

## Report of the Clerk

June 13, 2023

### 995 Main Street – Amending Development Agreement

- a) **Issue:** Following consideration of a staff report and discussion on May 2, 2023, the Planning Advisory Committee passed the following motion:

*THAT the committee recommend that Council accept the recommendation of the Planning Advisory Committee and give 1<sup>st</sup> reading to the amending development agreement for 995 Main Street and, that Council set a date for the Public Hearing for the amending development agreement for 995 Main Street.*

**Nature of Council resolution:** At a Council meeting held on May 9<sup>th</sup>, 2023 the following motion was approved:

*THAT Council accept the recommendation of the Planning Advisory Committee and give 1<sup>st</sup> reading to the amending development agreement for 995 Main Street and that Council set June 13<sup>th</sup> for the Public Hearing for the amending development agreement for 995 Main Street.*

- b) **Meeting Dates:**

Council (referred to staff)	March 28, 2023
Planning Advisory Committee	May 2, 2023
Council (1 <sup>st</sup> Reading)	May 9, 2023
Public Hearing	June 13, 2023

- c) **Reports:**

- May 2, 2023 – Staff Report & Amending Development Agreement

- d) **Advertisements:**

- Progress Bulletin – May 24<sup>th</sup> and 31<sup>st</sup> – Public Hearing Advertisement

e) **Other Notifications:**

- Notice to adjacent Municipalities of Public Hearing – May 16<sup>th</sup>, 2023
- Notice to neighbouring properties within 30m – May 16, 2023
- Town of Mahone Bay Annual Meeting Schedule – PAC Meeting May 2, 2023
- Notice of Public Hearing posted at Town Hall, Post Office, Town Website

f) **Fees Paid:**

- Application Fee & Advertising Deposit - March 21, 2023

g) **Written Submissions Received:**

- None

## Staff Report #1

**Prepared for:** Planning Advisory Committee

**Meeting Date:** May 2, 2023

**Subject:** Amendment to Development Agreement MB2019-001: Request to reduce side South-East side-yard setback

**Prepared by:** Garth Sturtevant, Senior Planner, MCIP, LPP

**Date:** April 12, 2023

**Reviewed by:**

**Date:**

<b>APPLICANT</b>	Kim and Brent Kraushar
<b>PROPOSAL</b>	Brief description of the project or development
<b>LOCATION</b>	995 Main Street, Mahone Bay (PID: 60371291)
<b>LOT SIZE</b>	~5924 sq. ft.
<b>DESIGNATION</b>	Open Shoreline
<b>ZONE</b>	Open Shoreline
<b>SURROUNDING USES</b>	The subject property is on the harbour side of Main Street. Nearby uses include residential single unit, and accessory structures including a boathouse on the adjacent property.
<b>NEIGHBOUR NOTIFICATION</b>	Notification is required to occur prior to the Public Hearing. Direct neighbour notification is sent to properties within 30m of the subject property.

## Recommendation

Staff recommend Option 1:

1. Recommend that Council give 1<sup>st</sup> reading to the amending development agreement for 995 Main Street Mahone Bay and set a date for a Public Hearing;

## Background

Kim and Brent Kraushar, owners of 995 Main Street, have requested an amendment to an existing development agreement. The purpose of the amendment is to permit the main building to be located closer to the South-Eastern (side) property line than permitted under the approved agreement.

On April 25, 2019, Town Council approved a development agreement (MB-DA2019-001). The agreement was permitted by the Municipal Planning Strategy and Land Use By-law and was negotiated to allow construction of a residence and potential small scale business use through the existing structures clause. This site is unique in that it is located in the Open Shoreline Zone but was expressly noted as deserving special attention and the ability to redevelop by Development agreement. The proposed residence is intended to replace a previously existing boathouse as noted in the Land Use By-law.

In June 2022, Council was asked to revisit this file when the applicants wished to begin construction. Clauses in the original agreement required Council to confirm they did not wish to discharge the agreement, due to the amount of time that passed between approval of the agreement and permits being issued. Council opted to take no action, thereby allowing the property owners to complete the permit approval process.

## Discussion

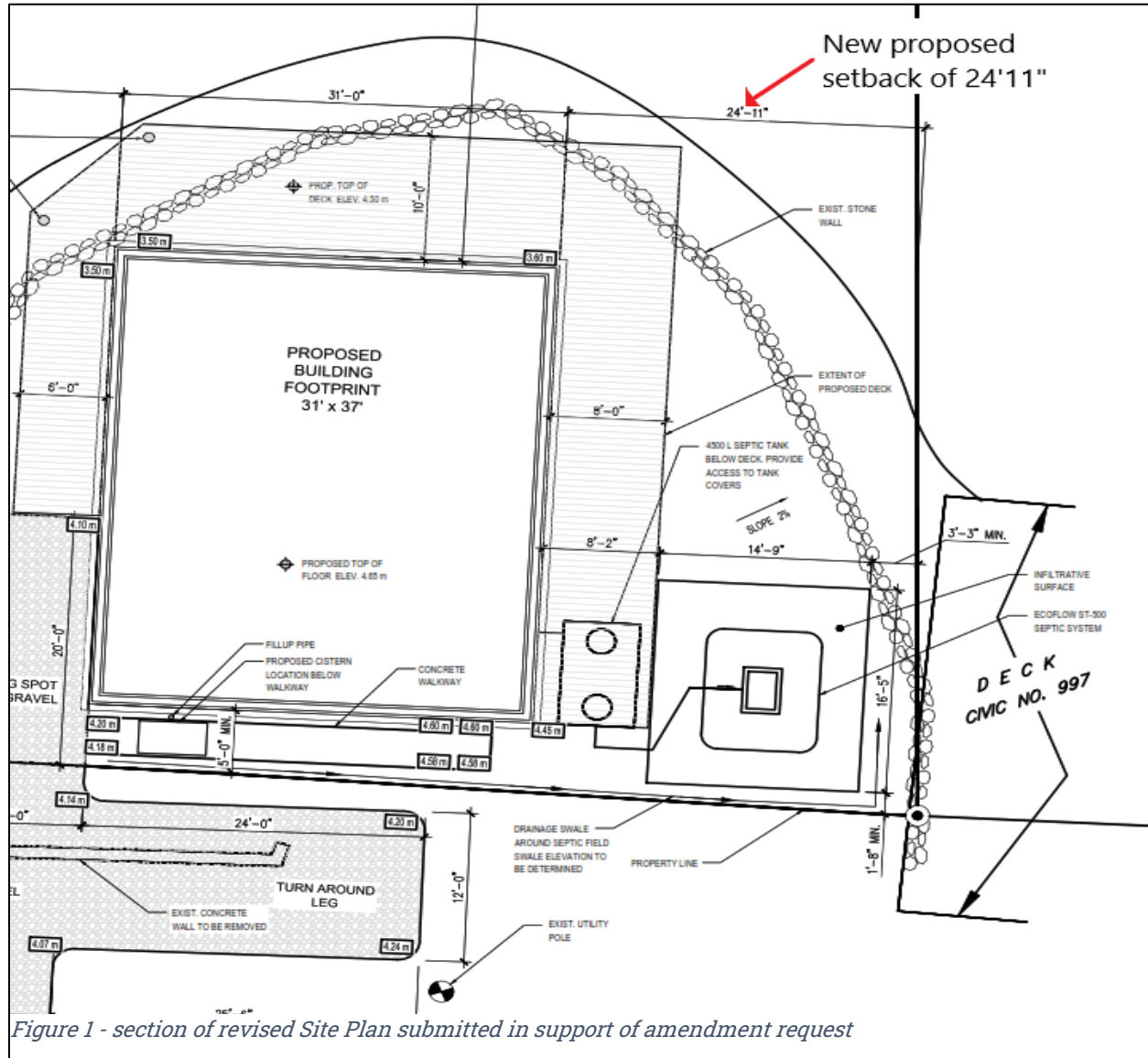
During application for a development permit and subsequent discussion with the Development Officer, it has been noted that the proposed location of the new building does not align with the requirements of the approved development agreement. The original plans are those submitted by the property owners in 2019. Per the terms of the original development agreement, the Development Officer is not able to vary the setback distances or approve a permit with less than the required side yard setback.

As a result, the property owners have applied to Council for an amendment to the existing development agreement. The purpose of the amendment is to reduce the required side-yard setback from the South-Eastern property line, thereby allowing the current design to receive a development permit.

Clause 6.3 of the approved development agreement states: "the proposed building is positioned on the site as per Schedule "B", where the precise location of the proposed building may vary so long as the following setbacks are maintained: a rear yard setback of 88 feet, a front yard setback of 5 feet, side yard setbacks of 30 feet and 36 feet".

The revised site plan submitted by the property owners indicates that the building will be a minimum of 24 feet 11 inches from the South-East side yard property boundary. The result being a reduction in the side-yard setback of at least 5 feet 1 inch from the original 30 foot setback.

Figure 1 shows the proposed new building location with a side yard setback on the South-Eastern side of 24'11". Appendix B is a draft amended development agreement including the new site plan, reduced setback distance of a minimum of 20 feet from the South-Eastern side property boundary and updated dates and terms to enable the draft agreement to be signed, pending approval from Council.



The stated reasoning for the change in position of the main building is engineering and infill work created a situation where it was necessary to locate the home in the proposed location. The Town has not had an independent engineering analysis to determine the validity of this statement. Given the impact of the change is anticipated to be minor, and the new proposed setback is sufficient for residential uses, staff are comfortable to proceed with the stated reason for the request.

In considering whether the amendment is appropriate, it is prudent to focus on the intent of the original development agreement and what impact the proposed change may have. In this instance,

the South-Eastern side yard setback was primarily determined based on the original proposed placement of the structure. While some allowance for flexibility was built-in, the original agreement did not allow for the degree of change now requested. The South-Eastern property boundary abuts a small property with a boathouse. To avoid a repeated process of having to request changes, staff are proposing to reduce the side-yard setback from 30 feet to 20 feet. This will accommodate the revised plans and also provide some additional flexibility should plans change again prior to construction. While the new proposed setback of 20 feet is less than the original 30 feet, it remains a substantial setback for a residential use. Additionally, there is little potential for abutting properties on the water side of Main Street to be developed for residential use. Given these factors, the proposed change is not expected to create or worsen a land use conflict.

The amending development agreement also includes a new setback for the wharf structure upon which the residential dwelling will be built. Setbacks in the existing development agreement are measured from the main building to the property line. With the proposed change, both the building and the supporting wharf structure are proposed to be closer to the South-Eastern property line. The draft amending agreement includes a new setback distance of 12 feet for the wharf and any supporting structure. This would be confirmed prior to a development permit being issued for the work.

### **Policy Analysis:**

The original policy analysis conducted in relation to the approval of the entire development agreement is attached as Appendix A. The analysis has been reviewed and remains unchanged due to the request to relocate the building closer to the South-Eastern side boundary.

## **Conclusion**

Following review of the requested amendment and existing development agreement, the change to reduce the South-Eastern side yard setback from 30 feet to 20 feet appears to be reasonable and in keeping with the intent of the Municipal Planning Strategy. This request is anticipated to allow permits to be issued for construction at the site.

## **Options**

The Committee may choose to:

1. Recommend that Council give 1<sup>st</sup> reading to the amending development agreement for 995 Main Street Mahone Bay and set a date for a Public Hearing;
2. Recommend that Council reject the requested amendment to the existing development agreement;
3. Request additional information from staff or the Applicant for discussion at a future PAC meeting.

## Attachments

- Appendix A – Policy Analysis – existing approved development agreement
- Appendix B –Draft Amending Development Agreement

## APPENDIX A:

MPS Policy	Policy Text	Staff Comment
2.1.3	ii) control land use and development in a manner that will reduce conflicts between incompatible uses and that will not overburden existing services.	<i>The Land Use By-law requires any residential development on the property must proceed through the Development Agreement process. This process is designed to address and mitigate potential land use conflicts. The proposed development fits into the predominantly residential surrounding area.</i>
2.1.3	iii) minimize any adverse effects of development and change upon the environment of the Town and on the surrounding countryside.	<i>The proposed development uses enabling policy to replace the boathouse that formerly existed on the property. The design of the proposed structures resembles the former structure in its design and orientation.</i>
2.1.3	v) encourage development and employment opportunities in an attempt to stabilize the Town's declining population in order to maintain and enhance its viability as a town and as a community.	<i>The proposed development represents a growth in the Town's population and residential density.</i>
2.1.3	vi) encourage development that is compatible with the Town's role as an historic scenic community.	<i>This proposed development and residential structure replaces the boathouse that previously existed on the property. The proposed structure is designed and architecturally controlled to reinforce and contribute to the Town's historic waterfront.</i>



MPS Policy	Policy Text	Staff Comment
2.1.3	vii) protect the aesthetics and environment of the harbour and waterfront and to maximize access to the water.	<i>The proposed development replaces the former boathouse and will be controlled by architectural measures. The proposed structure resembles the previous structure, enhancing the aesthetics of Mahone Harbour. Visual access to the water will be reduced to a level similar to that which was impeded by the former boathouse. Physical access to the waterfront will be provided for the owners of the property through a wharf and floating dock.</i>
2.1.3	ix) encourage residential growth	<i>Residential development on this property is permitted through the Development Agreement process. The subject proposal utilizes enabling policy to facilitate residential growth in the Town.</i>
2.1.3	xii) encourage year-round residential and commercial opportunity.	<i>Residential development on this property is permitted through the Development Agreement process. The proposed structure is built with the intention of being able to be inhabited as a year-round dwelling. Staff have included a clause within the Draft Development Agreement to prevent the structure from being used as a tourist home.</i>
2.2.6	Map 4, the Land Use Designation map, which is attached to this Planning Strategy is a generalized representation of the intended pattern of future land use in the Town.	<i>The subject property is designated Open Shoreline within the Municipal Planning Strategy. The proposed residential development is permitted though the Land Use By-law and policies within the MPS.</i>

MPS Policy	Policy Text	Staff Comment
<b>3.1.3</b>	Not to approve any Land Use By-law amendment or Development Agreement, until Council is satisfied that the development proposal will not create undue traffic hazards, result in undue traffic congestion, or unduly interfere with pedestrian movement on Public Streets.	<i>The proposed structure will be set back approximately 7 feet from the highway right-of-way. An additional driveway has been proposed to reduce traffic hazards and congestion when accessing and exiting the property from Main Street. The Director of Operations for the Town has indicated the proposed development will not create undue traffic hazards, result in undue traffic congestion, or unduly interfere with pedestrian movement on Public Streets.</i>
<b>3.2.3</b>	Not to approve any Land Use By-law amendment or Development Agreement, until Council is satisfied that the development proposal will not create undue demands on the water system.	<i>The property is not serviced by the Town's water system. An on-site water cistern will be used to provide water to the residence.</i>
<b>3.3.3</b>	Not to approve any Land Use By-law amendment or Development Agreement, until Council is satisfied that the development proposal will not create undue demands on the sewage collection and treatment system.	<i>The property is not serviced by the Town's sewage collection and treatment system. The Developer has proposed and has an approved permit for an on-site sewage disposal system.</i>
<b>3.7.3</b>	Not to approve any Land Use By-law amendment or Development Agreement, until Council is satisfied that the development proposal will not create undue demands on the electric power distribution system.	<i>The Director of Operations for the Town has stated the property is able to be serviced by the electrical power distribution system without creating undue demands.</i>

MPS Policy	Policy Text	Staff Comment
3.10.3	To encourage a variety of housing types throughout the serviced area of the Town which makes efficient use of the existing infrastructure.	<i>The Developer is using enabling policy to construct a residential structure on this property. The property is outside of the water supply and sewage disposal service areas but can be connected to the Town's electrical distribution system. Water supply will be provided through an on-site cistern while sewage disposal will be provided through an on-site biofilter septic system.</i>
3.10.5	To consider the impact of continued and accelerating sea level rise in the design and construction of infrastructure.	<i>The subject proposal includes shoreline protection in the form of a rock wall / retaining wall to prevent erosion of coastal material and sediment. Additionally, the residence is situated atop infill and a series of pilasters at an elevation of 3.2 m (10 ft-6"). The proposed coastal armouring and elevation of the structure are supported by the recommendations of the 2016 CBCL Report titled <b>Mahone Harbour Flood Prevention and Shoreline Enhancement Plan</b>. The Plan recommends coastal structures to be placed between 2.8 m (50-year lifetime) and 3.6 m (100-year lifetime) in elevation to accommodate sea level rise and storm surge. The report also recommends a rock wall at a height of 3.8 m to prevent overtopping along portions of the road. This should be considered; however, it is noted that the report generalizes portions of the Lighthouse Route and these recommendations are not specific to the property at 995 Main Street. Further discussion can be found below.</i>

MPS Policy	Policy Text	Staff Comment
<p><b>4.5.1</b></p>	<p>when considering Development Agreements, to have regard for the architectural character of any proposed new building, addition, or alteration, in comparison with the established architectural character of pre-1919 buildings within Mahone Bay in terms of height, bulk, scale, roof shape, relationships of windows and doors and architectural details.</p>	<p><i>The ridge of the proposed building is 4 ft – 6” higher than the former boathouse while the bulk, shape, and orientation of the former and proposed buildings are similar. The proposed structure is 3 feet wider and 22 shorter than the former boathouse. Both the former boathouse and proposed structure employ an open gabled roof. In the immediate surrounding area, gabled, dormer, and hip styled roofs can be found. The roof will be surfaced with black asphalt shingles.</i></p> <p><i>Horizontal spruce siding is employed on the proposed structure. Horizontal siding is in keeping with the use of horizontal siding that predominates the area. Siding material and orientation is not regulated within the MPS or LUB for this property (only in Harbourfront Commercial Zone).</i></p> <p><i>The street facing façade limits the use of windows and doors to reinforce the character of the former boathouse. On the North and South elevations, windows appear as individuals and in pairs and are of vertical orientation. On the harbourfront elevation, individual and triple windows are proposed. Staff is requesting further discussion from the Planning Advisory Committee.</i></p>

MPS Policy	Policy Text	Staff Comment
4.5.2	designate an Architectural Control Area as show on Map 4, the Land Use Designation Map, within which the architectural style of the public facades of all buildings will be strictly controlled. This is intended to include the front portion of the land fronting on Edgewater Street and of the land fronting on Main Street from 255 Main Street at the corner of Long Hill Road easterly to the Town boundary at Maders Cove.	<i>The subject property is located in the Architectural Control area. See 4.5.1 and 6.4.2 (h) for further discussion.</i>
4.5.3	within the Architectural Control Area, the Land Use By-law shall include special provisions controlling new construction as well as alterations of and additions to existing structures in order to ensure that these developments are compatible with the established character of the area. These special provisions shall control architectural style, building length to width ratio, the appearance of exterior cladding and roofing materials, height, shape, and the size and ratio of windows and doors.	<i>The subject property is located in the Architectural Control area. See 4.5.1 and 6.4.2 (h) for further discussion.</i>
4.6.2	designate an Open Shoreline area as show on Map 4, the Land Use Designation Map, for restricted activities which will preserve the open character of the area and to establish in the Land Use By-law a corresponding Open Shoreline Zone. This area is intended to include all of the shoreline not designated for various commercial or industrial uses.	<i>The proposed development is permitted through the Land Use By-law and policies in the MPS.</i>
4.6.4	restrict the size and height of new structures in the Open Shoreline Zone of the Land Use By-law	<i>This policy does not apply to the proposed development as it is proceeding through the Development Agreement process. The allowable floor area of the structure is regulated through Policy 4.6.5.</i>

MPS Policy	Policy Text	Staff Comment
<b>4.6.5</b>	consider residential uses by development agreement in the existing boathouse at 995 Main Street only, in accordance with policies 6.4.1 and 6.4.2 and provided the non-commercial uses of the property do not occupy more than 50% of the floor area of the existing building.	<i>The proposed development is restricted to half of the floor area of the former boathouse. The former boathouse had a floor area of 279 m<sup>2</sup> (3,000 ft<sup>2</sup>) with the proposed development having a floor area of 139 m<sup>2</sup> (1,499 ft<sup>2</sup>). All residential uses must be within the structure replacing the former boathouse.</i>
<b>4.9.5</b>	To maintain and improve sewage treatment and storm drainage control to protect the water quality of the harbor, the watercourses and the groundwater.	<i>Staff recommends a clause in the Development Agreement such that storm water is not directed onto adjacent properties or into the Town Sewer. A clause will also be included within the Draft Development Agreement such that no Development Permit shall be issued unless a Stormwater Management Plan prepared by a qualified professional is submitted to the Town.</i>
<b>4.11.6</b>	ensure that where developments are permitted by development agreement or by site planning that the agreement makes provisions for adequate parking to serve the proposal.	<i>The Land Use By-law requires one and one half (1 ½) parking spaces for residential properties. The proposal includes two parking spaces on the property.</i>
<b>4.11.9</b>	ensure that when developments are permitted by development agreement or through site plans that fencing or other screening of storage areas is adequate to provide for the enhancement and preservation of the character of the area, and for reducing conflicts with the surrounding land uses.	<i>No outdoor storage or fencing is proposed for the development. Any outdoor storage or fencing will be subject to the Land Use By-law.</i>
<b>4.11.10</b>	require landscaping in any development subject to a Development Agreement or a site plan, in order to enhance or preserve the character of the area, to provide screening or buffers, or to reduce conflict with surrounding land uses.	<i>General landscaping is proposed on the property including the planting of trees and shrubs while also using a combination of grass and natural vegetation. The Director of Operations has indicated the shrubs proposed in the highway right-of-way are permitted.</i>

MPS Policy	Policy Text	Staff Comment
4.11.12	control outdoor lighting in any development subject to a Development Agreement or a site plan in order to minimize the impact of the lighting on adjacent properties.	<i>External lighting will be of the low-wattage variety. Staff suggest a clause in the Draft Development Agreement to the effect outdoor lighting shall not be directed on adjacent properties or Mahone Harbour.</i>
4.11.19	to regulate the size, location, and use, including human habitation, of accessory structures, such as but not limited to private storage buildings, throughout the Town.	<i>The development is restricted to 1500 ft<sup>2</sup> of residential floor area. All floor area must be included within the main structure, thus accessory structures related to residential uses are not permitted.</i>
6.4.1	That when considering amendments to the Land Use By-law, and in considering Development Agreements in addition to all other criteria as set out in the various policies of this Planning Strategy, Council shall be satisfied that:	
	a) the proposal conforms to the intent of the Planning Strategy;	<i>This policy analysis has not found any aspect of the proposed development that explicitly contradict the Planning Strategy.</i>
	b) the proposal conforms to the applicable requirements of all Town By-laws; except where the application is for a Development Agreement in which case the Land Use By-law requirements need not be satisfied.	<i>The application is for a Development Agreement; therefore this policy is not applicable.</i>
	c) the proposal is not premature or inappropriate due to:	
	i) financial ability of the Town to absorb costs related to the development;	<i>No negative impacts are anticipated as a result of this proposal.</i>
	ii) adequacy of Town services, specifically including water supply;	<i>The property is not within the sewage disposal and water supply service areas. The proposed development will not negatively impact electrical supply.</i>

MPS Policy	Policy Text	Staff Comment
	iii) the adequacy of physical site conditions for on-site services;	<i>The Developer has an approved permit from the Nova Scotia Department of Environment for an on-site sewage disposal system.</i>
	iv) creation or worsening of a pollution problem including soil erosion and siltation;	<i>Coastal armouring along the shoreline will prevent soil erosion and siltation. Staff recommends a clause in the Draft Development Agreement such that an Erosion and Siltation Management Plan to prevent silt and erosion debris from being deposited into Mahone Harbour or neighbouring properties is prepared by a professional and submitted to the Town before Development Permits are issued.</i>
	v) adequacy of storm drainage and effects of alteration to drainage pattern including potential for creation of a flooding problem;	<i>The proposed development has included grading as part of their site design for on-site drainage. Staff recommends a clause in the Development Agreement such that storm water is not directed onto adjacent properties or into the Town Sewer. A clause will also be included within the Draft Development Agreement such that no Development Permit shall be issued unless a Stormwater Management Plan is prepared by a qualified professional and submitted to the Town.</i>
	vi) adequacy and proximity of school, recreation, emergency services, and other community facilities;	<i>Within the Town, Mahone Bay Fire Department, Ambulance Service, Bayview Community School (P-9), Mahone Bay Alternate School, the Mahone Bay Centre, and Swimming Pool are all located a short drive from the subject property. The RCMP dispatch is located in Dayspring (15.5 km from Mahone Bay).</i>



MPS Policy	Policy Text	Staff Comment
	vii) adequacy of street networks and site access regarding congestion, traffic hazards, pedestrian safety, and emergency access.	<i>The Director of Operations for the Town has indicated the proposed layout of access / egress to the property will not create any anticipated issues.</i>
d)	the development site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and susceptibility to natural or man-made hazards, including sea level rise.	<i>The subject property is vulnerable to coastal flooding due to sea level rise and storm surge. The property is naturally sloped towards Mahone Harbour and drains in this direction. To mitigate the impacts of sea level rise and storm surge the development includes a rock wall /retaining wall along the shoreline to prevent erosion and placing the home at an elevation of 3.2 m. Staff recommend a clause in the Development Agreement such that the Developer understands the risks of developing this coastal property and the potential threat of sea level rise and storm surge.</i>
e)	that the proposal will not significantly alter the existing character, or stability of the surrounding neighbourhood;	<i>This area is characterized predominantly by single detached dwellings and a neighbouring boatshed. Staff do not anticipate that the proposed development will significantly alter this character or neighbourhood stability.</i>
f)	that the proposal will be integrated into the surrounding area by means of good landscaping and sensitive site orientation and with screening provided by means of fences or hedges as required;	<i>The Developer intends to landscape the Main Street side of the property with trees, shrubs while also using a combination of natural vegetation and grass.</i>
g)	all other matters of planning concern have been addressed.	<i>No other matters of planning concern have been identified.</i>
<b>6.4.2</b>	When considering zoning changes and Development Agreements Council shall be satisfied that:	

MPS Policy	Policy Text	Staff Comment
	a) the development shall not generate emissions such as noise, dust, radiation, odours, liquids or light to the air, water, or ground so as to create a recognized health or safety hazard, and that the impact of such emissions on the development potential and value of properties in the vicinity has been minimized;	<i>As a residential development, no such impacts are anticipated.</i>

MPS Policy	Policy Text	Staff Comment
	<p>b) subject to the physical characteristics of the site, the development shall achieve optimum separation from adjacent properties which are not in a similar use, and screening in the form of fences, vegetation, or berms as appropriate shall be constructed or installed wherever possible in order to minimize impact on the abutting uses;</p>	<p><i>Adjacent and surrounding properties are of similar use. There is a boatshed located on the adjacent property. Residential structures are located on the opposite side of Main Street.</i></p> <p><i>Under the existing structures clause (4.5.12) of the Land Use By-law the area of the proposed structure within the former boathouse's footprint is permitted as it does not further extend or increase an encroachment into the front yard. The area of the proposed structure outside of the footprint of the former boathouse extends the encroachment of the front yard and therefore would require a variance. To accommodate this the Draft Development Agreement establishes yard setbacks for the dwelling structure that confines the structure to where is it situated on the Site Plan with minor allowances to shift the structure's location prior to construction.</i></p> <p><i>The rear yard setback is not satisfied by the proposal based on the location of the proposed wharf; however, as a Development Agreement, zone standards of the Land Use By-law do not need to be met. Where the rear yard setback is not met, staff feel an approval from the appropriate jurisdictions for the wharf is adequate for this development.</i></p>

MPS Policy	Policy Text	Staff Comment
c)	it shall be clearly demonstrated by the applicant that the development can be serviced with central or on-site sewer and water and that the disposal of sewage and other effluents as well as the demand on the water source will not have a negative impact on the quality and quantity of the water resources of the area;	<i>The property is outside of the serviced area for central water supply and sewage disposal. Sewage disposal will be on-site through an approved biofilter.</i>
d)	the traffic resulting from the development will neither create undue traffic hazards, traffic congestion, or pedestrian hazards, nor unduly degrade the accustomed environment of existing residential uses;	<i>The Director of Operations has indicated the proposal will not create undue traffic hazards, traffic congestion, or pedestrian hazards.</i>
e)	sufficient parking and adequate safe access to parking lots shall be provided for the intended use of the property;	<i>Two on-site parking space will be provided that can be accessed by one of two driveways from Main Street. The requirements for a single unit residential structure is one and one half (1 ½) parking spaces.</i>
f)	all areas intended for vehicular traffic, and any areas used for the open storage of equipment or stock shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties, and shall be designed to allow for adequate drainage, snow removal and snow storage.	<i>The parking and driveway surface will be composed of clean gravel. The driveway in front of the residence is sloped at 2% away from the residence to accommodate precipitative drainage.</i>

MPS Policy	Policy Text	Staff Comment
	<p>g) that the proposal does not exceed a height of 13.7 metres (45 feet) above the average surface of the ground around the building (exclusive of chimneys, antennae, flagpoles and church spires) except where this grade is below the grade of the adjacent street, in which case Council may consider an increased height which is otherwise in conformance with this Municipal Planning Strategy provided that the proposed building does not exceed:</p> <ul style="list-style-type: none"> <li>i. 16.7 metres (55 feet) in height and</li> <li>ii. the height of any main building within 15 metres (50 feet) of it, and</li> <li>iii. a height of 13.7 metres (45 feet) above the grade of the street.</li> </ul>	<p><i>Height is measured from established grade, to the midpoint between the eaves and ridges of the roof. Within the Open Shoreline Zone, the maximum height of new dwellings is 8 m (~26 ft-3"). The proposed building has a height of 8.05 m (26 ft-5"), 5 cm (2 inches) taller than the zone standard. As the precise height of the former boathouse is not known and through the Development Agreement process a structure's height can exceed the zone standard, staff find it reasonable to allow the height of the proposed structure so long as it does not exceed a height of 8.5 m (28 ft), a clause that has been included within the Draft Development Agreement. The building is located below the grade of Main Street, meaning it will minimize the visual impact on the surrounding areas. The former boathouse's ridge was at a height of 32 ft while the proposed structure's ridge is situated at 36 ft-6".</i></p>

MPS Policy	Policy Text	Staff Comment
<p>h)</p>	<p>the primary architectural features of the proposal, (including but not limited to bulk, scale, roof shape, building materials, exterior cladding and shape and size and relationship of doors and windows) shall be visually compatible with nearby buildings, as demonstrated by perspective sketches showing the proposal in context with the streetscape.</p>	<p><i>The street front elevation bears resemblance to the former boathouse on the property by limiting the number of windows and doors in addition to the use of an open gable roof. The bulk and scale of the proposed structure is compatible with the former boathouse in the context of the streetscape. The ridgeline of the proposed structure is 4 ft-6" higher while the street fronting face of the building is 3 feet wider than the former boathouse.</i></p> <p><i>In many cases, vertically oriented windows are employed as singles, pairs, or triples with the exception of the street facing façade where no windows are employed.</i></p> <p><i>Horizontal cladding on the building's front, back, and sides is to be composed of wood spruce. The use of horizontal cladding is in keeping with the surrounding properties and the Town. Historically, buildings in working waterfronts were clad in wood or metal material.</i></p> <p><i>The Development Agreement should stipulate the exterior appearance of the materials.</i></p>
<p>i)</p>	<p>that the proposal is compatible with the existing character, or stability of the surrounding neighbourhood</p>	<p><i>As a residential use, the proposed development is compatible with the surrounding residential uses and neighbouring boatshed. Staff believe this development does not negatively impact neighbourhood stability or character.</i></p>

MPS Policy	Policy Text	Staff Comment
j)	Outdoor lighting fixtures, including illuminated signs, shall use the lowest possible intensity consistent with safety, shall use fixtures which eliminate glare and in particular shall not project any glare or direct illumination onto adjacent properties.	<i>External lighting will be of the low-wattage variety. Staff suggest a clause in the Development Agreement to the effect outdoor lighting shall not be directed on adjacent properties or Mahone Harbour.</i>
k)	any residential building shall be located on a site that is not subject to nuisances or a degraded living environment caused by existing land use activities;	<i>The subject property is located in an area that is predominantly residential. No nuisances or degradations are expected.</i>
l)	any residential development shall include usable outdoor recreation space that is suitable for erection of playground equipment, or for other active and passive recreational uses	<i>The development intends to provide useable outdoor space and access to Mahone Harbour for residents of the structure.</i>
m)	any residential development site shall be landscaped with trees, shrubs, lawns, fences, and hard surfaced walkways, as necessary to create a residential living environment;	<i>The Developer intends to landscape the Main Street side of the property with trees, shrubs while also using a combination of natural vegetation and grass.</i>
n)	no Development Agreement shall be approved until all necessary permits required by Federal, Provincial, and Municipal government agencies have been issued or Council is satisfied that the required permits will be issued;	<i>All required permits by Federal, Provincial, and Municipal Governments will be obtained before development permits are issued. The Developer has an approved septic plan from the Department of Environment. Additionally, the Developer has stated they have obtained a permit from the Department of Fisheries and Oceans, Lands and Forestry, and Natural Resources to drive pilasters to support the structure and to build the wharf.</i>

MPS Policy	Policy Text	Staff Comment
o)	where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed development which does not require an assessment under the Environmental Assessment Act, environmental studies shall be carried out by the developer for the purpose of determining the nature and extent of any environmental impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage	<i>Staff feel the proposed development will not require an assessment under the Environmental Assessment Act.</i>
p)	the provisions of Policies 4.5.1 and 4.5.4 (Heritage Preservation) are satisfied.	<i>Policy 4.5.1 is addressed above while Policy 4.5.4 is not applicable for this development.</i>