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Municipal Council Meeting Agenda

Tuesday, May 14, 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**
 - 2.1 United Way Donation to PRO Kids..... 1-5
 - 2.2 Proclamation re International Day Against Homophobia, Biphobia, & Transphobia 6
 - 2.3 Introduction – Craig Upshaw, Regional Anti-Racism and Diversity Coordinator
- 3. Public Input (15 Minutes)**
- 4. Changes/Approval of Agenda (as circulated)**
- 5. Approval of Minutes - April 9, 2024 Special Council & April 23, 2024 Council**
- 6. Business Arising from Minutes**
 - 6.1 Amend Resolution #2024-082 – Change Purchaser Name..... 7
- 7. Awarding of Tenders/RFPs**
 - 7.1 Award of RFP 2024-01-400 Grub Control, Liming & Fertilizing MARC Ballfields..... 8-10
- 8. Presentations/Scheduled Times**
 - 8.1 Happy Community Project, Barry Braun..... 9:15 a.m.11-26
- 9. Consideration of Correspondence**
 - 9.1 Correspondence from Nova Scotia Parks re Hirtles Beach..... 27
- 10. Recommendations from Committees & Boards**
 - 10.1 Police Advisory Board** **28**
 - 10.1.1 Proposed Joint Police Advisory Board 29-32
- 11. Staff Reports**
 - 11.1 Planning Department**
 - 11.1.1 First Reading – Coastal Protection MPS & LUB Amendments..... 33-107
 - 11.1.2 Proposed Amendments to Area Advisory Committee Terms of Reference..... 108-133

11.2 Recreation, Parks & Tourism

- 11.2.1 PRO Kids 2023-2024 Update..... 134-137
- 11.2.2 Major Events Grant Application – South Shore Exhibition..... 138-140

11.3 Administration Department

- 11.3.1 Repeal & Replace - MODL Policy 036 Fire Emergency Services 141-149
- 11.3.2 Letter of Support re Laconia Wind Energy Proposal 150-151

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

- 12.1 MJSB 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 Contract Negotiations under Section 22(2)(e) of the MGA
- 14.3 Potential Litigation under Section 22(2)(f) of the MGA

15. Adjournment



Council
Item: #2.1
Date: May 14, 2024
Authorization: T. MacEwan

April 30, 2024

Via e-mail

Municipality of the District of Lunenburg

Dear Mayor Bolivar-Getson and Council,

Please find attached information related to United Way of Lunenburg County funding for the 2024/2025 allocation period. This funding amount of \$244,278 was invested in 25 local programs. In addition, we also operate an additional 10 low-cost programs. (See the funded programs attached.)

The funding provided by the United Way provides people with new hope, new opportunities, a sense of place and community, skill, and confidence building, reduced isolation, and increased socialization and so much more.

Please do not hesitate to reach out if you have any questions.

We would like to thank you for your leadership and vision with the support of the following programs.

- Increased funding for PRO Kids
- Establishment of the PRO Funds program
- Expansion of the Property Tax Rebate program
- Support of LC Community Wheels and their enhanced ability to offer lower cost fares.

These programs will help even more struggling people living in our community.

Sincerely,

Michael Graves
Coordinator
The United Way of Lunenburg County
902-530-3072 (voice mail) 902-521-4704 (cell)

Local giving. Local results.

For 2024/2025

The United Way of Lunenburg County invested \$244,278 in 25 local programs

We also operate an additional 10 programs.

Not all community members have the opportunity to create a vibrant life. Many people struggle to achieve a sustainable livelihood because they have vulnerabilities that place them at risk and face barriers at accessing opportunities and support. Recognizing this, the United Way chooses to focus its efforts on individuals and groups in our community that are vulnerable to a variety of social and systemic barriers.

ALL THAT KIDS CAN BE programs received funding totaling \$145,266

The United Way is giving children and youth the support they need to get a great start in life, do well in school, and reach their full potential.

Helping kids participate in sport, recreational or cultural activities - \$29,500

- Bikes for Kids - Over 650 bikes given away to date
- FREE LCLC Swimming and Skating Passes
- FREE Skates and Helmets to Borrow at the LCLC
- FREE used sports equipment exchanges (soccer)
- Municipality of Lunenburg - PRO Kids
- Kids Town of Bridgewater - PRO Kids
- Schools Plus – Let's Get Involved
- YMCA - Youth Activity and Sport Programs

Providing a safe place for youth to grow and socialize - \$56,160

- Better Together Family Resource - 4H Clubs (3)
- HB Studio - Imagination Playground Playgroup
- Musical Friends at St. Stephen's Anglican Parish in Chester
- YMCA - King Street Youth Centre and Leadership Program

Helping our communities' vulnerable youth and families - \$45,606

- RootED - School Food Program
- Schools Plus – Connecting Families Counselling Service
- Schools Plus – Fueling Community Connections
- Schools Plus – Hygiene and Health
- Schools Plus – School Supplies

Helping children and youth with special needs - \$20,000

- Autism Nova Scotia – Summer Day Camps
- HB Studios - Snoezelen Room Subsidy Passes
- Hinchinbrook Farm - Volunteer Training

Sexual Health Information and Support - \$4,000

- Sexual Health Centre – Compassion Fund

FROM POVERTY TO POSSIBILITY programs received funding totaling \$34,468

The United Way is helping to meet the basic needs of our community's most vulnerable people, giving every Canadian the opportunity to realize a better future.

Basic income maintenance support programs - \$28,000

- Society of Saint Vincent de Paul - Helping Neighbours-in-Need Program
- Souls Harbour – Takeout Food Containers

Education supports - \$1,200

- Lunenburg County Adult Learning Network - Volunteer Tutoring

Improving lives locally.

Helping people who are homeless - \$5,268

- South Shore Open Doors Association - Housing Supports
- Emergency Shelter TV's
 - First Aid Kits
 - Outdoor Camping Tents and Supplies

Providing life changing opportunities for people living on low income – These are \$0 cost programs.

- Coats for Kids – Teens and Adults Too (Over 2,600 warm winter coats distributed every year)
Free iPhones for vulnerable, homeless & low-income individuals. (407 since May 2017)
Free laptops for vulnerable low-income individuals. (50 since May 2017)
Free Recreational Passes for low-income individuals with mental health issues.

HEALTHY PEOPLE, STRONG COMMUNITIES programs received funding totaling \$54,544

The United Way is helping to create vibrant neighbourhoods, where everyone experiences a sense of belonging and connection to one another.

Helping to create inclusive community spaces - \$2,600

- Flourish 55+ Healthy Living Co-op - New Stove
Free Skates to borrow at the LCLC
Free Skating Helmets to Borrow at the LCLC
HB Studios Sports Centre Walking Track Subsidy Program

Connecting people and communities through transportation networks - \$12,500

- Bridgewater Transit Free Passes – Up to 10,000 distributed per year.
Chester Community Wheels - Operational Subsidy
Lunenburg County Community Wheels – Fare Subsidy


Talking about health - \$5,000

- Kidney Foundation Dialysis Support – Food and Transportation

Helping to keep our seniors safe and in their homes - \$34,444.

- Flourish 55+ Healthy Living Co-op - Operating Subsidy
Lunenburg County Senior Safety Coordinator
Lunenburg County Senior Safety Program – Emergency Contingency Fund
Plow it Forward – Rake it Forward – Mow it Forward - Stack it Forward – Volunteer to help a senior
SSODA, Town of Bridgewater – Fan Program
YMCA - Home Grocery Delivery Service

Helping to provide information and resources.

- 211 Information and Referral 

Making positive things happen in Lunenburg County takes more than good intentions and the contributions of a few. It takes everyone doing what they can because everyone shares in the benefits of a happy, healthy, and safe community where no one is left behind.

To find out more about how the United Way of Lunenburg County is putting your donations to work helping Lunenburg County kids, youth, families, women, seniors and communities, to see the requirements necessary to obtain a grant, and/or to make a secure online donation please visit our website at www.lunenburgcounty.unitedway.ca. Please direct questions to office@lunenburgcounty.unitedway.ca.



When you donate to the United Way of Lunenburg County you help make good things happen in your community.

For our 2024/2025 - Allocation period

The United Way of Lunenburg County invested \$244,278 in 25 local programs.

We also operate an additional 10 programs.

Funded programs that will assist residents of

LUNENBURG COUNTY

Includes the Towns of Bridgewater, Lunenburg, Mahone Bay, The Municipalities of Chester and Lunenburg

- 211 Information and Referral (211)
- Adult Learning Network - Volunteer Tutoring
- Autism Nova Scotia - Summer Day Camps
- Bikes for Kids - Teens and Adults Too
- Coats for Kids - Teens and Adults Too
- Flourish 55+ Healthy Living Co-op - New Stove
- Flourish 55+ Healthy Living Co-op - Operational Funding
- Free iPhones and Laptops for Vulnerable People
- Free LCLC Swimming and Skating Passes
- Free Recreational Passes for Individuals Living with Low Income and Mental Health Issues
- HB Studios - Walking Pass Subsidy
- HB Studios - Imagination Playground Playgroup
- HB Studios - Snoezelen Room Subsidy
- Hinchinbrook Farm - Volunteer Training
- Kidney Foundation Dialysis Support - Food and Transportation
- LCLC - Free Skating Helmets to Borrow Program
- LCLC - Free Skates to Borrow Program
- Plow it Forward – Rake it Forward – Mow it Forward - Stack it Forward Awareness Campaign
- RootED School Food Project
- Schools Plus - Let's get Involved
- Schools Plus - Hygiene and Health
- Schools Plus - Connecting Families Counselling Service
- Schools Plus - Fueling Community Connections Transportation Support
- Schools Plus - School Supplies
- Senior Safety Coordinator
- Senior Safety Program - Emergency Contingency Fund
- Society of Saint Vincent de Paul - Helping Neighbours-in-Need Program
- South Shore Open Doors Association (SSODA) - Various Supports
- South Shore Sexual Health - Compassion Fund
- YMCA - Free Grocery Delivery Service
- YMCA - King Street Youth Centre and Leadership Program
- YMCA - Youth Activity and Sport Programs

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

- Better Together Family Resource Centre - Buccaneer Bay/ Heritage House 4H
- Lunenburg County Wheels - Fare Subsidy
- P.R.O. Kids (Positive Recreation Opportunities for Kids Subsidy Program)
- Souls Harbour - Various Supports

MUNICIPALITY OF CHESTER

- Chester Community Wheels Operating Subsidy
- Musical Friends at St. Stephen's Anglican Parish

Improving lives locally.

www.lunenburgcounty.unitedway.ca

TOWN OF BRIDGEWATER

Better Together Family Resource Centre - 4H BES 4H Afterschool Club
Bridgewater Transit Free Passes
Lunenburg County Wheels - Fare Subsidy
P.R.O. Kids (Positive Recreation Opportunities for Kids Subsidy Program)
Souls Harbour - Various Supports

TOWN OF LUNENBURG

Lunenburg County Wheels - Fare Subsidy

TOWN OF MAHONE BAY

Lunenburg County Wheels - Fare Subsidy



United Way
Lunenburg County

Programs that benefit residents of Region of Queens Municipality

211 Information and Referral (211)
Autism South Shore Summer Camps
Bikes for Kids Teens and Adults Too
Coats for Kids Teens and Adults Too
Flourish 55+ Healthy Living Co-op
HB Studios Imagination Playground, Snoezelen Room and Walking Pass Subsidy
Hinchinbrook Farm
Schools Plus – Connecting Families Counselling Service
Schools Plus – Fueling Community Connections
Schools Plus – Hygiene and Health
Schools Plus – Let's Get Involved
Schools Plus – School Supplies.
South Shore Open Doors Association (SSODA)
Technology Program
Plow, Rake, Mow and Stack it Forward" Community Engagement Campaign
South Shore Sexual Health Centre Compassion Fund
YMCA Youth Programs

The United Way of Lunenburg County Community Asset Purchases

These previously purchased Community Assets are still providing benefits to our community.

Buster the Bus School Bus Safety Program
Bonny Lea Farm Industrial Shredders (2)
ARK Crew Cab Truck Purchase
New Hope Playing Surface in Western Shore
North River Recreational Concrete Pad
Riverport and District Community Room Furnishings (chairs, tables, audiovisual system)
New Ross School Community Recreational Facility
Forties Community Centre (chairs)
Lunenburg County Sexual Health Centre Education Support Program (SHIFT)
Bonny Lea Farm Ground Maintenance Training Riding Mower
Pinegrove Outdoor Play Association Community Park
Through the Years Community Centre and Day Care Specialized Recreational Equipment
Vogler's Cove Community Centre Equipment Purchase (chairs) & Library
Lunenburg County Lifestyle Centre – Aquatics for All Adaptive Devices
Lunenburg County Lifestyle Centre – Free Helmets and Skates to Borrow
Rooted School Food Program Kitchen Equipment

Improving lives locally.

www.lunenburgcounty.unitedway.ca

Proclamation: International Day Against Homophobia, Biphobia, and Transphobia

A proclamation in support of the Municipality of the District of Lunenburg recognizing and advocating for the International Day Against Homophobia, Biphobia, and Transphobia.

Whereas, Wednesday, May 17, 2023, is the 19th annual day against homophobia, biphobia, and transphobia. This day is recognized for creating more visibility, understanding, and eradicating hatred and violence against people of the 2SLGBTQ+ community.

Whereas, our municipality strives to promote protection for all groups in the community and to end oppression and phobias against lesbian, gay, bisexual, transgender and queer people.

Whereas, this day is to recognize the commitment our community has made to actively promote inclusivity initiatives and anti-homophobia, biphobia and transphobia within our municipality.

Whereas, today we celebrate and lift the 2SLGBTQ+ community in Lunenburg County and maintain our ongoing commitment to fight systems of oppression that impact them.

Therefore, be it resolved that the Municipality of the District of Lunenburg recognizes the 19th anniversary of “International Day Against Homophobia, Biphobia, and Transphobia” Wednesday, May 17, 2023.



14.	In Camera	
14.2	Sale of Land - PID 60295086	2024-082
“that Municipal Council approve the sale of PID 60295086 to Scott MacInnis in the amount of \$24,500, as per MODL Policy 036 Divestiture of Surplus Land”.		



Municipality of the District of Lunenburg

Request for Decision

Report to: Municipality of the District of Lunenburg Council

Submitted by: Maria Butts, Project Manager, Engineering & Public Works

Date: May 14, 2024

Re: Award of RFP 2024-01-400
Grub Control, Liming and Fertilizing – MARC Ballfields

Recommendation

Council authorize staff to award RFP 2024-01-400 Grub Control, Liming and Fertilizing – MARC Ballfields to Elmsdale Landscaping Limited for the amount of \$58,423.10, excluding HST, for two years of maintenance services.

Executive summary

The presence of grubs at the MARC Ballfields resulted in extensive damage to the turf leading to the full closure of one field for the 2023 season and partial closures of the remaining two. Following contracted services to treat, repair and maintain the fields last year, all three fields have re-opened for the 2024 season. To ensure grubs are properly mitigated and provide uninterrupted access to the fields, staff posted a RFP to seek proposals from certified landscape professionals for grub control, liming and fertilizing maintenance services. Two proposals were received and accepted by the deadline. Elmsdale Landscaping Limited received the highest overall score and staff recommend entering into a contract for maintenance services with this proponent.

Discussion

The Municipality of the District of Lunenburg (MODL) maintains three (3) ballfields at the current Municipal Activity and Recreation Complex (MARC). These ballfields are in high demand with various ball groups and local schools using them regularly. In prior years, the MARC ballfields suffered from an infestation of grubs, which attracted a huge number of crows causing damage to all three ballfields. In 2023, the damage was extensive enough that the

ballfields were in an unusable condition and had to be closed to treat grubs and repair the damage to the fields. The treatment and repairs were successful, and two fields were able to open partway through the ball season. This season all three fields have been able to open. While great gains were made last year, ongoing mitigation and maintenance is required to avoid another infestation and ensure that the ballfield turf is strong and healthy.

Two (2) proposals were received before the closing date and time. Submissions came from Natures Reflections Landscaping Limited and Elmsdale Landscaping Limited. Both proposals met the mandatory criteria section and were evaluated based on the criteria outlined in the RFP including: company overview and experience, staff certification/accreditation, work schedule, application rates, number of proposed services, references, and cost. Results of the evaluation are shown in the table below:

Proponent	Average Technical Score	Cost Proposal			Total Score	Overall Rank
		Yr 1 Price	Yr 2 Price	Price Score		
Elmsdale Landscaping Ltd	73	\$ 27,821.00	\$ 30,602.10	18	91	1
Natures Reflections Landscaping Ltd	62	\$ 24,960.00	\$ 27,456.00	20	82	2

Note: Prices exclusive of HST.

Both proposals received had sufficient quality to provide adequate grub control, liming and fertilizing services at the MARC Ballfields. Following the technical evaluation and cost evaluation, Elmsdale Landscaping Limited received the highest overall score. It is the recommendation of the evaluating committee that the RFP be awarded to the overall top-ranking proponent.

Budget implications

The 2024/25 approved operating budget includes \$67,700 for maintenance of the MARC Ballfields. Staff have adjusted department cost projections to accommodate the anticipated increased cost associated with procuring the grub control, liming, and fertilizing maintenance services.

Strategic plan

This work aligns with Council’s Re-Create Parks Strategic Priority.

Work plan

The awarded services will take place spring, summer, and fall of 2024 and 2025.

Alternatives

Not award the RFP and perform fertilizing and liming in house. Staff are not certified to apply grub control products and as such, this maintenance activity would not be performed and the risk of infestation would not be mitigated.

Conclusion

The MARC Ballfields require regular annual maintenance to keep them safe and functional. Having annual grub control, liming, and fertilizing maintenance services performed by a professional landscape company with certified staff will help ensure that the turf at the MARC Ballfields is strong, healthy and able to withstand the rigours of a busy ball season. The contracted services will minimize the risk of future closures, which could result if grub activity is left to continue, and crows damage the fields.

Report Preparation	
Department	Engineering & Public Works
Report Prepared by	Maria Butts, Project Manager
Report Approved by	Stephen W. Pace, Director of Engineering & Public Works
Date Reviewed by C.A.O.	



Good Neighbour Builders

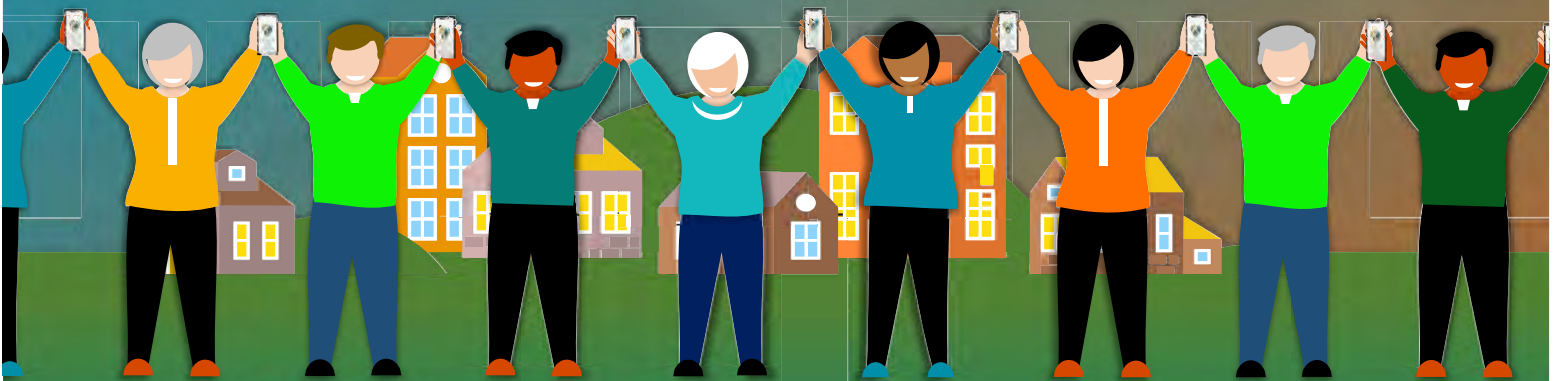
Council
Item: #8.1
Date: May 14, 2024
Authorization: T. MacEwan

Belonging Neighbours



What if it was normal?

For neighbours to know, care and support each other



**Happy
Community
Project**

*Good
Neighbour
App*

**Good
Neighbour
Builders**

Barry Braun - Founder



What is a Good Neighbour?



Trust, Friendly, Caring & Supportive



Why is it important ?

Why is it important ?



Mental Health



Social Health



Physical Health

People are happier

Why is it important ?



Less Crime



More Volunteerism



More Economy

Communities are happier



Your Good Neighbour Team



What We Do



Enable your communities to be **Good Neighbour communities**

How we do it

Partner with Municipality
& Municipal NGOs



The Good
Neighbour
Method

Based on science

Bruce Dienes, Ph. D.

35 years experience in applied community
psychology and community empowerment



Theoretical Framework

Sense of Community

Psychological Motivation

Polyvagal Theory

Stages of Cultural Shift



The Good Neighbour Method



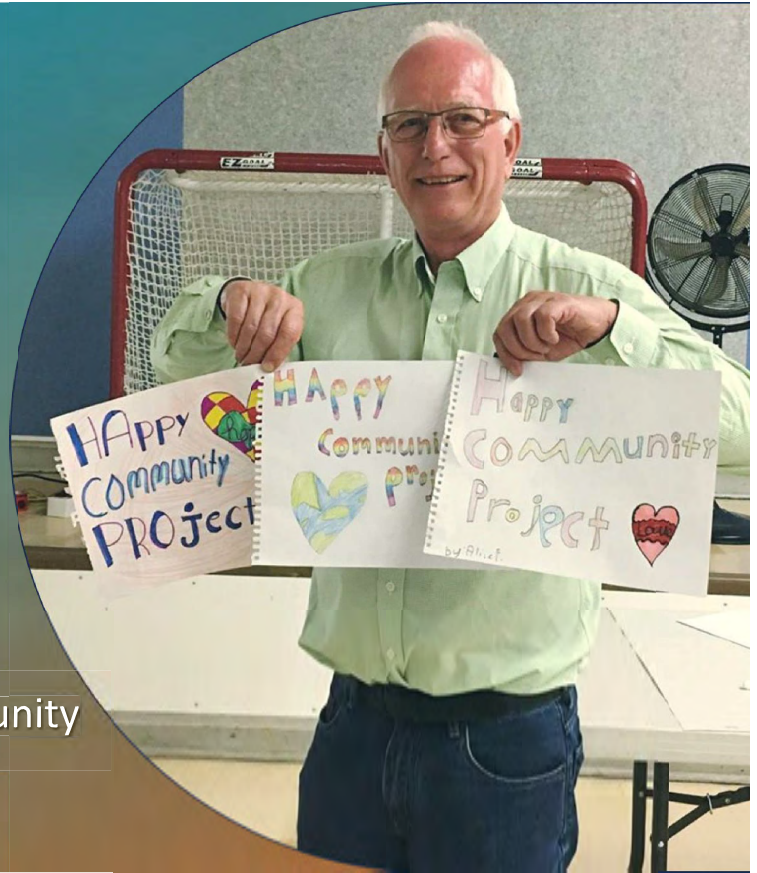
A Complete System

The Good Neighbour Method

Based on experience

Barry Braun, MBA

15 years experience in community building, founder of The Happy Community Project & Good Neighbour App



The Good Neighbour Method

 **Safe**

 **Fun**

123 **Easy**



Connect with neighbours

The Good Neighbour Method



Good Neighbour App

Neighbours Connecting With Neighbours



Face to Face

Good Neighbour Method For Cities and Towns



Tipping Point



Celebratory Festival



Implement the Method



Recruit connectors



Kick Off Event

Making it Normal Timeline

1 - 6 months

Getting Started 5%

Months 7-12

Tipping Point 12-15%

Months 13-18

Normalizing - 50%+

**80% of your
community**



Normal

Creating a Happy Community:
Connection is Key

The Windsor Story

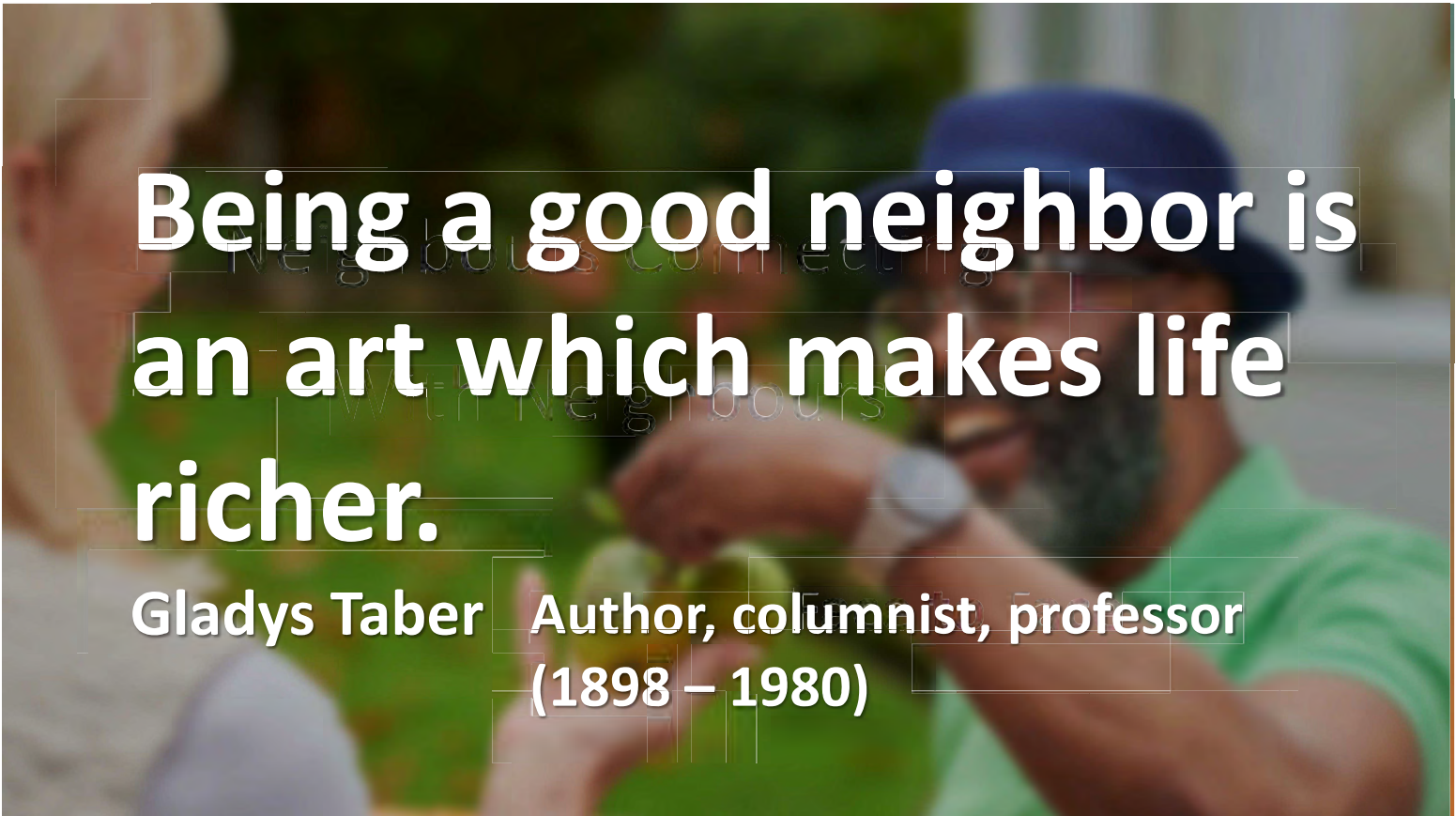
“Nothing ever happens here;
this place is so divisive.”





Neighbours Connecting With Neighbours

Face to Face



**Being a good neighbor is
an art which makes life
richer.**

Gladys Taber Author, columnist, professor
(1898 – 1980)

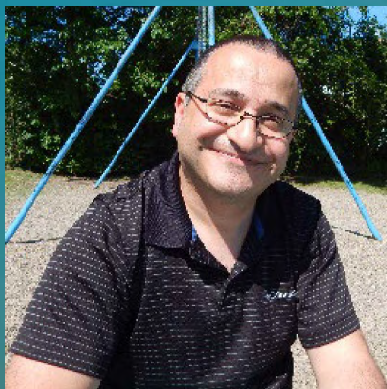


Good
Neighbour
Builders

Connecting Neighbours



What Mayors Say



*changed the
mindset of
20,000 people*



*.I see a big
difference.”*



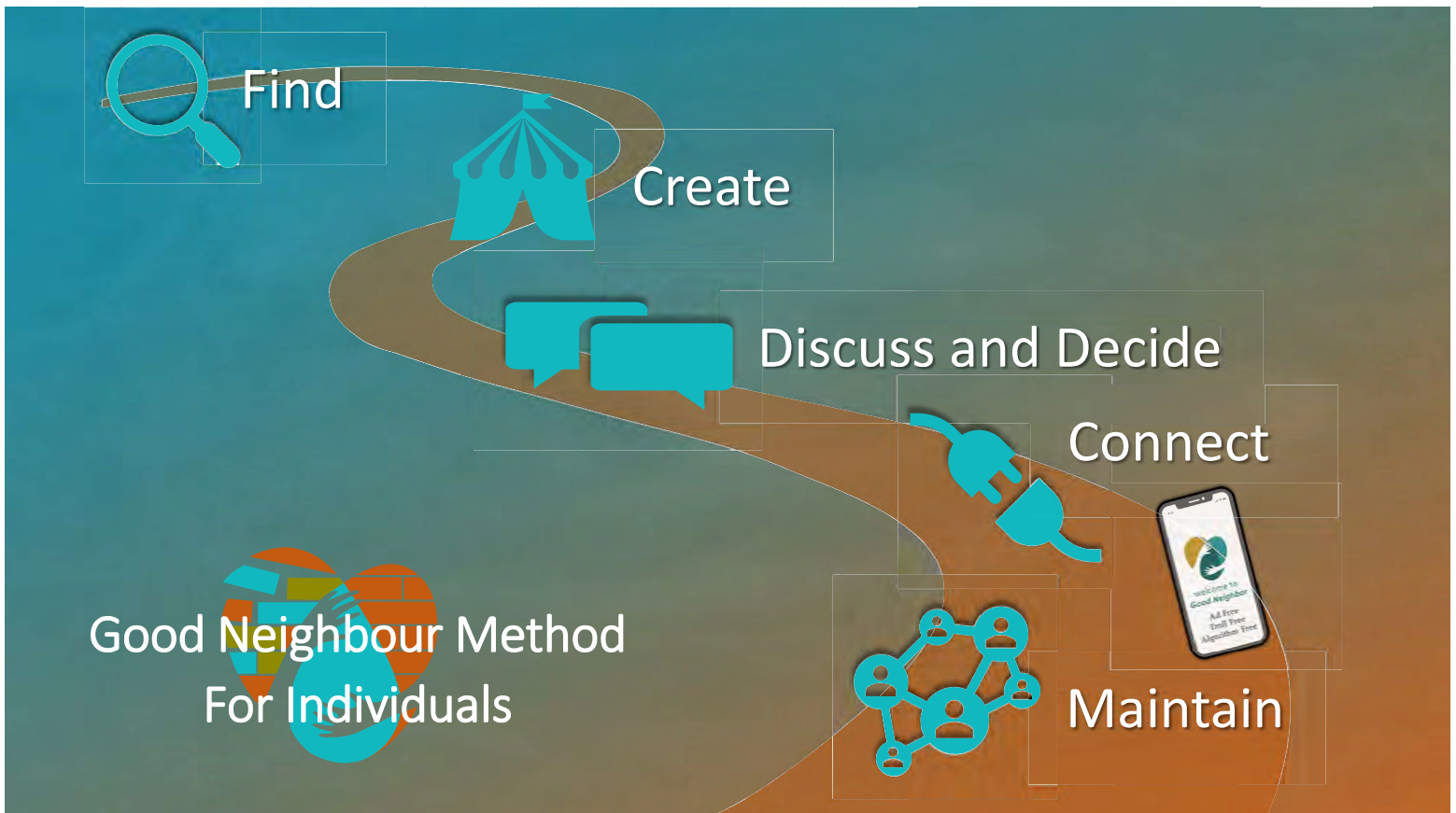
*the ease of
which it can be
implemented*



Good
Neighbour
Builders

Barry@happycommunityproject.com

902-830-6569



Making it Normal

1 - 6 months

Getting Started 5%

Months 7-12

Tipping Point 12-15%

Months 13-18

Normalizing - 50%+





April 15, 2024

To: Lunenburg District Municipality
Attention: Martha Selassie

RE: Hirtles Beach Provincial Park Pending Designation

Hirtles Beach is anticipated to be designated under the Provincial Parks Act later this year. The pending Hirtles Beach Provincial Park is a 4-hectare strip of coastal dune and beach below the municipally owned and operated parking lot and access area. Plans to designate the property as a provincial park were included in the 2013 Parks and Protected Areas Plan.

With 129 provincial park properties operating Nova Scotia, the Department of Natural Resources and Renewables has no plans to install park infrastructure or bring a regular staff presence to Hirtles Beach following designation. The designation will protect the land and the public's access the site for low-impact outdoor recreation uses and nature appreciation. Certain activities, such as hunting, camping, open fires, and off-highway vehicle use when the Parks Act and Regulations come into effect.

The Department understands that Hirtles Beach is an important outdoor recreation site for the Municipality of the District of Lunenburg and recognizes the valuable services the municipality provides the community. The park designation is not intended to affect municipal recreation operations. Future municipal plans proposing to make use of the park land may be authorized through the Departments Parks and Outreach Division upon review. Parks and Outreach have been in contact with municipal staff to share information about the designation and are available to review any municipal plans for the property going forward.

Best regards,

Tara Crandlemere

Parks and Outreach Division

Council
Item: #10.1
Date: May 14, 2024
Authorization: T. MacEwan



Memorandum

To: Mayor and Municipal Council

From: Chris Kennedy, Fire Services Coordinator

Date: April 24, 2024

Re: Recommendation(s) from the Police Advisory Board

The Police Advisory Board, in session on Wednesday, April 24, 2024, made the following recommendations to Council:

- 1. That Municipal Council support the creation of a Joint Police Advisory Board comprising of the Municipality of the District of Lunenburg, the Town of Mahone Bay, and the Town of Lunenburg and authorize the mayors to write a joint letter to the provincial Department of Justice requesting Ministerial Approval for a joint board.**

Respectfully submitted,

Chairman and Members
Police Advisory Board

Attachment

/jh



Memorandum

To: Police Advisory Board Members, Municipality of the District of Lunenburg (MODL)
From: Chris Kennedy, Fire Services Coordinator
Date: April 24, 2024
Re: Viability of a Joint Police Advisory Board

At the March 19, 2024, MODL Policy and Strategy meeting Deputy CAO Alex Dumaresq put forward a request for decision regarding the possibility of a Joint Municipal Police Advisory Board. This would be comprised of the Municipality of the District of Chester, the Municipality of the District of Lunenburg, the Town of Mahone Bay, and the Town of Lunenburg. (See attached report)

The Policy and Strategy Committee made the following motion at the March 19, 2024, meeting regarding this request for decision.

“That the Policy & Strategy Committee refer the matter of the creation of a Joint Police Advisory Board for Lunenburg County to the Police Advisory Board, and further request that they provide feedback before the May 14, 2024 Council meeting.”

Respectfully Submitted

Chris Kennedy, Fire Services Coordinator

Council
Item: #10.1.1
Date: May 14, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Municipal Councils of the District of Lunenburg, Town of Mahone Bay, District of Chester and Town of Lunenburg

Submitted by: Alex Dumaresq, Deputy CAO, MODL

Date: March 19, 2024

Re: Proposed Joint Police Advisory Board for Lunenburg County

Recommendation

Move that Council support the creation of a Joint Police Advisory Board comprising of the Municipality of the District of Chester, the Municipality of the District of Lunenburg, the Town of Mahone Bay and the Town of Lunenburg and authorize the Mayors/Warden to write a joint letter to the provincial Department of Justice requesting Ministerial Approval for a joint board.

Background

The Royal Canadian Mounted Police (RCMP) provide police services to four of the five municipalities in Lunenburg County including the Districts of Chester and Lunenburg, and the Towns of Mahone Bay and Lunenburg. Currently the District of Chester, the District of Lunenburg, and the Town of Mahone Bay have active boards. The Town of Lunenburg is in the process of activating an advisory board and inquired with municipal staff in neighbouring units if there would be interest in exploring a joint board.

Under the Police Act, all municipalities contracting with the RCMP must have an Advisory Board. The composition of a Police Advisory Board for an individual municipality consists of either five or seven members. One member of the committee is appointed by the Minister of Justice, and the remaining seats are filled half with council members and half with citizens.

Section 57A permits municipalities to create a Joint Advisory Board. The composition of a joint board includes 2 members from each partner council, two resident members from each partner unit and one member appointed by the Minister. Police Board meetings are required to be held quarterly.

Discussions with staff at the Department of Justice have confirmed that a joint board would not be inappropriate, and the process is relatively simple. Municipalities seeking a joint board must write a letter to the minister seeking approval and outlining the reasons for seeking a joint board.

Discussion

Requests to the Minister for joint boards require explicit rationale for the approach. The primary benefits of this proposal include better matching the inter-jurisdictional nature of policing; addressing the current gap in local police board governance in the Town of Lunenburg; and increased administrative efficiency.

Of note, discussion with senior RCMP staff in Lunenburg County has confirmed that the detachment is supportive of the request to merge the local boards. Below is a short explanation of each of these primary reasons for pursuing a joint board.

Interjurisdictional Nature of Policing

While each municipality holds a separate contract with the province to provide policing through the Provincial Policing Contract, the service is provided by the RCMP and is an integrated one, with the same officers and structure providing police services to all of the units.

The nature of criminal activity does not align with existing municipal boundaries, and therefore, police response must operate without regard to these political boundaries to provide an effective service. One of the primary functions of a police board is to provide input to the police service on “priorities, objectives and goals of the police force” (s. 68(3)(a)). A joint board will be able to provide improved perspective on the needs of the local community because the joint board will include the views and perspectives of the community as a whole, as opposed to operating in the silo of existing municipal boundaries.

A joint policing board may also gain synergies with other inter-municipal cooperation initiatives. The 4 partners currently share a regional Accessibility Coordinator and are in the process of hiring a regional Anti-racism Coordinator. The creation of a joint board will provide a streamlined avenue for input from the regional committees and coordinators focused on providing more inclusive services.

A joint regional board would provide a more cohesive view for the local governance of policing, better aligning with the jurisdictional scope of the police force and increase the potential for input from regional efforts to increase inclusion and equity.

Increased Governance

Currently the Town of Lunenburg does not have an active police board. By pursuing a regional board, this would address the gap in local governance of policing required in the Police Act. There have also been issues in recruiting members of the public to the citizen seats on the boards and even greater difficulty in recruiting a provincial representative. By creating a joint board, it reduces the need for provincial appointments from four to one, significantly reducing the likelihood that the board will be without a provincial representative.

Administrative Efficiency

Currently the RCMP prepares a report for policing in Lunenburg County which is then tailored for the 4 units and presented at each of the committees. The proposal would reduce the amount of time spent by the RCMP in tailoring the regular reports and would reduce the time spent by senior officers attending current advisory board meetings, without negatively impacting governance. There would also be a small reduction in municipal staff time by holding a single regional meeting as opposed to each unit managing individual committees. MODL has offered to provide program support to the committee in the form of the Fire Services Coordinator. MODC has indicated they would be prepared to provide administrative support including preparing of agendas and minutes from their clerk's office.

Alternatives

While the Police Act requires all municipalities policed by the RCMP to have a Police Advisory Board, the decision to create a joint board for the region is a voluntary one. The municipal partners could choose to retain individual boards.

Conclusion

The RCMP provides policing services to four of the Municipalities in Lunenburg County. A joint regional board would provide a more cohesive view for the local governance of policing, better aligning with the jurisdictional scope of the police force. Switching to a Regional Police Advisory Board would address the Town of Lunenburg's lack of a committee, reduce the administrative burden on the other units, and free up more of the RCMP's time for other policing duties.

Report Preparation	
Department	
Report Prepared by	
Report Approved by	

Council
Item: #11.1.1
Date: May 14, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Report to Council

Report to: Mayor and Municipal Council

Submitted by: Ella R. Gindi, Planner I, Reid Shepherd, Manager of Planning

Date: May 14, 2024

Re: Coastal Protection Regulations - First Reading

Origin

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.

On February 27, 2024, proposed coastal protection and cluster developments regulations were scheduled to go before Council for first reading. Once the agenda had been posted containing the full draft documents, staff and Council received several public comments with concerns related to the proposed cluster development regulations. In addition, the day before the Council meeting, the province released a document called [The Future of Nova Scotia's Coastline](#), containing measures aimed at protecting the coast.

During the regular Council meeting on February 27, Council approved the agenda, with the following revision:

Removal of Item 11.1.1 First Reading – Coastal & Cluster MPS/LUB.

Finally, the following motion was introduced and passed:

Councillor Haysom requested that the Coastal and Cluster MPS/LUB be brought back to a Council agenda in the future. The Motion on the floor was voted on and carried unanimously.

On April 9, 2024, staff presented to Council, outlining the differences between the sea level, storm surge, and higher high water large tides figures provided by the province and those presented by staff. Following this presentation, provincial representatives were available to address Council's inquiries.

On April 24, 2024, Council discussed coastal flooding maps and elevation requirements. Council then passed the following motion related to coastal flooding and coastal protection regulations:

“that Municipal Council endorse the coastal flood risk elevation number of 3.97m (2013 CGVD) to calculate the MODL coastal flood map and the proposed coastal protection regulations; and further Council conduct First Reading on May 14, 2024”.

Recommendations

Until now, the process for establishing coastal protection regulations has involved comprehensive discussions and feedback from the public and Council. For these regulations to be implemented, a new land use by-law must be introduced, as well as amendments to the existing Municipal Planning Strategy must be revised and incorporated. Should Council approve the motion for the first reading, staff recommends conducting community information meetings in the following weeks. These meetings are crucial for ensuring transparent communication with residents regarding the new regulations pertaining to coastal protection.

Motions have been prepared below allowing these amendments to proceed to move through the approvals process.

Approve Coastal Protection Regulations

If Council wishes to conduct first reading for coastal protection regulations, 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 B) 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 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 C) 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 *June 13th*, in 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 following information outlines in detail, the requirements, process, feedback and considerations that went into the development of the draft Coastal Protection regulations.

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 coastal protection policies.

New Municipal-wide Land Use By-law

MODL does not have a Municipal-wide Land Use By-law, and because of this, a new one has been drafted. The creation of this new document is necessary to introduce the new coastal protection 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 and coastal protection regulations. It should be noted that at a later date, the MODL2040 land use planning project will significantly 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.

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 include several 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.
- Requiring 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.

Background Research:

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

- 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.

Public Engagement Findings:

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. 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.

Presentation of Findings and Recommendations:

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.

Planning Advisory Committee Review:

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.

Council Direction and Subsequent Actions:

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.

Next Steps

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

- Public information sessions (locations to be discussed by Council)
- Public Hearing proposed for June 13
- Second Reading (Council can choose to undertake on the same date as the public hearing or further in the future).

Report Preparation	
Department	Planning and Development Services
Report Prepared by	Ella R. Gindi, Planner I, Reid Shepherd, Manager of Planning
Report Approved by	Reid Shepherd, LPP, MCIP, Manager of Planning
Date Reviewed by C.A.O.	

MODL Public Correspondence: Coastal Protection - May 14, 2024

#	Name	Topic Headline	Date
1	Heather White	MODL coastal protection	2023-06-01
2	Harold Burton	RE: Coastal Erosion Please forward to appropriate person/ Dept.	2023-06-12
3	Martin Brodmann	RE: Municipality Invites Residents to Have Their Say on Coastal Protectio	2023-06-08
4	Keith Drysdale	Comments on MODL Coastal Protection Initiative	2023-07-12
5	Elizabeth Klaas	Coastal Protection	2023-07-25
6	Heather White	RE: Coastal Protection	2023-09-23
7	Doug Cleveland	FW: climate change - coastal property	2023-10-26
8	Heather White	Re: Coastal Protection Policy	2023-10-26
9	Meghan Burke	Coastal Protection	2023-10-30
10	Bob Clark	Coastal Protection	2023-11-14
11	Helen Handfield-Jones	Suggestions for next meeting on Coastal Protection	2023-11-29
12	Heather White	Coastal protection land use regulations	2023-12-04
13	Bob Clark	Coastal Protection	2023-12-11
14	Marilyn & Tony Congdon	FW: Alternative Recommendations Pertaining to its Proposed Coastal Protection Regulations	2024-01-10
15	Harold Burton	Council Direction on Coastal Protection and Cluster Development Regulations - Expected sea level	2024-01-16
16	Derek Purcell	Coastal Protection - Council Meeting - 9 January 2024	2024-02-04
17	Judi Milne	Re: Statement from Mayor Carolyn Bolivar- Getson re: Coastal Protection and Cluster Developme	2024-02-26
18	David Davenne	Re: Statement from Mayor Carolyn Bolivar- Getson re: Coastal Protection and Cluster Developme	2024-02-26
19	Heather White	Re: Statement from Mayor Carolyn Bolivar- Getson re: Coastal Protection and Cluster Developme	2024-02-26
20	John Budden	Re: Statement from Mayor Carolyn Bolivar- Getson re: Coastal Protection and Cluster Developme	2024-02-26
21	Judi Milne	Re: Statement from Mayor Carolyn Bolivar-Getson re: Coastal Protection and Cluster Developmer	2024-02-26
22	Eric Rapaport	Coastal Protection Land Use Bylaw	2024-02-27
23	Edward Young	Re: Statement from Mayor Carolyn Bolivar- Getson re: Coastal Protection and Cluster Developme	2024-02-27
24	Susan Hall	Re: Concerns about Beaches Act Implimentation	2024-03-06
25	Derek Purcell	Coastal Protection - The Next Road	2024-03-10
26	Heather White	FW: Tomorrow's Council Meeting	2024-04-09
27	Kingsburg Coastal Conservancy (KCC)	RE: Coastal Protection	2024-04-10
29	Kimberly Landry	RE: Coastal Protection	2024-04-17
30	Kingsburg Coastal Conservancy (KCC)	RE: Coastal Protection	2024-04-17
31	John Butler	Fw: Shore Road, Garden Lots	2024-05-03

2/8/24, 11 41 AM

MODL coastal protection Elizabeth Carr Outlook

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

2/8/24, 11 46 AM

Mail Elizabeth Carr Outlook

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

MODL Info <info@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: [@MODL Planning](#) please see comments below.

Best Regards,

Susan Berry

Supervisor, Corporate Services & Communications

Municipality of the District of Lunenburg

10 Allée Champlain Drive

Cookville, NS B4V 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 <info@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.

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



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.

You're receiving this email because you are a registered participant on Engage MODL.

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On May 31, 2023, at 13:09, Engage MODL <notifications@engagementhq.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:

<https://outlook.office.com/mail/AAMkADdhMjk3MDJhLTg4YmY1NDZhNy05Ng4LTYSZjJlOjA2MDg2ZGZgAuAAAAABLWZhoTRx3QZE4qUdXlcOGAQC> 2/3

<https://outlook.office.com/mail/AAMkADdhMjk3MDJhLTg4YmY1NDZhNy05Ng4LTYSZjJlOjA2MDg2ZGZgAuAAAAABLWZhoTRx3QZE4qUdXlcOGAQC> 3/3

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.pdf

See attached

Jeff Merrill, MCIP, LPP (he/him)

Director
Planning & Development Services

Municipality of the District of Lunenburg

30 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 PM

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

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

about:blank?windowId=SecondaryReadingPane12

1/2

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 ICE Greenidge

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

about:blank?windowId=SecondaryReadingPane12

2/2

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 9:33 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 this 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 this 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, deer, 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

Re: Coastal Protection Policy

Heather White [REDACTED]

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:

1. 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.
2. 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.

- 3. 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.
- 4. 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.
- 5. 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,

 **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: MODL 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

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

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

Councillor for MODL District 8
902 930 3065

www.modl.ca

Municipality of the District of Lunenburg
10 Allée Champlain Drive
Cookville NS B4V 9E4

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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 all 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

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/LearnAboutSenderIdentification>]

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 whole heartedly 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

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/LearnAboutSenderIdentification>

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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 4:16 PM

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

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

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

From: Bob Clark [redacted]

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

Subject: Coastal Protection

To: <reid.shepherd@modl.ca>

Cc: <mayor@modl.ca>, <wendy.oickle@modl.ca>, <tom.macewan@modl.ca>

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 Handfield-Jones [REDACTED]

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 [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from an external sender.

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 hoped 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 side bar and explain that the regulation will be written in meters.
 - Talk and show the vertical distance from the HHWL. 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 loosen a bit 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 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 12th 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](#)

CAUTION: This email originated from an external sender.

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

[REDACTED]
[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](#)

CAUTION: This email originated from an external sender.

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 Councillor 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 on 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

[REDACTED]

2/8/24, 11 57 AM

Mail Elizabeth Carr Outlook

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>

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

CAUTION: This email originated from an external sender.

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 it's 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:

2/8/24, 11 57 AM

Mail Elizabeth Carr Outlook

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.mod.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.mod.ca/cluster-development-regulations>

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2/8/24, 11 57 AM

Mail Elizabeth Carr Outlook

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>



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

[REDACTED]

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

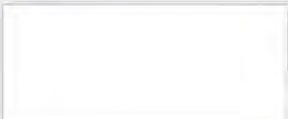
From: Derek Purcell
Sent: January 5, 2024 4:18 PM
To: Councillor Martin Bell <martin.bell@modl.ca>
Cc: reid.shepherd@modl.ca <reid.shepherd@modl.ca>; mayor@modl.ca <mayor@modl.ca>
Subject: Fw: Coastal Protection - Council Meeting

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>LaHave River Estuary</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>www.thecanadianencyclopedia.ca</p>
--	--

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.**

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 76 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.

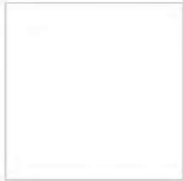
I recognize staff want to avoid multiple zones with different regulations but if there is a way to just implement the Coastal Flooding vertical requirement for the LaHave River Estuary, perhaps that might be more palatable.

Happy to expand on any of these points if needed

Regards

Derek Purcell

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



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](#) 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.

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Ella Gindi

From: Heather White [REDACTED]
Sent: February 26, 2024 5:48 PM
To: MODL Planning
Subject: Re: Statement from Mayor Carolyn Bolivar-Getson re: Coastal Protection and Cluster Development

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

CAUTION: This email originated from an external sender.

I sincerely hope that MODL will be more responsible than the Province and proceed with the now more important than ever coastal protection regulations. The MODL Planning Department has worked tenaciously and effectively to develop these regulations and Council needs to take a stand for the coast!

Heather White
Sent from my iPad

On Feb 26, 2024, at 5:24 PM, Engage MODL <notifications@engagementhq.com> wrote:



Statement from Mayor Carolyn Bolivar-Getson, February 26, 2024:

Today, the Government of NS announced The Future of our Coastline: Nova Scotia's plan to protect people, homes, and nature from climate change and it provided Coastal Property owners with resources and planning tools to help them plan for the effects of climate change. These resources included a Coastal Hazard Map (and Users Guide) so that coastal property owners can see what sea level rise and storm surge could look like on their property at high tide in the year 2100; a Navigator Service (to help residents use the Coastal Hazard Mapping Tool and understand your results); and a Coastal Adaptation Toolkit.

MODL has prepared a draft Coastal Protection Land Use Bylaw which was scheduled to proceed to First Reading tomorrow (Feb 27, 2024). MODL did not have access to the resources and tools that were announced today by the province and, on a brief review of the provincial information, it appears that there is some discrepancies between the scientific information that we relied upon in creating our Coastal Protection Land Use Bylaw and the information that the Province relied upon in creating the Coastal Hazard Map. In order to ensure that we are using the best information available, I will be recommending that Council pause the First Reading of the Coastal Protection Land Use Bylaw to permit staff to review the information released by the Province earlier today. Under the circumstances, I fully expect that Council will agree with my recommendation and that the First Reading of the Coastal Protection Land Use Bylaw will be removed from tomorrow's Council Agenda.

In addition, given the number of comments and questions received by members of Council regarding the Cluster Development Land Use Bylaw, I will also be requesting that we pause the First Reading of the Cluster Development Land Use Bylaw as well to allow for additional public

engagement with residents. Again, I anticipate that Council will support my recommendation on this item as well.

Sent on behalf of Mayor Carolyn Bolivar-Getson

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Ella Gindi

From: Judi Milne [REDACTED]
Sent: February 26, 2024 5:42 PM
To: MODL Planning
Cc: Carolyn Bolivar-Getson; Leitha Haysom
Subject: Re: Statement from Mayor Carolyn Bolivar-Getson re: Coastal Protection and Cluster Development

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.

The public engagement should happen very, very quickly. This is an urgent matter in our community and the provincial decision is an embarrassment and a travesty. Unfortunately it looks like pandering to the rich with absolutely no concern for the average citizen is our politicians wish. It is so wrong that money can buy what you want - yes, just my assumption and I hope I am wrong.

We have way more political ignorance of concerns for the "all" and support for the wealthy and COASTAL owners that think they can cut everyone else off - WRONG.

Judi Milne

On Mon, Feb 26, 2024 at 17:24 Engage MODL <notifications@engagementhq.com> wrote:



Statement from Mayor Carolyn Bolivar-Getson, February 26, 2024:

Today, the Government of NS announced The Future of our Coastline: Nova Scotia's plan to protect people, homes, and nature from climate change and it provided Coastal Property owners with resources and planning tools to help them plan for the effects of climate change. These resources included a Coastal Hazard Map (and Users Guide) so that coastal property owners can see what sea level rise and storm surge could look like on their property at high tide in the year 2100; a Navigator Service (to help residents use the Coastal Hazard Mapping Tool and understand your results); and a Coastal Adaptation Toolkit.

MODL has prepared a draft Coastal Protection Land Use Bylaw which was scheduled to proceed to First Reading tomorrow (Feb 27, 2024). MODL did not have access to the resources and tools that were announced today by the province and, on a brief review of the provincial information, it appears that there is some discrepancies between the scientific information that we relied upon in creating our Coastal Protection Land Use Bylaw and the information that the Province relied upon in creating the Coastal Hazard Map. In order to ensure that we are using the best information available, I will be recommending that Council pause the First Reading of the Coastal Protection Land Use Bylaw to permit staff to review the information released by the Province earlier today. Under the circumstances, I fully expect that Council will agree with my recommendation and that the First Reading of the Coastal Protection Land Use Bylaw will be removed from tomorrow's Council Agenda.

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First Reading of the Cluster Development Land Use Bylaw as well to allow for additional public engagement with residents. Again, I anticipate that Council will support my recommendation on this item as well.

Sent on behalf of Mayor Carolyn Bolivar-Getson

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Coastal Protection Land Use Bylaw

Eric Rapaport <Eric.Rapaport@Dal.Ca>

Tue 2/27/2024 1:26 PM

CAUTION: This email originated from an external sender.

This bylaw is very good start. It is based on the best available data that is localized for future sea level rise, storm surge and highest potential tides for the MODAL coastal line..


The information coming from the Feb 26 2024 announcement from the Province of Nova Scotia is not as accurate or representative of the future flood risk MODAL could face. The dataset used in the NS Province Coastal Hazard Tool <https://nsgi.novascotia.ca/chm> is based on only 1 metre storm surge - applied to the entire coastline of Nova Scotia . - which is not the worse case scenario that MODAL coastline could experience which is 1.63 metres. In fact, 1 metre storm surge is underestimate for every location in Nova Scotia except the Sydney. The sea level rise estimate used in the NS Province Coastal Hazard Tool is 1.2 metre is also a generalization applied to the entire Nova Scotia coastline. The sea level rise information used in the MODAL Coastal Protection Land use Bylaw - 1.57 - is based 95% percentile - for its location on the coast. Why the province used generalization for sea level rise - which is known to vary across Nova Scotia coastline is unknown. See page 14 Figure 1.5 of the Coastal Adaptation Toolkit Part1 (<https://climatlantic.ca/wp/wp-content/uploads/2023/03/Part-1-Guidance-for-Selecting-Adaptation-Options.pdf> which shows that sea level rise varies along the coast line of Nova Scotia. Based on the documentation provided by the province - <https://novascotia.ca/coastal-climate-change/docs/safeguarding-coastal-property.pdf> this is lack of information on the data used and justifications used to select a storm surge and sea level rise estimate. The absentee explaining of dataset used and rationale for numbers selected by the Province will make experts skeptical of the science and data used as well as the justification. Even once the generalization are revealed by the province it would be unwise to use the Nova Scotia Coastal Hazard Tool to develop a Coastal Protection Land Use Bylaw because it not using the best available information of a localized situation.

I full support the data and science used to behind the MODAL Coastal Protection Land Use Bylaw. It is based on the best available information for land use planning and properly reference information and follows best professional practices used by Canadian planners and engineers.

The most recent announcement from the Mayor Carolyn Bolivar-Getson is also factually incorrect - the Coastal Adaptation Toolkit was released almost a year prior to the Feb 26 2024 announcement . A careful review of the documentation is it was release January 2023-<https://climatlantic.ca/wp/wp-content/uploads/2023/03/Part-1-Guidance-for-Selecting-Adaptation-Options.pdf>. This toolkit - <https://climatlantic.ca/coastal-adaptation/> - should be apart of MODAL website with the release of the new bylaw - the toolkit is set up to be used in multiple provinces - but warning - it was not designed or specifically for tailored for Nova Scotia specifically.

MODAL should proceed with enacting the MODAL Coastal Protection Land Use Bylaw! It will help protect the coastline and do a better job of informing residents and property owners of the potential future flooding risk than what the province has recently produced and release in the NS Province Coastal Hazard Tool.

Best Regards
Eric Rapaport (LPPNS)
Associate Professor
School of Planning, Dalhousie University

 [Book time to meet with me](#)

2/27/24, 9:48 AM

Mail - Elizabeth Carr - Outlook

2/27/24, 9:48 AM

Mail - Elizabeth Carr - Outlook

Re: Statement from Mayor Carolyn Bolivar-Getson re: Coastal Protection and Cluster Development

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Edward Young <[REDACTED]>
Tue 2/27/2024 9:46 AM
To: MODL Planning <planning@modl.ca>

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

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A case of the right hand not knowing what the left hand is doing? What a colossal waste of money!

From: Engage MODL <notifications@engagementhq.com>

Sent: February 26, 2024 5:54 PM

To: [REDACTED] <[REDACTED]>

Subject: Statement from Mayor Carolyn Bolivar-Getson re: Coastal Protection and Cluster Development

Statement from Mayor Carolyn Bolivar-Getson, February 26, 2024:

Today, the Government of NS announced The Future of our Coastline: Nova Scotia's plan to protect people, homes, and nature from climate change and it provided Coastal Property owners with resources and planning tools to help them plan for the effects of climate change. These resources included a Coastal Hazard Map (and Users Guide) so that coastal property owners can see what sea level rise and storm surge could look like on their property at high tide in the year 2100; a Navigator Service (to help residents use the Coastal Hazard Mapping Tool and understand your results); and a Coastal Adaptation Toolkit.

MODL has prepared a draft Coastal Protection Land Use Bylaw which was scheduled to proceed to First Reading tomorrow (Feb 27, 2024). MODL did not have access to the resources and tools that were announced today by the province and, on a brief review of the provincial information, it appears that there is some discrepancies between the scientific information that we relied upon in creating our Coastal Protection Land Use Bylaw and the information that the Province relied upon in creating the Coastal Hazard Map. In order to ensure that we are using the best information available, I will be recommending that Council pause the First Reading of the Coastal Protection Land Use Bylaw to permit staff to review the information released by the Province earlier today. Under the circumstances, I fully expect that Council will agree with my recommendation and that the First Reading of the Coastal Protection Land Use Bylaw will be removed from tomorrow's Council Agenda.

In addition, given the number of comments and questions received by members of Council regarding the Cluster Development Land Use Bylaw, I will also be requesting that we pause the First Reading of the Cluster Development Land Use Bylaw as well to allow for additional public engagement with residents. Again, I anticipate that Council will support my recommendation on this item as well.

Sent on behalf of Mayor Carolyn Bolivar-Getson

https://outlook.office.com/mail/none/id/AAMkADdhMjk3MDJhLTg4YmY1NDZhNy05Njg4LTU5ZjI0MjA2MDg2ZGZGAAAAABLWZhoTRx3QZE4qUdXic... 1/2

https://outlook.office.com/mail/none/id/AAMkADdhMjk3MDJhLTg4YmY1NDZhNy05Njg4LTU5ZjI0MjA2MDg2ZGZGAAAAABLWZhoTRx3QZE4qUdXic... 2/2

RE: Concerns about Beaches Act Implementation

Jeff Merrill <jeff.merrill@modl.ca>

Tue 3/26/2024 3:03 PM

To: SusanHall <[REDACTED]>
Cc: Reid Shepherd <Reid.Shepherd@MODL.CA>

Hi Susan,

Thank you for sharing your correspondence to the Province. The municipality is currently working on coastal regulations. More information can be found here: <https://engage.modl.ca/coastal-protection>.

With your permission I'd like to share your correspondence with Council for their consideration. It would appear with other correspondence on a public agenda discussing the municipality's proposed coastal regulations. Your address, phone number and email information would be redacted.

Regards,

Jeff

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: SusanHall <[REDACTED]>

Sent: Tuesday, March 26, 2024 12:33 PM

To: mindnr@novascotia.ca

Cc: minister.environment@novascotia.ca; Jeff Merrill <jeff.merrill@modl.ca>

Subject: Concerns about Beaches Act Implementation

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

CAUTION: This email originated from an external sender.

I am writing to express concerns about the recent approval of a board-walk through a large wetland to a shed on the edge of Kingsburg pond, all within the protected area of Kingsburg Beach. My property is on [REDACTED].

The raised board-walk will at least reduce hydrological impacts from this inappropriate development. Protection of wetlands everywhere, not just within existing protected areas, is

critical to Nova Scotia's biodiversity and climate change goals.

Government of the time allowed people who rushed foundations in (upon hearing the beach was about to be protected under the Beaches Act) to build houses along Kingsburg Beach. All of these homes on this barrier beach system are at very high risk of damage and loss from storms. Many have already been damaged in past year's storms. Allowing these people to further develop their properties seems unwise and will encourage others to likewise seek approval to add structures to their properties.

All of this is surprising given the well documented increase in the severity of storms, and the increasing costs of insurance and emergency funding to those without insurance/unable to get insurance. Liability with risky approvals should be a major additional concern to all those responsible for providing permits.

I am likewise very concerned about what will be approved if Kingsburg Beach homes are damaged and their owners wish to rip-rap their properties, hence accelerating erosion on adjacent properties. As you know, extensive areas of the coastline in PEI, NB and NS have been armoured. The consequences are often dire for their neighbours and eventually themselves. Armouring can be expected to accelerate of the loss of the beach and degrade it's recreational value, i.e. beaches covered in failed armour rock.

I don't understand the apparent lack of effective government policy regarding beach management in general. Armouring beaches can result in loss of the beach or it's degradation as noted above. Unrestricted recreational use is also damaging beaches near me, i.e. Kingsburg and Hirtle Beach. These and other beaches lack effective management (i.e. board-walks over dunes to preserve dunes and dune grasses) seen in some provincial parks. Beaches are a key tourism and public resource that ironically fuel all of the coastal development near me. Why is there not a scientifically based and urgent plan to preserve these highly valued and vulnerable resources? Without careful management and protection, we can expect to lose most of our beaches as sea levels rise and storm intensity increases.

I suspect the inexplicable lack of appropriate policy and direction on these issues is the result of the legacy of past extensive coastal development. The defunct Coastal Protection Act might have limited future risky development but what about all the houses, roads, etc already in place? Wouldn't it make more economic (and environmental) sense to encourage withdrawal from vulnerable parts of the coastline, while not allowing more development?

Sincerely

Susan Hall

[REDACTED]
Kingsburg [REDACTED]
[REDACTED]

Coastal Protection - The Next Round

Derek Purcell <[redacted]>

Sun 3/10/2024 8:50 PM

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

Hello Martin:

With the latest Provincial wrinkle imposed on the process to implement coastal protection measures in MODL, I wanted to reiterate my support for the proposals on this matter developed by the Planning Department.

I also would appreciate hearing your perspective on why the LaHave River estuary is excluded from these proposals.

How is it that our coastal properties at [redacted] are classified as flood prone by the Provincial recommendations but not by the draft MODL regulations? Here's a screen shot of what the Province says:

As described in the material in the Council Agenda package for 28 November, 2023, the **"objective of the new regulations is twofold: first, to prevent the construction of new homes, businesses, and structures in areas vulnerable to coastal flooding or erosion; second, to safeguard sensitive coastal ecosystems from the detrimental effects of human activity and development."**

The objectives of these regulations clearly encompass our property and others along the estuary. Our properties might not be as prone to erosion as Hirtle's Beach but it most certainly is at risk of flooding, which has happened in the past. Under the objective of the new regulation, we are "...vulnerable to coastal flooding..." and as such, the estuary deserves to be included.

Again, I am happy that MODL continues to pursue some measure of coastal protection regulations and I urge you to vocally support these proposals. As a firefighter who has responded to calls from people who have made poor coastal protection decisions, I can personally verify that some people really need these regulations.

Regards

Derek Purcell
[redacted]
[redacted]

From: Derek Purcell <[redacted]>
Sent: February 4, 2024 9:09 PM
To: Reid Shepherd <reid.shepherd@modl.ca>; Councillor Martin Bell <martin.bell@modl.ca>
Cc: MODL Mayor <mayor@modl.ca>; jeff.merrill@modl.ca <jeff.merrill@modl.ca>
Subject: Re: Coastal Protection - Council Meeting - 9 January 2024

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

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
[redacted]

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



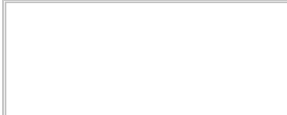
From: Derek Purcell <[REDACTED]>
Sent: January 5, 2024 4:18 PM
To: Councillor Martin Bell <martin.bell@modl.ca>
Cc: reid.shepherd@modl.ca <reid.shepherd@modl.ca>; mayor@modl.ca <mayor@modl.ca>
Subject: Fw: Coastal Protection - Council Meeting

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>LaHave River Estuary</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>www.thecanadianencyclopedia.ca</p>
---	--

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.**

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 76 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 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>
Sent: January 4, 2024 5:01 PM
To: [REDACTED]
Subject: Coastal Protection - Council Meeting



**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 Allec 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](#) 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.

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FW: Tomorrow's council meeting

Jeff Merrill <Jeff.Merrill@modl.ca>

Tue 4/9/2024 8:12 AM

To: MODL - Councillors <council@modl.ca>
Cc: Reid Shepherd <Reid.Shepherd@MODL.CA>; Ella Gindi <Ella.Gindi@MODL.CA>; Tom MacEwan <Tom.MacEwan@modl.ca>

Please see the message below regarding the coastal protection regulations.

Jeff

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

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

-----Original Message-----

From: Heather White [REDACTED]
Sent: Monday, April 8, 2024 12:42 PM
To: Jeff Merrill <Jeff.Merrill@modl.ca>
Subject: Tomorrow's council meeting

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

CAUTION: This email originated from an external sender.

Hi Jeff,
I am in Los Angeles visiting family, so will not be attending tomorrow's council meeting. I fully support the Planning Department recommendations for coastal protection regulations for our municipality. I only wish that council had had the courage and forethought to accept the earlier, stricter version. Please convey my support for your recommendations to Mayor Bolivar Getson and the councillors.

Thank you for all your diligent work on this important issue.

Heather White
Kingsburg

Sent from my iPad



April 10, 2024

From: Kingsburg Coastal Conservancy (KCC)

To: Mayor Bolivar-Getson

CC: Council Members: Leitha Haysom, Martin Bell, Wendy Oickle, Pam Hublev, Cathy Moore, Sandra Statton, Michelle Greek, Reid Whynot, Kacy DeLong, Chasidy Veinotte

Dear Mayor Bolivar-Getson and MODL Council members,

Having attended yesterday's Council meeting discussion on the draft Coastal Protection Regulations, we wish to transmit KCC's full support for Council's drive to put proper coastal protection regulations in place in response to the province's abdication of leadership on this critical issue. Council's strong leadership on this is enabling MODL to hit the ground running on a substantial challenge that has been unexpectedly placed on the shoulders of municipal councils. Needless to say, KCC will do all within our power to help facilitate the speedy finalization and implementation of effective regulations.

The necessity to move rapidly on this long overdue task is particularly apparent to our organization and local community members. **Over the past few days we have witnessed with dismay the rapid construction of a lengthy boardwalk, complete with power pole, and a significant storage shed on the protected area of Kingsburg Beach. A permit for building an additional single unit dwelling is apparently included in the permissions (see letter to Minister Tory Rushton appended).**

The area of Kingsburg Beach that houses the new construction was protected by the Department of Natural Resources (DNR) in 1995 due to its extreme environmental sensitivity (see Miller Report Summary appended). In addition, the construction is taking place within the following problem areas included on MODL's Coastal Protection Regulations map: Coastal Wetlands; Wetland Buffer; Coastal Flood Risk Area, and Designated Coastal Protection Area.

We cannot stress enough the importance of rapid action on this. Development of a further 35 lots in this designated area could rapidly follow the current construction project if action is not taken immediately to prevent further development in these areas.

We are thus requesting that MODL impose an immediate moratorium on any further development in this highly sensitive area -- including halting the project currently underway -- pending the finalization and enactment of the Coastal Protection Regulations.

We would appreciate an opportunity to discuss our request -- and any ways you feel we might help -- with appropriate MODL staff and Council members.

Sincerely,

Janet Peace, Chair, Kingsburg Coastal Conservancy
Robert Buckley, Past Chair, Kingsburg Coastal Conservancy
Marilyn Congdon, Founding Member, Kingsburg Coastal Conservancy

Appendix 1: Letter to Minister Rushton



April 5, 2024

FROM:

The Kingsburg Coastal Conservancy
TO: Minister Tory Rushton, Minister of Natural Resources and Renewables, NS
CC: Premier Tim Houston, Premier of Nova Scotia Minister Tim Halman, Minister of Environment and Climate Change, NS

Dear Premier Houston,

The KCC is submitting this letter as a formal complaint against the construction of a boardwalk currently taking place within the protected area of Kingsburg Beach, which extends between the Atlantic Ocean and the freshwater of Kingsburg Pond.

We note that there are currently two permits in place within this protected area: one for a Boardwalk and Bunkie and another for a Single Unit Dwelling. KCC therefore also requests a moratorium on any development beyond the boardwalk within the ecologically sensitive protected lands on Kingsburg Beach until this matter has been investigated and clarified to the satisfaction of the Riverport District communities by both the provincial and municipal offices that issued the permits.

THE PROTECTED STATUS OF KINGSBURG BEACH

The Department of Natural Resources protected the Kingsburg Beach between 1993-1995 under the Beaches Act:

I. KINGSBURG BEACH DESIGNATION

Made Under Subsection 5(1) of the Beaches Act, R.S.N.S. 1989, c. 32, O.I.C. 93-253 (March 9, 1993), N.S. Reg. 52/93; O.I.C. 95-17 (January 3, 1995), N.S. Reg. 5/95

II. ASSESSMENT OF THE ENVIRONMENTAL SENSITIVITY OF KINGSBURG BEACH, 1995

by Christopher A. Miller, Ph.D., Conservation Environmentalist, Nova Scotia

Section 4.0: REPORT SUMMARY

Kingsburg Beach can be considered environmentally sensitive for the following reasons:

- It is a dynamic system with sedimentary environments prone to rapid changes.
- Rising sea levels are forcing Kingsburg Beach to migrate landwards over time.
- Sediment impoverishment from onshore sources requires beach, dune, and backshore sediments to be recycled for Kingsburg Beach to avoid submergence.

- Kingsburg Beach contains a rich diversity of geomorphic features including beach ridges, primary dunes, secondary dunes, inter-dunal troughs, washovers, lagoons, deltaic deposits, backbarrier ponds, and backbarrier wetlands.
- Kingsburg Beach is one of only about 20 sites in Nova Scotia that contains prograded beach ridges.
- Kingsburg Pond is an important area for migratory birds and represents one of only a few documented cases in Nova Scotia where a water body has switched from marine to fresh water under rising sea-level conditions.
- Kingsburg Beach contains an abundance of ecosystems (12 distinct habitat types) and species (at least 155 vascular plant species, 57 bird species, 12 mammal species, 4 amphibian species, and 1 reptilian species).
- The protrusion of Kingsburg Peninsula from the rest of the mainland coast makes the Kingsburg Beach area an important focal point and staging area for birds flying along the coast.
- Kingsburg Beach contains one of only five known inter-dunal swale wetlands in Nova Scotia, perhaps the rarest wetland type in the province.

As documented above, this area is extremely susceptible to climate change and sea level rise. It makes no sense to be granting building permits within this environmentally sensitive area. If this construction is allowed to take place, there will assuredly be others lined up to do the same (there are an estimated 35 other possible building lots within this area).

When Natural Resources designated Kingsburg Beach protected, the intention was that no further development take place on this fragile land. Given the urgent need to counter the destructive effects of climate change, the Kingsburg Coastal Conservancy contends that the reasons for protecting Kingsburg Beach are even more important today than they were then.

We would appreciate confirmation of receipt of our request and complaint, as well as the opportunity to meet with appropriate representatives for further clarification on this important matter.

Sincerely,

Janet Peace, Chair, Kingsburg Coastal Conservancy
Robert Buckley, Past Chair, Kingsburg Coastal Conservancy
Marilyn Congdon, Founding Member, Kingsburg Coastal Conservancy

Fw: Can you please forward this letter to council

Ella Gindi <Ella.Gindi@modl.ca>

Wed 4/17/2024 11:55 AM

To: Jacob Macpherson <Jacob.Macpherson@modl.ca>

1 attachments (2 MB)

Video.MOV;



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

Sent: Wednesday, April 17, 2024 11:35 AM

To: MODL - Councillors <council@modl.ca>

Cc: Jeff Merrill <Jeff.Merrill@modl.ca>; Tom MacEwan <Tom.MacEwan@modl.ca>; Ella Gindi <Ella.Gindi@modl.ca>

Subject: Fw: Can you please forward this letter to council

Good Morning,

Please see the below email regarding coastal protection.

Thanks,
Reid



Reid Shepherd LPP MCIP (he/him)
Manager of Planning
Planning & Development Services
Municipality of the District of Lunenburg
Phone: (902) 530-3265

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

From: Kimberly Landry [REDACTED]

Sent: Wednesday, April 17, 2024 11:24 AM

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

Subject: Can you please forward this letter to council

CAUTION: This email originated from an external sender.

Hi Reid,

I am attaching a letter to MODL Council in response to the recent events and the last meeting with the NS Provincial representatives.

I appreciate your assistance in ensuring this is received by Council members.

Please don't hesitate to reach out if you have any concerns, or questions.

Kind regards,
Kimberly

March 17, 2024

Dear MODL Council Members,

I am writing to address the discrepancies between the Provincial and MODL flood risk maps and to discuss the recent recommendations regarding land use regulations in our community.

As a concerned citizen and property owner of a home located in the flood risk area of Lahave River, I am extremely troubled by the council's dismissal of the climate change risk to properties in this area. It is evident to me and others in the Riverport area and along the river that the Lahave River is most definitely susceptible to storms and flood surges. I have personally witnessed and am paying for the impact of recent storms, rebuilding my armour wall and repair to my wharf. I have attached pictures and videos of the damage caused to my property as evidence of these recent events in December 2022.

I am not only concerned about my own property, but also for all property owners along tidal rivers and estuaries identified as risk areas. Without regulations to protect against sea level rise and storm impact in these areas, we face increased property claims, risks to first responders, and a burden on taxpayers for storm damage relief funding.

It is crucial for the council to prioritize the protection of people and property against climate change and sea level rise. Decisions should be based on scientific facts rather than emotions or concerns about property valuations. These regulations are essential for safeguarding our coastlines and properties for future generations.

Given the province's delegation of responsibility to municipalities for regulations and the timeline for adopting regulations by the MODL, I urge council to consider the following actions:

- 1. Implement an immediate halt on new building permits and enact a moratorium until new regulations are in place, similar to what PEI has done. This approach will help safeguard Lunenburg County against potential liability and ensure the safety of our residents.**
- 2. Reconsider the current recommendations of a 30-meter setback and implement a universal setback of 50 meters, as recommended by staff experts appointed by Council (subject to**

reduction by an industry expert site survey exception).

3. Include flood risk areas as defined in both the Provincial and MODL prior to altering the model to exclude rivers beyond borders as defined by Council on the January 9th meeting.

In doing so, MODL shows its commitment to creating a sustainable and resilient future for Lunenburg County.

I am available for discussion and to provide additional information or support.

Regards,

Kimberly Landry

East Lohave





My home on the Provincial Hazards Map



Kimberly Landry





April 17, 2024

From: Kingsburg Coastal Conservancy (KCC)
To: Mayor Bolivar-Getson
CC: Council Members: Leitha Haysom, Martin Bell, Wendy Oickle, Pam Hubley, Cathy Moore, Sandra Statton, Michelle Greek, Reid Whynot, Kacy DeLong, Chasidy Veinotte

Re: Kingsburg Beach Development

Dear Mayor Bolivar-Getson and Council Members,

Firstly, we want to thank you for adding this issue to your agenda yesterday in order to address it in a timely fashion, and for letting us know about the meeting so that we could be present to participate. The letter that will be sent from MODL to the Province asking that they consider not issuing further approvals for building on protected beaches such as Kingsburg Beach will certainly have an impact.

From where KCC sits, the discussion as a whole helped to i) work through some of the jurisdictional complexities between the Province and MODL, especially to identify the key jurisdictional issues involved in the recently authorized Kingsburg Beach development and possible ways to avoid a future occurrence of today's situation; and ii) it really helped to reach clarity on the most effective path to guaranteeing the future protection of duly designated lands within the municipality.

The most basic question raised during the meeting was the following: "If the land is protected, how can building permission be given?" The obvious answer came through clearly: "...by the province granting ministerial approval."

Following on from this, the next question posed was "does Ministerial approval of development on provincially protected lands take precedence over any Municipal by-laws, land use laws and documented processes for issuing development and building permits?" Again, the answer came through clearly: MODL, in consultation with the community, is in control of its own policies and is at liberty to implement them as needed. In the case of two conflicting policies where land conservation is concerned, whichever process is the more stringent in terms of land protection is to be applied.

In our opinion, this puts MODL clearly in the driver's seat when it comes to protecting lands in the municipality that house forests, wetlands, critical plant and wildlife habitats – all of which can contribute to ecoservices such as reduction of carbon emissions, management of water storage and cooling to reduce flooding risk and potential droughts – and all of which are essential elements in keeping the environment safe for human life, and which would greatly aid in attaining the climate change targets established by MODL for 2040.

A solid start has been made with the pending Coastal Protection regulations and their related interactive map. It seems that beyond this, a review of the approval process for granting development and building

permits would be needed, making crystal clear the circumstances that would either allow or deny permit approval.

If such a review process were undertaken, and if MODL regulations allow for community participation on its committees, KCC would be happy to participate in this process as non-voting committee members. KCC's follow-up Sustainable Community Fund Wetlands Protection project, if funded, will begin sometime this summer and will be focussed on building a local cadre of well-trained conservation volunteers, able to work in the field to identify, delineate, and assess certain key features of wetlands and critical habitats in the area. It would greatly benefit leading KCC and community members involved in this to properly understand – and have input into – the protocols governing building/development permissions at the municipal level.

We look forward to following future developments on these important issues,

Sincerely,

Janet Peace, Chair, Kingsburg Coastal Conservancy
Robert Buckley, Past Chair, Kingsburg Coastal Conservancy
Marilyn Congdon, Founding Member, Kingsburg Coastal Conservancy

Fw: Shore Road, Garden Lots

Ella Gindi <Ella.Gindi@modl.ca>

Mon 5/6/2024 9:09 AM

To: Jacob Macpherson <Jacob.Macpherson@modl.ca>

new correspondence to add to the package 😊



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: John Butler <[REDACTED]>

Sent: Friday, May 3, 2024 8:45 PM

To: MODL Planning <planning@modl.ca>

Subject: Shore Road, Garden Lots

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

CAUTION: This email originated from an external sender.

We have been here 20 years and erosion has been horrific, basically eating up substantial portions of the shore from [REDACTED] Shore Road. I don't think your interactive map accurately reflects where the actual shoreline is now located, and that is something you may want to revisit. Your erosion guidelines are sensible as a minimum requirement, and in my view ours is not an area where new build exceptions of any nature should be permitted. John Butler

Sent from my iPad

Municipality of the District of Lunenburg

Amending By-law Details	
Name	Repeal and Replace of the Municipal Planning Strategy, 2024
Number	035B
Legislative Authority	Municipal Government Act, Section 205
Effective Date	-

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

Title

- 1 This By-law is titled the **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 formatting of sections.
- 6 References added throughout for new Coastal Protection policies. Placeholder sections and definitions added in advance of the Cluster Development amendment.
- 7 New section, 5: Municipal-Wide Land Use Policies, added which contains the new Coastal Protection policies.

By-law Adoption	
Date of first reading of amending by-law	
Date of second reading of amending by-law	
Date of advertisement of passage of amending by-law	
Effective date of the by-law unless otherwise specified in the text of this by-law.	
Date of mailing a certified copy of amending by-law to Minister	
I certify that this “Repeal and Replace of the Municipal Planning Strategy (2024)” was adopted by Municipal Council and published as indicated above.	

Signature of Municipal Clerk	Date

Proposed



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Municipality of the District of Lunenburg
Municipal Planning Strategy

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Approved by Council on XXXXXX

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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
Municipality	25,684	25,949	25,570	25,160	25,138	24,863
County	47,630	47,560	47,595	47,150	47,310	47,126
Province	899,945	909,280	908,005	913,465	921,725	923,598
Canada	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.

Proposed

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, Policy 2.3.2 or 2.3.3, 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 11th 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 recommended that Council adopt 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.

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 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 section also applies to Secondary Plan Areas. Therefore, in cases where similar policies or regulations overlap, the most stringent ones will apply.

5.1 Reserved for Future Use

5.2 Reserved for Future Use

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 pertaining 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.

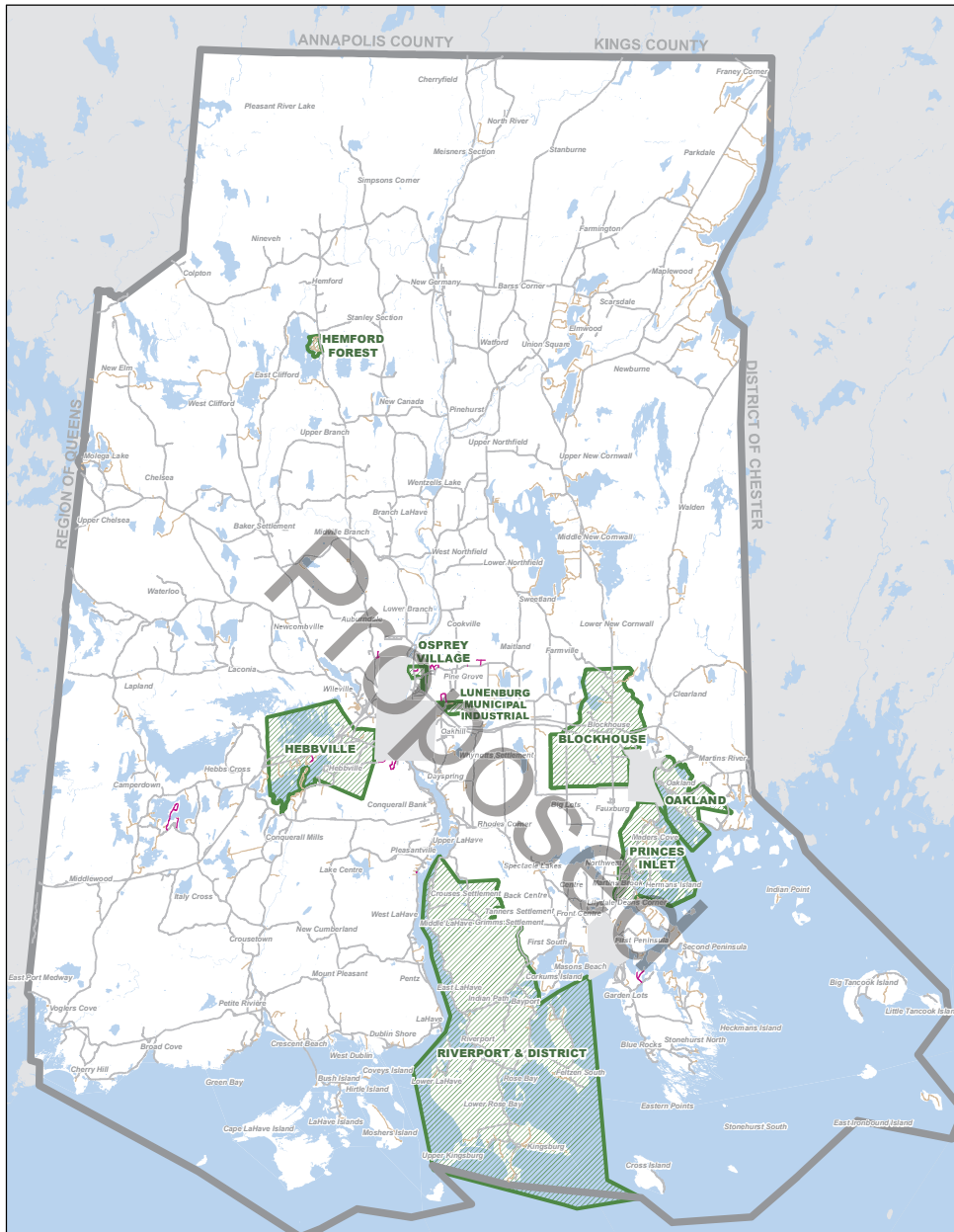
- 5.10.5** Council will foster collaboration and partnerships with environmental groups and organizations to aid in facilitating scientific knowledge pertaining to coastal ecosystems and thereby promoting an understanding of coastal ecosystems and encouraging informed decisions for their conservation and effective management.

Attachments

Map 1: Secondary Plan Areas

Map 2: Designated Coastal Protection Area

Map 3: Municipal-Wide Land Use



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

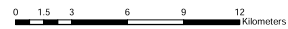


MUNICIPALITY OF THE DISTRICT OF LUNENBURG

**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



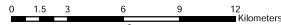


MUNICIPALITY OF THE DISTRICT OF LUNENBURG

**Municipal Planning Strategy
MAP 3: Municipal-Wide Land Use**

- Towns Not Within the Municipality
- Areas Regulated By Regional Land Use By-Law

- Provincial Road
- Municipal Road
- Private Road
- Municipal Boundary
- Waterbody



Sources: Municipality of the District of Lunenburg
Service Nova Scotia & Municipal Relations
April 2024

Municipality of the District of Lunenburg

By-law Details	
Name	Adoption of the Municipal-Wide Land Use By-law, 2024
Number	049
Legislative Authority	Municipal Government Act, Section 205
Effective Date	-

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

Title

- 1 This By-law is titled the **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, placeholder items for the future Cluster Development amendment, and other enabling provisions and administrative content.

By-law Adoption	
Date of first reading of amending by-law	
Date of second reading of amending by-law	
Date of advertisement of passage of amending by-law	
Effective date of the by-law unless otherwise specified in the text of this by-law.	
Date of mailing a certified copy of amending by-law to Minister	
I certify that this "Municipal-Wide Land Use By-law, 2024" was adopted by Municipal Council and published as indicated above.	
Signature of Municipal Clerk	Date



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Municipality of the District of Lunenburg

Municipal-Wide Land Use By-Law

Pertaining to Coastal Protection Regulations

(MODL By-law 049)

Adopted by Council: YYYY-MM-DD

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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.

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.

Commercial Use means the use of land for the primary purpose of buying, selling or trading of merchandise or services.

Council means the Council of the Municipality of the District of Lunenburg.

Development means any construction, erection, alteration, placement, replacement, location, relocation of, or addition to any structure and any change or alteration in the use made of land or structures.

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.

Development Permit means the permit issued by the Development Officer certifying that a proposed development complies with the provisions of the Land Use By-law.

Dune means an unconsolidated sand or gravel deposit found in a beach environment 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.

Marine-Related Accessory Uses means activities or structures on land that support or complement marine activities, such as boat storage, marine equipment, repair facilities, and boat launching ramps.

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.

Person means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

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 person may undertake, or cause or permit to be undertaken, any development in the Designated Coastal Protection Area identified on Schedule A, 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

Despite Section 3.3, a Development Permit is not 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.
- 3.4.2 Minor structures such as retaining walls, children's play structures, hot tubs, cold frames, garden trellises, clothesline poles, dog houses, propane cylinders, and heat pumps.

3.5 Requirement for Development Permit Application

Development Permits submitted to the Development Officer must be 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 person 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.

Proposed

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 recommended.
- 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 By-law, 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:
- 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.
 - Non-conforming structures containing main residential uses may be rebuilt or replaced substantially the same location and be occupied by the same use.

4.6 Reserved for Future Use

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 Reserved for Future Use

4.10 Reserved for Future Use

4.11 Reserved for Future Use

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 By-law.

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 Despite 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.

- 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:

- No natural vegetation may be removed within 15-metres of the Top of Bank or the ordinary high watermark.
- Despite Section 4.14.2 natural vegetation may be removed to a maximum of the lesser of either 25% or 10-metres, of the waterfrontage to enable water views, access, and the development of marine-related accessory uses.
- 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.
- Despite Section 4.14.2 the removal of dangerous or severely diseased vegetation is permitted.
- 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 Sections 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 the Nova Scotia Department of Environment and Climate Change's Development of a Coastal Erosion Risk Factor Assessment Standard Technical Background and Guidance report. 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 Sections 4.15.1 and 4.15.2, 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.

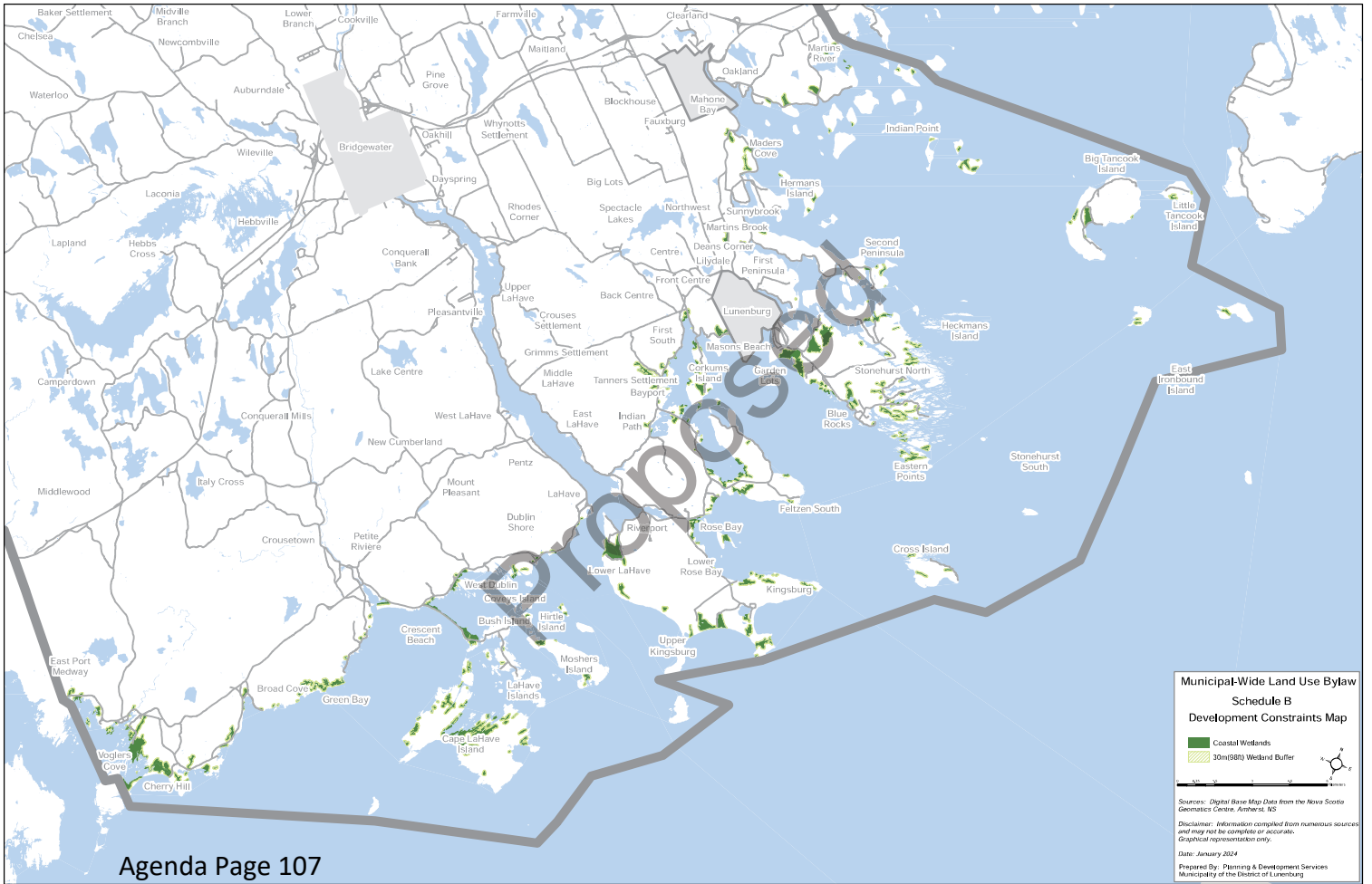
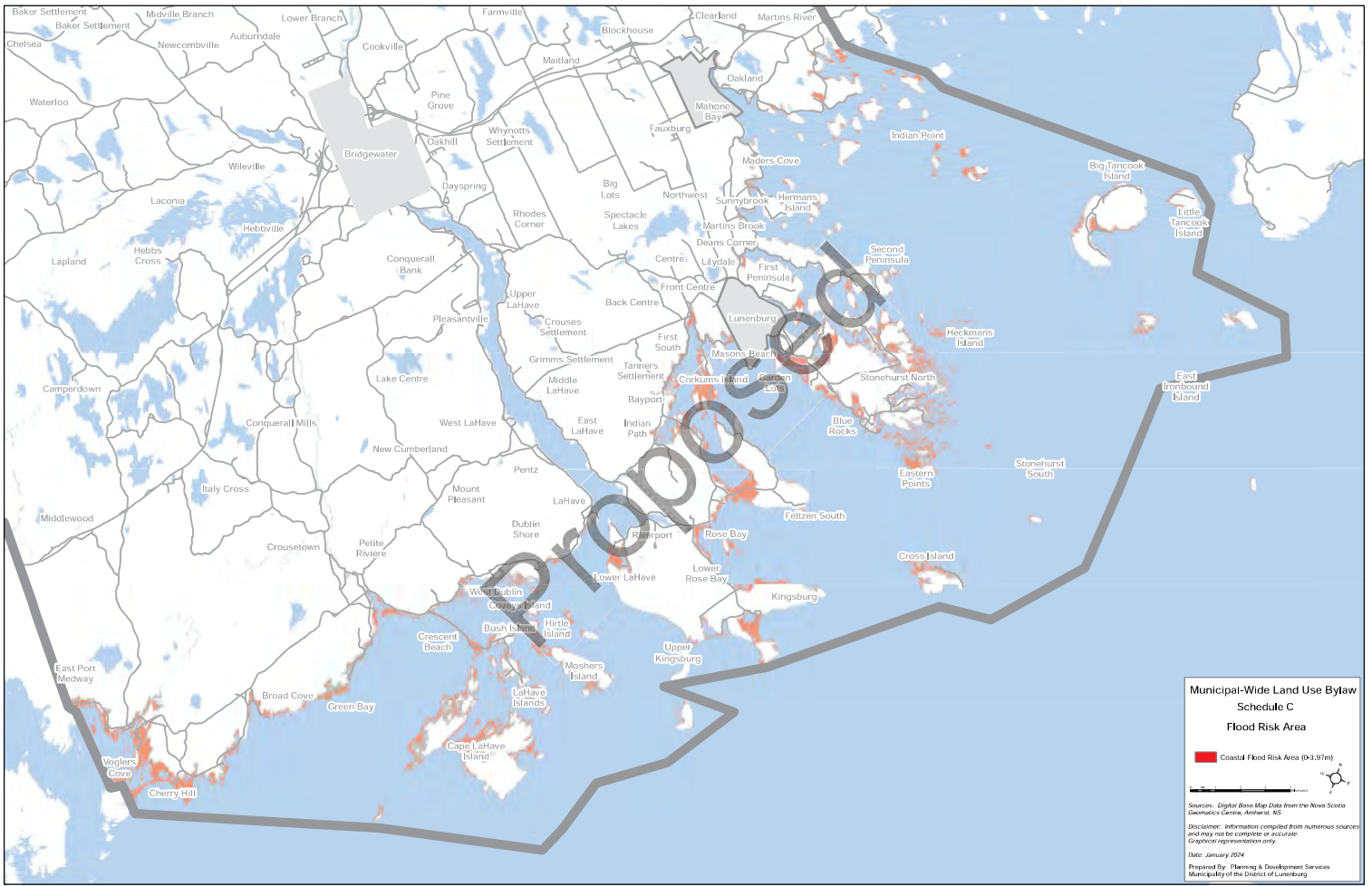
- (a) The Municipality may require confirmation from the Department of Environment and Climate Change prior to accepting changes to wetland protection boundaries shown on the Development Constraints Map.

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.



Council
Item: #11.1.2
Date: May 14, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Mayor and Municipal Council

Submitted by: April Whynot-Lohnes, Municipal Clerk and Ella R. Gindi, Planner I

Date: May 14, 2024

Re: Terms of Reference Amendments - Blockhouse, Hemford Forest, Oakland, Princes Inlet & Area, Riverport and District and Village of Hebbville Area Advisory Committee

Recommendation

“That Municipal Council approve the proposed amendments to the Blockhouse, Hemford Forest, Oakland, Princes Inlet & Area, Riverport and District and Village of Hebbville Area Advisory Committee Terms of Reference as presented”.

Background

On January 23, 2024, the Municipal Council approved the proposed amendments to the Village of Hebbville's terms of reference and directed staff to update all the Area Advisory Committee (AAC) terms of reference(TOR) to reflect the same revisions as Hebbville's.

On April 23, 2024, Municipal Council deferred the AACs TORs package as policy 004 was referenced in the TORs but was not available online.

Following Council's endorsement and direction, staff conducted a comprehensive review and revised all planned areas' Area Advisory Committees' terms of reference to ensure they were current and aligned with existing relevant policies and procedures.

These revisions are compiled into a consolidated package for presentation purposes.

Discussion

The following elements were revised:

- All AAC terms of reference documents are in the same accessibility format.
- All AAC terms of reference align with existing policies and procedures.
- All AAC terms of reference documents now have a clause regarding Council motion to that all AACs will be dissolved on the effective date of the MODL 2040 Municipal Planning Strategy and/or Land Use Bylaw per the 2010-12-08 motion of Council.
- Policy 004 was removed from all AACs as AAC members never received payment and as such there is no need for the policy to be referenced in the TORs.

Upon approval, staff will circulate the revised terms of references to all committee members as information.

Conclusion

Having all terms of reference updated for consistency ensures that members understand their role on the committee, how the committee is structured, and who they are accountable to.

Report Preparation	
Department	Administration and Planning & Development Services
Report Prepared by	April Whynot-Lohnes, Municipal Clerck and Ella R. Gindi, Planner I
Report Approved by	
Date Reviewed by C.A.O.	

Municipality of the District of Lunenburg

Terms of Reference	
Name	Blockhouse Area Advisory Committee
Number	038
Effective Date	May 16, 2001
Amendment Date(s)	2016, January 23 2024; May XX, 2024

Committee Type

- 1 Advisory. See Section 201-204 of the **Municipal Government Act (MGA)**.

Formation/Duration

- 2 (1) Municipal Council Resolution to form an Area Advisory Committee for the Blockhouse Plan Area, dated 16 May 2001.
- (2) The Committee’s duration is indefinite, based on:
 - i) Council’s continued support of the 2001 resolution.
 - ii) The existence of a secondary planning strategy and land use bylaw for the defined Blockhouse Plan Area.

Dissolution of Area Advisory Committee

- 3 The area Advisory Committee is dissolved on the effective date of the MODL 2040 Municipal Planning Strategy and/or Land Use Bylaw per the 2010-12-08 motion of Council.

Membership

- 4 (1) The Committee consists of a minimum of three and maximum of eight members.
 - i) One [1] Municipal Councillor for the area.
 - ii) Up to seven [7] members of the public.

Appointment

- 5 (1) All members of the Committee are appointed by Council resolution as stated in Policy 002 - Committees. The Councillor for the area is deemed a member on the AAC.
- (2) The selection process of all other Committee members [1-7 public representatives] is determined on the basis of an evaluation process, and a recommendation of the Nominating Committee to Council.
- (3) Each member appointed by Council serves the Committee for a designate term.
- (4) All positions, whether or not an existing member has re-offered, will be reviewed through the evaluation process when the designate term is over.

Blockhouse Area Advisory Committee

TOR # 038

May XX, 2024

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(5) In the case of any unexpected vacancy, Council can choose to undertake the identified selection process to fill the position, with that new person appointed to serve the remainder of the term of the person replaced.

Officers

6 (1) The Chair, the Vice-Chair, and the Secretary of the Committee are elected by a majority of the members at the annual meeting. Those persons elected hold office until the next annual meeting, when such officers are again to be elected/re-elected.

(2) The Chair of the Committee acts as the liaison in providing recommendations to the Planning Advisory Committee, as required from time to time.

Mandate

7 The Committee advises the Municipality's Planning Advisory Committee on matters pertaining to the Blockhouse Secondary Planning Strategy and Land Use Bylaw.

Responsibilities

- 8 (1) Committee Duties are as follows:
- a) Development of the SPS/LUB
 - i) The Committee works with staff to develop draft land use policy and regulations for the Blockhouse Plan Area, for recommendation to the Planning Advisory Committee.
 - ii) The Committee makes recommendation to the Planning Advisory Committee concerning any rezoning applications, development agreement applications, and Planning Strategy amendments specific to the Blockhouse Plan Area.
 - b) General
 - iii) The Committee may advise staff and Planning Advisory Committee regarding any public engagement respecting planning matters in the Blockhouse Plan Area.
 - iv) Committee members may generally serve to act as a communications conduit to residents of the Blockhouse Plan Area.
 - v) The Area Advisory Committee may jointly meet with the Planning Advisory Committee once a year to discuss any local planning issues or related concerns.

Code of Conduct

9 (1) The Committee conducts business in accordance with the Municipality's Code of Conduct, following Municipal Policy MODL-037.

Blockhouse Area Advisory Committee

TOR # 038

May XX, 2024

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(2) Recommendations of the Committee reflect the best interests of both the Municipality of the District of Lunenburg and the Blockhouse Plan Area, as interpreted in the Blockhouse Secondary Planning Strategy and Land Use By-law.

(3) On appointment, Committee members are provided an introductory workshop: "What is Planning?" to be organized by staff, to assist them in their duties.

Dismissal of Members

10 (1) Committee members who fail to attend three [3] consecutive meetings, without good reason accepted by the Committee Chair, may be dismissed from the Committee.

(2) Committee members can only be dismissed by Council, on recommendation of the Planning Advisory Committee. If it is considered that they have breached the Municipal Code of Conduct or have failed to fulfill adequately the identified responsibilities/mandate of the Committee.

Remuneration

11 Area Advisory Committee members are ineligible to be paid for their services to the Committee.

Meetings

12 (1) Committee Meetings take place on an as-needed basis, or as directed by Council. Members are informed of all meetings, and supplied with an Agenda by planning staff, prior to the scheduled meeting date.

(2) A quorum will be constituted as being a majority of number of appointed members at the time of the meeting.

(3) Orders (how you conduct meeting) and rules of conduct for debate for Committee meetings will be the same as those for Municipal Council, following Municipal Policy MODL-001

Communications

13 (1) Meeting Notes of any Committee meetings are available to the public, upon request, through municipal planning staff.

(2) All Committee meetings are open to the public, except where it may be defined in the Municipal Government Act, Section 203.

Public notice of meetings follows the Municipality's Public Engagement Policy MODL 066

Blockhouse Area Advisory Committee

TOR # 038

May XX, 2024

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(3) Committee Agendas may follow, at their discretion, Policy MODL-038, Public Presentations to Council and Committees of Council, which allows committees of the Municipality to set aside a period of time at the meeting's commencement, for public presentation.

Resources

- 14 (1) Municipal planning staff provides ongoing support to the Committee. In particular:
- a) Arranges meeting times and venues.
 - b) Circulates meeting agendas and notes.
 - c) Provides reports or status updates on identified projects/applications.
 - d) Makes public presentations, on behalf of the Committee, as may be required from time to time.

Council Approval Date

May XX, 2024

Municipal Clerk

Municipality of the District of Lunenburg

Terms of Reference	
Name	Hemford Forest Area Advisory Committee
Number	040
Effective Date	October 9, 2018
Amendment Date(s)	January 23 2024; May XX, 2024

Committee Type

- 1 Advisory. See Section 201-204 of the **Municipal Government Act (MGA)**.

Formation/Duration

- 2 (1) Municipal Council Resolution to form an Area Advisory Committee for the Hemford Forest Plan Area, dated 9 October 2018.
- (2) The Committee’s duration is indefinite, based on:
 - i) Council’s continued support of the 2018 resolution.
 - ii) The existence of a secondary planning strategy and land use bylaw for the defined Hemford Forest Plan Area.

Dissolution of Area Advisory Committee

- 3 The area Advisory Committee is dissolved on the effective date of the MODL 2040 Municipal Planning Strategy and/or Land Use Bylaw per the 2010-12-08 motion of Council.

Membership

- 4 (1) The Committee consists of a minimum of three and maximum of five members.
 - i) One [1] Municipal Councillor for the area.
 - ii) Up to four [4] members of the public.

Appointment

- 5 (1) All members of the Committee are appointed by Council resolution as stated in Policy 002 - Committees. The Councillor for the area is deemed a member on the AAC.
- (2) The selection process of all other Committee members [1-4 public representatives] is determined on the basis of an evaluation process, and a recommendation of the Nominating Committee to Council.
- (3) Each member appointed by Council serves the Committee for a designate term.
- (4) All positions, whether or not an existing member has re-offered, will be reviewed through the evaluation process when the designate term is over.

Hemford Forest Area Advisory Committee

TOR # 040

May XX, 2024

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(5) In the case of any unexpected vacancy, Council can choose to undertake the identified selection process to fill the position, with that new person appointed to serve the remainder of the term of the person replaced.

Officers

6 (1) The Chair, the Vice-Chair, and the Secretary of the Committee are elected by a majority of the members at the annual meeting. Those persons elected hold office until the next annual meeting, when such officers are again to be elected/re-elected.

(2) The Chair of the Committee acts as the liaison in providing recommendations to the Planning Advisory Committee, as required from time to time.

Mandate

7 The Committee advises the Municipality's Planning Advisory Committee on matters pertaining to the Hemford Forest Secondary Planning Strategy and Land Use Bylaw.

Responsibilities

- 8 (1) Committee Duties are as follows:
- a) Development of the SPS/LUB
 - i) The Committee works with staff to develop draft land use policy and regulations for the Hemford Forest Plan Area, for recommendation to the Planning Advisory Committee.
 - ii) The Committee makes recommendation to the Planning Advisory Committee concerning any rezoning applications, development agreement applications, and Planning Strategy amendments specific to the Hemford Forest Plan Area.
 - b) General
 - iii) The Committee may advise staff and Planning Advisory Committee regarding any public engagement respecting planning matters in the Hemford Forest Plan Area.
 - iv) Committee members may generally serve to act as a communications conduit to residents of the Hemford Forest Plan Area.
 - v) The Area Advisory Committee may jointly meet with the Planning Advisory Committee once a year to discuss any local planning issues or related concerns.

Code of Conduct

9 (1) The Committee conducts business in accordance with the Municipality's Code of Conduct, following Municipal Policy MODL-037.

Hemford Forest Area Advisory Committee

TOR # 040

May XX, 2024

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(2) Recommendations of the Committee reflect the best interests of both the Municipality of the District of Lunenburg and the Hemford Forest Plan Area, as interpreted in the Hemford Forest Secondary Planning Strategy and Land Use By-law.

(3) On appointment, Committee members are provided an introductory workshop: "What is Planning?" to be organized by staff, to assist them in their duties.

Dismissal of Members

10 (1) Committee members who fail to attend three [3] consecutive meetings, without good reason accepted by the Committee Chair, may be dismissed from the Committee.

(2) Committee members can only be dismissed by Council, on recommendation of the Planning Advisory Committee. If it is considered that they have breached the Municipal Code of Conduct or have failed to fulfill adequately the identified responsibilities/mandate of the Committee.

Remuneration

11 Area Advisory Committee members are ineligible to be paid for their services to the Committee.

Meetings

12 (1) Committee Meetings take place on an as-needed basis, or as directed by Council. Members are informed of all meetings, and supplied with an Agenda by planning staff, prior to the scheduled meeting date.

(2) A quorum will be constituted as being a majority of number of appointed members at the time of the meeting.

(3) Orders (how you conduct meeting) and rules of conduct for debate for Committee meetings will be the same as those for Municipal Council, following Municipal Policy MODL-001

Communications

13 (1) Meeting Notes of any Committee meetings are available to the public, upon request, through municipal planning staff.

(2) All Committee meetings are open to the public, except where it may be defined in the Municipal Government Act, Section 203.

Public notice of meetings follows the Municipality's Public Engagement Policy MODL 066

Hemford Forest Area Advisory Committee

TOR # 040

May XX, 2024

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(3) Committee Agendas may follow, at their discretion, Policy MODL-038, Public Presentations to Council and Committees of Council, which allows committees of the Municipality to set aside a period of time at the meeting's commencement, for public presentation.

Resources

- 14 (1) Municipal planning staff provides ongoing support to the Committee. In particular:
- a) Arranges meeting times and venues.
 - b) Circulates meeting agendas and notes.
 - c) Provides reports or status updates on identified projects/applications.
 - d) Makes public presentations, on behalf of the Committee, as may be required from time to time.

Council Approval Date

May XX, 2024

Municipal Clerk

Municipality of the District of Lunenburg

Terms of Reference	
Name	Oakland Area Advisory Committee
Number	011
Effective Date	May 29, 2012
Amendment Date(s)	January 14, 2020; January 23, 2024; May XX, 2024

Committee Type

- 1 Advisory. See Section 201-204 of the **Municipal Government Act (MGA)**.

Formation/Duration

- 2 (1) Municipal Council Resolution to form an Area Advisory Committee for the Oakland Plan Area, dated 29 May 2012.

(2) The Committee's duration is indefinite, based on:
 - i) Council's continued support of the 2001 resolution.
 - ii) The existence of a secondary planning strategy and land use bylaw for the defined Oakland Plan Area.

Dissolution of Area Advisory Committee

- 3 The area Advisory Committee is dissolved on the effective date of the MODL 2040 Municipal Planning Strategy and/or Land Use Bylaw per the 2010-12-08 motion of Council.

Membership

- 4 (1) The Committee consists of a minimum of three and maximum of eight members.
 - i) One [1] Municipal Councillor for the area.
 - ii) Up to seven [7] members of the public.

Appointment

- 5 (1) All members of the Committee are appointed by Council resolution as stated in Policy 002 - Committees. The Councillor for the area is deemed a member on the AAC.

(2) The selection process of all other Committee members [1-7 public representatives] is determined on the basis of an evaluation process, and a recommendation of the Nominating Committee to Council.

(3) Each member appointed by Council serves the Committee for a designate term.

(4) All positions, whether or not an existing member has re-offered, will be reviewed through the evaluation process when the designate term is over.

Oakland Area Advisory Committee

TOR # 011

May XX, 2024

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(5) In the case of any unexpected vacancy, Council can choose to undertake the identified selection process to fill the position, with that new person appointed to serve the remainder of the term of the person replaced.

Officers

6 (1) The Chair, the Vice-Chair, and the Secretary of the Committee are elected by a majority of the members at the annual meeting. Those persons elected hold office until the next annual meeting, when such officers are again to be elected/re-elected.

(2) The Chair of the Committee acts as the liaison in providing recommendations to the Planning Advisory Committee, as required from time to time.

Mandate

7 The Committee advises the Municipality's Planning Advisory Committee on matters pertaining to the Oakland Secondary Planning Strategy and Land Use Bylaw.

Responsibilities

- 8 (1) Committee Duties are as follows:
- a) Development of the SPS/LUB
 - i) The Committee works with staff to develop draft land use policy and regulations for the Oakland Plan Area, for recommendation to the Planning Advisory Committee.
 - ii) The Committee makes recommendation to the Planning Advisory Committee concerning any rezoning applications, development agreement applications, and Planning Strategy amendments specific to the Oakland Plan Area.
 - b) General
 - iii) The Committee may advise staff and Planning Advisory Committee regarding any public engagement respecting planning matters in the Oakland Plan Area.
 - iv) Committee members may generally serve to act as a communications conduit to residents of the Oakland Plan Area.
 - v) The Area Advisory Committee may jointly meet with the Planning Advisory Committee once a year to discuss any local planning issues or related concerns.

Code of Conduct

9 (1) The Committee conducts business in accordance with the Municipality's Code of Conduct, following Municipal Policy MODL-037.

Oakland Area Advisory Committee

TOR # 011

May XX, 2024

Page 3 of 4

(2) Recommendations of the Committee reflect the best interests of both the Municipality of the District of Lunenburg and the Oakland Plan Area, as interpreted in the Oakland Secondary Planning Strategy and Land Use By-law.

(3) On appointment, Committee members are provided an introductory workshop: "What is Planning?" to be organized by staff, to assist them in their duties.

Dismissal of Members

10 (1) Committee members who fail to attend three [3] consecutive meetings, without good reason accepted by the Committee Chair, may be dismissed from the Committee.

(2) Committee members can only be dismissed by Council, on recommendation of the Planning Advisory Committee. If it is considered that they have breached the Municipal Code of Conduct or have failed to fulfill adequately the identified responsibilities/mandate of the Committee.

Remuneration

11 Area Advisory Committee members are ineligible to be paid for their services to the Committee.

Meetings

12 (1) Committee Meetings take place on an as-needed basis, or as directed by Council. Members are informed of all meetings, and supplied with an Agenda by planning staff, prior to the scheduled meeting date.

(2) A quorum will be constituted as being a majority of number of appointed members at the time of the meeting.

(3) Orders (how you conduct meeting) and rules of conduct for debate for Committee meetings will be the same as those for Municipal Council, following Municipal Policy MODL-001

Communications

13 (1) Meeting Notes of any Committee meetings are available to the public, upon request, through municipal planning staff.

(2) All Committee meetings are open to the public, except where it may be defined in the Municipal Government Act, Section 203.

Public notice of meetings follows the Municipality's Public Engagement Policy MODL 066

Oakland Area Advisory Committee

TOR # 011

May XX, 2024

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(3) Committee Agendas may follow, at their discretion, Policy MODL-038, Public Presentations to Council and Committees of Council, which allows committees of the Municipality to set aside a period of time at the meeting's commencement, for public presentation.

Resources

- 14 (1) Municipal planning staff provides ongoing support to the Committee. In particular:
- a) Arranges meeting times and venues.
 - b) Circulates meeting agendas and notes.
 - c) Provides reports or status updates on identified projects/applications.
 - d) Makes public presentations, on behalf of the Committee, as may be required from time to time.

Council Approval Date

May XX, 2024

Municipal Clerk

Municipality of the District of Lunenburg

Terms of Reference	
Name	Princes Inlet Area Advisory Committee
Number	041
Effective Date	May 16, 2001
Amendment Date(s)	2014, January 23 2024; May XX, 2024

Committee Type

- 1 Advisory. See Section 201-204 of the **Municipal Government Act (MGA)**.

Formation/Duration

- 2 (1) Municipal Council Resolution to form an Area Advisory Committee for the Princes Inlet Plan Area, dated 16 May 2001.

(2) The Committee's duration is indefinite, based on:
 - i) Council's continued support of the 2001 resolution.
 - ii) The existence of a secondary planning strategy and land use bylaw for the defined Princes Inlet Plan Area.

Dissolution of Area Advisory Committee

- 3 The area Advisory Committee is dissolved on the effective date of the MODL 2040 Municipal Planning Strategy and/or Land Use Bylaw per the 2010-12-08 motion of Council.

Membership

- 4 (1) The Committee consists of a minimum of three and maximum of eight members.
 - i) One [1] Municipal Councillor for the area.
 - ii) Up to seven [7] members of the public.

Appointment

- 5 (1) All members of the Committee are appointed by Council resolution as stated in Policy 002 - Committees. The Councillor for the area is deemed a member on the AAC.

(2) The selection process of all other Committee members [1-7 public representatives] is determined on the basis of an evaluation process, and a recommendation of the Nominating Committee to Council.

(3) Each member appointed by Council serves the Committee for a designate term.

(4) All positions, whether or not an existing member has re-offered, will be reviewed through the evaluation process when the designate term is over.

Princes Inlet Area Advisory Committee

TOR # 041

May XX, 2024

Page 2 of 4

(5) In the case of any unexpected vacancy, Council can choose to undertake the identified selection process to fill the position, with that new person appointed to serve the remainder of the term of the person replaced.

Officers

6 (1) The Chair, the Vice-Chair, and the Secretary of the Committee are elected by a majority of the members at the annual meeting. Those persons elected hold office until the next annual meeting, when such officers are again to be elected/re-elected.

(2) The Chair of the Committee acts as the liaison in providing recommendations to the Planning Advisory Committee, as required from time to time.

Mandate

7 The Committee advises the Municipality's Planning Advisory Committee on matters pertaining to the Princes Inlet Secondary Planning Strategy and Land Use Bylaw.

Responsibilities

- 8 (1) Committee Duties are as follows:
- a) Development of the SPS/LUB
 - i) The Committee works with staff to develop draft land use policy and regulations for the Princes Inlet Plan Area, for recommendation to the Planning Advisory Committee.
 - ii) The Committee makes recommendation to the Planning Advisory Committee concerning any rezoning applications, development agreement applications, and Planning Strategy amendments specific to the Princes Inlet Plan Area.
 - b) General
 - iii) The Committee may advise staff and Planning Advisory Committee regarding any public engagement respecting planning matters in the Princes Inlet Plan Area.
 - iv) Committee members may generally serve to act as a communications conduit to residents of the Princes Inlet Plan Area.
 - v) The Area Advisory Committee may jointly meet with the Planning Advisory Committee once a year to discuss any local planning issues or related concerns.

Code of Conduct

9 (1) The Committee conducts business in accordance with the Municipality's Code of Conduct, following Municipal Policy MODL-037.

Princes Inlet Area Advisory Committee

TOR # 041

May XX, 2024

Page 3 of 4

(2) Recommendations of the Committee reflect the best interests of both the Municipality of the District of Lunenburg and the Princes Inlet Plan Area, as interpreted in the Princes Inlet Secondary Planning Strategy and Land Use By-law.

(3) On appointment, Committee members are provided an introductory workshop: "What is Planning?" to be organized by staff, to assist them in their duties.

Dismissal of Members

10 (1) Committee members who fail to attend three [3] consecutive meetings, without good reason accepted by the Committee Chair, may be dismissed from the Committee.

(2) Committee members can only be dismissed by Council, on recommendation of the Planning Advisory Committee. If it is considered that they have breached the Municipal Code of Conduct or have failed to fulfill adequately the identified responsibilities/mandate of the Committee.

Remuneration

11 Area Advisory Committee members are ineligible to be paid for their services to the Committee.

Meetings

12 (1) Committee Meetings take place on an as-needed basis, or as directed by Council. Members are informed of all meetings, and supplied with an Agenda by planning staff, prior to the scheduled meeting date.

(2) A quorum will be constituted as being a majority of number of appointed members at the time of the meeting.

(3) Orders (how you conduct meeting) and rules of conduct for debate for Committee meetings will be the same as those for Municipal Council, following Municipal Policy MODL-001

Communications

13 (1) Meeting Notes of any Committee meetings are available to the public, upon request, through municipal planning staff.

(2) All Committee meetings are open to the public, except where it may be defined in the Municipal Government Act, Section 203.

Public notice of meetings follows the Municipality's Public Engagement Policy MODL 066

Princes Inlet Area Advisory Committee

TOR # 041

May XX, 2024

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(3) Committee Agendas may follow, at their discretion, Policy MODL-038, Public Presentations to Council and Committees of Council, which allows committees of the Municipality to set aside a period of time at the meeting's commencement, for public presentation.

Resources

- 14 (1) Municipal planning staff provides ongoing support to the Committee. In particular:
- a) Arranges meeting times and venues.
 - b) Circulates meeting agendas and notes.
 - c) Provides reports or status updates on identified projects/applications.
 - d) Makes public presentations, on behalf of the Committee, as may be required from time to time.

Council Approval Date

May XX, 2024

Municipal Clerk

Municipality of the District of Lunenburg

Terms of Reference	
Name	Riverport and District Area Advisory Committee
Number	042
Effective Date	May 16, 2001
Amendment Date(s)	2013, January 23 2024; May XX, 2024

Committee Type

- 1 Advisory. See Section 201-204 of the **Municipal Government Act (MGA)**.

Formation/Duration

- 2 (1) Municipal Council Resolution to form an Area Advisory Committee for the Riverport and District Plan Area, dated 16 May 2001.
- (2) The Committee’s duration is indefinite, based on:
 - i) Council’s continued support of the 2001 resolution.
 - ii) The existence of a secondary planning strategy and land use bylaw for the defined Riverport and District Plan Area.

Dissolution of Area Advisory Committee

- 3 The area Advisory Committee is dissolved on the effective date of the MODL 2040 Municipal Planning Strategy and/or Land Use Bylaw per the 2010-12-08 motion of Council.

Membership

- 4 (1) The Committee consists of a minimum of three and maximum of eight members.
 - i) One [1] Municipal Councillor for the area.
 - ii) Up to seven [7] members of the public.

Appointment

- 5 (1) All members of the Committee are appointed by Council resolution as stated in Policy 002 - Committees. The Councillor for the area is deemed a member on the AAC.
- (2) The selection process of all other Committee members [1-7 public representatives] is determined on the basis of an evaluation process, and a recommendation of the Nominating Committee to Council.
- (3) Each member appointed by Council serves the Committee for a designate term.
- (4) All positions, whether or not an existing member has re-offered, will be reviewed through the evaluation process when the designate term is over.

Riverport and District Area Advisory Committee

TOR # 042

May XX, 2024

Page 2 of 4

(5) In the case of any unexpected vacancy, Council can choose to undertake the identified selection process to fill the position, with that new person appointed to serve the remainder of the term of the person replaced.

Officers

6 (1) The Chair, the Vice-Chair, and the Secretary of the Committee are elected by a majority of the members at the annual meeting. Those persons elected hold office until the next annual meeting, when such officers are again to be elected/re-elected.

(2) The Chair of the Committee acts as the liaison in providing recommendations to the Planning Advisory Committee, as required from time to time.

Mandate

7 The Committee advises the Municipality's Planning Advisory Committee on matters pertaining to the Riverport and District Secondary Planning Strategy and Land Use Bylaw.

Responsibilities

- 8 (1) Committee Duties are as follows:
- a) Development of the SPS/LUB
 - i) The Committee works with staff to develop draft land use policy and regulations for the Riverport and District Plan Area, for recommendation to the Planning Advisory Committee.
 - ii) The Committee makes recommendation to the Planning Advisory Committee concerning any rezoning applications, development agreement applications, and Planning Strategy amendments specific to the Riverport and District Plan Area.
 - b) General
 - iii) The Committee may advise staff and Planning Advisory Committee regarding any public engagement respecting planning matters in the Riverport and District Plan Area.
 - iv) Committee members may generally serve to act as a communications conduit to residents of the Riverport and District Plan Area.
 - v) The Area Advisory Committee may jointly meet with the Planning Advisory Committee once a year to discuss any local planning issues or related concerns.

Code of Conduct

9 (1) The Committee conducts business in accordance with the Municipality's Code of Conduct, following Municipal Policy MODL-037.

Riverport and District Area Advisory Committee

TOR # 042

May XX, 2024

Page 3 of 4

(2) Recommendations of the Committee reflect the best interests of both the Municipality of the District of Lunenburg and the Riverport and District Plan Area, as interpreted in the Riverport and District Secondary Planning Strategy and Land Use By-law.

(3) On appointment, Committee members are provided an introductory workshop: "What is Planning?" to be organized by staff, to assist them in their duties.

Dismissal of Members

10 (1) Committee members who fail to attend three [3] consecutive meetings, without good reason accepted by the Committee Chair, may be dismissed from the Committee.

(2) Committee members can only be dismissed by Council, on recommendation of the Planning Advisory Committee. If it is considered that they have breached the Municipal Code of Conduct or have failed to fulfill adequately the identified responsibilities/mandate of the Committee.

Remuneration

11 Area Advisory Committee members are ineligible to be paid for their services to the Committee.

Meetings

12 (1) Committee Meetings take place on an as-needed basis, or as directed by Council. Members are informed of all meetings, and supplied with an Agenda by planning staff, prior to the scheduled meeting date.

(2) A quorum will be constituted as being a majority of number of appointed members at the time of the meeting.

(3) Orders (how you conduct meeting) and rules of conduct for debate for Committee meetings will be the same as those for Municipal Council, following Municipal Policy MODL-001

Communications

13 (1) Meeting Notes of any Committee meetings are available to the public, upon request, through municipal planning staff.

(2) All Committee meetings are open to the public, except where it may be defined in the Municipal Government Act, Section 203.

Riverport and District Area Advisory Committee

TOR # 042

May XX, 2024

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Public notice of meetings follows the Municipality's Public Engagement Policy MODL 066

(3) Committee Agendas may follow, at their discretion, Policy MODL-038, Public Presentations to Council and Committees of Council, which allows committees of the Municipality to set aside a period of time at the meeting's commencement, for public presentation.

Resources

- 14 (1) Municipal planning staff provides ongoing support to the Committee. In particular:
- a) Arranges meeting times and venues.
 - b) Circulates meeting agendas and notes.
 - c) Provides reports or status updates on identified projects/applications.
 - d) Makes public presentations, on behalf of the Committee, as may be required from time to time.

Council Approval Date

May XX, 2024

Municipal Clerk

Municipality of the District of Lunenburg

Terms of Reference	
Name	Hebbsville Area Advisory Committee
Number	039
Effective Date	May 8, 2001
Amendment Date(s)	2013, January 23 2024; May XX, 2024

Committee Type

- 1 Advisory. See Section 201-204 of the **Municipal Government Act (MGA)**.

Formation/Duration

- 2 (1) Municipal Council Resolution to form an Area Advisory Committee for the Hebbsville Plan Area, dated 8 May 2001.

(2) The Committee's duration is indefinite, based on:
 - i) Council's continued support of the 2001 resolution.
 - ii) The existence of a secondary planning strategy and land use bylaw for the defined Hebbsville Plan Area.

Dissolution of Area Advisory Committee

- 3 The area Advisory Committee is dissolved on the effective date of the MODL 2040 Municipal Planning Strategy and/or Land Use Bylaw per the 2010-12-08 motion of Council.

Membership

- 4 (1) The Committee consists of a minimum of three and maximum of eight members.
 - i) One [1] Municipal Councillor for the area.
 - ii) Two [2] members of the Hebbsville Village Commission
 - iii) Up to five [5] members of the public.

Appointment

- 5 (1) All members of the Committee are appointed by Council resolution as stated in Policy 002 - Committees. The Councillor for the area is deemed a member on the AAC.

(2) The selection process of all other Committee members [1-7 public representatives] is determined on the basis of an evaluation process, and a recommendation of the Nominating Committee to Council.

(3) Village Commission representatives are identified through communications with the Hebbsville Village Commission.

(4) Each member appointed by Council serves the Committee for a designate term.

Hebbsville Area Advisory Committee

TOR # 039

May XX, 2024

Page 2 of 4

(5) All positions, whether or not an existing member has re-offered, will be reviewed through the evaluation process when the designate term is over.

(6) In the case of any unexpected vacancy, Council can choose to undertake the identified selection process to fill the position, with that new person appointed to serve the remainder of the term of the person replaced.

Officers

6 (1) The Chair, the Vice-Chair, and the Secretary of the Committee are elected by a majority of the members at the annual meeting. Those persons elected hold office until the next annual meeting, when such officers are again to be elected/re-elected.

(2) The Chair of the Committee acts as the liaison in providing recommendations to the Planning Advisory Committee, as required from time to time.

Mandate

7 The Committee advises the Municipality's Planning Advisory Committee on matters pertaining to the Hebbsville Secondary Planning Strategy and Land Use Bylaw.

Responsibilities

8 (1) Committee Duties are as follows:

a) Development of the SPS/LUB

i) The Committee works with staff to develop draft land use policy and regulations for the Hebbsville Plan Area, for recommendation to the Planning Advisory Committee.

ii) The Committee makes recommendation to the Planning Advisory Committee concerning any rezoning applications, development agreement applications, and Planning Strategy amendments specific to the Hebbsville Plan Area.

b) General

iii) The Committee may advise staff and Planning Advisory Committee regarding any public engagement respecting planning matters in the Hebbsville Plan Area.

iv) Committee members may generally serve to act as a communications conduit to residents of the Hebbsville Plan Area.

v) The Area Advisory Committee may jointly meet with the Planning Advisory Committee once a year to discuss any local planning issues or related concerns.

Hebbsville Area Advisory Committee

TOR # 039

May XX, 2024

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Code of Conduct

- 9 (1) The Committee conducts business in accordance with the Municipality's Code of Conduct, following Municipal Policy MODL-037.
- (2) Recommendations of the Committee reflect the best interests of both the Municipality of the District of Lunenburg and the Hebbsville Plan Area, as interpreted in the Hebbsville Secondary Planning Strategy and Land Use By-law.
- (3) On appointment, Committee members are provided an introductory workshop: "What is Planning?" to be organized by staff, to assist them in their duties.

Dismissal of Members

- 10 (1) Committee members who fail to attend three [3] consecutive meetings, without good reason accepted by the Committee Chair, may be dismissed from the Committee.
- (2) Committee members can only be dismissed by Council, on recommendation of the Planning Advisory Committee. If it is considered that they have breached the Municipal Code of Conduct or have failed to fulfill adequately the identified responsibilities/mandate of the Committee.

Remuneration

- 11 Area Advisory Committee members are ineligible to be paid for their services to the Committee.

Meetings

- 12 (1) Committee Meetings take place on an as-needed basis, or as directed by Council. Members are informed of all meetings, and supplied with an Agenda by planning staff, prior to the scheduled meeting date.
- (2) A quorum will be constituted as being a majority of number of appointed members at the time of the meeting.
- (3) Orders (how you conduct meeting) and rules of conduct for debate for Committee meetings will be the same as those for Municipal Council, following Municipal Policy MODL-001

Communications

- 13 (1) Meeting Notes of any Committee meetings are available to the public, upon request, through municipal planning staff.

Hebbsville Area Advisory Committee

TOR # 039

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Page 4 of 4

(2) All Committee meetings are open to the public, except where it may be defined in the Municipal Government Act, Section 203.

Public notice of meetings follows the Municipality's Public Engagement Policy MODL 066

(3) Committee Agendas may follow, at their discretion, Policy MODL-038, Public Presentations to Council and Committees of Council, which allows committees of the Municipality to set aside a period of time at the meeting's commencement, for public presentation.

Resources

- 14 (1) Municipal planning staff provides ongoing support to the Committee. In particular:
- a) Arranges meeting times and venues.
 - b) Circulates meeting agendas and notes.
 - c) Provides reports or status updates on identified projects/applications.
 - d) Makes public presentations, on behalf of the Committee, as may be required from time to time.

Council Approval Date

May XX, 2024

Municipal Clerk

Council
Item: #11.2.1
Date: May 14, 2024
Authorization: T. MacEwan



District of Lunenburg
Municipal Council

PRO Kids 2023-2024 Recap

PRO Kids



- Positive Recreation Opportunities for Kids! This is a program that provides financial assistance to children and youth from the Municipality of the District of Lunenburg who, due to lack of funds, are not able to participate in sport, recreation and cultural activities. This program strives to remove financial barriers to ensure every child and youth has an opportunity to participate.

PROKids
providing recreation and cultural opportunities for kids

Municipality of the District of Lunenburg
Recreation, Parks, and Tourism Department



Top 5 Activities Funded by Recipients



Activity	2022-2023		2023-2024	
	Recipients	Value	Recipients	Value
Music	43	\$17,006.96	99	\$31,079.75
Dance	10	\$2,476.37	38	\$10,506.16
Camp/Day Course	34	\$7,441.59	24	\$6,226.25
Misc. Sports	5	\$672.00	22	\$5,494.00
Swimming	6	\$540.00	16	\$1,705.00
Total	98	\$28,136.92	199	\$55,011.16
Grand Total	213	\$50,641.38	305	\$80,067.63

Breakdown by Age Group



Ages	2023-2024
0-4 years	17
5-12 years	94
13-18 years	26
Total	137



Breakdown of Recipients by District

District	2022-2023	2023-2024	Actual # of Recipients 2023-2024
District 1	13	19	11
District 2	14	34	17
District 3	17	23	8
District 4	11	22	12
District 5	23	26	18
District 6	18	23	10
District 7	8	9	8
District 8	23	40	14
District 9	27	45	22
District 10	22	28	13
Mahone Bay	10	5	4
Total	186	274	137



Funding Partners



United Way
Lunenburg County
Improving Lives Locally



Municipality of the District of Lunenburg
Recreation, Parks, and Tourism Department



Municipality of the District of Lunenburg
Planning and Development Services

Testimonials



“XXXX has been in soccer for the last 4 years. She’s quite the little soccer star. With PRO kids sponsoring her she has been scouted out for the u14 Provincial Soccer Nova Scotia team, if she makes it, she will travel to St. Johns, NL next June. We truly appreciate your help, and she wouldn’t be where she is today with it! THANK YOU PRO KIDS 🙏”

“A million thankyou. Having the opportunity to learn and play violin means the world to our little girl. Without PRO Kids it wouldn't be possible.”

“Thank you so much to you and your organization for the funding for this and XXXX’s lessons. It is very much appreciated.”

“Oh my goodness!!!!!! PRO Kids just made my day and my children’s day!!! They are literally jumping with joy at the news. Almost as excited as Christmas day! Wow. Thank you thank you a million thankous from all sides of hearts.”

“Thank you so much. We are so grateful for this help.”

“Thank you so much. This means a great deal to us. Much appreciated.”

“I appreciate whatever assistance is possible, and XXXX is thrilled with the whole experience. “



Municipality of the District of Lunenburg
Planning and Development Services



Municipality of the District of Lunenburg

Request for Decision

Report to: Municipality of the District of Lunenburg Council
Submitted by: Ruth Wawin, Tourism & Event Development Officer
Date: May 14, 2024
Re: Major Events Grant Application South Shore Exhibition

Recommendation

That Municipal Council approves the South Shore Exhibition application for funding through the Major Event Grant in the amount of \$3,500.

Executive summary

The application satisfies the Major Events Grant's purpose of growing large-scale events that create a positive economic impact for the Municipality.

As per the Approval Process and Procedures of the Community Grant Program/Sponsorship Request Policy MODL043, applications requesting more than \$2,500 require Council's approval. It is the recommendation of staff to approve the South Shore Exhibition's grant application in the amount of \$3,500 for the South Shore Exhibition taking place July 22nd to July 28th.

Discussion

The South Shore Exhibition is the largest Agriculture Exhibition in Nova Scotia and takes place from July 22nd to July 28th in Bridgewater. Throughout the five-day event, the Exhibition attracts an estimated 40,000 attendees. The week is filled with activities such as ox pulls, woodsmen competitions, 4-H shows, and live entertainment showcased on the main stage. The amusement rides and carnival games are popular attractions, especially for families with children. Striving to appeal to diverse demographics, the event presents entertainment options that appeal to a variety of ages.

The exhibition draws both locals and visitors from across Nova Scotia and Maine, contributing to a favorable economic impact on the area through spending at local businesses, restaurants, hotels, and shops.

The application included a funding request for \$5,000, to ensure we maintain funds in the budget for other Major Event Grant Applications during this fiscal, the recommended amount of funding to approve for this event is \$3,500.

Budget implications

The approved amount is within budget.

Strategic plan

Supporting this event is in line with the Municipalities' commitment to fostering thriving communities. Major events are instrumental in cultivating vibrant communities by bringing people together, fostering connections, and encouraging engagement. Participation in such events enables individuals to forge social ties, cultivate a sense of belonging, and nurture a collective identity. Additionally, community events instill pride and a sense of ownership in the local area.

Approving this grant application is in alignment with MODL's mission of being sustainable community builders by fostering a sense of community among residents.

Work plan

Alternatives

- 1) Approve the recommended amount of \$3,500.
- 2) Approve an alternative amount of funding.
- 3) Do not approve funding request.

Conclusion

The application submitted by the South Shore Exhibition meets the eligibility requirements for the Major Events Grant as laid out in Community Grant Program/Sponsorship Request Policy MODL043. It is the recommendation of staff to approve the South Shore Exhibition grant application in the amount of \$3,500.

Report Preparation	
Department	Recreation, Parks & Tourism
Report Prepared by	Ruth Wawin, Tourism & Event Development Officer
Report Approved by	
Date Reviewed by C.A.O.	

Council
Item: #11.3.1
Date: May 14, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Report to Council

Report To: Mayor Bolivar-Getson and Municipal Council
Submitted By: Chris Kennedy, Fire Services Coordinator
Date: May 14, 2024
Re: Repeal & Replace MODL Policy 036 Fire & Emergency Services

Municipal Council, in session on April 23, 2024, reviewed the recommendation of the Fire and Emergency Services Committee to repeal and replace **MODL Policy 036 Fire and Emergency Services**. Council made a motion to accept the recommendation of the Fire and Emergency Services Committee and gave seven (7) days' notice of its intention to consider repealing and replacing Policy 036 at the May 14, 2024 Council meeting.

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." Therefore, in accordance with Section 48(1), the attached amended Policy 036 will be presented for Council's approval at the May 14, 2024 Council session.

If Council approves of repeal and replacement of the Policy, the following motion is required:

"that Municipal Council repeal and replace MODL Policy 036 Fire & Emergency Services, as presented.

Report Preparation	
Department	Administration
Report Prepared by	Chris Kennedy, Fire Services Coordinator
Report Approved by	
Date Reviewed by C.A.O.	

Municipality of the District of Lunenburg

Policy Details	
Name	Fire and Emergency Services
Number	036
Legislative Authority	MGA Part X, sec. 296
Effective Date	

Preamble

Council of the Municipality of the District of Lunenburg hereby adopts the following policy respecting fire and emergency services in the Municipality of the District of Lunenburg.

Title

1 This Policy is titled the **Fire and Emergency Services**.

Definitions

2 In this Policy,

- (a) **Fire Department** means the incorporated entity that provides the service, assists others in providing the service or works with others to provide the service or a combination of means to properties in the Municipality of the District of Lunenburg.
- (b) **Municipality** means the Municipality of the District of Lunenburg.
- (c) **Rate Payer** means the name(s) of the person assessed for the property.
- (d) **Registration** means the acceptance of the Municipality to permit a Fire Department to provide fire and emergency services to a prescribed area within the Municipality.
- (e) **Body Corporate** refers to the incorporated organization requesting to be registered as a fire and emergency services provider.
- (f) **Incorporated Organization** refers to those organizations that are set up to provide Fire Protection and are incorporated by way of an Act of Legislature, **The Rural District Fire Act**, or the **Societies Act**.
- (g) **Acts of Incorporation** refer to the organization's Memorandum of Association and/or articles of incorporation and/or by-laws.

- (h) **Pump Testing** means testing to assess that apparatus pump pressures and flows meet the NFPA/ULC Certification plate affixed to the pump panel or manufacturers requirement for the pump or system type being tested.
- (i) **Self-Contained Breathing Apparatus (SCBA) Functional Testing** means testing performed as per NFPA 1852 (chapter 7.1 User maintenance) and manufacturer's requirements, to ensure all SCBA units in service in the department meet all operational specifications and performance parameters.

Form of Request

- 3 (1) Requests for registration as a fire and/or emergency services provider will be made through the completion of the Fire and Emergency Services Provider Registration package. The registration package can be obtained from the municipality upon request.
- (2) Requests must be accompanied with the organization's Act of Incorporation and a description of the area of coverage. The application must be signed by the individual(s) as assigned with signing authority under the incorporation document.

Organization Requirements

- 4 (1) An organization applying to be a registered fire and/or emergency services provider must meet the following requirements:
 - (a) Body Corporate does not provide the fire and/or emergency services for profit;
 - (b) The Municipality does not provide the same service for the same area;
 - (c) The Body Corporate carries group liability insurance in the minimum amount of \$10,000,000.
- (2) The Body Corporate carries a group personnel (accident and sickness insurance) policy for active volunteer firefighters and for volunteers assisting during non-firefighting activities.
- (3) The premiums covered in sections 4(1)(c) and (2) are to be deducted from the November fire payments.

Fire Protection Requirements

Pump Testing

- 5 (1) Fire Apparatus pump testing results are required starting on the June 15, 2021, registration cycle and continuing each fiscal year after.

- (2) Apparatus pumps required to produce fire flows of 250 imp.gal (imperial gallons) per minute and greater, as per ULC/NFPA 1921 sec 5.1, 5.2, 6.1, 6.2. and will also include Compressed Air Foam Systems (CAFS) or high-pressure system types must meet their pumping requirements as per section 2(h) and must be tested annually.
- (3) Portable pumps may be tested although not a requirement for registration.
- (4) Pump maintenance and testing must be performed by a certified Emergency Vehicle Technician (EVT).
- (5) The Fire Services Coordinator will assist Fire Departments in developing a plan if issues arise from pump testing.
- (6) In the event a pump fails its annual pump testing, registration may remain in effect if the registered fire department does the following:
 - (a) The Department provides the Fire Services Coordinator with a written plan for repairs required to the pump(s); or
 - (b) A temporary replacement apparatus in good standing can be found and is in place.
- (7) If repairs are extensive and the Fire Department is unable to afford repairs or, on the advice of the EVT, repairs are not cost justifiable due to the condition of the apparatus pump, the Fire Department must have a neighbouring department(s) on automatic callout for any/all emergency calls requiring the use of a pumper/pumper tanker including, but not limited to, structure fires of any kind, motor vehicle fires, wildland fires, and other emergencies as required.
- (8) Failure to complete a pump test in advance of the registration deadline may result in the Municipality withholding grants to the department until a successful pump test is completed.
- (9) Where a total disregard for pump testing occurs, the Fire Services Coordinator will notify Council and recommend the de-registration of the department and options for alternative fire service coverage.
- (10) Council may de-register the department on recommendation of the Fire Services Coordinator. Council will not consider re-registration of the department until the department re-applies for registration with a satisfactory pump test.

Self-Contained Breathing Apparatus (SCBA) Functional Testing

- 6 (1) The SCBA function test results will be required starting on June 15, 2025, registration cycle and continuing each fiscal year after.
- (2) The test must be performed by certified technician trained in the maintenance of the SCBA type being tested.
- (3) The Fire Services Coordinator will assist Fire Departments in developing a plan if issues arise from SCBA functional testing.
- (4) In the event that an SCBA fails or needs repairs during testing, resulting in the inability to perform the required fire firefighting activities, registration may stay in place if the registered fire department does the following:
- (a) The Department provides the Fire Services Coordinator with a written plan for repairs / replacement required to the affected SCBA.
 - (b) Temporary replacement SCBA in good standing can be found and is in place.
- (5) If repairs are extensive and the Fire Department is unable to afford repairs or on the advice of the certified technician, repairs are not cost justifiable due to the condition of the SCBA, the Fire Department must have a neighbouring department(s) on automatic callout for any/all emergency calls requiring the use SCBA.
- (6) Failure to complete the SCBA functional testing in advance of the registration deadline may result in the Municipality withholding grants to the department until a successful SCBA functional test is completed.
- (7) Where a total disregard for SCBA functional testing occurs, the Fire Services Coordinator will notify Council and recommend the de-registration of the department and options for alternative fire service coverage.
- (8) Council may de-register the department on recommendation of the Fire Services Coordinator. Council will not consider re-registration of the department until the department re-applies for registration with satisfactory SCBA functional testing.

Registration

- 7 (1) The Municipality, if satisfied by all categories of Sections 4 to 6, must register the Body Corporate as a fire and emergency services provider. This registration must

continue in force until withdrawn by the Municipality for cause or the fire department requests that the registration be revoked.

(2) Annual updates of the registration form will be submitted to the Municipality no later than June 15th annually.

(3) Any changes to the services provided by the Body Corporate must be filed immediately with the Municipality throughout the year.

(4) All other required forms and documentation, including the annual registration form, financial statements, officer information, rate and grant forms must be submitted to the Municipality no later than June 15th annually, in order to receive collected fire taxes and grant monies.

(5) All fire tax payments must be made available to approved fire and emergency service providers 30 days from the due date of municipal taxes upon meeting section 7(4) above.

Notification

8 The Municipality must advise in writing of Council's approval to register as a new Body Corporate for Fire and Emergency Services as per sections 7 of this Policy.

Rate Payers Meeting

9 (1) Every registered fire and emergency services provider must have an annual ratepayer meeting. Minutes of these meetings must be maintained and available upon request.

(2) Fire Service providers must have proposed budget documents available to the public seven (7) days prior to their ratepayer meeting and the budget must be linked to the service levels being provided.

(3) Fire Service providers may conduct an information session on the proposed budget seven (7) days prior to the ratepayers meeting to assist the ratepayers in understanding the fire service levels being provided and any costs associated with providing such service.

(4) All proposed fire tax rates must be supported by the service provider's budget, which is presented to the ratepayers at the annual ratepayers meeting.

(5) Ratepayers must have the opportunity to discuss service level expectations during ratepayer meeting.

(6) Ratepayers cannot request a reduction in the proposed fire rate that diminishes the overall operation of the fire service provision.

(7) The notice of the annual ratepayers meeting must be advertised in the local paper (a weekly circular) for a minimum of (2) two weeks prior to the annual meeting date. This advertisement must include the following:

- (a) fire service provider name
- (b) date of meeting
- (c) location of meeting
- (d) contact name and phone number; and
- (e) where proposed budget documents may be viewed.

(8) For the departments that are required to have an annual ratepayer's meeting to set their fire tax rate, this information must be clearly identified in the notice.

(9) All annual ratepayer's meetings must be conducted before June 15th of the following fiscal year.

(10) Requests must be made to the Municipality for appropriate rate payer's list a minimum of two (2) weeks prior to the meeting date.

- (a) This list will provide the chair of the meeting with information to confirm that only those who are ratepayers may vote on motions that are made at the meeting.
- (b) The Municipality will also provide upon request a property civic report to help the department locate properties.
- (c) Fire departments members do not need to be a ratepayer or a resident of the area, a member of the fire department can move motions, but the seconder must be a ratepayer.
- (d) Once the question has been called, only ratepayers can vote on the motion.
50% + one of the ratepayers **in attendance** at the meeting in favor of the motion will be required to pass a motion.
- (e) Voting may be done by secret ballot.

(11) All fire tax requests by a registered fire and emergency services provider must be provided to the Municipality on the approved registration package forms received at the Annual Fire Services meeting held in April of the current year or can be requested electronically following the Annual meeting.

(12) For all registered fire and emergency services providers who do not have fire taxing power provided by their Act of Incorporation, the Municipality will approve the rates.

(13) For those providers that have taxing power for fire tax, these approved rates will be added to the fire tax schedule for inclusion with approved rates for that fiscal year.

WCB

10 The Municipality will pay the Workers' Compensation Board (WCB) premiums for all registered volunteer fire department firefighters and junior firefighters. This will be at the minimum yearly salary used by WCB and set by the Municipality to calculate premiums for all registered volunteer firefighters.

Recognition

11 The Municipality recognizes the value and commitment of the fire services and will provide recognition for both individual departments and members for years of service to the Municipality.

Repeal & Replace

12 Policy MDL-036 approved on September 11, 2007, and amended in subsequent years from 2008 to 2021 is hereby repealed and replaced with new policy MODL 036.

Policy Adoption	
Date of Original Passage	September 11, 2007
Date of Notice of Intent to Repeal and Replace	April 23, 2024
Date of Council Approval	
Date of Effective Date	
I certify that this Policy 036 Fire and Emergency Services was repealed and replaced by Municipal Council as indicated above.	
Signature of Municipal Clerk	Date

Version	Amendment Description	Approval Date
Original V1	Fire and Emergency Services Policy	Sep 11, 2007
V2	Amended Annual Registration Form, Schedule A	Feb 12, 2008
V3	To allow option for secret ballot at rate payers meeting	Oct 13, 2009
V4	Require Accident and sickness insurance or workers compensation	Feb 8, 2011
V5	Added deadline for registration forms to be submitted, and for cheques to be distributed, added SCBA and pump testing to annual form, along with clarity of service levels, and procedure for public transparency and accountability at rate payer meetings.	Jan 28, 2014
V6	Amendments to the Annual Registration Form	May 9, 2017
V7	Removed Schedules and reference to schedules (registration application form)	Feb 27, 2018
V8	Added definition of “pump testing” and new section for requirements of conducting pump tests, premiums for WCB covered by municipality, and clarified accident and sickness insurance coverage for activities that are non-firefighting related, renumbering.	Apr 13, 2021
V9	Addition of flow rate for pump apparatus	Oct 12, 2021
Repeal & Replace	Added definition of “SCBA” and new requirements for testing, new WCB and Recognition section, updated pump requirements, plain language and accessible formatting.	May 14, 2024

Council
Item: #11.3.2
Date: May 14, 2024
Authorization: T. MacEwan



Municipality of the District of Lunenburg

10 Allée Champlain Drive Cookville Nova Scotia Canada B4V 9E4

Office of the Mayor

Phone: 902.543.8181 Fax: 902.543.7123 mayor@modl.ca Web Site: www.modl.ca

To Whom It May Concern,

Re: Nova Scotia Green Choice Program, letter of support for Invenergy's Laconia Wind Energy Centre proposal (the Proposal)

As you may know, the Municipality of the District of Lunenburg (the Municipality) is already home to the Whynotts Community Wind Project. This letter is written to reflect our hope and objective that Invenergy's nearby Laconia Wind Energy Centre (LWEC or the Project), in development, will be selected in the subject procurement and add to the Municipality's renewable energy generation.

Invenergy, the continent's largest independent renewable energy company with strong Canadian ownership, is developing the planned 86.4 megawatt LWEC in an ideal area of the Municipality that combines energetic winds with low residential density. Studies highlighted in an April 2021 report by the Global Wind Energy Council underscore the positive employment impact such a facility would have in the area; the report estimates that 5.24 jobs per MW (or 524 jobs in the case of LWEC) will be created over the 25-year lifetime of a typical on shore wind project.

The Project would also add an important new property tax stream to the Municipality. Based on a review of Nova Scotia's **Wind Turbine Facilities Municipal Taxation Act**, an 86.4 MW facility would generate annual tax revenue for the Municipality of approximately \$600,000, which amount will increase in alignment with the consumer price index as published by the Government of Canada.

The Municipality would also benefit from the LWEC's construction and maintenance of new access roads. These additions to the Municipality's existing road network would enable and/or add value to current or planned harvesting or reforestation activities, as well as enhancing area recreational activities such as ATVing, snowmobiling, hiking and more.

Prior to approaching local property owners with land agreements, Invenergy reached out to the Municipality to inform us of its interest in developing the Project. Their initiative, ensuring that the Municipality would be "first to know", was both appreciated and important for our elected

representatives and staff in our objective to be aware of and informed about significant developments in our community. We also appreciated their early establishment of a Laconia Project website. A further communication channel has been their regular newsletters mailed to the landowners in and around the Project area, which the Municipality also receives. Invenenergy has also utilized the Municipality's Facebook page, our monthly newsletter, and our electronic reader board at the municipal building as a way to reach residents and others outside their mailing list.

The Company's voluntary offering of a structured fund for the duration of the operating project, specifically for the benefit of the area surrounding the LWEC is another meaningful aspect of the Project. Further, we appreciate that Invenenergy has established a community liaison committee comprising a wide variety of key community representatives from municipal councillors, to residents to local business persons.

In summary, the Municipality supports Invenenergy's Proposal and requests its favourable consideration by the procurement administrator.

Sincerely,

Carolyn Bolivar-Getson, E.C.N.S.
Mayor