

MUNICIPALITY OF THE DISTRICT OF LUNENBURG  
**PUBLIC HEARING**  
Held by **MUNICIPAL COUNCIL**  
in Council Chambers, 210 Aberdeen Road, Bridgewater, NS  
**Tuesday, March 12, 2019 – 11:10 a.m.**

**ATTENDANCE**

Mayor Carolyn Bolivar-Getson  
Deputy Mayor Cathy Moore, District 5  
Councillor Eric Hustvedt, District 1  
Councillor Martin Bell, District 2  
Councillor Lee Nauss, District 3  
Councillor John Veinot, District 4  
Councillor Claudette Garland, District 6  
Councillor Wade Carver, District 7  
Councillor Michael Ernst, District 8  
Councillor Reid Whynot, District 9  
Councillor Errol Knickle, District 10

Staff: Alex Dumaresq, Deputy Chief Administrative Officer  
Sherry Conrad, Municipal Clerk  
Sarah Kucharski, Communications Officer  
Tina Robichaud-Bond, Executive Assistant

**1. CALL TO ORDER**

Mayor Bolivar-Getson called the Public Hearing to order at 11:10 a.m.

**2. OPENING REMARKS**

Mayor Bolivar-Getson reported that this is a Public Hearing for Council to receive both written and verbal representations from those in attendance concerning the proposed Development Agreement to permit the development of a courier services facility at 204 Cornwall Road, Blockhouse.

**2a – Introduction of Council Members**

Councillors introduced themselves and their areas of representation.

**2b – Review of Agenda and Rules of Conduct**

Mayor Bolivar-Getson reviewed the agenda and read the Rules of Conduct that are to be followed by members of the public who wish to speak at the Hearing. The Rules of Conduct were also printed at the bottom of the Agenda.

### **3. REPORTS AND PRESENTATIONS BY JEFF MERRILL**

Jeff Merrill, Director of Planning and Development Services, was in attendance.

Mr. Merrill gave a presentation (attached to Minutes) highlighting the following:

- Overview of what is a Development Agreement
- Details of the proposed Development Agreement and the property
- Public input received
- Policy considerations
- Process of adopting a development agreement

### **4. WRITTEN AND VERBAL PRESENTATIONS FROM THE PUBLIC**

#### **4a – Review of Written Submissions**

Mayor Bolivar-Getson asked if any written submissions were received by the Municipality.

No Written submissions were received.

#### **4b – Verbal Presentations by the Public**

Mayor Bolivar-Getson asked if there were any verbal presentations to be made by anyone in the audience.

Mayor Bolivar-Getson asked three times if there was anyone else in the audience who would like to address Council on the proposed Agreement. There were no further comments.

### **5. REVIEW OF APPROVAL PROCESS**

Mayor Bolivar-Getson reviewed the approval process, noting that Municipal Council could make a decision at the close of this Hearing as the matter is on the current Council agenda or the decision could be deferred to the next regular Council meeting. Council agreed to deal with the item during the current Council meeting.

It was clarified that the use of the building that is being proposed is a permitted use, however, the overall size of the lot is greater than the permitted size, necessitating the requirement for a Development Agreement.

### **6. CLOSING OF THE PUBLIC HEARING**

Mayor Bolivar-Getson declared the Public Hearing closed at 11:27 a.m.

# *Public Hearing*

Development Agreement Application  
**Municipal Enterprises Ltd**  
204 Cornwall Rd, Blockhouse

March 12, 2019

# Development Agreement Application

## Request

- ▶ Courier distribution facility at 204 Cornwall Road, Blockhouse

## Recommendation

- ▶ That Council enter into an Agreement with the property owner, to allow for the proposed change of use, subject to the conditions identified.

# WHAT IS A DEVELOPMENT AGREEMENT?

- ▶ Is a legal contract between a landowner and Municipal Council;
- ▶ Conditions the development must comply with;
- ▶ Allows for site specific design control for each use listed as being permitted subject to Development Agreement;
- ▶ Used for types of land uses or scale of uses that would not conform to the character of the existing community;

# WHAT IS A DEVELOPMENT AGREEMENT?

- ▶ Reviewed against all applicable policies of the Secondary Planning Strategy;
- ▶ Controls are often put in place to satisfy the requirements of particular policies;
- ▶ Cannot be approved by Council until the public has been consulted through a series of public meetings.
- ▶ Council's decision can be appealed

# Proposal

- ▶ Courier Services Distribution Facility
- ▶ 298 sq m (3,200 sq ft) building for local courier trucks to pick up and deliver packages to customers in the region;
- ▶ Public access to pick-up/ drop off packages;
- ▶ Use to occupy a total area of 11,000 sq m. (2.7ac)

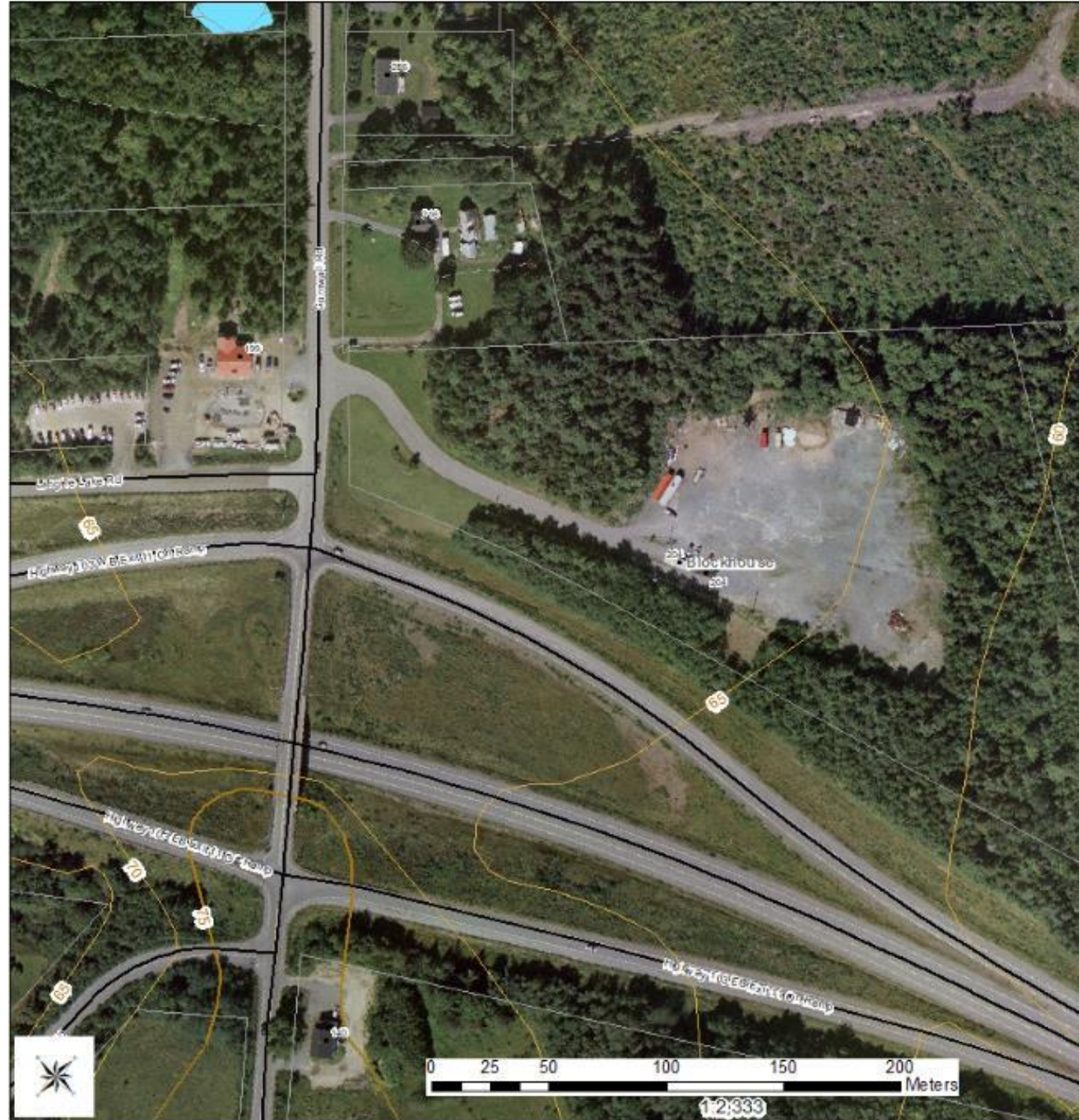
# Why a Development Agreement

- ▶ Use is permitted in Blockhouse as-of-right
- ▶ However the total size of the development exceeds the as-of-right threshold in the Land Use By-law (total area indoor/outdoor of 1,858 sq m [20,000 sq ft])
- ▶ Therefore the LUB requires a Development Agreement

# Property Details

## 204 Cornwall Road

- ▶ Current use
  - ▶ Site preparation contractors
  - ▶ Holding yard for construction equipment and materials;
  - ▶ Office trailer in use
- ▶ Size
  - ▶ Approx. 10.5 acres
- ▶ Access
  - ▶ commercial driveway entrance - paved and gated
  - ▶ Approx. 70 m North of Highway 103 westbound off-ramp
  - ▶ Across from gas station entrance.

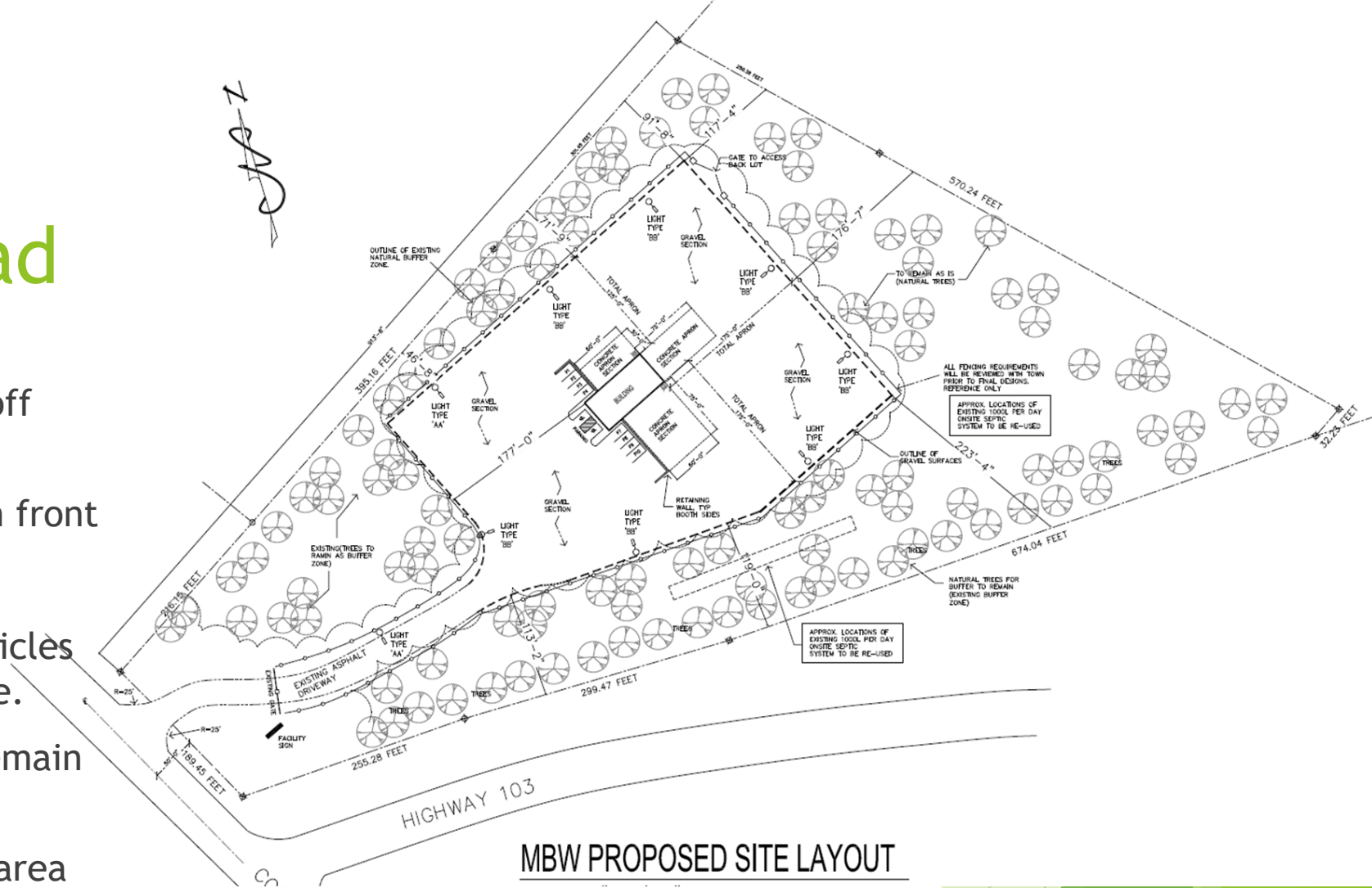


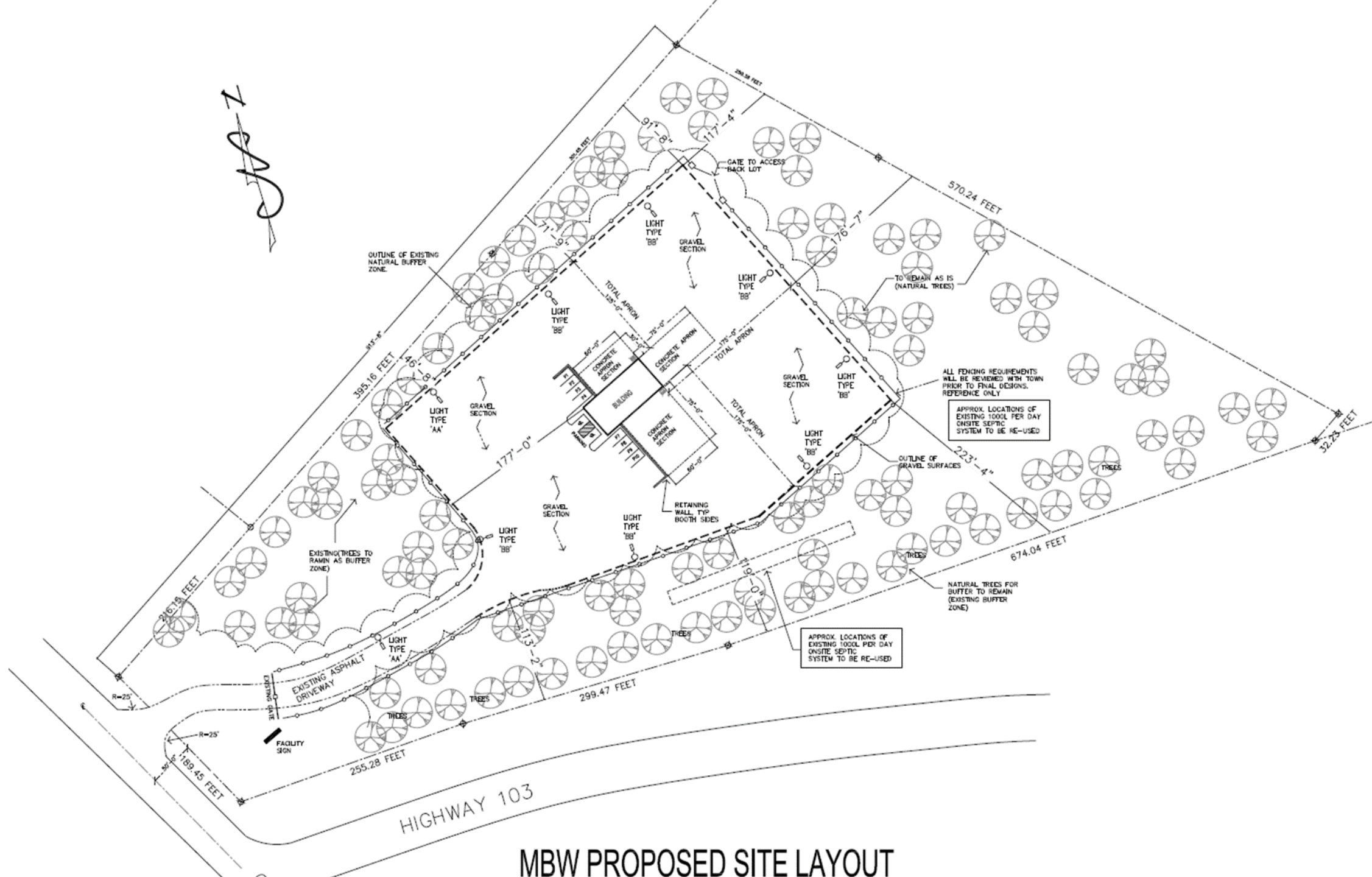




# Change of Use 204 Cornwall Road

- ▶ Public access to pick-up/ drop off packages;
- ▶ Employee / Customer parking in front
- ▶ Paved entrance
- ▶ Concrete apron for delivery vehicles on three other sides of structure.
- ▶ Remainder of cleared area to remain gravelled.
- ▶ Security fencing of the cleared area of lot.
- ▶ Continued use of on-site services.





**MBW PROPOSED SITE LAYOUT**

# Adjacent Properties

- ▶ North, a large undeveloped resource property which has been clear-cut;
- ▶ East, two undeveloped properties - one being the parcel associated with an unsuccessful Development Agreement application (Halifax C&D Recycling), the other parcel being a triangle-shaped heavily wooded lot immediately adjacent to Highway #103;
- ▶ South, Highway #103;
- ▶ Northwest, adjacent to the property, a residential property (216 Cornwall)
- ▶ across Cornwall Road, to the West, a commercial gas station (199 Cornwall);
- ▶ further North along Cornwall Rd, there are several residences and two active commercial operations (an Auto Body shop / a Forestry -related operations & warehouse)



# Public Input

- ▶ Input received from the public identified:
  - ▶ Site lighting aspects to be identified / location, height.
    - ▶ Lights on poles around perimeter of cleared area
    - ▶ Lights to be shielded from adjacent properties
  - ▶ Noise associated with delivery truck operations. (early morning)
    - ▶ Backup alarms set to lower 82 dBA setting
    - ▶ Switched large truck bays to opposite side of building than residential properties
  - ▶ Allowance for expansion (reduce potential amendment process)
  - ▶ Public access to site.
  - ▶ Timing of any construction activity.

# Policy considerations.

- ▶ 8.1.3b-iii: On-site servicing.
  - ▶ Proposed use of existing well & wastewater services.
- ▶ 8.1.3b-v: Site alterations - stormwater management. **(Condition)**
  - ▶ Any site alterations for construction to handle any additional stormwater run-off
  - ▶ Applicant has provided stormwater plan information - construction of swale satisfactory. Plans identify gravel for cleared lot area.
  - ▶ Engineering Dept. Reviewed stormwater management plan.
- ▶ 8.1.4c: Maintain existing vegetative screening. **(Condition)**
  - ▶ Vegetative buffer adjacent to residential property to be replaced if damaged.

# Consideration of external comments.

- ▶ No identified traffic concerns with trip generation or commercial driveway access for proposed change of use. (NS Transportation)
- ▶ No concerns cited in NS Environment's response. (on-site environmental aspects)
- ▶ Coordination of effective emergency access. **(Condition)**
  - ▶ Complete a pre-plan fire assessment with Blockhouse Fire development.

# Identified Use & Substantive Conditions.

## Proposed Use of Land to be identified in Agreement:

- ▶ Courier Distribution Facility

## Substantive Conditions:

- ▶ Size of the identified use.

*(any additions; to include additional indoor space not identified on Site Plan would require an amendment.)*

- ▶ Site plan to identify main building location, accessory structures.

*(mitigate potential impacts associated with location of use on lot.)*

# Recommendations

- ▶ All policies can be satisfied with the Development Agreement conditions as drafted.
- ▶ Blockhouse Area Advisory Committee recommendation to PAC - Jan. 9, 2019 meeting - in favor of Development Agreement.
- ▶ PAC recommendation Jan. 24, 2019 - In favor
- ▶ Feb. 12, 2019 Council gave notice of their intent to enter the DA
- ▶ Legal has reviewed the draft DA

# Council's Options

▶ **Approve the Development Agreement,**

or

▶ **Refuse the Application.**

# Process

- ▶ **Adoption of Development Agreement** - Upon close of Public Hearing if Council wishes can approve to enter into Development Agreement;
- ▶ Approval Notice published in local newspaper;
- ▶ 14 day Appeal period (NS Utility and Review Board);
- ▶ Development Agreement becomes effective, once signed and registered at Land Registration Office
  - ▶ if no appeals served or
  - ▶ once appeals have been dealt with.

# Motion:

- ▶ **That Council enter into a Development Agreement with Municipal Enterprises Limited, to allow for the proposed change of use, at civic address 204 Cornwall Road, Blockhouse, to permit the development of a courier services facility.**