



AGENDA
Town Council Meeting-Council Chambers
September 18th, 2023
6:00 p.m.

Doc Ref:

1) Call to Order

2) Approval of Agenda

3) Approval of Minutes from the regular Town Council meeting held on September 5th, 2023.

4) Proclamations & Announcements:

- a) Right to Know Week – September 26th to October 2nd, 2023
- b) National Day for Truth & Reconciliation - September 30th, 2023
- c) Mi'kmaq History Month - October
- d) Breast Cancer Awareness Month - October

5) Delegations:

- a) Eileen Sanderson D23-173
- b) Sandra Bell D23-174

6) Correspondence:

Action:

Information:

7) Council Items:

- a) Extension of Minto Street/Subdivision Request D23-175
- b) Cruise Ship Update
- c) By-law – Deer (second reading) D23-176
- d) By-law – Roads Trail Designation D23-177
- e) Town Council BBQ
- f) Beautification

8) Committee Reports:

- a) Building Inspection Report, August 2023 D23-178
- b) Audit Committee – Approval of 2022-23 Audited Financial Statement

9) Staff Reports:

- a) Nova Scotia Housing Post Fire Update – Sarah Mattatall D23-179
- b) Draft FCI (Financial Condition Indicators) – Jane Crowell D23-180
- c) Interim CAO Update

10) New Business:

11) Upcoming Meetings/Events:

- a) Whirligig Festival – Sunday, September 24th, 2023, Waterfront
- b) Cruise Ship Insignia - October 2nd, 2023 – 7am-2pm
- c) Next Town Council meeting, Tuesday October 3rd, 6pm, Council Chambers
- d) Giant Pumpkin Festival and Regatta, Saturday, October 7th, 2023, Waterfront

12) In Camera, 22(2)g Legal advice



Town of Shelburne
Minutes of the Regular Council Meeting
Monday, September 5th, 2023

Council Members Present

Mayor Harold Locke
Councillor Elizabeth Acker
Councillor Rick Davis
Councillor Sheldon Ringer

Staff Present

Sarah Mattatall, Chief Administration Officer
Candy Venning, Executive Coordinator
Jane Crowell, Manager of Finance
Andrew Goreham, Development Officer
Ken Smith, Interim CAO

Regrets

Councillor Ben Nickerson

Call to Order

Mayor Harold Locke called the Council meeting to order at 6:00pm.

The Town of Shelburne is located on the ancestral and unceded territory of the Mi'kmaq, (Mi'kma'ki), in the District of Kespukwitk, home to Acadia First Nation. We are all Treaty people.

We also acknowledge the histories, contributions, and legacies of the African Nova Scotian people and communities.

Approval of the Agenda

THAT Council approves the Agenda for September 5th, 2023.

Davis-Ringer

CARRIED

Approval of the Minutes

THAT Council approves the Minutes from the regular Council Meeting held on July 17th, 2023.

Acker-Ringer

CARRIED

Proclamations & Announcements

- a) "Volunteer of the month for September, The CP&V Committee, along with Town Council have decided to recognize Pat Chute as the Volunteer of the Month for September.

Pat joined Shelburne County Tourism Association and became a director promoting tourism in Shelburne County, combined with her previous experience in Ontario for a total of over 30 years in hospitality. During that time, she purchased the iconic 'Coopers Inn' in 2005, running it while meeting her now husband in 2014 and selling it in 2022.

Instrumental in the inception of Shelburne 'Boomerang Bags' pre-covid, which flooded the town with Re-useable cloth bags made of donated materials & continues to sell beautifully crafted bags and hand-crafted items at The Guild Hall Market today.

Pat joined the Roseway Hospital Auxiliary and began volunteering at the NU2U. Noticing the quality of items being donated, she created an online auction for NU2U. It quickly became very popular with over 2000 members, raising \$300+ per week!

For all that Pat has done and continues to do for her community, the CP&V Committee and Town Council recognize Pat Chute as the Volunteer of the Month for September. Thank you!"

Delegations

Mr. Chris Sharpe President of the Shelburne Historical Society, made a presentation to Town Council, regarding the new construction of an outbuilding behind the Shakespear House at 17 George Street. He began his presentation by noting the historical significance of the neighbourhood, noting that the intersection of Water and George Street is a "corner unique in North America with it's pre-1785 wooden houses". He noted that the new build violated the Town's Land Use By-Law and referenced the Municipal Planning Strategy, the Heritage Property Act, and the Town's Heritage Waterfront zones. Concerns highlighted in his presentation included the following:

- a) Was the new build an accessory building or not if it's current use could be an Airbnb,
- b) the allowance of a building permit for any new development on the site not meeting the minimum lot area, the minimum side yard, etc.
- c) Architectural features not aligning with that of the existing historically significant building
- d) Height of the new build

Copy of his presentation is attached to the minutes for further detail.

He finished his presentation by stating that the society requests that an immediate stop work order be issued, that the application for a development permit be re-examined and cancelled if the concerns outlined in this presentation are validated. He asked that Council give this time sensitive nature of the project we ask that Council consider the motion at this meeting.

Questions from Council to the Development Officer included the following:

1. Is this classified as an Accessory building?
2. How high is the structure?
3. The lot square footage is less than the minimum?
4. Was there any variance given for this development?
5. Encroachment on the south side?
6. What type of building is it?
7. Is it hooked up to water or sanitary sewer?
8. Does the structure have a basement or a concrete slab or a crawl space?
9. Is there an engineering report about the stability in relationship to the stone wall?
10. Has there been any contact with the Provincial government regarding this property?

Chris finished his delegation presentation by summarizing that the salient question is whether this is a new building or a renovation of an existing building.

Correspondence

Action:

None

Information

- a) Nova Scotia Fire Marshall Amendments to the Nova Scotia Building Code.

- b) Municipality of the District of Shelburne Thank You letter regarding Dock St. Days.
Council received the letter as presented and thank the Municipality for an excellent event.

THAT Council accepts the information as presented.

Council Items

- a) Status of Two By-Laws, update

M23-089 *THAT* the “feeding of deer, waterfowl and pigeons By-law” amendment be addressed at the September 18th, 2023, Council Meeting for a second reading.

Acker-Davis

CARRIED

M23-090 *THAT* Council defer the proposed Town of Shelburne Road Trails Designation By-Law to the October 2nd, 2023 Council meeting with a staff report being an agenda item for the next Council meeting on September 18th, 2023. It was the consensus of the Council members that the proposed Road Trails Designation should be brought to the September 18th, 2023, meeting to make public aware before going to a Second Reading.

Ringer-Davis

CARRIED

- b) Grovestine Recreation Complex Update

The Council members discussed their desire to improve the facilities at the Roger Grovestine Complex. It was reported the notes prepared by Jerry Locke were helpful in moving forward. It was also noted the importance in mobilizing the Community, particularly the use groups, to work with the Town to achieve the significant funding objective needed to carry out the observations noted in Mr. Locke’s report plus ideas from the public works staff including a significant upgrade to the ballfield and the resurfacing of the tennis/pickleball courts.

M23-091 *THAT* staff meet with the Regional Recreation Manager to seek funding to assist in carrying out comprehensive upgrades to the facility.

M23-092 *THAT* Council utilize the currently budgeted \$5000 to carry out “must do now” fixes, prior to winter and defer the balance to next year’s budget to go towards cost sharing with a Provincially funded recreation grant.

Davis-Acker

CARRIED

- c) Request to purchase PID 82553371

Council members reviewed a request from a developer Mr. Paul Khangura, to purchase the 2.2 acres between the Yacht Club property and Port Authority property with 82553371 as the PID#. The developer is interested in developing the property overlooking the harbour. It was noted that Council’s intention was to utilize the property to further enhance the Port’s growth.

M23-093 *THAT* Council denies the request to purchase PID 82553371 as the property is to be set aside for Port Authority use.

Acker-Ringer

CARRIED

Committee Reports

None

Staff Reports

a) IT 'Townsuite' Cloud Hosting, Staff Report

M23-094 **THAT** Council approves the proposed changes to server hosting from MJSB to Townsuite.

Ringer-Davis

CARRIED

b) Capital Projects Update

It was noted that that the report was very informative for the Council Members and the public. It was suggested that it would be beneficial to update Council quarterly when practical.

M23-095 **THAT** Council accepts the report on updates to the 2023/24 Capital Projects as presented.

Acker-Davis

CARRIED

c) Beautification Staff Report

Council members discussed the pros and cons of carrying out the Beautification project at \$20,000, while staying within the budgeted amount of \$10,000 from Council or carrying out the project at a cost of \$24,000 while optimizing the grant of \$12,000 from the province.

M23-096 **THAT** Council approves the Beautification project budget at \$24,000 with \$12,000 funded by \$2,289 from General Operating Budget, \$4,101 from General Operating Reserve and \$5,610 from Sustainable Services Growth Fund (SSGF).

Davis-Ringer

CARRIED

d) Provision of Water and Sewer Services to MDS, Staff Report

Staff noted that the purpose of the item being placed on the agenda was to ratify the decision made at the in-camera meeting held on August 3, 2023. It was also noted that by placing the topic on tonight's agenda, the staff report would be public document. It was further noted that Council members had been forwarded an e-mail from the Municipality of the District of Shelburne requesting that Council re-consider its decision for sewer hook-up at PID #80111818 on Spa Road for future housing development only. Although this email was not received in time for the Council package, it was circulated for their consideration prior to making the notification motion.

M23-097 **THAT** Council ratifies its in-camera, August 3rd, 2023, direction in the form of a motion that sewer and water lines not be extended.

Acker-Davis

CARRIED

New Business

None

Upcoming Meetings / Events

- a) Shelburne Whirligig Festival, September 16th and 17th, Dock St. waterfront
- b) Next Town Council meeting, Monday September 18th, 6pm, Council Chambers, preceded by Audit Committee at 5pm, Council Chambers
- c) Cruise Ship 'Vista' September 23rd, 7am

In-Camera

MGA 22(2)(g) - Legal Advice

MGA 22(2)(c) – Personnel

THAT we move in Camera under *MGA 22 (2)(g) Legal Advice* and *MGA 22(2)(c) Personnel*.

Davis-Ringer

CARRIED

Council Came out of In Camera at 7:01pm.

Adjournment

THAT the Regular Town Council Meeting of July 4th be adjourned at 7:02pm

Davis

Mayor

Executive Coordinator

Public Presentation to Shelburne Town Council
Regarding new construction at 17 George Street

The Town's walking tour brochure notes that the intersection of Water and George Streets is a "corner unique in North America with its four pre-1785 wooden houses." Even allowing for some hyperbole in the description, this corner is a significant part of Shelburne's townscape. The recent construction activity in the rear yard of the Shakespear House at 17 George Street ignores this importance and has a negative impact on the character of the intersection.

The purpose of the project is to "save, renovate and expand [an] accessory building, adding services i.e. plumbing, sewer and electrical" in order to provide a "sleeping cabin and storage".

An Accessory Building is defined in the Shelburne Land Use Bylaw, as a "subordinate building or structure¹ on the same lot as the main building devoted exclusively to an accessory use". An "Accessory use" is defined as "a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main (sic) use of land or building and located on the same lot". If, as rumoured, the new structure may be used as an Airbnb, it cannot reasonably be considered an "accessory use." Furthermore, an accessory building "shall not exceed 15 feet in height (section 9 (1) (f), Part 5, General Provisions for all Zones). It is not obvious that the structure described in the Application and now under construction meets these criteria

Note 1. "Structure means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil. ... A structure shall include buildings ..."

The Shakespear House is a municipally- and provincially-designated heritage building located in the Historic Waterfront (H-W) Zone. Section 56 of the Land Use Bylaw stipulates that "***no development² permit shall be issued for a use in a Historic Waterfront (H-W) Zone except in conformity with the following requirements:***

Note 2. "Development" includes any erection, construction, alteration, replacement or relocation of, or addition to, any structure ..."

Minimum lot area	4,200 square feet
Minimum rear yard	20 feet
Minimum side yard	10 feet each side
Maximum lot coverage	35 percent

The lot covers 3,229 square feet – smaller than the minimum requirement in the Zone. Obviously the Shakespear House predates the bylaw by a couple of centuries and is an allowable non-conformity. But the Bylaw precludes the issuance of a building permit for any new development on the site. The Municipal Government Act (MGA) permits the "extension, enlargement, alteration or reconstruction of a nonconforming structure" ... "if it exists" at the time a land-use bylaw is introduced. Section 16 in Part 5 of the Shelburne

Land Use Bylaw makes the same provision. However, if the previously-existing shed was demolished, as I believe was the case, the proposed accessory building is a new development that would not qualify under the exemption clause.

The new building is only 40 inches from the northern boundary of the adjoining property. The H-W Zone requires a rear yard at least 20 feet and side yards of at least 10 feet. Neither the existing building nor the new building conforms to these requirements. An accessory building can be as close as two feet to the lot line (Part 5, Section 9 (1) (d)) but if the new building doesn't qualify as an accessory building, it cannot be so close to the lot line.

Shelburne's Land Use Bylaw (Section 37(A)) and Policy 45A of the Municipal Planning Strategy allow that when a proposed development does not conform to an approved land use bylaw, "the development officer may grant a variance ... for the ground area and height of a structure." However, the MGA, which provides the authority for the granting of a variance (Section 235(1)), stipulates that a variance may not be granted if it violates the intent of the land-use bylaw (Section 235 (3) (a)) and, if a variance has been granted, "the development officer shall give notice in writing of the variance granted to every assessed owner whose property is within the greater of 30 metres and the distance set by the land-use bylaw. Such notice shall (a) describe the variance granted, (b) identify the property where the variance is granted; and (c) set out the right to appeal the decision of the development officer." Property owners are given fourteen days to appeal the decision. (Section 236). A variance must have been approved, since the building is under construction, but adjacent owners were not given the required notice, despite the Provincial requirement that this be done.

Any lot in the H-W Zone is also subject to additional "Special Requirements":

57 (1) In addition to all other requirements, where a new development or redevelopment is proposed on a lot, any part of which is visually related to an existing historically significant building, designated pursuant to the Heritage Property Act, the major architectural features of the proposed development or redevelopment shall be similar to one of the buildings to which it is visually related with respect to

- (a) roof shape
- (b) window, porch and door style
- (c) window area to wall area ratio
- (d) building length to width ration, and
- (e) exterior cladding

(2) For the purposes of this Section, visually related shall mean within 100 feet of a designated building

The new building is well within 100 feet of a designated building so these requirements must be met. Without a rendering of the proposed building it cannot be determined if they will be, but the Town is obliged by its Land Use Bylaw to ensure that they are.

As a provincially-designated heritage property the Shakespear House is subject to the provisions of the Heritage Property Act (Chapter 199, Revised Statutes 1989 as amended). The act stipulates that “building includes the land and structures appurtenant thereto” and an application for permission to substantially alter³ the exterior appearance of a provincial heritage property shall be made in writing to the Minister” (Section 11 (2)). No such permission was requested.

Note 3. A “substantial alteration” is defined as “any action that affects or alters the character-defining elements of a property. ... Character-defining elements means the materials, forms, location, spatial configuration, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value.”

The Heritage Property Act permits the establishment of a municipal registry of heritage property. Shelburne has such a registry. When one exists the Act requires the establishment of a heritage advisory committee which is empowered to “advise the municipality respecting, among other things, “an application to substantially alter ... a municipal heritage property.” The Act doesn’t require that the committee be asked to provide advice, but it is a reasonable assumption that it should be in a case like this one. It was not.

The new building in the rear yard of 17 George Street violates several of the building standards that apply to all properties in Shelburne’s Heritage Waterfront Zone. Allowing this building to remain will send a clear message that the regulations governing development in the Historic Waterfront Zone are meaningless. Surely this cannot be the intention of the Town Council.

Given the number and importance of the regulations in the Provincial MGA and the town’s Land Use Bylaw that are violated by this building, the Shelburne Historical Society requests that an immediate stop work order be issued, that the application for a development permit be re-examined and cancelled if the concerns outlined in this presentation are validated. Given the time-sensitive nature of the project we ask that Council consider the matter at this meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher Sharpe". The signature is fluid and cursive, with the first name "Christopher" written in a larger, more prominent script than the last name "Sharpe".

Chris Sharpe
President,
Shelburne Historical Society.



**Application
Request for Delegation/Public Presentation to
Council/Committees**

RECEIVED
AUG 31 2023

Meetings of Shelburne Town Council and Town Committees regularly take place at the Town Office, Council Chambers, 168 Water Street, Shelburne, Nova Scotia. Please call the Town Office to confirm meeting date(s) at 902-875-2991 Ext. 8 or check the Town of Shelburne website at www.shelburnens.ca.

No more than two (2) public presentations will be scheduled on the agenda of each Council meeting, each month. Each presentation is limited to fifteen (15) minutes. Presentations are scheduled on a first come, first serve basis.

This form must be returned properly completed and submitted no later than seven (7) calendar days prior to the meeting at which you wish to appear.

Name of Presenter: Eileen Sanderson

Address: 74 Old Post Road, Birchtown

Phone: 902-874-2801 Email: ahocei@hotmail.com

Council/Committee you wish to appear before:

- Town Council
- Community Participation & Volunteerism Committee
- Port Committee
- Asset Management Committee
- Shelburne County East RCMP Advisory Board
- Accessibility Committee

Reason(s) you wish to appear before Council/Committee (provide a brief summary of presentation/identify specific requests for funding, if any):

Safety concerns

Date of Council/Committee meeting at which you wish to appear: Sept. 18/23

Are you representing:

- Yourself
- An Organization/Society/Club (Name): _____
- A Business (Name): _____
- Other (Please Specify): other concerned citizens

If applicable, please attach a paper or electronic copy of your presentation to this application or submit it no later than the 12:00 p.m., the Wednesday before the Council/Committee meeting. Your presentation will be circulated to Councillors/Committee Members prior to the meeting to provide Council/Committee Members with an opportunity to review your submission.

Note: Failure to provide a paper or electronic copy of your presentation will result in the processing of this request to be delayed or your scheduled presentation postponed until the required information is received.

Please return the completed form to:

Robin Smith, Executive Coordinator Town of Shelburne, 168 Water Street, Shelburne, NS,
Candy.Venning@shelburnens.ca (902) 875-2991 ext. 8, Fax: 902-875-3932.

Once you have read the document attached to this form, please confirm you have read and understand the conditions contained therein by signing this form in the space provided below.

I have read the attached document on making public presentations to Shelburne Town Council/Town Committee and understand the conditions under which an opportunity to make a presentation to Council or a Town of Shelburne Committee will be provided.

Signature

E. Sanderson

For Office Use Only:

Date Request Received: Aug 31/23

Approved Refused

Reason for Refusal: _____

Applicant Notified

If Approved, Date of Presentation: Sept 18/23

Signature of Executive Coordinator/Committee Secretary [Signature]

Town of Shelburne
168 Water Street
Shelburne, Nova Scotia
B0T 1W0
September 7, 2023
To: Executive Council



Document # D23-173	
Rec'd by <i>g</i>	
Date Aug 31/23	
COPIES TO:	
Council	<input checked="" type="checkbox"/>
Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>
	<input type="checkbox"/>

As concerned citizens we are wishing to address your next council meeting regarding matters that relate to social and public policy:

- Very recently in town a senior was victimized in his own home.
- Senior is eighty years of age.
- It has been over a month and no updates have not been communicated to the community
- The senior is a person of color, elderly and in poor health.
- Information in the community is that there are concerns of drug use which poses both health and safety issues to the residents.
- There are also concerns of lack of public policy surrounding justice, social issues and protection.

These matters are related to safety and social/equal justice.

Sincerely,

K. Sanderson
902-874-2801



August 22/20233

Town of Shelburne,
168 Water Street
Shelburne Nova Scotia B0T 1W0

Dear Mayor and Executive Council Members,

We are a group of concerned citizens with respect to ongoing health and safety issues that have and continue to affect the Town of Shelburne and its citizens.

We are requesting to be heard at the next Town Council meeting, however only one of the members will be speaking on behalf of the group.

Would you kindly provide us with a date, time and location of next Town Council meeting and block off a slot on the agenda to give us an opportunity to present our concerns with respect to the Town of Shelburne.

We appreciate hearing from you and your consideration; please e-mail Eileen Sanderson at ahocei@hotmail.com

Sincerely,

Group of concerned citizens of Shelburne County



**Application
Request for Delegation/Public Presentation to
Council/Committees**

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No more than two (2) public presentations will be scheduled on the agenda of each Council meeting, each month. Each presentation is limited to fifteen (15) minutes. Presentations are scheduled on a first come, first serve basis. This form must be returned properly completed and submitted no later than seven (7) calendar days prior to the meeting at which you wish to appear.

Name of Presenter: __Sandra Bell

17 George St Shelburne NS _____ Address:

902-512-1212 _____ Phone:

Email: __wordsmithing.sb@gmail.com

- Town Council
- Community Participation & Volunteerism Council/Committee you wish to appear before:
- Committee Port Committee
- Asset Management Committee
- Shelburne County East RCMP Advisory Board
- Accessibility Committee

Reason(s) you wish to appear before Council/Committee (provide a brief summary of presentation/identify specific requests for funding, if any):

~~To defend my accessory outbuilding repair, retrofit and renovation project against recent opposition/allegations brought before council, to represent the processes followed in compliance with town and municipal representatives' advisements/conveyances, to demonstrate merits of the building and the property owner's own experiences resulting from the opposition, and to present legal opinions in support of the building's completion.~~

Date of Council/Committee meeting at which you wish to appear: __Sept 18 2023

Are you representing:

- Yourself
- An Organization/Society/Club (Name): _____
- A Business (Name): _____
- _____ Other (Please Specify): _____

If applicable, please attach a paper or electronic copy of your presentation to this application or submit it no later than the 12:00 p.m., the Wednesday before the Council/Committee meeting. Your presentation will be circulated to Councillors/Committee Members prior to the meeting to provide Council/Committee Members with an opportunity to review your submission. TO FOLLOW: homeowner presentation and a letter from her solicitor

Note: Failure to provide a paper or electronic copy of your presentation will result in the processing of this request to be delayed or your scheduled presentation postponed until the required information is received.

Please return the completed form to:

Candy Venning, Executive Coordinator Town of Shelburne, 168 Water Street, Shelburne, NS,
Candy.Venning@shelburnens.ca (902) 875-2991 ext. 8, Fax: 902-875-3932.

Once you have read the document attached to this form, please confirm you have read and understand the conditions contained therein by signing this form in the space provided below.

I have read the attached document on making public presentations to Shelburne Town Council/Town Committee and understand the conditions under which an opportunity to make a presentation to Council or a Town of Shelburne Committee will be provided.

Signature



For Office Use Only:

Date Request Received: Sept 11/23

Approved Refused

Reason for Refusal: _____

Applicant Notified

If Approved, Date of Presentation: Sept 18/23

Signature of Executive Coordinator/Committee Secretary 

Jill Webb

From: S Bell <wordsmithing.sb@gmail.com>
Sent: September 14, 2023 5:07 PM
To: Jill Webb; Ken Smith
Cc: John T. Shanks; Sergio Bozikovic
Subject: S. Bell Accessory Building Sept 18 Presentation Materials
Attachments: image001.jpg; S. Bell letter 4148-0806-6122 v.1.pdf; Auri Frattura letter of support Gmail - Shakespear House at 17 George st, Shelburne. NS.pdf; Sandra Bell Detailed Build Processes.docx; Sandra Bell Accessory Building presentation for submission.docx; Kelly Callaghan letter of support - Fwd_ Shakespeare House.pdf; shakespeare cabin drawing_For SUBMISSION.pdf; IMG_8604.jpg; IMG_8602.jpg; IMG_8603.jpg

CAUTION: This email originated from an external sender.

Hi Ken and Jill,

Please find attached the following for submission to council for my presentation for the Monday Sept. 18 meeting:

1. Legal letter from John Shanks of Stewart McKelvey
2. My oral presentation
3. Description of Detailed Processes of The Project - Supplementary material
4. Artists Rendition of the completed building
5. Photos of the build materials - Supplementary material
6. 2 letters of support from neighbours

Note: I will send a photo of the building in its current state shortly by phone.

Please confirm receipt of this.
Thank you.

Sandra
902-512-1212

Document # 023-174	
Rec'd by JW	
Date 09/14/23	
COPIES TO:	
Council	✓
Agenda	✓
Committee	



John Shanks
Partner
D: 902.420.3329
C: 902.791.0681
jshanks@stewartmckelvey.com
stewartmckelvey.com



Queen's Marque, 600-1741 Lower Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM999126-1

John T. Shanks
Direct Dial: 902.420.3329
jshanks@stewartmckelvey.com

September 14, 2023

Via Electronic Mail

Sarah Mattatall
Chief Administrative Officer
Town of Shelburne
168 Water Street
Shelburne NS B0T 1W0

Dear Ms. Mattatall:

Re:

We are retained by Sandra Bell, the owner of 17 George Street, Shelburne NS (the "Property"). We have been engaged by Ms. Bell to review the current situation involving the issuance of Building/Development Permit # 20230041 (the "Permit") by the Town of Shelburne (the "Town") and the recent challenges to that permit raised by certain residents of the Town.

Document #	
D23-174	
Rec'd by	
JW	
Date	
09/14/23	
COPIES TO:	
Council	<input checked="" type="checkbox"/>
Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>

Status of the Permit

The starting point for any discussion regarding the Permit and Ms. Bell's construction activities at the Property is that the Permit was validly granted by the Town on April 18, 2023. Since that date, and in reliance upon the Permit, Ms. Bell has expended considerable sums of money to advance her construction project, all under the supervision of the Town's building official.

There is no mechanism in the Municipal Government Act for a non-applicant of a building or development permit to appeal the issuance of a permit, whether to Council or to the Utility and Review Board. Conversely, had the permit been denied, Ms. Bell would have had a right of appeal to the Utility and Review Board. Only the process of judicial review at the Nova Scotia Supreme Court may be used challenge the issuance of a permit. Given the date of the issuance of the permit, and the fact that work has been taking place at the property for several months, the period for filing such a court application has passed.

The Permit was validly granted

We have undertaken a review of the relevant provision of the *Municipal Government Act* ("MGA") and the applicable Town bylaws and planning documents. We have concluded that the Permit was property issued to Ms. Bell, but that a formal notification of the height variance implicit within the Permit's terms should be communicated by the building official as required in the Land Use Bylaw ("LUB") and the MGA.

The Permit was issued for renovation to an existing accessory building located at the Property. The term "accessory building" is defined as follows at section 2(2)(a) of the Town's LUB:

4148-0806-6122

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use, but does not include a building attached in anyway to the main building, or a building located completely underground.

The term "accessory use" is also defined at section 2(2)(b) of the LUB as:

ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

The Permit authorizes our client to renovate the existing accessory building by reconstructing portions of it and adding services to the structure. The "use" of the reconstructed building remains accessory or incidental to the main residential use of the property. The Permit was issued with a allowable height for the reconstructed accessory building which exceed the limit imposed at section 9(1)(f). This is permissible as the Development Officer for the Town has the ability to issue a variance of the height requirements for a buildings under s. 37(A) of the LUB and under s. 235(1) of the MGA. The granting of the Permit with a height variance displayed the Development Officers acceptance of the height provisions for this project. We understand that notice of the variance may now need to be provided in accordance with s. 236 of the MGA.

There have also been submissions to Council that the Permit as a whole should not have been issued as the Property lies within the Historic Waterfront (H-W) zone. In particular it has been suggested that the under-sized nature of the lot precludes a development permit being issued for the reconstruction of the accessory building on the Property. However, the H-W zone permits any uses approved for a R-1 zone. The R-1 zone permits residential uses and s. 10 of the LUB permits accessory uses to the main permitted use within a zone.

Moreover, s. 16 of the LUB permits the reconstruction of buildings located on lots which do not meet the current development requirements of the LUB.

Any building erected on or before the effective date of this By-law which is not in conformance with the Development Standard requirements as established in this Bylaw, may be enlarged, renovated, reconstructed or repaired provided that such enlargement, renovation, reconstruction or repair does not further reduce or impair the required development standard, and provided that all other applicable provisions of this By-law are satisfied.

The section of the LUB clearly provides for the reconstruction of a structure. That term is not defined in the bylaw and therefore we must rely upon the ordinary meaning of the terms, which directs us to review is dictionary meaning. That term has been defined as:

to build or form (something) again after it has been damaged or destroyed. (Oxford Online Dictionary)

to construct again, to rebuild either in fact or idea, to remodel (Blacks Law Dictionary)

These definitions show that s. 16 of the LUB permits the rebuilding of the accessory building on the Property even if the size of the lot may not be sufficient to allow a permit for a new development to be constructed thereon.

With the allowance of a variance of the height for the reconstructed accessory building all requirements of the LUB, including setback from adjoining property lines (s. 9(1)(d)), have been met and the Permit was properly granted. There is no basis to question or restrict the validity of the Permit that has been properly relied upon by our client as she proceeded with this project.

Finally, reference has also been made to the Provincial *Heritage Property Act*. The threshold for approval for alteration of a heritage property is "substantial alteration". The reconstruction and improvement of an outbuilding (shed) does not meet this threshold. More importantly it is not within the jurisdiction of the Town to seek to enforce this Provincial legislation. The issuance of the Permit by the appropriate Town building official confirms that the reconstruction of the accessory building was not viewed as meeting the threshold of "substantially altering" the Property and therefore the notice requirements at s. 17 of the *Heritage Property Act* were not triggered.

Conclusion

Based on our review of the Permit, Town bylaws and applicable Provincial legislation we have concluded that the Permit was properly issued by the appropriate officials within the Town and that our client reasonably relied upon the permit to undertake her construction project. There is no basis at law to limit or restrict the effect of the Permit, although the notification requirements for the variance in height for the accessory building should be implemented to comply with s. 236 of the MGA.

Yours truly,

Stewart McKelvey



John T. Shanks
Partner
c. client

Presentation By Sandra Bell About Her Shakespeare House Accessory Building Project

Thank you for the opportunity to present to council today and defend my recent renovation work on my historic property's outbuilding.

Today I will be reading this presentation, as well as submitting to council:

- additional documentation about the processes of the build, including all the procedures I followed to ensure I was in compliance with the bylaws and building codes,
- photographs of my build materials and the building itself,
- artists drawings of the completed accessory building detailing its historic design,
- 2 letters of support from neighbours,
- and a letter from my lawyer, John Shanks at Stewart McKelvey Law firm in Halifax.

I will introduce myself, describe how I came to be here in Shelburne, describe what motivated me to repair and rebuild my accessory building, and describe my building processes to assure council that I have carefully followed every procedure to comply with the bylaws and codes. This presentation will rely upon both my own oral presentation and the documents I have submitted.

I am Sandra Bell and I am privileged to own the beautiful Shakespeare House at 17 George St. in Shelburne. It was my dream to live in Nova Scotia for several decades -- in the 90s I bought 70 acres of old growth forest in Cape Breton (which I still own) but, employed in Ontario, I was never able to develop it.

During the pandemic my Toronto employer allowed us to work remotely so I asked if I could work from a relocated home in Nova Scotia. I received approval to work remotely as the Executive Director of Arraymusic for two years, after which time I would 'retire' and provide them with consulting and design services.

I purchased 17 George St. in Jan. 2021 during the pandemic sight unseen although I had a lengthy investigative facetime walkthrough and hired a home inspector to write a 60-page home inspection report. I arrived in March of that year and couldn't have been happier with my purchase, the home, the special qualities of the historic town, and my new neighbours, who all seemed welcoming.

Today, I am recommencing working part-time at the Roseway hospital helping feed patients, the elderly, and people in town who rely on meals on wheels. I sing for, and with, my community. I'm creating art to eventually share and sell. I've reached out to the Osprey Arts Centre to let them know about grant-based funding opportunities. I recently reached out to volunteer for Hope For Wildlife. I have plans to contribute in other ways. I've worked hard to forge good relations with my close neighbours -- it's important.

In addition to the many issues in the main house I inherited requiring immediate attention, I discovered my new property's baby barn had board and batten cladding that was rotten on the bottom perimeter and its door was not attached. I hired a carpenter and made major structural repairs inside the main house, and also added new granite stairs and walkway to the exterior front. To the baby barn (which once housed sheep), the carpenter repairs and hangs the door,

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and I removed the overgrown vines from my outbuilding's exterior walls, planning to save and renovate it in future.

In the Fall of 2022, inspired by the 3 Airbnbs around me and my neighbour Willa McGee's own garage to cabin conversion, I devised the plan to turn my outbuilding into a fully serviced sleeping cabin. My motivations were as follows:

- My house only has 2 bedrooms and the unused bedroom on Water St. side is very noisy and shakes when all the trucks going by making it largely unusable.
 - By renovating/expanding my outbuilding I could house family and friends and my boyfriend when he visits for extended periods and works into the wee hours preparing trades for the Asian and European stock markets.
 - My outbuilding would be stronger than my house built in 1783, with hurricane strapping and impact resistant new windows, and offer a more secure place to ride out hurricanes.
 - When not in use I could rent the accessory building to help recoup building costs and generate income in support of my 'retirement' years. Rather than simply spend my life savings, I would invest them in improving my property to realize a return for years to come.
 - Shelburne is an important historic destination town seeking to attract tourists with 10 cruise ships annually, visitor information centre, arts and culture draws, historical signage. But with few sleeping spaces here, extra accommodation would surely be welcomed.
 - My project would prop up the local economy: hiring local trades; purchasing construction materials; buying art from local artists and craftspeople for its décor.
 - Canada and Nova Scotia are suffering from housing shortfalls and climate change, so small fully serviced buildings surely must be welcome!
- I retained the services of local carpenter Frank Bullick and his apprentice son Luke to work on my outbuilding. And with contractors in place, I begin drawing up plans.

A little About How The Project Proceeded:

Please refer to the complete detailed description of the project submitted as part of my presentation for council's consideration.

- I call the town and explain that I plan to repair, expand, and add services to my outbuilding in the historic district and ask what procedures to follow. I am directed to contact Town of Shelburne Pubic Works Supervisor Will Butler and Shelburne Municipality Manager of Inspector of Services Andrew Goreham.
- I speak to both, and I am advised to apply for a building permit and fill out a form with the town requesting a hook-up to the main sewer.
- April 12th at the Town of Shelburne's offices I complete a Development Permit Application. I specify I will: "Save, renovate and expand accessory building, adding services ie. plumbing, sewer and electrical"
- April 14 th at the Shelburne County Municipal office I submit my application for a Building/Demolition Permit to "repair, retrofit and expand existing outbuilding to create a serviced, usable accessory building".

- Highlights include plans to:
 - o extend the height of the existing outbuilding by 5' (bringing it from 12'.7" to 17')
 - o extend its length by .4" (from 12'.3" to 12'.7" *this indicates thicker siding than pre-existing, not sill movement)
 - o extend its width by 7'.5" (from 8'.5' to 16')
 - o add plumbing and electric
 - o add a dormer on the bay side to enable standing room on that side of the loft.
- I speak by phone with Andrew a couple days later who advises the Building/Demolition Permit is ready for pick up. We discuss that:
 - o he calculated the size of my lot in relation to the footprint these two buildings would occupy and indicated I fell within the allowable allotted percentage of building to land ratio, allowing him to issue the permit.
 - o since my property is in the Historic District and designated as such, I must keep the materials similar to the main house and ensure the accessory outbuilding "looks historic" in keeping with the neighbourhood. I assure him I will.
- Frank and Luke begin work on the building in June, removing the rot from the bottom of the exterior walls.
- I'd hoped to reuse the existing roof boards in the new extended roof, but my builder determines they are too old and brittle and advises me to remove it as unsalvageable.
- My neighbour Willa McGee texts:
 - o "Are you taking your shed down? If you are, Chrissie could use the trusses, if you aren't using them, to rebuild her burned shed. And any other wood you might be getting rid of? If you are re-building the shed... great!"
- I reply:
 - o "... I think I mentioned I am rebuilding the shed to save and make more usable. I was hoping to use the roof but it turned out the wood was extremely brittle so couldn't take a nail without splitting thus had to trash it. The only useable wood is on my current floor and walls and am using these but otherwise would have happily helped."
- Willa responds: "Thanks.
- We consult on site with Andrew about the foundation.
- Working around the (still then) existing walls and floor, 9 posts are inserted and 2X8 sills bolted down, and floor joists are added, completing the foundation.
- Plumber Jim Morash installs/insulates the underfloor plumbing.
- Andrew inspects and passes the foundation.
- I meet on site with Will and NS Power to scope and locate buried power lines.
- I retain Division 26 which has a window of opportunity to complete the project;
- They quote \$20,000 to complete two phases of electrical work. They apply to NS Power for the permit, requesting a power outage to hook up.
- Frank starts sistering joists atop joists upon the old pre-existing walls attempting to raise the ceiling height on the main floor.
- He advises the existing wall boards are in the same bad condition as the roof.
- On site, we ask Andrew:
 - o to advise about removing/replacing the old compromised wall and floor boards with fresh wood to improve the building's integrity. He agreed this was a safer option and permitted.

- whether such an approach would compromise or negate our “grandfathered” status which permitted the building’s location. He assured us it would not.
- If, no longer working around pre-existing walls or ceiling heights or requiring a dormer, we could modify the initial building height extension beyond the 17’ to allow for two full stories plus the roof, and increase the width slightly. Andrew advised there was no restriction on the number of floors on an accessory building, or height restriction per say; we could even build 3 stories.
- The builders remove the floor and wall boards, completing the lengthy demolition phase.
- I settle on 7.5 ft for the main floor and, after consultation with Frank, 8’ for the second floor (to eliminate the added time and expense we would have incurred for making ½ foot cuts on each new wall joist. I requested the ceiling be left open inside for cathedral effect and Frank researched how to accommodate this.
- They erect the new walls onto the completed foundation.
- July 11th Andrew passes the framing.
- After installing 2 horizontal windows, the building inspector stops by and indicates there are complaints. He advises I can run future material selections by him to, in turn, show the town or historical society if needed. I agree to do so.
 - I sell and replace the 2 windows with vertical windows with grills.
 - Soonafter, I email Andrew with photos and ask him to approve my door and other selections. He does.
- I converse with neighbours about my building, explaining my plans changed when the roof and walls had to come off, indicating the building inspector consulted on, and agreed with, these new plans.
 - I give my neighbours on George St. tours of the building. Each say it does not affect them’ and they are not bothered by it but before the council meeting Don and Steve rescind this.
 - I do not discuss my project with Willa, or give her a tour; because: 1. she has family visiting and I never bother her at such times; 2. she has broken her foot and is not walking well, or far; and 3. she has not been acknowledging me in our yards.
 - I observe Louise Lindsay walking her dog stopping my neighbour Kelly Callaghan who later reports she tried to turn her against me and my build.
 - Kelly and Tom Callaghan do not tour the building until later, but they favour the build.
- My builder requests I ask Willa McGee to access part of her two driveways to erect scaffolding to complete that side of the building’s exterior cladding.
- Andrew approves the roof.
- Aug. 2nd I phone Willa, but she doesn’t pick up. I knock on her door, she doesn’t answer. Later she texts:
 - “What do you want?”
- I reply: “To speak with you. Are you available for a phone call?”
- She replies: “No. What is it about?”
- I respond: “I need to put a piece of equipment on your driveway for up to one week so my carpenters can complete that side of my new cabin’s exterior. I have no other choice. I wanted to speak with you in person to ask you for the favour.”
- She replies: “Too bad... You should have thought of that before...” She goes on to say she has no intention of letting me put anything on her driveway so I can finish construction, accuses me of not having the “decency/courtesy” to tell her about the “huge building” I

- was “planning to build”, calls my building an “abomination in the Historic District” and me unpolite and inconsiderate. Her refusal slows the progress on my building, compromises its safety, and unnecessarily introduces risk into my builders’ work.
- This, despite that she has a habitable outbuilding exceeding 15’ height, which she renovated/expanded, has plumbing and electrical, houses her family when visiting, and has two skylights and two large sliding doors visible to Secret Park visitors, which are non-historic conforming. Her accessory building’s wall that abuts my property is an eyesore. Louise Lindsay also has a habitable 2-storey outbuilding exceeding 15’.
 - My neighbour Don Leggett, who more than once stated he has no issue with my building, submits a letter of opposition to council falsely stating I want to cut down the two majestic trees fronting my property. I’d stated earlier I want them ‘managed’ due to their towering heights, age, being physically intertwined, proximity to our historic houses, and lack of management.
 - August 24th and 25th Division 26 crew rough in the electrical.
 - Thursday August 31 acting outgoing CAO Ken Smith stops by and informs me there will be a council hearing about my building and he invites me to attend, I believe to address council.
 - I create digital drawings (resubmitted here) depicting the completed building and demonstrating its lovely historic design, and Ken distributes them to the councillors.
 - That day and prior I am harassed by a flood of texts from two neighbours disparaging my good name.
 - At the meeting I am met by a mob of townspeople, most whom I’ve never met, some angry. Willa makes a disparaging comment as I pass by. I note councillor Rick Davis is present for the presentation and does not recuse himself even though he had submitted a letter of opposition. The rest is on record.
 - o No councillors ask me questions.
 - Thursday, I ask Andrew where things stand; he indicates:
 - o the Town is concerned about an old bylaw he wasn’t aware of -- that has not been enforced, or inconsistently enforced, in years – which stipulates a maximum 15’ height for accessory outbuildings in the Historic District. He reassures me I am permitted more than one floor.
 - o this antiquated bylaw contradicts current building codes that require 7’ minimum clearance per floor. Allowing for floor and ceiling joists plus a roof, this bylaw makes double storey buildings impossible, yet they are permitted by not being disallowed.
 - o he photographs and submits to the Town many outbuildings in the Historic District that contravene this height restriction.
 - o If the Town seeks with prejudicious to retroactively apply such a height restriction to my accessory building, it raises the concern that won’t they then have to require *all previous* buildings built in the past 20 years exceeding this height to come into compliance?
 - Sept.12 I retain a lawyer in Halifax specializing in Municipal law, John Shanks, and engage the law firm Stewart McKelvey to provide legal advice.

In Conclusion

I set out with joy to fix my baby barn and build a modest historic looking building on my property. I requested a variance from the building inspector to modify/increase its height when the old roof, walls and floor could not be salvaged, and he permitted this. I asked for, and followed, the town's and municipalities' advice at every step. I enquired before committing to any action. I did everything possible I knew to ensure I was in compliance. And I was assured I *am in compliance*.

I spoke to neighbours about my project who initially assured me they had no problem with my building – some still support it, as you will see by the letters included.

While I started this project debt free, I spent my life savings and now am \$50,000 in debt, so being forced to defend myself despite having done nothing wrong, is concerning. I cannot, at this stage in my life, allow anyone to force me into financial ruin. Yet, I feel like the historical society and certain townspeople have aggressively painted a 'Construction Scarlett Letter' on me. I feel ostracized and persecuted by people I have never met who have not spoken to me directly.

Please consider that I should not be singled out in this. To be fair *everyone* should equally have to adhere to the same building and land use rules. Moreover, I believe my building will be beautiful and that we will all be proud of it upon completion.

Presentation By Sandra Bell About Her Shakespeare House Accessory Building Project

Attachment (not for oral presentation)

Detailed Description Of The Project's Processes

- I retained the services of local carpenter Frank Bullick and his apprentice son Luke to work on my outbuilding. And with contractors in place, I begin drawing up plans.
- I call the town and explain that I plan to repair, expand, and add services to my outbuilding in the historic district and ask what procedures to follow. I am directed to contact Town of Shelburne Pubic Works Supervisor Will Butler and Shelburne Municipality Manager of Inspector of Services Andrew Goreham.
- I speak to both, and I am advised to apply for a building permit and fill out a form with the town requesting a hook-up to the main sewer.
- April 12 th at the Town of Shelburne offices I complete a Development Permit Application. For Type of Project I specify: "Save, renovate and expand accessory building, adding services ie plumbing, sewer and electrical"
- April 14 th at the Shelburne County Municipal office I submit my application for a Building/Demolition Permit to "repair, retrofit and expand existing outbuilding to create a serviced, usable accessory building".
- Highlights include:
 - o extend the height of the existing outbuilding by 5' (bringing it from 12'.7" to 17')
 - o extend its length by .4" (from 12'.3" to 12'.7" *this indicates thicker siding than pre-existing, not sill movement)
 - o extend its width by 7'.5" (from 8'.5' to 16')
 - o add plumbing and electric
 - o add a dormer on the bay side to enable standing room on that side of the loft.
- Other work described includes:
 - o Remove rotting sills and bottom of walls
 - o Correct the minimal head room on both the main and second floors by extending the building height...
 - o Add HVAC...
- I speak by phone with Andrew a couple days later who advises me the Building/Demolition Permit was approved, ready for pick up. We discussed that:
 - o he calculated the size of my lot in relation to the footprint these two buildings would occupy and indicated I fell within the allowable allotted percentage of building to land ratio, allowing him to issue the permit.
 - o since my property is in the Historic District and designated as such, I must keep the materials similar to the main house and ensure the accessory outbuilding "looks historic" in keeping with the neighbourhood. I assure him I it will.
- Frank and Luke begin work on the building in June, removing the rot from the bottom of the exterior walls.
- I had hoped to reuse the existing roof boards in the new extended roof, but my builder determines they are too old and brittle and advises me to remove it as unsalvageable.
- My neighbour Willa McGee texts:

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- “Are you taking your shed down? If you are, Chrissie could use the trusses, if you aren’t using them, to rebuild her burned shed. And any other wood you might be getting rid of? If you are re-building the shed... great!”
- I reply:
 - “Hi Willa, ... I think I mentioned I am rebuilding the shed to save and make more usable. I was hoping to use the roof but it turned out the wood was extremely brittle so couldn’t take a nail without splitting thus had to trash it. The only useable wood is on my current floor and walls and am using these but otherwise would have happily helped.”
- Willa responds: “Thanks.
- My builders and I consult on site with Andrew about the foundation. He advises that an effective affordable option would be to put the building on posts cemented in the ground below the frost line using sonotubes; no crawl space required.
- Working around the (still then) existing walls and floor, 9 posts are inserted and 2X8 sills bolted down, and floor joists are added, completing the foundation.
- Plumber Jim Morash installs/insulates the underfloor plumbing. We discuss excavation requirements to hook up to water and the town sewer.
- Andrew inspects and passes the foundation.
- I meet on site with Will and NS Power to scope and locate buried power lines and they devise a hook-up plan that does not entail digging. I retain Hayden Sutherland for the install but he indicates later that a full team of electricians is required so refers me to Division 26.
- I phone and meet them on site, then retain Division 26 which has only a window of opportunity to complete the project;
- They quote \$20,000 to complete two phases of electrical work. I approve this and they apply to NS Power for the permit, requesting a power outage to hook up.
- Frank starts sistering joists atop joists upon the old pre-existing walls attempting to raise the ceiling height on the main floor.
- He advises the existing wall boards are in the same bad condition as the roof.
- On site, we ask Andrew:
 - to advise about removing/replacing the old compromised wall and floor boards with fresh wood to improve the building’s integrity. He agreed this was a safer option and permitted.
 - whether such an approach would compromise or negate our “grandfathered” status which permitted the building’s location. He assured us it would not.
 - If, no longer working around pre-existing walls or ceiling heights or requiring a dormer, we could modify the initial building height extension beyond the 17’ to allow for two full stories plus the roof, and increase the width slightly. Andrew advised there was no restriction on the number of floors on an accessory building, or height restriction per say; we could even build 3 stories.
- The builders remove the floor and wall boards, completing the lengthy demolition phase.
- They erect the new walls onto the completed foundation. I settle on 7.5 ft for the main floor and, after consultation with Frank, 8’ for the second floor (to eliminate the added time and expense we would have incurred for making ½ foot cuts on each new wall joist. I requested the ceiling be left open inside for cathedral effect and Frank researched how to accommodate this.
- Temporary stairs are erected.

- July 11th I text Andrew indicating we have the downstairs framed to trigger this inspection. He stops by and passes the framing that morning.
- I purchase 5 windows on sale at the Woodworkers Home Hardware annual yard sale, some vertical some horizontal, some with grills, some without and Frank installs 2 on the wall facing Willa McGee's property.
- The next day, the building inspector stops by and indicates there have been complaints. Believing these to be finished stairs, he advises the rise and treads need to be slightly higher and wider, and the horizontal windows must be vertical, and I can run future material selections by him to, in turn, show the town or historical society if needed. I agree to do so.
 - o Frank revises his plans for the final stair design to meet code.
 - o I sell and replace the 2 windows with vertical windows with grills.
 - o Several days later I email Andrew with photos and ask him to approve my door and other selections. He does.
- I converse with neighbours about my building, explaining my plans changed when the roof and walls had to come off, indicating the building inspector consulted on, and agreed with, these new plans.
 - o I give my neighbours on George St. tours of the building. Each say it does not affect them' and they are not bothered by it, then later restate this. But before the council meeting Don and Steve rescind their positions.
 - o I do not discuss my project with Willa, or give her a tour; because: 1. she has family visiting and I never bother her at such times; 2. she has broken her foot and is not walking well, or far; and 3. she has not been acknowledging me in our yards.
 - o I see a Water St. neighbour, Jan, in Willa's driveway looking at my building so invited her for a tour. She shares plans that they intended to subdivide and build new houses on their lot across the road, and I indicated my support.
 - o I observe Louise Lindsay walking her dog stopping my neighbour Kelly Callaghan who later reports she tried to turn her against me and my build.
 - o Kelly and Tom Callaghan do not tour the building until later, but say before and after that they favour my building.
- Friday July 28th I text Andrew to ask if there is anything I need to know about installing a 'slope' roof, which I am considering for maximum strength against hurricanes. He replies 'no.' Franks researches this style, but prefers to install a traditional roof.
- My builder requests I ask Willa McGee if we can access part of her two driveways to erect scaffolding so he can complete that side of the building.
- Aug. 1st I text Andrew to advise the roof trusses are on and boards going on.
- Aug. 2nd I phone Willa, but she doesn't pick up. I knock on her door, she doesn't answer. Later she texts:
 - o "What do you want?"
- I reply: "To speak with you. Are you available for a phone call?"
- She replies: "No. What is it about?"
- I respond: "I need to put a piece of equipment on your driveway for up to one week so my carpenters can complete that side of my new cabin's exterior. I have no other choice. I wanted to speak with you in person to ask you for the favour."
- She replies: "Too bad... You should have thought of that before..." then goes on to say she has no intention of letting me put anything on her driveway so I can finish construction, accuses me of not having the "decency/courtesy" to tell her about the "huge building" I

- was “planning to build”, calls my building an “abomination in the Historic District” and me unpolite and inconsiderate. Her refusal slows the progress on my building, compromises its safety, and unnecessarily introduced risk into my builders’ work.
- This saddens me so I seek advice from neighbour Don Leggett who advises me to not speak with Willa until emotions calm down.
 - o Today, I am aware she is doing everything in her power, with Louise Lindsay, to actively turn people against me and oppose my project. This, despite that they both have habitable outbuildings exceeding 15’ height, and that Willa’s outbuilding, which she renovated/expanded, has plumbing and electrical, houses her family when visiting, and has two skylights and two large sliding doors visible to Secret Park visitors, which are non-historic conforming. Her building wall abutting my property is an eyesore with old peeling paint.
 - o Neither Willa or Lousie, nor anyone opposing my building (except Steve Hirchak) ever approaches me directly with complaints or to seek actual information.
 - o My neighbour Don Leggett, who more than once stated he has no issue with my building, submits a letter of opposition to council wrongly stating I want to cut down the two majestic trees fronting my property. I’d stated to him earlier (and to Will and NS Power) that I want the trees ‘managed’ due to their towering heights, age, being physically intertwined, proximity to our historic houses, and lack of arboreal management.
 - o I learn other neighbours and people I don’t know are spreading rumours, accusing me falsely of wanting to cut the trees down.
 - o Don states in his letter my property improvement will decrease surrounding property values. Yet, the Royal Bank of Canada recently appraised my house, purchased for \$130,000, at \$400,000. Replacing a decrepit baby barn with fully serviced attractive accessory building will only increase my property value, and by extension surrounding properties. OVERLOOKS HIS YARD but tree in the way
 - August 24th and 25th Division 26 crew rough in the electrical on the upper and lower floors and the exterior.
 - Thursday August 31 of a long weekend acting outgoing CAO Ken Smith stops by my house to inform me there will be a council hearing and presentation by the Historical Society requesting all work be stopped. He invites me to attend, I believe to address council. He emails the package of documentation the councillors received.
 - I begin digital drawings to depict the completed building and demonstrate its historic design.
 - Sept 4th I email Ken to clarify how long I can present to council.
 - Sept 5th he emails “this is a public meeting. Council members may ask you a question if you wish. I will give you a call.” He does not call.
 - I reply: “I will be available to answer questions.” I send the artist renderings of the outbuilding and ask Ken to distribute to the councillors. He does.
 - That day and prior I am harassed by a flood of texts from a neighbour and his wife who interrogate me, call me a liar, disparage my character, and accuse me of cowardice for leaving town during the fire, despite choking on smoke in my home for two nights prior.
 - That night I attend the council meeting and am met by a mob of townspeople, most whom I’ve never met, some angry. Willa makes a disparaging comment as I pass by. I note councillor Rick Davis is present for the presentation and does not recuse himself even though he had submitted a letter of opposition. Andrew Goreham addresses and dispels

- each concern, except for the height restriction bylaw. He indicates I am in compliance: the building is grandfathered in; he'd advised the walls could come down; he's been working with the province and me to ensure the historic nature of the build; such a building *is* permitted two stories; he'd advised me and I passed inspections at every stage.
- No councillors asked me any questions so I cannot speak.
 - An attendee approaches me angrily after the item is read and yells "Shame on you for building that building". That night I am afraid in my home alone for my own and my building's safety.
- That Thursday, having no communication of a resolution, I enquire and learn the CAO and others, including the mayor and Andrew, met with the Town solicitor Tuesday.
 - I phone Andrew who says:
 - the Town is concerned about an old bylaw he wasn't aware of -- that has not been enforced, or inconsistently enforced, in years – which stipulates a maximum 15' height for accessory outbuildings in the Historic District. He reassures me I am permitted more than one floor.
 - this antiquated bylaw contradicts current building codes that require 7' minimum clearance per floor. Allowing for floor and ceiling joists plus a roof, this bylaw makes double story buildings impossible yet they are permitted by not being disallowed.
 - he photographs and submits to the Town many outbuildings in the Historic District that contravene this height restriction.
 - If the Town seeks with prejudicious to retroactively apply a height restriction to my accessory building, it raises a concern about won't they then have to require *all previous* buildings built in the past 20 years exceeding this height to come into compliance.
 - That weekend, at the Guild Hall market, Louise Lindsay is heard to loudly remark: "that building must come down!" A couple days later I pass Louise's house and note she has a large 2-story tall outbuilding that appears habitable and is higher than 15'.
 - NS Power inspects and passes the rough in on Aug. 29, 2023.
 - Division 26 emailed on Sept. 5th to indicate NS Power has scheduled the power outage for Sept. 27.
 - I reconnect with plumber Jim Morash who promises to be on site to direct the plumbing trench work.
 - I contact excavator Justin Nickerson (retained earlier) to indicate this work is now a go for the latter part of the week of Sept 18th
 - Three trenches need to be dug: 1. From accessory building to the sewer main on the corner of my property; 2. From the site of the electrical meter on the main house to the accessory building conduit (along the length of my sidewalk); and 3. For the water hook up in my backyard. Additionally some digging is required at the site where my main house stack meets and appears to be uncoupled with the sewer pipe, and a small amount at the house itself to uncover the existing power line for access by the electrical team.
 - The week of Sept 4th I speak to my local lawyer about the matter before council to ask for advice, but this is not her area of specialty.
 - Monday Sept. 11 Ken Smith stops by to inform me the matter will be going to council a second time; he invites me to make a presentation because I didn't have the opportunity

before. I accept. He has the delegation forms forwarded by email and I realize I have only been given 2 days to prepare something.

- Tuesday Sept.12 I contact a lawyer in Halifax specializing in Municipal law, John Shanks, and engage the law firm Stewart McKelvey to provide legal advice and write a letter on my behalf to council defending my actions and building.
- Tuesday Sept 12 I receive a text from Andrew; he advises "As of right now I'd hold off doing much before the town meeting on Oct. 2. I still don't think there will be a problem." We speak by phone and he clarifies this is not a work stop order.
- I request a small extension to enable me to consult with my lawyer and create a presentation.

In conclusion:

In short, this has been a painful time and I wouldn't wish this experience on anyone. It's no way to welcome newcomers into our community and no way to encourage development in, and prosperity for, our town. I hope the council will see from the above and my oral presentation and legal and other documents submitted that I am building this accessory building in compliance, with care, and with the utmost concern for its continued esteemed historic position.



S Bell <wordsmithing.sb@gmail.com>

Document #	023-174
Rec'd by	SW
Date	09/14/23
COPIES TO:	
Council	<input checked="" type="checkbox"/>
Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>

Thu, Sep 14, 2023 at 2:05 PM

Shakespear House at 17 George st, Shelburne. NS

1 message

afrattura@aol.com <afrottura@aol.com>
To: "S. Bell" <wordsmithing.sb@gmail.com>

To whom it may concern,

My name is Auri Frattura and I live at [16 George Street, Shelburne, NS](#). I am the sole proprietor of said house which is situated almost directly across the street from 17 George Street, aka. The Stephen Shakespeare house. The latter is presently owned and occupied by Sandy Bell.

I would like to state that I am aware of historical significance of the heritage homes located at the intersection of George and Water streets.

This letter is written to let you know that I support Sandy Bell in her decision to add a small building on her property at [17 George Street, Shelburne, NS](#). I see nothing wrong with seeing it to it's completion. The historic salt-box style heritage house itself remains untouched and will not be affected by the new construction which is an access building, separate from the house.

Finally, a word about her detractors and their combative approach to this issue. Some of their hostile letters are on file. They are fraught with lies and exaggerated rumours. Intimidating comments, personal in nature. Very disturbing for many of us to read.

A few of the ring leaders are US citizens, who are strong arming an innocent Canadian citizen into complying with their demands on her soil and property. That is unacceptable. Furthermore they have similar and larger outbuildings that were erected on the historic properties they own. To be fair, let's have a look at those as well.

Very few of the local residents in Shelburne know of this case. Those that do are not opposing it, citing that it's a CFA issue since "they think they own the historic district" quote, unquote.

As people go, Sandy Bell is a very good person and excellent neighbour. Not the least deceitful, as some are making her out to be. She was forthcoming with details about her project to her closest neighbours and followed the safety and building codes as they were presented to her.

I hope your investigation takes everything into account. Not just property, but people and community also. The neighbourhood just doesn't feel the same, since this started. Please, help us bring back peace and sanity to this otherwise friendly town.



S Bell <wordsmithing.sb@gmail.com>

Fwd: Shakespeare House

1 message

Kelly-Ann Callaghan <mrsmanaverse@gmail.com>
To: wordsmithing.sb@gmail.com

Thu, Sep 14, 2023 at 1:14 PM

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

From: **Kelly-Ann Callaghan** <mrsmanaverse@gmail.com>
Date: Tue, Sept 5, 2023, 12:11 p.m.
Subject: Shakespeare House
To: <harold.locke@shelburnens.ca>, Elizabeth Acker <Elizabeth.Acker@shelburnens.ca>, <rick.davis@shelburnens.ca>, <ben.nickerson@shelburnens.ca>, <sheldon.ringer@shelburnens.ca>
Cc: <candy.venning@shelburnens.ca>, <sarah.mattatall@shelburnens.ca>, Thomas Traplin <tomtraplin@gmail.com>

Dear Town Council

In regards to the new development in progress at the Shakespeare House (17 George St), we who reside and live within close proximity at the Humphrey House (112 Water St) approve of the build that has taken place. Although other residents may be concerned about the proper process and the bylaws that they are accustomed to that have been amended, assumingly by mistake, we still do not have any issue with the building. What we do have issue with is if the Town of Shelburne were planning to prevent progress from continuing. On this site, there was a shed before, and the new development, which is to be an ADU, will have a proper exterior to complement the existing Shakespeare House. We have seen the designs, know the homeowner's personal taste level and have been inside of the ADU recently. We do not wish to witness the Town to be stuck in a court battle while the existing structure decays and looks like a horrible eyesore as tourists come into port this fall. Forget how many more years it would take to settle.

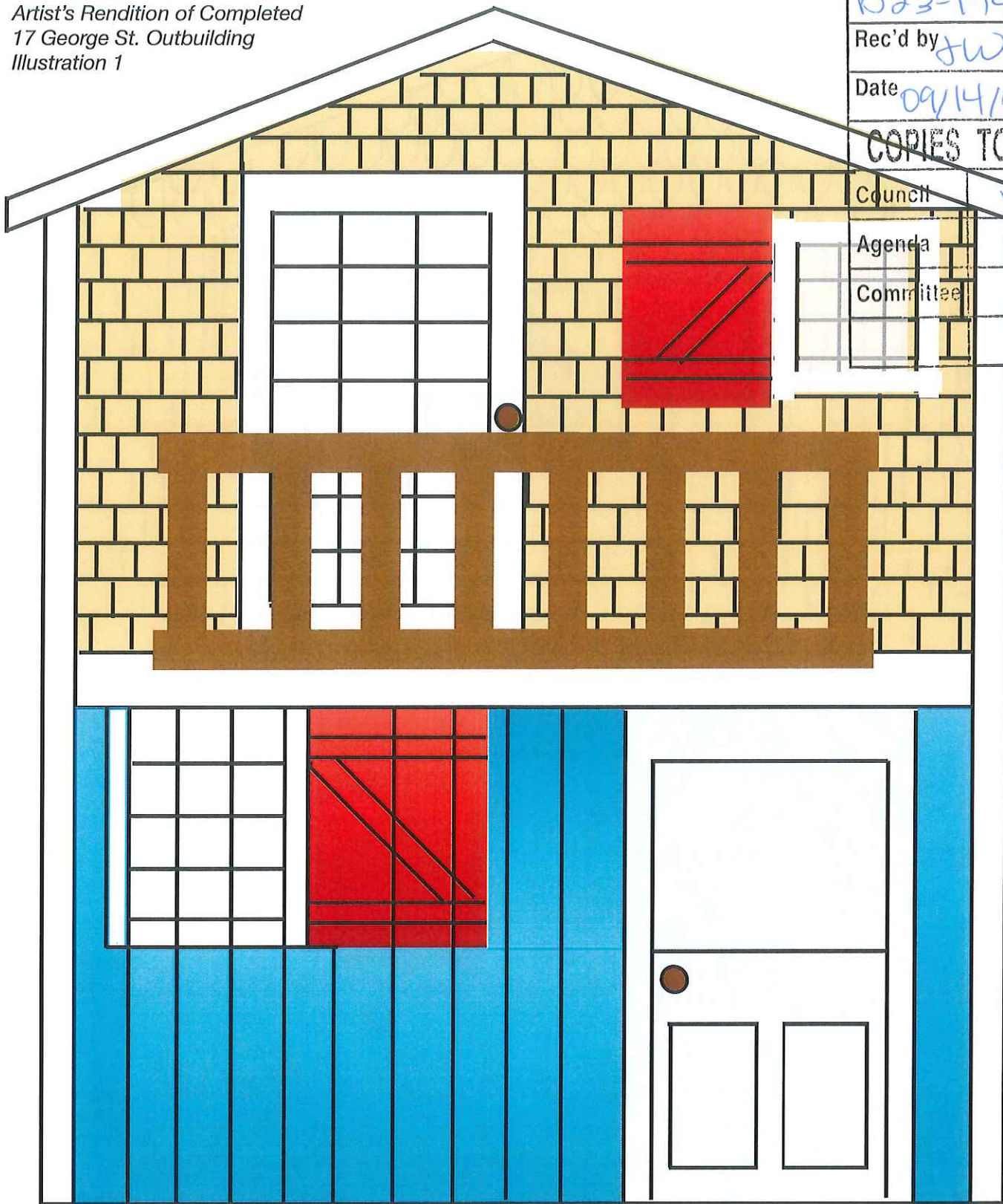
Additionally, as a resident of the Town of Shelburne I do not want to pay out the court fees that would happen because of an honest mistake from a temporary staff member. Furthermore, I would like to challenge the Shelburne Historical Society if the corner George and Water St has such historic relevance I would like them to put this much effort into treating it as a historic landscape. To start, if they would like to implement the restrictions that come with being in a historic district, we would like to see the benefits first. Water St from King St southwards should be made into a one way parallel and similar to Dock St. It should also have the lower speed limit as well. Mowatt St can share Water St traffic load and take all Northbound traffic from the Wharf and Yacht Club away towards King St and HWY 103. Our corner can witness up to 50 transport trucks on any given day, they rattle the Humphrey House and Shakespeare House and break panes of glass regularly. We would also expect George St to continue to be a one way until it reached Mowatt. On Water St, as we currently stand, we are a commercial district and not been given any historic favouritism before, so why should they be able to use it to their advantage now? Therefore, we recommend to the Town Council to apologize for the mistake that has been made, and in the name of our housing crisis, where new housing is welcomed, make a zoning amendment to the Shakespeare House to allow the build to continue because overall we believe it is the best way forward.

All the best,
Thomas Traplin & Kelly-Ann Callaghan
Humphrey House
112 Water St
Shelburne NS

Document #	
D23-174	
Rec'd by	
tw	
Date	
09/14/23	
COPIES TO:	
Council	✓
Agenda	✓
Committee	

Artist's Rendition of Completed
 17 George St. Outbuilding
 Illustration 1

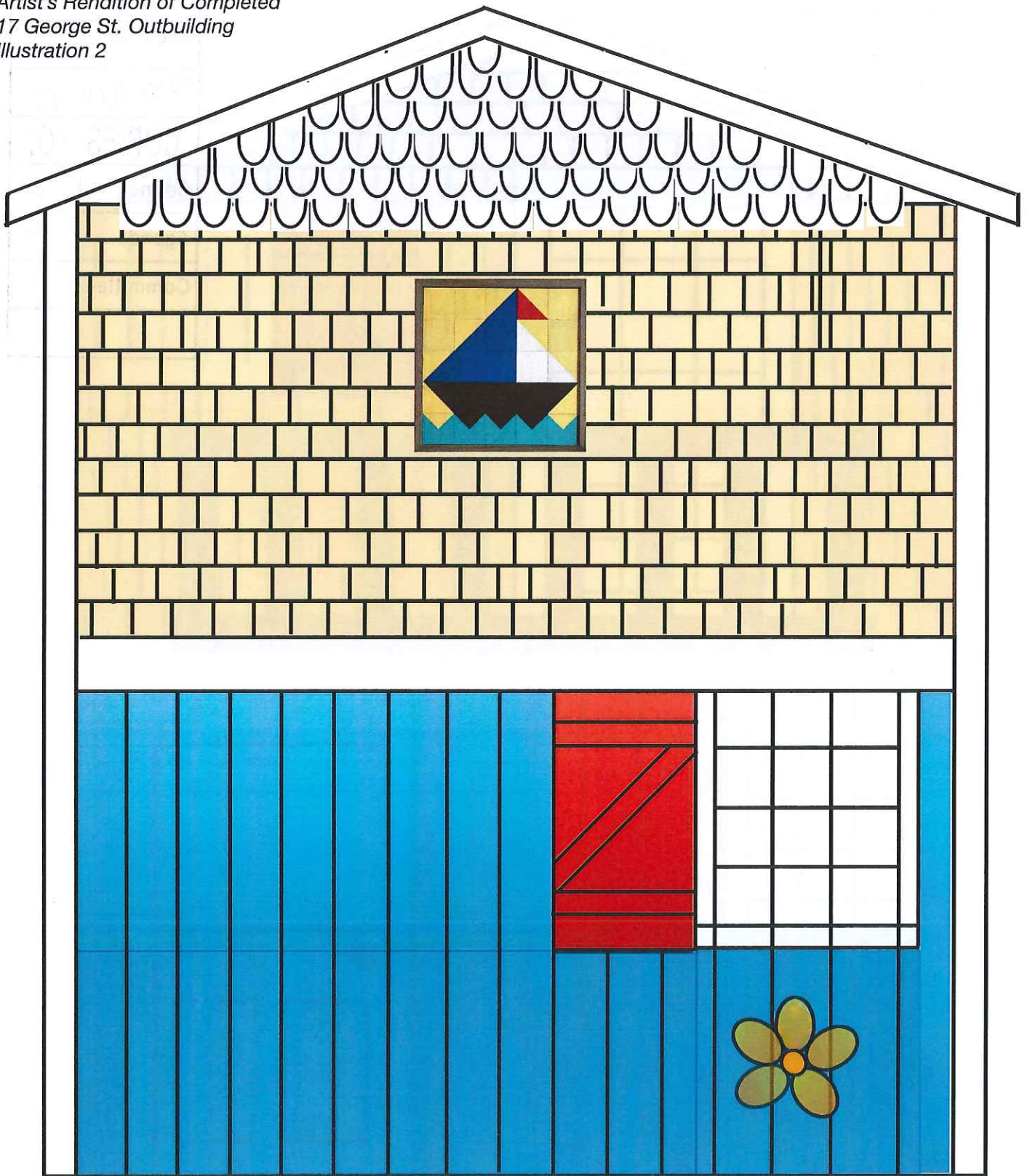
Document #	1023-174
Rec'd by	JW
Date	09/14/23
COPIES TO:	
Council	<input checked="" type="checkbox"/>
Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>



FACES DOCK STREET & THE HARBOUR

FEATURES: Single hung 36" doors/top floor full light w/grills; 2 vertical vented windows w/grills; barn-style window shutters painted red; rough-cut board & batton siding (below) painted heritage-style blue *same opacity and colour family as main house paint; cedar shake shingles (above) *left natural to weather like the main house; house trim painted white; copper lantern below & light upper deck.

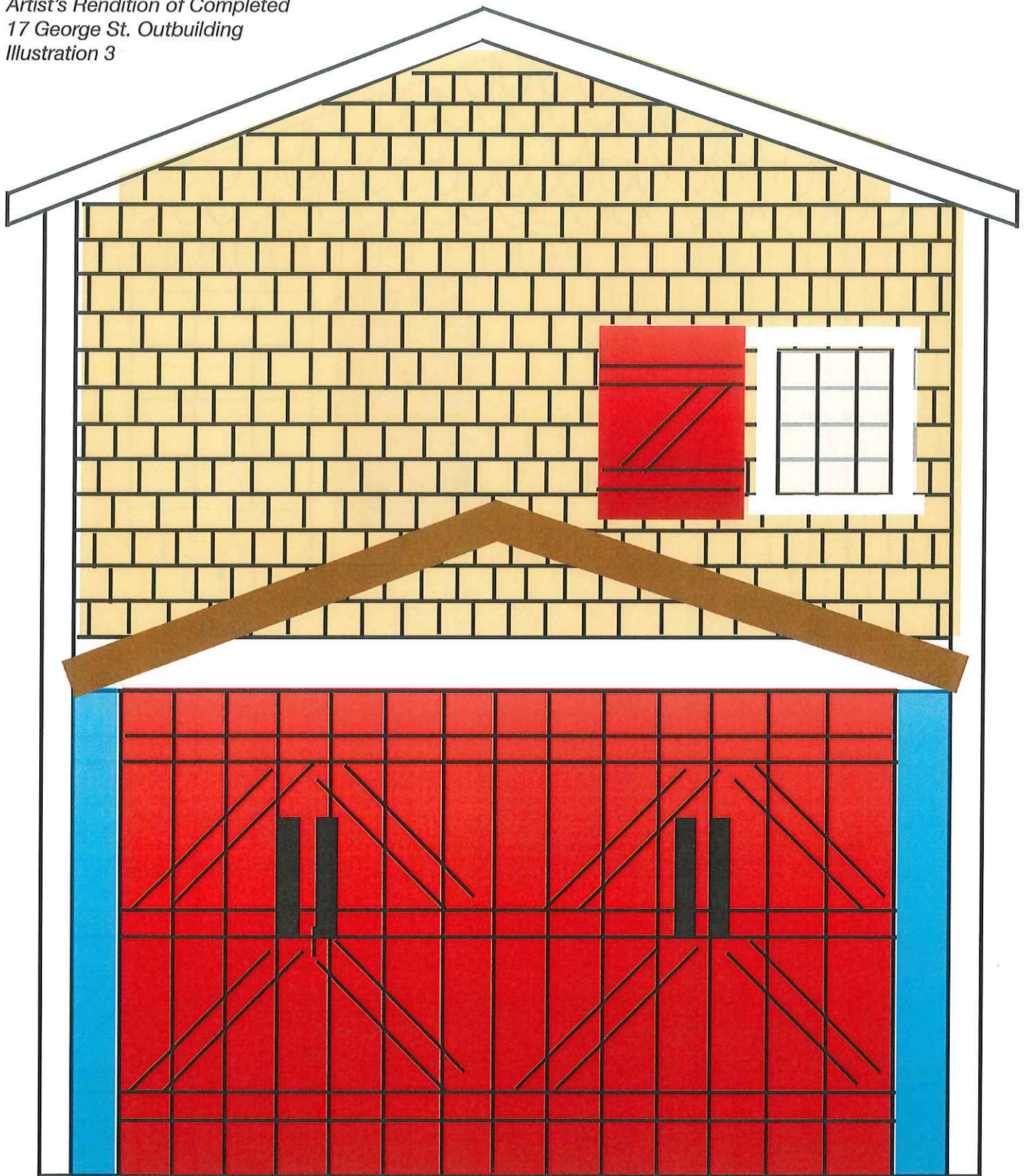
Artist's Rendition of Completed
17 George St. Outbuilding
Illustration 2



GEORGE STREET FACING/FACES DON & LIZ LEGETT'S BACKYARD

FEATURES: 1 vertical vented window w/grills & white trim; barn-style window shutter painted red; rough-cut board & batton siding (below) painted heritage-style blue; natural cedar shake shingles (above); fish scale shingles in the gable; white soffit; white house trim; custom art (wooden flowers X 3 & a barn quilt; removable).

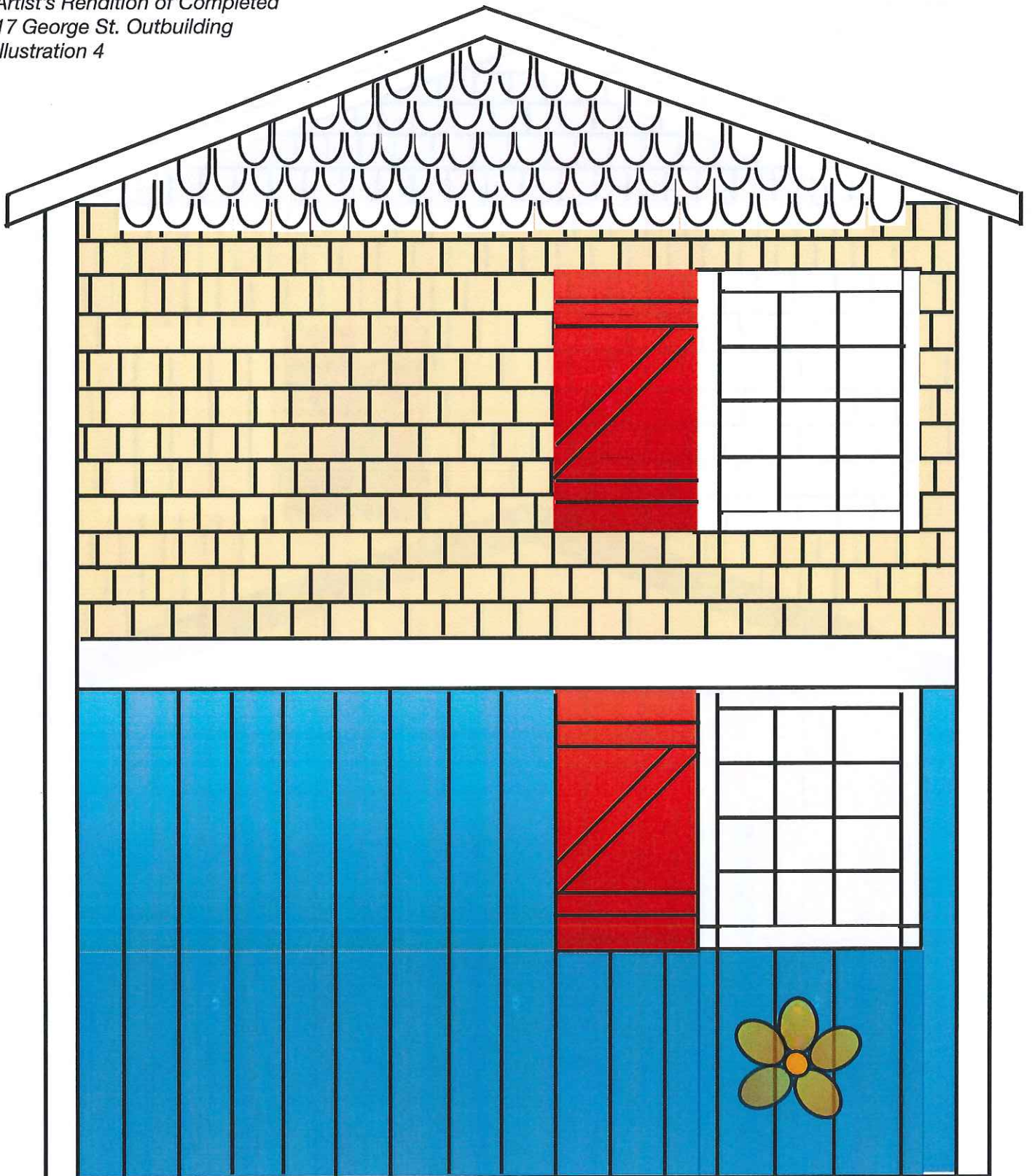
Artist's Rendition of Completed
17 George St. Outbuilding
Illustration 3



WATER STREET FACING

FEATURES: 1 vertical vented window w/grills & white trim; barn-style window shutter painted red; storage cupboard for garden implements w/ 2 sets of barn doors painted red and rain overhang; rough-cut board & batton siding (sides) painted heritage-style blue; natural cedar shake singles (above); house trim painted white.

Artist's Rendition of Completed
17 George St. Outbuilding
Illustration 4



FACES WATER ST. & WILLA MCGEE'S SIDE YARD

FEATURES: 2 vertical vented windows w/grills & white trim; barn-style window shutters painted red; rough-cut board & batton siding (below) painted heritage-style blue; natural cedar shake shingles (above); fishscale shingles in the gable; house trim painted white; custom-created art (wooden flowers X 3).









Jill Webb

From: Ken Smith
Sent: September 13, 2023 5:02 PM
To: Jill Webb
Subject: FW: Project - property development

Document #	
D23-175	
Rec'd by	
JW	
Date	
Sept 5/23	
COPIES TO:	
Council	<input checked="" type="checkbox"/>
Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>
	<input type="checkbox"/>

From: April Whiteway <aprilwhiteway@hotmail.com>
Sent: Tuesday, September 5, 2023 10:04 AM
To: Ken Smith <Ken.Smith@shelburnens.ca>
Subject: Project - property development

CAUTION: This email originated from an external sender.

Good morning Ken:

I currently own the property located on PID 80142110 and PID 82562737 (see attached) which is 2.3 acres and 1.4 acres. I have spoke with a surveyor and he relayed if I can have the properties connected to town septic the lot size per build can be 7700 square feet. This would be potential for 20 homes to be build, at this point I would like to build 10-15 over a 6-8 year period. The timeline is a little unknown as I am unsure when the project could begin.

I am meeting with Kyle Bower (surveyor) this week to go over the land and see how it could be subdivided and how many homes can be built back here.

Currently the property is behind my home. There is potential for a road to be opened up between my home and Bill Chidiac's residence. I spoke with Bill over the weekend and he is very positive about us putting a road in and has no issues. I am going to be talking with Harlow construction this week to get a quote for how much it would cost for a road to be done as well as septic being connected and extended back to these pieces.

At this point I need to know whether the Town of shelburne would approve us to open up this road for property development. I know the town is in need of housing, as there is a housing crisis all over the province. Before I can move forward I need to know if approved, if the road is built to the town specs, will the Town of Shelburne take over the road and septic maintenance? Also is there any possibility of the Town contributing financially in any way to this project as it would be a town road. Also; what is the approval process so we can move forward with the project?

I am also meeting with Nolan Young, our MLA on September 12 to discuss potential funding available to open up a Town road.

I still have to connect with Nova Scotia Power regarding costs associated with extending the power lines. I have quotes coming in this week for electrical, plumbing, road and excavation, septic hookups and extension.

Any information on how to proceed would be most helpful.

Thanks
April Whiteway

SECRET
SECRET
SECRET
SECRET

Proposed Amendments to the Town of Shelburne Feeding Waterfowl and Pigeons By-Law

Change the By-Law name to: *Feeding Deer, Waterfowl and Pigeons By-Law*

Change the short title in Part 1 to "This By-Law shall be cited as "**Feeding Deer, Waterfowl and Pigeons By-Law**".

Add the following interpretation in Part 2 to include:

(f) "**Deer**" means any species of Cervidae, hooved ruminant mammals such as white tail, mule and any other deer.

Change the following regulation in Part 3 to say:

(a) "Feed deer, waterfowl or pigeons anywhere within Town limits. Exceptions will be specifically exempted by motion of Council."

Document #	D23-176
Rec'd by	[Signature]
Date	June 19/23
COPIES TO:	
Council	<input checked="" type="checkbox"/>
Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>
	<input type="checkbox"/>



TOWN OF SHELBURNE

BYLAW

FEEDING WATERFOWL AND PIGEONS BY-LAW

THIS BY-LAW SHALL REPEAL AND SUPERCEDE ANY AND ALL PREVIOUS REGULATIONS AND/OR BY-LAWS HELD BY THE TOWN OF SHELBURNE REGARDING THE FEEDING OF WATERFOWL AND PIGEONS.

Short Title

1. This By-Law shall be cited as "**Feeding Waterfowl and Pigeons By-Law**".

Interpretation

2. In this By-Law unless the context otherwise indicates:
 - (a) "**Waterfowl**" means any species of Anatidae, birds that are adapted through evolution for swimming and/or floating on the water surface, and diving, including ducks, geese and swan.
 - (b) "**Pigeons**" means any bird of the species Columbidae, which includes all pigeon and dove species.
 - (c) "**Feed**" means the provision of any edible item(s) to waterfowl or pigeon. This includes feeding which induces waterfowl or pigeon to return, stay, relocate or group in above average numbers to a location, or causes delay or interruption to migration by providing nourishment.
 - (d) "**Town Staff**" means the CAO, By-Law Enforcement Officer, Special Constable or any person appointed by the CAO to act on behalf of the Town for the purposes of this By-Law;
 - (e) "**Town**" means the Town of Shelburne, Nova Scotia.

Regulations

3. It will be an offence against this By-Law to:
 - a) Feed waterfowl or pigeons at any public location located within the Town of Shelburne; including waterfront, park, pond and rivers, brooks and lake areas. Excepting such locations as specifically exempted by motion of Council (shown on attached Schedule).

Appendix A
Proposed Town of Shelburne Road Trails Designation By-Law

WHEREAS the *Road Trails Act, SNS 2023, c.4* permits the Town of Shelburne by By-Law to designate a highway or part of a highway as a road trail.

Short Title

1. This By-Law shall be cited as the "*Road Trails Designation By-Law*".

Definition

2. In this By-Law:
 - (a) "**Highway**" means a public highway, street, lane, road, alley, park, beach, or place, including the bridges thereon and private property that is designated to be and is accessible to the general public for the operation of a motor vehicle; and
 - (b) "**Road Trail**" means the shoulder and travelled portion of a highway designated under this By-Law, but does not include a ditch.

Designation

3. The Town hereby designates all of Ohio Road, Falls Lane, Water Street (south from Falls Lane to King Street), Hammond Street (from King Street south), and all of King Street, as a Road Trail within the meaning of Section 5 of the *Road Trails Act*.

Document # D23-177	
Rec'd by [Signature]	
Date 30/5/23	
COPIES TO:	
Council	✓
Agenda	✓
Committee	



Town of Shelburne
Staff Report to Town Council
Permitting OHV on Town Roadways
19 June 2023

Document #	M23-A156
Rec'd by	C.V.
Date	JUNE 19
COPIES TO:	
Council	✓
Agenda	✓
Committee	

BACKGROUND

In October of 2018, the Province of Nova Scotia launched a pilot project in 7 communities in Nova Scotia. The Town of Shelburne Council did 'put their hand up' to be part of project but a complication in phase 1 was the requirement for the province to own the road they piloted. Council learned of the benefits and successes of other communities and agreed that they would like to be considered in the next phase. Council's previous motion M23-058 asked that a letter was sent to the Honorable Kim Masland encouraging the province of Nova Scotia consider the recommendations as summarized the Group ATN Consulting Inc's report (*Nova Scotia Off-Highway Vehicle Pilot Project Evaluation Executive Summary*).

On 12 April 2023, the *Road Trails Act* received Royal Assent allowing municipalities to permit off-highway vehicle use in locations they choose as long as they follow the safety criteria developed by the province. The new legislation established a set of rules around off-highway vehicle operations and allows riders better trail connections. It relates to all-terrain vehicles, multipurpose off-highway utility vehicles and recreational off-highway vehicles.

CONSIDERATIONS

Staff have identified the following advantages and disadvantages to allowing off road vehicles access to public streets in the Town of Shelburne.

Advantages

- Off-Highway Vehicle riding has seen a huge increase in vehicle sales, and it is expected the Canadian market will grow by 8.21% during the 2021-26 period. It is a growing sector of outdoor tourism with organizations arranging rides and events, which offer social and recreational opportunities for their members.
- According to a study published by the American College of Sports Medicine, OHV/ATV riding is a moderate intensity recreational activity, particularly for the upper body. The report suggests that driving an ATV is like many other recreational activities, such as golf, rock climbing and skiing.
- Allowing OHV/ATV riders access to gas stations, grocery stores and restaurants will enable our commercial businesses to take advantage of the economic benefits that come with this outdoor tourism. A Canadian economic impact study reported that in Ontario, residents spent as much as \$975 million on activities related to the ownership and operation of ATVs in 2015.

Disadvantages

- By-Law Enforcement Officers cannot enforce moving violations of all-terrain vehicles. They have no authority under either the *Motor Vehicle Act* or the *Off-Road Vehicle Act* to enforce registration, use of helmets, insurance requirements, mechanical fitness of the vehicle, speeding and impaired driving. RCMP or Off-Road Vehicle Enforcement officers would be required to enforce these laws. The RCMP and Department of Natural Resources and Renewables (DNRR) have confirmed with us that it would be their responsibility to enforce any moving violations, as they currently do. Our concern is the

difficulty they will have in patrolling and catching any of these violations, especially with priority issues that already demand a great deal of their time.

- The only violation the By-law Enforcement Officer will be able to enforce is staying on the designated trails within the community.
- There will be concerns with noise, safety and the environment from some residents, especially those who live along the designated routes.
- Associated costs for a public education.
- There may be liability issues for the Town as well. Do we have the resources to manage any extra maintenance the roads would need? What would our liability be if there were any obstructions that forced a rider into the path of a regular vehicle?

When taking into consideration these advantages and disadvantages, it should be noted that the existing OHV/ATV riders who currently break the law and ride on public streets, after hours, speed, drive impaired, etc. will continue to exhibit this behaviour whether a by-law is enacted or not. If Council should decide to go ahead with the First Reading of the by-law, staff should work with the Shelburne County ATV Association to create and promote a Public Education program to ensure residents are aware of the *Road Trails Act*.

FINANCIAL IMPLICATIONS

The cost of a public campaign to ensure all residents are aware of the by-law. In addition, if Council does not rescind this by-law after a one-year "trail" period, in future years they could see an increase in road maintenance to keep these designated OHV/ATV lanes in good condition.

OPTIONS

Council has two options before them:

- 1) Review the proposed Town of Shelburne *Road Trails Designation By-Law* (appendix A), that establishes ATV routes along specific public roads within town limits and applies the provincial *Road Trail Act's* restrictions such as a reduced speed limit, driving on the extreme right of the roadway, helmets, etc.
- 2) Keep the current trail/road access as is and prohibit the use of Off Highway Vehicles on public roadways.

RECOMMENDATION FROM STAFF

Staff recommends that Council allows First Reading of the proposed *Road Trails Designation By-Law* as the increased traffic would be a benefit to the local economy and increases recreational options for Town citizens as well. Please be sure to review the designated streets in section 3 that allows all three entry-exit points of Town. Should Council wish to proceed with the by-law, Staff would recommend that Council reconsiders it at the end of a one-year period to determine if the merits outweigh the issues. If the latter, Council can rescind the by-law.

Respectfully Submitted,

Lewis Chetwynd
Special Constable,
By-Law Enforcement



Municipality of
Shelburne

Naturally Yours

Document # D23-178	
Rec'd by C.V.	
Date SEPT. 6 TH /23	
COPIES TO:	
Council	<input checked="" type="checkbox"/>
Committee	<input checked="" type="checkbox"/>

Inspection Department

414 Woodlawn Drive, PO Box 280 Shelburne, NS BOT 1W0, Phone: (902) 875-3494 - Fax: (902) 875-1278

September 6, 2023

Town of Shelburne
ATTN: Sarah Whitway Mattatall
PO Box 670
Shelburne, NS
BOT 1W0

Dear Ms., Mattatall:

Re: Monthly Building Report

The following is the Building Inspection Report for the month of August, 2023.

Fiscal Year	2023/2024	2022/2023
Number of Permits Issued this Month	2	1
Number of Permits Issued to Date	10	13
Construction Value	\$ 26,000.00	\$ 130,000.00
Total Construction to Date	\$ 744,000.00	\$ 1,924,200.00

Yours very truly,

Andrew Goreham, CRBO, CFI
Director of Inspection Services

/aad

Andrew Goreham, Manager of Inspection Services

andrew.goreham@municipalityofshelburne.ca

Town of Shelburne

20230109 Danny Kibbe 76 George Street Renovations \$2,000 8-16-2023
2961 Cambell river, BS V9W 2H4

Shelburne

Town of Shelburne

20230114 Barry Snow 9 Guys Lane Storage Garage \$24,000 8-31-2023
PO Box 640 Shelburne, NS B0T
1W0

Shelburne

Town of Shelburne



Town of Shelburne
Staff Report to Council
September 18, 2023
NS Housing Post Fire Update

Document # D23-179	
Rec'd by [Signature]	
Date Sept. 11/23	
COPIES TO:	
Council	<input checked="" type="checkbox"/>
Agenda	<input checked="" type="checkbox"/>
post fire Committee	<input type="checkbox"/>
	<input type="checkbox"/>

General Overview:

This staff report is intended to update Council on Nova Scotia Housing's post fire plans.

Background:

Shelburne County fell victim to a wildfire this spring that started near Barrington Lake. This fire destroyed an estimated 60 homes, causing those homeowners to be displaced. The Nova Scotia Public Housing Agency (NSPHA) is seeking ways to set up temporary housing for victims of the wildfires in the Shelburne area.

Analysis:

NS Housing owns 114 Water Street in the Town of Shelburne (PID: 80150311). The building located on this property has been vacant since September 2022 and has been damaged and unfortunately deemed not safe to inhabit as of November 2022. With the building not offering safe living conditions, the Nova Scotia Housing Agency is going to provide housing support through alternative measures for victims of the wildfires. The Department's plan is to utilize 114 Water Street and set up approximately 2-3 mini homes on the property adjacent to the structure for temporary housing. With winter conditions soon approaching, they are preparing to move forward with their plans.

Respectfully Submitted,

Sarah Mattatall
Chief Administrative Officer



Town of Shelburne
 Staff Report to Council –Draft 2021-22 FCI Report
 September 18, 2023

Document # D23-180	
Rec'd by <i>[Signature]</i>	
Date Sept. 12/23	
COPIES TO:	
Council	✓
Agenda	✓
Committee	

General Overview:

This report is to introduce to Council the Draft 2021-22 Financial Condition Indicators report for the Town of Shelburne which were received recently from the Department of Municipal Affairs and Housing. Council is to keep in mind that these are still draft indicators until the Department of Municipal Affairs publishes the final report on their website later in the fall.

Background:

The Department of Municipal Affairs and Housing annually compiles municipal indicators that focus on financial, administration and demographic statistics to give an overall snapshot for each Municipality in Nova Scotia. This report can be used to;

- better understand the administrative and operational performance of a municipality;
- better understand key characteristics about the municipality;
- information to assist in the decision-making process; and
- help community members better understand the municipality in which they live.

Once the Municipal Report is finalized it can be found on the Department of Municipal Affairs and Housing website.

Analysis:

The **Draft** Municipal Report (FCI's) for the Town of Shelburne for 2021-22 is attached. I have also included a chart showing the FCI's since 2014 and how they have changed over the years. Based on feedback from municipalities and consultation with AMANS and NSFM, the Province has decided the use of the 5-Year Budget Accuracy indicator has been suspended for 2020-2021 and 2021-2022 municipal reports due to the impact of COVID-19. This indicator will be re-evaluated for the 2022-23 Municipal Report to decide its future inclusion or possible replacement.

The **Draft** 2021-2022 Municipal Report shows the Town of Shelburne's overall assessment as Yellow (Moderate Risk), as the Town of Shelburne has 8 low risk indicators and 4 moderate risk indicators. This means that while the Town of Shelburne has some challenges, it is considered moderate risk for fiscal instability. The Province calculates an overall assessment for fiscal instability as follows:

- Low Risk** (green):9-12 FCIs meet low risk threshold
- Moderate Risk** (yellow):7-8 FCIs meet low risk threshold; and
- High Risk** (red):6 or less FCIs meet low risk threshold.

In 2020-21 reporting the Town of Shelburne had an overall assessment of Low Risk as there were 9 green indicators and 3 yellow indicators.

2021-22 Indicators -

Low Risk Indicators – 8

Deficits in the Last 5 years

Liquidity

Combined Reserves

Uncollected Taxes

Operating Reserves

Debt Service

Outstanding Operating Debt

Reliance on a Single Business/Institution

Moderate Risk Indicators – 4

Reliance on Government Transfers

Undepreciated Assets

Three-Year Change in Tax Base

Residential Tax Effort

When reviewing the **Draft** 2021-22 FCIs, I noticed that the Reliance on Government Transfers indicator went from Low Risk(green) to Moderate Risk(yellow) and the Combined Reserves (Operating & Capital Reserves) indicator went from Moderate Risk(yellow) to Low Risk(green), which in my opinion is due to the Double Capacity Grant received from the Province in 2021-22 fiscal year. The Undepreciated Assets went from Low Risk (green) to Moderate Risk (yellow). Three-Year Change in Tax Base and Residential Tax Effort remained at Moderate Risk(yellow).

Once the Town of Shelburne receives the Final Municipal Report from the Provincial Department of Municipal Affairs & Housing later in the fall, a detailed Staff Report will be submitted to Council.

Recommendation:

That Council accept the Town of Shelburne **Draft** 2021-22 Financial Condition Indicators report for information, with the expectation of a Detailed report later in the year.

Respectfully submitted,
Jane Crowell, Finance Manager

Financial Condition Indicators Highlights for 2021-22

Overall Assessment

Yellow (Moderate Risk)

The overall Financial Conditions Index assessment for the Town of Shelburne is Yellow (Moderate Risk).

This means that while the Municipality has some challenges, it is considered moderate risk for fiscal instability.

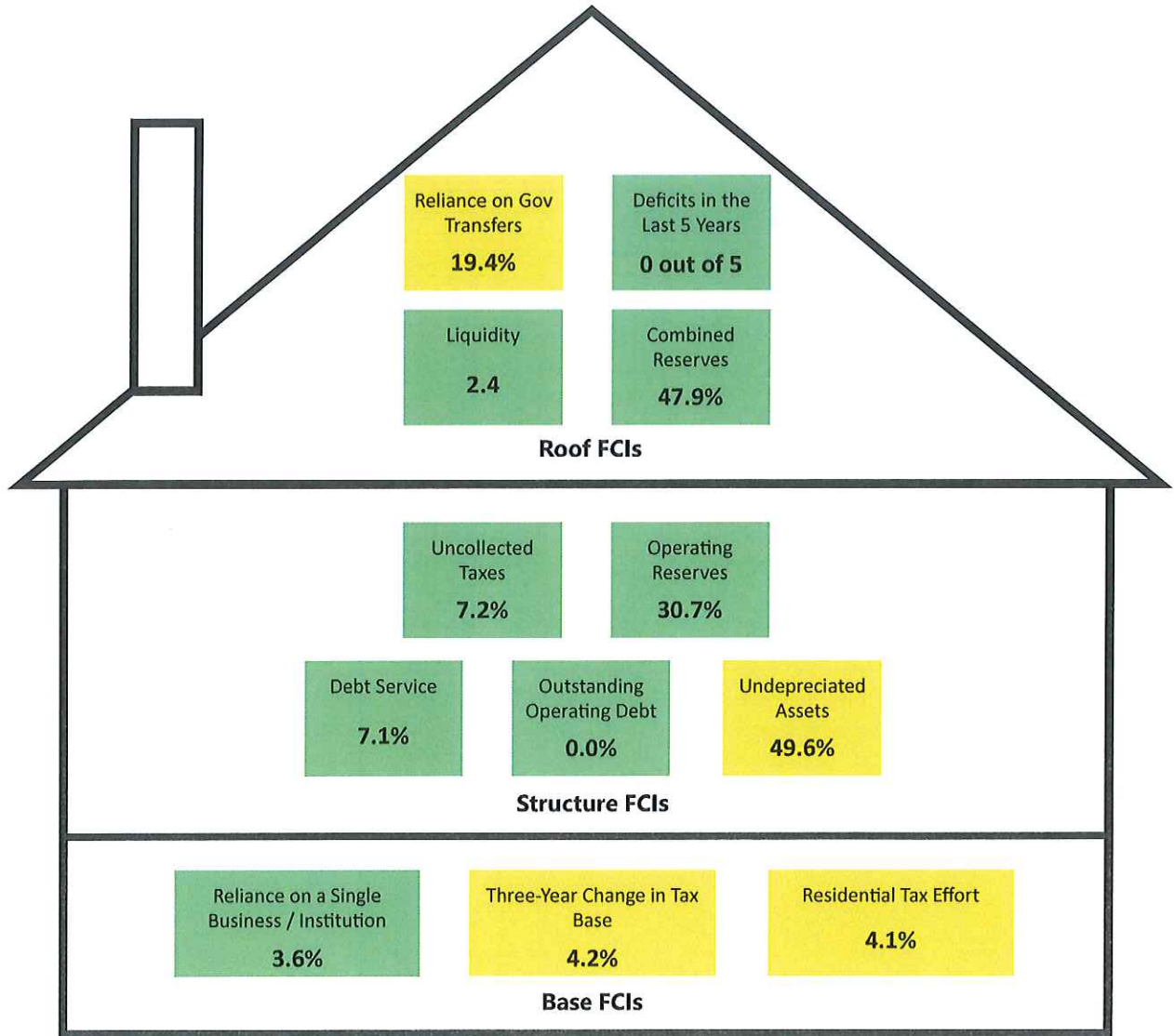
As shown in the House model below, the Town of Shelburne FCI's are comprised of:

Low Risk (green): 8 Indicators

Moderate Risk (yellow): 4 Indicators

High Risk (red): 0 Indicators

Individual FCI results are presented in the House below and are compared to last year's results on the next page.



Two-Year Comparison of Financial Condition Indicators

ROOF	2021-22	2020-21	+/-
Reliance on Government Transfers	19.4%	12.0%	7.4%
Deficits in the Last 5 Years	0	0	0
Liquidity	2.4	2.0	0.4
Combined Reserves	47.9%	37.2%	10.7%

STRUCTURE	2021-22	2020-21	+/-
Uncollected Taxes	7.2%	7.7%	-0.5%
Operating Reserves	30.7%	23.4%	7.3%
Debt Service	7.1%	7.6%	-0.5%
Outstanding Operating Debt	0.0%	0.0%	0.0%
Undepreciated Assets	49.6%	52.2%	-2.6%

BASE	2021-22	2020-21	+/-
Reliance on a Single Business or Institution	3.6%	3.9%	-0.3%
3-Year change in Tax Base*	4.2%	4.9%	-0.7%
Residential Tax Effort	4.1%	4.7%	-0.6%

*For the 3-year Change in Tax Base, the CPI change for 21-22 is 12.1% and for 2020-21 is 6.7%

FINANCIAL CONDITION INDICATORS COMPARISON

	(13/14 Fiscal Year)	2015 (14/15 Fiscal Year)	(15/16 Fiscal Year)	(16/17 Fiscal Year)	(17/18 Fiscal Year)	(18/19 Fiscal Year)	(19/20 Fiscal Year)	(20/21 Fiscal Year)	ANTICIPATED (21/22 Fiscal Year)
Reliance on Government Transfers									
Uncollected Taxes									
Three-Year Change in Tax Base									
Reliance on Single Business/Institution									
Residential Tax Effort									
Deficits in last 5 Years									
Budget Expenditures Accuracy									
Liquidity									
Operating Reserves									
Debt Service									
Outstanding Operating Debt									
Undepreciated Assets									
Combined Reserves(Op & Cap Reserves)									

	Total Indicators	RED	Yellow	Green
(13/14 Fiscal Year)	11	2	3	6
(14/15 Fiscal Year)	11	1	4	6
(15/16 Fiscal Year)	11	1	3	7
(16/17 Fiscal Year)	13	2	2	9
(17/18 Fiscal Year)	13	1	5	7
(18/19 Fiscal Year)	13	2	4	7
(19/20 Fiscal Year)	13	2	3	8
(20/21 Fiscal Year)	12	0	3	9
(21/22 Fiscal Year)	12	0	4	8

	(17/18 Fiscal Year)	(18/19 Fiscal Year)	(19/20 Fiscal Year)	(20/21 Fiscal Year)	ANTICIPATED (21/22 Fiscal Year)
Reliance on Government Transfers	13.3	14.1	12.9	12	19.4
Uncollected Taxes	9.4	8.7	8.7	7.7	7.2
Three-Year Change in Tax Base	6.2	3.7	2.0	4.9	4.2
Reliance on Single Business/Institution	3.9	4.1	4	3.9	3.6
Residential Tax Effort	4.2	4.4	4.6	4.7	4.1
Deficits in last 5 Years	0 of 5	0 of 5	0 of 5	0 of 5	0 of 5
Budget Expenditures Accuracy	4 of 5	4 of 5	3 of 5	2	2.4
Liquidity	1.4	1.2	1.5	2	30.7
Operating Reserves	12.5	9	8	23.4	7.1
Debt Service	4.1	4.1	5.3	7.6	0
Outstanding Operating Debt	0	24.1	0	0	52.2
Undepreciated Assets	45.1	50.9	52.4	52.2	49.6
Combined Reserves(Op & Cap Reserves)	20.8	14.6	21.3	37.2	49.5

due to double capacity grant

due to double capacity grant

due to double capacity grant