

**MUNICIPALITY OF THE
DISTRICT OF DIGBY
PLANNING ADVISORY COMMITTEE
MINUTES**

COMMITTEE	Planning Advisory Committee
MEETING LOCATION	Council Chambers, Municipal Administration Building, Seabrook, Digby County
DATE OF MEETING	September 10, 2008

CALL TO ORDER	Deputy Warden Jimmy MacAlpine called the meeting to order at 6.00 p.m.
ATTENDANCE	Deputy Warden Jimmy MacAlpine Councillor Linda Gregory Mason VanTassell, Citizen Representative Nora Peach, Citizen Representative Glenn Dunn, Citizen Representative Chris Millier, 4 Site Group Gordon Wilson, Deputy CAO
REGRETS	Warden Jim Thurber Linda Fraser, CAO Grant Cooke, 4 Site Group
AGENDA	Moved by Mason VanTassell seconded by Councillor Gregory that the agenda be approved. Motion Carried
PRESENTATIONS	Moved by Councillor Gregory, seconded by Mason VanTassell that Mary McCarthy come before the PAC to make a presentation. Motion Carried A copy the presentation is attached to the minutes. Moved by Councillor Gregory, seconded by Mason VanTassell, that Bob Morsches come before the PAC to make a presentation. Motion Carried A copy the presentation is attached to the minutes.

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MINUTES	<p>Moved by Mason VanTassell, seconded by Glen Dunn that the minutes of August 27, 2008 be approved.</p> <p style="text-align: right;">Motion Carried</p>
BUSINESS ARISING /OLD BUSINESS	
<p>Review of technical data relating to acoustic performance of domestic and utility scale wind turbines</p>	<p>Chris Millier recapped the previous meeting regarding establishing setback and separation distances. Technical info on noise comparisons from utility turbines versus domestic turbines was in question. Research has not been done directly on turbine noise by Chris and the 4Site Group. Chris attempted to look for objective information and pulled out several unbiased studies from accredited facilities not linked to lobby or special interest groups. Info was provided for five domestic turbines manufactured by Burgee.</p> <p>Technical info is provided for acoustic testing. Methodology for testing is also available. Base line testing is done while the turbines are not functioning and compared with turbine noise while functioning under differing conditions. Data is collected at different wind speeds. Online and offline noise is mapped during these tests and noted. Tests were done at 40 meter separation. The 65 db currently found in the Municipal bylaw finds only one of eight that exceeds the thresholds in the Bergie models that were looked at. In summary there are no clear guidelines to clearly show differences between domestic and utility grade turbines.</p> <p>Chris Millier noted that it is easy to find reports from several different areas that have no scientific basis.</p> <p>Glen Dunn questioned if any of the current ongoing studies are available for acoustics. Chris explained that there are no national studies available. Bullet proof data showing that any turbine located within the 40 meter setback is operating within guidelines of 65 db</p>

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	<p>is not available. The current noise bylaw setting would need to address this.</p> <p>Jimmy MacAlpine questioned how to determine setback Chris explained that info is available on both sides. Chris noted that current standards fall between 3-5 times the tower height for all national and provincial guidelines Chris noted that it is a matter of establishing what communities feel comfortable with.</p> <p>Nora Peach stated that communities must err on the cautious side and ensure the peaceful enjoyment of property. Chris replied noting that this is a balance between local public interest and the good of the larger public interest. Glen Dunn commented that individuals want the right to put turbines on their property but do not want be disturbed by their neighbour's turbine.</p>
<ul style="list-style-type: none"> • Review of revised MPS 	<p><u>Page 4 section 3</u> To be completed noting work done in this area</p> <p><u>Page 7</u> Committee is satisfied with the "Goal" of Strategy and this was fine as written</p> <p><u>Policy 2</u> Do these apply to The Wellfield Protection Area and The Conway Planning Area or will they be dealt with separately? Jimmy MacAlpine feels that the wind turbine strategy should override the other two strategies. Linda Gregory had concerns with the undermining the Wellfield Protection area and the Conway plan. Chris explained that the well head zone within the Wellfield Protection area needed protection. With exception to the well head zone of the Wellfield Protection area all other planning areas would be included in the wind turbine strategy.</p> <p>Nora Peach noted that there should be no risk involved and areas should be identified where there are no turbines. Glen Dunn stated that all people in the Municipality should have the right but be protected. Chris explained that planning is a balance and not an absolute.</p> <p><u>Policy 9</u> was briefly noted by Chris.</p>

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	<p><u>Decommissioning</u> of wind turbines was reviewed by Chris. Nova Scotia Government only has guidelines pertaining to decommissioning. Does the enabling legislation under the MGA need clarification or should policy be developed to ensure decommissioning is done. Bonding is currently available within the provincial guidelines under maintenance. This does not specifically speak to decommissioning. ``Maintenance`` can be written into a development agreement but not into an ``as of right`` by-law. `</p> <p>Glen and Linda noted that the as of right process might need to be addressed. A Development agreement process might need to be adopted for utility turbines to ensure a bonding opportunity. Decommissioning is not something that can be specifically addressed within a land use bylaw. Some other options are to have wording similar to Pictou Counties wind turbine by-law. This probably would not be challenged by the Province but this also would not stand up in court. Another option would be to request the Province to assume the responsibility of decommissioning or turn this responsibility over to the Municipality.</p> <p>Chris explained that the wording for Policy 9 and 10 are according to an “as of right” process. Chris went further to explain the development agreement process.</p> <p>Moved by Linda Gregory, seconded by Glen Dunn that utility scale wind turbines be administered under a development agreement process.</p> <p>Discussion: Chris explained wording changes would need to be made to policy 4 and 10. Criteria would need to be established. The development agreement process is vetted through the PAC and Council. Council must hold a public</p>
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meeting and the decision is completely in the hands of Council.

Chris noted that the Municipality should seek guidance from its solicitor and information from Service NS regarding the current as of right direction.

Glen Dunn pointed out the flexibility of the development agreement method does allow different thresholds for different development sites.

Jimmy MacAlpine preferred following the as of right. There are pros and cons with both directions. There is no guarantee that the development agreement will allow bonding opportunities.

Question was called.

Motion passed. One nay (Mason)

Chris will make the necessary amendments within the draft for the next meeting.

Section 4.2 of the bylaw

Some lots will not be eligible for domestic wind turbines once sideline & setbacks are established. Domestic turbines range in height from 100ft to 130ft in height. The current standard for setback within the province is 1 times the height plus 3 meters. Separation would be used for establishing guidelines for noise. Setback is a safety tool. Noise is currently addressed in the orderly and peaceful conduct bylaw.

Chris recommends adding a separation to enhance the current noise bylaw. 3x would be excessive and 2x would seem more appropriate but would eliminate many lots from domestic wind turbine. Using the data provided for domestic turbines would assist with making a decision. The current noise bylaw still deals with noise and should be reviewed in light of the potential wind turbine development.

It was agreed that 1.5X would enhance

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	<p>protection for all turbines up to 26 meters in height and 1.5X was recommended to be taken to the public meetings for discussion.</p> <p><u>Utility Scale Turbines</u> – following a development agreement format would require the need to establish new criteria at another meeting.</p> <p>Glen questioned the length of the “Municipal Profile” on page 5 of the strategy. Chris explained the need and rational of having it in the existing manner.</p>
<ul style="list-style-type: none"> • Dates, locations, agenda of public consultation meetings • Sept 16th (?) - Municipal Building • Sept 24th (?) - Weymouth • Sept 30th - (?) Rossway 	<p>For discussion at the next meeting.</p>
NEW BUSINESS	

NEXT MEETING	September 30 @ 6:00 pm.
ADJOURNMENT	<p>Moved by Glen Dunn, seconded by Councillor Gregory that the meeting adjourn at 8:35 pm.</p> <p style="text-align: right;">Motion Carried</p>
MINUTES CERTIFICATION	<p>_____</p> <p>CHAIR</p> <p>_____</p> <p>SECRETARY</p>