



P.O. Box 1749
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Item No. 13.1.3
Northwest Community Council
November 8, 2021
December 13, 2021
January 17, 2022

TO: Chair and Members of North West Community Council

SUBMITTED BY: - Original Signed -
Kelly Denty, Executive Director of Planning and Development

DATE: October 5, 2021

SUBJECT: **Case 20110: Rezoning and Development Agreement for an Open Space Design Development along Windgate Drive, Beaver Bank**

ORIGIN

- May 24, 2016 – Regional Council approved an amendment to the Regional Subdivision By-law to extend the Water Service Area to approximately 154.10 hectares (380.8 acres) of land located off Windgate Drive in Beaver Bank.
- Application by WSP Canada Inc. on behalf of Marque Investments Ltd.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to Schedule 1-C of the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville, as set out in Attachment A, to rezone approximately 19.6 hectare (48.5 acre) of land along Windgate Drive between Capilano Estates and Monarch-Rivendale subdivisions in Beaver Bank to the MU-1 (Mixed Use 1) Zone and schedule a public hearing;
2. Give notice of motion to consider the proposed development agreement, as set out in Attachment B, and schedule a public hearing. The hearing for the development agreement shall be held concurrently with the hearing required for the proposed rezoning set out in recommendation 1 above; and
3. Adopt the amendment to Schedule 1-C of the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville, as set out in Attachment A.

Contingent upon the amendment to the Beaver Bank, Hammonds Plains, and Upper Sackville Land Use By-law being approved by Community Council and becoming effective pursuant to the requirements of the *Halifax Regional Municipality Charter*, it is further recommended that North West Community Council:

1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment B; and
2. Require that the development agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

WSP Canada Inc., on behalf of Marque Investments Ltd., has applied for a land use by-law amendment and development agreement to enable a 374-unit Classic Open Space Design Development subdivision on 154.10 hectares (380.8 acres) of land along Windgate Drive, Beaver Bank between the existing Monarch-Rivendale and Capilano Estates subdivisions. Marque’s original application submission was deemed complete on March 24, 2014, prior to Council’s first notification to adopt the 2014 Regional Plan on May 31, 2014. Therefore, the current proposal is being considered in accordance with the 2006 Regional Plan Open Space Design policies.

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| Subject Site | PIDs 41043597, 40010514, 41398694 and 41401159 (a portion of the lands will be subdivided to create a parcel for the existing telecommunications tower) |
| Location | Located north of Windgate Drive, between Rivendale Drive and Terry Road, in Beaver Bank, NS. |
| Regional Plan Designation | Rural Commuter |
| Community Plan Designation (Map 1) | Mixed Use A and Rural Resource under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) |
| Zoning (Map 2) | I-1 (Mixed Industrial) Zone and MR-1 (Mixed Resource) Zone under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB) |
| Size of Site | The area subject to this application totals approximately 151.4 hectares (374 acres) |
| Street Frontage | The frontage of lands subject to this application totals approximately 477 metres (1564 feet) |
| Current Land Use(s) | The lands are currently undeveloped and were previously logged. There are logging roads that are used as trails by local residents. There is also an existing telecommunications antenna system on the site. |
| Surrounding Use(s) | Low density residential to the east and west (Capilano Estates and Monarch Rivendale subdivisions respectively); Ashburn golf course to the north; and Second Lake Regional Park and a CN Rail Corridor currently managed by the Windsor and Hantsport Railway Company to the south opposite Windgate Drive. |

Proposal Details

The applicant proposes to enable a 374-unit Classic Open Space Design subdivision composed of single unit dwellings and senior citizen housing. To enable the development, as proposed, North West Community Council must approve rezoning a portion of the lands to the MU-1 (Mixed Use 1) Zone as set out in Attachment A and then approve the proposed development agreement as set out in Attachment B. The major aspects of the proposal are as follows:

- a total of 374 residential units;
- a minimum of 201 single unit dwellings;
- a maximum of 173 senior citizen housing units including a maximum of 3 multiple unit dwellings and 45 townhouse dwelling units;
- 60% of the subject site retained as common open space;
- 5% parkland dedication including an expansion of Monarch Rivendale Park a neighbourhood park at the end of Valerie Court and a trail connecting Monarch Rivendale Park to Duck Lake Brook Greenway Park; and,
- new public roads connecting to Windgate Drive, Rivendale Drive, Elise Victoria Drive, Galloway Drive and Briancrest Road.

Application History

Marque Investments Ltd. first applied for an Open Space Design development at the subject site in January 2014. The original application included a request to extend the Water Service Area boundary as a “classic form” of Open Space Design was proposed and water serviced subdivisions existed on either side of the property. Since the Water Service Area extension was approved in 2016, Marque Investments Ltd. has been working on their development plans including sorting out how water service could be provided to each dwelling on a parent condominium lot, while satisfying the requirements of both Halifax Water and the *Condominium Act*. This was something the applicant wanted to determine as due diligence prior to proceeding to Council for a decision on the application.

The adjacent subdivisions of Monarch-Rivendale and Capilano Estates were designed with road reserves for future public street connections. Furthermore, public street connections between the two existing subdivisions and across the subject site offered looping of the water main pipes which is generally preferred to provide resiliency to the overall water distribution system. The current application was the first Open Space Design development proposed between two built subdivisions serviced by municipal water. An Open Space Design subdivision including condominium units along a public street with a water main pipe was not a model previously considered by staff. To clarify the interpretation of Halifax Water Regulations with respect to servicing condominium units along a public street, a joint application by Halifax Regional Water Commission and Marque Investments Ltd. was submitted to the Nova Scotia Utility and Review Board (NSUARB). In April 2021, the NSUARB approved the request for clarification to allow each single unit dwelling within a condominium corporation fronting a public street to have an individual lateral connection.

Enabling Policy and LUB Context

The current application was deemed complete prior to Council’s first notification of its intention to adopt the 2014 Regional Plan (May 31, 2014). Therefore, the proposed development is being considered pursuant to the 2006 Regional Plan Open Space Design policies through policy G-18 of the 2014 Regional Plan. Policies S-15, S-16 and IM-15 of the 2006 Regional Plan enable consideration of a Classic Open Space Design development on the subject lands comprising a mix of residential land uses, associated facilities, and home-based offices to a maximum of 1 unit per gross acreage through the development agreement process. The subject lands are within the Water Service Area. Extending the Water Service Area boundary to include the subject property was previously approved in May 2016 because there was a proposal for an Open Space Design development on file.

To support senior citizen housing within the development, the underlying zoning of the property must permit senior citizen housing. The current zoning of the subject property does not permit senior citizen housing. As shown on Map 1, the majority of the subject property is designated MUA (Mixed Use A) under the MPS, and the remainder of the property is designated RR (Rural Resource). Policy P-8 enables the establishment

of the MU-1 (Mixed Use 1) Zone within the MUA designation. The MU-1 Zone permits senior citizen housing defined as “housing designed for occupancy by senior citizens”. The applicant is seeking rezoning of a small portion of the property to the MU-1 Zone through policy P-8 to allow senior citizen housing to be considered in the mix of residential uses within the proposed Classic Open Space Design development.

Open Space Design Developments

Open Space Design developments enabled under the 2006 Regional Plan, now called Conservation Design Developments under the 2014 Regional Plan, are the manner by which larger scale residential subdivisions may be considered in rural areas of the Municipality. The intent of Open Space Design developments is to conserve open space in a contiguous form and protect conservation features while enabling appropriate residential densities. Building sites are generally located on portions of a property best suited for development, while the remainder of the site is retained as common open space for active and passive recreation purposes as well as for the location of infrastructure required to service the development.

Open Space Design developments may be considered in a classic form where multiple dwellings are clustered on one lot or in a traditional subdivision form where each dwelling is located on its own lot. Classic Open Space Design, as proposed in the current application, features a common open space component held in single ownership by a condominium or land trust. Only 40% of the property may be developed while the remaining 60% must be retained as common open space. By clustering dwellings, the policies intend to minimise road development and allow services such as septic systems and driveways to be shared. Classic Open Space Design allows consideration of a maximum density of 1 dwelling unit per 4,000 square metres (1 acre) of gross site area.

Open Space Design development proposals are processed in two stages. Stage 1 involves site analysis and a preliminary site design process to determine open space areas to be preserved and potential areas for development. Staff’s review of Marque Investments Limited’s Stage 1 submission was completed in March 24, 2014. Stage 2 is the conceptual design stage where the locations of proposed roads, private shared driveways, building sites and other physical design features of the development are determined. Stage 2 requires concept plans and technical studies for detailed review by staff and approval of a development agreement by the applicable Council. This application is for Stage 2 of the process.

Approval Process

The approval process for this application involves two steps:

- i) First, North West Community Council must consider and, if deemed appropriate, approve the rezoning to enable senior citizen housing to be included in the mix of residential uses within the proposed Open Space Design development; and
- ii) Second, North West Community Council must consider and, if deemed appropriate, approve the proposed development agreement once the zoning is in effect.

Notwithstanding the two-stage approval process, a single public hearing can be held by Community Council to consider both the proposed rezoning and the development agreement. However, subsequent to the completion of the hearing process, the proposed rezoning must be approved by Community Council and in effect prior to a decision on the on the development agreement. Both decisions are subject to appeal to the N.S. Utility and Review Board.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and two public information meetings held on Wednesday, November 18, 2015 and Monday, August 28, 2017. Attachment D contains a summary of the minutes from both meetings. A mailout was also sent to area residents for feedback on the revised proposal in May 2020.

The public comments received include support for non-disturbance areas between the development and adjacent properties and trail connections linking park assets in abutting neighbourhoods. Members of the public expressed they would prefer a standard form of subdivision, similar to Monarch Rivendale and Capilano Estates. Concerns raised included the following topics:

- Density, mix of housing including seniors housing in the form of townhouses and multiple unit dwellings, clustering of units and their compatibility with abutting low density rural subdivisions;
- Traffic impacts and road safety – residents expressed concern about the design features of existing streets including narrow widths and no sidewalks, and requested traffic calming and upgrades to the Beaver Bank Road – Windgate Drive intersection;
- Proposed road connections to adjacent subdivisions;
- Interruptions to services, including water supply and garbage collection, due to construction activity;
- Impacts on wildlife, natural corridors wetlands and watercourses including water quality of Second Lake;
- Presence of sulphide bearing slates;
- Impacts on wells;
- Stormwater runoff toward adjacent neighbourhoods;
- Proximity of shared on-site wastewater treatment plants to existing homes and wetlands;
- School capacity;
- Buffering development from abutting properties;
- Lack of transit and nearby services and amenities for seniors;
- Impacts on property values; and
- Active transportation connections.

In response to concerns and questions raised by the public, staff created a Frequently Asked Questions document as presented in Attachment E. This document was available on the application website as a part of the community engagement efforts. Public comments have been considered by staff and addressed where possible in the proposed development agreement.

A public hearing must be held by North West Community Council before they can consider approval of the proposed development agreement. Should North West 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 3 will be notified of the hearing by regular mail.

The proposal will potentially impact local residents and property owners.

North West Planning Advisory Committee

The application was presented to the North West Planning Advisory Committee (PAC) on January 7, 2016, November 1, 2017, and July 15, 2020. PAC reviewed the proposal on July 15, 2020 and recommended that the application be approved with consideration given to the Windgate Drive – Beaver Bank intersection, traffic calming, road connections, transit, parkland, and school capacity.

At the July 15, 2020 PAC meeting, Deputy Mayor Blackburn tabled a petition signed by 99 area residents requesting that the proposed development be adjusted to remove the proposed connection to Elise Victoria Drive. Residents expressed that a connection to Elise Victoria Drive would “become a main artery for vehicles travelling from Beaver Bank Road and Fall River instead of the quiet and peaceful dead-end street it currently is”.

Staff advise that most of PAC’s concerns have been addressed in the proposed development agreement. Changes have not been made to the proposal in response to the following matters:

- Traffic Lights at Beaver Bank Road – Windgate Drive Intersection: As noted in the discussion section of this report, traffic lights at the intersection of Beaver Bank Road and Windgate Drive are not warranted.

- Addition of Transit: The subject site is located outside the Urban Transit Service Boundary and there is no policy to enable consideration of transit service to the proposed development. Therefore, adding public transit is not supported. The nearest transit route is along Beaver Bank Road.
- Removal of Connection to Elise Victoria: Traffic Services and Development Engineering have reviewed the request to remove the public road connection to Elise Victoria Drive. This is not supported by staff as the proposed connection follows the HRM Municipal Design Guidelines by accommodating through traffic, linking existing streets, utilising an existing road reserve at the end of Elise Victoria which was intended for a future road connection, limiting cul-de-sacs and allowing looping of water main pipes.

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

DISCUSSION

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

Proposed Rezoning

Attachment A contains the proposed rezoning for the subject site. Policy S-15 of the 2006 RMPS allows for consideration of a mix of residential uses within an Open Space Design development. Staff rely on the underlying zoning of a site to determine what can be included in the mix of residential uses to ensure the form is supported by the community plan. The existing zoning permits single unit dwellings but not senior citizen housing. Rezoning a portion of the site, approximately 19.4 hectares (48 acres) toward Windgate Drive to the MU-1 Zone is proposed to enable consideration of senior citizen housing in the form of townhouse dwellings and multiple unit dwellings in the mix of residential uses for the Open Space Design development.

The developer intends to develop the subject lands for residential purposes as a more suitable use of land than for mixed industrial and resource uses currently permitted as-of-right. It is, however, important to note that the extent of rezoning required in order to facilitate the proposed residential development does not involve all I-1 zoned lands in the area. As such, it is possible that industrial type uses could exist in the future for these I-1 lands if the development agreement is not approved for these lands. Staff are not supportive of maintaining lands zoned for mixed industrial and resource uses serviced by central water between two existing low density residential neighbourhoods. Staff therefore recommend that the proposed rezoning and development agreement be approved to support residential development of the subject lands.

Proposed Development Agreement

Attachment B 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:

- Maximum number of residential units;
- Mix of permitted uses;
- Number of units per dwelling type;
- Phasing;
- New public street connections and private shared driveways;
- Provisions regarding the location, number, and height of single unit dwellings;
- Controls regarding the location, number, height, and design of the senior citizen housing;
- Retention of 60% of the lands as open space;
- Parkland dedication;
- Servicing the development with central water and private on-site septic; and,
- Deadlines for commencement and completion of the development.

The application was originally submitted in 2014. Multiple revisions have been made to the proposal over the years to satisfy the policy criteria, address concerns raised by the public, and meet technical requirements of HRM and other government agencies. The attached development agreement will permit a 374-unit Open Space Design development, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS and RMPS criteria as shown in Attachment C, the following have been identified for detailed discussion.

Signing Period and Subdivision

The COVID-19 pandemic has resulted in difficulties in having legal agreements signed by multiple parties in short periods of time. To recognize this difficulty in these unusual circumstances, staff are recommending extending the signing period for agreements following a Council approval and completion of the required appeal period. While normally agreements are required to be signed within 120 days, staff recommend doubling this time period to 240 days. The recommended extension would also provide time for completion of the subdivision application required to register the proposed development agreement. This extension would have no impact on the development rights held within the agreement, and the agreement could be executed in a shorter period of time if the situation permits.

Mix of Residential Uses

A maximum of 374 residential units is enabled under the Open Space Design policies. Residential units are generally clustered on common condominium parcels to maximise retention of open space and minimize road development while providing for safe and adequate road connections. The single unit dwelling is the predominant housing form proposed in keeping with the adjacent neighbourhoods. Senior citizen housing in the form of townhouses and multiple unit dwellings is also proposed in specific locations of the development. The types of land uses enabled under the proposed development agreement also include home-based offices and privately-owned community facilities. Secondary and backyard suites are not permitted as the relevant policy is specific in the maximum density permitted within the proposed development.

Senior citizen housing offers a land use that is not currently available in the immediate area – it would fulfil a special need in the community, which staff advise to be reasonably consistent with the intent of enabling new seniors housing developments in the Plan area. Controls are included in the proposed development agreement relating to topics including building design, building location, building scale, and amenity area. These controls strive to reduce conflict with surrounding lower density neighbourhoods and to ensure the senior citizen housing is designed appropriately for occupancy by senior citizens. Senior citizen housing also allows for greater clustering of units to protect open space as intended by the Open Space Design policies.

Although the Municipality does have some authority to create policy aimed at addressing social conditions, such as senior citizens housing, it is not able to regulate tenancy. Any restriction to tenancy based on age would be a violation of the Nova Scotia *Human Rights Act*. While the Developer may market buildings for senior citizens, tenancy based on age cannot be enforced by the Municipality.

Staff advise that the proposed mix of residential uses is more in keeping with the surrounding area than the types of land uses permitted under the current I-1 and MR-1 zoning. The current zoning permits a wide range of commercial, industrial, and resource operations including warehousing and manufacturing, heavy machinery sales and service, trucking and landscaping, general contracting, agriculture, forestry, and composting operations as-of-right. Staff advise that the proposed Open Space Design development offers a more appropriate use of land in keeping with the surrounding area than the existing as-of-right development options.

Open Space and Parkland

A minimum of 60% of the lands is proposed to be maintained as common open space in the ownership of a condominium corporation or by the Municipality as parkland. Open Space areas are intended to maintain a connected open space system, protect primary conservation features such as riparian buffers, natural corridors, and wetlands, and identify secondary conservation features to be carefully developed including

mature forests. As enabled under the Open Space policies, active and passive recreation uses for residents of the development as well as facilities to service the development are permitted within the open space areas. Uses proposed within the common open space areas include amenity areas for the senior citizen housing and private wastewater treatment plants.

Staff advise that the proposed building sites are strategically located in areas best suited for development. Furthermore, the proposed development is connected through a road system that supports protection and connectivity of open space while minimizing impacts on primary and secondary conservation features. Primary conservation areas are generally retained as non-disturbed open space. There is only one location where proposed public Road "A" crosses Duck Lake Brook.

A minimum of 5% parkland dedication is required for the proposed Open Space Design development. An expansion of Monarch-Rivendale Park, a trail running along Duck Lake Brook, and a new park at the end of Valerie Court connecting to the existing Duck Lake Brook Greenway in Capilano Estates subdivision are proposed. These parks and trail allow for connectivity of existing park assets in the adjacent subdivisions and are in proximity to the Second Lake Regional Park. Any additional parkland dedication required would be accepted as cash or equivalent value as determined by the Development Officer through the subdivision approval process.

Road Network and Traffic Capacity

Policies S-15 and IM-15 of the RMPS as well as P-137 of the MPS require consideration of the adequacy of road networks leading or adjacent to and within the proposed development. Furthermore, the relevant policies suggest that controls be placed on the development to reduce conflict with nearby land uses by reason of traffic generation and access to the site. The Traffic Impact Study (TIS) and addendums completed in support of the application found that the proposed development would not significantly affect the performance of Windgate Drive and nearby intersections. Engineering and Traffic staff have reviewed and deemed acceptable the traffic impact analysis and proposed road network.

Connections to Existing Public Streets

The applicant proposes public road connections off Windgate Drive, between Rivendale Drive and Elise Victoria Drive, and between Galloway Drive and Briancrest Drive. While residents have expressed concern with the proposed road network, staff advise that the proposed street connections follow the Municipal Design Guidelines and have therefore been deemed acceptable. For example, Monarch-Rivendale and Capilano Estates subdivisions were designed leaving road reserves at the ends of Rivendale Drive, Elise Victoria Drive, Galloway Drive and Briancrest Drive intended for future road connections. Additionally, the proposed connections would offer looping of pipes which is a preferred servicing strategy as it provides resiliency and limits the number of impacted customers in the event of a break.

Windgate-Beaver Bank Intersection

Through the public engagement for the current application, area residents expressed traffic capacity concerns about the intersection of Windgate Drive and Beaver Bank Road. HRM Traffic Services reviewed this intersection both in 2007 and 2019 with consideration of the traffic volumes and movements, travel lanes, speeds, sightlines and visibility, and past collision data to determine if traffic signals or other infrastructure upgrades are warranted. A Safety Review Report was prepared for HRM in 2016, which found that the volumes at the intersection did not warrant traffic signals, and that the intersection was operating near the expected safety performance based on Highway Safety Manual guidelines, with some safety concerns.

Staff also examined the rail line that runs diagonally through the intersection. Although this line has been inactive for about 15 years, the current owner has indicated there are future plans for the rail line. HRM understands that this crossing and the railway is still owned by CN. The presence of the railway crossing infrastructure also limits the Municipality's ability to install traffic lights or a modern roundabout to improve sightlines and queues approaching the Beaver Bank Road – Windgate Drive intersection.

Traffic Calming

Traffic Calming Administrative Order 2015-004-OP is intended to respond to existing street conditions and driver behaviour and does not apply to new or proposed streets. New streets are designed in accordance with the most recent engineering standards which include requirements to mitigate concerns related to traffic volumes, travel speeds, and safety. To address concerns raised by area residents, road design elements may be required through the subdivision process to mitigate speeds within the development.

Servicing the Development

Council approved an extension of the Water Service Area in 2016 to include the subject property in response to a proposal for an Open Space Design development. Any development of the lands must be serviced with central water and private on-site septic systems. The concept plan in Schedule B shows the preliminary location of private shared wastewater treatment plans proposed for each condominium. On-site sanitary sewer and wastewater treatment facilities are regulated by the Provincial department of Environment and Climate Change. While the preliminary location of on-site wastewater treatment systems is shown on Schedule B, alternative facilities and their final location will be determined through detailed design pursuant to provincial requirements.

School Capacity

The applicable planning policy requires consideration of the adequacy of school facilities. HRCE was previously consulted on this application. HRCE has generally indicated that they will work to ensure all students in the Municipality are provided access to an education as every person between the ages of 5-21 has the right to attend public school. Therefore, staff advise that the proposal is not premature or inappropriate by reason of the adequacy of schools.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The proposed rezoning and Open Space Design development would enable residential subdivision of the lands as intended when the Water Service Area Boundary was extended in 2016. It would allow for an appropriate mix of residential uses between two established residential neighbourhoods and eliminate the current mixed industrial and resource zoning that enables a less appropriate range of uses as-of-right. Therefore, staff recommend that the North West Community Council approve the proposed rezoning and development agreement.

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 2021-2022 operating budget for Planning and Development.

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 LUB amendments and development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No further environmental implications beyond those identified earlier in this report have been noted.

ALTERNATIVES

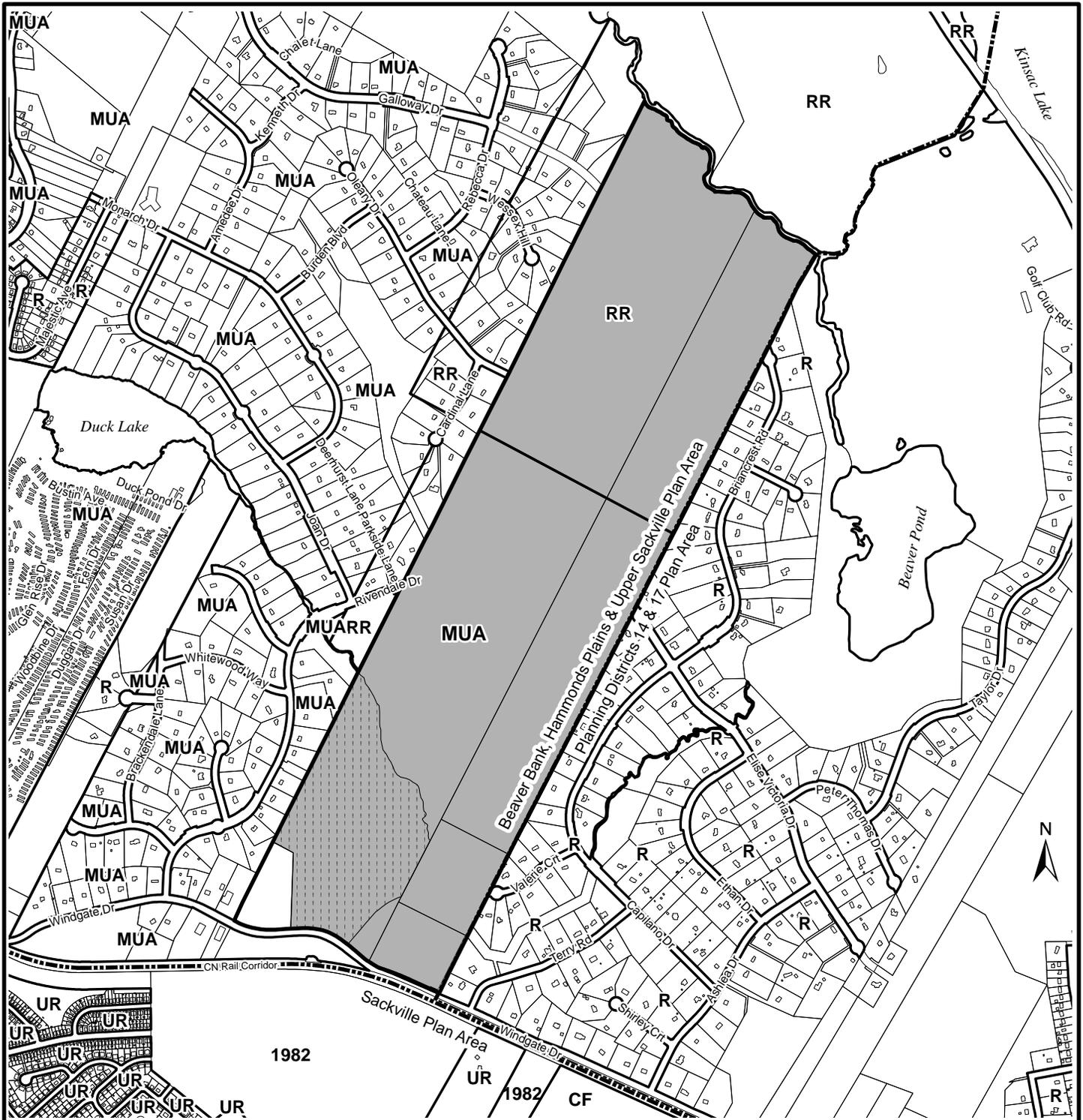
1. North West Community Council may choose to approve the proposed amendment to the Beaver Bank, Hammonds Plains, and Upper Sackville LUB and the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve the proposed LUB Amendment or 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 amendment to the Beaver Bank, Hammonds Plains, and Upper Sackville LUB and proposed development agreement, and in doing so, must provide reasons why either or both do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

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|---------------|---|
| Map 1: | Generalized Future Land Use |
| Map 2: | Zoning |
| Map 3: | Notification Area |
| Attachment A: | Proposed Rezoning |
| Attachment B: | Proposed Development Agreement |
| Attachment C: | Review of Relevant MPS Policies |
| Attachment D: | Summary of Public Information Meeting Minutes |
| Attachment E: | Responses to Frequently Asked Questions |

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

Report Prepared by: Stephanie Salloum, Planner III, Rural Policy and Applications, 902.476.2792



Map 1 - Generalized Future Land Use

Windgate Drive,
Beaver Bank

-  Area of Proposed Development Agreement
-  Area to be Rezoned from I-1 (Mixed Industrial) to MU-1 (Mixed Use 1)
-  Subject Lands

Designations BBHPUS

- R Residential
- MUA Mixed Use A
- RR Rural Resource

Designations Planning Districts 14 & 17

- R-1a Single Unit Dwelling
- R-1b Suburban Residential
- R-6 Rural Residential

Designations Sackville

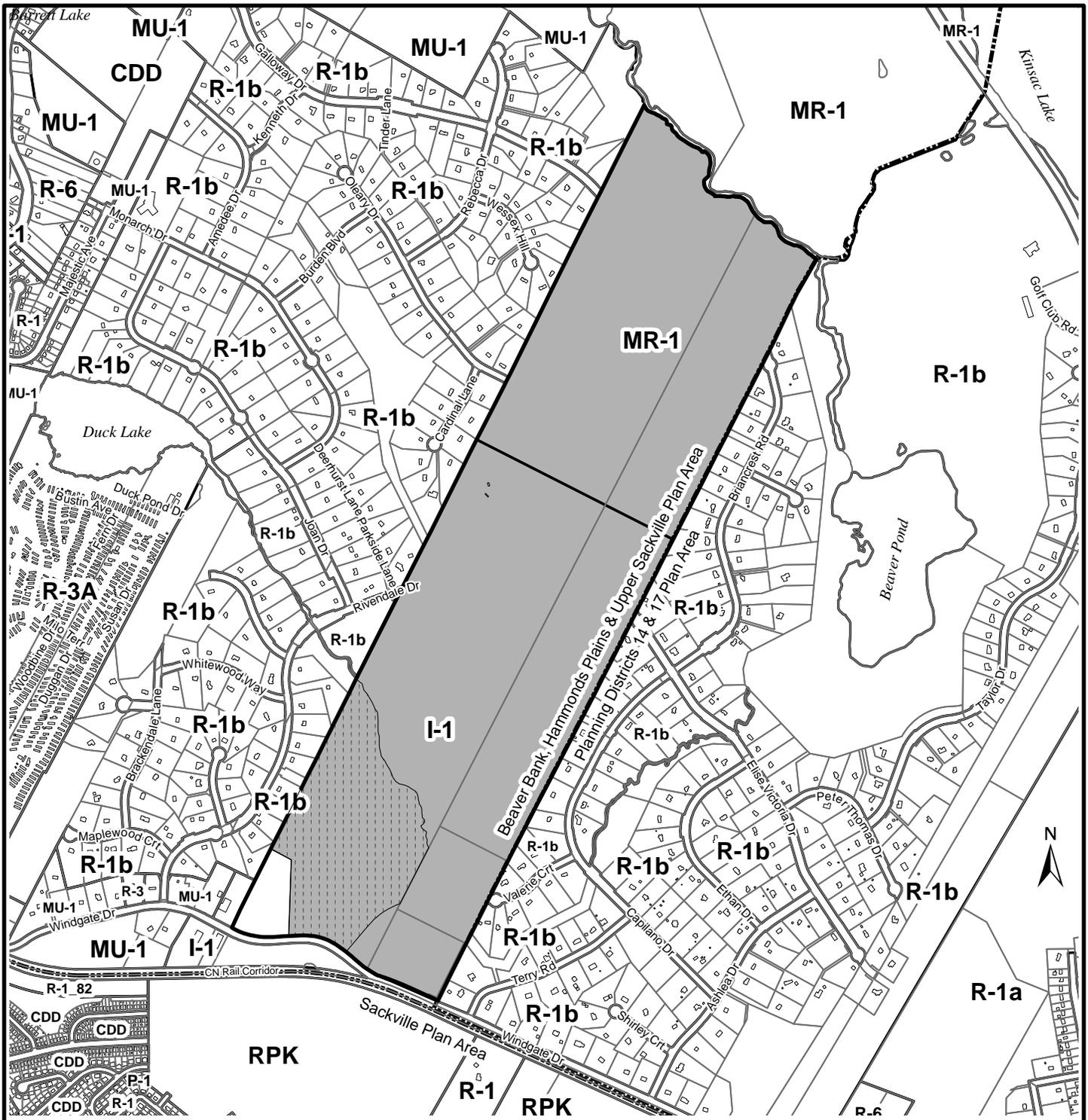
- R-1 Single Unit Dwelling
- RPK Regional Park
- CDD Comprehensive Development District
- 1982 Area under 1982 Sackville MPS



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.

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area



Map 2 - Zoning
Windgate Drive,
Beaver Bank

HALIFAX

-  Area of Proposed Development Agreement
-  Area to be Rezoned from I-1 (Mixed Industrial) to MU-1 (Mixed Use 1)
-  Subject Lands

- Zones BBHPUS**
- R-1 Single Unit Dwelling
 - R-1b Auxiliary Dwelling with Home Business
 - R-3A Mobile Home Park
 - R-6 Rural Residential
 - MU-1 Mixed Use 1
 - I-1 Mixed Industrial
 - MR-1 Mixed Resource
 - CDD Comprehensive Development District

- Zones Sackville**
- R-1 Single Unit Dwelling
 - RPK Regional Park
 - CDD Comprehensive Development District

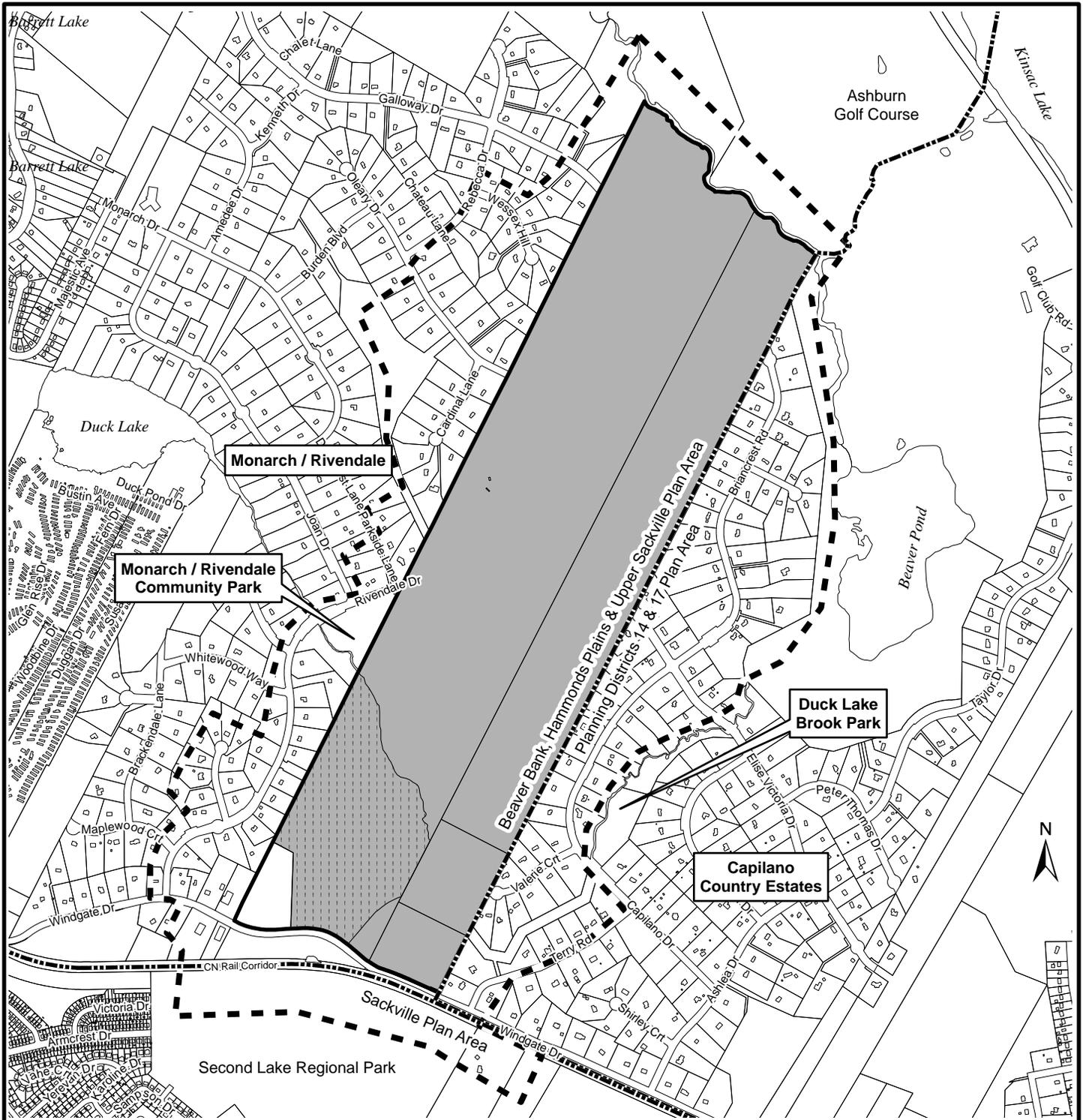
- Zones Planning Districts 14 & 17**
- R-1a Single Unit Dwelling
 - R-1b Suburban Residential
 - R-6 Rural Residential



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.

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area



Map 3 - Area of Notification

Windgate Drive,
Beaver Bank

-  Notification Area
-  Area of Proposed Development Agreement
-  Subject Lands

 Area to be Rezoned from I-1 (Mixed Industrial) to MU-1 (Mixed Use 1)



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

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

ATTACHMENT A

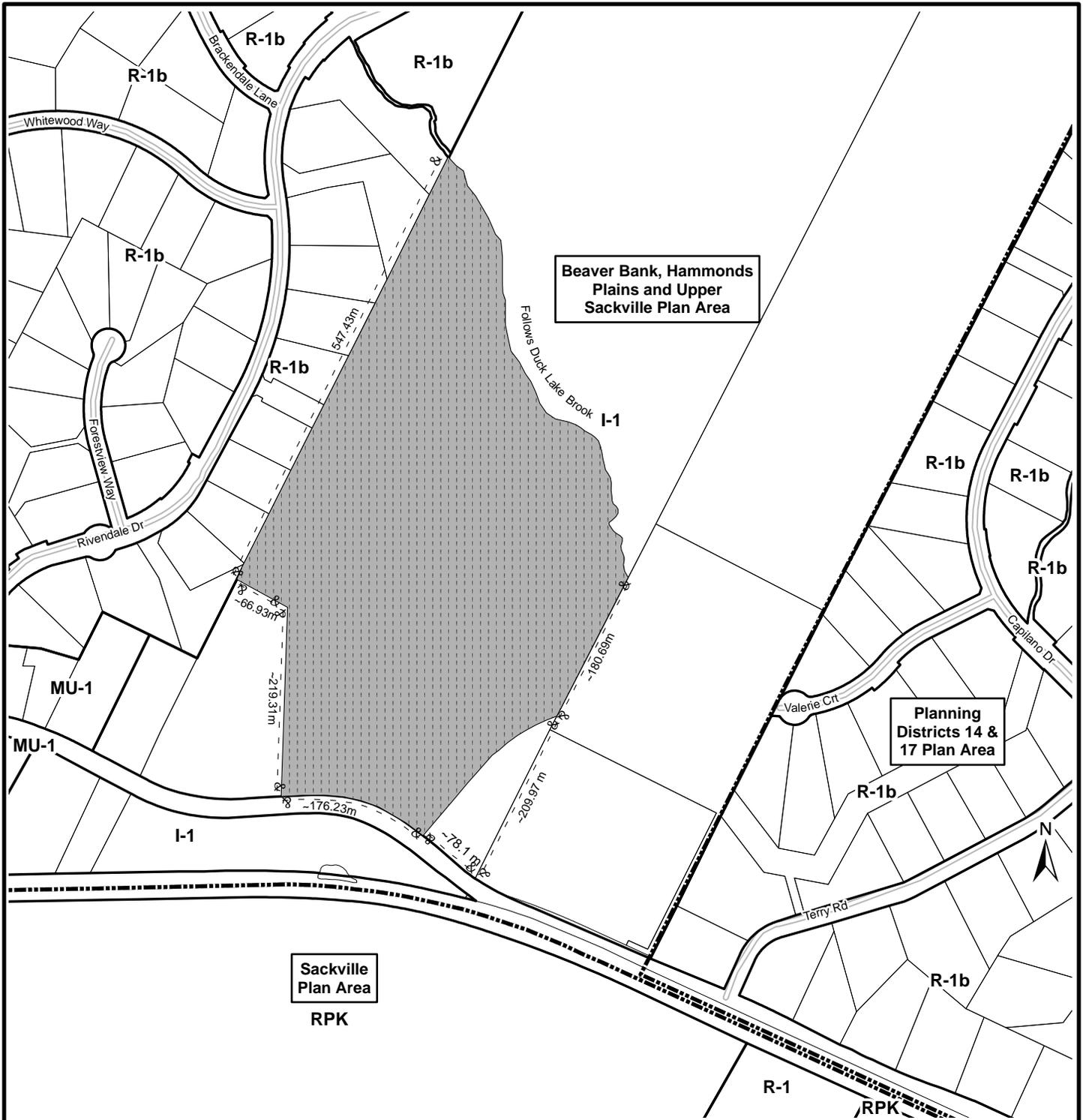
Proposed Amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville is hereby further amended as follows:

1. SCHEDULE "1-C", the Zoning Map, shall be amended to rezone a 19.6 hectare (48.5 acre) portion of PID 41043597 currently zoned I-1 (Mixed Industrial) to the MU-1 (Mixed Use 1) Zone to allow for senior citizen housing within the Windgate Conservation Design Development (Open Space Design), as shown on the attached Schedule A.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on [DATE], 2021.

Iain MacLean
Municipal Clerk



**Beaver Bank, Hammonds
Plains and Upper
Sackville Plan Area**

**Planning
Districts 14 &
17 Plan Area**

**Sackville
Plan Area**
RPK

Schedule A

Windgate Drive,
Beaver Bank

 Area to be Rezoned from
I-1 (Mixed Industrial) to
MU-1 (Mixed Use 1)

Zones BBHPUS

- R-1b Auxiliary Dwelling with Home Business
- MU-1 Mixed Use 1
- I-1 Mixed Industrial

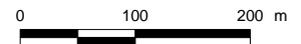
Zones Planning Districts 14 & 17

- R-1b Suburban Residential

Zones Sackville

- R-1 Single Unit Dwelling
- RPK Regional Park

HALIFAX



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

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

ATTACHMENT B

PROPOSED DEVELOPMENT AGREEMENT

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

BETWEEN:

[INSERT NAME OF CORPORATION/BUSINESS LTD.]

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

-OR-

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands totalling 154.10 hectares (380.8 acres) located at **(PID to be Inserted When Lot is Created)**, Windgate Drive, Beaver Bank and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a Classic Open Space Design Development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy G-18 of the Halifax Regional Municipal Planning Strategy and Policies S-15 and S-16 of the 2006 Regional Municipal Planning Strategy;

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 201110;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the applicable Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.
- 1.2.2 Variance to the size or other requirements relating to yards under this Agreement shall be permitted pursuant to the provisions of the *Halifax Regional Municipality Charter*.

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 system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

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

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

- | | | |
|-----|------------------------|---|
| (a) | Common Open Space | means lands outside the 40% Developable Area shown on Schedule B that are held in common ownership or Municipal parkland for passive recreation, active recreation, or conservation-related use, or the location of community facilities designed to service the development. The Common Open Space comprises of a minimum of 60% of the Lands. |
| (b) | Developable Area | means the portion of the Lands where development and site disturbance shall be permitted for land uses enabled by this Agreement, including but not limited to streets, dwelling units, and accessory buildings. |
| (c) | Home-based Office | means the accessory use of a dwelling for an office. |
| (d) | Home Site | means a specific area designated for an individual single unit dwelling or townhouse unit, and accessory structures and uses associated with the individual dwelling unit. |
| (e) | Senior Citizen Housing | means housing in the form of townhouse dwellings and multiple unit dwellings designed for occupancy by senior citizens. |
| (f) | Model or Display Home | means a permitted habitable dwelling unit that showcases a living space and features of the dwelling unit. Model or Display Homes shall be counted as part of the total number of dwelling units permitted. |

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, generally conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 20110:

| | |
|------------|--------------------------------|
| Schedule A | Legal Description of the Lands |
| Schedule B | Concept Plan |
| Schedule C | Phasing Plan |

3.2 General Description of Land Use

3.2.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) A mix of single unit dwellings and senior citizen housing to a maximum of 374 units shall be permitted on the lands as generally shown on Schedule B and as follows:
 - (i) A minimum of 201 single unit dwelling units; and,
 - (ii) A maximum of 173 senior citizen housing units of which a maximum of 45 townhouse units shall be permitted.
- (b) Home-based offices;
- (c) Accessory buildings and structures;
- (d) Parks as generally shown on Schedule B and detailed in Section 3.14; and,
- (e) A temporary construction and sales building.

3.2.2 Areas where flexibility in the location of unit type shall be permitted are identified on Schedule B.

3.2.3 All uses of the Lands detailed in Section 3.2.1, except parks under Subsection (d), shall be located within the 40% Developable Area as shown on Schedule B. The remaining 60% of the Lands shall be maintained as Common Open Space. No development shall occur within the Common Open Space, except for active or passive recreation uses including trails, community gardens and for the location of facilities designed to service the development including private on-site sanitary sewer systems and shared stormwater facilities.

3.2.4 Secondary suites and backyard suites shall not be permitted.

3.3 Phasing

3.3.1 Development of the Lands shall be completed in consecutive phases in general conformance with the phasing plan presented on Schedule C and as follows:

| | |
|---------|-----------|
| Phase 1 | 50 units |
| Phase 2 | 171 units |
| Phase 3 | 96 units |
| Phase 4 | 57 units |

3.3.2 Further to 3.3.1, the Development Officer may approve changes to the phasing lines presented in Schedule C, the location of home sites, the type of units, and the number of dwelling units per phase to a maximum of 20% of the number of units per phase, provided the provisions of Sections 3.2.1, 3.2.2 and 3.2.3 are met.

3.3.3 Development permits for dwelling units shall not be granted in a Phase until development of the previous Phase has been completed. Development of a phase shall be deemed complete when the roads within the phase have been accepted by the Municipality and two-thirds of the total permitted number of dwelling units in the phase are built and have received occupancy permits.

3.3.4 Notwithstanding 3.3.1 and 3.3.3, Phases 2 and 3 may be developed concurrently provided that development permits for dwelling units shall not be granted for Phase 4 until development of each of Phases 2 and 3 has been completed as defined in Section 3.3.3.

3.3.5 Notwithstanding 3.3.1 and 3.3.3, a temporary construction and sales building and a maximum of 2 Model or Display Homes per phase may be constructed on the Lands within any phase of the development provided there is suitable access to the building at the discretion of the Development

Engineer and Development Officer.

- 3.3.6 If the 60% Common Open Space of the Lands cannot be achieved within each phase of the Development, the Developable Area in the last phase shall be reduced to achieve the 60% Common Open Space of the Lands.

3.4 Subdivision and Consolidation of the Lands

- 3.4.1 Subdivision and/or consolidation of the Lands to establish separate Condominium Corporation(s) shall be permitted in accordance with the Regional Subdivision Bylaw. Notwithstanding, subdivision of a lot containing a multiple unit dwelling that does not satisfy the minimum frontage requirements of the Regional Subdivision Bylaw may be permitted to establish separate Condominium Corporation(s).
- 3.4.2 Notwithstanding anything else in this Agreement, a lot may be subdivided for the purposes of a telecommunications antenna system. This lot shall comply with underlying zoning requirements of the applicable Land Use By-law for a single unit dwelling.

3.5 Requirements Prior to Approval

- 3.5.1 Prior to the issuance of any site work, including earth movement or tree removal other than that required for preliminary survey purposes the Developer shall provide the following, unless otherwise permitted by the Development Officer:
- (a) Items required under Section 5.2.1 of this Agreement; Confirmation to the Development Officer that Common Open Space and Mature Trees to be Retained have been delineated on site. 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.
- 3.5.2 Concept Subdivision Approval shall be required in accordance with this Agreement and the Regional Subdivision Bylaw.
- 3.5.3 Final subdivision applications shall be submitted to the Development Officer in accordance with this Agreement and the Regional Subdivision Bylaw.
- 3.5.4 Prior to the issuance of a Development Permit, the Developer shall provide the following, unless otherwise permitted by the Development Officer:
- (a) Final design and subdivision approval for the proposed public streets and municipal infrastructure within the Phase of the proposed development;
 - (b) Nova Scotia Environment and Climate Change approval for the on-site private sanitary sewer systems; and,
 - (c) Written confirmation along with an updated "as built" phasing plan showing the number of home sites developed within each phase and that the overall development retains at least 60% of the Lands as Common Open Space.
- 3.5.5 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this

Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.6 More than One Dwelling on a Lot

3.6.1 More than one (1) dwelling shall be permitted on a lot.

3.7 Building Siting

3.7.1 Single Unit Dwellings shall comply to the following:

- | | | |
|-----|---|-----------------------|
| (a) | Minimum separation distance between dwellings | 6.1 metres (20 feet) |
| (b) | Minimum setback from any public street | 6.1 metres (20 feet) |
| (c) | Minimum setback from any Common Open Space | 2.4 metres (8 feet) |
| (d) | Maximum height | 10.7 metres (35 feet) |

3.7.2 Senior Citizen Housing in the form of Townhouse Dwellings shall comply to the following:

- | | | |
|-----|--|---|
| (a) | Minimum separation distance between townhouse blocks | 6.1 metres (20 feet) |
| (b) | Minimum setback from any public street | 6.1 metres (20 feet) |
| (c) | Minimum setback from any Common Open Space | 2.4 metres (8 feet) |
| (d) | Minimum setback from any single unit dwelling | 6.1 metres (20 feet) |
| (e) | Maximum height | 1 storey plus walkout basement and 9.1 metres (30 feet) |

3.7.3 Senior Citizen Housing in the form of Multiple Unit Dwellings shall comply to the following:

- | | | |
|-----|--|---|
| (a) | Minimum setback from any private shared driveway | 6.1 metres (20 feet) |
| (b) | Minimum setback from any Common Open Space | 6.1 metres (20 feet) |
| (c) | Maximum height | 4 habitable storeys and 20 metres (65.6 feet) |
| (d) | For the purpose of Section 3.7.3 (c), habitable storey means a storey of a multiple unit dwelling that contains a dwelling unit, or which contains overnight accommodations. | |
| (e) | Maximum number of buildings | 3 |

3.8 Senior Citizen Housing Design Requirements

3.8.1 The design of Senior Citizen Housing shall comply with the following:

- (a) Main entrances shall be clearly lit, covered and be accessible with ramps or at grade;
- (b) Townhouse dwellings shall be bungalow-style;
- (c) Townhouse buildings shall have a minimum of 3 dwelling units and a maximum of 6 dwelling units per building;
- (d) Barrier free units shall be provided as outlined in the Building Code regulations at a rate of 1 per 20 units for Multiple Unit Dwellings and adaptability requirements shall be met in all senior citizen housing units;
- (e) Clearly lit and delineated walkways shall be required between the main entrance of Multiple Unit Dwellings and exterior parking lots. Walkways shall be clearly delineated from vehicular circulation areas by using landscaping, curb, crusher dust, painted line or hard surface such as asphalt, pavers or concrete. Walkways shall be of sufficient width to be

able to accommodate mobility devices such as walkers, wheelchairs and scooters;

- (f) Accessory buildings or structures for shared use by residents of the development shall be fully accessible with entrances at grade or with ramps to accommodate mobility devices;
- (g) Building massing shall be broken up with changes in materials, exterior finishes, porticos, or overhangs;
- (h) All functional elements such as vents, down spouts, flashing, electrical conduits, metres, and service connections shall be treated as integral parts of the design;
- (i) Any exposed foundation of a Multiple Unit Dwelling in excess of 0.6 metres (2 feet) in height and 0.36 sq. metres (4 sq. feet) in area shall be:
 - (i) architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer; or
 - (ii) screened with soft landscaping features such as trees, shrubs, flowers or other horticultural elements deemed acceptable to the Development Officer to enhance the appearance of the development and to mitigate the visual impacts of unadorned walls;
- (j) Multiple Unit Dwellings shall be designed such that the mechanical systems are not visible from abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented;
- (k) An attached garage shall be provided for each townhouse dwelling unit;
- (l) A minimum of 5 sq. m (53.8 sq. ft.) per unit of shared amenity area shall be provided for multiple unit dwellings within Phase 2. Shared amenity area may be located indoors or outdoors for common use and enjoyment of all occupants of multiple unit dwellings. Shared amenity areas may include gathering spaces such as an indoor common room, outdoor gazebo, outdoor seating areas, trails, and community gardens. Outdoor shared amenity areas may be permitted within the 60% required Common Open Space.
- (m) A minimum of 15 parking spaces per multiple unit dwelling shall be provided, in addition to the required parking for senior citizen housing under the applicable Land Use By-law, for visitors and support services.

3.9 Home-Office Uses

3.9.1 Home offices may be permitted in any residential unit type subject to the following:

- (a) Any home office shall be wholly contained within the dwelling unit, or accessory building for a dwelling, which is the principal residence of the operator of the office.
- (b) No more than 25 per cent of the gross floor area shall be devoted to any home office use located within the dwelling unit.
- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.

- (d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
- (e) No more than 1 sign shall be permitted for any home office and no such sign shall exceed 0.2 sq. metres (2 sq. feet) in area.
- (f) 1 off-street parking space, other than that required for the dwelling, shall be provided for every 13.9 sq. metres (150 sq. feet) of floor area devoted to any home office.
- (g) No exterior alterations to the dwelling related to the home office shall be permitted except to meet fire safety, structural safety, or health regulations.
- (h) No retail operation shall be permitted except where retail is accessory to a home-office use which involves the production of goods or crafts or the provision of a service.

3.10 Accessory Buildings and Structures

3.10.1 One accessory building or structure shall be permitted for each Single Unit Dwelling and Senior Citizen Housing unit in the form of Townhouse Dwellings subject to the following:

- | | |
|--|---------------------------------|
| (a) Minimum setback from any public street | 6.1 metres (20 feet) |
| (b) Maximum height | 4.57 metres (15 feet) |
| (c) Maximum floor area | 69.68 sq. metres (750 sq. feet) |
| (d) Minimum separation from dwelling | 2.44 metres (8 feet) |

3.10.2 Three accessory buildings or structures shall be permitted for Senior Citizen Housing in the form of Multiple Unit Dwellings for uses such as yard maintenance storage and shared community use subject to the following:

- | | |
|--|----------------------------------|
| (a) Minimum setback from any public street | 6.1 metres (20 feet) |
| (b) Maximum height | 6.1 metres (20 feet) |
| (c) Maximum floor area | 92.9 sq. metres (1,000 sq. feet) |
| (d) Minimum separation from dwelling | 4.57 metres (15 feet) |

3.10.3 Accessory buildings and structures shall not be used for human habitation.

3.10.3 Drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempt from the requirements of Sections 3.10.1 and 3.10.2.

3.11 Permitted Encroachments

3.11.1 Every part of any required setback or separation distance shall be open and unobstructed by any structure except to permit uses or encroachments subject to the following provisions:

- (a) Uncovered patios, walkways, wheelchair ramps, lifting devices or steps may be located in any yard;
- (b) The usual projections of sills, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features may be erected or maintained in any yard, provided that no such structure or feature shall project more than 0.6 metres (2 feet) into any required yard;
- (c) Window bays and solar collectors may be permitted to project not more than 0.9 metres (3 feet) from the main wall into a required front, rear or flankage yard;

- (d) Exterior staircases, balconies, porches, verandas and sun decks shall not be permitted to project into any required yard;
- (e) The provisions of this Section shall not restrict the location of ornamental planting or landscaping in any yard.

3.12 Outdoor Lighting

- 3.12.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and adjacent buildings.

3.13 Common Open Space and Retention of Mature Trees

- 3.13.1 Minor adjustments to the bounds of the 40% Developable Area may be permitted provided a minimum of 60% of the Lands is maintained as Common Open Space.
- 3.13.2 Common Open Space and Mature Trees identified on Schedule B shall be shown on all final subdivision plans, lot grading plans and location certificates.
- 3.13.3 No development, tree removal or grade alteration shall be permitted within Common Open Space and Mature Trees to be Retained identified on Schedule B, except where approved in writing by the Development Officer for the following:
 - (a) For uses permitted within the Common Open Space detailed in Section 3.2.3;
 - (b) To remove fallen trees or dead debris that poses a fire or safety risk; or,
 - (c) To remove a tree that is dead, dying or in decline which presents a danger to private property, public infrastructure or other natural trees and vegetation.
- 3.13.4 Prior to granting approval for any removal pursuant to 3.13.3 (b) or (c), the Development Officer may require that the Developer or subsequent property owner 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.
- 3.13.5 If trees are removed or tree habitat is damaged beyond repair in the Common Open Space or Mature Trees to be Retained as identified on Schedule B, the Developer or subsequent property owner 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.

3.14 Parkland

- 3.14.1 Parkland dedication of at least 5% shall be required.
- 3.14.2 Parkland dedication shall be as generally shown on Schedule B, and at the discretion of the Parkland Planner and Development Officer. Minor modifications maybe considered to allow the trail shown on Schedule B to form part of the Parkland dedication.
- 3.14.3 Any parkland dedication required, in addition to the land as generally shown on Schedule B, shall be in the form of cash in lieu and/or work of equivalent value for parks within the development, at the discretion of the Development Officer. Any work of equivalent value has been completed at the time of take-over of the Parkland within the applicable Phase of the development.

3.15 Maintenance

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

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

3.16 Signs

3.16.1 The sign requirements shall be accordance with the applicable Land Use By-law as amended from time to time.

3.16.2 In addition to the sign provisions of Section 3.16.1, each Senior Citizen Multiple Unit Dwelling shall be permitted to have a 3.34 sq. m (36 sq. ft.) fascia sign depicting the building name.

3.16.3 Signs depicting the name or corporate logo of the Developer shall be permitted while a temporary construction and sales building is located on the site.

3.16.4 A maximum of one (1) ground sign shall be permitted at each entrance to the subdivision to denote the subdivision name. The locations of such signs shall require the approval of the Development Officer and Development Engineer and shall meet the following:

- (a) Signs shall be located on private property and not within the public right-of-way;
- (b) The maximum height of any sign inclusive of support structures shall not exceed 10 feet (3.05 metres);
- (c) The face area of any sign shall not exceed 50 square feet (4.65 square metres);
- (d) Signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry; and,
- (e) The only illumination permitted shall be low wattage, shielded exterior fixtures.

3.17 Temporary Construction and Sales Building

3.17.1 A building may be permitted on the Lands within the 40% Developable Area for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development. This construction and sales building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

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

4.1.2 Further to 4.1.1, design elements may be required at the discretion of the Development Engineer through the subdivision approval process to mitigate speeds within the development.

4.2 Off-Site Disturbance

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

4.3 Water Servicing Requirements

- 4.3.1 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.

4.4 On-Site Sanitary Sewer System

- 4.4.1 The Lands shall be serviced through on-site privately owned and operated sanitary sewer systems and wastewater treatment facilities.
- 4.4.2 The conceptual location of on-site sanitary sewer systems shall be as generally shown on Schedule B. The confirmed location of an on-site sanitary sewer system shall be determined at detailed design in accordance with Nova Scotia Environment and Climate Change requirements.
- 4.4.3 Notwithstanding Section 4.4.2, alternative on-site septic facilities, including individual septic fields, may be considered instead of the shared wastewater treatment systems shown on Schedule B, in accordance with Nova Scotia Environment and Climate Change requirements.
- 4.4.4 The Developer agrees to have prepared by a qualified professional and submitted to the Municipality, the Nova Scotia Department of Environment and Climate Change and any other relevant agency, a design for all private sanitary sewer facilities.
- 4.4.5 In accordance with Section 3.5.4, no development permit shall be issued prior to receiving for the applicable phase a copy of all permits, licences, and approvals required by Nova Scotia Environment and Climate Change respecting the design, installation, construction of the on-site service system.

4.5 Solid Waste Facilities

- 4.5.1 Solid waste facilities shall be provided in accordance with the Solid Waste Resource Collection and Disposal By-law (By-law S-600) as amended.
- 4.5.2 Refuse containers and waste compactors for senior citizen housing in the form of multiple unit dwellings shall be located within the dwelling.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

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

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

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

5.3 Archaeological Monitoring and Protection

- 5.3.1 The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

5.4 Sulphide Bearing Materials

- 5.4.1 The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council:
- (a) Changes to the phasing detailed in Section 3.3;
 - (b) Changes to the setback and separation distance building siting requirements as detailed in Section 3.7 provided that the maximum number of units does not exceed 374 units and 60% Common Open Space is retained;
 - (c) Changes to the architectural requirements as detailed in Section 3.8.
 - (d) Changes to the accessory buildings or structures requirements as detailed in Section 3.10.
 - (e) Changes to the location and provisions of parks as detailed in Section 3.14

- (f) Changes to the signage requirements of Section 3.16.
- (g) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement; and
- (h) The length of time for the completion of the development as identified in Section 7.4.4 of this Agreement.

6.2 Substantive Amendments

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

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

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

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within 7 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean final subdivision approval for Phase 1.
- 7.3.3 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, 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 For the purpose of this section, completion of development shall mean final subdivision approval for all phases of the development.
- 7.4.3 Upon the completion of the whole development or complete phases of the development, or at such time that policies applicable to the lands have been amended, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement;
 - (c) discharge this Agreement; or
 - (d) for those portions of the development which have been completed, discharge this Agreement and apply appropriate zoning pursuant to the Halifax Municipal Planning Strategy and Land Use By-law for (insert), as may be amended from time to time.
- 7.4.4 In the event that development on the Lands has not been completed within 20 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development after 20 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office 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.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

- 8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:
- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
 - (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry

onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;

- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

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

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

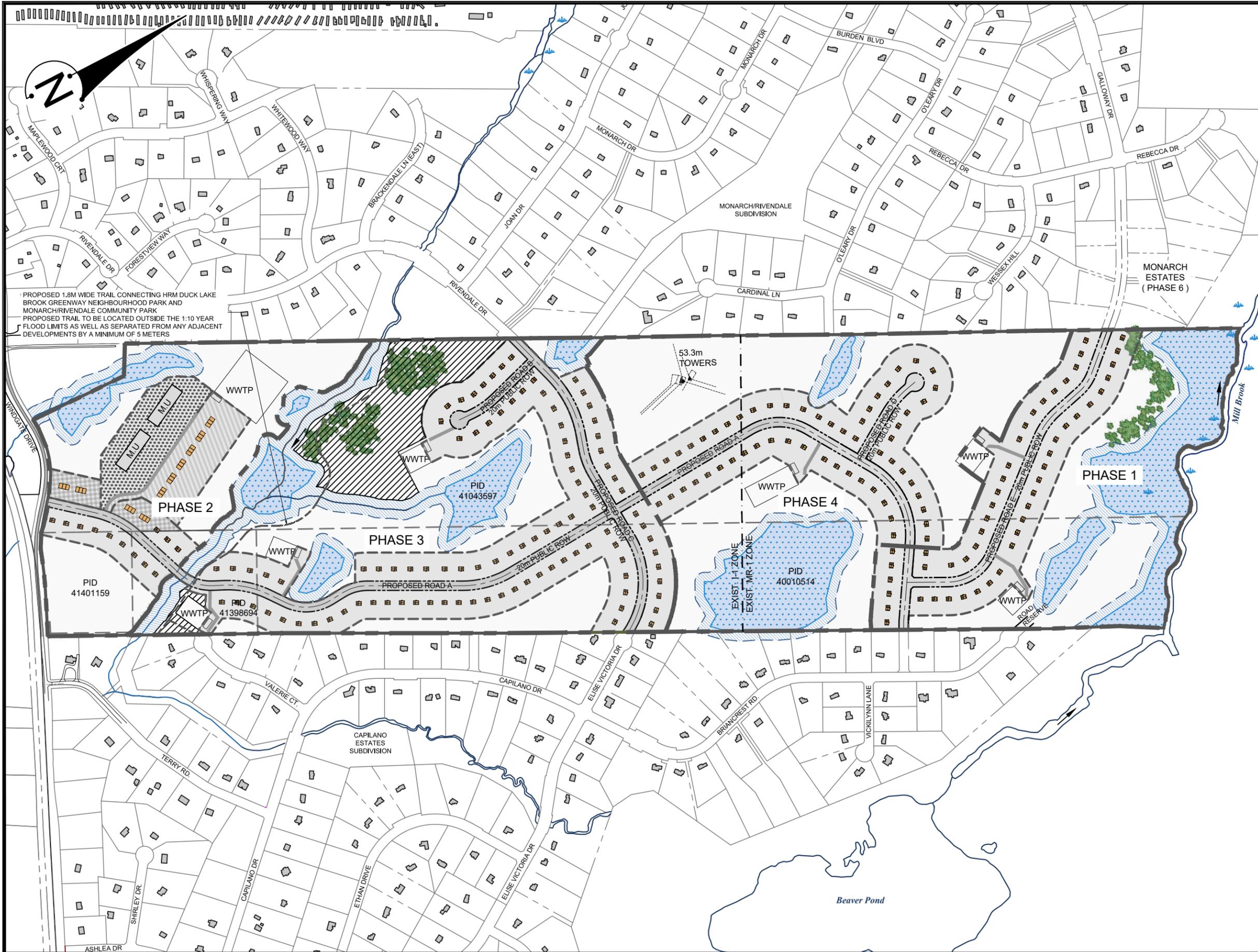
A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

Schedule C: Phasing Plan



LEGEND

- Site Boundary (DA)
- Adjacent Property Boundary
- Existing Zone Boundary
- Proposed Right of Way
- Proposed 1.8m Trail
- 40% Developable Area
- Area Defined for Unit Flexibility for Senior Citizen Housing in the form of Multiple-Unit Dwellings or Townhouse Dwellings
- Areas Defined for Unit Flexibility for Single Unit Dwellings or Senior Citizen Housing in the form of Townhouse Dwellings
- Areas Defined for Single Unit Dwellings
- Area Defined for Senior Citizen Housing in the form of Multiple-Unit Dwellings
- 5.0% Parkland Dedication (Including Trail)
- Mature Trees to be Retained
- Phase Boundary
- M.U. Multiple Unit Dwelling

SITE SUMMARY:

- Land Area - 151.4 Ha (374 Ac.) + 23,625 sq. m.
- 60% Open Space Area
- Existing Zone - Mixed Industrial (I-1) / Mixed Resource (MR-1)
- Total Number Units: 374 Units

NOTES:

- WWTP locations and sizes subject to detailed design
- Property lines approximate only. Site subject to survey

SOURCES:

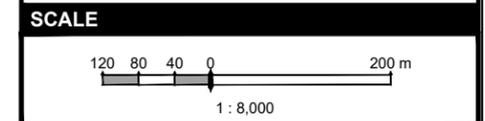
- Service Nova Scotia and Municipal Relations Property Online
- Service Nova Scotia and Municipal Relations 1:10,000 digital topographic series
- Site Wetlands and Watercourses shown were delineated by Jeff Burrows of Terra Firma Consultants File: Windgate Drive WETLANDS.dwg

Designer: JHARPER SCHEDULE
 Planner: JHARPER **B.8**

CLASSIC OPEN SPACE PHASING PLAN

BEAVERBANK, NOVA SCOTIA

MARQUE INVESTMENTS LTD.
 September 08, 2021 141-24579_SCHEDULE.B.8



1 SPECTACLE LAKE DRIVE, DARTMOUTH, NS, CANADA B3B 1X7
 PHONE: 902 835-9955 - FAX: 902 835-1645 - WSP.COM

FILE: K:\DARTMOUTH\2014\141-24579-01 BEAVERBANK - STAGE 2 OPEN SPACE DESIGN\11_DWG\11_1_CONCEPT_PLANS\2020-2021 DA SCHEDULES\141-24579_SCHEDULE.B.DWG Sheet11X17_SCHEDULE.B

ATTACHMENT C REVIEW OF RELEVANT PLANNING POLICIES

2014 Regional Municipal Planning Strategy

| Policy | Staff Comments |
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| <i>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.</i> | A complete application for an Open Space Development on the subject property was received on March 24, 2014, prior to Council's first notification to adopt the 2014 Regional Plan. Therefore, this application is being reviewed in accordance with the Open Space policies of the 2006 Regional Plan. |

2006 Regional Municipal Planning Strategy

| Policy | Staff Comments |
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| <i>S-15 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> | |
| <i>(a) 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> | On May 24, 2016, Regional Council approved amendments to the Regional Subdivision Bylaw for an extension of the Water Service Area to include the lands off Windgate Drive between Capilano Estates and Monarch-Rivendale Subdivisions, which includes the subject properties. Therefore, the proposed Open Space development is eligible for municipal water service and a hydrogeological assessment is not required. |
| <i>(b) that there is sufficient traffic capacity to service the development;</i> | A Traffic Impact Study (TIS) and amendments to the study were submitted in support of the development. The TIS as amended was deemed acceptable to Development Engineering and Traffic Services. |
| <i>(c) 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 breakfasts, forestry and agricultural uses;</i> | A mix of residential uses, single unit dwellings and seniors citizen housing in the form of townhouses and four-storey multiple unit buildings, associated facilities, and home-based offices are proposed. Rezoning a portion of the subject site to the MU-1 (Mixed Use 1) Zone of the Beaver Bank, Hammonds Plains and Upper Sackville Land |

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| | Use By-law is proposed to enable seniors citizen housing pursuant to Policies P-8 and P-131 of the Beaver Bank Hammonds Plains and Upper Sackville Municipal Planning Strategy. |
| <i>(d) whether soil conditions and other relevant criteria to support on-site sewage disposal systems can be met;</i> | Shared wastewater treatment plants (WWTP) are currently proposed for each condominium. Alternative systems may be considered as on-site sewage disposal systems are administered by Nova Scotia Environment and Climate Change. Approval of on-site services is required under the proposed development agreement prior to the issuance of a development permit. |
| <i>(e) 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 subject properties are located between two established residential neighbourhoods: Monarch-Rivendale to the west and Capilano Estates to the east. While the policy aims to minimize road development, new public roads are recommended to improve connectivity between the two existing developments and to allow for looping and more efficient connections to existing water service infrastructure. Single unit dwellings are generally shown along proposed public roads. This form is compatible with the adjacent existing subdivisions. Seniors housing units in the form of townhouses and multiple unit dwellings are clustered along shared private driveways and along a proposed public cul-de-sac. Staff advise the proposed locations for the seniors units allow for appropriate separation and buffering from existing development. In addition, the location of townhouse units provides a transition from the low density single unit dwellings to the higher density multiple unit dwellings. |
| <i>(f) 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> | N/A as per Policy S-16 (a). |
| <i>(g) 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 per Policy S-16 (a). |

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| <p><i>(h) that the development is designed to retain the non-disturbance areas and to maintain connectivity with any open space on adjacent parcels;</i></p> | <p>The proposed development retains 60% of the gross area as open space. Primary conservation areas including riparian buffers and wetlands are protected as open space. An expansion to the existing Monarch-Rivendale Park asset is proposed with a trail and new park to connect to Valerie Court and the Duck Lake Brook Greenway in the Capilano Estates subdivision.</p> |
| <p><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></p> | <p>It is staff's opinion that connectivity of open space is given priority over road connections. While proposed Road A runs across Duck Lake Brook, the proposed concept shows primary conservation areas protected as open space and proposed parks that allow for connections to existing park assets and protection of mature trees.</p> |
| <p><i>(j) trails and natural networks, as generally shown on Map 3 or a future Open Space Functional Plan, are delineated on site and preserved;</i></p> | <p>Trails and natural networks shown on Map 3 of the Regional Plan and Map 5 of the Green Network Plan are protected as open space on the proposed concept.</p> |
| <p><i>(k) parks and natural corridors, as generally shown on Map 4 or a future Open Space Functional Plan, are delineated on site and preserved;</i></p> | <p>There are no natural corridors shown on Map 4 which run through the subject site. Furthermore, there are no essential or important corridors, identified on Map 5 of the Green Network Plan, that run through the subject properties.</p> |
| <p><i>(l) 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></p> | <p>Primary conservation features are generally protected as non-disturbance areas throughout the development. There is only one location where proposed public Road A crosses Duck Lake Brook. Staff advise that the proposed developed areas are strategically located to minimise the impact on the primary conservation areas. An archaeological impact assessment was submitted as part of the original application. Most of the activity observed through the archaeological assessment was considered to be of low significance. There were two locations on the site where the archaeological significance was unknown and further testing was recommended. The proposed developable areas attempt to avoid reconnaissance findings within the subject lands. However, the proposed development agreement requires that the Developer contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance</p> |

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| | of the Lands and comply with the requirements set forth by the Province in this regard. |
| <i>(m) 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> | Since 60% of the site is retained as open space and primary conservation features are maintained as non-disturbed open space, it is staff's opinion that the proposed road network and building sites are designed to protect features that capture the rural character of the site. Furthermore, given the proposed development is located between two established neighbourhoods, staff advise that the site layout and design is compatible with the lot fabric and rural character of adjacent development. |
| <i>(n) that the roads are designed to appropriate standards as per Policy T-2;</i> | The proposed development would require that all public streets are built according to the most recent HRM specifications as set out in the Municipal Design Guidelines. Staff have reviewed the proposed road connections and advise that they generally follow the Municipal Design Guidelines. |
| <i>(o) views of the open space elements are maximized throughout the development;</i> | It is staff opinion that the proposed concept maximises views of open space elements. For example, this is achieved through establishing a trail along primary conservation features connecting to existing park assets in adjacent neighbourhoods. |
| <i>(p) opportunities to orient development to maximize the capture of solar energy;</i> | Proposed buildings are generally located based on the proposed road network to improve road and service connectivity and to protect primary conservation features. Individual buildings orientation will not be specified in the development agreement to allow for flexibility and opportunity to maximise the capture of solar energy. |
| <i>(q) the proposed residential dwellings are a minimum of 800 metres away from any permanent extractive facility;</i> | There are no extractive facilities within 800 metres of the subject site. |
| <i>(r) the proposed development will not significantly impact any natural resource use and that there is sufficient buffering between any existing resource use and the proposed development to mitigate future community concerns; and</i> | The subject properties were formerly used for forestry; however, no resource use has operated on the site for several years. |
| <i>(s) 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> | No other concerns have been identified at this time. |

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| <p><i>S-16 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></p> | |
| <p><i>(a) the criteria specified in Policy S-15, with the exception of items (f) and (g); and</i></p> | <p>See Policy S-15 above.</p> |
| <p><i>(b) 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></p> | <p>Areas delineated on the concept plan as common open space are proposed for active and passive recreation uses for residents of the development, public parkland for the general community, as well as conservation uses. In addition, since the wastewater treatment plants are community facilities to service the development, they may be considered within the 60% open space.</p> |
| <p><i>IM-15 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></p> | |
| <p><i>(a) that the proposal is not premature or inappropriate by reason of:</i> <i>(i) the financial capability of HRM to absorb any costs relating to the development;</i> <i>(ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;</i> <i>(iii) 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> <i>(iv) the adequacy of road networks leading to or within the development;</i> <i>(v) the potential for damage to or for destruction of designated historic buildings and sites;</i></p> | <p>(i) The developer would be responsible for the construction of all public roads and infrastructure proposed to service the development. (ii) Halifax Water has reviewed the proposal and advised there is capacity to service the development with central water. The proposed public street connections to abutting neighbourhoods would allow for looping of pipes which is supported to improve the overall distribution system. (iii) Halifax Regional Centre for Education has advised that every person between the ages of 5-21 has the right to attend public school and they will work to ensure all students are provided access to an education. (iv) The proposed road network is supported by Development Engineering. Impacts on the existing road network were also evaluated including the intersection of Windgate Drive and Beaver Bank Road. Traffic signals at this intersection are not warrants for reasons identified in the staff report. (v) There are no designated historic buildings or sites in the area.</p> |
| <p><i>(b) that controls are placed on the proposed development so as to reduce</i></p> | <p>The proposed development agreement would specify the types of residential uses, maximum number of units permitted, and the</p> |

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| <p><i>conflict with any adjacent or nearby land uses by reason of:</i></p> <p><i>(i) type of use;</i></p> <p><i>(ii) height, bulk and lot coverage of any proposed building;</i></p> <p><i>(iii) traffic generation, access to and egress from the site, and parking;</i></p> <p><i>(iv) open storage;</i></p> <p><i>(v) signs; and</i></p> | <p>locations where different types of uses are permitted. In addition, controls will be placed on the seniors housing units by reason of height and size to reduce conflict with adjacent land uses and to ensure these units are designed appropriately for occupancy by senior citizens. The proposed development agreement also specifies where access to and egress from the site is proposed.</p> |
| <p><i>(c) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i></p> | <p>Through the Stage I Open Design process, suitable areas for development were identified. Primary conservation areas identified in Stage I are retained as non-disturbed open space.</p> |

Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy

| Policy | Staff Comments |
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| <p><i>P-8 Within the Mixed Use A and B Designations, it shall be the intention of Council to establish a Mixed Use 1 Zone which permits single and two unit dwellings, open space uses, existing mobile dwellings, boarding and rooming houses and bed and breakfast establishments, the limited use of residential properties for business purposes, small scale commercial and resource related activities and most institutional uses. Controls on open storage and parking will be established to address compatibility concerns with surrounding development. Forestry uses and larger scale agricultural operations, with the exception of intensive agriculture operations, shall be permitted subject to separation distance requirements designed to promote compatibility with surrounding land uses.</i></p> | <p>To enable senior citizen housing in the mix of residential uses for the Open Space Design development, staff recommend that a portion of the subject site be considered for rezoning to the MU-1 Zone. The permitted location of senior citizen housing is specified in the proposed development agreement to ensure there is appropriate separation from adjacent low density residential uses.</p> |
| <p><i>P-137 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></p> | |
| <p><i>(a) 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></p> | <p>Staff advise that the proposed rezoning and development agreement are reasonably consistent with the intent of this plan and all other relevant policies and regulations.</p> |
| <p><i>(b) that the proposal is not premature or inappropriate by reason of:</i></p> | <p>See Policy IM-15 (a) under the 2006 Regional Municipal Planning Strategy above.</p> |

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| <p><i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i></p> <p><i>(ii) the adequacy of central or on-site sewerage and water services;</i></p> <p><i>(iii) the adequacy or proximity of school, recreation or other community facilities;</i></p> <p><i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i></p> <p><i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i></p> | |
| <p><i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of: (i) type of use; (ii) height, bulk and lot coverage of any proposed building; (iii) traffic generation, access to and egress from the site, and parking; (iv) open storage; (v) signs; and (vi) any other relevant matter of planning concern.</i></p> | <p>See Policy IM-15 (b) of the 2006 Regional Municipal Planning Strategy above.</p> |
| <p><i>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i></p> | <p>See Policy IM-15 (c) of the 2006 Regional Municipal Planning Strategy above.</p> |
| <p><i>(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-81", 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></p> | <p>N/A</p> |

Attachment D

Summary of Public Information Meeting Minutes

Wednesday, November 18, 2015
7:00 p.m.
Beaver Bank Kinsac Community Centre

STAFF IN

ATTENDANCE: Ben Sivak, Major Projects Planner, HRM Development Approvals
Holly Kent, Planning Technician, HRM Development Approvals
Cara McFarlane, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Brad Johns, District 14
Councillor Barry Dalrymple, District 1
Councillor Steve Craig, District 15
Kourosh Rad, WSP Canada Inc.
Connor Wallace, WSP Canada Inc.
Ken O'Brien, WSP Canada Inc.
Dennis Rogers, Marque Investments

PUBLIC IN

ATTENDANCE: Approximately 62

The meeting commenced at approximately 7:03 p.m.

1. Call to order, purpose of meeting – Ben Sivak

Mr. Sivak introduced himself as the Planner facilitating this application through the planning process; Councillor Brad Johns, District 14; Councillor Barry Dalrymple, District 1; Councillor Steve Craig, District 15; Kourosh Rad, Connor Wallace and Ken O'Brien, WSP Canada Inc.; Dennis Rogers, Marque Investments; and Holly Kent (Planning Technician) and Cara McFarlane (Planning Controller), HRM Development Approvals.

The Public Information Meeting (PIM) Agenda was reviewed.

The purpose of the PIM is to identify to the community that HRM has received an application, give some background on the proposal and receive feedback from the public before the staff report is prepared. This is purely for information exchange and no decisions are made at the PIM.

2. Overview of Proposal and Planning Process – Ben Sivak

Ben Sivak provided an overview of the proposal and the planning process being followed to consider the application. Overall, the proposal is for a mixed density residential open space design development for an approximately 350 acres (150 hectare) site located on Windgate Drive in Beaver Bank. Components of the proposals include:

- A request to extend the water service boundary;
- A development agreement for an open space subdivision design consisting of 55 units on individual lots (Hybrid Design) and 210 units in common ownership (classic design); and
- A request to rezone to the MU-1 (Mixed Use 1) Zone and increase the permitted size of

commercial uses.

Amendments to the Regional Subdivision By-law for extending the water service boundary would be considered by Regional Council. Consideration of the proposed development agreement and land use by-law amendment is considered through an overlapping process with the final decision made by the North West Community Council.

3. Presentation of Proposal – Kourosh Rad, Urban Planner, WSP Canada Inc.

The majority of the site (approximately 2/3) is I-1 (Mixed Industrial Use) Zone which currently permits industrial, general commercial and resource uses (agriculture and other resource activities included). The remainder (1/3 of the site) is MR-1 (Mixed Resource Uses).

The landowners and developers are from the community, are excited about this proposal and would like to enhance the community by bringing more residential and introducing some commercial uses to the area that don't currently exist while creating a walkable and safe community.

There are two types of residential requested. One is under condominium ownership where a portion of the land is bought by an individual but the services are being provided by the condominium. Nothing beyond the individual's portion of land can be disturbed. The other is the Hybrid concept where an individual buys a free-standing, traditional lot and 80% of the lot must remain undisturbed. The house and accessory uses must be within 20% of the property.

Primary conservation features on the site include: buffers and watercourse setbacks; significant habitat and endangered species; 1:100 year flood plans; rock outcroppings; slopes in excess of 30%; agricultural soils and activities; potential archaeological sites; and ground water recharge areas. At the secondary level, other features that need to be protected are considered: scenic views; heritage properties; historic features; mature forest and other vegetation; existing trails; parks and natural corridors; and current and past land uses.

The above features have been assessed for the existing property as well as a radius of 600 metres around the site. Wetlands are fairly dominant on the property (shown on slide) and the plan has to be designed to protect those wetlands. Also, there is potential for archaeological areas; therefore, a study is required. Trails run through the site and all effort is being made to preserve and possibly enhance those.

The concept plan and location of buildings were explained: an access that comes through Windgate Drive; the front portion designated for commercial uses; condominium ownership; four, four-storey buildings; free-standing, traditional looking lots; amenities – amphitheater, soccer/sports field and pocket park; the trails; and the land in between is to be protected.

Proposed residential/commercial uses: 55 single lots (Hybrid type); 46 under condominium ownership; 44 townhouses; and a total of 120 multi units; medical offices; pharmacy; neighbourhood grocery store; day care facilities; shops and restaurants. The developer did an extensive analysis that showed these services were missing in the neighbourhood.

An image of the developer's sales office current under construction was shown. Architects are hired to make sure the residential and commercial buildings design reflect the respect and vision for the neighbourhood. Examples were shown.

Presentation of Traffic Impact Study (TIS) – Ken O'Brien, Senior Engineer, WSP Canada Inc.

Mr. O'Brien pointed out that the engineer who performed the TIS was out of town and he was asked to present the information at the PIM. The TIS looks at the following: a) Existing traffic situation (available traffic count information is obtained through HRM). In this study, additional traffic counts were obtained at the intersections of Windgate Drive/Beaver Bank Road, Windgate Drive/ Windsor Junction Road, and Windgate Drive/Rivendale Drive; b) How much traffic will be generated by the development and where will it go; c) What impact it will have on the existing road system; and d) What should be done to mitigate these changes.

A chart outlining the anticipated traffic counts for the proposal during peak hours was shown. The TIS, and HRM studies, have deemed that although the intersection of Windgate Drive and Beaver Bank Road is one of the most problematic, traffic signals and left turning lanes are not warranted. It is, however, being recommended that traffic signals or a redesign of that intersection be considered due to the proximity of the railroad and restaurant.

Presentation of Proposal (cont'd) – Kourosh Rad, Urban Planner, WSP Canada Inc.

An Archaeologist assessed the site and recommended that archaeological testing needs to be done at the time of any work being done on the site for a 50 m x 50 m area. Also, that archaeological testing be done before breaking any ground on the site.

The site is surrounded by two existing watermains and is currently permitted to have serviced water. Halifax Water would like to complete the loops on both of these watermains; therefore, hopefully the development can connect to the systems as well.

It is important that communities outside of the urban core be self-sufficient when it comes to wastewater treatment. Individual onsite sewage systems for free-standing lots are considered. Mr. Rad listed three other options for the condominium units.

This development would provide the following community contributions: amenities to the community; Halifax Water network connection; preserving and/or enhancing the walking trails; and the proposed uses would provide services that are missing in the neighbourhood and would create a hub. The developer would like to create an area for young families as well as long-time residents who would like to remain living in the area with their families.

4. Questions and Comments

Bryn Weadon, Whitewood Way, is concerned about the Windgate Drive/Beaver Bank Road intersection. This is already a dangerous intersection without adding 200 plus families. This issue has to be resolved before adding density in the area. If that property has to be developed, he believes that the proposal provides a good mix and protects the existing sensitive areas and trails.

Theresa Scratch, Cavalier Drive, Second Lake Provincial Trail Association, is disappointed that there has been no mention of the existing 700 acre Provincial Park, which is quite dependent upon Second Lake, directly across the street from the proposed development. She would like to ensure that Second Lake is taken into consideration. This Open Space development is supposed to be for preserving natural features onsite but it should also take into consideration the impact it would have on natural features offsite. **Mr. Rad** – 600 metres around the site was examined for natural features as well. A requirement for this development is to have pre and post development stormwater runoff assessment done to avoid damaging any

existing watercourses and wetlands on and offsite. **Ms. Scratch** has a water quality study that was done for Second Lake which she will provide to Mr. Rad.

Ms. Scratch understands that the development itself is on pyretic slates; therefore, potential damage could occur. Will pyretic slate be considered? **Mr. Rad** – Yes.

Ms. Scratch – It was suggested in the presentation that the community facilities would be for public use. In other Open Space developments, because they were owned and operated by the condominium corporation, community facilities were not available for public use. **Ms. Scratch** - Will the community facilities (amenities) be turned over to HRM? **Mr. Sivak** believes there is interest from HRM's side for connectivity with the trails and parks. **Mr. Rad** referring to Seven Lakes development, said that regulations did not allow it but in the end, it was resolved. The intention of the developer is to have the proposed facilities become public property.

Rachael Sherwood, Majestic Avenue, is a Beaver Bank resident and a coordinator for local day cares. There are 250 small business owners who run day cares in and around the Beaver Bank area for Beaver Bank and Lower Sackville residents. Day cares are shutting down due to under capacity. Is a day care centre being considered for the development? **Mr. Rad** could not say because there is nothing specific at this point. **Ms. Sherwood** can give some factual information to base their research on. If a centre comes in that is offering subsidiaries to clients, 250 small businesses could be out of business. **Mr. Rad** – 300 residential units are proposed and therefore could potentially help those small businesses.

Ms Sherwood is concerned that the amendment for the commercial use (2,000 to 6,500 square feet) is for the entire plan area not just the subject property. **Mr. Sivak** – Correct, and Staff will look at it carefully and from a global perspective rather than site specific.

Rene Melancon, Rivendale Drive – How will this impact the wastewater runoff tax charge? **Mr. Sivak** was not sure. Staff will research and provide an answer in the Staff report going forward. **Mr. Melancon** – Will there be an increase in property taxes due to more commercial and amenities in the area? **Mr. Sivak** – Staff considers the financial sustainability of the development. The developer pays for the construction of new roads and over time the servicing of the road is turned over to HRM. In an ideal situation, the tax revenue from the development pays for the infrastructure. HRM ensures that the fiscal impact on the city is neutral or better. **Mr. Rad** – Because this development is connecting to existing roads, HRM may have an interest in maintaining the roads themselves.

Mr. Melancon is on a well. How will construction impact the potable water? **Mr. Rad** – Nova Scotia has very strict rules and it is the responsibility of the developer to make sure the water table is not going to be affected in terms of quality and quantity. The water should not be affected at all, but if it is, there are ways to deal with it.

Mario Robitaille, Capilano Drive, is concerned about the traffic flow on Windgate Drive. He is also concerned about the natural beauty being taken away from the single unit dwellings in Rivendale and Capilano Subdivisions. **Mr. Rad** – The multi-unit buildings are strategically located in a place that will not be seen due to the existing vegetation and topography in the area.

Victor Cobb, Chair of the Beaver Bank Community Awareness Association, feels that the development itself is fine. Did the TIS take into account other potential developments along Beaver Bank Road? There is always a bottleneck at the bottom of the road. There is potential for the By-Pass from Burnside to Duke Street in Bedford to come onto Glendale Drive. HRM Traffic assures the vehicles will not come to Beaver Bank Road but it will happen. He asked that the whole picture be considered when looking at traffic. **Mr. Sivak** – The applicant's studies are

being reviewed by HRM engineering staff as well. Staff is aware of the other developments in the area and their conclusions will be globally based. **Mr. O'Brien** – The only intersections considered in their study was those mentioned in the presentation. In this case, the TIS was done with an annual growth rate and the background growth (the volume that occurs without this development). The TIS did not include the intersections of Beaver Bank Road/Glendale Drive or Beaver Bank Road/Sackville Drive.

Ted Malpage, Briancrest Road – What about the impact of the construction trucks and vehicles? For a project of five years or so, that could cause many concerns for people that have to use the roads during peak times. It is dangerous pulling onto Beaver Bank Road from Windgate Drive every day. **Mr. O'Brien** – The TIS did recommend, although not warranted, that HRM consider installation of signals to compensate for the high delays at this intersection during peak periods. Construction vehicles are not usually considered in traffic studies because they are spread out over a long period of time.

Moira Burhoe, Terry Road – Consideration of safety should be taken into account when looking at Windgate Drive for use by residents for active living and transportation. The road is very dangerous. She asked for an explanation on the archaeological areas and radius used. **Mr. Rad** explained that Provincial mapping is used. There is a full study online as part of our application. An Archaeologist identified a 50 m x 50 m area where any development that occurs here has to be done in the presence of an Archaeologist.

Ms. Burhoe is concerned about where the children will go to school. Already children in the Beaver Bank area are being bussed to Waverley. Where are things at in terms of discussions with Halifax Regional School Board (HRSB)? **Mr. Sivak** – HRSB is part of the internal review. Comments have yet to be received on this proposal. Staff will continue to follow up with HRSB. **Mr. Rad** – A presentation to HRSB can be provided if requested.

Denis Forin, Lucasville, is concerned with amendments to the land use by-law in regards to requirements for commercial uses of MU-1 increasing from 2,000 square feet to 6,500 square feet. The land use by-law covers Hammond Plains, Upper Sackville, Lucasville, Beaver Bank, Waterstone and more. Many of them have MU-1 Zoned properties. Why amend a by-law for one project that will affect so many communities? Why not evaluate this development as a stand-alone project? **Mr. Sivak** – The applicant was looking for site specific zoning but the site is not eligible under the current Municipal Planning Strategy (MPS); therefore, the rules under the MU-1 Zone have to be amended. Because it could potentially have a broader affect, Staff will look at it from a global point of view. Within the framework of the plan, there may be opportunities to limit the scope of it.

Natalie Downey – If the land use by-law amendment is a blanket approach, will there be further public meetings within the other communities or is that assumed with tonight's PIM? Currently, there is a development agreement proposal with HRM (Case 19860) to expand to a commercial recreation use for a property located on Lucasville Road. If the land use by-law amendment is approved, will that proposal now become null and void? **Mr. Sivak** – The two applications are very separate. The commercial recreation by development agreement is a separate policy and process under the MPS for Beaver Bank, Hammonds Plains and Upper Sackville. The change to the MU-1 Zone does have broad implications; therefore, Staff will be cautious when considering the request. **Ms. Downey** – The request of the current proposal does have broader implications than the Beaver Bank community and as a result, HRM should have a public venue that reaches out to the other affected communities. **Mr. Rad** – The developer would prefer a site specific amendment but regulations do not allow it. Currently, it is zoned I-1 and the rezoning will ensure that future landowners would not be permitted any industrial uses. The increase in square footage is due to viability of businesses.

Iris Drummond, Lucasville Road, suggested that the notices that were mailed should indicate in the title that the whole plan area would be affected. PIMs should be held in all affected communities. Will that happen? **Mr. Sivak** cannot make commitments or conclusions at this PIM but her point is noted. **Ms. Drummond** – Some development agreements proceed differently from when they were presented. **Mr. Rad** – With previous land use by-law amendments, if other communities were affected, the residents were invited to the meetings.

Kevin Copley, Beaver Bank, NWPAC Member – Will there be any units within the development drawing from a well? **Mr. Sivak** – At this time, the applicant is looking to extend the water service boundary; therefore, they are looking to connect into city water. Regional Council has to approve this portion. **Mr. Copley** – Are homes in adjacent subdivisions currently using wells? **Mr. Sivak** – From information received at tonight's PIM, there seems to be a bit of a mix. **Mr. Copley** – Is there any risk that the volume of wastewater going into those units could cross contaminate into the water supplies of some of the residents that currently use wells? **Mr. Rad** said not at all. Many different scenarios have been considered and it is pretty safe to use the systems that are available today. Technology is quite advanced and there are many backup systems.

Mr. Copley shares the same traffic concerns. The TIS, page 14, indicated that the Windgate Drive approach will experience excessive average delays and cue lengths particularly in the pm peak hour both with and without the addition of site generated trips. Is Synchro software a technology that is used to do the traffic counts? **Mr. O'Brien** – Synchro is a performance analysis package that analyses the performance of an intersection based on volumes using 15 minute increments throughout the peak period.

Lyle Mailman, Colville Court – Are the four multi-unit dwellings going to be condos or rentals? **Mr. Rad** could not answer that question at the moment. The buildings will be designed to include age sensitive, accessible units. **Mr. Sivak** - HRM can control the building design, but cannot specify who can live there.. **Mr. Rad** – Clarification for the definition of senior housing is being sought, because the developer does not want to limit the buildings only to seniors with disabilities. **Mr. Mailman** – At what stage will you know if the units will be condos or rentals? **Mr. Sivak** – At this point, the plans are conceptual. Staff and the applicant will negotiate and things may change. Before Regional Council and NWCC make a decision, advertising for a public hearing (another opportunity for the public to be heard) will be done. **Mr. Mailman** – Will the condominiums on the bottom part of the site be duplexes, semis, town houses or single units? **Mr. Rad** – It depends on demand.

Mr. Mailman – There are four buildings with 120 units in total with no connection to municipal wastewater or stormwater management services. This is very concerning and should be noted by HRM. **Mr. Rad** – Water would be self-sustaining. **Mr. Mailman** – This is a concern for people that are on existing wells not to mention the watersheds that run to Second Lake and Beaver Pond. **Mr. Rad** – The regulations within the Regional Plan are very strict. The systems are very advanced and the wastewater used within this area would be dealt with within the area. The systems can be expanded for the entire area but it is likely for this specific development that there will be several different wastewater treatment systems.

Mr. Mailman – Will there be phasing for the development? **Mr. Rad** – Not at this point. The development could be five to fifteen years, but would depend on demand.

Mr. Mailman – The bottom half of the development does not fit into the existing community and therefore, he opposes to it, along with other reasons. Is there no road connection in the middle of the development? **Mr. Rad** – To avoid shortcutting and to preserve as many natural features as possible, it was not suggested. **Mr. Mailman** – Was the intersection at Majestic Avenue considered? What about O'Leary Drive? Were they included in the TIS? **Mr. O'Brien** – Majestic

Avenue was looked at for a different study. **Mr. Mailman** – As part of the development, and several other potential and approved developments, HRM needs to evaluate the traffic for commercial services and residential and school infrastructure. Something has to happen at the Windgate Drive/Beaver Bank Road intersection. **Mr. Sivak** – The TIS noted the intersection and it has been noted tonight. Staff will work with the engineers. **Mr. Mailman** – In the Spring, he requested a traffic safety survey review be done on the Beaver Bank Road. Some of it has started. That area as a whole needs to be looked at in regards to speed restriction, safety and conflicting signage as there are two new quarries and an asphalt plant in the area. When will the Margeson Extension go through to Beaver Bank? **Mr. Sivak** couldn't answer at this time.

Sherry Johnson, Valerie Court – The proposed sewage treatment plant is located adjacent to properties existing on Valerie Court. Can you guarantee there will be no odor from the plant? Speaking on behalf of her neighbours, she would not be very happy to have a sewage treatment plant next to her property. **Mr. Rad** – The plan is to put part of the sewage treatment plant there, not all of it. He asked her to provide her email address in order for their civil engineer to answer her question directly.

Ms. Johnson avoids the Windgate Drive/Beaver Bank Road intersection by going the other way because of the danger during peak times. There are two other developments that will have an impact on traffic volumes as well.

David Barrett, Maplewood Court, is a lifetime resident of Beaver Bank and is pleased with the development and the neighbours in the area. He has been working on the Windgate Drive/Beaver Bank Road intersection indirectly for 20 plus years. A few years ago, HRM had all the underground services for lights installed. Also, he has mentioned at many meetings in the past that the road from Millwood Drive to Glendale Drive and from the Irving on Sackville Drive after Lucasville Road, need turning lanes. He informed the residents that the two lanes that run to Highway 101 from Sackville Drive are meant to be used. They are not only for passing purposes, but they cause the traffic signals to change faster. He believes this development will be a great asset for the community.

Bill Horne, Wellington, MLA for Waverley/Fall River/Beaver Bank Area – This development will increase traffic. The proposed road from Highway 101 from Mt. Uniacke to Wellington and then to the airport was approved back in 1985/87 but hasn't been developed. It may be built when the money is available but in his opinion, Transportation and Infrastructure Renewal has no intentions of building that at any time soon. He suggested underground parking for the multi-unit dwellings. Outside parking would create a large footprint with runoffs from cars including oils and gas. Catch basins, possibly oil/water separators, would be needed to collect the water so it wouldn't interfere with the treatment plants for cleaning the stormwater. The underground parking would also be advantageous in the wintertime and a lot of natural land would be preserved. Otherwise, he likes the development of multi-use with different types of affordable homes and structures plus the fact that there are existing walking trails that could probably be connected to trails heading up towards Windsor or along the old railroad bed. He suggested that the Windgate Drive and Beaver Bank Road be looked at carefully and try to make it easier for people to use. It would be nice to see transit there. **Mr. Rad** – Protective parking on the main floor of the building is being considered.

Walter Regan, Sackville Rivers Association – If the service boundary is not extended, does that mean the development will be on wells? If it is extended, most people, not all, will blow their septic fields out. What happens to adjacent land owners and wells? Measures should be taken to avoid the same situation as Rivendale / Monarch Subdivision where water was piped to everyone. If water is given, it should include sewer as well. **Mr. Rad** - If the boundary is not extended, a Stage II water analysis would have to be done to make sure the water quality and quantity are fine for the intended number of units. Also, this development would look very

different.

Mr. Regan - Subdivisions of this type should automatically have sidewalks.

Mr. Regan - There should be a minimum buffer of 30 metres from all watercourses including wetlands. This development must have oil/grit separators to keep the oil and pollutants out of the watercourses. Wetland protection must be a priority including large buffers to the wetlands themselves and there should be a study of the quality of the wetlands. **Mr. Rad** – Buffers from wetlands is a point well-taken. The underlying premise of this development is protection of existing environmental features. Wetlands are one of the most important features. An area was shown where crossing a watercourse could not be avoided.

Mr. Regan – A study should be done for pyretic slates to ensure no damage occurs and Provincial regulations should be followed.

Mr. Regan - The water quality in Sackville Lakes Provincial Park must be protected. He suggested to HRM that negotiations include a five year monitoring system concentrating on no increase in phosphorus level. The lakes and parks must come first. **Mr. Rad** – The lake should be used and the developer does not want to affect the water quality in any way.

Mr. Regan – There is nothing noted about mass transit. **Mr. Rad** – The landowner approached Halifax Transit offering them land for a Park and Ride terminal but they were not interested at that time. The applicant has an interest in a terminal and will make the offer again.

Mr. Regan – At full build out, how many residents will there be? **Mr. Rad** – 1000 maybe.

Mr. Regan likes the idea of underground parking for the multi-unit buildings. Again, water quality of the lake must be protected. Direct discharge of stormwater into a watercourse or wetland must be avoided and should go into the ground for groundwater recharge especially because of adjacent landowners who are on wells.

Mr. Regan – Hard surfaces cause stormwater runoff to flow faster which usually affects the groundwater. Along with the Stage I hydrologic study, monitoring tests on adjacent lands should be done to ensure they are not affected. **Mr. Rad** will get confirmation from the engineers.

Mr. Regan hopes the development agreement includes a tree retention/planting policy.

Brenton Heighton, Rivendale Drive, raised the concern about the busses and water. He is a resident on a well. If busses are brought in, it will probably be serviced as a P1 street which means it would be serviced with salt during the Winter as opposed to sand which is being used now. This would affect the water in the area. **Mr. Rad** thanked him for the comment as he was not aware of this issue.

Ashley Morton, Duffus Street, doesn't believe this development should go ahead. He suggested that additional residential density is not what most people in the area want. Schools in the area are already overcrowded and people are concerned about cycling and walking safety on the road. New development and additional population increase density should be happening on the Peninsula. This development will add more cars meaning that no street in the area will be safer to bike or walk because this development goes ahead. Realistically, this will generate nothing but car traffic.

Mr. Morton - In regards to the trails, he pointed out that with a bareland condominium structure, our client is unable to offer the private trails and parks to HRM; therefore, they must be retained within the ownership of the condominium corporation.

Mr. Morton – There probably won't be public transit here. There are larger developments with more density that don't have public transit.

Mr. Morton – The amount of time and energy that has been put into the developing of the proposal should not be used as a justification for approving it. Too often developments go forward because of this reason. The applicant mentioned the sales office that is currently being constructed and phrases like, "then they can continue on through the development process" and Mr. Sivak used photos from their file in his presentation, making one believe that it will happen with maybe some modifications.

Mr. Morton - There was a comment that the proposal is overprotecting the site. The site has been previously logged and is not a perfectly natural environment and the best thing for protecting this site would to avoid putting 1000 people on it.

Mr. Morton - There is a lot more than a pocket park available there and that should be preserved as much as possible in its current state.

Mr. Morton is not convinced that adding 1000 people to this area is a good idea.

Mr. Rad is a planner himself and lives on the Peninsula. He appreciates the fact that people in this area love their neighbourhood and many choose to stay here. Some are forced to move due to affordability or suitability. This development is about providing the best housing option through conservation of the land.

Tristan Cleveland, Duncan Street, is representing the HRM Alliance which is a coalition of over 50 groups from across the region for rural and suburban areas that push for the enactment of the Regional Plan. The Regional Plan hasn't been mentioned but this is a direct abrogation of the Regional Plan. This is not a growth centre and is beyond the water service boundary. The boundaries should not be extended because someone requests it. People expressing concerns about traffic getting worse, about schools being full, about the potential risks to people's well water, potential risks to waterways and lakes are all extremely relevant. There are places in this region that are looking for more growth and density. **Mr. Rad** – This proposal is completely within the rights of the landowner and it is within the Regional Plan provisions from 2011. There are people that live in these areas that have the right to an opportunity to live here if they choose to do so. **Mr. Cleveland** pointed out that a CMHC study indicated that people who are trying to sell their homes are having trouble doing so making it clear, in his opinion, that the amount of supply needs to be expanded. In his opinion, this development is not in the spirit of the Regional Plan.

Councillor Brad Johns, District 14, thanked the last two speakers for taking the time and coming from downtown to the community to express many points in a global perspective that some people don't understand or are not following in regards to Regional Planning.

Councillor Johns would like some clarification in regards to the Regional Plan and Beaver Bank being in a growth restricted zone and how this impacts it.

Councillor Johns - During his time as a Councillor, he has only once seen a zoning change which was in Middle Sackville and only affected three lots. He would like to see exactly what the implications of this are in the broader context.

Councillor Johns – Over the years, there have been other locations that have requested a change in the serviceable boundaries and have been turned down. He would like a follow up on that.

Councillor Johns pointed out that this is an application that has come forward. The developer has a right to pay his money, come forward and go through the process but it does not mean that it will be approved by Council. Unfortunately, the public is not always informed if an application has not been approved or it's been withdrawn. What is being proposed and presented tonight, may not be the same at the public hearing. He suggested that everyone come out to the public hearing for another opportunity to be heard by Regional Council and NWCC.

Councillor Johns - On Monday evening past, the concerns around Windgate Drive and Beaver Bank Road were raised. It was noted that the issues there go back some 20 years. NWCC did unanimously recommend to Regional Council that this be considered as a priority in the upcoming regional budget. Staff are well aware of the issues and hopefully, regardless of the outcome of this application, something will happen there. He thanked everyone for coming this evening.

5. Closing Comments

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

6. Adjournment

The meeting adjourned at approximately 9:06 p.m.

**Halifax Regional Municipality
Public Information Meeting
Case 20110**

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

**Monday, August 28 2017
7:00 p.m.**

**Beaver Bank Kinsac Community Centre (Upstairs Lounge), 1583 Beaver Bank Road,
Beaver Bank, NS.**

STAFF IN

ATTENDANCE: Tyson Simms, Planner, HRM Planning
Jacqueline Belisle, Planner, HRM Planning
Alden Thurston, Planning Technician, HRM Planning
Genevieve Hachey, Planning Controller, HRM Planning

ALSO IN

ATTENDANCE: Councillor Blackburn, District 14
Councillor Craig, District 15
Connor Wallace, WSP Canada Inc. – Applicant
MLA Bill Horn

PUBLIC

ATTENDANCE: Approximately: 40

The meeting commenced at approximately 7:00p.m.

Call to order, purposes of meeting – Tyson Simms

Mr. Simms introduced himself as the Planner for this application, he also introduced; Geneviève Hachey – Planning Controller, Alden Thurston – Planning Technician, Connor Wallace, WSP – Applicant and Councillor Blackburn.

Case No. 20110 - Application by WSP, on behalf of Marque Investments, to enable the development of an open space subdivision design on 4 properties, identified as PID No. 41043597, 40010514, 41398694 and 41401159, located along Windgate Drive, between Rivendale Drive and Terry Road, in Beaver Bank, NS.

Mr. Simms explained the purpose of the Public Information Meeting is to: Provide information on the proposed development, explain the process for an application of this type and to receive feedback, hear concerns, and answer questions regarding the proposed development. There will be a presentation from HRM about the process, a presentation by the applicant about the proposal and time for feedback from the public.

The proposal is to create a classic open space development, consisting of various forms of residential development, primarily single unit dwellings, some two unit dwellings and multiple unit dwellings. In total the proposal contains 345 units, which is the number of acres on the site.

1. Presentation of Proposal – Mr. Simms

Mr. Simms provided a brief overview of the planning application process and then made a presentation to the public outlining the purpose of the meeting, status of the application and the developer's proposal. Mr. Simms outlined the context of the subject lands and the applicable planning policies.

Presentation of Proposal – Connor Wallace, WSP Canada Inc.

Mr. Wallace provided detail information regarding the proposed development concepts and proposed project phasing.

2. Questions and comments.

Brian Butcher – It seems like a large number of units for just three waste water treatment plants. My concern is with the smell and the environmental impact. What kind of study will be done on that? **Mr. Wallace** – The waste water treatment plants are going to be reviewed by the Nova Scotia Department of Environment, they would have to meet their standards. In terms of the odors, according to engineering staff in our office, these new systems that are being proposed are far more advanced and include filtration systems within the plant to mitigate the odor impact. There are 3 systems proposed, one for each of the multi unit buildings and one for the duplexes. **Mr. Butcher** – There is just one brook at this location, would the plants run into that? **Mr. Wallace** – There are regulations and provincial standards that would make it so the brook is not impacted, no effluent would flow into the brook. If you would like more info please contact my office and I can put you through to an engineer to discuss this further.

Collin Chennelles – Has concerns about the intersection of Windgate Drive and Beaver Bank Road. In the two years since this process has started has HRM come up with a solution for the traffic?

Mr. Simms – There is a traffic impact study included in this proposal, HRM Engineering staff are looking into this. **Mr. Chennelles** – There is more construction going on around here, more projects, all of this development will impact the traffic and there needs to be a resolution for this intersection. Second point is, on the Capilano side there is a bank of trees that protect us, would there be a fence or something put up here? **Mr. Simms** – This is something that can be looked at during the process of reviewing the application and drafting the development agreement. **Mr. Chennelles** – There are covenants in the Capilano area that restrict the cutting of trees over 4 inches in diameter. Will there be something similar in this new area? **Mr. Simms** – The development agreement will have requirements for retaining vegetation. Specific covenants are typically established by the residents and/or developer. **Mr. Chennelles** - Is there a time frame for the construction? **Mr. Wallace** – I am unable to give a specific time frame, we would like to start building as soon as this process is complete. It could be 4 to 6 months before the Public

Hearing and perhaps a year after that for construction to begin. That being said, you can follow up with me and I can co-ordinate with the owner to provide a ball park figure.

Rachel from Riverdale – It was mentioned that a multi-unit building would be constructed first and subject to how well that sold the remaining phases would be implemented. My concern is that if I knew all these phases of construction would happen after my building is constructed that would deter me from making a purchase and affect whether or not there is interest. **Mr. Wallace** – This multi-unit building would have to be constructed first because the interest in this first building could change how the rest of the proposal will proceed. **Rachel** – As was mentioned there are many developments happening in this area and I would like to know if the traffic impact study that is happening for this development is being looked at on its own or is anyone looking at the bigger picture? Is anyone taking into consideration all the developments happening and what they will do to the traffic as a whole? **Mr. Simms** – I cannot comment on this however staff is reviewing this and it is a question we will be forwarding to our development engineering staff. I understand that this is a major concern for a lot of people. **Rachel** – This will mean that there will be shortcuts through this development that will mean a lot more traffic and speeding. **Mr. Simms** – This is something that will be looked at by staff. **Mr. Wallace** clarified what streets would be connected. **Rachel** – The Beaver Bank school is at capacity, this proposed development is in the middle of two school zones, where will the kids that live here go to school? There are no sidewalks in the Beaver Bank/Monarch side. **Mr. Simms** – The Halifax Regional School Board will review this proposal and provide us with information on where the children will go to school. The school board will typically also provide comment regarding capacity.

Curtis from Monarch subdivision – Will there be a development engineer at the next meeting? **Tyson** – The purpose of this meeting is to gather questions and comments to bring back to staff. A development engineer will be able to provide answers to these questions and their responses will typically form part of the discussion in the staff report addressed to Community Council. **Curtis** – It is my opinion that when you build apartment buildings you end up with low income people moving in and that decreases the value of everyone's property.

Moira Burhoe, Capilano Drive– Ms. Burhoe wanted it noted that Councillor Streach was not in attendance. **Mr. Simms** indicated that due to an oversight, Councillor Streach was provided with limited notice regarding the meeting. Moira wanted to confirm that this proposed project is in Beaver Bank, **Mr. Simms** confirmed it is. Ms. Burhoe would like to know if there is a roundabout being considered near this location and if not could HRM consider it. Ms. Burhoe is concerned that the developer would go with Option B instead of Option A, she and other people of this area would want Option A.

Councillor Blackburn – The councillor thanked everyone for attending, she would like to know if the multi-unit buildings will be condos or apartments, will the parking lot be a large open asphalt lot, will the waste water treatment plants be turned over to Halifax Water? How confident are you that removing all the trees will not impact the water table for those people who are still on wells in the area, similar projects have had an impact on wells when they were not expected to? Is there a moratorium on development in the Beaver Bank area, and if so why are we here? **Mr. Wallace** – At this point it is unknown whether the units will be condos or if they would be rentals, it is also unknown if there will be underground parking however the proposal would include pathways and landscaping if there is to be surface parking. The development would create a condo corporation

and the corporation would be responsible for the wastewater treatment plants. This is a conservation subdivision design, there will be no clear cutting, 40% of the land will be constructed upon and the remainder will be protected, there should not be a negative impact on the water table however this will be part of the analysis. **Mr. Simms** – With respect to the question of a moratorium, there are growth control management strategies that apply to the Beaver Bank area; however, this property is not identified as part of that area. Mr. Simms also clarified that the Development Agreement cannot dictate ownership and therefore cannot confirm if the site would consist of apartments units or condos.

Linda Slade, Briancrest Road – My concern is the access for the construction of the site during all of the phases, specifically about all of the construction vehicles and how much traffic will be going through my subdivision (Capilano). All the children catch buses on the street due to a lack of sidewalks. She also wanted to say that the comments at these meeting all sound negative, however she would much prefer something like this to be built over something industrial, she sees great improvement in the proposed development since the beginning of this process. **Mr. Simms** – HRM staff may not agree with the proposed phasing of the development staff may request that phasing be reconsidered. In addition to the requirements of the development agreement, the developer and municipality would also enter into an agreement with respect specifically to construction carried out on the subject site. This agreement will regulate when construction can begin and end and how the site is accesses.

MLA Bill Horn – This development has improved since the beginning of the process, there will be added traffic however this is being looked at, a roundabout may be a good idea. The intersection at Windgate Drive and Beaver Bank Road seems to be the most important concern. He would like to know if these are 1 acre lots and he would prefer more underground parking and less surface parking. Mr. Horn thinks this will be good for the area and he is happy about all the green space and the size of the multi-unit buildings. **Mr. Wallace** – the lots are smaller than an acre, the lots are large enough in size to have individual septic systems on them, they would not go as deep as other properties in the adjacent subdivisions.

Dave Mayer – His main concern is the traffic and how people will use the subdivision as a shortcut. There will be people speeding around this subdivision.

Brad Purdy, Galloway – This will create a clear 6 km stretch that people will be able to shortcut from Beaver Bank Road to Fall River Road versus 10km via Windgate Drive. This is a mostly straight stretch that will allow for speeding. If it wasn't a direct road, or if there were turns and stop signs that would help.

Jason, Briancrest Drive - Why not make this enclosed, why not have it end so there will not be people cutting through.

David Barrett, part owner of the land in question – This property was originally used for forestry, it is no longer economically viable to do so. There have been other solutions to traffic in the past that did not happen, like the extension of Margeson Drive connecting to Quarry Road. The intersection of Beaver Bank Road and Windgate Drive should change.

3. Closing Comments

Mr. Simms thanked everyone for coming and expressing their comments and displayed his contact information on the screen for everyone.

4. Adjournment

The meeting adjourned at approximately 8:49 p.m.

Attachment E

Case 20110: Frequently Asked Questions

A notice was sent to residents that live near the proposed development site in May 2020. This notice was sent to advise residents of a recent revision to the proposal that HRM staff received, and to collect feedback from residents on the revised plans, as staff continue to review the application. HRM Planning staff received a series of questions from residents, many of which were similar in nature. Staff felt that the best way to respond to these questions was to post the Frequently Asked Questions for all residents or interested members of the public to view.

**Responding to these questions required input from other HRM departments including Development Engineering and Traffic Services, Halifax Water, and the applicant. Responses from the applicant have been clearly identified. All responses provided by staff are based on the applicable policies, regulations, guidelines and information/studies submitted by the applicant for their proposal.*

1. Why can't the subject property be developed similarly to Monarch Rivendale and Capilano Estates? How is this proposal grandfathered under old planning policy?

Upon the adoption of the Regional Plan in 2006, traditional subdivisions like what can be seen in Monarch Rivendale and Capilano Estates were no longer permitted. Larger-scale subdivisions could only be considered through the Open Space Design planning policies which required a development agreement process and approval by Council. These policies were adopted to enable residential development while protecting open space and environmental features such as wetlands, floodplains, rock outcroppings and steep slopes. In 2014, the Regional Plan was reviewed, and the Open Space Design policies were replaced by the current Conservation Design policies, which have similar intent to the Open Space policies but different development densities that could be considered. The proposal for Case 20110 was originally submitted in January 2014 under an older file number (Case 19059). A complete development agreement application was received prior to Council's first notice to adopt the 2014 Regional Plan Review; therefore, Case 20110 can be considered in accordance with the 2006 policies as per Policy G-18 of the current [Regional Plan](#).

2. Why are multiple unit dwellings and townhouses permitted to be considered in a predominantly low-density residential area?

The applicable planning policies enable consideration of seniors housing within the Open Space Design development, if senior citizen housing is permitted in the underlying zone of the property. The subject properties are currently zoned for industrial and mixed resource uses. The applicant has requested to rezone the lands to the Mixed Use (MU-1) Zone to enable seniors housing within the proposed development. Senior citizen housing is defined under the [Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law](#) as "housing designed for occupation by senior citizens". Therefore, multiple unit dwellings and townhouses designed for occupation by senior citizens may be considered.

3. How can the occupancy of the multiple unit dwellings and townhouses be restricted to seniors? What design elements would be required for seniors housing?

The occupancy of dwellings cannot be regulated by age as this is a form of discrimination. Under the [Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law](#), senior citizen housing is defined as “housing designed for occupation by senior citizens”. Internal building elements such as elevators, universal fixtures, wide hallways and flush door transitions are regulated by the National Building Code. Therefore, the proposed development agreement would include requirements for age-friendly exterior design elements including accessible covered entrances, clearly lit walkways and accessible landscape features.

4. Have any environmental and phosphorus loading studies been completed? Are these studies required by HRM?

Neither an environmental study nor a net phosphorus loading study were required for this application. Net phosphorus loading studies are only required for specific areas within the Planning Districts 14 and 17 (Shubenacadie Lakes) Plan Area. The subject site is within the [Beaver Bank, Upper Hammonds Plains and Upper Sackville Plan Area](#). Although these studies are not required by the applicable planning policy, Open Space Design policies require maintaining 60% of the site as open space and preserving any primary conservation feature such as watercourses, wetlands, mature forests, bare rock and steep slopes.

5. Why are private wastewater treatment plants (WWTPs) proposed instead of individual septic systems for each building?

The proposed density can only be considered in the Classic Form of Open Space Design (condominium-style) whereby residential units are clustered on larger lots and serviced by shared wastewater treatment facilities.

6. Who at the Municipality reviews WWTPs? Where are the studies and design details for the proposed wastewater treatment plants and who reviews them?

Private on-site systems are reviewed and administered by NS Environment (Provincial level of government). Detailed design and studies that inform design of an on-site system are not typically required at the planning application stage. At the planning application stage, planning staff request confirmation from a Professional Engineer that the proposed density can be serviced with on-site services.

7. Can additional information be provided to the public about the design and operation of the proposed WWTPs? *Please note that the responses for the following three questions (highlighted in gray) have been provided by the applicant.

(i) How many homes would be connected to each WWTP?

The applicant has advised that the proposed development would be able to be serviced by the conceptual WWTPs shown on the concept plan. Detailed design would determine the exact location and number of homes connected to each WWTP. The location and design of the WWTPs is administered by NS Environment. Based on the concept plan and street layout, approximately 24-66 homes would be connected to each WWTP for single unit dwellings. Another WWTP would connect to 33 townhouse

units and the largest WWTP proposed would connect to 15 townhouses and the two 63-unit multiple unit dwellings.

(ii) How would the WWTPs operate? Who would own and maintain the facilities?

Depending on final detailed design, the treatment plants accept either whole wastewater or effluent at a series of large storage tanks. In the event that whole wastewater is being received at the plants, the primary tanks are sized to provide sufficient retention to separate the primary solids and fats, oils and grease prior to being sent to the disposal field. In the event that effluent is received at the WWTPs, the tanks are smaller as each home would have its own septic tank. Larger systems can include additional treatment steps if warranted by soil type and proximity to nearby homes or water courses.

The WWTPs would be owned, funded and operated by the condominium corporation established under the provincial guidelines. Typically, systems of the proposed size are operated by certified operators.

(iii) How can residents be sure that these systems will not fail and consequently impact their properties?

All proposed WWTPs must satisfy NS Environment requirements. Systems of the proposed scale have some key design features to help mitigate the risk of failure including the following:

- Any pumps are supplied in duplex layout so that in the event one pump fails the second pump can take over.
- The control panels operating the system actively monitor the state of the system and will send email or text alarms to the owner and operator.
- The condominium associations by regulation must have an operator or technician hired to maintain each of the WWTPs. With proper operation and maintenance, any decline in performance of on-site treatment systems can be monitored and caught prior to failure.
- For systems of this size, generator ports are usually provided at the control buildings in the event of a power outage. NS Environment would advise what back up supply would be required.
- The disposal beds are monitored by the operator through small access ports that allow inspection of the soil structure and distribution piping.

8. Can the proposed WWTPs be relocated toward the centre of the development and further from adjacent dwellings?

While the proposed locations of the WWTPs are shown on the concept plan, the development agreement would allow for flexibility in the location of the WWTPs as they are not regulated by HRM. Private infrastructure is not generally supported by HRM staff across public streets; however, Council makes the final decision on whether to permit the encroachment of private infrastructure across public streets. The WWTPs would therefore have to be located in such a way that private pipes between dwellings and the WWTPs do not run across any proposed public streets.

9. There are several wastewater treatment facilities that were originally privately owned but later transferred to Halifax Water ownership and operation. Why were these facilities transferred to Halifax Water? How much does it cost to own and operate the smaller systems owned by Halifax Water?

There are several smaller wastewater treatment facilities in the Municipality. Most of these smaller facilities are privately owned and operated in accordance with NS Environment regulations. Historically, the Municipality may have been involved in installing and maintaining a small system to address a public health issue as a result of malfunctioning or failed on-site septic systems within a community. With the transfer of wastewater and stormwater assets in 2007, Halifax Water assumed responsibility for the municipally owned and operated systems.

Privately-owned smaller wastewater treatment facilities may only be accepted by Halifax Water under exceptional circumstances. Attachment 1 of [Halifax Water's Rules and Regulations](#) outlines the requirements for a private system to be accepted by Halifax Water should the case present itself.

Information on the capital and operating costs of smaller wastewater treatments plants owned and operated by Halifax Water can be found in their [2020/21 Annual Business Plan](#), particularly on pages 78 and 87.

10. Do the traffic studies consider other developments proposed in the area? Does HRM Engineering staff consider this in their review of an application?

Traffic studies submitted by an applicant must follow the [HRM Traffic Impact Study Guidelines](#). They include an assessment of cumulative traffic and changes to the street network associated with other development proposals in the study area. These development proposals may be approved or could be approved before the development under review is completed.

11. Are the existing streets designed for the additional traffic proposed by the development?

The existing Monarch Rivendale and Capilano Estates subdivisions were designed following municipal engineering regulations. The existing street network within these subdivisions consists of local and collector street classifications. Local streets are designed to accommodate daily traffic volumes of up to 3,000 vehicles, while a minor collector street is designed to accommodate up to 12,000 vehicles per day. The existing streets in the area can accommodate the additional traffic proposed for Case 20110. Minor upgrades where the proposed subdivision may connect to the existing street network may be required, such as extending the pavement or redefining existing ditches. However, this is typical when connecting to an existing subdivision.

12. Are infrastructure connections to Monarch Rivendale and Capilano Estates required by HRM and Halifax Water?

The HRM Municipal Design Guidelines identify requirements which are to be considered when new subdivisions are proposed. The subdivision design should consider mitigating new traffic problems from happening while also providing for convenient access, mobility and community connectivity. The general principles for designing streets include:

- (i) accommodating through traffic;
- (ii) linking local streets to higher classification streets to provide good access to other parts of the community;
- (iii) prolonging existing streets in the same subdivision or adjacent subdivisions;
- (iv) using road reserves that were left for future connections (road reserved were provided in both the Monarch Rivendale and Capilano Estates subdivisions); and,
- (v) limiting cul-de-sacs where the lands can be effectively serviced, and the road system can be continuously extended.
- (vi) Looping of watermains (connecting water pipes instead of having the pipes run to a dead end) is always a preferred servicing strategy as it provides resiliency and limits the number of impacted customers in the event of a break.

13. Are upgrades to the existing infrastructure required to service the proposed development? Is the Developer responsible to pay for these upgrades?

Any connecting road infrastructure to the proposed development which does not meet HRM's standards may be required to be upgraded by the developer. We have not identified any sub-standard infrastructure at this time.

In [May 2016](#), Regional Council [approved](#) an extension to the Municipal Water Service Boundary under Policy SU-13 of the 2006 Regional Plan to include the "Barret Lands" as an application was received for an Open Space Design Development (Case 20110). If the proposed Open Space Design Development is approved by Council, the developer would be responsible for the base cost of any extension to the water main infrastructure required to service the development. If oversizing of the main pipe on Windgate Drive is required, Halifax Water would cover the incremental difference in cost, as was done for the Monarch Rivendale water service extension.

14. What is the update on the installation of traffic signals at the Beaver Bank Road and Wingate Drive intersection?

Residents have expressed traffic related concerns about the Beaver Bank Road and Windgate Drive intersection. There are currently no plans or budget allocation for traffic signals at this intersection. HRM does not expect signals to be able to be installed at this intersection until the current railway crossing at this intersection is dismantled.

The Municipality previously explored this intersection as noted in staff reports from [2007](#) and [2019](#). HRM has considered the traffic volumes and movements, travel lanes, speeds, sightlines and visibility, and past collision data to determine if traffic signals or other infrastructure upgrades are warranted. A Safety Review Report was prepared for HRM in 2016, which found that the volumes at the intersection did not warrant traffic signals, and that the intersection was operating near the expected safety performance based on Highway Safety Manual guidelines, with some safety concerns.

Staff also examined the rail line that runs diagonally through the intersection. Although this line has been inactive for about 15 years, the current owner has indicated there are future plans for the rail line. HRM understands that this crossing and the railway is still owned by CN. The presence of the railway crossing infrastructure also limits the Municipality's ability to install traffic lights or a modern roundabout to improve sightlines and queues approaching the Beaver Bank Road – Wingate Drive intersection.

15. Have residents of Monarch Rivendale paid through their local improvement charges infrastructure that would service the proposed development?

In [March 2010](#), Regional Council [approved](#) an extension to the Municipal Water Service Area, to include properties within Monarch and Rivendale Subdivisions and adjoining lots along Windgate Drive in Beaver Bank, and an associated Local Improvement Charge (LIC). At the time this water service extension was being considered, the subject lands, known as the “Barrett Lands”, did not satisfy the policy criteria to be considered as no Open Space Design application was received and the properties were not located in a growth centre under the Regional Plan. The Monarch Rivendale LIC was implemented to cover the cost of installing base water main infrastructure needed to provide water service to residents of those subdivisions and adjoining lots on Windgate Drive that were within the Water Service Area that existed in March 2010. Halifax Water paid costs to oversize the main pipe on Wingate Drive that benefitted the larger customer base. The LIC did not cover the cost of installing lateral connections from the main pipe to each individual property within Monarch Rivendale – this was the responsibility of each property owner.

16. What are the technical challenges related to the installation of water services that the developer was trying to address?

There were no technical engineering challenges related providing water service to the proposed dwelling units – in other words, there were no concerns about the capacity of the water service. The issue that the proponent was sorting out was the way in which water service could be provided to each dwelling on a parent condominium lot, while satisfying the requirements of both Halifax Water and the Condominium Act. This was something the applicant wanted to sort out as due diligence prior to proceeding to Council for a decision on the application.

17. If the proposed development is approved by Council, will construction activities interrupt water service to residents of Monarch Rivendale and Capilano Estates?

Valves are generally left at the end of a water main to minimize impact to residents if the service is extended in the future. Where no means of connection is provided (stub, cap and valve) a connection is made by cutting in a new tee and valve and, in this case, the water main would be disinfected and flushed as per the Supplementary Standard Specification.

Valves were left at the end of the Monarch Rivendale subdivision so an interruption in the existing service would be unlikely. If, for an unforeseen reason, the service had to be temporarily interrupted, there is a process that contractors must follow to give residents notice and ensure there is minimal impact to residents, or if required, temporary water

service is supplied. This will be reviewed at the detailed design and construction phases, if the proposal is approved by Council.

18. If the proposed development is approved by Council, will construction activities interrupt garbage collection service to residents of Monarch Rivendale and Capilano Estates?

Disruption to any existing municipal service will require advanced notification to affected residents. Garbage, recycling and green cart collection services are not known to be disrupted by development activities.

19. How are traffic calming measures initiated and when are they warranted? Will speedhumps, additional signage or other traffic calming measures be required for the proposed development?

Speedhumps or other types of traffic calming have not been contemplated as a part of the new development. As per the [Traffic Calming Administrative Order 2015-004-OP](#), traffic calming including speedbumps may be installed going forward on either the proposed or existing streets, if criteria are met.

A review for traffic calming may be requested by a resident or the area Councillor, on behalf of a resident group. Traffic calming has been implemented to alter driver behaviour, reduce travel speeds and make streets safer for non-drivers, where drivers are travelling above the posted speed limit. Information on the process, eligibility criteria and a list of streets that are being assessed for traffic calming is available at [this website](#).

20. How are construction activities monitored and regulated in the Municipality? What time of day are construction activities limited to? How are nearby homes as well as local streets protected from construction activities like truck traffic, noise, dust and blasting?

Construction activities in the Municipality are administered through several bylaws, which regulate various aspects of the construction process:

- (i) [Blasting By-law B-600](#): Outlines minimum standards permitted when blasting within the Municipality. All blasting activities require a Blasting Permit from HRM.
- (ii) [Grade Alteration & Topsoil Removal By-Law T40](#): Applies to the grade alteration of the land.
- (iii) [Construction Management Administrative Order 2018-05-ADM](#): Outlines best management practices for development of sites in proximity to public streets.
- (iv) [Noise By-Law N-200](#): States that construction noise activity is permitted between the hours of 7:00am - 9:30 pm on week days, 8:00am-7:00pm on Saturdays, and 9:00 am-7:00 pm on Sundays, Statutory Holidays, Civic Holidays and Remembrance Day.
- (v) [Truck Routes By-Law T-400](#): Controls the routes trucks must use and how trucks access a given site. This by-law applies to trucks used for hauling construction material and commercial uses as well (i.e. moving vans, deliveries, etc.).
- (vi) [Streets By-Law S-300](#): Regulates permitted excavation activities within the public right-of-way. This By-Law also applies to keeping the street free of dirt and debris from construction and associated traffic.

- (vii) [HRM Traffic Control Manual Supplement](#): Includes provisions created by HRM to be used in addition to the “Nova Scotia Temporary Workplace Traffic Control Manual” published and regulated by Nova Scotia Transportation and Infrastructure Renewal.