



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.2
Harbour East-Marine Drive Community Council
June 30, 2016

TO: Chair and Members of Harbour East – Marine Drive Community Council

SUBMITTED BY: Original Signed

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE:

SUBJECT: Case 20192: Development Agreement Amendment, 721 Windmill Road,
Dartmouth

ORIGIN

Application by 3030558 NS Limited

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Harbour East – Marine Drive Community Council:

1. Give Notice of Motion to consider the proposed amending development agreement, as set out in Attachment A of this report, to remove certain buffering requirements along the western property boundary and Basinview Drive and further described herein, and schedule a public hearing;
2. Approve the proposed amending development agreement which shall be substantially of the same form set out in Attachment A of this report; and
3. Require the amending development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

An application has been made by 3030558 NS Ltd. to amend a development agreement (Case 15952) at 721 Windmill Road, Dartmouth (Maps 1 and 2). The development agreement was approved in 2010 to permit the construction of a six storey multiple unit dwelling containing 70 units, which is now completed and occupied. The original agreement included provisions to limit vehicular and pedestrian access for the apartment building to Windmill Road only, and to provide visual buffering from nearby single unit dwellings along Basinview Drive. The applicant is now seeking to remove the buffering requirements that are required between the apartment building, Basinview Drive, and #20 Basinview Drive (Map 3).

Subject Property	721 Windmill Road, Dartmouth (PID 41346552)
Plan Area	Dartmouth
Regional Plan Designation	Halifax Harbour (HARB)
Community Plan Designation (Map 1)	HRCR (Harbour Related Commercial Residential) and HC (Highway Commercial) under the Wright's Cove Secondary Planning Strategy
Zoning (Map)	I-2, General Industrial Zone, and R-1, Single Family Residential Zone, under the Dartmouth Land Use By-Law (LUB)
Size of Property	Approximately 8443 square metres (90,879 square feet)
Current Land Use(s)	70 unit, six storey apartment building
Surrounding Land Uses	<ul style="list-style-type: none">• To the west of the subject property along Basinview drive are several existing single family dwellings, as well as a 2 storey office building.• Immediately adjacent to the subject property to the east is the Dartmouth Yacht Club.• Further to the east along Windmill Road are a number of commercial businesses including Coast Tire and several car dealerships.• To the north across Windmill Road are several commercial businesses and office buildings.• To the north abutting the property and fronting on Windmill Road is the Burnside Hotel.

Proposal

The applicant wishes to amend the existing development agreement to remove the requirement for visual buffering along Basinview Drive and along the property boundary with #20 Basinview Drive. This requirement was to be met through the installation of an opaque screen, which could consist of a wooden fence and/or coniferous vegetation.

Existing Plan Policy

- This proposal is being considered under MPS Policy WC-4, which enables Council to consider apartment building development in the HRCR designation by development agreement (Attachment B). The intent of the policy is to enable uses such as hotels, offices, restaurants, townhouses, and apartment buildings while ensuring that the interests of existing commercial and residential uses are addressed.
- Policy WC-4 requires that the criteria of policies IP-5 and IP-1(c) concerning development agreements be considered for apartment building development.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area. An informal meeting was held in conjunction with a site visit (Attachment C) on December 17, 2015 with several neighbours. Shortly after the meeting, staff reached several other neighbours by phone. The public comments received include the following topics:

- Several neighbours wanted pedestrian access from the subject property to Basinview Drive to be blocked by a fence, while others were not concerned about pedestrian access;
- Garbage being thrown into the ditch on Basinview from the apartment building;
- The look of the building from Basinview Drive was a concern, however residents agreed that given the height of the apartment building and its proximity to Basinview Drive, effective visual screening would not be possible; and
- The owner of 20 Basinview Drive indicated that they did not have concerns about removing the fence requirement.

In addition to the feedback outlined above, the applicant provided letters signed by several owners of neighbouring properties (Attachment D). These letters outlined several reasons for removing the fencing requirements as requested under the application. The reasons given were:

- The fence would impede snow removal;
- The fence would not block visibility; and
- Vandalism could occur along the fence.

A public hearing must be held by Harbour East – Marine Drive Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact local residents and property owners.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the MPS. Attachment B provides an evaluation of the proposed amending development agreement in relation to the relevant MPS policies.

Proposed Amending Development Agreement

Attachment A contains the proposed amending development agreement for the subject site which removes requirements to provide visual screening at the west side of the subject property. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

Visual Screening

While visual screening between the apartment building and adjacent single unit dwellings was a primary consideration in the original agreement, staff have since determined that no meaningful visual screening is possible under those provisions due to the scale of the building, the topography of the site, and the proximity of the building to Basinview Drive and the adjacent residential uses (Map 3, Attachment C):

- The exterior wall of the six-storey tall apartment building is located approximately 9.8 metres away from Basinview Drive at the nearest point (Map 3). However, the distance is much less if measured from the building wall to the existing ditch along the east side of Basinview Drive

(approximately 3 metres). When measured from the edge of the projecting balconies near the ground, there is only about 0.6 metres to the ditch, leaving little room for a fence (Attachment C).

- Area residents agreed that the fence would not create a visual barrier due to the size of the apartment building and its proximity to the road. Furthermore, the apartment building is at a slightly higher elevation than the lands to the west, making it more difficult to screen from the road and neighbouring single unit dwellings.

Pedestrian Access

Under the staff report for Case 15952, the status of Basinview Drive as a private road was a primary consideration when establishing access controls for the development agreement, and as such no access to the lane from the site was to be permitted. However, additional research has yielded the following:

- Although the road is listed as privately owned in HRM's street directory, the road receives some maintenance from HRM;
- A subdivision plan dated 1936 indicates that the residential lots in the area were originally created from a parcel of land owned by "Semper Fidelis Club". The largest portion of the road parcel (PID 00339879) still exists under this ownership, though no record was found indicating that the organization is still active.
- A portion of the road is owned by the applicant, 3030558 Nova Scotia Limited.

Based on this information, it has been determined that all properties on the lane, including the apartment building, have right of access, however this will be limited to pedestrian access. There is no reason to provide vehicular access, as this is adequately provided elsewhere on the site directly to Windmill Road. Pedestrian access to the lane from the apartment building is appropriate, especially to provide access to a transit stop on Windmill Road which is not easily accessible from the driveway to the property due to lack of sidewalks on this busy arterial road. The removal of the screening requirement will enable this access.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is consistent with the intent of the MPS. Staff have advise that visual screening in this area serves no practical purpose nor is it possible due to the scale of the existing building, the topography of the site, and the proximity of the building to Basinview Drive. The apartment building and the adjacent residential properties are suitably separated from each other and the owner of 20 Basinview Drive, the nearest residential property, did not have concerns about removing the requirement for a visual barrier. Therefore, it is recommended that the proposed amending development agreement be approved.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2016/2017 budget and with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amending development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Harbour East – Marine Drive Community Council may choose to approve the proposed amending development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Harbour East – Marine Drive Community Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification Area
Map 3	Case 15952 Concept Plan and Buffer Requirement to be Removed
Attachment A	Amending Agreement
Attachment B	Review of Relevant Policies from the Dartmouth MPS and RMPS
Attachment C	Photos from Site Visit (December 17, 2015)
Attachment D	Letter from Applicant with Neighbour Signatures

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.


Report Prepared by: Nathan Hall, Planning Intern, 902.490.4726

Report Approved by: Original Signed
Kelly Denty, Manager, Current Planning, 902.490.4800



Map 1 - Generalized Future Land Use

721 Windmill Road
Dartmouth

 Subject Property

Designation

- I Industrial
- WCPSP Wrights Cove Secondary Planning Strategy

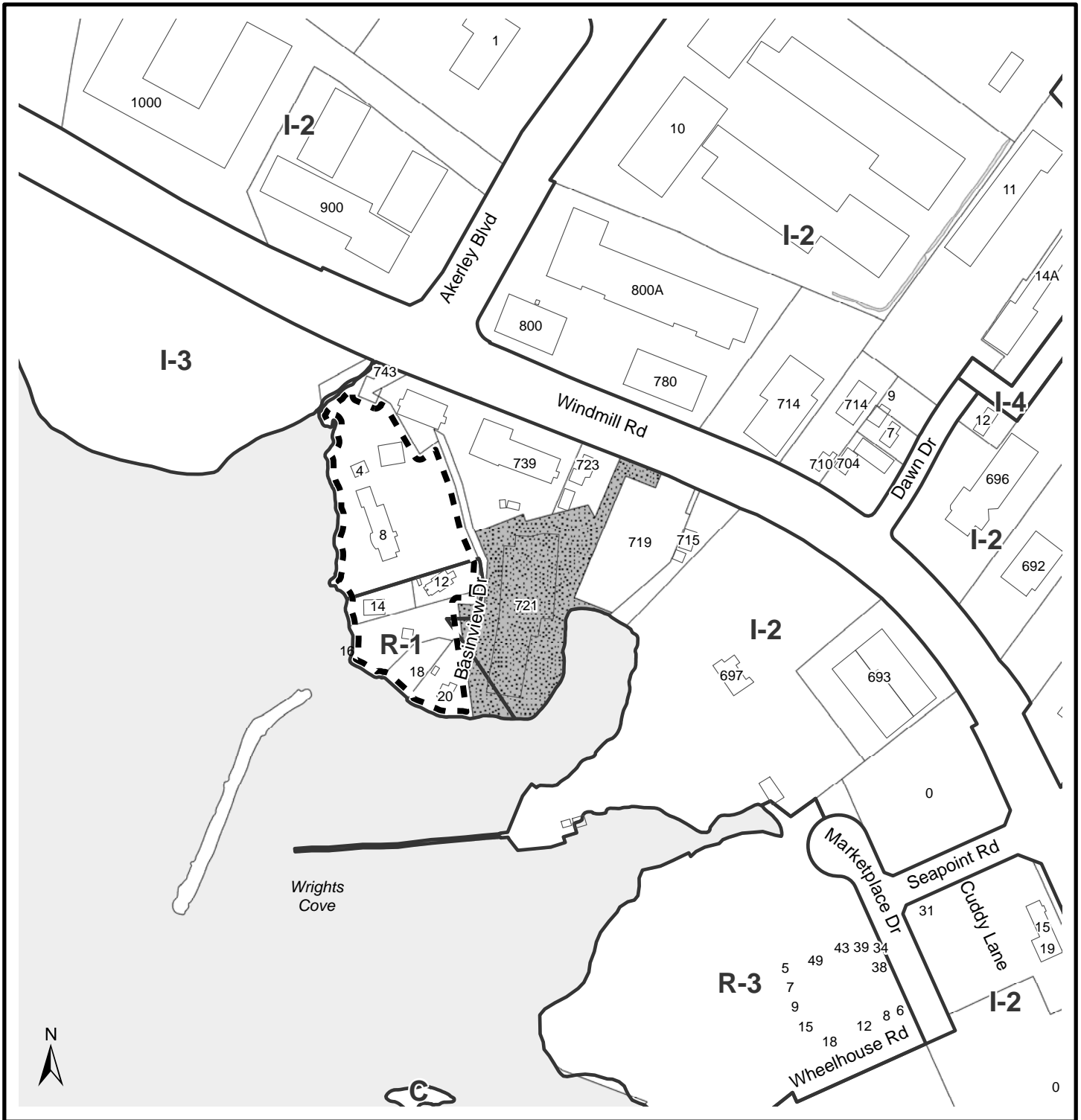


Dartmouth Plan Area



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


HRM does not guarantee the accuracy of any representation on this plan.



Map 2 - Zoning and Notification Area

721 Windmill Road
Dartmouth

HALIFAX

 Subject Property


Zone

- R-1 Single Family Residential
- R-3 Multiple Family Residential (Medium Density)
- I-2 General Industrial
- I-3 Harbour Oriented Industrial
- I-4 Salvage
- C Conservation

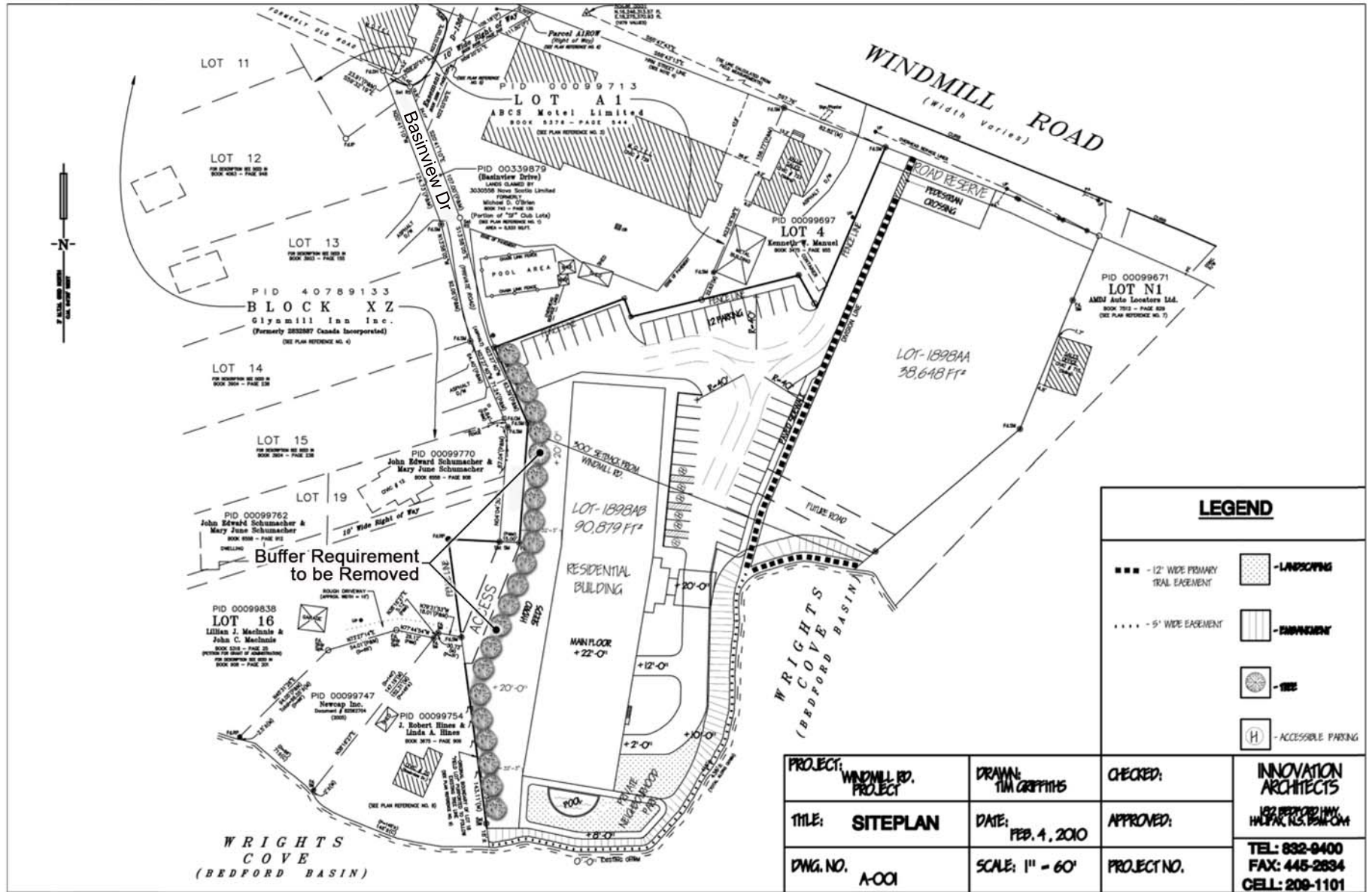
0 20 40 80 120
Meters

This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Plan Area.

HRM does not guarantee the accuracy of any representation on this plan.

 Notification Area

Dartmouth Plan Area



Map 3: Case 15952 Concept Plan

HRM does not guarantee the accuracy of any base information.

COMMUNITY DEVELOPMENT
PLANNING SERVICES

1. Except where specifically varied by this Amending Agreement, all other terms, conditions and provisions of the Existing Agreement shall remain in effect.
2. Section 3.9 is amended by deleting subsection 3.9.1.
3. Section 3.9 is amended by deleting subsection 3.9.2.
4. Subsection 3.9.4 is amended by deleting the references to subsections 3.9.1 and 3.9.2.
5. Section 3.9 is amended by deleting subsection 3.9.5.
6. Section 3.9 is amended by deleting subsection 3.9.6.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Owners Names)

 Witness

Per: _____

=====
SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

=====
HALIFAX REGIONAL MUNICIPALITY

 Witness

Per: _____

Mayor

 Witness

Per: _____

Municipal Clerk

Attachment B:
Review of Relevant Policies from the Dartmouth MPS and RMPS

Please note: A review of the proposed amendments to the development agreement relative to the applicable criteria of policies WC-4, IP-5, and IP-1(c) is included in the Discussion section of this report. The policy criteria are enumerated here with some additional staff comments provided. Also note that many of the policy criteria listed here as “not applicable” were considered under the staff report (Case 15952) for the original development agreement.

Policy WC-4: *Within the Harbour-Related Commercial/Residential designation shown on Schedule WR-1, existing business will be permitted to expand in accordance with the I-2 (General Industrial) Zone provisions of the Land Use By-law. Harbour-related commercial uses, institutional uses, offices, hotels, townhouses, apartment buildings, restaurants and public and private recreation uses may be considered within this designation subject to approval of a development agreement. The following matters shall be considered in any agreement:*

WC-4 Policy Criteria	Comment
<i>(a) no residential development may be located within 300 feet of the Windmill Road right-of-way except that minor variances to this setback may be considered provided that the development viability of the commercial area is not compromised and effective screening, such as fencing or landscaping, is included to serve as</i>	Not applicable
<i>(b) no building shall exceed 16 storeys in height;</i>	Not applicable
<i>(c) notwithstanding (b) above, no building shall exceed six (6) storeys in height where the building is proposed to be located on a property abutting, or adjacent to, a property containing a single-unit dwelling in existence at the time of application for a development agreement;</i>	Not applicable
<i>(d) measures are taken in the building design of residential, institutional or office uses to mitigate noise;</i>	Not applicable
<i>(e) where applicable, provision is made for the construction of a publicly accessible waterfront trail across the lands;</i>	Not applicable
<i>(f) all development on the lands shall incorporate provisions that mitigate potential damages from coastal flooding and storm-surge events;</i>	Not applicable
<i>(g) that a survey be completed by a qualified person, verifying that there is no evidence of unexploded ordnance on and adjacent the subject site, particularly if water-lot infill is being proposed;</i>	Not applicable
<i>(h) any development contemplated on Sheppard's Island cover no more than twenty-five percent (25%) of the area of the island, and the trees on the remaining seventy-five percent (75%) area are retained in order to screen development on the island and mainland from harbour-related industrial activities in the outer cove; and</i>	Not applicable
<i>(i) the criteria of policy IP-1(c) and IP-5 for any apartment building development.</i>	See below

Policy IP-5 It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.

In considering the approval of such Agreements, Council shall consider the following criteria:

IP-5 Policy Criteria	Comment
<i>(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;</i>	Not applicable
<i>(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</i>	
<i>(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;</i>	Not applicable
<i>(ii) traffic generation, access to and egress from the site; and</i>	A traffic analysis was submitted by the Developer for the existing agreement, and was found to meet HRM guidelines. The proposed access/egress to Windmill Road was reviewed by staff and does not represent a concern. There is no vehicular access between the subject property and Basinview Drive.
<i>(iii) parking;</i>	Not applicable
<i>(c) adequacy or proximity of schools, recreation areas and other community facilities;</i>	Not applicable
<i>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</i>	Staff have reviewed the proposed access/egress to the site as well as a traffic analysis, prepared by a Professional Engineer and submitted by the Developer (see Case 15952).
<i>(e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;</i>	Not applicable
<i>(f) that mature trees and other natural site features are preserved where possible;</i>	Not applicable
<i>(g) adequacy of buffering from abutting land uses;</i>	See Discussion section of report
<i>(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</i>	Not applicable
<i>(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).</i>	See below

IP-1(c) Zoning By-law

The Zoning By-law is the principal mechanism by which land use policies shall be implemented. It shall set out zones, permitted uses and development standards which shall reflect the policies of the Municipal Development Plan as per Section 33 (3) of the Planning Act. The zoning by-law may use site plan approval as a mechanism to regulate various uses. (RC-Sep 8/09;E-Nov 14/09)

Notwithstanding the above, it shall be the intention of Council not to pre-zone lands outside the development boundary as shown on the Generalized Land Use Plan: Map 9;

Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r (As amended by By-law C-475, Sept. 20, 1983 and By-law C-493, Dec.9, 1983 and By-law C-511, July 6, 1984).

It shall recognize that certain areas are premature for specific zoning classifications by reason of lack of services, public facilities or other constraints. Council shall use the H-zone (Holding Zone). In the H Zone the permitted types of uses shall be limited in accordance with the Reserve classification in Table 4 (As amended by By-law C-475, Sept. 20, 1983). In this manner, Council can maintain a comparatively high degree of control, and major development proposals contemplated for such areas shall be processed as zoning amendments.

In considering zoning amendments and contract zoning, Council shall have regard to the following:

IP-1(c) Policy Criteria	Comment
(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan	The proposal may be considered in accordance with policies WC-4, IP-5, and IP-1(c).
(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal	Not applicable
(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries	See Discussion section of report
(4) that the proposal is not premature or inappropriate by reason of:	
(i) the financial capability of the City is to absorb any costs relating to the development	No concerns were identified regarding potential financial implications for HRM.
(ii) the adequacy of sewer and water services and public utilities	No concerns were identified regarding the capacity of sewer or water.
(iii) the adequacy and proximity of schools, recreation and other public facilities	Not applicable
(iv) the adequacy of transportation networks in adjacent to or leading to the development	Not applicable
(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas	Not applicable
(vi) preventing public access to the shorelines or the waterfront	Not applicable
(vii) the presence of natural, historical features, buildings or sites	Not applicable
(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized	Not applicable
(ix) the detrimental economic or social effect that it may have on other areas of the City.	Staff are not aware of any potential detrimental economic or social effects that the development may pose.
(5) that the proposal is not an obnoxious use	The proposed use is residential and is not expected to produce any obnoxious impacts.
(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:	

(i) type of use, density, and phasing	Not applicable
(ii) emissions including air, water, noise	Not applicable
(iii) traffic generation, access to and egress from the site, and parking	See Discussion section of report
(iv) open storage and landscaping	Not applicable
(v) provisions for pedestrian movement and safety	The existing agreement required the construction of a sidewalk from the apartment building along the driveway to Windmill Road. The proposed amendment to the agreement will ensure that safe pedestrian access to the bus stop near the intersection of Basinview Drive and Windmill Road is maintained along Basinview Drive. This point is discussed further in the Discussion section of the report.
(vi) management of open space, parks, walkways	Not applicable
(vii) drainage both natural and sub-surface and soil-stability	Not applicable
(viii) performance bonds.	Where applicable, the existing agreement requires the Developer to provide securities to HRM that exceed the cost of completing the work. The security is not returned until the work is complete. Security has been provided for the work that would be required to construct the screening required currently under Section 3.9 of the agreement.
(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors	No concerns have been identified (see Case 15952).
(8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council	See Community Engagement section of report
(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:	
(i) Council with a clear indication of the nature of proposed development, and	Complete
(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community	Complete
(10) <i>Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.</i>	Not applicable

(RC-Jul 2/02;E-Aug 17/02)	
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Regional Municipal Planning Strategy (RMPS) Policy

RMPS Policy	Comment
T-9 HRM shall require mixed use residential and commercial areas designed to maximize access to public transit (Transit Oriented Development) within the Urban Transit Service Boundary through secondary planning strategies, and shall strive to achieve the intent of this policy through land use by-law amendments, development agreements and capital investments.	See Discussion section of report
T-11 states HRM's intent to meet or achieve projections for increases in AT and transit use as a percentage of mode share	See Discussion section of report

Attachment C - Photos from Site Visit (December 17, 2015)



View facing south of the Riviera apartment building alongside Basinview Drive and the ditch, with #20 Basinview Drive visible in the background



View facing northeast of the existing fence at the north side of the subject property and the footpath connecting the subject property to Basinview Drive



View facing west of the footpath connecting the subject property to Basinview Drive, with #8 Basinview Drive visible in the background

3030558

NOVA SCOTIA Ltd.

2 Bedford Highway
Halifax, NS
B3M 04A

Tel: 832-9400
Fax: 445-2634
Cell: 471-9400

January 19, 2015

Halifax Regional Municipality
Planning Applications
Alderney Gate
40 Alderney Drive, 2nd Floor
Dartmouth, N. S.

Attn: Shayne Vipond

Re: Amendment to Development Agreement 721 Windmill Road, item 3.9 Buffering and Screening.

Dear Shayne,

As per our discussion, we apply to amend the above item in the referred DA. The background for the item in the DA and the reasons for amendment are as noted below:

Background:

This item was included in the DA as the property owners on PID 00099762, 00099770, 00099747 and 40789133 were concerned about "strangers" disturbing these properties who would be coming from the private road Basinview Drive due to the construction of the six storey building being constructed on 721 Windmill Road. The property owners of PID 00099754 and 00099838 were apparently not concerned about such disturbance but were passively dragged into supporting the neighbors.

Reasons for Amendment:

1. Owners of PID 00099754, 00099838 and 721 Windmill Road have mutually agreed that they do not want any buffering or screening between these properties. They already have trees and vegetation on their properties. These owners have signed a written agreement stating further reasons for not installing a fence or buffer between the properties.
2. Basinview Drive for the most part is a 15' wide private gravelled driveway. The travelled gravels on Basinview Drive have shifted over the past 80 odd years on to the property of 721 Windmill Road. In places this has shifted as much as 6' on to 721 Windmill Road. This is shown on the attached survey plan. Snow cleaning and garbage collection is performed by HRM over Basinview Drive. A large portion of 721 Windmill Road property is being used at the end of Basinview Drive for turning around of plough trucks as well as garbage trucks. This area is also used to deposit the snow. The Landscaping Plan does not show the exact location of gravels on Basinview Drive. If a fence or buffering is installed along the property line as per the Landscaping Plan, it will leave only 9' wide passage for Basinview Drive. The trucks will neither have access on Basinview Drive nor will they be able to turn around at the end of Basinview Drive.

There will not be a space to deposit the snow along Basinview Drive or at the end of Basinview Drive. Snow will have to be loaded on trucks and removed each time the snow removal is required. Garbage Trucks will have to stop at Windmill Road and the garbage bins would have to be pulled over Basinview Drive. This would be a major impact for HRM costs for snow removal and garbage collection.

3. The main reason for the buffering and screening along Basinview Drive in the DA was to restrict access from the residents of 721 Windmill Road and protect the privacy of the then users of Basinview Drive. The topography and landscaping have been such arranged that there is a no access from 721 Windmill Road to Basinview Drive. Any buffering or screening is unnecessary and a waste.
4. The major portion of the proposed buffering or screening is between 721 Windmill Road and property owners of PID 00099754 and 00099838, who do not want any such buffering or screening. A little portion of buffering is along Basinview Drive and 721 Windmill Road. Any such buffering along Basinview Drive will have no practical use in fact, it will impede the accessibility of the users of Basinview Drive unless the existing vegetation along PID 00099770 and 40789133 is cut back to their respective property lines along Basinview Drive. PID 00099770 has tall shrub vegetation on their property line, which acts as a buffer. This vegetation has grown onto Basinview Drive.
5. The neighbouring properties have access to their lands through Basinview Drive. If the property owners of PID 00099770, 00099762 and 40789133 are concerned about protecting their properties from traffic from Basinview Drive, then they should put up buffering or screening along their own properties respectively.

We suggest following amendment to the DA:

- Delete item 3.9 Buffering and Screening in its entirety.

Yours sincerely,

Original Signed

Architect & Partner

Halifax Regional Municipality
40 Alderney Drive,
P.O.Box 1749, Halifax, NS, B3J 3A5

Attn: Andrew Faulkner, Development Officer

Re: Item 3.9.1 Buffering and Screening, in the Development Agreement between
3030558 NS Ltd and HRM, dated February 10, 2011.

Dear Andrew,

The above item in the DA calls for a 6 feet high wooden fence towards the property at PID
00099838. This fence is currently not constructed to this date.

The owners of PID 00099838 and ourselves, the owners of PID 00099739, mutually agree
that the fence as depicted in the DA between our two properties should not be constructed.

The reasons for the above are as follows:

- 1) Fence will impede snow removal.
- 2) The fence will not block out visibility to either properties.
- 3) Fences are often vandalized by unsolicited "paintings".

Since the owners of both properties do not wish to construct the fence, the Development
Officer should be able to delete the requirement this portion of the fence from the DA as
noted in item 3.9.2 of the DA.

Signed at Dartmouth, on October ²³, 2012

Original Signed

Original Signed

PID 00099739

Original Signed

Original Signed

for, PID 00099838

Halifax Regional Municipality
40 Alderney Drive,
P.O.Box 1749, Halifax, NS, B3J 3A5

Attn: Andrew Faulkner, Development Officer

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The reasons for the above are as follows:

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Since the owners of both properties do not wish to construct the fence, the Development Officer should be able to delete the requirement this portion of the fence from the DA as noted in item 3.9.2 of the DA.

Signed at Dartmouth, on October , 2012

Original Signed

PID 00099754

Original Signed

PID 00099739