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## **Municipal Council Meeting Agenda**

**Tuesday, February 27, 2024 – 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**
- 3. Public Input (15 Minutes)**
- 4. Changes/Approval of Agenda (as circulated)**
- 5. Approval of Minutes - February 13, 2024**
- 6. Business Arising from Minutes**
- 7. Awarding of Tenders/RFPs**
  - 7.1 Award of RFP# 2023-05-406 Sawpit Wharf Park Community Plan ..... 1-3
- 8. Presentations/Scheduled Times - Nil**
- 9. Consideration of Correspondence - Nil**
- 10. Recommendations from Committees & Boards**
  - 10.1 Policy & Strategy Committee ..... 4**
    - 10.1.1 Proposed Amendments to MODL Policy 043 Community Grants Program Sponsorship Request ..... 5-45
    - 10.1.2 Adoption of MODL Policy 098 Recreation Subsidy Program ..... 44-49
    - 10.1.3 Adoption of Anti-Racism Charter ..... 50-60
    - 10.1.4 Adoption of MODL Policy 097 Anti-Idling Policy..... 61-64
    - 10.1.5 NSCC Well Water Quality Pilot Project ..... 65-66-
- 11. Staff Reports**
  - 11.1 Planning & Development Services**
    - 11.1.1 First Reading – Coastal & Cluster MPS/LUB..... 67-187
    - 11.1.2 AIM Network Request for Funding ..... 188-189
  - 11.2 Finance Department**
    - 11.2.1 Property Tax Rebate Policy – Annual CPI Adjustment..... 190-191

**11.3 Engineering & Public Works**

- 11.3.1 Pre-Budget Approval re Alternate Procurement for Replacement of Indian Falls Staircase ..... 192-194

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

- 12.1 LCLC Update
- 12.2 Deputy Mayor's Update
- 12.3 Mayor's Update

**13. Added Items**

**14. In Camera**

- 14.1 Contract Negotiations under Section 22(2)(e) of the MGA
- 14.2 Public Security Matter under Section 22(2)(h) of the MGA
- 14.3 Contract Negotiations re under Section 22(2)(e) of the MGA
- 14.4 Personnel Matter re under Section 22(2)(c) of the MGA

**15. Adjournment**

**Council**  
Item: #7.1  
Date: February 27, 2024  
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:** February 27, 2024  
**Re:** Sawpit Wharf Park Community Plan RFP # 2023-05-406

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#### **Recommended Motion**

**That Council for the Municipality of the District of Lunenburg award the request for proposal for the development of a community plan for Sawpit Wharf Park (RFP # 2023-05-406) to Mills & Wright Landscape Architecture in the amount of \$37,090.00 plus HST.**

#### **Background**

The 2023-2024 capital budget included \$29,000 to develop a Community Plan for Sawpit Wharf Park. Council directed staff to release the RFP after the Sawpit wharf assessment was completed. The RFP was advertised in early October with a closing date of October 26, 2023. The RFP was posted on the Provincial Procurement site. Four firms reached out with questions. At the closing date and time only one proposal was received. At the December 5, 2023 Council meeting Council made the following motions:

“that Municipal Council not proceed in awarding the Sawpit Wharf Community Park Plan RFP # 2023-05-405; and further, that Municipal Council re-issue the Sawpit Wharf Park Community Plan RFP and increase the budget from \$29,000 to \$39,000 with the additional funds to come from the Park Standards Upgrades Capital account.

#### **Discussion**

The Municipality re-issued an RFP for the development of a Sawpit Wharf Park Community Plan as directed by Council. Four proposals were received in total by the January 25, 2024 deadline.

The proposals were reviewed and scored using the criteria and scoring as outlined in the RFP. The following are the firms that bid, including their cost proposals (excluding HST) and scoring.

Mills and Wright Landscape Architecture	92.3	\$37,090
Viridis	90.9	\$38,510
Glenn Group Landscape Architects & Park Planners	83.64	\$39,896
Fathom Studio	83	\$34,500

The four proposals were reviewed with the Sawpit Wharf sub-committee established to help provide oversight to this project, which consists of four members of the Sawpit Wharf Advisory Committee. The Committee supports the recommendation of staff in awarding the RFP to Mills and Wright Landscape Architecture.

Mills & Wright did not attach the posted addendum to their proposal, however, in using the risk evaluation as outlined in the RFP it was determined that there is an extremely low risk to the successful completion of the project. As stated in the RFP the Municipality reserves the right to choose the proposal that provides the best overall value to the Municipality in terms of merit and price ration. In discussion with MODL’s solicitor, not including the addendum sheet with their proposal as this has been deemed to be and extremely low risk to the Municipality in having the project successfully completed, would enable the Municipality to award the RFP to Mills and Wright Landscape Architecture.

### **Budget Implications**

Additional funds were added to the budget for this project, therefore, there will be no implications to the budget.

### **Strategic Plan**

Re-create Parks is one of Council’s strategic priorities.

### **Work Plan**

Issuing an RFP to hire a consulting firm to conduct community consultation, develop a community plan with recommendations and an implementation plan is part of the Recreation, Parks and Tourism’s Department workplan.

### **Summary**

Staff are recommending that the RFP # 2023-05-406 be awarded to Mills & Wright Landscape Architecture who received the highest overall score.

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.	

**Council**  
Item: #10.1  
Date: February 27, 2024  
Authorization: T. MacEwan



## Municipality of the District of Lunenburg

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Phone: 902.543.8181 Fax: 902.543.7123 Web Site: [www.modl.ca](http://www.modl.ca)

February 20, 2024

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

Dear Mayor and Councillors:

The Policy & Strategy Committee, in session on Tuesday, February 20, 2024, made the following recommendations to Council:

1. That Municipal Council amend MODL Policy 043 Community Grants Program/Sponsorship Request as presented and amended and hereby gives 7 days' notice of Council's intention to adopt the amended policy at the February 27, 2024, Council Meeting.
2. That Municipal Council adopt MODL Policy 098 Recreation Subsidy Program as presented and hereby gives 7 days' notice of Council's intention to adopt the policy at the February 27, 2024, Council meeting.
3. That Municipal Council adopt and authorize the Mayor to sign the Anti-Racism Charter as presented.
4. That Municipal Council adopt MODL 097 – Anti-idling Policy, as presented, and hereby gives 7 days' notice of Council's intention to adopt the policy at the February 27, 2024, Council meeting.
5. That Municipal Council approves the proposed Well Water Resource Management under Climate Change Pilot Project with the Nova Scotia Community College.

Respectfully submitted,

Chairperson and Members  
Policy & Strategy Committee

/jp

**Council**  
Item: #10.1.1  
Date: February 27, 2024  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to:** Municipality of the District of Lunenburg Council  
**Submitted by:** Trudy Payne, Director of Recreation, Parks & Tourism  
**Date:** February 27, 2024  
**Re:** Amend MODL Policy 043 Community Grants Program/Sponsorship Request

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At the February 16, 2024 Policy and Strategy Committee meeting the following motion was made to recommend to Council:

**“that the Policy and Strategy recommend Municipal Council amend Policy MDL- 043 Community Grants Program/Sponsorship Request as presented and amended and that this report serves as the seven days’ notice required by the MGA”.**

The amendments include:

1. Removing the cap amounts recommended per fiscal year for the following grant categories:
  - Community Recreation Program
  - Community Events
  - Major Events
  - Community Recreation Capital
  
2. Clarify that an applicant cannot apply for the elite athlete and the Sport, Recreational & Cultural Travel Assistance Grant at the same time for the same event. Under the Elite Athlete Grant, the following has been added under the ineligibility heading, “If application has been made to the Sport, Recreational & Cultural Travel Assistance Grant for the same event/competition”. The same language has been used for the Sport, Recreational & Cultural Travel Assistance grant if an applicant applies to the Elite Athlete Grant for the same event/competition.

3. To clarify the criteria providing proof of “qualifying for the competition or been selected to attend the event” by adding “by the event organizer(s)” to both the elite athlete and the Sport, Recreational & Cultural Travel Assistance Grants.

For the Sport, Recreational & Cultural Travel Assistance grant under eligible applicants the clause will read “Must be representing their club/organization in a provincial, national or international competition in a sport, recreational or cultural event or provide proof of qualifying or have been selected to attend the competition by the event organizer(s).

For the Elite Athlete the proposed clause is “The athlete must have won their way or been selected to attend the national or international event by the event organizer(s).

### Conclusion

The amendments to MODL Policy 043 Community Grants Program/Sponsorship were discussed at the February 16, 2024, Policy and Strategy Committee meeting. The updated policy and operating schedules reflect the changes supported by the committee and the changes that were requested.

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

## Municipality of the District of Lunenburg

Policy Details	
Name	Community Grants Program/Sponsorship Request
Number	043
Legislative Authority	MGA 2, 47, 48(3) 65C
Effective Date	January 10, 2023

### Purpose

- 1 (1) The purpose of this Policy is to set guidelines for ~~Council Members and Municipal Staff~~ for the distribution of funds to not-for-profit and charitable organizations in the community.
- (2) The Municipality recognizes and supports the efforts of community organizations to provide cultural, social, heritage, economic and/or recreation programs, facilities and events to the benefit of Municipal residents.
- (3) The Municipality offers grants for training of volunteers to further the benefits of their volunteerism, supporting local athletes competing in national or international events and to persons travelling to provincial, national or international competitions in sports, recreational or cultural events.

### Authority

- 2 (1) Authority is provided under Sections 2, 47, 48(3) and 65C, Municipal Government Act, as amended.

### Eligibility

- 3 The following types of organizations/**individuals** are eligible for funding
  - (1) Charitable organizations (e.g., foundation and charities);
  - (2) Global community service organizations (e.g., VON, United Way);
  - (3) Community-based organizations (e.g., community halls, sports halls, recreation groups, social groups);
  - (4) Any funding requests from community groups who have management agreements with the Municipality and any adjacent municipal units requesting funding to support their municipally owned recreation facilities will be processed through the budget and not through **the grant policy, unless otherwise stated in the management agreement.**

(5) For grant applications, organizations should ensure that any outstanding grant approvals from the previous fiscal year should be completed, unless an extension to the funding has been approved. ~~by MODL.~~

(6) Individuals who meet the necessary criteria of the grant for which they are applying for.

### Grant Categories

- 4 (1) **Annual Operating** – ~~See Schedule A for criteria~~  
To help with an organization’s annual operating costs.
- (2) **Community Economic Development** – ~~See Schedule B for criteria~~  
To help with the development of projects, ~~events~~ or initiatives, that promote the area and foster community economic growth.
- (3) **Community Event** – ~~See Schedule C for criteria~~  
To help with the hosting and/or delivery of a Community Event, **under \$30,000.**
- (4) **Community Recreation Capital** – ~~See Schedule D for criteria~~  
To help with the expansion or improvement of an indoor or outdoor cultural, social, heritage and/or recreation facility, and/or equipment, for projects under \$10,000.
- (5) **Community Recreation Program** – ~~See Schedule E for criteria~~  
To help with the delivery of a new or expanded cultural, social, heritage and/or recreation program.
- (6) **Elite Athlete Travel** – ~~See Schedule F for criteria~~  
To help elite athletes **living in the Municipality of the District of Lunenburg Lunenburg County** with travel costs when competing at National or International events.
- (7) **Leadership Training** - ~~See Schedule G for criteria~~  
To help with training costs for individuals or community organizations that will continue to expand the programs, services and activities provided by community organizations.
- (8) **Major Events** – ~~See Schedule H for criteria~~  
To encourage new or expand existing large-scale events that create a positive

economic impact for the Municipality, **for events over \$30,000.** The Major Events grant is to support operating, marketing, or promotional expenses for events that will attract visitors to the area.

- (9) **Major Recreation Capital** – ~~See Schedule I for criteria~~  
To help with the development, expansion or improvement of an indoor / outdoor cultural, social, heritage and/or recreation facility and/or equipment for capital projects \$10,000 or more.
- ~~(10) **Pro Kids Program** – See Schedule J for criteria  
To help individuals, who live in the Municipality, who due to lack of financial support, would not be able to benefit from recreational, sport or cultural activities.~~
- (10) **Sponsorship Ad/Donation of Prize(s) Request** – ~~See Schedule KJ for criteria~~  
To help with sponsorship of local, not-for-profit organization's projects, events or initiatives that help residents of the Municipality, or to supply prize(s) to enhance the project, event or initiative.
- (11) **Youth Sport, Recreational & Cultural Travel Assistance** – ~~See Schedule LK for criteria~~  
To help individuals, teams/groups ~~or youth groups~~ with travel costs when competing in provincial, national or international competitions in sport, **(who do not meet the Elite Athlete grant criteria)** or **recreational and cultural events.**

### General Information

- 5 (1) Municipal Council sets funding limits and annual budget allotments for each grant category.
- (2) Applicants will complete the proper Municipal application form and provide the requested information.
- (3) Application deadlines and expiry periods may apply.
- (4) Funding frequency is limited within each grant category.
- (5) Applicants should show community support, fundraising efforts and efficient use of resources, sound business practices and development of volunteers.
- (6) A financial statement and pertinent document must be filed with the Municipality following completion of the project.

- (7) The Municipality reserves the right to deny any application believed not within its mandate.
- (8) All proposed work must follow Municipal, Provincial and Federal regulations.
- (9) Applicants must agree to recognize the Municipality for its contribution (e.g., banner, public announcement, sign, brochures, programs, advertisements).
- (10) The municipality will publish to the public a list of recipients of grants and the amounts given as stated in Section 65C of the **Municipal Government Act**.

### **Approval Process**

- 6 (1) Municipal Council approves the following grants
  - a) Annual Operating
  - b) Major Recreation Capital
  - c) Major Events Grant (request more than \$2,500)
- (2) Applications for all other grants under this Policy, and grants under the specified amounts in 6(1) c) are reviewed and approved/denied by the responsible staff person, with notification to Municipal Council.
- (3) Applicants will be notified in writing of approval or denial. This communication will explain any terms and conditions that apply to the grant approval.

### **Evaluation Criteria**

- 7 (1) The evaluation may include but is not limited to the following criteria:
  - a) Project/program fits within the mandate (vision/mission) of the Municipality.
  - b) Organization is a not-for-profit group.
  - c) Program, event, facility is for public community use.
  - d) A financial need is proved.
  - e) The organization is sourcing other funding partners.
  - f) The grant proposal is practical.
  - g) The funding provided by the Municipality will enable the organization

- to use dollars from other funding partners.
- h) The application has ~~showed~~ **shown** that they will recognize the Municipality’s contribution.
- i) The organization shows long-term sustainability.
- j) The applicant has proved its own commitment to the project (i.e. financial, in-kind donations).
- k) The percentage of users from **the Municipality of Lunenburg** ~~MODL~~.
- l) The breakdown of staff (volunteer, paid, externally funded).
- m) ~~Funding is being looked for from host Municipality if organization located outside MODL.~~ **Funding must be requested from the host Municipality if organization is located outside the Municipality of Lunenburg (proof of request is required).**

**Repeal**

~~8~~ 1) ~~Policy MDL 43 approved on June 10, 2008 and amended in subsequent years from 2008 to 2018 is hereby repealed and replaced with new policy MODL 043.~~

Policy Adoption	
Date of Original Passage	January 10, 2023
Date of Notice of Intent to Amend	March 21, 2023
Date of Council Approval	March 28, 2023
Effective Date if Different from Council Approval	March 28, 2023
I certify that this Policy 043 Community Grants Program/Sponsorship Request was adopted by Municipal Council as indicated above.	
Signature of Municipal Clerk	Date

Version	Amendment Description	Approval Date
<b>Repeal &amp; Replace</b>	Update for accessible formatting, and a complete review of the policy.	Jan. 10, 2023
<b>V2</b>	Removed the “Membership based, not-for-profit organizations having an annual adult membership of \$125 or less and for Youths or Seniors” from the eligibility criteria.	Mar. 28, 2023

<b>V3</b>	Addition of training for volunteers, support for athletes, and persons travelling to Provincial, National, or International competitions in sports, recreational or cultural events to the purpose. Amended eligibility grant criteria, further defined Community Events, Major Events, clarified Elite Athlete funding, Removed PRO Kids program and revised Youth Travel to Sport, Recreational and Cultural Travel.	Jan. XX, 2024
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## **Schedule A – Annual Operating**

### **Grant Purpose**

- 1 To help with an organization’s annual operating costs.

### **Funding Use**

- 2 To be used for operational costs of organization, including, but not limited to, items such as wages and benefits, rent, insurance, utility bills, office expenses, routine maintenance and upkeep.

### **Eligible Applicants**

- 3
  - a) Registered charity or not-for-profit organization, with active registration, serving residents of the Municipality.
  - b) Registered charity or not-for-profit organization in other Municipal units, located in Lunenburg County providing regional facilities or services to residents to the Municipality.
  - c) Municipally, Provincially or Federally registered Heritage Property, within the Municipality, used for community purposes.
  - d) Churches / Church Halls that serve a community hall purpose (beyond congregational uses) or have an outdoor space used for public recreational purposes.

### **Ineligible Applicants**

- 4
  - a) For-profit organizations.
  - b) Fire Departments / Fire Halls, regardless of not-for-profit status.
  - c) Schools / Private schools, regardless of not-for-profit status.

### **Application Deadline**

- 5
  - a) Complete application to be received by March 1<sup>st</sup>.
  - b) Late applications will be reviewed only after the regular review of those applicants that have applied on time.

**Note** Each year the Municipality receives more applications than it can fund, so it is important for the application to be in on time and contain ~~correct~~ **accurate** information.

### **Completion Requirements & Grant Extensions**

- 6 N/A for this grant type.

### **Funding Frequency**

- 7
  - a) Only one application can be submitted by an organization per fiscal year.
  - b) Applicants who have received funding in previous years should not assume funding each year.

## **Endorsement / Special Conditions**

8 N/A for this grant type.

## **Funding Amount Limit**

9 Funding will not exceed 50% of the total operating budget, to a maximum of \$5,000.

## **Approval Process and Procedures**

- 10
- a) Applications require Council's approval.
  - b) If approved, 75% of the approved amount will be released (usually by June 30<sup>th</sup>).
  - c) Final 25% of the approved amount will be released once final report claim submitted by the organization, showing sufficient expenditure. This information should be provided to the Municipality no later than March 15<sup>th</sup> of the year following approval. If this information is not received by this date, applicants may be ineligible to be considered for the Annual Operating Grant in the following fiscal year.
  - d) Insufficient expenditure will require pay-back of unspent funds, or a reduced final amount released.

## **Documents Required for Application to be considered complete**

- 11
- a) Completed and signed application form
  - b) Organizational Profile
  - c) Proof of Ownership or copy of Lease (if applicable)
  - d) Financial information
    - (i) An audited financial statement from the previous operating year (as provided to the Registry of Joint Stocks) or if not available at time of application, balance sheet/income statement as at ~~at~~ of December 31<sup>st</sup> of previous year.
    - (ii) Proposed Income & Expense Budget (including income from all sources)
    - (iii) The need for financial assistance must be demonstrated.
  - e) Proof of financial support request made to host municipality (i.e. copy of email or letter), for organizations located outside of the Municipality.

## **Schedule B – Community Economic Development Grant**

### **Grant Purpose**

- 1 To help with the development of projects, ~~events~~ or initiatives that promote the area and foster community economic growth.

### **Funding Use**

- 2 To be used for projects, ~~events~~ or initiatives that will improve or grow and contribute to the economy or community in the Municipality.

### **Eligible Applicants**

- 3
  - a) Registered charity or not-for-profit organization, with active registration, serving residents of the Municipality of the District of Lunenburg.
  - b) Registered charity or not-for-profit organization in other Municipal units, located in Lunenburg County providing regional facilities or services to residents to the Municipality.

### **Ineligible Applicants**

- 4
  - a) For-profit organizations.
  - b) Churches / Church Halls, regardless of not-for-profit status.
  - c) Fire Departments / Fire Halls, regardless of not-for-profit status.
  - d) Schools / Private schools, regardless of not-for-profit status.

### **Application Deadline**

- 5 Complete applications will be received throughout the year but should be received at least 1-2 months before **the** anticipated start date for processing.

### **Completion Requirements & Grant Extensions**

- 6 Projects, ~~events~~ or initiatives commenced prior to application will not be considered.

### **Funding Frequency**

- 7
  - a) Only one application can be submitted by an organization per fiscal year.
  - b) Applicants are eligible to receive a grant, provided that a clear 24 (twenty-four) months has passed between any previous grant application under this program.

### **Endorsement / Special Conditions**

- 8 N/A for this grant type.

### **Funding Amount Limit**

- 9 Funding will not exceed 50% of the total cost of the project, ~~event~~ or initiative to a maximum of \$1,000.

## **Approval Process and Procedures**

- 10 a) Applications will be reviewed and approved/denied by the responsible staff person, with notification to Municipal Council.
- b) If approved, 75% of the approved amount will be released upon approval.
- c) Final 25% of the approved amount will be released once final report claim submitted by the organization, showing sufficient expenditure. This information should be provided to the Municipality no later than March 15th of the year following approval.
- d) Insufficient expenditure will require pay-back of unspent funds, or a reduced final amount released.
- e) 100% of the grant may be released upon approval with sufficient documentation.

## **Documents Required for Application to be considered complete**

- 11 a) Completed and signed application form
- b) Organizational Profile
- c) Proof of Ownership or copy of Lease (if applicable)
- d) Financial information
  - (i) Proposed Income & Expense Budget (including income from all sources)
  - (ii) The need for financial assistance must be demonstrated
- e) Proof of financial support request made to host municipality (i.e. copy of email or letter), for organizations located outside of the Municipality.

## **Schedule G – Community Event**

### **Grant Purpose**

- 1 To help with hosting and/or delivery of a public Community Event with a budget under \$30,000.

### **Funding Use**

- 2 To be used for a community event that will attract participants from both inside and outside the Municipality.

### **Eligible Applicants**

- 3
  - a) Registered charity or not-for-profit organization, with active registration, serving residents of the Municipality.
  - b) Registered charity or not-for-profit organization in other Municipal units, located in Lunenburg County providing regional facilities or services to residents to the Municipality.
  - c) Municipally, Provincially or Federally registered Heritage Property, within the Municipality, used for community purposes.
  - d) Churches / Church Halls that serve a community hall purpose (beyond congregational uses) or have an outdoor space used for public recreational purposes.
  - e) Fire Departments / Fire Halls with active, not-for-profit registration.

### **Ineligible Applicants**

- 4
  - a) For-profit organizations.
  - b) Schools / Private schools, regardless of not-for-profit status.

### **Application Deadline**

- 5 Complete applications will be received throughout the year but should be received at least 1-2 months before anticipated start date for processing.

### **Completion Requirements & Grant Extensions**

- 6 Approved funding can be carried over to an alternate date for the same event, within the same fiscal, in the case of bad weather.

### **Funding Frequency**

- 7
  - a) Only one application can be submitted, per event, by an organization per fiscal year.
  - b) Applicants may apply more than once in the same fiscal year, provided that the applications are not for the same event.
  - c) Applicants are not eligible to receive additional Municipal grant funding for the same event.
  - d) Applicants who have received funding in previous years should not assume funding each year.

## **Endorsement / Special Conditions**

8 N/A for this grant type.

## **Funding Amount Limit**

- 9 a) Funding will not exceed 50% of the event budget, to a maximum of \$2,000.  
b) Funding will not exceed \$3,000 in total, per organization, per year.

## **Approval Process and Procedures**

- 10 a) Applications will be reviewed and approved/denied by the responsible staff person, with notification to Municipal Council.  
b) If approved, 75% of the approved amount will be released following approval.  
c) Final 25% of the approved amount will be released once final report claim submitted by the organization, showing sufficient expenditure. This information should be provided to the Municipality no later than March 15th of the year following approval. If not received by this date, applicants may be ineligible to be considered for the Community Event Grant in the following fiscal year.  
d) Insufficient expenditure will require pay-back of unspent funds, or a reduced final amount released.  
e) 100% of the grant may be released upon approval with sufficient documentation.

## **Documents Required for Application to be considered complete**

- 11 a) Completed and signed application form  
b) Organizational Profile  
c) Proof of Ownership or copy of Lease (if applicable)  
d) Financial information  
(i) Proposed Income & Expense Budget (including income from all sources)  
(ii) The need for financial assistance must be demonstrated  
e) Proof of financial support request made to host municipality (i.e. copy of email or letter), for organizations located outside of the Municipality.

## **Schedule D – Community Recreation Capital**

### **Grant Purpose**

- 1 To help with the expansion or improvement of an indoor / outdoor cultural, social, heritage and/or recreation facility, and/or equipment, for projects under \$10,000.

### **Funding Use**

- 2
  - a) To be used for an expansion or improvement of a facility or for equipment that will improve the capacity of the organization.
  - b) Items of a permanent, non-consumable **capital** nature are eligible, as are improvements and maintenance items that extend the life of a facility (e.g., external painting, roofing).
  - c) General operating activities are *not* eligible (e.g., cleaning, minor repairs).

### **Eligible Applicants**

- 3
  - a) Registered charity or not-for-profit organization, with active registration, serving residents of the Municipality.
  - b) Registered charity or not-for-profit organization in other Municipal units, located in Lunenburg County providing regional facilities or services to residents to the Municipality.
  - c) Churches / Church Halls that serve a community hall purpose (beyond congregational uses) or have an outdoor space used for public recreational purposes.
  - d) Fire Departments/Fire Halls that serve a community hall purpose (beyond firefighting services) or have an outdoor space used for public recreational purposes.
  - e) Municipally, Provincially or Federally registered Heritage Property, within the Municipality, used for community purposes.

### **Ineligible Applicants**

- 4
  - a) For-profit organizations.
  - b) Schools / Private schools, regardless of not-for-profit status.

### **Application Deadline**

- 5 Complete applications will be received throughout the year but should be received at least 1-2 months before anticipated start date for processing.

### **Completion Requirements & Grant Extensions**

- 6
  - a) Projects or initiatives commenced prior to application will not be considered, except in emergency repair situations.
  - b) Projects or initiatives not completed by end of fiscal year following approval, may apply for an extension. This request should be made to the Municipality no later than March 15th of the year following approval. If this request is not received by this date, applicants may not be able to extend the grant award period and may be

ineligible to be considered for the Community Recreation Capital Grant in the following fiscal year.

### **Funding Frequency**

- 7 a) Only one application can be submitted by an organization, **per facility**, per fiscal year.
- b) Applicants who have received funding in previous years should not assume funding each year.

### **Endorsement / Special Conditions**

- 8 a) Applicants operating several facilities must be endorsed by the sponsoring organization.
- b) Proposed scope of work must comply with all municipal, provincial and federal regulations.
- c) Approval of funding does not confirm compliance with regulations, the applicant is responsible for obtaining required permits and approvals.

### **Funding Amount Limit**

- 9 a) Funding will not exceed 75% of the total capital cost of the project, to a maximum of \$2,000.
- b) Funding will not exceed \$3,000 in total, per organization, per year.**

### **Approval Process and Procedures**

- 10 a) Applications will be reviewed and approved/denied by the responsible staff person, with notification to Municipal Council.
- b) If approved, 75% of the approved amount will be released.
- c) Final 25% of the approved amount will be released once final report claim submitted by the organization, showing sufficient expenditure. This information should be provided to the Municipality no later than March 15th of the year following approval. If this information is not received by this date, applicants may be ineligible to be considered for the Community Recreation Capital Grant in the following fiscal year.
- d) Insufficient expenditure will require pay-back of unspent funds, or a reduced final amount released.

### **Documents Required for Application to be considered complete**

- 11 a) Completed and signed application form
- b) Organizational Profile
- c) Proof of Ownership or copy of Lease (if applicable)
- d) Financial information
  - (i) An audited financial statement from the previous operating year (as provided to the Registry of Joint Stocks) or if not available at time of application, balance sheet/income statement as of December 31<sup>st</sup> of previous year.
  - (ii) Proposed Income & Expense Budget (including income from all sources)

- (iii) The need for financial assistance must be demonstrated
- e) Proof of financial support request made to host municipality (i.e. copy of email or letter), for organizations located outside of the Municipality.

## **Schedule E – Community Recreation Program Grant Purpose**

### **Grant Purpose**

- 1 To help with the delivery of a new or expanded cultural, social, heritage and/or recreation program.

### **Funding Use**

- 2 a) To be used for a new program, including associated equipment; or an improvement or expansion of an existing program and associated equipment; or the development and/or training of local leadership.  
b) Maintenance programs such as equipment repair or replacement are ineligible.

### **Eligible Applicants**

- 3 a) Registered charity or not-for-profit organization, with active registration, serving residents of the Municipality.  
b) Registered charity or not-for-profit organization in other Municipal units, located in Lunenburg County providing regional facilities or services to residents to the Municipality.

### **Ineligible Applicants**

- 4 a) For-profit organizations.  
b) Churches / Church Halls, regardless of not-for-profit status.  
c) Fire Departments / Fire Halls, regardless of not-for-profit status.  
d) Schools / Private schools, regardless of not-for-profit status.

### **Application Deadline**

- 5 Complete applications will be received throughout the year but should be received at least 1-2 months before anticipated start date for processing.

### **Completion Requirements & Grant Extensions**

- 6 a) Programs commenced prior to application will not be considered.  
b) Programs not completed by end of fiscal year following approval, may apply for an extension. This request should be made to the Municipality no later than March 15th of the year following approval. If this request is not received by this date, applicants may not be able to extend the grant award period and may be ineligible to be considered for the Community Recreation Program Grant in the following fiscal year.

### **Funding Frequency**

- 7 a) Only one application can be submitted by an organization per fiscal year.  
b) Applicants may apply more than once in the same fiscal year, provided that the applications are not for the same new or expanded program.

(c) Applicants who have received funding in previous years should not assume funding each year.

### **Endorsement / Special Conditions**

- 8 a) For organizations that offer multiple programs, any application for a program grant must be endorsed by the sponsoring organization.
- b) The program must have a direct link to the organization applying. The Municipality will not consider applications in which a not-for-profit group is “sponsoring” the project/program.

### **Funding Amount Limit**

- 9 a) Funding will not exceed 75% of the total cost of the program, to a maximum of \$1,000.
- b) Funding will not exceed **\$1,500** in total, per organization, per year.

### **Approval Process and Procedures**

- 10 a) Applications will be reviewed and approved/denied by the responsible staff person, with notification to Municipal Council.
- b) If approved, 75% of the approved amount will be released.
- c) Final 25% of the approved amount will be released once final report claim submitted by the organization, showing sufficient expenditure. This information should be provided to the Municipality no later than March 15th of the year following approval. If this information is not received by this date, applicants may be ineligible to be considered for the Community Recreation Program grant in the following fiscal year.
- d) Insufficient expenditure will require pay-back of unspent funds, or a reduced final amount released.

### **Documents Required for Application to be considered complete**

- 11 a) Completed and signed application form
- b) Organizational Profile
- c) Proof of Ownership or copy of Lease (if applicable)
- d) Financial information
  - (i) Proposed Income & Expense Budget (including income from all sources)
  - (ii) The need for financial assistance must be demonstrated
- e) Proof of financial support request made to the host municipality (i.e. copy of email or letter), for organizations located outside of the Municipality.

## Schedule F – Elite Athlete Travel

### Grant Purpose

- 1 a) To help elite athletes living in the Municipality of the District of Lunenburg Lunenburg County with travel costs who are competing at national or international events.
- b) Elite Athlete is defined as a person who commits significant time to training and competing in their sport as either an individual or a team member and is recognized by their National Sporting Association as a representative of Nova Scotia/Atlantic Canada or Canada eligible to compete at the highest level nationally or internationally. The athlete must have won their way or been selected to attend the national or international event by the event organizer(s). This grant excludes professional athletes in the sport.

### Funding Use

- 2 a) To be used only towards travel costs (e.g., flights, accommodations, meals etc.)
- b) Funds cannot be used to attend training.
- c) Funds cannot be used towards travel costs for persons accompanying the applicant.
- d) Funds cannot be used towards travel that occurred before the application was submitted.

### Eligible Applicants

- 3 a) An Elite Athlete; and
- b) A resident of the Municipality of the District of Lunenburg Lunenburg County; and
- c) A member of a National Sporting Association; and
- d) Travelling to compete at a national or international event which they have either won their way to, and/or have been selected to attend by the event organizer(s).

### Ineligible Applicants

- 4 a) Any applicant who is under suspension, sanction or investigation for any rule violation relating to the sport.
- b) Professional athletes in the sport.
- c) If application has been made to the Sport, Recreational & Cultural Travel Assistance Grant for the same event/competition.

### Application Deadline

- 5 Complete applications will be received throughout the year but should be received at least 1-2 months before the anticipated start date for processing.

### Completion Requirements & Grant Extensions

- 6 N/A for this grant type.

### **Funding Frequency**

- 7 a) Only one application can be submitted per athlete per fiscal year.
- b) Applicants who have received funding in previous years should not assume funding each year.

### **Endorsement / Special Conditions**

- 8 A letter from their National/Provincial Association confirming the eligibility of the athlete.

### **Funding Amount Limit**

- 9 Funding will not exceed 75% of the total travel budget, to a maximum of \$1,000 for national competitions and \$2,000 for international competitions.

### **Approval Process and Procedures**

- 10 a) Applications will be reviewed and approved/denied by the responsible staff person, with notification to Municipal Council.
- b) If approved, 75% of the approved amount will be released following approval.
- c) Final 25% of the approved amount will be released once final report claim submitted by the organization, showing sufficient expenditure. This information should be provided to the Municipality no later than March 15th of the year following approval. If this information is not received by this date, applicants may be ineligible to be considered for the Elite Athlete Travel Grant in the following fiscal year.
- d) Insufficient expenditure will require pay-back of unspent funds, or a reduced final amount released.
- e) Successful applicants are encouraged to provide a report to Council, in person, virtually, or in writing following their participation in the sponsored event.

### **Documents Required for Application to be considered complete**

- 11 a) Completed and signed application form
- b) Financial information
  - (i) Proposed trip Income and Expense Budget including copies of receipts will be required to confirm the actual expenditure and showing income from all sources.
  - (ii) The need for financial assistance must be demonstrated
- c) A letter from their National/Provincial Association confirming the eligibility of the athlete and how the proposed travel and competition will assist their progression through the elite pathway in their sport.

## **Schedule G – Leadership Training Grant Purpose**

### **Grant Purpose**

- 1 To help with training costs for individuals or community organizations that will continue to expand the programs, services and activities provided by community organizations.

### **Funding Use**

- 2
  - a) To be used to pay for training of individuals or community groups that develops leadership skills in the areas of physical activity, sport, recreation, volunteerism, safety and leadership.
  - b) Eligible training may include courses, workshops or seminars that will develop skills and knowledge for coaches, instructors, leaders and volunteers.
  - c) The applicant must be willing to use the skills learned with the citizens of the Municipality.
  - d) Hotel, travel costs, fire ground operations and/or medical first response training are not eligible for this grant.

### **Eligible Applicants**

- 3
  - a) Individual
    - (i) Must be a resident of the Municipality.
  - b) Community Organization
    - (i) Registered charity or not-for-profit organization, with active registration, serving residents of the Municipality.
    - (ii) Registered charity or not-for-profit organization in other Municipal units, located in Lunenburg County providing regional facilities or services to residents to the Municipality.
    - (iii) 50% of the participants on the application must be residents of the Municipality.

### **Ineligible Applicants**

- 4
  - a) Individual
    - (i) Non-Municipal Resident.
    - (ii) Firefighters or Associate Fire Department Members.
  - b) Community Organization
    - (i) For-profit organizations.
    - (ii) Churches / Church Halls, regardless of not-for-profit status.
    - (iii) Fire Departments / Fire Halls, regardless of not-for-profit status.
    - (iv) Schools / Private schools, regardless of not-for-profit status.

### **Application Deadline**

- 5 Complete applications will be received throughout the year but should be received at least 1-2 months before the anticipated start date for processing.

### **Completion Requirements & Grant Extensions**

- 6 Training commenced or completed prior to application will not be considered.

### **Funding Frequency**

- 7
  - a) Only one application can be submitted by an individual/community organization, for the same training, per fiscal year.
  - b) Applicants who have received funding in previous years should not assume funding each year.

### **Endorsement Special Conditions**

- 8 Hotel, travel costs, fire ground operations and/or medical first response training are not eligible for this grant.

### **Funding Amount Limit**

- 9 Funding will not exceed 50% of the total cost of the training, to a maximum of \$500.

### **Approval Process and Procedures**

- 10
  - a) Applications will be reviewed and approved/denied by the responsible staff person, with notification to Municipal Council.
  - b) If approved, the applicant will receive a communication confirming the amount awarded.
  - c) Applicants are responsible to pay for the initial training costs and are required to submit a copy of receipts and certifications for funding to be released. This information should be provided to the Municipality no later than March 15th of the year following approval. If this information is not received by this date, applicants may be ineligible to be considered for the Leadership Training Grant in the following fiscal year.
  - d) Upon receipt of the required information, a reimbursement cheque will be issued for the approved amount of funding.

### **Documents Required for Application to be considered complete**

- 11
  - a) Completed and signed application form
  - b) Financial information
    - (i) Proposed Income & Expense Budget (including income from all sources)
    - (ii) The need for financial assistance must be demonstrated

## **Schedule H – Major Events Grant Purpose**

### **Purpose of Grant**

- 1 To encourage new or expand existing large-scale events that create a positive economic impact for the Municipality, **with a budget of \$30,000 or more**. The Major Events Grant is to support operating, marketing, or promotional expenses for events that will attract visitors to the area.

### **Funding Use**

- 2 To be used for operational costs associated with delivering a new, or expanding an existing, large-scale event held in, or near the Municipality.

### **Eligible Applicants**

- 3
  - a) Registered charity or not-for-profit organization, with active registration, serving residents of the Municipality.
  - b) Registered charity or not-for-profit organization in other Municipal units, located in Lunenburg County providing regional facilities or services to residents to the Municipality.
  - c) Other municipal units near the Municipality.
  - d) Municipal corporations near the Municipality.
  - e) Municipally, Provincially or Federally registered Heritage Property, within the Municipality, used for community purposes.
  - f) Churches / Church Halls that serve a community hall purpose (beyond congregational uses) or have an outdoor space used for public recreational purposes.
  - g) Fire Departments / Fire Halls that serve a community hall purpose (beyond firefighting services) or have an outdoor space used for public recreational purposes.

### **Ineligible Applicants**

- 4
  - a) For-profit organizations.
  - b) Schools / Private schools, regardless of not-for-profit status.

### **Application Deadline**

- 5 Complete applications will be received throughout the year but should be received at least 1–2-months before the anticipated start date for processing.

### **Completion Requirements & Grant Extensions**

- 6 N/A for this grant type.

### **Funding Frequency**

- 7
  - a) Only one application can be submitted, *per event*, by an organization per fiscal year.
  - b) Applicants may apply more than once in the same fiscal year, provided that the applications are not for the same event.

- c) Applicants are not eligible to receive additional Municipal grant funding for the same event.
- d) Applicants who have received funding in previous years should not assume funding each year.

### **Endorsement / Special Conditions**

8 N/A for this grant type.

### **Funding Amount Limit**

- 9 a) Funding will not exceed 33% of the total project cost, to a maximum of \$20,000.
- b) Funding will not exceed **\$20,000** in total, per organization, per year.

### **Approval Process and Procedures**

- 10 a) Applications requesting more than \$2,500 require Council's approval.
- b) Applications requesting \$2,500 or less will be reviewed and approved/denied by the responsible staff person, with notification to Municipal Council.
- c) If approved, 75% of the approved amount will be released following approval.
- d) Final 25% of the approved amount will be released once final report claim submitted by the organization, showing sufficient expenditure. This information should be provided to the Municipality no later than March 15th of the year following approval. If this information is not received by this date, applicants may be ineligible to be considered for the Major Events Grant in the following fiscal year.
- e) Insufficient expenditure will require pay-back of unspent funds, or a reduced final amount released.
- f) 100% of the grant may be released upon approval with sufficient documentation.

### **Documents Required for Application to be considered complete**

- 11 a) Completed and signed application form
- b) Organizational Profile
- c) Proof of Ownership or copy of Lease (if applicable)
- d) Financial information
  - (i) Proposed Income & Expense Budget (including income from all sources)
  - (ii) The need for financial assistance must be demonstrated
- e) Proof of financial support request made to host municipality (i.e., copy of email or letter), for organizations located outside of the Municipality.

## Schedule I – Major Recreation Capital Grant Purpose

### Grant Purpose

- 1 To help with the expansion or improvement of an indoor / outdoor cultural, social, heritage and/or recreation facility, and/or equipment, for projects under \$10,000.

### Funding Use

- 2
  - a) To be used for the development, expansion, or improvement of a facility or for equipment that will improve the capacity of the organization.
  - b) Items of a permanent, non-consumable capital nature are eligible as are improvements and maintenance items that extend the life of a facility (e.g., external painting, roofing).
  - c) General operating activities are not eligible (e.g., cleaning, minor repairs).

### Eligible Applicants

- 3
  - a) Registered charity or not-for-profit organization, with active registration, serving residents of the Municipality.
  - b) Registered charity or not-for-profit organization in other Municipal units, located in Lunenburg County providing regional facilities or services to residents to the Municipality.
  - c) Churches / Church Halls that serve a community hall purpose (beyond congregational uses) or have an outdoor space used for public recreational purposes.
  - d) Fire Departments / Fire Halls that serve a community hall purpose (beyond firefighting services) or have an outdoor space used for public recreational purposes.
  - e) Municipally, Provincially or Federally registered Heritage Property, within the Municipality, used for community purposes.

### Ineligible Applicants

- 4
  - a) For-profit organizations.
  - b) Schools / Private schools, regardless of not-for-profit status.

### Application Deadline

- 5
  - a) Complete application to be received by March 1<sup>st</sup>.
  - b) Late applications will be reviewed only after the regular review of those applicants that have applied on time.

**Note** Each year the Municipality receives more applications than it can fund, so it is important for an application to be in on time and contain ~~correct~~ accurate information.

### Completion Requirements & Grant Extensions

- 6
  - a) Projects or initiatives commenced prior to application will not be considered, except in emergency repair situations.

- b) Projects or initiatives not completed by end of fiscal year following approval, may apply for an extension. This request should be made to the Municipality no later than March 15th of the year following approval. If this request is not received by this date, applicants may not be able to extend the grant award period.

### **Funding Frequency**

- 7 a) Only one application can be submitted by an organization per fiscal year.
- b) Applicants are eligible to receive a grant, provided that a clear 24 (twenty-four) months have passed between any previous grant application under this program.

### **Endorsement / Special Conditions**

- 8 a) Applicants operating several facilities must be endorsed by the sponsoring organization.
- b) Proposed scope of work must comply with all municipal, provincial and federal regulations.
- c) Approval of funding does not confirm compliance with regulations, the applicant is responsible for obtaining required permits and approvals.

### **Funding Amount Limit**

- 9 Funding will not exceed 50% of the total capital cost of the project, to a maximum of \$15,000.

### **Approval Process and Procedures**

- 10 a) Applications require Council's approval.
- b) If approved, 75% of the approved amount will be released (usually by June 30<sup>th</sup>).
- c) Final 25% of the approved amount will be released once final report claim submitted by the organization, showing sufficient expenditure. This information should be provided to the Municipality no later than March 15th of the year following approval. If this information is not received by this date, applicants may be ineligible to be considered for the Major Recreation Capital Grant in the next award period.
- d) Insufficient expenditure will require pay-back of unspent funds, or a reduced final amount released.

### **Documents Required for Application to be considered complete**

- 11 a) Completed and signed application form.
- b) Organizational Profile
- c) Proof of Ownership or copy of Lease (if applicable)
- d) Financial information
  - (i) An audited financial statement from the previous operating year (as provided to the Registry of Joint Stocks) or if not available at time of application, balance sheet/income statement as of December 31<sup>st</sup> of previous year.
  - (ii) Proposed Income & Expense Budget (including income from all sources)
  - (iii) The need for financial assistance must be demonstrated

e) Proof of financial support request made to host municipality (i.e. copy of email or letter), for organizations located outside of the Municipality.

## **Schedule J – Pro Kids Grant Purpose**

### **Grant Purpose**

1 To help individuals, who live in the Municipality, who due to lack of financial support, would not be able to benefit from recreational, sport or cultural, activities.

### **Funding Use**

- 2 a) To be used for an activity associated with a recreation, sport or cultural program offered by recognized organizations or an individual.  
b) Registration fees will be given first priority, equipment, uniform costs and travel may also be considered.

### **Eligible Applicants**

- 3 a) Any parent or guardian may apply on behalf of the individual participant, however the participant  
(i) Must be under 19 years old; and  
(ii) Must be a resident of the Municipality.

### **Ineligible Participant**

- 4 a) Non-resident of the Municipality.  
b) No team applications.

### **Application Deadline**

5 Complete applications will be received throughout the year but should be received at least 1-2 months before anticipated start date for processing.

### **Completion Requirements & Grant Extensions**

6 N/A for this grant type.

### **Funding Frequency**

- 7 a) One application can be submitted on behalf of each participant once per season (Spring, Summer, Fall, Winter) per fiscal year.  
b) Participants who have received funding in previous season(s) should not assume funding for each application.  
c) Priority will be given to new participants.

### **Endorsement / Special Conditions**

8 N/A for this grant type.

### **Funding Amount Limit**

- 9 a) No limit per individual and/or family.

- b) Funds are available on a first come-first served basis, until the account is depleted.

**Approval Process and Procedures**

- 10 a) Applications will be reviewed, and provided references contacted, by the responsible staff person.
- b) If approved, the applicant will receive communication confirming the amount awarded.
- c) Approved amount will be forwarded directly to the program provider.
- d) Reimbursement of approved Equipment, uniform costs and travel will be made directly to the applicant (when applicable).

**Documents Required for Application to be considered complete**

- 11 a) Completed and signed application form
- b) Financial information
  - (i) Applicant must provide a reference from a recognized agency or professional individual (clergy, teacher, coach, doctor, councillor) who is familiar with your personal and financial situation, who can verify financial assistant is required. This cannot be a relative or a friend.

**Note** The Municipality reserves the right to request additional proof of financial situation if needed.

## **Schedule KJ – Sponsorship Ad Request / Donation of Prizes Grant Purpose**

### **Grant Purpose**

- 1 To help with sponsorship of local not-for-profit organization's projects, events or initiatives that benefit residents of the Municipality or to provide prize(s) to enhance the project, event or initiative.

### **Funding Use**

- 2 a) To be used for advertising of a project, event, or initiative; or  
b) To be used as a prize to enhance a project, event, or initiative.

### **Eligible Applicants**

- 3 a) Registered charity or not-for profit organization, with active registration, serving residents of the Municipality.  
b) Registered charity or not-for-profit organization in other Municipal units, located in Lunenburg County providing regional facilities or services to residents to the Municipality.  
c) Municipally, Provincially or Federally registered Heritage Property, within the Municipality, used for community purposes.  
d) Churches / Church Halls with active, not-for-profit status.  
e) Fire Departments / Fire Halls with active, not-for-profit status.

### **Ineligible Applicants**

- 4 a) For profit-organizations.  
b) Schools / Private schools, regardless of not-for-profit status.

### **Application Deadline**

- 5 a) Complete applications will be received throughout the year but should be received at least 1-2 months before funds are needed, for processing.  
b) Requests shall be approved on a first-come, first-served bases as budget allows and upon availability of prizes.

### **Completion Requirements & Grant Extensions**

- 6 Projects, events or initiatives commenced prior to application will not be considered.

### **Funding Frequency**

- 7 a) Organizations can apply more than once per year to a maximum of \$500, which includes a combination of cash and prize value.  
b) Applicants who have received funding in previous years should not assume funding each year.

### **Endorsement / Special Conditions**

8 N/A for this grant type.

### **Funding Amount Limit**

9 Funding will not exceed \$500 in total, including prizes, per organization, per year.

### **Approval Process and Procedures**

- 10 a) Applications will be reviewed and approved/denied by the responsible staff person, with notification to Municipal Council.
- b) If approved, 100% of the approved amount/prizes will be released.
- c) Collection of prizes will be arranged through the responsible staff person.

### **Documents Required for Application to be considered complete**

- 11 a) Completed and signed application form (Applications under \$100 or less, can submit an email instead for review by staff).
- b) Organizational Profile
- c) Financial information
  - (i) Proposed Income & Expense Budget (including income from all sources)
  - (ii) The need for financial assistance must be demonstrated

## Schedule LK – Youth Sport, Recreational & Cultural Travel Assistance

### Grant Purpose

- 1 a) To help individuals, teams or youth groups with travel costs when competing in provincial, national or international competitions in sport or recreational and cultural events.
- b) Youth is defined as attending elementary, secondary or post-secondary educational institution.
- c)

### Funding Use

- 2 a) To be used only towards travel costs (e.g., flights, accommodations, meals etc.)
- b) Funds cannot be used to attend training.
- c) Funds cannot be used towards travel costs for persons accompanying the applicant(s).
- d) Funds cannot be used towards travel that occurred before the application was submitted.

### Eligible Applicants

- 3 a) Individual
  - (i) Youth attending elementary, secondary or post-secondary educational institution.
  - (i) A resident of the Municipality.
  - (ii) Must be representing their club/organization in a provincial, national or international competition in a sport, recreational or cultural event or provide proof of qualifying for the competition or have been selected to attend the competition by the event organizer(s).
  - (iii) Must be travelling to compete at a provincial, national or international competition or event.
- b) Team/Group
  - (i) Youths attending elementary, secondary or post-secondary educational institution.
  - (i) Team/Group defined as six (6) persons or more travelling to the same sport, recreational or cultural event.
  - (ii) 50% of the participants must be residents of the Municipality.
  - (iii) Must be representing their club/organization in a provincial, national or international competition in sport, recreational or cultural event, or provide proof of qualifying for the competition or have been selected to attend the competition by the event organizer (s).
  - (iv) Must be travelling to compete at a provincial, national or international competition or recreational or cultural event.

### Ineligible Applicants

- 4 a) Individual

- (i) Non-resident of Municipality.
- (ii) If application has been made to the Elite Athlete grant for the same event/competition.
- b) Team/Group
  - (i) Less than 50% of the participants are residents of the Municipality.
  - (ii) Schools / Private schools, regardless of not-for-profit status.
  - (iii) If application has been made to the Elite Athlete Grant for the same event/competition.

### **Application Deadline**

- 5 Complete applications will be received throughout the year but should be received at least 1-2 months before anticipated start date for processing.

### **Completion Requirements & Grant Extensions**

- 6 N/A for this grant type.

### **Funding Frequency**

- 7 a) Only one application can be submitted per individual or team/group per fiscal year.
- b) Applicants who have received funding in previous years should not assume funding each year.

### **Endorsement / Special Conditions**

- 8 a) Confirmation of representation must be submitted from the ~~sporting or competition body and/or school.~~ club/organization.
- b) If not a member of a club/organization, proof of qualifying or having been selected to attend the competition by the event organizer(s) is required.

### **Recognition**

- 9 Applicants must agree to recognize the Municipality for its contribution (e.g., banner, public announcement, sign, brochures, programs, advertisements).

### **Funding Amount Limit**

- 10 a) Individual
  - (i) Funding will not exceed 50% of the total travel budget, to a maximum of \$75 for provincial events and \$200 for national and international events.
- b) Team/Group
  - (ii) Funding will not exceed 50% of the total travel budget, to a maximum of \$500 for provincial events and \$1,000 for national and international events.

### **Approval Process and Procedures**

- 11 a) Applications will be reviewed and approved/denied by the responsible staff person, with notification to Municipal Council.

- b) If approved, 100% of the approved amount will be released.

**Documents Required for Application to be considered complete**

- 12 a) Completed and signed application form
- b) Financial information
  - (i) Proposed trip Income & Expense Budget including copies of receipts will be required to confirm the actual expenditure and showing income from all sources.
  - (ii) The need for financial assistance must be demonstrated
  - (iii) Confirmation of representation must be submitted from the club/organization ~~sporting or competition body and/or school~~, or provide proof of qualifying for the competition/event or have been selected to attend the competition/event by the event organizer(s).



## Municipality of the District of Lunenburg

### Request for Decision

**Report to:** Municipality of the District of Lunenburg Policy and Strategy Committee

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

**Date:** February 16, 2024

**Re:** Amend Policy MDL-043 Community Grants Program/Sponsorship Request

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### Recommendation

**That the Policy and Strategy recommend Municipal Council amend Policy MDL- 043 Community Grants Program/Sponsorship Request as presented and that this report serves as the seven days' notice required by the MGA.**

### Executive summary

Council provided staff direction to develop an adult recreation subsidy policy similar to the PRO Kids Program, to better define what is classified as a community event and a major event and to look at the elite athlete grant criteria and bring any recommendations forward for council's consideration.

Section 48 (1) of the Municipal Government Act states, "Before a policy is passed, amended or repealed, the Council shall give at least seven days' notice to all council members. The seven days' notice is being provided to all council members at the February 16, 2024, Policy and Strategy Committee meeting.

### Discussion

Council directed staff to develop an adult subsidy policy similar to the PRO Kids Program. Staff are recommending that a recreation subsidy policy be created separate from the Grants Policy as the funding provided is a subsidy as opposed to a grant. Thus, the recommendation is to remove the PRO Kids Program from the Community Grant Program/Sponsorship Request Policy.

Concerning defining a community event and a major event, it is staff's recommendation to use similar criteria that is used to define a community recreation capital project compared to a major recreation capital project, which is defined by the budget or cost of the project. It is recommended to define a community event as one with a budget of less than \$30,000. A major event would be defined as an event with a budget of \$30,000 or more.

Staff reached out to several municipal units concerning athlete funding support. Based on this research, discussion with the South Shore Sport NS consultant and speaking directly with the organizer of the Axe Throwing competition held in Barrington, staff are recommending the following for the elite athlete grant:

1. Funding be provided to athletes who reside in the Municipality of the District of Lunenburg as opposed to Lunenburg County.
2. Add that the athlete must have won their way or been selected to attend the national or international event.
3. Add the grant excludes professional athletes in the sport.

Staff feel the above adds to the current criteria to determine who is eligible or not.

Other staff recommendations pertaining to sporting, recreational and cultural competitions are the following:

1. Change the name of Youth Travel to the Sport, Recreational, and Cultural Travel Assistance grant and that in order for an individual/group/team to qualify they must:
  - a. Be representing their Club/organization in a provincial, national or international competition in a sport, recreational or cultural event **OR**
  - b. Provide proof of qualifying or being selected to attend.
2. Team or group is defined as 6 persons or more.

Making this grant change would enable adults who do not fall within the elite athlete criteria to seek travel assistance. Changing this grant to include all residents of MODL makes the funding more inclusive and accessible to all MODL residents for sporting, recreational and cultural competitions/events.

In reviewing Policy MDL-043 staff are presenting other recommendations to better align criteria in the grant policy. Other recommendations include:

1. Adding to the purpose that MODL offers grants for training volunteers, supporting local athletes and persons travelling to provincial, national and international competitions for sporting, recreational and cultural events.
2. Adding a line that states the funding for groups who have management agreements with MODL will go through the budget process unless otherwise stated in the management agreement.

3. Stronger language stating groups outside of MODL must request funding from the host Municipality.
4. Enabling groups to make more than one application in a fiscal year for different events, programs and facilities they own and clearly defining the maximum amount any one group can apply for in a fiscal year. This includes community events, community recreation programs and major events.
5. Removing the schedules from the policy and moving them to operations.

Other recommendations include a few word changes to better clarify the grant and the criteria.

### **Budget implications**

Staff are recommending that the elite athlete grant budget be increased to \$6,000 from \$4,000 and decrease leadership by \$500 to reflect the demand staff saw on these two grants in fiscal 2023-2024. These changes would be incorporated in the 2024-2025 operating budget for Council's consideration. Staff are recommending the other grant categories budgets remain the same.

### **Strategic plan**

The Municipality has several strategic plans such as the Active Living Strategy, Active Transportation Plan, Open Space Plan, and a Climate Action Plan. The non-profit groups that apply for municipal funding have goals that often align with at least one of MODL's plans or strategies. They offer valued community services and community facilities such as community halls, recreation fields and provide social and cultural programs and activities that benefit our residents.

MODL's mission states we are sustainable community builders. Providing municipal funding, which often leverages other dollars for our non-profit groups, is a strategic and sustainable way to grow our strong economy where we can live, work, and raise families and to be a destination for visitors who are attracted to our vibrant parks, beaches, and hiking trails.

### **Work Plan**

Administering the grant program is part of the staff's regular workplan.

### **Alternatives**

1. To not amend Policy MDL-43 Community Grants Program/Sponsorship
2. To direct staff to make additional changes to the proposed MODL 043 Policy Community Grants Program/Sponsorship and bring it back to Council seeking approval.

## Conclusion

Based on Council direction staff are bringing forth recommendations that should help with providing clarity to who can apply, provide more criteria to help determine eligibility while trying to meet the needs of the community and the intent of the grant policy.

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

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**Council**  
Item: #10.1.2  
Date: February 27, 2024  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to:** Municipality of the District of Lunenburg Policy and Strategy Committee  
**Submitted by:** Tissy Bolivar, Program Coordinator  
**Date:** February 20, 2024  
**Re:** Adopt Policy MDL-098 Recreation Subsidy Program

---

#### **Recommendation**

**That the Policy and Strategy recommend to Council that Municipal Council adopt Policy MDL-098 Recreation Subsidy Program as presented and that this report serves as the seven days' notice required by the MGA.**

#### **Executive summary**

At the meeting of Council on October 24, 2023, Council made the following motion to direct staff to develop an adult recreation subsidy policy like the PRO Kids Program.

“that Municipal Council accept the recommendation of the Policy & Strategy Committee and direct staff to develop a policy for Council's consideration respecting an Adult Recreation Subsidy Program, as presented”.

Section 48 (1) of the Municipal Government Act states, “Before a policy is passed, amended, or repealed, the Council shall give at least seven days’ notice to all council members. The seven days’ notice is being provided to all council members at the February 16, 2024, Policy and Strategy Committee meeting.

#### **Discussion**

Council directed staff to develop an adult subsidy policy like the PRO Kids Program. Staff are recommending that a recreation subsidy policy be created separate from the Grants Policy as the funding provided is a subsidy as opposed to a grant. Thus, the recommendation is to remove the

PRO Kids Program from the Community Grant Program/Sponsorship Request Policy and expand to include an Adult Subsidy Program (PRO Fund).

MODL has a population of 25,545, +2.7% since 2016, with a 19,245 being ages 19+ (+75% of population). Benefits of an adult subsidy program for recreation, but are not limited to include:

- Reducing barriers
- Improving accessibility
- Providing equitable opportunities
- Creating healthy communities
- Increasing individual physical, social, mental, and emotional health
- Supporting local non-profit organizations

Staff are recommending the Adult Subsidy Program have the following criteria:

- Residents of the Municipality of the District of Lunenburg
- Ages 19+
- Experiencing financial need to participate in organized recreation activities
- Use a reference or provide Notice of Assessment from previous tax year

Staff are also recommending that the PRO Kids Program include the option for families to provide their Notice of Assessment from previous tax year as well, instead of a reference, to align both programs.

### **Budget implications**

If approved, staff would be seeking \$15,000 within the 2024-2025 operating budget to support the adult portion of the subsidy program.

Grants and donations will be sought from individuals and organizations throughout the year to supplement Municipal funding.

Once the funding from all sources is gone, applications will be denied.

### **Strategic plan**

This policy aligns with the following:

#### **1. Active Living Survey**

Goal: Accessible and inclusive opportunities for active living that provide opportunities for social connection within MODL.

- **4.2 Reduce barriers to participation in active living and daily movement to help ensure equitable access.**

- Support low-income populations by offering free and subsidized opportunities, and assist with funding opportunities (e.g., PRO Kids, Equipment Loan, Free/Subsidized Programming)

**2. MODL Value**

Equity and Inclusion: We take action to change and grow to be a truly diverse, equitable, and inclusive municipality.

**Work Plan**

The administration of this policy is within staffs current workplan.

**Alternatives**

1. To not adopt Policy MDL-098 Recreation Subsidy Program
2. To direct staff to make additional changes to the proposed MODL-098 Recreation Subsidy program and bring it back to Council for approval.

**Conclusion**

Based on the direction of Council, staff are bringing forth a recommended policy that would provide financial assistance for all members of our communities to participate in recreation, sport, and cultural activities.

<b>Report Preparation</b>	
<b>Department</b>	Recreation, Parks, and Tourism
<b>Report Prepared by</b>	Tissy Bolivar, Program Coordinator
<b>Report Approved by</b>	
<b>Date Reviewed by C.A.O.</b>	

## Municipality of the District of Lunenburg

Policy Details	
Name	Recreation Subsidy Program
Number	098
Legislative Authority	MGA 2, 47, 48(3) 65C
Effective Date	XXXX

### Purpose

- To set guidelines for Municipal Staff for the distribution of funds to support individuals in the community to access recreation, sport, and cultural activities.

### Eligibility

- The following individuals are eligible for funding:
  - Individuals who meet the necessary criteria of the funding assistance category for which they are applying.

### Funding Assistance Categories

- PRO Kids Program** – See Schedule A for criteria  
 To help individuals under 19, living in the Municipality, who due to lack of financial support, would not be able to benefit from recreational, sport, or cultural activities.
- PRO Fund Program** – See Schedule B for criteria  
 To help individuals over 19, living in the Municipality who, due to lack of financial resources, would not be able to benefit from recreational, sport, or cultural activities.

### General Information

- (1) Municipal Council sets funding limits and annual budget allotments for each funding assistance category.
  - Applicants will complete the proper application form and provide the requested information.
  - Application deadlines and expiry periods may apply.
  - Funding frequency is limited within each funding assistance category.
  - The Municipality reserves the right to deny any application believed not within its mandate.

### Approval Process

- (1) Applications under this Policy are reviewed and approved/denied by the responsible staff person, with an annual report provided to Council.
  - Applicants will be notified in writing of approval or denial. This communication will explain any terms and conditions that apply to the funding assistance approval.

### Evaluation Criteria

- (1) The evaluation may include but is not limited to the following criteria:
  - The applicant is a resident of the Municipality.
  - A financial need is proven.
  - Preference will be given to applicants not registered in another program.

### Use of Personal Information

- In accordance with Section 485 of the **Municipal Government Act**, the personal information collected on these forms will only be used by staff for purposes relating to the administration of the Recreation Subsidy Program, including releasing necessary information to program providers.

Policy Adoption	
Date of Original Passage	XXX
Date of Notice of Intent to Amend	N/A
Date of Council Approval	XXX
Effective Date if Different from Council Approval	XXX
I certify that this Policy #098 Recreation Subsidy Program was adopted by Municipal Council as indicated above.	
Signature of Municipal Clerk	Date

Version	Amendment Description	Approval Date
Original V1	Policy 098 Recreation Subsidy Program	

### Schedule A – PRO Kids Program

#### Purpose

- 1 To help individuals, under 19, living in the Municipality, who due to lack of financial support, would not be able to benefit from recreational, sport, or cultural activities.

#### Funding Use

- 2 (1) To be used for an activity associated with a recreation, sport, or cultural program offered by recognized organizations or an individual.
- (2) Registration fees will be given priority. Equipment, uniform costs, and travel may be considered.

#### Eligible Applicants

- 3 (1) Any parent or guardian may apply on behalf of the individual participant, however the participant:
  - a) Must be under 19 years old; and
  - b) Must be a resident of the Municipality of Lunenburg.

#### Ineligible Applicants

- 4 (1) No team applications.

#### Application Deadline

- 5 Complete applications will be received throughout the year but should be received at least 1 month before the anticipated start date of the program to allow for processing.

#### Funding Frequency

- 6 (1) One application can be submitted on behalf of each participant once per season (Spring, Summer, Fall, Winter) per fiscal year.
- (2) Participants who have received funding in previous season(s) should not assume funding for each application.
- (3) Priority will be given to new participants.

#### Funding Amount Limit

- 7 (1) No limit per individual and/or family
- (2) Funds are available on a first come-first served basis, until the account is depleted.

### Approval Process and Procedures

- 8 (1) Applications will be reviewed, and provided references contacted, by the responsible staff person.
- (2) If approved, the applicant will receive communication confirming the amount approved.
- (3) The approved amount will be forwarded directly to the program provider. Reimbursement of approved equipment, uniform costs, and travel will be made directly to the applicant (when applicable).

### Documents Required for Application to be considered Complete

- 9 (1) Completed and signed application form
- (2) Financial information
  - a) Applicants may provide a reference from a recognized agency or professional individual (clergy, teacher, coach, doctor, councilor) who is familiar with their personal and financial situation, who can verify financial assistance is required. This cannot be a relative or a friend. **OR**
  - b) Applicants may provide their Notice of Assessment (NOA) from the previous tax year.

**Note:** The Municipality reserves the right to request additional proof of financial situation if needed.

### Schedule B – PRO Fund

#### Purpose

- 1 To help individuals, over 19, living in the Municipality, who due to lack of financial resources, would not be able to benefit from recreational, sport, or cultural activities.

#### Funding Use

- 2 (1) To be used for an activity associated with a recreation, sport, or cultural program offered by recognized organizations or an individual.
- (2) Registration fees will be given priority, equipment, uniform costs, and travel may also be considered.

#### Eligible Applicants

- 3 (1) Any person may apply on behalf of the individual participant, however the participant:
- a) Must be over 19 years old; and
  - b) Must be a resident of the Municipality of Lunenburg.

#### Ineligible Participant

- 4 (1) No team applications.

#### Application Deadline

- 5 Complete applications will be received throughout the year but should be received at least 1 month before the anticipated start date for processing.

#### Funding Frequency

- 6 (1) One application can be submitted on behalf of each participant once per season (Spring, Summer, Fall, Winter) per fiscal year.
- (2) Participants who have received funding in previous season(s) should not assume funding for each application.
- (3) Priority will be given to new participants.

#### Funding Amount Limit

- 7 (1) No limit per individual
- (2) Funds are available on a first come-first served basis, until the account is depleted.

### Approval Process and Procedures

- 8 (1) Applications will be reviewed, and provided references contacted, by the responsible staff person.
- (2) If approved, the applicant will receive communication confirming the amount approved.
- (3) The approved amount will be forwarded directly to the program provider.
- (4) Reimbursement of approved equipment, uniform costs and travel will be made directly to the applicant (when applicable).

#### Documents Required for Application to be considered Complete:

- 9 (1) Completed and signed application form
- (2) Financial information
- (a) Applicants may provide a reference from a recognized agency or professional individual (clergy, teacher, coach, doctor, councilor) who is familiar with their personal and financial situation, who can verify financial assistance is required. This cannot be a relative or a friend. **OR**
  - (b) Applicants may provide their Notice of Assessment (NOA) from the previous tax year.

**Note:** The Municipality reserves the right to request additional proof of financial situation if needed



# Anti-Racism Charter in Recreation

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# Introduction

## ACKNOWLEDGEMENTS

Recreation Nova Scotia is located in Mi'kma'ki, the traditional unceded territory of the Mi'kmaq people. This territory is covered by the "Treaties of Peace and Friendship" which Mi'kmaq and Wolastoqiyik (Maliseet) Peoples first signed with the British Crown in 1725. The treaties recognized Mi'kmaq and Wolastoqiyik (Maliseet) title, and established the rules for what was to be an ongoing relationship between nations; they did not deal with surrender of lands and resources. We are all Treaty people.

We recognize that African Nova Scotians are a distinct people whose histories, legacies and contributions have enriched that part of Mi'kma'ki known as Nova Scotia for over 400 years.

Nova Scotia is home to many diverse communities that have shaped and enriched the province. While racism is the focus of the Anti-Racism Charter, we acknowledge that there are additional forms of discrimination that can negatively impact one's ability to participate in recreational activities. We also acknowledge that many people living in Nova Scotia have intersecting identities which may expose them to more than one form of discrimination.

Recreation Nova Scotia is grateful to all of the recreation participants, staff and volunteers involved in recreation who helped shape and bring the Anti-Racism Charter to life. Insights and feedback shared during the development of the Anti-Racism Charter has helped make it a tool created by, and for, the recreation sector in the province.

## WHAT IS RECREATION?

Recreation Nova Scotia describes recreation as the experience that results from freely chosen participation in physical, social, intellectual, creative and spiritual pursuits that enhance individual and community well-being.<sup>1</sup>

Here in Nova Scotia, there's a wide range of recreation activities to engage in based on our rich geography and demographics. While recreation may look different in urban or more rural settings across the province, it is the activities we engage in for leisure, enjoyment and well-being that often bring Nova Scotian communities together in unique ways.

1. This definition comes from the National Framework for Recreation, and has been adopted by the Shared Strategy for Advancing Recreation in Nova Scotia, <https://www.recreationns.ns.ca/shared-strategy.html>

## About the Anti-Racism Charter

### Why do we need a Charter specific to anti-racism in recreation?

## ABOUT RECREATION NOVA SCOTIA

Recreation Nova Scotia is a provincial, not-for-profit organization. In partnership with the volunteers and professional recreation community, the organization advocates on behalf of all Nova Scotians for recreation and leisure opportunities to promote the values and personal, social, economic, and environmental benefits of recreation and leisure.

Recreation Nova Scotia membership includes professionals, volunteers, educators, students, interested citizens, elected officials and commercial organizations. The organization is open to everyone who has an interest in recreation, parks, fitness, sport, facilities, aquatics, therapeutic recreation, camping, the arts, culture or other related sectors.



**Racism exists in Nova Scotia and it exists within Nova Scotia's recreation sector.** The impacts of racist incidents on the psychological health and well-being of those affected are serious and is made worse by the lack of support available. As an organization, Recreation Nova Scotia seeks to better support individuals and communities facing racism and provide unifying guidelines for the recreation sector to address, combat and prevent systemic racism within the sector.

The Anti-Racism Charter in Recreation is needed to specifically acknowledge and address the harm and exclusion caused by racism in recreation. A proactive and systemic approach is required to make recreation welcoming and inclusive for everyone in Nova Scotia.

## Some Helpful Definitions

In this section, we share a few definitions which are important to understanding the context of the Anti-Racism Charter. Thank you to the creators of The Inclusive Language Glossary & Workbook for allowing us to borrow from their excellent resource.

**Racism** occurs between individuals, on an interpersonal level, and is embedded in organizations and institutions through their policies, procedures and practices.

**Systemic racism** includes the policies and practices entrenched in established institutions, which result in the exclusion or promotion of designated groups. It differs from overt discrimination in that no individual intent is necessary.

**Oppression** results from the use of institutional power and privilege where one person or group benefits at the expense of another. Oppression can be a combination of bias, privilege and power.

**Anti-Racism** is defined as the work of actively opposing racism by advocating for changes in political, economic, and social life. Anti-racism tends to be an individualized approach, and set up in opposition to individual racist behaviors and impacts.

An **anti-racist person or organization** goes a step further than simply stating they are anti-racist. These individuals and organizations work to understand their own privilege, challenge their own internalized racism and call out racism when they see it impacting others.

An **inclusive recreation sector** means everyone believes and feels they can fully and safely participate in activities of their choosing, and that they can do so in reality.

An **equitable recreation sector** accommodates the different needs and expectations of diverse communities, particularly those that have been historically underrepresented within activities that enhance individual and community well-being.

### How will the Anti-Racism Charter benefit the recreation sector in Nova Scotia?

The Anti-Racism Charter provides an opportunity to engage in dialogue, education, and actions which together will create a more welcoming and representative sector. It offers all organizations with a foundation to build upon and the ability to identify steps and actions that focus on anti-racism, equity and inclusion.

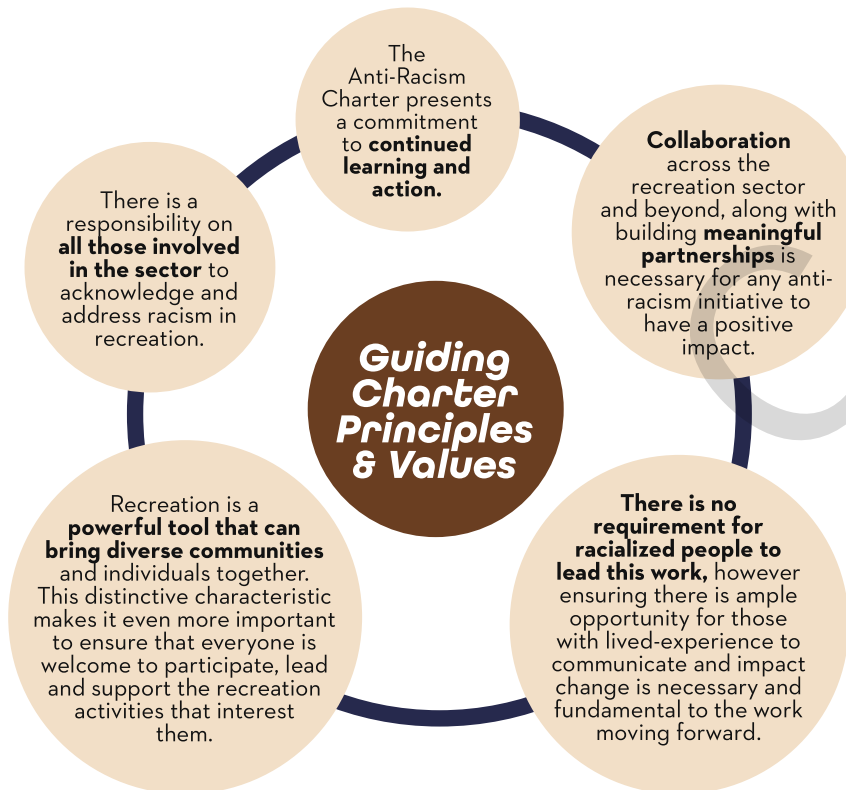
### Who can adopt the Anti-Racism Charter?

*The Charter is a tool that can be adopted and used by any organization in Nova Scotia, whether they are a member of Recreation Nova Scotia or not. Each path taken by signatories to acknowledge and address racism within their organization and the communities they serve will look different.*

There are varying degrees of resources available across the recreation sector. Some organizations rely solely on volunteers, operate on a seasonal basis and/or have limited funds for initiatives beyond their programming mandate(s). Regardless of means, there are meaningful and purposeful actions all organizations can take to critically consider how their policies and practices perpetuate racism in recreation, and how they can meaningfully implement their decision to sign onto the Anti-Racism Charter.

## Charter Mission

The Anti-Racism Charter is a practical tool, shaped by recreation employees, volunteers and participants, to engage in the work necessary to acknowledge and confront continued harms caused by racism in recreation. The tool will result in proactive steps taken by Anti-Racism Charter signatories, and a sector that is more representative of all those in Nova Scotia.



## Anti-Racism Charter Actions & Commitments

Signatories to the Anti-Racism Charter will undertake the following actions and commitments:

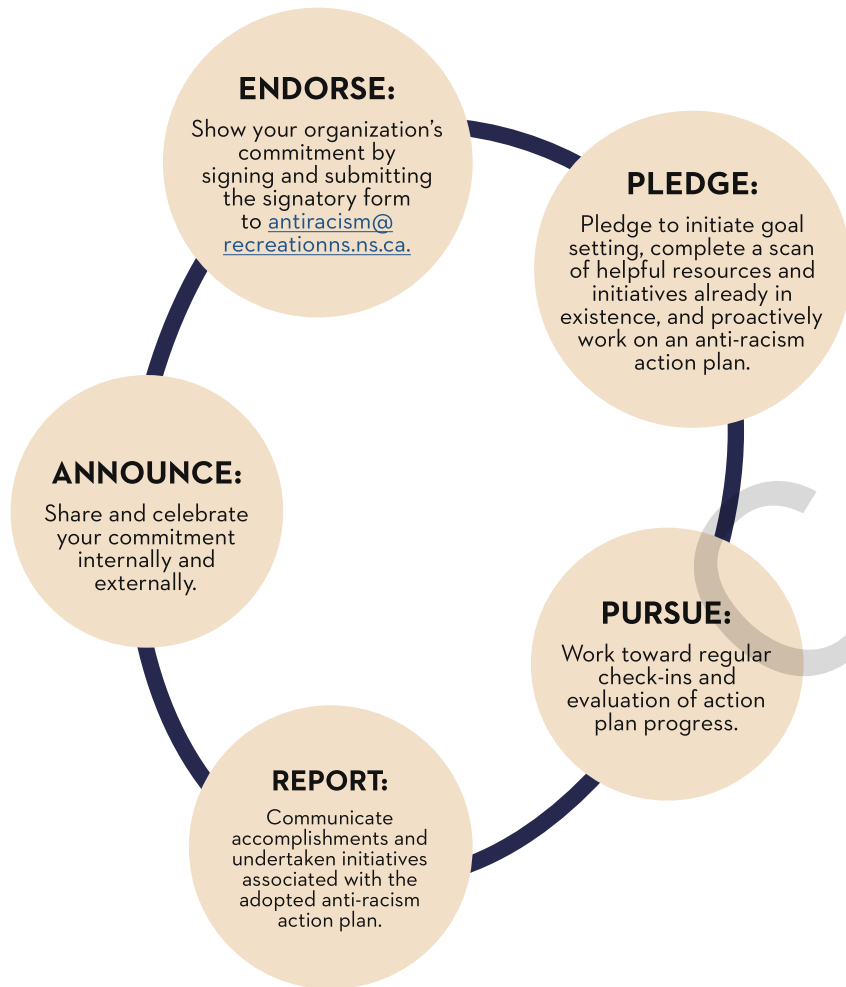
**Acknowledge & Address Racism** – Commit to zero tolerance of all forms of racism and develop practical processes to address racist acts and behaviours. Acknowledge and update discriminatory policies that encourage or perpetuate the exclusion of racialized populations.

**Provide Ongoing Training & Educational Opportunities** – Deliver continued learning opportunities that provide practical skills to combat racism in recreation at all levels of an organization. Promote, participate in, and support external opportunities that have the same objectives, while always considering the safety of all participants.

**Build Racially Representative Communities** – Meaningfully encourage participation and opportunities for racially diverse community members within your area of recreation, critically examine participation within the organization at all levels, while employing communication and engagement practices that proactively include first-voice representation.

**Design Equitable & Inclusive Opportunities** – Create opportunities for racialized people to take on leadership and decision-making roles at all levels of an organization, paying special attention to mentorship, business, and skill development opportunities. Mindfulness of emotional, psychological, and physical safety of racialized persons will be required, particularly in historically white and under-representative organizations.

## 5 Steps to Implementation



## Action / Commitment 1: Acknowledge & Address Racism

Commit to zero tolerance of all forms of racism and develop practical processes to address racist acts and behaviours. Acknowledge and update discriminatory policies that encourage or perpetuate the exclusion of racialized populations.

### Examples of inquiries, actions, and initiatives that can be undertaken:

- Create or adopt an anti-racism and discrimination policy. Develop a plan to communicate the policy with the various audiences engaged by the organization.
- Develop plain-language signage to be posted in facilities and/or adopted that can be read aloud during programming that clearly states the organization's commitment to zero-tolerance for racism and other forms of discrimination.
- Create a process for safely reporting, addressing and acknowledging racist incidents when they occur. Communicate the processes to all those engaged by the organization.
- Closely examine internal written, unwritten policies and practices to identify those that limit or exclude participation and membership of racialized populations at all levels of the organization. Review and update all language utilized in written documentation so that it is inclusive.
- Identify opportunities for your organization to publicly recognize the historic and possibly continued exclusion of racialized populations from your organization or area of activity, with the goal of doing better moving forward. Capture the acknowledgement in your public organizational materials and/or policies.
- Plan to revisit and update policies and practices related to anti-racism and increased equity and inclusion within your organization. Include timelines and opportunities to receive feedback from people and communities the practices and policies have been designed to support the most.

## Action / Commitment 2: Provide Ongoing Training & Educational Opportunities

Deliver continued learning opportunities that provide practical skills to combat racism in recreation at all levels of an organization. Promote, participate in, and support external opportunities that have the same objectives, while always considering the safety of all participants.

### Examples of inquiries, actions, and initiatives that can be undertaken:

- Create opportunities for the most senior members (employees and volunteers) of your organization to take part in anti-racism training and/or professional development offerings that are specifically designed for organizational leaders. Document a plan for senior members to take part in these types of offerings on an ongoing basis.
- Develop a list of free online resources, tailored to the programming or offerings your organization engages in, that deal with anti-racism, which can be shared with internal and external audiences. Update the list and re-share it on a regular and pre-determined schedule.
- If your organization engages seasonal, short-term, or part-time employees and/or volunteers, establish training and education related to anti-racism which can realistically be delivered to a group that is engaged with the organization in a more casual manner.
- Develop a policy that addresses in what situations payment and honorariums are offered to racialized people to lead training, discussions, or cultural teachings to help promote respectful and reciprocal collaborations. Create a plan to revisit the policy on a regular basis.
- Identify regularly occurring gatherings, for example annual general meetings, events, and conferences, where anti-racism training and related conversations can be meaningfully incorporated.
- Develop a protocol that offers organization-specific best practices, expectations, and ways to create safer spaces for participants of anti-racist trainings and dialogues. The protocol should specifically acknowledge how these sorts of discussions can be particularly triggering for racialized participants.

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## Action / Commitment 3: Build Racially Representative Communities

Meaningfully encourage participation and opportunities for racially diverse community members within your area of recreation, critically examine participation within the organization at all levels, while employing communication and engagement practices that proactively include first-voice representation.

### Examples of inquiries, actions, and initiatives that can be undertaken:

- Complete research or consultation to identify specific recreational programming gaps experienced by racialized populations that could be fulfilled by a partnership with your organization. Develop concrete plans to implement initiatives aimed at collaboratively addressing those gaps.
- If there are racialized people already working to increase representation within the recreational activity that your organization is involved with, take steps to learn from and collaborate with those individuals.
- If there are organizations not led by racialized populations, which have historically partnered with diverse communities to create programming for, and with, these populations, determine whether there are opportunities to learn from, and work with those organizations, to strengthen relationships with these communities, particularly in areas of the province which may not be very racially diverse.
- Make efforts to take part in gatherings, celebrations, programming and other activities organized and hosted by community groups focused on servicing racialized populations in your area of recreation. Plan to regularly identify opportunities to support the initiatives lead by racially diverse groups and organizations.
- Identify initiatives your organization can undertake to not only introduce your area of recreation to racialized communities, but to also ensure opportunities for continued and meaningful participation. Consider whether persons are able to engage in these activities with other members of their community using cohort models.
- Review current communications (e.g. websites, newsletters, social media, printed materials etc.) to identify where gaps in visual representation of racialized people exist. Develop a plan to perform this sort of review on a regular basis.
- Identify practical and financial barriers such as transportation, location of facilities, cost of participation, availability of appropriate nutrition and support for child and elder care responsibilities. Plan to address these barriers through such measures as fundraising, adapting budgets, organizational partnerships and lobbying funding and governing bodies.

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## Action / Commitment 4: Design Equitable & Inclusive Opportunities

Create opportunities for racialized people to take on leadership and decision-making roles at all levels of an organization, paying special attention to mentorship, business, and skill development opportunities. Mindfulness of emotional, psychological, and physical safety of racialized persons will be required, particularly in historically white and under-representative organizations.

### Examples of inquiries, actions, and initiatives that can be undertaken:

Consider the racial makeup of board members, staff and volunteers, particularly among the highest levels of your organization. Put practical measures in place to actively and safely invite racialized community members into the organization and over time, increase the racial diversity of leaders and decision-makers.

When encouraging members of racialized populations to apply for board, senior staff and volunteer roles within your organization, make clear connections between their duties and their ability to engage their community in their work. Clearly state these opportunities in the posting for the position.

Adopt more equitable and inclusive practices at all stages of the recruitment and employment cycle (e.g. job posting, interviewing, onboarding and employee support).

Examine where your organization's money is spent. When identifying vendors for goods and services, employ purchasing and contracting processes that apply special consideration for businesses owned and/or operated by members of racialized populations, as a means of engaging groups historically underrepresented in the commercialization and administration of recreation. Formally adopt the policy, advertise it externally, and monitor for outcomes.

Invite racialized members of your organization to take part in (where available) opportunities that involve networking and skill development on regional, national and international levels. Adopt a policy that supports and encourages participation in training and advancement opportunities, both formal and informal, for everyone in the organization.

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## How to Create an Action Plan

The Anti-Racism Charter's four Actions & Commitments represent areas of focus for signatories to the Anti-Racism Charter. The examples of inquiries, actions and initiatives to be undertaken for each area of focus are suggestions to help guide implementation of each Action & Commitment and should not be seen as a prescriptive or exhaustive list.

The template Action Plan provides an outline for organizations to begin mapping out how they will take concrete steps to address and prevent racism. The template also considers implementation of timelines and evaluation measures to ensure ongoing support and resources are set aside for this work.

Signatories to the Anti-Racism Charter may want to add their own inquiries, actions and initiatives to their Action Plan and are encouraged to do so. Recreation Nova Scotia encourages signatory organizations to consider the expertise, experience, and resources readily available to help them set goals and move toward action.

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## Frequently Asked Questions

### Who helped create the Anti-Racism Charter?

The Anti-Racism Charter is a **Recreation Nova Scotia** initiative with contributions from Recreation Nova Scotia staff and board.

Project Manager - **Graham Mounsey**

Project Consultant - **Wisdom2Action**, a social enterprise and consulting firm.

The project is funded by the **Government of Canada**.

A **Steering Committee** composed of leaders in the recreation sector, and a **Youth Advisory Council**, made up of youth with diverse lived-experience, helped inform the Anti-Racism Charter engagement activities and documents.

#### Steering Committee Members & Youth Advisory Council Members

- |                   |                    |                     |
|-------------------|--------------------|---------------------|
| • Colleen Belle   | • Nick Lenehan     | • Josh Nicholas     |
| • Vanessa Hartley | • Fawn Logan-Young | • Crystal Watson    |
| • Ali Koperqualuk | • Heather MacNeil  | • Nicholas Williams |

### What engagement activities took place as part of the Anti-Racism Charter initiative?

- **An online survey** to understand how racism and discrimination exist and are experienced across the recreation sector, what training is needed to address racism in recreation and what should go into the Anti-Racism Charter. The survey was available in English, Arabic and Somali. Approximately 157 Nova Scotians completed the survey between April and September 2022.

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- **In-person and virtual focus groups** to expand on the issues raised and feedback provided by survey respondents. A total of 10 focus groups were hosted across the province between April and July 2022. Approximately 76 recreation employees, volunteers, students and participants took part in the focus groups.
- **In-person training** that focused on addressing key themes shared via the survey and focus groups. Sessions were held in Sydney, Halifax and Birchtown with a total of 40 recreation service providers taking part.
- **Various meetings with policy makers and community members** to share details regarding the provincial consultation process and seek input on the Anti-Racism Charter development and adoption throughout the province.

### Are there any other initiatives or reports that align with the Anti-Racism Charter?

- **The Truth and Reconciliation Commission of Canada: Calls to Action**<sup>1</sup>, developed by the parties of the Indian Residential Schools Settlement Agreement. While there are no Calls to Action that are specific to recreation, the 94 recommendations address the need for changes in youth programs, sports and other recreation-related sectors to “redress the legacy of residential schools and advance the process of Canadian reconciliation”.
- **Bill No. 96: Dismantling Racism and Hate Act**<sup>2</sup>, outlines the Nova Scotia government’s approach to addressing systemic racism, hate and inequity.
- **Recreation Facility Association of Nova Scotia in partnership with the Tripartite Forum**, developed the Anti-Racism and Discrimination Policy Signage and Policy Template, developed to help recreational facilities prevent acts of racism.<sup>3</sup>

1. Truth and Reconciliation Commission of Canada: Calls to Action, Truth and Reconciliation Commission of Canada, 2012, <https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls-to-Action-English2.pdf>
2. Dismantling Racism and Hate Act, Nova Scotia Legislature, Bill No. 96, 2022, [https://nsllegislature.ca/legc/bills/64th\\_1st/1st\\_read/bo96.htm](https://nsllegislature.ca/legc/bills/64th_1st/1st_read/bo96.htm)
3. Recreation Facility Association of Nova Scotia, <http://www.rfans.com/resource-centre/>

16

**Are there any costs associated with signing onto the Anti-Racism Charter?**

Recreation Nova Scotia will not charge signatories with any fees for their commitment to the Anti-Racism Charter.

**Will signing onto the Anti-Racism Charter give Recreation Nova Scotia or Canadian Heritage the authority to make decisions regarding signatory organizations?**

No, organizations that sign onto the Anti-Racism Charter will oversee the creation and implementation of their own action plan.

**How will Anti-Racism Charter signatories' information be used by Recreation Nova Scotia?**

Organizations that sign onto the Anti-Racism Charter could be named in Recreation Nova Scotia's newsletters, annual reports, social media and other forms of public communication.

**How can I get in touch with Recreation Nova Scotia?**

If you would like to get in touch about the Anti-Racism Charter, please contact:

[antiracism@recreationns.ca](mailto:antiracism@recreationns.ca)

**How will signatories be supported by Recreation Nova Scotia once they sign onto the Anti-Racism Charter?**

Recreation Nova Scotia commits to support organizations in creating Action Plans around the Anti-Racism Charter's Actions/Commitments and to reconvene signatories and interested parties periodically to share progress on anti-racism work. Recreation Nova Scotia also commits to house resources related to the implementation of the Anti-Racism Charter and to share and promote training and learning opportunities.

## Recreation Nova Scotia Anti-Racism Charter Signatory Commitment Form



The Anti-Racism Charter is a practical tool, shaped by recreation employees, volunteers and participants, to engage in the work necessary to acknowledge and confront continued harms caused by racism in recreation.

### GUIDING CHARTER PRINCIPLES & VALUES

- The Anti-Racism Charter presents a commitment to continued learning and action.
- There is a responsibility on all those involved in the sector to acknowledge and address racism in recreation.
- Collaboration across the recreation sector and beyond, along with building meaningful partnerships is necessary for any anti-racism initiative to have a positive impact.
- There is no requirement for racialized people to lead this work, however ensuring there is ample opportunity for those with lived-experience to communicate and impact change is necessary and fundamental to the work moving forward.
- Recreation is a powerful tool that can bring diverse communities and individuals together. This distinctive characteristic makes it even more important to ensure that everyone is welcome to participate, lead and support the recreation activities that interest them.

Organization: \_\_\_\_\_

Signature of Signing Authority: \_\_\_\_\_

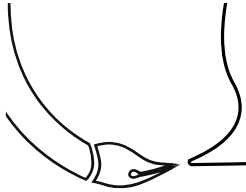
Date: \_\_\_\_\_

### 5 STEPS TO IMPLEMENTATION

- **ENDORSE:** Show your organization's commitment by signing and submitting the signatory form to [antiracism@recreationns.ns.ca](mailto:antiracism@recreationns.ns.ca).
- **COMMIT:** Pledge to initiate goal setting, complete a scan of helpful resources and initiatives already in existence, and proactively work on an anti-racism action plan.
- **ANNOUNCE:** Share and celebrate your commitment internally and externally.
- **PURSUE:** Work toward regular check-ins and evaluation of action plan progress.
- **REPORT:** Communicate accomplishments and undertaken initiatives associated with the adopted anti-racism action plan.

### ACTIONS & COMMITMENTS

- Acknowledge & Address Racism
- Provide Ongoing Training & Educational Opportunities
- Build Racially Representative Communities
- Design Equitable & Inclusive Opportunities



## **Recreation Nova Scotia Anti-Racism Charter Signatory Commitment Form**

By completing the form below and submitting it to Recreation Nova Scotia, our organization commits to upholding the values and principles outlined in the Recreation Nova Scotia Anti-Racism Charter.

As a signatory, we commit to the implementation of actions necessary to address and acknowledge the impact of racism in recreation.

We understand that by submitting the form, our organization name will be added to a public registry of Anti-Racism Charter signatories.

<b>ORGANIZATION INFORMATION</b>
Organization Name:
Organization Contact Name:
Email:
Mailing Address:
Any additional contact information (e.g. the organization operates seasonally, organization email checked infrequently, phone is the best way to communicate with the organization):
<b>COMMITMENT ADOPTION</b>
How did your organization agree to adopt the Charter? <input type="checkbox"/> Board Resolution <input type="checkbox"/> Leadership Commitment <input type="checkbox"/> Annual General Meeting <input type="checkbox"/> Membership Vote <input type="checkbox"/> Other:
Commitment to create an Action Plan: <input type="checkbox"/> Within 6 months of adopting the Charter <input type="checkbox"/> Within 1 year of adopting the Charter <input type="checkbox"/> Other:
<b>SIGNATORY INFORMATION</b>
Signature of Signing Authority:
Name of Signing Authority (please print):
Title of Signing Authority:
Date (dd/mm/yy):

**Council**  
Item: #10.1.4  
Date: February 27, 2024  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to:** Policy and Strategy Committee  
**Submitted by:** Kayla Winsor, Climate Action Coordinator  
**Date:** February 20, 2024  
**Re:** Adoption of Policy MODL-097 - Anti-idling Policy

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#### **Recommendation**

It is recommended that:

**“The Policy and Strategy Committee recommend the Municipal Council adopt Policy MODL-097 Anti-idling Policy, as presented, and hereby give 7 days' notice of the Council’s intention to adopt the proposed policy at the February 27, 2024, Council Meeting.”**

#### **Discussion**

The creation of an Anti-idling policy for the Municipality is one of the Community Climate Actions outlined in the Local Climate Change Action Plan 2030 (LCCAP2030). Specifically, Action 6, under Low-Carbon Transportation Category, aims to establish an anti-idling policy for the municipality within the 2022-2024 timeframe. Consequently, this policy has been developed as a result. The proposed policy aims to raise awareness about vehicle idling and emphasize the importance of minimizing engine run-time during inactivity. Turning off vehicles when not in motion has substantial benefits, including reducing air pollution, safeguarding public health, and conserving energy. The policy strongly encourages all individuals operating vehicles within the Municipality, including Idle-Free Zones, to limit idling to one minute or less.

## Idle-Free Zones

Upon the adoption of the policy, high-traffic sites on Municipal properties will be identified for designation as Idle-Free Zones. These zones will be presented to the Council for approval. While the general provision of the policy, limiting idling to one minute or less, remains the same in idle-free zones, there will be an additional emphasis on anti-idling practices promoted through strategically placed signage. An Idle-Free Zone Map, showcasing all designated areas, will be made available on the Municipal website for public reference and awareness. This initiative will position the Municipality as a leader, setting a precedent for proactive measures on municipal properties.

## Budget Implications

A budget allocation of \$2000 has been earmarked in the 2023-24 fiscal year's operating budget for the installation of Anti-idling signage within designated idle-free zones.

## Alternatives

1. The Municipal Council may choose not to adopt the proposed Policy MODL-097 Anti-idling policy.
2. The Municipal Council may direct staff to make additional changes as needed to the proposed MODL-097 Anti-idling policy.

## Conclusion

In conclusion, the Anti-idling Policy provides comprehensive benefits, including enhanced air quality, improved public health, and reduced energy consumption, along with associated carbon emissions. Aligned with the Municipality's LCCAP2030, the staff recommends that the Municipal Council adopt Policy MODL-097 Anti-idling Policy, as presented below.

Report Preparation	
<b>Department</b>	Planning and Development Services
<b>Report Prepared by</b>	Kayla Winsor, Climate Action Coordinator
<b>Report Approved by</b>	Abhimanyu Jain, Climate Change and Sustainability Manager
<b>Date Reviewed by C.A.O.</b>	

## Municipality of the District of Lunenburg

Anti-idling Policy  
Policy 097  
Page 2 of 3

Policy Details	
<b>Name</b>	Anti-idling Policy
<b>Number</b>	097
<b>Legislative Authority</b>	Municipal Government Act – clauses 172 (1)(a) and 172(1)(d)
<b>Effective Date</b>	

### Purpose

- The primary aim of implementing this policy is to raise awareness of vehicle idling and emphasize the importance of reducing vehicle engine run-time during periods of vehicle inactivity. Turning off vehicles when not in motion offers substantial benefits, particularly in reducing air pollution, protecting public health, and conserving energy.

### General Provision

- All individuals operating a vehicle within the Municipality, including Idle-Free Zones, are strongly encouraged to limit idling to one minute or less.

### Definitions

- For the purpose of this Policy:
  - Emergency Vehicle:** Refers to vehicle used by fire departments, police, ambulances, or any other vehicle required for life-saving purposes.
  - Idling:** Refers to the practice of keeping a vehicle's engine running while stationary and not actively performing necessary functions (such as providing power for heating or cooling) for longer than one minute.
  - Idle-Free Zone(s):** In areas with high traffic volumes on Municipal properties, drivers are strongly encouraged to turn off their engines when parked or waiting, aiming to reduce emissions and promote better air quality in the surrounding environment.
  - Public Transportation:** Refers to a system of vehicles, such as buses, ferries, uber/cabs, shuttle services, or tourism related vehicles operated by public or private entities to transport passengers from one location to another.
  - Vehicle:** Includes rubber-tired or tracked machinery designed to be self-propelled by an internal combustion engine.

### Exemptions

- The following vehicles are exempted from the limitations on idling:

- Accessible Vehicle Features:** Vehicles may be permitted to idle when necessary to operate lift equipment or other essential mechanisms designed to accommodate persons with disabilities.
- Emergency Vehicles:** Such as ambulances, fire trucks, and police vehicles that require idling to power essential equipment and maintain readiness to respond promptly to emergencies.
- Service Vehicles:** Including utility trucks and maintenance vehicles carrying out operations requiring powered equipment.
- Public Transportation:** Refers to a system of vehicles, such as buses, ferries, uber/cabs, shuttle services, or tourism related vehicles operated by public or private entities to transport passengers from one location to another.
- Transportation Vehicles Carrying Perishable Goods:** Such as food trucks, may idle to maintain refrigeration, ensuring the preservation of cargo quality and compliance with food safety standards.
- Safety Measures:** Vehicles may be exempt from the anti-idling policy when idling is necessary for the removal of ice, snow, and moisture from the windshield to ensure safe and unobstructed visibility.

### Awareness

- To enhance public awareness regarding idling and responsible vehicle usage, the following measures will be implemented:
  - Community Involvement:** Encouraging responsible vehicle practices through educational programs and collaborative efforts. Residents, private businesses, educational institutions, and other community organizations are invited to pledge commitment to reduce idling on their properties by turning off engines when parked or waiting for extended periods.
  - Educational Materials:** Pamphlets, brochures, and online resources will provide information on the impact of idling on air quality, greenhouse gas emissions, and public health.
  - Idle-Free Signs:** Signage will be strategically placed in idle-free zones to promote and encourage anti-idling practices.
  - Idle-Free Zone Map:** A map displaying all designated idle-free zones will be accessible on the Municipal website for public reference and awareness.

### Idle-Free Zones

- In areas with high traffic volumes on Municipal properties, drivers are strongly encouraged to turn off their engines when parked or waiting. The designation process in managing these zones is outlined as follows:

- (a) **Designation and Decision-making:** The designation of new anti-idling zones, removal, or amendment of existing zones will be decided by the Council.

**Review and Revision**

- 7 The Municipality will conduct a comprehensive review of this Anti-idling Policy every five (5) years to ensure its relevance and effectiveness. This review will consider public feedback and any notable advancements or changes in technology relevant to idling reduction measures.

Policy Adoption	
Date of Original Passage	
Date of Notice of Intent to Amend/Repeal	N/A
Date of Council Approval	
Date of Effective Date	
I certify that this Policy 097 Anti-idling was adopted by Municipal Council as indicated above.	
Signature of Municipal Clerk	Date

Version	Amendment Description	Approval Date
Original V1	Policy 097, Anti-idling	
V2		

**Council**  
Item: #10.1.5  
Date: February 27, 2024  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to:** Council  
**Submitted by:** Alex Dumaresq, Deputy CAO  
**Date:** February 20, 2023  
**Re:** NSCC Well Water Quality Pilot Project

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### **Recommendation**

**Move that the Policy & Strategy Committee recommend that Council approve the proposed “Well Water Resource Management under Climate Change” pilot project with the Nova Scotia Community College.**

### **Background**

An interdisciplinary group at the Nova Scotia Community College (NSCC) are working on a low-cost sensor and data analysis system to measure groundwater water table quality and quantity and explore the predictive value of the data. Their internal working group includes the Engineering Technologies Applied Research (ETAR) lab; Applied Geomatics Research Group (AGRG); and Information Technology Applied Research group (ITAR).

NSCC staff have developed a sensor device and are looking for municipal partners to help recruit residents to host devices in their wells and examine the usefulness of the data it produces. The program is called “Well-Water Resource Management under Climate Change: Building Community Preparedness” and will directly benefit participating households in the form of real-time data on the quality and quantity of water in their well, and how it is affected by meteorological and geological conditions. The program may also provide useful data to MODL in terms of emergency preparedness, policy development or infrastructure planning.

## Proposed Pilot project

Below are the steps to the three-year project as set out by NSCC staff:

- Recruit at least 10 property owners with wells from different communities in MODL;
- Install real time sensor device in the wells;
- Teach residents and municipal representatives how to interpret the data from a user-friendly mobile app;
- Record and analyze the data in conjunction with weather activity, geological information;
- Work with stakeholders to understand the usefulness and relevance of the data; and
- Finalize and publish the research.

## Budget implications

No financial contribution from the municipality or participating homeowners is required. The NSCC staff developed the sensors and cover the cost of installing the devices. College staff also monitor, collect, and analyze the data.

In kind contribution of municipal staff time is required to help recruit homeowners and participate in discussions examining relevance of the study for emergency preparedness, policy development, infrastructure planning, etc., to a maximum of 50 days over the life of the 3-year project.

## Alternatives & Conclusion

The project is entirely voluntary; Council has no obligation to participate. The information is directly relevant to the municipality's temporary water relief program, well financing program, and may provide useful data for MODL's emergency management and planning work.

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

**Council**  
Item: #11.1.1  
Date: February 27, 2024  
Authorization: T. MacEwan



## Municipality of the District of Lunenburg

### Report

**Report to: Mayor and Municipal Council**

**Submitted by: Ella R. Gindi, Planner I; Jacob Macpherson, Planner I; Elizabeth Carr, Planner I**

**Date: February 27, 2024**

**Re: Coastal Protection and Cluster Development - First Reading**

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### Recommendation

On December 5, 2023, during a special Council meeting, Council passed the following motion related to cluster development regulations:

- That Municipal Council direct staff to prepare Municipal Planning Strategy and Land Use Bylaw amendments related to cluster developments based on the input from the Planning Advisory Committee, the staff presentation, and Council discussion.

Then on January 9, 2024, during a regularly scheduled Council meeting, Council passed the following three motions related to coastal protection regulations:

- 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.
- 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.

- 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.

The draft regulations are now complete and ready for first reading. If Council wishes to conduct first reading, the following motions are in order:

- 1. That Municipal Council give notice of its intention to repeal the existing Municipal Planning Strategy and replace it with the amended Municipal Planning Strategy (attached as Appendix C) that incorporates formatting, numbering and accessibility changes to existing sections, as well as the addition of new sections containing policies related to coastal protection and cluster development, and to conduct First Reading.**
- 2. That Municipal Council give notice of its intention to adopt the new Municipal-wide Land Use Bylaw (attached as Appendix D) and to conduct First Reading.**
- 3. That Municipal Council set a date and time for a Public Hearing for the amended Municipal Planning Strategy and new Municipal-Wide Land Use Bylaw regulations on April 23, 2024, at 7:00 p.m. in the Council Chambers, and further that Municipal Council instruct staff in the meantime, to schedule public information meetings to inform residents about the implications of the new regulations prior to the Public Hearing.**

## Discussion

The purpose of this report is to provide information to Council on the process that has resulted in the development of both the Coastal Protection and Cluster Development regulations and to provide a motion for First Reading and prepare for public information sessions and a public hearing. The above motions enable Council to conduct First Reading to repeal and replace the Municipal Planning Strategy, and to adopt a new document that provides Municipal-Wide Land Use Bylaw regulations including regulations for Coastal Protection and Cluster Development.

## Amended Municipal Planning Strategy

The Municipality of the District of Lunenburg (MODL) currently has a Municipal Planning Strategy that needs to be repealed and replaced with a new document that includes edits to older sections and addition of new sections. Full replacement of the document provides better

accessibility and new sections pertaining to cluster developments and coastal protection policies.

## **New Municipal-wide Land Use By-law**

MODL does not have a Municipal-wide Land Use By-law which is why a new one has been created. The creation of this new document is the simplest way to introduce the new coastal protection and cluster development regulations in the areas currently without zoning. The new Municipal-wide Land Use By-law document contains standard regulatory information such as title and purpose, definitions, administration, and general provisions that include the specific cluster development and coastal protection regulations. It should be noted that at a later date, the MODL2040 land use planning project will revise this Municipal-wide Land Use By-law and contain wide-spread and detailed zoning and development regulations in line with the provincial mandatory minimum planning requirements.

## **Background**

The following provides a summary of the overall policy and regulatory changes to the existing Municipal Planning Strategy and within the New Municipal-wide Land Use By-law.

### **Coastal Protection**

In 2023, Council began the process of introducing municipal coastal protection regulations. The regulations are intended to protect development on the coast from the effects of climate change and to protect the coast from human development by addressing concerns such as coastal erosion, flooding, and the preservation of sensitive ecosystems.

The proposed regulations encompass several key aspects:

#### **Regulatory Framework:**

- Establishment of a regulatory boundary, excluding all tidal rivers.
- Implementation of education and awareness initiatives.
- Provision for a 5-year policy review cycle.

#### **Coastal Flooding Measures:**

- Introduction of a 3.97-metre vertical elevation setback to prohibit new habitable space and institutional uses below this threshold.
- Exemption for non-habitable accessory uses.
- Consideration of non-conforming allowances and flexibility for existing structures.

### **Coastal Erosion Policies:**

- Identification of a 30-metre erosion risk area from the top of the bank or ordinary high-water mark.
- Option for erosion risk reduction through a study, allowing for a minimum setback of 15 metres.
- Mandating a 15-metre vegetative buffer.
- Incorporation of non-conforming allowances and flexibility for existing structures.

### **Protection of Sensitive Coastal Ecosystems:**

- Establishment of a 30-metre horizontal coastal wetland setback and vegetative buffer.
- Collaboration with Environmental NGOs to enhance protection efforts.
- Flexibility to amend wetland mapping based on study findings regarding wetland presence or absence.

### **Cluster Development**

In response to the lack of regulations surrounding multi-unit developments on unsubdivided lots compared to traditional subdivisions, in 2023 Council also directed staff to draft regulations for cluster developments. The process has aimed to create land use regulations that ensure certain development standards are met, based on the potential impact and scale of a cluster development. The proposed regulations include provisions for:

#### **Regulatory Framework**

- A definition of cluster development as six or more dwelling units within two or more dwellings on a single lot.
- A tiered system by which cluster developments of six to nine units are permitted through site plan approval, while developments with ten or more units are permitted through a development agreement.

#### **Meet Private Road Standards**

- All Cluster Development must adhere to the Municipal Road Design and Construction Standards outlined by the Municipality.

### **Provide Plans, Reports**

- A servicing plan showing the layout of the site and associated wastewater and water systems.
- A peer-reviewed hydrological report for developments with ten or more units.
- An environmental study demonstrating the potential impact and recommended mitigation measures for wetlands, natural habitats, and species at risk within the subject property for developments with ten or more units.

### **Provide Flexibility**

- The Development Officer can establish an agreement to delay the requirement to construct a private road through a letter of undertaking. Planning approval is provided while the development permit is withheld until all the requirements are met.

## **Background Research:**

The following outlines the steps taken to develop the coastal protection and cluster development policy and regulatory framework:

### **Coastal Protection and Cluster Development**

- Staff prepared a background report including best practices, literature review, and jurisdictional review.
- Engaged in discussions with experts to inform decision-making.
- The first council workshop on May 9, 2023, covered topics including coastal erosion, flooding, ecosystems, as well as the bare land condominium ownership structure and cluster development style.
- Staff met with several experts from different levels of government, professors at Dalhousie University, non-profit environmental organizations, and hydrogeology experts to determine regulatory approaches for coastal protection and cluster development.

## **Public Engagement Findings:**

### **Coastal Protection Engagement**

Throughout the spring and summer of 2023, a thorough public engagement effort focused on Coastal Protection unfolded, employing online webpages, open houses, and surveys to gather input on Coastal Protection measures. The feedback from the community was summarized into a What We Heard Report (WWHR) which can be found at [engage.modl.ca](https://engage.modl.ca). Further comments

from the public (compiled in Appendix A) have been collected since the beginning of the Coastal Protection project and cover a range of concerns and suggestions.

Comments included requests for clarification on terminologies and data sources used in the regulations, calls for consideration of right of ways to coastal areas amidst ongoing privatization, inquiries into the accuracy of sea level rise projections, and apprehensions regarding the potential impact the coastal regulations will have on property values and development opportunities along the coast. While some expressed general support for the proposed regulations, others voiced disappointment over the Council's decision not to endorse more stringent recommendations. Additionally, there were concerns raised about the removal of rivers from the regulatory framework.

### **Cluster Development Engagement**

Public engagement for Cluster Development was held in tandem with the Coastal Protection engagement throughout the spring and summer of 2023. Engagement methods included an online web page, an open house held on July 10, 2023, and a survey to gather input from the community. The feedback received during the public engagement initiative for cluster development was compiled into a WWHR which can be found on [engage.modl.ca](https://engage.modl.ca). Further comments from the public (compiled in Appendix B) have been collected since the beginning of the Coastal Protection project and cover a range of concerns and suggestions.

Comments included specific apprehensions regarding cluster developments underway, particularly in Second Peninsula, where issues such as skirting municipal regulations for sewer, water, and road standards were raised, accompanied by a petition signed by concerned residents. Suggestions were made to allow cluster developments only by Development Agreement because of concerns around the lack of public input required for future as of right and site plan agreement developments. Additionally, requests for clarification on regulatory terminology and phasing were noted, along with proposals to facilitate the development of affordable units within cluster developments, such as adjusting the number of units/buildings and road standard requirements.

## **Presentation of Findings and Recommendations:**

### **Coastal Protection**

The Coastal Protection What We Heard Report (WWHR), presented to the Council on August 29, 2023, provided Council and the public with a comprehensive summary of community perspectives on coastal protection. Following the presentation of the engagement findings, two Council workshops were held on September 19, 2023, and November 14, 2023, serving as

platforms to present staff recommendations. The workshops provided Council the opportunity to thoroughly discuss the recommendations and raise any questions or concerns.

### **Cluster Development**

The Cluster WWHR, presented to Council on August 29, 2023, provided a concise overview of the public input collected through engagement. An additional Council workshop focused on Cluster Development was held on September 26, 2023, which again provided Council the opportunity to discuss the regulatory options and ask any questions.

## **Planning Advisory Committee Review:**

### **Coastal Protection**

The Coastal Protection staff recommendations were formally presented to the Planning Advisory Committee on October 12 and October 26, 2023. Following thorough review and deliberation, the Planning Advisory Committee provided a recommendation to Council, expressing support for the proposed regulations. Additionally, they suggested a modification to the policy, advocating for more frequent reviews to ensure its continued relevance and effectiveness in safeguarding coastal areas.

### **Cluster Development**

The Cluster Development recommendations were formally presented to the Planning Advisory Committee on October 12, 2023. Following thorough review and discussion, the Planning Advisory Committee provided a favourable recommendation to the Council about the proposed cluster development regulations. However, the PAC also requested certain modifications and additional examination of specific topics to address potential concerns and ensure the efficacy of the regulations.

## **Council Direction and Subsequent Actions:**

### **Coastal Protection**

During the November 28, 2023, meeting, Council rejected the Planning Advisory Committee recommendations. Subsequently, staff prepared alternative recommendations, which Council supported on January 9, 2024, and directed staff to draft the coastal protection regulations. This direction was noted in the motions referenced at the beginning of the report.

### **Cluster Development**

During a special Council meeting on December 5, 2023, the staff recommendation was accepted by Council, with several amendments incorporated. Direction was then given to start

the drafting the regulations. This direction was noted in the motions referenced at the beginning of the report.

## Next Steps

If council chooses to conduct First Reading today, the next steps are:

- Public information sessions (locations to be determined by Council)
- Public Hearing proposed for April 23, 2024, at 7pm
- Second Reading (Council can choose to undertake on the same date as the public hearing or further in the future).

Report Preparation	
<b>Department</b>	Planning and Development Services
<b>Report Prepared by</b>	Ella R. Gindi, Planner I; Jacob Macpherson, Planner I, Elizabeth Carr, Planner I
<b>Report Approved by</b>	Reid Shepherd, LPP, MCIP, Manager of Planning
<b>Date Reviewed by C.A.O.</b>	

## Appendix A: Coastal Protection Public Correspondence

	<b>Name</b>	<b>Date</b>
1.	Heather White	2023-06-01
2.	Martin Brodmann	2023-06-08
3.	Harold Burton	2023-06-12
4.	Keith Drysdale	2023-07-12
5.	Elizabeth Klaas	2023-07-25
6.	Doug Cleveland	2023-10-22
7.	Heather White	2023-10-23
8.	Meghan Burke	2023-10-30
9.	Bob Clark	2023-11-14
10.	Helen Handfield-Jones	2023-11-29
11.	Heather White	2023-12-04
12.	Bob Clark	2023-12-11
13.	Marilyn and Tony Congdon	2024-01-10
14.	Harold Burton	2024-01-16
15.	Derek Purcell	2024-02-04

MODL coastal protection

Heather White [REDACTED]

Thu 6/1/2023 10:45 AM

To: MODL Planning <planning@modl.ca>

CAUTION: This email originated from an external sender.

Kudos to you and the Planning Department for the excellent website and information explaining the coastal protection project! It is critically important that we address development along our coast and your measured and community-based approach will guide us there.

The only glitch I encountered was the interactive map. I couldn't figure out how to use it. Where can I read help on this feature?

Thanks.

Heather White  
Kingsburg, NS

Sent from my iPad

RE: Municipality Invites Residents to Have Their Say on Coastal Protection

Reid Shepherd <Reid.Shepherd@modl.ca>

Tue 6/13/2023 11:03 AM

To: Martin [REDACTED]

Good Morning Mr. Brodmann,

Thank you for your email below and for the comments and questions you've raised about the Coastal Protection land use project. In your email you've raised several fairly broad questions that I'm not clear are related to the coastal protection project, so I don't know that I can best answer them in this manner. Having said that, I would be happy to discuss the project with you in further detail, whether that's setting up a call or an in-person discussion. I would also invite you to attend any of our upcoming open houses, including tonight's meeting in Dayspring. You can find a list of those events and lots more information about this project on our website: <https://engage.modl.ca/coastal-protection>. If you'd like to discuss this further or have some specific questions related to coastal regulations, please don't hesitate to reach out.

Thank you,

Reid Shepherd



**Reid Shepherd MCIP, LPP (he/him)**  
Manager of Planning  
Planning & Development Services  
**Municipality of the District of Lunenburg**  
10 Allée Champlain Drive | Cookville NS | B4V 9E4  
Phone: (902) 530-3265

*My office hours are Monday-Thursday, 8:00am – 5:15pm*

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From: Martin [REDACTED]  
Sent: Thursday, June 8, 2023 10:59 AM  
To: MODL Planning <planning@modl.ca>  
Cc: Tom MacEwan <tom.macewan@modl.ca>; MODL Mayor <mayor@modl.ca>; Pam Hubley <Pam.Hubley@modl.ca>; Leitha Haysom <leitha.haysom@modl.ca>; Martin Bell <martin.bell@mcdl.ca>; Wendy Oickle <Wendy.Oickle@modl.ca>; Cathy Moore <cathy.moore@modl.ca>; Michelle Greek <Michelle.Greek@modl.ca>; Reid Whyntot <reid.whyntot@modl.ca>; Chasidy Veinotte <Chasidy.Veinotte@modl.ca>; Sandra Statton <Sandra.Statton@modl.ca>; Tina Robichaud-Bond <Tina.Bond@modl.ca>; [REDACTED] CATCs Administration [REDACTED]; [REDACTED] CATC-National [REDACTED]; [REDACTED] EarleofExtraordinary [REDACTED]; Chris Peck [REDACTED]  
Subject: Re: Municipality Invites Residents to Have Their Say on Coastal Protection

CAUTION: This email originated from an external sender.

Thank you for your email and invitation to participate. First and foremost, we must establish a clear and transparent picture of how the analyses, the scientific and the mandated driven initiatives and proposals are derived from and what are the decision-making protocols behind such mandates. What is clear is that these mandates are not initiated by the public in our communities. Rules, regulations, laws and policies in fact don't support such public initiatives and in some cases are not even permitted in chambers! To establish trusted public engagement, we must begin at the core elements presented to us. Asking for the public's engagement is one thing, permitting the public in the decision making process is another thing. Are our respected councillors even able to make decisions on behalf of their communities? Should mandates come from the Community and how can elected representatives influence mandates which are presented to them in form of multiple choices? In our view, these are basic methodologies which we as citizens and rate payers must understand. Therefore, we request full transparent disclosure as outlined in this email.  
A) full disclosure on who/where such mandates are originating from  
B) full disclosure regarding protocols and management of such mandates  
C) Full disclosure regarding rules, regulations, policies and laws these mandates are implemented under

2/8/24, 11 48 AM

Mail Elizabeth Carr Outlook

- D) Full disclosure regarding funding and subsequently maintenance of such mandates
- E) Full disclosure of engineering and scientific based evidence supporting such mandates
- F) Full disclosure regarding chain of events in form of previous motions leading to such mandate orientated decision making.

We encourage council and staff to engage with us to address our concerns in a proactive manner, in which we can lay out the framework and procedures to the public at large. The public is entitled to participate in true public debates to make community oriented, affordable and educated decisions, which consequently are the decisions our elected representatives must adhere to.

Last but not least, in regard to our presentation from May 23rd, 2023, to Council and subsequent motion we brought forward. On behalf of the Community Accountability Transparency Councils, we like to ensure that this motion will also be referred to as an ask to address the proposed relationship accordingly. We also ask to have representation and be invited to discuss the subject matter with Council, (preferably in form of a special meeting session) to find common ground and foremost to support each other in going forward.

It should be in all party's best interest to support and help each other, to effectively engage and develop methodologies to win back the public's confidence and participation. Most importantly, to include and ensure the public's decision making process will be of value and subsequent decisions are followed accordingly by Council and staff.

On behalf of CATCs national and our local Nova Scotia district Councillors, we are looking forward to hearing from you and we are excited to bring our concerns to your attention and our communities.

Best regards,

:Martin Brodmann



On May 31, 2023, at 13:09, Engage MODL <[notifications@engagemerthq.com](mailto:notifications@engagemerthq.com)> wrote:



The Municipality of the District of Lunenburg (MODL) is developing a new land use bylaw that will impact how development occurs along our coast.

MODL has a responsibility to its residents and our environment to ensure that new homes, businesses, and other structures are not placed in areas that could be at risk of coastal flooding or erosion, while protecting our natural assets from potential harms caused by development.

A Land Use By-law that regulates coastal development is intended to meet two primary objectives:

2/8/24, 11 48 AM

Mail Elizabeth Carr Outlook

- Protecting our communities from our coast: Keeping human activity away from the risks posed by coastal erosion and flooding.
- Protecting our coastline from us: Protecting our sensitive coastal ecosystems from the impacts of human activity and development.

"It's vitally important that we hear from residents on this issue," said Mayor Carolyn Bolivar-Getson. "Everyone is encouraged to have their say in this process. There are a wide variety of opportunities to get involved, including several in-person open houses, a public workshop, an online survey, an interactive online map, and the opportunity to send in general comments. While we consider the development of the Land Use Bylaw to manage coastal development to be one of our top priorities, we want to ensure that the public has an opportunity to be involved in the process and provide their input as it is imperative that we get this right—the first time."

Information about this project, including dates and locations on the open houses, can be found at [engage.modl.ca/coastal-protection](https://engage.modl.ca/coastal-protection)

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RE: Coastal Erosion Please forward to appropriate person/Dept.

MODL Info <irfo@modl.ca>

Mon 6/12/2023 2:55 PM

To: Harold Burton [redacted]; MODL Planning <planning@modl.ca>

Hi Harold,

I am forwarding your comments to our planning team that is handling this project. @MODLPlanning please see comments below.

Best Regards,

Susan Berry  
Supervisor, Corporate Services & Communications  
Municipality of the District of Lunenburg  
10 Allée Champlain Drive  
Cookville, NS B4Y 9E4  
902-541-5310 (phone)



Please note: my regular office hours are M-F 8:30-4:30

---

From: Harold Burton [redacted]  
Sent: Monday, June 12, 2023 12:34 PM  
To: MODL Info <irfo@modl.ca>  
Subject: Coastal Erosion - Please forward to appropriate person/Dept.

You don't often get email from [redacted]. [Learn why this is important](#)

CAUTION: This email originated from an external sender.

Gentlemen/Madame:

I recently completed your coastal erosion survey. I would like to add the following comments.

I am a Lunenburg county resident and have owned coastal waterfront property for 52 years. I am a former land surveyor who was involved in developing waterfront properties, including my present property. At that time and since then I maintained fixed elevation points at the waterfront.

In the past 52 years, I have not observed a significant increase in high tide levels, if at all not more than a couple of inches. Coastal erosion has not been a problem on my property or my neighbours.

Coastal erosion has always been an issue on highly exposed areas along all the Nova Scotia coastline. Let's attack this problem with logic and not over react to the hype of the Climate Change ideologists.

*Harold Burton*

[redacted]  
Martins River, NS

2/8/24, 9:54 AM

FW: Comments on MODL Coastal Protection Initiative Elizabeth Carr Outlook

FW: Comments on MODL Coastal Protection Initiative

Jeff Merrill <Jeff.Merrill@modl.ca>

Tue 7/18/2023 2:19 PM

To: Reid Shepherd <Reid.Shepherd@MODL.CA>; Ella Gindi <Ella.Gindi@MODL.CA>; Elizabeth Carr <Elizabeth.Carr@MODL.CA>; Jacob Macpherson <Jacob.MacPherson@MODL.CA>

1 attachments (115 KB)

MODL Coastal Protection\_230712.pcf;

See attached

Jeff Merrill, MCP, LPP (he/him)

Director  
Planning & Development Services

Municipality of the District of Lunenburg

10 Allée Champlain Drive | Cookville NS | B4V 9E4

Office: (902) 541 1340 | Cell: (902) 521 0925



Clean Energy  
Financing

My office hours are Tuesday-Friday, 8:00am – 5:15pm

From: Chasidy Veinotte <chasidy.veinotte@modl.ca>

Sent: Friday, July 14, 2023 9:44 AM

To: Jeff Merrill <Jeff.Merrill@modl.ca>

Subject: FW: Comments on MODL Coastal Protection Initiative

Resending this to make sure you got it. He also sent to the planning email.

Thanks,

Chasidy Veinotte

Councillor District 10

Municipality of the District of Lunenburg

10 Allée Champlain Drive

Cookville, Nova Scotia B4V 9E4

cell (902) 521-2117



From: Keith Drysdale <[REDACTED]>

Sent: Wednesday, July 12, 2023 11:31 AM

about:blank?windowId=SecondaryReadingPane12

1/2

about:blank?windowId=SecondaryReadingPane12

2/2

2/8/24, 9:54 AM

FW: Comments on MODL Coastal Protection Initiative Elizabeth Carr Outlook

To: MODL Planning <planning@modl.ca>

Cc: Chasidy Veinotte <chasidy.veinotte@modl.ca>; Dorothy 1CE Greenidge <[REDACTED]>

Subject: Comments on MODL Coastal Protection Initiative

CAUTION: This email originated from an external sender.

Folks,

Attached are some of our thoughts on Coastal Protection for your consideration.

Keith Drysdale



## MODL Coastal Protection

Would like to thank Council and the Planning team for putting on the information sessions on Coastal Protection. We attended the session at Blockhouse and found it to be quite informative. In the time since, have somewhat consolidated our thoughts on actions that could be considered in the development of the plan

- Use a defined source for determining 'normal high-water mark' (NHWM) and ensure the language in the documentation reflects that the latest version of that source is to be used. Align your source with the Environment Department's to minimize potential for conflict.
- Would suggest a hybrid approach to determining setbacks. A minimum setback for horizontal and vertical elevation distance from NHWM should be in-place for all buildings. A second site-specific setback would be added to sites that may be more susceptible to storm surge / flooding etc.
- The vertical elevation setback should apply to the footings of the structure. This keeps homes with basements from flooding or ground water intrusion if coastal waters rise and create changes to natural groundwater levels. This also puts both homes with basements and slab-on-grade homes on the same criteria. The footings on both would be at the same elevation.
- As a general rule, would recommend that buildings on "stilts" not be allowed to be constructed unless the building was subject to the same horizontal and vertical elevation setbacks to bottom of footing (tip of pile in this case) were applied. There is a preponderance of buildings currently being constructed on screw piles. They are inexpensive and work well for a vertical load in a competent soil. They are not designed for lateral load, such as would result from storm surge, nor will they retain load capacity from degradation of soil competency. There is a reason why traditionally built structures on/near water have substantial sub-structures. Water is powerful and waves more so.
- Development in Sensitive Coastal Ecosystems should be avoided. Where possible put some form of protection in place to prevent development in those areas. Creative definition of horizontal and vertical elevation setbacks may help as this land is usually close to sea level and subject to flooding or surge. An issue comes when someone is willing to bring in massive amounts of fill to raise the vertical elevation. Possibly work with Department of Environment to get MODL-defined Sensitive Coastal Ecosystems designated as development-free.
- Our understanding is that most of the land along the coastline is privately owned. As the population in MODL increases, it can be anticipated that more people are going to want to build on the coast. Development pressure will limit access to beach areas. That is being seen now as 'traditional' beach accesses are being closed by the property owners. Could MODL consider entertain entering into formal Right of Way Agreements with land owners to maintain these beach

accesses? This could be done at time of the request to develop a property or registered on the property when property changes ownership. The traditional access would be enshrined in a ROW Agreement as part of the approval to develop. A property assessment reduction for the land used by the Right of Way could be used as an incentive for the property owner.

Questions that we didn't ask at the meeting:

- If a property owner builds a retaining wall at the NHWM and the NHWM moves inland over time, does the portion of the wall/property below the new NHWM become public again?

Thank you for all of your proactive efforts to keep MODL as a place where people will want to live now and into the future.

Dorothy Greenidge and Keith Drysdale

Coastal Protection

Elizabeth Klaas [redacted]

Tue 7/25/2023 3:33 PM

To:MODL Planning <planning@modl.ca>

You don't often get email from [redacted] [Learn why this is important](#)

CAUTION: This email originated from an external sender.

Good Evening,

Yes, it seems wise to protect our environment and also ourselves & our homes from storms around us. We merely have to look at ths past week to realise that there are limitations to how much we are in charge but that does not mean we can do nothing.

As a person who lives on the coast AND on a private road, I put considerable effort into preserving my property and the road to it. The road is not private to hoard ths space for residents, it is merely the way life is for those who live on over 20% of MODL's roadways. We pay the same taxes but do not receive the same services and the non-private road leading to our private road has potholes that means getting here means driving as if one is playing a game of dodgeball (potholes were reported long before the recent rains).

I do roadwork and bankwork. The work on the banks does not include walls of granite and my concern here will be any regulation that prevents me from helping the bank from being eroded away too quickly. I use the natural materials around.

As for anyone who is wanting to build, I am wondering if a SET rule for distance from shore would apply to everyone with one exception. If someone believes their property should be exempt from the setback requirements, that person should pay for a qualified environmental engineer (or like person) to do an assessment. However, the final say after the assessment would still be up to MODL. I do not think everyone wanting to build should have to pay for an assessment.

From the air one can clearly see that Nova Scotia is surrounded by the ocean and filled with lakes and rivers. Even at three quarters of a century old, I can still manage to do what I need to in order to live with the wind, ceer, and waves.

I hope MODL can come up with some rules/guidelines so we do not obliterate the wonderful world around us, and also educate newcomers to the harsh realities of living by the sea BEFORE they build. I hope these new policies will not become a heavy burden but will protect our environment which makes our living here not only enjoyable, but possible.

Elizabeth Klaas

FW: climate change - coastal property

Kacy DeLong <kacy.delong@modl.ca>

Thu 10/26/2023 3:37 PM

To:Jeff Merrill <Jeff.Merrill@modl.ca>;Reid Shepherd <Reid.Shepherd@MODLCA>

Cc:Tom MacEwan <Tom.MacEwan@modl.ca>

Hi Jeff and Reid,

I'm forwarding this email to you regarding a resident's concerns about coastal protection zoning. I will reply with my views, but if Planning has any insight they wish to insert, please let me know.

Thank you,

Kacy

Kacy DeLong

she/her [\(why is this here?\)](#)

Councillor for MODL District 8

902 930 3065

[www.modl.ca](http://www.modl.ca)

Municipality of the District of Lunenburg

10 Allée Champlain Drive

Cookville NS B4V 9E4

In the traditional territory of Mi'kma'ki – We are all Treaty People



Clean Energy Financing

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From: Doug Cleveland [redacted]

Sent: Sunday, October 22, 2023 5:12 PM

To: Kacy DeLong <kacy.delong@modl.ca>

Cc: Doug & Carol [redacted]; 'Carol Cleveland' [redacted]

Subject: climate change - coastal property

You don't often get email from [redacted] [Learn why this is important](#)

CAUTION: This email originated from an external sender.

Hi Kacy

I am writing to you in regards to our conversation last week about coastal property and the proposed land use laws being put forth by your district to address climate change as the government sees it. I understand that a few weeks ago there was a meeting in Bridgewater to discuss the issues. As a owner of coastal property I did not receive any information in regards to this meeting. I am sure the government has a list of al those who own coastal property and it would not have been difficult in this day and age to contact them. I find this very concerning since this will directly affect me and my family.

Last year the people spoke out against the proposed laws being recommended by the local government to address coastal climate change. I was certainly one of those and will continue to be if they propose more or less the same thing. Thankfully the local government backed off. I could not believe that any one in any level of government could vote for this due to the tremendous emotional and financial cost this would mean to many Nova Scotians. However we are again dealing with the same issue no doubt being pushed by a political agenda. Please know that I am not against protecting the coast line. I have lived here all my life and seen the coastline change. It is not static. Whether caused by shore drift, seawalls, wharfs, in fills or storms etc it will continue to change.

However I am against government overreach which was evident in the proposal. Over reach which would result in landowners being told what they can or cannot do on their land and may result in not being able to keep such land. Land that they or their forefathers worked hard to maintain and pass along to their families who may want to build one day or sell one day to help them financially.

As said above I am not against protecting the coast. My family and myself have spent a large sum of money over the years to protect the properties that we have.

I have two properties that will be affected negatively if last year's laws had passed. This is especially true for a property that has been in our family for generations. A few years ago it was subdivided into lots among the family and approved for a house lot on each of the four pieces. It appears that I may not be able to build a home on my lot due its configuration if proposed setbacks and rules were implemented as stated last year. As well the setbacks according to the proposal were applied with a broad brush which does not make sense since each piece of land is different. Needless to say the possibility of this has been very upsetting. As well as senior citizens living on a fixed income this could mean a huge financial loss to us. Is the government going to reimburse such financial losses? I doubt it.

In conclusion leave the landowners decide what to do with their land. Stop the governmental control. There are enough rules in place to protect the coast. Stop making it difficult for locals to keep their land!

Please keep me informed of any future meetings. Feel free to contact me at the above email. I hope you will make my concerns known to those who are involved in any coastal proposal.

Kindest Regards

Doug Cleveland



Re: Coastal Protection Policy

Heather White

26/2023 1:20 PM

To:MODL Planning <planning@modl.ca>

Thanks very much for your attention to my questions. I appreciate the clear explanations. Sorry to miss the meeting tonight. I will continue to follow this issue as it is critically important to the future of Nova Scotia.

Sincerely, Heather

Sent from my iPad

On Oct 26, 2023, at 11:06 AM, MODL Planning <planning@modl.ca> wrote:

Dear Heather,

I hope this message finds you well. Thank you for your consistent valuable input.

Please find the answers to your questions below:

- The report states "staff conducted detailed mapping efforts, carefully identifying and categorizing protected and unprotected coastal wetlands." How were the wetland boundaries determined? Also, where are the five wetlands recommended for evaluation by Ducks Unlimited?
  - Staff primarily utilized provincial wetland maps, which designate various types of wetlands. These included both protected wetlands as designated by the province and wet areas not classified as wetlands by the province but with their boundaries defined. During initial public engagement sessions, residents identified additional areas as wetlands. Some of these areas were not recognized as wetlands by the province. Consequently, staff collaborated with Ducks Unlimited to determine if these resident-identified areas are indeed wetlands and, if so, their specific types. However, the focus was not on determining the boundaries of these areas. Ducks Unlimited assessed five such wet areas in the Kingsburg and Rosebay regions.
- The report states "To adhere to this regulation, property owners would elevate new structures (or portions of them) above the prescribed height standard by constructing them to meet the requirement or raising the land beneath them." Does this mean infilling? If so, why would you allow infilling in a flood risk area?

- The statement comes from a list of possible regulatory tools. Staff recommendation is to prohibit infilling and to employ a Two-Zone Coastal Flooding Approach as follows:

Area A – Coastal Inundation Area (0 – 2.34 m), includes areas at highest risk of coastal flooding by the year 2100. The area is based on a combination of sea level rise and high tides – areas projected to be frequently underwater by 2100. Prohibit new residential and institutional uses within the inundation area due to their higher risk and higher probability

of frequent flooding in these areas. Prohibit infilling in this area, as raising the ground level does not eliminate other risks such as emergency access or well contamination. Area B – Storm Surge Area (2.34 m – 3.49 m), includes areas at a lower risk of coastal flooding by the year 2100 when compared to Area A. The area is based on a combination of sea level rise, high tides, and storm surge – areas projected to be underwater only during a storm event. Prohibit new institutional uses within the storm surge area due to them being the highest risk and possibility of containing vulnerable populations such as seniors or children.

- In the section on a Two-Zone Coastal Flooding Approach, I would prefer the term "prohibit" in place of "limit" and "restrict" when referring to new construction and infilling in these recognized flood risk areas. Are the flood risk maps used to determine these zones publicly available? Also, what are the restrictions on septic systems in these zones?
  - We have made changes to the language to clarify prohibit rather than "limit", etc.
  - Specific mapping will be done and made public once Council provides staff with direction to proceed with a specific regulatory option.
  - Septic System approvals are entirely regulated and overseen by the province and are subject to their approvals criteria.
- The implementation of horizontal setbacks to protect coastal properties from the effects of erosion seems more complicated to calculate because of limited historical data in our area. The recommended setback of 50 meters is measured from "the top of the bank adjacent to the water". How will the "bank" be defined?
  - In coastal planning and management, the "top of bank" typically refers to the highest point of a natural embankment or landform along a watercourse or shoreline. It serves as a significant reference point for various regulations and guidelines. The distance from the top of the bank is often used to establish setbacks or buffer zones to protect natural features, prevent erosion, and manage development in coastal areas.
  - In cases where the top of bank is hard to define a surveyor will assess the horizontal setback by using the ordinary high watermark.
- How will the borders of a wetland be defined? Given the province's recent "clarification" which narrows its wetlands policy, what will be the starting point for wetland mapping?
  - This initiative would establish boundaries and related setbacks based on the existing provincial wetland mapping boundaries and would treat all mapped wetlands the same with the same protections, regardless of size or provincial classification. In some cases where survey work is undertaken on a property and a wetland is shown, the municipality would rely on these boundaries, as they would provide more detailed and verified delineation.

If you have any further queries or require additional information, please don't hesitate to reach out.

All the best,

<image001.png>

Ella Gindi (she/her) Planner I Planning & Development Services Municipality of the District of Lunenburg 10 Allée Champlain Drive | Cookville NS | B4V 9E4 Office: (902) 530 2099

From: Heather White [REDACTED]  
 Sent: Monday, October 23, 2023 10:00 AM  
 To: MCDL Planning <planning@modl.ca>  
 Cc: Reid Whynot <reid.whynot@modl.ca>  
 Subject: Coastal Protection Policy

CAUTION: This email originated from an external sender.

Greetings from Heather White in Kingsburg!

When the province delayed the implementation of the Coastal Protection Act regulations indefinitely and now until at least 2025, it was a bold step for MODL Council to step up and direct staff to develop coastal development land use regulations. This policy is being developed in a short timeframe but the Planning Department has offered informative presentations and run a comprehensive public engagement campaign. I will be unable to attend the Planning Advisory Committee meeting on October 26 because of an important Riverport Electric Commission meeting. However, I have some comments and questions to put to the committee and staff.

I agree with Option One recommended by staff; I feel there are too many "outs" in Option Two; and, with the province's lack of action on coastal protection, Option Three, doing nothing, would disregard the risks to the safety of Nova Scotians from coastal flooding and erosion.

I appreciate the collaborative nature of the consultations undertaken with other government departments, non-profits and experts to facilitate valuable knowledge exchanges during this process. The report states "staff conducted detailed mapping efforts, carefully identifying and categorizing protected and unprotected coastal wetlands." How were the wetland boundaries determined? Also, where are the five wetlands recommended for evaluation by Ducks Unlimited?

I agree with the vertical elevation setback as a regulatory measure. The report states "To adhere to this regulation, property owners would elevate new structures (or portions of them) above the prescribed height standard by constructing them to meet the requirement or raising the land beneath them." Does this mean infilling? If so, why would you allow infilling in a flood risk area?

In the section on a Two-Zone Coastal Flooding Approach, I would prefer the term "prohibit" in place of "limit" and "restrict" when referring to new construction and infilling in these recognized flood risk areas. Are the flood risk maps used to determine these zones publicly available? Also, what are the restrictions on septic systems in these zones?

The implementation of horizontal setbacks to protect coastal properties from the effects of erosion seems more complicated to calculate because of limited historical data in our area. The recommended setback of 50 meters is measured from "the top of the bank adjacent to the water". How will the "bank" be defined?

Re "Sensitive Coastal Ecosystems". I am happy to see MODL acknowledge the importance of these features. How will the borders of a wetland be defined? Given the province's recent "clarification" which narrows its wetlands policy, what will be the starting point for wetland mapping?

Thank you to Planning staff for their diligent work to develop these recommendations. With some clarifications, I support the adoption of this policy.

Sincerely,

Heather White

Kingsburg

## Coastal Protection

Meghan Burke [REDACTED]  
 Mon 10/30/2023 9:02 PM  
 To: MODL Planning <planning@modl.ca>

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAbout:SenderIdentification> ]

CAUTION: This email originated from an external sender.

MODL Council members,

While I am an avid supporter and believer in coastal protection and the appropriate intervening of government in doing so (i.e. Little Crescent Beach), I take issue with the coastal protection laws being proposed in MODL, and the lack of public awareness of these proposed laws.

Almost all of the links on the MODL website pertaining to the Coastal Protection rules are dead links, leading to "page cannot be found" signage, not making one feel that this is well thought out, organized, or transparent.

How many people, and coastal land owners in particular, were surveyed in reference to your percentages quoted?

What is the expertise level of members of the council pertaining to environmental practices?

While I wholeheartedly believe in protecting our coastlines for the greater public good, I do not feel that current coastal landowners should have rights, plans, and livelihood stripped away from them; some individuals own small parcels of coastal property in hopes of selling them to be able to retire someday, or have saved for much of their lives to build a small home to spend the rest of their days in - passing this law would make such parcels ultimately worthless. Myself and my partner live on the Lahave River, well back from the river, but not 150 feet back as your proposed restriction states. We hope to start a family someday and would need to add space onto our small home, but would be unable to do so under this law. We would be forced to move out of our home in order to have a family. This isn't right. This is a serious issue and I would like to see more research, and input from the public before this goes any further. I know many coastal landowners are unaware of the broad, sweeping impacts that this could have.

Please let me know if there is anyway that I can get involved, meet with anyone, or get more information than is provided on the MODL website.

Regards,

Meghan Burke

Sent from my iPhone

**Fwd: Coastal Protection**

**Bob Clark** [REDACTED]

Tue 11/14/2023 4:15 PM

To: Reid Shepherd <Reid.Shepherd@modl.ca>

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from an external sender.

----- Forwarded message -----

From: **Bob Clark** [REDACTED]

Date: Tue, Nov 14, 2023 at 4:09 PM

Subject: Coastal Protection

To: <[reid.shepherd@modl.ca](mailto:reid.shepherd@modl.ca)>

Cc: <[mayor@modl.ca](mailto:mayor@modl.ca)>, <[wendy.oickle@modl.ca](mailto:wendy.oickle@modl.ca)>, <[tom.macewan@modl.ca](mailto:tom.macewan@modl.ca)>, [REDACTED]

Dear Mr. Shepherd,

We are writing today to get clarification regarding the Coastal Protection recommendations that have been forwarded by PAC to MODL council that could impact two properties we own in Cherry Hill. (PID [REDACTED])

Our understanding from what we have observed thus far, is that setbacks will be required at 30 meters from a coastal wetland. In addition to these 30 meters, you had suggested on the Protect Nova Scotia Coastline, The Podcast that an additional 100 feet could be added to the 30 meters. As property owners of Lunenburg County, the impact that these changes could have on current property values in a negative way is very concerning. We have invested in these properties, paid taxes and maintained for our future. When these properties were purchased, they were developable pieces of land. With the recommended changes by PAC to council, this could impact whether or not they can be developed and therefore negatively impact the value of our properties.

In the Podcast, you spoke about a mapping exercise to determine setbacks from wetlands and referred to the Provincial Wetlands Map. As owners of a property PID [REDACTED] which backs on to the Nature Reserve, we would like clarification of what or if any impact this could be to our investment. We also would like to request a copy of the Provincial Wetlands Map. In addition, we ask that someone from MODL Planning personally come meet with on site and show us where these possible measurements would be on our land.

We understand the importance of Coastal Protection for Lunenburg County as well as the Province of Nova Scotia however, we are concerned that a lot of the pressure that the municipality is receiving, is more around zoning and not wanting development in communities specifically in the Cherry Hill case. Are the issues around Coastal Protection or unwanted development by Neighbours? In our case, our Neighbours on [REDACTED] created a Facebook Group Friends of Cherry Hill Beach first attacking our land PID [REDACTED] trying to prevent development of our land. They have used every

tactic possible from claiming it as wetland, an historical burial, too close to the nature reserve, too close to the beach, that it is in the middle of a residential area etc...and now their newest tactic is that they not only want to protect this PID of land, but also our other property PID [REDACTED] from being able to be developed due to Coastal Protection. So, what these Neighbours are saying, is they do not wish that we develop on either parcel of land that we have invested in.

As citizens of Nova Scotia and landowners in Lunenburg County, we are concerned around Coastal Protection however, in our case, concerns appear to be more about protecting Neighbours privacy versus Coastal Protection.

There appears to be a lot of unanswered questions around what the impacts of PAC's recommendations could have for current property owners, as well as those that may be entertaining purchasing property in Lunenburg County.

If Lunenburg County go ahead and implement these recommended changes, what is the County going to do to address and compensate property owners that have been impacted by these changes? In our case, if our land was to become non-developable as a result of these proposed regulations, this would be a huge impact to us financially and our retirement goals. We can only imagine, how many other property owners in Lunenburg County will have the same concerns.

These changes could possibly not only have a negative impact on property owners but the Municipality of Lunenburg as well.

We can only stress as residents/property owners of Lunenburg County, that this project is not rushed, and it very thoroughly thought out as to future impacts on residents and the County of Lunenburg in general.

We look forward to your response to our questions/concerns, as well as receiving a copy of the Provincial Wetlands Map for Cherry Hill area. Please provide us with an appointment date to meet at our property to clearly understand the setbacks.

We copied those that we felt should receive this email. We did not copy our councilor Leitha Hayson District 1. as in the past when we reached out to her, she never responded to our email, approached or contacted us during this entire negative experience, and has shown no interest in us as residents in District 1.

Sincerely,

Bob and Dana Clark

[REDACTED] Cherry Hill

## Suggestions for next meeting on Coastal Protection

Helen Hancfield-Jones

Wed 11/29/2023 1:54 PM

To: Reid Shepherd <reid.shepherd@modl.ca>; Ella Gindi <ella.gindi@modl.ca>

Some people who received this message don't often get email from [Learn why this is important](#)

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Dear Reid and Ella,

I observed the entire discussion at the Council meeting yesterday regarding Coastal Protection with interest: after following the engagement process you have carried out. I am a resident of MODL and have a home on coastal waterfront property and I hope that Council would support the recommendations. As I mentioned to you yesterday, I think you have done a great job of communicating and engaging on this entire effort all along the way. You also did a great job of answering councillors' questions yesterday.

Understandably, the councillors had many concerns and questions. I imagine you were quite disappointed that there wasn't more support. I walked away from the session thinking about how some of the confusion and concerns could be addressed in the coming weeks. I am a retired management consultant so I have a pretty good ear for how people think about things and how to communicate in a way that clarifies underlying confusion and concerns. I found myself imagining how the next discussion with council could be better. I offer these ideas to you in the hope that some of this is helpful to you and to Council. Here are my suggestions:

- For the vertical setbacks for flooding: Lots of confusion as councillors tried to visualize what these numbers really mean for properties. Mental pictures such as a 12-foot wall of water coming up the LaHave River came to mind. Also, councillors seem to be more comfortable visualizing feet rather than meters. Though the technical regulations may need to be in meters and based from the CCGVD, could the discussion with councillors (and maybe with the public) at this stage be in more accessible lay person terminology? I suggest the following:
  - Talk and show feet rather than meters. Equate this to meters later on in the document or as a sidebar and explain that the regulation will be written in meters.
  - Talk and show the vertical distance from the HHWLT. For short, maybe call this the current Highest Tide mark. People can easily visualize this for their own property and for other properties. They cannot understand or visualize the CCGVD line. Later in the document or discussion, you can show the CCGVD line and say that is the technical mark that surveyors will measure from.
  - The combination of the above two points would mean the language and pictures would change:
    - Instead of 2.34 m from CCGVD it would be 5 feet from highest tide. Since most houses today are built at least 2 or 3 feet up from the highest tide, it would be an increase of only about 2-3 feet from current general practice
    - Instead of 3.97 m from CCGVD it would be 10 feet from highest tide (7-8 ft above current general practice)
  - Show illustrations/charts in a consistent scale and have only the essential information on them. If we applied this to the picture you showed yesterday with the house and the various water levels, show just the current Highest Tide line and the two up from that (sea level rise and storm surge). Show the house in the same size/height scale as the water lines. Show a house for what is typical today (2-3 feet above highest tide), and one at each of the next two levels up. You might want to show waves even higher than the 10-foot line to remind the audience that there is still more risk higher than the recommended line.
  - You could also point out (and show in an illustration) that 5 feet above Highest Tide would not only prepare for sea level rise in the 77-year future, but it would also protect homes from storm surges

today, even before sea level rises. Show this in a picture with just the storm surge added to the highest tide line.

- The discussion about Zone A and B and habitable space got really confusing. Eliminating the two zones and zone language might indeed help, as you suggested. And then the points about basements, septic systems and water systems added to the confusion. I might suggest something like this:
  - Any habitable space needs to be above the line of 10 feet above highest tide. Septic systems, water systems, basements and garages (any sort of room) must be above the line of 5 feet above highest tide. Show this with an illustration and explain that this also protects septic systems from flooding.
  - With the above recommendation, I think you could then allow for "upfill" – people could mound up the ground to get up to the required levels. But I don't understand the issue of infill, so am not sure about this. Using "upfill" language might help avoid confusion with infilling to increase square footage of usable land.
- The issue of additions to existing homes was a reasonable and understandable concern. The recommendation of only increasing the footprint if it went back from water has obvious merits, but many people would want to build off the side of their home. A small change to the recommendation about additions is worth it if it helps get the whole package of recommendations passed. This issue of additions to non-conforming structures would affect a lot of homeowners, a lot of people who would complain to their councillors. It also got confusing between the vertical and horizontal issues. I suggest the following:
  - Allow additions in any direction as long as the addition is not closer to the top of bank or lower in vertical height than the rest of the house. So any addition would be the same or greater than the setback lines than the existing house, but not less than. Make this consistent for both the horizontal and vertical, which means you only have to discuss this issue once, not twice.
  - Restrict any addition to no more than double the footprint of the existing home (100% addition) at the time the regulations went into effect. If you think this is too much, you could stipulate 50% of the existing home. This is to prevent the scenario of converting a tiny cottage into a huge home.
  - Show a diagram of these footprint allowances.
- 77 years sounds like a long time to people and they might be inclined to punt regulations down the road a bit or start with lesser restrictions. I suggest you make it clearer why this long time frame matters now: Houses built today will be there in 77 years, they will probably be there long after that. We can't change where we have built existing houses, but we can change where every next house is built. Allowing people to build in areas that will put their house at serious risk is doing a disservice to those homeowners today.
- Councillors rightfully ask themselves how many properties would be constrained by the new regulations and how many would become "undevelopable". Getting some sense of scale of this might really help. Might you have any information or estimate of this number? Not sure, but I think you said there are about 900 undeveloped properties with coastal waterfront. Many of these could build on their lots with these new regulations, just locate the house differently. How many would have no place for a house? Might it be 50 or 500? The current owners of these properties will be "stuck" when new regs come into effect through no fault of their own and suffer some financial loss in the value of their land. These are loud voices in the ears of councillors. Is there anything you could do to lessen this number, such as being flexible on other constraining setbacks or regs or making some exceptions in cases when the setbacks would leave no room at all for a house? Might the municipality compensate the current owners of these properties in some way or buy the land from them? Might one of the conservancy trust organizations help with this as a way to protect coastlines? Some individuals end up being losers through no fault of their own when new regs come into effect, but this set of regs may be at a scale unlike other changes. See my note above about the common good, but the large number of all MODL residents and the environment will benefit from these new regs. How can we help the few people who will be very negatively affected?
- A philosophical issue about "why should we tell people what to do with their properties" is an important one and may be at the root of many of councillors' concerns. I suggest you open the presentation with the

“why” of these regulations. Regarding the flooding and erosion regulations, the rationale is the same as for all kinds of other restrictions we place on homeowners, in particular the building codes. Flood and erosion regulations will protect people from doing something that could harm them in the future (like fire protections in the building code). It also reduces the cost, effort and risk to first responders when there is flooding (as do fire protections). And it reduces the cost to the public purse (federal and provincial levels) when insured homes are damaged by natural disasters since often the governments compensate for the damage to the homes. I would add that pushing homes a little bit up and back from the coast provides another benefit to neighbours and the public since the views and enjoyment of the coast isn't hampered by homes crowded up against the edge of the coastline. The public good of the environment is also a benefit. Setbacks protect the homeowner and provide all kinds of benefits to all the rest of MODL residents. The wetlands issue is different – I suggest a “why” page at the beginning of that last section which is all about the environmental value of the wetlands.

- One councillor was concerned about how the coastal regulations might somehow be a precedent for inland rivers and lakes. These seemed to be a major block to her supporting the recommendations. You and other councillors appeared to understand that that is not a risk, but she may not be convinced. Perhaps at the beginning of the next document or presentation you could have a statement something like this: These regulations for coastal protection are only relevant to ocean shorelines because of the risks of sea level rise, storms surges, and erosion caused by rising and pounding seas. The regulation document will include a preamble that makes this clear, stating that the coastal protection regulations should not be interpreted as a precedent for any regulations for inland lakes and rivers”.
- On the topic of should the regulations cover rivers, I would argue that the erosion risk is very different for river properties so maybe the rivers should be excluded from the horizontal regulation. But properties on the tidal rivers are at just as much risk as oceanfront properties when it comes to flooding risk. Sea level rise will not stop at the mouth of the river, and neither will storm surges. So maybe apply only the flooding risk and vertical setbacks to rivers. Why would you protect ocean front property owners and not riverfront property owners from the same risk? But you might have to exclude river properties from the regulations all together in order to get support for the rest of the regulation package.
- Perhaps councillors would be more supportive of the wetland regulations if they had a better idea of how extensive these protected “coastal wetlands” are. I got the sense that several councillors see the need to protect coastal wetlands, but they are concerned that this might make a very large number of properties undevelopable. They might imagine numerous properties with wetlands on them that would not be covered by these regulations because they are not coastal wetlands. Is there any way you could list the designated wetlands, or quantify this in some way for people? How many wetland locations? What size in acreage? Or show a map. Even if you could give some examples of specific well-known places in MODL that would be protected coastal wetlands and others that would not be protected by these regulations.
- I suggest you keep the next presentation short and focused on the key points such as the points above. Think hard about the order that you cover each of the points (e.g. address inland lakes and rivers right up front) so these points don't bleed into later discussion of other topics. Push to the end of the document the recommendations that did have support and are not particularly controversial – again so the pace of the discussion at the beginning stays focused on the key make-it-or-break-it points.

I wish you good luck with your work and with the discussion at the December 12<sup>th</sup> Council meeting. I do hope some of the regulations make it through the Council's deliberation process. Please let me know if there is anything I can do to be helpful to this effort.

Sincerely,  
Helen Handfield-Jones

## Coastal protection land use regulations

Heather White [REDACTED]

Mon 12/4/2023 3:19 PM

To:MODL Planning <planning@modl.ca>

CAUTION: This email originated from an external sender.

Hi Reid,

I attended the morning session of the Nov. 28 Council meeting for the discussion of Planning's recommendations for coastal protection regulations. I listened to the rest of the discussion on the recordings. Kudos to you and your team for a clear, effective presentation and rationale for the recommendations. You responded well and with respect to all the questions posed by Councillors. I was disappointed in the outcome, as I felt that the project's goals were being overlooked.

Keep up the good work!

Heather White  
Kingsburg, NS  
Sent from my iPad

Fwd: Coastal Protection

Bob Clark [REDACTED]

Mon 12/11/2023 9:59 PM

To: Reid Shepherd <Reid.Shepherd@modl.ca>

Sorry Reid but I had your email address incorrect when the attached was sent.

Regards

Bob

----- Forwarded message -----

From: Leitha Haysom <Leitha.Haysom@modl.ca>

Date: Mon, Dec 11, 2023 at 7:59 PM

Subject: Re: Coastal Protection

To: Bob Clark [REDACTED]

Hello Mr. Clark,

Thank you very much for your letter and for engaging so much with this issue.

All input is appreciated by me and other members of council.

All the best for the holidays,

Leitha

Please excuse typos, this message was sent from my iPhone.

On Dec 11, 2023, at 6:56 PM, Bob Clark [REDACTED] wrote:

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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Good afternoon,

We are writing in regards to the proposed Coastal Protection Land Use Policy recommendations for Lunenburg County.

Both my wife and I listened to the recent council meeting which was held on Tuesday, November 28, 2023.

It was interesting to hear the presentation by PAC. It was evident from this meeting that there are many different opinions and unanswered questions and how these proposed changes could impact Lunenburg coastal property owners. This appeared to be as a result of lack of available concrete data as it pertains directly to Lunenburg county and its coastline. PAC prepared and presented what they were asked to do and we commend them for all their hard work. We understand the importance of coastal protection however, we are not comfortable that the PAC was able to provide enough concrete information/facts to move forward with this coastal protection land use policy. This was recognized by many council members in attendance. As Councilor Martin Bell highlighted, 900 plus property owners in the county of Lunenburg will be impacted. As one of these 900 plus property owners, we would like to share our experience and thoughts/views.

We currently own three properties in Cherry Hill, Lunenburg County. One of our properties was the controversial site for the proposed land leasing to RV's for the summer months. When we first entertained using this property to lease out, we contacted MODL to verify the rules and regulations that we had to adhere to before proceeding. At this time, we were advised the land was unzoned and that we required an approved driveway from the Department of Transportation and onsite septic approval from Department of Environment. MODL did not require anything unless we were building a permanent structure. Moving forward, our neighbours heard of our plans and expressed their dislike as they do not approve of any RV's on Henry Conrad Road. This led to conversations with our neighbours which we were open to discuss and share our plans. Our plans were not acceptable to them and they offered to purchase our land. We were entertaining their ideas, when we started receiving hate emails so we disengaged from them as a result. What happened next, was the creation of the "Friends of Cherry Hill Beach" facebook group. Following this group's creation, we experienced more hate emails, blockage to our home, vandalism to our personal vehicle, altercations on our road when walking and inappropriate signage made by a neighbour and posted on the Henry Conrad Road questioning our morals and values. On their facebook site, they were spreading misinformation and members of the group started personally attacking, bullying and shaming ourselves, our children and our business in the valley. Our entire privacy was violated as a result of this group to the point that the administrators of the group [REDACTED] started announcing when we were in Cherry Hill and encouraging people to show their displeasure towards us. When we tried commenting on their group to correct misinformation on our plans, we were blocked.

Many of you are probably wondering why we would want to stay in Lunenburg County after what we personally experienced as a result of neighbours and their facebook group. We will share on a positive note, some neighbours including our neighbour that abuts our property and many many people from the community and extending communities have reached out to us with support and kindness. We love Lunenburg County and all the beautiful beaches and we feel everyone from Nova Scotia and tourists to our province should be able to enjoy it.

The reason why we are sharing this all with you, is to help everyone understand what happened next. The group started with concerns around not wanting RV's. At this time they were told that our land was unzoned and that RV's were acceptable. They moved to concerns that our property was a wetland, when they were not successful using this route,

they moved to claiming it was a Historic Burial ground. When this failed, they moved to the Piping Plovers and other wildlife. As they continued to feel defeated, and the concerns on Little Crescent beach came to light, they changed their focus and moved towards Coastal Protection and focusing on our other piece of property that backs onto the coastline. We are confident you can all see what we are trying to point out. When attending the meetings on Coastal Protection, these people flagged both of our vacant properties, but none of the other properties in that area and on Henry Conrad Road and Pollock Point Road including our direct neighbour whose land abuts our vacant property, and backs on to the same coastal area as ourselves. Please tell us how this makes any sense??

Prior to this group, there was very little mention of Coastal Protection. It was more how can we prevent the "RV Park in Cherry Hill"

It was evident in all the meetings that we attended, that even though the county had stated numerous times that the RV issue is not a coastal protection issue and falls under the 2040 zoning initiative, people including Leitha Haysom Councilor District One continue to raise the question of RV's as recent as in the last council meeting. This leads us to wonder, although we realize that many people including ourselves are concerned about coastal protection, how many attending these meetings were more concerned about zoning and use this as a platform to further their personal gains/desires such as preventing RV's in their neighbourhood.

We feel as residents of Lunenburg County, MODL perhaps should focus more on 2040 Land Use Planning and incorporate Coastal Protection at that time. Perhaps more local data specific to Lunenburg County itself would be available to implement any future changes to regulations. We also feel that Lunenburg County needs to have more information on how these proposed changes and setbacks will impact vacant property owners along the coast. Maybe there should be a special meeting for those that own coastal properties that will be impacted with the proposed changes and setbacks. We can appreciate in the meeting there were suggested setbacks and property owners could hire engineers and specialists in the field to assess their properties; however, this is a substantial expense to property owners that have already invested large sums of money when purchasing coastline properties. You are asking the people (property owners) to incur additional expenses and yet still may have their land deemed undevelopable.

In closing, we hope and trust that all councilors and Mayor Carolyn Bolivar-Getson, are taking all the information as well as the potential impacts this proposed coastal protection policy could have on the entire county of Lunenburg and its future.

Sincerely,

Dana and Bob Clark

[Cherry Hill](#)

2/8/24, 11:55 AM

Mail Elizabeth Carr Outlook

## FW: Alternative Recommendations Pertaining to its Proposed Coastal Protection Regulations

Marilyn & Tony Congdon [REDACTED]

Wed 1/10/2024 3:12 PM

To: MODL Planning <planning@modl.ca>

You don't often get email from [REDACTED]. [Learn why this is important](#)

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From: Marilyn & Tony Congdon [REDACTED]

Sent: Wednesday, 10 January 2024 15:09

To: 'reid.whynot@modl.ca' <reid.whynot@modl.ca>

Subject: Alternative Recommendations Pertaining to its Proposed Coastal Protection Regulations

Dear Councilor Reid Whynot,

It was unfortunate I was unable to attend the public meeting yesterday, Tuesday, January 9, 2023, concerning MODL'S PLANNING COMMITTEE'S ALTERNATIVE RECOMMENDATIONS PERTAINING TO ITS PROPOSED COASTAL PROTECTION REGULATIONS, due to road conditions here in Upper Kingsburg. The school bus driver would not tackle the hill here, so I decided it would be safer for me to remain at home, so I do not know the results of this meeting.

I was so proud of our Lunenburg Municipality for taking on the issues centering around COASTAL PROTECTION REGULATIONS when this effort was started early in 2023, and a Planning Committee was formed to make recommendations to Council. This was not an easy task, but this forward thinking could only have a positive impact: not just the Lunenburg Municipality, but the entire province of Nova Scotia.

Having met people working for the Municipality such as Jeff Merrill, Abhimanyu Jain, Elizabeth Carr, and Ella Gindi, I knew they would produce recommendations that could be respected and well researched with scientific support, which they have accomplished. I was very disappointed to hear that their first draft was turned down by Council in the meeting of November 28, 2023, and that they were asked to go back to the drawing board to produce alternative recommendations that were a watered-down version of the original submission.

All of the reasons for taking on this project were so admirable! Why settle for so much less?

Sincerely,

Anthony and Marilyn Congdon

[REDACTED]  
Upper Kingsburg, Nova Scotia

Re: Council Direction on Coastal Protection and Cluster Development Regulations - Expected sea level rise year 2100

Harold Burton [Redacted]  
Tue 1/16/2024 4:29 PM  
To: MODL Planning <planning@modl.ca>

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Dear MODL Council:

I question the accuracy of the amount of anticipated sea level rise by 2100.

I have owned coastal property on the Mahone Bay for over 50 years. Over 50 years ago, a well defined elevation point defining the mean high water mark was established. That point still exists today in its original position.

In the 50+ years since then, the mean high water level has not risen more than 2 inches, if at all.

*Harold Burton*  
[Redacted]

From: Engage MODL <notifications@engagementhq.com>  
Sent: January 16, 2024 9:02 AM  
To: [Redacted]  
Subject: Council Direction on Coastal Protection and Cluster Development Regulations

You are receiving this email because you signed up for email updates on the MODL2040 project on

[Engage.modl.ca](https://engage.modl.ca)

**Council Direction on Coastal Protection Regulation Options**

On January 9, 2024, Council discussed alternative options for the Coastal Protection regulations. After hearing input from the public and a thorough discussion, Council passed three motions which included that Council endorse:

1. The proposed regulations contained within Option 1 Coastal Flooding, as presented in Appendix I, Table 1, with the addition that non-conforming allowances are permitted effective of the date of the by-law, and direct staff to draft a Municipal Planning Strategy amendment and new Land Use By-law respecting these measures, and report back to Council with draft regulations for First Reading.
2. 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 amendment and new Land Use By-law respecting these measures, and report back to Council with draft regulations for First Reading.
3. The proposed regulations contained within Option 1 Sensitive Coastal Ecosystems, as presented in Appendix I, Table 1, and further, add wording to exclude all rivers from the coastal regulations, and direct staff to draft a Municipal Planning Strategy amendment and new Land Use By-law respecting these measures, and report back to Council with draft regulations for First Reading.

Click [here](#) to view the regulations options report for Coastal Protection  
Staff is now drafting policies for Coastal Protection and is targeted to return to Council for First Reading in February 2024.

To view all informational materials related to this project, please visit:  
<https://engage.modl.ca/coastal-protection>

**Council Direction on Cluster Development Regulations**

On December 5, 2023, during a Special Council meeting, Council discussed proposed regulations for Cluster Development. After hearing input from the public, including potential developers, and a thorough discussion, Council passed the following motion:

- That Municipal Council direct staff to prepare Municipal Planning Strategy and Land Use Bylaw amendments related to cluster developments based on the input from the Planning Advisory Committee, the staff presentation, and Council discussion.

Click [here](#) to view the regulations report for Cluster Development.  
Staff is now drafting policies for Cluster Development and is targeted to return to Council for First Reading in February 2024.

To view all informational materials related to this project, please visit:  
<https://engage.modl.ca/cluster-development-regulations>

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Re: Coastal Protection - Council Meeting - 9 January 2024

Derek Purcell [REDACTED]

Sun 2/4/2024 9:09 PM

To: Reid Shepherd <reid.shepherd@modl.ca>; Martin Bell <martin.bell@modl.ca>  
Cc: MODL Mayor <mayor@modl.ca>; Jeff Merrill <jeff.merrill@modl.ca>

Hello Reid:

Thank you very much for your reply.

Thank you also for the logical, scientifically sound and rational proposals you and Ms Gindi provided to the Planning Advisory Committee and Council. I thought your presentations and materials were clear in both meaning and intent.

Again, while I am happy that MODL is proceeding with some measure of coastal protection, I find it unfortunate that political considerations watered down the result. In a CBC article on the Provincial Coastal Protection Act, I think the person who spoke of their parents decision to put a septic system to the edge of their oceanfront property summed things up quite well: ***"My parents recently put in a new septic system that goes right to the edge of their oceanfront property. I can't imagine that it won't be affected by storms and erosion in the future. The Coastal Protection Act would have supported people in the same situation as my parents to make a different decision and put their time and resources into a more lasting project."***

<https://www.cbc.ca/news/canada/nova-scotia/coastal-protection-act-environment-tim-halman-climate-change-1.7102357>



Environment Department finds hundreds of Coastal Protection Act submissions in junk mail | CBC News

While Nova Scotia Environment Minister Tim Halman refuses to release the results of the latest round of public consultation on the Coastal Protection Act, new documents show an even larger number of people calling on him to proclaim the legislation than previously reported.

[www.cbc.ca](http://www.cbc.ca)

I can confirm from experience that coastal flooding and erosion is a reality today on the tidal portion of the LaHave River. Omitting this area is a mistake and may create similar situations to those described in the CBC article.

Residents sometimes need a push from Government to plan accordingly.

Thank you.

Derek Purcell

**From:** Reid Shepherd <reid.shepherd@modl.ca>  
**Sent:** January 22, 2024 10:04 AM  
**To:** Derek Purcell [REDACTED]  
**Cc:** MODL Mayor <mayor@modl.ca>; Martin Bell <Martin.Bell@modl.ca>; Jeff Merrill <Jeff.Merrill@modl.ca>  
**Subject:** RE: Coastal Protection - Council Meeting - 9 January 2024

Good Morning Derek,

Councillor Bell may have already responded to your inquiry, and if so, please disregard. However, I wanted to make sure this loop was closed and get back to your specific question around rivers for clarification. Council's direction and discussions around rivers concluded with the exclusion of most sections of rivers, but is specific to each. For example, regulated areas would stop at the entrance to the LaHave from a line between Fort Point and Kraut Point, while on the Petite they would cease at the bridge. Martins River regulations would also stop at the bridge on the old highway. The same approach is being taken to all rivers and waterways where there is an obvious and common point such as a bridge, etc. The full set of draft maps showing where regulation boundaries start and end is also available now on our engagement website: <https://engage.modl.ca/coastal-protection>. In the top right hand corner of the webpage, there is an area with several maps. Please click on Option 2, Map 2 for a map showing the mouth of the LaHave.

Hope that clarifies your question. Please feel free to follow up if you have further questions or comments.

Thanks,

-Reid

**Reid Shepherd LPP MCIP** (he/him)  
Manager of Planning  
Planning & Development Services  
Municipality of the District of Lunenburg  
10 Allée Champlain Drive | Cookville NS | B4V 9E4  
Phone: (902) 530-3265

*My office hours are Monday-Thursday, 8:00am – 5:15pm*

**From:** Derek Purcell [REDACTED]  
**Sent:** Thursday, January 18, 2024 9:14 PM  
**To:** Martin Bell <martin.bell@modl.ca>  
**Cc:** Reid Shepherd <reid.shepherd@modl.ca>; MODL Mayor <mayor@modl.ca>  
**Subject:** Re: Coastal Protection - Council Meeting - 9 January 2024

**CAUTION:** This email originated from an external sender.  
Martin and Mr. Shepherd:

While I am happy that MODL is moving ahead with some coastal protection regulations, the result of the votes on 9 January left me in doubt.

Could you please define what Council meant when it passed a Motion that excluded all rivers from these regulations?

Perhaps because it was an afterthought, added at the end of a very long and tortuous debate, the "blanket" river exemption was not thought through sufficiently.

I am concerned that Council is telling me that our three waterfront properties on the LaHave River estuary are not in danger of flooding. This is clearly not the case, as I outlined to you in my e-mail of 5 January (below).

If Council meant "non-tidal sections of rivers", then that would probably be fine and should be explained in the next iteration of the draft regulations.

Thanks

Derek Purcell  
[REDACTED]


**From:** Derek Purcell [REDACTED]  
**Sent:** January 5, 2024 4:18 PM  
**To:** Councillor Martin Bell <martin.bell@mod.ca>  
**Cc:** reid.shepherd@modl.ca <reid.shepherd@modl.ca>; mayor@modl.ca <mayor@modl.ca>  
**Subject:** Fw: Coastal Protection - Council Meeting

Hello Martin:

I am writing to provide my input on the upcoming Council debate regarding Coastal Protection regulations.

At the 28 November, 2023 Council meeting, staff presented recommendations based on evidence and science based calculations. By modifying some of those recommendations, Council is toying with the calculations, the facts, the reasoning, and the opinions of experts.

My input is founded on my lived experience as a Naval Officer (retired, following a 36 year career with 5 years cumulative time underway at sea), a currently serving first responder (7 years as firefighter/officer), a waterfront home owner (our home was built 165 years ago) and a waterfront vacant property owner along the LaHave "River". I put the word "River" in quotation marks because in truth, we live along the [LaHave River Estuary](#).

	<p><a href="#">LaHave River Estuary</a></p> <p>LaHave River Estuary is a narrow, shallow inlet of the Atlantic Ocean extending 24 km from Bridgewater, NS, to the coast. ...</p> <p><a href="http://www.hecanadianencyclopedia.ca">www.hecanadianencyclopedia.ca</a></p>
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The meaning of the word "estuary" varies but the definitions I have found have all agreed that an estuary is an area where a freshwater river or stream meets the ocean. Tides provide saltwater and the river provides freshwater, but it is a tidal body of water, just like the coast.

**I believe that Council must endorse stricter regulations than those to be tabled at the 9 January, 2024 Council Meeting . In my opinion the coastal zone must include the LaHave River estuary and the erosion zone should be 50m.**

[In simple terms, here's why.](#)

COASTAL FLOODING

1. By eliminating the 24 km long LaHave River Estuary under the revised proposals, Council is failing to provide needed protections against unwise development. Just like the coastal areas, the estuary will eventually flood due to sea level rise, because it is tidal. What happens on the coast, will happen on the estuary, perhaps worse. **Therefore, the 3.97m elevation requirement must be applied to the LaHave River Estuary - as recommended by Staff and the Planning Advisory Committee.**



## Municipality of the District of Lunenburg Council Meeting

### Public Meeting Notice: Tuesday January 9, 2024 at 9:00 a.m.

Council will discuss alternative recommendations pertaining to the Coastal Protection regulations at a regularly scheduled Council meeting on Tuesday January 9, 2024. The meeting will begin at 9 a.m. and will be held in Council Chambers at the Municipal Office (10 Allee Champlain Drive, Cookville).

Council meetings are open to the public, and any interested residents are encouraged to attend to learn more about the proposed Coastal Protection regulations. Click the following [link](https://engage.modl.ca/coastal-protection) to view Council's agenda for January 9th, 2024. Draft maps, can be found at the top right of this page: <https://engage.modl.ca/coastal-protection>  
For further information, please contact Reid Shepherd, Manager of Planning at 902-527-7423 or [reid.shepherd@modl.ca](mailto:reid.shepherd@modl.ca).

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#### EROSION RISK AREA

1. The 50m recommendation is based in part, on one actual erosion rate measurement at a location within MODL. Staff have told Council that the soil conditions at this site are common throughout the Municipality, so it is likely to apply in other areas too. Unlike other jurisdictions where Government has gone with what they "feel" is appropriate, MODL has a confirmed, scientific measure and a reasonable assurance that this rate may occur elsewhere.
2. By modifying 50m to 30m, and because the erosion rate is a confirmed measure, Council is reducing the planning horizon from 75 years (to the year 2100) to about 43 years (.7 metres/year times 43 years = 30.1 metres). My home and others are a lot older than that.
3. Aside from the uncomfortable fact that erosion has been recorded at between .7m and .9m per year at Hirtle's Beach, is the very likely possibility that this rate will increase there and in other areas, as water levels rise and the intensity of weather events increase.
4. Staff have done an admirable job checking with insurers and including non-conforming allowances and flexibility for existing developments. They have also updated the number of vacant property owners that MIGHT be affected. The impacts are much less than what was feared during the 28 November 2023 Council discussion. **Therefore, Council should adopt the 50m Erosion Risk Area with the revised erosion risk recommendations provided by staff in advance of the 9 January meeting.**

While the Mayor may be correct in stating that many people do not know of these proposed regulations, it is also true that many people are not familiar with the dangers of not having them. It is not right to reduce the reach of these regulations because some people do not know. Greater focus on education is a better answer than dilution of draft regulations that ultimately benefit homeowners, first responders and the Municipality.

I recognize staff want to avoid multiple zones with different regulations but if there is a way to just implement the Coastal Flooding vertical requirement for the LaHave River Estuary, perhaps that might be more palatable.

Happy to expand on any of these points if needed

Regards

Derek Purcell

---

**From:** Engage MODL <[notifications@engagementhq.com](mailto:notifications@engagementhq.com)>  
**Sent:** January 4, 2024 5:01 PM  
**To:** [REDACTED]  
**Subject:** Coastal Protection - Council Meeting

## Appendix B: Cluster Development Public Correspondence

	<b>Name</b>	<b>Date</b>
1.	Colin Mann	2022-11-19
2.	Alan Collins	2022-11-24
3.	Jennifer Corson	2023-07-05
4.	Dale Kelly	2023-07-11
5.	Jim Eisenhauer	2023-07-11
6.	Colin Mann	2023-07-14
7.	Colin Mann	2023-10-19
8.	Jennifer Corson	2023-10-20
9.	Morgan Macdonald	2023-10-26

Colin Mann

**Elizabeth Carr**

---

**From:** Colin Mann [REDACTED]  
**Sent:** November 19, 2022 4:18 PM  
**To:** Norma Schiefer; Jeff Merrill  
**Subject:** 'Oceans Landing Private Estates' Development on Second Peninsula  
**Attachments:** Living at Oceans Landing November 10-2022 (2).pdf; Corporation By-Laws LCCC#42 - November 10-2022.pdf; Corporation LCCC#42 Declaration - November 10-2022.pdf; Schedule\_D\_attach to Offers.pdf; Open Letter to the Registrar of Condominiums - Second Peninsula Development.pdf

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

**CAUTION: This email originated from an external sender.**

Hello Mr Merrill and Ms Schiefer,

I'm writing to you just to update you around the depth of concern held by residents of Second Peninsula and the surrounding area around the above development.

I have had some conversations over the past few months with you Norma, and it has become apparent that Mr. Hammersley is proceeding with the development, as you suspected, as a bare land condominium. It is also apparent that he is doing so at an incredibly high density which raises a myriad of concerns for environmental, cultural, practical and social reasons.

I believe the developer has chosen this structure to evade the appropriate regulation of the Municipal Subdivision Bylaw. As such, I do understand that you will not officially be asked for your approval until late in the process but, as the Registrar of Condominiums points out to us, you still have regulatory jurisdiction as indicated in the Condominium Act.

I believe that not only should MODL be concerned about the issues raised in the attached letter, but I find it offensive that the sole reason for using this development structure is to attempt to evade the appropriate Municipal regulation. There are no shared services such as sewer or water which might otherwise give some efficiencies or rationale for the choice. I believe we should not only be concerned for the negative impact of this development but for the precedent that it sets. I can't imagine what the damage would be if this density of development was replicated in multiple places along the Peninsula or the surrounding areas. I understand that there is a process underway to implement a municipal-wide planning strategy, however I also understand that is likely to take some significant time to get in place. This threat is immediate and if allowed to proceed in its present form, the consequences will not be able to be reversed.

We have reached out to our Councillor, Chasidy Veinotte and to the Mayor, Carolyn Bolivar-Getson for discussion of these concerns as well.

Petition: <https://www.ipetitions.com/petition/express-concern-2P-Development>

I look forward to further conversation.

Sincerely,

1

2

**Elizabeth Carr**

---

**From:** Alan Collins [REDACTED]  
**Sent:** November 24, 2022 2:25 PM  
**To:** Norma Schiefer  
**Subject:** Re: 'Oceans Landing Private Estates' Development on Second Peninsula

You don't often get email from [REDACTED]. [Learn why this is important](#)

Afternoon Norma,

Thanks for the reply - my number is [REDACTED] and I would be happy to discuss.

This is my cell number so should work most of the time.

Regards,

Alan

On Nov 24, 2022, at 1:36 PM, Norma Schiefer <Norma.Schiefer@modl.ca> wrote:

Hi Alan

Thanks for your email. We are trying to co-ordinate a meeting. Would you have a contact phone number where we can discuss?

Thanks  
Norma  
Norma Schiefer  
Municipal Development Officer  
Municipality of the District of Lunenburg

10 Allee Champlain Drive | Cookville, NS | B4V 9E4  
Phone: 902-541-1334  
[www.modl.ca](http://www.modl.ca)

Please note: We have moved: 10 Allee Champlain Drive | Cookville, NS

My regular hours of work are Tuesdays through Fridays, 8:00 a.m. to 5:15 p.m.

---

**From:** Alan Collins [REDACTED]  
**Sent:** November 24, 2022 10:41 AM  
**To:** Norma Schiefer <Norma.Schiefer@modl.ca>; Jeff Merrill <Jeff.Merrill@modl.ca>

**Cc:** [REDACTED] Glen Dexter [REDACTED]  
**Subject:** Re: 'Oceans Landing Private Estates' Development on Second Peninsula

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

**CAUTION:** This email originated from an external sender.

Good Morning Ms. Schiefer and Mr. Merrill,

By way of introduction, my name is Alan Collins and I am a concerned resident of Second Peninsula working with Colin Mann (and our Steering group) to voice our opposition to the development of Oceans Landing in its current form. Our online petition detailing those concerns has gained a significant level of local support (we estimate approaching 90% of residents or owners of property on Second Peninsula have already signed), we have secured a meeting with Susan Corkum-Greek and as Colin mentioned, are actively attempting to meet with Councillor Venoitte and Mayor Bolivar-Getson

With reference to the enclosed notes from Colin, I am requesting an in person meeting in the very near future either with you both together, or individually. This discussion would explore the regulations applicable to this development and the roles of your respective departments in influencing or denying approval. I am obviously a "lay person" in these matters and am seeking to understand the processes involved.

Depending on your schedules, I would be attending myself or with another of our Steering Group. I am fairly flexible with days/times but would hope we could meet sometime during the week beginning 28th November.

Many thanks for your time on this important matter,

Regards,

Alan Collins

On Nov 19, 2022, at 4:18 PM, Colin Mann [REDACTED] wrote:

Hello Mr Merrill and Ms Schiefer,

I'm writing to you just to update you around the depth of concern held by residents of Second Peninsula and the surrounding area around the above development. I have had some conversations over the past few months with you Norma, and it has become apparent that Mr. Hammersley is proceeding with the development, as you suspected, as a bare land condominium. It is also apparent that he is doing so at an incredibly high density which raises a myriad of concerns for environmental, cultural, practical and social reasons.

I believe the developer has chosen this structure to evade the appropriate regulation of the Municipal Subdivision Bylaw. As such, I do understand that you will not officially be asked for your approval until late in the process but, as the Registrar of Condominiums points out to us, you still have regulatory jurisdiction as indicated in the Condominium Act.

I believe that not only should MODL be concerned about the issues raised in the attached letter, but I find it offensive that the sole reason for using this development

structure is to attempt to evade the appropriate Municipal regulation. There are no shared services such as sewer or water which might otherwise give some efficiencies or rationale for the choice. I believe we should not only be concerned for the negative impact of this development but for the precedent that it sets. I can't imagine what the damage would be if this density of development was replicated in multiple places along the Peninsula or the surrounding areas. I understand that there is a process underway to implement a municipal-wide planning strategy, however I also understand that it is likely to take some significant time to get in place. This threat is immediate and if allowed to proceed in its present form, the consequences will not be able to be reversed.

We have reached out to our Councillor, Chasidy Veinotte and to the Mayor, Carolyn Bolivar-Getson for discussion of these concerns as well.

Petition: <https://www.petitions.com/petition/express-concern-2P-Development>

I look forward to further conversation.

Sincerely,

Colin Mann

## Upcoming public meeting on Cluster Developments

Jennifer Corson [REDACTED]

Tue 6/27/2023 10:15 AM

To: MODL Planning <planning@modl.ca>

Cc: [REDACTED]

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Hello MODL Planners,

I read with interest your information listed on your website about future changes to the cluster development policies.

There are a couple of suggestions which I feel may help to show and describe how cluster developments can in fact work if done with the goal of protecting natural resources at the same time:

1. I would suggest that a third image showing the same number of units in a 'cluster' (such as a multi-unit structure), leaving a large, forested area protected, and using a community septic system. Cluster development can work if done with the right approach. The lack of information available on environmentally-sustainable cluster developments are important to show how they can be a positive option.
2. The MODL website page also states that: "However, because cluster developments do not involve the subdivision of land, there is no way for the Municipality to ensure that these developments meet the same requirements." While the Dept. of Environment has the role to approve septic systems, it is the MODL Building Inspection and Planning Departments that requires the approved septic design for permit approval, so I do believe MODL could ensure that a right-sized developments can occur. Otherwise, unsustainable typical subdivisions will be our only course to develop housing, which typically clears trees and disrupts the eco-system more than most realize.

I have signed the petition for the Second Peninsula group, joining in on their concerns for the particular development that will undoubtedly have issues well and septic systems due to their taking advantage of the bare land condo rules. The density of the project in no way reflects the character of the neighbourhoods around it on Second Peninsula. I was the developer for the 3 Pastures on Second Peninsula, where we looked at the bare land condo process, but instead looked at the character of the three historic pastures and worked to design an 11-property freehold development on the 45-acre property.

I look forward to attending the public meeting to hear more about MODL's plans for new regulations on these types of housing developments.

Regards,

Jennifer

Jennifer Corson, [REDACTED]

Cluster Development Kelly

Jeff Merrill <Jeff.Merrill@modl.ca>

Tue 7/18/2023 2:16 PM

To: Reid Shepherd <Reid.Shepherd@MODL.CA>; Ella Gindi <Ella.Gindi@MODL.CA>; Elizabeth Carr <Elizabeth.Carr@MODL.CA>; Jacob Macpherson <Jacob.MacPherson@MODL.CA>

Please see below

Jeff Merrill, MCP, LPP (he/him)

Director

Planning & Development Services

Municipality of the District of Lunenburg

10 Allée Champlain Drive | Cookville NS | B4V 9E4

Office: (902) 541 1340 | Cell: (902) 521 0925



Clean Energy Financing

My office hours are Tuesday-Friday, 8:00am – 5:15pm

From: Chasidy Veinotte <Chasidy.Veinotte@modl.ca>

Sent: Friday, July 14, 2023 10:06 PM

To: Jeff Merrill <Jeff.Merrill@modl.ca>

Subject: FW: appreciation

More feedback on Cluster Development. See below:

Chasidy Veinotte

Councillor District 10

Municipality of the District of Lunenburg

10 Allée Champlain Drive

Cookville, Nova Scotia B4V 9E4

cell (902) 521-2117



From: Dale Kelly <[REDACTED]>

Sent: Tuesday, July 11, 2023 8:54 AM

To: Chasidy Veinotte <Chasidy.Veinotte@modl.ca>

Subject: appreciation

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from an external sender.

Hi Chasidy,

We met last night at the MODL discussions. Thank you for your participation as well as showing solid interest in our concerns. It was gratifying to see many of your colleagues out too.

I want to stress; we are not against development and/or being active to ensure we have affordable housing throughout MODL. I think planners and sometimes those defining regulations, want to develop a one size fits all formula. When clearly, development has long term implications on our natural surroundings, environment, infrastructure resources and basics requirements of potable water and septic. Given the survey plan for this development, it is difficult to imagine how the bareland condo development has clearly addressed these critical considerations.

At the end of the day, any land holder will look to MODL to address their concerns around a property that was allowed to be developed, marketed and then enter mainstream housing for the foreseeable future. If there are issues, the landholder will look to the parties with the deepest pockets to resolve their financial headaches...and ask questions, like...how was this property allowed to develop if there was insufficient available water? Why were concerns not raised with all our septic systems naturally flowing to the ocean? Access is another significant issue, especially in light of the recent NS spring forest fires.

We know you are working on the issue with your colleagues and staff, we applaud and respect your commitments. I believe we all want to be regarded as supportive Lunenburg District community members. Better we express concern before development, than remain silent and complain after the fact.

Thank you again for your efforts as our councillor.

Dale Kelly

Second Peninsula, NS



FW: Cluster Developments Eisenhauer

Jeff Merrill <Jeff.Merrill@modl.ca>

Tue 7/18/2023 2:17 PM

To: Reid Shepherd <Reid.Shepherd@MODL.CA>; Ella Gindi <Ella.Gindi@MODL.CA>; Elizabeth Carr <Elizabeth.Carr@MODL.CA>; Jacob Macpherson <Jacob.MacPherson@MODL.CA>

See below

Jeff Merrill, MCP, LPP (he/him)

Director  
Planning & Development Services  
Municipality of the District of Lunenburg  
10 Allée Champlain Drive | Cookville NS | B4V 9E4  
Office: (902) 541 1340 | Cell: (902) 521 0925



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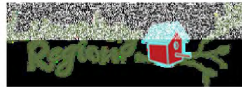
From: Chasidy Veinotte <chasidy.veinotte@modl.ca>  
Sent: Friday, July 14, 2023 10:03 PM  
To: Jeff Merrill <Jeff.Merrill@modl.ca>  
Subject: FW: Cluster Developments

Hi Jeff,

Please include and share the input from Mr. Eisenhauer mentioned below in the Cluster Development regulations process.

Thanks,

Chasidy Veinotte  
Councillor District 10  
Municipality of the District of Lunenburg  
10 Allée Champlain Drive  
Cookville, Nova Scotia B4V 9E4  
cell (902) 521-2117



From: Jim Eisenhauer [REDACTED]  
Sent: Tuesday, July 11, 2023 11:56 AM

To: Chasidy Veinotte <chasidy.veinotte@modl.ca>  
Subject: Cluster Developments

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from an external sender.

Good morning Chasidy,

Thank you for chatting last evening. I appreciate your understanding and support of the situation we face on Second Peninsula. Thank you for your work on our behalf. Together I hope we find a path forward that leads to responsible cluster developments.

I took a lot of positives from the evening but frankly I was a little concerned that staff seem to be focused on the positives of cluster developments and not as sensitive to the negatives of ones like the Second Peninsula one. I hope I am wrong and it was just their caution showing through. I agree there are situations where they can be good but based on our experience they require much closer and early stage review before they are allowed to proceed.

I had a thought as I drove home last evening. I wondered if it might be possible for all Cluster Developments to require a Development Agreement. If that were the case all would require early disclosure and a public process. Such a requirement should allow good ones to proceed and the bad ones to be stopped or altered.

I was struck by staff's comments that there are so many variables to such developments that I think it might be challenging to draft regulations that cover all situations. To me a Development Agreement should provide appropriate safeguards and flexibility to ensure the goal of responsible development.

Just a thought that came to me after the meeting that I wanted to share.

Thanks and regards,  
Jim

J D (Jim) Eisenhauer  
agl Group Holdings Limited





This petition has collected 86 signatures using the online tools at [www.ipetitions.com](http://www.ipetitions.com)

Printed on 2023-07-14

FW: Petition of Concern from MODL Residents re Cluster Developments

Jeff Merrill <[jeff.merrill@modl.ca](mailto:jeff.merrill@modl.ca)>

Tue 7/18/2023 2:25 PM

To: Reid Shepherd <[Reid.Shepherd@MODLCA.com](mailto:Reid.Shepherd@MODLCA.com)>; Ella Gindi <[Ella.Gindi@MODLCA.com](mailto:Ella.Gindi@MODLCA.com)>; Elizabeth Carr <[Elizabeth.Carr@MODLCA.com](mailto:Elizabeth.Carr@MODLCA.com)>; Jacob Macpherson <[Jacob.MacPherson@MODLCA.com](mailto:Jacob.MacPherson@MODLCA.com)>

1 attachments (228 KB)

2023-07-14-15-10-02-modl-concerns-barelandcondos.pdf;

See attached

Jeff Merrill, MCIP, LPP (he/him)

Director  
Planning & Development Services

Municipality of the District of Lunenburg

10 Allée Champlain Drive | Cookville NS | B4V 9E4  
Office: (902) 541 1340 | Cell: (902) 521 0925



Clean Energy Financing

My office hours are Tuesday-Friday, 8:00am – 5:15pm

From: Colin Mann [REDACTED]

Sent: Friday, July 14, 2023 4:27 PM

To: Chasidy Veinotte <[chasidy.veinotte@modl.ca](mailto:chasidy.veinotte@modl.ca)>; MODL Mayor <[mayor@modl.ca](mailto:mayor@modl.ca)>; Jeff Merrill <[jeff.merrill@modl.ca](mailto:jeff.merrill@modl.ca)>

Subject: Petition of Concern from MODL Residents re Cluster Developments

**CAUTION: This email originated from an external sender.**

Good afternoon,

Further to our discussions at the open house re Cluster Developments, please find attached a petition of concern from MODL residents ... many of whom were not able to attend the session but wanted their voice heard. The comments are reflective of the depth of concern around this issue and I wanted to make sure you ...

Thank you for your work and we look forward to hearing of the progress toward the LUB and its effect to control unregulated development in our Municipality.

Best regards,

Colin

## MODL - Concerns re Cluster Developments/Bareland Condominiums

### About this petition

In the fall of 2022, a group of concerned residents of the Municipality of the District of Lunenburg (MODL) became aware of developers proposing development using the bare land condominium development structure to achieve density of development that would not be possible under current Subdivision Regulations or other customary development strategies. In the case of a proposed development on Second Peninsula, this appeared to be solely for the purpose of achieving a density that is 2.5 to 3 times more dense than other residential areas on Second Peninsula. This density of development is likely to irreversibly damage the environment, character and safety of the neighbourhood. These concerns were laid out in a letter to Registrar of Condominiums at the Province of Nova Scotia, copied to the Mayor, CAO, Planning Staff and local MODL Councillor for Second Peninsula, and discussed at a subsequent meeting with Mayor, CAO, Planning Staff and local MODL Councillor. A petition, with associated signatures and comments, around these concerns was also presented at this meeting with hundreds of signatures from concerned MODL residents. The petition (now closed) describing the specific concerns can still be viewed at:

<https://www.ipetitions.com/petition/express-concern-2P-Development>

Municipal Council and Staff heard the concerns and have indicated their intent to develop new rules that will impact how certain types of cluster developments (including bare land condominium developments) occur across the municipality. More information about their intent can be found at: <https://engage.modl.ca/cluster-development-regulations>. MODL is holding a Cluster Development Open House on 10 July 2023 at the Best Western in Cookville from 6:30-8:30pm. All concerned residents of MODL are encouraged to attend and make your concerns known.

### This petition is:

- to affirm to Municipal Council and Staff the depth of concern around this issue;
- to implore them to provide exceptional leadership in acting swiftly and boldly to protect the integrity of the natural environment, cultural identity and safety of the wonderful Municipality in which we live, work and raise families by implementing appropriate Cluster Development rules; and
- to insist that they structure the Cluster Development rules in such a way as to apply to developments that are already proposed and registered but not yet built out. If they do not do this, they risk a rush by developers to register bare land condominiums before the rules apply, and risk irreversible damage to our Municipality.

If you support these concerns, please add your name and comments to this petition, which will be presented to Staff and Council at the July 10th Open House.

### Signatures

1. Name: Colin Mann on 2023-06-26 23:15:08  
Comments:

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2. Name: Adrienne G on 2023-06-27 02:26:04  
Comments:

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3. Name: Dale Kelly on 2023-06-27 09:37:21  
Comments:

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4. Name: David Peill on 2023-06-27 10:25:19  
Comments:

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5. Name: Kathy Dahn on 2023-06-27 10:37:48  
Comments:

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6. Name: Kathryn Heckman on 2023-06-27 10:38:47  
Comments: MODL you are fortunate to be leaders of a sustainable community and this is an opportunity to protect and guide MODL'S future in the right direction. If you do not act now, this opportunity will be lost forever.

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7. Name: Heather Eisenhauer on 2023-06-27 10:44:40  
Comments:

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8. Name: Anthony Hughes on 2023-06-27 10:51:03  
Comments: Very concerned about the number of units on this development, in regards to water table, septic beds, affecting the environment.

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9. Name: Tom Eisenhauer on 2023-06-27 10:52:53  
Comments:

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10. Name: Duncan Crowdis on 2023-06-27 11:15:53  
Comments:

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11. Name: J Daniel Sargeant on 2023-06-27 11:38:11  
Comments:

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12. Name: Alan Collins on 2023-06-27 12:17:40  
Comments: MODL must act swiftly to prevent a "gold rush" mentality amongst developers keen to slip through the net.

---

13. Name: Jennifer Corson on 2023-06-27 12:30:57

Comments: Our impact on natural resources (both well and septic fields in this case) need to look at current and future strain on our eco-system. Right-sized developments are critical!

---

14. Name: Stephen Foster on 2023-06-27 12:38:12  
Comments: Cluster developments are an environmental and logistical disaster; this must be stopped.

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15. Name: John Adams on 2023-06-27 13:37:45  
Comments:

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16. Name: Edward Jordan on 2023-06-27 13:44:19  
Comments: The building of this development would lower the value of our property by 50% or more.

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17. Name: Christine Scott on 2023-06-27 13:50:55  
Comments: MODL must act on this immediately in order to prevent further development which will have significant negative impacts on the environment.

---

18. Name: Jim Lockhart on 2023-06-27 14:08:09  
Comments:

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19. Name: Rosalie and Darrell knickle on 2023-06-27 14:49:25  
Comments:

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20. Name: Bill Towndrow on 2023-06-27 15:06:53  
Comments:

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21. Name: Sharon Mulvagh on 2023-06-27 15:33:24  
Comments: We must protect the unique natural environment, cultural identity and safety of Second Peninsula. High density housing is a major threat to this and must be prohibited. Any additional development must be done only in the context of respecting this unique environment. The small winding road cannot accommodate additional residential traffic without major risk to lives in our active community. The water and septic resources are limited and cannot be further strained without harm to the land, waters and people of Second Peninsula. Our community is diverse, comprising families who have been here working the land, and oceans for centuries as well as individuals who have sought, and invested in a life here in accordance with the rural principles respecting the existing environment. These principles must be upheld, especially in this era of fast-moving, severe environmental threats. Please protect our community by putting the needed legislation in place.

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22. Name: Jocelyn K on 2023-06-27 15:34:09  
Comments:

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23. Name: Dara Young on 2023-06-27 17:00:42  
Comments:

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24. Name: Malcolm Mann on 2023-06-27 22:51:39  
Comments:

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25. Name: Jennifer Josenhans on 2023-06-27 23:36:39  
Comments:

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26. Name: Tony and Janice Sampson on 2023-06-27 23:36:56  
Comments: As long term residents of the community we have seen plenty of changes. While change is inevitable we do not need to sacrifice the character of the community for unregulated growth. We have never seen growth that resulted in improved services for our community so it is hard to justify an urban style development of this type. Please provide some clarity and leadership quickly.

---

27. Name: William Smillie on 2023-06-28 11:36:07  
Comments: Please help promote the current and future quality of life in our municipality.

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28. Name: Harvey Heinrichs on 2023-06-28 21:05:33  
Comments: MODL - please develop rules quickly and then enforce them please

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29. Name: Don Johnston on 2023-06-28 21:14:33  
Comments:

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30. Name: Alex Mann on 2023-06-28 23:01:23  
Comments:

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31. Name: Julie Johnston on 2023-06-28 23:47:44  
Comments:

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32. Name: Alison Josenhans on 2023-07-01 17:53:56  
Comments:

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33. Name: Heiner Josenhans on 2023-07-01 17:54:51  
Comments:

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34. Name: Joan Sargeant on 2023-07-03 11:42:35  
Comments:

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35. Name: Martha MacDonald on 2023-07-03 12:07:00  
Comments:

36. Name: Mary Steckle on 2023-07-03 13:33:53  
Comments:
- 
37. Name: Gary Foshay on 2023-07-03 13:34:42  
Comments:
- 
38. Name: Tracy Scott on 2023-07-03 13:38:17  
Comments: I am very concerned about the environmental impact that a development of this density would have.
- 
39. Name: Glen Dexter on 2023-07-03 22:53:32  
Comments: I support the petition
- 
40. Name: Jeff Dempster on 2023-07-03 23:08:07  
Comments: This proposed development is only appropriate in a serviced site with access to centralized processing facilities for waste water and potable water that is safe and in an appropriate volume to support a whole community. Please have rules in place go protect everyone, owners, neighbours and our future generation.
- 
41. Name: Gregory Bailly on 2023-07-03 23:23:10  
Comments:
- 
42. Name: Hope DeMone on 2023-07-03 23:43:36  
Comments:
- 
43. Name: Shelley Mann on 2023-07-04 00:58:34  
Comments: We are very fortunate to live where we do here on the South Shore. While we recognize that development is inevitable, it must abide by rules that keep the integrity of the area, be environmentally sustainable, be safe. The bare land condo development on Second Peninsula goes against any responsible development.
- 
44. Name: Rob Barbara on 2023-07-04 01:50:38  
Comments: Please move quickly before it's too late
- 
45. Name: Ronald Whynacht on 2023-07-04 10:09:43  
Comments:
- 
46. Name: Phyllis Nickel on 2023-07-04 12:32:19  
Comments: I believe that cluster housing is important and inevitable but we still need to ensure environmental and zoning standards are met. So MODL needs to develop and enforce these standards.
- 
47. Name: Jim Eisenhauer on 2023-07-04 13:22:36

Comments: I fully support the position outlined in this petition.

48. Name: Holly Baltzer on 2023-07-04 13:40:09  
Comments:
- 
49. Name: David Monaghan on 2023-07-04 14:10:28  
Comments: The recent forest fires highlighted the issue of ease of exit during an emergency. Most of Second Peninsula only has one road access and exit. An Increased density of population of the type that would be created by the Oceans Landing proposal would greatly exacerbate an already dangerous situation. This consideration should play a part along with those already identified when judging development proposals that serve the developer's greed rather than the needs of the community.
- 
50. Name: James Mosher on 2023-07-04 14:21:41  
Comments:
- 
51. Name: Katherine Eisenhauer on 2023-07-04 14:47:38  
Comments: I am an owner of property on Second Peninsula and very concerned about changes that would allow higher density development in this area.
- 
52. Name: Nancy Staberow on 2023-07-04 15:57:06  
Comments:
- 
53. Name: Bruce MacDonald on 2023-07-04 16:06:09  
Comments: I fully support this petition.
- 
54. Name: Keith reimer on 2023-07-04 19:54:13  
Comments:
- 
55. Name: Gail Warriner on 2023-07-04 20:58:27  
Comments: I fully support this petition.
- 
56. Name: Charles Mitchell on 2023-07-04 21:05:29  
Comments:
- 
57. Name: Graham Pratt on 2023-07-04 21:17:42  
Comments: I fully support the position being taken in this petition  
MODL, please move swiftly to develop appropriate rules for rural developments, that does not sacrifice the character of this area  
This is on the scale of an urban development.  
Consider the impact on current residents on the overall water supply (wells), and waste water facilities septic systems.
- 
58. Name: Debbie Harvey on 2023-07-04 22:41:25

Comments:

- 
59. Name: James Young on 2023-07-04 22:42:18  
Comments:
- 
60. Name: Nancy eisenhauer on 2023-07-05 00:16:03  
Comments: I'm a concerned resident on second peninsula. I feel strongly that this bare land condominium project is too dense for the community and needs to be modified.
- 
61. Name: Louis O Boileau on 2023-07-05 00:33:05  
Comments: Density such as this is not what a rural cottage zone with acreages needs or wants. Maybe a flag lot should possibly have a certain minimum lot size. This development will be more like a trailer court
- 
62. Name: Michael Banks on 2023-07-05 01:39:20  
Comments: I enthusiastically join the group supporting this important petition.
- 
63. Name: Shelley Mitchell on 2023-07-05 11:21:02  
Comments:
- 
64. Name: Ralph Jost on 2023-07-05 22:41:37  
Comments:
- 
65. Name: Chris Norman on 2023-07-06 10:56:22  
Comments: I fully support this petition. MODL needs to act swiftly to modify the existing guidelines for rural development in order to preserve the character of our community.
- 
66. Name: Jennifer Hall on 2023-07-06 11:28:20  
Comments:
- 
67. Name: Alex de Saint Sardos on 2023-07-06 16:00:38  
Comments:
- 
68. Name: Heather Woodworth on 2023-07-06 19:07:22  
Comments:
- 
69. Name: Mark Lindau on 2023-07-07 14:39:09  
Comments: The developer advertises the peace and countrified living on 2nd Peninsula mostly due to the work of all of us as neighbors. Paradoxically it is this type dense development which would harm the exact attributes that the developers are claiming to possess. By the way, as neighbors none of us have locked gates on our properties.
- 
70. Name: Linda Oliver-Parks on 2023-07-08 00:30:36

Comments: I fully support this petition.

- 
71. Name: Hector Dawe on 2023-07-08 22:18:19  
Comments:
- 
72. Name: Pam Barker on 2023-07-09 01:41:59  
Comments: I strongly support this comprehensive, well-researched proposal and urge MODL to quickly develop and implement regulations to protect the environment and the integrity of our beautiful rural communities. High density developments such as this must be denied.
- 
73. Name: Carolyn Kaulback on 2023-07-09 12:19:11  
Comments:
- 
74. Name: Nancy Mayer on 2023-07-09 18:20:42  
Comments:
- 
75. Name: Alain Veilleux on 2023-07-09 18:27:49  
Comments:
- 
76. Name: Paul Fennell on 2023-07-09 23:11:17  
Comments:
- 
77. Name: Kristine Bailly on 2023-07-10 09:08:51  
Comments:
- 
78. Name: Candace Mason on 2023-07-10 19:54:00  
Comments:
- 
79. Name: Deborah Deller on 2023-07-10 20:05:12  
Comments:
- 
80. Name: Sharon Gow-Knickle on 2023-07-10 20:18:49  
Comments:
- 
81. Name: Graham Eisenhauer on 2023-07-11 13:16:46  
Comments: I support the petition and all of content it contains.
- 
82. Name: Nicole Nickerson on 2023-07-12 02:45:04  
Comments:
- 
83. Name: Barbara Goldbloom-Hughes on 2023-07-12 12:11:14

Comments: I hope these issues are resolved in a timely manner so that all development adheres to regulations that protect any and all environmental concerns.

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84. Name: Sylvie Ruiz Salvador on 2023-07-12 12:59:30  
Comments:

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85. Name: Katharina Jost on 2023-07-12 15:35:29  
Comments:

---

86. Name: Steven Morris on 2023-07-13 10:05:11  
Comments:

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2/8/24, 11:17 AM

Fwd: Feedback following the PAC Meeting Last Week Elizabeth Carr Outlook

### Fwd: Feedback following the PAC Meeting Last Week

Jeff Merrill <Jeff.Merrill@modl.ca>

Thu 10/19/2023 10:15 AM

To: Reid Shepherd <Reid.Shepherd@MODL.CA>; Jacob Macpherson <Jacob.MacPherson@MODL.CA>

1 attachments (114 KB)

MODL - response re cluster dev regs.pdf

FYI

Get [Outlook for iOS](#)

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**From:** Chasidy Veinotte <chasidy.veinotte@modl.ca>

**Sent:** Thursday, October 19, 2023 6:06:43 AM

**To:** MODL - Councillors <council@modl.ca>

**Cc:** Jeff Merrill <Jeff.Merrill@modl.ca>; Tom MacEwan <Tom.MacEwan@modl.ca>

**Subject:** FW: Feedback following the PAC Meeting Last Week

Good Morning,

Please find attached a letter I received on behalf of residents on Second Peninsula as a follow up from the PAC meeting last week specifically regarding the Cluster Development.

Thanks,

**Chasidy Veinotte**

**Councillor District 10**

Municipality of the District of Lunenburg

**10 Allée Champlain Drive**

Cookville, Nova Scotia B4V 9E4

cell (902) 521-2117



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**From:** Colin Mann [REDACTED]

**Sent:** Wednesday, October 18, 2023 5:30 PM

**To:** Chasidy Veinotte <chasidy.veinotte@modl.ca>

**Subject:** Feedback following the PAC Meeting Last Week

**CAUTION: This email originated from an external sender.**

Hi Chasidy,

As you know, there were some lingering questions and concerns about the proposed Cluster Development regulations following the PAC meeting last week. We appreciate the opportunity to bring those forward to you and ultimately to Council. I have attached a letter that Jim Eisenhauer and I put together which summarizes the concerns and makes suggestions. This has been broadly supported by the group of 2P residents who have

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2/8/24, 11:17 AM

Fwd: Feedback following the PAC Meeting Last Week Elizabeth Carr Outlook

expressed concern. I believe a couple of them may also reach out with some suggestions of their own with regard to their specific areas of expertise.

Please keep us updated as this evolves ...

Cheers,

Colin

Dear Chasidy,

It was good to see you at the Planning Advisory Committee meeting last week and to speak with you about the proposed regulation of Cluster Developments in our Municipality. As we said at the meeting, we believe Council is to be commended for listening to the concerns raised on this issue and acting promptly to prevent the inappropriate development that results from the lack of regulation of the Bareland Condominium structure. We are greatly concerned however that the regulation proposed by staff, and approved in principle by the Planning Advisory Committee, is inadequate to prevent developers from attempting to avoid the appropriate regulation of the Subdivision Bylaw.

There are two main aspects to our concern:

- As proposed, there are a number of discretionary areas for which one Development Officer would make judgement, with no opportunity for public input or oversight of any kind. While there is an appeal process after the decision has been made, this is obviously not an ideal avenue for good planning. These areas such as density, environmental impact, traffic concerns, water supply, escape routes in case of emergency, etc. are just too important to leave to one person. It also risks uneven or inconsistent application of regulation as different Development Officers review different site plans with little specific criteria in place.
- Council has indicated their desire to put the Bareland Condominium structure on a level playing field with the Subdivision Bylaw. Indeed, the staff report indicated a desire to implement regulation which 'will cause the cluster development model to no longer be a more permissive approach compared to a residential subdivision'. As proposed, there is no minimum lot size specified in the regulations that have been brought forward. This is at odds with the Subdivision Bylaw in place.

As was pointed out by staff at the meeting, there are times when grouping buildings together within a Bareland Condominium structure can be beneficial, while still respecting the need for reasonable density, appropriate to the surroundings and the unique environmental challenges of a given site. However, the regulations as currently proposed leave open the possibility for misuse by developers who might break up a proposed Bareland Condominium into smaller parts to avoid triggering the higher level of scrutiny proposed with 10 or more units.

**We would suggest that the current proposed regulation be modified such that if the proposed cluster development has an average lot size less than 9000 m<sup>2</sup>, a Development Agreement would be required, rather than simply the Site Plan Approval process as proposed.** This would allow public input and a broader level of scrutiny of a proposed high density development, ensuring that all potential issues were considered and addressed. This simple change would strengthen the proposed regulatory framework to help prevent inappropriate development while bringing it more in line with the Subdivision Bylaw already in place. It would not, however, unnecessarily slow or hinder the process of review for developments of reasonable density which clearly present less threat to the environment, culture and safety of residents and to the area surrounding a proposed development.

As also brought forward at the PAC meeting, the implication of the definition of a cluster development as 'five (5) or more dwelling units within two or more dwellings on one lot' is not clear. Our concern

2/8/24, 11:20 AM

FW: Input for Cluster Development Review from Solterre Design Elizabeth Carr Outlook

You don't often get email from [REDACTED]. [Learn why this is important](#)

**CAUTION: This email originated from an external sender.**

Good morning Chasidy,

I'm reaching out to you today as a resident of Second Peninsula, and also as an architect/business owner at [REDACTED], with offices in Lunenburg and Halifax. I attended the recent PAC meeting regarding Cluster Developments and Coastal Protection and have some follow-up input to share regarding the recommendations made by MODL Planning Staff.

I'm very appreciative of the work that the MODL planners and committee have done on this topic to date and look forward to seeing some of the suggestions made at the meeting, researched further and hopefully incorporated into a more cohesive new regulation.

#### Reference Developments

With the newness of the bare land condominium format of ownership and cluster developments in the region, I would suggest a much broader consulted list of similar projects be researched than the Nova Scotia municipalities listed as reference material. The type of ownership models, whether developer owned and rented, or through condominium corporation, and individual ownership does create some potential loopholes or unanticipated outcomes to impact of the development.

#### Density and defining an acceptable unit count:

This is the most challenging topic. I do believe that neighbouring densities (whether counted as dwellings per acre, or properties (PIDs) per acre) is a good reference point. In rural areas, there can be separate requirements as to houses per acre on waterfronts, or properties per acre in rural areas. To support some aspect of growth in underpopulated areas, one can add a factor, say 20% growth, to support new housing. For example, if a radius of 1 km is looked at from the edges of the proposed development, and a house count of 2.4 houses per acre was calculated (and reviewed by MODL planners), then an acceptable density number would be 2.4 plus 'growth factor' used by MODL. If a growth factor of 20% is proposed, then the allowable number of house units (regardless of configuration), would be  $2.4 + .48 = 3.0$  houses (rounded up) per acre. This helps to deal with any proposed development, of any type of ownership, and the varying housing counts that they may have.

I do feel that applying the number of 'containing 5 or more units composed of two or more dwellings' is confusing and problematic, especially when considering the various types of ownership that may occur. If the land area is small, then one development with 9 units with individual home sites and 9 wells and septic fields wouldn't require this review? I think this type of development could be problematic affecting water course, septic design and potential commercial road entrance issues. I think that a bare land condominium

#### Water supply and septic field design:

Should the type of proposed development, and number of allowable units, be considered differently if a community septic system is proposed? As I read the current proposed guidelines there is no differentiation if a cluster development used a communal septic system, or whether individual units each have their own septic. The impact on the environment, and surrounding water table, and potable wells would be impacted differently depending on choice of system. Are our planners reviewing these applications adequately knowledgeable about water tables and septic systems? Should a Department of Environment review, or Septic Field Designers (QP1 or QP2) be required to review design as part of the application?

#### Phasing:

Most developments, whether bare land condominium or developer-owned, would consider phasing. Often, second and third phases are not finalized as per unit count, depending on the success of the first phase. Land area noted as 'green reserve' in Phase 1 of a bare land condominium ownership could be voted on by corporation to become additional units. Would this become a new application? Would this be allowed? Will Planners require a fixed 'green reserve' regardless of future phases?

remains that developers could choose to structure their development such that they have more lots, each separately remaining under the threshold for the definition as a cluster development, and thereby achieve a higher density than would be otherwise allowed. Is this a valid concern?

Finally, as been emphasized previously, it is imperative in the interests of equity, that regulations are developed and implemented such that they apply to cluster developments that may already be planned but not yet built or have building permits in place. We have provided legal opinion that supports this and we understand that you are in the process of confirming this with your own legal opinion.

We appreciate the work of Council in getting these regulations in place in a timely manner, however it is also crucial that they are structured to achieve their desired effect of ensuring responsible development which protects the integrity and beauty of our Municipality. We look forward to hearing of further progress toward this goal.

Please feel free to circulate this to staff and fellow Councillors as you see fit.

Jim Eisenhauer

Colin Mann

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2/8/24, 11 25 AM

FW Affordable housing / mayor meeting background Elizabeth Carr Outlook

FW: Affordable housing / mayor meeting background

Reid Shepherd <Reid.Shepherd@modl.ca>

Thu 10/26/2023 6:05 PM

To: Jeff Merrill <Jeff.Merrill@modl.ca>; Jacob Macpherson <Jacob.MacPherson@MODLCA>

FYI - I've had some back and forth with Morgan on this today. Jacob - take a look at this suggestions and see how they might look compared to what's there. I haven't gotten my head quite around the first one and the bedrooms/living space suggestions.

Thanks,

Reid



**Reid Shepherd MCIP, LPP** (no name)  
Manager of Planning  
Planning & Development Services  
Municipality of the District of Lunenburg  
10 Allie Champlain Drive | Cookville NS | B4V 9E4  
Phone: (902) 530-3265

*My office hours are Monday-Thursday, 8:00am - 5:15pm*

From: Morgan Macdonald [redacted]  
Sent: Thursday, October 26, 2023 9:36 PM  
To: Reid Shepherd <Reid.Shepherd@modl.ca>  
Cc: Greg House [redacted]; Leitha Haysom <leitha.haysom@modl.ca>  
Subject: Re: Affordable housing / mayor meeting background

You don't often get email from [redacted]. [Learn why this is important](#)

Hi Reid,

I spoke with the Mayor and the CAO. They were both very receptive to hearing the barriers to affordable housing construction and glad it had contacted you. Here are two basic changes that would be helpful to meet the OMHC affordable guidelines. I left a bit of buffer room so not every affordable development has to be a trim as ours to avoid being defined as a cluster development. Meeting the CMHC affordability and also a banking partner rules for debt coverage ratio (development project profit) is like threading a needle. It would be best to have a bit of flexibility within the small project zone of 5-14 total bedroom developments. Many vacant lots and existing homes with adequate lot size would remain candidates for affordable development.

1) ...a Cluster Development be defined as containing 6 or more units or total development of area greater than of 600m<sup>2</sup> of living space or a total development containing 14 or more bedrooms, that is composed of two or more dwellings.

2) ...recommended that all new cluster developments with any dwelling more than 150m from an approved public road access point be required, at the planning/development offices discretion, to meet the municipality's private road design and construction standards, found in the existing subdivision by-law

These relatively minor changes that do not affect the goals or spirit of the proposed by-laws could open opportunities for many different kinds of smaller scale affordable housing and encourage both gentle density and conservation design while having minimal community or environmental impact.

Thanks so much for your time today,

-Morgan

## 2. Establish Definitions and General Requirements

In order to properly regulate cluster developments, a clear definition of what constitutes a cluster development is required. The definition will specify the types of building(s) that constitute a cluster development as well as the criteria that will trigger the need for a site plan approval. Staff are recommending that a Cluster Development be **defined as containing 5 or more units composed of two or more dwellings.**



On Thu, Oct 26, 2023 at 12:27 PM Reid Shepherd <Reid.Shepherd@modl.ca> wrote:

Hey Morgan,

Great to hear from you! Absolutely. Happy to chat. I'll try your number below and if I don't get through we can arrange something at a specific time.

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2/8/24, 11 25 AM

FW Affordable housing / mayor meeting background Elizabeth Carr Outlook

Chat soon,

Reid

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From: Morgan Macdonald [redacted]  
Sent: Thursday, October 26, 2023 12:18:13 PM  
To: Reid Shepherd <reid.shepherd@modl.ca>  
Subject: Affordable housing / mayor meeting background

You don't often get email from [redacted]. [Learn why this is important](#)

CAUTION: This email originated from an external sender.

Hi Reid,

It's Morgan McDonald the ghost of music career past! I am however contacting you in regards to modl planning. I'm in the midst of an affordable housing development and learned of the proposed changes for cluster developments. I spoke with my Municipal counselor and I will be chatting with the mayor this afternoon.

Is there any chance you have a moment for a call in the next few hours?

Thanks very much

Morgan  
[redacted]

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## Municipality of the District of Lunenburg

Amending By-law Details	
<b>Name</b>	Repeal and Replace of the Municipal Planning Strategy, 2024
<b>Number</b>	035B
<b>Legislative Authority</b>	Municipal Government Act, Section 205
<b>Effective Date</b>	-

**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 Repeal and Replace of the Municipal Planning Strategy, 2024 and may be cited as the Municipal Planning Strategy Amendment (2024).

### Amendments to the Municipal Planning Strategy (By-law 035)

- 2 Editing of text throughout for plain language and grammar.
- 3 References in Part 3 to monarchy changed. I.e. replace “Queen” with “King”.
- 4 Reformatting throughout for accessibility including font, indentation, etc.
- 5 New numbering of sections.
- 6 References added throughout for new Coastal Protection and Cluster Development policies.
- 7 Insert a new section, Section five, immediately following Section Four, the text is as follows:

#### 5. Municipal-Wide Land Use Policies

In response to concerns over unregulated development occurring along the coastline, as well as similar unregulated cluster developments occurring in inland areas, Council initiated the process of introducing targeted land use controls to address these concerns in 2023 through new policies and the introduction of a municipal-wide land use by-law. These land use regulations are recognized as temporary measures to control specific types of development, particularly in areas outside of the existing Secondary Plan Areas, recognizing that full land use controls will be implemented shortly. However, as they impact areas across the municipality, the policies contained in the Coastal Protection and Cluster Development sections also apply to Secondary Plan Areas. Therefore, in cases where similar policies or regulations overlap, the most stringent ones will apply.

##### 5.1 Cluster Development

Cluster developments, sometimes called grouped or cluster dwellings, are a type of residential development where several detached and/or multiple-unit dwellings are located on the same property. As the lots in a cluster development are not subdivided, the overall approach of each cluster development can differ from a traditional subdivision including a more flexible arrangement of buildings on the site and different potential ownership structures of the land, associated buildings, and infrastructure. While some cluster developments resemble a traditional subdivision, others are enabled to locate buildings close together at a greater density in order to better share infrastructure such as a cluster septic system or water well, while the remaining land might be used to provide dedicated open or recreation space.

## **5.2 Cluster Development Policies**

In addition to the opportunities enabled by the cluster development style, some land use challenges are also introduced. Because the creation of a cluster development projects does not involve the subdivision of land, the requirements of the subdivision by-law are not automatically applied. In the absence of these rules, specific regulations for on-site servicing, water quality and quantity, road standards, and environmental integrity are needed to ensure development standards are in place that have the appropriate level of scrutiny to support the development styles that cluster development enables. These regulations must also be flexible based on the potential impacts associated with the number units in each proposed cluster development.

- 5.2.1** Council recognizes the potential impact of cluster development and the importance of managing environmental impact, water quality, water quantity, and road servicing. The Municipal-Wide Land Use By-law will outline the requirements intended to address these matters such as studies and reports that provide information and mitigation measures.
- 5.2.2** Council will permit new cluster development by either a site plan approval or development agreement everywhere in the Municipality, as shown in Map 3. In recognition of the greater complexity and potential impact that large scale developments entail, the Municipal-Wide Land Use By-Law will outline the approvals process of the cluster development regulations that must be followed based on the number of dwelling units of each cluster development.

Conservation Design Development is a form of residential subdivision designed to conserve open space in rural areas and protect environmental features. The basic principle of this concept is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space. Promoting the goals of conservation design encourages beneficial practices such as shared open space or shared infrastructure.

- 5.2.3** It will be a policy of Council to promote the goals of conservation design style development as a means of meeting the requirements set out in the cluster development regulations.

A non-conforming use, sometimes called a grandfathered use, is a status given to a land use that pre-dates a regulation to allow its continuation under certain restrictions. To account for the special case of bare land condominium projects which are in the process of becoming registered by the Registrar of Condominiums but have not yet applied for a building permit, Council will relax the requirements for certain bare land condominiums and to consider them as non-conforming in order to avoid potential complications and undo costs involved in meeting new regulations.

- 5.2.4** As outlined in the Municipal-Wide Land Use By-law section on Non-Conforming Uses, it will be a policy of Council that, for Cluster Developments being developed as bare land condominiums or phased land condominiums, all units that have been accepted for registration by the Registrar of Condominiums as evidenced by their being registered at the appropriate Land Registration office established under the Land Registration Act by November 1, 2025, will be recognized by Council as non-conforming.

The cluster development regulations are designed to ensure all cluster projects are feasible, safe, and do not pose unnecessary environmental harm. While the regulations are best applied during the early stages of a project, Council recognizes that the ordering of steps in a planning approval process can potentially close the window of opportunity for developers seeking financing for the purpose of constructing housing by imposing costs early on. To account for these special cases, Council will provide opportunities for flexibility in the ordering of steps while ensuring the same standards are met before occupancy.

- 5.2.5** To account for the uncertainty involving grants that support the development of affordable housing, it will be a policy of Council to provide flexibility in the ordering of steps in the planning approvals process. The Land use By-law will outline the way in which this flexibility can be provided.

To ensure that the cluster development regulations remain up to date with best practices for land use planning, Council will review the cluster development regulations every five years.

- 5.2.6** It will be a policy of Council to review the regulations every five years to update them in accordance with best practices for development regulations.

### **5.3 Coastal Protection**

In response to the dynamic challenges posed by climate change and our coastal environment, Council has introduced a comprehensive set of coastal protection policies. In the face of sea-level rise, erosion, and the potential loss of critical ecosystems, these policies stand as a guide for responsible coastal development, fostering environmental sustainability, and safeguarding both our communities and the natural beauty of our coast.

These policies outline a framework addressing coastal flooding, erosion control, and the preservation of sensitive coastal ecosystems. At its core, they are a commitment to striking a harmonious balance between development and the natural environment. By guiding responsible land use and incorporating climate change resilience, these policies are in place to safeguard human developments from the coast and, equally crucial, to protect the coast from the adverse impacts of human development. These policies signify Council's commitment to the well-being of our communities and the preservation of the unique ecological diversity inherent to our coastal region.

Considering these issues, the following general policies regarding coastal protection are as follows:

- 5.3.1** Council will build public awareness about coastal flooding, erosion issues, the protection of coastal ecosystems, and the regulations intended to deal with them. Council will also promote utilizing natural-based solutions such as vegetative buffers and living shorelines.
- 5.3.2** Council will conduct periodic reviews of the coastal protection regulations outlined in the Land Use By-law every five (5) years, with a commitment to updating them in alignment with the most current information on erosion and climate change models and projections.
- 5.3.3** Coastal protection policies generally apply to areas along the coastline, as shown in Map 2, Designated Coastal Protection Area. The Municipal-Wide Land Use By-law will also include boundaries of areas requiring development permits and where specific coastal protection regulations apply.

### **5.4 Coastal Flooding**

The Municipality of the District of Lunenburg is facing sea level rise, erosion, and the loss of sensitive ecosystems along its coastline. If measures to combat the effects of climate change are not put in place, local sea levels are projected to rise by 1.57 metres by the year 2100. When combined with a significant storm surge and Higher High Water Large Tides, areas with elevations of up to 3.97 metres could be periodically inundated with sea water. New development along the coast must

consider the risks associated with climate change, and existing structures below the Higher High Water Large Tide must be prepared to either adapt or retreat from the coast over time.

Of particular concern in MODL are dense coastal communities, where a substantial amount of existing development lies within areas known to be at risk of the effects of sea level rise and climate change. Implementing policies and strategies to regulate development along the coast is vital to ensure the resilience and sustainability of MODL's coastal communities. These policies outline key actions that will help manage the risks imposed by rising sea levels and protect current and future development in the face of climate change uncertainties.

Policy Objectives:

- To reduce the risk and impact of coastal flooding on communities.
- To effectively manage land use and development along the coast.
- To safeguard public health, safety, and welfare by minimizing exposure to coastal inundation and storm surge risks.
- To promote sustainable land use practices that consider the long-term resilience of the community in the face of rising sea levels and increased storm events.
- To balance economic and environmental sustainability.

## **5.5 Coastal Flood Area Policies**

The Flood Risk Area delineates areas along the coastline which are most at risk of coastal flooding due to tide levels, sea level rise and storm surges. It shows areas that may be either permanently or temporarily inundated by water by the year 2100. Policies that apply to these areas are designed to help safeguard residents and developments from the risks posed by coastal flooding. The following policies apply to this area:

- 5.5.1** The Municipal-Wide Land Use Bylaw will include a Coastal Flood Risk Area to protect development from flooding in areas that are projected to be vulnerable to flooding by 2100.
- 5.5.2** Council, through the Municipal-Wide Land Use Bylaw, will prohibit the construction of habitable floor space below an elevation of 3.97 metres with reference to the Canadian Geodetic Vertical Datum of 2013.
- 5.5.3** Council recognizes the critical importance of safeguarding vulnerable communities and will protect them from the threats of flooding and potential emergency evacuations by prohibiting institutional uses within the Coastal Flood Risk Area, regardless of elevation.

- 5.5.4** Within the Municipal-Wide Land Use Bylaw, Council will grant exemptions for non-habitable accessory structures and marine related uses.
- 5.5.5** Despite Section 5.5.2, Council will, through the Land Use Bylaw, authorize non-conforming structures to undergo renovations, rebuilding, or relocation.
- 5.5.6** Despite Section 5.5.2, Council may, through the Land Use Bylaw, authorize limited additions to non-conforming structures that do not meet the elevation requirements.
- 5.5.7** Council, through the Land Use By-law, may grant property owners the authority to relocate existing developments, so long as the relocation does not reduce the elevation requirement, by relaxing development standards, including property lines setbacks.

## **5.6 Coastal Erosion**

Coastal shoreline erosion is an inherent and continuous process, that can pose adverse impacts on shoreline developments. The extent of erosion within the Municipality varies along the coastline due to distinct surficial geological conditions and differing exposure levels to wind, waves, runoff and storm events. Erosion rates range from as high as 0.7 metres per year in some areas to a much slower pace in others. Consequently, certain erosion control methods, like seawalls, can contribute to adverse environmental effects, disrupting natural coastal processes, reducing marine life habitat, and exacerbating erosion in neighbouring areas.

Recognizing these challenges, Council acknowledges the wealth of academic research supporting natural-based solutions for erosion mitigation. These solutions include initiatives such as coastal salt marsh restoration and the creation of 'living shorelines.' These strategies employ grading techniques and meticulous vegetation selection to provide adequate stabilization.

Council will implement land use controls governing shoreline development in response to erosion risk concerns. These regulations involve the establishment of a Coastal Erosion Risk Area and Vegetative Buffers. These measures aim to safeguard development and human life from potential erosion threats while preserving the natural environment from harmful human development.

### **Policy Objectives:**

- To safeguard human health, safety, and welfare by minimizing the risks to public safety associated with coastal erosion.
- To effectively manage development along the coast.

- To preserve and protect coastal ecosystems by implementing measures to mitigate the impact of human development.
  - To increase public awareness on the options that exist for reducing erosion on their property.
- To increase public awareness and understanding of the benefits of soft barriers such as living shorelines.

## 5.7 Coastal Erosion Risk Area Policies

The Coastal Erosion Risk Area represents an area within 30 horizontal metres from the coast. This area is designed to safeguard properties within the structure's lifetime from risks associated with erosion and preserve coastal ecosystems. It is designed as an overlay approach where some areas experience higher or lower erosion rates. The following policies apply to this area:

- 5.7.1** Council, through the Municipal-Wide Land Use Bylaw, will establish a Coastal Erosion Risk Area and prohibit development within a 30-metre area along the coastal shoreline.
- 5.7.2** Despite Section 5.7.1 the Municipal-Wide Land Use By-law will include exemptions for non-habitable accessory and marine related uses.
- 5.7.3** Through the Municipal-Wide Land Use Bylaw, Council will establish a structured process that allows property owners seeking to build within the Coastal Erosion Risk Area, the ability to submit a site-specific erosion study conducted by a qualified professional. The study must demonstrate that building within the Erosion Risk Area does not pose any hazards to the proposed development.
- 5.7.4** Under the provisions outlined in the Municipal-Wide Land Use Bylaw, Council will authorize property owners with existing structures to undertake expansions that extend beyond their current footprints, provided such expansions are situated away from the Coastal Erosion Risk Area.
  - (a)** Despite Section 5.7.1 additions to existing structures within the Erosion Risk Area that consist of habitable space and which are proposed to be closer to the coastal shoreline will require a study done by a qualified professional in line with the requirements outlined in Section 5.7.3
- 5.7.5** The Municipal-Wide Land Use By-law will include regulations allowing flexibility in certain lot requirements for property owners to relocate existing structures away from eroding banks on undersized lots and improve compliance with buffer requirements when moving existing buildings.

## 5.8 Vegetative Buffer Area Policies

The Vegetative Buffer represents a strip of land situated between the edge of the coastline and areas further inland that is intended to serve as a naturalized buffer that protects the natural functions of the coast and shoreline from potential impacts of development. This area is important because it helps prevent erosion along the coast, filters run-off and provides key habitat for wildlife. The following policies apply to this area:

- 5.8.1 Through the Land Use Bylaw, Council will require a 15-metre Vegetative Buffer to help mitigate erosion, reduce flood risk, and safeguard sensitive coastal ecosystems.
- 5.8.2 Despite Section 5.8.1 the Municipal-Wide Land Use By-law will allow a portion of the vegetative buffer to be cleared to provide water views, water access and accessory use provisions.
- 5.8.3 Despite Section 5.8.1 the Municipal-Wide Land Use By-law will specify certain marine-related uses that require direct access to the coastline and which are exempt from the buffer requirements.

## 5.9 Sensitive Coastal Ecosystems

Sensitive Coastal Ecosystems form an interdependent and intricate system, including salt marshes, dunes, and beaches. Their sensitivity to development pressure is notable, as they collectively contribute to a multifaceted ecosystem. These environments provide essential functions such as coastal protection and serve as habitats for diverse plant and animal species. However, human actions like development can disrupt wetland habitats and hinder their crucial ecological roles.

Policy Objectives:

- To protect existing coastal ecosystems such as wetlands, dunes, and beaches from disruption caused by development.
- To encourage the maintenance of vegetation along the coast to help prevent erosion and avoid disrupting coastal ecosystems.
- To increase public awareness around the importance of coastal ecosystems to biodiversity and our natural landscape and ways to protect them.

As it relates to the protection of beaches and dunes, the following general policy applies:

- 5.9.1 Council recognizes the invaluable role that ecosystems, including beaches and dunes, play in ensuring the health and well-being of our coastline. The

regulations addressing flooding and erosion mitigation are recognized as helping to safeguard these sensitive coastal environments by directing development away from the coast.

## **5.10 Coastal Wetland Protection Policies**

The Sensitive Coastal Ecosystems policies pertain to coastal wetlands have been primarily identified by the province. These policies aim to protect and conserve these areas from the negative impacts of development through prohibiting development within the wetlands and extending the prohibition to areas surrounding the wetlands by employing a vegetative buffer. The vegetative buffer is intended to help with filtration of contaminants and provide crucial habitat for wildlife and aquatic life. The following policies apply to this area:

- 5.10.1** Through the Municipal-Wide Land Use By-law, coastal wetlands will be recognized in a Development Constraints Map which is based on the provincial Wetlands, Vegetation and Classification Inventory map.
- 5.10.2** Under the provisions outlined in the Municipal-Wide Land Use Bylaw, Council will establish a 30-metre horizontal development setback and vegetative buffer around identified coastal wetlands in the Development Constraints Map to safeguard wetlands from the impacts of development.
- 5.10.3** Council acknowledges there are potential inaccuracies in the provincial mapping. Property owners may request revisions to the Development Constraints Map by submitting a study conducted by a qualified professional, with the purpose of either incorporating or excluding specific wetland areas from the map.
  - (a)** The Municipality may require confirmation from the Department of Environment and Climate Change prior to accepting changes to wetland protection boundaries shown on the Development Constraints Map.
- 5.10.4** At its sole discretion, Council may enhance the Development Constraints Map by including additional wetlands that have been properly documented by qualified professionals. This may be achieved through accepting documentation provided or collaborating with environmental organizations to obtain wetland delineation documentation.
- 5.10.5** Council will foster collaboration and partnerships with environmental groups and organizations to aid in facilitating scientific knowledge pertaining coastal ecosystems and thereby therefore promoting an understanding of coastal ecosystems and encouraging informed decisions for their conservation and effective management. “

<b>By-law Adoption</b>	
<b>Date of first reading of amending by-law</b>	
<b>Date of second reading of amending by-law</b>	
<b>Date of advertisement of passage of amending by-law</b> Effective date of the by-law unless otherwise specified in the text of this by-law.	
<b>Date of mailing a certified copy of amending by-law to Minister</b>	
<b>I certify that this “Repeal and Replace of the Municipal Planning Strategy, 2024” was adopted by Municipal Council and published as indicated above.</b>	
<b>Signature of Municipal Clerk</b>	<b>Date</b>



# **Municipality of the District of Lunenburg**

## **Municipal Planning Strategy**

**(MODL By-law 035)**

Approved by Council on YYYY-MM-DD

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Proposed

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## 1. Part 1 – Overview

### 1.1 Background

The Municipality of the District of Lunenburg (MODL) is one of five municipal units found in Lunenburg County, Nova Scotia. The Municipality was first incorporated as a separate political entity with the concurrent incorporation of the District of Chester in 1879. The County itself was first established in 1759. Covering an area of approximately 1,760 square kilometres, the Municipality surrounds the three towns of Bridgewater, Mahone Bay and the Town of Lunenburg.

The Municipality consists of over 130 established communities, many of which date from the period of European settlement in the eighteenth and nineteenth centuries. Initial settlement created a dispersed community pattern, with many north-south roadways, reflecting the significantly higher degree of private land that was originally granted in Lunenburg County than can be found in other parts of Nova Scotia.

The 2016 Statistics Canada Census population for MODL was 24,863. Population decline for the Municipality has occurred in the last four census periods. Within the Municipality, there are identified areas of more recent population growth, with new subdivision and building occurring more intensively, while other communities are facing notable decline, specifically with a diminishment in average household sizes.

#### Population: 1991 to 2016 (taken from various Statistics Canada Censuses)

Year	1991	1996	2001	2006	2011	2016
<b>Municipality</b>	25,684	25,949	25,570	25,160	25,138	24,863
<b>County</b>	47,630	47,560	47,595	47,150	47,310	47,126
<b>Province</b>	899,945	909,280	908,005	913,465	921,725	923,598
<b>Canada</b>	27.2M	28.8M	30.0M	31.6M	33.4M	35.1M

Coupled with the evident stagnation in local population growth, the shift in local age demographics has also shaped the Municipality's development in the last two decades. Such shifts alter individual perspectives on both the use and type of services that a Municipality offers to residents.

#### Age: 1991 & 2016, Municipality & Nova Scotia Comparisons, Percentages

Age Range	Municipal		Provincial	
	1991	2016	1991	2016
0-19	26%	17%	28%	20%
20-39	30%	17%	33%	23%

40-64	29%	42%	26%	37%
65+	15%	24%	13%	20%

The Municipality's proximity to the Halifax Regional Municipality, which has acted as the employment and population growth centre for the province for the last two decades, has also had consequences on the Municipality's development. Where there has been a long history of interaction between the Towns the Municipality surrounds, in terms of employment and services, communities on the South Shore have increasingly identified where, as a region, local communities have been impacted by Halifax's predominance and economic growth. Continued change resulting from broader technological, cultural, and economic transitions in society are anticipated to bring opportunities and challenges.

## 1.2 Authority and Scope

The Municipal Government Act allows Council to adopt a Municipal Planning Strategy which sets out Council's policies for governing the Municipality. The Municipal Government Act also specifies how Council adopts or amends a Municipal Planning Strategy and how to present it for the review of the Director of Planning for Municipal Affairs.

Section 212 of the Municipal Government Act allows Council to adopt a Municipal Planning Strategy for all or for part of the Municipality. The Strategy can address problems and opportunities in the development of land, as well as the environmental, social, and fiscal effects of developments. It can also establish programs for putting policies into effect.

Sections 213 and 214 of the Act allows a Municipal Planning Strategy to include policy statements on matters such as:

- The goals and objectives of the Municipality;
- The improvement of the physical and social environment;
- The use, protection, and development of lands;
- The protection of pits, quarries, and aggregate deposits;
- The provision of municipal services and facilities;
- Environmental protection;
- Municipal finances;

- Land subdivision;
- Use and conservation of energy;
- Public involvement in planning;
- Stormwater management and erosion control;
- Municipal investment in public and private development; and
- Any other matter related to the physical, social, or economic environment of the Municipality.

Council's policies on these matters can be put into effect through resolutions of Council or through a wide range of municipal by-laws. The Municipal Government Act specifically enables Council to adopt two by-laws which have special relationships with the Municipal Planning Strategy: the Land Use By-law and the Subdivision By-law. Under Section 210 of the Municipal Government Act, a Land Use By-law cannot be adopted or amended contrary to the policies stated in the Municipal Planning Strategy. Under Section 271(2) of the Municipal Government Act, a Subdivision By-law cannot conflict with the Provincial Subdivision Regulations and may address some topics only if the Municipal Planning Strategy has policies to support the by-law. Council has adopted eight Land Use By-laws applying to various parts of the Municipality, and a Subdivision By-law applying to the whole of the Municipality.

### **1.3 Purpose**

The following policies express Council's purposes in adopting this Municipal Planning Strategy:

- 1.3.1** This Municipal Planning Strategy provides a framework and a process to accommodate change in development, land use, and division of land in the Municipality.
- 1.3.2** This Municipal Planning Strategy applies to the whole of the Municipality and expresses those policies of Council which apply to the whole of the Municipality.

### **1.4 Structure**

- 1.4.1** This Municipal Planning Strategy applies to the whole of the Municipality, which is an area of land shown throughout Maps 1, 2, and 3.
- 1.4.2** This Municipal Planning Strategy is a primary policy document through which the future growth and development of the Municipality will be encouraged, guided, and controlled.

- 1.4.3** The Maps referred to in the various policies of this Municipal Planning Strategy form part of the Municipal Planning Strategy.
- 1.4.4** Throughout this Municipal Planning Strategy, the Subdivision By-law, and Land Use By-laws, the metric measurement system is used to show the required standards.

## **1.5 Administration**

The Municipal Planning Strategy is adopted under the authority of the Municipal Government Act. It governs the subdivision of land and the use of land within the boundaries of the Municipality. The Planning Strategy expresses Council's intentions and policies. The Subdivision By-law and Land Use By-laws provide the detailed requirements and rules which carry out the intent of the Planning Strategy. Amendments to the Subdivision By-law and to the Municipal Planning Strategy follow the same procedure and any amendment may require the approval of the Minister of Municipal Affairs. Council may amend a Land Use By-law provided the amendment conforms with the policies in the Municipal Planning Strategy.

Council's specific policies for administration of the Municipal Planning Strategy, the Subdivision By-law and Land Use By-laws are:

When considering amendments to the Subdivision By-law or to Land Use By-laws, the Council must consider the following:

- That the proposal conforms to the intent of the Municipal Planning Strategy; and
- That the proposal conforms to all applicable requirements of all municipal by-laws and the Provincial Subdivision Regulations.

A Public Participation Program must be held prior to any proposed amendment to the Municipal Planning Strategy, to the Subdivision By-law, or to a Land Use By-law as well as in conjunction with the ten-year review of the Municipal Planning Strategy, and the purpose of the Public Participation Program will be to hear the opinions of the public.

The Municipal Engineer appointed by Council will be responsible for the review and approval of all engineering drawings and proposals for all municipal services, including proposals for central sewer and central water systems.

Amendment of this Planning Strategy will be required where any policy expressed in the Planning Strategy is to be changed or where any amendment to a Subdivision By-law or a Land Use By-law would be in conflict with the policies expressed in this Planning Strategy.

This Municipal Planning Strategy and any subsequent amendments must be reviewed as required by the Municipal Government Act, when requested by the Minister of Municipal Affairs, or when deemed advisable by Municipal Council, but in any case, not later than ten years from the date of its coming into force and effect.

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## **2. Part 2 – Land Use Control**

### **2.1 Powers**

Although a Municipal Planning Strategy may state policies which are carried out through resolutions of Council or through by-laws other than the Land Use By-Law, the Land Use By-Law has a special relationship with the Municipal Planning Strategy. Section 210 of the Act forbids Council from adopting or amending a Land Use By-Law contrary to the policies stated in the Municipal Planning Strategy.

Sections 220 to 224 of the Act detail specific aspects of land use which a municipality can regulate through a Land Use By-Law. They include such things as:

- Creating zones together with lists of structures and land uses permitted or prohibited in each zone;
- Lot frontage, area, yard requirements and density;
- Location, height, floor area, and external appearance of structures;
- Population density;
- The nature, kind, size and description of advertising;
- Fences, walks, landscaping and outdoor lighting;
- The excavation or filling in of land;
- Development near watercourses, on unstable ground, or adjacent to pits and quarries;
- Parking requirements; and
- Temporary developments.

Where there is a Land Use By-Law in effect Section 244 of the Act states that a Municipal Development Permit is required for any development, but also allows the by-law to specifically exempt some developments from this requirement.

### **2.2 History**

Council considered the possibility of regional planning in the middle 1970s, and rejected a proposal for land use control in the Village of Hebbville in 1977 after a lively public debate. Similar proposals for detailed land use control in other communities have resulted in similar lively public debates. Because of these experiences, Council has been unwilling to consider land use control under the authority of the Municipal Government Act unless a community requests such zoning.

Those communities which are subject to Secondary Planning Strategies and Land Use By-laws are discussed in Part 4, Secondary Planning Strategies. Land use controls which are subject to the Municipal-Wide Land Use By-law are discussed in Part 5, Municipal-Wide Land Use Policies.

## **2.3 Intent**

The following policies express Council's intentions for the control of land use within the Municipality.

- 2.3.1** It is the policy of Council to refrain from imposing land use control through a Land Use By-law on any part of the Municipality unless a community specifically requests Council to adopt a Land Use By-law for that community.
- 2.3.2** Despite Policy 2.3.1, Council may prepare a Secondary Planning Strategy and a Land Use By-law on its own initiative where Council deems that such land use control is in the best interests of the community and of the Municipality.
- 2.3.3** Despite Policy 2.3.1, Council may prepare a municipal-wide land use by-law on its own initiative where Council deems that such land use control is in the best interests of the Municipality.

## **2.4 Method**

Where Council wishes to regulate land use in accordance with Policy 2.3.1 or Policy 2.3.2, Council can do so only by adopting a Land Use By-law. As discussed in Subsection 2.1 above, these Land Use By-laws must conform with policies set out in a Municipal Planning Strategy. Policy 1.3.2 states that this Municipal Planning Strategy applies to the whole Municipality and so any land use by-laws must conform to the policies of this Municipal Planning Strategy.

The Municipal Government Act provides in Section 212 for Council to adopt Secondary Planning Strategies which form part of this Municipal Planning Strategy and which apply to specific areas of the Municipality. These Secondary Planning Strategies are discussed in Part 3 (below) of this Municipal Planning Strategy, and will express Council's specific policies regarding land use control in specific areas of the Municipality.

- 2.4.1** It is the policy of Council to consider adopting a Secondary Planning Strategy and a Land Use By-law for the purpose of regulating land use in accordance with Policy 2.3.1, Policy 2.3.2 or 2.3.3.

### 3. Part 3 – Subdivision Control

#### 3.1 Powers

This Municipal Planning Strategy sets out Council's policies on the subdivision of land, in support of the Municipal Subdivision By-law.

The Municipal Government Act defines "Subdivision" in Section 191, Clause (q):

"'subdivision' means the division of any area of land into two or more parcels, and includes a re-subdivision or a consolidation of two or more parcels."

Subsection 268(2) of the Municipal Government Act reduces the impact of this definition by listing ways of dividing land which the Act specifically does not affect. The following divisions of land do not require approval by a Municipal Development Officer under a Municipal Subdivision By-law:

- (a) Where all lots to be created, including the remainder lot, exceed ten hectares in area;
- (b) Resulting from an expropriation;
- (c) Resulting from an acquisition or disposition of land by His Majesty the King in right of the Province or in right of Canada or by an agency of His Majesty;
- (d) Of a cemetery into burial lots;
- (e) Resulting from an acquisition of land by a municipality for municipal purposes;
  - (i) Resulting from an acquisition of land by a village for village purposes;
- (f) Resulting from the disposal, by a municipality or His Majesty the King in right of the Province, of a street or part of a street or a former street or part of a former street, including the consolidation of a street or part of a street or a former street or part of a former street with adjacent land;
  - (i) Resulting from the disposal of a trail or part of a trail, including the consolidation of a trail or part of a trail with adjacent land;
- (g) Of an abandoned railway right of way;
- (h) That is a consolidation of a part of an abandoned railway right of way with adjacent land;

- (i) Resulting from a lease of land for twenty years or less, including any renewal provisions of the lease;
- (i) Resulting from the acceptance for registration by the Registrar of Condominiums of a phase of a phased development condominium that meets the requirements, if any, prescribed by the regulations made pursuant to the Condominium Act;
- (ii) Resulting from the quieting of a title; and
- (j) Resulting from a devise of land by will executed on or before January 1, 2000.

The Municipal Government Act further restricts the powers of a Municipality's Subdivision By-law at Section 271(2), by requiring the by-law to include all applicable parts of the Provincial Subdivision Regulations. These may not be relaxed unless a Municipal Planning Strategy explains the relaxation. Relaxing the requirements is greatly restricted by Section 208(3) which allows the Minister of Municipal Affairs to refuse approval of a Municipal Planning Strategy if it conflicts with any provincial interest. The Provincial Subdivision Regulations express provincial interests and no relaxation of requirements will be permitted without background studies to show that those interests are protected and to support Municipal Planning Strategy policy statements.

Section 271(2) of the Municipal Government Act also allows Council to impose requirements which are more restrictive than the Provincial Subdivision Regulations. The use of this provision is also limited by the Minister's obligation to protect Provincial interests as expressed in the Provincial Subdivision Regulations and the Provincial Statements of Interest, see also section 208(3) of the Municipal Government Act.

Other subsections of Section 271 list matters of Municipal interest which are not addressed by the Provincial Subdivision Regulations but may be addressed in a Municipal Subdivision By-law, such as:

- Public Street construction standards
- Construction standards for private roads in a rural municipality
- Standards for water mains, sanitary sewer, storm drainage and other utilities
- Public Open Space for recreation purposes
- Limits on the number of lots subdivided in one year from any property

- Fees for review and approval of plans
- Access to lots
- Shapes of lots (including frontage and area)
- Concept Plans
- Transportation Reserves
- Development on roads
- Infrastructure Charges

The inevitable conclusion is in four parts: (1) that a Municipal Subdivision By-law must conform with the minimum requirements of the Provincial Subdivision Regulations regarding lot sizes, lot access, contents of a plan, and the procedure to be followed in approving a plan; (2) that the Municipal Planning Strategy and Subdivision By-law can be more restrictive than the Provincial Regulations; (3) that the Strategy and By-law can address subjects of Municipal interest such as recreation space and sewer, water, or road construction; and (4) that the Strategy and By-law can be less stringent than Provincial Subdivision Regulations only if they do not conflict with Provincial Interests.

### **3.2 History**

The Minister of Municipal Affairs first prescribed Subdivision Regulations for the Municipality on 5 March, 1975 and soon afterward the Municipal Council adopted a Subdivision By-law which became law on 19 December, 1975. From that time, all subdivisions of land in the Municipality required the approval of the Municipal Development Officer.

From the time the former Planning Act was amended in 1987, every subdivision of land in the province has required approval. The Provincial Subdivision Regulations applied where there was no Municipal Subdivision By-law.

The Municipal Government Act stipulates that in those municipal units in which there is no Subdivision By-law, the Provincial Subdivision Regulations will become the Subdivision By-law for these municipal units. Thus, under the Municipal Government Act subdivision controls are mandatory for all municipal units.

Since Municipal Council first adopted a Subdivision By-law in 1975 the construction and design requirements for private road design and construction have seen numerous changes.

The Subdivision By-law during the period of 1975-1993 enabled the creation of cottage lots on private “designed” roads. Cottage Subdivisions implied that the lots were to be

used for seasonal or periodic occupancy. The Subdivision By-law enabled the creation of 10 lots on a private “designed” road, without the requirement that the designed road be constructed. Upon creation of the 11<sup>th</sup> lot, the road had to be constructed to the designed road construction standards of the Subdivision By-law for cottage subdivision roads.

In 1993, Municipal Council repealed the 1975 Subdivision By-law and adopted a new Subdivision By-law. The 1993 Subdivision By-law enabled the creation of lots on private “designed” roads, regardless of whether the intended occupancy of the lot was permanent or seasonal. The Subdivision By-law further exempted the developer from a requirement to construct the road if six or fewer lots were created on a private “designed” road. Upon the creation of the seventh lot, the developer was required to construct the road to the private “designed” road construction standards of the Subdivision By-law.

In 1997 Municipal Council amended the Subdivision By-law to remove the construction standards for private “designed” roads. The result was that private “designed” roads were no longer required to be constructed.

In late 1998 the former Nova Scotia Planning Act was replaced with the Municipal Government Act.

In 1999 Municipal Council updated the Subdivision By-law by repealing and replacing the previous version.

During the period from 2001 to 2004 Municipal Council conducted a review of both public and private “designed” road design standards. Although private “designed” road construction standards were proposed, Council did not implement private “designed” road construction standards. Private “designed” roads were required to be designed but not constructed to the design.

Private roads are sometimes difficult to maintain. The greater the number of lots using the roadbed, the greater the traffic and increased numbers of people who must be persuaded to share the maintenance costs.

Since the last review, the Municipality has received feedback from residents on private roads who are frustrated with the challenges of maintaining their private road. Identified challenges include the construction quality of private roads; maintenance costs associated with private roads; and residents being unaware of the potential issues associated with living on a private road.

With the adoption of the Subdivision By-law in 2018, Municipal Council has approved new design, construction, and inspection requirements for public and private designed roads. These new road standards respond to feedback by private road residents and

emergency response providers and reflect Council's desire to ensure adequate access by implementing road construction standards.

### **3.3 Intent**

The following policies express Council's intentions in adopting this Municipal Planning Strategy for the subdivision of land:

- 3.3.1** This Municipal Planning Strategy provides a background and a rationale for the control of subdivision of lands in the Municipality, expressing Council's intentions for such control.
- 3.3.2** It is the intention of Council to control the subdivision of land in an orderly manner so as to: protect public health by promoting proper sewage disposal; promote public safety and cost-efficiency in the construction and use of new roads; ensure that new municipal services are constructed and maintained at minimum cost to the municipality; and provide essential information about land ownership within the municipality.

### **3.4 Method**

To carry out the intentions and purposes set out in Subsection 3.3 above, Council has adopted this Municipal Planning Strategy according to the following policies:

- 3.4.1** The Subdivision By-law applies to the whole of the Municipality, including any areas affected by a Secondary Planning Strategy.
- 3.4.2** This Municipal Planning Strategy is the policy document through which the subdivision of lands will be guided and controlled.
- 3.4.3** The Subdivision By-law provides the principle means for control of land subdivision through which the intent of this Municipal Planning Strategy is put into effect.
- 3.4.4** The Development Officer of the Municipality appointed under the authority of the Municipal Government Act will be responsible for the administration of the Subdivision By-law and will issue or refuse subdivision approvals.
- 3.4.5** The Subdivision By-law regulates the subdivision of lands within the Municipal boundaries so as to ensure:
  - (a)** That such subdivisions of land conform with any applicable requirements of any applicable Land Use By-law for minimum lot area and lot frontage;

- (b)** Where there is no Land Use By-law and no central sewer system, that such subdivisions of land provide an adequate lot size for on-site sewage disposal while providing flexibility for the creation of very small lots where on-site sewage disposal is not required;
- (c)** Where there is no Land Use By-law but lots are served by a central sewer system, that such subdivisions of land provide an adequate lot size for ordinary residential purposes;
- (d)** That such subdivisions of land provide for safe, adequate access from the Public Road network to each approved lot;
- (e)** That any central sewer systems and central water systems are professionally designed and constructed, as well as connected to existing municipal systems where possible;
- (f)** That provisions are made for the contribution of cash in lieu of land for parks, playgrounds, and similar public purposes, or that land is contributed to provide public access to waterways;
- (g)** That surveyors' plans of subdivision showing such subdivisions are approved and filed at the Registry of Deeds;
- (h)** That where a plan of subdivision involves the addition or consolidation of parcels or areas of land the deeds to effect the addition or consolidation, along with the approved plan, are filed at the Registry of Deeds.
- (i)** That sufficient information is shown on such surveyors' plans of subdivision to conform with the applicable requirements of the Municipal Government Act and the Provincial Subdivision Regulations as well as to enable evaluation of the proposal;
- (j)** That engineering drawings are prepared by qualified persons and filed with the Municipal Engineer to show the construction details of any new central sewer or water services and of any new Public Roads and Private Designed Roads;
- (k)** That the Municipal Engineer must inspect the construction of any new central sewer or water services and of any new Public Roads;
- (l)** That a Private Engineer must inspect the construction of any new Private Designed Road; and

- (m) That consistent procedures are followed in the review and approval of such plans so as to conform with the requirements of the Municipal Government Act and the Provincial Subdivision Regulations.

### **3.5 Provincial Subdivision Regulations**

As explained in Subsection 3.1 above, the Municipality must include in the Subdivision By-law all the crucial parts of the Provincial Subdivision Regulations as they are at the time the By-law is adopted. These parts govern the contents of subdivision plans and the procedure used in processing them, access to lots, and lot sizes. Where the Minister allows the Municipality to be stricter or less strict than these requirements, the variation is explained in this section of the Municipal Planning Strategy.

In the administration of regulations as complicated as the Subdivision Regulations there is always a need to interpret the meaning of various sections in order to guide the Development Officer in specific situations. Where the Municipality has adopted the exact wording of the Provincial Subdivision Regulations it is generally in the interests of developers, surveyors and lawyers to have consistent administration from one jurisdiction to another. In order to provide this consistency, Council must allow its Development Officer to follow the lead of the Department of Municipal Affairs in interpreting those parts of the By-law which directly copy the Provincial Subdivision Regulations.

In view of these considerations, Council has adopted the following policies:

- 3.5.1** To adopt a Subdivision By-law which is not inconsistent with the Provincial Subdivision Regulations and further, to include in the Subdivision By-law any provisions of the Provincial Subdivision Regulations which are applicable to the Municipality.
- 3.5.2** To be guided by any interpretation by the Department of Municipal Affairs of all provisions of the Provincial Subdivision Regulations which are directly incorporated into the Subdivision By-law.

### **3.6 Procedure and Information**

The compulsory procedures for reviewing and approving a subdivision plan are set out in the Municipal Government Act and the Provincial Subdivision Regulations. The Regulations also specify what information must be shown on or accompany a subdivision plan. Although these are incorporated into the Subdivision By-law, Council has additional requirements as set out in the following policies:

- 3.6.1** To allow subdivided land to be easily and accurately shown on maps, to require the subdivision plan to show the bearing and distance from the

subdivided land to a Nova Scotia High Precision Network Monument or Nova Scotia Co-ordinate Referencing System Monument wherever possible, or in lieu of Monument ties, measurements to features which are defined on existing mapping.

- 3.6.2** In order to ensure efficient street networks, adequate storm water management measures, adequate layout of public open space and the suitability of subdivision for on-site or central services to require in the Subdivision By-law, that where new streets or roads are proposed, the subdivider be required to submit a Concept Plan. Furthermore, to specify in the Subdivision By-law the contents necessary in order to evaluate street networks, stormwater management, layout of public open space, and suitability of site for on-site or central services.

The Provincial Subdivision Regulations require, amongst other things, that Concept Plans show the estimated lot yield figure, based on zoning requirements or requirements of Nova Scotia Environment, and that a concept plan be evaluated in terms of any proposed community and commercial uses. Council feels that these items are necessary only in areas with larger developments, as opposed to the Municipality. In addition, most of the municipality does not have any zoning regulations and as such, for many of the subdivisions there would be no requirements upon which to evaluate commercial or community uses. It is for this reason that the Subdivision By-law is less stringent than the provincial subdivision regulations with regards to the required contents of Concept Plans, as indicated in the following policy of Council.

- 3.6.3** Due to sparsely zoned areas in the Municipality and the relatively small scale, low density residential nature of development in the municipality it is Council's policy to not require Concept Plans to show the estimated lot yield or to be evaluated based upon a proposed commercial or community use.

### **3.7 Lot Size**

Minimum lot sizes for on-site sewage disposal by septic tank and disposal field are set by Nova Scotia Environment's "On-Site Sewage Disposal Systems Regulations". The Provincial Subdivision Regulations do not have a minimum lot area requirement, but rather rely on the results of an assessment conducted by Nova Scotia Environment to set the minimum lot area. In those areas in which a Land Use By-law exists that contain minimum lot area requirements, a lot being created must satisfy the more stringent requirement.

The Provincial Subdivision Regulations further require that in areas not served by a central sewer, all plans of subdivision must be forwarded to Nova Scotia Environment to determine compliance with the 'On-Site Sewage Disposal Systems Regulations'. This

requirement is waived, however, when the lot is more than 9,000 square metres; has a width of 75 metres or more; and, the applicant has certified that the lot is being created for a purpose which does not require an on-site sewage disposal system.

Council has experienced considerable difficulty over the years with "remainder lots", defined as "a lot for which subdivision approval is not requested or granted, but which results from the approval of lots shown on a plan of subdivision". Because these lots are not required to satisfy one or another of the By-law requirements (in particular the survey requirement) they are often created with an area, width or frontage which renders them unsuitable for on-site sewage disposal. Council sees a definite need to have these lots assessed for the suitability to install/construct an on-site sewage disposal system. This assessment is difficult when boundaries are not clearly defined. Nova Scotia Environment's 'On-Site Sewage Disposal Systems Regulations' require that any lot less than 9,000 square metres be assessed for the suitability of the lot for the installation / construction of an on-site sewage disposal system. Nova Scotia Environment advises that lots in excess of this are usually capable of supporting an on-site sewage disposal system. Council will, therefore, require all new lots under that size threshold to be surveyed, shown on a plan of subdivision, approved by the Development Officer and approved by Nova Scotia Environment as complying with the 'On-Site Sewage Disposal Systems Regulations'. This is intended to provide more useful information to the subdivider as well as subsequent purchasers of the land.

Where there is a central sewer system the minimum lot area will continue to be the standard established in the Municipal Subdivision By-law in 1975.

In most other respects, the Subdivision By-law follows the provisions of the Provincial Subdivision Regulations in accordance Policy 3.5.1 above.

To carry out these intentions, Council adopts the following policies:

- 3.7.1** In conformity with the Provincial Subdivision Regulations, to require plans of subdivision to be forwarded to Nova Scotia Environment to determine if the lots shown comply with the 'On-Site Sewage Disposal Systems' Regulations.
- 3.7.2** To waive the requirements of Policy 3.7.1 where
  - (a)** The proposed lot:
    - (i)** Has an area more than 9,000 square metres,
    - (ii)** Has a width of 75 metres or more, and
    - (iii)** Is to be used for a purpose which does not require an on-site sewage disposal system, or

**(b)** The proposed lot:

**(i)** Is served by a central sewer system and has the minimum lot area established in the Subdivision By-law, for lots served by a Central Sewer System.

**3.7.3** In conformity with the Provincial Subdivision Regulations, to require all lots approved by the Development Officer on a Plan of Subdivision to be surveyed.

**3.7.4** In addition to the requirements of the Provincial Subdivision Regulations, to require all new lots of less than 9,000 square metres area to be surveyed, and approved by the Development Officer, pursuant to Policy 3.7.1 and Policy 3.7.2.

**3.7.5** To waive the requirements of Policies 3.7.3 where lot boundaries are being altered and no new lots are being created.

### **3.8 Lot Access**

The Provincial Subdivision Regulations require that lots must abut a public highway; a right-of-way at least 20 metres wide, or a lesser width permitted by a Subdivision By-law; or an existing right-of-way which has been listed on a schedule in the Subdivision By-law (Schedule 'B'). There is also a provision for lots on an island and a provision for one division of any existing lot without any specific access requirement.

Although Policies 3.5.1 and 3.5.2 express Council's acceptance of this general arrangement, there are two road issues of concern to Council: Public Roads and Private Designed Roads.

Prior to 1995, new public roads in subdivisions were the responsibility of the Province. However, with servicing adjustments in 1995, new public roads became the responsibility of municipalities. Now, whenever a public road is built, it is turned over to the Municipality to maintain. In 2018, Council conducted a review of the Municipal Public Roads built since 1995 in the Municipality and determined that many of them cost more to maintain than the property taxes collected from the properties they serve. Council, therefore, feels that it is premature to allow the development of any new Municipal Public Roads without careful consideration of whether that new Municipal Public Road is economically sustainable. Council will only consider new Municipal Public Roads on a case-by-case basis through amendments to Schedule 'K' of the Subdivision By-law.

To ensure consistent design and construction quality for the creation of new roads in the Municipality as well as proper emergency vehicle access, Council has adopted Municipal Road Design and Construction Standards. These standards are based on a

five-tiered road class designation system and recognize the different functions of roads in urban and rural contexts. The Municipal Road Design and Construction Standards recognize the challenges of building roads in the Municipality due to the topography in the area and therefore allow for a lower design speed road option for Private Designed Roads. In response to the challenges with topography, the Subdivision By-law also enables a limited number of flag lots and access exemption lots.

New Public Roads are to be constructed and conveyed to the Municipality prior to subdivision approval for any lots serviced by the Public Road. Alternatively, Council may enter into an agreement with the subdivider, which guarantees construction of a Public Road, and subdivision approval may be granted prior to construction provided that the agreement is backed by an appropriate bond or other security acceptable to Council. This agreement will also clearly define the subdivider's responsibilities for the work to be completed.

New Private Designed Roads must conform to the design and construction standards of the Subdivision By-law.

Private roads are sometimes challenging to maintain. The greater the number of lots using the roadbed, the greater the challenge, with increased traffic and increased numbers of people who must be persuaded to share the maintenance costs. These challenges are sometimes solved by the Municipality, upon petition by lot owners, to build the road to the required municipal standard and recover the costs from the landowners abutting the road by means of an area rate. To facilitate the construction of a Public Road at any future time, Council will require the subdivider to design the Private Road with a right-of-way width and drainage that satisfies the Municipal Road Design and Construction Standards of the Subdivision By-law.

In addition to road issues, another concern of Council is lots with no frontage. Council is aware of the provision within the Provincial Subdivision Regulations which allows for a lot with no frontage to be created within an area of land as it existed on August 1, 1987, and two lots with no frontage out of an area of land that does not meet the frontage requirements of the Subdivision By-law. However, it is Council's opinion that this provision discourages development and therefore, will enable one lot with no frontage to be created out of an area of land as it existed on December 30, 1994, and two lots with no frontage to be created out of an area of land which does not meet the frontage requirements of the Subdivision By-law.

These concerns give rise to the following policies:

- 3.8.1** Where the Subdivision By-law enables lots to be approved with frontage on a right-of-way 15.2 metres wide, to require such rights-of-way to be acceptable to the Municipal Engineer as having sufficient width and drainage provisions

to satisfy Municipal Road Design and Construction Standards of the Subdivision By-law, in order to facilitate construction of a Public Road at any future time.

**3.8.2** To enable the division of land into lots which do not have frontage on a Public Road provided that such lots have frontage on any private right-of-way which is indexed on Schedule "B" of the Subdivision By-law.

**3.8.3** To consider proposals for indexing private rights-of-way on Schedule "B" of the Subdivision By-law provided Council is satisfied that:

- (a) The existing road is constructed within a right-of-way which was being used to provide access to three or more developed lots prior to 19 December, 1975;
- (b) The right-of-way intersects with a Public Road, and the intersection point has been approved by the authority having jurisdiction over the Public Road;
- (c) The minimum width of the right-of-way was on 19 December, 1975, and is at the time of indexing, 7.62 metres;
- (d) The length of the right-of-way to be included in the schedule does not extend beyond the last existing residential use;
- (e) The road and the right-of-way are shown on a survey plan prepared by a licensed Nova Scotia Land Surveyor, unless Council is satisfied that existing surveys are sufficient to determine the exact location of the right-of-way;
- (f) The road within the right-of-way is soundly constructed on a stable base, with a gravel or asphalt surface, well-drained by means of ditches, culverts or storm sewers as appropriate so that it is capable of carrying the anticipated traffic load;
- (g) It is not feasible to provide a Public Road to serve the proposed lots and it is not feasible to provide a right-of-way with a minimum width of 15.2 metres.

**3.8.4** To include in the subdivision by-law standards for design and construction of Public Roads and Private Designed Roads.

**3.8.5** To enable the approval of a final plan of subdivision prior to construction of the required Public Roads and Private Designed Roads where:

- (a) The developer has entered into an agreement, which is satisfactory to Council, to carry out and complete the required work within a period of time as specified in the agreement; and
- (b) The developer has posted a performance bond or other security acceptable to Council, and
- (c) The agreement provides that the developer may receive subdivision approval for lots after posting the performance bond or other acceptable security, but prior to construction of the proposed Public Roads and Private Designed Roads; and
- (d) The agreement provides for the conveyance of all road rights-of-ways and road beds necessary to the operation of the Public Road, together with easements sufficient for the maintenance of all associated road drainage systems.

**3.8.6** Notwithstanding Policy 3.4.5(d) to enable the division of one lot with no frontage from an area of land as it existed on December 30, 1994 and the division of two lots with no frontage from an area of land which does not meet the frontage requirements of the Subdivision By-law, as it existed on December 30, 1994.

**3.8.7** To only permit the development of new Public Roads in areas identified in Schedule 'K' of the Subdivision By-law. In considering adding areas to Schedule 'K' of the Subdivision By-law, Council will evaluate whether or not the proposal for new Public Roads is economically-premature based on the density of development, required length of road, expected market uptake of created lots, proximity to existing Municipal Public Roads, and any other factor that Council deems relevant.

### **3.9 Sewer Services**

Other than specifying minimum sizes for lots in serviced areas, the Provincial Subdivision Regulations are silent about central sewer systems. These services are the responsibility of municipal government, and Council has a number of concerns because of experience in dealing with sewer services.

The Municipality owns and operates central sewer systems and sewage treatment plants in the New Germany area, Cookville, and in the Riverside Subdivision in Conquerall Bank. In addition, the Municipality owns the sewage collection system including easements, pipes and pumping stations in Hebbville, but has connected this system to the Town of Bridgewater system for sewage disposal.

Council encourages the extension of the existing Municipally-owned sewer systems and encourages connection of future development to the existing municipal systems, subject to the operating capacity of these systems.

Past experience with privately-owned central sewer systems has convinced Council that these systems often cause maintenance problems for lot owners, especially if the construction of the system is inadequate in the first place.

Where there is no central sewer system available, Council will permit new lots to be serviced by on-site sewage disposal systems on each lot. A lot which satisfies the minimum lot size requirement of the "Regulations Respecting On-site Sewage Disposal Systems" may be perceived by the public to be suitable for on-site sewage disposal. However, because not all such lots are suitable due to shallow soil depth, proximity to watercourses, steep slopes, impermeable soil, development density, etc., Council wishes to ensure that these lots are assessed by Nova Scotia Environment and that their suitability or lack of suitability is shown on the Plan of Subdivision in accordance with Policies 3.7.1 and 3.7.4 above.

These concerns give rise to the following policies:

- 3.9.1** To enable the subdivision of land into lots serviced by any existing central sewer system owned and operated by the Municipality.
- 3.9.2** To enable the subdivision of land into lots which are to be serviced by a central sewer system where:
  - (a)** The developer has entered into an agreement which is satisfactory to Council, to carry out and complete the required work within a specified period of time as set out in the agreement; and
  - (b)** The developer has posted a performance bond, or other security acceptable to Council; and
  - (c)** The agreement provides that the developer may receive subdivision approval for lots after posting the performance bond, or other acceptable security, but prior to construction of the proposed sewer system; and
  - (d)** The agreement provides for the conveyance of all assets necessary to the operation of central sewer systems, together with easements sufficient for the maintenance of all services.

### **3.10 Water Services**

The Municipality does not own or operate any central water supply. Dug wells and drilled wells on individual lots are the normal sources of drinking water in the Municipality and this is likely to continue. A limited area of the Municipality has access to central water systems. The Municipality will consider the creation of new lots on these existing systems according to the standards of the Subdivision By-law.

In view of these possibilities, Council's policies are:

- 3.10.1** To permit the subdivision of land into lots which are to be serviced by on-site wells.
- 3.10.2** To permit the subdivision of land into lots serviced by an existing central water system provided that the system is constructed to the standards of the Subdivision By-law.

### **3.11 Public Open Space**

The Municipality is responsible for providing recreation services. To this end, the Municipality offers public recreational services and programs through the Municipal Recreation Department. The Municipality also provides recreational opportunities through the provision of a recreation complex in Dayspring, as well as a Municipal Beach at Lake Mush-A-Mush, and walking trails at Miller Point Park, along the LaHave River. In addition to these facilities and parklands, the Municipality has acquired numerous parcels through the former Public Open Space requirements of the Subdivision By-law.

The Municipality had been acquiring Public Open Space within their Subdivision By-law for developments that have occurred between the years 1975 and 2001. The Municipal Government Act enables Council to require, within the Subdivision By-law, that a subdivider convey land, equivalent value to land, or a combination of both for public open space purposes. Council is also able to specify those instances where land or an equivalent value is required. Prior to July 2001, Council required that the developer convey useable land or cash-in-lieu of land.

Between June 1999 and March 2000 municipal staff undertook research related to Public Open Space. The objective of this research was to determine whether the former public open space requirements were satisfying the needs of the Municipality, based upon the past 25 years of development and the anticipated development pattern. This report concluded that the recreational needs of the Municipality were not being satisfied (Public Open Space Study, March 2000). The report further recommending that Council adopted a municipal wide approach to public open space,

being that Public Open Space should benefit all of the municipality's residents, not just those in a local subdivision. To this end, Council, in September 2001, removed the former public open space requirements of the Subdivision By-law, and has incorporated new policy and subdivision by-law requirements into this Planning Strategy and accompanying Subdivision By-law.

As provided for in the Municipal Government Act Council will require that a subdivider contribute two percent (2%) of the market value of all new lots created. Council does not wish to impose this requirement on any division in which the lot(s) created contains an existing main building, is a remainder lot, is a consolidation of two or more lots, is a private designed road approved as a separate lot, is an alteration of lot boundaries in which no new additional lots are created, or is on land owned by the Municipality.

Council also recognizes that some subdivisions may provide the opportunity to acquire waterfront land that was not necessarily considered and planned for through the Open Space Strategic Plan. Therefore, Council will consider proposals from subdividers for the contribution of at least 5% of the area of the subdivision lands in lieu of the cash dedication. Where accepted, open space lands must be usable and must include public access on a Public Road.

As required by the Municipal Government Act, Council will use the funds for no other purpose other than the acquisition of, and capital improvements to, parks, playgrounds and similar public purposes and may use the interest on the funds not expended for these purposes for the operation and maintenance costs of parks, playgrounds, and similar public purposes. This will enable Council to strategically acquire and develop recreational lands in a location and of a quality and quantity that will benefit the municipality as a whole. To ensure that land is strategically acquired, Council will develop a strategic plan for the acquisition of future land. As part of this strategic plan, Council will review the existing municipal land inventory to determine the usefulness of these parcels in relation to the Strategic Plan. This plan will include estimated times and budget expenditures necessary to reach Councils' goals.

To provide the residents in the Municipality with reasonable access to park, playground and similar public areas, Council's policies are:

- 3.11.1** To require subdividers to contribute cash in the amount of two percent of the market value of all new lots created and for which subdivision approval has been requested or is required.
- 3.11.2** To waive the requirements of Policy 3.11.1 where:
  - (a)** A lot created contains an existing main building;

- (b) A lot created is a remainder lot;
- (c) An approval is for the consolidation of two or more lots;
- (d) Lot boundaries are altered and no new additional lots are created;
- (e) An approval is for a designed road as a separate lot; or
- (f) The Municipality owns the property being subdivided.

**3.11.3** To develop a Strategic Plan for the acquisition and disposition of land by the Municipality, which will identify Councils' goals with respects to recreational lands and incorporate projected budget expenditure estimates and the time frames necessary to reach these goals.

**3.11.4** To consider proposals for usable land consisting of at least 5% of the subdivided lands, by area, in lieu of the cash dedication. Such lands must include water access and must include frontage on a Public Road.

Proposed

## 4. Part 4 – Secondary Planning Strategies

### 4.1 Background

Where Council has adopted a Municipal Planning Strategy for the whole municipality such as this one, the Municipal Government Act provides that Council may adopt a secondary planning strategy which applies, as part of the Municipal Planning Strategy, to specific areas within the municipality. Where planning strategies are put in place in conformance with Policy 2.3.1 because of a request from a community for land use control, or in conformance with Policy 2.3.2, they will be secondary planning strategies included within this Municipal Planning Strategy.

Considering the powers set out in the Municipal Government Act, and in order to carry out intentions and policies set out in Sections 2.3 and 2.4 of this Municipal Planning Strategy, Council has adopted the following policies:

- 4.1.1** It is the policy of Council to provide planning staff and to consider adopting a Secondary Planning Strategy for any community which specifically requests Council for such services and consideration.
- 4.1.2** The Secondary Plan Areas Map (1) which is attached to this Municipal Planning Strategy is a generalized representation of the location of areas affected by Secondary Planning Strategies and Land Use By-laws.
- 4.1.3** The exact boundaries of the areas affected by Secondary Planning Strategies are shown on the Future Land Use Maps and Zoning Maps appended to the Secondary Planning Strategies and Land Use By-laws in effect in various parts of the Municipality.
- 4.1.4** Where there is any conflict between the policies expressed in this Municipal Planning Strategy and the policies expressed in any Secondary Planning Strategy, the most stringent will prevail.
- 4.1.5** The Coastal Protection Area Map (2) which is attached to this Municipal Planning Strategy is a generalized representation of the location of areas affected by Coastal Protection policies and regulations.
- 4.1.6** The Municipal-Wide Land Use Map (3) which is attached to this Municipal Planning Strategy is a generalized representation of the location of areas affected by Cluster Development Regulations as well as the Municipal-Wide Land Use policies and the associated Municipal-Wide Land Use By-law.

## **4.2 Village of Hebbville**

On February 14, 2012, Municipal Council approved a revised Secondary Planning Strategy and Land Use By-law for the Village of Hebbville. The Minister of Services Nova Scotia and Municipal Relations reviewed these documents and deemed them not to require ministerial approval. The Secondary Planning Strategy for the Village of Hebbville is to be included within this Municipal Planning Strategy as a Secondary Planning Strategy. On March 21, 2012 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.

**4.2.1** It is the policy of Council that the Secondary Planning Strategy for the Village of Hebbville as approved by Municipal Council, effective March 21, 2012, is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.

## **4.3 Oakland**

On September 9, 2003, Municipal Council approved a revised Secondary Planning Strategy and Land Use By-law for the community of Oakland. The Minister of Service Nova Scotia and Municipal Relations reviewed the Oakland Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On October 22, 2003 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.

**4.3.1** It is the policy of Council that the Secondary Planning Strategy for the community of Oakland as approved by Municipal Council, effective October 22, 2003, is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.

## **4.4 Riverport and District**

On July 12, 2005 Municipal Council approved a revised Secondary Planning Strategy and Land Use By-law for Riverport and District plan area. The Minister of Service Nova Scotia and Municipal Relations reviewed the Riverport and District Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On August 10, 2005 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.

**4.4.1** It is the policy of Council that the Secondary Planning Strategy for Riverport and District as approved by Municipal Council, effective August 10, 2005, is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.

#### **4.5 Princes Inlet and Area**

On January 12, 2016 Municipal Council approved a revised Secondary Planning Strategy and Land Use By-law for Princes Inlet and Area. The Minister of Service Nova Scotia and Municipal Relations reviewed the Princes Inlet and Area Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On February 17, 2016 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.

**4.5.1** It is the policy of Council that the Secondary Planning Strategy for the Princes Inlet and Area, as approved by Municipal Council, effective February 17, 2016 is incorporated into this Municipal Planning Strategy for the Municipality, as a Secondary Planning Strategy.

#### **4.6 Blockhouse**

On September 9, 2008 Municipal Council approved a revised Secondary Planning Strategy and Land Use By-law for Blockhouse. The Minister of Service Nova Scotia and Municipal Relations reviewed the Blockhouse Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On October 14, 2008 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.

**4.6.1** It is the policy of Council that the Secondary Planning Strategy for the Blockhouse Area, as approved by Municipal Council, effective October 14, 2008, is incorporated into this Municipal Planning Strategy for the Municipality, as a Secondary Planning Strategy.

#### **4.7 Osprey Village**

On December 12, 2006 Municipal Council approved a revised Secondary Planning Strategy and Land Use By-law for Osprey Village. The Minister of Service Nova Scotia and Municipal Relations reviewed the Osprey Village Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On January 24, 2007 the first notice of Municipal Council's approval appeared in the local newspaper and is the effective date of the document.

**4.7.1** It is the policy of Council that the Secondary Planning Strategy for Osprey Village as approved by Municipal Council, effective January 24, 2007, is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.

#### **4.8 Hemford Forest**

On April 13, 2021 Municipal Council approved a Secondary Planning Strategy and Land Use By-law for Hemford Forest Plan Area, following a plebiscite conducted on September 22, 2018 to regulate land use planning.

- 4.8.1** It is the policy of Council that the Secondary Planning Strategy for Hemford Forest as approved by Municipal Council is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.

Proposed

## 5. Municipal-Wide Land Use Policies

In response to concerns over unregulated development occurring along the coastline, as well as similar unregulated cluster developments occurring in inland areas, Council initiated the process of introducing targeted land use controls to address these concerns in 2023 through new policies and the introduction of a municipal-wide land use by-law. These land use regulations are recognized as temporary measures to control specific types of development, particularly in areas outside of the existing Secondary Plan Areas, recognizing that full land use controls will be implemented shortly. However, as they impact areas across the municipality, the policies contained in the Coastal Protection and Cluster Development sections also apply to Secondary Plan Areas. Therefore, in cases where similar policies or regulations overlap, the most stringent ones will apply.

### 5.1 Cluster Development

Cluster developments, sometimes called grouped or cluster dwellings, are a type of residential development where several detached and/or multiple-unit dwellings are located on the same property. As the lots in a cluster development are not subdivided, the overall approach of each cluster development can differ from a traditional subdivision including a more flexible arrangement of buildings on the site and different potential ownership structures of the land, associated buildings, and infrastructure. While some cluster developments resemble a traditional subdivision, others are enabled to locate buildings close together at a greater density in order to better share infrastructure such as a cluster septic system or water well, while the remaining land might be used to provide dedicated open or recreation space.

### 5.2 Cluster Development Policies

In addition to the opportunities enabled by the cluster development style, some land use challenges are also introduced. Because the creation of a cluster development projects does not involve the subdivision of land, the requirements of the subdivision by-law are not automatically applied. In the absence of these rules, specific regulations for on-site servicing, water quality and quantity, road standards, and environmental integrity are needed to ensure development standards are in place that have the appropriate level of scrutiny to support the development styles that cluster development enables. These regulations must also be flexible based on the potential impacts associated with the number units in each proposed cluster development.

**5.2.1** Council recognizes the potential impact of cluster development and the importance of managing environmental impact, water quality, water quantity, and road servicing. The Municipal-Wide Land Use By-law will outline the

requirements intended to address these matters such as studies and reports that provide information and mitigation measures.

- 5.2.2** Council will permit new cluster development by either a site plan approval or development agreement everywhere in the Municipality, as shown in Map 3. In recognition of the greater complexity and potential impact that large scale developments entail, the Municipal-Wide Land Use By-Law will outline the approvals process of the cluster development regulations that must be followed based on the number of dwelling units of each cluster development.

Conservation Design Development is a form of residential subdivision designed to conserve open space in rural areas and protect environmental features. The basic principle of this concept is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space. Promoting the goals of conservation design encourages beneficial practices such as shared open space or shared infrastructure.

- 5.2.3** It will be a policy of Council to promote the goals of conservation design style development as a means of meeting the requirements set out in the cluster development regulations.

A non-conforming use, sometimes called a grandfathered use, is a status given to a land use that pre-dates a regulation to allow its continuation under certain restrictions. To account for the special case of bare land condominium projects which are in the process of becoming registered by the Registrar of Condominiums but have not yet applied for a building permit, Council will relax the requirements for certain bare land condominiums and to consider them as non-conforming in order to avoid potential complications and undo costs involved in meeting new regulations.

- 5.2.4** As outlined in the Municipal-Wide Land Use By-law section on Non-Conforming Uses, it will be a policy of Council that, for Cluster Developments being developed as bare land condominiums or phased land condominiums, all units that have been accepted for registration by the Registrar of Condominiums as evidenced by their being registered at the appropriate Land Registration office established under the Land Registration Act by November 1, 2025, will be recognized by Council as non-conforming.

The cluster development regulations are designed to ensure all cluster projects are feasible, safe, and do not pose unnecessary environmental harm. While the regulations are best applied during the early stages of a project, Council recognizes that the ordering of steps in a planning approval process can potentially close the window of opportunity for developers seeking financing for the purpose of constructing housing by imposing costs early on. To account for these special cases, Council will provide

opportunities for flexibility in the ordering of steps while ensuring the same standards are met before occupancy.

- 5.2.5** To account for the uncertainty involving grants that support the development of affordable housing, it will be a policy of Council to provide flexibility in the ordering of steps in the planning approvals process. The Land use By-law will outline the way in which this flexibility can be provided.

To ensure that the cluster development regulations remain up to date with best practices for land use planning, Council will review the cluster development regulations every five years.

- 5.2.6** It will be a policy of Council to review the regulations every five years to update them in accordance with best practices for development regulations.

Proposed

### **5.3 Coastal Protection**

In response to the dynamic challenges posed by climate change and our coastal environment, Council has introduced a comprehensive set of coastal protection policies. In the face of sea-level rise, erosion, and the potential loss of critical ecosystems, these policies stand as a guide for responsible coastal development, fostering environmental sustainability, and safeguarding both our communities and the natural beauty of our coast.

These policies outline a framework addressing coastal flooding, erosion control, and the preservation of sensitive coastal ecosystems. At its core, they are a commitment to striking a harmonious balance between development and the natural environment. By guiding responsible land use and incorporating climate change resilience, these policies are in place to safeguard human developments from the coast and, equally crucial, to protect the coast from the adverse impacts of human development. These policies signify Council's commitment to the well-being of our communities and the preservation of the unique ecological diversity inherent to our coastal region.

Considering these issues, the following general policies regarding coastal protection are as follows:

- 5.3.1** Council will build public awareness about coastal flooding, erosion issues, the protection of coastal ecosystems, and the regulations intended to deal with them. Council will also promote utilizing natural-based solutions such as vegetative buffers and living shorelines.
- 5.3.2** Council will conduct periodic reviews of the coastal protection regulations outlined in the Land Use By-law every five (5) years, with a commitment to updating them in alignment with the most current information on erosion and climate change models and projections.
- 5.3.3** Coastal protection policies generally apply to areas along the coastline, as shown in Map 2, Designated Coastal Protection Area. The Municipal-Wide Land Use By-law will also include boundaries of areas requiring development permits and where specific coastal protection regulations apply.

### **5.4 Coastal Flooding**

The Municipality of the District of Lunenburg is facing sea level rise, erosion, and the loss of sensitive ecosystems along its coastline. If measures to combat the effects of climate change are not put in place, local sea levels are projected to rise by 1.57 metres by the year 2100. When combined with a significant storm surge and Higher High Water Large Tides, areas with elevations of up to 3.97 metres could be

periodically inundated with sea water. New development along the coast must consider the risks associated with climate change, and existing structures below the Higher High Water Large Tide must be prepared to either adapt or retreat from the coast over time.

Of particular concern in MODL are dense coastal communities, where a substantial amount of existing development lies within areas known to be at risk of the effects of sea level rise and climate change. Implementing policies and strategies to regulate development along the coast is vital to ensure the resilience and sustainability of MODL's coastal communities. These policies outline key actions that will help manage the risks imposed by rising sea levels and protect current and future development in the face of climate change uncertainties.

Policy Objectives:

- To reduce the risk and impact of coastal flooding on communities.
- To effectively manage land use and development along the coast.
- To safeguard public health, safety, and welfare by minimizing exposure to coastal inundation and storm surge risks.
- To promote sustainable land use practices that consider the long-term resilience of the community in the face of rising sea levels and increased storm events.
- To balance economic and environmental sustainability.

## **5.5 Coastal Flood Area Policies**

The Flood Risk Area delineates areas along the coastline which are most at risk of coastal flooding due to tide levels, sea level rise and storm surges. It shows areas that may be either permanently or temporarily inundated by water by the year 2100. Policies that apply to these areas are designed to help safeguard residents and developments from the risks posed by coastal flooding. The following policies apply to this area:

- 5.5.1** The Municipal-Wide Land Use Bylaw will include a Coastal Flood Risk Area to protect development from flooding in areas that are projected to be vulnerable to flooding by 2100.
- 5.5.2** Council, through the Municipal-Wide Land Use Bylaw, will prohibit the construction of habitable floor space below an elevation of 3.97 metres with reference to the Canadian Geodetic Vertical Datum of 2013.

- 5.5.3** Council recognizes the critical importance of safeguarding vulnerable communities and will protect them from the threats of flooding and potential emergency evacuations by prohibiting institutional uses within the Coastal Flood Risk Area, regardless of elevation.
- 5.5.4** Within the Municipal-Wide Land Use Bylaw, Council will grant exemptions for non-habitable accessory structures and marine related uses.
- 5.5.5** Despite Section 5.5.2, Council will, through the Land Use Bylaw, authorize non-conforming structures to undergo renovations, rebuilding, or relocation.
- 5.5.6** Despite Section 5.5.2, Council may, through the Land Use Bylaw, authorize limited additions to non-conforming structures that do not meet the elevation requirements.
- 5.5.7** Council, through the Land Use By-law, may grant property owners the authority to relocate existing developments, so long as the relocation does not reduce the elevation requirement, by relaxing development standards, including property lines setbacks.

## **5.6 Coastal Erosion**

Coastal shoreline erosion is an inherent and continuous process, that can pose adverse impacts on shoreline developments. The extent of erosion within the Municipality varies along the coastline due to distinct surficial geological conditions and differing exposure levels to wind, waves, runoff and storm events. Erosion rates range from as high as 0.7 metres per year in some areas to a much slower pace in others. Consequently, certain erosion control methods, like seawalls, can contribute to adverse environmental effects, disrupting natural coastal processes, reducing marine life habitat, and exacerbating erosion in neighbouring areas.

Recognizing these challenges, Council acknowledges the wealth of academic research supporting natural-based solutions for erosion mitigation. These solutions include initiatives such as coastal salt marsh restoration and the creation of 'living shorelines.' These strategies employ grading techniques and meticulous vegetation selection to provide adequate stabilization.

Council will implement land use controls governing shoreline development in response to erosion risk concerns. These regulations involve the establishment of a Coastal Erosion Risk Area and Vegetative Buffers. These measures aim to safeguard development and human life from potential erosion threats while preserving the natural environment from harmful human development.

Policy Objectives:

- To safeguard human health, safety, and welfare by minimizing the risks to public safety associated with coastal erosion.
- To effectively manage development along the coast.
- To preserve and protect coastal ecosystems by implementing measures to mitigate the impact of human development.
- To increase public awareness on the options that exist for reducing erosion on their property.

To increase public awareness and understanding of the benefits of soft barriers such as living shorelines.

## 5.7 Coastal Erosion Risk Area Policies

The Coastal Erosion Risk Area represents an area within 30 horizontal metres from the coast. This area is designed to safeguard properties within the structure's lifetime from risks associated with erosion and preserve coastal ecosystems. It is designed as an overlay approach where some areas experience higher or lower erosion rates. The following policies apply to this area:

- 5.7.1** Council, through the Municipal-Wide Land Use Bylaw, will establish a Coastal Erosion Risk Area and prohibit development within a 30-metre area along the coastal shoreline.
- 5.7.2** Despite Section 5.7.1 the Municipal-Wide Land Use By-law will include exemptions for non-habitable accessory and marine related uses.
- 5.7.3** Through the Municipal-Wide Land Use Bylaw, Council will establish a structured process that allows property owners seeking to build within the Coastal Erosion Risk Area, the ability to submit a site-specific erosion study conducted by a qualified professional. The study must demonstrate that building within the Erosion Risk Area does not pose any hazards to the proposed development.
- 5.7.4** Under the provisions outlined in the Municipal-Wide Land Use Bylaw, Council will authorize property owners with existing structures to undertake expansions that extend beyond their current footprints, provided such expansions are situated away from the Coastal Erosion Risk Area.
  - (a)** Despite Section 5.7.1 additions to existing structures within the Erosion Risk Area that consist of habitable space and which are proposed to be

closer to the coastal shoreline will require a study done by a qualified professional in line with the requirements outlined in Section 5.7.3

- 5.7.5** The Municipal-Wide Land Use By-law will include regulations allowing flexibility in certain lot requirements for property owners to relocate existing structures away from eroding banks on undersized lots and improve compliance with buffer requirements when moving existing buildings.

## **5.8 Vegetative Buffer Area Policies**

The Vegetative Buffer represents a strip of land situated between the edge of the coastline and areas further inland that is intended to serve as a naturalized buffer that protects the natural functions of the coast and shoreline from potential impacts of development. This area is important because it helps prevent erosion along the coast, filters run-off and provides key habitat for wildlife. The following policies apply to this area:

- 5.8.1** Through the Land Use Bylaw, Council will require a 15-metre Vegetative Buffer to help mitigate erosion, reduce flood risk, and safeguard sensitive coastal ecosystems.
- 5.8.2** Despite Section 5.8.1 the Municipal-Wide Land Use By-law will allow a portion of the vegetative buffer to be cleared to provide water views, water access and accessory use provisions.
- 5.8.3** Despite Section 5.8.1 the Municipal-Wide Land Use By-law will specify certain marine-related uses that require direct access to the coastline and which are exempt from the buffer requirements.

## **5.9 Sensitive Coastal Ecosystems**

Sensitive Coastal Ecosystems form an interdependent and intricate system, including salt marshes, dunes, and beaches. Their sensitivity to development pressure is notable, as they collectively contribute to a multifaceted ecosystem. These environments provide essential functions such as coastal protection and serve as habitats for diverse plant and animal species. However, human actions like development can disrupt wetland habitats and hinder their crucial ecological roles.

Policy Objectives:

- To protect existing coastal ecosystems such as wetlands, dunes, and beaches from disruption caused by development.
- To encourage the maintenance of vegetation along the coast to help prevent erosion and avoid disrupting coastal ecosystems.

- To increase public awareness around the importance of coastal ecosystems to biodiversity and our natural landscape and ways to protect them.

As it relates to the protection of beaches and dunes, the following general policy applies:

- 5.9.1** Council recognizes the invaluable role that ecosystems, including beaches and dunes, play in ensuring the health and well-being of our coastline. The regulations addressing flooding and erosion mitigation are recognized as helping to safeguard these sensitive coastal environments by directing development away from the coast.

## **5.10 Coastal Wetland Protection Policies**

The Sensitive Coastal Ecosystems policies pertain to coastal wetlands have been primarily identified by the province. These policies aim to protect and conserve these areas from the negative impacts of development through prohibiting development within the wetlands and extending the prohibition to areas surrounding the wetlands by employing a vegetative buffer. The vegetative buffer is intended to help with filtration of contaminants and provide crucial habitat for wildlife and aquatic life. The following policies apply to this area:

- 5.10.1** Through the Municipal-Wide Land Use By-law, coastal wetlands will be recognized in a Development Constraints Map which is based on the provincial Wetlands, Vegetation and Classification Inventory map.
- 5.10.2** Under the provisions outlined in the Municipal-Wide Land Use Bylaw, Council will establish a 30-metre horizontal development setback and vegetative buffer around identified coastal wetlands in the Development Constraints Map to safeguard wetlands from the impacts of development.
- 5.10.3** Council acknowledges there are potential inaccuracies in the provincial mapping. Property owners may request revisions to the Development Constraints Map by submitting a study conducted by a qualified professional, with the purpose of either incorporating or excluding specific wetland areas from the map.
- (a)** The Municipality may require confirmation from the Department of Environment and Climate Change prior to accepting changes to wetland protection boundaries shown on the Development Constraints Map.
- 5.10.4** At its sole discretion, Council may enhance the Development Constraints Map by including additional wetlands that have been properly documented by qualified professionals. This may be achieved through accepting

documentation provided or collaborating with environmental organizations to obtain wetland delineation documentation.

- 5.10.5** Council will foster collaboration and partnerships with environmental groups and organizations to aid in facilitating scientific knowledge pertaining to coastal ecosystems and thereby therefore promoting an understanding of coastal ecosystems and encouraging informed decisions for their conservation and effective management.

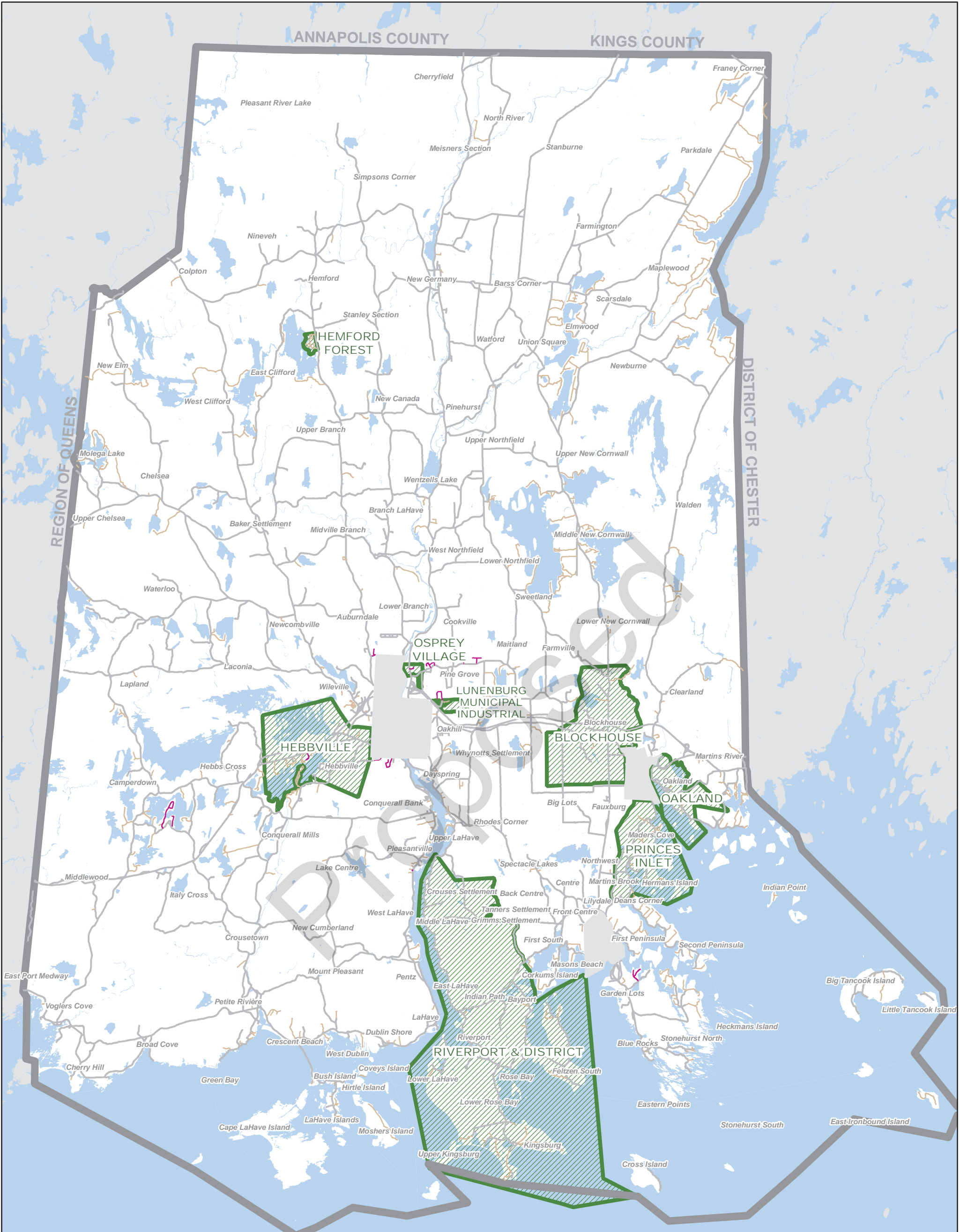
## **Attachments**

Map 1: Secondary Plan Areas

Map 2: Designated Coastal Protection Area

Map 3: Municipal-Wide Land Use

Proposed

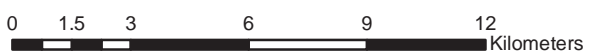


**MUNICIPALITY OF THE DISTRICT OF LUNENBURG**

**Municipal Planning Strategy  
MAP 1: Secondary Plan Areas**

- Towns Not Within the Municipality
- Areas With Zoning

- Provincial Road
- Municipal Road
- Private Road
- Municipal Boundary
- Waterbody





**MUNICIPALITY OF THE DISTRICT OF LUNENBURG**

**Municipal Planning Strategy  
MAP 2: Designated Coastal Protection Area**

- Towns Not Within the Municipality
- Designated Coastal Protection Area

- Provincial Road
- Municipal Road
- Private Road
- Municipal Boundary
- Waterbody





## Municipality of the District of Lunenburg

By-law Details	
<b>Name</b>	Adoption of the Municipal-Wide Land Use By-law, 2024
<b>Number</b>	049
<b>Legislative Authority</b>	Municipal Government Act, Section 205
<b>Effective Date</b>	-

**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 Adoption of the Municipal-Wide Land Use By-law and may be cited as the Municipal-Wide Land Use By-law (2024).

### Adoption of the Land Use By-Law (By-law 049)

- 2 The attached by-law contains regulations for Coastal Protection, Cluster Development, and other enabling provisions and administrative content.

By-law Adoption	
<b>Date of first reading of amending by-law</b>	
<b>Date of second reading of amending by-law</b>	
<b>Date of advertisement of passage of amending by-law</b> Effective date of the by-law unless otherwise specified in the text of this by-law.	
<b>Date of mailing a certified copy of amending by-law to Minister</b>	
<b>I certify that this “Municipal-Wide Land Use By-law, 2024” was adopted by Municipal Council and published as indicated above.</b>	
<b>Signature of Municipal Clerk</b>	<b>Date</b>



**Municipality of the District of Lunenburg**

## **Municipal-Wide Land Use By-Law**

**Pertaining to Coastal Protection and Cluster  
Development Regulations**

**(MODL By-law 049)**

**Adopted by Council: YYYY-MM-DD**

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Proposed

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## **1. Title and Purpose**

### **1.1 Title**

This By-law is titled the Municipality of the District of Lunenburg Municipal-Wide Land Use By-law.

### **1.2 Purpose**

The purpose of this By-law is to carry out the intent of the Municipality of the District of Lunenburg Municipal Planning Strategy, under the Municipal Government Act, by regulating the land use and structures within the Municipality.

### **1.3 Compliance with Other By-laws and Regulations**

This By-law does not exempt any person from complying with the requirements of other laws or regulations in force within the Municipality of the District of Lunenburg, or from obtaining any license, permission, permit, authority, or approval required thereunder. Where any provisions of this By-law conflicts with those of any other Municipal, Provincial or Federal regulation, by-law or code, the more stringent requirement will apply.

### **1.4 Effective Date**

This By-law will take effect on the date a notice is published in a newspaper, circulating in the Municipality, informing the public that the Regional Municipal Planning Strategy and its implementing Land-Use By-law are in effect.

## 2. Definitions

**Annual Erosion Rate** means the measurement of the quantity of soil or land that is lost through the process of erosion over a one-year period.

**Boathouse** means a permanent or temporary roofed structure, which does not contain toilet facilities, and which is used for the shelter or storage of boats, watercraft and associated marine accessories and equipment. No part of a boathouse may be used as a Dwelling Unit, for the habitation of animals, or for commercial uses. A boathouse does not include a garage.

**Building Footprint** means the horizontal area, measured from the outside of all exterior walls and supporting columns of a building. Excluded from this measurement are carports, patios, decks, balcony areas, porches, projections, as well as ramps and stairways necessary for access.

**Cluster Development** means six (6) or more Dwelling Units contained in two or more Dwellings on a single Lot. A Recreational Vehicle Parking Site is not considered a Cluster Development.

**Coastal Erosion Risk Area** means an area along a coastline prone to erosion. These areas are vulnerable to the gradual loss of land due to natural forces like geological conditions, lack of vegetation, waves, and tides.

**Coastal Flood Risk Area** means the temporary inundation of land along coastlines, caused by the overflow of water that can threaten communities, ecosystems, and infrastructure.

**Coastal Wetland** means a Wetland dominated by rooted herbaceous plants that drains directly into coastal waters and has the potential to be at least partially inundated with salt or brackish water.

**Council** means the Council of the Municipality of the District of Lunenburg.

**Development Agreement** means a legal agreement between Council and a property owner governing the use of the property owner's land, as enabled by the Municipal Government Act and Municipal Planning Strategy and registered on title.

**Dune** means an unconsolidated sand or gravel deposits found in beach environments and recognized by raised topography. Dunes may be vegetated with salt-tolerant vegetation such as marram grass or may be established with ericaceous vegetation or tree species (e.g. forested Dune).

**Dwelling** means a building containing at least one Dwelling Unit for human habitation, which is capable of being occupied as a home or residence.

**Dwelling unit** means one or more habitable room(s) that may be used as a residence by an independent, separate household, which: has a bathroom for exclusive use of the household; has a kitchen for the exclusive use of the household; and has a private entrance from outside the building or from a common hallway or stairway.

**Elevation Setbacks** means a mandate that structures, or the uses within a structure to be located at a certain elevation above the projected water levels to mitigate risks associated with natural events like flooding, storm surges, or other environmental factors.

**Floor Area** means the total area of all floors of a building, above and below grade, measured between the exterior faces of the exterior walls of the building or from the centreline of a wall separating two buildings.

**Habitable Floor Space** means the interior area within a building that is designed and suitable for human occupancy. This includes spaces such as living rooms, bedrooms, kitchens, and other areas where people can reside or carry out daily activities and does not include unfinished basements or attached garages.

**Institutional Use** means the use of land, building or structures for religious, educational, health or charitable purposes.

**Lot** means any parcel of land as described by its boundaries.

**Marine-Related Uses** means non habitable activities tied to the marine environment, including but not limited to industrial, commercial, and recreational pursuits such as boat building, marinas, fisheries, and fish processing plants.

**Municipal Planning Strategy** means the Municipal Planning Strategy of the Municipality of the District of Lunenburg.

**Non-Conforming Use** means a non-conforming structure and use as described in Sections 238-241 of the Municipal Government Act.

**Non-Habitable Accessory Uses** means a separate non habitable structure located on the same Lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

**Qualified Professional** means an individual who has undergone proper educational training and gained experience and expertise to become certified or recognized as able to practice in a particular profession in the province of Nova Scotia and, if required by applicable legislation, is a member in good standing in the professional body representing and/or regulating the profession in Nova Scotia.

**Recreational Vehicle Parking Site** means a pad or area of land designated for the parking of a recreational vehicle.

**Site Plan Approval** means an approval process that evaluates the layout of site features such as buildings, parking areas, and landscaping for compliance with the Land Use By-law.

**Top of Bank** means the location up-slope from the scoured channel of a stream, or shoreline, where an abrupt change of slope occurs.

**Use** means the purpose for which any land, building or structure is utilized, and also means the purpose for which any land, building or structure is designed, arranged, or intended or the purpose for which any land, building or structure is occupied or maintained or leased.

**Vegetated Buffer** means a designated strip of land containing a mix of species including trees, shrubs and grasses, whether naturally occurring or planted during restoration, that provides filtration of pollutants and sediment, and promotes bank stability as a means to protect water quality and habitat of all waterbodies and Watercourses and protects property from flooding and erosion.

**Watercourse** means the bed and shore of every lake, river, stream, ocean, estuaries, or other body of water.

**Wetland** means a distinct ecosystem located in low-lying area of land where water is present either permanently or seasonally, featuring unique hydrology, soils, and vegetation.

### **3. Administration**

#### **3.1 Development Officer**

This By-law will be administered by the Development Officer appointed by the Council of the Municipality of the District of Lunenburg, and the Development Officer will issue Development Permits under this By-law.

#### **3.2 Acting Development Officer**

In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council will act in the Development Officer's stead.

#### **3.3 Requirement for Development Permits**

No developer will undertake, or cause or permit to be undertaken, any development in the Designated Coastal Protection Area identified on Schedule A or any project defined as a Cluster Development, unless a Development Permit has been obtained in relation to such development from the Development Officer or Acting Development Officer, as appointed by Council.

#### **3.4 No Development Permit Required**

Notwithstanding Section 3.3, no Development Permit will be required for:

- 3.4.1** A development that involves interior renovations of a building that will not add more Dwelling Units, or will not involve a change in the use of the building.

#### **3.5 Requirement for Development Permit Application**

Every developer wishing to obtain a Development Permit must submit an application to the Development Officer in the form prescribed by the Development Officer.

- 3.5.1** The application for a Development Permit must be signed by the owner of the Lot, or by their authorized agent.
- 3.5.2** The application for a Development Permit must set forth in detail the current and proposed use of the Lot and each building or structure, or part thereof, together with all information necessary to determine whether the proposed development conforms to the requirements of this By-law.

#### **3.6 Contents of Development Permit Application**

Every application for a Development Permit must be accompanied by a plan drawn to an appropriate scale and showing:

- 3.6.1** The true shape and dimension of the Lot to be used or upon which the development is proposed;

- 3.6.2** The proposed location, height and dimensions of any building or structure for which the permit is applied and the locational information must include measurements of the Lot frontage and front, side and rear yards;
- 3.6.3** The location of every building or structure already constructed, or partly constructed, on such Lot and the location of every building or structure existing upon abutting Lots;
- 3.6.4** The proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses, and curbs;
- 3.6.5** The location of existing and proposed landscaping, fencing, and outdoor storage;
- 3.6.6** The location of any Watercourse and location of any existing or proposed building or structure in relation to the Watercourse;
- 3.6.7** The location of existing and proposed public and private roads; and
- 3.6.8** Other such information as may be necessary to determine whether or not the proposed development conforms to the requirements of this By-law.

### **3.7 Requirement for Site Plan Approval Application**

Every developer wishing to obtain a Site Plan Approval must submit an application for such Site Plan Approval to the Development Officer in the form prescribed from time to time by Council.

### **3.8 Contents of Application for Site Plan Approval**

An application for a Site Plan Approval must be accompanied by a plan or sketch, drawn to an appropriate scale and showing sufficient detail to address any additional matters as contained in this By-Law.

### **3.9 Survey of Lands**

Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under Section 3.6 be based upon an actual survey by a Nova Scotia Land Surveyor.

### **3.10 Signatures**

The application for a Development Permit must be signed by the owner(s) of the Lot, or by their authorized agent, and must demonstrate in detail the current and proposed use of the Lot and each building or structure, or part thereof, together with all information necessary to determine whether or not the proposed development conforms to the requirements of this By-law.

### **3.11 Issuance of Development Permit**

The Development Officer will not issue a Development Permit unless:

- 3.11.1** The proposed development is in conformance with this By-law;
- 3.11.2** A site sketch has been approved by the Development Officer in conformance with this By-law, pursuant to the Municipal Government Act and the time for appeal has elapsed or the appeal has been disposed of.

### **3.12 Deviations**

No developer may deviate, or allow deviations to be made, from the description of the proposed development that is contained in the Development Permit, unless the developer has obtained a new Development Permit from the Development Officer.

### **3.13 Right of Entry**

The Development Officer, at all reasonable times, may enter into or upon any property within the area to which this Land-Use By-law applies for the purposes of any inspection necessary in connection with the administration of this By-law, (pursuant to the Municipal Government Act).

### **3.14 Lapse of Permits**

Every Development Permit issued under this By-law will automatically lapse, and become null and void, if the development to which it relates has not commenced and one year has passed since its issuance.

### **3.15 Decision in Writing**

Any decision of the Development Officer to refuse the issuance of a Development Permit will be given by a written and or electronic notice, whereas any decision to revoke a Development Permit will be given by written notice served by registered mail, and such revocation will become effective on the third business day after it was sent.

### **3.16 Revocation of Development Permit**

The Development Officer may revoke a Development Permit where the Development Permit was issued based upon false or mistaken information.

### **3.17 Violations**

In the event of any alleged breach of the provisions of this By-law, the Municipality of Lunenburg may take action as outlined in the Municipal Government Act.

### **3.18 Service of Notice of Amendments or Development Agreement**

Where Council has given notice of its intention to adopt an amendment to this By-law, which is not general in scope but which is in direct response to a specific development proposal, or has given notice of its intention to enter into a Development Agreement or to amend a Development Agreement, Council will serve notice of the proposed amendment, Development Agreement or amendment thereto, to affected property owners whose property lies within 305 metres of the property which is the subject of the proposed amendment, Development Agreement or amendment thereto. The notice will:

- 3.18.1** Provide a synopsis of the proposed amendment, Development Agreement, or amendment thereto,
- 3.18.2** State the date, time, and place set for the public hearing on the amendment, Development Agreement, or amendment thereto, and
- 3.18.3** Be served by ordinary and/or electronic mail.

A suitable notice, containing the above-mentioned information, must also be erected upon the property that is the subject of the proposed amendment or Development Agreement or amendment thereto.

### **3.19 Cost of Advertising & Notice for Amendments or Development Agreement**

An advertising deposit must be paid to the Municipality as part of any application to amend this By-Law, the Municipality Planning Strategy, or a development agreement. The deposit will be based on the costs of conducting a public participation program. After the advertisement is complete, the applicant must pay any additional advertisement costs; the Clerk will refund any surplus to the applicant.

### **3.20 Effective Date**

Pursuant to the Municipal Government Act, this By-law will take effect on the date a notice is published in a newspaper, circulating in the Municipality, informing the public that the Planning Strategy and its implementing Land-Use By-law are in effect.

### **3.21 Service of Notice of Site Plan Approval**

Pursuant to the Municipal Government Act, where the Development Officer has approved a site plan, the Development Officer will serve a notice of the approval upon affected property owners whose property lies within 30 metres (100 feet) of the property which is subject of the Site Plan Approval. Such notice will:

- 3.21.1** Provide a synopsis of the Site Plan Approval;
- 3.21.2** Identify the property where the Site Plan Approval is granted; and

**3.21.3** Set out the right to appeal the decision of the Development Officer.

## **4. General Provisions**

### **4.1 Application**

The provisions of Part 4, General Provisions will apply to the entire Municipality except where otherwise stated.

### **4.2 Scope**

No person may undertake a development, nor will a Development Permit be issued, unless the proposed development conforms to all of the provisions of this Land-Use By-law.

### **4.3 Compliance with Other By-Laws and Regulations**

**4.3.1** This By-law does not exempt any person from complying with the requirements of other by-laws or regulations in force within the Municipality of Lunenburg or from obtaining any license, permission, permit, authority, or approval required thereunder.

**4.3.2** Where any provisions of this By-law conflict with those of any other Municipal, Provincial, or Federal regulation, by-law or code, the more stringent requirement will apply.

### **4.4 Non-Conforming Uses**

**4.4.1** Uses of land that existed on the date of adoption of this By-law and that do not conform to the requirements of this By-law are considered non-conforming under section 238 of the Municipal Government Act and may continue to exist subject to the provisions of the Act (sections 239-241) or applicable policies of the Municipal Planning Strategy. Non-conforming uses that have been discontinued for a period less than 12 months will be permitted to be recommenced.

**4.4.2** Non-conforming structures for residential uses may be:

- (a) Rebuilt, replaced or repaired if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage and it is occupied by the same use;
- (b) Enlarged, reconstructed, repaired or renovated where:
  - (i) The enlargement, reconstruction, repair or renovation does not further reduce the minimum required yards or separation distance that do not conform with the land-use bylaw, and

- (ii) All other applicable provisions of the land-use by-law except minimum frontage and area are satisfied.

#### **4.5 Non-Conforming Structures**

**4.5.1** A structure lawfully in existence on the date of adoption of this By-law that does not meet the requirements of the zone in which it is located, is considered a non-conforming structure under section 238 of the Municipal Government Act.

**4.5.2** Non-conforming structures must be subject to the following requirements:

- (a) Non-conforming structures may expand provided the expansion to the building or structure does not further reduce the setback that does not conform to the requirements.
- (b) Non-conforming structures containing main residential uses may be rebuilt or replaced in substantially the same location and be occupied by the same use.

#### **4.6 Non-Conforming Bare Land Condominiums**

For Cluster Developments being developed as bare land condominiums or phased land condominiums, all units that have been accepted for registration by the Registrar of Condominiums as evidenced by their being registered at the appropriate Land Registration office established pursuant to the Land Registration Act by November 1, 2025, will be recognized by Council as non-conforming.

#### **4.7 Multiples Uses in a Building**

Where any main building is to be used for more than one purpose and applicable requirements are in conflict, the more stringent requirement(s) apply.

#### **4.8 Miscellaneous Minor Accessory Structures**

**4.8.1** An accessory structure may be used only as an accessory use to the main building or use.

#### **4.9 Cluster Developments**

Cluster Development will be permitted in the entire Municipality, as outlined in Map 3.

#### **4.10 Cluster Developments Through Site Plan Approval**

**4.10.1** For a Cluster Development proposal consisting of six (6) to nine (9) Dwelling Units, a Site Plan Approval process must be followed meeting the following criteria:

- (a) Meet private road standards - All Cluster Development must adhere to the Municipal Road Design and Construction Standards outlined by the Municipality.
- (b) Provide a Servicing Plan - All applicants of Cluster Development not serviced by both municipal water and wastewater must demonstrate that their site can be properly serviced by water and wastewater treatment by providing, at their expense, a servicing plan prepared by a qualified professional showing the layout of the site and associated wastewater and water systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines.

**4.10.2** As part of the Site Plan Approval process, the appointed Development Officer of the Municipality is provided the discretion, upon request from an applicant of the Cluster Development, to establish an agreement with the developer to delay the requirement to construct a private road through a letter of undertaking. Through this agreement, the developer will be issued Site Plan Approval under the condition that the Development Permit be withheld until all of the requirements are met.

#### **4.11 Cluster Developments Through Development Agreement**

**4.11.1** For a Cluster Development proposal consisting of ten (10) or more Dwelling Units, a Development Agreement Approval process must be followed meeting the following criteria:

- (a) Meet private road standards - All Cluster Development must adhere to the Municipal Road Design and Construction Standards outlined by the Municipality.
- (b) Provide a Servicing Plan - All applicants of Cluster Development not serviced by both municipal water and wastewater must demonstrate that their site can be properly serviced by water and wastewater treatment by providing, at their expense, a servicing plan prepared by a qualified professional showing the layout of the site and associated wastewater and water systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines.
- (c) Provide a Hydrogeological Report - To protect the water quality and quantity of land, applicants of Cluster Developments of ten (10) or more Dwelling Units not serviced by both municipal water and wastewater must provide, at their own expense, a hydrogeological study conducted by a qualified professional that conforms to the guidelines set out in Nova Scotia Environment's groundwater assessment standards. The study must be peer-reviewed by an independent professional that is agreed to by the Municipality, the cost of which is paid by the applicant.

- (i) For a project which is phased, a Level One hydrogeological assessment must be performed for the entire site. A Level Two assessment may be performed for the entire site as well or conducted only for the units of a given phase. In cases where a Level Two Assessment is performed only for a given phase, a subsequent Level Two Assessment must include all previous phases.
- (d) Environmental Study – Applicants of Cluster Developments of ten (10) or more Dwelling Units not serviced by both municipal water and wastewater must demonstrate, through a study completed by a qualified professional or professionals at their own expense, the potential impact and recommended mitigation measure for the following items within the subject property:
  - (i) Wetlands,
  - (ii) Natural habitats, and
  - (iii) Species at risk

**4.11.2** As part of the Development Agreement process, private road construction may be included as a condition of approval and which may be conducted through phases. This condition must be satisfied prior to the issuance of a future development permit within those phases of development.

## **4.12 Coastal Protection**

**4.12.1** Within the Designated Coastal Protection Area, as indicated in Schedule A, all developments must submit a development permit application to the Development Officer that demonstrates adherence to the regulations specified in subsections, 4.13, 4.14 and 4.15, in addition to any other requirements outlined in the municipal Land Use Bylaw.

## **4.13 Coastal Flooding**

**4.13.1** In all coastal areas on lands within the Coastal Flood Risk Area, as shown in Schedule C, no building may be constructed with the finished floor level of any habitable space located below a vertical elevation of 3.97 metres, relative to the Canadian Geodetic Vertical Datum of 2013.

**4.13.2** Institutional uses are explicitly prohibited in the Coastal Flood Risk Area regardless of elevation.

**4.13.3** Notwithstanding Subsections 4.13.1 and 4.13.2, existing structures may be reconstructed, rebuilt, renovated, repaired, moved, or replaced. New additions may expand at or above the elevation of the current structure, up to 100% of the existing footprint, as it existed as of the date of the first publication of the notice

of intention to adopt the Land Use By-law, provided that all other applicable provisions of this Bylaw are met.

#### **4.14 Coastal Erosion**

**4.14.1** Within the Coastal Erosion Risk Area, all developments are strictly prohibited within 30 horizontal metres measured from the top of the bank to the main wall of the building.

- (a) If the top of the bank is not discernible within a 30-metre range of the marine shoreline, the ordinary high watermark will be used and defined by a Nova Scotia land surveyor.

**4.14.2** Within the Coastal Protection Area, a 15-metre Vegetated Buffer area consisting of natural vegetation is required to lessen the impact of runoff and erosion and protect sensitive coastal ecosystems. The following requirements apply to the buffer:

- (a) No natural vegetation may be removed within 15 metres of the Top of Bank or the ordinary high watermark.
- (b) Despite Section 4.14.2, within the Vegetated Buffer area, the removal of vegetation to a maximum of, the lesser of either 25% or 10m, of the waterfrontage to enable water views, access, and the development of marine-related accessory uses.
- (c) In undeveloped areas, it is mandatory to restore a Vegetated Buffer featuring a blend of woody and grassy vegetation before obtaining a development permit, unless the natural landscape is inherently unvegetated.
- (d) Despite section 4.14.2 the removal of dangerous or severely diseased vegetation is permitted.
- (e) Despite section 4.14.2, Commercial, Industrial, Recreational, and Scientific uses that require direct access to the water are exempt from maintaining a vegetative buffer.

**4.14.3** Under the provisions of Non-Conforming Structures the following must be met:

- (a) Within the Coastal Erosion Risk Area, existing structures may undergo reconstruction, renovation, repair relocation or replacement.
- (b) New additions to a Building Footprint must be developed furthest from the risk area, unless a qualified professional under the provisions stated in 4.14.5 determines the addition is not at risk of coastal erosion.
- (c) All other applicable provisions of this Land Use By-law.

**4.14.4** Permitted developments within the Coastal Erosion Risk Area include:

- (a) Boat houses, fishing gear sheds, docks, decks, wharves, piers, slipways, and other marine related uses
- (b) Scientific research structures,
- (c) The removal of vegetation and grade alterations necessary for erecting erosion control and flood control measures above the ordinary high-watermark. Natural vegetation must be reinstated when excess vegetation has been removed within the vegetative buffer area,
- (d) Removal of windblown, diseased, or dead trees in hazardous conditions,
- (e) Trimming tree branches to improve the view plane and ventilation, and
- (f) Safety fences not exceeding a height of 1.9 metres.

**4.14.5** Despite Subsections 4.14.1 and 4.14.2, the Development Officer may grant a permit for building within the Erosion Risk Area. This is contingent upon the completion of a Coastal Erosion Risk Factor Assessment that shows the proposed development is not at risk due to coastal erosion. The study must be conducted in accordance with the methodology outlined by Nova Scotia Department of Environment and Climate Change's draft Coastal Protection regulations. The assessment, including a site plan carried out at the applicant's expense by a qualified professional must also demonstrate the following:

- (a) The proposed development maintains a minimum setback of 15 metres from the top of the bank.

## **4.15 Sensitive Coastal Ecosystems**

**4.15.1** All Development is prohibited within 30 metres of Coastal Wetlands, as specified in Schedule B, the Development Constraints Map.

**4.15.2** All Development is prohibited within a 30-metre vegetative buffer surrounding Coastal Wetlands, as specified in Schedule B, the Development Constraints Map. This buffer must be maintained in a naturalized state.

**4.15.3** Despite Subsections 4.15.2 and 4.15.3, a property owner may submit a study as evidence to demonstrate the absence of a Wetland and request the removal of the Wetland from Schedule B, the Development Constraints Map.

- (a) The Municipality may require confirmation from the Department of Environment and Climate Change prior to accepting changes to wetland protection boundaries shown on the Development Constraints Map.

**4.15.4** Permitted developments within Coastal Wetlands or the associated vegetative buffers include:

- (a) Boardwalks or nature interpretation stands;
- (b) Conservation projects;
- (c) Walking or hiking trails; and
- (d) Recreational Trails;

**4.15.5** Under the provisions of Non-Conforming Structures the following must be met:

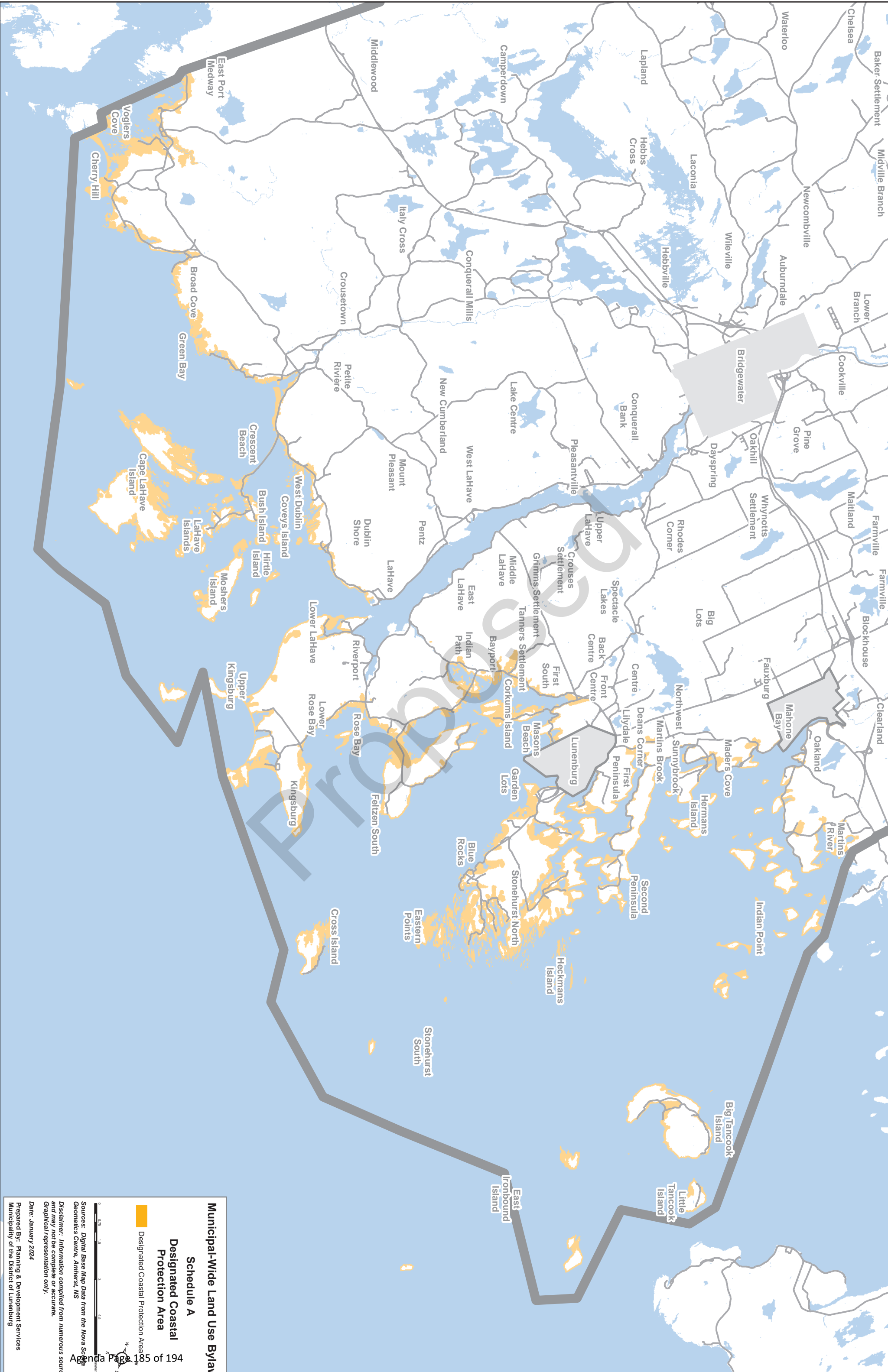
- (a) Existing structures may undergo reconstruction, renovation, repair relocation or replacement.
- (b) New additions to a Building Footprint must be developed furthest from coastal wetlands.
- (c) All other applicable provisions of this Land Use Bylaw.

Proposed

## 5. List of Attachments / Schedules

<b>Schedule A</b>	Designated Coastal Protection Area
<b>Schedule B</b>	Development Constraints Map
<b>Schedule C</b>	Flood Risk Area

Proposed



**Municipal-Wide Land Use Bylaw**

**Schedule A**

**Designated Coastal Protection Area**

Designated Coastal Protection Area

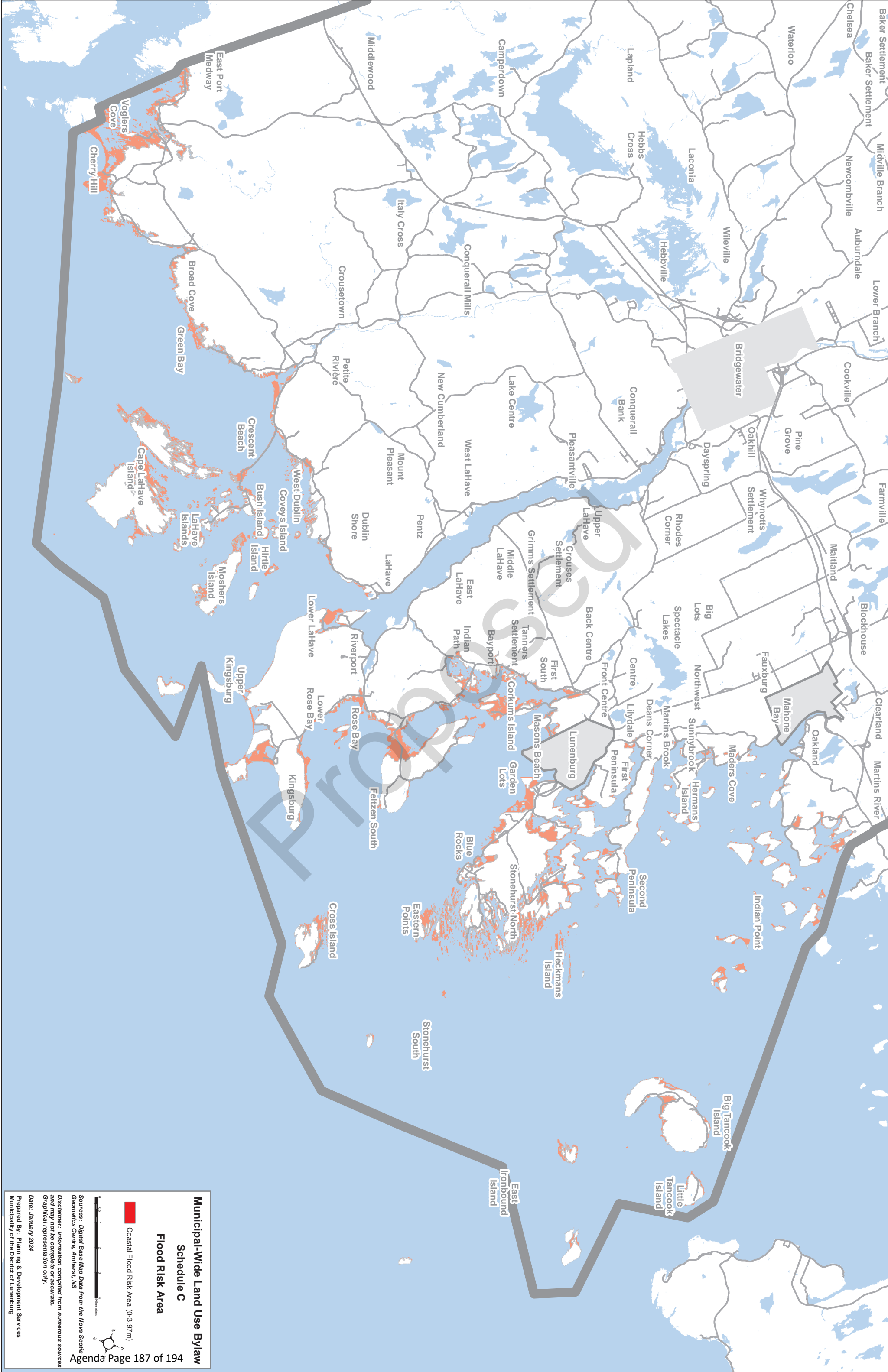
Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS  
 Disclaimer: Information compiled from numerous sources and may not be complete or accurate.  
 Graphical representation only.  
 Date: January 2024  
 Prepared By: Planning & Development Services  
 Municipality of the District of Lunenburg

0 0.5 1 1.5 2 2.5 3 3.5 4 4.5 5 Kilometers

0 0.5 1 1.5 2 2.5 3 3.5 4 4.5 5 Miles

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**Municipal-Wide Land Use Bylaw**  
**Schedule C**  
**Flood Risk Area**

■ Coastal Flood Risk Area (0-3.97m)

Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS  
 Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.  
 Date: January 2024

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

**Council**  
Item: #11.1.2  
Date: February 27, 2024  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Report to Council**

**Report to: Council**

**Submitted by: Jeff Merrill, Director of Planning & Development Services; and  
Trudy Payne, Director of Recreation**

**Date: February 27, 2024**

**Re: AIM Network's Request for MODL Support and Funding**

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#### **Background**

On February 20, 2024 the AIM Network gave a presentation to the Policy & Strategy Committee regarding a potential Active transportation and e-bike share network funding opportunity. The AIM Network requested the following:

1. A letter of support from Council for their funding application;
2. Staff resources to review and provide comment on project documents;
3. \$9,500 in funding.

#### **Discussion**

The AIM Network's request for a letter of support and funding for the MODL AT & E-Bike Share Network Study has been carefully considered. The following factors suggest that it may not be appropriate for MODL to consider this request at this time:

- The project's scope and objectives may be premature. A commitment from our regional neighbours could lead to a more comprehensive and effective implementation of the project and any future infrastructure.
- The MODL e-bike loan pilot has not yet commenced, which means there will not be sufficient data from this project to inform the proposed study. It may be prudent to wait until data from the pilot project is available to ensure the study's recommendations are based on local results.

- The proposal includes work of developing routes to walk, peddle, and ride e-bikes. This work is currently being done as part of MODL’s updates to the Active Transportation (AT) Plan. Once the AT plan is completed it will identify AT routes which would help guide a future e-bike hub feasibility study.
- While the project requires minimal staff time for providing relevant documentation and data, there will be a significant amount draw on staff resources (both from Recreation and Planning Staff) to meet with the parties, review, comment, and guide the project to ensure the outcomes are relevant to the MODL context.

**Conclusion**

While the AIM Network’s proposal has merit, it may be advisable for MODL to defer providing a letter of support. The regional e-bike hub study should be deferred until sufficient data on usage from the e-bike loan program is available and our regional neighbours are onboard. Engaging in an infrastructure study across municipal boundaries may not be favorably received by our neighbouring municipal units. Approaching this matter with careful consideration and strategic communication is recommended to ensure the project’s viability.

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

**Council**  
Item: #11.2.1  
Date: February 27, 2024  
Authorization: T. MacEwan



## Municipality of the District of Lunenburg

### Request for Decision

**Report to:** Municipal Council  
**Submitted by:** Elana Wentzell, Director of Finance  
**Date:** February 27, 2024  
**Re:** Property Tax Rebate Policy - Annual CPI Adjustment

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#### 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 \$26,700, a maximum rebate of \$590;
- for Household Income from \$26,701 to \$33,400, a maximum rebate of \$300; and
- for Household Income from \$33,401 to \$42,300, a maximum rebate of \$120.

#### 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 rebate policy 049 was amended in 2022, 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 increased by 4.0% in 2023. A comparison of approved and proposed income thresholds and rebate amounts are as follows:

2023 Approved Schedule		2024 Proposed Schedule	
Household Income	Maximum Rebate	Household Income	Maximum Rebate
Under \$25,699	\$570	Under \$26,700	\$590
\$25,700 to \$32,099	\$285	\$26,701 to \$33,400	\$300
\$32,100 to \$40,700	\$115	\$33,401 to \$42,300	\$120

**Budget implications**

Staff are recommending that the budget be set at \$280,000 which is 4% higher than the 2024/25 total approved budget (including Council amendments) with the additional of a small buffer amount. Staff have processed 729 rebate applications as of February 6 for the 2023/24 fiscal year.

**Communication Strategy**

The low-income rebate application 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 2024/25 budget.

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

**Council**  
Item: #11.3.1  
Date: February 27, 2024  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to:** Council  
**Submitted by:** Stephen W. Pace, Director of Engineering & Public Works  
**Date:** February 27, 2024  
**Re:** Indian Falls Stairway Replacement

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#### **Recommendation**

That Council grant pre-Capital Budget approval and authorize staff to procure professional design services, fabrication and installation for stairway replacement at Indian Falls Park through alternate procurement method as per Section 19.1.1 – **Alternate Procurement Practices of MODL 033 – Purchasing and Tendering Policy** to a maximum capital budget of \$330,000, including net HST.

#### **Executive summary**

The existing aged wooden stairway at Indian Falls Park has been deemed unsafe and needs to be removed from service. MODL staff are requesting Council grant pre-Capital Budget approval and proceed with alternate procurement for engineering design, fabrication and installation of a replacement galvanized steel stairway in 2024.

#### **Discussion**

Many MODL parks have fallen in disrepair in recent years and Council has made it a Strategic Priority to improve existing parks prior to developing any new park facilities. Many park upgrades are planned for MODL parks, including Indian Falls Park, as part of the Re-Create Parks Program.

Indian Falls Park is a MODL owned and maintained park located in Barss Corner. It is one of MODL's most visited parks according to a recent park survey. In addition to the waterfalls, the park has hiking trails and a provincially monitored fish ladder. The Park's existing stairway is

heavily used for accessing a swimming area as well as viewing the falls at the bottom of an approximately 25-foot steep embankment. The stairway was constructed out of lumber approximately 25 years ago and is now at the end of its useful life.

MODL's insurance representative with BFL Insurance, MODL's insurance provider, identified major concerns regarding the condition of the aging wooden stairway on a recent visit to the Indian Falls Park. The insurance provider gave MODL staff instruction to have the stairway taken out of service and removed. MODL Engineering staff agree this stairway structure has many deficiencies posing risk to public safety and concur it should be replaced.

Indian Falls has been the location of potential drownings and other health events requiring emergency first responders to access the lower area. There is also safety concern people will try to go up and down the steep embankment without the stairs, raising the potential for injury and environment damage. MODL Councillors and staff have concerns with not having a stairway in service for the upcoming season.

MODL staff had recommended procuring the design in 2024-2025 and installation in 2025-2026. This would allow time to follow all procurement processes. Given the potential safety concerns there is a desire to speed up the procurement timeframe to facilitate the stairway design and installation in 2024-2025. Alternate procurement is being recommended by staff to facilitate the project completion in 2024.

Staff recommend replacing the stairway with a galvanized steel stairway for a safe, low maintenance, longer life alternative to a wood structure. Staff have reached out to industry to source designers and fabricators of similar installations. The designers are fairly booked with other projects so staff will have to find the needed expertise in a timely manner. Once a design is completed, staff will proceed with obtaining quotes for the fabrication and installation. The stairway is not likely to be in place until late in the upcoming season.

### **Budget implications**

The Indian Falls stairway replacement project is budgeted to be approximately \$30,000 in professional design fees and an estimated \$300,000, including net HST, to fabricate and install on a suitable foundation. An application for a Recreation Facility Development (RFD) grant of up to \$150,000 (cost sharing of 50%) was submitted on February 14, 2024. The results of this grant will not likely be known until late spring / summer 2024. If the grant application is successful, it will cover project awards after the project commences.

**Conclusion**

Given the safety concerns with removing the existing wooden stairway at Indian Falls Park, staff are recommending it be replaced as soon as possible. Staff are recommending pre-Capital Budget approval and to procure professional design services, fabrication and installation for stairway replacement at Indian Falls Park through alternate procurement method as per Section 19 – *Alternate Procurement Practices of MODL 033 – Purchasing and Tendering Policy* to a maximum capital budget of \$330,000, including net HST. Section 19.1.1 of the Policy deems alternate procurement necessary if *“urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures.”*

Report Preparation		
Department	Engineering and Public Works	
Report Prepared by	Stephen W. Pace	February 27, 2024
Report Approved by		
Date Reviewed by C.A.O.		