

**Public Hearing
June 11, 2019
Town Council Chambers**

Present

Mayor L. Boucher
Deputy Mayor D. MacInnis
Councillor W. Cormier
Councillor M. Farrell
Councillor A. Murray
Councillor J. MacPherson
Councillor D. Roberts

Also Present

J. Lawrence, CAO
D. Wilson, Deputy Clerk
S. Scannell, Director, Community Development
L. Basinger, Strategic Initiatives Coordinator

J. Bain, Director, Eastern District Planning Commission (EDPC)

Delegates

Call to Order

Mayor L. Boucher called the public hearing to order at 7:03 PM, thanked everyone for their attendance, and reviewed the public hearing process.

J. Bain, Director, EDPC took to the podium to provide an explanation of the matter being considered and the staff recommendation to Council.

J. Bain took noted the public hearing deals with a development agreement for 52 Victoria Street. He then reviewed the past as it related to the current proposed development agreement, and noted the following:

- Planning staff received a proposal to enter into a development agreement to all for the two-unit dwelling July 12, 2018;
- The area in questions is designated Residential in the Municipal Planning Strategy (MPS);
- The lot is zoned R1 (Residential First Density) and 02 (Conservation);
- The land subject to the development agreement is approximately 7,466 square feet in area; and
- Total property size is 14,000 feet, with a requirement for the property to be subdivided.

J. Bain presented a map of the area showing the lot in question. He noted the importance of the lot being located in 'Old Town' and stated that two-unit developments on 'small lots' can be considered by development agreement within the 'old town' designation. He further noted that the lot is also subject to provisions found in the 1:20 year and 1:100 year floodways.

Overlays which outlined the floodways were presented.

J. Bain noted that Policy 8.3.2, subsection 4 and relaxations from the requirements of the Provincial Subdivision Regulations through the Planning Act permits the creation of one or two

lots, and a remainder lot, if any, which does not front on a public street, he further spoke to permission of the development of two-unit residential building on 'small lot's within 'old town' by development agreement.

J. Bain reviewed the sections of the land Use By-law (LUB) dealing with 'small lots'.

J. Bain presented an overview of the proposed development, noting the development agreement applies only to the proposed development and not the existing development.

Photos of the property were presented from various views, along with a 3-D rendering of the proposed building

Policy P-4.1.33 of the Municipal Planning Strategy was reviewed along with criteria that it is subject to and provisions of general implementation of Policy P-8.2.7.

J. Bain then reviewed the minimum architectural requirements related to corridor width, roof pitch, window orientation and moldings for doors and windows and noted the development must be a minimum of 1.5 stories in height and have the waste screened.

Building elevations were presented.

Minimum architectural and site development requirements including storm water management and 'flag lot' setback requirements as prescribed were presented.

J. Bain presented minimum architectural site development requirements for 'flag lots' and what is proposed. He noted the proposal exceeds all zone requirements. It was noted that . . . 'particular attention shall be paid to preserving privacy of adjacent uses through thoughtful building design and site development'.

Council and the audience were advised that the Planning Advisory Committee raised the issue of drainage, and that the agreement now states that drainage is to be to the back of the property.

Floor plans were presented.

J. Bain noted that under Policy 8.2.7 in considering any development agreement application the following must be considered: site plans, elevations, a written outline of proposed measures to satisfy applicable policy and/or by-law requirements, conformity to Policy P-8.2.5, provisions under Section 227 of the Municipal Government Act and security bonding.

Policy 8-2.3.5 "requirements under Administration" were reviewed, along with Policy P-8.8.2.8 and 8.2.9 "Circulation".

J. Bain went through the various meetings, timelines, advertising and notifications that lead to this hearing, and noted that staff recommends Council enter the agreement.

At 7:24 PM John concluded his presentation and Mayor called for questions.

Mayor L. Boucher called for questions from the floor.

Mr. L. Maclsaac, 58 Victoria Street, provided his comments with respect to his own property, floodplain, the proposed development, plans for a future development for the area, water management and designations. He further spoke to Lands NS/water displacement, grade, privacy and parking, and questioned whether his property would be considered adjacent to the proposed development.

Ms. S. Armstrong, 44 Victoria Street, raised concern with the nature of the development, and minimum architectural requirements (including roof and window pitch), parking, and additional vehicles.

Mr. J. Monkman, 48 Victoria St., presented two written presentations to the Deputy Clerk, and requested he be on record that he would have liked to speak for approximately 20 minutes, but was permitted only 5 minutes. He stated the project does not meet minimum requirements, that the packages given to the Deputy Clerk contains various letters to J. Bain, photos, and implications as to why the first building was built where it is.

J. Monkman made reference to 3 or 4 amendments to the LUB and MPS and stated the plan should be completely redone. J. Monkman presented a 3rd copy of his written presentation to the Deputy Clerk.

Mr. C. Fraser of 44 Victoria Street, stated that he was not a fan of the development and further that the parking as is, is not credible, with potentially 8 cars per building. He further commented on parking overflow. C. Fraser made further comment to the right-of-way being only 17 1/2', that he did not consider trees a suitable barrier as well as concern with water displacement.

Ms. B. Lowe, 75 St. Mary's Street, stated she looks right up Victoria Street from her home and referred to various modes of traffic and increased congestion in the area, and concern for the number of seniors in the area. Ms. Lowe stated her concern will probably be students, as the corner of St. Mary's and Victoria seems to be a bit of a stopping stop point for them and raised concern with a development being "jammed in".

Ms. A.M. Chisholm stated she was present the last time the issue was discussed and expressed hope Council would continue to vote against the development. She stated that Council, when thinking of heritage, should consider living heritage. She provided comment on the Town's vision statement, the town becoming a 'rent all', and devaluation of property. She encouraged Council not to vote in favor of the development.

L. Maclssac questioned whether a water management plan has been provided.

Mayor L. Boucher called on J. Bain to respond to questions.

Mr. J. Bain stated he had noted four (4) questions raised by Mr. Maclsaac and one (1) from Ms. S. Armstrong, and responded as follows:

To Mr. L. Maclsaac's questions:

- For Mr. Maclsaac's property to be considered adjacent the proposed development, it would have to be immediately adjacent.
- With respect as to whether the policies that apply to this would apply to his and another property – depends on the designation, but he would have to look at mapping and overlays, however initially it appears as if it would.

- To Mr. L. MacIsaac's question as to whether Victoria Street is designated 'Old Town' Mr. Bain noted that when the EDPC took over, they did an extensive review of all documents, and didn't find an amendment that removed Victoria Street from 'Old Town'.
- With regard to displacement of storm water J. Bain noted that storm water drainage is based on lidar mapping, which is not suggesting a full 2', but a difference of approximately .6 meters. J. Bain indicated that the water would flow toward back and that that is what is shown on the plan.

To Ms. S. Armstrong's question regarding minimum architectural guidelines J. Bain noted that guidelines are in place to protect the integrity of the street and are considered fine as to how the policy is written. He further noted he believes that is clarified in the report.

Mr. J. Bain noted he has written many reports, and found it gratifying that people had taken the time to review them.

At 8:06 J. Bain concluded his responses and Mayor L. Boucher noted that Council would take the next while to contemplate discussions from the public hearing.

At 8:07 Mayor L. Boucher called the public hearing closed.