

## **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, January 9, 2024 – 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 (via TEAMS)  
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  
Tina Robichaud-Bond, Executive Assistant

#### **1. Call to Order**

Mayor Bolivar-Getson called the meeting to order at 9:03 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**

##### **2.1 Firefighter 50 year Service Awards, Wayne Wentzell and Retired Chief Richard Nowe**

Mayor Bolivar-Getson recognized Wayne Wentzell, volunteer member of the Midville and District Fire Department, and Retired Chief Richard Nowe, volunteer member with the Mahone Bay Fire Department, for 50 years of service to their communities.

Mayor Bolivar-Getson also acknowledged Councillor Reid Whynot for 50 years of service as a volunteer firefighter. Councillor Whynot is a member of the Bridgewater Fire Department.

#### **3. Public Input**

Karen Dempsey, Crescent Beach, was in attendance to provide support for coastal protection regulations. Ms. Dempsey asked that Council reconsider the decisions made at the previous meeting.

Karen Reinhardt, New Cumberland, was in attendance to provide support for coastal protection regulations and urged Council to consider reinstating Area A as it was originally presented.

**4. Approval of Agenda**

It was requested that Item 11.2.1 LaHave River Trail Funding Request be discussed after Item 9.

**Moved by Councillor Hubley, seconded by Councillor Veinotte that the Agenda be approved as amended by moving Item 11.2.1 earlier on the agenda. Carried unanimously.**

**5. Approval of Minutes – Special Council of December 5, 2023 and  
Council of December 12, 2023**

**Moved by Deputy Mayor Oickle, seconded by Councillor Moore that the Minutes of the Special Council meeting of December 5, 2023 be approved as circulated. Carried unanimously.**

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

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

**7. Awarding of Tenders/RFPs - Nil**

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

**9. Consideration of Correspondence – Nil**

**11.2 Recreation, Parks & Tourism**

**11.2.1 LaHave River Trail Funding Request**

Trudy Payne, Director of Recreation, Parks & Tourism, reviewed her report, “LaHave River Trail Association – Funding Request” (circulated with the agenda), providing details on the request from the LaHave River Trail Association (the Association) for pre-approved funding to pay contractors for work done to repair damage on the trail caused by recent floods.

Ms. Payne advised that since the writing of the report, the Association received the provincial funding they had applied for. However, the Association wished to move forward with their request for funds to help cover the cost of emergency repairs.

**Moved by Councillor Moore, seconded by Councillor Greek that Municipal Council permit Jamie Greek, Chair of the LaHave River Trail Association, to speak before Council. Carried unanimously.**

Mr. Veinotte reported that one of the issues with the Disaster Relief Fund monies received from the Province is the time it took to receive it. The funding from the Municipality would provide money to hire local contractors for the emergency repairs and be able to pay them in an acceptable timeframe.

**2024-001 Moved by Councillor Moore, seconded by Councillor Greek that Municipal Council pre-approve \$7,965 in the 2024-2025 operating budget for the LaHave River Trail Association for capital projects, and that these funds come from the Canada Community Building Fund. Carried unanimously.**

**10. Recommendations from Committees & Boards**

**10.1 Nominating Committee**

**10.1.1 Appointments to Hebbville Area Advisory Committee**

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

**2024-002 Moved by Deputy Mayor Oickle, seconded by Councillor Bell that Municipal Council accept the recommendation of the Nominating Committee and appoint Glenn Hebb and Greg Flinn to the Hebbville Area Advisory Committee as representatives of the Hebbville Village Commission. Carried unanimously.**

**10.2 REMO Advisory Committee**

**10.2.1 Advocacy for Vulnerable Person Registry**

A recommendation from the REMO Advisory Committee was circulated with the agenda.

**2024-003 Moved by Deputy Mayor Oickle, seconded by Councillor Hubley that Municipal Council accept the recommendation of Regional Emergency Management Advisory Committee and authorize the Mayor to write to the Nova Scotia Federation of Municipalities (NSFM) and John Lohr, Minister responsible for the Office of Emergency Management, and copied to local MLAs, advocating for the creation of a province-wide vulnerable persons registry. Carried unanimously.**

**11. Staff Reports**

**11.1 Administration**

**11.1.1 Region 6 Budget 2024-2025**

Mr. MacEwan reviewed the draft budget for the Region 6 Inter-Municipal Committee which was circulated with the agenda. He noted that there was a slight increase for MODL's share based on the population increase.

**2024-004 Moved by Councillor DeLong, seconded by Councillor Haysom that Municipal Council approve the 2024-2025 Region 6 Inter-Municipal Committee Budget in the amount of \$152,921, with the Municipality of the District of Lunenburg's share being \$42,323.42. Carried unanimously.**

### **11.3 Planning & Development**

#### **11.3.1 Second Reading – Amendments to Riverport & District Land Use By-law**

A report from Elizabeth Carr, Planner I, titled “Second Reading – By-law 015F Amendments to the Riverport & District Land Use Bylaw” was circulated with the agenda.

Mayor Bolivar-Getson noted that the Public Hearing was conducted prior to this Council meeting.

**2024-005 Moved by Councillor Whynot, seconded by Councillor Veinotte that Municipal Council conduct Second Reading and approve By-law 015F Amendments to the Riverport & District Land Use By-law to rezone PID 60718046 and 60718038 from the Environmental Sensitive Zone to the Rural Three Zone and amend miscellaneous minor structures. Carried unanimously.**

#### **11.3.2 Municipal Planning Strategy & Land Use By-law Amendments to Coastal Protection**

A report from Ella Gindi, Planner I, titled “Coastal Protection – Policy Recommendations” was circulated with the agenda.

Reid Sheppard, Senior Planner, and Ella Gindi, Planner I, were in attendance.

Ms. Gindi gave a presentation (**attached to Minutes**) on the alternative options for coastal protection land use policy based on public consultations, the recommendation of the Planning Advisory Committee, and on Council deliberations.

Ms. Gindi’s presentation provided details on two options prepared for Council’s consideration and highlighted the following:

- Background on what’s been completed to date
- Coastal flooding – projections for MODL
- Coastal Erosion – calculating horizontal setbacks
- Sensitive Coastal Ecosystems
- Alternative recommendations on coastal flooding, coastal erosion, and sensitive coastal ecosystems
- Impacted properties
- Next steps

Discussions followed on the following:

- The 3.97m total elevation projection
- Horizontal setbacks
- Non-conforming allowances
- Impacted properties
- Erosion risk reduction

It was clarified that with respect to coastal erosion, Option 1 would require a qualified person to determine the erosion rate before permitting construction within zero to 30 metres from the high-water mark, and permitting construction as a right at 30 metres.

Option 2 would require a vegetative buffer between zero to 15 metres, a qualified person to determine the erosion rate before permitting construction within 15 to 30 metres from the high-water mark, and allowing construction as a right passed the 30 metre mark.

Council recessed at 10:27 a.m. and resumed at 10:40 a.m.

Council reviewed both options as presented in Appendix I, Tables 1 and 2, and suggested that the options for flooding, erosion, and sensitive coastal ecosystems be considered separately.

#### **Original motion**

**2024-006 Moved by Councillor Hubley, seconded by Deputy Mayor Oickle that Municipal Council endorse the proposed regulations contained within Option 1 Coastal Flooding, as presented in Appendix I, Table 1, with the addition that on the effective date of the MPS and LUB, non-conforming structures are permitted to expand the floor area of the existing habitable space to a maximum of 100%, and direct staff to draft a Municipal Planning Strategy and Land Use By-law respecting these measures, and report back to Council with draft regulations for First Reading.**

Concerns were raised that property owners could increase the footprint of their structures up to 100% several times. It was suggested that an end date be provided for in the by-law.

#### **Motion to Amend**

**Moved by Councillor Bell, seconded by Deputy Mayor Oickle that the motion on the floor be amended to add that non-conforming allowances be permitted for a 5-year period after the effective date of the by-law. Motion defeated. Those opposed: Councillors Statton, Veinotte, Greek, Moore, Hubley, and Mayor Bolivar-Getson.**

**The Original Motion on the floor was voted on and carried. Those opposed: Councillors Statton, Veinotte, Greek, DeLong, and Haysom.**

**2024-007 Moved by Councillor Haysom, seconded by Councillor DeLong that Municipal Council endorse the proposed regulations contained within Option 2, Coastal Erosion, as presented in Appendix I, Table 2, and direct staff to draft a Municipal Planning Strategy and Land Use By-law respecting these measures, and report back to Council with draft regulations for First Reading. Motion Carried. Opposed: Councillor Statton**

**2024-008 Moved by Councillor Whynot, seconded by Councillor Bell that Municipal Council endorse the proposed regulations contained within Option 1, Sensitive Coastal Ecosystems, as presented in Appendix I, Table 1, and further, exclude all rivers from the coastal regulations, and direct staff to draft a Municipal Planning Strategy and Land Use By-law**

**respecting these measures, and report back to Council with draft regulations for First Reading. Motion Carried. Opposed: Councillor Statton**

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

**12.1 Deputy Mayor's Update**

Deputy Mayor Oickle advised that she attended the Seniors' Christmas lunch; the Free Community Christmas Concert; various Christmas markets; all assigned meetings; and cheque signing.

**12.2 Mayor's Update**

Mayor Bolivar-Getson advised that she attended the Seniors' Christmas lunch; various community Christmas functions; and the nominating Committee meeting.

**13. Added Items – Nil**

**14. In Camera**

**At 11:41 a.m., it was moved by Councillor Greek, seconded by Councillor Whynot that Municipal Council go In Camera to discuss the following items:**

**14.1 Contract Negotiations under Section 22(2)(e) of the MGA**

**14.2 Contract Negotiations under Section 22(2)(e) of the MGA**

**14.3 Legal Advice under Section 22 (2)(g) of the MGA**

**Carried.**

Municipal Council In Camera in session.

**At 1:16 p.m., it was moved by Councillor Whynot, seconded by Councillor Haysom 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 1:17 p.m.**

Council Direction

# Coastal Protection

January 9, 2024



# Background

## What's been completed to date:

- Initial Council direction
- Background research and engagement with experts
- Public engagement
  - Advertising
  - Engagement website
  - Open houses
- Reporting back
  - WWH Report
- Recommendations drafted
  - Discussions with Council
  - PAC direction-Rejected

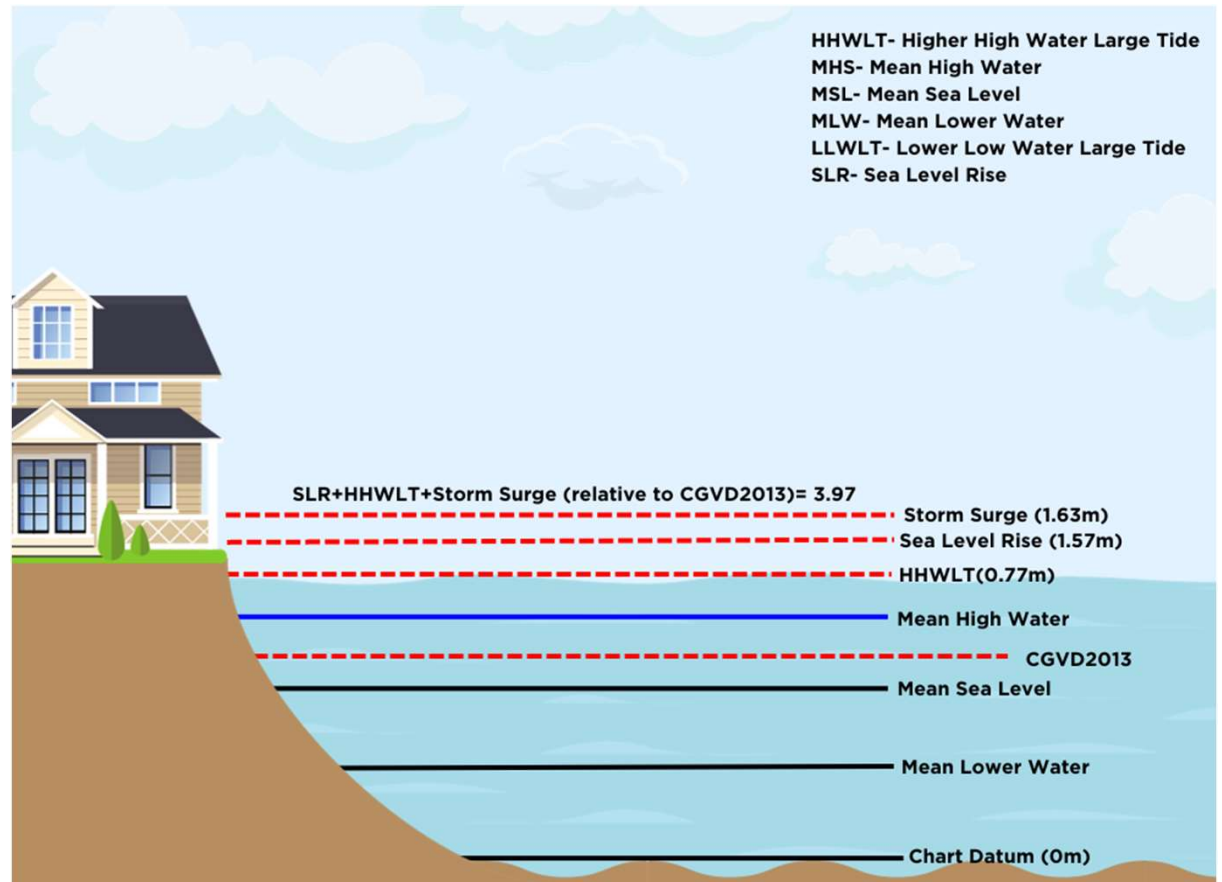


**2,060 Website  
Visits &  
369 Survey  
Respondents**



# Coastal Flooding: Projections for MODL

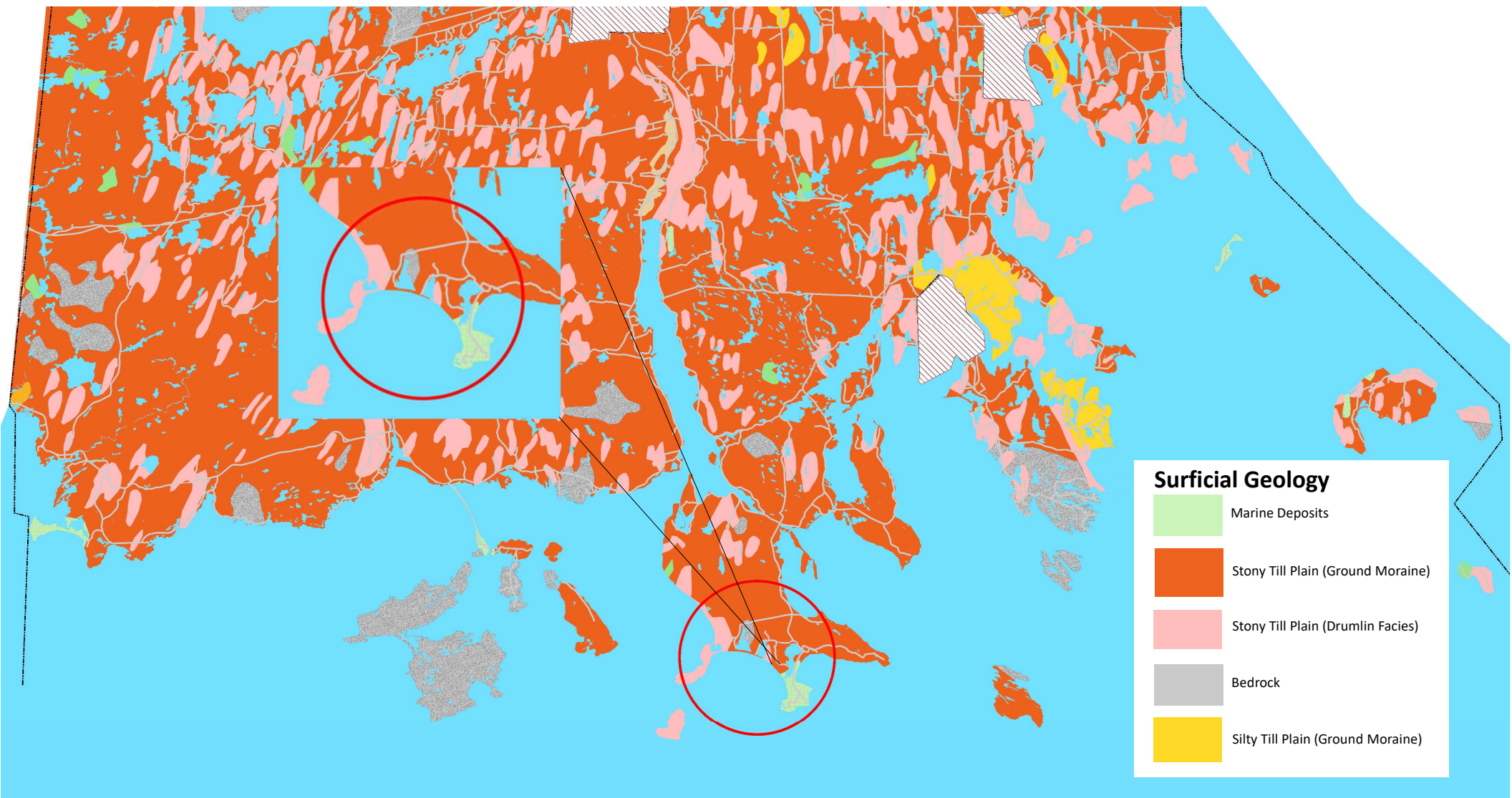
- Higher High Large Tide is estimated at **0.77m**
- Sea Level Rise (95th Percentile) is estimated at **1.57m**
- Total Sea Level Rise (SLR+ HHWLT) is estimated at **2.34m**
- Storm Surge is estimated at **1.63m**
- **The Total Elevation Projection for MODL is 3.97m**



# Coastal Erosion: Calculating Horizontal Setbacks

**Annual Erosion Rate \* life of a structure = \_\_\_ m setback**

- For an annual erosion rate of 0.7 meters: 0.7 meters \* 77 years = 53.9 metres
- For an annual erosion rate of 0.9 meters: 0.9 meters \* 77 years = 69 metres



# Sensitive Coastal Ecosystems:

- Coastal ecosystems, encompassing salt marshes, dunes, and beaches, play a crucial role in safeguarding the overall health and well-being of coastlines, supporting aquatic life, and effectively mitigating the risks of flooding and erosion.
  - Human development can harm these habitats and disrupt their functions.

## Regulatory Approach:

- **Setbacks and Buffers:** Horizontal setbacks and riparian buffers around wetlands minimize development impact.
  - Minimize runoff, preserve biodiversity and maintain coastal ecosystem balance.

# **Alternative Recommendations: Coastal Protection**

# Coastal Flooding:

	Option 1	Option 2
Utilize 1.57m elevation reference for sea level rise	✓	✓
Coastal Flooding Approach	Coastal Inundation Area (0-3.97m relative to CGVD 2013)	Coastal Inundation Area (0-3.97m relative to CGVD 2013)
Exemptions	<ul style="list-style-type: none"> <li>• <b>Non habitable accessory structures</b> (i.e., sheds, decks, piers, boardwalks, gazebos, etc.).</li> <li>• <b>Marine related activities</b></li> <li>• <b>Infilling</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Non habitable accessory structures</b> (i.e., sheds, decks, piers, boardwalks, gazebos, etc.).</li> <li>• <b>Marine related activities</b></li> <li>• <b>Infilling</b></li> </ul>
Non- Conforming Allowances	Allow renovations, rebuilding, or relocation. New habitable space additions, can be constructed at the current elevation up to 100% of the existing floor area, as it existed as of the date of the passing of the by-law.	Allow renovations, rebuilding, or relocation. New habitable space additions, but must meet the new elevation requirements.
Flexibility of Existing Development	✓	✓
Public Awareness and Education	✓	✓
Conduct a 5-year Policy Review & Annual Updates	✓	✓

# Coastal Erosion:

	Option 1	Option 2
Erosion Risk Area	30m Measured form top of Bank or Ordinary High Water-Mark	30m Measured form top of Bank or Ordinary High Water-Mark
Allow Erosion Risk Reduction	Engage a professional to demonstrate a lower erosion rate, permitting construction closer than 30m, <b>down to a minimum of 0m.</b>	Engage a professional to demonstrate a lower erosion rate, permitting construction closer than 30m, down to a minimum of 15m.
15m Vegetative Buffer	✗	✓
Exemptions	<ul style="list-style-type: none"> <li>• <b>Non habitable accessory structures</b> (i.e., sheds, decks, piers, boardwalks, gazebos, safety structures.).</li> <li>• <b>Marine related activities</b></li> <li>• <b>Scientific installations</b></li> <li>• <b>Minor Vegetation Removal</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Non habitable accessory structures</b> (i.e., sheds, decks, piers, boardwalks, gazebos, safety structures.).</li> <li>• <b>Marine related activities</b></li> <li>• <b>Scientific installations</b></li> <li>• <b>Minor Vegetation Removal</b></li> </ul>
Non- Conforming Allowances	Allow to expand existing developments away from erosion areas. Exceptions for additions within erosion zones require approval from a designated professional	Allow to expand existing developments away from erosion areas. Exceptions for additions within erosion zones require approval from a designated professional
Flexibility of Existing Development	✓	✓
Public Awareness and Education	✓	✓
Conduct a 5-year Policy Review & Annual Updates	✓	✓

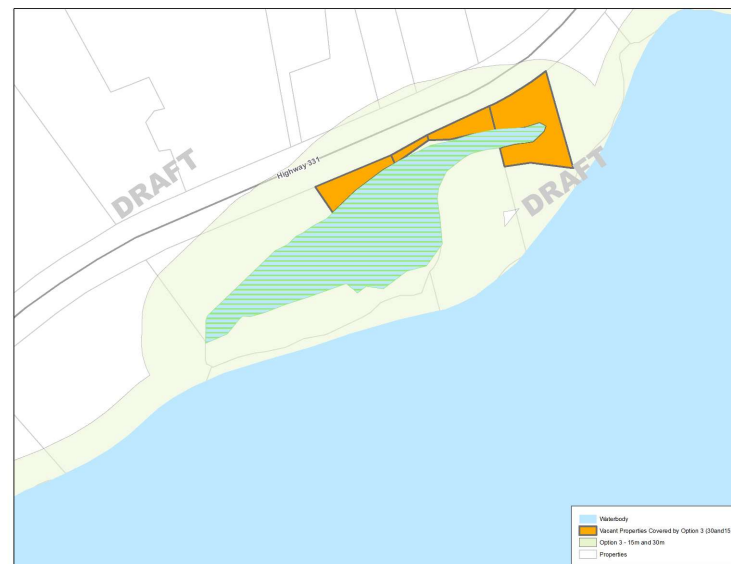
# Sensitive Coastal Ecosystems:

	Option 1	Option 2
30m Horizontal Setback and Vegetative buffer	✓	✓
Collaboration with Environmental NGO's	✓	✓
Public Awareness and Education	✓	✓
Conduct a 5-year Policy Review & Annual Updates	✓	✓
<b>Regulatory Boundary</b>		
	Excluding all rivers	Exclude the LaHave, Petite and Martins Rivers from the proposed regulations

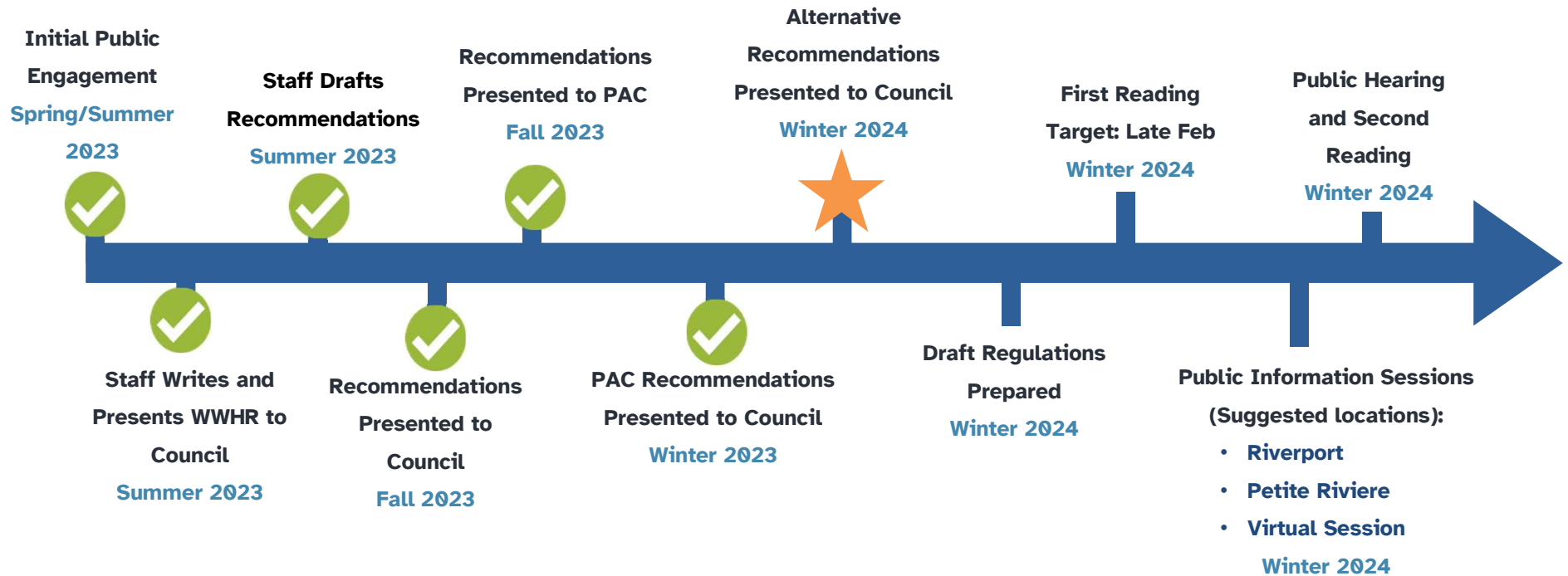
# Impacted Properties

Previous Recommendation	Option 1	Option 2
256 privately-owned, vacant properties	78 privately-owned, vacant properties	111 privately-owned, vacant properties

- The table displays the count of vacant properties where future residential development might be prohibited based on various regulatory options.
- This high-level estimate is derived from desktop analysis, but the site may be deemed undevelopable due to factors like shape, elevation, access, or topography.



# Next Steps



	Option 1	Option 2
Utilize 1.57m elevation reference for sea level rise		
Coastal Flooding Approach	Coastal Inundation Area (0-3.97m relative to CGVD 2013)	Coastal Inundation Area (0-3.97m relative to CGVD 2013)
Exemptions	<ul style="list-style-type: none"> <li>• <b>Non habitable accessory structures</b> (i.e., sheds, decks, piers, boardwalks, gazebos, etc.).</li> <li>• <b>Marine related activities</b></li> <li>• <b>Infilling</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Non habitable accessory structures</b> (i.e., sheds, decks, piers, boardwalks, gazebos, etc.).</li> <li>• <b>Marine related activities</b></li> <li>• <b>Infilling</b></li> </ul>
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Flexibility of Existing Development		
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15m Vegetative Buffer		
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Flexibility of Existing Development		
Public Awareness and Education		
Conduct a 5-year Policy Review & Annual Updates		