

The Public Hearing regarding 629 Main Street in the Town of Mahone Bay, was held on Tuesday, March 29, 2016, at 7:20 p.m.

**Present:**

Mayor C. J. Feeney  
Councillor K. Wilson  
Councillor J. Bain  
Councillor K. Nauss  
Councillor L. Hennigar  
Councillor P. Carver  
Deputy Clerk M. Hughes  
Director of Operations D. MacKenzie  
Senior Planner W. DeGrace  
Building and Development Assistant G. Sturtevant

**Via Skype:** Deputy Mayor D. Devenne

**Gallery:** 26

**Report of the Clerk**

The Report of the Clerk was presented by Deputy Clerk, Maureen Hughes. The proposed development agreement between the Town of Mahone Bay and Dover Holdings Inc. is for a five-unit dwelling with one commercial unit at grade on the lot identified as 629 Main Street, PID 60373933. The issue went before the Planning Advisory Committee on February 2, 2106 and before Council on February 9, 2016.

Ms. Hughes reported that the changes were duly advertised, a public information session was held and that two submissions were received from the public and had been circulated to the public.

As one submission was to be read into the minutes by a member of the public, Ms. Hughes read the other submission into the minutes:

***Proposed Waterfront Development 629 Main Street  
(Former location of Mom's Buy and Sell)***

***An open letter to the members of the Mahone Bay Town Council:  
I realize the need for, and welcome, development in Mahone Bay, but request that Council ensures that such development enhances our environment and maintains the beauty and spirit of this wonderful little town in which we are lucky enough to live.***

***The waterfront lot in question is zoned for five units (4res + 1com), but the resolution you are considering this evening is to overturn this zoning decision and allow six units (5res+1com). I strongly urge you to reject this application:***

- ***The lot is quite small and five units is already more than enough.***

- *The Planning Committee have decreed that the developer has absolutely no obligation to provide any parking spaces for the commercial unit, a most unwise decision, bearing in mind that this is in the heart of Mahone Bay. The road is narrow with parking and a sidewalk on one side of the road only (the opposite side to the site of the proposed development). Traffic during the summer months is particularly heavy and there are rarely spare parking spaces in the area. Ambulances headed to or from the Mahone Bay Nursing Home, sirens blaring and lights flashing, pass by once or twice on most days – dodging the cars and heavy pedestrian traffic. So it is essential that adequate on-site parking be factored into the development plans – this would not be possible with a six-unit project.*
- *The six-unit, four storey building would look really huge and overwhelming when viewed from the North side or from the water and would detract significantly from the picturesque vision of Mahone Bay we wish to protect.*

*In conclusion, I suggest that Council recommend that new plans be submitted for a smaller structure. It is so important that what is finally build in this lovely location will be fitting and enhancing to our beautiful waterfront.*

*Frank Smith (618 Main Street).*

In response to a request from Mayor Feeney to speak to the questions raised in the letter read into the minutes, the developer, Paul Taylar, discussed the parking requirements that he was required to follow, including the need to provide an accessible space, the need to have an accessible unit and one commercial unit at grade as the lot is in the Harbourfront Commercial (HC) Zone, and how those requirements contributed to the size of the proposed building.

### **Overview of the Project by the Planner**

Senior Planner, Bill DeGrace, advised Council that the proposed development would require a development permit due to the request for five dwelling units, four units are permitted by right, and also because the proposed building has a footprint of greater than 3000 square feet. Mr. DeGrace advised Council that there is policy support for both of these elements of the proposed development under a development agreement.

Council was advised that the proposed development is compatible with town services, that the proposed development agreement includes criteria regarding noise, dust and traffic during construction and that the design and style of the building has been taken into consideration. Within the Harbourfront Commercial (HC) Zone there are design principles to which new developments must adhere, which are general in nature.

One of the key issues that has arisen surrounding the proposed development is concern about storm-surge and sea-level rise, but the current Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) do not have provisions for such concerns in respect to new developments. A clause which acknowledges the inherent risk regarding development of coastal land has been added to the draft development agreement to address concerns regarding liability.

The bulk of the building and parking have also been topics of discussion. While the proposed

building would be large, the height is within the acceptable building envelope. Regarding comments about parking, in particular the egress from the parking area, the distance between the front of the garage doors and the travelled roadway is approximately 36 feet; the distance between the front of the building and the travelled portion of the roadway is approximately 22 feet.

A request for a draft landscape plan has been met and the plan was circulated. The developer was also requested to provide information about the exterior material on the sides of the proposed building. Due to the proximity of the building to lot lines, a non-combustible material is required for the sides of the building. The developer has forwarded information about the horizontal metal siding that he proposes to use in construction.

The Planner provided the following information in response to questions raised by Council:

- the advice of legal counsel was that in the absence of regulations regarding development of coastal land, the Town must look at what is known about the propensity of flooding and a save harmless clause was created with legal counsel.
- the proposed development includes 7 residential parking spaces, though calculations of required parking spaces would indicate 7.5 parking spaces which is usually rounded up to 8 spaces. Mr. DeGrace responded that the spaces allotted are the workable number is the available area and one space is an accessible space which requires a wider width than a regular space. He advised that the LUB need not be strictly adhered to in the issuance of a development agreement but there is also an option in the LUB to require cash-in-lieu for a parking space.
- On-street parking, including decisions about a customer-only parking space or a parking space with a time limit, would be a decision of the Town Traffic Authority. The previous commercial space had no requirements for commercial parking and that provision continues with the space.
- the proposed development is in the architectural control area which requires elements to be compatible to pre 1919 design, but the elements are not defined. While in the case of a development agreement, it is not necessary to strictly adhere to the LUB, staff feel that the building falls within the established building envelope for that area.

### **Report on the Public Information Session**

Mr. DeGrace reported that he hosted a Public Information Session on March 1, 2016. The session started at 7:00 pm and there were eight members of the public, two representatives from the developers as well as Councillor Carver, and CAO Jim Wentzell in attendance.

Mr. DeGrace reported on the questions posed, and the responses, at the Public Information Meeting.

### **General Public**

Wayne Armistead read into the minutes a letter to the editor which appeared in the March 22, 2016 Progress Bulletin:

## ***629 Main Street Mahone Bay Property***

***This letter is meant as a follow up to the meetings of February 9 and March 1, 2016 concerning the proposed development of the waterfront at 629 Main Street Mahone Bay. We are representing a group of concerned citizens who wish to make certain that the unique attractiveness of our Main Street and lovely waterfront is preserved, and also to ensure that the requests and concerns previously raised at those meetings are adequately address.***

### ***Concern #1 The Size of the Proposed Development***

***We feel that the building from the street view meets the aesthetic requirements, but the bulk of the building from the waterside is massive and extends very far toward the waterfront wharf area. Since the property is very narrow and the proposed structure very wide in relation, there will be no room for fire or emergency vehicles to reach the condo entrances, if needed. We understand that the proposed development is forty (40) feet longer than the original building, which would make it the longest building on the waterfront.***

### ***Concern #2 Rising water levels due to Global Warming***

***The developer has raised the ground level of the site the regulatory two metres required by the Province of Nova Scotia to counteract the effect of rising waters due to global warming. However, after consulting “The Mahone Bay Harbour Flood Prevention and Shoreline Enhancement Plan”, which is a detailed student prepared by CLBC Consulting Engineers, we conclude that during a storm surge or super high tide, the bottom level of the structure will flood (see page 15 Section 2.4.2 of the CBCL report).***

***In the 2015 hurricane and resulting high tide we witnessed a three metre rise in ocean levels which is represented in drawing A1 of the proposed site plan. We acknowledge that the site has been filled to a height of two metres. But, should the surge reach the projected three metres, water will fill the lower structures of the building to a height of one metre. The question then rises as to who would be responsible if flooding does occur and who would pay for damages, clean up and repairs?***

***Will a document be prepared absolving the Town of Mahone Bay from responsibility for this act of God?***

### ***Concern #3 Proximity to the Street***

***It appears that there may be inadequate room for a car to view oncoming traffic, both vehicular and pedestrian, when it leaves the garage to merge into oncoming traffic, particularly when that traffic is approaching from the left (south) direction, Also, a pedestrian rail may be needed to prevent children from jumping into the path of cars entering or leaving the garage. As this is one of the busiest and most traffic-congested parts of Main Street with parking at a premium most of the time because of the Nursing Home and Rebecca’s Restaurant, and because last summer alone there were three car accidents there, we feel that this crowding will add greatly to the risk of car and/or pedestrian accidents.***

***In conclusion, it is not that we do not want our town to progress but we are concerned that it progress in the proper direction. Once the building is constructed, it will be there for a very***

*long time. We formally request that ratepayers of Mahone Bay will not be punished in the event of a storm surge due to Global warming or other natural events.*

*Respectfully submitted,  
Judy van Ryckevorsel, Jill Smith, David Parsons*

Norman Whynot, Town resident, commented on a statement in the staff report regarding the adequacy of the Town water supply and inquired if it includes being able to support the sprinkler system that would be required for the proposed building.

Roxanne Lindsay, Town resident, expressed concerns regarding the aesthetics of the proposed building.

Margaret Busche, Town resident, shared the Tale of Gray Owl and the Beaver, as well as the story of the Dutch boy who put his thumb in the dyke to stop a leak and prevent the dyke from collapsing. Ms. Busche asked that Council consider the lessons of Gray Owl and The Boy with his Thumb in the Dyke when making their decision.

Zach van Vuren, Town resident, expressed concern that the bulk of the building would block the view of the harbour and Mahone Islands.

**Comments by the Applicant**

Paul Taylor, of Dover Holdings Inc., commented on several issues:

- The metal siding was chosen because he was required to make the sides fire proof and the siding he selected is a product that he has seen used in Halifax and he thought that it was appropriate.
- In respect to concerns about flooding, he commented that Mahone Bay is a coastal community and not a flood plain
- The concept of the building is to enjoy the water and the water views.

**The Public Hearing adjourned upon motion at 8:14 p.m.**

**TOWN OF MAHONE BAY**

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Deputy Clerk, M. Hughes

Mayor, C. J. Feeney

The Public Hearing for 363 Main Street in the Town of Mahone Bay, was held on Tuesday, March 29, 2016, at 7:15 p.m.

**Present:**

Mayor C. J. Feeney  
Councillor K. Wilson  
Councillor J. Bain  
Councillor K. Nauss  
Councillor L. Hennigar  
Councillor P. Carver  
Deputy Clerk M. Hughes  
Director of Operations D. MacKenzie  
Senior Planner W. DeGrace  
Building and Development Assistant G. Sturtevant

**Via Skype:** Deputy Mayor D. Devenne

**Gallery:** 26

**Report of the Clerk**

The Report of the Clerk was presented by Deputy Clerk, Maureen Hughes. The proposed development agreement between the Town of Mahone Bay and the Mahone Bay Brewing Company Ltd. is for a craft brewery operation with ancillary retail and beverage room uses at 363 Main Street/ 16-18 Clearway Street, PID 63075797. The issue went before the Planning Advisory Committee on February 2, 2106 and before Council on February 9, 2016.

Ms. Hughes reported that the changes were duly advertised, a public information session was held and that one submission was received.

**Overview of the Project by the Planner**

Building and Development Assistant, Garth Sturtevant, reported that the application for a development agreement for a micro, or craft brewery requires a development agreement because it is considered a light industrial use in a commercial zone, and because the proposed development is over 112m<sup>2</sup> and would be licensed under the Liquor Control Act.

Mr. Sturtevant advised that in response to a letter from a Town resident, the developer agreed to remove the request for live and recorded music on the patio area and it has been made clear that any mobile food vendors would be required to adhere to the Town Temporary Vendors Bylaw. Mr. Sturtevant reported that he has been assured that the Town services are capable of handling the water requirements and the developer has made arrangements for the disposal of the large amounts of organic waste that would be associated with the brewery.

**Report on the Public Information Session**

Mr. Sturtevant, reported that he hosted a Public Information Session on March 10, 2016. The session started at 6:30 pm and there were two members of the public, four representatives from the developers as well as Councillor Carver, Deputy Mayor Devenne (via Skype) and CAO Jim Wentzell were in attendance.

Mr. Sturtevant reported on the questions posed, and the responses, at the Public Information Meeting.

**General Public**

There were no comments from the general public.

**Comments by the Applicant**

George Anderson, President of Mahone Bay Brewing Company Ltd., commented that he is happy with the content of the draft development agreement.

**The Public Hearing adjourned upon motion at 7:20 p.m.**

**TOWN OF MAHONE BAY**

**TOWN OF MAHONE BAY**

Deputy Clerk, M. Hughes

Mayor, C. J. Feeney

The Public Hearing regarding Tourist Homes for the Town of Mahone Bay, was held on Tuesday, March 29, 2016, at 7:00 p.m.

**Present:**

Mayor C. J. Feeney  
Councillor K. Wilson  
Councillor J. Bain  
Councillor K. Nauss  
Councillor L. Hennigar  
Councillor P. Carver  
Deputy Clerk M. Hughes  
Director of Operations D. MacKenzie  
Senior Planner W. DeGrace  
Building and Development Assistant G. Sturtevant

**Via Skype:** Deputy Mayor D. Devenne

**Gallery:** 26

**Report of the Clerk**

The Report of the Clerk was presented by Deputy Clerk, Maureen Hughes. The proposed amendments to the Town of Mahone Bay Land Use Bylaw (LUB) and Municipal Planning Strategy (MPS) would permit Tourist Homes in the Residential (R) Zone, Commercial (C) Zone, Harbourfront Commercial (HC) Zone, with various provisions that would apply to Tourist Homes. The issue of proposed amendments to permit Tourist Homes in the Town of Mahone Bay went before the Planning Advisory Committee on October 6, 2015 and November 3, 2015; it went before Council on November 26, 2015.

Ms. Hughes reported that the changes were duly advertised, a public information session was held and that no submissions were received.

**Overview of the Project by the Planner**

Senior Planner, Bill DeGrace, reported that the proposed amendments to the MPS and LUB were based on a request to change the zoning to permit a Tourist Home at 25 Cherry Lane. The request was discussed at the Planning Advisory Committee where it was decided to propose amendments that would permit Tourist Homes as a compatible commercial use in the Residential Zone and staff were directed to develop a definition of Tourist Homes.

Mr. DeGrace noted that municipal councils do not regulate the activity of Tourist Homes; any roofed accommodation must be licensed under the Tourist Accommodations Act for short term rentals. The Planning Advisory Committee also recommended that the number of self-contained units to be used for Tourist Homes be limited to three units in a main dwelling and one in an accessory building. It was also recommended that one parking space be required for each Tourist Home unit.



Following the motion of Council to express their intent to amend the MPS and LUB to permit Tourist Homes as a compatible commercial use in the Residential zone, and as a permitted use in the Commercial, Harbourfront Commercial, and Restricted Commercial zones in the Town of Mahone Bay, the applicant withdrew the application. It was the decision of Council to proceed with the proposed amendments.

A question was asked by a member of Council about the required distances between Tourist Homes in the Town of Lunenburg and if the imposition of required distances had been considered for Mahone Bay. Mr. DeGrace responded that in Old Town Residential Zone in Lunenburg, Tourist Homes must be 180' apart, and in the Residential Zone in the Town of Lunenburg Tourist Homes must be 300' apart. Mr. DeGrace also advised that a staff comment regarding required distances was that they would be very hard to enforce.

**Report on the Public Information Session**

Senior Planner, Bill DeGrace, reported that he hosted a Public Information Session on March 10, 2016. The session started at 6:30 pm and no one attended the meeting. The venue closed at 7:40 pm.

**General Public**

There were no comments from the general public.

**The Public Hearing adjourned upon motion at 7:15 p.m.**

**TOWN OF MAHONE BAY**

**TOWN OF MAHONE BAY**

Deputy Clerk, M. Hughes

Mayor, C. J. Feeney