

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

SPECIAL COUNCIL MEETING AGENDA

Tuesday, September 5th, 2017 at 5:30pm

Municipal Administration Centre

- 1) Call to Order – Chairman, Warden Owen McCarron
- 2) Approval of Agenda
- 3) Swearing-in of Neil Corbett, Councillor-elect for District 9
- 4) Approval of Municipal Council Minutes of July 25th, 2017
- 5) Business Arising from Minutes
- 6) Public Hearings
 - a) Development Agreement – Noah’s Park
 - b) Municipal Plan Amendment / Zoning By-law Amendment – Fringe Plan, Lower South River
- 7) Correspondence
- 8) Committee Reports
 - a) Committee of the Whole – July 25th, 2017 (Glenn Horne)
 - b) E-Poll: Rock Truck Purchase – August 1st, 2017 (Glenn Horne)
 - c) E-Poll: Dozer Purchase – August 16th, 2017 (Glenn Horne)
 - d) E-Poll: Administration Building Partial Re-shingling Tender Award – August 21st, 2017 (Glenn Horne)
- 9) Miscellaneous Business
 - a) Selection of Asset Management Committee Chair & Vice Chair
- 10) Adjournment

Present:

Councillors:	Warden Owen McCarron	Deputy Warden Hugh Stewart
	Councillor Mary MacLellan	Councillor Rémi Deveau
	Councillor Donnie MacDonald	Councillor John Dunbar
	Councillor Vaughan Chisholm	Councillor Gary Mattie
		Councillor Bill MacFarlane

Regrets: None

Also present: Glenn Horne, Municipal Clerk/Treasurer
Beth Schumacher, Deputy Municipal Clerk
Adam Rodgers, Solicitor- Boudrot Rodgers Law Firm
Sean Donovan – Dangerous and Unsightly Administrator, EDPC

Matthew Moore, 98.9 XFM
Deepak Prasad, Family Services of Eastern Nova Scotia / Men’s Health Centre
Neil Corbett

The meeting was called to order at 7:42pm by the Chair, Warden McCarron.

APPROVAL OF AGENDA

Warden McCarron called for any additions or deletions to the agenda. There were no additions to the agenda.

Min #2017-088 (Approval of Agenda)

MOVED by Councillor Deveau, SECONDED by Councillor Mattie that the agenda be approved. Motion carried.

APPROVAL OF MINUTES

Warden McCarron called for the approval of the Municipal Council Minutes of June 20th, 2017.

Min #2017-089 (Approval of Minutes)

MOVED by Councillor MacDonald, SECONDED by Councillor Chisholm, that the Municipal Council minutes of June 20th, 2017 be approved. Motion carried.

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

CONSIDERATION OF A DEMOLITION ORDER

Mr. Sean Donovan, Dangerous & Unsightly Premises Administrator, provided Council with the background regarding the property of Dianne Leblanc, 5417 Highway 7, West River (PID 01211952, AAN 00295825). Mr. Donovan noted that all three of the professional restoration companies that entered the dwelling for the purpose of providing a quote to complete the ordered clean-up

reported that the dwelling was unsafe and they could not complete the necessary work and comply with the Occupational Health and Safety Act.

Mr. Donovan recommended that an “Order to Remedy Condition” be issued and that the Order be a Demolition Order issued from Council to the owners instructing that the dwelling be demolished and removed from the property within thirty (30) days or the Municipality will complete the same and recover the costs through property taxes.

Councillor Dunbar asked Mr. Donovan whether the registered letters to the property owner had been returned. Mr. Donovan noted that one of the letters sent was returned, but some were confirmed to be received. Mr. Donovan noted that he had sporadic contact with the owner, but has had success in reaching her by phone on occasion. All of the notices sent by registered mail were also posted directly on the property in question.

Councillor MacFarlane noted the safety concerns brought up by the companies that were asked to quote the clean-up work, including refusal to enter the premises due to the health and safety concerns the condition of the building posed.

Min #2017-090 (Demolition Order - 5417 Highway 7, West River)

MOVED by Councillor MacFarlane, SECONDED by Councillor Stewart, that Municipal Council issue an “Order to Remedy Condition” and that the Order be a Demolition Order issued from Council to the owners instructing that the at 5417 Highway 7, West River (PID 01211952) be demolished and removed from the property within thirty (30) days or the Municipality will complete the same and recover the costs through property taxes. Motion carried.

PRESENTATIONS

Mr. Deepak Prasad, on behalf of Family Services of Eastern Nova Scotia, provided members of Council with a brief overview of the services offered to the community by the Men’s Health Centre. Mr. Prasad highlighted an upcoming fundraising event, scheduled to take place on Saturday August 12th at Piper’s Pub.

Members of Council asked Mr. Prasad questions about the general services, utilization, and staffing of the Men’s Health Centre. Questions about whether the Men’s Health Centre offers tax return assistance or disability supports require follow-up for confirmation. The Centre is looking to expand its services, and will be looking to submit an application for the County’s Community Partnership Grants process early in the New Year. Mr. Prasad was thanked for his presentation.

CORRESPONDENCE

Correspondence has been received from the following:

- a) Letter from Minister Hines – June 26, 2017
 - Response regarding request for paving of a section of Brierly Brook Road
- b) John Bain, Director of the Eastern District Planning Commission
 - 2016-2017 Annual Report and Financial Statements
- c) Letter from Assistant Commissioner Brian Brennan, RCMP NS – July 4, 2017
 - Nova Scotia RCMP 2016 Year in Review Report

- d) S/Sgt. Holly Glassford, Antigonish RCMP – July 11, 2017
 - May and June 2017 Monthly Reports
- e) Randy Lennox, President of Bell Media – July 12, 2017
 - Response to letter of concern sent regarding the “Not A Sports Bar” campaign
- f) Eastern Region Solid Waste Management Committee
 - June 1, 2017 Meeting Minutes
- g) Barry Carroll, CAO of the Municipality of the District of Guysborough
 - Letter of thanks regarding the County’s contribution towards the Chedabucto Lifestyle Complex fundraising campaign

COMMITTEE REPORTS

Economic Development Advisory Committee – June 21st, 2017

No motions were made. Warden McCarron reviewed the items summarized in the Committee Report for Council.

E-Poll – Finance Department Positions – June 22nd, 2017

Min #2017-091 (Financial Analyst Position)

MOVED by Deputy Warden Stewart, SECONDED by Councillor Mattie, that Jacqueline Clearly be offered the full-time position of Financial Analyst. Motion carried.

Min #2017-092 (Reception & Administrative Support – Term Position)

MOVED by Councillor Deveau, SECONDED by Councillor Dunbar, that Linda Arsenault be offered the term position of Reception & Administrative Support until July 2018. Motion carried.

E-Poll – East Coast Ceilidh Funding Request – June 27th, 2017

Min #2017-093 (East Coast Ceilidh Funding Request)

MOVED by Deputy Warden Stewart, SECONDED by Councillor MacDonald, that the Municipality contribute the cost of sound and production for the East Coast Ceilidh, up to \$2000 + HST. Motion carried.

E-Poll – Administration Building Exterior Stain Tender Award – July 12th, 2017

Min #2017-094 (Administration Building Exterior Stain Tender Award)

MOVED by Councillor MacFarlane, SECONDED by Deputy Warden Stewart, that Municipal Council award the tender for exterior staining of the Administration Building to Tim Leslie at a bid amount of \$16,200 + HST. Motion carried.

E-Poll – Somers Road Waterline Tender Award – July 18th, 2017

Min #2017-095 (Somers Road Waterline Tender)

MOVED by Councillor Chisholm, SECONDED by Councillor MacDonald, that Municipal Council award the Somers Road Waterline Extension Project to Northeast Timber Construction Ltd., in the amount of \$298,815 + HST. Motion carried.

Active Transportation Advisory Committee – July 18th, 2017

No motions were made. Councillor Deveau reviewed the items summarized in the Committee Report for Council.

Sustainable Communities Advisory Committee – July 18th, 2017

No motions were made. Councillor Dunbar reviewed the items summarized in the Committee Report for Council.

Planning Advisory Committee – July 24th, 2017

Min #2017-096 (Clifton Developments – Noah’s Park Development Agreement)

MOVED by Councillor MacLellan, SECONDED by Councillor MacFarlane, that Municipal Council approve on first reading the proposed Development Agreement between Clifton Developments and the Municipality of the County of Antigonish with respect to the construction of a multiple-unit residential building that will contain six (6) units, to be located at the end of the Noah’s Park cul-de-sac off of Vincent’s Way, Sylvan Valley, and schedule a Statutory Public Hearing. Motion carried.

Min #2017-097 (G.E.A. Developments Incorporated MPA – Lower South River)

MOVED by Councillor MacLellan, SECONDED by Deputy Warden Stewart, that Municipal Council schedule a public hearing to discuss the Plan Amendment, Rezoning, and Land Use By-law text amendments proposed by G.E.A. Developments Incorporated for properties in Lower South River. Motion carried.

Committee of the Whole – July 25th, 2017

Min #2017-098 (Asset Management Plan and Policy)

MOVED by Councillor MacDonald, SECONDED by Councillor Chisholm, that Municipal Council approve the Asset Management Policy and Municipal Staff begin preparations to develop an Asset Management Plan. Motion carried.

Min #2017-099 (2019 Nova Scotia 55+ Games)

MOVED by Councillor Deveau, SECONDED by Deputy Warden Stewart that Municipal Council submits a joint bid with the Town of Antigonish for the Nova Scotia 55+ Games. Motion carried.

Min #2017-100 (Tax Write-Off)

MOVED by Deputy Warden Stewart, SECONDED by Councillor MacLellan, that Municipal Council write-off the Fiscal 2016/2017 outstanding tax balances on account 10661765 and 10661749 in the combined amount of \$411.87. Motion carried.

Min #2017-101 (Policy 35 Amendment – Roman Catholic Episcopal Corp. Tracadie)

MOVED by Councillor Mattie, SECONDED by Councillor MacLellan, that Municipal Council amend Part 1 of Policy 35 (Tax Exemption for Non-Profit Organizations) by adding AAN#10270626, AAN#10270618, and AAN#01415379, which are all owned by the Roman Catholic Episcopal Corp to the list of exempted properties in District 8. Motion carried.

Min #2017-102 (Tax Write-Off)

MOVED by Councillor Mattie, SECONDED by Councillor Deveau, that Municipal Council write off the F16/17 and F17/18 taxes for AAN#10270626, AAN#10270618, and AAN#01415379, which are all owned by the Roman Catholic Episcopal Corp, in the combined amount of \$3,673.96. Motion carried.

Min #2017-103 (County Court House Tender 2017)

MOVED by Councillor MacLellan, SECONDED by Councillor Mattie, that Municipal Council reject all bids for the Antigonish County Court House – Tender 2017. Motion carried.

UPDATES AND REPORTS FROM INDIVIDUAL COUNCIL MEMBERS

Councillor Deveau reported that he attended:

- Canada Day and Evening events
- CACL funding announcement
- July AT Advisory Committee meeting
- Minister of Municipal Affairs meeting with Council
- CACL BBQ and tour
- Cape George Lighthouse celebrations

Councillor MacFarlane reported that he attended:

- Williams Point Homecoming, and memorial park opening
- Canada Day events
- Minister of Municipal Affairs meeting with Council

Councillor Chisholm reported that he attended:

- Canada Day events
- CACL BBQ and tour

Councillor Dunbar reported that he attended:

- Canada Day events
- July AT Advisory Committee meeting

Councillor Dunbar also reminded members of Council of the upcoming Black River music festival

Councillor MacDonald reported that he attended:

- Canada Events, including those held at the Mini Trails
- AAHS funding announcement
- July 13th ERSWM meeting

Councillor MacLellan reported that she attended:

- Halifax meeting with the Minister of Communities and Culture (library business)
- Canada Day events
- ACALA Duck Race
- Cape George Lighthouse celebrations

Councillor Mattie reported that he attended:

- East Education Centre Graduation
- RK MacDonald meeting

- Canada Day events
- CACL funding announcement
- Minister of Municipal Affairs meeting with Council
- CACL BBQ and tour
- Cape George Lighthouse celebrations

Warden McCarron reported that he attended:

- Presidents Dinner at St. FX
- Clan Chisholm and Highland Society dinners
- Highland Games Parade
- All Wheels Park event
- Minister of Municipal Affairs meeting with Council
- CACL funding announcement
- CACL BBQ and tour
- Williams Point Homecoming
- Cape George Lighthouse celebrations
- Canada Day events

MOTIONS

Min #2017-104 (RK MacDonald Appointment)

MOVED by Councillor Deveau, SECONDED by Councillor Mattie, that Municipal Council re-appoint Councillor MacDonald to the RK MacDonald Nursing Home Board. Motion carried.

MISCELLANEOUS BUSINESS

Warden McCarron reminded everyone of the Special Election for District 9, scheduled to take place on Saturday, August 19th. Warden McCarron noted that today (July 25th) was the final date for nominations, and that two submissions had been received.

MOTION TO ADJOURN

Min #2017-105 (Motion to Adjourn)

MOVED by Deputy Warden Stewart, seconded by Councillor MacLellan that the Council meeting adjourns at 8:34pm. Motion carried.

Warden Owen McCarron

Glenn Horne, Municipal Clerk/Treasurer

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: Municipal Council
FROM: Municipal Staff
SUBJECT: *Public Hearing Protocol*

In accordance with the requirements of the *Municipal Government Act*, and as outlined in the *Municipality of the County of Antigonish Policy Regarding Rules of Order, Council Proceedings and Committees*, the proceedings of this public hearing will be conducted as follows:

- The presiding member will request staff to:
 - present the staff report,
 - outline the Planning Advisory Committee's recommendation, and
 - confirm the public hearing was advertised in accordance with the requirements of the *Municipal Government Act*.

- The presiding member will ask that anyone wishing to speak against the proposed amendment identify themselves. They will then ask that anyone wishing to speak in favour of the amendment identify themselves. Only those listed will be called upon to speak.

- Each resident called upon to speak shall be provided one opportunity to comment on the amendment being considered for a maximum of five (5) minutes.

- All comments shall be directed to the presiding member.

- Any questions shall be viewed as a matter for Municipal Council to consider in making a decision.

- The presiding member may place limits on any speaker to conduct an orderly meeting.

- When all residents seeking to provide comment on the amendment have had an opportunity, the presiding member shall entertain a motion on the question.

STAFF REPORT

To: **Antigonish County Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **July 24, 2017**

Reference: **Request for a Development Agreement by Clifton Development Limited for the property located at PID# 10106037 on Noah's Park to construct a six unit apartment building.**

Recommendation:

That Municipal Council **approves** a Development Agreement between the Municipality of the County of Antigonish and Clifton Development Limited to construct a six (6) unit residential dwelling on a vacant lot at Property Identifier: 10106037 on Noah's Park.

	Description
Designation:	Residential
Zoning:	Residential (R-1)
Identification:	10106037
Total Lot Area:	3239.06 m ² ; (34,865 ft ²)
Site Visits:	April 12, 2017 July 18, 2017

Information:

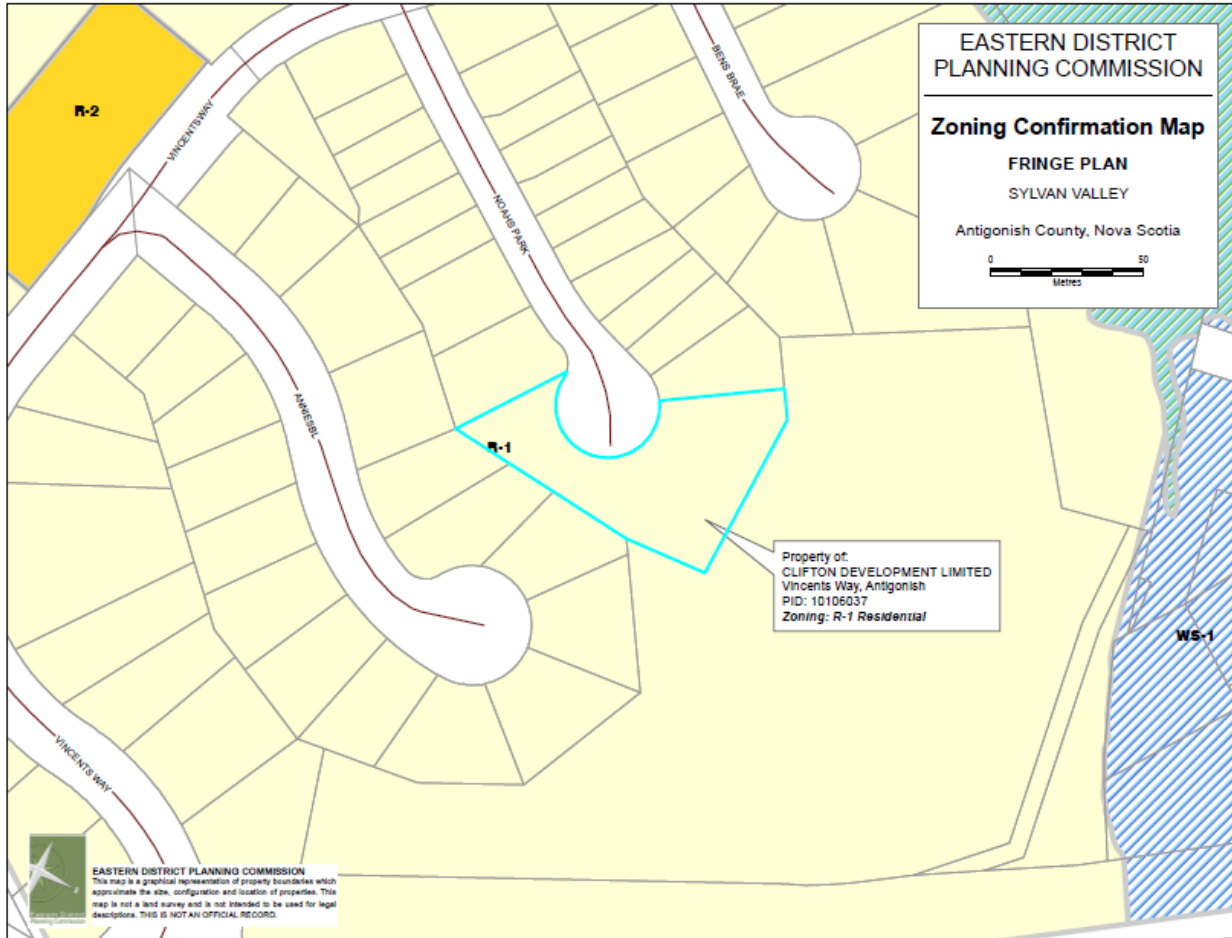
The Planning Commission received an application to enter into a development agreement from Strum on behalf of Clifton Developments on February 27th, 2017. The proposal involves the construction of a multiple unit residential building that will contain six (6) units. The property is located at the end of the Noah's Park cul-de-sac off of Vincent's Way, Sylvan Valley, Antigonish County and the property is currently zoned as Residential (R-1). See Zoning Map, Page 2.

A development agreement provides an approach to development control which is more flexible than traditional zoning mechanisms. The nature of the agreement allows advisory committees to safeguard and retain the general aesthetic of the neighbourhood as well as enforce due regard for natural environment issues such as land grading, drainage and plant life. When preparing such a document, staff will refer to the evaluation criteria contained in the Municipal Planning Strategy (MPS) and include the relevant items in the agreement.

Analysis:

The Antigonish Fringe Municipal Planning Strategy permits this type of multiple unit residential development through a development agreement. Specifically, Policy I-1.11 (c) permits multiple unit residential uses with five (5) or more dwelling units according to Policy L-2.12 which allows Council to approve multiple-unit dwellings of 5 units or greater within the Residential

Designation by development agreement and lists the criteria with which to evaluate the proposal. Council is required to give regard to whether the proposed development meets the requirements of the Multiple-unit Residential (R-2) zone and whether the development is compatible with the surrounding neighbourhood specifically giving consideration to amenity space, parking and building design and the provision of barriers, berms, fences and/or landscaping as part of the residential development to minimize the effects on adjacent land uses. The full list of criteria is found in Appendix 'A' of this report.

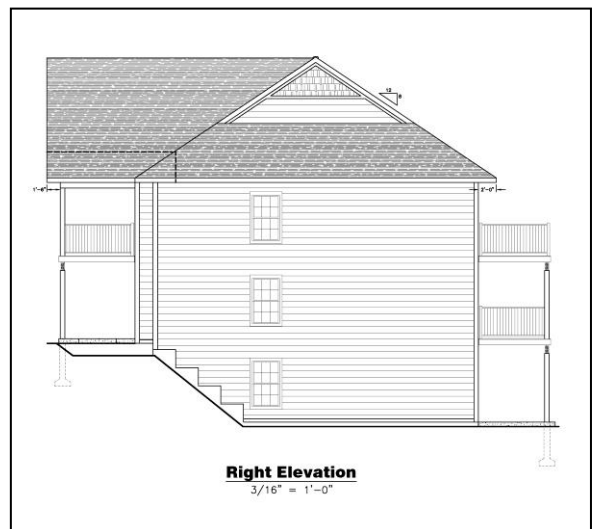


A second site visit was conducted on July 18, 2017 to observe the newly completed developments along Noah's Park and the character of the neighbourhood. It was observed that the proposed design of the structure will be aesthetically consistent with the surrounding developments along Noah's Park (i.e. similar cladding and design). It was also noted that the proposed development will take advantage of the slope of the site, such that only two and a half storeys face the road. (See Front and Right Elevations, Page 3.)



The size of the structure is compatible with adjacent residential buildings and the size of the lot is sufficient to accommodate the six unit dwelling, the total size of the lot is 3239 m² (34,865 ft²) and the zoning requires only 1208 m² (13,000 ft²) for a six unit building. There is a minimum area to be dedicated as amenity space or open space required by the R-2 zone. For a six unit building the minimum open space area is 44.6 m² or 480 ft².

While the proposed apartment building front yard setback of 6.1 metres (20 feet) does not meet the 7.6 metres (25 feet) zone requirement the development does meet all the other R-2 zone requirements. A development agreement however does allow for flexibility in addressing zone standards and moving the building closer to the road allows for a better utilization of the site given the steep grade at the back. Also the ball of a cul-de-sac's concave front lot line pushes the building back further. A reduced front yard compensates for the configuration of the lot.



The development provides sufficient access to parking for the residents of the building, allocating eight parking spots to the south-west of the cul-de-sac including one barrier-free parking space. The parking reduction from nine spaces also allowed for a more optimal placement of the garbage receptacles which will be enclosed. There has been consideration given to the neighbouring dwellings located on Annie's Bluff with the installment of a privacy fence 1.5m in height between the parking lot and adjacent properties which will alleviate any disruption caused by parking activities. In addition to this, consideration has been given to landscaping the berms surrounding the development and providing a communal amenity space with a garden and sitting area (See Site Plan Page 6).



Figure 1: Proposed site looking northeast.

In considering a development agreement the proposal must also be in conformance with Implementation Policy I-1.12 and meet the criteria set out in the policy. Correspondence was sent to various Municipal departments for comments related to the proposed development.

The Municipality has stated that there is no financial burden on the Municipality for the proposed rezoning. Also, the Director of Public Works affirmed that the lot is capable of being serviced by municipal water and sewer services. In addition, both Town and County Volunteer Fire Departments say that the proposed development can be adequately serviced by firefighting services. There are also sufficient school, recreation and community facilities in proximity to Noah's Park according to the Recreation Department for the Municipality. The criteria for a development agreement are listed in full in the 'Summary of Evaluation Criteria' in Appendix 'A'.



Figure 2: Steep grade down towards #15 and #17 Annie's Bluff

The proposed dwelling will be on a parcel of land with some significant grade differences, however, there is a flat area of land where the proposed building will be located. Nova Scotia Environment no longer comments on applications like this but the development agreement requires that an erosion and sedimentation plan be prepared for the proposed development. Prior to the commencement of any onsite works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated with offsite works, the Development shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plan shall comply with the *Erosion and Sedimentation Control Handbook for Construction Sites* as prepared and revised from time to time by Nova Scotia Environment.

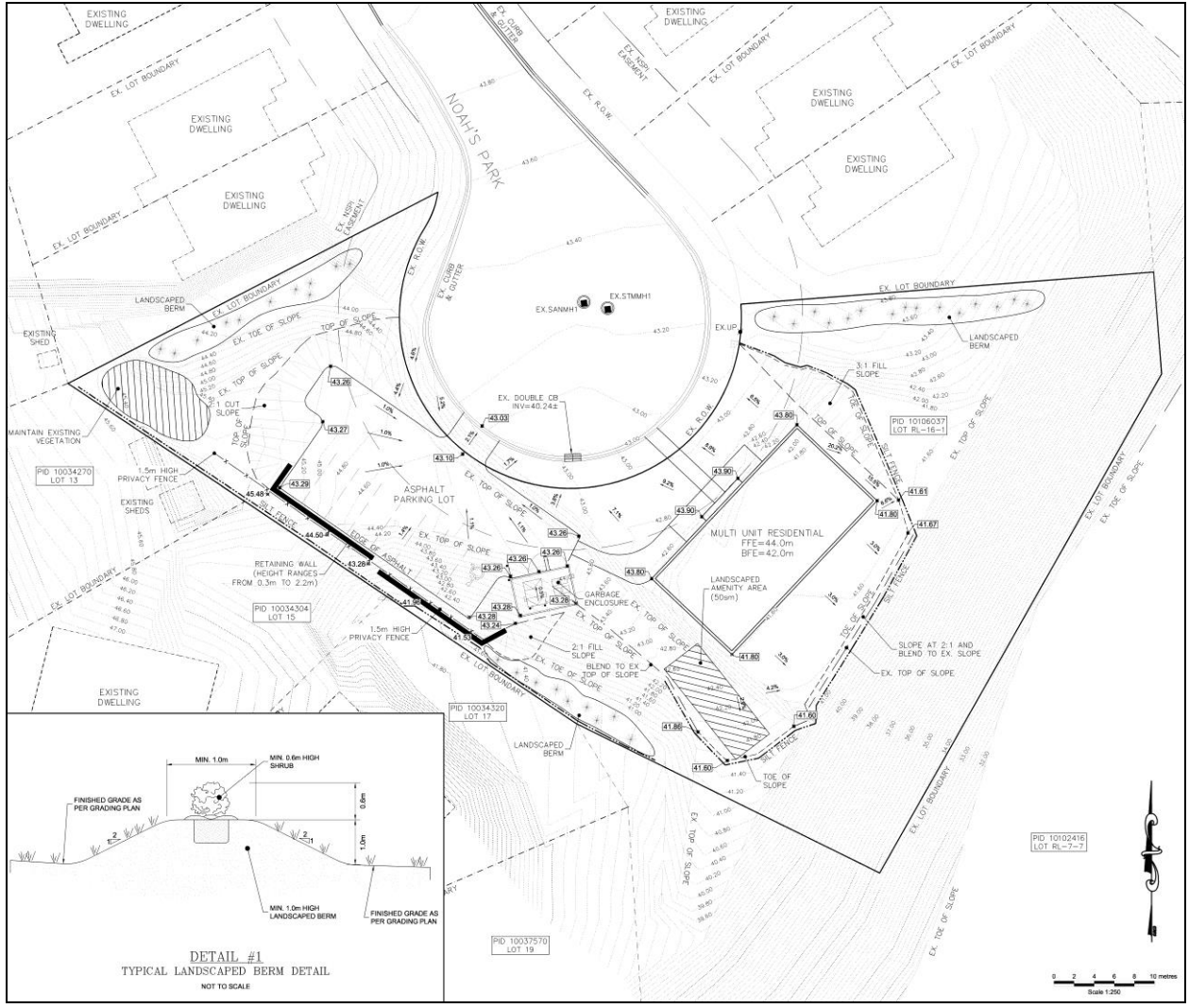
Policies I-1.13 and I-1.14 are both discretionary policies for Council's consideration. In a number of instances these criteria will not be applicable to a proposed development and staff have identified them as such in the Appendix to the staff report however given the steepness of the property staff did ask the developer to provide "*details of the existing physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage...*" This information was used for the engineering firm to provide a preliminary storm water management plan.

An evaluation of the proposal by shows that the proposed development meets the requirements of Policy L-2.12 and Policy I-1.12, I-1.13 and I-1.14 in the *Municipal Planning Strategy* and the requirements of all other Municipal by-laws and regulations. The MPS permits multiple-unit residential dwellings of 5 units or more within the Residential Designation by development agreement and therefore the proposal is permitted under the *Municipal Planning Strategy* and the *Land Use By-law*.

Conclusion:

The proposed development complies with the criteria set out for development agreements in the Antigonish Fringe Municipal Planning Strategy. The proposed development is to construct a six unit dwelling on the property with PID# 10106037, presently owned by Clifton Development Limited, and located on Noah's Park in the Sylvan Valley of the Municipality of the County of Antigonish. The proposed development is located on a property of approximately 3240 square metres and is located in the Residential Designation and subject to the development meeting the evaluation criteria as outlined in the development agreement meets the intent of the *Municipal Planning Strategy*.

The Municipality is advised to enter into the development agreement attached to this staff report between Clifton Development Limited and the Municipality of the County of Antigonish with respect to the construction of a six unit residential dwelling subject to the terms and conditions included in the agreement.



Site Plan

Appendix A: Summary of Evaluation Criteria

<p>Policy L-2.12 Policy of Council to consider approval of grouped dwellings and multiple-unit dwellings, townhouses, and converted dwellings within the Residential Designation according to the development agreement provisions of the <i>MGA</i>. In considering such an agreement, Council shall have regard to the following:</p>	
a. The proposal meets the R-2 zone requirements;	Complies
b. The height, bulk lot coverage, use, and appearance of any buildings are compatible with adjacent land uses;	Schedule “B” Development Agreement
c. Consideration is given to building design and the provision of barriers, berms, fences and/or landscaping as part of the residential development to minimize effect on adjacent land uses;	Schedule “B” Development Agreement
d. Parking area proposed on the site is of a sufficient size to satisfy the needs of the particular development, is well designed and properly related to any buildings, landscaped areas and adjacent streets;	Schedule “B” Development Agreement
e. The proposal is consistent with the evaluation criteria for development agreements found in Policy I-1.12.	Complies
<p>Policy I-1.12 In considering development agreements, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have regard for the following matters:</p>	
a. Whether the proposal is in conformance with the intent of this Strategy and with the requirements of all other applicable municipal by-laws and regulations;	Complies: See Staff Report
<p>b. Whether the proposal is premature or inappropriate by reason of the:</p>	
(i) financial capability of the Municipality to absorb any costs relating to the proposal;	Complies: Email from Municipal Clerk 13/04/17
(ii) adequacy of sewer and/or water services to support the proposal;	Complies: Letter from Public Works 18/4/17
(iii) adequacy and proximity of school, recreation and other community facilities;	Complies: Letter from Recreation 15/4/17
(iv) adequacy of road networks adjacent to, or leading to the development;	Approved lot at the end of a Cul-de-sac,
(v) potential for the contamination of watercourses or the creation of erosion or sedimentation; and	Complies, Section 3.3

Appendix A: Summary of Evaluation Criteria (Continued)

c. The potential for damage to or destruction of historical buildings and sites.	N.A.
d. An erosion and sedimentation control plan prepared by a qualified individual or company;	Complies, see staff report Section 3.3
e. A storm water management plan prepared by a qualified individual or company.	Complies, see staff report
<p>Policy I-1.13</p> <p>It shall be the policy of Council that, when considering an application for a development agreement or an amendment to a development agreement, the agreement may include, but not be limited to the following:</p>	
a. The specified use and size of the structure or an expansion to an existing structure, and the max. floor area of additional or accessory uses;	N.A.
b. The location of any structures within the development;	Schedule "B"
c. The percentage of land area that may be built upon and the size of yards, courts or other open spaces;	Meets R-2 zone standards. Front Yard Varied.
d. The external appearance of any proposed buildings, the compatibility with adjacent structures;	Schedule "C"
e. Access to streets and parking;	Parking reduced by one space to accommodate barrier free space
f. The landscaping or buffering of development, including fencing, trees, shrubs, walkways and outdoor lighting;	Schedule "B"
g. Signs;	Must comply with R-2 Zone signage requirements
h. The location of any open storage and the screening of any open storage areas from adjacent roadways and sensitive land uses;	N.A.
i. Hours of operation;	N.A.
j. The on-going maintenance of the development;	4.2.3 (b) of the Agreement
k. Minimum lot sizes;	Zone Requirements
l. The minimum area of land required for any class of use or size of structure;	Zone Requirements

Appendix A: Summary of Evaluation Criteria (Continued)

<p>m. Regulating or prohibiting the use of land or the erection or use of structures except for such purposes as may be set out;</p>	<p>Use Restricted to six unit apartment building</p>
<p>n. The maximum density of the population within the development; and</p>	<p>Zone Requirements</p>
<p>o. Any other similar matter that may be addressed in a Land Use By-law that Council feels is necessary to ensure the general compatibility of the use and structures with adjacent areas.</p>	<p>See Staff Report</p>
<p>Policy I-1.14 Council may require that any or all of the following information be submitted by the developer or property owner with respect to any proposed development that is subject to a development agreement:</p>	
<p>a. details of the existing physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of lands;</p>	<p>Information Submitted</p>
<p>b. details of the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands;</p>	<p>Schedules “B” and “C”</p>
<p>c. for lands on which municipal servicing is not provided, information regarding the provision of water and sewage disposal;</p>	<p>Not applicable. Municipal Services Provided</p>
<p>d. details of the proposed access and egress to and from the lands and estimated traffic flows to be generated and parking provisions;</p>	<p>Parking lot and driveway details provided. Traffic Flows not requested.</p>
<p>e. information regarding the intended hours of operation, open storage, signs; and</p>	<p>N.A.</p>
<p>f. details regarding the provision of an appropriate landscape buffer or visual barrier, if required.</p>	<p>Schedules “B”</p>

Appendix B: DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT made this _____ day of, _____ AD 2017,

BETWEEN

Clifton Development Limited of 14 Bens Brae, Antigonish, Nova Scotia B2G 2X3 (hereinafter called the "Developer").

OF THE FIRST PART

-and-

MUNICIPALITY OF THE COUNTY OF ANTIGONISH, a body corporate, in the County of Antigonish, Province of Nova Scotia (hereinafter call the "Municipality").

OF THE SECOND PART

WHEREAS the Developer has good title to lands known as PID 10106037 on the Noah's Park cul-de-sac in the Municipality of the County of Antigonish, Nova Scotia, and which said lands (hereinafter called the "Property") are more particularly described in Schedule "A" of this Agreement;

AND WHEREAS pursuant to Part (2), subsection 10(a) of the Antigonish Fringe Land Use By-law, the Developer has requested permission to erect a six (6) unit apartment building on the Property;

WITNESS that in consideration of the sum of One Dollar (\$1.00) now paid by the Developer to the Municipality (the receipt of which is hereby acknowledged) the request to change the use of the Property is agreed upon by the Developer and the Municipality subject to the following:

PART 1: DEFINITIONS

1.1 For the purpose of this Agreement, all words shall carry their customary meaning except those defined under PART 4-A, subsection 1(a) of the Antigonish Fringe Land Use By-law.

PART 2: GENERAL REQUIREMENTS

2.1 Except as otherwise stipulated by this Agreement, the development of the Property shall comply with the Antigonish County Fringe Land Use By-law;

2.2 Subject to the provisions of this Agreement, the Developer shall be bound by all By-laws and regulations of the Municipality as well as by any applicable statutes and regulations of the Province of Nova Scotia;

2.3 Notwithstanding Section 2.2, where the provisions of this Agreement conflict with those of any other provincial or federal regulations, by-laws or codes, the more stringent requirements shall apply;

2.4 The Developer shall assume full responsibility for meeting all obligations and financial liabilities required to satisfy all federal, provincial or municipal regulations, by-laws or codes in force at the present time, or at any time in the future;

- 2.5 Further to Section 2.2, the Developer shall receive any necessary approvals from the Fire Marshall's Office and shall meet all the "Barrier Free" or "Handicap Access" provisions of the Nova Scotia Building Code Regulations where applicable.
- 2.6 All driveway and parking lot finishing, fencing and landscaping shall be completed prior to the apartment building opening for occupancy.

PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS:

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms to this agreement and the following Schedules attached to this Agreement.

Schedule A Legal Description of the Land(s)

Schedule B Site Plan

Schedule C Building Elevations

3.2 Requirements Prior to Approval

3.2.1 No municipal development or construction permit shall be granted unless:

- a) The Developer has submitted a Lot Grading Plan that has been prepared in accordance with the requirements of Section 4.2 of this Agreement, and the plan has been approved by the Antigonish County Municipal Engineer;
- b) The Developer has submitted a Site Servicing Plan that has been prepared by a Professional Engineer, and the plan has been approved by the Antigonish County Municipal Engineer. This plan shall include statements reflecting the following:
 - (i) the Developer shall install any necessary new sewer lines from the existing Municipal sanitary lines to the new buildings separate from any existing sewer lines. These new sewer lines shall meet the standards found in the *Municipal Services Systems General Specifications Pursuant to the Subdivision By-law*, and;
 - (ii) the Developer shall install any necessary new water lines from the existing Municipal water lines to the new buildings separate from any existing water lines. These new water lines shall meet the standards found in the *Municipal Services Systems General Specifications Pursuant to the Subdivision By-law*.
- c) The Developer has submitted an Erosion and Sedimentation Control Plan signed off by their Engineer as complying with the Department of Environment's guidelines.
- d) The Developer has submitted a Storm Water Management plan by a qualified Professional Engineer.

PART 4: DEVELOPMENT OF THE PROPERTY:

4.1 USES PERMITTED

This Agreement shall permit the construction of a six (6) unit apartment building as shown on the site plan in Schedule "B" and elevations is Schedule "C".

4.2 BUILDING AND SITE REQUIREMENTS

4.2.1 Special Design Requirements

Exterior cladding of the building shall be compatible with other types of exterior treatment in the neighbourhood and as shown on the elevations attached to this development agreement as Schedule "C".

4.2.2 Parking

- (a) Eight (8) parking spaces including one (1) barrier free access spaces as required by the Building Code Regulations, shall be provided as shown in the Site Plan (Schedule "B");
- (b) the parking area shall meet all other parking requirements as found in the Antigonish County Fringe Land Use By-law;
- (c) each parking space shall be clearly demarcated;
- (d) the parking area shall be maintained with asphalt;
- (e) lights used for illumination of the parking lot shall be arranged to divert the light away from the street, adjacent lots and buildings.

4.2.3 Site Layout

- (a) The building shall be placed on the site as shown on the Site Plan (Schedule "B").
- (b) The grounds shall be maintained as follows:
 - i) site remediation and drainage plan in accordance with an Engineer's survey before construction shall begin.
 - ii) landscaped berms shall be provided as shown on the Site Plan (Schedule "B")
 - iii) fencing along the Southwest edge of the parking area shall be provided to act as a barrier from automobile headlights shining on to abutting properties;
 - iv) if required by the storm water management plan all private storm water facilities shall be maintained in good order to maintain full storage capacity by the owner of the lot on which they are situated.
 - v) maintaining landscaped areas and all sides of buildings free from litter and debris
 - vi) providing an amenity area consisting of a common garden and sitting area with the sitting area done in concrete with benches and/or chairs.

4.2.4 Lighting

Lighting of the parking area may be provided. Such lighting shall provide sufficient light for parking spaces and walkways but shall not be directed in such a way that neighbouring properties or roadways would be affected.

4.3 OPERATION AND MAINTENANCE OF PROPERTY

4.3.1 The Developer shall provide garbage receptacles which shall be

- (a) emptied on a weekly basis, and
- (b) screened or fenced to ensure a neat and clean appearance
- (c) located as shown in Schedule "B".

4.3.2 The location of the garbage receptacle as determined in 4.3.1(c) above shall be considered non-substantive so long as the new location meets the requirements of the *Land Use By-law* or in the case where the Municipality provides curbside pickup to the building and a location is not required.

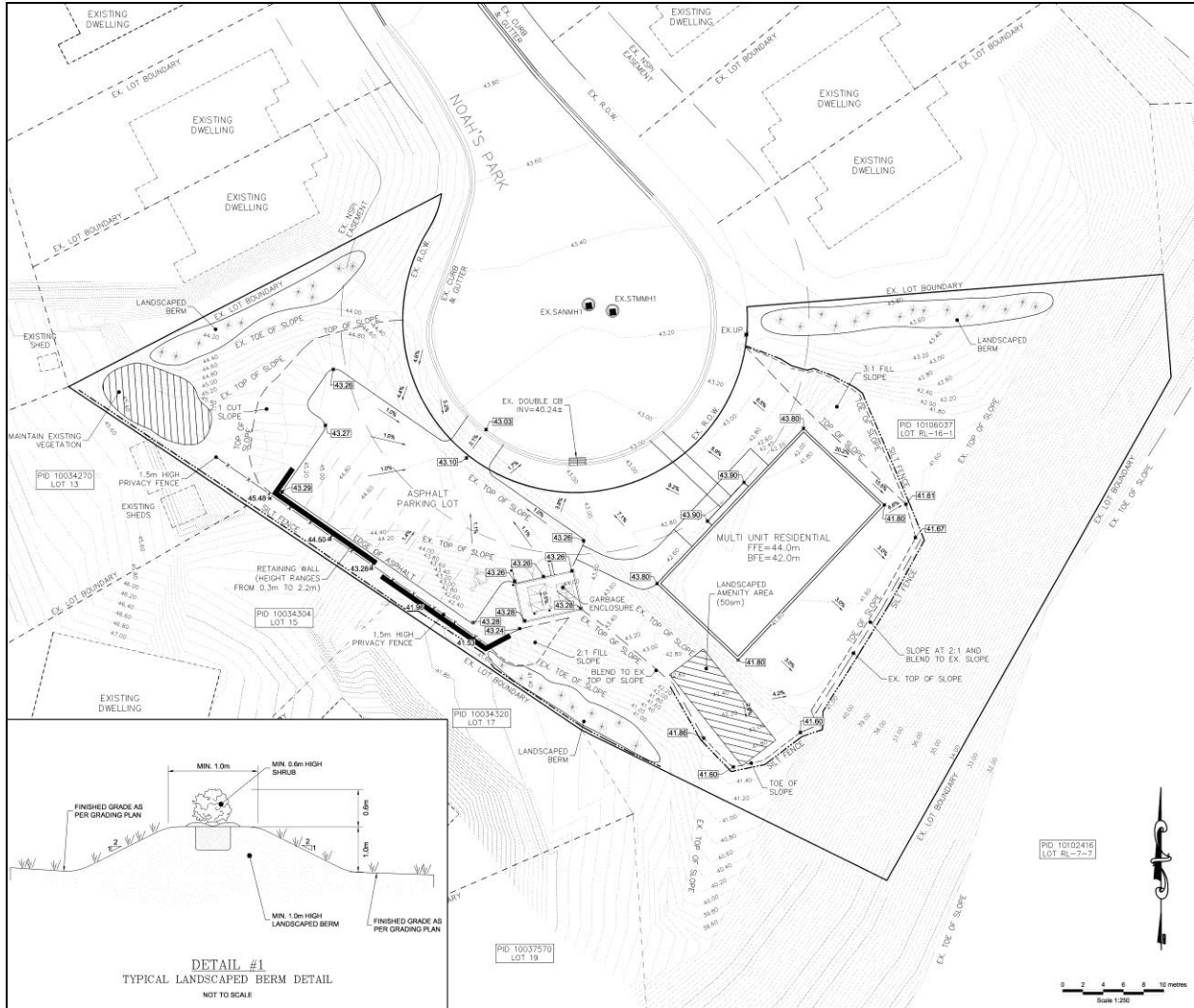
PART 5: IMPLEMENTATION

- 5.1 This Agreement shall be binding upon the Developer's assigns, mortgages, lessees, successors and occupiers of the Property.
- 5.2 This Agreement shall be filed by the Municipality in the Registry of Deeds at Antigonish, Nova Scotia and shall form a charge or encumbrance upon the Property.
- 5.3 The costs of recording and filing all documents related to this Agreement shall be paid by the Developer.
- 5.4 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not prejudice the validity or enforcement of any other provisions.
- 5.5 Upon breach by the Developer of any of the terms or conditions of this Agreement, the Municipality may, after thirty (30) days notice in writing to the Developer of the breach, enter and perform any of the terms and conditions of this Agreement. It is agreed that all reasonable expenses arising out of the entry or the performance of the terms and conditions may be recovered from the Developer by direct suit and shall form a charge on the Property.
- 5.6 This agreement may be discharged at the discretion of the Municipality upon the completion of the project and the satisfactory fulfillment of the terms of the agreement.
- 5.7 This agreement or portions of it may be discharged at the discretion of the Municipality with or without the concurrence of the property owner if construction has not commenced within two years and/or construction has not been completed within three years of the signing of the agreement.

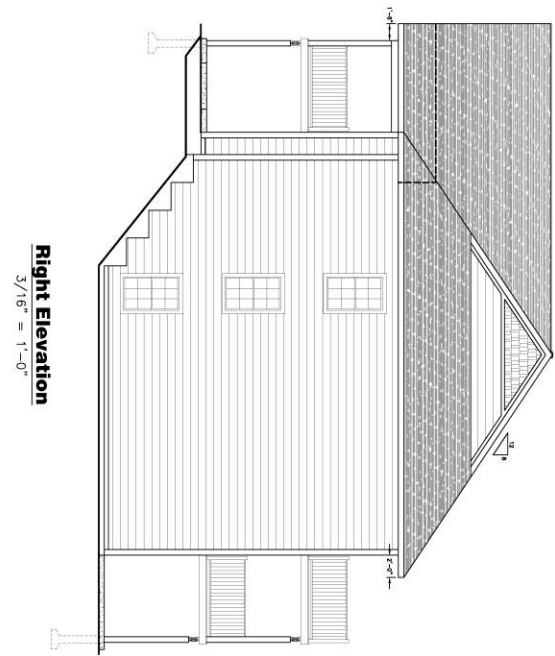
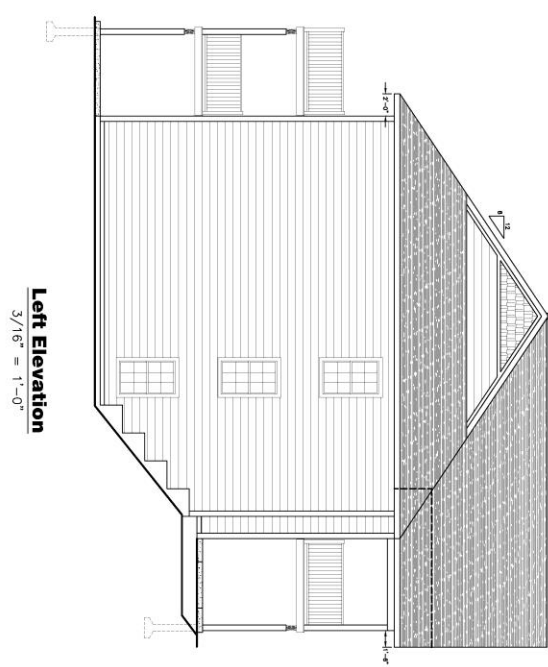
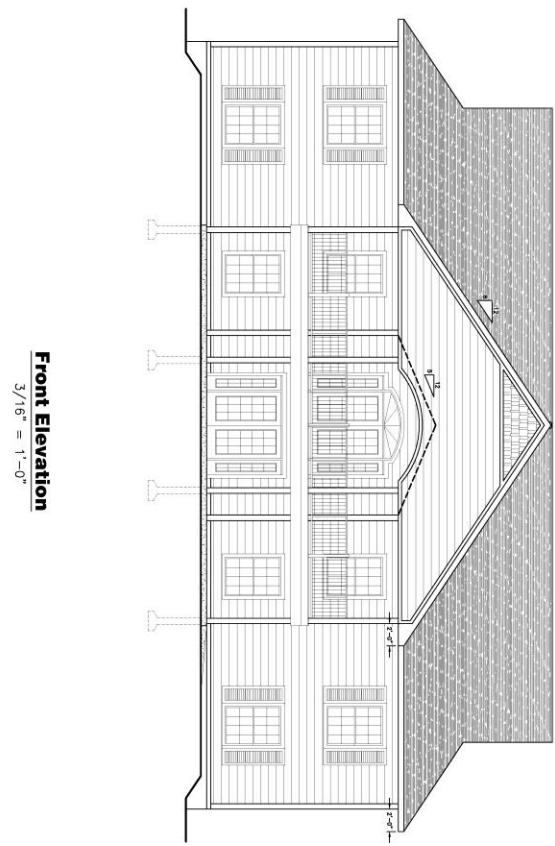
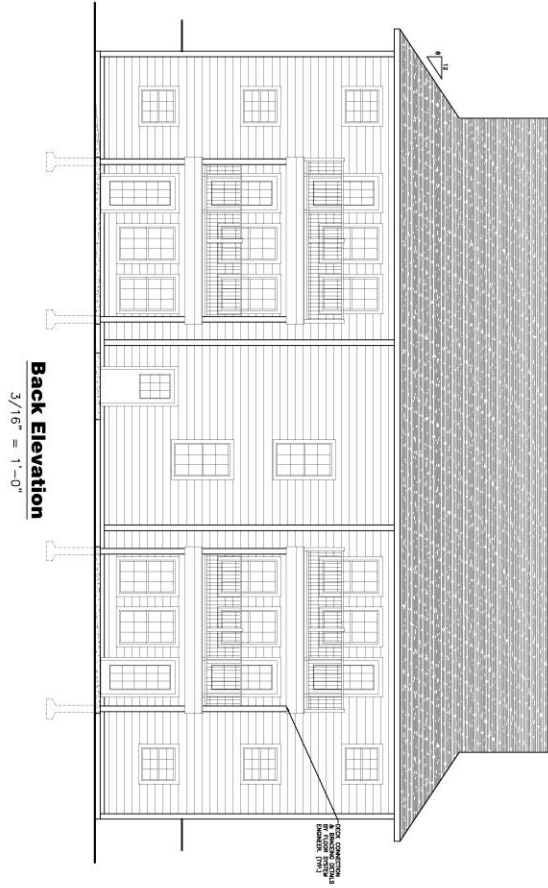
Schedule A: Lot Description

The legal description of property is to be provided prior to agreement being signed.

Schedule B: Site Plan



Schedule C: Building Elevations



To: **Antigonish Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **July 24th, 2017**

Reference: **Plan Amendment, Rezoning, and Text Amendment for PIDs 10127173 and
10127181, lands of G.E.A. Incorporated, Lower South River, Antigonish County**

Background

On May 16, 2017 an application was received from Strum Consulting on behalf of G.E.A. Developments Incorporated for a request to rezone their property from General Commercial (C-2) to Residential (R-1) Zone. The applicant intended to subdivide the property with the purpose of placing a mini home on each lot for residential use. Subdivision of the property was approved May 18, 2017 and registered May 23, 2017.

A preliminary review of the application was conducted by planning staff which found no existing provisions in the Municipal Planning Strategy to rezone a property zoned with a General Commercial (C-2) Zone to a Residential (R-1) Zone. Strum Consulting was notified via email of the preliminary assessment on June 6th, 2017.

A meeting was held in response to the June 6 correspondence on Wednesday, June 28 2017 with EDPC Staff, representatives from Strum and G.E.A. Developments Incorporated and the Warden, to discuss the preliminary findings by EDPC Staff regarding the application. From this meeting came a proposal to apply for changes to the *Municipal Planning Strategy* which would amend the Generalized Future Land Use Map (See Page 5), and also amend the *Land Use By-law* with a concurrent rezoning of the properties (PID 10127173, 10127181) to the Mini Home Park zone (See Page 7) and by a text amendment to the zone MHP-1 zone to allow for individual lots standards as none currently exist within the Mini Home Park zone.

Locational Context

The properties are located in Lower South River, Antigonish, Nova Scotia in the County Fringe Area and are currently zoned as commercial (C-2). There is an existing Mini Home Park (MHP-1) Zone located in close proximity to the property at Silver Birch Drive (See Figures in Appendix).

EDPC Staff conducted a site visit on Monday June 5th, 2017. Photographs depicting the general character of the site and surrounding area from that visit can be found in the Appendix of this report.

Analysis

Under the existing planning policies, the proposed rezoning by the developer from commercial to residential would not be permitted. However, the developer has applied to re-designate and then rezone the property concurrently.

Proposals for Action:

- A Plan Amendment to the Generalized Future Land Use Map to re-designate the area from commercial to residential (Page 5).
- Following the Plan Amendment, concurrent zoning of PID # 10101830 to rezone the site from General Commercial (C-2) to Mini Home Park (MHP -1), (Page 7).
- Amend Part 11 of the Land Use By-Law to add a section 11.5 requiring individual lots for Mini Home Park (MHP-1) Zones.

It should be noted that an extensive review for the Antigonish Municipal Planning Strategy took place and was recently approved by Council in 2015, with no provisions within the text to allow for the rezoning of commercial lands to residential.

Appendix



Figure i: property site



Figure ii: property adjacent to the site



Figure iii: property site



Figure iv: property site

Amending Pages

A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH
ANTIGONISH FRINGE PLANNING AREA

The Municipal Planning Strategy for the Municipality of the County of Antigonish, **Antigonish Fringe Planning Area** is hereby amended as follows:

- 1) By re-designating the properties shown on the attached map from Commercial to Residential.

This is to certify that the resolution of which this is a true copy, was passed at a duly called meeting of the Municipal Council of the Municipality of the County of Antigonish held on the:

_____ day of _____ 2017.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this:

_____ day of _____ 2017.

Mr. Glenn Horne, Municipal Clerk



BOALE LAKE

SOUTH RIVER RD

HIGHWAY 404 WB

HIGHWAY 404 EB

SILVER BIRCH DR

RED MAPLE DR

LINDEN DR

C-20 RD

C-19 RD

CENTRAL AVE

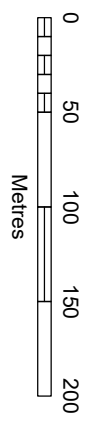
HIGHWAY 4

Area to be redesignated
from: Commercial
to: Residential

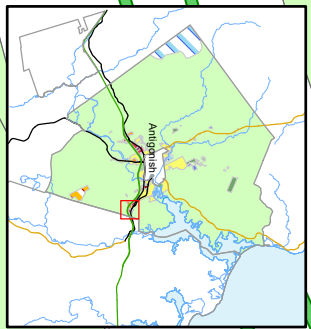
EASTERN DISTRICT PLANNING COMMISSION Proposed Redesignation

FRINGE PLAN AREA

Antigonish County, Nova Scotia



EASTERN DISTRICT PLANNING COMMISSION
This map is a graphical representation of property boundaries which approximate the size, configuration and location of properties. This map is not a land survey and is not intended to be used for legal descriptions. THIS IS NOT AN OFFICIAL RECORD.



Amending Pages

A BY-LAW TO AMEND THE LAND USE BY-LAW
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH
ANTIGONISH FRINGE PLANNING AREA

The Land Use By-law for the Municipality of the County of Antigonish, **Antigonish Fringe Planning Area** is hereby amended as follows:

- 1) By rezoning the properties shown on the attached map (PID 10127173, 10127181) from General Commercial (C-2) Zone to Mini Home Park (MHP-1) Zone; and
- 2) By the addition of text in Part 11 Mini Home Park (MHP-1) Zone in section 11.3 MHP-1 Zone Lot Requirements adding the following text in bold:

MHP -1 Zone Lot Requirements

11.3 *In any Mini Home Park (MHP-1) zone, no development permit shall be issued except in conformity with the following requirements:*

Standard	Municipal Sewer Services	
	Park	Individual Lots
Minimum Lot Area	0.81 hectares (2 acres)	550 m² (5,920ft²)
Minimum Lot Frontage	30.5 m. (100ft.)	15.25 m (50ft.)
Minimum Front Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Minimum Side Yard	3.0 m. (10ft.)	3.0 m. (10ft.)
Minimum Rear Yard	7.6 m. (25ft.)	3.0 m. (10ft.)

This is to certify that the resolution of which this is a true copy, was passed at a duly called meeting of the Municipal Council of the Municipality of the County of Antigonish held on the:

_____ day of _____ 2017.

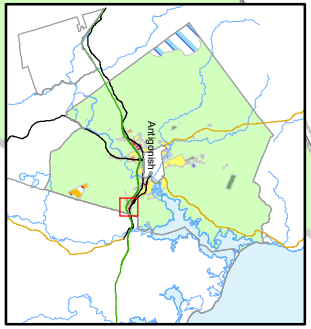
Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this:

_____ day of _____ 2017.

Mr. Glenn Horne, Municipal Clerk



EASTERN DISTRICT PLANNING COMMISSION
 This map is a graphical representation of property boundaries which approximate the size, configuration and location of properties. This map is not a land survey and is not intended to be used for legal descriptions. THIS IS NOT AN OFFICIAL RECORD.

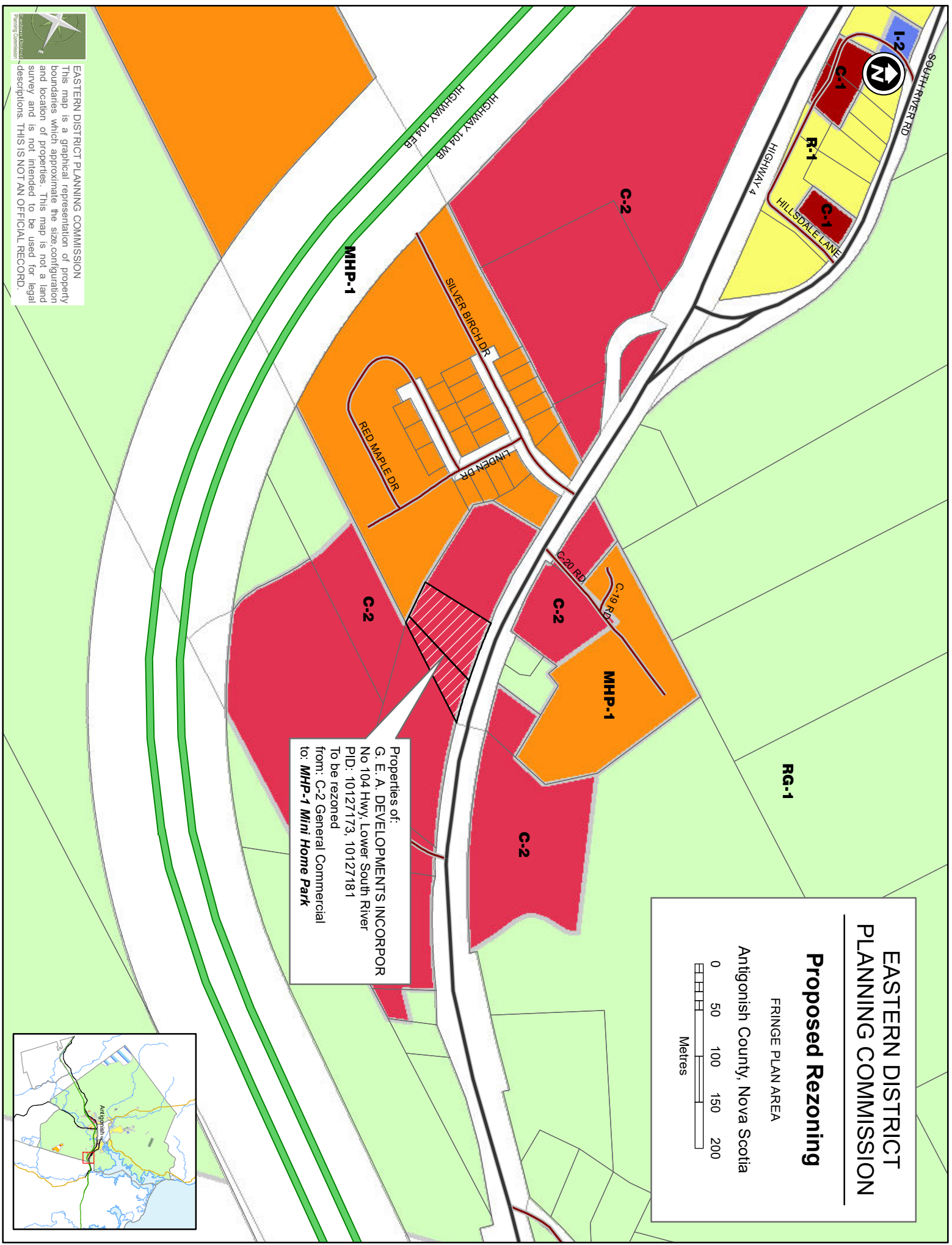


Properties of:
 G. E. A. DEVELOPMENTS INCORPOR
 No 104 Hwy, Lower South River
 PID: 10127173, 10127181
 To be rezoned
 from: C-2 General Commercial
 to: **MHP-1 Mini Home Park**

**EASTERN DISTRICT
 PLANNING COMMISSION**

Proposed Rezoning

FRINGE PLAN AREA
 Antigonish County, Nova Scotia



MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: GLENN HORNE, MUNICIPAL CLERK TREASURER
SUBJECT: **COMMITTEE OF THE WHOLE REPORT – Part 2**
DATE: July 25th, 2017

The Committee of the Whole was re-convened at 8:40pm on Tuesday, July 25th, 2017. The following Councillors were present:

Warden McCarron
Deputy Warden Stewart
Councillor MacLellan
Councillor MacDonald
Councillor Chisholm
Councillor Deveau
Councillor Dunbar
Councillor Mattie
Councillor MacFarlane

Regrets: None

The following recommendations were made

- The Committee of the Whole recommends that Municipal Council permit a tender soliciting bids to re-shingle the roof at the Municipal Administration Office.
- The Committee recommends that Municipal Council send a letter to local MLAs and the Department of Transportation expressing concern with the ongoing vacancy of one of the three local roads supervisor positions.
- The Committee recommends that Municipal Council purchase a ¼ page advertisement in the Nepean Junior Wildcats Player Guide, 2017-2018, at a cost of \$350.

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: GLENN HORNE, MUNICIPAL CLERK TREASURER
SUBJECT: COMMITTEE OF THE WHOLE REPORT
DATE: August 1st, 2017

An e-Poll was circulated on August 1st, 2017 to all members of the Committee of the Whole.

The following recommendation was made:

- The Committee of the Whole recommends to Municipal Council that a 2009 Komatsu HM350 Articulated Truck be purchased for \$70,000.00 + HST from Nova Construction.

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: GLENN HORNE, MUNICIPAL CLERK TREASURER
SUBJECT: COMMITTEE OF THE WHOLE REPORT
DATE: August 16th, 2017

An e-Poll was circulated on August 16th, 2017 to all members of the Committee of the Whole.

The following recommendation was made:

- The Committee of the Whole recommends to Municipal Council that a 2016 CAT D5K2XL Dozer be purchased for \$129,000.00 plus HST from Atlantic CAT.

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: GLENN HORNE, MUNICIPAL CLERK TREASURER
SUBJECT: COMMITTEE OF THE WHOLE REPORT
DATE: August 21st, 2017

An e-Poll was circulated on August 21st, 2017 to all members of the Committee of the Whole.

The following recommendation was made:

- The Committee of the Whole recommends to Municipal Council that Tate Construction Ltd. be awarded the tender for a partial roof re-shingle at a value of \$31,500 + HST.