

**REGION OF QUEENS MUNICIPALITY
PLANNING ADVISORY COMMITTEE
OCTOBER 10, 2018
7:00 P.M.**

AGENDA

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES – SEPTEMBER 10, 2018**
- 4. ACTION ITEMS AND UPDATES**
- 5. DEVELOPMENT AGREEMENT - TELECOMMUNICATION TOWER IN LIVERPOOL**
- 6. MUNICIPAL PLANNING REVIEW –**
- 7. OTHER**
- 8. NEXT MEETING – NOVEMBER 5, 2018**
- 9. ADJOURNMENT**

PLANNING ADVISORY COMMITTEE
REGULAR MEETING
SEPTEMBER 10, 2018 - 7:00 P.M.

MINUTES

Present: Councillor Heather Kelly, Chair
Councillor Susan MacLeod
Councillor Raymond Fiske
Paul Connolly
Don Kimball
Julie Petrella
Robert Ross
Wayne Wentzell
Kim Williams
Mike MacLeod, Planner
Wendy Connors, Development Officer

UNAPPROVED

Regrets: Mary White

1. CALL TO ORDER -

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF AGENDA –

It was **MOVED** by **Robert Ross** and **SECONDED** by **Kim Williams** that the Agenda be approved as circulated.

Motion Carried Unanimously.

3. APPROVAL OF MINUTES – JULY 9, 2018

Robert Ross noted that under agenda item 5, the last sentence of the third paragraph should read 'Robert wanted to add the Land Use Bylaw – to make it more user friendly, contain more graphics, more zones and number & types of uses in each zone.'

It was **MOVED** by **Robert Ross** and **SECONDED** by **Susan MacLeod** that the Minutes of July 9, 2018 be approved as amended.

Motion Carried Unanimously.

4. ACTION ITEMS AND UPDATES -

Mike MacLeod indicated that all the action items are complete with exception of the MPS / LUB review, which will be ongoing for some time. The Devan Smith Development Agreement has recently been recorded at the Land Registration Office. Mike advised that

once the new MPS / LUB documents are in the final stages of the planning review and Council gives formal notice of its intention to adopt, no new applications can be made to amend the current MPS / LUB until the new documents are in place, which could typically be a couple of months. This would be during the time the province is reviewing the new documents as per provincial regulation. The public will be advised of this, should they express interest in amending the bylaw.

5. MUNICIPAL PLANNING REVIEW

5.1 PROGRESS REPORT – AUGUST 2018

Mike MacLeod went over the progress report from UPLAND for the month of August, noting that most of the tasks from Phase One have been completed. Mike indicated that we have a strict time line and need to adhere to it as much as possible, as it is a lengthy process. Regarding the data collection, as of Friday, September 7th, 2018, the data collection should be very close to completion. Some members felt that the website needs more work and that it's not 75% complete. Mike will make an inquiry about additional information on the website. Robert Ross asked whether the agricultural report had been forwarded to UPLAND. Mike indicated that they had received a digital copy and a hard copy. The project plan is called 'Queens Planning for the Future'.

Other phases have been touched on such as Citizen and Stakeholder Engagement & Analysis and Discussion Papers. Heather Kelly indicated that she hadn't seen any press release about the project. Mike will follow-up with the Region's Communications Officer. UPLAND also held a pop-up engagement during the farmers market on the Liverpool waterfront, on August 25th. In the future, it would be helpful to notify Council and PAC members of these events to help promote. Mike will also make sure that the local radio station QCCR is notified of this project.

Mike went over a list of Outputs and Deliverables to Date which included start up meeting, project brand, website, engagement plan, internal document review, project launch communications, project business cards and one pop-up event. September should see data collection finalized, background content on website, continuation of pop-ups, PAC communication materials, stakeholder interviews and focus groups, open houses, finalizing existing conditions analysis for discussion papers and a survey open to the public.

5.2 ENGAGEMENT PLAN

Mike reviewed UPLAND's Engagement Plan on how to engagement the public during the review process. The idea is to break the public into a series of groups or audiences and tailor the needs, interests and lifestyle of these audiences. These groups would include youth, seniors, seasonal residents, settlement areas, country areas and businesses. It was suggested that schools, minor sports and groups like air cadets & 4-H would be good targets for youth engagement. Mike mentioned his discussion with UPLAND regarding Robert's suggestion of pop-up events being held at areas such as the skatepark. In the past these events had very limited success and UPLAND didn't feel it was the best use of that time. Robert asked whether UPLAND changed the Engagement Plan after the start up meeting as he feels as though they are discounting the youth so they should be trying different ways to engage them. Julie suggested the younger kids, maybe sending them home from school with information so they can talk to their parents about it. Robert suggested a pop-up at a hockey game would be useful. Seasonal residents of Queens will be a challenging one to engage.

Communication material will include: website, Facebook events and updates, press releases and media, poster, newsletters and radio promotions, business cards, project update contact list and emails. Don Kimball suggested putting an article in the Good News for North Queens newsletter. The Municipal Matters will also be utilized. Mike went through the list of groups that include businesses, parks / environment and community wellbeing, that will be included in stakeholder engagements. These groups will be interviewed.

Pop-up and outreach engagements will be held throughout the project. UPLAND will be doing 10 pop-up sessions. A series of open house meetings will be held during the visioning phase, one in each of the seven electoral districts. Tentative dates have been set for the end of September and beginning of October.

A short discussion regarding the Online Public Survey yielded a request for paper copies to be available in areas throughout Queens. The survey will be available once the public meetings are held.

PAC Outreach Information was included in the agenda package for members.

5.3 WEBSITE

Discussion was held earlier in the meeting.

6. OTHER - /

7. NEXT MEETING

The next meeting is scheduled for October 1st, 2018.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:25 p.m.

Date

ITEM 4

Planning Advisory Committee -

Action Plan



Region of Queens Municipality

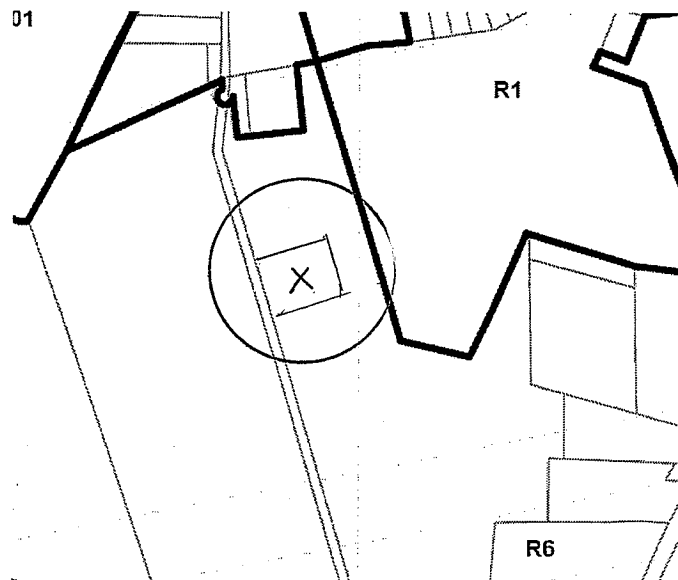
Action	Date	Responsibility	Status
Mersey Seafoods Rezoning	March 5, 2018	Mike	Completed
17 School Street, Milton rezoning	March 5, 2018	Mike	Completed
Lewis MacLachlan Development Agreement in Caledonia for automobile repair	April 9, 2018	Mike	Completed
Rezoning Municipal lands on Payzant and Brunswick Streets in Liverpool		Mike	Completed
Devan Smith Development Agreement in Harmony – automobile repair	May 7, 2018	Mike	Completed
MPS / LUB Review RFP		Mike	Ongoing

**DISCUSSION PAPER
PLANNING ADVISORY COMMITTEE
OCTOBER 1, 2018
TELECOMMUNICATION TOWER IN LIVERPOOL**

BACKGROUND:

The Planning Department has received an application for a development agreement to erect a new telecommunication tower on property identified as PID# 70047055 and located off Meadow Pond Lane in Liverpool. A copy of the application, site plan and tower specifications are attached as Appendix A. The applicant; Eastlink; intends to lease a portion of the subject property from the landowner to facilitate this development.

The proposed site is located in a Mixed Use Coastal Residential (R6) Zone under the Land Use Bylaw.



Zoning Map (Note: Property Mapping has changed subsequent to 2009)

The R6 Zone provides for a fairly extensive list uses as of right; however, the proposed telecommunication tower does not fall under this list of permitted uses. The uses provided for in the R6 Zone include:

- Agricultural uses;
- Apartments up to a maximum of 15 units subject to Section 12.4;
- Art galleries / studios;
- Bed and breakfast establishments;
- Boarding houses to a maximum of five (5) units;
- Campgrounds, subject to Section 14.7;
- Commercial marine uses;
- Condominiums up to a maximum of 15 units, subject to Section 12.5;
- Convenience store;
- Converted dwellings;

- *Craft shops;*
- *Day nurseries and kindergartens;*
- *Duplex dwelling;*
- *Equestrian Facilities;*
- *Farmers markets;*
- *Forestry uses, subject to Section 14.8;*
- *Funeral home;*
- *Garden centres / Greenhouses / Nurseries, subject to Section 14.6;*
- *Gift shop;*
- *Grocery stores, subject to Section 14.6;*
- *Group dwellings, subject to Section 12.7;*
- *Home business uses, subject to Section 9.1;*
- *Household livestock operations;*
- *Institutional uses, subject to I1 Zone requirements;*
- *Mini (Mobile) homes, subject to Section 14.4;*
- *Medical clinics, subject to Section 14.6;*
- *Movie rental shops;*
- *Nursing homes, subject to Section 12.6;*
- *Personal service shops, subject to Section 14.6;*
- *Recreation / Open Space (P1) uses, subject to P1 Zone requirements;*
- *Residential care facilities, subject to Section 12.6;*
- *Restaurants (including drive in and take out), subject to Section 14.6;*
- *Self storage businesses;*
- *Semi detached dwellings;*
- *Single detached dwelling;*
- *Small options homes;*
- *Storage of commercial fishing equipment and supplies;*
- *Tourist establishments;*
- *Triplex dwellings;*
- *Wind turbine generators (small scale), subject to Section 6.39*

POLICY AND LEGISLATIVE AUTHORITY:

Telecommunication towers are not permitted as-of-right in the R6 Zone; however, Council has set out provision in the Region's Municipal Planning Strategy (MPS) to consider such uses by way of a development agreement.

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 12.6.1.

Policy 12.6.1

It shall be the intention of Council, when evaluating a Development Agreement, to have regard to the following matters where applicable:

- a. *the proximity of the proposed development to recreational and other community facilities;*
- b. *the impact of the proposed development on:*
 1. *existing residential and institutional uses in the area with particular regard to the use and size of the structures that are proposed, buffering and landscaping, hours of operation for the proposed use (where applicable), noise and other similar features of the use and structure in order to minimize any potential land use conflicts with adjacent uses;*

2. *adequacy of municipal services with particular regard to demands on the sewer system, water system, fire protection, refuse collection, police protection, existing schools and churches;*
 3. *pedestrian and vehicular traffic circulation with particular regard to the traffic that the development will generate, the adequacy of the proposed accesses to and from the site, traffic flows in and around the site in terms of its ability to handle any new traffic, and the adequacy of the proposed parking areas; and*
 4. *structures on abutting lots in terms of proposed exterior siding and in terms of architectural characteristics taking into consideration such things as height, roof line and lot coverage to minimize any potential land use conflicts between the proposed development and structures on abutting properties.*
- c. *submission of a site plan showing the location of the uses and the structure or structures on the lot, building layout, parking areas, accesses to and from the site, signage provisions, buffering or landscaping provisions and lighting provisions;*
 - d. *adequacy of the proposed lot to ensure that adequate screening and landscaping can be undertaken to minimize the potential for any land use conflicts with adjacent uses.*

Policy 12.6.2

It shall be the intention of Council to recognize that Development Agreements shall contain such terms and conditions as are necessary to ensure that the development is consistent with the policies of this MPS. To this end, Development Agreements shall include some or all of the following terms where applicable:

- a. *the specific use or uses of the land;*
- b. *the size of the structures if new ones are proposed or the size of any proposed expansions to existing structure or structures;*
- c. *provisions for adequate buffering to screen the development from adjacent conflicting land uses;*
- d. *any matter that may be addressed in a Land Use Bylaw (i.e. parking requirements and yard requirements);*
- e. *time limits for the initiation of construction;*
- f. *noise levels;*
- g. *the hours of operation and the maintenance requirements of the proposed use or uses; and*
- h. *all other matters enabled in Section 227 of the Municipal Government Act.*

The Municipal Government Act (MGA) allows municipalities the ability to incorporate a fairly broad list of terms into a development agreement to try to mitigate potential negative effects of a proposed use. The MGA sets out that:

Content of development agreement 227

- (1) *A development agreement may contain terms with respect to*
 - (a) *matters that a land-use by-law may contain;*
 - (b) *hours of operation;*
 - (c) *maintenance of the development;*
 - (d) *easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, stormwater systems, wastewater facilities, water systems and other utilities;*
 - (e) *grading or alteration in elevation or contour of the land and provision for the disposal of storm and surface water;*
 - (f) *the construction, in whole or in part, of a stormwater system, wastewater facilities and water system;*

- (g) the subdivision of land;
- (h) security or performance bonding.

(2) A development agreement may include plans or maps.

(3) A development agreement may

- (a) identify matters which are not substantive or, alternatively, identify matters that are substantive;
 - (aa) identify if the variance provisions are to apply to the development agreement;
- (b) provide for the time when and conditions under which the development agreement may be discharged with or without the concurrence of the property owner;
- (c) provide that upon the completion of the development or phases of the development, the development agreement, or portions of it, may be discharged by council;
- (d) provide that if the development does not commence or is not completed within the time specified in the development agreement, the development agreement or portions of it may be discharged by council without the concurrence of the property owner.

CONSIDERATIONS:

- ⇒ Tower height –Eastlink is proposing a 61 metre guyed telecommunications tower within a 95 metre by 95 metre leased area on the subject property. It is the intention of Eastlink to mount 6 antenna on the tower.
- ⇒ Other towers – Telecommunication towers are regulated by Industry Canada and one of the items which they require an applicant to look at is the possibility of “piggybacking” infrastructure on existing towers in the vicinity. Eastlink has look at this and determined that there are no suitable existing structures within the vicinity.
- ⇒ Proximity to adjacent dwellings –The proposed location of the tower is approximately 700 feet from closest dwelling (119 Meadow Pond Lane), which is also owned by leasor. Refer to attached map.
- ⇒ Safety Code 6 – Safety Code 6 is a set of guidelines established by Health Canada respecting the limits of human exposure to radiofrequency electromagnetic energy. All new telecommunication development must adhere to these guidelines. Eastlink has certified that its design and operational processes comply with Safety Code 6.
- ⇒ It is the intention of Eastlink to install security fencing around the perimeter of the tower.
- ⇒ Lighting - The Canadian Aviation Regulations, under Transport Canada, regulate lighting of towers. An application is currently before Transport Canada to determine need.

When siting new telecommunication towers, the majority of complaints seem to centre around visibility within the landscape and health concerns. The location of a proposed tower is influenced by a number of factors, one of the primary being elevation of the land. As nice as it may be to locate these structures in the back woods areas of the Municipality, in most cases that is not realistic. Visual impacts on the landscape, to varying degrees, are difficult to avoid, particularly when looking at structures 61 metres in height. In so far as concerns over health related issues, Health Canada has conducted its own research and established radio emission limits, which all transmitting antenna must meet. Eastlink has certified that they have met this requirement.

As part of the development agreement process for telecommunication towers and further to considerations to Policy 12.6.1 and 12.6.2 outlined above, Council has also set out that:

The developer hosting a public information meeting prior to the public hearing stage, to hear comments from the public. The developer shall:

- i. *Serve personal notification of the meeting on all property owners within 305 metres (1,000 feet) of proposed site;*
- ii. *Place a notice for the meeting in the local newspaper outlining the date, time and location of the meeting. Notification shall be placed in the newspaper at least two (2) weeks prior to the date of the meeting.*

This is an additional step required by Council to ensure that the public, and those in the immediate area, have adequate opportunity to comment on the proposed development.

A draft copy of the development agreement is attached as Appendix "B".

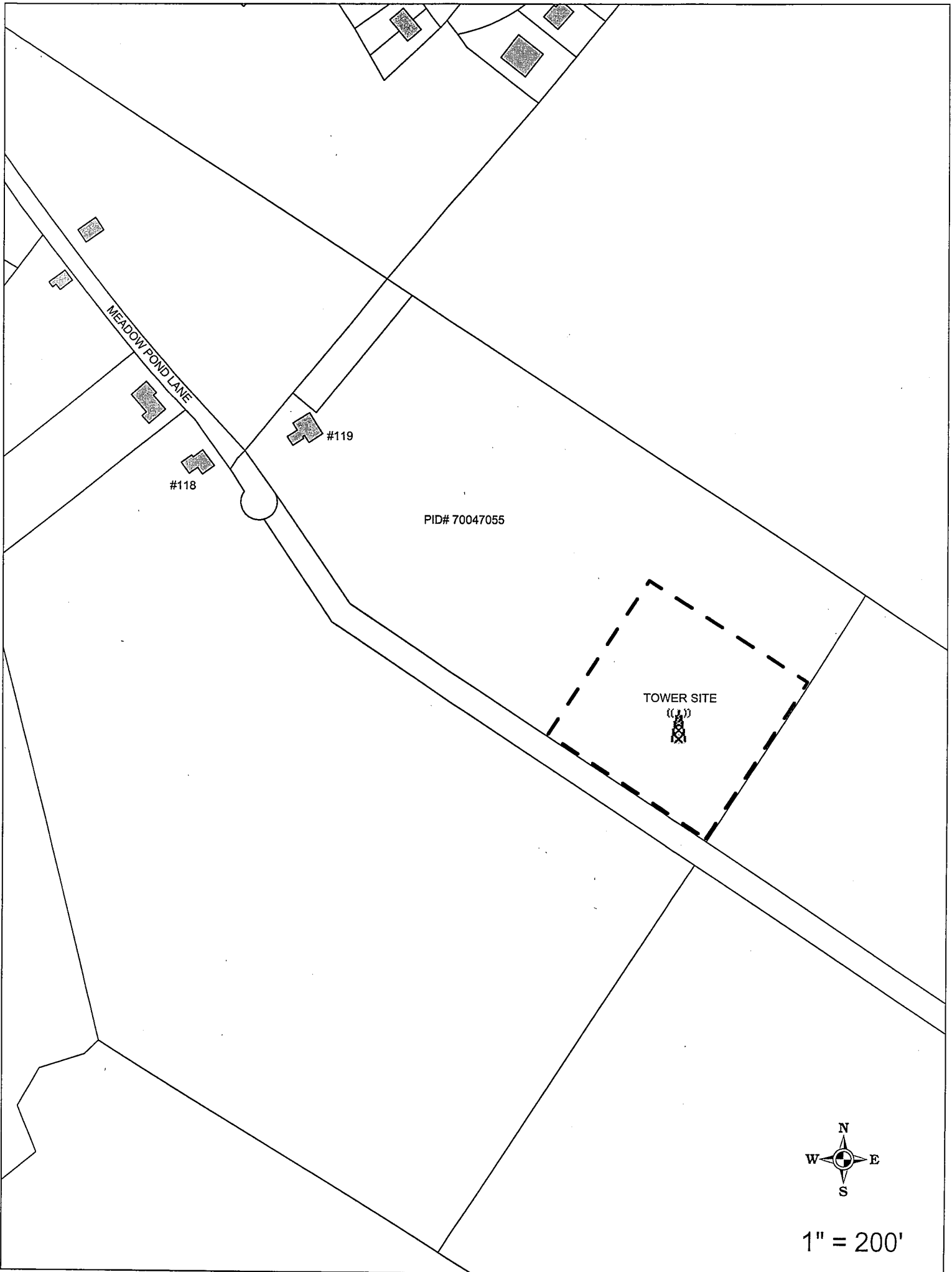
TENTATIVE TIME FRAME:

<u>DATE</u>	<u>PROCEEDURE</u>
October 1, 2018	Planning Advisory Committee
October 23, 2018	Council
November 7, 2018	First Public Notice
November 14, 2018	Second Public Notice
November 27, 2018	Public Hearing
November 27, 2018	Council
December 5, 2018	Notice of Passing
December 20, 2018	Appeal Period Ends

RECOMMENDATION:

THAT the Council of the Region of Queens Municipality give notice of its intention to enter into a development agreement to allow for the erection of a new telecommunication tower on property identified as PID# 70047055 and located off Meadow Pond Lane in Liverpool;

AND THAT a Public Hearing be scheduled for November 27, 2018 in the Council Chambers of the Municipal Administration Building located at 249 White Point Road, Liverpool, NS at 9:00 a.m.



MEADOW POND LANE

#118

#119

PID# 70047055

TOWER SITE



1" = 200'

Appendix "A"



REGION OF QUEENS MUNICIPALITY LAND USE BYLAW AMENDMENT & DEVELOPMENT AGREEMENT APPLICATION

For Internal Use Only

Acceptance Date: Sept. 13/18
Processing Date: _____

1. Application Type:

- Land Use Bylaw Amendment
 Development Agreement

2. Property Information:

Civic address of subject property - 119 Meadow Pond Lane

Property Identification Number (PID) - 70047055

Present use of subject property - undeveloped, wooded (Eastlink lease portion)

Proposed use of subject property - telecomm tower

Existing Lot Size - ~~321~~

Existing Lot Frontage - 300m along access road

3. Property Owner Information:

Name - Donna Jones

Applicant is:

- Owner
 Agent of Owner

Civic Address - Meadow Pond Lane

Mailing Address (if different from Civic Address) - _____

Telephone Number - 902 -

Email Address - _____

4. Zoning Information:

Existing Zoning - R6

Proposed Zoning - R6

5. Property Servicing Information:

Water Services:-

- Municipal System - Existing Proposed
Drilled Well - Existing Proposed
Dug Well - Existing Proposed
Other - N/A

Sewer Services:-

- Municipal System - Existing Proposed
On-site System - Existing Proposed
Other - N/A

Access:-

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

6. Declaration:

- Registered Owner of Property (Please print)

owners authorization attached

I / We _____ 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 _____
Signature _____
Date _____

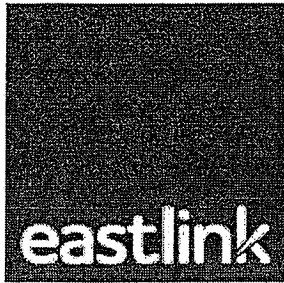
Registered Owner (if more than one) _____
Signature _____
Date _____

- 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.



September 12, 2018

Eastlink
P.O. Box 8660, Station A
6080 Young Street, 6th Floor
Halifax, NS B3K 5M3

Region of Queens
Attn: Mike MacLeod, Planner
P.O. Box 1264
Liverpool NS

**Subject: Proposed Telecommunications Structure Development Agreement
Meadow Pond Lane – 61m Guyed Telecommunications Tower**

Eastlink seeks to enter into a Development Agreement with the Region of Queens for a telecommunications tower installation. As such, we have considered the following:

The proposed site is not located in the vicinity of any recreation or community facilities and does not hinder access to or from any said properties nor does it interfere with or hinder the uses of any existing residential or institutional uses in the area.

Municipal services with the exception of fire monitoring will not be required. The proposed site does not interfere with or hinder any current pedestrian or motor vehicle traffic nor will the site generate any additional traffic in the area.

Although the tower may have some visual impact, it is otherwise benign. Our siting procedures seek to minimize any and all impacts on surrounding properties as much as possible.

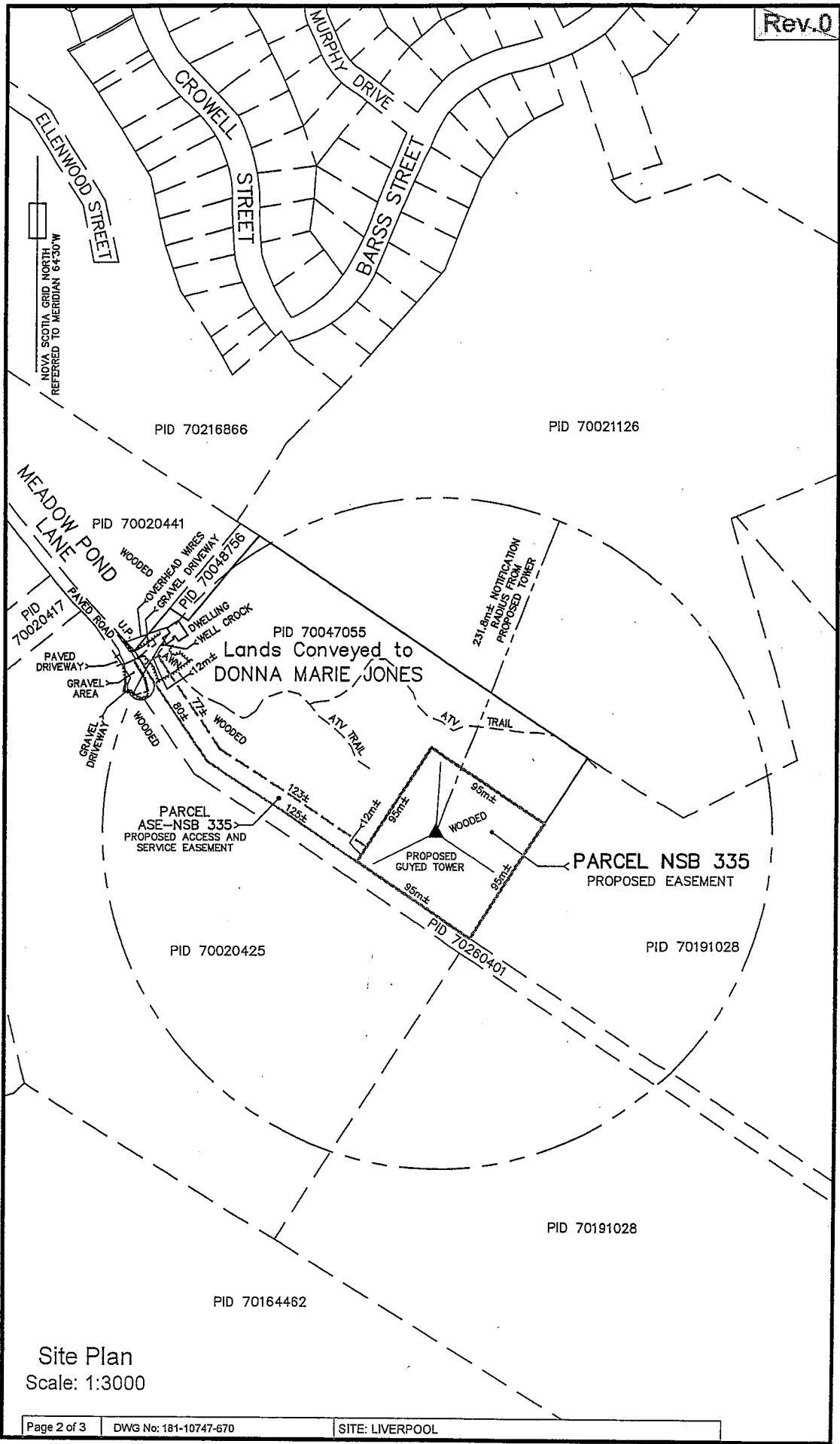
Access to the site will be limited, as the proposed location is wholly within PID # 70047055 (access from Meadow Pond Lane). Due to the limited access and secluded nature of the site, landscaping and screening will not be necessary.

If you have any questions or concerns please do not hesitate to contact me.

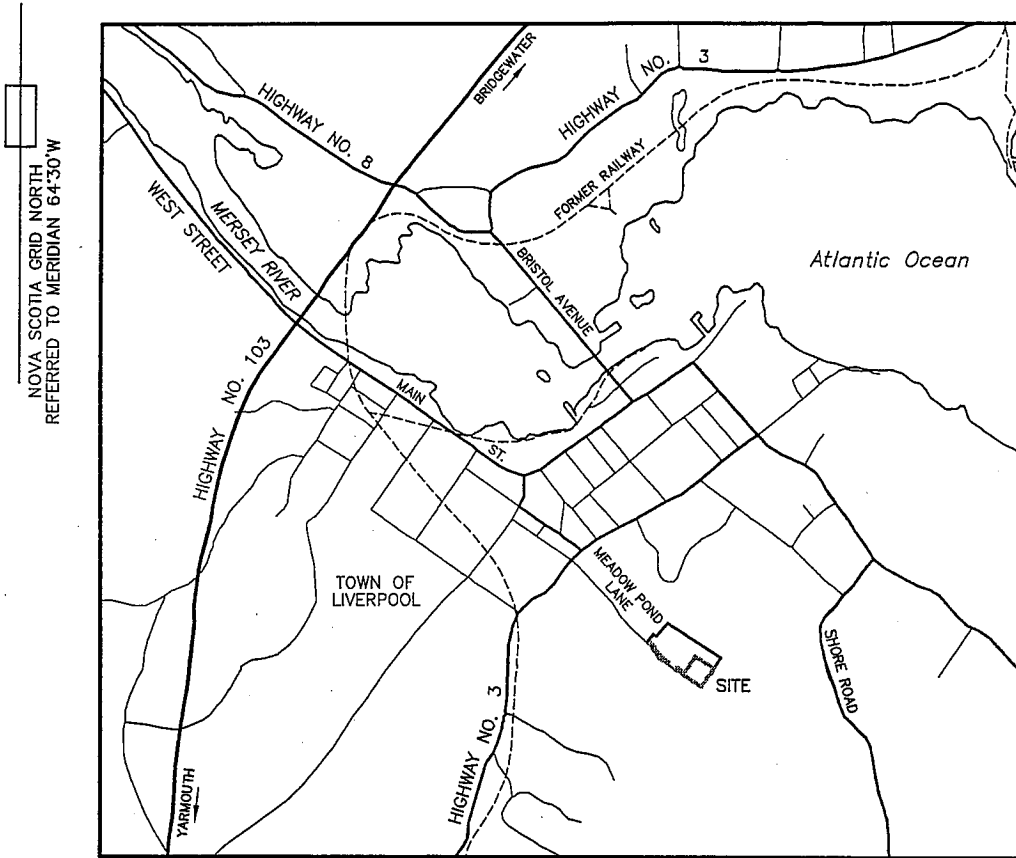
Best Regards,

Logan McDaid

A handwritten signature in black ink, appearing to read "Logan McDaid", written over the typed name.

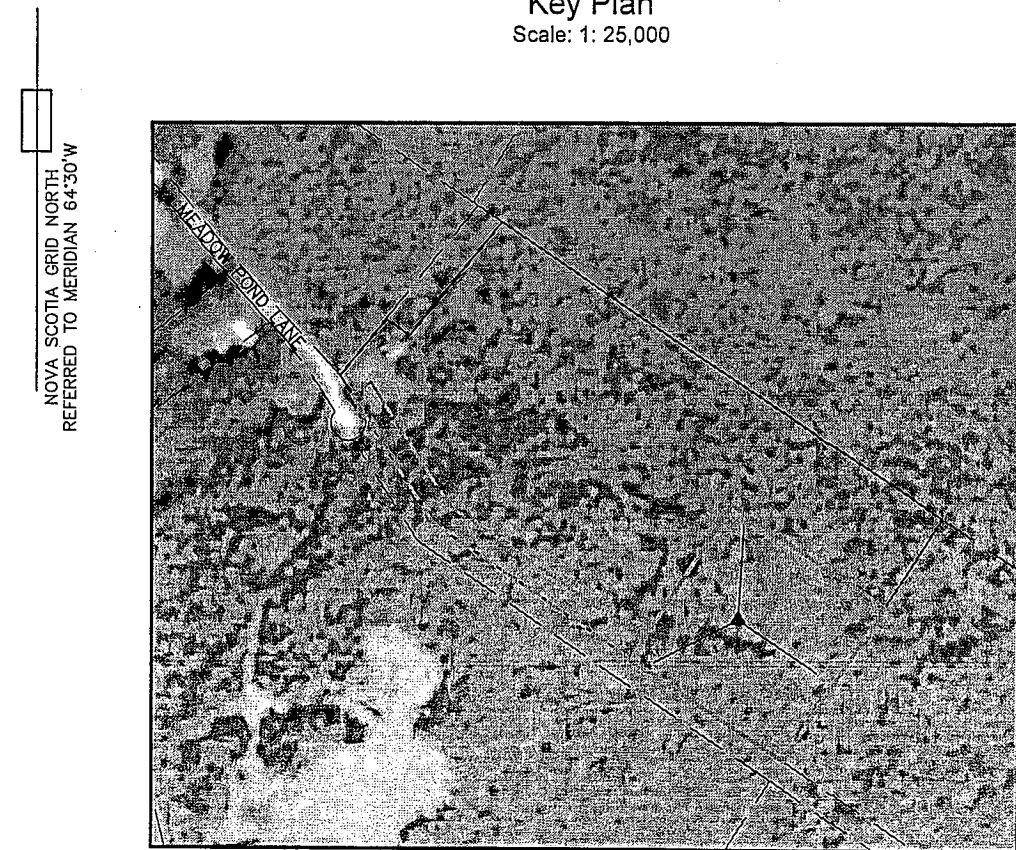


Site Plan
Scale: 1:3000




NOVA SCOTIA GRID NORTH
REFERRED TO MERIDIAN 64°30'W

Key Plan
Scale: 1: 25,000



NOVA SCOTIA GRID NORTH
REFERRED TO MERIDIAN 64°30'W

Aerial Photo
Scale: 1: 3,000

	Letter of Authorization (LOA)	1 - -
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Date: July 12, 2018

Landowner's Name: Donna Jones

Landowner's Address:

Landowners Phone #: 902-

PID #: 70047055

Property Address: 119 Meadow Pond Lane, Liverpool, Nova Scotia

We Donna Jones, the owner(s) of the property (PID 70047055), located in Queens County in the Province of Nova Scotia, hereby authorize Eastlink to obtain at their sole cost and expense all required approvals and/or permits associated with the property for the telecommunications facility.

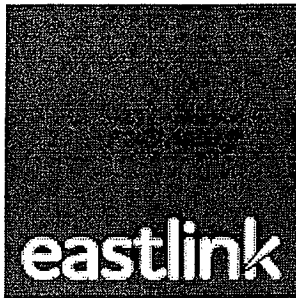
Per: _____



Name: Donna Jones

Title: Landowner

Date: July 12, 2018



Halifax, June 27, 2018

Safety Code 6 Attestation for NSB335

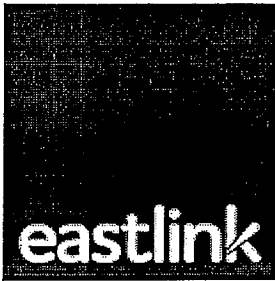
Site General Information	
Site Name	Meadow Pond Lane
Community	Liverpool
Latitude	44 01 43.55N
Longitude	64 42 40.20W
Tower Height	61m
Tower Type	Guyed Tower
Number of antennas	6

It is the responsibility of operators of radio-communication and broadcasting installations to ensure that their facilities comply with Health Canada's Safety Code 6 at all times, taking into consideration the local radio environment. Compliance with Safety Code 6 is an ongoing obligation. Eastlink acknowledges this obligation and its entire site design and operational processes reflect this.

To ensure compliance at the design stage, Eastlink uses engineering best practices. These practices include preventing any access in front of the antenna, installing antennas to ensure at least a minimal distance from any windows, designing the site in a way that the public cannot come close to the antenna and never installing antennas near balconies. At all time and anywhere the general public can have access, emissions from Eastlink's wireless installations are well below the established limits.

Once the site is built, Eastlink continuously monitors the power of its equipment remotely and ensures Safety Code 6 compliance even in the event that equipment is changed or added to the site. Upon request by Industry Canada or other public authorities, Eastlink can engage a third Party firm to perform live measurements to demonstrate compliance with the Safety Code 6.


William Gooding, p. eng.
Manager, Radio Network Engineering

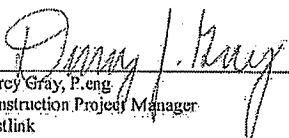


This letter is to attest that all installations will respect good engineering practices including structural adequacy.

All tower installations by EastLink will be constructed to comply with the structural standards contained in CSA 37-01 and all applicable engineering and construction standards. A final inspection will be conducted upon completion of the installation to verify the adherence to CSA 37-01 and engineering drawings.

If you have any questions, please contact me.

Sincerely,



Darcy Gray, P.Eng
Construction Project Manager
Eastlink

7. **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 Agreement, subject to the procedure as set forth in Section 230 of the Municipal Government Act of Nova Scotia;
8. **THAT** amendments which shall be considered substantial are any affecting the following:
 - (a) A change in the uses permitted; and
 - (b) Any change in the location of the telecommunication tower on the Property.
9. **THAT** any amendment whether substantial or otherwise must be approved by both parties in writing, each acting reasonably;
10. **THAT** the Developer agrees to pay for all reasonable legal costs, advertising and expenses incurred by the Region that have originated from its application for this Agreement;
11. **THAT** this Agreement shall be binding upon the parties hereto, their successors and assigns and shall run with the land which is subject to this Agreement;
12. **THAT** this Agreement is not assignable without the written consent of the Region. Notwithstanding the foregoing, no notice or consent is required for assignment by the Developer to an affiliate, as defined by the Canada Business Corporations Act, principal lenders or a purchaser of part or all of the Developer's assets;
13. **THAT** enforcement and rights and remedies on default of this Agreement shall be as follows:
 - (a) The Developer agrees 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 Developer. The Developer further agree that, upon receiving written notification from the Development Officer to inspect the interior of any building located on the lands, the Developer agrees to allow for such inspection during any reasonable hour within two (2) days of receiving such notice.
 - (b) If the Developer fails to observe or perform any condition of this Agreement, after the Region has given the Developer thirty (30) days written notice of the failure or default, then in each such case:
 - (1) The Agreement will be construed, interpreted and enforced in accordance with, and the respective rights and obligations of the Parties will be governed by, the laws of Canada and the Parties irrevocably attorn to the jurisdiction of the federal courts;
 - (2) The Region shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default, and the Developer hereby submits to the jurisdiction of such Court and waive any such defense based upon the allegation that damages would be an adequate remedy;
 - (3) 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 Developer; 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;

- (4) The Region may by resolution discharge this Agreement, upon providing the Developer 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. Notwithstanding anything contained herein, the Region acknowledges that telecommunications tower siting is a matter of federal regulation and that the Developer solely attorns to the jurisdiction of Industry Canada with respect to tower siting;
- (5) 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.

14. **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 _____.

- (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;
- (c) This Agreement shall become null and void if not signed by all parties within one (1) year from the date that this Agreement was approved by the Council of the Region of Queens Municipality.

IN WITNESS WHEREOF the parties have hereto set their hands and affixed their Corporate seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of

)	REGION OF QUEENS MUNICIPALITY
)	
)	Per: _____
)	Mayor
)	
_____)	Per: _____
Witness)	Chief Administrative Officer
)	
)	DONNA MARIE JONES
)	Per: _____
_____)	
Witness)	
)	
)	
)	
)	

) BRAGG COMMUNICATIONS INC.

) Per: _____

Witness

**PROVINCE OF NOVA SCOTIA
COUNTY OF QUEENS**

ON this _____ day of _____, 2018, 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, David Dagley and Chris McNeill, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA

ON this _____ day of _____, 2018, 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 Donna Marie Jones, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA

ON this _____ day of _____, 2018, 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 Bragg Communications Inc., per its authorized officer, _____ signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

Schedule "A"

All that certain lot or parcel of land lying and being in the County of Queens and being part of the common lands of the Township of Liverpool and bounded and described as follows:

Lying to the east of the Meadow Pond in the township of Liverpool.

Beginning at a stake and a pile of stones, the same being the south east angle of Lot number Two on Plan Number Six, said Lot number Two owned by the Estate of late Patrick Farrell;

Thence south thirty eight (38) degrees East fourteen (14) chains and fifty (50) links;

Thence South fifty-two (52) degrees west seven (7) chains and fifty (50) links;

Thence North thirty-eight (38) degrees west nine (9) chains and seventy-five (75) links;

Thence south sixteen (16) degrees West four (4) chains and fifty (50) links;

Thence North fifty-two (52) degrees east 6 (6) chains to the beginning and contains ten (10) acres more or less;

SUBJECT TO a right-of-way from Meadow Pond Lane to PID 70048456 for all purposes over the the above described lands and said right-of-way is more particularly described as follows:

BEGINNING at a point on the southern line of lands now or formerly of Mabel Norman hereinafter referred to as the Norman lands, twenty-four (24) foot distance in a westerly direction from the rock marked X;

THENCE to run twelve (12) feet westerly along said Norman lands line; then the said right of way shall run in a southerly direction over the Whynot lands to the Meadow Pond Road for a width of twelve (12) feet from the bounds above noted.

SAVING AND EXCEPTING PID 70048456 more fully described as:

ALL that certain lot, piece or parcel of land and premises lying at the end of Meadow Pond Road on the outskirts of the Town limits of Liverpool, County of Queens, Province of Nova Scotia, more particularly bounded and described as follows:

BEGINNING at a rock marked X on the westerly boundary of land now or formerly of Mary Alice Hamilton Whynot hereinto referred to as Whynot lands;

THENCE running in a westerly direction and in a straight line to a stake on the eastern boundary line of the Estate of Robert Sims land;

THENCE to run in a northerly direction along the said eastern boundary line of Estate of Robert Simms land, to a stake a distance of two hundred and fifty (250) feet;

THENCE in an easterly direction a distance of fifty (50) feet in a straight line to a stake;

THENCE in a southerly direction a distance of two hundred and fifty (250) feet along the western boundary of the Whynot lands to the rock marked X and place of beginning.

SCHEDULE "B"

MEADOW POND LANE

#118

#119

PID# 70047055

TOWER SITE



1" = 200'