

Municipality of the District of Digby
Municipal Committee of the Whole Minutes
November 16, 2009
Seabrook, Nova Scotia

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Call to Order The meeting was called to order with Warden Thurber in the chair at 6:37 pm.

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

Prayer

Warden Thurber asked everyone to pause to seek guidance for the meeting.

Agenda

MOVED by Councillor Gregory, seconded by Deputy Warden MacAlpine that the agenda be approved as circulated.

MOTION CARRIED

Hearings & Presentations

NIL

Minutes

October 19, 2009

MOVED by Deputy Warden MacAlpine, seconded by Councillor Adams that the minutes of October 19, 2009 be approved as circulated.

MOTION CARRIED

Business Arising/Old Business

NIL

1.0 Wind Turbine
MPS/LUB – Options
for As-of-Right

Councillor Amero declared a conflict of interest and excused himself from the meeting.

Mr. Millier has previously circulated a revised draft Municipal Planning Strategy and Land Use By-law relating to the regulation of wind turbine development. The revised documents respond to general directions provided by Council in light of public and industry input arising from the June 2009 public hearing. Also circulated were companion amendments to the Municipality's existing planning documents which incorporate policy and regulation concerning wind turbine development.

The revised draft planning documents incorporate the following primary provisions:

- Planning area incorporating the entire municipality, excepting those lands which are already subject to existing planning regimes - Digby Wellfield Area, the Conway Area and the Digby Airport Area;
- All development permitted as-of-right;
- Domestic and utility scale wind turbines being the only development requiring a Municipal Development Permit;
- Regulation of domestic scale turbines utilizing the Danish Wind Energy Setback matrix for limiting noise levels at a property line to 45 dB(A);
- Regulation of utility scale wind turbines utilizing a minimum setback from a property line of 1000 meters (1 kilometer/3,280 ft.);
- Waiving setback requirements from property lines which are internal to a wind farm configuration;
- Definition of existing turbines which do not meet the minimum by-law provisions as nonconforming.

Draft amendments to the Municipality's other planning documents incorporate the same basic approach for wind turbine regulation with the exception that:

- No turbine development is permitted in the Digby Wellfield Area “WellheadZone”;
- No utility scale turbine development is permitted in the lands subject to the Digby Airport Area MPS/LUB.

Mr. Millier advised Council that it will be necessary for Council to give the revised documents first reading. This must be advertised and a public hearing needs to be held before formal consideration and voting on the documents.

Mr. Millier went through the changes to the planning documents to make Council aware of how these documents have changed and to give Council a chance to ask any necessary questions for clarification.

Clarification was requested concerning the changes that could be made to existing turbines that were established prior to the bylaw being accepted. Mr. Millier noted that any structure changes would have to comply with the new guidelines.

Council as a whole was concerned with the effects of noise that the domestic turbines may have on residents. Mr. Millier went over a formula with Council explaining how they could calculate the appropriate setback so that the noise level at an adjacent property line would not exceed 45 decibels. It was noted that the formula was based on 45 decibels which is lower than the current noise bylaw.

Council discussed having a different setback distance from a dwelling compared to a property line for Utility Scale Turbines. Different distances were discussed from one to two kilometers from a dwelling and 500, 600, 750 or a kilometer from a property line. It was mentioned that in Scotland it is recommended that the setback distance be set 2 kilometers from a dwelling and 1 kilometer from a property line. Mr. Millier went over the document that Antigonish just passed concerning setbacks.

Mr. Millier noted that a public participation process is not necessary at this stage of the process, but the draft document

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must be brought back for a public hearing prior to Council voting on it.

Council agreed that they are happy with the document with the exception of the distance requirements. It was suggested that the setback distance be changed to 750 meters to a property line and 1000 meters to a dwelling. It was noted that this is above the regulations of the Province.

The current documents will be changed as follows: Utility Scale Wind Turbine shall be located a minimum setback distance of 750 meters (2,460 ft.) from any property boundary **and** 1000 meters (3,280 ft.) from any existing residential dwelling.

Mr. Millier suggested that Council make a motion to refer amended documents with the above change to Council for first reading. This change should also be reflected in the draft planning strategies and land use by-laws.

MOVED by Deputy Warden MacAlpine, seconded by Councillor Adams that the amended documents be referred to Council for first reading.

**MOTION CARRIED
1 AGAINST – Councillor Gregory**

Recess There was a ten minute recess.

Session resumed.

**Other Business
Arising** NIL

Warden Thurber No Business Arising

Deputy Warden
MacAlpine No Business Arising

Councillor Gregory No Business Arising

Councillor Amero No Business Arising

Councillor Adams No Business Arising

New Business

#1 FCM Resolution for Wind Turbine Health Research Direction had been given at the last Council meeting for staff to find out more information regarding the FCM Resolution for Wind Turbines. The CAO noted that the FCM was not requesting support from Municipal units. FCM has already sent a letter to the Department of Health. FCM has acted on behalf of all Municipal units. Council has received a copy of the letter. There is no action required.

#2 LifePlex Wellness Centre There has been a letter received from LifePlex asking Council to attend their upcoming public meeting on November 19, 2009 to have a Municipal representative verbally give their support for the facility. They also mentioned that they would appreciate a letter of support if a representative of Council was unable to attend. There will be an article put in the December Coastline newsletter to encourage people to use the LifePlex facility.

There was a discussion of Council as to whether they would like to send a representative to the meeting or send a letter of support. It was agreed that Council was unable to financially support the facility in the past and are unable to do so at this time as well. Council has received comments from their residents noting that they use the facility. Council agreed to send a letter of support to the facility as long as it doesn't give any indication that Council would financially support the facility.

MOVED by Councillor Gregory, seconded by Deputy Warden MacAlpine that a letter of support be sent to the Chair of LifePlex.

MOTION CARRIED

#3 Councillor Gregory – Black Educators Association – Sponsorship Package It was noted that this item is outdated because the COTW meeting was postponed a week.

MOVED by Councillor Adams, seconded by Councillor Gregory that a certificate of congratulations be sent to the Black Educators Association for their anniversary.

MOTION CARRIED

Chief Administrative Report The CAO report dated November 16, 2009 was included in the COTW Package.

Weymouth Library It was noted that construction has started on the Weymouth Library early this week.

December Council Meeting/Office Closures It was noted that there will be no Council meeting in December. The office will be closed for the holidays at noon on December 24, 2009 and will reopen on January 4, 2010.

Maud Lewis Site There has no response received regarding the Maud Lewis site. Councillor Adams and Deputy Warden MacAlpine have both spoke to the Minister regarding this matter. It was suggested that he be contacted to see when he plans on touring the area.

Request for Decisions/Direction NIL

Department Reports

Taxation The Taxation report for October 2009 was included in the meeting package.

Building Inspection Report/Fire Inspection Report The Building Inspection report for October 2009 was included in the meeting package. Warden Thurber had a question regarding the inflated year to date totals on the building department report. The CAO noted that the Tideview Terrace permit was included in the totals.

Airport/Dispatch The Airport/Dispatch report for October 2009 was included in the meeting package.

Dog Control Activity and Financial Report The Dog Control Activity and Financial report for October 2009 was included in the meeting package.

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Coordinator Program Development The Coordinator Program Development report for October 2009 was included in the meeting package.

Kings Transit The Kings Transit report for October 2009 was included in the meeting package. Warden Thurber noted that the ridership has dropped and is not sure what this can be attributed to.

Other Business N/A

Updates from Previous meetings N/A

Special Projects Updates Construction has started for the Weymouth Library.

Strategic Priorities Update The Strategic Priorities Update for October 31, 2009 was distributed prior to the meeting.

Notice of Motion N/A

Comments from the Gallery Ms. Peach asked for clarification on Old Business #1. She asked if the bylaw would be taken back to the Planning Advisory Committee. She asked if Council is trying to develop a bylaw to make noise levels acceptable to the residents and whether they are trying to insure that there are no negative health effects from the turbine. She suggested that Council consult with experts to find out more about acoustics.

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

MOTION CARRIED

Regular session resumed.

Airport Advisory Committee – Citizen Representatives **MOVED by Deputy Warden MacAlpine, seconded by Councillor Adams that the COTW recommend to Council that Peter Burnie be appointed to the Airport Advisory Committee.**

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MOTION CARRIED

Heritage Advisory
Committee – Citizen
Representatives

MOVED by Councillor Adams, seconded by Councillor Amero that the COTW recommend to Council that Elsa Young be appointed to the Heritage Advisory Committee.

MOTION CARRIED

Adjournment

MOVED by Deputy Warden MacAlpine, seconded by Councillor Amero that the meeting adjourn at 9:00 PM.

MOTION CARRIED

WARDEN

CLERK