



Committee of the Whole

April 2, 2019

8:30 a.m.

Council Chambers, Town Hall

359 Main Street

Agenda

1. Approval of Agenda

2. Approval of Minutes

- a. Committee of the Whole Minutes, March 5, 2019
- b. In-Camera Committee of the Whole Minutes, March 5, 2019

3. Presentations

- a. FlowerCart
- b. Annapolis Valley Chamber of Commerce (AVCC)
- c. Town of Windsor

4. Public Input / Question Period

Procedure: A thirty-minute time period will be provided for members of the public to address Council regarding questions, concerns and/or ideas. Each person will have a maximum of two minutes to address Council with a second two-minute time period provided there is time remaining within the thirty-minute Public Input / Question Period.

5. Committee Reports (Internal)

- a. Accessibility Advisory Committee
- b. Planning Advisory Committee



- i. RFD 017-2019: 292 Main Street Development Agreement
- ii. RFD 016-2019: Lot PM1 Development Agreement
- iii. RFD 018-2019: 249 Main Street Development Agreement

c. Source Water Protection Advisory

6. Staff Reports for Discussion

- a. RFD 001-2019 Travel Expense Reimbursement Policy
- b. RFD 019-2019 Skateboard Park Tower Field
- c. Information Report: MPS Update

7. CAO Report

8. Committee Reports (External)

- a. Valley Waste Resource Management (VWRM)
- b. Kings Transit Authority (KTA)
- c. Kings Point-to-Point (KPPT)

9. Public Input / Question Period

Procedure: A thirty-minute time period will be provided for members of the public to address Council regarding questions, concerns and/or ideas. Each person will have a maximum of two minutes to address Council with a second two-minute time period provided there is time remaining within the thirty-minute Public Input / Question Period.

10. Regular Meeting Adjourned



APPROVAL OF AGENDA

Moved

Seconded

That the agenda be approved as circulated and/or amended.

APPROVAL OF MINUTES

a. Committee of the Whole Meeting, March 5, 2019

Moved

Seconded

That the minutes of the March 5, 2019 Committee of the Whole meeting be approved as circulated and/or amended.

b. Committee of the Whole In-Camera Meeting, March 5, 2019

Moved

Seconded

That the minutes of the March 5, 2019 Committee of the Whole In-Camera meeting be approved as circulated and/or amended.

STAFF REPORTS FOR DISCUSSION

a. RFD 017-2019: 292 Main Street

Moved

Seconded

That Committee of the Whole forward the draft development agreement for PID 55278675 to a Public Hearing, subject to a provision of adequate parking, including the provision of two electric car-share spaces and adequate interior bike spaces, and a commitment of ongoing maintenance of the exterior living wall.

b. RFD 016-2019: Lot PM-1

Moved

Seconded

That Committee of the Whole approve the substantial changes to the incomplete Development Agreement for PID #55443048, originally approved at the October 16, 2018 meeting of Council, and forward a new Development Agreement for PID #55443048 to a Public Hearing which includes the changes outlined in this report.

c. RFD 018-2019: 249 Main Street

Moved

Seconded

That Committee of the Whole forward the draft Development Agreement for PID 55275671 to a Public Hearing before a final decision by council.



d. RFD 001-2019: Travel Expense Reimbursement Policy

Moved

Seconded

That Committee of the Whole forward the following motion to Council for decision: That Council approve the amended Policy 120-008, attached, and the changes be effective ~~January~~ April 1, 2019.

e. RFD 019-2019: Skate Board Park Tower Field

Moved

Seconded

That Committee of the Whole forward the following motion to Council for decision: That Council approve increasing the allocated capital spending to support moving the skateboard park from the East End Gateway to a newly developed recreation hub located next to the Tower soccer fields to \$125,000. The increase in Town spending would be to a maximum of \$90,000.

ADJOURNMENT

Moved

Seconded

That the regular Committee of the Whole meeting be adjourned.

ATTENDING

- Mayor Jeff Cantwell,
- Deputy Mayor Jodi MacKay,
- Councillor Mercedes Brian,
- Councillor Wendy Donovan,
- Councillor Wendy Elliott,
- Councillor Oonagh Proudfoot,
- Councillor Carl Oldham,
- Chief Administrative Officer Erin Beaudin, and
- Recording Secretary Jean-Luc Prevost

ALSO ATTENDING

- Director of Finance, Mike MacLean,
- Director Planning & Development, Devin Lake,
- Director Parks and Recreation, Kelton Thomason,
- Manager Economic Development, Marianne Gates,
- Administrative Coordinator, Vanessa Pearson,
- Community Planner, Jeremy Banks, and
- Interested members of the public

CALL TO ORDER

Chair, Mayor Cantwell, called the meeting to order at 8:31 am

Agenda Item	Discussion and Decisions	
1. Approval of Agenda	01-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE AGENDA BE APPROVED AS CIRCULATED	CARRIED
2. Approval of Minutes		
a. February 5, 2019	02-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF FEBRUARY 5, 2019 BE APPROVED AS CIRCULATED	CARRIED
b. January 18, 2019	03-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE IN-CAMERA MINUTES OF THE SPECIAL COMMITTEE OF THE WHOLE MEETING OF JANUARY 18, 2019 BE APPROVED AS CIRCULATED	CARRIED
3. Presentations		
a. Kings County Seniors' Safety Society	Daisy Dwyer, President of the Kings County Seniors' Safety Society, presented to Council on the services they provide, the need for their services especially with the increasing senior population, and the role their Coordinator plays. The Group is requesting \$2000 of funding from the Town to support their work.	

Agenda Item

4. Public Input / Question Period

Discussion and Decisions

George Lohnes:

- Concerned about the proposal for Town Staff to use the RCMP space adjacent to the Town Hall and requested that proposed funding currently in the Operating budget for 19/20 be removed until a public consultation has taken place on the plans.
- Asked if the budget for the EV charging station was firm, and if the Town had opportunity to apply for a similar grant as Acadia?

5. Committee Reports (Internal)

a. Design Review Committee

The Design Review Committee (DRC) met on Wednesday, February 8, 2019 for a scheduled meeting to discuss the revised design for the Development Agreement proposal at 292 Main Street and to provide feedback on the Draft Core Area Design Guidelines.

No motions were passed by the Committee; however, the feedback will be valuable for Staff and Ekistics in preparing the guidelines for PAC and Council review. The DRC will review and provide feedback (which will be provided to PAC and Council) on the final version, once completed.

b. Planning Advisory Committee

The Planning Advisory Committee (PAC) met on Wednesday, February 20, 2019 for their regularly scheduled meeting.

The focus of the meeting was on a Development Agreement Application at 123 Highland Avenue; a motion was passed to move forward to Committee of the Whole. There was also continued discussion of key issues emerging from Draft 2 of the ongoing Municipal Planning Strategy review.

**i. RFD 013-2019
123 Highland Ave**

Community Planner Jeremy Banks presented the Draft Development Agreement for 123 Highland Ave, that allows for the construction of a four-unit residential dwelling and a seven-unit residential dwelling in addition to the existing four-unit residential dwelling.

04-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE COMMITTEE OF THE WHOLE FORWARD THE DRAFT DEVELOPMENT AGREEMENT OF PID 55350045 TO A PUBLIC HEARING BEFORE A DECISION BY COUNCIL

CARRIED

ii. MPS Update

Director of Planning and Development, Devin Lake mentioned that staff were ready to move forward with completed Draft MPS and LUB documents. Direction was needed on some topics from the last PAC meeting;

Agenda Item

Discussion and Decisions

- Inclusionary zoning
 - Options for bonusing to increase the percentage of affordable housing could change from height to accessibility, high performance buildings, parking, etc.
- Personal Office
 - A new definition of Personal Office is being proposed which would allow a personal home business to have a client on site. Councillor Proudfoot requested the removal of the word simultaneously.
- Lodging houses and short-term rentals are being addressed and will be brought to a future meeting.
- Looking to merge R1-A into R2 which allows 2 units.
- A specific request came in from 63 Wickwire to change their zoning from R1 to R2 as they're currently surrounded by high-density residential and commercial.

c. Town and Gown Committee

A 2019/20 Work plan for the Town and Gown Committee was presented to Council which included initiatives under the following categories:

- Communications
- Economic Development
- Facilities/Infrastructure
- Academic Opportunities
- Strategic Planning
- Community Harmony

The detailed work plan is available in the Agenda Package.

Mayor Cantwell called for a break at 10:07 am

The meeting resumed at 10:17 am

6. Staff Reports for Discussion

**a. RFD 012-2019:
2019/20 Budget and
Operations Plan**

The Draft Budget (Version 3) was presented to Council. The direction from Council at the February COW was to bring a balanced budget (V3) to the March meeting, reflecting an average tax increase to residential customers of 1.76% for just over 86% of taxpayers. Both the residential and commercial tax rates see a ½ cent increase.

The final draft before COW is the result of hours of discussion with members of Council and staff and represents the plan for 2019/20 along with budget projections for 2020/21, 2021/22, & 2022/23.

Agenda Item

Discussion and Decisions

05-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE COMMITTEE OF THE WHOLE FORWARD THE FOLLOWING MOTION TO COUNCIL FOR DECISION: That Council approve the 2019/20 Town Operations Plan and related Operating Budget, Ten Year Capital Investment Plan, and the Water Utility Three Year Operating and Capital Budget, including the following details:

- **Town Operating Budget with revenue & expenditures in the amount of \$10,690,100;**
 - Residential Tax Rate of \$1.465 per hundred dollars of assessment applied to taxable residential and resource assessments;
 - Commercial Tax Rate of \$3.575 per hundred dollars of assessment applied to taxable commercial assessments;
 - Taxes to be billed by way of Interim Tax Bill (issued in April, due June 3, 2019) and Final Tax Bill (issued in August, due the September 30, 2019);
 - Interest on overdue amounts to be charged at a rate of 1.25% per month;
- **Town Capital Budget with Year 1 totaling \$4,150,000, including capital reserve funding of \$1,638,425, operating reserve funding of \$100,000, gas tax reserve funding of \$316,900, long term debt funding of \$1,573,425, other/external grant/contribution funding of \$40,000, and \$481,250 from the Town's Water Utility for its share of street infrastructure.**
- **Water Utility Operating Budget with revenues of \$1,166,100, operating expenditures of \$946,500, and non-operating expenditures of \$243,600.**
- **Water Utility Capital Budget totaling \$533,300, including Depreciation Reserve Funding of \$63,300, Capital from Revenue Funding of \$70,000, and Capital from Accumulated Surplus of \$400,000.**
- **Fire Protection Area Rate (pursuant to Section 80 of the Municipal Government Act) of \$0.06 per hundred dollars of assessment**
- **Business Development Area rate (pursuant to Section 56 of the Municipal Government Act) of \$0.29 per hundred dollars of**



Agenda Item

Discussion and Decisions

commercial assessment

- **Sewer fees**
 - Sewer usage rate of \$3.59 per 1,000 gallons of water used by customer;
 - Flat Rate fee of \$69.50 per quarter;
 - Minimum quarterly charge for any metered customer \$17.00;
 - Sewer connection fee of \$3,500, if only sewer hook up
 - Sewer connection fee of \$1,000 if hook up combined with water

- **Low Income Property Tax Exemption**
 - Income threshold to qualify a maximum of \$27,413;
 - Maximum exemption of \$650.

- **Grants to Organizations under General Government/Community Development (not part of Community Partnership Policy)**
 - Acadia Scholar Bursaries \$10,500
 - Wolfville Historical Society \$5,000
 - Acadia University
 - MOU main grant allotment \$35,000
 - MOU Events hosting contribution \$10,000

CARRIED

b. RFD 014-2019: 2019 Pre-Approval Debenture

Annually the Municipal Finance Corporation (MFC) provides two opportunities for municipalities to participate in debenture issues to meet their long-term debt funding requirements. There is a spring and a fall debenture issue. The dollar amounts leveraged through the combined debt requirements of the province’s municipalities allow participants to obtain borrowing rates not otherwise available.

06-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT COMMITTEE OF THE WHOLE FORWARD THE FOLLOWING MOTION TO COUNCIL FOR DECISION: THAT COUNCIL APPROVE THE ATTACHED RESOLUTION FOR PRE-APPROVAL OF PARTICIPATION IN THE SPRING DEBENTURE ISSUE, WITH THE FOLLOWING MAXIMUM PARAMETERS:

STREET INFRASTRUCTURE, INCLUDING: SIDEWALKS, UNDERGROUND		
SANITARY, STORM SYSTEMS	\$724,400	15-20 YEARS
SIDEWALK – BLOMIDON TERRACE	\$100,000	15 YEARS
WATER UTILITY – DISTRIBUTION LINES	<u>\$151,700</u>	20 YEARS
TOTAL BORROWING	<u>\$976,100</u>	

Agenda Item

Discussion and Decisions

MAXIMUM AVERAGE INTEREST RATE SET AT 5.5%

CARRIED

c. Landmark East Update

Economic Development Manager, Marianne Gates gave Council an update about two standing items from the last COW meeting which were about space availability and liability insurance for the community to be able to use the space at Landmark East. They are still waiting for information on insurance, however, Landmark East confirmed that no additional space would be available until the school year is out due to class schedules.

7. CAO Report

The CAO report was attached as a regular agenda item.

**8. Committee Reports
(External)**

**a. Valley Waste Resource
Management
Councillor Elliott**

- Possibility of a charge to business and apartment buildings with more than 4 units.
- Could be up to 6 months before the waste-to-energy sustane plant in Chester is operational.

**b. Kings Transit Authority
Councillor Donovan**

- BDO Canada received the contract for financial audit services for the next three years.
- KTA Transit building being considered in future photovoltaic project.
- Revenue and Ridership, Expenses, Surplus/Deficit and Ridership initiatives have been attached to the committee report.

**c. Kings Point-To-Point
Councillor Brian**

- Direction was requested from Councillor Brian as the municipal units in the IMSA do not all have the same budget increase, which is not common.
- Also seeking support from Council on a multi-year agreement to provide longer term funding.

**9. Public Input / Question
Period**

Audrey Conroy;

- Spoke to Western Regional Housing Authority in the last two weeks who have 89 seniors on waitlist for housing in Wolfville
- The definition of CORE housing needs to also include the word “acceptable” and not just “affordable”.
- There is a “tool kit” for implementing a HomeShare program for seniors which was built around some initiatives across Canada. The funding is available, but Municipalities need human resources to implement.

Agenda Item	Discussion and Decisions
10. Adjournment to In-Camera	07-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT COMMITTEE OF THE WHOLE MOVE TO AN IN-CAMERA MEETING UNDER SECTION 22(2)E OF THE MUNICIPAL GOVERNMENT ACT FOR CONTRACT NEGOTIATIONS AT 11:41 AM CARRIED
11. Adjournment of Meeting	08-03-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE IN-CAMERA MEETING AND REGULAR MEETING OF COMMITTEE OF THE WHOLE BE ADJOURNED AT 11:59 AM CARRIED

Approved by Committee of the Whole Motion XX-04-19.
As recorded by Jean-Luc Prevost, Office of the CAO.

DRAFT

Budget submission to Town of Wolfville

April meeting

The Annapolis Valley Chamber of Commerce is once again submitting a request for \$4,000 to be used for Tourism Marketing of the Annapolis Valley.

AVCC represents 370 business members and their employees in all of Kings County and the eastern half of Annapolis County.

Once again we are pleased to report that our hard work and dedication to tourism is paying off as we see the increase in visitor numbers since we began marketing our region in 2014.

Year-to-date November 2018, Nova Scotia welcomed 2,286,000 non-resident overnight visitors, down slightly by 0.5% (-11,000 visitors) from the same period in 2017. However, compared to the same period in 2016, visitation has seen growth of 8% or an additional 172,000 visitors.

As of the end of November, licensed room nights sold in Nova Scotia of 2,658,000 are up 1% compared with the same period in 2017.

In the Annapolis Valley and Bay of Fundy region (which includes Truro, Parrsboro area) the number of licensed room nights sold was 346,000 for year-to date end of November 2018. Remember this is only licensed properties and does not include Air BnBs, cottage rentals, vacation home rentals or universities.

We know that there were times last year in peak season when there was a deficiency in rooms. Some weekends rooms were not available between Halifax and Middleton. More proof of the growth of the industry.

In her address to the Tourism Industry Association, Tourism NS CEO Michele Saran reported that:

“The Ivany Commission produced a report that identified big challenges facing our province, like our fiscal situation and aging population. It told us that we had to change our attitudes and that clinging to old

approaches to business and government were not going to move us forward.

We were challenged to come up with new ways of doing things, and to invest our time and resources to drive results.

It's exciting to see how tourism businesses, community organizations and municipal, provincial and federal governments are responding to this call to action.

Nova Scotia needs industries like ours to pull out all the stops. We need to be more than good, we need to be great.”

When we think of tourism we tend to think only of the person who is coming to Nova Scotia on holiday. Tourism is much bigger than that. It includes Nova Scotians travelling within Nova Scotia, it includes people who are visiting friends and relatives, it includes people who are travelling to parts of Nova Scotia for sports tournaments and dinners. And because tourism is so big and broad, it impacts all parts of the province.

Tourism is the taxi driver who is taking you from the airport to Halifax.

Tourism is the chef in the restaurant in Antigonish.

Tourism is the cruise ship docking in Sydney.

Tourism is the Magic Winery Bus welcoming visitors for a Saturday or Sunday.

It's the spending that is done by these visitors that is used to calculate tourism revenues.

As of 2017, tourism revenues are estimated at \$2.7 billion. Of that, 37% (or just over \$1 billion) is from Nova Scotians travelling within Nova Scotia. And 63% (or about \$1.7 billion) is from non-resident visitors coming to Nova Scotia.

One big change for 2019 is the demise of the Tourism Nova Scotia Distribution Center. The physical building had to be torn down to make way for the expansion of the Dartmouth General Hospital and TNS decided they didn't need to be in that business anymore. This will put

more pressure on operators to get their information to the Visitor Information Centers across the province.

There is a group of interested parties in our region that have met and continue to communicate about ideas of how to help our operators get their rack cards sent out.

Tourism Nova Scotia states that only 11% of travelers visit the VIC's. There are numbers that dispute this, especially in rural areas so we will do what we can to help.

There is a regional committee also working together to have a 6 booth display at Saltscapes Expo at the end of April in Halifax. The committee includes the Towns of Wolfville, Kentville, Berwick, The County of Kings, the Wolfville Business Development Corporation, Acadia University, AVCC and The Valley REN.

In 2018 presentations were made to all the towns and municipalities in order to obtain funding to continue to market our region. Collaboration and cooperation are no longer terms that are only spoken and this can be clearly seen through our campaign as municipalities and towns across our region have provided funding so that we are able to continue to grow. The committee is 100% volunteer with the administration work being completed by the Chamber, which allows all of the funding received to go directly into our marketing plan. We were able to partner with our municipalities for a total of \$43,000. Short of our total ask of \$69,000 so campaigns had to be shortened in length or number of spots.

TV commercials, CTV Morning Live, newspaper advertising are just a few of the ways that we promote our region. The regional map that was created by local cartographer, Marcel Morin has been a great addition to our resources. An interactive map will be the next step in this project.

The partnership with Tourism Nova Scotia that allowed us to invest in photographs and drone footage through the Inspiring Content Program (50/50 marketing \$) will give us more assets in our marketing tool box.

As you know, each year we present an update and overview to all councils when we submit our request for funding. While we will continue to keep councils updated and informed this year we are asking that the tourism funding from the Town of Wolfville be a budget line item of \$4,000 annually for 3 years so we are better equipped to plan

ahead each year to maximize our ability to leverage other funding sources to better serve our region.

As a reminder-In Tourism Nova Scotia's CEO Michelle Sarans' address to the TIANS conference in 2017, this is how she described Communities Role in Tourism.

“Community's role (which includes municipalities, regional marketing associations, events, and organizations with tourism interests) is to work with businesses to give people a reason to come to a given area and spend money. It's about destination development and marketing that will drive business growth and job creation. Another important role for communities is visitor servicing. Offering amenities like parking and public washrooms is important. Making sure locals know what's going on so they can tell people what they can do is also key to reaching \$4 billion in tourism revenues by 2024.”

In closing we would like to thank you for your time and your support throughout our campaign.

COMMITTEE UPDATE

Title: Accessibility Advisory Committee
Date: April 2, 2019
Department: Town Council



UPDATE

The Committee met on Monday March 11th at the Town Hall. Councillor Oonagh Proudfoot, Councillor Mercedes Brian, and Chair of the Committee, Agnieszka Hayes presented on March 13th as part of the Acadia University Accessibility Week, on the work of the Committee so far, and next steps.

The draft annual Work Plan was presented to the Committee and there was discussion regarding organizing a launch event in the community to celebrate and communicate the Plan. The date of May 1st has been earmarked with the Farmer's Market for the event with more details to be agreed.

COMMITTEE UPDATE

Title: Planning Advisory Committee
Date: April 2, 2019
Department: Planning & Development



UPDATE

The Planning Advisory Committee met on Thursday March 21st, 2019. The meeting focused on:

- Parking Management: Staff led a discussion on work-to-date related to parking management in the Town, including an update on the 2018 parking counts - similar to the update provided to Council at a recent Committee of the Whole.
- Development Applications being considered at April 2, 2019 Committee of the Whole:
 - 249 Main Street Development Agreement
 - Lot PM-1 Development Agreement changes
- LPPANS/NSPDA Spring Conference update and PAC member interest in attending

REQUEST FOR DECISION 017-2019

Title: 292 Main Street
Proposal for Development Agreement
Date: 2019-04-02
Department: Planning and Development



SUMMARY

The Applicant and property owner of 292 Main Street, Kevin Gildart of 292 MAIN STREET DEVELOPMENTS LIMITED, is seeking a development agreement to allow for the development of a mixed use residential and commercial building, with 60 residential dwelling units, commercial retail area located on the ground floor, and 27 parking stalls. Public amenities include \$150,000 in sidewalk improvements, rooftop patio, \$5,000 annually for public art contributions, and \$66,000 cash-in-lieu for dedicated parking. Planning Advisory Committee had specific areas of concern around parking, bike parking, greenspace maintenance, and the inclusion of car-shares.

Motion from PAC

THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL REGARDING THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55278675 SUBJECT TO A PROVISION OF ADEQUATE PARKING, INCLUDING THE PROVISION OF TWO ELECTRIC CAR-SHARE SPACES AND ADEQUATE INTERIOR BIKE SPACES, AND A COMMITMENT OF ONGOING MAINTENANCE OF THE EXTERIOR LIVING WALL.

DRAFT MOTION from PAC:

THAT COMMITTEE OF THE WHOLE FORWARD THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55278675 TO A PUBLIC HEARING, SUBJECT TO A PROVISION OF ADEQUATE PARKING, INCLUDING THE PROVISION OF TWO ELECTRIC CAR-SHARE SPACES AND ADEQUATE INTERIOR BIKE SPACES, AND A COMMITMENT OF ONGOING MAINTENANCE OF THE EXTERIOR LIVING WALL

REQUEST FOR DECISION 017-2019

Title: 292 Main Street
Proposal for Development Agreement
Date: 2019-04-02
Department: Planning and Development



1) CAO COMMENTS

None required.

2) LEGISLATIVE AUTHORITY

See Staff report (attached) titled: 292 Main Street, Proposal for Development Agreement, March 7, 2019.

3) STAFF RECOMMENDATION

That Council approve the proposed substantial alterations to 102 Main Street, as outlined in Attachment 2.

4) REFERENCES AND ATTACHMENTS

- (a) Staff report: 292 Main Street, Proposal for Development Agreement, March 7, 2019.

5) DISCUSSION

This application is the result of 2 year consultation process which included a Public Information Meeting, direction from Planning Advisory Committee, and multiple meetings with the Design Review Committee. More than 7 designs were submitted to Staff over this time. The current design has been met with positive recommendations from Design Review Committee, Staff, and Planning Advisory Committee. Several elements of the development agreement require final approval by the Director of Parks.

Planning Advisory Committee included recommendations that Council ensure adequate parking, including the provision of two electric cars used for car-share and adequate interior bike spaces, and a commitment of ongoing maintenance of the exterior living wall is included.

6) FINANCIAL IMPLICATIONS

If approved this proposal will offer dwelling units with a substantially reduced environmental impact, increase the volume of dwelling units during growing demand and increasing rents, and offer significant increases to Town of Wolfville property tax which can be used to offset growing infrastructure deficits, strengthen enforcement activities and/or increase recreation programming.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

See Staff report (attached) titled: 292 Main Street, Proposal for Development Agreement, March 7, 2019.

REQUEST FOR DECISION 017-2019

Title: 292 Main Street
Proposal for Development Agreement
Date: 2019-04-02
Department: Planning and Development



8) COMMUNICATION REQUIREMENTS

If approved, a public hearing will require advertising and direct mail to residents.

9) ALTERNATIVES

Alternatives to the above recommendation may include:

- a. Recommend the proposal, subject to specific changes.
- b. Recommend specific changes and that another review by the Planning Advisory Committee take place.

REQUEST FOR DECISION 017-2019

Title: 292 Main Street
Proposal for Development Agreement
Date: 2019-04-02
Department: Planning and Development



ATTACHMENT (A)

292 Main Street, Proposal for Development Agreement, March 7, 2019.

REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
 Proposal for Development Agreement
 March 7, 2019
 Planning & Development



APPLICANT	Kevin Gildart, of 292 Main Street Developments Ltd.
PROPOSAL	To construct a mixed use residential and commercial building at 292 Main Street, with 60 dwelling units and ground floor commercial space. The dwelling units shall be split between 10 permanent hotel units, 40 permanent residential dwellings and 10 units that are seasonal rentals (May through August only).
LOCATION	292 Main Street (PID 55278675)
LOT SIZE	16,018 Square Feet
DESIGNATION	Central Commercial (CC)
ZONE	Central Commercial (C-1)
SURROUNDING USES	Residential (multi and single-unit dwellings), commercial, park, waterfront and trail, parking, Randall House Museum
ARCHITECTURAL GUIDELINES	Downtown
NEIGHBOUR NOTIFICATION	Sign placed on property, letters sent for Public Information Meeting, email list notified of PAC consideration. Additional notification required for future steps in the process.

PROPERTY LOCATION



292 Main Street is located north of Willow Park, highlighted in red on Figure 1.

Figure 1 – Context Map

REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
Proposal for Development Agreement
March 7, 2019
Planning & Development



PROPOSAL

The Applicant and property owner of 292 Main Street, Kevin Gildart of 292 MAIN STREET DEVELOPMENTS LIMITED, is seeking a development agreement to allow for the development of a mixed use residential and commercial building, with 60 residential dwelling units, and a commercial retail area located on the ground floor.

The drawing package submitted by the Applicant is included below and included in the draft development agreement. Previous designs can be found [here](#). More detailed floor plans, a landscape plan provided by a landscape architect (and integrated with improvements envisioned for the East End Gateway), and other details requested by PAC and Council will be provided as the process moves forward and feedback is provided.

Rendering from South side of Main Street (South-East corner of Main and Willow) (Figure 2)



292 MAIN STREET
2019.01.09



REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street

Proposal for Development Agreement

March 7, 2019

Planning & Development



Proposed Front and Rear Elevations (*Figure 3*)



REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street

Proposal for Development Agreement

March 7, 2019

Planning & Development



Proposed Side Elevations (Figure 4)

292 MAIN STREET Elevation
2019.01.09

West Elevation



East Elevation



REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street

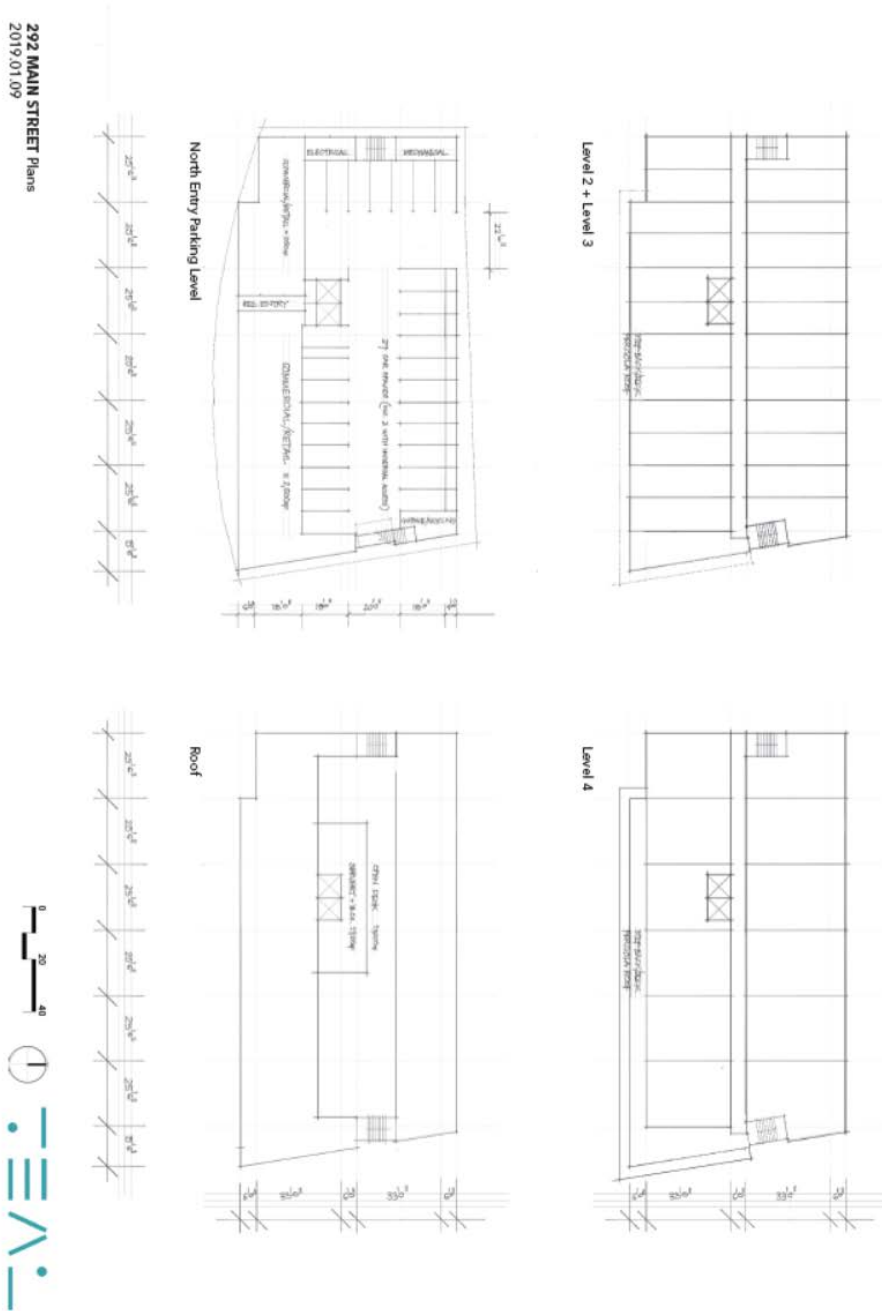
Proposal for Development Agreement

March 7, 2019

Planning & Development



Proposed interior plans (Figure 5)



REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
Proposal for Development Agreement
March 7, 2019
Planning & Development



PROCESS & NEXT STEPS

Section 230 of The Municipal Government Act (MGA) establishes the process for the approval of a Development Agreement. This process requires review by the Planning Advisory Committee and the holding of a Public Hearing by Council prior to a decision by Council to approve or reject the proposal. The decision by Council may be appealed to the Nova Scotia Utility and Review Board by an aggrieved person or by the Applicant.

The first stage of the application review process began at the Public Information Meeting (PIM) held on June 15, 2017. Property owners within 100 metres of the development were notified by mail, indicating that the site was subject to a development agreement application. The purpose of the PIM was to provide the public with an opportunity to offer preliminary feedback on the request and allow the applicant to answer any questions that would arise. Notes from this session have been included as 'Attachment 2' and assisted the review process in identifying issues, support or concerns raised by residents.

The initial presentation to the Design Review Committee (DRC) took place in September of 2017. Feedback from the committee led to the Applicant making some minor design revisions and the DRC reviewed the application again in January 2018.

The Planning Advisory Committee reviewed an initial request for direction regarding specific issues - height and parking - related to a previous building design (see [here](#) for previous designs). The feedback from PAC has informed the redesign of the building that is outlined in this report for consideration.

The redesigned proposal (outlined in this report) was presented to the DRC on February 8, 2019 (see below for further details on the DRC review process). The next step in the Development Agreement process (as shown below), will be to have the Planning Advisory Committee (PAC) review this report and provide a recommendation to Council. Council will then provide Initial Consideration, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council.



Figure 6 – Development Agreement Process

POLICY REVIEW & DISCUSSION

The property is designated Central Commercial (CC) in the [Municipal Planning Strategy](#) (MPS) and zoned Central Commercial (C-1) in the [Land Use Bylaw](#) (LUB). The property is approximately 16,018 square feet in size with a development constraint on the site, as it is within an area of flood risk.

REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
Proposal for Development Agreement
March 7, 2019
Planning & Development



The Municipal Planning Strategy (MPS) includes a number of policies for Council to consider when reviewing such an application. This section provides relevant policies for this development proposal and discussion on criteria set out within these policies.

This proposal is enabled for consideration by development agreement by MPS policies 9.2.4, 9.2.9, and 12.1.7 which require development agreements for new main buildings of more than 100 m², for proposals of more than two floors, and for new main buildings within Architectural Control Areas (see below for more details).

Staff recognize the potential for conflicting legal interpretation regarding the above MPS policies with Land Use By-Law 12.3, which states "...three storey buildings may be considered by development agreement (subject to MPS policy 9.2.9)".

Staff have considered Land Use By-Law 12.3 in the creation of this report. Staff have prepared this report based on the applicable policies in the MPS and have endeavoured to maintain consistent policy interpretation on building height with previous approvals in the C-1 zone.

Municipal Planning Strategy – Part 5 – Objectives

Within the list of objectives outlined in Part 5 of the MPS, the objectives most relevant to the proposed development are 5.1.2, 5.1.9, 5.1.12 and 5.1.20. These objectives read as follows:

"5.1.2 to reduce our ecological footprint and dependence upon fossil fuels"

"5.1.9 to manage growth and control land use and development in a manner that will minimize urban sprawl and increase density and reduce conflicts between land uses in a manner that is compatible with the Town's Sustainability Declaration and Vision."

"5.1.12 to encourage the preservation of the architectural and cultural heritage of the Town and minimize the impact of new development on this heritage."

"5.1.20 to enhance and strengthen the downtown central commercial district of Wolfville as the focal point of commercial and community activity"

Municipal Planning Strategy – Part 6 – Conservation and Stewardship Policies

Part 6 states:

"6.1.17 to limit the types of land uses permitted on a floodplain and require flood proofing for construction in flood risk areas."

Municipal Planning Strategy – Part 9 – Central Commercial

The existing Municipal Planning Strategy Part 9 states:

REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
Proposal for Development Agreement
March 7, 2019
Planning & Development



“9.1.1 to develop and implement a “downtown greening plan” which would include tree planting, planting beds, street trees, and landscaped sidewalk areas.”

“9.1.2 to encourage and participate in the beautification and upgrading of the downtown commercial designations and maintain a pedestrian scale at the street level.”

“9.1.6 to encourage and support initiatives aimed at increasing pedestrian traffic and fostering “life on the street” such as the sidewalk café policy, outdoor markets, outdoor concerts and entertainment”

“9.1.9 to encourage and support the efforts of the WBDC in creating a sustainable business climate in the downtown.”

“Policy 9.1.10 to encourage and foster greater density and mixed use compact development in the downtown core”

“9.2.4 to consider only by development agreement in areas zoned Central Commercial (C-1) proposals for:
• *new buildings in excess of 100 square metres building floor area in accordance with policies 12.1.4, 12.1.5 and 18.6.1...”*

“9.2.5 to establish architectural controls to include the area designated Central Commercial (CC) as set out in policies 12.1.2, 12.1.3, 12.1.4, 12.1.5, and 12.1.7 and to control alterations to the public façade of buildings through special provisions in the Land Use By-law”

“9.2.9 to establish the normal building height for as-of-right development in the C-1 zone at two storeys. Buildings in excess of two storeys may be considered by development agreement in accordance with policies 12.1.4, 12.1.5, 12.1.7 and 18.6.1”

Municipal Planning Strategy – Part 12 – Architectural Heritage

MPS Part 12 outlines how Council can control the appearance of buildings in Architectural Control Areas. It states:

“12.1.2 to designate the areas shown on Map 4 - The Architectural Control Areas Map, as Architectural Control areas where the appearance of buildings and streetscapes will be controlled either through special provisions in the Land Use By-law or by development agreement.”

“12.1.3 to incorporate special provisions in the Land Use By-law for the lands designated Architectural Control areas with respect to the public facades of:

- *new buildings*
- *additions or alterations to existing buildings*
- *accessory structures greater than 50 sq. metres in total area*

In order to ensure the compatibility of new buildings and additions and alterations with the established architectural character of the neighbourhood these special provisions shall control architectural style, building length to width

REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
Proposal for Development Agreement
March 7, 2019
Planning & Development



ratio; height, roof shape and the appearance of exterior cladding and roof materials, architectural details and the shape and the size of porches, doors and windows and window area to wall area ratio”.

“12.1.4 to require that all developments located within a designated Architectural Control Area be consistent with the design principles and guidelines contained in the appropriate Architectural Guidelines Manual”

“12.1.5 to ensure that when considering development agreements the architectural character of any proposed new building, or the addition to or alteration of any building is visually compatible with the established architectural character of other buildings in the neighbourhood, in terms of height, bulk, scale, roof shape, materials, and relationships of windows and doors and architectural details. Require that the applicable Design Review checklist contained in the Architectural Guidelines Manuals be satisfactorily completed as part of the development agreement application”

“12.1.7 to consider only by development agreement in the area designated as Downtown Architectural Control Area proposals for new main buildings in excess of 100 square metres, additions to existing buildings that constitute more than 25% of the building floor area of the existing building, and additions to registered heritage properties that constitute more than 10% of the building floor area of the existing heritage building in accordance with policy 18.6.1”

Municipal Planning Strategy – Part 15 – Parking

Parking criteria for development agreements states that Council shall:

15.1.1 establish parking standards. ...where developments are permitted by development agreement, the agreement makes provision for adequate parking to serve the proposal and encourages alternatives to impermeable surfaces

Municipal Planning Strategy – Part 18 – Implementation

The last criteria outlined in Policy 8.7.3 of the MPS states that a “development is in accordance with Policy 18.6.1.” Policy 18.6.1 of the MPS contains general policies that are to be considered for all development agreement applications. An overview of issues arising from these general criteria is reviewed below in Table B while a summary of the entire policy, with Staff comment to each criterion, is provided as *Attachment 1*.

Table A – Discussion of MPS Policy 18.6.1

Select Criterion	Discussion
1. Conflict with adjacent land uses	Section 18.6.1 (b) of the MPS states: <i>“to ensure that the development does not cause conflict with adjacent land uses, disturb the quiet enjoyment of adjacent lands, or alter the character and stability of surrounding neighbourhoods... (i) The type and intensity of use;”</i>

REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
 Proposal for Development Agreement
 March 7, 2019
 Planning & Development



	<p>The proposed use of 60 dwelling units, divided 40 as permanent dwellings, 10 as hotel, and 10 as seasonal hotel (May – August), and commercial space is significantly more intensive than vacant land. Intensity of use, including increased density of dwelling units, is intended for the Central Commercial (C-1) zone. By intensifying the use of this site to include 40-50 Residential dwellings, the ecological footprint of residents living in the proposed development can be more easily reduced, when compared to low density areas of the Town and surrounding region, consistent with Principle 4 of the Melbourne Principles Adapted for Wolfville (Appendix 1 of the current MPS). This proposal also provides employment opportunities, promotes active living, and provides density required for future adoption of improved transit in the Town.</p> <p>Surrounding commercial and adjacent parkland uses will see an increase in traffic, tourism, parking, and retail activities because of this development, as intended for developments within the Central Commercial (C-1) zone.</p>
<p>2. Parking, Traffic & Egress</p>	<p>Section 18.6.1 (g) of the MPS states:</p> <p style="padding-left: 40px;"><i>“to ensure that the proposed site and building design provides the following:</i></p> <p style="padding-left: 40px;"><i>(ii) functional vehicle circulation and parking and loading facilities designed to avoid congestion on or near the property and to allow vehicles to move safely within and while entering and exiting the property;”</i></p> <p>Given the emerging parking management strategy and consideration of the number of student-residents 60 anticipated for this development, staff believe a parking ratio of 0.8 is appropriate, which would require 40 parking spaces.</p> <p>Based on feedback from previous PAC meetings, a ratio of 1:1 has been discussed. Using this formula, the building would require 60 parking spaces.</p> <p>27 parking spaces are provided internally. In addition, the applicant has offered \$66,000 as cash-in-lieu for the remaining</p>

REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
 Proposal for Development Agreement
 March 7, 2019
 Planning & Development



	<p>parking required. The cash-in-lieu contribution shall be designated to assisting with a town-led approach to managing parking in the Central Commercial zone.</p> <p>Additional information related to parking can be found in Attachment 3, Parking Concerns.</p>
<p>3. Architectural Features</p>	<p>Section 18.6.1 (g) of the MPS states:</p> <p><i>“to ensure that the proposed site and building design provides the following:</i></p> <p>(viii) <i>architectural features, including but not limited to, mass, scale, roof style, trim elements, exterior cladding materials, and the shape, size and relationship of doors and windows; that are visually compatible with surrounding buildings in the case of a new building or with the existing building in the case of an addition;”</i></p> <p>The proposed building will contribute to changing neighborhood character, as the existing commercial uses in the immediate area have, and new developments will, such as: 336 Main (Micro Boutique), the redevelopment at 327/9 Main (Church), and the East Gateway area redesign (including a new main building [Visitor’s Information Centre]). The proposed building, and the associated changing neighborhood character, can be described as enhancing or detracting from the existing diverse neighborhood character of commercial and residential uses, depending on one’s perspective.</p> <p>In response to a variety of perspectives, the applicant has altered the design of the proposal multiple times – repeatedly altering the design to respond to community response, advise from Staff, and through listening to the Planning Advisory Committee. This work can be reviewed in the variation of design from early public information meetings to today.</p> <p>The Design Review Checklist from the Architectural Guidelines Manual has been reviewed with the Town’s Design Review Committee and the Committee was in full support of the current proposal. Further, the Architectural Guidelines Manual permits innovation and change, therefore, Staff believe this innovation in design should be considered. It reconciles a variety of Municipal Planning Strategy policies regarding the Central Commercial (C-1)</p>

REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
Proposal for Development Agreement
March 7, 2019
Planning & Development



	<p>zone, sustainability, density, primarily “reads” as three-storeys from Main Street, contains a modest fourth floor stepped back from the street, and a fifth-floor rooftop amenity for residents and visitors of Wolfville in the form on a rooftop patio & restaurant. For these reasons Staff believe this proposal is compatible with surrounding context.</p> <p>For detailed information on this item, see Attachment 2 section 18.6.1 (g)(viii)</p> <p>For additional information on architecture and impacts of the proposal see Attachment 2 section 18.6.2(b)(ii) the height, mass or architectural design of proposed buildings.</p>
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Staff believe the development proposal is consistent with the intent and criteria set out in Policy 18.6.1 of the MPS. A detailed table for MPS Policy 18.6.1 with Staff comments to each criterion is provided in *Attachment 1*.

REVIEW FROM OTHER DEPARTMENTS

Traffic impact statements from the applicant have been reviewed by the Traffic Authority (Town Engineer), with no comments or concerns at this stage. Further monitoring of traffic will be required, and possible actions have been identified.

The proposal is within the East End Gateway where the Town is moving forward with detailed design for improved parking, landscaping features, a new Visitor Information Centre, public art and placemaking improvements. It is essential the 292 proposal be considered against the improvements for the East End Gateway and the Director of Parks and Recreation has been and will continue to be consulted. Additional work is required on integrating the two sites, depending on the outcome of PAC and Council reviews. A detailed landscaping plan for the 292 site (integrated with the East End Gateway) will be a part of a final Development Agreement package.

REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
Proposal for Development Agreement
March 7, 2019
Planning & Development



DESIGN REVIEW COMMITTEE (DRC) SUMMARY

The original meeting on September 15, 2017 included renderings of a five-story building with an 8 ft base height for the ground-floor commercial space. Feedback from the DRC suggested that a more appropriate ground floor height would be 12 - 16 ft, and that additional height, or floors, would not significantly alter the pedestrian experience at the podium, or base, of the building. DRC carefully considered the pedestrian experience of the site, including the east and north facing wall and streetscape, to be critical and to require enhancements.



Figure 7 – A rendering of the building as composed for September, 2017

At the second meeting of the DRC on January 18, 2018, the applicant had incorporated DRC feedback into the existing proposal, which includes a 16ft ground floor commercial space, east and south-facing streetscape improvements, including wrap-around commercial space, as well as north-facing public art improvements to the pedestrian experience near the Harvest Moon Trail.



Figure 8 – the proposal as of January 2018

No additional architectural feedback was provided yet the DRC was not in agreement on support for the building. It was acknowledged that the applicant had incorporated all feedback, yet comments on this proposal acknowledged that residents may not be prepared for this height. Design Review Committee did not find consensus on a recommendation for this proposal.

REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
Proposal for Development Agreement
March 7, 2019
Planning & Development



A third redesign of the building occurred after a special meeting of the Planning Advisory Committee (PAC), negating the need for Council to consider the recommendation of PAC as it pertained to a proposal that no longer exists. The third redesign of this application was presented to DRC on February 8, 2019. At that meeting the Design Review Committee found consensus that the design is appropriate for the



Figure 9 – The proposal as of February 2019

Town of Wolfville yet also recognized that the community feedback and/or architectural guidelines have resulted in negative design components, such as a reduced height commercial space, and reduced pedestrian activity on the east (and north) sides of the building as internal space has been dedicated to parking. The Design Review Checklist was reviewed, and all items applicable to this development were successful.

The key statement arising from the Design Review Committee process is that this building meets the architectural guidelines, as written in the 1992 Downtown Architectural Guidelines Manual. This proposal is a more-contemporary solution to the guidelines outlined in the Downtown Architectural Guidelines Manual than has been proposed in the past, and should be considered as per page 4, par. 1 of the Downtown Architectural Guidelines Manual, which states:

“the Planning Advisory Committee is open to alternative approaches, but it is the Applicant’s responsibility to demonstrate an alternative approach will be successful “

The Design Review Checklist requires the proposal to address items such as:

- Site Layout
- Vehicular Access and Parking
- Building Form and Materials
- Screening and Landscaping, Signage

The checklist can be viewed on page 27 of the Downtown Architectural Guidelines found online at this [link](#)

SUMMARY OF DRAFT DEVELOPMENT AGREEMENT PROVISIONS

The Draft Development Agreement, as attached (*Attachment 5*), requires the following:

- 27 internal parking spaces

REPORT TO PLANNING ADVISORY COMMITTEE

292 Main Street
Proposal for Development Agreement
March 7, 2019
Planning & Development



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- Cash-in-lieu parking contribution of \$66,000
 - Energy efficiency of 40% over National Building Code
 - Annual contribution of \$5,000 to the Art in Public Spaces Committee, dedicated to public art at or near 292 Main Street
 - A final landscape plan integrated with the East End Gateway
 - Public access to rooftop patio
 - Streetscaping along Main Street estimated at more than \$150,000

COMMENTS & CONCLUSIONS

The subject property is currently vacant. The development agreement application proposes the construction of a new mixed-use building containing 60 dwelling units and commercial space.

Staff believe the development proposal meets the overall intent of the Municipal Planning Strategy and is consistent with relevant policies.

STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee provide a positive recommendation to Council regarding the Draft Development Agreement for PID 55278675.

ALTERNATIVES

Alternatives to the above recommendation may include:

- Recommend the proposal, subject to specific changes.
- Recommend specific changes and that another review by the Planning Advisory Committee take place.

ATTACHMENTS

1. Policy Summary Tables
2. Public Information Meeting Notes
3. Parking Considerations
4. Design Package
5. Draft Development Agreement

ATTACHMENT 1 – Policy Summary Tables

Policy 18.6.1 of the MPS states the general policies for all development agreements. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

General Development Agreement Policies of the MPS (Section 18.6.1)	Staff Comment
<p>(a) <i>to ensure that the proposal conforms to the intent of the MPS and to all other applicable Town By-Laws and regulations, except where the application for a development agreement modifies the requirements of the LUB or Subdivision By-Law.</i></p>	<ul style="list-style-type: none"> This proposal is enabled for consideration by development agreement and in Staff’s opinion the proposal is consistent with the intent of the MPS.
<p>(b) <i>to ensure that the development does not cause conflict with adjacent land uses, disturb the quiet enjoyment of adjacent lands, or alter the character and stability of surrounding neighbourhoods through:</i></p>	
<p>i) <i>the type and intensity of use</i></p>	<p>The proposed use of 60 dwelling units, divided 40 as permanent dwellings, 10 as hotel, and 10 as seasonal hotel (May – August), and commercial space is significantly more intensive than vacant land. Intensity of use, including increased density of dwelling units, is intended for the Central Commercial (C-1) zone. By intensifying the use of this site to include 40-50 Residential dwellings, the ecological footprint of residents can be more easily reduced than those living in low density areas. This proposal also provides employment opportunities, promotes active living, and provides density required for improved mass transit opportunities in the Town.</p> <p>Surrounding commercial and adjacent parkland uses will see an increase in traffic, tourism, parking, and retail activities because of this development, as intended for developments within the Central Commercial (C-1) zone.</p>
<p>ii) <i>the height, mass or architectural design of proposed buildings</i></p>	<p>The proposed development has been reviewed by the Design Review Committee. The most recent proposal is recognized as an innovative alternative that demonstrates value for the downtown</p>

Commercial Core (C-1) zone. For more details on Design Review comments for this proposal, see the associated section in the Staff Report above.

Concerns around the limited on-site parking and associated impacts were highlighted. Parking concerns are addressed below, as part of section g(ii) *functional vehicle circulation and parking and loading facilities designed to avoid congestion on or near the property and to allow vehicles to move safely within and while entering and exiting the property.*

The proposal contains 4 floors within 39 feet and includes a 5th floor “servery” space as part a rooftop patio. The fourth floor is set back from the edge of the third floor and architectural features are used to minimize the visual impacts of a 4th floor. The 5th floor “severy” space is centered on the footprint, further diminishing it from views on the street. This can be seen in attachment 4, Design Package.

Past approvals consistently required buildings along Main Street clearly “read” as three floors at first glance. Buildings with architectural-feature height of more than 39’, or including more than 3 floors, have consistently been approved in the immediate area and in the Town of Wolfville. These include full-height basements (a fourth floor) used for parking, storage, commerce or dwelling, or architectural features such as turrets and roof-peaks (features which exceed 39 feet in height). Large-scale buildings that have found appreciation from temporary and/or permanent residents of Wolfville include Wolfville Senior’s Lodge, L’Arche Homefires, Woodman’s Grove multi-unit Dwellings, Blomidon Inn, Railtown multi-use building, Micro-Boutique lofts, and various other multi-unit residential dwellings and B&Bs east, west and south of the Central Commercial (C-1) zone.

Based on multiple factors, including added vibrancy, past council decisions (regarding basements and architectural features), location of mechanical units, and environmental factors which constrain a basement parking area, Staff believe the current 5 storey building, which “reads” as three storeys from Main Street, provides on-site parking and a public amenity space on the 5th floor, is an innovative and appropriate compromise. This compromise enables an additional floor, similar to permitted basements or parking garages in past approvals, yet minimizes the architectural impacts through innovative design that continues to “read” as three floors from Main Street.

For more information associated with this topic see Staff comment below on section 18.6.2 (viii) *architectural features, including but*

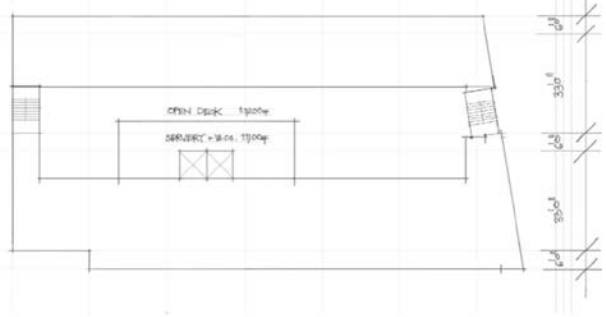

	<i>not limited to, mass, scale, roof style, trim elements, exterior cladding materials, and the shape, size and relationship of doors and windows; that are visually compatible with surrounding buildings in the case of a new building or with the existing building in the case of an addition</i>
<i>iii) hours of operation of the use</i>	Anticipated hours of use for the restaurant, hotel, and residential uses will be within acceptable levels for buildings and activities in the Central Commercial (C-1) zone.
<i>iv) outdoor lighting</i>	Outdoor lighting will be required to not cause negative impacts to adjacent properties.
<i>v) noise, vibration, or odour</i>	The activities on this property are anticipated to increase the noise in the immediate area yet will continue to be regulated with existing bylaws, such as those related to noise and unsightly premises. Staff do not anticipate significant increases in vibration or odour beyond what is intended for the Central Commercial (C-1) zone.
<i>vi) vehicles and pedestrian traffic</i>	The Traffic Impact Statement already submitted indicate that the increased volume of regular road traffic are within acceptable levels, and well within the capacity of Main Street to accommodate. Additional traffic monitoring will be required, and a left turn lane can be implemented if needed. Traffic monitoring and future traffic impact studies will occur as part of planning for the future of the Town of Wolfville.
<i>vii) alteration of land levels/or drainage patterns</i>	No issues anticipated.
<i>viii) deprivation of natural light</i>	No issues anticipated.
(c) <i>to ensure that the capacity of local services is adequate to accommodate the proposed development and such services will include, but not be limited to the following:</i>	
<i>i) sanitary and storm sewer systems</i>	Adequate capacity
<i>ii) water systems</i>	Adequate capacity
<i>iii) schools</i>	No issues
<i>iv) recreation and community facilities</i>	No issues (needs to be integrated with East End Gateway)
<i>v) fire and police protection</i>	No issues

<i>vi) street and walkway networks</i>	No issues (needs to be integrated with East End Gateway)
<i>vii) solid waste collection and disposal systems</i>	Subject to final site/landscape design and integration with East End Gateway
(d) <i>to ensure that the proposal is not premature or inappropriate by reason of the financial ability of the town to absorb capital and/or maintenance costs related to the development.</i>	No costs to be incurred by the Town
(e) <i>to ensure that the proposal does not cause environmental damage or damage to adjacent properties through:</i>	
<i>i) pollution of soils, water or air</i>	<ul style="list-style-type: none"> • No issues anticipated
<i>ii) erosion or sedimentation</i>	<ul style="list-style-type: none"> • No issues anticipated
<i>iii) interference with natural drainage systems</i>	<ul style="list-style-type: none"> • No issues anticipated
<i>iv) flooding</i>	<p>The proposed development includes raising the ground floor to 8m in geodetic height. To accommodate future storm surges, high tides, and rising sea levels, the proposed development includes a water retention area (the parking garage), and floodproofing measures on the first floor which prevent permanent damage and ensure residential uses located above can still be used in the event of a flood, as is common in other flood-prone areas of the world, such as Northern Europe, Florida, and New Orleans.</p> <p>The total floodproofing measures ensure building structure, up to 12m geodetic elevation are preserved, which is appropriate given Staff estimations of worst-case scenario water levels until 2100, as outlined in draft planning documents anticipated for adoption (an extreme projection of 4 m sea level rise, in contrast to average estimates of 1.3m).</p> <p>Additional measures, including a generator and battery powered emergency exit system, will ensure essential services can operate for a limited time during power-outages.</p>
(f) <i>to ensure that the proposal protects and preserves matters of public interest such as, but not limited to:</i>	

i) <i>historically significant buildings</i>	<ul style="list-style-type: none"> No issues
ii) <i>public access to shorelines, parks and public and community facilities</i>	<ul style="list-style-type: none"> No issues
iii) <i>important and significant cultural features, natural land features and vegetation</i>	<p>No significant cultural features, natural land features or vegetative features have been identified at 292 Main Street.</p> <p>View-planes from the former gas station site at 292 Main Street, Willow Park, or adjacent lands are not protected within the Municipal Planning Strategy.</p>
(g) <i>to ensure that the proposed site and building design provides the following:</i>	
i) <i>useable active transportation networks that contribute to existing active transportation links throughout the community</i>	<p>Bicycle Racks will be provided on site to encourage active transportation. The site has convenient access to bike lanes on Main Street and the Harvest Moon Trail.</p> <p>Subject to final site/landscape design and integration with East End Gateway.</p>
ii) <i>functional vehicle circulation and parking and loading facilities designed to avoid congestion on or near the property and to allow vehicles to move safely within and while entering and exiting the property</i>	<p>Given the emerging parking management strategy and consideration of the number of student-residents anticipated for this development, staff believe a parking ratio of 0.8 is appropriate, which would require 40 parking spaces.</p> <p>Based on feedback from previous PAC meetings, a ratio of 1:1 has been discussed. Using this formula, the building would require 60 parking spaces.</p> <p>27 parking spaces are provided internally. In addition, the applicant has offered \$66,000 as cash-in-lieu for the remaining parking required. Providing on-street parking/loading in front of the building on Main Street may also be possible. The cash-in-lieu contribution shall be designated to assisting with a town-led approach to managing parking in the Central Commercial zone.</p> <p>Additional information related to parking can be found in Attachment 3, Parking Concerns.</p>
iii) <i>facilities for the safe movement of pedestrians and cyclists</i>	<ul style="list-style-type: none"> Adequate, subject to further integration with the East End Gateway.
iv) <i>adequate landscaping features such as trees,</i>	<ul style="list-style-type: none"> Detailed landscaping plan will be provided as we move forward with the process.

<p><i>shrubs, hedges, fences, flower beds and lawns to successfully integrate the new development into the surrounding area</i></p>	
<p><i>v) screening of utilitarian elements, such as but not limited to; mechanical and electrical equipment, and garbage storage bins</i></p>	<ul style="list-style-type: none"> • Utilitarian elements are to be screened
<p><i>vi) safe access for emergency vehicles</i></p>	<ul style="list-style-type: none"> • No issues
<p><i>vii)adequate separation from, and consideration of, public and private utility corridors to ensure their continued safe and functional operation</i></p>	<ul style="list-style-type: none"> • No Issues
<p><i>viii) architectural features, including but not limited to, mass, scale, roof style, trim elements, exterior cladding materials, and the shape, size and relationship of doors and windows; that are visually compatible with surrounding buildings in the case of a new building or with the existing building in the case of an addition</i></p>	<p>Past approvals consistently required buildings along Main Street clearly “read” as three floors. Buildings with architectural-feature height of more than 39’, or including more than 3 floors, have consistently been approved in the immediate area and in the Town of Wolfville. These include full height basements which are used for parking, storage, commerce or dwelling, or architectural features such as turrets and roof-peaks. Large-scale buildings that have found appreciation from temporary and/or permanent residents of Wolfville include Wolfville Senior’s Lodge, L’Arche Homefires, Woodman’s Grove multi-unit Dwellings, Blomidon Inn, Raintown multi-use building, Micro-Boutique lofts, and various other multi-unit residential dwellings and B&Bs east, west and south of the Central Commercial (C-1) zone. This has culminated in a wide range of alternatives in building style which can be viewed most easily from west to east as the buildings within the C-1 zone generally transition to older, near Elm Avenue, to more recent buildings, near Locust Avenue.</p> <p>The proposed building will contribute to changing neighborhood character, as the existing commercial uses in the immediate area have, and new developments will, such as: 336 Main (Micro Boutique), the redevelopment at 327/9 Main (Church), and the East Gateway area redesign (including a new main building [Visitor’s Information Centre]). The proposed building, and the associated changing neighborhood character, can be described</p>

	<p>as enhancing or detracting from the existing diverse neighborhood character of commercial and residential uses, depending on one’s perspective.</p> <p>In response to a variety of perspectives, the applicant has altered the design of the proposal multiple times – repeatedly altering the design to respond to community response, advice from Staff, and through listening to the Planning Advisory Committee. This work can be reviewed in the variation of design from early public information meetings to today.</p> <p>The Architectural Guidelines Manual permits innovation and change, stating: <i>“architectural change must be accommodated and will encourage innovation in housing design especially if the innovative design incorporates alternative energies or elements of energy efficiency”</i> and that <i>“The Town of Wolfville is open to innovation and alternatives, but it is the applicant’s responsibility to demonstrate their value.”</i> Therefore, Staff believe this innovation in design should be considered as it reconciles a variety of Municipal Planning Strategy policies regarding the Central Commercial (C-1) zone: sustainability, density, primarily “reads” as three-storeys from Main Street, contains a modest fourth floor stepped back from the street, and a fifth-floor rooftop amenity for residents and visitors of Wolfville in the form on a rooftop patio & restaurant. For these reasons Staff believe this proposal is compatible with surrounding context.</p> <p>For additional information on architecture and impacts of the proposal see Staff comment, above, on 18.6.2(b)(ii) <i>the height, mass or architectural design of proposed buildings</i></p>
<p><i>ix) useable outdoor amenity space for use of residents in a residential development</i></p>	<p>Almost no open space is preserved on site, yet included is:</p> <ul style="list-style-type: none"> - commercial spaces and services - streetscape enhancements estimated at more than \$150,000 subject to approval by Parks Director and integration with the East End Gateway <div data-bbox="732 1493 1414 1730" data-label="Image"> </div> <ul style="list-style-type: none"> - Public rooftop patio and inset Juliet balconies on units

	 <p>- an annual \$5,000 contribution for public art/murals</p>  <p>In addition, proximity to commercial amenities on Main Street, nearby parklands, such as Willow Park, Waterfront Park, and Harvest Moon Trail are immediately adjacent.</p>
<p>x) <i>accessible facilities for the storage and collection of solid waste materials</i></p>	<p>No issues - subject to final site/landscape design and integration with East End Gateway</p>
<p>xi) <i>appropriate consideration for energy conservation</i></p>	<p>Applicant has committed to achieving 40% efficiency over existing building code with the assistance of Efficiency Nova Scotia, EcoSmart, and Hanatech.</p>
<p>xii) <i>appropriate consideration of and response to site conditions, including but not limited to; slopes, soil, and geological conditions, vegetation, watercourses, wet lands, and drainage</i></p>	<p>Site conditions have been taken into consideration</p>
<p>(h) <i>where Council determines, on the advice of a licensed professional, that there is a significant risk of environmental damage from any proposed development which does not require an assessment under the Environmental Assessment Act, environmental studies shall be carried out at the expense of the developer for the purpose of determining the nature and extent of any</i></p>	<p>No issues identified</p>

<p><i>environmental impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage</i></p>	
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Policy 18.6.2 establishes what conditions may be established in the development agreement. The conditions are limited to those listed, and to the specific policies guiding the particular type of development.

Policy 18.6.2 of the MPS	
SECTION 18.6.2	STAFF COMMENT
<p>18.6.2 <i>that a development agreement may contain such terms and conditions that are provided for in Section 227 of the Municipal Government Act which ensures that the proposed development is consistent with policies of this Municipal Planning Strategy. The agreement may include some or all of the following:</i></p> <ul style="list-style-type: none"> (a) <i>the specific type of use;</i> (b) <i>the size of the structure(s) within a development;</i> (c) <i>the percentage of land that may be built upon and the size of yards, courts, or other open spaces;</i> (d) <i>the location of structure(s) in relation to watercourses, steep slopes and development constraint areas;</i> (e) <i>storm water drainage plans;</i> (f) <i>the maximum and minimum density of the population within the development; the architectural design or external appearance of structures, in particular its compatibility with adjacent structures, where required by policy;</i> 	<ul style="list-style-type: none"> • The draft Development Agreement includes terms and conditions in relation to many of the items included in 18.6.2.

- (g)** *traffic generation, access to and egress from the site and impact on abutting streets and parking;*
- (h)** *landscape design plan indicating the type, size and location of all landscaping elements that buffer or screen the development. This may also include fencing, walkways and outdoor lighting;*
- (i)** *open storage and outdoor display;*
- (j)** *public display or advertising;*
- (k)** *maintenance of the development;*
- (l)** *any other matter which may be addressed in the Land Use By-law or Subdivision By-Law, such as parking requirements, yard requirements, etc.;*
- (m)** *site specific information relating to soils, geology, hydrology and vegetation.*

ATTACHMENT 2 - Public Information Meeting Notes

Public Information Meeting
6.00 PM – Wolfville Fire Hall
Development Agreement Proposal
292 Main Street

Attending

Staff: Director Chrystal Fuller, Planner Colin Simic & Administrative Assistant James Collicutt
Councillors: Mayor Jeff Cantwell, Councillor Wendy Donovan, Councillor Jodi MacKay, and Councillor Oonagh Proudfoot

Members of the Public: Approximately 140 members of the public

Applicant: Kevin Gildart and four representatives from Teal Architecture – Tom Emodi, Jon Ellis, Ross Grant & David Espeseth

Mr. Simic began the meeting with a PowerPoint presentation that provided an overview of the proposal to construct a six-storey, mixed-use building at 292 Main Street, a review of relevant policies and a look at the DA process for the application before turning to the public for comments or questions.

Public Comments & Questions:

George Lohnes, 581 Main Street:

- The public would like to hear what is being proposed and have an opportunity for other members of the community to ask questions regarding the application in an open session.

At this point in the meeting the Mr. Gildart introduced himself, noted that he is looking for the community's input and offered to answer the public's questions.

Brian McKenzie, 220 Main Street:

- The neighbouring parking lot has flooded previously, so eventually a flood will occur here. Furthermore, the maximum allowable height in the commercial area is only three storeys. This proposal will no longer afford visitors to Willow Park a view of the water – isn't a water view what we want for our tourists? Could it not be better used as an extended car park?

Acknowledges that the proposal could be a great economic generator but that it will ruin the feel of the area.

Director Fuller:

- The as-of-right height limit is 39 feet; however, development agreements allow for applications to vary from that.

Mr. Gildart:

- Geotechnical experts have been consulted and the water table exists 4' below grade on this site, therefore the building has been designed to deal specifically with these conditions. The building is designed to withstand *100-Year* weather occurrences.

Kate Dalton, 101 Main Street:

- Six storeys is too large. It cashes in on the quaintness of Wolfville and diverts the income elsewhere. Is the Town taking this into consideration and how it will affect our local landlords? The apartment buildings at Woodman's Grove are only three storeys and already imposing.

Director Fuller:

- The Town is taking these factor into consideration.

Gordon Williams, 356 Main Street:

- The proposed building is too high and how will the need for additional parking be handled?

Mr. Gildart:

- The project consultants designed around the information they have been given. The Applicant will re-examine their parking plan but noted the economic reality – the cost of parking is very high – and a change in their parking model will affect the rental rates.

Maxine McCuaig, 646 Main Street:

- Noted that her 14 student tenants have 8 cars and asked why this apartment development is necessary with all the other developments coming up?

Mr. Gildart:

- Apartments of the type proposed are highly sought after in Wolfville. His personal consultation along Main Street heard that there is very little residential space available in the downtown of Wolfville and he believes there is a need for these sorts of rentals.

Director Fuller:

- Council has set policies for growth and the applicant is permitted to apply for this use.

Joe Rafih, 10 Willow Avenue:

- Aren't the residential units supposed to have 1.5 parking spots each?

Director Fuller replied:

- Not required in the C-1 zone.

Jim Shafner, 83 Bishop Avenue:

- Why should the Town consider the extension of 20'+ above what is allowed as-of-right?

A: Mr. Gildart:

- The reality for the development is a compromise between affordability and meeting the needs of the Town – the answer is density.

A: Dir. Fuller:

- Staff and Council will look at the application through the lens of their existing policies.

Cathy Omen, 8 Victoria Avenue:

- Why 6 storeys?

Mr. Gildart:

- For the site to be economically feasible a certain amount of square footage is required, including 10 high-accessibility suites, the cost of which is being absorbed by the regular suites so that the accessible units can be affordable for more individuals.

Geri Roberston, 14 Sherwood Drive:

- Concerned that the submitted representation of the building is out of scale. Will there be changes to drawings?

Mr. Gildart:

- The drawings are true to scale and have not been altered. The images that are being used are statistically accurate and have been electronically placed into real life photos as an example of the proposed development.

Director Fuller:

- These are not the last drawings the Town will receive, and the Town will request scaled drawings in future showing surrounding buildings.

Mr. Gildart:

- The Applicant engaged an engineering firm to conduct a traffic study, which indicated that there will be no negative repercussions relating to traffic from this development.

Director Fuller:

- Staff have requested a traffic information study, which will contain a series of recommendations.

Ulrich Schmitt, 67 Chestnut Avenue:

- Will the traffic study become public?

Director Fuller:

- Yes, before the application moves a head to the Planning Advisory Committee.

Audrey Conroy, 35 Bishop Avenue:

- Only 9 of the 78 units have 2 bedrooms. The consultants hired by the Town found that the town needs housing for young families.

Mr. Gildart:

- The Applicant is open to changing the mix of unit types (ie # of bedrooms) to suit the needs of the community when the proposal gets to that point.

Janet Eaton, 133 Main Street:

- Has the Department of Fisheries and/or Ecology Action Centre been consulted regarding sea level rise?

Mr. Gildart:

- No but committed to contact them.

Janet Eaton, 133 Main Street:

- Visitors often comment on the quaint feeling of the Town and Ms. Eaton worries that the proposed development will detract from the tourism charm of Wolfville. She noted a study that inferred that traffic in Town is hurting its businesses and the added traffic from this development would increase concerns. She asked if there been a cost-benefit analysis of what we (the Town) might loose in allowing this development vs. what it offers?

Mr. Emodi:

- The 4 storeys of residential units alone would meet the as-of-right height requirements for the site; however, the Town requires a commercial frontage on the development and that type of space has a ceiling height of approximately 12', which pushes the development beyond the as-of-right height limitation despite being only 1 storey higher. The traffic study measures the impact on traffic and it does not infer that there won't be more, only that the impact will not be appreciable.

Patricia Williams, 86 Sherwood Avenue:

- What does that (*not appreciable*) mean?

Director Fuller:

- Once the traffic study is available to Staff, it will be made available to the public – but the real question is – “will the impact be more than the road can handle?” If so, engineers may make recommendations for upgrades. This will be publicized once a determination has been made.

Mary Costello, 17 Chestnut Avenue:

- Will the Town follow the recommendations of an engineering firm? For residents, its obvious that 78 new units on Main Street will create an impact in how traffic moves through Wolfville.

Director Fuller:

- Staff will review and consider the engineers reports then weight it against other information. Staff will make a recommendation to PAC, who will make a recommendation to Council.

John Martins, Wickwire Avenue:

- Why are the heritage-based design elements of Wolfville's other buildings not being incorporated into the proposal?

Mr. Emodi:

- Wolfville's policy is to promote architectural diversity and the design of this building reflects modern-day culture. Copying older buildings creates faux heritage buildings, and the most respectful a development can be of heritage architecture, is not to copy it. If the public would like to see these features in the proposal then they will endeavour to do so but the proposal now is only an initial consultation and the design will change.

Q; Gordon Lummis, 42 Bigelow Street:

- When thinking of Wolfville, one thinks of older buildings and a human-scale, which this proposal doesn't seem to match and it doesn't appear to fit the architectural guidelines.

Director Fuller:

- Staff will evaluate the proposal and receive feedback from the Design Review Committee. This meeting is only an initial feedback session.

Colleen Sheppard, Wickwire Avenue:

- Why was a PIM-style meeting not held before the developer hired consultants?

Mr. Gildart:

- In March 2016, Tom Dalmazzi started the consultation process, having sought out opinions on different building façade types through a world café style consultation at the Wolfville Farmers' Market, involving 59 people, with 39 people completing a survey on facades, amenities, ect. – and the feedback was incorporated into the proposal as it stands tonight.

Roberta Hammet, 24 Harbourside Drive:

- Just because it's possible to work outside of the design guidelines it doesn't mean that they should be forgotten about (*regarding the design of the building*).

Tony Stewart, 19 Alline Street:

- The MPS states that Council needs to ensure that when considering a development agreement proposal, the architectural character is visually compatible with the established character of other buildings in the neighbourhood – which this does not.

John Sheppard, Wickwire Avenue:

- If passed by Council, will this development set a precedent for future taller buildings?

Jen Greenough, 315 Main Street:

- Are students the target market for the studio apartment units?

Mr. Gildart:

- Studio apartments attract students, young professionals, middle-aged people and seniors. Many residents choose these types of apartments base on their own personal requirements as they are efficient and affordable.

Stephen Willsack, 239 Main Street:

- Development is good for the community, but the concern is that the floodplain area is not suitable for development given its eroding state and the lack of a concrete plan to secure it.

Director Fuller:

- The Town's Engineer is aware of certain areas that are at risk and Staff will look at the floodplain issue in relation to the property; however, the floodplain mapping information Staff have available for consideration is part of the current MPS adopted in 2008.

David Burton, 242 Main Street:

- The proposal will eclipse L'Arche's new building and will block the vistas of the dykes from Willow Park. Why did the town not buy this and establish parking there?

David Daniels, 3 Toye Lane:

- The proposal includes 2 accessible parking spots, 4 are required.
Will the Applicant commit to having affordable housing through the development agreement?

Director Fuller:

- There is no legal means for the Town to require a certain rental rate through a development agreement.

Mr. Gildart:

- Has an operating mandate to make this an inclusive building and has a personal commitment to do what is morally correct.

David Daniels, 3 Toye Lane:

- If the building were sold then the Applicant's personal commitment would be irrelevant.

Mr. Gildart:

- Acknowledges that the building could change hands, even though it is not his intention.

Rendell Hefler, 109 Woodman Road:

- Will the Applicant live in Wolfville?

Mr. Gildart:

- No.

Stephen Drahos, 311 Main Street:

- Could the Applicant work within the existing height restriction set out in the LUB?

Mr. Gildart:

- It is unclear whether the development would be economically viable at only 39'.

Vicent den Hartog, 176 Main Street:

- What is the Applicant offering in return for Council to extend its allowable height in the development?

Mr. Gildart:

- Nothing has been asked of him and nothing has been offered. If there are requests made later in the process then they will be considered.

Ian Porter, 46 Parkview Avenue:

- This is not the site for a 6-storey development in Wolfville. The back half of Willow Park is a more suitable location – possible land swap between the Applicant and the Town?

George Lohnes, 581 Main Street:

- The current and previous state of the vacant lot over the last 7 years speaks makes him nervous that the building and property will not be well maintained in the future.

Mr. Gildart:

- Has offered free use of the land to the community while it was vacant but the opportunity to use it was never taken up by the Town or a community group. Effective tomorrow, Mr. Gilhart will reassess the state of the lot and improve its visual appeal.

Mr. Lohnes, 581 Main Street:

- The Town has seen what Crowell Tower did to Acadia's landscape and believes that this proposal may be a repeat.

The Public Information Meeting paused for a break at 8:03 PM. It resumed at 8:28.

Linda William, 108 Main Street:

- Asked if the units would operate under 8-month or 12-month leases, be furnished or unfurnished and what materials would be used? Concerned that this development is too tall and architecturally unappealing. A land swap should be done and it can be built elsewhere.

Director Fuller:

- The Town cannot regulate the length of leases and a land swap is a very involved process that requires the direction of Council. Feedback should be given on the proposal as it is currently being presented.

Mr. Gildart:

- Lease duration and such things are driven by the market. If there is going to be a hotel use in this building it will be fully-licensed and publicized. Materials are subject to change and the final decision has not yet been made.

Mr. Emodi:

- Interior materials will follow a healthy materials strategy and Exterior materials will be of non-combustible cladding that resist wind-load. Open to questions and comments about materials.

John Whidden, 7 Fowler Street:

- Is the developer aware of competing units becoming available concurrently?

Mr. Gildart:

- Yes.

Maxine McCuaig, 646 Main Street:

- Why is a building of this height even being considered? The Applicant should note the number of vacant apartments available for students currently in Wolfville.

Director Fuller:

- Staff cannot reject the application, but that does not mean that Council will approve the development as currently proposed.

Mr. Gildart:

- The development appeals to some who attended the meeting and in consultation he has found that there is interest in this type of rental unit in Wolfville.

Christine Friars, 303 Main Street:

- Would the Applicant consider more commercial space, which is really needed in Wolfville?

Mr. Gildart:

- Yes, but hasn't explored this potential market.

George Lohnes, 581 Main Street:

- Would the Applicant and the Town consider another public meeting outside the regular process for development agreements after the Design Review Committee receives the proposal?

Director Fuller:

- There is a mechanism to do so and Staff will discuss it.

Audrey Conroy, 35 Bishop Avenue:

- Is there any possibility to say to the Applicant "maybe later"?

Director Fuller:

- The answer must be "yes" or "no", not "maybe".

Gordon Williams, 348 Main street:

- Against a big building with no parking. The building is too large for the downtown.

At this time, there were no further question or comment and the Public Information Meeting was officially adjourned at 8:45.

ATTACHMENT 3 – Parking Considerations

The 2008 Municipal Planning Strategy does not specify a parking requirement for applications for a development agreement, instead requiring only “adequate” parking for development agreements. This has resulted in reduced parking for new developments in the Central Commercial (C-1) zone.

A reduced parking approach supports a reduced reliance on Fossil Fuels, Natural Step and Melbourne principles found in the Municipal Planning Strategy, and a transition to a more sustainable future. Principles found in the Downtown Architectural Guidelines Manual for a pedestrian oriented downtown align with reduced on-street parking. These principles articulate that improved streetscapes with hidden parking areas, are preferable to an overabundance of parking, and lead to a higher quality of life. These concepts are articulated in Part 15 of the existing Municipal Planning Strategy.

Why Reduce Parking?

Within Wolfville, the reduced need for parking contained in the 2008 MPS has changed the “on-street” experience from that of Railtown (approved in 2005) to the experience of L’Arche homefires (approved in 2014).

This approach is correlated with diminishing car-use and increasing use of walking and bicycling (leading to positive health outcomes), and more equitable communities (as people who do not use cars are given safer paths of travel). Increases in walking and biking also correlate to increased economic activities and decreased reliance on Fossil Fuels, as alluded to in the Municipal Planning Strategy.

Past Parking approvals, by Development Agreement, within the C-1 Zone

Rita’s – 318 Main Street

Approved in 1994. Commercial & Residential. 13 spaces provided.

Paddy’s Pub – 320 Main Street

Approved in 2000. Commercial use. No specific physical parking spaces required. Cash-in-lieu of \$18,000 provided.

Library Pub – 334 Main Street

Approved in 2001. Commercial use. No physical parking spaces required. Cash-in-lieu of \$4,000 provided.

Railtown – 24 Harbourside Drive

Approved by Development Agreement in 2005. 80 Residences + retail space. 79 Parking spaces provided. Agreement to cost share and/or provide access to waterfront park parking area and public parking at Railtown (contribution to ~60 parking spaces)

304 Main Street

Approved in 2001. Commercial and residential use. 45 sq m of parking area provided (est 3-4 parking spaces).

Microboutiques – 336 Main Street

Approved by Development Agreement in 2013. 60 Residences + retail space. Originally intended to be 38 parking spaces (28 physical and 10 cash-in-lieu). Final result is 35 (25 physical + 10 cash-in-lieu).

L’Arche Homefires – 341 Main Street

Approved by Development Agreement in 2014. Commercial mixed use building, no residential use. 0 Parking spaces required. No parking contribution required.

A negative correlation with reduced parking is increasing conflict over parking availability, access for those with personal mobility challenges, and a continued cultural and systemic reliance on automobiles.

Reduced on-street parking is a key part of contemporary urban design due to the benefits it can bring through inducing-demand for alternative transit options, yet reduced on-street parking is directly connected to parking management as parking is still required due to the induced-demand for cars through our cultural expectations and overabundance of personal transportation infrastructure (vehicles and roads).

Parking Management

At the direction of Council, and to answer parking concerns from the public, Staff are working on making parking management improvements. Given the ongoing review of our Municipal Planning Strategy, parking regulation changes are also envisioned with the adoption of a new Municipal Planning Strategy and Land Use By-law (direction from Council to-date included in this report). Appropriate parking regulation and management is an essential part of maintaining and enhancing the unique downtown experience for which Wolfville is known.

Additional tools to reduce demand for parking in downtown areas is to provide a greater diversity of services downtown so residents have less need to drive away from Wolfville to obtain services, and to increase the density of people living within walking access to those services through multi-unit dwellings in the Commercial Core as outlined for the Commercial Core area and zones, in the Municipal Planning Strategy.

Since 2016, Staff have monitored parking within the Town of Wolfville and implemented incremental changes. The multiple studies conducted as part of this monitoring identified that town-managed free-parking spaces were occupied 76% of the time (similar to Halifax's at 72%), during regular office hours. On average there are 143 spaces available within a two minute walk of the Downtown core. The majority of available parking is in the North-west, North-east, and South-east corners of the downtown area. Actions already taken by parking enforcement have increased the availability of existing on-street parking areas, and the most recent staff report (February 5, 2019) included a variety of actions the Town of Wolfville is taking leading up to, and within 2019-20 operations.

Induced demand is the phenomenon that after supply increases, more of a good is consumed. This is entirely consistent with the economic theory of supply and demand; this idea has become important in the debate over the expansion of transportation systems and is often used as an argument against increasing traffic and parking capacity as a cure for congestion as it actually contributes to increasing the use of traffic and parking.

The more we enable parking and traffic, the more we enable "oversized" individual environmental impacts.

ACTIONS FROM MOST RECENT PARKING REPORT

(February 5, 2019)

- Parking Actions will be outlined in the 2019-2020 Operations Plan, focusing on identified problem areas.
- Continue counts for the next three years to create a baseline of parking data for analysis as an improved decision-making tool.
- Use parking utilization data to assist with incremental improvements to public parking.
- Continue support of enforcement staff to ensure that overtime parking compliance is effective, and monitoring continues.
- Promote the idea “Where to Park in Wolfville” using effective communication like social media, newsletter, and an online map.

Map showing the average available spaces any hour between 10 am and 3 pm. The bracketed number represents 2017 count.

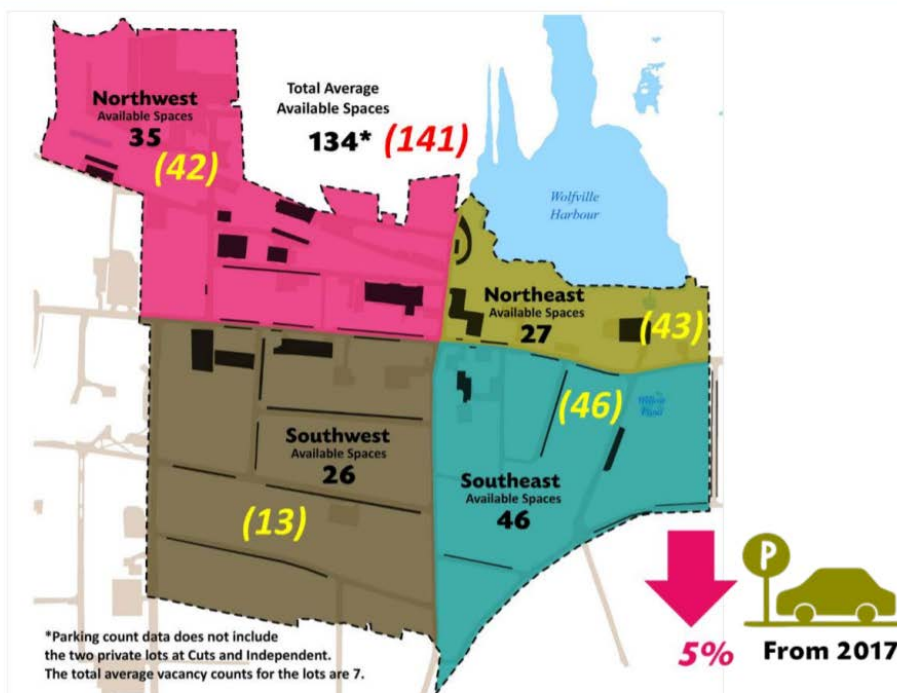


Figure 4-1 – Average available parking in Downtown Wolfville

A recent study completed in Halifax Regional Municipality identified a parking-space occupancy of 72%, yet in certain areas rates of 60% or 95% were identified. Issues that contributed to the perceived parking issue were identified as unawareness of nearby parking options and/or individual choice to not-park at available nearby options. Solutions suggested included:

- increasing awareness of parking areas through signage, and

- Making parking paid

Parking studies in Halifax and Wolfville both indicate that the key action to relieve parking in downtown areas is to increase awareness of available parking options **not** to increase the number of parking spaces.

When parking is provided for free, it becomes a common resource subject to the same abuses found in frequent “tragedy of the commons” issues where individuals feel a “right” to a shared-resource without understanding the costs of their actions.

In this instance the high cost of free parking is directly related to:

Time - as drivers, residents, business owners, and Councillors compete over finding free public parking spaces and debate how many more should or should not exist.

Money – the creation and maintenance of a surface parking space costs between \$2,000 and \$7,500 depending on a variety of factors. Additional costs come from management, enforcement, and maintenance.

Environment – parking areas induce demand for driving, “cruising” for spaces, and long term high-energy use.

Health – the use of cars is directly correlated with individual health: the more you drive the less fit you are likely to be. This can cost years of a person’s life.

Increasing demand

Parking continues to be an issue of concern. The most recent Town of Wolfville parking report, reviewed by Council on February 5, 2019, included a number of actions for the near term.

It is important to note that demands for parking are increasing at a rate higher than population growth, and more closely correlated with the substantial increase in Tourism for Nova Scotia and the Annapolis Valley. In the near future we anticipate the demand for seasonal parking to continue to increase with the emergence of new hospitality businesses in our Downtown Core, a growing interest in seasonal accommodations, the redevelopment of the East End Gateway (Willow Park and the Harvest Moon Trail) into a “destination park”, and the increasing interest in wine-bus tours, and continued increases to tourism.



Figure 4-2 - Example of potential increase of public parking at East End Gateway showing an estimated 43 additional parking spaces.

For these reasons Staff have also identified opportunities for increased parking as part of potential projects such as a New Library, the East End Gateway, existing underutilized town land, and other areas of town. These parking opportunities are not yet integrated into capital-planning, as Council needs to consider the long-term impacts of increasing parking supply given a variety of factors which include:

- the volume of regular-use in contrast to seasonal-use,
- the high-cost of free parking to the Town of Wolfville,
- the high environmental cost of continuing to invest in a mode of transportation that requires significant fossil fuels in the creation and maintenance of pavement, new personal-vehicles, and energy costs.

ATTACHMENT 4 – Design Package

Including renderings, site plan, floorplans

ATTACHMENT 5 – Draft Development Agreement



292 MAIN STREET

2019.02.08



PROCESS

-close collaboration with planning staff regarding all aspects of design



PEDESTRIANS

- pedestrian connection from Park to Trail
- public art on car park screen
- privately funded/maintained public forecourt at Wolfville Gateway promotes lively sidewalk activity and Main Street views
- green wall element at gateway



PARKING

- revised access from public parking area to parking garage avoids Main Street driveway
- electric car share provided
- cash-in-lieu for some parking capacity



HEIGHT

- unit count and mix critical for feasibility
- requirement for 39ft max height results in compressed commercial level
- setback at level 4 ensures this storey cannot be seen from opposite sidewalk
- rooftop patio amenity





South Elevation



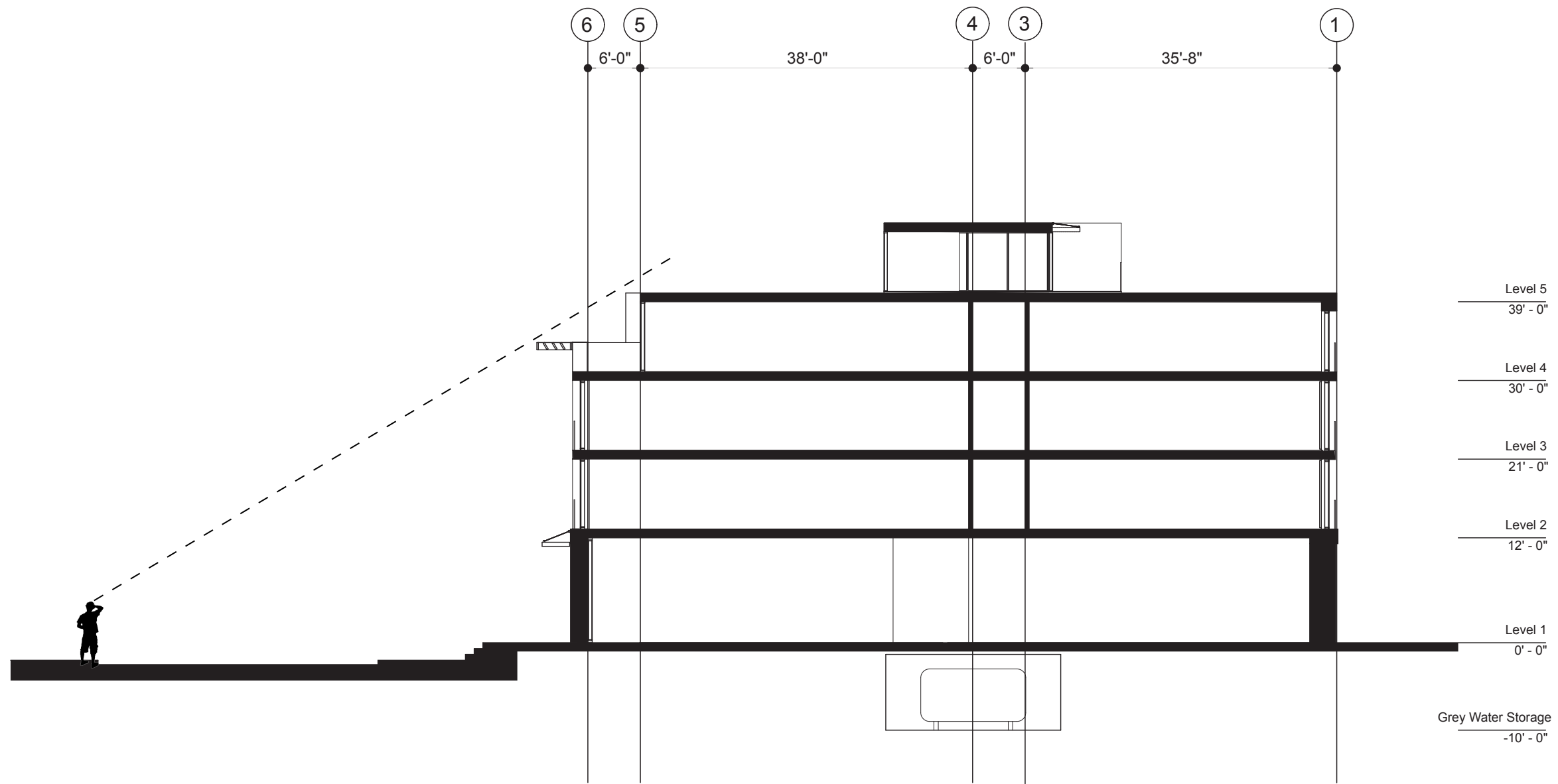
North Elevation



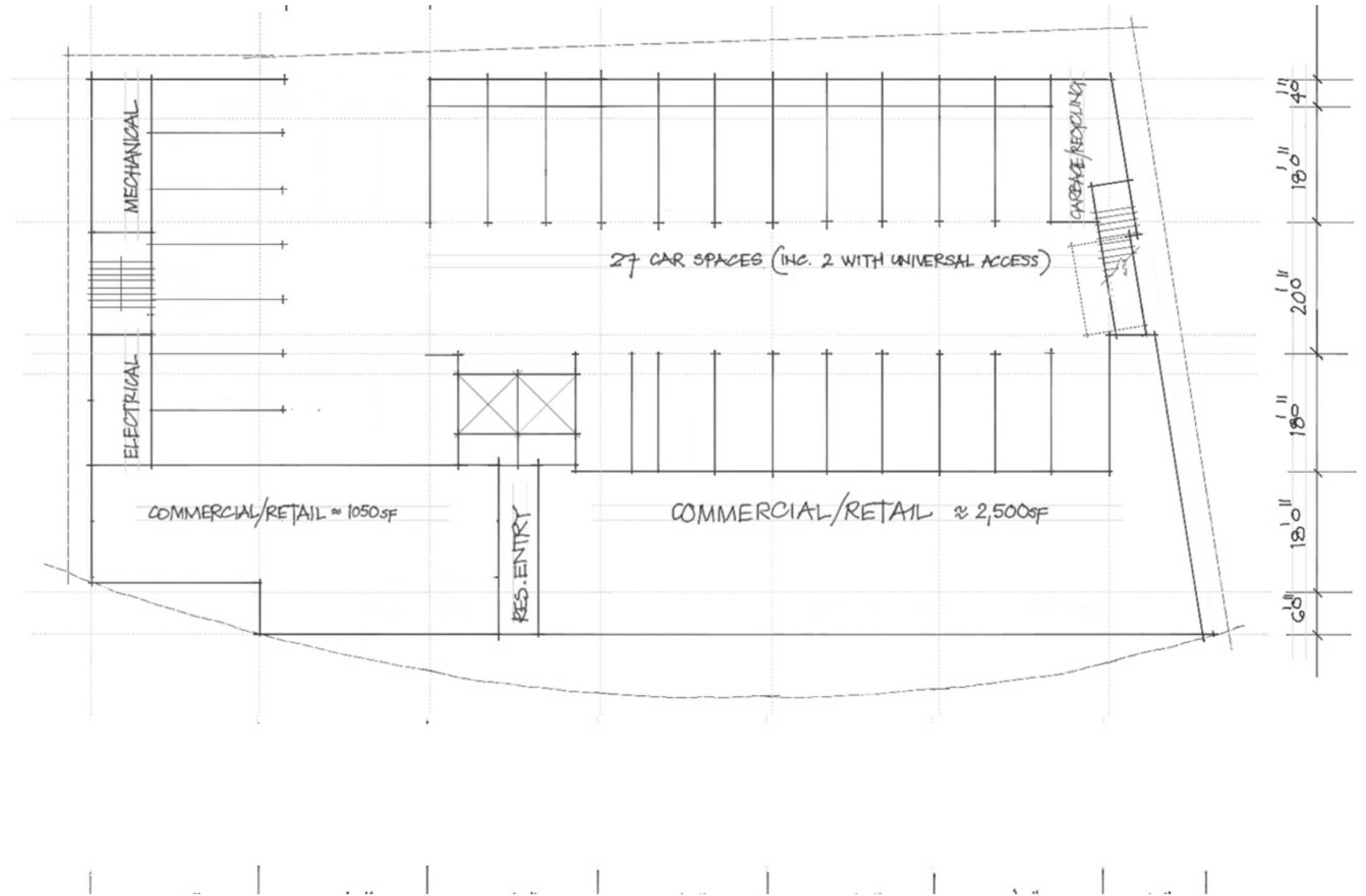
East Elevation

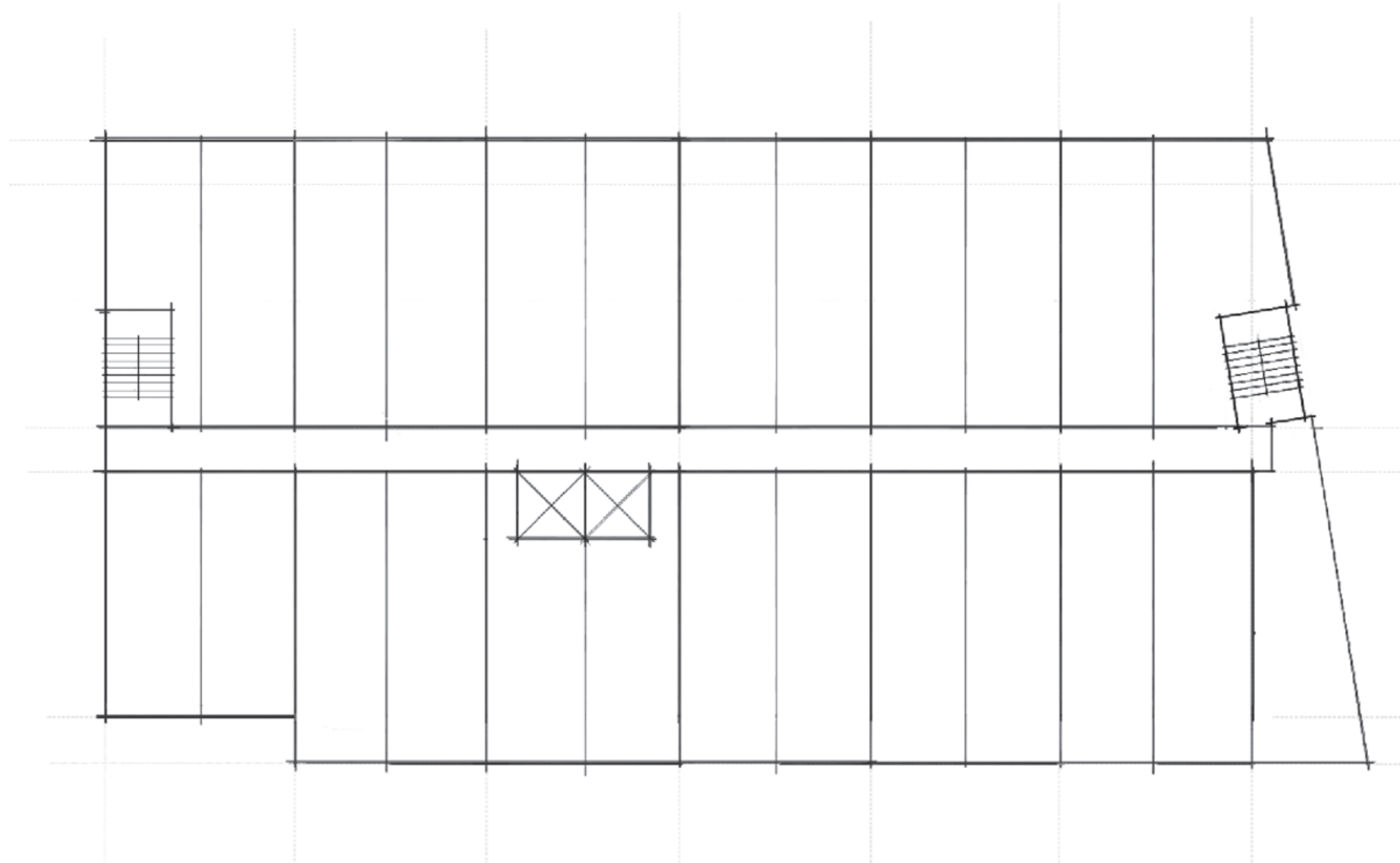


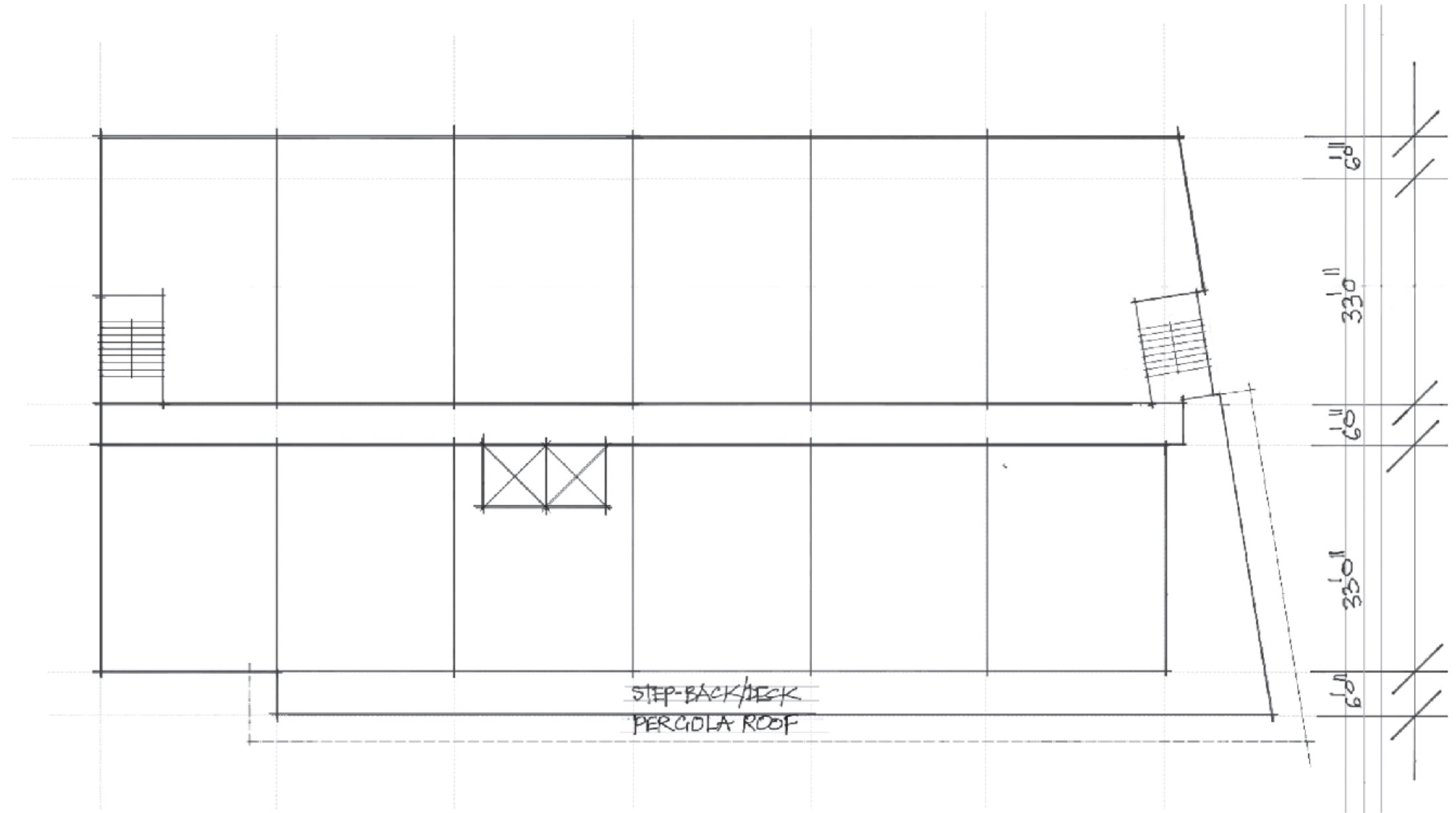
West Elevation

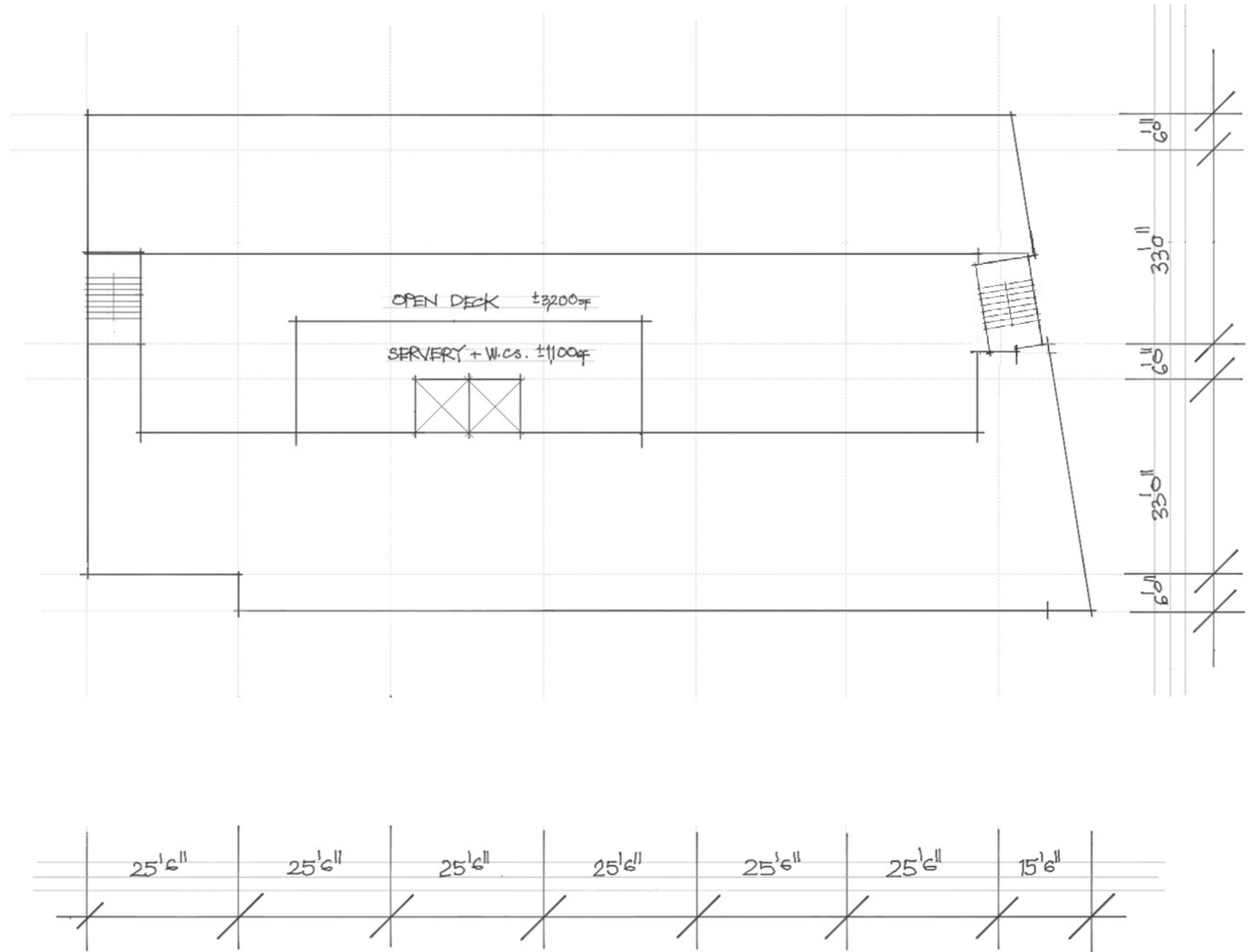














292 MAIN STREET

2019.02.08



DRAFT DEVELOPMENT AGREEMENT SUBJECT TO LEGAL REVIEW

This **Development Agreement** is made this _____ day of MONTH DAY, 2019.

BETWEEN:

292 MAIN STREET DEVELOPMENTS LIMITED,
(Hereinafter called the “Developer”)

OF THE FIRST PART

- and -

TOWN OF WOLFFVILLE
A municipal body corporate,
(Hereinafter called the “Town”)

OF THE SECOND PART

WHEREAS the Developer has requested that the Town enter into a Development Agreement relating to the use and development of the Lands (PID 55278675) pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy for the Town of Wolfville;

AND WHEREAS a condition of granting approval for the development of the Lands is that the parties enter into this Development Agreement;

AND WHEREAS the Town Council of the Town, at its meeting on July 18th, 2019 approved entering into this Development Agreement to permit the establishment of a Planned Development on the Lands, subject to the registered owner of the Lands entering into this Development Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the covenants made in this Development Agreement and other valuable consideration the Developer and the Tenant and the Town agree to the following terms.

1. Schedules

The following schedules form part of this Development Agreement:

- Schedule “A” – Legal Parcel Description of Lands
- Schedule “B” – Site Plan/Landscape Plan for the Lands
- Schedule “C” – Architectural Design illustrating the require roof line, window treatment and front entry feature for each building

2. Definitions

2.1 In this Development Agreement:

“Barrier Free Parking Stall” means the provisions set forth under Section 3.8.2.2 (4) and Section 3.8.2.2(5) under Schedule C within the Nova Scotia Building Code Regulations made under Section 4 of the Building Code Act.

“Building By-Law” means Chapter 65 of the By-Laws of the Town of Wolfville.

“Developer” means the owner(s) of the lands, their heirs, successors, assigns, and all subsequent owners of the lands.

“Development” means a new main building on the lands dedicated to mixed use, containing 60 residential dwelling units and commercial space.

“Development Officer” means the Development Officer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

“Engineer” means the Engineer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

“Effective date” means the date on which this Development Agreement is deemed to be entered into under the terms of this Development Agreement.

“Lands” means the real property in the Town of Wolfville owned by the Developer, PID 55278675, and as described in Schedule “A”.

“Land Use By-Law” means the Land Use By-Law of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Land Use By-Law adopted by Council on September 23, 2008, and recorded at the Kentville Land Registry Office on November 6, 2008, as Document Number 92078600.

“Municipal Planning Strategy” means the municipal planning strategy of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Municipal Planning Strategy adopted by Council on September 23, 2008, and recorded at the Kentville Registry of Deeds Office on November 6, 2008, as Document Number 92078543.

“MGA” means the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended.

“Planning Documents” means Land Use Bylaw, Municipal Planning Strategy, and Subdivision Bylaw.

- 2.2** Where terms (words or phrases) are not defined in this Development Agreement, definitions in the Town’s planning documents shall apply. Where terms are not defined in the planning documents, definitions in the MGA shall apply. Where terms are not defined in the aforementioned sources, their ordinary meaning shall apply.

3. Relevance of Planning Documents and Other Regulations

3.1 This Development Agreement contains definitions and regulations for the Development. It complements the Town’s Planning Documents. Unless specified in this Development Agreement, requirements in the Town’s Planning Documents shall apply. Where there is a conflict between this Development Agreement and the Planning Documents, this Development Agreement shall prevail.

3.2 Regulations outside of this Development Agreement or the Town’s Planning Documents may be applicable to the Development. However, the terms of this Development Agreement shall not be materially changed in order to comply with such regulations without an amendment to this Development Agreement.

4. Background

The developer requested approval to build a mixed-use building containing 60 dwelling units and commercial space on the lands.

5. Terms

5.1 Development Conditions

5.1.1 Permits and Approvals

5.1.1.2 This Development Agreement allows the Developer to obtain development permits, other permits, and permissions to allow uses permitted by this Agreement, **subject to an easement agreement**.

5.1.1.3 The Developer shall be responsible for obtaining all necessary permits and approvals required by law for the Development, including but not limited to development permits, building permits, and any approvals required from the Province of Nova Scotia.

DRAFT DEVELOPMENT AGREEMENT SUBJECT TO LEGAL REVIEW

5.1.1.4 Obligations or other requirements in this Development Agreement are those of the Developer, unless otherwise specified.

5.1.2 Land Use

5.1.2.1 The following uses are permitted:

(a) Up to 60 residential dwelling units

(b) Commercial activities as outlined in the Land Use By-Law for areas zoned Central Commercial (C-1).

5.1.3 Landscaping & Site Requirements

5.1.3.1 The Development shall conform to the zone standards of the Land Use By-law, as established in Section 9.2 of the Municipal Planning Strategy except as otherwise established by this Agreement.

5.1.3.2 All Development shall occur on the Lands unless otherwise shown on Schedule "B", site plans.

5.1.3.3 Development on the Lands shall be built generally in accordance with the Site Plan/Landscape Plan and Specifications of Schedule "B." Landscaping requirements as shown in Schedule "B" may be varied to accommodate minor details, including but not limited to different plant varieties and the location of planting beds.

5.1.3.4 The Developer shall establish and maintain all non-hard surface areas on the Lands as landscaped areas.

5.1.3.5 Storm water runoff from the Lands shall not be directed onto adjacent properties unless permission is obtained from the adjacent property owner for the direction of such storm water runoff.

5.1.3.6 The Developer shall develop and maintain a total of twenty-seven (27) parking spaces internal to the building.

- The Developer shall provide at least one parking space for Car Share use

5.1.3.7 The developer shall ensure a car-sharing service is available to residents or pay to the Town of Wolfville \$XX,000

5.1.3.8 The Developer shall contribute \$66,000 cash-in-lieu of additional parking spaces

DRAFT DEVELOPMENT AGREEMENT SUBJECT TO LEGAL REVIEW

5.1.3.9 The Developer shall ensure the building is 40% more efficient than national building code as confirmed by a third-party, agreed to by the Developer and the Town.

5.1.3.10 The Developer shall provide onsite lighting for all driveways and walkways on the Lands of number and design sufficient to provide for the reasonable safety and security of vehicles and pedestrians. All lighting fixtures shall be of a design as to prevent the unreasonable illumination of adjacent properties and full cut off fixtures shall be used for all outdoor lighting.

5.1.4 Amenities

5.1.4.1 The developer shall provide streetscaping improvements along Main Street as outlined in Schedule "B", estimated at least \$150,000 in value and approved by the Town of Wolfville Director of Parks.

- A security deposit shall be held by the Town of Wolfville until the streetscaping improvements are complete.
- The amount of the security deposit shall be determined by a third-party, agreed to by the Developer and the Town.

5.1.4.2 The developer shall provide public access to a rooftop patio at no-cost to the public.

5.1.4.3 The developer shall provide \$5,000 to the Public Art Committee dedicated to art competition installations located at or near 292 Main Street.

- The first competition shall be for murals on the north face of 292 Main Street

5.1.5 Municipal Services

5.1.5.1 The parties agree that municipal sanitary sewer and water services are available in the street on Main Street. All costs to connect the two new buildings (as shown on Schedule "B") to these services are the responsibility of the Developer.

5.1.5.2 The Town makes no warranties, guarantees or claims as to the adequacy of the Town's water supply to provide the recommended Fire Flow amounts for protection of the building from fire. The Developer shall satisfy itself that the available fire flows are satisfactory to meet its needs.

5.1.6 Refuse Storage and Utility Equipment

5.1.6.1 Refuse, compost, recyclables, and other similar matters shall be stored within the building(s), or within accessory structures or containers

pursuant to the requirements of the Land Use Bylaw, Valley Region Solid Waste-Resource Management By-Law, and other applicable regulations.

5.1.6.2 Containers referenced in 5.1.6.1 shall be located so that they are visually screened.

5.1.6.3 Utility equipment such as mechanical and electrical equipment shall be visually screened by fencing or landscaping.

5.1.7 General Maintenance and Operation

5.1.7.1 Buildings, landscaping, and other related features shall be maintained in good condition, pursuant to the Town's Property Minimum Standards By-law.

5.1.8 Architecture

5.1.8.1 The developer shall build the one (1) new mixed use building with roof lines, windows and front entry as illustrated in Schedule "C", Architectural Design.

5.1.9 Timing

5.1.9.1 This Development Agreement shall be deemed to be entered into on the day the Agreement is registered in the registry as per section 228(3) of the MGA. All time requirements imposed in this Development Agreement shall be calculated from that date unless otherwise specified.

5.1.9.2 Development enabled by this Agreement, for the Lands on PID 55278675, shall be completed within three (3) years. Upon failure to meet this timing requirement, the Town may discharge this Development Agreement without the consent of the Developer or Tenant.

5.1.9.3 Within 1 year of the issuance of the occupancy permit for the Development, all landscaping required by this Agreement shall be completed.

5.1.10 Amendment

5.1.10.1 With the exception of matters which the Town and the Developer do not consider to be substantive, the amendment of any other matter in this Development Agreement can only be made under the provisions of Section 230 of the MGA, including the holding of a Public Hearing.

5.1.10.2 Following are matters in this Development Agreement which the Town and the Developer do not consider to be substantive:

- (a) The timing requirements for completion imposed by section 5.1.8.2.

5.1.11 Expenses

5.1.11.1 The Developer shall pay all costs and expenses incurred by the Town related to this Development Agreement.

5.1.12 Liability

5.1.12.1 The Developer shall be liable for any damage caused to persons or public or private property by the Developer or any contractor or other individual doing work related to the Development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the Development. The Developer shall obtain and maintain in force throughout the course of construction on the Development, liability insurance coverage to insure the responsibilities which the Developer is assuming in this section.

5.1.13 Default

5.1.13.1 If the Developer fails to comply strictly with any term of this Development Agreement or any legislation applicable to this Development Agreement, the Town may, after 30 days notice in writing to the Developer, enter the lands and perform any obligation with which the Developer has failed to comply strictly.

5.1.13.1.1 All expenses arising out of the entry of the Lands and performance of the obligations may be recovered by the Town from the Developer by direct suit and shall form a charge upon the Lands. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the Town for tax arrears on the outstanding balance from time to time. Such interest costs shall be treated as an expense.

5.1.13.1.2 For work conducted by the Town in accordance with 5.1.12.1 the Town shall be considered a contractor and the Developer shall continue to be liable in accordance with 5.1.11.1

5.1.13.2 If the Developer breaches any of the terms of this Development Agreement, the Town, at its sole option, may:

- (a) Terminate this Development Agreement;
- (b) Exercise its rights under paragraph 5.1.12.1 above; or,

(c) Take no action.

5.1.13.3 Any election by the Town to take no action on a breach of this Development Agreement by the Developer shall not bar the Town from exercising its rights under this Development Agreement on any other breach.

5.1.13.4 Any expenses incurred by the Town in exercising its rights under sections 5.1.11 and 5.1.12, or either of them, shall be paid by the Developer to the Town.

5.1.14 Administration

The Development Officer administers this Agreement. His/Her decision is final and binding on all parties.

6. Warranties by the Developer

6.1 Title and Authority

6.1.1 The Developer warrants as follows:

- (a)** The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign this Development Agreement to validly bind the Lands.
- (b)** The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

7. Full Agreement

7.1 Other Agreements

7.1.1 This Development Agreement constitutes the entire agreement and contract entered into by the Town and the Developer. No other agreement or representation, whether oral or written, shall be binding.

7.1.2 This Development Agreement shall not be a precedent for any other agreement either between the Town and the Developer or between the Town and any other party.

8. Notice

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid, if to the Town to:

Town of Wolfville
359 Main Street
Wolfville, Nova Scotia
B4P 1A1
Attention: Development Officer

and if to the Developer:

and if to 292 Main Street Developments:

292 Main Street Developments
220 Waterfront Drive Suite 401
Bedford, NS, CA
B4A 0H3
Attention: Kevin Gildart

9. Headings

The headings used in this Development Agreement are for convenience only. If any of the headings are inconsistent with the provisions of the Development Agreement which it introduces, the provisions of the Development Agreement shall apply.

10. Binding Effect

This Development Agreement shall ensure to the benefit of and be binding upon the parties to this Development Agreement, their respective successors, administrators, and assigns.

11. Execution

In witness of this Development Agreement the parties have signed, sealed and delivered it to each other on the date set out at the top of the first page.

SIGNED, SEALED AND DELIVERED)
In the presence of:)
) TOWN OF WOLFVILLE
)
)
) By _____
) MAYOR

Witness)
)
) By _____
) TOWN CLERK

SIGNED, SEALED AND DELIVERED)
In the presence of:) By _____
) KEVIN GILDART on behalf of
) 292 MAIN STREET DEVELOPMENTS LIMITED

Witness

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2019, _____ a
witness to this agreement came before me, made oath, and swore that the **TOWN OF
WOLFVILLE**, caused the same to be executed by its proper officers who affixed its Corporate Seal
and subscribed their hands in its name and in its behalf in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

CANADA

PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2019, _____ a witness to this agreement came before me, made oath, and swore that **KEVIN GILDART** caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

Schedule "A" – Parcel Description

All that certain lot, piece or parcel of land as shown on plan of survey No. R-1-2008-095 prepared by Cyr Surveys Limited, dated July 4, 2008, situated at Wolfville, Kings County, Nova Scotia, more particularly bounded and described as follows:

Beginning at a survey marker on the northern boundary of Main Street, at the southeast corner of land conveyed to Oulton Investments Limited (PID No. 55278683) being north seventy-four degrees thirty-three minutes thirty-two seconds east a distance of 250.83 feet from Nova Scotia Control Monument 8371;

Thence north eight degrees sixteen minutes twenty-two seconds west following the eastern boundary of said land conveyed to Oulton Investments Limited a distance of 60.51 feet to a survey marker at the northeast corner of said land conveyed to Oulton Investments Limited;

Thence north sixty-eight degrees forty-three minutes fifty-five seconds west following the northern boundary of said land conveyed to Oulton Investments Limited a distance of 29.53 feet to a survey marker on the southern boundary of land conveyed to Nova Scotia Power Inc. (PID No. 55278667);

Thence north eighty-two degrees six minutes forty-four seconds east following the said southern boundary of land conveyed to Nova Scotia Power Inc. a distance of 25.66 feet to an iron bar;

Thence continuing along the said southern boundary of land conveyed to Nova Scotia Power Inc. north eighty-one degrees fifty minutes thirty-three seconds east a distance of 33.28 feet to a survey marker;

Thence continuing along the said southern boundary of land conveyed to Nova Scotia Power Inc. north seventy-nine degrees fifty minutes forty seconds east a distance of 128.13 feet to a survey marker;

DRAFT DEVELOPMENT AGREEMENT SUBJECT TO LEGAL REVIEW

Thence south seventeen degrees eleven minutes twenty-two seconds east following the western boundary of said land conveyed to Nova Scotia Power Inc. a distance of 75.05 feet to a survey marker on the said northern boundary of Main Street;

Thence south seventy-nine degrees thirty-nine minutes fifty-six seconds west following the said northern boundary of Main Street a distance of 140.03 feet to a survey marker;

Thence continuing along the said northern boundary of Main Street south eighty-one degrees fifty-eight minutes thirty-eight seconds west a distance of 33.00 feet to the Point of Beginning.

Together with a right-of-way at all times and for all purposes for the Grantee its servants and all persons authorized by it or them over that portion of land described as follows:

Commencing at the southeastern corner of the above described lot;

Thence easterly along Main Street fifteen feet;

Thence northerly parallel with the last boundary of the above described lot seventy-five feet;

Thence westerly fifteen feet to the northeast corner of above described lot;

Thence southerly along the east line of said lot to the place of beginning;

Subject to a right-of-way in common with the Grantee for persons, animals and vehicles over and along that portion of the above described lands, described as follows:

Commencing at the southeastern corner of the described lot on Main Street;

Thence westerly along Main Street ten feet;

Thence northerly and parallel with the east line seventy-five feet;

Thence easterly along the north boundary ten feet;

Thence southerly along the eastern boundary seventy-five feet to the place of beginning.

Containing an area of 12,684 square feet.

Bearings are referred to the Nova Scotia 3 degrees Modified Transverse Mercator Grid, Zone 5, Central Meridian 64 degrees 30 minutes West.

AND ALSO Parcel R as shown on registered plan no. 108704496 recorded in the Land Registration Office for Kings County.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: KINGS COUNTY

Registration Year: 2016

Plan or Document Number: 108704496

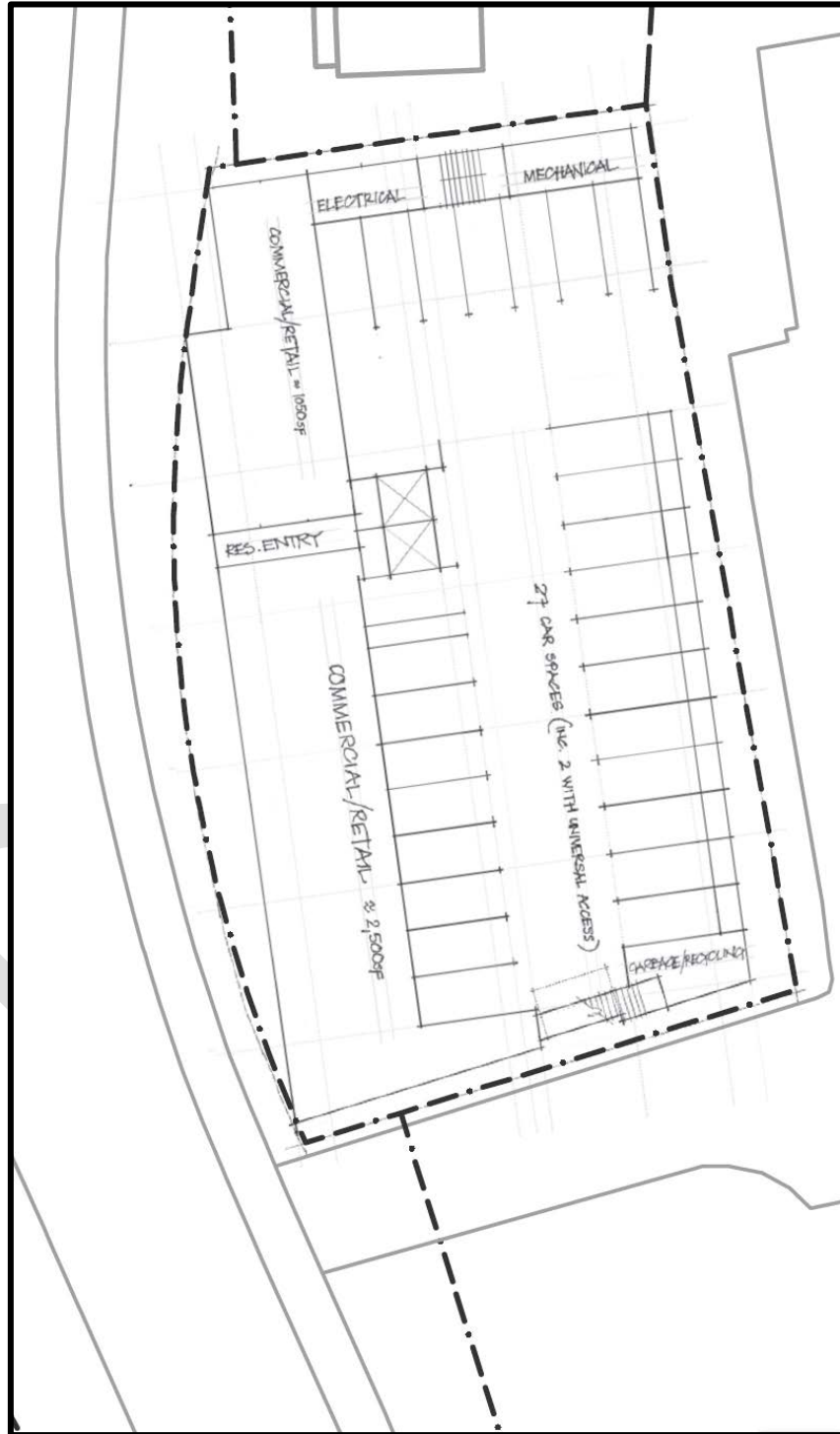
The MGA compliance statement has been applied by SNSMR during the processing of Land Registration Plan

DRAFT

DRAFT DEVELOPMENT AGREEMENT SUBJECT TO LEGAL REVIEW

Schedule "B" Site/Landscaping Plan DRAFT

TO BE UPDATED AND INCLUDE STREETScape IMPROVEMENTS AS REQUIRED BY PARKS DIRECTOR (in conjunction with East End Gateway), **CONSIDER ON STREET LOADING ZONE** AS PART OF STREETScapeING,



DRAFT

Schedule "C" – Architectural Design



West Elevation



East Elevation



REQUEST FOR DECISION 016-2019

Title: Changes to incomplete Development Agreement: Lot PM – 1

Date: 2019-04-02

Department: Community Planning and Development



SUMMARY

Changes to incomplete Development Agreement: Lot PM – 1

Garth Pierce, owner of Lot PM-1, has requested substantial changes to the development agreement as reviewed by Council to improve accessibility. Staff believe the alterations are consistent with Modern Composite styles found in East Main Street “B” architectural area, yet clearly alter the plans approved by Council. Staff seek direction from Planning Advisory Committee and Council on whether to move to a public hearing as part of altering the incomplete Development Agreement.

DRAFT MOTION:

THAT COMMITTEE RECOMMEND THAT COUNCIL APPROVE THE SUBSTANTIAL CHANGES TO THE INCOMPLETE DEVELOPMENT AGREEMENT FOR PID #55443048, originally approved at the October 16, 2018 meeting of Council, AND FORWARD A NEW DEVELOPMENT AGREEMENT FOR PID #55443048 TO A PUBLIC HEARING WHICH INCLUDES THE CHANGES OUTLINED IN THIS REPORT

REQUEST FOR DECISION 016-2019

Title: Changes to incomplete Development Agreement: Lot PM – 1

Date: 2019-04-02

Department: Community Planning and Development



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville.

3) STAFF RECOMMENDATION

As above.

4) REFERENCES AND ATTACHMENTS

- Staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville

5) DISCUSSION

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville.

6) FINANCIAL IMPLICATIONS

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville

8) COMMUNICATION REQUIREMENTS

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville

9) ALTERNATIVES

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



SUMMARY

Changes to incomplete Development Agreement: Lot PM – 1

Garth Pierce, owner of Lot PM-1, has requested substantial changes to the development agreement as reviewed by Council to improve accessibility. Staff believe the alterations are consistent with Modern Composite styles found in East Main Street “B” architectural area, yet clearly alter the plans approved by Council. Staff seek direction from Planning Advisory Committee and Council on whether to move to a public hearing as part of altering the incomplete Development Agreement.

DRAFT MOTION:

THAT PLANNING ADVISORY COMMITTEE RECOMMEND THAT COUNCIL APPROVE THE SUBSTANTIAL CHANGES TO THE INCOMPLETE DEVELOPMENT AGREEMENT FOR PID #55443048, originally approved at the October 16, 2018 meeting of Council, AND FORWARD A NEW DEVELOPMENT AGREEMENT FOR PID #55443048 TO A PUBLIC HEARING WHICH INCLUDES THE CHANGES OUTLINED IN THIS REPORT.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



1) CAO COMMENTS

No Comments Required.

2) LEGISLATIVE AUTHORITY

The Municipal Government Act Section 47 enables Council to make decisions in the exercise of its powers on behalf of the Municipality, which includes directing staff. The Municipal Planning Strategy regulates requirements for Development Agreements.

3) STAFF RECOMMENDATION

As recommendation.

4) REFERENCES AND ATTACHMENTS

- Attachment 1: Proposed Changes
- Attachment 2: RFD #056-2018
- Attachment 3: PAC Staff Report dated June 14, 2018
- Attachment 4: Development Agreement approved by Council on October 16, 2018

5) DISCUSSION

Garth Pierce, owner of Lot PM-1, has requested substantial changes to the development agreement as reviewed by Council to improve accessibility. Staff believe the alterations are consistent with Modern Composite styles found in East Main Street “B” architectural area, yet clearly alter the plans approved by Council. The proposed changes have not been reviewed by Design Review Committee.

For an outline of the changes, see Attachment 1: Proposed Changes (page 4). If approved, these changes would then be reflected in changes to the Development Agreement (Attachment 4, page 42).

As the Development Agreement has not yet been signed and completed this request is not an application for an amending agreement, yet as the changes are substantial Staff seek direction from Planning Advisory Committee and Council on whether to move to a public hearing as part of altering the incomplete Development Agreement.

6) FINANCIAL IMPLICATIONS

Additional staff time will be required to process an amendment to a Development Agreement. Additional costs will also be required for mail-out and advertising required.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Policy review related to the original application is provided in the attached PAC Staff Report.

8) COMMUNICATION REQUIREMENTS

None at this time, yet a public hearing shall require additional mailings and public notice.

9) ALTERNATIVES

1. Planning Advisory Committee recommend that Council direct staff with specific feedback before a public hearing to alter the incomplete Development Agreement.
2. Planning Advisory Committee recommend that Council direct staff with specific feedback, and require a second review by Planning Advisory Committee, before a public hearing to alter the incomplete Development Agreement.

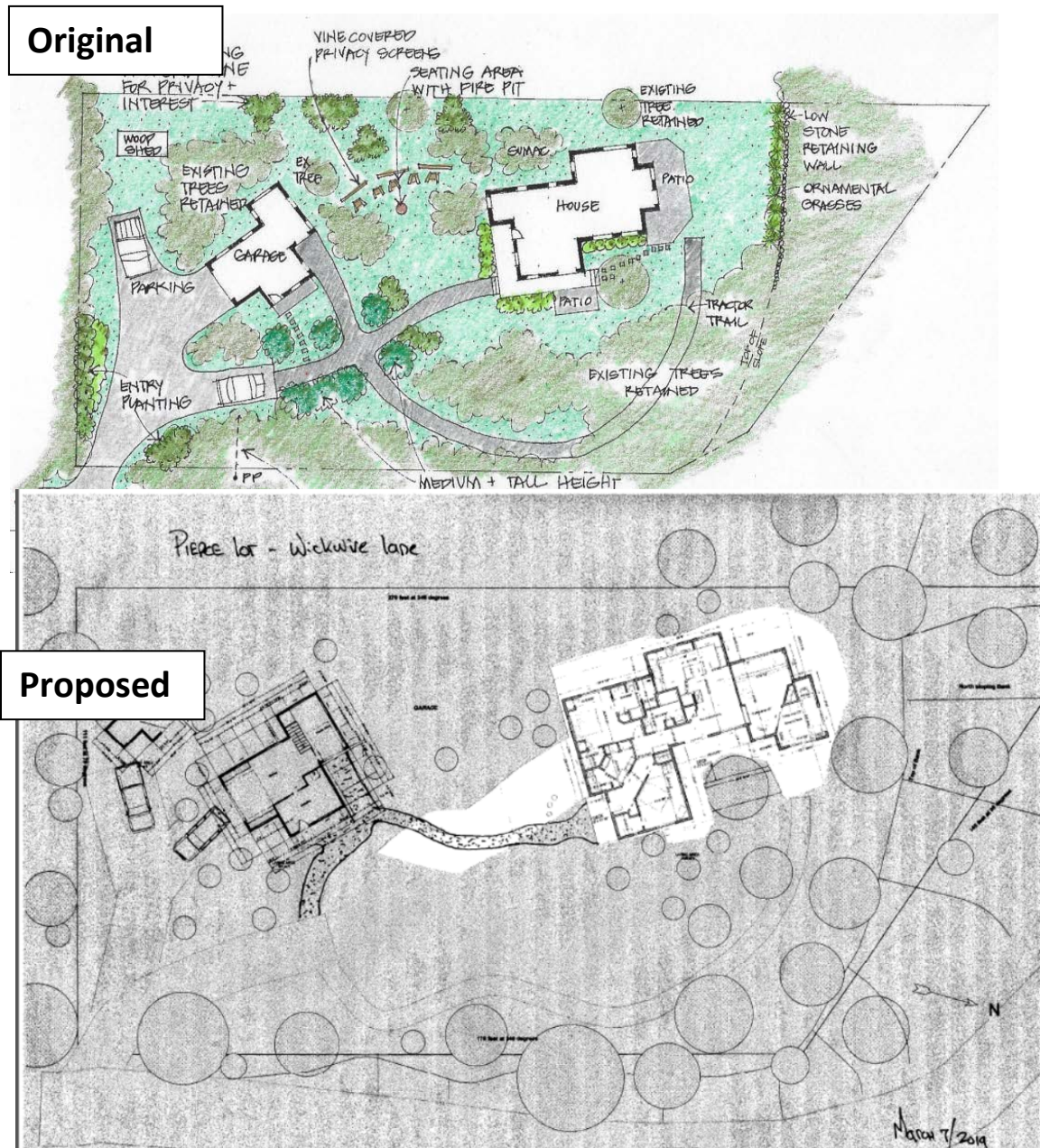
**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019
Department: Planning & Development



ATTACHMENT 1: Proposed Changes

Proposed Site/Landscaping Plan (Figure 2)

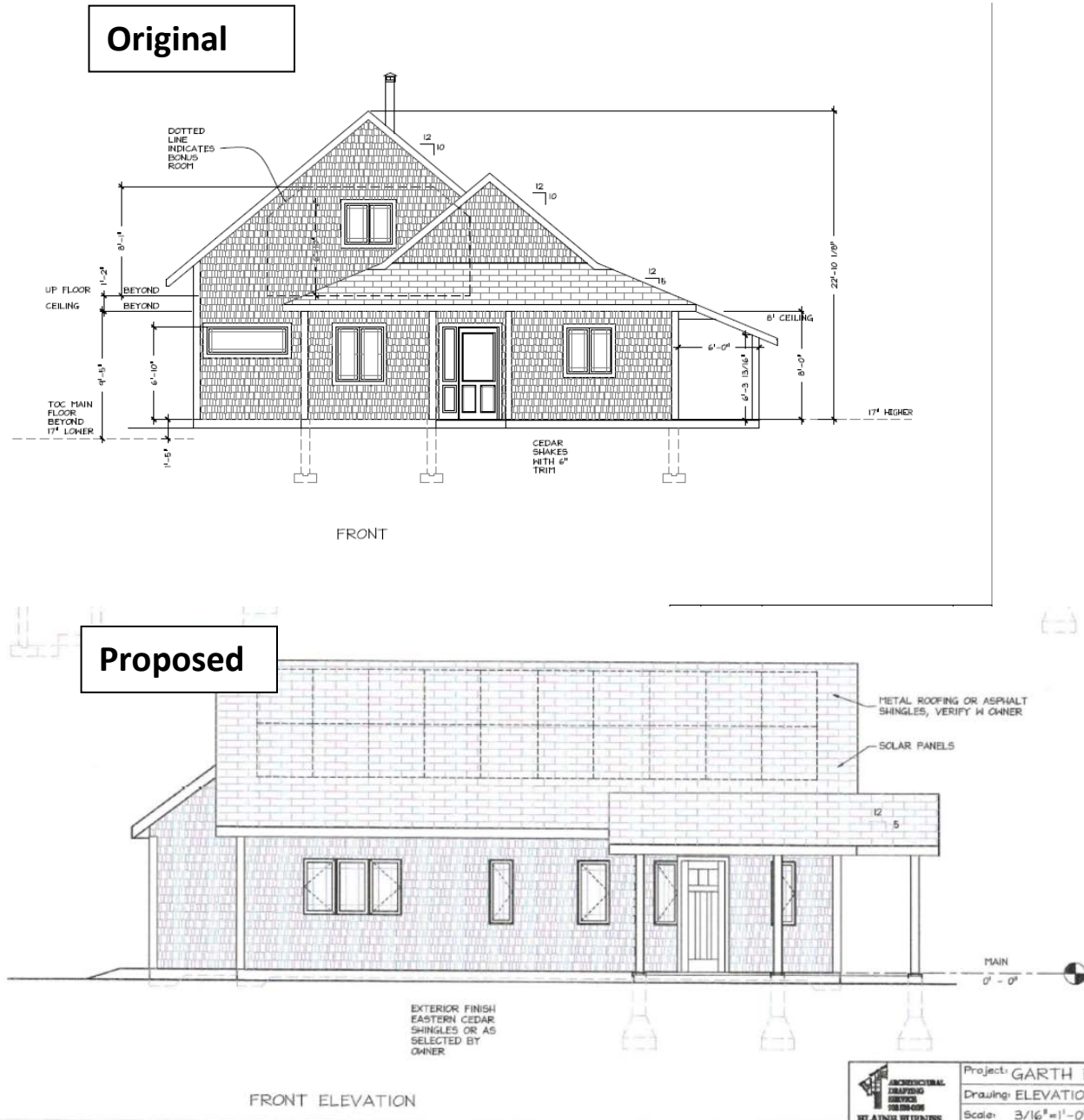


REQUEST FOR DIRECTION from
 PLANNING ADVISORY COMMITTEE
 Development Agreement Proposal
 Lot PM-1 Wolfville

Date: March 21, 2019
 Department: Planning & Development



Proposed Front Elevation of Dwelling Unit (Figure 3/4/5/6)

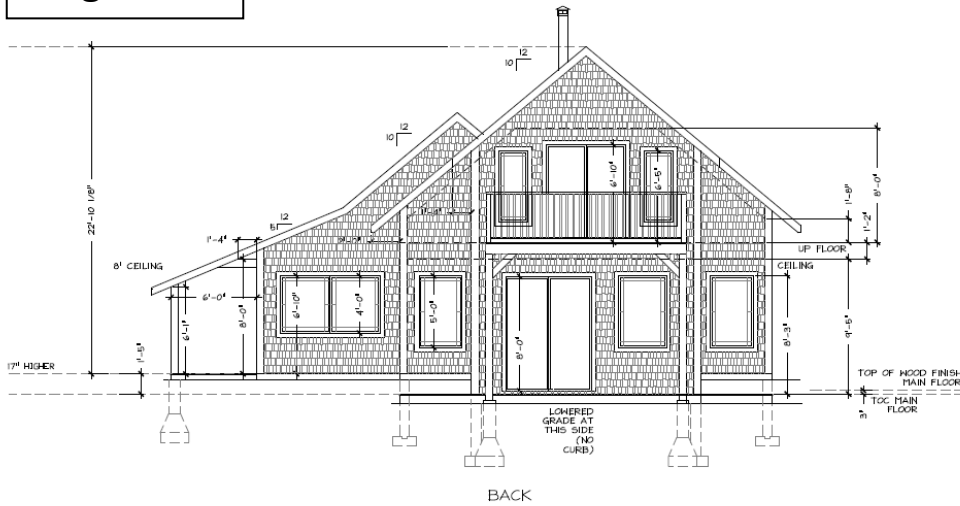


**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019
Department: Planning & Development



Original



ARCHITECTURAL OFFICE 82 336-0885 ELAINE FURNISS	Project: GARTH PIERCE	Dwg
	Drawing: ELEVATION	A5
	Scale: 3/16"=1'-0"	June 29 2018

Proposed

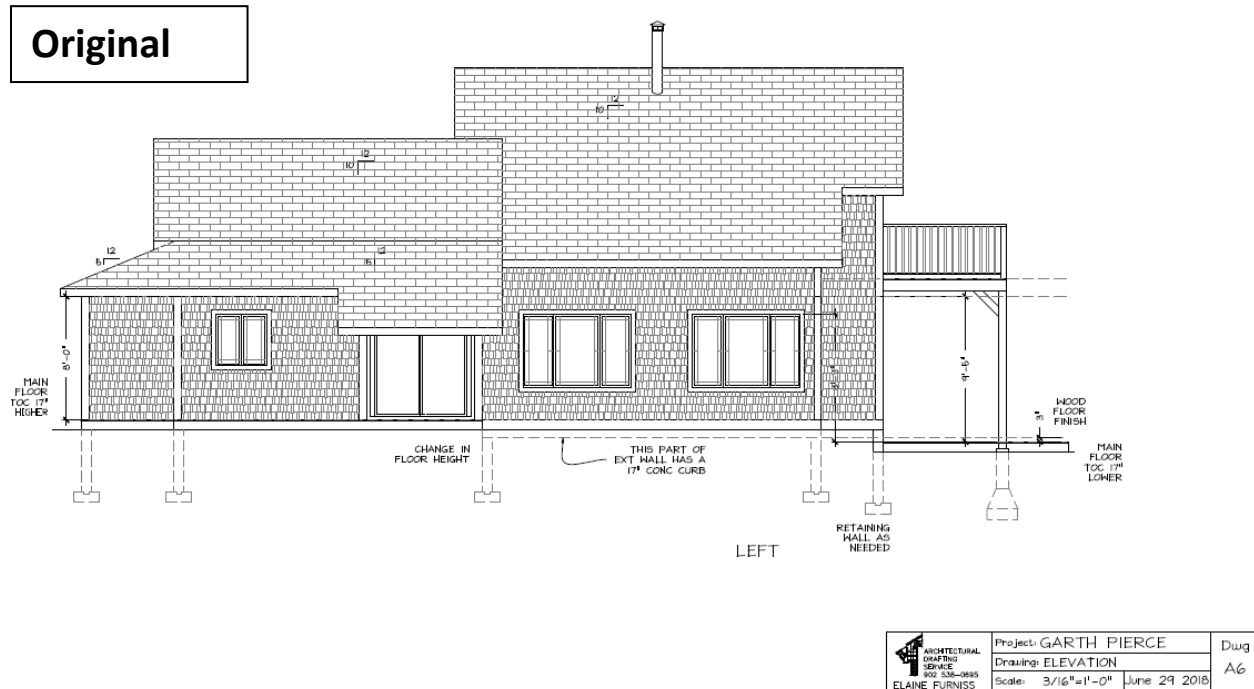


**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019
Department: Planning & Development



Original



Proposed



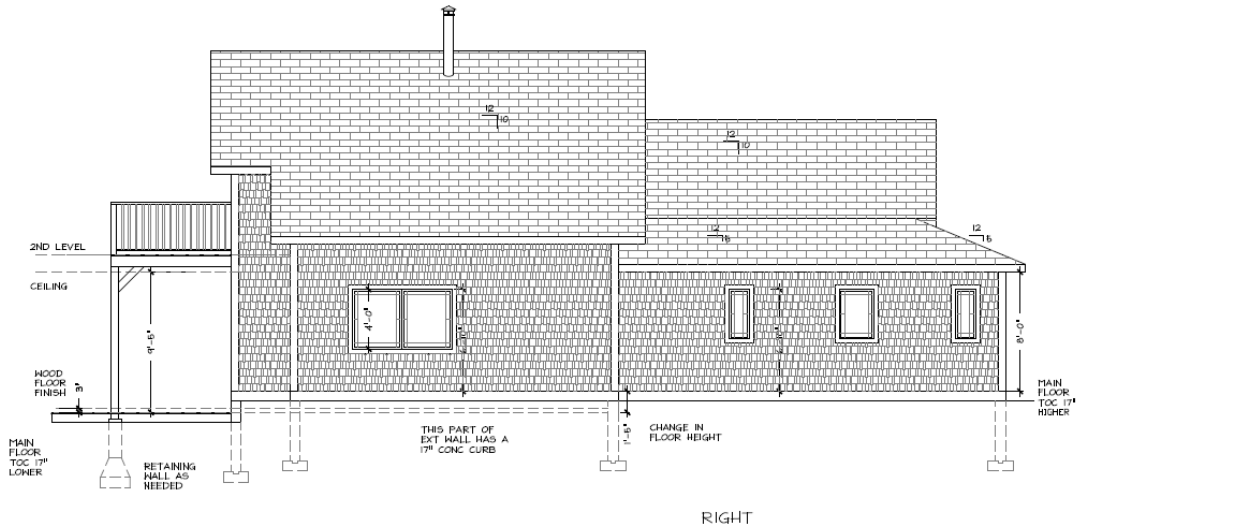
**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



Original



Proposed

 ARCHITECTURAL DRAFTING SERVICE 800.538-0885 ELAINE FURNISS	Project: GARTH PIERCE	Diag
	Drawing: ELEVATION	A7
	Scale: 3/16"=1'-0"	June 29 2018



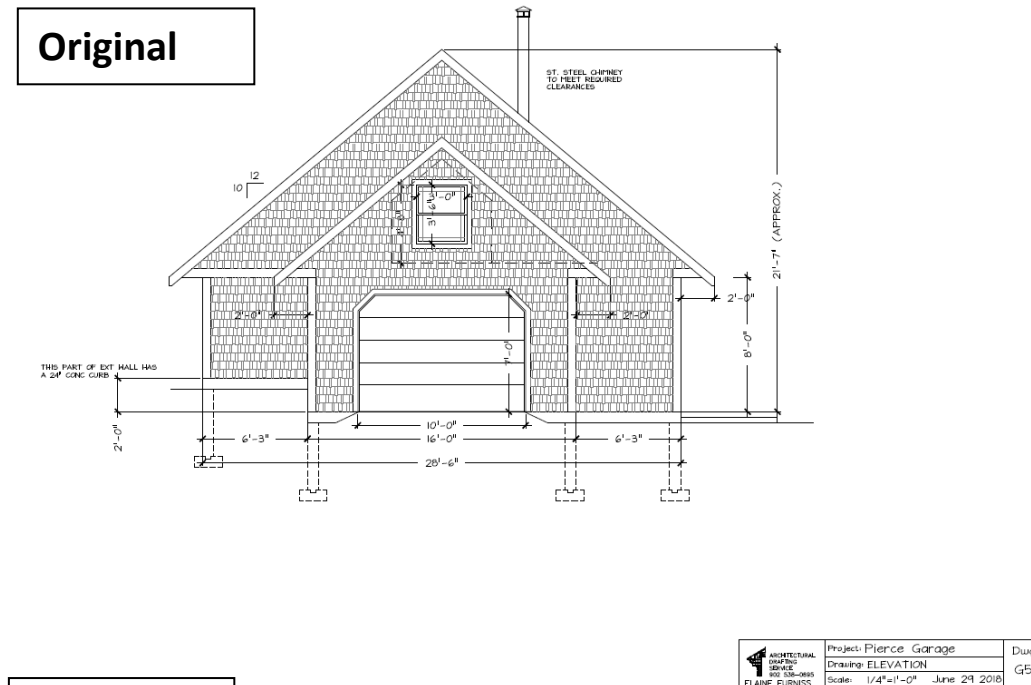
 ARCHITECTURAL DRAFTING SERVICE 800.538-0885 ELAINE FURNISS	Project: GARTH PIERCE
	Drawing: ELEVATIONS
	Scale: 3/16"=1'-0" FEB 18 2019

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019
Department: Planning & Development

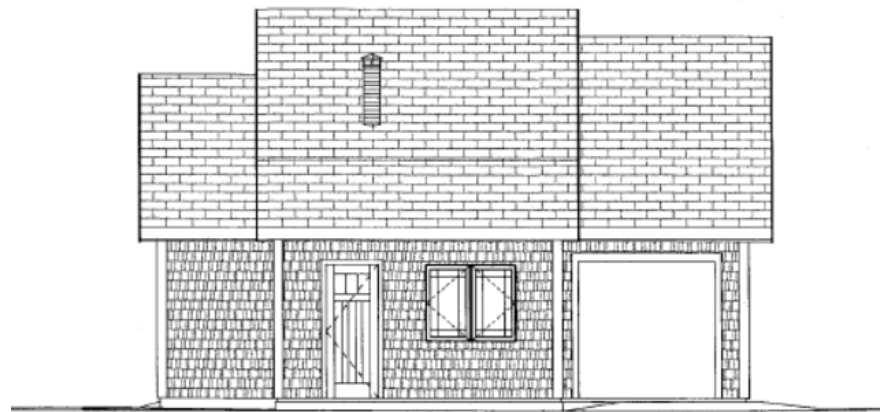
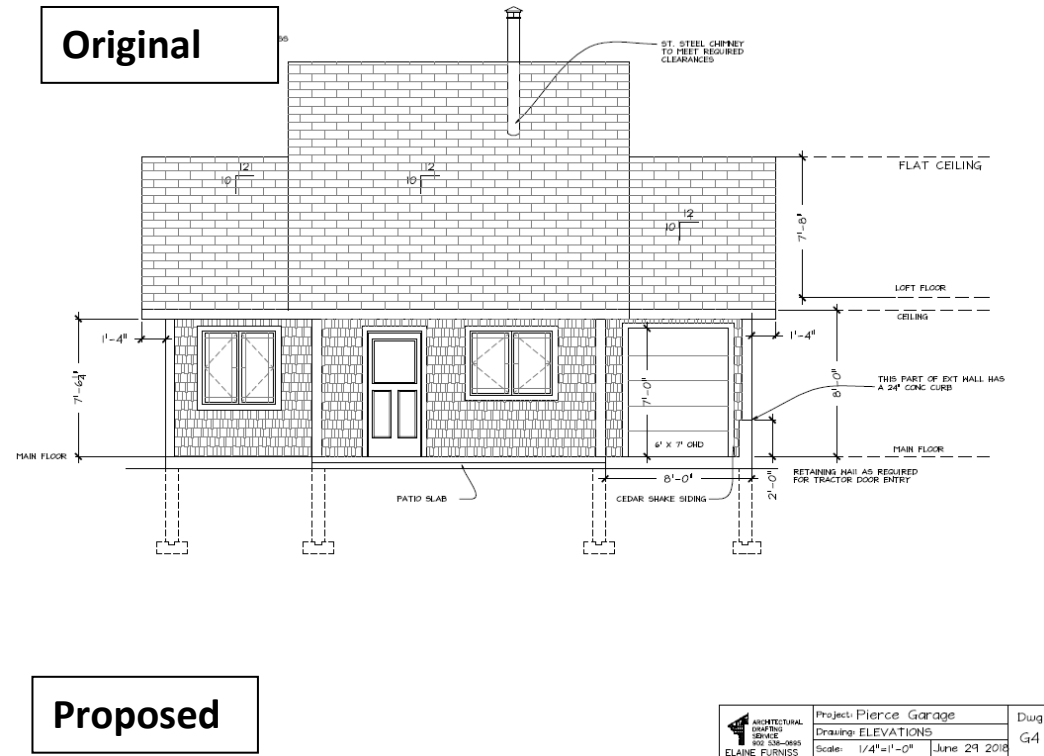


Proposed Elevation of Garage and Woodshed (Figure 7/8)



**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019
Department: Planning & Development



FOR REVIEW ONLY NOT FOR CONSTRUCTION

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



ATTACHMENT 2: RFD #056-2018

REQUEST FOR DECISION #056-2018

Development Agreement Proposal Lot PM-1 Wolfville

Date: 2018-09-04

Department: Community Development



SUMMARY

Development Agreement Proposal Lot PM-1 Wolfville

For COW to consider the PAC recommendation regarding the draft development agreement at Lot PM1, PID 55443048, to develop a single residential unit.

PAC Motion (July 25th, 2018):

MOTION: IT WAS REGULARLY MOVED AND SECONDED THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL FOR THE DRAFT DEVELOPMENT AGREEMENT AT LOT PM-1 MAIN STREET AND THAT IT BE FORWARDED TO COUNCIL FOR INITIAL CONSIDERATION.

CARRIED.

DRAFT MOTION:

That Council approve the draft Development Agreement at Lot PM-1 Main Street

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



10) CAO COMMENTS

No Comments Required.

11) LEGISLATIVE AUTHORITY

The Municipal Government Act Section 47 enables Council to make decisions in the exercise of its powers on behalf of the Municipality, which includes directing staff. The Municipal Planning Strategy regulates requirements for Development Agreements. The Land Use By-Law identifies when development agreements are appropriate.

12) STAFF RECOMMENDATION

Staff considers the draft development agreement consistent with the relevant policies of the Municipal Planning Strategy (MPS) and recommends that it be forwarded to a Public Hearing before a decision is made by Council.

13) REFERENCES AND ATTACHMENTS

- PAC Staff Report dated July 25, 2018 (attachment 1)
- Draft Development Agreement dated July 25, 2018 (attachment 2)

14) DISCUSSION

The subject property is currently vacant. The development agreement application proposes the construction of one new building containing a single-dwelling unit, with two freestanding structures (a garage and a woodshed). The lands are accessed via an easement fronting on Main Street. The easement will require long-term collaboration between the three private property-owners and the Town, yet is adequate for the purposes of this application.

Discussion at the Planning Advisory Committee recognized that this development's use of the access easement needs to be examined due to the multiple stakeholders, including three private properties and the Town of Wolfville, may have differing intentions and expectations for the intensified use as an access driveway and a public access to Oak Avenue Trail and "Woodman Bridge". Access through the existing easement is already permitted to Lot PM-1, therefore it is not considered as part of this application, and the process of examining the access easement as it relates to park and private access is underway as part of parks-planning scheduled as part of the 2018-19 operating plan.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



With this in mind, Staff believe this proposal is consistent with the relevant policies of the existing Municipal Planning Strategy.

15) FINANCIAL IMPLICATIONS

Development on vacant lots in areas of existing services increases the efficiency of Town resources while increasing property value and associated property taxes. This results in an environmental and economic benefit to the Town.

16) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Full policy review provided in the attached PAC Staff Report.

17) COMMUNICATION REQUIREMENTS

The Town held a Public Information Meeting on March 22, 2018 and the notes from the session are included as Attachment 2 of the PAC Staff Report. The next step in the process is for the application to go forward to a public hearing, which has tentatively been scheduled for October 2018. This step provides the opportunity for Council to hear directly from the public regarding the proposal. Notification of the public hearing will be mailed to neighbouring property owners, ads will be placed in the newspaper, and information posted to the Town's website and social media. The existing sign will remain placed on the property indicating the property is subject to a development agreement application. Following the public hearing (the same meeting or subsequent), Council will then make a decision on the application.

18) ALTERNATIVES

3. COW forwards the application to Planning Advisory Committee with specific direction or questions for consideration.
4. COW immediately alters the application before forwarding to a public hearing.
5. COW rejects the application

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019
Department: Planning & Development



ATTACHMENT 3: PAC Staff Report dated June 14, 2018

**REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: June 14, 2018
Department: Planning & Development

APPLICANT	Garth Pierce- property owner
PROPOSAL	To allow for the construction of a single (1) unit dwelling, freestanding garage and freestanding woodshed. The property has an access easement from Main Street as of October 21,2016.
LOCATION	Lot PM-1 Main Street (PID 55443048)
LOT SIZE	25,531 square feet (2,372 square metres)
DESIGNATION	Low Density Residential
ZONE	Low Density Residential (R-1A)
SURROUNDING USES	Low Density Residential, designated Park area, Residential Comprehensive Development District (RCDD), and the Harvest Moon Trail.
ARCHITECTURAL GUIDELINES	The existing property is mostly in the 'East Main Street "B"' Residential Architectural Control area.
NEIGHBOUR NOTIFICATION	Email list from PIM meeting; Newspaper ads and notices mailed to surrounding property owners within 100 metres; Sign placed on property

PROPERTY LOCATION

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development

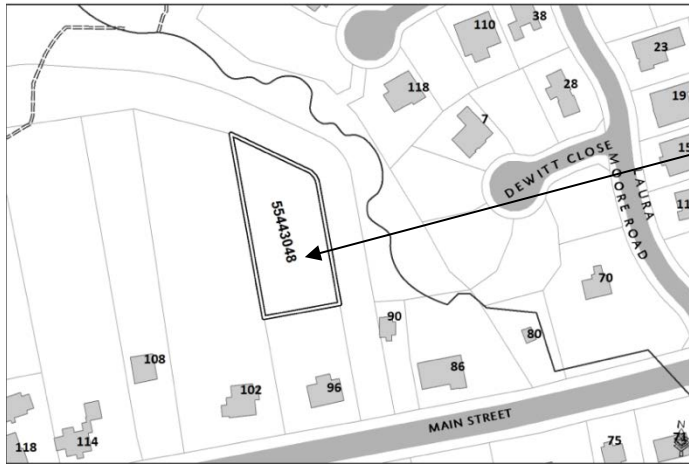


Figure 1 – Context Map

Lot PM-1 is located behind 96 Main Street, in-between Laura Moore Road and Maple Avenue, shown in Figure 1.

This property is accessed with an access-easement on the incomplete Oak Avenue / Wickwire Lane path (see figure 1.1 next page).

Attachment 4 provides some streetscape context.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019
Department: Planning & Development

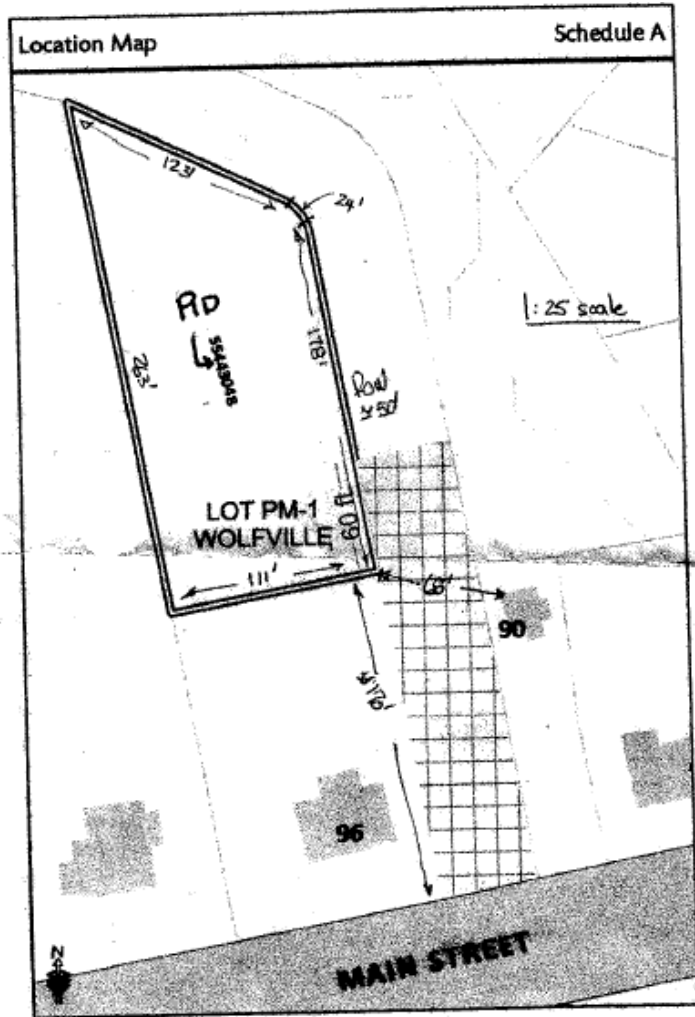


Figure 1.1 – Context Map

PROPOSAL

Garth Pierce is seeking a development agreement that would permit the construction of single (1)-unit residential building with a freestanding garage and (freestanding) woodshed. The lot currently contains wooded area with an access easement from Main Street; the easement transitions to an informal pedestrian trail after the property connects to Oak Avenue and the Harvest Moon Trail west of the site. Policy, site and architectural analysis is provided in the sections that follow.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



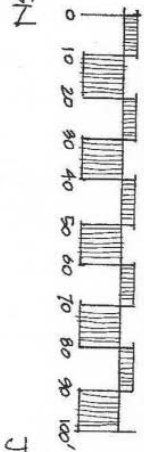
Proposed Site/Landscaping Plan (Figure 2)

REQUEST FOR DIRECTION from
 PLANNING ADVISORY COMMITTEE
 Development Agreement Proposal
 Lot PM-1 Wolfville

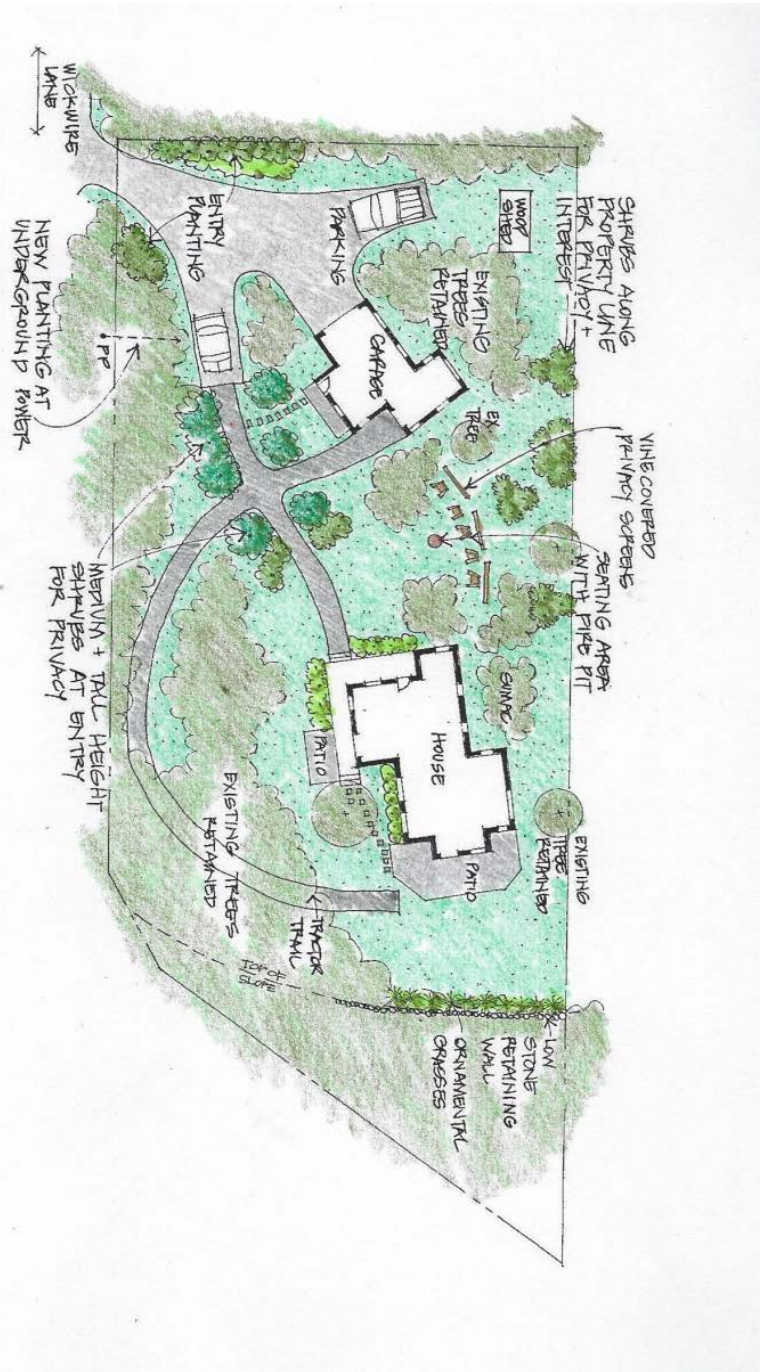
Date: March 21, 2019
 Department: Planning & Development



PIERCE RESIDENCE
 LANDSCAPE CONCEPT PLAN
 JOY ELLIOTT, LANDSCAPE ARCHITECTURAL DESIGN



JUNE 2018

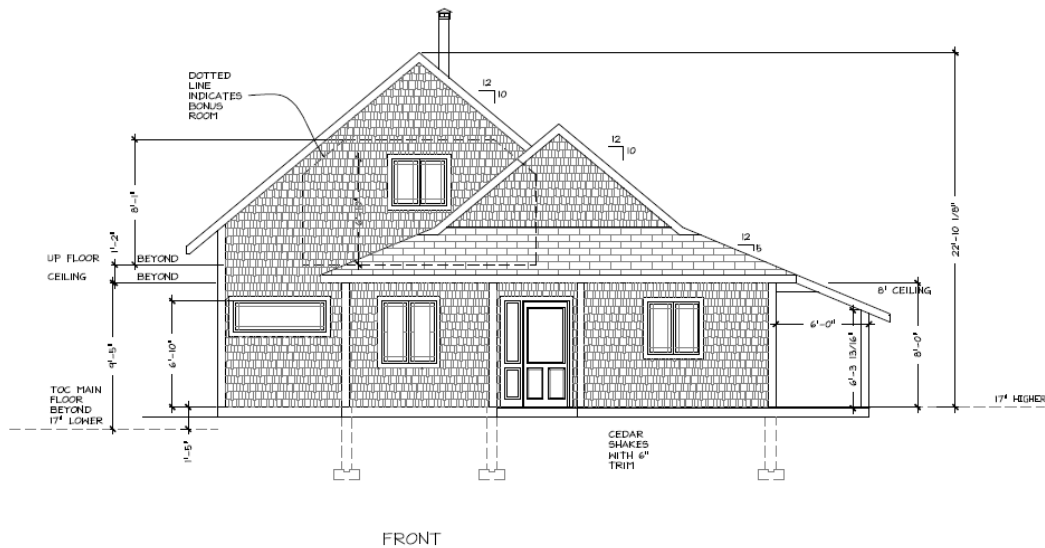



**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

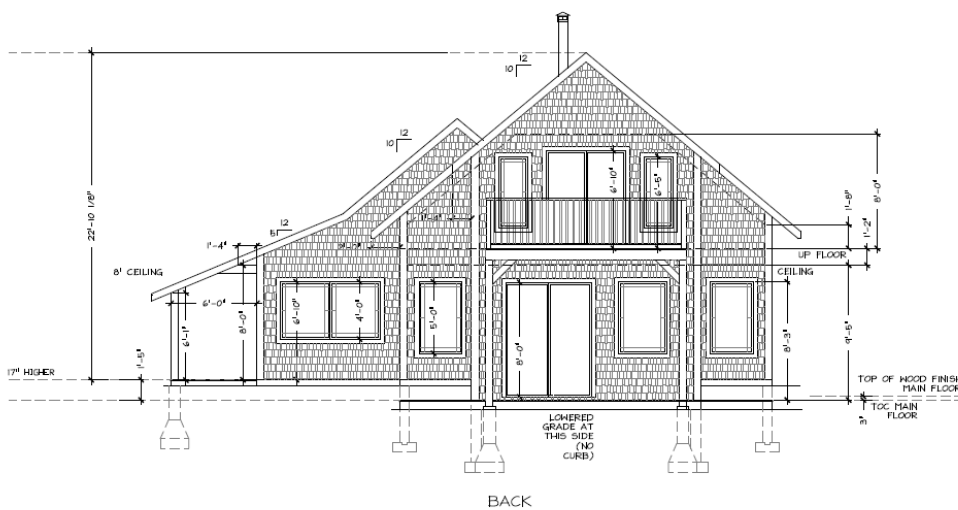
Date: March 21, 2019
Department: Planning & Development



Proposed Front Elevation of Dwelling Unit (Figure 3/4/5/6)



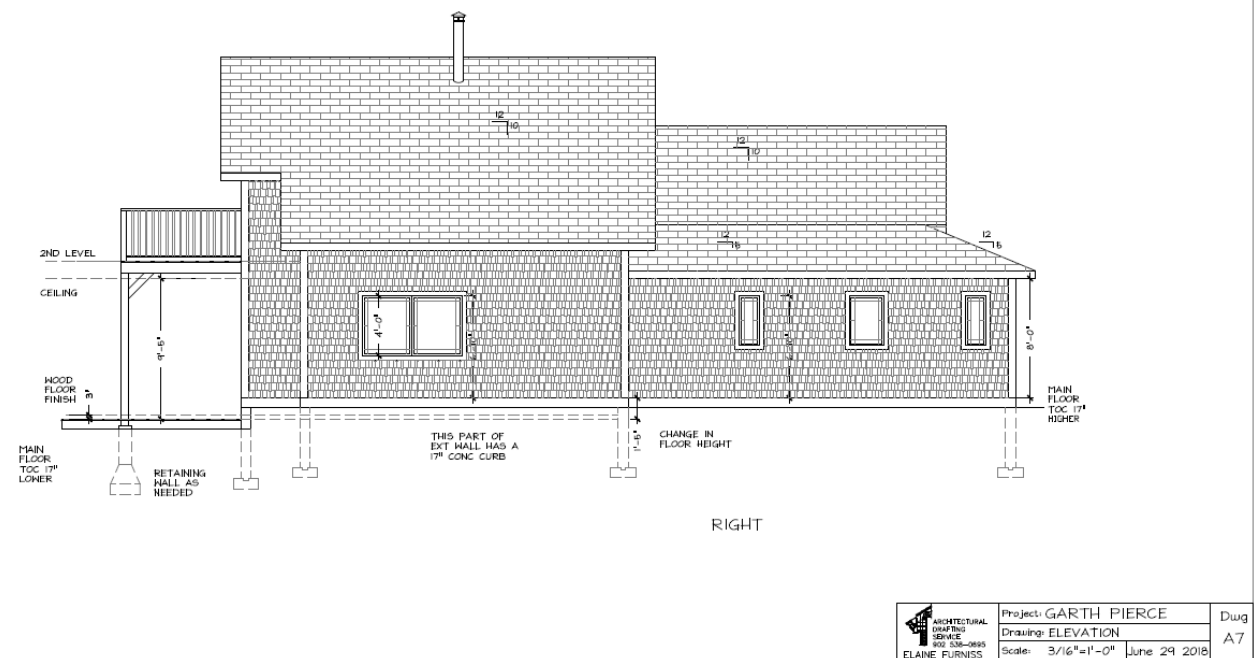
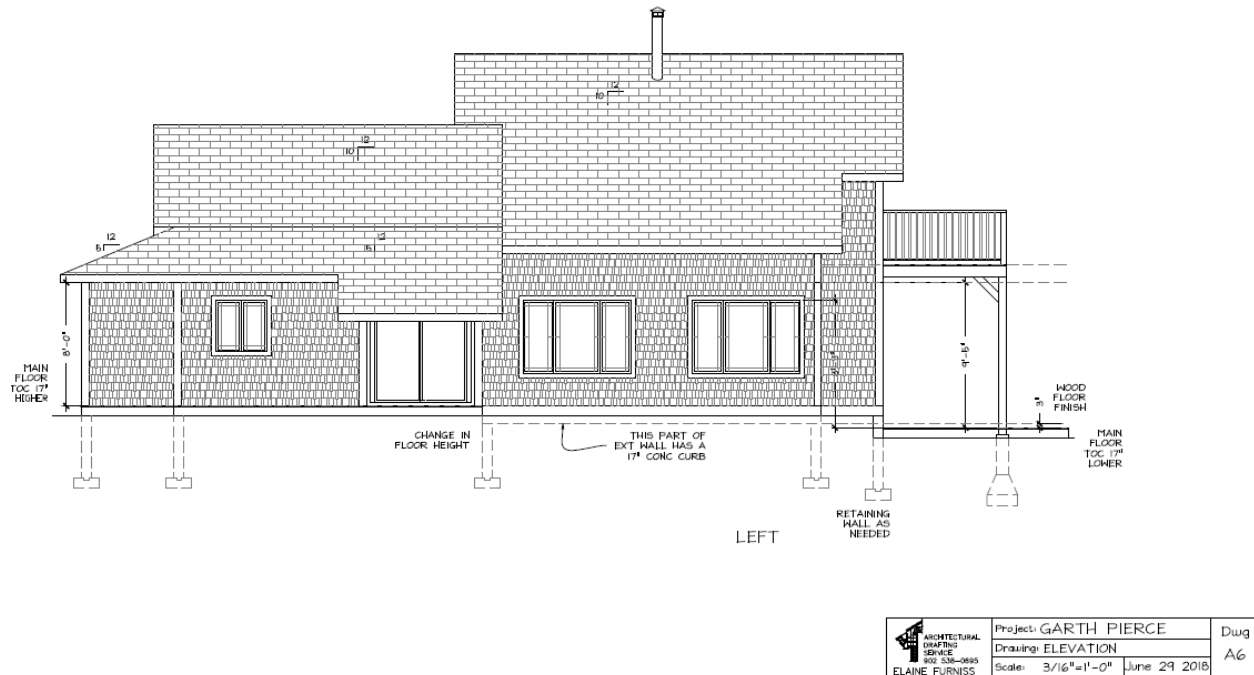
	Project: GARTH PIERCE	Dwg
	Drawing: ELEVATION	A4



	Project: GARTH PIERCE	Dwg
	Drawing: ELEVATION	A5
	Scale: 3/16"=1'-0" June 29 2018	

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019
Department: Planning & Development



**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development

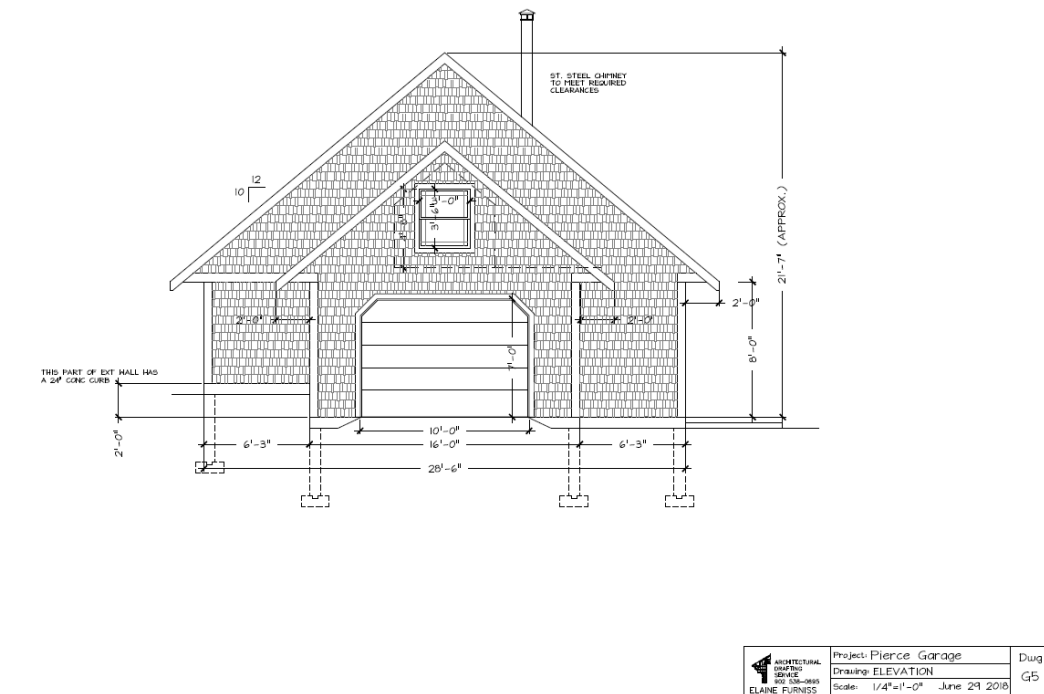


**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019
Department: Planning & Development



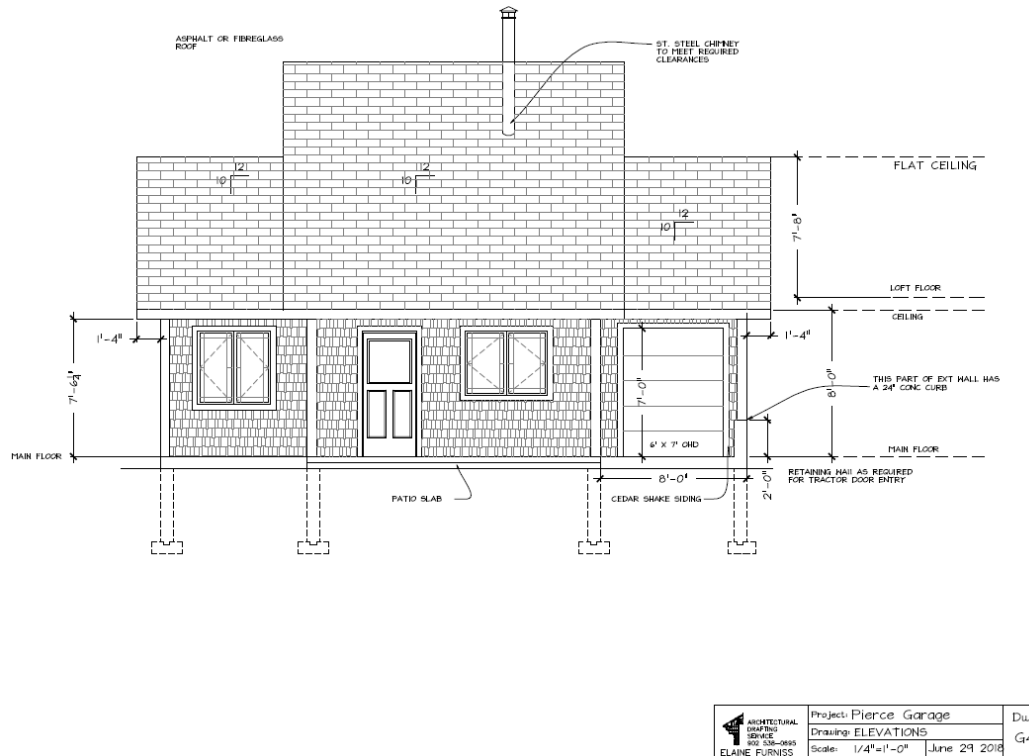
Proposed Elevation of Garage and Woodshed (Figure 7/8)



**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



PROCESS & NEXT STEPS

Section 230 of The Municipal Government Act (MGA) establishes the process for the approval of a Development Agreement. This process requires review by the Planning Advisory Committee and the holding of a Public Hearing by Council prior to a decision by Council to approve or reject the proposal. The decision by Council may be appealed to the Nova Scotia Utility and Review Board by an aggrieved person or by the Applicant.

The first stage of the application review process began at the Public Information Meeting (PIM) held on March 22, 2018. Property owners within 100 metres of the development were notified by mail, indicating that the site was subject to a development agreement application. The purpose of the PIM was to provide the public with an opportunity to offer preliminary feedback on the request and allow the applicant to answer any questions that would arise. Notes from this session have been included as 'Attachment 2' and assisted the review process in identifying issues, support or concerns raised by residents. The subject property (Lot PM-1) is located within the 'East Main Street "B"' Architectural Control Area requiring review by the Town's Design Review Committee (DRC). The Application was submitted to the DRC for review by email on March 21, 2018.

The next step in the Development Agreement process (as shown below), will be to have the Planning Advisory Committee (PAC) review this report and provide a recommendation to Council. Council will then provide Initial Consideration, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council.



Figure 9 – Development Agreement Process

POLICY REVIEW & DISCUSSION

The property is designated Low Density Residential in the [Municipal Planning Strategy](#) (MPS) and zoned Low Density Residential (R-1A in the [Land Use Bylaw](#) (LUB). The current property is a wooded lot, and has access with an easement from Main Street (dated October 21, 2016) as indicated on Figure 2 with hashed lines. The property is approximately 25,531 square feet (2,372 square metres or about half an acre) in size with a slope on the northern edge of the property. No other development constraints are present.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



In areas outside of Architectural Control Areas, property zoned Low Density Residential (R-1A) with this type of proposal is an as-of-right development as it is in accordance with Land Use By-law policy 7.1. Policy 7.3 of the Land Use By-Law requires new dwellings within Architectural Control Areas to be built in accordance with Municipal Planning Strategy (MPS) Part 12 policies. MPS policy 12.1.7 requires new main buildings within an Architectural Control Area to be considered through a Development Agreement Process. MPS policies 12.1.4 and 12.1.5 require the building to be consistent with the principles of the relevant Architectural Guidelines Manual and in context with the neighborhood.

The Municipal Planning Strategy (MPS) includes a number of policies for Council to consider when reviewing such an application. This section provides relevant policies for this development proposal and discussion on criteria set out within these policies. The issues are discussed in the following section.

Land Use By-Law Part 7 – Low Density Residential (R-1A) Zone

“7.1 Permitted Developments

no development permit shall be issued for any use in the Low Density Residential (R-1A) zone except for one or more of the following uses:

- *single unit dwellings*
- *existing multi-unit dwellings”*

“7.3 Developments Permitted by Development Agreement

- *Institutional developments of a limited nature (subject to MPS Policy 8.7.1)*
 - *Bed & Breakfasts in excess of 3 rooms and Inns (subject to MPS Policy 8.7.4)*
 - *Bed & Breakfasts with a dormitory room that has an occupant load larger than four persons (subject to MPS Policy 8.7.4)*
 - *new dwellings located within an Architectural Control Area (subject to MPS Part 12)*
 - *additions or alterations (more than 25% of the total floor area) to existing buildings located in an Architectural Control Area (subject to MPS Part 12)*
 - *additions or alterations (more than 10% of the total floor area) to registered heritage buildings (subject to MPS Part 12)*
- 4)”*

Municipal Planning Strategy – Part 5 – Objectives

Within the list of objectives outlined in Part 5 of the MPS, the two objectives most relevant to the proposed development are 5.1.9, 5.1.12. and 5.1.19. These objectives read as follows:

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



“5.1.9 to manage growth and control land use and development in a manner that will minimize urban sprawl and increase density and reduce conflicts between land uses in a manner that is compatible with the Town’s Sustainability Declaration and Vision.”

“5.1.12 to encourage the preservation of the architectural and cultural heritage of the Town and minimize the impact of new development on this heritage.”

“5.1.19 to consider flexible policies and regulations which enable opportunities for the principles of new urbanism to be incorporated into residential and subdivision design and development.”

Municipal Planning Strategy – Part 6 – Conservation and Environmental Stewardship

“6.1.4 to require that new developments not adversely affect existing residential or other development, with particular regard to proper drainage and erosion control and site grading.”

Municipal Planning Strategy – Part 8 – Residential Development and Land Use

“8.1.3 to permit in areas zoned Residential Single Unit Dwelling (R-1A):

- **single unit dwellings**
- parks and playgrounds”

“8.1.4 to establish a Low Density Residential (R-1A) zone in the Land Use By-law, as shown on Schedule A, the Zoning Map of the Land Use By-law, within a portion of the area designated Low Density Residential.”

“8.1.5 to permit in the areas zoned Low Density Residential (R-1A):

- **single unit dwellings**
- single unit dwellings with an accessory dwelling unit
- existing multi-unit dwellings
- home occupations
- Bed & Breakfasts (with 3 or less guestrooms)
- parks and playgrounds”

“8.5.1 to permit in areas zoned Low Density Residential (R-1A) or designated Medium Density Residential (MDR), High Density Residential (HDR) and Comprehensive Development District (CDD), one accessory dwelling unit in conjunction with a single unit dwelling.”

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



8.6 USES PROHIBITED OR LIMITED THROUGHOUT RESIDENTIAL DESIGNATIONS

“8.6.5 to limit the area dedicated to bedrooms in all residential dwellings.”

“8.7.4 to ensure the following criteria are met when council is considering proposals in areas zoned Low Density Residential (R-1A) or designated Medium Density Residential (MDR), High Density Residential (HDR), and Comprehensive Development District (CDD) designations for Bed & Breakfasts in excess of 3 guestrooms and Inns by development agreement:

(a) the proposed use is located within a designated Architectural Control Area;

(b) development is in accordance with policies 12.1.4, 12.1.5, and 18.6.1.”

Municipal Planning Strategy – Part 12 – Architectural Heritage

“12.1.3 to incorporate special provisions in the Land Use By-law for the lands designated Architectural Control areas with respect to the public facades of:

- **new buildings**
- additions or alterations to existing buildings
- accessory structures greater than 50 sq. metres in total area

In order to ensure the compatibility of new buildings and additions and alterations with the established architectural character of the neighbourhood these special provisions shall control architectural style, building length to width ratio; height, roof shape and the appearance of exterior cladding and roof materials, architectural details and the shape and the size of porches, doors and windows and window area to wall area ratio.”

“12.1.4 to require that all developments located within a designated Architectural Control Area be consistent with the design principles and guidelines contained in the appropriate Architectural Guidelines Manual.”

*“12.1.5 to ensure that **when considering development agreements, the architectural character of any proposed new building, or the addition to or alteration of any building is visually compatible with the established architectural character of other buildings in the neighbourhood**, in terms of height, bulk, scale, roof shape, materials, and relationships of windows and doors and architectural details. Require that the applicable Design Review checklist contained in the Architectural Guidelines Manuals be satisfactorily completed as part of the development agreement application.”*

*“12.1.6 to **consider only by development agreement in areas designated as Residential Architectural Control Area proposals for new main buildings** and additions to existing buildings that constitute more than 25% of the building floor area in accordance with policy 18.6.1. Additions to registered heritage buildings that constitute more than 10% of the building floor area of the existing heritage building shall also require a development agreement in accordance with policy 18.6.1.”*

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



Municipal Planning Strategy – Part 13 – Transportation, Public Services and Utilities

“13.1.4 to require future developments to make provision for pedestrians, cyclists, transit users and automobiles.”

“13.5.3 to require a developer to design and install water distribution lines in accordance with appropriate municipal standards as provided for in the Subdivision By-law and/or servicing agreement.”

“13.6.1 to continue to meet all Provincial and Federal requirements with respect to sewage treatment.”

Municipal Planning Strategy – Part 16 – Landscaping, Lighting, Open Storage and Accessory Structures

“16.1.1 to require landscaping in any development subject to a development agreement and to establish time frames for its installation, in order to enhance or preserve the character and environment of the neighbourhood, to provide screening or buffers and to reduce conflict with adjacent land uses. Multi-unit residential development will require a landscape plan prepared by a landscape architect or certified landscape designer.”

“16.1.4 to regulate the amount, type and location of outdoor storage and display on a lot.”

“16.1.5 to regulate the amount of impermeable surfaces in all residential developments.”

“16.1.6 to regulate the use, size, number and location of accessory structures.”

“16.1.8 wherever possible to protect existing trees and to replace trees that require removal.”

Municipal Planning Strategy – Part 18 – Implementation

The criteria outlined in Policy 8.7.4 of the MPS states that a “development is in accordance with Policy ... 18.6.1.” Policy 18.6.1 of the MPS contains general policies that are to be considered for all development agreement applications. An overview of outstanding issues arising from these general criteria is reviewed below in Table B while a summary of the entire policy, with Staff comment to each criterion, is provided as *Attachment 1*.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019
Department: Planning & Development



Staff believe the development proposal is consistent with the intent and criteria set out in Policy 18.6.1 of the MPS. A summary table for MPS Policy 18.6.1 with Staff comment to each criterion is provided in *Attachment 1*.

TABLE B: Outstanding issues from Policy 18.6.1	
<i>b) iii. the type and intensity of use</i>	<ul style="list-style-type: none"> The proposed use is a one-unit dwelling structure. The proposed use (one- single unit dwelling) is enabled by development agreement and is consistent with other uses in the area.
<i>b) Iv. the height, mass or architectural design of proposed buildings</i>	<ul style="list-style-type: none"> The property is located within the East Main Street 'B' residential architectural control area. The proposed development is not visible from Main Street, yet has been reviewed by the Design Review Committee. Staff believe this design is appropriate as it is not visible from Main Street, and can be described as "Modern Composite" style which is permitted in East Main Street 'B' residential architectural control area
<i>g) Iv. adequate landscaping features such as trees, shrubs, hedges, fences, flower beds and lawns to successfully integrate the new development into the surrounding area</i>	<ul style="list-style-type: none"> Adequate landscaping provided (See Landscape Plan)

REVIEW FROM OTHER DEPARTMENTS

Additional review to be provided by Public Works as the application progresses toward a Public Hearing.

PUBLIC INFORMATION MEETING

The Town held a Public Information Meeting on March 22, 2018. Notes from this meeting are included as Attachment 2. Concerns raised included the access easement, service agreements and buffering on the west side of the property.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



DESIGN REVIEW COMMITTEE

Staff submitted designs to the Design Review Committee via email for feedback. 3 members offered no specific feedback, and a single member requested an entire redesign as the architecture is not clearly of any particular architectural style. Other members acknowledged that this site is not visible from Main Street, (e.g. limited neighborhood context to design for), and that recommendations regarding views from Main Street may not be appropriate for this site. No meeting was held.

Staff believe the lot location and limited views of neighborhood context allow for variation in architectural design, that this design can be described as “Modern Composite” style which is permitted in East Main Street ‘B’ residential architectural control area, and this proposal is appropriate for this site.

SUMMARY OF DRAFT DEVELOPMENT AGREEMENT PROVISIONS

- To permit one, single-unit dwelling
- General limitations on outdoor storage and display on a lot, impermeable surfaces in all residential developments, size, number and location of accessory structures, and tree protections and/or replacements as shown on the landscape plan.

COMMENTS & CONCLUSIONS

The subject property is currently vacant. The development agreement application proposes the construction of one new building containing a single-dwelling unit, with two freestanding structures (a garage and a woodshed). The lands are accessed via an easement fronting on Main Street. The easement will require long-term collaboration between the three private property-owners and the Town, yet is adequate for the purposes of this application.

Staff believe the development proposal meets the overall intent of the Municipal Planning Strategy and is consistent with relevant policies.

STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee provide a positive recommendation to Council regarding the Draft Development Agreement for PID 55443048 and that the attached Draft Development Agreement be forwarded to Council for Initial Consideration before a Public Hearing is held.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



ATTACHMENTS

1. Policy Summary Tables
2. Public Information Meeting Notes
3. Site Plan
4. Excerpts From Residential Architectural Controls For Main Street "B" Area Draft Development Agreement
5. Draft Development Agreement

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



ATTACHMENT 1 – Policy Summary Tables

Policy 18.6.1 of the MPS states the general policies for all development agreements. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

General Development Agreement Policies of the MPS (Section 18.6.1)	Staff Comment
<i>(a) to ensure that the proposal conforms to the intent of the MPS and to all other applicable Town By-Laws and regulations, except where the application for a development agreement modifies the requirements of the LUB or Subdivision By-Law.</i>	<ul style="list-style-type: none"> This proposal is enabled for consideration by development agreement and in Staff’s opinion the proposal is consistent with the intent of the MPS.
<i>(b) to ensure that the development does not cause conflict with adjacent land uses, disturb the quiet enjoyment of adjacent lands, or alter the character and stability of surrounding neighbourhoods through:</i>	
<i>i) the type and intensity of use</i>	<ul style="list-style-type: none"> The proposed use is one (1)-unit, single (1) dwelling structure. The proposed use (one- single unit dwelling) is enabled by development agreement and is consistent with other uses in the area.
<i>ii) the height, mass or architectural design of proposed buildings</i>	<ul style="list-style-type: none"> The property is located within the East Main Street ‘B’ residential architectural control area. The proposed development is not visible from Main Street, yet has been reviewed by the Design Review Committee. Staff believe this design is appropriate as it is not visible from Main Street, nor is there substantial neighborhood context to match.
<i>iii) hours of operation of the use</i>	<ul style="list-style-type: none"> Not applicable (residential use)
<i>iv) outdoor lighting</i>	<ul style="list-style-type: none"> outdoor lighting will be required to not cause negative impacts to adjacent properties

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



v) <i>noise, vibration, or odour</i>	<ul style="list-style-type: none"> Potential noise is consistent with neighboring uses and noises (residential use)
vi) <i>vehicles and pedestrian traffic</i>	<ul style="list-style-type: none"> The one – single-unit dwelling on this property will not impact the overall functionality of the road network.
vii) <i>alteration of land levels/or drainage patterns</i>	<ul style="list-style-type: none"> not evaluated yet
viii) <i>deprivation of natural light</i>	<ul style="list-style-type: none"> No issues anticipated.
(c) <i>to ensure that the capacity of local services is adequate to accommodate the proposed development and such services will include, but not be limited to the following:</i>	
i) <i>sanitary and storm sewer systems</i>	<ul style="list-style-type: none"> not evaluated yet
ii) <i>water systems</i>	<ul style="list-style-type: none"> not evaluated yet
iii) <i>schools</i>	<ul style="list-style-type: none"> No issues
iv) <i>recreation and community facilities</i>	<ul style="list-style-type: none"> No issues
v) <i>fire and police protection</i>	<ul style="list-style-type: none"> No issues
vi) <i>street and walkway networks</i>	<ul style="list-style-type: none"> No issues
vii) <i>solid waste collection and disposal systems</i>	<ul style="list-style-type: none"> No issues
(d) <i>to ensure that the proposal is not premature or inappropriate by reason of the financial ability of the town to absorb capital and/or maintenance costs related to the development.</i>	<ul style="list-style-type: none"> No costs to be incurred by the Town as the development requires no additional infrastructure or maintenance on behalf of the Town of Wolfville.
(e) <i>to ensure that the proposal does not cause environmental damage or damage to adjacent properties through:</i>	
i) <i>pollution of soils, water or air</i>	<ul style="list-style-type: none"> No Issue
ii) <i>erosion or sedimentation</i>	<ul style="list-style-type: none"> No issue
iii) <i>interference with natural drainage systems</i>	<ul style="list-style-type: none"> No issue
iv) <i>flooding</i>	<ul style="list-style-type: none"> No issue

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



<p>(f) <i>to ensure that the proposal protects and preserves matters of public interest such as, but not limited to:</i></p>	
<p><i>i) historically significant buildings</i></p>	<ul style="list-style-type: none"> • No issues
<p><i>ii) public access to shorelines, parks and public and community facilities</i></p>	<ul style="list-style-type: none"> • No issues
<p><i>iii) important and significant cultural features, natural land features and vegetation</i></p>	<ul style="list-style-type: none"> • No issues
<p>(g) <i>to ensure that the proposed site and building design provides the following:</i></p>	
<p><i>i) useable active transportation networks that contribute to existing active transportation links throughout the community</i></p>	<ul style="list-style-type: none"> • not applicable (residential use) • access to the Harvest Moon Trail from private property
<p><i>ii) functional vehicle circulation and parking and loading facilities designed to avoid congestion on or near the property and to allow vehicles to move safely within and while entering and exiting the property</i></p>	<ul style="list-style-type: none"> • not applicable (residential use)
<p><i>iii) facilities for the safe movement of pedestrians and cyclists</i></p>	<ul style="list-style-type: none"> • not applicable (residential use)
<p><i>iv) adequate landscaping features such as trees, shrubs, hedges, fences, flower beds and lawns to successfully integrate the new development into the surrounding area</i></p>	<ul style="list-style-type: none"> • Adequate landscaping provided (See Landscape Plan)
<p><i>v) screening of utilitarian elements, such as but not limited to; mechanical and electrical equipment, and garbage storage bins</i></p>	<ul style="list-style-type: none"> • Utilitarian elements are to be screened

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



<p><i>vi) safe access for emergency vehicles</i></p>	<ul style="list-style-type: none"> • No issues
<p><i>vii)adequate separation from, and consideration of, public and private utility corridors to ensure their continued safe and functional operation</i></p>	<ul style="list-style-type: none"> • Not applicable
<p><i>viii) architectural features, including but not limited to, mass, scale, roof style, trim elements, exterior cladding materials, and the shape, size and relationship of doors and windows; that are visually compatible with surrounding buildings in the case of a new building or with the existing building in the case of an addition</i></p>	<ul style="list-style-type: none"> • The proposed development is compliant with the Architectural guidelines and has been reviewed by the Design Review Committee. See 18.6.1(b)ii for more details
<p><i>ix) useable outdoor amenity space for use of residents in a residential development</i></p>	<ul style="list-style-type: none"> • Grass amenity space in the east, subject site can be used for leisure and light recreational activities.
<p><i>x) accessible facilities for the storage and collection of solid waste materials</i></p>	<ul style="list-style-type: none"> • Accessible facilities are provided as shown on the approved site/landscaping plan
<p><i>xi) appropriate consideration for energy conservation</i></p>	<ul style="list-style-type: none"> • Building will have to meet current building code requirements
<p><i>xii)appropriate consideration of and response to site conditions, including but not limited to; slopes, soil, and geological conditions, vegetation, watercourses, wet lands, and drainage</i></p>	<ul style="list-style-type: none"> • site conditions have been taken into consideration, existing trees have been preserved where possible.
<p>(h) <i>where Council determines, on the advice of a licensed professional, that there is a significant risk of environmental damage from any proposed development which does not require an assessment under the</i></p>	<ul style="list-style-type: none"> • No issues identified

**REQUEST FOR DIRECTION from
 PLANNING ADVISORY COMMITTEE
 Development Agreement Proposal
 Lot PM-1 Wolfville**

Date: March 21, 2019
 Department: Planning & Development



<p><i>Environmental Assessment Act, environmental studies shall be carried out at the expense of the developer for the purpose of determining the nature and extent of any environmental impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage</i></p>	
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Policy 18.6.2 establishes what conditions may be established in the development agreement. The conditions are limited to those listed, and to the specific policies guiding the particular type of development.

Policy 18.6.2 of the MPS	
SECTION 18.6.2	STAFF COMMENT

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



18.6.2 that a development agreement may contain such terms and conditions that are provided for in Section 227 of the Municipal Government Act which ensures that the proposed development is consistent with policies of this Municipal Planning

Strategy. The agreement may include some or all of the following:

- (a)** the specific type of use;
- (b)** the size of the structure(s) within a development;
- (c)** the percentage of land that may be built upon and the size of yards, courts, or other open spaces;
- (d)** the location of structure(s) in relation to watercourses, steep slopes and development constraint areas;
- (e)** storm water drainage plans;
- (f)** the maximum and minimum density of the population within the development; the architectural design or external appearance of structures, in particular its compatibility with adjacent structures, where required by policy;
- (g)** traffic generation, access to and egress from the site and impact on abutting streets and parking;
- (h)** landscape design plan indicating the type, size and location of all landscaping elements that buffer or screen the development. This may also include fencing, walkways and outdoor lighting;

- The draft Development Agreement includes terms and conditions in relation to many of the items included in 18.6.2.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



<p><i>(i) open storage and outdoor display;</i></p> <p><i>(j) public display or advertising;</i></p> <p><i>(k) maintenance of the development;</i></p> <p><i>(l) any other matter which may be addressed in the Land Use By-law or Subdivision By-Law, such as parking requirements, yard requirements, etc.;</i></p> <p><i>(m) site specific information relating to soils, geology, hydrology and vegetation.</i></p>	
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**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



ATTACHMENT 2 - Public Information Meeting Notes

**Public Information Meeting
March 22nd 6.00 PM – Council Chambers
Development Agreement Proposal
Lot PM-1 Main Street**

Attending

Planner Jeremy Banks, Administrative Assistant James Collicutt & two interested members of the public.

Mr. Banks began the PIM at 6:04 PM with a presentation on the development proposal, beginning with a look at the existing vacant lot, access and servicing arrangements as well as an overview of the proposed layout of the development proposal including an unplumbed 3-car garage, wood shed and cape cod-inspired home. Noting that the front façade will face approximately south/southeast. Mr. Banks then reviewed the policy relating to this application and the requirement for the DA process due to the lot's inclusion within the ACA. Mr. Banks noted that specific design considerations could be stipulated through the DA.

Mr. Comstock Q: how far would the driveway start from the street?

A: shown on the location map, approximately 170'

Mr. Comstock Q: what is the setback from the hill along the eastern property boundary?

A: At least approximately 50'

Mr. Napier Q: What material is being used for the siding?

A: cedar shingles

Mr. Napier Q: Are the garage and wood shed exempt from the DA?

A: They will be included as part of the DA via the landscape plan, as is required for the DA, however any accessory buildings under a specific size (as dictated by policy) will not be required to take the architectural design guidelines into considerations.

Ms. Cavanagh Q: will the property owner have to clear the right of way of snow or will the Town maintain it?

A: The property owner will have to maintain it.

Ms. Cavanagh Q: since I use a portion of this right-of-way to access 90 Main what would my responsibility be as a shared user?

A: the responsibility for any repairs/maintenance would likely be dictated through some sort of shared services agreement between the three property owners on the right-of-way and the Town, which should be addressed as part of this process to make clear what the division of labour is.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



Ms. Cavanagh Q: the right-of-way was all brush when I bought the cottage (90 main) in approximately 2003, and I assumed the cost to improve Town property (class A gravel and such), but now that paving might be a good idea for this right-of-way to avoid losing the material already invested here (through snow clearing or something), who should I talk to about doing this?

A: this should probably be discussed as part of the shared servicing agreement between the adjacent property owners and the Town, which the Town can start the ball rolling on but there is no harm in the property owners getting together to discuss their own ideas in the meantime. It could even be written into the DA that a servicing agreement needs to be agreed upon before the development could get underway.

Mr. Napier Q: there was an easement agreement over 96 to get water to the property – will this be used? Accessing services across the hill to Wickwire lane may cause issues with disrupting the stability of the hill but services may require pumps to reach services under Main street.

A: not certain, but there are preliminary plans to access sewer on Wickwire lane and water from main street via the right-of-way.

Ms. Cavanagh: The previous property owner of #96 (Vern) did not want his property to be excavated in providing utilities for this lot.

Mr. Napier Q: The architectural guidelines refer to tying into the existing streetscape but since the development isn't really a part of the street its hard to tie to the architectural guidelines.

A: Staff recognize this is a unique situation and will be treated accordingly.

Mr. Napier Q: as far as setbacks go, how do you decide which yard is where? There is some flexibility through a DA but if sheds/garages aren't allowed in front yards how do you determine which yard is which without formal street frontage? To me it appears as though both accessory buildings are in the buildings front yard.

A: Staff have to look at the clauses and policies that are in place, and while staff appreciate that it may set a precedent for future developments, the proposal has to viewed through the lens of current clauses and policies.

Mr. Banks adjourned the meeting at 6.44 PM.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**
Date: March 21, 2019
Department: Planning & Development



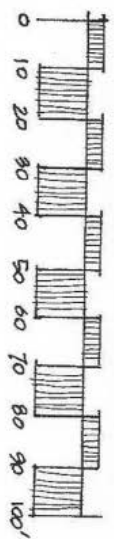
ATTACHMENT 3 – Site Plan

REQUEST FOR DIRECTION from
 PLANNING ADVISORY COMMITTEE
 Development Agreement Proposal
 Lot PM-1 Wolfville

Date: March 21, 2019
 Department: Planning & Development



PIERCE RESIDENCE
 LANDSCAPE CONCEPT PLAN
 FOR ELLIOTT, LANDSCAPE ARCHITECTURAL DESIGN



JUNE 2018

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



**ATTACHMENT 4 – EXCERPTS FROM RESIDENTIAL ARCHITECTURAL CONTROLS
FOR MAIN STREET "B" AREA**

Residential Development Guidelines
Town of Wolfville

15

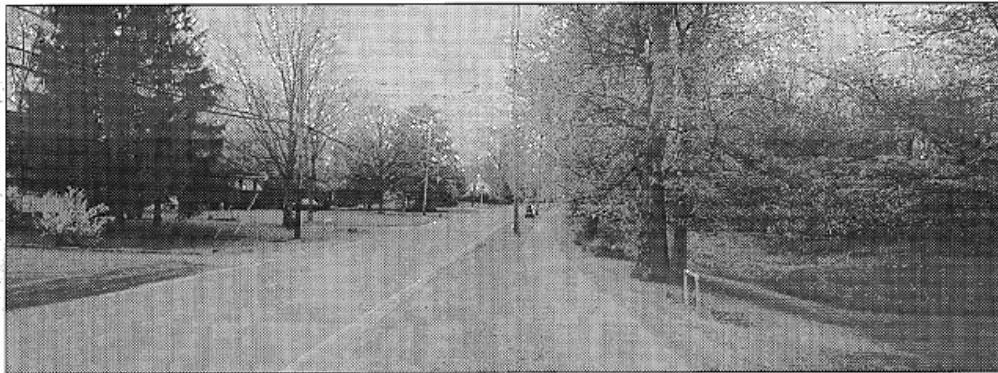


3.8 East Main Street "B"

This area includes Main Street from Sherwood Drive to the eastern edge of the Town.

Rural Character

This is the area through which most people approach Wolfville from the eastern edge of the Town on Highway 1. It is rural in character, with a number of farms and apple orchards still in evidence along the road. Traffic is at the speed of a rural road, slowing down as one progresses closer to the more populated



areas of the Town. On the south side of Main Street a sidewalk runs almost the full length of the area. Not only does it serve as a safe pedestrian walkway along Main Street, but it also serves as an indicator of approach to a more densely populated area.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

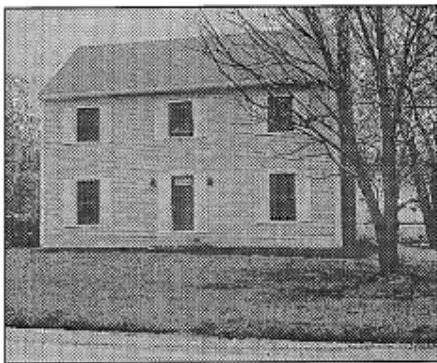
Date: March 21, 2019

Department: Planning & Development



Architectural Styles

There are a number of Victorian Gothic homesteads that were built around the middle of the 19th Century. The homes are generally more modest than in East Main Street “A”. There is a great variety of house styles in this area, with a high concentration of new homes, mostly built in a Colonial Revival Style.



These houses take their massing, window styles and symmetry from the early homes in the Town, but lack some of the detailing such as wide roof overhangs, and a porch or recessed doorway, that is common throughout Wolfville. The result is that these new houses present a very flat profile and appear somewhat plain in contrast to their antecedents which were rich in detail and decoration.



Modern Composite Style Examples

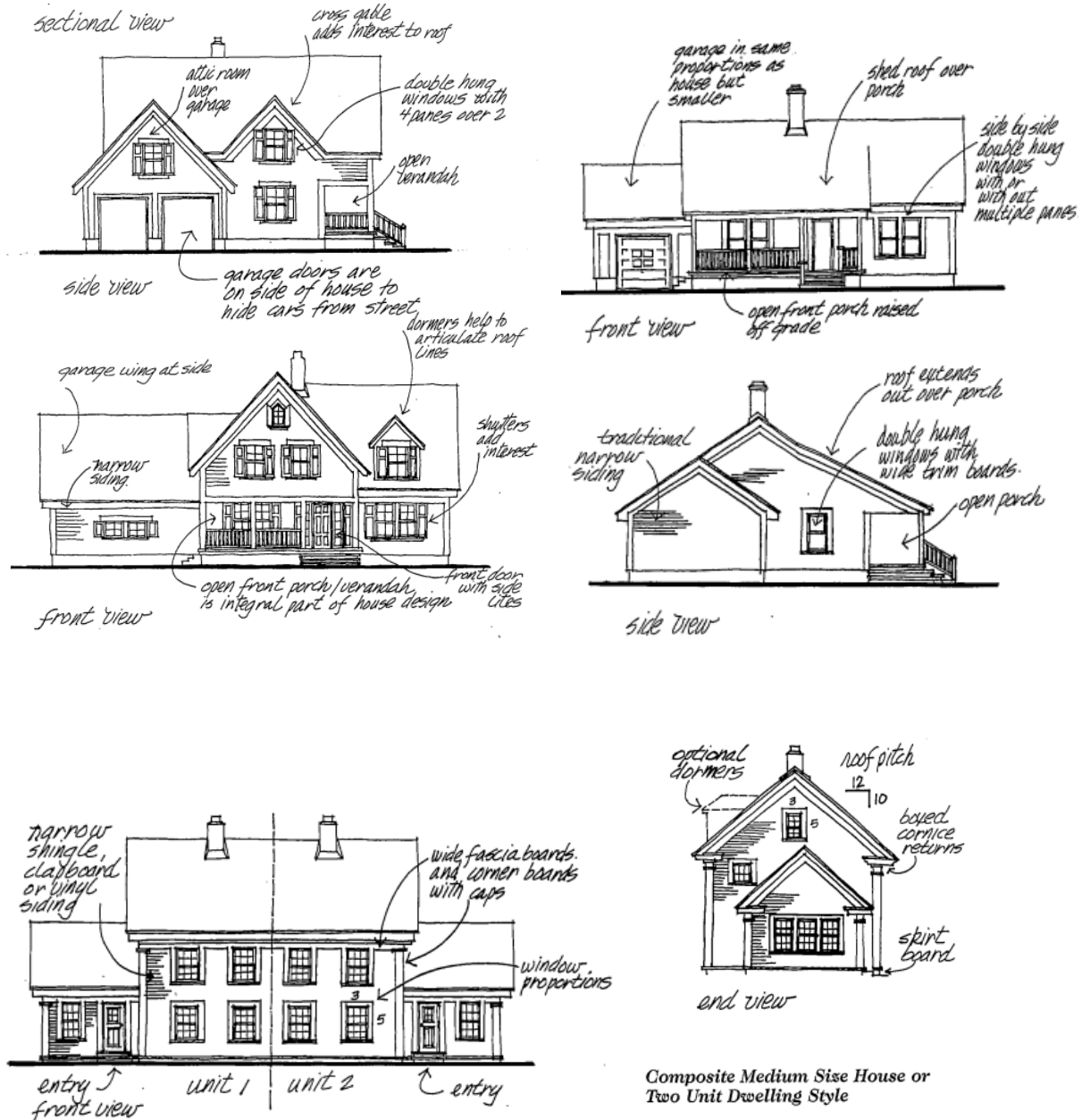
Sub Areas 1, 2, and 3

The following composite styles are permitted in all three Sub Areas and provide considerable latitude for design interpretation. In choosing one of these composite styles or variations thereof, it is the attention to massing and proportions of the building, roof pitch, window style and placement, and attention to detail and decorative elements which creates a successful design. Applicants are encouraged to meet with the Development Officer at an early date to discuss their design intentions.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



Composite Medium Size House or Two Unit Dwelling Style

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



ATTACHMENT 4: Development Agreement

This **Development Agreement** is made this _____ day of _____, 2018.

BETWEEN:

Garth Arden Pierce and Patricia Anne Pierce

(Hereinafter called the “Developer”)

OF THE FIRST PART

- and -

TOWN OF WOLFVILLE

A municipal body corporate,
(Hereinafter called the “Town”)

OF THE SECOND PART

WHEREAS the Developer has requested that the Town enter into a Development Agreement relating to the use and development of the Lands (PID 55443048) pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy for the Town of Wolfville;

AND WHEREAS a condition of granting approval for the development of the Lands is that the parties enter into this Development Agreement;

AND WHEREAS the Town Council of the Town, at its meeting on October 16th, 2018 approved entering into this Development Agreement to permit the establishment of a single unit dwelling and accessory structures on the Lands, subject to the registered owner of the Lands entering into this Development Agreement;

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the covenants made in this Development Agreement and other valuable consideration the Developer and the Tenant and the Town agree to the following terms.

1. Schedules

The following schedules form part of this Development Agreement:

- Schedule "A" – Legal Parcel Description of Lands
- Schedule "B" – Site / Landscape Plan
- Schedule "C" – Architectural Design

2. Definitions

2.1 In this Development Agreement:

"Building By-Law" means Chapter 65 of the By-Laws of the Town of Wolfville.

"Developer" means the owner(s) of the lands, their heirs, successors, assigns, and all subsequent owners of the lands.

"Development" means one, single-unit dwelling.

"Development Officer" means the Development Officer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

"Engineer" means the Engineer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

"Effective date" means the date on which this Development Agreement is deemed to be entered into under the terms of this Development Agreement.

"Lands" means the real property in the Town of Wolfville owned by the Developer, PID 55443048, and as described in Schedule "A".

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



“Land Use By-Law” means the Land Use By-Law of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Land Use By-Law adopted by Council on September 23, 2008, and recorded at the Kentville Land Registry Office on November 6, 2008, as Document Number 92078600.

“Municipal Planning Strategy” means the municipal planning strategy of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Municipal Planning Strategy adopted by Council on September 23, 2008, and recorded at the Kentville Registry of Deeds Office on November 6, 2008, as Document Number 92078543.

“MGA” means the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended.

“Planning Documents” means Land Use Bylaw, Municipal Planning Strategy, and Subdivision Bylaw.

- 2.2** Where terms (words or phrases) are not defined in this Development Agreement, definitions in the Town’s planning documents shall apply. Where terms are not defined in the planning documents, definitions in the MGA shall apply. Where terms are not defined in the aforementioned sources, their ordinary meaning shall apply.

3. Relevance of Planning Documents and Other Regulations

- 3.1** This Development Agreement contains definitions and regulations for the Development. It complements the Town’s Planning Documents. Unless specified in this Development Agreement, requirements in the Town’s Planning Documents shall apply. Where there is a conflict between this Development Agreement and the Planning Documents, this Development Agreement shall prevail.

- 3.2** Regulations outside of this Development Agreement or the Town’s Planning Documents may be applicable to the Development. However, the terms of this Development Agreement shall not be materially changed in order to comply with such regulations without an amendment to this Development Agreement.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



4. Background

- The Developer wishes to construct a single (1)-unit residential building. The land of Lot PM-1 is currently a wooded lot accessed with an easement from Main Street. The lands are located in the East Main Street “B” Residential Architectural Control Area which requires all new residential buildings be approved by development agreement

5. Terms

5.1 Development Conditions

5.1.1 Permits and Approvals

- 5.1.1.1** This Development Agreement allows the Developer to obtain development permits, other permits, and permissions to allow uses permitted by this Agreement.
- 5.1.1.2** The Developer shall be responsible for obtaining all necessary permits and approvals required by law for the Development, including but not limited to development permits, building permits, and any approvals required from the Province of Nova Scotia.
- 5.1.1.3** Obligations or other requirements in this Development Agreement are those of the Developer, unless otherwise specified.
- 5.1.1.4** No occupancy permit shall be granted for this Development until all provisions of this agreement are met, except for landscaping requirements that cannot be met due to seasonal restrictions.

5.1.2 Land Use

- 5.1.2.1** The following uses are permitted:

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



- (a)** One (1) single unit dwelling and any other as-of-right use permitted in the Low Density Residential (R-1A) zone, as amended from time to time.
- (b)** Any accessory buildings, structures or uses permitted by the Land Use Bylaw for the corresponding zone.
- (c)** The lands are accessed by an easement, as registered at the Kentville Land Registry Office on Nov 3, 2016 as Instrument No. 109844069.

5.1.3 Landscaping & Site Requirements

- 5.1.3.1** The Development shall conform to the zone standards of the Land Use By-law for areas zoned Low Density Residential (R-1A), except as otherwise established by this Agreement.
- 5.1.3.2** All Development shall occur on the Lands.
- 5.1.3.3** Development on the Lands shall be built generally in accordance with the Site Plan and Specifications of Schedule "B". Landscaping or accessory building requirements as shown in Schedule "B" may be varied to accommodate locations, varieties of plants, and other minor details.
- 5.1.3.4** The Developer shall establish and maintain all non-hard surface areas on the Lands as landscaped areas.
- 5.1.3.5** Storm water runoff from the Lands shall not be directed onto adjacent properties unless permission is obtained from the adjacent property owner for the direction of such storm water runoff.
- 5.1.3.6** No parking shall be permitted on non-hard surfaced areas of the site.

The Developer shall provide adequate off-street parking as required in the Land Use Bylaw.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



5.1.4 Municipal Services

- 5.1.4.1** The parties agree that municipal sanitary sewer and water services are available.
- 5.1.4.2** Municipal sanitary sewer and water services will require a service agreement approved by the Director of Public Works of the Town of Wolfville.
- 5.1.4.3** The Town makes no warranties, guarantees or claims as to the adequacy of the Town's water supply to provide the recommended Fire Flow amounts for protection of the building from fire. The Developer shall satisfy itself that the available fire flows are satisfactory to meet its needs.

5.1.5 Refuse Storage and Utility Equipment

- 5.1.5.1** Refuse, compost, recyclables, and other similar matters shall be stored within the building(s), or within accessory structures or containers pursuant to the requirements of the Land Use Bylaw, Valley Region Solid Waste-Resource Management By-Law, and other applicable regulations.
- 5.1.5.2** Utility equipment such as mechanical and electrical equipment shall be visually screened by fencing or landscaping.

5.1.6 General Maintenance and Operation

- 5.1.6.1** Buildings, landscaping, and other related features shall be maintained in good condition, pursuant to the Town's Property Minimum Standards By-law.

5.1.7 Architecture

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



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- 5.1.7.1** The developer shall build the one (1) new residential building with roof lines, windows and front entries, generally as illustrated in Schedule “C”, Architectural Design.

5.1.8 Timing

- 5.1.8.1** This Development Agreement shall be deemed entered into on the day following the day on which the time for appeal of Town Council’s approval has elapsed, or the day on which any appeals have been disposed of and the policy of the Wolfville Town Council approving this Development Agreement has been affirmed by the Nova Scotia Utilities and Review Board, under the provisions of the MGA, or other judiciary body as applicable.

- 5.1.8.2** This development agreement does not come into effect until the requirements of Section 228(3) of the Municipal Government Act are fulfilled and this development agreement is filed in the Registry of Deeds. All time requirements imposed in this Development Agreement shall be calculated from that date, the effective date.

- 5.1.8.3** All development enabled by this aAgreement shall be completed within three (3) years. Upon failure to meet this timing requirement, the Town may discharge this Development Agreement without the consent of the Developer or Tenant.

5.1.9 Amendment

- 5.1.9.1** With the exception of matters which the Town and the Developer do not consider to be substantive, the amendment of any other matter in this Development Agreement can only be made under the provisions of Section 230 of the MGA, including the holding of a Public Hearing.

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



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- 5.1.9.2** Following are matters in this Development Agreement which the Town and the Developer do not consider to be substantive:
(a) The requirements for completion imposed by section 5.1.8.3.

5.1.10 Expenses

- 5.1.10.1** The Developer shall pay all costs and expenses incurred by the Town related to this Development Agreement.

5.1.11 Liability

- 5.1.11.1** The Developer shall be liable for any damage caused to persons or public or private property by the Developer or any contractor or other individual doing work related to the Development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the Development. The Developer shall obtain and maintain in force throughout the course of construction on the Development, liability insurance coverage to insure the responsibilities which the Developer is assuming in this section.

5.1.12 Default

- 5.1.12.1** If the Developer fails to comply strictly with any term of this Development Agreement or any legislation applicable to this Development Agreement, the Town may, after 30 days notice in writing to the Developer, enter the lands and perform any obligation with which the Developer has failed to comply strictly. All expenses arising out of the entry of the Lands and performance of the obligations may be recovered by the Town from the Developer by direct suit and shall form a charge upon the Lands. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



Town for tax arrears on the outstanding balance from time to time. Such interest costs shall be treated as an expense.

5.1.12.2 If the Developer breaches any of the terms of this Development Agreement, the Town, at its sole option, may:

- (a)** Terminate this Development Agreement;
- (b)** Exercise its rights under paragraph 5.1.12.1 above; or,
- (c)** Take no action.

5.1.12.3 Any election by the Town to take no action on a breach of this Development Agreement by the Developer shall not bar the Town from exercising its rights under this Development Agreement on any other breach.

5.1.12.4 Any expenses incurred by the Town in exercising its rights under sections 5.1.12.1 and 5.1.12.2, or either of them, shall be paid by the Developer to the Town.

5.1.13 Administration

The Development Officer administers this Agreement. His/Her decision is final and binding on all parties.

6. Warranties by the Developer

6.1 Title and Authority

6.1.1 The Developer warrants as follows:

- (a)** The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



for the Developer to sign this Development Agreement to validly bind the Lands.

(b) The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

7. Full Agreement

7.1 Other Agreements

7.1.1 This Development Agreement constitutes the entire agreement and contract entered into by the Town and the Developer. No other agreement or representation, whether oral or written, shall be binding.

7.1.2 This Development Agreement shall not be a precedent for any other agreement either between the Town and the Developer or between the Town and any other party.

8. Notice

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid, if to the Town to:

Town of Wolfville
359 Main Street
Wolfville, Nova Scotia
B4P 1A1
Attention: Development Officer

and if to the Developer:

Garth Arden Pierce
Patricia Anne Pierce
119 Eye Road
Wolfville, Nova Scotia

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019
Department: Planning & Development



B4P 2R1

Attention: Garth Piece

9. Headings

The headings used in this Development Agreement are for convenience only. If any of the headings are inconsistent with the provisions of the Development Agreement which it introduces, the provisions of the Development Agreement shall apply.

10. Binding Effect

This Development Agreement shall ensure to the benefit of and be binding upon the parties to this Development Agreement, their respective successors, administrators, and assigns.

11. Execution

In witness of this Development Agreement the parties have signed and delivered it to each other on the date set out at the top of the first page.

SIGNED AND DELIVERED

In the presence of:

) TOWN OF WOLFVILLE

)

)

) By _____

) MAYOR

)

Witness

)

)

) By _____

SIGNED AND DELIVERED

) TOWN CLERK

In the presence of:

)

)

)

**REQUEST FOR DIRECTION from
 PLANNING ADVISORY COMMITTEE
 Development Agreement Proposal
 Lot PM-1 Wolfville**

Date: March 21, 2019
 Department: Planning & Development



) By _____
_____) Garth Pierce
Witness)
)
CANADA)
PROVINCE OF NOVA SCOTIA)
COUNTY OF KINGS) By _____
) Patricia Pierce

I certify that on _____, 2018, _____
 a witness to this agreement came before me, made oath, and swore that the **TOWN OF WOLFVILLE**, caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

 A Commissioner of the Supreme Court of Nova Scotia

CANADA
 PROVINCE OF NOVA SCOTIA
 COUNTY OF KINGS

I certify that on _____, 2018, _____
 a witness to this agreement came before me, made oath, and swore that **Garth Pierce and Patricia Pierce** the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

 A Commissioner of the Supreme Court of Nova Scotia

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development



**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

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Schedule "A" – Property Description

Registration County: Kings County

Street/Place Name: Main Street/Wolfville

Title of Plan: Plan of Subdivision Showing Lot P.M.-1 and P.M.-2 Lands of Peter William Mowat and Susan Helene Mowat, Wolfville, Kings Co., NS

Designation of Parcel on Plan: Lot P.M.-1

Registration Number of Plan: P-12027

Registration Date of Plan: 2002-01-31

Together with an Easement with the Town of Wolfville which was filed at the Registry of Deeds for Kings County on November 3, 2016 as Document 109844069.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: KINGS COUNTY

Registration Year: 2002

Plan or Document Number: P12027

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

Department: Planning & Development

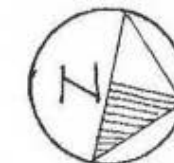
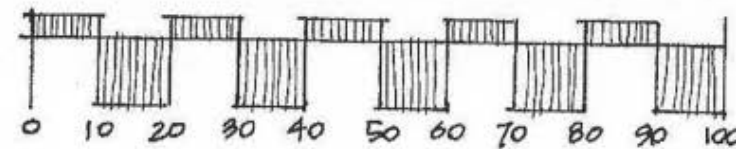


Schedule "B" Site / Landscape Plan



PIERCE RESIDENCE LANDSCAPE CONCEPT PLAN

JOY ELLIOTT, LANDSCAPE ARCHITECTURAL DESIGN



JUNE 2018

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

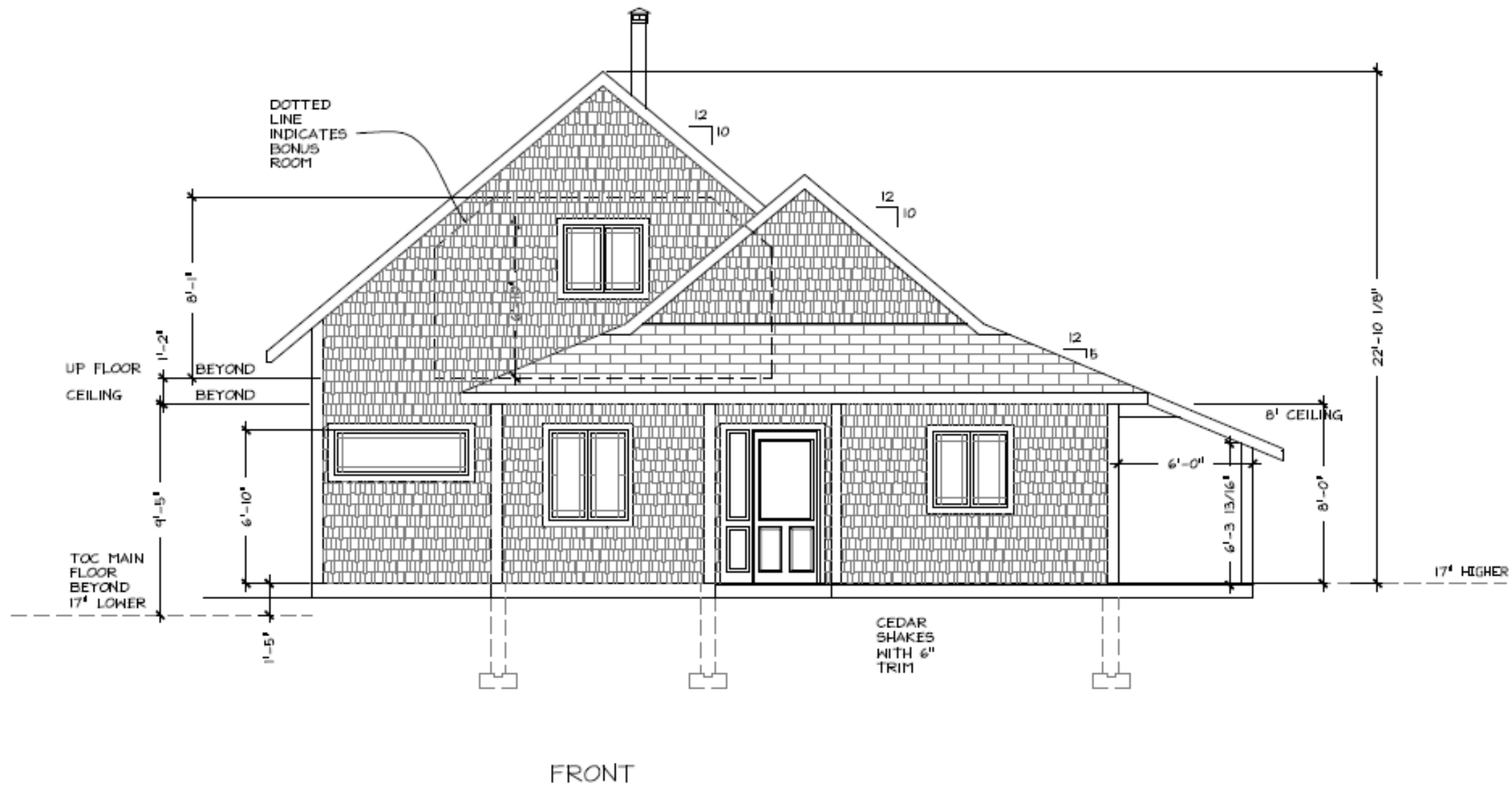
Department: Planning & Development




Schedule "C" – Architectural Design (Elevations)

REQUEST FOR DIRECTION from
 PLANNING ADVISORY COMMITTEE
 Development Agreement Proposal
 Lot PM-1 Wolfville

Date: March 21, 2019
 Department: Planning & Development

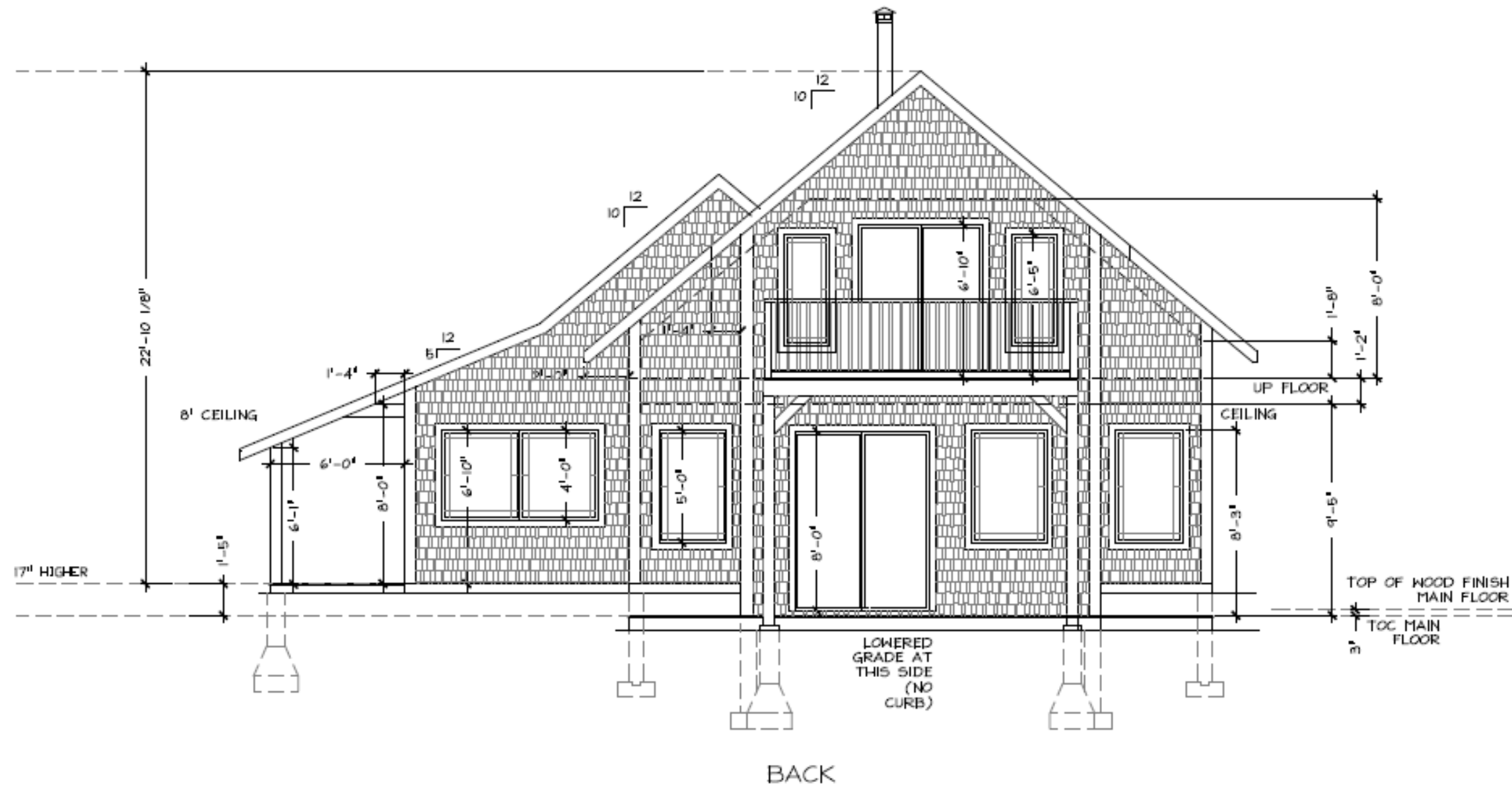



As approved

 ARCHITECTURAL DRAFTING SERVICE 802.538-0885 ELAINE FURNISS	Project: GARTH PIERCE		Dwg A4
	Drawing: ELEVATION		
	Scale: 3/16"=1'-0"	June 29 2018	

REQUEST FOR DIRECTION from
 PLANNING ADVISORY COMMITTEE
 Development Agreement Proposal
 Lot PM-1 Wolfville

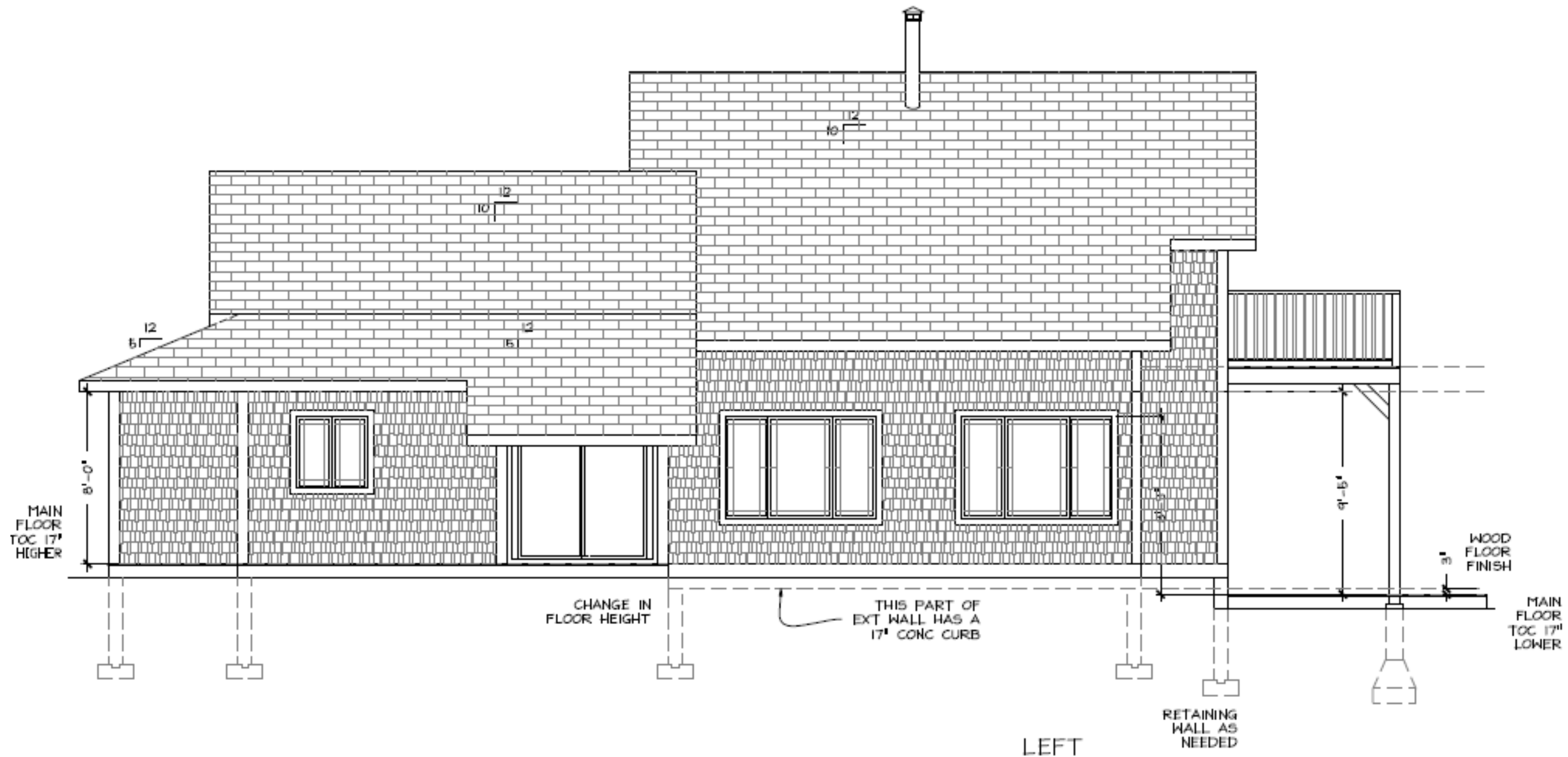
Date: March 21, 2019
 Department: Planning & Development



 ARCHITECTURAL DRAFTING SERVICE 902 538-0895 ELAINE FURNISS	Project: GARTH PIERCE	Dwg A5
	Drawing: ELEVATION	
	Scale: 3/16"=1'-0"	June 29 2018

REQUEST FOR DIRECTION from
 PLANNING ADVISORY COMMITTEE
 Development Agreement Proposal
 Lot PM-1 Wolfville

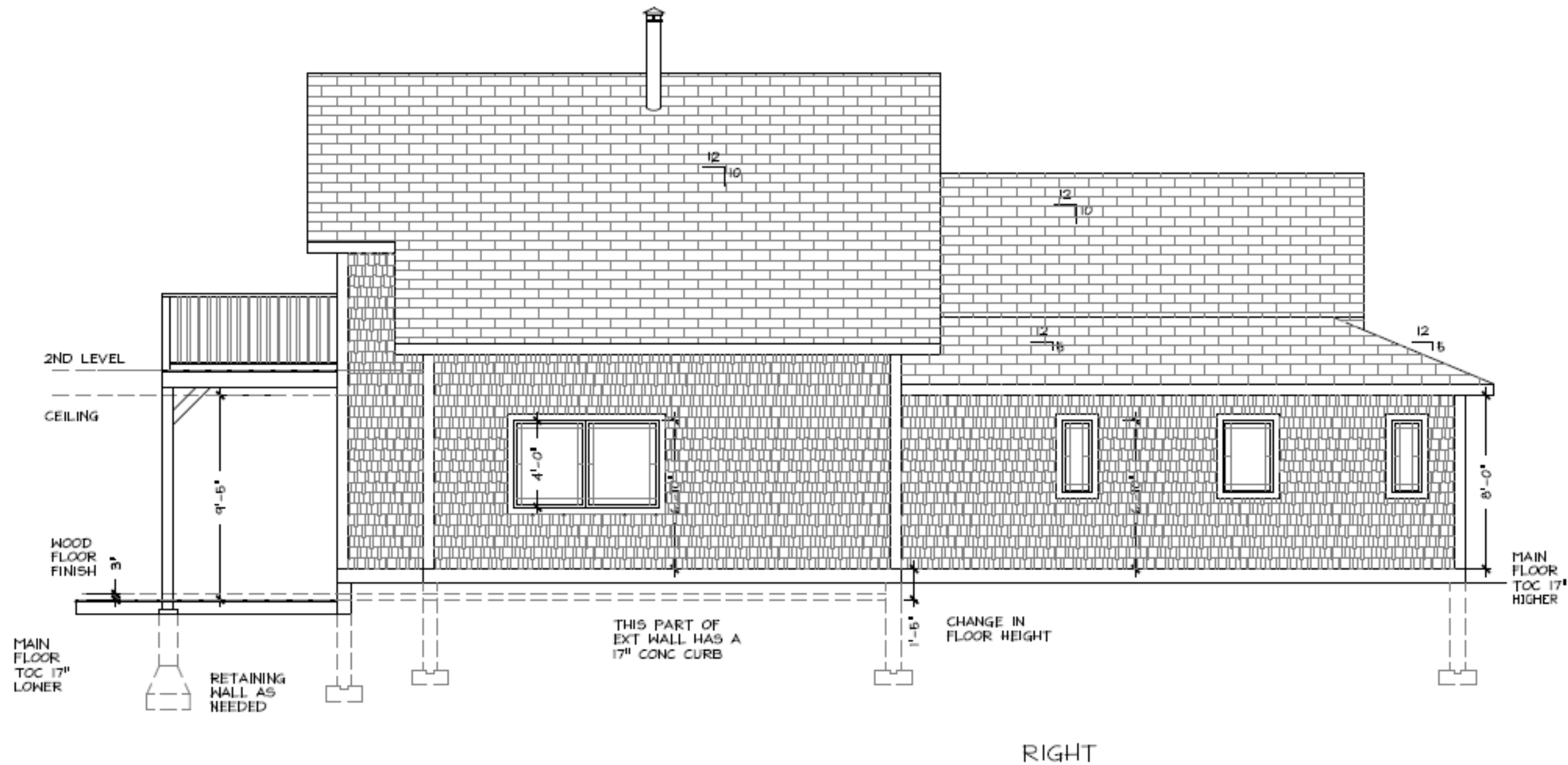
Date: March 21, 2019
 Department: Planning & Development



ARCHITECTURAL DRAFTING SERVICE 902 538-0895 ELAINE FURNISS	Project: GARTH PIERCE	Dwg A6
	Drawing: ELEVATION	
	Scale: 3/16"=1'-0" June 29 2018	

REQUEST FOR DIRECTION from
 PLANNING ADVISORY COMMITTEE
 Development Agreement Proposal
 Lot PM-1 Wolfville

Date: March 21, 2019
 Department: Planning & Development



ARCHITECTURAL DRAFTING SERVICE 902 538-0895 ELAINE FURNISS	Project: GARTH PIERCE	Dwg A7
	Drawing: ELEVATION	
	Scale: 3/16"=1'-0"	June 29 2018

**REQUEST FOR DIRECTION from
PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
Lot PM-1 Wolfville**

Date: March 21, 2019

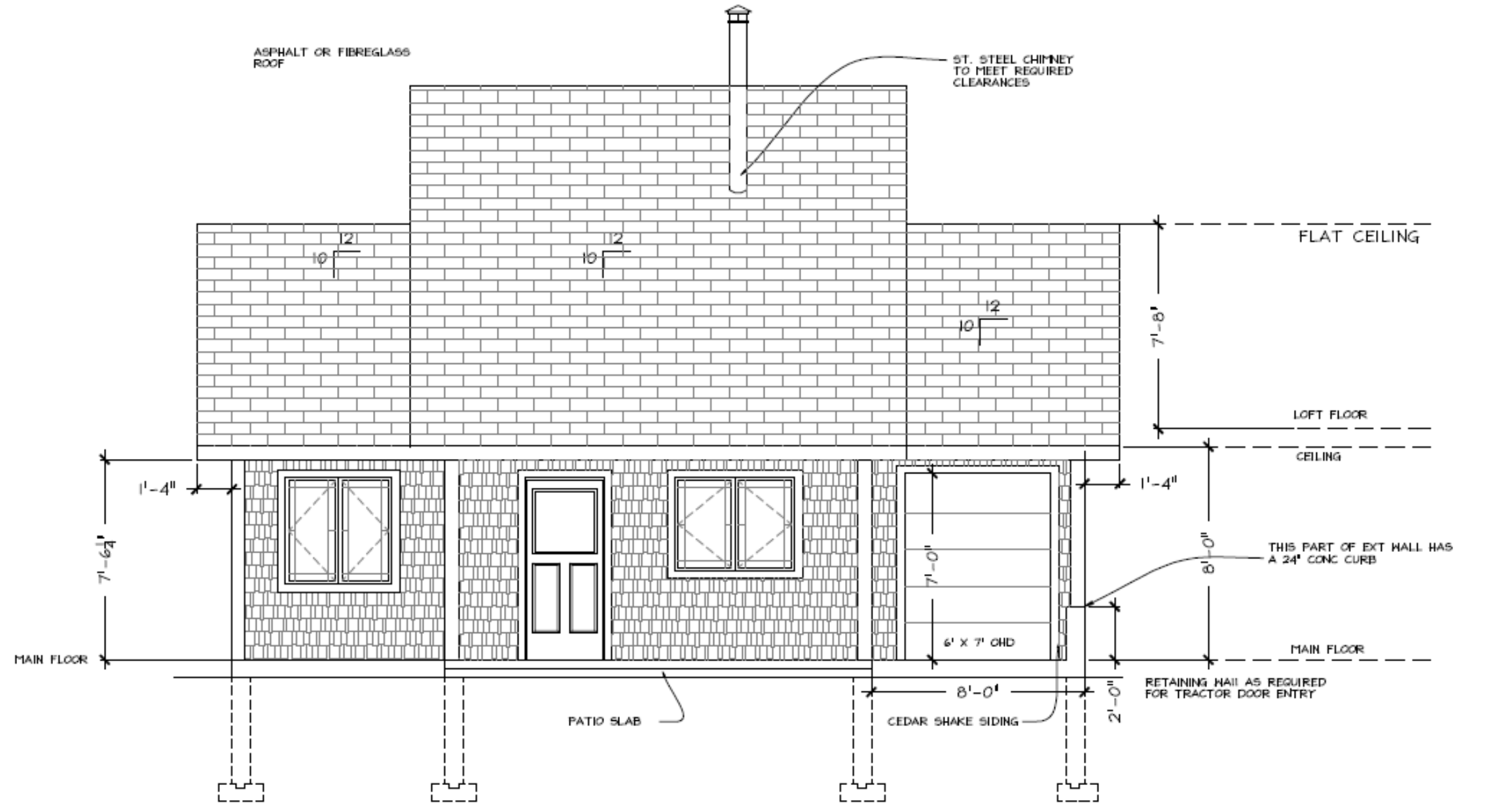
Department: Planning & Development




Proposed Elevation of Garage and Woodshed

REQUEST FOR DIRECTION from
 PLANNING ADVISORY COMMITTEE
 Development Agreement Proposal
 Lot PM-1 Wolfville

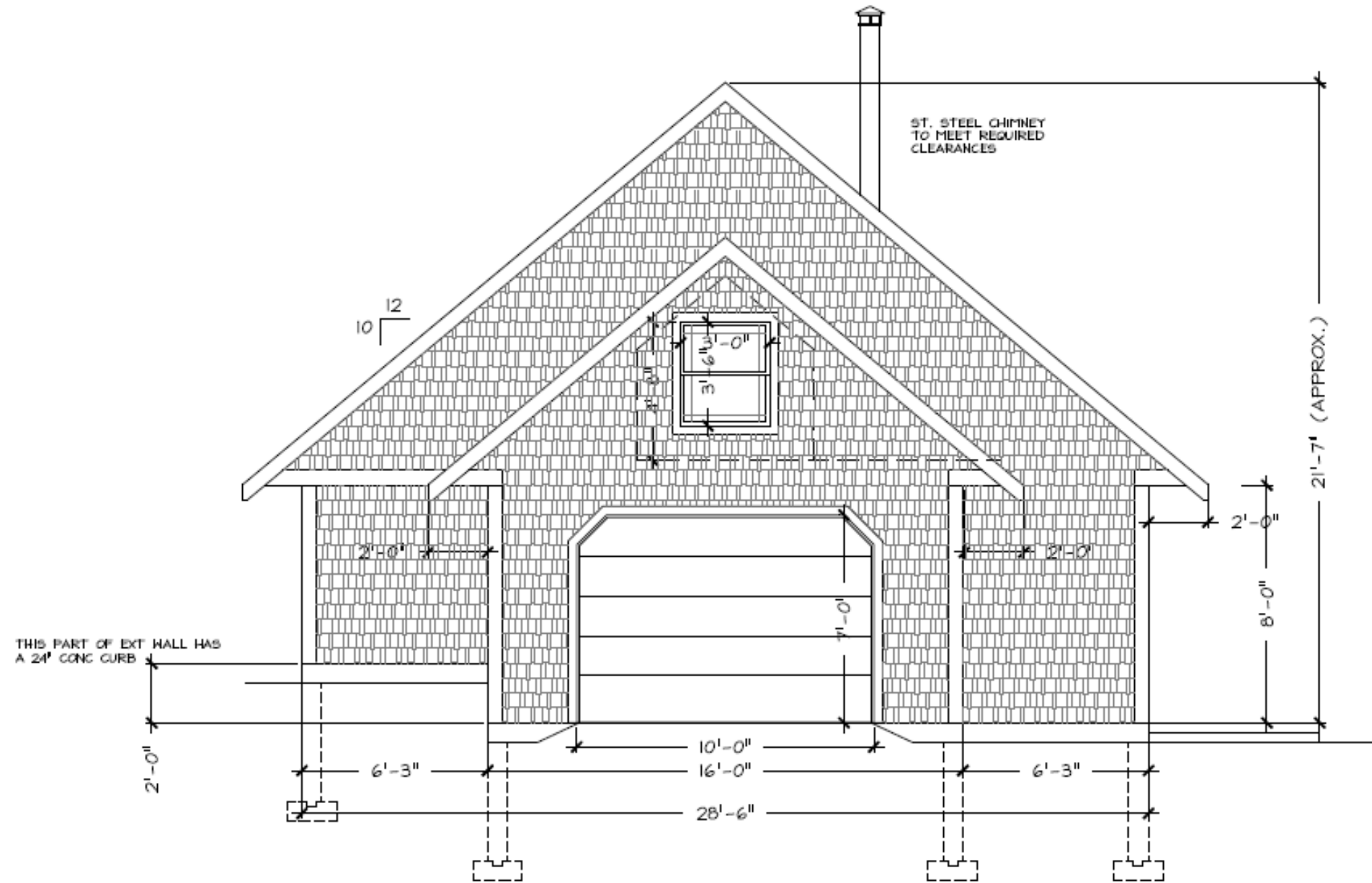
Date: March 21, 2019
 Department: Planning & Development



 ARCHITECTURAL DRAFTING SERVICE 902.538-0895 ELAINE FURNISS	Project: Pierce Garage	Dwg G4
	Drawing: ELEVATIONS	
	Scale: 1/4"=1'-0" June 29 2018	

REQUEST FOR DIRECTION from
 PLANNING ADVISORY COMMITTEE
 Development Agreement Proposal
 Lot PM-1 Wolfville

Date: March 21, 2019
 Department: Planning & Development



	Project: Pierce Garage	Dwg
	Drawing: ELEVATION	G5
	Scale: 1/4"=1'-0" June 29 2018	

REQUEST FOR DECISION 2019

Changes to incomplete Development Agreement

Lot PM -1

Date: 2019-03-21

Department: Planning & Development



REQUEST FOR DECISION 018-2019

Title: Development Agreement Proposal
249 Main Street
Date: 2019-04-02
Department: Planning and Development



SUMMARY

The applicant is seeking a development agreement to allow for the construction of a single-unit dwelling with attached garage and accessory dwelling. For elevations of the proposed building, see Attachment 4, Draft Development Agreement. The lot currently contains a single-unit dwelling fronting on Main Street and non-landscaped greenspace south of the dwelling.

Motion from PAC

IT WAS REGULARLY MOVED AND SECONDED THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL REGARDING THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55275671 AND THAT THE ATTACHED DRAFT DEVELOPMENT AGREEMENT BE FORWARDED TO COUNCIL FOR INITIAL CONSIDERATION BEFORE A PUBLIC HEARING IS HELD.

CARRIED

DRAFT MOTION from PAC:

THAT COMMITTEE OF THE WHOLE FORWARD THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55275671 TO A PUBLIC HEARING BEFORE A FINAL DECISION BY COUNCIL.

REQUEST FOR DECISION 018-2019

Title: Development Agreement Proposal
249 Main Street
Date: 2019-04-02
Department: Planning and Development



1) CAO COMMENTS

None required.

2) LEGISLATIVE AUTHORITY

See Staff report (attached) titled: Development Agreement Proposal, 249 Main Street, March 21, 2019.

3) STAFF RECOMMENDATION

That Council approve the proposed substantial alterations to 102 Main Street, as outlined in Attachment 2.

4) REFERENCES AND ATTACHMENTS

- (a) See Staff report (attached) titled: Development Agreement Proposal, 249 Main Street, March 21, 2019.

5) DISCUSSION

The applicant is seeking a development agreement to allow for the construction of a single-unit dwelling with attached garage and accessory dwelling. For elevations of the proposed building, see Attachment 4, Draft Development Agreement.

Members of Planning Advisory Committee questioned the placement of the staircase, which is viewable at the year of the property, from Victoria Avenue. No existing policy requires the staircase to be elsewhere.

6) FINANCIAL IMPLICATIONS

If approved this proposal will offer dwelling units with a substantially reduced environmental impact, increase the volume of dwelling units during growing demand and increasing rents, and offer significant increases to Town of Wolfville property tax incomes which can be used to offset growing infrastructure deficits, strengthen enforcement activities and/or increase recreation programming.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

See Staff report (attached) titled: See Staff report (attached) titled: Development Agreement Proposal, 249 Main Street, March 21, 2019.

8) COMMUNICATION REQUIREMENTS

If approved, a public hearing will require advertising and direct mail to residents.

REQUEST FOR DECISION 018-2019

Title: Development Agreement Proposal
249 Main Street
Date: 2019-04-02
Department: Planning and Development



9) ALTERNATIVES

Alternatives to the above recommendation may include:

- a. Recommend the proposal, subject to specific changes.
- b. Recommend specific changes and that another review by the Planning Advisory Committee take place.

REQUEST FOR DECISION 018-2019

Title: Development Agreement Proposal
249 Main Street
Date: 2019-04-02
Department: Planning and Development



ATTACHMENT (A)

Staff report (attached) titled: Development Agreement Proposal, 249 Main Street, March 21, 2019.

REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
249 Main Street

Date: March 21, 2019
 Department: Planning & Development



APPLICANT	Kevin & Kelly van Niekerk
PROPOSAL	To allow for the construction of a single-unit dwelling with attached garage and accessory dwelling.
LOCATION	249 Main Street (PID 55275671)
LOT SIZE	12,594 square feet (1,170 square metres, or .28 acres)
DESIGNATION	Low Density Residential
ZONE	Low Density Residential (R-1A)
SURROUNDING USES	Low Density Residential, Park Area (Rotary Park and Harvest Moon Trail). Nearby commercial uses.
ARCHITECTURAL GUIDELINES	The existing property is mostly in the 'East Main Street "B"' Residential Architectural Control area.
NEIGHBOUR NOTIFICATION	Email list from PIM meeting; Newspaper ads and notices mailed to surrounding property owners within 100 metres; Sign placed on property

PROPERTY LOCATION



Figure 1: 249 Main Street sits on the corner of Victoria Avenue and Main Street, as shown in red.

REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
249 Main Street

Date: March 21, 2019
 Department: Planning & Development



PROPOSAL

The applicant is seeking a development agreement to allow for the construction of a single-unit dwelling with attached garage and accessory dwelling. For elevations of the proposed building, see Attachment 4, Draft Development Agreement. The lot currently contains a single-unit dwelling fronting on Main Street and non-landscaped greenspace south of the dwelling.

Proposed Site/Landscaping Plan (Figure 2)



DRAFT LANDSCAPE PLAN BY OTHER
 (for reference only)

REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
249 Main Street

Date: March 21, 2019

Department: Planning & Development



Proposed development fronting on Main Street, looking south-east (figure 3)



PROCESS & NEXT STEPS

Section 230 of The Municipal Government Act (MGA) establishes the process for the approval of a Development Agreement. This process requires review by the Planning Advisory Committee and the holding of a Public Hearing by Council prior to a decision by Council to approve or reject the proposal. The decision by Council may be appealed to the Nova Scotia Utility and Review Board by an aggrieved person or by the Applicant.

The first stage of the application review process began at the Public Information Meeting (PIM) held on March 12, 2019. Property owners within 100 metres of the development were notified by mail, indicating that the site was subject to a development agreement application. The purpose of the PIM was to provide the public with an opportunity to offer preliminary feedback on the request and allow the applicant to answer any questions that would arise. Notes from this session have been included as 'Attachment 2' and assisted the review process in identifying issues, support or concerns raised by residents. The subject property (Lot PM-1) is located within the 'East Main Street "B"' Architectural Control Area requiring review by the Town's Design Review Committee (DRC). The Application was submitted to the DRC for review by email on March 15, 2018.

The next step in the Development Agreement process (as shown below), will be to have the Planning Advisory Committee (PAC) review this report and provide a recommendation to Council. Council will then

REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
249 Main Street

Date: March 21, 2019
Department: Planning & Development



provide Initial Consideration, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council.

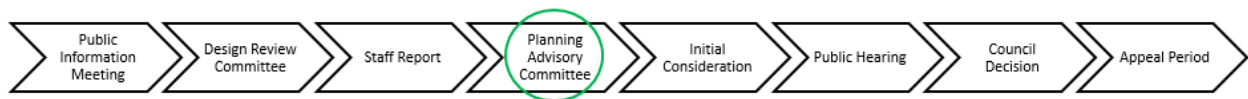


Figure 4 – Development Agreement Process

POLICY REVIEW & DISCUSSION

The property is designated Low Density Residential in the [Municipal Planning Strategy](#) (MPS) and zoned Low Density Residential (R-1A in the [Land Use Bylaw](#) (LUB). The property is approximately 12,594 square feet (1,170 square metres, or .28 acres) in size with a slope on the south-east corner of the property. No other development constraints are present.

Land Use By-Law

Policy 7.3 of the Land Use By-Law requires new dwellings within Architectural Control Areas to be built in accordance with Municipal Planning Strategy (MPS) Part 12 policies. MPS policy 12.1.7 requires new main buildings within an Architectural Control Area to be considered through a Development Agreement Process. MPS policies 12.1.4 and 12.1.5 require the building to be consistent with the principles of the relevant Architectural Guidelines Manual and in context with the neighborhood.

Part 7 – Low Density Residential (R-1A) Zone

“7.3 Developments Permitted by Development Agreement

- *Institutional developments of a limited nature (subject to MPS Policy 8.7.1)*
 - *Bed & Breakfasts in excess of 3 rooms and Inns (subject to MPS Policy 8.7.4)*
 - *Bed & Breakfasts with a dormitory room that has an occupant load larger than four persons (subject to MPS Policy 8.7.4)*
 - *new dwellings located within an Architectural Control Area (subject to MPS Part 12)*
 - *additions or alterations (more than 25% of the total floor area) to existing buildings located in an Architectural Control Area (subject to MPS Part 12)*
 - *additions or alterations (more than 10% of the total floor area) to registered heritage buildings (subject to MPS Part 12)*
- 4)”

REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
249 Main Street

Date: March 21, 2019

Department: Planning & Development



Municipal Planning Strategy

The Municipal Planning Strategy (MPS) includes a number of policies for Council to consider when reviewing such an application. This section provides relevant policies for this development proposal and discussion on criteria set out within these policies. The issues are discussed in the following section.

Part 5 – Objectives

Within the list of objectives outlined in Part 5 of the MPS, the two objectives most relevant to the proposed development are 5.1.9, 5.1.12. and 5.1.19. These objectives read as follows:

“5.1.9 to manage growth and control land use and development in a manner that will minimize urban sprawl and increase density and reduce conflicts between land uses in a manner that is compatible with the Town’s Sustainability Declaration and Vision.”

“5.1.12 to encourage the preservation of the architectural and cultural heritage of the Town and minimize the impact of new development on this heritage.”

“5.1.19 to consider flexible policies and regulations which enable opportunities for the principles of new urbanism to be incorporated into residential and subdivision design and development.”

Part 6 – Conservation and Environmental Stewardship

“6.1.4 to require that new developments not adversely affect existing residential or other development, with particular regard to proper drainage and erosion control and site grading.”

Part 8 – Residential Development and Land Use

“8.1.3 to permit in areas zoned Residential Single Unit Dwelling (R-1A):

- *single unit dwellings*
- *parks and playgrounds”*

“8.1.4 to establish a Low Density Residential (R-1A) zone in the Land Use By-law, as shown on Schedule A, the Zoning Map of the Land Use By-law, within a portion of the area designated Low Density Residential.”

“8.1.5 to permit in the areas zoned Low Density Residential (R-1A):

- *single unit dwellings*
- *single unit dwellings with an accessory dwelling unit*
- *existing multi-unit dwellings*
- *home occupations*

REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
249 Main Street

Date: March 21, 2019

Department: Planning & Development



-
- *Bed & Breakfasts (with 3 or less guestrooms)*
 - *parks and playgrounds*

“8.5.1 to permit in areas zoned Low Density Residential (R-1A) or designated Medium Density Residential (MDR), High Density Residential (HDR) and Comprehensive Development District (CDD), one accessory dwelling unit in conjunction with a single unit dwelling.”

8.6 USES PROHIBITED OR LIMITED THROUGHOUT RESIDENTIAL DESIGNATIONS

“8.6.5 to limit the area dedicated to bedrooms in all residential dwellings.”

“8.7.4 to ensure the following criteria are met when council is considering proposals in areas zoned Low Density Residential (R-1A) or designated Medium Density Residential (MDR), High Density Residential (HDR), and Comprehensive Development District (CDD) designations for Bed & Breakfasts in excess of 3 guestrooms and Inns by development agreement:

(a) the proposed use is located within a designated Architectural Control Area;

(b) development is in accordance with policies 12.1.4, 12.1.5, and 18.6.1.”

Part 12 – Architectural Heritage

“12.1.3 to incorporate special provisions in the Land Use By-law for the lands designated Architectural Control areas with respect to the public facades of:

- *new buildings*
- *additions or alterations to existing buildings*
- *accessory structures greater than 50 sq. metres in total area*

In order to ensure the compatibility of new buildings and additions and alterations with the established architectural character of the neighbourhood these special provisions shall control architectural style, building length to width ratio; height, roof shape and the appearance of exterior cladding and roof materials, architectural details and the shape and the size of porches, doors and windows and window area to wall area ratio.”

“12.1.4 to require that all developments located within a designated Architectural Control Area be consistent with the design principles and guidelines contained in the appropriate Architectural Guidelines Manual.”

“12.1.5 to ensure that when considering development agreements, the architectural character of any proposed new building, or the addition to or alteration of any building is visually compatible with the established architectural character of other buildings in the neighbourhood, in terms of height, bulk, scale, roof shape, materials, and relationships of windows and doors and architectural details. Require that the applicable Design Review checklist contained in the Architectural Guidelines Manuals be satisfactorily completed as part of the development

REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
249 Main Street

Date: March 21, 2019
Department: Planning & Development



agreement application.”

“12.1.6 to consider only by development agreement in areas designated as Residential Architectural Control Area proposals for new main buildings and additions to existing buildings that constitute more than 25% of the building floor area in accordance with policy 18.6.1. Additions to registered heritage buildings that constitute more than 10% of the building floor area of the existing heritage building shall also require a development agreement in accordance with policy 18.6.1.”

Part 13 – Transportation, Public Services and Utilities

“13.1.4 to require future developments to make provision for pedestrians, cyclists, transit users and automobiles.”

“13.5.3 to require a developer to design and install water distribution lines in accordance with appropriate municipal standards as provided for in the Subdivision By-law and/or servicing agreement.”

“13.6.1 to continue to meet all Provincial and Federal requirements with respect to sewage treatment.”

Part 16 – Landscaping, Lighting, Open Storage and Accessory Structures

“16.1.1 to require landscaping in any development subject to a development agreement and to establish time frames for its installation, in order to enhance or preserve the character and environment of the neighbourhood, to provide screening or buffers and to reduce conflict with adjacent land uses. Multi-unit residential development will require a landscape plan prepared by a landscape architect or certified landscape designer.”

“16.1.4 to regulate the amount, type and location of outdoor storage and display on a lot.”

“16.1.5 to regulate the amount of impermeable surfaces in all residential developments.”

“16.1.6 to regulate the use, size, number and location of accessory structures.”

“16.1.8 wherever possible to protect existing trees and to replace trees that require removal.”

Part 18 – Implementation

The criteria outlined in Policy 8.7.4 of the MPS states that a “development is in accordance with Policy 18.6.1.” Policy 18.6.1 of the MPS contains general policies that are to be considered for all development agreement applications. An overview of outstanding issues arising from these general criteria is reviewed

REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
249 Main Street

Date: March 21, 2019
 Department: Planning & Development



below in Table B while a summary of the entire policy, with Staff comment to each criterion, is provided as *Attachment 1*.

Staff believe the development proposal is consistent with the intent and criteria set out in Policy 18.6.1 of the MPS. A summary table for MPS Policy 18.6.1 with Staff comment to each criterion is provided in *Attachment 1*.

TABLE B: Outstanding issues from Policy 18.6.1	
<i>b) iii. the type and intensity of use</i>	<ul style="list-style-type: none"> • The proposed use is a one-unit dwelling structure. • The proposed use (one- single unit dwelling) is enabled by development agreement and is consistent with other uses in the area.
<i>b) Iv. the height, mass or architectural design of proposed buildings</i>	<ul style="list-style-type: none"> • The property is located within the East Main Street 'B' residential architectural control area. • Staff believe this design is appropriate as it can be described as "Modern Composite" style which is permitted in East Main Street 'B' residential architectural control area
<i>g) Iv. adequate landscaping features such as trees, shrubs, hedges, fences, flower beds and lawns to successfully integrate the new development into the surrounding area</i>	<ul style="list-style-type: none"> • Adequate landscaping provided (See Landscape Plan included in Attachment 4, Draft Development Agreement)

REVIEW FROM OTHER DEPARTMENTS

Additional review to be provided by Public Works as the application progresses toward a Public Hearing.

PUBLIC INFORMATION MEETING

The Town held a Public Information Meeting on March 12, 2019. Notes from this meeting are included as Attachment 2. Concerns raised focused on construction mitigation.

REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
249 Main Street

Date: March 21, 2019

Department: Planning & Development



DESIGN REVIEW COMMITTEE

Staff submitted designs to the Design Review Committee via email for feedback. No meeting was held. Staff will provide a verbal update on feedback from the Design Review Committee.

Staff believe the lot location and limited views of neighborhood context allow for variation in architectural design, that this design can be described as “Modern Composite” style which is permitted in East Main Street ‘B’ residential architectural control area, and this proposal is appropriate for this site.

SUMMARY OF DRAFT DEVELOPMENT AGREEMENT PROVISIONS

- To permit one, single-unit dwelling
- General limitations on outdoor storage and display on a lot, impermeable surfaces in all residential developments, size, number and location of accessory structures, and tree protections and/or replacements as shown on the landscape plan.

COMMENTS & CONCLUSIONS

The subject property and existing dwelling is currently unoccupied. The development agreement application proposes the construction of one new building containing a single-dwelling unit with attached garage and accessory dwelling.

Staff believe the development proposal meets the overall intent of the Municipal Planning Strategy and is consistent with relevant policies.

STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee provide a positive recommendation to Council regarding the Draft Development Agreement for PID 55275671 and that the attached Draft Development Agreement be forwarded to Council for Initial Consideration before a Public Hearing is held.

ATTACHMENTS

1. Policy Summary Tables
2. Public Information Meeting Notes
3. Excerpts From Residential Architectural Controls For Main Street “B” Area
4. Draft Development Agreement

ATTACHMENT 1 – Policy Summary Tables

Policy 18.6.1 of the MPS states the general policies for all development agreements. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

General Development Agreement Policies of the MPS (Section 18.6.1)	Staff Comment
(a) <i>to ensure that the proposal conforms to the intent of the MPS and to all other applicable Town By-Laws and regulations, except where the application for a development agreement modifies the requirements of the LUB or Subdivision By-Law.</i>	<ul style="list-style-type: none"> This proposal is enabled for consideration by development agreement and in Staff's opinion the proposal is consistent with the intent of the MPS.
(b) <i>to ensure that the development does not cause conflict with adjacent land uses, disturb the quiet enjoyment of adjacent lands, or alter the character and stability of surrounding neighbourhoods through:</i>	
i) <i>the type and intensity of use</i>	<ul style="list-style-type: none"> The proposed use is one (1)-unit, single (1) dwelling structure. The proposed use (one- single unit dwelling) is enabled by development agreement and is consistent with other uses in the area.
ii) <i>the height, mass or architectural design of proposed buildings</i>	<ul style="list-style-type: none"> The property is located within the East Main Street 'B' residential architectural control area. The proposed development is not visible from Main Street, yet has been reviewed by the Design Review Committee. Staff believe this design is appropriate as it is not visible from Main Street, nor is there substantial neighborhood context to match.
iii) <i>hours of operation of the use</i>	<ul style="list-style-type: none"> Not applicable (residential use)
iv) <i>outdoor lighting</i>	<ul style="list-style-type: none"> outdoor lighting will be required to not cause negative impacts to adjacent properties
v) <i>noise, vibration, or odour</i>	<ul style="list-style-type: none"> Potential noise is consistent with neighboring uses and noises (residential use)
vi) <i>vehicles and pedestrian traffic</i>	<ul style="list-style-type: none"> The one – single-unit dwelling on this property will not impact the overall functionality of the road network.
vii) <i>alteration of land levels/or drainage patterns</i>	<ul style="list-style-type: none"> not evaluated yet

viii) deprivation of natural light	<ul style="list-style-type: none"> No issues anticipated.
(c) to ensure that the capacity of local services is adequate to accommodate the proposed development and such services will include, but not be limited to the following:	
i) sanitary and storm sewer systems	<ul style="list-style-type: none"> not evaluated yet
ii) water systems	<ul style="list-style-type: none"> not evaluated yet
iii) schools	<ul style="list-style-type: none"> No issues
iv) recreation and community facilities	<ul style="list-style-type: none"> No issues
v) fire and police protection	<ul style="list-style-type: none"> No issues
vi) street and walkway networks	<ul style="list-style-type: none"> No issues
vii) solid waste collection and disposal systems	<ul style="list-style-type: none"> No issues
(d) to ensure that the proposal is not premature or inappropriate by reason of the financial ability of the town to absorb capital and/or maintenance costs related to the development.	<ul style="list-style-type: none"> No costs to be incurred by the Town as the development requires no additional infrastructure or maintenance on behalf of the Town of Wolfville.
(e) to ensure that the proposal does not cause environmental damage or damage to adjacent properties through:	
i) pollution of soils, water or air	<ul style="list-style-type: none"> No Issue
ii) erosion or sedimentation	<ul style="list-style-type: none"> No issue
iii) interference with natural drainage systems	<ul style="list-style-type: none"> No issue
iv) flooding	<ul style="list-style-type: none"> No issue
(f) to ensure that the proposal protects and preserves matters of public interest such as, but not limited to:	
i) historically significant buildings	<ul style="list-style-type: none"> No issues
ii) public access to shorelines, parks and public and community facilities	<ul style="list-style-type: none"> No issues
iii) important and significant cultural features, natural land features and vegetation	<ul style="list-style-type: none"> No issues
(g) to ensure that the proposed site and building design provides the following:	

<p><i>i) useable active transportation networks that contribute to existing active transportation links throughout the community</i></p>	<ul style="list-style-type: none"> • not applicable (residential use) • access to the Harvest Moon Trail from private property
<p><i>ii) functional vehicle circulation and parking and loading facilities designed to avoid congestion on or near the property and to allow vehicles to move safely within and while entering and exiting the property</i></p>	<ul style="list-style-type: none"> • not applicable (residential use)
<p><i>iii) facilities for the safe movement of pedestrians and cyclists</i></p>	<ul style="list-style-type: none"> • not applicable (residential use)
<p><i>iv) adequate landscaping features such as trees, shrubs, hedges, fences, flower beds and lawns to successfully integrate the new development into the surrounding area</i></p>	<ul style="list-style-type: none"> • Adequate landscaping provided (See Landscape Plan)
<p><i>v) screening of utilitarian elements, such as but not limited to; mechanical and electrical equipment, and garbage storage bins</i></p>	<ul style="list-style-type: none"> • Utilitarian elements are to be screened
<p><i>vi) safe access for emergency vehicles</i></p>	<ul style="list-style-type: none"> • No issues
<p><i>vii) adequate separation from, and consideration of, public and private utility corridors to ensure their continued safe and functional operation</i></p>	<ul style="list-style-type: none"> • Not applicable
<p><i>viii) architectural features, including but not limited to, mass, scale, roof style, trim elements, exterior cladding materials, and the shape, size and relationship of doors and windows; that are visually compatible with surrounding buildings in the case of a new building or with the existing building in the case of an addition</i></p>	<ul style="list-style-type: none"> • The proposed development is compliant with the Architectural guidelines and has been reviewed by the Design Review Committee. See 18.6.1(b)ii for more details

<p><i>ix) useable outdoor amenity space for use of residents in a residential development</i></p>	<ul style="list-style-type: none"> • Grass amenity space in the east, subject site can be used for leisure and light recreational activities.
<p><i>x) accessible facilities for the storage and collection of solid waste materials</i></p>	<ul style="list-style-type: none"> • Accessible facilities are provided as shown on the approved site/landscaping plan
<p><i>xi) appropriate consideration for energy conservation</i></p>	<ul style="list-style-type: none"> • Building will have to meet current building code requirements
<p><i>xii) appropriate consideration of and response to site conditions, including but not limited to; slopes, soil, and geological conditions, vegetation, watercourses, wet lands, and drainage</i></p>	<ul style="list-style-type: none"> • site conditions have been taken into consideration, existing trees have been preserved where possible.
<p>(h) <i>where Council determines, on the advice of a licensed professional, that there is a significant risk of environmental damage from any proposed development which does not require an assessment under the Environmental Assessment Act, environmental studies shall be carried out at the expense of the developer for the purpose of determining the nature and extent of any environmental impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage</i></p>	<ul style="list-style-type: none"> • No issues identified

Policy 18.6.2 establishes what conditions may be established in the development agreement. The conditions are limited to those listed, and to the specific policies guiding the particular type of development.

Policy 18.6.2 of the MPS	
SECTION 18.6.2	STAFF COMMENT
<p>18.6.2 that a development agreement may contain such terms and conditions that are provided for in Section 227 of the Municipal Government Act which ensures that the proposed development is consistent with policies of this Municipal Planning Strategy. The agreement may include some or all of the following:</p> <ul style="list-style-type: none"> (a) the specific type of use; (b) the size of the structure(s) within a development; (c) the percentage of land that may be built upon and the size of yards, courts, or other open spaces; (d) the location of structure(s) in relation to watercourses, steep slopes and development constraint areas; (e) storm water drainage plans; (f) the maximum and minimum density of the population within the development; the architectural design or external appearance of structures, in particular its compatibility with adjacent structures, where required by policy; (g) traffic generation, access to and egress from the site and impact on abutting streets and parking; (h) landscape design plan indicating the type, size and location of all landscaping elements that buffer or screen the development. This may also 	<ul style="list-style-type: none"> • The draft Development Agreement includes terms and conditions in relation to many of the items included in 18.6.2.

<p><i>include fencing, walkways and outdoor lighting;</i></p> <p>(i) <i>open storage and outdoor display;</i></p> <p>(j) <i>public display or advertising;</i></p> <p>(k) <i>maintenance of the development;</i></p> <p>(l) <i>any other matter which may be addressed in the Land Use By-law or Subdivision By-Law, such as parking requirements, yard requirements, etc.;</i></p> <p>(m) <i>site specific information relating to soils, geology, hydrology and vegetation.</i></p>	
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ATTACHMENT 2 - Public Information Meeting Notes

Public Information Meeting
6.00 PM – Council Chambers
Development Agreement Proposal
249 Main Street

Attending

Planner Jeremy Banks, Assistant Development Officer James Collicutt, Applicants Kevin & Kelly van Niekerk, Contractor Brant Barnett & four interested members of the public.

Mr. Banks began the PIM at 6:00 PM with a presentation on the development proposal, beginning with a look at the existing property as well as an overview of the layout of the development proposal. Banks then reviewed the policy relating to this application and the requirements of the DA process. Mr. Banks then looked to the attendees for questions.

Ms. Eggerston Q: Wondering if a temporary driveway from Victoria avenue during construction?

A: Kelly: access from Victoria during construction and in perpetuity.

Q: nice trees along the proposed fenceline, saving those?

A: fence is up for discussion but a diseased elm tree is going to be removed near the shared driveway.

Mr. Riley Q: what's the approx square footage? Garage unit a rental for 1 person? Garage for use by owners?

A: Brant: ~2500 sq.ft. (1436 sqft footprint), accessory unit will be a rental for one person with included laundry facilities in the unit, the garage will be for use by the applicants.

Q: what

Hallett comment: was the home of Thomas Randall before moving into Randall house.

Mr. Hallett Q: will there still be any changes to parking rules on Victoria?

A: Banks: no anticipated changes to parking on the street aside from no parking in front of the proposed driveway.

Mr. Riley Q: how long to construct and is it clapboard siding?

A: 6 months of construction time. Looking at using horizontal woodmen clapboard siding, to keep with the architectural style of the area.

Ms. Conroy Q: who are the intended tenants of the accessory unit? Families? Could the stairs be inside?

A: Kelly: not sure in the long-term. Brant: it would be too space-consuming within the garage building to include interior stairs.

Q: stairs at the rear?

A: Kevin: no, the back yard is intended for use for the main house and didn't want to have the access pass through the rear yard.

Q: Anything in the current MPs about stairs?

A Banks: not sure at this time, will come with the more detailed review.

Mr. Collins Q: shared driveway, will it be used by the property owners or their guests?

A: No, the access for the property will be off Victoria right from the beginning of construction. Brant: the builders are considerate of young children and the applicants and builder will speak with the neighbours about possible barriers during construction.

Ms. Conroy Q: what implications will future MPS/LUB changes have for this property?

A: Banks: Still unconfirmed as the MPS review is still ongoing and future changes may have an affect on how the property and its structures could be used.

Mr. Banks adjourned the meeting at 6.27 PM.

ATTACHMENT 3 – EXCERPTS FROM RESIDENTIAL ARCHITECTURAL CONTROLS FOR MAIN STREET "B" AREA

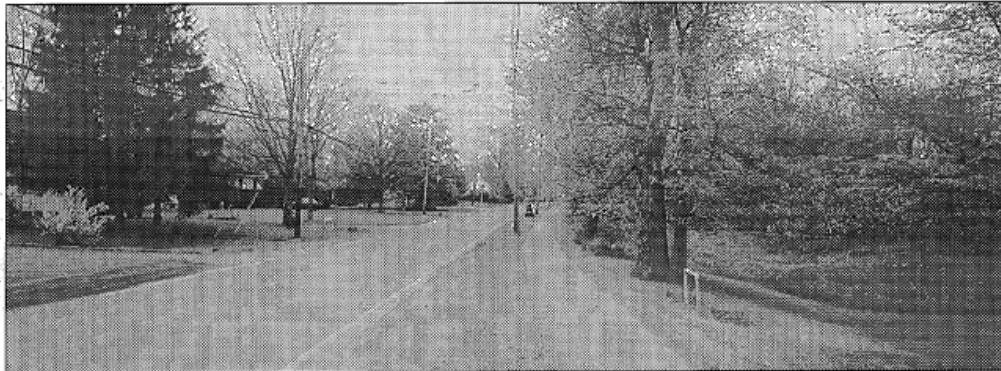


3.8 East Main Street "B"

This area includes Main Street from Sherwood Drive to the eastern edge of the Town.

Rural Character

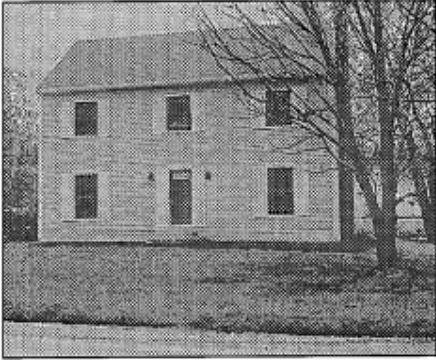
This is the area through which most people approach Wolfville from the eastern edge of the Town on Highway 1. It is rural in character, with a number of farms and apple orchards still in evidence along the road. Traffic is at the speed of a rural road, slowing down as one progresses closer to the more populated



areas of the Town. On the south side of Main Street a sidewalk runs almost the full length of the area. Not only does it serve as a safe pedestrian walkway along Main Street, but it also serves as an indicator of approach to a more densely populated area.

Architectural Styles

There are a number of Victorian Gothic homesteads that were built around the middle of the 19th Century. The homes are generally more modest than in East Main Street "A". There is a great variety of house styles in this area, with a high concentration of new homes, mostly built in a Colonial Revival Style.



These houses take their massing, window styles and symmetry from the early homes in the Town, but lack some of the detailing such as wide roof overhangs, and a porch or recessed doorway, that is common throughout Wolfville. The result is that these new houses present a very flat profile and appear somewhat plain in contrast to their antecedents which were rich in detail and decoration.

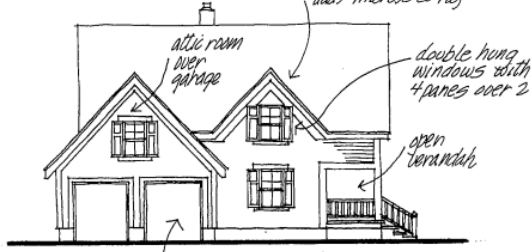


Modern Composite Style Examples

Sub Areas 1, 2, and 3

The following composite styles are permitted in all three Sub Areas and provide considerable latitude for design interpretation. In choosing one of these composite styles or variations thereof, it is the attention to massing and proportions of the building, roof pitch, window style and placement, and attention to detail and decorative elements which creates a successful design. Applicants are encouraged to meet with the Development Officer at an early date to discuss their design intentions.

sectional view



side view

garage doors are on side of house to hide cars from street

garage wing at side

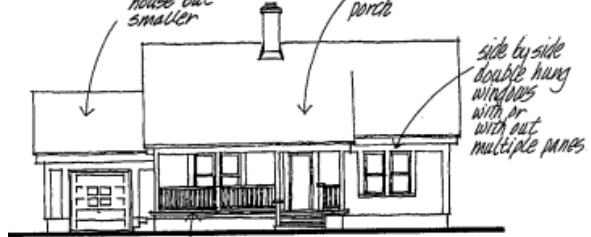


front view

open front porch/verandah is integral part of house design

front door with side lites

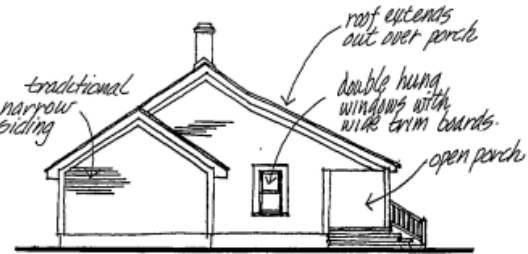
garage in same proportions as house but smaller



front view

open front porch raised off grade

traditional narrow siding



side view

narrow shingle, clastboard or vinyl siding



entry front view

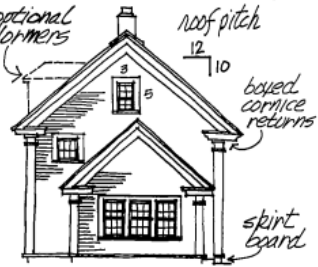
unit 1

unit 2

entry

optional dormers

roof pitch 12/10



end view

Composite Medium Size House or Two Unit Dwelling Style

ATTACHMENT 4 – Draft Development Agreement

This **Development Agreement** is made this _____ day of _____, 2019.

BETWEEN:

KEVIN VAN NIEKERK AND KELLY VAN NIEKERK

(Hereinafter called the “Developer”)

OF THE FIRST PART

- and -

TOWN OF WOLFFVILLE

A municipal body corporate,
(Hereinafter called the “Town”)

OF THE SECOND PART

WHEREAS the Developer has requested that the Town enter into a Development Agreement relating to the use and development of the Lands (PID 55275671) pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy for the Town of Wolfville;

AND WHEREAS a condition of granting approval for the development of the Lands is that the parties enter into this Development Agreement;

AND WHEREAS the Town Council of the Town, at its meeting on **October 16th, 2018** approved entering into this Development Agreement to permit the establishment of a single unit dwelling and accessory structure on the Lands, subject to the registered owner of the Lands entering into this Development Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the covenants made in this Development Agreement and other valuable consideration the Developer and the Tenant and the Town agree to the following terms.

1. Schedules

The following schedules form part of this Development Agreement:

- Schedule “A” – Legal Parcel Description of Lands
- Schedule “B” – Site / Landscape Plan
- Schedule “C” – Architectural Design

2. Definitions

2.1 In this Development Agreement:

“Building By-Law” means Chapter 65 of the By-Laws of the Town of Wolfville.

“Developer” means the owner(s) of the lands, their heirs, successors, assigns, and all subsequent owners of the lands.

“Development” means a single-unit dwelling with an accessory dwelling.

“Development Officer” means the Development Officer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

“Engineer” means the Engineer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

“Effective date” means the date on which this Development Agreement is deemed to be entered into under the terms of this Development Agreement.

“Lands” means the real property in the Town of Wolfville owned by the Developer, PID 55275671, and as described in Schedule “A”.

“Land Use By-Law” means the Land Use By-Law of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Land Use By-Law adopted by Council on September 23, 2008, and recorded at the Kentville Land Registry Office on November 6, 2008, as Document Number 92078600.

“MGA” means the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended.

“Municipal Planning Strategy” means the municipal planning strategy of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Municipal Planning Strategy adopted by Council on September 23, 2008, and recorded at the Kentville Registry of Deeds Office on November 6, 2008, as Document Number 92078543.

“Planning Documents” means Land Use Bylaw, Municipal Planning Strategy, and Subdivision Bylaw.

2.2 Where terms (words or phrases) are not defined in this Development Agreement, definitions in the Town’s planning documents shall apply. Where terms are not defined in the planning documents, definitions in the MGA shall apply. Where terms are not defined in the aforementioned sources, their ordinary meaning shall apply.

3. Relevance of Planning Documents and Other Regulations

3.1 This Development Agreement contains definitions and regulations for the Development. It complements the Town's Planning Documents. Unless specified in this Development Agreement, requirements in the Town's Planning Documents shall apply. Where there is a conflict between this Development Agreement and the Planning Documents, this Development Agreement shall prevail.

3.2 Regulations outside of this Development Agreement or the Town's Planning Documents may be applicable to the Development. However, the terms of this Development Agreement shall not be materially changed in order to comply with such regulations without an amendment to this Development Agreement.

4. Background

The Developer wishes to construct a single (1)-unit residential building with accessory dwelling. The lands are located in the East Main Street "B" Residential Architectural Control Area which requires all new residential buildings be approved by development agreement.

5. Terms

5.1 Development Conditions

5.1.1 Permits and Approvals

5.1.1.1 This Development Agreement allows the Developer to obtain development permits, other permits, and permissions to allow uses permitted by this Agreement.

5.1.1.2 The Developer shall be responsible for obtaining all necessary permits and approvals required by law for the Development, including but not limited to development permits, building permits, and any approvals required from the Province of Nova Scotia.

5.1.1.3 Obligations or other requirements in this Development Agreement are those of the Developer, unless otherwise specified.

5.1.1.4 No occupancy permit shall be granted for this Development until all provisions of this agreement are met, except for landscaping requirements that cannot be met due to seasonal restrictions.

5.1.2 Land Use

5.1.2.1 The following uses are permitted:

- (a)** One (1) single unit dwelling with accessory dwelling and any other as-of-right uses permitted in the corresponding zone of the Land Use By-law, as amended from time to time.
- (b)** Any accessory buildings, structures or uses permitted by the Land Use Bylaw for the corresponding zone.

5.1.3 Landscaping & Site Requirements

5.1.3.1 The Development shall conform to the zone standards of the Land Use By-law for areas zoned Low Density Residential (R-1A), except as otherwise established by this Agreement.

5.1.3.2 All Development shall occur on the Lands.

5.1.3.3 Development on the Lands shall be built generally in accordance with the Site Plan and Specifications of Schedule "B". Landscaping or accessory building requirements as shown in Schedule "B" may be varied to accommodate locations, varieties of plants, and other minor details.

5.1.3.4 The Developer shall establish and maintain all non-hard surface areas on the Lands as landscaped areas.

5.1.3.5 Storm water runoff from the Lands shall not be directed onto adjacent properties unless permission is obtained from the adjacent property owner for the direction of such storm water runoff.

5.1.3.6 No parking shall be permitted on non-hard surfaced areas of the site.

5.1.3.7 The Developer shall provide adequate off-street parking as required in the Land Use Bylaw.

5.1.4 Municipal Services

5.1.4.1 The parties agree that municipal sanitary sewer and water services are available.

5.1.4.2 The Town makes no warranties, guarantees or claims as to the adequacy of the Town's water supply to provide the recommended Fire Flow amounts for protection of the building from fire. The Developer shall satisfy itself that the available fire flows are satisfactory to meet its needs.

5.1.5 Refuse Storage and Utility Equipment

5.1.5.1 Refuse, compost, recyclables, and other similar matters shall be stored within the building(s), or within accessory structures or containers pursuant to the requirements of the Land Use Bylaw, Valley Region Solid Waste-Resource Management By-Law, and other applicable regulations.

5.1.5.2 Utility equipment such as mechanical and electrical equipment shall be visually screened by fencing or landscaping.

5.1.6 General Maintenance and Operation

5.1.6.1 Buildings, landscaping, and other related features shall be maintained in good condition, pursuant to the Town's Property Minimum Standards By-law.

5.1.7 Architecture

5.1.7.1 The developer shall build the one (1) new residential building with roof lines, windows and front entries, generally as illustrated in Schedule "C", Architectural Design.

5.1.8 Timing

5.1.8.1 This Development Agreement shall be deemed to be in effect on the day the Agreement is registered in the registry as per section 228(3) of the MGA. Unless otherwise specified, all time requirements imposed in this Development Agreement shall be calculated from that date, the effective date.

5.1.8.2 All development enabled by this agreement shall be completed within three (3) years. Upon failure to meet this timing requirement, the Town may discharge this Development Agreement without the consent of the Developer or Tenant.

5.1.9 Amendment

5.1.9.1 With the exception of matters which the Town and the Developer do not consider to be substantive, the amendment of any other matter in this Development Agreement can only be made under the provisions of Section 230 of the MGA, including the holding of a Public Hearing.

5.1.9.2 Following are matters in this Development Agreement which the Town and the Developer do not consider to be substantive:
(a) The requirements for completion imposed by section 5.1.8.2.

5.1.10 Expenses

5.1.10.1 The Developer shall pay all costs and expenses incurred by the Town related to this Development Agreement.

5.1.11 Liability

5.1.11.1 The Developer shall be liable for any damage caused to persons or public or private property by the Developer or any contractor or other individual doing work related to the Development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the Development. The Developer shall obtain and maintain in force throughout the course of construction on the Development, liability insurance coverage to insure the responsibilities which the Developer is assuming in this section.

5.1.12 Default

5.1.12.1 If the Developer fails to comply with or breaches any of the terms of this Development Agreement or any legislation applicable to this Development Agreement, the Town, at its sole option, may:

- (a) after 30 days notice in writing to the Developer, enter the lands and perform any obligation with which the Developer has failed to comply; or
- (b) Terminate this Development Agreement; or
- (c) Take no action.

5.1.12.2 Any election by the Town to take no action on a breach of this Development Agreement by the Developer shall not bar the Town from exercising its rights under this Development Agreement on any other breach.

5.1.12.3 Any expenses incurred by the Town in exercising its rights under section 5.1.12.1, shall be paid by the Developer to the Town. Any expenses arising out of the entry of the Lands and performance of the obligations may be recovered by the Town from the Developer by direct suit and shall form a charge upon the Lands. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the Town for tax arrears on the outstanding balance from time to time. Such interest costs shall be treated as an expense.

5.1.12.4 For any work conducted by the Town in accordance with 5.1.12.1 the Town shall be considered a contractor and the Developer shall continue to be liable in accordance with 5.1.11.1.

6. Administration

The Development Officer administers this Agreement. His/Her decision is final and binding on all parties.

7. Warranties by the Developer

7.1 Title and Authority

7.1.1 The Developer warrants as follows:

- (a)** The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign this Development Agreement to validly bind the Lands.
- (b)** The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

8. Full Agreement

8.1 Other Agreements

- 8.1.1** This Development Agreement constitutes the entire agreement and contract entered into by the Town and the Developer. No other agreement or representation, whether oral or written, shall be binding.
- 8.1.2** This Development Agreement shall not be a precedent for any other agreement either between the Town and the Developer or between the Town and any other party.

9. Notice

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid, if to the Town to:

Town of Wolfville
359 Main Street
Wolfville, Nova Scotia
B4P 1A1
Attention: Development Officer

and if to the Developer:

Kevin and Kelly van Niekerk
50 Stewart Street
Toronto, Ontario
M5V 1H6

10. Headings

The headings used in this Development Agreement are for convenience only. If any of the headings are inconsistent with the provisions of the Development Agreement which it introduces, the provisions of the Development Agreement shall apply.

11. Binding Effect

This Development Agreement shall ensure to the benefit of and be binding upon the parties to this Development Agreement, their respective successors, administrators, and assigns.

12. Execution

In witness of this Development Agreement the parties have signed and delivered it to each other on the date set out at the top of the first page.

SIGNED AND DELIVERED

In the presence of:

) TOWN OF WOLFVILLE

)

)

) By _____

) MAYOR

)

Witness

)

)

) By _____

SIGNED AND DELIVERED

In the presence of:

) TOWN CLERK

)

)

)

) By _____

) Kevin van Niekerk

)

Witness

)

) By _____

) Kelly van Niekerk

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2019, _____ a witness to this agreement came before me, made oath, and swore that the **TOWN OF WOLFVILLE**, caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2019, _____ a witness to this agreement came before me, made oath, and swore that **Kevin van Niekerk and Kelly van Niekerk** the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

Schedule "A" – Property Description

ALL that certain lot of land and premises situate at Wolfville, in the County of Kings, Province of Nova Scotia, and bounded and described as follows:

ON the north by Main Street;

ON the west by Victoria Avenue, so-called;

ON the south by lands now or formerly of William M. McCurdy;

ON the east by land now or formerly of Mrs. Stewart (formerly Mrs. E. Fairn);

CONTAINING ONE ACRE, more or less.

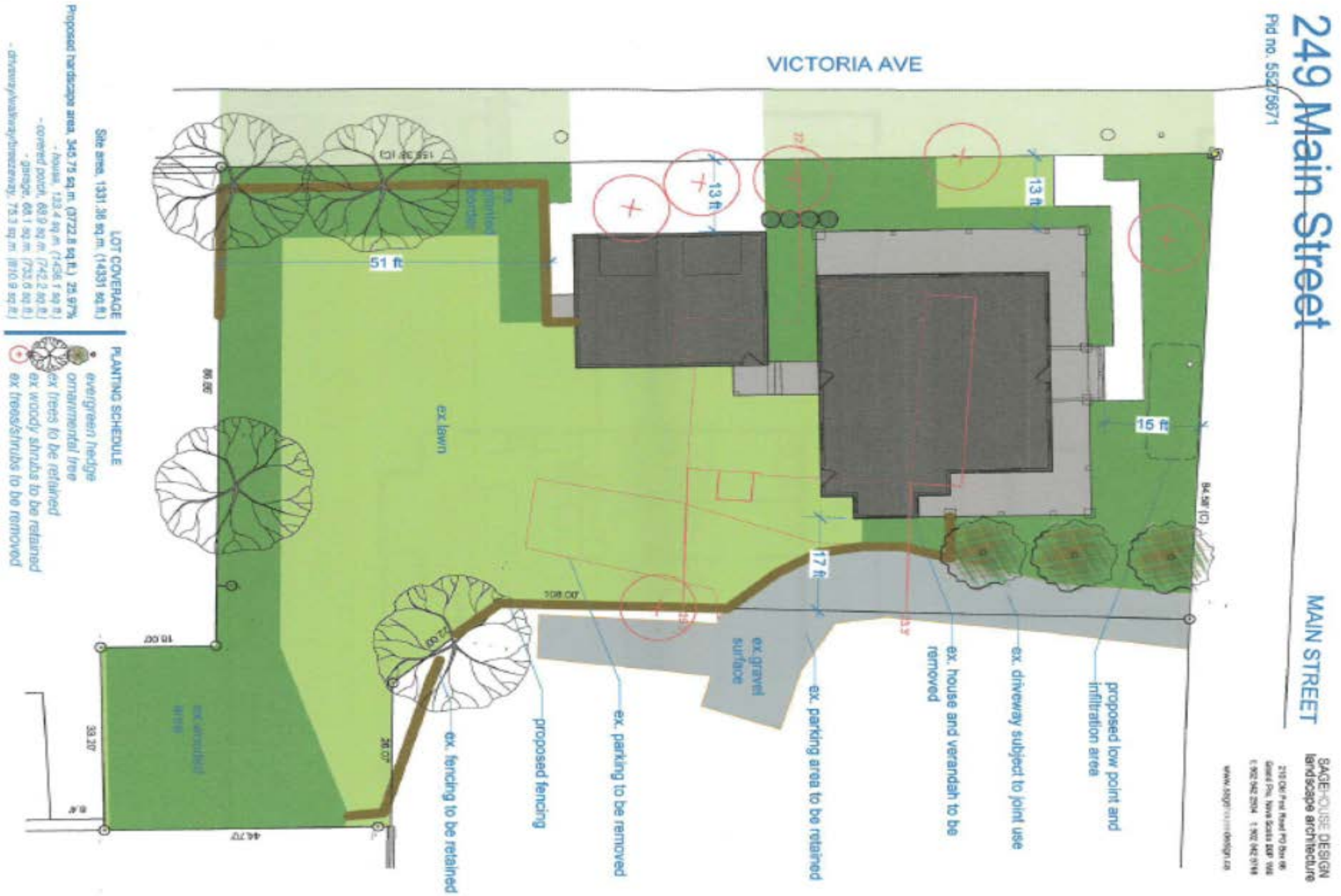
BENEFIT:

TOGETHER WITH an easement/right of way as more particularly described in Book 187, Page 657.

BURDEN:

SUBJECT TO an easement/right of way as more particularly described in Book 187, Page 657.

The description for this parcel originates with a deed dated June 25, 1958, registered in the registration district of Kings County in Book 192 at Page 155 and the subdivision is validated by Section 291 of the Municipal Government Act.



Schedule "C" – Architectural Design (Elevations)

*DRAWN AS PER SPECIFICATIONS OF OWNER. FINAL BUILDING DETAILS TO BE CONFIRMED PRIOR TO CONSTRUCTION.

FRONT ELEVATION
SCALE: 1/8" = 1'-0"

RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATION NOTES:

1. EXTERIOR FINISHES SHOWN - WOOD CLAPBOARD SIDING UNLESS OTHERWISE SPECIFIED BY OWNER.
2. ASPHALT SHINGLES - PROFILE/COLOR CHOICE TBD.
3. ALUM. FASCA, CLADDING TO COORDINATE WITH OTHER MATERIAL.
4. COORDINATE DOWNSPOUT LOCATION WITH OWNER, TO AVOID OPENINGS AND MINIMIZE VIEW ON FRONT ELEVATION.

NOTE: WORKING DRAWINGS ARE A GRAPHIC REPRESENTATION ONLY. ACTUAL PRODUCTS AND MATERIALS USED MAY VARY FROM THEIR DEPICTION.

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING CODE OF CANADA, 2015, LATEST EDITION AND LOCAL ORDINANCES.
2. ALL MATERIALS SHALL BE APPROVED AND VERIFIED BY THE ARCHITECT.
3. ALL MATERIALS SHALL BE APPROVED AND VERIFIED BY THE ARCHITECT.
4. ALL MATERIALS SHALL BE APPROVED AND VERIFIED BY THE ARCHITECT.
5. ALL MATERIALS SHALL BE APPROVED AND VERIFIED BY THE ARCHITECT.
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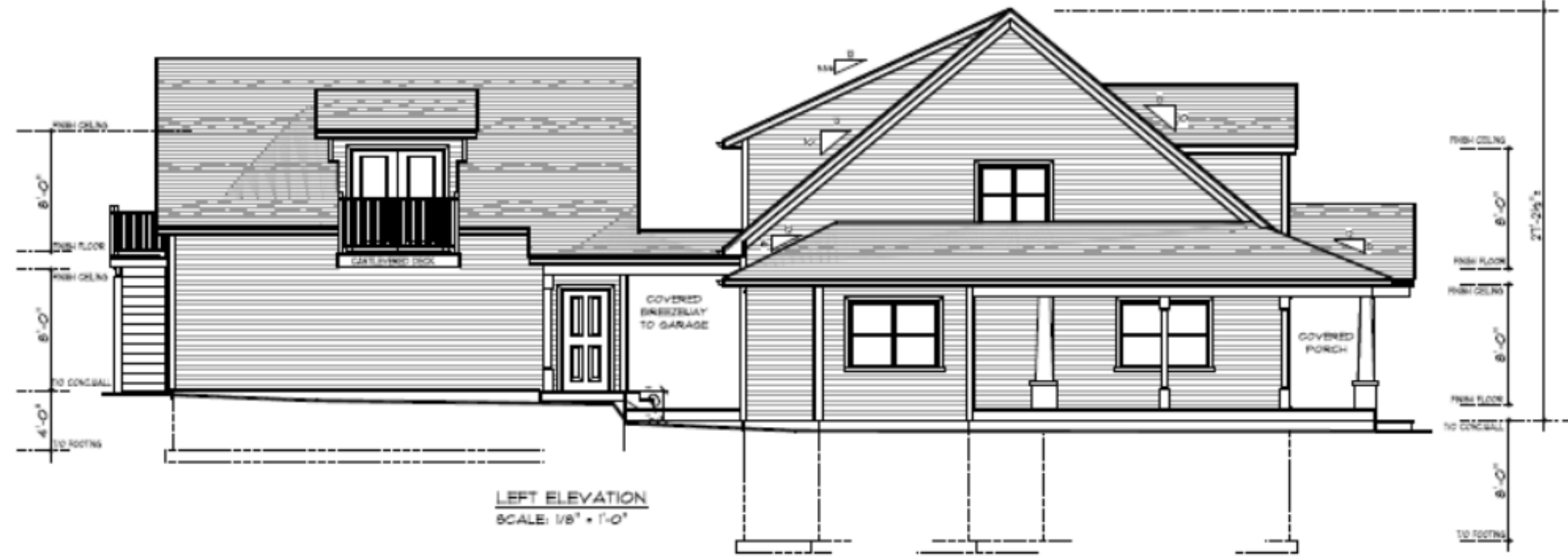
PROJECT: Kevin & Kelly van Alphen
249 Main Street
Warrville, NS

DATE: 01/30/2019

SCALE: 1/8" = 1'-0"

1
OF 8

*DRAWN AS PER SPECIFICATIONS OF OWNER. FINAL BUILDING DETAILS TO BE CONFIRMED PRIOR TO CONSTRUCTION.



LEFT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"

NOTE: WORKING DRAWINGS ARE A GRAPHIC REPRESENTATION ONLY. ACTUAL PRODUCTS AND MATERIALS USED MAY VARY FROM THEIR DESCRIPTION.

ELEVATION NOTES:

1. EXTERIOR FINISHES SHOWN - WOOD CLAPBOARD SIDING UNLESS OTHERWISE SPECIFIED BY OWNER.
2. ASPHALT SHINGLES - PROFILE/COLOR CHOICE T.B.D.
3. ALUFA FASCIA, CLADDING TO COORDINATE WITH OTHER MATERIAL.
4. COORDINATE DOWNSPOUT LOCATION WITH OWNER, TO AVOID OPENINGS AND MINIMIZE VIEW ON FRONT ELEVATION.



January 30, 2019

NOTE: THIS DRAWING MUST NOT BE USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING.

THIS DRAWING IS A GRAPHIC REPRESENTATION ONLY. ACTUAL PRODUCTS AND MATERIALS USED MAY VARY FROM THEIR DESCRIPTION. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING.

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NO.	DATE	DESCRIPTION
1	1/30/19	ISSUED FOR PERMITS

PROJECT: Kevin & Kelly von Nibben
240 Main Street
Worland, WY



COMMITTEE UPDATE

Source Water Protection Advisory Committee

Date: April 2, 2019

Department: Public Works



1) UPDATE

The Source Water Protection Advisory Committee met on Wednesday, February 20th.

Areas highlighted were:

- 1) Due Diligence and the 5 Step Process for Source Water Protection presentation
Was provided by Dawn MacNeill, Water Shed Planner with NS Environment.
- 2) Discussed the ABC's of Source Water Protection
- 3) Suggested a tour of the Water Treatment Plant for Committee members.
- 4) Future agenda items, were discussed including, reviewing the terms of references, reviewing Potential Sources of Contamination and sharing water quality tests with committee

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



SUMMARY

Policy 120-008 - Travel, Meal, and Miscellaneous Allowance Policy

The Town's expense reimbursement policy (Travel, Meal, and Miscellaneous Allowance Policy) was last amended in 2012. Key aspects of the Policy have been the requirement for detailed receipts, use of provincial mileage rate for use of personal vehicles, and the inclusion of an allowance for councillors (and town committee members) to assist with family care expenses.

Since 2012, the provincial government has introduced new legislation to tighten controls around how municipalities manage travel expense reimbursements. The 2017 legislated changes were in response to irregular spending practices in other parts of the province. Key aspects of the new provincial requirements involve making alcoholic beverages ineligible for reimbursement, website posting of council/CAO expense reimbursement summaries, and specific requirements for the annual audit of expenses.

The Town of Wolfville already stipulates that alcohol expenses are ineligible for reimbursement, and the town's requirement for detailed receipts already ensures a higher level of accountability. However, some amendments to the Policy are needed to build in the new reporting and audit requirements (similar to the new Hospitality Policy).

Update Since January 8th COW

During the discussion at the January 8th COW meeting, staff were directed to research the details around the \$70/day per diem noted in the draft changes to the Town's Policy. This updated RFD deals with the results of that additional review.

DRAFT MOTION:

That Council approve the amended Policy 120-008, attached, and the changes be effective ~~January~~ **April** 1, 2019.

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

Municipal Government Act (MGA)

3) STAFF RECOMMENDATION

That Council approve the amended Policy and it apply to any expenses incurred from ~~January~~ **April 1st**, 2019 forward. **Further, staff recommend extending the scope to include any family member residing in the Councillor/Committee Member's home who requires care.**

4) REFERENCES AND ATTACHMENTS

1. Town Policy 120-008 with draft revisions (attached)

5) DISCUSSION

Staff contacted the County of Kings to obtain further information on how they selected \$70 as a possible daily limit. Their rationale was related to the rates noted in the Public Service Alliance of Canada (PSAC) Family Care Policy and \$70/day was sufficient to cover approximately 6 hours at \$12/hr.

Note the Policy wording, Clause 5.3, indicates to a "maximum" of \$70. If costs incurred are less, then only the lower amount is reimbursed.

Staff did not carry out any additional research, as the Town already has a Policy covering the concept of child care dating back to 2012.

The one area that the Town's existing Policy did not envision was that of family care, versus the more limited child care. Family care would include instances where councilors or committee members have a family member (parent, grandparent, etc) living with their family.

All other changes in the draft amended Policy are as discussed and tentatively accepted during the January COW meeting. The remainder of this RFD is unchanged from January.

The Town's expense reimbursement policy (Travel, Meal, and Miscellaneous Allowance Policy 120-008) has been in place since 2012 and has helped ensure the Town's expense reimbursements are done so in an accountable manner (receipts required) and limiting reimbursement to "reasonable and appropriate" expenditures (including a clause that explicitly notes alcohol is NOT eligible for reimbursement).

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



Subsequent to the Town's adoption of the 2012 Policy, the provincial government carried out a review of internal controls that could improve how municipalities manage expense reimbursements. The focus was on elected officials and senior administrators and stemmed from irregular expenses reimbursed in a couple of areas of the province. One of the key aspects of the new 2017 legislation was the exclusion of alcohol as a reimbursable expense. It should be noted that the Town of Wolfville already had that exclusion as part of the 2012 Policy.

In addition to the legislated requirements, there have been a couple of issues encountered over the last 7 years in the Town's application of Policy 120-008. The three most common issues/discussions have been around:

- Receipts based meal reimbursement versus per diems
- No allowance for incidentals via a per diem
- Extension of child care expenses to include councilors attending conferences

Other than the three noted areas above, the Town's existing policy has functioned well in ensuring adequate controls and accountability in the use of public funds, in an area that other jurisdictions have encountered difficulties in keeping the public trust. The focus on "reasonable and appropriate" expenses has ensured staff and council consider not only the dollar amount being incurred, but also the nature of the expense. The Director of Finance and CAO have disallowed smaller dollar amounts over the past years simply because the nature of the expense was not reasonable and appropriate. Although this can be a difficult position to be in, i.e. declining to approve selected expenses, it is not an unreasonable responsibility to carry out.

Regarding the 3 issues identified on page 2, the following comments are offered:

- **Receipts based versus per diems**
 - Many municipalities use per diem meal allowances rather than require receipts.
 - Per diems are "easy" as a predetermined dollar amount is permitted, which requires no judgement as to appropriateness.
 - Per diems do however still require staff to verify whether a meal has been provided at the function someone is attending. For example, most conferences provide a number of meals during the course of the multi-day event. An appropriate internal control with per diems is to verify how many meals were not provided to ensure participant only receives a per diem for meals purchased.
 - The Town's longstanding exclusion of alcohol expenses, works better under a receipts based system than per diems. With per diems there is nothing to prevent a person from receiving \$60-\$70 per day to cover 3 meals and using a portion of those funds for alcohol.
 - Receipts provide a clear record of what was spent and how tax payer money is being spent.

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



- Receipts, using a “reasonable and appropriate” requirement does put the onus on those approving the expenses to use judgement as to whether the dollars spent should be fully reimbursed. The CAO and Director of Finance have to date, with the support of the Mayor’s review of council expenses, shown a desire to ensure amounts are both reasonable and appropriate. It is not unusual to adjust amounts submitted to a lower dollar amount or disallow altogether.
- **No Allowance for incidentals**
 - Many policies include an allowance for incidentals, expressed in terms of a per diem (\$17 to \$18 per day is common). This specific per diem would apply to every day one is out of Town on business.
 - Similar to meal per diems, there is no requirement to have actually spent any money to receive this daily allowance.
 - The Town Policy does not provide an allowance for incidentals.
 - The Town Policy does allow, as previously noted, reimbursement for “reasonable and appropriate” items. In theory this would allow reimbursement for something that might otherwise be covered under incidentals. In practice, there are rarely any expense claims for items that might otherwise be considered an incidental.
 - Staff have had no issues processing claims with respect to this type of item. It is highlighted in this report, as there have been requests to add a per diem incidental allowance to the Policy. Staff do not recommend this request be considered.
- **Extension of child care expenses to include conference attendance**
 - An often forgotten and rarely noted clause in the Town’s current Policy is the provision to cover child care expenses for councillors (and committee members) while they attend town meetings. This clause was added in 2012 and Wolfville may have been one of the 1st municipal policies in the province to have such a provision.
 - The Policy provision (clause 5.3) currently does not cover costs associated with attendance at conferences. The Policy wording is noted as “per approved meeting” which did not include conferences when the Policy was adopted in 2012.
 - There have been a few times since 2012 that the question has arisen as to whether conference attendance should become part of the allowable rationale for the expense reimbursement.
 - The amount currently noted in the Policy is a maximum reimbursement of \$30, and it excludes use of family members providing the child care service. **IF** council wishes to extend coverage to include conferences, it would be reasonable to set a higher maximum for those occasions, for example \$70/day.

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



- Kings County, for example, added child care (called Family Care) to their Policy in fall 2018 and the coverage is more broad; it is noted as coverage incurred for council duties, which includes conferences.
- Staff believe there is one aspect of the child care reimbursement that has not been discussed here or in other jurisdictions, and that relates to single parent versus dual parent households. Staff see these as requiring different potential dollar reimbursements.
 - In circumstances where there are two parents in the household, then it is not unreasonable to expect the other parent to potentially be available to assist with child care. In those circumstances where both parents are unavailable (for example both out of town on business), then the maximum daily allowance paid by the Town should be half of the \$70 maximum. The rationale is the employer of the non-councilor parent should be equally responsible for child care as the taxpayer is for the member of council.
- Extension of child care to cover conferences would not be expected to be difficult to manage as there have been limited circumstances over the last 7 years where any amount has been reimbursed by the Town under the existing provision.

No changes for the above three items have been made to the draft policy revisions. Staff recommend continuation of the receipts based approach and not adding an incidental per diem. With regard to child care reimbursement, if it is Council's desire to expand the provision to include conferences, then it would be relatively straight forward to add that wording prior to the draft policy going to Council for final approval.

Two clauses have been added to the draft policy, and they relate to the new legislated requirements for reporting and review. These clauses are the same as noted in the new draft Hospitality Policy and staff's proposed wording for Wolfville includes tighter timelines than required by the province.

The only other change incorporated in the draft document is under clause 5.4 covering approvals. Added reference to the CAO and Director of Finance have been included. The rationale for this suggested change is to improve consistency with how all other Town expenditures are approved and processed, recognizing that it is staff responsibility (specifically senior staff) to review/approve all expenditures. Travel expense reimbursements are not unusual transactions and therefore fall within the routine transaction approvals. Having the CAO and Director of Finance sign off helps ensure consistency in applying the Policy direction from Council.

6) FINANCIAL IMPLICATIONS

REQUEST FOR DECISION 001-2019

Title: Travel, Meal, and Miscellaneous Allowance Policy

Date: 2019-01-08 **UPDATED March 2019**

Department: Finance



No material impact expected on Town finances. The Town already has a successful process by which level of expenses have remained reasonable.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

This Policy deals specifically with transparency and accountability, which are ongoing commitments by Council to the public.

8) COMMUNICATION REQUIREMENTS

None required.

9) ALTERNATIVES

Generally speaking, alternatives would include:

- Change to per diems. This would require development of dollar maximums.
- Expand child care to include conference attendance by members of Council.



POLICY

TRAVEL, MEAL, AND MISCELLANEOUS ALLOWANCE POLICY

Policy Number: 120-008	Supersedes Policy Number: Human Resource Policy 6-20
Effective Date: 2012-09-17	Approval By Council Motion Number: 07-09-12

1.0 Purpose

It is the policy of the Town of Wolfville to reimburse elected officials, employees, or designated representatives of the Town for travel, meal and other expenses associated with travel when on approved town business. Reimbursement shall be for all reasonable and appropriate expenses.

2.0 Scope

This Policy is applicable to Town Council elected officials and Town of Wolfville employees seeking reimbursement for travel, meal and other expenses.

3.0 References

- 3.1 [Nova Scotia Municipal Government Act](#) (MGA)

4.0 Definitions

- 4.1 **Town of Wolfville Business:** Any legitimate conduct of business for the purposes of the governance and administration of the Town which includes, but is not limited to:
- a. a function, meeting, seminar, or conference associated with any Provincial or Federal Government department or agency,
 - b. a function sponsored by a training or educational institution,
 - c. a function sponsored by the Union of Nova Scotia Municipalities, Towns' Caucus, Federation of Canadian Municipalities, Association of Municipal Administrators, Canadian Association of Municipal Administrators, Recreation Association of Nova Scotia, Tourism Industry Association, a regional development authority or professional association,
 - d. meetings with representatives of other municipal units,
 - e. trips to and from locations outside the Town of Wolfville for securing supplies or services for work-related purposes, or consulting with other groups or individuals,



POLICY

- f. travel by recreation and tourism staff relating to Town of Wolfville produced recreation and tourism programming.

4.2 **Travel Expense:** Includes but is not limited to accommodations, air fare, rail or ferry transport, mileage (kilometers driven), meals, gratuities, taxi, parking, bridge tolls, and work-related phone calls and faxes. Items excluded are vehicle fuels and vehicle operating costs including repairs to personal vehicles.

5.0 Policy

5.1 Receipts are required for reimbursement of all travel expenses unless otherwise stated below.

5.2 Mileage will be reimbursed at the rate used by the Provincial government for its travel reimbursement process (receipts not applicable).

5.3 Councillor and Town committee members can be reimbursed for Child/Family care expenses to a **maximum of \$70~~30~~ per day. This allowance covers cost incurred for attendance at approved town meetings, professional development and conferences.** In lieu of receipts, the name and address of the individual providing the child care service must be provided. Reimbursement is limited to non-family members.

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5.4 Expense reports must be submitted and approved as follows:

- a. Staff expense reports must be approved by their respective Department Head.
- b. Chief Administrative Officer (CAO) expenses must be approved by the Mayor **and Director of Finance or Deputy Mayor.**
- c. Expense reports for the Mayor will be approved by the **CAO and Director of Finance Deputy Mayor.**
- d. Council expense reports will be approved by the **CAO and Director of Finance Mayor.**

5.5 Alcoholic beverages are not eligible for reimbursement.

5.6 Reporting Requirements will be in accordance with MGA s. 65A and include the following:

- a. **Within 45 days of the end of each fiscal quarter, prepare and post a summary expense report on the Town's website that describes all expense reimbursements incurred during the quarter;**



POLICY

- b. By July 31 of each year, prepare and post a summary expense report on the Town's website that describes all expense reimbursements incurred during the quarter;
- c. Annually submit all required documentation to the Minister of Municipal Affairs in accordance with requirements set out in the Financial Reporting and Accounting Manual.

5.7 Review Requirements will include the following:

- a. By July 31st of each year, the Audit Committee shall review the annual expense reimbursement summary report.
- b. By the January 31st immediately following a regular election held under the *Municipal Elections Act*, Council shall review this policy and, following a motion by Council, either re-adopt the policy or amend the policy and adopt the policy as amended.

CAO

Date

REQUEST FOR DECISION #019-2019

Tower Skateboard Park Relocation

Date: April 2, 2019

Department: Parks and Recreation



SUMMARY

Tower Skateboard Park Relocation

As the Town was working to find a suitable space to move the skateboard park, discussions were held with Acadia University about the potential of moving the park up to an area adjacent the Tower Soccer fields. During these discussions, it was felt that developing the site with the addition of a basketball court, seating area and/or passive exercise space would provide an enhanced recreational experience for all users. The Acadia Students' Union has agreed to provide funding to cover these enhancements, which result in an overall total project cost that exceeds what was recently approved by Council in the 2019-20 Capital Budget. The purpose of this RFD is to seek approval from Council to proceed with the project at a total project cost of \$125,000.

DRAFT MOTIONS:

That Council approve increasing the allocated capital spending to support moving the skateboard park from the East End Gateway to a newly developed recreation hub located next to the Tower soccer fields to \$125,000. The increase in Town spending would be to a maximum of \$90,000.

REQUEST FOR DECISION #019-2019

Tower Skateboard Park Relocation

Date: April 2, 2019

Department: Parks and Recreation



1) CAO COMMENTS

The CAO supports the recommendations of staff. This initiative is an excellent example of how the MOU between the ASU, Acadia University and the Town can lead to innovative partnerships.

2) LEGISLATIVE AUTHORITY

Section 65(ag) of the *Municipal Government Act* enables the expenditure of funds for municipal recreational purposes.

3) STAFF RECOMMENDATION

Staff recommends that Council approve the increase in the Capital Budget to \$125,000 to accommodate the change in scope of the project.

4) REFERENCES AND ATTACHMENTS

- See attachment for the proposed site plan

5) DISCUSSION

The Town has made a commitment in principle to develop the East End Gateway, including the greenspace, the connecting walkway from the Harvest Moon trail and the adjoining parking lot. The parking lot is currently home to the Town-owned skateboard park. After consultation and recommendations, the Town entered into discussions with Acadia University to move the skateboard park to an area near the upper Tower soccer fields. The soccer fields are currently maintained by the Town's Parks and Recreation staff.

Through discussions with Acadia and the Acadia Students' Union, it was determined that it would be advantageous to not only provide a new home for the skateboard park, but to also develop a new recreation hub accessible to students as well as members of the Wolfville community.

First versions of the proposed plan included an area for the Skateboard equipment, a half-court basketball pad and a beach volleyball court. Upon further investigation and discussions, it was suggested that increasing the half-court basketball to a full court would improve use, lessen maintenance requirements, and could also provide a space for ground hockey. It was also suggested that there should be space made to either have some exercise equipment or a place to just sit and relax.

Based on these changes to the project, the initial budget number for the project (\$75,000) needs to be revised in order to incorporate the additional development pieces. Staff believe the project will cost \$125,000 and will include the relocation of the current town owned skateboard park, the addition of a full-sized basketball court, a seating area, along with new landscaping and signage. ASU continues to support this and has committed \$35,000 to the project and want to partner in the final design.

REQUEST FOR DECISION #019-2019

Tower Skateboard Park Relocation

Date: April 2, 2019

Department: Parks and Recreation



Staff are requesting that Council consider the draft motion to adjust the scope of the project from the initial \$75,000 to \$125,000. The \$50,000 increase will be offset by the contribution from the ASU, which is willing to contribute \$35,000 to the project. While Acadia will not be making a direct financial contribution to the project, they are willing to provide the land for the project and enter into a long-term lease for the entire property. The current lease that the Town has with Acadia for Tower Field was due to be re-negotiated in this current fiscal year.

A new MOU is being developed to support this investment and to ensure access for all stakeholders. Part of this will include the implications for care and maintenance. This site will be the Town's responsibility and the Town will assume responsibility for maintenance and liability. Town staff are currently maintaining the soccer fields at this location and anticipate that the maintenance requirements can be absorbed within existing resources.

6) FINANCIAL IMPLICATIONS

This project requires \$125,000 of which the ASU is committed to \$35,000. Town of Wolfville approved \$75,000 for the initial move of the Skateboard Park and is now being asked to approve an additional \$50,000 to create a new Recreation Hub for the Town. Funding for the project will be as follows:

Total revised cost	\$125,000
Funding from Capital Reserve (approved budget)	(\$75,000)
ASU Commitment	<u>(\$35,000)</u>
Additional Amount required from Capital Reserves	<u>\$15,000</u>

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Council Strategic Principles:

- a. **Affordability:** With the Support of Acadia University and the Acadia Students' Union the Town of Wolfville will be able to create additional recreation space with a \$50,000 adjustment to the 19/20 budget.
- b. **Transparency:** Budget process has been carried out through Council proceedings and all documentation is publicly available.
- c. **Community Capacity Building:** The addition of a full-sized basketball court and seating area will add recreational capacity to the Town of Wolfville and families using the Tower soccer fields.
- d. **Discipline to Stay the Course:** Creating opportunities for collaborative investment in projects is fundamental to the Town's Mission.

REQUEST FOR DECISION #019-2019

Tower Skateboard Park Relocation

Date: April 2, 2019

Department: Parks and Recreation



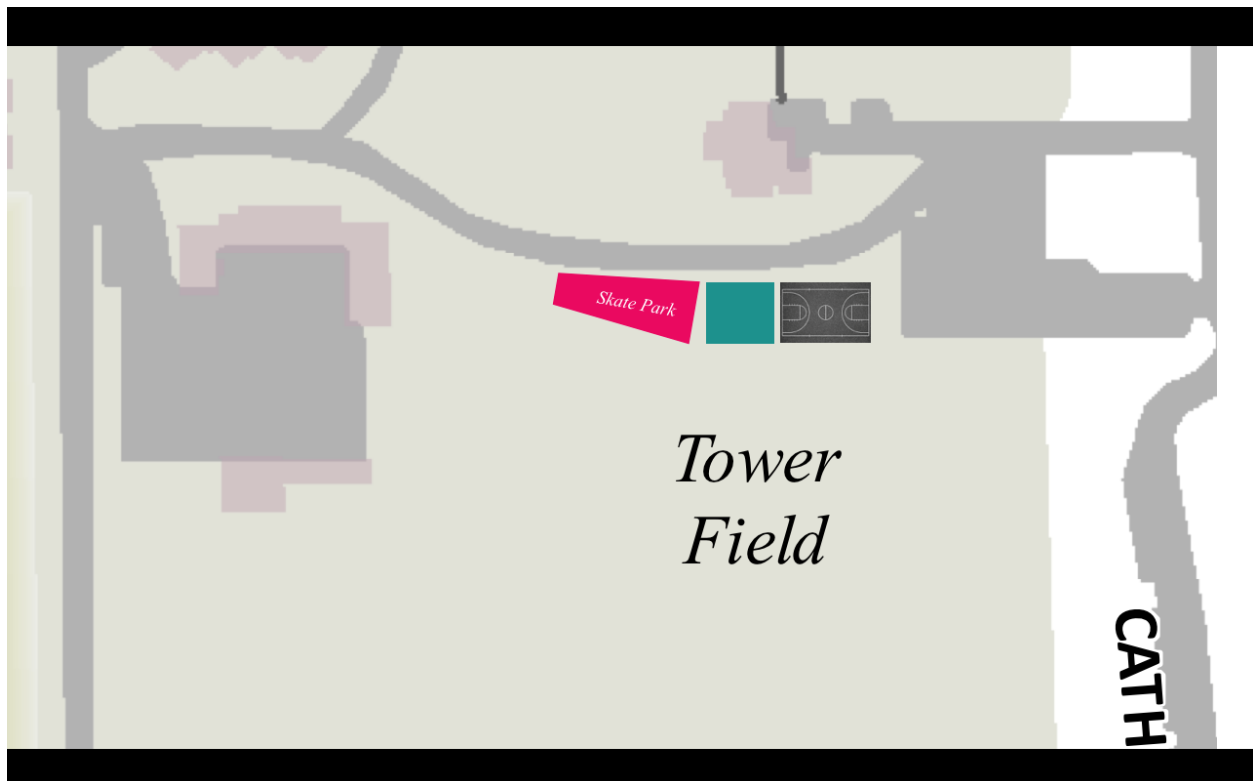
- e. **United Front:** Council's decision to provide funding builds on the MOU with Acadia and the Acadia Students' Union. Recreational space and supporting active lifestyles is integral to the Town's Strategic Plan.
- f. **Environmental Sustainability:** Moving the skateboard park creates additional parking at the East End gateway to support the Town's commitment to walkability.

8) COMMUNICATION REQUIREMENTS

Parks and Recreation staff will advise users of current skateboard park about the move to the new space. Efforts are being made to move the skateboard equipment at the end of April 2019 to allow for lining of new parking spaces and plans to have the new park available by the end of June 2019.

9) ATTACHMENT

Proposed site plan.



10) ALTERNATIVES

Council can also opt to not do this; however the ASU and Acadia would be less likely to support the initiative with the reduced scope.

INFORMATION REPORT

MPS Update

Date: April 2, 2019

Department: Planning & Development



SUMMARY

MPS Update

Staff is completing the review of key issues that emerged from Draft 2 of the Town's Municipal Planning Strategy Review [documents](#). A final draft of the Municipal Planning Strategy, Land Use By-law, Design Guidelines and Subdivision By-law will be presented to Council in July 2019 with the formal adoption process anticipated from September 2019 to January 2020. A draft workplan is provided in this report.

INFORMATION REPORT

MPS Update

Date: April 2, 2019

Department: Planning & Development



1) CAO COMMENTS

None required.

2) REFERENCES AND ATTACHMENTS

- 2019-2023 Town Operations Plan
- Draft 2 Plan Review Documentation - <https://www.wolfville.ca/draft-documents.html>

3) DISCUSSION

Overall Goal

To have the Municipal Planning Strategy, Land Use By-law, Design Guidelines and Subdivision By-law approved and adopted by Council in late 2019/early 2020. Focus is on documents that are easily 'accessible' (compared to existing – concise, clear language, lots of diagrams), and can be administered by Staff and Council effectively.

Workplan & Project Milestones

Date	Action(s)
March 2019-July 2019 Complete final documents (MPS, LUB, Design Guidelines, Subdivision By-law)	<ul style="list-style-type: none">• Final PAC/Council reviews of Draft 2 key issues• PAC/Council presented workplan• Staff working with Consultant on preparing documents, finishing content, etc• Finalize consultation and communications approach during formal adoption
July 2019 Final Document LAUNCH Committee of the Whole and Council meeting	<ul style="list-style-type: none">• Committee of the Whole Meeting: LAUNCH - Staff and Consultant present overview of documents, how we got here, etc (invite PAC) Motion to Council re: moving into formal adoption process.• Council Meeting: Motion considered re: moving into formal adoption process that includes:<ul style="list-style-type: none">○ Letters to property owners○ Open House, Pop ups○ 1v1 or small group meetings with residents or groups○ PPM in front of PAC (September)○ PAC recommendation (October)○ COW (November)○ 1st Reading (November)○ Public Hearing – December or January○ 2nd Reading – January○ Provincial/Minister review
August 2019	<ul style="list-style-type: none">• Council/Community review of Final

INFORMATION REPORT

MPS Update

Date: April 2, 2019

Department: Planning & Development



Review period	<p>Documents</p> <ul style="list-style-type: none">• Send to Province for initial review/comment• Send letters to community re: adoption process and zoning changes• Website and Zone Analyzer finalized• Develop summaries/infographics
September 2019 Adoption Process	<ul style="list-style-type: none">• Meetings with property owners /resolving issues• Staff present overview presentation to other groups – WBDC, Design Review, Heritage, ASU, etc• PR/Communications, Open House(s), Other Info Events/Pop Ups<ul style="list-style-type: none">○ Council Involvement in getting behind the process-to-date and moving forward• Public Participation Meeting at PAC (and Council invited) with Consultant<ul style="list-style-type: none">○ Overview and Key Issues○ Responding to questions and comments
October 2019 Adoption Process (cont'd)	<ul style="list-style-type: none">• Follow-up PAC presentation, discussion + RECOMMENDATION TO COUNCIL
November 2019 Adoption Process (cont'd)	<ul style="list-style-type: none">• Council Committee of the Whole Presentation with Consultant<ul style="list-style-type: none">○ Overview and Key Issues○ What we have heard from PPM, PAC, other outreach○ MOTION TO MOVE ON TO FIRST READING• IF PROCEEDS TO FIRST READING – this would happen in November at regular Council. MOTION TO PROCEED TO PUBLIC HEARING<ul style="list-style-type: none">○ Advertising○ Moratorium on applications under current documents
December/January 2019 Approval and Provincial Review	<ul style="list-style-type: none">• Public Hearing presentation with Consultant• 2nd Reading and adoption.• Provincial/Ministerial approval

4) FINANCIAL IMPLICATIONS

2019-2020 Operating budget has accounted for this work.

1. Improving Quality of Life for All:

- Community Partnership Program has awarded grants to the following groups: Annapolis Valley Music Festival, St Joseph's Stage Prophets, Refresh Annapolis Valley, Wolfville Tritons, Kings County Seniors Safety Society;
- The spring session of the Afterschool Program starts April 1st;
- The AWAKE program completed another successful winter session;
- Staff are currently planning the Summer 2019 Music Series;
- The Association of Municipal Administrators of NS (AMANS) has added the Town to their Spring Workshop agenda to speak on lessons learned during the first year of its Accessibility Advisory Committee's development of the Accessibility Plan.

2. Maximizing Our Infrastructure Investments:

- The Evangeline Park upgrades are expected to be completed by the end of May.
- Staff have issued operational tenders for traffic line marking, asphalt, and sanitary sewer flushing. Advertisements have been placed and will close in April;
- Staff have issued a tender for the reconstruction of Gaspereau Avenue. Advertisements have been placed and will close in April;
- The design work for Westwood Avenue and Seaview Avenue is being completed and the tenders will be advertised in April or early May;
- The design work for the wastewater treatment plant upgrade is ongoing and a preliminary design report is due at the end of March for review;
- Staff met with residents of Seaview Avenue to review the proposed street construction planned;
- Staff have submitted Annual Reports for wastewater treatment and municipal drinking water to the Department of Environment;
- Asphalt repairs using the asphalt recycler are scheduled to begin in April;
- Staff met with members of the WBDC to discuss parking in the core area and the findings of the 2018 parking counts. Parking analysis was also presented at the March meeting of the Planning Advisory Committee.

3. Leveraging our Economic Opportunities:

- Staff will revisit the grant for Landmark East tied to the use of their space, later this year; it is likely that they will shortly be seeking a Development Agreement;
- Staff and the Library Working Group continue working towards a Library Feasibility study/report to be presented to Council;
- The Business Retention and Expansion Surveys are continuing.

4. Operational Updates:

- The Parks and Recreation student placement working on the Mudley Fund has now finished. Two more students are expected April and they will be working on a Walking School Bus project and environmental education programs;
- Staff attended a risk assessment meeting with RCMP, Acadia University and ASU to plan for the Cheaton Cup Event;
- Staff contacted 8 landlord/property managers representing 20 rental properties who have experienced a previous large gathering party at their rental property in the past in advance of the pre-Cheaton Cup events;
- Public Works staff winter shifts will end March 29th;
- Staff continue to work with various Developers on Development Proposals within the Town;
- Staff will carry out interviews for the FCM funded 2-year Climate Change and Energy Coordinator position on Monday, April 1, 2019. Many strong applicants have applied for the position;
- Staff attended a Workshop on March 26th related to Adapting to a Changing Climate in the Cornwallis/Jijuktu'kwejk River Area;
- Staff will provide an MPS Update to Council at the April Committee of the Whole;
- Planning Staff, the Town's GIS Technician and Development Officer are wrapping up service to the Town of Windsor April 1, 2019. The Director will continue to provide limited service related to planning and sustainability leading up to the consolidation of Windsor and West Hants;
- Staff continue to focus on Fire Inspections and are implementing training (FIANS home study course) for a pool of fire inspectors including members of the Fire Department;
- Staff are working on updates to the property minimum standards by-law and working with the Building/Fire Official, Development Officer, and legal to better deal with Rental Businesses in the Town (e.g. licensing) and align definitions. A draft Nuisance Party By-law has also been prepared for presentation to Council;
- Council approved the 2019/20 Operation Plan/Budget. Work is now taking place on preparing budget details to upload to the Town's financial software. The goal will be to have the budget uploaded by early to mid-May;
- Staff reviewed with Council a high level amended year end financial forecast during the March Council meeting. Expectations are that the Town will be close to break even, with higher than usual deed transfer tax receipts in March keeping the Town from a deficit position for the year;
- Staff have submitted the following reports by their deadlines: HST Offset Grant forms for 2019/20 grant submitted to NSF, PIIDPA annual report submitted to province and CRTC Annual filing on behalf of the VCFN;

CAO REPORT

April 2, 2019

Department: Office of the CAO



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- Staff issued an invoice to the VCFN to recover costs associated with providing accounting services to the organization. The Town had provided notice that it would cease providing accounting services on March 31st, 2019, however the VCFN has not yet secured an alternative service provider. The goal remains to withdraw from providing this service;
 - Staff have begun discussions with the Town's auditor to plan the audit of the 2018/19 financial records;
 - The March 2019 Water/Sewer bills will include the first batch utilizing the eSend (being referred to as eBilling) option;
 - The IT Manager is working with the Office of the CAO on improving the Town's website Wolfville.ca;
 - Staff are completing key year end procedures to ensure accurate year end cut-off is achieved.

COMMITTEE UPDATE

Title: VWRM
Date: April 2, 2019
Department: Town Council



UPDATE

On Feb. 28 Valley Waste received a request from Kings County for a refund of their recent payment of recent consulting costs (Cathie Osborne & Kevin Matheson), stating that the expenditure did not qualify for funding from Dept. of Municipal Affairs as anticipated under the 'modernization framework.'

The authority approved issuing a credit to all of the municipal parties for their proportional share of these consulting costs totalling \$25,551.99 and will issue a refund before March 31, 2019. Geoff McCain, finance manager, and the new general manager Andrew Wort noted that the consultants did a lot of work on cost accounting, independent vetting and much needed policy creation.

Meanwhile the budget for Valley Waste is still very much up in the air. Much depends on the success of Sustane's operation at Kaiser Meadow. Board members had a tour of the plant on March 20.

Some functions of this \$30 million investment are working and others are just being set up. If functioning as intended 90 - 95 per cent of our garbage will be turned into various forms of fuel, including kerosene to run the plant, charcoal, diesel fuel and pellets. The plant will employ 25 people and operate 24/7 six days a week.

Equipment for the plant has come from Spain, Germany, Norway and Nova Scotia. All of the investment has come from private investors. Sustane has envisioned 30 more plants across Canada in five years, including one more in Nova Scotia.

Garbage is shredded and cooked in various chambers or traumels. The facility includes a lab with \$50,000 worth of equipment and an operations centre with 45 cameras. They hope to be up and running in April, but that remains to be seen. If all goes well Sustane will chew up 200 tons of garbage a day, which manager Bruce Viner told us is a good news story.

Plans at this writing are for the landfill committee to sit down with the new CAO in Chester on April 1 to seek additional budgetary information. Currently the authority is estimating a \$230,000 surplus, but finances due to the withdrawal of Annapolis County are challenging. McCain suggested that Valley Waste will be solvent well into May. It may be a year until there is any clarity around the debts Annapolis County owes.

Wendy Elliott
Wolfville Town Councillor

Attached Below: 3 images

COMMITTEE UPDATE

Title: VWRM
Date: April 2, 2019
Department: Town Council



Shredded garbage on a conveyor belt.



A view of one of the cookers



One of the enormous cells in the Kaiser Meadows landfill.



COMMITTEE UPDATE

Title: Kings Transit
Date: April 2nd, 2019
Department: Town Council



UPDATE

The Kings Transit Board met on March 27th, 2019.

New Business:

- **Board Chair Update:** A contract (former now retired MOK) Staff has been assisting Chair and GM to prepare financial reports in preparation for upcoming audit process. The initial meeting with the new Auditor – BDO will take place on Friday of this week.
- **Acadia UPass** – The ASU will be voting on the MOU for the UPass at next week's Acadia Student Union meeting. If the MOU is approved by the Board to move forward a student vote will be held between September 29th – October 3rd 2019. If approved the UPass program would begin in August 15th 2020. The UPass will be \$180 per student annually for year-round unrestricted travel on KT fixed routes in Kings, Annapolis and Digby counties; year-round unrestricted travel on a new transit route (generally in the core) which will operate on 30 minute intervals between 10-12 PM on weekdays and 8-12 PM on Saturday, as well as every 60 minutes between 9 am and 5 pm on Sundays; round-trip transportation between August 15th and May 15th from Acadia University to downtown Halifax (minimum two departures) on Friday afternoon and minimum two-returns on Sundays. NSCC also has an interest in participating with the UPass but given their size will wait to see what happens with Acadia's vote in September. The additional routes and times are of course open to all riders not only participating student populations.
- **Low Income Bus Passes** – The GM has initiated discussion with Department of Community Services to administer low income bus passes for eligible people to access KT busses. Discussions continue. Currently being piloted in Halifax.
- **Cross-walk and Bus Safety** – Discussed issue of pedestrian safety particularly during the times of the year prior to repainting of crosswalks and opportunity to do some messaging through the transit service. While pedestrian disregard for crosswalks safety is not only connected with transit when this occurs adjacent to a large stopped vehicle e.g., a bus it is even more difficult for drivers. Note that the Town of Berwick paints their crosswalks yellow, which seems to be preferred by pedestrians and drivers. Anything municipal partners can do to assist with better marking of crosswalks would be helpful.

Revenue and Ridership: Ridership has decreased by 10.69% over the same month in 2018, with only Annapolis West and Digby showing increases for the month. Suggested that the extremely cold weather might be a factor in decreased ridership. YTD ridership for the service as a whole is 6.38% below projections, a deterioration from last month's report. YTD revenue is 3.8% below budget and has also deteriorated since last month's projections.

COMMITTEE UPDATE

Title: Kings Transit
Date: April 2nd, 2019
Department: Town Council



Budget Snapshot: For the Core Service Area (Greenwood to Hants Border) - Administration salaries and expenses are below budget as is bus maintenance and fuel. Supervisor, Mechanic and Operator wages are above budget. Annapolis East (Bridgetown to Greenwood) is below budget for revenue and operator wages but above budget for bus maintenance and fuel. Annapolis West (Cornwallis to Bridgetown) is below budget for fare revenue, operator wages and bus maintenance and above budget for fuel. Digby is below budget for fare revenue and operator wages and fuel, and above budget for bus maintenance.

Ridership Initiatives: Hotspot is being monitored and now has some regular users.

Respectfully Submitted

Councillor
Wendy Donovan

COMMITTEE UPDATE

Title: Kings Point to Point
Date: April 2, 2019
Department: Town Council



UPDATE

Kings Point to Point Transit Society (KPPT) met on March 26th, 2019.

The 2018-19 year to date surplus is \$52,826.

The Manager Job Description was updated and approved by the Board.

The passenger efficiency (paid kms/total driven kms) was 87.4%, reflecting Halifax trips which have no dead-heading (unpaid kms) and that larger vehicles allow multiple paying passengers.

Total drives in Feb 2019 were 1,923 with 256 originating in Wolfville. Total drives for the year to date were 22,625 with 2,689 originating in Wolfville.

The Provincial Poverty Reduction Grant, a Rural Transportation Association (RTA) grant shared among the 18 RTA transit agencies was well-used. The grant allowed KPPT to offer free or reduced-rate rides to those in need. At the end of the year-long program there were 80-100 people who had been assisted by the grant.

Respectfully Submitted,

Mercedes Brian

KPPT Chair Report

Regional Emergency Management Organization:

On February 19th Wolfville Council approved the Kings Regional Emergency Management Organization (REMO) Evacuation Plan. Climate change is making a life-threatening emergency likely in our service area. Kings REMO has the authority, once a state of emergency is declared, to commandeer all KPPT vehicles in order to save lives. There are benefits such as training and communication equipment that are available once an Memorandum of Understanding (MOU) is in place. I serve on Kings REMO as Wolfville's representative and could assist KPPT in going forward with emergency planning. I suggest KPPT reach out to Kings REMO for a conversation and develop an MOU. We could start by inviting the Kings REMO coordinator for a 10 minute presentation at a board meeting.

Kings Standing Committee of Mayors:

Wolfville has signed on and will fund the request that the Kings Standing Committee of Mayors review structures, agreements, and funding formulas with Valley Waste, Valley Community Fibre Network, Kings Transit, and Kings Point to Point Transit. This work will proceed over the 2019-2020 fiscal year.

Wolfville's Accessibility Advisory Committee:

I also serve on Wolfville's Accessibility Advisory Committee. Wolfville was approved to be the first municipality in Nova Scotia to develop an accessibility plan, Access by Design, receiving Nova Scotia Accessibility Directorate assistance. This assistance, for example, allowed the plan to be edited and written in plain language making it accessible to those with differing learning styles, literacy, and English knowledge. The plan is intended to be a template for all other Nova Scotian municipalities. As it is the first one in Atlantic Canada, the plan may serve a wider constituency than just Nova Scotia.

On March 13, I participated in a Accessibility Advisory Committee presentation during Acadia's Accessibility Week on Acadia Campus.

On Wednesday May 1, 4-7 pm there will be a celebration of the completion of Wolfville's accessibility plan at the Wolfville Farmers' Market. There's various suppers available to buy at the Market then. I'll be there and I will send out invitations to the board.

Rick Hansen is confirmed to be in Nova Scotia during May 8-10. An invitation has been extended to Mr. Hansen to have a separate event celebrating the roll-out of Wolfville's Accessibility Plan. If this is confirmed, I will send invitations.

Provincial Standing Offer prices:

KPPT is not eligible for Provincial Standing Offer prices on gasoline, and Kings Transit, like other entities who are eligible, are not allowed to re-sell fuel (or any other eligible products from Approved Public Sector Entities). I talked to Kim Conway, Operations Manager at the Province, to understand why KPPT isn't eligible and was told that any eligible organization must be 50% funded by the province or a creation of a municipality.

Job Description Committee:

In my role on the Job Description Committee I called CHAD and talked to Danny MacGillivray. CHAD doesn't have a manager job description, would like ours, once completed. There was no answer from Bay Rides although I left a phone message.

I emailed Trans County. By return email they said that their Board is working on a job description and is hiring a new manager. They also would like to see our completed job description.

Board Development:

I have started to have coffee meetings with individual Board members to hear what they would like to see for KPPT. I intend to repeat this yearly.

I would also like to see regular Board orientation and board member development. If approved here, I would secure free resources to guide us in a morning-with-muffins mini-retreat.

Respectfully Submitted,

Mercedes Brian

KINGS POINT – TO - POINT TRANSIT SOCIETY BOARD MEETING

AGENDA

Tuesday, March 26, 2019 at 5:15 pm

Held at: Kings Transit Authority, 29 Crescent Ave, New Minas, NS

- Call to Order
- Regrets
- Confirmation of Agenda
- Minutes of meeting January 29, 2019*Review and approval*
- Matters arising from the Minutes
- Old Business
- Financial report
 - Review January & February Financial Report
 - Poverty Reduction Government Investment Program update
- Office report
- OH & S report
- Chair's report
- New Business
 - Review of Executive Director's Job Description & Statement of Qualifications
 - Board Governance/Policies
- Correspondence
 - Municipality of the County of Kings letter
- Next meeting date: Tuesday, May 28, 2019 at 5:15 pm
Location: KTA Board Room, 29 Crescent Drive, New Minas
- Adjournment

Kings Point –to –Point Transit

Board Meeting Minutes

January 29, 2019

Held at Kings Transit Authority, 29 Crescent Dr, New Minas

ATTENDEES: Mercedes Brian, Chair, Helen Juskow, Chris Goddard, Fred Dominey, Glen Bannon (KTA), Peter Allen (Municipality of Kings), Naomi Blanchard, Margo Bishop, Faye Brown (Manager), Tanya Graves (KPPT staff)

GUESTS: Mayor Jeff Cantwell, Town of Wolfville

REGRETS: Shelly McMullin, Lynn Pulsifer

ABSENT:

The meeting was called to order at 5:15 PM by Mercedes Brian, Chair.

1. Agenda was confirmed (attached)

- Motion to approve the agenda made by Helen Juskow
seconded by Chris Goddard
All in favor

2. Minutes of meeting

- Motion to approve the minutes made by Margot Bishop
Seconded by Chris Goddard
All in favor

3. Matters arising from the Minutes:

4. Old Business:

The two full sized vans purchased this 2018-19 year are both in service. The 2018 Ford Transit 250 was inspected and on the road in December 2018 and the 2019 Ram ProMaster 3500 was inspected and on the road in January 2019. The two replaced vehicles, 2010 Accessible Caravan has a deposit made on it by the buyer and 2009 GMC Girardin minibus has a serious buyer. Both were advertised on Kijiji.

John Mroz resigned from the Board in November 2018. It was requested that the Chair send him a Thank you letter for his dedicated service to the Board over the past 10 years.

5. Financial Report - presented by the Manager (attached):

- Motion to approve the financial report for November & December, 2018, moved by Naomi Blanchard, seconded by Fred Dominey
All in favor
- Motion to approve the CTAP Schedules C & D with actuals to December 31, 2018 for release of the 4th instalment of \$33,816 made by Naomi Blanchard, seconded by Fred Dominey.
All in favor
- Ratified the e-mail vote on December 10th to approve the Christmas Bonuses given to all employees and volunteers with their pay on December 14, 2018, totaling \$4350. Moved by Margot Bishop, seconded by Chris Goddard.
All in favor
- Motion to approve the 2019-20 Operating Budget and 5 Year Capital Plan made by Fred Dominey, Seconded by Margot Bishop.
All in favor

6. Office Report (attached)

- Motion to receive the Office Report made by Chris Goddard, seconded by Fred Dominey.
All in favor

7. OH & S Report:

- None at this time

8. Chair's report:

- None at this time

9. New Business:

- The Board directs the Chair to write a letter to the Municipality of Kings asking for clarification of their funding level and to request a standard increase, consistent with the contribution of the other three (3) partners. The 35% ridership increase in the Municipality of Kings service area should be noted in the letter.
Motion to approve made by Margot Bishop, seconded by Helen Juskow.

All in favor.

- A committee was formed to address the need for current job descriptions for all KPPT employees. Members to work on this project are Mercedes Brian, Naomi Blanchard, and Glen Bannon

10. **Correspondence:** none at this time.

11. **In Camera:**

Motion made by Naomi Blanchard and seconded by Chris Goddard to go “In Camera”.

Motion made by Chris Goddard and seconded by Margot Bishop to come out of “In Camera” meeting.

Motion to approve retroactive pay for all employees at \$0.15 per hour back to April 1, 2018 to keep KPPT’s pay scale in line with the minimum wage increase of effective April 1, 2018.

Motion to approve made by Chris Goddard, and seconded by Margo Bishop.
All in favor.

Next meeting date confirmed for February 26, 2019 at 5:15 pm at Kings Transit Authority

Motioned to adjourn made by: Margot Bishop

Meeting Adjourned at 6:35 PM

Signed: _____

Date: _____

Signed: _____