

## Municipality of the District of Lunenburg

### Minutes of a Meeting of Municipal Council

Held in Council Chamber, 10 Allée Champlain Drive, Cookville, N.S.  
Tuesday, December 12, 2023 – 9:00 a.m.

#### Attendance

Mayor Carolyn Bolivar-Getson  
Deputy Mayor Wendy Oickle, District 3  
Councillor Leitha Haysom, District 1  
Councillor Martin Bell, District 2  
Councillor Pam Hubley, District 4  
Councillor Cathy Moore, District 5  
Councillor Sandra Statton, District 6  
Councillor Michelle Greek, District 7  
Councillor Kacy DeLong, District 8  
Councillor Reid Whynot, District 9  
Councillor Chasidy Veinotte, District 10

#### Staff

Tom MacEwan, Chief Administrative Officer  
Alex Dumaresq, Deputy CAO  
April Whynot-Lohnes, Municipal Clerk  
Tina Robichaud-Bond, Executive Assistant

#### 1. Call to Order

Mayor Bolivar-Getson called the meeting to order at 9:00 a.m. and began by acknowledging that the meeting was held in Mi'kma'ki, the traditional territory of the Mi'kmaq people.

#### 2. Announcements/Acknowledgements/Recognition

Councillor Greek acknowledged Theresa Chaisson and Garret Acker for a successful Christmas event and parade in Barss Corner and surrounding communities.

Councillor DeLong acknowledged the Second Story Women's Centre for the December 6 vigil for Women's Day.

Councillor Greek expressed appreciation to volunteer elves, Jessie Dexter and Margaret Carver, for their work at the yearly Whimsical Store held in New Germany.

#### 3. Public Input – Nil

**4. Approval of Agenda**

**Moved by Councillor Whynot, seconded by Councillor Haysom that the Agenda be approved as circulated. Carried unanimously.**

**5. Approval of Minutes – November 28, 2023**

**Moved by Councillor Haysom, seconded by Councillor Veinotte that the Minutes of the December 12, 2023 Council meeting be approved as circulated. Carried unanimously.**

**6. Business Arising from Minutes - Nil**

**7. Awarding of Tenders/RFPs**

**7.1 Award of RFP #2023-05-404 Public Transportation Operating & 5 Year Plan**

Jeff Merrill, Director of Planning and Development Services, and Ella Gindi, Planner 1, were in attendance.

Mr. Merrill reviewed the report, “Award Public Transportation Operating and a 5-year Business Plan RFP 2023-05-404” (circulated with the agenda).

Concerns were expressed that the Internal Transportation Committee had not met to review the details of the RFP. Mr. Merrill explained that in 2021 Council directed staff to move forward with this project but that due to time sensitive commitments, the direction was only being acted on now.

It was clarified that although the study’s main focus was a connector piece to Osprey Village from where the Town of Bridgewater’s current system ends, it would also look at service to surrounding communities.

**2023-189 Moved by Councillor Haysom, seconded by Councillor Statton that Municipal Council award RFP #2023-05-404 Public Transportation Operating and 5-Year Business Plan to WSP in the amount of \$48,950 plus HST, to develop a plan for a fixed-route public transportation system connecting Osprey Village to surrounding communities. Carried Unanimously.**

**8. Presentations/Scheduled Times - Nil**

**9. Consideration of Correspondence - Nil**

**10. Recommendations from Committees & Boards**

**10.1 Finance Committee**

**10.1.1 Tender Call for 2024 Tax Sale**

A recommendation from the Finance Committee, including a report titled “2024 Tax Sale” was circulated with the agenda.

**2023-190 Moved by Deputy Mayor Oickle, seconded by Councillor Whynot that Municipal Council accept the recommendation of the Finance Committee and authorize the Treasurer to proceed with a tender call for the March 6, 2024 tax sale. Carried. Those Opposed: Councillors Haysom, Greek, DeLong, and Veinotte**

**10.1.2 Wellness Committee Food Drive, Matching Funds**

A recommendation from the Finance Committee, including a report titled “Funding for Foodbanks and Shelters” was circulated with the agenda.

**2023-191 Moved by Councillor Moore, seconded by Councillor Bell that Municipal Council accept the recommendation of the Finance Committee and approve matching funds for the Wellness Committee Food Drive, up to a maximum of \$1,000, to each of the Bridgewater Food Bank, the Town of Lunenburg Food Bank, the Town of Mahone Bay Food Bank, and the New Germany 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 all funds coming from the Council Approved Contingency Fund. Carried unanimously.**

**10.1.3 Mush-a-Mush Beach Park Washrooms**

A recommendation from the Finance Committee was circulated with the agenda.

**2023-192 Moved by Councillor Statton, seconded by Councillor Greek that Municipal Council accept the recommendation of the Finance Committee and approve the inclusion of a washroom building at Mush-a-Mush Beach Park in the 2024/2025 capital budget deliberations and direct staff to prepare a cost estimate for the project. Carried unanimously.**

**10.2 Nominating Committee**

**10.2.1 Appointment to Policy Advisory Board**

A recommendation from the Nominating Committee was circulated with the agenda.

**2023-193 Moved by Councillor Bell, seconded by Councillor Moore that Municipal Council accept the recommendation of the Nominating Committee and appoint E. Joseph Boutilier as**

**a Member at Large to the Police Advisory Board for a one-year term ending in January 2025. Carried unanimously.**

### **10.3 Planning Advisory Committee**

#### **10.3.1 Amendments to Riverport & District Planning Area**

A recommendation from the Planning Advisory Committee, including a report titled “Amendments to the Riverport & District Secondary Planning Strategy and Land Use Bylaw” were circulated with the agenda.

Jeff Merrill, Director of Planning & Development Services, and Elizabeth Carr, Planner I, were in attendance.

Ms. Carr gave a presentation on “By-law 015 – Riverport & District Land Use Bylaw Amendments” (attached to Minutes) and advised that the proposed amendments to By-law 015 were in relation to how development is regulated near wetlands and the “accessory uses” policy.

**2023-194 Moved by Councillor Veinotte, seconded by Councillor Bell that Municipal Council accept the recommendation 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 with respect to miscellaneous minor structures and rezoning PIDs 60718046 and 60718038 from the Environmental Sensitive Zone to the Rural-Three Zone, and conduct First Reading; and further that Council hold a Public Hearing on Tuesday, January 9, 2024 at 8:30 a.m.**

It was clarified that the motion removed the two named properties from the wetland zoning as it was determined by a qualified person, they were not wetlands.

**The Motion on the floor was voted on and carried unanimously.**

### **11. Staff Reports**

#### **11.1 Recreation, Parks & Tourism**

##### **11.1.1 Recreation Capital Grant for New Germany Legion**

Trudy Payne, Director of Recreation, Parks & Tourism, was in attendance.

Ms. Payne reviewed the report, “New Germany Legion Grant Request” (circulated with the agenda).

It was clarified that without the required upgrades to the kitchen facility, it would not be able to continue to be used.

Concerns were raised as to whether the kitchen facility would be available to community members for use. Staff was directed to confirm the availability to community members as a condition for releasing any funding.

**2023-195 Moved by Councillor Moore, seconded by Councillor Bell that Municipal Council approve at \$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 funds come from the Council contingency account. Carried unanimously.**

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

### **12.1 MJSB**

Deputy Mayor Oickle provided an update on the following matters of the Municipal Joint Services Board:

- Possible strategic priorities for 2024/2025
- Options for future shared services
- Cost allocations

### **12.2 NSFAM Conference Update**

Deputy Mayor Oickle gave an update on the topics presented at the 2023 Fall Nova Scotia Federation of Municipalities (NSFM) Conference held in Halifax from November 7-10, 2023. The conference provided a range of presentations, discussions, educational sessions and networking opportunities which included topics such as housing programs, emergency preparedness, and municipal success stories.

### **12.3 Deputy Mayor's Update**

Deputy Mayor Oickle advised that she attended assigned meetings; the transgender flag raising; programs at South Shore Regional Library; the Christmas in Petite event; the Hebbville Fire Department banquet; the Bull Run Trail Christmas dinner; the Osprey Connector Trail opening; the Solar Garden public meeting; walked in both the Lunenburg and Bridgewater Christmas parades; the provincial student housing announcement; and to cheque signing.

### **12.4 Mayor's Update**

Mayor Bolivar-Getson advised that she attended the LCCF Trust meeting; meeting with Municipal Advisor, Andrea Hyslop; the MJSB strategic priorities meeting; the LCLC meeting; a 95<sup>th</sup> birthday celebration; the grand opening of Shore Cycle; the 4H members retirement party; the MODL holiday staff party; the Osprey Connector Trail grand opening; the FCM Advocacy

Days; the Christmas tree lighting; the Lunenburg and Bridgewater parades; the bilingual sign reveal; the dual council pre-holiday dinner; the Municipal Affairs interview; the Midville Branch Fire Department 50<sup>th</sup> anniversary; the New Germany school meetings for new schools; the Health Services Foundation strategic priorities session; a children's Christmas party; the Achievers 4H Club fundraiser; and various Christmas events throughout the Municipality.

**13. Added Items – Nil**

Council recessed at 9:44 a.m. and resumed at 10:20 a.m.

**14. In Camera**

At 10:20 a.m., it was moved by Councillor Whynot, seconded by Councillor Moore that Municipal Council go In Camera to discuss Item 14.1 Legal Advice under Section 22(2)(g) of the MGA. Carried.

Municipal Council In Camera in session.

**At 11:39 a.m., it was moved by Councillor Whynot, seconded by Councillor Hubley that Municipal Council come out of In Camera and return to open session. Carried.**

Municipal Council in session.

**15. Adjournment**

There being no further business, the meeting adjourned at 11:39 a.m.

# By-law 015 – Riverport & District Land Use Bylaw Amendments

**Presenters:** Jeff Merrill, Director of Planning

Elizabeth Carr, Planner I

**Date:** December 12, 2023



# Amendment Topics

1. How we regulate development near wetlands.
2. 'Accessory Uses' policy.



# Wetlands



## On the Ground

- No low-lying wet areas identified on the Survey Plan
- QP's Soil Assessment found loose sandy dry silt over rock.
- Survey of properties by Environment revealed no wetlands present.





© 2023 Eagleview

Municipality of the District of Lunenburg  
Planning and Development Services





04/23/2023

1 of 4

Latest



© 2023 Eagleview



Municipality of the District of Lunenburg  
Planning and Development Services

## Existing Policy

- Environmentally Sensitive zones are **no build** areas.
- Permits property owners to submit an assessment conducted by a qualified professional to disprove the presence of wetlands on the property.
- If no wetlands present, the property can be rezoned from Environmentally Sensitive to an adjacent zone.



# Staff's Recommendation

- **Staff recommended changes to the process for regulating development near wetlands:**
  - All wetlands currently zoned ES in Riverport be removed from the zoning map and moved to the Development Constraints map in Schedule “B” (aside from Gaff Point and the Murphy Wetland).
  - Plus, other revisions and additions to relevant policies.



# Area Advisory Recommendation

- **No changes 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.



# Discussion

## Questions and Concerns from Public

- How do we define a wetland?
- What are the qualifications of a wetland delineator? Are surveys verified by another professional?
- Is the province updating their wetland mapping?

## Meeting with Provincial Wetland Specialist

- Approvals needed for infilling.
- ‘Routine clarification’.



# Planning Advisory Recommendation

- That Council rezone the two (2) identified lots (PIDs 60718046 and 60718038) from Environmentally Sensitive zone to the Rural Three zone in the Riverport & District Planning Area (consistent with existing policy).
- 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.



# Accessory Uses

# Background

- Existing policy permits accessory uses that coincide with a permitted use without a development permit.
- Planning documents are more focused on regulating structures rather than uses.



## Example: Blockhouse Land Use Bylaw

### “Miscellaneous Minor Accessory Structures

Within any Rural Zone, No Development Permit shall be required for miscellaneous minor accessory structures such as, but not to limit the generality of the foregoing, open fences, fences less than 2 m (6.5 ft) in height, retaining walls, children’s play structures, cold frames, garden trellises, clothesline poles, pet houses, monuments, interpretive displays and accessory buildings of less than 20 m<sup>2</sup> (215 ft<sup>2</sup> ) in floor area.”



# Staff and Area Advisory Recommendation

- Replace the existing policy for 'Accessory Uses' with a similar policy to other MODL land use bylaws to focus on the regulation of accessory structures.



# Discussion

## Meeting with Municipal Development Officer

- Revising 'Accessory Uses' policy will provide more clarity and will reflect the regulation of structures rather than uses.



# Planning Advisory Recommendation

- **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.**



# Motions for First Reading

- 1. 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;**
- 2. 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.**



# Questions

**Elizabeth Carr**

**[elizabeth.carr@modl.ca](mailto:elizabeth.carr@modl.ca)**

**(902)530-2192**

**Municipality of the District of Lunenburg**

**10 Allee Champlain Drive**

**Cookville, NS**

**B4V 9E4**

