



AGENDA
Town Council Meeting – Town Council Chambers
December 2nd, 2024
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 November 18th, 2024.

4) Proclamations and Announcements:

- a) International Day of Persons with Disabilities – December 3rd, 2024
- b) National Day of Remembrance and Action on Violence Against Women - December 6th, 2024
- c) Human Rights Day - December 10th, 2024
- d) Holiday Wishes from Council & Staff

5) Delegations/Presentation: NONE

6) Correspondence:

Action:

- a) Memo regarding Advocacy for Healthcare Services and Proposal for a County-Wide Healthcare Needs Assessment D24-427
- b) Letter from Millbrook First Nation Chief & Council -- Place Names D24-428

Information:

- a) Response Letter from Fisheries and Oceans Canada in regard to treaty fishing rights and future allocations for the Maritimes elver fishery. D24-429

7) Council Items:

- a) GRID Funding D24-430

8) Committee Reports:

- a) Source Water Protection Plan D24-431

9) Staff Reports:

- a) CAO Report D24-432
- b) Public Works Backhoe Repairs D24-433
- c) Public Works Sewer Main Repairs D24-434
- d) Municipal Planning Strategy & Land Use By-law Amendments D24-435
- e) Letter to Municipality of Shelburne regarding their Municipal Planning Strategy & Land Use By-law D24-436
- f) Wastewater Utility Report D24-437
- g) Water Utility Report D24-438

10) In Camera: MGA 22 (2) (e) – Personnel Matters, MGA 22 (2) (g) – Legal advice eligible for solicitor-client privilege.

11) New Business:

12) Upcoming Meetings/Events:

- a) A Tribute to Kenny & Dolly's Iconic Album "Once Upon a Christmas", December 6th, 2024, 7pm, Shelburne Regional High School.
- b) Reindeer Run, December 7, 2024, Islands Park, 10:00am
- c) Miracle on Dock Street, December 7, 2024, Water and Dock Streets, 6-7:30pm, Fireworks at 7:45pm
- d) Holiday Fun at the Black Loyalist Heritage Centre, December 8th, 2024, 6pm
- e) Class of 2025 Grad Fundraiser - Christmas Trivia with Desert, December 10th, 2024, 6:30pm, Shelburne Regional High School
- f) Next Council Meeting, Monday, January 6th, 2025, 6pm, Council Chambers
- g) For more events, check out www.shelburnecounty.ca/events

13) Adjournment



Town of Shelburne
Minutes of the Regular Council Meeting
November 18th, 2024

Council Members Present

Mayor Stanley Jacklin
Deputy Mayor Donnie Acker
Councillor Elizabeth Acker
Councillor Therese Cruz
Councillor Sheldon Ringer

Staff Present

Chief Administrator Officer, Sarah Mattatall
Executive Coordinator, Jill Webb
Finance Coordinator, Jennifer Perry

Call to Order

Mayor Jacklin called the Council meeting to order at 6pm and welcomed everyone in working together for the betterment of our community.

Approval of the Agenda

THAT Council approves the agenda for November 18th, 2024, Council meeting.

E.Acker – D.Acker

CARRIED

Approval of the Minutes

THAT Council approves the minutes from the regular Town Council Meeting held on October 7th, 2024, Special Town Council Meeting held on October 18th, 2024, and Swearing-in Ceremony held on November 6th, 2024.

Ringer-Cruz

CARRIED

Proclamations and Announcements:

a) Canada History Week

Councillor Cruz read: Happy Canada History Week!

This week let's celebrate and reflect on the rich and diverse history of our country! Canada History Week is a time to learn about the stories, people, and events that have shaped us, from Indigenous cultures that thrived here for thousands of years, to milestones in our journey as a nation.

Take some time this week to explore Canada's past—visit a local museum, read about historical figures, discover more about your community's roots, or share family stories that capture the Canadian spirit.

Let's honor the resilience, courage, and creativity that define us as Canadians.

Delegations/Presentations: Mayor Jacklin asked Mr. Nickerson if he would mind letting Ms. Nickerson go first as he was awaiting RCMP Staff Sergeant Mark MacPherson to arrive to help answer questions regarding Mr. Nickerson's delegation. Mr. Nickerson agreed.

a) Shelley Nickerson – Cadets:

Mayor Jacklin called Ms. Nickerson to the table, explaining she had 15 minutes to speak. Ms. Nickerson read her letter found in the package asking Council if we would consider a pause in the Council meeting of 5 min at 6:30pm to allow the Cadet program to perform their colours ceremony. Council agreed this shouldn't be a problem and that at 6:30pm of Council meetings, the Executive Coordinator will pause the Council meeting and take a 5 min break to allow this.

b) Ben Nickerson – RCMP

Mayor Jacklin invited Mr. Nickerson to the table, informing him that he had 15 minutes to address Council. Mr. Nickerson spoke on behalf of himself and other concerned citizens regarding the rise in criminal activity, drug issues in the area, and the perceived lack of police presence. He proposed organizing a public town meeting involving local RCMP, MLA representatives, RCMP Assistant Commissioner Dennis Daley, and the Mayors and Wardens from the Towns of Shelburne and Lockport, as well as the Municipalities of Shelburne, Barrington, and Clark's Harbour. He requested the Council's assistance in facilitating this event.

Councillor Ringer suggested bringing the matter to the next RCMP Advisory Committee meeting, scheduled for January 16, 2024. Mr. Nickerson expressed concern that this date was too far off and emphasized his preference to hold the public meeting before Christmas. In response, Mayor Jacklin asked Staff Sergeant Mark MacPherson to provide input on the topic.

Mr. Nickerson questioned this procedural step, to which CAO Mattatall clarified that the Mayor and Council are authorized to consult others as deemed appropriate. Staff Sergeant MacPherson highlighted the importance of relying on accurate RCMP crime statistics rather than unverified information circulating on social media. He noted that he had conducted nine community meetings over the past year and welcomed opportunities to hear community concerns. However, he stressed the importance of maintaining a constructive and respectful atmosphere at public meetings, a sentiment Mr. Nickerson agreed with.

During the discussion, Mayor Jacklin allowed a question from the audience. Bridget, a candidate for MLA in the area, shared that many residents she had spoken to during her campaign expressed fear and uncertainty about how their concerns were being addressed. She inquired about the appropriate contact for the RCMP Advisory Board. Council thanked Mr. Nickerson for attending.

Correspondence

Action:

a) Letter from Paul Khangura re: Hotel Project

CAO Mattatall addressed Mr. Khangura's letter included in the meeting package, providing clarification on the requests outlined by Mr. Khangura and his partners.

THAT Council direct staff to send a letter to the Department of Municipal Affairs.

E. Acker - Ringer

M24-272

CARRIED

b) Email from Paul Conrod re: Tax Rates in Town of Shelburne and PVSC

Mayor Jacklin invited questions from the Council. Councillor Acker noted that when a property is purchased at this price point, the assessment cap will eventually be removed.

THAT Council direct staff to send a letter to Mr. Conrod explaining that the property owner is responsible for appealing to PVSC regarding their assessment.

D. Acker - Cruz

M24-273

CARRIED

c) Letter from Phil Callan Memorial Basketball Classic re: Sponsorship

THAT Council approve the sponsorship of \$100 to the 15th Annual Phil Callan Memorial Basketball Classic.

E.Acker -D. Acker

M24-274

CARRIED

Information:

a) Letter to Minister Lebouthillier re: Concerns Regarding Mediation in Treaty Fishing Rights and Elvers Quota Allocation

Councillor Acker did ask if we have received any correspondence, CAO Mattatall explained they just received a letter back from them and it will be coming to the next Council meeting.

b) Letter to The Honourable Barbara Adams re: Request for an Organized Crime Unit in Southwest Nova Scotia

These were received for information purposes only.

Councillor Acker did mention that someone was appointed, and they do need our support. CAO Mattatall made a note that the CAO's in the 11 units in the area have been coming together in the past to support and discuss items like the fishing industry, they have recently come together again and want to advocate as one on issues like the fisheries. Would like to know if Council approves this going forward.

THAT the Town of Shelburne approve the CAO's of the 11 municipal units to advocate for the elver and fishing industry.

Cruz-Ringer

M24-275

CARRIED

This was received for information purposes only.

Council Items:

a) 2nd Reading Noise Control By-law

CAO Mattatall gave some background information regarding the Noise Control by-law amendments.

THAT Council approves the second reading of the Noise Control By-law to better align with the Roads Trails By-law and address community concerns regarding noise disturbance caused by OHV use.

Ringer-E.Acker

M24-276

CARRIED

b) Code of Conduct Policy

CAO Mattatall explained that we will need to adopt the Code of Conduct policy.

At this time, we took a break for the Cadet program. 6:30pm.

At 6:35pm, the meeting began again.

THAT Council adopt this policy through resolution.

Whereas the Minister of Municipal Affairs and Housing for the Province of Nova Scotia has made the Code of Conduct for Municipal Elected Officials Regulations, N.S. Reg. 220/2024 ("the Regulations"); and,

Whereas municipalities are required to adopt the model code of conduct prescribed by the Regulations on or before December 19, 2024, pursuant to section 4(1) of the Regulations and section 23A of the Municipal Government Act;

Therefore be it resolved that the Council of the Town of Shelburne hereby adopt the model code of conduct as set forth in Schedule "A" to the Regulations, which shall be titled the "Code of Conduct for Elected Officials of Town of Shelburne".

E.Acker – Cruz

M24-277

CARRIED

c) Consolidation/Amalgamation/Unification

CAO Mattatall presented her report, as outlined in the Council package, highlighting that previous Councils from the Town of Shelburne, the Town of Lockeport, and the Municipality of Shelburne had engaged in discussions on these topics. The prior Council chose to defer further dialogue until the new Council was in place. To ensure informed decision-making, it was agreed to organize an educational session for the new Councillors before proceeding with discussions. Councillor Acker requested it be formally noted that the Municipality of Barrington and the Town of Clark's Harbour were initially part of these discussions but are no longer participating.

THAT Council direct the CAO to coordinate with the Municipality of the District of Shelburne and the Town of Lockeport to arrange education opportunities related to the process of municipal restructuring in Nova Scotia.

D. Acker - Ringer

M24-278

CARRIED

d) Shelburne Volunteer Fire Department

CAO Mattatall provided an update to Council regarding the revisions made to the Fire Department's bylaws. She noted that the previous Council had raised several questions, for which she sought clarification. This evening, she presented the responses for Council's review. Following further discussion, Council Acker stated that she did not feel comfortable with the removal of RCMP as Honourary members as Honourary members do not have to attend meetings, however, are there to recognize the contributions that they have made to the SVFD, She had requested that the matter of removing the RCMP as Honourary Members be revisited with the Shelburne Volunteer Fire Department (SVFD) for additional consideration as well as the topic surrounding the conferences.

THAT Council direct staff to go back and get clarification on the financials aspect and that the RCMP be retained as honorary members of the SVFD.

E. Acker – Ringer

M24-279

CARRIED

Committee Reports:

a) Committee Appointments

Mayor Jacklin reviewed the committee appointments outlined in the Council package. He noted the need for an additional Councillor to serve on the Roseway Manor Board and appointed Deputy Mayor Donnie Acker to the position, which he accepted. Additionally, Mayor Jacklin identified the requirement for a Councillor to represent the Town on the REMO Committee and appointed Councillor Cruz to fulfill this role.

THAT Council add Councillor Cruz to the REMO committee and Deputy Mayor Donnie Acker to the Roseway Manor Board and approve the remainder of the proposed committee appointments and direct staff to let committees know of the changes.

E. Acker – Ringer

M24-280

CARRIED

Staff Reports

a) Post Election Report

Deputy CAO Smith provided Council with an update on the election and discussed the report included in the Council package. He noted that while a few minor tasks remain, the process is largely complete.

THAT Council in conjunction with the NSFM, lobby the province to update the Municipal Elections Act to align the Act with e-voting.

Cruz-Ringer

M24-281

CARRIED

THAT Council reconsider using the federal list of voters instead of the provincial list.

Cruz-Ringer

M24-282

CARRIED

b) Finance Manager Report

Councillor Acker asked the Finance Coordinator, Ms. Perry about the tax sale date and why some properties have remained on the list for longer than three years. Ms. Perry explained that she believes some of these properties were under payment arrangements. She also clarified that properties are flagged for tax sale after three years of nonpayment.

THAT Council approve the above properties marked for tax sale.

D.Acker – E. Acker

M24-283

CARRIED

- c) Building Inspector Report
- d) By-law Officer Report - September
- e) By-law Officer Report - October

The above reports were reviewed for information only.

Councillor Acker made a comment that we are double where we were last year on our Building Inspector Report, very positive, she also noted we had 17 calls and 14 resolved so good job to Mr. Nash.

New Business:

Councillor Acker reported that Tri-County Regional Centre for Education has eliminated bus route 401 due to a driver shortage, the affected students are now being bussed by three different buses. Councillor Acker expressed her concerns about the sustainability of this solution and its impact on students. The Town, contributing 18% of its taxes to TCRCE, has a responsibility to seek clarification. Since school boards were dissolved, oversight now lies with School Advisory Committees (SACs). The Regional SAC includes three representatives from Shelburne County, but it is unclear who represents Eastern Shelburne County. Acker also noted community support for a single bus run, whether one bus run would help with the buses being canceled, she does not know. However, she does know that one bus run would save thousands of dollars. Councillor Acker asked if staff could send a letter to Regional Education Director Jared Purdy requesting details on canceled bus routes, the student count, feasibility of a single bus run, and representation and mandates of the Regional SAC.

Councillor Acker took a moment to recognize Debi Wilson King for her exceptional volunteerism and dedication to the community. Without seeking recognition or accolades, Debi, along with her husband Wayne and friend Gavin, took it upon themselves in October to clean up the property behind Courtney House facing George Street, which had become an eyesore over the years. The group collected an impressive amount of debris, including over 20 bags of leaves and several piles of brush. Councillor Acker also acknowledged the Town's Public Works department for their efforts in collecting and disposing of the materials. Debi exemplifies great community spirit, stepping up to make a difference when she saw a need. Councillor Acker emphasized that her initiative is an inspiring example of community service from which everyone can learn. She requested that staff send a letter of thanks to Debi, formally acknowledging her efforts.

Councillor Acker highlighted the Wind Phone art installation at Secret Park, 13 George Street, as a beautiful and meaningful addition to the community. She noted that the project was initiated by Pat and David Chute, with Ed Benham creating the stunning artwork on the south-facing panel. Tom Torak contributed by installing a wooden deck and bench, enhancing the space. The installation includes a brass plaque explaining its significance, and Councillor Acker encouraged everyone to visit and appreciate this thoughtful project. She expressed gratitude to Pat, David, Ed, and Tom for their contributions and requested that staff send letters of thanks to all involved.

Councillor Ringer reminded the public to exercise caution as winter approaches, leading to increased motor vehicle incidents. He emphasized the importance of slowing down and moving over when passing tow trucks to ensure safety for all. Additionally, Councillor Ringer inquired if there were funds in the Town budget to modernize the Town float this year.

There was no further new business.

Upcoming Meetings/Events

- a) Christmas Craft Fair, Saturday, November 23, 2024, 10am-2pm, Shelburne Community Centre
- b) Christmas in the Barn, Sunday, November 24, 2024, 10am-2pm, Anne Street
- c) Visit the Osprey website at www.ospreyartscentre.ca for a list of their up-and-coming events.
- d) Reindeer Run December 7, 2024, Islands Park, 10am
- e) Miracle on Dock Street, December 7, 2024, Water and Dock Streets, 6-7:30pm, Fireworks at 7:45pm
- f) Next Council Meeting, Monday, December 2, 2024, 6pm, Council Chambers
- g) For more events, check out www.shelburnecounty.ca/events

Adjournment

THAT the Regular Town Council Meeting of November 18th, 2024, be adjourned at 7:18 pm.

D.Acker

DRAFT

Memo

To: Municipal and Town Councils of Shelburne County

From: CAOs & Clerk-Treasurers

Date: November 20, 2024

Subject: Advocacy for Healthcare Services and Proposal for a County-Wide Healthcare Needs Assessment

-- Background --

Over the past several years, we have been actively advocating for improved healthcare services to address growing concerns about access and quality of care. These efforts have included meetings with healthcare providers, collaboration with provincial representatives, and direct engagement with the community to understand their concerns.

While these efforts have been meaningful, it is increasingly evident that our advocacy would benefit from a more comprehensive understanding of the county's healthcare needs. This would allow us to identify specific gaps and ensure that our advocacy efforts are evidence-based and targeted.

-- Current Challenges --

Several significant challenges face healthcare delivery in our county, which underline the urgency of a coordinated and informed approach.

One of the primary issues is staffing shortages. Many healthcare facilities struggle to recruit and retain qualified professionals, leading to reduced availability of services and increased pressure on existing staff. These shortages impact not only primary care but also specialized and emergency services, causing delays and limiting accessibility.

Another major challenge is access to healthcare services. Residents across the county have expressed difficulties in obtaining timely appointments with primary care physicians, mental health professionals, and specialists. For many, these delays have led to worsening health outcomes and higher dependency on emergency services.

Aging infrastructure further complicates service delivery. The few healthcare facilities in our county are in need of upgrades or expansions to accommodate current and future demand.

Without these improvements, it will be increasingly difficult to provide effective and efficient care.

Finally, in addition to these system-wide issues, our county faces unique challenges shaped by its population's specific needs. With one of the highest unemployment rates in the province, much of it tied to dangerous seasonal work, residents experience significant financial stress and social isolation. These factors contribute to high rates of drug and alcohol use, which strain healthcare and social services. The growing demographic of aging, single men, often lacking strong support networks, adds further complexity.

-- Proposed Approach --

To address these challenges, a county-wide healthcare needs assessment is proposed as the next logical step. This assessment would provide a detailed and accurate picture of the healthcare needs of residents in the county.

The process would involve collecting data on demographic trends and analyzing how these trends impact the demand for healthcare services. It would also identify gaps in the current system by reviewing available services and their accessibility. A key component of the assessment would be seeking input from residents, healthcare providers, and other stakeholders to ensure that local priorities are well understood. Additionally, the assessment would benchmark the county's healthcare performance against provincial and national standards, highlighting areas for improvement.

By undertaking this assessment, councils will be able to equip themselves with the information needed to guide future advocacy efforts and to work more effectively with the healthcare authority and provincial decision-makers.

-- Benefits of the Needs Assessment --

The healthcare needs assessment would yield several important benefits for our councils and residents.

First, it would allow for evidence-based advocacy. Having comprehensive data about healthcare gaps and priorities would strengthen councils' ability to make compelling cases to the Province and other decision-makers, ensuring that requests for support are backed by clear and actionable evidence.

Second, the assessment would serve as a tool for strategic planning. With a detailed understanding of the county's healthcare landscape, councils could develop targeted initiatives, such as investments in infrastructure, recruitment incentives, or community health programs, ensuring resources are allocated where they are needed most.

Third, a county-wide assessment would enhance collaboration among municipalities, towns, and healthcare stakeholders. By working together on shared priorities, councils can amplify their collective voice and foster partnerships that benefit all residents.

Finally, the initiative would build community trust. Residents would see that their concerns about healthcare access are being taken seriously, and they would recognize the proactive steps being taken by councils to address these issues. Demonstrating a commitment to understanding and addressing local needs would strengthen public confidence in municipal leadership.

-- Proposed Next Steps --

To move forward, it is proposed that all municipal and town councils in the county collectively endorse the initiation of a county-wide healthcare needs assessment. This process should begin with securing formal approval from each council to proceed with the initiative. By aligning at the outset, councils can demonstrate a unified commitment to addressing healthcare challenges in the region.

Next, funding opportunities must be explored to support the assessment. This could include seeking grants from provincial programs, partnering with healthcare organizations, or allocating municipal funds. Collaboration with the Province will be essential to ensure both financial and strategic support for this effort.

Once funding is secured, the next step would be to engage a qualified consultant or research team to conduct the assessment. This will ensure that the process is both thorough and impartial. The selected consultant would be responsible for collecting and analyzing data, consulting with stakeholders, and delivering a comprehensive report on the county's healthcare needs.

Finally, a clear timeline for the assessment should be established. Councils should commit to receiving regular updates throughout the process and ensure that the final findings are presented in a transparent manner to councils and the public. These findings will be critical in guiding the development of future advocacy strategies and initiatives.

-- Conclusion --

Advocating for improved healthcare services remains a top priority for our councils. By undertaking a county-wide healthcare needs assessment, we can strengthen our advocacy efforts, ensure efficient use of resources, and work collaboratively toward solutions that meet the needs of all residents.

Attn: NS Geographic Names Program
Nova Scotia Geomatics Centre
160 Willow Street
Amherst, Nova Scotia
B4H 3W5

September 10, 2024

RE: Place names commemorating Governor Edward Cornwallis is proposed based on Truth and Reconciliation Commission calls to action

To whom it may concern,

This message has been prepared on behalf of Millbrook First Nation. We are writing to you today to raise concerns about the continued existence of a number of place names in our province that are problematic for the Mi'kmaq of Nova Scotia. More specifically, those commemorating the name of Governor Edward Cornwallis.

Governor Edward Cornwallis, although credited as the founding father of Halifax, is also responsible for acts of war against the Mi'kmaq of Nova Scotia, and is responsible for placing a bounty on the heads of said Mi'kmaq. On October 1st, 1749, Cornwallis called a meeting of Council aboard the H.M.S. Beaufort and issued the following decree:

"That, in their opinion to declare war formally against the Micmac Indians would be a manner to own them a free and independent people, whereas they ought to be treated as so many Banditti Ruffians, or Rebels, to His Majesty's Government.

"That, in order to secure the Province from further attempts of the Indians, some effectual methods should be taken to pursue them to their haunts, and show them that because of such actions, they shall not be secure within the Province.

"That, a Company of Volunteers not exceeding fifty men, be immediately raised in the Settlement to scour the wood all around the Town.

"That, a Company of one hundred men be raised in New England to join with Gorham's during the winter, and go over the whole Province...

"...That, a reward of ten Guineas be granted for every Indian Micmac taken, or killed."

To see place names throughout Nova Scotia, the unceded ancestral territory of the Mi'kmaq, that celebrate Edward Cornwallis, is an insult to our people. From the position of the Mi'kmaq, he was a war criminal. To have his name commemorated on street signs, parks and natural features is grossly offensive, especially in an era marked by Truth and Reconciliation. We the Mi'kmaq are speaking our truth and advocating for reconciliation between the province of Nova Scotia and the 13 First Nations which reside within it by having Cornwallis's name removed from all public places and municipal roadways.

For over 30 years Dr. Daniel Paul made it a mission to have Cornwallis's name removed from provincial landmarks. Before his passing, he said that he was still working on the renaming of several outlying

locations. It is our intention to honour his legacy, by helping him posthumously complete his outstanding work. On May 14th, 2024, Councillor Gerald D. Gloade motioned for Millbrook Chief and Council to continue the work of the late Dr. Elder Daniel Paul, by advocating for the renaming of places in Nova Scotia that still contain Edward Cornwallis’s name. This was seconded by Councillor Chris Googoo, and passed unanimously by the broader group.

As per the “Principles and Procedures for Geographical Naming 2011” document, under “General Procedure 1: How to Propose a New Name or a Name Change (p. 21),” we, Millbrook First Nation, are expressing our desire to have the following place names in Nova Scotia renamed.

Place Name	Town/City	County	Geographic Coordinates
Cornwallis Park	Clementsport	Annapolis	44.65150145548708, -65.6283561101537
Cornwallis River	Grafton to Wolfville	Kings	45.082998455179656, -64.50615738690311
Cornwallis Crescent	Coldbrook	Kings	45.06977587447931, -64.567905790589
Cornwallis Street	Lunenburg	Lunenburg	44.379208634828444, -64.31122779986322
Cornwallis Avenue	New Minas	Kings	45.072447649325966, -64.44460284857028
Cornwallis Street	Shelbourne	Shelbourne	43.76568454059485, -65.31559300358904
Cornwallis Street	Sydney	Cape Breton	46.13594195140114, -60.168287393939046
Cornwallis Square	Waterville	Kings	45.090035771910266, -64.66878089277202

We implore you to consider the Truth and Reconciliation Commissions (TRC) calls to action. The 57th call to action, on Professional development and training for public servants, states that:

“We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.”

We ask that the provincial government and local municipalities commit to educating their respective workforces on the history of Aboriginal peoples, with an emphasis on pre-confederation history; an era that is temporally significant because of colonialisms lasting impact onto Nova Scotia’s Indigenous and Crown relations.

Furthermore, we ask you to consider the 79th call to action (along with subsection ii), on **Commemoration**, which says:

“We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:

- ii. ... Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history ... "

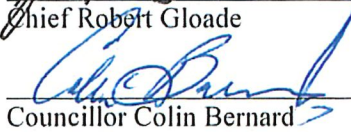
Considering that Cornwallis's colonial legacy may have paved the way for the more contemporary atrocities against the Mi'kmaq, we ask that our people be engaged in a meaningful way to identify ways to decolonize the 8 locations identified above. Consider working with the local Mi'kmaq who occupy the same municipalities and counties to find more suitable names. In doing so, we can commemorate our history in the re-naming process by honouring Mi'kmaq leaders, language and values.

If you have any questions about the contents of this messaging, please contact Chief Robert Gloade at chief@millbrookband.com. Otherwise, we look forward to your reply and discussing a path forward.

In peace and friendship,

Millbrook Chief and Council

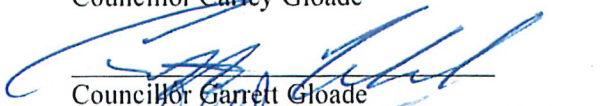


Chief Robert Gloade

Councillor Colin Bernard

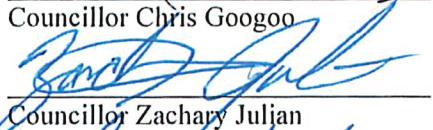
Councillor Natasha Bernard

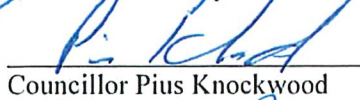
Councillor Anissa Blackmore

Councillor Carley Gloade

Councillor Garrett Gloade

Councillor Gerald D. Gloade

Councillor Chris Googoo

Councillor Zachary Julian

Councillor Pius Knockwood

Councillor Lisa Marshall

Councillor Ward Markie

Councillor Dana Sylliboy

Carbon Copied (7):

Nova Scotia Office of L'nu Affairs
Natural Resources Canada
Annapolis County
Cape Breton County
Kings County

P.O. Box 634, Truro, NS B2N 5E5
www.millbrookband.com



TEL: (902) 897-9199 FAX: (902) 843-4785
Toll Free: 1-800-693-3112

Lunenburg County
Shelbourne County



Fisheries and Oceans / Pêches et Océans
Canada / Canada

PO Box 1006
Dartmouth, NS
B2Y 4A2

OCT 3 1 2024

Ms. Penny Smith
Warden of the Municipality of Shelburne

Mr. Eddie Nickerson
Warden of the Municipality of
Barrington

His Worship Rex Stoddard
Mayor of the Town of Clark's Harbour

His Worship Cory Nickerson
Mayor of the Town of Lockeport

His Worship Harold Locke
Mayor of the Town of Shelburne

c/o Ms. Nicole Blades
< nicole.blades@municipalityofshelburne.ca >

Dear Wardens Smith and Nickerson and Mayors Stoddard, Nickerson, and Locke,

Thank you for your correspondence of July 11, 2024, regarding treaty fishing rights and future allocations for the Maritimes elver fishery. I have been asked to respond on behalf of the Minister. I regret the delay in responding.

Conservation, reconciliation, and the orderly and safe management of Canada's fisheries are top priorities for Fisheries and Oceans Canada (DFO). To this end, decisions that are difficult and not universally supported are often required. In recent years, the elver fishery has faced a pattern of escalating challenges leading to significant instability, as well as conservation and safety concerns.

Since the closure of the elver fishery in 2023, the Department has been working with licence holders, First Nations communities, and other stakeholders to chart a path forward. These efforts have included workshops, regular engagement meetings with licence holders and other ongoing collaboration. While progress has been made through these collaborations and consultations, there is still more work to be done.

As you noted, as part of ongoing work, DFO is currently consulting on a potential reallocation of 50 per cent of the overall total allowable catch (TAC) to support fishing in pursuit of a moderate livelihood through communal commercial licences issued to First Nations. There is also consideration of a potential further reallocation (in addition to the 50 per cent) which could be used to accommodate other new (that is, non-communal commercial) individual entrants to the fishery.

.../2


Additionally, a proposed new regulation under the Fisheries Act to manage the possession and export of elvers was officially pre-published for public comment in the Canada Gazette, Part I, on June 29, 2024. After the 70-day public comment period, DFO will work diligently with its partners to advance the final regulations for approval by the Governor in Council as expeditiously as possible.

With respect to the Nova Scotia Supreme Court's decision to adjourn trial dates and encourage mediation until December 12, 2024, the Department is respectful of the Court's decision and will be pursuing mediation on a Nation-to-Nation basis as an ongoing commitment to uphold Indigenous rights and collaborate with First Nations in hopes of advancing reconciliation. While we recognize the interests of the other fisheries participants in this process, like negotiations, mediation with First Nations is a Nation-to-Nation process, considered confidential.

The Department remains committed to ongoing engagement with industry, through regular and frequent communication, to support transparency related to the implementation of Aboriginal and treaty rights. We will continue to engage regularly with the commercial industry to help the Department understand industry's perspectives with respect to the implementation of Indigenous rights.

Thank you for your consideration of these matters. Additional questions or concerns that you may have regarding potential changes to the elver fishery can be directed to the Maritimes Region Elver Review team by email at DFO.MARElverReview-RevuedelaCivelleMAR.MPO@dfo-mpo.gc.ca .

Yours sincerely,



Doug Wentzel
Regional Director General
Maritimes Region

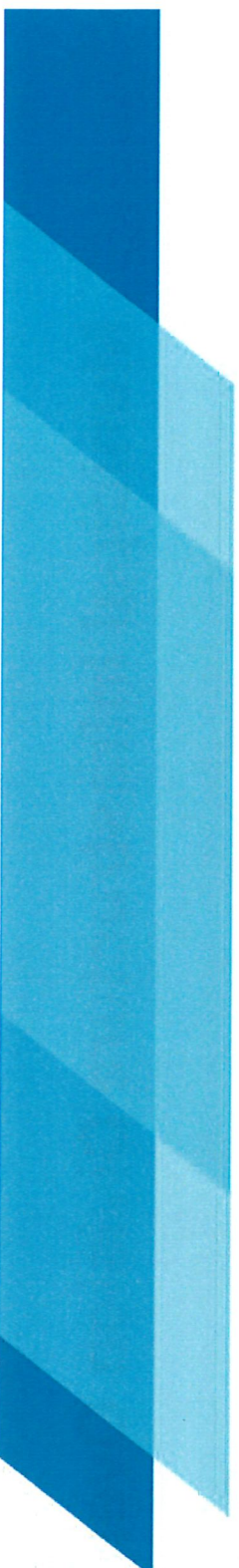
c.c.: Distribution List



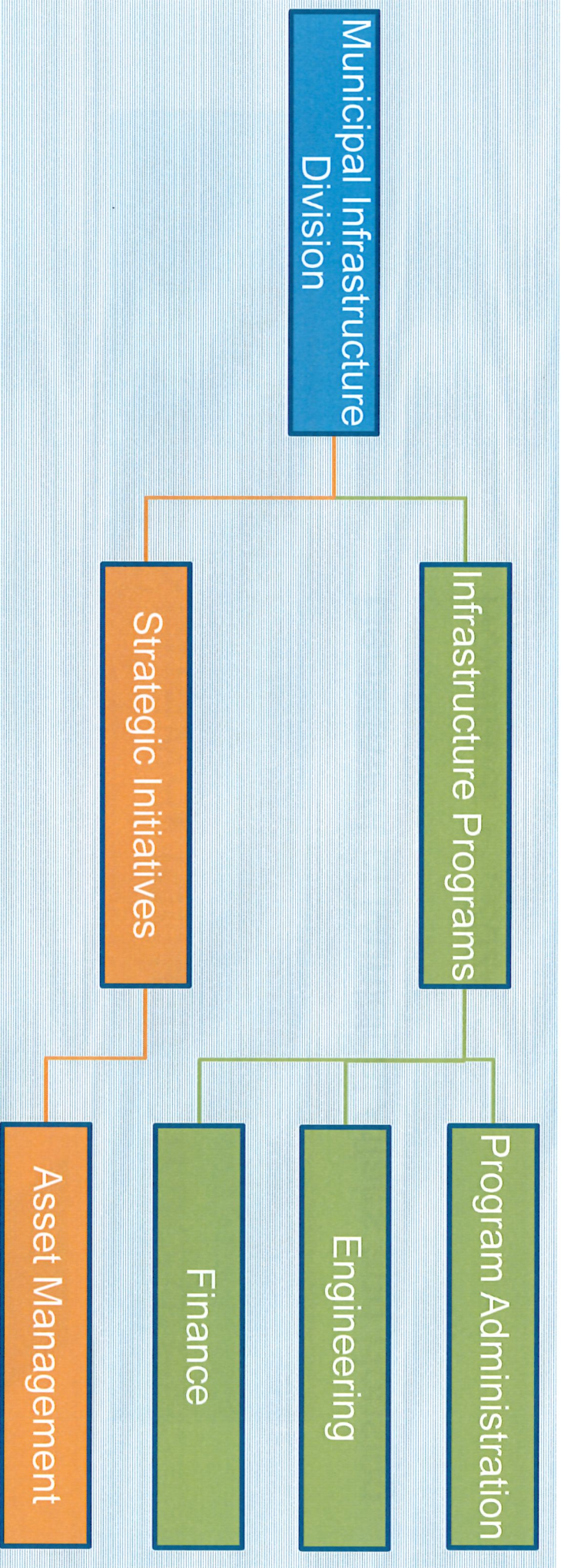
Growth and Renewal for Infrastructure Development Program (GRID)

Department of Municipal Affairs and Housing

November 7th, 2024



Municipal Infrastructure Division Overview



GRID

- Service Exchange Agreement
- Application-based program, which supports provincial priorities and provides municipalities with increased flexibility in leveraging funding
- Pipeline approach to funding.
- February launch annual programs (PCAP/FRIIP/MIP, etc.)
- GRID 2025-26 August launch

GRID



Application (Project Readiness)

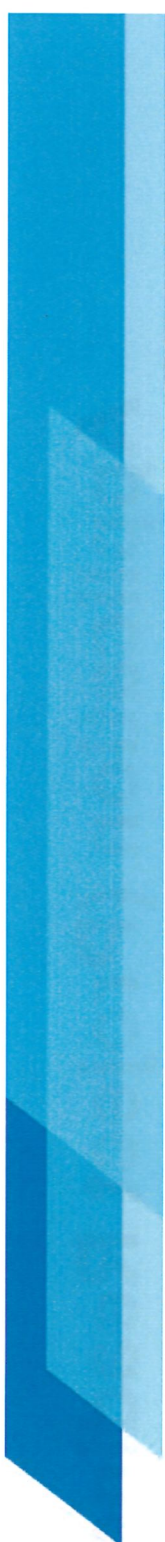
F.) PROJECT READINESS			
Is this a multi-phase project? Please indicate phase of the project (ie. Phase 2 of 5) *	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Phase <input type="text"/> of <input type="text"/>
Nature of Project (select all that apply): *	Study <input type="checkbox"/>	Design <input type="checkbox"/>	Construction <input type="checkbox"/>
Has the following been completed for this project? *	Study <input type="checkbox"/>	Pre-Design <input type="checkbox"/>	Design <input type="checkbox"/>
If Yes, when were they completed? (MM/YY) *	Study <input type="text"/>	Pre-Design <input type="text"/>	Design <input type="text"/>
Are permits required to do the project? *	Select <input type="text"/>	Permit Status *	
Required Permits *	Permit Status *		
	Select		
	Select		
	Select		



Application (Funding Priority)



G.) PROGRAM PRIORITIES		
Priorities	Select •	Please describe •
Total applications submitted applicant? Please note that if two applications are submitted only one project can be approved per fiscal year)	Select	
Priority of this application	Select	
Is this project required to come into compliance with Federal or Provincial standards and/or regulations?	Select	
Does the project address a critical capacity issue? (e.g. treatment plant over capacity)	Select	
Does the project address an immediate environmental and/or health and safety issue?	Select	
Does the project enable new housing development? (e.g. the upgrade or extension of water/wastewater services that support new housing development)?	Select	



Application (Project Outcomes)



H.) PROJECT OUTCOMES	
Water	
Outcome Indicator	Input Value *
Length of deteriorated water pipe replaced (m)	
Existing # of households with improved municipal water service	
Length of water service extended or upgraded (m)	
Increased # of properties with access to municipal water system	
Increased # of households that will have improved fire protection	
Increased # of households that will be equipped with residential water meters	
Increased capacity to supply, treat or store potable water (m ³)	

Wastewater/Stormwater	
Outcome Indicator	Input Value *
Length of deteriorated wastewater pipe replaced (m)	
Length of wastewater service extended or upgraded (m)	
Increased # of properties with access to municipal wastewater system	
Increased capacity to collect and/or treat wastewater (m ³ per year)	
Length of combined sewer systems separated (m)	
Type of stormwater asset(s) receiving improvements. Specify # and/or length of asset(s) below.	

Application (Project Costs)

Eligible Costs	Ineligible Costs
<ul style="list-style-type: none"> • Engineering services and project management • Design as a stand-alone project • Construction inspection and administration • Construction and equipment acquisition as per plans and specifications 	<ul style="list-style-type: none"> • Costs incurred before Oct 18, 2024 • Interim financing costs • Non-fixed assets which are not essential for the operation of the asset • Operation and maintenance costs • Land acquisition • Leasing land, buildings and other facilities • Real estate fees and related costs • Overhead costs, including salaries and other employment benefits of any employees of the Recipient



1.) PROJECT COSTS		Select
Class Estimate *		
Professional Fees *		
Materials/Supplies *		
Contractor *		
Contingency *		
Other (Please Specify) *		
TOTAL ELIGIBLE COSTS		\$ 0
HST *		
HST Rebate *		
TOTAL NET ELIGIBLE COSTS		\$ 0



Application (Use of other Funding Sources)

- Funding from GRID can be leveraged by municipalities as their portion of any cost-shared infrastructure program, provided that the other programs do not prohibit this.
- If multiple funding sources are used for a project, specific requirements of each grant program must be respected.
- All grants supporting the project must be clearly outlined in the project proposal.
- DMAH must be informed if additional grants are obtained after GRID funding approval.



1.) PROJECT FUNDING						
Funding Sources	Amount \$	% of Funding*	Funding Status *	Describe Funding Source *	Provide estimated approval date*	Is this funding required for project to proceed? *
GRID requested amount			Pending Approval	GRID	January 2025	Select
Municipal Sources (i.e. reserve, debt or approved in capital budget)			Select			Select
Other Provincial Sources			Select			Select
Federal Sources			Select			Select
Other			Select			Select
TOTAL PROJECT FUNDING	\$ 0	100%				

Application Submission

Application Window

- Oct 18, 24 to Dec 13, 2024 (open 8 weeks)

How to Apply

- Guide and Application Form available on program website
- Submit to program email (GRID@novascotia.ca)

Application Considerations

- Prioritize submissions under same program (Max of 2 submissions-only 1 approval per cycle)
- Include Council/Commission Resolutions (Villages also require municipal support)
- Clearly define scope and outcomes
- Detailed cost estimates (template provided)
- Include KML location shapefile

Application Review Process

- Submitted applications will be reviewed for eligibility, completeness, and alignment with provincial priorities.
- Application Review can take 6-8 weeks
- Eligible Costs: Oct 18, 2024 to March 31, 2026

Project Approval and Reporting

Agreements / Terms and
Conditions

100% funding
released once
signed T&Cs
received

Project Monitoring
Reports

Amendments (scope
changes or extensions)

Final Reporting
due 60 days after
project end date

- Project Closeout Report**
- Outcome measures
 - Statement of Expenditures
- ✓ *Invoices*
✓ *Proof of Payment*

Email and Website

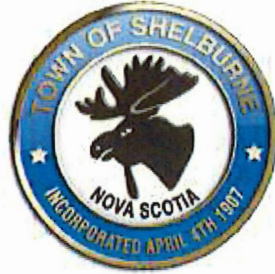
Submit application form and email inquiries to:

GRID@novascotia.ca

Guide and Application forms can be downloaded from

website:

<https://beta.novascotia.ca/apply-funding-support-municipal-infrastructure-projects-growth-and-renewal-infrastructure-development-program>



Town of Shelburne

SOURCE WATER PROTECTION PLAN

Prepared by: The Source Water Protection Plan Advisory Committee
Approved by Town Council: 2010
Reviewed 2023
Reviewed September 2024

Contents

1.0 Introduction

1.1 Source Water Protection Committee

2.0 Delineating the Source Water Area

3.0 Identification of Risks to Source Water Quality

3.1 Transportation/Road Maintenance

3.2 Forestry

3.3 Recreation

3.4 Other

4.0 Risk Management Recommendations

4.1 Transportation/Road Maintenance

4.2 Forestry

4.3 Recreation

4.4 Other

5.0 Evaluation and Monitoring

5.1 Water Quality Monitoring

5.2 SWPP Evaluations and Review

Appendices

- Appendix 1: Terms of Reference-**attached**
- Appendix 2: Rodney Lake Watershed Area Map-**attached**
- Appendix 3: Off Highway Vehicle Act-Refer to Section 12 of HVA
- Appendix 4: Material Safety Data Sheet –Angus Fire Used in case of fire **at the plant**
- Appendix 5: NS Wildlife Habitat & Watercourse Protection Regulations
Section 40 of the Forest Act
- Appendix 6: Environmental Act -refer to website.
- Appendix 7: Town of Shelburne Waste Disposal Bylaw – **attached**
- Appendix 8: MDS Waste Disposal Bylaw -**attached**
- Appendix 9: Municipal Planning Strategy-attached
- Appendix 10: Emergency Response Plan-kept at Water Plant and reviewed by Water Plant Operator

1.0 Introduction

The Town of Shelburne is located along the South Shore of Nova Scotia. Shelburne's source of drinking water comes from Rodney Lake located in the Municipality of the District of Shelburne.

In 2002, the province of Nova Scotia introduced the Drinking Water Strategy, to ensure clean drinking water for all Nova Scotians. The main goal of the water utility is to provide safe, clean drinking water to its customers. Protecting the quality of the source water is a top priority for utilities as one step in the multiple barrier strategy developed for the protection of drinking water quality in Nova Scotia.

The fundamental goal of the Source Water Protection Plan is to ensure the continued safety and quality of the area's drinking water supply through the protection of its source waters in the Town and Rodney Lake watersheds.

The procedures for the Plan are:

- 1) Form a Source Water Protection Advisory Committee;
- 2) Delineate a Source Water Protection Area Boundary;
- 3) Identify Potential Contaminants and Assess Risk;
- 4) Develop a Source Water Protection Management Plan;
- 5) Develop a Monitoring Program to Evaluate the Effectiveness of a Plan.

An additional achievement will be to help ensure the quality of water for the country residents drawing from this supply through the education and monitoring process.

1.1 Source Water Protection Advisory Committee

A Source Water Protection Advisory Committee was appointed to develop Source Water Management and provide advice to the Town and Municipal Councils as well as residents living in the area. The Advisory Committee was established in February 2010 and consists of members representing a cross section of the various interested stakeholders such as Water Treatment Plant Operator, Town and Municipal Council Members, Land Owner, Department of Natural Resources, and Department of Fisheries and Oceans.

Terms of Reference (Appendix I) was developed that explains the operations and procedures of the committee.

Reviewed, Revised and Adopted Nov. 6th, 2023.

To further this effort any water quality or consumption data collected by the Town from production or monitoring wells will be presented at regular meetings to monitor any changes in water quality, quantity, and availability.

2.0 Delineating the Source Water Area

The source water area. The source water area is the watershed that contributes all the water used to supply drinking water from the source. The source water area for the Town of Shelburne is located within the Rodney Lake area.

The map (Appendix 2) shows the topographical details of the watershed area.

3.0 Identification of Risks to Source Water Quality

The risks to water quality have been identified and are discussed with respect to the activity or land use they are associated with below. These include activities associated with transportation, residential development, waste disposal, agriculture, and recreation. Potential risks associated with these activities can be seen in Table 1.

**SEVERITY
RISK**

Risk Ranking:
5-very high risk,
4-high risk,
3-medium risk,
2-low risk,
1-very low risk

	Potential Contaminant	Description	SEVERITY	RISK
1.	Road Salt	Increased salinity and hardness and Calcium and Chloride	2	2
2.	Forest Fire	Threatening boundary	5	5
3.	Herbicide/Pesticide use	Defoliate	2	2
4.	WTP Fire- buildings		5	5
5.	Forestry- logging		3	2
6.	Illegal dumping		4	5
7.	Off-highway vehicles		5	4
8.	Transformers on power poles	4- no PCB's	4	5
9.	Vehicles travelling over Lake Rd.	Hazardous Fuel Trucks	4	2
10.	Boaters	Gas Engine- fluids, debris	2	2
11.	Delivery trucks to WTP	Potential Spills	5	3
12.	Chemicals on site at WTP	820L sodium hypo chlorite	3	2
		1000kg soda ash dense	3	2
		2600L stern pac	3	2
		450L ammonia hydroxide	3	2
		500gal fuel for genset	3	2
13.	Wildlife ie. Beavers		1	1
14.	Shoreline development	Around lake & within protected area	1	1

3.1 Transportation/Road Maintenance

A potential risk associated with transportation is an accidental spill during transport of various materials through the watershed area. Risks can be from petroleum products, or chemicals used in commercial or industrial businesses. The area is susceptible to accidental spills because of the use of oil for residential heating and the need for delivery trucks to travel through this area. Petroleum products could enter watercourses and subsequently groundwater as a result of a transport accident. Contaminants could also be biological, as in the case of a septic spill for example. Accidents are always a possibility; therefore, these risks must be managed properly.

Road salt is a type of contaminant associated with winter road maintenance. If the salt contamination gets into the groundwater via ditches or direct infiltration, it can affect the water quality. Calcium chloride is also used in this area to protect the road.

A risk associated with transportation is the high occurrence of excessive vehicular speeding on various roads near the watershed area. Speeding can lead to accidents, so this issue should be addressed.

For more information on protecting the source water area, see the Off-Vehicles Act, section 12 (**Appendix 3**).

3.2 Forestry

Potential risks under forestry include the risk of a forest fire. Due to the fact that the water source area is surrounded by forest, there is potential for fire and degraded water quality from the loss of forest cover and possibly from the use of chemical suppressants. In 2024, climate change, less snowfall during the winter season and the drier springs can lead to forest fires.

Herbicides and pesticides are poisons used to kill plants, insects, etc. The use of these chemicals in and around the water source area could possibly contaminate the drinking water. Runoff from areas where these chemicals have been applied can enter groundwater and pose a human health risk.

Logging is also a potential risk. Logging requires the use of specialized machinery. These machines use petroleum products for fuel and lubrication. An accidental fuel spill can occur during refueling and this can pose a high risk if the operation is within the area of the water source. (**Appendix 5**)

3.3 Recreation

The potential sources of contaminants affecting water quality that are associated with recreation in the source areas and are mainly chemical and biological in nature.

Illegal dumping and garbage disposal can cause harmful effects to the quality of the water if it gets into the groundwater system. (**Appendix 7&8**)

A risk associated with boating is the gas engine and the debris and fuel leaks that may occur because of it.

The use of off-highway vehicles such as ATVs near the watershed area can cause fuel and other related chemicals to get into the watershed area affecting the quality of the water. There is also the risk of accidents occurring.

3.4 Other

a. Water Treatment Plant fire- buildings

A potential risk with the Water Treatment Buildings is the risk of a building fire. This could decrease the water quality due to debris, chemical suppressants, etc. See **Appendix 4** for a list of chemicals used in case of fire.

b. Transformers on power poles

There are several (4) transformers that are located near the watershed area . No PCB's.

c. Chemicals on site –WTP

Chemicals are used at the Water Treatment Plant as listed in Table 1. If any of this was to get into the water source area, it could affect the quality of the water.

d. Wildlife

Wildlife around the watershed area poses biological risks. The main concerns for wildlife are beavers around area. **Appendix 5** contains information regarding the NS Habitat & Watercourse Protection.

e. Shoreline Development

Development around the shore may cause debris and chemicals to get into the groundwater system. The Environmental Act (**Appendix 6**) should be followed to ensure the protection of the area.

4.0 Risk Management Recommendations

A SWPP contains a variety of management options that address and manage the risks to water quality in a watershed. Management options fall into a variety of categories referred to as the ABC's source of water protection as outlined by the Nova Scotia Department of Environment and Labour's guides to source water protection planning. They include Acquisition of Land, Bylaws, Best Management Practices (BMP's), Contingency plans, Designation and Education and stewardship.

Acquisition of Land: The acquisition of land by the Town gives direct ownership and control of portions of the source water area to the Town. This allows a high level of protection of a source area due to direct control over the activities that can take place there.

Best Management Practices: These standardized and widely accepted practices for activities and products are the most practical and effective way of preventing or reducing contaminants from reaching source water.

Land Use Bylaws: Development and implementation of a Municipal Planning Strategy allows a municipality to develop land-use bylaws to manage development and control activities near sensitive areas. The Municipal Planning Strategy for the Rodney Lake Watershed Area can be found in **Appendix 9**.

Contingency Planning: Contingency planning provides protocols to use in case of a contamination emergency in the source water area. The goal of the plan is to protect residents against contamination and ensure the immediate and long-term viability of the source area for water supply. (**Appendix 10**)

Designation as Source Water Protection Area: Designation is not being considered as a management option.

Education and Stewardship Initiatives: The development and promotion of an education and stewardship program can be an effective management option for protecting source water quality.

Education of stakeholders can reduce the uncertainty of the objectives of the Town and can help introduce a change in behavior if necessary. Education also creates a sense of ownership and responsibility among residents in a water supply area, which can significantly increase the success of other concurrent management practices adopted.

The following section describes the management options selected to address and reduce the risks identified in Section 4.0 to source water in the Town of Shelburne.

4.1 Transportation/Road Maintenance

In Section 4.1, the main risks identified with transportation and road maintenance were associated with accidental spills of petroleum, road salt contamination and vehicular speeding. The recommended options to manage these risks are:

- Establish signage along public access routes indicating the presence of the Water Supply Area and to use caution.
- Develop an awareness program (BMPs i.e. reduced speeds) for transport companies focusing on watershed protection. Include contact numbers for Emergency Response.
- Implement Contingency/Emergency Response Plan for spill response and containment (Appendix 8).

4.2 Forestry

Healthy and maintained forests support quality water protection, generate economic activity, and support wildlife and recreation. The potential risks to water quality outline in section 4.2 are biological, chemical and petroleum contamination. The following management options have been identified to manage the risks associated with forestry.

- Encourage landowners to minimize forestry and to follow the best practices regarding logging, and fuel use and storage. (Forest Management Plan- in appendices)
- Educate the benefits of maintaining the forest cover in the watershed area to residents.
- Discourage the use of pesticides and herbicides by educating (through newsletters, signage, etc.) the residents on the harmful effects on the forest.

4.3 Recreation

Recreation in rural areas tends to be a popular activity. Passive recreation must be promoted to protect the environment and the sensitive areas around the watershed.

Some recommended management options to promote passive recreation are:

- Establish signage around the watershed area educating users on the sensitive areas and to keep the area clean by not littering and being diligent with respect to forest fires.

4.4 Other

Distribute Home Owners Education Package									
Develop Contingency Plan for Accidental Spills/Accidents									
Develop Transportation BMP's									
Distribute Transportation BMP's									
Review and update SWPP									

5.0 Evaluation and Monitoring

An evaluation and monitoring program has been developed in conjunction with the management plan described above. The purpose of the program will be to carry out on going monitoring of water quality within the watershed area in order to assess the effectiveness of management controls, warn of potential problem areas and contaminants in the watershed and track the overall health of the supply area.

The evaluation and monitoring program will provide ongoing snapshot of conditions in the watershed and help to provide an early warning of potential risks and target areas where attention is required. Monitoring will help to determine if the management plan is working, as it should be. There are two components involved in the monitoring program – a water quality component and a general component to monitor land use changes and other activities in the watershed.

The SWPP should be reviewed and updated on a regular basis to assess the effectiveness and to reflect any major changes in activities or land use. It is recommended that the watershed committee meets once a year to review and discuss the plan and add any new information.

5.1 Water Quality Monitoring

The main component of the monitoring plan is the regular sampling of the source waters within the watershed for quality analysis. Water analysis will provide an indication of the overall source water quality within the watershed and any changes in quality within the watershed and any changes in quality that occur over time as a result of changing land use practices or other activities in the watershed. The Town of Shelburne performs several tests to ensure the quality of the water remains at the proper level. A color pH turbidity and temperature test is done daily on the raw water. A standard water analysis and metals test is done on a quarterly basis. Every five years a MAC/IMAC water analysis is performed. **These are tasks carried out by the Water Plant Operator**

5.2 SWPP Evaluations and Review

Monitoring of these activities and issues identified during the risk analysis of the source water protection planning process should be carried out as a general provision of the overall monitoring activities. This can be accomplished by the Watershed Advisory Committee (Source Water Protection Advisory Committee) meeting regularly to exchange information regarding changes in land use, water quality or proposed activities throughout the watershed.

The following specific monitoring activities can be carried out, either informally or formally and then reviewed by the Water Protection Committee.

Transportation

- Monitor water quality results for any signs of potential contamination of source waters from road salting (ie high chloride levels).
- Monitor transportation patterns in the watershed, to ensure that dangerous goods that are being transported through the area follow BMP's.

Forestry

- Monitor changes in the nature of the forest cover due to the frequency, size and extent of harvesting or natural disasters such as from wind, fire, insects/diseases or other agents.

Recreation

- Continue monitoring recreation activities with respect to potential fuel spills and littering. Encourage recreational users of the watershed to report any regularities or problems they encounter.

APPENDICES

Appendix 1:
Source Water Protection Plan Committee
Terms of Reference

Appendix 1. Source Water Protection Plan Committee – Terms of Reference

A. Introduction

The delivery of safe water to consumers is the top priority of the Water Utility. The approach to achieve this in Nova Scotia and in many areas throughout the world is the Multiple-Barrier Approach. This is a series of steps taken by the water supplier which together provide multiple layers of protection to ensure that safe water is delivered to the consumer.

In Nova Scotia the barriers outlined in the Province's Drinking Water Strategy are as follows:

1. Keep It Clean – by insuring that the water source is protected from contamination
2. Making It Safe – by providing the required treatment
3. Proving It Safe – through continuous testing and monitoring

The Town of Shelburne Water Utility has a complete testing and monitoring program which is in full compliance with all regulations to provide a finished product which meets or exceeds the Guidelines for Canadian Drinking Water Quality as published by Health Canada.

To complete our multiple-barriers of protection the Utility must adopt a Source Water Protection Plan to ensure the source water remains clean. This Terms of Reference document is intended to initiate the Plan and outline the steps to complete the Source Water Protection Plan.

B. Proposed Steps

The Nova Scotia Environment (NSE) has published an excellent guide document for developing a Source Water Protection Plan. The Town of Shelburne Water Utility proposes to follow these guidelines and proceed with the appropriate suggested steps of the guide:

1. Form a Source Water Protection Advisory Committee
2. Delineate a Source Water Protection Area Boundary
3. Identify Potential Contaminants and Assess Risks
4. Develop and adopt a Source Water Protection Management Plan.
5. Develop a monitoring program to evaluate the effectiveness of the Plan

C. Advisory Committee

The formation of an Advisory Committee is a critical component in developing the Source Water Protection Plan. The Advisory Committee will provide the Water Utility and Shelburne Town Council with advice:

- That will attempt to satisfy the water quality and quantity concerns of all stakeholders

- About the potential sources of contamination in and near the source water supply area
- About the management options available, and
- About the success of the protection plan

The Advisory Committee should reflect the broad spectrum of land owners, interested groups and government officials that have a stake in the development of the Source Water Protection Plan. As it is clear that the Source Water Protection Plan will be within the Municipality of the District of Shelburne, representatives from the County will be requested to participate on the Committee.

Committee membership:

Nova Scotia Environment – One water shed planner and one local environment and compliance representative to work with the Committee providing information and advice on topics related to source water protection, watershed management and regulation.

Natural Resources – One representative to work with the Committee providing information and advice on topics related to forestry.

Fisheries & Oceans Canada- One representative for habitat and one representative for conservation and protection to work with the Committee providing information and advice on topics related to habitat, protection and enforcement.

Municipality of the District of Shelburne Council – Two Councillors to represent the interests of the citizens served by the Municipality.

Town of Shelburne Council – Two Councillors to represent the interests of the citizens served by the Municipality.

Town of Shelburne Staff - One water treatment plant operator and one other staff, to provide the Committee with information and advice on topics relating to the Source Water Protection Plan.

Municipality of the District of Shelburne Staff – One planning and one bylaw enforcement officer, to provide the Committee with information and advice on the Rodney Lake Watershed Area Municipal Planning Strategy.

Land Owners - Adjacent land owners to Rodney Lake are responsible to express their concerns and interests to the committee and are responsible to report any problems or potential problems that they may encounter in the water shed area.

Voting Members

2 – Town of Shelburne Councillors

1 - Water Treatment Plant Operator

2 – Municipality of the District of Shelburne Councillors

1 – Land Owner

1 – Department of Natural Resources

1 – Fisheries & Oceans Canada – habitat

1 – Fisheries & Oceans Canada – conservation and protection

A quorum of the Committee shall be at least the majority of the voting members of the Committee. There being nine (9) voting members of the Committee, therefore a quorum is at least five (5) voting members.

Non Voting – Resource Members

2- Nova Scotia Environment

1 - Fisheries & Oceans Canada

1- Nova Scotia Transportation Infrastructure Representative

1 – Town of Shelburne Staff

2 – Municipality of the District of Shelburne Staff

D. Budget

The project will be accomplished with a combination of in house staff, consultants and volunteers.

E. Timeline

The Town of Shelburne requires a Source Water Protection Plan to be submitted for approval by October 15th, 2010 as per the Approval to Operate.

Monthly meetings will take place in 2010 allowing time to implement the Plan. Commencing in 2011 meetings will be reduced to a minimum of twice a year and continue thereafter for review, monitoring and updating of the Plan.

APPENDIX 2:
Rodney Lake Watershed Area Map

APPENDIX 3:
Off Highway Vehicle Act

Appendix 3

Off-highway Vehicles Act

<http://nslegislature.ca/legc/statutes/offhighw.htm>, Section 12F

APPENDIX 4:
Material Safety Data Sheet
Angus Fire

APPENDIX 5:
NS Wildlife Habitat & Watercourse
Protection Regulations

Appendix 5

Wildlife Habitat and Watercourses Protection Regulations

<http://www.gov.ns.ca/just/regulations/regs/fowhwp.htm>

APPENDIX 6:
Environmental Act

Appendix 6

Environment Act

<http://nslegislature.ca/legc/statutes/envromnt.htm>

APPENDIX 7:
Municipal Planning Strategy

APPENDIX 8:
Emergency Response Plan



Town of Shelburne
Staff Report to Council
December 2, 2024
CAO Update

1) Landfill Decommissioning:

As of November 19th, 2024, the Town received approval from the Nova Scotia Department of Environment and Climate Change (NSECC) for its Wetland Alteration Application. This approval allows us to proceed with Phase One of the landfill decommissioning, with the first priority being the construction of drill pads.

However, an amendment to the approval may be needed to increase the total wetland alteration area, as the currently approved area may not be sufficient for the construction of the three drill pads. Dillon Consulting has indicated that this amendment would not require significant effort, with the exact area to be determined based on the final placement of the drill pads and access routes.

While the wetland area has been flagged, a survey is required at the boundary where it meets the landfill to support the engineering design. This survey could take place simultaneously when Dillon personnel are onsite to flag the drill pad locations. Afterward, access roads to the drill pads will need to be constructed, and Dillon will provide a design for this. Please note that this work falls outside the current scope and will require additional budget approval.

Next Steps for Phase Two (Landfill Capping Work):

- Dillon will provide a work plan for design, tender, and construction services.
- Once the tender package is ready (expected mid-winter), it will be submitted to NSECC for review.
- The tender for landfill capping work is anticipated to go out in March or April 2025.

2) Wastewater Infrastructure Study:

BioMaxx has completed the vaporizing tests, with the data now under review by CBCL, the contracted engineering firm. Flow tests have also been completed on the King Street sewer line, and those results have been sent to CBCL for further analysis. Once the smoke and flow tests are fully reviewed, CBCL will provide direction on the next steps. Town staff have a meeting scheduled with CBCL to discuss the progress and upcoming actions. We continue to work closely with the engineers to ensure effective management of sewer capacity and stormwater infiltration, which is critical for supporting current and future development.

Additionally, the Town has engaged Matt King for GIS expertise. He has been analyzing our infrastructure data to develop accurate maps of our sewer lines and

systems, collaborating with CBCL to ensure the information is aligned with our engineering needs.

3) Wharf Repairs:

The Town has successfully secured funding for critical repairs to two vital marine infrastructures: the Shelburne Marine Terminal (Water Street) and the Dock Street Wharf. These wharves support a range of marine traffic, including large and small commercial vessels, fisheries enforcement boats, and visiting yachts and cruise ships.

The repair work has been tendered publicly, and we are moving forward with a Phased Repair Plan:

- **Phase 1: Dock Street Wharf** – Repairs will begin immediately after the tender is awarded. Starting with the Dock Street Wharf allows us to avoid disrupting commercial operations at the Marine Terminal, which is busy with the current fishing season.
- **Phase 2: Marine Terminal** – Repairs will commence after the fishing season slows, ensuring minimal interference with commercial traffic. This phased approach maintains operational capacity at both wharves throughout the project.

4) Roger Grovestine Recreation Complex:

The Roger Grovestine Recreation Complex is a cherished community asset, but it has fallen into disrepair due to financial constraints in recent years. Recognizing its importance, the Town has prioritized its revitalization, with a phased plan to restore the facility for public use.

Phases of Revitalization:

- **Phase 1: Tennis & Pickleball Court Upgrades** (Current focus)
- **Phase 2: Baseball Field Upgrades**
- **Phase 3: Green Space Enhancements**

A community group has expressed concerns about the tennis/pickleball courts and has since formed a society to oversee their maintenance. The Town has secured funding for resurfacing the courts, and staff are preparing the tender document. Once Phase One is complete, the society will ensure the upkeep of the courts, maintaining them for community use.

5) Roads Trail:

The Roads Trail By-Law has been passed and publicly advertised. Staff have coordinated the necessary signage and secured approval from the Province for the Spa Road connection. The trail is now officially open.

We encourage all users to follow the posted rules and regulations, which are available on the Town's website. The trail provides a safe and enjoyable space for recreational activities, and we are excited to see the community taking advantage of this new amenity.

Respectfully Submitted,

*Sarah Mattatall
Chief Administrative Officer*



Town of Shelburne

Staff Report to Council

Public Works Backhoe Repairs

General Overview:

This report provides an update to Council regarding the status of the Public Works Department's backhoe and its recent maintenance needs.

Background:

The Town of Shelburne's Public Works Department relies on its backhoe for a variety of essential tasks, including:

1. **Excavation for Utilities:** Digging trenches for water, sewer, and stormwater lines during repairs or installations.
2. **Road Maintenance:** Removing damaged sections of roads or sidewalks, digging areas for drainage improvements, and clearing ditches.
3. **Snow Removal:** Assisting in clearing snow during the winter season.
4. **Culvert and Drainage Work:** Excavating for culverts, cleaning ditches, and addressing drainage concerns within the town's infrastructure.

Given its versatility, the backhoe is a critical piece of equipment for many of the Town's ongoing maintenance and infrastructure projects.

Analysis:

Recently, the backhoe required unexpected repairs to ensure it remained in safe and operational condition. The repairs were completed promptly, and the backhoe is now back in service, ready to support the Town's public works activities.

Financial:

The repairs were carried out by Bandt Tractor Limited at a total cost of \$14,378.82 (including taxes). After tax adjustments, the Town's net cost amounts to \$13,039.21.

Recommendation:

THAT Council approve a transfer of **\$13,000** from the General Operating Reserve to the General Operating Fund to cover the unexpected repair costs for the backhoe.

Respectfully submitted,
Sarah Mattatall
Chief Administrative Officer



Town of Shelburne Staff Report to Council Sewer Main Repairs

General Overview:

This report provides an update to Council on the unexpected repairs to the sewer main in behind Woodworkers Home Hardware and near the property off Harbourview Lane.

Background:

During the summer months, the Town received complaints from residents regarding an odor near the corner of Water Street and Bulkley Street. Subsequently, Woodworkers Home Hardware raised concerns about sewage backing up behind their commercial building. In response to these concerns, the Public Works Department and the Town's Wastewater Operator initiated an investigation.

Analysis:

The investigation began at the corner of Water and Bulkley Streets, where the team discovered sewage leaking on a property down Harbourview Lane from the pressure main. Shortly after, staff were notified of another issue occurring behind the Woodworkers Home Hardware building. Further assessment revealed a rotted valve that had detached from the piping, along with a leak in the pressure main.

To determine the exact source of the sewage issue behind the hardware store, the team excavated the area. Once the break in the sewer line was identified, the Town engaged Robicheau's Pumping Service Limited and Burke Harris Trucking to pump and vacuum the sewer lines and lift stations, preventing any overflow into the harbor.

The damaged sections of the sewer line were removed and replaced. After completing the repairs, the area was restored, including backfilling the excavation site and re-paving the surface.

Financial:

The repair work was conducted by Town staff, with the assistance of hired contractors and rented equipment. The total cost for the repairs, including parts, pumping services, labor, and materials, amounted to \$44,317.63 (net cost to the Town). All invoices related to the repairs have been received.

Recommendation:

THAT Council approve a transfer of \$44,300 from the General Operating Reserve to the General Operating Fund to cover the unexpected repair costs for the sewer main running behind Woodworkers Home Hardware.

Respectfully submitted,
Sarah Mattatall
Chief Administrative Officer

MPS +LUB Amendments – Apartments, Variances and Commercial District

December 2 2024

General Overview

On September 3, 2024 Council directed staff to prepare amendments to the Municipal Planning Strategy) MPS and Land Use Bylaw (LUB) regarding a new Residential - Apartment zone and amendments to variance powers. There have been additional amendments that have come forward in relation to the Commercial Development District as well.

Background

Apartment Zone

There has been increased interested in developing apartments in Shelburne, and the current MPS and LUB do not address the potential impacts for apartments beyond standard residential requirements, except for additional parking requirements. The MPS itself states that larger apartments are not present in the Town and does not regulate them beyond limiting them to certain locations.

Moreover, the Town is relatively low density (persons per square kilometre) compared to other Towns. The new apartment zone will help increase density, providing more housing while making efficient use of infrastructure, compared to lower density greenfield development.

Statscan Density Data

Town	Density (persons per sq. KM)
Shelburne	187.9
Yarmouth	646.3
Bridgewater	644.9
Lunenburg	593.3
Mahone Bay	341.4
Lockeport	205.4

From 2021 Census – StatsCan

There has been interest in the new apartment zone from: 3 lot near 182 Clements Street (Owned by the Government of Nova Scotia); King Street 136 Hammond Street (former Municipality of the District of Shelburne building) and two lots on King Street.

136 Hammond St. (PID 80146939)

Formerly owned by the Municipality of the District of Shelburne, former municipal building on site.

182 Clements St. (PIDs 80142656, 80142672, 80142631)

Formerly owned by the Town of Shelburne, the Province intends to use the land for affordable housing.

118 King Street (PID 82573908)

Owned by K2T Property Holdings, the landowner is considering multiunit residential development.

92 King Street (PID 80143639)

Owned by K2T Property Holdings, the landowner is considering multiunit residential development.

Existing apartment buildings with 7 or more units would still be permitted, as they would be grandfathered as Legal Non-Conforming uses. The proposed amendments would have no impact on existing development.

Variance

A variance is an exemption from the requirements of the land use bylaw, for example number of parking stalls or setbacks or lot sizes. The exemptions are contemplated in the bylaw and can be subject to criteria. Variances offer flexibility around certain aspects of the land use bylaw. Variances are approved by staff, but appeals are heard by Council.

Current variance powers are very broad and may lead to development that is not in keeping with the intent of the MPS. Under the current MPS and LUB height is an important control for density and built form, especially in the historic waterfront. Staff proposed removing the ability to provide a variance by height for buildings and adding criteria for approving other variances.

For ground area, parking, loading areas, areas occupied by a home business, and the area of a sign, criteria for amendments to the LUB will be used. These criteria will ensure that the variance issued are in compliance with the MPS.

Amendments to the Commercial Development District Area

The MPS Commercial Development District (CDD) would be revised to include PID 80140361 on Ohio Road adjacent to Highway 103. This landowner is in process to build a 50 room hotel and is looking for the property to be added to the Commercial Development District so that it can be part of the Commercial Phase In Tax program. More information on the CDD and Commercial Phase In Tax Program can be found in the Council Report on the CDD bylaw.

Analysis

Proposed Residential Apartment Zone

The proposed Residential - Apartment zone will enable low to medium density residential development. Possible built forms include low rise apartments (35 feet; 4 of fewer stories); multiple duplexes/triplexes on the same lot, townhomes and rowhouses. Mobile homes will not be permitted in the proposed

Apartment Residential zone. The height maximum, combined with an area-based density maximum (units per Acre or Hectare), will ensure that new development is in keeping with the character of the town and existing neighbourhoods.

By allowing apartments in more areas of Town there will be more opportunities for landowners and developers to pursue apartment buildings. This will enable more units across Town, and those units are more likely to be rental units.

The proposed apartment zone will address several issues that the current land use bylaw does not comprehensively address, including:

- Accessible parking requirements;
- Aligning parking with other zones 1 stall per unit vs. 1.5 stalls per unit for apartments;
- Stormwater management guidelines (not binding);
- Requirement to connect to Town sewer and water, or have an agreement to connect;
- Maximum density of 25 units per acre;
- Buffering and landscaping requirements; and
- Approval by Site Plan, including small scale public engagement.

Accessible Parking

With aging residents, and the desire to create an inclusive community, the Town is considering requiring accessible parking for new apartments. This is also in keeping with the Town's Accessibility Plan of 2022. The stalls would be larger than typical parking stalls, must be located as close as possible to an accessible entrance. These new requirements would only apply to new construction, current developments would be not be impacted.

Currently, other than pocket communities, there is no requirement for accessible parking. The apartment zone is expected to require a minimum number of accessible stalls. The Town may consider extending the accessible parking requirement to other developments as part of the broader Land Use Bylaw review project.

Stormwater Management

Stormwater management is increasingly important as precipitation events become more intense, increasing the potential impact on property and residents. Stormwater management is also important to protecting Town infrastructure, including the sanitary sewer system, which has been used for stormwater in the past. Stormwater impacts are greatest from developments with significant non-permeable surfaces, such as apartment building roofs and associated parking lots.

The Town has developed guidelines for applicants to consider when managing stormwater. The Town may revise the guidelines and make at looking parts of the guidelines mandatory as part of future work.

Town Sewer and Water

The Town currently requires new development to connect to the Town's sanitary sewer if development is within 100 feet of an existing sanitary sewer.

The proposed zone would have the additional requirement of requiring a connection to Town water. This is to ensure residents have access to water in the event of a drought and a water supply to potentially aid with fire response.

Landowners who wish to build 7 or more units on lots that are not serviced with water and/or sewer will need to enter into an agreement with the Town to extend service prior to rezoning.

See Map A "Water System" for more information on the current extent of the water system.

Density

The density maximum is intended to reduce the impacts on surrounding development and protect the Town's character while supporting affordable housing. This is expressed as units per area, units per hectare or acre. By regulating the number of units by area, larger developments with more on larger properties are possible, while smaller lots developments, where impacts to adjacent properties are more likely, are limited.

The proposed density maximum is 25 units per acre or 62 units per hectare. For comparison Town of Bridgewater's Comprehensive Residential – R3 (a medium density zone) or Town of Wolfville's High Density Residential (R4).

Alternatively, the Town could choose not pursue a density maximum in the land use bylaw, instead ensuring new development is in character with the nature of the community using height, setback and design restrictions. This approach is similar to Town of Lunenburg or Town of Kentville. This could lead to more units created, as there is no unit maximum, but risks overly intensive use of land, potentially creating issues around parking, traffic, recreation space, and/or impact adjacent properties.

Buffering and Landscaping

Buffering may also be required to reduce impact on existing development. Landscaping, bushes, trees and other vegetation, is best used to reduce noise impacts and fencing can reduce light and visual impacts. Lighting would need to be oriented to minimize impacts on adjacent properties. Solid waste storage would also be screened to reduce potential visual, noise and odour impacts. Lastly noise generators, such as building air handlers, drive through queues and industrial facilities would be located and buffered in a manner to reduce the noise impacts on adjacent properties.

Buffering may include fencing and/or landscaping, or neither, depending on the specific application and opinions of neighbouring property owners and residents.

Site Plan Approval

Approval of apartments with 7 or more units will be by site plan, a potentially longer approval process, but it enables the Town to better address issues such as stormwater and buffering from other residential uses.

Site plan approval revolves around a site plan, a scale, graphic representation of the site, proposed building and related site features. In the development permit process, drawings may be submitted but are not binding on the applicant; they are submitted to aid the development officer in making their decision. Site plans, and the details shown on them, are binding on the applicant once approved.

Site plans require a land survey completed by a licensed land surveyor. Most apartments for 7+ units will be required to complete a survey to qualify for financing.

Site plans can make regulation of stormwater and parking more effective and efficient as they are spatial issues and can be regulated in through one document, compared to a written description.

As part of the site plan approval process, properties within 30 meters will receive notice of application (new Town requirement) and notice of approval (MGA requirement).

Landowners within 30 meters will receive two notices should there be an application for an apartment building. The first provides notice that there has been an application received, an outline of the proposed development and providing an opportunity for input. If the applicant has provided evidence of sending a letter requesting input, with input directed to the Town, or written input from all landowners that would otherwise receive a notice, the development officer may waive this notice requirement.

The second notice, required under the MGA, is to landowners within 30 meters, it states the site plan has been approved, how appeals can be filed and when the right to appeal elapses (14 days from approval).

These two notices would be in addition to any public engagement as part of the rezoning process, which includes an opportunity for written input and a public hearing.

Additionally, the Town will need to update its Municipal Fees Policy to state the fee for a site plan application. The fee is planned to be \$100, in keeping with fees charged by Towns of Yarmouth and Bridgewater.

Rezoning criteria

To build a 7+ unit apartment building, a landowner would need to apply for a rezoning. This process includes public engagement. There are also criteria the land must meet to be rezoned, including:

1. Not be located in the Historic Waterfront, Industrial or Rural Unserviced areas on Map 1 of this MPS; and
2. Have access to Town water and sewer with sufficient capacity to support the proposed rezoning; or has entered into an agreement to extend/expand Town water and sewer.

Plus criteria under Policy 44 of the current MPS, which includes:

That the proposed development that would result from the amendment is not premature or inappropriate by reason of:

- (i) the financial capability of the town to absorb any costs related to the development,
- (ii) the adequacy of the sewer and water services to support the proposed development,
- (iii) the adequacy and proximity of school, recreation, and other community facilities
- (iv) the adequacy of the road network in, adjacent to, or leading to the development,
- (v) the potential for damage or destruction of historical buildings and sites, and
- (vi) its bulk and scale in relation to the existing surrounding development.

Variance

Removing the variance ability for height will increase certainty of the maximum height as no new apartments will exceed 35 feet. However, this may be inflexible and restrictive to new development. Few variances for height have been issued, however variances for lot size and yard requirements are more common. For example, the land use bylaw may state a minimum of 10 foot front yard, but that is reduced to 8 feet.

The criteria to evaluate applications for variance would follow Policy 44 of the MPS (outlined above under Rezoning Criteria). Assessed owners within 30 meters would also receive a notice of application for variance and provided opportunity for comment.

Landowners wishing to construct an apartment building more than 35 feet in height will need to make application for an MPS and LUB amendment, which is subject to public engagement. To provide greater clarity, how height is defined has also been updated; it now aligns with other municipalities (Towns of Bridgewater and Yarmouth).

Commercial Development District

The expansion of the commercial district will enable the Town to enter into an agreement with the landowner to phase in property taxes over time. More information on the commercial phase in tax will be in a separate report on that issue and proposing amendments to the relevant bylaw.

Process and Public Engagement

Amendments to the MPS and LUB require public engagement under the MGA and the Town's Public Participation Policy.

First Public Meeting – January 8, 2025

First opportunity for public comment. Open house style with staff available to take input and answer questions. Expected to be an evening event.

First Reading – December Council Meeting - January 20, 2025

First reading will include a report on the proposed text amendments and public engagement to date.

Public Hearing and Second Reading – Public Hearing February 5, 2025

A public hearing date will be advertised two weeks prior to the public hearing. The public hearing gives the public an opportunity to speak directly to Council. It is typically followed by the second final reading.

Provincial Review – 30-60 days following second reading

The Province reviews the MPS amendments to determine if they are aligned with Provincial policy. There is no appeal to the Utilities and Assessment Review Board (UARB). Amendments would come into force once the Town receives approval from the Province and places an ad online announcing the bylaw has been amended and landowners can make application for permits/site plans.

Next Steps and Options

The next step would be to engage the public on the proposed amendments and staff to prepare the First Reading report for Councils consideration, which would include public input. This would enable the Town to pursue the rezoning and variance amendments in a timely fashion, with the new zone likely to be ready for development early in the new year.

Alternately, the Town could use the work completed as part of the LUB and MPS update project. This would delay the new Residential Apartment zone by roughly one year until early 2026.

	Pros	Cons
Proceed with R-A zone and Variance amendments	<ul style="list-style-type: none">• Start process to permit more apartments within the next few months• Allows for focused public engagement on apartments	<ul style="list-style-type: none">• None
Use material completed as part of larger MPS and LUB update	<ul style="list-style-type: none">• Single process is more efficient and a more holistic approach	<ul style="list-style-type: none">• Could delays some proposed apartments by a year

Recommendation

THAT Council directs staff to begin Municipal Planning Strategy and Land Use Bylaw amendment process in keeping with the contents of this report, starting with a public meeting on January 8, 2025 to be followed by first reading January 20, 2025.

Proposed Text Amendments

BOLD – New text

~~Strikethrough~~ – to be deleted

MPS - Apartment Zone

Policy 14- Within the Residential Development designation as shown on the Generalized Future Land Use Map (Map 1), Council intends to establish ~~two~~ **three** residential use zones - R-1 Residential General, R-M Residential Mobile Home **and Residential Apartment (R-A)**.

4.3 Special Provisions

With the exception of mobile homes no special locational restrictions will be placed on low density residential development. There are some forms of residential activity, however, which will require special land use control provisions because of the nature of their impact on the residential neighborhoods, transportation and parking requirements, and servicing requirements.

Apartment buildings are buildings built exclusively for multi-family or apartment type of accommodation or conversions from other types of buildings already in place. Depending on the size and number of units these buildings contain, they can have a large impact upon the character of a residential neighborhood.

~~Because of this and in view of the fact that Shelburne does not have large apartment buildings at the present time, it is intended to regulate the location of these buildings according to their size and number of units. Small apartment buildings containing up to six (6) units or conversions with up to six (6) units will be permitted anywhere where R-1 uses are permitted. Larger apartment buildings containing more than six (6) units will be restricted to lots that are zoned Residential – Apartment to lots where R-1 uses are permitted and which abut Ohio Road, Falls Lane, Yater Street, King Street and the Sandy Point Road. In addition, parking standards will be applied so that all tenant parking will be located at the side or back of the building at a rate of one (1) space per unit for buildings with six (6) or less units and one and one half (1.5) spaces per unit for buildings with more than six (6) units.~~

Policy 18

(1)- It is the intention of Council to permit new apartment buildings up to six (6) units or conversions up to six (6) units to locate anywhere where R-1 uses are permitted provide that:

- a) the height of the building does not exceed 35 feet, and
- b) tenant parking is provided at the side or back of the building at a rate of one (1) space per unit.

Policy 18A

(1)- It is the intention of Council where larger apartment buildings greater than six (6) units are proposed, to restrict these buildings to lots zoned Residential Apartment (R-A).

(2) In addition to rezoning criteria in Policy 44, Council shall have regard for the criteria below as part of any rezoning of land to Residential Apartment (R-A). The land to be rezoned must:

(a) Not be located in the Historic Waterfront, Industrial or Rural Unserviced areas on Map 1 of this MPS; and

(b) Have access to Town water and sewer with sufficient capacity to support the proposed rezoning; or has entered into an agreement with the Town to extend/expand Town water and sewer.

Amendments made in keeping with the above do not need to amend the Future Land Use Map.

3) Apartments of 7 or more units are permitted only in the Residential Apartment zone provided that:

- a) the height of the building does not exceed 35 feet;**
- b) the building is connected to Town water and sewer;**
- c) the density does not exceed 25 units per acre (62 units per hectare); and**
- d) other requirements outlined in this strategy and the land use bylaw are met.**

Policy 18B Parking Requirements

(1) It is the intention of Council to require all apartment buildings of 7 or more units to provide parking is provided at the side or back of the building at a rate of one (1) space per unit.

(2) It is the intention of Council that in addition to the vehicle parking requirements above for an apartment buildings of 7 or more units, accessible parking spaces will be required in accordance with the National Building Code of Canada. The following table is based on the National Building Code's minimum accessible parking standards:

Number of Units	Minimum Number of Accessible Stalls
7 - 15	1
16 – 45	2
46 – 100	3
Every additional 100 units	+1

Accessible parking stall shall be at minimum 3.9m wide and 5.5m long.

Policy 18C Stormwater Requirements

It is the intention of Council that Apartment buildings follow the Town's Stormwater Management Guidelines.

Policy 18D Site Plan Requirements

It is the intention of Council to require site plan approval in keeping with criteria in the land use bylaw for apartments of 7 or more residential units.

LUB - Apartment Zone

R-1 Uses Permitted

38. No development permit shall be issued in a Residential General (R-1) Zone except for one or more

Of the following uses:

- Single detached dwellings
- Duplex and semi-detached dwellings
- Rowhouse dwellings (subject to the requirements of Section 43, **not exceeding 6 units**)
- **Apartment buildings (not exceeding 6 units)**
- Boarding houses, rooming houses and bed and breakfast establishments (subject to the requirements of Section 41)
- Home occupations (subject to the requirements of Section 42)
- Institutional uses
- Park and Recreational Uses
- Existing Commercial uses (as listed in Schedule "A")
- Existing mobile homes (as listed in Schedule "A").
- Pocket Community Dwellings (subjected to requirements of Section 43A)

40. (1) In addition to all other requirements, where a proposed development is for an apartment building with six (6) units or less or for a conversion with six (6) units or less such development shall include tenant parking space at the side or rear of the building at a rate of one (1) space per unit.

40A. Further, developments of 7 or more residential units shall provide accessible parking in accordance with the table below:

Number of Units	Minimum Number of Accessible Stalls
7 – 15	1
16 – 45	2
46 – 100	3
Every additional 100 units	+1

Accessible parking stall shall be at minimum 3.9m wide and 5.5m long.

~~(2) In addition to all other requirements, where a proposed development is for an apartment building with more than six (6) units, such development shall be restricted to lots abutting Ohio Road, Falls Lane, Water Street, King Street and Sandy Point Road and shall provide for tenant parking at the side or rear of the building at a rate of one and one half (1.5) spaces per unit.~~

Residential Apartment R-A

Uses Permitted

40B. No development permit shall be issued in a Residential Apartment (R-A) Zone except for one or more of the following uses:

- Single detached dwellings
- Duplex and semi-detached dwellings
- Rowhouse Dwellings
- Apartment buildings
- Boarding houses, rooming houses subject to the requirements of Section 41
- Institutional uses
- Park and Recreational

40C. No development permit shall be issued for a use in a Residential General (R-A) zone except in conformance with the requirements set out in Schedule "D" of this By-law.

40D No development permit shall be issued for proposed developments greater than 25 units per acre (62 units per hectare) or 35 feet in height.

Special Requirements

40E. All apartments of 7+ units must submit a site plan as outlined in section 66A Site Plan Process and section 66VB Site Plan Submission Requirements, and receive approval, as outlined in section 66C Site Plan Criteria, prior to approval of a Development Permit.

40F. All apartments of 7+ units must be connected to the Town's water and sewer system, or have entered into an agreement, including cost sharing, with the Town to extend Town water and/or sewer as needed.

40G. Buffering and fencing may be required at the discretion of the development officer, as per section 66C Site Plan Criteria.

Site plan process and notification requirements

66A. At least seven days prior to approval, the development officer shall notify and provide opportunity for comment to all assessed owners within thirty (30) meters. The notice shall:

- (a) describe the proposed site plan;
- (b) identify the property where the site plan is proposed; and
- (c) Identify how landowners can provide comment

Alternatively, where the Applicant has provided evidence of sending letters in compliance with the above, with comments are directed to the Town, the development officer may waive the requirement for this notice.

Within seven days of approving a site plan, the development officer shall give notice in writing of the site plan granted to every assessed owner whose property is within thirty (30) metres, in keeping with requirements in the *MGA*.

The second notice shall:

- (a) describe the site plan approval granted;
- (b) identify the property where the site plan approval was granted; and
- (c) set out the right to appeal the decision of the development officer

Site Plan Submission Requirements

66B. The site plan application is not complete unless:

1. It contains three (3) copies of scale drawings prepared by a licensed surveyor or Professional Engineer that indicate the:
 - a) physical characteristics of the proposed site, including lot dimension, elevations, natural drainage, existing watercourses and shorelines and any existing structures and vegetation;

- b) registered heritage structures on or adjacent to the site;
- c) adjacent streets, rights-of-way and easements;
- d) proposed location and use of all buildings, signs and structures to be constructed, including external lighting;
- e) proposed solid waste storage, stormwater management,
- f) proposed required Town sewer and water connections,
- g) proposed streets, driveways, parking lots, walkways, active transportation routes; and
- h) proposed landscaping, fencing and other site features.

Site Plan Criteria

66C. The Development Officer shall not approve a site plan unless it meets the criteria below. A site plan must:

1. Minimize the negative impacts of the proposed development, including buildings and signs, on the surrounding neighbourhood, including noise, lighting, shadows, or other nuisance or inconvenience to occupants of nearby residences, specifically:
 - a. Outdoor lighting is designed to light the structure, driveways and pedestrian infrastructure, but not trespass onto adjacent properties;
 - b. Shadows cast on adjacent properties should be minimized;
 - c. Noise generators, such as building air handlers, drive through queues and industrial facilities shall be located and buffered in a manner to reduce the noise impacts on adjacent properties;
2. Comply with the Heritage Act, where applicable
3. Retain existing vegetation where possible to provide mature landscaping and minimize the impacts of development on the surrounding neighbourhood;
4. Minimize undue erosion and/or sedimentation, and other negative impacts on neighbouring properties from grading or alteration in elevation or contour of the land;
5. Minimize visual and noise impacts on nearby properties, through landscaping, fencing or a combination of both;
6. Outline the proposed landscaping, including trees, hedges, shrubs, ground cover, including species section for non-native plants, fences, walls, other landscaping features and must not plant species identified by the Province of Nova Scotia as invasive species;
7. Ensure parking and loading is either behind the building, or appropriately screened from the street with landscaping to minimize the impacts of traffic, noise, lighting, or other nuisances;
8. Site accessible parking close to a building entrance without any barriers and in keeping with the Exterior barrier-free path of travel in the Nova Scotia Building Accessibility Checklist, unless exempt;
9. Provide pedestrian access(es) to link public sidewalks, if any, and parking areas to entrances of all primary buildings;

10. Ensure safe traffic flow, including but not limited to the protection of sightlines at intersections and driveways;
11. Meet engineering standards of the Town;
12. Ensure proposed stormwater flows do not damage adjacent properties or Town infrastructure;
13. Ensure the storage of solid waste does not create a visual nuisance or excessive odour and provides is separate from residential development and public areas;
14. For site plans that contain multiple buildings:
 - a. Must ensure access for emergency vehicles;
 - b. Buildings are to be of similar architectural style and appearance, particularly if the existing structure is a heritage building,
 - c. Include pedestrian connections between buildings
 - d. Provide separation between buildings that is at least half the height of the tallest building;
 - e. Signage may be required at the discretion of the Development Officer, to aid the navigation of residents and guests; and
15. Not be contrary to the intent of any policies in the MPS or requirements in the LUB.

In addition to the aforementioned criteria, the development officer shall have regard for the views of assessed owners within 30 meters, including but not limited to buffering options.

Amendment to Schedule D Table 1

Apartment Residential (7+ units)*

Min Lot area	10,000 square feet
Min Frontage	60 feet
Min front yard	20 feet or average of adjacent buildings
Min rear yard	20 feet
Min side yard	8 feet
Max Lot Coverage	50%
Max Height	35 feet

*for rowhouse, see rowhouse requirements

MPS - Variance

Policy 44- When considering amendments to the Land Use By-law, Council shall have regard for the following matters:

(a) that the proposed amendment is in conformance with the intent of the policies of this Strategy;

(b) that the proposed development that would result from the amendment is not premature or inappropriate by reason of:

- (i) the financial capability of the town to absorb any costs related to the development,
- (ii) the adequacy of the sewer and water services to support the proposed development,
- (iii) the adequacy and proximity of school, recreation, and other community facilities,
- (iv) the adequacy of the road network in, adjacent to, or leading to the development,
- (v) the potential for damage or destruction of historical buildings and sites, and
- (vi) its bulk and scale in relation to the existing surrounding development.

(c) where the criteria above are applied to an application for variance under section 45(a), “amendment” and is replaced with “variance” and Council is replaced with “Development Officer”

...

9.6 Variance

In addition to the general powers granted to the Development Officer under the *Municipal Government Act*, the Act also empowers the development officer to grant a variance from the requirements of the Land Use By-Law. Sections 235-237, of the Municipal Government Act provides complete details. (RC- Feb 02/11;E-Apr 04/11)

Policy 45(A)- It is the intention of council to grant authority to the development officer to issue a variance, ~~where appropriate~~ **subject to the criteria under Policy 44 of this strategy**, in the following additional areas:

- The number of parking spaces and loading space required,
- the ground area and height of structure,
- the floor area occupied by a home-based business,**
- the height and area of a sign** (RC- Feb 02/11;E-Apr 04/11)

A variance will not be granted if it is contrary to the criteria under Policy 44 of the Municipal Planning Strategy.

LUB - Variance

(p) HEIGHT means the vertical distance of a building measured between the highest point of the roof and the grade level of the main entrance of the building.

Means the vertical distance of a building between the average building grade and:

- i) The highest point of the roof surface of the parapet, or a flat roof, whichever is the greater;
- ii) The decline of a mansard roof; or
- iii) the mean level between eaves and ridges or a gabled, hip, gambrel or other type of pitched roof;

but shall not include any construction used as ornament or for the mechanical operation of the building, water reservoirs, a mechanical penthouse, chimney, flag poll, solar panels/power collection or steeple.

20. Exemption from Height Regulations

~~The height regulations of this By-law shall not apply to church spires or steeples, water reservoirs, elevator enclosures, silos, flag poles, television or radio antennae, ventilators, barns, chimneys or clock towers.~~

37(A) In addition to the general variance provisions found in Section 235(1) of the Municipal Government Act and pursuant to Policy 45A of the Municipal Planning Strategy, the Development Officer may also grant a variance in the following areas **subject to the criteria under Policy 44 of the Municipal Planning Strategy:**

- the number of parking spaces and loading spaces required,
- the ground area and height of a structure,
- the floor area occupied by a home-based business,
- the height and area of a sign

37B At least seven days prior to approval of the variance, the development officer shall notify and provide opportunity for comment to all assessed owners within thirty (30) meters. The notice shall:

- (a) describe the proposed variance;
- (b) identify the property where the variance is proposed; and
- (c) identify how landowners can provide comment

Alternatively, where the Applicant has provided evidence of sending letters in compliance with the above, with comments are directed to the Town, the development officer may waive the requirement for this notice.

37C. Within seven days of approving a variance, the development officer shall give notice in writing of the variance granted to every assessed owner whose property is within thirty (30) metres, in keeping with requirements in the *MGA*.

- The second notice shall:
- (a) describe the site plan approval granted;
- (b) identify the property where the site plan approval was granted; and
- (c) set out the right to appeal the decision of the development officer

37D A variance will not be granted if it is contrary to the criteria under Policy 44 of the Municipal Planning Strategy:

That the proposed development that would result from the variance is not premature or inappropriate by reason of:

- (i) the financial capability of the town to absorb any costs related to the development,
- (ii) the adequacy of the sewer and water services to support the proposed development,
- (iii) the adequacy and proximity of school, recreation, and other community facilities,
- (iv) the adequacy of the road network in, adjacent to, or leading to the development,
- (v) the potential for damage or destruction of historical buildings and sites, and
- (vi) its bulk and scale in relation to the existing surrounding development.

In addition to the aforementioned criteria, the development officer shall have regard for the views of assessed owners within 30 meters.

In addition to the aforementioned criteria, the Development Officer shall consider a variance to reduce parking where the approval would :

- A) Improve internal traffic flow to increase traffic safety;
- B) Provide bike parking is provided in lieu of vehicle parking at a rate of 2 bicycle stalls per vehicle stall to a maximum of 25% of the required parking or one stall, whichever is greater;
- C) Allow space for stormwater management structures/landscaping;
- D) Protect mature trees and/or heritage structures; and/or
- E) Provide trees to shade vehicles and pedestrians.

Private Storage Uses are renumber from 37B to 37E

LUB Zone Map Amendments

PIDS 80146939, 80142656, 80142672, 80142631, 80143639, 82573908 to be zoned R-A.

MPS Commercial Development District (CDD) MPS

MPS Map "A" would include a revised commercial development district, to include at minimum PID 80140361 on Ohio Road adjacent to Highway 103 in addition to current properties.



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November 28, 2024

Warden Penny Smith & Councilors:

The Town of Shelburne would like to engage more fully with the Municipality of the District of Shelburne regarding its new Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB).

Of particular concern to the Town are statements in the draft documents regarding municipal services, intermunicipal collaboration and development near the Town of Shelburne.

We recognize the Province of Nova Scotia has set a deadline for this project to be complete, but we believe there is a genuine need to engage more. We would support the Municipality in requesting more time from the Province. Furthermore, we note that the Province recently amended the Statements of Provincial Interest and time is needed to ensure alignment with those statements.

The Town would also like to extend an invitation to the Municipality to engage in our MPS and LUB review.

Please feel free to contact our Senior Planner, Michael Kahn regarding our concerns and to engage in our LUB and MPS review process.

Thank you

Mayor and Council
Town of Shelburne

TOWN OF SHELBURNE

STAFF REPORT Wastewater Utility



DATE: Nov. 27th, 2024

Dear Council Members,

I am writing to provide an overview of the operations and performance of the Town of Shelburne Wastewater Plant for your review and consideration.

1. Introduction:

The Town of Shelburne Wastewater Plant plays a critical role in safeguarding public health and protecting the environment by treating wastewater before it is discharged back into natural water bodies. Our plant operates 24/7 to ensure that wastewater is treated to meet stringent regulatory standards.

2. Key Performance Indicators:

- **Effluent Quality:** The quality of the treated wastewater continues to meet or exceed all regulatory requirements.
- **Treatment Efficiency:** Although we are down to half capacity of sludge retention, with 1 clarifier being offline (see below), the plant is treating our influent quite efficiently
- **Compliance:** The quality of the treated wastewater continued to meet or exceed all regulatory requirements for our E. coli, TSS (total suspended solids), CBOD (Carbonaceous Biochemical Oxygen Demand), and Ammonia levels.
- **Maintenance and Infrastructure:**
 1. The plant is still running on just a single clarifier, awaiting repairs. We've reached out to local fabricators, all of which have been busy due to the upcoming lobster season. We are hoping within the month we can at least patch the current issue and look at replacement next year.

The repairs on the clarifier not being done yet, haven't negatively impacted our process or treatment, but with the coming wet months that could change.



TOWN OF SHELBURNE

2. Mission SCADA system has been installed and is now operational for the treatment Facility and the Roger's Ln. lift station. This has greatly helped operators in monitoring during off hours. Since the System has been implemented the down time of our essentially equipment has gone from days to minutes, which has greatly aided in smell and pollution prevention.

3. Operators had a site visit from their counterparts at the Municipality of Clare. Operators showed the Clare Operators their techniques with Geobags, and solids management.

Since the visit Operators from Clare have reported some findings of their own. Together we have been working on the challenges of Geotextile/Sludge handling in such a unique Climate.

4. Winterization of the collection system and treatment facilities has been completed.

5. The Treatment facilities Holding tank, the space where we divert sludge through the cold months, has been emptied to a new 5 year low. This Holding Tank was at capacity during our odour issue periods this year. Operators are hopeful this will aid in smell reduction next spring/summer.

3. Challenges and Mitigation Strategies:

- **Resource Management:** Reducing to 1 clarifier during the warm/dry months, was attempted a few times this summer. Operators noted better success in treatment with just 1 operational clarifier. This saves energy and resources, as well as allowing us to drain down and inspect both clarifiers on a yearly basis to prevent further greater issues.

We've been able to luckily continue this through Sept/Oct/Nov months, increasing our energy and labour savings even more.

- **Emergency Preparedness:** Comprehensive emergency response plans are in place to address potential incidents or disruptions to our operations, ensuring continuity of service and protection of public health. Operators have installed Voyent Alert on their cell phones to keep up with local emergency alerts.
- **Sampling Plan:** Operators have begun a sampling plan at the request of CBCL Engineer Dave Trudel. The aim of the sampling plan is to identify any issue microbially within our influent streams.

The Plan began as of Sept 2024, and will continue through to January 2025. This plan has already produced results, in that it has identified a few specific locations which have noted very high oxygen demands in their streams. These tend to come from improper dumping and can compound to become a much larger problem downstream at our treatment facility. Further testing will continue, to ensure these aren't one off events.



TOWN OF SHELBURNE

4. Public Concerns: No complaints, problems or concerns reported.

Although we have no current complaints or concerns, a summary of our prior power/odour issues is below.

Power monitors were installed on the incoming line to the Treatment plant (one from NSP and one from L&B Electric). Both Monitors have been collected, we still are waiting for the L&B datasets.

NSPower did return with 'no significant' findings or alerts on their end. Although there were some "weird spikes" of activity, nothing that would point to what was happening at the treatment facility during the summer.

We haven't had a power issue since the monitors were put on back in August.

Although they found nothing, the problem seems to have been corrected.

As an additional layer of security in regards to plant and power monitoring, Operators have the new Mission Scada system set up to alert at any power loss or bump from all active motors within the plant.

Our Holding Tank and Oxidation Ditch have been bio augmented and are in very healthy states. As the weather turns colder this has only become better and better.

- **Daniel MacKay, O.I.T Wastewater, Town of Shelburne.**



TOWN OF SHELBURNE

STAFF REPORT Water Utility



DATE: November 27, 2024,

Dear Council Members,

This report is for the town council on the operations of the Town of Shelburne Water Treatment Plant. The plant continues to work effectively in this reporting period.

- **Water Quality:** We meet all DOE regulatory requirements by means of continuous monitoring.
- **Treatment Efficiency:** The treatment process is kept to the highest standards and is worked on continually.
- **Maintenance and Upkeep:** All maintenance is being kept up to decrease down time. Currently we are repainting areas of corrosion. Replacement of old piping inside the plant has not taken place as we currently have not received the completed estimate from the contractor BRAMAC who is waiting on their supplier. The “drying bed” at the plant is all paved and the building has been moved to the proper location. Currently waiting on Nova Scotia Power to run service to the building.
- **Occurrences:** *October 15th, 2024-* We had a service line break near 25 Commission St. This was repaired with a downtime of 7 hours. All service was restored without incident. *October 15th, 2024-* *Main water break near 104 Commission St. This was repaired without incident in 8 hours.*
- **Compliance:** We are following and are up to date with all tests set forth by DOE. I continue to work with Mark Holden and Trevor Marriot on any issues that come up. There is nothing to report for this period.
- **Resource Management:** We try to make the process as effective as possible to eliminate waste. Weekly water samples are submitted for testing to ensure the protection of our water shed.

