

## **Town of Berwick Council Meeting**

October 10, 2023

Town of Berwick Council Chambers

6:30pm

### **AGENDA**

- 1. Call to Order**
- 2. Approval of the Agenda**
- 3. Approval of the Minutes**
  - a. September 26, 2023**
- 4. First Reading**
  - a. 228 Main Street Development Agreement, Kent Field Estates**
- 5. September COTW Recommendations:**
  - a. RFD024-2023 Invite to Join Recreation Nova Scotia's Anti-Racism Charter in Recreation**
- 6. Ongoing Business**
  - a. Quarter 2 Operating Priorities Report**
- 7. New Business**
  - a. RFD025-2023: 2023/24 Capital Budget Reallocation**
  - b. RFD026-2023: Sustainable Services Growth Fund Allocation**
  - c. Community Solar Garden Naming**
- 8. Mayor's Report**
- 9. In-Camera per s. 22(2) of the *Municipal Government Act***
  - a. 22(2)(a) acquisition, sale, lease, and security of municipal property**
  - b. 22(2)(c) personnel matters**
- 10. Adjournment**

Staff Report – Development Agreement Application for 228 Main Street	
Prepared by:	Chrystal Fuller of Brighter Community Planning
Subject:	Development Agreement Application for 228 Main Street (PID 55539670)
Date:	October 10, 2023
Purpose:	For Council to consider entering into a development agreement to permit the development of approximately eighty units at 228 Main Street
Recommendation:	Council give first read to the draft development agreement attached.
Draft Motion	<b>That Council give first reading and forward to a public hearing the attached draft development agreement to permit a seventy-two unit grouped dwelling development at 228 Main Street.</b>

### Part 1: Background

The Town received an application for multi-residential development of the site on April 30, 2021. The Town’s Planning Advisory Committee (PAC) considered the application on August 3, 2021, and the recommend that Council approve the development subject to a series of conditions. A copy of the staff report and PAC recommendation is included as Attachment 1.

Following the PAC recommendation, the applicant provided new drawings in April 2022. The subsequent submissions were reviewed by the Traffic Authority, Public Works, the Fire Department, the Town Engineer, and Town Planners. Due to the size of the project, and consistent with recently adopted procedure, a Public Information Meeting was held on June 7, 2022, to gather public input on the proposal. The notes from the PIM are Attachment 2.

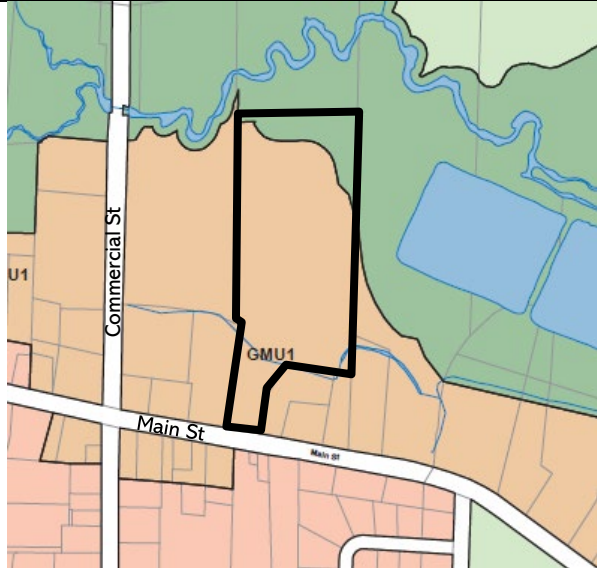
On August 9, 2022, Council received a planning report with updates regarding the proposal. At that meeting, Council made the following motion, “Council defer First Reading and direct staff to get additional information from the developer regarding onsite stormwater management.”

Since this date, the Town Engineer and Town Planner have been working with the Developer to address issues related to infrastructure and stormwater. As a result of these extensive discussions, the site plan has changed to address stormwater issues. On August 21, 2023, the Town’s Engineer issued a memo outlining his review. This memo is included as Attachment 3 to this report.

Although the configuration of the site plan is different then what was previously reviewed by Council in August of last year, the number of units is essentially the same. Council’s direction in August was to see additional information on stormwater. The review of this application uses 2021 policy review and the original policy analysis completed by the Town’s planning staff in 2021 along with some supplemental analysis in the attached policy table.

The Development Agreement was drafted in response to the applicant’s proposal and subsequent submissions and is guided by the Town’s land use policies and regulations, community planning principles, and the servicing requirements of the site. The draft Development Agreement is included as Attachment 4.

### 1.1: Project Summary

Property Owner(s)	Town of Berwick
Civic Address	228 Main Street
Current Designation	Gateway Mixed Use and Conservation Designation
Current Zoning	Gateway Mixed Use (GMU1) and Conservation (OS2)
Subject Property	
Subject Property Area	Four hectares (9.88 acres)
Existing Land Use	Vacant
Adjacent Land Use	West – Legion, Fire Hall, Dental Clinic South – Low Density Residential Development East – Residential, Sewage Treatment Plant, Conservation North – Cornwallis River

### 1.2: Location

The Subject Property is located at 228 Main Street and is owned by the Town of Berwick but is subject to a purchase and sale agreement with Kent Field Estates. This neighbourhood has a diverse mix of land uses including low density residential, institutional, and commercial. The property has frontage along Main Street which provides the only access to the site. The Cornwallis River is located north of the site and lands abutting the Cornwallis River are designated for conservation. The proposal is to develop only on the lands designated as Gateway Mixed Use. No development is proposed for lands designated as Conservation.

### 1.3: Proposal

The applicant is seeking a Development Agreement to permit approximately eighty dwelling units on the site. The proposed site plan (Attachment 4) includes nine apartment buildings with eight units in each building, 109 surface parking spaces, landscaped amenity areas, and pedestrian walkways. The proposed buildings are two-storeys in height and each of the buildings contains eight dwelling units accessed from a common hallway and internal staircase.

The original site design submitted in 2021 proposed three building clusters with each cluster oriented around a common outdoor amenity space. The revised site plan submitted in August of 2023 contains eight buildings connected by a central driveway and connecting concrete pathways between buildings that connect to the street.

The applicant amended the site plan to better address stormwater and the required stormwater infrastructure. The site plan includes:

- Four stormwater management ponds.
- A series of swales and ditches to manage stormwater.
- Connections to an offsite drainage ditch to drain water toward the river.
- Areas of lawn and soft landscaping to help manage stormwater flows. The drainage ditches and landscaped areas covers approximately 74% of the site.
- No development within the Conservation zone.

The site plan identifies three large amenity areas for the use of residents. The site plan also identifies where existing vegetation will be retained or required. Vegetation helps reduce impacts on neighbours, caused by light, noise or other visual impacts. The applicant will provide private balconies for each of the units.

The development will be accessed from Main Street by a two-way drive aisle separated with a landscaped median. An internal one-way driveway loop provides access to surface parking areas. The applicant is currently proposing 109 parking stalls which exceeds the Land Use bylaw requirement of 1.5 stalls per unit.



### Part 3: Policy Analysis

When considering Development Agreement applications, the policies of the Municipal Planning Strategy (MPS) guide decision making. The majority of the property is designated Gateway Mixed Use Conservation on the Future Land Use Map while the forested area to the north near the Cornwallis River is designated as Conservation lands.

The initial staff report to PAC included policy analysis comparing the development proposal with the policies of the Municipal Planning Strategy (Attachment 1). The report also recommended that the applicant provide additional information prior to Council’s consideration to include details related to potable water, municipal servicing, outdoor lighting, landscaping, and sediment and erosion control. With the exception of drinking water approvals, this information has since been provided.

The site plan has been updated. Attached to this report is a brief policy analysis to supplement the original PAC report. Since the original PAC report, the Town has undertaken a desktop water study which concluded the additional development of up to five hundred new units may occur without further study.

Additionally, sewer studies are underway, and development may continue to occur. Capital projects will address any required improvement to wastewater.

### Part 4: Public Input

As noted above, the Town held a public information meeting on June 7, 2022, to get public feedback on this application.

The purpose of a PIM is to identify issues of concern to the public so that these concerns, if possible, can be addressed through the approval process or within the development agreement itself. Due to changes in the way planning applications are processed by the Town since PAC originally considered the Staff report, Planning staff in the Spring of 2022 recommended that a development of this size and scale would warrant input from the public before Council considered First Reading. This would allow a draft development agreement to address issues of concern, subject to the policies of the Municipal Government Act and the Town’s Municipal Planning Strategy. The PIM was held on June 7, 2022.

Approximately fifty people attended the meeting and several people called or emailed prior to the meeting to discuss the proposal. Overall, it was acknowledged that the proposal would help to address the current housing shortage by providing much needed new rental housing units. However, there were a number of concerns identified, with the main one related to flooding and storm water management. The following chart provides a summary of the issues from the PIM, staff comments and if (or how) the draft DA responds to the issue.

Concern raised by the public	Staff Comments	Addressed within the DA
The development will cause additional flooding. More analysis and study are required to understand how this development will impact neighbours.	The 2021 staff report states that Public Works and the Town Engineer found the stormwater water plans acceptable. Wetland delineation has occurred	The revised site plan includes significant revisions to address stormwater management, which has been reviewed and approved by the Town Engineer.

Concern raised by the public	Staff Comments	Addressed within the DA
The smell from the STP needs to be addressed and concern was expressed about the smell from the STP on human health. The STP may need to be expanded in the future and the Town should keep the lands.	The Town continues to address STP issues but no short-term solution for the odour is imminent.	No ability to address the smell from the STP within the DA. Issues relating to the future expansion of the STP, and the sale of the lands is outside the scope and consideration of this planning report.
Traffic Impacts – concerns about road safety and capacity	Traffic Authority did not request a traffic impact statement. The Traffic Authority may reconsider the need for a TIS. The Town is planning to complete a Transportation Study in 2024 that would include looking at traffic impacts.	Off site traffic upgrades are not requested.
Does the school have enough capacity to accommodate these units?	According to the 2018 School Assessment report, Berwick School had a school utilization rate of 63% or 271 students in 2017. In 2022, they had a school population of ~290 students. According to the School Assessment report, the school population was projected to decrease is 221 by 2027. Berwick School feeds into West Kings District High School, which had a school utilization rate of 61% in 2017 (1147 students).	N/A
Ground water impacts. How will this development impact the ground water supply of Berwick, and wells of the neighbours.	Last assessment of the groundwater was in 2004, which indicated that Berwick has high quality/quantity groundwater supply. No hydrological study was completed for this development.	The DA requires water withdrawal permits, if required under legislation, to be provided before a development permit can be issued.
What is the impact of the proposed development on the RCMP services?	No Impact	N/A

## Part 5: Development Agreement Summary

The application for the development of seventy-two multi-residential dwellings at 228 Main Street has been reviewed by staff for consistency with the policies of the Municipal Planning Strategy. While the proposed building design is not consistent with the design criteria of the Gateway lands, these policies are focused on improving the public streetscape through high quality building design and street improvements. The proposed buildings are setback quite far on the site and will not be very visible from the street so they will have minimal impact on the aesthetic of the streetscape. The Development Agreement does include the requirements for landscaping along the Main Street frontage to soften the street edge and provide an attractive entrance to the proposed development.

The draft Development Agreement is attached for review and includes the following provisions:

- Permits seventy-two residential units within nine buildings.
- Parking requirements
- Maximum height of thirty-five feet to a maximum of two stories.
- The construction of stormwater infrastructure as approved by the Municipal Engineer
- The submission of a master landscaping plan that provides adequate buffering from residential development.
- Phasing of the development that requires open space areas be constructed at certain points in the development process.
- Parking spaces at a one stall per unit and 1.25 stalls for 3-bedroom units.

## Part 6: Recommendation

On August 3, 2021, PAC provided the following recommendation to Council.

“The developer is to be advised of all seven additional requirements. Once plans have been modified to sufficiently address these requirements, the application can go before Council.”

The addition requirements were:

Additional Requirements	Status	Staff Comments
Nova Scotia Department of Environment approval of the proposed sanitary sewer system;	Not received	Recommend that this be included in DA as a requirement before Development Permit (DP) is issued.
Confirmation from NSE that the proposed domestic water supply conforms with regulatory requirements for a Public Water Supply;	Not received	Recommend that this be included in DA as a requirement before DP is issued.
The provision of a Construction Management and Erosion and Sedimentation Control Plans acceptable to the Town Engineer prepared by a qualified person;	Not received	Recommend that this be included in DA as a requirement before DP is issued.

Additional Requirements	Status	Staff Comments
The provision of a separate driveway access consistent with one-way internal circulation pattern or the construction of a median within a single driveway to a depth of 75 feet north of Main Street;	Developer agrees to build	This is a requirement of the DA.
The provision of an internal walkway enabling pedestrian transit through the development from the north (Phase 4) area to Main Street and connection with the existing Main Street sidewalk;	Developer agrees to build	This is a requirement of the DA.
The provision of overhead lighting along the driveway/internal vehicle circulation route;	No completed	The draft DA will require lighting.
Landscaping at Main Street, which could include signage and be integrated into a median (if provided as an alternative to separated driveway access).	Completed	A detailed landscaping plan will be required before a DP is issued.

### 6.1: Options

Council has the following options regarding this application.

1. Give First Reading to the Draft DA and forward the application on to a Public Hearing.
2. Defer First Reading and direct staff to make changes to the Draft DA. Any significant amendments will need to be discussed with the Developer before First Reading is considered.
3. Reject the Application. This option, the applicant would have the right to appeal Council's decision to the Utility and Review Board.

### 6.2: Planning Staff Recommendation

Given PAC's previous recommendation to proceed with the draft DA, and Council's direction regarding stormwater, Planning Staff prepared the attached development agreement for Council's review and consideration for First Reading.

#### Draft Motion

**That Council give first reading and forward to a public hearing the attached draft development agreement to permit a seventy-two unit grouped dwelling development at 228 Main Street.**

It shall be the intention of Council that within the Gateway Mixed Use (GMU1) Zone all development, except single unit residential uses, shall be considered by Development Agreement and in addition to criteria contained in Policy IM7, consideration shall be given to the following:	
(a) The proposed development is generally consistent with the design and development principles identified in the Northern Gateway Strategy (2009);	Generally compliant.
(b) Those provisions are made, where appropriate and possible, for the integration of access to public open space, recreation and amenity space into the proposed site plan.	One site open space is identified, along with pathways and trails on site.
(c) That the proposed structure is generally compatible with existing dwellings on adjacent properties.	The buildings are compatible in terms of height and massing.
(d) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to	
(1) Building Mass	The buildings are no more than 2 stories.
(2) Relationship to and setback from the street line	The buildings will have no relationship to the streets given the configuration of the lot and the length of the driveways.
(3) Roof line heights and orientations	No issues
(4) Building Height	Maximum height is permitted in the base zoning.
(5) Placement and Proportions of window and door openings along the primary façade;	No façade is street facing.
(6) Location of on-site parking	Parking is distributed throughout the site.
(7) Landscaping and landscaping treatment	Landscaping plan is adequate and designed to reduce stormwater flow and maintain permeable surfaces.
(e) That the site plan promotes the integration of the structure and use within the streetscape and pedestrian realm by means of locating primary parking areas in the rear of proposed structures and the provision of landscape features between the proposed building and street line	The property has minimal frontage and is not oriented toward the street.
In considering amendments to the Land Use By-law and/or the entering into a Development Agreement, in addition to the criteria set out in various policies of this Strategy, Council shall consider:	
(a) That the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town By-laws and	Proposal is generally consistent with the Municipal Planning Strategy

regulations:	
(b) That the proposal is not premature or inappropriate by reasons of:	
(1) The financial capability of the Town to absorb any costs relating to the development	No known impact. Infrastructure installation is at the cost of the developer.
(2) The adequacy of sewer and ground water to support the proposed density of development;	The property can connect to municipal sewer and storm water is managed a designed storm water catchment system.
(3) The adequacy and proximity of school, recreation, and other community facilities;	No concerns
(4) The adequacy of road networks adjacent to, or leading to the development;	No concerns
(5) The potential for the contamination of watercourses or the creation of erosion or sedimentation	A sedimentation and erosion control plan will be required during construction activities. Compliance with provincial regulations is required.
(6) The potential for damage to or destruction of historical buildings and site;	N/A
(c) That controls are contained in a Land Use By-law or a Development Agreement so as to reduce conflict between the development and any other adjacent or nearby land use by reason of:	
(1) Type of use;	Up to 72 residential units
(2) Emissions including air and water pollutants and noise	No controls required
(3) Height, bulk and lot coverage of proposed building	Included in the DA site plan
(4) Traffic generation, access to and egress from the site, and parking;	No issues
(5) Open storage	Not permitted
(6) signs	Regulated by LUB
(7) similar matters of planning concern;	Regulated by LUB
(d) The suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors;	Development is located near the Cornwallis River. Wetland delineation occurred and there is some wetland which will be altered, pending the applicant receiving a wetland alteration permit from NSECC.
(e) That provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;	Landscaping as proposed on site plan
(f) That the development is located so as not obstruct any natural drainage channels or watercourses	Wetland delineation occurred and there is some wetland which will be altered, pending the applicant receiving a wetland alteration permit from NSECC.



Staff Report – Development Agreement Application for 228 Main Street	
Prepared by:	Chrystal Fuller of Brighter Community Planning
Subject:	Development Agreement Application for 228 Main Street (PID 55539670)
Date:	August 9, 2022
Purpose:	For Council to consider entering into a development agreement to permit the development of approximately 80 units at 228 Main Street
Recommendation:	That Council refer the application to PAC, and for the applicant to provide a traffic study and additional stormwater management information.

## Part 1: Background

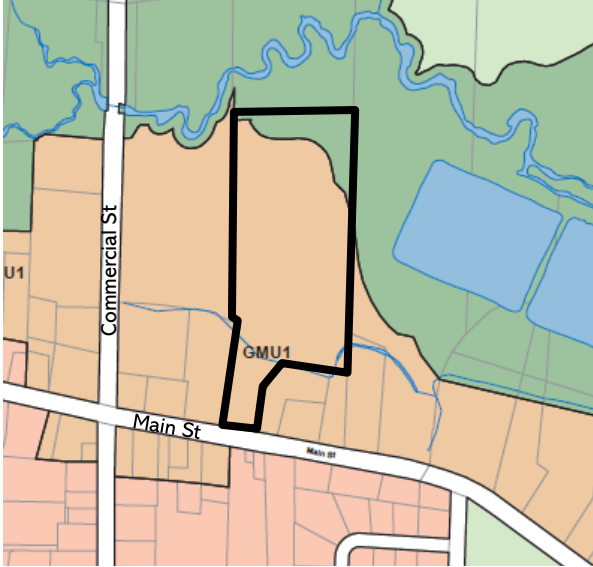
The Town received an application for multi-residential development of the site on April 30, 2021. The application was considered by the Town’s Planning Advisory Committee (PAC) on August 3, 2021 and the PAC approved a motion to recommend that Council approve the development subject to a series of conditions. A copy of the staff report and PAC recommendation is included as Appendix 1.

Following the PAC recommendation, the applicant provided new drawings in April 2022. The subsequent submissions were reviewed by the Traffic Authority, Public Works, the Fire Department, the Town Engineer, and Town Planners. Due to the size of the project, and consistent with a recently adopted procedure, a Public Information Meeting (PIM) was held on June 7, 2022 to gather public input on the proposal. Notes from the PIM are included as Appendix 2.

The Development Agreement has been drafted in response to the applicant’s proposal and is guided by the Town’s land use policies and regulations, community planning principles, and the servicing requirements of the site. The draft Development Agreement (DA) is included as Appendix 3.

### 1.1: Project Summary

Property Owner(s)	Town of Berwick
Civic Address	228 Main Street
Current Designation	Gateway Mixed Use and Conservation Designation
Current Zoning	Gateway Mixed Use (GMU1) and Conservation (OS2)

Subject Property	
Subject Property Area	4 hectares (9.88 acres)
Existing Land Use	Vacant
Adjacent Land Use	West – Legion, Fire Hall, Dental Clinic South – Low Density Residential Development East – Residential, Sewage Treatment Plant, Conservation North – Cornwallis River

### 1.2: Location

The Subject Property is located at 228 Main Street and is owned by the Town of Berwick, but is subject to a purchase and sale agreement with Kent Field Estates. This neighbourhood has a diverse mix of land uses including low density residential, institutional, and commercial. The property has frontage along Main Street which provides the only access to the site. The Cornwallis River is located north of the site and lands abutting the Cornwallis River are designated for Conservation. The proposal is to develop only on the lands designated as Gateway Mixed Use. No development is proposed for lands designated as Conservation.

### 1.3: Proposal

The applicant is seeking a development agreement to permit approximately 80 dwelling units on the site. The proposed site plan (Appendix 4) includes 10 apartment buildings, 122 surface parking spaces, landscaped amenity areas, two accessory storage buildings and pedestrian walkways. The proposed buildings are two-storeys in height and each of the buildings contain eight (8) dwelling units accessed from a common hallway and internal staircase.

The site design proposes three (3) building clusters with each cluster oriented around a common outdoor amenity space. Outdoor amenity areas are connected to the adjacent buildings through walkways. A central gravel walkway provides a pedestrian connection between the buildings and through to Main Street. Private balconies will also be provided for each of the units.

The applicant has asked for flexibility to combine units and create a longer building. The development agreement has been drafted to allow for up to 16 units in a building provided it is located in the rear of the site and meets additional design criteria.

The development will be accessed from Main Street by a two-way drive aisle. An internal one-way driveway loop provides access to surface parking areas. The applicant is currently proposing 122 parking stalls which exceeds the Land Use Bylaw requirement of 1.5 stalls per unit.



### Part 3: Policy Analysis

When considering development agreement applications, the policies of the Municipal Planning Strategy (MPS) guide decision making. The majority of the land property is designated Gateway Mixed Use on the Future Land Use Map while the forested area to the north near the Cornwallis River is designated as Conservation.

The initial staff report to PAC included policy analysis comparing the development proposal with the policies of the MPS. The report also recommended that additional information be provided prior to Council's consideration including details related to potable water, municipal servicing, outdoor lighting, landscaping, and sediment and erosion control. With the exception of drinking water approvals, this information has since been provided.

### Part 4: Public Input

As noted above, a Public Information Meeting (PIM) was held on June 7<sup>th</sup>, 2022, to get public feedback on this application. Usually, public information meetings are held before PAC reviews the staff report, but in this case the input of the public was gathered after the PAC made a recommendation to Council.

The purpose of a PIM is to identify public issues of concern so that these concerns, if possible, can be addressed through the approval process or within the DA itself. Due to changes in the way planning applications are processed by the Town since PAC originally considered the Staff report, Planning staff in the Spring of 2022 recommended that a development of this size and scale would warrant input from the public before Council considered First Reading. This would allow a draft DA to address issues of concern, subject to the policies of the *Municipal Government Act* and the Town's MPS. The PIM was held on June 7<sup>rd</sup>, 2022

Approximately 50 people attended the PIM and several people called or emailed prior to the meeting to discuss the proposal. Overall, it was acknowledged that the proposal would help to address the current housing shortage by providing much needed new rental housing units. However, there were a number of concerns identified, the main one related to flooding and storm water management. The following chart provides a summary of the issue, staff comments and if (or how) the draft DA responds to the issue.

Concern raised by the public	Staff Comments	Addressed within the DA
The development will cause additional flooding. More analysis and study is required to understand how this development will impact neighbours.	The 2021 staff report states that Public Works and the Town Engineer found the stormwater water plans acceptable. No watercourse or wetland assessment has been completed on the property.	The draft DA will require adherence to the stormwater plans submitted.
The smell from the STP needs to be addressed and concern was expressed about the smell from the STP on human health. The STP may need to be expanded in the future and the Town should keep the lands.	The Town continues to address STP issues but not short-term solution for the odour is imminent.	No ability to address the smell from the STP within the DA. Issues relating to the future expansion of the STP and the sale of the lands is outside the scope and consideration of this planning report.

Concern raised by the public	Staff Comments	Addressed within the DA
Traffic Impacts – concerns about road safety and capacity.	Traffic Authority did not request a traffic impact statement. The Traffic Authority may reconsider the need for a TIS.	Off site traffic upgrades are not requested.
Does the school have enough capacity to accommodate these units?	According to the 2018 School Assessment report, Berwick School had a school utilization rate of 63% or 271 students in 2017. In 2022, they had a school population of ~290 students. According to the School Assessment report, the school population was projected to decrease to 221 by 2027. Berwick School feeds into West Kings District High School, which had a school utilization rate of 61% in 2017 (1147 students).	N/A
Ground water impacts. How will this development impact the ground water supply of Berwick generally, and wells of the neighbours.	Last assessment of the groundwater was in 2004, which indicated that Berwick has high quality/quantity groundwater supply. No hydrological study was completed for this development. The Town may decide to update the 2004 study that would encompass all of Berwick.	The DA requires water withdrawal permits, if required under legislation, to be provided before a development permit can be issued.
What is the impact of the proposed development on the RCMP services?	No Impact	This is outside the scope of the DA.

## Part 5: DA Summary

The application for the development of 80 multi-residential dwellings at 228 Main Street has been reviewed by staff for consistency with the policies of the Municipal Planning Strategy. While the proposed building design is not consistent with the design criteria of the Gateway lands, these policies are focused on improving the public streetscape through high-quality building design and street improvements. The proposed buildings are setback quite far on the site and will not be very visible from the street so they will have minimal impact on the aesthetic of the streetscape. The Development Agreement does include the requirements for landscaping along the Main Street frontage to soften the street edge and provide an attractive entrance to the proposed development.

The draft development agreement is attached for review and includes the following provisions:

- Permits up to 80 residential units, with a 10 % variance, within 10 units.
- Parking requirements

- Maximum height of 40 feet and 3 stories.
- Two of the buildings may be combined into one. This building can not be adjacent to an existing residential use.
- The submission of a master drainage plan that demonstrate pre-development flows do not exceed post development flows
- The submission of a master landscaping plan that provides adequate buffering from residential development.
- Phasing of the development that requires open space areas be constructed at certain points in the development process.
- Parking spaces at a 1 stall per unit and 1.25 stalls for 3-bedroom units.

## Part 6: Recommendation

On August 3, 2021, PAC provided the following recommendation to Council:

“The developer is to be advised of all seven additional requirements. Once plans have been modified to sufficiently address these requirements, the application can go before Council”

The addition requirements were:

Additional Requirements	Status	Staff Comments
Nova Scotia Department of Environment (NSE) approval of the proposed sanitary sewer system.	Not received	Recommend that this be included in DA as a requirement before a Development Permit (DP) is issued.
Confirmation from NSE that the proposed domestic water supply conforms with regulatory requirements for a Public Water Supply.	Not received	Recommend that this be included in DA as a requirement before a DP is issued.
The provision of a Construction Management and Erosion and Sedimentation Control Plans be acceptable to the Town Engineer and prepared by a qualified person;	Not received	Recommend that this be included in DA as a requirement before a DP is issued.
The provision of a separate driveway access consistent with one-way internal circulation pattern or the construction of a median within a single driveway to a depth of 75 feet north of Main Street.	Not achieved	Developer is not prepared to construct as requested and has asked the Town to confirm that this is what it wants. The concern is that it creates a wide pedestrian/car area where accidents may occur.
The provision of an internal walkway enabling pedestrian transit through the development from the north (Phase 4) area to Main Street and connection with the existing Main Street sidewalk;	Completed	

Additional Requirements	Status	Staff Comments
The provision of overhead lighting along the driveway/internal vehicle circulation route;	Not completed	The draft DA will require lighting.
Landscaping at Main Street, which could include signage and be integrated into a median (if provided as an alternative to separated driveway access).	Completed	A detailed landscaping plan will be required before a DP is issued.

### 6.1: Options

Council has the following options regarding this application.

1. Give First Reading to the Draft DA and forward the application on to a Public Hearing.
2. Defer First Reading and direct staff to make changes to the Draft DA. Any significant amendments will need to be discussed with the Developer before First Reading is considered.
3. Refer the application back to staff with requests for additional information and updated staff report, including a policy analysis that incorporates the new information. With this option, staff would recommend that the new information be reviewed by PAC to assess if the new information, PIM comments, and policy analysis impacts the original recommendation it provided to Council. Additional information could entail:
  - a. Hydrological assessment – An assessment of the impacts of this development on water quantity and quality.
  - b. A Traffic Impact Statement– This usually involves an assessment of the proposed development on street capacity and infrastructure.
  - c. Flood modeling or a flood assessment. – Given the proposed development is in an area that has a history of flooding, the Town could seek additional information on how the proposed development can be flood proofed or mitigate impacts. A watercourse and wetland delineation should also be completed.
  - d. Other information as requested by Council.
4. Reject the Application – With this option, the applicant would have the right to appeal Council's decision to the Utility and Review Board.

### 6.2: Planning Staff Recommendation

Planning staff recommends referring this application back to PAC and requesting additional information from the developer. The additional information would include:

- Traffic Impact Statement
- Flooding Assessment Study that examines the potential flooding impacts of the proposed development. This assessment should also include a watercourse and wetland delineation by a qualified person(s).
- Other information as requested by Council.

Once this information is received, staff will update the policy analysis and planning report and present it to PAC, who would then make a recommendation to Council.

### Draft Motion

**That Council direct Staff to seek additional information from the developer, relating to traffic and flood assessment, and prepare a supplemental staff report for PAC's review.**

# Appendix 1

## PAC Staff Report



**Planning  
Development  
Project Management**

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**To: Berwick Planning Advisory Committee**  
**From: Chris Millier**  
**Date: August 3, 2021**  
**Re: Proposed Development Agreement, Kent Fields Estates Ltd., Lands  
of the Town of Berwick, 228 Main Street**

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## **Introduction**

The Town has received an application from Kent Fields Estates Ltd. to enter into a Development Agreement for the development of ten 8-unit apartment buildings (80 dwelling units) and two accessory storage buildings on lands of the Town of Berwick at 228 Main Street (“Lot 2020-1”, PID 55539670).

The application form is attached for the Committee’s information. The application also includes a site plan, driveway/sanitary sewer engineering design and details prepared by DeWolfe & Morse and typical building floor plans and elevations prepared by Palmer & Doherty, circulated with this report for the Committee’s review.

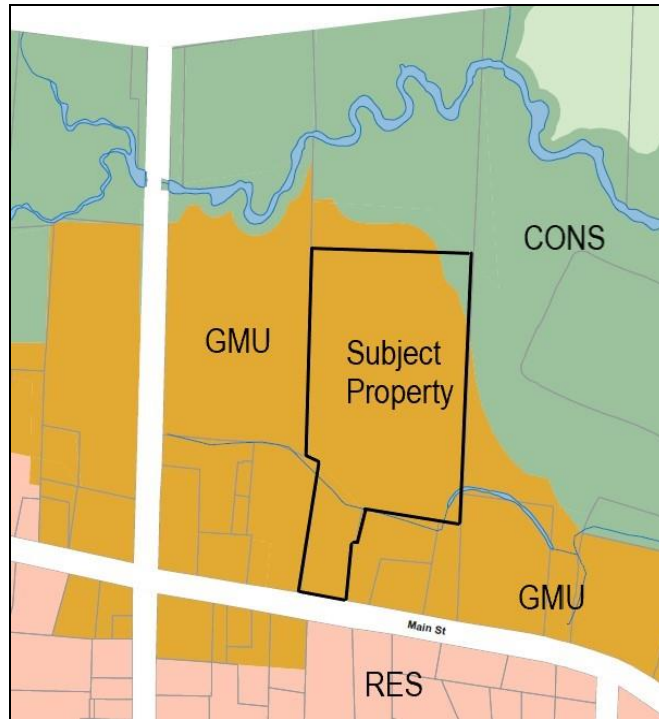
The subject property contains approximately 4 hectares (9.8 acres) and has frontage on Commercial Street frontage of approximately 35.5 meters (116 ft.) The property is shaped in a “flag” configuration with a narrowed access at Main Street which widens to a width of approximately (135 meters (440 ft) to the north of the property.

The lands are located on the north side of Main Street, east of Commercial Street and are vacant. Lands to the east are residential and institutional (Town of Berwick Public Works). Lands to the west are institutional (Royal Canadian Legion/Berwick and District Fire Hall). Lands on the south side of Main Street, east of Commercial Street, are predominately low density residential.

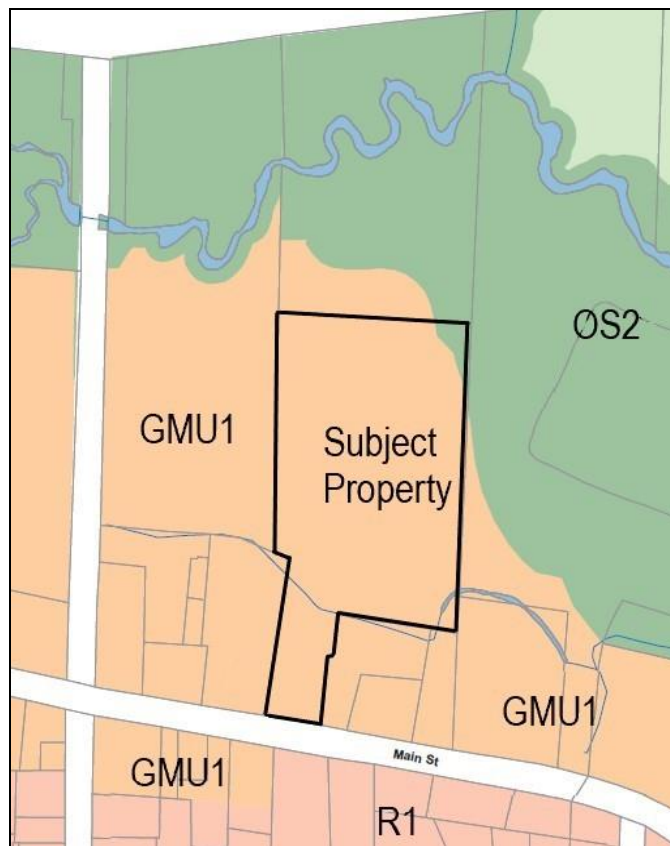
## **Generalized Future Land Use Designation and Zoning**

A majority of the property is designated Gateway Mixed Use on the Municipal Planning Strategy's Generalized Future Land Use Map. A portion of the property at the north is designated Conservation and is within the Cornwallis River flood plan. The property is similarly zoned Gateway Mixed Use (GMU1) and Conservation (OS2) pursuant to the Town's Land Use By-law.

# Generalized Future Land Use Map



Zoning Map



## **Current Municipal Planning Strategy and Land Use By-law Provisions**

The Berwick Municipal Planning Strategy and Land Use By-law contain the following provisions which are relevant to the current application.

From the Berwick Municipal Planning Strategy

### Part 2.3, Development and Land Use Control Principles and Objectives

#### Gateway Mixed Use Principles and Objectives

To identify lands which serve as the critical “gateway:” to the community and encourage a range of residential and commercial uses which are designed and constructed to integrate visual appeal, vibrant activity, public amenity and which can serve to reinforce the character of the Town. The Town has adopted a “Northern Gateway Strategy” which establishes design and land use objectives for both public and private development aimed at creating a focal point highlighting cultural, recreational and entrepreneurial opportunities. This Strategy encourages fulfillment of the Gateway concept through encouraging mixed use development and the integration of new public amenity as a major component of redevelopment.

### Part 2.6, Northern Gateway Area Policies

In light of the goals and objectives contained in the Strategy and in particular the Gateway development principles and objectives identified in Part 2.3 the following policies are intended to regulate development of the Northern Gateway District.

- GMU 1 It shall be the intention of Council to create a Gateway Mixed Use Designation on the Generalized Future Land Use Map and encourage the development and redevelopment of a broad range of residential, commercial, institutional and public amenity uses within this Designation.
- GMU2 It shall be the intention of Council to Designate as Gateway Mixed Use those lands generally located on Commercial Street north of Main Street, lands generally located at the intersection of Main and Commercial Streets and lands located on the north side of Main Street east of Commercial Street up to and including lands which abut the Town’s Wastewater Treatment Facility.
- GMU3 It shall be the intention of Council to include in the Land Use By-law a Gateway Mixed Use (GMU1) Zone. This zone shall include as permitted uses a wide variety of residential, small scale commercial, institutional and parks and open space uses.

#### GMU4

It shall be the intention of Council that within the Gateway Mixed Use (GMU1) Zone all development, except single unit residential uses, shall be considered by Development Agreement and in addition to criteria contained in Policy IM7, consideration shall be given to the following:

- (a) The proposed development is generally consistent with the design and development principles identified in the Northern Gateway Strategy (2009);
- (b) That provisions are made, where appropriate and possible, for the integration of access to public open space, recreation and amenity space into the proposed site plan;
- (c) That the proposed structure is generally compatible with existing dwellings on adjacent properties;
- (d) That the design of the proposed structure and site reflects and is consistent with adjacent existing dwellings with respect to:
  - (1) Building Mass;
  - (2) Relationship to and setback from the street line;
  - (3) Roof Line Heights and Orientations;
  - (4) Building Height;
  - (5) Placement and Proportions of window and door openings along the primary façade;
  - (6) Location of on-site parking;
  - (7) Landscaping and landscape treatment.
- (e) That the site plan promote the integration of the structure and use with the streetscape and pedestrian realm by means of locating primary parking areas in the rear of proposed structures and the provision of landscape features between the proposed building and the street line. (As amended January 2014)

#### Part 3, Implementation and Administration

IM7 In considering amendments to the Land Use By-law and/or the entering into of a Development Agreement, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

- (a) That the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town By-laws and regulations;
- (b) That the proposal is not premature or inappropriate by reason of:
  - (1) the financial capability of the Town to absorb any costs relating to the development;
  - (2) the adequacy of sewer and groundwater to support the proposed density of development;
  - (3) the adequacy and proximity of school, recreation and other community facilities;

- (4) the adequacy of road networks adjacent to, or leading to the development;
- (5) the potential for the contamination of watercourses or the creation of erosion or sedimentation;
- (6) the potential for damage to or destruction of historical buildings and sites;
- (c) That controls are contained in a Land Use By-law or a Development Agreement so as to reduce conflict between the development and any other adjacent or nearby land use by reason of:
  - (1) type of use;
  - (2) emissions including air and water pollutants and noise;
  - (3) height, bulk, and lot coverage of the proposed building;
  - (4) traffic generation, access to and egress from the site, and parking;
  - (5) open storage;
  - (6) signs;
  - (7) similar matters of planning concern;
- (d) The suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors;
- (e) That provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic; and
- (f) That the development is located so as not to obstruct any natural drainage channels or watercourses.

From the Berwick Land Use By-law

## Part 8 Gateway Mixed Use (GMU1) Zone

### 8.1 GMU1 Uses Permitted

No development permit shall be issued in a Gateway Mixed Use (GM1) Zone except for the following uses:

- (a) All Residential Single Unit (R1) Zone uses subject to R1 Zone Requirements
- (b) Uses Subject to Development Agreement

All Residential Two Unit (R2) Zone uses

All Residential Three Unit (R3) Zone uses

Multiple Unit Residential Dwellings containing four (4) or more units

General Commercial and Business Offices, Commercial Retail,  
Commercial Service and Personal Service Uses (As amended Jan 2014)  
Restaurants  
Hotels, Motels, Tourist Establishments and Inns  
Institutional Uses  
Recreation and Open Space Uses

## 8.2 General Lot Requirements

In the Gateway Mixed Use (GMU1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	929 square meters (10,000 sq. ft.)
Minimum Lot Frontage:	24.38 meters (80 ft.)
Minimum Front Yard:	6.1 meters (20 ft.)
Minimum Rear Yard:	7.6 meters (25 ft.)
Minimum Side Yard:	4.6 meters (15 ft.)
Maximum Height of Main Building:	10.6 meters (35 ft.)
Maximum Lot Coverage	40% (As amended Jan 2014)

## Planning Considerations and Analysis

The following comments and analysis are presented in the context of evaluating the current application in light of relevant provisions of the Strategy and By-law.

### Part 2.3, Gateway Mixed Use Designation Objectives

The 2009 Northern Gateway Strategy identified areas, land use and development criteria aimed at promoting a visually appealing and vibrant entrance to the Town. The Strategy focused primarily on Commercial Street frontage however the area does include lands east and west of Commercial Street which abut Commercial Street lots and/or which may also play a role in enhancing the “gateway” concept.

While the subject property is located within the Gateway Mixed Use the active frontage is modest compared to the total lot area and the lot configuration promotes development away from and to the north of Main Street. As proposed the development will be visible from Main Street however it will have a minimal presence at the Main Street frontage and not address the primary design aspirations of the designation.

The proposed development does not contain any type of public amenity, a trail network along the Cornwallis River was a major objective of the 2009 Strategy. Development of infill residential uses in the area will support increased activity in the area and will support commercial, institutional and cultural resources in the Town.

#### Policies GMU1/GMU2/GMU3, GMU Designation and Zone

The Gateway Mixed Use designation promotes the development of new commercial, institutional and residential uses. The proposed infill residential development is consistent with the intent of the designation. The subject property exceeds the minimum lot frontage and area requirements for the GMU1 Zone.

#### Policy GMU4, Development Agreement Criteria

In addition to General Criteria for Development Agreements the Municipal Planning Strategy identifies criteria specific to development within the Gateway Mixed Use designation and zone:

##### Consistency with the 2009 Northern Gateway Strategy

The proposed use (residential) is consistent with intended land use in the Gateway Mixed Use designation. The proposed development is sited away/north from the Main Street frontage and other than a driveway entrance does not provide for any presence at the street line.

##### Public Amenity

The proposed development does not include any type of public amenity. It is noted that the property does not extend north to the Cornwallis River, precluding the potential for the creation of access, trails or pedestrian walkways as envisioned in the Northern Gateway Strategy.

##### Compatibility with Adjacent Dwellings

The existing adjacent residential structures are primarily older single family dwellings. The purpose built 8-unit apartment building structures vary in character from the existing adjacent form. The separation distance between existing and proposed dwelling will serve to mitigate difference in character.

##### Building Mass

The proposed structures are substantially larger than adjacent residential structure and the total number of structures exceeds any development in the immediate vicinity.

##### Relationship to the Streetline

The proposed site plan does not provide for any relationship between the built form and the streetline other than the driveway entrance.

### Building Height

The proposed structures are 2 storey and do not exceed the maximum height for as-of-right development within the GMU1 Zone.

### Building Façade

The proposal calls for the development of ten identical units which have a utilitarian design and façade features. None of the proposed structures face or front on Main Street.

### On-site Parking

The site plan provides for approximately 125 angled parking spaces, including 10 identified as accessible. The parking spaces are accessed by a one-way circular internal driveway. Provision is made for two intermediate driveway connections which will be constructed as the development is phased.

### Landscaping

The site plan identifies areas of lawn and selected tree planting adjacent to the proposed structures.

### Integration with Streetscape

The proposed site plan does not provide for the integration of the proposed development with Main Street.

## Part 3, Implementation Policy Criteria

### Policy IM7(a), General Conformity with Strategy

The Municipal Planning Strategy enables an application for development agreement to permit the construction of multiple unit dwellings within the Gateway Mixed Use designation and zone subject to Policy GMU4 and Policy IM(7).

### Policy IM7(b)(1), Financial Impact on Town

The proposed development would not require any direct expenditure by the Town, continued development of the property will contribute positively to the tax base. It is noted that the lands are currently owned by the Town and have been deemed surplus to Town needs and suitable for disposal/sale.

### Policy IM7(b)(2), Adequacy of Sewer and Groundwater Resources

Public sewer is present on Main Street adjacent to subject property and Public Works has confirmed that the existing sewage treatment plant has capacity to accommodate the proposed development.

The proposed development will be serviced by a private sewer system which has been designed by an engineer. The proposed engineering design has been reviewed by the Town Engineer. The Town Engineer has noted that the design is at the minimal acceptable slope and may be subject to debris build up, noting however that as a private system this will be the responsibility of the developer. The Town Engineer has recommended that:

- Nova Scotia Department of Environment approval be obtained for the proposed sewer system.

Storm water will be managed by proposed open ditches along the east and west property boundaries which will connect to existing ditches. The design has been reviewed by Public Works and the Town Engineer and found to be acceptable. It is noted that Fire Service comments confirmed the desirability of the construction of a dry hydrant on the property if storm water were to be retained on the lot. Given the proposal to direct storm water to existing drainage facilities this opportunity is not possible.

The Town's 2004 Groundwater Resource Management Study confirmed that Berwick has an extremely high quality/quantity groundwater supply and no documentation exists indicating that problems relating to the provision of water have been experienced in the general vicinity of the subject properties. The provision of potable water for the development will be the responsibility of the owner.

Nova Scotia Department of Environment regulations define that water supply systems as having at least 15 service connections, regularly serve 25 or more persons for at least 60 days of the year. No details have been provided with respect to domestic water supply for the proposed development.

#### Policy IM7(b)(3), Adequacy and Proximity of Community Facilities

The subject property is located in the northern area of Town in general proximity to a variety of commercial, institutional and recreation facilities. It is not anticipated that the proposed change of use will contribute to increasing demand on existing community facilities.

#### Policy IM7(b)(4), Adequacy of Road Network

Main Street is designated as a Collector Street pursuant to the Municipal Planning Strategy streets hierarchy. Collector streets are intended to accommodate major traffic flows from local streets, support through traffic as well as accommodate direct lotted frontage and access. The road network adjacent to the lands subject to the application is capable of accommodation traffic volumes generated by the proposed development. The proposal has been reviewed by the Town's Traffic Authority with respect to access/egress, safety and potential traffic congestion and has been found to be acceptable. It is noted

that no traffic generation information has been provided however on-site parking for approximately 125 vehicles is proposed.

Policy IM7(b)(5), Erosion and Sedimentation Control

The proposed on-site open ditch system will connect to an existing ditch system which is connected downstream to the Cornwallis River. While site grading is provided, no details relating to proposed interim and permanent erosion and sedimentation provisions are identified.

Policy IM7(b)(6), Historic Buildings or Sites.

Not applicable.

Policy IM7(c)(1), Land Use By-law Provisions - Use

The proposed residential infill is consistent with the intent of the Gateway Mixed Use designation and zone. The high density use will not be incompatible with adjacent institutional uses and will be sufficiently separated from lower density residential uses fronting on Main Street in the general area.

Policy IM7(c)(2), Obnoxious Emissions

Not applicable.

Policy IM7(c)(3), Height, Bulk and Lot Coverage

The purpose built multiple unit dwelling structures and the massing of ten structures on a single lot is not consistent with the general fabric of the residential development in the immediate area. The setback from the street and the large lot size (4 hectares) will serve to mitigate character of the proposed development. The development does not exceed the 40% maximum lot coverage provided for as-of-right development in the GMU1 Zone.

Policy IM7(c)(4), Traffic and Road Network

In addition to comments provided to Policy IM7(b)(4) above it is noted that the proposed development is serviced by a single access and no provisions are made for secondary or emergency access. With 80 dwelling units and an estimated 160 – 200 residents it would be appropriate for separated driveways consistent with the one-way internal traffic flow. Separate by means of a median or the construction of two (2) driveways is recommended.

Policy IM7(c)(5), Open Storage

Not applicable.

#### Policy IM7(c)(6), Signage

Not applicable.

#### Policy IM7(c)(7), Matters of General Planning Concern

The proposal identifies the development will be constructed in four phases. The development agreement should address phasing and ensure that the construction of internal circulation, on-site parking, sewer and domestic water services are appropriate for each phase.

The proposed development has a substantial internal circulation/driveway structure. No provision has been made for overhead driveway lighting or walkways to connect the interior of the site with the existing Main Street sidewalk.

The site plan identifies 2 accessory storage building however no indication is provided for maintenance facilities including garbage storage.

#### Policy IM7(d), Environmental Suitability of the Site

A portion of the subject property is located with the Conservation designation and zone. Development is not proposed for this area and should be prohibited.

The site grading and sewer/driveway design confirm that the existing grade is low and fill will be required to be imported to the site. Finished grading will be required to conform with the engineered design.

#### Policy IM7(e), Buffering from Adjacent Uses

The subject property is large and the proposed structures are sufficiently separated from adjacent dwelling to not require further buffering.

#### Policy IM7(f), Watercourse Contamination

As identified in comments relating to Policy IM7(b)(5) erosion and sedimentation control provisions are required to mitigate against potential watercourse contamination.

### **Recommendation**

As identified in the above analysis the proposed application is enable pursuant to the Gateway Mixed Use policy provision of the Municipal Planning Strategy. The intent of the Gateway Mixed Use policies is to encourage development which through its design, land use and site planning creates “a focal point highlighting cultural, recreational and entrepreneurial opportunities”.

The policies seek to promote development which addresses the importance of the streetscape, building design, landscape and public amenities. While the increase of residential uses will promote the general level of activity in the Gateway Mixed Use area the proposed development addresses few of the important development criteria identified in Policy GMU4 and the site plan contain only the minimal consideration of features which would create the quality of development sought through the Gateway Mixed Use objectives. It is acknowledged however that the configuration of the property and the scale of the proposed development present challenges in addressing the larger objectives of the Gateway Mixed Use policies.

It is therefore recommended that:

That a Development Agreement be entered into with Kent Field Estates Ltd. to allow the development of ten (10) 8-unit apartment buildings containing a total of 80 units and two (2) accessory storage structures on lands of the Town of Berwick at 228 Main Street (PID 55539670) as proposed in the application dated April 30, 2021 conditional upon the following:

- Nova Scotia Department of Environment approval of the proposed sanitary sewer system;
- Confirmation from the Nova Scotia Department of Environment that the proposed domestic water supply conforms with all regulatory requirements for a Public Water Supply;
- The provision of a Construction Management and Erosion and Sedimentation Control Plans acceptable to the Town Engineer prepared by qualified;
- The provision of separated driveway access consistent with one-way internal circulation pattern.

# Appendix 2

## PIM Notes

**MINUTES OF THE PUBLIC INFORMATION MEETING FOR KENT FIELDS  
ESTATES  
June 7, 2022**

Chrystal Fuller introduced the proposed Development Agreement. Dale Whynot of **Kent Field Estates** spoke to the development indicating he was part of this 45-year-old company with residential buildings currently in Berwick and looking forward to developing further here.

Ms. Fuller asked for questions regarding the development.

1. Scott Yetman, 225 Main Street
  - Concerned about flood issues, flooded basements of neighboring properties
  - Concerned about the sewer smell for incoming residents renting at the development
  - Sewer pond expansion – where will it expand if there is a development on the lands?
  - Would like the Town to contact Public Health to inquire if the sewer smell would have impact on a person's health
  - What is the basic flood elevation?
2. George Russell, Main Street
  - Concerned about flooding, fire siren noise and stormwater issues
3. Kelly Branton, 231 Main Street
  - Concerns regarding traffic, needs more analysis (could there be a secondary road beside the fire hall?)
  - Lack of foot paths, better connections for active transportation
4. Elizabeth Walker, Main Street
  - Concerns regarding sewer, machinery and gees noise, flooding
  - Insurance may be higher
  - Extraordinary amount of fill will be needed
5. Angela Christie
  - Concerns regarding flooding (flood elevation needs to be reviewed)
  - Sewer smell is terrible
  - Construction garbage will be blowing around
  - Major flood plane
  - Speeding/traffic concerns

6. Gwen Murray
  - Often times she can smell sewer over residential sink drains
7. Jonathan Visca, Main Street
  - Has concerns regarding traffic
  - Feels water table needs a re-assessment
  - Currently has basement flooding with down pours of rain
8. Resident (\*unsure of name)
  - Will there be additional RCMP with an increase in population with these developments?
9. Melvin Hart, Autumn Drive
  - Concerned regarding the impact on the community with more population (can the school handle more students?)
  - Traffic concerns
10. Pat Jodrie, Daniel Drive
  - Will many trees be taken down?
11. George Russell, Main Street
  - Concerns about stone foundations at neighboring properties with flooding
  - Feels this is the wrong location for a residential development

The Public Information Meeting for the two developments of 3264285 NS LTD and Kent Field Estates closed at 8:20pm.

***Attendance for Public Information Meeting  
Kent Field Estates Development Agreement  
June 07, 2022***

**Total Number of Attendees:** 53

**Councillors in Attendance:**

Mayor Don Clarke  
Deputy Mayor Mike Trinacty  
Councillor Ty Walsh  
Councillor Rod Reeves  
Councillor Adam Lutz  
Councillor Chris Goddard

**Planning Advisory Committee Attendees:**

Council members – Rod Reeves (Chair), Adam Lutz, Ty Walsh  
Kelly Braton  
Joan Laveck

Erin,

I am a resident of Berwick, 224 Main st.

I have a few concerns about the 80 unit multi dev:

1. The project is on a flood plain. Enclosed is a picture of what it looked like last May behind my house, as the creek flooded. There was actually quite a current flow behind the trees. It happened again early in December and then in January, coming much further up my property.

My neighbour had water in his basement. I did not.

How would this development deal with this?

Would the pressure on wells lower the water table necessitating a deeper well?

Would the water during a flood come right up to my house and others, if diversion occurs?

2. We are near the sewage lagoon and some days there is quite a smell.

Today is one of those days. Would the 80 unit residents like this?

3. The fire station is right next door, and the siren sounds at all hours, waking us up in the night. Would the residents like that?

4. The extra traffic would create slower movement at the corner of main and commercial. In fact a lot more congestion, necessitating a new traffic Light perhaps.

These are just my concerns, shared by my neighbours.

I will be at the meeting.

Shalom,

George and Karen Russell



## PROPOSED DEVELOPMENT OF 228 MAIN STREET, BERWICK

Dear Town of Berwick,

Please allow me to introduce myself before addressing the proposed development at 228 Main St, Berwick. I am Jonathan Visca, the owner and resident at 226 Main St, Berwick. I reside here with my wife Emelia and 2 year old son. We moved here in December 2020, having grown up in Ontario and living the previous few years in Saskatchewan. We decided to move to Berwick because I am a military pilot; a job with a high level of stress and thus Berwick being a peaceful, welcoming town was a perfect fit to live and raise our family.

I would like to preface this letter by saying I am excited to see Berwick eager to expand the town's population. As we all know, the more Berwick expands, the more diverse the local population, business, and activities will become. More housing is certainly needed and the future of Berwick is exciting as the town grows more in the coming years. There are many positive aspects about growing as a town and I am sure the council is very much aware of this; thus I will not touch on those benefits but only bring forth a few concerns regarding this particular development of which I feel the town may not be entirely aware.

Regarding the proposed development at 228 Main St, Berwick, I am one of two non-commercial residents in Berwick who own property that sits adjacent to this proposed development site; to be more specific I own approximately 88% of this shared property line on two fronts. This proximity to the proposed development lot and the amount of which is shared not only has provided me with year round knowledge of the land beside and behind me, but also means I am one of two residents directly affected by this development. As such, below are points I wish the town will consider before approving this development, stated in order of perceived impact.

**1. Traffic Congestion.** This 80-unit multi-residential development poses concerns for traffic primarily at the intersection of Commercial and Main Street. As of June 2022, this is a four-way intersection just off the highway off ramp. This intersection often backs up during the morning and afternoon work rush, frequently reaching the Wheaton/fire hall parking lot entrances. Based on the proposal by Kent Field Estates developments, each single unit contains 8 dwellings, with 10 units proposed. Assuming one vehicle per household and an average of two people per dwelling, that is an extra 80 vehicles going through this intersection, potentially more. This additional traffic may be a concern with the current road layout. Increased traffic may result in a backup beyond the Highway 101 off ramp and can also affect response times if blocking the left turn out of the fire hall.

Perhaps this intersection will require a traffic light; however, that might necessitate turn lanes and further development from the town and widening of the road. An additional solution might be to close road access from 228 Main St and instead access the approx. 10 acre lot from beside the fire hall. To be more specific, the grass field to the north of the fire hall has direct access to the north west corner of this lot and it will bypass the Commercial/Main St intersection.

## PROPOSED DEVELOPMENT OF 228 MAIN STREET, BERWICK

2. **Water table.** Main St in Berwick is home to some of the oldest homes in the town. I personally own a house built circa 1896 by Malby Anthony, a young entrepreneur who brought a lot of business to the town in the early 1900's. As such, the vast majority of homes in the vicinity of 228 Main St have stone foundations, highly susceptible to changes in the water table. To provide some facts, the creek that runs south of and feeds into the Cornwallis river, flows through my lot from the west and heads north along the Berwick electric commission. This creek is prone to flooding approximately 2-3 times per year between December and May when residual snowfall and rain cause an increase in snowmelt water. Most drastically, January of 2022 saw a large melt that caused the creek to overflow into the surrounding areas. This flood water not only affected the properties around Main St, but also along Commercial street as the water level rose to approximately ten inches in front of the Fire Hall. As for my residence, I had approximately 28 gallons per minute flooding into my basement through the soil for 48 hours. The next 72 hours saw this flooding slowly diminish until it stopped five days after the flooding began. Personally, I am working to make my house more resilient to these annual flood events, but with the development of 228 Main St, these flood waters are guaranteed to rise without significant measures.

It is unknown to me if the town has been made aware of the land status at 228 Main St during these flood events. I not only inspect my lot when the water level rises, but I also walk north inspecting the water flow towards the Cornwallis and the state of the lot behind me. When the water level rises, it flows approximately one quarter to one third of the way into this lot. Predominantly around a small outcrop of trees near the north east corner. In order to develop this land for residential housing, the overall land grade would have to be raised to prevent the units from flooding. However, this will cause the same volume of water to be displaced into the existing creek. As a result, the flood water table will rise and cause more water to be displaced into the basements along Main St and into the stretch of Commercial St in front of the fire hall; threatening to cut off Berwick from Highway 101 access during the floods. Therefore, development of 228 Main St could directly cause property damage to existing structures unless significant measures are taken.

Finally, the only access to the back field of this lot is via a small farm road over a culvert. In order to access the lot with machinery required for development of this size, the bridge will need to be built, adding more potential to affect the flow of the creek and restricting access to the lot when submerged by flood waters.

3. **Potable Well Water.** All the homes along Main St are dependent on drilled wells for our water needs. These wells are roughly 160 feet deep and have been replaced several times in the history of the homes. However, with the construction of 80 units in a dense area, residents are concerned the available water in this area could be drained frequently as supply might not meet the proposed demand. Before development is approved, consideration or analysis of the well water supply would be extremely beneficial to prevent damages to existing well structures.

4. **Public Disturbances.** The noise surrounding this development is certainly a two-way issue. Firstly, the development of 80 units will take months, if not years to construct resulting in a long period of construction noise to surrounding residents. Secondly, once construction is completed it is unlikely potential residents will be made aware of or be comfortable with the

## PROPOSED DEVELOPMENT OF 228 MAIN STREET, BERWICK

siren at the fire hall. I can personally attest to this as we only became aware of the siren after purchasing our house and living in it for about one week. Had we known of the siren, it is likely we would not have moved in. Thus, these units would be closer to the fire hall siren and prone to complaints to either the town or the developer. Thirdly, the volume of residents and primarily vehicles will cause a significant amount of noise as their road access is surrounded by old residential homes. These older homes are prone to a lot of noise infiltration; it is bad but tolerable with the amount of semi-trucks driving down Main St, but this added road noise could increase the ambient decibel level in the neighbourhood and negatively affect the market value of our properties. Finally, directly adjacent to the back lot on 228 Main St are the water treatment ponds. Generally, winds blow to the east resulting in no issue; however, when winds blow from the east this may result in an odour detectible to any residents on that lot. This smell is generally not detected by the homes on Main St since we are just south of the ponds.

**5. Damage to Property.** As a result of this development and the concerns stated above, unless properly addressed, damage to existing structures and property is entirely possible. As residents of this town, we would like to be assured that all reasonable efforts are taken to ensure our property is not damaged by this proposed development.

In closing, I would like to reiterate that I am entirely supportive of Berwick growing as a town. More residents will allow more business and activities to come to Berwick, of which we will all benefit. However, this proposed development on 228 Main Street does not appear to be a good fit for the location. The field has been an agricultural lot for decades and was well suited towards that need. The vegetation allows excess flood waters to be absorbed, and the vacancy allows this flood water to spillover and replenish the water table for the local wells.

The current developments on Beckwith Drive and Daniel Drive are certainly great to see, with new homes developed in suitable regions of the town. The corner lot on Main St and Maple St will also be a great area for multi-unit development. However, for the primary concerns of the flood waters, water table, and traffic congestion, affecting residents of the town and even the town as a whole, this development does not seem appropriate for this location.

I appreciate your time and I trust the town will take all these points into consideration, taking into account I am likely the resident/residence most affected by this development and with first hand knowledge of the year round status of this vacant lot. I would ask that the town continue to keep myself and local residents informed of this proposals progress.

Kindly,  
Jonathan Visca  
226 Main St, Berwick

PROPOSED DEVELOPMENT OF 228 MAIN STREET, BERWICK



July 11, 2025

Dear Gen Vayd

I am the resident that lives at 233 main st. Berwick.

I am writing in regards to the letter I received from the town of Berwick informing me of a 180 unit residential building that is within 100 meters of me.

Unfortunately I am not available to attend this meeting / information session as I am working but would like to express my concerns.

Upon purchasing my home. I felt this little spot at the end of town in a quiet neighbourhood would be the perfect place as it is close to my place of employment, stores, banking needs, mail etc. with limited number of children and pets in this area.

Other factors would include decreased property value, power increase and higher level of traffic which possibly increases vandalism and thefts.

Sincerely,

Michelle Brown  
233 main st.  
Berwick,

**Chantal Franey**

---

*Staff only received one video.*

**Subject:** FW: Second video for June 7 meeting  
**Attachments:** IMG\_2656.MOV

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**From:** Elizabeth Walker **Sent:** June 6, 2022 7:35 PM  
**To:** planning <planning@berwick.ca>  
**Subject:** Second video for June 7 meeting

Here is another short clip taken on Willow St Feb 18, 2022.  
The area in question is not suitable for residential development.

Elizabeth Walker  
Home owner, 153 Main St.  
Sent from my iPad

## Chantal Franey

---

**Subject:** FW: Proposed Main Street Development  
**Attachments:** Backyard May 2021.jpg; 17 Mayor ave.PNG; 17 Mayor ave 2.PNG

**From:** Angela Christie **Sent:** July 3, 2022 8:24 PM  
**To:** j.boyd@berwick.ca  
**Cc:** Mayor Clarke <mayor@berwick.ca>; Councillor Lutz <councillor.lutz@berwick.ca>; Councillor Jamieson <councillor.jamieson@berwick.ca>; Councillor Goddard <councillor.goddard@berwick.ca>; Councillor Trinacty <councillor.trinacty@berwick.ca>; Councillor Walsh <councillor.walsh@berwick.ca>; Councillor Reeves <councillor.reeves@berwick.ca>; planning <planning@berwick.ca>  
**Subject:** Proposed Main Street Development

Hi Jen,

I want to thank you for taking the time to return my phone call and speaking to me and my husband ( who has a certificate from the University of Victoria in Environmental Occupational Health and Safety as well as a certificate from Dalhousie in Environmental Site Assessment. ) regarding this proposed development on Main Street.

As I mentioned, we had this exact situation happen at our Halifax property, 17 Mayor Avenue, where a development that was pushed through at the adjacent Randhawa Court was not properly assessed and we flooded multiple times due to poor drainage planning.

I want to point out several things that have been left out and unanswered when questioned to the planners, that seemed to have been missed before holding a public meeting.

- Environmental site assessment – when is this being done, and by which 3<sup>rd</sup> party company?
  - o This requires speaking to neighboring homes and taking historical information regarding flooding into account.
  - <https://www.bdc.ca/en/articles-tools/money-finance/buy-lease-commercial-real-estate/what-you-need-know-about-environmental-site-assessments>
  - [https://novascotia.ca/nse/contaminatedsites/docs/PRO300\\_Phase%201%20ESA%20Protocol.pdf](https://novascotia.ca/nse/contaminatedsites/docs/PRO300_Phase%201%20ESA%20Protocol.pdf)
  - On the below link - seems to come up in Wetlands
    - o [https://www.researchgate.net/figure/Annapolis-Valley-NS-featuring-approximate-wetland-locations-Map-adapted-from-Timmer-de\\_fig4\\_275830827](https://www.researchgate.net/figure/Annapolis-Valley-NS-featuring-approximate-wetland-locations-Map-adapted-from-Timmer-de_fig4_275830827)
- Stream behind our property

- Development = garbage, containment ( oil and fluids),etc going into the waterway
- Overland water damage to my property and at least 3- 5 others
- No traffic study done for Main Street
  - I Have not been able to get a stop sign for the corner of Main & Maple , even with a high # of vehicles speeding by and now construction vehicles and potentially 80 new vehicles are going to be added to a typical busy morning and evening with people rushing the 4 way stop sign.

• Air Quality Study done **during the specific days when the public works has odor coming out of it?**

- Is this being looked into? When will that be completed.

• New Flood elevation assessment – **what date was the old one completed and when will a new one be completed before any movement forward with discussing this.**

-

• **Study done on water table-** affecting wells in the surrounding homes?

• Stone Foundations on many properties surrounding this proposed development-

The land utilised by the public works building at the back of our property was built up last year with no assessments done and that led to even further flooding damages. If you were to speak to the employees at the public works, I am sure they can attest to the fact our property floods every year now. Adding a development beside our property will no doubt cause greater flooding, worse than we already experienced so far.

I have attached a photo of our property here in Berwick from May 2021. I can offer photos from the flooding in Feb 2022 in a follow up email later this week. As you can see this flooding goes into our property quite far. Far enough in fact that it flooded our basement.

In closing, my husband and I want to reaffirm with you and the development team that we are against this development as are many of the home owners along Main Street. We want and deserve, as the homeowners on Main Street, to be given a proper opportunity to voice our concerns at the upcoming meeting in July.

My husband is a Veteran and we have a daughter, that we moved from Halifax to the quiet town we fell in love with and now this development, if pushed forward, will potentially force us to move as our safety, security and finally our property values will be negatively affected.

Regards ,

Angela & Shannon Christie  
218 Main Street.

This message contains confidential information and is intended only for the intended recipient(s). If you are not the named recipient you should not read, distribute or copy this e-mail. Please notify the sender immediately via e-mail if you have received this e-mail by mistake; then, delete this e-mail from your system.



17 Mayor Ave,  
Halifax, NS B3P 1N1

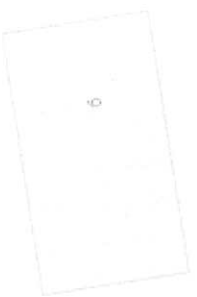


Layton Rd

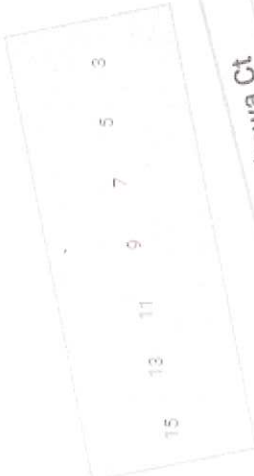
Mayor Ave

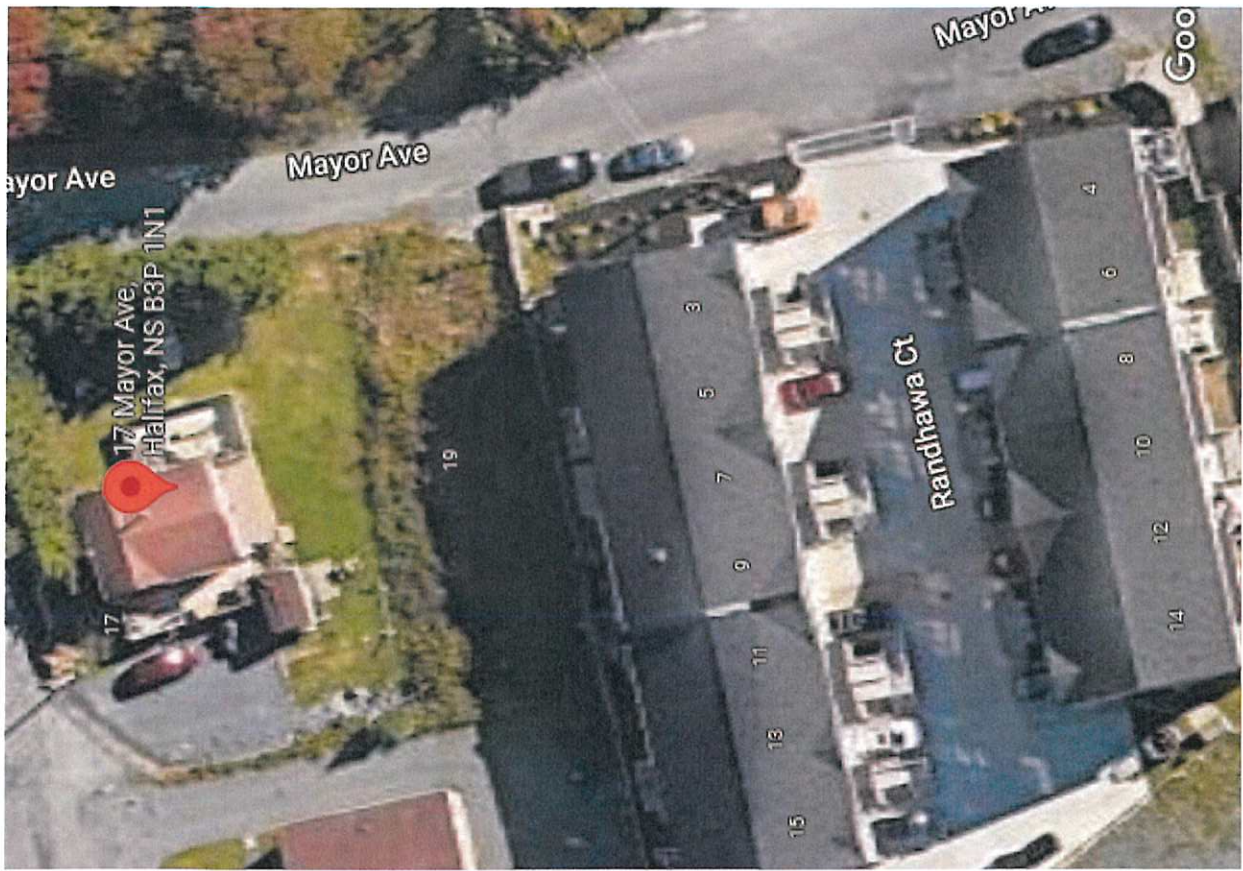
Randhawa Ct

Dobbin I.



19







## Appendix 3

### Draft Development Agreement

This Development Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, A.D.,2022

Between:

**Kent Field Estates Ltd** references body duly incorporated pursuant to the Companies Act of Nova Scotia and registered with the Nova Scotia Registry of Joint Stock Companies, with offices in Kentville Nova Scotia and hereinafter called the "Developer",

*OF THE FIRST PART*

-and-

**Town of Berwick** a duly incorporated municipal body incorporated under the laws of the Province of Nova Scotia, hereinafter called the "Town"

*OF THE SECOND PART*

WHEREAS the Developer is the owner of certain lands known in the Town of Berwick (PID 55539670) and more particularly described in the attached Schedule "A" and hereinafter called the "Property"; and

AND WHEREAS the Developer has submitted a detailed development proposal for 80 grouped residential dwellings with associated surface parking;

AND WHEREAS Policy GMU4 of the Town of Berwick Municipal Planning Strategy requires that grouped residential dwellings be considered and approved by Development Agreement;

AND WHEREAS the proposed development of the Property has been considered at a Public Hearing held on Insert Date of PH. and approved by a majority vote of the Town Council on [Click or tap to enter a date.](#) pursuant to requirements of the Municipal Government Act;

NOW THEREFORE in consideration of the various covenants and benefits hereinafter set out in this Agreement, the parties hereto agree as follows:

**Part 1: General Requirements and Administration**

**1.1 Applicability of Agreement**

1.1.1 The Developer agrees that the Property shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.1.2 Variances to the requirements of the applicable Land Use By-law shall be permitted in accordance with the Municipal Government Act on the whole site as shown on Schedule B.

## **1.2 Applicability of Other By-laws, Statutes and Regulations**

1.2.1 Nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Town applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Property.

1.2.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Town and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

## **1.3 Conflict**

1.3.1 Where the provisions of this Agreement conflict with those of any by-law of the Town applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail;.

1.3.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

## **1.4 Costs, Expenses, Liabilities and Obligations**

1.4.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Property.

## **1.5 Provisions Severable**

1.5.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

## **1.6 Property**

1.6.1 The Developer hereby represents and warrants to the Town that the Developer is the owner of the Property and that all owners of the Property have entered into this Agreement.

**Part 2: Definitions**

2.1.1 All words used herein shall be defined as in the Land Use Bylaw and Subdivision Bylaw unless otherwise specifically defined herein. If not defined herein or in these Bylaws, the customary meaning shall apply.

2.2 When interpreting this agreement, the following words are defined as follows:

- a) *Interior drive isles* are travel pathways for vehicles interior to the Lot that provide access to vehicles to the onsite buildings or uses.
- b) *Land Use Bylaw* means the Town of Berwick Land Use By-law adopted by Council on October 9, 2012, as amended from time to time.
- c) *Master Drainage Plan* means a drainage plan prepared by a qualified engineer for the lot that illustrates the discharge to drains, ditches or streams of catchment runoff as a result of storm rainfall over the catchment.
- d) *Residential Grouped Dwellings* means two or more multiple unit dwellings buildings on the same lot.
- e) *Municipal Planning Strategy* means the Town of Berwick Municipal Planning Strategy adopted by Town Council on October 9, 2012, as amended from time to time.

**Part 3: Use of Property, Subdivision and Development Provisions**

**3.1 Schedules**

3.1.1 The Developer shall develop the Property in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement:

- a) Schedule A: Legal Description of the Property(s)
- b) Schedule B: Site Plan
- c) Schedule C: Insert if there is a Schedule C
- d) Schedule D: Insert if there is a Schedule D

**3.2 Requirements Prior to approval**

3.2.1 Prior to the issuance of any Development Permits, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- a) Approval of the Municipal Engineer of all on site sewer infrastructure that will connect the Town's sewer system.
- b) If required, the necessary permits from Nova Scotia Environment and Climate Change regarding the provision of potable water to the Use.
- c) Approval of the landscaped median and driveway access from the Public Street to the Development.
- d) An access and drainage easement in a format acceptable to the Town for the drainage ditch identified in Schedule B
- e) A Master Drainage Plan for the entire site that demonstrates that the pre-construction stormwater run off will not exceed post development run-off. Any Development Permit applications for subsequent phases or buildings must include a drainage plan that demonstrates how the development permit application complies with the Master Drainage Pan.
- f) A Master Landscaping Plan that, in the opinion of the Development Offices, complies with the following requirements:
  - Shows the location of internal walkways that connects public street or the Interior Drive Isles to each residential dwelling, as generally shown on the Site Plan
  - Provide an area of exterior common space for the use of tenants
  - A vegetative buffer along the property line with any adjacent residential uses. The vegetative buffer shall include a mixed of trees at a minimum of 6 feet at planting and bushy shrubs. Trees shall be no more than 15 feet apart and include both deciduous and coniferous species. Landscaping must be complete within 6 months of issuance of a building permit.
  - Development Permit applications for subsequent phases or buildings must include a landscaping plan that demonstrates how the development permit application complies with the Master Landscaping Plan.

3.2.2 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Property for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Town. No Occupancy Permit shall be issued by the Town unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

### 3.3 General Description of Land Use

3.3.1 The uses of the Property permitted by this Agreement are the following and as generally shown on Schedule B:

- Grouped residential uses
- Accessory structures related to the residential use including accessory storage facilities for residents of the Development.

3.3.2 Site Requirements

(a) The Development shall generally comply with the site plan in Schedule A.

- (b) Notwithstanding the requirements of 3.3.2(a), the Developer may alter the Site Plan to allow for an increase in the number of dwelling units in a building to a maximum of sixteen (16) with the following conditions
  - i. The building that is to accommodate the increased units have interior hallways and stairways.
  - ii. The building that is accommodate more units may be located to the rear of the property so as not to form a visual barrier between the other buildings and the street. The building may not be located adjacent to an existing residential dwelling.
  - iii. The building that is to accommodate more units, if over 40 feet in length, must include architectural elements that include windows, balconies, doors and other elements to provide a visual break
  - iv. The maximum building height will not exceed 3 storeys and 40 feet.
- (c) Amenity Areas, as shown on the Schedule A, must be grassed and include shade trees (deciduous trees). Each amenity area must include fixed seating (benches).
- (d) The minimum separation distance between buildings shall be 29 feet
- (e) Drive isles shall be designed as to minimize hazards to pedestrians and cyclists. Drive isles must be a minimum of 20 feet for two way traffic and 10 feet for one way traffic.
- (f) Parking spaces are required at a rate of one (1) parking space for each dwelling unit under three (3) bedrooms. For units over three (3) bedrooms, 1.25 parking spaces shall be required.
- (g) Parking Area Standards listed in 5.26 of the LUB, as amended from time to time, apply except as otherwise stated in this Agreement.

### 3.3.3

#### Phasing

- (a) The Development may be constructed in a phased approach.
- (b) Amenity areas shall be required as follows:
  - i. The first amenity area shall be constructed before a Development Permit is issued for the seventeen (17) unit.
  - ii. A second amenity area shall be constructed before a Development can be issued for 49 or more dwelling units.
  - iii. A third amenity area is required before a development permit may be issued for 65 or more units.
- (c) A development permit may be issued for self storage after the first 16 units have received a full building permit.
- (d) Building 1 will require the construction of the Gravel walkway from the Public Steet to Phase 1.

### 3.3.4

#### Maintenance

The Developer shall be responsible to maintain the property in compliance with all Town By-laws and applicable Provincial regulations and to ensure that the property is maintained in a safe and clean condition.

All non-hard surfaced areas, such as walkways, drive isles, and building footprints, shall be grassed.

**Part 4: Streets and Municipal Services**

**4.1 Off-Site Disturbance**

- 4.1.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Town's Engineer or Director of Public Works.
- 4.1.2 Driveway Access from the Public Street to the Development shall be approved. Driveway Access shall include a landscaped medium beginning at the Public Street and continue for a minimum of 75 feet.

**Part 5: Amendments**

**5.1 Non-Substantive Amendments**

- 5.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
- a) The requirements of the Landscaping Plan
  - b) An increase in the total number of units by ten (10%)
  - c) Conversion of no more than two (2) of the residential units into a commercial use that serves the needs of residents of the Development. This includes, but is not limited to
    - Hairdressers
    - Personal service uses
    - Small scale commercial uses not exceeding 1000 square feet

**5.2 Substantive Amendments**

- 5.2.1 Amendments to any matters not identified under Section 5.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act and includes:
- a) Altering the size of an individual building to include more than sixteen units
  - b) Reducing the amount of Amenity Space by more than five (5%)
  - c) Any other change no listed in 5.1.1

**Part 6: Registration, Effect of Conveyances and Discharge**

**6.1 Registration**

- 6.1.1 A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office for the County of Kings, Nova Scotia and the Developer shall incur all costs in recording such documents.

**6.2 Subsequent Owners**

6.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Property which are the subject of this Agreement until this Agreement is discharged by Council.

6.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

### **6.3 Commencement of Development**

6.3.1 In the event that development on the Property has not commenced within one year from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Property shall conform with the provisions of the Land Use By-law.

6.3.2 For the purpose of this section, commencement of development shall mean issuance of a Building Permit.

6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Town receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

### **6.4 Completion of Development**

6.4.1 Upon the completion of the whole development, Council may review this Agreement, in whole or in part, and may:

- a) retain the Agreement in its present form;
- b) negotiate a new Agreement; or
- c) discharge this Agreement.

6.4.2 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.

6.4.3 The Development shall be within 10 years of the Commencement of Development.

### **6.5 Discharge of Agreement**

6.5.1 If the Developer fails to complete the development after five years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

- a) retain the Agreement in its present form;
- b) negotiate a new Agreement;
- c) discharge this Agreement; or
- d) Extend the Agreement for an additional two years.

## **Part 7: Enforcement and Rights and Remedies on Default**

## **7.1 Enforcement**

7.1.1 The Developer agrees that any officer appointed by the Town to enforce this Agreement shall be granted access onto the Property during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Town to inspect the interior of any building located on the Property, the Developer agrees to allow for such an inspection during any reasonable hour within seventy two hours of receiving such a request.

## **7.2 Failure to Comply**

7.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Town has given the Developer 30 days written notice of the failure or default, then in each such case:

- a) The Town shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- b) The Town may enter onto the Property and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Property or from the performance of the covenants or remedial action, shall be a first lien on the Property and be shown on any tax certificate issued under the Assessment Act;
- c) The Town may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- d) In addition to the above remedies, the Town reserves the right to pursue any other remedy under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

## **Part 8: Expenses**

8.1.1 In addition to the costs to be paid pursuant to section 6.1.1, any expenses incurred by the Town in exercising its rights under Section 12 shall be paid by the Developer to the Town. Such expenses may include, but are not limited to, costs incurred in returning property owned by the Town, or the Property to their original condition before the beginning of work on the development, costs incurred for entry on the Properties and performance of the Developer's obligations, and all solicitors' fees and disbursements incurred in terminating or discharging this Development Agreement. Such expenses shall be payable by the Developer to the Town as a debt and may be recovered from the Developer by direct suit. They shall form a charge upon the Properties. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the Town for tax arrears on the outstanding balance from time to time. Such interest shall be treated as an expense

8.1.2 The Developer shall be liable for any damage caused to public or private property by Developer or any contractor or other individual doing work related to the development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the development. The Developer shall obtain and maintain in force throughout the course of construction on the development, liability insurance coverage to ensure the responsibilities which the Developer is assuming in this section.

**Part 9: Notice**

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid,

if to the Town to:

**Town of Berwick**  
236 Commercial Street  
Berwick, NS  
B0P 1E0  
Attention: Chief Administrative Officer

And if to the Developer to:

Kent Field Estates Ltd  
6 Neva Mae Place  
Kentville, NS B4N 0G5  
Attention: Terry Whynot

THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, agents, successors and assigns.

IN WITNESS WHEREOF, this Agreement was properly executed by the respective parties on the day and year first above written

SIGNED, SEALED AND DELIVERED

In the presence of:

**Developer**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Kent Field Estates

**Town of Berwick**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Mayor Don Clark

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Municipal Clerk

Schedule "A", - Property Description

Registration County: KINGS COUNTY

Street/Place Name: MAIN STREET /BERWICK

Title of Plan: PLAN OF S/D PARCEL A & PARCEL B PARCEL A LAND OF TOWN OF BERWICK TO BE AN ADDITION TO LAND OF R ANTHONY LENTON PARCEL B LAND OF R ANTHONY LENTON TO BE AN ADDITION TO LAND OF TOWN OF BERWICK TO FORM LOT 2020-1 & LOT 2020-2 REMAINDER OF PID 55242606 LAND OF TOWN OF BERWICK TO BE CONSOLIDATED WITH PID 55481915 ADJACENT LAND OWNED BY TOWN OF BERWICK CIVIC 226 & CIVIC 228 MAIN ST BERWICK

Designation of Parcel on Plan: LOT 2020-1

Registration Number of Plan: 117975947

Registration Date of Plan: 2021-02-10 12:10:06

\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: KINGS COUNTY

Registration Year: 2021

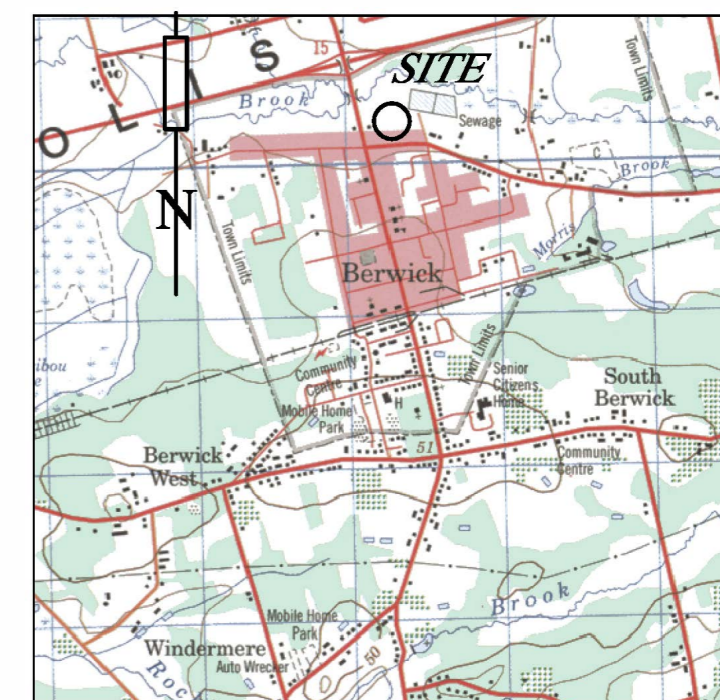
Plan or Document Number: 117975947

Schedule "B", - Site Plan

# Appendix 4

## Proposed Site Plan

LOT "2020-1"  
PID 55539670  
TOWN OF BERWICK



KEY PLAN SCALE 1:50,000

REVISIONS

- JAN. 12, 2022 - RENAME SHEET 1 TO 2020-293P1-A
- REMOVE SERVICING FROM 2020-293P1-A
- ADD SERVICING INFORMATION TO 2020-293P1-B
- ADD INTERNAL WALKWAY TO SHEET 1
- ADD AMENITY AREAS
- ADD STREET LIGHTING AND OVERHEAD LIGHTING TO SHEET 1
- ADD SIGNAGE AT MAIN STREET
- ADD TABLE SHOWING PARKING SPACES
- ADD TABLE SHOWING LOT COVERAGE CALCULATIONS
- REMOVE PHASING INFORMATION
- ADD SHEET 5, EROSION AND SEDIMENTATION CONTROL PLAN

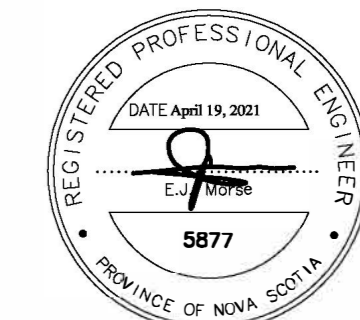
NOTES

- ALL SANITARY SEWER WORKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATION FOR MUNICIPAL SERVICES 2021
- ALL STORM WATER DRAINAGE WORKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATION FOR MUNICIPAL SERVICES 2021
- CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UNDERGROUND SERVICES PRIOR TO CONSTRUCTION (CHECK WITH TOWN OF BERWICK)
- POTABLE WATER TO BE SUPPLIED BY DRILLED WELLS. EACH BUILDING WILL HAVE ITS OWN DRILLED WELL.

LEGEND

BEGINNING OF VERTICAL CURVE	BVC
END OF VERTICAL CURVE	EVC
POINT OF VERTICAL INTERSECTION	PVI
FINISHED GRADE	.89.3
CALCULATED	C
POINT OF CURVATURE	.PC
POINT OF COMPOUND CURVATURE	.PCC
CHORD	.CH
MANHOLE (SANITARY)	.MHS
MANHOLE (STORM)	.MHS1
CATCH BASIN	.CB
EXISTING	.EX
WATER VALVE	.WV
CALCULATED POINT	.CP
UTILITY POLE	.UP
CHECK DAM	.CD
NOT TO SCALE	.N.T.S.
ANCHOR	.A
OVERHEAD WIRES	.OHW
ELEVATION (EXISTING)	+ 7.63
PROPERTY LINE	
ROCK LINED (6" MINUS)	
SILT FENCE	
FINISHED FLOOR ELEVATION	FFE
PROPOSED TREE	
EDGE OF NEW ASPHALT	.EOA
NEW DITCH ELEVATION	.89.3
NEW OVERHEAD LIGHT	.NOHL

SITE PLAN  
PROPOSED  
**MULTI UNIT DEVELOPMENT**  
FOR KENT FIELD ESTATES LIMITED  
ON LANDS OF  
**TOWN OF BERWICK**  
MAIN STREET  
BERWICK  
KINGS COUNTY, N.S.  
SCALE - 1"=40' (FEET)  
HORIZONTAL SCALE - 1"=40'  
PREPARED BY ERIC J. MORSE, P.ENG., NSLS



**DeWOLFE & MORSE SURVEYING LIMITED**  
P.O. BOX 520 MIDDLETON  
ANNAPOLIS COUNTY, N.S.  
BOS - 1P0  
Email: info@demosl.ca

TOTAL PARKING	Required 120	
PARKING STALLS	112	
ACCESSIBLE PARKING STALLS	10	
TOTAL	122	
LOT COVERAGE	Square Feet	Percentage
LOT "2020-1"	43872	100%
APARTMENT BUILDINGS	43960	10%
SELF STORAGE BUILDINGS	1920	0.5%
DRIVEWAYS/PARKING	74769	17%
WALKWAY TO BUILDINGS	3059	1%
OPEN/GREEN SPACE/DITCHES	312164	71.5%



**MINUTES OF THE PUBLIC INFORMATION MEETING FOR KENT FIELDS  
ESTATES  
June 7, 2022**

Chrystal Fuller introduced the proposed Development Agreement. Dale Whynot of **Kent Field Estates** spoke to the development indicating he was part of this 45-year-old company with residential buildings currently in Berwick and looking forward to developing further here.

Ms. Fuller asked for questions regarding the development.

1. Scott Yetman, 225 Main Street
  - Concerned about flood issues, flooded basements of neighboring properties
  - Concerned about the sewer smell for incoming residents renting at the development
  - Sewer pond expansion – where will it expand if there is a development on the lands?
  - Would like the Town to contact Public Health to inquire if the sewer smell would have impact on a person's health
  - What is the basic flood elevation?
2. George Russell, Main Street
  - Concerned about flooding, fire siren noise and stormwater issues
3. Kelly Branton, 231 Main Street
  - Concerns regarding traffic, needs more analysis (could there be a secondary road beside the fire hall?)
  - Lack of foot paths, better connections for active transportation
4. Elizabeth Walker, Main Street
  - Concerns regarding sewer, machinery and gees noise, flooding
  - Insurance may be higher
  - Extraordinary amount of fill will be needed
5. Angela Christie
  - Concerns regarding flooding (flood elevation needs to be reviewed)
  - Sewer smell is terrible
  - Construction garbage will be blowing around
  - Major flood plane
  - Speeding/traffic concerns

6. Gwen Murray
  - Often times she can smell sewer over residential sink drains
7. Jonathan Visca, Main Street
  - Has concerns regarding traffic
  - Feels water table needs a re-assessment
  - Currently has basement flooding with down pours of rain
8. Resident (\*unsure of name)
  - Will there be additional RCMP with an increase in population with these developments?
9. Melvin Hart, Autumn Drive
  - Concerned regarding the impact on the community with more population (can the school handle more students?)
  - Traffic concerns
10. Pat Jodrie, Daniel Drive
  - Will many trees be taken down?
11. George Russell, Main Street
  - Concerns about stone foundations at neighboring properties with flooding
  - Feels this is the wrong location for a residential development

The Public Information Meeting for the two developments of 3264285 NS LTD and Kent Field Estates closed at 8:20pm.

***Attendance for Public Information Meeting  
Kent Field Estates Development Agreement  
June 07, 2022***

**Total Number of Attendees:** 53

**Councillors in Attendance:**

Mayor Don Clarke  
Deputy Mayor Mike Trinacty  
Councillor Ty Walsh  
Councillor Rod Reeves  
Councillor Adam Lutz  
Councillor Chris Goddard

**Planning Advisory Committee Attendees:**

Council members – Rod Reeves (Chair), Adam Lutz, Ty Walsh  
Kelly Braton  
Joan Laveck

Erin,

I am a resident of Berwick, 224 Main st.

I have a few concerns about the 80 unit multi dev:

1. The project is on a flood plain. Enclosed is a picture of what it looked like last May behind my house, as the creek flooded. There was actually quite a current flow behind the trees. It happened again early in December and then in January, coming much further up my property.

My neighbour had water in his basement. I did not.

How would this development deal with this?

Would the pressure on wells lower the water table necessitating a deeper well?

Would the water during a flood come right up to my house and others, if diversion occurs?

2. We are near the sewage lagoon and some days there is quite a smell.

Today is one of those days. Would the 80 unit residents like this?

3. The fire station is right next door, and the siren sounds at all hours, waking us up in the night. Would the residents like that?

4. The extra traffic would create slower movement at the corner of main and commercial. In fact a lot more congestion, necessitating a new traffic Light perhaps.

These are just my concerns, shared by my neighbours.

I will be at the meeting.

Shalom,

George and Karen Russell



## PROPOSED DEVELOPMENT OF 228 MAIN STREET, BERWICK

Dear Town of Berwick,

Please allow me to introduce myself before addressing the proposed development at 228 Main St, Berwick. I am Jonathan Visca, the owner and resident at 226 Main St, Berwick. I reside here with my wife Emelia and 2 year old son. We moved here in December 2020, having grown up in Ontario and living the previous few years in Saskatchewan. We decided to move to Berwick because I am a military pilot; a job with a high level of stress and thus Berwick being a peaceful, welcoming town was a perfect fit to live and raise our family.

I would like to preface this letter by saying I am excited to see Berwick eager to expand the town's population. As we all know, the more Berwick expands, the more diverse the local population, business, and activities will become. More housing is certainly needed and the future of Berwick is exciting as the town grows more in the coming years. There are many positive aspects about growing as a town and I am sure the council is very much aware of this; thus I will not touch on those benefits but only bring forth a few concerns regarding this particular development of which I feel the town may not be entirely aware.

Regarding the proposed development at 228 Main St, Berwick, I am one of two non-commercial residents in Berwick who own property that sits adjacent to this proposed development site; to be more specific I own approximately 88% of this shared property line on two fronts. This proximity to the proposed development lot and the amount of which is shared not only has provided me with year round knowledge of the land beside and behind me, but also means I am one of two residents directly affected by this development. As such, below are points I wish the town will consider before approving this development, stated in order of perceived impact.

**1. Traffic Congestion.** This 80-unit multi-residential development poses concerns for traffic primarily at the intersection of Commercial and Main Street. As of June 2022, this is a four-way intersection just off the highway off ramp. This intersection often backs up during the morning and afternoon work rush, frequently reaching the Wheaton/fire hall parking lot entrances. Based on the proposal by Kent Field Estates developments, each single unit contains 8 dwellings, with 10 units proposed. Assuming one vehicle per household and an average of two people per dwelling, that is an extra 80 vehicles going through this intersection, potentially more. This additional traffic may be a concern with the current road layout. Increased traffic may result in a backup beyond the Highway 101 off ramp and can also affect response times if blocking the left turn out of the fire hall.

Perhaps this intersection will require a traffic light; however, that might necessitate turn lanes and further development from the town and widening of the road. An additional solution might be to close road access from 228 Main St and instead access the approx. 10 acre lot from beside the fire hall. To be more specific, the grass field to the north of the fire hall has direct access to the north west corner of this lot and it will bypass the Commercial/Main St intersection.

## PROPOSED DEVELOPMENT OF 228 MAIN STREET, BERWICK

2. **Water table.** Main St in Berwick is home to some of the oldest homes in the town. I personally own a house built circa 1896 by Malby Anthony, a young entrepreneur who brought a lot of business to the town in the early 1900's. As such, the vast majority of homes in the vicinity of 228 Main St have stone foundations, highly susceptible to changes in the water table. To provide some facts, the creek that runs south of and feeds into the Cornwallis river, flows through my lot from the west and heads north along the Berwick electric commission. This creek is prone to flooding approximately 2-3 times per year between December and May when residual snowfall and rain cause an increase in snowmelt water. Most drastically, January of 2022 saw a large melt that caused the creek to overflow into the surrounding areas. This flood water not only affected the properties around Main St, but also along Commercial street as the water level rose to approximately ten inches in front of the Fire Hall. As for my residence, I had approximately 28 gallons per minute flooding into my basement through the soil for 48 hours. The next 72 hours saw this flooding slowly diminish until it stopped five days after the flooding began. Personally, I am working to make my house more resilient to these annual flood events, but with the development of 228 Main St, these flood waters are guaranteed to rise without significant measures.

It is unknown to me if the town has been made aware of the land status at 228 Main St during these flood events. I not only inspect my lot when the water level rises, but I also walk north inspecting the water flow towards the Cornwallis and the state of the lot behind me. When the water level rises, it flows approximately one quarter to one third of the way into this lot. Predominantly around a small outcrop of trees near the north east corner. In order to develop this land for residential housing, the overall land grade would have to be raised to prevent the units from flooding. However, this will cause the same volume of water to be displaced into the existing creek. As a result, the flood water table will rise and cause more water to be displaced into the basements along Main St and into the stretch of Commercial St in front of the fire hall; threatening to cut off Berwick from Highway 101 access during the floods. Therefore, development of 228 Main St could directly cause property damage to existing structures unless significant measures are taken.

Finally, the only access to the back field of this lot is via a small farm road over a culvert. In order to access the lot with machinery required for development of this size, the bridge will need to be built, adding more potential to affect the flow of the creek and restricting access to the lot when submerged by flood waters.

3. **Potable Well Water.** All the homes along Main St are dependent on drilled wells for our water needs. These wells are roughly 160 feet deep and have been replaced several times in the history of the homes. However, with the construction of 80 units in a dense area, residents are concerned the available water in this area could be drained frequently as supply might not meet the proposed demand. Before development is approved, consideration or analysis of the well water supply would be extremely beneficial to prevent damages to existing well structures.

4. **Public Disturbances.** The noise surrounding this development is certainly a two-way issue. Firstly, the development of 80 units will take months, if not years to construct resulting in a long period of construction noise to surrounding residents. Secondly, once construction is completed it is unlikely potential residents will be made aware of or be comfortable with the

## PROPOSED DEVELOPMENT OF 228 MAIN STREET, BERWICK

siren at the fire hall. I can personally attest to this as we only became aware of the siren after purchasing our house and living in it for about one week. Had we known of the siren, it is likely we would not have moved in. Thus, these units would be closer to the fire hall siren and prone to complaints to either the town or the developer. Thirdly, the volume of residents and primarily vehicles will cause a significant amount of noise as their road access is surrounded by old residential homes. These older homes are prone to a lot of noise infiltration; it is bad but tolerable with the amount of semi-trucks driving down Main St, but this added road noise could increase the ambient decibel level in the neighbourhood and negatively affect the market value of our properties. Finally, directly adjacent to the back lot on 228 Main St are the water treatment ponds. Generally, winds blow to the east resulting in no issue; however, when winds blow from the east this may result in an odour detectible to any residents on that lot. This smell is generally not detected by the homes on Main St since we are just south of the ponds.

**5. Damage to Property.** As a result of this development and the concerns stated above, unless properly addressed, damage to existing structures and property is entirely possible. As residents of this town, we would like to be assured that all reasonable efforts are taken to ensure our property is not damaged by this proposed development.

In closing, I would like to reiterate that I am entirely supportive of Berwick growing as a town. More residents will allow more business and activities to come to Berwick, of which we will all benefit. However, this proposed development on 228 Main Street does not appear to be a good fit for the location. The field has been an agricultural lot for decades and was well suited towards that need. The vegetation allows excess flood waters to be absorbed, and the vacancy allows this flood water to spillover and replenish the water table for the local wells.

The current developments on Beckwith Drive and Daniel Drive are certainly great to see, with new homes developed in suitable regions of the town. The corner lot on Main St and Maple St will also be a great area for multi-unit development. However, for the primary concerns of the flood waters, water table, and traffic congestion, affecting residents of the town and even the town as a whole, this development does not seem appropriate for this location.

I appreciate your time and I trust the town will take all these points into consideration, taking into account I am likely the resident/residence most affected by this development and with first hand knowledge of the year round status of this vacant lot. I would ask that the town continue to keep myself and local residents informed of this proposals progress.

Kindly,  
Jonathan Visca  
226 Main St, Berwick

PROPOSED DEVELOPMENT OF 228 MAIN STREET, BERWICK



July 11, 2025

Dear Gen Vayd

I am the resident that lives at 233 main st. Berwick.

I am writing in regards to the letter I received from the town of Berwick informing me of a 180 unit residential building that is within 100 meters of me.

Unfortunately I am not available to attend this meeting / information session as I am working but would like to express my concerns.

Upon purchasing my home. I felt this little spot at the end of town in a quiet neighbourhood would be the perfect place as it is close to my place of employment, stores, banking needs, mail etc. with limited number of children and pets in this area.

Other factors would include decreased property value, power increase and higher level of traffic which possibly increases vandalism and thefts.

Sincerely,

Michelle Brown  
233 main st.  
Berwick,

**Chantal Franey**

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*Staff only received one video.*

**Subject:** FW: Second video for June 7 meeting  
**Attachments:** IMG\_2656.MOV

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**From:** Elizabeth Walker **Sent:** June 6, 2022 7:35 PM  
**To:** planning <planning@berwick.ca>  
**Subject:** Second video for June 7 meeting

Here is another short clip taken on Willow St Feb 18, 2022.  
The area in question is not suitable for residential development.

Elizabeth Walker  
Home owner, 153 Main St.  
Sent from my iPad

## Chantal Franey

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**Subject:** FW: Proposed Main Street Development  
**Attachments:** Backyard May 2021.jpg; 17 Mayor ave.PNG; 17 Mayor ave 2.PNG

**From:** Angela Christie **Sent:** July 3, 2022 8:24 PM  
**To:** j.boyd@berwick.ca  
**Cc:** Mayor Clarke <mayor@berwick.ca>; Councillor Lutz <councillor.lutz@berwick.ca>; Councillor Jamieson <councillor.jamieson@berwick.ca>; Councillor Goddard <councillor.goddard@berwick.ca>; Councillor Trinacty <councillor.trinacty@berwick.ca>; Councillor Walsh <councillor.walsh@berwick.ca>; Councillor Reeves <councillor.reeves@berwick.ca>; planning <planning@berwick.ca>  
**Subject:** Proposed Main Street Development

Hi Jen,

I want to thank you for taking the time to return my phone call and speaking to me and my husband ( who has a certificate from the University of Victoria in Environmental Occupational Health and Safety as well as a certificate from Dalhousie in Environmental Site Assessment. ) regarding this proposed development on Main Street.

As I mentioned, we had this exact situation happen at our Halifax property, 17 Mayor Avenue, where a development that was pushed through at the adjacent Randhawa Court was not properly assessed and we flooded multiple times due to poor drainage planning.

I want to point out several things that have been left out and unanswered when questioned to the planners, that seemed to have been missed before holding a public meeting.

- Environmental site assessment – when is this being done, and by which 3<sup>rd</sup> party company?
  - o This requires speaking to neighboring homes and taking historical information regarding flooding into account.
  - <https://www.bdc.ca/en/articles-tools/money-finance/buy-lease-commercial-real-estate/what-you-need-know-about-environmental-site-assessments>
  - [https://novascotia.ca/nse/contaminatedsites/docs/PRO300\\_Phase%201%20ESA%20Protocol.pdf](https://novascotia.ca/nse/contaminatedsites/docs/PRO300_Phase%201%20ESA%20Protocol.pdf)
  - On the below link - seems to come up in Wetlands
    - o [https://www.researchgate.net/figure/Annapolis-Valley-NS-featuring-approximate-wetland-locations-Map-adapted-from-Timmer-de\\_fig4\\_275830827](https://www.researchgate.net/figure/Annapolis-Valley-NS-featuring-approximate-wetland-locations-Map-adapted-from-Timmer-de_fig4_275830827)
- Stream behind our property

- Development = garbage, containment ( oil and fluids),etc going into the waterway
- Overland water damage to my property and at least 3- 5 others
- No traffic study done for Main Street
  - I Have not been able to get a stop sign for the corner of Main & Maple , even with a high # of vehicles speeding by and now construction vehicles and potentially 80 new vehicles are going to be added to a typical busy morning and evening with people rushing the 4 way stop sign.

• Air Quality Study done **during the specific days when the public works has odor coming out of it?**

- Is this being looked into? When will that be completed.

• New Flood elevation assessment – **what date was the old one completed and when will a new one be completed before any movement forward with discussing this.**

-

• **Study done on water table-** affecting wells in the surrounding homes?

• Stone Foundations on many properties surrounding this proposed development-

The land utilised by the public works building at the back of our property was built up last year with no assessments done and that led to even further flooding damages. If you were to speak to the employees at the public works, I am sure they can attest to the fact our property floods every year now. Adding a development beside our property will no doubt cause greater flooding, worse than we already experienced so far.

I have attached a photo of our property here in Berwick from May 2021. I can offer photos from the flooding in Feb 2022 in a follow up email later this week. As you can see this flooding goes into our property quite far. Far enough in fact that it flooded our basement.

In closing, my husband and I want to reaffirm with you and the development team that we are against this development as are many of the home owners along Main Street. We want and deserve, as the homeowners on Main Street, to be given a proper opportunity to voice our concerns at the upcoming meeting in July.

My husband is a Veteran and we have a daughter, that we moved from Halifax to the quiet town we fell in love with and now this development, if pushed forward, will potentially force us to move as our safety, security and finally our property values will be negatively affected.

Regards ,

Angela & Shannon Christie  
218 Main Street.

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17 Mayor Ave,  
Halifax, NS B3P 1N1



Layton Rd

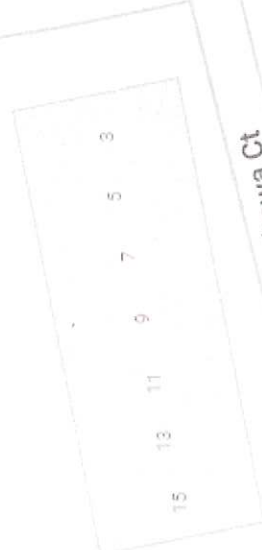
Mayor Ave

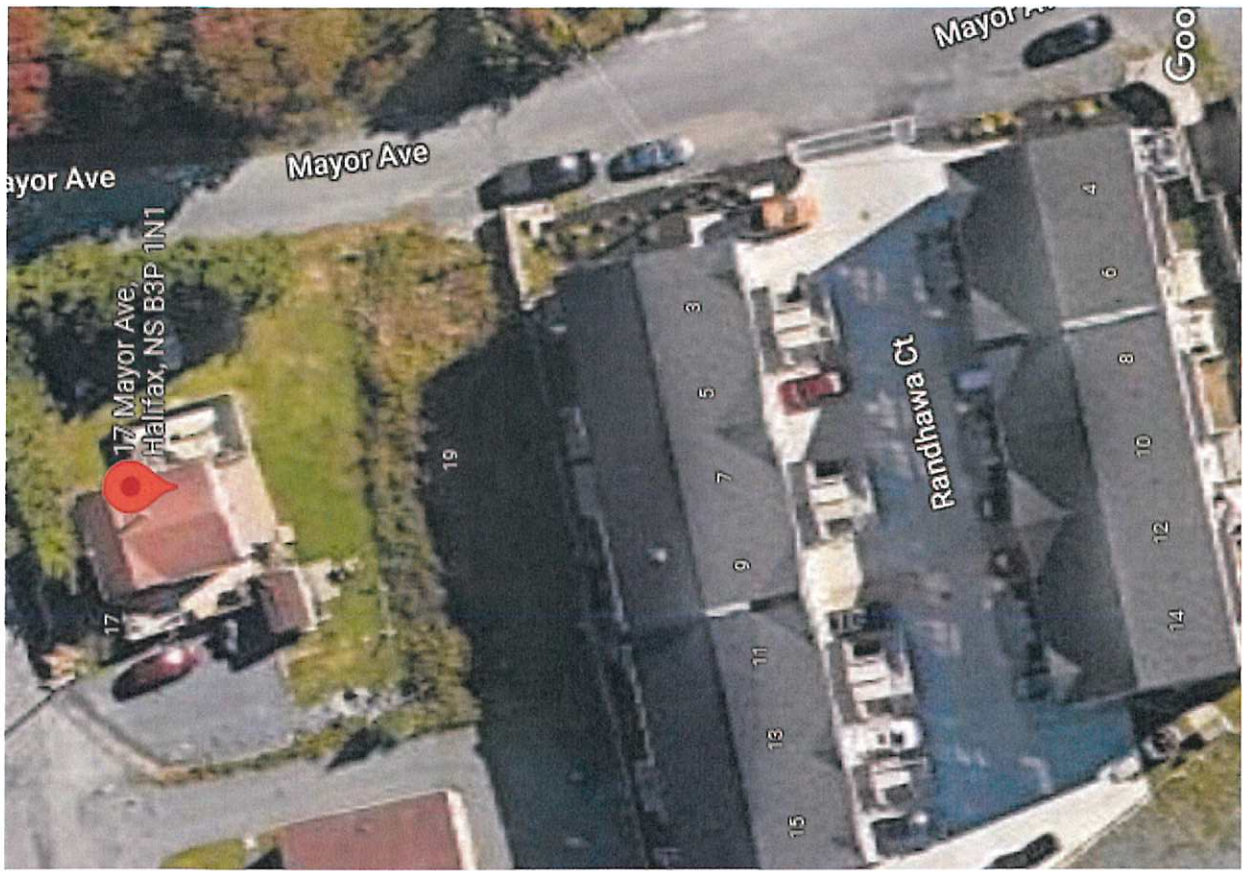
Randhawa Ct

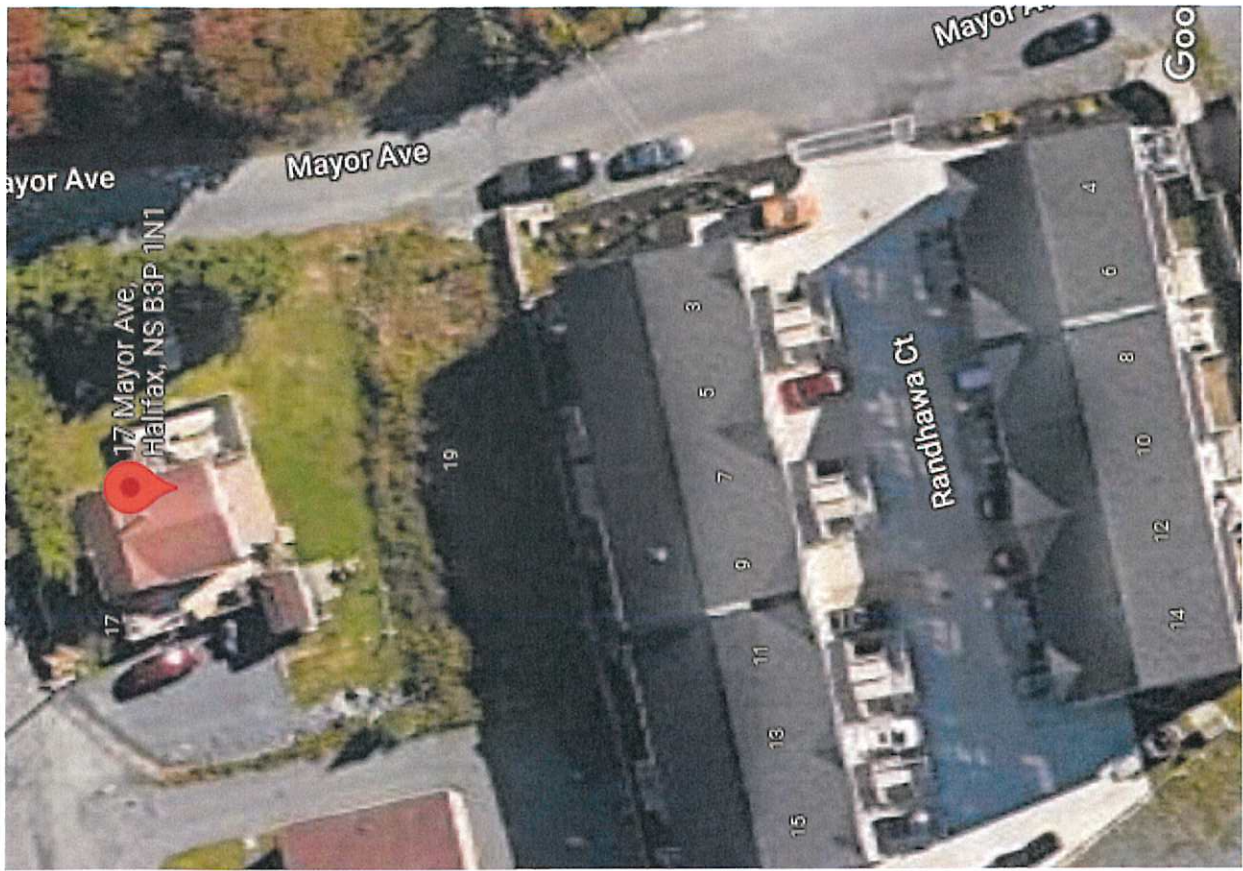
Dobbin I.



19







**TOWN OF BERWICK**  
**Engineering**  
**Memorandum**



<b>To:</b>	Chrystal Fuller, LPP, MCIP; Brighter Community Planning & Consulting	<b>From:</b>	Tim Bouter, P. Eng; Town Engineer
<b>CC:</b>	Jen Boyd, CAO; Town of Berwick		
<b>Subject:</b>	Review Comments Development Agreement PID 55539670 Kent Field Estates	<b>Date:</b>	August 21, 2023

The purpose of this memo is to provide you with engineering comments related to the detailed design drawings for the referenced development agreement. I am in receipt of the following documents for this application:

1. Site Plan; Plan No. 2020-293 Site Plan (Sheet 1 of 8); prepared by Eric Morse, P. Eng.; dated August 3, 2023.
2. General Servicing Plan; Plan No. 2020-293 GSP (Sheet 2 of 8); prepared by Eric Morse, P. Eng.; dated August 3, 2023.
3. Profile; Plan No. 2020-293 Profile (Sheet 3 of 8); prepared by Eric Morse, P. Eng.; dated August 3, 2023.
4. Grading Plan; Plan No. 2020-293 Grading (Sheet 4 of 8); prepared by Eric Morse, P. Eng.; dated August 3, 2023.
5. Details; Plan No. 2020-293 Details (Sheet 5 of 8); prepared by Eric Morse, P. Eng.; dated August 3, 2023.
6. Erosion and Sedimentation Control Plan; Plan No. 2020-293 E&SC Plan (Sheet 6 of 8); prepared by Eric Morse, P. Eng.; dated August 3, 2023.
7. Pre Development Drainage Plan; Plan No. 2020-293 Pre Dev (Sheet 7 of 8); prepared by Eric Morse, P. Eng.; dated August 3, 2023.
8. Post Development Drainage Plan; Plan No. 2020-293 Post Dev (Sheet 8 of 8); prepared by Eric Morse, P. Eng.; dated August 3, 2023.
9. Email Correspondence Regarding Drainage Plan; sent by Eric Morse, P. Eng.; dated May 16, 2023.

## **Engineering Review Comments:**

My comments following a review of the documents noted above are as follows:

### 1. Driveway:

- a. The private driveway complies with the Town's requirements and meets the minimum width of 6.0m for access route design in the National Building Code. The layout of the driveway and parking areas to be approved by the Berwick & District Volunteer Fire Department.
- b. The 2.5m wide median at the entrance must not impede the existing sidewalk. **Engineer to update drawings.**
- c. Power and communications infrastructure (including utility poles and light posts if applicable) to be approved by the Berwick Electric Commission. Easements will likely be required for these utilities.

### 2. Water:

- a. Individual wells must comply with the NSE Water Well Construction Guide.

### 3. Sanitary Sewer:

- a. The sanitary sewer collection system will be privately owned and maintained by the developer.
- b. The connection into the existing Town of Berwick manhole on Main Street complies with the Town's requirements for sanitary sewer.
- c. Approval from NSE for the private sanitary sewer collection system will be required at time of permitting.

### 4. Drainage and Erosion Controls:

- a. The culvert at Station 0+083 must be upsized to 1,200mm. **Engineer to update drawings.**
- b. The drainage plan complies with the Town's requirements for storm water management and the Provincial requirement for post development flow rates to be equal or less than existing conditions (net zero requirement).
- c. All drainage infrastructure will be privately owned and maintained by the developer.
- d. Following construction, the Town will require certification from the Engineer that the drainage works have been constructed in accordance with the plan.
- e. Any future negative impacts on neighboring properties resulting from inadequate implementation of the drainage plan or deviations to the

drainage plan would be dealt with as a private civil matter between property owners.

- f. Silt fencing and check dams must be installed during construction according to the Erosion and Sedimentation Control Plan to prevent material from washing into water courses.
- g. Wetland Alteration Permit for a small area in Wetland 1 (southwest corner of the property) to allow for the culvert extension and a portion of the roadway/sidewalk will be required at time of permitting.
- h. **This engineering drainage review is limited to an analysis of pre and post development flow rates for rainfall events on the development property (PID 55539670), and does not include an analysis of recommended development elevations in relation to current and future flooding impacts of the Cornwallis River or other overland flooding.** My understanding is that the development elevations have been set to match those of the Berwick Fire Hall and Wheaton's retail store, as recommended in a previous study.

This Development Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, A.D.,2022

Between:

**Kent Field Estates Ltd** references body duly incorporated pursuant to the Companies Act of Nova Scotia and registered with the Nova Scotia Registry of Joint Stock Companies, with offices in Kentville Nova Scotia and hereinafter called the "Developer",

*OF THE FIRST PART*

-and-

**Town of Berwick** a duly incorporated municipal body incorporated under the laws of the Province of Nova Scotia, hereinafter called the "Town"

*OF THE SECOND PART*

WHEREAS the Developer is the owner of certain lands known in the Town of Berwick (PID 55539670) and more particularly described in the attached Schedule "A" and hereinafter called the "Property"; and

AND WHEREAS the Developer has submitted a detailed development proposal for 72 grouped residential dwellings with associated surface parking;

AND WHEREAS Policy GMU4 of the Town of Berwick Municipal Planning Strategy requires that grouped residential dwellings be considered and approved by Development Agreement;

AND WHEREAS the proposed development of the Property has been considered at a Public Hearing held on Insert Date of PH. and approved by a majority vote of the Town Council on Click or tap to enter a date. pursuant to requirements of the Municipal Government Act;

NOW THEREFORE in consideration of the various covenants and benefits hereinafter set out in this Agreement, the parties hereto agree as follows:

**Part 1: General Requirements and Administration**

**1.1 Applicability of Agreement**

1.1.1 The Developer agrees that the Property shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.1.2 Variances to the requirements of the applicable Land Use By-law shall be permitted in accordance with the Municipal Government Act on the whole site as shown on Schedule B.

## **1.2 Applicability of Other By-laws, Statutes and Regulations**

1.2.1 Nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Town applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Property.

1.2.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Town and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

## **1.3 Conflict**

1.3.1 Where the provisions of this Agreement conflict with those of any by-law of the Town applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail;.

1.3.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

## **1.4 Costs, Expenses, Liabilities and Obligations**

1.4.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Property.

## **1.5 Provisions Severable**

1.5.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

## **1.6 Property**

1.6.1 The Developer hereby represents and warrants to the Town that the Developer is the owner of the Property and that all owners of the Property have entered into this Agreement.

**Part 2: Definitions**

2.1.1 All words used herein shall be defined as in the Land Use Bylaw and Subdivision Bylaw unless otherwise specifically defined herein. If not defined herein or in these Bylaws, the customary meaning shall apply.

2.2 When interpreting this agreement, the following words are defined as follows:

- a) *Interior drive isles* are travel pathways for vehicles interior to the Lot that provide access to vehicles to the onsite buildings or uses.
- b) *Land Use Bylaw* means the Town of Berwick Land Use By-law adopted by Council on October 9, 2012, as amended from time to time.
- c) *Master Drainage Plan* means a drainage plan prepared by a qualified engineer for the lot that illustrates the discharge to drains, ditches or streams of catchment runoff as a result of storm rainfall over the catchment.
- d) *Residential Grouped Dwellings* means two or more multiple unit dwellings buildings on the same lot.
- e) *Municipal Planning Strategy* means the Town of Berwick Municipal Planning Strategy adopted by Town Council on October 9, 2012, as amended from time to time.

**Part 3: Use of Property, Subdivision and Development Provisions**

**3.1 Schedules**

3.1.1 The Developer shall develop the Property in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement:

- a) Schedule A: Legal Description of the Property(s)
- b) Schedule B: Site Plan
- c) Schedule C: Insert if there is a Schedule C
- d) Schedule D: Insert if there is a Schedule D

**3.2 Requirements Prior to approval**

3.2.1 Prior to the issuance of any Development Permits, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- a) Approval of the Municipal Engineer of all on site sewer infrastructure that will connect the Town's sewer system.
- b) If required, the necessary permits from Nova Scotia Environment and Climate Change regarding the provision of potable water to the Use.
- c) Approval of the landscaped median and driveway access from the Public Street to the Development.
- d) An access and drainage easement in a format acceptable to the Town as required by the site plan.
- e) A Master Drainage Plan for the entire site that demonstrates that the pre-construction stormwater run off will not exceed post development run-off. Any Development Permit applications for subsequent phases or buildings must include a drainage plan that demonstrates how the development permit application complies with the Master Drainage Pan.
- f) A Master Landscaping Plan that, in the opinion of the Development Offices, complies with the following requirements:
  - Shows the location of internal walkways that connects public street or the Interior Drive Isles to each residential dwelling, as generally shown on the Site Plan
  - Provide an area of exterior common space for the use of tenants
  - A vegetative buffer along the property line with any adjacent residential uses. The vegetative buffer shall include a mixed of trees at a minimum of 6 feet at planting and bushy shrubs. Trees shall be no more than 15 feet apart and include both deciduous and coniferous species. Landscaping must be complete within 6 months of issuance of a building permit.
  - Development Permit applications for subsequent phases or buildings must include a landscaping plan that demonstrates how the development permit application complies with the Master Landscaping Plan.

3.2.2 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Property for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Town. No Occupancy Permit shall be issued by the Town unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

### 3.3 General Description of Land Use

3.3.1 The uses of the Property permitted by this Agreement are the following and as generally shown on Schedule B:

- Grouped residential uses
- Accessory structures related to the residential use including accessory storage facilities for residents of the Development.

3.3.2 Site Requirements

- (a) The Development shall generally comply with the site plan in Schedule B.

- (b) Amenity Areas, as shown on the Schedule A, must be grassed and include shade trees (deciduous trees). Amenity areas must include fixed seating (benches). The Developer also shall install a Playground area before a Development Permit will be for the 40<sup>th</sup> unit.
- (c) The minimum separation distance between buildings shall be 29 feet
- (d) Drive isles shall be designed as to minimize hazards to pedestrians and cyclists. Drive isles must be a minimum of 20 feet for two way traffic and 10 feet for one way traffic.
- (e) Parking spaces are required at a rate of one (1) parking space for each dwelling unit under three (3) bedrooms. For units over three (3) bedrooms, 1.25 parking spaces shall be required.
- (f) Parking Area Standards listed in 5.26 of the LUB, as amended from time to time, apply except as otherwise stated in this Agreement.
- (g) Power and communications infrastructure must be approved by the Berwick Electrical Commission.
- (h) The sanitary sewer collection system will be privately owned and maintained by the Developer.
- (i) All drainage infrastructure will be privately owned and maintained by the developer.
- (j) Silt fencing and check dams must be installed during construction according the Erosion and Sedimentation Plan.
- (k) The Developer must secure all necessary permits for wetland alterations.

### 3.3.3 Phasing

- (a) The Development may be constructed in a phased approach.
- (b) Amenity areas shall be required as follows:
  - i. Each unit shall have a minimum of 1500 square feet of external amenity space/green space.
  - ii. Before a permit for each building shown on Schedule B, the Developer shall provide a site plan for the building showing the amenity space associated with that building.
  - iii. The Developer is required to pave the driveway no later than two years from date of the issuance of the first Development Permit for this Development.

### 3.3.4 Maintenance

The Developer shall be responsible to maintain the property in compliance with all Town By-laws and applicable Provincial regulations and to ensure that the property is maintained in a safe and clean condition.

All non-hard surfaced areas, such as walkways, drive isles, and building footprints, shall be grassed.

## Part 4: Streets and Municipal Services

### 4.1 Off-Site Disturbance

- 4.1.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees,

landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Town's Engineer or Director of Public Works.

- 4.1.2 Driveway Access from the Public Street to the Development shall be approved. Driveway Access shall include a landscaped medium beginning at the Public Street and continue for a minimum of 75 feet.

## **Part 5: Amendments**

### **5.1 Non-Substantive Amendments**

- 5.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
- a) The requirements of the Landscaping Plan
  - b) An increase in the total number of units by ten (10%)
  - c) Conversion of no more than two (2) of the residential units into a commercial use that serves the needs of residents of the Development. This includes, but is not limited to
    - Hairdressers
    - Personal service uses
    - Small scale commercial uses not exceeding 1000 square feet

### **5.2 Substantive Amendments**

- 5.2.1 Amendments to any matters not identified under Section 5.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act and includes:
- a) Altering the size of an individual building
  - b) Reducing the amount of Amenity Space by more than five (5%)
  - c) Any other change not listed in 5.1.1

## **Part 6: Registration, Effect of Conveyances and Discharge**

### **6.1 Registration**

- 6.1.1 A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office for the County of Kings, Nova Scotia and the Developer shall incur all costs in recording such documents.

### **6.2 Subsequent Owners**

- 6.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Property which are the subject of this Agreement until this Agreement is discharged by Council.

6.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

### **6.3 Commencement of Development**

6.3.1 In the event that development on the Property has not commenced within one year from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Property shall conform with the provisions of the Land Use By-law.

6.3.2 For the purpose of this section, commencement of development shall mean issuance of a Building Permit.

6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Town receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

### **6.4 Completion of Development**

6.4.1 Upon the completion of the whole development, Council may review this Agreement, in whole or in part, and may:

- a) retain the Agreement in its present form;
- b) negotiate a new Agreement; or
- c) discharge this Agreement.

6.4.2 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.

6.4.3 The Development shall be within five years of the Commencement of Development.

### **6.5 Discharge of Agreement**

6.5.1 If the Developer fails to complete the development after five years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

- a) retain the Agreement in its present form;
- b) negotiate a new Agreement;
- c) discharge this Agreement; or
- d) Extend the Agreement for an additional two years.

## **Part 7: Enforcement and Rights and Remedies on Default**

### **7.1 Enforcement**

7.1.1 The Developer agrees that any officer appointed by the Town to enforce this Agreement shall be granted access onto the Property during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written

notification from an officer of the Town to inspect the interior of any building located on the Property, the Developer agrees to allow for such an inspection during any reasonable hour within seventy two hours of receiving such a request.

## **7.2 Failure to Comply**

7.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Town has given the Developer 30 days written notice of the failure or default, then in each such case:

- a) The Town shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- b) The Town may enter onto the Property and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Property or from the performance of the covenants or remedial action, shall be a first lien on the Property and be shown on any tax certificate issued under the Assessment Act;
- c) The Town may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- d) In addition to the above remedies, the Town reserves the right to pursue any other remedy under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

## **Part 8: Expenses**

8.1.1 In addition to the costs to be paid pursuant to section 6.1.1, any expenses incurred by the Town in exercising its rights under Section 12 shall be paid by the Developer to the Town. Such expenses may include, but are not limited to, costs incurred in returning property owned by the Town, or the Property to their original condition before the beginning of work on the development, costs incurred for entry on the Properties and performance of the Developer's obligations, and all solicitors' fees and disbursements incurred in terminating or discharging this Development Agreement. Such expenses shall be payable by the Developer to the Town as a debt and may be recovered from the Developer by direct suit. They shall form a charge upon the Properties. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the Town for tax arrears on the outstanding balance from time to time. Such interest shall be treated as an expense

8.1.2 The Developer shall be liable for any damage caused to public or private property by Developer or any contractor or other individual doing work related to the development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the development. The Developer shall obtain

and maintain in force throughout the course of construction on the development, liability insurance coverage to ensure the responsibilities which the Developer is assuming in this section.

**Part 9: Notice**

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid,

if to the Town to:

**Town of Berwick**  
236 Commercial Street  
Berwick, NS  
B0P 1E0  
Attention: Chief Administrative Officer

And if to the Developer to:

Kent Field Estates Ltd  
6 Neva Mae Place  
Kentville, NS B4N 0G5  
Attention: Terry Whynot

THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, agents, successors and assigns.

IN WITNESS WHEREOF, this Agreement was properly executed by the respective parties on the day and year first above written

SIGNED, SEALED AND DELIVERED

In the presence of:

**Developer**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Kent Field Estates

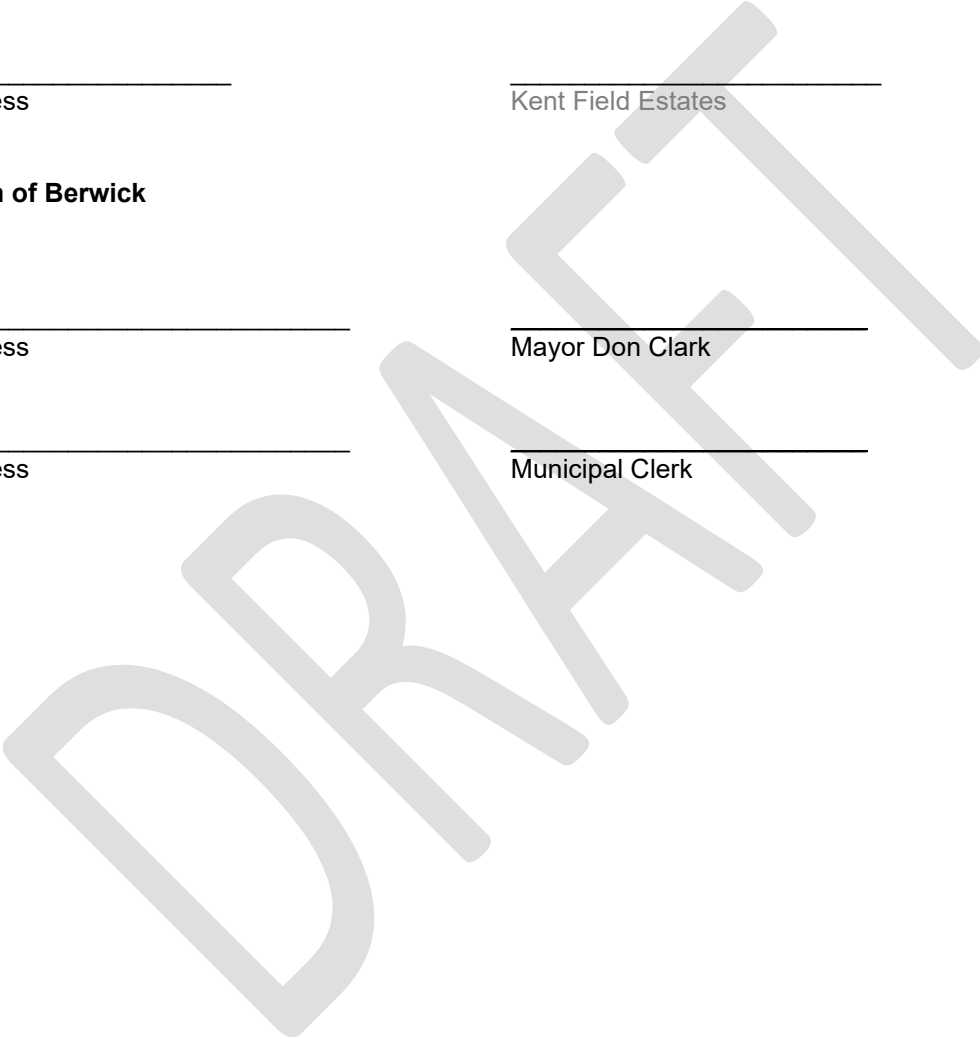
**Town of Berwick**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Mayor Don Clark

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Municipal Clerk



Schedule "A", - Property Description

Registration County: KINGS COUNTY

Street/Place Name: MAIN STREET /BERWICK

Title of Plan: PLAN OF S/D PARCEL A & PARCEL B PARCEL A LAND OF TOWN OF BERWICK TO BE AN ADDITION TO LAND OF R ANTHONY LENTON PARCEL B LAND OF R ANTHONY LENTON TO BE AN ADDITION TO LAND OF TOWN OF BERWICK TO FORM LOT 2020-1 & LOT 2020-2 REMAINDER OF PID 55242606 LAND OF TOWN OF BERWICK TO BE CONSOLIDATED WITH PID 55481915 ADJACENT LAND OWNED BY TOWN OF BERWICK CIVIC 226 & CIVIC 228 MAIN ST BERWICK

Designation of Parcel on Plan: LOT 2020-1

Registration Number of Plan: 117975947

Registration Date of Plan: 2021-02-10 12:10:06

\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

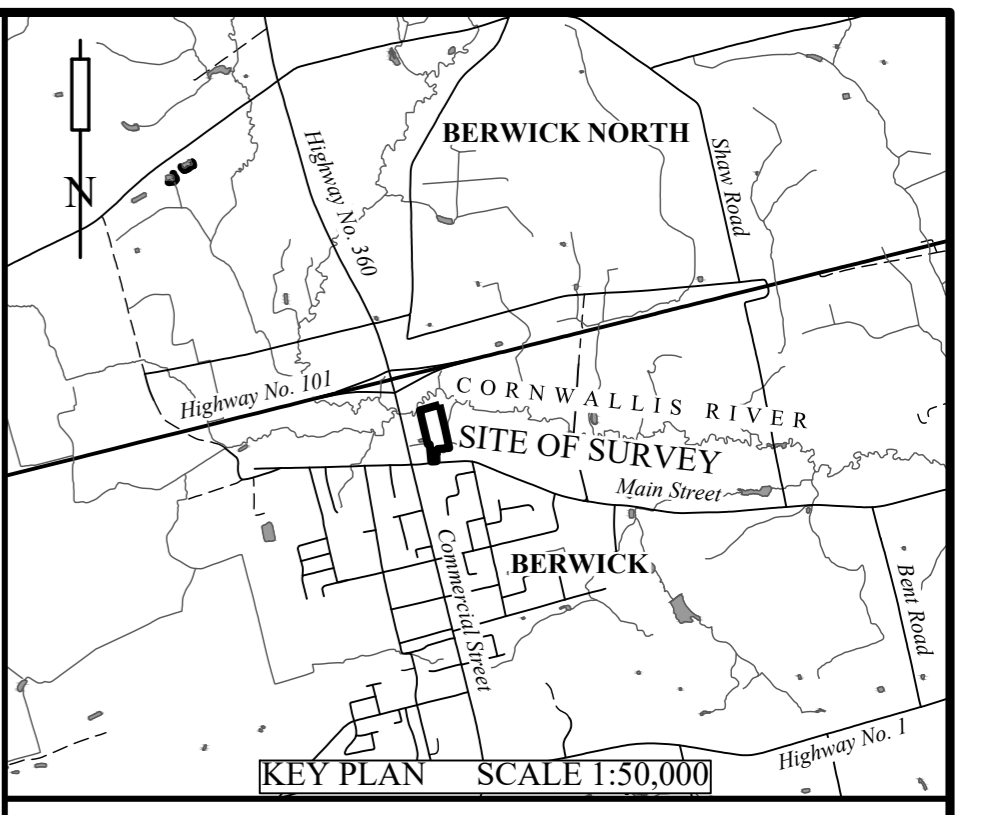
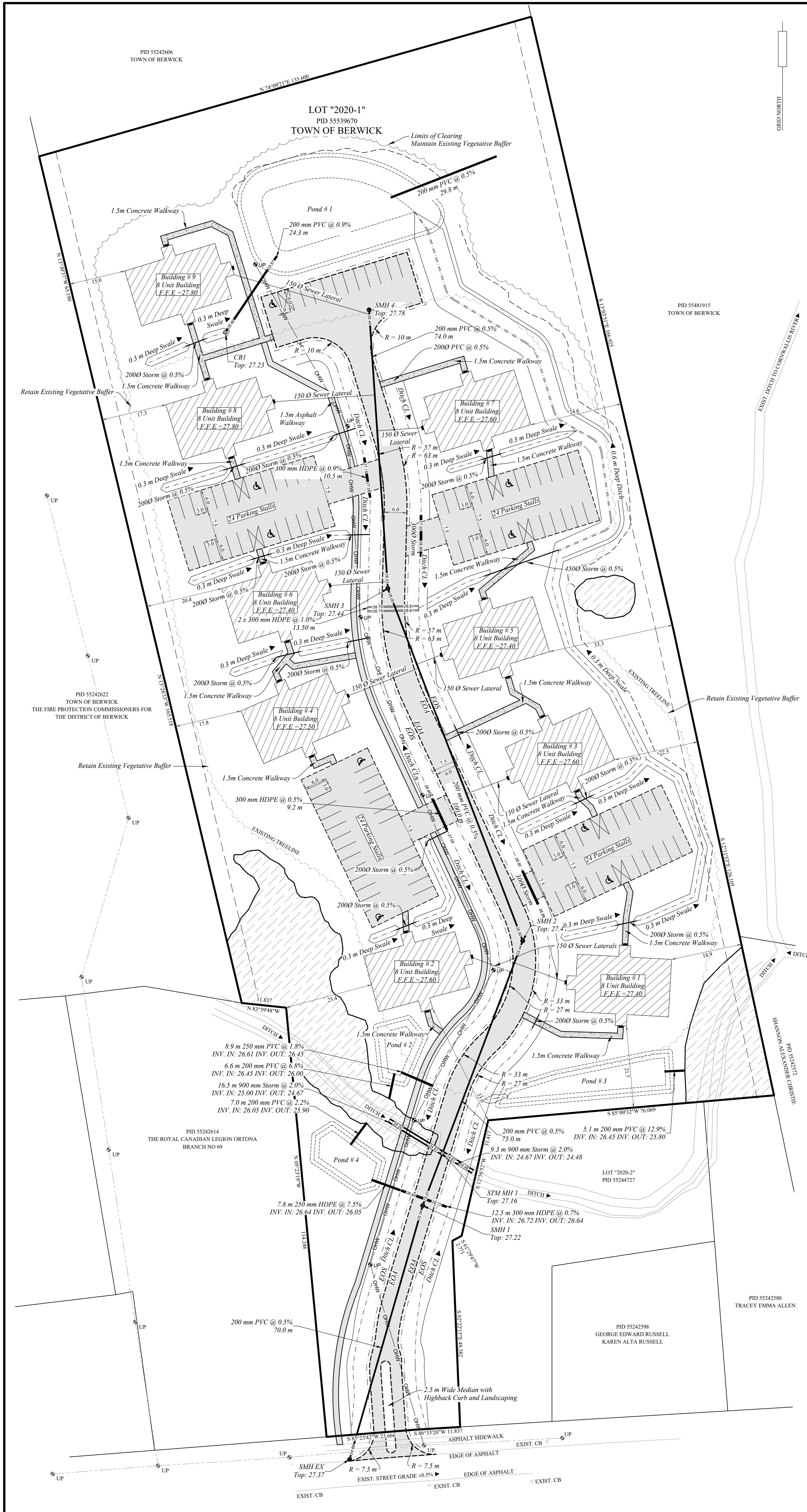
Registration District: KINGS COUNTY

Registration Year: 2021

Plan or Document Number: 117975947

DRAFT





REVISIONS

NO.	DESCRIPTION
1.	ISSUED FOR DEVELOPMENT AGREEMENT - AUGUST 9, 2023

NOTES:

1. ALL SANITARY SEWER WORKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATION FOR MUNICIPAL SERVICES 2023
2. ALL STORM WATER DRAINAGE WORKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATION FOR MUNICIPAL SERVICES 2023
3. CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UNDERGROUND SERVICES PRIOR TO CONSTRUCTION (CHECK WITH TOWN OF BERWICK)
4. POTABLE WATER TO BE SUPPLIED BY DRILLED WELLS. EACH BUILDING WILL HAVE ITS OWN DRILLED WELL.

CONTROL TABLE  
MTM ZONE 5, NAD 83(CSRS) (2010.0 V7)

POINT	NORTHING	EASTING	DESCRIPTION
ACS 250041	4971825.192	25447205.338	SMARTNET (PUBLISHED)

LEGEND

BEGINNING OF VERTICAL CURVE	BVC
END OF VERTICAL CURVE	EVC
POINT OF VERTICAL INTERSECTION	PVI
FINISHED GRADE	FG
CALCULATED	C
POINT OF CURVATURE	PC
POINT OF COMPOUND CURVATURE	PCC
CHORD	CH
MANHOLE (SANITARY)	MHS
MANHOLE (STORM)	MHST
CATCH BASIN	CB
FIRE HYDRANT	FH
WATER VALVE	WV
CALCULATED POINT	CP
UTILITY POLE	UP
RIGHT OF WAY	ROW
NOT TO SCALE	NTS
ANCHOR	ANCH
OVERHEAD WIRES	OHW
ELEVATION (EXISTING)	-7.83
ELEVATION (PROPOSED)	+7.75
PROPERTY LINE	PL
EDGE OF ASPHALT / SHOULDER	EOA / EOS
NEW OVERHEAD LIGHT	NOL

GENERAL SERVICING PLAN  
FOR PROPOSED  
MULTI UNIT DEVELOPMENT  
FOR KENT FIELD ESTATES  
ON LOTS OF  
TOWN OF BERWICK

MAIN STREET  
BERWICK  
KING COUNTY, NS



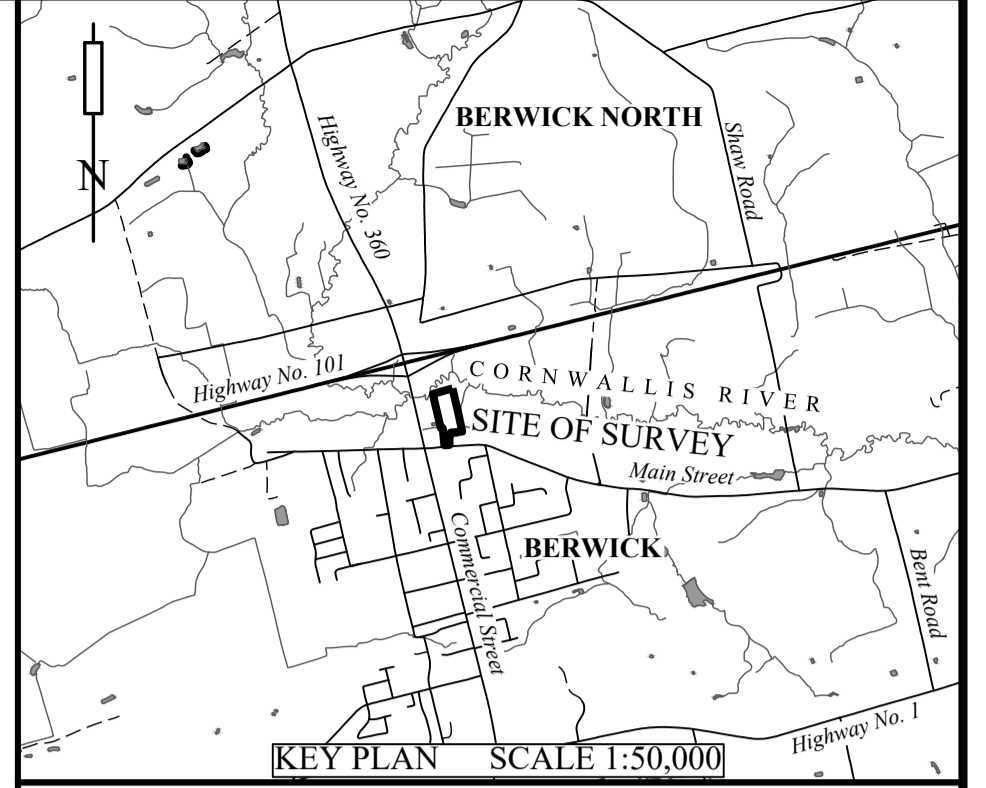
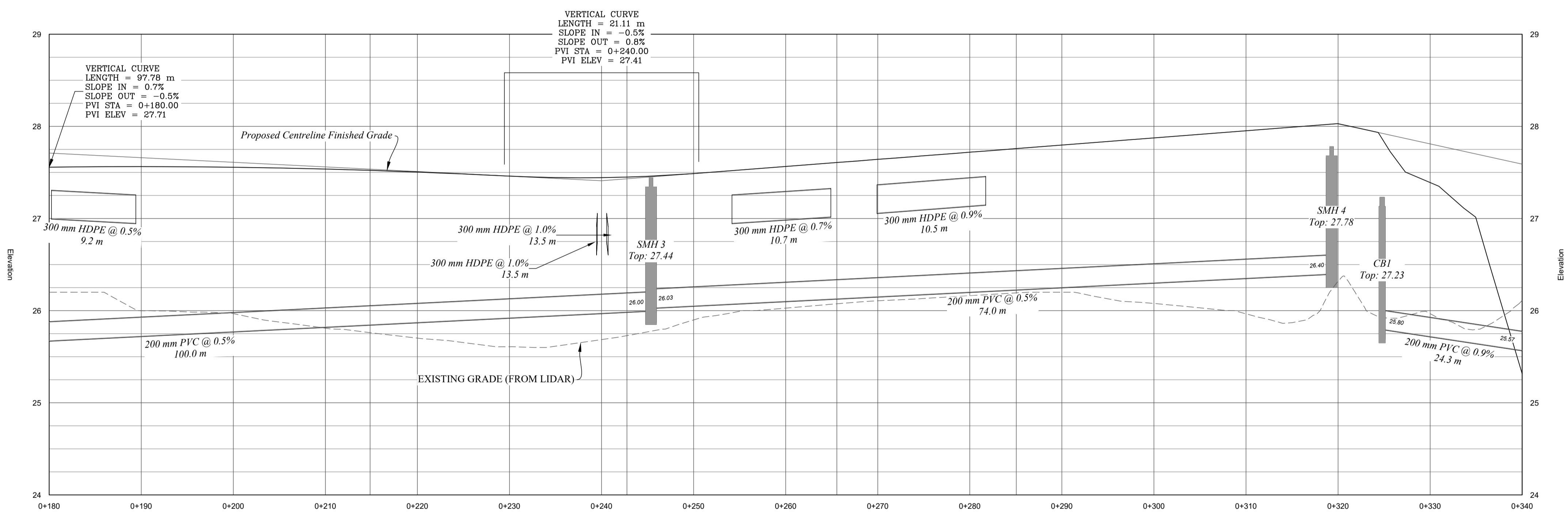
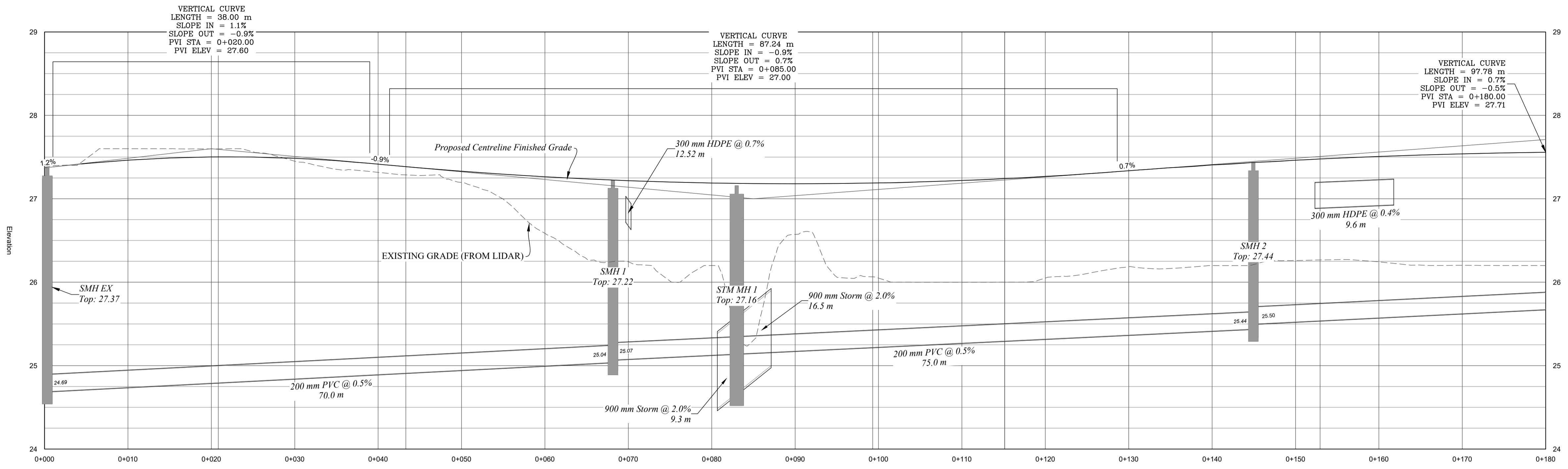
HORIZONTAL SCALE 1:500  
DESIGNED BY ERIC J. MORSE, P.ENG.

DeWOLFE & MORSE SURVEYING LIMITED

P.O. BOX 520 MIDDLETON  
ANNAPOLIS COUNTY, N.S.  
BOS - 1P0  
Email: info@demosl.ca

DRAFTED ON AUGUST 3, 2023  
PLAN No: 2020-293 GSP

SHEET 2 of 8



**REVISIONS**

1. ISSUED FOR DEVELOPMENT AGREEMENT - AUGUST 9, 2023

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**LEGEND**

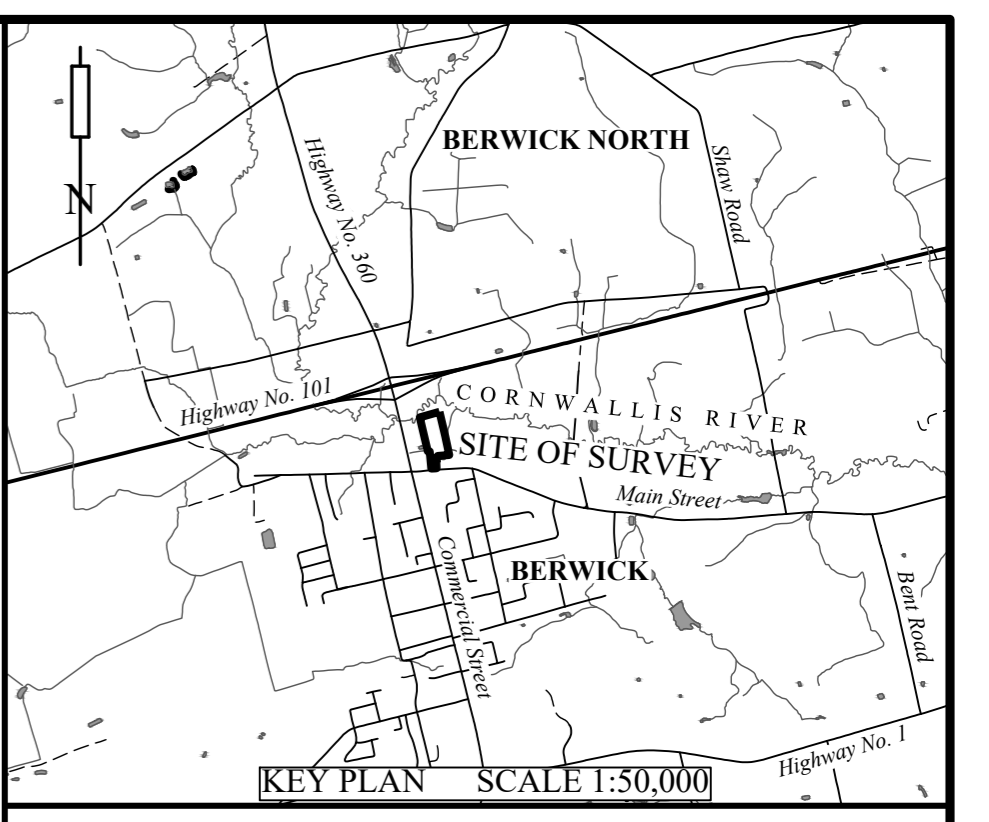
BEGINNING OF VERTICAL CURVE	.....	BVC
END OF VERTICAL CURVE	.....	EVC
POINT OF VERTICAL INTERSECTION	.....	PVI
FINISHED GRADE	.....	FG
CALCULATED	.....	C
POINT OF CURVATURE	.....	PC
POINT OF COMPOUND CURVATURE	.....	PCC
CHORD	.....	CH
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MANHOLE (STORM)	.....	MHST
CATCH BASIN	.....	CB
FIRE HYDRANT	.....	FH
WATER VALVE	.....	WV
CALCULATED POINT	.....	CP
UTILITY POLE	.....	UP
RIGHT OF WAY	.....	ROW
NOT TO SCALE	.....	— —
ANCHOR	.....	— —
OVERHEAD WIRES	.....	OHW
ELEVATION (EXISTING)	.....	+ 7.63
ELEVATION (PROPOSED)	.....	+ [7.75]
PROPERTY LINE	.....	— —
EDGE OF ASPHALT / SHOULDER	.....	EOA / EOS
NEW OVERHEAD LIGHT	.....	■

**PROFILE**  
 FOR PROPOSED  
**MULTI UNIT DEVELOPMENT**  
 FOR KENT FIELD ESTATES  
 ON LANDS OF  
**TOWN OF BERWICK**  
 MAIN STREET  
 BERWICK  
 KINGS COUNTY, NS

10 0 10 20  
 SCALE 1:300

HORIZONTAL SCALE 1:300  
 VERTICAL SCALE 1:30  
 DESIGNED BY ERIC J. MORSE, P.ENG.

**DeWOLFE & MORSE SURVEYING LIMITED**  
 P.O. BOX 520 MIDDLETON  
 ANNAPOLIS COUNTY, N.S.  
 B0S - 1P0  
 Email: info@demosl.ca



**REVISIONS**

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NOT TO SCALE	NTS
ANCHOR	ANCH
OVERHEAD WIRES	OHW
ELEVATION (EXISTING)	ELEV
ELEVATION (PROPOSED)	ELEV (+7.75)
PROPERTY LINE	PL
EDGE OF ASPHALT / SHOULDER	EOA / EOS
NEW OVERHEAD LIGHT	NOL

**GRADING PLAN**

FOR PROPOSED  
**MULTI UNIT DEVELOPMENT**

FOR KENT FIELD ESTATES

ON LOTS OF  
**TOWN OF BERWICK**

MAIN STREET  
BERWICK  
KINGS COUNTY, NS



HORIZONTAL SCALE 1:500  
DESIGNED BY ERIC J. MORSE, P.ENG.

**DeWOLFE & MORSE SURVEYING LIMITED**

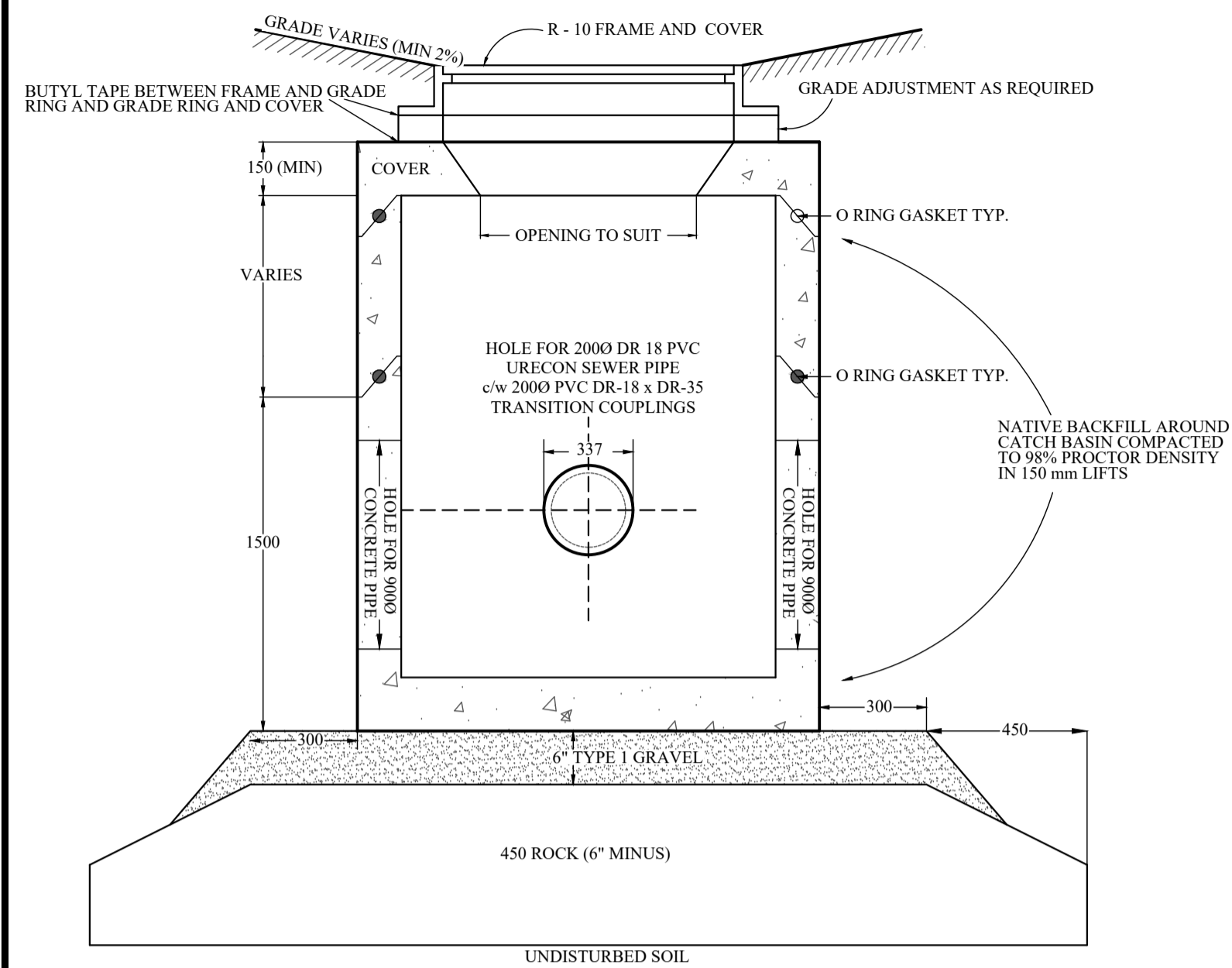
P.O. BOX 520 MIDDLETON  
ANNAPOLIS COUNTY, N.S.  
BOS - 1P0  
Email: info@demosl.ca

DRAFTED ON AUGUST 3, 2023

PLAN No: 2020-293 GRADING SHEET 4 of 8

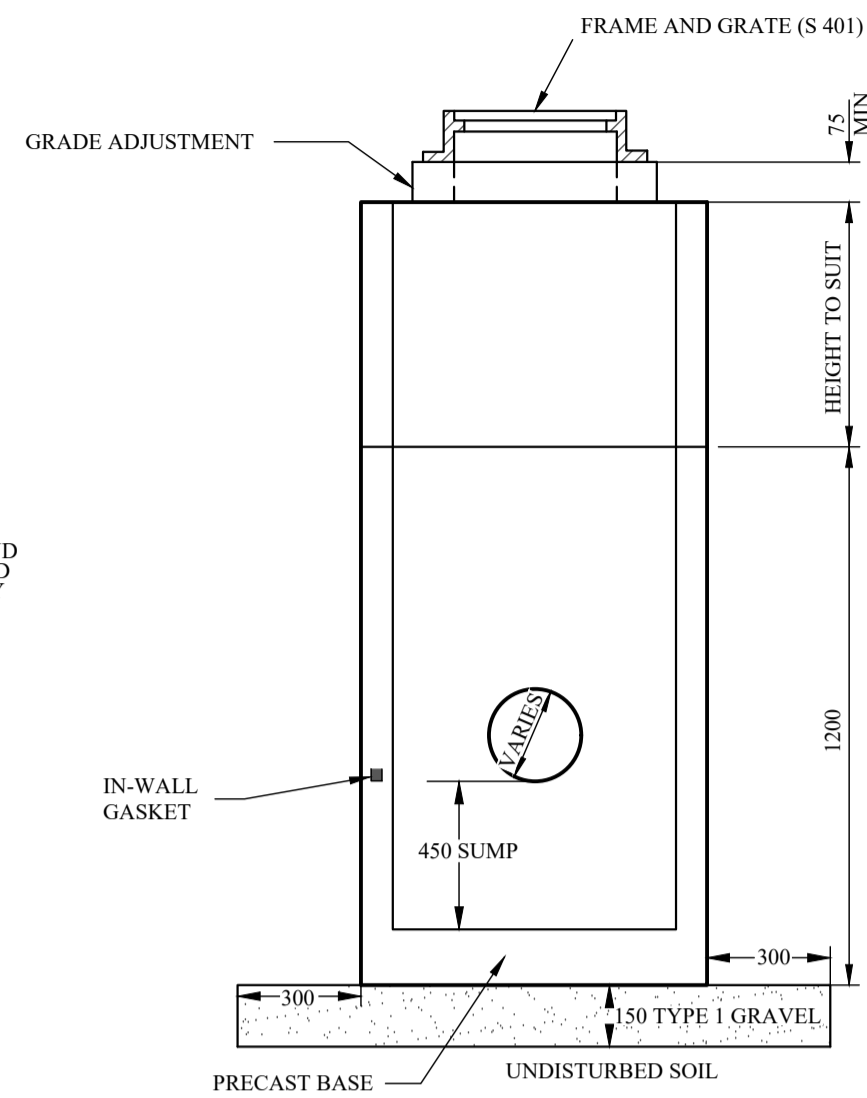
**1500 mm DIA. PRECAST MANHOLE**

NOT TO SCALE



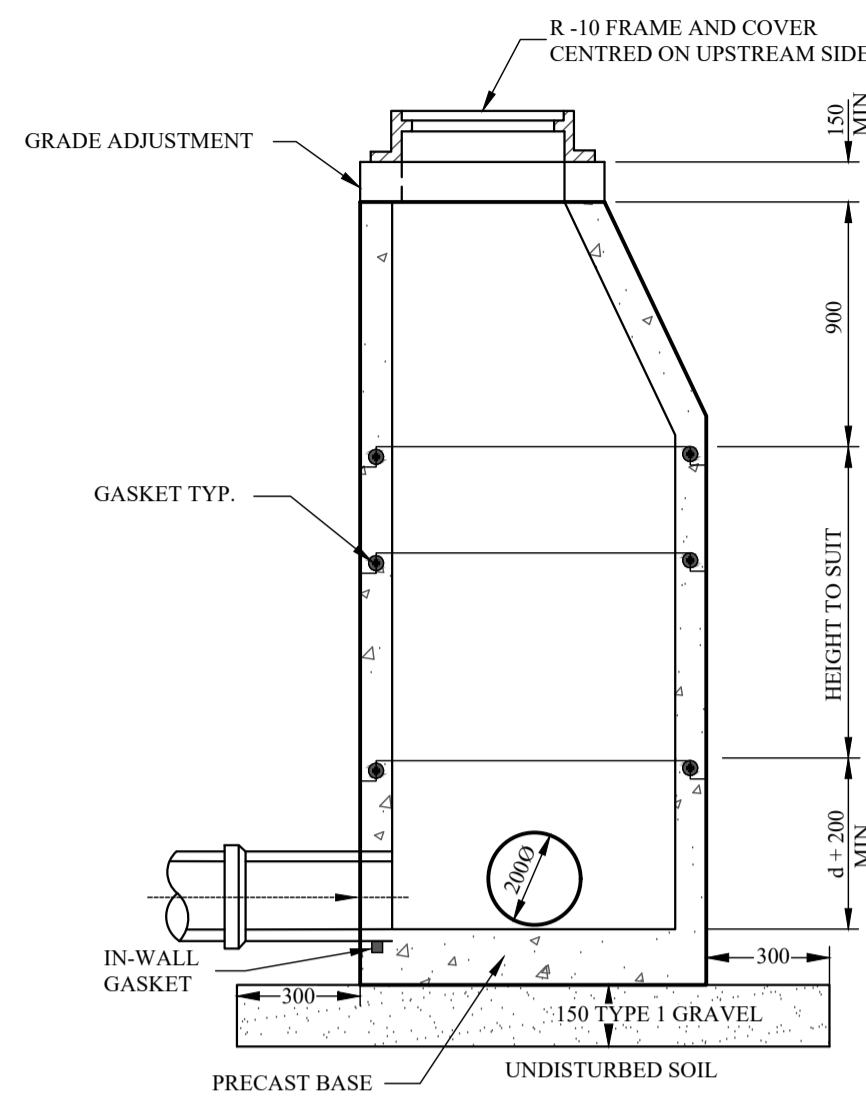
**600 mm X 600 mm PRECAST CATCHPIT**

NOT TO SCALE



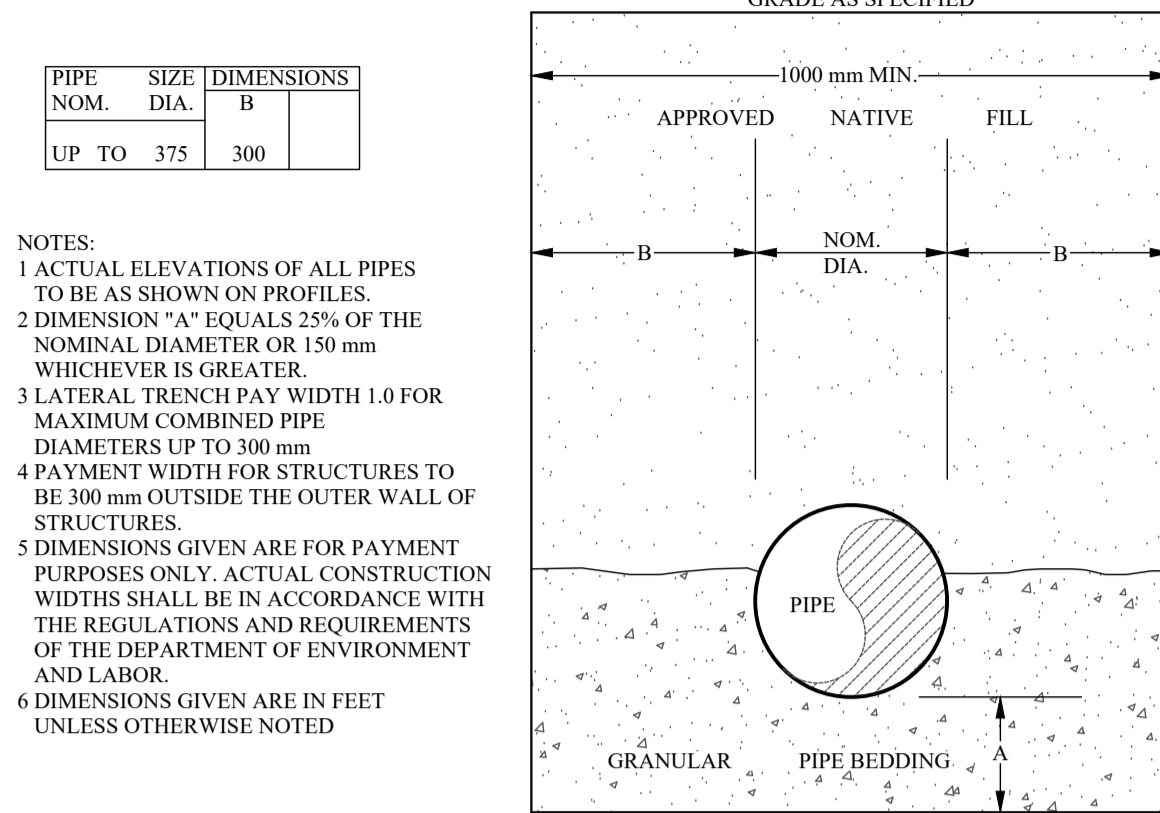
**1050 mm DIA. PRECAST MANHOLE (SANITARY)**

NOT TO SCALE



**TYPICAL SINGLE PIPE TRENCH**

NOT TO SCALE

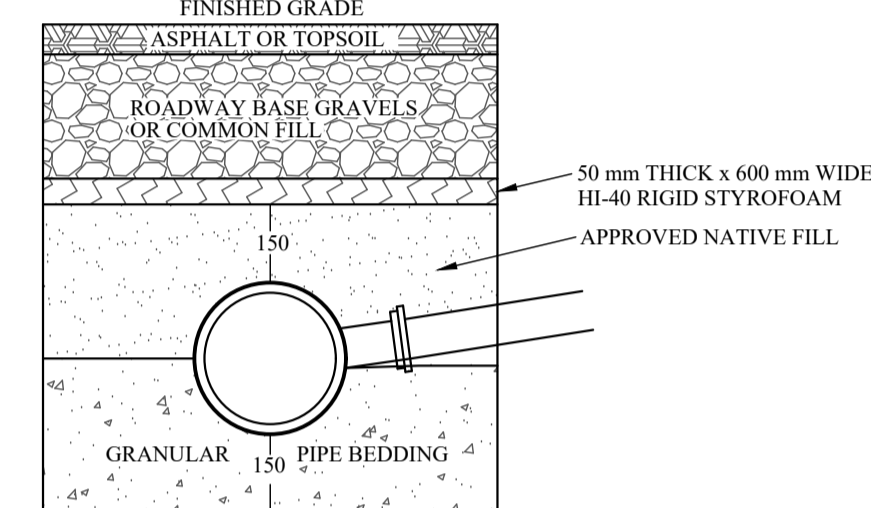


PIPE NOM.	SIZE DIA.	DIMENSIONS B
UP TO 375	300	

- NOTES:
- ACTUAL ELEVATIONS OF ALL PIPES TO BE AS SHOWN ON PROFILES.
  - DIMENSION "A" EQUALS 25% OF THE NOMINAL DIAMETER OR 150 mm WHICHEVER IS GREATER.
  - LATERAL TRENCH PAY WIDTH 1.0 FOR MAXIMUM COMBINED PIPE DIAMETERS UP TO 300 mm
  - PAYMENT WIDTH FOR STRUCTURES TO BE 300 mm OUTSIDE THE OUTER WALL OF STRUCTURES.
  - DIMENSIONS GIVEN ARE FOR PAYMENT PURPOSES ONLY. ACTUAL CONSTRUCTION WIDTHS SHALL BE IN ACCORDANCE WITH THE REGULATIONS AND REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENT AND LABOR.
  - DIMENSIONS GIVEN ARE IN FEET UNLESS OTHERWISE NOTED

**INSULATION DETAIL SANITARY MAIN/STORM PIPE**

NOT TO SCALE

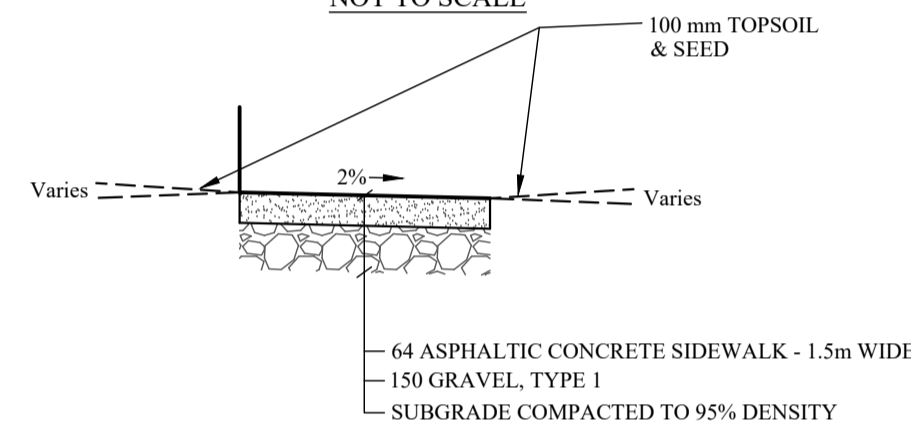


**ENVIRONMENTAL PROTECTION NOTES:**

- CLEAN EXISTING STREETS, AS DIRECTED, TO REMOVE ANY MUD THAT MAY BE TRACKED OFF-SITE BY THE CONSTRUCTION EQUIPMENT.
- SILT FENCE TO BE INSTALLED ALONG THE PROPERTY BOUNDARIES AS REQUIRED, AS PER THE DETAILS SHOWN BEFORE GRUBBING OR PLACING OF FILL.
- INSTALL ADDITIONAL PROTECTION BERMS, SILT FENCES, CUTOFF DITCHES, ETC., AS REQUIRED BY SITE CONDITIONS TO PREVENT SEDIMENT FROM ENTERING PONDS OR RIVER.
- MAINTAIN A STOCK PILE OF APPROPRIATE EROSION AND ENVIRONMENTAL PROTECTION MATERIALS ON SITE AT ALL TIMES. THESE SHALL INCLUDE AS A MINIMUM:
  - 200 LINEAL FEET OF SILT-FENCE
  - 20 BALES OF HAY OR STRAW.
  - A STOCK PILE OF 9 CUBIC METRES OF WOOD CHIPS.
  - A STOCK PILE OF 18 CUBIC METRES OF TYPE 1 GRAVEL.
- MAINTAIN EROSION AND SEDIMENT CONTROL MEASURES FROM THE TIME OF INSTALLATION UNTIL AFTER ALL AREAS DRAINING TOWARDS THEM HAVE BEEN TOTALLY STABILIZED.
- STABILIZE SLOPES AND CRITICAL AREAS BY SODDING, OR AS SHOWN ON THE LANDSCAPING DETAILS.
- ANY DISTURBED AREAS WHICH MAY BE REWORKED SHALL BE STABILIZED USING WOOD CHIPS OR OTHER APPROVED METHODS WITHIN TWO WEEKS OF THE DISTURBANCE OR BEFORE A FORECAST OF A SIGNIFICANT RAINFALL EVENT. MAINTAIN IN PLACE UNTIL PLACEMENT OF PERMANENT STABILIZATION OR LANDSCAPING.
- REMOVE SILT ACCUMULATIONS AT SILT FENCES AND OTHER PROTECTION DEVICES BY CAREFUL HAND EXCAVATION. DISPOSE OF ACCUMULATED SILT BY REMOVING FROM SITE OR PLACING AND BURYING IT IN FILL AREAS.
- DEWATERING OF EXCAVATIONS SHALL BE DIRECTED THROUGH GRAVEL BERMS.
- DO NOT PUMP, OR DRAIN WATER CONTAINING SUSPENDED MATERIALS INTO PONDS OR RIVER.
- COVER SOIL STOCKPILES WITH PLASTIC SHEETS OR APPROVED EQUAL WHEN SO DIRECTED.
- PRIOR TO CARRYING OUT WORK, CHECK THE LONG RANGE WEATHER FORECAST TO ENSURE THAT THERE IS ADEQUATE TIME BEFORE FORECAST HEAVY RAIN STORMS TO STABILIZE THE WORK.
- DO NOT PERMIT DISCOLOURED WATER TO ENTER PONDS OR RIVER. INSPECT SEDIMENT AND EROSION CONTROL MEASURES ON A REGULAR BASIS AND MAINTAIN AS NECESSARY.
- HAVE PERSONNEL ON CALL TO PROVIDE EMERGENCY REPAIRS TO SEDIMENT AND EROSION CONTROL MEASURES AT ALL TIMES.

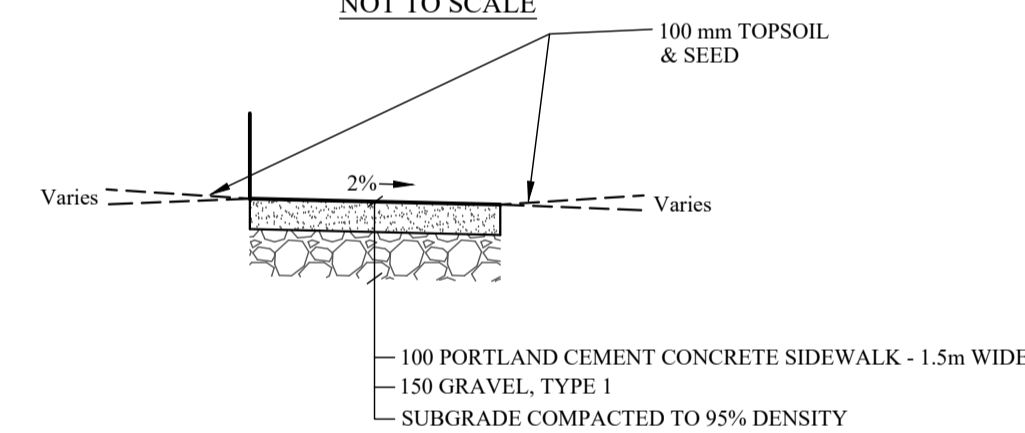
**ASPHALT WALKWAY CROSS SECTION**

NOT TO SCALE



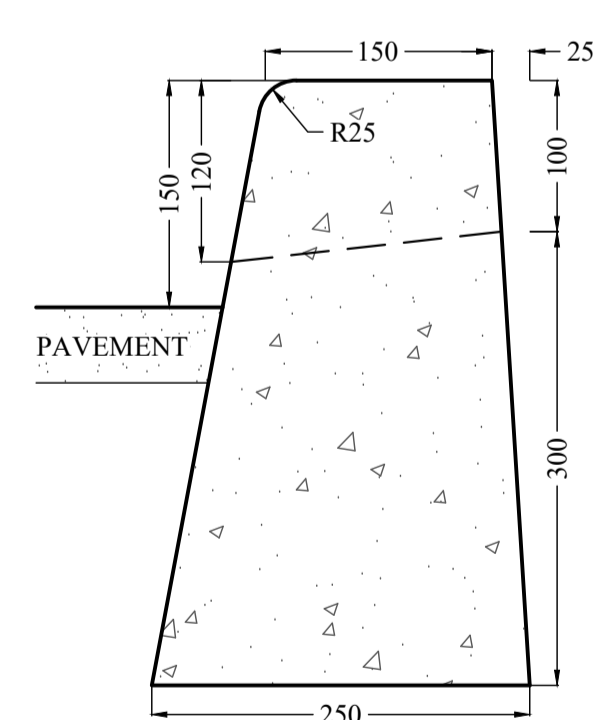
**CONCRETE WALKWAY CROSS SECTION**

NOT TO SCALE



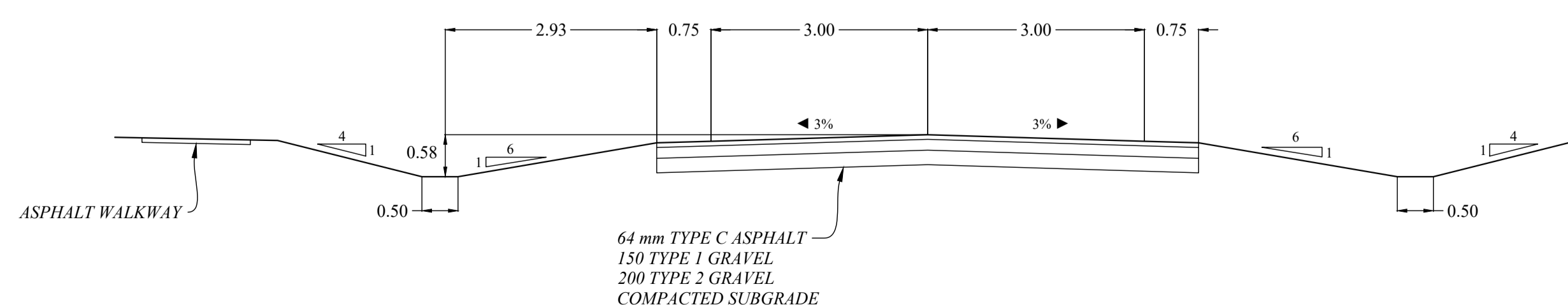
**HIGH BACK CURB**

NOT TO SCALE



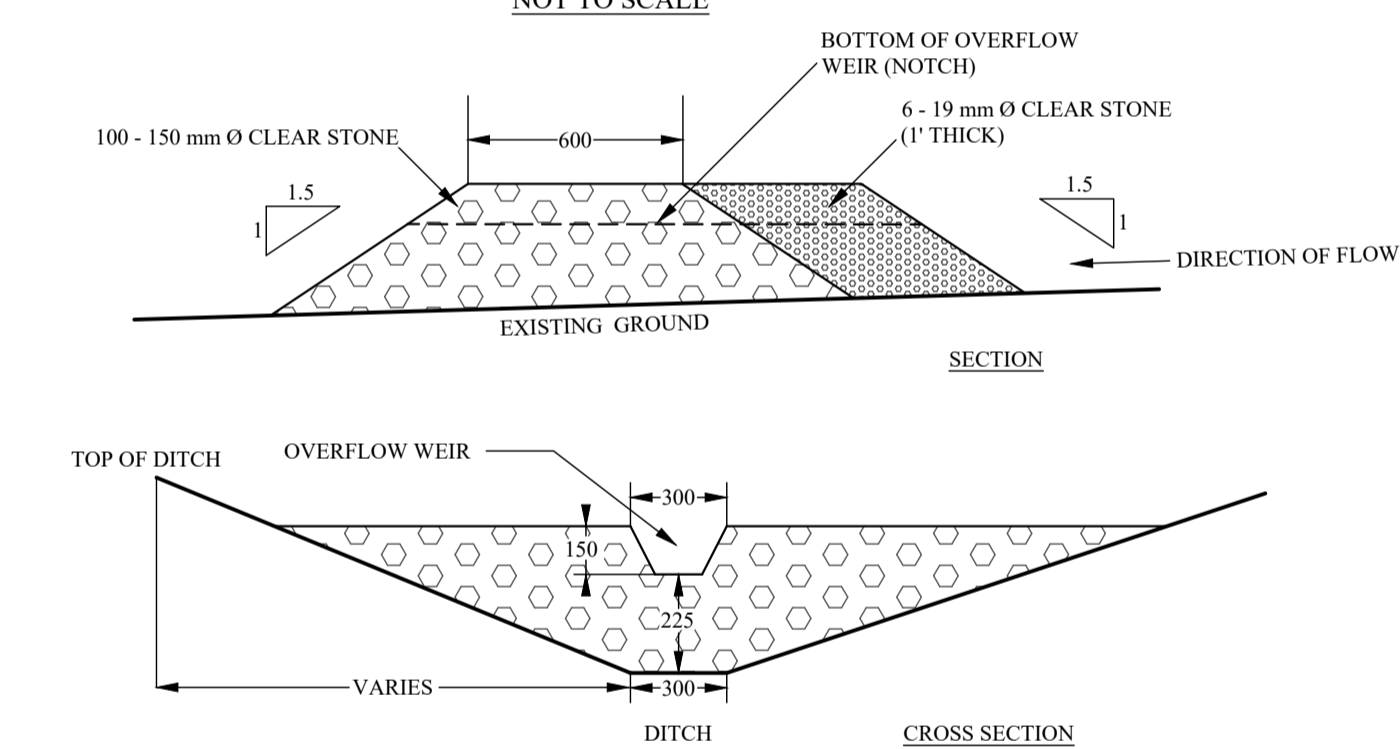
**TYPICAL ROAD CROSS SECTION**

NOT TO SCALE



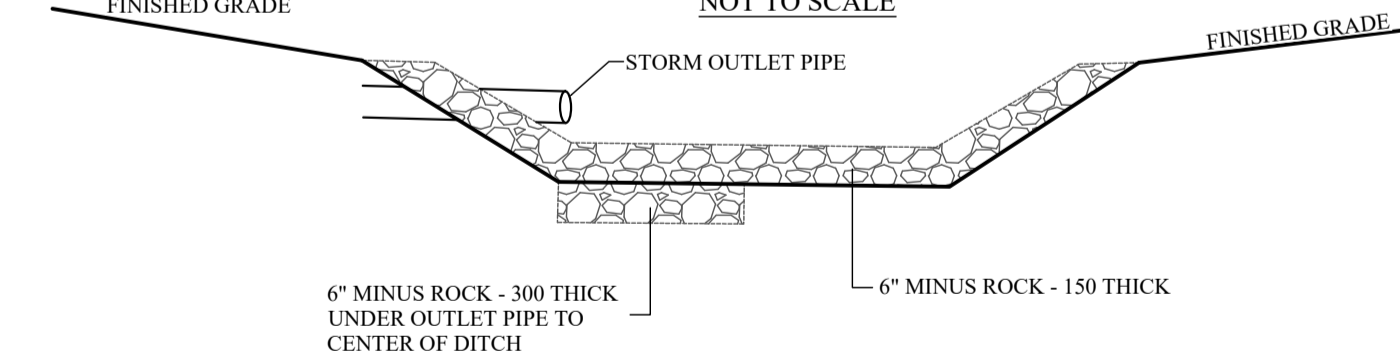
**FLOW CHECK DAM**

NOT TO SCALE



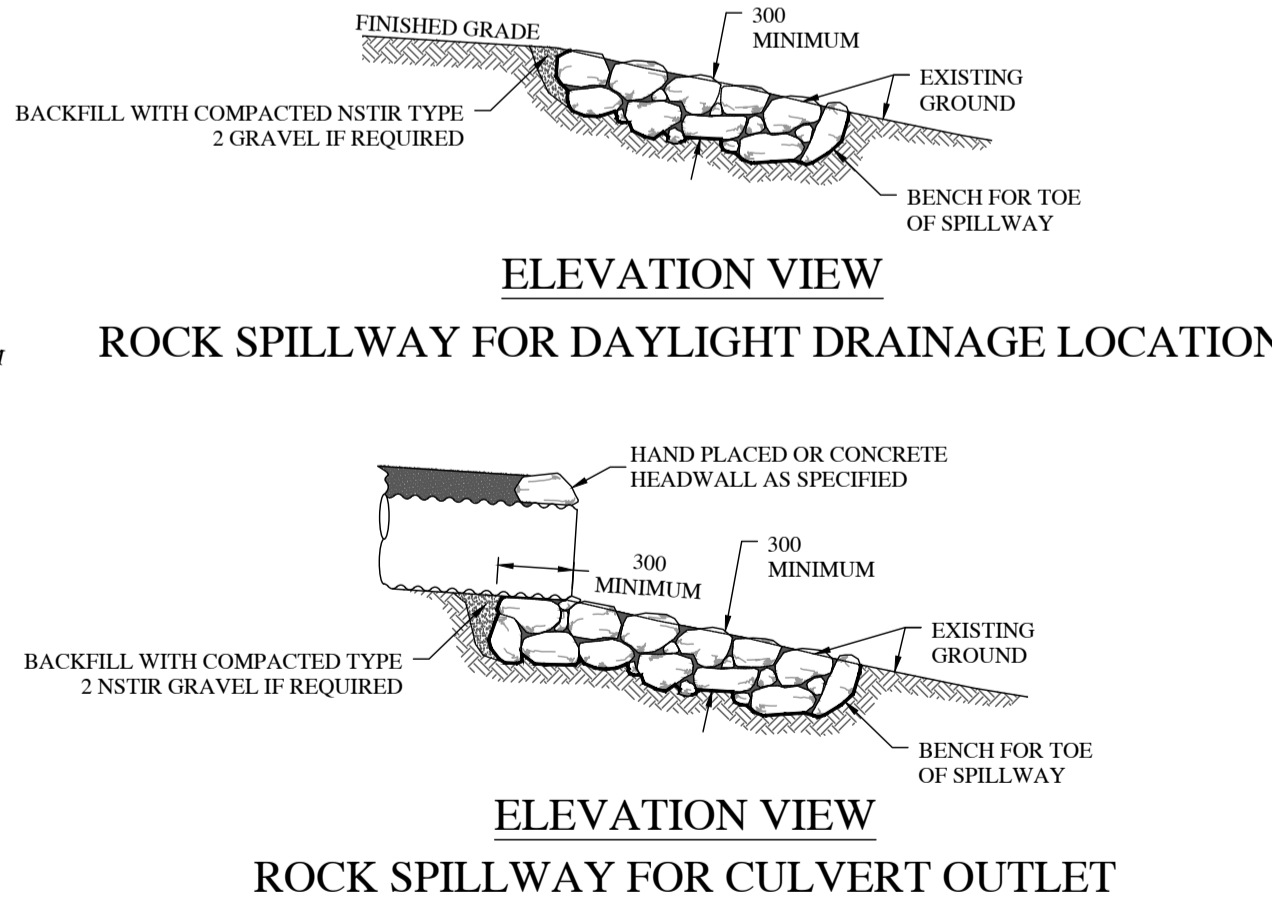
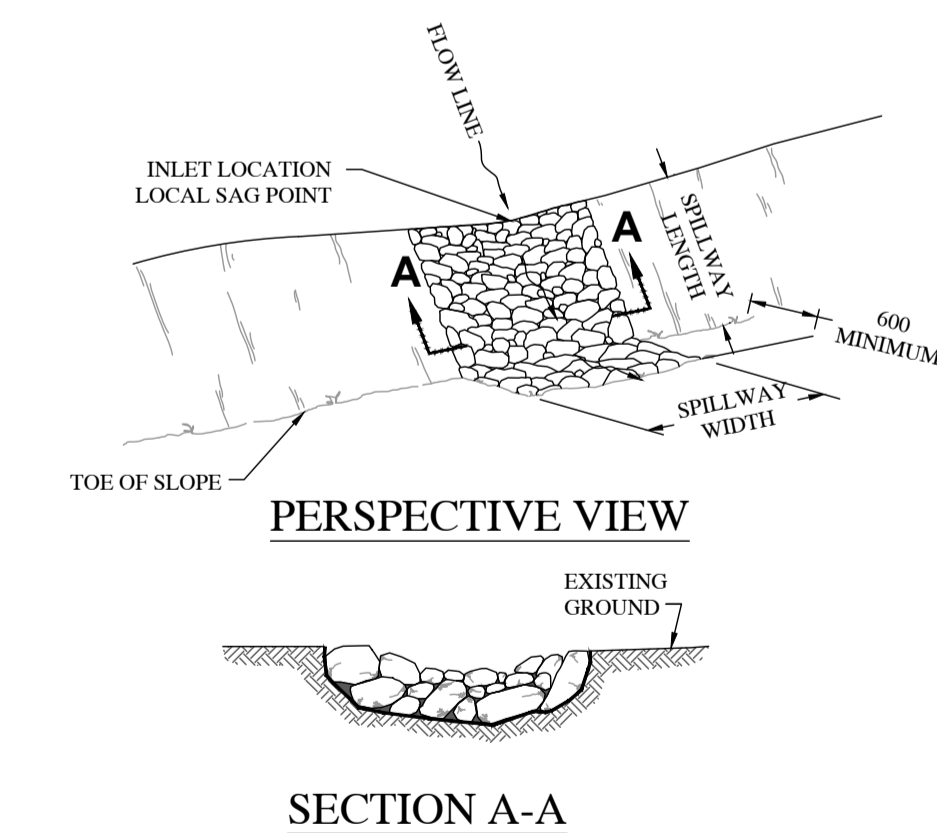
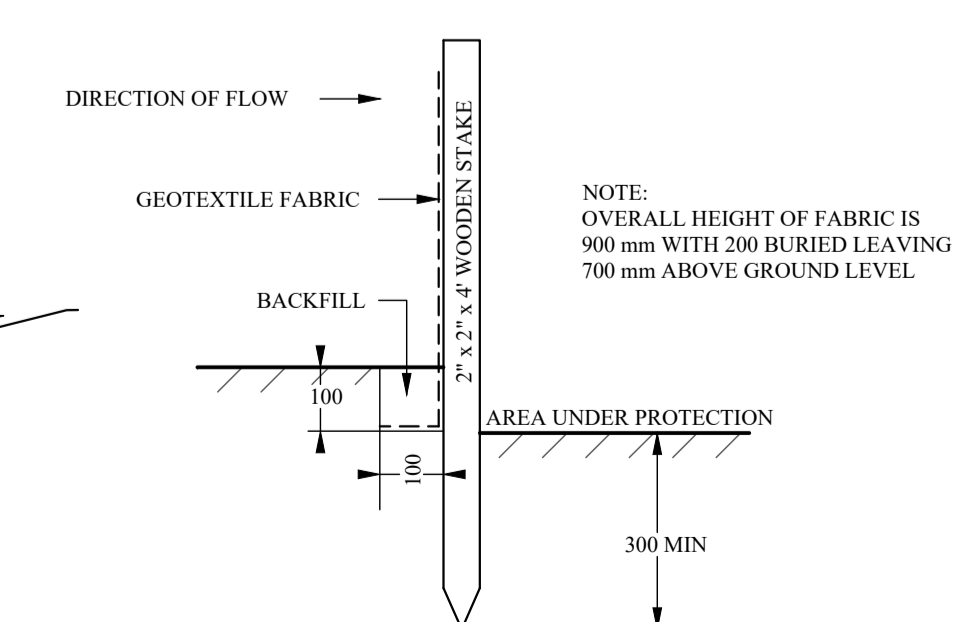
**ROCK LINED DITCH CROSS SECTION**

NOT TO SCALE

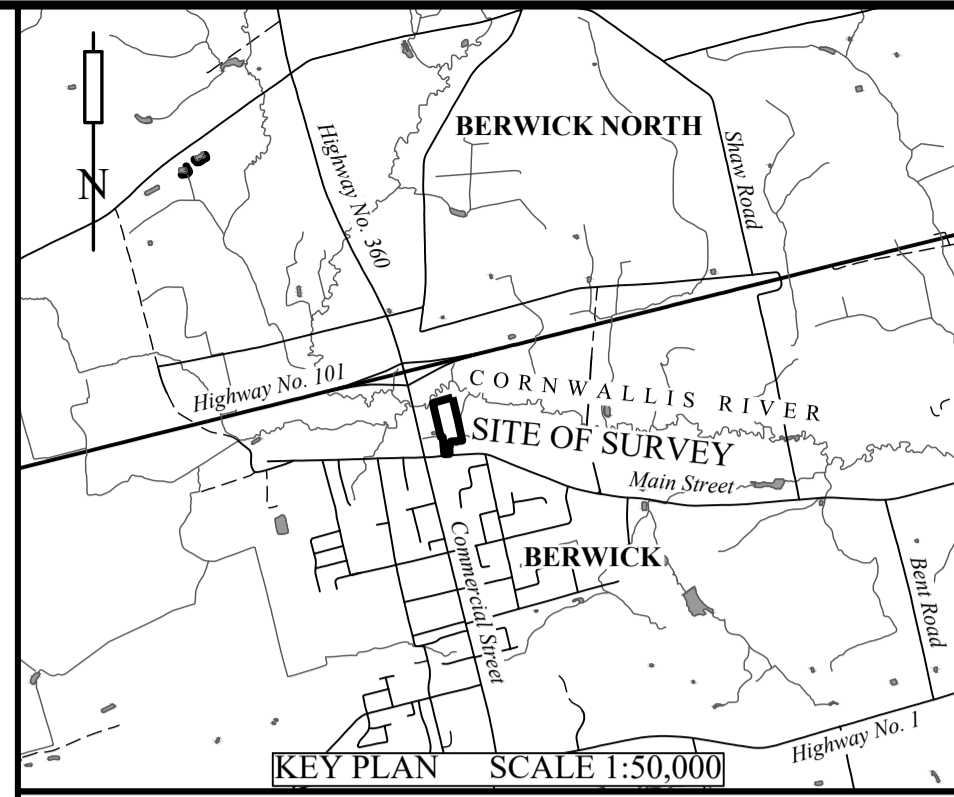


**SILT FENCE DETAIL**

NOT TO SCALE



- NOTES:
- COMPACT BACKFILL IN 150mm LIFTS UNTIL NO VISUAL DISPLACEMENT.
  - UNLESS OTHERWISE SPECIFIED WHEN ROCK SPILLWAY IS REQUIRED DIMENSION SHALL BE 1000mm WIDE X 300mm DEEP X 1500mm LONG. THE AREA SHALL BE SUBEXCAVATED 300mm PRIOR TO PLACEMENT OF THE SPILLWAY SO THE FINISHED SURFACE OF THE RIPRAP WILL BE AT THE SAME ELEVATION AS THE ADJACENT FINISHED GRADE.
  - UNLESS OTHERWISE SPECIFIED SPILLWAY ROCK SHALL BE NS STANDARD SPECIFICATION FOR MUNICIPAL SERVICES CLASS 1 RIPRAP (70% between 200-450mm).



**REVISIONS**

- ISSUED FOR DEVELOPMENT AGREEMENT - AUGUST 9, 2023

- NOTES:
- ALL SANITARY SEWER WORKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATION FOR MUNICIPAL SERVICES 2023
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ACS 250041	4971825.192	25447205.338	SMARTMET (PUBLISHED)

**LEGEND**

BEGINNING OF VERTICAL CURVE	BVC
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FINISHED GRADE	FG
CALCULATED	C
POINT OF CURVATURE	PC
POINT OF COMPOUND CURVATURE	PCC
CHORD	CH
MANHOLE (SANITARY)	MHS
MANHOLE (STORM)	MHST
CATCH BASIN	CB
FIRE HYDRANT	FH
WATER VALVE	WV
CALCULATED POINT	CP
UTILITY POLE	UP
RIGHT OF WAY	ROW
NOT TO SCALE	1
ANCHOR	OHW
OVERHEAD WIRES	OHW
ELEVATION (EXISTING)	+ 7.63
ELEVATION (PROPOSED)	+ 7.75
PROPERTY LINE	EOA / EOS
EDGE OF ASPHALT / SHOULDER	EOA / EOS
NEW OVERHEAD LIGHT	

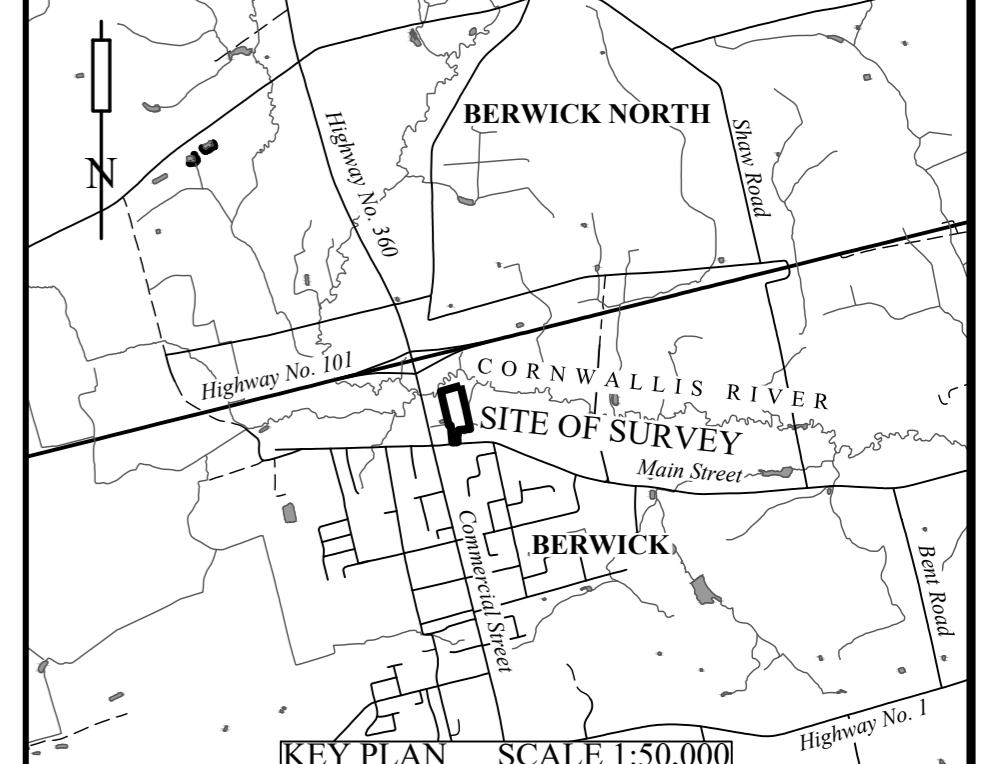
DETAILS FOR PROPOSED MULTI UNIT DEVELOPMENT FOR KENT FIELD ESTATES ON LANDS OF TOWN OF BERWICK MAIN STREET BERWICK KINGS COUNTY, NS

DETAIL SCALES AS NOTED DESIGNED BY ERIC J. MORSE, P. ENG.

**DeWOLFE & MORSE SURVEYING LIMITED**  
P.O. BOX 520 MIDDLETON  
ANNAPOLIS COUNTY, N.S.  
B0S - 1P0  
Email: info@demosl.ca

PID 55242606  
TOWN OF BERWICK

LOT "2020-1"  
PID 55539670  
TOWN OF BERWICK



REVISIONS

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1.	ISSUED FOR DEVELOPMENT AGREEMENT - AUGUST 9, 2023

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CALCULATED POINT	CP
UTILITY POLE	UP
RIGHT OF WAY	ROW
NOT TO SCALE	— —
ANCHOR	— —
OVERHEAD WIRES	OHW
ELEVATION (EXISTING)	+7.83
ELEVATION (PROPOSED)	+7.75
PROPERTY LINE	— —
EDGE OF ASPHALT / SHOULDER	EOA / EOS
NEW OVERHEAD LIGHT	— —

EROSION AND SEDIMENTATION CONTROL PLAN

FOR PROPOSED

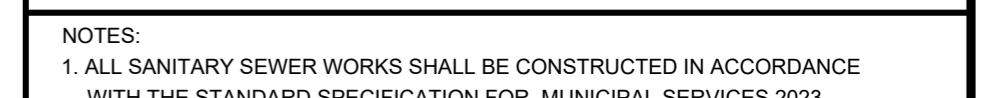
MULTI UNIT DEVELOPMENT

FOR KENT FIELD ESTATES

ON LOTS OF

TOWN OF BERWICK

MAIN STREET  
BERWICK  
KINGS COUNTY, NS



HORIZONTAL SCALE 1:500

DESIGNED BY ERIC J. MORSE, P.ENG.

DeWOLFE & MORSE SURVEYING LIMITED

P.O. BOX 520 MIDDLETON  
ANNAPOLIS COUNTY, N.S.

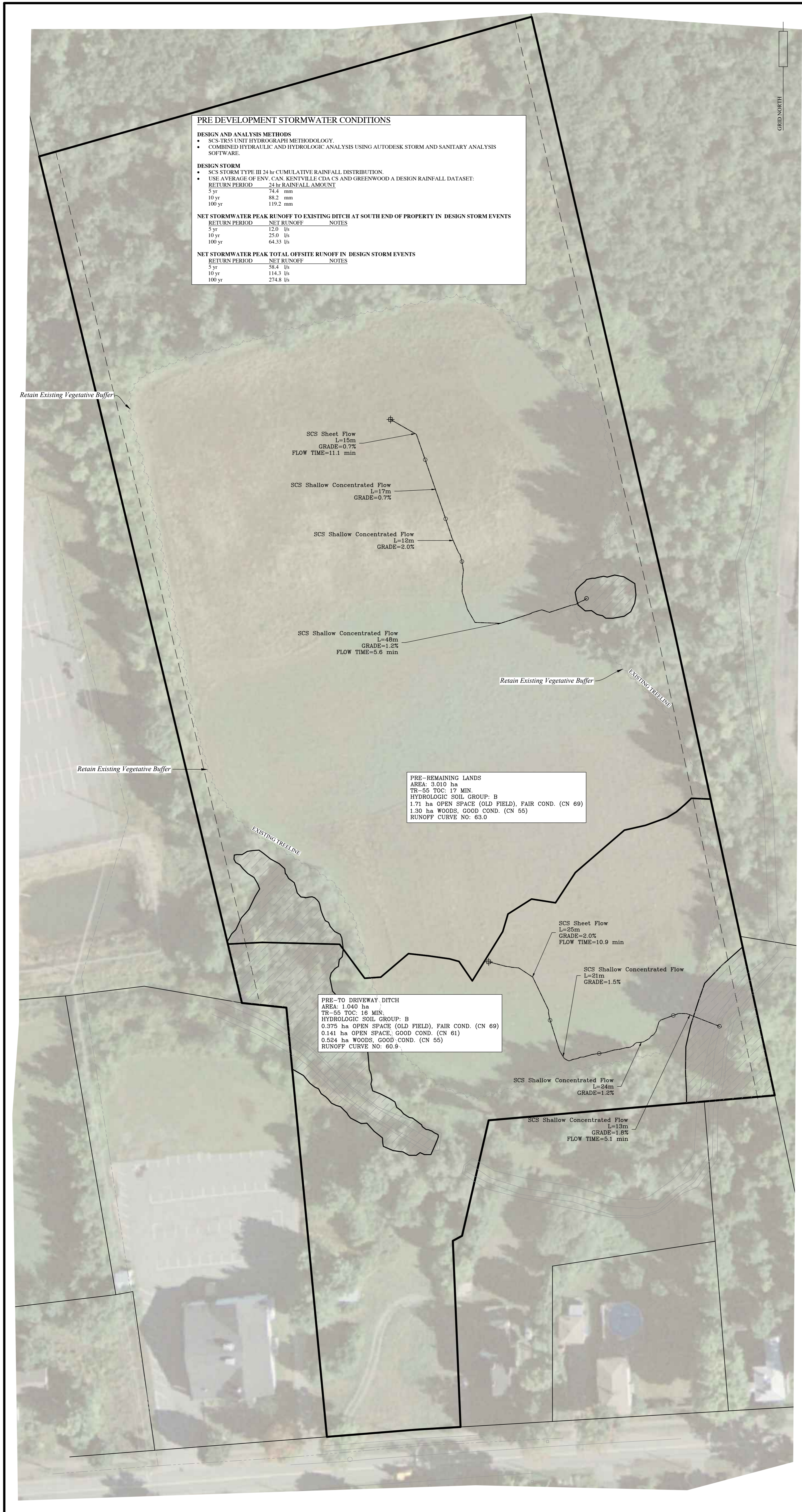
BOS - 1P0  
Email: info@demosl.ca

DRAFTED ON AUGUST 3, 2023

PLAN No: 2020-293 E&S PLAN

SHEET 6 of 8





**PRE DEVELOPMENT STORMWATER CONDITIONS**

**DESIGN AND ANALYSIS METHODS**

- SCS TR55 UNIT HYDROGRAPH METHODOLOGY.
- COMBINED HYDRAULIC AND HYDROLOGIC ANALYSIS USING AUTODESK STORM AND SANITARY ANALYSIS SOFTWARE.

**DESIGN STORM**

- SCS STORM TYPE III 24 hr CUMULATIVE RAINFALL DISTRIBUTION.
- USE AVERAGE OF ENV. CAN. KENTVILLE CDA'S AND GREENWOOD A DESIGN RAINFALL DATASET:

RETURN PERIOD	24 hr RAINFALL AMOUNT
5 yr	74.4 mm
10 yr	88.2 mm
100 yr	119.2 mm

**NET STORMWATER PEAK RUNOFF TO EXISTING DITCH AT SOUTH END OF PROPERTY IN DESIGN STORM EVENTS**

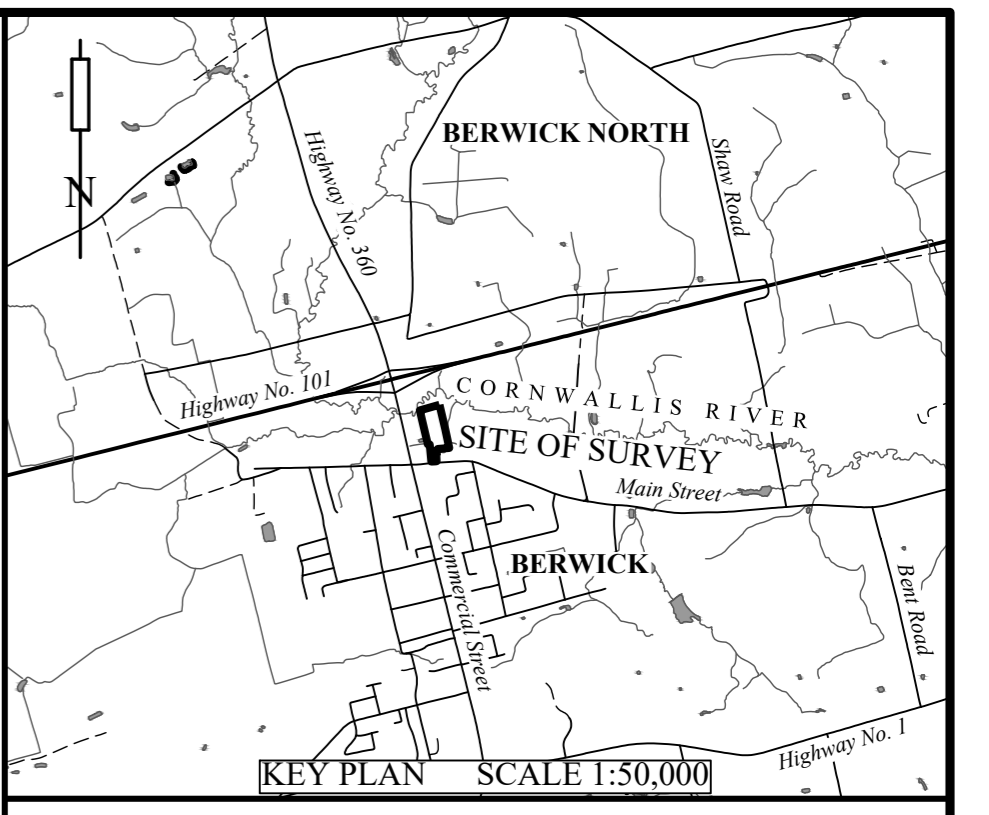
RETURN PERIOD	NET RUNOFF	NOTES
5 yr	12.0 l/s	
10 yr	25.0 l/s	
100 yr	64.33 l/s	

**NET STORMWATER PEAK TOTAL OFFSITE RUNOFF IN DESIGN STORM EVENTS**

RETURN PERIOD	NET RUNOFF	NOTES
5 yr	58.4 l/s	
10 yr	114.3 l/s	
100 yr	274.8 l/s	

**PRE-REMAINING LANDS**  
 AREA: 3.910 ha  
 TR-55 TOC: 17 MIN.  
 HYDROLOGIC SOIL GROUP: B  
 1.71 ha OPEN SPACE (OLD FIELD), FAIR COND. (CN 69)  
 1.30 ha WOODS, GOOD COND. (CN 55)  
 RUNOFF CURVE NO. 63.0

**PRE-TO DRIVEWAY DITCH**  
 AREA: 1.040 ha  
 TR-55 TOC: 16 MIN.  
 HYDROLOGIC SOIL GROUP: B  
 0.375 ha OPEN SPACE (OLD FIELD), FAIR COND. (CN 69)  
 0.141 ha OPEN SPACE, GOOD COND. (CN 61)  
 0.524 ha WOODS, GOOD COND. (CN 55)  
 RUNOFF CURVE NO. 60.9



**REVISIONS**

1. ISSUED FOR DEVELOPMENT AGREEMENT - AUGUST 9, 2023

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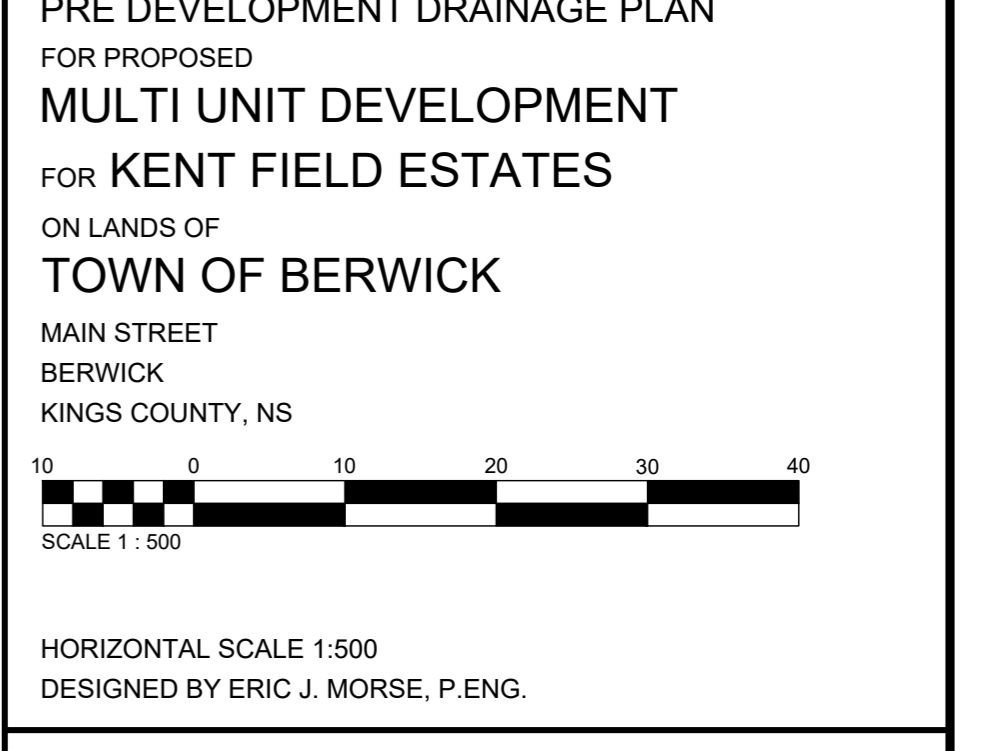
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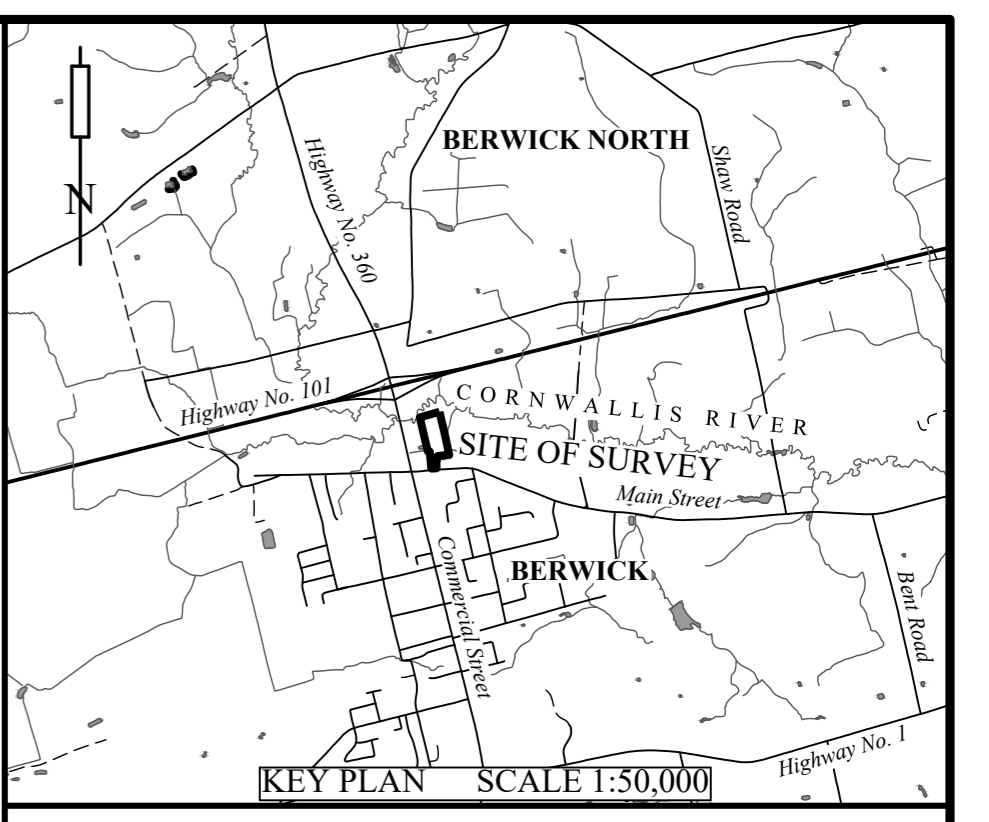
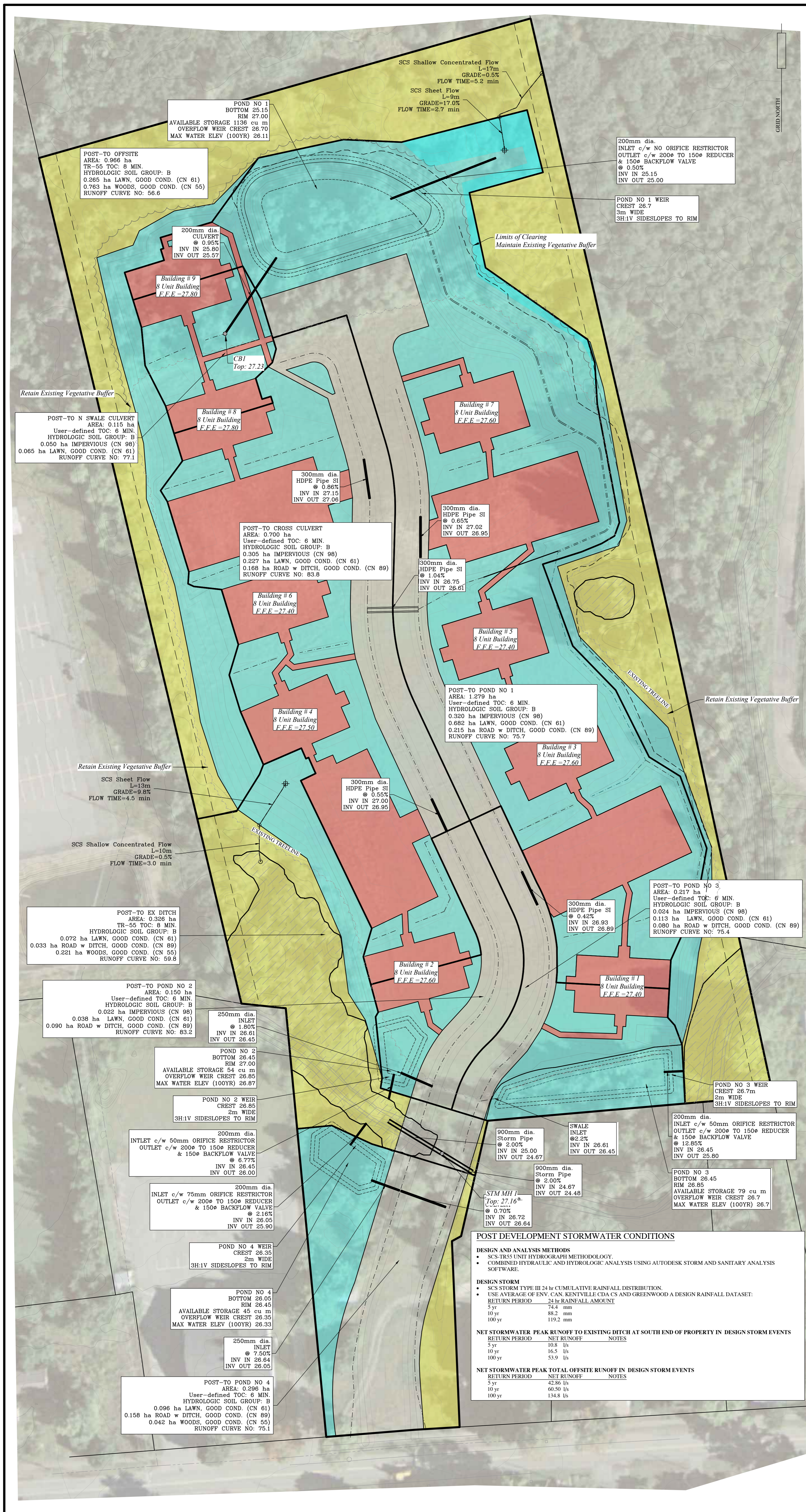
**LEGEND**

BEGINNING OF VERTICAL CURVE	.....	BVC
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CALCULATED	.....	C
POINT OF CURVATURE	.....	PC
POINT OF COMPOUND CURVATURE	.....	PCC
CHORD	.....	CH
MANHOLE (SANITARY)	.....	MHS
MANHOLE (STORM)	.....	MHST
CATCH BASIN	.....	CB
FIRE HYDRANT	.....	FH
WATER VALVE	.....	WV
CALCULATED POINT	.....	CP
UTILITY POLE	.....	UP
RIGHT OF WAY	.....	ROW
NOT TO SCALE	.....	NTS
ANCHOR	.....	ANCH
OVERHEAD WIRES	.....	OHW
ELEVATION (EXISTING)	.....	+7.63
ELEVATION (PROPOSED)	.....	+7.75
PROPERTY LINE	.....	PL
EDGE OF ASPHALT / SHOULDER	.....	EOA / EOS
NEW OVERHEAD LIGHT	.....	NOL

**PRE DEVELOPMENT DRAINAGE PLAN**  
 FOR PROPOSED  
**MULTI UNIT DEVELOPMENT**  
 FOR KENT FIELD ESTATES  
 ON LANDS OF  
**TOWN OF BERWICK**  
 MAIN STREET  
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WATER VALVE	.....	WV
CALCULATED POINT	.....	CP
UTILITY POLE	.....	UP
RIGHT OF WAY	.....	ROW
NOT TO SCALE	.....	↑
ANCHOR	.....	→
OVERHEAD WIRES	.....	OHW
ELEVATION (EXISTING)	.....	+ 7.83
ELEVATION (PROPOSED)	.....	+ 7.75
PROPERTY LINE	.....	—
EDGE OF ASPHALT / SHOULDER	.....	EOA / EOS
NEW OVERHEAD LIGHT	.....	■

**POST DEVELOPMENT DRAINAGE PLAN**

FOR PROPOSED  
**MULTI UNIT DEVELOPMENT**

FOR KENT FIELD ESTATES

ON LANDS OF  
**TOWN OF BERWICK**

MAIN STREET  
BERWICK  
KINGS COUNTY, NS



HORIZONTAL SCALE 1:500  
DESIGNED BY ERIC J. MORSE, P.ENG.

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DRAFTED ON AUGUST 3, 2023

PLAN No: 2020-293 POST DEV

SHEET 8 of 8

**POST DEVELOPMENT STORMWATER CONDITIONS**

**DESIGN AND ANALYSIS METHODS**

- SCS-TR55 UNIT HYDROGRAPH METHODOLOGY.
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RETURN PERIOD	24 hr RAINFALL AMOUNT
5 yr	74.4 mm
10 yr	85.2 mm
100 yr	119.2 mm

NET STORMWATER PEAK RUNOFF TO EXISTING DITCH AT SOUTH END OF PROPERTY IN DESIGN STORM EVENTS	RETURN PERIOD	NET RUNOFF	NOTES
	5 yr	10.8 l/s	
	10 yr	16.5 l/s	
	100 yr	53.9 l/s	

NET STORMWATER PEAK TOTAL OFFSITE RUNOFF IN DESIGN STORM EVENTS	RETURN PERIOD	NET RUNOFF	NOTES
	5 yr	42.86 l/s	
	10 yr	60.50 l/s	
	100 yr	134.8 l/s	

# REQUEST FOR DECISION

## RFD024-2023: Recreation Nova Scotia Anti-Racism Charter Signatory



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**From:** Natalie Palmer, Community Recreation Coordinator  
**Date:** September 20<sup>th</sup>, 2023  
**Subject:** Request to Sign Recreation Nova Scotia Anti-Racism Charter

---

### **References/Attachments**

See Anti-Racism Charter information package as submitted.

### **Recommendation**

That Council review the submitted report and agree to sign the Recreation Nova Scotia Anti-Racism Charter on behalf of the Town of Berwick committing to create and implement an anti-racism action plan.

### **Background**

Through their Anti-Racism Charter, Recreation Nova Scotia seeks to better support individuals and communities facing racism and provide **unifying guidelines** for the recreation sector to address, combat and prevent systemic racism within the sector. It offers all organizations with a foundation to build upon and the ability to identify steps and actions that focus on anti-racism, equity, and inclusion.

Organizations that sign onto the Anti-Racism Charter could be named in Recreation Nova Scotia's newsletters, annual reports, social media, and other forms of public communication.

Recreation Nova Scotia commits to support organizations in creating Action Plans around the Anti-Racism Charter's Actions/Commitments and to reconvene signatories and interested parties periodically to share progress on anti-racism work. Recreation Nova Scotia also commits to house resources related to the implementation of the Anti-Racism Charter and to share and promote training and learning opportunities.

Organizations that sign the Charter will oversee the creation and implementation of their own anti-racism action plan.

### **Financial Implications**

Recreation Nova Scotia **will not charge signatories with any fees** for their commitment to the Anti-Racism Charter.

**REQUEST FOR DECISION**  
**RFD024-2023: Recreation Nova**  
**Scotia Anti-Racism Charter**  
**Signatory**



**Priority Alignment**

<b>Check Applicable</b>	<b>Strategic Priority Area</b>	<b>Comments</b>
	Economic	
	Environmental	
X	Social	
X	Cultural	

**Community Engagement/Communication**

Town staff would seek community members input and feedback in the creation of a formal anti-racism action plan.

**CAO Comments**

I support the recommendation of staff and development of an anti-racism action plan.

CAO Initials: JB

Target Decision Date: October 10, 2023



***Anti-Racism  
Charter***  
in Recreation



# Introduction

## **ACKNOWLEDGEMENTS**

Recreation Nova Scotia is located in Mi'kma'ki, the traditional unceded territory of the Mi'kmaq people. This territory is covered by the "Treaties of Peace and Friendship" which Mi'kmaq and Wolastoqiyik (Maliseet) Peoples first signed with the British Crown in 1725. The treaties recognized Mi'kmaq and Wolastoqiyik (Maliseet) title, and established the rules for what was to be an ongoing relationship between nations; they did not deal with surrender of lands and resources. We are all Treaty people.

We recognize that African Nova Scotians are a distinct people whose histories, legacies and contributions have enriched that part of Mi'kma'ki known as Nova Scotia for over 400 years.

Nova Scotia is home to many diverse communities that have shaped and enriched the province. While racism is the focus of the Anti-Racism Charter, we acknowledge that there are additional forms of discrimination that can negatively impact one's ability to participate in recreational activities. We also acknowledge that many people living in Nova Scotia have intersecting identities which may expose them to more than one form of discrimination.

Recreation Nova Scotia is grateful to all of the recreation participants, staff and volunteers involved in recreation who helped shape and bring the Anti-Racism Charter to life. Insights and feedback shared during the development of the Anti-Racism Charter has helped make it a tool created by, and for, the recreation sector in the province.

## **ABOUT RECREATION NOVA SCOTIA**

Recreation Nova Scotia is a provincial, not-for-profit organization. In partnership with the volunteers and professional recreation community, the organization advocates on behalf of all Nova Scotians for recreation and leisure opportunities to promote the values and personal, social, economic, and environmental benefits of recreation and leisure.

Recreation Nova Scotia membership includes professionals, volunteers, educators, students, interested citizens, elected officials and commercial organizations. The organization is open to everyone who has an interest in recreation, parks, fitness, sport, facilities, aquatics, therapeutic recreation, camping, the arts, culture or other related sectors.



## **WHAT IS RECREATION?**

Recreation Nova Scotia describes recreation as the experience that results from freely chosen participation in physical, social, intellectual, creative and spiritual pursuits that enhance individual and community well-being.<sup>1</sup>

Here in Nova Scotia, there's a wide range of recreation activities to engage in based on our rich geography and demographics. While recreation may look different in urban or more rural settings across the province, it is the activities we engage in for leisure, enjoyment and well-being that often bring Nova Scotian communities together in unique ways.

- 
1. This definition comes from the National Framework for Recreation, and has been adopted by the Shared Strategy for Advancing Recreation in Nova Scotia, <https://www.recreationns.ns.ca/shared-strategy.html>

## **About the Anti-Racism Charter**

### **Why do we need a Charter specific to anti-racism in recreation?**

**Racism exists in Nova Scotia and it exists within Nova Scotia's recreation sector.** The impacts of racist incidents on the psychological health and well-being of those affected are serious and is made worse by the lack of support available. As an organization, Recreation Nova Scotia seeks to better support individuals and communities facing racism and provide unifying guidelines for the recreation sector to address, combat and prevent systemic racism within the sector.

The Anti-Racism Charter in Recreation is needed to specifically acknowledge and address the harm and exclusion caused by racism in recreation. A proactive and systemic approach is required to make recreation welcoming and inclusive for everyone in Nova Scotia.



## Some Helpful Definitions

In this section, we share a few definitions which are important to understanding the context of the Anti-Racism Charter. Thank you to the creators of The Inclusive Language Glossary & Workbook for allowing us to borrow from their excellent resource.

**Racism** occurs between individuals, on an interpersonal level, and is embedded in organizations and institutions through their policies, procedures and practices.

**Systemic racism** includes the policies and practices entrenched in established institutions, which result in the exclusion or promotion of designated groups. It differs from overt discrimination in that no individual intent is necessary.

**Oppression** results from the use of institutional power and privilege where one person or group benefits at the expense of another. Oppression can be a combination of bias, privilege and power.

**Anti-Racism** is defined as the work of actively opposing racism by advocating for changes in political, economic, and social life. Anti-racism tends to be an individualized approach, and set up in opposition to individual racist behaviors and impacts.

An **anti-racist person or organization** goes a step further than simply stating they are anti-racist. These individuals and organizations work to understand their own privilege, challenge their own internalized racism and call out racism when they see it impacting others.

An **inclusive recreation sector** means everyone believes and feels they can fully and safely participate in activities of their choosing, and that they can do so in reality.

An **equitable recreation sector** accommodates the different needs and expectations of diverse communities, particularly those that have been historically underrepresented within activities that enhance individual and community well-being.

## **How will the Anti-Racism Charter benefit the recreation sector in Nova Scotia?**

The Anti-Racism Charter provides an opportunity to engage in dialogue, education, and actions which together will create a more welcoming and representative sector. It offers all organizations with a foundation to build upon and the ability to identify steps and actions that focus on anti-racism, equity and inclusion.

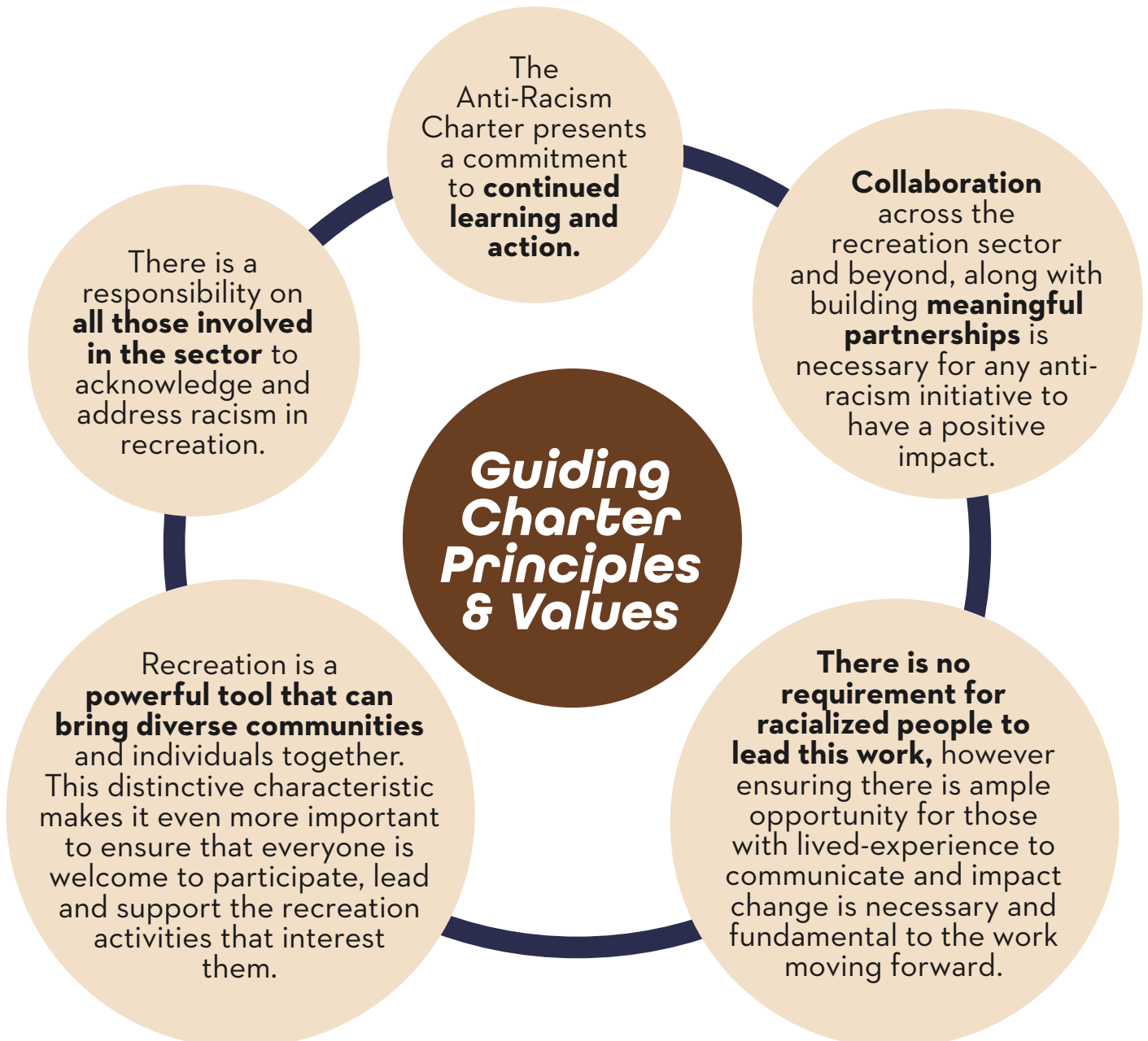
## **Who can adopt the Anti-Racism Charter?**

*The Charter is a tool that can be adopted and used by any organization in Nova Scotia*, whether they are a member of Recreation Nova Scotia or not. Each path taken by signatories to acknowledge and address racism within their organization and the communities they serve will look different.

There are varying degrees of resources available across the recreation sector. Some organizations rely solely on volunteers, operate on a seasonal basis and/or have limited funds for initiatives beyond their programming mandate(s). Regardless of means, there are meaningful and purposeful actions all organizations can take to critically consider how their policies and practices perpetuate racism in recreation, and how they can meaningfully implement their decision to sign onto the Anti-Racism Charter.

# Charter Mission

The Anti-Racism Charter is a practical tool, shaped by recreation employees, volunteers and participants, to engage in the work necessary to acknowledge and confront continued harms caused by racism in recreation. The tool will result in proactive steps taken by Anti-Racism Charter signatories, and a sector that is more representative of all those in Nova Scotia.





# *Anti-Racism Charter Actions & Commitments*

**Signatories to the Anti-Racism Charter will undertake the following actions and commitments:**

**Acknowledge & Address Racism** – Commit to zero tolerance of all forms of racism and develop practical processes to address racist acts and behaviours. Acknowledge and update discriminatory policies that encourage or perpetuate the exclusion of racialized populations.

**Provide Ongoing Training & Educational Opportunities** – Deliver continued learning opportunities that provide practical skills to combat racism in recreation at all levels of an organization. Promote, participate in, and support external opportunities that have the same objectives, while always considering the safety of all participants.

**Build Racially Representative Communities** – Meaningfully encourage participation and opportunities for racially diverse community members within your area of recreation, critically examine participation within the organization at all levels, while employing communication and engagement practices that proactively include first-voice representation.

**Design Equitable & Inclusive Opportunities** – Create opportunities for racialized people to take on leadership and decision-making roles at all levels of an organization, paying special attention to mentorship, business, and skill development opportunities. Mindfulness of emotional, psychological, and physical safety of racialized persons will be required, particularly in historically white and under-representative organizations.

# 5 Steps to Implementation



## ***Action / Commitment 1: Acknowledge & Address Racism***

**Commit to zero tolerance of all forms of racism and develop practical processes to address racist acts and behaviours. Acknowledge and update discriminatory policies that encourage or perpetuate the exclusion of racialized populations.**

### **Examples of inquiries, actions, and initiatives that can be undertaken:**

Create or adopt an anti-racism and discrimination policy. Develop a plan to communicate the policy with the various audiences engaged by the organization.

Develop plain-language signage to be posted in facilities and/or adopted that can be read aloud during programming that clearly states the organization's commitment to zero-tolerance for racism and other forms of discrimination.

Create a process for safely reporting, addressing and acknowledging racist incidents when they occur. Communicate the processes to all those engaged by the organization.

Closely examine internal written, unwritten policies and practices to identify those that limit or exclude participation and membership of racialized populations at all levels of the organization. Review and update all language utilized in written documentation so that it is inclusive.

Identify opportunities for your organization to publicly recognize the historic and possibly continued exclusion of racialized populations from your organization or area of activity, with the goal of doing better moving forward. Capture the acknowledgement in your public organizational materials and/or policies.

Plan to revisit and update policies and practices related to anti-racism and increased equity and inclusion within your organization. Include timelines and opportunities to receive feedback from people and communities the practices and policies have been designed to support the most.

## **Action / Commitment 2:** **Provide Ongoing Training & Educational Opportunities**

**Deliver continued learning opportunities that provide practical skills to combat racism in recreation at all levels of an organization. Promote, participate in, and support external opportunities that have the same objectives, while always considering the safety of all participants.**

### **Examples of inquiries, actions, and initiatives that can be undertaken:**

- Create opportunities for the most senior members (employees and volunteers) of your organization to take part in anti-racism training and/or professional development offerings that are specifically designed for organizational leaders. Document a plan for senior members to take part in these types of offerings on an ongoing basis.
- Develop a list of free online resources, tailored to the programming or offerings your organization engages in, that deal with anti-racism, which can be shared with internal and external audiences. Update the list and re-share it on a regular and pre-determined schedule.
- If your organization engages seasonal, short-term, or part-time employees and/or volunteers, establish training and education related to anti-racism which can realistically be delivered to a group that is engaged with the organization in a more casual manner.
- Develop a policy that addresses in what situations payment and honorariums are offered to racialized people to lead training, discussions, or cultural teachings to help promote respectful and reciprocal collaborations. Create a plan to revisit the policy on a regular basis.
- Identify regularly occurring gatherings, for example annual general meetings, events, and conferences, where anti-racism training and related conversations can be meaningfully incorporated.
- Develop a protocol that offers organization-specific best practices, expectations, and ways to create safer spaces for participants of anti-racist trainings and dialogues. The protocol should specifically acknowledge how these sorts of discussions can be particularly triggering for racialized participants.

## **Action / Commitment 3: Build Racially Representative Communities**

**Meaningfully encourage participation and opportunities for racially diverse community members within your area of recreation, critically examine participation within the organization at all levels, while employing communication and engagement practices that proactively include first-voice representation.**

### **Examples of inquiries, actions, and initiatives that can be undertaken:**

Complete research or consultation to identify specific recreational programming gaps experienced by racialized populations that could be fulfilled by a partnership with your organization. Develop concrete plans to implement initiatives aimed at collaboratively addressing those gaps.

If there are racialized people already working to increase representation within the recreational activity that your organization is involved with, take steps to learn from and collaborate with those individuals.

If there are organizations not led by racialized populations, which have historically partnered with diverse communities to create programming for, and with, these populations, determine whether there are opportunities to learn from, and work with those organizations, to strengthen relationships with these communities, particularly in areas of the province which may not be very racially diverse.

Make efforts to take part in gatherings, celebrations, programming and other activities organized and hosted by community groups focused on servicing racialized populations in your area of recreation. Plan to regularly identify opportunities to support the initiatives lead by racially diverse groups and organizations.

Identify initiatives your organization can undertake to not only introduce your area of recreation to racialized communities, but to also ensure opportunities for continued and meaningful participation. Consider whether persons are able to engage in these activities with other members of their community using cohort models.

Review current communications (e.g. websites, newsletters, social media, printed materials etc.) to identify where gaps in visual representation of racialized people exist. Develop a plan to perform this sort of review on a regular basis.

Identify practical and financial barriers such as transportation, location of facilities, cost of participation, availability of appropriate nutrition and support for child and elder care responsibilities. Plan to address these barriers through such measures as fundraising, adapting budgets, organizational partnerships and lobbying funding and governing bodies.

## **Action / Commitment 4:** **Design Equitable & Inclusive Opportunities**

**Create opportunities for racialized people to take on leadership and decision-making roles at all levels of an organization, paying special attention to mentorship, business, and skill development opportunities. Mindfulness of emotional, psychological, and physical safety of racialized persons will be required, particularly in historically white and under-representative organizations.**

### **Examples of inquiries, actions, and initiatives that can be undertaken:**

Consider the racial makeup of board members, staff and volunteers, particularly among the highest levels of your organization. Put practical measures in place to actively and safely invite racialized community members into the organization and over time, increase the racial diversity of leaders and decision-makers.

When encouraging members of racialized populations to apply for board, senior staff and volunteer roles within your organization, make clear connections between their duties and their ability to engage their community in their work. Clearly state these opportunities in the posting for the position.

Adopt more equitable and inclusive practices at all stages of the recruitment and employment cycle (e.g. job posting, interviewing, onboarding and employee support).

Examine where your organization's money is spent. When identifying vendors for goods and services, employ purchasing and contracting processes that apply special consideration for businesses owned and/or operated by members of racialized populations, as a means of engaging groups historically underrepresented in the commercialization and administration of recreation. Formally adopt the policy, advertise it externally, and monitor for outcomes.

Invite racialized members of your organization to take part in (where available) opportunities that involve networking and skill development on regional, national and international levels. Adopt a policy that supports and encourages participation in training and advancement opportunities, both formal and informal, for everyone in the organization.



# *How to Create an Action Plan*

The Anti-Racism Charter's four Actions & Commitments represent areas of focus for signatories to the Anti-Racism Charter. The examples of inquiries, actions and initiatives to be undertaken for each area of focus are suggestions to help guide implementation of each Action & Commitment and should not be seen as a prescriptive or exhaustive list.

The template Action Plan provides an outline for organizations to begin mapping out how they will take concrete steps to address and prevent racism. The template also considers implementation of timelines and evaluation measures to ensure ongoing support and resources are set aside for this work.

Signatories to the Anti-Racism Charter may want to add their own inquiries, actions and initiatives to their Action Plan and are encouraged to do so. Recreation Nova Scotia encourages signatory organizations to consider the expertise, experience, and resources readily available to help them set goals and move toward action.



# Frequently Asked Questions

## Who helped create the Anti-Racism Charter?

The Anti-Racism Charter is a **Recreation Nova Scotia** initiative with contributions from Recreation Nova Scotia staff and board.

Project Manager - **Graham Mounsey**

Project Consultant - **Wisdom2Action**, a social enterprise and consulting firm.

The project is funded by the **Government of Canada**.

A **Steering Committee** composed of leaders in the recreation sector, and a **Youth Advisory Council**, made up of youth with diverse lived-experience, helped inform the Anti-Racism Charter engagement activities and documents.

### Steering Committee Members & Youth Advisory Council Members

- Colleen Belle
- Vanessa Hartley
- Ali Koperqualuk
- Nick Lenehan
- Fawn Logan-Young
- Heather MacNeil
- Josh Nicholas
- Crystal Watson
- Nicholas Williams

## What engagement activities took place as part of the Anti-Racism Charter initiative?

- **An online survey** to understand how racism and discrimination exist and are experienced across the recreation sector, what training is needed to address racism in recreation and what should go into the Anti-Racism Charter. The survey was available in English, Arabic and Somali. Approximately 157 Nova Scotians completed the survey between April and September 2022.

- **In-person and virtual focus groups** to expand on the issues raised and feedback provided by survey respondents. A total of 10 focus groups were hosted across the province between April and July 2022. Approximately 76 recreation employees, volunteers, students and participants took part in the focus groups.
- **In-person training** that focused on addressing key themes shared via the survey and focus groups. Sessions were held in Sydney, Halifax and Birchtown with a total of 40 recreation service providers taking part.
- **Various meetings with policy makers and community members** to share details regarding the provincial consultation process and seek input on the Anti-Racism Charter development and adoption throughout the province.

## Are there any other initiatives or reports that align with the Anti-Racism Charter?

- **The Truth and Reconciliation Commission of Canada: Calls to Action<sup>1</sup>**, developed by the parties of the Indian Residential Schools Settlement Agreement. While there are no Calls to Action that are specific to recreation, the 94 recommendations address the need for changes in youth programs, sports and other recreation-related sectors to “redress the legacy of residential schools and advance the process of Canadian reconciliation”.
- **Bill No. 96: Dismantling Racism and Hate Act<sup>2</sup>**, outlines the Nova Scotia government’s approach to addressing systemic racism, hate and inequity.
- **Recreation Facility Association of Nova Scotia in partnership with the Tripartite Forum**, developed the Anti-Racism and Discrimination Policy Signage and Policy Template, developed to help recreational facilities prevent acts of racism.<sup>3</sup>

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1. Truth and Reconciliation Commission of Canada: Calls to Action, Truth and Reconciliation Commission of Canada, 2012, [https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls\\_to\\_Action\\_English2.pdf](https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf)
  2. Dismantling Racism and Hate Act, Nova Scotia Legislature, Bill No. 96, 2022, [https://nslegislature.ca/legc/bills/64th\\_1st/1st\\_read/b096.htm](https://nslegislature.ca/legc/bills/64th_1st/1st_read/b096.htm)
  3. Recreation Facility Association of Nova Scotia, <http://www.rfans.com/resource-centre/>

## **Are there any costs associated with signing onto the Anti-Racism Charter?**

Recreation Nova Scotia will not charge signatories with any fees for their commitment to the Anti-Racism Charter.

## **How will Anti-Racism Charter signatories' information be used by Recreation Nova Scotia?**

Organizations that sign onto the Anti-Racism Charter could be named in Recreation Nova Scotia's newsletters, annual reports, social media and other forms of public communication.

## **How will signatories be supported by Recreation Nova Scotia once they sign onto the Anti-Racism Charter?**

Recreation Nova Scotia commits to support organizations in creating Action Plans around the Anti-Racism Charter's Actions/Commitments and to reconvene signatories and interested parties periodically to share progress on anti-racism work. Recreation Nova Scotia also commits to house resources related to the implementation of the Anti-Racism Charter and to share and promote training and learning opportunities.

**Will signing onto the Anti-Racism Charter give Recreation Nova Scotia or Canadian Heritage the authority to make decisions regarding signatory organizations?**

No, organizations that sign onto the Anti-Racism Charter will oversee the creation and implementation of their own action plan.

**How can I get in touch with Recreation Nova Scotia?**

If you would like to get in touch about the Anti-Racism Charter, please contact:

[antiracism@recreationns.ns.ca](mailto:antiracism@recreationns.ns.ca)



# Recreation Nova Scotia Anti-Racism Charter Signatory Commitment Form



The Anti-Racism Charter is a practical tool, shaped by recreation employees, volunteers and participants, to engage in the work necessary to acknowledge and confront continued harms caused by racism in recreation.

## GUIDING CHARTER PRINCIPLES & VALUES

- The Anti-Racism Charter presents a commitment to continued learning and action.
- There is a responsibility on all those involved in the sector to acknowledge and address racism in recreation.
- Collaboration across the recreation sector and beyond, along with building meaningful partnerships is necessary for any anti-racism initiative to have a positive impact.
- There is no requirement for racialized people to lead this work, however ensuring there is ample opportunity for those with lived-experience to communicate and impact change is necessary and fundamental to the work moving forward.
- Recreation is a powerful tool that can bring diverse communities and individuals together. This distinctive characteristic makes it even more important to ensure that everyone is welcome to participate, lead and support the recreation activities that interest them.

Organization: \_\_\_\_\_

Signature of Signing Authority: \_\_\_\_\_

Date: \_\_\_\_\_

## 5 STEPS TO IMPLEMENTATION

- **ENDORSE:** Show your organization's commitment by signing and submitting the signatory form to [antiracism@recreationns.ca](mailto:antiracism@recreationns.ca).
- **COMMIT:** Pledge to initiate goal setting, complete a scan of helpful resources and initiatives already in existence, and proactively work on an anti-racism action plan.
- **ANNOUNCE:** Share and celebrate your commitment internally and externally.
- **PURSUE:** Work toward regular check-ins and evaluation of action plan progress.
- **REPORT:** Communicate accomplishments and undertaken initiatives associated with the adopted anti-racism action plan.

## ACTIONS & COMMITMENTS

- Acknowledge & Address Racism
- Provide Ongoing Training & Educational Opportunities
- Build Racially Representative Communities
- Design Equitable & Inclusive Opportunities



# Recreation Nova Scotia Anti-Racism Charter Signatory Commitment Form

By completing the form below and submitting it to Recreation Nova Scotia, our organization commits to upholding the values and principles outlined in the Recreation Nova Scotia Anti-Racism Charter.

As a signatory, we commit to the implementation of actions necessary to address and acknowledge the impact of racism in recreation.

We understand that by submitting the form, our organization name will be added to a public registry of Anti-Racism Charter signatories.

<b>ORGANIZATION INFORMATION</b>
Organization Name:
Organization Contact Name:
Email:
Mailing Address:
Any additional contact information (e.g. the organization operates seasonally, organization email checked infrequently, phone is the best way to communicate with the organization):
<b>COMMITMENT ADOPTION</b>
How did your organization agree to adopt the Charter? Board Resolution      Leadership Commitment      Annual General Meeting      Membership Vote Other:
Commitment to create an Action Plan: Within 6 months of adopting the Charter Within 1 year of adopting the Charter Other:
<b>SIGNATORY INFORMATION</b>
Signature of Signing Authority:
Name of Signing Authority (please print):
Title of Signing Authority:
Date (dd/mm/yy):

**2023/24 Operating Plan Priorities  
Quarter 2 Update (July to September)**

<b>Department</b>	<b>Initiative</b>	<b>Description</b>	<b>Q2</b>	<b>Comments</b>
Administration	Committees of Council	Review Committees of Council mandates and ensure proper resourcing is assigned to each Committee.	Compile a list of all current Committee of Council members and vacancies. Identify whether there is a terms of reference for the Committee.	List is completed. Searching for terms of references.
Administration	Corporate Strategy Review	Review all corporate strategies, plans and reports, identifying relevant or non-relevant recommendations to incorporate into future workplans.		
Administration	Communications	Develop and implement a communications plan, including significant updates to the Town's website.	Begin development of the Communications Plan and processes to improve communications. New position starts Sept. 11	Employee has started and has initiated processes for communication requests for social media, website and print. General website and social media updates have occurred.
Administration	Bylaw & Policy Review	Conduct and audit of all Town Bylaws and Policies, including a schedule for updating and appealing outdated documents and ensure procedures are in place for proper implementation	Complete audit of Town policies and bylaws. At end of quarter, website and sharepoint should be up to date	Complete list of Policies and date of adoption have been compiled.
Administration	IT Upgrades	Roll out Office 365, which includes records management infrastructure and access to records across devices. Ensure employees have the proper equipment to do their jobs effectively.	Implement Audit Actions including updated security and backups for data. Complete Council training and deploy new iPads.	Continuing to implement audit actions. Switch to Diamond Cloud storage has been completed. Council iPads to be deployed at Sept. 26 meeting.
Administration	Performance Management Program		Implement Performance Management Program.	Reviewed performance management process with management and set dates for mid-review completion

**2023/24 Operating Plan Priorities  
Quarter 2 Update (July to September)**

<b>Department</b>	<b>Initiative</b>	<b>Description</b>	<b>Q2</b>	<b>Comments</b>
Administration	Records Management	Implement the AMANS Records Management manual and transfer of records into a central electronic management system.	Transfer all common drive files to SharePoint and to ensure access.	Continue to transfer files.
<b>Administration</b>	<b>Front Counter Reno</b>	<b>Renovation of front counter area for accessibility and develop an additional work space.</b>	<b>Tender the prelim design for completion and construction.</b>	<b>A draft RFP for a design build has been prepared. Waiting to receive the draft concept design before tendering.</b>
Finance	Asset Management	Utilize plan to drive optimum, fiscally responsible capital planning.		
Finance	Electronic Purchase Orders	Develop electronic purchase order process within the Town and BEC operations.	Will begin in October, with rollout slated to occur in Q3.	
<b>Finance</b>	<b>New Payroll System</b>	<b>Implementation of an in-house, computerized time entry system and payroll function for both the Town and BEC.</b>		
<b>Finance</b>	<b>Low Income Tax Exemption Policy</b>			
Finance	Sewer Rate Review	Review and update the Town's sewer rates.		
Protective Services	Administrative Support for Bylaw Complaints	Formalize a process to handle bylaw and general complaints, including documenting the issue, educating the public and following up on remedies with all parties involved.	Finalize process for taking, tracking and escalating complaints/infractions.	On-going. Carryover to Q3.
Protective Services	Level of Service Engagement	Engage the community in discussion to understand the level of service needs regarding policing services.		
Protective Services	Policing Services Review Follow-Up	Gather information from on-going policing services reviews in the province, as well as the provincial review and keep Council and the Police Services Advisory Committee updated on the progress.		

**2023/24 Operating Plan Priorities  
Quarter 2 Update (July to September)**

<b>Department</b>	<b>Initiative</b>	<b>Description</b>	<b>Q2</b>	<b>Comments</b>
Protective Services	Capital Equipment	Purchase truck bed for portable pump truck replacement and purchase new rescue tools.	Purchase chassis for new portable pump truck.	Chassis has been purchased.
Protective Services	Water Storage	Explore potential partnership for water storage options. In none, proceed with installation of new water storage system at fire hall.	Finalize a design to tender the project.	
Public Works	Asset Management - Paving Maintenance Plan	Establish and implement a paving maintenance plan and sidewalk replacement plan using the asset management data.		A Plan has not been developed; although a Road Maintenance Program template has been developed by the AIM Network that the Town will test
Public Works	Asset Management - Fleet & Equipment Maintenance Plan	Implement a Fleet & Equipment Maintenance and Replacement plan using the asset management data.		
Public Works	Public Works Building Update	Implement recommendations from the QUEST/Equilibrium energy audits.		
Public Works	Storm Water Management	Review and update the 2004 Storm Water Management Study and develop an implementation plan based on the recommendations.		
<b>Public Works</b>	<b>Capital Equipment</b>			
Environmental Sewer	Detailed Design - Filter & Blowers	Complete detailed design/construction ready documents for a new filter and blowers for the WWTP. These upgrades will work towards meeting NSE levels and increase capacity.	Begin Detailed Design.	Did not hear from PCAP. CAO to follow up with province regarding funding.

**2023/24 Operating Plan Priorities  
Quarter 2 Update (July to September)**

<b>Department</b>	<b>Initiative</b>	<b>Description</b>	<b>Q2</b>	<b>Comments</b>
Environmental Sewer	New Diffuser Sleeves	Replace diffuser sleeves in cell #1.	Complete repair and replacement of diffuser sleeves in cell 1.	Scheduled to begin the week of September 25.
Environmental Sewer	I&I And GIS	Develop and begin an Infiltration and Inflow (I&I) assessment of the sewer system by videoing pipes. Use information to update <u>Asset Management data and GIS.</u>		
Environmental Sewer	WWTP Operations & Maintenance Manual	Continue updating the Operating and Maintenance Manual including contingency plans and Standard Operating Procedures.		
Planning	MPS Review	The last Municipal Planning Strategy (MPS) Review was in 2012. This review will align the Town's Plan with new provincial standards and statements of interest, add climate change and environment policies, and consider inclusive housing options, as well as, improving the structure and fixing inconsistencies between the current MPS and <u>Land Use Bylaw (LUB).</u>	Draft documents are being prepared for review in October (Q3).	Draft documents will be presented at the October PAC and Committee of the Whole meetings.
Planning	Process Review & Improvements	Focus on documenting and reviewing current processes for planning, building and fire inspections to improve efficiencies and access to information, while working with our <u>contracting partners.</u>		
<b>Planning</b>	<b>Housing Accelerator Fund Application</b>	<b>Prepare a housing action plan to support an application for the Housing Accelerator Fund</b>	<b>Prepare Action Plan and submit application.</b>	<b>Application will be submitted by September 29, 2023.</b>
Parks and Facilities	Beautification	Additional flowers (hanging baskets), banners and attention to public gardens.	Complete final report from Beautification 22/23. Launch RFP for Art Installation. Purchase bench/tables	Final Report complete. Planning/discussion underway for Art Install, benches purchased. Working on signage design.

**2023/24 Operating Plan Priorities  
Quarter 2 Update (July to September)**

<b>Department</b>	<b>Initiative</b>	<b>Description</b>	<b>Q2</b>	<b>Comments</b>
Parks and Facilities	Centennial Park Plan	Update existing Centennial Park Plan to include new/upgrades to accessible trail and walkway, accessible washrooms, gazebo and parks shed.	Secure design team, begin community consultation process, collect all necessary data	Design team quote received, working together to finalize budget, consultation set for October.
Parks and Facilities	Mill St. Trailhead	Focus on rollout of the Trailhead Plan created from community consultation last fall. Create accessible, community focused recreation hub/park with safe parking and access.	Secure permit for deck and begin construction. Complete site survey and appraisal for DNR&R. Complete trailhead Revitalization work.	Permit secured; contractor set to begin in October. Trailhead revitalization to be reviewed, need to secure new contractor to complete work.
Parks and Facilities	Spicer Park Natural Playground	Continue to add natural playground elements to Spicer Park per existing Park Plan.	Secure contractor, complete installation	Pieces complete, installation set for second week of October, in partnership with PW
Parks and Facilities	Accessibility	Implement "immediate" action items from the Town's Accessibility Plan and review/develop policies to ensure an accessibility lens is applied to all Town operations and services.	Prep work for budget asks	Priorities set for coming year; budget asks identified.
Economic Development	Business Engagement	Provide opportunities for business engagement through promotions, networking and communications.	Fall Fest Market and prioritize drop in opportunity for business owners to connect.	Market set for October. Survey to be sent to businesses in Oct regarding wants/needs.

**2023/24 Operating Plan Priorities  
Quarter 2 Update (July to September)**

Department	Initiative	Description	Q2	Comments
Economic Development	Diversity, Equity and Inclusion	Establish, recommend and ensure a diversity, equity and inclusion lens is applied to all Town operations and services.	Event/awareness around Day for Truth and Reconciliation (orange shirt day). Continue to look for opportunity to engage in training or staff to increase awareness and understanding.	Staff have participated in two separate training opportunities: Overcoming History, How to be an Ally. Continue to support local events celebrating diversity.
Economic Development	Marketing and Promotions	Focus on building Centennial brand through partnerships with Community Celebrations and events.	Upcoming article with Saltwire, work with Communications to develop a mail out contact list. Work with photographer to capture new photos for Social Media (Website focus)	Continue to focus on building Centennial Brand through partnerships with local community groups & organizations.
Economic Development	Signage	Continue to work on implementing the Town's Signage Plan.	Collecting quotes and beginning "fingerpost" sign project.	Wrapped up Signage from last fiscal beautification, working on design to implement for new.

**2023/24 Operating Plan Priorities  
Quarter 2 Update (July to September)**

<b>Department</b>	<b>Initiative</b>	<b>Description</b>	<b>Q2</b>	<b>Comments</b>
Recreation	Active Living & Other Strategy Review	Complete consultations for Active Living Strategy review and gather, review and update all community development strategies and develop a five-year plan.	Present 2nd draft to council October with anticipated date of completion end of calendar year	1st draft ALS submitted, MPAL attended meeting with WKCHB to present year in review.
Recreation	Partnerships	Establish better lines of communication and contract with community groups and organizations and increase capacity for <u>resource navigation</u> .	Finalized contact list, host Community Information Event	Community Contact list created; Community Expo hosted on Sept. 13th
Recreation	Programming	Focus on offering more opportunities for programming outside of traditional physical activity - i.e. food preservation, seed starting, and low cost cooking. Also, focus on increasing opportunities for teens to stay active and engage in our community.	Have all programming opportunities available through Univeris, increase opportunity for facility access, focus on teen demographic	Community Contact list created; Community Expo hosted on Sept. 13th
Recreation	Reduce Barriers to Program Offerings	Expand program offerings such as equipment loans, pop up plays, drop in programs and low to no cost initiatives and review/promote the Apple Fund.	Continue to promote Apple Fund, focus on building partnerships with local organizations ie. Evangeline Club, Schools Plus, Berwick & District School	Pop-up plays throughout the summer were a success, bikes continue to be fixed and given to local community groups. Apple fund promotion in partnership with Jumpstart and Sport fund.
BFC	Membership	Continue to focus on building and maintaining membership through marketing, promotions and incentives, corporate memberships and community engagement.	Allocating advertising dollars to marketing items for attending events - design and secure	Secured items and plan to host event to celebrate anniversary in October.

**2023/24 Operating Plan Priorities  
Quarter 2 Update (July to September)**

<b>Department</b>	<b>Initiative</b>	<b>Description</b>	<b>Q2</b>	<b>Comments</b>
BEC	Optimization Study	Partner with other MEU's and evaluate the current and new operating models to optimize operations and ensure succession planning.	RFP for recruitment firm to hire joint utility director.	Proposals have been shortlisted and interviews for a recruitment firm will occur the first week of October
BEC	General Rate Application (GRA)	Prepare and submit a general rate application for new Berwick Electric Rates to match market changes.	Complete IR's and communicate with customers.	IR's are complete.
BEC	Coordinator Study	Commission approved completing a coordination and protection study for the Commission.	Engage Strum and develop work plan.	Carryover to Q3.
AREA	HOME Program Review	Mahone Bay is leading the program review.	Kick-off meeting with	Kick-off meeting occurred. Citizens survey will be launched week of Sept. 25.

# **REQUEST FOR DECISION**

## **RFD025-2023: Reallocation of 2023/24 Capital Budget**



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**To:** Town Council  
**From:** CAO  
**Date:** October 10, 2023  
**Subject:** Reallocation of 2023/24 Capital Budget

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### **References/Attachments**

2023/24 5 Year Capital Investment Plan

### **Legislation**

MGA Section 65

### **Recommendation**

That Council approve reallocating the \$25,000 approved from the Operating Reserve Fund for the Stormwater Management Study to fund design work for Bezanson Street Stormwater Culvert and Maple Avenue Sidewalk and Stormwater Infrastructure.

### **Background**

As approved in the 2023/24 5 Year Capital Investment Plan, the budget includes \$50,000 for a Stormwater Management Study funded by \$25,000 from the Operating Reserve Fund and \$25,000 from a grant. Unfortunately, the grant that the Town was hoping to apply for was not suitable for this project.

Further, the Town has received several complaints about stormwater issues near Beckwith Drive and Gala Drive. Our Director of Public Works and Town Engineer investigated the area and identified immediate actions that should help with future flooding and a long-term solution.

The immediate action was to clean out the ditch around the culvert inlet from Beckwith Drive and slightly deepen the ditch between Gala Drive and Foster Street. Although the ditch between Gala Drive and Foster Street is not part of the Town system, we have received a few complaints about this area and felt it was appropriate to improve while we were doing other work in the area. This work has been performed.

The Town's Engineer recommended installing a culvert under Bezanson Drive that diverts stormwater that currently flows east towards Beckwith Street, to flow west. This work will require an engineer design. The approximate cost of the design is \$10,000.

The 2023/24 5 Year Capital Investment Plan has the Maple Avenue Sidewalk in year 2 (2024/25). A detailed design is required before the project can be tendered. Staff recommends reallocating the remaining \$15,000 from the Operating Reserve Fund towards completing the Maple Avenue Sidewalk design in order to tender early in the 2024

# REQUEST FOR DECISION

## RFD025-2023: Reallocation of 2023/24 Capital Budget



construction season. The Town Engineer estimated the design to cost between \$25,000 and \$40,000 because this project also includes stormwater infrastructure. Staff recommends that the difference be funded by the Sustainable Services Growth Fund.

### **Financial Implications**

There is no financial impact for the reallocation for Bezanson Street stormwater culvert design.

The Sustainable Services Growth Fund must be fully expensed by March 31, 2025. Staff recommend that an upset of \$25,000 be approved to complete the Maple Avenue Sidewalk and Stormwater Infrastructure design. The approval will be covered in RFD025-2023 Sustainable Services Growth Fund Allocation.

### **Priority Alignment**

<b>Check Applicable</b>	<b>Strategic Priority Area</b>	<b>Comments</b>
X	Economic	
X	Environmental	
	Social	
	Cultural	

### **Alternatives**

1. Status quo – complete the Stormwater Management Study.
2. Approve the Bezanson Street design only.
3. Other

### **Community Engagement/Communication**

N/A

### **CAO Comments**

By completing the design work prior to the next construction season, the projects can be tendered early.

CAO Initials: JB

Target Decision Date: October 10, 2023

# REQUEST FOR DECISION

## RFD026-2023: Sustainable Services Growth Fund Allocation



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**To:** Town Council  
**From:** CAO  
**Date:** October 10, 2023  
**Subject:** Sustainable Services Growth Fund

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### **References/Attachments**

2023/24 5 Year Capital Investment Plan  
Sustainable Services Growth Fund grant letter, March 31, 2023

### **Legislation**

MGA Section 99(6)

### **Recommendation**

That Council approve up to \$25,000 from the Sustainable Services Growth Fund for the Maple Avenue Sidewalk and Stormwater Infrastructure detailed design.

That Council approve and additional \$72,500 from the Sustainable Services Growth Fund for the Wastewater Treatment Plant detailed design.

### **Background**

Last March, the Town received \$326,419 from the province under the new Sustainable Services Growth Fund (SSGF). The purpose of the SSFG is to provide funding to help with municipal infrastructure projects that support growing populations, accessibility, and active transportation. Municipalities receive a one-time allocation payment that they can use towards eligible projects. The funding must be fully expensed by March 31, 2025.

The 2024/24 5 Year Capital Investment Plan included the detailed design for Wastewater Treatment Plant upgrades totaling \$150,000, of which 50% would be funded through the Provincial Capital Assistance Program (PCAP). Council received an updated project cost in May 2023, and subsequently approve \$68,500 from the SSFG to match the funding applied for through PCAP. Unfortunately, we have received confirmation from the province that our application was not approved, mainly because the Town was too big. The PCAP budget for 2023/24 was \$690,000 for the entire province.

Although this grant was not approved, the importance of this design work is vital to improving our wastewater issues, and is necessary to supporting new development in the Town. Therefore, staff recommend that instead of deferring the design to next fiscal year, and seeking other grant funding, that Council approve and additional \$72,500 from SSGF towards the project. This will ensure that when a new federal/provincial infrastructure program is announced that we are in a shovel ready position for funding.

**REQUEST FOR DECISION**  
**RFD026-2023: Sustainable Services**  
**Growth Fund Allocation**



**Financial Implications**

To-date, the Town has approved \$152,977, leaving approximately \$173,443, plus interest accrued on reserve. If Council approves the recommended allocations, the remaining SSGF available would be \$75,943.

<b>SSGF Not Committed</b>		<b>\$173,443</b>
Maple Avenue Sidewalk and Stormwater Infrastructure	\$25,000	
WWTP Detailed Design	\$72,500	
<b>SSGF Remaining</b>		<b>\$75,943</b>

**Priority Alignment**

Check Applicable	Strategic Priority Area	Comments
X	Economic	
X	Environmental	
X	Social	
X	Cultural	

**Alternatives**

1. Defer project to 2024/25.
2. Other

**Community Engagement/Communication**

N/A

**CAO Comments**

The Town needs to focus on upgrading its critical infrastructure. Completing the detailed design will ensure that we are shovel ready for the next significant funding opportunity to complete the necessary upgrade to our wastewater treatment plant.

CAO Initials:   JB  

Target Decision Date: October 10, 2023