

Municipal Council Meeting Agenda
Tuesday, April 22, 2025 – 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 Proclamation – National Volunteer Week..... 1
- 3. Public Input (15 Minutes)**
- 4. Changes/Approval of Agenda (as circulated)**
- 5. Approval of Minutes - April 8, 2025**
- 6. Business Arising from Minutes**
- 7. Awarding of Tenders/RFPs**
- 7.1 Award of Tender #2024-01-002 Grass & Brush Cutting on Municipal Public Roads and Properties..... 2-4
- 7.2 Award of Tender 2024-01-004 Municipal Public Roads Grading & Dust Suppression 5-7
- 8. Presentations/Scheduled Times**
- 8.1 Working Together to Support Community Well-Being
NS Health Authority, Louise Hopper..... 9:15 a.m. 8-19
- 8.2 Mahone Island Conservation Association (MICA) Overview 10:15 a.m. 20-44
- 9. Consideration of Correspondence - Nil**
- 10. Recommendations from Committees & Boards**
- 10.1 Policy & Strategy Committee** 45
- 10.1.1 First Reading - Neighbourhood Nuisance By-law 46-52
- 10.1.2 Dissolution of Internal Transportation Committee 53-57
- 11. Staff Reports**
- 11.1 Economic Development**
- 11.1.1 Community Hub Engagement Report & Presentation 1:00 p.m. 58-98

11.2 Planning & Development Services

11.2.1 Revised Cluster Development Regulations Report..... 99-189

11.3 Recreation, Parks & Trails

11.3.1 Major Event Grant – Association of Nova Scotia Geocaching 190-193

11.3.2 Cape LaHave Island – What We Heard Report 194-209

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

12.1 Deputy Mayor’s Update

12.2 Mayor’s Update

13. Added Items

14. In Camera

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

15. Adjournment

Council
Item #2.1
Date: April 22, 2025
Authorization: T. MacEwan



Proclamation

National Volunteer Week

Whereas, a significant portion of the Canadian population, totalling 24 million individuals, dedicate their time to various forms of volunteering, contributing an impressive number of nearly 5 billion volunteer hours annually; and

Whereas, within the Municipality of the District of Lunenburg, volunteers serve as mentors to our youth, provide support to those experiencing isolation, enhance the beauty of our natural spaces, and engage in fundraising efforts for charitable causes; and

Whereas, the volunteers in the Municipality of the District of Lunenburg represent a diverse array of individuals, including families, workers, retirees, and community members of all ages and backgrounds; and

Whereas, the collective efforts of our community's volunteers significantly contribute to making the Municipality of the District of Lunenburg a more vibrant and desirable place to reside; and

Whereas, it is essential to acknowledge the varied roles undertaken by volunteers in our community; and

Whereas, vital organizations within the Municipality, such as the food banks, children's sports organizations, and many other services rely heavily on the dedication of volunteers; and

Therefore, be it resolved that, I, Mayor Elspeth McLean-Wile on behalf of the Municipality of the District of Lunenburg, in recognition of the splendid efforts of our volunteers, do hereby designate the week of April 27 to May 3, 2025 as Volunteer Week.

April 22, 2025

Mayor Elspeth McLean-Wile

Council
Item #7.1
Date: April 22, 2025
Authorization: T. MacEwan



The Municipality of the District of Lunenburg

Request for Decision

Report to: Council

Submitted by: Jamie Burgess P.Eng., Senior Municipal Engineer
Tyler Richardson P.Eng., Municipal Engineer

Date: April 22, 2025

Re: Award of Tender 2024-01-002 Grass and Brush Cutting on Municipal Public Roads and Properties

Recommendation

That Council authorize staff to award Tender 2024-01-002 Grass and Brush Cutting on Municipal Public Roads and Properties to Gerhardt Property Improvements Ltd. in the amount of \$103,125.00 excluding HST.

Executive summary

N/A

Background

The Tender was issued on March 20, 2025 and closed on April 10, 2025 at 2:00pm local time. Three (3) bids were received by the Tender deadline, with one (1) bid not meeting the mandatory submission requirements. This Tender will provide grass trimming on Municipal properties and brush removal services along the ditch line for Municipal roads. The received bids are summarized in the table below:

Contractor	Met All Submission Requirements?	Total Estimated Price (excl. HST)
Gerhardt’s Property Improvement Ltd.	Yes	\$103,250.00
Fine Cuts Lawn Care and Landscaping	No	\$125,565.00
Natures Reflection Landscaping Ltd.	Yes	\$166,197.25

Discussion

Gerhardt’s Property Improvement Ltd. has been awarded this Contract before and has provided quality service with good response times for the duration of the Contract.

Strategic Focus

The maintenance of Municipal roads aligns with Council’s Strategic Priority of Infrastructure Upgrades, Expansion, and Management.

Budget/Financial Implications

Allowance for the cost of this Tender has been included in the Operating Budget.

Climate Change/Sustainability

N/A

Inclusion Diversity Equity and Accessibility (IDEA@MODL)

N/A

Strategic Communications

N/A

Work plan

The Engineering and Public Works Department at MODL endeavors to maintain high quality municipally owned public roads. Awarding this Tender to Gerhardt’s Property Improvement Ltd. will provide the Engineering and Public Works Department with the tools necessary to achieve this goal.

Alternatives

Council could decide not to award this Tender to Gerhardt’s Property Improvement Ltd. and award to Nature’s Reflections Landscaping Ltd. as the next accepted bid. If this decision was made it would cause greater cost to the Municipality. Alternatively, Council could decide not to award to any Contractor, but this decision would lead to inferior road conditions and resident complaints.

Conclusion

Awarding the Grass and Brush Cutting on Municipal roads and Properties Tender to Gerhardt’s Property Improvement Ltd. will ensure Municipal Public Roads are maintained in good condition. This work will include mowing of grassed areas on Municipal properties and that brush is cut and removed along the shoulder and ditch of Municipal roads. This will ensure Municipal roads and properties continue to provide safe access to all within the Municipality.

Report Preparation	
Department	Engineering and Public Works
Report Prepared by	Jamie Burgess, P.Eng. and Tyler Richardson, P.Eng.
Report Approved by	Stephen W. Pace, MBA, P.Eng.
Date Reviewed by C.A.O.	

Council
Item #7.2
Date: April 22, 2025
Authorization: T. MacEwan



The Municipality of the District of Lunenburg

Request for Decision

Report to: Council

Submitted by: Jamie Burgess P.Eng., Senior Municipal Engineer
Tyler Richardson P.Eng., Municipal Engineer

Date: April 22, 2025

Re: Award of Tender 2024-01-004 Municipal Public Road Grading and Dust Suppression

Recommendation

That Council authorize staff to award Tender 2024-01-004 Municipal Public Road Grading and Dust Suppression to Howard Little Excavating Ltd. in the amount of \$206,790.00 excluding HST.

Executive summary

N/A

Background

The Tender was issued on March 13, 2025 and closed on April 3, 2025 at 2:00pm local time. Two (2) bids were received and accepted by the Tender deadline. This Tender will provide grading and dust suppression services for Municipal roads. The received bids are summarized in the table below:

Contractor	Met All Submission Requirements?	Total Estimated Price (excl. HST) over 3 years
Dexter Construction Ltd.	Yes	\$259,835.00
Howard Little Excavating Ltd.	Yes	\$206,790.00

Discussion

Howard Little Excavating Ltd. has been awarded this Contract before and has provided quality service with good response times for the duration of the Contract.

Strategic Focus

The maintenance of Municipal Roads aligns with Council’s Strategic Priority of Instructure Upgrades, Expansion, and Management.

Budget/Financial Implications

Allowance for the cost of this Tender has been included in the Operating Budget.

Climate Change/Sustainability

N/A

Inclusion Diversity Equity and Accessibility (IDEA@MODL)

N/A

Strategic Communications

N/A

Work plan

The Engineering and Public Works Department at MODL endeavors to maintain high quality municipally owned public roads. Awarding this Tender to Howard Little Excavating Ltd. will provide the Engineering and Public Works Department with the tools necessary to achieve this goal.

Alternatives

Council could decide not to award this Tender to Howard Little Excavating Ltd. and award to Dexter Construction Ltd. If this decision was made it would cause greater cost to the

Municipality. Alternatively Council could decide not to award to any Contractor, but this decision would lead to inferior road conditions and resident complaints.

Conclusion

The Municipal Public Road Grading and Dust Suppression to Howard Little Excavating Ltd. will ensure Municipal Public Roads are maintained in good condition. This work will include grading and application of dust suppressant on the travel surface on Municipal roads, which will ensure Municipal roads continue to provide safe access to all within the Municipality.

Report Preparation	
Department	Engineering and Public Works
Report Prepared by	Jamie Burgess, P.Eng. and Tyler Richardson, P.Eng.
Report Approved by	Stephen W. Pace, MBA, P.Eng.
Date Reviewed by C.A.O.	

Council
Item #8.1
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WORKING TOGETHER TO SUPPORT COMMUNITY WELL-BEING

Louise Hopper, Health Promoter
Public Health – Western Zone, Nova Scotia Health
April 22, 2025

Who's Who in Public Health on the South Shore

Healthy Communities

Promoting health and identifying needs and opportunities within communities to support health and wellness.

- **Health Promoters**
- School Health Promoters
- Youth Engagement Coordinators
- Youth Health Centre Coordinators
- Dental Hygienists
- Nutritionists

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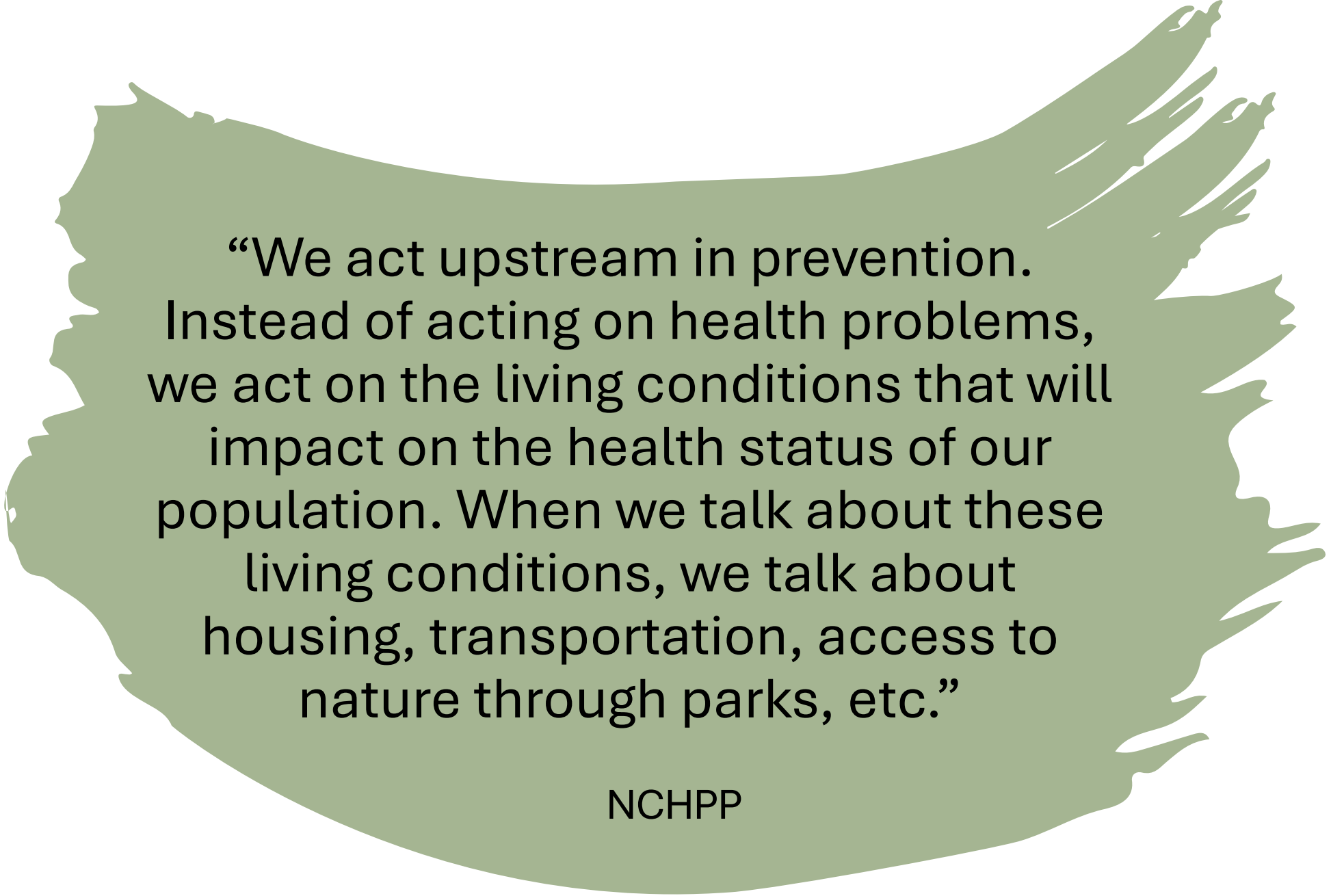
Health Protection

Providing immunization services and support and preventing the spread of infectious diseases in NS.

- Public Health Nurses
- Licensed Practical Nurses

Supporting people who are pregnant and families with young children.

- Public Health Nurses
- Community Home Visitors
- Enhanced Home Visiting Coordinators
- Community Outreach Workers



“We act upstream in prevention. Instead of acting on health problems, we act on the living conditions that will impact on the health status of our population. When we talk about these living conditions, we talk about housing, transportation, access to nature through parks, etc.”

NCHPP

Transforming the conditions in which people are **BORN, GROW, LIVE, WORK and AGE** for optimal health, mental health & well-being.



Prevention

Mental Health Services

Culturally/Linguistically Appropriate and Competent Services

Income Security

Housing

Neighborhood Safety/Collective Efficacy

Environmental Quality



HEALTHY PEOPLE



HEALTHY COMMUNITY



HEALTHY ENVIRONMENT

Health Care

Child Development, Education, and Literacy Rates

Food Security/ Nutrition

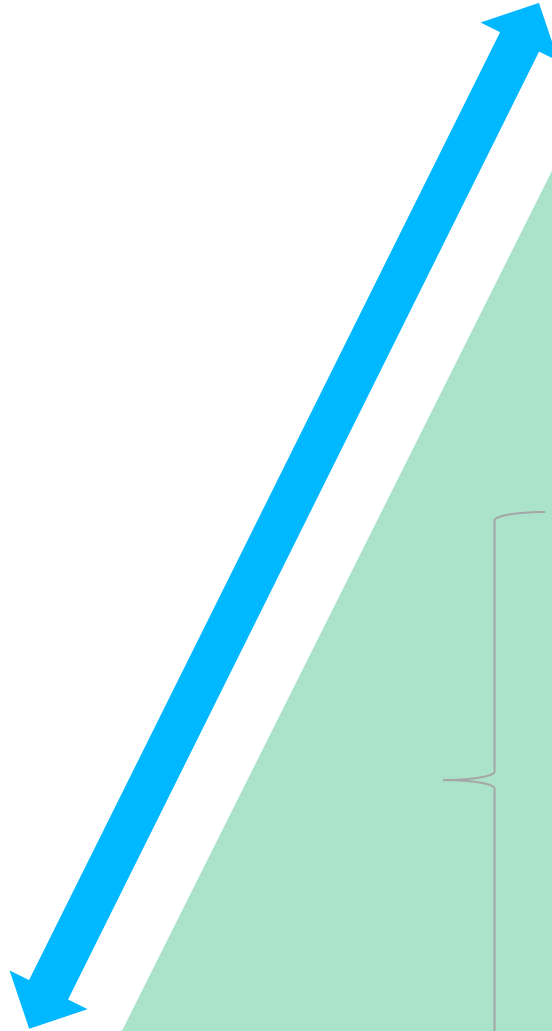
Built Environments

Discrimination/ Minority Stressors



HEALTHY SOCIETY

Smaller Impact



Larger Impact

Counselling & Education
eat healthy and be active

Clinical Interventions
medicine for high blood pressure, diabetes

Long-lasting, Protective Interventions
vaccines, smoking cessation, colonoscopy

Changing the Context to Make Individual's Default Decision Healthy
fluoridation, smoke-free laws, tobacco tax

Socioeconomic Factors
poverty, education, housing, inequality

Our Work in Community

Engage & support priority populations through community development strategies to build understanding to act on health-related issues that affect them.

Conduct analysis and seek policy change to influence social, economic, and physical environments to better support health. Share information required by policy makers to address inequitable distributions of resources, power, money, good and opportunities.

Develop Strategic Partnerships

Assess Community Health

Community Mobilization and Engagement

Advocate/Develop Public Policy

Collaborating with a broad set of partners to support action on health determinants through healthy public policy (Eg, SSHAC, CHBs, Schools)

Assess population's health and report on the health of populations emphasizing: the existence and impact of inequalities/inequities and priority populations; and the extent there exist social, economic, and physical environments to support health.

Our Work in Community - Examples

Thinking Beyond Band-Aids – Working Towards Sustainable Solutions
Queens Community Connections

Lunenburg County Accessibility Advisory Committee – Plan Development
Input into Osprey Village Re-zoning
'Housing and Health' evidence for ToB

Develop Strategic Partnerships

Assess Community Health

Community Mobilization and Engagement

Advocate/Develop Public Policy

South Shore Housing Action Coalition
Community Health Boards
Municipalities – Staff and Councillors
Schools and RCEs

Community and Service-based Homelessness Count
Collect and synthesize data on various topics as requested
Community Health Board Planning

Strategic Priorities – Opportunities and Alignment

Infrastructure Upgrades, Expansion, and Management

- Support conversations and planning related to housing options in the county (eg development of a Regional Housing Strategy).
- Support planning related accessible, equitable recreation assets, active transportation, etc.
- Continue to provide input into municipal stakeholder engagements (eg Community Hub engagement, Osprey Village, etc).

Regional Economic Development

- Continue to provide recommendations and input into MPS, LUB and re-zoning based on public health evidence and best practices.
- Support capacity building and evidence around well-being economies to promote health and mitigate negative health and environmental impacts.

Strategic Priorities – Opportunities and Alignment

Quality of Life

- Work with the Municipality to engage community partners to address isolation and loneliness.
- Support equity and accessibility initiatives – eg work in collaboration with Anti-Racism and Discrimination and Accessibility Coordinators

Climate Change Action

- Support the implementation of MoDL's Climate Change Action Plan (food security, coastal protection, conservation, etc.)
- Review policies and strategies using a climate and equity lens.
- Bring an equity lens to emergency planning.

Communication and Engagement

- Support municipal engagement in the community – connection to local organizations, diverse populations, etc.
- Regularly connect with staff and council to share insights on community needs, local initiatives, and identify opportunities for collaboration.

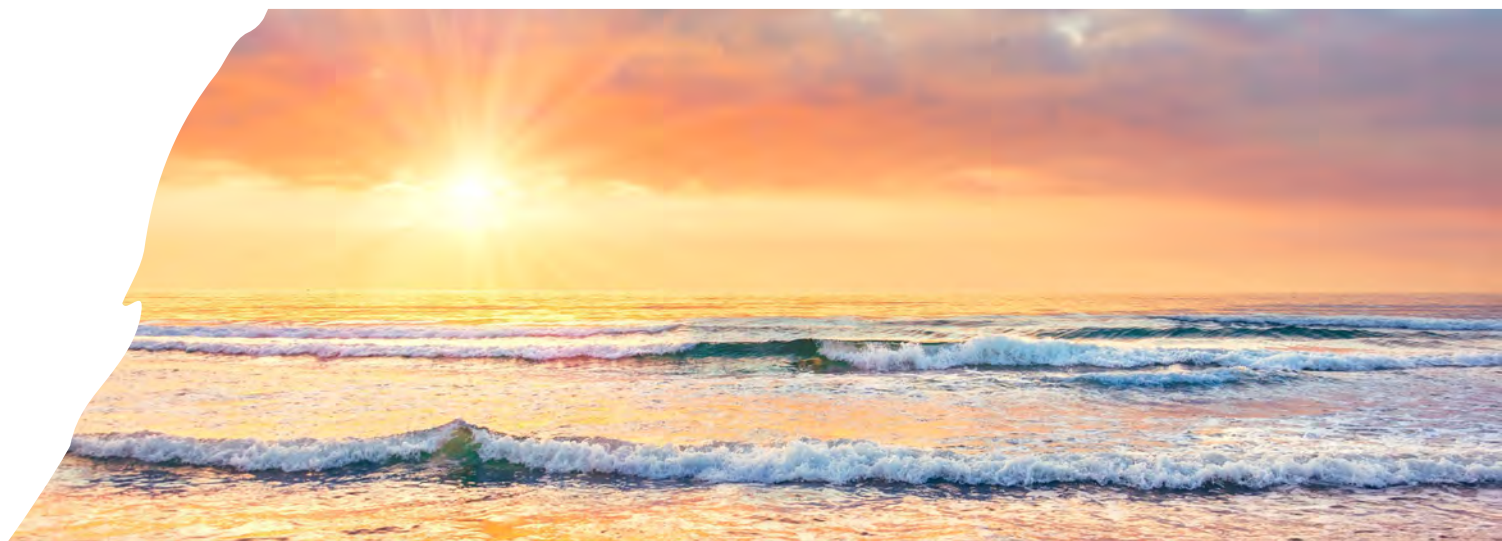
Ask to Council:

Acknowledge Public Health as a key stakeholder/partner

Request that the CAO invite Public Health staff to meet with Senior staff to explore opportunities for collaboration

Request Public Health input for evidence-based decision-making

Louise Hopper, Health Promoter
Louise.hopper@nshealth.ca



MUNICIPALITIES & HEALTH



Health is largely determined by the daily conditions and environments where people live, grow, learn, work, play, and age. Municipalities in Nova Scotia play an essential role in shaping individual and community health, and are uniquely positioned to engage with community members and partners to understand local issues and take action across a variety of settings.

When health, well-being, and equity are at the center of decision-making about community planning and infrastructure, policies and by-laws, and the facilities, programs, and services that are offered to residents, it creates vibrant, healthy municipalities where everyone can thrive.

PUBLIC HEALTH, HEALTHY COMMUNITIES

Public Health, Healthy Communities staff work in collaboration with partners to improve population health and advance health equity. This includes identifying, understanding, and addressing the drivers of community health and the related historical and current policies and practices that create inequities in how power, money, and resources are distributed across communities.

Healthy Communities team members focus on a broad range of topics that are important to municipalities, such as school health, housing, income, climate change, food insecurity, healthy eating environments, active transportation, recreation, social and built environments, substances, injury prevention, oral health, health equity and more.

WORKING TOGETHER TO CREATE HEALTHY MUNICIPALITIES

Public Health can support municipalities by contributing health promotion expertise, sharing best practice evidence and data, and supporting the monitoring of factors that impact the health of a population and create differences in health outcomes.

Below are some examples of how Public Health and municipal staff and council members can collaborate to support policies and initiatives that are powerful influencers of community health and well-being.

EQUITY, INCLUSION & ANTI-RACISM

Addressing the racism and discrimination that underpins inequities in health outcomes. For municipalities, this can include:

- Anti-racism and discrimination policies
- Equity, inclusion, and diversity strategies
- Accessibility plans
- Local and regional committees and partnerships that include first voice

SUBSTANCES

Reducing community exposure, access, and marketing of substances that are harmful to health.

For municipalities, this can include:

- Municipal alcohol policies
- Smoke-free spaces by-laws
- Municipal planning and land use by-laws for businesses (such as retail density)
- Marketing and sponsorship policies
- Evidence-based harm reduction policies

MUNICIPALITIES & HEALTH



ACTIVE COMMUNITIES

Improving physical activity through planning, designing, and building active communities. For municipalities, this can include:

- Open and green space (parks, trails, and protected areas) plans and strategies
- Active transportation plans, including designing safe roadways for all users
- Main street initiatives
- Equitable access to recreation programs

CLIMATE & SUSTAINABILITY

Taking action to protect the natural environment and mitigate the health impacts of climate change. For municipalities, this can include:

- Environmental sustainability plans
- Funding programs for homeowners
- Coastal protection regulations
- Emergency preparedness
- Municipal planning strategies and land use by-laws

FOOD ENVIRONMENTS & LOCAL FOOD SYSTEMS

Advancing community food security through healthy, sustainable, and just food systems. For municipalities, this can include:

- Local food system strategies
- Healthy eating policies in recreation and municipal spaces
- Community plans that consider access and availability of healthy food outlets
- Marketing and sponsorship policies

HOUSING

Improving access to housing that is secure, affordable, safe, and connected to community. For municipalities, this can include:

- Affordable housing plans and policies
- Municipal planning that promotes equitable housing development
- Energy poverty initiatives
- Supporting data collection and reporting on housing needs

INCOME & FOOD INSECURITY

Supporting actions that improve costs of living and help to ensure all people have access to an adequate income that meets their needs. For municipalities, this can include:

- Poverty reduction plans
- Employment opportunities and standards
- Supporting living wages and basic income

Mahone Islands Conservation Association

Council

Item #8.2

Date: April 22, 2025

Authorization: T. MacEwan



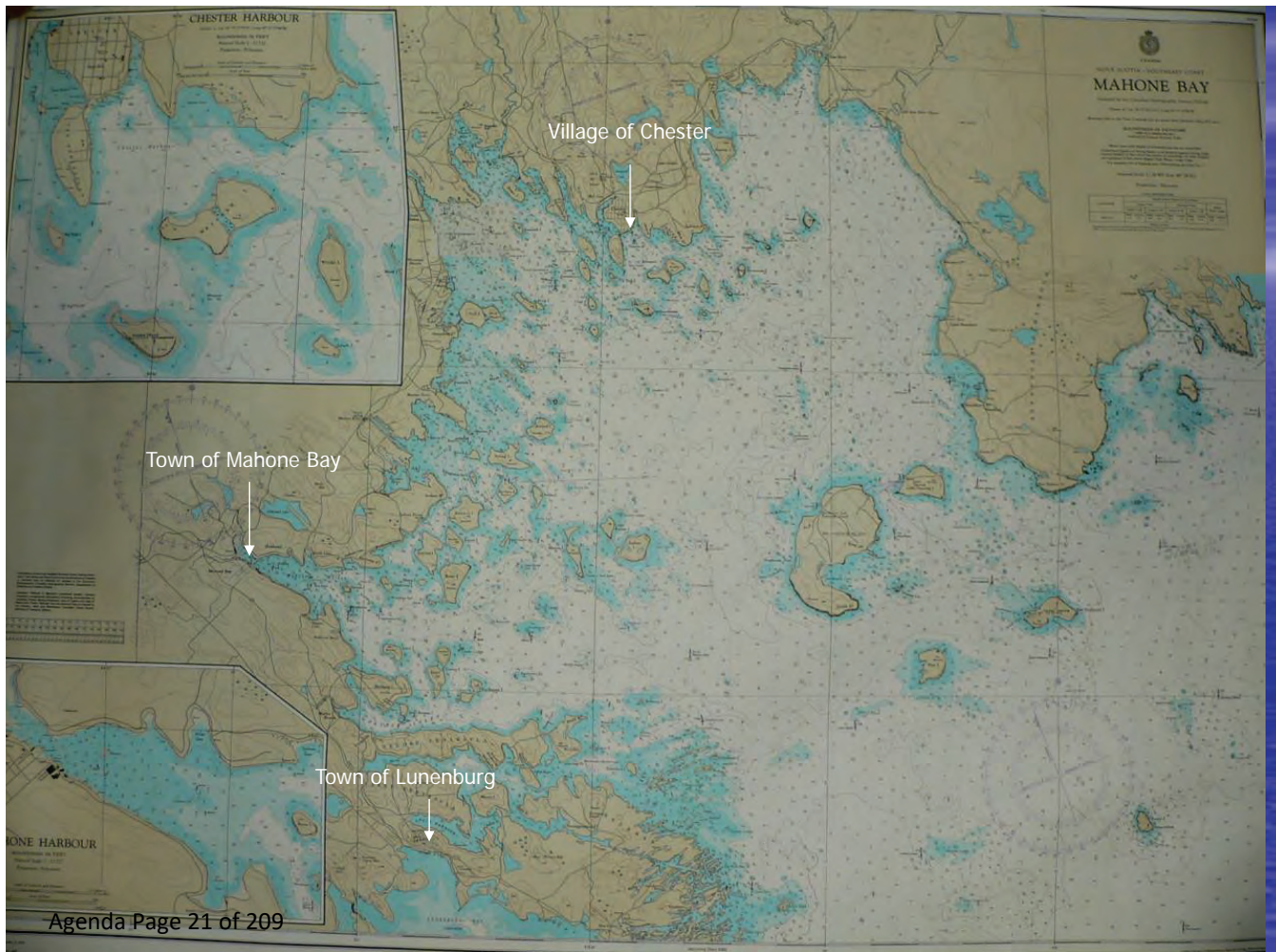
MICA

Initial discussions by concerned residents in fall of 2002 in response to the accelerated private development of many of the Mahone Bay Islands.



MICA Mission:

- MICA was formed in spring 2003.
- To protect and conserve the natural environment of the islands and shoreline of Mahone Bay, and the traditional, social and recreational opportunities valued by its various communities.

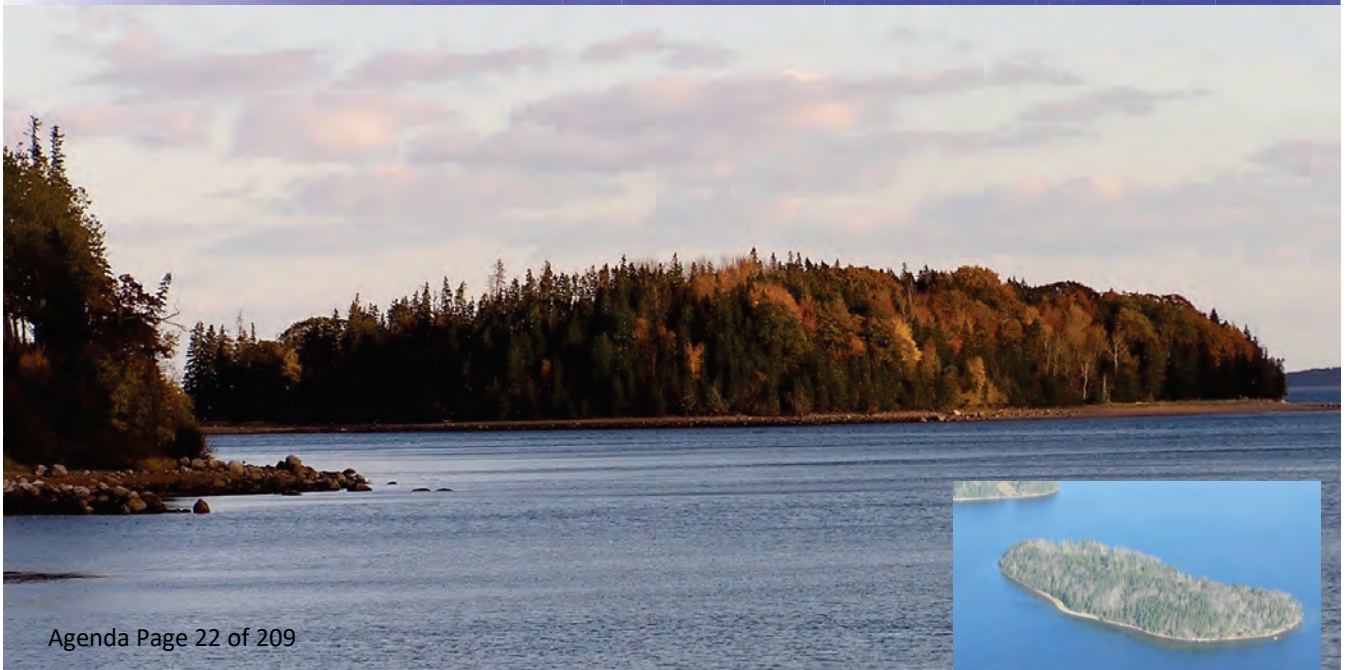


MICA Partnered Acquisitions and Donations:



Our first partnered acquisition:

- Partnered with the Province of Nova Scotia through the Department of Natural Resources for the purchase of Andrews Island in the fall of 2005 with support from the Municipality of the District of Lunenburg (MODL).



Next acquisition:

- Partnered with the Province of NS in March 2007 for the acquisition of Backmans and Covey Islands.
- Two prime recreational islands in Mahone bay with a very rich history and tradition.



Working with MODL:

- The Northern end of Masons Island was acquired in partnership with the MODL in 2008.



A very generous donation:

- MICA facilitated the very generous donation of the Long Island Preservation Society (LIPS) islands (Long, Dry, Centre, Snipe) to the Province of Nova Scotia in the spring of 2007.



Our next partnered acquisition:

- Sacrifice Island was acquired by MICA in partnership with the Province of Nova Scotia in April 2009.
- MODL was a financial donor in the project.



Next was Shag Island (Indian I):

- Acquired in partnership with the Province of Nova Scotia in March 2012.





Bella Island:

- Acquired in partnership with the Province of Nova Scotia in December 2013.



Masons Island lots:

- Lots were acquired in the central portion of Masons Island in fall of 2014.
- Project involved a land swap such that MODL ended up with title to the Wiles Lake Lands and Forest Depot.
- Big win for MICA, MODL and PNS.



Masons Island lots (in green):



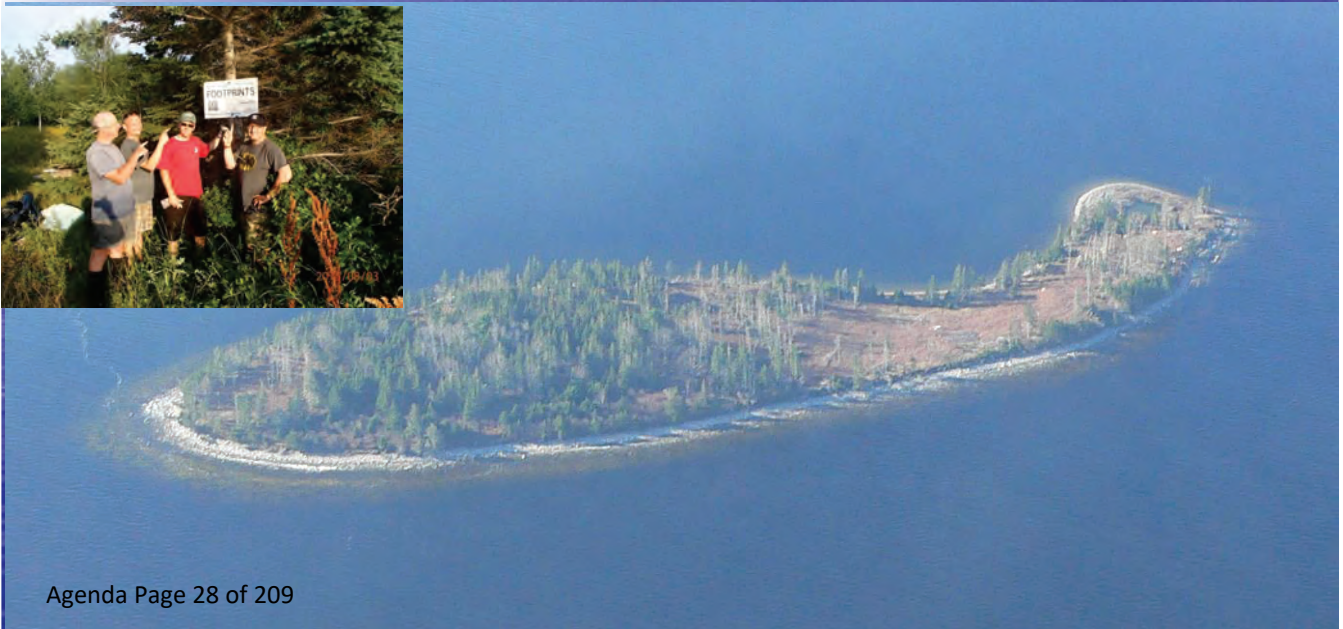
Little Duck Island:

- A 4 acre island 5 km SSE of Long Island acquired by MICA in a tax sale September 2014 and donated to the Province of Nova Scotia in 2023.



Squid Island:

- Acquired in March 2015, in partnership with the Province of Nova Scotia with financial support from the Municipality of Chester.



Goat Island:

- MICA facilitated the very generous donation of Goat Island to the Province of Nova Scotia by the family of John McLennan in the spring of 2015.



Zwicker Island Lots:

- Thanks to the Cluett and Court families, two very significant lots on Zwicker island have been donated through MICA to the Province of Nova Scotia in the fall of 2016:



Ernst Island:

- Thanks to the Reynolds family, a very significant portion of Ernst Island was donated through MICA to the Province of Nova Scotia in the fall of 2016:



Quaker, Lynch and Snake Islands:

- MICA contributed \$100,000 to the Nature Conservancy of Canada (NCC) towards the acquisition of Quaker, Lynch and Snake Islands off Chester in the spring of 2017.
- MICA now has a typical Stewardship Agreement with NCC for these very important islands.
- These agreements ensure these islands are available for traditional public access.

Molands Point

- MICA facilitated the very generous donation by the late Mr. Rudy Haase in 2017 of two prime shoreline lots on Molands Point to the Municipality of Chester.



Oakland Property:

- MICA was very pleased to have partnered with MODL in the acquisition of this very significant and important waterfront property in the fall of 2020.
- The inclusion of the upland Sweetmarsh was a bonus.
- MODL holds title to both properties.
- The shorefront property is now known as the MICA Oakland Conservation Area. (MOCA).



Mahone Islands Conservation Association Oakland Conservation Area (MOCA)



Birch Island (Chester):

- Acquired in March 2022 in partnership with the Province of Nova Scotia with financial support from the Municipality of Chester.



Chockle Cap:

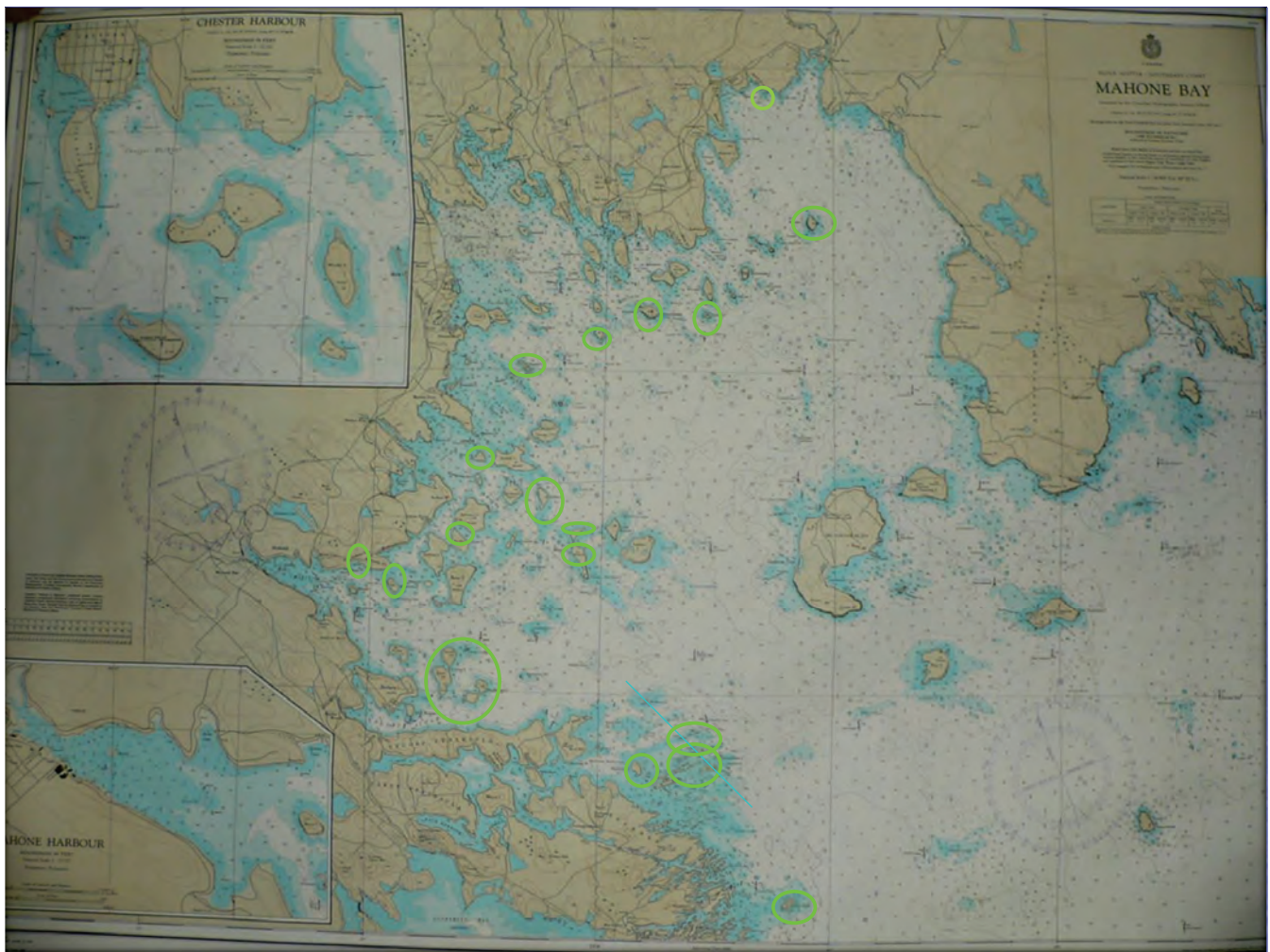
- Acquired in partnership with PNS in spring 2024.
- A prominent rock island in the Rackets area of Mahone Bay with a land area of about 4 acres.
- MICA considered it important to acquire the island for conservation and encourage people to observe the natural wonders of the island from their boats but ask not to try to land on the island.



Birch Island (Martins Point):

- Acquired in March 2025 in partnership with the Province of Nova Scotia with financial support from the Municipality of the District of Lunenburg.





MICA acquisitions summary:

- These islands and shoreline properties are now conserved, protected and available for all to enjoy.
- MICA has invested over \$1,700,000 towards these acquisitions.
- They contribute to the growth of our local economy, the sustainability of our community and are a very important component of our local municipalities.
- Every year there is increasing activity on the bay and on the MICA properties. Good stewardship is vitally important to protect this legacy for future generations.

MICA Stewardship Responsibilities:

- The islands and properties acquired in partnership are protected by Stewardship Agreements between MICA and the title holders.



Island Stewardship:

- MICA stewards the islands on behalf of the owners.
- MICA has conducted cleanups on all the acquired properties.
- Joint Stewardship Committee between NSDNR/MICA/MODL.
- MICA Stewardship goal is that island users are the island stewards.
- MICA Stewardship Champion program supports this work.



MICA Island Use Guidelines

MICA MISSION:

To protect and conserve the natural environment of the islands and shoreline of Mahone Bay and the traditional, social and recreational opportunities valued by its various communities.

MICA ISLANDS USE GUIDELINES

This island or island property was acquired for conservation and for traditional public use.

PLEASE follow these basic guidelines as you help us steward this magnificent resource.

- **DO** pack out what you pack in. If you find trash please remove it.
- **DO** use only existing campsites. Keep campsites small and bury human waste.
- **DO** use only established trails. **DO NOT** make new ones. Stay off the beach grass.
- **DO** use only existing firepits. **DO NOT** try to burn your garbage – remove it.
- **DO** ensure all fires are extinguished before leaving. **DO NOT** fill in the firepit with sand.
- **DO** observe all fire bans and the Provincial Burn Map. <https://novascotia.ca/burnsafe/>.
- **DO** be respectful of and try to minimize the stress on all wildlife.
- **DO** control and clean up after your pets at all times. Be aware that there are often nesting birds in the grass and on the shoreline.
- **DO NOT** set moorings – **DO** consider anchoring instead. Moorings restrict access and are contrary to everything MICA has worked for in acquiring these islands for public use.
- **DO** be respectful and considerate of your neighbours, both on land and on water.

Please join MICA if you are not already a member: www.mahoneislands.ns.ca



Please complete our MICA online Island Stewardship Survey:
Thank you for your help and cooperation in conserving this important legacy.
MAHONE ISLANDS CONSERVATION ASSOCIATION
info@mahoneislands.ns.ca

These guidelines are subject to change without notice. - August 2020



MICA thanks users for their tremendous stewardship of this wonderful resource.

Registered Public Moorings.



- To make our islands more accessible by the public, the first six (6) Registered Public Moorings were installed fall 2022 with a further twenty (20) installed early summer 2023 by the Municipality of Lunenburg off MICA islands.
- Six (6) Registered Public Moorings were installed last year in the Municipality of Chester off MICA islands.
- Additional are planned for this coming summer.
- They are identified by a yellow ball marked PUBLIC MOORING.
- They are owned by the Municipality of the District of Lunenburg and the Municipality of Chester and are available for public use.
- Sincere thanks to the Municipality of the District of Lunenburg, to the Municipality of Chester and to the Department of Natural Resources for their partnership in this program.

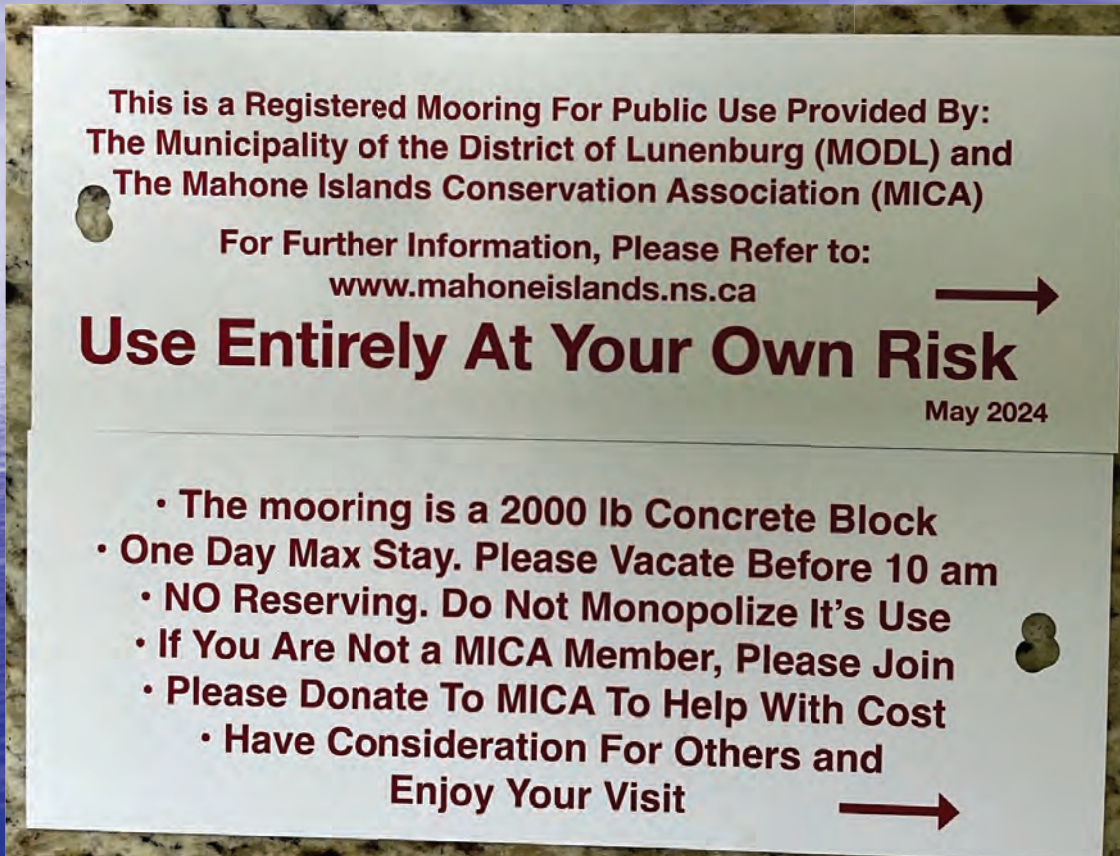
Private Mooring Owners



This has been a very popular program.



Tag attached to the bridle:



Abandoned moorings are hazards.



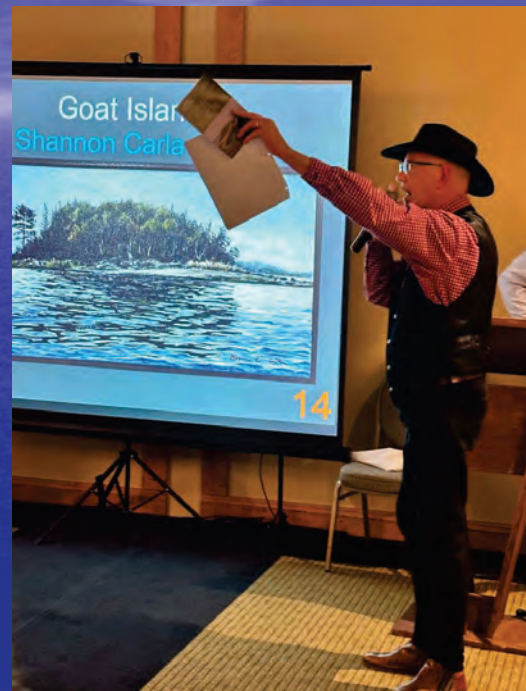
MICA's Mooring Goal:

Only Registered Moorings for Public Use are off MICA islands



MICA Fundraising:

- Membership fees
 - \$25 annual
 - \$500 life
- Annual Gala Dinner and Auction (2020,21,22 cancelled due to covid), 2023 and 2024 Galas very successful.
- Corporate Support
- Private Donations
- Financial campaigns for specific acquisition projects



Annual GALA:

- Very important fundraiser for MICA.
- Last fall's GALA, including our Corporate Supporters, contributed over \$70,000 to MICA.
- MODL's attendance is very much appreciated and important to MICA.
- This year scheduled for Nov 9.



THANK YOU TO OUR 2024 MICA CORPORATE SUPPORTERS

ADAMS & KNICKLE
TD Wealth
Helping clients make better decisions.
MetLife Advisors Corp. - CIBC
Wealth Management Group - Wellington Harbour
MetLifeAdvisors.com

Belliveau Veinotte Inc.
CHARTERED PROFESSIONAL ACCOUNTANTS

BIGFOOT SYSTEMS
The Original.

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Lunenburg Chester

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INSIDE OUT Cleaning

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MAHONEY MARINE
MAHONEY BAY TRADING CO.
MAHONEY BAY, NOVA SCOTIA

MARITIME MARINE SUPPLY

Mary E. Meisner, K.C.
Barrister, Solicitor & Notary Public
Lunenburg, NS

MAHONEY BAY TRADING CO.

MAHONEY MARINE

MARITIME MARINE SUPPLY

Mary E. Meisner, K.C.

NOVA INSURANCE

Nova Scotia POWER
An Emera Company

NOVA WOOD PRODUCTS

OAK ISLAND
Dinner & Conference Centre

Patterson LAW

RPS COMPOSITES

SALTBOX

SOUTH SHORE MARINE
LUNENBURG, NOVA SCOTIA

Symlicity Designs

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Nov 1, 2024

Bayview students, teachers, and parents getting ready to explore Backmans Island.

MODL-MICA are planning for an island school picnic this June.



MICA plans:

- **Acquisitions:**

Continue strategic Mahone Bay island and property acquisitions with our government partners.

- **Registered Public Moorings:**

Continue with the Registered Public Mooring program.

- **Donations:**

Encourage donations to MICA to support our initiatives.

- **Stewardship:**

Continue to steward our islands and properties with the title holders and encourage ALL users to be good stewards.

- **Membership:**

Encourage all those who enjoy our islands to be MICA members.

Summary:

- MODL's support of MICA since our beginnings has been very significant in MICA's success in preserving this little part of the world for current and future generations.
- MICA extends our sincere thanks and appreciation for this strong partnership.



2021 MODL – MICA Island Tour



Thank you.

Please enjoy and respect our islands.

Together we are creating a legacy for current and future generations.

Council
Item #10.1
Date: April 22, 2025
Authorization: T. MacEwan



Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4
Phone: 902.543.8181 Fax: 902.543.7123 Web Site: www.modl.ca

April 15, 2025

To Her Worship, Mayor McLean-Wile, and Councillors
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Policy & Strategy Committee, in session on Tuesday, April 15, 2025, made the following
recommendations to Council:

1. That Municipal Council approve the proposed Neighbourhood Nuisance By-law 050 and recommend that Council conduct first reading at the April 22, 2025, Council meeting.
2. That Municipal Council dissolve the Internal Transportation Committee.

Respectfully submitted,

Chairperson and Members
Policy & Strategy Committee

/jp

Council
Item #10.1.1
Date: April 22, 2025
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Policy & Strategy Committee
Item #: 9.1.1
Date: April 15, 2025

Report to: Policy & Strategy Committee
Submitted by: Tom MacEwan, CAO
Date: April 15, 2025
Re: Neighbourhood Nuisance Bylaw

Recommendation

“That Policy and Strategy Committee recommends that municipal council approve the proposed Neighbourhood Nuisance By-law, 050 and conduct first reading at the April 22, 2025, Council meeting.”

Executive Summary

This report provides an overview of the provisions for what constitutes a nuisance, by-law exemptions, penalties and enforcement.

Background

In early 2024, Council gave direction to staff to bring forward a Nuisance By-law that would address concerns related to excessive noise during the summer months. Staff were then directed to discuss enforcement with the Police Advisory Board and to engage the forestry industry stakeholders before bringing a revised Bylaw forward for Councils consideration.

Discussion

Authority - Pursuant to section 172(1)(a) of the **Municipal Government Act (MGA)**, Council has the general authority to make bylaws respecting the “health, well-being, safety and protection of persons”.

More specifically, section 172(1)(d) of the MGA provides Council with the authority to make bylaws respecting “nuisances, activities and things that, in the opinion of Council, may be or cause nuisances”.

Nuisance - While not defined in the MGA, “nuisance” is generally defined as interference with the use and enjoyment of land belonging to another.

The draft Bylaw prohibits people from engaging in activity that unreasonably disturbs the peace of the neighbourhood and makes it an offence for any person to engage in an activity that unreasonably disturbs the peace of the neighbourhood.

“Neighbourhood” is defined to mean in the same area or nearby including but not limited to the area within sight and/or sound of the subject property and/or the activity.

In considering whether the peace of the neighbourhood has been unreasonably disturbed, the Bylaw provides that in a prosecution for a violation of the Bylaw, evidence that 2 or more residents occupying at least 2 different properties are disturbed by the activity is proof that the activity has unreasonably disturbed the peace of the neighbourhood.

Exemptions - The draft Bylaw provides for a number of exemptions including disturbances caused by emergency vehicles as well as forestry, secondary wood processing, agricultural, and business operations, along with normal farm practices and recreation activities and community events that are taking place in a manner that is appropriate to the nature of the business enterprise, activity or event.

The draft Bylaw defines “appropriate” to mean being reasonable in the circumstances considering the intensity, frequency, duration and timing of the activity.

Penalty - Any person who is convicted of an offence under the Bylaw would be subject to a penalty ranging from \$300 (for the first offence) to \$700 (for a second offence) and \$1000 (for a third or subsequent offence) and, in default of payment, to imprisonment for a period not exceeding 60 days.

Summary Offence Ticket - The draft Bylaw also provides for the designation of the Bylaw under the Summary Offences Ticket Regulations to permit the use of summary offence tickets (SOTs) for prosecuting offences which can permit automatic convictions.

Strategic Focus

The development of a nuisance by-law aligns with Council’s strategic priority “Quality of Life”, by providing a tool for ensuring that residence can peacefully and without undue disturbance use and enjoy their property.

Budget/Financial Implications

There is no budget impacts as existing resources would be used to administer and enforce the by-law.

Climate Change/sustainability

Not applicable

Inclusion Diversity Equity and Accessibility

Not applicable

Strategic Communications

Council has been discussing this matter since 2024 at both Policy and Strategy and at the Police Advisory Board. In addition, engagement with forest industry stakeholders has taken place. This engagement ensures the by-law has met the needs of industry stakeholders and the municipality’s policing agency.

By-laws require a first and second reading, with advertising of when and where Council will be considering the by-law. This is an opportunity for public engagement. If Council wishes to have public engagement outside of this mechanism, then direction would be required.

Work Plan

The by-law will be registered with the Provincial Justice Department, so that summary offence tickets can be issued by the administrator. Calls of complaints will be sent to the appropriate agency for investigation.

Alternative

Council can choose not to conduct first reading and not move forward with the proposed by-law.

Conclusion

Direction from Council was given to staff to investigate options for noise related concerns. The tool available for council is the creation of a by-law, as it is the mechanism that would allow enforcement.

Report Preparation	
Department	Administration
Report Prepared by	Tom MacEwan, CAO
Report Approved by	
Date Reviewed by C.A.O.	

Municipality of the District of Lunenburg

By-law Details	
Name	Neighbourhood Nuisance By-law
Number	050
Legislative Authority	Section 172(1)(a) and (d) of the Municipal Government Act
Effective Date	

Title

- 1 This By-Law is entitled the “Neighbourhood Nuisance By-Law”.

Preamble

- 2 Residents of the Municipality of the District of Lunenburg are encouraged to be good neighbours by exercising courtesy, consideration, and tolerance. Anyone that engages in behaviour that does not demonstrate common courtesy or consideration of others and causes frequent or persistent annoyance to the neighbourhood may be in contravention of this By-law.

Authority

- 3 (1) Section 172(1)(a) of the **Municipal Government Act** empowers Municipalities to make by-laws respecting “the health, well-being, safety and protection of persons.”
(2) Section 172(1)(d) of the **Municipal Government Act** empowers Municipalities to make by-laws respecting “nuisances, activities, and things that, in the opinion of Council, may be or may cause nuisances.”

Definitions

- 4 (1) In this By-law, the following means:
 - (a) **Agriculture Operation** has the same meaning as contained in the N.S. Farm Practices Act, 2000. C. 3;
 - (b) **Appropriate** means as being reasonable in the circumstances considering the intensity, frequency, duration, and timing of the activity;
 - (c) **Council** means the Council for the Municipality of the District of Lunenburg;
 - (d) **Forestry Operation** has the same meaning as contained in the N.S. Forests Act, 1989 R.S. c. 179;

- (e) **Municipality** means the Municipality of the District of Lunenburg;
- (f) **Neighborhood** means in the same area or nearby including but not limited to the area within sight and/or sound of the subject property and/or the activity;
- (g) **Normal Farm Practices** has the same meaning as contained in the N.S. Farm Practices Act, 2000. C. 3.
- (h) **Secondary Wood Processing Operations** means transforming primary wood products into semi-finished or finished products encompassing various techniques like sawing, planing, sanding, gluing, and surface finishing as well as assembly.

Prohibitions

- 5 (1) No person will engage in activity that unreasonably disturbs the peace of the neighbourhood.
- (2) Any person who engages in an activity that unreasonably disturbs the peace of the neighborhood is guilty of an offence.
- (3) In a prosecution for a violation of the Bylaw, evidence that 2 or more residents occupying at least 2 different properties are disturbed by the activity is evidence that the activity has unreasonably disturbed the peace of the neighbourhood.

Exemptions

- 6 (1) This By-Law does not apply to:
 - (a) Disturbances that may result from a response to an emergency, including the parking or standing of emergency vehicles by police, fire, or ambulance services while engaged in the discharge of their duties.
 - (b) Forestry operations.
 - (c) Secondary wood processing operations.
 - (d) Agricultural operations.
 - (e) Normal farm practices.
 - (f) Businesses operating lawfully and in a manner that is appropriate to the nature of the business enterprise.

- (g) Recreation activity carried out lawfully and in a manner that is appropriate to the nature of the activity.
- (h) Community events carried out lawfully and in a manner that is appropriate to the nature of the event.

Penalty

- 7 (1) Any person who violates any of the provisions of this By-law may be guilty of an offence and may, on summary conviction, be liable
 - (a) for the first offence to a penalty of not less than \$300 and, in default of payment, to imprisonment for a period not exceeding 60 days;
 - (b) for the second offence to a penalty of \$700 and, in default of payment, to imprisonment for a period not exceeding 60 days;
 - (c) for the third offence or any subsequent offence to a penalty of \$1000 and, in default of payment, to imprisonment for a period not exceeding 60 days.

Summary Offence Ticket

- 8 Municipal Staff will apply to the Governor in Council under the **Summary Proceedings Act**, RSNS 1989, c. 450 as amended, to have the offences under this by-law designated by the Summary Offences Ticket Regulations to permit the use of summary offence tickets for prosecuting such offences in appropriate circumstances.

By-law Adoption	
Effective date of original by-law	
Date of first reading	
Date of advertisement of notice of intent to consider	
Date of second reading	
Date of advertisement of passage of 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 by-law to Minister	
Date of Ministerial Approval	

I certify that this “Neighbourhood Nuisance By-law 050” was adopted by Municipal Council and published as indicated above.

Signature of Municipal Clerk	Date
------------------------------	------

Version	Amendment Description	Approval Date
Original	Neighbourhood Nuisance By-law	

Proposed

Council
Item #10.1.2
Date: April 22, 2025
Authorization: T. MacEwan



The Municipality of the District of Lunenburg

Request for Decision

Policy & Strategy Committee
Item #: 9.2.1
Date: April 15, 2025

Report to: Policy and Strategy Committee

Submitted by: Jeff Merrill, LPP, MCIP Director of Planning & Development Services

Date: April 15, 2025

Re: Recommendation to Dissolve the Internal Transportation Committee

Recommendation

That the Policy and Strategy Committee recommends to Council that the Council dissolve the Internal Transportation Committee.

Executive summary

The Regional Planning and Economic Development Collaboration Committee will replace the role of the municipality's Internal Transportation Committee.

Background

The Internal Transportation Committee (ITC) was established by Municipal Council under Section 24 of the Municipal Government Act. Its primary purpose was to advise Council on matters related to transit services within the Municipality. This included recommendations about the types of vehicles to be used, the operation of transit services, and providing financial assistance to individuals or organizations undertaking transit services.

The Committee also had specific duties, such as developing transit initiatives to support residents and businesses, coordinating public communication and collaboration with other municipalities, updating Council on transit services, and carrying out other transit-related activities as directed by Council.

Attached to this memo are the Terms of Reference for the Internal Transportation Committee (TOR-045).

Discussion

The mandate of the Internal Transportation Committee (ITC) will be superseded by the establishment of the Regional Planning and Economic Development Collaboration Committee. The new committee being formed will have representation from both the Municipality of the District of Lunenburg (MODL) and the Town of Bridgewater (TOB) and have the mandate to discuss how to provide fixed route transit services in the region.

Strategic Focus

Regional economic development is a strategic priority of Council which includes the establishment of a joint committee for regional collaboration.

Budget/Financial Implications

N/A

Climate Change/sustainability

Climate action is a strategic priority of Council including the development of a fixed transit route to Osprey Village.

Inclusion Diversity equity and Accessibility (IDEA@MODL)

N/A

Strategic Communications

N/A

Work plan

Department's work will shift to support the new regional committee.

Alternatives

N/A

Conclusion

Given the pending establishment of a regional planning and economic development collaboration committee, the work of the ITC will move to the regional level. As such, it is recommended that Council dissolve the Internal Transportation Committee.

Report Preparation	
Department	Planning & Development Services
Report Prepared by	Jeff Merrill, LPP, MCIP, Director
Report Approved by	
Date Reviewed by C.A.O.	

Copy

Municipality of the District of Lunenburg

Terms of reference

Committee: Internal Transportation Committee	
Effective date: December 14, 2021	Amended date: N/A

Title

- 1 This terms of reference is titled the **Internal Transportation Committee Terms of Reference.**

Definition

- 2 In this terms of reference,
 - (a) “Committee” means the Internal Transportation Committee of the Municipality; and
 - (b) “transit service” means a public transportation service as stated in Section 55 of the **Municipal Government Act.**

Administration

- 3
 - (1) Municipal Council establishes a standing committee under the authority of Section 24 of the **Municipal Government Act.**
 - (2) The purpose of this Committee is to advise Municipal Council respecting a transit service in the Municipality, such as
 - (a) the type of vehicles to provide the transit service;
 - (b) the operation of the transit service; or
 - (c) providing financial assistance to a person who undertakes to provide the service.
 - (3) The duties of this Committee is to recommend Municipal Council on
 - (a) developing transit initiatives that support the residents and businesses of the Municipality;
 - (b) coordinating communications to the public and to other municipalities;
 - (c) updating the Municipal Council on the transit service; and
 - (d) fulfilling other transit-related activities as the Municipal Council directs.

Membership

- 4 The membership of the Committee must consist of 4 councillors and the mayor as an ex officio member as defined in Section 5 of Policy 002.

Appointment

- 5 (1) The terms of Committee members are one year.
- (2) Under subsection 2.3 of Policy 002, the Nominating Committee appoints the members of this Committee.

Officer

- 6 (1) The Committee members must, at their first meeting after an annual appointment by Council, elect a chair and vice chair.
- (2) The chair shall preside at all Committee meetings, and the vice chair must act in the absence, inability, or vacancy of the chair.
- (3) The maximum number of consecutive terms that an officer holds is unlimited.

Meeting procedure

- 7 (1) A Committee meeting occurs every third Wednesday of a month.
- (2) A Committee meeting must be governed in accordance with Policy 001.

Staff support

- 8 The Director of Planning & Development or their delegate is the primary contact for the Municipality, and may assign a staff member to
 - (a) circulate an agenda and minutes of the Committee meetings;
 - (b) conduct research related to an item on the agenda;
 - (c) implement and report on identified transit projects; and
 - (d) present on behalf of, and as requested by, the Committee.



Community Hub Engagement

Council Meeting

Date: April 22, 2025

Prepared by: Colliers Project Leaders

Document ID: P0802-621449437-60



[Welcome to Osprey Village - Lunenburg District](#)

Osprey Village – Community Hub Project Profile



Overview

A destination for wellness, connection & innovation. The facility will be home to Lumia Health Total Care Collective (collaborative healthcare space) and a community hub.

Community Hub

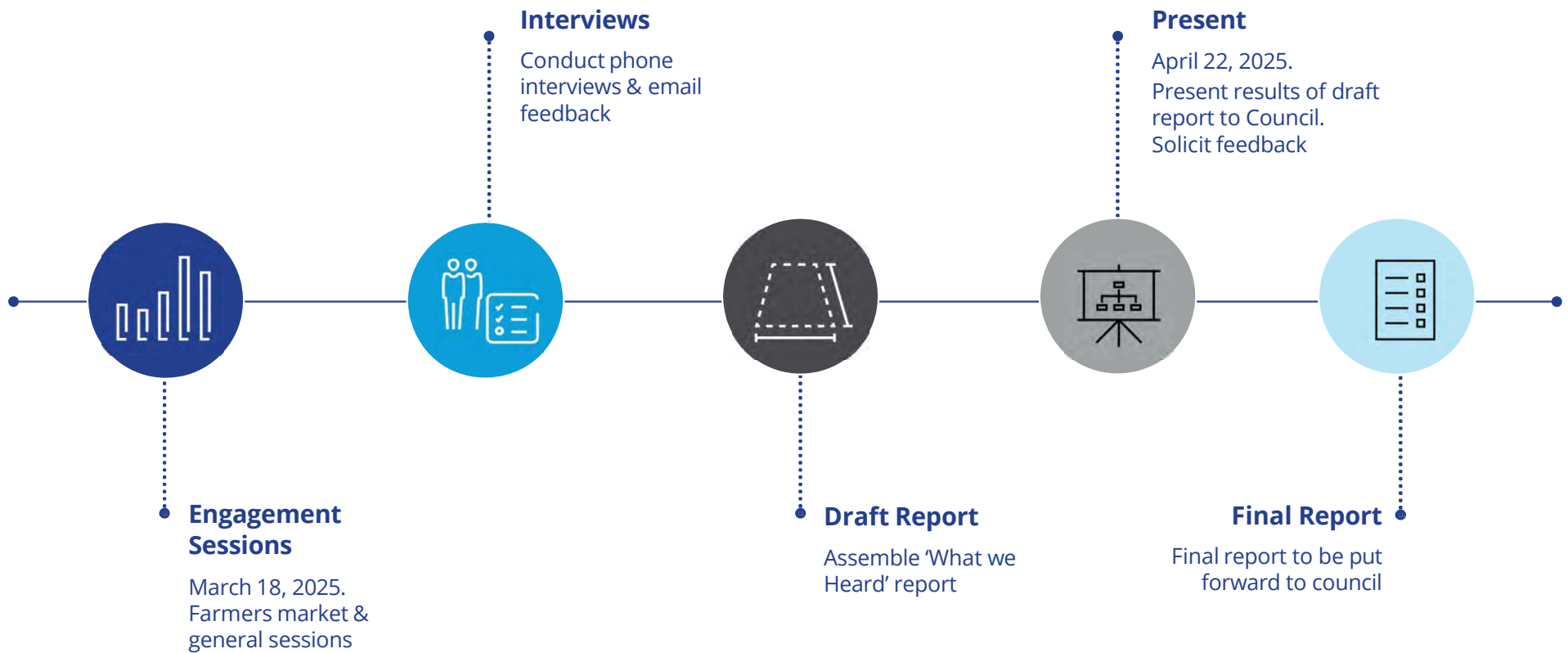
- Shared indoor space
- Use by community orgs, groups, and members
- Space for up to 200 people
- 13,500 sq ft (upper-level offices, downstairs café, boardroom, commercial kitchen, and community/event space)
- Target completion Q2 2026



Welcome to Osprey Village - Lunenburg District

Community Hub Engagement

What we did





Engagement Activities

Two Engagement Sessions

- Both took place March 18, 2025
- One session for farmers market interests (approximately 14 participants)
- Second session for general interests (approximately 30 participants)
- Councilors attended both sessions

Stakeholder Calls

- Conducted by DOL
- Responses collected from 9 stakeholders

Email Feedback

- Provided by some users in response to invitation to attend the engagement sessions



What we heard

Recommendations

- 1 Do not pursue net new farmers market**
Potential market saturation, lack of stakeholder consensus
- 2 Rentable commercial kitchen & cold storage**
Investigation options for rentable kitchen and cold storage space
- 3 Flexible, rentable community/event space**
Strong, broad-based support from stakeholders.
- 4 Co-working space & boardroom facility**
Demonstrated shortage of such spaces in the DOL. Explore options to meet the demand for this type of space.
- 5 Targeted consultations**
Conduct follow-up consultations with interested non-profits to secure usage commitments.
- 6 Governance structures & booking systems**
Develop these collaboratively with potential users to ensure the space meets community needs. This community asset will assist non-profit & community groups.
- 7 Communication**
Maintain ongoing communication with stakeholders to sustain momentum and community engagement

What we heard

Opportunities and Challenges

Opportunities

- High-traffic, central location in Osprey Village
- Modern, indoor facility, year-round operation
- Access to commercial kitchen & cold storage
- Modern amenities (Wifi, electrical outlets, etc)
- Proximity to HWY 103
- Future public transit access

Challenges

- Need to develop usage governance
- Operating costs and pricing model to be developed
- Distance concerns for organizations outside Cookville





Project
Leaders

Thank you



DOL Community Hub Engagement Final Report

April 14, 2025

P0802-621449437-58 (1.0)



ACKNOWLEDGEMENTS

Client:

District of Lunenburg
Dave Waters - Director, Economic Development

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1.0 Executive Summary

The Municipality of the District of Lunenburg (DOL) engaged Colliers Project Leaders (Colliers) to facilitate stakeholder consultations for the planned Community Hub within the new Lumia Health building in Cookville, Nova Scotia. The objective of the consultations was to understand how the community envisions using this 13,500-square-foot facility and to validate the findings of the previous feasibility study. Colliers conducted two (2) targeted engagement sessions in March 2025: one focused on farmers market operators and another for general community stakeholders. These sessions were supplemented by individual interviews and email submissions that were facilitated by DOL.

This report recommends that the Community Hub space be used for a mix of rentable community space including an event space, a co-working and/or administration space, a bookable boardroom as well as including a commercial kitchen space to support an onsite café as well as event activities. There is significant demand for these uses which will benefit both community organizations and their members.

1.1 Farmers Market Engagement

Consultations were performed between October and November of 2021 for the initial feasibility study phase for the DOL Community Hub. One of the planned uses for the proposed building was a farmers market, along with a community kitchen and administration space. The design of the building has changed substantially since 2021, and it is understood that community needs may have changed since the original engagement. For that reason, the DOL requested that the desire for a farmers market in the proposed building be revisited.

The farmers market session had approximately 14 participants, who expressed a variety of opinions on how farmers markets operate best, and whether Osprey Ridge has the potential to host a successful one. Some of the feedback received included:

- Opinion was divided on establishing a new farmers market at the Community Hub
- The majority position indicated the region is already saturated, with at least seven existing farmers markets in the surrounding region
- Some producers advocated centralizing regional markets at this location. Consensus is unlikely to be reached on this item
- Concerns included schedule saturation, increased labour demands for vendors, and potential competition with established markets

Table 1 - Farmers Market Pros and Cons

Opportunities	Challenges
High-traffic, central location in Osprey Village	Market saturation (seven existing markets in the region)
Modern, indoor facility with year-round operation	Competition with established markets
Potential to centralize multiple markets	Limited available days (most weekdays already taken by other markets)
Aligns with "buy local" consumer trends	Fixed labor costs for vendors (setup/shutdown) at each additional market
Access to commercial kitchen and cold storage	Governance challenges (balancing primary vs. secondary producers)
Proximity to Highway 103 for visibility	Lack of consensus among producers
Future public transit access	Potential to spread vendors too thin across

	markets
Modern amenities (Wi-Fi, electrical outlets, etc.)	May require establishing new market organization

This report does not recommend pursuing a farmers market in the community hub. Many of the “opportunities” of the farmers market could support other food related initiatives. Some ideas mentioned include:

- Commercial kitchen space, which is currently limited in the South Shore region
- Rentable cold storage for local producers
- A "buy local" store model or Community Supported Agriculture pickup point
- Potential for food courts featuring locally produced food

Final design will ultimately dictate the suitability of any of these initiatives. However, support for the Community Hub to help food insecurity was echoed across both engagement sessions.

1.2 General Community Interest

The second session on general community interest had approximately 30 participants. Overall enthusiasm was high for this space, provided that it is flexible and affordable for non-profit organizations.

Opportunities	Challenges
High demand for flexible, affordable community space	Need for clear governance and usage policies
Central location with future public transit accessibility	Distance concerns for organizations outside Cookville
Supports diverse community needs (cultural, social, educational)	Operating costs and sustainable pricing model challenges
Filling the gap for evening and weekend activities in the region	
Potential for mental health and addictions support services	
Multi-purpose functionality (events, meetings, workshops)	
Boardroom space meets demand for meeting facilities	
Commercial kitchen supports food security initiatives	
Opportunity for business incubation and co-working	
Performance and practice venue for local musicians and cultural groups	
Support for multicultural events and community celebrations	
Potential for fundraising events like yard sales	
Could serve some emergency community needs (warming/cooling station/water supply)	
Tourist information center potential due to highway proximity	
Potential synergy with adjacent green spaces	
Addresses demonstrated need for community connection spaces	

Due to high enthusiasm for this space from non-profits and potential users, **this report recommends pursuing a mix of rentable event space, bookable office/co-working/boardroom space, and rentable commercial kitchen space** to provide flexible space for a wide variety of organizations and purposes.

1.3 Recommendations

- **Do not pursue a net-new farmers market** for the Community Hub due to potential market saturation and lack of clear consensus among stakeholders
- **Retain the planned commercial kitchen space** to broaden the potential applications for the space for both general community use and to support food producers
- **Focus on flexible, rentable community space** which received strong, broad-based support from stakeholders
- **Prioritize co-working spaces and boardroom facilities** to address the demonstrated shortage of such spaces in the DOL region
- **Conduct targeted follow-up consultations with interested non-profits** to secure usage commitments
- **Develop governance structures and booking systems** collaboratively with potential users to ensure the space meets community needs
- **Maintain ongoing communication with stakeholders** to sustain momentum and community engagement

2.0 Introduction

The Lumia Health building, a planned new development in Cookville, NS, will be a destination for wellness services, connection, and innovation in Nova Scotia's South Shore. Cookville is located in the Municipality of the District of Lunenburg (DOL). Situated in Osprey Village, a growing commercial hub just off Highway 103, the new facility will provide a space that integrates healthcare services, alternative healthcare offerings, and community programming. The entire building will span approximately 13,500 square feet, incorporating an upper-level office area and a ground floor featuring a café, boardroom, and commercial kitchen. Osprey Village offers a mix of retail, residential, and business opportunities, along with essential services and amenities such as free parking and high-visibility commercial spaces.

In addition to other tenants, the Lumia Health Total Care Collective will host the Community Hub, which is the focus of this project. The Community Hub will offer a shared indoor space for various community groups, organizations, and members. The Hub itself will be able to accommodate up to 200 people and can support a wide range of activities, from meetings and workshops, markets, cultural events, and social gatherings. The target completion date for the building is Q2 2026.

To ensure the Community Hub meets the needs of future users, Colliers Project Leaders (Colliers) facilitated stakeholder engagement on behalf of DOL. This included two (2) in-person engagement sessions to gather interest in and ideas on how the space could be used, what amenities would be needed for those uses, and any challenges or opportunities with the new space.

This report summarizes the engagement process, outlines key findings, and provides recommendations to guide the next steps in planning the Community Hub's programming and operations.

2.1 Background

The Community Hub is a component of the Lumia Health Total Care Collective, which is itself an aspect in the broader plan to improve the Osprey Ridge development called the Osprey Ridge Beautification and Enhancement Plan. This plan seeks to transform Osprey Ridge into a more welcoming environment, with increased green space, improved sidewalks, increased pedestrian and active transportation access, street furniture, and public art.

By connecting the Osprey Ridge development's proximity to the community of Cookville and the LaHave river, the plan seeks to merge its popular commercial development with a broader community-oriented approach. Consultations related to this plan were held in late 2024 to early 2025.

The proposed building design has undergone significant change from when it was first conceived. The original building was planned to include a farmers' market and was designed to have a more rustic feel to match that anticipated visitor experience. The new design is more modern and focused on the needs of its future healthcare and alternative healthcare tenants. Community needs are also expected to have changed, and this consultation seeks to identify how this space can best serve the residents of the DOL in 2025 and into the future.

2.2 Project Overview

Colliers was engaged by DOL to facilitate targeted stakeholder engagement for the new Municipality of the District of Lunenburg Community Hub. This engagement had two main focuses: reengaging farmers market operators and engagement with the broader community.

First, Colliers sought to re-evaluate the interest of the farmers market community to participate in a market at the community hub, which was one of the original intended uses for the hub, and secondly to understand the interests of other operators and organizations in the region.

Several farmers markets already exist in the region and more have been started or have gained maturity since the original consultations took place in October and November of 2021. Existing farmers markets include:

- Bridgewater Farmers Market
- Lunenburg Farmers Market
- New Germany Farmers Market
- Blockhouse Farmers Market, in Waldorf School
- Chester Farmers Market
- Hubbards Farmers Market
- Liverpool Farmers Market

Given the number of farmers markets both within and adjacent to the region, the value of an additional farmers market required input from operators and suppliers to gauge its viability.

To support this, a farmers market engagement session was held to speak directly to operators (farmers, food producers, bakeries, etc) in the region. DOL provided and managed the invite list for this session. It included known operators/operations in the municipality.

DOL felt it was important to have a dedicated session for the farmers market to focus the discussion and input, keep targeted and specific communications with the right audience, and to give operators in this sector the opportunity to engage directly with their peers' and colleagues' ideas related to this possibility.

The second engagement session was a general session and was opened up to a wider variety of organizations, makers, and operators. DOL provided the invite list for this session, and it included a wide variety of invitees. Details on those invited are included in Appendix 3

2.3 Project Objectives

The objective of this project was to evaluate and understand how the local community could use the future Community Hub. By understanding how the community envisions using this space, DOL can begin determining how this community space will be operated, policies informing space use, and what amenities are included in the final space set-up.

The engagement sessions were designed to gather transparent and honest perspectives from participants, ensuring that the voices of key stakeholders were heard. Specifically, the project aims to:

- Assess overall interest in the community hub and explore how different groups would like to use the space.

- Understand feasibility and operational considerations that would support organizations and operators using the space, such as what services the groups would be interested in providing, preferred frequency, and facility needs.
- Identify perceived barriers and opportunities related to accessibility, amenities, governance, and financial considerations.
- Gather specific feedback on facility requirements, such as infrastructure needs (e.g., refrigeration, overhead doors, commercial kitchen, flexible seating).
- Maintain a constructive, solutions-focused dialogue, helping discussions to center on practical and achievable outcomes for the Community Hub's successful operation.

This report summarizes the key findings from the engagement process, providing insights that will inform the planning, programming, and the operational model of the Community Hub.

2.4 How the Engagement Information will be Used

Information gathered will help to inform the requirements around FF&E, operational readiness, financial considerations and lease commitments for the space. As the lessee, DOL has many options for how the space will be operated, made available, and how expenses will be shared between DOL and users. Getting these details right will increase the value of the space to the community, increasing the overall benefit to residents of the region.

This report will serve as an important input to planning the space, including but not limited to:

- Developing and updating cost and revenue projections
- Exploring potential funding opportunities and major partners who may help support expenses related to the space
- Inform how the space will be partitioned between user groups both long term and *ad hoc* users.
- Support decisions related to what equipment and fixtures will be available onsite
- Inform any future consultations or specific engagements that will become necessary as the space is constructed and is eventually opened to public use.

This report and its findings are to be presented to Council, who will then review and evaluate next steps. While support for the Community Hub is high, there is outstanding work to be completed to determine how the space should be allocated as well as the desired spaces to be included.

3.0 Engagement Process

Recognizing that engagement had happened on this space before, Colliers sought to engage stakeholders in a focused manner to support the existing body of evidence DOL already has on how this space could be used. The two (2) primary engagement sessions were supported by a collection of individual interviews. Groups that were not able to be reached by either of those methods were invited to submit any comments they had by email. This section summarizes these approaches and how they were synthesized into our findings.

3.1 Approach

3.1.1 Scheduling and Planning Support for Engagement Sessions

Colliers and DOL collaboratively planned for two sessions to engage the community. After reviewing previous consultations, their outputs, and discussing developments in the community since the last consultation occurred, it was determined that the best approach would include two sessions. One session would target farmers market operators specifically, to gauge whether that possibility was of continued interest. The second session would invite broader interested parties from the community, including non-profits, institutions, and societies, to hear what alternative uses for the space may exist.

Invitations were issued March 5th, 2025. The invitee list was developed by the DOL and shared with Colliers and was determined to represent a broad and diverse range of community interests who might use the space in the future.

The DOL arranged for a space at the Best Western Plus, Hotel and Convention Centre, located in Osprey Ridge and adjacent to the new development.

3.1.2 Development of Engagement Materials

To support the engagement, a series of questions were developed for the main engagement sessions. The questions for both sessions were similar but modified slightly to account for the different audiences. The questions are included as Appendix 1.

Colliers developed a series of interview questions that reflected the same topics as the engagement sessions but were modified to account for the different format. DOL conducted the interviews once the engagement sessions had concluded, roughly over the week of March 24th, 2025.

Several community members submitted their responses freeform to the invitation. These were reviewed and informed the sections of this consultation where their comments best fit.

3.1.3 Session Design and Facilitation Approach

Sessions were intended to be a freeform discussion but were designed to be flexible, depending on the number of attendees at each session. Colliers traveled to Bridgewater from Halifax for the day to conduct the sessions. Session attendance and engagement were strong, which permitted the sessions to go forward as planned—as a freeform, open-ended discussion guided by the questions included in the slide deck.

At the farmers market engagement session, Colliers asked questions such as:

1. What does a successful market look like?

2. What are good things to have available at a farmers market?
3. How could this market be financially viable?
4. Operational considerations questions.

At the general engagement session, Colliers asked questions such as:

1. Would you be interested in participating in a space at the new hub? Why or why not?
2. How would you potentially use the space?
3. What are the barriers to getting an initiative like this off the ground?
4. What operational supports would be necessary to ensure success?



Presentation of the Farmers Market Engagement

A full outline of all guiding questions is included as Appendix 1. Generally, consultation findings are not organized by responses to these questions, one to one. Engagement session participants were eager to discuss and flowed between topics. While the guiding questions helped ensure that every topic was ultimately discussed, they did not rigidly define the facilitated conversation. Consultation findings are presented wholistically to best represent the overall thought process of participating community members.

3.1.4 Follow-Up Outreach

Some businesses, groups, and individuals were invited to participate but were unable to attend an engagement session. Specific groups that were shortlisted for engagement were invited to be interviewed by phone by the DOL. A summary of the questions asked to suit the format of a phone interview are included as Appendix 2. Some groups were unable to make this interview or preferred to respond by email. The summary of consultation is generally organized around the engagement sessions, but comments and feedback from follow up engagement are included where more relevant to produce a wholistic and fair representation of all perspectives heard, without biasing towards those who were able to attend an engagement session.

4.0 What We Heard

Community engagement was strong, and significant feedback was received on the future for the Community Hub. Overall, respondents believed that the proposed space holds great promise, but were predictably divided on how it could be used. Some interest in a farmers market remains, but is the minority perspective, with a number of concerns being raised related to oversaturation of farmers markets in the region, and the appropriateness of the space in its present design. General community interest is high but depends on a number of factors. Some factors are intrinsic to the space, including cost, accessibility, equipment and facilities on-site, operating hours, and the flexibility of the space. Other factors were extraneous to the space, including availability of public transit and community demand.

The following sections outline what was discussed during the sessions. What was heard during phone interviews and e-mail comments submissions were broadly aligned with what was heard during the sessions. Ideas that were heard outside of the sessions are included here to present them side-by-side with what was heard during the session.

4.1 Future as a Farmers Market

Evaluating the potential use of a farmers market in the proposed Hub had two steps. First, determining if there was demand for such a space. Second, if there was demand, whether the Community Hub met the requirements to host a successful farmers market. Lastly, if there was no demand, how else could this space support people who work in agriculture and food production. Overall, Colliers found:

- Select participants displayed interest in centralizing farmers markets in the region, as it is labour intensive to attend more than one in a week
- Producers would also like to operate in spaces with more modern amenities, like strong wireless internet and easy loading and unloading space
- However, there is very little support for any individual farmers market closing or moving, or another farmers market that competes with the ones that already exist
- Given that, there is low support for the Community Hub becoming a farmers market
- There is much stronger support for rentable commercial kitchen space that can be used to produce secondary food products that could be retailed at existing farmers markets

4.1.1 What Makes a Successful Farmers Market?

Market Success Factors

Participants had a developed and insightful discussion about what makes a farmers market successful. There were various opinions on what constitutes the ideal farmers market, either from a consumer or a supplier perspective. Different types of suppliers benefit from different forms of farmers market, and design and governance decisions in the standing-up of a market can make a great difference in whether that market is successful.

Vendor Categories

Farmers market operators can be divided into several different categories. These categories have overlap but represent broadly the sorts of suppliers that tend to be tenants at markets. They include:

- Primary producers, who work in agriculture and sell produce and foodstuffs ranging from fruits and vegetables, grains, meats, seafood, honey, and dairy products.

- Secondary producers, who produce added-value commodities that take (usually local) agricultural inputs and process them to some degree. This includes canned or jarred goods, like jams, jellies, chutneys, and pickles; pre-made meals, like pies, salads, perogies or dumplings; and baked goods, like breads, rolls, cakes, and tarts. This can also include businesses that provide amenities like coffee and tea, hot meals, ice-cream and desserts, or similar products intended to be consumed on-location.

In addition to food related services, farmers markets also attract artisans. Artisans may produce visual art, garments, woodcrafts, candles, metalwork, or any of a number of items of craftsmanship that are produced locally—sometimes but not exclusively with locally produced inputs. The subject of artisans was not deeply explored during the session but was noted as another sort of secondary producer.

Different Vendor Needs

The needs of these producers are different. It was agreed that both sorts of producer contribute to public interest in attending markets, but it was noted that they have different interests. Primary producers wish to sell their products and do so in an efficient and streamlined fashion. They favour a quicker turnaround for customers that permits time to build a relationship with their customers, but where loitering is not directly encouraged. It was perceived that when farmers markets offer too many amenities, that customers may stay longer on-site without spending more on produce. If customer turnaround time is too long, the space may become full, and new customers may not arrive to make purchases. In short, they want farmers markets to operate more like grocery stores and less like coffee shops.

Ideal Market Composition

When asked what the ideal makeup of primary to secondary producers was for a farmers market, the general consensus was about 70% to 30%, primary to secondary producers respectively. While the category of primary producers is relatively clear, secondary producers exist on a spectrum. Alcohol producers, for example, offer a secondary product that may be produced with grapes that are grown on-site—while a beer or cidery may make their products with imports that are international (such as hops), national (grain grown out of province), or regional (apples grown in the Annapolis Valley).

Amenities and Target Audiences

Because of the different interests of different types of producers, some amenities discussed were controversial. For example, having live music is often appealing to visitors, whether local or tourists, but is divisive among primary producers. Secondary producers may market more to tourists, who might purchase a bottle of wine or a handicraft, versus primary producers who are competing with grocery stores and target local consumers.

If a farmers market is to be successful, it must have a vision to what its intended customer is, and a governance and pricing model that reflect the realities of the suppliers they are seeking to attract. For primary producers, an ideal farmers market is targeting local consumers. Producers can also be consumers. Participants noted that farmers may barter and trade between each other for goods, and benefit from a critical mass of producers that make their market a better substitute for a consumer who might otherwise go to a supermarket. Secondary producers can attract new customers but can also pivot the governance of a market away from what works best for primary producers.

Cost Considerations

Primary producers are cost sensitive to “table prices” and the space they are allocated at a market. Prices have increased in recent years, with reported rents sitting at around \$30-\$40 a table, per session. Rents in Halifax were cited as being as high as \$100-\$120 per session and often came with operational requirements that operators had to occupy their space every week or lose their lease. Table spaces are often limiting, as markets seek to fit more operators in to increase their total rents collected versus their fixed overhead costs. This can be discouraging to primary producers, as produce can be bulky and occupy more space proportional to prepared goods. This makes their businesses comparably less profitable versus secondary producers, which discourages their participation.

Critical Mass and Vendor Mix

Successful markets depend on a critical mass of operators being present to attract the customers required to turn a profit versus their rents. The numbers were disagreed upon but ranged from 12-30 operators. Certain types of operators were identified as boons to the overall market, with the potential to attract customers disproportionately to other operators, such as cheesemakers, fishmongers, and producers of alcohol.

Regional Coordination

Farmers markets generally coordinate within their regions to avoid direct competition, even if indirect competition is inevitable. The markets in the region are spaced out to occur on different days, permitting operators to attend multiple in a week if they choose. It was noted that there were markets running consistently throughout the week already, and that remaining days, like Monday, were intrinsically undesirable for conducting a market.

The consensus of the group was that farmers markets thrive in conditions of controlled competition and sector cooperation, which depends on governance that is aligned with its producers to ensure the correct makeup and business environment. If too many farmers market in a region exist, operators could be spread to thin relative to customers, and producers could be victim to a very literal market failure.

[4.1.2 Could Osprey Ridge Host a Successful Farmers Market?](#)

Market Saturation Debate

There is disagreement as to whether the market landscape in Nova Scotia’s South Shore region is saturated at this time. Several producers maintain that it is not, and that Osprey Ridge would be a convenient, centrally located place for operators to sell their products. It was noted that the proposed location is high traffic; it will have access to public transportation and has strong proximity to other businesses that residents will visit. However, many disagreed, and believed that having an additional farmers market would not support local producers who already have many markets they attend to meet their customers.

Facility Advantages

It was noted that the Community Hub could be designed with operator-friendly features that make it more desirable than present market locations. Increased table space, high access to electrical outlets, high access to handwashing and hygiene stations, dedicated wireless internet to support Point of Sale terminals, and easy loading and storage could make Osprey Ridge a competitive location for a farmers market. It was further noted that farmers markets often take what space they can get, and that some

alternative markets are in suboptimal locations, either for customer access or for having modern amenities.

Competing Perspectives

Some participants believed that the Osprey Ridge location could be a farmers market and could do so at no expense to other existing farmers markets, taking the position that the market was not saturated. Others believed that Osprey Ridge could be a successful market by superseding existing markets, and that this is a good thing that would increase revenues to participating producers. The latter opinion was, in particular, expressed by several producers. These producers see the existing multitude of farmers markets that are spread out between DOL and its adjacent and enclave communities as each having too few customers to be attractive. Given an option between attending multiple farmers markets: they would choose to centralize the markets and attend just one.

Centralization Potential

If it were possible to centralize at least a few of the farmers markets in the DOL and its adjacent and enclave communities, it is reasonable to hypothesize that this would be favourable to producers—who face fixed set-up and shutdown time and expense, rents, and travel costs to attend multiple markets and meet customers who are spread between them. However, without any desire or agreement regarding cooperation between these organizations to centralize, it seems unlikely that these organizations would reach consensus. If standing up one additional farmers market results in there being one more market that farmers feel they must attend to meet their customers, this exacerbates rather than improves the problem of barriers to market access.

Against the Idea of a Farmers Market

Many took the position that the market is saturated, and that attempts to stand-up a new farmers market would harm existing operations to the detriment of producers. This was the majority position in the room. There was some appetite to whether the building could serve as a winter location for another farmers market, as the majority of regional farmers markets are seasonal and restricted to the summer and fall (with the exception of holiday markets that tend to target different suppliers.) However, that would likely involve extending space to an existing market and their governance, this option would require deeper conversations with farmers market organizations than was within scope for the sessions. Providing a space for a winter farmers market would not require establishing a net-new organization to manage the space for that use.

Path Forward

Support for a farmers market was not significant, but it was strong among a few of the session representatives. However, there is a clear lack of positive consensus among producers. If the DOL wishes to advance with the idea of a farmers market, then more discussion is required to build consensus. At a minimum, it would require opening constructive dialogue with neighbouring farmers markets to gauge support for cooperation without undoing or competing directly with or repeating effort by other organizations.

4.1.3 Alternative Uses for the Community Hub for Producers

While the concept of a farmers market was divisive, it was broadly agreed that facilities at the Community Hub could support producers in other ways instead of a farmers market.

Rentable Kitchen or Support Space

Commercial kitchen space is sparse in the South Shore. Regulatory hurdles for being approved are perceived as burdensome, and while there are spaces in locations such as fire halls or community centres that might be suitable if approved, few organizations have sought out the necessarily permitting to be able to offer this service. Demand for commercial kitchen space appears high, with many secondary producers citing that making items, such as preserves, requires ample permitted space that is hard to come by.

Demand also exists for rentable cold storage. Walk-in fridge and freezer space is even more difficult to come by than kitchen space and could support local producers of non-shelf stable goods. Space could either be rented out on its own or would support any food-related enterprises hosted within the Hub.

Other Uses

Producers discussed alternative options to a traditional farmers market such as a “buy local store” which features local goods and produce that were sold by an intermediary rather than by the producers themselves. It was also suggested that the Community Hub could serve as a drop-off point for Community Supported Agriculture (CSA). A CSA could be minimally staffed, operate during convenient hours, and provide an opportunity to attract customers without the labour hurdles that farmers markets impose on producers. A food court for locally produced food was also discussed. Overall, even if a farmers market is not pursued, there was broad support for supplementary uses which promote local food production and address food security in the community.

4.2 What else Could the Community Hub be?

The second session was open to a broader cross-section of local not-for-profits and community organizations and was not limited to food and agriculture organizations. Participants came from a variety of backgrounds, but non-profits represented the majority of the attendees. As intended, the second discussion was more general, and was focused on understanding how the space could be used rather than whether a particular event such as a market would be appropriate.

Interest in the Community Hub for this session extended beyond interest in the general event space. Significant interest was also noted for the boardroom space, as it was noted by participants that there was unmet demand for a bookable meeting space in Bridgewater. However, the majority of discussion focused on the potential use for the main event space.

Overall, Colliers found:

- There is very high support for generic rentable event space that is open outside of regular business hours
- There is a clear community need for activities and things for families to do in evenings and on weekends, and the Community Hub is viewed as a potential way to support this
- There is strong support for co-working space, bookable office space, and boardroom space.
- Both sessions signalled support for commercial kitchen space to be available

4.2.1 Ideating what the Community Hub could be

Flexible Space

Demand was clearly noted by the community for a new, flexible space that could serve a variety of organizations and events. Local music groups expressed a desire to use the space for rehearsing and performing. The local Multicultural Association was interested in the space being set-up to host larger cultural events for diverse audiences, and in particular expressed interest in rentable kitchen space to facilitate feeding large crowds. Lunenburg Pride noted that their community needed rentable space that was accessible and flexible to host events. A representative from the Special Olympics noted that they could see the space being used for athletic events and training, noting that their sports usually did not require full gymnasiums or high ceilings. A local homeschooling group saw interest in the space to host educational events for their children. Multiple participants saw this space as having great potential for fundraising events such as yard sales.

Wellness Space

Healthcare related needs were discussed. A need was identified for counselling, support, classes, and meeting space to support people living with addictions and mental health issues. These uses would be harmonious with the planned healthcare presence for the building, and Lumia is actively seeking tenants in both the healthcare provider and alternative healthcare provider space.

Entrepreneurial Support Space

Ways to support local commerce and entrepreneurs were discussed at length. Noting that the space was already planned to support a café, use by local professionals and businesspeople would be further supported by providing quiet touchdown spaces where someone could take a phone call or meeting. As Bridgewater has experienced an influx of remote workers, co-working space would be a way for the Community Hub to bring new and existing workers from diverse industries together to work in parallel and

to network. Beyond co-working spaces, it was suggested that a dedicated business incubator space could support local entrepreneurship and support the local economy. Cooperation with NSCC was suggested, and interest in space for people to work and create collaboratively was identified as an idea worth exploring.

Food Security Space

The subject of the commercial kitchen space was raised in both sessions. However, the topic of a farmers market was not raised in the second session. Food security was noted as a matter of public interest, and the Community Hub could support, in partnership with existing non-profits, community pantries and culinary and food literacy training for the community.

Community Resource Space

Suggestions were made that the building could be used in emergency situations. While it was noted that the building would not be designed to be an emergency shelter, which would come with particular building requirements that are out-of-scope, the building could serve as a warming or cooling shelter during extreme weather and provide a supply point for water for individuals not connected to the town's water utility.

Due to the building's proximity to the highway, it was noted that the Community Hub could potentially support a tourist information centre to direct visitors to local attractions, businesses, and sight-seeing destinations.

Outdoor Space

While exterior amenities are not strictly within scope for the Community Hub, some additions to the outdoors space were suggested. Ideas included a children's playground, external seating, and alignment with any adjacent parks and greenspace. Some participants indicated that rentable space to store equipment for events and activities in the community (not necessarily occurring at the Community Hub) would also be of value.

Design Requirements

Overall, participants need a space that is warm, welcoming, and modern. It should be equipped with up-to-date technology, like strong wireless internet and audio/visual support, and enable community groups to host a variety of events and activities. That flexibility will alleviate some of the identified public needs and serve to enrich life for residents of the DOL and adjacent communities.

4.2.2 Ensuring the Community Hub is a Success

Affordability Considerations and Hours of Operation

For the Community Hub to be a success, it must be accessible and affordable to those seeking to use it. The space at NSCC was discussed and it was noted that due to NSCC's labour requirements, they are unable to offer their facilities at all times where demand exists—in particular outside of regular business hours. Due to contracted custodial and security requirements, there is a cost for using NSCC's spaces that make them inaccessible to many non-profits. A representative from NSCC indicated they receive significant demand that they are unable to meet and would be pleased to direct such demand to a more suitable and flexible space.

Concern was raised over the region's general lack of options for activities in the evenings, in particular for youth and families. Ideally, the proposed space would serve to meet these needs and provide an appropriate setting and activities outside of business hours.

Frequency of Use

An informal poll of the room was conducted to determine how frequently attendees imagined their organization using the space. Few participants raised their hands when asked if they would use the space weekly. More participants signalled that they would be interested in using the space monthly or approximately once every two weeks. Most participants indicated that their interest in the space was strong, but ad hoc.

Flexible Space Design

It was recommended that making the space subdividable with movable walls would permit it to accommodate multiple users at one time, or when the default space layout would be too large for a planned event. One response indicated that having dedicated admin space that could be booked for those organizing a space, but is separate from the event space, would be useful.

Consistent throughout the sessions was having ample space for loading and unloading of necessary equipment to host events of any kind. While there is hope for some on-site storage, whether it is goods and produce, risers for performances, seating, audio/visual equipment, or items to be sold at a fundraiser, having easy to use loading and unloading areas and building access was identified as essential.

Accessibility

Accessibility is more than just ensuring the building meetings the accessibility standards as defined by the building code. Given the building location, participants noted that it was important to provide transportation options for those who do not have access to a personal vehicle. The anticipated expansion of public transportation to the area was received positively and would help mitigate this issue.

Considerations for users with sensory disorders as well as visual and auditory disabilities were noted including dimmable lights, quiet HVAC systems and clear signage, including braille lettering. Gender inclusive washrooms were raised as an important aspect of ensuring the building is inclusive and safe for all users.

Amenities and Systems

Participants noted some interior design and amenity requests included having public art displays, ample lighting, and audio-visual event support. An online booking system was also strongly supported by many participants.

Governance Model

During the general engagement, the Mahone Bay Centre was flagged as a good example of an accessible space that is easy for non-profits to book and use, and whose mission and values align with their users. While governance and management were not deeply examined during the session, both the session and discussions outside of the session emphasized that spaces such as the Community Hub should be intentional and responsive in their policies, operating procedures, and how the spaces are allocated and accessed. Participants noted that anti-discrimination policies, policies related to cleanliness of the space, and acceptable use of the space would ensure that the Community Hub is used within its intended scope of activities.

5.0 Summary of Consultation Findings

The following tables provide a general summary of the findings of the consultation process including the sessions, interviews and e-mail comments. They are provided thematically for ease of reference.

5.1 Perceived Challenges and Concerns

Challenges and concerns were largely raised regarding the space’s feasibility as a farmers market. Some concerns were raised about how the space would be set up for more general use. These concerns and challenges are outlined below.

Perceived challenges and concerns		
Topic	Description	Source
Schedule saturation	New markets in the region have rolled out on different days of the week to intentionally avoid competing with already established markets. It was communicated that there are no days remaining (with the exception of Monday) that would not compete with existing markets.	Farmers market
Labour demands	Each farmers market attended comes with a start-up and shut-down labour cost that is fixed. In addition to these costs, increasing the number of markets attended by farmers reduces the time that they have to work their properties.	Farmers market
Ratio of primary to secondary producers	The model of having a farmers market operate like a coffee shop was indicated as being frustrating to some, as consumers aren’t necessarily spending more money even if they are spending more time in attendance at the market. This dynamic can potentially discourage additional customers from attending/entering the market.	Farmers market
Governance alignment	Farmers markets can be more or less aligned with producers’ interests depending on the ownership, governance, and lease arrangements with the building and operational decisions. For a farmers market to be successful, its prices, hours of operation, and operational decisions must be aligned with its producers, suppliers, and participants. Governance for general use was a less pronounced issue but should still be considered.	Farmers market. general engagement
Location	Some organizations may not perceive Osprey Ridge as sufficiently local to their community, which may limit the number of interested organizations who do not want to ask their participants to drive beyond their village/town borders.	Interview
Policies for use	There was some concern that policies should be set up to ensure that the space is inclusive, including anti-discrimination policies.	General engagement

5.2 Perceived Opportunities

The following table outlines the potential opportunities related to the proposed building.

Community hub perceived opportunities		
Topic	Description	Source
Centralization of farmers markets	While no agreement on cooperation has been reached, several operators believe that their operations would be more profitable if they could meet their customers at one centralized market with more modern amenities, rather than traveling to several decentralized markets.	Farmers market
Shop local	Selling farm products at the community hub supports more local purchasing habits. This could take the form of Community Supported Agriculture, a “buy local” store, pop-up restaurants or a food court that focused on locally produced food.	Farmers market
High traffic location	Osprey village is a busy, high traffic development. It is anticipated to continue to attract high volumes of visitors. Establishing a farmers market, or similar initiative, in a high-traffic area will help vendors to increase sales and interest in their businesses.	Farmers market
Green space synergy	There is potential to synergize with adjacent green space. It is unclear how much green space is planned for the area at this time.	General engagement
Central place for co-working, business incubation, and support	There was interest identified both for those working in food production and agriculture, and other fields, in developing coworking space and potentially business incubator space.	Farmers market, general engagement
Events outside of business hours	Participants noted that the DOL and adjacent communities have an absence of events for youth, families, and all ages outside of business hours. If the operating hours of this facility could accommodate these times, more opportunities could be created for these people.	General engagement
Space flexibility	The room at the Community Hub is a blank canvas, and community partners and non-profits can imagine a wide array of potential uses. Ensuring the space is flexible, including features like moveable walls and adjustable lighting is desired.	General engagement
Boardroom Use	Beyond the core event space, the rentable boardroom space offers a convenient place for community groups of all kinds, even beyond the non-profit space.	General engagement

5.3 Other Considerations and Proposed Alternative Uses

The table below summarizes the ideas identified during the consultations but should not be considered an exhaustive list of potential uses for the space.

Community hub considerations and alternative uses		
Concern	Description	Source
Community supported agriculture	Using the new community hub as a CSA drop off point was seen as a potential stressor by stretching existing supply too thin. However, a CSA initiative would facilitate access to fresh, local produce, supporting local farmers, promoting a sustainable food system, fostering community connections while making use of the new community hub space.	Farmers market
Small business incubator	The community hub could be investigated as a potential space for a small business incubator. Using the space as a small business incubator would have design implications.	Farmers market, general engagement
Merging of markets	Session attendees discussed whether smaller community markets throughout the district want to merge their farmers market interests into one market at the community hub.	Farmers market
Commercial/prep kitchen space	Commercial kitchen space is not widely available in the region. There is demand for and interest in commercial kitchen space that can be rented affordably as a place to provide training and produce product(s). Utilizing the community hub (or part of it) as a commercial kitchen would have design implications. It would provide extra work space for food preparation, storage, dish washing, storing appliances.	Farmers market, general engagement
Frozen/cold storage offering	There is demand for rentable frozen storage space. The community hub potentially has the space to house large freezers.	Farmers market
“Local store” approach	It was proposed that the community hub could act as a place for regional producers to sell their produce without having to staff a stand and without the burden of same-day set-up/shut-down activities. Self checkout options were mentioned as an option to reduce the required staff compliment.	Farmers market
Food court	Attendee(s) indicated that the community hub could be used as a location for a food hub focused on local food and food products.	Farmers market
Mental health, collaborative health, and community support space	The community hub may be a suitable space to offer mental health support services or other community health/ support serving functions.	Farmers market, general engagement
Co-working space	The community hub could be used as a co-working space for entrepreneurs or people working from home to take calls, meet, have coffee, etc. Should the space (or part of it) be used for this purpose, participants indicated a soundproof phone room	Farmers market, general engagement

	could be beneficial.	
Rentable boardroom	Space for organizations to rent to host larger meetings requiring typical boardroom setup (large table, office seating, AV, podium).	General engagement
Youth support space	Use the community hub as a space for youth activities, 'drop-in' for homework/lunch, etc.	Farmers market
Ticketed event space	Space to be made available for a variety of ticketed events.	Farmers market
General rental space	Rental space for multicultural initiatives, yard sales, fundraising events, birthday parties, etc.	General engagement
Pop-up restaurant space	The community hub could serve as a space available for pop-up restaurant initiatives in the community.	Farmers market
Music space for performance and practice	Rental slots to serve as a dedicated space for musical initiatives, either as a space to host performances or practices.	Farmers market, general engagement
Educational initiatives	Host educational institutions (community colleges, local schools, etc) for 3D printing workshop, NCC machine setup, learning gatherings.	General engagement
Family programming	Child, youth and family programming was identified as a current gap in the community	General engagement
Addictions support	Space for addictions support, education, and programming	General engagement
Warming/cooling station	Emergency use for warming/cooling in the event of adverse weather events. The space is unlikely to be suitable as an emergency space, as it has not been designed as an emergency shelter.	General engagement
Community water station	Community taps for drinking water when wells run dry could be installed at the hub.	General engagement
Play space	Play equipment/toys/space for young children.	General engagement
Tourist information centre	Given the Lumia building's proximity to the highway access, this could serve as a location for an information centre	General engagement
Educational space	The Community Hub could support educational events for a variety of school age children including homeschooling groups in different streams of education.	E-mail comment

6.0 Key Takeaways & Information Gaps

In summary, community interest in the space is very high. Many members of the community within and adjacent to the DOL have ideas for how they would use a space such as the Community Hub and are eager to see this project come to fruition. In this sense, the consultations demonstrate community alignment over the need for new spaces that are accessible to the community.

6.1 Common Themes & Areas of Agreement

Participants in both sessions identified commercial kitchen space, dry and cold storage, and supports for food security as matters of public interest that could be met by the Community Hub.

The Community Hub's location in a well trafficked area was viewed as positively supporting a number of potential uses, with anticipated public transit access further bolstering its accessibility.

Public spaces available in the DOL and adjacent communities are perceived as lacking in availability and amenities. Having high quality wireless internet access, ample electrical outlets, modifiable space, storage capacity, quality lighting, modern HVAC, and an overall clean and modern space were all seen as great assets to the community.

Beyond being a generic space for non-profits, there was particular interest across both sessions for offerings related to food security, such as Community Supported Agriculture, or a buy local store. There was also great potential identified to use the space to support mental health initiatives.

6.2 Differing Perspectives or Conflicting Feedback

The general session participants had very little disagreement. The DOL community and adjacent communities are eager to have a bookable community space that can meet a variety of their event space needs. Any disagreement for this space would be likely to arise only after the space had gone into operation. Preliminary concern was raised over methods for ensuring that community groups had equal access to the space and that policies around use of the space were in place and were followed.

Strong disagreement exists over the feasibility of a farmers market. Some producers believe that centralizing farmers markets in the region into one would reduce the expenses they face to gain direct market access to consumers, but absent any cooperation or agreement to centralize farmers markets, the benefits have having one additional farmers market are unclear and less certain.

7.0 Conclusion and Next Steps

Overall, community support and interest for the proposed Community Hub space was high. However, disagreement exists on the original proposal to include a farmers market. Through the consultation process, a variety of uses were identified by stakeholders which are appropriate for the Community Hub. These include **rentable event space, bookable office/co-working/boardroom space, and rentable commercial kitchen space** to provide flexible space for a wide variety of organizations and purposes.

7.1 Recommendations for Next Steps

This report does not recommend pursuing a net-new farmers market in the space at the Community Hub as there are conflicting opinions regarding the viability of a market in this location and the potential impact to other markets in the region. Instead, it is recommended that DOL focus on other flexible spaces which will support a variety of community needs and organizations.

There is strong support for rentable community space, co-working space, and boardroom space. This report recommends pursuing this option, as its support from the community is much clearer and addresses a perceived lack of appropriate community spaces in DOL.

Additionally, there remains very strong support for a commercial kitchen that is rentable by the community. The presence of usable kitchen space will increase the potential range of users for the space as a whole, as well as support people who work in food production who struggle to find permitted commercial kitchen space.

Further consultation may be helpful to determine if existing community non-profits are willing to make commitments towards use of the space. Developing a governance approach and developing the necessary infrastructure to book, operate, price, and develop policies regarding the use of the space will take effort and should be done with its future users as drivers of these decisions.

Communication regarding the direction of this space should be ongoing to maintain the momentum and engagement of these groups.

7.2 Final Comments

It was a pleasure to engage with the community of the DOL. The development of the Community Hub is exciting, and the community's eagerness to engage made it clear that the growing community of the DOL is ready and eager to incorporate this space into the community network. Colliers Project Leaders is optimistic for the future of this space and eager to see the benefits it will bring to the community.

Appendix 1 ENGAGEMENT SESSION QUESTIONS

A1.1. Farmers Market Session

1. Interest & Participation

- Who here currently participates in a farmers market?
- Would you be interested in participating in a market at the new hub? Why or why not?
- What does a successful farmers market look like?
- What types of products would you be interested in selling or buying?
- How can we make this market financially viable and appealing?

2. Challenges & Concerns

- What are the biggest barriers to making a market viable here?
- Availability of vendors?
- Time/day conflicts?
- Consumer demand?
- What solutions/supports would help overcome these barriers?

3. Operational Considerations

- Preferred frequency, schedule? (weekly, bi-weekly, seasonal, evening vs daytime)
- Facility needs? (certain indoor spaces, utilities, etc.)
- What operational supports would be necessary to ensure success? (marketing, vendor coordination, outreach supports)
- Are there alternative uses for the space that would better serve the community?

A1.2. General Engagement Session

1. Interest & Participation

- Would you be interested in participating in a space at the new hub? Why or why not?
- How would you potentially use the space?
- What types of services would you be interested in providing?
- What would make this initiative successful for you?
- Are there alternative uses that would better serve the community?

2. Challenges & Concerns

- What are the barriers to getting an initiative like this off the ground?
 - Availability of operators?
 - Time/day conflicts?
 - Consumer demand?
- What solutions/supports would help overcome these barriers?
- How can we make this initiative financially viable and appealing?

3. **Operational Considerations**

- Preferred frequency/schedule? (weekly, monthly, seasonal, evening vs daytime)
- What are the facility needs? (certain indoor spaces, utilities, storage, etc.)
- What operational supports would be necessary to ensure success? (marketing, vendor/service coordination, outreach supports)

Appendix 2 PHONE INTERVIEW QUESTIONS

1. What type(s) of amenity spaces does your organization currently use?
 - a. Assembly space (i.e., community hall, meeting rooms, public gymnasiums etc.)
 - b. Community theatre space
 - c. Greenspace (i.e. outdoor park, playground, recreational fields)
 - d. Office / retail space
 - e. Other (please indicate)

2. Do you require a dedicated space for your organization or a shared space with other community organizations?
 - a. Dedicated space
 - b. Shared space
 - c. I don't know

3. What types of amenities would your organization require in a future Community Hub space?
 - a. Dedicated washrooms (within the space)
 - b. On site storage
 - c. IT and/or Audiovisual equipment (i.e. smart screen, wireless technology, printers etc.)
 - d. Loading area
 - e. Administrative spaces
 - f. Dedicated entrance
 - g. Access to outdoor space
 - h. Lighting and/or temperature controls
 - i. Moveable furniture options
 - j. Sound dampening and/or controls
 - k. Additional parking for guests
 - l. Community Kitchen
 - m. Cold Storage
 - n. Restaurant

4. What are the key benefits that your organization will realize from relocating to and/or accessing a future Community Hub building? (Select up to three options)
 - a. Opportunity to collaborate with other community organizations
 - b. Access to cost effective space for activities
 - c. Greater visibility within the community
 - d. Reduction of overhead costs
 - e. Larger space for current programming
 - f. Expansion of programs and/or services
 - g. Other (Please identify)

5. What are some of the key concerns that your organization has regarding a future Community Hub building? (Select up to three options)

- a. Availability of shared spaces / bookable spaces
- b. Increased overhead costs
- c. Timing of project completion
- d. Proposed building location
- e. Proposed building amenities to meet organizational needs
- f. Availability of parking
- g. Other (Please identify)

6. Please share any other comments you may have regarding a future Community Hub building.

(Open for comments)

Appendix 3 INVITEE LIST

All of the following organizations were invited by DOL to participate. DOL was responsible for developing the list of organizations appended here.

While responses were varied, some organizations opted to either participate formally in an engagement, interview, or to submit a comment by email. Others commented more informally to staff at DOL or did not respond to their invitation.

Farmers Market Session	General Engagement
Aflame Creation Jewelry	Lunenburg Rod & Gun Club
Ashwood Farm	Centre Scolaire de la Rive-sud
Bayport Farm	Verge House Transition Program
Blockhouse Farmers' Market	LaHave River Yacht Club
Blue Hive Bees	South Shore Bright & Lions Rugby Club
Blue Rocks Card Factory	South Shore Multicultural Association
Boulangerie La Vendee Bakery	Mahone Bay Founders Society
Boyter Family Farm	Invest Nova Scotia
Bridgewater Farmers Market	Petite Rivere Arts & Crafts Society
DeLong Farms	Big Brothers Big Sisters South Shore
Department of Agriculture	Bridgewater & Area Lions Club
Department of Agriculture	Lunenburg Regional Fire & Emergency Services Committee
Exotic Fruit Nursery	RBN Fisheries Ltd
Fancy's Fungi	Arts Nova Scotia
Fitch Lake Farm	Christmas Tree Council of Nova Scotia
Food Vibes	Coastal Action Foundation
Heart&Soil Farm	Autism Nova Scotia - South Shore Chapter
Homesteader Natural Products	Lunenburg & District Swimming Pool
Honey Tree Farm & Orchard	Boxwood Festival Society
Indian Garden Farm	Friends of DesBrisay Museum
Iron Works Distillery	Adventure Trail Association
Kissing Bridge Sweets and Meats	Bridgewater Triathlon Club
LaHave Regenerative Farm	LC Judo Club
LaHave River Berry Farm	NSCC Lunenburg Campus
Lunenburg County Winery	Lunenburg Art Gallery Society
Lunenburg Farmers Market	Special Olympics Lunenburg/Queens
Lunenburg Queens Federation of Agriculture	Heritage Boatyard Cooperative
Maplewood Farm	Corkums Island Pottery
Meguma Meadows Flower Farm	Bull Run Trail Association
Misc. Sailwear	Lunenburg Academy Foundation
New Germany Farmers Market	New Germany & Area Medical Centre Association
OK Sea Salt	Techno Ninjas
Out To Pasture Farm	South Shore Bluegrass Music Association
Pleasant Hill Farm	New Germany & Area Lions Club
Rivercroft Farm	LaHave Island Marine Museum Society
Rumtopf Farm	Food Vibes
Seaweed Soap Co	Petite Rivere Arts & Crafts Society
Soilmates Farm	Accessibility Coordinator

Springtide Farm
Stable to Table Farm
Sweet Fern Farm
Sweetwood Farm
Tanner & Co Brewing
Taste of Nova Scotia
Terra Beata Farm
TwinAitch Food for Thought
West Dublin Farmers' Market
Wiles Lake Farm Market
Yonderhill Farm

VON Canada
Lift
Lunenburg Yacht Club
Anti-Racism and Diversity Coordinator
Lunenburg County Wheels
Nova Scotia Sea School
LINDance and Fitness
ISANS
Seahawks Minor Football Club
LaHave River Salmon Association
Petite Rivere Arts & Crafts Society
Hike Nova Scotia
Lunenburg County Hikers Club
Bridgewater & Area Chamber of Commerce
Central Nova ATV Club
Bluenose Shuffleboard Club
South Shore ICE Storm
Navy League of Canada - Lunenburg Branch
Bridgewater Interchurch Food Bank
Mahone Islands Conservation Assoc (MICA)
Garber's Family Playground Society
Mahone Bay Music Association
Bridgewater Tennis Club
Bridgewater Curling Club
Wagners Fish
Lunenburg Pride
We Feed Lunenburg
Harbour House
NSH Health Promotion
SHAID
West Northfield Twirlettes
Hemford Music Association
Lunenburg Fish Co
Thrive 55+ Social Holistic Activity Association
South Shore Opportunities
Bridgewater Baseball Association
Asitu'l-sk Ulnooweg Education Centre
Flourish
Department of Health
Department of Health
New Germany Area Promotion Society
644
Lunenburg Theatre Collective
Mahone Bay Tennis Club
Department of CCTH
United Way Lunenburg County
3rd Bridgewater Scouting
South Shore Lightning Basketball Assoc
South Shore Minor Hockey Assoc

Dynamite Trail Association
The Society of St. Vincent De Paul
Bridgewater Chess Club
Amateur Radio Club, Lunenburg County
Bridgewater Duplicate Bridge Club
ACOA
Achievers 4-H Club
Department of Health
Alzheimer Society - BW Caregiver Support
Canadian Dory Racing Association
Lunenburg County Historical Society
MODL Dept Recreation
LaHave Seafoods
Seaside A Cappella Show Chorus Assoc
South Shore Stamp Club
Kinship Performing Arts Centre Assoc
First Responders' Wellness Symposium
Caregivers NS
Lunenburg Foundation for the Arts
Department of Health
Lun Co. Ground Search & Rescue
South Shore Fieldhouse Soc / HB Studios
Second Story Women's Centre
South Shore Tourism Co-op
Elderfit Lunenburg
Stonemont
Mahone Bay Signature Festivals
Mahone Bay United Soccer Association
MODL Dept Recreation
Bridgewater Sports & Cultural Association
LAMP
MODL Department of Recreation
Lunenburg Doc Fest Association
YMCA
Atlantic Canada Language Academy
Be The Peace Institute
Blockhouse & Area Ratepayers Kinship
Bridgewater Photographic Society
Coastal Cruisers
Crossburn Snowmobile Club
Heartland Tour
Kingsburg Coastal Conservancy
Native Council of Nova Scotia
Nova Scotia SPCA - Lunenburg
Petite Riviere Pride
South Shore Chorale
South Shore Theatrical Players

Council
Item #11.2.1
Date: April 22, 2025
Authorization: T. MacEwan



The Municipality of the District of Lunenburg

Request for Decision

Report to: Mayor and Municipal Council

Submitted by: Ella R. Gindi, Planner II

Date: April 22, 2025

Re: Cluster Development Regulations - Proposed Revisions

Recommendation from Planning Staff

Motion 1:

"That Municipal Council give First Reading to:

- **By-law 035C – Amendments to the Municipal Planning Strategy**
- **By-law 049A – Amendments to the Municipal-Wide Land Use By-law."**

As presented on April 22, 2025, which include new sections outlining regulations for cluster development."

Motion 2:

"That Municipal Council direct staff to hold a public information session to present and discuss the revised cluster development amendments outlined in the proposed updates to the Municipal Planning Strategy and Municipal-Wide Land Use By-law, and further, that Council schedule a public hearing for May 13, 2025, at 5:30 p.m."

Executive summary

The proposed cluster development regulations aim to ensure that residential developments with multiple units on the same property meet proper standards for size, layout, and location. The process began in 2023 with input from residents, the Planning Advisory Committee, and legal experts.

During the development of the regulations, concerns were raised by developers of ongoing bare land condominium projects. As a result, a “grandfathering” clause was added, allowing projects that were significantly underway by **December 31, 2025**, to be exempt from certain new regulations.

The regulations passed First Reading in July 2024, but since the 150-day timeframe had passed, they lapsed in December 2024. A second First Reading was held in January 2025, followed by public information sessions and a hearing in March 2025. After considering the feedback, Council decided to delay Second Reading to further review exemptions for developers or similar developments.

On March 25, 2025, Council directed staff to revise the regulations. These revisions include extending the “grandfathering” clause deadline to **December 31, 2026**, and allowing developers time to get permits without being affected by the new regulations.

The proposed amendments were reintroduced on January 28, 2025, when Council passed First Reading to amend the Municipal Planning Strategy and Land Use Bylaw to formally include cluster development regulations. Council then directed planning staff to hold a public information session and a public hearing.

Background

Cluster developments are residential developments where multiple detached or multi-unit dwellings are built on the same property. The goal of the proposed cluster development regulations is to ensure new developments align with appropriate standards based on size, layout, and location. The proposed amendments to these regulations can be found in Appendices A and B.

The regulations were drafted following public engagement in July 2023. Throughout the process, revisions were made in consultation with residents, the Planning Advisory Committee, and legal experts. Key considerations included the development agreement approval process, criteria for defining cluster developments, and specific development standards.

As a part of the process of drafting the original regulations, concerns were raised by developers of bare land condominiums that had already been issued condominium numbers and were

conducting site work such as roads and servicing infrastructure that would be required to be completed prior to the final approval from the Registrar of Condominiums. Council then obtained legal advice with options on how to deal with these ongoing developments. Advice given to Council suggested that they could choose from options ranging from granting no special treatment to these developments, to the ability to extend the in-effect date for specific kinds of developments.

Ultimately, Council chose to include an extended in-effect date that would apply to bare land-style developments that had already obtained a condo number (proof they were already significantly underway) to recognize that these developments were quite advanced in their site work and that there could be challenges meeting, for example, road standards for roads that were already built. This “grandfathering” also placed a timeline for completion so that the new regulations would come into effect as of December 31, 2025. All ongoing projects would have to be completed, as evidenced by being fully registered with the Land Registry Office by that time.

The proposed regulations passed First Reading on July 30, 2024. As per Section 246(4) of the Municipal Government Act, First Reading temporarily put the regulations into effect for 150 days. However, this period expired before final approval, rendering the regulations inactive as of December 27, 2024.

To address this, the proposed amendments were reintroduced on January 28, 2025, when Council passed First Reading to amend the Municipal Planning Strategy and Land Use Bylaw to formally include cluster development regulations. Council then directed the planning staff to hold a public information session and a public hearing.

The public information session took place on March 3, 2025, where planning staff gave a brief presentation on the proposed amendments and provided an opportunity for public questions and feedback. Most feedback from the public information session and subsequent written submissions supported the amendment, with some concerns about density and the legal non-conforming clause.

A Public Hearing was held on March 11, 2025, providing members of the public an opportunity to share feedback on the proposed amendment both written and in-person. Some community members were in favour of the amendments, while others requested extensions or exemptions from the proposed regulations, for specific development proposals.

Following Council’s direction, planning staff prepared a report outlining five options for consideration, ranging from full implementation of the original cluster development regulations to granting targeted exemptions or delaying enforcement. Additionally, the Chief

Administrative Officer (CAO) submitted a separate options report for Council's review. Based on the CAO's report, Council directed staff to revise the documents accordingly and bring them back for the April 8 meeting.

Council passed the following motions in response to the CAO's report:

“Council direct Staff to draft an amendment to the Cluster Development Regulations to include a section (i.e., 5.3.2) that would permit developers a specified time period to get a building permit for a cluster development (that is not a phased development condominium) and, provided that construction commences within 12 months after the date of the permit, said development will be recognized by Council as non-conforming (and therefore not subject to the regulations).”

“Council direct Staff to draft an amendment to the Cluster Development Regulations at section 5.3.1 to change the date from December 31, 2025, to December 31, 2026.”

“Council direct Staff to set the ‘grandfathering clause’ at section 5.3.1 (be it the current December 31, 2025, or the recommended December 31, 2026) to also be the date set for the proposed ‘grandfathering clause’ for cluster developments.”

Discussion

Planning staff have introduced specific amendments to Section 5.3 of the Municipal Planning Strategy, which addresses Non-Conforming Allowances for Cluster Developments. These changes aim to clarify how Council will handle cluster developments that do not fall under phased development condominiums. The new subsections, 5.3.2 and 5.3.3, provide a framework for recognizing such developments as non-conforming while ensuring flexibility for developers.

Under subsection 5.3.2, cluster developments will be recognized as non-conforming by Council if they are not phased development condominiums. To qualify for this recognition, developers must obtain a building permit by December 31, 2026, and begin construction within 12 months of the permit being issued. However, subsection 5.3.3 introduces a provision that allows developers to enter into a Development Agreement if they are unable to complete the development within the specified timeframe, thus providing some leeway while still meeting the Council's original intent.

These changes offer exemptions as requested by the Council, while also giving developers the option to enter into a Development Agreement if their projects face delays beyond the building permit timeframe.

Planning staff have updated Section 4.6 of the Municipal-Wide Land Use By-law, focusing on Non-Conforming Allowances for Cluster Developments. This revision specifically clarifies that non-phased cluster developments with a complete building permit application by December 31, 2026, will be recognized as non-conforming by Council. Additionally, cluster developments registered as bare land or phased land condominiums by the same date will also be deemed non-conforming. In phased condominium developments, only the units registered by December 31, 2026, will be considered non-conforming, regardless of future phases.

The following changes:

Municipal Planning Strategy (Section 5.3)

Revised subsection:

5.3.1 As outlined in the Municipal-Wide Land Use By-law section on Non- Conforming Uses, it will be a policy of Council that, for cluster developments being developed as bare land condominiums or phased land condominiums, all units that have been accepted for registration by the Registrar of Condominiums as evidenced by their being registered at the appropriate Land Registration office established under the Land Registration Act by December 31, 2026, will be recognized by Council as non-conforming.

New subsections added:

5.3.2 Council will recognize cluster developments as non-conforming if they are not phased development condominiums. To qualify, a developer must have submitted a complete building permit application for the development by December 31, 2026.

5.3.3 Despite subsection 5.3.2, Council may allow cluster developments to be approved by development agreement prior to December 31, 2026 if it determines that the proposed development cannot be completed within the building permit timeframe.

Municipal Wide Land Use Bylaw (Section 4.6)

Revised subsection:

4.6 Non-Conforming Cluster Developments

For cluster developments established as bare land or phased land condominiums, all units registered with the Registrar of Condominiums by December 31, 2026—as evidenced by registration at the appropriate Land Registration Office under the *Land Registration Act*—will be recognized by Council as non-conforming. For non-bare land condominium cluster developments, Council will extend the same recognition to those that obtain a complete building permit application by December 31, 2026. In the case of phased condominium developments, only the units registered by December 31, 2026, will be considered non-

conforming, regardless of whether the approved Condominium Declaration anticipates additional phases.

Next Steps

If Council deems it advisable to proceed with the Municipal Planning Strategy and Land Use By-law related to cluster development as outlined in By-law 035C - Amendments to the Municipal Planning Strategy; and By-law 049A - Amendments to the Municipal Wide Land Use By-law Council may move forward with First Reading. If Council proceeds with First Reading, the next steps will be a public information session, followed by a public hearing and Second Reading.

Following approval, the amended documents will be forwarded to the Department of Municipal Affairs for review. Once the department confirms that the documents do not conflict with any provincial interests, a Notice of Approval will be published in the local newspaper to inform the public of the adoption. The date the Public Notice appears in the newspaper will serve as the effective date for the adoption of the documents.

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

Appendix A – Land Use By-law Amendment Content

Within Section 2. Definitions, a definition for cluster development is added after ‘Building Footprint’.

Cluster Development means six (6) or more Dwelling Units contained in two or more Dwellings on a single Lot that is partly or entirely un-serviced by municipal water and sewer, including new phases or units in a phased-development condominium with six (6) or more Dwelling Units overall. A Recreational Vehicle Parking Site is not considered a Cluster Development.

Revised section **4.6 Non-Conforming Cluster Developments** to include non phased cluster developments as nonconforming if they secure a building permit application by December 31, 2026.

4.6 Non-Conforming Cluster Developments

For cluster developments established as bare land or phased land condominiums, all units registered with the Registrar of Condominiums by December 31, 2026—as evidenced by registration at the appropriate Land Registration Office under the *Land Registration Act*—will be recognized by Council as non-conforming. For non phased cluster developments, Council will extend the same recognition to those that obtain a complete building permit application by December 31, 2026. In the case of phased condominium developments, only the units registered by December 31, 2026, will be considered non-conforming, regardless of whether the approved Condominium Declaration anticipates additional phases.

A new section after 4.12 Sensitive Coastal Ecosystems is added called **4.13 Cluster Developments**. This section directs Cluster Development applications to be approved by development agreement and directs applicants to the Municipal Planning Strategy.

4.13 Cluster Developments

No development permit will be issued for any Cluster Development except in accordance with a development agreement approved under the policies in the Municipal Planning Strategy, including, but not limited to those in Sections 5 and 6.

Appendix B – Municipal Planning Strategy Content

New sections are added after Section 5. Municipal-Wide Land Use Policies called **5.1 Cluster Developments, 5.2 Cluster Developments by Development Agreement, and 5.3 Non-Conforming Allowances for Cluster Developments**. These sections outline policies directly related to Cluster Development.

5.1 Cluster Developments

Cluster developments are a type of residential development where several detached and/or multiple-unit dwellings are located on the same property. In response to concerns over the absence of development standards for this kind of development, Council has introduced a process by which Cluster Development proposals to develop or expand, including through new or additional phases, are able to be approved through a development agreement process. The following general policies apply to this kind of development:

5.1.1 Council will review cluster development regulations every five years and update them in accordance with best practices for development regulations.

5.1.2 Council will permit cluster developments in all areas of the Municipality unless stricter policies are contained in a Secondary Planning Strategy or associated Land Use By-law.

Conservation design development is a style of cluster development designed to conserve open space in rural areas and protect environmental features. The basic principle of the design is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space. While conservation design is not being directly evaluated as part of the development agreement process, Council wishes to promote conservation design as one possible way of meeting environmental and servicing standards.

5.1.3 It will be a policy of Council to promote and encourage conservation design style cluster development.

5.2 Cluster Developments by Development Agreement

The evaluative criteria of the development agreement process provides Council the flexibility to uphold development standards that are appropriate to the size, configuration, and location of the proposed development.

5.2.1 Council will consider cluster development applications through the development agreement process.

5.3 Non-Conforming Allowances for Cluster Developments

A non-conforming use, sometimes called a grandfathered use, is a status given to a land use that pre-dates a regulation to allow its continuation under certain restrictions. A future date has been chosen for grandfathering by means of non-conforming status. This will allow a reasonable period

for completion of work needed to obtain registration of units or building permits at the time of the publication of the notice of intent to adopt these planning documents.

5.3.1 As outlined in the Municipal-Wide Land Use By-law section on Non-Conforming Uses, it will be a policy of Council that, for cluster developments being developed as bare land condominiums or phased land condominiums, all units that have been accepted for registration by the Registrar of Condominiums as evidenced by their being registered at the appropriate Land Registration office established under the Land Registration Act by December 31, 2026, will be recognized by Council as non-conforming.

5.3.2 Council will recognize cluster developments as non-conforming if they are not phased development condominiums. To qualify, a developer must hold a complete building permit application by December 31, 2026.

5.3.3 Despite subsection 5.3.2, Council may allow cluster developments to enter into a Development Agreement if it determines that the proposed development cannot be completed within the building permit timeframe.

6. Implementation

6.1 Development Agreements

A development agreement is a binding legal agreement between the Municipality and a property owner that can address specific details regarding the design and use of a proposed development.

6.1.1 Council will consider entering into a new development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where Council approves a development agreement, the development agreement will:

- (a)** Specify the development, expansion, alteration, or change permitted;
- (b)** Specify the conditions under which the development may occur; and

- (c)** Set terms by which Council may amend or terminate and discharge the agreement.

6.1.2 Council will not approve or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 6.3.

6.2 Content of a Development Agreement

6.2.1 Council may specify conditions in the Development Agreement to meet the enabling and general criteria outlined in Policy 6.3. These conditions may include but are not limited to controls regarding:

- (a)** Adequacy of street networks, site access, and emergency evacuation;
- (b)** Adequacy of services such as water and sewer;
- (c)** Access of emergency vehicles;
- (d)** Stormwater management;
- (e)** Grading and erosion control;
- (f)** The phasing of a development;
- (g)** Time limits for the initiation and/or completion of development;
- (h)** Availability of a safe water supply;
- (i)** The suitability of the site in relation to environmental impact; and
- (j)** All other matters enabled in Section 227 of the Municipal Government Act.

6.3 General Evaluation Criteria of a Development Agreement

6.3.1 Council will not approve a development agreement unless Council is satisfied the proposal:

- (a)** Is consistent with the intent of this Municipal Planning Strategy;
- (b)** Does not conflict with any Municipal or Provincial programs, bylaws, or regulations in effect in the Municipality;
- (c)** Is not premature or inappropriate due to:
 - (i)** Impacts on existing drinking water supplies, both private and public;
 - (ii)** The adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
 - (iii)** The creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
 - (iv)** The adequacy of fire protection services and equipment;
 - (v)** Impacts on known habitat for species at risk;
 - (vi)** The potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas; and
 - (vii)** The suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way.

6.4 Specific Evaluation Criteria of a Development Agreement

6.4.1 Council may require, in addition to any other required information, any or all the following information, prepared by an appropriate qualified professional at the applicant's cost, and at a level sufficiently detailed to determine whether the criteria for adopting a development agreement have been met.

- (a)** A detailed plot plan showing features such as, but not limited to:
 - (i)** The layout of the site and associated wastewater systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines;
 - (ii)** Location and dimensions of existing and proposed road, bicycle, and pedestrian networks;
 - (iii)** The location of dedicated green space, including open space and amenities;
- (b)** A hydrogeological assessment in accordance with the guidelines set out in Nova Scotia Environment's groundwater assessment standards;
- (c)** An environmental impact study identifying the potential impact and recommended mitigation measure for wetlands, natural habitats, or species at risk;
- (d)** Access for emergency vehicles; and
- (e)** Any other matters enabled in Section 227 of the Municipal Government Act.

5.2 Cluster Developments by Development Agreement

The evaluative criteria of the development agreement process provides Council the flexibility to uphold development standards that are appropriate to the size, configuration, and location of the proposed development.

- 5.2.1 Council will consider cluster development applications through the development agreement process.”

5.3 Non-Conforming Allowances for Phased and Bare Land Condominiums

A non-conforming use, sometimes called a grandfathered use, is a status given to a land use that pre-dates a regulation to allow its continuation under certain restrictions. Considering that work may have already begun on unregistered phased-development and bare land condominium units, relying on their unregulated status before the enactment of these planning documents, a future date has been designated for grandfathering. This non-conforming status allows a reasonable period for completing the necessary work to register units that were underway when the notice of intent to adopt these planning documents was published.

- 5.3.1 As outlined in the Municipal-Wide Land Use By-law section on Non- Conforming Uses, it will be a policy of Council that, for cluster developments being developed as bare land condominiums or phased land condominiums, all units that have been accepted for registration by the Registrar of Condominiums as evidenced by their being registered at the appropriate Land Registration office established under the Land Registration Act by December 31, 2025, will be recognized by Council as non-conforming.

- 3 Section 6. Implementation is added between Section 5.3.1 and Attachments which includes the following content:

6. Implementation

6.1 Development Agreements

A development agreement is a binding legal agreement between the Municipality and a property owner that can address specific details regarding the design and use of a proposed development.

- 6.1.1 Council will consider entering into a new development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where

Council approves a development agreement, the development agreement will:

- (a) Specify the development, expansion, alteration, or change permitted;
- (b) Specify the conditions under which the development may occur; and
- (c) Set terms by which Council may amend or by which Council or the Chief Administrative Officer may terminate and discharge the agreement.

6.1.2 Council will not approve or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 6.3.

6.2 Content of a Development Agreement

6.2.1 Council may specify conditions in the Development Agreement to meet the enabling and general criteria outlined in Policy 6.3. These conditions may include but are not limited to controls regarding:

- (a) Adequacy of street networks, site access, and emergency evacuation;
- (b) Adequacy of services such as water and sewer;
- (c) Access of emergency vehicles;
- (d) Stormwater management;
- (e) Grading and erosion control;
- (f) The phasing of a development;
- (g) Time limits for the initiation and/or completion of development;
- (h) Availability of a safe water supply;
- (i) The suitability of the site in relation to environmental impact; and
- (j) All other matters enabled in Section 227 of the Municipal Government Act.

6.3 General Evaluation Criteria of a Development Agreement

6.3.1 Council will not approve a development agreement unless Council is satisfied the proposal:

- (a) Is consistent with the intent of this Municipal Planning Strategy;

- (b)** Does not conflict with any Municipal or Provincial programs, bylaws, or regulations in effect in the Municipality;
- (c)** Is not premature or inappropriate due to:
 - (i)** Impacts on existing drinking water supplies, both private and public;
 - (ii)** The adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
 - (iii)** The creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
 - (iv)** The adequacy of fire protection services and equipment;
 - (v)** Impacts on known habitat for species at risk;
 - (vi)** The potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas; and
 - (vii)** The suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way.

6.4 Specific Evaluation Criteria of a Development Agreement

6.4.1 Council may require, in addition to any other required information, any or all the following information, prepared by an appropriate qualified professional at the applicant's cost, and at a level sufficiently detailed to determine whether the criteria for adopting a development agreement have been met.

- (a)** A detailed plot plan showing features such as, but not limited to:
 - (i)** The layout of the site and associated wastewater systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines;
 - (ii)** Location and dimensions of existing and proposed road, bicycle, and pedestrian networks;

Municipality of the District of Lunenburg

Amending By-law Details	
Name	Amendments to the Municipal Planning Strategy, 2024
Number	035C
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 'Amendments to the Municipal Planning Strategy, 2024' and may be cited as the Cluster Development Amendment (2024).

Amendments to the Municipal Planning Strategy (By-law 035C)

- 2 Section 5.1, 5.2, and 5.3 is added between Section 5. Municipal-Wide Land Use Policies and Section 6. Implementation. These sections include the following content: “

5.1 Cluster Developments

Cluster developments are a type of residential development where several detached and/or multiple-unit dwellings are located on the same property. In response to concerns over the absence of development standards for this kind of development, Council has introduced a process by which cluster development proposals to develop or expand projects, including through new or additional phases, are able to be approved through a development agreement process. The following general policies apply to this kind of development: “

- 5.1.1** Council will review cluster development regulations every five years and update them in accordance with best practices for development regulations.
- 5.1.2** Council will permit cluster developments in all areas of the Municipality unless stricter policies are contained in a Secondary Planning Strategy or associated Land Use By-law.

Conservation design development is a style of cluster development designed to conserve open space in rural areas and protect environmental features. The basic principle of the design is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space. While conservation design is not being directly evaluated as part of the development agreement process, Council wishes to promote conservation design as one possible way of meeting environmental and servicing standards.

- 5.1.3** It will be a policy of Council to promote and encourage conservation design style cluster development.”

5.2 Cluster Developments by Development Agreement

The evaluative criteria of the development agreement process provides Council the flexibility to uphold development standards that are appropriate to the size, configuration, and location of the proposed development.

- 5.2.1** Council will consider cluster development applications through the development agreement process.”

5.3 Non-Conforming Allowances for Cluster Developments

A non-conforming use, sometimes called a grandfathered use, is a status given to a land use that pre-dates a regulation to allow its continuation under certain restrictions. A future date has been chosen for grandfathering by means of non-conforming status. This will allow a reasonable period for completion of work needed to obtain registration of units or building permits at the time of the publication of the notice of intent to adopt these planning documents.

- 5.3.1** As outlined in the Municipal-Wide Land Use By-law section on Non- Conforming Uses, it will be a policy of Council that, for cluster developments being developed as bare land condominiums or phased land condominiums, all units that have been accepted for registration by the Registrar of Condominiums as evidenced by their being registered at the appropriate Land Registration office established under the Land Registration Act by December 31, 2026, will be recognized by Council as non-conforming.
- 5.3.2** Council will recognize cluster developments as non-conforming if they are not phased development condominiums. To qualify, a developer must hold a complete building permit application by December 31, 2026.
- 5.3.3** Despite subsection 5.3.2, Council may allow cluster developments to enter into a Development Agreement if it determines that the proposed development cannot be completed within the building permit timeframe.

- 3** Section 6. Implementation is added between Section 5.3.1 and Attachments which includes the following content:

6. Implementation

6.1 Development Agreements

A development agreement is a binding legal agreement between the Municipality and a property owner that can address specific details regarding the design and use of a proposed development.

6.1.1 Council will consider entering into a new development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where Council approves a development agreement, the development agreement will:

- (a) Specify the development, expansion, alteration, or change permitted;
- (b) Specify the conditions under which the development may occur; and
- (c) Set terms by which Council may amend or by which Council or the Chief Administrative Officer may terminate and discharge the agreement.

6.1.2 Council will not approve or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 6.3.

6.2 Content of a Development Agreement

6.2.1 Council may specify conditions in the Development Agreement to meet the enabling and general criteria outlined in Policy 6.3. These conditions may include but are not limited to controls regarding:

- (a) Adequacy of street networks, site access, and emergency evacuation;
- (b) Adequacy of services such as water and sewer;
- (c) Access of emergency vehicles;
- (d) Stormwater management;
- (e) Grading and erosion control;
- (f) The phasing of a development;
- (g) Time limits for the initiation and/or completion of development;
- (h) Availability of a safe water supply;
- (i) The suitability of the site in relation to environmental impact; and
- (j) All other matters enabled in Section 227 of the Municipal Government Act.

6.3.1 Council will not approve a development agreement unless Council is satisfied the proposal:

- (a)** Is consistent with the intent of this Municipal Planning Strategy;
- (b)** Does not conflict with any Municipal or Provincial programs, bylaws, or regulations in effect in the Municipality;
- (c)** Is not premature or inappropriate due to:
 - (i)** Impacts on existing drinking water supplies, both private and public;
 - (ii)** The adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
 - (iii)** The creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
 - (iv)** The adequacy of fire protection services and equipment;
 - (v)** Impacts on known habitat for species at risk;
 - (vi)** The potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas; and
 - (vii)** The suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way.

6.4 Specific Evaluation Criteria of a Development Agreement

6.4.1 Council may require, in addition to any other required information, any or all the following information, prepared by an appropriate qualified professional at the applicant's cost, and at a level sufficiently detailed to determine whether the criteria for adopting a development agreement have been met.

- (a)** A detailed plot plan showing features such as, but not limited to:
 - (i)** The layout of the site and associated wastewater systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines;

- (ii) Location and dimensions of existing and proposed road, bicycle, and pedestrian networks;
- (iii) The location of dedicated green space, including open space and amenities;
- (b) A hydrogeological assessment in accordance with the guidelines set out in Nova Scotia Environment’s groundwater assessment standards;
- (c) An environmental impact study identifying the potential impact and recommended mitigation measure for wetlands, natural habitats, or species at risk;
- (d) Access for emergency vehicles; and
- (e) Any other matters enabled in Section 227 of the Municipal Government Act.”

4 Sections titled ‘Reserved for Future Use’ removed throughout.

By-law Adoption	
Date of first reading of amending by-law	May 14, 2024
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



Municipality of the District of Lunenburg

Municipal Planning Strategy

(MODL By-law 049)

Approved by Council on: 2024-06-18

Amended on: YYYY-MM-DD

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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.

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.

5. Municipal-Wide Land Use Policies

In response to concerns over unregulated development occurring along the coastline, as well as unregulated cluster developments occurring in both coastal and 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 Cluster Development and Coastal Protection sections also apply to Secondary Plan Areas. Therefore, in cases where similar policies or regulations overlap, the most stringent ones will apply.

5.1 Cluster Developments

Cluster developments are a type of residential development where several detached and/or multiple-unit dwellings are located on the same property. In response to concerns over the absence of development standards for this kind of development, Council has introduced a process by which Cluster Development proposals to develop or expand, including through new or additional phases, are able to be approved through a development agreement process. The following general policies apply to this kind of development:

- 5.1.1** Council will review cluster development regulations every five years and update them in accordance with best practices for development regulations.
- 5.1.2** Council will permit cluster developments in all areas of the Municipality unless stricter policies are contained in a Secondary Planning Strategy or associated Land Use By-law.

Conservation design development is a style of cluster development designed to conserve open space in rural areas and protect environmental features. The basic principle of the design is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space. While conservation design is not being directly evaluated as part of the development agreement process, Council wishes to promote conservation design as one possible way of meeting environmental and servicing standards.

- 5.1.3** It will be a policy of Council to promote and encourage conservation design style cluster development.

5.2 Cluster Developments by Development Agreement

The evaluative criteria of the development agreement process provides Council the flexibility to uphold development standards that are appropriate to the size, configuration, and location of the proposed development.

5.2.1 Council will consider cluster development applications through the development agreement process.

5.3 Non-Conforming Allowances for Cluster Developments

A non-conforming use, sometimes called a grandfathered use, is a status given to a land use that pre-dates a regulation to allow its continuation under certain restrictions. A future date has been chosen for grandfathering by means of non-conforming status. This will allow a reasonable period for completion of work needed to obtain registration of units or building permits at the time of the publication of the notice of intent to adopt these planning documents.

5.3.1 As outlined in the Municipal-Wide Land Use By-law section on Non-Conforming Uses, it will be a policy of Council that, for cluster developments being developed as bare land condominiums or phased land condominiums, all units that have been accepted for registration by the Registrar of Condominiums as evidenced by their being registered at the appropriate Land Registration office established under the Land Registration Act by December 31, 2026, will be recognized by Council as non-conforming.

5.3.2 Council will recognize cluster developments as non-conforming if they are not phased development condominiums. To qualify, a developer must hold a complete building permit application by December 31, 2026.

5.3.3 Despite subsection 5.3.2, Council may allow cluster developments to enter into a Development Agreement if it determines that the proposed development cannot be completed within the building permit timeframe.

5.4 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:

- 5.4.1** 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.
- 5.4.2** 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.
- 5.4.3** 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.

5.5 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.

5.6 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:

- 5.6.1** 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.
- 5.6.2** 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.
- 5.6.3** 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.
- 5.6.4** Within the Municipal-Wide Land Use Bylaw, Council will grant exemptions for non-habitable accessory structures and marine related uses.
- 5.6.5** Despite Section 5.6.2, Council will, through the Land Use Bylaw, authorize non-conforming structures to undergo renovations, rebuilding, or relocation.

5.6.6 Despite Section 5.6.2, Council may, through the Land Use Bylaw, authorize limited additions to non-conforming structures that do not meet the elevation requirements.

5.6.7 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.

5.7 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.

5.8 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:

- 5.8.1** 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.
- 5.8.2** Despite Section 5.8.1 the Municipal-Wide Land Use By-law will include exemptions for non-habitable accessory and marine related uses.
- 5.8.3** 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.
- 5.8.4** 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 5.8.1 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 5.8.3
- 5.8.5** 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.

5.9 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:

- 5.9.1** 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.
- 5.9.2** Despite Section 5.9.1 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.
- 5.9.3** Despite Section 5.9.1 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.

5.10 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:

- 5.10.1** 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.

5.11 Coastal Wetland Protection Policies

The Sensitive Coastal Ecosystems policies pertain to coastal wetlands have been primarily identified by the province. These policies aim to protect and conserve these areas from the negative impacts of development through prohibiting development within the wetlands and extending the prohibition to areas surrounding the wetlands by employing a vegetative buffer. The vegetative buffer is intended to help with filtration of contaminants and provide crucial habitat for wildlife and aquatic life. The following policies apply to this area:

- 5.11.1** 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.
- 5.11.2** 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.
- 5.11.3** 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.
- 5.11.4** 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.
- 5.11.5** Council will foster collaboration and partnerships with environmental groups and organizations to aid in facilitating scientific knowledge pertaining to coastal ecosystems and thereby therefore promoting an understanding of coastal ecosystems and encouraging informed decisions for their conservation and effective management.

6. Implementation

6.1 Development Agreements

A development agreement is a binding legal agreement between the Municipality and a property owner that can address specific details regarding the design and use of a proposed development.

6.1.1 Council will consider entering into a new development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where Council approves a development agreement, the development agreement will:

- (a)** Specify the development, expansion, alteration, or change permitted;
- (b)** Specify the conditions under which the development may occur; and
- (c)** Set terms by which Council may amend or terminate and discharge the agreement.

6.1.2 Council will not approve or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 6.3.

6.2 Content of a Development Agreement

6.2.1 Council may specify conditions in the Development Agreement to meet the enabling and general criteria outlined in Policy 6.3. These conditions may include but are not limited to controls regarding:

- (a)** Adequacy of street networks, site access, and emergency evacuation;
- (b)** Adequacy of services such as water and sewer;
- (c)** Access of emergency vehicles;
- (d)** Stormwater management;
- (e)** Grading and erosion control;
- (f)** The phasing of a development;
- (g)** Time limits for the initiation and/or completion of development;
- (h)** Availability of a safe water supply;
- (i)** The suitability of the site in relation to environmental impact; and
- (j)** All other matters enabled in Section 227 of the Municipal Government Act.

6.3 General Evaluation Criteria of a Development Agreement

6.3.1 Council will not approve a development agreement unless Council is satisfied the proposal:

- (a)** Is consistent with the intent of this Municipal Planning Strategy;
- (b)** Does not conflict with any Municipal or Provincial programs, bylaws, or regulations in effect in the Municipality;
- (c)** Is not premature or inappropriate due to:
 - (i)** Impacts on existing drinking water supplies, both private and public;
 - (ii)** The adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
 - (iii)** The creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
 - (iv)** The adequacy of fire protection services and equipment;
 - (v)** Impacts on known habitat for species at risk;
 - (vi)** The potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas; and
 - (vii)** The suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way.

6.4 Specific Evaluation Criteria of a Development Agreement

6.4.1 Council may require, in addition to any other required information, any or all the following information, prepared by an appropriate qualified professional at the applicant's cost, and at a level sufficiently detailed to determine whether the criteria for adopting a development agreement have been met.

- (a)** A detailed plot plan showing features such as, but not limited to:

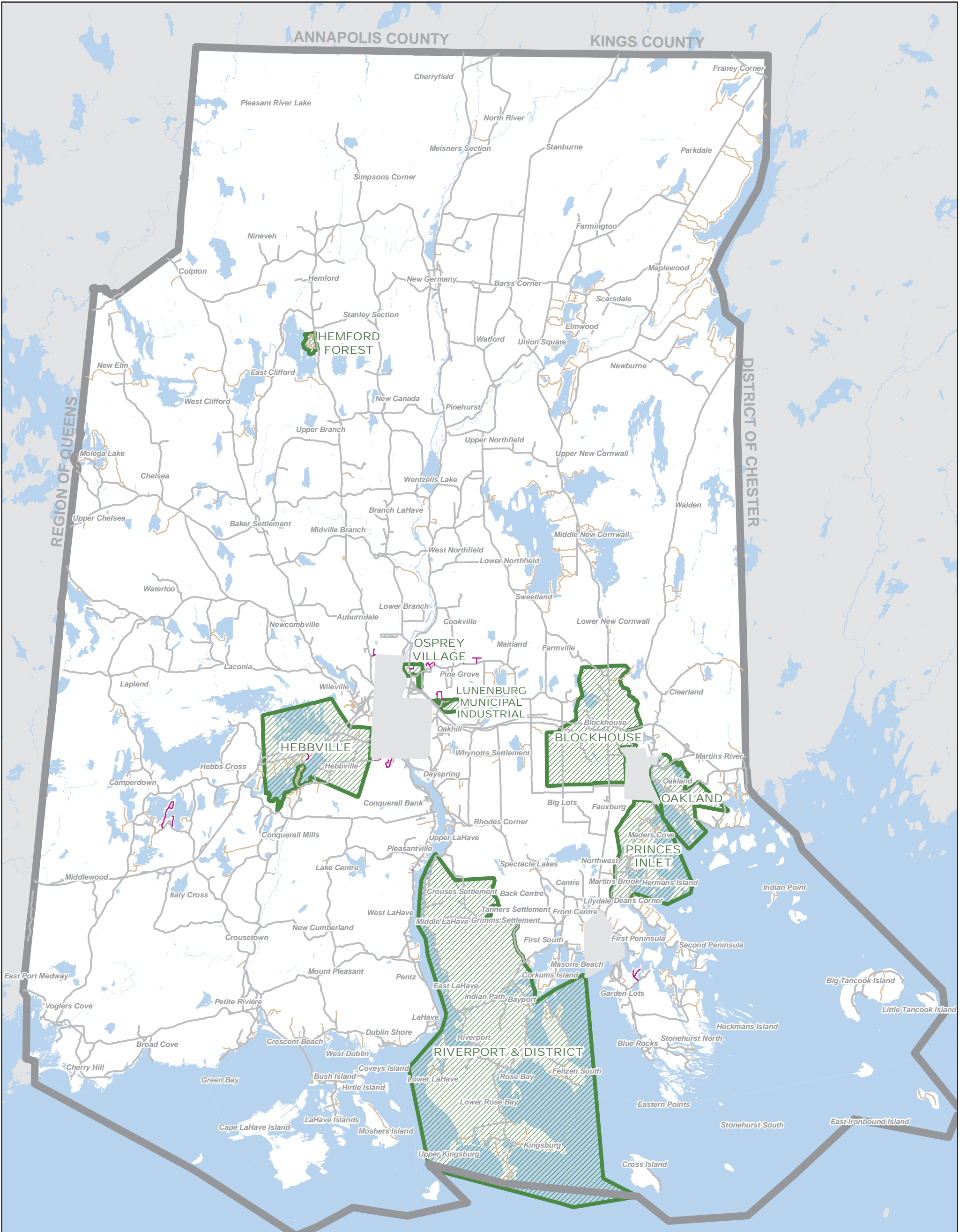
- (i)** The layout of the site and associated wastewater systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines;
- (ii)** Location and dimensions of existing and proposed road, bicycle, and pedestrian networks;
- (iii)** The location of dedicated green space, including open space and amenities;
- (b)** A hydrogeological assessment in accordance with the guidelines set out in Nova Scotia Environment's groundwater assessment standards;
- (c)** An environmental impact study identifying the potential impact and recommended mitigation measure for wetlands, natural habitats, or species at risk;
- (d)** Access for emergency vehicles; and
- (e)** Any other matters enabled in Section 227 of the Municipal Government Act.

Attachments

Map 1: Secondary Plan Areas

Map 2: Designated Coastal Protection Area

Map 3: Municipal-Wide Land Use

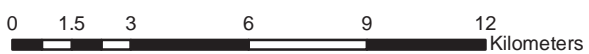


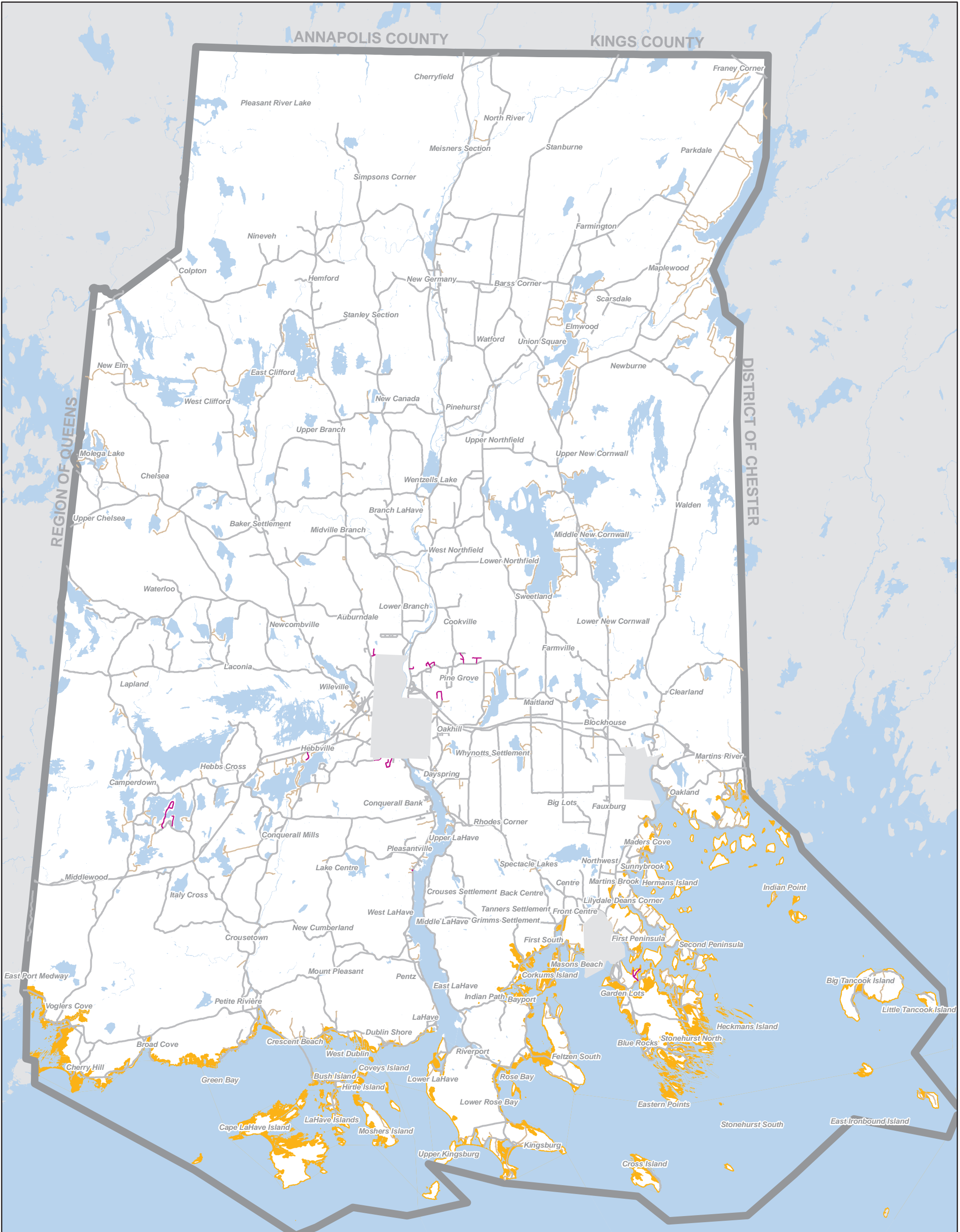
MUNICIPALITY OF THE DISTRICT OF LUNENBURG

**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

Amending By-law Details	
Name	Amendments to the Municipal Wide Land Use By-law, 2024
Number	049A
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 ‘Amendments to the Municipal Wide Land Use By-law, 2024’ and may be cited as the Cluster Development Land Use By-law Amendment (2024).

Amendments to the Municipal Planning Strategy (By-law 049A)

- 2 The Definitions section is amended by adding the definition text: “**Cluster Development** means six (6) or more Dwelling Units contained in two or more Dwellings on a single Lot that is partly or entirely un-serviced by municipal water and sewer, including new phases or units in a phased-development condominium with six (6) or more Dwelling Units overall. A Recreational Vehicle Parking Site is not considered a Cluster Development.” After the ‘Building Footprint’ and before ‘Coastal Erosion Risk Area’ definitions.
- 3 New section ‘4.13. Cluster Developments’ is added after 4.12 Sensitive Coastal Ecosystems and before section 5. List of Attachments with the following text: “

4.13 Cluster Developments

Cluster Developments are permitted in all areas of the Municipality, except in cases where more stringent policies apply in Secondary Plan Areas. No development permit will be issued for any Cluster Development except in accordance with a development agreement approved under the policies in the Municipal Planning Strategy, including, but not limited to those in Sections 5 and 6.”

- 4 New section ‘4.6 Non- Conforming Cluster Developments’ is added after subsection 4.5 Non-Conforming Structures and before subsection 4.7 Multiples Uses in a building. List of attachments with the following texts:

4.6 Non-Conforming Cluster Developments

For cluster developments established as bare land or phased land condominiums, all units registered with the Registrar of Condominiums by December 31, 2026—as evidenced by registration at the appropriate Land Registration Office under the *Land Registration Act*—

Council will extend the same recognition to those that obtain a complete building permit application by December 31, 2026. In the case of phased condominium developments, only the units registered by December 31, 2026, will be considered non-conforming, regardless of whether the approved Condominium Declaration anticipates additional phases.

By-law Adoption	
Date of first reading of amending by-law	July 30
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 “Amendments to the Municipal Wide Land Use By-law, 2024” was adopted by Municipal Council and published as indicated above.	
Signature of Municipal Clerk	Date



Municipality of the District of Lunenburg

**Municipal-Wide Land Use By-Law
Pertaining to Coastal Protection Regulations**

(MODL By-law 049)

Approved by Council on: 2024-06-18

Amended on: 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.

Cluster Development means six (6) or more Dwelling Units contained in two or more Dwellings on a single Lot that is partly or entirely un-serviced by municipal water and sewer, including new phases or units in a phased-development condominium with six (6) or more Dwelling Units overall. A Recreational Vehicle Parking Site is not considered a Cluster Development.

Coastal Erosion Risk Area means an area along a coastline prone to erosion. These areas are vulnerable to the gradual loss of land due to natural forces like geological conditions, lack of vegetation, waves, and tides.

Coastal Flood Risk Area means the temporary inundation of land along coastlines, caused by the overflow of water that can threaten communities, ecosystems, and infrastructure.

Coastal Wetland means a Wetland dominated by rooted herbaceous plants that drains directly into coastal waters and has the potential to be at least partially inundated with salt or brackish water.

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.

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:
- (a) Non-conforming structures may expand provided the expansion to the building or structure does not further reduce the setback that does not conform to the requirements.
 - (b) Non-conforming structures containing main residential uses may be rebuilt or replaced in substantially the same location and be occupied by the same use.

4.6 Non-Conforming Cluster Developments

For cluster developments established as bare land or phased land condominiums, all units registered with the Registrar of Condominiums by December 31, 2026—as evidenced by registration at the appropriate Land Registration Office under the *Land Registration Act*—will be recognized by Council as non-conforming. For non phased cluster developments, Council will extend the same recognition to those that obtain a complete building permit application by December 31, 2026. In the case of phased condominium developments, only the units registered by December 31, 2026, will be considered non-conforming, regardless of whether the approved Condominium Declaration anticipates additional phases.

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 Coastal Protection

- 4.9.1** 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.

4.10 Coastal Flooding

- 4.10.1** 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.
- 4.10.2** Institutional uses are explicitly prohibited in the Coastal Flood Risk Area regardless of elevation.
- 4.10.3** 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.

4.11 Coastal Erosion

- 4.11.1** Within the Coastal Erosion Risk Area, all developments are strictly prohibited within 30 horizontal metres measured from the top of the bank to the main wall of the building.
 - (a) If the top of the bank is not discernible within a 30-metre range of the marine shoreline, the ordinary high watermark will be used and defined by a Nova Scotia land surveyor.
- 4.11.2** Within the Coastal Protection Area, a 15-metre Vegetated Buffer area consisting of natural vegetation is required to lessen the impact of runoff and erosion and protect sensitive coastal ecosystems. The following requirements apply to the buffer:
 - (a) No natural vegetation may be removed within 15-metres of the Top of Bank or the ordinary high watermark.
 - (b) Despite Section 4.14.2 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.
 - (c) In undeveloped areas, it is mandatory to restore a Vegetated Buffer featuring a blend of woody and grassy vegetation before obtaining a development permit, unless the natural landscape is inherently unvegetated.
 - (d) Despite Section 4.14.2 the removal of dangerous or severely diseased vegetation is permitted.
 - (e) Despite Section 4.14.2, Commercial, Industrial, Recreational, and Scientific uses that require direct access to the water are exempt from maintaining a vegetative buffer.

4.11.3 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.

4.11.4 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.

4.11.5 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.

4.12 Sensitive Coastal Ecosystems

4.12.1 All Development is prohibited within 30 metres of Coastal Wetlands, as specified in Schedule B, the Development Constraints Map.

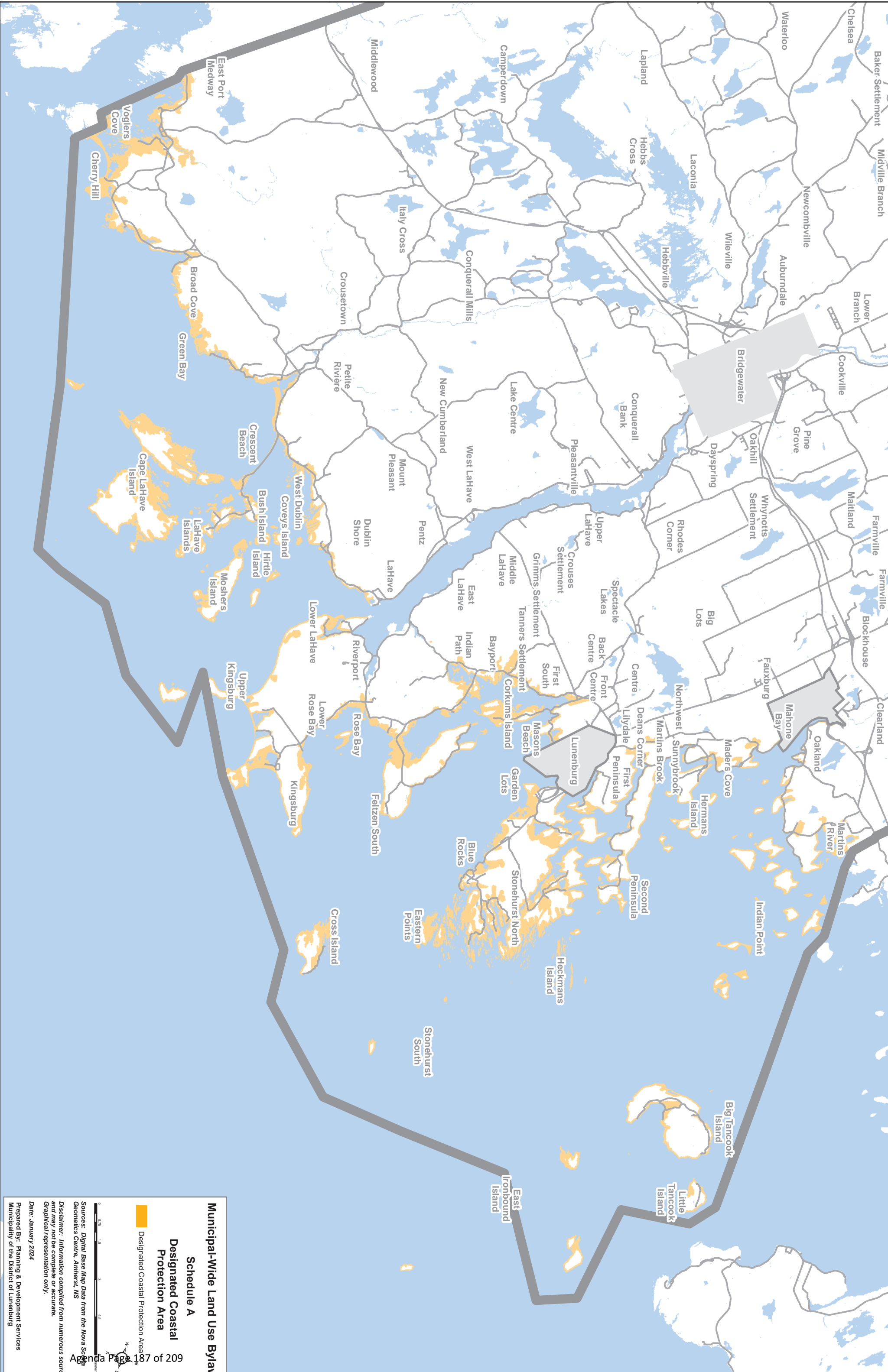
- 4.12.2** All Development is prohibited within a 30-metre vegetative buffer surrounding Coastal Wetlands, as specified in Schedule B, the Development Constraints Map. This buffer must be maintained in a naturalized state.
- 4.12.3** Despite Sections 4.15.1 and 4.15.2, a property owner may submit a study 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.
- 4.12.4** 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;
- 4.12.5** 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.

4.13 Cluster Developments

No development permit will be issued for any Cluster Development except in accordance with a development agreement approved under the policies in the Municipal Planning Strategy, including, but not limited to those in Sections 5 and 6.

5. List of Attachments / Schedules

Schedule A	Designated Coastal Protection Area
Schedule B	Development Constraints Map
Schedule C	Flood Risk Area



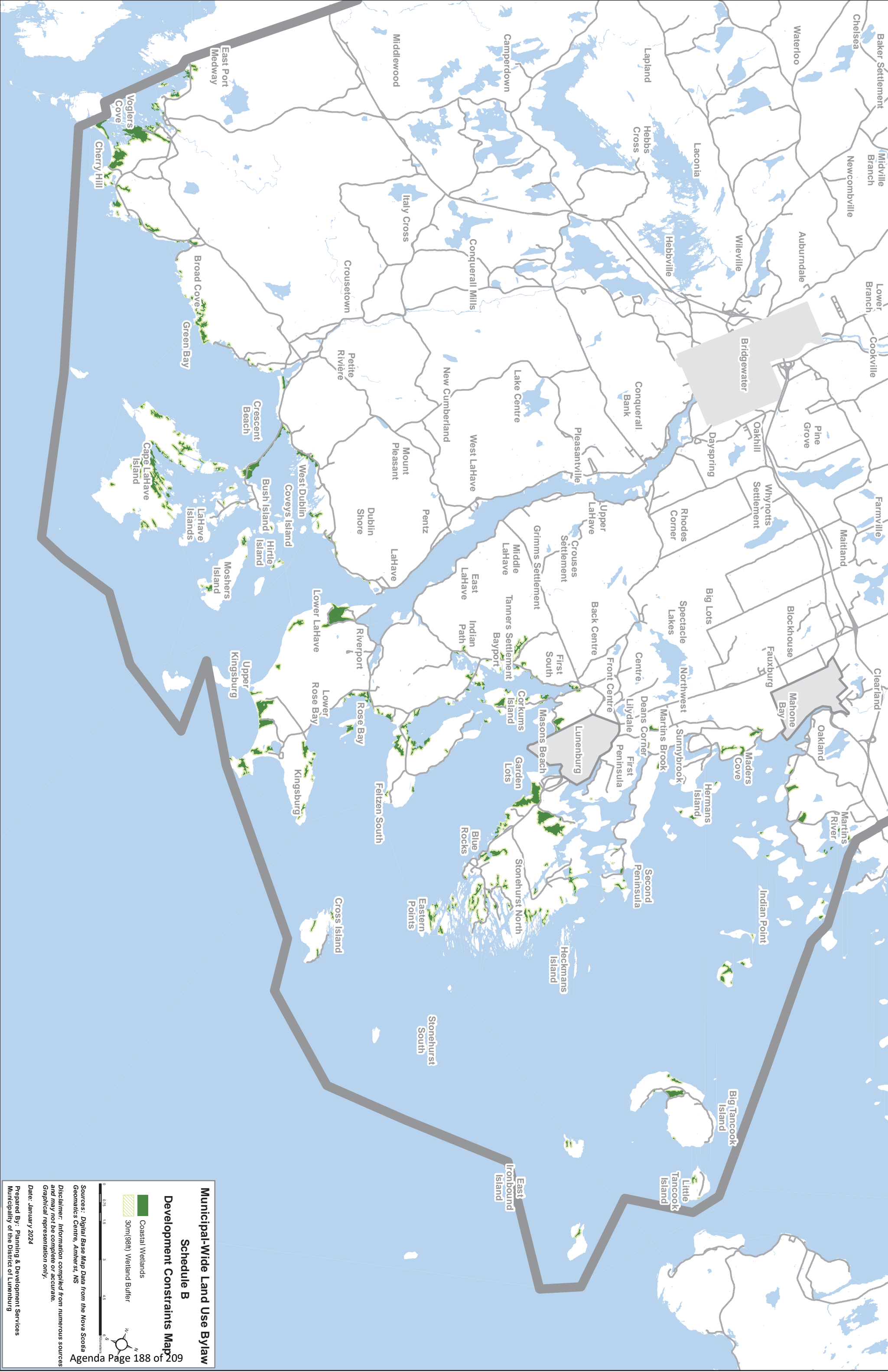
Municipal-Wide Land Use Bylaw

Schedule A

Designated Coastal Protection Area

Designated Coastal Protection Area

Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS
 Disclaimer: Information compiled from numerous sources and may not be complete or accurate.
 Graphical representation only.
 Date: January 2024
 Prepared By: Planning & Development Services
 Municipality of the District of Lunenburg

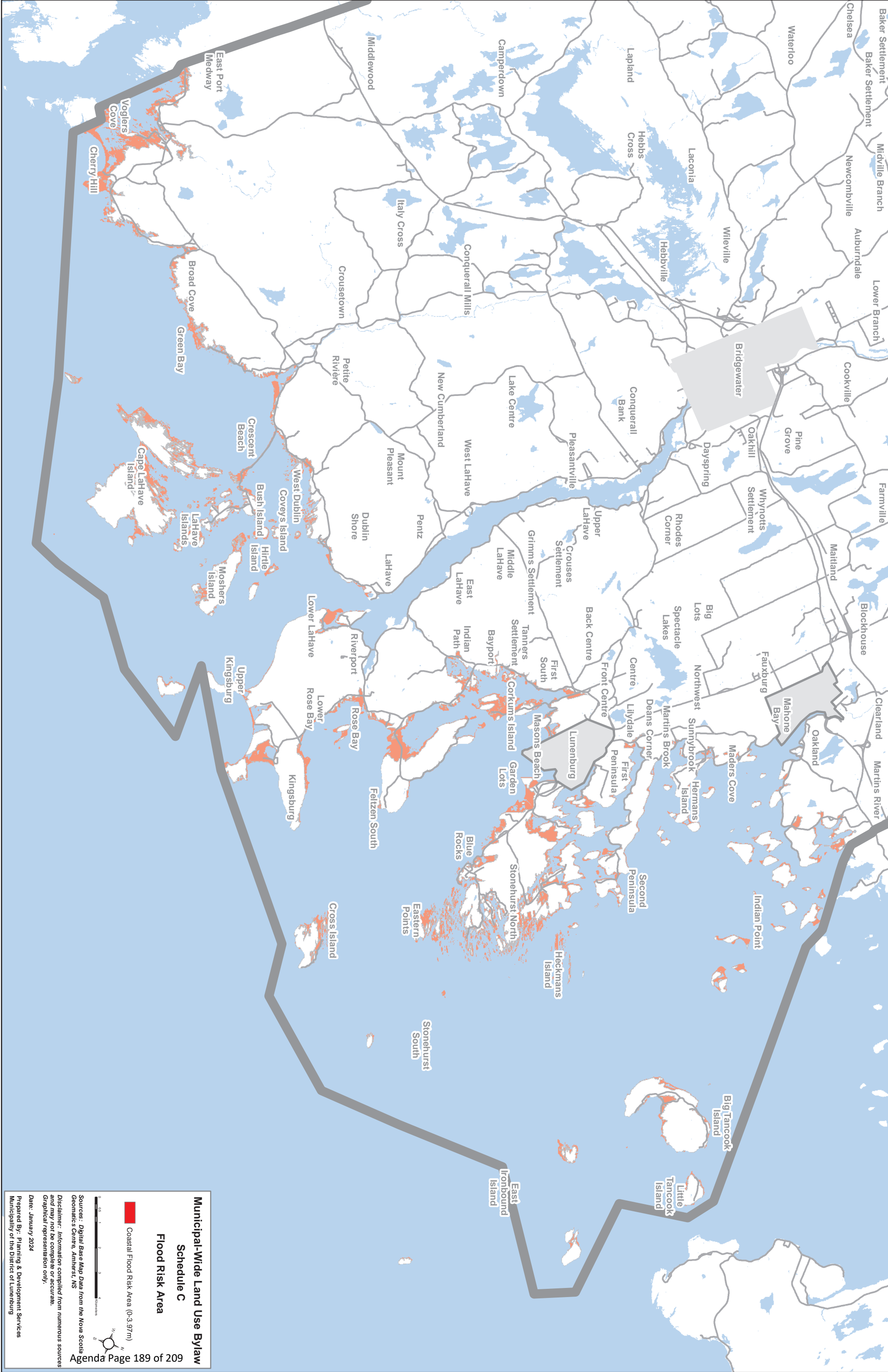


Municipal-Wide Land Use Bylaw
Schedule B
Development Constraints Map

Coastal Wetlands
 30m(98ft) Wetland Buffer

0 0.75 1.5 3 4.5 6 Kilometers
 0 0.25 0.5 1 1.5 2 Miles

Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS
 Disclaimer: Information compiled from numerous sources and may not be complete or accurate.
 Graphical representation only.
 Date: January 2024
 Prepared By: Planning & Development Services
 Municipality of the District of Lunenburg



Municipal-Wide Land Use Bylaw
Schedule C
Flood Risk Area

■ Coastal Flood Risk Area (0-3.97m)

Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS
 Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.
 Date: January 2024

Prepared By: Planning & Development Services
 Municipality of the District of Lumberland

0 1 2 3 4 Kilometers

0 1 2 3 4 Miles

Agenda Page 189 of 209

Council
Item #11.3.1
Date: April 22, 2025
Authorization: T. MacEwan



The 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: April 22, 2025
Re: Major Event Grant Application Association of Nova Scotia Geocaching – Maritime Mega 6

Recommendation

That Municipal Council approves the Association of Nova Scotia Geocaching's application for funding through the Major Event Grant in the amount of \$3,500 for the Maritime Mega 6 event taking place June 26 - July 1, 2025.

Executive summary

The application satisfies the Major Events Grant's purpose of attracting 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 provide approval for the Association of Nova Scotia Geocaching's grant application in the amount of \$3,500 for the Maritime Mega 6 event taking place June 26 - July 1, 2025.

Background

The Maritime Mega 6 is the sixth iteration of the "Maritime Mega" geocaching event, held this year in celebration of the 25th anniversary of Canada's first geocache, originally placed in Nova Scotia.

Geocaching is a global outdoor recreational activity where participants use GPS-enabled devices to find hidden containers, or "geocaches," placed by other players. It combines adventure,

exploration, and community, encouraging people of all ages to go outdoors, discover new places, and engage with their environment in a fun and meaningful way.

This exciting event is expected to draw over 500 geocachers from near and far, including confirmed attendees from Switzerland, Sweden, and the United Kingdom. A series of twelve satellite events will take place across Lunenburg County from June 26 to July 1, with the main event happening on June 28 in Bridgewater. These satellite events are scheduled in communities such as Mahone Bay, Lunenburg, Chester, and Bridgewater, as well as multiple sites within the Municipality of the District of Lunenburg.

Key Events in the District of Lunenburg

Tancook Island CITO – June 27 (Big Tancook Island)

A "Cache In, Trash Out" (CITO) event will be held, during which geocachers will clean designated public areas. This initiative reflects the geocaching community's commitment to stewardship and environmental care, echoing their motto: "Let's leave it better than we found it."

Geobash Anniversary Event – June 28 (M.A.R.C.):

Held at the M.A.R.C., the site of the original Geobash in 2010, this evening event will include games, a scavenger hunt, and more. It offers a chance to celebrate the legacy of geocaching in Nova Scotia while connecting with fellow enthusiasts.

Fun at the Beach – June 30 (Crescent Beach):

A family-friendly beach day for participants to relax, connect, and explore the beautiful shoreline of Crescent Beach.

Participants are encouraged to book overnight stays at a few accommodations in the area two of which are the Best Western and Oakhill Campground, which are offering special booking codes for the event.

Over the six-day event the influx of visitors for Maritime Mega 6 is expected to provide a significant economic boost to the area. With over 500 attendees anticipated, many staying for multiple days, local businesses, including accommodations, restaurants, shops, and attractions are likely to see increased activity. These types of events highlight the value of tourism-focused initiatives and reinforce the importance of promoting the District of Lunenburg as a vibrant and welcoming destination.

Discussion

The Association of Nova Scotia Geocaching submitted a Major Event Grant application requesting \$10,000. Based on factors such as the event's size, total budget, expected attendance, overnight stays generated, and overall economic impact, the recommended funding amount for approval is \$3,500. This recommendation also considers the anticipation of

multiple Major Events Grant applications throughout the year, aiming to ensure funds remain available in the budget for other events.

In addition to this financial request, in-kind support will also be provided. This includes contributions to the event's swag bags, which are sold to participants as a fundraiser, as well as donated items for their silent auction. We will also supply trail maps to be included in the swag bags. Furthermore, we plan to waive the rental fee for the M.A.R.C. facility for their June 28 event.

Strategic Focus

Regional Economic Development

By attracting over 500 participants from across Canada and internationally, this event will generate economic activity across the Municipality. Local accommodations, restaurants, retail businesses, and tourism operators will benefit from increased visitor spending. This supports Council's commitment to initiatives that stimulate regional economic growth.

Quality of Life

The event includes a range of inclusive, family-friendly activities that promote community engagement and social inclusion.

Budget/Financial Implications

The approved amount is within budget

Climate Change/sustainability

The Association of Nova Scotia Geocaching is committed to environmental stewardship through its "Cache In, Trash Out" (CITO) program and other sustainable practices. Events like the Tancook Island community cleanup demonstrate their dedication to leaving public spaces better than they were found, aligning with Council's climate change priorities and efforts to protect our natural environment.

Inclusion Diversity equity and Accessibility (IDEA@MODL)

N/A

Strategic Communications

N/A

Work plan

N/A

Alternatives

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

Conclusion

The application submitted by the Association of Nova Scotia Geocaching 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 provide approval for the grant application in the amount of \$3,500 for the Maritime Mega 6 event.

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

Council
Item #11.3.2
Date: April 22, 2025
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Direction

Report to: Council

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

Date: April 22, 2025

Re: Cape LaHave Island – What We Heard Report

Recommendation

That Council direct staff to host a Cape LaHave Island public information session to inform the public on the What We Heard Report and to provide responses to the questions posed at the May 13, 2024, Public Information and Feedback session and to inform the public that it is Council’s intent to enter into a conservation easement agreement with the Nova Scotia Nature Trust, which would see the island be conserved in perpetuity, and furthermore; the conservation easement agreement will be informed by the two public consultation processes which resulted in the two What We Heard Reports, one in 2020 and the other in 2025.

Background

At the November 26, 2019, Council meeting, Council made the following motions:

“That Municipal Council accept the recommendation of the Policy & Strategy Committee and direct staff to develop a Conservation Easement with the Nova Scotia Nature Trust for Cape LaHave Island and to bring the Agreement back to a Council meeting for consideration; and further, that the Agreement developed include a community consultation process.”

“That Council accept the recommendation of the Policy & Strategy Committee and sign a Letter of Intent, as presented, to be sent to the Nova Scotia Nature Trust pertaining to Cape LaHave Island and Council’s intentions of donating a conservation easement.”

On November 27, 2019, a letter was sent to the Nature Trust Board of Directors stating “We, the Municipality of the District of Lunenburg, the beneficial and registered owner of Cape LaHave Island, located in the County of Lunenburg, Nova Scotia, and having Property

Identification Number 60358793 intend to work with the Nova Scotia Nature Trust to conserve this land.” The letter further goes on to state “Our intent in this undertaking is that this land be conserved in perpetuity in a natural and undeveloped state. We value the ecological significance of this property and look forward to working with the Nature Trust to ensure our mutual goal of land preservation is reached.”

In 2020 a public consultation process was undertaken that involved surveys online and phone consultations to seek feedback from the public and stakeholders. This was during the pandemic where meeting face to face was limited. The four themes that came from that report were:

1. Cape LaHave Island is of significant value to the community.
2. Maintain current level of development.
3. Education is key.
4. Additional consultation desired.

During this period, it was also legally determined that the 1897 Act (an Act relating to Common Lands in the County of Lunenburg) needed to be amended for the Municipality to enter into a conservation easement. The amendment made to this Act in 1981 to section 4, removed the authority of the municipal council to “rent, lease or sell any portion of the common lands under its control” (section 4(2)). Prior to the 1981 amendment, the Municipality did have the legal authority to do so. Granting an easement to the Nature Trust, although donating it to them, was viewed as a transfer of some of the MODL’s property interest in Cape LaHave Island. An amendment to the Act would provide MODL with the authority to enter into a conservation easement agreement.

At the August 15, 2023, Special Council meeting the following motion was made:

“That Municipal Council authorize the further amendment of Section 4 of chapter 72 of the Acts of 1897, the Lunenburg Common Lands Act (as amended) to add the following subsection immediately after subsection 5:

5(A) Notwithstanding subsection (2), the municipal council may grant a conservation easement with respect to the common lands on Cape LaHave Island.”

This amendment was made possible through MLA Becky Druhan, through Bill No. 348 on November 9, 2023.

A conservation easement is a written agreement between a landowner and the holder of the easement created to protect some or all a property’s conservation value.

The Nova Scotia Nature Trust is designated under the Nova Scotia legislation as eligible to hold Conservations Easements.

Conservation easements create a structured and legally enforceable relationship between the Owner (MODL) of the land and the Land Trust (the Nature Trust). In such an agreement the Owner gives up some of his/her rights to use the land. The rights given up will be determined by the landowner and the Land Trust. The owner gives the Land Trust access to the land to monitor and enforce the conditions established in the Conservation easement, and to address any damage that might happen to the land if a condition of the easement is broken. The Land Trust commits to monitor and enforce the conditions in the easement.

The Nature Trust has undertaken an environmental inventory which is called a baseline documentation report. This report is a description of the property's natural and human-made features, and includes maps, photographs and coordinates of certain features. This information would be recorded with the deed when the conservation easement is registered on title.

MODL would need to maintain property liability insurance and name the Nature Trust as an insured party, keep the property free of claims and liens and inform the Nature Trust of any damage to the property or breach of the easement.

Permitted and restricted uses would be agreed upon by MODL and the Nature Trust. MODL would need to abide by these provisions, and the Nature Trust would monitor and enforce these provisions in perpetuity.

MODL would not be responsible for actions of a third party done without MODL's knowledge that damage the conservation values of the property. However, the easement would likely require MODL to work with the Nature Trust to find a mutually agreeable course of action to address the damage.

MODL would also not be liable for damage to the conservation values of the property resulting from causes beyond MODL's control such as fires and floods. MODL would also not be responsible for damage caused by action taken under emergency conditions to prevent damage to the property. The Nature Trust likewise is not responsible to MODL for damage occurring under these circumstances.

In response to the community wanting additional consultation a public information and feedback session was held on May 13, 2024, at the Petite Riviere Fire Hall. A presentation was provided that night by MODL and the Nature Trust updating the community on Who the Nature Trust is, what a conservation easement is, the benefits of a conservation easement and the amendment made to the Lunenburg Commons Land Act, which enables the Municipality to enter into a conservation easement. The What We Heard report from the public engagement conducted in May 2024 is attached to this report.

At the May 13, 2024, Public Information and Feedback session four questions were posed. They were:

1. How do you currently use Cape LaHave Island?
2. What activities would you like to see permitted on the Island?
3. What activities would you like not to be permitted on the Island?
4. What are your hopes for the future of Cape LaHave Island?

Additional questions were also posed that evening by the public and responses to those are in the What We Heard Report. The last question posed by the public as reflected in the report was, “What are the timelines & how will it be communicated?” This question is referring to the conservation easement agreement.

Discussion

There are a few questions Council needs to address which will help determine the next steps. They are:

1. Is Council still interested in entering into a conservation easement with the Nova Scotia Nature Trust that would conserve the island in perpetuity?
2. Whether the answer is yes or no, how would Council like to inform the public?
 - Hold a public information session in the community? If so, where?
 - Inform the public through social media, radio, and/or newspapers?
 - Combination of both methods?
3. If Council decides to update the community on this project at a public information session where and when would they like to host this session?
4. What is the timeframe Council would ideally like to see a conclusion of the project, at least the part in having a signed conservation easement, if that is the direction Council decides to continue to proceed in, as per a motion of Council on November 26, 2019? (as previously referenced).

Budget Implications

Legal fees to finalize the conservation easement agreement and minimal costs associated with hosting a public information session and informing the public through various methods such as social media, radio and newspaper.

Strategic Plan

The Local Climate Change Action Plan 2030 identifies “natural Environment Protection and Conservation”, which includes land conservation.

Work Plan

Entering into a conservation easement agreement has been on the workplan since Fall of 2019.

Alternatives

1. Not hold a public information session, proceed in approving a conservation easement agreement, in which the community consultation process informs the agreement and inform the public using social media, radio and newspaper.
2. Do not proceed in working towards entering into a conservation easement concerning Cape LaHave Island with the Nova Scotia Nature Trust.

Conclusion

Entering into a conservation easement agreement with the Nature Trust has been discussed since 2019. A motion was approved unanimously directing staff to develop a conservation agreement to bring back to Council for consideration. Council also directed that a community process be included. The community was consulted in 2020 and again in 2024 with similar messages being received by the community which were to keep the island in its natural state and for it to be used for the low impact recreational activities such as camping, hunting, fishing and boating that have developed overtime.

To enter into a conservation easement, the Commons Land Act needed to be amended. This amendment was made possible through MLA Becky Druhan, through Bill No. 348 on November 9, 2023.

The Municipality is now at the stage (at the point of this project?) in this project to enter into a conservation easement agreement with the Nature Trust that would see Cape LaHave Island protected from development and to ensure that this special place is conserved through **permanent**, legal protection for current and future generations.

Cape LaHave Island is over 2,600 acres of rich and diverse coastal landscape. It is one of Nova Scotia's largest Islands and is one of the last opportunities to protect intact island biodiversity.

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

WHAT WE HEARD REPORT

Cape LaHave Island



Background

In 2019 the Municipality of the District of Lunenburg was approached by the Nova Scotia Nature Trust (the Nature Trust) who requested Council consider entering into a conservation easement with them to protect Cape LaHave Island in perpetuity. The Nature Trust is a registered charity, founded in 1994, that focuses on the protection and long-term stewardship of Nova Scotia's most ecologically significant land, through private land conservation.

Cape LaHave Island is over 2,600 acres of rich and diverse coastal landscape. It is one of Nova Scotia's largest Islands and is one of the last opportunities to protect intact island biodiversity.

After a series of public presentations and meetings, Council passed a motion to work with the Nature Trust on creating a conservation easement for Cape LaHave Island to ensure that this special place is conserved through **permanent** legal protection for current and future generations.

In 2020, a field team of biologists from the Atlantic Canada Conservation Data Centre and Nova Scotia Museum spent a few days on Cape LaHave Island, cataloguing the diversity of plant and animal life found there. They traversed almost the entire periphery of the island on foot and ventured throughout the island's thick interior forests, documenting hundreds of fauna and flora, forty-three uncommon or rare species (including several species at risk), the wide variety of ecosystems found on the island, and the context of current human use of the island. Their documentation is summarized in the Ecological Summary document found on engage.modl.ca.

This data informed further community consultation conducted in 2020 and helped the Nature Trust establish a baseline for future stewardship of the island. The Nature Trust has also been coordinating with partners at Birds Canada and the Canadian Wildlife Service to acquire long-term monitoring data on the endangered Piping Plover who breed and nest on Cape LaHave Island in the spring and summer months.

In order for the Municipality to enter into a land conservation easement with the Nature Trust, the Lunenburg Common Lands Act required an amendment. With the assistance from the Honorable Becky Druhan, through Bill No. 348, the amendment to the Act received Royal Assent on November 9, 2023, granting the Municipality the ability "to grant a conservation easement with respect to the common lands on Cape LaHave Island."

Public Information and Feedback Session – May 2024

In accordance with the initial recommendations from the community, and because the process was paused during the pandemic, officials with the Municipality and Nature Trust staff hosted a public information and engagement session at the Petite Riviere Fire Hall on May 13, 2024. The purpose of this session was to update the public on the process to date and to seek further input. The power point presented that evening, along with a document titled “A Cape LaHave Backgrounder update,” can be found on the MODL Engage site.

There were four questions posed to the public at the May 13, 2024, public information and engagement session and posted on engage.modl.ca to seek input from those unable to attend. The questions posed were:

1. How do you currently use Cape LaHave Island?
2. What activities would you like to see permitted on the Island?
3. What activities would you like not to be permitted on the Island?
4. What are your hopes for the future of Cape LaHave Island?

How do you currently use Cape LaHave Island?

A variety of responses were received at the public session and online. The following answers that received 3 or more responses in order of the highest ranked were:

- Camping
- Canoeing/Kayaking, hiking and Swimming
- Fishing
- Hunting (deer/duck/rabbit)
- Sailing, open campfires/campfires, motorized boating
- Clam/shellfish digging, materials for lobster traps/wharves (commercial fisherman) and snorkeling

Other activities mentioned were:

Beach clean-ups, birdwatching, Bush Island Boat launch, cattle pasture land, cruising, cutting firewood, day trips, day use for beach, drones, ecotourism, endangered bird monitoring, events – family friendly, fireworks, foraging (seaweed, etc.), getting engaged, kite surfing, mooring/anchoring, off-leash dog walking, outhouses, paddle around, photography, picnics, residential boating, scuba diving, stand-up paddleboarding, star gazing, surfing, trapping – beaver/mink/otter, visit with friends, volleyball, watersports, and tourism group visit.

What activities would you like to see permitted on the Island?

A variety of responses were received at the public session and online. The following answers that received 3 or more responses in order of the highest ranked were:

- Camping (same as it is now)
- Hunting (Deer/Duck/Rabbit)
- Hiking, mooring
- Fishing, swimming
- Outhouses
- Canoeing/kayaking
- Clam/shellfish digging, day trips, foraging/honorable harvesting, open fires/campfires, sailing, snorkeling
- Bird watching, boating, picnics, trapping – beaver/mink/otter

Other activities mentioned were:

Beach, beach clean-ups, boating, Bush Island Boat launch, cattle pasture land, commercial activities (targeted, low impact), cruising, cutting firewood, designated trails through signage, drones, eco tourism, educational purposes/programming, endangered bird monitoring, events – family friendly, events - traditional adult, fire – controlled fire site, fire – premade fire uses, fireworks, garbage (TOWYTI), kite surfing, leave no trace activities, local recreational fishing, local recreational hunting, materials for fishermen (controlled/restrictions), motorized boating, new trail (away from nesting areas), no damage to ecosystem, off-leash dog walking, paddle around, photography, provided firewood (prevent harvesting), sand dollar collecting, scuba diving, stand up paddleboarding, star gazing, surfing, tourism group visits, traditional uses, visit with friends, volleyball, watersports, sightseeing, protection of wildlife, a hiking trail or two and exploring.

What activities would you like not to be permitted on the island?

A variety of responses were received at the public session and online. The following answers that received 3 or more responses in order of the highest ranked were:

- Building/Development/Permanent Structures
- Forestry/Clearcutting
- Destination tourism promotion
- Mining, formal campsites requiring bookings/permits and destination tourism promotion
- Commercial operations and livestock grazing
- Clean energy farms (solar/wind)

Other activities mentioned were:

Restriction on movement/land access, golf course, Air BnB's, large scale activities, contaminated waste dumping/garbage left, motorized vehicles (ATV's, SbyS), new trail development, commercial sightseeing, signage, importing lumber to the island, wharf, armour rock/erosion prevention, movie production, outhouses, camping but permit a large number of people for evening, tour groups, development, formal ferry service and wood harvesting.

What are your hopes for the future of Cape LaHave Island?

A variety of responses were received at the public session and online. The following answers that received 3 or more responses in order of the highest ranked were:

- Keep exactly the way it is/status quo
- Protected from Development and Private Ownership
- Municipal beach clean/Annual clean-up/waste management

Other hopes that were mentioned:

Properly structured easement – fearful of a reputation like that of Halifax Commons, never any development, minimal management, no actual campground or official park, protected from development and private ownership, remains common lands, in favour of the expertise Nature Trust brings to maintain what is already there, a lot like the past, proper outhouse, ecological protections for species/sensitive areas, no overuse, no promotional marketing, let nature take its course (i.e. storms, erosion), online code of conduct (MODL & Nature Trust), interpretive panel, things change as population grows, signage around leave no trace waste management, keep it natural, camping control (maximum occupancy/enforcement), one of the most important projects MODL has undertaken to add another layer of protection, shame to lose it, open to commercial tours, no buildings permitted, protection from becoming a tourist destination like Peggy's Cove, that it remains a wild place where humans take a back seat to nature, multi-use commons/parks with maintained hiking trails, camp areas with toilets , some sheep on the island, nest boxes to increase birds/bats, and no new trail creation.

The feedback received at the May 13, 2024, public information and feedback session, along with the online comments, align with comments made during the 2020 online public consultation that was conducted during the pandemic. The 2020 Cape LaHave Engagement Report can be found on the MODL Engage site. The four key themes outlined in the report received from the public were:

1. Cape LaHave Island is of significant value to the community.
2. Maintain current level of development.
3. Education is key.
4. Additional consultation desired.

The May 13, 2024, public information and feedback session was directly in response to number 4.

Questions Posed by the Public and MODL/Nature Trust Responses

After the presentation, and participants engaging in each question, residents posed a number of questions. They were:

1. How does an easement affect waters, high water mark?
2. Can fireworks be permitted?
3. Can the easement have prohibited uses that were allowed in the original grant?
4. What is habitable restoration?
5. Does MODL own the island, or is it just in trust to them?
6. Is the land already protected by the Common Lands Act?
7. What can a conservation easement do to protect the Island any more than the Commons Land Act.
8. What research exists that clearly shows that animals are detrimental to the ecosystem?
9. What are the timelines & how will it be communicated?

For a number of these questions, legal opinions from both the Municipality's and the Nature Trust's solicitors was provided.

1. How does the easement affect water, high water mark?

- a. This question is a little vague, we are interpreting it to refer to how the conservation easement might impact access to or use of water resources, including the rights associated with the high-water mark. In Nova Scotia, the land below the high-water mark (the line reached by the highest tide) is generally considered public land, managed by the provincial government. If the island has a conservation easement, it should not change public access to the intertidal zone or water.
- b. Since the easement will include restrictions on development, it might limit certain activities near the high-water mark, such as docks, shoreline stabilization, or land clearing.
- c. The high-water mark defines the boundary of sensitive coastal habitats, including salt marshes and intertidal zones, which are critical for biodiversity. A conservation easement can help protect these areas.
- d. If the question is about long-term impacts, sea level rise may shift the high-water mark over time. The Conservation easement would account for this by allowing natural coastal processes to continue without intervention (e.g., no artificial barriers), following the legal boundary of the island.

2. Can fireworks be permitted?

This would be outlined in the conservation easement between the Municipality of the District of Lunenburg and the Nature Trust. With fireworks not being classified as environmentally friendly it is anticipated they would not be allowed.

3. Can the easement have prohibited uses that were allowed in the original grant?

Yes, the easement can outline uses that are permitted and not permitted, which may vary from the original uses that were allowed in the original grant. The 2023 amendment, especially read together with the Conservation Easement Act, may implicitly supersede the purposes of the original grant by allowing the municipality to grant a conservation easement over the land. The 2023 amendment indicates that the permissible and prohibited uses of the land may change once a conservation easement is in place.

4. What is habitable restoration?

We assume this question refers to habitat restoration, which refers to the process of repairing and improving natural ecosystems that have been degraded or altered. This is accomplished by restoring native vegetation, improving wildlife habitat, and addressing environmental damage. This can involve actions like replanting native plants, removing invasive species, and creating better conditions for wildlife to thrive.

5. Does MODL own the island, or is it in trust to them?

MODL has control and management of the island. The amendment to the Commons Land Act made in 2023 expressly permits the Municipality to grant a conservation easement over the island.

6. Is the land already protected by the Common Lands Act?

The land is protected as common land by the Lunenburg Commons Lands Act, but it is not necessarily protected for conservation purposes. Future councils could potentially request that the Act be amended enabling the land to be sold or to make changes to open it up for development.

7. What can a conservation easement do to protect the Island any more than the Common Lands Act?

The Lunenburg Common Lands Act is not directed towards the environmental protection of the Island, whereas a conservation easement would prioritize environmental protection. The Conservation Easement Act would provide a layer of purpose and protection that is not present in the Lunenburg Commons Act.

The other layer of protection the conservation easement would bring is it would ensure the natural state of the island is kept in perpetuity. The Common Lands Act has been amended several times. We are not suggesting this would ever happen, but Council could in the future request an amendment to the Act to enable the council to sell or lease the island, but with a conservation easement in place, even if the Act was amended, the conservation easement goes with the land. This means the terms of the conservation easement would need to be adhered to by the owner.

8. What research exists that clearly shows that animals are detrimental to the ecosystem?

Cape LaHave Island has generally thin, rocky soils that are fragile and can be easily damaged by cattle hooves. Trampling can compact the soil, making it harder for water to soak in, leading to increased runoff and erosion. Since coastal islands are already prone to erosion, heavy grazing could strip away protective vegetation, leaving the land more vulnerable to storms and high tides and altering the landscape (Trimble & Mendel, 1995; San Francisco Estuary Institute, 2020, Point Reyes National Seashore Study, 2020). The island does not naturally grow the grasses and other forbs that cattle typically graze on in large amounts, so they might eat shrubs, mosses, and other slow-growing plants instead. This could upset the balance of the ecosystem and harm plant communities that are not adapted to grazing. Damage from cattle grazing to the plant communities could take years or even decades to recover. Incompatible grazing could impact a variety of habitats including wetlands, dunes, and forested areas, reducing habitat for birds, pollinators, and other wildlife (Kuhfeldt et al., 2016; Point Reyes National Seashore Study, 2020).

The island is a breeding ground for Piping Plovers (*Charadrius melodus*), a species at risk designated as endangered in Canada, and a species that could be negatively impacted by trampling and habitat changes (Environment Canada, 2012). Other species at risk, including Monarch butterflies (*Danaus plexippus*) and Yellow-banded Bumblebees (*Bombus terricola*), rely on flowering plants that could be depleted by cattle. Other wetland birds found on the island, like Lesser Yellowlegs (*Tringa flavipes*) may also be affected if their feeding grounds are disturbed, and riparian vegetation trampled to provide cattle with fresh water.

Cattle can bring in non-native seeds through their feed and manure, leading to the spread of invasive plants that could outcompete native species (Fleischner, 1994). Grazing can also change the natural nutrient cycle of the land due to grazing patterns and nutrient load from dung, making it harder for slow-growing native plants to survive (San Francisco Estuary Institute, 2020). If cattle require supplemental feed, it must be carefully sourced to avoid introducing invasive plant species that could spread beyond grazing areas and disrupt native plant communities and may require additional infrastructure to support (i.e. fencing, hay barn etc.). Additionally, cattle themselves can act as invasive species as these coastal islands would not have historically had large grazing herbivores. Public enjoyment

of the island may also be a source of conflict. Cattle could interfere with hiking, camping, and wildlife viewing on the island. Trails and campsites may be degraded by hoof damage or livestock waste. There are potential safety concerns that could arise if cattle become aggressive or disrupt visitors, particularly during calving season. There is a potential impact on the cattle producers as well if their cattle are spooked or injured due to people recreating on the island.

Considerations If Cattle Grazing Occurs on The Island

If cattle grazing continues as a use on the island, careful planning is needed to minimize environmental harm and public safety concerns. Key considerations are noted below.

- Overgrazing can lead to long-term land degradation, and because these coastal islands did not evolve with large herbivores like the prairie landscape did, the vegetation is not well adapted to significant grazing. The number of cattle the land can support without causing damage is called the carrying capacity, which depends on the amount of available forage, soil type, and climate. A range health assessment would need to be conducted to look at the carrying capacity of the land and assess the proper stocking rates through calculating the amount of forage required by one animal unit (AU) for one month. This is called an Animal Unit Month (AUM) and is a standard for setting grazing rates. One animal unit is defined as a 1,000 lb. (450 kg) beef cow with or without a nursing calf with a daily intake requirement of 26 lb. (11.8 kg) of dry matter forage. These numbers need to be followed and monitored closely.
- Grazing may need to be limited to certain seasons to avoid sensitive times of year for certain species, like bird nesting or plant regeneration periods. There may also need to be more intervention from the cattle producer using tools like temporary electric fencing to look at rotational grazing (where cattle are moved between different sections) to prevent overuse of any one area or protect especially sensitive or human used areas.
- Providing supplemental feed may be necessary if natural forage is insufficient. However, all supplemental feed must be carefully screened to prevent the introduction of invasive plant species. Similar considerations should be looked at for water sources, especially with the limited freshwater supply on the island. Additional infrastructure may be required to support cattle on the island.
- Signage and education would need to be added for visitors to the island to inform them that cattle are on site.

In conclusion, introducing cattle grazing to this coastal island has the potential for serious environmental risks, including erosion, habitat destruction, introduction of invasive species, and conflicts with wildlife conservation and recreation. If grazing is carefully managed with limits on numbers, seasonality, and containment, some but likely not all, impacts could be mitigated.

9. What are the timelines & how will it be communicated?

There are decisions that Council needs to make that directly relate to next steps and timing, including confirming that Council is still interested in entering into the conservation easement with the Nature Trust and determined how the public will be informed moving forward. If Council agrees, the intention is to have the conservation easement signed this year (2025). Next steps to achieving that are below:

- MODL and Nature Trust solicitors review the draft easement documents
- Hold a public information session (if required) in May/June
- Nature Trust staff visit the island to confirm baseline conditions for the easement, to supplement the information already gathered
- Back to council for approval and signing, if approved

Conclusion

The main themes that came from the community information and engagement session hosted in May 2024 aligns with the feedback received from the public in 2020 which are:

1. Cape LaHave Island is of significant value to the community.
2. Maintain current level of development.
3. Education is key.
4. Additional consultation desired.

People stated they wanted to keep Cape LaHave Island in its natural state, not to develop it, and maintain the low impact recreational uses currently happening. The top three responses in 2024 when it came to hopes for the island were:

- Keep exactly the way it is/status quo
- Protected from Development and Private Ownership
- Municipal beach clean/Annual clean-up/waste management

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