

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, December 12, 2023 – 8:30 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**
- 3. Public Input (15 Minutes)**
- 4. Changes/Approval of Agenda (as circulated)**
- 5. Approval of Minutes - November 28, 2023**
- 6. Business Arising from Minutes**
- 7. Awarding of Tenders/RFPs**
 - 7.1 Award of RFP #2023-05-404 Public Transportation Operating & 5 Year Plan 1-3
- 8. Presentations/Scheduled Times - Nil**
- 9. Consideration of Correspondence - Nil**
- 10. Recommendations from Committees & Boards**
 - 10.1 Finance Committee..... 4**
 - 10.1.1 Tender Call for 2024 Tax Sale 5-6
 - 10.1.2 Wellness Committee Food Drive, Matching Funds 7-9
 - 10.1.3 Mush-a-Mush Beach Park Washrooms 10-11
 - 10.2 Nominating Committee**
 - 10.2.1 Appointment to Police Advisory Board, E. Joseph Boutilier..... 12
 - 10.3 Planning Advisory Committee..... 13**
 - 10.3.1 Amendments to Riverport & District Planning Area..... 14-27
- 11. Staff Reports**
 - 11.1 Recreation, Parks & Tourism**
 - 11.1.1 Recreation Capital Grant for New Germany Legion 28-29

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

- 12.1 MJSB Update
- 12.2 NSFIM Conference Update (Deputy Mayor Oickle)
- 12.3 Deputy Mayor's Update
- 12.4 Mayor's Update

13. Added Items

14. In Camera

- 14.1 Legal Advice under Section 22(2)(g) of the MGA

15. Adjournment

Council
Item: #7.1
Date: December 12, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Council

Submitted by: Ella R. Gindi, Planner I

Date: December 12, 2023

Re: Award Public Transportation Operating and a 5-year Business Plan
RFP 2023-05-404

Recommendation

Staff recommends that Council award the request for proposals for the Public Transportation Operating and a 5-year Business Plan (RFP 2023-05-404) to WSP in the amount of \$48 950.00 plus HST.

Background

The Municipality of the District of Lunenburg seeks the expertise of a consulting team to develop a Public Transportation (PT) operating and 5-year business plan to connect the Town of Bridgewater's public transportation system to Osprey Village and potentially to nearby communities. The PT operating and business plan will establish a strategic framework for the future development of a regional public transportation system, facilitating vital connections between Bridgewater, MODL's Osprey Village, and potentially other nearby communities. The Proponent is expected to take a comprehensive approach in formulating the PT operating and business plan that is tailored to the unique landscape of MODL. The goal of the resultant 5-year plan is to establish a fixed-route public transportation system that connects Bridgewater to Osprey Village, ensuring easy and convenient connectivity for individuals to their workplaces, shopping destinations, recreational venues, and homes.

By introducing a dedicated fixed public transportation route alongside existing modes of transportation in MODL such as active transportation, we aim to transform the Municipality into a vibrant, interconnected, health-oriented, and eco-friendly community.

Discussion

The Municipality issued an RFP for Public Transportation Operating and a 5-year Business Plan to connect Osprey Village with the Town of Bridgewater. Three proposals were received by the deadline. The evaluation team included Ella R. Gindi, Planner 1, Jeff Merrill, Director of Planning & Development Services and Dave Waters, Director of Economic Development.

Proponent names and quotes are described in the table below:

Proponent	Average Technical Score	Cost Proposal		Total Score	Overall Rank
		Price	Price Score		
WSP	58	\$ 48,950	17	75	1
CBCL	52	\$ 40,609	20	72	2
LTRT	41	\$ 49,600	16	57	3

Note that the prices exclude HST.

The top proposal overall was from WSP with overall score of 75 followed by CBCL at 72 and LTRT at 57, respectively WSP received the highest technical score, being 58 followed by 52 for CBCL and 41 for LTRT.

While CBCL presented the lowest price, concerns arose due to their team's lack of experience and insufficient time allotment. The team demonstrated no prior expertise in this specific work, and their overall work experience was limited. Consequently, there was apprehension within the evaluation committee about the potential need for MODL staff to handle a substantial portion of the workload.

Conversely, the evaluation committee unanimously agreed that the WSP proposal provided the best value for the municipality. WSP not only addressed all requirements outlined in the RFP's work plan and methodology but also explicitly detailed the proposed methodology, including the use of Cityger modeling software. Beyond the RFP requirements, WSP introduced additional criteria such as stakeholder engagement, fare collection technologies, and strategies to integrate transit into workplace culture.

Moreover, WSP distinguished itself with extensive experience in the transportation field. Their track record included successful completion of similar projects with other Nova Scotian

municipalities, such as the Regional Municipality of Queens Transit Needs Study (2017), East Hants Community Rider Business Plan (2015 and 2022), Colchester Transportation Cooperative Business Plan (2022), and the Bridgewater Transit Electric Bus Feasibility Assessment (2022).

Budget Implications

Budget approval for \$50,000 was approved in the 2023-2024 fiscal year. The Public Transit operating, and 5-year business plan development will address the region's multifaceted PT needs and cultivate and enhance transportation alternatives that encourage the shift away from single-vehicle occupancy, improve transit options, and increase connectivity between MODL and the Town of Bridgewater.

Conclusion

The Evaluation Committee is recommending that RFP 2023-05-404 be awarded to WSP who received the highest technical score for their proposal and the highest overall score.

Report Preparation	
Department	Planning & Development Services
Report Prepared by	Ella R. Gindi
Report Approved by	Jeff Merrill, MCIP, LPP
Date Reviewed by C.A.O.	

Council
Item: #10.1
Date: December 12, 2023
Authorization: T. MacEwan



Memorandum

To: Her Worship, Mayor Bolivar-Getson, and Councillors

From: Chairperson & Members of the Finance Committee

Date: December 5, 2023

Re: Recommendations of the Finance Committee

The Finance Committee, in session on Tuesday, December 5, 2023, made the following recommendation(s) to Council:

1. That Municipal Council authorize the Treasurer to proceed with a tender call for the March 6, 2024, Tax Sale.
2. That Municipal Council approve matching funds for the Wellness Committee Food Drive up to a maximum of \$1,000 per each of the 4 food banks, and further, that Council approve funding in the amount of \$3,000 for Souls Harbour Warming Centre and \$3,000 for the overnight shelter operated by the South Shore Open Doors Association, with the funds coming from the Council Approved Contingency Fund.
3. That Municipal Council approve the inclusion of Mush-a-Mush beach park washroom building in the 2024/25 capital budget deliberations and direct staff to prepare cost estimates for the project.

Respectfully submitted,

Chairman and Members
Finance Committee

/jgp
Attachment

Council
Item: #10.1.1
Date: December 12, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Finance Committee
Submitted by: Elana Wentzell, CPA, CMA
Date: 2023-12-05
Re: 2024 Tax Sale

Recommendation

The Finance Committee recommend that Municipal Council authorize the Treasurer to proceed with a tender call for the March 6, 2024, Tax Sale.

Executive summary

The annual Tax Sale is scheduled for March 6, 2024. Prior to the COVID pandemic, all tax sales were held as a public auction per Section 141 (1) of the Municipal Government Act (MGA).

For the past three years, Council approved that the Treasurer proceed with the annual Tax Sale through a tender call as per section 141 (2) of the MGA. The use of a tender call was successful. Most properties that went into these tax sales received bids and were sold.

Discussion

The Municipality's annual public auction tax sale has been historically well attended, with upwards of 90 people present. This can be cumbersome to manage, RCMP security is required, and it does not lend itself to be fully accessible to bidders who cannot attend in person on the tax sale day.

Because we have been successful with the tender tax sale process over the past 3 years, staff are suggesting that the upcoming tax sale in March 2024 proceed in this manner.

Alternatives

1. Tax Sale by Public Auction - Council can decide to proceed instead with a public auction for the upcoming tax sale.

2. Defer the Tax Sale - Council also has 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.

Conclusion

Staff recommend that due to three consecutive tax sales via a tender process, that the 2024 Tax Sale be held by a tender call as legislated in the MGA.

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

Council
Item: #10.1.2
Date: December 12, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Finance Committee
Submitted by: Alex Dumaresq, Deputy CAO
Date: December 5, 2023
Re: Funding for Foodbanks and Shelters

Recommendation

Move that Council approve matching funds for the Wellness Committee food drive up to a maximum of \$1,000 per food bank, and further that Council approve funding in the amount of \$3,000 for Souls Harbour Warming Centre and \$3,000 for the overnight shelter operated by the South Shore Open Doors Association, with the funds coming from the Council Approved Contingency Fund.

Executive summary

Economic conditions have increased the prevalence of housing and food insecurity in the Municipality. The combined impact of post-pandemic inflation and the housing crisis have increased the instability for many households in MODL. While Council pursues policy, advocacy, and infrastructure work to address housing and economic growth, many households are experiencing acute pressure and are relying on service organizations to meet basic needs.

Foodbanks

Feed NS reports that 22% of households in Nova Scotia are experiencing food insecurity. This is approximately a 5% increase in foodbank usage since the beginning of the Covid-19 pandemic. Feed NS also reports that one third of the Nova Scotia population supported by food banks are children.

Staff have regularly completed food drives in previous years, accepting both cash and food donations and providing the donations to the four food banks serving MODL residents. In

addition, MODL last supported food banks with funding from the municipal budget in March of 2020, with support totalling \$10,000:

- Bridgewater Food Bank - \$5,500
- Town of Lunenburg Food Bank - \$1,500
- Town of Mahone Bay Food Bank - \$2,000
- New Germany Food Bank - \$1,000.00

Staff on the MODL Wellness Committee are organizing a cash-based food drive this holiday season. and have inquired whether Council would consider matching some of the funds raised with the Council Approved Contingency Fund. Given the size of staff and council, its recommended that the fundraising effort focus on a single foodbank, with municipal funds matching that donation and providing an equivalent donation to the other banks (I.e. A fundraising campaign raising \$1000 from staff and council would result in a \$4000 contribution to foodbanks from the council contingency fund).

Housing-Related Services

South Shore Open Doors Association (SSODA) works to identify citizens who do not have stable housing and connect them with services to address housing insecurity. They have completed intake for 415 citizens since May of 2022, with 115 (28%) of those citizens coming from MODL.

In response to demand in the local area, SSODA has opened an overnight shelter for people experiencing homelessness. The shelter can support up to 15 people and will operate for a 6-month period in the Town of Bridgewater. SSODA is receiving base funding from the Department of Community Services but is currently engaged in fundraising initiatives to provide basic services including food, and toiletries. SSODA will be presenting to Council on the housing crisis and the services it is providing to MODL residents in the new year.

The overnight shelter operates from 8pm to 8am seven nights a week. In response to this new service, Souls Harbour is operating a warming center to complement the overnight shelter. They have expanded their service to be open seven days a week from 8am to 8pm and they provide one hot meal per day.

In December of 2022, Council awarded \$15,000 from the Council Approved Contingency Fund to support the Town of Bridgewater's Tiny Shelter Grant. The Town did not receive any applications to the fund, and those funds returned to MODL's reserves as part of the 2022/23 operating surplus. The \$15,000 funding that the Town set aside was redirected towards the daytime service provided by Souls Harbour.

Budget implications

The total recommended support for those experiencing housing and food insecurity would be a maximum of \$10,000 depending on the results of the staff fundraising efforts. There is currently \$62,375 available in the Council Approved Contingency Fund.

Alternatives

Council could determine to proceed with donations regardless of the staff fundraising efforts. Council could also decline to contribute municipal funds to these service organizations.

Conclusion

Both the visibility and incidence of food and housing insecurity have increased in recent years in our communities. Providing financial support to the service organizations noted in this report will help bridge some of the worst impacts of the housing crisis currently affecting MODL citizens.

Report Preparation	
Department	
Report Prepared by	Alex Dumaresq, Deputy CAO
Report Approved by	
Date Reviewed by C.A.O.	

Request for Agenda Items under Mayor's/Deputy Mayor's/Councillors' Matters

TO: Chief Administrative Officer
FROM: x Councillor Sandra Statton _____
DATE: nov 28,2023 _____

1. Agenda Item Bathroom building at Lake Mushamush
- 2.

3. On what agenda do you want the item placed?
Finance to go to Budget

4. Do you have written material to circulate with the agenda? Yes _____ No x

If you do, please attach it to this form. If you do not, please explain.

After three years on Council and various conversations around the care and consideration given to the facilities at this location, it is time to budget funds to have this building in place.

5. What is its relevance to Council or the committee?
 this expense will need to be part of the budget for next year, as I see this as a necessary addition to this Park that has on some days hundreds of visitors per day in peak season _____

6. What outcome(s) are you seeking?

A motion to Council to add this to the budget for 24/25 so that this can become a part of the park infracture in this construction year.

Sandra Statton
 Sandra Statton _____ nov 28.2023
Councillor's Signature Date

Approval for agenda: Yes No

Reason for Denial:

Mayor or Chair of Committee

Date

Copy

Council
Item: #10.2.1
Date: December 12, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Memorandum

Report To: Council
Submitted By: Cathy Moore, Chair of Nominating Committee
Date: December 12, 2023
Re: Appointment to Police Advisory Board

The Nominating Committee met on Tuesday, December 5, 2023 to review applications for the member at large position on the Police Advisory Board. The following recommendation was made:

“that Municipal Council appoint E. Joseph Boutilier as the member at large for the Police Advisory Board for a one year term ending in January 2025”.

Councillor Cathy Moore
Chair

/trb

Council
Item: #10.3
Date: December 12, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg Planning & Development Services

November 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 November 23, 2023, made the following recommendations to Municipal Council:

- 1. That Council repeal policy 4.13 'Accessory Uses' of Riverport & District Land Use Bylaw and replace it with a revised policy titled 'Miscellaneous Minor Accessory Structures' in alignment with similar policies in MODL's other Land Use Bylaws.**
- 2. That Council rezone the two (2) identified lots (PIDs 60718046 and 60718038) from the Environmental Sensitive Zone to the Rural-Three Zone in the Riverport & District Planning Area.**

The Planning Advisory Committee made a third recommendation referring the overall process of wetland protection in the planning documents back to the Riverport & District Area Advisory Committee for further discussion. There is no motion of council required at this time.

"That the Planning Advisory Committee refers staff to go back to the Riverport Area Advisory Committee to discuss the new information regarding the wetland policies".

Respectfully submitted,

The Chair and Members
of the Planning Advisory Committee

/jh

Council
Item: #10.3.1
Date: December 12, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Memo

Report to: Council
Submitted by: Elizabeth Carr, Planner I
Date: December 12, 2023
Re: Amendments to the Riverport & District Secondary Planning Strategy and Land Use Bylaw

Recommendations

On November 23, 2023, the Planning Advisory Committee met to discuss proposed amendments to the Riverport & District Secondary Planning Strategy and Land Use Bylaw pertaining to both the process for regulating development near wetlands and the 'Accessory Uses' policy. The Planning Advisory Committee approved of the following recommendations:

- Repeal policy 4.13 'Accessory Uses' of the Riverport & District Land Use Bylaw and replace it with a revised policy titled 'Miscellaneous Minor Accessory Structures' in alignment with similar policies in MODL's other Land Use Bylaws.
- Rezone the two properties in question (PIDs 60718046 and 60718038) that are currently zoned Environmentally Sensitive to the adjacent Rural-Three zone.

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

That Municipal Council accept the recommendations of the Planning Advisory Committee and give notice of its intention to approve By-law 015F a By-law amending the Riverport and District Land Use By-law regarding Miscellaneous minor structures and rezoning Parcel Identifiers 60718046 and 60718038 from the Environmental Sensitive Zone to the Rural-Three Zone, and conduct First Reading of the same;

And further, that the Council hold a Public Hearing on Tuesday, January 9, 2024, at 8:30 a.m. in the Municipality's Council Chamber.

Municipality of the District of Lunenburg

By-law

Title: Amendments to the Riverport & District Land Use By-law (2023)	
By-Law number 015F	Legislative authority: Municipal Government Act , Section 205
Effective date:	Amended date:

Be it enacted by the Council of the Municipality of the District of Lunenburg, under the authority of Section 205 of the **Municipal Government Act**, as follows:

Title

- 1 This By-law is titled the Amendments to the Riverport & District Land Use By-law (2023).

Amendments to the Land Use By-law (By-law 015)

- 2 By-law 015 is amended by repealing and substituting Section 4.13 with the following Section:

Policy 4.13

It shall be the policy of Council to establish within the Land Use By-law provisions enabling miscellaneous minor structures, such as but not limited to, fences less than 2 metres in height, children’s play structures, pet houses, and accessory buildings less than 20 m2 (215 ft2) in floor area, to be erected, located, constructed, or altered without the necessity of obtaining a development permit.

- 3 Schedule “A” titled “Zoning Map” of By-law 015 is amended by rezoning the portions of PIDs 60718046 and 60718038 that are zoned Environmentally Sensitive (ES) to the adjacent Rural Three Zone (RU-3).



Municipality of the District of Lunenburg

Staff Report

Report to: Planning Advisory Committee
Submitted by: Elizabeth Carr, Planner I
Date: November 23, 2023
Re: Amendments to the Riverport & District Secondary Planning Strategy and Land Use Bylaw.

Recommendations

Staff recommended that the Riverport Area Advisory Committee respectfully recommend to the Planning Advisory Committee that:

1. Council approves the following proposed amendments to the Riverport Secondary Planning Strategy:
 - a. Revise policies 4.2.1 and 4.2.2 to only include the following lands within the Environmental Protection Designation and Environmentally Sensitive zone:
 - i. Gaff Point
 - ii. Murphy Wetland
 - b. Repeal policy 4.2.3.
 - c. Add a policy to section 4.2 stating that all wetlands and salt marshes in Riverport shown on the Nova Scotia Department of Natural Resources Wetlands and Coastal Habitats Inventory, including the tree covered wetland at Hirtles Pond, will be included in Schedule “B” – Development Constraints map.
 - d. Add a policy to section 4.2, pursuant to the previous policy, stating that properties can be removed from Schedule “B” where study of a wetland or salt marsh, by a qualified person, shows that land depicted in Schedule “B” is not wetland or salt marsh.

2. Council approve the proposed amendment to the Riverport Land Use Bylaw to remove wetland areas captured within Schedule “A” – Zoning map that are currently zoned Environmentally Sensitive (ES), including the tree covered wetland at Hirtles Pond, and add these areas to Schedule “B” – Development Constraints map.
3. Council repeal policy 4.13 ‘Accessory Uses’ of the Riverport & District Land Use Bylaw and replace it with a revised policy titled ‘Miscellaneous Minor Accessory Structures’ in alignment with similar policies in MODL’s other Land Use Bylaws.

The Riverport & District Area Advisory Committee rejected staff’s recommendations pertaining to development near wetlands, and proposed the following recommendation to the Planning Advisory Committee:

- **The Riverport & District Area Advisory Committee respectfully recommend to the Planning Advisory Committee that no changes be made to Riverport & District’s existing policies around developing near wetlands due to the following concerns:**
 - **Unclear definition for the term ‘wetland’.**
 - **Unclear qualifications for designated professionals.**
 - **Outdated maps from Province.**

The Riverport & District Area Advisory Committee approved of staff’s recommendation to repeal and replace the ‘Accessory Uses’ policy in the Riverport & District Land Use Bylaw and respectfully recommends to the Planning Advisory Committee that:

- **Council repeal policy 4.13 ‘Accessory Uses’ of the Riverport & District Land Use Bylaw and replace it with a revised policy titled ‘Miscellaneous Minor Accessory Structures’ in alignment with similar policies in MODL’s other Land Use Bylaws.**

Background

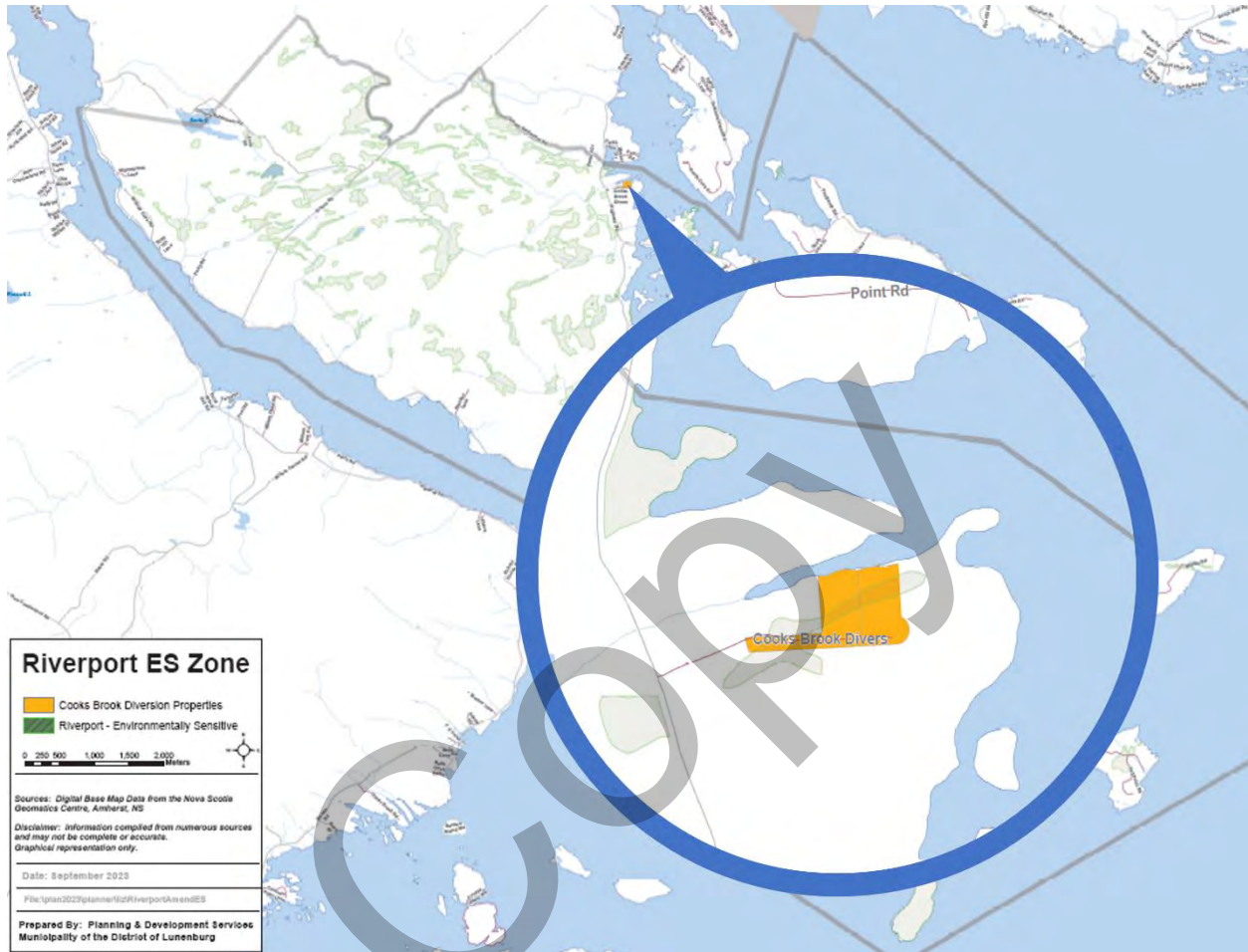
The proposed amendments fall into two categories:

- Regulating development near wetlands.
- Accessory Uses policy.

Wetland Amendments

A situation has arisen related to development near wetlands that may require amendments to Riverport’s Secondary Planning Strategy (SPS) and Land Use Bylaw (LUB). There are two properties, that according to Schedule “A” – Zoning Map in the Riverport LUB, are zoned Environmentally Sensitive (ES) due to the presence of wetlands or salt marshes that have been

identified through the Department of Natural Resource's Wetlands and Coastal Habitats Inventory.



Map of Riverport showing Environmentally Sensitive zones and the two properties in question.

Section 4.2.2 of Riverport's SPS states that ES zones are "no build" zones; however, section 4.2.3 states that rezoning of ES zones is possible provided that a survey confirming that no wetland is present has been conducted by a designated professional.

A qualified professional has surveyed both properties in question and has determined that there are no wetlands or salt marshes present. It is known that the provincial wetland mapping has not been updated in several years, and it is possible that there could be inaccuracies within MODL's ES zone mapping as it is largely based on the provincial mapping.

As mentioned above, rezoning of ES zones is permitted provided that a survey has been conducted by a designated professional; however, because it is known that the provincial wetland mapping is outdated, it is possible that there will be similar requests for rezoning in this area in the future which has prompted staff to investigate other ways that development near wetlands could be regulated in Riverport in the future.

Accessory Uses Amendments

An amendment to section 4.13 'Accessory Uses' in the Riverport & District SPS has been proposed to align Riverport's 'Accessory Uses' policy with sections titled 'Miscellaneous Minor Accessory Structures' in MODL's other existing SPS documents.

Riverport's current 'Accessory Uses' policy refers only to use of land that does not require a development permit and does not refer to the types of accessory **structures** that are permitted without a development permit. The revision of section 4.13 will provide more details about the types of structures that may be permitted as an accessory structure without a development permit.

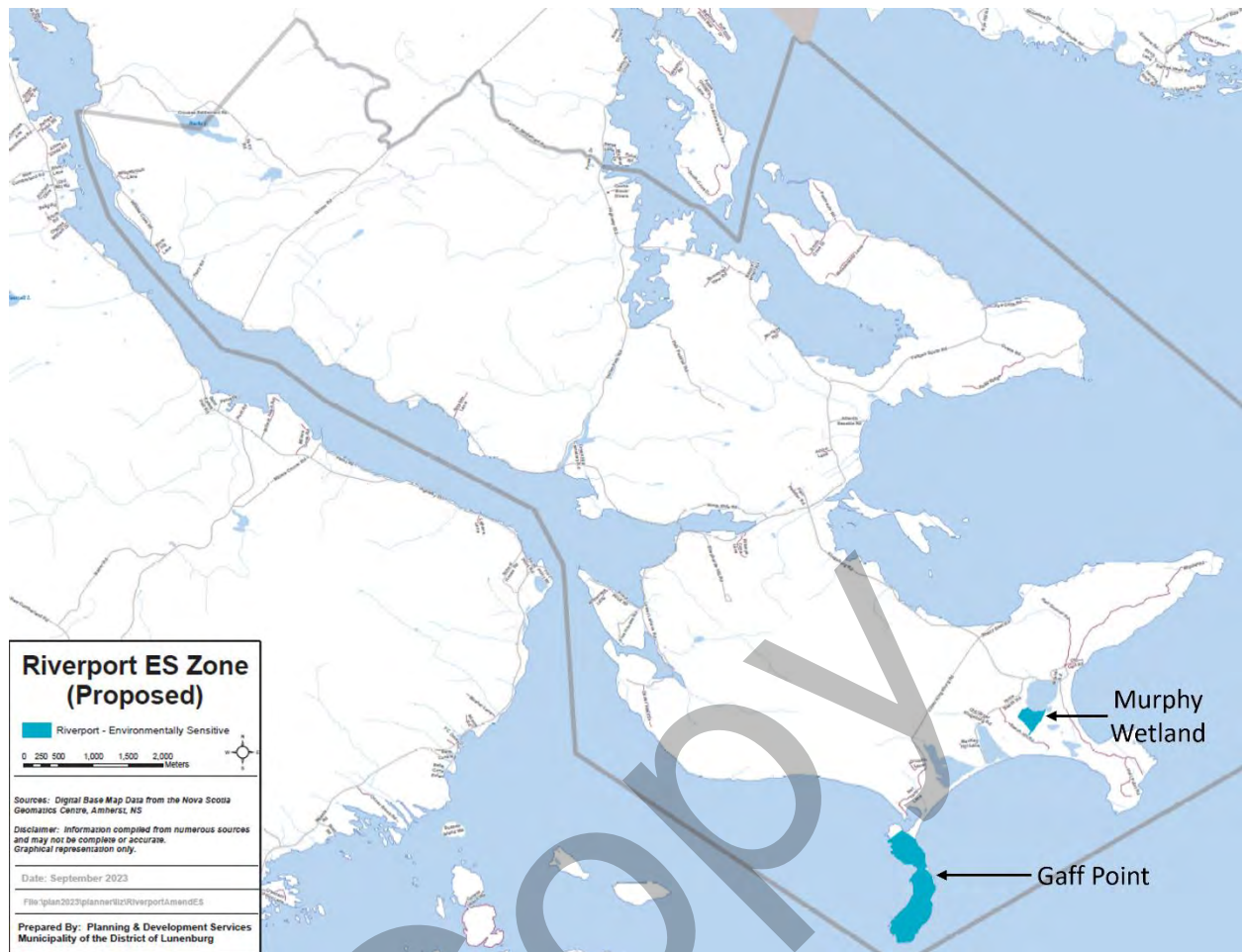
Discussion

Planning staff brought the proposed amendments to the Riverport & District SPS and LUB to Council on September 12, 2023. Council referred the amendments to the Riverport & District Area Advisory Committee and directed staff to hold a public information session for the proposed amendments.

Per MODL Policy 066 – Public Engagement Policy s. 8 and 9 respectively, a public information session was scheduled, and notice of the proposed amendments and public information session were posted a week in advance for the public and the Area Advisory Committee members. 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.

Proposed Wetland Amendments

The proposed amendments involve adding the identified wetlands and salt marshes from ES zones to Schedule "B" – Development Constraints map. For clarity, there are lands that have been zoned ES by the Municipality such as Gaff Point and the Murphy Wetland owned by the Kingsburg Coastal Conservancy that do not fall within the provincial wetland mapping. These lands would remain on the zoning map as ES zones which would prohibit any future development in those areas.



Map of Riverport showing Gaff Point and the Murphy Wetland.

Adding wetlands captured within the ES zones to the Development Constraints map would continue prohibiting development in areas identified as wetlands or salt marshes but would also provide the opportunity for property owners to dispute the presence of a wetland through a survey conducted by a designated professional. This way of regulating development near wetlands would be like the wetlands policy in the Hebbville SPS and LUB.

Village of Hebbville Wetlands Policy

The Village of Hebbville has wetlands mapped in Schedule “C” Significant Watercourses and Identified Wetlands which were identified using the provincial Wetlands and Vegetation Classification System Inventory. Per Hebbville’s wetland policy, no development permit application will be issued until the province has confirmed that the proposed development would not affect, or be inconsistent with, any related provincial policies, and where necessary, would satisfy any wetlands-related approvals processes.

Other Considerations

Discussion with Wetland Expert from Nova Scotia Environment

Planning staff met with a wetland expert from the Nova Scotia Department of Environment to discuss the proposed amendments to the Riverport SPS and LUB and to clarify the provincial regulations for developing near wetlands.

Staff asked about the provincial approvals needed for infilling wetlands. The provincial expert stated that a permit from the Department of Environment and Climate Change is required for alterations to wetlands. The province also requires no net loss of wetlands meaning if a wetland is infilled it is expected to be compensated for at a 2:1 ratio. For more significant wetlands, the ratio may be increased to 4:1.

Staff also asked whether the existing provincial wetland mapping would be updated. The wetland expert confirmed that the existing mapping is outdated and mentioned that though there is currently no timeline for updating the existing wetland maps, there is support within the Department of Environment for updating the maps.

The Department of Environment recently released what has been described as a 'routine clarification' of its wetland policy. The clarification of the policy included that wetlands of special significance (WSS) are limited to:

- Wetlands known to support threatened and endangered species only, and exclude vulnerable/special concern species (for which there are no prohibitions to harm).
- Only a portion of a wetland directly supporting species at risk, as determined by a qualified expert.
- The portion of wetlands that overlap with a designated Ramsar site (sites of international importance), provincial wildlife management area, provincial park, nature reserve, wilderness area or lands owned or legally protected by non-government charitable conservation land trusts.
- Wetlands where a proponent at the time of their application, through their own fieldwork, has included an observation of a species at risk in the wetland and the wetland meets the habitat requirements of that species. Databases of historic occurrences of species at risk will no longer be considered."

Though the Department of Environment has stated that nothing has changed within the policy, the clarification of the policy's contents concerned environmentalists who fear that it will reduce the number of wetlands protected by the province. The wetland expert stated that they were unsure what impact the clarification of the wetlands policy would have on updating the mapping of provincially identified and protected wetlands.

After the discussion with the provincial expert, staff investigated how neighbouring municipalities are mapping development constraints such as wetlands. Planning strategies and land use bylaws from Cumberland, East Hants, King's, and Queens were reviewed and it was found that most of the municipalities rely on provincial mapping and regulations to protect wetlands. Some of the municipal documents that were reviewed also included requirements for developers to disclose any wetlands on their property before it is developed, or requirements to disclose any wetlands when applying for amendments to the land use bylaw.

Proposed Accessory Uses Amendments

To accommodate future regulation of accessory structures, it is proposed that policy 4.13 'Accessory Uses' of the Riverport & District Land Use Bylaw is repealed and replaced with a revised policy titled 'Miscellaneous Minor Accessory Structures' in alignment with similar policies in MODL's other Land Use Bylaws.

Other Considerations

Discussion with Municipal Development Officer

Staff discussed the proposed amendment to the 'Accessory Uses' policy with the Development Officer and determined that the proposed amendment would provide more clarity about the types of accessory structures permitted without a development permit on properties with an existing structure and would change the language to reflect regulation of structures rather than land use.

Feedback from Public Meetings

Public Information Session

A public information session was held on the evening of September 20, 2023. Councilor Whynot was in attendance, but no community members attended the event. Staff reviewed the proposed amendments with the Councilor and adjourned the meeting.

Riverport & District Area Advisory Committee

The Riverport & District Area Advisory Committee met on October 11, 2023, at 6:30PM at the Riverport District Fire Department. There were a few members of the public in attendance as well as both the Area Advisory Committee Members Reid Whynot and Barry Olivella.

Staff provided a presentation with background on the current policies both for regulating development near wetlands and the 'Accessory Uses' policy, and covered details about the proposed amendments. Members of the public expressed that they were concerned about the speed at which the amendment was progressing and worried that the change in process would make it easier for people to develop near wetlands. Several questions were also brought forward including:

1. How do we define a wetland?

The province defines a wetland in the Environment Act as,

“a marsh, swamp, fen or bog that:

- either periodically or permanently has a water table at, near or above the land’s surface, or that is saturated with water; and
- sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation, and biological activities adapted to wet conditions.”

Nova Scotia’s Wetland Conservation Policy provides definitions for a variety of wetlands, marshes, and bogs, including the unique features associated with each type. Certain types of wetlands, including salt marshes, are categorized as Wetlands of Special Significance (WSS) by the province, which cannot be altered unless an alteration is required to maintain, restore, or enhance a WSS, or would provide a necessary public function. Aside from WSS, wetlands can only be altered if the proper Wetland Alteration Application or Environmental Assessment is completed and approved by the province.

Riverport’s ES zones are based on the province’s wetland mapping including provincially mapped WSS. Not all wetlands are captured in the province’s mapping because the map is known to be outdated and was based on aerial maps which have resulted in the underrepresentation of tree-covered wetlands and inaccurate wetland boundaries. MODL uses the province’s mapping as it is the best mapping available currently, and MODL relies on the provincial wetland delineators as part of the existing policy in Riverport. Through the Municipal Government Act, municipalities can regulate or prohibit development on land that is low-lying, marshy, or unstable which could include wetlands. We can use provincial mapping and apply municipal requirements to better protect wetlands from development.

2. What are the qualifications of a wetland delineator? Are the results of surveys disproving the presence of wetlands on a property ever verified by another professional?

Staff reached out to the Department of Environment to confirm the qualifications required for a designated professional assigned to delineate wetlands and were told that these professionals take a wetland delineation course and are trained under a senior wetland delineator until they are confident in their own assessment abilities.

Currently, the province only requires one survey conducted by a designated professional to disprove the presence of wetlands on a property. A suggestion received from members of the public and the Area Advisory Committee members in attendance included requiring surveys

conducted by more than one qualified professional to determine whether a wetland exists on a property, and, having some oversight for who is considered a qualified professional.

3. Is the province updating their wetland mapping?

Members of the public brought to staff's attention the possibility that the province is actively updating their wetland mapping. Staff reached out to the Department of Environment to confirm the existence of new wetland maps and it was clarified that the wetland maps the community were referring to are a new model for identifying wetlands on the ground and not a new map showing provincially protected wetlands.

Due to the questions and concerns brought forward by members of the public, there was hesitancy from the Area Advisory Committee to push staff's recommendation forward to the Planning Advisory Committee. As a result, there was a new recommendation put forward suggesting that no changes be made to the current process for regulating development near wetlands until a clear definition for wetlands and better mapping from the province can be procured.

Alternatives

Wetland Amendments

- Rezone the two properties in question that are currently zoned ES to Rural Three.

An alternative option is to rezone the two properties in question to an adjacent zone [Riverport has only two zone types making the adjacent zone Rural Three (RU-3)] which is already made possible through section 4.2.3 of the Riverport SPS that states,

“Pursuant to Policy 4.2.2, it shall be the policy of Council to rezone the Environmentally Sensitive (ES) Zone in the Land Use By-law to an adjacent zone where study of a wetland or salt marsh, by a qualified person, shows that land within the Environmentally Sensitive (ES) Zone is not wetland or salt marsh.”

Rezoning ES zones in Riverport is already permitted through the SPS; however, because it is known that the provincial wetland mapping is outdated, it is possible that there will be similar requests for rezoning in this area in the future which is why another recommendation has been proposed.

Next Steps

The recommendations from the Riverport & District Area Advisory Committee will be taken to the Planning Advisory Committee meeting scheduled for the evening of November 23, 2023. Planning staff will add the item to the Planning Advisory Committee agenda, and per MODL

Policy 066 – Public Engagement Policy s. 10, will inform the public of the opportunity to attend the Planning Advisory Committee meeting via the Municipality’s website, social media pages, and an ad in the local newspaper.

The Planning Advisory Committee will discuss the matter and will consider the Area Advisory Committee’s recommendation and will then make their own recommendation that will be taken to the next Council meeting. 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 be able to voice their opinions on the matter and be heard by Council. Council will then make its final decision.

Conclusion

Staff’s recommendation to the Riverport & District Area Advisory Committee was to recommend to the Planning Advisory Committee that Council approve of the proposed amendments to the Riverport Secondary Planning Strategy and Land Use Bylaw pertaining to the process for regulating development near wetlands, and the ‘Accessory Uses’ policy.

After discussions with both the Riverport Area Advisory Committee and members of the public, it was determined that more information about defining wetlands, the qualifications of provincial wetland delineators, and the provincial wetland mapping should be collected before any changes are made to the existing process for regulating development near wetlands. The Riverport Area Advisory Committee decided to reject staff’s recommendation to the Planning Advisory Committee, and instead recommended that Council not make any changes to the process at this time. The Riverport Area Advisory Committee did approve of staff’s recommendation pertaining to the ‘Accessory Uses’ policy.

All comments and concerns from the Planning Advisory Committee, Riverport Area Advisory Committee, and the public will be taken into consideration by Council.

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

CBC News. (2023, September). Environmentalists question 'routine clarification' of Nova Scotia's wetlands policy. Retrieved from <https://www.cbc.ca/news/canada/nova-scotia/wetlands-environment-species-at-risk-tim-halman-1.6983094>

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-lub&category_slug=blockhouse-sps-lub&Itemid=102

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

Municipality of the District of Lunenburg. (2023). Riverport & District Secondary Planning Strategy & Land Use Bylaw. Retrieved from https://www.modl.ca/index.php?option=com_docman&view=download&alias=6689-riverport-district-sps-lub&category_slug=riverport-district-planning-area&Itemid=102

Municipality of the District of Lunenburg. Village of Hebbville Secondary Planning Strategy & Land Use Bylaw. Retrieved from https://www.modl.ca/index.php?option=com_docman&view=download&alias=6680-hebbville-sps-lub&category_slug=hebbville-planning-area&Itemid=102

Nova Scotia Department of Environment. (2011, September). Nova Scotia Wetlands Conservation Policy. Retrieved from <https://novascotia.ca/nse/wetland/docs/nova.scotia.wetland.conservaion.policy.pdf>

Council
Item: #11.1.1
Date: December 12, 2023
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Municipal Council

Submitted by: Trudy Payne, Director of Recreation, Parks & Tourism

Date: December 12, 2023

Re: New Germany Legion Grant Request

Recommendations

That Council for the Municipality of the District of Lunenburg approve a \$10,650 grant to the New Germany Legion to assist them in acquiring and installing a commercial cooking hood and ventilation system with a fire suppression system; and further, that the \$10,650 come from the Council contingency account.

Background

On December 5, 2023, a presentation was made to the Finance Committee by the New Germany Legion requesting funding in the amount of \$15,000 to acquire and install a commercial cooking hood and ventilation system with a fire suppression system to continue to enable the Legion to use this space as a revenue generator. The estimated cost to purchase and install a new hood with warranty is \$30,000. The Legion is seeking funding from other sources to help them with this major capital investment.

Executive Summary

The New Germany Legion does qualify under the Municipality's Major Recreation Capital Grant as it is a "registered charity or not-for-profit organization, with active registration, serving residents of the Municipality". The deadline to apply for this funding was originally March 1 but extended to April 28, 2023, due to changes being made to the policy. It is stated in the policy that Council will review late applications only after those applications received by the deadline are reviewed first. All funds have been depleted from the Major Recreation Capital grant fund for this fiscal year, therefore, the Legion made a presentation to make a special funding request. They are seeking the funding now so they can start planning to acquire the necessary equipment that will not only meet their needs of today but into the future, helping to sustain the Legion as a

community focal point. The Legion plays a significant role not only for veterans but as a community hall. It is a valued asset in the community. It used not only for community events hosted by the Legion such as dances, dart tournaments and breakfasts but by other groups as well, for such things as OHV rallies and the famous New Germany Canada Day celebrations.

Based on the presentation staff used the same criteria that were used for all the applications made under the Annual Operating and Major Recreation Capital grants categories and are recommending that Council award funding in the amount of \$10,650. This funding will assist them in leveraging funding from other organizations.

The New Germany Legion has not requested funding from Council in recent years.

Summary

Based on using the same assessment criteria used for the 2023 annual operating and major recreation capital grants staff are recommending that Council award the New Germany Legion \$10, 650 to come from the Council contingency account as these funds will assist them in updating their kitchen, enabling them to use this space more effectively as a much-needed revenue generator. These funds will also assist them in leveraging funds from other organizations.

Report Preparation	
Department	Recreation, Parks & Trails
Report Prepared by	Trudy Payne, Director of Recreation, Parks & Trails
Report Approved by	
Date Reviewed by C.A.O.	