

**Call to Order** The Public Hearing was called to order with Warden Thurber in the chair at 6:03 p.m.

**Attendance**

Councillors present:

- Jim Thurber, Warden
- Jimmy MacAlpine, Deputy Warden
- Linda Gregory, Councillor
- Randall Amero, Councillor
- Maritza Adams, Councillor

Staff present:

- Linda Fraser, Chief Administrative Officer
- Gordon Wilson, Deputy Chief Administrative Officer
- Cora Lee Bremner, Executive Secretary

Public Hearing –  
Conway Area  
Municipal Planning  
Strategy and Land Use  
By-law.

Warden Thurber opened the Public Hearing to discuss the proposed amendment to the Conway Area Municipal Planning Strategy and Land Use By-law. The purpose of the hearing is to hear the public's comments in regards to the proposed amendments to the Conway Area Municipal Planning Strategy and Land Use By-law. The purpose of the amendment is to enable the development of lands which access a public street by a legal right-of-way. The proposed amendment specifically addresses institutional uses only. Warden Thurber advised that there were no written submissions received and asked if there were any verbal submissions. There were no verbal submissions.

**MOVED by Councillor Gregory, seconded by Deputy Warden MacAlpine that the Public Hearing be adjourned at 6:04 pm.**

**MOTION CARRIED**

**Call to Order** The Council meeting was called to order with Warden Thurber in the chair at 6:04 p.m.

**Prayer**

Warden Thurber welcomed everyone to the meeting, read the Municipality's mission statement and then asked everyone to pause to seek guidance for the meeting.

**Agenda**

Councillor Gregory added Marsh Road as New Business #7. Councillor Amero advised that he would be declaring a conflict of interest when the wind farm was discussed.

**MOVED by Councillor Gregory, seconded by Councillor Adams that the agenda be approved as amended.**

**MOTION CARRIED**

## Presentations

Cliff Drysdale,  
Sustainable  
Communities and  
Resource Management  
in the Southwest Nova  
Biosphere Reserve – A  
Discussion Paper

**MOVED by Councillor Gregory, seconded by Councillor Adams that Mr. Cliff Drysdale come before Council to make a presentation.**

**MOTION CARRIED**

Mr. Drysdale is a representative of SW Biosphere Reserve. Mr. Drysdale gave a presentation to promote the sustainability of natural resource based communities in South Western Nova Scotia. The presentation also outlined issues associated with forestry, biodiversity, mining, and protected areas. Mr. Drysdale points out that people need to be educated regarding this matter, and would like to help out with the ICSP initiative. He has met with other municipalities as well, and hopes to be involved in the ICSP initiatives. A question and answer session followed the presentation. Warden Thurber thanked him for the presentation.

## Minutes

Special Council –  
April 20, 2009

**MOVED by Councillor Adams, seconded by Councillor Amero that the minutes from the Special Council meeting of April 20, 2009 be approved as distributed.**

**MOTION CARRIED**

Warden Thurber asked the Deputy CAO if there was an update regarding the Wharf Rat Rally and the use of the Airport. The Deputy CAO advised the he was speaking with Julie MacLean today, and she indicated that the committee is waiting for Orange County Choppers to bring the contract back. It was pointed out that the Wharf Rat Rally has not given the Municipality the information that was requested, which is due by the end of the month. The Deputy CAO advised that he expects to have the contract back by mid week. The committee is continually working on their plans.

April 27, 2009

**MOVED by Deputy Warden MacAlpine, seconded by Councillor Amero that the minutes from the Council of April 27, 2009 be approved as distributed.**

**MOTION CARRIED**

## Old Business

#1 Conway Land Use  
By-law – Second  
Reading

**MOVED by Councillor Gregory, seconded by Councillor Amero that Council have second and final reading of the amendment to the Conway Land Use By-law, which states that no development permit shall be issued unless the lot or parcel or land intended to be used or upon which the building or structure is to be erected, abuts and fronts upon a public street or with respect to Institutional uses that the lot is connected to a public street by 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. Those private roads existing as of the date of the By-**

**law shall be exempted from this requirement.**

**MOTION CARRIED**

Warden Thurber                      Warden Thurber inquired whether Barry Falkner went down to the Balancing Rock to look at the repairs that needed to be done to the steps. It was confirmed that this has been done.

Deputy Warden  
MacAlpine                      No Old Business.

Councillor Gregory                      No Old Business.

Councillor Amero                      No Old Business.

Councillor Adams                      No Old Business.

**New Business**

#1 Digby Municipal Fire Services – Request for Funding                      The Fire Association is requesting funding for two automated external defibrillators (AED's). It was pointed out that they do have people trained to use these. Warden Thurber advised that he was concerned about liability.

**MOVED by Deputy Warden MacAlpine, seconded by Councillor Gregory that Council purchase two AED's.**

Deputy Warden MacAlpine stated that he believes that it is important to have AED's, however, thought it would be a good idea for the Municipality to have ownership. Councillor Amero suggested that Council contact EHS before they are purchased to find out why they don't provide them. Councillor Gregory advised Council that EHS will only provide the AED's if the people are first responders.

**MOTION DEFEATED 3-2**

**MOVED by Councillor Amero, seconded by Councillor Adams that EHS be contacted requesting their policy concerning AED's for local Fire Departments.**

The response will be brought back as old business.

**MOTION CARRIED**

#2 Buy Back Nova Scotia Coalition – Request for Action Regarding the Development of a Vision Statement                      The Buy Back Nova Scotia Coalition is requesting action in working with Municipalities for the development of a vision statement including Municipal Planning Strategies and Land Use By-laws. Council had an issue with zoning forest lands at this time as the ICSP process hasn't started. It was noted that Buy Back Nova Scotia Coalition should be added to the ICSP stakeholder list if they are not on it already.

**MOVED by Councillor Amero, seconded by Councillor Adams that a letter be written advising the Buy Back Nova Scotia Coalition that Council is in the process of getting the ICSP committee up and running, and welcome the coalition to offer input during the public meetings.**

**MOTION CARRIED**

#3 Western Counties Regional Library – “Public Libraries are Important to Me, My Family and my Community” Campaign

The CAO advised that Western Counties Regional Library have requested that “Public Libraries are Important to Me, My Family and my Community” signs be put on the door. There has been a sign put on the door at the Municipal Office. Deputy Warden MacAlpine asked Council to bring the funding for libraries issue forward to anyone who is running in the Provincial election if they get the opportunity. Pressure needs to be put on the Province to keep libraries open.

#4 Health Centre Working Group – Proposed Health Centre

There was a discussion on whether Council wants to support the proposed Health Centre. Councillor Gregory stated that she feels that a plebiscite is needed before Council put \$500,000 towards this project. Councillor Gregory also pointed out that the whole top floor in the hospital will be available after the new Tideview Terrace is built. Deputy Warden MacAlpine indicated that he would like to obtain more information on the subject before making a decision, and also stated his concern with investing \$500,000 into the health centre and having it turned over to the Province. Councillor Amero noted that he feels it would be a bit premature to commit money to the project before Council sees the results of ICSP process. Warden Thurber stated the importance of attracting health professionals into this area.

**MOVED by Councillor Gregory, seconded by Deputy Warden MacAlpine that a letter be written to all the current doctors in Digby requesting that they meet with Council to offer their input regarding the future needs of a health centre.**

**MOTION CARRIED**

#5 Secondary Municipal Planning Strategy Amendments – First Reading of Amendments to Secondary Planning Strategies

Councillor Amero declared a conflict of interest and left the meeting.

The CAO noted that the following amendments to the Digby Municipal Airport Secondary Planning Strategy, Digby Municipal Airport Land Use By-law, Digby Wellfield Protection Area Secondary Planning Strategy, Digby Wellfield Protection Land Use By-law, Conway and Area Secondary Planning Strategy, and Conway and Area Land Use By-law are needed to address Wind Turbine Development in those areas.

**MOVED by Councillor Gregory, seconded by Deputy Warden MacAlpine to have first reading of the amendments (see attached) to the Digby Municipal Airport Secondary Planning Strategy.**

**MOTION CARRIED**

**MOVED by Councillor Gregory, seconded by Councillor Adams to have first reading of the amendments (see attached) to the Digby Municipal Airport Land Use By-law.**

**MOTION CARRIED**

**MOVED by Councillor Gregory, seconded by Deputy Warden MacAlpine to have first reading of the amendments (see attached) to the Digby Wellfield Protection Area Secondary Planning Strategy.**

**MOTION CARRIED**

**MOVED by Councillor Gregory, seconded by Maritza Adams to have first reading of the amendments (see attached) to the Digby Wellfield Protection Land Use By-law.**

**MOTION CARRIED**

**MOVED by Councillor Gregory, seconded by Deputy Warden MacAlpine to have first reading of the amendments (see attached) to the Conway and Area Secondary Planning Strategy.**

**MOTION CARRIED**

**MOVED by Councillor Gregory, seconded by Councillor Adams to have first reading of the amendments (see attached) to the Conway and Area Land Use By-law.**

**MOTION CARRIED**

It was noted that all amendments will be available for public viewing.

Councillor Amero returned to the meeting.

#6 First Reading of Proposed Amendments to the Conway Land Use By-law relating to the Proposed new Tideview Terrace

The CAO noted that the amendment to the Conway Land Use By-law will allow the new facility to have 105 parking spaces as opposed to 200 and it would also allow the facility to have one loading space as opposed to three, as recommended by the architects.

**MOVED by Councillor Gregory, seconded by Councillor Amero that first reading be held for the proposed amendments to the Conway Land Use By-law (see attached).**

**MOTION CARRIED**

#7 Marsh Road

Councillor Gregory advised Council that there has been more illegal dumping on the Marsh Road. It is in a different spot this time. She has advised Waste Check as well as the By-law enforcement officer.

Deputy Warden MacAlpine noted that he had a meeting in Yarmouth in which he found out that the RRFB provides some

assistance for cleanups for new sites only.

Warden Thurber noted that he participated in a beach cleanup at Beautiful Cove on the weekend. It was much better this year than it was the year before. A lot of garbage has come in from the ocean. He feels that more education is needed to keep better control of this problem.

### **Administration**

Request for  
decision/direction

The CAO advised that she would like to change the June Council meeting scheduled for June 22 to June 29. It was agreed to make that change. It was also noted that there is no By-law and Policy meeting on June 1, 2009, and no meeting on June 8, 2009. Council pictures are scheduled for June 22, 2009.

### **CAO Report**

The CAO report for the month of May 2009 was included in the meeting package.

Yarmouth Compost  
Facility

Warden Thurber mentioned that he was talking to the Mayor from Yarmouth who is looking for a solution to the hours of operation for the Yarmouth Compost Facility. The Deputy CAO advised that he is currently waiting to hear from the CAO from Yarmouth and is hoping to obtain after hour service.

Canadian Border  
Service Agency

**MOVED by Deputy Warden MacAlpine, seconded by Councillor Adams that a letter be written to the MP, asking for his assistance to get Canadian Border Services in this area.**

**MOTION CARRIED**

Hazardous Waste  
Depot

Tenders closed today on the Household Hazardous Waste Depot. The applications went to Yarmouth and will be opened there.

**Payables**

**MOVED by Councillor Gregory, seconded by Councillor Amero that the payables in the amount of \$368,227.12 for the month of April 2009 be approved as presented.**

**MOTION CARRIED**

### **Financial Report**

The CAO mentioned that there is no financial report available for this month, as they are still working on Journal Entries.

### **Correspondence**

Municipality of the  
County of Cumberland

Council had some concerns regarding the correspondence received from the Municipality of the County of Cumberland and decided to make the following motion:

**MOVED by Deputy Warden MacAlpine, seconded by Councillor Amero that a letter be sent to the Fire Association asking them for their input on the issue pointed out from the Municipality of the County of Cumberland.**

**MOTION CARRIED**

### **Council Committees**

Committee of the Whole NIL

Bylaw & Policy Review

Purchasing and Tender Policy # 2011 The CAO noted that the By-law and Policy committee is recommending that Council accept the Purchasing and Tender Policy # 2011.

**MOVED by Councillor Amero, seconded by Deputy Warden MacAlpine that the Purchasing and Tender Policy # 2011 be accepted.**

It was mentioned that there is a couple of typos that need correcting.

**MOTION CARRIED**

### **Advisory Committees**

#1 EMO Management Planning Committee

Neither Deputy Warden MacAlpine nor the Warden made it to the last EMO meeting.

**MOVED by Deputy Warden MacAlpine, seconded by Councillor Amero that a letter be written to the EMO Management Committee commending them for a job well done, with the Emergency Preparedness event.**

**MOTION CARRIED**

Deputy Warden MacAlpine mentioned that EMO is currently working on getting a coordinator. There will be an advertisement placed in the near future.

#2 Heritage Advisory Committee

The Heritage Advisory Committee hasn't met since the last Council meeting. The next meeting is scheduled for June 18, 2009.

#3 Planning Advisory Committee

First Reading of Municipal Planning Strategy and Land Use By-law for the Regulation of Wind Turbine Development

Councillor Amero declared a conflict of interest and left the meeting.

Public meetings have been held regarding the Municipal Planning Strategy and Land Use By-law for the regulation of wind turbine development. The PAC has forwarded their recommendations.

**MOVED by Deputy Warden MacAlpine, seconded by Councillor Adams that first reading be held for the Municipal Planning Strategy and Land Use Bylaw for the regulation of wind turbine development.**

**MOTION CARRIED**

Councillor Amero returned to the meeting.

The CAO advised that there will be a public hearing in which written and oral submissions will be accepted, and the second reading is scheduled to take place at the Council meeting in June.

#4 Police Advisory  
Committee

The Police Advisory Committee minutes for March 2009 were included in the package. There was a meeting last week. It was mentioned that all Policy Advisory members have agreed to do ride alongs with the RCMP.

There was a short discussion regarding the two employees who were hired to work on drug related issues. It was pointed out that there are times that the officers are working on other cases. Councillor Gregory advised that she has brought Council's concern forward to the Police Advisory Committee.

#5 Tri County  
Housing Authority

There were two reports circulated for Tri-County Housing Authority. The CAO summed up the two reports.

**Regional / Joint  
Committees**

#1 Airport working  
group

The Airport Working Group minutes for January and February were included in the meeting package. Deputy Warden MacAlpine noted that there has been a meeting since the last Council meeting. He noted that requests for proposals are being submitted for the runway. After this process is complete and the Airport working group has looked at the requests, it will come to Council. There is one bad spot in the runway that the group feels needs to be addressed this year.

#2 Annapolis Digby  
Economic  
Development Agency

The next ADEDA meeting is on May 28, 2009. Both Councillor Amero and Warden Thurber are unable to attend the meeting. Councillor Gregory agreed to go.

Warden Thurber reported that he went to Calgary about three weeks ago. While he was there a piece was done for the City News channel. He reviewed it on the internet, and found it was a good story. Warden Thurber reported on the event in Calgary and advised that there may be potential for people coming to the area for potential business ventures.

Warden Thurber also made a quick trip to St. John last week regarding the ferry which was organized by the Regional Development Agency. This trip had a lot of positive results, and resulted in TV and Radio coverage.

Recess

**MOVED by Deputy Warden MacAlpine, seconded by Councillor Gregory to have a five minute recess.**

**MOTION CARRIED**

#3 Buy Back Nova  
Scotia Coalition

The Buy Back Nova Scotia Coalition met last week in Yarmouth. Councillor Amero was unable to attend. The Coalition is meeting regularly in Yarmouth at 5:00 pm; therefore, Councillor Amero will be unable to attend these

meetings. Councillor Gregory agreed to take his place.

There was a short discussion as to whether it is necessary for Council to still be attending these meetings.

**MOVED by Councillor Amero, seconded by Deputy Warden MacAlpine that Councillor Gregory be appointed to the Buy Back Nova Scotia Coalition in Councillor Amero's place.**

It was suggested to review this again in a few months.

**MOTION CARRIED**

#4 Digby Annapolis  
Development Corp

There is a DADC meeting scheduled for June.

#5 Digby Area  
Tourism Association

Councillor Gregory noted that the last DATA meeting was during a Council meeting; therefore, she was unable to attend. The annual meeting is scheduled in June. Councillor Gregory noted that she has not been receiving the latest emails from DATA and would like to double check to see if her email is on the mailing list. The next meeting is scheduled for June 3.

It was suggested that a letter be sent to DATA stating that Council would like to have minutes forwarded on a regular basis.

There was a short discussion regarding DATA putting a room levy in place. It was mentioned that it would be good for DATA to contact local business to see if they buy into the idea before going ahead with it, if it hasn't already been done.

#6 Digby Area  
Recreation Committee

Councillor Gregory reported that DARC is currently accepting applications for water safety and lifeguards. The next meeting is scheduled for May 27, 2009.

#7 Digby Harbour  
Port Association

The minutes for March and April were included in the meeting package. Councillor Gregory reported that the long range strategic plan has been completed. There was a meeting on May 21, 2009. At that meeting the Digby Harbour Port Association Conflict of Interest Policy was passed. She noted that monies are coming in and are covering expenses. Tenders have gone out for work on the wharf. Council had a short discussion regarding the operations of the Digby Harbour Port Association and it was suggested that the minutes have a bit more detail, as an outsider to the committee may not reach a level of understanding from what is being written.

#8 Fundyweb  
Broadband

There has been no Fundy Broadband meeting since the last report.

#9 Industrial  
Commission

The minutes for February 18, 2009 were included in the meeting package. The meeting was rescheduled.

#10 Kings Transit  
Authority

The minutes from April 2009 as well as the General Manager's Report for May were included in the meeting package. A letter went out to Minister Hurlburt regarding rural transit funding.

Councillor Amero reported that the forecasted deficit is approximately \$5,000.

- #11 Senior Safety Committee The minutes from April 2009 were included in the meeting package. The next meeting is scheduled for June.
- #12 Tideview Terrace The next Tideview Terrace meeting is scheduled for May 25, 2009. They are currently leaning towards September as opposed to July for a starting date for the new Tideview building. Deputy Warden MacAlpine advised that he toured a building that had geothermal for heating and recommended that the representatives from Tideview contact them to find out which Nova Scotia company they used.
- #13 Waste Check The minutes from April 2009 as well as the General Manager's Report from May 2009 were included in the meeting package. The Waste Check Annual Report for May was sent out. Deputy Warden MacAlpine reported on the meeting he had with RRFB today. The Municipality will be receiving \$75,000 towards the Household Hazardous Waste Depot.
- #14 Western Counties Regional Library Deputy Warden MacAlpine noted that there has not been a Western Counties Regional Library meeting since the last Council meeting. There is one scheduled for June, and a report will be given at the June Council meeting.

### **Council Reports**

**Warden Thurber** Warden Thurber gave an oral presentation to Council outlining the various meetings he has attended during the past month.

Warden Thurber wanted to note that he attended the Lieutenant Governor awards on June 22, 2009 for Southwest Nova Tri-County School District. Congratulations should go to the recipients for Digby County. There were two from Islands Consolidated, two from Digby Regional High School and two from St. Mary's Bay Academy. Warden Thurber also wanted to note that this is the third meeting he has attended with the Lieutenant Governor, and he feels that she does a very good job representing the Province.

**MOVED by Deputy Warden MacAlpine, seconded by Councillor Amero that a letter be written by the Warden thanking the Lieutenant Governor for attending the awards on the Islands and commending her for a job well done.**

**MOTION CARRIED**

**MOVED by Deputy Warden MacAlpine, seconded by Councillor Gregory that the recipients of the Lieutenant Governor awards from the three schools in Digby County be sent a certificate of recognition.**

**MOTION CARRIED**

**Deputy Warden MacAlpine** Deputy Warden MacAlpine gave an oral presentation to Council outlining the various meetings he has attended during the past month.

**Councillor Gregory** Councillor Gregory had nothing further to report.

**Councillor Amero** Councillor Amero had nothing further to report.

**Councillor Adams** Councillor Adams gave an oral presentation to Council outlining the various meetings she has attended during the past month.

Comments from the gallery The meeting was opened up for a question and answer session. There were no questions.

**Recess** **MOVED by Councillor Gregory, seconded by Councillor Amero that there be a five minute recess before going in camera.**

**MOTION CARRIED**

**In Camera** **MOVED by Deputy Warden MacAlpine, seconded by Councillor Amero that Council go in camera to discuss a contractual issue.**

**MOTION CARRIED**

Regular session resumed.

Municipal Airport – Runway Repairs **MOVED by Deputy Warden MacAlpine, seconded by Councillor Adams that the funds from the Airport reserve be used to improve the grass runway infrastructure at the Airport.**

**MOTION CARRIED**

Annapolis Basin Conference Centre - Letter **MOVED by Deputy Warden MacAlpine, seconded by Councillor Adams that the Municipality of Digby write a letter to the Annapolis Basin Conference Center indicating their commitment to partnering as a sub contractor with the Air Cadet Glider School bid submission as per the bid specifications.**

**MOTION CARRIED**

**Adjournment** **MOVED by Councillor Amero, seconded by Deputy Warden MacAlpine that the meeting adjourn at 9:05 PM.**

**MOTION CARRIED**

---

WARDEN

---

CLERK

## Amendments to the Digby Wellfield Protection Area Secondary Planning Strategy

The Digby Wellfield Protection Area Secondary Planning Strategy is amended by:

1. Deleting “within the Watershed (WS)” in the first paragraph of Section 3, Land Use Strategies and Development Control Issues, Permitted Uses and Development Standards and substituting “in all zones except the Wellhead Protection (WHP) Zone”.

2. Deleting **Policy LU-10** and substituting the following:

**“Policy LU-10**

It shall be the intention of Council to limit the range of permitted land uses within the **Wellhead Protection (WHP) Zone** to activities relating to the operation of the Digby Water Commission and in all other zones permit wind energy generation facilities and all activities relating to the operation of the Digby Water Commission.”

3. Inserting the following after **Policy LU-18**:

**“Policy LU-18A**

Notwithstanding **Policy LU-18**, the development of utility scale wind turbines shall be permitted by development agreement subject to **Policy LU-21A and Policy LU- 21B.**”

4. Inserting the following policies after Policy 21.

**“Policy LU-21A**

In reviewing applications to enter into a Development Agreement for the development of utility scale wind turbines it shall be the policy of Council to have consideration to the following:

(a) \_\_\_\_\_ that the proposed development does not create an unacceptable impact on surrounding residential uses in terms of noise, shadow flicker/strobing, public safety and personal health. In the evaluation of this criterion, in addition to the impact study required by Policy LU-21B, Council shall have regard to the following:

- (i) noise level information supplied by the manufacturers of the wind turbines;

- (ii) the latest peer reviewed studies which address acceptable levels of noise on residential uses;
- (iii) the duration of expected noise exposure by adjacent properties;
- (iv) the extent to which shadow flicker and strobing will be experienced by adjacent residential uses;
- (v) the turbines are located such that collapse, blade throw or ice throw does not affect adjacent properties.

(b) that in the opinion of Council the proposed development does not visually dominate the landscape as evidenced by data provided through the visual impact study required by Policy LU-21B.

(c) that the intersection of any access road(s) with any public road meets the design and construction specifications of the authority having jurisdiction over public roads and that the public road has the capacity to accommodate increases in traffic attributable to the proposed development.

(d) that support tower, blades and nacelles be painted off-white or light grey and have a matt finish.

(e) that no advertisements or lettering be visible except that of the manufacturer.

(f) the impact of the proposed development on surface water, storm water, streams, lakes or wetlands and other environmental matters.

(g) the impact of the proposed development with respect to soil stability and retention and potential for erosion.

(h) the impact of the proposed development on public water supplies or private wells.

(i) the impact of the proposed development on the health of any adjacent residents diagnosed with photosensitive epilepsy;

(j) the impact of the proposed development on flight safety in the vicinity of the Digby Municipal Airport;

(k) \_\_\_\_\_ a project decommissioning and site reclamation plan.

### **Policy LU-21 B**

It shall be the policy of Council to require that in relation to all applications for a development agreement relating for the development of utility scale wind turbine(s) the following information be provided in order to assist in assessment of the proposal in light of the criteria contained in Policy LU-21A:

1. An accurate and to scale site development plan describing the scope and nature of the proposed development, including but not necessarily restricted to:
  - (a) a description of the project including the number and capacity of proposed turbines;
  - (b) proposed location of wind turbine(s) and related structure(s), as well as all existing structures;
  - (c) proposed and existing roads;
  - (d) adjoining property lines;
  - (e) utility lines;
  - (f) designated Heritage Properties or structures including graveyards;
  - (g) topography and contours;
  - (h) existing vegetation and proposed landscaping;
  - (i) environmentally sensitive lands and watercourses and related erosion and sedimentation management plans;
  - (j) direction of prevailing winds;
  - (k) type, size and location of any proposed security fencing;
  - (l) location of any proposed public safety signage;
  - (m) location of any/all facilities in relation to the Digby Municipal Airport;
  - (n) phasing of the proposed development and possible future site expansion; and
  - (o) decommissioning and reclamation plans and provisions.

### 2. Impact Study

Provision of an impact study, utilizing recognized computer modeling techniques or related professional study and assessment by qualified persons, examining how the proposed wind turbine or wind farm will impact neighbouring properties and community with respect to:

- a) visual impact, including:
  - i) provision of a visual representation including scale elevations, colour and proportion of wind turbine(s), photographs and/or digital representations showing placement and landscaping;
  - ii) assessment of turbine modification to the landscape, e.g. shadow flicker, strobing and lighting;
  - iii) visual perspective from the local community;
  - iv) visibility of the development from any identified public viewpoints or scenic views.
  
- b) noise impact, including:
  - i) existing background noise levels;
  - ii) expected noise levels associated with construction and operation of the wind development at various distances from the turbine(s);
  - iii) decibel ratings for all equipment required in the operation of the development including manufacture's specifications relating to output, sound characteristics and the structure(s) material.

**Policy LU-21C**

It shall be the policy of Council to allow the development of domestic scale wind turbines in all zones except the **Wellhead Protection (WHP) Zone** and to regulate the location of these turbines by establishing setback requirements from all property lines. The objective of this policy is to regulate the location of domestic turbines such that the noise level at the property line will not exceed a prescribed threshold.

## **Amendments to the Wellfield Protection Area Land Use By-law**

The Wellfield Protection Area Land Use By-law is amended by:

1. Deleting the definition of **Wind Energy Generation Facilities** and **Public Road** in Part 13 and adding the following definitions:

**Domestic Wind Turbine** means a device for converting wind power to produce electricity which has a rated capacity of not more than 100kW and which is intended primarily to produce electricity for on-site consumption.

**Domestic Wind Turbine Peak Acoustical Emission** means the manufacturers rated noise output of a domestic wind turbine.

**Public Road** means any road owned and maintained by the Municipality or the Province, and:

- a) Municipal public road means any road owned and maintained by the Municipality.
- b) Provincial public road means any road owned and maintained by the Department of Transportation and Infrastructure Renewal excluding designated controlled access highways pursuant to Section 20 of the *Public Highways Act*.

**Utility Scale Wind Turbine** means a device for converting wind power to produce electricity of at least 100Kw and which is intended primarily for the production of energy to be distributed through the electric utility grid.”

2. Inserting “and utility scale wind turbines in all zones except the **Wellhead Protection (WHP) Zone**” after “this By-law” in the third last line of Section 5.1, Developments To Be Considered By Development Agreement.
3. Inserting the following after 6.4 General Provisions for all Zones the following:

“6.4A Domestic Wind Turbines – Setback Requirements

Domestic turbines shall be permitted in all zones except the **Wellhead Protection (WHP) Zone** and shall be located so that the sound level generated by the turbine shall not exceed 45 dB(A) (decibels) heard at any adjacent property boundary. The setback necessary to meet this requirement shall be determined by using the manufactures Peak Acoustical Emission documentation and the “Sound Level by Distance from Source”, Table 1, below:

**Table 1: Sound Level by Distance from Source**

Sound Level Change dB(A)	Setback Distance m	Sound Level Change dB(A)	Setback Distance m	Sound Level Change dB(A)	Setback Distance m
-24 to -29	4.5	-52	100	-63	355
-30 to -34	9	-53	112	-64	398
-35 to -39	16	-54	126	-65	447
-40 to -42	28	-55	141	-66	502
-43 to -44	40	-56	159	-67	563
-45	50	-57	178	-68	632
-46	56	-58	200	-69	709
-47	63	-59	224	-70	795
-49	71	-60	251	-71	892
-50	80	-61	282		
-51	89	-62	317		

Source: Danish Wind Energy Association, 2003

**Calculation Example:**

A wind turbine with a manufactures maximum acoustical emission of 85dB(A) will require a 28 m setback to reduce the noise level to 45dB(A) at the property line.

$$\begin{array}{rcl}
 \text{Maximum Sound} & & \\
 \text{Level at Property} & - & \text{Wind Turbine} & = & \text{Change in Sound} \\
 \text{Line} & & \text{Peak Emission} & & \text{Level} \\
 45\text{dB(A)} & & -85\text{dB(A)} & = & -40\text{dB(A)}
 \end{array}$$

The “Sound Level Change” value (-40) can be entered into the “Sound Level by Distance from Source” table to determine the distance required (28 m) to reduce the sound level to 45dB(A) at the property line. The distance value read in the table is the setback value (28 m from adjacent property lines).

4. Deleting “Wind Energy Generation Facilities” in Section **12.1 WS Zone Uses Permitted**.
5. Deleting subsection B) of Section **12.2 WS Zone Requirements**.

## **Proposed Amendments to the Conway and Area Secondary Planning Strategy**

The Conway and Area Secondary Planning Strategy is amended by inserting the following after Policy 4.3.3:

Interest has been expressed to erect wind turbines in Digby Municipality. This Strategy shall provide for the regulation of both utility scale wind turbines and domestic turbines.

The term utility scale turbine applies to turbines of greater than 100kW capacity. These types of turbines are currently used almost exclusively for the production of energy which is owned and distributed through the Nova Scotia Power’s electrical utility grid system. Turbines which are compatible with this system often exceed 100 to 115 meters in height and are generally capable of producing anywhere between 750 kilowatt to 1.5 megawatts of electricity each. As turbine technology advances the size and output of these machines continues to increase.

Because of the magnitude of these structures, the infrastructure necessary to support them and the capital and operating costs to erect them and maintain production, utility scale turbines are most often developed in groups, known as wind farms. The development of such wind farms have been targeted for areas which have been identified as having good “wind energy potential” due to the presence of such criteria

as the consistency and speed of winds, topography, access and proximity to electrical transmission infrastructure. A number of sites within the Municipality, including lands on Digby Neck have been recognized as having wind energy potential.

While the Council supports the development of utility scale turbines and associated wind farms it is necessary to ensure that any such development be undertaken in a manner so as to ensure that controls are in place which minimize potential negative impacts from such development on adjacent properties and nearby communities.

Considering the regulatory options available to the Municipality to ensure the mitigation of potential impacts of utility scale turbine development Council believes that the use of a Development Agreement is the most appropriate means of regulating the development of utility scale turbines.

**It is the policy of Council to:**

**Policy 4.3.4 Utility Scale Wind Turbines**

Consider the development of utility scale wind turbines in all zones only by Development Agreement.

**It is the policy of Council to:**

**Policy 4.3.5 Review of Applications**

In reviewing applications to enter into a Development Agreement for the development of utility scale wind turbines to have consideration to the following:

~~(k)~~(l) that the proposed development does not create an unacceptable impact on surrounding residential uses in terms of noise, shadow flicker/strobing, public safety and personal health. In the evaluation of this criterion, in addition to the impact study required by Policy 4.3.6, Council shall have regard to the following:

- (i) noise level information supplied by the manufacturers of the wind turbines;
- (ii) the latest peer reviewed studies which address acceptable levels of noise on residential uses;

- (iii) the duration of expected noise exposure by adjacent properties;
- (iv) the extent to which shadow flicker and strobing will be experience by adjacent residential uses;
- (v) the turbines are located such that collapse, blade throw or ice throw does not affect adjacent properties.

(m) that in the opinion of Council the proposed development does not visually dominate the landscape as evidenced by data provided through the visual impact study required by Policy 4.3.6.

(n) that the intersection of any access road(s) with any public road meets the design and construction specifications of the authority having jurisdiction over public roads and that the public road has the capacity to accommodate increases in traffic attributable to the proposed development.

(o) that support tower, blades and nacelles be painted off-white or light grey and have a matt finish.

(p) that no advertisements or lettering be visible except that of the manufacturer.

(q) the impact of the proposed development on surface water, storm water, streams, lakes or wetlands and other environmental matters.

(r) the impact of the proposed development with respect to soil stability and retention and potential for erosion.

(s) the impact of the proposed development on public water supplies or private wells.

(t) the impact of the proposed development on the health of any adjacent residents diagnosed with photosensitive epilepsy;

(u) the impact of the proposed development on flight safety in the vicinity of the Digby Municipal Airport;

~~(e)~~(v) a project decommissioning and site reclamation plan

**It is the policy of Council to:**

**Policy 4.3.6 Information Required**

To require that in relation to all applications for a development agreement relating for the development of utility scale wind turbine(s) the following information be provided in order to assist in assessment of the proposal in light of the criteria contained in Policy 4.3.5:

1. An accurate and to scale site development plan describing the scope and nature of the proposed development, including but not necessarily restricted to:
  - (c) a description of the project including the number and capacity of proposed turbines;
  - (d) proposed location of wind turbine(s) and related structure(s), as well as all existing structures;
  - (c) proposed and existing roads;
  - (d) adjoining property lines;
  - (e) utility lines;
  - (f) designated Heritage Properties or structures including graveyards;
  - (g) topography and contours;
  - (h) existing vegetation and proposed landscaping;
  - (i) environmentally sensitive lands and watercourses and related erosion and sedimentation management plans;
  - (j) direction of prevailing winds;
  - (k) type, size and location of any proposed security fencing;
  - (l) location of any proposed public safety signage;
  - (m) location of any/all facilities in relation to the Digby Municipal Airport;
  - (n) phasing of the proposed development and possible future site expansion; and
  - (o) decommissioning and reclamation plans and provisions.

3. Impact Study

Provision of an impact study, utilizing recognized computer modeling techniques or related professional study and assessment by qualified persons, examining how the proposed wind turbine or wind farm will impact neighbouring properties and community with respect to:

- c) visual impact, including:
  - v) provision of a visual representation including scale elevations, colour and proportion of wind turbine(s), photographs and/or digital representations showing placement and landscaping;
  - vi) assessment of turbine modification to the landscape, e.g. shadow flicker, strobing and lighting;
  - vii) visual perspective from the local community;
  - viii) visibility of the development from any identified public viewpoints or scenic views.
  
- d) noise impact, including:
  - i) existing background noise levels;
  - ii) expected noise levels associated with construction and operation of the wind development at various distances from the turbine(s);
  - iii) decibel ratings for all equipment required in the operation of the development including manufacturer's specifications relating to output, sound characteristics and the structure(s) material.

The term domestic scale wind turbine refers to turbines which serve to generate electricity for use directly on the site where they are located. The 'user' may be a residential, commercial, industrial or institutional use. These turbines range in both height and energy generation potential.

Most of these turbines are installed "behind the meter" and are tied directly to the building's electrical system or indirectly to a battery reservoir system. NSPI restricts the size of these turbines to 100 Kilowatts (kW) and has established technical requirements for their installation and connection to a domestic power system.

The Council believes that individual property owners should be permitted to erect domestic scale turbines on their properties provided that they are located so as to not create an unacceptable level of noise as experience by adjacent property owners.

**It is the policy of Council to:**

**Policy 4.3.5 Domestic Turbines**

## **Proposed Amendments to the Conway and Area Land Use By-law**

The Conway and Area Land Use By-law is amended by:

1. Inserting the following at the end of Section 12 of **Part 1-4 Administration**:

“(d) Utility Scale Wind Turbines.”

2. Inserting the following Section 31 of **Part 2 General Provision for all Zones**.

**“32. Domestic Wind Turbines**

Domestic turbines shall be located so that the sound level generated by the turbine shall not exceed 45 dB(A) (decibels) heard at any adjacent property boundary. The setback necessary to meet this requirement shall be determined by using the manufactures Peak Acoustical Emission documentation and the “Sound Level by Distance from Source”, Table 1, below:

**Table 1: Sound Level by Distance from Source**

Sound Level Change dB(A)	Setback Distance m	Sound Level Change dB(A)	Setback Distance m	Sound Level Change dB(A)	Setback Distance m
-24 to -29	4.5	-52	100	-63	355
-30 to -34	9	-53	112	-64	398
-35 to -39	16	-54	126	-65	447
-40 to -42	28	-55	141	-66	502
-43 to -44	40	-56	159	-67	563
-45	50	-57	178	-68	632
-46	56	-58	200	-69	709
-47	63	-59	224	-70	795

-49	71	-60	251	-71	892
-50	80	-61	282		
-51	89	-62	317		

Source: Danish Wind Energy Association, 2003

### Calculation Example:

A wind turbine with a manufactures maximum acoustical emission of 85dB(A) will require a 28 m setback to reduce the noise level to 45dB(A) at the property line.

Maximum Sound Level at Property Line	-	Wind Turbine Peak Emission	=	Change in Sound Level
45dB(A)		-85dB(A)	=	-40dB(A)

The “Sound Level Change” value (-40) can be entered into the “Sound Level by Distance from Source” table to determine the distance required (28 m) to reduce the sound level to 45dB(A) at the property line. The distance value read in the table is the setback value (28 m from adjacent property lines).

## Proposed Amendments to the Digby Municipal Airport Secondary Planning Strategy

The Digby Municipal Airport Secondary Planning Strategy is amended by:

1. Inserting the following after **Section 3.9 Transportation**:

### “4.0 Domestic Wind Turbine Development – Setback Requirements

The term domestic scale wind turbine refers to turbines which serve to generate electricity for use directly on the site where they are located. The ‘user’ may be a residential, commercial, industrial or institutional use. These turbines range in both height and energy generation potential.

Most of these turbines are installed “behind the meter” and are tied directly to the building’s electrical system or indirectly to a battery reservoir

system. NSPI restricts the size of these turbines to 100 Kilowatts (kW) and has established technical requirements for their installation and connection to a domestic power system.

The Council believes that individual property owners should be permitted to erect domestic scale turbines on their properties provided that they are located so as to not [create](#) an unacceptable level of noise as experienced by adjacent property owners. However no turbine will exceed the height restrictions established in the Land Use By-law.

Utility scale wind turbines are of a much greater height and shall not be permitted in the planning area.

#### Objective

To provide for the development of domestic wind turbines on the Digby Municipal Airport Lands subject to the height restrictions of the Land Use By-law.

#### Policy Statements

To achieve the above objective Council shall:

Policy DWT-1: Allow the development of only domestic scale wind turbines in all zones and to regulate the location of these turbines by establishing setback requirements from all property lines. [The objective of this policy is to regulate the location of domestic turbines such that the noise level at the property line will not exceed](#) a prescribed threshold.

Policy DWT-2: Not permit domestic wind turbines from exceeding the height restrictions established in the Land Use By-law.

2. Deleting "Municipal Planning" wherever it appears in the document and substituting "Secondary Planning".

## **Proposed Amendments to the Digby Municipal Airport Land Use By-law**

The Digby Municipal Airport Land Use By-law is amended by:

1. Inserting the following definitions after the definition of “Development Officer” in **Section 2 Definitions**:

**Domestic Wind Turbine** means a device for converting wind power to produce electricity which has a rated capacity of not more than 100kW and which is intended primarily to produce electricity for on-site consumption.

**Domestic Wind Turbine Peak Acoustical Emission** means the manufacturers rated noise output of a domestic wind turbine.

2. Inserting the following after subsection 14 of **Section 6 General Provision for All Zones**:

**15. Domestic Wind Turbines – Setback Requirements**

Domestic turbines are permitted in all zones subject to the height restrictions of this By-law.

Domestic turbines shall be located so that the sound level generated by the turbine shall not exceed 45 dB(A) (decibels) heard at any adjacent property boundary. The setback necessary to meet this requirement shall be determined by using the manufactures Peak Acoustical Emission documentation and the “Sound Level by Distance from Source”, Table 1, below:

**Table 1: Sound Level by Distance from Source**

Sound Level Change dB(A)	Setback Distance m	Sound Level Change dB(A)	Setback Distance m	Sound Level Change dB(A)	Setback Distance m
-24 to -29	4.5	-52	100	-63	355
-30 to -34	9	-53	112	-64	398
-35 to -39	16	-54	126	-65	447
-40 to -42	28	-55	141	-66	502

-43 to -44	40	-56	159	-67	563
-45	50	-57	178	-68	632
-46	56	-58	200	-69	709
-47	63	-59	224	-70	795
-49	71	-60	251	-71	892
-50	80	-61	282		
-51	89	-62	317		

Source: Danish Wind Energy Association, 2003

#### **Calculation Example:**

A wind turbine with a manufactures maximum acoustical emission of 85dB(A) will require a 28 m setback to reduce the noise level to 45dB(A) at the property line.

Maximum Sound Level at Property Line	-	Wind Turbine Peak Emission	=	Change in Sound Level
45dB(A)		-85dB(A)	=	-40dB(A)

The “Sound Level Change” value (-40) can be entered into the “Sound Level by Distance from Source” table to determine the distance required (28 m) to reduce the sound level to 45dB(A) at the property line. The distance value read in the table is the setback value (28 m from adjacent property lines).

## Proposed Amendments to the Conway Land Use By-law relating to the proposed new Tideview Terrace

The following amendments have been prepared in light of the information provided on behalf of the proposed Tideview Terrace facility.

1. That the Part 3.3, Urban Residential (R-2) Zone, be amended by adding the following new subsection:

#### 3.3.8 Special requirements: Loading Spaces for Nursing Home Uses

Notwithstanding provisions contained in Part 2.13 of this By-law, Nursing Homes shall be required to provide one (1) loading space. The

dimensions of the loading space shall comply with requirements of Part 2.13(b) of this By-law.

2. That Part 2.19, General Provisions for all Zones, Parking Requirements, be amended as follows:
  - a) That the words “and nursing homes” be deleted from Part 2.19(d); and
  - b) That the following new subsection be added to Part 2.19:
    - o) Nursing Homes  
**Requirement** one (1) parking space for each two (2) beds or each one thousand (1000) square feet of gross floor area, whichever is greater.