

This document was created using best practices in document accessibility. Should you need assistance reading or understanding this document, call 902-543-8181 or email info@modl.ca.

Municipal Council Meeting Agenda

Tuesday, March 14, 2023 – 9:00 a.m.

MODL Council Chambers – 10 Allée Champlain Drive, Cookville

1.	Call to Order	
1.1	Mi'kma'ki Territorial Acknowledgement	
2.	Announcements, Acknowledgements, Recognition	
2.1	Proclamation – Purple Day for Epilepsy Awareness Month	
3.	Public Input (15 Minutes)	
4.	Changes/Approval of Agenda (as circulated)	
5.	Approval of Minutes – February 28, 2023	
6.	Business Arising from Minutes	
7.	Awarding of Tenders/RFPs	
7.1	Award of Tender #2022-01-004 Sludge Removal Wastewater Treatment Facilities.....	1-3
8.	Presentations/Scheduled Times	
8.1	Riverport & District Community Park Association, Natalie O'Mara	9:15 a.m. 4-13
9.	Consideration of Correspondence	
9.1	Letter from Region 6 re 2023-2024 Budget.....	14-19
10.	Recommendations from Committees & Boards	
10.1	Finance Committee	20
10.1.1	Tax Exemption for Non-Profit Organizations.....	21-23
10.2	Dangerous & Unsightly Committee	24
10.2.1	Demolition & Clean Up 11 FC Dorey Drive	25-31
10.3	Planning Advisory Committee	32
10.3.1	Amendments to MODL By-law 024 Blockhouse Land Use.....	33-49

11. Staff Reports

11.1 Finance Department

11.1.1 Property Tax Rebate Policy – Annual CPI Adjustment..... 50-51

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

- 12.1 LCLC Update
- 12.2 MJSB Update
- 12.3 Deputy Mayor’s Update
- 12.4 Mayor’s Update

13. Added Items

14. In Camera

14.1 Public Security matter under Section 22(2)(h) of the MGA

15. Adjournment

Council
Item: #7.1
Date: March 14, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Mayor and Council
Submitted by: Larry Feener, P.Eng., Municipal Engineer
Date: March 14, 2023
Re: Tender Award 2022-01-004
Sludge Removal – Wastewater Treatment Facilities 2023-2026

Recommendation

Council authorize staff to award tender 2022-01-004 Sludge Removal – Wastewater Treatment Facilities to Dalton Joudrey’s Plumbing and Heating for \$156,954.70 plus HST for a 3 year term.

Executive Summary

The Municipality owns and operates three wastewater facilities: Cookville, Conquerall Bank, and New Germany. As part of regular maintenance and operations, various tanks need sludge removed on a regular basis. The Municipality issues a tender for these services. The current contract expires the end of March 2023 thus a new tender was issued February 17, 2023. Three (3) bids were received for Tender 2022-01-004 Sludge Removal – Wastewater Treatment Facilities for a three-year term from April 2023 to March 2026.

Discussion

Tender 2022-01-004 Sludge Removal – Wastewater Treatment Facilities was issued on February 17, 2023 and closed on March 2, 2023. Three (3) tenders were received from Dalton Joudrey’s Plumbing and Heating Ltd., GFL Environmental Services Inc., and Loomer’s Pumping Services Limited before the closing date and time. A summary of the results of the pricing are shown in the table below:

Financial Proposal Submitted By	Dalton Joudrey's Plumbing and Heating	GFL Environmental Services	Loomers Pumping Services
Year 1-3 (April 2023-March 2026)	\$156,954.70	\$593,577.71	\$165,343.37
HST (15%)	\$23,543.21	\$89,036.66	\$24,801.51
TOTAL	\$180,497.91	\$682,614.37	\$190,144.88*
			\$24,244
			\$214,388.88

(*Note: Does not include disposal fees of \$36.50/ton (estimated to be \$24,244 including HST)

Budget Implications

Annual costs for sludge removal are included in the Operating Budget for each facility. The 2022/23 operating budget included \$50,500 net HST for sludge removal. Unit costs for 2023/24 will be approximately 10-25% more than the current year with about a 10% per year increase for 2024/25 and 2025/26. Operating budgets will be adjusted based on actual costs and the new tendered rates.

Strategic Plan

N/A

Work Plan

N/A

Alternatives

N/A

Conclusion

Three submissions were received for Tender 2022-01-004 Sludge Removal – Wastewater Treatment Facilities 2023-2026. The lowest submission received was from Dalton Joudrey's Plumbing and Heating Ltd of Pleasantville, NS.

Report Preparation	
Department	Engineering & Public Works
Report Prepared by	Larry Feener, P.Eng.
Report Approved by	Stephen W. Pace, MBA, P.Eng.
Date Reviewed by C.A.O.	

Riverport & District Community Park Association

Council

Item: #8.1

Date: March 14, 2023

Authorization: T. MacEwan

Presentation to Municipality of the District of Lunenburg Council (MODL)

March 14, 2023

Riverport & District Community Park Association (RDCPA)

Board Members:

Natalie O'Mara (President)

John Cook (Vice President)

Nate Bald (Secretary)

Greg Amos (Treasurer)

Sid Strowbridge

Dianne McAuley

Craig Cook

Nicole Nickerson

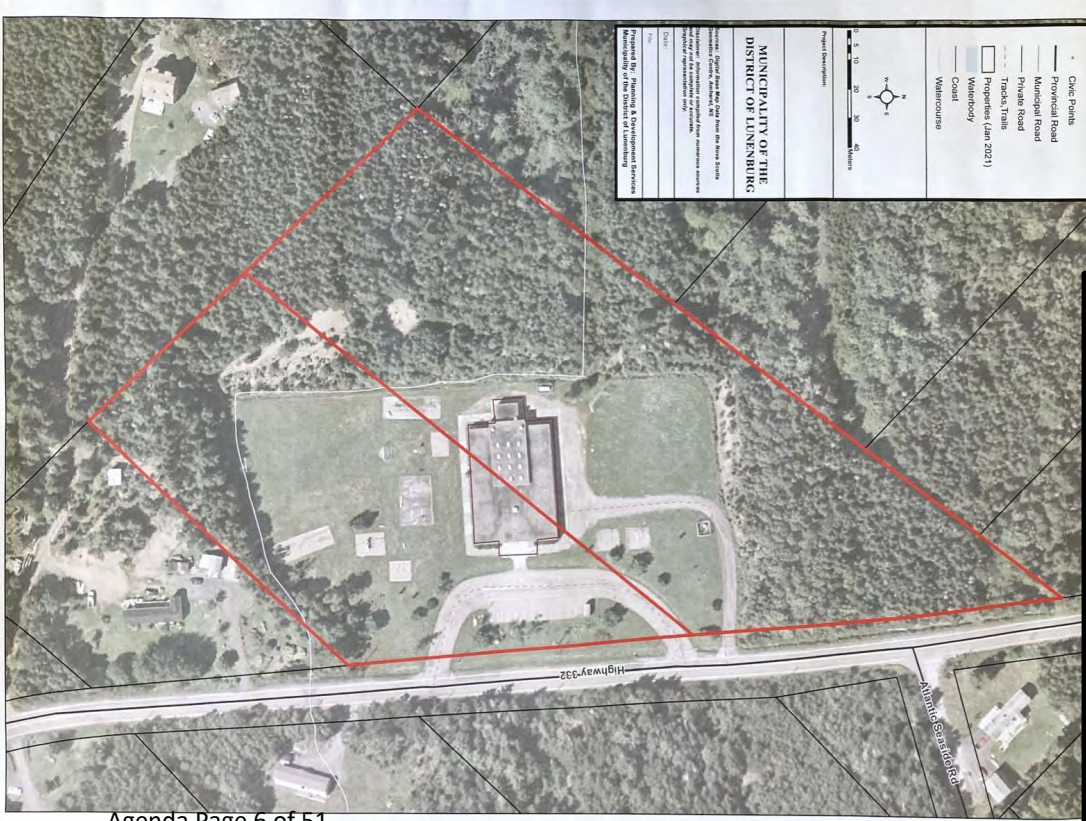
Clayton Banfield

Theresa Marcy



Several board members pictured October 2021 at the drop-in event in Riverport

Riverport District
Consolidated Elementary
School: open 1967 to 2011,
demolished fall of 2020



RDCPA Timeline



- Fall 2020 - School demolished, community concern expressed regarding losing public space
- November 2020 - Community residents and organizations (Riverport Community Centre & Riverport Fire Dept) asked for time to create a plan, granted by MODL Council March 2021
- July 2021 - Riverport and District Community Park Association (RDCPA) formed, registered Dec. 2021.
- October 2021 - Hosted a community drop-in at the Riverport Fire Department

RDCPA Timeline (continued)

- March 2022 - Launched a community survey with the support of MODL, created a Facebook group
- June 2022 - Request for Proposal (RFP) issued to develop concept plan
- July 2022
 - Survey results presented to the community
 - RFP completed, Landscape Architect selected for concept plan
 - Application submitted to NS Active Communities Fund
- August 2022 - Awarded \$5000 from Active Communities Fund
- September 2022 - Presentation to MODL Council

Community Consultation

- **October 2021**

Drop-in at the Firehall helped us understand what the community wanted for the school grounds

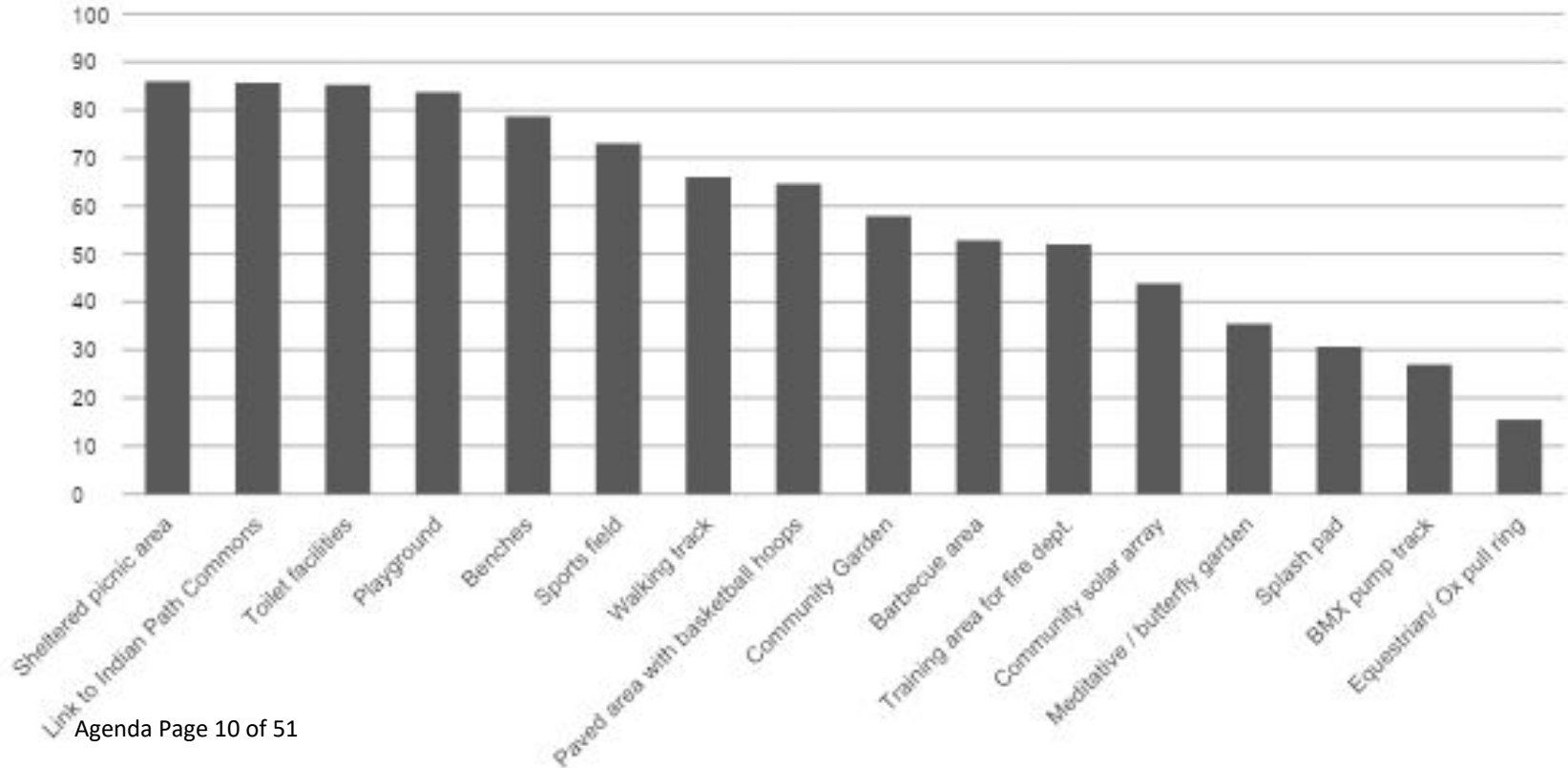
- **March 2022**

Approximately 600 surveys sent out
281 completed surveys returned



An incredible 47% response rate!

Ranked preferences for “must have” and “nice to have” park features



What the Community wants: A park for all ages!

Top Community Picks

1. Sheltered picnic area
2. Link to Indian Path Commons
3. Toilet facilities
4. Playground
5. Benches



Partners

- Community individuals: Offers of volunteer work, work in kind, and financial contributions
- Organizations: Lions Club, Riverport Community Centre, Riverport Fire Department, Riverport Electric Light Commission
- Provincial Government: Guidance & \$5000 via NS Active Communities Fund for Concept Plan
- MODL: Ongoing communication and support from various departments

Next Steps

RDCPA asks:

1. MODL Council to make a **commitment** via a motion, that the entire land of the former school be kept for community use as per community feedback
2. MODL Council **provide funding** for design work and for RDCPA basic operational costs (e.g. bank account)
3. MODL provide **long-term support** to develop a park on the former school grounds



PO Box 639 / 45 School St, Suite 304 Region 6 Solid Waste-Resource Management Phone: 902-624-1339

Mahone Bay, NS B0J 2E0

E-mail: Christine.McClare@Region6SWM.ca

Tom MacEwan
Municipality of the District of Lunenburg
PO Box 200
210 Aberdeen Rd.
Bridgewater, NS B4V 2W8

December 9, 2022

RE: Budget Approval 2023-24

Dear Mr. MacEwan,

On Friday, December 2, 2022, the Region 6 Inter-Municipal Committee met regarding the budget for the upcoming fiscal April 1, 2023 – March 31, 2024.

The following motion was passed:

MOTION: to recommend approval of the 2023-24 Region 6 Inter-Municipal Committee Budget in the amount of \$121,379.00 to be invoiced to member councils as presented.
M/C

Pursuant to FINANCES of the Region 6 Inter-Municipal Agreement; items 34 – 39

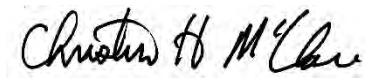
- “34. The proposed Committee budget shall be submitted to the Councils of each of the Parties prior to 4:30 p.m. on December 31st of each year.
35. The Councils of each of the Parties shall approve said budget, or refuse to do so, by 4:30 p.m. on March 14th of the year to which said budget applies.
36. Should the Council of any of the Parties fail to approve or refuse to approve the proposed Committee budget and so notify in writing the Committee by the stated deadline, then the said budget is deemed to have been approved by that Council.
37. The proposed Committee budget shall be binding on all of the Parties if approved by the Councils of 75% or more of the Parties, so long as the Parties whose Councils have approved represent a minimum of 50% of the total population represented by the Parties to this agreement – said figures to be taken from the most recent available Census of Canada statistics.
38. In the event that motions of refusal to approve result in a proposed Committee budget not receiving approval of the necessary majority of Councils, the Committee shall revise the proposed budget taking into account any comments that may have been provided and submit a revised budget to the Councils of the Parties.
39. Should the Council of any of the Parties fail to approve or refuse to approve a revised proposed Committee budget within 45 days after receipt of same then the said budget is deemed to have been approved by that Council.”

Respecting the enclosed budget, please review with your council and respond to Region 6 before 4:30 pm, March 14, 2023 on your approval or refusal.

Should you have any questions on either document please feel free to contact myself at 902-624-1339 or Chair, Wayne Thorburne at 902-543-7771.

If you require my attendance at the council meeting when the budget is up for discussion, feel free to contact me by phone or email.

Regards,

A handwritten signature in black ink that reads "Christine H. McClare". The signature is written in a cursive, flowing style.

Christine H. McClare BA Psych
Regional Coordinator

encl.



PO Box 639 / 45 School St , Suite 304

Region 6 Solid Waste-Resource Management

Phone: 902-624-1339

Mahone Bay, NS B0J 2E0

E-mail: Christine.McClare@Region6SWM.ca

Region 6 Solid Waste Management

INCOME	2022-23 Actuals as of September 30	2022-23 Projection	2022-23 Budget	2023-24 ESTIMATE
Contracts/Service Agreements				
Education Contract	25,451	80,392	80,392	80,392
Coordinator Agreement	21,643	43,286	43,286	43,286
Enforcement Contract	13,353	89,425	89,425	89,425
Sub-total	\$ 60,447	\$ 213,103	\$ 213,103	\$ 213,103
Stewardship/Incentives				
Dairy Stewardship	0	75,000	75,000	90,000
Diversion ¹	0	310,000	310,000	350,000
Municipal Approved Programs	0	80,500	80,500	80,500
Interest	1,858	1,858		
Sub-total	\$ 1,858	\$ 467,358	\$ 465,500	\$ 520,500
Municipal Contribution				
Municipal Billing ²	97,631	109,422	109,422	127,975
Sub-total	\$97,631	\$109,422	\$109,422	\$127,975
TOTAL	\$ 159,936	\$ 789,883	\$ 788,025	\$ 861,578
Inter-Municipal Reserves Schedule				
	Previous Years Expenses	F2022-23 Projection	Approved Expense	Program Amount Remaining
Inter-Municipal program	30,000	7,432	30,000	-

EXPENSES	2022-23 Actuals as of September 30	2022-23 Projection	2022-23 Budget	2023-24 ESTIMATE
OPERATING EXPENSE				
Coordinator Salary	33,225	66,450	77,077	85,329
Coordinator Benefits	7,818	12,856	12,856	11,350
Travel (Coordinator)	580	1,161	4,500	3,500
Training and conference	739	1,478	2,000	2,000
Office Rental & Cleaning ³	3,833	7,665	10,000	10,000
Cell phones	356	711	1,100	1,000
Internet/Phone/Fax	519	1,037	1,300	1,300
Office supplies and services	1,605	3,209	3,500	3,500
Computer/materials	524	1,048	1,500	1,500
Insurance	2,582	3,572	3,500	3,700
Administration	-	9,390	9,390	9,390
Legal & Auditor ⁴	8,760	10,000	10,000	10,000
Sub-total	\$ 60,539	\$ 118,576	\$ 136,723	\$ 142,569
EDUCATION				
Education salary	28,535	57,070	59,459	66,305
Educator Benefits	6,314	9,918	9,918	11,279
Travel (education) ⁵	7,580	15,160	10,500	14,000
Advertising	1,570	3,139	1,500	1,500
R6RECYCLES	10,347	11,000	11,000	12,000
Program materials	1,196	2,392	4,000	4,000
Sub-total	\$ 55,542	\$ 98,679	\$ 96,377	\$ 109,084
PAYMENTS TO UNITS				
Enforcement Contract	-	89,425	89,425	89,425
Dairy Stewardship	-	75,000	75,000	90,000
Diversion ¹	-	310,000	310,000	350,000
Municipal Approved Programs	-	80,500	80,500	80,500
Sub-total	\$ -	\$ 554,925	\$ 554,925	\$ 609,925
TOTAL	\$ 116,081	\$ 772,181	\$ 788,025	\$ 861,578
Revenue/Expenditure	\$ 43,855	\$ 17,702	\$ -	\$ -

Notes to **BUDGET**:

1. Diversion Credits - \$5 million is available Provincial, up from \$4.1 million available last year. It is expected that a new smoothing agreement will take place during this year.
2. Municipal Billing (details below) - this line pays for the operations that are not covered through grant and contracted services. 2023-24 estimate will be decreased by the 2021-22 surplus of \$6,596.

Actual to be billed to municipal members will be **\$121,379.00**
3. Office Rental and Cleaning have been combined into one line on the budget, this amount includes \$9,500 for the office rental and \$500 for cleaning.
4. Legal and Audit Fees have been combined into one line for the budget, this amount includes \$500 for legal and \$9,500 for audit.
5. Current projections include added expenses related to the Summer Intern. 2023-24 will be the first full year back since Covid.



PO Box 639 / 45 School St , Suite 304 Region 6 Solid Waste-Resource Management Phone: 902-624-1339

Mahone Bay, NS B0J 2E0

E-mail: Christine.McClare@Region6SWM.ca

TABLE 1: Municipal billing 2023-24			
<i>Municipal Area Served:</i>	<i>2021 Population</i>	<i>% of Region</i>	<i>2023-24</i>
Shelburne Shared Services	6,456	6.99%	\$ 8,490.14
Town of Bridgewater	8,790	9.52%	\$ 11,559.53
Town of Mahone Bay	1,064	1.15%	\$ 1,399.24
Municipality of Lunenburg	25,545	27.68%	\$ 33,593.65
Municipality of Barrington	6,523	7.07%	\$ 8,578.25
Town of Clark's Harbour	725	0.79%	\$ 953.43
Municipality of Chester	10,804	11.71%	\$ 14,208.09
Town of Lunenburg	2,396	2.60%	\$ 3,150.93
Region of Queens Municipality	10,486	11.36%	\$ 13,789.90
West Hants Regional Municipality	19,509	21.14%	\$ 25,655.84
Total	92,298	100.00%	\$ 121,379.00



Region 6 Activities Summary 2022-23

Region 6 staff are responsible to delivery Solid Waste Education and Administration throughout our 12 member municipalities. In addition to representing and liaising for the region at the provincial level and accomplishing the required activities under the Education and Regional Coordinator contracts with Divert NS, some focus areas included:

Education

- Exit 9 Hwy 103 Carpool lot Litter Reduction Pilot Project. A sign and bag dispenser have been installed and instructed users to take a bag, fill it up and take it home. If the pilot is effective, more sites will be considered.

- Collaboration with Scotian Shores group to clean up Ghost Fishing Gear and other litter on our beaches and coastlines. This group of volunteers does the clean up and we work with the municipalities for disposal of what is collected. At Cape Sable (Cape Sable Island, Barrington) they have removed over 75,000 pounds of gear including over 1250 lobster traps!

- An on-going Social Media campaign aims to reduce litter and educate on proper waste management. Posts are an additional and effective way to reach more of our residents and businesses (What Goes Where Wednesday, Let's Be Clear Litter Doesn't Belong Here and many more).

- Outreach to educate MJSB residents and businesses on the changes to organics collection (no plastic-like bags in the cart and fast-food packaging as garbage)

- Assisting municipal By-law Enforcement staff to achieve compliance.

Administration

- Continuing to work with the province to work towards implementing Extended Producer Responsibility for Printed Paper and Packaging (EPR for PPP). Once implemented over the next several years, municipalities will get paid by the manufacturer to manage their products.

- Working with the Province to mitigate the impact to municipalities with the coming ban on pressure treated lumber. New methods will be required to keep pressure treated timber separate from other wood and be sent for disposal/diversion at Municipal Solid Waste landfills rather than Construction & Demolition (C&D) Disposal sites. Additional changes for some units, will be to have a site operating permit for facilities that process, store or transfer C&D. Currently only disposal sites require.

- Working with units to report Datacall (comprehensive reporting to the Province on full cost accounting for management of solid waste) information in the new system. This reporting is critical to obtaining Diversion Credits and Dairy Funding. It is expected that the new system will allow us to access reports for comparing municipalities costs and performance once the data is tabulated.

- In-depth reporting of fluid milk packaging managed to maximize funding to Region 6 units.

Christine H McClare
Regional Coordinator
Dec 9, 2022

Council
Item: #10.1
Date: March 14, 2023
Authorization: T. MacEwan



Memorandum

To: Her Worship, Mayor Bolivar-Getson, and Councillors
From: Chairperson & Members of the Finance Committee
Date: March 7, 2023
Re: Recommendations of the Finance Committee

The Finance Committee, in session on Tuesday, March 7, 2023, made the following recommendation to Council:

1. That Municipal Council approve full tax exemption for three properties owned by LaHave Coastal Conservation Association, AA#'s 01811576, 10044995 and 11007880 as per Policy 012 Tax Exemption/Reduction Policy, with a 3-year renewal term.

Respectfully submitted,

Chairman and Members
Finance Committee
/jer
Attachment



Council
Item: #10.1.1
Date: March 14, 2023
Authorization: T. MacEwan

Municipality of the District of Lunenburg

Request for Decision

Report to: Finance Committee
Submitted by: Elana Wentzell, Director of Finance
Date: March 7, 2023
Re: Tax Exemption for Non-Profit Organizations Policy 012

Recommendation

The Finance Committee recommend that Municipal Council approve the tax exemption for non-profit organizations as per Policy 012 for a 3-year renewal term and as presented on the attached list.

Executive summary

Policy 012 provides a partial or full tax exemption to certain qualifying non-profit organizations demonstrating service to the community at Council's discretion as per Section 71 of the Municipal Government Act.

A major consideration for qualification of tax exemption is the service the organization provides to the community. The policy sets the qualification parameters and tax exemptions are required to be renewed every three years.

Discussion

Please see the attached list of new qualifying organizations, and the amount and type of the tax exemption. If a qualifying organization has a residential property tax assessment, a full tax exemption is provided. If the organization has a commercial tax assessment, a rebate is provided to reduce the tax that would otherwise be payable if the property were residential property.

Alternatives & Budget Implications

Council may choose to remove any organization on the list or approve the list as presented. The new requests will add \$81.00 to the total tax exemption budget. The annual amount of the tax exemption budget will increase from \$82,726 to \$93,668 based on the 2023 assessment roll.

Conclusion

Staff recommend that Council approve all tax exemptions as presented.

Report Preparation	
Department	
Report Prepared by	
Report Approved by	
Date Reviewed by C.A.O.	

Copy

**PROPERTY TAX EXEMPTION APPLICATIONS
FOR THE FISCAL YEAR 2023/2024**

OWNER NAME	ASSESSMENT NUMBER	TYPE	2023 ESTIMATE
------------	-------------------	------	---------------

NEW TAX EXEMPTION REQUESTS

LaHave Coastal Conservation Association	01811576	FULL	\$ 38.07
LaHave Coastal Conservation Association	10044995	FULL	\$ 40.50
LaHave Coastal Conservation Association	11007880	FULL	\$ 2.43
TOTAL NEW TAX EXEMPTION REQUESTS			\$ 81.00

Copy

Council
Item: #10.2
Date: March 14, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg Planning & Development Services

March 1, 2023

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

Dear Mayor and Councillors:

The Dangerous & Unsightly Property Committee, in session on March 1, 2023, made the following recommendation to Municipal Council:

“that Municipal Council approve the lowest bid from Tidal Coast Construction for the demolition and clean up at the property located at 11 F C Dorey Drive, Dublin Shore; that is \$15,837.00 + HST, for a total of \$18,212.55”.

Respectfully submitted,

The Chair and Members
of the D&UPC

/sb

Attachments

Council
Item: #10.2.1
Date: March 14, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Dangerous & Unsightly Property Committee

SUBMITTED BY: Graham Hopkins

DATE: March 1, 2023

RE: Dangerous Premise

Property – 11 F C Dorey Drive, Dublin Shore

PID 60353679

AAN 01271857

LU-DG2022-005

RECOMMENDATION

Staff recommends:

that the lowest quote from Tidal Coast Construction for \$15,837.00 + \$2,375.55 HST for a total of \$ 18,212.55 for the demolition and clean up of the property at 11 F C Dorey Drive, PID 60353679, AAN 01271857.

Proposed Motion:

That Committee recommend to Council that the lowest quote from Tidal Coast Construction be accepted for the demolition and clean up of PID 60353679 In the amount of \$15,837.00 plus HST

Quote prices are subject t HST. The municipality pays 15% HST on the cost of the work. The municipality receives a rebate which reduces the percentage of HST to 4.29%. MODL is required to charge 15% HST on the total cost to the municipality which includes adding HST to MODL's 4.29% HST expense. Please note the total quoted may not reflect the actual final bill to the property owner there may be other unknown costs that may arise as a result of the work on the property. All costs are required to be passed on to the property owner.

BACKGROUND

We received a complaint in March 2022 in reference to the above-noted property. An initial inspection was carried out on March 17, 2022 which concluded that the property is considered dangerous under the terms of the *Municipal Government Act* (the “Act”). As per Policy MDL-007, a letter dated April 7, 2022 was sent to the property owners advising of the dangerous condition of the property and the remedy required to return the property to a safe condition.

On June 6, 2022, a follow up inspection was conducted which found no change in the condition of the dangerous property. As a result the Dangerous and Unsightly Property Committee issued an Order for demolition which was posted on July 27, 2022.

At the time of the Order there was an accepted offer on the property by a developer who has been in contact with our office regarding the property. Since then, the property owner applied for, and received a demolition permit.

There is no longer an accepted offer, and the property is no longer for sale. The building remains in a partially demolished state and remains dangerous.

DISCUSSION

- The Property Valuation Services Corporation (PVSC) records show the property as being assessed at \$74 000 in 2023.
- The lot area 1.14 acres
- Property taxes are outstanding since 2020
 - Total outstanding taxes and liens since 2020 are \$10,374.46

ALTERNATIVES

- a) Do nothing and close file.
- b) Grant additional time.

CONCLUSION

It is my opinion that the property is dangerous.

ATTACHMENTS

Photos from last inspection

Department: Planning & Development Services

Report Prepared By: Graham Hopkins

Date: March 1, 2023

Report Approved By:

Date:

Reviewed By CAO:

Date:

Copy









Council
Item: #10.3
Date: March 14, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg Planning & Development Services

February 23, 2023

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

Dear Mayor and Councillors:

The Planning Advisory Committee, in session on February 23, 2023, made the following
recommendation to Municipal Council:

“That Municipal Council:

- 1. Approve the proposed amendments to the Blockhouse Land Use Bylaw to add the PID 60220076, Boulangerie La Vendéenne bakery, to the Schedule “B” list of uses permitted to expand by Site Plan Approval, subject to satisfactory on-site service connections.**
- 2. Further, upon the amendment becoming effective, that Council discharges the existing Development Agreement with Boulangerie La Vendéenne Incorporate on PID 60220076.”**

Respectfully submitted,

The Chair and Members
of the Planning Advisory Committee

/jh

Attachments

Council
Item: #10.3.1
Date: March 14, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg Staff Report

Report to: Council
Submitted by: Elizabeth Carr, Planner I
Date: March 14, 2023
Re: Amendment Application: Blockhouse Land Use Bylaw
Boulangerie La Vendéenne bakery – PID 60220076

Recommendations

On February 23, 2023, the Planning Advisory Committee met in Council Chambers at the District of Lunenburg municipal office. The Planning Advisory Committee approved of the following recommendation from the Blockhouse Area Advisory Committee:

That Council approve the proposed amendments to the Blockhouse Land Use Bylaw to add the PID 60220076, Boulangerie La Vendéenne bakery, to the Schedule “B” list of uses permitted to expand by Site Plan Approval, subject to satisfactory on-site service connections. Further, upon the amendment becoming effective, that Council discharge the existing Development Agreement with Boulangerie La Vendéenne Incorporee on PID 60220076.

If Council wishes to conduct First Reading, the following motions are in order:

- 1. That Council accept the recommendation of the Planning Advisory Committee and conduct first reading of the proposed amendment to the Blockhouse Land Use Bylaw to add the Boulangerie La Vendéenne property to Schedule “B” list of uses permitted to expand by Site Plan Approval. Further, that Council set a date for a Public Hearing on Tuesday April 11, 2023 at 8:30 a.m.**
- 2. That Council discharge the existing Development Agreement with Boulangerie La Vendéenne Incorporee on PID 60220076 upon the amendment becoming effective.**

Background

An application was received by the Municipality of the District of Lunenburg's Planning & Development Services department from Boulangerie La Vendéenne bakery in Blockhouse requesting an amendment to the Blockhouse Land Use Bylaw to add the Boulangerie La Vendéenne property to Schedule "B" allowing for the expansion of 'food related' uses in the future by Site Plan Approval. This amendment request was submitted alongside plans to add a proposed 12-foot by 16-foot ice cream shack to the property. If the Land Use Bylaw amendment is approved, the applicant must also have the plans for the ice cream shack approved through the Site Plan Approval process. For a sketch of the proposed ice cream shack, see Appendix A.

Site Profile

The subject property is located at 500 Highway 325 in Blockhouse (PID: 60220076) and is zoned RU for Blockhouse Rural. Boulangerie La Vendéenne has been functioning as a bakery on the property since 2017 and is owned by Mr. David Unterweger. A Development Agreement outlining the terms of use was adopted in 2017 at the same time the bakery's operations commenced and was last been amended in 2020.

Existing Development Agreement

The original Development Agreement from 2017 limited the Boulangerie La Vendéenne property to be used as a bakery with related retail operations; a maximum of 570 square metres (6135 square feet) for all uses including accessory structures; and a total indoor floor area of 55 square metres (592 square feet) for bakery-related retail operations. Boulangerie La Vendéenne's current facility is 458 square metres (4935 square feet) including its 41.8 square metres (450 square feet) of storefront.

Boulangerie La Vendéenne applied for a Development Agreement amendment in 2020 to allow for the expansion of both the bakery and the retail space to accommodate a café space. The total proposed expansions included an 87.8 square metre expansion for loading and manufacturing (15 feet x 63 feet = 945 square feet) and a 209 square metre expansion for retailing (45 feet x 50 feet = 2,250 square feet). The Development Agreement was amended in 2020, but as of the writing of this report, no construction related to the proposed expansion has occurred.

Other Existing Uses

Along with baked goods, the Boulangerie La Vendéenne property also serves as a manufacturer of Helen B's products including pickles and jams. Products manufactured by other local businesses are on display for retailing purposes within the existing structure, which includes

honey, maple syrup, chocolate, reusable bags, and books. In the past, the applicant also expressed the desire to serve lunch meals, such as soup, sandwiches, and salads.

North American Industry Classification System (NAICS)

NAICS is a classification of business types used by Statistics Canada. It is commonly used in defining the permitted commercial, industrial, and resource uses for different properties. Descriptions associated with the NAICS are for reference purposes to assist in the Development Officer's interpretation of Existing Uses in administration of the Bylaw. The NAICS codes relevant to the current existing uses of the Boulangerie La Vendéenne property include:

- 3118 Bakeries and tortilla manufacturing
- 31142 Fruit and vegetable canning, pickling and drying
- 445299 All other specialty food stores
- 722512 – Limited-service eating places

Analysis

To accommodate existing and proposed future uses of the Boulangerie La Vendéenne property, the following amendments are required:

1. Addition of the Boulangerie La Vendéenne property to Schedule "B" of the Blockhouse Land Use Bylaw which would allow future 'food-related' expansions or additions via Site Plan Approval.

Addition to Schedule "B"

Adding the Boulangerie La Vendéenne property to Schedule "B" of the Blockhouse Land Use Bylaw would limit the use of the property to the current existing uses as a bakery manufacturing, food-related retail, specialty food, and limited service eating establishment. Any future additions or expansions will need to be approved by Site Plan. A Site Plan is a site-specific design that is submitted to the municipality by the property owner. Unlike a Development Agreement that must be approved by Council, Site Plans can be approved by a Development Officer, which can shorten the approval process for the property owner. Site plan criteria must be followed and are outlined in the Land Use Bylaw, which for Blockhouse is under section 5.2.4. A list of Site Plan criteria from the Blockhouse Land Use Bylaw can be found in Appendix B¹.

¹ Municipality of the District of Lunenburg. (2020). Blockhouse Secondary Planning Strategy & Land Use Bylaw. Retrieved from https://www.modl.ca/index.php?option=com_docman&view=download&alias=6679-blockhouse-sps-Land Use Bylaw&category_slug=blockhouse-sps-Land Use Bylaw&Itemid=102

The list of existing uses in Schedule “B” of the Blockhouse Land Use Bylaw does not include, or permit for, the development of any prohibited use or restricted developments identified within the Blockhouse Land Use Bylaw.

Information to be Added to Schedule “B”

Parcel ID	Civic Address	Owner Name	Current Existing Use
60220076	500 Highway 325, Blockhouse	David Unterweger	3118 Bakeries and tortilla manufacturing 31142 Fruit and vegetable canning, pickling and drying 445299 All other specialty food stores 722512 – Limited-service eating places

Defining Minimum Parking Spaces

The original Development Agreement from 2017 required a minimum of nine undefined parking spaces for bakery staff and customers. The Development Agreement amendment from 2020 that permitted the bakery’s expansion increased the required minimum number of parking spaces from nine to 20. These numbers were determined using both the required parking space minimums outlined in section 7.2.3 of the Blockhouse Land Use Bylaw and the projected level of traffic for a bakery of Boulangerie La Vendéenne’s size¹.

If both the Land Use Bylaw amendment and subsequent Site Plan are approved, the applicant will be required to add one to two more undefined parking spaces to the existing property to accommodate customers of the ice cream shack. Because the proposed expansion from 2020 has yet to occur, this would mean a minimum of eleven parking spaces would be required to be available to both staff and customers. If the applicant were to move forward with the proposed expansion from 2020, they would be required to submit a Site Plan Approval application and the number of required parking spaces would be reevaluated by the Development Officer.

Discussion

Planning staff brought the amendment application to Council on January 10th, 2023. Council referred the application to the Blockhouse Area Advisory Committee and directed staff to hold a public information session for the proposed amendment.

Summary of Public Information Session Feedback

Per MODL Policy 066 – Public Engagement Policy s. 8 and 9 respectively, a public information session was scheduled, and notice of the amendment application and public information session were sent a week in advance to the applicant, Area Advisory Committee members, adjacent property owners within 305 metres of the subject property (See Appendix C) and abutting municipalities². Public postings were also made on MODL's website, Facebook page, and engage website to inform the public of the information session and encourage interested residents to attend.

The public information session was held on January 26th, 2023, at 6PM at the Blockhouse Fire Hall. In attendance was planning staff, the applicant, members of the Blockhouse Area Advisory Committee, and members of the public. Planning staff presented a short PowerPoint on both the proposed changes to the Boulangerie La Vendéenne property and the amendment process, and the applicant added some details about his plans for the proposed ice cream shack.

There were a few questions and concerns voiced by those who attended the public information session. The first concern was about parking. There has been a history of the Fire Department asking patrons of Boulangerie La Vendéenne to not park in the Fire Department's parking lot as cars can obstruct the path of emergency vehicles exiting the property. The applicant voiced his intent to clearly indicate where customers can park on the bakery property to hopefully deter anyone from parking at the Fire Department. If the previously approved Development Agreement amendment to permit the expansion of the bakery's facilities is to move forward, parking requirements would need to be discussed with the property owner.

Another concern raised during the information session pertained to required setbacks between food-related structures and septic systems. Planning staff researched the issue and found that the main regulations on this topic discouraged building on top of septic leaching beds as the weight can crush intake/outtake pipes, which can cause the septic system to fail³. As far as food safety regulations are concerned, food establishments must have a maintenance and cleaning

² Municipality of the District of Lunenburg. (2022). *MODL Policy 066 – Public Engagement Policy*.

³ Government of Canada. (2020, March 18). *Septic tank and leaching bed safety*. Government of Canada. Retrieved from <https://www.sacisc.gc.ca/eng/1584477135878/1584477188866>

program in place and ensure that all waste streams, including garbage and sewage, are properly managed⁴. Staff also reached out to a member of staff with Environment and Climate Change who stated that there are no specific septic setbacks required for structures such as an ice cream shack.

A question raised during the information session was whether there is a required setback between the shack and the Fire Hall's property line. Planning staff spoke with municipal building inspection staff and it was identified that a five-foot setback from neighbouring property lines is recommended and is required if combustible siding is to be used in construction e.g., wood shingles or siding.

A final question from the applicant was about required setbacks from Highway 325, which runs adjacent to the subject property. The sketch provided by the applicant showed the location of the proposed shack to be approximately 25-30 feet from Highway 325. Planning staff contacted the Area Manager of Nova Scotia Public Works to ask for feedback on the amendment application and proposed plan for the ice cream shack. Public Works responded and stated that there was no concern from the department over the construction or location of the shack and that the access to the property was adequate to handle the influx of traffic that the shack may attract.

Summary of Blockhouse Area Advisory Committee Meeting

On February 8th, 2023, the Blockhouse Area Advisory Committee met at the Blockhouse Fire Hall. Notice was sent seven days in advance to members of the Blockhouse Area Advisory Committee and postings were made on MODL's website, Facebook page, and engage website to encourage members of the public to attend and ask questions. Staff prepared a short PowerPoint addressing questions from the previous public information session and outlining the proposed amendment and property changes as well as the conditions of Boulangerie La Vendéenne's existing Development Agreement and the necessary steps required to add the bakery property to Schedule "B" of the Blockhouse Land Use Bylaw.

The main concern repeated from the previous public information session was customers of the bakery parking at the Fire Hall and obstructing the path for the Fire Department's emergency vehicles. The Fire Hall and the applicant are actively working together to come to a solution for the parking issues, and it was noted that the owner of the bakery will redirect customers who

⁴ Province of Nova Scotia. (2023). Health Protection Act s. 105 Food Safety Regulations. Retrieved from <https://novascotia.ca/just/regulations/regs/hpafood.htm>

park at the Fire Hall. A discussion was had around potential options to expand the bakery's capacity for parking and two suggestions were brought forward.

The first suggestion was provided by the applicant to either purchase or rent property from the Fire Hall to extend the bakery's parking lot. Members of the Fire Hall who were present at the meeting stated that the request to purchase or lease Fire Hall property would have to first be discussed with the other Fire Hall members. Another suggestion was to move the ice cream shack further from the road to encourage customers to park in front of the shack rather than on Fire Hall property. The applicant expressed at the meeting that the shack could not easily be moved due to the location of the existing waterline connection. After reviewing the application, staff discovered that the need for a waterline connection was not included in the initial application. Staff has since advised the applicant that satisfactory on-site connections approval will be required before the amendment application and subsequent Site Plan for the ice cream shack can be approved.

After the parking discussion, the members of the Blockhouse Area Advisory Committee moved forward with recommending that the Planning Advisory Committee recommend that Council approve the amendment to the Blockhouse Land Use Bylaw, and, upon the amendment becoming effective, that Council discharge the existing Development Agreement with Boulangerie La Vendéenne Incorporee.

Summary of Planning Advisory Committee Meeting

On February 23rd, 2023, the Planning Advisory Committee met to review Boulangerie La Vendéenne bakery's Land Use Bylaw amendment application. Staff prepared a detailed presentation including an overview of the proposed amendment and addition of the ice cream shack; the public information session and Blockhouse Area Advisory Committee meetings; and the recommendations from the committees. It was noted that a change had been made to the initial recommendation to the Planning Advisory Committee to include the requirement for a satisfactory on-site service connections approval before the amendment application and subsequent Site Plan for the proposed ice cream shack can be approved.

There was minimal discussion about the amendment application and plan for the proposed shack, and the Planning Advisory Committee approved of the recommendation provided by the Blockhouse Area Advisory Committee.

Other Considerations

Requirements for Site Plan Approval

The proposed ice cream shack's need for on-site service connections was discovered during the Blockhouse Area Advisory Committee meeting. Therefore, the first consideration was that the municipality must receive satisfactory on-site service connections approval before the Site Plan

for the ice cream shack can be eligible for approval. On March 1st, staff received information from a qualified engineer that the Boulangerie La Vendéenne site had been reviewed and approved for the required on-site service connections in the form of grey water discharge. The table in Appendix D has been modified to reflect the receipt of the on-site service connections approval.

Can Site Plan Approval Satisfy Conditions of the Development Agreement

The existing Development Agreement for the Boulangerie La Vendéenne bakery includes conditions that must be adhered to by the property owner. For the Boulangerie La Vendéenne property to be added to Schedule “B” of the Blockhouse Land Use Bylaw, the conditions of the existing Development Agreement must be satisfied by the Site Plan Approval process. The table below outlines the conditions of the original Development Agreement and whether they would be satisfied by the Site Plan Approval process.

Condition	Evaluation	Result
Use	Permitted uses on the property will be limited under Schedule “B” to those similar in nature to the existing use of the property as a bakery manufacturing, food-related retail, specialty food, and limited service eating establishment.	Satisfied.
Site Plan Details – Schedule B	If the Land Use Bylaw amendment process is approved and the current Development Agreement is discharged then future developments will be limited to uses permitted under Schedule “B” of the Blockhouse Land Use Bylaw and subject to the Site Plan criteria in section 5.2.4 of the Blockhouse Land Use Bylaw.	Satisfied.

<p>Site Access & Parking</p>	<p>Site Plan criteria in section 5.2.4(a)(ii) and (iii) of the Blockhouse Land Use Bylaw include that, “off-street parking and loading areas shall be located on the lot in a manner that minimizes traffic hazards, congestion, nuisances or other impacts on the surrounding properties;” and, “the location, width and number of driveway accesses shall be constructed in such a manner as to avoid traffic hazards and congestion”.</p>	<p>Satisfied.</p>
<p>Site Alterations</p>	<p>Site Plan criteria in section 5.2.4(a)(iii) and (x)(i) of the Blockhouse Land Use Bylaw include that, “the location, width and number of driveway accesses shall be constructed in such a manner as to avoid traffic hazards and congestion;” and, “stormwater management plans for the development shall be provided; and”.</p>	<p>Satisfied.</p>
<p>Side Yard Adjacent to Existing Residential</p>	<p>Site Plan criteria in section 5.2.4(a)(i) include that, “the development shall be located on the lot so as to reduce impacts and nuisances on adjacent properties”.</p>	<p>Satisfied.</p>
<p>Site Maintenance</p>	<p>Site Plan criteria in section 5.2.4(a)(ix) of the Blockhouse</p>	<p>Satisfied.</p>

	<p>Land Use Bylaw includes that, “waste, compost and recycling receptacles and other outdoor storage shall be located in the rear or side yard of the property and screened from adjacent properties so as to reduce visual impacts”.</p> <p>Unsightly properties would be handled through relevant municipal policies.</p>	
Lighting	<p>Site Plan criteria in section 5.2.4(a)(i), (v), and (viii) of the Blockhouse Land Use Bylaw include that, “the development shall be located on the lot so as to reduce impacts and nuisances on adjacent properties”; “Type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping elements necessary to protect and minimize the land use impact on adjoining lands”; and, “outdoor pedestrian walkways shall be adequately lit and lighting shall be directed away from the street to eliminate traffic hazards”.</p>	Satisfied.
Compliance with Other Bylaws or Regulations	<p>Site Plan Approval process would ensure that any proposed development aligns</p>	Satisfied.

	with the Land Use Bylaw for that area.	
--	--	--

Are Municipal Policies Satisfied

A table of relevant municipal policies from the Blockhouse Secondary Planning Strategy, and their status of not applicable, satisfied, or pending can be found in Appendix D.

Next Steps

The Planning Advisory Committee has provided its recommendation to Council. If Council approves of the recommendation, it will conduct First Reading where the intent to approve the amendment application will be made known. After Council’s First Reading, a Public Hearing will be scheduled where members of the public will have the opportunity to voice their opinions on the amendment application. Council will then make its final decision.

Conclusion

The Planning Advisory Committee approved of the provided recommendation from the Blockhouse Area Advisory Committee, and, following a short discussion, passed a motion to move forward with taking the recommendation to Council. Furthermore, approval of the on-site service connections was received by the municipality. Council will consider all feedback from the Planning Advisory Committee, Blockhouse Area Advisory Committee, and the public before conducting First Reading.

Report Preparation	
Department	Planning & Development
Report Prepared by	Elizabeth Carr, Planner I
Report Approved by	Jeff Merrill, MCIP, LPP, Director of Planning & Development Services

References

Government of Canada. (2020, March 18). *Septic tank and leaching bed safety*. Government of Canada. Retrieved from

<https://www.sacisc.gc.ca/eng/1584477135878/1584477188866>

Municipality of the District of Lunenburg. (2020). *Blockhouse Secondary Planning Strategy & Land Use Bylaw*. Retrieved from

https://www.modl.ca/index.php?option=com_docman&view=download&alias=6679-blockhouse-sps-Land Use Bylaw&category_slug=blockhouse-sps-Land Use Bylaw&Itemid=102

Municipality of the District of Lunenburg. (2022). *MODL Policy 066 – Public Engagement Policy*.

Province of Nova Scotia. (2023). *Health Protection Act s. 105 Food Safety Regulations*. Retrieved from <https://novascotia.ca/just/regulations/regs/hpafood.htm>

Appendix A: Sketch of Proposed Ice Cream Shack



Appendix B: Site Plan Criteria from s. 5.2.4 of Blockhouse Land Use Bylaw

5.2.4 Site Plan Approval

a) Site Plan Approval Criteria

- i. the development shall be located on the lot so as to reduce impacts and nuisances on adjacent properties;
- ii. off-street parking and loading areas shall be located on the lot in a manner that minimizes traffic hazards, congestion, nuisances or other impacts on the surrounding properties;
- iii. the location, width and number of driveway accesses shall be constructed in such a manner as to avoid traffic hazards and congestion;
- iv. the lot shall have direct access onto a street;
- v. Type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping elements necessary to protect and minimize the land use impact on adjoining lands;
- vi. Retention of existing vegetation;
- vii. any walkways or driveways to be used for pedestrian traffic shall be hard-surfaced with stable materials to minimize dust blowing onto neighbouring properties;
- viii. outdoor pedestrian walkways shall be adequately lit and lighting shall be directed away from the street to eliminate traffic hazards;
- ix. waste, compost and recycling receptacles and other outdoor storage shall be located in the rear or side yard of the property and screened from adjacent properties so as to reduce visual impacts;
- x. Location of easements;
 - i. stormwater management plans for the development shall be provided; and
 - ii. the criteria listed in the above clauses shall be maintained in a manner that is acceptable to the surrounding properties.

Appendix C: Map of Properties to Notify Within 305 Metres of Boulangerie La Vendéenne Bakery



Appendix D: Table of Relevant Municipal Polices for Consideration

Table 1 <i>Considerations for a Land Use By-law Amendment</i>			
Legislative Authority	Considerations	Evaluation	Result
8.1.3 a)	the development conforms to the intent of the Municipal Planning Strategy and of the Secondary Planning Strategy	As per Policy 3.4.2, commercial activities are encouraged in Blockhouse.	Satisfied.
8.1.3 b)	the development is not premature or inappropriate due to		
i.	financial ability of the Municipality to absorb costs related to the development	This is a private development.	Not applicable.
ii.	adequacy of Municipal services	There are no municipal services.	Not applicable.
iii.	the adequacy of physical site conditions for on-site services	The site has been reviewed by a qualified engineer and approved for on-site service connections in the form of grey water discharge.	Satisfied.
iv.	creation or worsening of a pollution problem including soil erosion and siltation	The current site is relatively flat and adequately distanced from significant watercourses	Satisfied.
v.	adequacy of storm drainage and effects of alteration to drainage pattern including potential for creation of a flooding problem	The proposed ice cream shack should not affect the drainage pattern. (See Policy 8.1.3 b) iv.)	Satisfied.
vi.	adequacy and proximity of school, recreation, emergency services, and other community facilities	A fire hall is 40 metres away from the existing building and a five-foot setback from the property line must be adhered to for the construction of the ice cream shack.	Satisfied.
vii.	adequacy of street networks and site access regarding congestion, traffic hazards and emergency access	Nova Scotia Public Works has provided feedback stating that there is no concern for the proposed ice cream shack to	Satisfied.

		significantly impede traffic or access for emergency vehicles. The existing building is on Highway 325, a collector road with higher capacity than residential streets.	
8.1.3 c)	The development site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and susceptibility to natural or man-made hazards as determined by a qualified person	The current site is relatively flat and adequately distanced from significant watercourses	Satisfied.
8.1.3. d)	All other matters of planning concern have been addressed	Building code recommends five-foot setback from neighbouring property lines for structures intended to be built with combustible materials.	Satisfied.

Council
Item: #11.1.1
Date: March 14, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg Request for Decision

Report to: Municipal Council
Submitted by: Elana Wentzell, Director of Finance
Date: March 14, 2023
Re: Property Tax Rebate Policy – Annual CPI Adjustment

Recommendation

It is recommended that the property tax rebate schedule be updated based on Nova Scotia CPI (All Items) and be set as follows:

- For Household Income under \$25,699, a maximum rebate of \$570;
- for Household Income from \$25,700 to \$32,099, a maximum rebate of \$285; and
- for Household Income from \$32,100 to \$40,700, a maximum rebate of \$115.

Executive summary

The Property Tax Rebate Program is one of the ways that Council supports low-income homeowners by granting a property tax rebate based on household income. The current policy 049 was amended last year, increasing the income threshold and rebate amounts and providing a mechanism to adjust these thresholds annually by Nova Scotia CPI (All Items).

Discussion

The Nova Scotia Consumer Price Index changed by 6.9% in 2022. A comparison of approved and proposed income thresholds and rebate amounts are as follows:

2022 Approved Schedule		2023 Proposed Schedule	
Household Income	Maximum Rebate	Household Income	Maximum Rebate
Under \$23,999	\$530	Under \$25,699	\$570
\$24,000 to \$29,999	\$265	\$25,700 to \$32,099	\$285
\$30,000 to \$38,000	\$106	\$32,100 to \$40,700	\$115

Budget implications

Staff are recommending that the budget be increased from \$171,000 to \$213,400. This should allow for all rebates to be granted based on the suggested revisions to the income thresholds and rebate amounts. Staff have processed 583 rebate applications in 2022/23, 534 were received by the August 1 deadline; an additional 49 applications have been processed to date.

Communication Strategy

The low-income rebate policy is mailed to all qualifying applicants from the prior year and any organizations that deal with those who may be considered low income. As well, the updated policy information will be posted on the Municipal webpage, social media accounts, in upcoming newsletters and printed on the back of the interim tax bill.

Conclusion

Staff recommend the income threshold and rebate amounts be set at the proposed amounts based on the requirements of the policy to inform the 2023/24 budget.

Report Preparation	
Department	Finance
Report Prepared by	Elana Wentzell
Report Approved by	
Date Reviewed by C.A.O.	