

# 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.