

Region of Queens Municipality Regular Council

Tuesday, October 24, 2023

Seaside Centre, 1066 Eastern Shore Road, Eagle Head

6:00 p.m.

Agenda

1.0 Call to Order

2.0 Changes / Approval of Agenda

3.0 Presentation

4.0 Tabling of Petitions

5.0 Public Question / Comment Session

6.0 Approval of Minutes

6.1 Regular Council – October 10, 2023

7.0 Recommendations

7.1 Fixed-roof Overnight Accommodation in South Brookfield

8.0 Discussions

8.1 Planning Advisory Committee Appointments 2023

8.2 Council Implementation Report

9.0 In-Camera Items

9.1 Contract Negotiations

10.0 Adjournment

**Region of Queens Municipality Regular Council
Tuesday, October 10, 2023 9:00 a.m.**

Minutes

Present: Mayor Darlene Norman, Chair
Deputy Mayor Jack Fancy
Councillor David Brown
Councillor Vicki Amirault
Councillor Kevin Muise
Councillor Ralph Gidney
Councillor Maddie Charlton
Councillor Carl Hawkes
Dan McDougall, Interim CAO
Christine Watson, Admin. Assistant – Planning & Development

1.0 Call to Order

Mayor Norman called the meeting to order at 9:00 a.m.

2.0 Changes / Approval of Agenda

It was moved by Councillor Gidney and seconded by Councillor Charlton that the Agenda be approved as circulated.

MOTION CARRIED unanimously.

3.0 Presentation

There were no presentations to come before this meeting.

4.0 Tabling of Petitions

There were no petitions to come before this meeting.

5.0 Public Question / Comment Session

Mable Wisniewski - 34 Mersey Avenue, Liverpool – Mrs. Wisniewski stated she was pleased to hear about the application to the UARB for compensation to water users and thanked council.

6.0 Approval of Minutes

6.1 Regular Council – September 26, 2023

It was moved by Councillor Brown and seconded by Councillor Amirault:

THAT the minutes of the Regular Council meeting held September 26, 2023 be approved as circulated.

MOTION CARRIED unanimously.

7.0 Recommendations

7.1 Trucking of Bulk Salt Tender

It was moved by Councillor Brown and seconded by Councillor Muise:

THAT Council of Region of Queens Municipality approve that Tender PW09-2023/2024 – Trucking of Bulk Salt be awarded to Van Dyk Excavation & Truckin' for the tendered price of \$78.76 per metric tonne, plus HST for the 2023/2024 winter season.

Adam Grant, Director of Engineering & Public Works, stated a call for tenders for the trucking of bulk salt for the 2023/2024 winter season was issued. The tendered price is the largest increase we've seen in years, but matches up with market trends considering fuel and operating costs increase.

Mayor Norman noted the report indicates there will be no budget impact. Director Grant stated he did not budget for \$79, and is too early to comment on impact.

MOTION CARRIED unanimously.

7.2 Ice Resurfacers

It was moved by Councillor Hawkes and seconded by Councillor Brown:

THAT Council of Region of Queens Municipality approves the purchase of a 2024 Zamboni 450 from Saunders Equipment Ltd., Fredericton, NB at a price of \$156,500 + HST.

Director Grant stated the Director of Recreation applied for a grant for the purchase of a new Zamboni and was fully funded.

A Request for Proposal was issued for a fully electric resurfacers. Two proposals were received and one didn't meet specifications.

Mayor Norman noted the grant was secured through the Nova Scotia Department of Communities, Culture, Tourism and Heritage and the difference between the grant and the price will go towards an EV charging station and other equipment that is required to be used with the Zamboni.

MOTION CARRIED unanimously.

7.3 J Class Road Subdivision Street Paving

It was moved by Deputy Mayor Fancy and seconded by Councillor Charlton:

THAT Council of Region of Queens Municipality approve the overage for the Oliver Street paving project of \$18,715.

Dan McDougall, Interim CAO, stated Oliver Street was selected to be paving as part of the partnership with the Province. As stated in Section 6.2 of the partnership agreement, overruns of more than 10% require notification. The cost overrun for this project is estimated to be \$40,000. The new estimate is \$100,000. The budgeted amount is \$31,285 for this project; therefore the new cost share amount is \$50,000.

Deputy Mayor Fancy asked if it would be possible to break roads into sections when making application as in some cases the whole road repair is not required. Mayor Norman stated the province requires specifics and we can ask when applying.

MOTION CARRIED unanimously.

7.4 UARB Application for Rate Adjustment

It was moved by Councillor Gidney and seconded by Councillor Brown:

THAT Council of Region of Queens Municipality apply to the Nova Scotia Utility and Review Board for a one-time reduction of the consumption rate of 70% for one quarter only to be funded from the Utility Reserve.

CAO McDougall stated at the September 26 Council meeting, staff were directed to prepare an application to the UARB requesting a one-time reduction in the consumption rate for one quarter only of 70%. The reduction will be funded from the Utility Reserve which currently has a balance of \$180,000 and the estimated cost for the reduction will be approximately \$56,000.

The billing cycle is from August 22 to November 30, 2023. If the application is granted in time, as invoices are mailed before the Christmas break, staff will apply the reduction to this billing.

MOTION CARRIED unanimously.

7.5 Property at 9777 Highway 8, Caledonia, Queens County, NS
PID #70154539

It was moved by Councillor Hawkes and seconded by Councillor Brown:

THAT Region of Queens Municipal Council declare the property located at 9777 Highway 8, Caledonia, Queens County, Nova Scotia and identified as PID #70154539 as dangerous or unsightly as defined in the *Municipal Government Act of Nova Scotia*.

AND THAT Region of Queens Municipal Council cause an Order to be served upon the Estate of Wallace Meade, and the person in charge thereof, Patrick McInnis, located at 9777 Highway 8, Caledonia, Queens County, Nova Scotia requiring that, within (30) days of the date of the service of the Order, the following work be carried out:

- 1. Clean-up of all metals, plastics, toys, tires, recyclables, household garbage, construction and demolition materials strewn about the property or noted as remnant remains (or property stored thereof).**
- 2. Demolition of one small makeshift outbuilding/chicken coop that is falling over.**
- 3. Leveling of property accordingly removing holes and tripping hazards.**

AND THAT if the Estate of Wallace Meade, and the person in charge thereof, Patrick McInnis, fails to comply with the Order, the Administrator may cause the requirements of the Order to be carried out and all expenses incurred by Region of Queens Municipality become the responsibility of the parties of interest.

Kelly-Anne Hurley, S. Cst, Bylaw Enforcement Officer, stated the property owner of PID #70154539 is Wallace Meade (Deceased) and the Person in Charge Thereof is Patrick McInnis.

This property has been on the Region of Queens Bylaw Enforcement Roster for Dangerous and Unsightly Premises on and off since 2012. In June of this year, the mobile home situated on the property sustained catastrophic damage from an undetermined fire. The damages rendered the property as an "Immediate Threat to Public Safety" as the structural integrity of the mobile home was compromised.

As the property owner is deceased, Bylaw Enforcement made immediate contact with the tenant presently residing on the property who advised that there was a "life lease" and a person in charge thereof. The representative, Patrick McInnis, was immediately contacted and a clean-up commenced slowly. He could not be present today.

To this date, the dwelling has been fully demolished via Demolition Permit #116-23 – issued July 2023. The property, now considered as "Unsightly", requires a full clean-up.

The deadline for the clean-up is Friday, November 10, 2023.

MOTION CARRIED unanimously.

8.0 Discussions

8.1 Grey Boxes on Private Roads – Labelle Area

Councillor Brown clarified when he requested this item be added to the agenda it was for all grey bins, not just the one in the Labelle area, but that's the one that triggered the issues from residents. A lot of complaints have been received from Baker's Point and Chapel Hill as well, and some in Beach Meadows.

Staff have been good at cleaning up and finding a solution, but we rapidly outgrow those solutions. Engineering may fix some, or we can fix them with enforcement, but whichever way we go, it will take a budget.

Enforcement have been inspecting the boxes on weekends and notify people of what is or is not allowed in them. It's not that we have a capacity problem, we have a people problem. Disallowed garbage is being put in the bins causing health and safety issues, as well there is a problem with people dumpster diving.

Councillor Brown suggested the installation of cameras to allow for enforcement, or have large bins on the side of a hill that is fenced in which would eliminate people dumpster diving and keep the animals out (as is done in Toronto).

There are communal green bins that are not secured and attract animals within the communities and is becoming a safety issue.

Mayor Norman asked how much of an effort are residents making to separate their garbage at these locations. Scott LeBlanc, Solid Waste Clerk, stated they are doing a fairly good job. All the tools are there to source separate.

Mayor Norman further asked if staff had any suggestions on how in the next 7 – 8 weeks discussions can evolve around some solutions. She asked if holding a community meeting around grey boxes would be beneficial, and to allow residents to bring forth any alternative ideas, and if having smaller sites would help alleviate the issue.

Director Grant stated all Councillors have grey boxes in their areas and if residents that use them can offer solutions, they can offer them any time. People who abuse the grey boxes are not going to attend a community meeting. We have tried different methodologies over the years to make it easier, increasing pick up times and increasing staff time. It is on the responsibility of the people to be honest and fair.

Mayor Norman asked if our bylaw enables us to issue fines. Director Grant stated yes, but there would need to be surveillance 24 hours a day/7 days a week, and to have enough evidence to go to court to support that. If council wishes, we can get proposals for an independent consultation for a contractor to investigate to see what works in other areas and provide solutions for next budget year.

S. Cst. Hurley stated the illegal dumping fines are \$697.50. Residents have brought forth pictures and videos, but the people in them have to be identified. The difficulty is trying to place the camera we presently have, in a location so that we can pick up license plate number to identify the dumpers.

She further stated in a conversation with Steve Whynacht, IT Manager, said that he can investigate. The issue is placing the camera and not having it stolen. At Sunhaven we have tried this on several occasions. The current camera we have requires batteries which requires them to be changed on a frequent basis.

Councillor Brown suggested a solution may be to have cameras to hook into the fibre optic system by having Nova Scotia Power install a plug in receptacle like is done with the wreaths. The issue would be getting the right angle on the pole, which may require installing a new pole.

Deputy Mayor Fancy suggested having the installation of larger containers in the spring and fall for clean ups. He suggested have garbage picked up at the residents' homes.

Councillor Charlton asked if residents could be moved to regular collection, keeping in mind that not all would be accessible. Director Grant stated there are many different factors to take into account, collection on private roads you cannot get the conventional trucks

down the roads. Investigation into moving the boxes was also looked at but the problem is getting right-of-way allowance or sites.

Councillor Charlton asked if staff could investigate the installation of cameras, maybe at the Sunhaven site, and provide options for consideration prior to budget discussions. S. Cst. Hartung stated in past experiences, having lights, signage and cameras goes a long way in deterring people.

Councillor Amirault suggested an information flyer be circulated to seasonal residents providing all pertinent information.

Consensus was given by Council for staff to investigate the installation of high definition cameras, power poles, lighting and signage to be installed at all 3 grey bin sites; Sunhaven, Narrows Road East and West.

8.2 Homelessness in Queens

Mayor Norman stated in discussions with Richard Lane, Director of Economic Development, he said economic development is normally looked at a top down approach, but with homelessness it is a bottom up approach. It is important that we understand the extent of homelessness in Queens County. Mayor Norman suggested this topic be added to next Council for further discussion with Director Lane.

She further said that during a meeting with Mayor Savage, HRM, he suggested that homelessness will double in Halifax. There are 40 tents set up around Town Hall and approximately 60 others around the city, and others around rural areas and fears it will grow here as well.

As a Council we need to understand the extent and the reasons for it.

Councillor Charlton asked if South Shore Open Doors have been approached to do a presentation. They represent Lunenburg and Queens Counties and provide information on who, where, ages and demographics that are effected. Council agreed to have CAO McDougall have Director Lane investigate, and if he chooses, to invite them to Council.

Councillor Brown suggested after speaking with some HRM Councillors at the most recent NSFM Convention, that they would be a good resource to provide support.

9.0 In-Camera Items

There were no In-Camera items to come before this meeting.

10.0 Adjournment

The meeting adjourned at 10:00 a.m.

Mayor Darlene Norman, Chair

Dan McDougall, Interim CAO

Christine Watson, Administrative Assistant – Planning & Development

Date Approved: _____

Region of Queens Municipality Staff Report

7.1

To: Council

From: Mike MacLeod, Director of Planning and Development

Date: October 24, 2023

Re: Fixed-roof Overnight Accommodation in South Brookfield

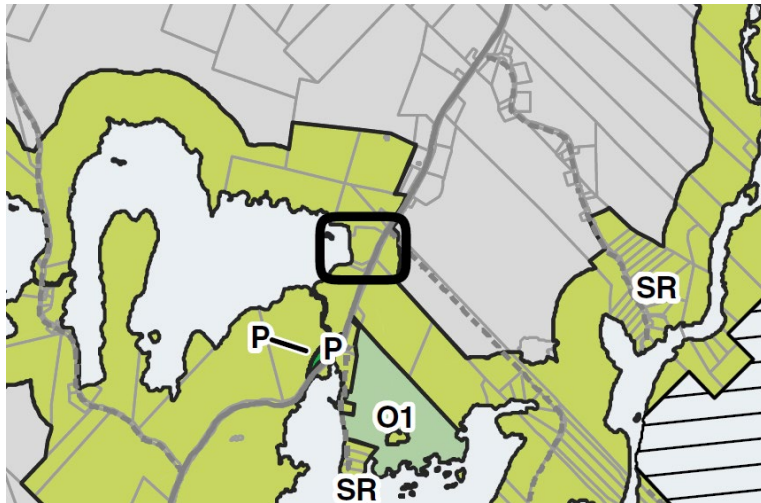
Background

Region of Queens Municipality has received an application to enter into a development agreement that would allow for the establishment of a new fixed-roof overnight accommodation on a vacant parcel of land in South Brookfield. Property is identified as PID# 70191937. A copy of the application is attached as Appendix A.



Details

The property is zoned as Lakeshore Residential (SR) under the Land Use Bylaw and has a future land use designation of Residential (RES) under the Municipal Planning Strategy.



Zoning Map

Fixed-roof overnight accommodation is a use that is not permitted as of right in the Lakeshore Residential (SR) Zone. This being said; however, Council has incorporated provision within the Municipal Planning Strategy and Land Use Bylaw whereby it can consider such uses through a development agreement process.

Commercial and Industrial Uses in Rural Zones

	R5	R6	SL	SR	Re	CR	SPECIAL REQ'S
Airport	DA	DA	-	-	DA	DA	
Agriculture Related Industries	P	P	-	-	P	P	
Animal Care	-	-	-	-	P	P	
Art Gallery / Studio	P	P	-	-	P	P	
Automobile Body Shop	-	-	-	-	-	DA	
Automobile Repair Shop	-	-	-	-	-	P	S7.2
Automobile Sales	-	-	-	-	-	P	
Automobile Service	-	-	-	-	-	P	S7.3
Banks and Financial Institutions	-	-	-	-	-	P	
Boat and Marine Sales	-	-	-	-	-	P	
Business or Professional Office	-	-	-	-	P	P	
Campground	P	P	-	DA	P	P	
Commercial Recreation - Indoor	-	-	-	-	P	P	
Outdoor	P	P	-	-	P	P	
Convenience Store	P	P	-	-	P	P	
Craft Shop	P	P	-	-	P	P	
Day Care Centre	P	P	-	-	P	P	
Electric Vehicle Charging - Commercial	-	-	-	-	P	P	
Equestrian Facility	P	P	-	-	P	P	
Farm Market	P	P	-	-	P	P	
Fishery Related Industries	P	P	-	-	P	P	
Fixed-roof Overnight Accommodations	-	-	-	DA	P	P	

Policy 5-65 of the Municipal Planning Strategy sets out that:

Policy 5-65 Council shall consider proposals for accommodations and campgrounds in the Lakeshore Residential Zone by development agreement, subject to the policies of Section 6.4.

6.4 Development Agreements

6.4.1 Context

A development agreement is a written legal agreement between Council and a property owner. It “runs with the land”; hence, the terms of the agreement do not cease if the land is sold or if the property owner dies.

The development agreement is a mechanism through which Council can oversee the implementation of a development proposal that would not otherwise be permitted by the standards established in the applicable zone. This can allow a proposal to better fit the specific constraints or opportunities provided by a site.

A development agreement allows or limits the development to the use or types of uses actually proposed and outlined in the agreement. This allows Council to have a finer-grained level of control over the proposed development, and to implement specific measures to mitigate potential impacts. To change the development to another use that is not listed in the development agreement would require an amendment to the agreement, which would be evaluated against the policies in this Plan. In accordance with the Municipal Government Act, the types of development that may be considered by a development agreement must be clearly identified in the Plan.

6.4.2 Adopting and Amending Development Agreements

Policy 6-13: Council shall consider entering into a new development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where Council approves a development agreement, the development agreement shall:

- (a) specify the development, expansion, alteration, or change permitted;
- (b) specify the conditions under which the development may occur; and
- (c) set terms by which Council may amend or terminate and discharge the agreement.

Policy 6-14: Council shall not approve or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 6-21.

When evaluating development agreements, Council must be cognizant of the overall goals and policies of this MPS. In particular, it should have regard to the criteria listed in Policy 6-21.

- Policy 6-21:** Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal:
- (a) is consistent with the intent of this Municipal Planning Strategy;
 - (b) does not conflict with any Municipal or Provincial programs, bylaws, or regulations in effect in the municipality;
 - (c) is not premature or inappropriate due to:
 - (i) the ability of the Municipality to absorb public costs related to the proposal;
 - (ii) impacts on existing drinking water supplies, both private and public;
 - (iii) the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
 - (iv) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
 - (v) the adequacy of fire protection services and equipment;
 - (vi) the adequacy and proximity of schools and other community facilities;
 - (vii) the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
 - (viii) site-specific climate change risks;
 - (ix) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
 - (ix) impacts on known habitat for species at risk;
 - (x) light pollution and impacts on dark sky views, especially in the vicinity of the Kejimikujik Dark-Sky Preserve;
 - (xi) the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and
 - (xiii) negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.

The Municipal Planning Strategy also establishes a list of conditions that may be incorporated in a development agreement.

- Policy 6-15:** Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and the general criteria set out in Policy 6-21. Such conditions may include, but are not limited to, controls regarding:
- (a) servicing;
 - (b) the type, location, and orientation of structures;

- (c) *the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;*
- (d) *the provision of open space and amenities;*
- (e) *the type, size, and location of signage;*
- (f) *the type and orientation of exterior lighting;*
- (g) *management of solid waste, compost, and recycling;*
- (h) *pedestrian, bicycle, and vehicular circulation;*
- (i) *connections to existing or planned pedestrian, bicycle, and vehicular networks;*
- (j) *the location and number of bicycle and vehicular parking and loading spaces;*
- (k) *access for emergency vehicles;*
- (l) *the location and type of landscaping, including fences and other forms of screening;*
- (m) *stormwater management;*
- (n) *grading and erosion control;*
- (o) *the emission of noise, odour, light, liquids, gases, and dust;*
- (p) *the type of materials stored and/or sold on site;*
- (q) *hours of operation;*
- (r) *the phasing of development;*
- (s) *financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;*
- (t) *mitigation measures for construction impacts;*
- (u) *time limits for the initiation and/or completion of development; and*
- (v) *all other matters enabled in Section 227 of the Municipal Government Act.*

The process for entering into a development agreement is set out in Section 230 of the Municipal Government Act and requires a public hearing process prior to Council making a decision.

Adoption or amendment of development agreement

- 230 (1) *A council shall adopt or amend a development agreement by policy.*
(2) *A council shall hold a public hearing before approving a development agreement or an amendment to a development agreement.*
(3) *Only those members of the council present at the public hearing may vote on the development agreement or the amendment.*
(4) *Upon approving a development agreement or an amendment to a development agreement, the clerk shall place a notice in a newspaper circulating in the municipality stating that the development agreement is approved and setting out the right of appeal.*

- (5) *The clerk shall file a certified copy of a development agreement or amendment with the Minister when notice of the development agreement or an amendment to it is published.*
- (6) *Within seven days after a decision refusing to approve a development agreement or an amendment to a development agreement, the clerk shall notify the applicant in writing, giving reasons for the refusal and setting out the right of appeal.*
- (7) *Amendments to those items in a development agreement that the parties have identified as not substantive, if the substantive items were identified in the agreement, or that were not identified as being substantive, do not require a public hearing. 1998, c. 18, s. 230; 2003, c. 9, s. 60.*

Considerations

- PID# 70191937 has a lot area of approximately 19 acres, with approximately 1,500 feet of frontage on Highway 8.
- The area is rural in nature with scattered low density residential development.
- Highway 8 is a provincially owned and maintained public road.
- No municipal services in vicinity of subject property. Development would require an on-site sewage disposal system and well.

Potential Options

1. Maintain status quo (deny development agreement request); or
2. Enter into a development agreement with Jasmine and Matthew Mallay to allow for a fixed-roof overnight accommodation operation, consisting of eight (8) rental units, on property identified as PID#70191937 and located on Highway 8 in South Brookfield.

Tentative Timeframe

<u>Date</u>	<u>Procedure</u>
October 11, 2023	Planning Advisory Committee
October 24, 2023	Council
November 1, 2023	First Public Notice
November 8, 2023	Second Public Notice
November 28, 2023	Public Hearing
November 28, 2023	Council
December 6, 2023	Notice of Passing
December 21, 2023	Appeal Period Ends

In looking at the use that is being proposed for the property, the property itself and the surrounding area, it is the opinion of Staff that the use of the property for an eight (8) unit fixed-roof overnight accommodation units will have negligible impact. Sufficient terms and condition can be incorporated into a development agreement to meet the needs of the applicant and also to mitigate potential issues.

The Region's Planning Advisory Committee (PAC) met on October 11, 2023 to review the application and the proposed use of the property. Following discussion on the implications of the proposed use, PAC recommended in favor of entering into a development agreement to allow for a fixed-roof overnight accommodation operation, consisting of eight (8) rental units, on property identified as PID#70191937 and located on Highway 8 in South Brookfield.

A draft copy of the development agreement has been prepared for discussion purposes and is attached hereto as Appendix B.

Applicable Legislation

Municipal Government Act.

Recommendation

That Council of Region of Queens Municipality give notice of its intention to enter into a development agreement with Jasmine and Matthew Mallay to allow for a fixed-roof overnight accommodation operation, consisting of eight (8) rental units, on property identified as PID#70191937 and located on Highway 8 in South Brookfield.

And That a Public Hearing be held on November 28, 2023 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 6:00 p.m.

Appendix A

Jasmine Mallay

September 19, 2023

Mike MacLeod
Director of Planning & Development
Region of Queens Municipality
249 White Point Road
Liverpool, NS B0T 1K0

To whom it may concern:

I am proposing to build eight fixed-roof overnight accommodations and one accessory building on Lot 19 Highway 8 (PID: 70191937) in South Brookfield, Nova Scotia.

This project would be in three phases. Phase 1 would be to build four buildings along the brookside of the lot that would be approximately 400 square feet. These buildings would offer comfortable amenities such as a hot tub and screened-in covered porch. Guests would be able to relax and enjoy the sounds of nature and the babbling brook. They could also enjoy visiting the nearby Kejimikujik National Park and exploring the Region of Queens Municipality.

Phase 2 would be to build one larger lakefront cottage and accessory building (garage). The cottage would be approximately 1800-2500 square feet. The garage would be approximately 1080 square feet. This accommodation would be the perfect fit for a family getaway as it would have three bedrooms and ample space for guests.

Phase 3 would be the remaining three lakefront cottages that would be approximately 900-1200 square feet. These would be two bedroom accommodations.

The intent of this project is to create an experience where people could enjoy nature, kayaking, swimming, and other activities with the added comfort of luxury overnight accommodations. A priority of this project is to maintain a natural look to the property where the environmental conditions would continue to provide a strong habitat for the existing ecosystem. This is integral to the brand and the experience I would want to offer guests.

Sincerely,
Jasmine Mallay



For Internal Use Only
Acceptance Date: _____
Processing Date: _____

Region of Queens Municipality

Planning Amendment and Development Agreement Application



1. Application Type:

- Land Use Bylaw Amendment
- Development Agreement

2. Property Information:

Civic address of subject property - Lot 19

Property Identification Number (PID) - 70191937

Present use of subject property - Vacant land

Proposed Use of subject property - fixed-roof overnight accommodation

Existing Lot Size - 19 acres

Existing Lot Frontage - 452m / 1484ft

3. Property Owner Information:

Name - Jasmine Mallay & Matthew Mallay

Applicant is:

- Owner
- Agent of Owner

Civic Address - _____

Mailing Address (If different from Civic Address) - _____

Telephone Number - _____

Email Address - _____

4. Zoning Information:

Existing Zoning - Lakeshore Residential (SR)

Proposed Zoning - no change

5. Property Servicing Information:

Water Services -

Municipal System - Existing Proposed
Drilled Well - Existing Proposed
Dug Well - Existing Proposed
Other - _____

Sewer Services -

Municipal System - Existing Proposed
On-site System - Existing Proposed
Other - _____

Access -

Public Road - Existing Proposed
Private Road - Existing Proposed
Other - _____

6. Declaration:

Registered Owner of Property (Please print)

I / We Jasmine Mally and Matthew Mally do solemnly declare that I / We are the current registered owner(s) of the property described in this application. I / We have examined the contents of this application and certify that the information submitted is accurate.

Registered Owner Jasmine Mally
Signature J Mally
Date Sept 19/23

Registered Owner (if more than one) Matthew Mally
Signature Mtt Mally
Date Sept 19/23

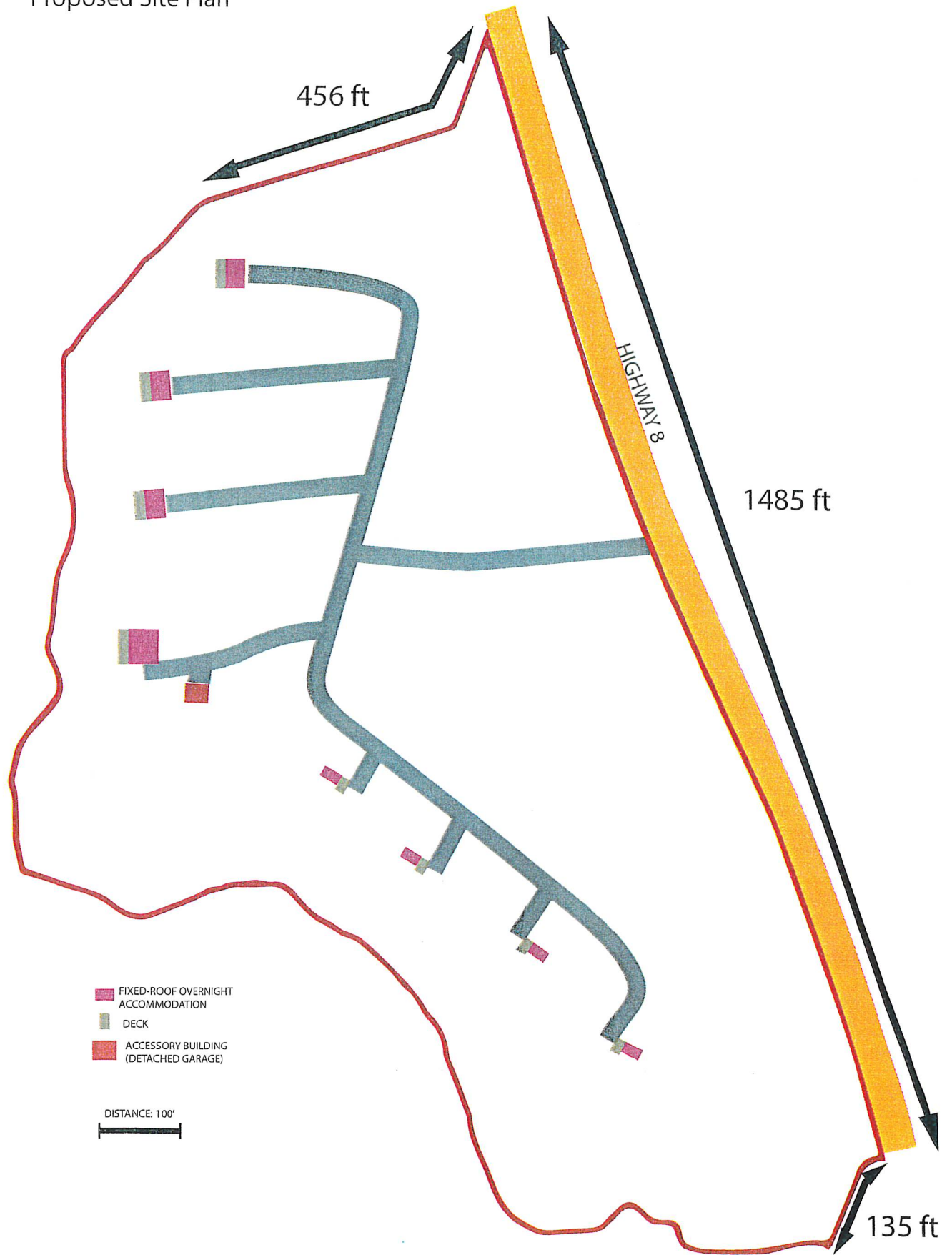
Authorization of Registered Owner (Please print)

I / We _____ authorize _____
To act as agent and sign this application on my / our behalf for property located
at
(Civic Address) _____ and identified as PID# _____.

Notes:

1. *The requirements of a Land Use Bylaw amendment or development agreement application are established by the Planning Department of the Region of Queens Municipality. An application approval process will not commence until a completed application and advertising deposit are received.*
2. Please make cheques payable to the Region of Queens Municipality. Following completion of the amendment process, the unused balance will be returned to the applicant. However, should the deposit be insufficient to cover the cost of advertising, the applicant will be responsible for the difference.
3. It is recommended that an applicant have a pre-consultation meeting with staff of the Planning Department prior to submitting this application.

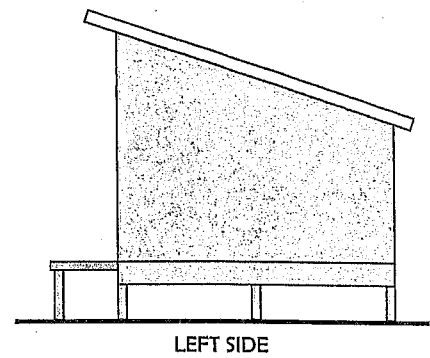
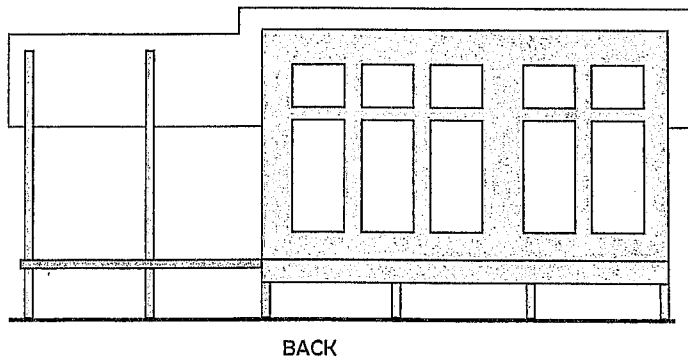
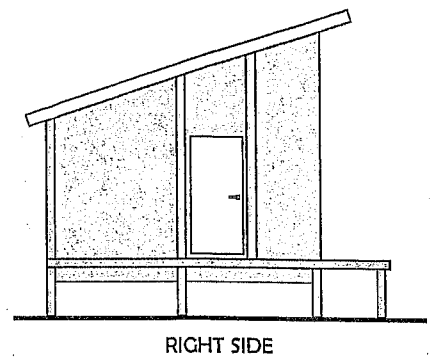
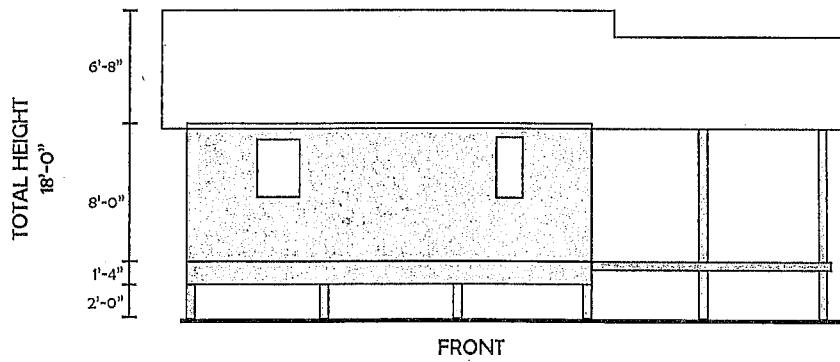
Proposed Site Plan



Existing development within 250 feet of subject property



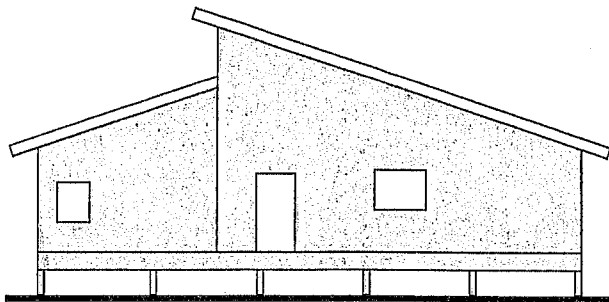
BUILDING ELEVATION DRAWINGS - PHASE 1 COTTAGES



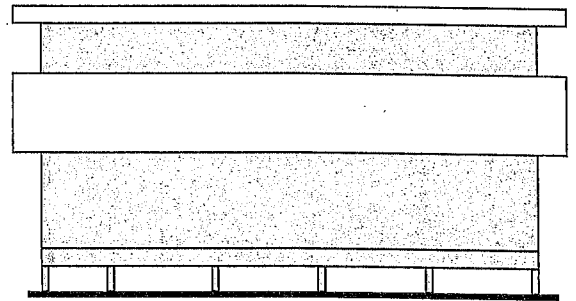
BUILDING ELEVATION DRAWINGS - PHASE 2 COTTAGE

TOTAL HEIGHT
22'-0"

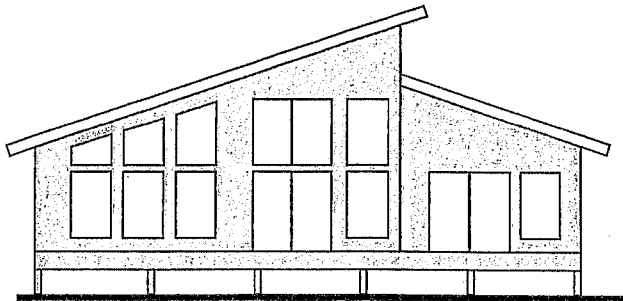
18'-8"
1'-4"
2'-0"



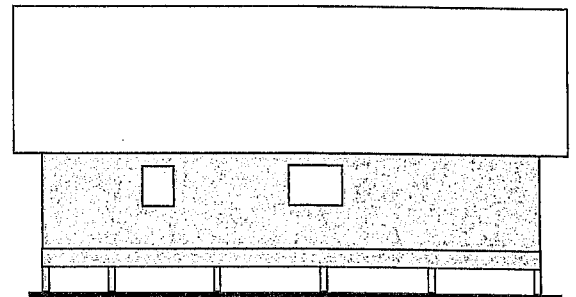
FRONT



LEFT SIDE



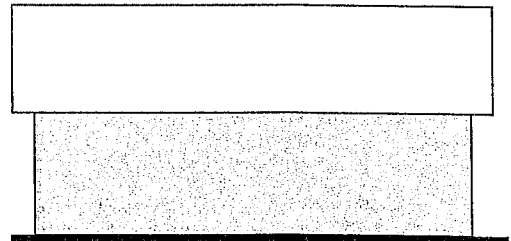
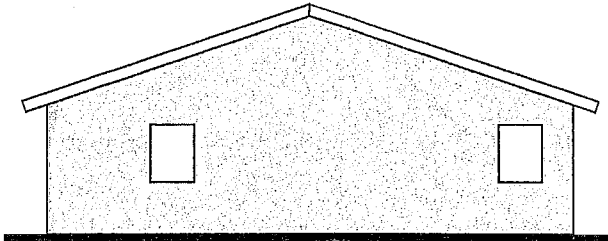
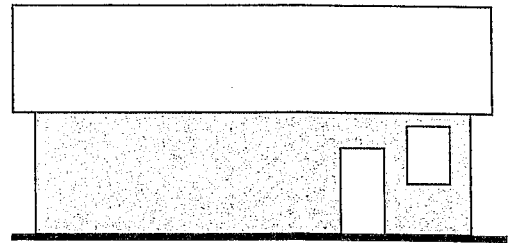
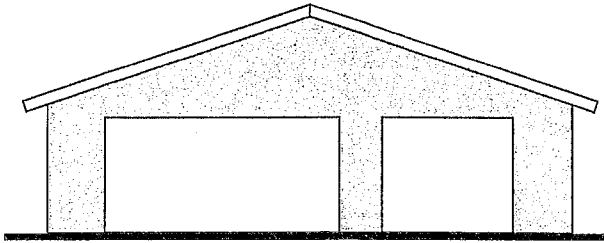
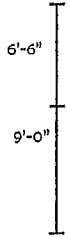
BACK



RIGHT SIDE

BUILDING ELEVATION DRAWINGS - PHASE 2 GARAGE

TOTAL HEIGHT
15'-6"



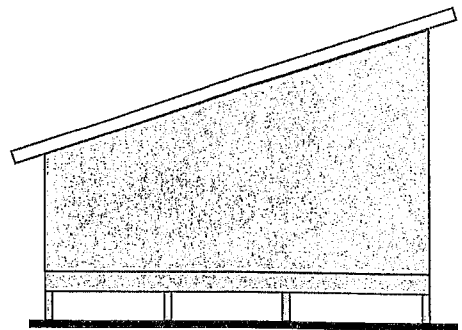
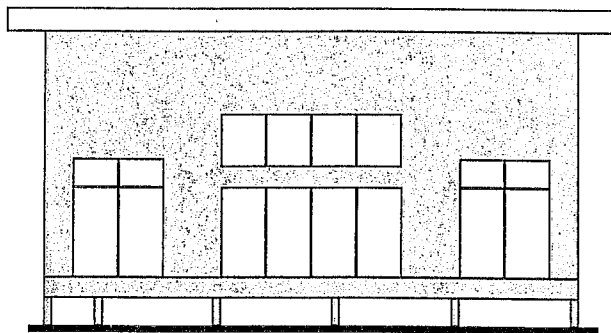
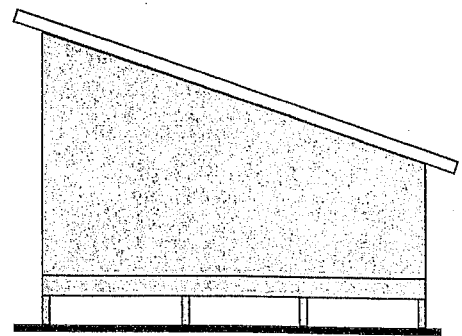
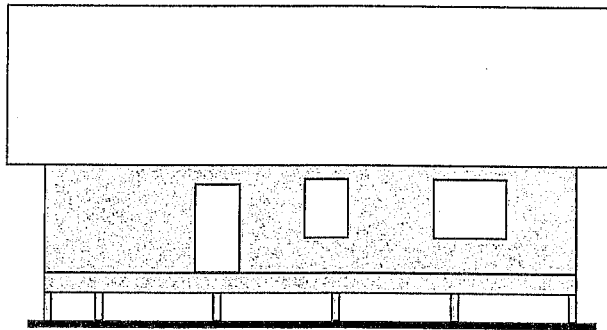
BUILDING ELEVATION DRAWINGS - PHASE 3 COTTAGES

TOTAL HEIGHT

21'-4"

18'-0"

1'-4"
2'-0"











5. **THAT** any lighting for proposed development shall be directed away from abutting properties;
6. **THAT** notwithstanding any other provisions of this Development Agreement, the Developers shall not undertake or carry out any development on the Lands which does not comply with:
 - (a) this Development Agreement;
 - (b) any statutes and regulations of the Province of Nova Scotia to the extent that the same are properly the subject of a development agreement; and
 - (c) appropriate Municipal Bylaws, including without restricting the generality of the foregoing, the Bylaw Respecting the Building Code Act.
7. **THAT** in the event of a dispute, the decision of the Development Officer of the Region as to whether the development is in conformance with the terms of this Agreement shall be conclusive;
8. **THAT** notwithstanding the provisions of the Region of Queens Municipality Municipal Planning Strategy and Land Use Bylaw, the Developer shall be permitted to seek substantial or non-substantial amendments to this Development Agreement, subject to the procedure as set forth in Section 230 of the Municipal Government Act of Nova Scotia;
9. **THAT** amendments which shall be considered substantial are any affecting the following:
 - (a) A change in the uses permitted;
 - (b) An increase in the number of rental units.
10. **THAT** any amendment whether substantial or otherwise must be approved by both parties in writing;
11. **THAT** the Developers agree to pay for all legal costs, advertising and expenses incurred by the Region that have originated from its application for this Development Agreement;
12. **THAT** this Agreement shall be binding upon the parties hereto, their heirs, successors and assigns and shall run with the land which is subject to this Agreement;
13. **THAT** this Agreement is not assignable without the written consent of the Region;
14. **THAT** enforcement and rights and remedies on default of this Agreement shall be as follows:

- (a) The Developers agree that the Development Officer appointed by the Region to enforce this Agreement shall be granted access onto the lands during all reasonable hours without obtaining consent of the Developers. The Developers further agree that, upon receiving written notification from the Development Officer to inspect the interior of any building located on the lands, the Developers agree to allow for such inspection during any reasonable hour within two (2) days of receiving such notice.
- (b) If the Developers fail to observe or perform any condition of this Agreement, after the Region has given the Developers thirty (30) days written notice of the failure or default, then in each such case:
 - (1) the Region shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developers from continuing such default, and the Developers hereby submit to the jurisdiction of such Court and waive any such defense based upon the allegation that damages would be an adequate remedy;
 - (2) The Region may enter upon the lands and perform any of the covenants contained in this Agreement, whereupon all reasonable expenses whether arising out of the entry on the lands or from the performance of the covenants may be recovered from the Developers; if unpaid within 30 days of billing by the Region; by direct suit and such amount shall, until paid, form a lien upon the lands and be shown on any tax certificate issued under the Municipal Government Act;
 - (3) The Region may by resolution discharge this Agreement, upon providing the Developers sixty days (60) written notice, whereupon this agreement shall have no further force or effect and henceforth the development of the lands shall conform with the provisions of the Region of Queens Municipality Land Use Bylaw;
 - (4) In addition to the above-mentioned remedies, the Region reserves the right to pursue any other remediation under the Municipal Government Act or common law to ensure compliance with this Agreement.

15. **THAT** the entering into of this Agreement was approved by the Council of the Region of Queens Municipality at a duly held meeting of Council convened on the ____ day of _____, 2023.

- (a) This Agreement shall not be entered into, or signed by the parties, until the time for Appeal under Section 228 of the Municipal Government Act of Nova Scotia has elapsed, any appeals which have been lodged have been disposed of and the required resolution of

Council has been affirmed by the Nova Scotia Utility and Review Board;

- (b) This Agreement does not come into effect until it is filed, by the Region of Queens Municipality, in the Registry of Deeds as set out in Section 228 of the Municipal Government Act of Nova Scotia.

**PROVINCE OF NOVA SCOTIA
COUNTY OF QUEENS**

ON this ____ day of _____, 2023, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing Indenture, who having been by me duly sworn, made oath and said that the Region of Queens Municipality, per its authorized officers, Darlene Norman and Cody Joudry, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

SCHEDULE A

PETERS POINT ROAD

70191937

FIRST CHRISTOPHER LAKE

HIGHWAY 8

LONG POINT ROAD



PROPERTY SUBJECT TO DEVELOPMENT AGREEMENT

Region of Queens Municipality Staff Report

8.1

To: Council

From: Mike MacLeod, Director of Planning and Development

Date: October 24, 2023

Re: Planning Advisory Committee

Background

Section 200 of the Municipal Government Act sets out provision whereby Council may establish a Planning Advisory Committee (PAC) to advise Council regarding the preparation and amendment of planning documents and planning matters generally. Council adopted Administrative Policy 60 – Planning Advisory Committee in 2003.

The Policy sets out membership for the Committee, and is as follows:

- 1). There shall be three (3) members of Council appointed to the PAC;
- 2). The public appointed members shall consist of one (1) representative from each of the electoral districts in the Region of Queens Municipality;
- 3). One half of the members of the Planning Advisory Committee shall be appointed for a one (1) year term, with the remaining members being appointed for a two (2) year term.

The intention of clause 3 was to stagger the initial terms of the Committee members so that Council was not potentially appointing an all new committee every two years. This helps in maintaining a degree of knowledge and consistency.

In the fall of 2022, advertisements were placed for expressions of interest in serving on PAC (for all Districts) and from that, the current members were selected by Council. The members for Districts 2, 4 and 6 were appointed for a one year term and members for Districts 1, 3, 5 and 7 were appointed for a two year term.

The term for Districts 2, 4 and 6 expires on October 31, 2023 and it should be noted that the three current members have expressed an interest in re-offering to serve on the Committee.

Options

1. Recommend that Zenia Horton - District 2; Mary White - District 4; and Pamela Brennan - District 6; each be re-appointed to the Planning Advisory Committee for a term to expire on October 31, 2025; or
2. Recommend that Staff advertise for expressions of interest to serve on Planning Advisory Committee to represent District 2, District 4, and District 6.

Staff are of the opinion that the current Committee is a cohesive and productive group and feel that since the current members representing Districts 2, 4, and 6 have only served a one year term, that a re-appointment would be appropriate.

Applicable Legislation

Municipal Government Act.

Budget Impacts

N / A

Staff are seeking Council's direction in this matter.



COUNCIL IMPLEMENTATION REPORT – January – October 10, 2023

Date	Recommendation	Responsibility	Action Taken
Feb. 14, 2023	Approve the placement of a new replacement pool for Milton Centennial Pool on the lands of Queens Place Emera Centre.	M. Roberts	The project is currently with the Project Manager for costing.
Feb. 14, 2023	Give approval to register and apply for grants with consultation and approval from the appropriate staff member. The Pool Committee or designate will research and write the grants for approval.	Intermin CAO	No requests received by staff at this time.
Feb. 14, 2023	Give pre-budget approval to contracting CBCL Engineering to conduct a feasibility study for the extension of services to Mount Pleasant, NS, at a cost of up to \$21,500 plus HST, to be funded out of the 2023-2024 operating budget.	Adam Grant	In progress.
Mar. 14, 2023	Approve entering into a contract with DUMAC Energy Limited to conduct a HVAC investigation at the Town Hall Arts and Cultural Center, 219 Main Street, Liverpool, at a cost of \$10,975 plus HST, to be budgeted in the 2023-2024 fiscal year.	Adam Grant	In progress.

Date	Recommendation	Responsibility	Action Taken
June 13/23	<p>Approve the purchase of two 2023, 4x4 ¾ Ton Pickups from Mosher Motors at a price of \$152,320 + HST.</p> <p>AND THAT Council of Region of Queens Municipality approves the purchase of a used vehicle to meet the requirements of the building inspector from David Hatt Auto Sales Ltd. at a maximum price of \$40,000 + HST.</p>	Adam Grant	PO issued, equipment ordered.
July 11/23	Appoint the three Council members appointed to the Police Advisory Board as an ad-hoc nominating committee to review applications and recommend appointments to Council for current and future community appointment vacancies on the Police Advisory Board.	Angela Green	Four applications received and provided to ad-hoc nomination committee to review and recommendation.
July 11/23	Approves the tender for the replacement of the HVAC system at the Liverpool Business Development Center to Sea Coast HVAC at a cost of \$1,766,325.00 + HST.	Adam Grant	In progress.
July 11/23	Approves the purchase of a 2024 Bucher/Freightliner V65T/M2-106 from Saunders Equipment Ltd., Fredericton, NB at a price of \$388,000 + HST.	Adam Grant	PO issued. Equipment ordered.
July 11/23	Enter into a Site Host Agreement with Nova Scotia Power for the location of an EV charging station on Municipal property.	R. Lane	Council has been advised of the final preferred location on Legion Street ahead of signing the Agreement.

Date	Recommendation	Responsibility	Action Taken
Aug. 8/23	Approve the purchase of a 2023 Komatsu WA320-8 with extended warranty and trade in of 2009 John Deere 624K loader at a net cost of \$314,700 + HST.	Adam Grant	In progress.
Sept. 12/23	Provide grant funding to the South Shore Multicultural Association in the amount of \$3,000 from the 2023-2024 Community Investment Fund.	S. Sereda	Cheque for 80% of installment was issued on September 18. The final installment will be issued when event is done and final report is received.
Sept. 26/23	Approve a budget for repair of the Milton Centennial Pool facility at a cost of up to \$50,000 plus HST.	Adam Grant	In progress
Sept. 26/23	Approve the purchase of a replacement condenser for Queens Place Emera Center at a cost of \$255,000 plus HST, 10% contingency, plus installation to be funded from operations.	Adam Grant	In progress
Oct. 10/23	Approve that Tender PW09-2023/2024 – Trucking of Bulk Salt be awarded to Van Dyk Excavation & Truckin' for the tendered price of \$78.76 per metric tonne, plus HST for the 2023/2024 winter season.	Adam Grant	Letter sent to Van Dyk.
Oct. 10/23	Approves the purchase of a 2024 Zamboni 450 from Saunders Equipment Ltd., Fredericton, NB at a price of \$156,500 + HST.	Adam Grant	PO issued.
Oct. 10/23	Approve the overage for the Oliver Street paving project of \$18,715.	CAO	Complete
Oct. 10/23	Apply to the Nova Scotia Utility and Review Board for a one-time reduction of the consumption rate of 70% for one quarter only to be funded from the Utility Reserve.	J. Veinotte/ CAO	Complete

Date	Recommendation	Responsibility	Action Taken
Oct. 10/23	<p>Declare the property located at 9777 Highway 8, Caledonia, Queens County, Nova Scotia and identified as PID #70154539 as dangerous or unsightly as defined in the <i>Municipal Government Act of Nova Scotia</i>.</p> <p>AND THAT Region of Queens Municipal Council cause an Order to be served upon the Estate of Wallace Meade, and the person in charge thereof, Patrick McInnis, located at 9777 Highway 8, Caledonia, Queens County, Nova Scotia requiring that, within (30) days of the date of the service of the Order, the following work be carried out:</p> <ol style="list-style-type: none"> 1. Clean-up of all metals, plastics, toys, tires, recyclables, household garbage, construction and demolition materials strewn about the property or noted as remnant remains (or property stored thereof). 2. Demolition of one small makeshift outbuilding/chicken coop that is falling over. 3. Leveling of property accordingly removing holes and tripping hazards. <p>AND THAT if the Estate of Wallace Meade, and the person in charge thereof, Patrick McInnis, fails to comply with the Order, the Administrator may cause the requirements of the Order to be carried out and all expenses incurred by Region of Queens Municipality become the responsibility of the parties of interest.</p>	KA Hurley/ J. Hartung	<p>1. October 10, 2023 at 2:21 p.m. served Patrick McInnis with Formal Order by RQM with deadline for clean up on/before November 10, 2022. McInnis is the person-in-charge thereof.</p> <p>2. October 10, 2023 at 2:05 p.m. property posted with Formal Order by RQM with deadline for clean up on/before November 10, 2023.</p>



Region of Queens Municipality

COUNCIL IMPLEMENTATION REPORT – January – December, 2022

Date	Recommendation	Responsibility	Action Taken
Feb. 22, 2022	<p>Declare the following properties as surplus to municipal needs and have them advertised for sale at fair market value:</p> <ul style="list-style-type: none"> • 70127501 • 70164561 • 70143276 • 70248018 • 70248026 • 70019609 <p>AND THAT Council of Region of Queens Municipality declare the following properties as surplus to municipal needs and offer them for sale to abutting property owners at a minimum bid of \$0.25 per square foot:</p> <ul style="list-style-type: none"> • 70275508 • 70019872 • 70062245 • 70101613 <p>AND THAT Council of Region of Queens Municipality declare the following property as surplus to municipal needs and offer it for sale to abutting property owner for a minimum bid of the cost of land migration, deed preparation and deed recording:</p> <ul style="list-style-type: none"> • 70271812 	M. MacLeod	Staff are in process of drafting a new bylaw respecting sale of municipal property.

Date	Recommendation	Responsibility	Action Taken
Aug. 9, 2022	Approve the initiation of the Bylaw drafting process that would document the conditions required in order to facilitate collection of Road Levies by Region of Queens as part of the tax billing process.	E. Levy	Meeting with lawyer and GMLLOA scheduled for August 22.
Aug. 9, 2022	Approve the installation of a new barrier free access ramp and building entry on the eastern side of the Town Hall Arts and Cultural Centre (RBC side) to meet the accessibility needs of users of the facility.	Adam Grant	Development Permit approved. Project at 95% complete.



Region of Queens Municipality

COUNCIL IMPLEMENTATION REPORT – JANUARY – DECEMBER 10, 2019

Date	Recommendation	Responsibility	Action Taken
Oct. 22, 2019	Enter into negotiations with Mogan Holdings Limited for the Municipal acquisition of a portion of property identified as PID #70026547 and located adjacent to McLeod Street in Liverpool for the sale price of \$1.00; AND THAT the Region of Queens Municipality will assume the costs associated with subdividing the property.	M. MacLeod	Survey complete. Awaiting preparation of deed for signatures and registration.