

Region of Queens Municipality Regular Council

Tuesday, May 23, 2023

6:00 p.m.

Agenda

1.0 Call to Order

2.0 Changes / Approval of Agenda

3.0 Presentation

- 3.1 Mersey Tobetic Research Institute – Municipal Species at Risk Stewardship

4.0 Tabling of Petitions

5.0 Public Question / Comment Session

6.0 Approval of Minutes

- 6.1 Regular Council – May 9, 2023
- 6.2 Variance Hearing – May 9, 2023

7.0 Recommendations

- 7.1 Privateer Farmers' Market for Waiver of Policy 58 – Consumption of Alcohol on Municipal Property

8.0 Discussions

- 8.1 Council Implementation Report
- 8.2 Marketing Levy – Councillor Charlton

9.0 In-Camera Items

- 9.1 Contract Negotiations

10.0 Adjournment

MERSEY TOBEATIC



RESEARCH INSTITUTE

MUNICIPAL SPECIES AT RISK STEWARDSHIP

A Presentation to the Region of Queens Municipality

This project was undertaken with the financial support of:
Ce projet a été réalisé avec l'appui financier de :



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

SCOPE OF TODAY'S PRESENTATION:

- Introduce MTRI and the KCC
- Present results from the Municipal Environmental Stewardship Survey
- Give an introduction on the toolkit
- 10 minute Q&A period



MTRI

Mission

To promote sustainable use of natural resources and biodiversity conservation in the Southwestern Nova Biosphere Reserve (SNBR) and beyond through research, education, and the operation of a field station.

Vision

Prosperous and knowledgeable human communities in the SNBR where decisions with biodiversity implications are: well-informed by research; where species are not at risk; where there is landscape and aquatic connectivity; healthy forests and healthy aquatic ecosystems.

Research and outreach overview

At MTRI we are working on the stewardship of a variety of ecosystems and species!

THE KESPUKWITK CONSERVATION COLLABORATIVE (KCC)

The KCC is a group of 18 partners including Mi'kmaq organizations, non-government organizations, academic institutions, and federal and provincial government departments. Established in October 2017, the collaborative is working together to conserve species at risk and biodiversity in the Kespukwitk/Southwest Nova Scotia Priority Place.





How can we support municipalities in

SPECIES AT RISK (SAR) STEWARDSHIP?



WHAT DO YOU THINK MAKES YOUR MUNICIPALITY UNIQUE?



CLIMATE CHANGE

EXTREME WEATHER EVENTS

HABITAT DESTRUCTION

EROSION

FLOODING

SEA LEVEL RISE

WASTE MANAGEMENT

INVASIVE SPECIES

WATER QUALITY

FARMS

FOOD PROVISIONING



PLANNING + ENFORCEMENT

WHAT IS THE MAIN

ENVIRONMENTAL CONCERN FOR YOUR MUNICIPALITY?



PUBLIC APATHY

HABITAT THREATS



MULTI-LEVEL GOVERNMENT SUPPORT



CHALLENGES TO ENVIRONMENTAL STEWARDSHIP



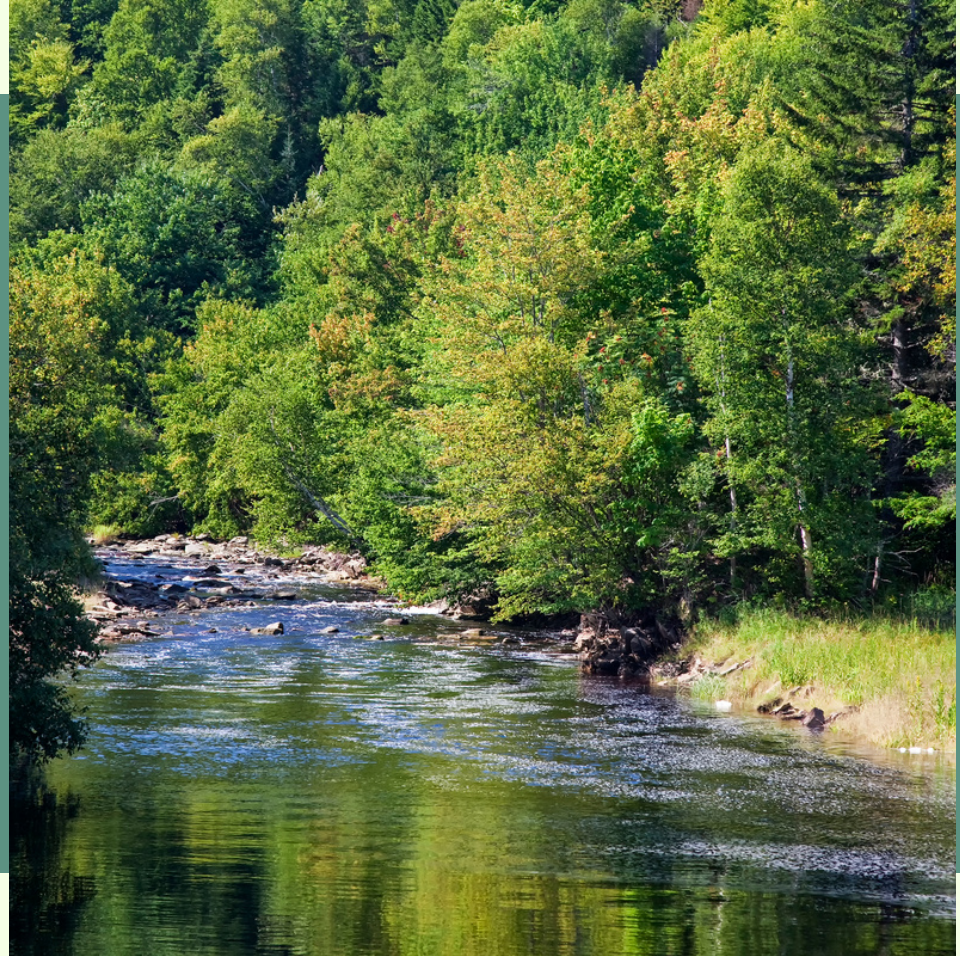


**WHAT TOOLS + RESOURCES
WOULD MAKE ENVIRONMENTAL
STEWARDSHIP MORE ACCESSIBLE?**

REGION OF QUEENS SPECIFIC RESULTS

SURVEY

Respondents that filled out the survey for the Region of Queens Municipality noted some special features of the area including protected lands, forests, wetlands, and ocean access.



<http://kswnsconservation.ca/resources/resources-for-municipalities/>

The Municipal Species at Risk (SAR)

STEWARDSHIP TOOLKIT



SPATIAL TOOLS

We plan to include 2 interactive maps in the toolkit and a decision tree to help users find recovery actions they can take to help SAR.



CONSERVATION & MUNICIPAL TOOLS

We will consolidate existing planning tools and find examples of strong bylaws or strategies enacted within Keskukwuk and across Canada that could be implemented by your local government



FUNDING AND ORGANIZATIONAL SUPPORT

We will host interactive tables to help municipalities find organizations offering funding opportunities or their support.



COMMUNITY ACTION, REPORTS, AND GUIDES

Here we will have complied existing resources based on key issues brought up in the survey for example water quality testing resources for residents. We will also have reports on the toolkit components.





HOW CAN YOUR MUNICIPALITY BE SUPPORTED IN ENVIRONMENTAL STEWARDSHIP?

Please feel free to reach out for any follow up questions or suggestions at
marie.racioppa@merseytobeatic.ca

A lush forest scene with moss-covered trees and ferns. The image is split into two horizontal panels. The top panel shows a dense forest with tall, thin trees and moss-covered branches. The bottom panel shows a similar forest scene with a large, moss-covered tree trunk in the foreground and many ferns on the forest floor. A semi-transparent green rectangular box is overlaid on the top panel, containing the text.

THANK YOU!

WE WILL OPEN THE FLOOR FOR QUESTIONS

**Region of Queens Municipality Regular Council
Tuesday, May 9, 2023 9:38 a.m.**

Minutes

Present: Mayor Darlene Norman, Chair
Deputy Mayor Jack Fancy
Councillor David Brown
Councillor Maddie Charlton
Councillor Ralph Gidney
Councillor Vicki Amirault
Dan MacDougall, Interim CAO
Christine Watson, Admin. Assistant – Planning & Development

Regrets: Councillor Ralph Gidney
Councillor Kevin Muise

1.0 Call to Order

Mayor Norman called the meeting to order at 9:38 a.m.

2.0 Changes / Approval of Agenda

It was moved by Councillor Charlton and seconded by Councillor Hawkes that the Agenda be approved as circulated.

MOTION CARRIED unanimously.

3.0 Presentation

There were no presentations to come before this meeting.

4.0 Tabling of Petitions

There were no petitions to come before this meeting.

5.0 Public Question / Comment Session

There were no public questions or comments to come before this meeting.

6.0 Approval of Minutes

6.1 Regular Council – April 25, 2023

It was moved by Councillor Brown and seconded by Councillor Amirault:

THAT the minutes of the Regular Council meeting held April 25, 2023 be approved as circulated.

MOTION CARRIED unanimously.

7.0 Recommendations

7.1 Community Investment Fund – Liverpool Junior Hockey Association

It was moved by Councillor Charlton and seconded by Deputy Mayor Fancy:

THAT Council of the Region of Queens Municipality provide grant funding to Liverpool Junior Hockey Association in the amount up to \$7,215.53 from the 2023-2024 Community Investment Fund to support eligible expenses of the Don Johnson Cup.

Dana Henley, Community Development Coordinator, stated a Community Investment Fund application was received from the Liverpool Junior Hockey Association to help with costs associated with the Don Johnson Cup held on April 25 – 30, 2023. The total projected eligible expenses are \$57,724.25, and funding available is 12.5% of eligible expenses. All criteria have been met.

MOTION CARRIED unanimously.

- 7.2 Variance Appeal Respecting Property Identified as PID #70275094
(located at rear of 87 Bristol Avenue)

It was moved by Councillor Brown and seconded by Councillor Amirault:

THAT Council of Region of Queens Municipality uphold the decision of the Development Officer to issue a variance for a reduced lot area to facilitate development of either (8) additional apartment units on property identified as PID #70275094.

Wendy Connors, Development Officer, stated the variance was issued for PID #70275094, located behind 87 Bristol Avenue, and is 1.4 acres.

Under the current Land Use Bylaw, 37 units would be permitted by site plan approval and development permit. The owner of the property has the opportunity to apply for a 25% increase in permitted units. A 25% increase would be 49 units. The owners are looking for 8 additional units, so it will be a 45 unit building.

Councillor Brown enquired with the increase in units, if this would change the footprint of the parking lot? Ms. Connors stated there is parking around the building as well as underground parking, which will cover everything required.

Deputy Mayor Fancy stated concerns were raised on parking on the street, the boat launch at the end of Mersey Avenue, and how traffic will be dealt with. Previously, discussions were held on having speed indicators and lights. Recommendations from Council can go to the municipal traffic authority to incorporate the requested changes to deal with these issues.

He requested to bring forward a recommendation at next council meeting on the formation of a committee to make recommendations concerning traffic issues. Mayor Norman stated this can be added under discussion to get other Councillors' points of view.

Councillor Charlton offered comments on the Land Use Bylaw process. There were multiple meetings held throughout different districts in our communities. It was advertised in *Lighthouse Now* and *The South Shore Breaker* to make people aware of these meetings.

She noted when we did the Land Use Bylaw, we anticipated the Coastal Protection Act and the elevation requirements were changed to meet that.

She enquired if we have the capacity to change the speed limits on Municipal roads. Dan MacDougall, Interim CAO, stated the decision could be made through the municipal traffic authority. Mayor Norman stated this will be investigated.

Councillor Amirault stated she agreed with Deputy Mayor Fancy on the creation of a committee and the need for professional help in moving forward especially with the development at Queens Place.

MOTION CARRIED unanimously.

8.0 Discussions

There were no discussion items brought forward at this meeting.

9.0 In-Camera Items

There were no In-Camera items brought forward at this meeting.

10.0 Adjournment

The meeting adjourned at 9:58 a.m.

Mayor Darlene Norman, Chair

Eric Levy, Municipal Clerk

Christine Watson, Administrative Assistant – Planning & Development

Date Approved: _____

Region of Queens Municipality Variance Appeal Hearing Tuesday, May 9, 2023, 9:00 a.m.

Minutes

Present: Mayor Darlene Norman, Chair
Deputy Mayor Jack Fancy
Councillor David Brown
Councillor Vicki Amirault
Councillor Maddie Charlton
Councillor Carl Hawkes
Dan MacDougall, Interim CAO
Christine Watson, Admin. Assistant – Planning & Development

Call to Order

Mayor Norman called the Variance Appeal Hearing to order at 9:00 a.m.

Opening Remarks

Mayor Norman stated the purpose of the Variance Appeal Hearing is to provide the appellants, Linda K. Lane, Yvette Cherry, Mitchell J. Harlow and Natasha M. Harlow, with an opportunity to present an oral and/or written argument to Council of Region of Queens Municipality respecting the decision of its Development Officer to issue a variance to the owner of property identified as PID #70275094 and located at the rear of 87 Bristol Avenue in Liverpool, which would allow a reduction in lot area to facilitate 8 additional dwelling units as set out in Section 5.5 of the Municipality's Land Use Bylaw.

Mayor Norman reviewed the procedures for the Hearing that was provided on the agenda.

Andrew Bursey and Linda Lane, Appellant, 75 Bristol Avenue, Liverpool

Mr. Bursey stated he is speaking as a citizen and property owner and not as a business owner. Development is essential to our area and any builds would have a positive economic impact.

As stated in the letter received dated March 20, 2021, the Region's Land Use Bylaw allows for a 30 unit apartment building and was allowing an additional 6 units. We were given an opportunity at that time to appeal but decided not to at that time as the appeal was to be done in person.

Approval was given for the additional 6 units. In the March 20, 2023 letter received, it stated that Region of Queens permit is for a 37 unit building, and the new application would allow for 45 units. He enquired if the 37 units was an error.

He enquired if there will be a retaining wall and how it will affect water levels to the surrounding properties. Has an environmental impact study was done to assess the potential damage to the tidal estuary?

He further enquired if wetlands and habitats would be backfilled and be destroyed? Will they be using fill to expand their land? There is a history in Liverpool of filling in rivers and expanding land, and impacts are being seen from that.

He enquired to height restrictions of buildings in residential areas.

The Government of Canada recently projected that the sea level rise would exceed one meter by the end of this century along the areas of the Nova Scotia coast. We need to consider the possibility of storm surges that can temporarily increase water levels. Much of our coastline is already at increased risk from coastal erosion. We are already feeling the effects of climate change. Has the Coastal Protection Act been taken into consideration, which came into law in 2019? It seems that the developer is pushing his project agenda through to avoid these laws.

In the article written by the CBC titled, "Municipality Rejects Recommendations in Liverpool Flooding Report", citing costs, Mayor Norman stated that doing any of these recommendations was far above the financial capacity of the Region of Queens. He does not see what is being asked to do financially. What we are asking is that these things be taken into consideration. Isn't the waterfront development the exact opposite of what is being recommended?

As business owners, we're all for growth and expansion of our community. He asked for reconsideration of location and size of this building stating there will be a loss of privacy and an increase in traffic.

He brought attention to the misinformation on the Region's website concerning advertising in The Advance, and enquired how residents are being informed.

Mayor Norman noted that the Coastal Protection Act has not yet been passed.

Yvette Cherry, Appellant, 11 Mersey Avenue, Liverpool

Ms. Cherry stated her main concern is the impact to traffic in the area and enquired about access to and from the building; two way, one way, another street?

She further enquired to the impact of the waterway and the threat of flooding, which there has been flooding previously in that area.

She raised concerns of parking along Mersey Avenue as there are no restrictions. There is a boat launch at the end of the street and several large boats are brought down the road and people are parking along the street. She enquired how the Region intended to deal with these issues when they happen.

Mitchell J. Harlow and Natasha M. Harlow, Appellant, 35 Mersey Avenue, Liverpool

Mrs. Harlow stated they decided to move to Liverpool for the quietness of the town. They fully support development but are concerned about a 5-storey building that will tower over everything that doesn't fit into the fabric of the town.

She raised issues about the traffic study, stating she felt it was not very well done and not enough information was provided; specifically, the data is outdated and doesn't reflect the current population and the current situation. There is no current information on the level of traffic on Mersey Avenue.

Further there will be a clinical impact on the people that isn't represented in the numbers. In this situation, they're saying we don't expect there to be a traffic or safety issue, however, the numbers on Mersey Avenue probably will be impacted. It does not meet the requirements and criteria for when you are turning left off the Avenue.

She further stated that only the people who have adjacent parcels of land to the building were invited, and the people on the other side of the street were not invited. Although their parcels may not be adjacent to this building, they still live on the street and are part of the community so everyone should have an opportunity to express how they feel.

Mr. Harlow stated that the building of this magnitude is significant and will completely change the fabric of this town. He feels that we've failed the community with the first variance request and need to set a precedence.

He further stated there is a huge safety concern. He urged Council to take into consideration what has been said and do what is best for the community.

Mayor Norman stated it is not a matter of invitation to speak, according to the Land Use Bylaw, 30 meters is the distance given for the variance. We work within the rules that have been adopted.

Greg Zwicker – ZZAP Consulting Inc.

Greg Zwicker, planner for ZZAP Consulting Inc., stated the appeal today is for variation to the minimum lot size. As a planner, he is sympathetic to the issues raised by the appellants. The property is zoned for this use and many issues raised are permitted in the zone. We are not asking to vary the height, parking, setbacks, or coastal protection. The application is for the minimum lot area. The building as presented is permitted under the Land Use Bylaw and Municipal Planning Strategy. The request is to put 8 more units in the building. The minimum lot requirement is 125 square meters and are asking for a 25% reduction, which equates to 93.75 square meters. Everything else is in compliance.

He shared slides outlining the application request (copy attached to original set of Minutes). Some highlights included:

The building is located in an RM zone.

Two access points; Mersey Avenue and Bristol Avenue.

Lot area is 49,833 square feet.

The maximum number of units without the variance is 37, and the request is to put 45 in the same building. They will be smaller, more affordable units.

The variance is tested on three things under the Municipal Government Act, and is what the Development Officer tests against, and should not be granted if:

1. The variance violates the intent of the Land Use Bylaw.
2. The difficulty experienced is general to properties in the area.
3. The difficulty results from an intentional disregard for the requirements of the Land Use Bylaw.

They believe the answer is No to all these tests.

- The Municipal Planning Strategy outlines the intent of the RM zone.
- The intention for the zone is to address demand for and issues surrounding the development of higher density residential housing options.
- Large lot is an ideal location for addressing demand for higher density housing while meeting other lot requirements.

In summary, the request is that Council deny this appeal on the grounds that the Development Officer did not err in their application of the Municipal Government Act.

Closing Remarks

Mayor Norman stated the rules set in the Land Use Bylaw and the Municipal Government Act are what we follow as Council. There are times when issues are brought before us that are not liked. Mr. Zwicker is correct in his statements, that had they not been requesting 45 units within the same building size, same height and same land coverage, they are legitimate in what they are building.

The question for Council to consider is, have all the requirements been met from the applicant to place more, smaller units, in the building. The height is legal, the footprint is legal, as is the buffer.

Questions were raised concerning traffic. There are solutions that Council have, through our Engineering Department, that can be considered to solve these questions.

Adjournment

Mayor Norman declared the Variance Hearing adjourned at 9:33 a.m.

Mayor Darlene Norman, Chair

Eric Levy, Municipal Clerk

Christine Watson, Administrative Assistant – Planning & Development

Date Approved: _____

Region of Queens Municipality Staff Report

To: Council

From: Dana Henley, Community Development Coordinator

Date: May 23, 2023

Re: Privateer Farmers' Market for Waiver of Policy 58 – Consumption of Alcohol on Municipal Property

Background

Privateer Farmers' Market attracts vendors of all types including locally made arts, crafts and wares. The Market wishes vendors to have the ability to sell alcoholic beverages; however they are prohibited under Operational Policy 58 – Consumption of Alcohol on Municipal Property. Privateer Farmers' Market is requesting that this policy be waived to allow liquor to be sold, given, or consumed at the market from licensed liquor distributors, as has been granted in the past.

Details

Privateer Farmers' Market is held in Centennial Park, on the Liverpool Waterfront, adjacent to the Liverpool Visitor Information Centre. This is the ninth season for the market and they have requested and been granted a waiver of Policy 58, eight out of nine seasons. The waiver was not sought during the 2020 season. The waiver is being sought for Saturdays, from June 3, 2023 to October 28, 2023 inclusive.



Applicable Legislation

Operational Policy #58 – Consumption of Alcohol on Municipally Owned Properties.

Budget Impacts

There would be no budget implications resulting from the approval of this request.

Recommendation

That the Council of Region of Queens Municipality agree to waive Policy 58 – Consumption of Alcohol on Municipally Owned Properties at the request of Privateer Farmers' Market at Centennial Park, Liverpool on Saturdays from June 3 to October 28, 2023.

And that the applicant be required to submit proof of insurance in no less than \$2,000,000 per occurrence with the Region of Queens Municipality as additional insured, and copy of the in effect liquor license from the Province of Nova Scotia to the Region, and that all municipal, provincial, and federal laws be strictly adhered to.

Communications

The applicant will be notified of a decision following Council.

May 17, 2023

Privateer Farmer's Market
Kate Fagan
POBOX 2065
Liverpool, NS
B0T1K0

To the Municipality Council of Queens County, Nova Scotia;

On behalf of the Privateer Farmers' Market, I request a waiver policy 58 restricting the sales of alcohol for the whole 2023 market season as Centennial Park, Liverpool waterfront. This would include all Saturdays until October 28th 2023. This will allow us to have local distilleries, breweries and vineyards attend the market.

Thank you for your consideration,

Kate Fagan
Market Manager
9024896863



Region of Queens Municipality

COUNCIL IMPLEMENTATION REPORT – January – May 9, 2023

Date	Recommendation	Responsibility	Action Taken
Feb. 14, 2023	Approve the placement of a new replacement pool for Milton Centennial Pool on the lands of Queens Place Emera Centre.	Adam Grant	Project Manager engaged.
Feb. 14, 2023	Give approval to register and apply for grants with consultation and approval from the appropriate staff member. The Pool Committee or designate will research and write the grants for approval.	Intermin CAO	No requests received by staff at this time.
Feb. 14, 2023	Give pre-budget approval to contracting CBCL Engineering to conduct a feasibility study for the extension of services to Mount Pleasant, NS, at a cost of up to \$21,500 plus HST, to be funded out of the 2023-2024 operating budget.	Adam Grant	In progress.
Mar. 14, 2023	Approve the naming of a new road off Shore Road in Western Head as Serenity Now Lane.	M. MacLeod	Sign ordered.
Mar. 14, 2023	Approve entering into a contract with DUMAC Energy Limited to conduct a HVAC investigation at the Town Hall Arts and Cultural Center, 219 Main Street, Liverpool, at a cost of \$10,975 plus HST, to be budgeted in the 2023-2024 fiscal year.	Adam Grant	In progress.

Date	Recommendation	Responsibility	Action Taken
Mar. 28, 2023	Give second reading to Bylaw No. 4 – A Bylaw Respecting Emergency Management.	E. Levy	Council gave second reading and bylaw has been sent to Province for approval.
Apr. 25, 2023	Provide grant funding to Greenfield Community Park Society in the amount up to \$31,924.03 from the 2023-2024 Community Investment Fund. AND THAT the funding not be released until Greenfield Community Park Society provides satisfactory proof of its financial resources to complete the total project as submitted.	M. Roberts	Applicant notified. Awaiting proof of their remaining financial resources. They are waiting on approvals from the Province for other grants.
May 9, 2023	Provide grant funding to Liverpool Junior Hockey Association in the amount up to \$7,215.53 from the 2023-2024 Community Investment Fund to support eligible expenses of the Don Johnson Cup.	D. Henley	Applicant advised. Cheque req submitted.

Date	Recommendation	Responsibility	Action Taken
Aug. 9, 2022	Approve the initiation of the Bylaw drafting process that would document the conditions required in order to facilitate collection of Road Levies by Region of Queens as part of the tax billing process.	E. Levy	In progress.
Aug. 9, 2022	Approve the installation of a new barrier free access ramp and building entry on the eastern side of the Town Hall Arts and Cultural Centre (RBC side) to meet the accessibility needs of users of the facility.	Adam Grant	Development Permit approved. Project at 85% complete.
Nov. 22, 2022	Enter into a purchase and sale agreement with Queens Neighbourhood Co-operative Housing Ltd. for properties identified as 70027982, 70040423, 70017983 and 70028477 for the price of \$1.00.	M. MacLeod	Land transaction in process.



Region of Queens Municipality

COUNCIL IMPLEMENTATION REPORT – JANUARY – DECEMBER 10, 2019

Date	Recommendation	Responsibility	Action Taken
Oct. 22, 2019	Enter into negotiations with Mogan Holdings Limited for the Municipal acquisition of a portion of property identified as PID #70026547 and located adjacent to McLeod Street in Liverpool for the sale price of \$1.00; AND THAT the Region of Queens Municipality will assume the costs associated with subdividing the property.	M. MacLeod	Survey complete. Awaiting preparation of deed for signatures and registration.