



Purpose:

The purpose of this hearing is to receive verbal and written submissions regarding the Draft Cemetery By-law.

Background:

At Council's May 30, 2024 meeting, Council received a recommendation from the Cemetery Committee and passed the following motion.

THAT Council direct staff to bring a revised draft Cemetery Bylaw to the next meeting of the Cemetery Committee with revisions focusing on updating fee structures.

Council received the amended draft Cemetery Bylaw at their July 9, 2024 meeting and passed the following motion:

THAT Council give first reading to the amended Cemetery Bylaw as presented.

Notification:

Public Hearing: Progress Bulletin July 10th
 Town website, Town Facebook page,

Submissions Received:

Prior to this hearing, no comments were received.

Respectfully submitted,

Kelly Munroe,
Town Clerk

Purpose:

The purpose of this hearing is to receive verbal and written submissions regarding the Draft Stormwater By-law.

Background:

At the Policy & Strategy Committee's June 24, 2024 meeting, the committee received a draft Stormwater Bylaw and recommended that council give first reading to the bylaw.

Council received the recommendation and draft Stormwater Bylaw at their June 27, 2024 meeting and passed the following motion:

THAT Council give first reading to and direct staff to schedule a Public Hearing for the new Stormwater Bylaw, as provided.

Notification:

Public Hearing: Progress Bulletin July 10th
Town website, Town Facebook page,

Submissions Received:

Prior to this hearing, comments were received from:

- Veryan Haysom
- Val Header on behalf of Talking Trees

Respectfully submitted,



Kelly Munroe,
Town Clerk



**To The Mayor and Town Councilors,
Town of Mahone Bay
22 July 2024**

Talking Trees Submission on ToMB Draft Stormwater Management By-law

Introduction

The Town's Draft Stormwater Management By-law originates in section 4.5.3 of the Municipal Planning Strategy, which is titled "Landscaping, Trees, and Stormwater Management". By treating these three together the MPS creates a welcome sense of environmental synergy - one that sees trees, the Town's landscape, and stormwater as inter-related and inter-dependent. This section of the MPS says specifically:

“Developing these bylaws [respecting landscaping, trees and stormwater] outside of the scope of the Land Use Bylaw gives Council the ability to enact standards and requirements for trees and stormwater management to an extent not possible within the Land Use Bylaw.”

With this in mind Talking Trees fully expected that the Draft Stormwater Management By-law would recognize the relationship between trees and control of stormwater by protecting trees and using trees and landscaping in the Town's stormwater management system. The draft by-law does no such thing. This failure is disappointing. It is a failure in environmental stewardship and is a missed opportunity to use green infrastructure to lessen the burden on our Town's storm sewers and infrastructure budget.

Trees and Stormwater

The tree canopy captures precipitation high above the ground on leaves and branches. This slows the speed at which stormwater reaches the ground. It also allows some of the intercepted precipitation to evaporate. These natural processes are helpful in reducing stormwater runoff from all kinds of surfaces, particularly paved surfaces. According to PennState Extension “The runoff from one acre of paved parking generates the same amount of annual runoff as: 36 acres of forest; 20 acres of grassland; a 14 acre subdivision (2 acre lots); or a 10 acre subdivision (0.5 acre lots).” We are not advocating living in a forest, simply illustrating the value of trees in the management of stormwater.

Tree roots hold back water flows, reduce erosion and create soil conditions that better allow precipitation to infiltrate into the ground. This diverts precipitation from becoming runoff and

also recharges the groundwater supply. The root systems of trees and other vegetation returns significant amounts of precipitation to the atmosphere through transpiration without it ever entering drainage systems. The root systems of trees and shrubs also filter rainwater, catching pollutants and helping to purify the water entering watercourses.

Simply, it is ecologically and economically irresponsible not to protect and use this natural system to help in managing stormwater.

Recommendations on the Stormwater Management By-law

Talking trees recommends that:

1. The Town **not** adopt the draft Stormwater Management By-law.
2. The Town take the time and do the work necessary to develop a stormwater management strategy that
 - recognizes the importance and value of trees and vegetation in the control and reduction of stormwater runoff.
 - requires the preservation of trees and vegetation to the greatest extent possible when any ground work, construction or development is being carried out.
 - requires the re-planting of any trees that have to be removed during permitted ground work, construction or development so that there is no net loss of trees per lot.
 - eliminates the use of impervious surfaces.
 - requires landscaping and use of other natural and green infrastructure to maximize the infiltration of precipitation in the area where it falls, provided soil conditions are suitable.
3. As part of the strategy the Town should adopt a policy that
 - clearly expresses its commitment to protecting and using trees as natural, green infrastructure in the management of stormwater runoff on both Town-owned and private property
 - provides a rebate to individual and not-for-profit private property owners to plant trees to control stormwater runoff either through a system of grants or by rebating a meaningful percentage of the Town's infrastructure charge.

Respectfully submitted on behalf of Talking Trees by

Val Header
Didier Schvartz
Cathy Gregoire
Chris Heide

(References:

<https://www.deeproot.com/blog/blog-entries/the-effect-of-trees-in-paving-on-stormwater-runoff/>

<https://cwp.org/reducing-stormwater-runoff/>

<https://extension.psu.edu/the-role-of-trees-and-forests-in-healthy-watersheds>

[https://www.yourleaf.org/blog/jess-wilkin/jun-26-2024/soaking-stormwater-and-fighting-climate-change-newmarket-stormwater-rebate \)](https://www.yourleaf.org/blog/jess-wilkin/jun-26-2024/soaking-stormwater-and-fighting-climate-change-newmarket-stormwater-rebate)

To the Mayor and Councillors

Town of Mahone Bay

Submission re: Draft Stormwater Management By-law

I am submitting my comments on the Draft Stormwater Management By-law (the Draft By-law) in writing because I will not be in Mahone Bay on July 25 to present my thoughts in person.

I believe Council should not approve the Draft By-law on second reading unless approval of the Draft By-law is accompanied by a moratorium prohibiting permitting or approval of any activity that might increase stormwater run-off into Ernst Brook until such time as a comprehensive Town-level stormwater management strategy, based in part on a drainage basin capacity assessment, is in place. Without such a moratorium I believe the Draft By-law contains a major flaw that has the potential to exacerbate flooding problems in the short-term rather than mitigate them. In my view this problem should be addressed immediately, either as part of the Draft By-law or as a matter of public policy before the Draft By-law comes into effect.

Flood risks are constantly rising due to ongoing development (including construction, paving and land clearing) and increasingly intense storms caused by climate change. Much of the existing Town stormwater management system cannot handle the quantity of stormwater runoff we are now facing. As the *Municipal Planning Strategy* notes in laying out the need for a stormwater management by-law, the July 2023 rainfall event damaged homes, businesses, driveways, and Town infrastructure, requiring tens of millions of dollars to repair. In addition, the Town has clear and visible evidence, which existed well prior to the July 2023 rainfall event, that Ernst Brook is unable to safely handle the water that it is required to carry from time to time. Simply look at the impervious embankments both downstream and upstream of the Main Street bridge over Ernst Brook, and the immanent potential for catastrophe is obvious. Any increase in the volume of run-off into Ernst Brook poses a danger to the core of the Town's business district and a vital transportation link. Despite this, the Draft by-law authorizes the Engineer to formulate a judgment about what "the downstream drainage system can reasonably handle" and permit additional run-off into the drainage system, as if there is some available, unused, carrying capacity in any downstream drainage system in the Town. There is no additional capacity, and certainly not in Ernst Brook. With the evidence the Town has about what is happening in and to the Town's stormwater drainage system it would be irresponsible to proceed with a by-law that contemplates approval or permitting of activity that might increase stormwater run-off into Ernst Brook until such time as a comprehensive Town-level stormwater management strategy, based in part on a drainage basin capacity assessment, is in place.

I must not be understood as saying that the draft By-law is otherwise OK. It is not. For example, in order to apply section 8, (which is where the authority to permit additional run-off is found), one has to have a "proposed work". "Work" is defined in subsection 5(q) as infrastructure and services required by the By-law, including a stormwater management facility, that need to be built

both on and off the site according to the By-law. There is no other provision in the By-law that refers to “infrastructure”. There is no provision of the By-law that requires “infrastructure and services” to be built. There is also no section of the Draft By-law that tells us what “the site” is, that refers to a site, or that empowers anyone to do or require anything “on and off the site”. The idea that a developer might be required to propose a work both on and off their property is puzzling. No doubt someone thinks this definition makes sense and has an explanation as to how and why it does, but I do not. It must be made clear and functional.

I find the roles of the Engineer and the Town Manager unclear and the latter has powers under sections 25, 26 and 27 that should be exercised, if ever, only on the written advice of an engineer. That said, I think it bad policy to simply and without qualification:

- empower anyone to give permission to anyone to contaminate, block, redirect or hinder the flow of a watercourse in Town under any circumstances other than an emergency that poses an immediate threat to human life, in which case, the granting of written permission should not be required.
- empower anyone to give permission to anyone to enclose any watercourse under any circumstances.
- empower anyone to give permission to anyone to create a new watercourse that crosses property boundaries in Town.

Respectfully submitted,

Veryan Haysom

195 Fairmont Street
Mahone Bay

22 July 2024



Purpose:

The purpose of this hearing is to receive verbal and written submissions regarding the Draft Subdivision By-law.

Background:

At the Planning Advisory Committee's June 10, 2024 meeting, the committee received a draft Subdivision Bylaw and recommended that council give first reading to the bylaw.

Council received the recommendation and draft Subdivision Bylaw at their June 27, 2024 meeting and passed the following motion:

THAT Council give first reading to and direct staff to schedule a Public Hearing for the new Subdivision Bylaw, as provided.

Notification:

Public Hearing: Progress Bulletin July 10th
Town website, Town Facebook page,

Submissions Received:

Prior to this hearing, comments were received from:

- Nick Pavlinic

Respectfully submitted,

Kelly Munroe,
Town Clerk

Kelly Munroe

From: Kelly.Munroe@townofmahonebay.ca
Subject: RE: Subdivision bylaw draft

From: Nick Pavlinic
Sent: Wednesday, July 24, 2024 9:48 PM
To: Kelly Munroe <Kelly.Munroe@townofmahonebay.ca>; Town of Mahone Bay Clerk <clerk@townofmahonebay.ca>
Subject: Subdivision bylaw draft

CAUTION: This email originated from an external sender.

hi Kelly, hope your have a nice week.

If there is still an opportunity to do so, I appreciate if the following considerations could be passed along for the draft subdivision by law:

1-Regarding the definition of the 'central water system', could the following definition be used that is adapted from the town of bridgewater subdivision bylaw

Central water distribution system (central water) means an assembly of pipes, conduits and apparatuses which is designed to carry and distributes potable water for consumption and fire protection owned by the Town of Mahone Bay.

<https://www.bridgewater.ca/document-library/planning/planning-documents/825-20141224-council-approved-sdb/file>

2-Require involvement of the Fire Department or similar qualified organization with fire safety to provide input on related developments for fire suppression (water sources and performance), alternative exits, emergency vehicle access adequacy, etc

Here is an article with some of these recommendations that were outcomes of reflecting on last year's wildfires by the City of Halifax as it relates to subdivision/development/planning:

<https://www.halifaxexaminer.ca/government/city-hall/halifax-fire-had-warned-that-3-subdivisions-evacuated-in-tantallon-fire-were-built-with-inadequate-water-sources-to-fight-fires/>
<https://www.cbc.ca/news/canada/nova-scotia/halifax-looks-at-three-possible-emergency-exits-for-subdivision-where-wildfire-began-1.7039720>

3-Require and specify location and construction approvals for systems for fire hydrants in the subdivision
<https://www2.gov.bc.ca/gov/content/governments/local-governments/planning-land-use/land-use-regulation/subdivision-servicing-bylaws>

4-If town water services in the required capacity for the subdivision are agreed to not be provisioned, require alternative fire suppression solutions such as a fire pond or dry hydrant

5-Ensure that there are more than 1 entrance and exit for the subdivision and emergency egress is constructed before the completion of the subdivision, including use of existing road networks for emergencies (such as trails)

How many access and egress routes are there?	<p>Consider whether motorized transportation is required.</p> <ul style="list-style-type: none"> • There should be more than one route for egress (i.e., redundancy) so that if one is unusable for any reason (e.g., blocked by fire or obstructed by <i>response</i> vehicles), the other(s) can be used.
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WUI Planning Issue	Policy and Regulatory Guidance
Policy for Community Design and Development – Residential	<ul style="list-style-type: none"> • <i>Community</i> design and layout should incorporate safety features to minimize the <i>wildfire hazard</i> to people, property, and adjacent land. The following issues should be addressed when planning for development in an existing or generated <i>WUI</i>.
Access and Circulation	<ul style="list-style-type: none"> • Evaluate the adequacy of existing road networks to allow safe and effective ingress and egress during <i>emergency evacuations</i> (see Section 4.2.3). • Avoid development that results in cul-de-sacs, dead-ends, long <i>driveways</i>, and other features with limited access and circulation, unless the <i>risk</i> associated with these features can be mitigated through the implementation of adequate <i>emergency</i> access routes, turnarounds, vegetation management, or other measures. • Consider limiting <i>driveways</i> to serve no more than two <i>buildings</i> or <i>structures</i>, not including <i>accessory structures</i>, or no more than five <i>dwelling units</i>. • Consider <i>subdivision</i> designs that utilize perimeter roads or other external networks (e.g., multi-purpose trails) to facilitate efficient <i>emergency access</i> and <i>response</i>.
Lot Size and Density	<ul style="list-style-type: none"> • Establish the maximum number of lots in <i>subdivisions</i> by considering the ability for all habitable <i>structures</i> to follow recommended construction measures and <i>Priority Zone mitigation</i> measures (see Chapter 3). • Development patterns that result in increased <i>structure</i> density (e.g., clustered development, conservation <i>subdivisions</i>⁽²⁾) should follow the recommended construction measures relative to the respective <i>Priority Zones</i> (see Chapter 3 and Appendix K).
Phasing of Development	<ul style="list-style-type: none"> • Ensure that each phase of development adequately addresses the current <i>wildfire hazard</i>. Implementing <i>mitigation</i> measures, including <i>emergency</i> access, should not be left for the final phase of completion. • Ensure ongoing vegetation management on vacant or undeveloped parcels of land to ensure that they do not pose a threat to adjacent developed properties.

Thanks!
 Nick
 126 Hawthorn Road