




NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPEAL by **KELLY BRANTON** from a Decision of the Berwick Town Council to approve a development agreement with Kent Fields Estates Limited for the construction of a 72-unit grouped dwelling at 228 Main Street, Berwick, Nova Scotia (PID# 55539670)

BEFORE:

 Jennifer L. Nicholson, CPA, CA, Panel Chair
 Julia E. Clark, LL.B., Member
 M. Kathleen McManus, K.C., Ph.D, Member

DECISION AND ORDER

Kelly Branton appealed to the Nova Scotia Utility and Review Board under s.247(2) of the *Municipal Government Act*, 1998 R.S.N.S. c. 18 (*Act*), on January 2, 2024, from a decision of the Berwick Town Council dated December 12, 2023, to approve a development agreement with Kent Field Estates for the construction of a 72-unit grouped dwelling at 228 Main Street, Berwick, Nova Scotia (PID 55539670).

The Board received correspondence from Geoff Muttart, Counsel for the Respondent, Town of Berwick, stating that the Town had received additional information about the site and determined that these factors should be further considered before Council can satisfy that this decision carries out the intent of the Municipal Planning Strategy.

It was therefore the recommendation of the Respondent that the Board grant the appeal without hearing and overturn Council's decision which adopted the development agreement.

Counsel for the Applicant Kent Fields Estates Limited informed the Board that the Applicant had decided to terminate its involvement in the appeal process, emphasizing that this decision "was not made lightly."

Given the consent of the Respondent and non-participation of any other party, the Board agrees with the recommendation and, under s. 251(1)(b) of the *Act*, allows the appeal

and reverses the decision of the Berwick Town Council to approve the development agreement.

The Board allows the appeal.

DATED at Halifax, Nova Scotia, this 1st day of October 2024.

Lisa Wallace

Clerk of the Board