



Town of Amherst  
Planning Advisory Committee Meeting  
Agenda

Date: **Monday, February 6, 2023**  
Time: **4:30 pm**  
Location: **Council Chambers, Town Hall**

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	Pages
<b>1. Call to Order</b>	
1.1 Approval of Agenda	
1.2 Approval of Minutes - November 7, 2022	1 - 2
<b>2. Staff Reports / Presentations</b>	
2.1 3, 4, 5, 7 Robie Street Development Agreement Application	3 - 24
2.2 264 Church Street Development Application	25 - 49
2.3 155 East Victoria Street Development Application	50 - 135
<b>3. Adjournment</b>	

**Town of Amherst  
Planning Advisory Committee  
Minutes**

**Date:** November 7, 2022  
**Time:** 4:30 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Citizen Representative Ronald Wilson, Chair  
Deputy Mayor Leon Landry (via Zoom)  
Councillor Hal Davidson  
Citizen Representative Larry Pardy  
Citizen Representative Creighton McCarthy

**Staff Present** Andrew Fisher, Director of Planning & Strategic Initiatives  
Marc Buske, Building Official  
Natalie LeBlanc, Deputy Clerk  
Emily Wainwright, Dangerous/Unsightly Premises Administrator  
Abiola Falaye, Land Use Planner/GIS Coordinator  
Cindy Brown, Administrative Assistant

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**1. Call to Order**

The Chair called the meeting to order at 4:30 PM.

**1.1 Approval of Agenda**

**Moved By: Larry Pardy**

**That the Agenda be approved as amended to include item 4. Planning Update.**

**Motion Carried**

**1.2 Approval of Minutes - September 6, 2022**

**Moved By: Creighton McCarthy**

**Seconded By: Councillor Davidson**

**That the minutes of the September 6, 2022, meeting to be approved as circulated.**

**Motion Carried**

**2. Introduction of new Land Use Planner / GIS Coordinator**

Andrew Fisher introduced the Town of Amherst's new Land Use Planner and GIS Coordinator, Abiola Falaye.

**3. Dangerous and Unsightly Premises Update**

Emily Wainwright reviewed the staff report included as part of the agenda package. Information item only at this time.

**4. Planning Update**

Andrew Fisher presented an update to the Development Agreement application for Brown/Mosher, and the LUB application for rezoning of property at Flemming and Paradise Avenue. Both applications will be forwarded to Council in November for consideration of second reading.

5. **MPS Review**

Consultants from Upland Planning + Design were in attendance looking for direction from the Committee as to how they would like them to proceed regarding the following topics:

**Boarding/Rooming Houses:** the definition seems to limit this use to 6 rooms and the General Residential Zone permits them by DA. Andrew Fisher would like to have this permitted as-of-right up to a specific number (ex. 6 rooms) but require a DA for larger scale (ex. Over 6 rooms).

**Converted Dwellings:** Councillor Landry agrees that a three-tier approach is best, case by case basis.

**Unpainted Metal Roofs:** The Committee agreed they would like to see this requirement removed.

**Shipping Containers:** Consultant will draft an amendment to address if shipping containers can be brought up to building codes standards for habitation, or for storage.

**Solar Collectors:** Chair recommends that the amount allowed for this depends on lot size. Larry Pardy suggested that in residential zones, that there be a requirement for solar collectors to be placed behind the residential dwelling.

**Development beside Heritage building by DA:** Andrew Fisher does not feel that this should require a Development Agreement. The Consultant suggested expanding uses permitted as-of-right beside heritage buildings.

**Neighbourhood Commercial:** The Committee agreed that if a commercial business is no longer in existence, the zoning should be removed and not grandfathered in.

6. **Adjournment**

**Moved By: Councillor Davidson  
To adjourn the meeting.**

**Motion Carried**

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Andrew Fisher  
Director of Planning and Strategic Initiatives

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Ron Wilson  
Chair

# MEMO

**TO:** Planning Advisory Committee

**FROM:** Abiola Falaye, Land Use Planner, Planning & Strategic Initiatives

**DATE:** February 06, 2023

**RE:** Development Agreement – 3, 4, 5, 7 Robie Street

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## PROPOSAL

An application by the property owner, 44143456 Nova Scotia Limited, for a development agreement to allow construction of a commercial office at 3, 4, 5, 7 Robie Street. Note that the existing community hall on 3 Robie Street and the proposed development are non-conforming use, hence, the need for a development agreement.

## BACKGROUND INFORMATION

**Site Details:** The subject properties are located in the General Residential Zone and covers a total area of approximately 2,612m<sup>2</sup>. This includes three abutting lots (3, 5, 7 Robie Street) approximately 2,146m<sup>2</sup> (0.53acre) on the east of Robie Street and another (4, Robie Street) 466m<sup>2</sup> lot on the west. As currently configured, the subject property has 55 m of frontage on Robie Street and it is used as a community hall and parking lot. **Figure 1** shows the property location and configuration.

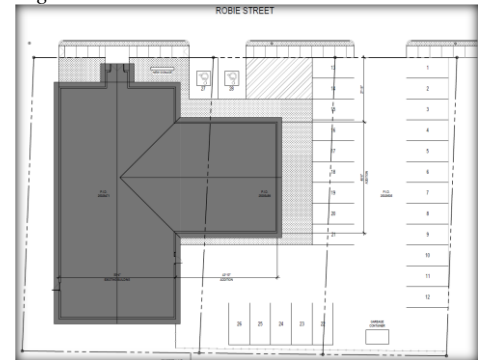
Figure 1. Property Location and Configuration



**Neighbourhood Context:** The subject property is immediately surrounded by a mix of different residential building types including a Victorian building on the north, detached houses units on the east and west. A funeral home is also located in the Institutional Zone on the south end. The property is within short walking distance from downtown Amherst, social services and recreational facilities including the YMCA, Amherst Theater, among others.

**Proposal Details:** As shown in **Figure 2**, the existing building on the property will be renovated and its use converted from a community hall to a commercial office (law office/firm). Both the existing and proposed developments are a non-conforming land use in the zone, and the planned renovation will affect the building exterior including its shape, size and volume. The rest of the lands will continue to serve as parking, providing up to 28 spaces including 2 disabled parking. The proposed renovation will not reduce the existing setback from Robie Street.

Figure 2. Site Plan



## **PUBLIC PARTICIPATION OPPORTUNITY**

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on Wednesday, January 18, 2023. A [video](#) of the meeting has been made available on live streamed event section of the Town website, and a [summary](#) is provided as part of the information package.

The only concern raised at the meeting was regarding provision of parking for the funeral home, and this was addressed by Dave McNairn. He promised to work with the funeral home to ensure adequate parking is available to both staff and customers of Hicks and Lemoine Law Office and the funeral home.

## **RELEVANT POLICIES**

**Land Use Bylaw:** Section 4.15 of the Bylaw states that a development permit may be issued to change a non-conforming use to another use not normally permitted on the property by Development Agreement in accordance with Policy GP-11 of the Municipal Planning Strategy (MPS).

**Municipal Planning Strategy: Policy GP-11**, the most relevant policy to this issue states that:

*It shall be the intention of Council to permit, in all designations, a non-conforming use to change to another use not normally permitted on the property by way of Development Agreement. In considering such a development agreement, Council shall consider the following:*

- a) that the proposed use exerts a similar or less of an impact on the surrounding neighborhood;*
- b) the use of buffering, landscaping or fencing to reduce possible impacts or otherwise improve the property;*
- c) that adequate parking is provided for the new use; or the existing parking situation is improved by virtue of the development agreement;*
- d) the proposal will not involve any expansion of the use onto a lot not originally occupied by the use except for the provision of parking;*
- e) signage on the property;*
- f) hours of operation;*
- g) the adequacy of the transportation network to accommodate the proposed use.*

The proposed law office on this property is unlikely to exert a disproportionate impact on the Neighbourhood compared to its current use. Although the proposed renovation will reduce the number of existing parking spaces, the 28 spaces planned are adequate for the intended use, and the expansion is within the existing setback. The operating hours of this law office (currently between 8.30 am – 5.00 pm from Monday to Friday) are also acceptable within a residential Neighbourhood with good access to Robie Street connecting Havelock and Church Street on the north and south, respectively. In addition, besides the possible noise from cars driving in and out of the parking lot, the activity inside the building should not cause any significant disturbance to the surrounding.

Moreover, since the commercial office will be operating within regular business hours, the neighbourhood will experience a more steady and predictable level traffic and activity compared to the community hall where events take place sporadically.

Other MPS policies relevant to this issue include the following:

*A-5 It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:*

- a) *That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- b) *That the proposal is not premature or inappropriate by reason of:*
  - (i) the financial capability of the Town to absorb any costs relating to the development;*
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;*
- c) *That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
  - (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) parking, traffic generation, access to and egress from the site;*
  - (iv) any other matter of planning concern outlined in this strategy.*

The proposal conforms with the general intent of MPS Policy A-5. There will be no undue impact on the town's financial capacity or the adequacy of municipal infrastructure. Regarding the extent to which the development might conflict with adjacent or nearby land uses, no significant negative impact on the surrounding neighbourhood is anticipated. The proposed development will likely increase traffic along Robie Street, but this addition should not be high enough to cause a significant disturbance in the neighborhood. The traffic will also be consistent and predictable compared to the current use where events occur at unprecedented times and irregular intervals.

*GP-7 It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:*

- a) *requiring adequate buffering and setbacks;*
- b) *screening development by the use of visual barriers;*
- c) *regulating the location of parking, storage buildings or other accessory uses or facilities.*

The proposal is generally compatible with the existing residential use in the surrounding neighborhood.

**CONCLUSIONS:**

The proposal generally conforms to the relevant policies of the MPS and LUB. The redevelopment will bring vibrancy and diversity to this Neighbourhood without disrupting its safety and tranquility. Nevertheless, considering the present configuration of the lands and the coverage of the proposed development, consolidation of lands may be necessary for lots 3, 5, and 7 Robie Street.

**OPTIONS:**

Option One: Recommend to Council to enter into the Development Agreement for 3, 4, 5, 7 Robie Street as drafted by Staff, subject to any revisions that may arise.

Option Two: Recommend to Council not to enter into the Development Agreement for 3, 4, 5, 7 Robie Street, citing specific policies with which the proposal does not conform.

Option Three: Defer the application and instruct Staff to provide more information or negotiate changes to the agreement.

**STAFF RECOMMENDATION: Option One.**

# Planning Advisory Committee

Development Agreement Application to Permit a Commercial Land  
Use on 3, 4, 5, 7, Robie Street

February 6, 2023



# INTRODUCTION

## Aim

The purpose of this session is to give the public an opportunity to be aware of a proposed commercial development on 3,4,5,7 Robie Street, Amherst, and enable them to provide input prior to the Council making a final decision.

## Objectives

Specifically, the following will be addressed:

- i. Explain the concept of “development agreement” and how it is administered in the Town of Amherst.
- ii. Describe the proposal and why a development agreement is required before it can be permitted within the Town.
- iii. Outline relevant Town of Amherst’s land use bylaws and policies in relation to the proposal.



# DEVELOPMENT AGREEMENT PROCESS



**\*All meetings of the PAC and Council are open to the public.**

# APPLICATION DETAILS

**Applicant:** Hicks Lemoine Law Office

**Owner:** 44143456 Nova Scotia Ltd

**Summary of Proposal:** Application to change of an existing non-conforming use to another non-conforming use.

**Location:** 3,4,5,7, Robie Street, Amherst.

**Property Size:** 2,146m<sup>2</sup> (0.53acre) extending from lot 3 to 7 Robie Street, and 466m<sup>2</sup> lot 4 across the street.

**Street Frontage:** 55m on Robie Street.

**Existing Land Use:** Community hall and parking

**Existing Zoning:** General Residential



**According to the Town of Amherst's Land Use Bylaw and Municipal Planning Strategy, a development agreement is required to change a non-conforming land use to another non-conforming land use.**

*(A non-conforming use of land means a use of land that is not permitted in the zone (Municipal Government Act, Part VIII, Section 191, paragraph (j))).*



# NEIGHBOURHOOD CONTEXT

- ❑ The **subject property** is located in a residential neighbourhood and surrounded by a mix of different building types including a Victorian building on the north, detached residential housing units on the east and west, and a funeral home on the south end.
- ❑ The property is within short walking distance from downtown Amherst, social services and recreational facilities including the YMCA, Amherst Theater, among others.



# SITE PLAN

**General Description:** The applicant intends to renovate the existing community hall on the site and change its use to a commercial office space (law office/firm).

Both the existing and proposed developments are non-conforming land use in the zone, and the planned renovation will affect the building exterior including its shape, size and volume.

**Total Building Area:** 661m<sup>2</sup> (0.16 acres)

**Property Area:** 2,1467m<sup>2</sup> (0.53acre)

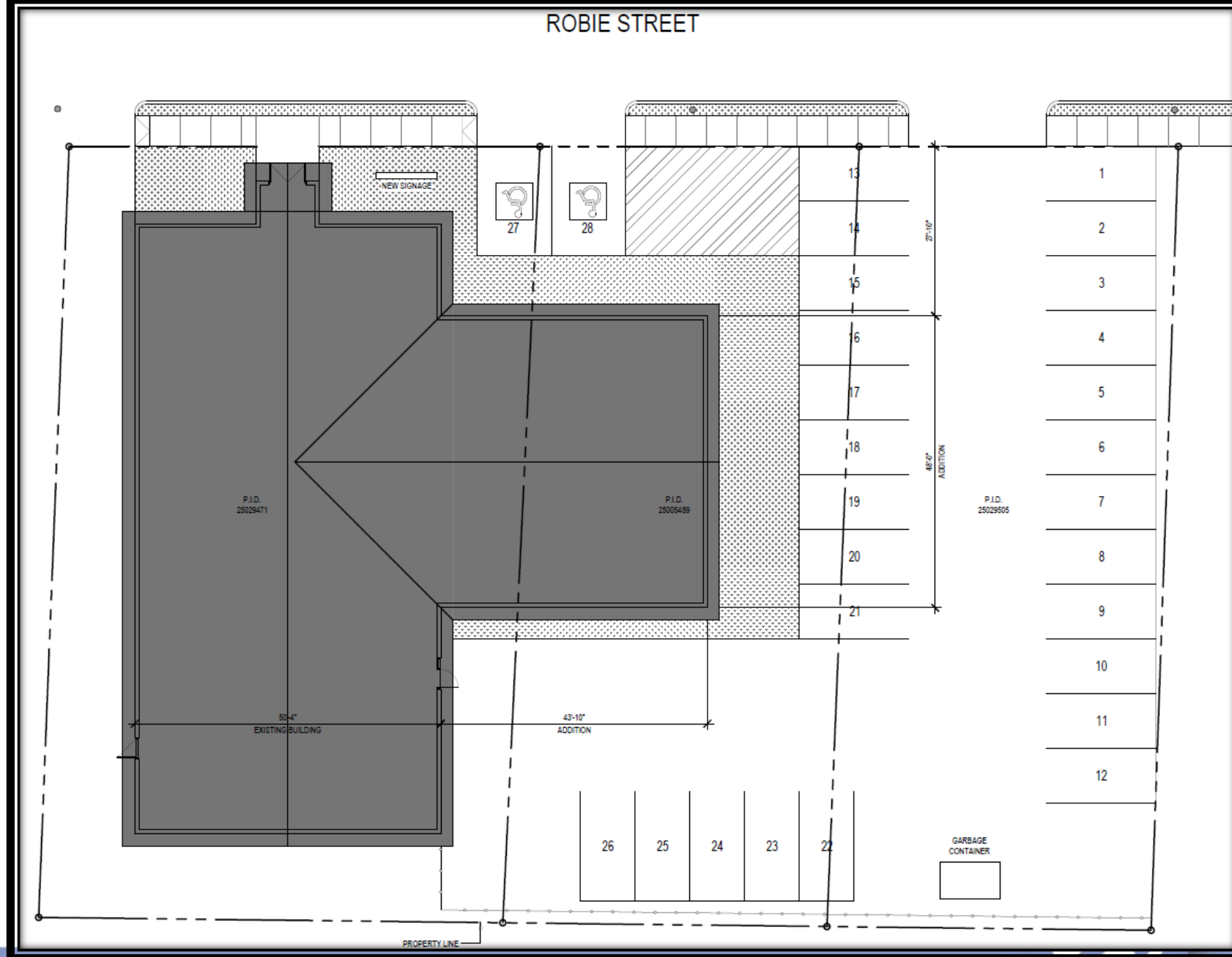
**Parking:** 28 spaces including 2 disabled parking spaces.

**Access:** Vehicle access from Robie Street, and connection to Church Street on the south and Havelock Street in the north.

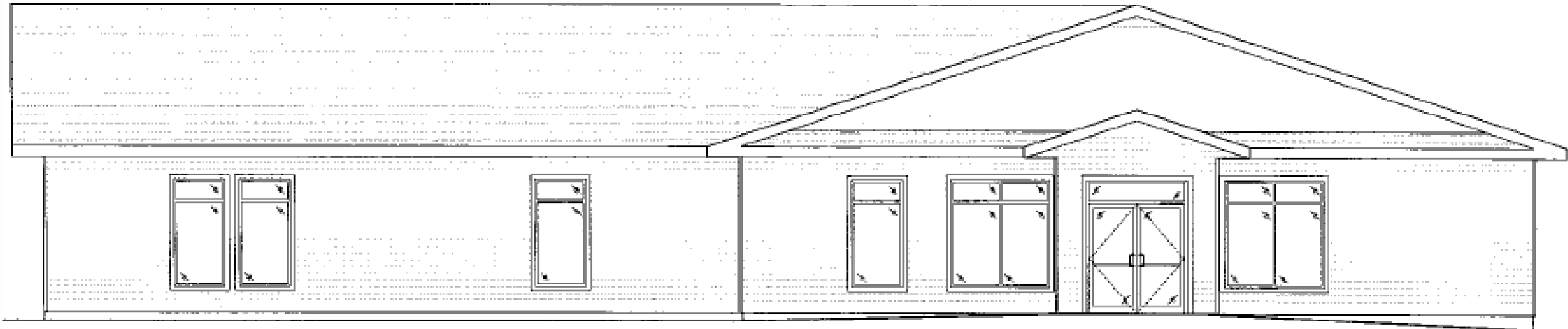
**Building Dimensions:** The proposed extension is 43 feet x 48 feet

**Setbacks:** 2.5m from Robie Street

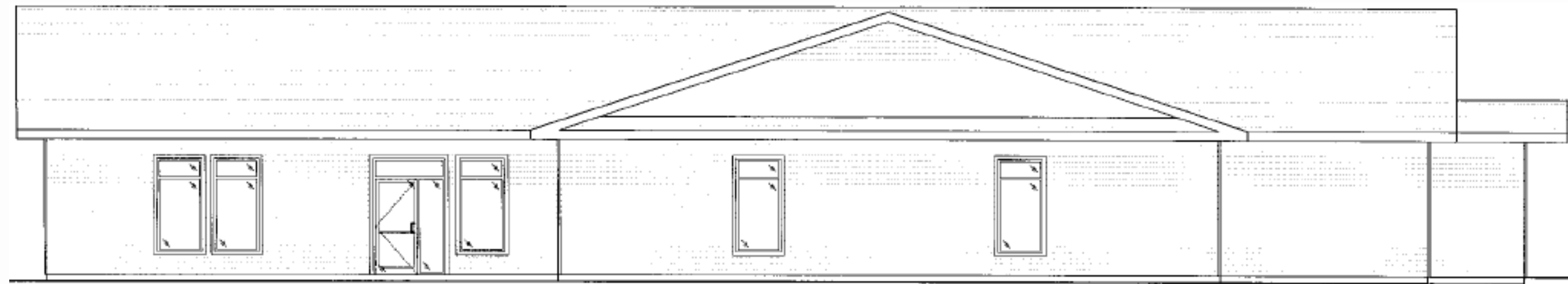
**Signage:** A new sign will be erected 4m from Robie Street



# BUILDING ELEVATIONS

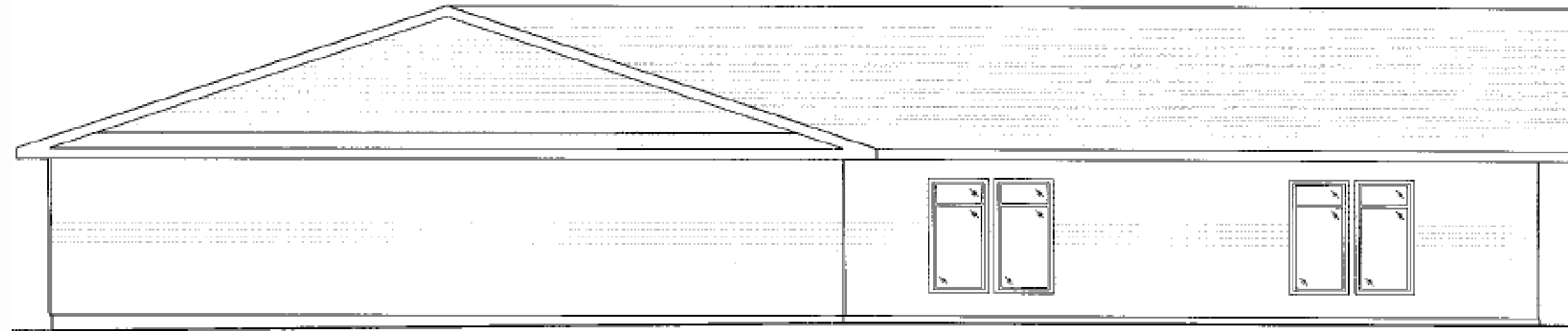


**Front Elevation (extending by 93m along Robie Street)**

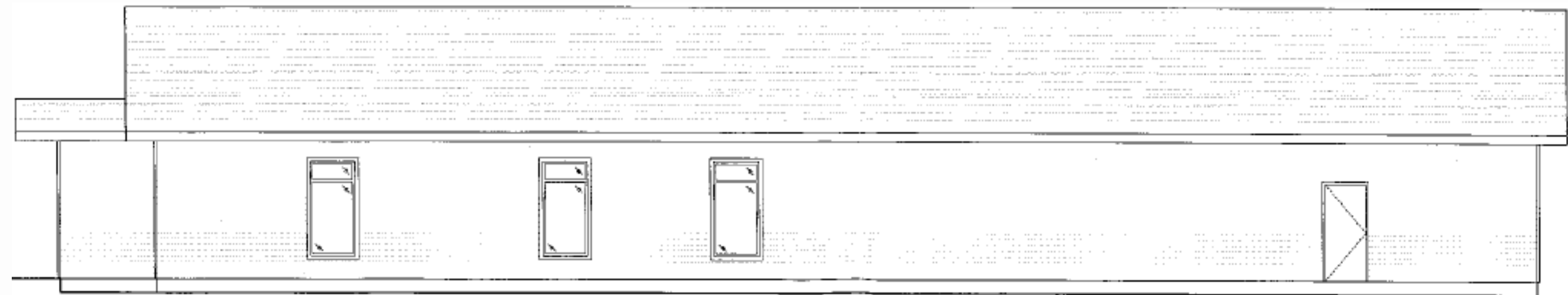


**Left Side Elevation (extending by 100m on the side of the parking lot)**

# BUILDING ELEVATIONS



Rear Elevation



Right Side Elevation

# RELEVANT PLANNING BYLAWS AND POLICIES

## 1. Non-Conforming Use Changed by Development Agreement (Land Use Bylaw Section 4.15)

A development permit may be issued to change a non-conforming use to another use not normally permitted on the property by Development Agreement in accordance with Policy GP-11 of the Municipal Planning Strategy.

## 2. General Land Use Policy on Non-Conforming Uses (Municipal Planning Strategy, GP-11)

It shall be the intention of Council to permit, in all designations, a non-conforming use to change to another use not normally permitted on the property by way of Development Agreement. In considering such a development agreement, Council shall consider the following:

- (a) that the proposed use exerts a similar or less of an impact on the surrounding neighbourhood;
- (b) the use of buffering, landscaping or fencing to reduce possible impacts or otherwise improve the property;
- (c) that adequate parking is provided for the new use; or the existing parking situation is improved by virtue of the development agreement;
- (d) the proposal will not involve any expansion of the use onto a lot not originally occupied by the use except for the provision of parking;
- (e) signage on the property;
- (f) hours of operation;
- (g) the adequacy of the transportation network to accommodate the proposed use.

# RELEVANT PLANNING BYLAWS AND POLICIES

## 3. Implementation Policy on Amendment Criteria (Municipal Planning Strategy, A-5)

It shall be the intention of Council, when [...] entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.
- (b) That the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Town to absorb any costs relating to the development;
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) parking, traffic generation, access to and egress from the site;
  - (iv) any other matter of planning concern outlined in this strategy.

# RELEVANT PLANNING BYLAWS AND POLICIES

## 4. General Land Use Policy on Compatibility (Municipal Planning Strategy GP-7)

It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

- (a) requiring adequate buffering and setbacks;
- (b) screening development by the use of visual barriers;
- (c) regulating the location of parking, storage buildings or other accessory uses or facilities.

## 5. General Land Use Policy on Density (Municipal Planning Strategy GP-8)

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

## 6. Signs in Residential Zones (Land Use Bylaw Section 6.6)

Unless otherwise specified in this Bylaw, signage in a Residential Zone shall be subject to the following requirements:

- (a) The maximum sign area shall be 0.6m<sup>2</sup> per side in the case of a two sided sign.
- (c) The maximum height of the sign shall be 1.5 m.
- (d) Facia signs shall not be located in excess of 3 m above the grade of the wall upon which it is affixed.
- (e) The sign shall be set back a minimum of 1 m from any lot line.
- (f) Offsite signs are not permitted.

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2023.

Between:

**44143456 Nova Scotia Limited** (owner of property located at 3, 4, 5, 7, Robie Street, Amherst [PIDs 25029471, 25029489, 25005489, 25029505 respectively], hereinafter called the “Owner”),

of the one part, and

**The Town of Amherst** (a body corporate in the Province of Nova Scotia, hereinafter called the “Town”),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy GP-11 of the Municipal Planning Strategy of the Town of Amherst, to change a non-conforming use to another use, specifically a commercial office at 3, 4, 5, 7, Robie Street, Amherst (PID 25029471).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_\_<sup>th</sup> Day of \_\_\_\_\_ 2023, approved the said Development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule ‘A’ - Terms and Conditions
- (b) Schedule ‘B’ - Property Location Map
- (c) Schedule ‘C’ – Site Plan
- (d) Schedule ‘D’ – Building Elevation

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Lands in the Town of Amherst, hereinafter called the “Lands”. The aforesaid Lands is the only lands in the Town of Amherst to which this Agreement applies, and the Lands is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may renovate the existing development on the said Lands and convert it to a commercial office subject to Schedules A, B, C, and D attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property

(other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.

- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

**SIGNED, SEALED AND DELIVERED**

In the presence of

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**THE TOWN OF AMHERST**

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David Kogon MD, Mayor

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Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER**

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Hicks Lemoine Law Office / Dave W. McNairn

## Schedule A

## 3, 4, 5, 7, Robie Street, Amherst - Development Agreement

### Terms and Conditions:

#### 1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the properties shall be limited to a commercial office and parking lot within the general location as shown on Schedule 'C'.
- 1.2 A minimum of 28 parking spaces shall be provided on the Lands and shall be generally configured as shown on Schedule 'C'.
- 1.4 Accessory buildings may be permitted on the Lands in accordance with the *Town of Amherst Land Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.5 The commercial office shall generally conform to the designs shown on Schedule 'C' and 'D'. Variations to the architectural details and footprint of the dwellings may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.6 The Owners shall be responsible for landscaping unpaved areas and maintenance on the Lands.
- 1.7 The Owner shall be responsible for maintaining screened solid waste containment areas, generally in the locations shown on Schedule 'C'.

#### 2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Lands and building and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.
- 2.3 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.4 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.5 The Owner shall be responsible for storm water management during and after construction.
- 2.6 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

# SCHEDULE 'B'





# SCHEDULE 'D'

**Martin Paquin Architect**  
 500 North Main Street  
 Amherst, MA 01002  
 Tel: 413.253.1100  
 Fax: 413.253.1101  
 www.martinpaquin.com

DATE	01/15/11
REVISION	
PRELIMINARY	

**HICKS LEMMON LAW OFFICES**  
 5 RICHIE STREET  
 AMHERST, MA

EXTERIOR ELEVATIONS

DATE	01/15/11
DESIGNER	MLP
CLIENT	HICKS LEMMON
PROJECT	5 RICHIE STREET
SCALE	1/8" = 1'-0"
DATE	01/15/11
SCALE	1/8" = 1'-0"

A2 FRONT ELEVATION (WEST)  
SCALE: 1/8" = 1'-0"

A2 PARKING LOT SIDE ELEVATION (NORTH)  
SCALE: 1/8" = 1'-0"

A2 REAR ELEVATION (EAST)  
SCALE: 1/8" = 1'-0"

A2 SIDE ELEVATION (SOUTH)  
SCALE: 1/8" = 1'-0"

# MEMO

**TO:** Planning Advisory Committee

**FROM:** Abiola Falaye, Land Use Planner, Planning & Strategic Initiatives

**DATE:** February 06, 2023

**RE:** **Development Agreement – 264 Church Street, Amherst.**

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## PROPOSAL

An application by the property owner, Gem Health Care Group Limited, for a development agreement to allow construction of a 2-storey, 96-Bed long term care facility at 264 Church Street.

## BACKGROUND INFORMATION

**Site Details:** The subject property, located in the General Residential Zone, is a primarily vacant field approximately 14,973 m<sup>2</sup> (3.7 acres) in area. A vacant dwelling unit is also on the site. As currently configured, the subject property has 120m on Church Street. **Figure 1** shows the property location and configuration.

**Neighbourhood Context:** The Subject property is located on the western end of Town. There is currently an unoccupied detached building on the site, a vast amount of vacant/ undeveloped land towards the north and south, and a few detached housing units on the east and south, and a concentration of electricity distribution poles and transformers on the west side. Directly across the site along Church Street is an old industrial building currently used as a storage facility. Complementary health and social facilities and services near the proposed development include Beltone Professional Hearing Care Center, Amherst Pharmasave, Cumberland Physiotherapy, Faith United Pentecostal Church, and two care other homes, Centennial Villa and Gables Lodge.

**Proposal Details:** According to the site plan (**Figure 2**), the proposal contains a 2-storey 96-bed long-term care facility covering approximately 3,807.63 m<sup>2</sup> (40,985 sqft). Two vehicular accesses are available on Church Street, with up to 90 off-street parking spaces. Site landscaping also features trees and shrubs for buffer and aesthetics.

Figure 1. Property Location and Configuration



Figure 2. Site Plan



## **PUBLIC PARTICIPATION OPPORTUNITY**

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on Wednesday, January 18, 2023. A [video](#) of the meeting has been made available on live streamed event section of the Town website, and a [summary](#) is provided as part of the information package.

No concern was received regarding this proposal during the public participation opportunity. However, a nearby resident emailed staff to ask about the traffic impact of the proposed development on Robert Angus Drive and Church Street. Staff addressed this concern by explaining that although the proposed development may increase traffic along Church Street and Robert Angus Drive, the existing road design, being arterial streets, are adequate to accommodate the anticipated increase. Also, since the proposed facility is intended to replace Gables Lodge (an existing facility in the area), there will be some considerable traffic reduction to make up for the traffic increase that will result from the new development.

## **RELEVANT POLICIES**

**Land Use Bylaw:** Section 7.2.2 of the Bylaw states that in a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

- (e) Long term care facilities and homes for special care in accordance with Policy RP-19.

**Municipal Planning Strategy: Policy RP-19,** the most relevant policy to this issue states that:

*Within the Residential Designation, it shall be the intention of Council to ensure Long Term Care Facilities and Homes for Special Care occur in a manner compatible with a low-density residential neighbourhood. Specifically, Council shall require that all long-term care facilities and homes for special care be subject to a Development Agreement. In negotiating such an agreement Council shall:*

- a) ensure that the structure(s) is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*
- b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*
- c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;*
- e) ensure that any signage on the property is sympathetic to the surrounding residential properties;*
- f) require the use of vegetation to improve the aesthetic quality of the development;*
- g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.*

The proposed lot for the development is of sufficient size to accommodate it without dominating or negatively impacting the surrounding properties. Besides, the architecture is sympathetic, landscaping is well planned, parking is sufficient, and coverage of the building as shown on the site plan is satisfactory. Other issues including lighting and signage are addressed in the development agreement.

Other MPS relevant policies to this issue include the following:

*A-5 It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:*

- a) *That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- b) *That the proposal is not premature or inappropriate by reason of:*
  - (i) the financial capability of the Town to absorb any costs relating to the development;*
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;*
- c) *That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
  - (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) parking, traffic generation, access to and egress from the site;*
  - (iv) any other matter of planning concern outlined in this strategy.*

The proposal conforms with the general intent of MPS Policy A-5. There will be no undue impact on the town's financial capacity or the adequacy of municipal infrastructure. Regarding the extent to which the development might conflict with adjacent or nearby land uses, no significant negative impact on the surrounding neighborhood is anticipated. The proposed development will likely increase traffic along Church Street and Robert Agnus Drive, but the existing road design is adequate to cater for this.

*GP-7 It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:*

- a) *requiring adequate buffering and setbacks;*
- b) *screening development by the use of visual barriers;*
- c) *regulating the location of parking, storage buildings or other accessory uses or facilities.*

The proposal is generally compatible with the existing residential use in the surrounding neighborhood.

*MS-11 It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.*

The proposal is an infill development, which speaks to the efficient use of land that does not require expanding the existing town infrastructure. The street network in this area has relatively high connectivity with close access to shopping and other health and social facilities and services.

**CONCLUSIONS:**

The proposal generally conforms to the relevant policies of the MPS and LUB. The facility will meet the need of the community by providing specialized care for seniors, employment opportunities for healthcare workers, light duty cleaners, and administrative officers, among others in the community, promoting social inclusion among older adults and increasing commerce in the Town, particularly in the retail on South Albion Street/ Robert Angus Drive.

**OPTIONS:**

Option One: Recommend to Council to enter into the Development Agreement for 264 Church Street, as drafted by Staff, subject to any revisions that may arise.

Option Two: Recommend to Council not to enter into the Development Agreement for 264 Church Street, citing specific policies with which the proposal does not conform.

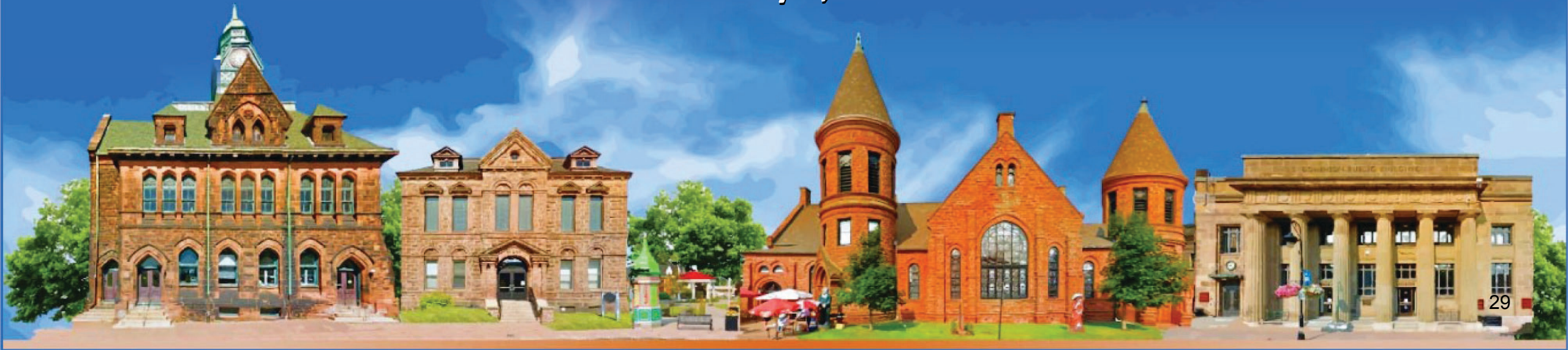
Option Three: Defer the application and instruct Staff to provide more information or negotiate changes to the agreement.

**STAFF RECOMMENDATION: Option One.**

# Planning Advisory Committee

Development Agreement Application to Permit a Long term care facility on 264, Church Street

February 6, 2023



# INTRODUCTION

## Aim

The purpose of this session is to give the public an opportunity to be aware of a proposed long term care facility on 246 Church Street, Amherst, and enable them provide input prior to the Council making a final decision.

## Objectives

Specifically, the following will be addressed:

- i. Explain the concept of “development agreement” and how it is administered in the Town of Amherst.
- ii. Describe the proposal and why a development agreement is required before it can be permitted within the Town.
- iii. Outline relevant Town of Amherst’s land use bylaws and policies in relation to the proposal.



# DEVELOPMENT AGREEMENT PROCESS



\*All meetings of the PAC and Council are open to the public.

# APPLICATION DETAILS

**Applicant:** Sunrose Land Use Consulting – Jenifer Tsang.

**Owner:** Gem Health Care Group

**Summary of Proposal:** 96-Bed Long term care facility (2-storey)

**Location:** 264 Church Street.

**Property Size:** 14,973 m<sup>2</sup> (3.7 acres).

**Street Frontage:** 120m on Church Street.

**Existing Land Use:** Vacant dwelling

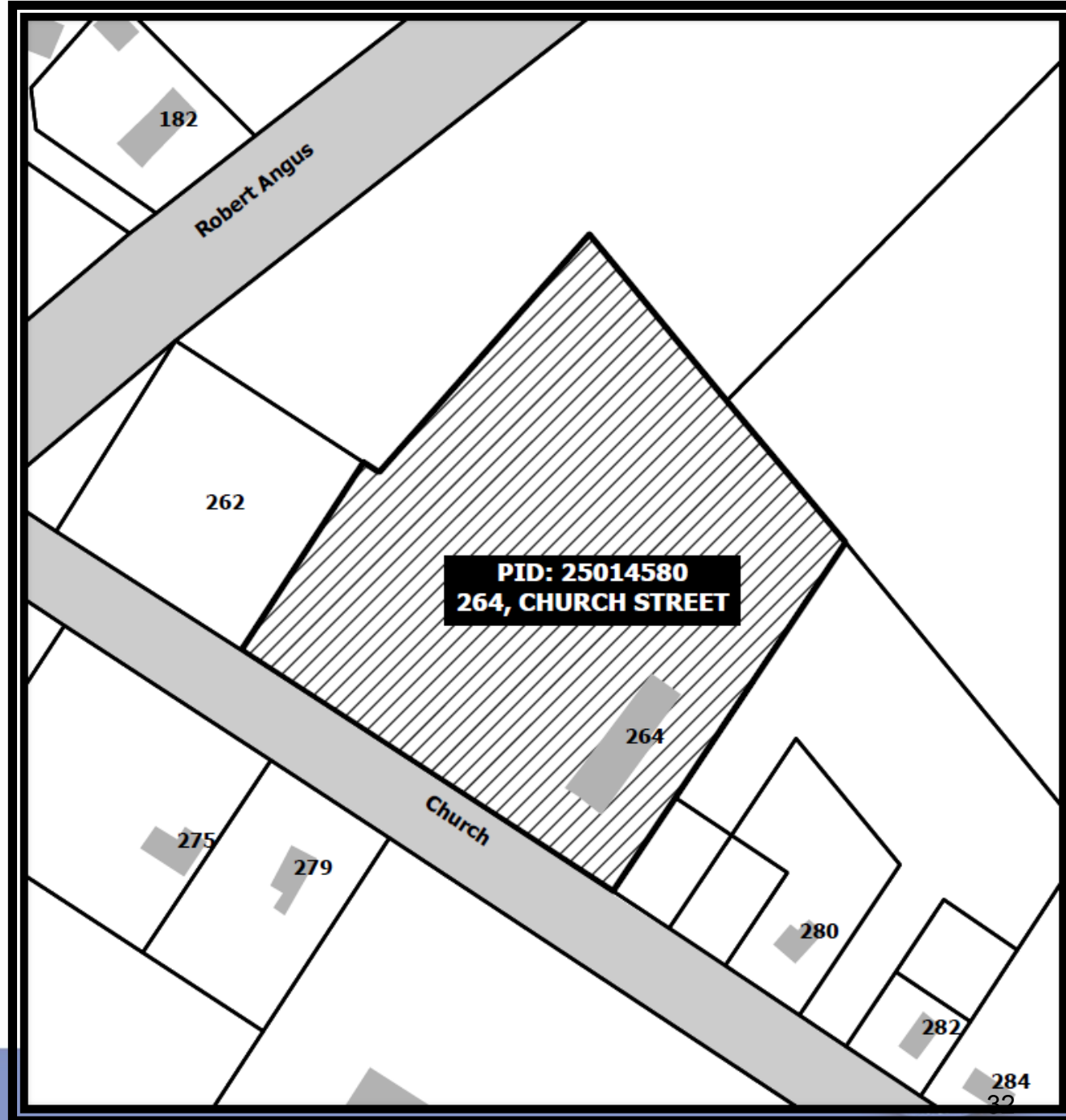
**Existing Zoning:** General Residential



**Amherst's Land Use Bylaw and Municipal Planning Strategy require a development agreement to permit the development of a long term care facility in a residential zone.**

*Residential Care Facility means a community-based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, with social, legal, emotional, mental and/or physical handicaps or problems, that is developed for the well being of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation (Land Use ByLaw, Town of Amherst).*

#seewhyweloveit



# NEIGHBOURHOOD CONTEXT

- ❑ The Subject property is located on the western end of Town.
- ❑ There is currently an unoccupied detached building on the site, a vast amount of vacant/undeveloped land towards the north and south, and a few detached housing units on the east and south, and a concentration of electricity distribution poles and transformers on the west side.
- ❑ Directly across the site along Church Street is an old industrial building currently used as a storage facility.



# NEIGHBOURHOOD CONTEXT



❑ Complementary health and social facilities and services near the proposed development include Beltone Professional Hearing Care Center (BPHCC), Amherst Pharmasave (AP), Cumberland Physiotherapy (CP), and Faith United Pentecostal Church (FUPC).

❑ Also, there is currently two care homes near the site, i.e. Centennial Villa and Gables lodge which the proposed developed is planned to replace.



# SITE PLAN

**General Description:** The applicant is planning to building a 2 storey 96 bed long term care facility.

**Total Building Area:** 3,807.63 m<sup>2</sup> (40,985 sqft)

**Property Area:** 14,973 m<sup>2</sup> (3.7 acres)

**Number of beds:** 96

**Density:** 78 m<sup>2</sup> (840 sqft) per resident

**Parking:** 90 spaces (0.94 spaces/bed)

**Access:** Vehicle access from Church Street.

## Area Summary

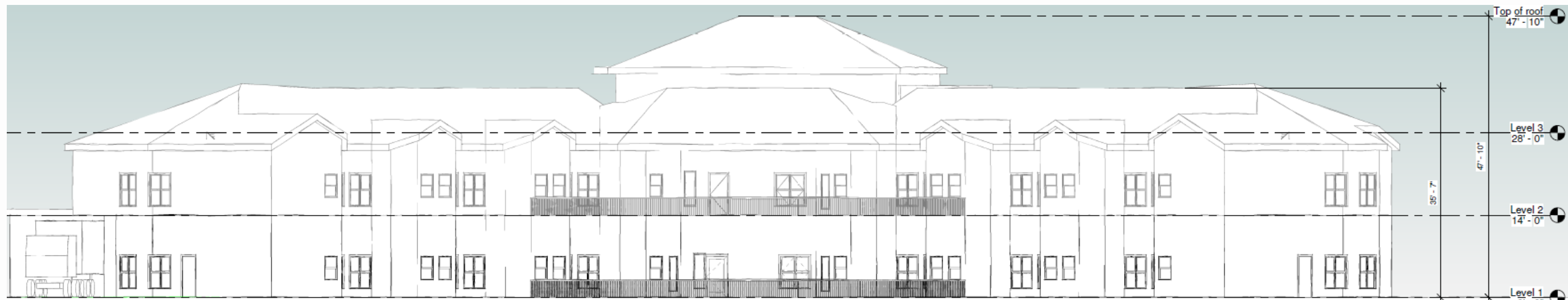
Level 1 - 40,985 Sq/Ft

Level 2 - 33,954 Sq/Ft

Level 3 - 5,700 Sq/Ft



# BUILDING ELEVATIONS



**Left Side Elevation**



**Front Elevation (From Church Street)**

# RELEVANT PLANNING BYLAWS AND POLICIES

## 1. Permitted Uses by Development Agreement (Land Use Bylaw Section 7.2.2)

In a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

- (e) Long Term Care Facilities and Homes for Special Care in accordance with Policy RP-19.

## 2. RP-19 Residential Policy on Long Term Care Facilities (Municipal Planning Strategy)

Within the Residential Designation, it shall be the intention of Council to ensure Long Term Care Facilities and Homes for Special Care occur in a manner compatible with a low density residential neighbourhood. Specifically, Council shall require that all Long Term Care Facilities and Homes for Special Care be subject to a Development Agreement. In negotiating such an agreement Council shall:

- (a) ensure that the structure(s) is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;
- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;
- (f) require the use of vegetation to improve the aesthetic quality of the development;
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.

# RELEVANT PLANNING BYLAWS AND POLICIES

## 3. Implementation Policy on Amendment Criteria (Municipal Planning Strategy, A-5)

It shall be the intention of Council, when [...] entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.
- (b) That the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Town to absorb any costs relating to the development;
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) parking, traffic generation, access to and egress from the site;
  - (iv) any other matter of planning concern outlined in this strategy.

# RELEVANT PLANNING BYLAWS AND POLICIES

## 4. General Land Use Policies on Compatibility (Municipal Planning Strategy, GP-7)

It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

- (a) requiring adequate buffering and setbacks;
- (b) screening development by the use of visual barriers;
- (c) regulating the location of parking, storage buildings or other accessory uses or facilities.

## 5. Municipal Service Policies on In-fill Development (Municipal Planning Strategy, MS-11)

It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.

Case No: DA-2023-XX

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2023.

Between:

**Gem Health Care Group Limited** (owner of property located at 264 Church Street, Amherst [PID 25014580], hereinafter called the "Owner"),

of the one part, and

**The Town of Amherst** (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-19 of the Municipal Planning Strategy of the Town of Amherst, to construct a 2-storey 96 bed long term care facility at 264 Church Street, Amherst (PID 25014580).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_\_<sup>th</sup> Day of \_\_\_\_\_ 2023, approved the said Development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Property Location Map
- (c) Schedule 'C' – Site Plan
- (d) Schedule 'D' – Floor Plan
- (e) Schedule 'E' – Building Elevation

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Land in the Town of Amherst, hereinafter called the "Land". The aforesaid Land is the only land in the Town of Amherst to which this Agreement applies, and the Land is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct a maximum of a 2-storey 96 bed long term care facility on the said Land, subject to Schedules A, B, C, D and E attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property

(other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.

- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

**SIGNED, SEALED AND DELIVERED**

In the presence of

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**THE TOWN OF AMHERST**

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David Kogon MD, Mayor

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Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER**

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???????

## Schedule A

## 264 Church Street - Development Agreement

Terms and Conditions:

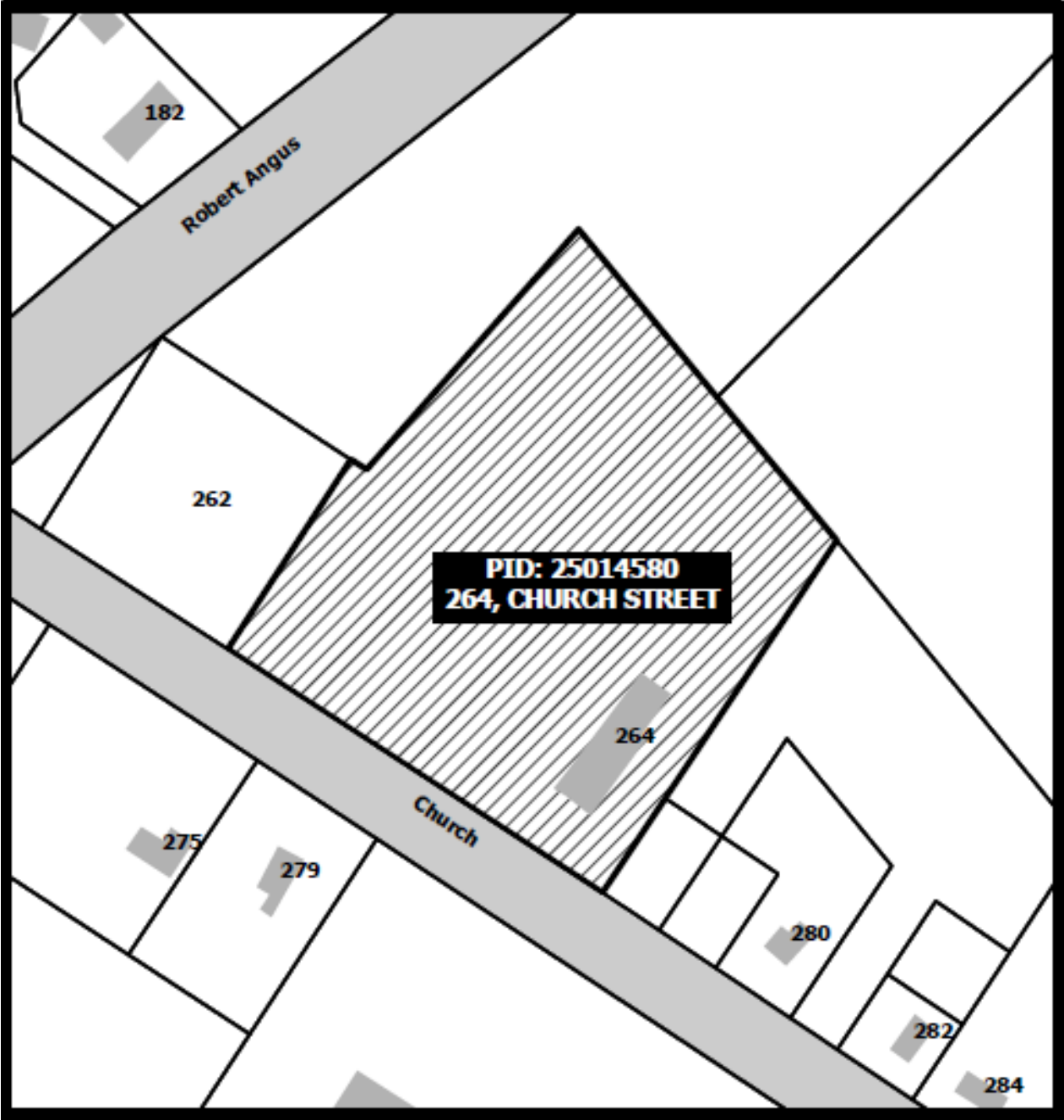
### 1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the properties shall be limited to residential uses within a maximum of a 2-storey (plus roof structure), 96-bed long-term care facility and one existing vacant dwelling in the general location as shown on Schedule 'C', 'D', and 'E'.
- 1.2 A minimum of 90 parking spaces shall be provided on the Land and shall be generally configured as shown on Schedule 'C'. Variations to the number or layout of parking spaces may be permitted to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.4 Accessory buildings may be permitted on the Land in accordance with the *Town of Amherst Land Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.5 The long-term care facility shall generally conform to the designs shown on Schedule 'D' and 'E'. Variations to the architectural details and footprint of the dwellings may be permitted to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.6 The Owners shall be responsible for landscaping unpaved areas and maintenance on the Land.
- 1.7 The Owner shall be responsible for maintaining screened solid waste containment areas, generally in the locations shown on Schedule 'C'.
- 1.8 Paving of the driveways and parking areas shall be completed for the facility within twelve (12) months from the date an Occupancy Permit is issued.

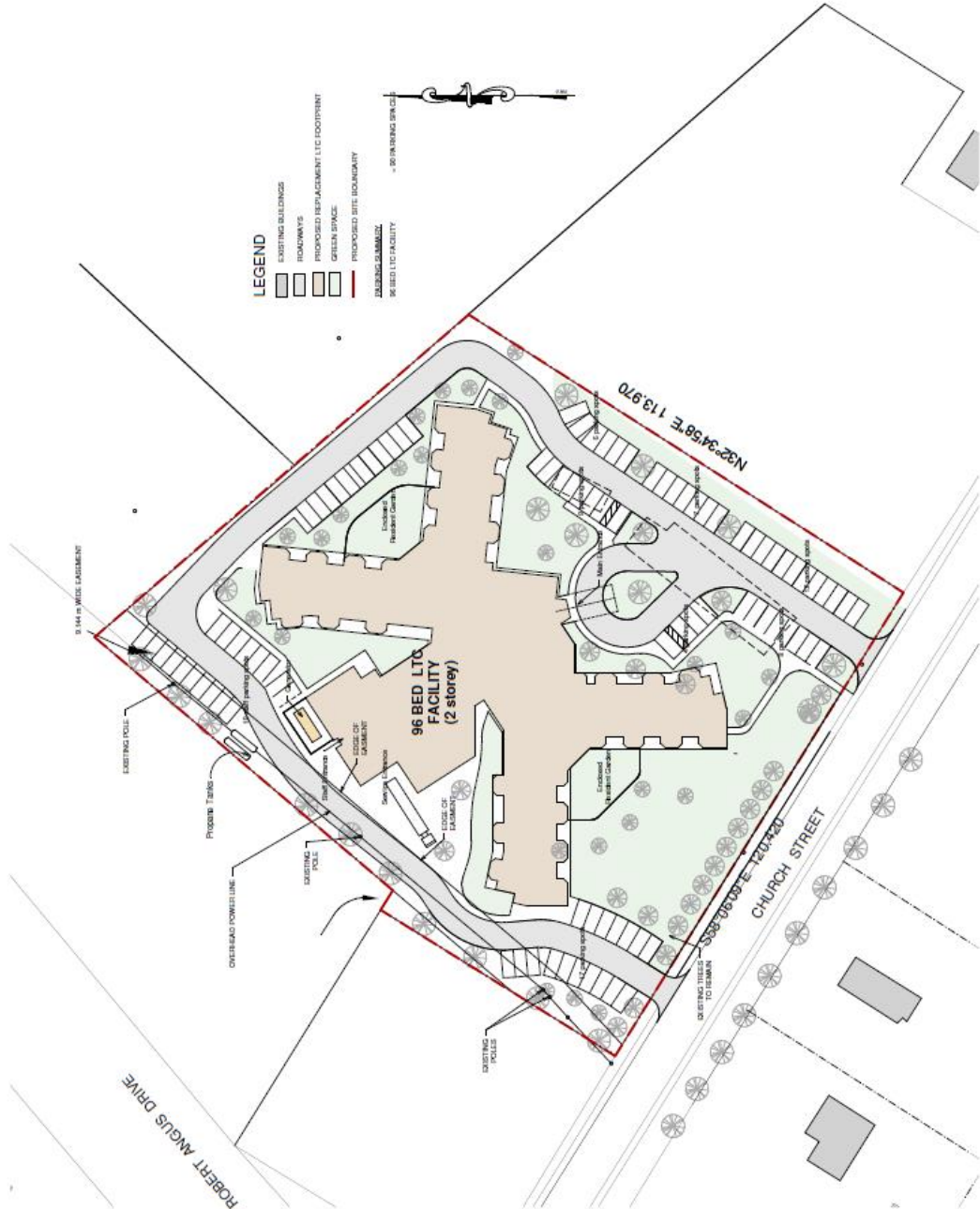
### 2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Land and building and any portion thereof clean and in good repair. All elements of the development on the Land shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.4 The Owner shall be responsible for storm water management during and after construction.
- 2.5 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

**SCHEDULE 'B'**



# SCHEDULE 'C'



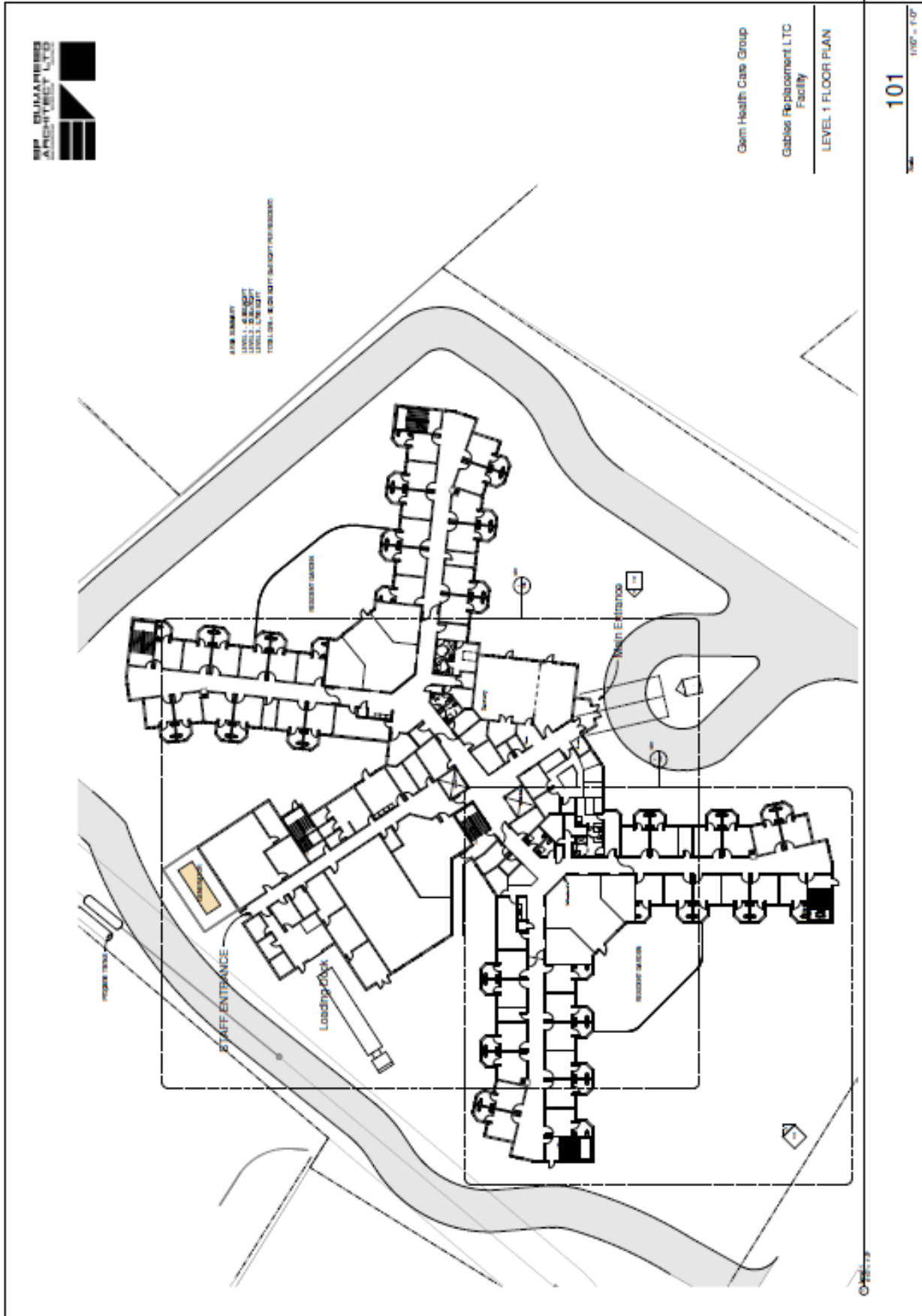
- LEGEND**
- EXISTING BUILDINGS
  - ROADWAYS
  - PROPOSED REPLACEMENT LTC FOOTPRINT
  - GREEN SPACE
  - PROPOSED SITE BOUNDARY
  - PROPOSED SWIMMING
  - 96 BED LTC FACILITY
  - 80 PARKING SPACES

Gem Health Care Group  
 Gables Replacement LTC Facility  
 Proposed Site Plan  
 DECEMBER 13, 2022

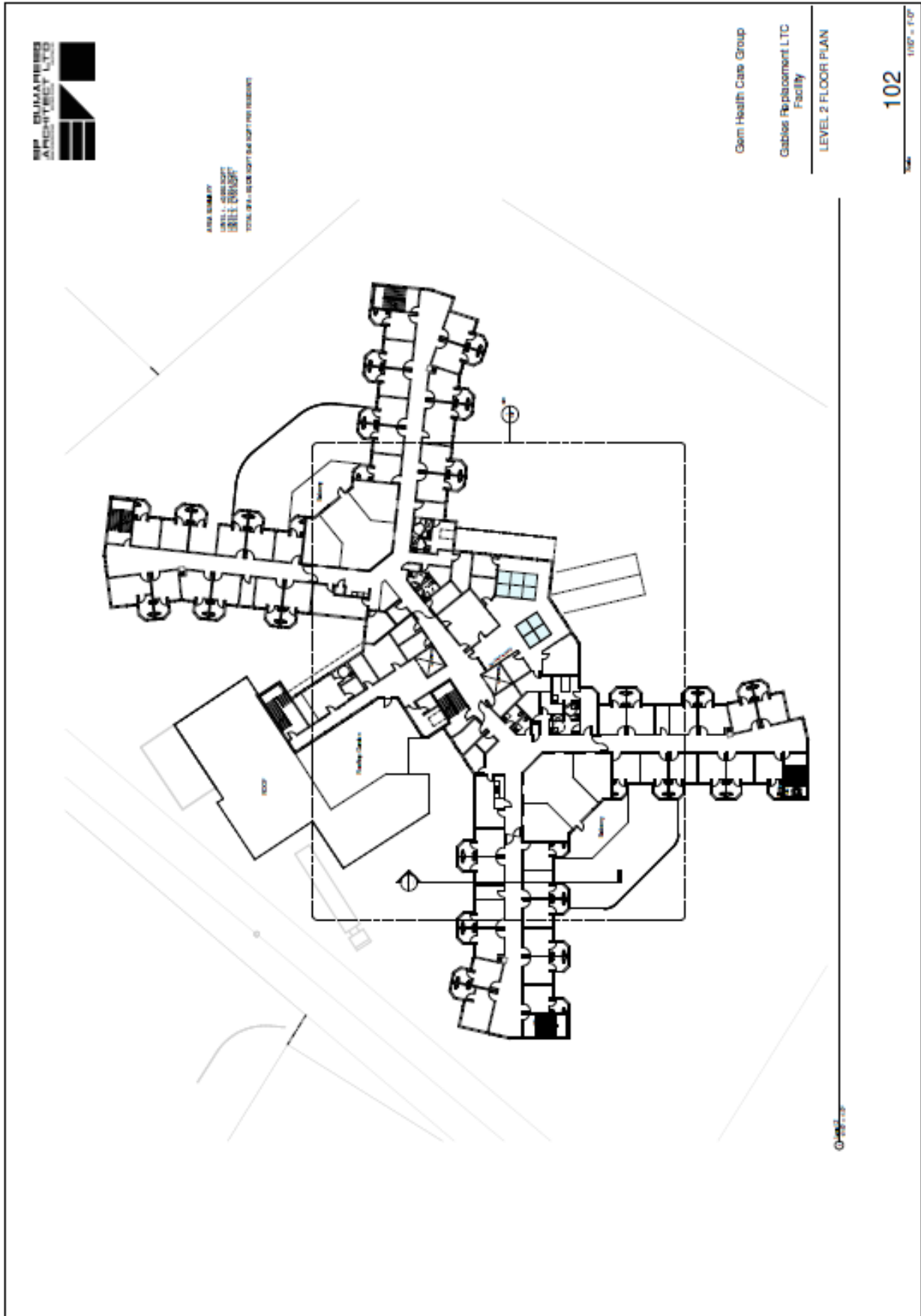
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Scale 1" = 30'-0"

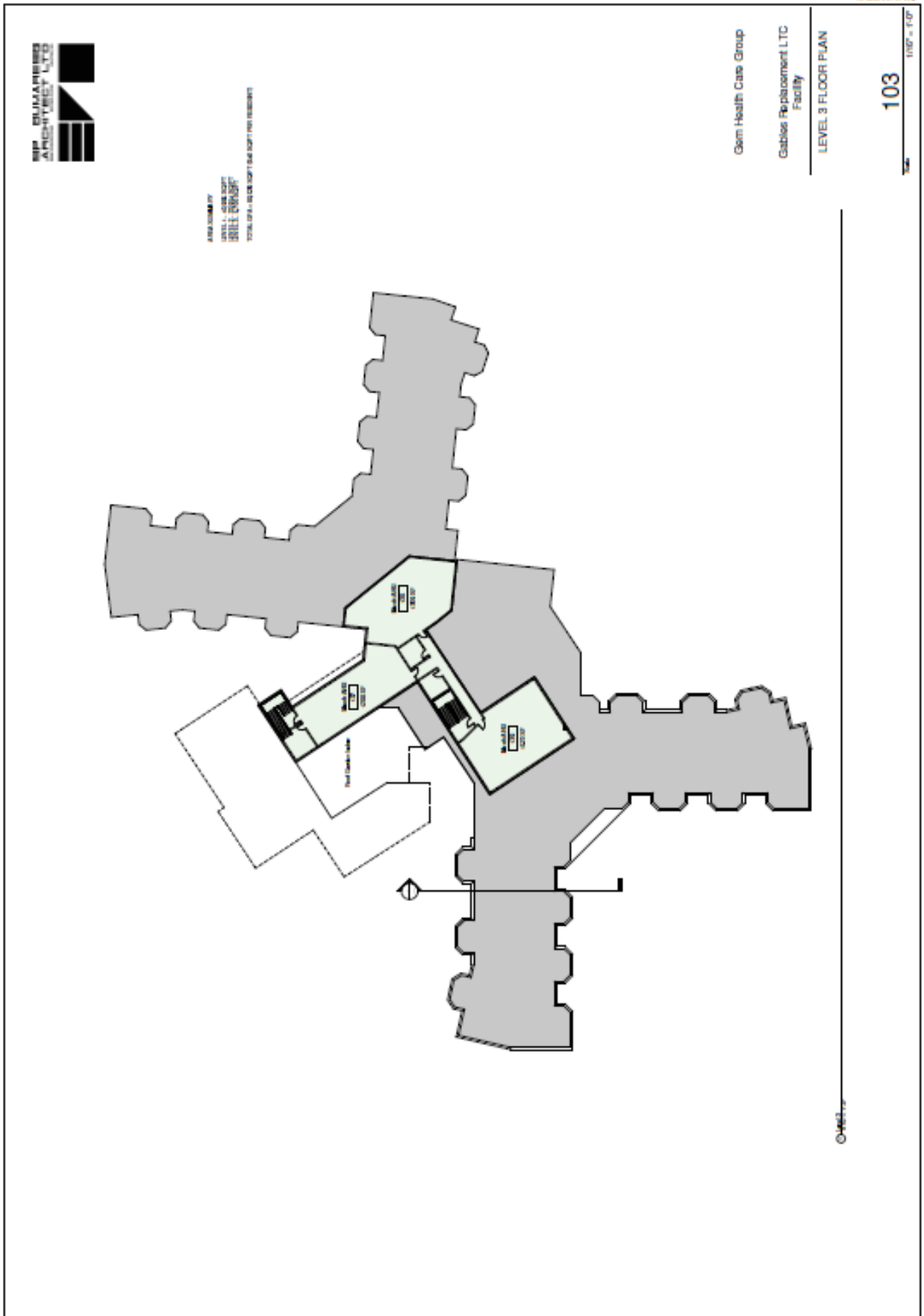
# SCHEDULE 'D'



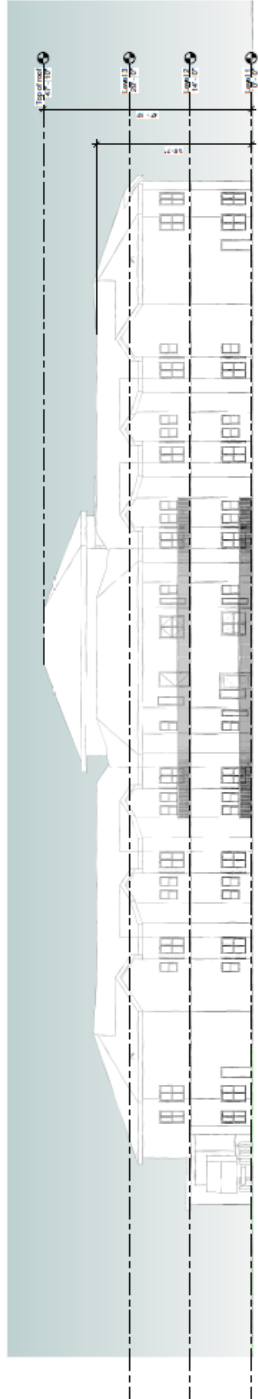
# SCHEDULE 'D'



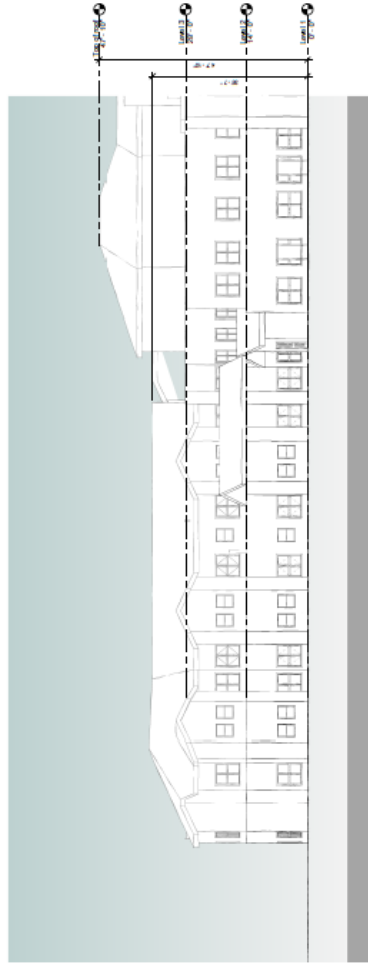
# SCHEDULE 'D'



# SCHEDULE 'E'



Elevation 2  
1" = 10'-0"



Elevation 3  
1" = 10'-0"

Cem Health Care Group

Gables Replacement LTC  
Facility

Building Elevations

112

Scale 1" = 10'-0"

# MEMO

**TO:** Planning Advisory Committee

**FROM:** Andrew Fisher, Director of Planning & Strategic Initiatives

**DATE:** February 6, 2023

**RE:** **Development Agreement – Apartment Building – 155 East Victoria Street**

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**PROPOSAL:**

An application by Leslie Carrie for a development agreement to allow construction of a 59-unit apartment building at 155 East Victoria Street (Lot 2005-1A, PID 25034091).

**BACKGROUND INFORMATION:**

The attached application briefing provides the site details, neighborhood context, shadow casting analysis and building proposal details.

**PUBLIC PARTICIPATION OPPORTUNITY**

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on January 18, 2023. A video of the meeting has been made available, and a summary is provided as part of the information package. Written submissions are also part of the information package. Some of the concerns raised at the meeting could be summarized as follows:

- The building is out of scale with adjacent detached dwellings in terms of the number of units and bulk, height and position
- Not sensitive to the established neighbourhood character
- Approval of this will set a precedent for all residential neighbourhoods
- Loss of privacy
- Traffic increase in frequency and speed
- Property values will decrease in the area
- Construction noise and disruption
- Schools are already over capacity
- School children safety
- The proposal does not meet the LUB requirements
- Impact assessment needed on services, environment, fire services, traffic, school system.
- Fencing is needed.

Many of the above noted concerns are addressed in the discussion below. In addition, the applicant provided the attached response to the concerns raised by the public.

## **RELEVANT POLICY**

Section 7.2.2 of the Land Use Bylaw requires that residential developments with over four dwelling units are subject to a development agreement in accordance with Policy RP-9 of the Municipal Planning Strategy (MPS). The following provides the MPS Policies relevant to this issue with staff comments.

### **Policy RP-9 Medium and High Density by Development Agreement**

*It shall be the intention of Council to ensure medium and high-density residential development occur in a manner compatible with a low-density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In negotiating such an agreement Council shall ensure that:*

- a) the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*
- b) the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*
- c) the location of the parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- d) any on site outdoor lighting does not negatively impact the surrounding properties;*
- e) any signage on the property is sympathetic to the surrounding residential properties;*
- f) vegetation is used to improve the aesthetic quality of the development;*
- g) the architecture of the building is sympathetic to any existing development in the surrounding area.*

Efforts to limit the impact of the proposed development on the surrounding neighbourhood include articulating the building at its mid-point, which reduces the morning shade that would otherwise be cast on the adjacent dwelling at 153 East Victoria Street. Additionally, along the west side, decks along the front half of the building are recessed into the building rather than protrude out from the main wall. The proposal also includes a hedge or vegetative buffer between the proposed building and 155 East Victoria. Privacy fencing would also be necessary around the property perimeter, at least where adjacent to the parking areas. These measures reduce or mitigate the impact on the adjacent dwelling at 153 East Victoria to some degree.

A total of 71 parking spaces are proposed, with 28 located underground with access onto East Victoria and 43 surface parking spaces with access from South Adelaide. A turn-in is provided along the North Adelaide frontage with direct access to the main entrance and three accessible parking spaces. At a ratio of 1.2 spaces/unit, the number of spaces is three short of the LUB standard of 1.25 spaces/ unit. The main surface parking area is located to the rear and interior of the lot as much as possible, and vegetation is proposed where possible to soften the impact of the parking areas.

Regarding sections 'd & e' above, outdoor lighting and signage is addressed in the draft development agreement.

The overall intent of RP-9 is to ensure that new high density residential development is compatible with a low-density residential neighbourhood. In this regard, staff do not feel the proposed number of units, along with the resulting height, bulk and scale of the building, is compatible with the surrounding residential neighbourhood. It is difficult to conclude that the proposal will not have a significant negative impact on the adjacent dwelling at 153 East Victoria in particular and the

surrounding area in general. For further context, there is approximately 15 feet of separation between the proposed building and 153 East Victoria. Staff identified a similar juxtaposition of a 6-storey building approximately 16 ft from a 2-story dwelling in Moncton, NB, as shown below. There are notable differences between the example below and the current proposal. The 2-storey dwelling in Moncton is setback further from the street than the apartment building, and the proposed building would actually be 7-storeys at the East Victoria frontage given that the parking garage level is at or just above street grade. However, even with these differences considered, staff feel the Moncton example illustrates the lack of separation between the buildings and gives a sense of the potential impact on the smaller building. It is important to note that both buildings in the Moncton example are owned by the same company.



With regard to subsection (g), staff are of the opinion that the proposed building architecture is not ‘sympathetic to existing development in the surrounding area’. As noted in the attached application briefing, built form in the area is characterized as a mixture of 2-3 storey single-family dwellings and converted dwellings with up to eight dwelling units. Other uses include a 2-storey seniors apartment building to the immediate south. Although the cladding of the proposed building does relate to other sandstone buildings for which many Amherst buildings are known, standing at 6-storeys and 25-30 feet from East Victoria, the building will dominate the streetscape and the 2-3 storey residential uses around it. The height and bulk of the building is not compatible with the built form of this neighbourhood that, while near the downtown commercial zone, is definitively residential.

The subject property is located on the first residential block northwest of the downtown core. Within approximately 70m (230 ft) exists Cumberland Manor, a 4-storey seniors apartment building on the same amount of land with ground-floor offices and 30-units on the upper floors. Beyond the obvious size differences, there are two important differences between the proposal and Cumberland Manor. Firstly, the bulk and height of Cumberland Manor is significantly less dominating due to the front yard setback being approximately 25m (82 ft). Secondly, Cumberland Manor is located in the Downtown Commercial Zone, which has a significantly different built form typical of a traditional downtown commercial area. The property at 155 East Victoria Street is not in this zone. If the proposed development was located one block to the west, the difference could be significant.

### **GP-7 Compatibility**

*It shall be the intention of Council to allow a mix of compatible land uses to minimize their impacts by:*

- (a) requiring adequate buffering and setbacks;*
- (b) screening development by the use of visual barriers; and,*
- (c) regulating the location of parking, storage buildings and other accessory uses or facilities.*

The matters noted in GP-7 are for the most part addressed in the discussion above regarding RP-9. The proposal does meet the minimum yard setback standards in the LUB. The building is setback as much as possible from the South Adelaide – East Victoria intersection, and the main surface parking area is located at the back corner of the lot. Fencing and a vegetative buffer is proposed to mitigate the lost by privacy the proposal. However, the question is whether or not the aforementioned measures reduce the impact on the neighbourhood to a sufficient degree to align with the intent of this policy.

### **GP-8 Density**

*It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.*

The ambiguity of this policy makes it difficult to apply it in an analysis of the proposed development. That being said, there are areas of town, such as the downtown core area district or perhaps the Highway Commercial area of town, where high density built to minimum setbacks is more appropriate than a relatively low-density residential neighbourhood such as the one where 155 East Victoria is located.

### **RP-8 Housing Mix**

*It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.*

The proposal would significantly increase the overall housing density in the area.

### **RP-10 Neighbourhood Stabilization**

*It shall be the intention of Council to provide for the stabilization of existing residential neighbourhoods by: (b) discouraging the encroachment of non-compatible land uses.*

The application is for a multi-unit residential development surrounded by other residential uses. When compared to an industrial use, it could be argued that the existing and proposed use is compatible. Where this policy may be more relevant is the extent to which the proposed development is so intense

as to be non-compatible with its surroundings. These factors have all been addressed to some degree by the applicant, but as outlined above, the number of units and resulting bulk, height and location of the building is arguably not compatible with its surroundings.

#### **RP-11 Affordable Housing**

*It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by: (a) encouraging a mix of housing types and densities;*

The proposal would significantly contribute to the ‘mix of housing types and increase the overall density in the area. Currently, the shortage of housing across the spectrum of housing types has had a significant negative impact on housing affordability. Additions of these multi-unit dwellings addresses this shortage and can potentially increase affordability.

#### **RP-12 Residential Area Design**

*It shall be the intention of Council to ensure that new residential areas:*

- a) provide for the efficient use of land;*
- b) provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;*
- c) incorporates a hierarchy of streets that efficiently and safely accommodates traffic flows and proper access to other areas of Town;*
- d) provides for the efficient and safe movement of pedestrians and cyclists;*
- e) minimizes adverse effects on the environment;*
- f) provides for parks and other community uses in safe and central locations.*

The proposal is an infill development, which speaks to the efficient use of land that does not require extension of existing town infrastructure. Vehicle and active transportation connectivity is relatively high. The development is within close walking distance to downtown, which reduces vehicle dependency.

#### **MS-4 Service Standards**

*It shall be the intention of Council to maintain a ‘Development Standards Bylaw’ in order to establish the required servicing standards for development within the town...*

Town engineering have indicated that existing service connections can accommodate the proposal. A standard development agreement would require the submission of a storm water drainage plan as part of the development. Principal requirements of the drainage plan will be to not increase runoff onto adjacent properties.

#### **MS-11 In-fill Development**

*It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.*

As previously stated, the proposal satisfies the above policy.

## **R-21 High Density Open Space**

*It shall be the intention of Council to require multiple unit residential properties to provide usable open space for use of residents on the site.*

Beyond the provision of individual balconies for each unit, the proposal provides limited usable open space at ground level.

### **A-5: Amendment Criteria**

*It shall be the intention of Council, when considering [...] entering into a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:*

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- (b) That the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Town to absorb any costs relating to the development;*
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;**
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) parking, traffic generation, access to and egress from the site;*
  - (iv) any other matter of planning concern outlined in this strategy.**

With regard to subsection (a), this report attempts to address all relevant policies of the MPS and other town Bylaws and regulations. Readers are reminded that although the Land Use Bylaw contains specific requirements with respect to development, the terms and conditions within a development agreement supersedes those LUB requirements. Regarding other town bylaws and regulations, the proposal would be in compliance where relevant.

In terms of subsection (b), there would be no significant burden on the town's finances. The street network and town water, sanitary and storm sewer services can accommodate the development. Given that there is currently no sidewalk along South Adelaide, it may be prudent in the future to install sidewalk that provides a pedestrian connection between East Victoria and Prince Arthur Streets.

With regard to subsection (c), parking and traffic generation is split between the underground and surface parking access points that spreads the traffic over separate street frontages. While there is expected to be an increase in traffic along South Adelaide, a significant share of trip generation will access East Victoria, which is an arterial street. Staff feel that street network can accommodate the increase in traffic. In consideration of the extent to which the proposal might conflict with any adjacent or nearby land uses by reason of its type of use, height, bulk and lot coverage, as discussed above in the RP-9 section of this report, these are factors with potential negative impacts that cannot be sufficiently mitigated with the current proposal.

**DISCUSSION and CONCLUSION:** There are many significant aspects of the proposal that could have a positive impact on the town. Amherst very much needs more residential development within close walking distance of the downtown core area to support downtown amenities and increase its vibrancy. More people living in and near downtowns results in increase activity during, but also outside, regular business hours. More activity in a downtown area often attracts even more people to spend their leisure time in the area, which further supports the case for other commercial and residential investment in this area.

Other positive elements include approximately 43 barrier-free units, electric vehicle charging stations, and building energy efficiencies that exceed Building Code standards. This development would cater to those looking for a living option with a relatively low carbon footprint that supports lower dependence on a personal vehicle.

Unfortunately, while this development might be suitable in the downtown core where the scale, lack of separation and overall built form is appropriate, the property on which it is proposed is outside the downtown in the General Residential Zone. The proposal does not fit in with the established character of the neighbourhood and is likely to have a significant negative impact on adjacent properties and the broader neighbourhood. As such, despite measures to mitigate the potential impacts, staff feel the proposed development is not in keeping with the general intent of key policies within the town's Municipal Planning Strategy.

At various points in the application process, staff have expressed their concerns with the scale of the development to the applicant. Following the public participation opportunity, staff provided the applicant an opportunity to make changes to the proposal. At that time there was an unwillingness to reduce the number of units being proposed.

**OPTIONS:**

Option One: Recommend that Council not enter into the Development Agreement for 155 East Victoria Street.

Option Two: Recommend that Council enter into the Development Agreement for 155 East Victoria Street, subject to any changes that may arise.

Option Three: Defer a recommendation to Council and request additional information from staff or the applicant.

**STAFF RECOMMENDATION: Option One.**

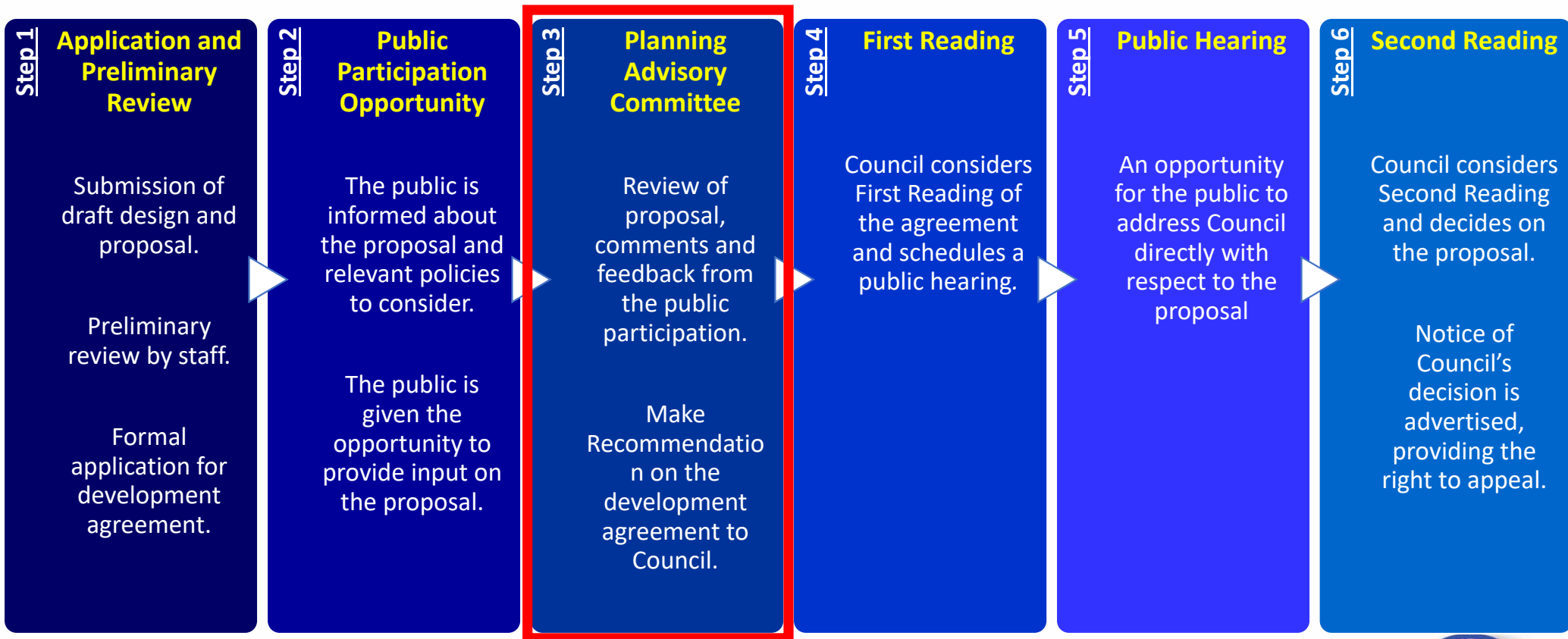
# Public Participation Opportunity

**Development Agreement Application to Permit a 59-Unit Apartment  
Building on 155 East Victoria Street**

**February 6, 2023**



# DEVELOPMENT AGREEMENT PROCESS



\*All meetings of the PAC and Council are open to the public.

#seewhyweloveit



# APPLICATION DETAILS

**Applicant:** Leslie Carrie

**Owner:** 3227967 Nova Scotia Limited

**Summary of Proposal:** A 59-unit, 6-level Apartment Building

**Location:** 155 Victoria Street (Lot 2005-1A, PID 25034091).

**Property Size:** 3587 m<sup>2</sup> (0.9 acres).

**Street Frontage:** 35m on Victoria Street, 73m on South Adelaide Street.

**Existing Land Use:** Vacant

**Existing Zoning:** General Residential



**The Amherst Land Use Bylaw and Municipal Planning Strategy require a development agreement for any proposed residential use for more than four dwelling units.**

*An apartment building means a building or part thereof, consisting of three or more dwelling units, excluding town houses (Land Use ByLaw, Town of Amherst).*



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# NEIGHBOURHOOD CONTEXT

- ❑ The **subject property** is a corner lot bounded by South Adelaide and Victoria East Street.
- ❑ Immediately surrounded by 1-3 storey single-detached and multi-unit converted dwellings.
- ❑ 2-storey seniors apartment building (Shiretown Manor) is located directly south of the property. A extended stay motel and a 4-storey senior's residence is located approximately 70m away.
- ❑ The subject property exists on the first residential block adjacent to the downtown core. Moving further northeast the neighborhood consists of several historically significant residential properties
- ❑ The downtown core area with a variety commercial uses and services is within a very short walking distance.



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# SITE PLAN

**General Description:** 4-storey, 59-unit apartment building

**Units:** 14 one-bedroom units, 45 two-bedroom units  
34 barrier free Units

**Ground Floor Common Area:** 934 sqft

**Building Footprint:** 1,094m<sup>2</sup> (11,771 sqft)

**Property Area:** 3,587m<sup>2</sup> (0.9 acre)

**Density:** 59 units/acre

**Parking:** 71 spaces (43 surface/28 underground)  
(1.2 spaces/unit). 9 EV chargers & Bike Storage

**Access:** East Victoria Street & South Adelaide Street.

**Building Lot Coverage:** 30 %

**Green Space:** 17%

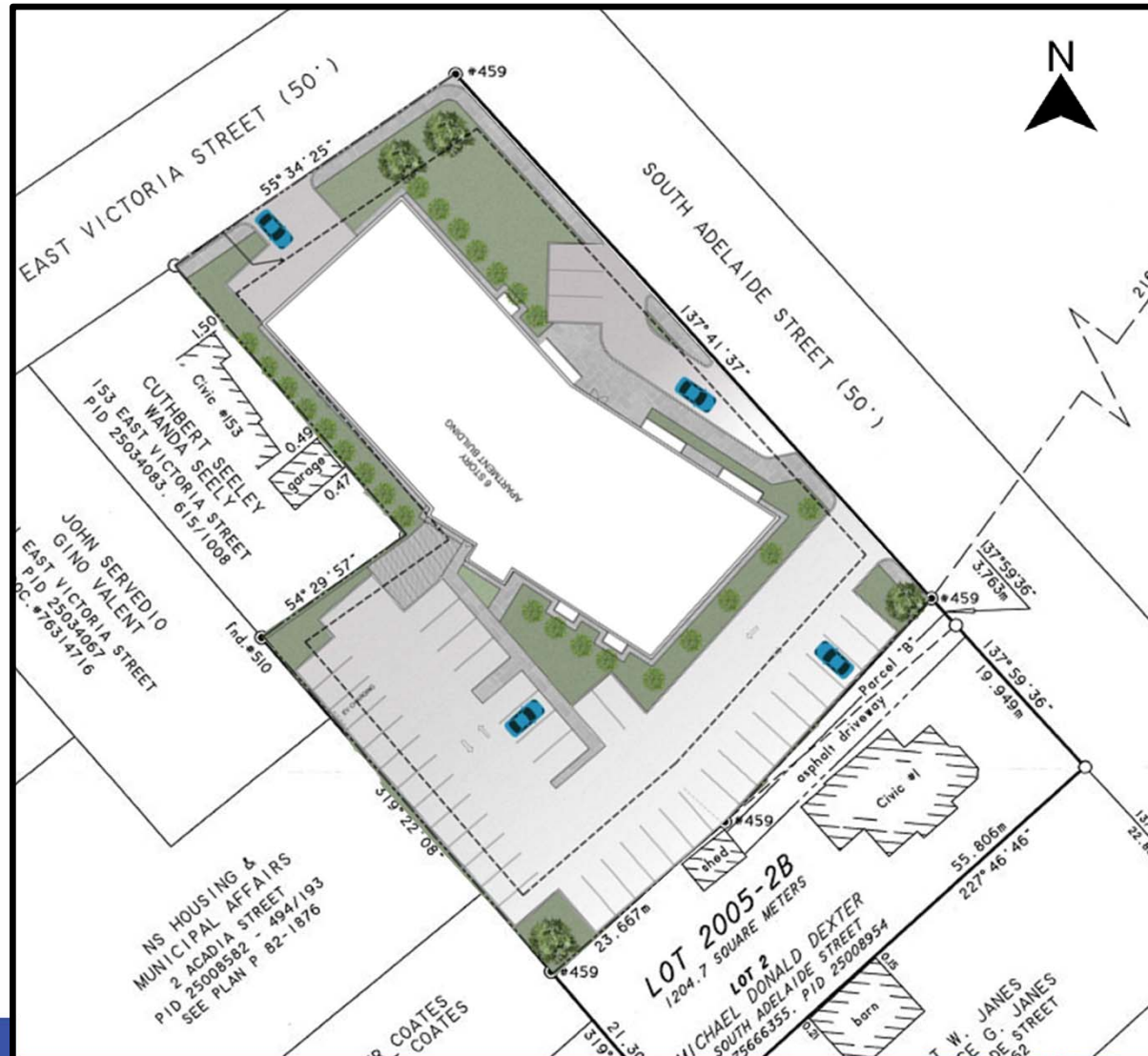
**Building Setbacks (approximate):**

Front Yard (Victoria): 7m (23 ft) at the closest point

Flank Yard (S. Adelaide): 6m (20ft) at the closest point

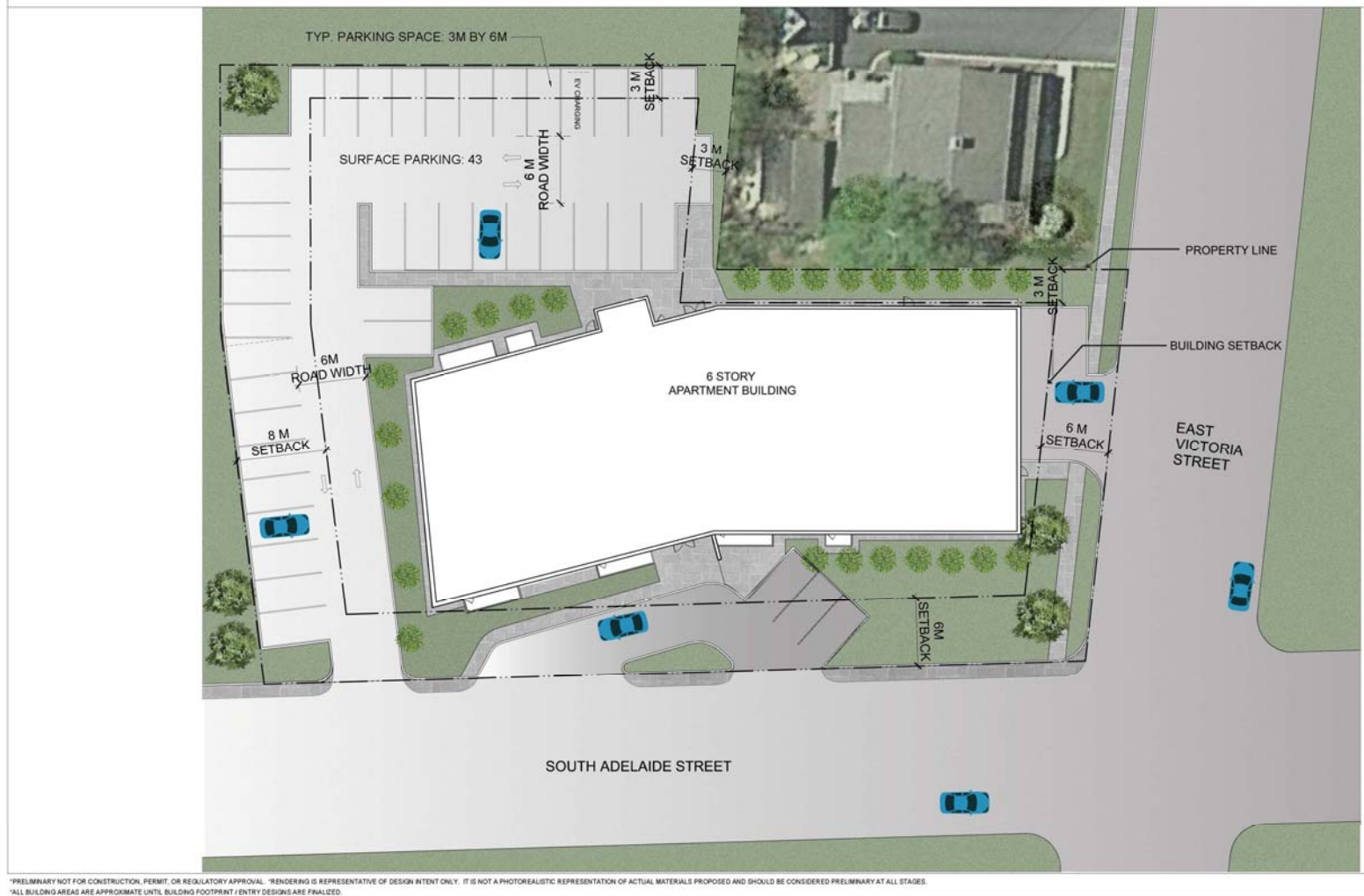
Side Yard: 3m (10ft)

Rear Yard: 16m (52ft)



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# SITE PLAN



\*PRELIMINARY NOT FOR CONSTRUCTION, PERMIT, OR REGULATORY APPROVAL. RENDERING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOREALISTIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.  
\*\*ALL BUILDING AREAS ARE APPROXIMATE UNTIL BUILDING FOOTPRINT / ENTRY DESIGN ARE FINALIZED.

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# BUILDING PERSPECTIVES



Proposed building view from the intersection between on South Adelaide and East Victoria Street

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Proposed building view from South Adelaide Street



# BUILDING PERSPECTIVES



Building view from East Victoria Street



Building view looking north from back corner



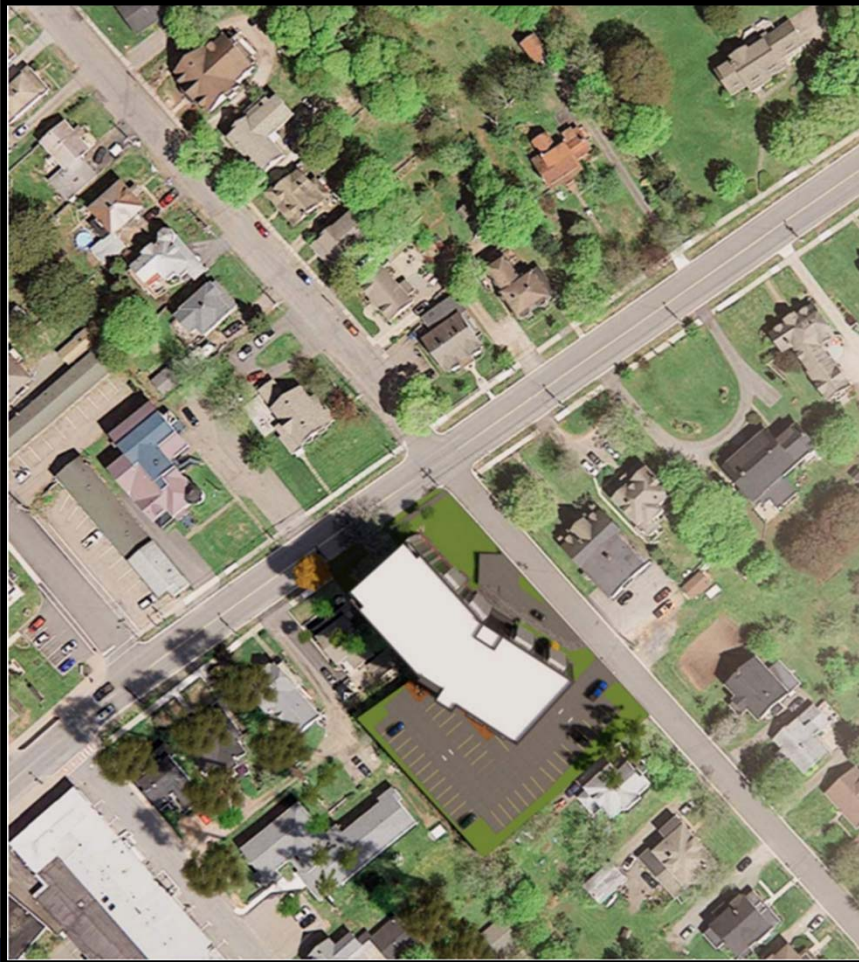
Main Entry off South Adelaide Street

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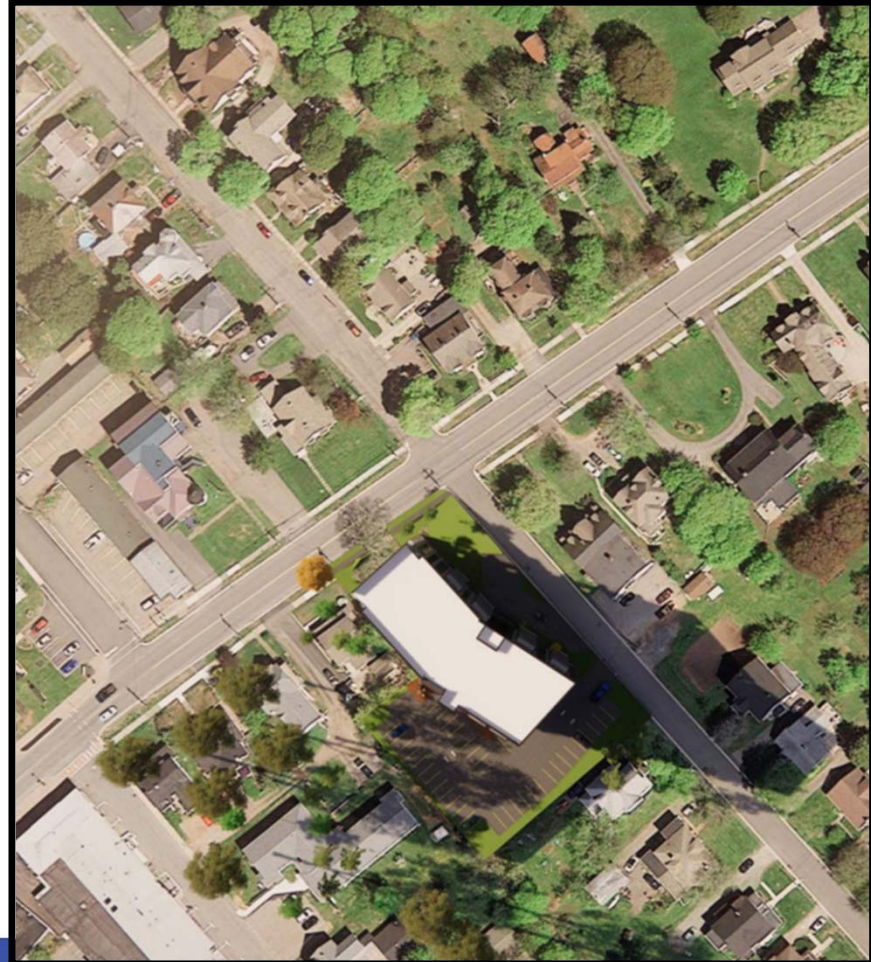


# Shade Analysis – Summer Solstice

10 AM



4PM



#seewhyweloveit



# Shade Analysis – Winter Solstice

10 AM



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4PM



# RELEVANT PLANNING BYLAWS AND POLICIES

## 1. Permitted Uses by Development Agreement (Land Use Bylaw Section 7.2.2)

In a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

- (e) Apartment buildings greater than 4 units in accordance with Policy RP-9 of the MPS.

## 2. Residential Policy on Medium and High Density by Development Agreement (Municipal Planning Strategy, RP-9)

It shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighborhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement.

In negotiating such an agreement Council shall ensure that:

- (a) ensure that the structure(s) is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;
- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;
- (f) require the use of vegetation to improve the aesthetic quality of the development;
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.

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# RELEVANT PLANNING BYLAWS AND POLICIES

## 3. Implementation Policy on Amendment Criteria (Municipal Planning Strategy, A-5)

It shall be the intention of Council, when [...] entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.
- (b) That the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Town to absorb any costs relating to the development;
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) parking, traffic generation, access to and egress from the site;
  - (iv) any other matter of planning concern outlined in this strategy.

# RELEVANT PLANNING BYLAWS AND POLICIES

## **4. General Land Use Policies on Compatibility (Municipal Planning Strategy, GP-7)**

It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

- (a) requiring adequate buffering and setbacks;
- (b) screening development by the use of visual barriers;
- (c) regulating the location of parking, storage buildings or other accessory uses or facilities.

## **5. General Land Use Policies on Density (Municipal Planning Strategy, GP-8)**

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

## **6. Residential Policy on Housing Mix (Municipal Planning Strategy, RP-8)**

It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.

## **7. Residential Policy on Affordable Housing (Municipal Planning Strategy, RP-11)**

It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential area of town by: (a) encouraging a mix of housing types and densities.

## **8. Municipal Service Policies on In-fill Development (Municipal Planning Strategy, MS-11)**

It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.

**#seewhyweloveit**



THANK YOU FOR YOUR ATTENTION

#seewhyweloveit



This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2023.

Between:

**3227967 NOVA SCOTIA LIMITED** (owner of property located at 155 Victoria Street, Amherst [PID 25034091], hereinafter called the "Owner"),

of the one part, and

**The Town of Amherst** (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to construct a 59-unit, 6-level apartment building at 155 Victoria Street, Amherst (PID 25034091).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_\_<sup>th</sup> Day of \_\_\_\_\_ 2023, approved the said Development Agreement, subject to the registered Owner of the Lands described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Property Location Map
- (c) Schedule 'C' – Site Plan
- (d) Schedule 'D' – Floor and Roof Plan
- (e) Schedule 'E' – Building Elevation
- (f) Schedule 'F' – Building Image

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Landss in the Town of Amherst, hereinafter called the "Landss". The aforesaid Landss is the only Landss in the Town of Amherst to which this Agreement applies, and the Lands is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct a maximum of a 59-unit, 6-level apartment building on the said Landss, subject to Schedules A, B, C, D, E and F attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property

(other than the Lands Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.

- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the Lands which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

**SIGNED, SEALED AND DELIVERED**

In the presence of

---

**THE TOWN OF AMHERST**

---

David Kogon MD, Mayor

---

Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER**

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Leslie Carrie

## Schedule A

## 155 Victoria Street Amherst

### Terms and Conditions:

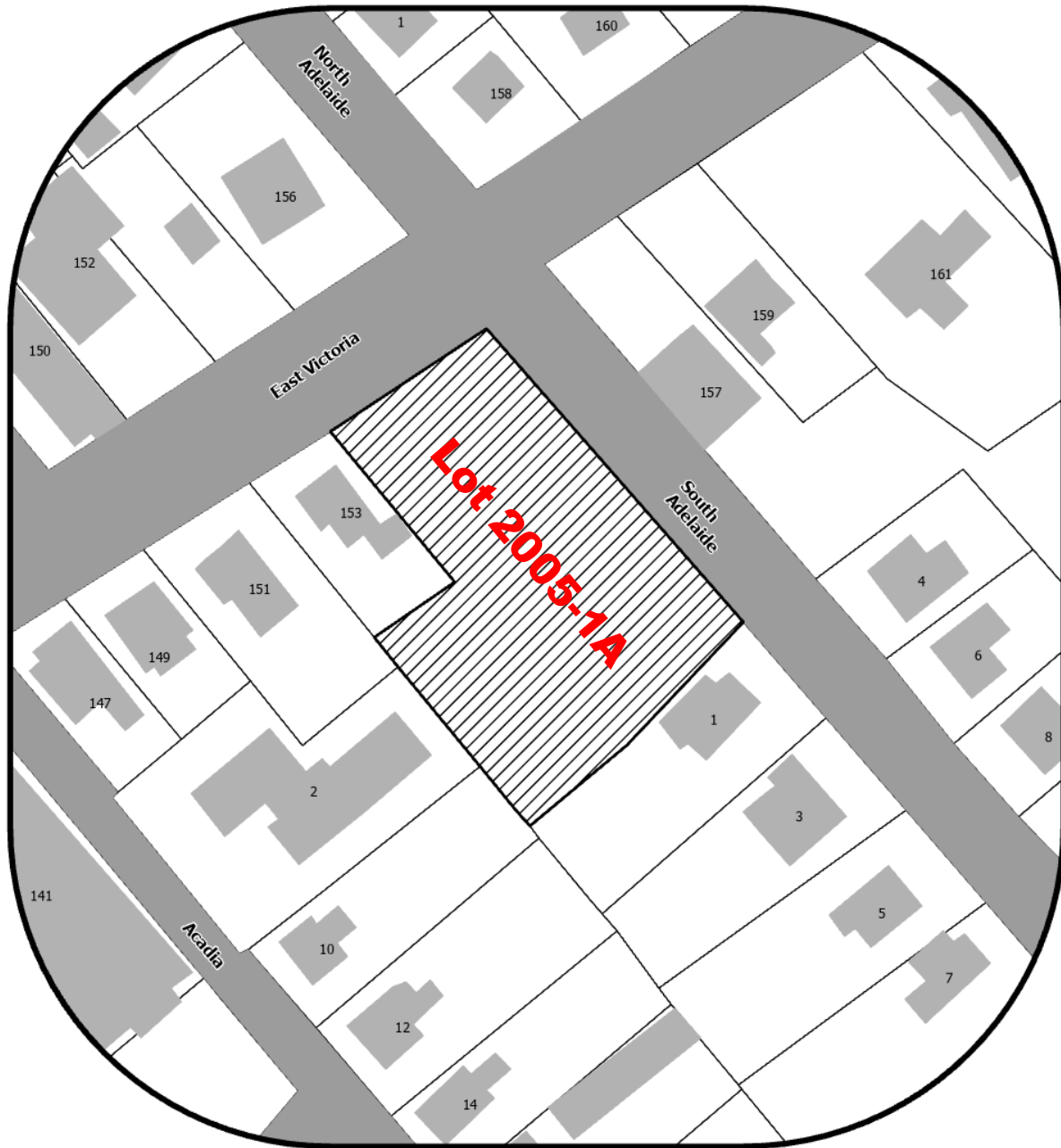
#### 1.0 USE OF LANDS AND BUILDINGS

- 1.1 The use of the properties shall be limited to residential uses within a maximum of a 59-unit, 6-level apartment building in the general location as shown on Schedule 'C'.
- 1.2 A minimum of 71 parking spaces shall be provided on the Lands and shall be generally configured as shown on Schedule 'C' and 'D'.
- 1.4 Accessory buildings may be permitted on the Lands in accordance with the *Town of Amherst Lands Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.5 The building shall generally conform to the designs shown on Schedule 'D', 'E' and 'F'. Variations to the architectural details and footprint of the dwellings may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.6 The Owner shall be responsible for Landscaping unpaved areas and maintenance on the Lands.
- 1.7 The Owner shall install an opaque privacy fence approximately two metres (2 m) in height along all property lines not fronting on a street.
- 1.8 The Owner shall be responsible for maintaining screened solid waste containment areas, generally in the locations shown on Schedule 'C'.
- 1.9 Paving of the driveways and parking areas shall be completed for the facility within six (6) months from the date an Occupancy Permit is issued.
- 1.10 The Owner shall provide an engineered stormwater management plans that applies to both the construction and operating periods, that maintains or reduces but shall not increase surface water runoff onto adjacent private properties.

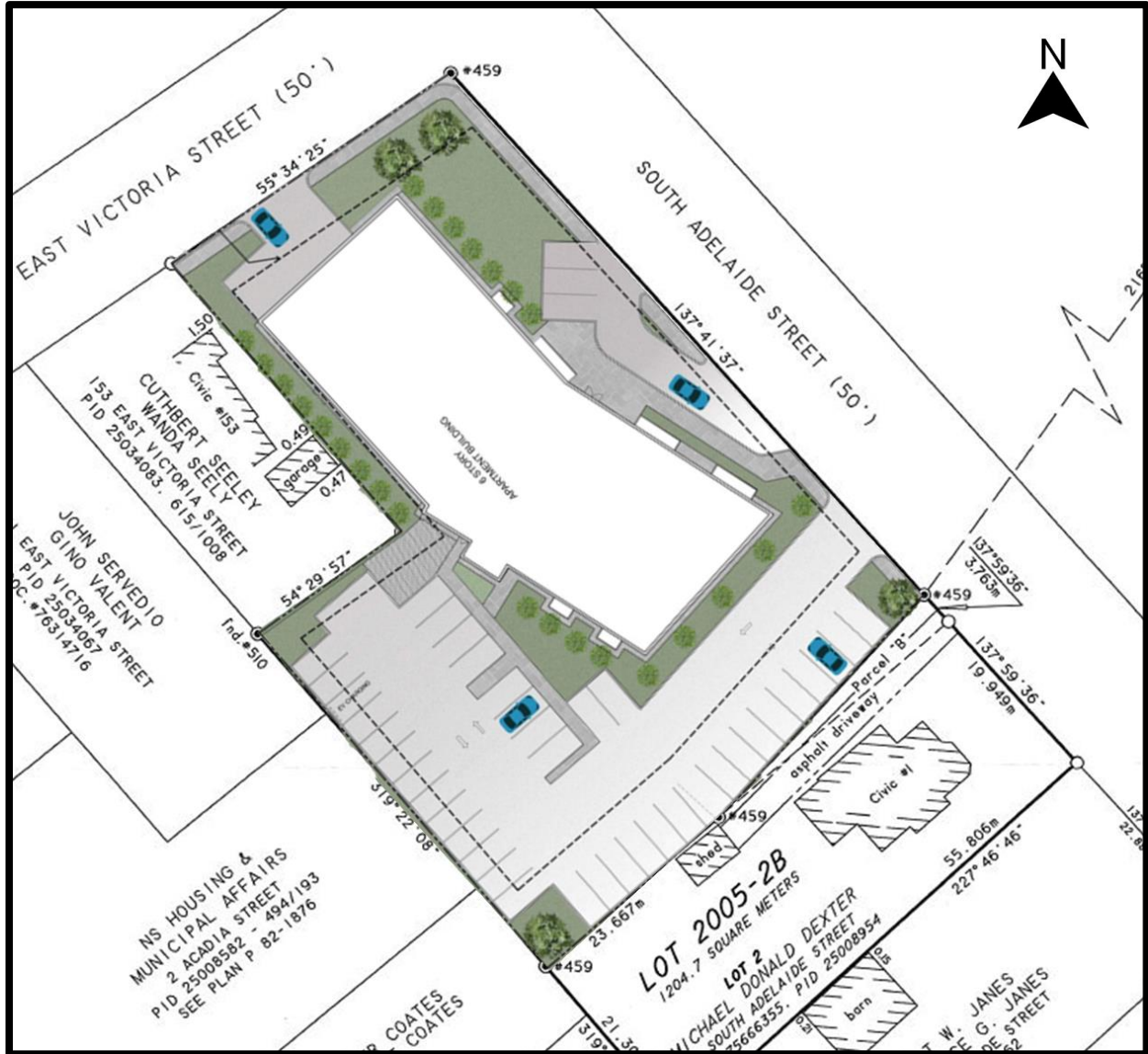
#### 2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Lands and building and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.4 The Owner shall be responsible for storm water management during and after construction.
- 2.5 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

# SCHEDULE 'B'



# SCHEDULE 'C'

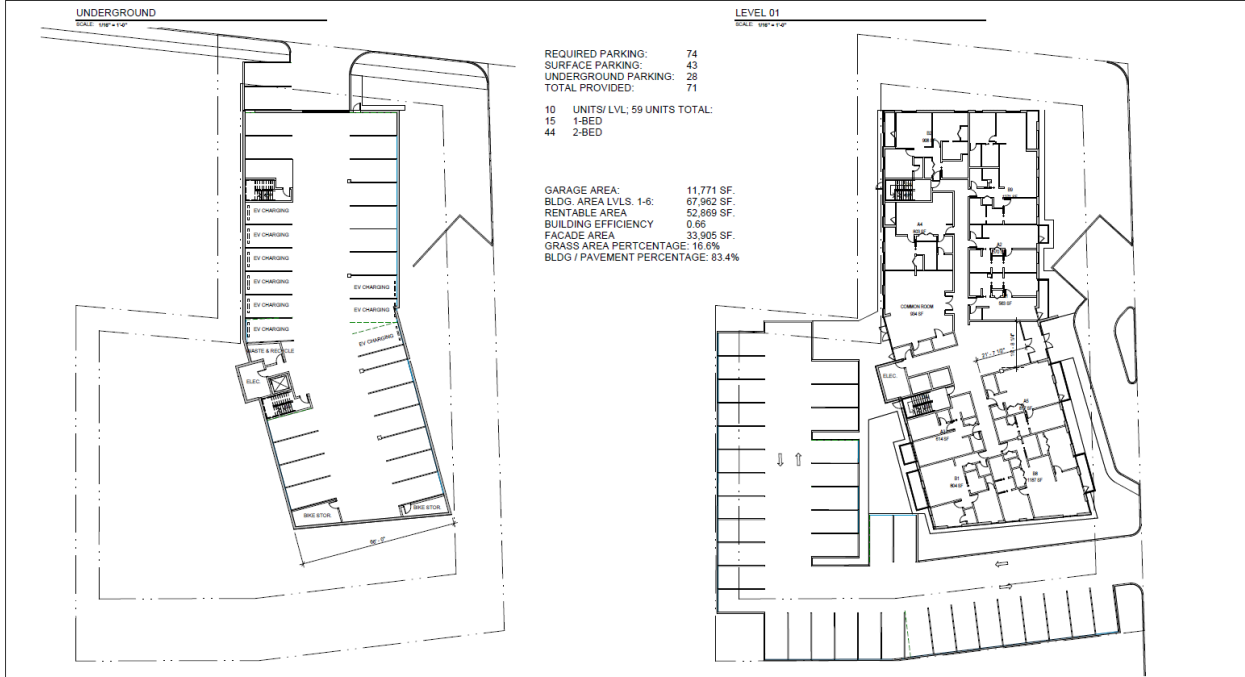




# SCHEDULE 'D'

## FLOOR PLANS 1

SCALE: 1/16" = 1'-0"



## FLOOR PLANS 2

SCALE: 1/16" = 1'-0"





# SCHEDULE 'E'



NORTH  
SCALE: 1/8" = 1'-0"



SOUTH  
SCALE: 1/8" = 1'-0"



EAST  
SCALE: 1/8" = 1'-0"



WEST  
SCALE: 1/8" = 1'-0"

**SCHEDULE 'F'**



**SCHEDULE 'F'**



**SCHEDULE 'F'**



## **155 East Victoria**

### **5 Development Goals:**

1. Add 59 Urban Style Apartments in Downtown Amherst
2. Build an Energy Efficient Structure that exceeds National Building Code Standards by 40%
3. Provide newcomers looking for work and locals Affordable, Accessible, “Age in Place” Housing that can attract residents to Amherst who want “carefree living” next to the downtown amenities.
4. Increase the number of households/people living within walking of the Downtown Area.
5. Encourage Revitalization of Downtown Amherst

Revitalization of the Downtown depends on attracting new residents living within walking distance of all the Shops, Offices, Banks, Churches, Restaurants, Library, Curling Rink and other Amenities.

Sustainable Revitalization of Downtown Amherst “Making Main Street“ has been a goal since buying this property in 2009.

I was a presenter at the 2009 Annual Spring Conference of the Nova Scotia Planning Directors Association.

The Presentation was about the role of planners in the economic development of downtown areas. Key components were how to create walkable street scapes and encourage new public investment in Urban Housing.

The streetscape has been done. Now we need to add housing.

Downtown Amherst, despite the Towns efforts, has been and is in decline. The only way to reverse this trend is to develop Quality Urban Style Multiple Unit Housing within walkable distance of existing amenities.

### **Responses to Concerns expressed at the Public Partition Opportunity**

1. Heavy traffic - our understanding is that the bulk of traffic generated by this development will be on East Victoria. Planning indicated that there is adequate capacity.
2. Safety - Sidewalks will be installed along South Adelaide to East Victoria.
3. Parking - Traffic control is incorporated onsite, including a drop-off lane at the front entry with 3 short term parking spots and lots of off-street visitor parking.
4. Adequate Municipal Services - The property was serviced to East Victoria when the Sewer and Water lines on East Victoria were upgraded.

5. Brook? - There is no information regarding a brook; however, when the Civil Engineering is done, this will be addressed if required. The parking garage floor is above the grade on East Victoria. There has been no current evidence of site run-off drainage for over the last 13 years. Site drainage will be addressed by the engineers.

6. Shadow Study - A more detailed Solstice Shadow Study has been submitted that shows the travel of the shadow at 8 am, 10 am, 12noon, 2pm, and 4 pm to estimate the period of time any property would be shadowed, as the sun travels east to west along the southern end of the property. Trees in the backyard of 153 East Victoria cause more shade than this building will. Shadows do not place properties in darkness. All things cast shadows that move in sequence with the sun and that is normal natural recurrence.

7. Architecture Compatibility - The presence of a building with newer architecture will not take away from other properties. This building will define the transition to downtown and provide a contrast to the existing Heritage Properties along East Victoria. This occurs in many cities, such as Fredericton, Moncton, Halifax and bigger cities like Montreal. These places are examples of how New Urban Apartment Housing that is blended in, brought new vitality to declining neighbourhoods.

There are already existing older non-heritage buildings mixed in down the street, that are not homogeneous in the existing streetscape.

8. More People - This project brings 59 households to the Downtown. Walking traffic will stimulate and support local businesses.

Growth in a community always increases the neighbourhood appeal and property values.

9. Ownership - The Developer has owned this property since 2009 and intends this to be a long term family based ownership.

10. Fire Protection Equipment - It is our understanding that the Town of Amherst just purchased a ladder truck that can reach a height of 6 storeys. The Town Council reasoning at the time of purchase was forward thinking, in anticipation of taller buildings.

11. Old Oak Tree - Landscape Planning will try to save the old oak tree along East Victoria, as we appreciate the value and time required to grow mature trees.

12. Load Bearing Capacity of Land - A Soils Engineering Report is required by lenders and will be prepared before the foundation is excavated.

13. Impact on Neighbouring Properties - The proposed building has been sighted to have the least possible impact on neighbours. The lot orientation is south at the end opposite from East Victoria. The neighbour on the west side of the building will have full sun in their backyard most of the day. The setback on the western side of the property is within Town of Amherst Land Use Bylaws, Bylaw P-2.

14. Privacy - Balconies along the west side of the building are inset to provide as much privacy as possible. Fences, hedges and trees will be used to mitigate any aesthetic impacts.

15. Water Run-off on adjacent properties - Surface Water will be managed on-site including catch basins in the parking lot.

16. Outdoor Lighting - All lighting for parking areas and walks will be directed away from adjoining properties and any adjacent street as required by the planning bylaws.

17. Insurance - Builders All-Risk Insurance will cover any possible events during construction of this project.

### **Building Features:**

This building will be the Most Energy Efficient Apartment Building in Amherst.

Elements include the Use of Solar Energy and Insulated Wall Panel construction that will exceed National Building Code Standards by more than 40%.

The concrete shell will provide a clean, easily maintained structure that will maintain indoor temperatures which will be economical to heat and cool.

Integrated Heat pumps will provide both heating and cooling to each unit (No Pump Condensers on the balconies).

The building will be professionally landscaped with green space, trees and hedges.

Curb appeal will be meticulously maintained to make this a home anyone would be proud of.

Floor Plans are a mix of 1 and 2 bedroom apartment suites.

The prospective tenants for this "fully accessible" property will be seniors who wish to retire in Amherst to "Age In Place" with the convenience of a modern home . Also, new people coming to Amherst for work who want housing similar to apartments where they came from. We have a letter from a previous resident of Amherst, who had to leave Amherst to find suitable "independent accessible" housing.

There will be a number of 1 bedroom units that meet CMHC Affordability Guidelines.

The finish and quality of the apartments and building will set a high standard.

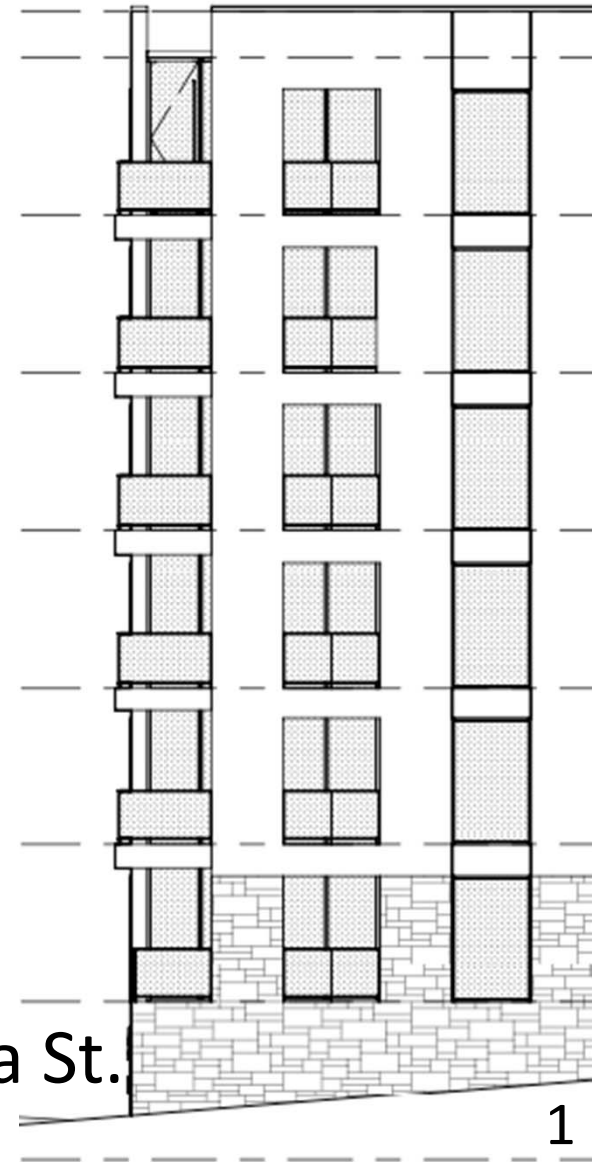
- The Foyer Entrance has a secure electronic lock system and resident call board to gain entry.
- Two elevators service the building.
- There is an accessible ground floor Community Room for the Residents to gather.
- There is an Indoor Waste Management Room in the Garage (no outside waste storage).
- There are 31 Garage Bays, some with Electric Vehicle Charging Stations.

This convenient Downtown location will draw residents to this wonderful, safe, neighbourhood to live close to major amenities and services.

*Amherst needs to provide a wider range and selection of housing. This site is a "walkable" location that can bring active residents to downtown streets, to help reverse the Main Street decline and Revitalize Downtown.*

WELCOME  
To

155 East Victoria St.



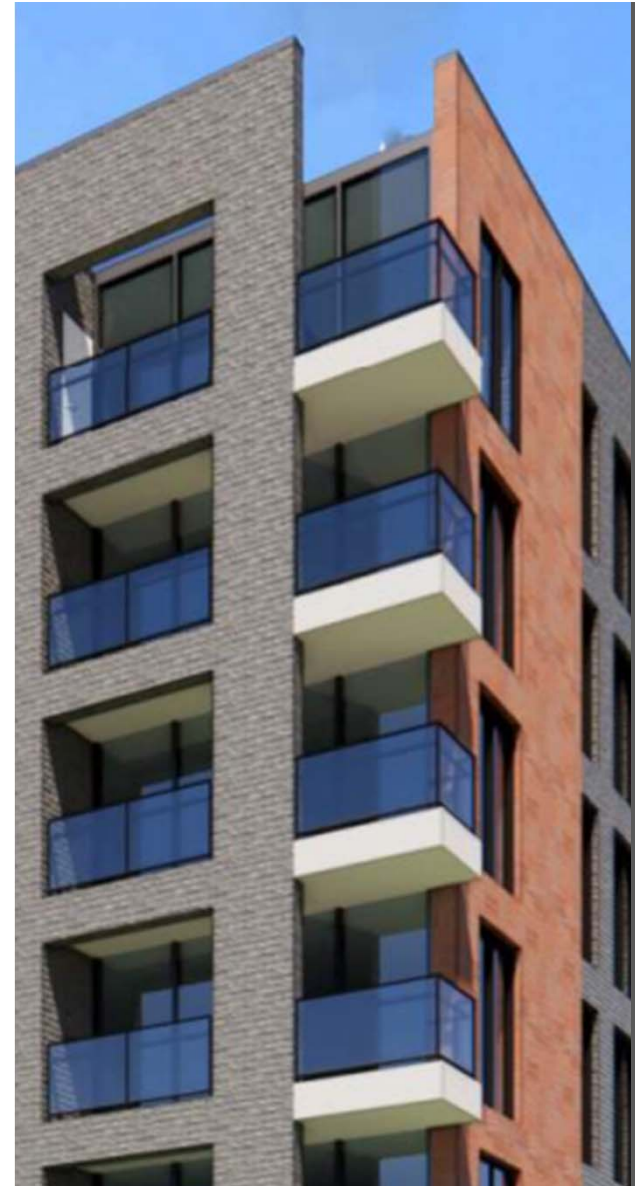
# The Team

- Les Carrie, Developer & Owner
- Doug Blackmore, Owner
- Bruce Walck, Architect  
Powers Brown Architects
- Brian Farrow, General  
Maritech Construction Inc.  
Amherst
- Casey Concrete, Amherst  
Concrete Products



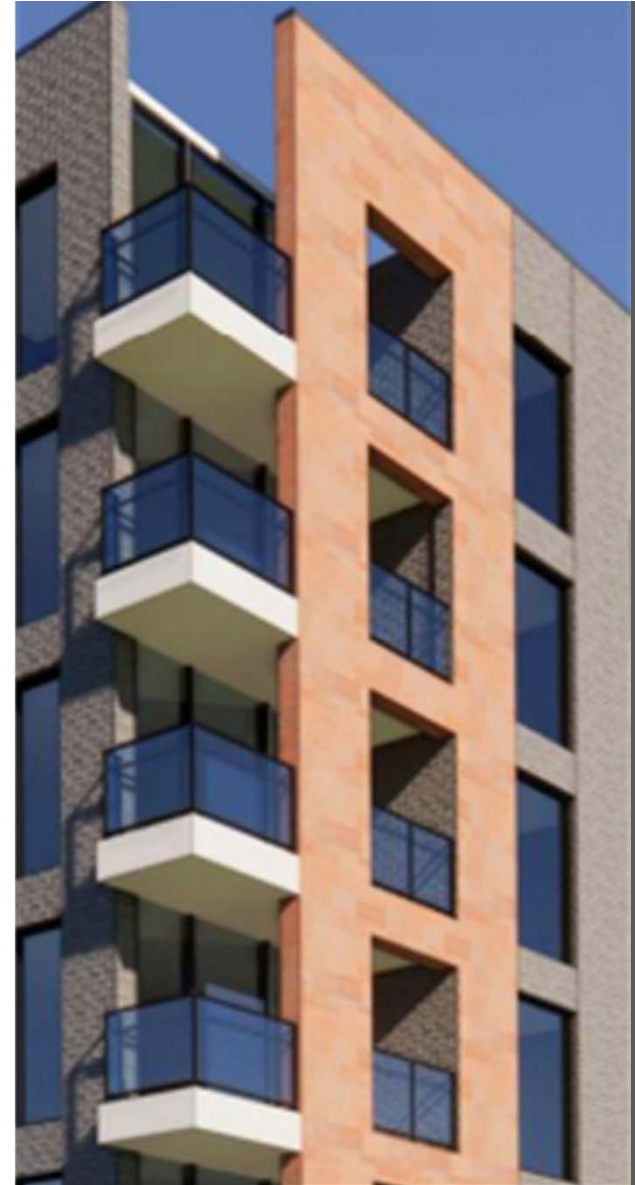
# Growth In Amherst

- Amherst Housing Crisis
- 86% of Towns Residents are Renters (Stats Can. 2021)
- Lack of modern rental apartments
- Need modern urban apartments
- RP-9 Medium to High Density by Development Agreement.
- Amherst Municipal Planning Strategy / develop areas with existing Services



# Collaborative Partnerships

- National Housing Strategy
- Rental Construction Initiative
- Energy Grant
- Solar Program



3.5

# South Adelaide side and the Secure Lobby Entry



# East Victoria Front Corner with garage driveway and Drop-off at Lobby



# View approaching from Downtown



# Site Plan with Parking







# Floor Plans

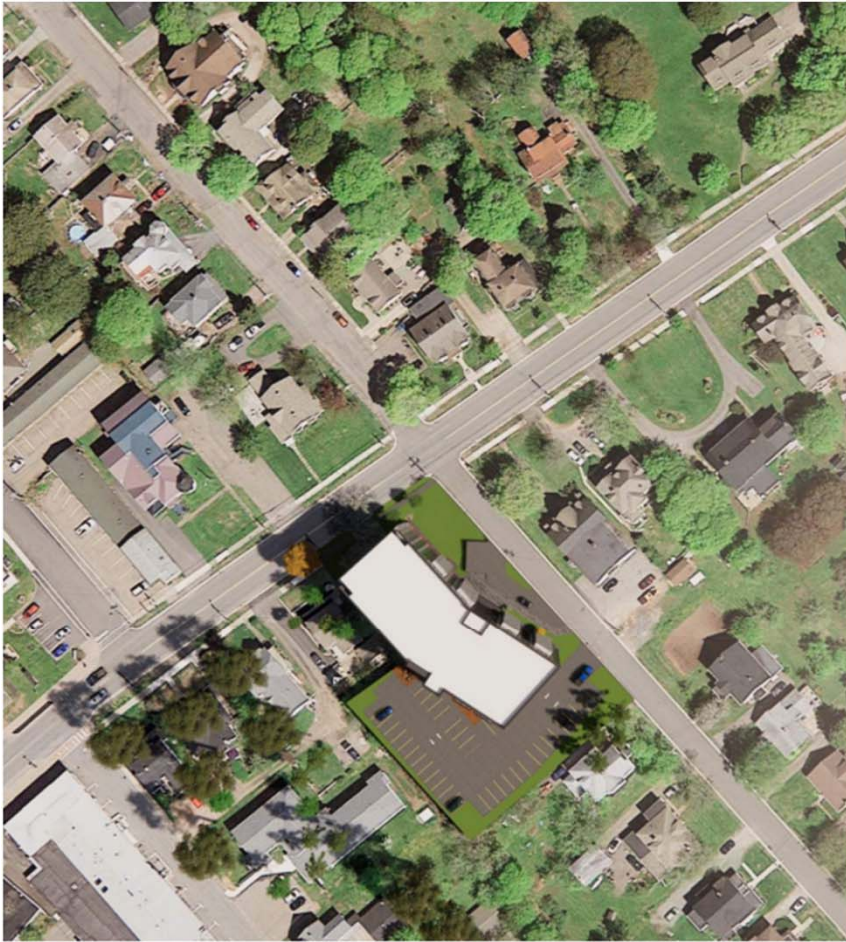


# Energy Efficient Design

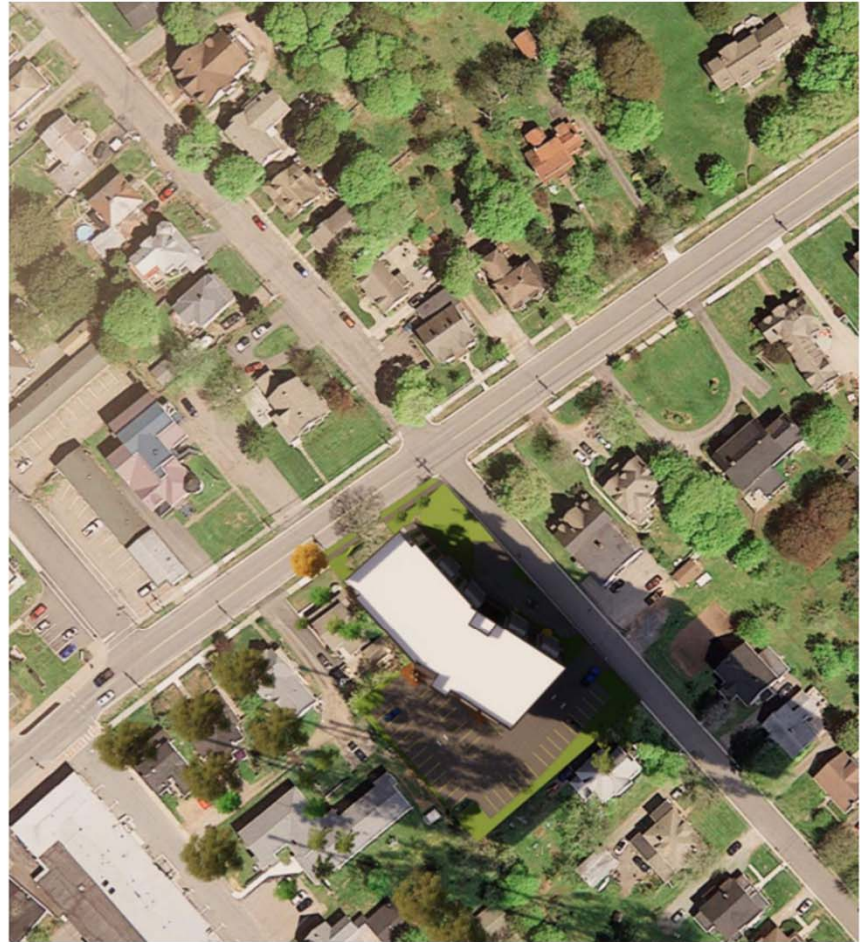
- Tilt-up Concrete Wall Panel Profile
- R32 Insulation
- 40% more efficient



# Summer Solstice Study



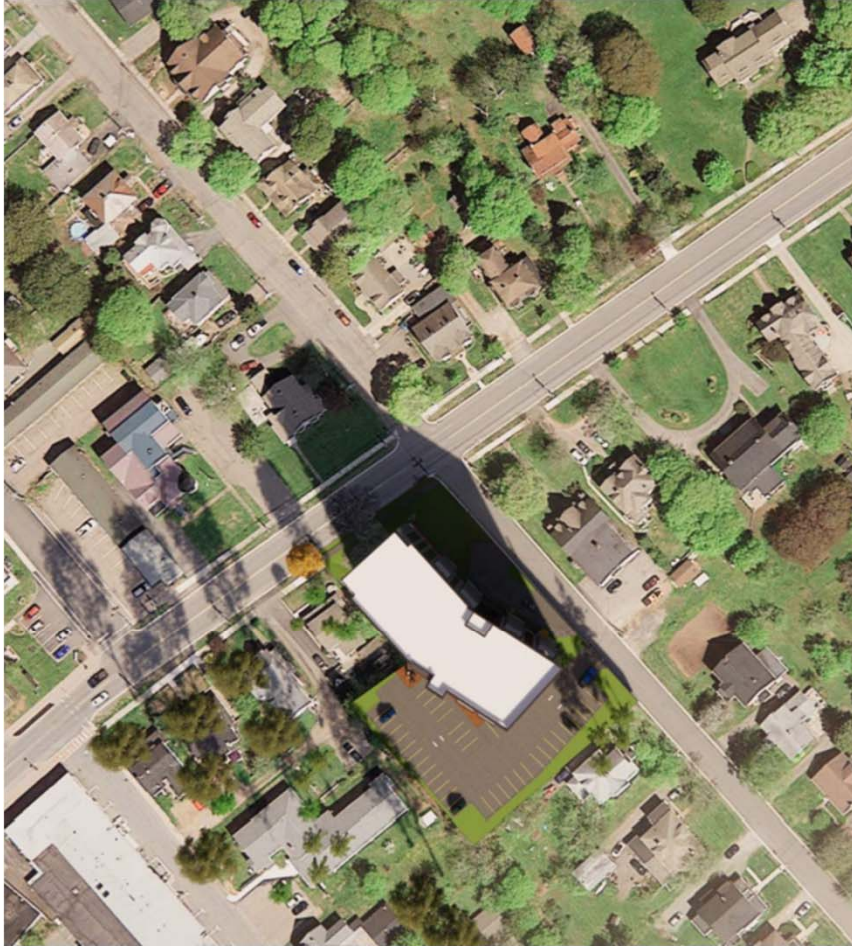
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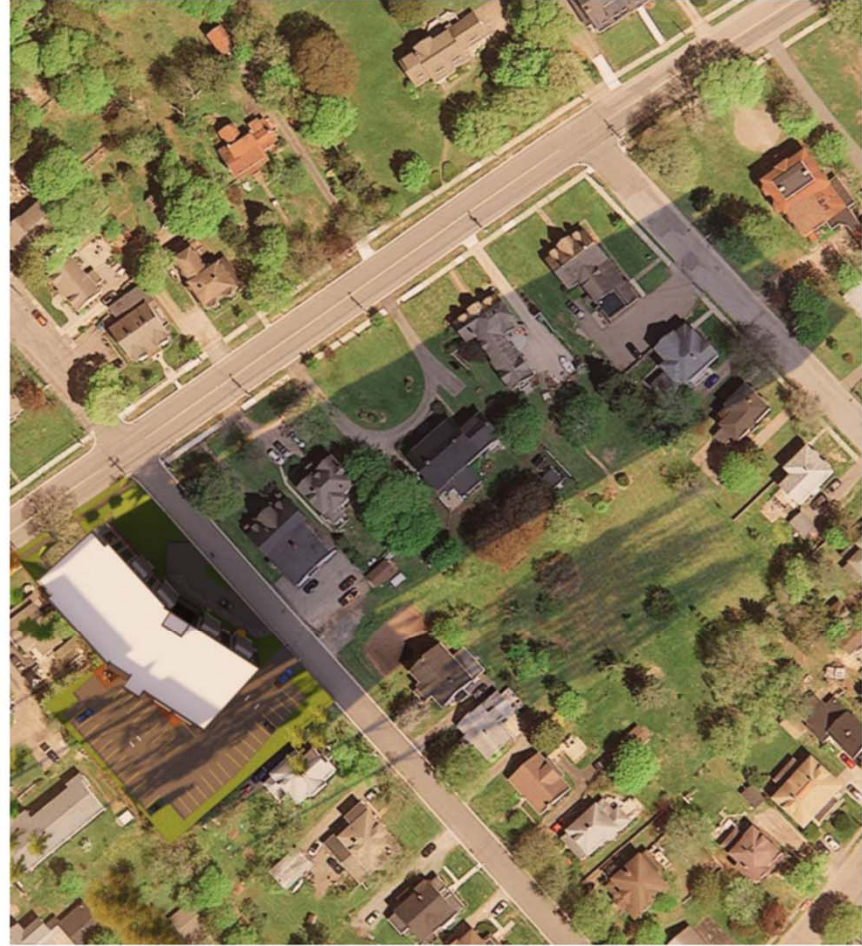
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# Winter Solstice Study



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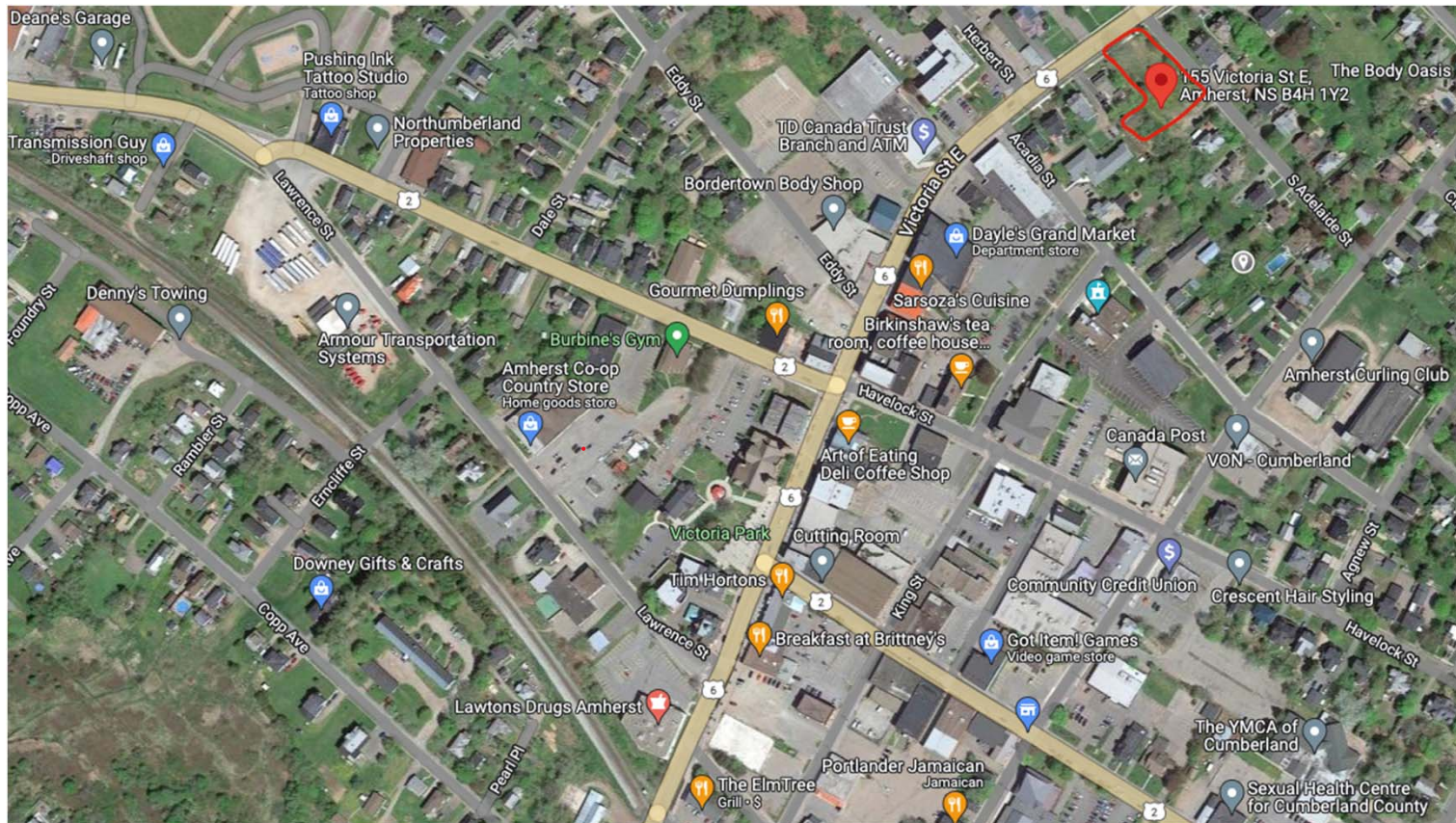


# Downtown Amherst Streetscape



Residential Activity to Revitalize Downtown

# Location Map of Amherst Downtown



Just 1 block from Downtown

# Thank You

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Email – [155eastvictoria@gmail.com](mailto:155eastvictoria@gmail.com)

**Town of Amherst  
Public Participation Opportunity  
Minutes**

**Date:** January 18, 2023  
**Time:** 5:00 pm  
**Location:** Council Chambers, Town Hall

**Council/Planning  
Advisory Committee  
Members Present** Deputy Mayor Leon Landry  
Councillor Hal Davidson  
Councillor Dale Fawthrop  
PAC Chair/ Citizen Representative Ronald Wilson  
PAC Citizen Representative Larry Pardy  
PAC Citizen Representative Creighton McCarthy

**Staff Present** Jason MacDonald, Chief Administrative Officer (zoom)  
Andrew Fisher, Director of Planning & Strategic Initiatives  
Abiola Falaye, Land Use Planner/GIS Coordinator  
Marc Buske, Building Official  
Natalie LeBlanc, Deputy Clerk  
Emily Wainwright, Dangerous/Unightly Premises Administrator (zoom)  
Cindy Brown, Administrative Assistant

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**1. 3, 4, 5, 7 Robie Street Development Agreement Application**

**1.1 Staff Reports / Presentations**

Abiola Falaye presented the proposal for a development agreement application by Hicks Lemoine Law Office to change an existing non-conforming use to another non-conforming use, including the renovation of the existing community hall and change its use to a commercial office space.

Dave McNairn from Hicks Lemoine Law Office explained his application in more detail.

**1.2 Public Participation Opportunity**

**Ed Childs** wanted to know why more information was not presented upfront with the mail outs to the residents. He then realized he was commenting on the wrong development.

**Vanessa Knock** was concerned about parking for the funeral home. Dave McNairn assured that Hicks Lemoine Law will work with the funeral home to accommodate parking if/when they can.

**2. 264 Church Street Development Agreement Application**

**2.1 Staff Reports / Presentations**

Andrew Fisher presented the proposal for a development agreement application to permit the construction of a 96-bed long term care facility.

Jennifer Tsang with Sunrose Land Use Consulting representing Gem Health Care Group explained the application in more detail.

**2.2 Public Participation Opportunity**

**Andres Saad** wanted to know what will happen with the current Gables Lodge facility that this development will be replacing.

### 3. 155 East Victoria Street Development Agreement Application

#### 3.1 Staff Reports / Presentations

Andrew Fisher presented the development agreement application, explaining that the applicant, Leslie Carrie, is proposing to construct a 59-unit, 6-level apartment building.

#### 3.2 Public Participation Opportunity

**Kathy Wells**, a resident at 9 South Adelaide Street noted that she understands the need for housing and growth, having lived in the Town of Amherst for about five years. However, she feels that the proposed development is not befitting within the Heritage area of the Town considering its size and facade. She has concerns about the potential negative impacts this project may pose on the surrounding properties, including parking, access to egress for possibly more than eighty vehicles, and environmental impacts that may result from the loss of trees and other vegetation on the subject site.

Furthermore, Kathy wants to know if consideration has been given to the following issues:

- The potential traffic increase on South Adelaide as there are currently no sidewalks.
- The safety of children who usually play street hockey in the neighborhood.
- The capability of existing Town infrastructure and services, particularly solid waste collection system, to meet the demand of the additional population that the proposed development will bring into the Town.

Besides, the concerned resident called the attention of the staff to a brook that currently runs behind South Adelaide and Acadia Street. She explained that the underground parking lot that is included in the proposal will not allow for proper drainage of the creeks surrounding the subject site. She also noted that images presented were not sufficient in describing how the shadow of the building will look like or feel like. Hence, she requested that a more detailed shadow study. be submitted.

Lastly, Kathy reiterated that she wants the historical/heritage feeling within the area to be preserved and followed this up with the submission of a letter containing the details of all her concerns regarding the proposal to Andrew Fisher at the end of the meeting.

**Maria Smith**, a resident at 12 South Adelaide Street explained that she understands the needs for housing/development but wants one that compliments the area. She feels this development will forever change the density and character of the neighborhood and she is worried that the owner may flip the property later for the capital upswing in real estate investment trust. She then asked if a traffic impact and environmental impact study has been done for the proposed development and made available to the public.

Maria also wants to know:

- if the Town Fire Department can deal with a fire incidence in a building of this height?
- the impact of the proposal on existing Town infrastructure and if this information is available to the public.
- if the proposed development will have an impact to the local environment including the destruction of an over 150-year-old oak tree on the property.
- if there an engineering report from the Town of Amherst and available to the public?
- if a feasibility study been completed and made available to the public?
- why the application is being considered since the proposed development does not fit the existing land use bylaw?

She later expressed concerns about the impact the proposed development would have on the value of other properties in its surrounding, including the 150-year-old Oak tree that may be lost to the development, and suggested that the proposed development should be built somewhere else or reduced in scale.

Maria submitted a letter detailing her concerns to Andrew at the end of the meeting.

**Ed Childs** agrees with the previous speakers. He feels there are better places to build an apartment building. He had questions about the development agreement process. He is also not sure about the shadow study as it does not cover the shade coming from the north.

**Leslie Childs** a member of the Amherst Area Heritage Trust explained that the proposed development will eclipse many over 150 years old heritage buildings that gives Amherst its unique identity and fascinate visitors and tourists in Amherst. She feels this is not the time and place for a building of this size because there is a need to maintain the historic architecture in the area.

Leslie wrote a letter to be submitted to Andrew Fisher at the end of the meeting.

**Patricia Wright** lives 1.5 meters from the development at 153 East Victoria Street. She is worried about the shadow the proposed building will cast on her property all day long, intrusion on her privacy due to the numerous balconies, proximity and building height, the noise and light rays that will result from the parking lot which is directly on her backyard, and the impact of the proposed construction on the foundation of her building.

She is also concerned about losing the vista she currently enjoys from her property, and the potential depreciation of her property value due to the dominating development that is being proposed next door. Additionally, she is distressed over the noise and dust that will be generated during the construction stage, and the possibility of melting snow flooding her yard. She also said she wants the applicant to provide insurance coverage for her to cover the cost of possible accident or property damage during the construction.

She then expressed her disappointment in the application being considered, explaining that she had only bought her home recently and this proposed development will cause a significant reduction to her lifelong investment.

Pat wrote a letter to be submitted to Andrew Fisher at the end of the meeting.

**Charla MacPhee**, lives on 1 South Adelaide Street. She is concerned about the vehicles, noise, dirt, and shadow the building will pose. She said she will vacate her property if the proposed development is approved because her dream is not to have a home next to a massive building like the one being considered. She feels the subject lot is not big enough for the scale of development that is being proposed and that such developments are more appropriate in cities instead of a town like ours. Other concerns she highlighted include the safety of children in the neighborhood considering the absence of sidewalks on South Adelaide Street and the fact that if any other home in that area is lost due to a fire or any other event, a similar type of development may be considered as replacement. She therefore feels that if the Town permits this proposal, it will set a bad precedent for would be future developers in the town.

Charla wrote a letter to be submitted to Andrew Fisher at the end of the meeting.

**Bob Janes** who live on 3 South Adelaide Street, explained how he develop interest in the Town of Amherst and finally choose to settle here. He then proceeds to condemn the proposal and express his total dissatisfaction. Some of the issues he raised pertains to the size and location of the subject site, and he feels the development will not in anyway enhance the downtown and surrounding area. He described the proposal as a postage stamp that will not do anyone any favor, but rather encourage similar developments in that neighborhood. He urged the council to put themselves in the residents' shoes and stand up for them. He reiterated that it is the responsibility of the Council to be on the side of the community and that if this goes through, something similar may be proposed for the vacant Walter Wells lot on the corner of East Victoria Street and Lamy Street.

**Vanessa Knock** who lives on Church Street explained that she moved to Amherst from the UNESCO Town of Lunenburg. She said the developer should have paid attention to the existing streetscape and at least made the design look like it ought to be there. She referenced a recent proposal that was denied by the Council in the Town of Lunenburg because the architectural design was considered a misfit in the surrounding area. Besides the architectural outlook of the proposed building, she is worried about the mental health impact of the shadow from the building on its neighbors; having suffered from depression due a similar factor herself. She proceeded by saying, although she had approached some Town Councillors in the past and advised them to encourage upscaling some existing fourplex housing units in the Town to ensure maximum utilization of the limited Town land, she feels a 6-storey building in this location is too big and ridiculous. Also, despite the need for more affordable housing and increased revenue for the Town, she advised the decision makers to consider the adequacy of provisions for garbage collection and parking especially on special occasions when there could be increasing number of visitors on the site. She further stated that the average salary in Amherst is 30,000 – 35,000 and 50,000 – 55,000 in the rest of Nova Scotia, hence, it is important to note that a \$1,200 rental apartment cannot be considered affordable in Amherst. She then added that while the proposed building will be a great development for somewhere else, it is too big for the lot on 155 East Victoria Street, and it will be sending a negative message to the residents if approved by the Council. She concluded that despite not living within proximity to the proposed development, she is standing in solidarity with the concerned neighbors and advised the Council to respect the neighbouring residents in taking a decision on the application.

**John Servedio** said he lives next door to Patricia Wright at 151 East Victoria Street and will be the second most affected person. While acknowledging the property owner's right and dissociating his emotions from the discourse, he pointed out that location of the subject site is the beginning of the prestige Victorian residential housing area. His main concerns include the potential increase in traffic, shade, and parking. He therefore suggests that the development be scaled down. John then referred to the previous proposal for that lot (condo), and that it was approved, however, the owner could not sell them.

**Jack Wood** owns the property adjacent to the proposed development at 157 East Victoria. He said that his building has the same size lot and only has eight units. He is worried his tenants will have a loss of privacy. He agrees with the previous speakers and does not support this development.

**Ondrej Saar**, while speaking on behalf of Gordon Foster who lives on 14 Acadia Street explained that he is worried about the traffic, duration of and disruption due to the construction. Other questions he put forward include if this building will be converted to condos in the future and guarantees that the apartments will not be converted to something

else or sold to someone else. He feels there are better areas for a building of this size and cited some examples. He said one could argue that the lot is in the downtown zone but feels the need to preserve the existing Victorian architecture in the area by providing a better transition from downtown to the heritage area, instead of the “big box” that is being proposed.

**Jeff (did not come to the podium)**, feels that the property owner should have talked to the surrounding residents first before this process to see what they would want built there.

**Gayle Janes** lives on 3 South Adelaide Street. She indicated that if the potential tenants of this building will include families with children, then Spring Street Academy that happens to be the closest school will not be able to accommodate them because this facility is already overcapacity. Additionally, there are no sidewalks on South Adelaide and she is worried about pedestrians with the increase of traffic, and the children who will and always have played on this street.

**Patricia Wright** of 153 East Victoria Street added that she would not have bought her house if she knew about this development and feels she would not be able to sell it if the proposal is approved.

**John Servedio**, 151 East Victoria Street, said the condo development from previous attempt had fewer units. He feels an owner-occupied development would be better. Spoke to government funding for this development, which indicated affordable housing that could be a free for all.

**Isabel Kline** said she is a long-term resident at 7 South Adelaide Street, and has always lived and operated a business in the Town of Amherst. She wants the development to be scaled down to probably a 2-storey building because she feels the proposal goes way beyond what should be permitted there. She is averse to what is being proposed and would prefer a two-story on the subject site. She is also concerned about the big stream/pond that is underground and not sure how a building of that size can be built over that.

**Ondrej Saar** said his mother who lives at 2 Clarence Street also confirmed the existence of a stream that runs all along through to the subject property, hence, he is concerned about the impact of the proposed development on drainage in the area.

**Charla MacPhee**, 1 South Adelaide, added that in the face of transparency, she is worried that Councillor Landry may be biased as he once mentioned during an informal interaction that he is pro-development. She said although she is not sure if he is referring to this proposal or development in general, she wants him to excuse himself from the committee who will decide on this proposal.

**Nancy Allen** owns the Bed and Breakfast at 158 East Victoria Street directly across from the proposed development. She said they have been considering installing solar panels and going green with their home, but now feels the shadow this development will pose if approved will obstruct this. She added that the property on 158 East Victoria Street which was built in 1904 has been home for her family since 1954. She added that they have welcomed a lot of guests from all over the world and they all alluded to the fact that the beautiful homes on East Victoria Street distinguishes Amherst from other places in the world. She also expressed concerns about the oak tree on the subject property, stating that her husband’s family were part of the builders of these large heritage homes, and it would be a shame to see this constructed here. She wants to see the town develop in the right

way and not throw the baby out with the bath water, which she said will be the case if the proposal is approved.

**Jim Furlong**, General Manager at Casey Reality, a property management company in Amherst, said he did not intend to speak, but there is a need for at least 250 - 400 housing units to keep up with current demand. He explained that he receives numerous calls from all over the world from people wanting to take jobs in Amherst but there is no housing. He said some people are even living in their cars. He explained that he has been building businesses in communities all over the world for over 30 years and wants to bring a business to Amherst but had to find a different location due to lack of housing for the employees. He therefore encouraged Amherstonians to keep an open mind to development, however, it must be the right application, at the right time and right place. By so doing, he believes Amherst would be able to overcome the underdevelopment it had been experiencing for over 100 years.

**Shelia Graham** has lived on Rupert Street for the last 18 years. She said she moved here specifically because of her house and for the first time in her life after residing in 37 houses in Amherst, she felt like she had found a home. She spoke of a visitor from the United States of America who stopped to take a tour and pictures of her home, and indicated how much they love the town, stating that it is a photo op and should be designated as a historic Area.

**Ed Childs** wanted to know why there is no heritage/historic representative on the Planning Advisory Committee.

**Anna Arbuckle** lives at 4 South Adelaide Street, a house which was built in 1893. She said she loves her home and her street, and this building will forever change the streetscape. She is concerned about the potential traffic implications of this development and thinks a development this size is not necessary following the recent approval of approximately 150-unit apartment buildings on Brown and Mosher Street.

There being nothing further from the public, Mr. Fisher indicated that the next Planning Advisory Committee meeting will be held on February 6, 2023, at 4:30 PM. He noted that although the meeting is open to the public, it is not an opportunity for the public to address the Committee. He thanked everyone for coming and for their inputs.

## Andrew Fisher

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**From:** Leslie Childs <elchilds1248@gmail.com>  
**Sent:** January 13, 2023 4:08 PM  
**To:** Andrew Fisher  
**Subject:** Public meeting Jan 18 2023

Please acknowledge receipt of this email.

Good morning,

I am strongly opposed to the development proposal for the small lot on East Victoria and South Adelaide. It is an inappropriate location for future tenants as well as current property owners in Amherst's historic heritage district. The visuals supplied in the letter to the neighbours are misleading and inaccurate. They show the proposed building set in a large green field surrounded by trees, not squeezed into a tiny patch of urban land and houses.

Heritage Areas/Districts have proven to be the source of economic growth and community spirit in many places like Lunenburg and the South Shore. Amherst, too, will receive the same kind of positive outcomes if even a small effort is made to market our 350+ years of history.

Many houses on East Victoria range in age from 260 -150 years old, have deep roots in Canadian history, and include wonderful examples of a wide variety of sought-after architecture. This is what travellers/tourists want to see and where newcomers to Amherst want to live. The recent upswing in purchases of heritage homes demonstrates this clearly, not to mention a sharp increase in purchase price.

These **ONLY A FEW** of the reasons this project is not a good value in this location.

1. The building and tenant load is too large for a lot that size. The building will cover most of the lot footprint, giving the property a claustrophobic look.
2. The building's architecture does not reflect the tone and culture of the built heritage around it.
3. Fifty-nine (59) apartments could house more than 100 people. Are sewer, water, road infrastructure sufficient to carry the additional load? How long before extensive upgrades are needed to sewers, water mains, roads etc in the area? What will/would it cost the Town to reconstruct and upsize these? Would taxes have to rise to cover this?
4. When combined with the 3 other apartment developments (Willow Street), will there be sufficient demand to fill all of them. (54 x 3 + 59 = 221 new apartments) Are there that many people looking for accommodation of this type? What are the ramifications for the Town if these buildings remain under used?
5. What about the environmental impact? How many vehicles will be associated with this project?  
\*Will parking be available for 70+ resident vehicles?  
Downtown Amherst provides few places to shop for essentials like groceries and household items. It's a 10 km return trip to the shopping centre.  
(3 times a week times X 59 apartments means an additional c.1800 km per week or 93,600 km per year. That's a significant amount of engine exhaust and wear on the infrastructure? How much will the extra use cost the Town in road maintenance in the future?
5. Residents report a water course only slightly below ground that will impact the stability of the land and services in this area. Has this been investigated? What costs would this incur?

6. Property values will inevitably slip in adjacent areas. How will this impact the income to the Town in taxes?

Leslie Childs  
902 667-9208

Sent from my iPad

## Andrew Fisher

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**From:** Leslie Childs <elchild1248@gmail.com>  
**Sent:** January 15, 2023 6:00 PM  
**To:** Andrew Fisher  
**Subject:** Public Meeting Re: Apartment Development Jan 18/23

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning,

Please acknowledge receipt of this email.

Here are my comments in preparation for the Participation Meeting on January 18, 2023 at Town Hall

1. You call this a public participation opportunity  
If it is to be a time for public participation - why is there a limit of 3-5 minutes speaking time. .
2. How can decent public participation be obtained when very little information is provided to residents in the area or in Amherst in general? Why is the pertinent information only circulated to a very few
3. It is difficult to submit an accurate and useful written report in advance of the meeting when no proper background is available.
4. The proposed building on Victoria at South Adelaide does not address lot coverage, traffic issues, or implications on the utilities, infrastructure or zoning.
5. The supplied picture is obviously not in Amherst and is in fact, set in a pastoral setting with no indication of the lot lines, or surrounding landscape. The impression it gives is misleading to those who see it.
6. The proposed area is part of Amherst's historical district. This project, according to the pictures, does not fit with the surrounding historic properties. Amherst is known for its historic architecture and residences and people have purchased property here because of this.  
Perhaps the design could be redone to reflect the architecture of the period.
7. A town is composed of owned properties and rental properties. In the last few years, rental growth has boomed with the installation of many new four plexes.. Has there been any consideration for a review of the ratio between rental and owned properties?
8. This development will have a significant impact on the immediate area and the community in general. Has anyone considered the current demographics and those 10-20 years hence when many seniors will no longer be part of the community?
9. This is a reminder that this development and the Participation Meeting will affect many more people than just the immediate neighbours. Their concerns need to be addressed and all information needs to be shared with every citizen in Amherst.

Edward Childs  
902 667-0208

## Cindy Brown

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**From:** Patricia Wright <prjw@live.com>  
**Sent:** January 15, 2023 10:28 PM  
**To:** Natalie LeBlanc  
**Cc:** Nicole Vickery  
**Subject:** 155 Victoria

Hello Natalie:

I live at 153 Victoria St E. I have many concerns about this application. Myself and my property will be greatly impacted should this project move forward. How much time will I have on the floor to voice my concerns ? Will I be able to ask all my question ?

What if there is no time for me to speak ?

Here are some of my concerns:

Its not just about the noise, traffic and congestion for me I have a lot more at stake!

Does it fall in the zoning laws ? The area is zoned residential and that's one of the reasons I bought here in October. The other being I'm very proud to be living on Victoria with the Victorian homes.

What does the zoning allow for ?

How do I stop this from happening?

The value of my home will be an issue!

This building will tower over mine with it being only a few feet away about 12 to 15 feet away and 60 feet tall. It will be on the Eastside blocking the morning sun well into the afternoon. I will have to use more power to see in my house as I will have no natural lighting for most of the day. I will also have 30 balconies face into my house and my privacy will be totally violated. My back yard is totally shaded by trees, I was going to remove them to allow for more daylight in, this is as issue now. I will be on total display anywhere on my property and for most of inside my home as well.

The parking lot's winter plowing will cause my land to be flooded as it is higher and drains in my direction. I will not be able to open any window in my house for the length of the construction because of noise, dust and dirt.

I believe there maybe a water table that runs through that property, not sure if they're allowed to interfere with that !

Im not opposed to this proposal, only the location Is it the land owner making the proposal?

Should this go through and I pray it doesn't what are my rights?

What are my rights living a few feet away from a construction zone?

What if a crane drops something on myself, my buildings or heaven forbid on one of my grandchildren ?

Will the developer put enough money in escrow to cover any possible damage, repairs, injury and legal fees if I need to litigate ?

With the building being built a few feet from my house and garage will they underpin mine because of risk of foundation damage cause by them as well as compensation for having them to work on my property ?

A Insurance policy put in place in which my building and property and myself are named as additional insured party for both the developer and the contractors. There needs to be a special endorsement to the policy to protect myself and my property

From start to finish how long is the projected time from first shovel in the ground to occupancy ?

When do you see the shovels hit the ground ?

How long will the shoring take ?

How long for the levels to be built?

Im sure I will have more question ?

Regards

Patricia Wright

January 16,

2023

To our mayor, Dr. David Kogan and Amherst Town Councillors:

My husband and I are opposed to the development proposal for the lot of land located on 155 East Victoria. This lot also borders South Adelaide where we currently reside. We are not opposed to the development of this property. We deeply feel that the proposed multi 59 unit, six story apartment building would compromise the health and safety of the residents in our existing neighborhood. This project requires a special development agreement because its dimensions is in excess of the municipal by law land use for residential areas.

Building permits allow our municipality to protect the interests of both individuals and the community as a whole. Buildings must comply with:

1. Health, safety and fire protection of residents as well as safe accessibility and resource conservation.
2. Local zoning by laws.
3. Other applicable provincial legislation such as Environmental Protection Act.

Council should consider how the size of this building is not compatible with adjacent residential properties, adequacy of vehicular access, water supply, sewage disposal and risk of flooding.



I believe that the current by law for a multiunit residential development in a residential zone requires 300 square meters of lot per each unit. A 59 multiunit apartment building would require  $300 \times 59 = 17\,000$  square meters of land. I believe that this building far exceeds the total amount stated in the current by law protecting residential areas.

We are very worried about the safety of the residents residing on South Adelaide and the surrounding areas. There is an access entrance to this building from our street. There are eight children and many senior citizens living on South Adelaide. 59 units would heavily increase the traffic on our street. It is narrow and does not have any sidewalks. There is also a blind spot because of the hill on our street. Many pedestrians walk along South Adelaide. We believe that the huge increase of vehicular traffic would be hazardous.

Are the water and sewer pipes 50 years or older in this area? How will this affect significant challenges over the next decade?

I know that providing services such sufficient rentals and working infrastructure is one of the primary roles of any municipality, however we strongly oppose the construction of this 59 multiunit apartment building on the 155 Victoria East lot because it jeopardizes the health and safety of the residents currently living on and near South Adelaide. We implore that the council take their time and look at land currently owned by the town or study current vacant lots and buildings where a project of this size and height would be more appropriate and would also have safe access for vehicles and not endanger pedestrians.

Thank you for taking the time to read this letter and consider the content.

Mr A. Fisher

Jan 17, 2023

Re: Proposed Development at 155 East Victoria St E

I live immediately adjacent to this proposal, at 1 South Adelaide Street.

We chose Amherst when we moved from Calgary because of the charm of this neighborhood, its historical homes and lower density housing. With such sprawling land immediately available in all directions of town, it speaks to a lack of thought, care, concern, and respect for existing bylaws long established to protect such attractive what the town itself shares above most things – that historical charm. Once that is gone, you cannot get it back. And to lose it in haste would have long lasting effects.

Proposed development is exceptionally oversized and incompatible with already existing homes.

Under current bylaws, created by Amherst Town Council to protect what we hold so dear and use to attract tourists, business, and new residents to this town... state a 4 unit apartment building requires 300 sq metres of lot per unit.  $300 \times 59 = 17,700!$  Lot is currently 1200. This proposal, as it exists now, would require a special permit, in contradiction to the bylaw this town's council made itself to protect the interests of BOTH individuals and the community as a whole.

This proposal is grossly out of scale both with bylaw as well as surrounding buildings on attached streets. Once you get beyond the businesses located at the corner of Acadia Street and Victoria St E, the feel of the neighborhood immediately changes from downtown to historical district, whether designated officially as such or not.

There is no getting back land in historical districts, nor re-establishing existing historical charm and feel. Once that land is gone, it is gone and it cannot be brought back. Not only does the neighborhood lose, but the whole town does, and it's incredibly short sighted to put a building in this location simply because apartments are needed. No one is arguing that, but the location is precious. We have to realize what we have before we throw it away.

2 streets worth of family homes will lose all privacy in their backyards.

Woefully inadequate parking for residents, which makes street parking/congestion on a tight street with a blind hill, no sidewalks and roughly 10 kids who walk to school as well as any additional kids who live in the building.

Road is already narrow and on a blind hill, causing huge issues with safety, policing, congestion. Again, back to the very bylaw they are proposing exception be made to is there to protect the health, safety, and welfare of the general public – it goes against these for the very residents they intend to house there.

Does underground parking take into account the water table level on this block? There is a brook running between the backyards of homes on Acadia and South Adelaide, any underground parking would likely be prone to continuous flooding. Street parking is already an issue as the street itself is so

narrow, this applies not only to South Adelaide, but to Victoria St E where you already see traffic snarling when street parking is utilized only on one side – imagine two.

Infrastructure – Over 50% of drinking water pipes and over 54% of sewer lines are well over 50 years old.

Being directly next door, I'm incredibly concerned with parking, lighting, garbage/recycling location, noise, loss of privacy, FENCING.

How on Earth could my property value not go down with this monstrosity immediately adjacent?

Shadow study done for all surrounding properties.

As this proposal stands, it goes above and beyond reasonable strains on standards already established by nearby dwellings, the health, safety and welfare not only of residents who already live in the area, but also of those who would be housed there. Add in the land usage and it's outlandish.

We do not agree that this proposals location can fit into the character of our existing neighborhood. It would be feasible of our town planning committee to look at land currently owned by the town, ie Robert Angus Drive, vacant buildings and vacant building lots where the height may be appropriate. It is not here, by definition of the towns own bylaw.

Sincerely,



Jason and Charla MacPhee

1 South Adelaide Street

When tourists walk up our street & take photos of the historical homes, this building proposed would ruin & be nothing but something to be cropped!

January 18, 2023

TO: Planning Advisory Committee  
FROM: Bob and Gayle Janes

RE: Proposed 59-unit Apartment Building at 155 East Victoria Street, Amherst, N.S.

We would like to go on record as being vehemently opposed to the above building proposal. We recognize that Amherst is in need of affordable accommodations, but we feel that this is not the appropriate location for such a building. We have many concerns, i.e.:

A six-storey building in a heritage/residential area would overwhelm the surrounding homes.

Parking overflow on adjacent streets would present considerable issues for the present residents.

There are no sidewalks on either side of South Adelaide Street which presents possible safety concerns for the residents, including several children and several seniors.

The lower land on the west side of South Adelaide Street floods frequently which begs the question as to what further problems could occur as a result of a large building being erected at the end of our street.

If this building is geared toward families, it is important to note that Spring Street Academy (the elementary school in this catchment area) is already over capacity.

A building of this size will impact the light and sunshine on nearby homes.

We are led to believe that the lot is smaller than current guidelines allow.

Can the Amherst Fire Department access a 6-storey building?

This project is bound to impact the resale value of nearby homes, including ours.

We made the choice to move to Amherst 49 years ago and we raised our children in this house. We now often have our grandchildren here, who enjoy safely playing in and around our property. We have enjoyed the peaceful, small-town vibe on our street, but that feeling will disappear with the construction of a 6-storey apartment building two doors away from us.

There are other locations in Amherst that would appear to be much better suited for a project of this size. Have any of these been considered or is this location being pushed because the company already owns the property? Perhaps a cluster of quad-plexes would be more appropriate for this location.

We really hope the decision-makers will consider our position and those of our neighbours. We sincerely doubt that any of the Council members or PAC members would welcome such a project next door to them.

Thank you for considering our concerns.

*Bob Janes. Gayle Janes.*

To  
the planning director  
Jan 18 / 2023

Fr Dan & Eleanor Jolly  
3 North Adelaide St.  
Amherst N.S.  
B4H 3M3

As residents of 3 North Adelaide St we wish to express some concerns about the proposed building for 155 Victoria St. We have a great appreciation for residential status of our neighborhood and hope that these qualities can be maintained.

We realise that there is a need for new housing and new development in this town, however when looking at the plans for this development it really appears to be out of context with the surroundings and much too large for the lots.

Victoria St. being the major artery to the east of the county deals with much heavy truck traffic, ambulance, fire & police urgently headed to their destination.

As a lifelong resident of 3 N. Adelaide we have seen many an accident at the Victoria and Adelaide intersections, a lot of them trying to make a left hand turn. The street becomes very tight when three vehicles try to negotiate the street at the same time, and this gives no consideration for the bicycle traffic on the street.

(3)

We ask, how can Victoria st accommodate the addition of 59 more residences which must utilize this intersection.

- Beyond the traffic we have other concerns
- Fire Is a six story building within the capabilities of the fire department?
  - Electrical Infrastructure there is a feeder line running up the west side of South Adelaide. Does the building have the proper set backs from the power lines?
  - Surface water after a heavy rain or a fast melt in winter there is a lot of water that accumulates on Victoria. Will the development of this lot worsen that problem?
  - Sunlight Due to the height of this structure we probably will lose 2 hours of direct sunlight in the winter months. This is a concern for those of us who live to the north of the proposed structure.
  - Wind. The force of the wind has been a burden in recent years making it much more costly to keep roofs intact on our homes, and also causing trees to break causing the need to hire to remove them from our neighbor's home.

3

Such a tall building will only exacerbate these problems.

- the parking garage. this facility displayed in the drawings appears to be very near the sidewalk of Victoria St.

These are some of our initial concerns.

Respectfully

Dan Jolly  
Eleanor Jolly

## Andrew Fisher

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**From:** Jason MacDonald  
**Sent:** January 18, 2023 3:06 PM  
**To:** Andrew Fisher; Kim Jones  
**Subject:** Fwd: Victoria and Adelaide

Sent from my iPhone

Begin forwarded message:

**From:** James Goodwin <jamesbwgoodwin@gmail.com>  
**Date:** January 18, 2023 at 2:41:14 PM AST  
**To:** Jason MacDonald <JMacDonald@amherst.ca>  
**Subject:** Victoria and Adelaide

Hello,

I'm writing to submit my opposition to the proposed apartment at Victoria and Adelaide. My wife and I live at 14 South Adelaide.

- 1) our street has no sidewalks, and it will only be a matter of time until the 60 car parking lot results in a fatality. It's very dangerous to have such a high traffic parking lot on a narrow street with no sidewalks.
- 2) part of the parking garage is underground, which is surely impossible in Amherst, it will flood and the town should take this into consideration that this is simply not a serious proposal.
- 3) It is simply too big for our neighbourhood. I would be perfectly fine with perhaps ten units or even maybe twenty, but a six story building is going to ruin the street.
- 4) Lastly, I think it is unfair to the neighbours of the property who live in ordinary houses. This zoning will surely damage their property value.

Thank you,

Jamie

Kathy Wells  
9 South Adelaide Street  
Amherst, NS  
B4H 3M1

Wednesday, January 18, 2023

Town of Amherst  
Planning Advisory Committee  
98 Victoria Street  
Amherst, NS  
B4H 1X6

Dear Committee Members,

I am writing today in regards to the planned development to be built at the corner of South Adelaide Street and Victoria Street.

Let me start by saying that I understand and appreciate the need for housing in the Town of Amherst. I have been a resident of Amherst for most of my life and have chosen to stay and raise my family here. I love our community. I want to see Amherst grow and flourish as a town. I want our town to become a destination for business, tourism and residents. My husband and I chose to move into this area from the county 5 years ago and enjoy the proximity to downtown, the quiet, friendly neighbourhood as well as the historical feel of our community. I do not believe though, that the location of Victoria and South Adelaide, is the correct location for a development of this size.

When looking at the Land Use By-Laws of the Town of Amherst, an apartment building in a residential area such as this would be limited to less than 5 units. I understand that a developer has applied to build an apartment that would house 59 apartments and be 6 stories high. This application far outweighs the current bylaw and is a huge concern to me as a near-by resident.

I have seen the plans, and walk by this site often, and honestly do not see how they match. On this site, concerns such as: 1) The negative impact on surrounding properties. 2.) On-site parking with appropriate access to and egress for potentially more than 60 vehicles. 3.) The environmental impact and loss of trees and grass to the area. 4.) The development, as planned, does not fit esthetically with the Heritage area they are proposing to build on.

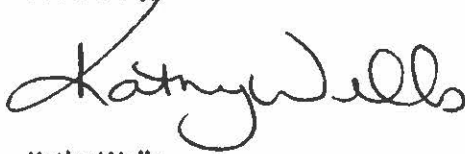
I am wondering if the following considerations have been made and/or studied.

1. **A Traffic Study-** South Adelaide Street does not have any sidewalks. It is a quiet street where children play and traffic has not been a huge issue. However, adding that many vehicles to the area, will it still be safe not to have a sidewalk? Does our current infrastructure have the capacity to handle a building of this size along with the vehicles that will come with it?
2. **Environmental Impact-** There is a small brook running between South Adelaide and Acadia Street. Spring often brings high water to this area. Will the development of such a large building with concrete parking lots and driveways allow for proper drainage?

3. **Shadow Study-** I have driven around Amherst and have not been able to locate a 6-story building anywhere in the town to see what impact that would have on surrounding residents. Has a Shadow Study been completed? How would it affect vegetation/ gardens in the surrounding buildings?
4. **Sewar System-** Will the current infrastructure be able to handle the increased demand that a 59-unit building would have?
5. **Heritage Area-** I have visited other towns with new builds, including Sackville NB and Antigonish. Both areas are similar in age, and the developers have been able to build new construction, keeping the historical feel of the area alive. Amherst is advertised as “Canada’s most magnificent collection of Sandstone Buildings”, having “Historic B&B’s”. By no means do I want to live in the past, but honouring it along with our historic homes and neighbourhoods, is part of what makes Amherst special.

In closing, again, I agree and appreciate the need for more housing and development in Amherst. I do not, however, feel that this size of a 6-story building, with this number of apartments is appropriate for the lot of land the developers are proposing. I hope our citizens and elected officials on the Planning Advisory Committee take the above concerns into consideration when making their recommendations to the Town Council. I look forward to your response in advance of your recommendation to Council.

Yours truly,

A handwritten signature in cursive script that reads "Kathy Wells". The signature is written in black ink and is positioned above the printed name.

Kathy Wells

**Re: Proposed development of a 59-unit apartment building at  
155 Victoria Street East, Amherst, NS**

Members of the public, Planning Advisory Committee (PAC) and Council members, thank you for your attention.

People who live in this neighbourhood are just ordinary people; they work, they pay their taxes and if they're lucky and can afford it, they buy a house. I've lived in Amherst for the past 46 years and together with my husband, who is from Amherst, we are homeowners in this neighbourhood. Over the years, as many of our neighbours have, we have contributed to our community as business owners, employers, employees, volunteers and responsible homeowners. I use the word community a lot because we are part of a community and a neighbourhood of caring people – people who have invested here – heart and soul and financially. Our hard work and that of our neighbours has made this an attractive place to live. We've invested in our homes. No one buys an older home thinking there is nothing more to do. Every year our money is re-invested in upgrading our homes, including reducing our environmental foot-print. Its responsible homeownership. For many years both my husband and I travelled to work outside of Amherst and actively considered moving away – **but we invested here.**

As communities grow, there is a need for good and responsible governance and elected leadership, formation of guidelines and rules to ensure that investment in the community is safeguarded. Development of land use planning and orderly development is essential in growing a healthy community. **Good governance is essential.**

The lot in question on Victoria Street, was made vacant by a fire. It is a beautiful property in a beautiful neighbourhood, the kind of neighbourhood that defines Amherst, and it deserves to be developed in a manner that compliments and adds value and character to the town. Amherst is an historical community, home of four of the Fathers of Confederation who founded our great country, Canada, including two existing homes originally owned by two of the four Fathers of Confederation, located just down the street from 155 Victoria St. This historical community and its beautiful Victorian streetscape and architecture is what makes Victoria Street an asset and a treasure to this community.

**This is what attracts people here! This is 'Why we love it!'**

Development on this lot can be positive and we encourage Town council to continue to work with the developer to address housing need, but not to the detriment of what makes our Town special and unique. The Amherst Land Use Bylaw (LUB) states what is allowed in the general residential zone where this lot is located, specifically a 4-unit apartment building per lot, which in this case, if there was a potential to subdivide into 5 building lots then potentially  $4 \times 5 = 20$  units, with appropriate set backs, etc. This is the authorized land use and occupancy density for this area. **But the proposed 6-story, 59-unit development exceeds this by more than two times! It will dwarf everything around it and forever change the occupancy density and character of this area!**

The town's Municipal Planning Strategy (MPS) sets policy and can allow exceptions to the LUB under certain conditions at the request of a developer; however, exceptions should not be the rule nor should they be routinely approved as this is not the intent of the land use bylaw. Exceptions should only be considered, very carefully, in exceptional circumstances. Good governance does not and should not allow a proposed development that doesn't fit within the parameters and intent of the LUB or MPS.

Potential development for this land should be reasonable and in keeping with the MPS stipulation that that development be appropriate to the neighbourhood – not an oversized building that doesn't fit the local architecture or land use density. Once it's built its too late to lament that it doesn't fit well or, given the chance, officials of the day chose to allow an oversized development that ignored the importance of the historical essence, nature and heart of the community. **Development at all cost is not beneficial.**

The developer, who we understand is located in Halifax, proposes a building that's too large and has little architectural consistency with the streetscape. **It has all the charm of a modern, mass-produced box.** Is it affordable housing? You have to wonder if the developer's intent is to ultimately flip the building to capitalize on the current up-swing in real estate investment trusts (a REIT). In other words, ownership by a consortium or group of investors who are not tied to our community and the community's best interests. This has been problematic in other communities and provinces, and similar to non-resident ownership, has contributed to inflating the cost of housing. Affordable housing is essential. **In this potential scenario, once again, Amherst would have no control of its future.**

Some 15 years ago, a developer also tried to put up an enormous building that didn't fly. The approach hasn't changed, they ignore the fact that proposing a huge building on this lot doesn't work, but they still keep flogging it. They only consider their interests, but not the interest of the community.

The prospect of this development raises big questions:

- Has there been a Traffic Study conducted for this development? Is It available to the public?
- This is a huge building – could our existing local fire department even reach the top of the building?
- Much of our municipal infrastructure is 50 years old and older in many areas – what would be the impact of this development – not just to Victoria St but in the extended infrastructure? Has there been an infrastructure study conducted? It is available to the public?
- Has there been an Environmental Impact study conducted? Is this available to the public? This huge building will have an impact on the local environment, including the destruction of an over 150-year-old Oak tree that was planted before Amherst was even incorporated as a town.
- Is there an Engineering Report from the town? Is it available to the public?
- The Town Council has recently approved the construction of over 160 housing units adjacent to the E.B. Chandler School. Has a Feasibility Study been conducted for the 155 Victoria St development? Is it available to the public?

- If this proposed building doesn't follow the Land Use Bylaw, why is it being considered? Does this development follow the Land Use Bylaw?

**Simply put, if the developer or Town Council want a building this large, then choose another location, there is plenty of land in and around Amherst where this would be more appropriate. Or, in accordance with the Municipal Planning Strategy and the Land Use Bylaw, the PAC and Council could request that developer scale back the size of the proposed development for 155 Victoria St and ensure it fits within the neighbouring architecture.**

We are not against development, but we want responsible development.

This has been upsetting for us and many of our neighbours, some of whom have recently moved here. Some neighbours are actually thinking of selling their houses and moving to a place where their community spirit is more appreciated and it's safe to invest in buying a house. It is a depressing situation to say the least.

Imagine, if you will, a homeowner, with the biggest financial investment of their lives – the purchase of a home. Perhaps they have young children and they are working hard to make ends meet and most likely mortgaged their property to be a homeowner based on the value of the property. Imagine their horror waking up one morning to find that their home has been devalued because of an adjacent oversized development. Their house is no longer worth what they paid for it nor what it's mortgaged for. They regret buying here. When they were considering buying their house, they thought they had some security in making this investment because the General Residential Zone (which encompasses most of the houses in Amherst) doesn't allow for such an oversized development under the Land Use Bylaw. Put yourselves in their shoes. **No one wants to live in or buy a house close to a 59-unit 6-story apartment building.**

Imagine if you will, one day you get a phone call and learn that someone has taken \$10k, \$20k, \$30k or more from your bank account – **just imagine!** Your first reaction would be to think, 'I've been robbed! I am a law-abiding citizen and someone has taken money from me.' **Inflicting financial loss is wrong and there has to be accountability.**

If members of the Planning Advisory Committee or Council authorize an exceptionally large development that doesn't fit within the intent of the Land Use Bylaw nor the Municipal Planning Strategy, without due concern to the harm they do to homeowners, it is not good governance, and they, and possibly the developer risk putting themselves in a position of liability. They must be accountable for their actions. Being elected or appointed to public office doesn't give someone the right to inflict financial damage and hardship on citizens through poor governance.

As responsible homeowners we are asking the PAC and Council for responsible governance. **We ask that the developer be asked to scale back the size of their proposed development and ensure it fits within the neighbouring architecture. Make it an asset to our community not an eyesore.**

Respectfully submitted,

Paul and Maria Smith  
12 South Adelaide St., Amherst, NS

Isabel and Jack Kline, 7 South Adelaide Street, Amherst, NS B4H 3M1

RE: APARTMENT PROJECT FOR VICTORIA STREET/SOUTH ADELAIDE STREET

The following is a summary of our concerns about the above project:

The affects on the local environment must be measured for its total impact. Such things as a view plane may not be important to others but it is to us. Our professional staff employed by the town must exam the issue closely. For example, the engineering department should give us an up t o date report on the affect this project will have on our water and sewer. It should be noted there is a stream of water that passes through the backyards of residence near the project. The water table, no doubt will be affected by such a large project.

The fire chief should identify needs of his department in order to provide service to a six story building. The fire department has always been up to date with local conditions and I see no reason why they wouldn't be but it should be addressed in writing how the project will affect the fire services.

The police chief in his role as traffic authority should provide a written assessment of the impact from a parking /street signage and insight into the volume of traffic both now and when the 59 units of the complex is completed. For example, the exit for cars leaving the complex is on a crest of a hill on the north end of South Adelaide St.

Heritage Committee

This committee should be contacted about this project before applications and permits are issued. They have played a central role in our community over the years.

Real Estate Values

We as well as all our neighbors are concerned about the impact this project will have on the values of our homes. A person familiar with real estate values suggests we could experience a loss in the vicinity of 12-18% .

In conclusion we as indicated have many concerns about the magnitude of the project, communication as yet is contained in a one page unsigned letter put in our mailbox. There is no reason why pertinent information cannot be shared with us before the project if approved is granted.

Respectively submitted,



John G. Kline

8 South Adelaide Street  
Amherst, NS  
B4H3M2

Town of Amherst  
Planning Advisory Committee  
30 January 2023

**RE: Development Proposal, 155 East Victoria Street**

Dear Committer Members:

Our names are Charles Shewfelt and Carol McCall. We reside at 8 South Adelaide Street, a property which we purchased in August 2012. Our home at number 8 is very near to the proposed development at 155 Victoria Street.

We attended the Public Participation Opportunity on January 18 and have received the presentation materials from that meeting. Like our neighbours, we have serious concerns about the proposal to build a very large apartment on our street, and wish to share those concerns with the Committee and members of Town Council.

Placing this development in this location will have several detrimental effects on our neighbourhood and those who live here:

- **Density.** We do not doubt that the property at 155 East Victoria will eventually be developed. However, we believe that whatever development takes place there, it should not be of a scale or form which would require a Development Agreement with the Town. As it stands today, the current proposal is for a building comprised of nearly fifteen times the maximum number of dwelling units contemplated by the Land Use Bylaw and the Municipal Planning Strategy.
- **Architecture.** As presented at the Public Participation Opportunity, the proposed building will be six stories high. We believe this will be the highest residential building in Amherst. The lazy uninspiring architecture and immense scale of this proposal is completely inconsistent with the size and style of the buildings in the neighbourhood, most of which are older single-family homes or older houses converted to a few apartments. The imposition of an outsized concrete box surrounded by asphalt will do nothing other than

diminish the ambiance of the neighbourhood and create a jarring eyesore in an area composed largely of heritage buildings.

- **Traffic.** The proposed building has two traffic entrances. The entry and exit to the indoor parking will be on East Victoria Street, while the only access to the outdoor parking is on South Adelaide. As you know, East Victoria is Highway 6, and is therefore a busy thoroughfare, carrying substantial commercial and general traffic. South Adelaide is a quiet residential street currently not only carrying the traffic generated by the homes on the street, but also considerable 'shortcutting' traffic between Prince Arthur and Victoria Streets. Both Victoria and South Adelaide will have to bear the greatly increased traffic generated by a building with fifty-nine more households
- **Parking.** The developer plans to have about 70 parking spaces on the property. This seems grossly inadequate in a building of 59 units. The shortage of parking on site will force residents and visitors to park on the street, particularly South Adelaide, which is narrow and ill suited to heavy traffic and parking. It should be noted that South Adelaide has no sidewalks and a blind hill leading up to the proposed outdoor parking lot, increased parking on the street will leave pedestrians with no choice other than to risk walking in the traffic lane.
- **Shadow.** We have looked at the shadow study information presented at the Public Participation Opportunity. The shadow is shown as it would be at 4PM on the summer solstice. At that time of year, the sun does not set until 9PM, creating a much larger shadow increasing through the evening. If the proposed building is allowed, much more of the neighbourhood will be in shadow during the summer afternoons and evenings than is indicated in the developers shadow study. With the long shadows of the winter, it may be that some parts of the neighbourhood will rarely see the sun.
- **Land Use.** The Developer's proposal envisions a building which with its parking lot will take up so much of the lot that there will be no room for effective landscaping to mitigate the negative impact of the building. Visually what is currently a treed green space on the edge of the Town's heritage area will be converted to a concrete and asphalt mass. This project is designed to be built or paved to the lot lines, eliminating trees (including a very old Red Oak) and most of the green space, while literally overshadowing its surroundings.
- **Privacy.** If built, the height of the proposed building will give its residents an unimpeded overhead view into the homes and yards in the neighbourhood, especially those near or immediately adjacent to 155 Victoria. This

represents a serious imposition on the lifestyle and privacy of the homeowners and will certainly negatively affect property values in the area.

- **Environmental Issues.** Large apartment buildings create environmental issues in their neighbourhoods. The first is noise generated by heavy traffic, the comings and goings of the residents, along with moving vans, deliveries, and garbage pickup. The second is light. It is expected that the parking lot, the entrances, and the fire exits will all be lit through the dark hours. The apartments and balconies will also have lighting which will shine out and be visible from the outside. The noise and light will impose a disruption to the lives of those who live in our generally quiet and dark neighbourhood, especially for those houses adjacent to the proposed project, and those (like ours) along Victoria and North and South Adelaide Streets. The third issue is snow removal. The site plan does not appear to have any space to store the snow from the parking lot. This means that every time it snows more than a few centimetres, the neighbourhood will be subjected to the noise and dangers of working loaders, while South Adelaide and its residents will have to bear the noise, hazards and infrastructure damage of large dump trucks hauling snow.

This development should not be permitted. We understand that there is a need for more housing in our town, but that does not mean that new development should be approved by the town at the expense of established neighbourhoods. Our neighbours own their homes. They have purchased and maintain their houses to continue living in an area with a safe and comfortable ambience. Everyone understands that there will be changes, and that the lot at 155 East Victoria will eventually be redeveloped. However, it is the duty of the Town Council and its Committees to manage new developments within the parameters of the Bylaws and Policies in a way that puts the interests of those residents who have made large, long term investments in their neighbourhoods and in this Town over the interests of developers who don't care to understand Amherst and what it is about our town that makes us choose to live here.

Very sincerely

Charles Shewfelt

(902) 667 5140

charlessshewfelt@hotmail.com

Carol McCall

## Cindy Brown

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**From:** Anna Arbuckle <anna.arbuckle2@gmail.com>  
**Sent:** January 26, 2023 10:26 AM  
**To:** Cindy Brown  
**Subject:** Proposed development on 155 E. Victoria

Thank you for your email, Cindy.

My husband and I did submit a letter after the public meeting on January 18.  
Just a few more comments for the planning committee and town council.

After viewing the plan in more detail, we realized that we will definitely be affected by the shadow that this building will project. We would like to know approximately how many hours a day that this shadow will dwarf our property.  
The absence of light , particularly in the winter will certainly affect our health and well being. We are concerned about this aspect of the development.

The hill topography, narrow street and no sidewalks on South Adelaide is also a Major concern for us. This development would definitely amplify vehicular traffic on our street. There would be vehicles exiting from East Victoria , and the development onto South Adelaide as well as vehicles entering South Adelaide from Prince Arthur.

The road system on our street and surrounding areas cannot accommodate the vast increase of traffic that will occur because of this building.

Noise, absence of light as well as light pollution from the units at night will have a negative impact on us. We are concerned.

We want council to know that we are not against developing this property, however our neighborhood deserves a more appropriate building than the one proposed.

We ask that the planning committee and our town council table or delay rezoning this lot until more information is gathered and analyzed.

Thank you. Respectfully,

Anna Arbuckle  
Dennis Arbuckle

## Cindy Brown

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**From:** Max Davidson <allan.r.davidson2@outlook.com>  
**Sent:** January 25, 2023 4:59 AM  
**To:** Cindy Brown  
**Subject:** Re: 155 East Victoria Street Development Application

Good morning Cindy,

First I would like to thank you for forwarding this information regarding the "proposed apartment building at 155 East Victoria Street."

Perhaps it has already been brought to your attention the fact there appears to be glaring discrepancy on the page titled "SITE" where at the top, the building is described as consisting of 4 stories (i.e.: floors).

As such, all renderings, including the artist's, show the building consisting of 6 stories which does not include the parking garage on the East Victoria Street end of the building. In essence, this technically makes this a structure consisting of 6 ½ floors.

Yours respectfully,

**Allan R. (Max) Davidson**

**IATA & ITMI Certified**

**Tel: 778-885-1257**

**or**

**902-664-4019**

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**From:** Cindy Brown <cbrown@amherst.ca>  
**Sent:** January 24, 2023 10:35 AM  
**To:** allan.r.davidson2@outlook.com <allan.r.davidson2@outlook.com>  
**Subject:** 155 East Victoria Street Development Application

Good afternoon,

Thank you for attending the January 18, 2023 Public Participation Opportunity. Please find attached the application summary for a proposed apartment building at 155 East Victoria Street. Additional details regarding this and other current applications can be found at the "Current Applications" section of the Town of Amherst website or by clicking this link: <https://www.amherst.ca/current-applications.html>

The next step for the three applications that were discussed January 18<sup>th</sup> will be for the Planning Advisory Committee (PAC) to consider a recommendation to Council. The PAC meeting is scheduled for Monday, February 6<sup>th</sup> at 4:30 p.m. in Council Chambers, Town Hall. This meeting is open to the public; however, there is no opportunity for the public to address the PAC. Members of the PAC have access to a video recording, written minutes, and a staff summary of public comments made at the January 18 meeting. All written comments will also be part of the PAC information package.

Additional written comments with regard to any of the three applications discussed at the January 18 meeting can be submitted by replying to this email or by dropping them off at the payments desk at Town Hall. Comments must be received no later than Monday, January 30, 2023 at 4:30 p.m. in order to be part of the PAC package.

Thank You,

Cindy Brown  
Administrative Assistant  
Town of Amherst  
Ph: 902-667-6527  
Email: [cbrown@amherst.ca](mailto:cbrown@amherst.ca)  
[www.amherst.ca](http://www.amherst.ca) | #seewhyweloveit



We acknowledge that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People. We celebrate 400+ years of African Nova Scotian descent. We strive to foster a diverse community that values everything that makes us unique including our visible differences, such as race or gender expression, as well as our non-visible differences, such as gender identity and diversity of thought. We are committed to equity, fairness and dignity for all.

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