



Municipality of the County of Kings

Report to the Planning Advisory Committee

Application to enter into a development agreement to permit tourist commercial uses on a vacant parcel in Baxters Harbour

(PID 55010979) (File 21-09)

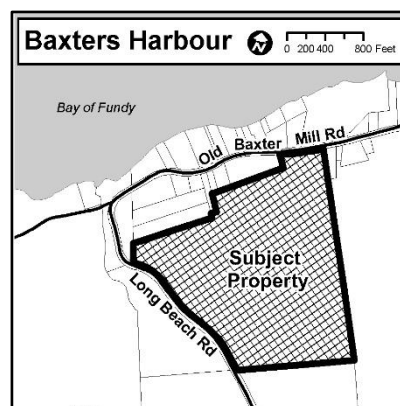
April 12, 2022

Prepared by: Planning Services

Applicant	Jenny Sinclair
Land Owner	4188446 Nova Scotia Limited
Proposal	Tourist commercial uses consisting of a Nordic Spa, accessory restaurant, tourist cabins, and seasonal event venue.
Location	Vacant parcel – PID 55010979, Baxters Harbour
Lot Area	Approximately 73 acres
Designation	Agricultural (A) Designation Shoreland (S) Designation
Zone	Rural Mixed Use (A2) Zone Tidal Shoreland (T1) Zone
Surrounding Uses	Residential uses and limited agricultural uses
Neighbour Notification	Staff sent notification letters to the 28 owners of property within 500 feet of the subject property

1. PROPOSAL SUMMARY

Jenny Sinclair of Four Tides Nordic Spa and Wellness has applied for a development agreement to permit tourist commercial uses consisting of a Nordic Spa, accessory restaurant, tourist cabins and seasonal event venue on a 73-acre vacant piece of land in the community of Baxters Harbour.



2. OPTIONS

In response to the application, the Planning Advisory Committee may:

- Recommend that Council approve the development agreement as drafted;
- Provide alternative direction, such as requesting further information on a specific topic, or recommending changes to the draft development agreement; and
- Recommend that Council refuse the development agreement as drafted.

3. STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee forward a positive recommendation by passing the following motion:

The Planning Advisory Committee recommends that Municipal Council give Initial Consideration to and hold a Public Hearing regarding entering into a development agreement to permit tourist commercial uses at on a vacant parcel on Long Beach Road (PID 55010979), Baxters Harbour, which is substantively the same (save for minor differences in form) as the draft set out in Appendix D of the report dated April 12, 2022.

4. BACKGROUND AND PROPOSAL

The subject property was purchased by the owners in March 2021 for the purposes of developing this proposal.

The proposal is made up of three separate phases. The first phase consists of a Nordic Spa, and accessory restaurant. A Nordic Spa consists of a series of saunas, pools and relaxation areas for therapeutic and relaxation purposes. Phase 1 also includes a main building having an approximate floor area of 6,000 square feet and contains gender specific and gender neutral change rooms, accessory restaurant, treatment area for traditional spa treatments, an area for the teaching of fitness and well-being classes, and office space.

Phase 2 consists of an event venue, having a total area of 2,500 square feet. Up to 6 tourist cabins having sizes ranging between 300 and 1,000 square feet are also proposed in this phase.

Phase 3 consists of up to six additional tourist cabins between 300 and 1,000 square feet each.

5. INFORMATION

5.1 Site Information

The subject property has an approximate lot area of 73 acres as well as 450 feet of frontage along Old Baxters Mill Road and approximately 1,600 feet of road frontage along Long Beach Road. The property is forested. The subject property slopes upward relatively steeply from the northern property line but is otherwise relatively flat.

The subject property has been placed in two different zones. The northern portion of the property is within the Tidal Shoreland (T1) Zone and the southern portion is within the Rural Mixed Use (A2) Zone. Similarly, the property is located within two separate land use designations. The portion of the property zoned Tidal Residential is within the Shoreland designation and the portion within the Rural Mixed Use (A2) Zone is within the Agricultural Designation.

A variety of residential and non-residential uses are permitted within the Rural Mixed Use (A2) Zone and a variety of residential and low impact non-residential uses are permitted in the Tidal Shoreland (T1) Zone, including tourist commercial uses which are permitted in both zones. Tourist commercial uses permitted as-of-right are limited to two small tourist cabins. As a result, a planning application is required to permit

these additional uses being the and it has been determined that a development agreement is the preferred avenue to accommodate this proposal.

5.2 Site Visit

A Municipal Planner conducted a site visit on the subject property on May 3, 2021. At this time, staff met with the applicant and discussed the proposal further.

5.3 Public Information Meeting

Council's Planning Policy PLAN-09-001 requires a Public Information Meeting (PIM) for all new uses which are to be considered by development agreement. The required Public Information Meeting was held virtually by posting a presentation on the Municipal website outlining the proposal and the applicable policies. This video was available to view up until this meeting of Planning Advisory Committee was scheduled. Comments received related to the public information are included as Appendix B to this report.

There were many comments that were supportive of the proposal including local provincial and federal politicians as well as a petition submitted by local property owners. There were also some concerns raised by permanent and seasonal residents of the local area related to the following:

- road conditions and maintenance, particularly in winter
- dusty conditions due to increased traffic on dirt roads
- drinking water quality and quantity as a result of a commercial septic system and water drawn from the aquifer as part of the use
- increased traffic at the Baxters Harbour waterfall and impacts related thereto including more garbage on the beach, cars parked along the road and a lack of public facilities including washroom and parking facilities to address increased visitor activity
- immediate neighbours expressed concerns over a potential loss of privacy and potential trespass on their property
- increased stormwater runoff and drainage issues as a result of the proposal

In response to concerns related to wells on nearby properties, the applicants have prepared a Stage 1 Hydrogeology report which was reviewed by a representative of Nova Scotia Environment. The report indicates that water supply is adequate to service the site. Impacts on neighbouring wells are not expected.

With regard to complaints about increased traffic in the vicinity of the beach and waterfall, the residents in that regard were directed to Valley Waste to investigate options for garbage pickup near the beach. As these concerns do not relate to activities on the subject property, they have not been addressed by this report or draft development agreement.

With regard to concerns related to area roads, the provincial Department of Public Works indicated that there were no plans to pave either Long Beach Road or Old Baxters Mill Road but that capital gravel upgrades as well ditching and roadside brush control is scheduled for this year. Furthermore, the department did not have any concerns related to traffic generation or other matters.

6. POLICY REVIEW – DEVELOPMENT AGREEMENT

6.1 Land Use By-law

This proposal can be considered by development agreement, as enabled in Section 8.4.5(a) of the Land Use By-law (LUB) which states: *Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Rural Mixed Use (A2) Zone: Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.*

The proposal is also enabled through a similar section within the Tidal Shoreland Zone, Section 9.5.5(a) of the LUB which states: *Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by development Agreement within the Tidal Shoreland (T1) Zone: Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy;*

6.2 Municipal Planning Strategy

6.2.1 Enabling Policy and Criteria

Policy 2.5.13 of the Municipal Planning Strategy (MPS) states:

Council shall consider only by development agreement within the Agriculture, and Shoreland Designations, with the exception of the Agricultural (A1) Zone, proposals for visitor-oriented developments not permitted as-of-right. In evaluating development agreements, Council shall be satisfied that:

- (a) the proposal is oriented to visitors or the travelling public, such as, but not limited to, lodging, restaurants, events venues, or other type of special attractions;*
- (b) the subject property has a lot area that can appropriately accommodate the proposed use, any accessory uses and structures, parking areas and required infrastructure;*
- (c) the site facilities are adequately buffered and/or separated from surrounding residential dwellings (other than a residential dwelling occupied by the operator) to mitigate negative impacts associated with noise, light, and other visual impacts;*
- (e) if the use is a listed permitted use, the condition(s) that prevent the proposal from being permitted as-of-right in the designation is addressed by development agree*
- (f) the proposal meets the general development agreement criteria set out in section 5.3 Development Agreements & Amending the Land Use By-law.*

The proposal consists of a special attraction, event venue, lodging and accessory restaurant, geared toward visitors and the travelling public. The subject property has a total lot area of approximately 73 acres of which a small portion (less than 17 acres) is intended to be used. The development envelope for the proposed uses on subject property is located 40 feet from the rear lot line of one neighbouring property, 75 feet from another and a minimum of 120 feet from all other neighbouring lot lines. Hours of operation and restrictions on amplified sound have been included in the draft development agreement to minimize and mitigate negative impacts associated with the event venue and Nordic Spa and Wellness facility. Subsection (d) pertains to visitor-oriented developments located on lakes and is not relevant to this proposal. The general criteria will be reviewed in a following section. It is Staff's opinion that the criteria of the enabling policy have been met.

6.2.2 Other relevant sections of the MPS

Section 2.5 of the MPS pertains to Economic Development within the Municipality. The overall goal of this section is, *“To sustain the Municipality’s diverse economic base, and encourage entrepreneurship and innovation.”* Further, the Objectives for this section with regard to Rural Areas states, *“to facilitate and promote outdoor recreation and eco-tourism opportunities that take advantage of our natural and scenic assets.”* With regard to the theme of Economic Development, the objective states, *“To cultivate a resilient economy, supporting business development while maintaining environmental awareness.”*

The proposed development is a new type of business within the Municipality in that it will be the first established Nordic Spa, thereby exhibiting entrepreneurship and innovation. Much of the proposed uses occur outdoors in a natural setting that provides a filtered view of the Bay of Fundy, taking advantage of the Municipality’s natural and scenic assets; bringing awareness to the natural beauty of nature and the environment.

To support the Goal and Objectives of the Economic Development section, *Business Friendly Policies* within the section state, Council shall:

2.5.2 *encourage the development of new businesses ranging in breadth and scale;*

2.5.3 *facilitate innovation by supporting new businesses not previously contemplated in appropriate locations either as home-based businesses or stand-alone commercial enterprises;*

With regard to these policies, the proposed development is a new business on a relatively large scale and wide breadth in terms of the overall size of the development and the types of services that would be available on site. This proposal also represents a type of use (Nordic Spa) that was not previously considered when the Municipality’s planning documents were drafted. It is Staff’s opinion that this proposal is consistent with Council’s economic development goals and objectives.

6.2.3 General Development Agreement Criteria

Municipal Planning Strategy section 5.3.7 contains the criteria to be used when considering all development agreement proposals. These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal’s consistency with the intent of the Municipal Planning Strategy (see Appendix C for more detail).

It is Staff’s opinion that the proposal meets the general criteria in that it will not result in any direct costs to the Municipality, raises no concerns in terms of traffic or access, is compatible with the surrounding development pattern, is serviced by a private sanitary septic system, is compatible with adjacent uses, and raises no concerns regarding emergency services.

7. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT

The draft development agreement has been attached as Appendix D to this report. The main content of the proposed development agreement includes:

- Enables the development of a Nordic Spa and Wellness Centre and associated personal service shop
- Enables the development of an Event Venue and regulates the size and hours of operation

- Enables the development of a restaurant accessory to the Nordic Spa and Wellness Centre or the Event Venue
- Enables the development of 12 tourist cabins and regulates the location, size and height thereof including separation from neighbouring dwellings
- Enables the development of a two unit dwelling, consistent with the permitted uses of the Tidal Shoreland (T1) and Rural Mixed Use (A2) Zones
- Regulates the location of the uses enabled by the development agreement
- Regulates the number of spaces and location of parking
- Regulates the use of amplified sound over the entire site
- Regulates enclosure (fencing) location and height associated with the Nordic Spa and Wellness Centre
- Regulates signage
- Regulates subdivision

8. CONCLUSION

The proposal and the terms of the draft development agreement are in keeping with the intent of Council's Municipal Planning Strategy. The proposal is enabled by policies regarding visitor oriented uses within the Municipal Planning Strategy. The proposal meets all other general Development Agreement criteria. As a result, a positive recommendation is being made to the Planning Advisory Committee.

9. APPENDICES

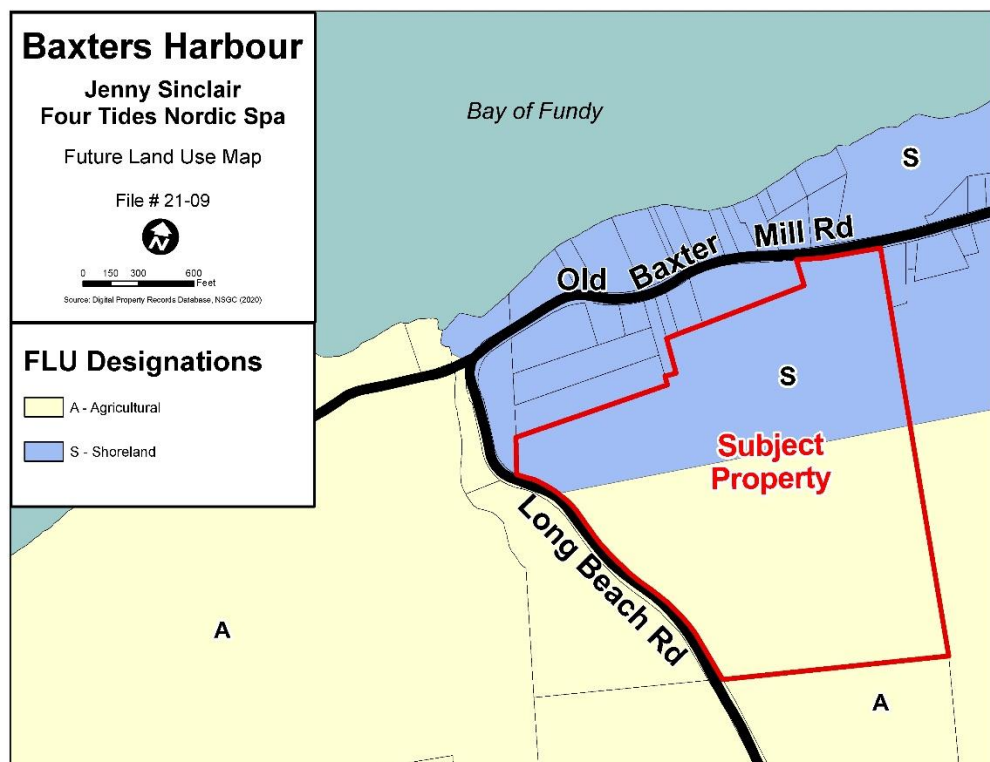
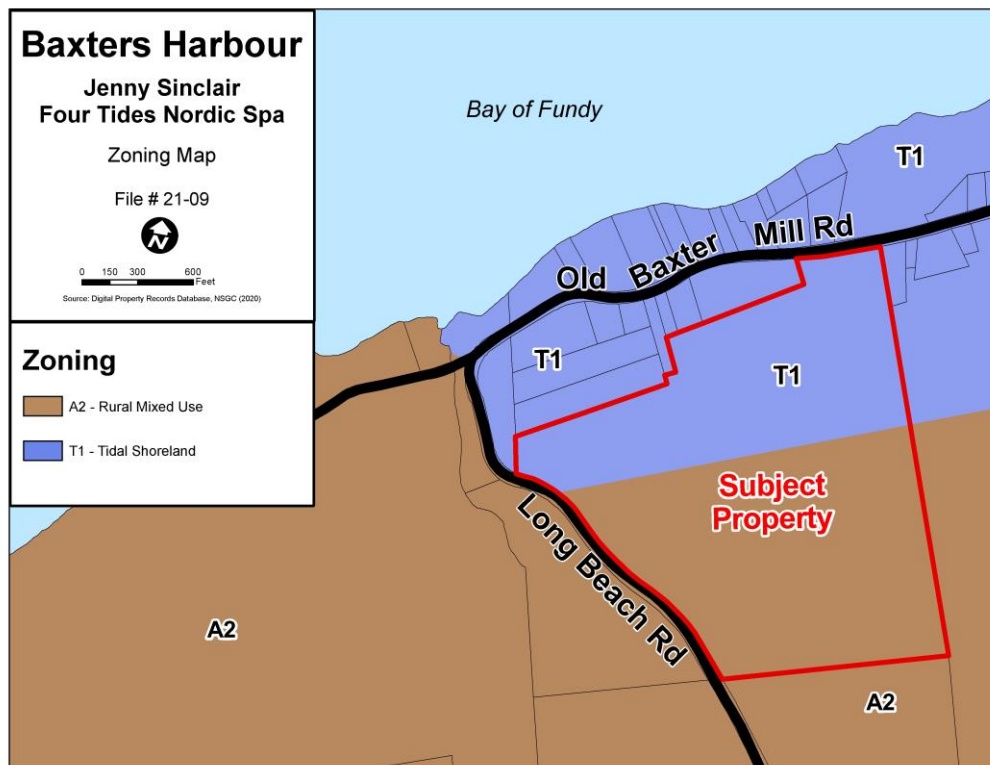
Appendix A: Zoning and Future Land Use Maps

Appendix B: Public Information Meeting Notes

Appendix C: General Development Agreement Criteria (MPS Policy 5.3.7)

Appendix D: Draft Development Agreement

APPENDIX A: Zoning and Future Land Use Maps



APPENDIX B – Comments from the Public



John Lohr, MLA
Kings North
PROVINCE OF NOVA SCOTIA

June 1, 2021

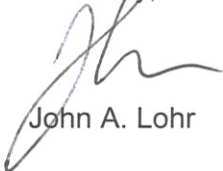
To whom it may concern:

I wish to express my support for the business concept of a Nordic Spa proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy and Mike and Jenny Sinclair.

This type of development is exactly what is needed to further the year round tourism opportunities in Kings County. In particular, the rocky shoreline Bay of Fundy has seen very little tourism development to date. I believe a Nordic Spa on this coastline will inspire others to invest in the Fundy shore area as well.

A Nordic Spa by design is also sure to be a quiet and good neighbor to the residents of Baxter's Harbour. I wish the partners in this venture great success.

Sincerely,



John A. Lohr

Note to File

Date June 3, 2021
Type of Correspondence Phone Call
From John Hapsfeld
To Janny Postema – forwarded to Laura Mosher
Re: 21-09 – Four Tides Nordic Spa

Summary of Conversation

- *Caller got in touch to request information regarding public input on the project*
- *He was directed to the online Public Information Meeting Video and advised of the tracking webpage and invited to submit any comments or questions he might have*

June 7, 2021

To Whom It May Concern,

I have known the individuals below for some time, both personally, and as Executive Director of Destination Acadia with a mandate for attracting event tourism to our campus and the Annapolis Valley. I cannot tell you how exciting it is to hear about this venture.

I wish to express my support for the business concept of a Nordic Spa & Wellness Centre proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike and Jenny Sinclair.

I have known Adam and Mike both for about 25 years. Adam's been a staple in the community supporting a variety of groups, and Mike has been as close personal friend since he was a student at Acadia and now my physician. June and Jenny's lives have been dedicated to health and wellness. I sat on a Business Development Board with June while she was President, and Jenny is so respected in our community and identified with keeping people healthy. What a perfect fit that these four individuals are passionate about this initiative.

As an aside, my wife and I have been to the Nordic Spa in Chelsea, Que, a couple times. We've said and heard from others often how the Valley could use a spa and wellness centre. I've also said how untapped the Baxter's Harbour area is...I love that area. What a perfect spot for a Nordic Spa.

It took vision for communities like Inverness, NS, to partner with groups like Cabot Golf but the win-win created for the community and partners is now a best practice. I see so much opportunity and potential with this local partnership concept. This type of development is exactly what is needed to attract more people to our area, encourage them to stay longer, boost employment and further the year-round tourism opportunities in Kings County. I believe a Nordic Spa on this coastline will also inspire others to invest in our area.

I wish the partners in this venture great success. I can be available if you require a follow up to my letter of support.

Sincerely,



Kevin Dickie
Executive Director of Athletics and Community Events
Acadia University



Laura Mosher

From: Beatrice Stutz <bstutz@grandprewines.ns.ca>
Sent: June 8, 2021 10:09 PM
To: Laura Mosher
Cc: connect@fourtides.ca
Subject: Letter of support

Follow Up Flag: FollowUp
Flag Status: Flagged

To Whom it may concern

We wish to express our support for the business concept of a Nordic Spa & Wellness centre proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike and Jenny Sinclair.

This type of development is exactly what is needed to attract not only more people to our area, encourage them to stay longer, boost employment and further year-round tourism opportunities in Kings County, but also encourages others in our business community to invest and grow our area. It is thanks to the entrepreneurial spirit of people such as June, Adam and their partners this area is becoming such a popular destination, not only for short term visitors, but also individuals and families who are moving to this area to settle down and make this their permanent home.

By design, a Nordic Spa is sure to be a quiet, environmentally sensitive and good neighbour to the residents of Baxter's Harbour and surrounding areas.

We wish the partners in this venture great success and truly hope they can count on the support of our county of kings and its representatives, they can certainly count on our support.

Sincerely

Beatrice Stutz and Jason Lynch
Owners

Le Caveau Restaurant, The Inn at the Winery

Cumin Kitchen & Drink

www.grandprewines.com

www.cuminkitchenanddrink.com

c: 902-670-9463

c: 902-680-6272

OG

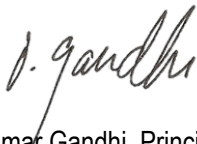
To Whom it May Concern,

I wish to express my utmost support for the business concept of a Nordic Spa & Wellness Centre proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike & Jenny Sinclair.

I wholeheartedly believe this type of progressive development is needed to attract more people to the area, encourage them to stay longer, boost employment, and further the year-round tourism opportunities in Kings County. I believe a Nordic Spa on this coastline will also inspire other entrepreneurs to invest in the county with complimentary ventures.

Furthermore, by design, a Nordic Spa is sure to be a quiet, environmentally sensitive and good neighbour to the residents of Baxter's Harbour.

I wish the partners in this venture great success.



Omar Gandhi, Principal
BA, BEDS, MArch, NSAA, OAA, AIBC, RAIC

Note to File

Date June 9, 2021
Type of Correspondence Phone Call
From Brett Howlett – occupant of 212 Old Baxters Mill Road
To Laura Mosher
Re: Four Tides Nordic Spa – File 21-09

Summary of Conversation

- *Mr. Howlett called with questions related to loss of privacy, noise, increased vehicular traffic and foot traffic on beaches, ground water protection*
- *A summary of the application process was provided to Mr. Howlett along with information on how to get in touch, and when more specifics related to the application will be available and where to find more information*
- *Mr. Howlett indicated he had concerns with a potential loss of privacy and peace and quiet. The ability to negotiate additional restrictions in the development agreement related to larger setbacks, the retention of vegetation was discussed*
- *Concerns related to infrastructure were discussed, particularly wells on site and their impact on the water table, septic, roads and the implication of jurisdictional considerations related to the above*

Note to File

Date June 9, 2021
Type of Correspondence Phone Call
From Margit Stymest – owner 212 Old Baxters Mill Road
To Laura Mosher
Re: Four Tides Nordic Spa – 21-09

Summary of Conversation

- *Concerned regarding impact on groundwater due to high water usage*
- *Concerned about patrons trespassing on her property*
- *Concerned about more traffic*
-



June 10, 2021

Letter of Support – Nordic Spa and Wellness Centre

To Whom it May Concern,

I am writing to express my support for the business concept of a Nordic Spa & Wellness Centre proposed for Baxter's Harbor area by business partners Adam Smith, June Pardy, Mike, and Jenny Sinclair.

My experience with June Pardy as a business customer at Beleaf Spa for over 15 years, I can attest to the fact that this business will be well done, professionally operated and provide exemplary service to guests.

Further this Nordic Spa and Wellness Center will attract many new people to the region year-round in turn attracting other businesses and developments to the area.

A Nordic Spa is quiet calming and eco conscious, making this type of business a perfect match not only for the community and residents but will also highlight the coastline of Baxter's Harbor.

I wish the partners much success and would be honored for the opportunity to supply this development with Aveda products.

Best regards,

Ann Sharpe, MBA | Aveda Sales and Education | Aveda Atlantic | TEL 902-694-3641 | aveda.ca | 3695 Barrington St. Halifax, Nova Scotia

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THE FOOD FILM FEST

Laura Mosher

Municipality of the County of Kings

Via Email: lmosher@countyofkings.ca

Cc: connect@fourtides.ca

June 10, 2021

Dear Laura,

We wish to express our support for the business concept of a Nordic Spa & Wellness centre proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike and Jenny Sinclair.

As the management team behind Devour! The Food Film Fest in Wolfville, we feel this project is complementary to our annual fall event (late October) and the types of clientele we have begun to attract to the region – experiential travellers from across Canada and around the world and all parts of Nova Scotia. Devour! is the world's largest film festival dedicated to all things culinary, and it takes place right here in Kings County. Both Devour! and the Spa will increase visitation, investment and interest in our region.

The Nordic Spa is exactly what is needed to attract even more people to our area, encourage them to stay longer, boost employment and further the year-round tourism opportunities in Kings County. We believe a Nordic Spa on this coastline will also inspire others to invest in our area. With the successful completion of Devour! Studios (September 2020), we can collaborate on packaging, programs and incentives to grow business in Kings County.

By design, a Nordic Spa is also sure to be a quiet, environmentally sensitive and good neighbour to the residents of Baxter's Harbour. We wish the partners in this venture great success.

Warmly,



Michael Howell
Executive Director - Devour!



Lia Rinaldo
Managing Director - Devour!



3319 Hwy #1, Aylesford NS B0P 1C0
Toll Free: 1-877-847-3494
Fax (902) 847-3353
email: countrystoves1@eastlink.ca
www.countrystovesandsunrooms.com

June 11, 2021

To Whom it May Concern

I wish to express my deep support for the business concept of a Nordic Spa & Wellness Centre proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike and Jenny Sinclair.

This type of development is exactly what is needed to attract more people to our area, encourage them to stay longer, boost employment and further the year-round tourism opportunities in Kings County. I believe a Nordic Spa on this coastline will also inspire others to invest in our area.

By design, a Nordic Spa is also sure to be a quiet, environmentally sensitive and good neighbour to the residents of Baxter's Harbour. I wish the partners in this venture great success. They are currently successful business owners and employers in the area and provide a significant contribution in the valley area in many ways.

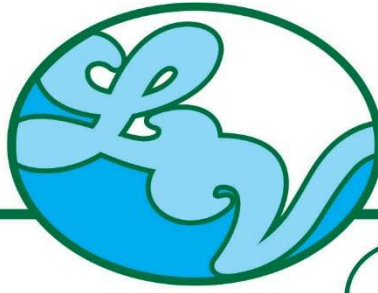
I wish them great success on this venture, which will pour millions of dollars into our local economy with construction of the facility, contractors, building supplies, designers. It will also draw people to visit the Annapolis Valley from all over Nova Scotia and surrounding areas as this is a very unique experience that people have been asking for.

There is one other Nordic Spa in NS and it is booked up for over a year, so that is proof that the demand is high.

I wish them great success with this venture and I truly hope Kings County is supportive in every way possible.

Sincerely

Sarah Kemp



Leisure Valley

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www.leisurevalley.ca

9705 Hwy 358

P0 Box 160

Canning, NS

B0P 1H0

To Whom it may concern,

I wish to express my support for the business concept of a Nordic Spa & Wellness center proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike and Jenny Sinclair.

This type of development is exactly what is needed to attract more people to our area, encourage them to stay longer, boost employment and further the year-round tourism opportunities in Kings County. I believe a Nordic Spa on this coastline will also inspire others to invest in our area.

By design, a Nordic Spa is also sure to be a quiet, environmentally sensitive and good neighbour to the residents of Baxter's Harbour. I wish the partners in this venture great success.

Sincerely

Kris Kirkpatrick
Leisure Valley
June 10, 2021

Note to File

Date	June
Type of Correspondence	Phone Call
From	Valerie Goldin
To	Laura Mosher
Re:	21-09

Summary of Conversation

- *Concerns regarding increased traffic, dust, degradation of the road with more people travelling in the area*
-



KODY BLOIS, M.P.
KINGS-HANTS

Monday June 21st, 2021

To Whom it May Concern,

I hope this letter finds you well. I am writing to express my sincere support in the ideas and execution of the construction of the Event Space, Restaurant, Nordic Spa and Tourism Facility, in Baxter's Harbour, as part of the Municipality of Kings for Development Agreement. All new development proposals are exciting for our area and the conception and implementation of a contemporary wellness center is certainly a project to celebrate.

I was very pleased to hear, during the in-depth presentation, made by the Municipality of Kings and the Nordic Spa developers, that considerations are being taken to insure positive collaborations with environment, climate, agriculture and surrounding communities; this will make all the difference when seeking support from the public and future clients. I applaud the value system being implemented to include natural, historical, and up to date factors in the construction of this project.

This past year has been very difficult for businesses and community centers, both large, small, independent and volunteer-run and as we move forward, pivoting to a new normal, it's organizations that are heavily involved in the community that need our support the most. This spa and wellness center will benefit all ages and abilities with a full slate of services to enhance a better mental and physical health and bring communities together safely as we shift and aim for new ways to prosper.

I hope this letter demonstrates my full support in this new adventure for all parties involved.

Yours Truly,

Kody Blois, M.P.
Kings-Hants

June 24, 2021

Laura Mosher
Manager of Planning & Development Services
Municipality of the County of Kings
181 Coldbrook Village Park Dr.
Coldbrook, NS
B4R 1B9

RE: Saltair Nordic Spa and Wellness Centre

Dear Ms. Mosher,

I am writing to support the presented plans and concept of the Saltair Nordic Spa and Wellness Centre to be developed in Baxters Harbour. I recently met with partners June Pardy, Jenny Sinclair, Mike Sinclair, and Adam Smith to learn about this exciting development for our region.

When completed, this spa will be a year-round economic driver and tourism attraction for the Annapolis Valley. It will also complement the numerous historical sites, wineries, and outdoor attractions in our region.

One of the challenges in our tourism sector is the ability to offer products in the winter season, and this project will draw visitors to a high-quality experience throughout the year. This new destination promises to benefit other accommodations, restaurants, and various tourism products in the Valley.

I am also impressed with the commitment to quality in their approach to this business venture, including the hiring of a Nova Scotian architect who is gaining acclaim for his quality designs.

June, Jenny, Mike, and Adam have already demonstrated their entrepreneurial talents in their existing successful businesses, confirming to me that this development has a strong foundation to succeed and continue the positive economic momentum we have here in the Annapolis Valley.

Sincerely,



Keith Irving
MLA – Kings South

cc. June Pardy, Jenny Sinclair, Mike Sinclair, Adam Smith

Note to File

Date June 29, 2021
Type of Correspondence Phone Call
From Teresa Steeves – 195 Old Baxters Mill Road
To Laura Mosher
Re: Include file number

Summary of Conversation

- *The caller had concerns regarding:
Stormwater management
Traffic and the condition of the road
Well water quality*
- *Staff indicated that any road maintenance or upgrade requests should be made to the Department of Transportation and Active Transit and that staff were consulting with DTAT with regard to the application*
- *Staff indicated that all stormwater flows need to be retained on site and should not infiltrate onto surrounding properties*
- *Staff indicated that they were consulting with Nova Scotia Environment with regard to impacts on neighbouring wells as a result of the proposal*

From: [John Apfeld](#)
To: [Laura Mosher](#)
Subject: Saltair Nordic Spa Long Beach road
Date: June 22, 2021 9:37:45 AM
Attachments: [Saltair.pdf](#)

Laura Mosher
Manager - Planning and Development Services

Hello Laura,

I am a resident of Long Beach Road. The current development agreement application for Saltair Nordic Spa was brought to my attention and I would like to record my support for this development. I have discussed this application with my neighbours on Long Beach Road and they also support this development as we feel it will be a boost to the local economy in this area and hopefully will stimulate the County to move up any plans to rebuild Long Beach Road. Do you require the original document with the signatures ?

Can you please confirm receipt of this support letter.

Regards,
John Apfeld
339 Long Beach Road
902-300-5410

Laura Mosher

Manager - Planning and Development Services

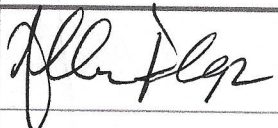
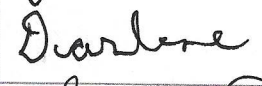
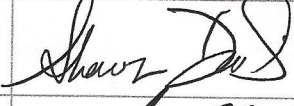

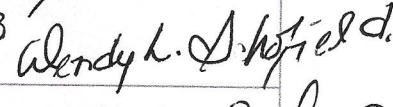

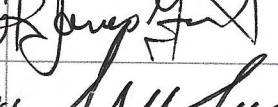
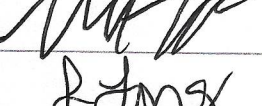

Municipality of the County of Kings

lmosher@countyofkings.ca

902-690-6102

The signatures below are property owners on Long Beach Road or Old Baxter Mill Road. We have been made aware that a proposal for a Nordic Spa has been submitted to the Municipality of Kings County by local developers from our community and a development agreement is underway for the Nordic Spa project on the 70+ acres of land as shown on the attached map.

We are in support of this development in our community as we feel it will be a benefit to our local economy.

	Name	Address	Phone	Signature
1	ALLEN DUNLOP	224 Long beach RR#5 Canning NS.	902 680 5249	
2	Darlene Huntley	391 Long Beach RD RR#5 CANNING NS	902-582 3891	
3	SHARON DAVIS	339 Long beach Rd	902 877 4652	
4	ZIGGY APFELD	339 LONG BEACH RD	902 300 5414	
5	Wendy L. Schofield	359 Long Beach Rd	902-582-3573	
6	David J. H. [unclear]	367 Long Beach RD	902-582-2722	
7	JAMES GRANT	421 Long Beach rd.	902-300-4100	
8	Mike Typer	505 Long beach	902 698 0674	
9	Lindy Long	505 Long beach	902-300-4002	

10	Laura Maxwell	575 Long Beach Rd Coning	902 300 4665	L. Maxwell
11	Neal Maxwell	575 Long Beach Rd Coning	902 492 7300	Neal Maxwell
12	Philip Cossar	643 Long Beach Rd	902 690 7087	Philip Cossar
13	Melissa Cossar	643 Long Beach Rd	902 690 7087	M.C.
14	Kence Nichols	224 Long Beach Rd	902-670-8884	Kence Nichols
15	Wanda Carter	367 Long Beach Rd	902-690 5548	Wanda Carter
16	Keely-Shaye Reid	367 Long Beach Rd	902-300-9873	Keely-Shaye Reid
17				
18				
19				
20				

Baxters Harbour



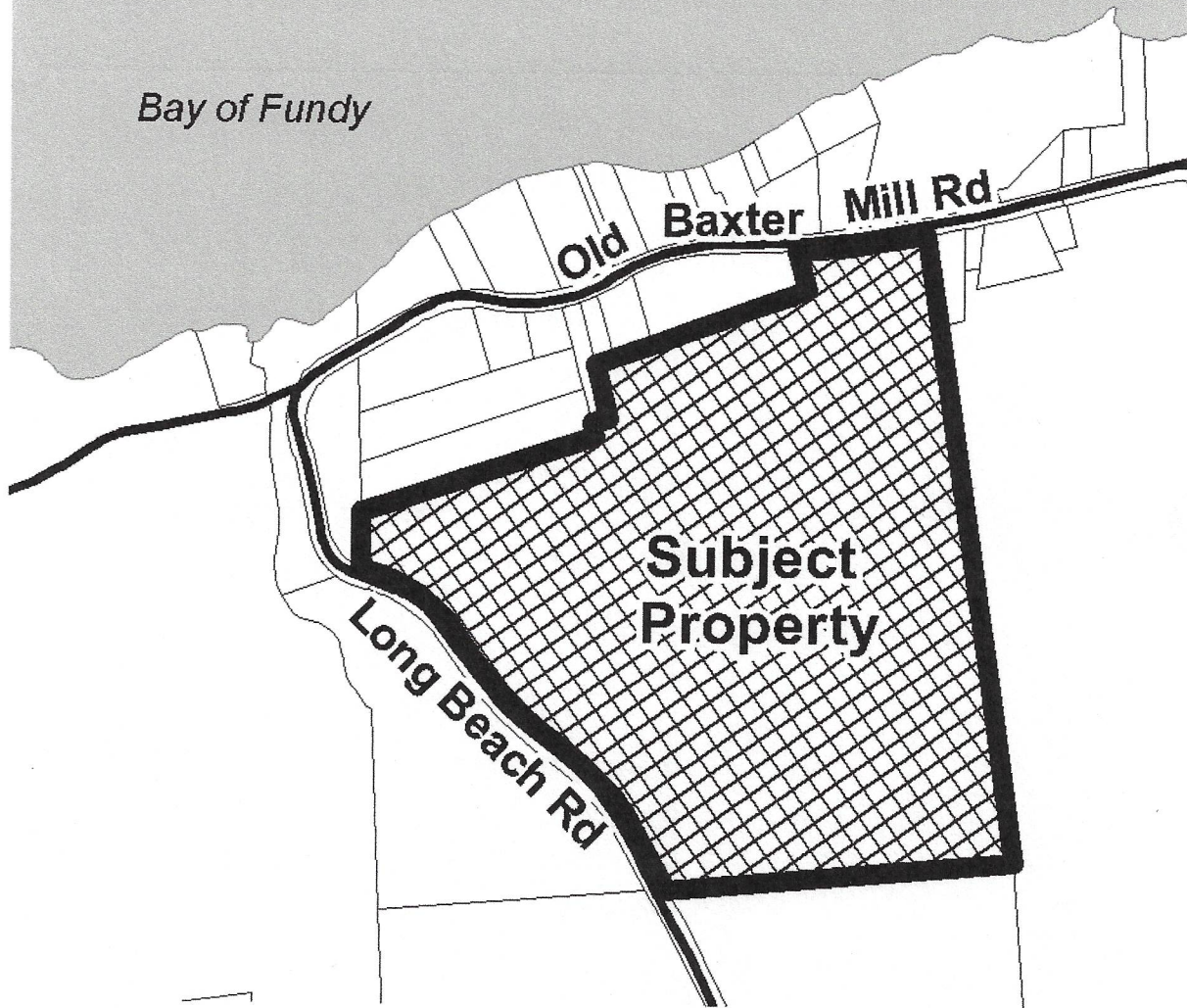
0 200 400 800 Feet

Bay of Fundy

Old Baxter Mill Rd

**Subject
Property**

Long Beach Rd



From: [Brett Howlett](#)
To: [Laura Mosher](#)
Cc: [Margit Stymest](#)
Subject: Baxter's Harbour Spa PID#55010979 File# 21-09
Date: June 14, 2021 10:57:41 AM

Dear Laura,

I'd like to thank you for the phone call and information provided with respect to the proposal for the new spa in Baxter's Harbour.

The Spa in itself is a welcome addition, I'm certain that there will be job creation in all aspects from construction to operation that will benefit the community as a whole. It's a beautiful location for a retreat. All the businesses en route stand to gain from increased traffic and public presence. This is a good thing.

However, there are some concerns with respect to that public presence. You had mentioned that the spa is only responsible for patrons while on their site. How will a large influx of people affect the local community, roads and common local attractions?

Unfortunately with that presence there WILL be some negative side effects:

- the added traffic affecting road quality, dust and erosion
- people leaving lit fires, garbage, broken glass
- and the list goes on

Currently, locals clean the beaches, put out fires when people walk away, tow people up hills in the winter near waterfalls because they are blocking the road ...

You made it clear that a number of government agencies are responsible for different aspects of our community, Municipal for garbage, roads, and fire fighting. Federal for beaches, NS Environment for waterfalls and water sheds. Should other agencies be consulted before any planning approval is granted? Can garbage cans be added at these popular locations and collected during regular refuse pickups? Can public washrooms be made available? Is someone looking at the big picture!

"Waterfalls of Nova Scotia, A guide" was recently taken offline on Facebook due to the negative impacts of the increased public presence. Showing pictures and giving directions to beautiful, pristine places to enjoy was very effective. Unfortunately some areas were literally trashed. This issue should be considered and measures put in place during the planning process when it is a known side effect, not after it becomes an issue.

I have personally loaded a full small trailer of garbage from Blackhole Falls as well as Baxters Harbour beach. Put it at the end of the driveway....it wasn't taken by garbage collection. I had to pay to dispose of it myself. This is BEFORE a proposal submitted to invite more people to the area. It wouldn't take much research to find literally hundreds of examples of the downside of increased public traffic in rural areas, where land owners are left to clean up after visitors.

On a more personal nature, there are residences and cottages directly below the area where the proposed spa will

be located. In the letter, and in the video...it was stated that ground water and wells and the effects that a commercial business will have on these amenities will be considered.(MPS policy 5.3.7) At 212 Old Baxter's Mill road there are two dug wells, and one drilled well...and several of the same on properties below. During the summer months the drilled well is used, in the winter the dug wells are heavily relied upon for water. The dug well is fed by ground water and a natural spring which has never dried up in the history of this property. What affect will the draw of relatively high consumption of water directly above these residences have on ground and well water? And how does the Municipality intend on ensuring that these are not affected? And in the event that they are, then what?

What affect will the septic and leach from the septic of a commercial business, serving potentially thousands of customers, have on water quality or contamination? The unique landscape must be given consideration. In most cases there isn't a lot of ground for filtration of septic. Leach may travel a very short distance before being introduced to shallow fissures feeding springs and wells below. The very nature of the landscape, being rock, below relatively shallow soil, should be given very careful consideration. In several articles with respect to runoff and leach fields, rock below has been a concern, as effluence can build up on top of the rock and eventually become an inclusion in water runoff, and through fissures feeding water tables and springs. Additionally, what chemicals will be used for sanitation, cleaning, disinfecting etc..., are they septic safe? Where will the pool containing salt water drain? (there is already a heavy spring runoff of water through 212 Baxter Mill Rd)

There is no other precedent in this area that can be used as a comparison. All the effects require careful consideration and caution. This is not simply a "while at the spa" issue.

This proposal requires a lot of thought and planning and ultimately, due diligence on all counts.

Sincerely,

Margit Stymest

Brett Howlett

From: [Lisa Strong](#)
To: [Laura Mosher](#)
Cc: connect@fourtides.ca; [Peter Simmons](#)
Subject: email in show of support
Date: May 31, 2021 11:17:33 AM
Attachments: [image003.jpg](#)

Good morning;

We wish to express my support for the business concept of a Nordic Spa & Wellness centre proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike and Jenny Sinclair.

A development of this nature is exactly what is needed to attract more people to our area, encourage them to stay at our B&B's, dine at our amazing restaurants, visit of wineries, boost employment and further the year-round tourism opportunities in Kings County. I believe a Nordic Spa on this coastline will also inspire others to invest in our area.

By design, a Nordic Spa is also sure to be a quiet, environmentally sensitive and good neighbour to the residents of Baxter's Harbour. I wish the partners in this venture great success.

This development can only be a win-win for our area.

Sincerely,

Peter Simmons
President
Lisa Strong
Fixed Operations Manager
Valley Ford
Wholesale Depot
902-678-1330 ext 257
902-798-3673
902-670-1705 Cell



From: [Dean Keizer](#)
To: [Laura Mosher](#)
Subject: File # 21-09 Four Tides Nordic Spa
Date: June 8, 2021 8:09:18 PM

Hi, I just wanted to express my concerns regarding the proposed development on Long Beach Road.

We have been a resident on long beach road for the past 29 years and are very much concerned about the increase in traffic this project will cause during construction and after as well. We have already seen an increase in truck traffic the past few week causing clouds of dust that linger well after the vehicle has pasted. The traffic around Baxter's Harbour even during COVID is out of control, cars parking wherever they can. This project will make this problem worse for sure.

Regards

Dean Keizer

140 Long Beach Road

Sent from my iPad

From: [Page, Amy](#)
To: [Laura Mosher](#)
Cc: connect@fourtides.ca
Subject: In Support of Four Tides Nordic Spa & Wellness Centre
Date: June 1, 2021 12:29:48 PM
Attachments: [image001.jpg](#)

To Whom it May Concern

I wish to express my support for the business concept of a Nordic Spa & Wellness centre proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike and Jenny Sinclair.

This type of development is exactly what is needed to attract more people to our area, encourage them to stay longer, boost employment and further the year-round tourism opportunities in Kings County. I believe a Nordic Spa on this coastline will also inspire others to invest in our area.

By design, a Nordic Spa is also sure to be a quiet, environmentally sensitive and good neighbour to the residents of Baxter's Harbour. I wish the partners in this venture great success.

As a Regional Manager for a large Financial Corporation I can see first hand the value in so many areas as listed above that this new business will bring in to the Community, I fully support the development of this new spa & wellness centre and hope you do as well.

Sincere Regards;

Amy Page

Community General Manager | Kentville | Greenwood | Windsor NS
100-10 Webster Street, Kentville NS B4N 1H7 | Tel: 902-678-7371 ext. 222 | Fax: 902-678-2165

Amy.Page@cibc.com



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From: leanne@yoganeurd.com
To: [Laura Mosher](#)
Cc: connect@fourtides.ca
Subject: In support of Nordic Spa and Wellness Centre Baxter's Harbour
Date: June 6, 2021 7:14:46 PM

To Whom it May Concern

I wish to express my support for the business concept of a Nordic Spa & Wellness centre proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike and Jenny Sinclair.

This type of development is exactly what is needed to attract more people to our area, encourage them to stay longer, boost employment and further the year-round tourism opportunities in Kings County. I believe a Nordic Spa on this coastline will also inspire others to invest in our area.

By design, a Nordic Spa is also sure to be a quiet, environmentally sensitive and good neighbour to the residents of Baxter's Harbour. I wish the partners in this venture great success.

Leanne Morrison

leanne@yoganeurd.com
+001-647-987-4927

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From: [carrie](#)
To: [Laura Mosher](#)
Cc: connect@foutides.ca
Subject: Letter of Support Nordic Spa
Date: June 2, 2021 9:58:31 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

To whom it may concern,

I wish to express my support for the business concept of a Nordic Spa & Wellness centre proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike and Jenny Sinclair.

As a resident of nearby Halls Harbour, this type of development is exactly what is needed to attract more people to our area, encourage them to stay longer, boost employment and further the year-round tourism opportunities in Kings County. I believe a Nordic Spa on this coastline will also inspire others to invest in our area.

By design, a Nordic Spa is also sure to be a quiet, environmentally sensitive and good neighbour to the residents of Baxter's Harbour. I wish the partners in this venture great success.



Carrie Poyser

Realtor®

Sherri & Carrie Real Estate Team | EXIT Realty Town & Country

- ☐ [902-599-1028](tel:902-599-1028)
- ☐ carrie@sherriandcarrie.com
- ☐ www.sherriandcarrie.com
- ☐ 360 Main Street , Unit 23, Wolfville, NS

Contact us today for a FREE Market Analysis!

From: [Noelle McGough](#)
To: [Laura Mosher](#)
Cc: connect@fourtides.ca
Subject: Letter of Support: Nordic Spa & Wellness Centre in Baxter's Harbour
Date: June 1, 2021 9:45:07 PM
Attachments: [Nordic Spa & Wellness Centre Support.pdf](#)

To Whom it May Concern,

I wish to express my support for the business concept of a Nordic Spa & Wellness Centre proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike and Jenny Sinclair.

As the owner of Monk & Nun Interiors, we manage a number of short term rentals for local residents along this coastline. Most of these short term rentals are used as revenue for residents of the harbour communities, and are actively listed between mid-May and mid-October during peak tourism. This type of development is exactly what is needed to attract more people to our area in the off-season, to boost employment and further the year-round tourism opportunities in Kings County.

On a personal note, I have experienced June Pardy's business Beleaf Salon & Spa as a patron and have also worked with her as a client. Over the last couple of years, I have learned of her values and love for the communities in Kings County. I have first hand seen and experienced her support of other local businesses and I firmly believe that this project is heartfelt. I have no doubt this development will:

- - keep it's community and neighbours in mind
- - care for its natural environment
- - contribute to the local economy
-

cause a ripple effect for other local businesses

I have frequented Nordic Spas across the country and they have all been quiet, serene, undistruptive to communities, and not to mention good for the soul. My husband and I recently purchased a Cottage in Baxter's Harbour and have no concerns or reservations about this development agreement. In fact, I believe it will enhance our time there. I wish June and the partners in this venture great success.

Noelle McGough

Monk & Nun Interiors

Kentville, NS

--

Monk & Nun Interiors

902-300-5949

www.monkandnun.com

From: [Isabel madeira-voss](mailto:Isabel.madeira-voss)
To: [Laura Mosher](mailto:Laura.Mosher)
Cc: connect@fourtides.ca; junebeleaf@gmail.com
Subject: Nordic Spa and Wellness Centre - letter of support
Date: June 10, 2021 8:38:30 AM

To Whom it May Concern

I am writing to express my support for the Nordic Spa & Wellness Centre concept proposed for the Baxter's Harbour area by partners June Pardy, Adam Smith, Mike and Jenny Sinclair.

The increased popularity of spas and wellness centres internationally, and now locally, points to the success this venture will surely enjoy in a region that possesses unrivalled geographic beauty, a quiet serenity, qualified professionals and easy access for visitors from near and far. The year-round nature of the spa means local employment will be extended well beyond the traditional tourist season, making investment in this coastal region more attractive.

Nordic Spas are designed to deliver health and wellness benefits through a sensitive and respectful appreciation of nature. Such a venture is inherently quiet and mindful of the environment, making this the ideal development for a community that values its privacy and tranquility.

I wish the partners in this venture much success.

Isabel Madeira-Voss

12 Linden Ave.

Wolfville, Nova Scotia

imvoss12@gmail.com

From: [Jim](#)
To: [Laura Mosher](#)
Cc: connect@fourtides.ca
Subject: Nordic Spa Development
Date: June 14, 2021 4:16:33 PM

We are cottage and property owners at 91 Long Beach/Baxter Mill Road a few kilometres west of Baxter's Harbour.

It has been brought to our attention recently that a proposal has been submitted to the Municipality of Kings County and a development agreement is underway for a Nordic Spa project on the 70+ acres of land recently purchased by Four Tides Ltd.

Part of our property abuts this land on Long Beach Road. We have seen the preliminary details as aired on a virtual on-line presentation submitted by the applicants and chaired by our councillor, June Granger, District 1.

Although we anticipate increased traffic on the road which passes our cottage, we are in full support of this project and feel that it is potentially beneficial to the local economy of the area. We have faith in the applicants, knowing of their expertise in such an operation and look forward to sharing the experience with these young people in our neighbourhood.

Respectfully submitted on this 14th day of June, 2021.

James and Margaret (Jim and Peggy) Taylor
8885 rte 221
RR 5 Canning, N.S.
B0P 1H0
Phone 902 582 7214
E mail. cyclone@xcountry.tv

Sent from my iPad

From: [Erin Hennessy](#)
To: [Laura Mosher](#)
Cc: connect@fourtides.ca
Subject: Nordic Spa proposal
Date: June 4, 2021 10:10:36 AM

To Whom it May Concern:

As business owners in the Annapolis Valley, and property owners in Baxter's Harbour, we are absolutely thrilled to hear of the Nordic Spa being proposed for our region.

Investment in rural Nova Scotia is an important part of expanding our economy, as was highlighted in the "Ivany Report" (Now or Never) of 2014. Having innovative business ventures such as is being proposed in this project will encourage visitors to explore our region, extend their stays, and invest their dollars here.

Given that much of our area and our province relies on seasonal tourism, an opportunity to have a business that can provide steady, year-round employment is a vital for keeping our local pool of human resources here, where they can raise their families, spend their dollars, and contribute to our communities.

Nordic Spa style-facilities typically focus on quiet, respect of the environment and the natural surroundings, making them "good neighbours" for the residents of the area. The partners involved in this project have proven track records as entrepreneurs and community leaders.

In short, we strongly believe that this is a project that our county should be wholeheartedly supporting. As a region we want to send a message to potential businesses that our doors are open, and we are interested in their investment in our communities!

Kind regards,

Dr. Erin Hennessy
Dr. Jeff Hennessy

Wolfville Dentistry
1-189 Dykeland St.
Wolfville, NS B4P 1A3
(902) 542-3386
www.wolfvilledentists.ca

From: [michael rudd](#)
To: [Laura Mosher](#)
Cc: connect@fourtides.ca
Subject: Proposed Nordic Spa
Date: June 9, 2021 9:56:21 AM

To Whom it May Concern

I wish to express my support for the business concept of a Nordic Spa & Wellness centre proposed for the Baxter's Harbour area by partners Adam Smith, June Pardy, Mike and Jenny Sinclair.

This type of development is exactly what is needed to attract more people to our area, encourage them to stay longer, boost employment and further the year-round tourism opportunities in Kings County. I believe a Nordic Spa on this coastline will also inspire others to invest in our area.

By design, a Nordic Spa is also sure to be a quiet, environmentally sensitive and good neighbour to the residents of Baxter's Harbour. I wish the partners in this venture great success.

Sincerely,

Dr. Michael Rudd, FRCSC

Sent from [Mail](#) for Windows 10

From: [Laura Mosher](#)
To: ["Jacqueline Metzler"](#)
Bcc: [Trish Javorek](#)
Subject: RE: Application for Development, File #21-09
Date: July 5, 2021 10:24:30 AM

Hi Jacqueline and Nathan,

Thanks for your email and your interest in this file.

We have heard similar concerns from other residents so these are things we are looking into.

With regard to a parking area, the applicants will be required to provide adequate parking for the patrons of their property while they are there. At this time, there is no plan to develop a parking lot closer to the beach to accommodate increased traffic at the beach, which precedes the opening of this development. That would be considered separate and independent of this planning application. So too, would a washroom facility at the beach. This site would not be a preferred location for a public parking lot serving the beach given its distance (over 2 kilometres) from the entrance to the beach would likely not provide much relief for cars parking along the road. I have passed on these comments to our Community Development department so that they are aware.

With regard to your questions about the road, the road is owned by the province. All repairs and other maintenance is within their area of responsibility. That being said, we are in consultation with them as part of processing the application, so we will pass on your concerns to them for comment and so that they are aware.

You can keep track of the application on our website at www.countyofkings.ca/planning. We post updates on the application there regularly. Our next step in the process is to present the application for recommendation to the Planning Advisory Committee. We do not have a scheduled date for this application as yet but will post to the website once a date is available.

Please do not hesitate to be in touch if you have any other questions or concerns, thanks,

Laura Mosher MCIP LPP (She/Her)
Manager, Planning and Development Services

181 Coldbrook Village Park Drive, Coldbrook B4R 1B9
t: (902) 690-6102
f: (902) 679-0911
www.countyofkings.ca

From: Jacqueline Metzler
Sent: July 5, 2021 7:33 AM
To: Laura Mosher

Subject: Application for Development, File #21-09

Good morning Laura,

We are writing to voice our emphatic support for the below mentioned development for a new Nordic spa on a vacant parcel of land in Baxters Harbour:

File # 21-09, An application for a development agreement to permit tourist commercial uses including a spa, wellness facility, event venue, accommodations and accessory restaurant on a vacant parcel (PID 55010979), Baxters Harbour.

My husband and I are landowners of a 6 acre parcel in Baxters Harbour, at the far end of Old Baxter Mill Road (nearer the falls) from this development. We intend to build our retirement home here, and are very familiar with the area, having spent a great deal of time at various friends' cottages within Baxters Harbour. It truly is a special place in Kings County, and we're delighted at the initiative and drive shown by the development applicants in wanting to embrace the peace and tranquility of Baxters Harbour for other visitors. Although having watched the video, we recognize the zoning isn't quite correct for the proposed development, we feel that in this case, the potential benefits to the residents of Baxters Harbour, Annapolis Valley, and Kings County are worth considering the change in zoning.

With that being said, Baxters Harbour is already becoming a more popular tourist attraction in the last year or two, with more local visitors coming from Halifax and other Atlantic provinces. The land closest to the falls is mostly privately owned, with limited parking and no public washroom or sanitation facilities. We have heard from our friends in the area that there are already vehicles lining Old Baxter Mill Rd during popular times due to a lack of available public parking. This is a gravel road that regularly displays 'washboard' characteristics due to water and runoff, and increased traffic is likely to make this worse. Also there are a few blind curves on the road that could be dangerous for oncoming traffic, if there are cars parked along either side regularly.

It is very likely that the introduction of a Nordic spa to the area would increase tourist traffic/visitors to the falls as well, since people will be in the area and wondering what Baxters Harbour Falls is referring to.

Having been recent visitors to Carters Beach last year on the South Shore, and seeing the sheer volume of vehicles that line both sides of the road entrance to the beach for several hundred meters (blocking any parking in front of privately owned cabins), as well as a temporary outhouse structure that was overflowing with sewage and rubbish and smelled too horrific to even use, I am keen to avoid a similar situation developing in Baxters Harbour, as it would ruin the tranquility that the Spa is trying to enhance, for both the Spa and the residents of the Harbour.

If the proposed development is to go through, I would like to hear whether Kings County and/or the applicants will consider the following concerns, which can be broken down into 4 categories: parking, washroom facilities, road development, and winter road maintenance.

- 1) Are there any plans to develop a public car park at either Baxters Harbour falls, or possibly within the parcel of land the applicants have purchased, to handle this increased tourist traffic?
- 2) Would the County and/or the applicants consider developing a public washroom facility and rubbish collection bins (with running water and flushing toilets, not a temporary outhouse) at either the Baxters Harbour falls, *or* at a public car park within the proposed development?
- 3) Will Kings County resurface Baxters Harbour Road, which is currently in quite bad condition with various patches in the pavement, as well as pave Old Baxter Mill Rd and Long

Beach Rd, for vehicles, to handle the increased traffic to the area?

4) Will winter maintenance be provided on a regular basis on all these roads? Increased winter traffic to the Spa could result in vehicles ending up in private drainage ditches or driveways if the roads are not well maintained.

I would love to be added to any future communications on this development, if an email list or broadcast list is available.

Thanks so much for your time and consideration of these concerns from other Baxters Harbour residents, and we truly hope we can all contribute to planning a development that will be lucrative for the development owners, pleasant for the property owners in the area, and allow residents from within NS and beyond to enjoy our little piece of paradise.

Best regards,
Jacqueline and Nathan Metzler

From: [Laura Mosher](#)
To: "Brett Howlett"
Subject: RE: Baxter's Harbour Spa PID#55010979 File# 21-09
Date: February 15, 2022 8:45:44 AM

Hi Brett,

Thanks for checking in. We have been working with the applicants to process their proposal. We expect a staff report including a draft development agreement to be presented to Planning Advisory Committee in the coming months but a date has not been set at this time.

Thanks again,

Laura Mosher MCIP LPP (She/Her)
Manager, Planning and Development Services

181 Coldbrook Village Park Drive, Coldbrook B4R 1B9
t: (902) 690-6102
f: (902) 679-0911
www.countyofkings.ca

From: Brett Howlett <brett.howlett75@gmail.com>
Sent: February 14, 2022 4:34 PM
To: Laura Mosher <lmosher@countyofkings.ca>
Subject: Re: Baxter's Harbour Spa PID#55010979 File# 21-09

Good afternoon Laura,
just curious if anything further has been submitted for the Spa project in Baxters Harbour...ie....site plan etc....(or whatever the formal term is)

Thanks

On Mon., Jun. 14, 2021, 11:20 a.m. Laura Mosher, <lmosher@countyofkings.ca> wrote:

Hi Brett,

In consulting with the other departments, we are typically reaching out to experts in the field and we indicate that we suspect that there may be something to be concerned about on their area of expertise as a result of the development as it is proposed. We generally do not share the specific correspondence from residents with the other departments and agencies. I hope this answers your question. Thanks,

Laura Mosher, MCIP LPP
Manager - Planning and Development Services

Municipality of the County of Kings

181 Coldbrook Village Park Drive, Coldbrook B4R 1B9
t: 902-690-6102
f: 902-679-0911
www.countyofkings.ca

From: Brett Howlett <brett.howlett75@gmail.com>
Sent: June 14, 2021 11:16 AM
To: Laura Mosher <mosher@countyofkings.ca>
Subject: Re: Baxter's Harbour Spa PID#55010979 File# 21-09

Will the concerns of the residents or other parties be presented to the various departments or authorities for review and consideration before they comment on potential concerns? Or only the application in itself?

On Mon., Jun. 14, 2021, 11:04 a.m. Laura Mosher <mosher@countyofkings.ca> wrote:

Thanks for your email Brett. We will be looking into these matters and notifying the appropriate authorities of the application and provide them with an opportunity to comment on the application and to indicate whether they have any concerns regarding the application. We will include this correspondence in our staff report as well so that Council is aware of your concerns.

Laura Mosher, MCIP LPP
Manager - Planning and Development Services

Municipality of the County of Kings
181 Coldbrook Village Park Drive, Coldbrook B4R 1B9
t: 902-690-6102
f: 902-679-0911
www.countyofkings.ca

From: Brett Howlett <brett.howlett75@gmail.com>
Sent: June 14, 2021 10:57 AM
To: Laura Mosher <mosher@countyofkings.ca>
Cc: Margit Stymest <123margit@gmail.com>
Subject: Baxter's Harbour Spa PID#55010979 File# 21-09

Dear Laura,

I'd like to thank you for the phone call and information provided with respect to the proposal for the new spa in Baxter's Harbour.

The Spa in itself is a welcome addition, I'm certain that there will be job creation in all aspects from construction to operation that will benefit the community as a whole. It's a beautiful location for a retreat. All the businesses en route stand to gain from increased traffic and public presence. This is a good thing.

However, there are some concerns with respect to that public presence. You had mentioned that the spa is only responsible for patrons while on their site. How will a large influx of people affect the local community, roads and common local attractions?

Unfortunately with that presence there WILL be some negative side effects:

- the added traffic affecting road quality, dust and erosion
- people leaving lit fires, garbage, broken glass
- and the list goes on

Currently, locals clean the beaches, put out fires when people walk away, tow people up hills in the winter near waterfalls because they are blocking the road ...

You made it clear that a number of government agencies are responsible for different aspects of our community, Municipal for garbage, roads, and fire fighting. Federal for beaches, NS Environment for waterfalls and water sheds. Should other agencies be consulted before any planning approval is granted? Can garbage cans be added at these popular locations and collected during regular refuse pickups? Can public washrooms be made available? Is someone looking at the big picture!

"Waterfalls of Nova Scotia, A guide" was recently taken offline on Facebook due to the negative impacts of the increased public presence. Showing pictures and giving directions to beautiful, pristine places to enjoy was very effective. Unfortunately some areas were literally trashed. This issue should be considered and measures put in place during the planning process when it is a known side effect, not after it becomes an issue.

I have personally loaded a full small trailer of garbage from Blackhole Falls as well as Baxters Harbour beach. Put it at the end of the driveway....it wasn't taken by garbage collection. I had to pay to dispose of it myself. This is BEFORE a proposal submitted to invite more people to the area. It wouldn't take much research to find literally hundreds of examples of the downside of increased public traffic in rural areas, where land owners are left to clean up after visitors.

On a more personal nature, there are residences and cottages directly below the area where the proposed spa will be located. In the letter, and in the video...it was stated that ground water and wells and the effects that a commercial business will have on these amenities will be considered. (MPS policy 5.3.7) At 212 Old Baxter's Mill road there are two dug wells, and one drilled well...and several of the same on properties below. During the summer months the drilled well is used, in the winter the dug wells are heavily relied upon for water. The dug well is fed by ground water and a natural spring which has never dried up in the history of this property. What affect will the draw of relatively high consumption of water directly above these residences have on ground and well

water? And how does the Municipality intend on ensuring that these are not affected? And in the event that they are, then what?

What affect will the septic and leach from the septic of a commercial business, serving potentially thousands of customers, have on water quality or contamination? The unique landscape must be given consideration. In most cases there isn't a lot of ground for filtration of septic. Leach may travel a very short distance before being introduced to shallow fissures feeding springs and wells below. The very nature of the landscape, being rock, below relatively shallow soil, should be given very careful consideration. In several articles with respect to runoff and leach fields, rock below has been a concern, as effluence can build up on top of the rock and eventually become an inclusion in water runoff, and through fissures feeding water tables and springs. Additionally, what chemicals will be used for sanitation, cleaning, disinfecting etc..., are they septic safe? Where will the pool containing salt water drain? (there is already a heavy spring runoff of water through 212 Baxter Mill Rd)

There is no other precedent in this area that can be used as a comparison. All the effects require careful consideration and caution. This is not simply a "while at the spa" issue.

This proposal requires a lot of thought and planning and ultimately, due diligence on all counts.

Sincerely,

Margit Stymest

Brett Howlett

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From: [Laura Mosher](#)
To: ["Tina kaizer"](#)
Subject: RE: Nordic Spa Development at Baxters Hrb.
Date: June 22, 2021 2:21:00 PM

Hi Tina,

Yes, your letter will be included in the report.

We are currently at the very beginning of the process. Staff are currently working on a review of the proposal against our policies and we are also consulting with other departments and agencies to address concerns and ensure that the policies are being met. We will prepare a report and draft development agreement that will go before our Planning Advisory Committee for recommendation to Council. If Council is interested in considering approving this application, they will authorize a Public Hearing. Property owners within 500 feet of the subject property will be notified of the Public Hearing. Ads will also be placed in the newspaper.

If there is a representative for the concerned parties of Baxters Harbour, they have not yet made themselves known to me although I can confirm that we have heard from many of the residents.

Please let me know if you have any questions. Thanks,

Laura Mosher, MCIP LPP
Manager - Planning and Development Services

Municipality of the County of Kings
181 Coldbrook Village Park Drive, Coldbrook B4R 1B9
t: 902-690-6102
f: 902-679-0911
www.countyofkings.ca

From: Tina kaizer
Sent: June 21, 2021 5:41 PM
To: Laura Mosher
Subject: Re: Nordic Spa Development at Baxters Hrb.

Thank you Laura.. ok so our letter will form part of the report..
What are the next steps..?
Is there a public hearing ..?
Is there someone or body representing the concerned parties of Baxter Hrb community ..?
Thank you kindly for your time !
Tony & Tina Kaizer

Thank You Tina

Sent from Tina's iPhone
604-741-5066
Tina.kaizer.realtor@gmail.com

On Jun 21, 2021, at 12:18 PM, Laura Mosher <lmosher@countyofkings.ca> wrote:

Thank you for your email – we will include this in the staff report going to Municipal Council.

Thanks,

Laura Mosher, MCIP LPP
Manager - Planning and Development Services

Municipality of the County of Kings
181 Coldbrook Village Park Drive, Coldbrook B4R 1B9
t: 902-690-6102
f: 902-679-0911
www.countyofkings.ca

From: [Laura Mosher](#)
To: ["TERESA STEEVES"](#)
Subject: RE: Update on Nortic Spa
Date: November 9, 2021 8:39:59 AM

Hi Teresa,

Thanks for reaching out. At this time, staff are working on drafting the agreement and moving the application forward in the coming months. You can keep an eye on www.countyofkings.ca/planning for updates.

Thanks,

Laura Mosher MCIP LPP (She/Her)
Manager, Planning and Development Services

181 Coldbrook Village Park Drive, Coldbrook B4R 1B9
t: (902) 690-6102
f: (902) 679-0911
www.countyofkings.ca

From: TERESA STEEVES <tkaizersteeves@hotmail.com>
Sent: November 3, 2021 1:12 PM
To: Laura Mosher <lmosher@countyofkings.ca>
Subject: Update on Nortic Spa

Could you please email me an update on the development of the Nortic Spa proposal.
Thank you in advance
tkaizersteeves@hotmail.com

Co owner of 195 Old Baxter's Mill Road
Get [Outlook for iOS](#)

APPENDIX C – General Development Agreement Criteria

Policy 5.3.7

Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.

Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:

Criteria	Comments
<i>a. the proposal is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan</i>	The proposal is in keeping with the intent of the MPS. There is no Secondary Planning Strategy in this area.
<i>b. that the proposal is not premature or inappropriate due to:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The location of the proposed development is controlled through the development agreement and results in a minimum of 40 feet and between the development envelope and the nearest property line and 75 feet from another. The distance between all other property lines and the development envelope is a minimum of 120 feet. The location of various elements is further controlled within the development envelope.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	The proposal does not include any residential uses beyond what would be permitted as-of-right and is not intended to have negative impacts on school, recreation or community facilities.
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	Planning Staff consulted with the provincial Department of Public Works who indicated that they do not have any concerns related to the generation of excessive traffic impacts. They also indicated that parking should be located in proximity to the activity on the site, which has been included in the draft development agreement.
<i>v. the adequacy of fire protection services and equipment;</i>	Both the Canning and Halls Harbour Fire Departments indicated that they provide service to Baxters Harbour but indicated that response times are generally longer given the distance travelled.
<i>vi. the adequacy of sewer and water services;</i>	Not applicable since this proposal will be privately serviced in accordance with the regulations for the authority having jurisdiction. These will be reviewed at the time of permitting.

<i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	Given the large area of the subject property and the relatively small area being developed, there are no concerns regarding negative impacts associated with a change in drainage.
<i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i>	<p>The subject property is not located within a Wellfield Protection Overlay.</p> <p>In response to concerns related to wells on nearby properties, the applicants have prepared a Stage 1 Hydrogeology report which indicates that water supply is adequate to service the site. Impacts on neighbouring wells are not expected.</p>
<i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	No negative impacts are expected.
<i>x. negative impacts on lake water quality or nearby wetlands;</i>	Not applicable, the subject property is not located in proximity to a lake or wetlands.
<i>xi. negative impacts on neighbouring farm operations;</i>	Not applicable, the proposal is not located in proximity to neighbouring farm operations.
<i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i>	The subject property is suitable for the proposed development.

APPENDIX D - DRAFT DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT BETWEEN:

4188446 Nova Scotia Limited, of Upper Dyke, Nova Scotia, hereinafter called the "Property Owner",

of the First Part

and

MUNICIPALITY OF THE COUNTY OF KINGS, a body corporate pursuant to the Municipal Government Act, S.N.S., 1998, Chapter 18, as amended, having its chief place of business at Coldbrook, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule A attached hereto and which are known as Property Identification (PID) Number 55010979; and

WHEREAS the Property Owner wishes to use the Property for Tourist Commercial Uses; and

WHEREAS the Property is situated within an area designated Agricultural and Shoreland on the Future Land Use Map of the Municipal Planning Strategy, and zoned Rural Mixed Use (A2) and Tidal Shoreland (T1) on the Zoning Map of the Land Use By-law; and

WHEREAS policy 2.5.13 of the Municipal Planning Strategy and sections 8.4.5(a) and 9.5.5(a) of the Land Use By-law provide that the proposed use may be developed only if authorized by development agreement; and

WHEREAS the Property Owner has requested that the Municipality of the County of Kings enter into this development agreement pursuant to Section 225 of the Municipal Government Act so that the Property Owner may develop and use the Property in the manner specified; and

WHEREAS the Municipality by resolution of Municipal Council approved this Development Agreement;

Now this Agreement witnesses that in consideration of covenants and agreements contained herein, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A Property Description

Schedule B Site Plan

1.2 Municipal Planning Strategy and Land Use By-law

- (a) *Municipal Planning Strategy* means By-law 105 of the Municipality, approved on March 5, 2020, as amended, or successor by-laws.
- (b) *Land Use By-law* means By-law 106 of the Municipality, approved on March 5, 2020, as amended, or successor by-laws.
- (c) *Subdivision By-law* means By-law 60 of the Municipality, approved September 5, 1995, as amended, or successor by-laws.

1.3 Definitions

Unless otherwise defined in this Agreement, all words used herein shall have the same meaning as defined in the Land Use By-law unless the context clearly indicates otherwise. Words not defined in the Land Use By-law but defined herein are:

- (a) *Development Officer* means the Development Officer appointed by the Council of the Municipality.
- (b) *Nordic Spa and Wellness Centre* means a tourist commercial use that includes a series of sauna buildings, pools, indoor and outdoor relaxation areas, and buildings for associated activities including change rooms and accessory office space. This use may include the instruction of fitness and wellness classes and activities.
- (c) *Tent* means a covered, open-air building that can be disassembled and intended for use by the public and/or for serving special events and is accessory to the Event Venue Use.
- (d) *Tourist Cabin* means a building for use by the travelling public and may contain sleeping quarters, bathroom facilities and kitchen facilities but shall not be considered a residential unit.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

That the Parties agree that the Property shall be limited to the following uses:

- (a) The following uses are enabled by this Agreement and shall be developed entirely within the Development Envelope identified on Schedule B – Site Plan:
 - (i) Nordic Spa and Wellness Centre;
 - (ii) Personal Service Shop;
 - (iii) Restaurant accessory to the Nordic Spa and Wellness Centre and/or the Event Venue enabled through this development;
 - (iv) Up to twelve (12) tourist cabins each having a maximum building footprint of 1,000 square feet and a maximum height of 35 feet;
 - (v) An Event Venue having a maximum gross floor area of 2,500 square feet. This use is permitted to be operated either within a tent or a permanent building having a maximum height of 35 feet;
- (b) A dwelling containing up to two residential units subject to the requirements of the zone in which it is located.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law apply to any development undertaken pursuant to this Agreement.

2.2 Site Plan

- (a) All uses enabled by this Agreement on the Property shall be developed within the Development Envelope as shown on Schedule B, Site Plan.
- (b) In addition to (a) above, no tourist cabin shall be located within 250 feet of any dwelling in existence on the date this Agreement is registered. Location certificates shall be required for each tourist cabin.
- (c) A vegetative buffer is required between the Development Envelope and the northern property lines of the subject property, as indicated on Schedule B, Site Plan.
- (d) Notwithstanding subsection (a) above, the location of the dwelling enabled in section 2.1(a)(vi) shall be subject to the requirements of the zone in which it is proposed to be located.
- (e) Any future changes to Schedule B, Site Plan that would result in a change to the access must be approved by the Nova Scotia Department of Public Works or any successor body.

2.3 Parking

- (a) A minimum of 100 parking spaces shall be provided within the Development Envelope for the uses enabled by this Agreement except for the tourist cabins.
- (b) One parking space shall be provided for each tourist cabin.

- (c) Parking areas shall be subject to the standards for parking areas outlined in section 14.5.4 of the Land Use By-law.

2.4 Hours of Operation

- (a) The hours of operation for the Event Venue shall be as follows:
 - (i) Sunday through Thursday from 7:00 am to 11:00 pm, inclusive;
 - (ii) Fridays and Saturdays from 7:00 am to 12:00 am, inclusive.
 - (iii) Notwithstanding (i) above, when a Sunday precedes a holiday Monday, the hours of operation for the Event Venue shall be 7:00 am to 12:00 am.

2.5 Amplified Sound

- (a) The amplification of sound or music through the use of speakers shall not be permitted to occur outside any tent or building.
- (b) If an open air tent, without fabric walls, is used in association with the Event Venue use, and notwithstanding section 2.4 of this Agreement, the amplification of sound or music within the tent shall not be permitted later than 9 pm. This shall not apply if the Event Venue is operated within a permanent building or within a tent having walls.

2.6 Enclosure

An enclosure having a height between 5 and 6 feet shall be provided surrounding the Nordic Spa and Wellness Centre use. No part of the enclosure shall be located closer than 4 feet to any pool, tank or other body of water having any depth of water greater than 24 inches.

2.7 Signs

Signage on the Property shall be subject to the requirements of the Land Use By-law for signs for non-residential uses in the underlying zones. Notwithstanding section 14.6.16 (c) of the Land Use By-law, related to special requirements for signs in Rural Zones, internally lit signs shall not be permitted on the Property.

2.8 Appearance of Property

The Property Owner shall at all times maintain all structures and services on the Property in good repair and a useable state and maintain the Property in a neat and presentable condition.

2.9 Subdivision

Lands outside the Development Envelope in this Agreement may be subdivided, subject to the requirements for the use and zone in which they are located, the Subdivision By-law and sections 3.5 and 3.6 of this Agreement related to discharging this agreement. Lands occupied by the uses enabled by this Agreement may be subdivided, shall contain the entire Development Envelope, the required vegetative buffer, and meet the lot requirements for non-residential uses in the Tidal Commercial (T2) Zone

2.10 Lighting

The Property Owner shall ensure that any lights used for illumination of the Property or signs shall be arranged so as to divert light away from streets and neighbouring properties.

2.11 Erosion and Sedimentation Control

During any site preparation, construction activities or demolition activities of a structure or parking area, all exposed soil shall be stabilized immediately and all silt and sediment shall be contained within the site as required by the Municipal Specifications and according to the practices outlined in the Department of Environment *Erosion and Sedimentation Control Handbook for Construction*, or any successor documents, so as to effectively control erosion of the soil.

2.12 Servicing

The Property Owner shall be responsible for providing adequate water services and wastewater disposal services to the standards of the authority having jurisdiction and at the Property Owner's expense.

PART 3 CHANGES AND DISCHARGE

3.1 Any matters in this Agreement which are not specified in Subsection 3.2 below are not substantive matters and may be changed by Council without a public hearing.

3.2 The following matters are substantive matters:

- (a) the uses enabled by this Agreement on the property as listed in Section 2.1 of this Agreement; and
- (b) the location of any development envelopes for uses enabled in this Agreement on the property.

3.3 Upon conveyance of land by the Property Owner to either:

- (a) the road authority for the purpose of creating or expanding a public street over the Property; or
- (b) the Municipality for the purpose of creating or expanding open space within the Property;

registration of the deed reflecting the conveyance shall be conclusive evidence that that this Agreement shall be discharged as it relates to the public street or open space, as the case may be, as of the date of registration with the Land Registry Office but this Agreement shall remain in full force and effect for all remaining portions of the Property.

3.4 Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by Council at the request of the Property Owner without a public hearing.

3.5 Notice of Intent to discharge this Agreement may be given by the Municipality to the Property Owner following a resolution of Council to give such Notice:

- (a) at the discretion of the Municipality, with or without the concurrence of the Property Owner, where the Development has, in the reasonable opinion of council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or,
- (b) at any time upon the written request of the Property Owner, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.6 Council may discharge this Agreement thirty (30) days after a Notice of Intent to Discharge has been given. Notwithstanding any other provision of this Agreement, the discharge of this Agreement is not a substantive matter and this Agreement may be discharged by Council without a Public Hearing.

PART 4 IMPLEMENTATION

4.1 Commencement of Operation

No construction or use may be commenced on the Property until the Municipality has issued any Development Permits, Building Permits and/or Occupancy Permits that may be required.

4.2 Drawings to be Provided

When an engineered design is required for any portion of a development, record drawings shall be provided to the Development Officer within ten days of completion of the work which requires the engineered design.

4.3 Completion and Expiry Date

- (a) The Property Owner shall sign this Agreement within 60 days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void;

PART 5 COMPLIANCE

5.1 Compliance With Other By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Property Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Municipal Responsibility

The Municipality does not make any representations to the Property Owner about the suitability of the Property for the development proposed by this Agreement. The Property owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

5.3 Warranties by Property Owner

The Property Owner warrants as follows:

- (a) The Property Owner has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Property Owner has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Property Owner to sign the Development Agreement to validly bind the Lands.
- (b) The Property Owner has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

5.4 Onus For Compliance On Property Owner

Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Property Owner in writing. In the event that the Property Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

5.6 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.7 Assignment of Agreement

The Property Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.8 Costs

The Property Owner is responsible for all costs associated with recording this Agreement in the Registry of Deeds or Land Registration Office, as applicable, and all costs of advertising for and recording of any amendments.

5.9 Full Agreement

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Property Owner. No other agreement or representation, oral or written, shall be binding.

5.10 Severability of Provisions

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.

5.11 Interpretation

- (a) Where the context requires, the singular shall include the plural, and the use of words in one gender shall include the masculine, feminine and neutral genders as circumstances warrant;
- (b) 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.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.12 Breach of Terms or Conditions

Upon the breach by the Property Owner of the terms or conditions of this Agreement, the Municipality may undertake any remedies permitted by the Municipal Government Act.

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

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper designing officers of the Municipality of the County of Kings, duly authorized in that behalf, in the presence of:

**MUNICIPALITY OF THE COUNTY
OF KINGS**

Witness

Peter Muttart, Mayor

Date

Witness

Janny Postema, Municipal Clerk

Date

SIGNED, SEALED AND DELIVERED
In the presence of:

4188446 NOVA SCOTIA LIMITED

Witness

Jennifer Sinclair, Director

Date

Witness

Dr. Michael G Sinclair, Director

Witness

June Pardy, Director

Witness

W Adam Smith , Director

Date

DRAFT

Schedule A – Property Description

Accessed via Property Online, October 13, 2021

PID: 55010979

Old Baxter Mill Road, Baxters Harbour

Doc: 98962 Book: 288 Pages: 137 Dated: August 14, 1970

All that certain piece or parcel of land situate lying and being at Long Beach in the District of Cornwallis, Province of Nova Scotia, more particularly bounded and described as follows

LOT NO. 1

BEGINNING at the Bay Shore, it being the Northwest corner of said lot of land;

THENCE South two degrees West (S 2 degrees W) by a lot of land formerly owned by the late Cyrus Newcomb thirty-six (36) Rods to the highway, more or less;

THENCE on the highway one hundred (100) rods, more or less to lands owned by the late Eliphelet Thorp;

THENCE Easterly by said land to lands formerly owned by the late John Rogers and now or formerly occupied by Samuel Adams;

THENCE North Two degrees East (N 2 degrees E) to the Bay Shore;

THENCE Westerly by the Bay Shore to the place of BEGINNING, it being all the land East of Long Beach Road that H.L. Dickey deeded to John Osborn in 1855, containing ninety (90) acres, more or less.

SAVING AND EXCEPTING all lands north of the rod formerly known as the Four Rod Road, now known as the Old Baxter Mill Road;

AND SAVING AND EXCEPTING

FIRST: PARCEL CONVEYED by Alden Willet and Joan Willet to Miriam A. Landry by warranty Deed dated September 22, 1958 recorded in the Registry of Deeds for Kings County, November 7, 1958 in Book 193 at page 241 Document no.10684;

SECOND: Parcel conveyed by Alden Willet and Joan Willet to Raymond Tucker by warranty Deed dated March 10, 1960 recorded in the Registry of Deeds for Kings County, March 10, 1960 in Book195 at page 659 Document no.19248;

THIRD: Parcel conveyed by Alden Willet and Joan Willet to Raymond Tucker by warranty Deed dated August 20, 1962 recorded in the Registry of Deeds for Kings County, August 22, 1962 in Book 210 at page 425 Document no.38584;

FOURTH: Parcel conveyed by Alden Willet and Joan Willet to William Rooney and Charles Allen by warranty Deed dated October 2, 1962 recorded in the Registry of Deeds for Kings County, October 11, 1962 in Book 210 at page 633 Document no. 39634

FIFTH: Parcel conveyed by Alden Willet and Joan Willet to Gerald C. Bishop by warranty Deed dated August 16, 1963 recorded in the Registry of Deed for Kings County August 16, 1963 in Book 214 at page 541 Document no.46103 .

SIXTH: Parcel conveyed by Alden Willet and Joan Willet to Gerald Bishop by warranty Deed dated August 10, 1963 recorded in the Registry of Deed for Kings County August 19, 1963 in Book 218 at

page 286 Document no. 46172

SEVENTH: Parcel described as lot 2 conveyed by Alden Willet and Joan Willet to Seldon Eaton by warranty Deed dated November 5, 1965 recorded in the Registry of Deed for Kings County December 1, 1965 in Book 242 at page 289, Document no.64259

EIGHTH: PARCEL conveyed by Alden Willet and Joan Willet to James Everett Taylor by warranty Deed dated August 3, 1970 recorded in the Registry of Deed for Kings County December 1, 1965 in Book 287 at page 413, Document no.

BEING AND INTENDED TO BE LOT NO. 1 conveyed to Robert Eaton and John Richard Llewellyn by Alden Willett by deed dated August 13, 1970 and recorded August 14, 1970 in the Kings County Registry of deeds as document no. 98962 in book 288 page 137.

ALSO BEING AND INTENDED TO BE THE SAME PARCEL conveyed as lot no. 1 by warranty deed dated December 10, 2010 to Robert Eaton, Betty Lyon, John Richard Llewellyn and Linda E. Llewellyn By Robert Eaton, Betty Lyon and John Richard Llewellyn recorded December 22, 2010 in the Registry of Deeds for Kings County as Document no. 97478433

AND ALSO Parcel A as shown on registered plan number 98639769 recorded in the Land Registration Office for Kings County.

*** 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: 2011
Plan or Document Number: 98639769

The MGA compliance statement has been applied by SNSMR during the processing of Land Registration Plan

