



Planning Advisory / Heritage Committee Meeting

Tuesday, April 1, 2025

6:00 p.m.

Council Chambers

AGENDA

- 1. Call to order**
- 2. Items Added / Approval of the Agenda**
- 3. Review of Minutes, Re:**
 - a) July 16, 2024
 - b) March 4, 2025
- 4. Unfinished Business**
 - a) Registered Mail for Variance Notifications – Staff Report
- 5. EDPC Staff Update – Verbal**
- 6. Exploration of changes to zoning bylaws that support secondary and backyard suites. – Information Email**
- 7. Correspondence**
 - a) Letter from Hon. John Lohr, Minister of Municipal Affairs, regarding the maximum setback for commercial wind turbines.
 - b) Letter from Darren Boudreau regarding the pre-blast inspection of his home for the new long-term health care facility.
- 8. Next Meeting Date**
- 9. Adjournment**



Planning Advisory / Heritage Committee Meeting

July 16th, 2024

Location: Council Chambers

Present: Councillor Brent Sampson, Deputy Warden Shawn Samson, Councillor Melanie Sampson, Carolyn Clackdoyle, Appointed Member, Councillor Michael Diggdon, Warden Amanda Mombourquette

Also Present: John Bain, Director/Development Officer, Eastern District Planning Commission (EDPC), Troy MacCulloch, CAO (Virtual), Shelley David, Municipal Clerk

Regrets: Doug Begg, Appointed Member

Call to Order:

Councillor Brent Sampson called the meeting to order at 6:30 P.M

Items Added to the Agenda (Approval of the Agenda)

Moved by Warden Amanda Mombourquette, seconded by Councillor Melanie Sampson, that the agenda be approved.

Motion carried.

Review of Minutes re:

a) April 16th, 2024

Moved by Warden Amanda Mombourquette, seconded by Deputy Warden Shawn Samson, that the Planning Advisory/Heritage Committee meeting minutes for April 16th, 2024, be approved.

Motion carried.

West Richmond Land Use By-Law Amendment of Part 2 “Administration”

Moved by Warden Amanda Mombourquette, seconded by Deputy Warden Shawn Samson that the Planning Advisory/Heritage Committee recommend to Council to accept the amendment of the West Richmond Land Use By-Law in Part 2 “Administration” as presented with the noted change to item 15 (d), adding receiving notice of refusal by email when possible.

Motion carried with four (4) in favor and two (2) opposed.



Central Richmond Land Use By-Law Amendment of Part 4 “ Interpretation”

Move by Warden Amanda Mombourquette, seconded by appointed member Carolyn ClackDoyle that the Planning Advisory/Heritage Committee recommend to Council to accept the amendment to the Central Richmond Land Use By-Law in Part 4 “Interpretation” as presented with the exception of change to item 3 (d) to include receiving notice of refusal by email when possible.
Motion carried with four (4) in favor and two (2) opposed.

St. Peter’s Land Use By-Law Amendment of Part 2 “Administration”

Move by Warden Amanda Mombourquette, seconded by appointed member Carolyn ClackDoyle that the Planning Advisory/Heritage Committee recommend to Council to accept the amendment to the St. Peter’s Land Use By-Law in Part 2 “Administration” as presented with the exception of item 13 (d), adding receiving notice of refusal by email when possible.
Motion carried with four (4) in favor and two (2) opposed.

Isle Madame Land Use By-Law Amendment of Part 2 “Administration”

Move by Warden Amanda Mombourquette, seconded by appointed member Carolyn ClackDoyle that the Planning Advisory/Heritage Committee recommend to Council to accept the amendment to the Isle Madame Land Use By-Law in Part 2 “Administration” as presented with the noted change to item 13 (d), adding receiving notice of refusal by email when possible.
Motion carried with four (4) in favor and two (2) opposed.

Municipality of the County of Richmond Land Use By-Law Amendment of Section 4.9 “Variances”

Move by Warden Amanda Mombourquette, seconded by appointed member Carolyn ClackDoyle that the Planning Advisory/Heritage Committee recommend to Council to accept the amendment to the Municipality of the County of Richmond Land Use By-Law in section 4.9 “Variances” as presented with the exception of 4.9.3 (d) adding in receiving notice of refusal by email when possible.
Motion carried with four (4) in favor and two (2) opposed.



A By-Law to Amend The Richmond County Subdivision By-Law for the Municipality of the County of Richmond

Moved by Warden Amanda Mombourquette, seconded by Councillor Melanie Sampson that the Planning Advisory / Heritage Committee recommend to Council to accept the amendments to the Richmond County Subdivision By-Law for the Municipality of Richmond County as presented.

Motion carried.

Honourable John A. Lohr, Minister of Municipal Affairs and Housing, Re: Summary of amendments to the Municipal Government Act

For Information Only

Items Added to the Agenda:

No additional items were added.

Next Meeting Date

To be later determined.

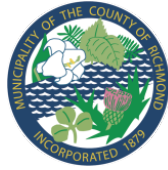
Germain MacDonald approached the Committee.

Adjournment

There being no further business, the meeting was adjourned at 7:42 p.m.

Municipal Clerk

Chairperson



Planning Advisory / Heritage Committee Meeting

March 4, 2025

Location: Council Chambers

Present: Warden Lois Landry, Deputy Warden Brent Sampson, Councillor Brian Marchand, Councillor Amanda Mombourquette, Councillor Shawn Samson, Robbin Cotton, Appointed Member, Robert Wambolt, Appointed Member

Also Present: John Bain, Director/Development Officer, Eastern District Planning Commission (EDPC), Troy MacCulloch, CAO, Shelley David, Municipal Clerk

Call to Order

Deputy Warden Brent Sampson called the meeting to order at 6:00 p.m.

Selection of Chair

Deputy Warden Brent Sampson called for nominations for the position of Chair. Warden Lois Landry nominated Deputy Warden Brent Sampson, who accepted the nomination. Nominations were called two more times, and as there were no further nominations, Deputy Warden Brent Sampson was acclaimed to the position of Chair.

Items Added to the Agenda (Approval of the Agenda)

Troy MacCulloch, CAO, through the Chair, requested to move item 6(b) to an in camera session, as the discussion relates to contract negotiations, pursuant to Section 22(2)(e) of the Municipal Government Act.

Moved by Robert Wambolt, Appointed Member, seconded by Warden Lois Landry, that the agenda be approved with the addition of the in camera session. Motion carried.



Review of Minutes re: July 16th, 2024

It was the consensus of the Committee to defer the approval of the minutes to the next meeting.

New Business

a) Mapping for Land Development

For information only.

b) Registered Mail for Variance Notifications

It was the consensus of the Committee to defer the discussion to the next meeting.

c) Sub-Division Planning, Re: Planning new areas to have two-lane roadways with turning areas suitable for fire apparatus and provisions for water supply planning.

Moved by Councillor Amanda Mombourquette, seconded by Warden Lois Landry, that the Planning Advisory/Heritage Committee recommend to Council to have staff investigate specific private road standards for the subdivision bylaw that takes into account serviced/unserviced areas, number of lots, and the process for making roads public, based on best practices across the province.

Motin carried.

d) Warden, Re: Update from Developers

Moved by Warden Lois Landry, seconded by Robbin Cotton, Appointed Member that the Planning Advisory/Heritage Committee recommend to Council, based on initial conversations with developers in the County, that Council reach out to the Nova Scotia Federation of Municipalities (NSFM) to ask for some reflection on the fact that Canadian Mortgage and Housing Corporation (CMHC) is repeatedly seen as ineffectual among rural developers.

Motion carried.



Moved by Councillor Amanda Mombourquette, seconded by Robert Wambolt, Appointed Member, that the Planning Advisory/Heritage Committee recommend to Council to conduct an open process to engage with developers to determine ways the municipality can support housing development.

Motion carried.

e) Request for Sale of Municipal Property

i. PID 75178905 (No. 206 Highway, Arichat)

Moved by Councillor Brian Marchand, seconded by Warden Lois Landry, that the Planning Advisory/Heritage Committee recommend to Council to deem property PID 75178905 as surplus property.

Motion carried.

ii. PID 75029892 (41 Proctor Road, Evanston)

Moved by Councillor Brian Marchand, seconded by Robert Wambolt, Appointed Member, that the Planning Advisory/Heritage Committee recommend to Council to deem property PID 75029892 as surplus property.

Motion carried.

Moved by Councillor Amanda Mombourquette, seconded by Robbin Cotton, Appointed Member, that the Planning Advisory/Heritage Committee recommend to Council to have staff investigate lot size restrictions and technology for on site sewage to allow more flexibility in the creation of lots in unserviced areas for the purposes of advocacy and to spur housing development.

Motion carried.

Old Business

a) Variance Compliance

For information only.



- b) Private Ways – Application from Gail and George Landry – moved to in camera session.

Moved by Councillor Shawn Samson, seconded by Robert Wambolt, Appointed Member that the Committee move to an in camera session at 7:30 p.m.

Motion carried.

It was determined that it would be best to discuss items 6(c) & 7 before continuing with an in session camera.

Moved by Councillor Shawn Samson, seconded by Warden Lois Landry to revert to regular session at 7:30 p.m.

Motion carried.

- c) Mapping for Volunteer Fire Departments
For information only.

Next Meeting Date: April 1, 2025, at 6:00 p.m.

In Camera Session

Robert Wambolt, Appointed Member, declared a conflict of interest regarding the private ways application and left the meeting at 7:39 p.m.

Moved by Warden Lois Landry, seconded by Councillor Amanda Mombourquette, that the Committee move to an in camera session at 7:39 p.m.

Motion carried.

Councillor Amanda Mombourquette declared a conflict of interest regarding the private ways application and left the meeting at 7:43 p.m.

Moved by Warden Lois Landry, seconded by Councillor Shawn Samson, that the meeting revert to regular session at 8:10 p.m.

Motion carried.

Adjournment

There being no further business, the meeting was adjourned at 8:10 p.m.

Municipal Clerk

Chairperson

To: **Richmond Planning Advisory Committee**
Richmond County Council

From: **Planning Staff (EDPC)**

Date: **April 16th, 2024**

Reference: **Review of Variance Notification Procedures and Amendments to the Richmond County Subdivision By-law**

Recommendations:

1. That no change be made to the Variance notification process. No motion is required; and
2. That Council approves the proposed amendments to the *Richmond County Subdivision By-law* as laid out in Appendix B of the Staff Report that remove the term “clearly surveyed” for clarity.

Background Information:

On December 19, 2023, Planning Advisory Committee asked the Eastern District Planning Commission to review its variance procedure to potentially implement the use of registered mail as opposed ordinary mail to serve neighbour notifications regarding variances and to review the Richmond County Subdivision By-law and propose options to improve clarity, specifically the following terms: “right-of-way” and “clearly surveyed”.

Like many other municipal planning departments within the Province, the Eastern District Planning Commission uses the variance procedure laid out by the *Municipal Government Act (MGA)*. All Municipalities are legally required to follow the *MGA’s* variance procedure at a minimum.

Analysis:

Variance Procedure Review

A policy analysis was conducted that examined the Land Use By-laws of twenty rural municipalities (not including the other municipalities serviced by the Eastern District Planning Commission) in the Province of Nova Scotia. It should be noted that there are some municipalities that have more than one plan area (secondary plan areas) and that there is not always consistency among the policies in each plan area, similar to Richmond County. The Table in Appendix A summarizes the findings.

Of the twenty rural municipalities examined, two currently do not have planning documents for developments aside from wind turbine developments and one municipality did not mention variances in its planning documents at all. All remaining rural municipalities, the other seventeen, have sections on variances in either their Municipal Planning Strategy or Land Use By-law or both

that in some way defers to the *Municipal Government Act* regarding the process of administering a variance.

Seven of the seventeen, or approximately 40%, of the rural municipalities specifically state that the method of notification regarding variances shall be the procedure laid out by the *Municipal Government Act*. Three of these seven municipalities specify and reiterate, as per the variance procedure of the MGA, that notification will be served by ordinary mail.

Only two municipalities of the seventeen added extra procedure to the standard MGA variance procedure. In both cases, this additional policy was not about the type of mail delivery but increased the notification radius from 30 m (100 feet) to 60 m (200 feet).

The American Planning Association Rhode Island Chapter (APA -RI) published a document titled *"Better Land Use 2021: APA RI's Recommendations for Improved Land Use in Rhode Island"*. The document contains the organization's recommendations for improved efficient land-use regulation. Part H of the Process and Procedure chapter examines the use of certified mail for the delivery of planning notices. Certified mail in the US is equivalent to registered mail in Canada. The findings refer to certified mail as "more expensive and complicated" when compared to the use of other mailing options and less effective in achieving the desired public notification result. The General Assembly recommended and approved the use of mailings which eliminated the need for requiring a recipient's signature. This was because *"when no adult is home, a notification card is left in the mailbox indicating the need for the owner to pick up certified mail at the local post office. It was recognized that the actual success rate of meeting the notice requirement has decreased over the years due to a decreasing number of homes with an adult present during the day. The result has been a decreasing number of residents being notified of pending public hearings for zoning changes, variances and special use permits"* (APA -RI, 2021).

Regarding registered mail in Canada, the procedure is the same. If an adult is not home to sign for the registered mail, a notification card is left, and the mail is taken to the local post office for pickup because a signature is required. In the rural areas this is another barrier to notification. Instead of a variance notification letter being left in the mailbox at home for the property owner to pickup, they must now go out of their way to travel to the local post office. In some cases, this would potentially result in delays in arranging pickup such that they miss the timelines specified in the notice.

Finally, regardless of when the mail is received and if it is signed for or not, the variance notification letter would still be considered delivered three days after it was sent in accordance with the *Municipal Government Act*. Besides being an additional barrier for notification, registered mail costs more than ordinary mail, which places an extra financial burden on a variance applicant for an arguably inferior result.

Staff therefore recommend that there be no changes made to the variance notification process.

Richmond County Subdivision By-law Review

Council has several options in how they would like to address changes, if any, to the *Richmond County Subdivision By-law*:

1. *Approve the proposed amendments to the Richmond County Subdivision By-law as laid out in Appendix B of the Staff Report that remove the term “clearly surveyed” for clarity.*

In the *Municipal Government Act’s Provincial Subdivision Regulations*, there is no listed definition of “easement”, “right-of-way” or “right of-way easement”. However, Section 2(f)(iv) states:

“(f) “private road” means any road which
...
(iv) where not totally located within the area of land being subdivided, has an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, registered in the registry of deeds,
...”

In this case, a definition for an “easement for right-of-way (and access)” is defined within the definition of “private road”. In this definition, an easement for right-of-way and access only needs to be granted by deed and registered in the Registry of Deeds. There is no mention of the easement for right-of-way and access to be “clearly surveyed”. Removing the wording “clearly surveyed” from the *Richmond County Subdivision By-law* would bring the document closer in conformity with the *MGA’s Provincial Subdivision Regulations*.

Additionally, whether a right-of-way is surveyed or not, should not be a determining factor of whether an “easement/right-of-way” exists. If an “easement/right-of-way” is in a deed, then it exists. Requiring a survey showing the “easement/right-of-way” as a determinant for an “easement/right-of-way” to be required for subdivision is an added unnecessary hurdle. It potentially removes a property owner’s legal right where an “easement/right-of-way” in a deed lawfully exists, due to a technicality in the municipal *Subdivision By-law*.

For these reasons, removing the wording “clearly surveyed” from the *Richmond County Subdivision By-law* is Staff’s recommended option.

2. *Remove the right-of-way easement requirement to subdivide a landlocked parcel altogether.*

The *Municipal Government Act’s Provincial Subdivision Regulations* originally permitted the creation of a lot from a landlocked parcel so long as each lot or lot and remainder were served by a right-of-way easement. The condition of service by right-of-way easement has since been removed. Removing the requirement of a right-of-way easement in order to create a lot from a landlocked parcel from the *Richmond County Subdivision By-law* is an option as *the Municipal Government Act’s Provincial Subdivision Regulations* has done this already.

The expectation would still be that property owners secure a right-of-way easement, but we would not require it. Removing this requirement, however, would not guarantee that the property owner secures an easement. Additionally, it would be possible for land locked lots without right-of-way easements to receive a Building/Development Permit depending on the wording of the corresponding Plan Area's Planning Documents. Going with this option may also lead to an increase in civil disputes.

While this is an option open to Council staff believe the drawbacks outweigh the benefits and therefore do not recommend this option.

3. *Add the definition of "clearly surveyed"*

"Clearly surveyed" was intended to mean an easement shown on a survey that was surveyed to the accepted standard of the day. This meaning ties the required survey to the standards and regulations of the profession while allowing for flexibility for amendments and changes over time. Defining "clearly surveyed" would also better clarify the definition and requirements of "right-of-way easement". Staff are of the opinion that the definition is already clear and, with only one exception, has been the accepted interpretation of the by-law.

4. *Keep the Richmond County Subdivision By-law unchanged*

Council may keep the *Richmond County Subdivision By-law* as it is. This option is self explanatory.

Conclusion:

Staff are of the opinion that the Eastern District Planning Commission's procedural policy for variance notification is standard and in line with rural municipalities within the province. Furthermore, Staff find that there appears to be little to no benefit in using registered mail for variance notification. If anything, the use of registered mail for variance notification creates more barriers for both neighbouring property owners of a development and the variance applicant.

Council has a few different options with how they could proceed from this Staff Report with respect to the *Subdivision By-law*, however staff recommend simply removing the term "clearly surveyed" from the *By-law* and replacing it with wording, consistent with the Provincial Subdivision By-law regulations, as laid out in Appendix B. This recommended amendment removes an unnecessary requirement thus cutting some of the red tape associated with land development in Richmond County.

Proposed Motions for the Planning Advisory Committee:

Based upon the staff recommendation, the proposed motions for PAC are:

1. *That the Planning Advisory Committee recommend that Municipal Council approve the proposed amendments to the Richmond County Subdivision By-law as laid out in Appendix B that remove the term “clearly surveyed” for clarity; and
That Municipal Council give First Reading and schedule a Public Hearing.*

Proposed Motions for Council:

Based upon a positive recommendation from the PAC, the proposed motions for Council are:

FIRST READING AND SETTING A PUBLIC HEARING DATE:

1. *That Municipal Council give First Reading and schedule a Public Hearing regarding approving amendments to the Richmond County Subdivision By-law as laid out in Appendix B that remove the term “clearly surveyed” for clarity.*

SECOND READING AND APPROVAL:

1. *That Municipal Council give Second Reading and approve amendments to the Richmond County Subdivision By-law as laid out in Appendix B that remove the term “clearly surveyed” for clarity.*

Appendices:

Appendix A: Nova Scotia Variance Policy Analysis (20 Rural Municipalities)

Appendix B: Amending Pages

Appendix A: Nova Scotia Variance Policy Analysis (20 Rural Municipalities) Tables

Nova Scotia Variance Policy Analysis (20 Rural Municipalities)		
Municipality	MPS & LUB Policy	Notes on Notification Policies
Cape Breton Regional Municipality	LUB defers to MGA	No
Queens Regional	Defers to MGA	Urban Service Area - 30 m Rural Development Area & Hamlets - 60 m
West Hants Regional	LUB defers to MGA	Specifically defers to MGA
Annapolis County	Reiterates/Defers to MGA	No
Colchester County	MPS defers to MGA	No
Cumberland County	LUB defers to MGA	No
Kings County	LUB defers to MGA	No
Pictou County	N/A (No General Municipal Planning Strategy & Land Use By-law)	
District of Argyle	No MGA References	No
District of Barrington	MPS defers to MGA	No
District of Chester	Defers to MGA	60 m (200 feet) Notification Radius Specifies "ordinary mail" Specifically defers to MGA
District of Clare	Does not mention Variances	No
District of Digby	Defers to MGA	Specifically defers to MGA
District of East Hants	Defers to MGA	No
District of Guysborough	Defers to MGA	Specifically defers to MGA
District of Lunenburg	Defers to MGA	Specifies "ordinary mail" Specifically defers to MGA
District of Shelburne	N/A (No General Municipal Planning Strategy & Land Use By-law)	
District of St. Mary's	Defers to MGA	Specifies "ordinary mail" Specifically defers to MGA
District of Yarmouth	Defers to MGA	Specifically defers to MGA Reiterates MGA 30 m radius

Appendix B: Amending Pages

**A BYLAW TO AMEND THE RICHMOND COUNTY SUBDIVISION BY-LAW
FOR THE MUNICIPALITY OF THE COUNTY OF RICHMOND**

The Richmond County Subdivision By-law for Municipality of Richmond County is hereby amended by:

1. Part 2: "Interpretation" of the Subdivision By-law is hereby amended by removing the following text in strikethrough and adding the text in **bold** to Subsection (j)(i) "Private Road Right-of-Way":

...

- (i) extends to and has access to a public street and where not totally located within the area of land being subdivided, the private road right-of-way shall have an easement for right-of-way and access ~~which has been clearly surveyed and~~ **that is assignable and perpetual and has been clearly granted by deed,** registered in the registry of deeds, and

...

2. Part 2: "Interpretation" of the Subdivision By-law is hereby amended by removing the following text in strikethrough and adding the text in **bold** to Subsection (n):

...

- (n) "Right-of-way easement" means an easement for right-of-way and access, extending to and having access to a public street or highway, and where not totally located within the area of land proposed to be subdivided the right-of-way easement shall be ~~clearly surveyed and~~ **assignable and perpetual and clearly** granted by deed, registered in the Registry of Deeds for the County of Richmond:

...

3. Part 18 of the Subdivision By-law (Subdivision of an Island) is hereby amended by removing the following text in strikethrough and adding the text in **bold** to Subsection (2)(c):

...

- (c) the subdivider provides an easement for right-of-way and access, ~~clearly surveyed and~~ **assignable and perpetual and clearly** granted by deed registered in the Registry of Deeds having minimum width of 15 metres (49.2 feet) extending from a public street or highway or a private road to the parking area and to the shoreline of the navigable watercourse where there exists suitable boat launching facilities, and

...

Shelley David

From: Troy MacCulloch
Sent: March 28, 2025 10:10 AM
To: Shelley David
Subject: Fw: Request for addition to PAC Agenda

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From: Lois Landry <Lois.Landry@richmondcounty.ca>
Sent: Friday, March 28, 2025 10:07:50 AM
To: Troy MacCulloch <CAO@richmondcounty.ca>; Brent Sampson <Brent.Sampson@richmondcounty.ca>
Subject: Request for addition to PAC Agenda

Hi,
I'd like to ask that the following item be added to the upcoming agenda for our PAC.
Exploration of changes to zoning bylaws that support secondary and backyard suites.

Background information:

The government has enacted a Secondary and Backyard Suite program, whose overview is described as follows:

The Secondary and Backyard Suite Incentive Program (the Program) is available to eligible homeowners who plan to build a suite within their principal residence or on the property of their principal residence. Homeowners may receive up to 50% of the eligible project costs, to a maximum of \$40,000 in the form of a loan. The homeowner needs to have financing in place to pay for all project costs up front. The forgivable loan is provided to homeowners as reimbursement after the construction of the suite is complete and the receipts and an occupancy permit have been submitted to the Department of Growth and Development (DGD). Homeowners that continue to live in their principal residence and whose tenants meet the tenant eligibility requirements over the 5-year term of the loan do not need to repay the loan (a forgivable loan). This program is part of the Government of Nova Scotia's plan to increase the affordable housing supply across the province. [secondary-and-backyard-suite-incentive-program-guide-en.pdf](#)

The program was initially for seniors, but was extended to include housing for adults with disabilities: [Improvements to Secondary, Backyard Suite Incentive Program | Government of Nova Scotia News Releases](#)

There are some municipalities where zoning has supported these units, but other municipalities have zoning bylaws that make these suites either more challenging to build or more costly. These can relate to how these suites can be tied to current water and sewer systems.

Given the impending housing supply that will be needed for adults with disabilities through the Human Rights' Remedy, it would be wise for Richmond County to explore all our options before funds through this program and others (i.e., Homeshare, etc) is announced in the next year or so.

Link to information about the Remedy: [The Remedy Overview | Nova Scotia Transforming Support](#)
Link to CBC interview on homeshare (the Remedy's main initiative around housing for adults with disabilities): [Home sharing coming to NS for people who have disabilities | Information Morning - Cape Breton | On Demand | CBC Listen](#)

To this end, I would likely make a motion that the PAC direct staff to explore what other municipalities have in place for zoning for these units, and the advantages and disadvantages to different options.

Thanks,
Lois

Lois Landry, Warden
Municipality of the County of Richmond
Tel: (902) 631-0332



**Municipal Affairs
Office of the Minister**

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902 424-5550 Fax 902 424-0581 • novascotia.ca

March 7, 2025

Dear Mayors and Wardens:

I am writing to inform you that the Minimum Planning Regulations under Section 214 of the *Municipal Government Act* (MGA) and Section 229 of the *Halifax Regional Municipality Charter* (HRMC) have been amended to implement a maximum setback for commercial wind turbines.

The new regulations will require that the maximum distance between a commercial wind turbine and a dwelling cannot be more than either four times the height of the turbine, or the distance needed to keep noise levels below 40 decibels outside the home and limit shadow flicker to no more than 30 minutes a day or 30 hours a year.

Additionally, the amendments stipulate that visual impact or aesthetic appearance of a wind turbine development is not a matter Council can consider prior to approval.

The Government of Nova Scotia is committed to reaching 80% renewables by 2030. These regulatory amendments will support this goal by providing consistent standards across Nova Scotia's municipalities, making it easier for wind energy projects to move forward, while also protecting residents from negative impacts from wind development projects such as noise and shadows.

You can find the updated Minimum Planning Regulations using the following links:

- *Halifax Regional Municipality Charter*
<https://novascotia.ca/just/regulations/rxaa-l.htm#hrmcmpr>
- *Municipal Government Act*
<https://novascotia.ca/just/regulations/rxam-z.htm#mgampr>

I have also included a Question-and-Answer document that provides further information about the updated regulations.

I want to thank you for taking the time to participate in the online survey from earlier this summer. Your feedback was invaluable throughout the regulation development process.

Sincerely,

A handwritten signature in blue ink, appearing to read "John A. Lohr".

Honourable John A. Lohr
Minister of Municipal Affairs and Housing

c: Juanita Spencer, NSFM
Chief Administrative Officers

Wind Turbine Setbacks

Summary of Changes

The Department of Municipal Affairs is making amendments to the Minimum Planning Requirements Regulations under Section 214 of the *Municipal Government Act* (MGA) and Section 229 of the *Halifax Regional Municipality Charter* (HRMC) to implement a provincial standard for wind turbine setbacks.

The new regulations will require that the maximum distance between a commercial wind turbine and a dwelling cannot be more than either four times the height of the turbine or the distance needed to keep noise levels below 40 decibels outside the home and limit shadow flicker to no more than 30 minutes a day or 30 hours a year.

Additionally, the amendments stipulate that visual impact or aesthetic appearance of a wind turbine development is not a matter Council can consider prior to approval.

Nova Scotia is committed to reaching 80% renewables by 2030. These changes support this goal by providing consistent standards across Nova Scotia's municipalities, making it easier for wind energy projects to move forward while protecting residents from negative impacts from wind development projects such as noise and shadows.

FAQ

Q: What are the benefits of Wind Energy in Nova Scotia

Wind energy does not result in emissions that cause the health problems associated with fossil fuels, such as sulfur dioxide, nitrous oxide, mercury, or the environmental problems that come from carbon dioxide - one of the greenhouse gases that contribute to climate change. Every megawatt of wind energy can reduce our greenhouse gas emissions by as much as 2,500 tonnes per year—enough clean energy to power 350–400 Nova Scotian homes.

Wind energy does not use up natural resources. Capturing and transforming the energy of wind into the energy of electricity is infinitely renewable.

Nova Scotia has legislated goals in the *Environmental Goals and Climate Change Reduction Act* (PDF) to get off coal and have 80% of electricity generated with renewables by 2030 – and to reach net zero by 2050. [Learn more here.](#)

Q: Should residents be concerned about the resulting noise and light flicker of Wind Turbines? What about concerns with the turbines causing illness?

It's important to remember that potential wind farms over 2 megawatts must undergo an environmental assessment which requires companies to identify the benefits of their project, its potential impacts on the environment and human health, and their plans to mitigate impacts. Projects must also obtain other required authorizations, permits and permissions from various levels of government before being built. There is no scientific evidence to support the belief that wind turbines cause illnesses.

The proposed regulatory changes will ensure municipalities have consistent standards regarding wind turbine setback distances that will ensure that residents will not be impacted by noise and light flicker.

Q: What about the threat to migratory birds that turbines present?

Wind turbines are attributable to less bird deaths than cats and tall buildings. Consideration of potential impacts to migratory birds as a result of a wind turbine project are included within the Government of Nova Scotia's environmental assessment process. Companies must ensure that they comply with federal migratory bird legislation.

Q: Why is the Nova Scotia Government Making this change?

Wind turbines do create noise and may not be appropriate for all locations. The Government of Nova Scotia is making this change to ensure that wind projects are properly developed and managed consistently across all municipalities.

Q: How would distance required for sound and shadow flicker be established?

Distance for sound and shadow flicker is based on project specific factors. The provincial Environmental Assessment process considers these factors prior to granting approval of commercial Wind Turbine projects (at least 2MW). A municipality may decide to incorporate the *Minimum Planning Requirements Regulations* about setbacks from wind turbines to dwellings, as written, into their Planning Documents for ease of implementation.

Q: How does a municipality determine if their existing requirements are consistent with the proposed maximums?

We understand that many municipalities who regulate wind turbines, have policies or bylaws including a distance setback (i.e., Kms). These policies or bylaws may be contrary to the *Minimum Planning Requirements Regulations* amendments. The Provincial Planners supporting your region and the NRR contact provided can help you consider how your existing requirements relate to the amendments to the *Minimum Planning Requirements Regulations*. You should also seek advice from your solicitor should you have questions regarding the regulations.

Q: Will there be a deadline for when municipalities that have existing wind requirements should be consistent with the new requirements?

There is no specific deadline set. It is expected that municipalities bring their setback requirements in line with the newly amended *Minimum Planning Requirements Regulations* as soon as reasonably possible.

Daren Boudreau
199 Veterans Memorial Drive (PID # 75134056)
Arichat, Nova Scotia
902-631-1845

March 27, 2025

All

RE: Pre-Blast Inspection of my home

I have recently learned that the contractor building the long-term health care facility near my home intends to conduct a blasting operation to prepare the site. A representative from DesignPoint Engineering & Surveying Ltd. visited my home on March 26th. He conducted an inspection of the interior and exterior of the buildings on my property at 199 Veteran's Memorial Drive, Arichat. The photos/videos taken will show any pre-existing visible damage in my home and outbuilding. He also requested permission to place a seismograph on my property to monitor the blasting.

My concern in this matter is the damage which will not be readily visible and could impact on my property in the long term. My home is an open concept ICF (Insulated Concrete Form) House. As a structural component, engineer Joe Janega, required anchors be installed into the surrounding bedrock to stabilize the structure. There would be no way to be able to inspect these anchors to ensure that my home was not structurally compromised as a result of the blasting. Additionally, all my buildings have in slab heating which would be very problematic to repair if damaged. This damage may not be apparent until next winter or later.

The town sewer system does not extend as far as my property. I need to operate my own lift station to pump waste back to the town sewer system. This would be very costly to repair in the future. The water well on my property could be damaged as well.

The proximity of the blast zone to the municipal water reservoir should be of concern to all residents who rely on this source for their water needs. There is no way to calculate how far the blast shock could radiate in the geology of the area. If this vital town infrastructure were compromised, all taxpayers will feel the effect. I am not aware of any environment impact review being conducted prior to blasting.

I am in favor of the development of the long-term health care facility. In fact, I believe it is long overdue. I am a supporter of the local and provincial governments who have come together to make this project a reality. Their commitment to our community should not come with risks to taxpayer property or infrastructure. There are other options available to prepare the site for construction, it may be a bit more expensive, but it could save us all money in the long term. Blasting is always a first choice because it is cheap and fast, the only party that benefits is the contractor.

Please feel free to reach out to discuss this issue or tour my property to view my concerns on site.

I am seeking legal advice on this matter to protect my property.

Thanks for your attention to this matter,

Daren Boudreau

March 25, 2025

Building Owners/Tenants

**RE: Pre-Blast Inspection Request
Site of Proposed New Long Term Health Care Facility**

We request your permission to conduct an inspection of the interior and exterior of the building on your property prior to the blasting that is anticipated at the above noted property. There wasn't anyone at home during our first visit to the area but will be returning on

The inspection is important to building owners to allow for a record of the condition of the structure of your property prior to any blasting activities.

It is anticipated that there will be two blasts in the coming weeks. Each blast will be monitored using a seismograph at the nearest structure.

Thank you,
DesignPoint Engineering & Surveying Ltd.

Blair MacVicar, CET
Senior Geotechnical Technologist
902-802-3174

