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## **ATTENDING**

Mayor Don Clarke, Chair  
Deputy Mayor Mike Trinacty  
Councillor Ty Walsh  
Councillor Derrick Jamieson  
Councillor Adam Lutz  
Councillor Chris Goddard  
Councillor Rod Reeves  
Jen Boyd, Chief Administrative Officer  
Chrystal Fuller, Brighter Communities Planning & Consulting

In Attendance: 23 members of the public

## **1. CALL TO ORDER**

The meeting was called to order at 6:30 pm

## **2. PUBLIC HEARING**

### **a) Overview of the Proposal**

Ms. Fuller reviewed the proposal from Kent Field Estates to enter into a development agreement with the Town for a 72 unit grouped dwelling at 228 Main Street.

### **b) Public Input**

Melvin Hart, 10 Autumn Drive

- Wondering about EV charging stations on site

Ms. Fuller responded that EV chargers are not part of the development agreement, and the Town does not have a policy requiring EV chargers; however, the developer may choose to install them.

Jonathan Visca, 226 Main Street

- Traffic concerns at Main/Commercial Street intersection
- Wondering if the main entrance to the development could be on Commercial Street by Fire Hall. This would alleviate the traffic concerns at the 4-way intersection as well as traffic on Main Street
- Concerned about the ponds that are shown on the site plan if they will be self-draining and not leave stagnant water.
- Requirement for privacy hedging for neighboring properties

Ms. Fuller responded that the land frontage for the development is off Main Street. Regarding the traffic concerns, the traffic authority determined that a traffic study was not required. CAO Boyd mentioned that there is a proposal for next fiscal year to do a traffic study for the entire Town. There are landscaping requirements as part of the development agreement.

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Scott Yetman, Main Street

- Would like to see evergreens planted as part of the landscaping requirements.
- Rules for ponds being so close to the wetlands and if there is a buffer zone.
- Concerns about the use of historical data when the stormwater study was done.
- Concerns about the noise from use of the Fire Department alarm system during all hours in an emergency and the close proximity to the development.
- Feels the traffic study proposed for next fiscal year does not address the immediate concerns with this development.

Ms. Fuller responded that the ponds are not altering the wetlands and the applicant must meet the provincial requirements for the setback from wetlands.

George Russell, 224 Main Street

- Concerned about the depth of the storm water ponds and diverting the water away from the neighboring properties.
- Any compensation for properties if the plan fails and floods basements

Ms. Fuller responded that the engineers have reviewed the stormwater management plan and meets all Town and Provincial standards. The Town ensures that the stormwater management plan is adhered to as part of the development agreement and does not get involved in civil matters between neighbour to neighbour.

Kelly Branton, 231 Main Street

- Concerns about the displacement of the water with the increase in elevation and if it has been addressed in the stormwater management plan.
- Infrastructure such as sidewalks at the development site is at the developer's discretion and will they be to Town standards.
- Emergency egress with one entrance and exit into the development.

Pat Bonner, 148 Lawrence Avenue

- Concerns with traffic and emergency services
- No sidewalks to Commercial Street
- Flooding issues
- Additional trash near the waterways
- Sewage capacity

Ms. Fuller responded that the Town has studied the sewage treatment plant's capacity, and the necessary upgrades are underway to address the effluent issues and should take a couple of years to complete pending government funding. CAO Boyd pointed out that there is not a concern with the amount of residential waste going into the system, the issue is the industrial waste and treatment, and the Town is working with Eden Valley to address this.

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Angela Christie, 218 Main Street

- Interested in seeing a detailed stormwater plan that addresses the flooding, compensation or fixing her property where she is at the lowest point.
- Property value will decrease because of development.
- Stormwater management plan posted on website and social media before this matter goes to second reading.

John Maceachern, 236 Main Street

- Concerned the development being built in a low laying area that will be raised will put the surrounding homes at risk of flooding.
- His home is one of the older homes in Berwick and to his knowledge the basement has not seen any flood waters but concerned that with development could change that – not only with water but with sewage.
- Traffic, volume and noise

Dan Fell, 220 Main Street

- Wondering if wetlands are included in the stormwater management plan

Ms. Fuller responded stating that there is very little alternation to the current wetlands. The intention of a stormwater management plan is to manage everything on site to produce a net zero result. The stormwater management plan will be posted to the website.

### **c. Written Submissions**

Michael Newman, Christine Neilson, Ian Manning, Jennifer West, and John Brazner provided written submissions which are attached.

### **d. Input from Applicant**

Dale Whynot, Kent Field Estates, commented that they have listened to all the comments and concerns from previous meetings and addressed those concerns through the development of the stormwater plan. They feel confident that once the development is complete it will not exceed what it is doing now regarding drainage. The developer has projects in several communities throughout the province including ones already in Berwick and they strive to be good neighbours. He feels this development is good for Berwick and its tax base. Berwick has excellent services for its residents and feels if there isn't an increase in the tax base, services are either lost or the expense passed on to the taxpayer. They are very hands on and have well-kept buildings with the garbage managed onsite as well as onsite supervisors. Mr. Whynot also commented that they put the infrastructure in for electric chargers and if the need arises, they would be installed.

There will be a supplementary report going to Council after the public hearing and the Town Engineer will be at the Council meeting. Second reading will take place at the regular council meeting on Tuesday, November 14<sup>th</sup>.

**3. ADJOURNMENT**

**IT WAS REGULARLY MOVED AND SECONDED THAT THE REGULAR MEETING  
BE ADJOURED AT 7:49 pm.**

Approved by Town Council **November 14, 2023**

As recorded by Krista Longmire, Planning & Bylaw Administrative Coordinator

Michael Newman

140 Main Street

Berwick, N.S. BOP 1E0

October 30,2023

Proposed Development 228 Main Street.

The town's population has increased quite a bit in the last five years with the addition of the many rental duplexes and single-family dwellings. Very positive for the financial position of the Town. My concern is with the ability of the current infrastructure to properly handle the larger demand. Road and sidewalk maintenance, garbage collection, snow removal and electrical system maintenance all seem to be under control and easier to keep up with additional demand. The thing that concerns me the most is the capacity of our sewage treatment facility. I live about a kilometer from the lagoon and there are times that I go inside because the odour is quite unpleasant when wind direction is not favourable.

I would like to see a report on the capacity of the current system and how much more it can efficiently take on. Also, what remedial measures are in the works to solve the current problem. Has the lagoon had the sludge removed on a regular basis to keep it running at optimum capacity? What are the anticipated costs to have the system keep up with the increased short term and long-term demands?

Respectfully submitted by Michael Newman.

I will not be at the public meeting regarding the development at 228 Main St. I am submitting written comments in lieu of my attendance. I want to state from the outset that I am in favour of the construction of additional housing in Berwick and believe that it is important that the town approve a diverse range of types of dwelling units. I'd also like to add that it seems to me that this project is a good example of the planning process at work. While I did not see the original proposal it is clear (from the material provided in advance of this meeting) that significant changes have been made based on responses from staff and the public. I hope that the planning process will continue to refine the proposal.

I am not in support of approval of the development as described. I have several main concerns. The first is that I do not believe the town should be considering development in a riparian area. But I fear that that battle was lost when the Fire Department and Wheatons were constructed in nearby wetland areas. I will return to these concerns below.

Secondly I have reviewed the new plan and engineering comments and have a number of questions. I do not support the development until a number of those issues have been addressed.

### **Overland flooding**

I note that the engineer specifically states in his comments that the new proposal does not address any issues related to overland flooding. The new design simply addresses water issues from rain falling on the property. The engineer assumes that the new development will be at the same level as the Fire Department and Wheatons. I did not live in town when the Fire Department and Wheatons buildings were constructed but I have been told that large amounts of fill were required. And I have also been told that people have noticed increased flooding issues at the Main/Commercial intersection which they attribute to changes caused by those two buildings.

It appears from the grading plan that fill will be added to the property (approx 0.5 - 0.75 m in places?) If that is the case, how will that contribute to increased flooding in the area, particularly for abutting neighbours but extending to town resources such as roads. It seems to me that changes of this type do not stand alone - they are additive. Each new development which requires fill redirects more water to new places.

### **Plan for water diversion**

The developer has submitted a design for a complex system to deal with water which falls on the property in question. It entails the use of ponds, swales, and culverts to collect and redirect water. I have several questions concerning this plan.

Is there an effective monitoring system to ensure that the system will be constructed as designed? At the moment the design engineer is the only one who will warrant that fact. Is it appropriate to have a third party confirm that fact? I am unfamiliar with the processes surrounding approvals of this type so this may already be built in with input from an engineer representing the town.

If the ponds may occasionally hold standing water, as their name suggests, will they be appropriately fenced for safety?

Is there a means to follow-up to determine whether the system is working as designed to remove water as needed to protect the new buildings as well as abutting neighbours?

What maintenance will be required to ensure that the system functions as designed? How will the town and residents ensure that the maintenance is performed?

On a personal note, I have a difficult time trusting an engineer who signed off on a drawing where the median of the entrance road continues through the public sidewalk. This suggests lack of attention to detail. I have recently had occasion to deal with a highly regarded professional engineer whose work was bad enough that his peers believe he should be sanctioned. A signature from one engineer does not imply anything to me and I would like to see safeguards put in place during and after construction to ensure that the goal of water removal is met without implications for the abutting neighbours and/or town infrastructure

### **Units**

I find it odd to be asked to consider a development with so little information provided about the actual buildings. I cannot find any detail on the number of apartments: what fraction are 1, 2 or 3 bedroom, whether any units will be built to appropriate standards for accessibility, and what the buildings will actually look like. I can get some hints about some of this information from the parking info. The developer has stated that there will be 1.5 parking stalls per unit. That suggests, but does not guarantee, that the majority of the units will be one bedroom. There is provision for nine accessible parking stalls. This is a hint, but not a guarantee, that one or more unit will be accessible.

### **Parking**

The plan contains 109 parking stalls. Will this accommodate guest parking? Is there a standard for additional spots?

### **Additional buildings**

The draft development agreement specifies that ancillary buildings are approved for things like storage for residents. There is no note of these on the plans so it is difficult to determine where they might be built and whether they will be built on space currently designated as lawn, or amenity, or other.

I suggest that the developer be required to add covered locked bicycle parking as a portion of the additional buildings. See my notes on traffic.

### **Unbuilt space**

The draft development agreement requires a total of 9,720 square meters of amenity space (1500 sq ft. per unit). Without doing the math, I am sure the developer has proposed an adequate amount of amenity space. Much of it is broken up by walkways, though. It seems to me that the addition of the water collection ponds has significantly diminished the amount of wide open space available for resident use. I would like to see some consideration given to creating better opportunities for residents to be outside. One way to do that would be to create a trail, likely as a boardwalk, along the back section of the property which is being maintained

to protect the wetlands. This could become a community resource which could also serve as a tool for education about the importance of wetlands.

## **Traffic**

Far and away the most frequent comments I have heard about this development revolve around traffic. People are concerned about congestion at the current four way stop at Main/Commercial. Others worry about the fact that the development will only have one entrance. My particular interest is the doubling up of traffic caused by school drop offs and pickups. These trips represent a significant fraction of traffic in North American suburbs and towns. (Thus my interest in the unit composition - one bedroom apartments are less likely to have children and create school trips.)

I also agree that a single entrance to the development seems likely to create problems. Another driveway that exits on Commercial could partly relieve congestion at the Main/Commercial intersection and would also add a measure of safety in case of fire, for example.

It seems to me that a traffic study is definitely warranted.

While I am sympathetic to the concerns regarding traffic I see them as an extension of car culture. There has been a lot of emphasis placed on how the residents will use their cars, and no discussion about the residents as pedestrians or users of bicycles. Berwick is a town which is perfectly suited for pedestrians and can easily become a more bike-friendly area. This is consistent with the town's position as a leader in moving toward the use of non-carbon energy sources. Walking and cycling trips both reduce carbon use and also decrease the number of cars on the road. So my concerns about traffic are about ways to ensure that residents can move around without cars. For example, what if a mother decided to take her children to school in a cargo bike? How would she do that? Where would she store the bike? What if parents wanted to walk their children to school? The current 'beg' lights at the Main/Commercial intersection are ineffective and routinely ignored by drivers. If that intersection is turned into actual lights this would improve both traffic flow and pedestrian safety but at a cost to the town.

## **Draft development agreement**

It seems to me that a number of the concerns I have raised could be addressed in the development agreement which seems to provide scope for the addition of items which would make this (or any) development more consistent with the values of the town. In that regard, I'd like to see the development agreement include requirements for:

- Monitoring of the construction of the water collection system on the property with a third party certification that it has been built as designed (if this is not already built into the current system to oversee construction)
- Monitoring, with appropriate reports from property owner, of the function and maintenance of the water collection system
- Requirement for accessible units
- Requirement for EV charging capability in parking lots

- Requirement for covered locked bike storage
- Requirement for the development of a trail (boardwalk) through the undeveloped portion of the property.

Christine L. Nielsen  
118 Cottage St.  
Berwick

## Krista Longmire

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**From:** Planning  
**Sent:** Monday, November 6, 2023 8:54 AM  
**To:** Krista Longmire  
**Subject:** 228 Main



**Krista Longmire**  
**Planning & Bylaw Administrative  
Coordinator**

Ph: 902-538-8068 Ext: 4020  
236 Commercial Street, P.O. Box 130  
Berwick, NS B0P 1E0

A little town with a lot to offer!

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**From:** Ian Manning <[REDACTED]>  
**Sent:** Monday, November 6, 2023 12:01 AM  
**To:** Planning <planning@berwick.ca>  
**Subject:** Development at 228 Main Street, Berwick (PID 55539670).

My name is Ian Manning, my family and I have lived in Berwick for the past six years. I work in the environmental science sector, my area of expertise is digital mapping. In my spare time, I volunteer with the Jijuktu'kwejk Watershed Alliance (JWA), a local non-profit dedicated to restoring the health of the Jijuktu'kwejk (Cornwallis) River.

The proposed development for Main Street is a bad choice for housing. The area is in the river floodplain, which means periodic seasonal flooding is the norm, not the exception. Even without the prospect of more severe, unpredictable weather due to climate change, that property will flood, as it has for 1000s of years.

The water in this river is contaminated by agricultural run-off, human waste from our undersized/underserved sewage plant, and wastewater from Eden Valley. Housing structures in this area will be at risk from periodic flooding from the river, and residents will face human health risks from the water itself.

We need housing in Berwick, apartments should be a major component of the plan, but this is not a suitable location for such a project. Development on this site will only lead to future damaged properties, insurance bills (probably leading to uninsurability of the site), and liabilities for the town, tenants and property owner.

Yes to apartments. Yes to data-driven land-use planning/decision-making. No to floodplain development. Please make the sensible choice.

Ian

## Krista Longmire

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**From:** John Brazner <[REDACTED]>  
**Sent:** Monday, November 6, 2023 2:45 PM  
**To:** Planning  
**Subject:** Development at 228 Main Street, Berwick (PID 55539670)

Hello Berwick Planning Team -

My name is John Brazner and I am writing about the proposed apartment development at 228 Main Street that will be discussed at the planning meeting tonight. I live up on the North Mountain in Black Rock, so spend a lot of time in the Berwick community.

I have been a professional aquatic ecologist for nearly 40 years and have been a provincial biologist required to review these sorts of developments in a past role as the Wetland Program Coordinator at NSECC. I am writing today as a concerned citizen.

I've read the materials about the development plan to which you provided the link on Facebook. I think you've done a great job responding to earlier comments from the public and have added a variety of excellent additional requirements for the developer before this project can proceed. However, I still have a couple of concerns that I hope you will give more consideration.

I know you've heard from a number of members of the public about potential flooding. It is my judgement that these concerns are quite reasonable. We have all seen how climate change is affecting our weather and bringing extraordinary rain events that are at a scale we have not normally seen in our lifetimes. The July flooding that covered much of the province this year is a prime example. And this development is right smack in the middle of the Cornwallis River floodplain. It is not a matter of whether this development will flood, it is only a matter of when. The infilling for the firehall and Wheaton's buildings has only made the situation worse. Commercial Street is now flooding regularly along the river and this is only going to get worse as the effects of climate change become more severe. Who will be responsible for the losses when the buildings flood? That is the question the Town of Berwick needs to be asking. Insurers will not insure properties in floodplains anymore - for good reason. So who will pay? The province cannot be expected to bail out municipalities for losses due to building in inappropriate places, I wouldn't think. So will the Town of Berwick have the finances to cover the losses the residents will inevitably experience and be looking for help with? Best to face this head on as part of the development plan and include it as part of the decision-making process.

My second comment is related to the design of stormwater ponds. I am impressed that these have been designed into the project as they are certainly another part of mitigating for the effects of climate change and minimizing potential impacts to the water quality and biodiversity of the river. One suggestion I have is that they be designed as naturalized stormwater wetlands so that they not only prevent flooding and erosion, but also act as habitat for wildlife and as an amenity for the community who would enjoy observing that wildlife. Ducks Unlimited Canada has an arm of their organization that designs and builds naturalized stormwater ponds that is called Natural Plant Solutions. They have recently designed a number of these systems for the City of Moncton and these are working beautifully as I understand it and are well-appreciated by the public and used by a variety of wildlife. So it is a win-win. We could have the same here.

Those are my comments. Thank you for considering them as part of the planning process..

Sincerely,

John Brazner, Ph.D.  
1181 Russia Road  
Black Rock, NS B0P 1N0

## Krista Longmire

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**From:** Jennifer West <[REDACTED]>  
**Sent:** Monday, November 6, 2023 8:44 AM  
**To:** Planning; Mayor Clarke  
**Subject:** Concerns About Development

My name is Jennifer West. I live in Berwick and work for the town of Kentville. I have a background in geology and environmental sciences, and have an interest in housing, climate change and government.

Earlier this year I heard from neighbours about this proposed development and had concerns about the flooding at this site. Flooding near the river has been common every year since I moved here in 2013. When I read through the planners report for this public hearing, the size and scale of the proposed development was very surprising to me. I am very surprised that the proposal is for 9 buildings at this site. This represents a significant increase in traffic and density to this area.

Reading through the report about this development, it is clear that some efforts have been made to show that stormwater management is a concern at this site and will be controlled using swales, ponds and other methods. It is also clear that the developed portion of the site follow the delineation of the floodplain line on the map. Residents of Berwick know that the flooding never stays within the floodplain line on the map, and regularly extends out to Main Street in front of the fire station - the entire length of this proposed development. No amount of piping or landscaping will stop flooding from happening on this site. I am not an engineer, but I can see that the volume of rains that have come in a matter of hours, during the summer of 2023, overwhelmed the stormwater management systems in many towns. In Kentville, the town engineer admitted that the 2023 season of rain events overwhelmed the new infrastructure in the Condon Avenue area that was meant to protect residents. One resident on this street stated that they no longer qualify for flood insurance for their home because of the frequency and intensity of flooding. Other properties will also face revoking of insurance coverage. Stormwater management techniques are meant to control slow and steady rainfall, and not the torrential rains that are becoming the norm in the valley.

Stormwater management planning and implementation will not protect the residents in this proposed development. They will be flooded, they will incur damage to their property, and they will risk having no flood insurance coverage due to the location.

We are in a housing crisis and the Town should be reviewing and approving developments that will offer safe and affordable long term housing options. Developers are struggling to have the finances to build in 2023 because of the significant increases in building costs. Adding to the cost of building in 2023 after a pandemic are the extensive plans for stormwater management at this site. It seems unlikely that this development will offer low income housing that will help alleviate the housing crisis. Additionally, this village will not be very close to the downtown where services and stores are located.

If this is an attempt to build low income housing, then it is being pushed away from the downtown, into an area known to flood and adjacent to the sewer treatment plant with very strong odors. Is this the kind of attention that the town wants to attract during a housing crisis?

A better solution to the housing crisis in Berwick might be to support development and building at properties such as the Main Street/Maple Avenue land, and in the downtown core where potential properties are being used for storage (e.g. Berwick Hardware Buildings). Council should support housing that is safe and that is needed today- away from the river, and built closer to the downtown.

Thank you for considering my concerns,

Jennifer