

## **Region of Queens Municipality Planning Advisory Committee Monday May 3, 2021, 7:00 p.m. VIA Zoom**

This meeting will be held virtually using free software program Zoom. If you wish to watch or listen to the meeting, please contact Mike MacLeod at [mgmacleod@regionofqueens.com](mailto:mgmacleod@regionofqueens.com) or (902) 354 3455 to receive meeting link details.

### **Agenda**

**1.0 Call to Order**

**2.0 Approval of Agenda**

**3.0 Approval of Minutes – December 14, 2020**

**4.0 Action Plan – May 2021**

**5.0 Development Agreement Amendment – 85 Hillside Road in Brooklyn**

**6.0 Municipal Planning Strategy and Land Use Bylaw Project**

**7.0 Other**

**8.0 Adjournment**

**Planning Advisory Committee  
Regular Meeting  
December 14, 2020 - 7:00 p.m.  
Minutes**

**Present:** Paul Connolly, Chair  
Councillor Maddie Charlton  
Councillor Vicki Amirault  
Councillor Jack Fancy  
Jeff Percy  
Julie Petrella  
Jonathan Bower  
Mary White  
Linda Rafuse  
Mike MacLeod, Planner  
Wendy Connors, Development Officer  
Chris McNeill, CAO

**UNAPPROVED**

**Regrets:** Don Kimball

**1.0 Call to Order -**

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

**2.0 Welcome and Introductions -**

Paul Connolly thanked Robert Ross, Susan MacLeod, Heather Kelly, Raymond Fiske and Mike Ferguson for their contribution to the Planning Advisory Committee over the last few years. He also welcomed the new members to the Committee and looks forward to their participation in the discussions.

It was MOVED by **Maddie Charlton** and SECONDED by **Mary White** that the Agenda be approved as amended.

**Motion Carried Unanimously.**

**3.0 Approval of Agenda -**

Additions: 8.1 Action Plan – Mike MacLeod

It was MOVED by **Maddie Charlton** and SECONDED by **Mary White** that the Agenda be approved as amended.

**Motion Carried Unanimously.**

#### **4.0 Approval of Minutes - October 15, 2020**

It was MOVED by **Mary White** and SECONDED by **Julie Petrella** that the Minutes of October 15, 2020 be approved as circulated.

**Motion Carried Unanimously.**

#### **5.0 Planning Advisory Committee**

##### **5.1 Policy**

Mike MacLeod went over Policy 60 – PLANNING ADVISORY COMMITTEE. Section 200 of the Municipal Government Act gives Municipalities the ability to establish Planning Advisory Committees. In 2003 the Region of Queens adopted its first Planning Advisory Committee and has had one since that time. The membership of the Committee is made up of three (3) members of Council and one (1) representative from each electoral district within the municipality. The Committee meets regularly on the first Monday of the month unless a special meeting is needed. Paul Connolly has been appointed chair and Maddie Charlton, co-chair of the Committee by Council. The primary functions of the Committee is to advise Council on matters related to land use planning, such as amendments to the Municipal Planning Strategy and Land use Bylaw, including proposed development agreements.

Julie Petrella inquired about the reference to planning matters in general in the policy. Mike MacLeod indicated that historically Council would refer issues to the Committee for discussion, research and recommendation back to Council. Mary White wondered if it would be possible to start a round table of Committee members bringing issues within the community back to the Committee for discussion. Paul Connolly felt that further clarification of this could be sought by staff and brought to the next meeting. Jeff Percy asked when the appropriate time would be to add something to the agenda for the next meeting. Paul Connolly said the request could be sent to Mike MacLeod in advance of the next meeting by phone or email.

##### **5.2 Code of Conduct**

Mike MacLeod indicated that Policy 74 – CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND PUBLIC COMMITTEE MEMBERS applies to sitting members of Council, as well as, all ad hoc Committee for the Region of Queens Municipality. This is to ensure that the members of Council and the Committees are carrying out the duties in a fair, transparent, impartial and professional manner. Also to understand their responsibilities and conduct in carrying out those responsibilities. It is important for Committee to respect other member's opinions and not everyone will have the same opinion. Mike suggested that the Committee read this policy to get an understanding of what is expected of them.

### **5.3 Roles and Responsibilities**

Mike MacLeod said that this document of relatively new and with half of the Committee being new members, he thought it was a good time to summarize the primary roles and responsibilities as the Committee carries out its duties. It touches on the previous mentioned Policy 60. It also includes the criteria set out by the Municipal Government Act that Council and this Committee take into consideration when an application is made to amend the Municipal Planning Strategy and/or Land use Bylaw. Items outlined in the MGA are included in this document and are described in all staff reports that accompany amendment applications and development agreements. Mike also went over the roles and responsibilities of municipal staff in relation to the Planning Advisory Committee. This document details areas that are beyond the scope of the PAC and staff when evaluating applications for planning amendments or development agreements and should not be discussed.

Julie Petrella inquired as to the role of the chair during discussions related to voting on planning amendments or development agreement applications.

### **6.0 Land Use Bylaw Amendments – Rezoning Request – 85 Hillside Road, Brooklyn**

Mike MacLeod gave a brief summary of the previous meeting when this application was originally brought forward. Note: See Planning Advisory Committee Minutes for October 15<sup>th</sup>, 2020 for full details. It was a recommendation of the Committee that this application be referred back to staff to look at other options that would be available to allow the property owners to proceed. Mike discussed a list of five options. Option two of the potential options, which is adding self-storage businesses to the list of permitted uses in the General Residential (R2) Zone, opens up every property in the R2 Zone to being able to start a self-storage business and potentially causing land use conflict within this zone. Option three would be to create a new zone around this property that would have a limited list of permitted uses and special requirements around these permitted uses.

Another potential option would be to amend the Municipal Planning Strategy and Land use Bylaw to include policy which would permit self-storage uses in certain residential zones through a development agreement process. The final option would be to incorporate provision within the MPS and LUB Review Project to consider a wider range of uses within residentially designated areas.

Given that all of these options require an amendment to both the Municipal Planning Strategy and Land Use Bylaw, the timeframe will be a minimum of four months.

Julie Petrella had inquired as to the timeframe of the new Municipal Planning Strategy and Land Use Bylaw being adopted. Mike hopes to have the documents adopted by the end of March 2021. Jeff Percy felt that the time it will take for the amendment application to be finalized will take far too long for the property owners. Mary White felt that the fifth option and an additional option should be recommended, to ensure the

applicants have the ability to get approval, should there be a delay in the adoption of the new documents. Jack Fancy thought the original option of rezoning the property to Mixed Use Rural Residential (R5) should be in the list of options. Mary indicated that the Committee needs to ensure that the option chosen is one that doesn't cause problems down the road.

Shannon Jollimore, acting on behalf of the applicant, asked if the possibility was still on the table to create special requirements around this property. Mike MacLeod indicated that this would fall under the option to create a new zone. Jonathan Bower felt the best approach would have been the development agreement approach but knows that it's not an option at this time. He also inquired whether this method would be the longest in terms of timeframe since there would be two separate processes to go through. He felt that even though this option would take longer, it would be the best approach for the Municipality.

Maddie Charlton felt that we need to pick an option and get the process underway and that the recommendation to Council will have to come back to the Committee, should Council wish to change the recommendation before them. Julie Petrella inquired if the package of information brought to Planning Advisory Committee meetings will go to Council as well. Mike MacLeod said Council will get all of the information.

Chris McNeill stated that if Council receives a recommendation from Planning Advisory Committee, Council will then deliberate on this recommendation as a motion. Council is bound by rules of order and these rules state that whenever a motion comes on the floor, it can be amended but it can't be substantially altered.

It was **MOVED** by **Mary White** and **SECONDED** by **Julie Petrella**

THAT the Council of the Region of Queens Municipality amend the Municipal Planning Strategy and Land Use Bylaw to include policy which would permit self-storage uses in certain residential zones through a development agreement process.

**Motion Carried 7 For and 2 Opposed.**

## **7.0 Municipal Planning Review**

### **7.1 Progress Report**

Mike MacLeod updated the Committee on the progress report for November 2020 from Upland. The public engagement sessions were completed in September and October and were originally scheduled in March of this year but due to COVID, it was postponed. As a result of those public engagement sessions, UPLAND took any questions and comments and compiled them into a report. There was a number of similar themes that came up at most of the meetings and from the online. This includes a list of discussion topics.

## **7.2 Public Engagement on Draft Documents**

Mike MacLeod gave a quick overview of the report including topics such as Carters Beach parking, notification distances, campgrounds, recreational vehicles (RVs), shipping containers used as storage buildings, household livestock – small scale livestock on residential properties, accessory dwellings and sea level rise. A meeting will be set up in January 2021 to go over each of these topics in detail before we meet with UPLAND, which will also be held in January.

## **8.0 Other**

### **8.1 Action Plan**

Mike MacLeod updated the new members of the Committee of a practice of including an action plan listing all amendments, past and present, so that the Committee has an idea of where in the process each amendment is. Rezoning of 135 Old Port Mouton Road in Liverpool has been approved by Council and is awaiting publication of the Notice of Passing. Development agreements for both the Recycling Depot and a Beverage Formulation, Testing and Production Operation have been approved by Council and a Notice of Passing is to be placed in the paper this week.

## **9.0 Next Meeting**

The next meeting is scheduled for January 4<sup>th</sup>, 2021 at 6:30 p.m.

## **10.0 Adjournment**

There being no further business, the meeting was adjourned at 9:11 p.m.

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Date

**Planning Advisory Committee -**

**Action Plan – May 2021**



<b>Action</b>	<b>Date</b>	<b>Responsibility</b>	<b>Status</b>
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
Eastlink Development Agreement	October 10, 2018	Mike	Application Denied
Rezone 3 White Point Road, Liverpool to C3.	May 6, 2019	Mike	Completed
Rezone 128 Gorham Street, Liverpool to C1	August 19, 2019	Mike	Completed
Rezone 79 Payzant Street in Liverpool to M1	July 13, 2020	Mike	Completed
Rezone 9692 Highway 8 in Caledonia to C2	August 17, 2020	Mike	Completed
Rezone 135 Old Port Mouton Road to C1	September 17, 2020	Mike	Completed
Recycling Depot Development Agreement	October 15, 2020	Mike	Completed
Beverage Formulation, Testing and Production by Development Agreement	October 15, 2020	Mike	Completed
Rezoning of 85 Hillside Road in Brooklyn	October 15, 2020	Mike	Sent back to Staff for further options review
Amend MPS / LUB to allow self-storage by development agreement		Mike	Completed
<b>MPS / LUB Review</b>		<b>Mike</b>	<b>Ongoing</b>

**Region of Queens Municipality  
Staff Report**

**To: Planning Advisory Committee**  
**From: Mike MacLeod**  
**Date: May 3, 2021**  
**Re: Self-Storage - 85 Hillside Road by Development Agreement**

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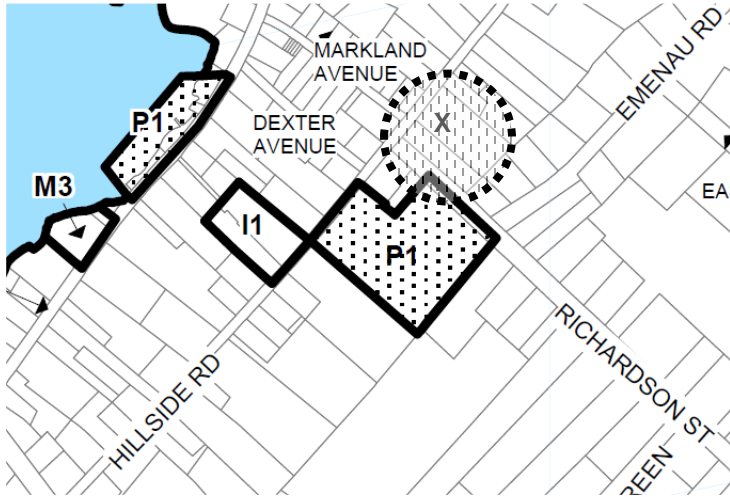
**Background**

Region of Queens Municipality has received an application to enter into a development agreement that would allow for a self-storage business on property identified as PID# 70218896 and located at 85 Hillside Road in Brooklyn. A copy of the application is attached as Appendix A.

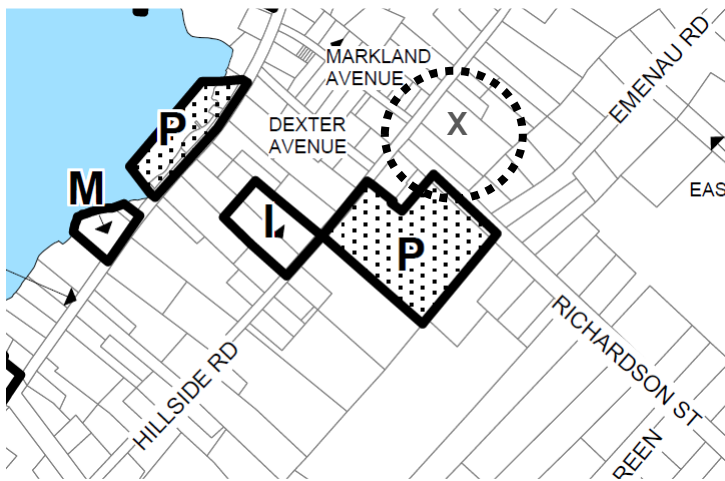


**Details**

The property is zoned as General Residential (R2) under the Land Use Bylaw and has a future land use designation of Residential (R) under the Municipal Planning Strategy.



Zoning Map 1



Generalized Future Land Use Map 1

Within the R2 Zone, a development permit shall only be issued for one or more of the following uses:

➤	<i>Bed and breakfast establishments with not more than five (5) rooms to let and subject section 10.5;</i>
➤	<i>Boarding houses to a maximum of five (5) units;</i>
➤	<i>Churches subject to the I1 Zone requirements;</i>
➤	<i>Converted dwellings to a maximum of five (5) dwelling units subject to Section 10.4;</i>
➤	<i>Day nurseries and kindergartens;</i>
➤	<i>Duplex dwellings;</i>

➤	<i>Elementary and secondary schools subject to the I1 Zone requirements;</i>
➤	<i>Home Business, subject Section 9.1;</i>
➤	<i>Household livestock operations;</i>
➤	<i>Mini (Mobile) homes subject to Section 11.4 and the Region's Mobile Home Bylaw;</i>
➤	<i>Parks and playgrounds;</i>
➤	<i>Row houses to a maximum of five (5) units;</i>
➤	<i>Semi-detached dwellings;</i>
➤	<i>Single detached dwellings;</i>
➤	<i>Small options homes;</i>
➤	<i>Triplex dwellings</i>

The property owners currently operate a small manufacturing business in the existing building, making Christmas wreath rings and novelty items. This use was permitted through a development agreement, which was entered into in 1999 and was in compliance with policy of the Municipal Planning Strategy of that time. A copy of the existing development agreement is attached as Appendix B.

A self-storage business is a use that is not permitted as of right in the General Residential (R2) Zone. This being said; however, Council recently approved amendments to the Region's Municipal Planning Strategy (2021) to address self-storage businesses in the R2 Zone. Amendments included the following:

*“Self-Storage businesses are increasing in popularity across Nova Scotia and the Region of Queens Municipality is no exception. There has been increasing interest in the establishment of such operations within certain Urban Development Areas. Council is aware of the increasing demand for this type of use and wishes to provide for greater opportunity for the establishment of new self-storage businesses. This being said; however, Council still wishes to maintain a degree of control over the locations where they can be established, to minimize land use conflicts.*

*“Policy 3.3.49*

*It shall be the intention of Council to consider new self-storage businesses in the General Residential (R2) Zone by development agreement, under section 225 of the Municipal Government Act and subject to Policy 12.6.1.”*

When evaluating development agreements, or amendments thereto, 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 existing development agreement contains provision whereby the developer is permitted to seek amendments to the agreement (Clause 8). The process for making amendments to a development agreement is the same as the process for entering into the agreement itself, and requires a public hearing process prior to Council making a decision. Section 230 of the MGA sets out that:

*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 # 70218896 is located on Hillside Road in Brooklyn.
- Area is primarily low density residential development.
- Property is approximately 1 acre in size, with approximately 150 feet of road frontage.
- Existing building is approximately 4,900 square feet in area.
- The building is currently home to Wa-Su-Wek Limited, which produces Christmas wreath rings and novelty items and also houses the Brooklyn post office.
- Property is zoned as General Residential (R2).
- There is an existing development agreement (1999) which allows for additional use of a manufacturing business on the property.
- Existing development agreement allows Council to consider amendments.
- Council has the ability to consider self-storage businesses under Policy 3.3.49 of Municipal Planning Strategy.

## Potential Options

1. Maintain status quo (deny development agreement amendment request); or
2. Amend existing development agreement with Wa-Su-Wek Ltd., dated October 29, 1999, to allow for the establishment of a self-storage business on property identified as PID#70218896 and located at 85 Hillside Road in Brooklyn.

## Tentative Timeframe

<u>Date</u>	<u>Procedure</u>
May 3, 2021	Planning Advisory Committee
May 11, 2021	Council
May 19, 2021	First Public Notice
May 26, 2021	Second Public Notice
June 8, 2021	Public Hearing
June 8, 2021	Council
June 16, 2021	Notice of Passing
July 2, 2021	Appeal Period Ends

Staff have reviewed the application and the existing development agreement and are of the opinion that the agreement can reasonably be amended to meet the needs of the applicant and also mitigate potential issues that the operation may have on the surrounding area.

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

## **Applicable Legislation**

Municipal Government Act.

## **Budget Impacts**

No budget implications. Applicant is responsible for costs associated with development agreement process.

## **Recommendation**

THAT Council of Region of Queens Municipality give notice of its intention to amend an existing development agreement with Wa-Su-Wek Ltd., dated October 29, 1999, to allow for a self-storage business on property identified as PID# 70218896 and located at 85 Hillside Road in Brooklyn;

AND THAT a Public Hearing be held on June 8, 2021 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 9:00 a.m.

# Appendix A



Region of Queens Municipality

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

For Internal Use Only

Acceptance Date: April 9/21  
Processing Date: \_\_\_\_\_

### 1. Application Type:

- Land Use Bylaw Amendment  
 Development Agreement

### 2. Property Information:

Civic address of subject property - 85 Hillside Rd Brooklyn

Property Identification Number (PID) - 70218896

Present use of subject property - Commercial Zone R2

Proposed Use of subject property - Same as above with Self Storage

Existing Lot Size - 46,174 sqft 1.06 acres

Existing Lot Frontage - \_\_\_\_\_

### 3. Property Owner Information:

Name - U2-Su-WeK Ltd

Applicant is :

- Owner  
 Agent of Owner

Civic Address - 85 Hillside Road Brooklyn NS B0S 1H0

Mailing Address (If different from Civic Address) - Same

Telephone Number - 902

Email Address - \_\_\_\_\_

### 4. Zoning Information:

Existing Zoning - R2

Proposed Zoning - R2 with Storage Units

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 UN-SI-WPK Ltd 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 Grace Conrad  
Signature Grace Conrad  
Date April 13, 2021

Registered Owner (if more than one) Cathy Conrad  
Signature Cathy Conrad  
Date April 13, 2021

- 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.

Deposit of \$700 was Paid Sept 2020  
attached is an e-mail Confirmation from Mike MacLend

**WA-SU-WEK Limited**

**P.O. Box**

Nova Scotia Producer of  
Christmas Rings  
& Novelty Items

[www.wasuwek.com](http://www.wasuwek.com)

email:!

Phone: ..

Fax : °

To The Region of Queens,

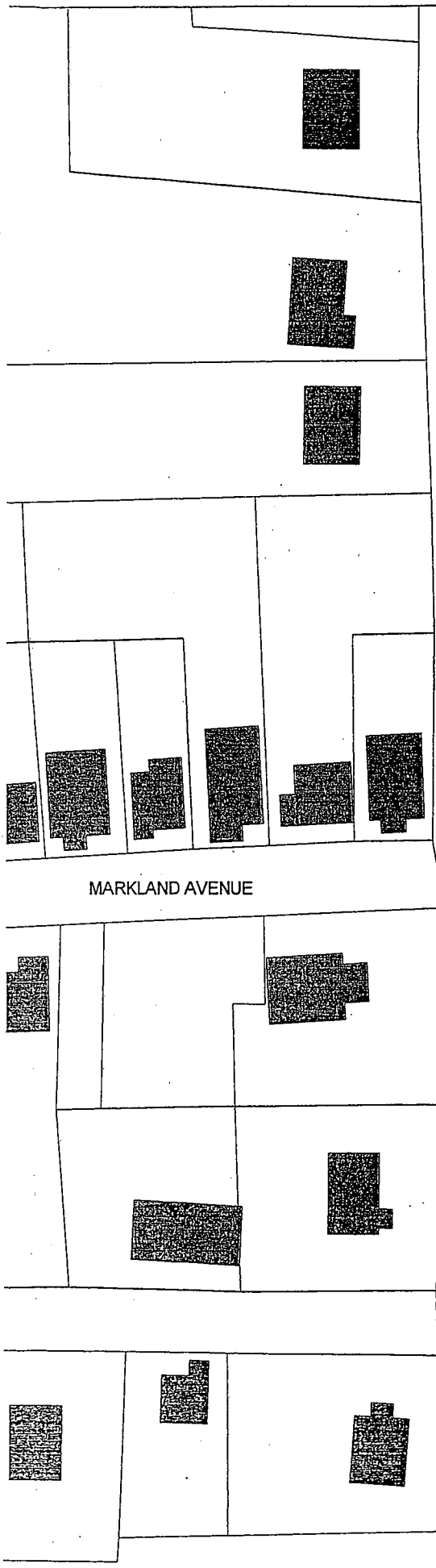
Currently we operate a small wreath ring and novelty item business Wa-Su-Wek Ltd that has been in business within the Queens County community for 38 years and then expanded with the Brooklyn Canada post office at our 85 hillside road Brooklyn NS address. We have experienced some hardships over the last few years and we are looking to expand our business in hopes of being able to keep our doors open. If we are not able to add a new service at this location to help increase revenue, we will be looking at possible closure for both Wa-Su-Wek Ltd and the Brooklyn Postal Outlet. Before the end of 2021 year.

We have been looking at expanding within the current building just by doing a few minor Reno's within the building itself nothing on the current exterior. The Reno's that would be done are adding a few interior walls. As well rearranging, our current working areas within the building. Our Business adventure that we have been looking at is adding storage units. We are looking at adding between 4 to 14 units within the building. These units' customers would be able to access them from the inside, during current business hours Monday to Friday 9:00 AM to 4:30 PM or via appointment outside the regular business hours only until 10:00 PM. Weekend hours for Saturday – Sunday 9:00 am -10:00 pm by appointment only.

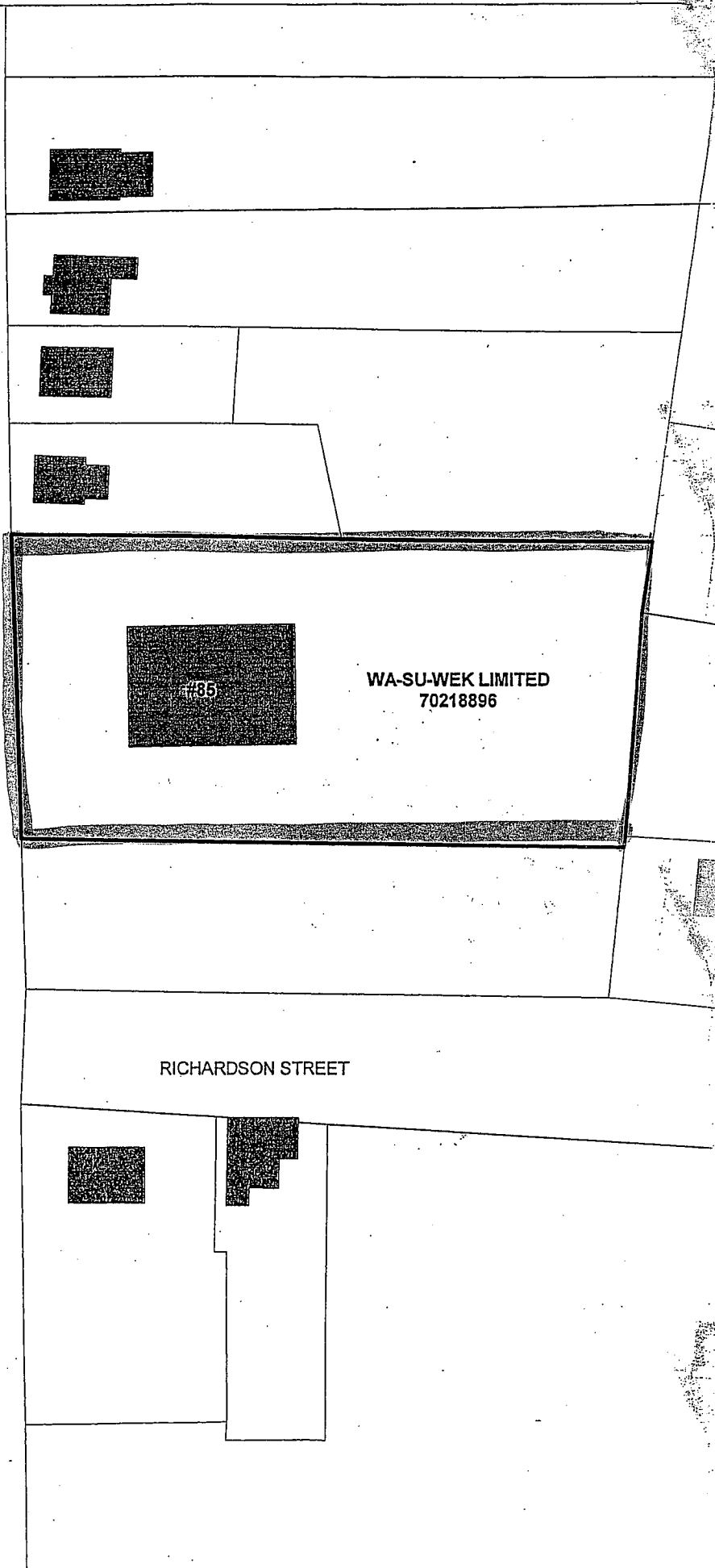
We do not see this type of business having any negative impact on our neighbors. As we currently have a loading area that trucks are in and out of picking up and dropping stock off daily, within the current business hours Monday to Friday 9:00 AM to 4:30 PM. As well with the current traffic and parking with the post office on site. As far as access by appointment these appointments would be within reason no access to building during the hours of 10:00 PM – 9:00 AM in respect to our current neighbors.

At this point in time a quick response from the Region of Queens would be greatly appreciated as we will be on a tight dead line to get the Reno's done and advertising out for this business adventure. We have had some interest from people of Queens and Lunenburg area that have sot interest in renting storage units with us.

Thank you for your time  
WA-Su-Wek Ltd



HILLSIDE ROAD



MARKLAND AVENUE

RICHARDSON STREET

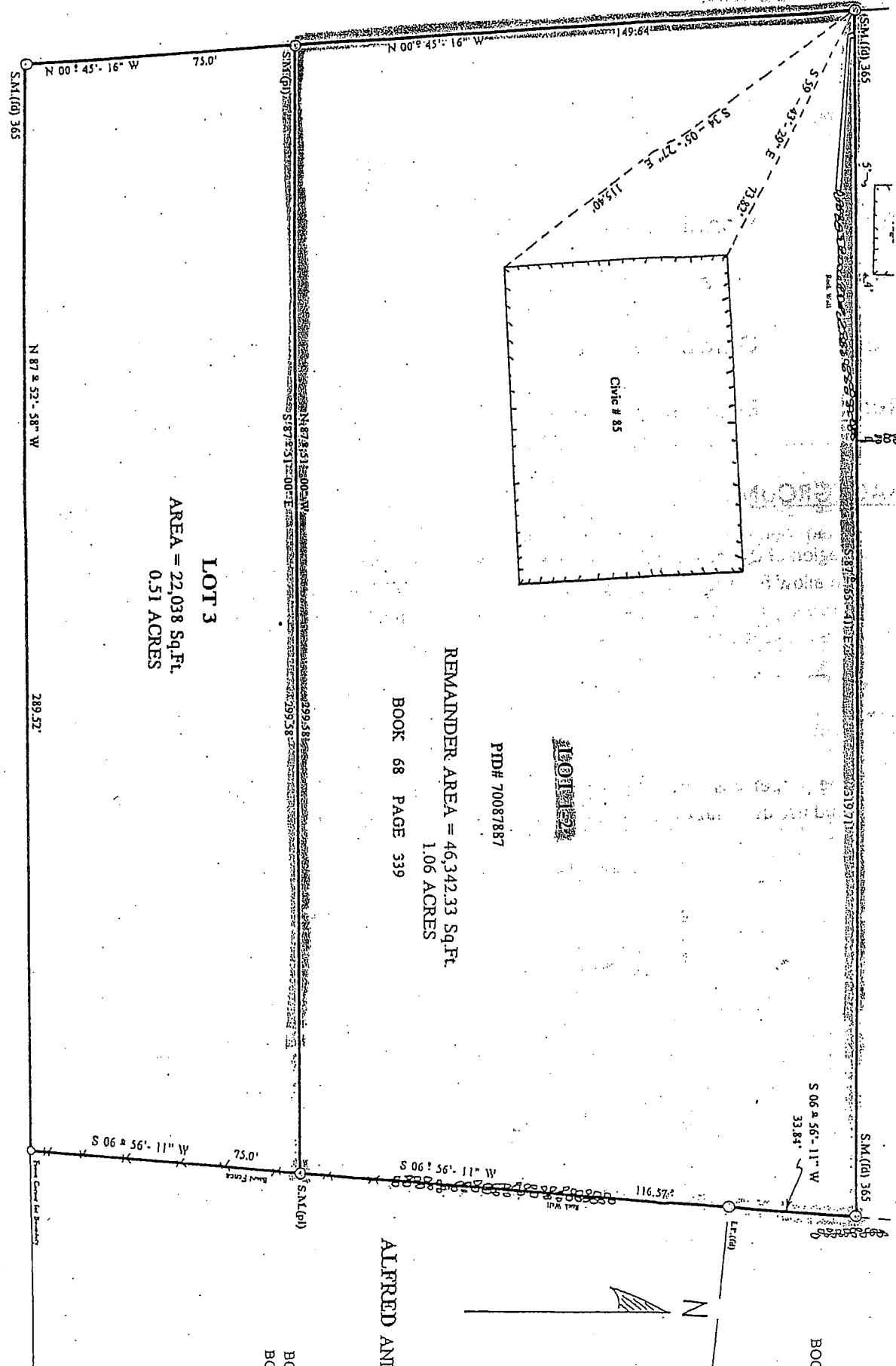
#35

WA-SU-WEK LIMITED  
70218896

To Highway #3

30' Wide

HILLSIDE ROAD



RICHARDSON ROAD

Road Width Varies

To North Street

LOT 3  
AREA = 22,038 Sq.Ft.  
0.51 ACRES

REMAINDER AREA = 46,342.33 Sq.Ft.  
1.06 ACRES

PID# 70087887

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JUL

ALL THAT CERTAIN LOT PIECE OR PARCEL OF LAND SITUATED LYING AND BEING AT BROOKLYN IN THE COUNTY OF QUEENS AND IN THE PROVINCE OF NOVA SCOTIA AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON BOLT WITH AN ALUMINIUM CAP MARKING THE EASTERN BOUNDARY OF HILLSIDE ROAD AND THE SOUTHERN BOUNDARY OF LANDS OF LURAL MANSFIELD;

THENCE S87-55-41E FOR 319.71 FEET ALONG THE SOUTHERN BOUNDARY OF LANDS OF LURAL MANSFIELD AND LANDS OF WELLS AND HILDA PARNELL TO AN IRON BOLT WITH AN ALUMINIUM CAP MARKING THE WESTERN BOUNDARY OF LANDS OF DAVID GRANT;

THENCE S06-56-11W FOR 150.41 FEET ALONG THE WESTERN BOUNDARY OF LANDS OF DAVID GRANT AND LANDS OF ALFRED AND THERESSA BREWESTER TO AN IRON BOLT WITH AN ALUMINIUM CAP MARKING THE NORTHERN BOUNDARY OF LOT #3 TO BE RETAINED BY THE REGION OF QUEENS MUNICIPALITY;

THENCE N87-51-00W FOR 299.58 FEET ALONG THE SAID RETAINED LANDS TO AN IRON BOLT WITH AN ALUMINIUM CAP MARKING THE EASTERN BOUNDARY OF HILLSIDE ROAD;

THENCE N00-45-16W FOR 149.64 FEET ALONG THE EASTERN BOUNDARY OF HILLSIDE ROAD TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LOT CONTAINS IN ALL 1.06 ACRES MORE OR LESS.

BEARINGS ARE NOVA SCOTIA GRID NORTH.

BEING AND INTENDED TO BE THAT PORTION OF PROPERTY AS SHOWN AS LOT #1-2 ON A PLAN OF SURVEY, PLAN #C-166, BY MERVIN W. HARTLEN N.S.L.S. #365 DATED THE 25<sup>TH</sup> DAY OF MAY 1999 AND REVISED THE 22<sup>ND</sup> DAY OF JULY 1999.

ALSO BEING AND INTENDED TO BE A PORTION OF THE LANDS AS DESCRIBED IN A DEED OF CONSOLIDATION AS RECORDED IN BOOK 359 AT PAGE 134-135.

# Appendix B

THIS AGREEMENT made this 29 day of OCTOBER, A.D., 1999.

00911

BETWEEN:

QUEENS COUNTY REGISTRY OF DEEDS	1693	361	911-916
I certify that this document was registered as shown hereo.	Document #	Book	Pages
Peggy Zwicker Registrar	10 29 1999		2:51 p.m.
	MM DD YYYY		Time

WA-SU-WEK LTD., a body corporate with Head Office in Liverpool, in the County of Queens and Province of Nova Scotia, hereinafter referred to as the "Developer"

OCT 29 1999

1693

OF THE ONE PART

-and-

THE REGION OF QUEENS MUNICIPALITY, a municipal corporation, duly incorporated under the laws of the Province of Nova Scotia and having its office in Liverpool in the County of Queens and Province of Nova Scotia, hereinafter referred to as the "Region"

OF THE SECOND PART

WHEREAS the Developer has requested that the Region enter into a Development Agreement, with the developer, pursuant to Sections 225 and 230 of the Municipal Government Act of Nova Scotia, so that the Developer may use the property in a manner which is not presently provided for under Brooklyn's Land Use Bylaw;

AND WHEREAS the Region is prepared to enter into such agreement on the terms and conditions hereinafter set forth;

NOW THEREFORE, in consideration of the benefits, which flow to both parties as a result of the covenants contained herein, the parties hereto agree by and between themselves as follows:

1. THAT the Region is the registered owner of the lands described in Schedule "A" attached hereto (hereinafter referred to as "the lands") which lands are depicted in Schedule "B";
2. THAT the Developer has agreed to purchase the lands described in Schedule 'A' by formal Purchase and Sale Agreement, dated May 14, 1999, upon approval of this Development Agreement;
3. THAT the developer shall not develop or use the land for purposes other than those described in this agreement;
4. THAT the proposed uses of the land, which are permitted under this Development Agreement are the following:
  - (a) operation of a manufacturing business in the building situated on lands described in Schedule 'A';
5. THAT with respect to the ability of the Developer to use the subject lands and premises for a manufacturing operation, in accordance with Section 4, they may do so upon the following conditions:
  - (a) that the manufacturing operation shall be conducted wholly within the building situated on the lands described in Schedule 'A';
  - (b) that there shall be no outdoor storage on lands described in Schedule 'A';

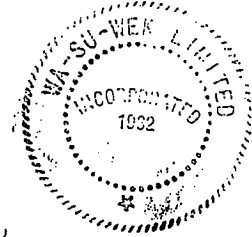
- (c) that the hours of operation for the manufacturing activities be limited to 7:30 a.m. to 4:00 p.m. Monday to Friday;
  - (d) that there shall be no overnight parking of commercial motor vehicles on the lands;
  - (e) that all activity carried out as part of the manufacturing operations shall be carried out in such a manner so as to ensure that any noise resulting from those activities will be kept at such levels which will not disturb the surrounding residential neighbourhood.
6. THAT the Developer shall maintain the site in all respects, including keeping it in good repair;
  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, or with the Plans, shall be conclusive;
  8. THAT notwithstanding the provisions of the Brooklyn's Municipal Planning Strategy and Land Use Bylaw, the Developer shall be permitted to seek subsequent 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 any amendment whether substantial or otherwise must be approved by both parties in writing;
  10. THAT any plans for expansion of the existing building situated on the lands described in Schedule 'A' shall be approved by both parties in writing;
  11. THAT the Developer agrees that the lands herein shall continue to be zoned and designated as Institutional (I) under the Land Use Bylaw of Brooklyn and that for the purposes of tax assessment and the payment of taxes, the lands shall be assessed by the Provincial assessment department in accordance with the Provincial Assessment Act, and the Region will calculate taxes in accordance with the assessment classes assigned to the business and real property;
  12. THAT the Developer agrees to pay for all legal costs, advertising and expenses incurred by the Region that have originated from its application for this Development Agreement;
  13. 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;
  14. THAT this Agreement is not assignable without the written consent of the Region.
  15. THAT the entering into of this Agreement was approved in principle by the Council of the Region of Queens Municipality at a duly held meeting of Council convened on the 2<sup>1<sup>st</sup></sup> day of ~~September~~, 1999:
    - (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.

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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



*Joseph Jardine*

WA-SU-WEK LTD.

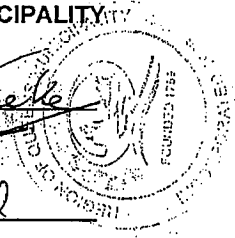
) Per: *Janice Spanis*  
) President

) REGION OF QUEENS MUNICIPALITY

*K. David Leonard*

) Per: *C. L. A. Coello*  
) Mayor

) Per: *Chris Mitchell*  
) Regional Clerk



00914

PROVINCE OF NOVA SCOTIA  
COUNTY OF QUEENS

ON this 28<sup>th</sup> day of October, 1999, before me, the subscriber personally came and appeared Norah Jardine a subscribing witness to the foregoing Indenture, who having been by me duly sworn, made oath and said that Janice Francis signed, sealed and delivered the same in his /her presence.

STEPHANIE NICKERSON  
Stephanie Nickerson  
A Commissioner of the Supreme Court of Nova Scotia  
A COMMISSIONER OF THE  
SUPREME COURT OF NOVA SCOTIA

PROVINCE OF NOVA SCOTIA  
COUNTY OF QUEENS

ON this 29 day of October, 1999, before me, the subscriber personally came and appeared K. Marie Lamrock 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, C.L.A. Clarke and Chris McNeill, signed, sealed and delivered the same in his / her presence.

Marion Seamone  
A Commissioner of the Supreme Court of Nova Scotia  
MARION SEAMONE  
A COMMISSIONER OF THE  
SUPREME COURT OF NOVA SCOTIA

**SCHEDULE "A"**

**ALL** that certain lot, piece or parcel of land situated, lying and being at Brooklyn in the County of Queens and in the Province of Nova Scotia and more particularly bounded and described as follows:

**BEGINNING** at an iron bolt with an aluminum cap marking the eastern boundary of Hillside Road and the southern boundary of lands of Lural Mansfield;

**THENCE** S87-55-41E for 319.71 feet along the southern boundary of lands of Lural Mansfield and lands of Wells and Hilda Parnell to an iron bolt with an aluminum cap marking the western boundary of lands of David Grant;

**THENCE** S06-56-11W for 150.41 feet along the western boundary of lands of David Grant and lands of Alfred and Theresa Brewester to an iron bolt with an aluminum cap marking the northern boundary of Lot #3 to be retained by the Region of Queens Municipality;

**THENCE** N87-51-00W for 299.58 feet along the said retained lands to an iron bolt with an aluminum cap marking the eastern boundary of Hillside Road;

**THENCE** N00-45-16W for 149.64 feet along the eastern boundary of Hillside Road to the point of beginning.

**THE ABOVE** described lot contains in all 1.06 acres more or less.

**BEARINGS** are Nova Scotia Grid North.

**BEING AND INTENDED TO BE** that portion of property shown as Lot # 1-2 on a plan of survey, Plan #C-166, by Mervin W. Hartlen N.S.L.S. #365 dated the 25<sup>th</sup> of May 1999 and revised the 22<sup>nd</sup> day of July, 1999.

**ALSO BEING AND INTENDED TO BE** a portion of the lands as described in a deed of consolidation as recorded in Book 359 at Page 134-135.



# Appendix C

**Region of Queens Municipality  
Administrative Policy - Respecting an Amendment to the  
DEVELOPMENT AGREEMENT with  
Wa-Su-Wek Ltd.**

**WHEREAS** Section 230(1) of the Municipal Government Act provides that Council shall adopt or amend a development agreement by policy;

**AND WHEREAS** Wa-Su-Wek Ltd. has applied for an amendment to an existing development agreement between Region of Queens Municipality) and Wa-Su-Wek Ltd., dated October 29, 1999, which would see:

1. Clause 4. be amended by adding the following text:  
“(b) self-storage business in building situated on lands described in Schedule 'A'.”
2. Clause 5. be amended by adding the following text after the word operation:  
“ and self-storage business”.

**AND WHEREAS** Clause 8 of the development agreement sets out that the Developer shall be permitted to seek amendments to the development agreement;

**AND WHEREAS** the Region did cause to have placed two advertisements in Lighthouse Now on \_\_\_\_\_ and \_\_\_\_\_, giving notice of a public hearing to hear objections to the amended development agreement;

**AND WHEREAS** Council did hold a public hearing regarding the amended development agreement on \_\_\_\_\_;

**THEREFORE, BE IT RESOLVED THAT** Council of Region of Queens Municipality approve amending the development agreement with Wa-Su-Wek Ltd., dated October 29, 1999, which permits operation of a self-storage business on PID# 70218896 and located at 85 Hillside Road in Brooklyn.

**THIS IS TO CERTIFY THAT** this Administrative Policy was passed by Council of Region of Queens Municipality at a duly constituted meeting of said Council held on the day of \_\_\_\_\_, 2021.

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MAYOR

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DEPUTY CLERK