



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

**Item No. 10.1.1**  
**North West Community Council**  
**November 9, 2020**

**TO:** Chair and Members of North West Community Council

**- Original Signed -**

**SUBMITTED BY:**

\_\_\_\_\_  
Kelly Denty, Director of Planning and Development

**DATE:** May 5, 2020

**SUBJECT:** **Case 22143: Development Agreement for a 176-unit residential subdivision (Open Space Design Development) near Charleswood Drive and Cumberland Way, Windsor Junction**

---

**ORIGIN**

Application by ZZap Consulting on behalf of Shaw Group.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality 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 enable a 176-unit residential subdivision (Classic Form Open Space Design Development) in Windsor Junction 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 of this report; and
3. Require the agreement be signed by the property owner within 120 days, or any extension therefore 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**

ZZAP Consulting, on behalf of Shaw Group, has submitted a planning application for a 176-unit residential subdivision on 54.29 hectares (134.1 acres) of land between Cumberland Way and Charleswood Drive in Windsor Junction. The proposed development may only be considered by development agreement and is subject to two different sets of planning policies. One policy set is the 2006 Regional Plan policies for Open Space Design Development (i.e., residential subdivisions) while the second is the Secondary Planning Strategy policy which allows townhouses to be considered in this area.

<b>Subject Site</b>	PIDs 00510560, 40699837, 40092009 & 41470295
<b>Location</b>	Lands located to the north and west of Cumberland Way and Charleswood Drive, Windsor Junction
<b>Regional Plan Designation</b>	Rural Commuter (RC)
<b>Community Plan Designation (Map 1)</b>	Residential under River-lakes Secondary Planning Strategy (SPS) within the Planning Districts 14 and 17 Municipal Planning Strategy (MPS);
<b>Zoning (Map 2)</b>	Residential 1a (R-1a) under Planning Districts 14 and 17 Land Use By-law (LUB)
<b>Size of Site</b>	54.16 hectares (134.1 acres)
<b>Street Frontage</b>	Frontage along Charleswood Drive and Cumberland Way
<b>Current Land Use(s)</b>	Undeveloped wooded area with wetlands and informal trails
<b>Surrounding Use(s)</b>	Existing single unit residential developments know as the Charleswood and Capilano subdivisions

## **Proposal**

The applicant is proposing a classic form of Open Space Design residential development (Map 3). The proposal is for 176 dwelling units with municipal water service and shared on-site sewage treatment facilities. Features of the proposed development include:

- 84 townhouse units;
- 92 single unit dwellings;
- extensions of the public roads Cumberland Way and Charleswood Drive;
- common shared private driveways accessing public roads;
- each development block will be under single ownership and/or a condominium corporation;
- on-site sewage treatment consisting of eight private advanced treatment units and septic tanks in conjunction with the septic fields;
- 60% of the land will be retained as common open space for conservation and private passive recreation; and
- private common amenity area that may include storage units and gathering spaces.

## **Enabling Policy**

### **Community Plan Policy – Opportunity Site D**

Within the River-lakes Secondary Plan Area (SPS), the subject property is designated Residential which is intended to support and protect the area's predominantly low-density residential environment along with associated community uses such as churches, schools, community halls, police and fire stations. While the primary intent of the Residential Designation is to support and protect the existing low-density residential environment, the SPS recognizes the need to allow for alternative housing forms to support people of all ages. The SPS accommodates alternative housing forms (townhouses and multiple unit dwellings) by allowing additional capacity at four specific residential opportunity sites throughout the Plan Area. This approach allows a broader mix of housing types and increased density in a manner that was seen to be compatible with the existing and desired character of the community at the time the River-Lakes SPS was authored. This proposed subdivision is located on Residential Opportunity Site D which

allows the consideration of townhouse development under Policies P-155 of the Planning Districts 14 & 17 MPS and Policies RL-15, 22, 23 & 25 of the River-lakes Secondary Planning Strategy (SPS). These policies allow residential densities up to 2 units per acre. Therefore, the subject property can ultimately support a maximum of 176 units in the form of single unit dwellings and / or townhouses.

#### Regional Plan Policy

Under the Regional Plan, the properties are designated Rural Commuter which permits Classic Open Space Design subdivisions (now known as Conservation Design Development) through a development agreement. During the processing of this application, the 2014 Regional Plan Update was approved by Regional Council. To grandfather existing proposals under consideration at the time the Plan was being updated, Policy G-18 was included as follows:

*“G-18 Where any completed development agreement application was received by HRM prior to Council’s first notification to adopt this Regional Plan, the application shall be considered in accordance with the Regional Plan policies in effect at the time the application was received.”*

As the application was received by HRM prior to May 31, 2014 (the first notification ad for the adoption of the 2014 Regional Plan), the application is considered under the policies of the 2006 Regional Plan. Policies S-15 and S-16 of the 2006 Regional Plan set out the criteria by which Council must consider Classic Open Space Design development proposals (Attachment C).

#### Open Space Design Development (now Conservation Design Development)

With the adoption of the Regional Plan and Regional Subdivision By-law in 2006, the as-of-right subdivision of land in most areas throughout HRM with on-site water and sewage facilities was limited to 8 lots on a new public road. This limitation applied unless the subdivision was granted concept plan approval prior to 2006. New subdivisions involving more than 8 lots may only be considered through the open space design development agreement process.

An open space design development is a form of development that conserves open space in a contiguous form by locating homes on portions of the property which are best suited for development, while retaining the remainder of the property as undisturbed open space. It is important to note that open space is different from parkland in that parkland is intended to be set aside and programmed as a recreational space for citizens. In contrast, open space is present to preserve lands to maintain connectivity for wildlife and ecological systems.

The classic form of open space design development features clustered development and a common open space component held in single ownership by a condominium or land trust. The developable area is 40% while the remaining 60% is preserved as open space/conservation areas. The maximum density for this form is 1 unit per gross hectare.

#### **Timeline of Application**

Following the adoption of the 2006 Regional Plan, a Community Visioning exercise and River-lakes Secondary Plan review process took place in the Fall River community. As a result of these two planning processes, the Charleswood Site D Opportunity Site policy and criteria was established to provide alternative housing options for the Fall River Community.

Staff have been working with the applicant on the proposed development over the course of many years. While this most recent revision was received in 2018, the history of these lands remains a relatively complex one. The following is a summary of the major stages in the planning process which have occurred over the past 15 years related to the subject lands:

2006: Adoption of the Regional Plan which established Fall River as a Rural Commuter Centre and commenced the Visioning Process. This also included the adoption, in principal, of

the Fall River Vision and Action Plan which formed the basis for the creation of the River-lakes SPS.

- 2007: A Stage 1 Preliminary Site Design planning application (Case 18715) was submitted to HRM staff in accordance with Open Space Design Development polices of the Regional Plan. It identified open space areas to be preserved and potential areas of development. A Public Information Meeting as held on June 7th, 2007.
- 2008-2012: The proposed residential development was considered as part of the River-lakes SPS process and the subject lands were identified as Site D Opportunity Site. Policies were established to provide alternative housing options in the Fall River Community.
- 2013: With new policy options in place, a Stage 2 application was submitted, and a second Public Information Meeting being held on October 16th, 2013.
- 2018: The Shaw Group Ltd. acquired the subject area. The planning application was revised in response to previous public feedback and current housing market demand (Case 22143) A Public Open House was held in March of 2019 for local residents to comment on the revised development proposal.

### **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 information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and Public Information Meetings held on June 7, 2007 and October 16, 2013. A more recent Public Open House was help on March 27, 2019 to receive the public's feedback on revised plans (Attachment B – minutes of PIM and summary of open house).

The public comments received include the following topics:

- Traffic – concern of congestion as a result of the proposal and other surrounding development proposals;
- Housing - the cost of a townhouse, the private covenants applied by the developer, the design of the one-storey townhouse and the opportunity for seniors to stay in their community;
- Environment – impact on watercourses and wetlands both on and in proximity to the subject site; and
- Active Transportation - a desire for walking/hiking trails to connect to the Windsor Junction Community Centre, the rails to trails multi-use pathway and the public streets.

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

The proposal will potentially impact local residents, community facilities and local businesses.

### **DISCUSSION**

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



### Proposed Development Agreement

Attachment A contains the proposed development agreement for the subject site and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- a maximum of 176 residential units in the form of single unit dwellings and townhouses;
- built form, architecture and phasing;
- watercourses and wetland protection;
- development standards and design to ensure a near “no net loss phosphorus”;
- preservation of 60% of the land area for conservation and recreation purposes;
- development standards for common shared driveways; and
- non-substantive amendments allowing time extensions for commencement and completion.

The attached development agreement will permit a 176-unit residential subdivision consisting of single unit dwellings and townhouses, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

### **Overall Development (Classic Open Space Design Development)**

#### Developable Area

The net developable area for this site is 20.21 hectares or 37% of the total land area. The development agreement contains clauses which ensure this area does not exceed the 40% of the allowable disturbed area. The remainder of the land, 33.95 hectares or 63%, is proposed to be common open space as required through Policies S-15 & S-16 of the 2006 Regional Municipal Planning Strategy. The proposed development is an extension of the existing Charleswood subdivision. The landscape will change from an existing forested and deforested area to residential development with open ditch road construction, municipal water and common amenity areas with a large portion (60.4%) of land remaining undisturbed. This change in land use will require specific stormwater management features to adequately maintain pre-development Total Phosphorus levels (see later in the report).

#### Built Form/ Architecture and Phasing

To maintain rural character and compatibility with the surrounding low-density development, the development is limited to single unit dwellings and townhouses (Policy RL-15). The 2 units/acre policy provision allows for a total of 176 dwelling units and the proposal is for 92 singles and 84 townhouses. In response to public feedback, the proposed development plan was modified to locate the townhouse units away from existing single unit dwellings and within a separate development phase from the single unit dwellings.

The proposal is to develop in four phases (Map 3). While the proposed Development Agreement does not require this, the applicant has indicated this development would take place over a 15-year timeframe. Phases 1 and 2 extend Cumberland Way while Phases 3 and 4 extend Charleswood Drive. Phase 1 permits up to 44 townhouses, Phase 2 is 40 townhouses and 25 single unit dwellings on common shared driveways off the extension of Cumberland Way. Phases 3 and 4 include 56 single units divided into two clusters on common shared driveways off the extension of Charleswood Drive.

The proposed single unit dwellings and townhouses units conform to the architectural provisions set out under the LUB and the development is of similar height and scale to uses in the surrounding area. The proposed dwelling units are setback significantly from property lines creating a substantial open space buffer from existing single unit dwellings (Capilano and Charleswood subdivisions). Open storage and signage are addressed in the development agreement and will follow the LUB requirements.

The proposed development agreement specifies minimum building setbacks for all dwellings from the lot boundary, common shared private driveways, non-disturbance area and separation distances from other dwellings and accessory buildings. Each dwelling unit will be permitted one accessory building as per the LUB. The proposed development agreement also contains specifications for any structures identified within the Common Amenity Areas such as a common storage unit for the private use of residents and accessory buildings or structures to accommodate any wastewater distribution and management storage.

#### No Phosphorus Net Loading Assessment (PNLA)

As part of the planning process for development agreements in the River-lakes Secondary Planning Strategy (SPS), a preliminary Stormwater Management Plan in conjunction with a Phosphorus Net Loading Assessment (PNLA) is required. These studies are used to evaluate the proposed development impact on the receiving waters in the area. As stated in Policy RL-22, a no net increase in phosphorus is the performance standard for all large-scale residential developments in the River-lakes SPS area. A phosphorus assessment measures the current phosphorus loading and predicts the future impact of the development on the receiving waters of the lakes in the area and upstream in the Shubenacadie system.

A PNLA was submitted by the applicant as part of this application and reviewed by HRM's external subject matter experts who review all the PNLA submissions. The study summarizes that no net phosphorus can be achieved if the following are implemented:

- A Phosphorus Net Loading Assessment in conjunction with a Conceptual Stormwater Management Plan for the entire proposed site development;
- On-site specialized biological wastewater treatment units and dispersal system to provide additional Total Phosphorus removal efficiencies;
- A development plan which carefully utilizes the natural topography, surface cover, watercourses and wetlands, and natural vegetation;
- An integrated storm stormwater management quality and quantity design approach;
- Best Management Practices incorporated such that the maximum amount of natural vegetation is retained and protected; and
- A Low impact Development (LID) approach to closely mimic the existing features and mitigate the introduction of nutrients and sediment into the surrounding watershed.

Staff advise that the proposed development agreement and PNLA submitted for the proposal provides sufficient information to meet the no net phosphorus policy of the River-lakes SPS.

#### Traffic Impacts, Road Extension and Private Driveways

The Traffic Impact Study (TIS) indicates the proposed development is not expected to significantly impact the performance of adjacent streets and intersections. The traffic generated by the residents living in the 176 units will have access via the extension of the two existing public streets, Cumberland Way and Charleswood Drive. The Traffic Impact Study (TIS) was also required to determine the impacts of development on the Fall River Road and the Highway 2 intersection. The proposed development is not expected to significantly impact the performance of adjacent streets and intersections. The traffic generated by the residents living in the 176 units will have access via the extension of the two existing public streets, Cumberland Way and Charleswood Drive. Staff have reviewed the Traffic Impact Study prepared in support of this application and concur with its findings.

The proposed public road extensions and common shared private driveways within the site are to be designed to a standard as referenced in the proposed development agreement. The design of this project allowed for an opportunity to provide Low Impact Design (LID) road construction within the public street parcel. The Low Impact street design cross section is required as a means of achieving the No Net Phosphorus Loading provisions of the enabling policy and is subject to approval by the Development Engineer at the permitting stage. Although the common shared private driveways are to be owned and

maintained by the property owner or bare land condominium, the standard for the design of the driveways was established to ensure adequate travel width and to support emergency vehicles and HRM waste collection vehicles.

#### Water Service and Waste Water Treatment

Water service shall be provided to home sites via a private watermain connected to the public water system within Cumberland Way and Charleswood Drive as shown on the Servicing Plan appended to the development agreement. The Developer shall be responsible for all aspects of maintenance for the proposed private water main and related servicing infrastructure.

The applicant is proposing on-site specialized biological wastewater treatment units and dispersal system to provide additional Total Phosphorus removal efficiencies. These wastewater treatment units are regulated by Nova Scotia Environment. Through the anticipated lifespan of the sewage treatment disposal field it is expected that 95-97% Total Phosphorus removal efficiency will be achieved. The Waste Water Treatment units will be located to minimize land use conflict and visibility.

#### **Townhouse Development**

The townhouse portion of the proposed development is consistent with Policy RL-15 for Opportunity Site D in the River-lakes SPS. This policy enables homes to be clustered to a maximum gross density of two units per acre for townhouse development. The townhouses are off the extension of Cumberland Way and four clusters of 4-unit townhouse dwellings. The proposed townhouses conform to the architectural provisions set out under the LUB. Each one-storey four-unit townhouse building will include offsets to the roof structure, articulation between units to break up the overall massing, and reinforces common characteristics that visually unite the overall townhouse buildings. There will be 5 or 6 blocks of the 4-unit townhouse buildings in each cluster as shown on Map 3 Proposed site plan. The proposed townhouses generally conform to the architectural provisions set out under the land use by-law. The townhouses are also setback significantly from property lines whereby creating a significant open space buffer from existing single unit dwellings.

#### **Conclusion**

The proposed application for a Classic Open Space design development conserves common open space on the lands by clustering dwellings and sharing on-site sewage treatment facilities. The design of the driveways and placement of the dwellings will avoid the sensitive, cultural and ecological conservation features of the lands. Staff has received analysis indicating there are sufficient mechanisms in place to obtain no net phosphorus loading into the receiving waters and lakes in the area as a result of the proposed development.

Staff advise that the proposed development is reasonably consistent with Policies S-15 and S-16 of the Regional MPS (2006) and Policies RL-4,5,11,12,13,15, and 22 of the Municipal Planning Strategy for Planning Districts 17 and 17 (Shubenacadie Lakes). Therefore, staff recommends approval of the proposed development agreement as contained in Attachment A of this report.

#### **FINANCIAL IMPLICATIONS**

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2020-2021 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**

The proposal meets all applicable environmental policies contained in the MPS. Specifically, the River-lakes Secondary Plan contains unique policies which require the submission of a Phosphorus Net Loading Assessment study together with a conceptual level stormwater management plan to determine if the proposed development can take place on this site without emitting any greater phosphorus levels over present emissions. Through the Phosphorus Study and Stormwater Management Plan, there was sufficient information to determine the degree of impact and net loading can be achieved.

## **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**

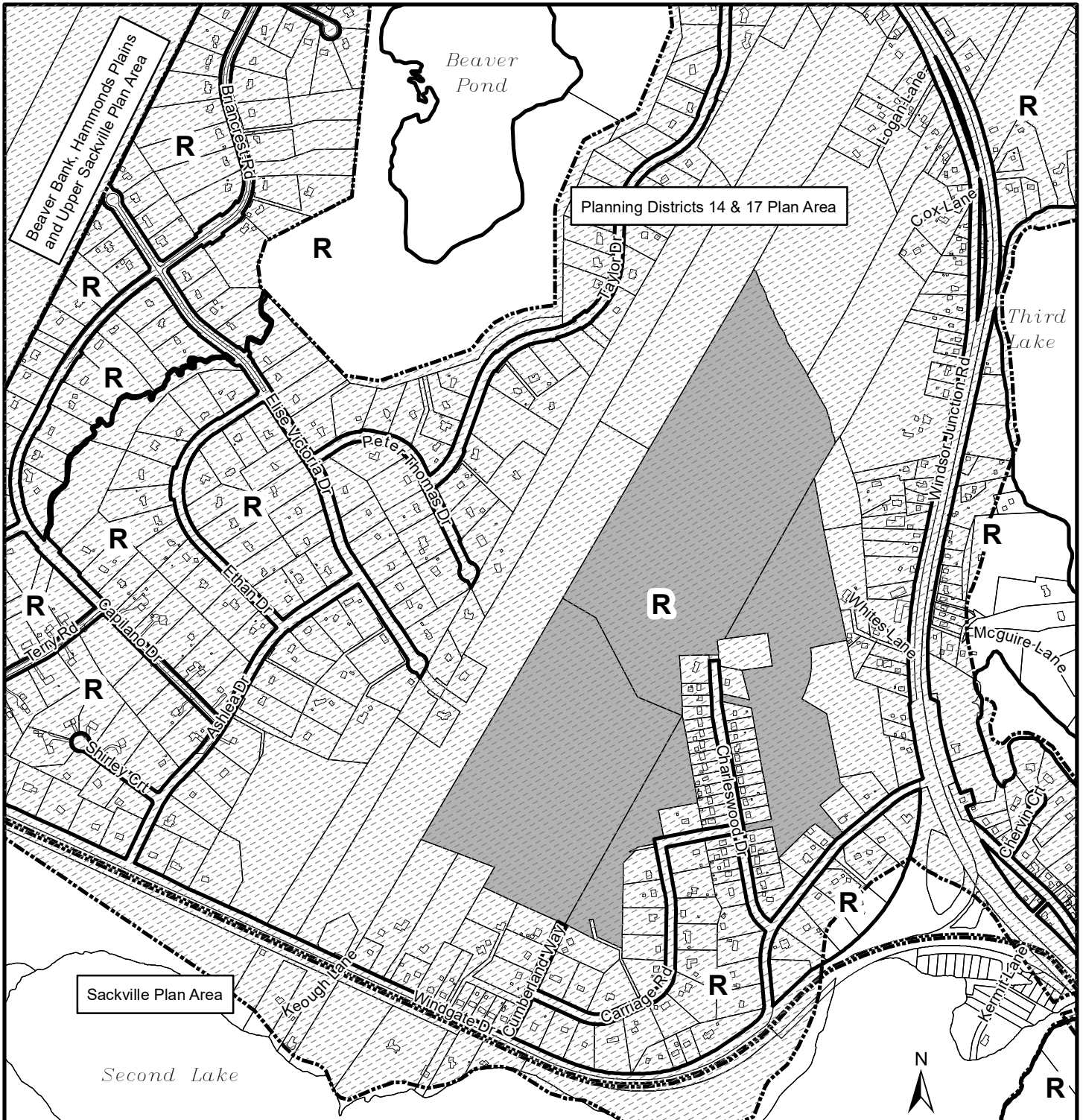
Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Map 3	Proposed Site Plan
Attachment A	Proposed Development Agreement
Attachment B	Review of Relevant MPS Policies
Attachment C	Summary of Open House (March 2019) and Public Information Meeting (Oct 2013)

---

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Maria Jacobs, Planner II, 902-490-4911

Report Approved by: Steve Higgins, Manager of Current Planning, 902-490-4382





### Map 1 - Generalized Future Land Use

Cumberland Way, Carriage Road and Charleswood Drive  
Windsor Junction

**HALIFAX**



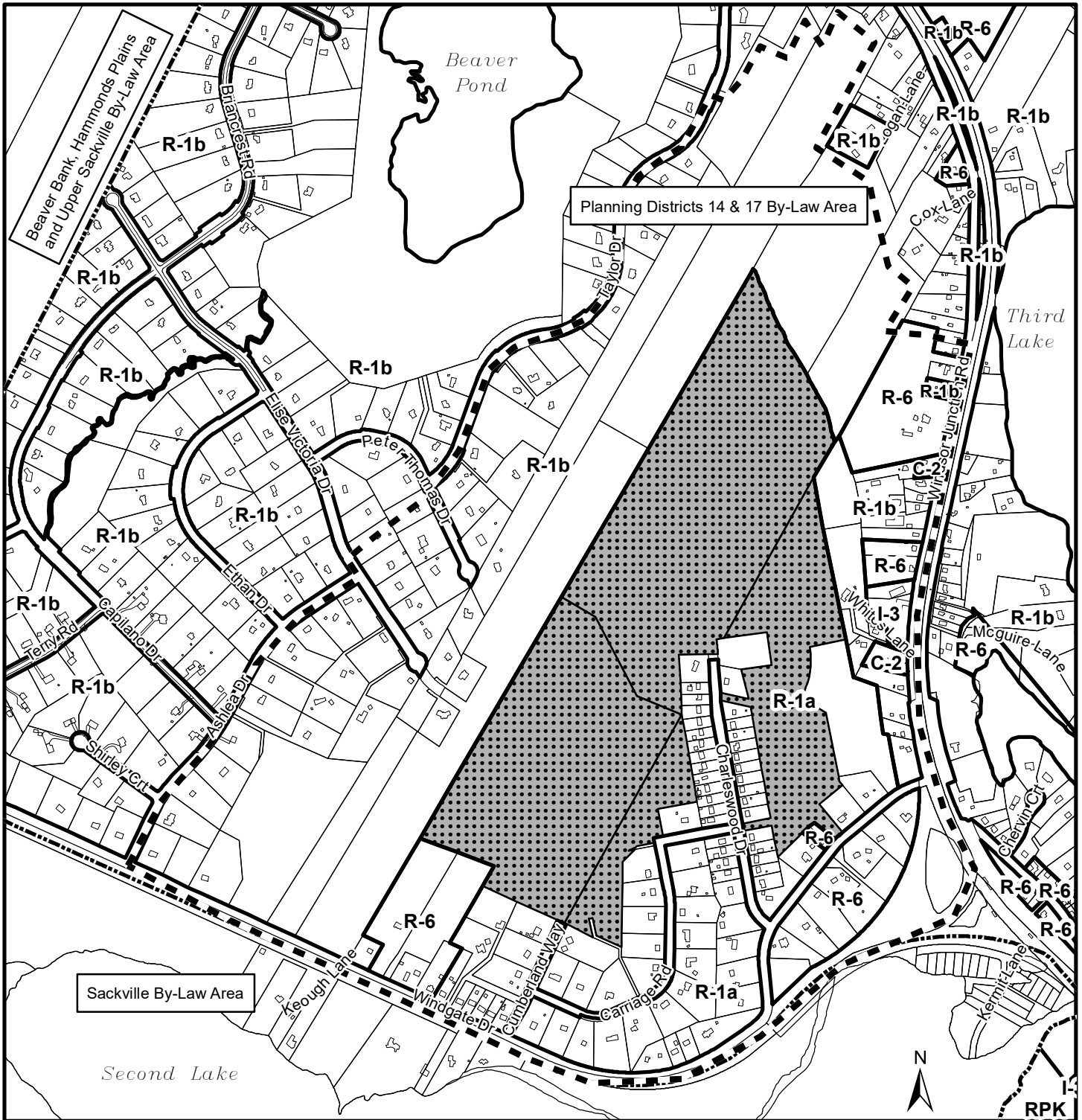
-  Subject Properties
-  Water Service Area

- Designation**
- R Residential

Planning Districts 14 & 17  
(Shubenacadie Lakes) Plan Area

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 and Notification

Cumberland Way, Carriage Road and Charleswood Drive  
Windsor Junction

**HALIFAX**

Subject Properties

Area of notification

Planning Districts 14 & 17  
(Shubenacadie Lakes) By-Law Area

**Zone**

- R-1A Single Unit Dwelling
- R-1B Suburban Residential
- R-6 Rural Residential
- C-2 Community Commercial
- I-3 Light Industry
- RPK Regional Park



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.





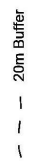





# Map 3 - Proposed Site Plan

## CONCEPT PLAN

### CHARLESWOOD LANDS

Lands of Miller Development Limited and  
Pine Ridge Mevs Limited  
PIDs: 510560, 40699837,  
40092009, 41470295 & 41469479

#### LEGEND

-  Wetland
-  Watercourse
-  20m Buffer
-  Single Family (1 Unit)
-  Townhouse Block (4 Units)
-  Common Amenity Area
-  Phase Boundary
-  Subject Property



Revision #

Date

01 MAY 2019

SCALE

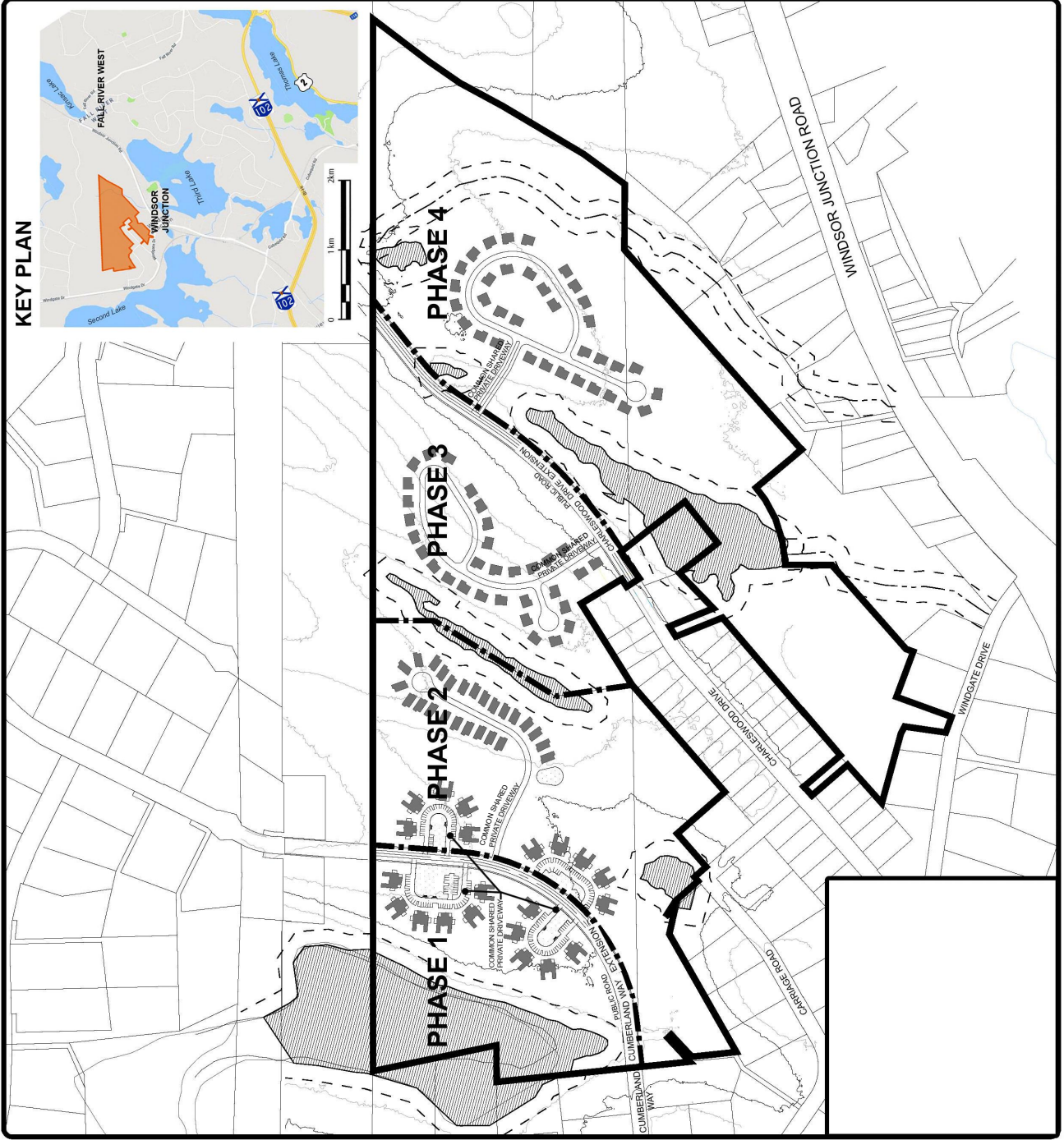
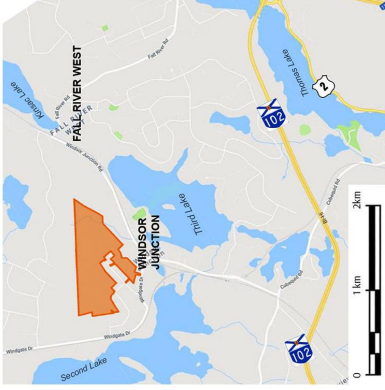
1:6500

CREATION DATE

Dec 6, 2018

DRAWING

## KEY PLAN



**Attachment A:**

**Proposed Development Agreement**

THIS AGREEMENT made this \_\_\_\_\_ day of **[Insert Month]**, 20\_\_\_,

BETWEEN:

**PINE RIDGE MEWS LIMITED**, a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

-and-

**ALISON KIM MACNEARNEY**, an individual, in the Halifax Regional Municipality, in the Province of Nova Scotia (hereinafter called the "Developer")

OF THE SECOND PART

- and -

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

OF THE THIRD PART

**WHEREAS** the Developer is the registered owner of PIDS 40699837, 40092009, 00510560, and 41470295 of certain lands totalling 54.29 hectares located between Cumberland Way and Charleswood Drive, Windsor Junction, Nova Scotia, and which said lands are more particularly described in Schedule A hereto attached (hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a Development Agreement to allow for a Classic Open Space Design Development for up to one hundred and seventy - six (176) dwellings units and other associated land uses on the Lands, pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy RL-15 of the River-Lakes Secondary Planning Strategy within the Planning District 14 & 17 (Shubenacadie Lakes) Municipal Planning Strategy;

**AND WHEREAS** the North West Community Council for the Municipality approved this request at a meeting held on **XXXXXX**, 2020, referenced as Municipal Case 22143;

**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**

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**

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 Planning Districts 14 and 17 (Shubenacadie Lakes), Plan Area and the Regional Subdivision By-law, as may be amended from time to time.

## **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 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 and wastewater systems, water supply system, stormwater and drainage systems, 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 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**

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**

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.

## **PART 2: DEFINITIONS**

## **2.1 Words Not Defined under this Agreement**

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

## **2.2 Definitions Specific to this Agreement**

The following words used in this Agreement shall be defined as follows:

- a. "Block" means the grouping of a specific area designated for individual Home Sites, within the Developable Area, closer together in the form of a loop or cul-de-sac.
- b. "Certified Arborist" means a professional, full member in good standing with the International Society of Arboriculture, which is the cultivation, management, and study of individual trees, shrubs, vines, and other perennial woody plants. A Certified Arborist generally focuses on the health and safety of individual plants and trees, rather than managing forests.
- c. "Common Amenity Area" means the portion of the Lands that shall not be used for any purpose other than for storage units, passive recreation, or a neighbourhood gathering space that may or may not include a structure. A Common Amenity Area may be located within the Common Open Space.
- d. "Common Open Space" means the portion of the Lands not designated as Developable Area, that shall not be used, with the exception of Common Amenity Areas generally identified in Schedule B, for any purpose other than for passive recreation, conservation-related use, community parks, active recreation, or the location of community facilities designed to service the development.
- e. "Common Shared Private Driveway" means a shared private driveway in the Developable Area which provides access from a Municipal or Provincial street or road to the Developable Area and individual Home Sites.
- f. "Developable Area" means the portion of the Lands where development and site disturbance shall be located for common uses, such as but not limited to the Common Shared Driveway and for home site uses such as but not limited to Home Site Driveways, single unit dwellings, townhouse dwellings, accessory buildings, lawns, grading alterations, water service, and on-site septic systems.
- g. "Developer" means the owner of the Lands who is responsible for development and infrastructure maintenance on the Lands as set out in this Agreement. The Condominium Corporation(s) or subsequent property owner(s) are considered as the Developer if and when they become the legal owner of the Lands.
- h. "Footprint" means the area of a building, including land over which the building projects, but excluding any area below the eaves of a roof, and excluding any portion not covered by a roof, such as unsheltered steps, verandas or decks.
- i. "Forester" means a professional, full member in good standing with the Registered Professional Foresters Association of Nova Scotia. A Certified Forester focuses on the science, art, and profession of managing forests, including timber harvesting, ecological restoration and management of protected areas.
- j. "Home Site" means a specific area designated for an individual single unit dwelling, townhouse unit dwelling, accessory buildings and uses associated with an individual single or townhouse unit dwelling.

- k. "Home Site Driveway" means a driveway providing access to a Home Site from the Common Shared Private Driveway.
- l. "Landscape Architect" means a professional, full member in good standing with the Canadian Society of Landscape Architects.
- m. "Low Impact Development" means an array of products, technologies, and practices that use natural systems – or engineered systems that mimic natural processes – to enhance overall environmental quality and provide utility services. As a general principal, Green Infrastructure techniques use soils and vegetation to infiltrate, evapotranspiration, and/or recycle stormwater runoff.
- n. "Model or Display Home" means a newly built and habitable dwelling unit on the Lands that showcases a living space and features of dwelling units available in the development.
- o. "Phosphorus Assessment" means to determine if the proposed development will export any greater amount of phosphorus from the lands during or after the construction of the proposed development than the amount of phosphorus determined to be leaving the site prior to the development taking place.
- p. "Townhouse" means a building that is divided vertically into three or more dwelling units, each of which must have an independent entrance to a Home Site Driveway.

### **PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS**

#### **3.1 Schedules**

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, generally, conforms to the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case 22143:

Schedule A	Legal Description of the Lands
Schedule A-1	Boundaries of the Lands
Schedule B	Concept Plan
Schedule C	Servicing Plan
Schedule D	Overall Common Open Space Plan
Schedule E	Stormwater Management Plan
Schedule F	Common Shared Private Driveway Standards

#### **3.2 General Description of Land Use**

3.2.1 The uses of the Lands permitted by this Agreement are the following:

- a. A maximum of one hundred and seventy-six (176) dwelling units, subject to the requirements of this Agreement;
- b. The permitted dwelling unit types shall be:
  - i. Single unit dwellings; and
  - ii. Townhouse, up to a maximum of 6 townhouses per Block.
- c. Further to Section 3.2.1(b), a maximum of two (2) Model or Display Homes per phase shall be permitted, as part of the total number of dwelling units in each phase;

- d. Accessory buildings and structures, as specified in this Agreement.
- e. Home business uses in conjunction with the permitted dwelling units, subject to the requirements of Section 6.3 and Section 14A.7 of the Land Use By-law for Planning District 14 and 17 (Shubenacadie Lakes), as amended from time to time, for single dwelling units and townhouse dwelling units respectively; and

### **3.3 Common Open Space**

- 3.3.1 The amount of Developable Area and Common Open Space shall be as generally shown on Schedule D. Minor adjustments to the bounds of the Common Open Space shall be permitted provided a minimum of 60% of the Lands is maintained as Common Open Space.

### **3.4 Subdivision & Consolidation of the Lands**

- 3.4.1 Prior to the issuance of any municipal permits, a final subdivision application for the proposed public roads shall be approved by the Development Officer in accordance with the Regional Subdivision By-law.
- 3.4.2 Subdivision required for separate Condominium Corporation(s) shall be permitted on the Lands.
- 3.4.3 This Agreement shall comply with the requirements of the Regional Subdivision By-law with respect to concept plan approval.

### **3.5 Phasing**

- 3.5.1 Development of the Lands shall be completed in four (4) consecutive phases, as shown on Schedule B. The phases shall consist of the following:
  - i. A maximum of forty-four (44) townhouse dwelling units in Phase 1;
  - ii. A maximum of forty (40) townhouse dwelling units and twenty-five (25) single dwelling units in Phase 2;
  - iii. A maximum of thirty-two (32) single dwelling units in Phase 3; and
  - iv. A maximum of thirty-five (35) single dwelling units in Phase 4.
- 3.5.2 Notwithstanding Subsection 3.5.1, the Development Officer may approve changes in the location of Home Sites, the types and number of dwelling units up to a maximum of 15% of the total number of dwelling units per phase, and the phasing lines as shown on the Schedules. Location of the dwelling units shall be on the portion of the Lands where soils are best suited for development while retaining the remainder of the Lands as Common Open Space. At no time shall the number of dwelling units on the Lands exceed 176 units.
- 3.5.3 Notwithstanding Subsection 3.5.1, Phases 1 and 3 may be developed concurrently. Upon acceptance of the extension of the public street of Cumberland Way, a subdivision application may then be considered for Phase 2. Upon acceptance of the extension of the public street of Charleswood Drive, a subdivision application may then be considered for Phase 4.
- 3.5.4 At the completion of each Phase, the Developer shall provide the Development Officer written confirmation along with an updated "as built" plan that shows the overall development retains at least 60% of the Lands as Common Open Space. If at least 60% Common Open Space of the Lands cannot be achieved, the Developable Area in the last phase shall be reduced to achieve the at least 60% Common Open Space of the Lands.

### **3.6 Requirements Prior to Permit Approvals for any Phase**

- 3.6.1 Prior to the commencement of any site clearing or tree removal for the construction of the Common Shared Private Driveway and beyond, which is required to carry out these provisions, or construction on the Lands associated with any Phase, the Developer shall:
- a. Provide a detailed design of the Common Shared Private Driveway, in accordance with Section 3.9 of this Agreement and with the standards of the National Building Code;
  - b. Provide a detailed Site Grading and Stormwater Management Plan for the Lands, in accordance with Subsections 5.1.1(c) and 5.1.1(d) of this Agreement. The Site Grading and Storm Management Plan shall be reviewed and approved by HRM Development Engineering and prior to the commencement of Phase 1. The detailed Site Grading and Stormwater Management Plan shall comply with the Phosphorus Net Loading Assessment which was prepared and reviewed as part of Planning Case 22143; and
  - c. Provide a detailed Site Disturbance Plan, in accordance with Section 5.1.1(a) of this Agreement.
- 3.6.2 Prior to the issuance of a Development Permit for a dwelling unit, or any site preparation beyond that required to in this Section for all dwelling units within each Phase, the boundary of the adjacent Common Open Space within 30 meters (98.42 feet) of the proposed structure, shall be clearly delineated on-site by an appropriate method as approved by the Development Officer. The Developer shall provide written confirmation to the satisfaction of the Development Officer that the Common Open Space has been appropriately marked. Such demarcations shall be maintained by the Developer or future property owner(s) for the duration of the construction and may be removed after the issuance of an Occupancy Permit for the dwelling unit.
- 3.6.3 In addition to the requirements of the Municipality, an application for the first Development Permit for a dwelling unit in any phase shall also include:
- a. Nova Scotia Environment approval of the on-site sewage treatment systems in accordance with this Agreement;
  - b. Approval of the connection to the water distribution systems in accordance with this Agreement;
  - c. Construction of the necessary services, including but not limited to the Common Shared Private Driveway, on-site sewage treatment system and water distribution system, pursuant to this Agreement; and
  - d. Site plans prepared and endorsed by a Professional Engineer that show the following:
    - i. Dwelling unit Footprints, the location of all other structures, including setbacks from adjacent property lines, the Common Shared Private Driveways, all surrounding structures and Common Open Space;
    - ii. The Common Shared Private Driveway that shall be designed by a Professional Engineer in accordance with 3.2.5.6 of the National Building Code for access route design and Section 3.9 of this Agreement;
    - iii. The location of the Common Open Space delineation pursuant to Section 3.6.2 of this Agreement;
    - iv. The location and size of the wastewater systems, including wastewater system types;

- v. the proposed location and size of all paved areas; and
- vi. any watercourse setbacks and buffers.

3.6.4 Notwithstanding Section 3.6.3, Development Permits may be issued for the Model or Display Homes per Phase prior to the Common Shared Private Driveway being constructed provided that the Developer has submitted site plans in accordance with 3.6.3 (d) (ii) above. Prior to the occupancy of any dwelling unit, the shared private driveway accessing the Home Site must be complete.

3.6.5 At the time of the issuance of the first Occupancy Permit within any phase, the Developer shall provide the necessary inspections and acceptance of work completed to the Development Officer, including but not limited to:

- a. A Certificate of Construction Compliance from a Professional Engineer for the Common Shared Private Driveways in accordance with Section 3.9 and as per Schedule F. For Model or Display Homes, the Development Officer shall accept Certification from a Professional Engineer that the Common Shared Private Driveway is completed in accordance with Section 3.6.4 and as per Schedule F. At the end of each public road extension there will be a vehicle turnaround area for fire department use provided;
- b. Certification from a qualified professional that the on-site sewage treatment systems comply with this Agreement;
- c. Certification from a Professional Engineer indicating that the Developer has complied with the Erosion and Sedimentation Control Plan required pursuant to this Agreement; and
- d. Certification from a Professional Engineer indicating that the Developer has complied with the Site Grading and Stormwater Management Plan required pursuant to this Agreement.

3.6.6 Notwithstanding any other provision of the Agreement, the Developer shall not occupy a dwelling unit or use the Lands for any 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, the Land Use By-law and the Subdivision By-law (except to the extent that the provisions of the Land Use By-law) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement

### **3.7 Home Site Driveways**

3.7.1 Each dwelling unit shall include a Home Site Driveway with a maximum width of 6.1 meters (20 feet) and shall include at least one parking space at least 2.4 meters (8 feet) wide and 6.1 meters (20 feet) long. The parking space may be included within the Home Site Driveway serving the unit.

3.7.2 Home Sites may share a Home Site Driveway provided that the units are generally shown on Schedule B.

3.7.3 Parking areas for each individual Home Site for each dwelling unit shall not exceed 50.17 square metres (540 square feet), not inclusive of the Home Site Driveway.

### **3.8 Siting and Architectural Requirements - All Phases**

3.8.1 Notwithstanding Section 4.4 of the Land Use By-law for Planning District 14 & 17 (Shubenacadie Lakes), as amended from time to time, more than one dwelling unit is permitted on each lot of the Lands in accordance with this Agreement.

- 3.8.2 Notwithstanding Section 4.20 of the Land Use By-law for Planning District 14 & 17 (Shubenacadie Lakes), window bays and solar collectors, and exterior enclosed staircases, balconies, porches, and verandas shall not encroach into a required setback but shall be permitted to encroach within separation distances pursuant to Section 3.8.9(d) of this Agreement.
- 3.8.3 Nothing in this Agreement shall exempt the Lands from the requirements of Section 4.17 of the Land Use By-law for Planning District 14 & 17 (Shubenacadie Lakes) concerning watercourse setbacks and buffers as amended from time to time.
- 3.8.4 Further to Section 3.8.3, no building or structure shall be located within the watercourse setback or buffer in accordance with Schedule B.

Dwelling Units:

- 3.8.5 Dwelling units shall be located within the limits of the Developable Area as generally illustrated on Schedule D and subject to the Land Use By-law and the following requirements:
- a. No portion of a dwelling unit shall be located less than 6.1 meters (20 feet) from a street line;
  - b. No portion of a dwelling unit shall be located less than 6.1 meters (20 feet) from a Common Shared Private Driveway;
  - c. No portion of a dwelling unit shall be located less than 3 meters (10 feet) from the boundary of the Lands or the Common Open Space;
  - d. No portion of a dwelling unit, other than internal dividing walls of townhouse dwelling units shall be located less than 4.8 metres (16 feet) from any other dwelling unit on the Lands;
  - e. The maximum Footprint of a single unit dwelling shall not exceed 185.81 square metres (2,000 square feet), excluding any area for an attached garage, which shall not exceed 55.74 square metres (600 square feet);
  - f. Notwithstanding Section 3.8.5 (e), a maximum of 5 dwelling units in Phase 1 and 15 dwelling units total in Phases 2, 3, and 4 combined can exceed the maximum Footprints as stated in Section 3.8.5(e). Such dwelling units shall not exceed 325 square meters (3500 square feet), excluding any area for an attached garage, which shall not exceed 84 square metres (900 square feet);
  - g. The maximum Footprint of a townhouse dwelling unit shall not exceed 136.5 square metres (1,500 square feet), excluding any area for an attached garage, which shall not exceed 55.74 square metres (600 square feet);
  - h. The maximum height of a single unit dwelling shall not exceed a height of 10.67 meters (35 feet). Height shall be measured as per the Planning District 14 & 17 (Shubenacadie Lakes) Land Use By-law;
  - i. The maximum height of a townhouse unit dwelling, shall not exceed a height of 7.62 meters (25 feet). Height shall be measured as per the Planning District 14 & 17 (Shubenacadie Lakes) Land Use By-law; and
  - j. Dwelling units shall be designed as per the applicable Architectural Requirements of the Land Use By-law as amended from time to time.

### Accessory Buildings and Structures:

- 3.8.6 Within the Developable Area, each single dwelling unit is permitted one accessory building or structure, subject to the requirements in Section 4.11 of the Planning District 14 & 17 (Shubenacadie Lake) Land Use By-law in accordance with the R-1A zone.
- 3.8.7 Within the Developable Area, each townhouse dwelling unit is permitted one accessory building or structure. The maximum Footprint of the accessory building shall not exceed 55.7 square meters (600 square feet). Notwithstanding Section 4.11 of the Planning District 14 & 17 (Shubenacadie Lakes) Land Use By-law, no portion of the accessory building or structure shall be located less than 6.1 meters (20 feet) from a public road street line.
- 3.8.8 Within each Common Amenity Area shown on Schedule B, an additional structure is permitted subject to the following requirements:
- a. The structures within the Common Amenity Areas shall have a maximum Footprint of 111.48 square metres, with the exception of two Common Amenity Areas structures, as shown on Schedule B, which shall have a maximum Footprint of 223 square metres (2,400 square feet);
  - b. No portion of the structure shall be located less than 6.1 meters (20 feet) from a public road streetline; and
  - c. The maximum height of the structure shall not exceed 7.62 meters (25 feet). Height shall be measured as per the Planning District 14 & 17 (Shubenacadie Lakes) Land Use By-law.
- 3.8.9 Structures associated with wastewater treatment and management, excluding fences and landscape features, as shown on Schedules C and E, in all phases shall be subject to the following requirements:
- a. The structures associated with wastewater treatment and management in all phases shall be permitted a maximum Footprint of 92.9 square metres (1,000 square feet);
  - b. No portion of the structure shall be located less than 12.19 meters (40 feet) from the boundary of the Lands;
  - c. No portion of the building or structure, excluding fences and landscaping features and structures associated with the on-site waste water (OSWW) system, shall be located less than 3.05 meters (10 feet) from any dwelling unit on the Lands; The maximum height of the building or structure shall not exceed 7.62 meters (25 feet). Height shall be measured as per the Planning District 14 & 17 (Shubenacadie Lakes) Land Use By-law; and
  - d. Minor variances to setbacks, Footprints and separation distance between main dwelling unit and accessory building or main dwelling unit and Common Shared Private Driveway or accessory building and Common Shared Private Driveway is permitted at the discretion of the Development Officer.

### **3.9 Common Shared Private Driveway, Access and Parking Requirements**

- 3.9.1 Access to the Home Sites shall be via a Home Site Driveway off a Common Shared Private Driveway, as generally shown on the attached Schedules. Common Shared Private Driveway names are subject to the requirements of the *Civic Addressing By-law*.



- 3.9.2 The Developer is responsible for the placement and maintenance of Common Shared Private Driveway name signage in accordance with the *Civic Addressing By-law* (By-law C-300).
- 3.9.3 All Common Shared Private Driveways shall be designed by a Professional Engineer as per Subsection 3.6.1 of this Agreement. The Common Shared Private Driveways shall comply with requirements set out in Schedule F of this Agreement.
- 3.9.4 A vehicle turnaround area for Fire Services use shall be provided for each Phase and may be removed after the completion of any Common Shared Private Driveway in that Phase or the subsequent Phase, as necessary.

### **3.10 Parkland**

- 3.10.1 Pursuant to Section 82 of the Regional Subdivision By-law, a parkland dedication of 5% will be required subject to the number of parcels created through the subdivision of land when the public streets are approved and accepted by the Municipality.

### **3.11 Landscaping and Common Open space**

- 3.11.1 At the time of issuance the first Occupancy Permit for each phase, 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 has been completed according to the terms of this Development Agreement.
- 3.11.2 All plant material shall conform to the *Canadian Nursery Trades Association Metric Guide Specifications and Standards*, as amended from time to time.
- 3.11.3 All disturbed areas shall be re-graded and stabilized with suitable materials as per the direction of the Development Officer.
- 3.11.4 No development, tree removal or grade alteration shall be permitted within the Common Open Space except where approved in writing by the Development Officer for the following:
- a. to construct a building or structure within the Common Amenity Area pursuant to this Agreement;
  - b. to remove fallen timber and dead debris where a fire or safety risk is present; or
  - c. to remove a tree that is dead, dying or in decline and which represents a danger to private property, public infrastructure or other natural trees and vegetation.

Prior to granting approval for such removal, the Development Officer may require that the Developer engage a Certified Arborist, Forester or Landscape Architect to certify in writing that the timber or debris poses a fire or safety risk, that the tree poses a danger to people or property, or that it is in severe decline.

- 3.11.5 Further to Subsection 3.11.4 of this Agreement, the Developer may remove trees from the Common Open Space for passive recreation trail development. Any removal of trees with a caliper greater than 6 inches (15 cm) shall be approved in writing by the Development Officer and the Developer shall provide evidence that a Certified Arborist, Forester or Landscape Architect has been engaged.
- 3.11.6 If trees are removed or tree habitat is damaged beyond repair in the Common Open Space, the Developer or subsequent property owner, as the case may be, shall replace each tree removed or damaged as directed by the Development Officer, in consultation with the appropriate HRM

Business Units. This section applies to trees removed without permission, as well as trees removed with permission as outlined in this Agreement.

3.11.7 Notwithstanding Subsections 3.6.6 of this Agreement, where the weather and time of year does not allow the completion of the outstanding landscape works at the time of issuance of the Occupancy Permit, the Developer shall supply the Municipality with 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.

3.11.8 The Developer shall provide Common Amenity Areas as generally shown on the Schedule B.

3.11.9 All elements identified in Subsection 3.11.8 are private, and shall be built and maintained by the Developer. The Regional Subdivision By-law's definition of HRM Parkland Quality and Land Criteria does not apply.

### **3.12 Signage**

3.12.1 Signs shall be limited to those permitted under the Land Use By-law for Planning District 14 & 17 (Shubenacadie Lakes), as amended from time to time.

3.12.2 One (1) ground sign for civic addressing and community name shall be permitted, in conformance with the following requirements:

- a. A sign shall be permitted at the entrance to the Lands from Cumberland Way and or Charleswood Drive. The sign shall be located on the Lands and the specific location of such a sign is subject to approval by the Development Officer and Development Engineer;
- b. A sign can be located at the entrance to each townhouse Block in Phases 1 and 2. The sign shall be located on the Lands. The specific location of such a sign is subject to approval by the Development Officer and Development Engineer;
- c. The height of the sign shall not exceed 4.6 meters (15 feet) inclusive of support structures;
- d. The face area of the sign shall not exceed 4.7 square meters (50 square feet);
- e. The face area of the sign shall be constructed of natural materials such as wood or stone;
- f. The supports of the sign shall be constructed of wood, stone or metal;
- g. Illumination of the sign shall include only down-pointing, full cut-off fixtures; and
- h. Ornamental plants shall be planted and maintained by the Developer around the base of the sign.

3.12.3 Signage for the Common Shared Private Driveway signs shall be permitted in accordance with Section 3.9.2 of this Agreement.

3.12.4 Notwithstanding Section 3.12, minor changes to the signage requirements as identified above is permitted at the discretion of the Development Officer.

### **3.13 Outdoor Lighting**

3.13.1 Lighting shall be directed to the Common Shared Private Driveways, parking areas, Common Amenity Areas, building entrances and walkways and shall be arranged so as to divert the light away from adjacent lots and adjacent buildings.

3.13.2 Lighting on the Common Shared Private Driveway and the Common Amenity Areas shall use a full cut-off fixture design.

### **3.14 Solid Waste**

3.14.1 Municipal collection of solid waste shall not be provided along the Common Shared Private Driveway, unless the development fulfills the requirements of the Solid Waste Resource Collection and Disposal By-Law (By-law S-600) for a condominium.

### **3.15 On-Site Sewage Treatment Systems**

3.15.1 The Lands shall be serviced through privately owned and operated on-site sewage treatment systems. The Developer agrees to have a qualified professional prepare and submit to Nova Scotia Environment, and any other relevant agency, a design for any on-site private sewage system. A Development Permit for permitted dwelling units shall not be issued until the Development Officer receives a copy of all permits, licences, and approvals required by Nova Scotia Environment and other appropriate agencies respecting the design, installation and construction of the on-site water and sewage treatment systems.

3.15.2 The Developer agrees that the on-site sewage treatment plants shall provide appropriate disinfection and tertiary treatment before the treated effluent is dispersed on-site in accordance with approvals by Nova Scotia Environment.

3.15.3 The Developer shall provide written correspondence from a qualified professional that the on-site sewage treatment systems comply with this Section, at the time of issuance of an Occupancy Permit for any dwelling unit.

### **3.16 Water Servicing Requirements**

- 3.16.1 All design and construction of Municipal service systems shall satisfy the requirements of the HRM Municipal Service Systems Specifications, as well as Halifax Water Design and Construction Specification and shall receive written approval from the Development Engineer prior to undertaking the work.

### **3.17 Maintenance**

- 3.17.1 The Developer shall maintain and keep in good repair all common portions of the Lands, including but not limited to, the exterior of all buildings, structures, fencing, walkways, recreational amenities, Common Amenity Area, Home Site Driveways, Common Shared Private Driveways and parking areas, and the maintenance of all landscaping including the replacement of damaged or dead plant stock or trimming, and litter control, and snow and ice control.
- 3.17.2 The Municipality shall not be responsible for any aspects of maintenance of the Common Shared Private Driveways and the Home Site Driveways, and these private driveways shall not be taken over by the Municipality.

## **PART 4: STREETS AND MUNICIPAL SERVICES**

### **4.1 Off-Site Disturbance**

- 4.1.1 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 regulating Development Engineer.

### **4.2 Public Streets**

- 4.2.1 Notwithstanding the Halifax Regional Municipality's Municipal Design Guidelines (2013), alternative Low Impact Development street design cross sections may be considered for all public streets within the development, subject to approval by the Development Engineer. All Public Streets shall be designed by a Professional Engineer. The Low Impact street design cross section is required as a means of achieving the No Net Phosphorus Loading provisions of the enabling policy.

## **PART 5: ENVIRONMENTAL PROTECTION MEASURES**

### **5.1 Site Disturbance Plans, Erosion and Sedimentation Control Plans and Stormwater Management Plans**

- 5.1.1 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 provide the Development Officer and the Development Engineer:
- a. A detailed Site Disturbance Plan for each Phase, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
  - b. A detailed Erosion and Sedimentation Control Plan for each Phase 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. The detailed Erosion and Sedimentation Control Plan shall comply with the Phosphorus Net Loading Assessment which was prepared and reviewed as part of Planning Case 22143;

- c. A detailed Site Grading and Stormwater Management Plan for the Lands (including all Phases) prepared by a Professional Engineer, which shall include an appropriate stormwater collection and treatment system. The Site Grading and Stormwater Management Plan shall identify structural and vegetative stormwater management measures, which may include infiltration, retention, and detention controls, wetlands, vegetative swales, filter strips, and buffers that will minimize adverse impacts on receiving watercourses during and after construction. The detailed Site Grading and Stormwater Management Plan shall comply with the Phosphorus Net Loading Assessment which was prepared and reviewed as part of Planning Case 22143; and
- d. Further to 5.1.1 (c), the Site Grading and Storm Management Plan shall be reviewed and approved by the Development Engineer prior to the commencement of Phase 1. The Plan shall consider the full build-out (all phases) of the development, identify pre- and post-development drainage areas and storm flows for 10- and 100- year storms, consider all downstream HRM drainage infrastructure and demonstrate with sufficient detail that post-development storm flows balance existing, otherwise provide hydraulic analysis to demonstrate the existing system can accommodate increased storm flows without adverse effects.

## **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. The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
  - b. The length of time for the completion of the development as identified in Section 7.4 of this Agreement.

### **6.2 Substantive Amendments**

Amendments to any matters not identified under Section 6.1 of this Agreement 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**

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 lots, the subsequent owners thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lots.

### **7.3 Commencement of Development**

7.3.1 In the event that development on the Lands has not commenced within three (3) 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. For the purpose of this section, commencement of development shall mean issuance of the first Occupancy Permit.

7.3.2 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1 of this Agreement, 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.

### **7.4. Completion of Development**

7.4.1 Upon the completion of the whole 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; or
- c. Discharge this Agreement.

7.4.2 In the event that development on the Lands has not been completed within fifteen (15) years for Phases 1 and 2 and twenty (20) years for Phases 3 and 4 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.

7.4.3 In the event that development on the Lands has not been completed within time period indicated in 7.4.2 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.

7.4.4 For the purpose of this section, completion of development shall mean the issuance of a Development Permit of the last dwelling unit for the development.

7.4.5 For the purpose of this section, Council may consider granting an extension of the completion of development time period through a resolution under Section 6.1 of this Agreement, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior

to the expiry of the completion of development time period.

**PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

**8.1 Enforcement**

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 thirty (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 defense 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: \_\_\_\_\_

**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_

Witness

Per: \_\_\_\_\_  
MAYOR

\_\_\_\_\_

Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK



SCHEDULE A – Legal Description of the Lands

PID: 40699837

Parcel Description
<p>ALL that lot of land on the northern end of Carriage Road and the northeastern end of Cumberland Way in Windsor Junction, Halifax County, Nova Scotia shown as LOT R1 on Servant, Dunbrack, McKenzie &amp; MacDonald Ltd. Plan No. 13-2662-0 titled "Compiled Plan Showing Lot A1, Subdivision of Remainder of Lot A, and Lot R1, Lands Conveyed to Miller Development Limited" and signed by H. James McIntosh, N.S.L.S. on December 7, 2018.</p> <p>LOT R1 being more particularly described as follows:</p> <p>BEGINNING at the point of intersection of the northeastern boundary of Cumberland Way and the southeastern boundary of Lot A, land conveyed to Miller Development Limited by indenture recorded in HCLRO Book 2791, Page 917 (PID 00510560);</p> <p>THENCE North 29 degrees 16 minutes 30 seconds East along the southeastern boundary of Lot A, 493.4 metres to the western boundary of Lot W-17, Charleswood Subdivision;</p> <p>THENCE South 01 degrees 37 minutes 00 seconds East, Halifax County Land Registration Office (HCLRO) Plan No. 15144, along the western boundary of Lot W-17, 3.3 metres;</p> <p>THENCE South 10 degrees 50 minutes 07 seconds East, HCLRO Plan No. 17083, along the western boundary of Lots W-17, W-16, W-15, W-14, W-13, W-12, W-11, W-10 and W-9, 179.7 metres to the northern boundary of Lot 128, Charleswood Subdivision;</p> <p>THENCE South 79 degrees 08 minutes 18 seconds West, HCLRO Plan No. 30373, along the northern boundary of Lot 128, 82.0 metres to the western boundary of Lot 128;</p> <p>THENCE South 10 degrees 51 minutes 42 seconds East along the western boundary of Lot 128, 57.0 metres to the northern boundary of Carriage Road;</p> <p>THENCE South 79 degrees 08 minutes 18 seconds West, HCLRO Plan No. 21211, along the northern boundary of Carriage Road, 20.0 metres to the western boundary of Carriage Road;</p> <p>THENCE South 10 degrees 51 minutes 42 seconds East along the western boundary of Carriage Road, 7.1 metres to the northern boundary of Drainage Right of Way (PID 00331181);</p> <p>THENCE South 79 degrees 08 minutes 18 seconds West along the northern boundary of said Drainage Right of Way, 40 metres more or less to a brook;</p> <p>THENCE southwesterly along said brook, 17 metres more or less to the southern boundary of said Drainage Right of Way;</p> <p>THENCE North 79 degrees 08 minutes 18 seconds East along the southern boundary of said Drainage Right of Way, 12 metres more or less to the northwestern boundary of Lot 127, (PID 40436115);</p> <p>THENCE South 43 degrees 27 minutes 20 seconds West, HCLRO Plan No. 24122, along the northwestern boundary of Lot 127, 35.3 metres to the western boundary of Lot 127;</p>

THENCE South 00 degrees 39 minutes 55 seconds West along the western boundary of Lots 127, 126, 125 and 124, 175.6 metres to the northeastern boundary of Drainage Right of Way (PID 00331173);

THENCE North 65 degrees 42 minutes 11 seconds West along the northeastern boundary of said Drainage Right of Way, 57.9 metres to the eastern boundary of said Drainage Right of Way;

THENCE North 12 degrees 42 minutes 11 seconds West along the eastern boundary of said Drainage Right of Way, 39 metres more or less to a brook;

THENCE westerly along said brook, 6 metres more or less to the western boundary of said Drainage Right of Way;

THENCE South 12 degrees 42 minutes 11 seconds East along the western boundary of said Drainage Right of Way, 42 metres more or less to the northeastern boundary of Lot 119 (PID 40436198);

THENCE North 65 degrees 42 minutes 11 seconds West along the northeastern boundary of Lot 119 and Cumberland Way, 66.5 metres to the point of beginning.

CONTAINING an area of 3.49 hectares.

BEARINGS are Nova Scotia Coordinate Survey System Grid Bearings referred to Central Meridian 64 degrees 30 minutes West.

LOT R1 being a portion of land acquired by Miller Development Limited by indenture recorded in HCLRO Book 2656, Page 300.

EXCEPTING all watercourses vested in Her Majesty the Queen in right of the Province Nova Scotia as legislated by the Environment Act. 1994-95, c. 1, s. 103.

H. James McIntosh, N.S.L.S.  
December 7, 2018

PID: 41470295

Parcel Description
<p>ALL that lot of land on the northeastern end of Cumberland Way in Windsor Junction, Halifax County, Nova Scotia shown as LOT A1 on Servant, Dunbrack, McKenzie &amp; MacDonald Ltd. Plan No. 13-2662-0 titled "Compiled Plan Showing Lot A1, Subdivision of Remainder of Lot A, and Lot R1, Lands Conveyed to Miller Development Limited" and signed by H. James McIntosh, N.S.L.S. on December 7, 2018.</p> <p>LOT A1 being more particularly described as follows:</p> <p>BEGINNING at the point of intersection of the northern boundary of Parcel R, Halifax County Land Registration Office (HCLRO) Plan No. 107604440 (PID 00510461), and the southeastern boundary of Lot R-T-81, HCLRO Plan No. 104671210 (PID 00511253);</p> <p>THENCE North 30 degrees 16 minutes 00 seconds East along the southeastern boundary of Lot R-T-81, 582.0 metres to the southwestern boundary of Lot AR2;</p> <p>THENCE South 59 degrees 44 minutes 00 seconds East along the southwestern boundary of Lot AR2, 80.0 metres;</p> <p>THENCE South 27 degrees 42 minutes 00 seconds East, 184.3 metres;</p> <p>THENCE South 68 degrees 00 minutes 00 seconds East, 100.0 metres to the western boundary of Lot W-17, Charleswood Subdivision, and the northwestern boundary of Lot R1 (PID 40699837);</p> <p>THENCE South 29 degrees 16 minutes 30 seconds West along the northwestern boundary of Lot R1, 493.4 metres to the northeastern boundary of Cumberland Way;</p> <p>THENCE North 65 degrees 42 minutes 11 seconds West along the northeastern boundary of Cumberland Way and Lots 118 and 116A, Charleswood Subdivision, 184.8 metres to the southeastern boundary of Lot 4B (PID 41037045);</p> <p>THENCE North 29 degrees 47 minutes 52 seconds East along the southeastern boundary of Lot 4B, 47.3 metres to the northeastern boundary of Lot 4B;</p> <p>THENCE North 71 degrees 33 minutes 00 seconds West along the northeastern boundary of Lot 4B and Parcel R, 163.0 metres to the point of beginning.</p> <p>CONTAINING an area of 17.88 hectares.</p> <p>BEARINGS are Nova Scotia Coordinate Survey System Grid Bearings referred to Central Meridian 64 degrees 30 minutes West.</p> <p>LOT A1 being a portion of Lot A (PID 00510560) acquired by Miller Development Limited by indenture recorded in HCLRO Book 2791, Page 917.</p> <p>EXCEPTING all watercourses vested in Her Majesty the Queen in right of the Province Nova Scotia as legislated by the Environment Act. 1994-95, c. 1, s. 103.</p> <p>H. James McIntosh, N.S.L.S. December 7, 2018</p>

PID: 00510560

Parcel Description

ALL that lot of land on the northern end of Charleswood Drive in Windsor Junction, Halifax County, Nova Scotia shown as LOT AR2 on Servant, Dunbrack, McKenzie & MacDonald Ltd. Plan No. 13-2662-0 titled "Compiled Plan Showing Lot A1, Subdivision of Remainder of Lot A, and Lot R1, Lands Conveyed to Miller Development Limited" and signed by H. James McIntosh, N.S.L.S. on December 7, 2018.

LOT AR2 being more particularly described as follows:

BEGINNING at the point of intersection of the northern boundary of Charleswood Drive and the eastern boundary of Lot W-20R2 (PID 40150310);

THENCE northerly along the eastern boundary of Lot W-20R2, 12 metres more or less to the northern boundary of Lot W-20R2;

THENCE westerly along the northern boundary of Lot W-20R2, 61 metres more or less to the western boundary of Lot W-20R2;

THENCE southerly along the western boundary of Lots W-20R2, W-19, W-18 and W-17, Charleswood Subdivision, 125 metres more or less to the northern boundary of Lot A1;

THENCE North 68 degrees 00 minutes 00 seconds West along the northern boundary of Lot A1, 100.0 metres;

THENCE North 27 degrees 42 minutes 00 seconds West, 184.3 metres;

THENCE North 59 degrees 44 minutes 00 seconds West, 80.0 metres to the southeastern boundary of Lot R-T-81 (PID 00511253);

THENCE northerly along the southeastern boundary of Lots R-T-81 and G81-B (PID 40706186), 778 metres more or less to the southwestern boundary of land conveyed to Paul David Stephen and Robert Lee Stephen by warranty deed recorded in Book 6560, Page 1 (PID 00511998);

THENCE southeasterly along the southwestern boundary of said land conveyed to Paul David Stephen and Robert Lee Stephen and Lot 6 (PID 00511055), 390 metres more or less to the northwestern boundary of Block C-2 (PID 41084039);

THENCE southwesterly along the northwestern boundary of Block C-2 and Lot R3 (PID 40092009), 465 metres more or less to the northern boundary of Lot M-1 (PID 41026881);

THENCE westerly along the northern boundary of Lot M-1, 15 metres more or less to the western boundary of Lot M-1;

THENCE southerly along the western boundary of Lot M-1, 42 metres more or less to the northern boundary of Charleswood Drive;

THENCE westerly along the northern boundary of Charleswood Drive, 20 metres more or less to the point of beginning.

CONTAINING an area of 23 hectares more or less.

BEARINGS are Nova Scotia Coordinate Survey System Grid Bearings referred to Central Meridian 64 degrees 30 minutes West.

LOT AR2 being the consolidation of a remaining portion of Lot A acquired by Miller Development Limited by indenture recorded in Book 2791, Page 917 and remaining Lot R2 acquired by Miller Development Limited by indenture recorded in HCLRO Book 2656, Page 300.

EXCEPTING all watercourses vested in Her Majesty the Queen in right of the Province Nova Scotia as legislated by the Environment Act. 1994-95, c. 1, s. 103.

SUBJECT to a turning area easement over Area AB recorded in Book 5569, Page 1048.

H. James McIntosh, N.S.L.S.  
December 7, 2018

PID: 40092009

Parcel Description

ALL that certain lot, piece or parcel of land situate, lying and being at Windsor Junction, County of Halifax, shown as outlined in red on a plan of property of Mrs. Agnes Maude MacNearney dated August 14, 1963 made and signed by J. R. Fiske, P.L.S. and being more particularly bounded and described as follows:

BEGINNING on the Eastern boundary of the Beaverbank Road where the same is intersected by the Southern boundary of property now or formerly of Gertrude Stevens;

THENCE in a Southerly direction following the Eastern boundary of the Beaverbank Road to the Northwestern boundary of property now or formerly of W. E. Davidson;

THENCE North fifty-two degrees East (North 52 degrees East) along property of W. E. Davidson Two Hundred and Three (203) feet more or less to a stake;

THENCE North Eighty-eight degrees, Fifty-eight minutes East (North 88 degrees 58 minutes East) along the Eastern boundary of property of W. E. Davidson and G. Davidson for a distance of Three Hundred and Ninety-six (396) feet, more or less;

THENCE South Seventy-six degrees, Ten Minutes East (South 76 degrees 10 minutes East) along the Eastern boundary of property of G. Davidson for a distance of Five Hundred and Forty-four (544) feet to the Beaverbank Road;

THENCE in an Easterly direction along the Northern boundary of the Beaverbank Road to the Western boundary of property of Canadian National Railways;

THENCE in a Northerly direction along the western boundary of property of Canadian National Railways to the Southern boundary of G. Dockrill;

THENCE in a Westerly direction to the Southwest corner of said Dockrill property;

THENCE in a Northerly direction along the Western boundary of said Dockrill property to the Southern boundary of property of H. West;

THENCE in a Northwesterly direction along the Southwestern boundary of property of H. West to the Southwestern corner thereof;

THENCE in a Northerly direction following the Western boundary of property of H. West and G. Lee along a pole and wire fence to an angle in the same;

THENCE in a Northwesterly direction along said fence to another angle in the same;

THENCE continuing in a Northerly direction along said fence to the Southern boundary of property now or formerly of Gertrude Stevens;

THENCE in a Westerly direction following the Southern boundary of said Stevens property to the place of beginning.

SAVING AND EXCEPTING the lands lying to the southwest of the northeastern boundary of Charleswood Drive.

SAVING AND EXCEPTING Lot M-1 shown on Plan 34227 in Drawer 376.

SAVING AND EXCEPTING Lot E-16R shown on Plan 16093 in Drawer 209.

SAVING AND EXCEPTING Lots E-6 to E-15 inclusive shown on Plan 15144 in Drawer 202.

SAVING AND EXCEPTING Lots E-1 to E-4 inclusive shown on Plan 12594 in Drawer 174.

SAVING AND EXCEPTING Lots E-5 shown on Plan 14912 in Drawer 202.

SAVING AND EXCEPTING Lots 201, 202, 203 and 204 shown on Plan 25184 in Drawer 274.

SAVING AND EXCEPTING Lot BW-8 shown on Plan 17564 in Drawer 216.

SAVING AND EXCEPTING Parcel P-84 described in the deed to Municipality of the County of Halifax, registered on March 8, 1985 in Book 3963 at Page 264.

SAVING AND EXCEPTING that portion of the above-described parcel contained within the bounds of Parcel GBD-1 shown on Plan 15145 in Drawer 188.

SAVING AND EXCEPTING that portion of the above-described parcel contained within the bounds of the following lot:

ALL THAT certain lot piece of parcel of land situate, lying and being at Windsor Junction, in the Halifax Regional Municipality, Province of Nova Scotia, as shown on Department of Transportation property plan entitled "Property Required for a Turning Area on Charleswood Drive", sheet 1 of 1, dated January 26, 1994, and more particularly bounded and described as follows:

BEGINNING at the point of intersection of the western boundary of Charleswood Drive, with the southern boundary of lands of Miller Development Limited and the northern boundary of Lot W-20R2 as denoted by coordinate point 2;

THENCE south 88 degrees 23 minutes west a distance of 60 feet to coordinate point 3;

THENCE north 37 degrees west a distance of 90 feet, more or less, to meet coordinate point 4;

THENCE north 88 degrees 23 minutes east a distance of 53.448 feet or until it meets the prolongation of the aforementioned western boundary of Charleswood Drive on a curve having a radius of 1170.0 feet as denoted by coordinate point 5;

THENCE in a northerly direction following the aforementioned road boundary a distance of 34.74 feet, more or less, to meet coordinate point 6;

THENCE north 80 degrees 18 minutes 30 seconds east a distance of 66 feet, more or less, or until it meets the prolongation of the eastern boundary of Charleswood Drive on a curve having a radius of 1236.0 feet as denoted by coordinate point 7;

THENCE in a southerly direction following the said curve to the right an arc distance of 134.302 feet to meet coordinate point 1;

THENCE south 88 degrees 23 minutes west a distance of 66.036 feet to the PLACE OF BEGINNING.

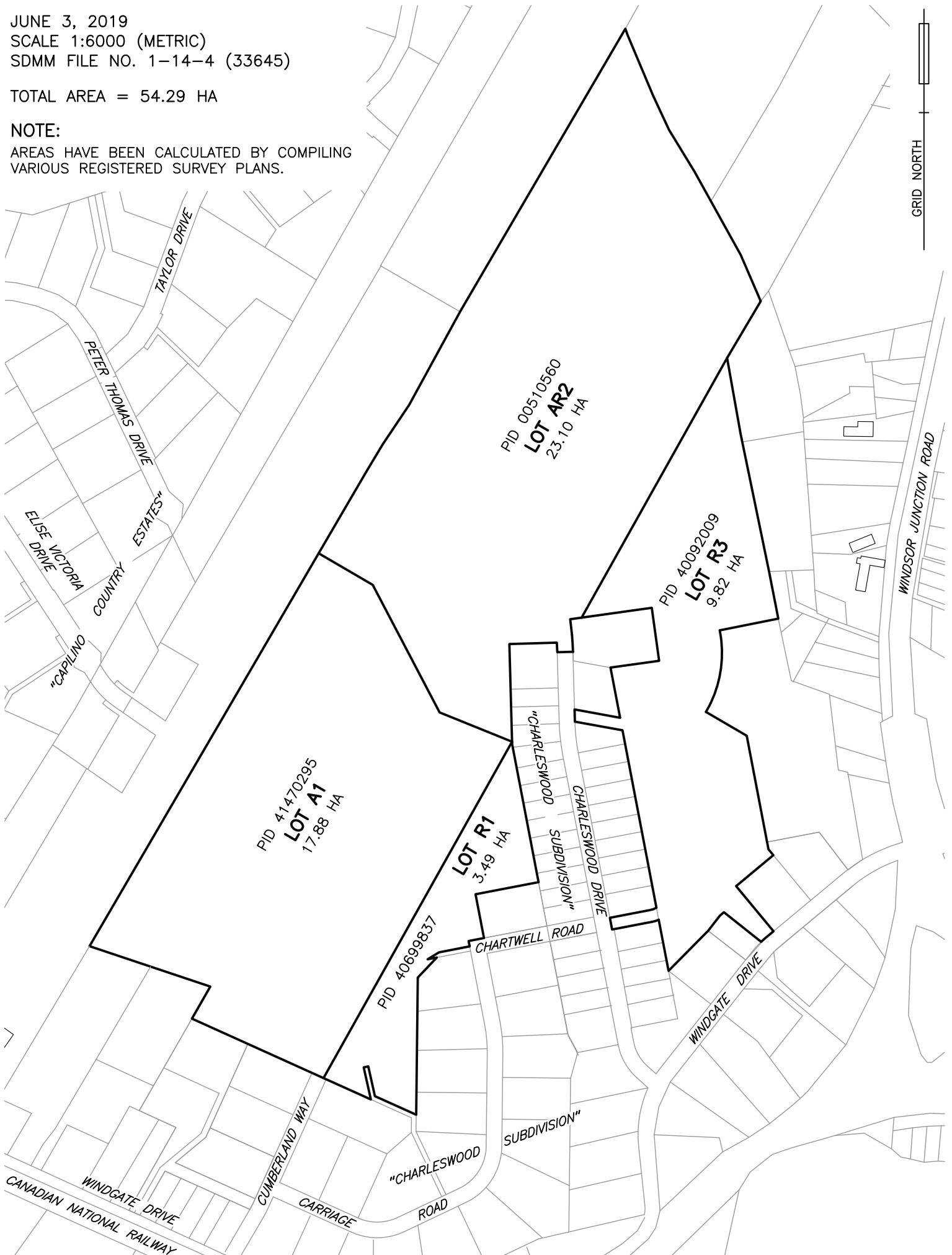
CONTAINING an area of 0.32 acres.



JUNE 3, 2019  
SCALE 1:6000 (METRIC)  
SDMM FILE NO. 1-14-4 (33645)

TOTAL AREA = 54.29 HA

NOTE:  
AREAS HAVE BEEN CALCULATED BY COMPILING  
VARIOUS REGISTERED SURVEY PLANS.

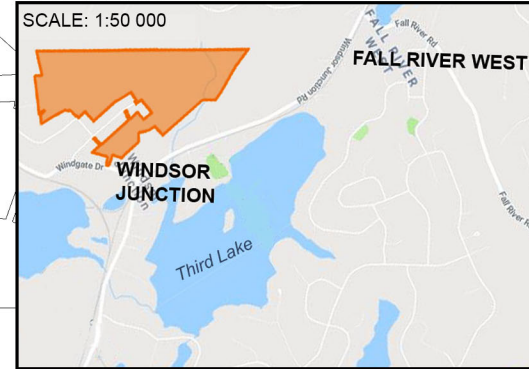


# ABUTTING LAND OWNERS

PID	LAND OWNER	PID	LAND OWNER
1 0051263	DANAI SPIROPOULIS	27 4102681	SEAN & SANDRA WARNER
2 40798186	POWDER MILL DEVELOPMENTS LTD.	28 40160310	HOLLY & KEITH CAMPBELL
3 0051998	PAUL & ROBERT STEPHEN	29 40160302	THEODORE & SANDRA MUTCH
4 0051955	DAVID GRANT COX	30 40160294	PATRICIA MORIARTY
5 41084039	MICHAEL WYSE & MONIQUE KELLAR	31 40160286	COLIN & JENNIFER STEWART
6 41084021	NANCY ANN VEY	32 40160278	PERCY PARIS & DEBORAH MCNEIL
7 0052116	SCOTT & ADRIENNE WHITE	33 40160260	LEE LONSDALE WATERHOUSE
8 0058767	HALIFAX REGIONAL MUNICIPALITY	34 40160252	PETER LANDRY & KATHERINE WRIGHT
9 40478588	MARK & STEPHANIE THERIAULT	35 40160245	KATHERINE CLOREY
10 40478463	GERALD ARTHUR CANN	36 40160237	ROBERT & OLIVE BRAKE
11 40311532	DOUGLAS & MAISIE CARLETON	37 40160229	AMANDA PAULLEY & FRANCIS LERUE
12 40478455	DOUGLAS & SANDRA FADER	38 40160211	STEPHEN BOUCHIE & GINETTE LARSON
13 00510681	DERECK NOEL	39 40160203	RHONDA & DARCY HLANAY
14 00510644	STEPHEN FLECKNEY	40 40695215	TERRANCE & HEATHER WINSOR
15 00510743	CAROL & ROBERT CRAIG	41 00331181	HALIFAX REGIONAL MUNICIPALITY
16 40123491	LEO & ROBERTA POWER	42 40436115	GERALD HODDER & LEANNE PURCELL-HODDER
17 40123499	RUSSELL SHEA & JUDITH ENGRAM	43 40436123	ROBERT & PAMELA DEROCHERS
18 40123507	ALICE & DENTON CARLTON	44 40436131	CHRISTIAN & ALLISON GOLZ
19 40123515	LARRY & KERRI STANLEY	45 40436149	MARY & ROGER WHITE
20 40123523	SHARON MICHAUD & JAMES WHEATON	46 00331173	HALIFAX REGIONAL MUNICIPALITY
21 40123531	ANGELA MACKENZIE	47 40436198	RUSSEL DMYTRIW & SANDRA BRASSARD
22 40160138	STEPHEN WOODMAN & HEIDI HOGAN	48 40436206	CARMELLA MACRAE & PAUL DESCHENES
23 40160146	STACEY & JEFFREY LANGLEY	49 41205378	DELANCO HOLDINGS INC
24 40160153	GARY & FRANCES CURTIS	50 41037045	JEFFERY & SAMANTHA INGRAM
25 40160161	LEWIS & J MACRURY	51 00510461	BRAD & JODI CROSS
26 40160179	JAMES GILLIS & CHERYL DEYOUNG-GILLIS		

# KEY PLAN

SCALE: 1:50 000



# CONCEPT PLAN

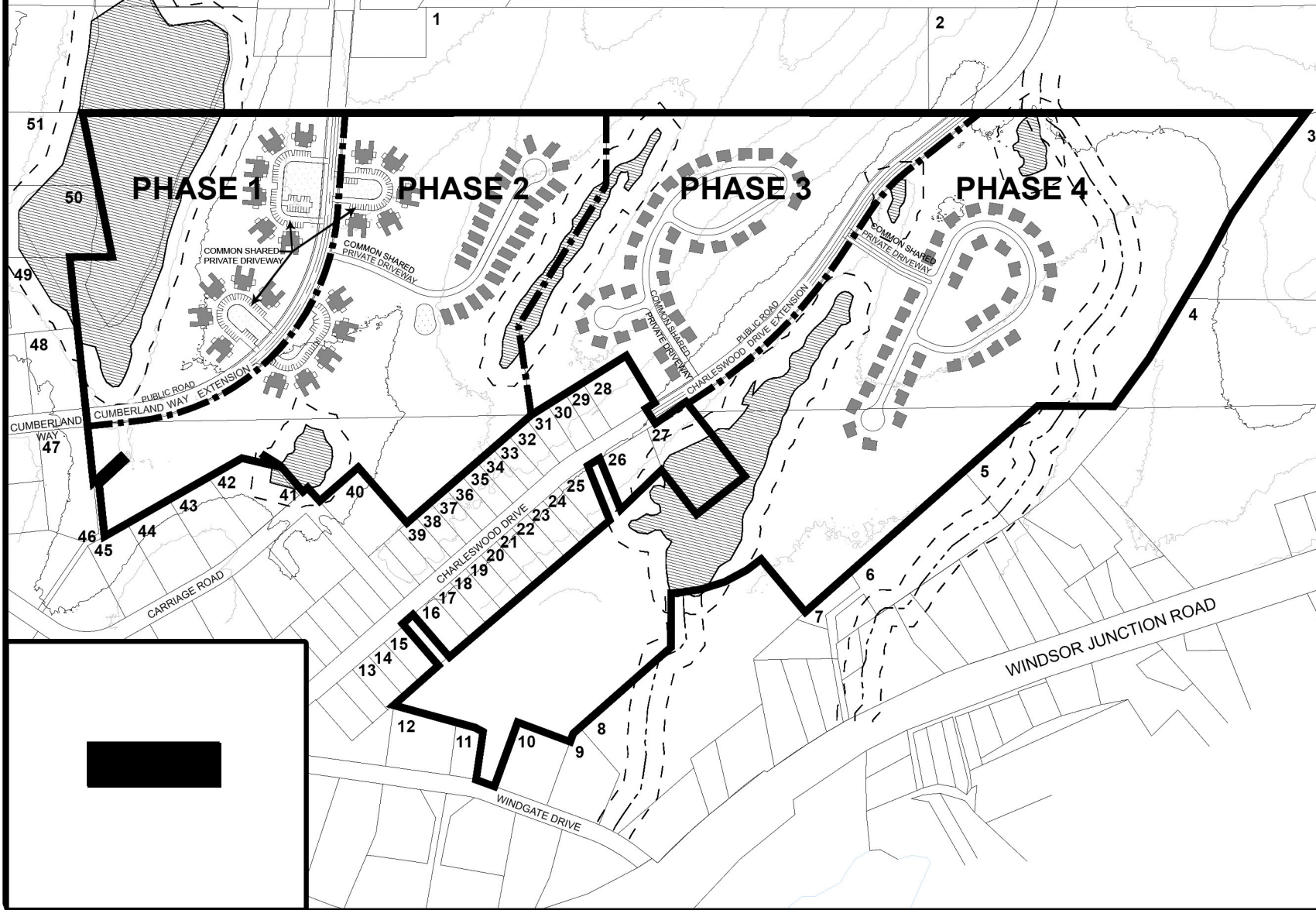
## CHARLESWOOD LANDS

Lands of Alison Kim MacNearney  
 PIDs 00510560,40092009 Doc.# 113989181  
 Date: February 6 2019

Lands of Pine Ridge Mews Limited  
 PIDs 40699837, 41470295 Doc.# 113877402  
 Date: January 15 2019

### LEGEND

- Wetland
- Watercourse
- 20m Buffer
- Single Family (1 Unit)
- Townhouse Block (4 Units)
- Common Amenity Area
- Phase Boundary
- Subject Property
- Contours 5m-25m

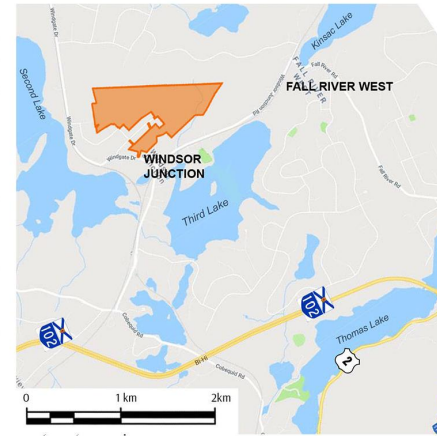


Revision #	Date
01	MAY 2019

<b>SCALE</b>
1:6500
<b>CREATION DATE</b>
Dec 6, 2018

<b>DRAWING</b>
<b>SCHEDULE B</b>

## KEY PLAN



## SERVICING PLAN

### CHARLESWOOD LANDS

Lands of Miller Development Limited and  
Pine Ridge Mews Limited  
PIDs 510560, 40699837,  
40092009, 41470295 & 41469479

#### LEGEND

- Wetland
- Watercourse
- Water Line (Public)
- Meter Chambers (Public)
- Drainage (Private)
- Advanced Treatment Unit & Septic Tank (Private)
- Sewage Fields (Private)
- Effluent Pipe (Private)
- Phase Boundary
- Subject Property



Revision #	Date
01	MAY 2019

<b>SCALE</b> 1:6500
<b>CREATION DATE</b> May 15, 2019

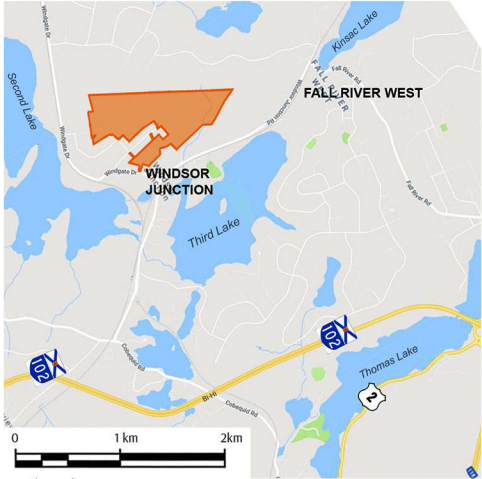
**DRAWING**

# SCHEDULE C





**KEY PLAN**





**OVERALL  
COMMON OPEN  
SPACE PLAN**

**CHARLESWOOD LANDS**

Lands of Miller Development Limited and  
Pine Ridge Mews Limited  
PIDs 510560, 40699837,  
40092009, 41470295 & 41469479

**LEGEND**

-  Common Open Space/  
Undisturbed Area  
33.955ha = 63%
-  Developable Area/  
Disturbed Area  
20.21ha = 37%



Revision #	Date
01	MAY 2019

<b>SCALE</b> 1:6500
<b>CREATION DATE</b> May 16 2019

<b>DRAWING</b>  <b>SCHEDULE D</b>
-----------------------------------------

**STORM WATER  
MANAGEMENT PLAN**

**CHARLESWOOD LANDS**

Lands of Miller Development Limited and  
Pine Ridge Mews Limited  
PIDs 510560, 40699837,  
40092009, 41470295 & 41469479

**KEY PLAN**



**LEGEND**

- Wetland
- Water course
- Drainage
- Dual Public Roadway Open Ditch (LID)
- Private Grass Swale
- Storm Water BMP (Private)
- Culverts (Public)
- Subject Property



Revision #	Date
01	MAY 2019

**SCALE**  
1:7500

**CREATION DATE**  
May 15, 2018

**DRAWING**  
**SCHEDULE E**

**Schedule F:  
Common Shared Private Driveway Design Standards**

Common Shared Private Driveways to be developed as part of the Open Space Design Development Agreement for Charleswood shall meet the following design standards.

1. All Common Shared Private Driveways shall have a minimum clear width of 9 metres (29.52 feet) as follows:
  - (a) Travel lanes shall be a minimum of 3 meters (9.84 feet) for each direction of travel and shall not include parking areas. Travel lanes shall be designed and constructed, complete with a paved asphalt surface, to adequately support the loads produced by all emergency vehicles.
  - (b) A minimum 1.5 meter (4.92 feet) clearance (shoulders) shall be provided on both sides of the travel lanes and shall be comprised of stable ground as agreed to by the HRM Development Engineer in consultation with HRM Fire Services. The stable ground shall be designed to adequately support all emergency vehicles that may utilize the area to support their necessary operations
2. All Common Shared Private Driveways shall be constructed so as to prevent the accumulation of water and ice on any section of the driveway. Where the driveway grades are less than 0.5 percent, the Common Shared Private Driveway shall be crowned in the center to prevent pooling of water in a travelled way. Swales shall be installed if required to prevent erosion of the shoulders.
3. Provisions for drainage systems, snow banks, utilities, and the like shall be provided and shall not be located within the required 9 meter (29.53 foot) Driveway.
4. At least 4.26 meters (14 feet) nominal vertical clearance shall be provided and maintained over the full width of the Common Shared Private Driveway.
5. Common Shared Private Driveways shall not have grades greater than 10 % with no change in grade over 8% in 15 meters (49.21 feet) of travel distance.
6. All cul-de-sacs shall be constructed with a minimum radius of 13 meters (42.65 feet) to the edge of asphalt and 15 meters (49.21 feet) to outside of shoulder.
7. All travel lane curves and turns at intersection, are to have a minimum 12 meter (39.37 feet) centreline travel radius. Curves and turns shall not reduce the clear width of the driveway.
8. The angle of approach and the angle of departure shall not exceed 8 degrees at any point of the driveway or its intersection with another driveway.
9. Sight distance shall be incorporated into the design of intersections.
10. If speed bumps are going to be constructed; acceptable warning signs shall be required.

## ATTACHMENT B

### Summary of Open house (March 2019) and minutes of Public Meeting (Oct. 2013)

#### PUBLIC OPEN HOUSE – Engagement Report

#### CASE NO. 22143 – CHARLESWOOD SUBDIVISION

---

Wednesday, March 27, 2019

7:00 – 9:00 p.m.

Ash Lee Jefferson Elementary School

#### STAFF IN

**ATTENDANCE:** Thea Langille, Principle Planner, HRM Planning Applications  
Maria Jacobs, Planner, HRM  
Megan Backos, Planners, HRM  
Rowena Dill, Development Controller, HRM Development Services

#### ALSO IN

**ATTENDANCE:** Connor Wallace, ZZAP  
Greg Zwicker, ZZAP Consultants  
Shaw Group staff

**REGRETS:** Councillor Steven Streach

#### PUBLIC IN

**ATTENDANCE:** Approximately 136

---

The Open House commenced at 6:30 p.m.

#### PUBLIC ENGAGEMENT MARCH 27, 2019

On March 27, 2019 HRM Staff hosted an open house at the Gordon R. Snow Community Centre. Along with HRM Staff, representatives from Zwicker Zareski Architecture + Planning (ZZap Consulting). and the Shaw Group were present. The purpose of the engagement session was to provide information to the public on the proposed development, what changes have been made since the prior submission (Case #18715), explain the process involved for an application of this type, and receive feedback, hear concerns, and answer questions regarding the proposed development. Approximately 136 members of the neighbourhood attended the event to provide feedback on the proposed Charleswood subdivision. The comments received during the engagement session will inform the process and form part of the public record.

At the open house, community members could see boards provided by the applicant, of the proposed development showing concept plans, townhouse renderings, and a stormwater management plan. HRM staff provided boards outlining the steps of the planning application process, the relevant MPS and Regional Plan policies and a blank board with the title "Tell Us What You Think". Regarding the latter, participants were encouraged to write their comments, suggestions or concerns on sticky notes and attach to the board (See Figures 1 and 2). Participants were also encouraged to write their comments on comment cards and given the Project Leads' contact information to submit comments after the meeting as needed.



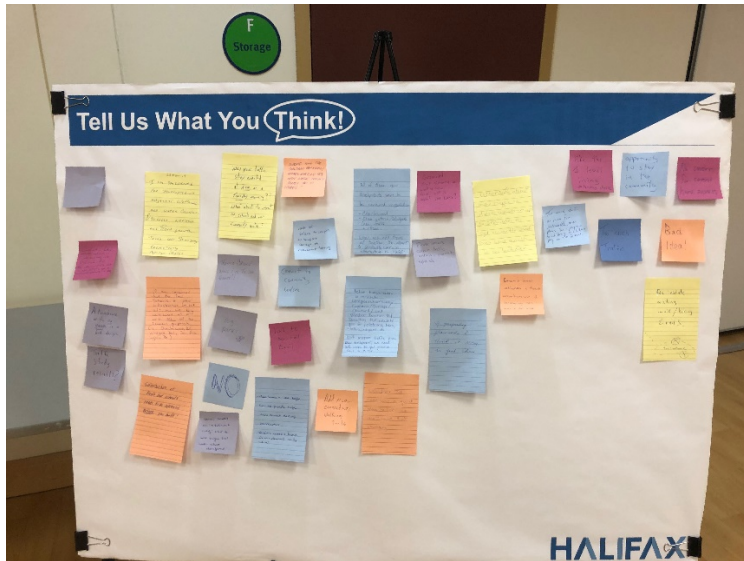


Figure 1. Feedback board with sticky notes from Open House attendees.

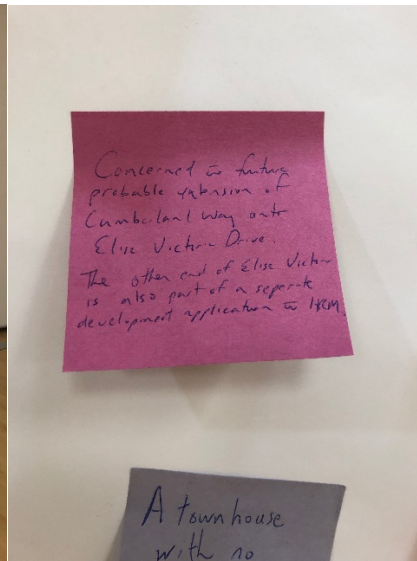


Figure 2. Close-up of one attendee's sticky note from the feedback board.

## REVIEW OF PROPOSAL

ZZap Consulting, on behalf of Pine Ridge Mews Limited and Alison MacNearney, requested to enter into a development agreement which would enable a residential development consisting of 176 units on 54 hectares (134 acres) of IanOd, at the end of Cumberland Way and Charleswood Drive in Windsor Junction. The 176 units will be made up of 92 single unit dwellings and 84 townhouse units. Dwelling units will be serviced with municipal water and on-site cluster-styled sewage treatment. Access to the development will be through a public street extension of both Cumberland Way and Charleswood Drive and private common driveways servicing each residential cluster.

## WHAT WE HEARD

During the open house, participants were asked to provide their comments, suggestions and concerns regarding the proposed development either on a sticky note or a comment card. In total we received 32 sticky notes and 12 comment cards regarding a variety of topics. Some sticky notes and comment cards contained multiple themes, for a total of 61 comments. The comments were then sorted into categories, which can be found in Appendix A of this document.

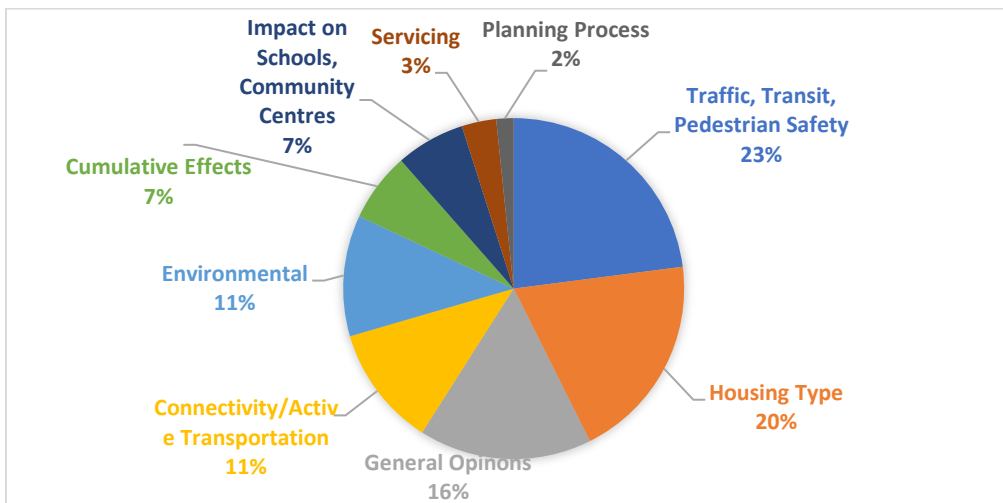




Figure 3. Attendee's comments, as recorded at the Open House on March 27, 2019, organized by theme.

## **WHAT ARE THE THEMES?**

Through the open house we received 61 comments from members of the public regarding the proposed development, the breakdown of the comment themes can be found in Figure 3. This resulted in eleven (10) categories ranging from traffic, with the most comments, to the planning application process, with the least comments. The comments have been summarized below. The full comments can be found in Appendix A of this report.

### **Traffic, Transit & Pedestrian Safety**

Traffic, Transit & Pedestrian Safety were concerns which were raised at the open house, with 14 comments relating to these categories. Generally, the comments around traffic related to the increase that would occur with the scale of this development, and the surrounding development proposals, in an area which is already perceived to be congested. As one participant stated, the existing traffic in the neighbourhood can already make it dangerous to walk, and another requested that appropriate traffic controls, crosswalks and lights are installed to aid in pedestrian safety. A few participants requested the results of the traffic impact study for this development, which can be found on HRM's Planning Application website.

### **Housing Type**

The type of housing being proposed was also brought up by participants in 12 comments. All of these comments were directed toward the townhouse units proposed at the southern portion of the subject lands. Half of the comments received were questions about whether the townhouse units would be rentals, how much it would cost to live there and what the private covenants would be applied by the developer. The rest of the comments are split into half positive and half negative. Positive comments mention liking the one-storey townhouse design and that seniors have an opportunity to stay in their community. Negative comments state that the townhouses should have garages, are not legally able to only rent to seniors, cannot and will bring down surrounding property values over time.

### **Connectivity and Active Transportation**

Connectivity and Active Transportation were brought up a total of 7 times. Most comments specifically refer to a desire for walking/hiking trails which would connect residents to the Windsor Junction Community Centre, the new rails to trails multi-use pathway and nearby public streets. One comment referenced existing walking/hiking trails on the subject site that they wish to be reinstated. Sidewalks were also requested by one participant, "to compensate for increased traffic and add to the community feel".

### **Environment**

Environmental concerns account for 7 of the comments received from the public. Five of those comments refer to how development could negatively affect watercourses and wetlands both on and in proximity to the subject site. Second and Third Lake are specifically mentioned by a few of the participants. Other concerns include retaining old growth trees and creating a large carbon footprint in the community. These comments do not seem to be anti-development but reference the need for appropriate environmental studies and development buffers around watercourses and wetlands.

### **Cumulative Effects of All Development in Community**

There was a total of 4 comments relating to the effects of multiple residential developments being proposed in the Fall River and Windsor Junction area. This was expected, as the subject site is one of four "Opportunity Sites" identified in the Planning Districts 14 & 17 (Shubenacadie Lakes) Municipal Planning Strategy. Attendees are concerned that the impact on traffic, school capacity and other community services are being calculated based on this development, but not other nearby proposals, such as Windgate, Carr Farm and Ingram Drive. Comments ask HRM to not review applications in isolation, but take into account the effects of all development

### Impact on Schools and Community Centre

There was a total of 4 comments relating to the impact on schools and community centres. Participants stated that the nearby schools are already at capacity and questioned where children from the 92 single unit dwellings will be able to go to school.

### Servicing

There were 2 comments relating to how the development will be serviced for water and sewage treatment in the form of questions. The entire development will be serviced with municipal water and on-site sewage treatment systems, which will be shared by clusters of dwelling units.

### Planning Application Process

One comment was received which requested that the notification area be increased as the application moves forward. Anyone at the open house who asked to be added to the notification list will receive mailed notification as the application progresses.

### General Opinions/Suggestions

There was a total of 10 comments categorized as general opinions or suggestions. Six of these comments were against the development taking place because they either generally do not want development in that location, it would devalue current homes, or take away Windsor Junction's quiet neighbourhood feel. Two participants felt that this development seems to generally be a good idea. Two comments provided were questions regarding how a safe environment could be maintained during construction and suggesting a dog park.

## SUMMARY

Comments from the public could be categorized into nine broad themes, with the most common involving traffic, housing type, connectivity and environmental concerns. There were concerns raised around the amount of traffic the proposed development may bring to an area which is already perceived to be congested. A number of participants raised general concern around traffic in the area with several proposing active transportation be included in the design to compensate for increased traffic conditions.

The housing types were generally well received by participants, especially the townhouses proposed on one half of the site, as they would allow the community to age in place. A few suggestions were made to the design to better serve their target inhabitants.

Several community members expressed their interest in how the proposed development may affect the natural environment, especially nearby watercourses and old growth trees. The comments recorded are not entirely against developing on the subject lands but reinforce the importance of appropriate environmental studies and development buffers around watercourses and wetlands.

This feedback and engagement helped to illustrate what the public and residents value most in their community. The topics which are recurring will help prioritize the needs for the neighbourhood and changes which may be made to the development during the process. The comments received during the engagement session will inform the process and form part of the public record. Feedback on the development is encouraged throughout this process and will help guide decision-making for this and future developments. Thank you to all who attended the open house and participated in the table discussions, your feedback is valued and appreciated.

## APPENDIX A – COMMENTS CATEGORIZED BY THEME

### Traffic, Transit and Pedestrian Safety (14 comments)

- More homes = more traffic
- With increased traffic from new development, we need safe ways to get around (not in a car!)
- Worried about more traffic as it takes sometimes up to 5 minutes to get across the street.
- Was your traffic study conducted at 2am on a Tuesday morning??
- Traffic concern, would like to see results!!
- Please ensure correct traffic controls... crosswalks, lights etc.
- Traffic study results?
- Too much traffic
- Too much traffic, no room for sidewalks, and no plans for a play area for children so children play on the street
- Would greatly increase traffic during rush hour
- Not enough ins and outs traffic wise for Windsor Junction
- Connecting to Capilano in the future would cause too much traffic in a subdivision. These subdivisions are already deadly to walk in. Most drive 70 km/h while you're walking. So you can't leave your property and not safe for kids.
- Traffic issues – Windsor Junction and Fall River Lane too much traffic now without new homes creating more traffic – along with the apartment buildings being built in Fall River
- Lack of public transport to support concept of retirement living.

### Housing Type (12 comments)

- *Allows opportunity to stay in the community*
- *Like the 1 level living housing choice*
- A townhouse with no garage is a bad design.
- Cannot market as "retirement living". Used to make everyone feel better about development.
- Will the Miller property houses be rentals?
- Size of units?
- Rental cost? What is affordable housing in terms of dollars?
- Rental charge includes? Extra charges? Maintenance fee?
- The multi units look nice but there are no garages? Are they senior units?
- What are the covenants?
- *Lots of one-level living*
- Concerned with the concept of rental units. They appear to be mobile homes with no garages. So outside parking only. Not very senior friendly and will reduce the value of properties in the area over time. I like the idea of rental units for seniors and do not object to development.

### General Opinions/Suggestions (10 comments)

- If properly planned I think it may be a good idea
- How to provide safe environment during construction
- Devalue current homes. Is the demand really there?
- Windsor Jct once was a quiet place to live. We don't want that changing
- Don't want growth to our backdoor.
- NO
- No concern for current home owners
- Bad idea!
- Dog park?
- This seems to be a good project

### Connectivity / Active Transportation (7 comments)

- Active transportation to connect Windgate/Charleswood/Capilano/Carriage/Chartwell/ and Windsor Junction Rd. Something that would be good for pedestrians, bikes, strollers, wagons, etc.
- Reinstate existing walk/hiking trails
- Link to new rail trail
- Add nice connecting walking trails
- Connect to community centre
- Would love to see sidewalks! Or other active transportation paths added to compensate for increased traffic and add to the community feel.
- Can there be an investment in active transportation routes or trail to help people get to WJCC (48 Community Centre Land), Windgate Dr, Windsor Junction Rd?

### Environmental (7 comments)

- I am concerned for developments adjacent wetlands and water courses. Buffers needed.
- Old growth trees left standing
- Concerned about streams in what is now forest. Will it impact 2<sup>nd</sup> Lake?
- Concerned about wetlands and forests, carbon footprint of developing more & more of our area
- Concerned about the potential for rivers and streams and wetlands to be damaged from development. Hoping the appropriate studies have been done and the correct mitigation will be in place.
- Good environmental planning, considering the wetlands and trees. Please consider wetlands and Second Lake.
- Concerned about potential impact on Second Lake and Third Lake

### Cumulative Effects of Multiple Developments (4 comments)

- I am concerned that the local schools + other infrastructure (or lack of) are not being considered at all with all of the current proposals (ie. Charleswood Del., Windgate Del., Carr Farm, Ingram Dr.)
- All of these new developments seem to be reviewed in isolation, Charleswood, Elise Victoria/Windgate, Carr Farm and others. When you add them all together, the impact to community + services, infrastructure is HUGE
- Concerned with future probable expansion of Cumberland Way onto Elise Victoria Drive. The other end of Elise Victoria is also part of a separate development application with HRM.
- I am concerned about the overall impact to our community infrastructure such as traffic, schools, services when considering all of the separate developments in planning: Charleswood, Windgate (lake), Elsie Victoria extension in both directions, Carr Farm, and more. The sum of all the parts is a much bigger impact than each of the individual studies and proposals. Keep a holistic view please.

### Impact on Schools, Community Centres (4 comments)

- Infrastructure of roads and schools needs to be addressed BEFORE you build!
- What about the impact on schools and our community centre?
- Where will children from approximately 93 new single family homes go to school?
- Schools are already full

### Servicing (2 comments)

- City water continued?
- Sewage treatment?

### Planning Application Process (1 comment)

- Can the catchment for notification be larger

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 118715 – CHARLESWOOD SUBDIVISION**

---

**Wednesday, October 16, 2013**

**7:00 p.m.**

**Ash Lee Jefferson Elementary School**

**STAFF IN**

**ATTENDANCE:** Andrew Bone, Senior Planner, HRM Planning Applications  
Alden Thurston, Planning Technician, HRM Planning Applications  
Rowena Dill, Development Controller, HRM Development Services

**ALSO IN**

**ATTENDANCE:** Councillor Barry Dalrymple, District  
Chris Macaulay, Miller Developments Ltd.

**PUBLIC IN**

**ATTENDANCE:** Approximately 56

---

The meeting commenced at 7:00 p.m.

**1. Introduction/Purpose of Meeting – Andrew Bone**

Mr. Bone introduced himself, Councillor Barry Dalrymple, the HRM staff as well as the applicant Chris Macaulay of Miller Developments. Mr. Bone explained that the meeting was to discuss case 118715, which is an application for an Open Space Subdivision. This is located behind the Charleswood Subdivision and next to Capilano Country Estates in the Windsor Junction Area.

The purpose of the meeting is to inform the citizens that HRM has received an application for a Classic Open Space subdivision. Mr. Bone explained that he will explain the background on the proposal and we would like to receive feedback from the public. No decisions are made at the Public Information Meeting. This is the first step in the planning process.

**2. Presentation of Proposal – Andrew Bone**

Mr. Bone displayed an aerial view of the subject property. Windgate Drive, Windsor Junction Road, Charleswood Drive and Carriage Way were pointed out on the slide. Capilano, as well as other access points and road reserves, were shown. The property is 54.7 hectares or approximately 135 acres. It does not go all the way to the Capilano side but the land is partially or fully controlled by the same applicant and could be subject to future applications. Mr. Bone points out Second Lake, Third Lake and Beaver Pond and explains that the area in red is the subject site. He explains that this is one of two areas on Windgate Drive that are holes in the development pattern and points out a few of the sites that are vacant lots.

The proposal is called a Classic Open Space. Open Space subdivisions are a relatively new form of subdivision that has been in place since the Regional Plan came into effect in 2006. At that time, large scale subdivisions that used to be permitted as of right, is no longer available. Anything over eight lots has to go through a Development Agreement process and public process as well. There are two types of open space subdivisions. This proposal is for the classic type. The proposal is to allow for this subdivision, allow for single unit dwellings and also for townhouse development. The proposal includes 93 single unit dwellings and 84 townhouse dwellings.

Mr. Bone defined a Development Agreement to the public.

Mr. Bone explained that there are two policies that enable this development. One policy is from the Regional Plan and that is a policy that allows for large scale subdivision in what is called the rural commuter area of the municipality. At the present time that is an area that follows the main collector roads outside the municipality for a fair distance so it covers most of Fall River, Windsor Junction, parts of Beaver Bank, Upper Sackville and Waverley, which are typical suburban areas. The policy enables large scale, subdivision through this Development Agreement process.

In this case we are looking at one unit per acre or one unit per 4000 square metres. Where 60% of the site is retained in what is called an open space. Open space in this case is land with single ownership and used for either recreation, agriculture or forestry uses. Typically land around here is not good for agriculture or forestry so we see passive recreation or community uses or common uses in these developments. With this type of development where you have 40% of the site developed and 60% undeveloped this process has common septic only as there is water services in the area. The common septic is managed through a condominium approach. The condominium is typically responsible for the open space as well so they would manage those lands for their benefit.

There are two types of subdivisions and the one we are talking about is a classic. Typically we see development of smaller lots with this approach because of the common septic. By clustering the homes and sharing the septic system you are able to create smaller lots for the homes and allowing large spans around the homes for open space. As far as density, it does not change. It is set in this case at 1 unit per acre so it would be very similar to the density of the adjacent properties such as Capilano Estates.

The River-lakes Secondary Planning Strategy identified that there was a need for alternate housing forms in the greater community. It identified approximately four sites and each of those sites was granted certain rights or abilities to ask for development. In this case, policy RL-15 enabled consideration of townhouses on 43 acres of this site at a density of two units per acre. The rationale to allow this was because normally developers don't want to do these other housing types because they are not as lucrative or popular. We have a combination of two policies, so the end result was 93 single unit dwellings and 84 townhouse dwellings.



To give more background, there has not been very many applications for classic subdivisions and the ones we have had have been very small. As far as the townhouses or alternate housing forum policy, this is the first test of that policy.

Mr. Bone asks if there are any questions from the public?

Mr. Bone answered a question regarding the number of townhouses. He stated that in this case because it is a classic everything is condominiumized. In order to have shared septic, NS Environment requires a single entity to manage it for everyone. The condo is the responsible party for the maintenance of the septic fields. In this case the proposal is for three Condominium Corporations and each would have their portion of land that would be their responsibility. The owners that buy the property would become members of that Condominium Corporation and be responsible for maintenance of the septic field, property, grounds and of any driveways that would be part of their portion of land.

Mr. Bone answered a question that was asking what the responsibility of the developer is once it is sold and would the developer no longer be responsible for the subdivision once it is sold? Mr. Bone explains that the Development Agreement that is negotiated would be attached to the deed of all the properties. The obligations under the development agreement are the responsibility of the landowner at the time. If there are requirements that are placed on the developer initially and they are not completed for whatever reason they would then be assumed by the property owners and Condominium Corporation. The obligations do not go away and we write these agreements with the knowledge that ownership can change over time. The obligations are maintained through our legal contract and that legal contract is carried forward to the future owners.

Mr. Bone answered a question asking where policy RL-15 could be found? The policy is in the River-lakes Secondary Plan. This is part of the planning districts 14 & 17 Municipal Planning Strategy which is the overriding document for the Waverley, Fall River, Oakfield, Enfield area. The policy is available online, on our planning website. Mr. Bone advised that he could be contacted and he would provide them with a copy. Mr. Bone stated that when he writes the report he will outline all the policies and discuss all the policies in the report.

Mr. Bone answered a question asking, “what was the reasoning for the alternative meeting?” Mr. Bone explained that when the plan was originally designed in 1989 the only thing they were allowed were single family homes, so when the plan came into effect there were not a lot of existing other housing alternatives whether it were townhouses or semi-detached or any other type of housing forms. What we are seeing right now is the age of the communities are advancing, and the people that settled here 20 years ago are starting to consider that they don’t want the maintenance of larger properties and so there are a lot more requests for other housing forms in the community so people can stay in the communities as they age. It was part of the main focus or the issues that were identified as part of the Fall River vision. There was a need in the area for other housing forms. As a follow-up to the vision the River-lakes Secondary Planning Strategy was created and they looked at four opportunity sites. They were located on Charleswood Drive, Cobequid Road, Fall River Road and behind Sobeys in Fall River. These have opportunity for Townhouses or a small multi-unit. They looked at each of the sites and made some determination on density. Each one was offered a different density because of the characteristics of each individual site and they were offered different housing options.

Mr. Bone was asked if the Windgate property had been approved? Mr. Bone explained that there was a small classic open space of approximately 14 units at the Windgate Farm site that was brought forward through a similar process. It was approved by council and appealed to the NS Utility and Review Board. The NS Utility and Review Board dismissed the appeal and granted councils decision to approve it.

Councillor Dalrymple stated that the appeal period ended two weeks ago.

Mr. Bone was asked if the zoning changed from R1 to R1-A. Mr. Bone confirmed the zoning is R-1A and explains what that zone permits.

Mr. Bone was asked that if it is R1-A, which is a single unit dwelling zone, how can they put townhouses up”? Mr. Bone advised that through the Regional Plan policy they allow for consideration of a variety of housing such as single-unit dwellings, two-unit dwellings and townhouses. In the Planning District 14 & 17 plan, it ruled out all of those options. When Fall River reviewed their plan they saw the issue of not having other housing options. When Fall River was doing their vision they identified the issues and one of them was the lack of housing ability to do alternate housing and in May or April of this year the River-lakes Plan was approved and that’s when this policy came into effect, so this is a brand new policy.

Mr. Bone was asked if the staff report that he had made a reference too would be available for public viewing? Mr. Bone stated that it is available on the HRM website, or he could be called directly for a copy. He advised that it will take time, but in two or three months would be a good time to check with his office and he could advise then when he might suspect it may be to council.

Councillor Dalrymple clarified that when Mr. Bone refers to council, that it goes to Community Council not the full Regional Council. Mr. Bone explained how the North West Community Council works.

Mr. Bone explains what the open space process is and that what has changed is the policy RL-15 which is the policy that enables townhouses. So that has added additional units to this proposal since the last time it was brought forward.

### **3. Presentation of Proposal – Chris Macaulay**

Mr. Macaulay introduced himself as a representative of Miller Developments Ltd. He thanked Mr. Bone and the audience for attending. He explained he is from the area and has children that go to school here and that the owner of Miller Developments has lived here for 80 years as well and they want to do the most responsible development for the area.

Mr. Macaulay gave some background on the development proposed. He stated that the development proposed is essentially what has been looked at by Development and Department of Environment. Miller Developments delayed proceedings because the Municipal Planning Strategy was to be expected to be amended on the Fall River Housing Survey and Vision



Committee. Miller Developments decided to delay because they hoped to provide a development that would be pro-senior. The owner of Miller Developments is a senior himself and so he also has an interest as well as his friends with senior housing. It is a new process, so we knew the development would have to delay to wait for it to allow for seniors housing.

Mr. Macaulay was asked about the survey that went out? Mr. Bone explained that as part of the Fall River Vision there were surveys that went out to the Fall River community and they did some polling. He stated that from his understanding it was a mailed out survey. The Fall River Vision process was a very extensive public process and was directed by the community

Mr. Macaulay proceeded to explain that the site description now allows for townhouses and most of the area where the houses take place is gently sloping and have been previously logged.

Mr. Macaulay displayed a map of the area and explained that the area is located between Lower Sackville and Fall River. The Charleswood development that is under condominium design is four clusters of 84 townhouses and 94 condominium units. It could be argued about the hybrid design that you see in Capilano, but the hybrid is not an economical or viable situation. Charleswood was developed by Mr. MacNearney. He always had intent to move forward through Charleswood and the only option that is economically viable is through this design.

Mr. Macaulay displayed a concept plan. He explained the townhouses will be in one area. He shows the area off Cumberland way and explained that is where the townhouses will be. The Fall River vision committee saw that it was very clear people wanted to see townhomes and that they are looking for simplified living on one level. Therefore senior housing has been proposed in this area in a townhouse design.

As part of this process a wetland delineation report must be done. This report will outline the areas that will need to be protected. Mr. Macaulay points out that the blue areas displayed on slide are the areas that need to be avoided.

A member of the public asks if it could be explained what is meant by the term “as of right”. Mr. Bone explained that “as of right” means the Land Use Bylaw enables this type of development that you are applying for by just applying. It only applies to the post Regional Plan to eight lots or less and anything more has to go through this process.

The townhouses appear to be next to a marsh. Where are the septic's in respect to that?

Mr. Bone explained that as part of the review process it would be sent to Department of Environment. Once it gets approved by council and then is at the permitting stage, they would have to meet Department of Environment's latest requirements.

Mr. Macaulay stated the engineers have placed the septic's as best they could at this time and Department of Environment would be very much a part of that process.

Is the green space is going to be left or developed into community parks?

Mr. Macaulay answered that right now it will grow at its natural state, but if the condominium corporation wants walking paths, they would have to approach HRM regarding that.

Mr. Bone explained that with this type of development we are not necessarily requiring the developer to give open space so we give it to our parkland people to review it like it was a subdivision and as a result we would make recommendations to the developer on the needs of the community. In this case the needs of the community because it's a condominium development, would be the people within the community, it wouldn't be the greater community. That would happen if we were eligible for public parkland dedication.

Has it been considered what the construction, and the construction traffic density in the region will do to the wildlife habitat?

Mr. Bone stated that in areas where there are known species at risk they would look at it. There is no known protected species in this area that he is aware of that construction would disrupt.

Mr. Macaulay stated that there are large green areas that deer can travel through unobstructed. This particular design is to allow animals to travel along green corridors. Mr. Bone stated that they have to maintain a setback from all watercourses and in most cases from the edge of wetland as well which is controlled through the Development Agreement.

There is a natural waterway not identified on the map.

Mr. Bone explained that there is storm drainage and there is watercourse wetland. The watercourse and wetland definition that is used is controlled by Department of Environment and when they do a wetland and watercourse determination they look at plant species and water availability and all sorts of things to make those determinations. The area that was pointed out was classified as drainage but will be looked into further.

Mr. Macaulay stated that the wetlands were identified. It is the job of the engineers that were hired to cross the entire property and it would be expected that the engineers would and should have done their job to show it. He stated that he will definitely look into that. What we are trying to do is a continuation of this development. The open space is really the only economically viable option. It is in a water district, the soil in the surrounding 60% lands can accommodate the engineered sewage plant. The traffic impact study has been done and the engineer stated that the current infrastructure is capable of handling additional traffic.

Mr. Macaulay stated that the reason for townhomes goes back to the Fall River housing preference survey. It supported multiunit townhome design. They have never put together an application for multiunit but they have put forward this townhome design. There is no supply for homes for seniors because it has never been allowed in this area before and with an aging population there is a high demand for them. Mr. Macaulay stated that he presented at one of the Fall River Vision Committee meetings and he noted that a number of people that were there if not the majority were seniors. This allows the seniors to remain within the community and the soils appear to allow for a greater density and greater density does allow for better use of land

with less environmental footprint. The style for the townhomes was shown as one level living. It would be up to Condominium Corporation to set up green space and if HRM would allow that.

Mr. Macaulay brought his presentation to a close and explained he has put up his contact information should anyone have any further questions.

#### **4. Questions/Comments**

**Ms. Kerri Stanley, Charleswood Drive** stated that a bunch of residents got together to talk about their concerns of this development and they have put a letter together which they will be submitting to HRM. Ms. Stanley stated that she would like to discuss the cluster sewage treatment. Ms. Stanley referred to Appendix 4, of the Miller Developments submission, Able Engineering letter, dated June 24<sup>th</sup> of this year. It read that it states “the ability to integrate the drip irrigation beds into the new community is relatively easy, as no wells are impacted”. Ms. Stanley asked to please be advised that there are residents that live on Charleswood Drive that still use their wells even though there is city water on the street.

**Ms. Stanley** stated they are concerned about the long term maintenance and servicing of this cluster sewage treatment system. Ms. Stanley referred to an HRM report titled “Options for On-Site and Small Scale Waste Management in HRM and it was prepared by Land Design Engineering. The quote she read stated, “The question for us is how responsible can we expect a private company, homeowner’s associations, mobile home park managers or even condominiums to be? In Nova Scotia, these are not hypothetical concerns; they have a basis in experience, which has taught us that privately run developments relying on shared sewage treatment systems have experienced many operational problems. Some of these problems have been financial when funding has not been adequate to enable repair or replacement when problems arise. This will result in partially treated effluent into the environment.” She explained this was a study prepared for HRM. Ms. Stanley asked who will be policing these affordable housing condominium corporations to ensure that proper maintenance and servicing is carried out long term? She stated that they are not confident that this system is appropriately suited to this development and they think that it is not proven at this scale in Nova Scotia. Numerous Charleswood Drive homeowners have experienced septic failures over the years and that this speaks to two points. The soil in this area is clay and not suited for on-site disposal, the natural soil cannot efficiently handle effluent and long term maintenance issues again considering the scale of this project, servicing and maintenance problems which is very high. It is completely surrounding Charleswood Drive. What is that going to do when the effluent goes out to the land.

**Mr. Bone** explained that the options for small scale development report was the basis for decisions to create the open space options. There were extensive discussions with the Department of Environment because of some of the issues and concerns and they are the regulatory body. HRM has no business in regards to septic fields. Department of Environment controls septic fields and their requirements for the servicing and maintenance. Dept. of Environments requires there be licensed operators so the condominium corporation would have to hire a qualified person to operate the systems and ensure that they are operating appropriately. The condominium corporation is responsible for the long term maintenance and costs associated with that. The condominium registry and the Condominium legislation has evolved over time

and the requirements of a condominium corporation have changed and become more stringent. They are required to have reserve funds to deal with issues. It is the understanding that the situation has improved. One of the review agencies that is brought in on these proposals is the Condominium Registry. So there will be the NS Dept. of Environment at the table and the Condominium Registry at the table as well and that is before they get their approval. They make sure we have all the info we need.

**Ms. Pat Moriarty, Charleswood Drive** stated that in the Miller Development submission, Land Design Engineering Services letter it stated, “there are not many significant challenges with respect to achieving good management of the runoff from a development like that proposed here, with the exception being that there is a ring of older development around the proposed lands where there may be locations sensitive to significant changes in peak flows from the lands above them. At the same time, when examining pre and post development flows, it is extremely important not to discount the fact that much of the lands targeted for development in this proposal have already been cleared. The changes in storm water runoff time of concentration, and percentage of water running off the land, resulting from this change to the land should have been significant. We are not aware, nor is there any visible sign of, flooding or stress at the places where storm water leaves the land, this despite the land clearing.” Ms. Moriarty notes that what they find frustrating is there are many houses on Charleswood Drive, number 80, 94, 100, 104 and 108 that have been resulted in flooded basements because of the clearing of the land. When we talk about floods it doesn’t just mean wet carpets. Ms. Moriarty states that in her case she had up to 24” of water in her basement with damages up to \$60,000 that was not covered by insurance because it was an act of nature. She was not contacted to see if she had any problems, so it causes them to think there are a lot of assumptions and not facts. We are very concerned.

**Mr. Bone** explained that he was not aware of flooding issues in the area and it will be passed along to the Development Engineer. At this stage the level of engineering is a very high level. When they go off and get approvals and detailed design that is when much of the detailed work would happen and the detailed storm water management plans would be submitted. Given that we know now that there are issues in that area, it will be passed on to the engineering group.

What recourse is available for current residents if the flooding should happen after this development?

**Mr. Bone** answered that flooding in general by a property owner making changes to the great that negatively impacts your property that is a civil private process.

**Mr. Bone** explained that what happens a lot of times is the development of sites actually sometimes improve the situation because they intercept the flow that is all coming across. If you put a road in between the flow it actually intercepts some of the water runoff.

**Mr. Lloyd Currie, Carriage Rd.** stated that in regards to the houses across from his side of the street, they are all on well. One side was able to be serviced from the back. You may need to take a harder look because some of the septic is proposed to be fairly close. As far as the green area if it is run by three separate Condo Corps, who has the right to say what happens to that

green space? Can they clear cut it, get rid of trees, plant trees? What is their ability as a condo corporation to deal with those green spaces?

**Mr. Bone** answered that it is yet to be determined. Through the Development Agreement we can control what happens there to a reasonable extent. He states that he hasn't done a lot of those so he has no example. In certain instances, leaving it as open space and a natural regeneration of the forest, makes sense. There may be other areas where development of private open space or walking trails, make sense. It will be looked at as part of the process and negotiations. We will probably want to set some terms in the agreement but we don't know what those terms will be at this point.

**Mr. Macaulay** explained that to add to that the Development Agreement is very iron clad as far as what can be done and what can't be done in a green space. It is not their intention to do much of anything there but would like to leave the option to have a trail. They would want something esthetically pleasing for those people who want to move there. It would be a part of the agreement.

**Mr. Bone** explained policy 16 of the Regional Plan speaks to what could happen in the open space and it's fairly broad. It states that it has to be owned by a single entity, that it could include options for agriculture, forestry or passive recreation. He stated he would never leave it that wide open and would want some terms put on that. We would want to put further controls on that and limit that.

**Nick Phillips, Windsor Junction Rd.** asked if they could back up to the slide of the thought of the community, the concept. The question is in regards to the properties that Miller Developments owns. Mr. Phillips explained that he is concerned about the blue swamp that extends to the lands. He asked if they could quickly identify other parcels that Mr. MacNearney owns.

**Mr. Macaulay** answered that the only other property he owns is the one he lives on. This property that is asked about is owned by Peropolous and they do have development rights for that property. Mr. Macaulay showed which properties he personally owns and another one he has development rights too. It is not part of this application and he has no current intention of open space for those properties.

**Mr. Phillips** stated that in his mind this is just a start to what could come in the future to the community. There has been a lot of reference to the Fall River housing survey in which he remembers answering the survey himself. In answering it, he would not have pictured a solution to the senior housing dilemma in Fall River to be this in the community of Windsor Junction. The community of Windsor Junction is the Windsor Junction Community Centre with hundreds of kids every day through the summer, the schools in the community, talking to taxi drivers on the way back from the airport that say "wow, Windsor Junction is just one of those communities that hasn't changed in over 30 years" and this in his view will impact the spirit of Windsor junction. That Fall River housing survey seems to be answering that need and that is not what he answered in the survey. There is a serious disconnect between community impact by answering

that survey and what the answer is. Why do you keep going back to that survey and how does that fit with the community?

**Mr. Bone** explained that the survey is the origin or background for the policy that allowed for townhouses on this site. The Fall River Vision was of the greater community so it effected more than Fall River.

**Gary Curtis, 91 Charleswood Drive** stated that he is looking for senior housing. The only option in the Fall River/Windsor Junction/Waverley area for probably the next 15 or 20 years is where water currently exists and it exists on Charleswood Drive. It doesn't exist in Fall River and it might exist out toward Cobequid Road. He stressed that he wants to stay in the community and he has seen so many of his friends and neighbors from the area move into Larry Uteck Drive or Enfield, but he would like to stay in the area and have options available. He doesn't think they should go ahead until the communities concerns are addressed. He states that he lives on the lower side of Charleswood Drive and there is a lot of run off and septic issues that are visible and they don't need any more of that. Mr. Curtis gives a suggestion that Halifax Water already looks after a facility in Fall River that services the schools, church and so on. All of these people in this development will be receiving water bills, why don't we ask Halifax Water to take on the issue of septic treatment and bill it to the individual on their monthly water bill. I think that would be a far preferable solution than the condominium complex.

**Mr. Curtis** asked if the recreation land will be owned by the Condominium or will it be available to the public? There is already an issue with the Windsor Junction Community center where we have a fee that is on our tax bill so that we can use it. Is there some option that we can have access to any of the recreation opportunities that would exist in this area?

**Mr. Bone** explained that although it appears like a subdivision, it is not. We do not have the rights to obtain parkland. If the developer agrees we may be able to write something in the agreement to enable that. There is a challenge with the Condominium Corporation that if there are liabilities placed on it that are outside the realm contemplated by the condominium act and the regulations, they may not be able to do that. We would consult with the condo registry and would work with the developers to see if there are options. Originally there was a proposal for Parkland on the site, but in the end because the way regulations are set up we can't require access. We may be able to negotiate it but we can't require it.

**Mr. Macaulay** advised that Mr. MacNearney would not have any problem with the public using walking trails if trails were put in there so long as there was no liability issue involved.

**Ms. Stacey Langley, Charleswood Drive** noted that she felt they are not fairly represented. She asked why is this development is not happening in a place that has more land. She feels this is being forced upon them and that they didn't get much say in how it is going to affect them. Ms. Langley stated that the Miller Development traffic study submission was correct in stating that "Windgate Drive is capable of handling the extra volume." She stated that she did read the proposal and she did see that he hired a company to count cars on Windgate Drive. This traffic report does not address the traffic problems currently facing our River-Lakes Planning Area which we have been referring to as the whole community boundary. The traffic problems are



well defined in the Fall River/Waverley/Wellington areas transportation study prepared by CBCL for the River-Lakes Secondary Planning process when addressing future growth and development in this boundary.

**Ms. Langley** read that the CBCL study indicates that “conditions will worsen at traffic congestion areas as more development takes place over the next 20-25 years and some intersections will also exceed capacity. Without road improvements or controls on growth, the intersections of Highway 2 / Highway 118 southbound ramp, Highway 2 / Highway 102 southbound ramp, Highway 2 / Fall River Road / McPherson Road, and Fall River Road / Lockview Road are predicted to experience significantly diminished operations.” The traffic problems need to be looked at in a broad community setting before approval can be considered because myself and the residents feel that basically saying that whether or not Windgate can handle capacity, that is not relevant in terms of the big picture when they have had to extend the off ramp onto the 118 and it is still backed up at traffic time. She thinks it is a reasonable request to find out what the city would be planning to do with all this extra traffic.

**Mr. Bone** explained that one of the things done in this process is that he would bring the province and one of the questions he asks is “does this submitted traffic study meet the requirements in the plan for the consideration of the paths in the greater Fall River area?” Mr. Bone stated that he does not know what the results are going to be as the technical review has not been done yet. They will look and see if an addition to the report may need to be done or if they have to make them rework the development. The comments help us direct the review. Traffic studies are based on development trends that are happening in the area. The consultants would look at historical growth and where it is at and trend that out for the future.

**Mr. Macaulay** advised it is an engineering study and they hired someone to do this work.

**Councillor Dalrymple** requested that Mr. Bone ask for traffic counts when the traffic report is done. He thought it might be a good idea to do a traffic count again at Windgate and Windsor Junction road as it might be close to getting a set of lights. Speed limits should possibly be looked at again with the projections received from the report.

**Roberta Power, Charleswood Drive** stated that the traffic is a nightmare. What is it going to be when you put 177 more homes in this area? It is not just a nightmare on Windgate Drive, but also by Sobeys getting to work in the morning and on the 118 getting home. Someone is going to get killed on that highway. It was extended and is still not long enough. Ms. Power asks what will be going behind her house on Charleswood Drive and if it is houses, how many?

**Mr. Macaulay** advised that it will be single unit family dwellings and green space.

**Mr. Bone** stated that he would like to explain a little further on the clusters. The proposal has the extension of two public streets, Carriage Way and Charleswood. These two stretches will be public roads and the remainder would be private driveways for the condominium corporations so this would not necessarily look like a street. You would have to get to all those houses through that driveway. These private driveways have to be 6 metres wide and they cannot be gated. They

have to be able to be serviced by emergency vehicles such as the Fire Department if needed. Maintenance, clearing etc. will be privately done by the condo corporation.

What is the estimate of cost of homes going up on average?

**Mr. Macaulay** explains that it should be very much in line with what is being built right now. We don't know if we will be building these houses so he cannot guess how much they would cost.

**Ms. Heidi Hogan, Charleswood Drive** asked for Mr. Bone to reconsider the proposal of 177 homes in conjunction with this proposed development. The Windsor Junction, Fall River improvement is the 177 and is obviously based on the probability for privately controlled corporation and the improvement to the area for seniors housing. She stated that she would like to see that number aligned. What needs to be considered is the number of housing that makes sense to the community or is it in the best interest of the individuals that are developing it? Obviously there is a problem involved. What would be the average price of these homes?

**Mr. Macaulay** explains that they won't be building those homes so they don't know what the cost will be. They don't have an approval at this stage. They do know there is a huge demand for seniors housing. There is not a week that goes by that he doesn't get a call from seniors wondering when this is going to happen. They will make it affordable for seniors. It could be another few years from now, so to give a number now, it is only going to change.

**Ms. Hogan** stated that the Riverlake Secondary Planning Strategy should have an idea of what affordable housing means and of what the price range would be. The reason it is important to us is if I have one of the higher assessed homes on the street so if you have a higher assessed home, it brings the value of my home down if those homes are at a lower price. By talking about it being seniors housing makes it easier to accept. Even if eighty of those 177 homes had children and each family had two children, that is 160 to be schooled. Our children on our street were rezoned from Ash Lee Jefferson School to Waverley. The day we were rezoned 200 children, Waverley was past capacity the day that it opened so I don't think you can only zone an area seniors housing can you, it has to be open for people to move in with children?

**Mr. Bone** explains that the Fall River plan speaks about housing options that are available. I don't recall speaking specifically to affordability. We don't have through our legislation the ability to regulate prices so we have no ability to regulate the amount they are going to ask for these homes. I don't think they are going to be inexpensive; they are going to be market prices.

**Mr. Bone** speaks on schooling. As part of the review process we bring in Halifax Regional School Board and they provide comments on the capacity of the local schools. They are mandated by the Province to provide schooling to children in the area and they will even if it means they will bus them to another school. We provide those comments to council but those comments are difficult because they always say they will provide schooling. Through the charter of rights we don't have the ability to regulate tenancy. So we can't say whether its rental or condominium. In this case it is condominium by design because it is the only way you can have a single entity and manage all of the things that need to be managed. We can not regulate who is



in the building by age, it is possible that a land owner could ask the Nova Scotia Human Rights Commission for an exemption to discriminate it is not likely. Most likely those homes will become senior housing by design and that is by their layout, configuration. In homes like that you will get a significant uptake by seniors but may also get uptake by someone who is in a wheelchair.

Could this be approved and then the design be changed?

**Mr. Bone** stated that we have more control of the townhouses than the single unit dwellings. We can set certain parameters in the agreement. Mr. Bone stated that he would have to check.

**Ms. Lynn Lantz, Windgate Drive**, noted that in regards to the traffic study, there were counters across the road at both ends by Windsor Junction and Beaver Bank. They were there in July right after school was closed and everyone was on vacation. She stated that she lives on Windgate Drive and knows what the traffic is like and in the summer there is not a quarter of the traffic that there is in the school year. If they are doing a traffic study it should be done now.

**Mr. Bone** explained that traffic counts are done at different times throughout the year. HRM has factors to scale it up. HRM does a lot of their traffic studies in the summer because they have summer students to do that but the traffic services people have developed formulas to scale that information so it is valid over the year.

**Ms. Lantz, Windgate Drive** stated that in regards to the Fall River Vision group, when she went early on, she felt very out of place because she was from Windsor Junction and they were all about Fall River.

**Mr. Bone** stated that there are three sites in Fall River that are subject to seniors sites.

**Ms. Allison Golz, Carriage Road** asked if there will be any accommodation for the people on Carriage Road to be able to hook in a Municipal line from the back of their lot to the future senior townhouses. Right now there is people in the community that have no access to Municipal water that is surrounding them.

**Mr. Bone** advised that he will review that with Halifax Water and see if there are any opportunities.

**Mr. Matt Smith, Peter Thomas Drive**, noted that they are pointing those townhouses right through Capilano. Those streets are not designed for thoroughfares. If any of these subdivision people want to go to Sobeys you are driving them right through Capilano. They are twisty windy roads and are not designed for 250 new families to drive through the estates. He stated that what concerns him even more is the talk about future developments. We are looking at this in isolation, you put this and another subdivision right on that little corridor you're driving all this traffic through streets that weren't designed for that much traffic.

**Mr. Bone** explained that there were holes in the development pattern. Over the years traffic services has looked at the development pattern in the area and have thoughts about where

connections should be and where traffic should go. Certainly when this was reviewed previously as part of the stage one, one of the things we looked at is where possible street connections should go from a variety of perspectives. One goal is to not increase their traffic through the neighborhood. We have this challenge in a lot of neighborhoods where the development pattern have been piecemealed. You get chunks of the transportation system developed long before the adjacent chunk and you play hopscotch so when you make these connections they create a lot of concern. When we review these we try to minimize the impact by looking at where the connections are made and where they are going and we look at the long term greater road pattern beyond this site to try and make sure the best of our ability that we are not creating situations that are going to cause us to come back in the future and put in other things to change the road to deal with shortcutting. Your concerns are noted and will be reviewed with traffic. As development happens you will get connections. The isolated communities are bad for a number of reasons such as school bus layout, network, so there is some positive impact for connections and it is understood the concern about traffic and it will be reviewed further with the traffic people.

**Ms. Leah Pritchard, Carriage Rd.**, asked that should this go through, how long once construction once construction has begun to build all of these roads and all of these new houses, how long will that construction be going on?

**Mr. Macaulay** explained that it all will depend on the demand and when people start buying them.

**Ms. Pritchard**, so potentially these could be half developed and if the demand doesn't make it possible it could take a long time?

**Mr. Macaulay** answered that yes, depending how the market it is, yes it is possible that you could end up with a road that ends in a "T".

**Mr. Bone** explained that HRM doesn't normally get involved highly in phasing because we know around here it is not like out west where you can build a development and it is built within a year, it is just not possible, the demand is not here. We grow slow and steady, as there is a demand, but overtime these developments happen but we can try through Development Agreement and through negotiations so to maybe have certain portions built first which are meeting the adjacent so it is done. The challenge certainly is with the single family homes and not so much with the town houses. People will want to come in and want a particular lot and may not be in the right sequence and it can be a tricky process.

**Ms. Pritchard** noted that it seemed relevant to point out that this could have a negative effect on the real estate value of those houses that border on that stretch, such as those that live on Charleswood Drive.

**Mr. Bone** suggested that from a real estate value perspective, assessment value, it probably wouldn't have an impact but it certainly may impact livability on a short term basis. We will do our best to try and see if there are ways to handle this but with the market it is tricky, things are not absorbed quickly. In some cases we have tried to put deadlines in but they never work out.

**Ms. Ruth Carleton, Charleswood Drive** asked if Mr. MacNearney owned property that he could access those other pieces from the main road other than coming through Charleswood?

**Mr. Macaulay** said that he does not. This access was what was recommended by surveyors and engineers because this was a better access point for sighting clearance.

**Ms. Carleton** asked if there was green space at one time that Mr. MacNearney owned?

**Mr. Macaulay** stated that yes, parcel P84, was the dedication for the parkland when he developed Charleswood. He over-dedicated the parkland so he could continue with the development. Mr. MacNearney no longer owns that land now, it is now owned by HRM.

**Ms. Stacey Langley, Charleswood Drive** stated that they concur with the traffic going through Charleswood to Capilano but want to also have on record that the residents of Charleswood Drive have the exact same concern but that it is going to be the other way around. It's going to be Capilano, coming through Charleswood.

**Ms. Langley** points to a diagram to show the properties in question of flooding. She stated that the properties across the street have had water pooling in their yards which may not seem like a big deal however last winter there was a snow plow driver that stopped her husband in front of her property, wondering why there was so much ice on the road because there was so much water coming across. Ms. Langley stated that she then called Halifax Water and had them come out because she was afraid there was a leak. Turned out there was no leak, but that section is constantly ice and they don't know where the water is coming from, but they have never had that before. She references in the engineering report that was previously read stating that there should have been a significant change due to the water levels from the clear cutting previous to this application. The engineer provided a peak flow and arrow and it shows clearly it is going through peoples properties. Ms. Langley states she would like that on record.

**Mr. Bone** explained the arrows are probably showing the natural flows.

**Ms. Stanley** stated that it says that it is estimation on the diagram and she feels that it would not mean current. In the report that was referenced it mentions significant.

**Mr. Nick Phillips, Windsor Junction Road** stated that Councillor Dalrymple is the chair of Windsor Junction, LWF rate payers corp. and is also their councillor. He wondered if the councilor will be able to represent their concerns appropriately to council on this issue. There is no conflict of interest with you being the chair of the LWF Corp. and this issue? Will concerns of the community be brought forward?

**Mr. Bone** explained his role is independent of council. His role is to take it through the process and provide a review and independent professional opinion on the file.

**Mr. Richard Zwicker, Charleswood Drive** stated that his concern is with Miller Development. When he bought his lot 37 years ago from Mr. MacNearney of Miller Development there was a proposed subdivision called Charleswood, which fizzled out. Then it recreated into a different

entity altogether and that has been ongoing for 36 years. There has been no talk with those that bought the lots and the developer. The end of the street when Mr. Snow was here we had him check it out to put a cul de sac in because the traffic kept turning around in everyone's driveway including his and that was going to happen. The engineering group came out, surveyors came out and put in the stakes in and tore his out and turned around and nothing happened. The clean up that was supposed to take place from fallen trees, it finds a roadway. Mr. Zwicker stated that his hang up is that he went to see Mr. MacNearney himself to find out if there was going to be a development here and when they are going to start cleaning things up. Mr. MacNearney said absolutely no, it was not going to happen. That was just a very short number of years ago. If you couldn't trust him then, we were suppose to have a playground, that was suppose to be here 36 years ago, no playground, can't trust him today. We are not getting straight answers.

**Mr. Bone** advised that as far as the planning and development agreement process goes in the end council will get a report and it will outline exactly what the obligations are of both parties. Of what the municipality is responsible for and 99% of responsibility falls on the owner, whether that is Mr. MacNearney, Miller Development or some future owner, they are all obligated by the same requirements.

**Mr. Macaulay** added that P84 was dedicated by Mr. MacNearney initially for the Charleswood Development. He actually provided not just 40% of the land mass or 5% of the land mass for whatever was being developed and P84 was to be the parkland, but he was only really obligated to provide 40%. He in fact provided an additional 60%. So with that was the intent that he was to carry on his development but HRM has changed the rules and this is not Mr. MacNearney's fault. He would like to do the development and he wanted to carry on with the development through an as of right but that as of right does not exist.

**Mr. Macaulay** stated that Mr. MacNearney over-dedicated parkland by 60% and he is not going to get paid any money for that and he will never see that again. He really would have rathered carry on through an as of right development but he really doesn't have that option anymore so they are working with what HRM is allowing them to do. As for the seniors housing, this is what he has wanted to do all along but the MPS would not allow for that which is why he is delayed. He has waited all this time for the seniors housing to be available so he can move forward.

## **5. Closing Comments**

Councillor Barry Dalrymple thanked everyone for coming and for the comments. He advised that the drainage issues, wetland, all this will be taken into consideration.

Mr. Bone stated that his business cards were available with his contact information if anyone would like to discuss anything further.

## **6. Adjournment**

The meeting adjourned at approximately 9:20 p.m.

**Attachment C:**

**Review of Relevant MPS Policies**

**River Lakes Secondary Planning Strategy:**

<p><u>Site D – Charleswood Residential Opportunity Site</u>  <i>Site D is a 42 acre piece of land in a 153 acre parcel which Miller Developments is proposing to develop a Classic Open Space Design Subdivision. This development is an extension of the Charleswood Subdivision and Site D forms Phase 4 of this proposed development. The subdivision is proposed to be developed with a mix of single unit dwellings and townhouses with the townhouse component proposed for Site D. This Secondary Planning Strategy will allow consideration of the development of townhouses on a maximum of 42 acres on Site D at a maximum density of 2 units per acre through the provisions of the Classic Open Space Design Policy S-16 and the provisions of Policy RL-16 below.</i></p>		
<b>RL-15</b>	<p><i>In addition to the uses that may be considered pursuant to Policy S-16 under the Regional Plan, HRM shall consider permitting townhouses on Site D as a component of a proposed Classic Open Space Design Subdivision for the Charleswood Subdivision through the provisions of a development agreement. In considering such an agreement, Council shall have regard to the provisions of Policy S-16 of the Regional Plan and the following:</i></p>	
<b>Policy section</b>	<b>Policy text</b>	<b>Comment</b>
a)	<i>that a maximum of 42 acres of the site maybe developed for townhouses in the general vicinity of the area shown on Map RL-3 at a maximum density of two units per acre;</i>	The proposed townhouse development on the site does not exceed 17 hectares (42 acres). Proposed townhouse development is located within the general vicinity of the area shown on Map RL-3. Proposed Townhouse Density is two units per acre (84 total units).
aa)	<i>that a minimum of 60% of the site is retained as open space; (RC-Jun 25/14;E-Oct 18/14)</i>	Proposed development retains 60.4% of the site as open space.
b)	<i>that the massing and built form of the development is compatible with any adjacent low density residential uses through the use of siting, transition of building scales, architectural elements to promote visual integration and landscaping and buffering;</i>	The uses proposed in this development application (i.e. single-detached dwellings and townhouse dwellings) are of similar height and scale to uses in the surrounding area. Proposed townhouse units are setback significantly from property lines, creating a significant open space buffer from existing single-detached homes to the south.
c)	<i>that the elevation of all buildings within each townhouse block shall be articulated in a manner that provides variation between units, and reinforces common characteristics that visually unites the block;</i>	Each 4-unit townhouse building will be articulated in a manner that provides variation between units, and reinforces common characteristics that visually unite the overall townhouse building
d)	<i>that there are off-sets or other articulations in the overall roof structure to break up the massing of townhouse blocks;</i>	Each 4-unit townhouse building will include offsets and articulations to the roof structure to break of the overall massing of the building

e)	<i>that the massing and built form of townhouse units adjacent to single-detached and semi-detached dwellings shall be broken down with architectural elements to promote visual integration;</i>	The townhouse units are located within separate development phases than single-detached dwellings and separated by open space between existing single unit dwellings.
f)	<i>that the townhouses generally conform to the architectural provisions set out under the land use by-law;</i>	The proposed townhouses generally conform to the architectural provisions set out under the land use by-law.
<b>Site Impact Controls/Assessments</b>		
g)	<i>that studies required pursuant to Policies RL-22 and RL-25 are undertaken prior to the approval of a development agreement;</i>	A Phosphorus Net Loading Assessment for the proposed development was submitted by the applicant. The study was reviewed by HRM staff and external experts and concur with the findings and recommendations. The Traffic Impact Statement submitted in 2014 and an update Traffic Impact Statement in 2019 to address the revised proposal was submitted and was reviewed and approved by HRM staff.
h)	<i>any other matter relating to the impact of the development on the surrounding community as outlined in Policies RL-23 and P-155 is addressed.</i>	Storm water management concept plan was submitted and reviewed. The Sedimentation Control Plan will also be submitted for review/approval at the time of construction.  Policy P-155 addressed in table below.
<b>RL-22</b>	<i>The River-lakes Secondary Planning Strategy shall establish a no net increase in phosphorus as the performance standard for all large scale developments considered through the provisions of a development agreement pursuant to policies RL-4, RL-5, RL-11, RL-12, RL-13, RL-14 and RL-15 of this Secondary Plan. This Policy shall also apply to proposed developments pursuant to policies S-15 and S16 of the Regional Municipal Planning Strategy. A study prepared by a qualified person shall be required for any proposed development pursuant to these policies to determine if the proposed development will export any greater amount of phosphorus from the subject land area during or after the construction of the proposed development than the amount of phosphorus determined to be leaving the site prior to the development taking place. If the study reveals that the phosphorus levels predicted to be exported from the proposed development exceed the phosphorus levels currently exported from the site, then the proposed development will not be permitted to take place unless there are reductions in</i>	The applicant submitted a Phosphorus Net Loading Assessment for the proposed development. This was submitted in conjunction with a Conceptual Stormwater Management Plan.  The study summarizes that no net phosphorus can be achieved if the following are implemented: <ul style="list-style-type: none"> <li>• A Phosphorus Net Loading Assessment in conjunction with a Conceptual Stormwater Management Plan for the entire proposed site development;</li> <li>• On-site specialized biological wastewater treatment units and dispersal system to provide additional Total Phosphorus removal efficiencies;</li> <li>• A development plan which carefully utilizes the natural topography, surface cover, watercourses and wetlands, and natural vegetation;</li> <li>• An integrated storm water management quality and quantity design approach;</li> </ul>

	<p><i>density or other methods that (RC-Feb 23/16;E-Apr 2/16) to reduce phosphorus export levels to those current before the proposed development. Any stormwater management devices designed to treat phosphorus must be located on the privately owned land included in the proposed development agreement. (RC-Feb 23/16;E-Apr 2/16) The cost of the study shall be borne by the applicant. The study may rely on phosphorus export coefficients derived from existing studies if they can be justified for application to local environmental conditions. All existing and proposed development within the affected area shall be taken into account and the consultant shall undertake Wet Areas Mapping to help define the ecological boundaries associated with the flow channels, accumulation points, and riparian zones to restrict any high impact development in those areas.</i></p>	<ul style="list-style-type: none"> <li>• Best Management Practices incorporated such that the maximum amount of natural vegetation is retained and protected; and</li> <li>• A Low impact Development (LID) approach to closely mimic the existing features and mitigate the introduction of nutrients and sediment into the surrounding watershed.</li> </ul>
<b>RL-23</b>	<p><i>The following measures shall be incorporated into all <u>development agreements</u> in the River-lakes Secondary Planning Strategy Area:</i></p>	
a)	<p><i>A site non- disturbance area of a minimum of 50% of the site or greater if required pursuant to any other policies within this Secondary Planning Strategy or the Regional Municipal Planning Strategy; and</i></p>	<p>Non-disturbance area of at least 60% of the site is proposed, which is required through Policies S-15 &amp; S-16 of the 2006 Regional Municipal Planning Strategy</p>
b)	<p><i>Stormwater management and an Erosion and Sedimentation Control Plans are in place to minimize impact on receiving waters.</i></p>	<p>A conceptual Stormwater Management Plan was submitted with the Phosphorus Loading Study and provided measures to minimize impact on receiving water. An Erosion and Sedimentation Plan is required prior to construction.</p>
<b>RL-25</b>	<p><i>As an interim measure, HRM shall require the proponents for any large scale residential developments considered through the provisions of Policies RL-11, RL-12, RL-13, RL-14 and RL-15 of this Secondary Planning Strategy or commercial development considered pursuant to policies RL-4 and RL-5 or Policy P-68 of the Planning Districts 14/17 Municipal Planning Strategy and polices S-15 and S-16 of the Regional Municipal Planning Strategy, to submit a traffic study to determine the impacts of development on the Fall River Road and Highway 2 Intersection, the Highway 102 / Highway 118 interchanges and the Lockview Road and MacPherson Road intersection. The study shall take into consideration the findings of the Fall</i></p>	<p>The Traffic Impact Study (TIS) indicates the proposed development is not expected to significantly impact the performance of adjacent streets and intersections. The traffic generated by the residents living in the 176 units will have access via the extension of the two existing public streets, Cumberland Way and Charleswood Drive.</p> <p>Traffic Impact Study (TIS) considered the impacts of development on the Fall River Road and the Highway 2 intersection. The proposed development is not expected to significantly impact the performance of these adjacent streets and intersections.</p> <p>HRM staff have reviewed the Traffic Impact Study prepared in support of this application and concur with the findings.</p>

	<i>River/Waverley/Wellington Transportation Study and the amount of development permitted in areas subject to these development agreements shall be regulated on the basis of the receiving road network capacity and the provisions of Policy RL-22.</i>	
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

### Planning Districts 14 & 17 (Shubenacadie Lakes) Municipal Planning Strategy

<b>P-155</b>	<i>In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i>	
<b>Policy Section</b>	<b>Policy text</b>	<b>Comment</b>
a)	<i>that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;</i>	This proposal generally aligns with the policies for Residential Opportunity Site D as outlined in the MPS for Planning Districts 14 & 17.
b)	<i>that the proposal is not premature or inappropriate by reason of:</i>	
	<ul style="list-style-type: none"> <li><i>i. the financial capability of the Municipality to absorb any costs relating to the development;</i></li> <li><i>ii. the adequacy of central or on-site sewerage and water services;</i></li> <li><i>iii. the adequacy or proximity of school, recreation or other community facilities;</i></li> <li><i>iv. the adequacy of road networks leading or adjacent to or within the development; and</i></li> <li><i>v. potential for damage to or for destruction of designated historic buildings and sites.</i></li> </ul>	The applicant is responsible for all costs of the development. Central water has been addressed by Halifax Water and on-site systems will be approved by NS Environment prior to issuance of building permits. The Site was identified during the Community Visioning and Plan Review process because of its location in proximity to the services currently provided in the community. Traffic Impact Study and subsequent updated Traffic Impact Statement has been submitted and approved by HRM staff.
c)	<ul style="list-style-type: none"> <li><i>i. that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i></li> <li><i>ii. type of use;</i></li> <li><i>iii. height, bulk and lot coverage of any proposed building;</i></li> <li><i>iv. traffic generation, access to and egress from the site, and parking;</i></li> <li><i>v. open storage;</i></li> <li><i>vi. signs; and</i></li> <li><i>vii. any other relevant matter of planning concern.</i></li> </ul>	The proposed residential units are generally in keeping with the surrounding single unit neighbourhood. Open storage and signage are addressed in the development agreement and will follow the LUB requirements.
d)	<i>that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of</i>	These features were identified in phase 1 of the development and are generally contained within the 60% required open



	<i>watercourses, marshes or bogs and susceptibility or flooding.</i>	space in Open Space Design (Conservation Design) Subdivisions.
e)	<i>Within any designation, where a holding zone has been established pursuant to Infrastructure Charges - Policy P-64F@, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the Infrastructure Charges Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</i>	N/A

### Regional Municipal Planning Strategy (2006)

<b>S-15</b>	<i>HRM shall permit the development of Open Space Design residential communities, as outlined in this Plan, within the Rural Commuter and Rural Resource designations and within the Harbour designation outside of the Urban Service Area, but not within the portions of the Beaver Bank and Hammonds Plains communities as identified in the Subdivision By-law under Policy S-25 and within the Rural Area Designation under the Eastern Passage/Cow Bay Plan Area. HRM will consider permitting the maximum density of such developments to one unit per hectare of gross site area. In considering approval of such development agreements, HRM shall consider the following:</i>	
<b>Policy Section</b>	<b>Policy Criteria</b>	<b>Comment</b>
a)	<i>where the development is to be serviced by groundwater and as determined through a hydrogeological assessment conducted by a qualified professional, that there is an adequate supply of ground water to service the development and that the proposed development will not adversely affect groundwater supply in adjacent developments;</i>	N/A – the proposed development is eligible for municipal water service and therefore, a hydrological assessment is not required.
b)	<i>that there is sufficient traffic capacity to service the development;</i>	A Traffic Study and subsequent updated Traffic Impact Statement have been submitted and approved by HRM staff.
c)	<i>the types of land uses to be included in the development which may include a mix of residential, associated public or privately-owned community facilities, home-based offices, day cares, small-scale bed and</i>	The revised proposal consists of two residential dwelling type: townhouse and single unit. Home businesses will be a permitted use in conjunction with these unit types.

	<i>breakfasts, forestry and agricultural uses;</i>	
d)	<i>whether soil conditions and other relevant criteria to support on-site sewage disposal systems can be met;</i>	A proposed private sewage treatment system has been reviewed by HRM staff and NS Environment. See Policy 155 (b)(ii).
e)	<i>the lot frontages and yards required to minimize the extent of road development, to cluster building sites on the parcel and provide for appropriate fire safety separations;</i>	The townhouses portion of the proposed development are clustered in groupings of up to four units. Dwellings are required to be setback a minimum of 4.8 m (16 ft) from any other dwelling, which is in line with setbacks in the LUB. The public road development is only the extension of existing public road, Cumberland Way and Charleswood Drive.
f)	<i>that the building sites for the residential units, including all structures, driveways and private lawns, do not exceed approximately 20% of the lot area;</i>	This provision applies to “Hybrid Open Space Design Development” and the proposed development “Classic Open Space”. The developable area is 40% where the 60% is left as open space.
g)	<i>approximately 80% of the lot is retained as a non-disturbance area (no alteration of grades, except for the placement of a well or on-site sewage disposal system in the non-disturbance area shall be permitted and provision shall be made for the selective cutting of vegetation to maintain the health of the forest);</i>	N/A as it is proposed under “Classic Open Space” and not Hybrid. However, the developable area is 40% and 60% is left as open space.
h)	<i>that the development is designed to retain the non-disturbance areas and to maintain connectivity with any open space on adjacent parcels;</i>	Building sites are clustered on private driveways connected to new public road extensions. Building sites are located outside of the riparian buffers to ensure minimum disturbance of lands surrounding watercourses and wetlands. At least 60% of the total land area will be maintained as open space and will retain natural vegetation
i)	<i>connectivity of open space is given priority over road connections if the development can be sited on the parcel without jeopardizing safety standards;</i>	The proposed layout of public roads, private driveways and buildings do not compromise the connectivity of the open space within the proposed site area.
j)	<i>trails and natural networks, as generally shown on Map 3 or a future Open Space Functional Plan, are delineated on site and</i>	The properties are not affected by any of the trails or natural networks as shown on Map 3, as the site is not near the proposed River Lakes Trail system. Any future

	<i>preserved;</i>	trails within the site will be the responsibility of the Developer.
<i>k)</i>	<i>parks and natural corridors, as generally shown on Map 4 or a future Open Space Functional Plan, are delineated on site and preserved;</i>	The properties are not affected by any of the parks and natural corridors as shown on Map 4. The site is not near the proposed River Lakes Trail system. Any future trails within the site will be the responsibility of the Developer.
<i>l)</i>	<i>that the proposed roads and building sites do not significantly impact upon any primary conservation area, including riparian buffers, wetlands, 1 in 100 year floodplains, rock outcroppings, slopes in excess of 30%, agricultural soils and archaeological sites;</i>	The residential units locations were based on land suitability criteria. There is no development within the watercourse buffer. The location of the roads was taken into account when selecting the developable portion of the site.  The proposed roads, private driveways, building sites and community services do not significantly impact the listed primary conservation features.
<i>m)</i>	<i>the proposed road and building sites do not encroach upon or are designed to retain features such as any significant habitat, scenic vistas, historic buildings, pastoral landscapes, military installations, mature forest, stone walls, and other design features that capture elements of rural character;</i>	This was taken into account when selecting the developable portion of the site. 60% of the site is left as open space.  The proposed roads, private driveways, building sites and community services do not significantly impact the conservation features.  A Low impact Development (LID) approach to closely mimic the existing features and mitigate the introduction of nutrients and sediment into the surrounding watershed.
<i>n)</i>	<i>that the roads are designed to appropriate standards as per Policy T-2;</i>	The newly extended public roads will meet municipal requirements for public streets. The private driveways will meet the requirements of as listed in the DA and the National Building Code for required access routes for emergency service.
<i>o)</i>	<i>views of the open space elements are maximized throughout the development;</i>	The Townhouses are built on higher elevation. Building sites are proposed at higher elevations within the site to provide views towards Second Lake and to surrounding watercourses and open spaces.
<i>p)</i>	<i>opportunities to orient development to maximize the capture of solar energy;</i>	Buildings sites generally have significant exposure to the south in order to maximize the capture of solar energy
<i>q)</i>	<i>the proposed residential dwellings are a minimum of 800 metres away from any permanent extractive facility;</i>	There are no permanent extractive facilities within 800m of the subject property.
<i>r)</i>	<i>the proposed development will not significantly impact any natural resource use and that there is sufficient buffering between any existing resource</i>	The developable area covers 40% of the site whereas 60% is kept as open space. The developable areas are away from primary conservation features.

	<i>use and the proposed development to mitigate future community concerns; and</i>	
s)	<i>consideration be given to any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.</i>	See comments in Table below for Policy S-16.
<b>S-16</b>	<i>Further to Policy S-15, within the Rural Commuter, Rural Resource and Agricultural Designations, HRM shall permit an increase in density for Open Space Design Developments up to 1 unit per 4000 square metres, or greater in centres as may be provided for in secondary planning strategies, where approximately 60% or more of the site is retained in single ownership of an individual, land trust, condominium corporation or the Municipality. Notwithstanding Policy E-5, the parkland dedication shall be relaxed to a minimum of 5% for this type of development. In considering approval of such development agreements, HRM shall consider the following:</i>	
a)	<i>the criteria specified in Policy S-15, with the exception of items (f) and (g); and</i>	See S-15 Policy review table above. Total percent of lot coverage or 'developable area' (includes all structures, driveways and private lawns) shall not exceed 40%. The proposed lot coverage (developable area) for the development is 21.5 hectares or 37% of the total land mass. The remainder of the land (63%) is proposed to be open space.
b)	<i>that the common open space cannot be used for any other purpose than for passive recreation, forestry, agriculture or conservation-related use except for a portion of which may be used as a village common for active recreation or the location of community facilities designed to service the development.</i>	The 60% common open space is proposed for conservation and potentially private trails.
<b>IM-15:</b>	<i>In considering development agreements or amendments to land use by-laws, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:</i>	
a)	<i>That the proposal is not premature or inappropriate by reasons of:</i>	See below
i)	<i>The financial capability of HRM to absorb any costs relating to the development</i>	The developer will be responsible for the costs required for the development. Upon completion and conveyance of the public roads, all costs associated with maintaining the road are HRM's responsibility.
ii.	<i>The adequacy of municipal wastewater facilities, stormwater systems or water distribution systems</i>	Lots will be serviced by municipal water and an on-site sewage sanitary system subject to Nova Scotia Environment requirements and approvals

iii.	<i>The proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands</i>	Ash Lee Jefferson, Georges P. Vanier Junior High School, and Lockview High School would be the assigned neighbourhood schools. It is anticipated that this development would not have a significant impact on student population. There is a Community Recreation facility, Gordon Snow. This development may impact the number of participants in the community programming.
iv.	<i>The adequacy of road networks leading to or within the development</i>	The updated Traffic Impact Statement was reviewed and approved.
v.	<i>The potential damage to or for destruction of designated historic buildings and sites</i>	No registered heritage properties will be affected by this proposal.
b)	<i>That controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i>	See below
i.	<i>Types of use</i>	Proposed uses include single unit dwellings, townhouse and privately-owned community facilities. Except for the town houses, these are similar type of uses to adjacent or nearby uses.
ii.	<i>Height, bulk and lot coverage of any proposed building</i>	The uses proposed in this development is of similar height and scale to uses in the surrounding area. The proposed townhouse units are significantly setback from existing single-detached homes to the south and only 1 storey in height.
iii.	<i>Traffic generation, access to and egress from the site, and parking</i>	An updated Traffic Impact Statement was reviewed and approved
iv.	<i>Open storage</i>	Individual households and property owner will be responsible for solid waste receptacles and the maintenance of them.
v.	<i>Signs</i>	A sign identifying the development will be located at the entrance of the development on Charleswood Drive and Cumberland Way. A sign will also be permitted at each townhouse cluster to promote a sense of place. Sign requirements have been included in the development agreement.
c)	<i>That the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, location of watercourse, marshes or bogs and susceptibility to flooding</i>	Through the Conservation Design process, these primary conservation features have been avoided and impact has been minimized. A Phosphorus loading assessment has been completed to monitor the impact of the water courses in the area.