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Item No. 13.1.1
North West Community Council
May 13, 2019

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Kelly Denty, Director of Planning and Development
Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: March 7, 2019

SUBJECT: **Case 18276: Development Agreement for 74 Union Street, Bedford**

ORIGIN

Application by KWR Approvals Incorporated

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to allow a residential development comprising of 12 townhouse units at 74 Union Street, Bedford, and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the 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

KWR Approvals Incorporated has applied to enter into a development agreement for 12 townhouse units at 74 Union Street, Bedford. The subject site is a remaining portion of the Residential Comprehensive Development District (RCDD) lands between Union Street and the Bicentennial Highway in Bedford. Policy R-9 of the Bedford Municipal Planning Strategy (MPS) allows for consideration of residential development on the subject property through the development agreement process.

Subject Site	74 Union Street, Bedford
Location	Between Nottingham Street and Union Street, east of Highway 102
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Residential Comprehensive Development District (RCDD) under the Bedford MPS
Zoning (Map 2)	Residential Comprehensive Development District (RCDD) under the Bedford LUB
Size of Site	Approximately 1.05 hectares (2.61 acres)
Street Frontage	Approximately 18 metres (59 feet)
Current Land Use(s)	Vacant
Surrounding Use(s)	Low density residential and commercial development

Proposal Details

The applicant proposes to enter into a development agreement to permit a townhouse development on the subject site. The major features of the proposal are as follows:

- A total of 12 townhouse units clustered toward the centre of the property in three townhouse blocks of three and four units each;
- A shared private driveway providing access to all the townhouses extending along the western property boundary;
- A non-disturbance area between the development and existing residences that front Union Street and Bridge Street; and
- Landscaping throughout the development and along the shared driveway including privacy fences, hardwood and evergreen plants.

Over the course of the application, the applicant has reduced the number of proposed townhouse units from 15 to 14 to 12. This reduction is in response to concerns/comments raised throughout the planning application process. Further details are provided in subsequent sections of this report.

Enabling Policy and LUB Context

The subject site is designated and zoned Residential Comprehensive Development District (RCDD) under the Bedford MPS and LUB respectively. A townhouse development at the subject site can be considered pursuant to Policies R-9, R-11, R-12A, R-12B, R-12C, R-14, R-16, E-4 and Z-3 of the Bedford MPS. Policy R-9 allows for consideration of single, two-unit and multiple unit dwellings, townhouses, mobile homes, seniors housing, neighbourhood commercial uses, institutional, recreational uses and parks on lands zoned RCDD pursuant to the development agreement process. Attachment B contains a full review of the relevant policy.

Three areas within the Bedford MPS were designated RCDD for future residential development: (1) Paper Mill Lake, (2) lands between the Bicentennial Highway and Union Street, and (3) the Crestview lands south of Nelson's Landing. The subject site is within the area between Bicentennial Highway and Union Street (known as the Union Street RCDD lands). Two development agreements were approved in 1995 and 2003, respectively for two portions of the Union Street RCDD lands. These agreements enabled residential developments with single unit dwellings as the predominant housing form. The subject site was under separate ownership and was not included in these developments. The subject land is a remaining undeveloped portion of the Union Street RCDD. Staff advise that the subject site forms part of the greater

Union Street RCDD area, and therefore should not be considered in isolation, as its own Residential Comprehensive Development District (RCDD).

Policy R-14 of the Bedford MPS requires that all RCDD applications undertake a public participation process. On May 14, 2013, Regional Council approved the formation of a Public Participation Committee (PPC) in accordance with Policy R-14 and Section 216 of the HRM Charter. The PPC was comprised of four area residents and two members of the North West Planning Advisory Committee (NWPAC). The applicant collaborated with PPC and staff to develop the final conceptual design, however, after an extensive review process, the PPC determined that the proposal did not satisfy the relevant policies of the Bedford MPS and recommended that NWCC refuse the proposal. Attachment D contains the final PPC recommendation report.

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, a public information meeting held on February 2, 2017 and the formation of a Public Participation Committee (PPC).

Attachment C contains a summary of the minutes from the public information meeting. The public comments received included feedback on the following topics:

- blasting;
- traffic from construction vehicles;
- pedestrian safety;
- draining and flooding;
- landscaping;
- existing animal habitation;
- fencing and screening from adjacent properties;
- property values; and
- snow clearance.

Attachment D contains a summary of PPC composition, scope of work, comments, and the final recommendation of the PPC. The PPC met 12 times over a span of 4.5 years. At the earlier meetings, the PPC identified opportunities and constraints of the subject property, which informed the proposed design and use. Meeting dates for the committee were as follows:

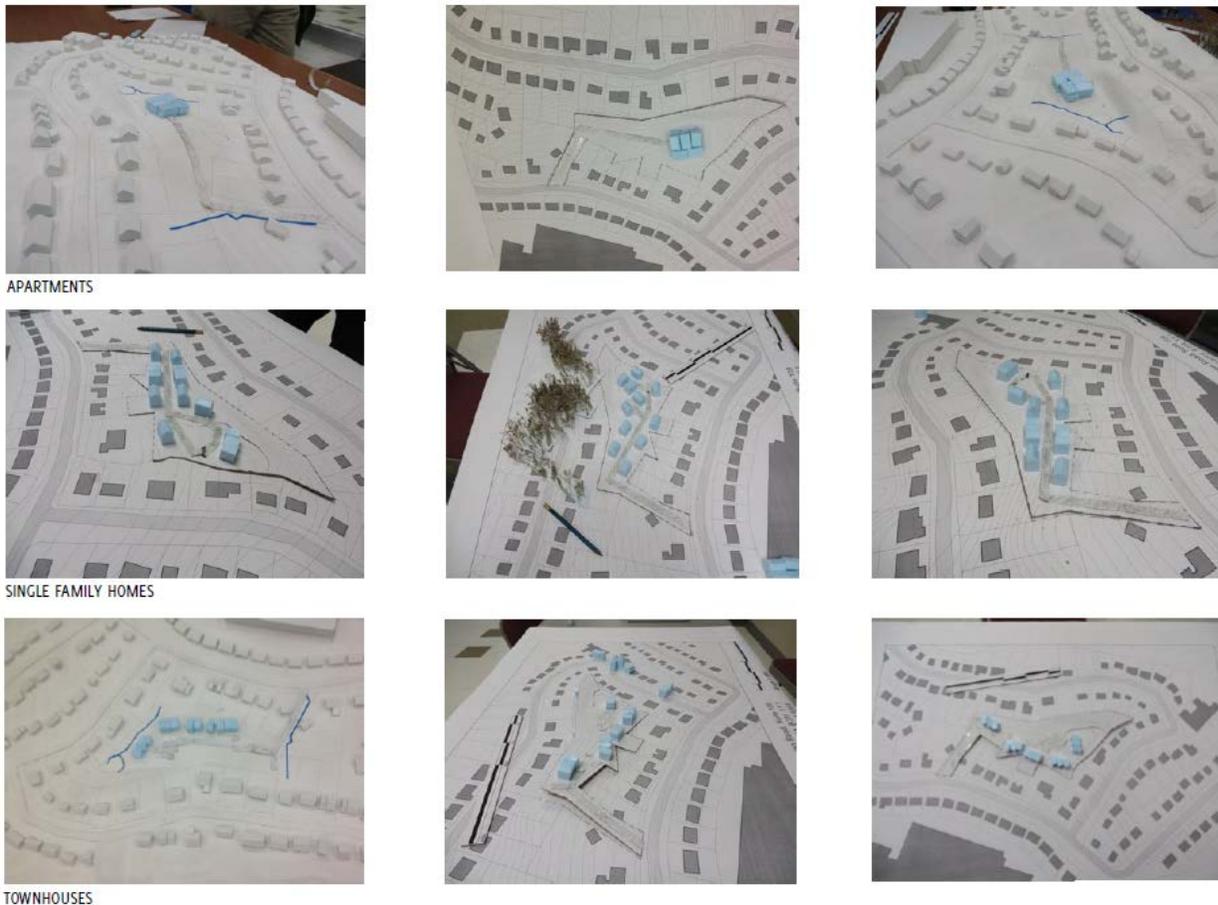
- November 7, 2013
- November 27, 2013
- February 20, 2014
- April 3, 2014
- June 5, 2014
- May 28, 2015
- September 14, 2016
- November 23, 2016
- June 14, 2017
- July 19, 2017
- December 12, 2017
- February 27, 2018

As detailed more extensively within Attachment D, the PPC raised concerns relevant to the following:

- density;
- housing type;
- architectural design;
- building materials;
- compatibility with the surrounding neighbourhood; and
- the presence of two water features on the site.

At the PPC's twelfth meeting, on February 27, 2018, the applicant presented two final design options. These options included a total of 14 townhouse units clustered to the centre of the property in two blocks of five units and one block of four units. The architectural style of the development was suggested by the PPC. The two options responded to a series of meetings with the PPC wherein constraints and opportunities of the site were identified, and a modeling exercise where various housing forms on the subject site were explored (Figure 1).

Figure 1: PPC Modeling Workshop – April 2014



Option A proposed the townhouse units facing north and north east with the driveway extending along the north of the lot. Option B proposed the townhouse units facing south and west with the driveway extending along the southern portion of the lot (Attachment D). There was a tied vote on which option was preferred by the PPC. In the end, the PPC determined that neither option satisfied the relevant policies of the Bedford MPS and recommended that NWCC refuse the proposal (4 in favour and 2 against). Attachment D contains the PPC detailed comments on the relevant planning policies.

- Detailed landscaping requirements including tree and shrub plantings, as well as fencing and retaining walls serving the purposes of providing screening, increasing privacy and minimizing light impact on adjacent residential properties;
- Requirements for underground services to minimize the visual impact of the development;
- Environmental protection measures through the requirement of a detailed stormwater management plan as well as an erosion and sedimentation control plan;
- Requirements for archaeological monitoring and protection; and
- Non-substantive Amendments including:
 - changes to the landscaping requirements;
 - granting an extension to the date of commencement of development; and
 - granting an extension to the date of completion of development.

Existing Union Street RCDD Development Agreements

The Union Street RCDD lands are approximately 39.2 hectares (97.3 acres) in size and consist of two separate development agreements (Map 1). The lands include the Bedford Petroglyphs National Historic Site. Figure 2 shows the unit types for each development agreement. These agreements enabled mixed use developments with single unit dwellings as the predominant housing form in accordance with the RCDD policy set. The development of these areas has already occurred with these units existing today. The subject site was under separate ownership at the time these two agreements were considered by Council and were not included within those development agreements. The subject site is a remaining undeveloped portion of the Union Street RCDD. It is the opinion of staff that the subject site forms part of the greater Union Street RCDD area and therefore should not be considered in isolation as its own Residential Comprehensive Development District (RCDD).

Figure 2: Union Street RCDD Approved Development (Reference Map 1)

Unit Type	Case 95-05 Redden Brothers (approx. 11.5 hectares or 28.4 acres)	Case 00446 Brison Development (approx. 9.9 hectares or 24.4 acres)	Total Units
Single Unit Dwelling	118 unit	98 units	216
Two Unit Dwellings	6 units	0 units	6
Townhouse Units	16 units	22 units	38
Multiple Unit Dwellings	0 units	37 units	37
			297 units

Note: There is 44.5 acres (18 ha) remaining in the Union Street RCDD and 26.4 acres (10.7 ha) is the petroglyph lands and 2.6 acres is the subject site.

Petroglyphs

Policy speaks to Petroglyphs that were first recorded in the area in 1983. In 1994, in response to the finding and the public’s concern about protecting the petroglyphs, a 11 hectare (27.2 acre) parcel of land bounded on the south by Division Street, on the east by Second and Union Street and west and north by Bicentennial Highway was identified as the Bedford Petroglyphs National Historic Site. The subject site is a considerable distance from the Bedford Petroglyphs National Historic Site, however the proposed development agreement (Attachment A) requires Archaeological Monitoring and Protection as a safe guard.

Compatibility with surrounding Neighbourhood

The subject site is part of the overall the Union Street RCDD. The RCDD policies direct residential growth to these areas while allowing a range of residential housing forms provided that the predominant housing form is single unit dwellings. Within the Union Street RCDD (including the subject site), approximately 70% of all housing is single unit dwelling which exceeds the policy intent of 60% (Policy R-11). The proposed development will introduce townhouse units into an area of existing single unit dwellings, two-unit dwellings, townhouses and a small multiple unit dwelling. Single unit dwellings will remain the dominant housing form while representing a range of residential uses in the neighbourhood as per the policy intent. Townhouses are considered low-density development and represent a building form that is compatible with the surrounding neighborhood. The proposal represents an efficient use of an infill site while maintaining the overall character of the surrounding community and meeting the intent of the Union Street RCDD policies.

Site Design

Careful consideration has been given to the placement to the proposed townhouses in response to the concerns and constraints identified by the PPC (Attachment D). The proposal reviewed by PPC and NWPAC was for 14 townhouse units (three blocks - two of five units and one of four units). In response to the PPC and NWPAC comments and recommendations, the applicant has reduced the number of townhouse units by 2. The proposed development is now 12 townhouse units in three blocks of 4 units each. The townhouse blocks are positioned on the site to best address previously stated visual impact concerns. The 1.05 hectare (2.6 acre) site also contains non-disturbance areas and landscaping throughout to reduce the appearance of the proposed development from the existing residential neighbourhood. It is recognized that the proposed development will be seen from abutting properties, however the site is a remnant parcel of Union Street RCDD lands and the proposed site design reasonably carries out the intent of the RCDD policies.

Architecture

Policy requires architectural design standards intended to achieve architectural variation by limiting design repetition. The proposed development agreement contains architectural requirements and building elevations to ensure this policy intent is met. The design standards are a result of the direct input and advice of the PPC. These standards include but are not limited to roof slopes, exterior materials, garage entrances set back from the front facade to minimize visual impact, decorative front facade details, and underground electrical secondary services.

Landscaping

Policy requires landscaping to provide buffers between proposed buildings, existing buildings, and streets. Impact of the proposed development was a significant concern for the PPC specifically from the perspective of privacy, noise and light pollution. To mitigate these impacts, the proposed development agreement contains detailed landscaping provisions. Additionally, a preliminary landscaping plan is provided as part of the development agreement. The proposed landscaping is designed to ensure an attractive development, mitigate the effects of the development on the adjacent residential properties, and screen parking lots from the Union Street and abutting residential properties where possible. Buffering and screening will be provided in the form of natural vegetation, fencing and retaining walls. The proposal also includes a delineated non-disturbance area which preserves in a more natural state approximately 35% of the subject site.

Traffic/Access

A Traffic Impact Statement and Addendum was submitted in support of this application. These documents showed that the estimated volume of new traffic generated by the proposed development will be low and can be accommodated within the existing network. The TIS and Addendum have been accepted by HRM Traffic Services. The proposed development will have one vehicular access point, that being a driveway, onto Union Street. The proposed development does not contemplate development of pedestrian infrastructure however, onsite pedestrian movement was considered in the preparation of the site design.

Water Feature on Site

Throughout the PPC process, several members raised concern that the subject site contained a watercourse and therefore watercourse setback requirements should apply. The applicant provided a letter from a qualified professional confirming the water drainage channel on the subject site does not meet the definition of a watercourse and watercourse setbacks do not apply to the proposed development. A single water drainage channel was found that originates at a stormwater culvert on the northwest side of the subject site. No natural watercourses were found upstream within a reasonable distance of the northern culvert. It has been determined that the culvert is part of the stormwater system and does not direct flow from a natural watercourse. This notwithstanding, the applicant has proposed a buffer around the drainage channel as a means of addressing the concerns raised by the PPC.

North West Planning Advisory Committee

On April 4, 2018, the North West Planning Advisory Committee (PAC) recommended that the application be refused. The Committee indicated that the proposal was incompatible with the surrounding residential

neighbourhood, had insufficient landscaping and further consideration should have been given to the recommendations of the PPC. Since the PAC meeting, the applicant reduced the total number of units from 14 to 12.

A report from the PAC to Community Council will be provided under separate cover.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The proposed development agreement for 12 townhouse units within the Union Street RCDD is in keeping with the character and scale of the neighborhood and contributes to the mix of housing types in this area. Therefore, staff recommend that the North West Community Council approve the proposed development agreement as set out in Attachment A.

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 2019-2020 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 development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

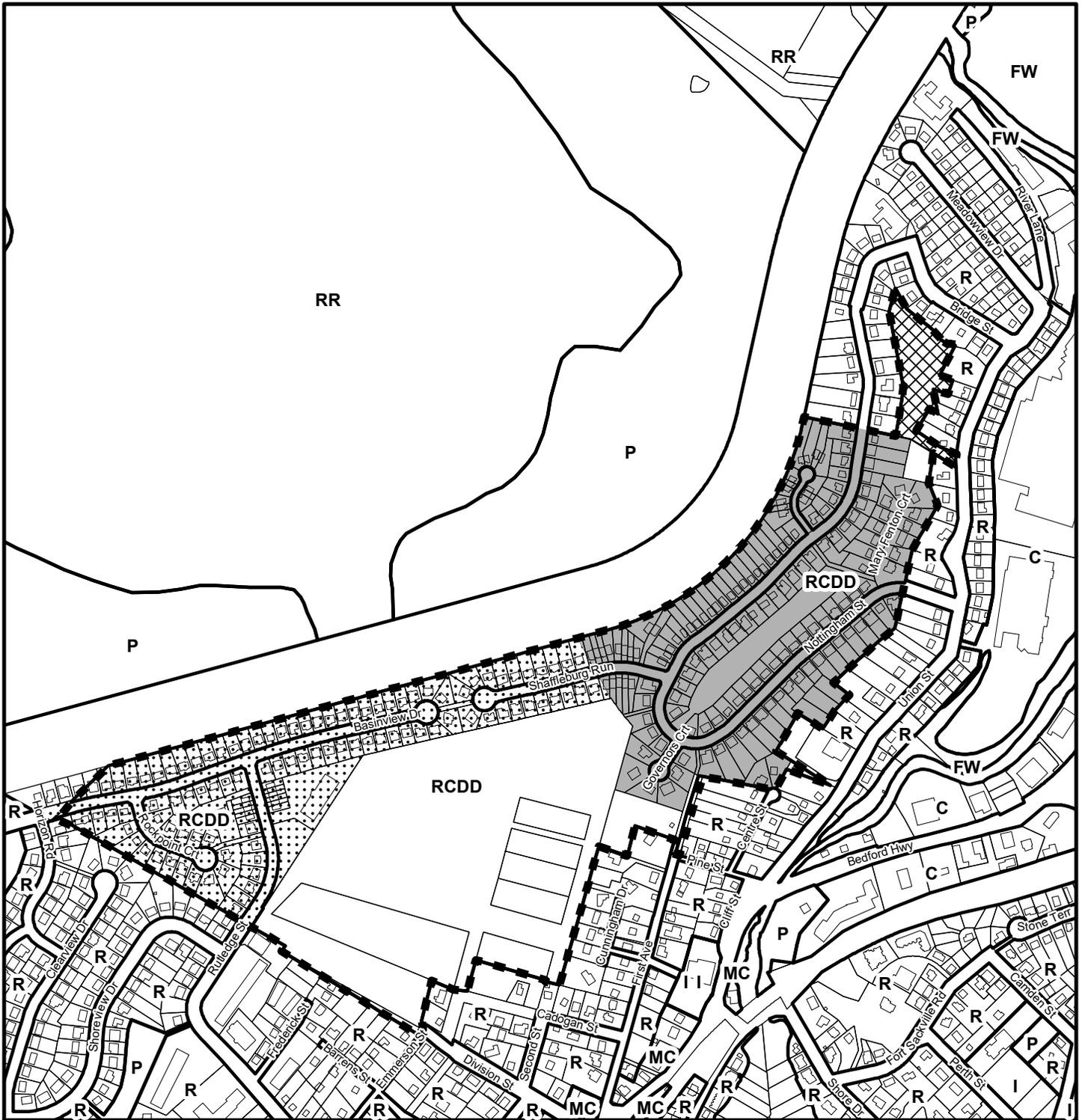
No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

1. North West Community Council may choose to approve the proposed 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. North West Community Council may choose to refuse the proposed 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 1 - Generalized Future Land Use

74 Union Street
Bedford

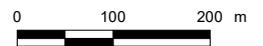
-  74 Union Street Lands
-  Union Street RCDD Lands
-  Case 00446 Brison Development
-  Case 95-05 Redden Brothers Development

Bedford
Land Use By-Law Area

Designation

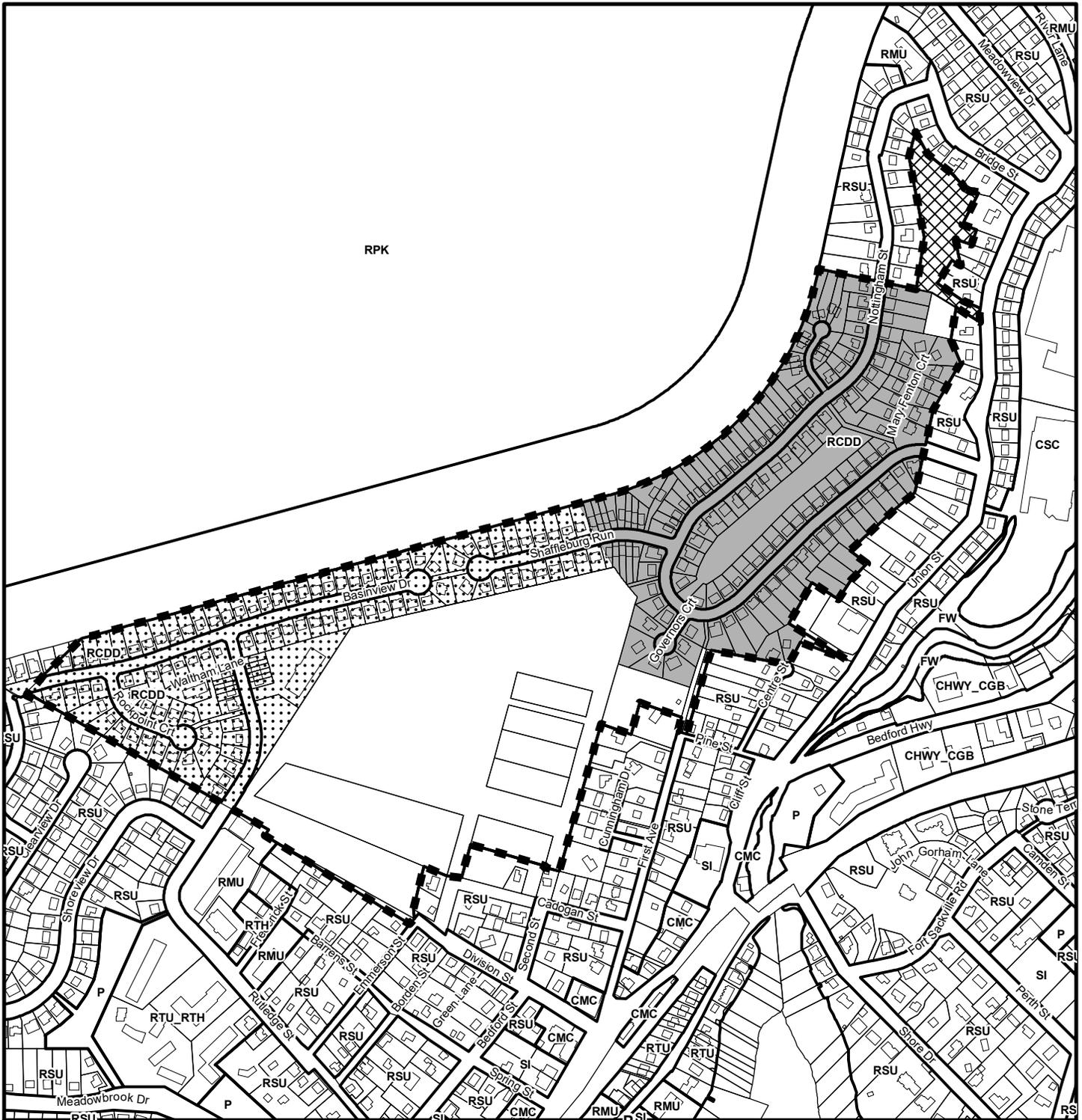
- R Residential
- RCDD Residential Comprehensive Development District
- RR Residential Reserve
- P Park and Recreation
- C Commercial
- MC Mainstreet Commercial
- I Institutional
- FW Floodway

HALIFAX



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

The accuracy of any representation on this plan is not guaranteed.



Map 2 - Zoning

74 Union Street
Bedford



74 Union Street Lands



Union Street RCDD Lands



Case 00446 Brison Development



Case 95-05 Redden Brothers Development

Bedford
Land Use By-Law Area

Zones

RSU	Single Dwelling Unit
RTU	Two Dwelling Unit
RMU	Multiple Dwelling Unit
RTH	Townhouse
RR	Residential Reserve
RCDD	Residential Comprehensive Development District
P	Park
RPK	Regional Park
FW	Floodway
CSC	Shopping Centre
CGB	General Business District
CMC	Mainstreet Commercial
CHWY	Highway Oriented Commercial
SI	Institutional

HALIFAX



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

**ATTACHMENT A
PROPOSED DEVELOPMENT AGREEMENT**

THIS AGREEMENT made this day of **[Insert Month]**, 2019,

BETWEEN:

[Insert Name of Corporation/Business LTD.], a body corporate, in the
Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY, a municipal body corporate, in the
Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 74 Union Street, Bedford, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a Townhouse development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy R-9 of the Municipal Planning Strategy for Bedford and Part 10 of the Land Use By-law for Bedford;

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number **18276**;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

1.2 Applicability of Land Use By-law and Subdivision By-law

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Bedford and the Regional Subdivision By-law, as may be amended from time to time.

- 1.2.2 Variances to the requirements of the Land Use Bylaw for Bedford shall not be permitted.

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law for Bedford to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

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

1.4 Conflict

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

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

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

1.7 Lands

- 1.7.1 The Developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the Land Use By-law for Bedford and Regional Subdivision By-law, if not defined in these documents their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

- 2.2.1 The following words used in this Agreement shall be defined as follows:
- (a) **Private driveway:** means a common shared private driveway located on the Lands which provides access to/from municipal public streets and includes private driveways to/from each of the townhouse dwelling units.
 - (b) **Landscape Architect:** means a professional, full member in good standing with the Canadian Society of Landscape Architects.
 - (c) **Landscaping:** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, pavers, screening, fencing, retaining wall or other landscape architectural elements, all of which are designed to enhance the visual amenity of a property or to provide an amenity for common use by the occupants of a building.
 - (d) **Townhouse dwelling:** means a building that is divided into three or more townhouse dwelling units, but which may not be subdivided.
 - (e) **Townhouse dwelling unit:** means an individual dwelling unit within a townhouse dwelling, which has an independent entrance to a front and rear yard.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

- 3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 18276:

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan
Schedule C	Preliminary Landscape Plan
Schedule D	Typical Building Elevations
Schedule E	Building Footprint (Cluster A and B)
Schedule F	Building Footprint (Cluster C)

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the issuance of a Development Permit, the Developer shall submit to the Development Officer a detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.10 of this Agreement.

- 3.2.2 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide to the Development Officer, unless otherwise permitted by the Development Officer, written confirmation prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping and fencing has been completed pursuant to Section 3.10 and the Schedules of this Agreement.
- 3.2.3 The Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law for Bedford are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.
- 3.2.4 Prior to the issuance of a Development Permit, the Developer shall submit to the Development Officer a Site Disturbance Plan, Erosion and Sedimentation Control Plan and Site Grading and Stormwater Management Plan in accordance with Section 5.2 of this Agreement.

3.3 General Description of Land Use

- 3.3.1 The use(s) of the Lands permitted by this Agreement are the following:
- (a) Three (3) townhouse dwellings, not to exceed a total of twelve (12) townhouse dwelling units; and
 - (b) A service building.
- 3.3.2 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards.
- 3.3.3 No accessory buildings or structures shall be permitted, except for the service building permitted under Section 3.3.1.

3.4 Detailed Provisions for Land Use and Siting

- 3.4.1 Townhouse dwellings, the service building, parking areas, and private driveways shall be located on the Lands as generally shown on Schedules B (site plan) and C (landscape plan).
- 3.4.2 Townhouse dwellings shall meet the following:
- (a) Each townhouse dwelling shall not exceed 4 townhouse dwelling units;
 - (b) Maximum height of each townhouse dwelling shall not exceed 35 ft.; and
 - (c) Townhouse dwelling units shall not be closer to any property line than 10 ft.
- 3.4.3 The service building shall meet the accessory building requirements under the Land Use By-law for Bedford.

3.5 Architectural Requirements

- 3.5.1 Townhouse dwellings shall generally conform with Schedules D (elevation drawing), E and F (building footprints) and shall have to following:
- (a) roof slopes with 6:12 pitch or greater;
 - (b) door and window trim and detailing;

- (c) exterior materials of brick, masonry, clapboard or wood; and
 - (d) exterior colours of earth and natural tones with complementary coloured trim.
- 3.5.2 The main entrances and front facades of the townhouse dwelling units, including garage entrances, shall face the private driveway and shall vary in design as shown on Schedules D, E and F.
- 3.5.3 The façades facing the common shared private driveway shall be designed and detailed with various architectural devices such as bay windows, dormers, pitched roofs, porticos, overhangs, cornerboards, and fascia boards as shown on Schedule D.
- 3.5.4 Exterior building materials shall be as shown on Schedules D.
- 3.5.5 Any exposed foundation in excess of 0.61m (2 feet) in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.6 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.7 Townhouse dwelling units shall be staggered to reduce the visual prominence of the townhouse dwellings as shown on Schedules D, E and F.

3.6 Non-Disturbance Areas

- 3.6.1 Non-disturbance areas, as shown on Schedules B (site plan) and C (landscape plan), shall remain unaltered. However, where a tree poses a danger to people or property, the Developer or land owner shall provide to the Development Officer an Arborists Report, prepared by a certified Arborist or Landscape Architect, certification that a tree poses a danger to people or property on the basis of which the Development Officer may permit the tree to be removed.
- 3.6.2 If trees or habitat are removed, with the exception of those removed in accordance with section 3.6.1 above, the Developer or the land owner, at their expense shall replace the trees, one for one, with trees directed by the Development Officer in consultation with the HRM Urban Forester.
- 3.6.3 The Developer agrees that the Non-Disturbance Area, as shown on Schedules B (site plan) and C (landscape plan), shall be delineated as easements on all applications for Development, Building and Occupancy permits, and shall be included in all applicable lot deeds.
- 3.6.4 All Non-Disturbance Areas shall be temporarily marked on site for verification by the Development Officer, or designate, prior to the issuance of any site work.

3.7 Subdivision of the Lands

- 3.7.1 Further subdivision of the Lands shall not be permitted.

3.8 Parking, Circulation and Access

- 3.8.1 One (1) parking space shall be provided for each townhouse dwelling unit. In addition, visitor parking shall be provided as shown on Schedules B and C.
- 3.8.2 All parking spaces shall be at least 2.74 metres (9 feet) by 6.01 metres (20 feet) in size;

- 3.8.3 The limits of any parking area or private driveway shall be defined by fencing or landscaping or curb as shown on Schedule C.
- 3.8.4 All private driveways and parking areas shall have a hard finished surface such as asphalt, concrete, interlocking precast paver stones, or an acceptable equivalent in the opinion of the Development Officer.
- 3.8.5 It is the responsibility of the Developer to convey all required rights-of-way over the properties required by this Agreement.
- 3.8.6 The common shared private driveway and parking areas servicing the townhouse dwellings are to be under private ownership, and as such the developer shall be responsible for services, private driveway maintenance and snow and ice control.

3.9 Outdoor Lighting

- 3.9.1 Any outdoor lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways on the Lands. Furthermore, lighting shall be arranged so as to divert the light away from streets, adjacent lots and buildings and shall use a full cut-off design.

3.10 Landscaping and Open Space

- 3.10.1 Landscaping shall be provided as shown on Schedule C.
- 3.10.2 Landscaping along the private driveway, as shown on Schedule C, shall include at least:
- (a) one tree (with a minimum base calliper of 50 millimetres) and three shrubs (at least one meter high) per 4.6 metres of required screening; or
 - (b) evergreen shrubs that form a continuous visual barrier; or
 - (c) any combination thereof.
- 3.10.3 Fencing, located as shown on Schedule C, shall be a minimum of 1.8 metres high and shall be an opaque wooden fence or masonry wall. Where fencing is required on top of a retaining wall, the height of the fence shall be measured from the top of the retaining wall.
- 3.10.4 All proposed retaining walls, located as shown on Schedule C, shall be constructed of a decorative precast concrete or stone retaining wall system or equivalent.
- 3.10.5 Each townhouse dwelling unit may have a private deck located at the rear of each unit.
- 3.10.6 Private driveways shall be designed and screened by fences, landscaping or retaining walls as shown on Schedule C to reduce the impact of car headlights on adjacent properties.
- 3.10.7 Dedicated areas for snow storage shall be located as shown on Schedule B and shall not cause sight obstruction or damage to the required landscaping or non-disturbance areas.
- 3.10.8 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.10.9 Prior to the issuance of a Development Permit, the Developer agrees to provide a Landscape Plan which generally conforms with the overall intentions of the Preliminary Landscape Plan shown on Schedule C. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.

3.10.10 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping and fencing has been completed according to the terms of this Development Agreement.

3.10.11 Notwithstanding Section 3.10.10, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.11 Maintenance

3.11.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

3.11.2 All disturbed areas of the Lands shall be reinstated to original condition or better.

3.12 Signs

3.12.1 A maximum of one sign shall be permitted at the entrance to the development as shown on Schedule B to denote the community or development name. The maximum height of any such sign inclusive of support structures shall not exceed 1.5 metres (5 feet) and the face area of any sign shall not exceed 2.3 sq. m. (25 sq. ft.). The sign shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures. No ground sign shall be back lit.

3.13 Temporary Construction Building

3.13.1 A temporary building shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

3.14 Screening

3.14.1 Refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.

3.14.2 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact to the existing residential properties along the developments entire property line. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.

- 3.14.3 Any mechanical equipment shall be screened from view by a combination of fencing or landscape elements.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines and Halifax Water Design and Construction Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineering prior to undertaking the work.

4.2 Off-Site Disturbance

- 4.2.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

4.5 Underground Services

- 4.5.1 All utility services including, but not limited to, sewer, water, gas, power and telecommunications shall be underground from the property boundary. All services within the street right-of-way shall be conveyed to the appropriate utility.

4.6 Solid Waste Facilities

- 4.6.1 The service building shall include designated space for five stream commercial waste containers (1. Garbage, 2. Blue Bag Recyclables, 3. Paper, 4. Corrugated Cardboard, and 5. Organics) to accommodate source separation program in accordance with By-law S-600 as amended from time to time. This designated space for five (5) waste containers shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Resources.
- 4.6.2 Refuse containers and waste compactors shall be confined to the loading areas of each building, and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.
- 4.6.3 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

- 5.1.1 All private storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:
- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
 - (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and
 - (c) Submit to the Development Officer a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.

5.3 Archaeological Monitoring and Protection

- 5.3.1 The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and submit a letter from a qualified professional confirming that the requirements set forth by the Province of Nova Scotia in this regard are satisfied.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
- (a) Changes to the Landscaping requirements detailed in Section 3.10 or shown on Schedule C;
 - (b) The granting of an extension of the commencement of development time period under Section 7.3, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period;
 - (c) The length of time for the completion of the development as identified in Section 7.4 of this Agreement;

6.2 Substantive Amendments

- 6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within 4 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean the installation of the footings and foundation for at least one of the townhouse dwellings.

7.4 Completion of Development

- 7.4.1 The whole development shall be completed within 8 years from the date of registration of this Agreement at the Land Registration Office.
- 7.4.2 Upon the completion of the whole development or complete phases of the development, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement;
 - (c) discharge this Agreement; or
 - (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Bedford, as may be amended from time to time.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development in accordance with Section 7.4.1, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Bedford, as may be amended from time to time.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

- 8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:
- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
 - (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
 - (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
 - (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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 Registered Owner Name)

Witness

Per: _____

SIGNED, 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

Schedule C - Preliminary Landscape Plan



Image	Qty	Common Name	Scheduled Size
	1	Chinese Dogwood	2400MM, MULTI
	4	Domestic Apple	60MM caliper, 2400MM
	8	Kousa Dogwood (tree form)	25G, 2400MM
	4	Flowering Crabapple	25G, 2400MM
	8	Eastern White Pine	60MM, 3050MM
	67	Red-barked Dogwood	5G
	4	Royal Purple Smoke Tree	15G
	3	Chinese Dogwood	40MM caliper, 2000MM
	3	European Beech	60MM, 3050MM
	5	Northern Red Oak	60MM, 3050MM
	9	Lombardy Poplar	60MM, 3050MM
	9	Allegheny Serviceberry	25G, 2400MM

outside!
 planning and design studios
 Sue Sirra, Landscape Architect, CGA
 2371 Agricon St., Suite 204, Halifax, NS B3K 4B7
 sue@outsideplanning.com
 www.outsideplanning.com
 902-492-2424

PROJECT NAME:
 Union Courtyard

DRAWING:
 Landscape Plan Option A

CLIENT:
 SDMM

CONTACT:

DATE: 1-5-2018

SCALE: 1:500

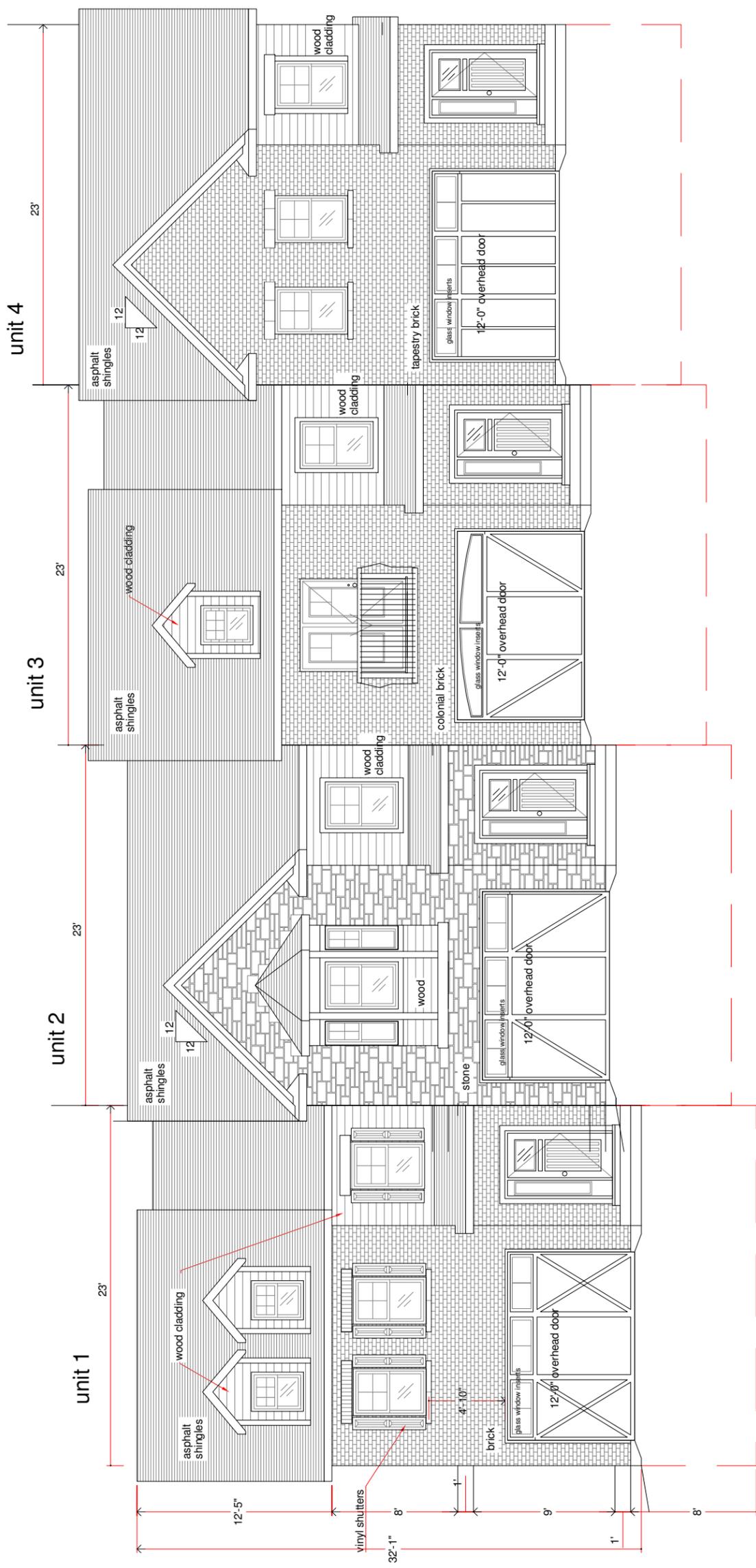
CHECKED: SBRS

SHEET/REV.: 2 / 6

DRAWN: JCLAKE

PROJECT #: 1621

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1 FRONT ELEVATION
1/8" = 1'-0"

PROJECT

UNION COURTYARD

Green Living
Levis St Design Group Ltd.
home designers + builders

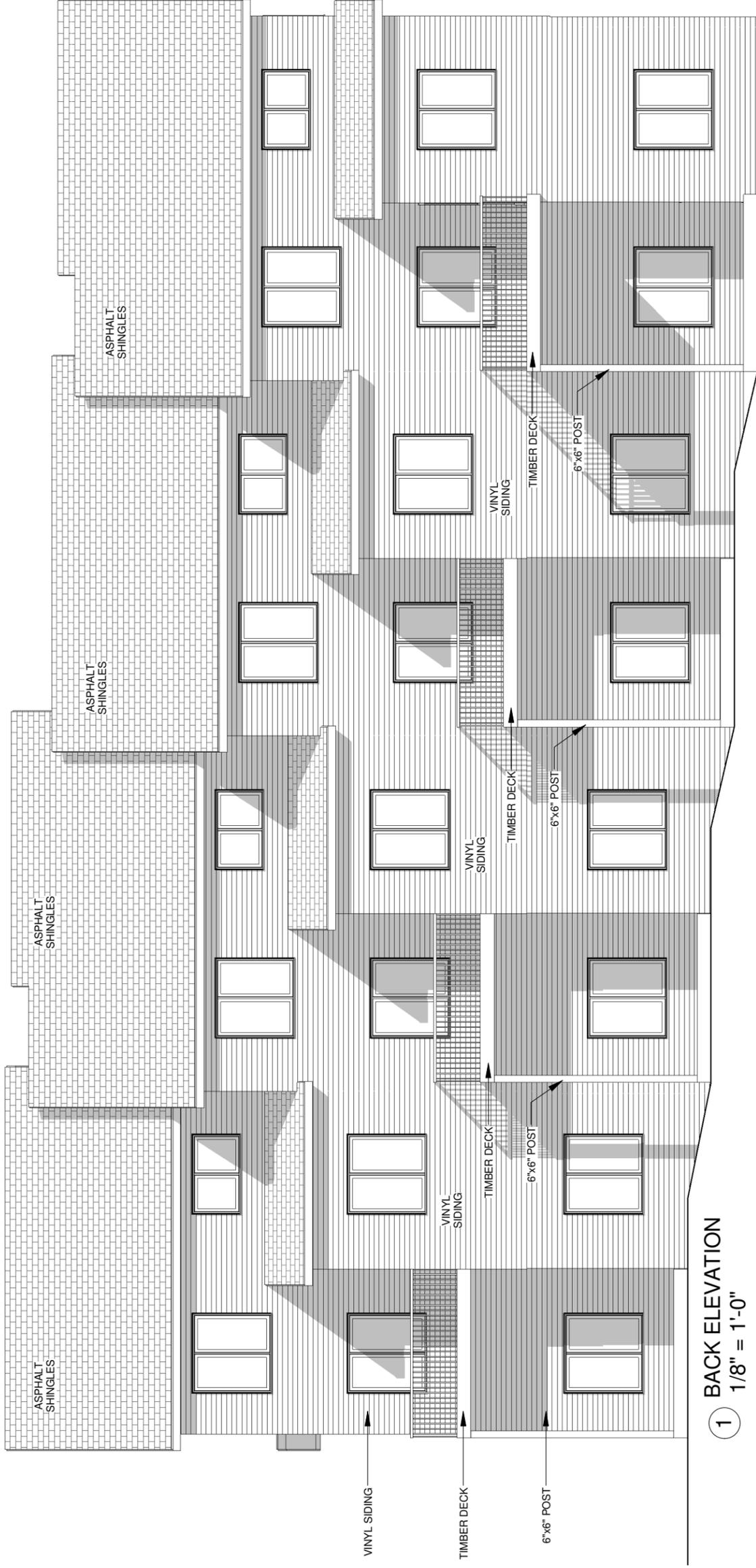
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Halifax, Nova Scotia B3H 2K0
cell: +1 (902) 830-4512
aholley@levisst.com
www.levisst.com

Andrew Holley CRP-CAP®
Certified Housing Professional
Certified Aging in Place Specialist

No.	Description	Date
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-
6	-	-

DRAWN FXS
DATE 01 NOV 18
SCALE 1/8" = 1'-0"

A8



① BACK ELEVATION
1/8" = 1'-0"

Green Living
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 home designers + builders
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 Halifax, Nova Scotia B3N 2K0
 cell: +1 (902) 830-4512
 aholley@levisst.com
 www.levisst.com

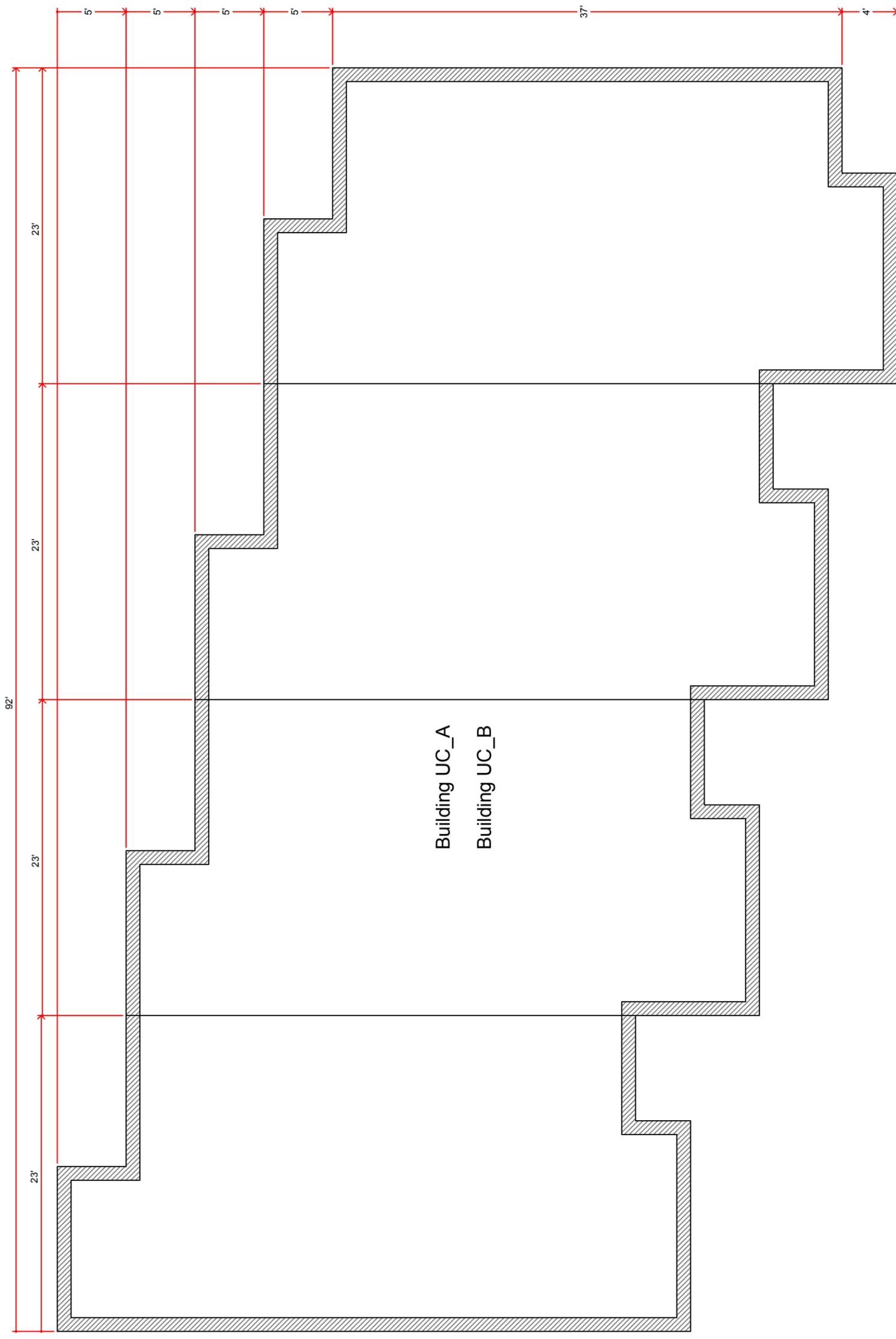
Andrew Holley *CRP-CAP®*
 Certified Housing Professional
 Certified Aging in Place Specialist

PROJECT
UNION COURTYARD

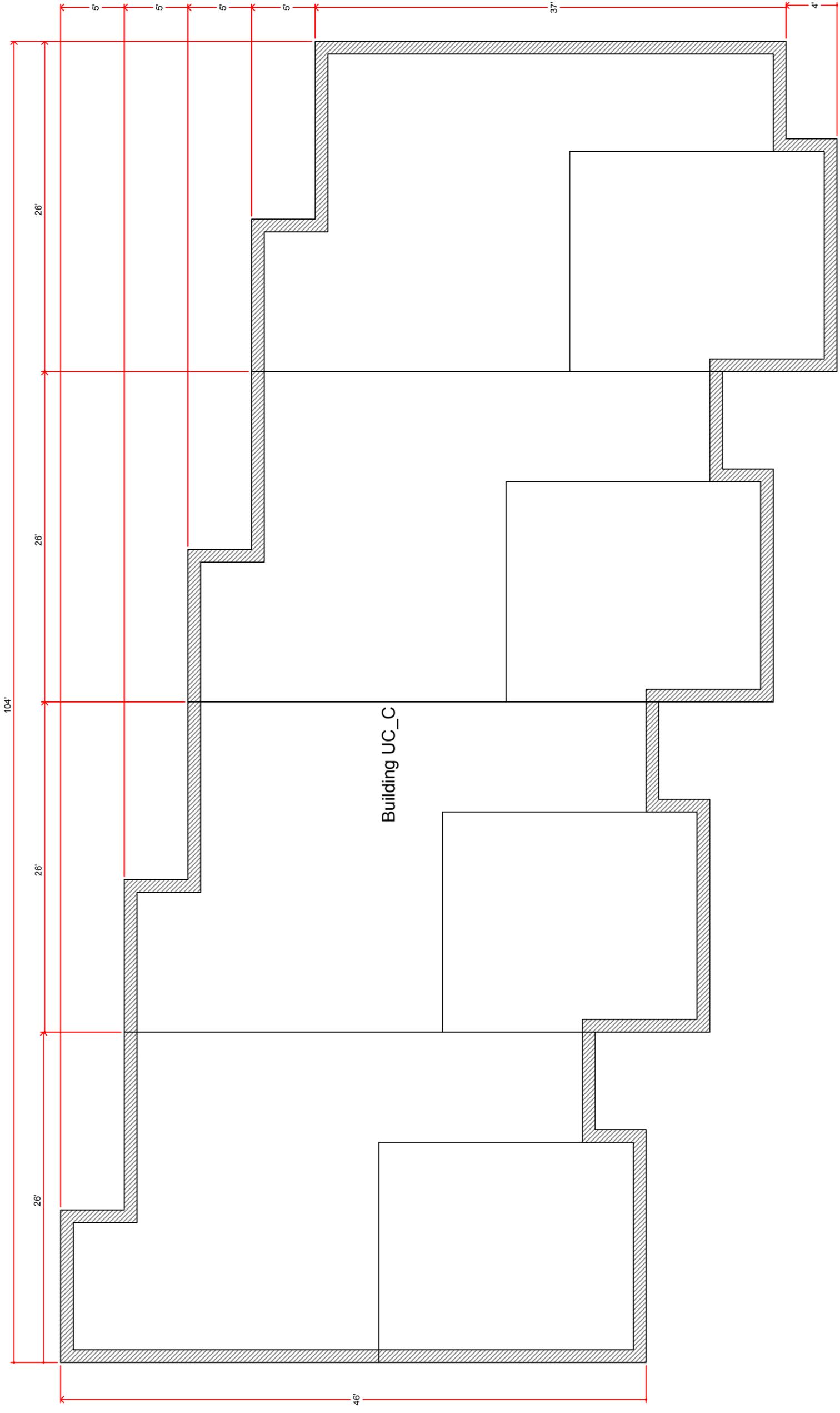
No.	Description	Date
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2	-	-
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DRAWN	FXS
DATE	01 NOV 18
SCALE	1/8" = 1'-0"
A9	

Schedule E - Building Footprint (Cluster A and B)



Schedule F - Building Footprint (Cluster C)



Attachment B
Review of Relevant Policies of the Bedford MPS

Policy	Staff Comments
<p>R-9: <i>It shall be the intention of Town Council to establish Residential Comprehensive Development Districts (RCDD) within the Residential Development Boundary where the predominant housing form of each residential district shall be the single-unit detached dwelling unit. These residential districts are shown on the Generalized Future Land Use Map. Council shall enter a development agreement to control the development within the area identified as RCDD. Permitted uses within RCDDs shall include, but not be limited to, single detached dwelling units, two unit attached dwellings, townhouses, multiple unit dwellings, mobile home, senior residential complexes, neighbourhood convenience stores, neighbourhood commercial uses, institutional uses, parks and recreational uses. Three RCDD areas have been identified: a) the remaining lands of Bedford Village Properties near Paper Mill Lake; b) the area between Union Street and the Bicentennial Highway; and, c) 68 acres of land south of Nelson's Landing belonging to Crestview Properties Limited.</i></p>	<p>This policy identifies three specific RCDD areas, one of which is the area between Union Street and the Bicentennial Highway (known as the Union Street RCDD). The subject property is within the area between Union Street and Bicentennial Highway (known as the Union Street RCDD). In 1995 (Case 95-05) and 2003 (Case 00446) development agreements were approved for two separate portions of the Union Street RCDD lands (Map 1). These development agreements enabled mixed use developments with single unit dwellings as the predominant housing form. The subject property was under separate ownership and was not included in these developments. The subject site is a remaining undeveloped portion of the Union Street RCDD. It is the opinion of staff, policies direct the consideration and evaluation of development within the three identified RCDD areas in a comprehensive fashion. Further, it is the opinion of staff, that the subject lands (74 Union Street) form part of the greater Union Street RCDD area, and therefore should not be considered in isolation as a separate Residential Comprehensive Development District (RCDD).</p>
<p>R-11: <i>It shall be the intention of Town Council to limit the density of residential development within an RCDD to a maximum of 6 units per gross acre. In order to develop an RCDD at a density between 1 and 4 units per gross acre it will be necessary for Town Council to enter into a development agreement. Only single-unit dwellings will be permitted in this density range and in order for Town Council to consider this increased density the proponent must indicate methods whereby common open space (parcels which are available for use by project residents or the general public) is to be provided for such purposes as protection of existing vegetation, retention of natural features, and/or incorporation into the parks system. Development up to a maximum of 6 units per gross acre must proceed on the basis of a mix of uses. However, at least 60% of all housing shall be single unit dwellings. Such proposals may be considered by development agreement provided additional common open space is provided and the cluster/open space site design approach is utilized. When entering development agreements Town Council may consider reductions of up to 50% for frontage, side yard and lot area requirements as specified in the Land Use By-law for the type of housing being considered. A design manual is to be prepared to provide further elaboration on the cluster housing concept.</i></p>	<p>Both existing development agreements enabled mixed residential developments which contain single unit dwellings, two-unit dwellings, townhouses and multiple unit dwelling and with common open space as per the policy intent. Single unit dwellings are the predominant housing (approx. 70% of the housing form). The subject site is 1.05 hectares (2.61 acres) in size and proposes 12 units (townhouses) which is a density of 4.6 units of gross acre of the subject site (below the max. 6 units/acre). When considering the other two approved agreements the density is still below 6 units per gross acre, with or without the Petroglyph lands. Within the Union Street RCDD, the addition of 12 townhouse units will provide a mix of housing type in the area. Single unit dwelling will remain the predominant housing form, greater than 60%, which complies with this policy intent. Even though the subject site is not considered a separate/stand alone RCDD, the proposed development has a common open space and non-disturbance areas cluster around the townhouse units. The Union Street RCDD, as a whole, contains common open space and parkland. The development agreement contains requirements specific to the design of the site to further elaboration on the cluster housing concept. This approach was considered for the entire RCDD lands as well as the subject site.</p>

<p><i>Representation of the range of residential uses shall be provided in each neighbourhood area. Each street may have the same type of uses, however on a neighbourhood scale, a range of uses shall be required to provide a variety of housing in each neighbourhood area.</i></p> <p><i>These densities shall be based on gross area calculations which include the land area consumed by residential uses, parkland, local, collector, and arterial streets, institutional and neighbourhood commercial uses, and environmentally sensitive sites. In the case of Papermill Lake RCDD, the gross area calculations shall exclude all that land under water in this lake as it exists on December 2, 1989.</i></p>	
<p>R-12A: <i>It shall be the intention of Town Council to require architectural design standards for RCDD projects. These standards are intended to achieve architectural variation in neighbourhoods by limiting design repetition and encouraging varying facial designs. Small multiple unit buildings shall be designed so they appear more like large single unit buildings. Large multiple unit buildings shall have bends and jogs rather than flat facades and shall be limited to a maximum of 36 units per building and three storeys in height unless site conditions justify a taller building by minimizing site disturbance, maximizing tree retention and screening from the street. In the architectural design of all buildings in RCDD projects. Consideration shall be given to the following techniques: roof slopes with 6:12 pitch or greater; door and window trim and detailing; exterior materials of brick, masonry, clapboard or wood; exterior colours of earth and natural tones with complementary coloured trim; use of side doors on semi detached and townhouse units; garage entrances on the side rather than the front of homes; garage entrances be set back from the front facade to minimize its impact on the streetscape; decorative front facade details such as brick, shutters, awnings; utility wires, installation of underground electrical secondary services and electrical meters attached to side or back of homes. Specific architectural guidelines shall be included in development agreements. For multiple unit buildings and commercial buildings consideration shall be given to the site's location and visibility within the Town, in establishing building size and design.</i></p>	<p>Section 3.5 of proposed development agreement contains architectural requirements and building elevations to ensure the architectural provisions of this policy which are relevant to townhouse developments, are met.</p>
<p>R-12B: <i>It shall be the intention of Town Council to identify non-site disturbance areas and to require landscaping for RCDD projects. Non- site disturbance areas are intended to preserve natural open space and to provide</i></p>	<p>Section 3.6 of the development agreement contains provisions for the non-disturbance area of the proposed development. The non-disturbance area is approximately 30% of the subject site. The non-disturbance area is around the water feature on the</p>

<p><i>neighbourhoods with a natural or "green" environment. Landscaping requirements are intended to provide buffers between buildings, buffers between buildings and streets, and provide a visual break in parking lots. Non-site disturbance areas shall be determined by designing buildings that fit the site and utilizing construction practices that minimize site disturbance and maximize tree retention. Horticultural practices shall be utilized to maintain the health of vegetation within non-site disturbance areas and landscaped areas, such as: covering of exposed roots with adequate soil and mulch; protecting specimen trees with barriers to prevent damage from machinery; slope stabilization; planting of trees that comply the CNTA Canadian Standards for Nursery Stock etc. Consideration of storm water drainage patterns shall be considered when identifying non-site disturbance areas and landscaped areas. The "no net loss" approach shall be used for non-site disturbance areas ie: any removal or damage to a non-site disturbance area during or after construction shall be replaced via landscaping somewhere on the site so there is no net loss to the vegetated portion of the site.</i></p>	<p>site and provides a buffer. The non-disturbance area is intended to protect this water feature as requested by the PPC (which is not a water course as determine by qualified professional but rather a drainage channel) and to preserve some of the nature or "green" environment of the neighbourhood and the proposed development.</p> <p>Section 3.10 of the proposed development agreement contains detailed landscaping provisions and a preliminary landscape plan is provided as part of the agreement. The landscaping is designed to provide buffers between buildings and buffers between existing buildings and streets.</p> <p>In accordance with the provisions of the development agreement, pre and post stormwater must be balanced on this site. This is a HRM municipal service standard requirement and will meet this policy intent.</p>
<p>R-12C: <i>It shall be the intention of Town Council to require streetscape design standards for RCDD projects. These standards are intended to achieve an attractive streetscape upon completion of the project. In designing the streetscapes, parking for small lots shall be provided in the side yards except where a garage is provided in the front yard. In addition, for all streetscapes, consideration shall be given to: varied front yard setbacks; street patterns that utilize curves, bends and change in grades; street standards that reflect the function of the street; parking in side yards; landscaping to screen parking lots from the street for large buildings i.e.: multiple unit, commercial, townhouses; driveway locations for multiple unit projects considered in terms of the view from the street and to buffer these in order to minimize the impact of the parking lot and building on the streetscape; provision of street trees for both public and privately owned streets. Buffering and screening shall be provided in the form of natural vegetation and landscaping. Street patterns utilizing local through streets is encouraged over the use of cul-de-sacs to facilitate improved traffic movement and to assist snow clearing operations. Through streets shall not be accepted in preference to cul-de-sacs in situations where it is incompatible with the physical topography and where site disturbance of environmentally sensitive areas will be increased. Sidewalks shall be required on both sides of arterial and collector</i></p>	<p>The proposed development has no streetscape as it is a single site development with one driveway access to Union Street. The proposed development does not contain any public streets or sidewalks. However, the proposed development agreement contains provisions to ensure an attractive development with varied building setbacks and landscaping to screen parking lots from the Union Street and abutting residential properties where possible. Buffering and screening will be provided in the from of natural vegetation and landscaping which includes fencing and retaining walls.</p>

<p>streets. To minimize their impact on collector roads, small lots should be located on local streets and be dispersed throughout the development.</p>	
<p>Policy R-14: <i>It shall be the intention of Town Council to require the undertaking of a public participation process in which the public, proponents, and Town staff: a) identify development constraints and opportunities pertaining to the three RCDD areas; and b) collaborate to produce the conceptual plans for the development of these areas. When negotiating provisions of the Union Street RCDD development agreement special attention shall be given to the protection of the aboriginal petroglyphs located within this area.</i></p>	<p>On May 14, 2013, Regional Council approved the formation of a Public Participation Committee (PPC) PPC comprised of four area residents and two members of the North West Planning Advisory Committee (NWPAC) and met 12 times over a span of 4 years. The applicant collaborated with PPC and staff to develop the final conceptual design. Throughout the 4-year consultation process, PPC raised concerns relevant to density, housing type, architectural design, building materials, compatibility with the surrounding neighbourhood, and the presence of two water features on the property. Attachment D contains a summary of PPC composition, scope of work, comments and the final recommendation of the PPC. The subject site is a considerable distance from the Bedford Petroglyphs National Historic Site however the proposed development agreement (Attachment A) requires Archaeological Monitoring and Protection as a safe guard.</p>
<p>R-16: Pursuant to Policy R-9 and as provided for by Sections 55 and 56 of the Planning Act, the development of any RCDD shall only be considered by Council through a Development Agreement. Council shall evaluate the appropriateness of the proposed development in accordance with the provisions of Policy Z-3 and with regard to the following criteria:</p>	
<p>1. Commercial uses shall front on a collector road;</p>	<p>Not applicable as commercial use is not proposed.</p>
<p>2. The compatibility of the height, bulk and scale of the uses proposed in the project with one another, where specific design criteria have minimized potential incompatibility between different housing forms and/or between different land uses;</p>	<p>The proposed development is 12 townhouse units in three blocks of 4 units each. The number of units has been reduced by 2 units (14 to 12) to address the concerns raised by the PPC and NWPAC. The townhouse units pitched roof and designed to be architecturally compatible with the surrounding neighbourhood.</p>
<p>3. The adequacy and usability of private and public recreational and park lands and recreational facilities. Proponents will be encouraged to provide one (1) acre of public parkland per 100 dwelling units within RCDDs. Where subdivision occurs 5% of public open space is to be provided as per the <u>Planning Act</u>, and Council shall seek to obtain lands which are compact, having a minimum street frontage of 60 continuous feet or one-tenth of one per cent of the total park area, whichever is greater, and; where usability is defined generally as park or recreational lands having no dimension less than 30 feet (except walkway park entrances) and</p>	<p>The proposed development does not involve subdivision therefore no parkland dedication is required. The subject site has limited frontage on a public street therefore subdivision can not occur.</p> <p>When considering the entire Union Street RCDD there is approximately 3.6 acres of active and passive parkland. The total number of units is 308 (including the proposed development of 12 townhouses) which greater than 1 acre of public parkland per 100 dwelling units. In addition, there is 10.7 hectares (26.4 acres) of Petroglyphs lands</p>

<i>having at least 50 per cent of the area with a slope between 0 and 8 per cent in grade;</i>	
4. <i>The adequacy of provisions for storm water management;</i>	Section 5.2 of the development agreement requires Stormwater Management Plans and Erosion and Sedimentation Control Plans.
5. <i>The Town will encourage development to maintain standards of water quality which will meet recreational standards;</i>	Not applicable as the proposed development is not in close proximity to a recreational swimming area.
6. <i>Council shall discourage the diversion of any storm water from one watershed to the detriment of another watershed;</i>	Section 5.2 of the development agreement requires Stormwater Management Plans and Erosion and Sedimentation Control Plans. Further, HRM Municipal Service Standards require pre and post stormwater to be balanced, therefore additional stormwater is not being diverted from one watershed to another.
7. <i>The implications of measures to mitigate the impact on watercourses;</i>	It has been determined by a qualified professional that the water features on the site are not watercourses. However, the developer has proposed a buffer from the water feature as a means of addressing the concerns raised by the PPC and to provide a non-disturbance area within the development.
8. <i>The adequacy and arrangement of vehicular traffic and public transit access and circulation, including intersections, road widths, channelization, traffic controls and road grades;</i>	A Traffic Impact Study (TIS) and addendum submitted for the proposed development was reviewed and accepted by HRM Engineering. The estimated volume of new traffic generated by the proposed development will be very low and can be accommodated within the existing network. The proposed development does not contemplate development of pedestrian infrastructure and the separation of pedestrians from vehicular traffic as there is no public street. However, onsite pedestrian movement was considered in the preparation of the site design.
9. <i>The adequacy and arrangement of pedestrian traffic access and circulation including: physical separation of pedestrians from vehicular traffic, provision of walkway structures, and provision of crosswalk lights;</i>	The proposed development does not contemplate development of pedestrian infrastructure and the separation of pedestrians from vehicular traffic as there is no public street. However, onsite pedestrian movement was considered in the preparation of the site design.
10. <i>The maintenance of the small town character by discouraging concentrations of multiple-unit dwellings (townhouses and apartment units) in any one project or area; concentrations shall be viewed as individual projects exceeding 36 units or as clustering of more than three such multiple-unit projects on abutting lots and/or lots within 100 feet;</i>	The proposed development is only 12 townhouse units therefore in accordance with this policy provision is not a concentration.
11. <i>With respect to multiple-unit projects, Council shall consider, among other items, the:</i> i) <i>access to the collector or arterial road system;</i> ii) <i>proximity to existing or proposed recreational facilities;</i> iii) <i>existence of adequate services in the area;</i>	Not Applicable as the proposed development is townhouses and not a multiple-unit project.

<ul style="list-style-type: none"> iv) conformance with all other relevant policies in this strategy; v) preference to limit the maximum height of any apartment building to three stories except as provided for in Policy R-12A to maintain the small town character; vi) density limitation of 30 units per net acre; vii) requirements of the RMU Zone, where appropriate; viii) the bulk and scale of multiple-unit projects in relation to abutting properties; and, ix) a maximum of 36 units per building 	
<p>12. The adequacy of school facilities to accommodate any projected increase in enrolment.</p>	<p>HRSB did not respond to the circulation request however HRSB must find capacity for students in HRM based on present school capacities.</p>
<p>13. The adequacy of architectural design;</p>	<p>See previous comments (R-12A)</p>
<p>14. The adequacy of non-site disturbance areas, landscaping areas, and horticultural practices to ensure the survival of these areas;</p>	<p>See previous comments (R-12B)</p>
<p>15. The adequacy of streetscape design.</p>	<p>See previous comments (R-12C)</p>
<p>E-4: It shall be the intention of Town Council in Residential, Residential Reserve, or RCDD zones to prohibit except by development agreement the erection of any structure or the excavation or infilling of land within 50 feet of a watercourse or water retention area identified on the map showing environmentally sensitive areas in the Town, except the Bedford Basin. This 50 foot buffer shall be maintained with existing vegetation and is applicable to single dwelling units, two unit dwellings, and townhouses. All multiple unit dwellings, regardless of which zone they are located in, shall be subject to the same setback and buffer provisions as commercial and industrial uses and per Policy E-8. Excavation or infilling activity associated with single unit dwelling, two unit dwellings, and townhouses may occur between 50 and 35 feet of a watercourse, by development agreement, where it is demonstrated that a property can not be reasonably developed by complying with the 50 foot site disturbance provisions and where mitigation measures are proposed which will compensate equally for the reduced effectiveness of the 50' natural buffer. This "no net loss in effectiveness" shall be demonstrated through an environmental study which examines the issues of runoff quality and quantity, erosion potential, and sedimentation both during and after construction. Commercial uses in the RCDD zone shall be subject to the setback and buffer provisions of Policy E-8.</p>	<p>Several members of the PPC felt the water feature on the subject site was a watercourse and therefore setback requirements should apply. The applicant provided a letter from Stantec (formerly Jacques Whitford) confirming the water drainage channel on the subject property do not meet the definition of a watercourse. A single water drainage channel was found that originates at a stormwater culvert on the northwest side of the subject property. Further, no natural watercourses were found within a reasonable distance upstream of the northern culvert and it is anticipated that the culvert is part of the stormwater system and does not direct flow from a natural watercourse.</p> <p>However, in response to the concerns raised by the Public Participation Committee, the developer proposes a buffer from the water feature on the site. This buffer is a non-disturbance area as defined by the development agreement. Excavation or infilling activity can not occur within this buffer and closest townhouse unit is 11 metres (36 feet) from the drainage channel, however the buffer ranges in width of 11m to 40m from the townhouses.</p>
<p>Z-3: It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD</p>	

<p>area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters:</p>	
<p>1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;</p>	<p>See previous comments for Policy R-16</p>
<p>2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;</p>	<p>See previous comments for Policy R-16</p>
<p>3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;</p>	<p>See previous comments for Policy R-16</p>
<p>4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;</p>	<p>See previous comments for Policy R-16</p>
<p>5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:</p> <ul style="list-style-type: none"> i) the financial capability of the Town to absorb any capital or operating costs relating to the development; ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems; iii) the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered; iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants; v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses; vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.; vii) the adequacy of recreational land and/ or facilities; viii) the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes; 	<p>It is staff's opinion that the proposed development is not premature or inappropriate. The subject site is zoned RCDD which allows the consideration of residential development.</p> <p>It is staff's opinion the proposed development does carry out the intent of the MPS. Through an extensive 4-year PPC process the committee, staff and the developer identified development constraints and opportunities on the subject site and collaborate to produce the conceptual plans for the development of these areas. In the end, with an motion put and passed (4 in favour and 2 against) the PPC rejected the proposed development.</p> <p>It is the opinion of staff that the issues and concerns raised by the PPC have been adequately addressed by the proposed development and the reduction of units from the original 15 to 14 to 12 units also addresses the concerns. Further, the proposed development agreement provision provisions to ensure the concerns are addressed. It is staff's opinion the proposed development does carry out the intent of the MPS.</p>

<p>ix) <i>impact on public access to rivers, lakes, and Bedford Bay shorelines;</i> x) <i>the presence of significant natural features or historical buildings and sites;</i> xi) <i>creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;</i> xii) <i>impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,</i> xiii) <i>suitability of the proposed development's siting plan with regard to the physical characteristics of the site.</i></p>	
<p>6. <i>Where this plan provides for development agreements to ensure compatibility or reduce potential conflicts with adjacent land uses, such agreements may relate to, but are not limited to, the following:</i> i) <i>type of use, density, and phasing;</i> ii) <i>traffic generation, access to and egress from the site, and parking;</i> iii) <i>open storage and landscaping;</i> iv) <i>provisions for pedestrian movement and safety;</i> v) <i>provision and development of open space, parks, and walkways;</i> vi) <i>drainage, both natural and subsurface;</i> vii) <i>the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,</i> viii) <i>the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.</i></p>	<p>The proposed development agreement addresses all the items identified in this policy, where applicable.</p>
<p>7. <i>Any other matter enabled by Sections 73 and 74 of the Planning Act.</i></p>	<p>Not applicable</p>
<p>8. <i>In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:</i> i) <i>provide Council with a clear indication of the nature of the proposed development; and</i> ii) <i>permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.</i></p>	<p>This policy provision has been met as detailed information has been provided by the applicant throughout the application process.</p>

Attachment C: Summary of Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 18276

The following does not represent a verbatim record of the proceedings of this meeting.

Thursday, February 2, 2017
7:00 p.m.

Basinview Drive Community School - Cafeteria - 273 Basinview Dr, Bedford, NS

STAFF IN

ATTENDANCE: Thea Langille, Principle Planner, HRM Planning
Tyson Simms, Planner, HRM Planning
Iain Grant, Planning Technician, HRM Planning
Tara Couvrette, Planning Controller, HRM Planning

PUBLIC PARTICIPATION

COMMITTEE IN

ATTENDANCE: Ms. Jennifer MacLeod, Chair
Mr. Jamie McLean, Vice Chair
Ms. Tara Quinton
Ms. Diane Covey
Mr. Paul Russell
Mr. Malcolm McCall, Alternate PPC Member
Ms. Ann Merritt

ALSO IN

ATTENDANCE: Councillor, Tim Outhit, District 16
Mr. Kevin Riles, President & CEO of KWR Approvals Inc. (Applicant)
Mr. Will Robinson-Muskat, KWR Approvals Inc.
Ms. Sue Sirrs, Outside! Planning and Design
Mr. Jamie Clarke, Outside! Planning and Design
Mr. Geoff MacLean, SDMM Ltd.
Mr. Andrew Holley, Levis Street Design Group
Mr. Dennis Stormer

PUBLIC IN

ATTENDANCE: Approximately: 27

The meeting commenced at approximately 7:10 p.m.

Call to order, purpose of meeting – Tyson Simms

Mr. Simms introduced himself and Thea Langille as the Planners and Facilitators for the application. He also introduced; Tara Couvrette – Planning Controller, Iain Grant - Planning Technician, Kevin Riles – Applicant, Jennifer MacLeod, the Chair of the Public Participation Committee (PPC). Jennifer MacLeod then introduced the rest of the PPC.

Case 18276 - Application by KWR Approvals Incorporated to consider residential development, by development agreement, at 74 Union Street, Bedford.

Mr. Simms explained; the purpose of the Public Information Meeting (PIM) is: a) to identify that HRM has received a proposal for the site; b) to provide information on the project; c) to explain the Planning Policies and the stages of the Planning Process; d) an opportunity for the applicant to present the proposal and answer any questions regarding the application; and e) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

1. Presentation of Proposal – Kevin Riles

Mr. Riles explained; the background and history of the proposal, the Union Courtyard factors from PPC, a summary of the meetings help with the PPC, a map showing the location, pictures of Site Plan A/B as well as landscaping for both, video development and production, he showed the video; views from different locations, and renderings.

2. Questions and Comments

Johnston Foster – Union St. Not in favor of this project. His home is right next to the driveway and feels this project/development is going to be too much of a disturbance and very invasive. He wanted to know if anyone knew how close to a property line you could build – what the setbacks are. **Mr. Simms** stated the setbacks could be very small with a driveway. **Mr. Foster** has issues with the blasting, heavy equipment, numerous amounts of workers going in and out of the site while it is being built. He is concerned for the safety of his family as well as his home because of the proximity of the development. This will greatly affect how he enters and exits his home. He also stated there isn't any landscaping around his property that blocks any of the development like there is in other areas but he is glad there is a fence proposed. He is concerned about the foundation of his home with regards to the blasting. His home is over 100 years old and he doesn't know that his home will survive the construction of this development. He would like to know how they could guarantee that it wouldn't affect his home and if it does what recourse does he have. He also wanted to know what the legal distance is for the fence from his home. He is also worried about drainage issues, flooding and how that might affect his foundation and his neighbours foundations. He wanted to know if Councillor Outhit or any of his fellow council members that sit on NWCC had ever walked the property. **Councillor Outhit** stated that he had but didn't think the other council members had. **Jennifer MacVicar** stated that back in 2008 three councillors came out and walked the site. She feels that as this gets closed it is a fair invitation to make that all the councillors from NWCC come and walk the property. **Mr. Foster** stated that his home falls within the zone of disturbance and would like the wellbeing and health of his home and family considered because he would hate to see this affect them in the long term. He also doesn't like the term Signature Neighbourhood.

Lauren MacVicar – Worried about what was going to happen to the animals that are currently in the wooded area. **Ms. Langille** stated that this is one of the challenges with development and hopefully some of the animals will be able to relocate to the area of none disturbance. **Mr. Simms** explained how they can protect areas of none disturbance through the DA process.

Tom Servaes – Nottingham St. – Echoed concerns regarding the relocation of animals. Wanted to know what would happen if artifacts were found on the land. **Mr. Simms** stated that with regards to animals that will have to be looked into. With regards to the artifacts the Bedford Plan does speak specifically to that and there are policies, procedures and measures in place to protect that site. **Mr. Servaes** wanted to know who is responsible to identify/flag whether animals have borrowed there or if artifacts were unearthed? **Mr. Simms** stated it is on the developer to flag/identify that. **Mr. Servaes** wanted to know about water pressure and wanted to have the low and high limits measured before and after construction. He also wanted to know what would be done if these were affected by the construction. He wanted written proof from Halifax Water. **Mr. Riles** stated none of the surrounding area would have any impact. There is no written proof but studies were done and that was the findings. **Mr. Simms** stated part of the process is that staff would review the proposal with internal and external departments. The departments like Halifax Water and NS Power / Utilities will provide comments regarding this development. **Mr. Servaes** stated the neighbourhood has a high walkability score however, people in this development will not be able to walk to the store because the driveway is the only way in and out and does not have sidewalks. This would make it hard to get in and out with cars going up and down the driveway. He wanted to know about emergency services and access to the site. There are no fire hydrants in any of the renderings/plans or in the video. He also wanted to know what the grade of the driveway would be. **Mr. Geoff MacLean** stated the grade of the driveway would be 12%. **Mr. Servaes wanted to know** how they would stop cars from sliding into Union St. **Mr. Geoff MacLean** stated the grading is gradual – it will change as you go up. When you get closer to Union it will not be that steep. There would be 5-10 meters of flat before it starts to go up when you come off Union. **Mr. Servaes** stated that if snow clearing isn't done in a timely manner and there are no sidewalks on Union St. you could be sliding into people/kids etc. He would like the length of street that is required to come to a stop comfortably in the winter looked into. He would also like to know from beginning to end how long this development should take. He wanted to know where the contractors would be parking over the time it takes to finish this development. He wanted to know the blasting zone/requirements. He has concerns over the sale price – it seems very high and they will most likely be investment properties. They are higher than most properties in the neighbourhood. He wanted to know if there had been any calculation about additional water flow/drainage going into the storm drains and if the current system can handle it. He wanted to know if the two connivances that are currently in place in the neighbourhood, removal of trees of a certain size and no car/body shops/repair shops in your driveway, would also be in place for this development. **Mr. Simms**

stated with regards to water flow HRM Development Engineering would look at the balance of pre/post flow as part of the review process. **Mr. Riles** stated they couldn't guarantee a home wouldn't be damaged by blasting but that is what the insurance, video and mail out notices are for. They will try to minimize that as much as possible. They are going to try to build all 14 townhouses at once and because this is a private street they wouldn't put the road in until they had the presales. For the gentleman who is at 76 Union St. if you wanted to meet with Sue and Jamie to see if there is something that can be done for landscaping, we are willing to do things to help you out. A preliminary phase one review was done on the site for 1st nations and there was nothing found, no artifacts. Fire protection and services were looked at and in their option everything was addressed and it is serviceable. As far as length of construction, if everything lines up perfectly, in and out in 15 months and pad ready in 24 weeks. There would also be a pre-construction meeting with the city in which they would discuss the parking, the crews, the car pooling and try to demise that to keep the impact to a minimum.

Ms. Jennifer MacLeod, Chair asked if a parallel could be drawn between this site and another site that has gone through the same thing. **Ms. Thea Langille** stated she offered to look into that and route it back through the committee if that is the wish. **Mr. Riles** stated that what they haven't done to this point was a geo technical review. The geo technical review is very thorough and will be provided to Geoff and his team with the information to determine how much blasting, the time frame, and where it's at, and how to notify the community. The geo technical review will paint a picture as to what is below the surface. **Councillor Outhit** advised on the by-law as it pertains to blasting. **Mr. Simms** offered that if any residents had questions regarding blasting that Thea and he would provide their contact information and invite the public to contact them at any point and they will put them in contact with staff who have administered the blasting by-law to give more detail regarding that.

Lorna Blair – Mary Fenton Court stated that there wasn't much thought given to their homes and how they are situated because they are not adjoining. Her property sits on top of a house that is on Union St. which is built on a rock wall and there is no retaining wall holding those rocks. She is concerned about the blasting and the stability of the rock wall that her home is partially built on. If the hill goes her house is going to be sitting on top of the house on Union St. She realizes that it is unlikely that it would be immediate however, the blasting and such will loosen it, the development will be built and 5 + years from now it will be a big issue as a result of the construction. There are already huge issues with snow removal, where will the snow go for this site? There is already flooding because of the current situation this will only make it worse. There are deer, raccoons, there is everything down there, there has to be some consideration given to how they are going to relocate the animals. Increased traffic from adding that many homes, has there ever been any consideration given to having the back end of Union St. go between Superstore and Bedford Place Mall as another exit? She can't visualize how high this development would be up because there are no renderings from her location. She would like to get a better sense of that. She wanted to know if the townhouses were not sold right away would they get rented until they were sold. **Mr. Riles** stated that with regards to snow removal there are certain requirements that have to be followed. He stated that if she would let them Geoff and his team could come and get some elevation views from Fenton and they could also look at the retaining wall. He feels that the blast zone should cover them but for her own reassurance he will have their civil engineer come and look at the retaining wall so that if it is damaged in the blasting there will be a baseline beforehand. With regards to the animals – it was a question that they had not considered but they will give that some thought. With regards to traffic there was a Traffic Impact Study done and it meets the standards of HRM. As far as rental, they are really looking for condo owners not renters.

Ms. Jennifer MacLeod, Chair stated the following question came up the other night – If you are looking at the mid-400 range and you are targeting retirees, there are very few retirees looking for 3 storey homes they are more than likely going to be looking at a bungalow setup. **Mr. Riles** stated they did a market study on this and they are willing to share the market study with staff who can then forward this along to Jennifer.

Scott LeBlanc – Nottingham St. stated that he is not in favor of the development. He stated a lot of his concerns were the same as the previous speaker. A Lot of them have to do with legacy issues. Sink holes are a concern and his property has a fair amount of them and the challenge is that he isn't sure how long it takes for the impacts from blasting to show itself. Within 5-6-7 years' time and they are finding bigger and bigger sink holes and issues that are coming from the development, what is the process to deal with it. They don't want to be in a position of having to get a lawyer involved to fight to go back after that situation. He feels his driveway is the driveway with the biggest risk of lights shining up in it, if construction

changes, if the lights do become a bigger issues what recourse does he have? The end of construction may look great but 2-3 maybe 4 years later when issues start to arise, what then? **Mr. Riles** stated that with regards to sink holes, he will refer that to Geoff and he will get him to put a summary report together and provide that to Thea and Jennifer to pass along. With regards to blasting, insurance companies don't like to pay out so they are going to do a very comprehensive review when going through people's homes so if something happens due to blasting the insurance company pays that out on behalf of the developer so they want to make sure it is a legit claim so they are very thorough. He is also going to ask Geoff to specifically show the people at 21/23 Nottingham the lighting schematic for their property and if there are any issues or concerns they will address them. **Mr. Simms** stated that with respect to lighting and assurances that can all be addresses in the DA with a lighting plan.

Greg Banton – Mary Fenton Court stated that with the meeting notes that were listed for tonight's meeting there were 37 pages of properties listed but none from Mary Fenton St. and he just wanted to understand what those were and where they came from. There are concerns about rock walls from blasting that go along the back of Mary Fenton St. There is also water that runs through them now and he is worried about more of that happening in the future. The intersection at Union St. and the Bedford Hwy is one of the worst in the city and if there are 2 or more cars trying to turn left you can't get by to turn and if there is a school bus there forget about it. Is there anything that can be done to address this?

Claire McVarish – Union St. stated she has concerns with noise and air pollution that will be made worse with this development.

Larry MacVicar – Nottingham St. – wanted to know if you build 14 homes in there, and there is only one way in and out, people are going to want to cut through. Is there any fencing or anything planned for the site to keep people who live there from going through peoples properties on Union, Nottingham etc.? He would like to know what the criteria is for RCDD and what is the pass/fail. He feels the price point, 2 parking spaces per unit and targeting seniors doesn't make any sense for this development.

Sue McLean – Bridge St. wanted to know how far the fencing was going to go up. She is concerned that people from this development will start cutting through her property if the fence does not go all the way around it. She is not in favor of this development but is happy that the developers are people who are willing to work with the neighbouring properties and help get the best they can for the neighbourhood.

Gerard Pettipas – Nottingham was wondering why there can't be some sort of walkway from the development up to the park. He feels linking the park to the development might encourage the developer to put some money into the park which is very much needed. **Ms. Jennifer MacLeod, Chair** stated it was the committee who didn't want the stairs. The reason was because it would encourage people to start parking on Nottingham St. and walking down into the development and because there are no sidewalks this would become a safety issue. They were looking to minimize the impact of the in-fill development on the existing community and the way that they enjoy the neighbourhood. **Councillor Outhit** asked him to send him a note about the playground because they update so many each year and he can look into the budget to see about updates to the park.

Donna Oickle – Nottingham St. is worried about her property value with Site Plan A because there is not much of a buffer between the development and her property, no vegetation. She also has concern about vermin coming out from this development because it happened in the past from other developments. She would like to know if this can be addressed.

Ms. Jennifer MacLeod, Chair had a few question from a meeting they held – When the site gets cleared would the developer be able to use the fill that they pulled out to use as infill to the properties around the retaining wall to mitigate sink holes and shifting of the ground. People are also looking for an aerial shot of the site showing a winter view. They would also like to see how fencing would be introduced onto the property. In the undisturbed area, where there is dead treed and garbage, will the applicant be cleaning the undisturbed area or only the area disturbed by the site clearance. People would like to see a visual with cars in the driveway and guest parking spaces. Snow clearing is a really big issue and where the snow is going to go. What happens if the condos don't sell or only 50% of them sell and if the project fails or runs out of money what happens? **Mr. Riles** stated he will meet with the people from Fenton Court to discuss their issues. The fencing and buffering issues, if you feel there is an issue if you could let staff and Jennifer know we can take a look at your property. With regard to vermin, they will take a look into it. Jennifer offered to email all her questions to Mr. Riles for him to respond. He also stated that, the dead

trees etc. in the area of non-disturbance, he would clean that out. With regards to the bankruptcy issue there is always risks and the bank will always protect their interests.

3. Closing Comments

Mr. Simms thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 9:00 p.m.



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

TO: Chair and Members of North West Community Council

SUBMITTED BY: Original Signed

Jennifer MacLeod, Chair, Union Street Public Participation Committee

DATE: March 21, 2018

SUBJECT: Case 18276: Union Street Public Participation Committee Report

ORIGIN

- Application by KWR Approvals Incorporated
- On May 14, 2013, Regional Council approved the formation of an area advisory committee in accordance with Section 216 of the *HRM Charter* and the policies of the Bedford Municipal Planning Strategy.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Reject the proposed residential development by KWR Approvals Incorporated to enable a residential development at 74 Union Street, Bedford.

BACKGROUND

KWR Approvals Incorporated applied to consider a residential development at 74 Union Street in Bedford by development agreement. This property is part of the Residential Comprehensive Development Districts (RCDD) lands and is eligible for consideration of residential, institutional, parks, recreational and limited neighbourhood commercial uses by development agreement.

The RCDD lands under the Bedford MPS include three areas for future residential development: Paper Mill Lake, between the Bicentennial Highway and Union Street, and the Crestview lands south of Nelson's Landing. The subject property is located between the Bicentennial Highway and Union Street. In 1995 and 2003, two separate development agreements that enable mixed use developments were approved for two separate portions of the Union Street lands. The subject property was not included within these two development agreements as the property was under separate ownership and not considered to be part of the previous developments (Map 1). Similar to the previous 1995 and 2003 developments in the Union Street RCDD area, development of the subject property may only be considered by development agreement.

Policy R-14 of the Bedford MPS requires that all RCDD applications undertake a public participation process, where members of the community, the applicant and staff collaborate to develop a conceptual design. In accordance with Policy R-14 and Section 216 of the *HRM Charter*, Regional Council approved the formation of a Public Participation Committee (PPC) at their meeting on May 14, 2013 to develop the proposal for 74 Union Street and provide a recommendation for consideration by North West Community Council. PPC's terms of reference can be found in Attachment A. PPC comprises of four area residents and two representatives from the North West Planning Advisory Committee (NWPAC):

- Ms. Jennifer MacLeod, Area Resident
- Mr. Jamie McLean, Area Resident
- Ms. Diane Covey, Area Resident
- Ms. Tara Quinton, Area Resident
- Mr. Paul Russell, NWPAC
- Ms. Ann Merritt, NWPAC
- Mr. Malcolm McCall, Area Resident - Alternate PPC Member (non-voting)

PPC met 12 times. At the earlier meetings, PPC identified opportunities and constraints of the subject property, which informed the proposed design and use. Minutes of the meetings are available upon request. The meeting dates were as follows:

- November 7, 2013
- November 27, 2013
- February 20, 2014
- April 3, 2014
- June 5, 2014
- May 28, 2015
- September 14, 2016
- November 23, 2016
- June 14, 2017
- July 19, 2017
- December 12, 2017
- February 27, 2018

Proposal Details

The applicant wishes to enter into a development agreement to enable a residential development with 14 townhouse units. Various designs were proposed to PPC throughout the consultation process. Based on the feedback from PPC and the community, the applicant came up with two final designs for Council's consideration (see Attachments B and C). Both designs propose a cluster of 14 townhouse units toward the centre of the site – two blocks of five units and one block of four units. In Option A, the townhouses are oriented to face north and north east, and the driveway extends along the north of the lot. In Option B, the townhouses face south and west, and the driveway extends along the southern portion of the lot.

DISCUSSION

PPC reviewed the development proposal in context with relevant policies of the Bedford MPS, existing street network and established residential community. Some members felt that the applicant addressed PPC's concerns, while other felt further improvements could be made to the design. Attachment D provides PPC's detailed evaluation of the proposed development in relation to the relevant MPS policies. On February 27, 2018, the Committee made the following motion:

Moved by Diane Covey, seconded by Jamie McLean, that the Union Street Public Participation Committee recommend against the proposed residential development at 74 Union Street.

Below is the justification and rationale for the Committee's motion and some of the major concerns raised throughout the consultation process. Some PPC members felt the final concept incorporated the following concerns and meets the policy criteria, whereas others felt their concerns were still not addressed and the proposal still does not meet the policy intent.

Compatibility with Adjacent Residential Neighbourhood

PPC discussed extensively with the proponent what the most appropriate use for the subject site was. Policies R-9 and R-11 note that the predominant housing style for the RCDD lands should be single unit dwellings. However, the current proposal is for 14 townhouse units on a single lot. Immediately surrounding the site are single unit dwellings, each on their own lot. Members of PPC expressed concern that the proposed townhouses do not meet the intent of the policy as the housing style, density, height, and scale are not compatible with the abutting single unit residential neighbourhood.

PPC advise that 14 units is too much density for the site. The proposed townhouses are three storeys above ground, while most homes along Nottingham Street are two storeys above ground. PPC feels the proposed height of the townhouse units are too high and tower over the surrounding dwellings. Two storey, single unit dwellings may be more appropriate.

Proposed Development Agreement

Although PPC recommends against the proposal, Council may choose to consider the proposed townhouse development and schedule a public hearing. PPC voted on their preferred design option (see Attachments B and C). There was a tied vote: two members voted in favour of Option A, two members voted in favour of Option B, and two members were neutral. If the development proposal proceeds, PPC recommends including provisions in the development agreement to address the following concerns:

Architectural Design

PPC acknowledges the proponent's efforts to improve the architectural design by incorporating more traditional materials, pitched roofs, and decorative features that complement the established residential neighbourhood. However, PPC feels further improvements could be made to the design of the townhouses. Incorporating more variety in the facades would make the units appear like separate dwellings. Each townhouse unit should have a distinctive design, yet be compatible with the overall development and surrounding residential community. Additionally, Policy R-12A suggests locating garage entrances to the side of dwellings and setback from the front façade. PPC advises that locating garage entrances along the side rather than the front of the townhouses would better meet Policy R-12A, but may present issues with snow removal.

PPC recommends including renderings and specific provisions in the development agreement to ensure the townhouses would be constructed as they have been presented to PPC.

Secondary Services

Policy R-12A requires consideration of secondary services. PPC recommends including a provision in the development agreement that requires the burial of all secondary services. Given the rocky nature of the property, burial of secondary services may require additional blasting. The impact of blasting on abutting residences should be carefully considered.

Landscaping and Non-Disturbance Areas

PPC expressed concern about privacy, noise and light pollution from vehicles on the subject property. Additional plantings along the property boundaries, and between the proposed driveway and abutting houses, would minimise the impact of the proposed development on the existing neighbourhood. There is concern that young trees and shrubs would not provide adequate buffering; the caliper of trees and tree species that provide year-round screening should be required under the agreement. PPC recommends establishing a non-disturbance area to maximise tree retention and to ensure there is appropriate buffering from the abutting residences. A larger non-disturbance area around the entire site was suggested. PPC would also like to see additional landscaping between the proposed development and civic numbers 72 and 76 Union Street. Establishing a time limit to implement the landscaping plan was also suggested.

A landscaping plan and landscaping provisions that address these concerns should be included in the development agreement. Landscaping also improves the visual aesthetic of the proposed development.

Traffic and Streetscaping

A Traffic Impact Statement (TIS) was submitted for the application and will be reviewed by the Development Engineer. The original TIS was prepared in 2010 for a 24 unit townhouse development. The TIS concluded the proposed development would have a negligible impact on existing traffic volumes on Bedford Highway and an increase in Union Street traffic volumes by 9%. Given that the TIS was prepared in 2010 and the proposed number of units reduced to 14 units, an addendum to the TIS may be required with an updated analysis of the peak hour traffic counts. PPC would have preferred to review the addendum before providing a recommendation to Community Council.

The proposed townhouses are accessed from Union Street by a shared driveway. No new lots or streets are proposed. PPC recommends including a provision to ensure the maintenance costs of the shared driveway is the responsibility of the developer. There is only one connection to the existing Nottingham subdivision from Bedford Highway, via Union Street. PPC feels the existing road network is not adequate for the proposed density. Concern was also raised about vehicle emissions as a result of clustering townhouse units. PPC expressed that Union Street is too narrow to accommodate additional parking and the narrow driveway connection poses a safety risk for vehicular and pedestrian traffic. Restricting parking to one side of the street was suggested to mitigate parking concerns. PPC is also concerned about site lines and the visibility of heavy equipment and vehicles moving on and throughout the site for construction.

Policy R-12C is generally applicable to new streets; however, there are some streetscaping standards that could improve the design of the proposed driveway. PPC recommends landscaping along the driveway and adding sidewalks to improve pedestrian safety. Additional landscaping would provide more privacy to the abutting residents and screen car headlights and noise from the proposed development. PPC also suggests including provisions in the development agreement for snow storage. Adequate space for snow storage should be provided to ensure parking and vehicular circulation is not impeded. One PPC member suggests requiring barriers or the removal of excess snow offsite to mitigate the impact of melted snow and excess runoff on neighbouring properties.

Water Features and Stormwater

Toward the eastern portion of the site, there is a drainage channel running through the property. Old subdivision plans, from 1985, showed this feature labelled as a 10 ft. wide brook. The former brook was channelled through culverts and drainage ditches as development occurred in the area. Another drainage channel runs along the western boundary of the site, parallel to the proposed driveway. PPC expressed great concern that these features were not considered watercourses, although a qualified professional confirmed they no longer met the definition for a watercourse.

Policy E-4 prohibits the development of townhouses within 50 feet of a watercourse, except by development agreement. If the drainage features are deemed watercourses, additional setbacks and buffering should be provided. PPC is concerned that the removal of vegetation in proximity to these drainage channels would increase flooding on adjacent properties. In response to PPC's concerns, the applicant has shown a non-

disturbance area and buffer around the drainage channel on the eastern portion of the site, but PPC is not confident the buffer is sufficient to protect the development and surrounding homes from flooding. Likewise, PPC feels there is inadequate buffering around the drainage feature along the western property boundary to protect abutting properties from flooding. See Policy E-4 of Attachment D for further details. PPC requests that measurements are provided on the site and landscaping plans attached to the proposed development agreement.

PPC is concerned about the potential flooding of adjacent properties due to increased stormwater on the subject property from the proposed development. PPC suggest including provisions in the development agreement to protect neighbours from potential increase or redirection of flows. The developer is required to submit a stormwater management plan to ensure pre-water (before development) and post water (after development) are the same and stay on the subject site. PPC would have liked to see the Stormwater plan.

Adequacy of Services and Amenities

Policies R-16 and Z-3 require consideration of the adequacy of water services, school facilities and amenity space. PPC mentioned an ongoing issue with dropping water pressure in homes along Nottingham Street. There is concern that the proposed development would further impact water pressure in the subdivision unless a booster is required. Nearby schools, such as Basinview and Eaglewood, are already over capacity (Basinview Drive Community School is currently at 117% capacity)¹. There is concern that the existing schools cannot accommodate new students from the proposed development and there is no plan to build new schools in the area. PPC recommends forwarding the proposal to the Halifax Regional School Board (HRSB) for review.

No subdivision is proposed; therefore, parkland is not required. However, PPC recommends including a requirement for amenity space for the townhouse residents. The two design options show an area of non-disturbance on the eastern portion of the site as well as private decks for each unit as amenity space.

Bedford Barrens Petroglyphs

Policies R-14 and R-15 require special attention be given to protect aboriginal petroglyphs in the RCDD areas. In 1983, the Bedford Petroglyphs were first reported. The Town of Bedford established the Bedford Petroglyph Advisory Committee (BPAC) to confirm the authenticity of the petroglyphs. BPAC recommended the protection of a parcel of land, known as the Barrens, bounded by Division Street, Second Street, Union Street, and the Bicentennial Highway. In 1994, the Bedford Petroglyphs were named as a National Historic Site. This recognition was applied to a larger tract of land bounded by the Basinview Drive, Shaffleburg Run, Rutledge Street, Division Street, First Avenue and Nottingham Street.

The proposed development, considered by PPC, is not within the Bedford Petroglyphs National Historic Site. PPC expressed concern that there was not enough effort to determine if the subject property contained petroglyphs. PPC suggest requiring that exploratory work be conducted, to determine if petroglyphs are located at the site, prior to commencement of construction. Special consideration and awareness for the preservation of petroglyphs should be given in accordance with provincial requirements, if found at the site.

Conclusion

The Union Street Public Participation Committee advises 14 townhouse units at 74 Union Street, Bedford does not comply with the intent of the relevant policies of the Bedford MPS, as identified in Attachment D. Therefore, the Committee recommends that North West Community Council refuse the proposed development agreement for the following reasons:

- The proposed clusters of townhouse units are incompatible with the character of the established single unit dwelling neighbourhood in terms of unit type, height and massing;
- Too much density is proposed for the site;
- Inadequate landscaping is proposed to screen the development from abutting residences and buffer light, noise and emissions from vehicles at the site;

¹ Information provided by committee member.

- Traffic, parking and pedestrian safety is a concern given that Union Street is narrow and there are lots of school aged children living in the neighbourhood;
- Separation distance between the water features and proposed townhouses is insufficient to buffer the features and protect surrounding residents from flooding;
- Schools in the area are over capacity; and
- Not enough effort has been made to determine if petroglyphs exist at the site.

FINANCIAL IMPLICATIONS

There are no budget implications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

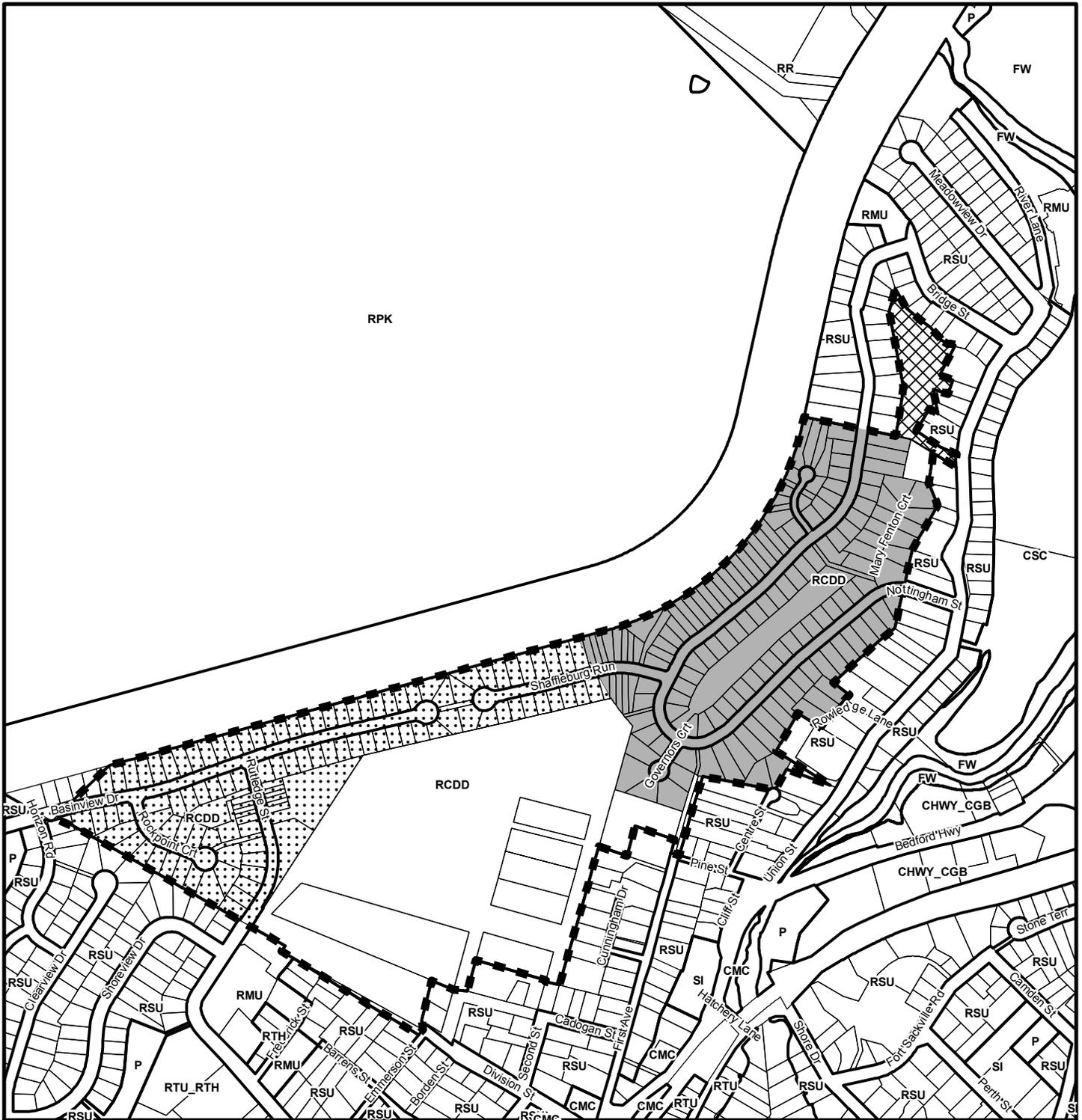
1. North West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing.
2. North West Community Council may choose to approve the proposed development agreement. 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*.

ATTACHMENTS

Map 1:	Generalized Future Land Use Map
Attachment A:	Terms of Reference
Attachment B:	Option A
Attachment C:	Option B
Attachment D:	PPC Review of Relevant MPS Policies

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: The Union Street Public Participation Committee



Map 1 - Generalized Future Land Use

74 Union Street
Bedford

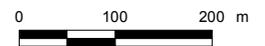
- 74 Union Street Lands
- Union Street RCDD Lands
- Case 00446 Brison Development
- Case 95-05 Redden Brothers Development

Bedford
Land Use By-Law Area

Zones

- RSU Single Dwelling Unit
- RTU Two Dwelling Unit
- RMU Multiple Dwelling Unit
- RTH Townhouse
- RR Residential Reserve
- RCDD Residential Comprehensive Development District
- P Park
- RPK Regional Park
- FW Floodway
- CSC Shopping Centre
- CGB General Business District
- CMC Mainstreet Commercial
- CHWY Highway Oriented Commercial
- SI Institutional

HALIFAX



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

ATTACHMENT A
TERMS OF REFERENCE

**North West Community Council's Public Participation Committee on the KWR Approval
Incorporated Application (Residential Development of 74 Union Street, Bedford)**

Membership

1. Four Representatives from the subject community; and
2. Two Representatives from the North West Planning Advisory Committee.

Appointments

1. Term – The Committee shall be dissolved when its report has been tabled with the North West Planning Advisory Committee and a decision on the development has been made by the North West Community Council;
2. Appointments shall be made by the North West Community Council; and
3. The Committee shall elect a Chair and Vice Chair.

Responsibilities

1. The Committee shall prepare a report to the North West Planning Advisory Committee on the development proposal to consider residential development of 74 Union Street, under the Residential Comprehensive Development District policies in the Bedford Municipal Planning Strategy and Land Use By-law; and
2. The Committee shall provide a forum in which the land owner/developer, HRM staff, and appointed citizens collaborate to comment and review the proposal.

Meetings

1. The meetings shall be called as required by the Chair;
2. The quorum for regular meetings shall be four members;
3. Members shall advise the Chair by 12 noon on the day of a regular meeting if they are unable to attend any scheduled meeting; and
4. All meetings shall be open to the public, or as allowed under Section 218 of the *HRM Charter*.

Remuneration

None.

ATTACHMENT B - PAGE 1



FILE NO. 1-8-81 (31538)

PROJECT:
**UNION COURTYARD
OPTION A**

LOCATION:
BEDFORD, NOVA SCOTIA

DATE:
November 17, 2016

SCALE: 1:1000 (metric)

TITLE:
SITE PLAN

	UNDISTURBED AREA...3,680m ² = 36% TOTAL COVERAGE
	LANDSCAPED AREA...3,455m ² = 33% TOTAL COVERAGE
	PRIVATE COMMON DRIVEWAY
	GUEST PARKING: 10 SPACES
	INDIVIDUAL UNIT PARKING: 14 SPACES
	BUILDINGS BLOCK A: 18.5x41 ft, 6 UNITS BLOCK B: 20x41 ft, 4 UNITS BLOCK C: 22x41 ft, 5 UNITS
	LOT AREA 10, 694m ²
	EXISTING DRAINAGE FEATURE
	-RW- RETAINING WALLS



NOTTINGHAM STREET

BRIDGE STREET

UNION STREET

MARY FENTON COURT

ATTACHMENT B - PAGE 2



outside!
planning and design studio
500 3rd St, Suite 201, San Francisco, CA 94103
415.774.8888
www.outsideplanning.com

PROJECT NAME: Union Court
DRAWING: Landscape Plan Option A
CLIENT: SCMM
CONTACT:

DATE: 12.13.2018
SCALE: 1/8" = 1'-0"

DRAWN: J. CLARK
PROJECT #: 1621
CHECKED: SHS
SHEET REV.: 1/2

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ATTACHMENT C - PAGE 1

-  UNDISTURBED AREA...3,450m² = 33% TOTAL COVERAGE
-  LANDSCAPED AREA...3,990m² = 37% TOTAL COVERAGE
-  PRIVATE COMMON DRIVEWAY
-  GUEST PARKING: 10 SPACES
-  INDIVIDUAL UNIT PARKING: 14 SPACES
-  BUILDINGS..... BLOCK A: 19.5x40ft, 6 UNITS
BLOCK B: 20x40ft, 6 UNITS
BLOCK C: 22x40ft, 4 UNITS
-  LOT AREA.....10,564m²
-  EXISTING DRAINAGE FEATURE
-  -RW- RETAINING WALLS

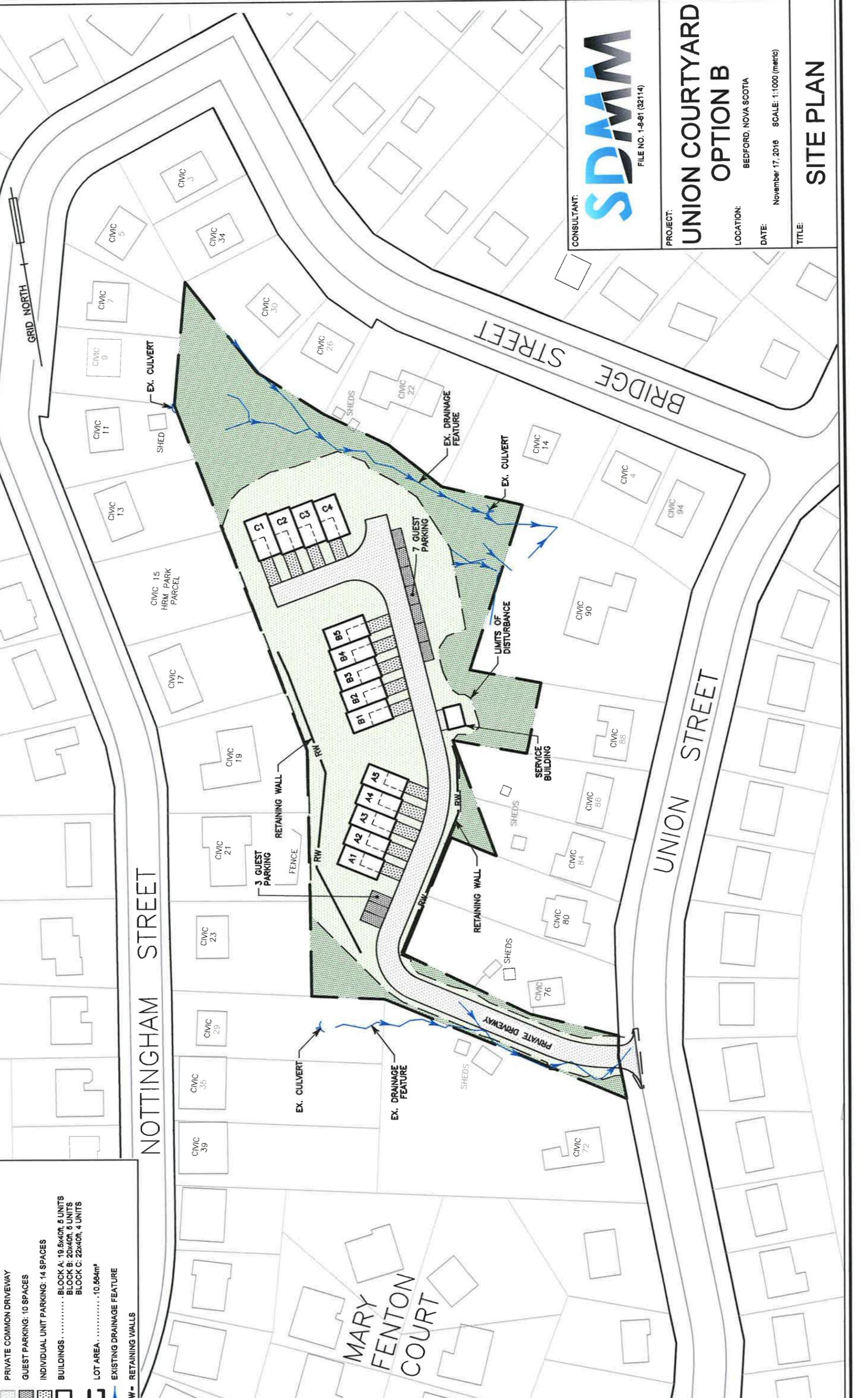
CONSULTANT: **SDMM**
FILE NO. 1-8-81 (32114)

PROJECT: **UNION COURTYARD
OPTION B**

LOCATION: BEDFORD, NOVA SCOTIA

DATE: November 17, 2016 SCALE: 1:1000 (metric)

TITLE: **SITE PLAN**



MARY FENTON COURT

ATTACHMENT C - PAGE 2



outside!
 planning and design studio
 Sue Sirs, Landscape Architect, C.S.A.
 2311 Agri-Dr. S., Suite 204, White, NJ 08887
 www.outsidelandscape.com
 908.482.1111

PROJECT NAME: Union Court
 DRAWING: Landscape Plan Option B
 CLIENT: SDMM
 CONTACT:

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DRAWN: KJANE | PROJECT #1621
 CHECKED: SRRS | SHEET/REV: 1 / 2
 SCALE: 1:500 | DATE: Nov-15-2018

Attachment D: PPC Review of Relevant MPS Policies

Policy	PPC Comments
<p>R-9: <i>It shall be the intention of Town Council to establish Residential Comprehensive Development Districts (RCDD) within the Residential Development Boundary where the predominant housing form of each residential district shall be the single-unit detached dwelling unit. These residential districts are shown on the Generalized Future Land Use Map. Council shall enter a development agreement to control the development within the area identified as RCDD. Permitted uses within RCDDs shall include, but not be limited to, single detached dwelling units, two unit attached dwellings, townhouses, multiple unit dwellings, mobile home, senior residential complexes, neighbourhood convenience stores, neighbourhood commercial uses, institutional uses, parks and recreational uses. Three RCDD areas have been identified: a) the remaining lands of Bedford Village Properties near Paper Mill Lake; b) the area between Union Street and the Bicentennial Highway; and, c) 68 acres of land south of Nelson's Landing belonging to Crestview Properties Limited.</i></p>	<p>The subject property, 74 Union Street, Bedford, is a relatively small portion of the RCDD lands between the Bicentennial Highway and Union Street. Two portions of the RCDD lands between Bicentennial Highway and Union Street have already been developed through the Development Agreement process. In 1995, a development agreement with Redden Brothers Development Limited was approved that enabled a mixed-use development. In 2003, a separate development agreement was approved with Gateway Investments Incorporated to allow a separate mixed use residential development, adjacent to the Redden Brothers' site. The subject property is approximately 2.6 acres of the total 97.3-acre Union Street RCDD. Consultation with the PPC resulted in a proposal for 14 townhouse units with two possible design options (Option A and B). Only residential uses are proposed, which satisfies Policy R-9.</p> <p><u>Individual Comments:</u> Member #1 – It should be noted that most neighbours in the area directly adjacent to the proposed development are not in favour of any type of development on the area in question.</p> <p>Member #2 - What I've seen is consistent with this policy.</p> <p>Member #3 - The predominant housing form of each residential district shall be the single-unit detached dwelling unit.</p> <p>Member #4 - Given that the proposed development is a small portion of the overall RCDD, it appears to meet the requirements for density and varied housing types.</p> <p>Member #5 - The proposed development appears to be consistent with this policy although the “predominant” housing form in the proposal for this section of the RCDD is not “single-unit detached units”.</p>
<p>R-11: <i>It shall be the intention of Town Council to limit the density of residential development within an RCDD to a maximum of 6 units per gross acre. In order to develop an RCDD at a density between 1 and 4 units per gross acre it will be necessary for Town Council to enter into a development agreement. Only single-unit dwellings will be permitted in this density range and in order for Town Council to consider this increased density the proponent must indicate methods whereby common open space (parcels which are available for use by project residents or the general public) is to be</i></p>	<p>The PPC discussed how the density provisions of Policy R-11 should be applied. Given the approach that was taken in 1995 to consider a portion of the Union Street RCDD, staff advised the density requirements under Policy R-11 have been applied to the larger RCDD area as well the specific site. The proposed development is at a site density of 14 units/2.6 acres which is 5.38 units per acre.</p> <p><u>Individual Comments:</u> Member #2 - Although there is a large area of land that will not be used, it can be seen as a buffer. The apparent density will appear higher than 6 units per developed acre, but the options are consistent with this portion of the policy.</p>

<p><i>provided for such purposes as protection of existing vegetation, retention of natural features, and/or incorporation into the parks system. Development up to a maximum of 6 units per gross acre must proceed on the basis of a mix of uses. However, at least 60% of all housing shall be single unit dwellings. Such proposals may be considered by development agreement provided additional common open space is provided and the cluster/open space site design approach is utilized. When entering development agreements Town Council may consider reductions of up to 50% for frontage, side yard and lot area requirements as specified in the Land Use By-law for the type of housing being considered. A design manual is to be prepared to provide further elaboration on the cluster housing concept. Representation of the range of residential uses shall be provided in each neighbourhood area. Each street may have the same type of uses, however on a neighbourhood scale, a range of uses shall be required to provide a variety of housing in each neighbourhood area.</i></p> <p><i>These densities shall be based on gross area calculations which include the land area consumed by residential uses, parkland, local, collector, and arterial streets, institutional and neighbourhood commercial uses, and environmentally sensitive sites. In the case of Papermill Lake RCDD, the gross area calculations shall exclude all that land under water in this lake as it exists on December 2, 1989.</i></p>	<p>Member #3 – This policy requires at least 60% of all housing to be single unit dwellings. Previous developments were developed based on this requirement. The subject site should be treated the same. The current proposal does not incorporate any single unit dwellings and should incorporate a minimum of 8 single unit dwellings.</p> <p>Member #5 - Similar comment as member 3. Each of the development phases of the RCDD have been treated as separate units of development respecting the intents of the Bedford Land-Use policies. Each phase has ensured that the predominant housing type consisted of single unit residential units. It is felt that the remaining phase of the RCDD does not respect the intent of the policy as it proposes no single unit detached residences, only townhouse units.</p>
<p>R-12A: <i>It shall be the intention of Town Council to require architectural design standards for RCDD projects. These standards are intended to achieve architectural variation in neighbourhoods by limiting design repetition and encouraging varying facial designs. Small multiple unit buildings shall be designed so they appear more like large single unit buildings. Large multiple unit buildings shall have bends and jogs rather than flat facades and shall be limited to a maximum of 36 units per building and three storeys in height unless site conditions justify a taller building by</i></p>	<p>The applicant presented various designs to the PPC incorporating various architectural features to comply with the policy guidelines and complement the existing single unit residential neighbourhood. It was felt that the proposed townhouse development should not be considered a multiple unit dwelling. The PPC acknowledges the efforts made by the applicant to improve the design and meet the intent of Policy R-12A.</p> <p>Concerns were raised about whether the proposed design met the policy criteria in terms of roof pitch, location of garage entrances, materials and burying of secondary services. The PPC recommend that the development agreement include provisions to address the following:</p> <ul style="list-style-type: none"> • Architectural Design - The development agreement should include specific renderings to ensure the design of the units are constructed as proposed if approved.

minimizing site disturbance, maximizing tree retention and screening from the street. In the architectural design of all buildings in RCDD projects. Consideration shall be given to the following techniques: roof slopes with 6:12 pitch or greater; door and window trim and detailing; exterior materials of brick, masonry, clapboard or wood; exterior colours of earth and natural tones with complementary coloured trim; use of side doors on semi detached and townhouse units; garage entrances on the side rather than the front of homes; garage entrances be set back from the front facade to minimize its impact on the streetscape; decorative front facade details such as brick, shutters, awnings; utility wires, installation of underground electrical secondary services and electrical meters attached to side or back of homes. Specific architectural guidelines shall be included in development agreements. For multiple unit buildings and commercial buildings consideration shall be given to the site's location and visibility within the Town, in establishing building size and design.

- Landscaping and Non-Disturbance Areas – The development agreement should require specifics on plantings and non-disturbance, require specific types of vegetation to mitigate noise, and light pollution. This could be achieved through a detailed landscaping plan attached to the development agreement.
- Snow Storage – The development agreement should require appropriate and adequate space for storage of snow so that vehicular circulation is not impeded.
- Secondary Services – The development agreement should require the burial of all secondary services from Union Street.

Individual Comments:

Member #2 - If the garage doors are required to be on the side, it will further limit the density of the development. It will also make snow removal more difficult. Consideration should be given to that, but it should not be a hard restriction.

Member #3 – The proposed townhouses have only three facades that are repeated; there is very little variance.

Member #4 – Policy 12A should be addressed clearly in the DA. The burial of electrical and other cables should be looked at carefully given the rocky terrain. This would possibly require more blasting.

Member #5 - There is a concern regarding the storage of snow once cleared from the streets. Given the proposed layout of the development and the configuration of the roadways (particularly in Plan B) the natural tendency would be to push the snow off the roadway and down the embankment at the edge of the roadway on the northern side of the property. A buildup of snow in one area over the course of the winter can lead to excessive amounts of snow melt and runoff in that area during the spring melt particularly when coinciding with any heavy rainfall events. This concern can be addressed in the development agreement by assuring that barriers (natural or man made) exist to prevent this practice. The placement of barriers will also help to address excessive noise and light pollution from vehicles. Removal of excessive snow amounts offsite would be the preferred method of mitigation.

The PPC recommends that the development agreement include requirements for non-disturbance areas and provisions to ensure the protection of these areas as they minimise the impact of the development on the abutting residential neighbourhood. The development agreement should include requirements for additional plantings along boundaries to further protect non-disturbance areas, provide privacy and mitigate noise from the proposed development. The PPC also recommends consideration of protecting more mature vegetation and/or requiring larger caliper plantings; the development agreement could require a minimum caliper.

Individual Comments:

R-12B: *It shall be the intention of Town Council to identify non-site disturbance areas and to require landscaping for RCDD projects. Non-site disturbance areas are intended to preserve natural open space and to provide neighbourhoods with a natural or "green" environment. Landscaping requirements are intended to provide buffers between buildings, buffers between buildings and streets, and provide a visual break in parking lots. Non-site disturbance areas shall be*

determined by designing buildings that fit the site and utilizing construction practices that minimize site disturbance and maximize tree retention. Horticultural practices shall be utilized to maintain the health of vegetation within non-site disturbance areas and landscaped areas, such as: covering of exposed roots with adequate soil and mulch; protecting specimen trees with barriers to prevent damage from machinery; slope stabilization; planting of trees that comply the CNTA Canadian Standards for Nursery Stock etc. Consideration of storm water drainage patterns shall be considered when identifying non-site disturbance areas and landscaped areas. The "no net loss" approach shall be used for non-site disturbance areas i.e. any removal or damage to a non-site disturbance area during or after construction shall be replaced via landscaping somewhere on the site so there is no net loss to the vegetated portion of the site.

Member #1 - Neither of the two proposed design concepts offer adequate buffering and landscaping between the private driveway and the 72 Union street property line (and structures). That leaves the 72 Union street property without many options for privacy, as well as protection from vehicular emissions and light pollution.

Member #2 - The preservation of these areas is of high significance. This will help ensure that the current community and the new community maintain their areas of privacy. As the old saying goes: Good fences make good neighbours. If those fences are composed of natural vegetation, and if the vegetation is maintained, then the property could be enhanced.

Member #3 – Given the boggy and rocky terrain, existing roots are spread out across the site. Concern was raised regarding the impact to mature trees on abutting properties due to the proposed development. What remediation will be provided for trees lost due to disturbance on the site? The development agreement should include a time limit or schedule for implementing the landscaping plan. Residents would hate to see a development go up one year and wait another year for the installation of the landscaping.

Member #5 - The DA should also consider the year-round effectiveness of the type of plantings that might be utilized as buffers when trying to minimize the impacts on the privacy, noise and visual appearance of the new development on the existing neighbourhood, particularly at the boundaries of the non-disturbance areas and along the proposed parking spaces.

R-12C: *It shall be the intention of Town Council to require streetscape design standards for RCDD projects. These standards are intended to achieve an attractive streetscape upon completion of the project. In designing the streetscapes, parking for small lots shall be provided in the side yards except where a garage is provided in the front yard. In addition, for all streetscapes, consideration shall be given to: varied front yard setbacks; street patterns that utilize curves, bends and change in grades; street standards that reflect the function of the street; parking in side yards; landscaping to screen parking lots from the street for large buildings i.e.: multiple unit, commercial, townhouses; driveway locations for multiple unit projects considered in terms of the view from the street and to buffer these in order to minimize the impact of the parking lot and building on the streetscape; provision of street trees for both public and privately owned streets. Buffering and screening shall be provided in the form of natural vegetation and landscaping. Street patterns*

Policy R-12C is generally applicable to proposals for new streets. The proposal is for a 14-unit townhouse development accessed from Union Street by a common driveway. However, the PPC recommends that the development agreement include provisions to improve access to Union Street, provide an attractive connection to Union Street, and minimise the impact on surrounding residents with regards to snow storage and vehicular circulation.

Union Street is classified as a local public street. To create individual lots, the new lots must have frontage on a public street. The proposed townhouse units cannot be subdivided into individual lots because the driveway is not wide enough to be a new public street. One civic address, 74 Union Street, would be assigned to the condominium development. Each unit would be assigned a unit number and PID number.

PPC recommends that further consideration be given to appropriate and adequate space for storage of snow so that vehicular circulation is not impeded.

Individual Comments:

Member #2 - Although the letter of the policy is related to public streets, the aim of the policy – that the standards are intended to achieve an attractive streetscape upon completion – can still be met.

<p><i>utilizing local through streets is encouraged over the use of cul-de-sacs to facilitate improved traffic movement and to assist snow clearing operations. Through streets shall not be accepted in preference to cul-de-sacs in situations where it is incompatible with the physical topography and where site disturbance of environmentally sensitive areas will be increased. Sidewalks shall be required on both sides of arterial and collector streets. To minimize their impact on collector roads, small lots should be located on local streets and be dispersed throughout the development.</i></p>	<p>Member #3 - It could be argued that Union Street is a collector road moving traffic from Nottingham, Meadowview and their offshoots onto the arterial road, Bedford Highway. As such, it should be mandated that sidewalks be put into place for enhanced safety for residents of the private driveway and existing residents.</p> <p>Member #4 - Snow storage to be covered in DA.</p> <p>Member #5 - The narrow private road and the limited parking within the proposed development will inevitably lead to overflow parking along Union Street. Pedestrian safety is already a concern on this street due to the narrow and winding shape of the road, limited street lighting, and lack of any sidewalks along the section of the road nearest the development. Restricting parking to only one side of the street may help to mitigate the issue somewhat and could be addressed within the development agreement.</p>
<p>R-16: Pursuant to Policy R-9 and as provided for by Sections 55 and 56 of the Planning Act, the development of any RCDD shall only be considered by Council through a Development Agreement. Council shall evaluate the appropriateness of the proposed development in accordance with the provisions of Policy Z-3 and with regard to the following criteria:</p>	<p><i>by Sections 55 and 56 of the Planning Act, the development of any RCDD shall only be considered by Council through a Development Agreement. Council shall evaluate the appropriateness of the proposed development in accordance with the provisions of Policy Z-3 and with regard to the following criteria:</i></p>
<ol style="list-style-type: none"> 1. Commercial uses shall front on a collector road; 2. The compatibility of the height, bulk and scale of the uses proposed in the project with one another, where specific design criteria have minimized potential incompatibility between different housing forms and/or between different land uses; 	<p>No commercial uses are proposed.</p> <p>Following input and comments by the PPC, the architectural design was changed to be more in keeping with surrounding existing residential environment. The proposed development is compatible with the individual project elements as well.</p> <p><u>Individual Comments:</u></p> <p>Member #3 - While the design was changed to be more in keeping with the existing neighbourhood, the height of the buildings is not compatible. Most residences in the Nottingham subdivision are a maximum of two stories above ground and these structures loom/tower over the existing homes because of their height. It would be more acceptable if they were to conform with two stories above ground.</p> <p>Member #5 - The design has evolved since the inception of the PPC and while the developer has been open to the ideas of the community members in terms of the design components of the development, the height of the buildings being proposed is a concern. A three storey design does not blend in well with the existing neighbourhood with most homes surrounding the proposed development being no more than two storeys in height.</p> <p>Member #6 - The proposed building height is too high. Despite being recessed on a lower grade, many of these units still tower over current housing in the vicinity.</p>
<ol style="list-style-type: none"> 3. The adequacy and usability of private and public recreational and park lands and recreational facilities. Proponents will be encouraged to provide one (1) acre of public parkland per 100 dwelling units within RCDDs. Where subdivision occurs 5% of public open space is to 	<p>The property can not be subdivided so 5% of parkland is not required as per the HRM Charter. Parkland can only be obtained through the subdivision process, where new lots are created. Although parkland is not required, the development agreement should require adequate/useable amenity space on the site for the residents. Setbacks from buildings and non-disturbance areas should be applied to ensure these areas are preserved and existing vegetation remains intact.</p>

<p>be provided as per the <u>Planning Act</u>, and Council shall seek to obtain lands which are compact, having a minimum street frontage of 60 continuous feet or one-tenth of one per cent of the total park area, whichever is greater, and; where usability is defined generally as park or recreational lands having no dimension less than 30 feet (except walkway park entrances) and having at least 50 per cent of the area with a slope between 0 and 8 per cent in grade;</p>	
<p>4. The adequacy of provisions for storm water management;</p>	<p>Storm water management is dealt with through the permitting process and is a standard requirement in development agreements. Pre-water (before development) and post-water (after development) must be the same and stay on the subject property. The Developer is required to come up with a management plan. If something goes wrong, then it would be a compliance issue.</p> <p><u>Individual Comments:</u> Member #3 - Residents should see the full plan for dealing with the storm water as the existing culverts run under residents' property and there may be significant disturbance to private property as a result.</p> <p>Member #5 - Residents should be assured through the development agreement that they will be protected from any impacts that may occur as the result of the development and any redirection of storm water within the property which has the potential for increasing flows onto surrounding properties.</p>
<p>5. The Town will encourage development to maintain standards of water quality which will meet recreational standards;</p>	<p>This policy criteria does not apply to the subject site. An example of where it would apply is the Papermill Lake development, where the development agreement included a provision to protect water quality from a recreation standpoint (swimming).</p>
<p>6. Council shall discourage the diversion of any storm water from one watershed to the detriment of another watershed;</p>	<p>Comments provided under previous policy.</p>
<p>7. The implications of measures to mitigate the impact on watercourses;</p>	<p>The development agreement should include setback requirements from watercourses. It has been determined that the feature on the site is not a watercourse; however, the developer has indicated they are willing to treat it as if it was and setback from it and keep the buffer.</p>
<p>8. The adequacy and arrangement of vehicular traffic and public transit access and circulation, including intersections, road widths, channelization, traffic controls and road grades;</p>	<p>Union Street is classified as a local public road. The Traffic Impact Study (TIS) submitted for the proposal will be reviewed by HRM Engineering and an addendum maybe required given the time that has passed. The updated TIS should include more analysis during a peak hour / peak month. The proposed development does not contemplate development of pedestrian infrastructure and the separation of pedestrians from vehicular traffic as there is no public street. However, onsite pedestrian movement needs to be considered. Memorandum (dated February 27, 2014) provided to Committee on April 3, 2014 responding to specific questions relating to traffic capacity, traffic counts and analysis presented in the December 2013 TIS.</p>

	<p><u>Individual Comments:</u> Member #3 - We have yet to see an updated TIS and don't feel that we can proceed on this issue without one. There have been multiple new homes added to the neighbourhood since the last TIS was done in 2013.</p> <p>The development agreement should consider pedestrian infrastructure on site to mitigate impact of pedestrian movement and vehicular circulation.</p> <p><u>Individual Comments:</u> Member #1 - This area has a high walkability score. The proposed development would put townhouse residents at risk if walking in the proposed driveway. The development proposes a narrow driveway, with just enough room for two car widths.</p> <p>Member #2 - Pedestrian safety should be considered in all aspects of the design. The site should not force ingress and egress by vehicle, and should not sacrifice pedestrian safety when it is in place.</p> <p>Not applicable as the proposal does not include a multiple unit dwelling exceeding 36 units.</p> <p><u>Individual Comments:</u> Member #3 – Under this policy, multiple-unit dwellings are defined as townhouses. I disagree with PPC Comments on this one – these are townhouses that are clustered in more than three multiple unit projects within 100 feet and as such should be subject to small town character. This proposal does not have small town feel.</p> <p>Not applicable as the proposal does not include a multiple unit dwelling</p> <p>The closest arterial road to the proposed development is Bedford Highway.</p> <p><u>Individual Comments:</u> Member #1 - Current residents of Nottingham street have noted a reduction in water pressure possibly from developments in and around the area. Adding 14 more dwellings may aggravate the situation.</p> <p>Member #3 - Since townhouses are proposed, all items under policy R-16 (1) should be considered.</p> <p>Member #6 - As per Policy R-16 (10), townhouses constitute a multiple-unit dwelling; therefore, these items should all be considered.</p>
<p>9. <i>The adequacy and arrangement of pedestrian traffic access and circulation including: physical separation of pedestrians from vehicular traffic, provision of walkway structures, and provision of crosswalk lights;</i></p>	
<p>10. <i>The maintenance of the small town character by discouraging concentrations of multiple-unit dwellings (townhouses and apartment units) in any one project or area; concentrations shall be viewed as individual projects exceeding 36 units or as clustering of more than three such multiple-unit projects on abutting lots and/or lots within 100 feet;</i></p> <p>11. <i>With respect to multiple-unit projects, Council shall consider, among other items, the:</i></p> <ul style="list-style-type: none"> i) <i>access to the collector or arterial road system;</i> ii) <i>proximity to existing or proposed recreational facilities;</i> iii) <i>existence of adequate services in the area;</i> iv) <i>conformance with all other relevant policies in this strategy;</i> v) <i>preference to limit the maximum height of any apartment building to three stories except as provided for in Policy R-12A to maintain the small town character;</i> vi) <i>density limitation of 30 units per net acre;</i> vii) <i>requirements of the RMU Zone, where appropriate;</i> viii) <i>the bulk and scale of multiple-unit projects in relation to abutting properties; and,</i> 	

<p>ix) a maximum of 36 units per building</p> <p>12. The adequacy of school facilities to accommodate any projected increase in enrolment.</p>	<p>Schools in the area are already over capacity. This proposal will be sent to the HRSB for review and comment.</p> <p><u>Individual Comments:</u> Member #2 - Although the schools are already over capacity, and this development will likely add school age children, this development will not impose significant additional strain on the school infrastructure to cross any threshold.</p> <p>Member #3 - Basinview School is currently over capacity and Eaglewood School is near capacity. A revised zoning plan will need to be in place to accommodate new students.</p> <p>Improvements have been made through the process in response to the committee's comments, but there is still uncertainty if the proposed design is appropriate and compatible with the existing residential neighbourhood.</p> <p><u>Individual Comments:</u> Member #2 - A fair amount of attention has been given to the architecture to minimize the disruption of the additional dwellings.</p> <p>Member #6 - While units are attractive from an architectural perspective, the units are excessively tall and greatly impact the viewpoint of other single-family homes in the neighbourhood.</p> <p>The developer has made improvements in addressing this concern.</p> <p><u>Individual Comments:</u> Member #2 - A fair amount of attention has been given to the buffers, vegetation, and other landscaping in the area to minimize the disruption of the additional dwellings.</p> <p>There are significant concerns about the streetscaping along the proposed driveway and the impact it will have on abutting residences. The PPC feel there is not enough privacy. Light, noise, and air pollution from vehicles is still of great concern. Further improvements could be made. The proposed development does not contemplate pedestrian infrastructure and separation of pedestrians from vehicle traffic.</p> <p><u>Individual Comments:</u> Member #3 - The PPC comments here are critical. The proposal absolutely does not satisfy this policy criteria.</p> <p>Member #5 - Same comment as member #3</p> <p>Member #6 - Pedestrian safety is paramount and there are concerns that this proposal does not address this at the connection to Union Street.</p>
<p>13. The adequacy of architectural design;</p>	
<p>14. The adequacy of non-site disturbance areas, landscaping areas, and horticultural practices to ensure the survival of these areas;</p>	
<p>15. The adequacy of streetscape design.</p>	

E-4: *It shall be the intention of Town Council in Residential, Residential Reserve, or RCDD zones to prohibit except by development agreement the erection of any structure or the excavation or infilling of land within 50 feet of a watercourse or water retention area identified on the map showing environmentally sensitive areas in the Town, except the Bedford Basin. This 50 foot buffer shall be maintained with existing vegetation and is applicable to single dwelling units, two unit dwellings, and townhouses. All multiple unit dwellings, regardless of which zone they are located in, shall be subject to the same setback and buffer provisions as commercial and industrial uses and per Policy E-8. Excavation or infilling activity associated with single unit dwelling, two unit dwellings, and townhouses may occur between 50 and 35 feet of a watercourse, by development agreement, where it is demonstrated that a property can not be reasonably developed by complying with the 50 foot site disturbance provisions and where mitigation measures are proposed which will compensate equally for the reduced effectiveness of the 50' natural buffer. This "no net loss in effectiveness" shall be demonstrated through an environmental study which examines the issues of runoff quality and quantity, erosion potential, and sedimentation both during and after construction. Commercial uses in the RCDD zone shall be subject to the setback and buffer provisions of Policy E-8.*

PPC were concerned about a possible watercourse on the site. A letter dated August 15, 2008 from Julianne Sullivan of Jacques Whitford was presented to the PPC on November 7, 2013 stating the features on 74 Union Street do not meet the definition of a watercourse and it is a single water drainage channel that was found on site. A qualified professional has indicated there is no watercourse on the site; however, the developer has proposed a site plan that creates a buffer around that feature and a non-disturbance area.

The residents in the area may choose to hire a qualified professional of their own to determine if a watercourse existing on the site. Approval to access the property should be obtained from the property owner.

Individual Comments:

Member #1 - One of the first issues that were brought up, was the use of the term watercourse. There are "streams" bordering both side of the proposed area. In a past survey of 72 Union street lot A-3B and Lot A3-A, a brook is identified starting on lot A 3-B and continuing through lot A-3A. Previous owners of 72 Union Street and former resident of 73 Union street say that this Brook has been there since they can remember (~1940). Since the extension of Nottingham Street through Lot A-3B, this "brook" has since been contained within culverts. It is now termed as a "drainage ditch". As the term watercourse comes up in multiple RCDD policies. If this source of water was termed a watercourse the development should be denied based on policy E-4. A 35-50 foot buffer would eliminate the space needed for the private drive currently proposed.

The physical characteristics to the site has a great effect on the area adjacent to it. The site would need a great amount of blasting/grading and infilling to make this site usable as intended in the proposed development. Multiple neighbours of the site have noted sinkholes on their properties. Any type of drilling, blasting, grading would likely worsen the situation.

Member #2 – The determination of the site having a watercourse would have a further impact on the design on the site, but should not have an impact on whether or not it proceeds. Amends can be made to broaden the area around the possible watercourse.

Member #3 - Residents maintain that, in spite of Ms. Sullivan's findings in 2008, this is a watercourse based on surveys on the site from 1985 and 1987 and decades prior. The site owner was involved in other development in the area and altered the watercourse during development.

Member #5 - Major concerns have been voiced from all four community members of the PPC regarding the validity of the proponent's reports that address two significant water features crossing the property and whether these features are classified as watercourses as defined by the province of Nova Scotia. The proponent's report claims that water crossing the property originates from a stormwater culvert and thus cannot be classified as a natural watercourse. The report describes the natural appearance of the watercourse as the result of landscaping by adjacent property owners.

	<p>Unfortunately, the report failed to look at historical evidence dating back over 80 years that supports the existence of a watercourse before any culvert(s) was in place. The addition of culverts along the western portion of the property was an alteration of an existing watercourse to accommodate the construction of Nottingham Street. An alteration of a watercourse by directing it through a culvert does not erase the fact that it is still a watercourse by merely being diverted through a culvert. Survey plots and maps dating back some 80 years clearly illustrate the existence of this stream before culverts were even installed and before the existing neighbourhood was developed. The water flowing through these watercourses never cease year-round which one would expect should the feature exist purely as a drainage feature. The PPC would like to have an independent report prepared to investigate these features with consideration given to the historical background of these features and any alterations that have occurred as the neighbourhood developed over time. However, we recognize that the existence of a watercourse does not prevent the development of a property but it does ensure that sufficient buffers are in place for its protection.</p> <p>Policy Z-3 is the implementation policy within the Bedford MPS. Policies R-12 and R-16 are the enabling policy. Most of the provisions in Z-3 have already been addressed in previous policy comments. Z-3 is not a policy that is specific to this property; it is a policy that is applicable to all development applications in Bedford that require approval of council.</p>
<p>Z-3: It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters:</p>	
<p>1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;</p>	<p><u>Individual Comments:</u> Member #4 – I feel that this proposal meets the requirements of the policies. The development agreement should be written with regard to all of the residents' concerns. Considering the variety of possible uses for this property, the current proposal is probably the most favourable for everyone concerned.</p> <p>The site, as proposed, has only townhomes on it and it is felt that the proposal doesn't have mixed forms of property as the neighbourhood around it does. Bulk and scale are not met.</p> <p><u>Individual Comments:</u> Member #3 - We would like to reinforce that use, bulk and scale are not met with this proposal in that it is solely townhomes and there are no single-family homes.</p> <p>Member #6 - Single-family homes are preferred and are more in line with the existing development form in the neighbourhood.</p>
<p>2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;</p>	
<p>3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;</p>	<p>Over time the site plan has been developed in a way to provide buffers where possible. A landscape plan and non-disturbance plan to be included in development agreement. Additional buffering should be provided to improve privacy for abutting residents.</p> <p><u>Individual Comments:</u> Member #3 - As it stands, the proposal does not provide adequate privacy for existing residents, especially those on the east side of Nottingham Street overlooking the site, but also for those on the west side of Union Street and south side of Bridge Street. The natural buffer is not significant</p>

	<p>enough and the developer proposes using young trees and shrubs that have not reached maturity, meaning that it will be years before they will serve as adequate buffers.</p>
<p>4. <i>That provisions are made for safe access to the project with minimal impact on the adjacent street network;</i></p>	<p>Member #6 - A larger area of non-disturbance should be considered around the entire site.</p> <p><u>Individual Comments:</u></p> <p>Member #1 - I consider Union street to be a narrow street. Any added vehicle parked on Union street poses a risk to all traffic in the area. I think that minimizing impact and assuring safe access to the project will be difficult.</p> <p>Member #3 - Residents are VERY concerned about safety around the site access and the impact it will have on adjacent streets. The site is on a narrow turn without sidewalks and there is limited street parking that would impact site lines for vehicular and pedestrian traffic. Heavy equipment will not be able to be moved off the site and there will be considerable large trucks and other heavy equipment moving on and throughout the site.</p>
<p>5. <i>That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:</i></p> <ul style="list-style-type: none"> <i>i) the financial capability of the Town to absorb any capital or operating costs relating to the development;</i> <i>ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;</i> <i>iii) the adequacy of water services for domestic (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;</i> <i>iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;</i> <i>v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;</i> <i>vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;</i> <i>vii) the adequacy of recreational land and/or facilities;</i> <i>viii) the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion</i> 	<p>Residents in the area have noticed their water pressure has dropped. Starts around # 86 Nottingham and goes up the hill. New developments may have to have their own booster to make sure the water can be serviced to that site and not impact people around them. This will be reviewed by Halifax Water.</p> <p>There was some discussion on what is defined as a significant natural feature – a wetland, watercourse, a unique rock cropping, the petroglyphs. There is a map in Bedford called, The Environmental Sensitivities Areas, and a lot of those types of features are identified on it.</p> <p>It was felt that there is an existing watercourse on the site, but it was determined there is no watercourse on the site. The committee/residents may take on the expense to hire their own qualified professional to determine if a watercourse exists within the site. Permission from the site owner would be in their best interest.</p> <p><u>Individual Comments:</u></p> <p>Member #1 - Financial ability of the Town to absorb any capital or operating costs - Although described as a private lot with private services, without cost to the Town, the committee members would like to refer to past instances where the Town had to resort to providing such services due to the lack of appropriate quality of private services. This was also an issue brought up by neighbours especially referring to snow and garbage removal.</p> <p>Member #3 - The additional vehicles that have been clustered along a single laneway will create significant emission pollution which will rise out of the development and into the homes of the residents of Nottingham Street. As addressed above, schools are over or at capacity in the area and this will need to be addressed. There are not significant or adequate recreational facilities in the area. The street network is not adequate for increased use. There is only one entrance into the Nottingham subdivision from an arterial road (there is a private parking lot used as a through-fare,</p>

and traffic hazards and the adequacy of existing and proposed access routes;

- ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;*
- x) the presence of significant natural features or historical buildings and sites;*
- xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;*
- xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,*
- xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.*

but this cannot be guaranteed as a roadway) and a single entrance into the site. In case of flooding (this has happened in this neighbourhood previously) or other disaster, the street network is not adequate.

Member #5 - It was felt there was inadequate effort to recognize the historical significance of this tract of land in light of the discovery of petroglyphs within this RCDD in the 1990s. In fact, Policy R-14 explicitly states that attention be given to the protection of petroglyphs whenever negotiating provisions of the Union Street RCDD DA. During the initial stages of the development of the original RCDD, the discovery of petroglyphs in the area led to the formation of a Petroglyph Advisory Committee which resulted in a recommendation by both the committee and the Native Council of Nova Scotia that all 80 acres of the land be preserved as parkland. Funding to purchase the land was provided by the province of Nova Scotia but only for the 26 acres now known as the Bedford Barrens. Given the history of the RCDD and the wording of Policy 14 it's felt that there was insufficient attention given to determine whether this small section of land may contain petroglyphs. I feel it is important to recognize the possibility of their existence and to ensure the developer is aware of this during the clearing phase of the land. Perhaps this awareness can be included within the development agreement.

Member #6 - As previously stated, the adequacy of school facilities needs to be considered. Basinview Drive Community School is currently at 117% capacity. There are already petitions circulating requesting additional school facilities to accommodate the student growth in Bedford, but currently no plan is in place to address this.

This is outlining the things that can be put in/deal with in the development agreement.

Individual Comments:

Member #2 – We have already discussed numerous of the items in (6), and the design has been updated to accommodate them. This has been a valuable exercise to ensure that all reasonable options have been considered.

Member #6 - While the design has been updated to accommodate some concerns, there are still issues with the design, as stated throughout this document, that should be addressed.

6. *Where this plan provides for development agreements to ensure compatibility or reduce potential conflicts with adjacent land uses, such agreements may relate to, but are not limited to, the following:*
- i) type of use, density, and phasing;*
 - ii) traffic generation, access to and egress from the site, and parking;*
 - iii) open storage and landscaping;*
 - iv) provisions for pedestrian movement and safety;*
 - v) provision and development of open space, parks, and walkways;*
 - vi) drainage, both natural and subsurface;*
 - vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,*
 - viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.*

<p>7. Any other matter enabled by Sections 73 and 74 of the Planning Act.</p>	
<p>8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:</p> <ul style="list-style-type: none">i) provide Council with a clear indication of the nature of the proposed development; andii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.	