

Municipality of the District of Lunenburg

Minutes of a Meeting of Municipal Council

Held in Council Chamber, 10 Allée Champlain Drive, Cookville, N.S.

Tuesday, June 25, 2024 – 9:00 a.m.

Attendance

Mayor Carolyn Bolivar-Getson
Deputy Mayor Wendy Oickle, District 3
Councillor Leitha Haysom, District 1
Councillor Martin Bell, District 2
Councillor Pam Hubleby, District 4
Councillor Cathy Moore, District 5
Councillor Sandra Statton, District 6
Councillor Michelle Greek, District 7 (left at 10:30 a.m.)
Councillor Kacy DeLong, District 8 (left at 10:30 a.m.)
Councillor Chasidy Veinotte, District 10

Regrets

Councillor Reid Whynot, District 9

Staff

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

1. Call to Order

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

2. Announcements/Acknowledgements/Recognition

Deputy Mayor Oickle acknowledged Jamie Richards, past Commissioner of the Village of Hebbville, for the many years of service as commissioner.

Councillor DeLong acknowledged the individuals who raised money for the Mahone Bay Food Bank at the Blockhouse Fire Department.

3. Public Input

Wade Carver, Middle New Cornwall, attended public input to express concerns regarding councillor remuneration.

Suzanne Kutach, Hemford, attended public input to provide comments on the proposed Active Transportation Plan and communications to the public, suggesting more in-depth engagement. Also noted were safety concerns in New Germany as there are no sidewalks.

Jim Eisenhauer, Second Peninsula, attended public input to provide comments on the proposed cluster development regulations and encouraged council to maintain the schedule of next steps.

Catherine Heckman, Second Peninsula, attended public input to provide comments on the proposed cluster development regulations and supported councils' decision in choosing option 1.

Glen Dexter, Second Peninsula, attended public input to provide comments on the proposed cluster development regulations and expressed that the transition rules should be tight.

4. Approval of Agenda

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

5. Approval of Minutes – June 11, 2024

Moved by Councillor Haysom, seconded by Councillor Moore that the Minutes of the June 11, 2024 Council meeting be approved as circulated. Carried unanimously.

6. Business Arising from Minutes – Nil

11. Staff Reports

11.1 Planning Department

11.1.1 Westhaver Pond Land Use Regulations

A report from Anna Giblin titled “Westhaver Pond Land Use Regulations” was circulated with the agenda.

Reid Sheppard, Manager of Planning, and Anna Gibbin, Planner I, were in attendance to report on the issues community members raised regarding a property in the Westhaver area and explained why the Municipality had limited authority to regulate the use of the property.

Ms. Gibbin gave a presentation, “Westhaver Pond Land Use Regulations”, (attached to Minutes) providing details on the following:

- Overview of property
- Background on the property
- Zoning and land use
- Development constraint map showing vertical and horizontal setbacks would apply
- Coastal regulations – wetland buffer

- Implications – reason why it’s tricky
- Next steps suggestions
 - Municipal regulations of infilling
 - Municipal ownership of conservation lands

It was requested that Ann Caverzan, a resident of the Westhaver area who originally brought the matter to Council’s attention, be permitted to address Council on the details in the report.

Moved by Councillor DeLong, seconded by Councillor Greek that the Rules of Order be suspended to permit resident, Ann Caverzan, to address Council on the Westhaver Pond Land Use Regulations report. Motion defeated. Opposed: Councillor Statton

It was noted that a petition was circulated amongst the residents requesting the following:

- Change to the tax sale process
- Requests be made to remove the infill

It was explained that a policy was in development which would provide criteria to be used as a screening tool to determine if a property on a tax sale had a conservation value.

Mr. MacEwan explained that the Province is responsible for regulating infilling on wetlands.

It was requested that the Department of Public Works and the Department of Environment and Climate Change be apprised of the situation and that a request be made to have the matter reviewed.

2024-121 Moved by Councillor Haysom, seconded by Councillor DeLong that Municipal Council direct the Mayor to write to the Provincial Minister, Kim Masland, Department of Public Works, with copies to the Department of Environment and Climate Change and local MLAs, requesting that the Department review the infilling on/near the property (PID 60409398) located at the corner of Maders Cove Road and Westhaver Road and remove any fill inappropriately placed in the right of way and to arrange for the unblocking of the culvert. Motion carried. Those Opposed: Councillors Statton, Bell, Hubley, and Moore

11.1.2 Cluster Development Options Report

A report from Jacob MacPherson, Planner I, titled “Cluster Development Options Report” was circulated with the agenda.

Reid Sheppard, Manager of Planning, and Mr. MacPherson were in attendance to give a presentation on possible options of how to move forward with Cluster Development regulations. The presentation provided details on the following:

- Purpose and Origin
- Challenges implementing regulations earlier proposed to Council

- Option 1 – Development Agreement required
- Option 2 – Approved by site plan approval
- Option 3 – No implementation of regulations
- Timelines for next steps

It was noted that through the development agreement process, the applicant must demonstrate that the roads have suitable access for all services, and no construction requirements are part of the process.

It was expressed that the development agreement process provides public engagement and Council's role is to ensure that the standards are met.

2024-122 Moved by Councillor Veinotte, seconded by Councillor DeLong that Municipal Council accept the recommendation contained in Option 1, as presented, and direct staff to re-draft cluster development regulations that provides for approval of all cluster development applications through the development agreement process in the form of an amended draft Municipal-Wide Land use By-law and amended draft Municipal Planning Strategy.

It was clarified that municipalities were obligated to have municipal wide planning.

The Motion on the floor was voted on and carried. Those Opposed: Councillors Statton and Moore

Councillor Greek and Councillor DeLong left the meeting at 10:30 a.m.

Council recessed at 10:30 a.m. and resumed at 10:42 a.m.

7. Awarding of Tenders/RFPs

7.1 Award of RFP 2024-05-400 Wayfinding Signage

Marta Selassie, Trails & Open Space Coordinator, was in attendance to review her report, "RFP #2024-05-400 Wayfinding Signage Award" (circulated with the agenda) and reported that Hansen Signs was the proponent with the highest overall score based on technical criteria and cost proposals.

2024-123 Moved by Councillor Hubley, seconded by Deputy Mayor Oickle that Municipal Council award Request for Proposal #2024-05-400 Wayfinding Signage to Hansen Signs for the fabrication and installation of wayfinding signs in the amount of \$322,324.25 plus HST. Carried unanimously.

7.2 Award of RFQ 2024-05-301 Wheelchairs for Parasport

Tissy Bolivar, Program Coordinator, was in attendance and reviewed the report, “RFQ Award #2024-05-301 Wheelchairs for Parasport” (circulated with the agenda) and reported that only one quotation was received for the supply and delivery of wheelchairs.

2024-124 Moved by Councillor Bell, seconded by Deputy Mayor Oickle that Municipal Council award RFQ #2024-05-301 Wheelchairs for Parasport to Harding Medical for the supply of 6 wheelchairs for parasport programming in the amount of \$34,800, all inclusive. Carried unanimously.

8. Presentations/Scheduled Times - Nil

9. Consideration of Correspondence - Nil

10. Recommendations from Committees & Boards

10.1 Policy & Strategy Committee

10.1.1 Repeal & Replace – MODL Policy 011 Deputy Mayor

A recommendation from the Finance Committee regarding the repeal and replace of Policy 011 Deputy Mayor was circulated with the agenda.

2024-125 Moved by Councillor Moore, seconded by Councillor Veinotte that Municipal Council accept the recommendation of the Policy & Strategy Committee and repeal and replace Policy 011 Deputy Mayor, as presented. Carried unanimously.

10.1.2 Adoption of MODL Policy 099 Grant Disclosure

A recommendation from the Finance Committee regarding the adoption of Policy 099 Grant Disclosure was circulated with the agenda.

2024-126 Moved by Councillor Statton, seconded by Councillor Haysom that Municipal Council accept the recommendation of the Policy & Strategy Committee and adopt Policy 099 Grant Disclosure, as presented. Carried unanimously.

10.1.3 Bridgewater & Area Chamber of Commerce – Amendment to Terms of Membership

A recommendation from the Finance Committee regarding the amendment to the terms of membership of the Bridgewater & Area Chamber of Commerce was circulated with the agenda.

2024-127 Moved by Councillor Hubley, seconded by Councillor Bell that Municipal Council accept the recommendation of the Policy & Strategy Committee and amend the Municipality’s term of membership on the Bridgewater and Area Chamber of Commerce to two years, and further that this change take effect after the 2024 Municipal Elections. Carried unanimously.

10.1.4 Approval of Fee Increase re Clean Energy Financing Program and Water Supply Upgrade Program

A recommendation from the Finance Committee regarding the fee increase to the Clean Energy Financing Program and the Water Supply Upgrade Program was circulated with the agenda.

2024-128 Moved by Councillor Haysom, seconded by Councillor Moore that Municipal Council accept the recommendation of the Policy & Strategy Committee and approve the increase of administrative fees for the Clean Energy Financing Program and Water Supply Upgrade from \$650 to \$800 per participant.

It was suggested that an increase in the administrative fee should have a corresponding increase in the funding available to participants. It was clarified that the applicant would not pay the administrative fee upfront as it would be included in the financing. Mr. Dumaresq explained that an increase in the funding would require a policy change.

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

10.2 Nominating Committee

10.2.1 Appointments to the Indian Path Common Advisory Committee

A recommendation from the Nominating Committee regarding the “Appointments to the Indian Path Common Advisory Committee” was circulated with the agenda.

2024-129 Moved by Councillor Moore, seconded by Councillor Veinotte that Municipal Council accept the recommendation of the Nominating Committee and appoint the following members to the Indian Path Common Advisory Committee:

- **Matt Keith & Stephen Johnson – term to November 2025**
- **Susan Cochrane, Karen Toews & Kevin Chisolm – term to November 2026**
- **Stefan Leslie – term to November 2027**

Carried unanimously.

10.3 REMO Advisory Committee

10.3.1 Allocation of Funds re Emergency Management Coordinator

A recommendation from the REMO Advisory Committee regarding the “2024/25 REMO Operating Budget Adjustment” was circulated with the agenda.

Alex Dumaresq, Deputy CAO, explained that the budget included funding for two positions. One position was not filled until halfway through the budgeted year, leaving a surplus, which would be returned to the partner units.

11.2 Recreation Department

11.2.1 Presentation of Proposed Active Transportation Plan

Jamie Hilland, Active Transportation Planner, and Devon Jennings-Lander, Communications and Engagement Specialist, both with Urban Systems, were in attendance to give a presentation on the Active Transportation Plan (circulated with the agenda). A copy of the Active Transportation Plan was also circulated with the agenda.

Mr. Hilland and Ms. Jennings-Lander provided details on the following:

- Project Overview
- Community Engagement
- Key Themes
- Plan Framework
- Recommended Active Transportation Network for each community
- Implementation

It was requested that the vision statement be revised to add the words “strive to” after the word “will”.

Concerns were raised regarding the proposed “neighbourhood greenways” and how the narrowing of the Trunk 10 highway could cause issues with larger vehicles travelling the area. It was explained that there are standards for neighbourhood greenways which are based on the number of heavy vehicles travelling through as well as making accommodations for turning movements. The Neighbourhood Greenway is designed to advise drivers that they are coming into a pedestrian area.

It was noted that the communities discussed in the presentation were areas that came up during public engagement or were in close proximity to trails. It was further noted that the plan was meant to be a guide only.

It was clarified that the communities under Phase 1 were chosen based on the prioritization matrix and were most commonly identified areas. Road safety was also taken into consideration.

2024-130 Moved by Councillor Bell, seconded by Councillor Hubley that Municipal Council direct staff to change the wording of the vision statement of the Active Transportation Plan to say:

**“By 2035, we will strive to have our communities connected by well-maintained routes that make walking, wheeling, and cycling in MODL a safe, easy, and convenient choice for all.”
Carried unanimously.**

2024-131 Moved by Deputy Mayor Oickle, seconded by Councillor Moore that Municipal Council receive the June 2024 Active Transportation Plan, as presented. Carried unanimously.

Ms. Jennings-Lander and Mr. Hilland left the meeting.

11.2.2 Sawpit Wharf Park Community Plan – What we Heard Report

Matthew Mills, Mills & Wright Landscape Architecture, was in attendance via TEAMs to give a presentation on “Sawpit Wharf Park Community Plan, What We Heard Report” (attached to Minutes). The full report was circulated with the agenda.

Mr. Mills’ presentation provided details on the following:

- Introduction
- Public Engagement Activities
- Engagement Opportunity Promotions
- Key Stakeholder Engagement
- Summary of feedback from all engagement
- Key Takeaways

Trudy Payne, Director of Recreation, Parks & Tourism, was in attendance. Ms. Payne explained that Mr. Mills would be working on a community plan which would provide a concept plan and cost estimates, and that these would be provided to the Sawpit Wharf Advisory Committee for review prior to it coming back to council.

Mr. Mills left the meeting.

11.3 Economic Development

11.3.1 District of Lunenburg Logo

Dave Waters, Director of Economic Development was in attendance to give a presentation on options for a proposed new logo and reasons for the change (circulated with the agenda).

Mr. Waters provided three versions for Council’s review – V1 with lower case letters and a green swish; V3 with capital letters and no swish; and V4 with lower case letters and a blue swish. He explained that the swish was used to add creativity and to balance the ocean with the rolling hills.

2024-132 Moved by Councillor Bell, seconded by Councillor Haysom that Municipal Council, upon legal review, transition to “District of Lunenburg” as an alternate brand name to be used for public facing communications, and further, maintain the current name, “Municipality of the District of Lunenburg” for official and legal uses. Carried unanimously.

2024-133 Moved by Deputy Mayor Oickle, seconded by Councillor Hubley that Municipal Council approve Version 1 of the logo options presented to be used as a secondary logo for public facing communications, and further, that the current logo continue to be used for official and legal communications. Motion carried. Opposed: Councillor Veinotte

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

12.1 LCLC Update

There was no update to provide from the Lunenburg County Multi-purpose Lifestyle Community Centre.

12.2 Deputy Mayor's Update

Deputy Mayor Oickle advised that she attended the German Settlers Flag raising; the FH Development Osprey Heights ribbon cutting; the Coastal Protection Public Hearing; the NS Parks Rissers Beach public meeting; the South Shore Population Growth roundtable; the Hebbville Village Commission AGM; the Seniors' Ice Cream social; agenda briefing meetings; and cheque signing.

12.3 Mayor's Update

Mayor Bolivar-Getson advised that she attended a meeting of the Office of Regulatory Affairs Effectiveness; FH Development Osprey Heights ribbon cutting; the Coastal Protection Public Hearing; the NS Parks Rissers Beach public meeting; the Atlantic Mayors Congress; the Seniors' Ice Cream social; the Conquerall Bank Strawberry Supper; NSFMs meetings; meetings with developers; meetings with residents; various breakfasts, penny auctions and bake sales.

13. Added Items – Nil

14. In Camera

At 12:42 p.m., it was moved by Councillor Moore, seconded by Councillor Haysom that Municipal Council go In Camera to discuss Item 14.1 Contract Negotiations under Section 22(2)(e) of the MGA. Carried.

Municipal Council In Camera in session.

At 1:09 p.m., it was moved by Councillor Veinotte, seconded by Councillor Haysom that Municipal Council come out of In Camera and return to open session. Carried.

Municipal Council in session.

15. Adjournment

There being no further business, the meeting adjourned at 1:10 p.m.

Westhaver Pond Land Use Regulations

June 25, 2024



AGENDA

- 01** OVERVIEW
- 02** BACKGROUND
- 03** ZONING AND LAND USE
- 04** IMPLICATIONS
- 05** NEXT STEPS

01 OVERVIEW

Location

Corner of Maders Cove Road and Westhaver Road.
Adjacent to Westhaver Pond, opposite Westhaver's Beach.

Lot Size

1,264 square meters

Designation

Environmental (ENV) of Princes Inlet and Area
Secondary Planning Area

- Part of the lot is a provincially identified wetland with a watercourse crossing it.
- Residents report that the property has undergone substantial alterations through vegetation clearing and infilling.



- There is concern about the potential adverse effects on Westhaver Pond and surrounding ecosystems.

02 BACKGROUND

- Property purchased in 2021 through Municipal Tax Sale
- Property Report and Zoning Confirmation Letter in June 2022
 - Identified the zoning and setback requirements, and indicated the limited development potential on the lot
- Parking a trailer and RV is permitted
 - Using the lot for temporary accommodation by parking a trailer or RV is permitted as long as the time frame does not exceed 4 months (4.18.2 of LUB)
- Residents made a presentation to Council on May 21, 2024
 - First infill attempt in June 2022 which eroded into Westhaver Pond
 - Second infill attempt in April 2024

03 ZONING AND LAND USE

Princes Inlet and Area Secondary Planning Strategy

3.3 Environmental Land Use Designation

"...Council recognizes the lands adjacent to Westhaver Pond... are considered as important environmental assets to the local community..."

"...Council will place the identified provincial wetland which is located around Westhaver Pond in a restrictive Zone..."

"Council recognizes that there is a general lack of municipal mandate to protect the environment from harmful individual activities..."

3.3.2 "It shall be the policy of Council to prohibit development within the Environmentally Sensitive (ES) Zone."

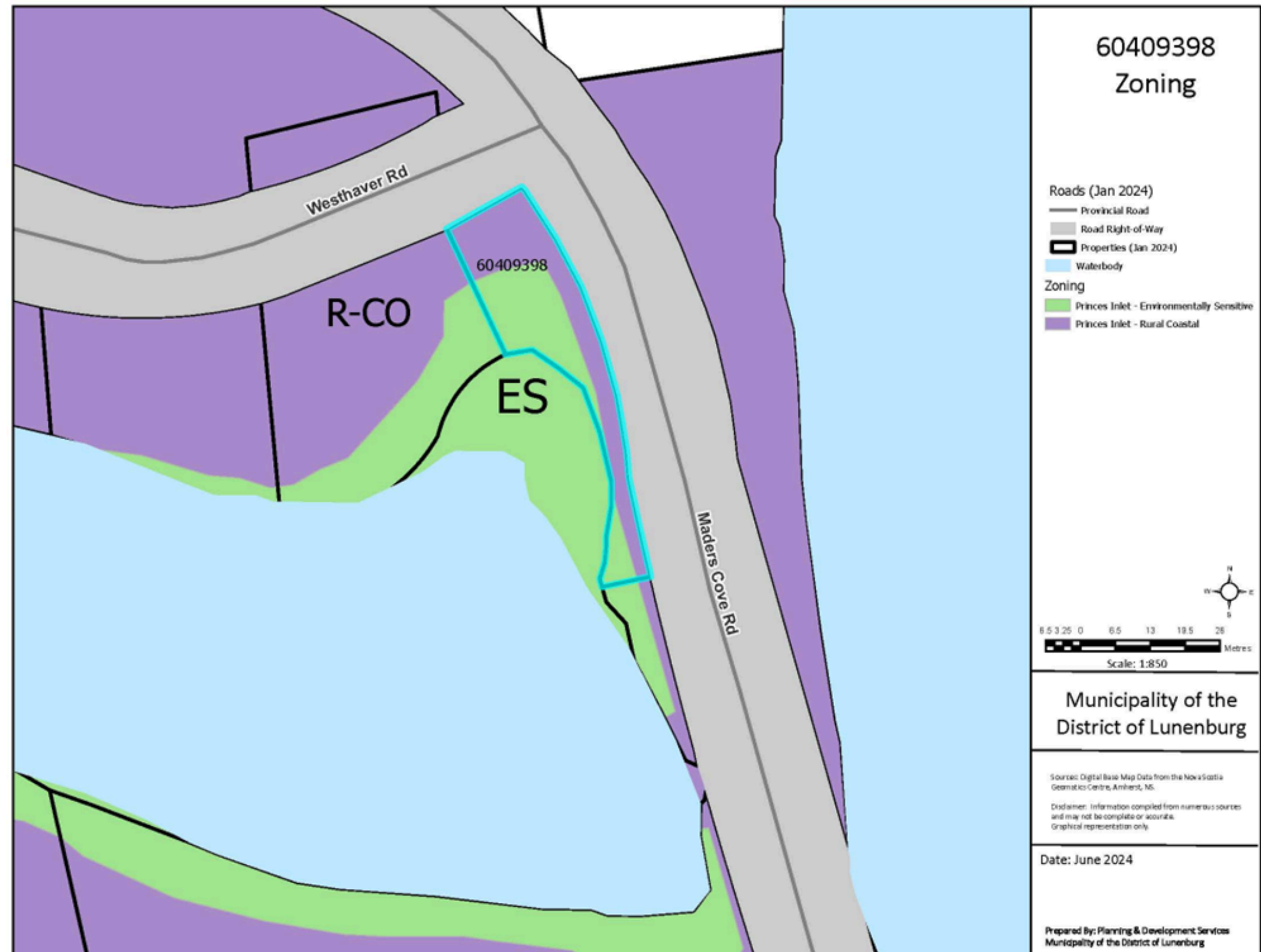
03 ZONING AND LAND USE

Environmentally Sensitive (ES) Zone / Rural Coastal (R-CO) Zone

A portion of the lot is part of Westhaver Pond which is a **provincially identified wetland**.

Environmentally Sensitive (ES) Zone
Development Not Permitted

Rural Coastal (R-CO) Zone
Permitted developments subject to zone requirements



03 ZONING AND LAND USE

Princes Inlet and Area Land Use Bylaw

4.15. Development Near a Significant Watercourse/Waterbody

4.15.1 Identified Setbacks

Horizontal setback of 20m (66ft) from the ordinary high water mark

4.15.2 Removal of Natural Vegetation, Filling or Excavation near a Watercourse/ Waterbody

4.16. Development Near the Coast

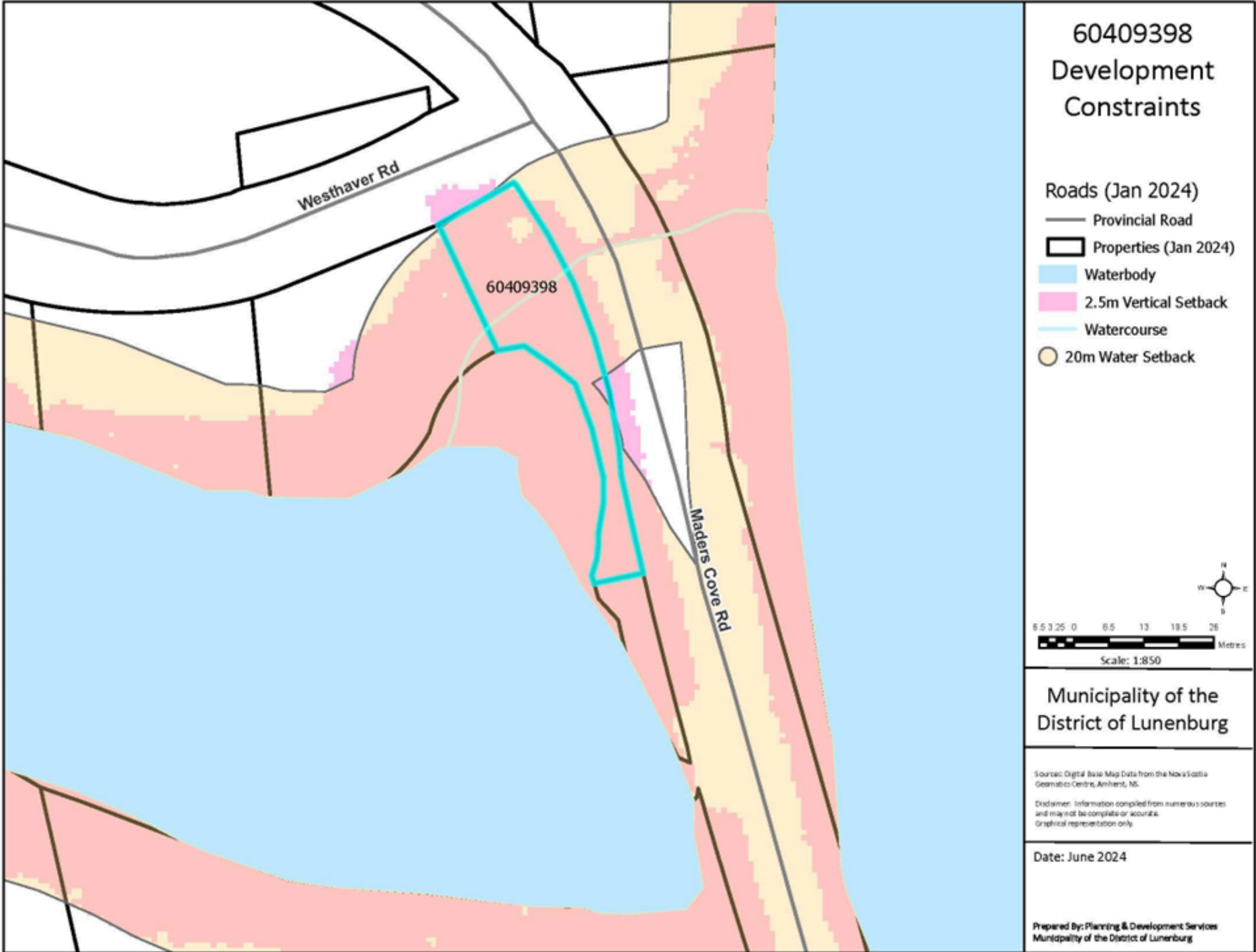
Vertical elevation requirement of 2.5 metre (CGVD 28)

4.17. Protection of Provincially Identified Wetlands

Development Constraints

Vertical Elevation Height Requirement:
2.5m (CGVD 28)

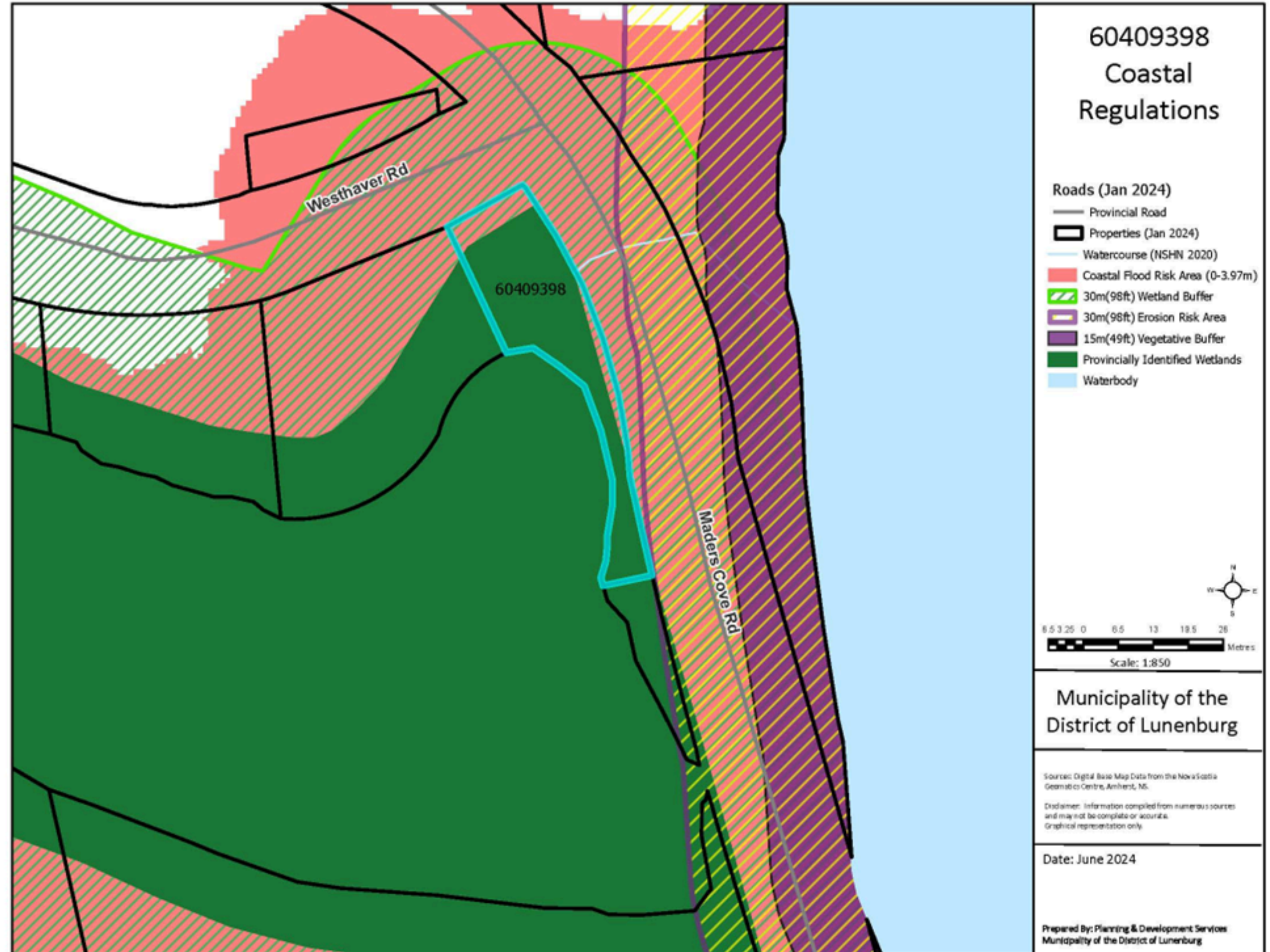
Horizontal Setback:
20m



Coastal Regulations

Wetland Buffer:
30m

Coastal Flood Risk Area:
3.97m (CGVD 2013)



04 IMPLICATIONS

Municipalities have a limited role in regulating activities related to wetlands.
This falls under provincial jurisdiction.

The Land Use Bylaw contains regulations relating to development near identified wetlands, however, these are only triggered **“in relation to a permitted development”**.

No building permits have been requested or issued by the municipality regarding this property.

05 NEXT STEPS

Council has limited options for addressing the land use issue at Westhaver Pond.

Moving forward, there are two suggestions to consider:

1. Municipal Ownership of Conservation Lands
2. Municipal Regulation of Infilling

Suggestion 1: **Municipal Ownership of Conservation Lands**

To help protect watersheds and wetlands, safeguard ecosystems, and preserve habitats.

- The Land Conservation & Stewardship Policy is currently being drafted
- It will help Council evaluate land parcels that are available for purchase or donated to the municipality for conservation purposes
- There is no way for municipalities to bypass the bidding process in Municipal Tax Sales

05 NEXT STEPS

Suggestion 2: **Municipal Regulation of Infilling**

Increasing the municipality's control over infilling activities in some areas that are unrelated to development.

- Municipalities are responsible for identifying known Flood Risk Areas and mapping all identified floodplains. Planning documents must include policies that reflect the SPI and address identified flood risk areas.
- The Municipal Government Act, section 220 (5) states that municipalities can “regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law”.
- Further mapping is required
- The approach needs to be consistent and applied everywhere
- This is among the most restrictive approaches to land use regulation

Thank you.



Source: Google Maps



Options Report

Cluster Development

June 24th, 2024



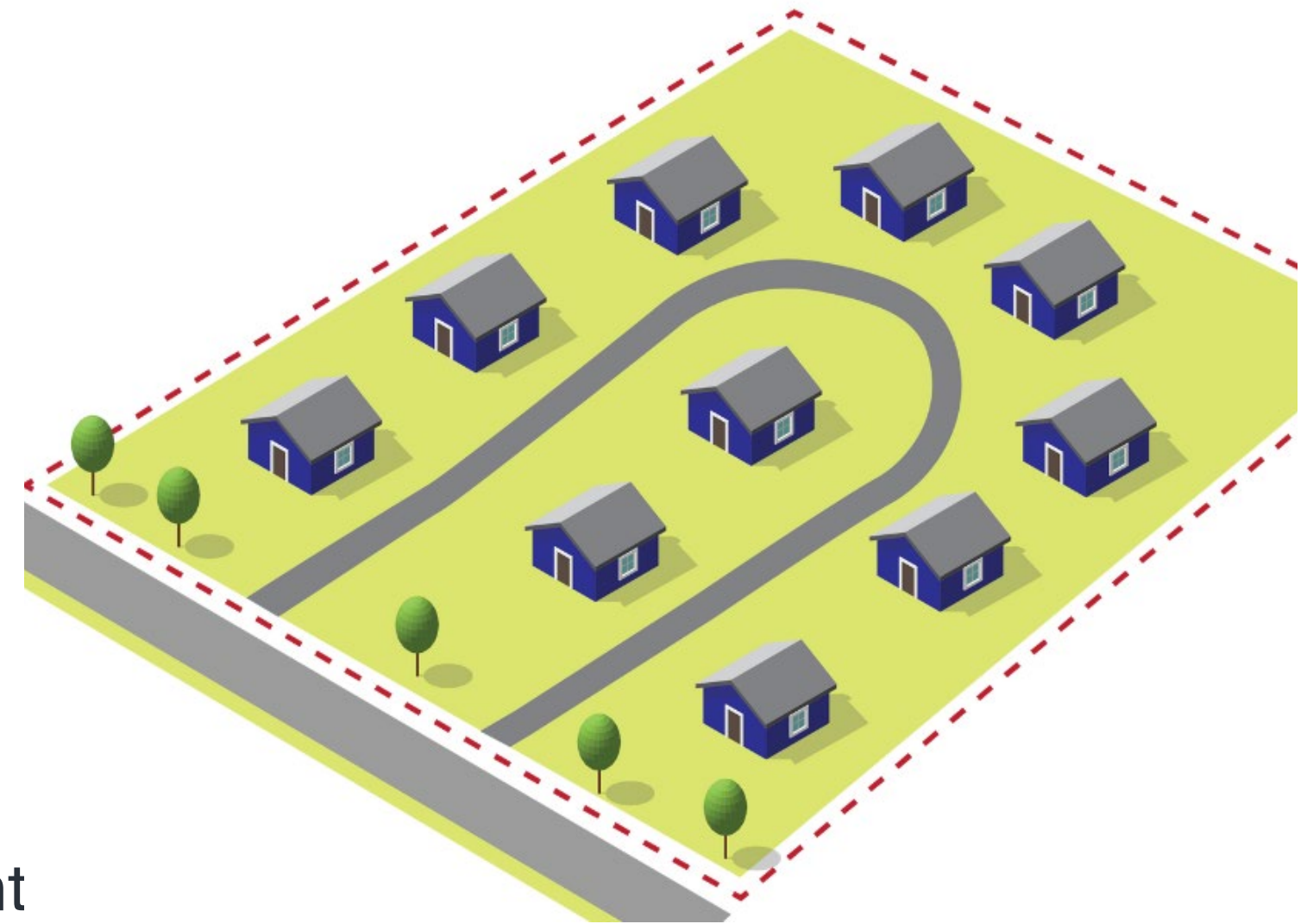
Background

Purpose

- Lack of existing regulations
- Safety, environment, service capacity

Origin

- Background research and public engagement
- Passed by Planning Advisory Committee with suggestions
- Motion passed by Council to begin drafting regulations
- First reading put on hold
- Review based on additional public input and legal advice



Challenges Implementing the Regulations

- 1) The Site Plan Approval process lacks authority to properly evaluate cluster developments
- 2) Requirements for cluster development standards belong in the Municipal Planning Strategy, not in the Land Use By-law

Option 1 (Recommended)

Option 1 - Require a Development Agreement for all Cluster Developments

- Similar to the requirements in the Site Plan Approval Process
 - Requirements moved from the Land Use By-law to the Municipal Planning Strategy
- Opportunity for public engagement through a public hearing
- Evaluation is less explicit; Council is given more flexibility to consider each individual application

Option 1 (Cont.)

Council would consider individual proposals based on:

- Adequacy of street networks, site access, emergency access
- Adequacy of services such as water and sewer
- Availability of a safe water supply
- The suitability of the site in relation to environmental impact

Option 2 & 3

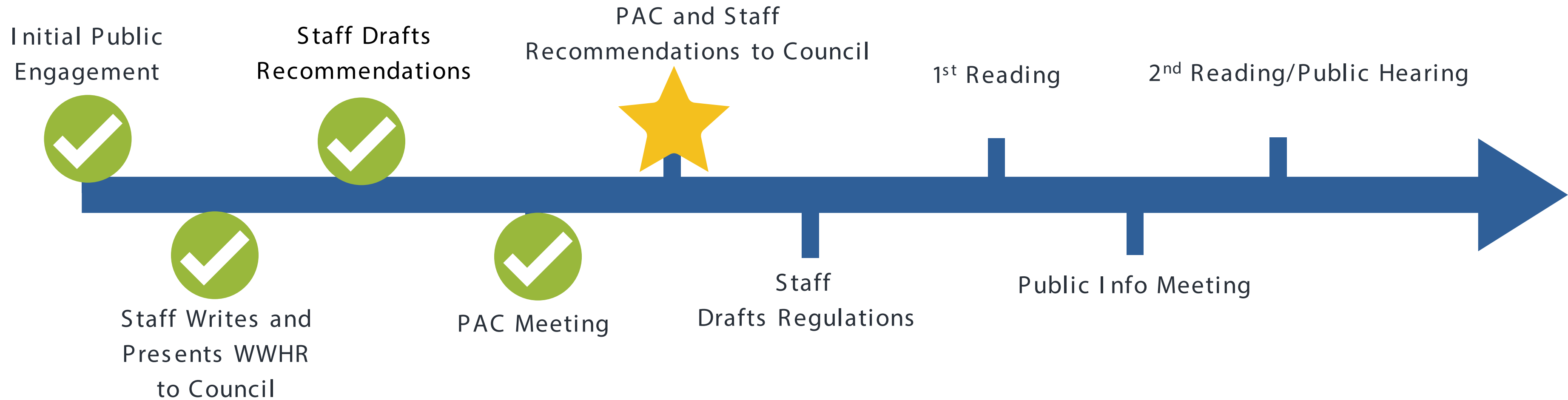
Option 2 - Move Forward with Regulations as Proposed

- Cluster developments of 9 or less units over two or more buildings would be approved through site-plan approval
- Problematic in terms of authority under the Municipal Government Act
- Staff are not recommending this option

Option 3 - Do not Implement Regulations

- No specific regulations for roads, servicing, environmental impact
- Staff are not recommending this option

Next Steps



Motion and Direction

If Council wishes to direct staff to amend the Land Use By-Law and Municipal Planning Strategy based on Option 1 contained in the report below, staff recommends the following motion:

“That Council accept the staff recommendations contained within Option 1 and direct staff to re-draft cluster development regulations, including altered text and approval of all cluster development applications through the development agreement process, in the form of an amended draft Municipal-Wide Land Use By-Law and amended draft Municipal Planning Strategy, for First Reading.”