Case 21460: Frequently Asked Questions

HRM Planning staff received a series of questions from residents about this proposal, 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 as well as Canada Post. All responses provided by staff are based on the applicable policies, regulations, guidelines and information/studies submitted by the applicant for their proposal.*

1. What is the size of the lands subject to the application? How is the density calculated?

Five lots are owned by the developer and zoned RCDD (Residential Comprehensive Development District). These lots combined form Opportunity Site C (see Figures 1 and 2 below). The total acreage of these lands is 31.67 acres. The existing planning policy that applies to Site C allows for consideration of 4 units per acre of land, to a maximum of 120 units.

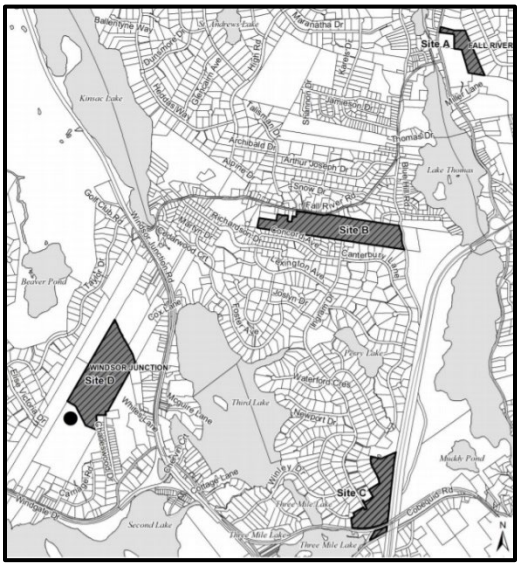

Figure 2: Map RL-3 of the Planning Districts 14 & 17 (Shubenacadie Lakes) Municipal Planning Strategy: Alternative Housing Opportunity Sites

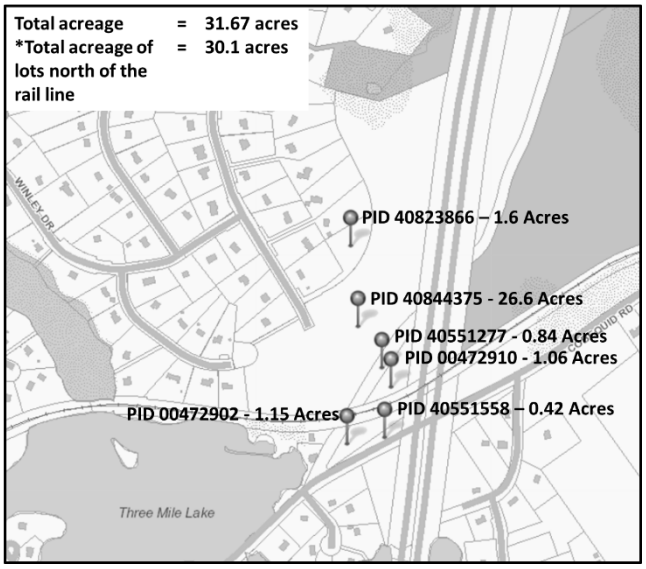

Figure 1: Acreage of lots within Opportunity Site C

2. How can townhouses and multiple unit dwellings be considered in a low density residential neighbourhood? Why can't the subject property be developed similarly to Fall River Village?

The subject property was zoned I-3 (Light Industrial) prior to 2013, which allowed industrial uses such as warehousing, transportation terminals, building material outlets and manufacturing uses on the property. In 2013, through a comprehensive master planning exercise for the Fall River area, industrial zoning was recognized as inappropriate for the property as it was surrounded by low density residential development. It was felt that higher density housing forms were more appropriate than industrial development. New planning policy was adopted to rezone the property

to the Residential Comprehensive Development District (RCDD) Zone. RCDD zoning allows development of alternative housing forms (multiple unit dwellings and townhouses) and local commercial uses through the development agreement process. A development agreement is a contract between a landowner and the Municipality that regulates planning matters such as permitted land uses, site development controls, access, landscaping and building design that can occur on a property. This contract requires approval by Council and if approved, is registered on title. If the land is sold, all future owners will be responsible for the content of the agreement.

3. How can the developer apply for higher density housing when the restrictive covenants for Fall River Village, which are also registered on the subject property, specify that only single unit dwellings can be built in the neighbourhood?

Restrictive covenants are typically used by developers to control development on newly subdivided residential properties. Restrictive covenants are not determined through planning policies and are therefore not reviewed nor considered by HRM planning staff in development applications. If a property owner violates the restrictive covenants for a subdivision, it is a civil matter that does not involve HRM.

4. During the visioning exercise completed for the River-Lakes Secondary Planning Strategy, the community expressed the importance of maintaining the rural character of the area. How is the proposed development maintaining the rural, low-density residential characteristics of the existing neighbourhood?

In addition to maintaining the rural character of the existing community, the River-Lakes Vision aims to allow for alternative housing types including multiple unit dwellings and townhouses to provide housing for all members of the community. In an effort to protect the rural character of the area, these alternative housing forms can only be considered at four specific sites within the River-Lakes area – the subject site being one of them (Site C). There are specific planning policies that apply to Site C including architectural requirements that intend to ensure the multiple unit buildings' designs are similar and compatible with the traditional designs of the existing neighbourhood.

5. Wasn't this application already refused by Council?

There was a previous application (Municipal Case #20672) that was submitted for a development agreement for three multiple unit dwellings, a commercial building and self-storage facility. Upon review of this proposal, CN Rail confirmed they would not grant permission for the developer to cross the rail line to connect Ingram Drive to Cobequid Road. The planning policy requires that the development have direct access to Cobequid Road. Since CN did not grant access, the application did not proceed to Council. The current application has been submitted (Municipal Case #21460) requesting removal of the requirement for access to Cobequid under the planning policy.

6. Why are we even considering this application if it does not meet the policy?

Our planning policies set out the goals, objectives and direction for long term growth and development in the Municipality. Amendments to our policy documents are significant undertakings. A property owner has the right to apply to amend planning policy; however, Council is under no obligation to consider such requests. In this case, staff advised Council in February 2018 that there is merit to start a process to consider the proposed amendments because the subject

property has been identified as an opportunity site for higher density development and the challenge to connect to Cobequid Road is based on feedback received from CN Rail, which the Municipality cannot enforce. The policy amendment process entails going out to the public to receive feedback and complete a detailed technical review of the proposal. Council did choose to initiate the planning process but have not yet made any decisions to approve or refuse the proposed development.

7. What types of studies are required to consider the application?

The relevant planning policy requires a no net increase in phosphorous study, stormwater management and erosion and sedimentation control plans, and a traffic study for any development proposal for Site C.

8. What is a traffic study, who prepares them, and how does HRM review them?

Traffic studies are written at the expense of the applicant by professional engineers. These studies are submitted at the start of the planning application process and give HRM engineers a sense of how a project might impact the surrounding streets both from a safety and capacity perspective. Once submitted, studies are reviewed by HRM engineers to ensure they meet HRM policies, and that the findings in the report are supported by the evidence provided. Any needed changes to the study are outlined for the applicant, and this work continues until both sides are in agreement. The traffic study is then used to decide on any upgrades or changes to the surrounding streets that may be required to make sure the impact is minimized.

9. What type of analysis is required for a traffic impact study? Does HRM Engineering staff consider the average number of vehicles per household within the existing neighbourhood? Are the projected volumes noted in the traffic study reasonable to consider? Do the traffic studies consider other developments proposed in the area?

The general objectives of Traffic Impact Studies (or Assessments) include identifying the current operations of the adjacent roadway and impacted intersections, the anticipated operations with estimated background growth, and the anticipated operations with background growth plus the additional traffic generated by the development. The studies then identify any potential issues and offer recommendations to mitigate those concerns.

Rather than estimating the number of vehicles per household, and the current distribution of those vehicles, traffic volumes are counted at key intersections during the peak hours (typically weekday AM and PM) to capture the current conditions. The number of vehicles that would be expected for a multi-unit residential development (or any development) is typically estimated using the most recent edition of Institute of Transportation Engineers' (ITE's) Trip Generation Manual. ITE's trip generation manual is considered best practice. The applicant's consultant has done this in their submission.

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.

10. Over the engineered stamp, there is an "Originally Signed" label. Why is that?

HRM policy requires that all signatures are redacted when posted on our website. The planner puts the "Originally Signed" label on all signatures.

11. Are the existing streets within Fall River Village built to accommodate additional traffic from the proposed development? What is the capacity of the existing streets in the neighbourhood?

The existing streets within Fall River Village were designed following municipal engineering regulations. The existing street network within Fall River Village consists of local and collector street classifications. Local streets (like Bolton Drive and Devonport Avenue) are designed to accommodate daily traffic volumes of up to 3,000 vehicles, while minor collector streets (like Winley Drive and Ingram Drive) are designed to accommodate up to 12,000 vehicles per day. The existing streets in the area can accommodate the additional traffic proposed for Case 21460.

12. Will infrastructure upgrades and improvements to the existing transportation network be required to enable the proposed development (for example, sidewalks, crosswalks etc.)?

Any connecting road infrastructure to the proposed development which does not meet HRM's standards may be required to be upgraded by the developer. The TIS guidelines require comment on vehicle infrastructure only. The guidelines speak to addressing impact on pedestrians, but from a traffic signal perspective. Staff have not identified any sub-standard road infrastructure within the existing Fall River Village subdivision at this time. Minor upgrades where the proposed development connects to the end of Ingram Drive may be required such as extending the pavement or redefining existing ditches. These minor upgrades are typical when connecting to an existing subdivision.

13. Many residents in the community feel that the existing road network is unsafe for pedestrians due to current traffic behaviour such as speeding. Residents have raised safety concerns particularly along Winley Drive near the community mailbox and around the bend at Winley Estates Park. Can improvements be made to make the existing road network safer?

The location of community mailboxes is approved by Canada Post. HRM staff have engaged with Canada Post to get a response to this question. The location of the community mailbox on Winley Drive was selected when the original subdivision was approved for Fall River Village. The location satisfies Canada Post safety specifications.

Speed humps were installed on Winley Drive in 2020 as part of HRM's Traffic Calming program. HRM will be collecting new vehicle speed data to evaluate the effectiveness of the speed humps. Data is scheduled to be collected in the fall of 2021. If data shows that the speed humps were not successful in reducing operating speeds, additional measures may be considered.

14. How can HRM be sure that the day traffic count data was collected is representative of a "typical day" of traffic volumes? How are bad weather and no school conditions accounted for in traffic count data? Are the projected traffic volumes produced using the Institute of Transportation Engineers (ITE) trip generation rates accurate and reasonable to consider?

HRM has adjustment factors that are applied to manually counted data to account for day of the week and month of the year that data is collected. ITE's trip generation manual is considered best

practice. Sometimes reduction rates are applied to account for access to transit or connected pedestrian and bicycle infrastructure. Those were not applied in this case.

15. Is it reasonable to compare the data collected by the consultant to HRM data collected 6 years ago, in 2014?

It is common to use data from years past to help establish a background growth rate. We typically ask consultants to collect updated data if the information they have is more than a few years old. This was completed for this newest assessment submitted by the applicant.

16. Has the traffic study completed for the proposal considered rail line crossings in the surrounding area and if the proposed development may impact these crossings?

No.

17. Is the connection from Ingram Drive to Cobequid Road necessary to avoid heavy traffic travelling through Fall River Village and Windsor Junction? Would traffic travelling through Fall River Village be reduced or increased if a connection from Ingram Drive to Cobequid Road is constructed? What is being done to address the existing highway traffic jams to Fall River and Waverly?

CBCL prepared a transportation study for the Fall River/Waverly/Wellington areas for the secondary planning process. The study found that particular intersections within the area were heavily congested and recommended the development of a new interchange to reduce traffic on Highway 2 and take pressure of the existing Highway 102 and 118 interchanges. The combination of the Burnside Connector and a new 102 interchange presents an option to reduce traffic volumes along Fall River Road and Truck 2. Without a new connection, the impact of the Burnside Connector on traffic volumes along Truck 2 was deemed negligible. Five locations for a new interchange were explored including a new connection at Cobequid Road from Ingram Drive (named the Cobequid Connector) and a connection from Highway 2 to the existing Aerotech interchange at Exit 5a (named the Wellington Connector).

The study concluded that a new connection at Cobequid Road was most advantageous to alleviate traffic on Highway 2 but noted the primary access would be through a residential neighbourhood. More recently, CN rail declined an at grade crossing to Cobequid Road from an Ingram Drive extension as it would not meet Transport Canada's Grade Crossing Regulations. CN expressed that trains are parked in that location and due to the number of existing at grade crossings in the area, there is no alternative location to park the trains. They also expressed safety concerns about passenger vehicles queuing across the rail line and the site lines.

In 2018, NS Transportation and Infrastructure Renewal announced plans to construct the Wellington Connector. When combined with the Burnside expressway, the CBCL study estimated that traffic volumes along Highway 2 could reduce by up to 15%. As a result, the Cobequid Connector is no longer needed and therefore a connection from Ingram Drive to Cobequid Road has been deemed not significant for traffic operations.

18. Would traffic generated as a result of the proposed development add to the existing traffic queues that develop along the 102 and 118 Highways at exits to Fall River and Waverly?

Due to the size of the proposed development, the consultant was not required to expand their analysis this far.

19. How are construction activities monitored and regulated in the Municipality? Will construction activities interrupt any municipal services to residents of Fall River Village? 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?

It is very unlikely that the proposed development would interrupt any existing municipal service such as garbage collection or water service. Disruption to any service requires advanced notification to all affected residents. 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 By-Law G200: 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 commercially 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.