations for planning amendment applications

Legislative authority	Policy statements	Note
7.2.6. a)	Conforms with the intent of Planning Strategy	Yes
7.2.6. b)	Conforms with the environmental protection policies in Section 4 of the Planning Strategy	Pending (NS E&CC)
7.2.6. c)	Conforms with the signage, display, storage, screening, parking, landscaping, and lighting policies in Section 6 of the Planning Strategy	N/A
7.2.6. d)	Does not generate pollutions such as noise, dust, radiation, odours, liquids, or lights	Yes, upon mitigation
7.2.6. e) iii.	Is not inappropriate due to lack of on-site service	Yes
7.2.6. e) iv.	Is not inappropriate due to soil erosion	Pending (NS E&CC)
7.2.6. e) v.	Is not inappropriate due to lack of storm drainage	Yes
7.2.6. e) vi.	Is not inappropriate due to lack of emergency services (police and fire)	Yes
7.2.6. e) vii.	Is not inappropriate due to congestion, traffic hazards, and emergency access	Yes
7.2.6. f)	Has a suitable grade, soils, distance from watercourses	Yes, upon mitigation
7.2.6. g)	Is built with durable, weather-resistant materials	Yes
7.2.6. h)	Builds parking areas with hard surface to prevent dust from blowing	Yes
7.2.6. i)	Conforms with all other planning concerns	Yes

PLANNING IMPLICATIONS

Municipality recognizes the dense and mixed-use nature of Hebbville due to its proximity to the Town of Bridgewater and its extended services under the Secondary Planning Strategy. The objective of the planning strategy is to effectively monitor and guide proposed changes in land use in Hebbville over time, but not to prohibit entirely the opportunity for new development to occur.

The area between Hebbs Lake and Fancy Lake, where the proposed site is located, is predominantly vacant forested land, with low-density dwellings and a few scattered industrial buildings along Highway 3. The northern half of the area is zoned as the Rural, while the rest of the area on the south is zoned as the Two-Unit Residential. The reasoning for zoning rural and residential is presumably due to a lack of central water and wastewater services, and this may have resulted in the size restriction for commercial and industrial buildings. Despite the current landscape, the planning strategy recognizes a mix of land uses other than residential in the Rural Zone, including a few scattered industrial uses:

Council considers those areas of Hebbville provided with a Rural Designation are not exclusively residential in purpose, but rather, provides to landowners sufficient space for a mix of compatible uses. Council will establish a Rural (RU) Zone to permit for a variety of land uses, to include residential, commercial, light industrial, institutional, and natural resource-related activities (Section 3.4 of the Planning Strategy).

It does not mean that the Rural Zone may accommodate any land uses. The compatibility between different land uses is critical to mitigating land use conflicts, and the Municipality recognizes that through this planning review process. Some of the planning considerations include the following:

- the current use of proposed site of being vacant with forest;
- lack of agricultural uses in vicinity;
- 7 dwellings within 30 metres from the proposed site;
- lack of central water system and central sewer system, limiting the density; and
- the large size of the proposed site to accommodate environmental protection.

Municipal Council should consider that, unlike a development agreement, a rezoning permits any other uses that are permitted in that zone, such as breweries, Christmas tree yards, metal fabrication shops, bakeries, daycares, hotels, warehouses, and retail stores. Heavy industrial uses such as abattoirs, shooting ranges, and smelters are also permitted in the Light Industrial Zone, but those uses require a development agreement – which is not part of this application.

Spot zoning

Typically, rezoning from a rural use to a light industrial use requires an intensive review, especially if the proposed site to become a light industrial zone is surrounded by rural or other non-industrial zones. This may be referred to as “spot zoning”, in which the US Michigan State Court (2003) defines it as a zoning ordinance or amendment creating a small zone of inconsistent use within a larger zone. Oxford University (2021) also defines spot zoning as a special type of land use rezoning that allows particular activities in an isolated plot of land which would not be allowed in the surrounding area.

Many municipalities in Canada discourage spot zoning, as it is seen as inconsistent to the generalized future land uses, and even seen as favouritism to certain individuals. Permitting spot zoning may encourage landowners to request for amendments to a land use by-law and create a ripple effect for similar requests.

However, other municipalities in Canada permit spot zoning through a case by case review. The Superior Court of Québec (2019) points out that:

Le « spot zoning » ou zonage parcellaire est valide s’il est fait pour des motifs d’intérêt public et non pas simplement pour avantager une personne au détriment des autres.

[“Spot zoning” is valid if it is done for reasons of public interest and not simply to benefit one person to the detriment of others.]

Based on the high level of community support in this application, the distribution of existing use and the relatively large size of the proposed site, it is difficult to define this particular application as negative “spot zoning”.

Mixed-use zoning

Another perspective on this application is that the existing zones may be too segregating, which is not reflective of the mixed-use nature of Hebbville. Currently along Highway 3 towards Bridgewater, the zoning is fragmented: the Rural, Residential, Commercial, and Light Industrial Zones exist next to each other. This type of land use distribution should not be discouraged only because of the risk of spot zoning; rather, the current planning trend promotes mixed use communities, so long as those land uses are relatively compatible.

Hebbville is not the only community that has rural, residential, commercial, and light industrial uses in proximity. The concept of Quasi-Industrial Zone is found frequently around the world, where the dominant light industrial use is supported by residential and commercial retail and office uses. Overall, it is difficult to deny this rezoning application on the basis of “spot zoning” when the Secondary Planning Strategy recognizes Hebbville as a mixed-use community.

ENVIRONMENTAL IMPLICATIONS

As of October 19, 2021, the provincial Department of Environment & Climate Change has not yet provided municipal staff with feedback on this proposed development.

Water flow

A western portion of the proposed site, towards Highway 103, is deemed as an unprotected watershed to Hebbs Lake. While water flow to a drinking water source is concerning, a site visit confirmed that Highway 103 blocks the flow towards Hebbs Lake.

The database from the Department of Public Works confirms that there are no culverts through Highway 103 in the vicinity, so the water from the proposed site would flow to either a wetland at the west of proposed site or towards Fancy Lake to the east, as shown on Figure 1.



Figure 1: Watershed map of PID 60426442 and its vicinity. While the water would have naturally flowed to northward towards Hebbs Lake, a drinking water source, the water now flows to wetlands because of the raising of ground to construct Highway 103.

Topography

A slope map indicated that the average slope of the front lot line of the proposed site, along the right-of-way of Highway 3, is considered steep. In other words, the proposed site is located on a higher ground than the provincial road, and ground level has to be altered during development.

Unlike other planning areas in the Municipality, there are no regulations around prohibiting development on a steep land in the Village of Hebbville.

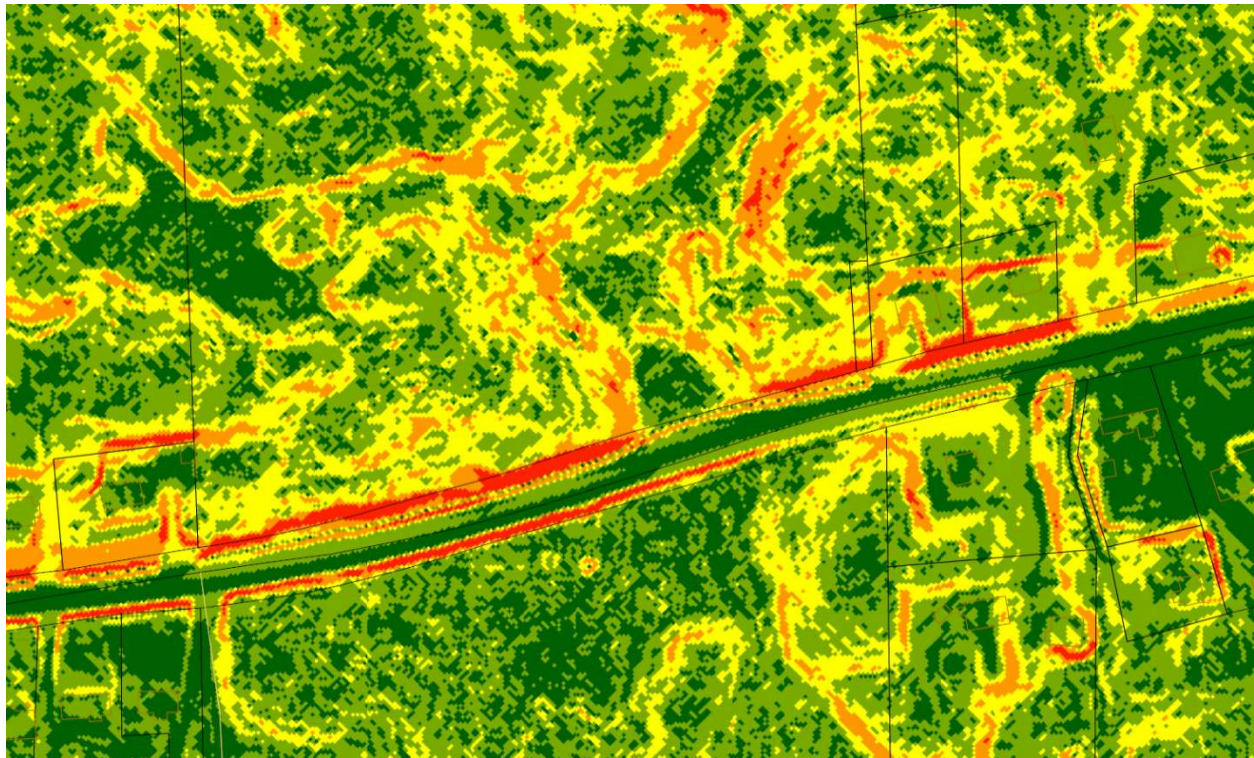


Figure 2: Slope map of PID 60426442 and its vicinity. The red area indicates the land with 20% or more grade, which is considered a steep slope.

SAFETY & SECURITY IMPLICATIONS

Hebbville Fire Department provides fire protection services to the Village of Hebbville. This is one of the major consideration as the former building was engulfed in flame in half an hour. Hebbville Fire Chief commented that “after looking at the application and visiting the location, I have no concerns with the application” (Dennis Hynes, personal communications, 6 October 2021). The municipal fire services coordinator added that hopefully “the front entrance area will be large enough to allow for ease of fire [department’s] access” (Chris Kennedy, personal communications, 5 October 2021).

The Royal Canadian Mounted Police provides police services to the Village of Hebbville. It was determined that the proposed development should not pose any additional policing pressures “with proper perimeter fencing, lighting, and security system. McCarthy’s Towing has been around a long-time and are well aware of the local area demographics” (Victor Whalen, personal communications, 29 September 2021).

INFRASTRUCTURE IMPLICATIONS

The applicants indicated that about 200 customers visited their former garage daily. The Department of Public Works has “no concerns with the proposed garage development” as long as a work-within-highway-right-of-way permit is issued before constructing a building, if it is within 100 metres from the centreline of Highway 3, or a driveway entrance from Highway 3 (Matt Smith, personal communications, 7 October 2021).

A powerline runs along Highway 3 on the side where the proposed site is situated. If any work is conducted within 6 metres from the powerline, the applicants must obtain a Safe Clearance Report from Nova Scotia Power.

COMMUNITY ENGAGEMENT

A public information session was held virtually on Tuesday, September 28, 2021, at 6:30 p.m. to provide opportunities for residents to ask questions and to collect feedback on the proposed rezoning application. The applicants were present at the sessions to respond to the public’s questions directly. In the first 12 hours, a video recording received 678 views with 8 comments. The meeting can be rewatched at this webpage: <https://fb.watch/8kl4cWi2Mu/>.

All the comments received from the public members through Facebook Live are in favour of this proposed development. The majority of comments highlighted that they would like to see this development happening, and that the applicants are trusted in the local community.

Staff also created a dedicated webpage was created on the EngageMODL website for information (<https://engage.modl.ca/mccarthy-towing-2021>), and sent out public notices through mail to all landowners within 30 metres from the proposed site. No feedback was received from the landowners to this date. Some residents were concerned about the proposed site turning into salvage yards or other eyesores. Applicants assured that is not the intent, and such use will remain in Conquerall Mill. Also, under clause 7.4.3. n) of the Land Use By-law, salvage operation and other related uses are permitted only by development agreement.

WORK PLAN

Table 2 contains a tentative schedule for processing this rezoning application.

Table 2

PL210004 application process schedule

Session	Date and time	Location
Public information session	September 28, 2021 6:30 – 7:30 p.m.	MODL Facebook Page https://www.facebook.com/MODLns/
Hebbville Area Advisory Committee	October 12, 2021 7:00 – 8:00 p.m.	MODL Facebook Page https://www.facebook.com/MODLns/
Planning Advisory Committee	October 28, 2021 7:00 – 8:30 p.m.	MODL Facebook Page https://www.facebook.com/MODLns/
First reading	November 9, 2021 9:00 – 11:30 a.m.	MODL Municipal Service Building* (10 Allée Champlain Drive, Cookville)
Public hearing Second reading	December 14, 2021 8:30 – 11:30 a.m.	MODL Municipal Service Building* (10 Allée Champlain Drive, Cookville) MODL Facebook Page https://www.facebook.com/MODLns/

*Pending health protection restriction requirements

ALTERNATIVES

The Planning Advisory Committee may recommend to Municipal Council against the approval of this development proposal, if deemed inappropriate. The Committee may also defer recommendations or recommend with conditions.

Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2021-10-19

Report approved by: Jeff Merrill, Director

Date: 2021-10-20

Reviewed by CAO: Tom McEwan, Chief Administrative Officer

Date: 2021-11-04

Municipality of the District of Lunenburg

By-law

Title: Amendments to the Hebbville Secondary Planning Strategy and the Land Use By-law (2021)	
By-law number 027G	Legislative authority: Municipal Government Act , Section 219
Effective date:	Amended date: N/A

Preamble

Be it enacted by the Council of the Municipality of the District of Lunenburg, under the authority of Section 219 of the **Municipal Government Act**, as follows:

Title

- 1 This By-law is titled the Amendments to the Hebbville Secondary Planning Strategy and the Land Use By-law (2021).

Hebbville generalized future land use map amended

- 2 Schedule A of By-law 027, Hebbville Secondary Planning Strategy, is amended by rezoning PID 60426442 from RURAL and RES to IND.

Hebbville zoning map amended





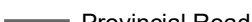





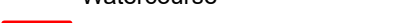
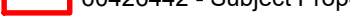
- 3 Schedule A of By-law 028, Hebbville Land Use By-law, is amended by rezoning PID 60426442 from RU and TU to LI.

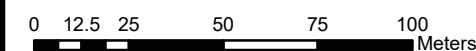
Annotation for official by-law book

Date of first reading	November 9, 2021
Date of advertisement of notice of intent to consider	November 17, 2021
Date of public hearing and second reading	December 14, 2021
Date of mailing a certified copy of by-law to Minister	December 17, 2021
Date of ministerial approval	N/A
Date of advertisement of passage of by-law*	N/A
I certify that this “Amendments to the Hebbville Secondary Planning Strategy and the Land Use By-law (2021)” was adopted by Municipal Council and published as indicated above.	
_____	_____
April Whynot-Lohnes, Municipal Clerk	Date

*Effective date of the enactment unless otherwise specified in the text of this By-law

Site Plan Rezone App 60426442

-  Contours
-  Park Area
-  30m
-  Civic Points
-  Provincial Road
-  Municipal Road
-  Private Road
-  Tracks, Trails
-  Properties (Jan 2021)
-  Coast
-  Watercourse
-  60426442 - Subject Property
-  30mProperties60426442



Project Description:

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

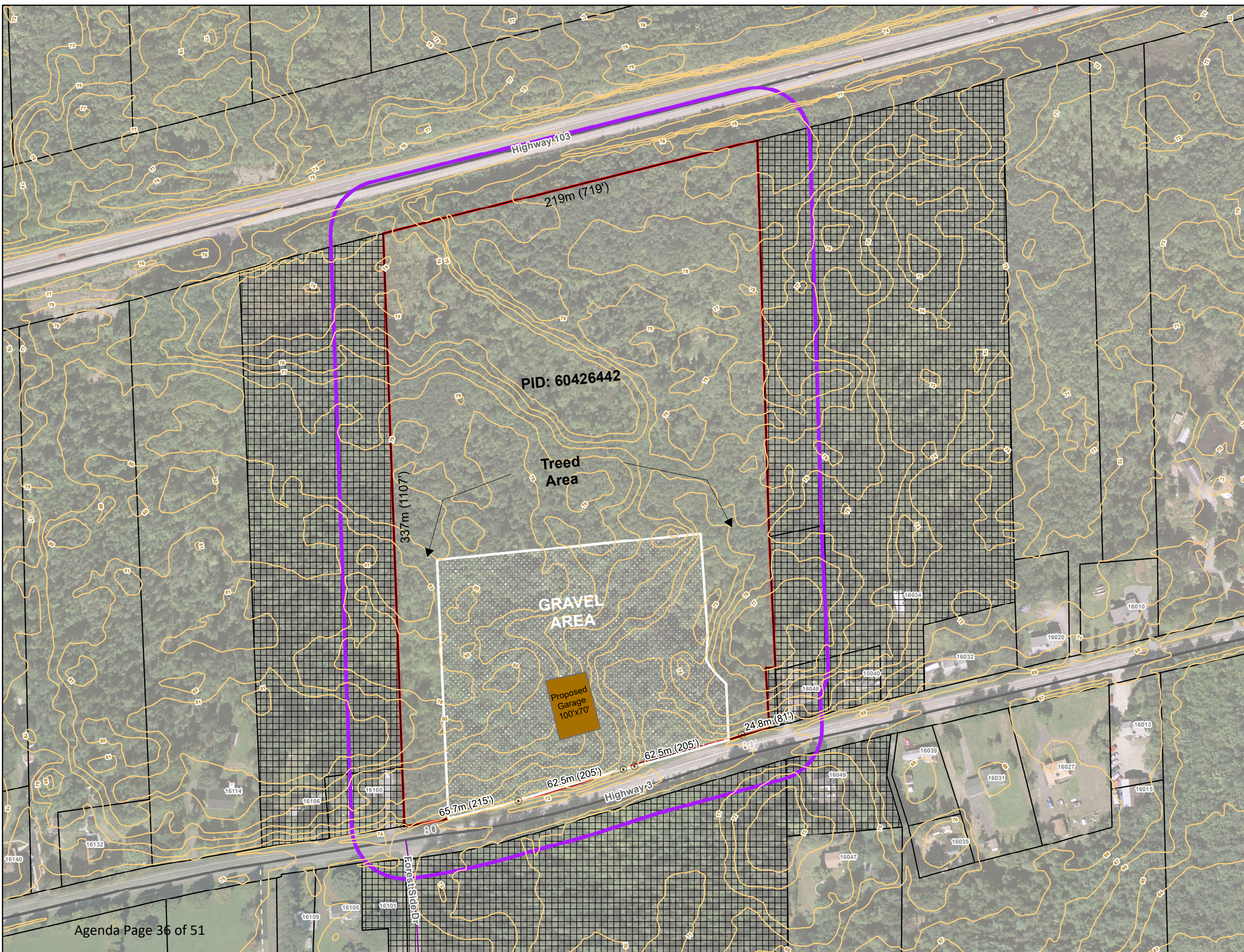
Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS

Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.

Date: Sept 2021

File: \plan2021\ByungJun\Rezone60426442sitePlan

Prepared By: Planning & Development Services
Municipality of the District of Lunenburg





Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Mayor Bolivar-Getson and Municipal Council
SUBMITTED BY: Norma Schiefer, Municipal Development Officer
DATE: December 6, 2021
RE: ZIEGLER HOMES LTD. - MUNICIPAL PUBLIC ROAD TRANSFER –
CONCORDIA DRIVE

RECOMMENDATION

That Municipal Council accept the deed for Parcel A to be added to the existing Lot 43, Concordia Drive, a total of 0.239 km – new Municipal Road and road reserve, in Conquerall Bank, subject to the Municipal Solicitor confirming clear/marketable title.

BACKGROUND

Mr. Juergen Ziegler, landowner, submitted an application in June 2016 outlining a 12-lot development with new roads being identified as Municipal Roads. The development has proceeded in Phases. Phase 1 was completed in 2018 with the conveyance of the extension of Meldrum Avenue and Concordia Drive along with 7 residential lots. Phase 2 is now complete with the completion of Concordia Drive and 4 residential lots (previously 5 now creating 4). The road has been designed, constructed and approved with all inspections and monitoring by the Municipal Engineering Department. The Phase 2 portion of the road and road reserve is now ready for conveyance to the Municipality.

DISCUSSION

Attached you will find the following confirmation:

Email dated November 15, 2021, from the Municipal Engineer stating the road extension meets Municipal Standards for construction and is acceptable to be conveyed to the Municipality of the District of Lunenburg.

I have received confirmation, from the Municipal Engineer, of the required amount of security as per Section 10.3 of the Subdivision By-law. The security has been received.

The Municipal Solicitor is reviewing the deed to confirm clear and marketable title.

The new portion of road is in Council District 2, adjacent the existing Meadowbrook Subdivision, in Conquerall Bank. The new portion of road completes Concordia Drive as proposed and is being added to the current Municipal Road property. Maps attached

CONCLUSION

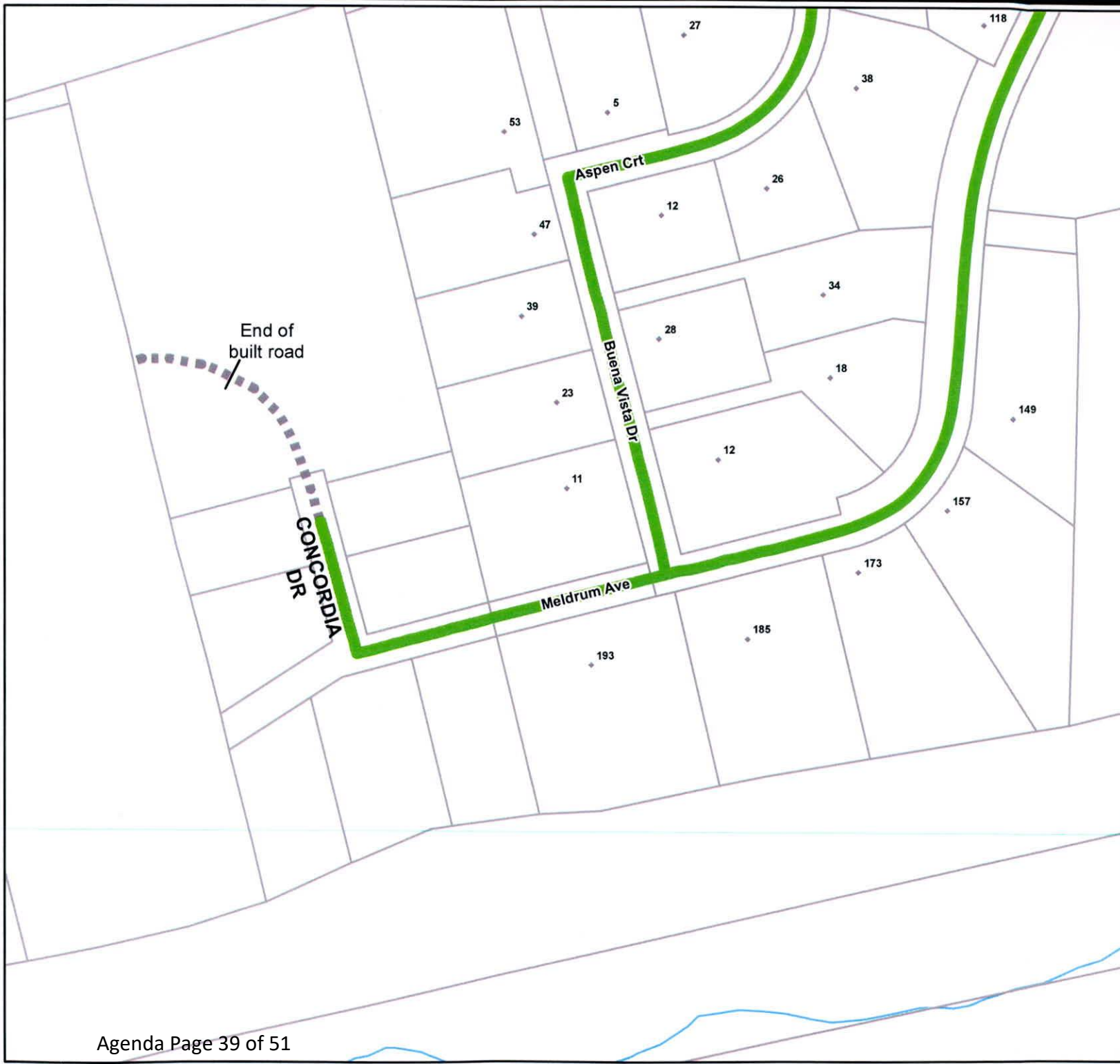
As per the Municipal Subdivision By-law, in effect at the time of complete application, the new Municipal Road has been constructed to Municipal Standard and is ready to be conveyed to the Municipality.

Department: Planning & Development Services

Report Prepared By: Norma Schiefer, Development Officer Date: December 6, 2021

Report Approved By: Jeff Merrill, Director Date:

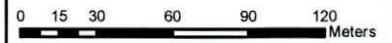
Reviewed By CAO: Date:



**MEADOWBROOK
CONQUERALL BANK**

■ ■ ■ Proposed Municipal Road

Length: 0.239 km (approx)



Project Description:

**MUNICIPALITY OF THE
DISTRICT OF LUNENBURG**

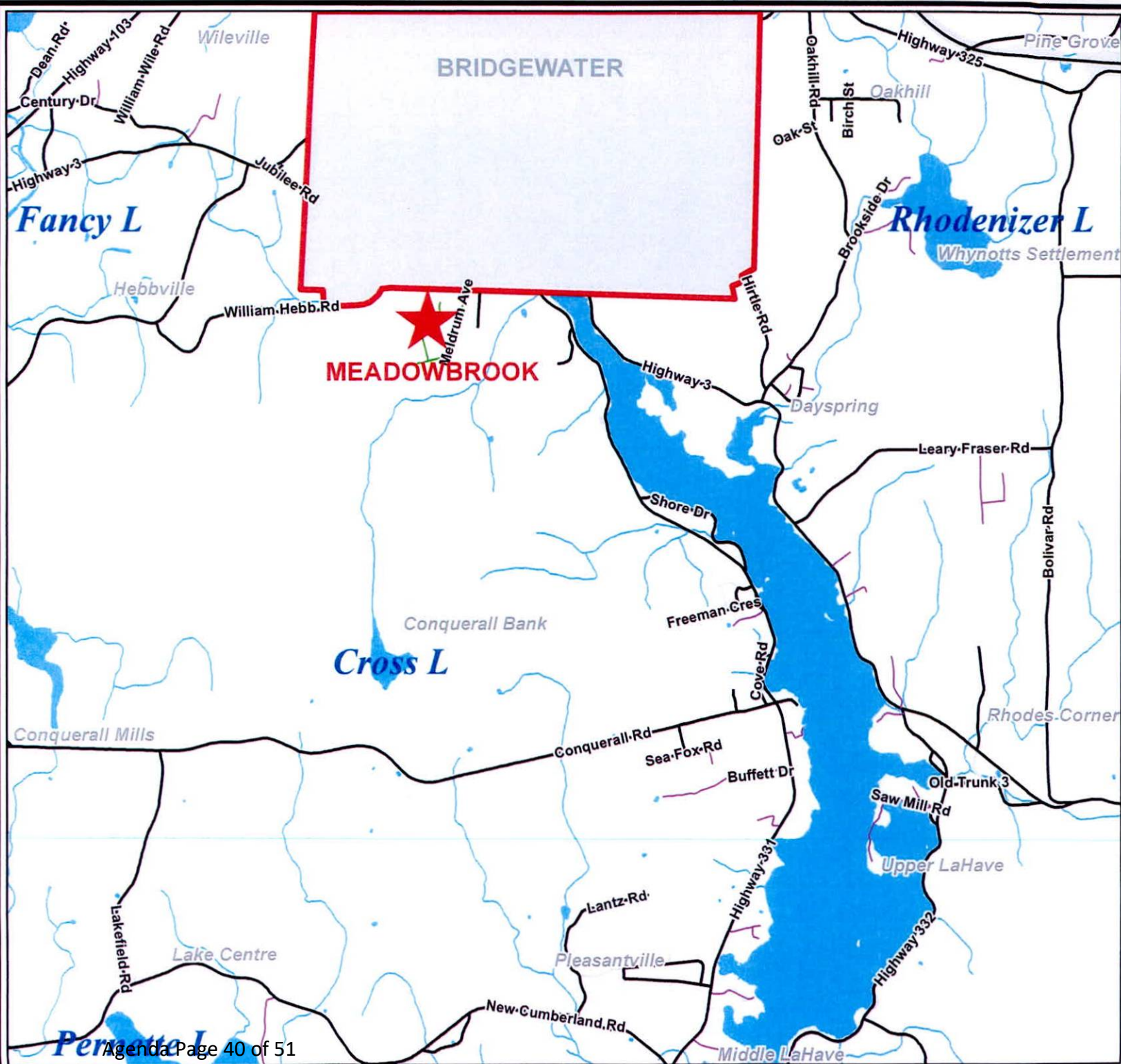
Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS

Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.

Date: December 2021

File: plan2021/normalmeadowbrook

Prepared By: Planning & Development Services
Municipality of the District of Lunenburg



MEADOWBROOK



Project Description:

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS

Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.

Date: October 2, 2018

File:plan2018/normal/concordia

Prepared By: Planning & Development Services
Municipality of the District of Lunenburg

Norma Schiefer

From: Jamie Burgess
Sent: November 15, 2021 12:09 PM
To: Norma Schiefer
Cc: Tyler Richardson; Stephen Pace
Subject: RE: Ziegler subdivision LU-S2021-052

Hi Norma,

The newly built road extension to Concordia Drive, shown as Parcel A on the Fogarty Surveys Inc plan Meadowbrook Subdivision Phase 2, Dated September 25, 2021 and revised November 6, 2021 as well as Meadowbrook Subdivision Phase 2 As Built Plan dated September 25, 2021, meets Municipal Standards for construction and is acceptable to be conveyed to the Municipality of the District of Lunenburg.

Access to the Lots 32, 33, 35, and remainder Lot 34 is acceptable from a Municipal Road.

Regards,

Jamie

From: Norma Schiefer <Norma.Schiefer@modl.ca>
Sent: October 26, 2021 5:08 PM
To: Jamie Burgess <Jamie.Burgess@modl.ca>; Tyler Richardson <Tyler.Richardson@modl.ca>
Subject: Ziegler subdivision LU-S2021-052

Hi Jamie

Please see the attached proposed subdivision (Meadowbrook Phase 2).

I am requesting confirmation that the Parcel A – new built portion of Concordia Drive meets Municipal standards for construction and is acceptable to be conveyed to MODL.

Also, that access to the Lots 32, 33, 35, and remainder Lot 34 is acceptable from a Municipal Road.

As part of the submission, you have the drawings provided by Juergen for the road construction.

I will be contacting him to have the cost of the road provided for us to determine the bond requirements, as well, his lawyer will need to prepare the deed to convey to MODL. I will copy you on the correspondence.

Once all is in order, I will need to have Council approval to accept the deed.

Any questions, please let me know.

Thanks

Norma

THIS WARRANTY DEED made this 8th day of November, 2021.

BETWEEN:

ZIEGLER HOMES LTD., a body corporate

Hereinafter called the "**Grantor**"

- and -

MUNICIPALITY OF THE DISTRICT OF LUNENBURG, a municipal body corporate, with its offices in Cookville, in the County of Lunenburg and Province of Nova Scotia

Hereinafter called the "**Grantee**"

WITNESSETH that in consideration of One Dollar (\$1.00) and other good and valuable consideration;

THE GRANTOR hereby conveys to the **GRANTEE**, the lands described in Schedule "A" to this Warranty Deed and hereby consents to this disposition, pursuant to the *Matrimonial Property Act* of Nova Scotia.

THE GRANTOR covenants with the Grantee that the Grantee shall have quiet enjoyment of the lands, that the Grantor has a good title in fee simple to the lands and the right to convey them as hereby conveyed, that they are free from encumbrances and that the Grantor will procure such further assurances as may be reasonably required.

IN THIS WARRANTY DEED the terms "Grantor" and "Grantee" shall be construed to include the plural as well as singular and the masculine, feminine or neuter genders where the context so requires.

IN WITNESS WHEREOF the Grantor has signed and sealed these presents on the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of

ZIEGLER HOMES LTD.



Witness


Juergen Ziegler

PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG

I hereby certify, that on the 8th day of November, 2021, ZIEGLER HOMES LTD., one of the parties in the foregoing Indenture caused the same to be executed on its behalf by the hands of its duly authorized officer in my presence and I have signed as a witness to such execution.



R. ANDREW KIMBALL
A Barrister of the Supreme Court of Nova
Scotia

AFFIDAVIT OF STATUS

I, Juergen Ziegler of Bridgewater, in the County of Lunenburg and Province of Nova Scotia, make oath and say as follows:

1. That I am the President of Ziegler Homes Ltd., and as such have a formal knowledge of the matters herein deposed to.
2. That the company is not a non resident of Canada within the meaning of Section 116 of the *Income Tax Act* (Canada).
3. That for the purpose of this my Affidavit, "matrimonial home" means the dwelling and real property occupied by a person and that person's spouse as their family residence.
4. That the lands described in the within Indenture have never been occupied as a dwelling by any of the shareholders and none of the shareholders have the right to occupy the dwelling as a matrimonial home pursuant to the Shareholders Agreement.
5. I acknowledge that the properly authorized signatory of the Grantor has/have executed the foregoing documentation on its behalf on the date of this affidavit. This acknowledgement is made pursuant to s. 31 of the *Registry Act*, R.S.N.S. 1989, c. 392 or s. 79 of the *Land Registration Act*, S.N.S. 2001 c.6 as the case may be, for the purpose of registering the instrument.

SWORN TO at the Town of
Bridgewater, in the County of
Lunenburg, in the Province of Nova
Scotia, this 8th day of November,
2021 before me,



R. ANDREW KIMBALL
A Barrister of the Supreme Court of
Nova Scotia.



Juergen Ziegler

AFFIDAVIT OF VERIFICATION

I, Juergen Ziegler, of Bridgewater, County of Lunenburg and Province of Nova Scotia, make oath and say as follows:

1. **THAT** I am the President of Ziegler Homes Ltd. (the "Company") the Grantor in the foregoing Warranty Deed and as such I have personal knowledge of the matters herein deposed to.
2. **THAT** as President of the Company, I am an officer of the Company.
3. **THAT** I hereby verify that I have authority to execute the foregoing Warranty Deed on behalf of the company and thereby bind the Company.
4. **THAT** pursuant to such authority I have executed the foregoing Warranty Deed on behalf of the Company and did thereby bind the Company accordingly.

SWORN TO at the Town of
Bridgewater, in the County of
Lunenburg, in the Province of Nova
Scotia, this 8th day of November,
2021, before me



R. ANDREW KIMBALL
A Barrister for Supreme Court of
Nova Scotia.



Juergen Ziegler

SCHEDULE A

Surveyor's Description PARCEL A

ALL that parcel of land situate at Conquerall Bank, Lunenburg County, Nova Scotia, and being shown as Parcel A on a Plan of Subdivision No. 21-1043, by Fogarty Surveys Inc., dated September 25, 2021 and revised November 6, 2021 showing Meadowbrook Subdivision Phase 2, and is more particularly described as follows:

BEGINNING at a rock post placed at the most western corner of Lot 43, said POINT OF BEGINNING also being the western end of Concordia Drive, a Municipal Public Road;

THENCE northwesterly, 34.199 metres along the arc of a curve to the left to a survey marker placed at a tangent point of compound curvature, said arc being a northern boundary of Lot 35, having a radius of 79.943 metres and a chord bearing of North 73 degrees 06 minutes 03 seconds West for a distance of 33.939 metres;

THENCE westerly, 8.372 metres along the arc of a curve to the left to a survey marker placed at a tangent point of reverse curvature, said arc being a northern boundary of Lot 35, having a radius of 8.500 metres and a chord bearing of South 66 degrees 25 minutes 34 seconds West for a distance of 8.038 metres;

THENCE westerly, 32.291 metres along the arc of a curve to the right to a placed survey marker, said arc being a northern boundary of Lot 35, having a radius of 19.500 metres and a chord bearing of South 85 degrees 38 minutes 50 seconds West for a distance of 28.726 metres;

THENCE southwesterly, 44.266 metres along the arc of a curve to the left to a survey marker placed on the northeastern boundary of Lot 4, Lands of Robert Andrew Hennessy, said arc being a northwestern boundary of Lot 35, having a radius of 79.943 metres and a chord bearing of South 52 degrees 27 minutes 10 seconds West for a distance of 43.703 metres;

THENCE North 58 degrees 26 minutes 17 seconds West along Lot 4, 20.177 metres to a survey marker placed at the most southern corner of remainder Lot 34, lands of Ziegler Homes Ltd.;

THENCE northeasterly, 59.274 metres along the arc of a curve to the right to a placed survey marker, said arc being a southeastern boundary of remainder Lot 34, having a radius of 100.057 metres and a chord bearing of North 52 degrees 32 minutes 53 seconds East for a distance of 58.411 metres;

THENCE northeasterly, 17.907 metres along the arc of a curve to the right to a survey marker placed at the most western corner of Lot 33, lands of Ziegler Homes Ltd., said arc being an eastern boundary of remainder Lot 34, having a radius of 19.500 metres and a chord bearing of North 41 degrees 47 minutes 24 seconds East for a distance of 17.284 metres;

THENCE easterly, 22.594 metres along the arc of a curve to the right to a survey marker placed at a tangent point of reverse curvature, said arc being a southern boundary of Lot 33, having a radius of 19.500 metres and a chord bearing of South 78 degrees 42 minutes 40 seconds East for a distance of 21.351 metres;

THENCE southeasterly, 6.332 metres along the arc of a curve to the left to a rock post placed at a tangent point of reverse curvature, said arc being a southern boundary of Lot 33, having a radius of 8.500 metres and a chord bearing of South 66 degrees 51 minutes 41 seconds East for a distance of 6.187 metres;

THENCE southeasterly, 9.505 metres along the arc of a curve to the right to a survey marker placed at the most western corner of Lot 32, lands of Ziegler Homes Ltd., said arc being a southern boundary of Lot 33, having a radius of 100.057 metres and a chord bearing of South 85 degrees 29 minutes 00 seconds East for a distance of 9.501 metres;

THENCE southeasterly, 38.274 metres along the arc of a curve to the right to a survey marker placed at the northwestern corner of Lot 43, the western end of Concordia Drive, a Municipal Public Road, said arc being a southern boundary of Lot 32, having a radius of 100.057 metres and a chord bearing of South 71 degrees 48 minutes 13 seconds East for a distance of 38.041 metres;

THENCE South 29 degrees 09 minutes 17 seconds West along Lot 43, the western end of Concordia Drive, a Municipal Public Road, 20.115metres to the POINT OF BEGINNING;

CONTAINING 3077 square feet.

ALL BEARINGS AND DISTANCES herein are grid and are referenced to Nova Scotia High Precision Monument No. 200809, Nova Scotia 3 degree Modified Transverse Mercator Projection Zone 5, Central Meridian 64 degrees 30 minutes West, NAD83 (CSRS) Epoch 2010.0

Parcel A is a portion of the lands described in a deed dated April 3, 2012, from Harold Selig, Nora Selig, Trevor Selig and Angela Selig to Squarey & Ziegler Homes & Construction Ltd., registered November 29, 2013 at the Land Registration Office for Lunenburg County as Document No. 104243465.

The designators: Parcel A, Lots 32, 33, 34, 35 and 43A originate with the above referenced Plan of Subdivision No. 21-1043.

Lots 32, 33, 34 & 35 are subject to subdivision approval of the Development Officer for the Municipality of the District of Lunenburg.

The addition of Parcel A to Lot 43, a Municipal Public Road, to create Lot 43A is subject to subdivision approval of the Development Officer for the Municipality of the District of Lunenburg.

Description dated November 7, 2021



Kevin P. Fogarty, NSLS
Fogarty Surveys Inc.

Council
Item: 10.2.1
Date: December 14, 2021
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Municipal Council
Submitted by: Elana Wentzell, CPA, CMA
Date: December 14, 2021
Re: 2022 Tax Sale

Recommendation

It is recommended that Municipal Council approve that the Treasurer proceed with a tender call for the March 7, 2022 Tax Sale.

Background

The annual Tax Sale is scheduled for March 7, 2022. Prior to the COVID pandemic, all tax sales were held as a public auction per Section 141 (1) of the Municipal Government Act (MGA).

Last year, Council approved that the Treasurer proceed with the annual Tax Sale through a tender call as per section 141 (2) of the MGA. The tax sale in 2021 was successful. Of the 20 properties that eventually went into the tax sale, 16 were successfully sold.

Executive summary

The Municipality's annual tax sale has been historically well attended, with upwards of 90 people present. An in-person gathering for a public auction in the Council Chambers at the upcoming Tax Sale may not be feasible. It is not known what restrictions may be in place in March 2022.

Because the MGA allows for sale by public tender, staff are suggesting this method be used once again.

Options

If the COVID restrictions are still in place in March 2022, and a tender process is not in place, the Tax Sale will have to be deferred. Council does have the authority to defer tax sales for up

to two years. However, that could create a collections problem, where property owners could defer payment even longer. As well, it would become an administrative burden to let more property payments lapse.

The tax sale collection process is legislated by the MGA and includes preliminary and final tax sale notices, posting of properties in the tax sale as well as advertising in late January and again in February.

Staff make collection calls and payment arrangements to reduce the number of properties that are in the tax sale. Deferring the tax sale would mean additional resources would be required to manage a subsequent tax sale that would most likely include more properties.

Budget implications

There would be additional costs if the tax sale was deferred. These costs are passed on to the properties in the tax sale.

Strategic plan

N/A

Conclusion

Staff recommend that due to current and potential COVID restrictions, that the 2022 Tax Sale be held by a tender call as legislated in the MGA.

Department: Finance and Administration

Report Prepared By: Elana Wentzell

Date: December 7, 2021

Report Approved By:

Date:

Reviewed By CAO:

Date: