

# Regular Council Meeting

## Minutes

**Date of Meeting:** Monday, February 25, 2013  
**Location:** Council Chambers, Town Hall

**Members Present:** Mayor Robert Small  
Deputy Mayor George Baker  
Councillor Frank Balcom  
Councillor Robert Bird  
Councillor Lisa Emery  
Councillor David March  
Councillor Terry Rhindress

**Staff Present:** Greg Herrett, CAO  
Vince Arbing, Treasurer  
Jason MacDonald, Director of Planning  
Ben Pitman, Director TPW  
Bill Crossman, Fire Chief  
Ian Naylor  
Rebecca Purdy, Executive Assistant  
Kim Jones, Policy and HR

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### 1. PUBLIC HEARINGS (6:30 PM)

#### 1.1. Amendment to MPS - Ground Floor Residential Uses

Mayor Small commented that the purpose of this public hearing is to consider P-1-5, a by-law to amend the Municipal Planning Strategy, Policy CP-15, to allow ground-floor residential uses by development agreement in specific areas of the Downtown Zone with conditions. This amendment was recommended to Council for adoption by both Planning Staff and the Planning Advisory Committee. A staff presentation was made by Jason MacDonald, Director of Planning, explaining that ground floor residential is not permitted in the area that was formerly known as the "Business Improvement District." This amendment will allow ground floor residential uses with conditions by development agreement. There were no questions or comments from Council or the public. Mayor Small stated that the adoption of this by-law agreement is on the agenda of the Council meeting about to commence for consideration, and closed this public hearing.

#### 1.2. Development Agreement - Brownell Avenue

Mayor Small commented that the purpose of this public hearing is to consider a Development Agreement to permit the construction of a bare land condominium development with a maximum of 20 dwelling units on property located at 15-19 Brownell Avenue. This Development Agreement was recommended to Council for adoption by the Planning Advisory Committee. A staff presentation was made by Jason MacDonald, Director of Planning, giving an overview of the development agreement. Council questioned of staff with respect to drainage and other infrastructure; Mr. MacDonald reported that the developer will submit a lot drainage plan prepared by a qualified professional prior to issuance of DA; storm water cannot affect adjacent properties. Street will be constructed to Town standards with the exception of width - infrastructure will meet Town standards. There were no other questions from the public. Mayor Small stated that the adoption of this development agreement is on the agenda of the Council meeting about to commence for consideration, and closed this public hearing.

**1.3. Public Hearing - Development Agreement - Victoria Street**

Mayor Small commented that the purpose of this public hearing is to consider a development agreement for 31-37 East Victoria Street to permit the construction of a four-story, mixed-use commercial and residential building. A staff presentation was made by Jason MacDonald, Director of Planning, giving an overview of the development agreement; he reported that it satisfies the Design Guidelines which were given first reading of Council. The CAO read a letter from Laoghan Hendra, which was included in the agenda. The Developer addressed Council saying they are continuing to explore parking options. Mayor Small stated that the adoption of this development agreement is on the agenda of the Council meeting about to commence for consideration, and closed the public hearing.

**2. MOMENT OF SILENCE- Carl Parsons**

**3. O'CANADA (7:00 PM)**

**4. CALL TO ORDER**

**4.1. Amendments to the Agenda**

**4.2. Approval of the Agenda**

**Moved By: Deputy Mayor George Baker**

**Seconded By: Councillor David March**

**That the agenda be approved.**

**Motion Carried**

**4.3. Approval of Minutes - January 28, 2013 Regular Meeting**

**Moved By: Councillor Terry Rhindress**

**Seconded By: Deputy Mayor George Baker**

**That the minutes of the January 28, 2013 regular meeting be approved.**

**Motion Carried**

**5. PRESENTATIONS**

**5.1. Michelle Hicks**

Michelle Hicks made a presentation on behalf of the Community Arts Council Committee. Her Power Point presentation was about issues related to the Susan Taylor Theatre. A copy is included in the post-meeting agenda. In concluding her presentation, she asked the Town to consider actions to make changes that will cause the facility (Susan Taylor Theatre) to be more user friendly and accessible to the community.

**6. REQUESTS FOR DECISION**

**6.1. PAC Recommendation - Amend MPS and LUB re Implementation of Downtown Strategy**

**Moved By: Councillor David March**

**Seconded By: Deputy Mayor George Baker**

**That Council refer the Municipal Planning Strategy and Land Use By-law amendments with respect to the implementation of the Downtown Amherst Action Strategy and Design Guidelines to the Planning Advisory Committee for further review.**

**Motion Carried**

## 6.2. PAC Recommendation: Ground Floor Residential

*Moved By: Councillor David March*

*Seconded By: Councillor Terry Rhindress*

*That Council approve second reading of By-law P-1-5, a by-law to amend Policy CP-15 of the Municipal Planning Strategy to allow ground-floor residential uses by development agreement in specific areas of the Downtown Zone with conditions as recommended by the Planning Advisory Committee.*

Motion Carried

*Moved By: Councillor David March*

*Seconded By: Councillor Lisa Emery*

*That, in paragraph 2.1, after the word "abuts" the words "the principal street in the Mixed Use District" be replaced with the words "Church, Victoria and Havelock Streets", and that, in the following sentence, after the word "Outside" the words "the Mixed Use District" be replaced with the words "the said streets"; and further, that "(g) Adherence to the Downtown Districts Design Requirements; and" be removed; and further that "(i) That the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes" be added.*

Motion Carried

**Moved By: Councillor David March**

**Seconded By: Councillor Terry Rhindress**

**To rescind the previous two motions.**

Motion Carried

**Moved By: Councillor David March**

**Seconded By: Councillor Lisa Emery**

**That Council approve second reading of By-law P-1-5, a by-law to amend Policy CP-15 of the Municipal Planning Strategy to allow ground floor residential uses by development agreement in specific areas of the Downtown zone with conditions as recommended by the Planning Advisory Committee.**

**Moved By: Councillor David March**

**Seconded By: Councillor Terry Rhindress**

**That, in paragraph 2.1, after the word "abuts" the words "the principal street in the Mixed Use District" be replaced with the words "Church, Victoria and Havelock Streets" and that, in the following sentence, after the word "Outside" the words "the Mixed Use District" be replaced with the words "the said streets" and further, that "(g) Adherence to the Downtown Districts Design Requirements; and" be removed; and further, that "i) That the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes." be added.**

Motion Carried

Original Motion Carried as Amended

### **By-law to Amend the Municipal Planning Strategy By-law, P-1**

1. The purpose of this by-law is to amend Policy CP-15 of the Municipal Planning Strategy of the Town of Amherst with respect to ground floor residential uses in the Downtown Zone.
2. The Municipal Planning Strategy of the Town of Amherst is hereby amended as follows:
  1. **CP-15** It shall be the intention of Council to consider applications for ground floor residential uses in the Downtown Zone by Development Agreement; ~~excluding property located within the Business Improvement District, and any property fronting on Albion, South Albion, or Church Street. excluding that portion of a building that abuts the principal street in the Mixed Use District- Church, Victoria and Havelock Streets.~~ **Outside the Mixed Use District the said streets, applications for new residential buildings or the ground floor conversion of existing commercial and institutional**

**buildings will not be considered for residential uses unless it can be shown that such a conversion will not detract from the commercial character of the surrounding streetscape.**

In negotiating such a Development Agreement, Council shall take into account:

- (a) The location, height, bulk of the building;
- (b) The architecture of the building;
- (c) Signage;
- (d) Parking facilities;
- (e) Landscaping;
- (f) Pedestrian access;
- (g) **Adherence to the Downtown Districts Design Requirements; and,**
- (h) **The unique characteristics of the property and its relationship to the surrounding streetscape;**
- (i) **That the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes.**

### **6.3. PAC Recommendation: DA - Brownell Avenue**

**Moved By: Councillor Lisa Emery**

**Seconded By: Councillor David March**

**That Council approve second reading of a development agreement for 15-19 Brownell Avenue to permit the construction of a bare land condominium development with a maximum of 20-dwelling units as recommended by the Planning Advisory Committee.**

**Motion Carried**

#### **Case No. DA-2012-04**

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2013.

Between:

1437257 Ontario Incorporated, Owner of property located at 15 and 19 Brownell Avenue (PIDs 5477522, 25363060, 25363078 & 25012154), hereinafter called the Owner, Of the one part

- and-

The Town of Amherst, a body corporate 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 maximum of 20 dwelling units on a consolidated property located at 15 and 19 Brownell Avenue (PID#s 25477522, 25363060, 25363078 & 25012154).

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 \_\_\_\_\_ 2013, 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' - Preliminary Site Development Plan
- (d) Schedule 'D' - Preliminary Dwelling Designs

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

- 1) That the Owner is the registered Owner of the aforesaid Lands in the Town of Amherst, hereinafter called the "Lands". The aforesaid Lands are the only Lands in the Town of Amherst to which this Agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct a maximum of 20 dwellings units on the said Lands, subject to Schedules A, B, C, and D attached, and that development of said Lands shall be subject to the *Condominium Act* of Nova Scotia.
- 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 statute or regulation of the Province of Nova Scotia.
- 5) 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.

- 6) 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.
- 7) 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.
- 8) 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

### **Schedule A 15, 19 Brownell Avenue - Development Agreement**

#### **Terms and Conditions:**

##### **1.0 USE OF LAND AND BUILDINGS**

- 1.1 The use of the property shall be limited to a residential development held in common ownership under the Nova Scotia *Condominium Act*, with a maximum of 20 dwelling units with a mix of detached, semi-detached, and townhouse dwellings in the general location illustrated on Schedule C.
- 1.2 The Owner shall construct an internal access road generally as illustrated on Schedule C, with a minimum travelling width (edge of curb to edge of curb) of 8 metres for two-lane traffic, and 6 metres for single-lane traffic. Construction of the access road shall be subject to the applicable standards of the *Town of Amherst Subdivision By-Law* (except where varied by this Agreement), to the satisfaction of the Town Engineer and the Development Officer. The access road shall be designed and otherwise be passable by emergency vehicles at all times.
- 1.3 The name of the access road shall be subject to Town Bylaws and regulations.
- 1.4 The Owner shall be wholly responsible in perpetuity for the costs of design, construction, and ongoing maintenance of all infrastructures (storm water management, sanitary sewer system, water distribution system, and access roads) associated with the development. For further clarity, the Town shall not take ownership of the infrastructure, or be responsible for ongoing or unforeseen repairs, upgrades, or maintenance, including snow removal. All future condominium owners shall be given a copy of this Agreement.
- 1.5 Notwithstanding anything else in this Agreement, the Town will only issue a Development Permit upon submission of infrastructure development plans in accordance with Schedule "F" – Infrastructure Development Standards of the *Town of Amherst Subdivision By-Law* (except where varied by this Agreement), to the satisfaction of the Town Engineer. For further clarity, storm water management plans for the entire Lands shall be part of this submission, subject to said By-Law.

##### **2.0 TIMING OF BUILDING PERMITS**

- 2.1 Any existing or future Building Permits are subject to a Development Permit in accordance with this Agreement.
- 2.2 No Building Permit shall be issued for a dwelling or dwellings that front onto the access road until construction of all infrastructure is substantially complete, to the satisfaction of the Town Engineer and the Development Officer.

##### **3.0 BUILDING LOCATION AND DESIGN**

- 3.1 All structures on the Lands shall be subject to the *Nova Scotia Building Code Regulations*, to the satisfaction of the Building Inspector.
- 3.2 No dwelling shall be located within the minimum yard setbacks as illustrated on Schedule C.
- 3.3 All dwelling designs shall be in general conformance with the designs illustrated on Schedule "D". Minor variations to the architectural details may be permitted, to the satisfaction of the Development Officer and the Building Inspector.
- 3.4 Dwellings that front onto Brownell Avenue shall be limited to a maximum of 4 dwelling units and a minimum of 2 detached structures.
- 3.5 For each dwelling unit, a minimum of one (1) parking space shall be provided that does not occupy any part of the access road or public right of way.

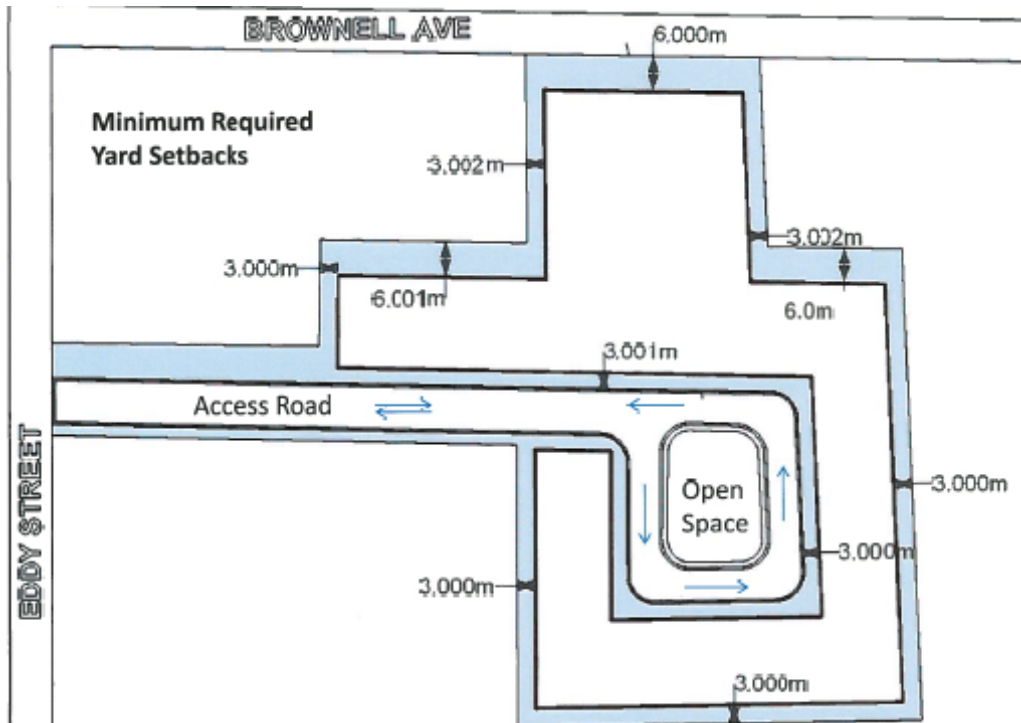
4.0 GENERAL REQUIREMENTS

- 4.1 The Owner shall keep the Lands and buildings and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state and free from unkept materials of any kind.
- 4.2 Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.
- 4.3 All areas not used for buildings, parking or driveways shall be Landscaped with grass or other such vegetation.
- 4.4 Exterior lighting shall be carefully designed to not shine directly onto adjacent properties, including lighting along the access road.
- 4.5 The Owner shall be responsible for installation of a stop sign at the end of the proposed street access, the exact location of which shall be to the satisfaction of the Town Engineer.
- 4.6 Solid waste management shall be in conformance with the Town *Solid Waste Bylaw*.
- 4.7 The Owner shall plant at least one (1) juvenile tree every 15m along the perimeter of the Lands where dwellings are present.

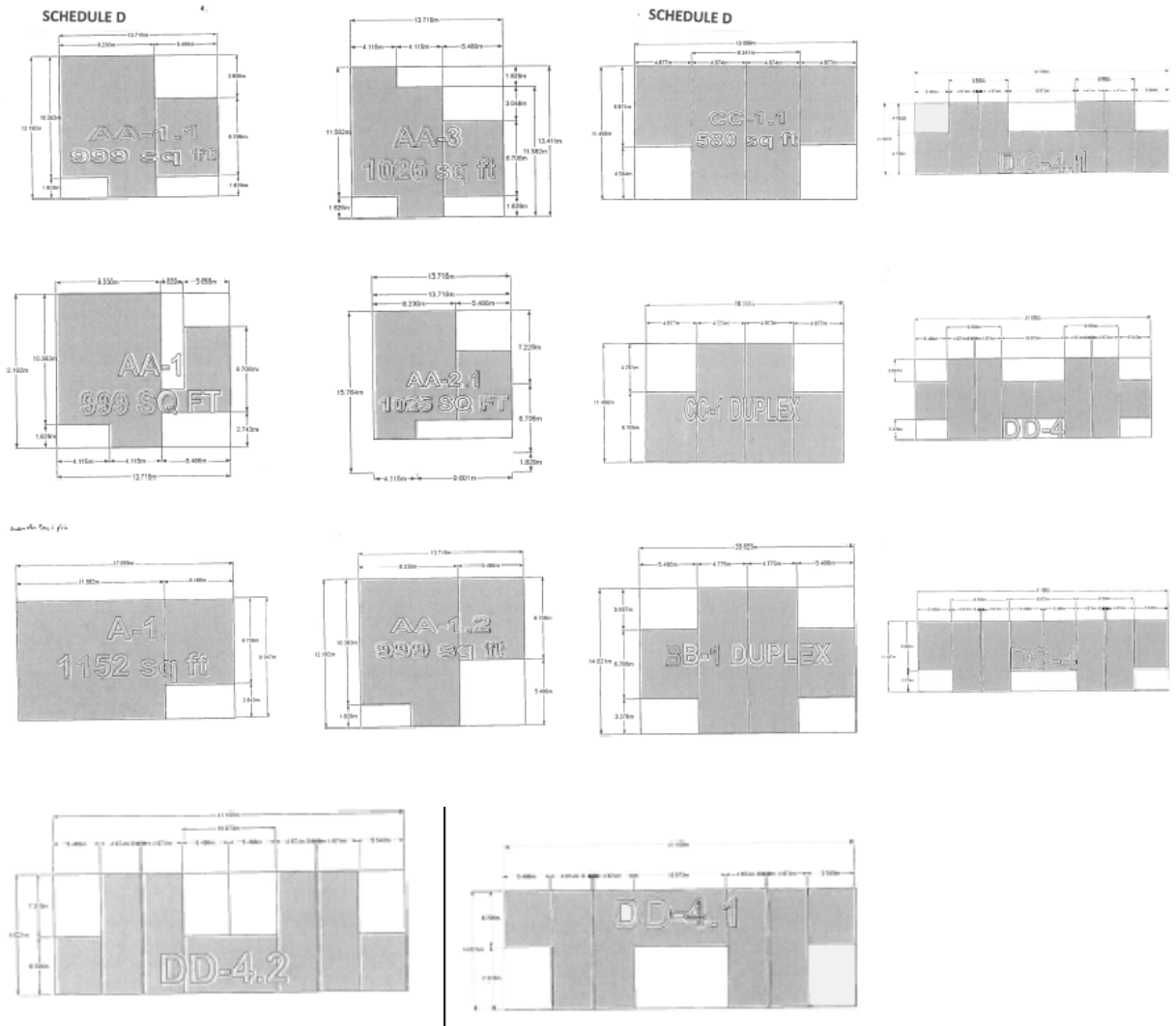
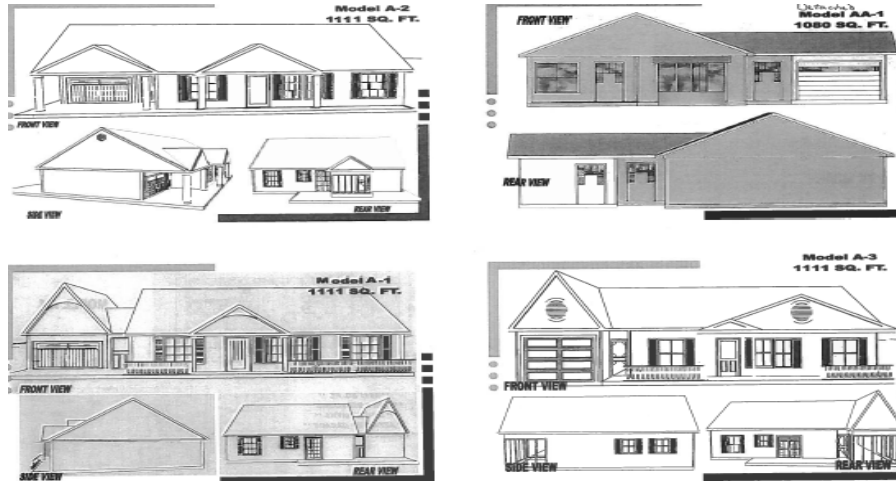
**Schedule B 15, 19 Brownell Avenue - Development Agreement**



**Schedule C 15, 19 Brownell Avenue - Development Agreement**



Schedule D 15, 19 Brownell Avenue - Development Agreement



6.4. **PAC Recommendation: DA - Victoria Street East**

**Moved By: Councillor David March**

**Seconded By: Councillor Terry Rhindress**

**That Council approve second reading of the development agreement for 31-37 East Victoria Street to permit the construction of a four-story, mixed-use commercial and residential building, as recommended by the Planning Advisory Committee.**

**Motion Carried**

Case No. DA-2013-03

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2013.

Between:

Victoria Arms Holdings Inc., Owner of property located at 31 East Victoria Street (PID 5033747), hereinafter called the Owner, Of the one part,

-and-

The Town of Amherst, a body corporate hereinafter called the Town, Of the other part

WHEREAS the Owner wishes to obtain permission pursuant to Policy CP-15 of the Municipal Planning Strategy of the Town of Amherst, to construct a building with a mix of commercial and ground floor residential uses.

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 \_\_\_2013, approved the said development agreement subject to the registered Owner of the property 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 Development Plan
- (d) Schedule 'D'- Exterior Building Design

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

- 1) That the Owner is the registered Owner of the aforesaid lands in the Town of Amherst, hereinafter called the "lands". The aforesaid lands are the only lands in the Town of Amherst to which this agreement applies, and which lands are illustrated on Schedule B of this agreement.
- 2) That the Owner may construct a 4-storey building with a maximum floor area of 3,900 square metres on the said lands, subject to Schedules A, B, C, and D, attached.
- 3) Notwithstanding the general intent of this Agreement, the following elements of the Development may be varied without being considered a substantive change to this Agreement:
  - (a) building footprint, including side and rear yard setbacks;
  - (b) location of site features including, landscaping, hard surfaces, and parking facilities;
  - (c) location of windows, entrances, and detailed architectural features; and,
  - (d) the addition of a structure that connects the subject building with the building located at 14 Electric Street.
- 4) 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 statute or regulation of the Province of Nova Scotia.
- 5) 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.
- 6) 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.
- 7) The Town shall issue the necessary Development Permit for the development upon the 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.
- 8) 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

**Schedule A 31-37 East Victoria Street - Development Agreement**

Terms and Conditions:

1. The main structure on the property shall be limited to a 4-storey building with a maximum of 3,900m<sup>2</sup> (41,964 sqft) in total floor area, and shall be generally in accordance with Schedules 'C' and 'D'.
2. Use of the property shall include a minimum of 371m<sup>2</sup> (4,000 sqft) of commercial floor space located on the ground floor along the full length of the wall adjacent to East Victoria Street. The balance floor area not used for commercial purposes shall be used for self-contained Dwelling Units.
3. The exterior design of the building shall be generally in accordance with the Downtown Districts Design Requirements, as illustrated on Schedule 'D'. For further clarity, detailed architectural features of the building exterior may be altered from Schedule "D", to satisfaction of the Development Officer.

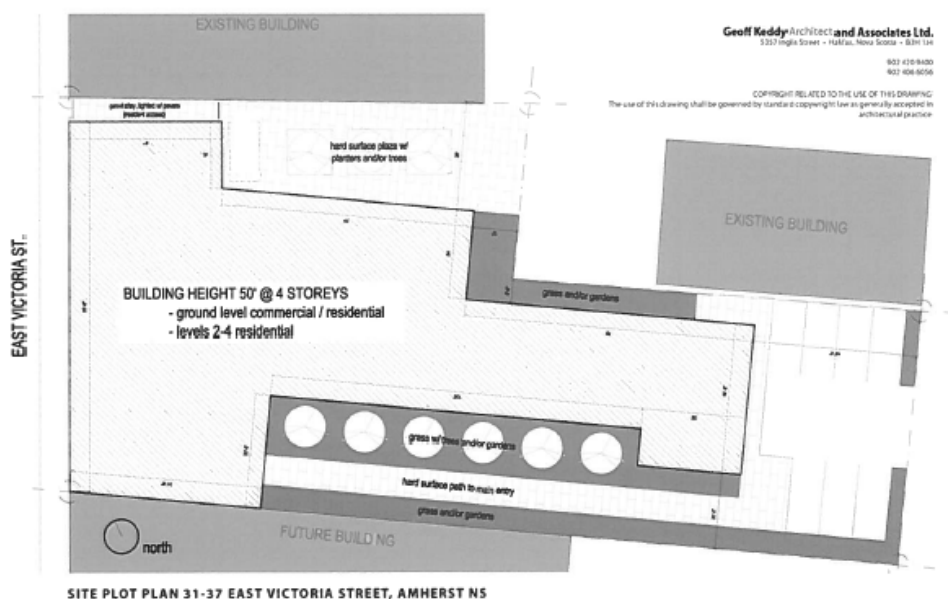


4. The location of onsite parking shall be generally in accordance with Schedule 'C'.
5. The Owner shall keep the property and buildings and any portion thereof clean and in good repair. Any driveways, walkways, fences, and landscaping elements shall be regularly maintained and kept in a tidy state.
6. Where possible, trees or opaque fencing should be located so as to screen ground floor residential windows and amenity spaces.
7. Signage shall not exceed that which is permitted by the Land Use Bylaw.
8. Solid waste management shall be in conformance with the Town of Amherst Solid Waste Bylaw.
9. No outdoor storage shall be permitted on the property, except where solid waste facilities are required.

**Schedule B 31-37 East Victoria Street - Development Agreement**



**Schedule C 31-37 East Victoria Street - Development Agreement**





EAST VICTORIA STREET VIEW

**Geoff Keddy Architect and Associates Ltd.**  
 5357 Inglis Street • Halifax, Nova Scotia • B3H 1J4

902 430 9400  
 902 406 6056

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REAR VIEW 1 - MAIN ENTRY

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REAR VIEW 2

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**6.5. PAC Recommendation - DA 80 Victoria Street West**

**Moved By: Councillor David March**

**Seconded By: Councillor Frank Balcom**

**That Council approve first reading a development agreement for 80 Victoria Street West to permit a second four-unit townhouse for a total of eight units on the property, and schedule a public hearing for 6:30 PM on Monday, March 28, 2013.**

**Motion Carried**

Case No: DA-2013-03

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2013.

Between:

**Brian Hargreaves and Doris Dee Francis Rafter** (owners of property located at 80 West Victoria Street [PID 25361494], 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 second 4-unit townhouse dwelling in addition to the existing 4-unit dwelling, for a total of eight (8) dwelling units, on the property located at 80 West Victoria Street (PID# 25361494).

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

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_\_<sup>th</sup> Day of \_\_\_\_\_ 2013, 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:

- (e) Schedule 'A' - Terms and Conditions
- (f) Schudule 'B' - Property Location Map
- (g) Schedule 'C' – Site Plan
- (h) Schedule 'D' – Building Elevation

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

- 1) That the Owner is the registered Owner of the aforesaid Lands in the Town of Amherst, hereinafter called the "Lands". The aforesaid Lands are the only Lands in the Town of Amherst to which this Agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct a maximum of eight (8) dwellings units on the said Lands, subject to Schedules A, B, C, and D attached, subject to the Building Code.
- 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 statute or regulation of the Province of Nova Scotia.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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**

**Schedule A                    80 West Victoria Street - Development Agreement**

Terms and Conditions:

**1.2 USE OF LAND AND BUILDINGS**

1.3 The use of the property shall be limited to a maximum of eight (8) dwelling units in two (2) townhouse dwellings in the general location illustrated on Schedule C.

1.2 The second structure shall have approximately the same footprint, roof pitch, and architectural features as the existing structure, as shown on Schedule D.

**3.0 BUILDING LOCATION AND DESIGN**

3.1 All structures on the Lands shall be subject to the *Nova Scotia Building Code Regulations*, to the satisfaction of the Building Inspector.

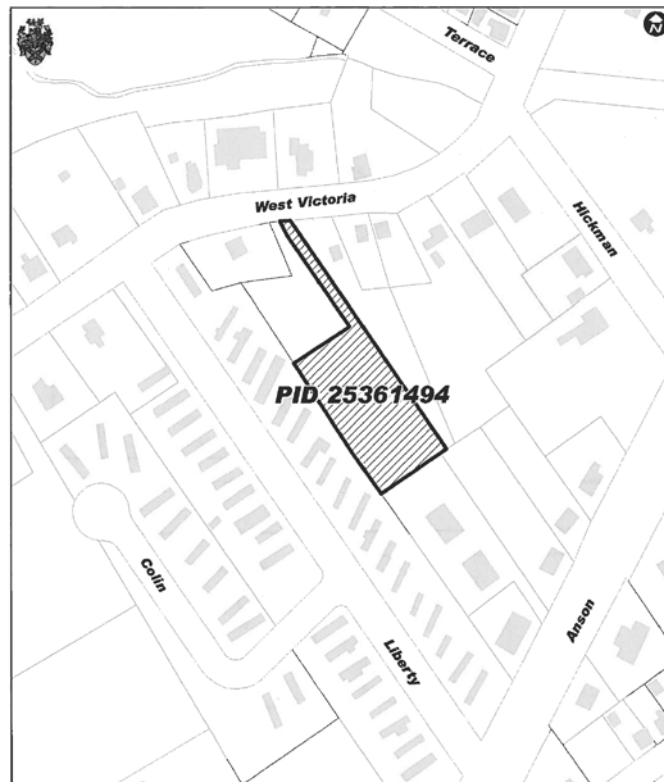
3.2 All dwelling designs shall be in general conformance with the designs illustrated on Schedule 'D'. Minor variations to the architectural details may be permitted, to the satisfaction of the Development Officer.

3.4 For each dwelling unit, a minimum of one (1) parking space shall be provided.

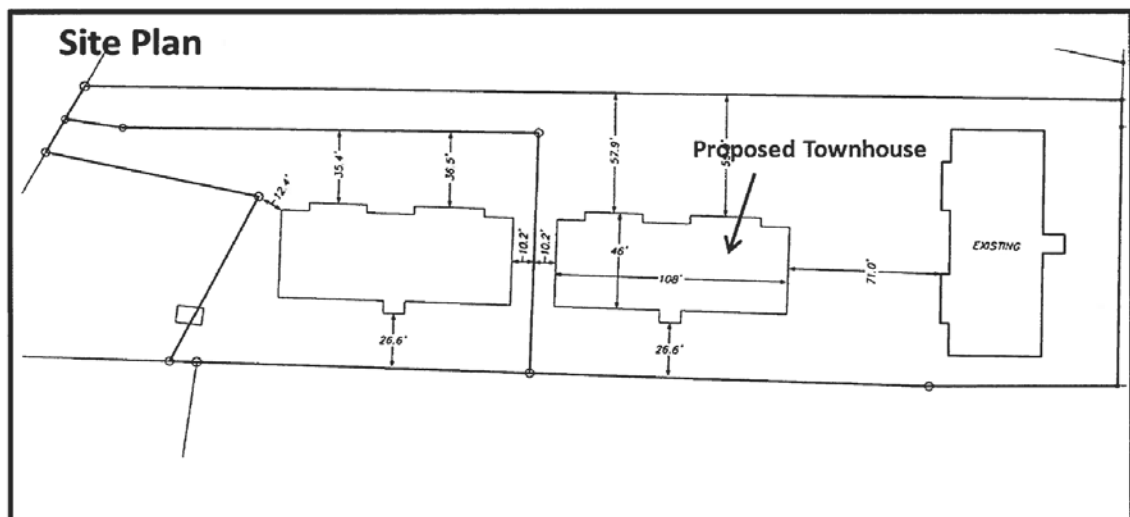
## 4.0 GENERAL REQUIREMENTS

- 4.1 The Owner shall keep the Lands and buildings and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state and free from unkept materials of any kind.
- 4.2 Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.
- 4.3 All areas not used for buildings, parking or driveways shall be Landscaped with grass or other such vegetation.
- 4.4 Exterior lighting shall be carefully designed to not shine directly onto adjacent properties, including lighting along the access road.
- 4.5 The Owner shall be responsible for installation of a stop sign at the end of the proposed street access, the exact location of which shall be to the satisfaction of the Town Engineer.
- 4.6 Solid waste management shall be in conformance with the Town *Solid Waste Bylaw*.
- 4.7 The Owner shall be responsible for storm water management during and after construction, and shall not increase surface flows onto adjacent properties. It is the Owner's responsibility to direct storm water to Town services at West Victoria.
- 4.8 The Owner shall plant and maintain juvenile trees along the eastern property boundary across from the new building every 5 m, to the satisfaction of the Development Officer.

## SCHEDULE A



## SCHEDULE B





**6.6. CJSMA Budget**

**Moved By: Councillor Frank Balcom**

**Seconded By: Councillor Terry Rhindress**

**That Council approve the 2013-14 operating and capital budgets for the Cumberland Joint Services Management Authority (CJSMA) as submitted.**

**Motion Carried**

**6.7. Funding Request - Amherst Ramblers Event**

*Deputy Mayor Baker declared a potential conflict and excused himself from the Council table for the discussion and decision on this issue.*

*Councillor Rhindress also declared a potential conflict and excused himself from the Council table for the discussion and decision on this issue.*

**Moved By: Councillor Robert Bird**

**Seconded By: Councillor Lisa Emery**

**That Council approve funding in the amount of \$750 under the Town's Festivals and Events Policy in support of the Amherst Jr. "A" Ramblers as they host a ceremony on March 2nd to retire the jersey of Bill Riley.**

**Motion Carried**

**6.8. Funding Request - Bantam AA Pee Wee AA Provincials**

*Councillor Bird declared a potential conflict and excused himself from the Council table for the discussion and decision on this issue.*

**Moved By: Deputy Mayor George Baker**

**Seconded By: Councillor Terry Rhindress**

**That Council approve funding in the amount of \$500 under the Town's Grants to Organizations Policy in support of Cumberland County Minor Hockey's provincial tournaments for Bantam AA and Pee Wee AA being held in Amherst March 21 to 24.**

**Motion Carried**

**6.9. Funding Request - International Women's Day**

*Councillor Emery declared a potential conflict and excused herself from the Council table for discussion and decision on this issue.*

**Moved By: Councillor Terry Rhindress**  
**Seconded By: Deputy Mayor George Baker**  
**That Council approve funding in the amount of \$100 under the Town's**  
**Festivals and Events Policy in support of Cumberland County Transition**  
**House's luncheon to celebrate International Women's Day.**

**Motion Carried**

**6.10. Funding Request - Amherst Aerials March Break**

**Moved By: Councillor Lisa Emery**  
**Seconded By: Councillor Frank Balcom**  
**That Council approve funding in the amount of \$250 under the Town's**  
**Grants to Organizations Policy in support of the Amherst Aerials**  
**Gymnastics Club as they host their March Break Invitational March 9 and 10,**  
**2013.**

**Motion Carried**

**6.11. Funding Request - Amherst Aerials Provincial Championships**

**Moved By: Councillor Lisa Emery**  
**Seconded By: Councillor Terry Rhindress**  
**That Council approve funding in the amount of \$500 under the Town's**  
**Grants to Organizations Policy in support of the Amherst Aerials**  
**Gymnastics Club as they host GNS Artistic Provincial Championships in**  
**April 2013.**

**Motion Carried**

**6.12. Tender - Fuel Products**

**Moved By: Councillor Robert Bird**  
**Seconded By: Councillor Frank Balcom**  
**That Council award the tender for fuel oil products for a two year period to**  
**Bluewave Energy at their low bid of \$0.02 supplier margin per litre.**

**Motion Carried**

**6.13. Memorandum of Understanding with Amherst Lions Club**

*Mayor Small declared a potential conflict and excused himself from the Council table for the discussion and decision on this issue; in his absence Deputy Mayor Baker chaired the meeting.*

**Moved By: Councillor David March**  
**Seconded By: Councillor Terry Rhindress**  
**That Council approve entering into a Memorandum of Understanding with**  
**the Amherst Lions Club regarding the sale of land at the Lions Park for a**  
**potential new elementary school, and authorize the Mayor and CAO to sign**  
**on behalf of the Town.**

**Motion Carried**

**8. INTERNAL COMMITTEE REPORTS**

**8.1. Planning Advisory Committee**

Councillor Balcom presented the following report on behalf of the Planning Advisory Committee:

The Planning Advisory Committee met on February 4, 2013. The Planner reported that no variances had been issued since the previous reporting period.

The Committee heard presentations from staff on two issues:

a) The Director reported that Council has asked the Planning Advisory Committee to complete a review of the Town's Mini Home Park By-law; a report on this matter will be presented at the next meeting, scheduled for March 4, 2013.

b) A proposed Development Agreement to construct a second four-unit townhouse located at 80 West Victoria Street. This proposal generally confirms to the relevant policies of the MPS and LUB and staff reports indicate that no negative impacts on the surrounding neighbourhood are anticipated. A Public Participation Opportunity was held on the proposed Development Agreement application; Neil Hargraves was in attendance,



representing his brother, the applicant. The PAC made a recommendation that Council enter into the Development Agreement.

## **8.2. Amherst Board of Police Commissioners**

Councillor Emery presented the following report on behalf of the Amherst Board of Police Commissioners:

The Amherst Board of Police Commissioners, in conjunction with Acting Chief Naylor, is pleased to announce that the 2013 joint conference of the Nova Scotia Association of Police Boards and the Nova Scotia Association of Chiefs of Police will be held in Amherst, Nova Scotia from September 12th to 14th.

The renovations in the Department's temporary location at the Four Fathers Library have been completed. All cameras have been installed and the dispatch can now let people into the building remotely after the library has closed. This will allow for 24/7 service at the police department.

Cst. Tom Wood attended the 1st annual NS Special Olympics meeting in Dartmouth. The purpose of the meeting is to increase the involvement of policing with the Special Olympics within the province of Nova Scotia. The policing community has been a supporter of Special Olympics for many years. One of the initiatives is to bring back the province wide Torch Run to coincide with the upcoming Winter Olympics. Cst. Wood is coordinating the Amherst portion of the Torch Run.

Cst. Wood has also begun a newspaper column in the Amherst Daily News called Police Beat. His first column appeared in Wednesday's edition and will continue on a bi-weekly basis.

Commission Chair Lisa Emery will attend a 'train the trainer' event in Halifax on Tuesday. This program is an initiative of the Department of Justice to assist new commission members throughout the province understand their roles and responsibilities. (She added that this program has been postponed until next month.)

Commission Chair Lisa Emery has been in contact with the Mayor of Springhill regarding the CISNS Funding. The Mayor has sent in a letter to the Province requesting that the local office remain open. This letter was signed by the Acting Chief of Police and the CAO. The chair also sent information to Stephen MacNeill via representative Terry Farrell. The Commission has requested that the Chair send another letter that may help clear up some misconceptions of the provincial government as far as the funding solution goes.

## **8.3. Amherst Youth Town Council**

Councillor Bird presented the following report on behalf of the Amherst Youth Town Council:

AYTC members held their monthly meeting on February 4 in the Amherst Stadium heated room. Members were busy preparing content for their meeting with Town Council as well as plans for 24 Hour Physical Activity Day.

Each member had an action item to work on that they presented at the February 12 meeting that Town Council was invited to. The items on the agenda consisted of community involvement AYTC members have been involved in and new initiatives they would like to participate in.

Two names were put forth for the Youth Volunteer Nomination: Brandon Sutherland- Metz and Forrest Dawe. AYTC members voted Forrest Dawe to be the Town of Amherst representative volunteer youth for the provincial program.

Despite the cancellation of the 24 Hour Physical Activity Day due to inclement weather, AYTC members are still proceeding with planning in lieu of a reschedule date TBA. AYTC plans on hosting another Youth Amazing Race. This way the race will not only address physical activity, but will also bring youth into the downtown core. This would create a greater awareness among youth for services that are provided in our downtown. The race further works to bring awareness to youth facilities and ways for youth to positively engage with the community.

The next monthly meeting will be held Monday, March 4 at 3:30 PM in the Amherst Stadium heated room.

## **8.4. Community Arts Council Committee**

Councillor Emery presented the following report on behalf of the Community Arts Council Committee:

The Community Arts Council Committee met on Tuesday, January 22 and again on Thursday, February 7. Items discussed included Amherst 250, the Susan Taylor Theatre, visual arts and a new re-occurring meeting time.

During the discussion about Amherst 250 it was mentioned that it is also the 150th anniversary of Confederation in 2014. The committee suggested that there should be an open forum to discuss Amherst 250 so all interested parties could be represented.

An update on the Susan Taylor Theatre was also provided by Michelle Hicks. Showcase Theatre Productions is going to send a letter to Mayor Small requesting a meeting with Council to present concerns with the use and condition of the Theatre.

The committee spent some time at the meeting on February 7 discussing how to help visual artists find space to display their work. Showcase Productions offered visual artists in Amherst space during their upcoming production in April which is a great first step. It is hoped that the visual artists will form their own group and begin to develop plans to show their art in various locations over the summer months.

The CACC will now be meeting on the first Thursday of each month at 6pm.

#### **8.5. Downtown Business Advisory Committee**

Councillor March presented the following report on behalf of the Downtown Business Advisory Committee:

The Downtown Business Advisory Committee (DBAC) has met once since the last report, on February 5th. During the most recent meeting of the DBAC, an event plan and budget was brought forward for Council's consideration from the Festivals and Events committee. In this proposal, there are plans for two major events this year, the first being a Blueberry Harvest Festival to take place in August, and the continuation of a Downtown Street Party, held in October. Committee chair, Michele LeBlanc circulated the proposed budget which included a request for \$6,000 from the Town of Amherst for both events.

Communications committee chair, Beth Clinton informed the committee that the first draft of the Downtown Amherst Directory was ready to be circulated. This directory holds the names of all businesses and organizations in the downtown area. It will be updated on a yearly basis to ensure names and contact information are correct.

Marketing committee chair, Elizabeth Smith-McCrossin reported that the marketing committee is working on new and exciting ideas for 2013. One project currently underway is the creation of a "Downtown Amherst Guide" and "Downtown Amherst Website". The guide is intended to be available at VIC's throughout the province, as well as Amherst businesses and tourist destinations. The funds from this project come from the business owners themselves and will go towards the cost of creating and printing the guides as well as maintaining a website.

The Committee discussed the entryway into the downtown from LaPlanche Street at length, and would like to encourage both Town and County Councils to consider beautification options in the future to make this more appealing to visitors.

The next meeting of the Downtown Business Advisory Council, is scheduled for March 5.

### **9. EXTERNAL COMMITTEE REPORTS**

#### **9.1. Cumberland Public Libraries**

Councillor Balcom presented the following report on behalf of Cumberland Public Libraries:

##### **March Break**

We have lots of fun programs planned at the Four Fathers Library for March Break, from a morning of messy, science fun to a puppet show to a "crafternoon". All of the details are available on our Calendar of Events ([www.cumberlandpubliclibraries.ca](http://www.cumberlandpubliclibraries.ca)). All of our programs are free but space is limited.

##### **Did you know?**

The library has energy meters that you can take home to check the energy consumption of your appliances. It comes with a booklet that has money saving tips.

##### **Statistics**

In January, Cumberland Public Libraries loaned out over 10,000 items; of those over 4,600 were loaned at the Four Fathers Library.

##### **Volunteers Needed**

The Four Fathers Library is looking for volunteers to help us provide free Community Classes. For more information about Community Classes see our website or ask at the library. Once we have volunteers in place we'll advertise the classes to the public.

### **10. ADJOURNMENT**

Prior to the motion to adjourn, Mayor Small commented on the number of volunteers who give their time to worthwhile causes in town. He encouraged people to attend the Bill Riley celebration with the Ramblers this weekend. He said that the development agreements on this evening's agenda are a testament to the development and positive growth going on in the Town; building permits are significantly higher than they have been for a while. He said he received a Mayor's Poetry City Challenge, along with HRM,



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Sydney, Halifax, Truro and New Glasgow. He suggested interested staff be invited to recite a poem for the March or April meeting.

Food banks report issued by Feed Nova Scotia shows use of food assistance continues to climb; we need to find ways to help those who don't have enough.

On motion by Councillor Rhindress, the meeting adjourned at 8:10 PM.

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Gregory D. Herrett, CA  
Town Clerk and CAO

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Robert Small  
Mayor