
ATTENDING

- Mayor Wendy Donovan
- Deputy Mayor Isabel Madeira-Voss
- Councillor Jodi MacKay
- Councillor Wendy Elliott
- Councillor Mike Butler
- Councillor Jennifer Ingham
- Councillor Oonagh Proudfoot
- Chief Administrative Officer Erin Beaudin, and
- Recording Secretary Barb Shaw

ALSO ATTENDING

- Director of Finance Mike MacLean
- Director of Planning & Economic Development
- Shelley Fleckenstein, Appellant
- Najib Saba, John Dib, Andrew Chater Joint Property Owners

CALL TO ORDER

Chair, Mayor Donovan called the Special DTown Council Meeting to order at 6:30 pm

Agenda Item

Discussion and Decisions

**1. Approval of
Agenda**

**25-03-22 IT WAS REGULARLY MOVED AND SECONDED THAT THE
AGENDA BE APPROVED AS CIRCULATED.**

CARRIED

**2. Public
Input/Question
Period concluded
at 7:03pm**

- Michael & Shon Jeffries: Had a notion of living in a nice residential town close to facilities but Westwood Ave has been downgraded in past 50 years by presence of unmanaged accommodation mostly for students, poorly maintained houses, junkyards and garbage. Looks like a slum, cars parked on lawns. Young residents having noisy parties, they invade our property, there is broken glass on the yard and street. Frustrated at RCMP and Town for being unable to do anything. Giving away Town to residents who don't have a long-term commitment.
- Bob Lutes: Quality of life issues, have called or written at least 100 times about this. Large increase in number of unmanaged rental properties, broken glass. Acknowledge efforts have been and continue to be made but adding more rental units makes it worse. If it doesn't detract from quality of life, there are no issues, but it does and it will until we figure out the other parts. Town needs to review

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planning document that took so long to be created. In the theme of equity, equality and diversity, R1 zone should also be considered as a place to have additional units. Where's the balance? We should be spreading the wealth.

- Neil Balcom: Main Street Wolfville is a precious corridor for visitors and residents. Fleckensteins have been joined by two other homeowners to improve their properties on Main Street. 562 and 606 Main St. are student rentals with unacceptable behaviours. An 18-bedroom unit or more is not a project anyone wants to see along Main Street. This shouldn't be a power struggle between Council and Administration. This is an opportunity for them to work together.
- Barry Wiesner: Questioned how a family get an invitation to appeal this development when construction has been going on for about one year? Relatively new to community but in interaction with seniors, there seems to be a need for more executive seniors type housing, hoping at some point in time there is some control over the funeral home. Why was that place not earmarked for more upscale units attracting long term tenants rather than students coming and going, and lots of parking issues.
- John Roscoe: Seconds everything heard so far. According to Land Use Bylaw, development agreement should be received before you proceed with construction, in order to do that Council is supposed to put a notice on the property identifying date and time for public information meeting. The notice is to be served to close neighbours of the project, giving them two weeks notice of the meeting. Such a notice was never advertised nor delivered to the Fleckensteins. The public had no opportunity to see details of the work. A full meeting route should follow or a fast-track route in the case of very minor renovations, alteration of façade or if only temporary or minor construction not a significant increase in number of bedrooms.
- Jane Lutes: Been here 43 years. Coffee parties with neighbours on the first Friday every month because we knew all the neighbours in the area, now we hardly know anyone. My husband and others now gather together to try and improve the quality of life. Would like Council members to step up and support us. As of April 2018, I have addressed over 10 questions to the Mayor and they are still dealing with the same problems. Frustrating exercise, grateful that Shelley has been able to bring all these issues to light. Look at MOU with

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Acadia and invite residents to be part of it. Look at other cities that have looked at the zoning divisions and get rid of that.

- Linda Wheeldon: Concern around absentee landlords. Teaches at Acadia and some concerns are from students as well. When I spoke to Councillor Elliott, it was mentioned there was interest in looking at a registration for landlords – extremely interested in that.

**3. RFD 017-2022:
Site Plan Approval
Appeal Hearing,
568 Main St.**

Mayor's Opening Remarks:

- This meeting is to focus on the process of the Site Plan Approval. That is what is in consideration; only those elements of the process considered by Development Officer as per Town's relevant Land Use Bylaw.
- There will be an opportunity for staff, the developer and the appellant to speak.
- Instructions given to Council, questions can take place after each speaker, not comments.

Director of Planning & Economic Development:

- Devin Lake, Director of Planning & Economic Development and Development Officer for the Town introduced himself. A detailed staff report was provided in the agenda package.
- High level overview: Received site plan application for conversion of 2-unit dwelling to 5-unit dwelling at 568 Main St. Staff reviewed the application, which was compliant. Decision was appealed.
- Site Plan process is a new process to the Town, most developments are approved or considered through Development Agreement process up until September 2020. Site Plan application takes place at the end of the process as was carried out with this.
- Concerns that have been received are outside of the scope of the Planning Department. Planning does not have the authority to decide who or what kind of people live where in the Town. Many staff are working with the Council in strategy and policy discussions taking place around some of the issues raised by the residents.

• Response to questions from Council:

- Director Lake confirmed there was a sign placed on the ground of the property on December 21st and the notices were sent out shortly afterwards. Our GIS system takes a radius of 30 metres from the

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properties and letters were sent to those residents, don't have the date to hand.

- Director Lake confirmed the parking requirements are being met. In the application, it was classified that units that are 4 bedroom or above are single room occupancies, not because they have to be, but it does trigger additional parking requirements so there is additional parking beyond what would be a typical dwelling unit requirement. One accessible parking spot, but not sure if any of the units are accessible.
- Energy efficiencies: Believe developers have engaged a firm that does Energy Efficiencies to do part of the work and so would assume some improvements will be made.
- Document from Brighter Community Planning Consulting stated it was not allowable for residential units on the first floor. That requirement is relevant to C1 zone which this is not.
- Parking requirements – 10 spaces required which have been met.
- Buffering on this property: Director Lake confirmed at the northern property line there is additional plantings on landscape plan, this is the primary area where buffering is required.
- The only change between the 2008 Land Use Bylaw and the new one which was approved in Fall 2020, apart from the name change, is from C4 to C2 zone and movement from a development agreement to a site plan. During the summer of 2020 when draft MPS and LUB were put out to the community, all property owners and residents received information, there was no challenge received at that time for the zoning on this property specifically.
- Document from Brighter Community Planning Consulting stated no information was provided to the appellant by the Development Officer. Director Lake clarified that plans are available for review at the time. The plans that are now publicly available were made available and notification would have been provided at time of approval which would have included the background and rationale.

Najib Saba & John Dib, Developers

- Owners and operators of Joe's Emporium for 2.5 years. Currently have 7 tenant units with 14 tenants upstairs and have not had any issues. Hold tenants to high standard. No complaints, neighbour disputes or police showing up.

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- Not absentee landlords, recently bought a house in New Minas which is a 10 minute drive. Committed to the neighbourhood. Like it here which is why they are investing in the community. Bringing the building back to life. It was and still is in bad shape. Replaced roof instantly within 30 days of taking over the building. Roof was leaking. Spent over \$40k to clear asbestos from the building which was a risk to the people who had been living there. There was knob and tube wiring from 1930's, leaking roof, collapsing support beams, no insulation. Working on minor renos to bring building up to code where it should be and to make it safe for contractors to work.
- Outdoors will be restored, started with roof but will also redo the siding, painting, professional landscape, fencing. Some are upset with potential number of vehicles but right now on game night, there are over 20 cars parked there.
- Developers read every single one of the letters that came in. Biggest concern was absentee landlord. We are here every day.
- Authentic looking neighbourhood – keeping same upgrading outside and making it look better.
- Concerns over the interests of Wolfville – investing in the community and putting Wolfville first.
- Not renting rooms individually as was also a concern, renting them as units. Not saying these are only for students, open to renting to the whole community.
- There are current issues with finding housing have a list of over 40 people reaching out wanting to rent from all walks of life, not just students.
- Want to dispel rumour that this is an 18-person frat house that is not the case. Screening everyone and holding tenants to high standard.
- Not disrupting the beauty of the neighbourhood and are not changing the structure, enhancing it and bringing it back to life.
- Concerns for noise and commotion. It is a busy area next to the stadium there is currently no monitored parking lot and there were no previous complaints about the noise. Will ensure our tenants meet the requirements for noise and treat the community with respect. Understand people want to keep their neighbourhood to a high standard. Our number one goal is to increase the value of the property which helps the neighbourhood. The building was not a suitable place to live when we took it over, it had asbestos, no

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insulation, but there was still a business and two residential units operating out of that building.

- Will meet all the standards set out in bylaws and laws of the community.
- Respect the rights of the appellant to voice her concerns and speak in this format and respect how she looks after her own property and the other properties she rents out on the street.
- Want to maintain and ensure we care about this community and stayed within the guidelines of the community. Keep and maintain structure and create a place people can live safely and affordably.

- ***Response to questions from Council:***

- Will you have or entertain concept of live in Superintendent on premises? Have thought about it in cases of emergency especially. We have staff of over 55 local people at Joes and a Manager there. If one of us is not available our in-house Manager is always there on site to handle any problems. It is two minutes away. It is something we could consider as part of a rental agreement with a tenant.
- As part of rental agreement will there be specific rules about parking, there are 18 tenants with only 10 parking spaces? Out of the 5 units, every unit gets 2 free parking spaces. We do have the ability to add more if required.
- Could you describe the apartments you found in the building? There were two separate units one was over two floors on right side of the building as looking at it from Main Street and 3 bedrooms on second floor on left side. The 3rd floor was used as storage which was not supposed to be accessible as no outside exit. We blocked off 3rd floor completely. Commercial space downstairs. There were six beds, you could have had 8 bedrooms but 6 actual beds were in the space.
- What type of landlord will you be? We run a tight ship, we set precedents and we listen to our tenants. We don't want to put in time, money and effort to see it taken down by tenants.
- Parking: We are going to fence property in L shape so there is no cut through. Could fit more than 10 spaces, but we want to follow guidelines and be in line with policies of the town. Don't want to say no to a tenant that has a vehicle but also don't see any unit needing more than 2 cars.
- We are going to put in energy efficient heat pumps for every unit – no oil tanks.

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- Native of Wolfville, born in town and with husband has lived here since 2004 at 576 Main St location which is to immediate west of property in question, across Balcom. Raised and educated here, completed undergrad degree at Acadia. Lived in Port Williams but felt pull to hometown to be closer to parents and amenities. Desire to raise our young family on street of own childhood.
- Wolfville Wondering Welcoming – Join the Migration brochure was part of the pull.
- Initially we found ourselves in a party atmosphere with 1 & 3 Balcom a base for transient residents for around 8 months of the year. On numerous occasions we had to get help from police. Frequent parties spilling onto our properties. This prompted us to extend ourselves financially and purchase both those properties in 2014. Monetary gain was not our primary or secondary focus.
- We received notice from Town on February 14th, 2022, letter was postmarked February 11th for this development. It was not sent to us December 21st when the sign went up.
- We were notified in writing of the proposed and that we have the right to appeal to Town Council which we have elected to do so you will overturn this decision.
- We have concluded site plan approval should not have been granted as it is. Reviewed the regulatory mechanisms and the Land Use Bylaw, and we have studied the Municipal Planning Strategy. We have conferred with lawyers and a senior planner at a private community planning firm which is the report Council referenced earlier.
- The property in question is zoned C2. It is the opinion of our independent planner that the application lacks key components and should not have been approved as it is - not enough information to determine if site plan is in line with the MPS or adheres to requirements of LUB.
- Traffic Impact Study – there was some confusion – the Site Plan Approval Application states this is required if the development is over 3,000 m² but in LUB it states required is more than 1,200 m². Mistake in Site Plan Approval form as not consistent with language in LUB.
- Traffic Impact Study should have been done as Balcom is already a busy intersection with Main Street with traffic coming from Acadia gym parking lot. This is going to increase traffic.

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- Believed there is shortcomings in Site Plan Application, and it is argued approval should not have been granted in that this application is incomplete.
- LUB neighbourhood design area requirements include there should be a similar façade of the building in keeping with the original architectural design including window sizes, door sizes etc. Without specifics and elevation, it is unclear if the requirements would be triggered – work has been done in advance of this exercise which it is argued is more than taking out asbestos for safety of contractors. Windows have been altered radically and replaced with small and modern ones – not architecturally in keeping with the original property and are on most sides of the building which are visible from Balcom side.
- Ms. Fleckenstein feels this is unfair as in 2004 she tore down her Carriage House and built a double car garage and had to jump through many hoops including presenting to the Town at various levels on 3 occasions regarding window design for upstairs of new build. Town said design was in poor taste and insisted redressing this issue.
- Development should embrace culture and heritage of the area. Don't believe it does that. Does not conform with neighbourhood design guidelines.
- This conversion threatens to destroy community life on this quiet residential street.
- Don't believe this development aligns with the MPS goals. Concerned intent is to rent bedrooms rather than creating housing in homes.
- This has happened in other areas in Town such as Bay, Fairfield, Westwood and others – very abundantly clear message is that this pattern is unacceptable.
- Acknowledge need for housing and higher densification and all people need accommodation, seniors, young people, middle aged and families. Everyone needs somewhere to live and believe Wolfville should attract diversity in residents in order to thrive.
- Suggest Mayor and Council consider where we can address the current housing challenges. Don't believe this proposal does that, it's focus is on short-sighted investments.
- Ms. Fleckenstein advised she is a member of the Acadia Board of Governors and sits on Town and Gown Committee striving to facilitate positive relationships between Campus and Community.

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- Town has a serious problem with absentee landlords who are not being held accountable for tenant behaviour. Town has failed to implement a tool. Face challenges with town planning due to lack of available, affordable rental accommodation. Scarcity of landlord leadership and responsibility.
 - Council has a larger toolbox than individuals to fix the issues.
 - Need to find a balance.
 - Troubling to think Joe's restaurant staff would be responsible to address issues at the property.
 - Council cannot turn a blind eye to losses suffered by residents in their quality of life.
 - Long term residents will leave the town taking their contribution to the Town with them.
 - 580 and 586 Main St. have changed hands numerous times.
 - In conclusion when assessing 568 Main St site plan approval application, it is: 1) missing components; 2) concern from neighbourhood design perspective, 3) project is clearly controversial and there is reasonable doubt to its approval. Ms. Fleckenstein respectfully asks that Council rescind the approval and implore developer to reconsider their plans for this property.
- **Questions from Council:**
- In response to comment made about there being potentially 36 people in the property, the owner guaranteed it is one person per bedroom and in relation to earlier concern re the 7 units above Joe's, clarified there are 7 two-bedroom units so 14 tenants.
 - In response to question Director Lake clarified there was an oversight on the application form, which was referenced, and which Director Lake had clarified to the appellants solicitor. The Application Form states buildings of 24 units or 3000 m² would trigger a Traffic Impact Study. The LUB states that for Site Plan Approval, which this is, the requirement is 1,200m² and 8 units. The form needs to be changed but in either case this development did not set off the trigger. Brighter Community Consulting's confusion came from the plan of the site on page 24 of package where the lot area is labelled as 1,900m² but that is the overall plot area not the building area. The building area is around 800ft²/760m². The trigger for a Traffic Impact Statement in this case was not met as per the LUB. It doesn't hit any of the numbers quoted to trigger a Traffic Impact Statement.

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- In response to a question regarding the windows and façade of the building and whether it is in keeping with the architectural design on that street. Director Lake advised he believes Ms. Fleckenstein is referencing previous guidelines in place from the 1990's and the way in which bylaws were administered at that time. Since 2015 approval has been given to many different developments within design guidelines area, along East and West Main Street we have applied these fairly consistently and do convene the Design Review Committee for certain types of changes e.g., if demolishing a building or building a new structure. However, when a building is being maintained we would not bring committee together. The guidelines are fairly straightforward, and the Development Officer would work with the applicant on those details.
- In response to a question Director Lake advised the process is when the application is received the sign goes up on the property. When application is approved the letters go out to neighbours and developers.
- In response to a question the Developer confirmed there are two accessible units and building codes have been met with regard to lowering doorknobs/light fixtures etc. in those units.
- ***Comments from Council***
 - ***Mayor Donovan reminded Council that their role in this process is to only consider those things the Development Officer must consider as is there legal responsibility.***
 - Councillor Elliott stated she thinks the Neighbourhood Control Guidelines are not in context with the neighbourhood. This is the first appeal of new MPS/LUB and criteria narrow for approval. Neighbourhood context isn't part of it.
 - Deputy Mayor Madeira-Voss advised she is landlord owning property at 4 Westwood Ave, which is mixed tenants. Always had students in her building and has had them long term, 5 years in some cases. No issues. Students are quiet and find campus too disruptive. Reassured by what's been heard by developers. Feel comfortable this building will maintain architectural integrity and with good landlords can effectively manage noise and disruption with mixed tenants.
 - Councillor Ingham advised she is encouraged by the fact 40 people are interested already and that there are two accessible units and it's open to everyone. Could have people applying that are families.

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Main concern would be being responsible landlords and based on the presentation feel they will be. The decision made by Development Officer is consistent with LUB which is my focus. Thanks to Shelley for her presentation. Lots of things cleared up as lots of misconception on what was heard on the street.

- Councillor MacKay advised her questions were answered and happy with the decision the Development Officer made. Encouraged by accessible units. This housing model works. Acknowledge we have other issues that are being worked through. Encourage developers to reach out to other good landlords in the town.
- Councillor Proudfoot appreciates every perspective and presentations and believes the proper process was followed.
- Councillor Butler advised excited that for this development and believes it is not something that will take away from the neighbourhood. Hearing the presentation from developers there is a change coming on how we can grow and bring mixed residents and be flexible and not negative about a particular group that reside in this town. Thankful for clarification and welcome the development. Trust the developers will listen to the concerns raised.
- Mayor Donovan thanked all the presenters and the residents who took the time to write to us and came to watch and advised Council does take these concerns seriously. Improvements made include a new and stronger noise bylaw, new property standard bylaw, Nuisance Party bylaw, all of which had to be vetted through the province before being able to enforce them.
- Last year Council approved a half time Compliance Officer in addition to the full-time Compliance Coordinator. In last few months they received Special Constable status and can now lay charges. Both working weekends of party events from 9pm to 3am.
- About to look at MOU with Acadia. Need Acadia to help with off campus issues, understanding if there is not a charge Acadia cannot do anything. Senior staff, members of RCMP, members of community and Compliance Officers meet regularly to look at these issues.
- Planning staff are working with landlords to look at business registration. All that information is on Wolfville Blooms.
- Policing Review Committee has been set up. Community Policing is a challenge. Not a criticism of RCMP, but this town has a large requirement for community policing. Public engagement will be happening shortly with this committee.

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- Aware of communities in NS that have prisons and receive more policing resources from province. We believe province should be aware that having a university in a town comes with its own share of issues and we need more resources.
- A Crosswalk bylaw has now been passed, new lit crosswalks in 3 locations: traffic studies underway to assist with the vehicle issue and many initiatives under way to address these things.
- Town's budget is our biggest policy, and we need residents to provide input too. A meeting was advertised to hear your feedback on the budget. If residents want more police/bylaw officers, this is the time to let us know as Council are balancing conflicting priorities.
- The town belongs to all of us, we need to hear from you and plan together.
- Thank you for those who wrote in and took time to take part in this meeting.

26-03-33 IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL UPHOLD THE DECISION OF THE DEVELOPMENT OFFICER TO GRANT SITE PLAN APPROVAL FOR THE PROPOSED DEVELOPMENT ON PID 55279459, 568 MAIN STREET THEREFORE DISMISSING THE APPEAL OF SHELLEY FLECKENSTEIN.

CARRIED

4. Adjournment of Regular Meeting

27-03-22 IT WAS REGULARLY MOVED AND SECONDED THAT THE MEETING ADJOURN AT 8:48 PM.

CARRIED

Approved by Council Motion 17-04-22, April 19, 2022

As recorded by Laura Morrison, Executive Assistant/Town Clerk, Office of the CAO