



Town of Amherst
Planning Advisory Committee Meeting
Agenda

Date: **Tuesday, October 10, 2023**
Time: **4:30 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. Call to Order	
1.1 Territorial Acknowledgement	
“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.”	
1.2 Approval of Agenda	
1.3 Approval of Minutes - July 4, 2023	1 - 2
2. Staff Reports / Presentations	
2.1 105 South Albion Street	3 - 42
2.2 Public Participation Opportunity Summary - June 21, 2023 (Including letters of concern)	43 - 47
2.3 Public Participation Opportunity Summary - October 4, 2023	48 - 49
2.4 Demolitions Update	50 - 50
3. Adjournment	

**Town of Amherst
Planning Advisory Committee
Minutes**

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

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

Members Absent Ronald Wilson, Citizen Representative, Chair

Staff Present Jason MacDonald, Chief Administrative Officer
Abiola Falaye, Planner/GIS Coordinator
Emily Wainwright, Dangerous/Unsightly Premises Administrator
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

Staff Absent Andrew Fisher, Director of Planning & Strategic Initiatives
Marc Buske, Building Official

1. Call to Order

The Vice Chair called the meeting to order.

1.1 Territorial Acknowledgement

The Vice Chair gave the Territorial Acknowledgement.

1.2 Approval of Agenda

Moved By: Deputy Mayor Landry

Seconded By: Councillor Chambers

That the agenda of the July 4, 2023 Planning Advisory Committee Meeting to be approved as circulated.

Motion Carried

1.3 Approval of Minutes - June 5, 2023

Moved By: Jim Lamplugh

Seconded By: Creighton McCarthy

That the minutes of the June 5, 2023 Planning Advisory Committee Meeting to be approved as circulated.

Motion Carried

2. Staff Reports / Presentations

2.1 105 South Albion Street

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.

Moved By: Deputy Mayor Landry

Seconded By: Jim Lamplugh

That the Planning Advisory Committee recommend that Council enter into the Development Agreement for 105 South Albion Street as drafted, subject to any changes that may arise.

Motion Carried

2.2 Public Participation Opportunity Summary

Information item only; no direction given or action required.

3. Adjournment

Moved By: Deputy Mayor Landry

Seconded By: Councillor Chambers

To adjourn the meeting.

Motion Carried

Natalie LeBlanc
Municipal Clerk

Councillor Hal Davidson
Vice Chair

MEMO

TO: Planning Advisory Committee

FROM: Abiola Falaye, Planner

DATE: October 10, 2023

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

PROPOSAL

An application by Blackbay Real Estate Group for a development agreement to allow 10 town houses and two apartment buildings at 105 South Albion Street (formerly known as Blaine Street).

BACKGROUND INFORMATION

The attached application briefing provides the site details, neighborhood context, building proposal details and MPS policies relevant to this item.

Following a June Public Participation Opportunity, on July 4th, 2022 the PAC recommended that Council enter into the agreement for 20 townhouses and two, 64-unit apartment buildings. In parallel to this process, the town engaged a surveyor to consolidate and reconfigure the subject property. In doing so, the surveyor's property records search revealed an old disused powerline easement in favour of NS Power running diagonally across the property. Rather than undertake the rarely successful task of getting NS Power to give up the easement, Black Bay revised the development proposal around it. The revised proposal reduced the number of townhouses and significantly increased building setbacks to adjacent properties along Clinton Street; however, it also included a 128-unit, 8-level apartment building. As such, staff felt the changes were significant enough to warrant a second Public Participation Opportunity and review by the PAC.

PUBLIC PARTICIPATION OPPORTUNITY

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on October 4, 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 comments and concerns received at the recent Public Participation Opportunity were in line with the initial Public Participation Opportunity. The attendees seem to be pleased with the proposal as they anticipate its benefit in reducing housing shortage in the town. Nevertheless, the participants did

not fail to express their opinion about some of the existing and anticipated challenges in relation to the site and proposed development. Issues of concern raised at this meeting include:

- Traffic increase and single access to and from the site
- Efficiency of the storm water and sewer management infrastructure
- Presence of a wellhead on the property
- Management of dust and other disturbance associated with the construction
- Implications/ compatibility of the proposed development on existing and future industrial uses in the neighbourhood

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.

Compared to the original plan, the revised site plan allows for even more setback between the proposed development and the existing buildings on Clinton Street. There is also an ample supply of trees to serve as a buffer between the proposed development and the already established neighborhood. 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 driveway parking space, in addition to a garage space, is proposed for each townhouse. For the apartment buildings, a total of 129 parking spaces is planned for Building C with 128 dwelling units, while Building D with 48 dwelling units will have 54 parking spaces. 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. In the opinion of staff, the proposed development is adaptable in this part of the town. In addition, the organization of the buildings and the proposed landscape features should adequately minimize the potential impacts of a high-rise development in the area.

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, featuring one-, two- and three-bedroom residential dwellings. 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. The proposed development will add 186 units to the existing housing stock in town in a central location, within walking distance to amenities.

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 applicant's submitted site plan shows a commendable provision for trees to serve as natural buffer. Additionally, the strategic allocation of parking, both underground and surface, ensures it blends with the surroundings, without compromising accessibility, greenery, or visual aesthetics. Furthermore, the development agreement incorporates provisions that promote the alignment of the proposed project with the neighboring community. The plan also ensures that the proposed development does not encumber the easement of Nova Scotia Power.

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 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. Its proximity to commercial activities should also reduce vehicle dependency and promote active transportation.

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*

The provisions in the Development Agreement sought to ensure that the intent of the planning documents is fulfilled. 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.

The development agreement includes a provision to allow changes to the surface parking and access to accommodate emergency vehicles, including the use of the town-owned right-of-way onto Clinton Street.

(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 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. The revised site plan significantly increases setback between the townhouses and adjacent properties along Clinton Street, and the 8-level apartment building is approximately 160 feet away. Staff feel any impacts of the larger building will be mitigated by the separation and use of vegetation as a buffer.

Landscaping will also help to enhance the built environment in the area. It is also expected that future development in the area, particularly on the commercial parcel south of the subject property will be planned in such a manner that it does not conflict with existing developments. On top of that, there is an adequate provision for parking and the traffic that will be generated can be reasonably accommodated by the existing road in the area.

Other matters of planning concern raised, including air and noise pollution during the construction phase, pre- and post-construction site cleaning, are addressed in the draft development agreement. 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. Staff will inform the proponents of the development of the likely presence of wellhead, but it is not anticipated to have an impact on the development.

DISCUSSION & CONCLUSION

The proposal will provide an additional 186 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.

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.

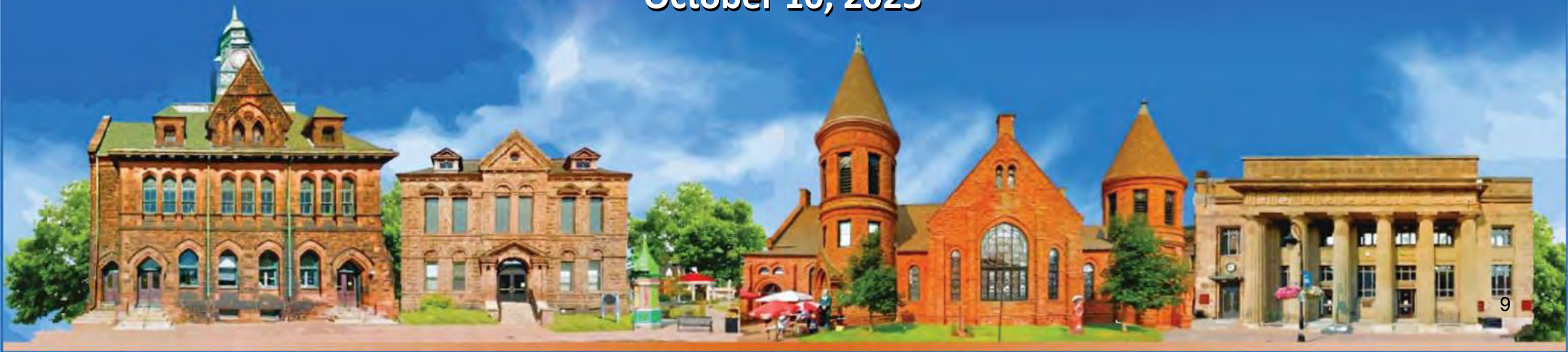
Option Three: Defer a recommendation to Council and request additional information from staff or the applicant.

STAFF RECOMMENDATION: Option One.

Application Briefing

Development Agreement to permit two rows of five town houses and two apartment buildings.

October 10, 2023



DEVELOPMENT AGREEMENT PROCESS

Step 1
Application and Preliminary Review

Submission of draft design and proposal.

- Preliminary review by staff.
- Formal application for development agreement.

Step 2
Public Participation Opportunity

This is an opportunity for the public to learn about the proposal. Staff provide a summary of a proposal and relevant policies to consider in relation to the development.

The applicant(s) and public are invited to provide input on the proposal. However, this is not a 'question and answer' session. This meeting is livestreamed and recorded for public viewing. The Planning Advisory Committee and Council will have an opportunity to attend this meeting but are not allowed to comment on the proposal.

Notice of this meeting include mailed letters to properties owners within 60metres and hand delivered letters to residents within 30metres of the subject property. In addition, a notice was placed in the Town's local newspaper.

The current proposal could change based on the input received at this meeting.

The Planning Advisory Committee will have access to all the recording, written comments, and a summary of the input provided at this meeting.

Step 3
Planning Advisory Committee

Review of proposal, comments and feedback from the public participation.

Make a recommendation on the development agreement to Council.

Step 4
First Reading

Council considers First Reading of the agreement and schedules a public hearing.

Step 5
Public Hearing

Detailed overview of the proposal.

Present feedback from public participation opportunity, report and recommendation of the Planning Advisory Committee.

Step 6
Second Reading

▪Council considers Second Reading and decides on the proposal.

Notice of Council's decision is advertised, providing the right to appeal Nova Scotia Utility Review Board (NSURB).



APPLICATION DETAILS

Applicant / Owner: Blackbay Real Estate Group

Summary of Proposal: Development Agreement to permit two rows of five town houses and two apartment buildings.

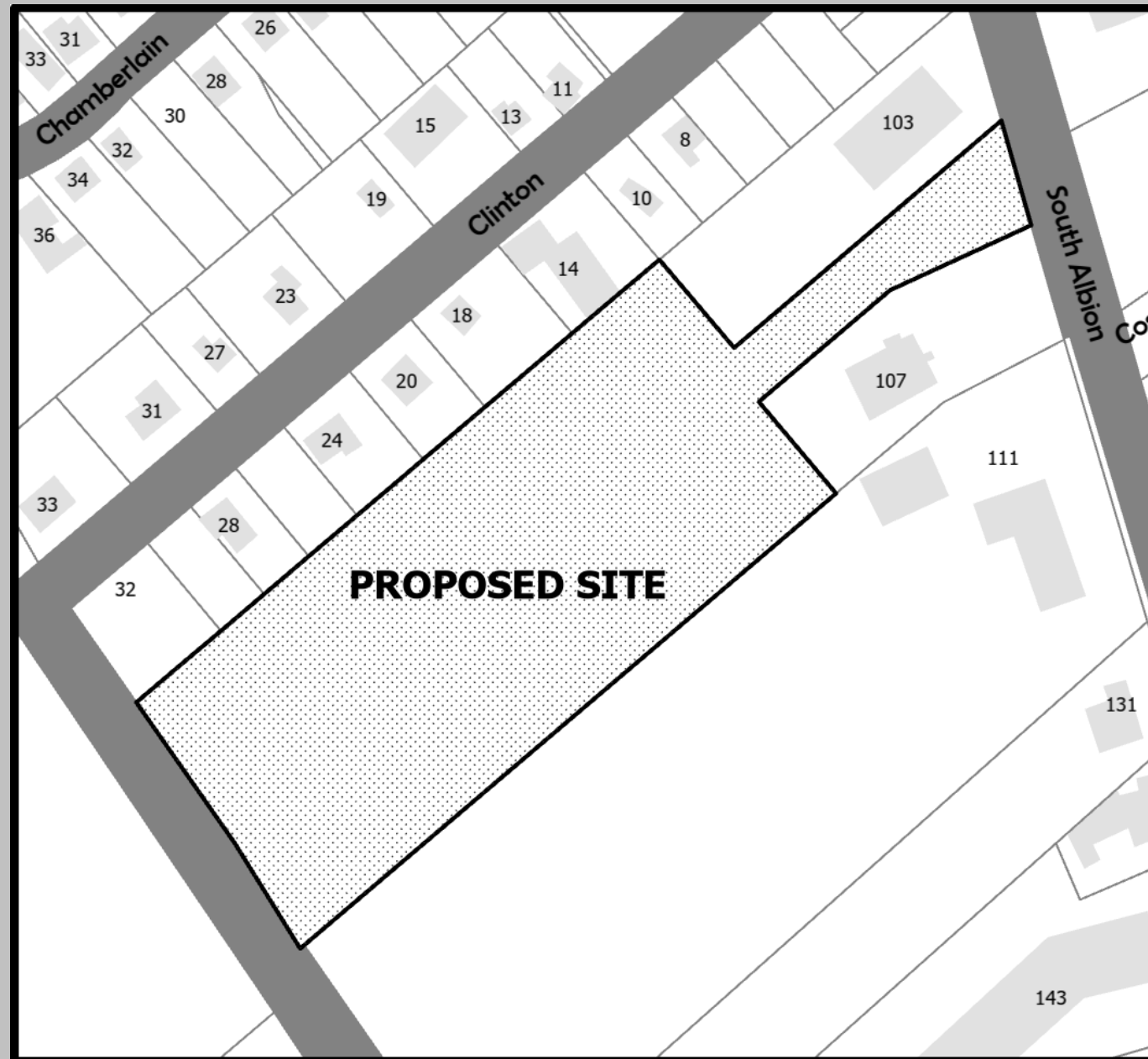
Location: 105 South Albion Street (formerly known as Blaine Street).

Property Area: 15,783m² (4 acre).

Existing Zoning: Highway Commercial

Existing Land Use: Vacant

Street Frontage: South Albion Street



NEIGHBOURHOOD CONTEXT

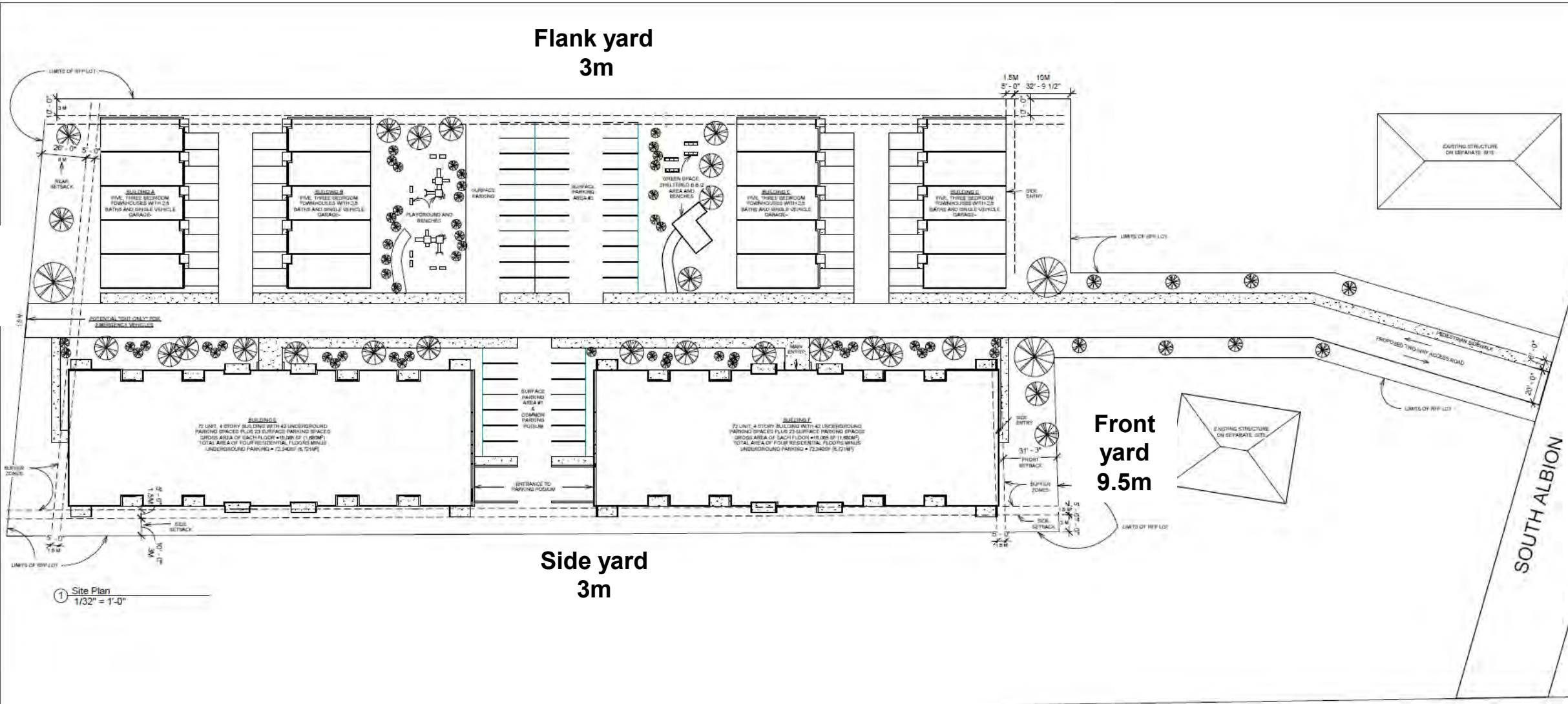
- ❑ The subject property is in the Highway Commercial Zone.
- ❑ North of the site is a row of detached and semi-detached residential dwellings with frontage on Clinton Street.
- ❑ There is a vacant lot on the southern border, while the Bulk Plant and Sales Office of Maritime Fuels is on the West side. 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.



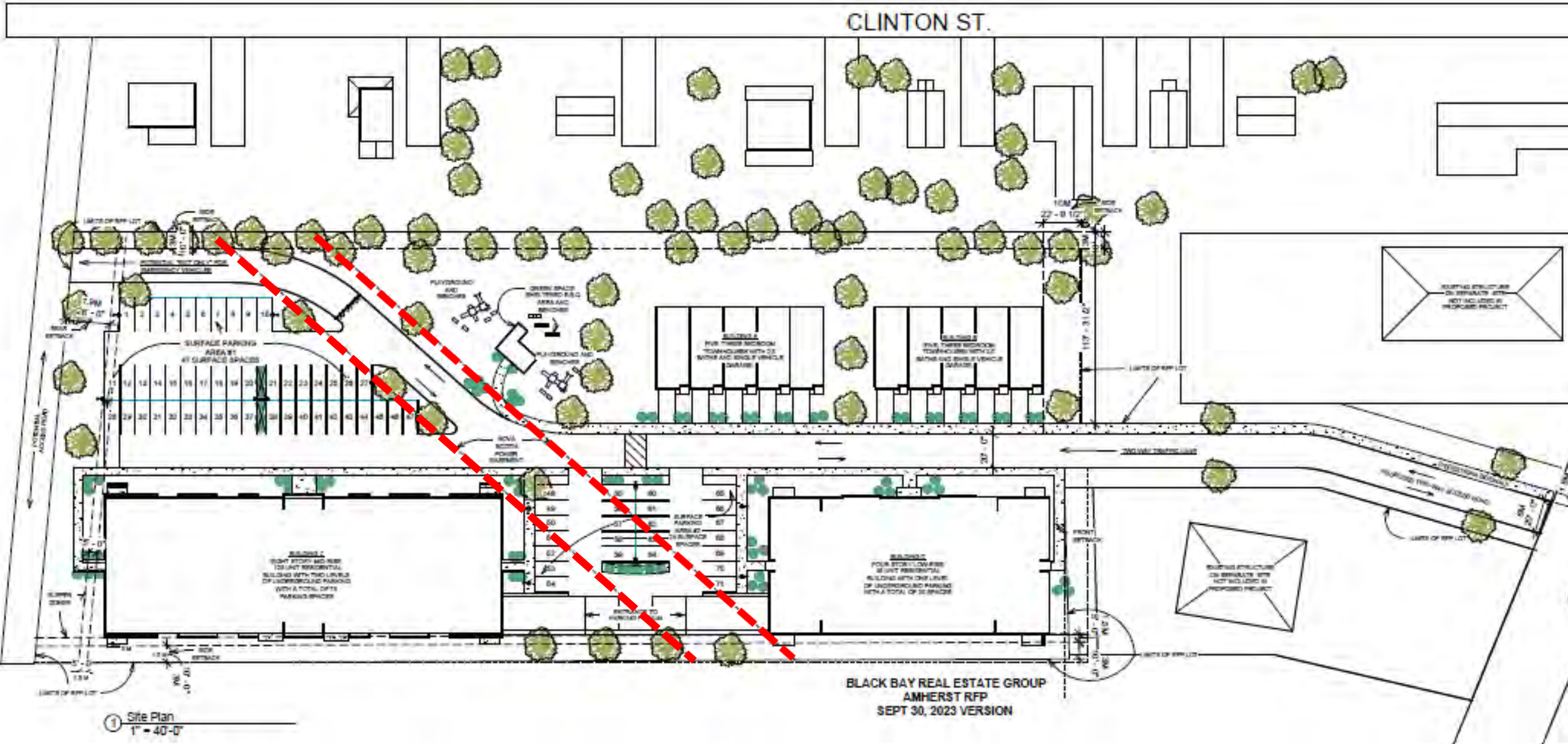
Original Site Plan

Flank yard
3m

Rear yard
8m



Current (revised) Site Plan



Bird's Eye View of the Proposal



GENERAL DESCRIPTION

Lot coverage: 12.34%.

Density: 46 units per acre

Access: Proposed driveway off South Albion Street

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

Total number of residential units: 186

Apartment Building (Building C & D)

	C	D
Number of storeys	8-storey building	4-storey building
Number of dwelling units	128 dwelling units. Each level consists 10 one-bedroom units and 6 two-bedroom units. Four of these units will be barrier free.	48 dwelling units Each level consists 8 one-bedroom units and 4 two-bedroom units. Two of these units will be barrier free.
Parking	129 parking spaces, including: i. 82 underground parking spaces split into two levels, of which four are accessible. ii. 47 surface parking spaces	54 parking spaces, including: i. One level of 30 underground parking spaces, of which two are accessible. ii. 24 surface parking spaces
Amenity space	A deck space of at least 3m ² per unit	A deck space of at least 3m ² per unit
Building area	1,697m ²	1,197m ²

	A & B
Number of storeys	3-storey building
Number of dwelling units	10 dwelling units. 2 rows of 5 town houses, each containing a 3-bedroom unit.
Parking	1 garage parking per townhouse, plus one driveway parking space.
Amenity space	Two rear deck areas comprising 10m ²
Building area	82m ²

Approach Elevation (Townhouses)



① North
3/32" = 1'-0"

Rear Elevation (Townhouses)



3rd FL
18' - 0"

2nd Fl
9' - 0"

② South
3/32" = 1'-0"

PERSPECTIVE VIEW OF BUILDINGS A & B TOWNHOUSES



#seewhyweloveit



Side Elevation (Building C and Townhouse)



Side Elevation (Building C and Townhouse)



② West
3/32" = 1'-0"

Approach Elevation (Building C)



① North - Bldg C
3/32" = 1'-0"

Approach Elevation (Building D)



North -Bldg D

#seewhyweloveit



**PERSPECTIVE VIEW OF BUILDING C APARTMENTS
FROM CLINTON ROAD**



PERSPECTIVE VIEW OF BUILDING D APARTMENTS



**PERSPECTIVE VIEW OF ALL BUILDINGS IN COMPLEX,
INCLUDING PARKING AREA, EMERGENCY ACCESS
ROAD, PLAYGROUND AND B.B.Q. AREAS**

TOWNHOUSES A & B

PLAYGROUND AND B.B.Q AREA
AMENITIES

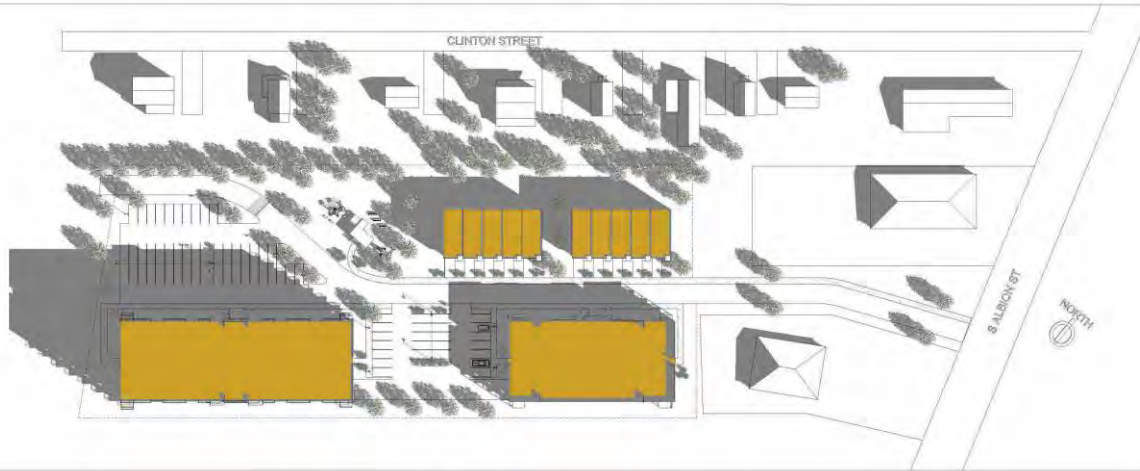
APARTMENT
BUILDING C



EMERGENCY ACCESS ROAD

TENANTS SURFACE PARKING AREA

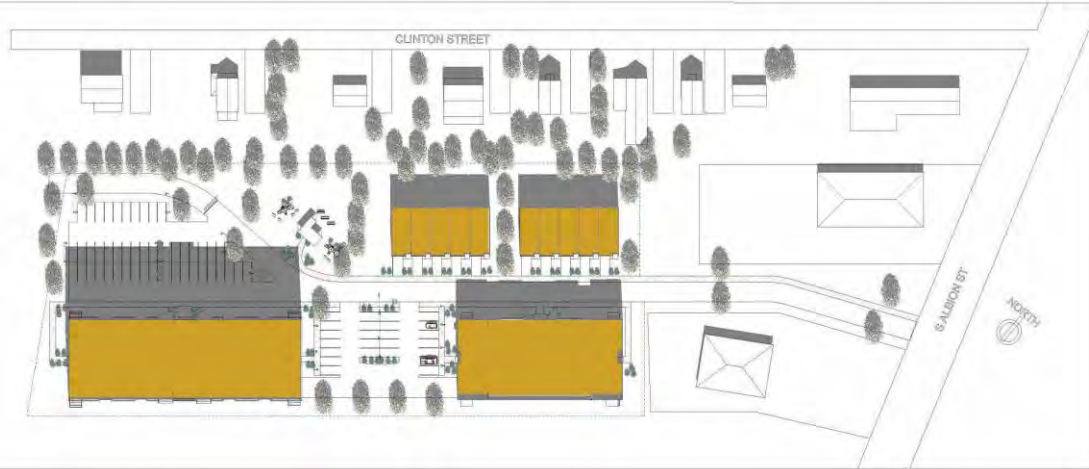
SHADOW STUDY



MARCH 20, 2023 (9 A.M.)



MARCH 20, 2023 (3 P.M.)



MARCH 20, 2023 (12 P.M.)

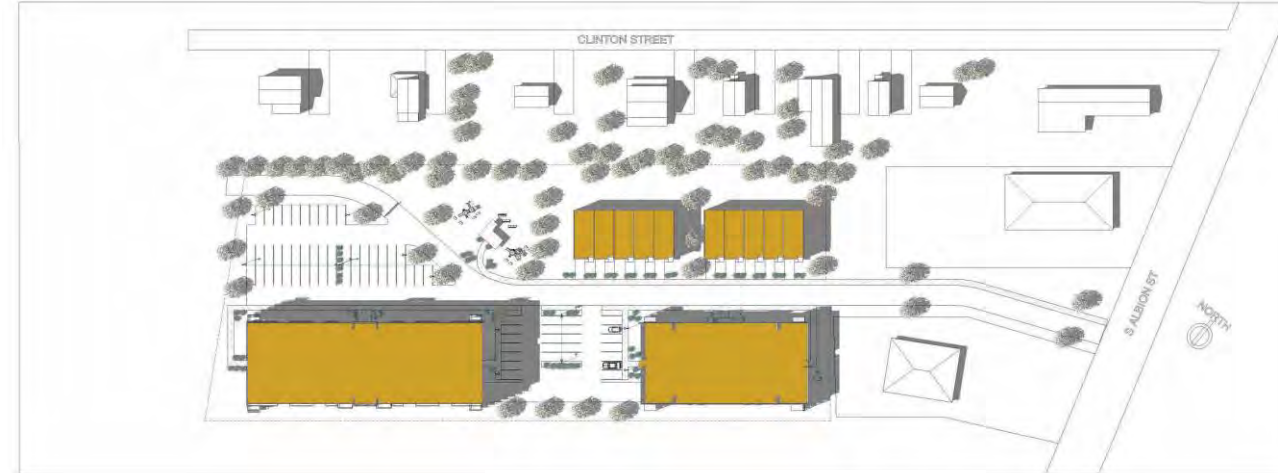


MARCH 20, 2023 (6 P.M.)

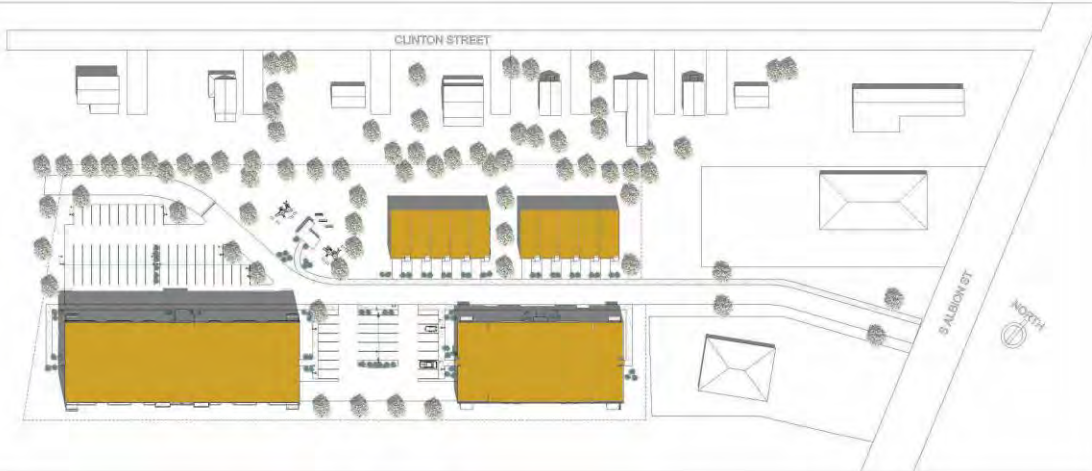
SHADOW STUDY



JUNE 21, 2023 (9 A.M.)



JUNE 21, 2023 (3 P.M.)

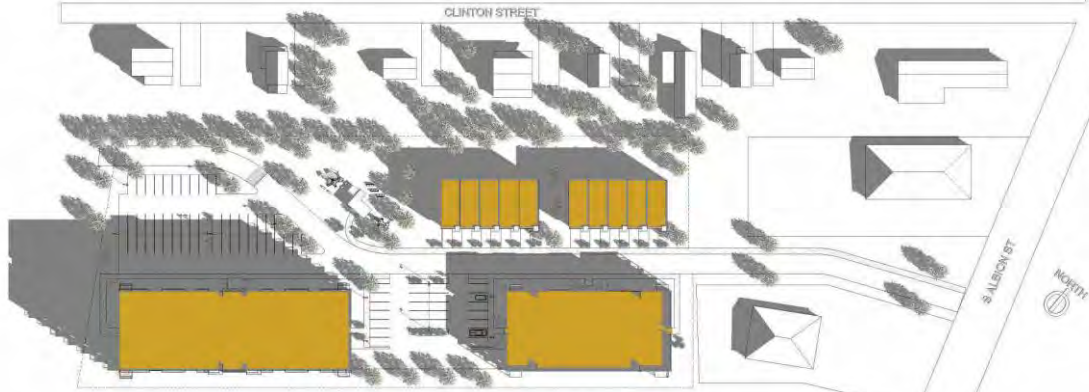


JUNE 21, 2023 (12 P.M.)



JUNE 21, 2023 (6 P.M.)

SHADOW STUDY



SEPTEMBER 23, 2023 (9 A.M.)



SEPTEMBER 23, 2023 (3 P.M.)

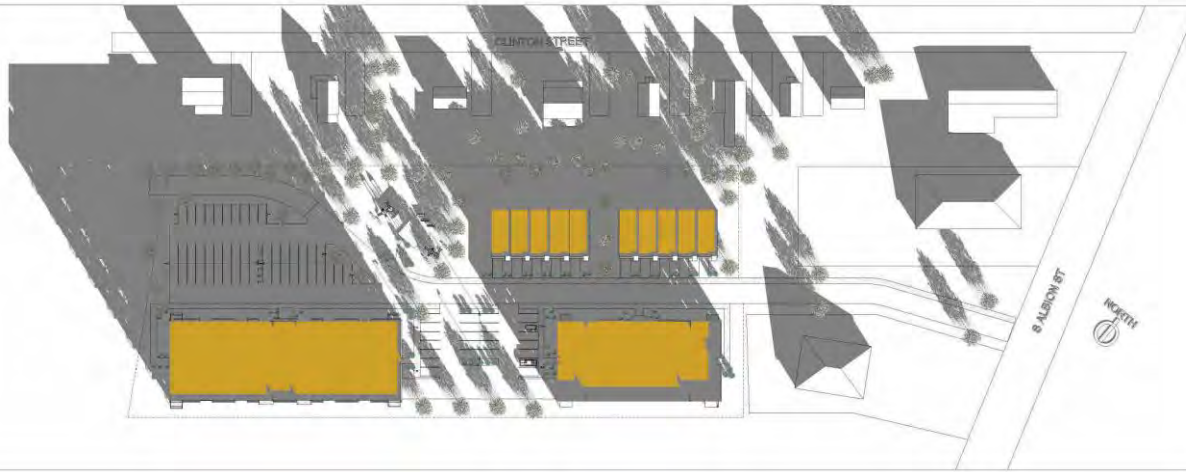


SEPTEMBER 23, 2023 (12 P.M.)

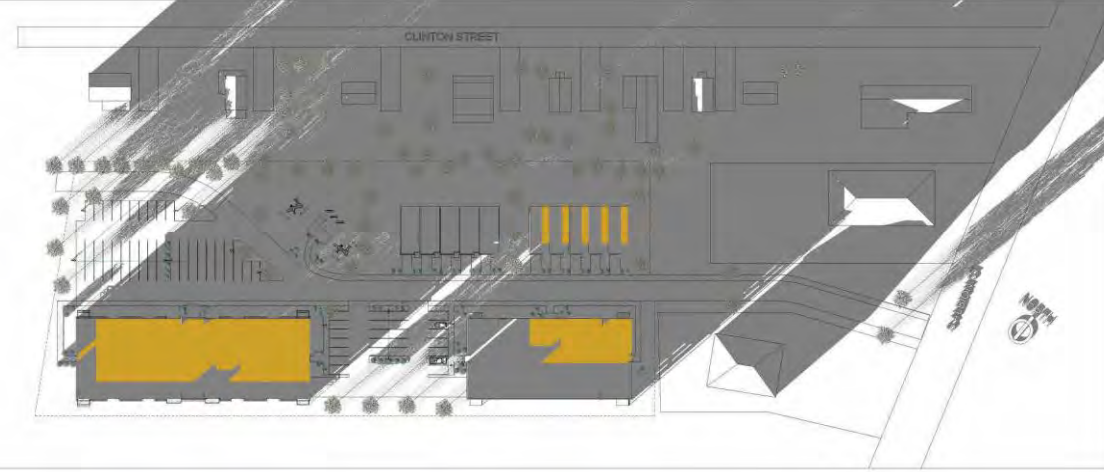


SEPTEMBER 23, 2023 (6 P.M.)

SHADOW STUDY



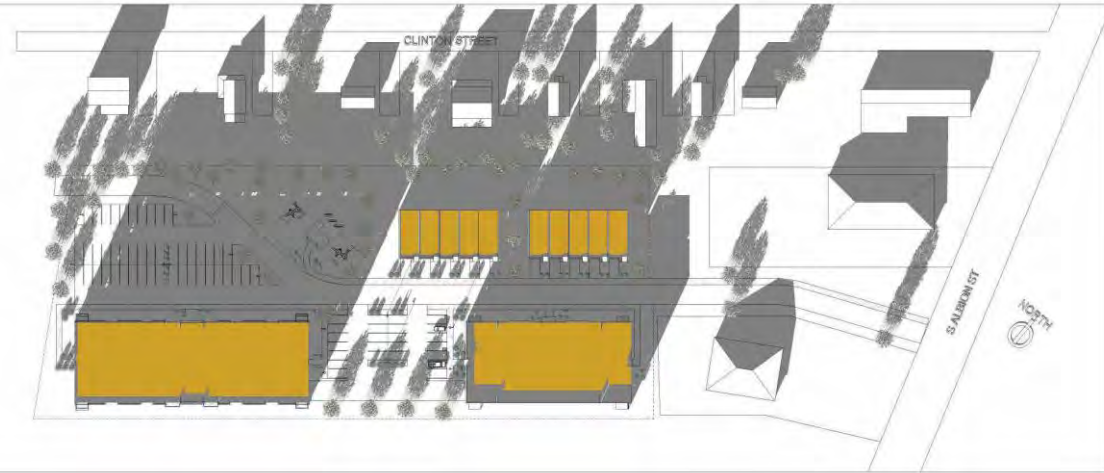
DECEMBER 21, 2023 (9 A.M.)



DECEMBER 21, 2023 (3 P.M.)



DECEMBER 21, 2023 (12 P.M.)



DECEMBER 21, 2023 (6 P.M.)

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.

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 two, 5-unit townhouses, one, 128-unit apartment building, and one, 48-unit apartment building 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 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 two, 5-unit townhouses and two apartment buildings, including one 8-story, 128-unit building and one 4-story 48-unit building on 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

Adam Barrett, President
Black Bay Real Estate Group

Terms and Conditions:

1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the property shall be limited to two, 5-unit townhouses and two apartment buildings, including one 8-story, 128-unit building and one 4-story 48-unit building in the general location as shown on Schedule 'C'.
- 1.2 A minimum of 203 parking spaces, including 81 surface parking, 112 underground and 10 garage parking spaces shall be provided on the Land and shall be generally configured as shown and explained 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 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 be responsible for maintaining screened solid waste containment areas.
- 1.8 Paving of the driveways and parking areas shall be completed for the associated building within twelve (12) months from the date an Occupancy Permit is issued.
- 1.9 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.
- 1.10 The Owner shall be responsible for any changes to the location and configuration of access and parking that is required to accommodate access for emergency vehicles, to the satisfaction of the Development Officer and the authority having jurisdiction. Such changes shall not be considered substantial to this agreement.

2.0 GENERAL REQUIREMENTS

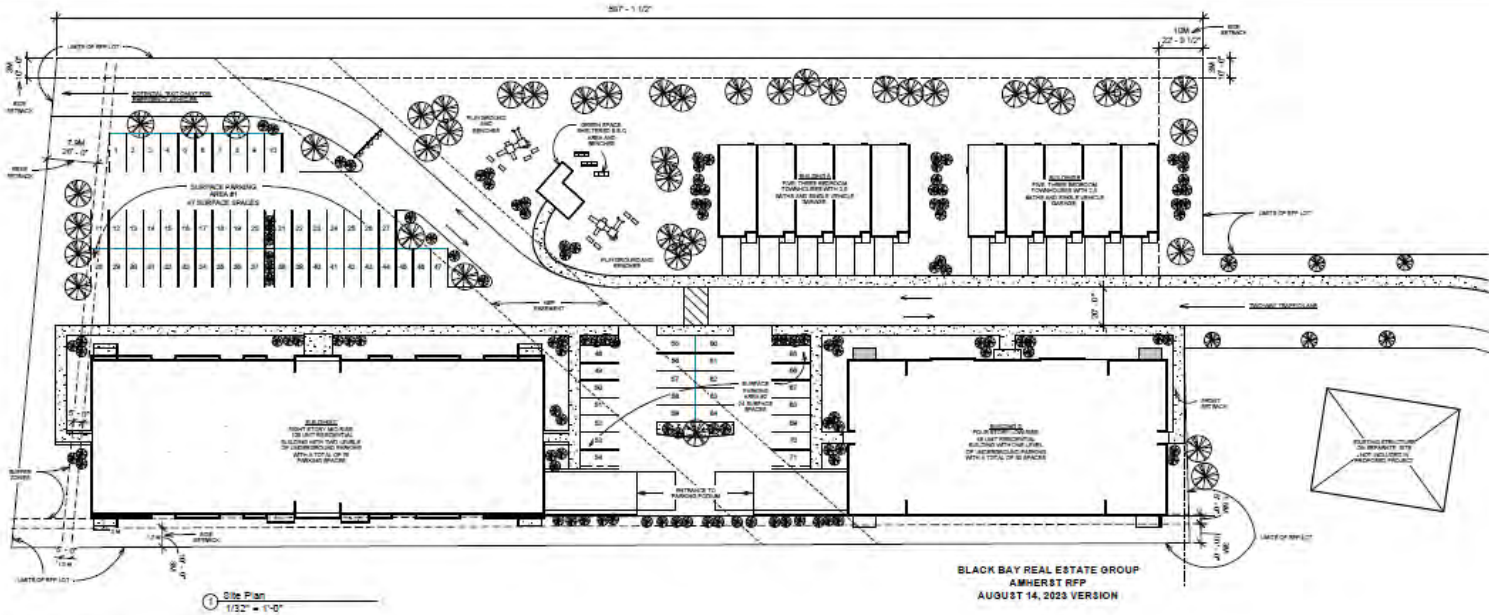
- 2.1 The Owner shall keep the Land, building and any portion thereof clean and in good repair. All elements of the development on the Land shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not 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 on an ongoing basis during construction.

SCHEDULE 'B'



SCHEDULE 'C'



BLACK BAY REAL ESTATE GROUP
AMHERST RFP
AUGUST 14, 2023 VERSION

BLACK BAY REAL ESTATE GROUP

Consultant:
Address:
Phone:
Fax:
email:

Consultant:
Address:
Phone:
Fax:
email:

Consultant:
Address:
Phone:
Fax:
email:

Consultant:
Address:
Phone:
Fax:
email:

Proposed Uses: REVISED AUGUST 22, 2023

Building C: 128 Unit Residential Apartment Building

Required parking
1.0 spaces per unit

Townhouse buildings A and B: total of 10 townhouses. - one covered garage parking space per townhouse and one driveway parking space
Provided: 10 garage spaces and 10 potential driveway spaces

Building C: Unit Residential Apartment Building

128 units x 1.0 = 128 spaces required of which 4 are to be barrier free.
Provided: Two levels of Under-Building parking: 82 standard spaces of which four are accessible spaces: total of 82 spaces

Building D: 48 Unit Residential Apartment Building

1.0 spaces per unit:
48 units x 1.0 = 48 spaces required of which 2 are to be barrier free.
Provided: One level of Under-Building parking: 30 standard spaces of which two are accessible spaces: total of 30 spaces

Surface parking provided for buildings C and D:
Surface parking area #1 = 47 spaces
Surface parking area #2 = 24 spaces
Total number of surface parking spaces = 71 spaces

Total parking spaces for Buildings C and D:
Total required number of surface and underground parking spaces for Buildings C and D = 176 spaces
Total provided number of surface and underground parking spaces for Buildings C and D = 183 spaces

BEDROOM COUNT

Bedroom count Building A and B Townhouses
10 townhouses in total with 3 bedrooms each = total of 30 bedrooms

Bedroom count Building C
Levels 1 - 3
10 one bedroom units and 6 two bedroom units = 22 bedrooms per level x 3 levels = 176 bedrooms

Bedroom count Building D
Levels 1 - 4
8 one bedroom units and 4 two bedroom units = 16 bedrooms per level x 4 levels = 64 bedrooms

Total bedrooms of Buildings A, B, C and D = 270

Amenity requirements
5m² per dwelling unit = 5m² x 186 units = 930m²
Provided: 5,248m²

Project totals
Townhouse Units: 10
Apartment Units: 176
Total units of Townhouses A,B and Apartment Buildings C and D: 186

Townhouse bedrooms: 30
Apartment Bedrooms: 240
Total number of bedrooms of Townhouses A,B and Apartment Buildings C and D: 270

LAND USE BY-LAWS
Amherst
Highway Commercial Zoning:
Residential uses in Commercial zones
to comply with all applicable Residential use shall
(i) satisfy all applicable Residential standards in this Bylaw
Refer to Residential section 5.1.1 and 5.1.2

Requirements (PER 8.1.1 and 8.1.2 zone requirements)
Min. Lot Size = 300m² (subject to Development Agreement)
Min. Front Yard - Apartment Building - 6m, Townhouse - 10m
Min. Rear Yard - all types = 8m
Min. Side Yard - Apartment Building = 2m one side, 3m other side
Min. Front Yard = 6m (not applicable)
Max Building Height = 11m (subject to Development Agreement)

Property and Building Stats
Lot Area: 15,783m² (169,887sf)

Townhouse building A (Townhouse B sim)
Per floor = 82M²
Total of all three floors = 246M²
Total of all 10 townhouse units (Townhouse A and B) = 2,460M²

Apartment building C
Building Gross Area
Floors 1 through 3 = 1,697M² each level
Total of all 3 floors (does not include underground parking) = 13,576M²

Apartment building D
Building Gross Area
Floors 1 through 4 = 1,197M² each level
Total of all 4 floors (does not include underground parking) = 4,788M²

Amenity spaces
Apartment building: each unit will receive a deck of at least 3M² (35sf)
Townhouses: each townhouse will have two rear deck areas comprising 10M² (108sf)

No.	Description	Date
01	revised bidg. locations	May 9-20
02	revised bidg. layouts and counts	July 20-22
03	revised bidg. layouts and counts	Aug 22-23

RFP-22-102
Sale and Development of Town Land: Blaine Street, Amherst

SITE PLAN

Project number
Date: APR. 27, 2023
Drawn by: D.F.
Checked by:

C1

Scale: AS SHOWN

SCHEDULE 'D'



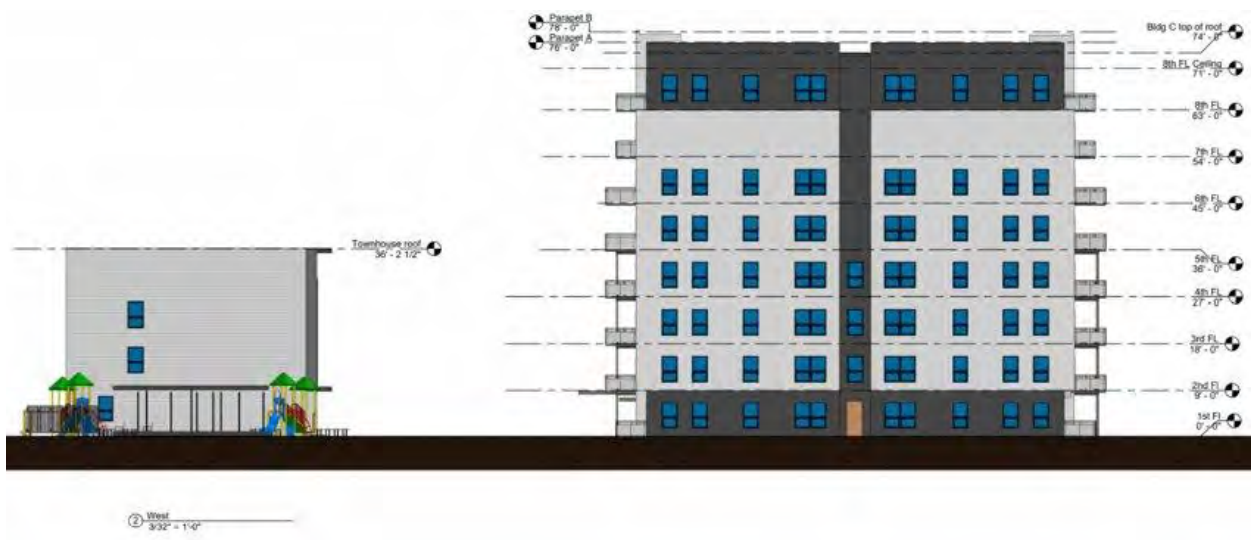
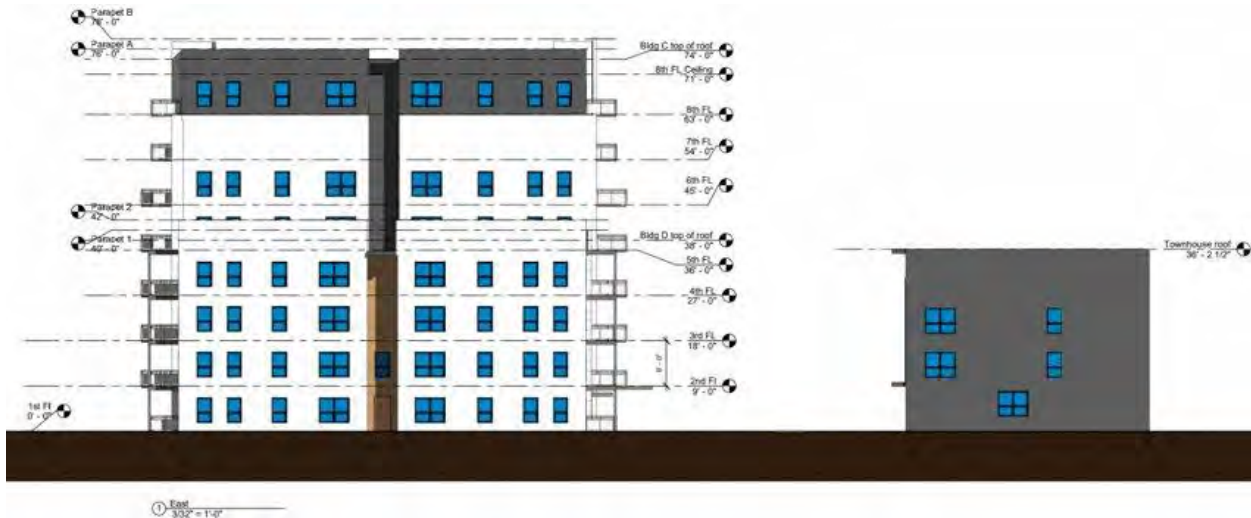
① North
3/32" = 1'-0"



② South
3/32" = 1'-0"



SCHEDULE 'D'



SCHEDULE 'D'



North - Bldg D



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

-
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

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

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?

**Town of Amherst
Public Participation Opportunity
Minutes**

Date: October 4, 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 Charlie Chambers
Councillor Dale Fawthrop
Councillor George Baker

Members Present Ronald Wilson, 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
Sean Payne, Corporate Communications Officer
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

- 1. Call to Order**
Andrew Fisher calls 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**
Andrew Fisher presented the updated application for a Development Agreement to permit the construction of two rows of five, 3-bedroom townhouses, in addition to two apartment buildings. These include an 8-storey building comprising of 128 units and a 4-storey building comprising of 48 units at 105 South Albion Street.

4.2 Public Participation Opportunity

Susan Costin owner of 106 & 108 South Albion Street is concerned about the increased traffic and the lack of a second exit especially if there is an emergency at that location. She asked about the industrial property that is behind the proposed development, will it be asked to vacate? Susan expressed that her main concern is the parking and the increased traffic onto South Albion.

Joe LeFurgey, a business owner at 103 South Albion Street. He mentioned that his earlier concerns from the last PPO about having only one entry and exit to and from the property, in addition to the connecting to traffic on South Albion Street has not been addressed in the new proposal. He also reiterated his worry about the underground water situation, emphasizing that he is constantly operating a sump pump to sustain his business operations in the area. He asked if there will be any guidelines in place to keep the construction dust down. Joe thinks this development is a great idea.

Andrew Fisher explained that many of the concerns will be address through the Planning Advisory Committee process and development agreement. Dust control can be required in of the development agreement.

Joe LeFurgey inquired about the capacity of the sewer system on South Albion Street to accommodate the heightened utilities usage. In response, Andrew Fisher noted that he had consulted with the Engineering department, and they expressed no reservations. However, Joe remains apprehensive due to previous incidents of sewer blockages that adversely impacted his business.

Susan Costin mentioned that there is a wellhead on subject property and would like to know what will happen with it. She said since the wellhead has been capped there has been flooding in that area.

5. Closing

There being nothing further from the public, Mr. Fisher indicated that the next Planning Advisory Committee meeting will be held on October 10, 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.

MEMO

TO: The Planning Advisory Committee

FROM: Emily Wainwright, Dangerous & Unsightly Premises Administrator

DATE: October 10, 2023

RE: Demolitions Update

14-16 Cornwall Street: The Committee ordered demolition of 14-16 Cornwall Street on June 6, 2022. The removal and disposal of all interior contents was completed on June 26, 2023, and a Hazardous Material Assessment was conducted on July 4, 2023. Rodent control was put in place on September 22, 2023. The contractor hired by the Town of Amherst completed the demolition and the hauling of materials starting on October 4th and ending on October 5th.

2 Pearl Place: The Committee ordered demolition of 2 Pearl Place on June 6, 2022. A Hazardous material Assessment was conducted on July 10, 2023. The procurement process is underway for an excavator and operator and rodent control will be put in place approximately 2 weeks prior to demolition.

1 McCully Street: The Committee ordered demolition of 1 McCully Street on May 2, 2022. Inspections and maintenance to the property are occurring weekly. Such maintenance includes repairing the fence due to weather and transient activity, and replacing signage when old signage becomes weathered or disappears.