

## FREQUENTLY ASKED QUESTIONS – Case 20507

This FAQ was created to respond to many of the questions that came up through the public engagement process for Case 20507, Papermill Lake. Staff, working in consultation with the applicant, have prepared this document to respond to many of the questions that we received from the public.

### Why aren't we having an in-person public information meeting?

Due to the province's declaration of a state of emergency in response to the [Covid-19](#) pandemic, HRM is not holding in-person public meetings. Staff have used a variety of methods to engage with the public on this file which includes videos, surveys, web forums, emails and phone calls. This is in addition to the in-person public information meeting that was held on September 18, 2017.

### What is currently approved on this site?

The site has an approved development agreement that allows for 921 dwelling units. The unit mix is:

- 284 single detached units
- 3 single detached units on flag lots
- 154 single detached units on small lots
- 96 semi-detached units
- 14 single detached units with basement apartments for a total of 28 units
- 5 multiple unit dwellings consisting of three 36-unit buildings, 2 40-unit buildings and 6 8-unit buildings for a total of 236 units
- 2 senior's housing projects with a maximum of 120 units total

### What is a development agreement?

A development agreement is a contract between the landowner and the municipality which states how a piece of land can be used and may include details around land use, building design, the layout of streets and roads and the density of various land uses. This contract is registered on title and, should the land be sold, all future owners will be responsible for the content of the agreement.

### How would the requested change affect the existing development agreement?

The requested change to the development agreement would allow the developer to start construction of the southern portion of the road that would connect to Hammonds Plains Road and allow the construction of the units in this area at the same time. The development agreement currently requires that the entire road be constructed prior to allowing for the construction of any more units. The current request is not asking for additional residential units, rather to allow permits to be issued for residential units sooner and to realign some of the approved roads.

The proposed change also includes changing the future connection of Richardson Drive to connect into Nine Mile Drive. Under the current development agreement, Richardson Drive is proposed to connect into Oceanview Drive.

### **Why can the developer ask to change an approved development agreement?**

The *Halifax Charter* allows for requests to amend approved development agreements. Changes to an approved development agreement are reviewed against the same policy that allowed for the consideration of the original agreement. In this case, the application is reviewed against the Bedford Municipal Planning Strategy with specific regard given to the RCDD (Residential Comprehensive Development District) policies which enabled the original agreement.

### **What about Section 25 of the development agreement?**

Staff have also received many questions about the applicability of Section 25 of the development agreement which states:

This Agreement may be reviewed within fifteen (15) years from the date of the execution of the Agreement and at that time the Town may, with the consent of the developer:

- (a) leave the Agreement as is;
- (b) negotiate a new agreement;
- (c) discharge this agreement on the condition that the Developer's rights hereunder are preserved by accommodating these uses in the Municipal Planning Strategy and Land Use By-law of the Town.

Section 25 of the existing Development Agreement is written with permissive language, not restrictive language which means that it describes a potential course of action but not a required course of action. This Section allows for Council to consider changes to the agreement with the consent of the developer and does not explicitly state that changes cannot be made after 15 years. Provided the Development Agreement is still registered on the properties in question, and there is policy support for the amendments, the Development Agreement can be amended.

### **Why does development have to happen around my home? When I moved here, I did not know there would be development near me.**

The development agreement was approved in 1995 and the vacant land around Papermill Lake was proposed to be developed with residential units. The development agreement concept plan is a legal document that is available for viewing at the HRM offices, the Registry of Deeds, and Property On-line. This development agreement is largely for low density single unit detached dwellings, just like the existing homes in the area, many of which were the early phases of this development agreement.

**When will the connection from Nine Mile Drive to Hammonds Plains Road be built?**

The property owner currently owns a parcel of CCDD (Commercial Comprehensive Development District) zoned land to the north of this site, and south of Hammonds Plains Road which they are exploring development options for. Development of these CCDD lands needs to coordinate with the development of the lands in the existing DA on the Papermill site. The developer is expecting to complete the road connection after there is a development agreement approved for the CCDD zoned property. The developer had applied to amend the CCDD policies in 2009, but Regional Council put the application on hold in 2012 until a series of regional studies could be completed. These regional studies are now complete, and the CCDD lands are currently being reviewed as part of the review process of the Regional Plan. After new MPS policies are drafted, a development agreement would then need to be negotiated. This process will likely take a few years and the public will be consulted as part of this project. The connection of Nine Mile Drive to Hammonds Plains Road is expected to be designed and approved for construction after this process.

**When will construction start, how long will construction last for, and how will construction traffic move through the area?**

The Owner's Contract documents will require the contractor to have all equipment and supplies required for development of the street and services moved to the site via the Bicentennial Highway, Larry Uteck Drive and Nine Mile Drive. Further the Development Agreement permits a temporary rock crusher to be set up on the site, and this will be done near to the Bicentennial Highway and away from existing homes to crush excavated rock and generate aggregates on site to minimize hauling of gravels.

Following approval of the Development Agreement amendment it will be necessary to complete legal surveys and engineering design. These must be reviewed and approved, with or without change, by HRM, Halifax Water and NSDOEL staff. It is anticipated that this will take from 6 to 9 months after approval of the amendment with construction starting as soon as detailed designs are approved.

The developer will be directing his contractor to complete the road and servicing construction within 12 months after it begins, weather permitting. However, certain portions of the work such as paving, sidewalk construction and landscaping can only be done during summer months so depending on the timing of approvals and permission from HRM to start construction the final completion may extend over 15 to 18 months.

**Is there any consideration be given to the potential impacts on Papermill Lake?**

Prior to the commencement of any phase of development, the developer is required to undertake and complete an Environmental Protection Plan (EPP). All requirements of the EPP must be in place prior to any permits being issued for construction. The existing agreement requires water quality monitoring of Papermill Lake as part of the EPP.

Lake water quality monitoring will be undertaken at locations agreed upon with HRM staff from a date before construction begins, during the full period of site disturbance and for a period after the site has been stabilized. Any issues identified as pertaining to the construction identified by this monitoring, or any breaches in sediment and erosion control measures, which will be monitored daily during construction will be addressed and rectified promptly.

New protection measures have included consultation with NSDOEL staff, who have suggested that the lot plans be modified to leave 2 natural ponds, which the original Development agreement would have had infilled. It also led to increased watercourse buffers which resulted in some lots being eliminated.

Going forward additional elements will be incorporated into the detailed design including applying several best management practices for storm water management including measures to increase groundwater recharge, storm water storage and controlled release to balance pre and post flow rates into the lake and extensive erosion and sediment controls both during construction and on an ongoing basis.

#### **What are the existing grades in this area?**

There are significant grade changes in the area. The developer has provided this attached [map](#) that includes the existing topography. The developer will be required to construct roads that meet current engineering standards for grade.

#### **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 measures have not been contemplated as a part of the new development. As per the Traffic Calming Administrative Order 2015-004-OP, traffic calming measures 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 may be 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](#).

**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 and Stormwater Management Associated With Land Development: G-200](#) Applies to the grade alteration and Stormwater Management 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.

**How much traffic would this new development be expected to generate on existing streets such as Nine Mile Drive and Oceanview Drive?**

HRM requires the submission of a Traffic Impact Study prepared by a Professional Engineer when considering applications such as this one, which provides an approximation of the future traffic volumes based upon existing traffic observations and an examination of the proposed new development. The Traffic Impact Study provided for this development has found that the future volumes for both Nine Mile Drive and Oceanview Drive are expected to be within the acceptable range of volumes for the classification of each street (minor collector, and local street, respectively). The Traffic Impact Study is available to the public for further reading.

**How will the intersection at Nine Mile Drive and Oceanview Drive operate if this new development is approved?**

The future intersection of Nine Mile Drive and Oceanview Drive is currently expected to be an all-way stop, based on the expected traffic volumes from the Traffic Impact Study. While this is how the intersection is anticipated to operate when the development is built, it is always possible that in the future the intersection control could be changed if vehicle volume data suggested that some other intersection control is required.

**Will the sidewalk on the West Side of Nine Mile Drive be extended as a part of this proposed development?**

Any new streets that are built by this developer, including the extension of Nine Mile Drive, will be required to meet HRM's Municipal Design Standards. For a minor collector like Nine Mile Drive, this includes a sidewalk on both sides of the street.

The existing issue of missing infrastructure on the built portion of Nine Mile Drive is recognised by HRM. Staff will investigate to see if there is an opportunity to work with the developer to have the missing section of sidewalk constructed at the same time as the extension of Nine Mile Drive.

**I have concerns about the speed and volume of traffic on Nine Mile Drive. How could this be mitigated with the construction of the proposed new development?**

HRM has consulted with the developer and their engineers to provide a proposed road layout which does not include straight sections of road like those on which speeding complaints are most often received. Further road design elements to calm traffic and improve pedestrian comfort, such as bump-outs which narrow the street at pedestrian crossings, will be considered where appropriate in the new development. Nine Mile Drive is classified as a minor collector street, which means that traffic volumes are expected to be higher on Nine Mile Drive than on streets which are classified as local streets. Both the existing traffic volumes recorded on Nine Mile Drive, as well as the traffic volumes which are expected after the construction of the proposed development, are well below the upper limit which HRM considers to be safe and reasonable on a minor collector street.

**Would there be any changes to on street parking on Nine Mile Drive after the proposed development is constructed?**

Staff do not anticipate any changes to on street parking on Nine Mile Drive as a result of the proposed development.

**If Council approves this, what is the required timeframe before the Nine Mile Drive to Hammonds Plains portion of the road is built, and can the developer request to alter that in the future as well?**

At this point, there are no timeframes given in the development agreement. However, the applicant is able to request future amendments to the development agreement that would follow a similar process.

**What will be in place to ensure the entire connector road goes through if Council allows this change?**

HRM cannot require a developer to develop land. Because HRM cannot force the development of the north side of Paper Mill Lake, HRM will not be able to control the timing of the connection being made. This connection has been identified as a requirement for whenever the northern portion of the site is developed.

**What is the intent of the neighbourhood commercial site?**

The neighbourhood commercial land use is part of the original development agreement and is approved to be located at the intersection of Ahmadi Crescent and Nine Mile Drive. The amendment proposes to move it to the intersection with Moirs Mill Road. The permitted uses are limited in size and are as per the definition in the Land Use By-law which include uses permitted in the Mainstreet Commercial Zone. Drive in and take out restaurants are not permitted.

**What is the park area that is shown on the concept plan as being behind the lots at the end of Baha Court?**

This park is part of the original development agreement. It is intended to remain in its natural state and in the ownership of HRM. No development or tree cutting is permitted.

**I am concerned with how the development will impact me; I live at the top of Ahmadi Crescent.**

The approved development is low density with single unit dwellings on the extension of Ahmadi Crescent. There will still be trees along the highway and in the rear yards of the residential lots. The development agreement requires a significant amount of natural open space to be retained. This development was approved prior to the homes on Ahmadi being constructed. In fact, your home and the entire Ahmadi Crescent were part of the original development agreement. It is always advisable to research the zoning of surrounding lands when a person is considering buying a home.

**Will the development impede on or change the boundaries of my land?**

The development will not change the property boundaries of other people's properties.