



Town of Amherst  
Planning Advisory Committee Meeting  
Agenda

Date: **Tuesday, July 4, 2023**  
Time: **4:30 pm**  
Location: **Council Chambers, Town Hall**

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	Pages
<b>1. Call to Order</b>	
<b>1.1 Territorial Acknowledgement</b>	
“I would like to acknowledge that our gathering today is taking place in (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi’kmaw people. I would also like to acknowledge that Nova Scotia has another unique people. These are the Indigenous Blacks of Nova Scotia whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people.”	
<b>1.2 Approval of Agenda</b>	
<b>1.3 Approval of Minutes - June 5, 2023</b>	1 - 3
<b>2. Staff Reports / Presentations</b>	
<b>2.1 105 South Albion Street</b>	4 - 36
<b>2.2 Public Participation Opportunity Summary</b>	37 - 41
<b>3. Adjournment</b>	

**Town of Amherst  
Planning Advisory Committee  
Minutes**

**Date:** June 5, 2023

**Time:** 4:30 pm

**Location:** Council Chambers, Town Hall

**Members Present** Ronald Wilson, Citizen Representative, Chair  
Councillor Hal Davidson, Vice Chair  
Deputy Mayor Leon Landry  
Councillor Charlie Chambers  
Creighton McCarthy, Citizen Representative  
Jim Lamplugh, Citizen Representative

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

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**1. Call to Order**

The Chair called the meeting to order.

**1.1 Territorial Acknowledgement**

The Chair gave the Territorial Acknowledgement.

**2. Approval of Agenda and Minutes**

**2.1 Approval of the Agenda**

**Moved By: Councillor Davidson**

**Seconded By: Councillor Chambers**

**That the Agenda of the Planning Advisory Committee be approved as circulated.**

**Motion Carried**

**2.2 Approval of the Minutes - May 1, 2023**

**Moved By: Creighton McCarthy**

**Seconded By: Deputy Mayor Landry**

**That the minutes of the May 1, 2023 Planning Advisory Committee Meeting to be approved as circulated.**

**Motion Carried**

**2.3 Approval of the Minutes - May 17, 2023**

**Moved By: Jim Lamplugh**

**Seconded By: Deputy Mayor Landry**

**That the minutes of the May 17, 2023 Planning Advisory Committee Meeting to be approved as circulated.**

**Motion Carried**

### 3. Staff Reports / Presentations

#### 3.1 **106 Church Street**

Andrew Fisher presented the application for a Development Agreement for property located at 106 Church Street (PID: 25013871) to permit the change of use from a dance studio to a clay studio.

**Moved By: Deputy Mayor Landry**

**Seconded By: Jim Lamplugh**

**That the Planning Advisory Committee recommend to Council to enter into the Development Agreement for 106 Church Street as drafted, subject to any changes that may arise.**

**Motion Carried**

#### 3.2 **55 Victoria Street East**

Andrew Fisher presented the application to amend the Municipal Planning Strategy and Land Use Bylaw to permit the installation of a driveway at 55 Victoria Street East (PID: 25005166).

**Moved By: Deputy Mayor Landry**

**Seconded By: Jim Lamplugh**

**That the Planning Advisory Committee recommend to Council to not amend Section 8.4.1 of the Land Use By-Law and the status quo be retained.**

**Motion Carried**

#### 3.3 **22-2 Prince Arthur Street**

Deputy Mayor Landry left at 5:33 PM.

Abiola Falaye presented the application for a Development Agreement for property located at Lot 22-2 Prince Arthur Street (PID: 25514563) to permit the construction of a 3-story, 24-unit apartment building.

**Moved By: Jim Lamplugh**

**Seconded By: Councillor Davidson**

**That the Planning Advisory Committee recommend to Council to enter into the Development Agreement for 22-2 Prince Arthur Street as drafted, subject to any changes that may arise.**

**Motion Carried**

#### 3.4 **Electric Street**

Abiola Falaye presented the application for a Development Agreement for properties located at Lots 21-1 Maple Avenue / 92-1 Victoria Street East / 32 Victoria Street East (PID: 25508696 / 25005430 / 25033747) to permit the construction of a 3-story, 24-unit apartment building.

**Moved By: Councillor Davidson**

**Seconded By: Jim Lamplugh**

**That the Planning Advisory Committee recommend to Council to enter into the Development Agreement for Electric Street as drafted, subject to any changes that may arise.**

**Motion Carried**

**3.5 Public Participation Opportunity Summary**

Information item only; no direction given or action required.

- 4. Adjournment**  
**Moved By: Jim Lamplugh**  
**Seconded By: Councillor Chambers**  
**To adjourn the meeting.**

**Motion Carried**

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Andrew Fisher  
Director of Planning & Strategic Initiatives

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Ron Wilson  
Chair

# MEMO

**TO:** Planning Advisory Committee

**FROM:** Abiola Falaye, Planner

**DATE:** July 2, 2023

**RE:** **Development Agreement – Multiple Residential Buildings – 105 South Albion Street**

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## **PROPOSAL**

An application by Blackbay Real Estate Group for a development agreement to allow 20 town houses and 2, 4-storey, 64-unit apartment buildings at 105 South Albion Street (formerly known as Blaine Street).

## **BACKGROUND INFORMATION**

The attached application briefing provides the site details, neighborhood context, 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 June 21, 2023. A video of the meeting is available on the Town website, and a summary is provided as part of the information package. Written submissions are also part of the information package.

The application was generally received positively by those that attended the meeting. They expressed support for the property being developed and are optimistic that the development will increase housing stock in the town and boost commercial activities in the area. Conversely, concerns were also raised by the public and are summarized as follows:

- Fencing / landscaping was suggested to protect the privacy of bordering properties along Clinton Street.
- Concerns about traffic, as well as entry and exit from the property.
- Concerns about a relatively high-water table in the area that could impact the feasibility of underground parking.
- Concern that the site may have experienced illegal dumping in the past.
- Other questions were raised regarding the meaning of affordable housing, timeline of the construction, site preparation, and sustainability of the development.

Staff endeavored to address most of the concerns within the scope of the draft development agreement where appropriate.

## RELEVANT POLICIES

Section 8.1.1 of the Land Use Bylaw permits residential uses in Commercial Zones according to all the applicable residential standards. One of these standards is contained in Section 7.2.2, which allows the consideration of apartment buildings greater than 4 units by development agreement in accordance with Policy RP-9 of the Municipal Planning Strategy.

### 1. Residential Policies (RP)

#### RP-9 (Medium and High Residential Density by Development Agreement)

It shall be the intention of Council to ensure medium and high-density residential development occurs 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.

The site plan presented by the applicant makes provision for setbacks and trees to serve as a buffer between the proposed development and its neighbors. The draft agreement includes the requirement of fence to be constructed along the property line that abuts properties along Clinton Street. The layout of the buildings is also such that there is a reasonable transition in the mass of the buildings from the existing detached and semi-detached dwellings to rows of town houses and then apartment buildings. One surface parking space, in addition to a garage space, is proposed for each townhouse. For the apartment buildings, a total of 151 parking spaces are provided for 148 dwelling units, with 84 underground spaces split between the two buildings. The parking area is adequately egressed from the street and divided between the surface and underground to ensure it does not dominate the area. In addition, landscaping as shown on the site plan should contribute to improving aesthetics and protecting privacy in the surrounding area. Outdoor lighting and signage are addressed in the draft development. Overall, the proposed development is sympathetic to other existing developments in the area. Staff feel the organization of the buildings and the site landscape is adequate to minimize the potential impact of this new development on the existing neighborhood.

### **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; and, (d) cooperating with Federal and Provincial Governments to facilitate affordable housing within the town.*

While the town does not specifically define or set parameters for affordable housing, it adopts the provincial definition and supports this goal by promoting a wide range of housing types within its jurisdiction. This proposal fulfils the intents of this policy by offering diverse housing options in terms of design and scale. In particular, the 3-bedroom townhouses represent a medium density housing type suitable for families that is not currently present in the Amherst housing stock.

## **2. General Land Use and Development Policies (GP)**

### **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 proposal meets minimum yard setback standards in the LUB. On top of that, the parking area (underground and surface) for the development is distributed in a manner that it does not dominate the area by limiting accessibility, utilization of vegetation, or aesthetic quality.

### **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 density of this development is appropriate for the area.

## **3. Municipal Service Policies (MS)**

### **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.*

The proposal is an infill development, which speaks to the efficient use of land that does not require extension of existing town infrastructure. Moreover, the development is in the downtown core area, which reduces vehicle dependency.

## **4. Implementation Policy**

### **A-5 (Amendment Criteria)**

*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 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 would comply with the relevant town bylaws and regulations. 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. The developer will be responsible for constructing access leading to the proposed buildings from South Albion Street and will have the option between a privately maintained access or constructing a street to town standards and conveying it to the town as a public street.

With regards to subsection (c), the proposed use does not conflict with the existing uses in the area and the design fits into the existing neighborhood fabric. Landscaping will also help to enhance the built environment in the area. Furthermore, there is an adequate provision for parking and the traffic that will be generated can be reasonably accommodated in by the existing road in the area.

### **DISCUSSION & CONCLUSION**

The proposal will provide an additional 148 rental units in the town, hence reducing the pressure on housing. With a variety of housing options and provisions for recreational areas within the area, the design brings some level of uniqueness and diversity to the existing housing stock in the town. The proximity of this development to commercial businesses and the industrial park should contribute to improving patronage and employee retention for businesses and service providers. Issues relating to hydrology are requisite for the issuance of a building and development permit, hence, will not be requested at this stage of the application.

In summary, the staff feels the proposal is in keeping with the intent of the municipal planning strategy. thus, the following decision options is put forward:

### **OPTIONS:**

Option One: Recommend that Council enter into the Development Agreement for 105 South Albion Street as drafted, subject to any changes that may arise.

Option Two: Recommend that Council not enter into the Development Agreement for 105 South Albion Street.

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

**STAFF RECOMMENDATION: Option One.**

Case No: DA-2023-XX

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

Between:

**Black bay Real Estate Group** (owner of 105 South Albion Street, 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 20 town houses and two, 64-unit apartment buildings at 105 South Albion Street (formerly known as Blaine Street), as shown on Schedule B.

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 \_\_\_\_ 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 Elevations

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 20 town house units and two, 64-unit apartment buildings on the said Land, 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

\_\_\_\_\_

**THE TOWN OF AMHERST**

\_\_\_\_\_  
David Kogon MD, Mayor

\_\_\_\_\_  
Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER**

\_\_\_\_\_

\_\_\_\_\_  
Black Bay Real Estate Group

## Schedule A

105 South Albion Street, Amherst

Terms and Conditions:

### 1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the property shall be limited to 20, 3-bedroom town houses and two, 4-storey, 64-unit apartment buildings in the general location as shown on Schedule 'C'.
- 1.2 A minimum of 151 parking spaces shall be provided on the Land and shall be generally configured as shown on Schedule 'C'.
- 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 building 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 all elements of the Site Plan on the Land generally in accordance with Schedule 'C'. Variations to the said Site Plan elements may be permitted, to the satisfaction of the Development Officer and shall not be considered substantial changes to this agreement.
- 1.7 The Owner shall install an opaque fence approximately 2 metres in height along the property line shared with properties along Clinton 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 twelve (12) months from the date an Occupancy Permit is issued.
- 1.10 The Owner shall be responsible for constructing the access to the site will have the option to construct a public street, subject to conformance with the Amherst Subdivision Bylaw requirements.

### 2.0 GENERAL REQUIREMENTS

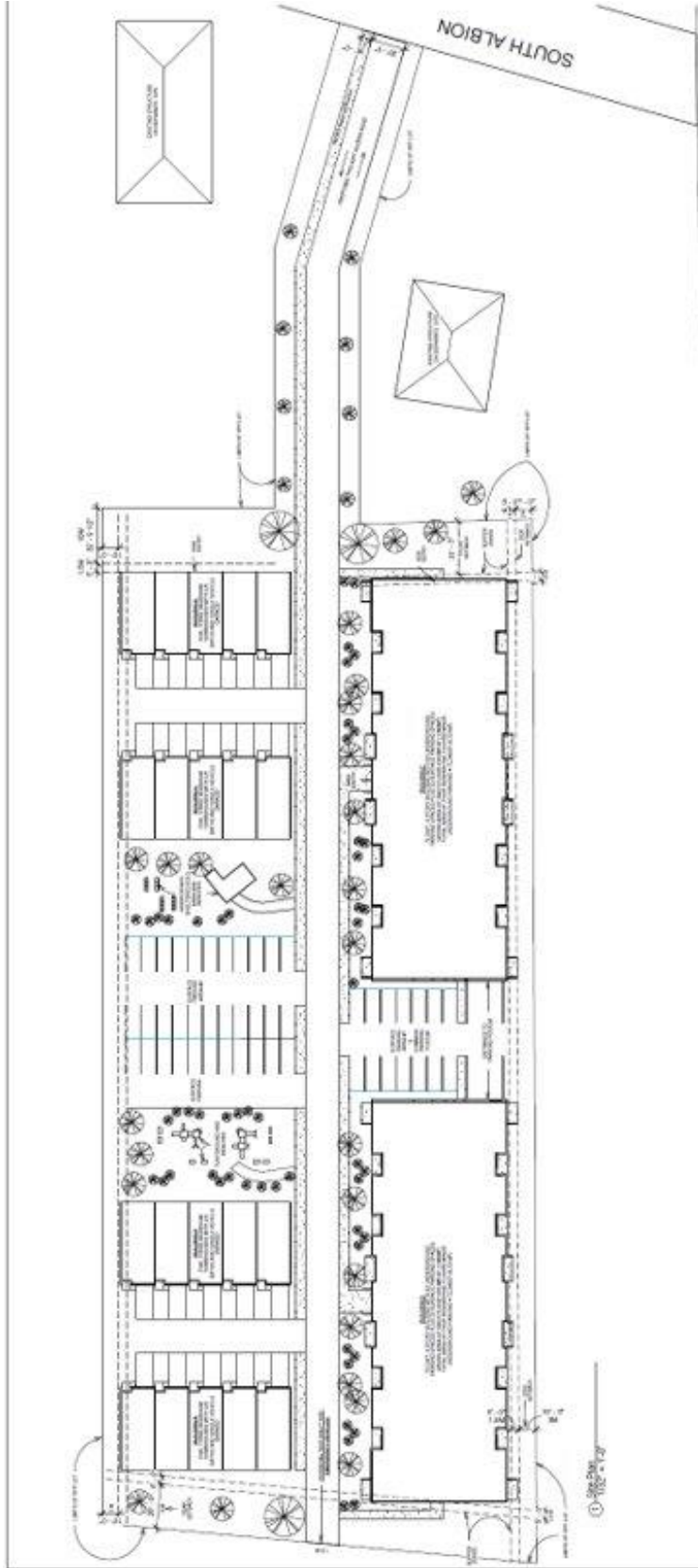
- 2.1 The Owner shall keep the Land, building and any portion thereof clean and in good repair. All elements of the development on the Land shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not 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 submit a storm water management plan to satisfaction of the Development Officer, and 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 and taking all reasonable measures to minimize dust.

**SCHEDULE 'B'**

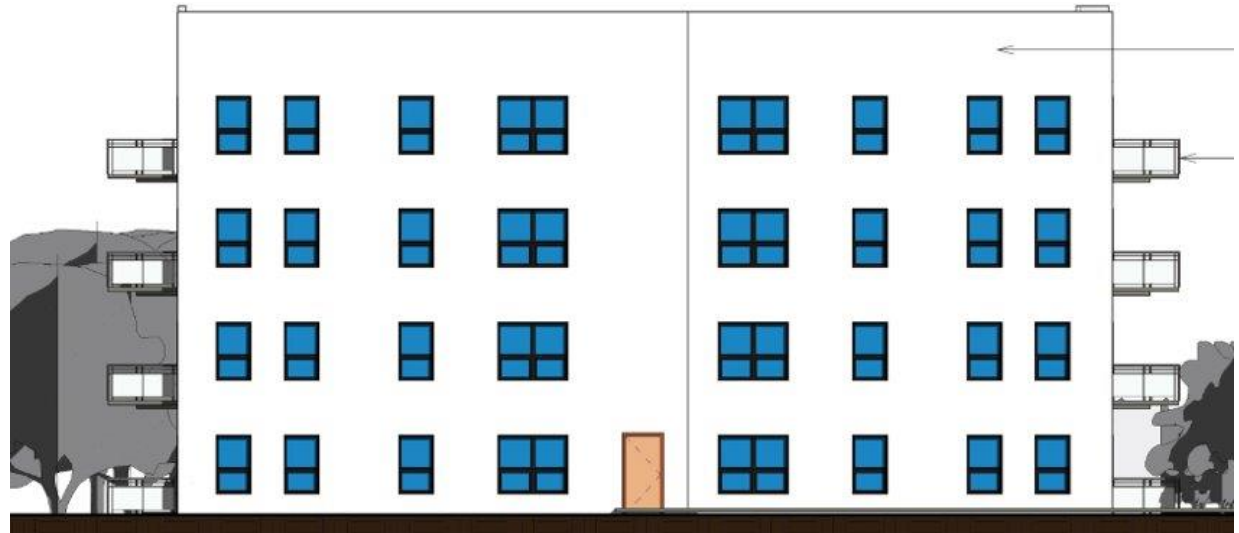


# SCHEDULE 'C'



# SCHEDULE 'D'

## Apartment Buildings



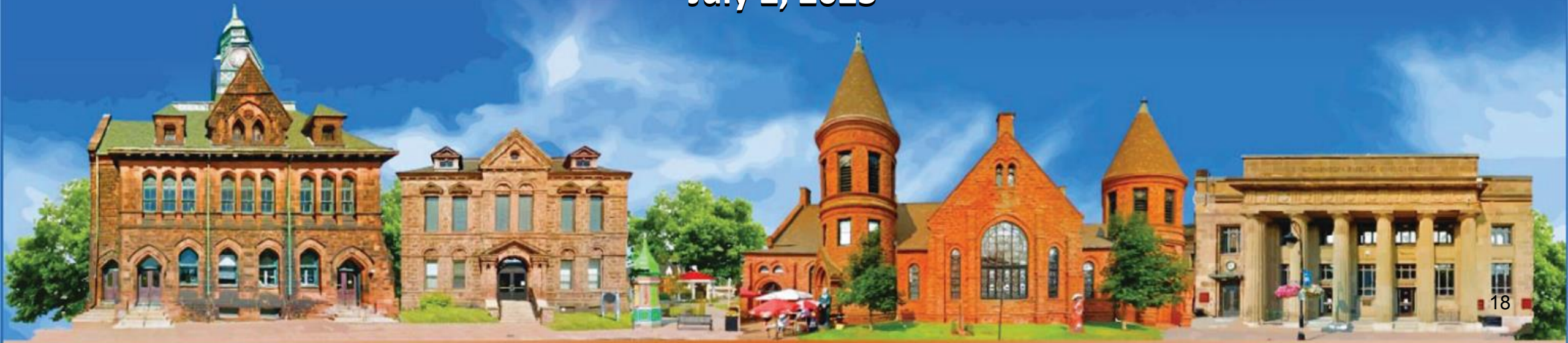
# Town Houses



# Application Briefing

**Development Agreement application to permit the construction of 20 town houses and 2, 4-storey apartment building at 105 South Albion Street**

July 2, 2023



# DEVELOPMENT AGREEMENT PROCESS



*\*All meetings of the Planning Advisory Committee and Council are open to the public.*

# APPLICATION DETAILS

**Applicant/ Owner:** Blackbay Real Estate Group

**Summary of Proposal:** Development Agreement to permit 20, 3-bedroom town houses and 2, 4-storey, 64-unit apartment buildings.

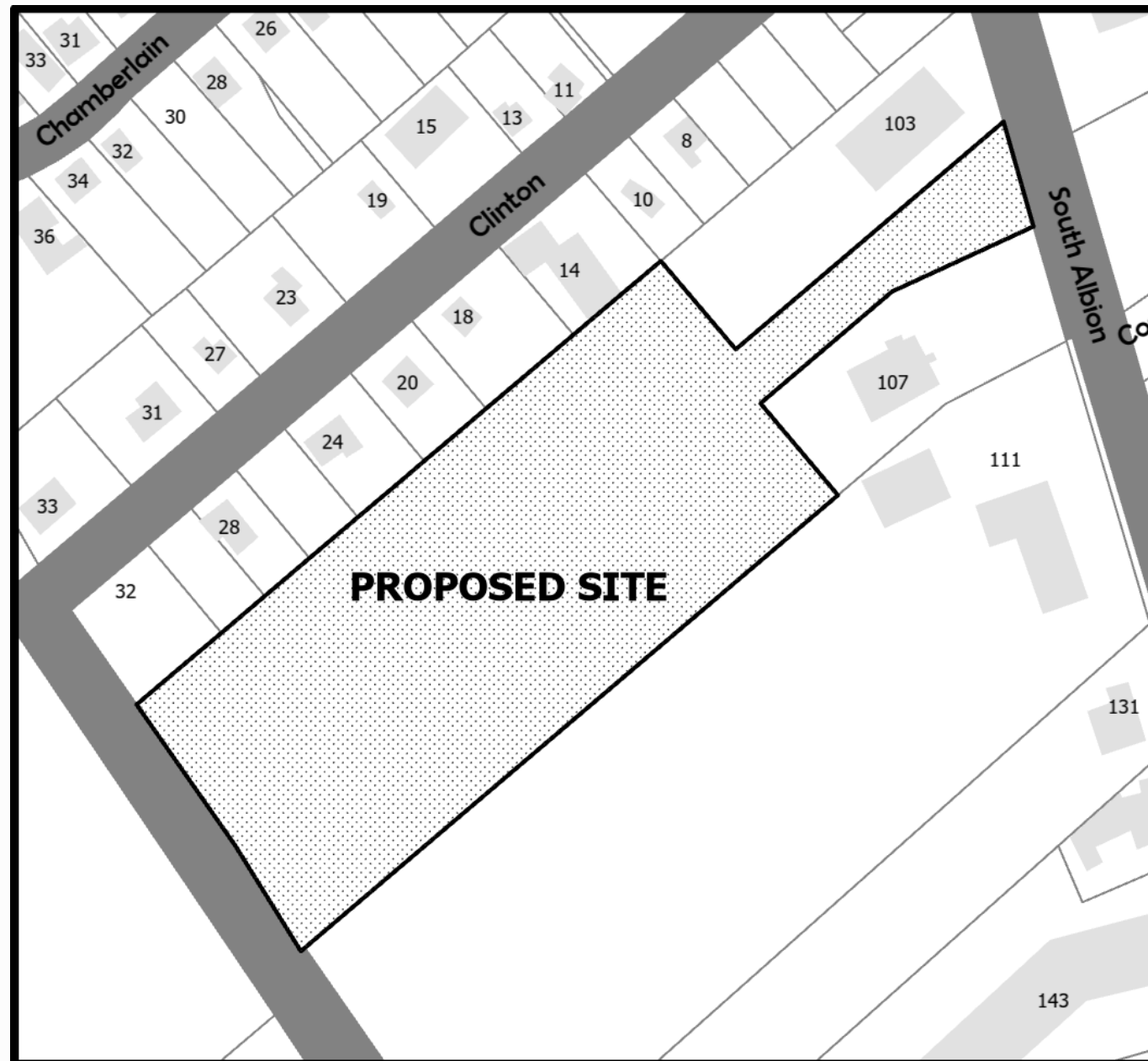
**Location:** 105 South Albion Street (formerly known as Blaine Street).

**Property Area:** 15,783m<sup>2</sup> (4 acre).

**Existing Zoning:** Highway Commercial

**Existing Land Use:** Vacant

**Street Frontage:** South Albion Street



# NEIGHBOURHOOD CONTEXT

- ❑ The subject property is in the Highway Commercial Zone.
- ❑ North of the site is a row of detached and semi-detached residential dwellings with frontage on Clinton Street.
- ❑ There is a vacant lot on the southern border, while the Bulk Plant and Sales Office of Maritime Fuels is on the West side. Further in the southwest direction is a mobile home park and industrial park.
- ❑ Access to the site is through a driveway (proposed) extending from South Albion Street to the end of the block. Two restaurants (Yuan of Asia and Frank and Ginos) exist on the sides of the proposed driveway. A portion of this lane currently serves for parking.
- ❑ Other commercial characters nearby include vehicle dealerships, departmental stores, hotels, gas stations and vehicle services.



# GENERAL DESCRIPTION

## Apartment Building

**Unit:** Two apartment buildings, each containing 64 units.

Level 1: 10 x 1 bedroom units || 6 x 2 bedroom units

Level 2 to 4: 8 x 1 bedroom units || 8 x 2 bedroom units

Total = 128 units

**Parking:** 131 parking spaces including 84 underground parking spaces (42 per building) and 47 surface parking.

**Building area:** 2 x 1,752sqm (3,504sqm or 37717sqft)

## Town House

**Unit:** 4 rows of 5 town houses, each containing a unit of 3-bedroom.

Total = 20 units

**Parking:** 1 garage unit. There is room for an additional car at the entrance of each unit.

**Building area:** Town house – 4 x 455.67sqm (1,823sqm or 19612sqft)

**Lot coverage:** 33.75%.

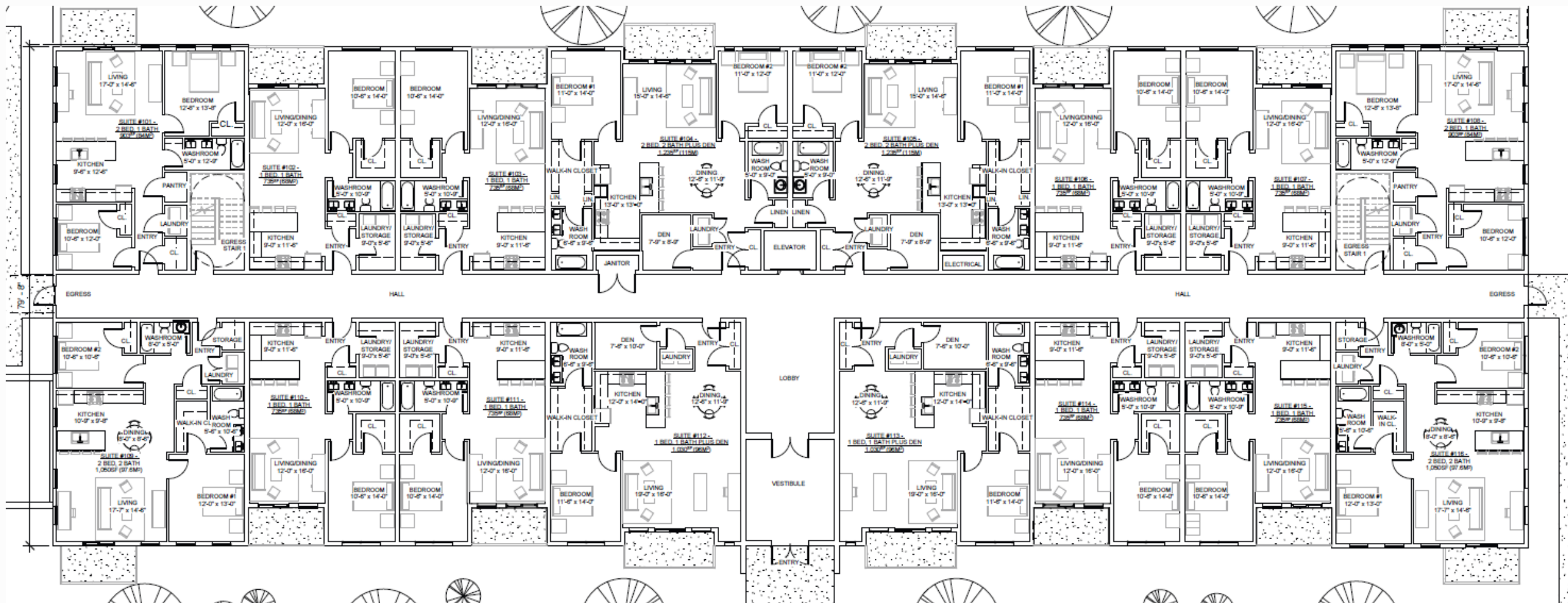
**Density:** 37 units per acre

**Access:** A driveway is proposed to provide access from South Albion Street

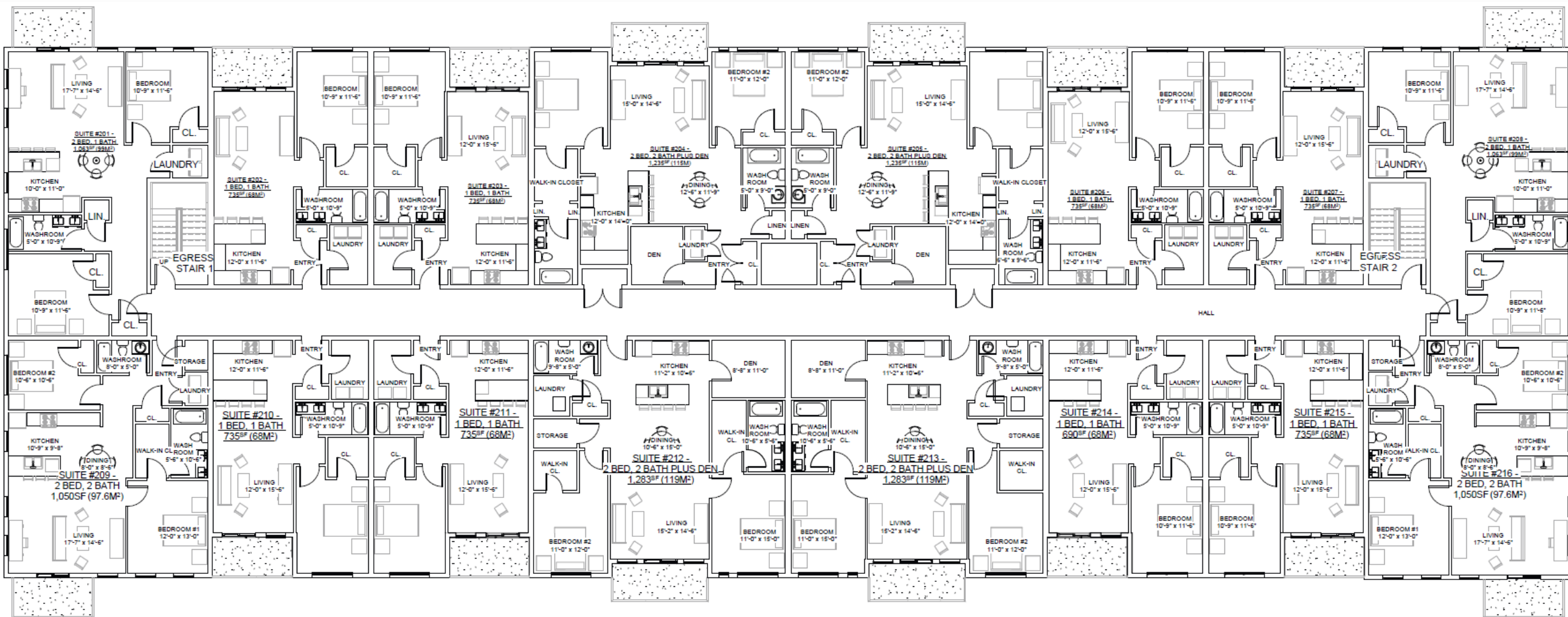
**Landscape and Outdoor Spaces:** There is provision for trees to serve as landscape and buffer, an outdoor garden and playground.



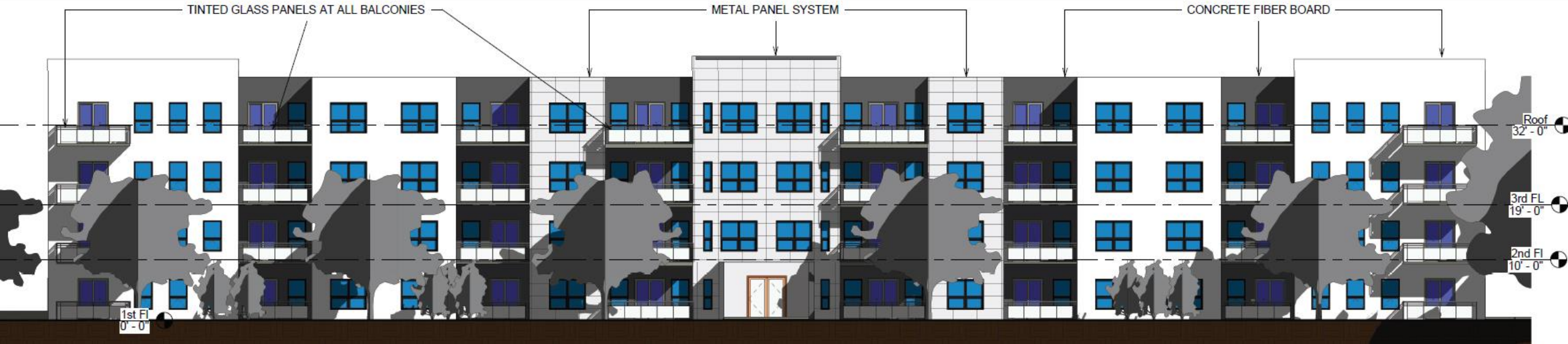
# Floor Plan (Apartment Building, Floor 2- 4)



# Floor Plan (Apartment Building, Floor 2- 4)



# Building Elevation



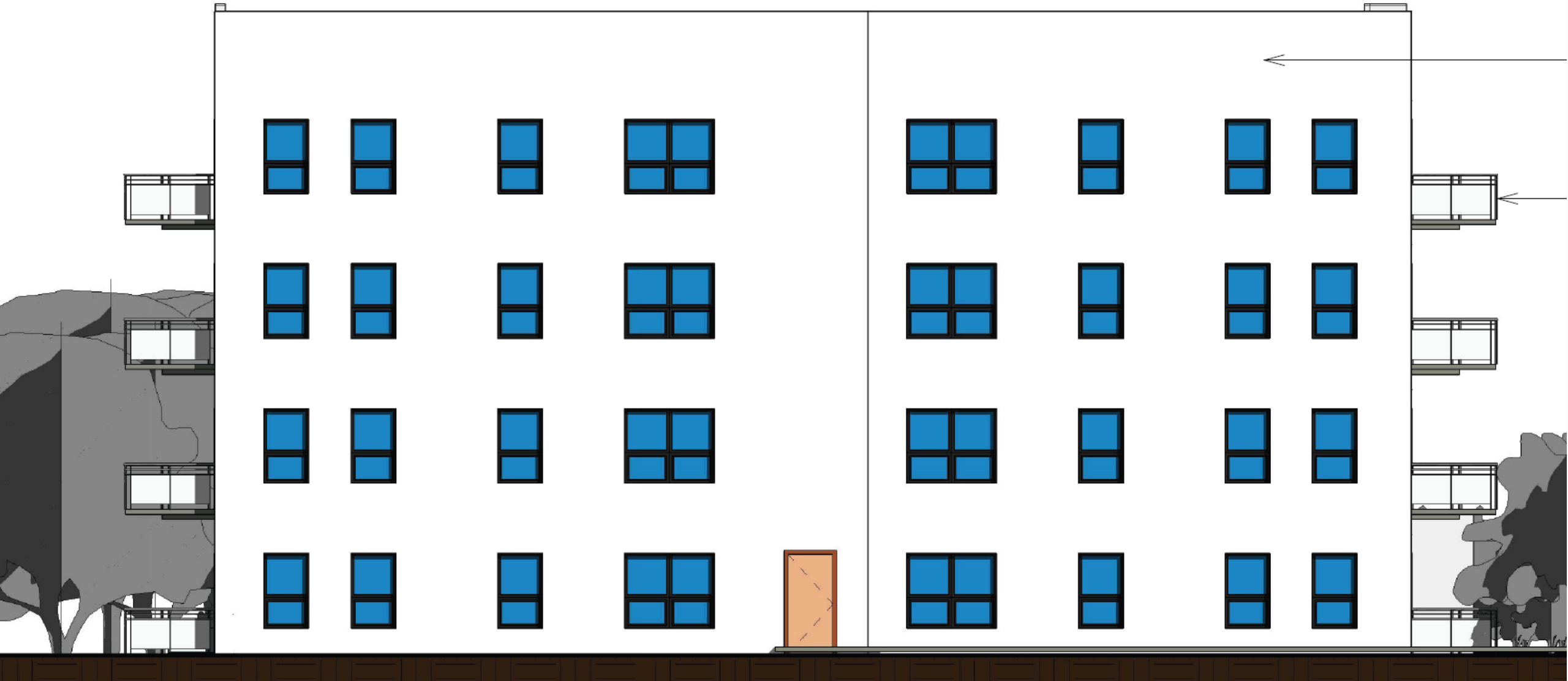
Front

# Building Elevation



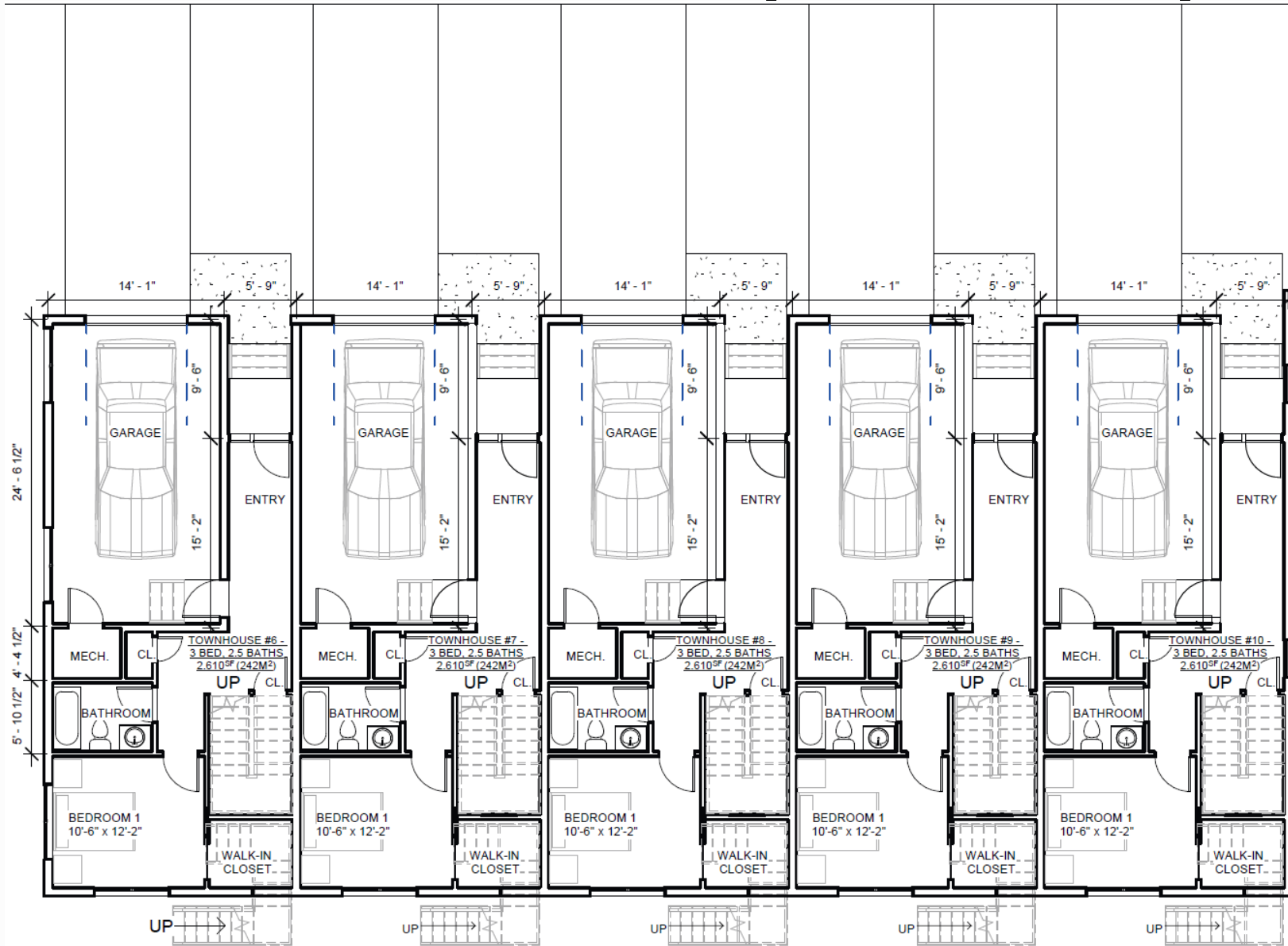
**Back**

# Building Elevation



Side

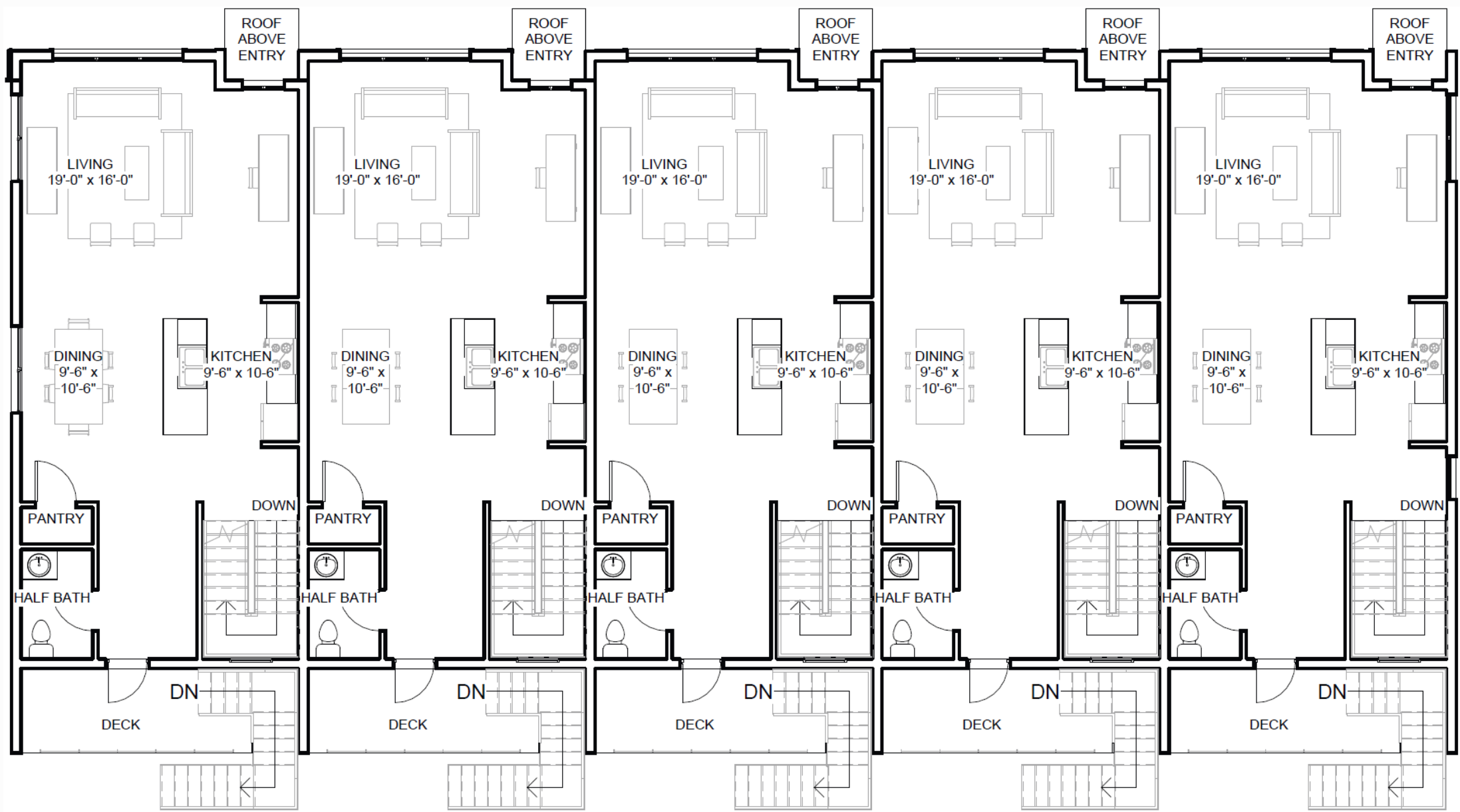
# First Floor Plan (Town House)



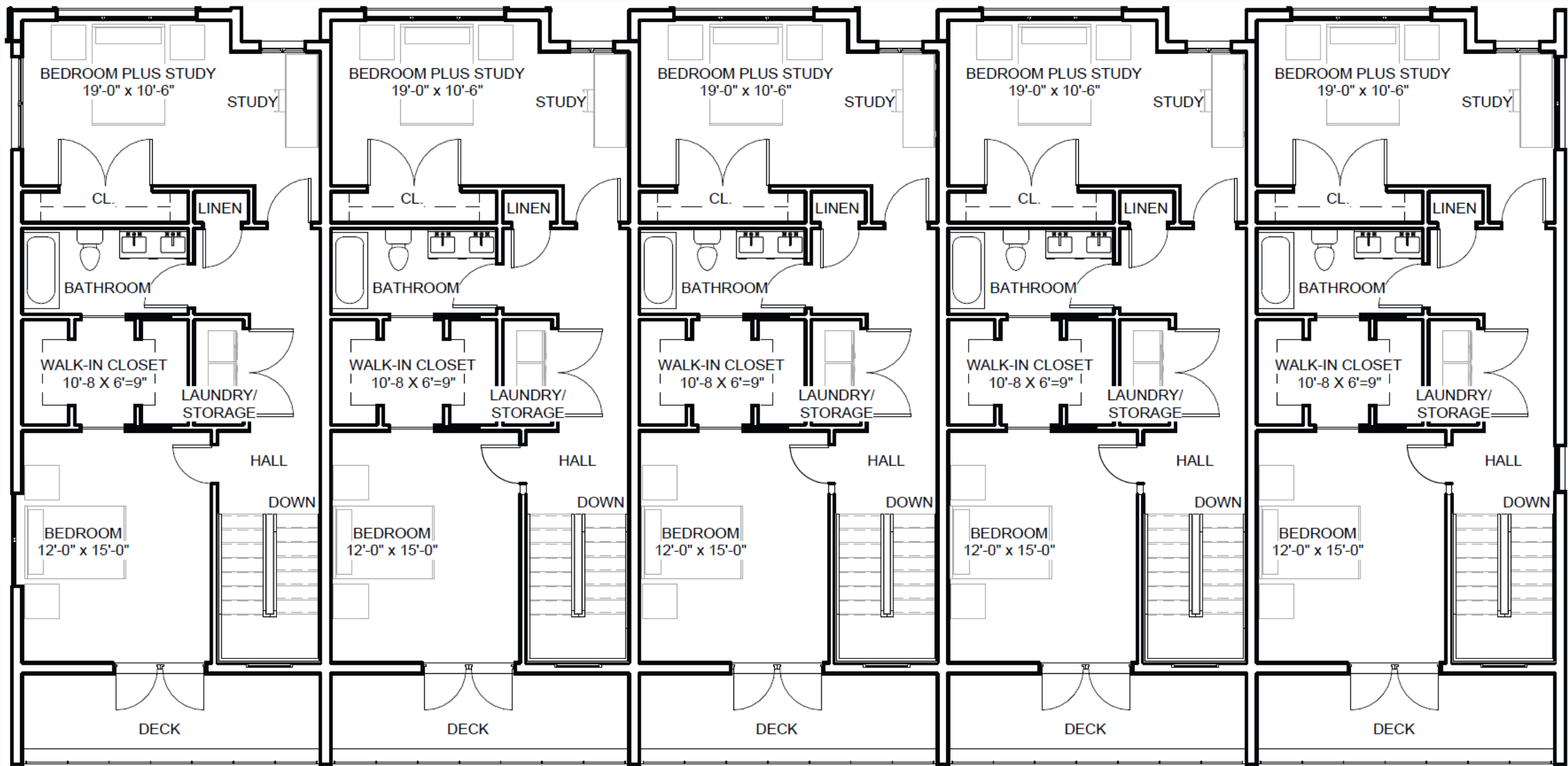
1st Floor



#sewhyweloveit



**2<sup>nd</sup> Floor Plan (Town House)**



**3<sup>rd</sup> Floor Plan (Town House)**

# Building Elevation



Front

# Building Elevation



**Back**

# RELEVANT PLANNING BYLAWS AND POLICIES

**Section 8.1.1 of the Town Land Use Bylaw** permits residential uses in Commercial Zones according all the applicable Residential standards.

**Land Use Bylaw, Section 7.2.2**, considers allowing apartment buildings greater than 4 units by development agreement in accordance with **Policy RP-9** of the Municipal Planning Strategy.

## **RP-9 (Medium and High Residential 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 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.

# RELEVANT PLANNING BYLAWS AND POLICIES

## RP-11 (Affordable Housing)

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.

## General Land Use and Development Policies (GP)

### GP-7 (Compatibility)

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.

### 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.

## Municipal Service Policies (MS)

**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.

# RELEVANT PLANNING BYLAWS AND POLICIES

## Implementation Policy

### A-5 (Amendment Criteria)

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.

**Town of Amherst**  
**Public Participation Opportunity**  
**Minutes**

**Date:** June 21, 2023  
**Time:** 5:00 pm  
**Location:** Council Chambers, Town Hall

**Council Present** Councillor Hal Davidson, Vice Chair, Planning Advisory Committee  
Deputy Mayor Leon Landry  
Councillor George Baker  
Councillor Dale Fawthrop  
Councillor Charlie Chambers

**Members Present** Ronald Wilson, Citizen Representative, Chair, Planning Advisory Committee  
Creighton McCarthy, Citizen Representative, Planning Advisory Committee

**Staff Present** Andrew Fisher, Director, Planning & Strategic Initiatives  
Abiola Falaye, Planner/GIS Coordinator  
Marc Buske, Building Official  
Natalie LeBlanc, Municipal Clerk  
Cindy Brown, Administrative Assistant

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1. **Call to Order**  
Andrew Fisher called the Public Participation Opportunity to order.
2. **Territorial Acknowledgment**  
Andrew Fisher gave the Territorial Acknowledgement.
3. **Introduction**  
Andrew Fisher introduced the Town of Amherst staff, members of Council and the members of the Planning Advisory Committee that were in attendance as observers and explained the development agreement process.
4. **105 South Albion Street**
  - 4.1 **Staff Reports / Presentations**  
Abiola Falaye presented the application for a Development Agreement to permit the construction of 20, 3-bedroom townhouses and 2, 4-storey, 64-unit apartment buildings at 105 South Albion Street.

## 4.2 Public Participation Opportunity

**Greg Brennan** asked what Amherst's definition of affordable housing is. Andrew Fisher answered that the Town does not define affordable housing but typically it is about 30% of your income. These units are intended to be marketed as at market rate. He added that although the Town has no definition for affordable housing, it supports affordable housing delivery through its Municipal Planning Strategy which contains policies to encourage a mix of housing types. Greg expressed his support for the development.

**Joe LeFurgey**, a business owner at 103 South Albion Street, is interested in the ownership and width of the proposed driveway, including sidewalks, because he is currently taking advantage of a portion of the vacant area for parking. Andrew Fisher replied that the minimum road width is 15 meters, plus 8 meters for the remaining paved areas. He added that the road will most likely be publicly owned, but this decision is outside the scope of the proposal. Also, Mr. LeFurgey expressed concern about the increased traffic relating to this proposed development and asked if a traffic light will be installed at the intersection on South Albion Street. He opined that a development of this size should have a second exit. Mr. Fisher agreed that traffic is a valid concern, but he cannot confirm if a traffic light will be installed. Furthermore, Mr. LeFurgey asked about the timeline of the development agreement process and if there is a requisite deadline to begin project implementation. Mr. Fisher explained that the purchase and sale agreement already obliges the developer to start construction within two years after a development agreement is approved. Mr. LeFurgey added that underground parking is not feasible on the proposed site because the groundwater table is high in that area.

Despite his concerns, Mr. LeFurgey was pleased with the proposal. He believes the development will boost business in the area and a few modifications to the design may be required to address the issues identified.

**Evan Oxner** of 24 Clinton Street expressed concerns about privacy and wanted to know if there will be trees or a fence to ensure that privacy is protected as this development will be behind his property. Evan also asked about accessibility to the vacant property that borders the proposed development site on the south. Andrew Fisher answered that the site plan made provisions for trees and there are opportunities to access the said property next to the proposal.

**Dale Bishop** asked what percentage will be affordable housing? He is worried about what may become of the buildings in future. Dale said the site in question has been a dumping ground and it will contain a variety of waste and debris. He is therefore interested in knowing who will be responsible for cleaning up the site prior to the development. Andrew Fisher noted his concerns about affordable housing, adding that the developer will be responsible for remediation of the property.

Further on **Mr. LeFurgey's** inquiry about the timeline of the development agreement application process, Andrew Fisher explained that sequel to the Public Participation Opportunity, the Planning Advisory Committee will meet on July 4, 2023, followed by Council giving a First Reading probably in September, unless a special meeting called. Subject to Council's decision, a Public Hearing will be scheduled, followed by a second and final reading of the application. If everything happens as expected, Mr. Fisher noted that the developer hopes to start construction in the second quarter of 2024.

## **5. Closing**

There being nothing further from the public, Mr. Fisher indicated that the next Planning Advisory Committee meeting will be held on July 4, 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.

## Natalie LeBlanc

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**Subject:** FW: 105 South Albion Street submission

-----Original Message-----

From: Evan Oxner <e\_oxner15@hotmail.com>

Sent: June 20, 2023 12:08 PM

To: Natalie LeBlanc <NLeBlanc@amherst.ca>

Subject: 105 South Albion Street

Hi Natalie,

A question about the building on Albion St. Will they be putting up a fence or trees or anything to separate their property from the properties on Clinton St.?

One of the reasons we purchased our home on Clinton Street was the privacy and because there wasn't anyone behind our home looking into our property. It would be appreciated to have that privacy maintained to some extent.

Thank you.

Evan Oxner

## Natalie LeBlanc

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**From:** Sharon White <chaplainsharonwhite@gmail.com>  
**Sent:** June 28, 2023 11:13 PM  
**To:** Natalie LeBlanc  
**Cc:** Sharon White  
**Subject:** South Albion Development

Hi Natalie

My partner and I bought 20 Clinton St in April of 2022 because it was on a quiet street with a very private backyard! I don't think we would have bought the property if the development had already been there, as backyard privacy is a priority for us!

I realize that my concerns around this development are passed the deadline, however, I need to send this email to you so my concern is heard and possibly addressed.

I did not speak up about my concerns of losing my backyard privacy because it was brought up at the meeting asking for trees and a fence to be put in to keep our privacy.

Nor did I speak up about water table disruption from this construction that may lead to my full dry basement flooding as drainage was also brought up at the meeting. Proper drainage for the development needs to be looked at for the whole site as it relates to neighborong yards.

Also addressed at the meeting was the concern of traffic turning left out of Blain St onto South Albion, this is difficult during peak workday hours every day. One person brought up the solution of the town installing traffic lights at this Blain St. /South Albion intersection to address this concern should the Blain St development go ahead. I agree that as it stands currently, turning left onto South Albion is difficult during peak hours. I am also very concerned how the traffic will be negatively affected if the development gets built.

I'm a volunteer firefighter and once we get paged out to an emergency then time is of the essence, but at present I'm often delayed getting to the fire station because turning left onto South Albion, during peak hours is difficult.

This is my concern that was not given to the planning committe at the meeting: the extra traffic from Blain St, and the solution of traffic lights will further back up traffic at the Clinton St intersection causing even more delays for anyone turning left from Clinton onto South Albion. These delays will not just be during peak workday hours but will be all day. However, for me as a volunteer firefighter needing to get to the station as soon as possible when paged to an emergency, further delays getting out of Clinton St really concern me! Daytime emergencies often have less firefighters responding to the station due to work responsibilities. I don't want to be loose more time getting to the station because of extra traffic congestion, and for another set of lights to wait for while I'm shopping at stores on South Albion when a page comes through.

I'm not sure what the solution is for this.

Is there a back road out of Clinton that could be added parallel to South Albion to give a second route to the fire station to avoid the increased traffic and light delays on South Albion should this development go ahead as proposed?