



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

**Item No. 13.1.1**  
**North West Community Council**  
**August 9, 2021**

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

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

**DATE:** June 28, 2021

**SUBJECT:** **Case 23495: Amending Development Agreement for 3009 Highway 2, Fall River (PIDs 00526871 and 40500449)**

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**ORIGIN**

Application by Ron Nelson of R.I.N Hospitality 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 notice of motion to consider the proposed amending development agreement, as set out in Attachment A, to grant a time extension for the construction commencement and completion dates and schedule a public hearing;
2. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the amending 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**

Ron Nelson of R.I.N Hospitality Investments Ltd. is applying to amend an existing development agreement to allow more time for commencement and completion of construction.

<b>Subject Site</b>	3009 Highway 2, Fall River (PID 00526871 and 40500449)
<b>Location</b>	Near the junction of Highways 2, 102, and 118 in the community of Fall River
<b>Regional Plan Designation</b>	Rural Commuter (RC)
<b>Community Plan Designation (Map 1)</b>	River Lakes Village Centre (RLVC)
<b>Zoning (Map 2)</b>	Village Gateway (VG)
<b>Size of Site</b>	3.79 acres (165,092 ft <sup>2</sup> )
<b>Street Frontage</b>	95.5 m (313.41 ft)
<b>Current Land Use(s)</b>	Hotel, Restaurant
<b>Surrounding Use(s)</b>	Residential, commercial, office, and power utility uses

### **Existing Development Agreement**

The existing development agreement was approved by North West Community Council in 2015 to allow the redevelopment of the Inn on the Lake property in Fall River. The existing agreement requires the property owner to begin construction within 5 years of the development agreement being signed and registered. Construction has not commenced and more time to construct has been requested.

The existing development agreement allows:

- Construction of an addition on the rear of the existing building;
- Options to either retain the existing hotel use and add 75 residential units or convert the entire property to a residential use resulting in 91 residential units;
- Addition of a dwelling unit to a detached garage building; and
- 1,395 square feet of commercial area in the main building.

As part of the review of the existing agreement, the applicant provided various reports and studies relating to traffic, environmental impact, and fire access which informed staff's recommendation that the proposal met the applicable land use policies.

After the initial Council approval, errors in the agreement were discovered before the agreement was signed, and NWCC confirmed corrections to the agreement on November 24, 2015. The signed agreement was filed with the Land Registration Office on March 16, 2016 which is the effective date of the agreement.

### **Proposal Details**

On March 16, 2021, an application to amend the existing agreement was made to allow for an extension to the construction commencement and completion dates. Although the existing agreement allows for a time extension as a non-substantive amendment, which would only require a resolution of Council, this request must be made at least 60 days before the expiry of the commencement of development time period. Since the request was not received within this timeframe, it must be considered as a substantive amendment to the agreement, and a new public hearing to consider the amendment must be held.

### **Enabling Policy and LUB Context**

The subject site is in the Planning Districts 14 & 17 Plan Area, and is within the RLVC (River-Lakes Village Centre) designation (Map 1) of the Municipal Planning Strategy (MPS) and the VG (Village Gateway) Zone (Map 2) of the Land Use By-law (LUB). Within the plan area, Policy P-68 allows Council to consider permitting new multiple-unit dwellings by development agreement within any designation on properties serviced by oversize septic tanks and fields or private sewage treatment plants which were in existence prior to the effective date of the MPS. The Inn on the Lake property is serviced by an existing private sewage treatment plant and therefore a new multi-unit dwelling is enabled by policy. Additionally, the proposal is

subject to the general policy evaluation criteria as contained in Policy P-155, which is applicable to all discretionary planning approvals under the MPS. These policies which the project was originally approved under in 2015 are still in effect, and the original policy framework continues to apply to the development.

The request for an amendment must be consistent with these policies. Attachment B of this report contains the policies and criteria by which Council may consider this proposal, and also contains staff analysis of whether the requested change puts the proposal out of alignment with these policies.

## **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, and letters mailed to property owners within the notification area. Attachment C contains a summary of feedback received from the public during the consultation period from May 12 to June 7, 2021. The public comments received include the following topics:

- Water quality of Lake Thomas;
- Traffic impacts on Highway 2;
- Impacts of construction activity on adjacent properties; and
- Concern that the scale of the redevelopment is out of scale with the surrounding community

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

The proposal will potentially impact local residents and property owners.

## **DISCUSSION**

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

### **Proposed Amending Development Agreement**

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

- extending the commencement and completion of construction dates to five years and seven years, respectively, from the date of registration of the signed amending development agreement; and
- a housekeeping amendment to clarify that the site may be connected to municipal water, which was not available at the time the original agreement was approved.

The attached amending development agreement will grant an extension to the commencement and completion dates for construction of the development, which will continue to be subject to the controls contained in the original agreement.

The concerns raised by the public in response to the current amendment request pertain more to the development as a whole than they do to the request for time extension, and closely resemble the concerns raised during consultation for the existing agreement. Many of these concerns were discussed in the [initial](#)

[staff report for the existing agreement](#), dated February 6, 2015, and NWCC ultimately determined that the proposal met applicable policies (Attachment B) and approved the development.

Although the policies that enabled the existing agreement remain unchanged, staff consulted with other review agencies to ensure that no external factors had changed that could impact the alignment of the existing agreement with policy. Specifically, the request was sent to Nova Scotia Environment and Climate Change, Nova Scotia Transportation and Active Transit, HRM Development Engineering, Halifax Water, and Halifax Regional Fire & Emergency. None of these review agencies identified any external factors that would alter their original recommendation and review that was provided for the existing agreement.

The matters addressed by the proposed amending development agreement satisfy the MPS criteria as shown in Attachment B.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the time extension request is reasonably consistent with the intent of the MPS. As the existing agreement is already approved by Council, and was determined to be reasonably consistent with policy at the time of the initial Council approval, this analysis is based only on the proposed changes to the agreement, and whether these changes are consistent with policy. Therefore, staff recommend that the North West Community Council approve the proposed amending 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 amending development agreement are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in this report.

### **ALTERNATIVES**

1. North West Community Council may choose to approve the proposed amending development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons why the proposed amending agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed

amending development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

Map 1: Generalized Future Land Use  
Map 2: Zoning and Notification Area

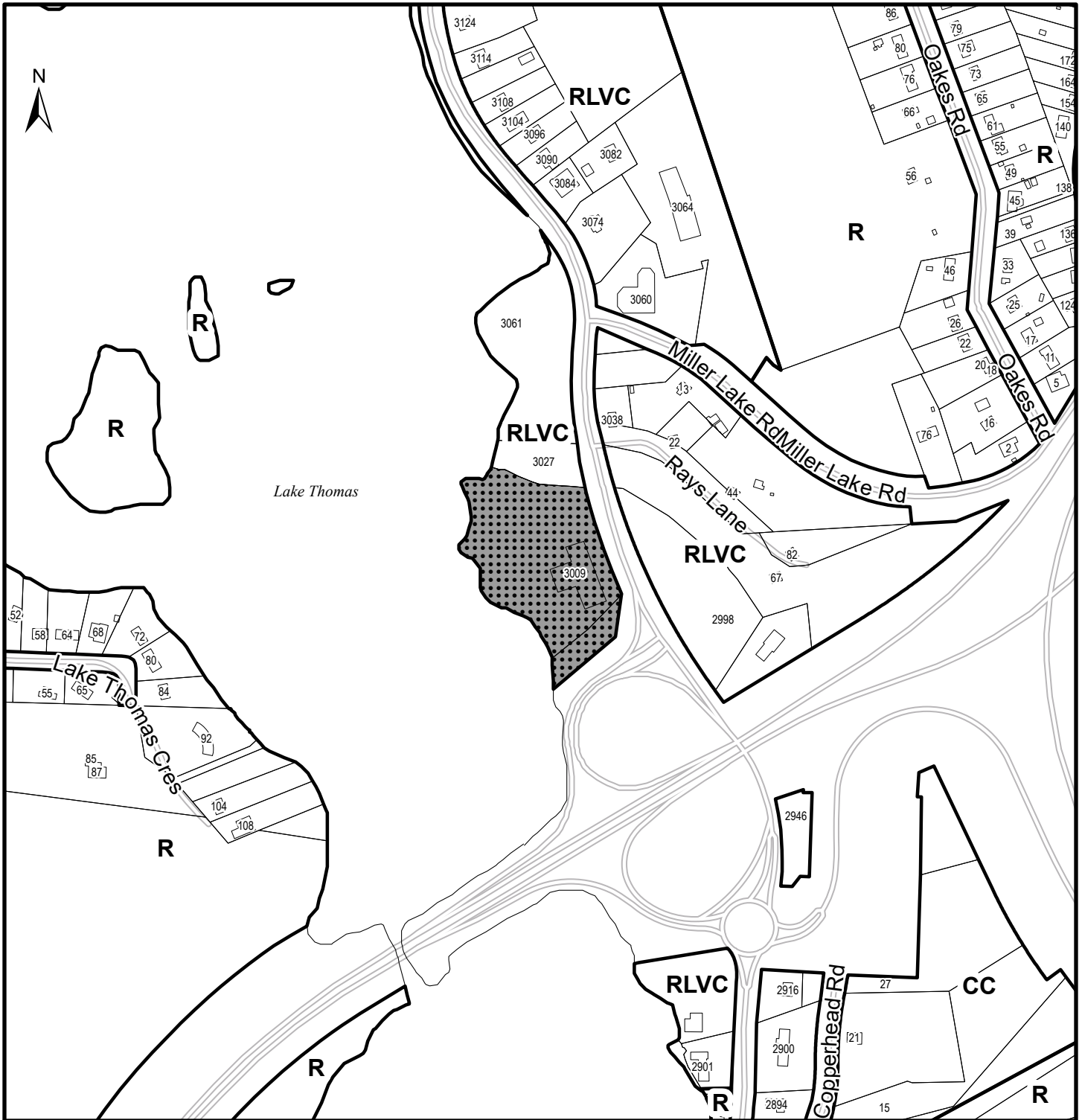
Attachment A: Proposed Amending Development Agreement  
Attachment B: Review of Relevant MPS Policies  
Attachment C: Summary of Public Feedback

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.


Report Prepared by: Peter Nightingale, Planner II, 902.719.9478

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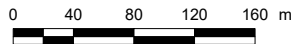


**Map 1 - Generalized Future Land Use**

3009 Highway 2,  
Fall River

 Subject Property

**Designation**  
 R Residential  
 RLVC River-lakes Village Centre

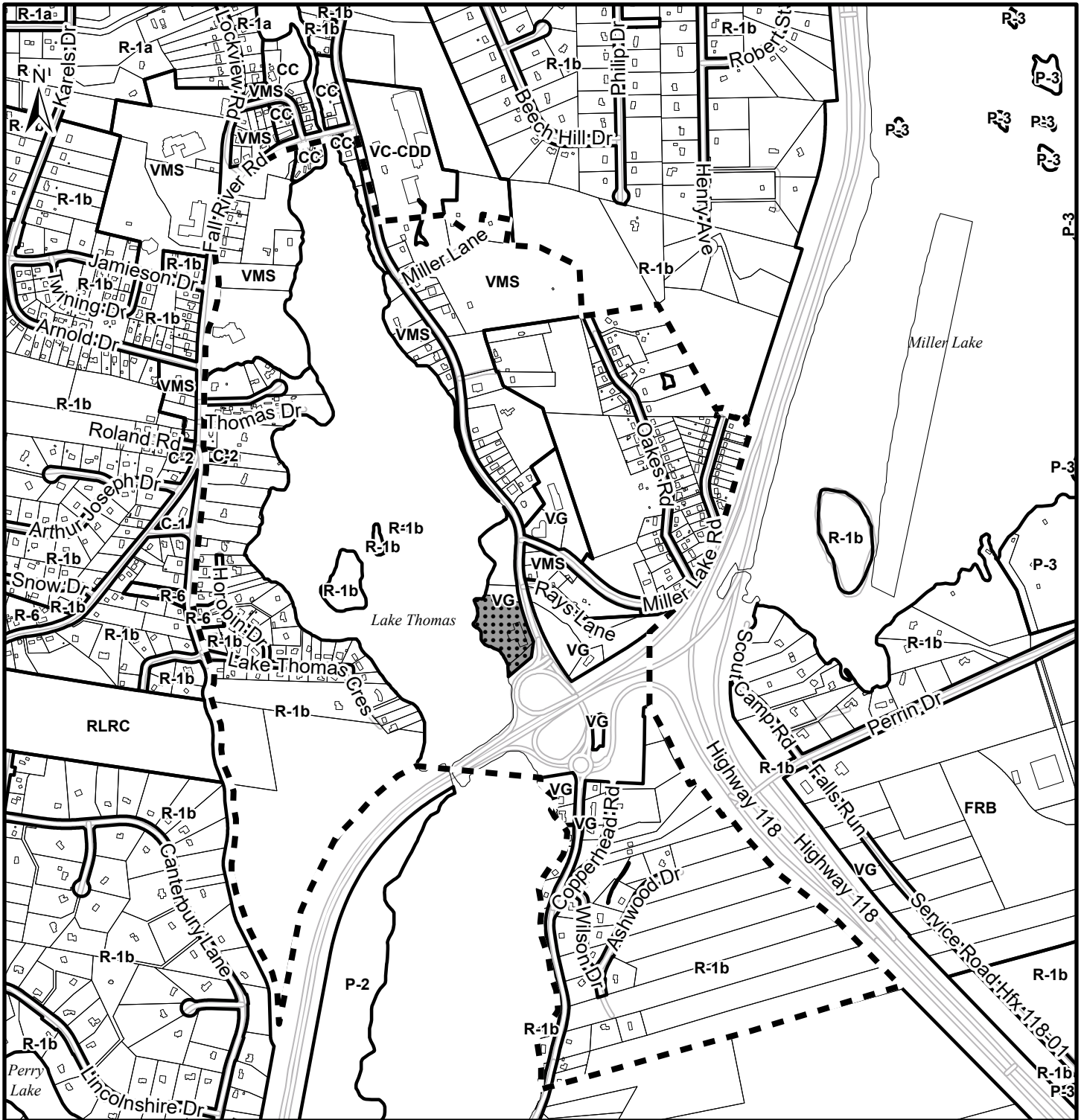


This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

Planning Districts 14 and 17  
Plan Area






## Map 2 - Zoning and Notification

3009 Highway 2,  
Fall River

 Subject Property

 Area of Notification

Planning Districts 14 & 17  
Land Use By-Law Area

### Zone

C-1	Local Business	R-1b	Suburban Residential
C-2	Community Commercial	R-6	Rural Residential
CC	Canal Court	RLRC	River Lakes Residential Campus
FRB	Fall River Business	VC-CDD	Village Core Comprehensive Development District
P-2	Community Facility	VG	Village Gateway
P-3	Park	VMS	Village Main Street
R-1a	Single Unit Dwelling		

**HALIFAX**

0 100 200 300 m



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.

**Attachment A**

THIS FIRST AMENDING 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")

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 located at 3061 Highway 2, Fall River and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the North West Community Council approved an application to enter into a Development Agreement to allow for the addition of a multiple unit dwelling on the Lands (municipal case 17651), which said Development Agreement was registered at the Land Registration Office on March 16, 2016 as Document Number 108666596 (hereinafter called the "Existing Agreement");

**AND WHEREAS** the Developer has requested amendments to the Existing Agreement to allow for a time extension to the construction commencement and completion dates on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies P-68 and P-155 of the Planning Districts 14 & 17 Municipal Planning Strategy and Section 3.6(c) of the Planning Districts 14 & 17 Land Use By-law and Section 6.2. (hereinafter called the First Amending Agreement);

**AND WHEREAS** the North West Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 23495;

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

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1. Except where specifically varied by this First Amending Agreement, all other conditions and provisions of the Existing Agreement as amended shall remain in effect.
2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this First Amending Agreement, and the Existing Agreement.
3. Section 4.4.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~, and inserting the text shown in bold as follows:



*On-Site Water System*

~~4.4.1 The Lands shall be serviced through a privately operated on-site water distribution system. Prior to a construction permit, the developer shall provide the Development Officer a copy of permits, licenses, and approvals required by the NS Environment respecting the design, installation, construction of the on-site water system to withdraw water from Lake Thomas. . In accordance with Section 3.2, no permits shall be issued prior to the Development Officer receiving a copy of all permits, licenses, and approvals required by the NS Environment respecting the design, installation, construction of the on-site water system.~~

**Intentionally Deleted**

4. Section 7.3.1 of the Existing Agreement shall be amended by deleting the text shown in strikeout, and inserting the text shown in bold as follows:

7.3.1 In the event that development on the Lands has not commenced within five years from the date of registration of ~~this~~ **the First Amending** Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the **Existing** Agreement, **as amended**, 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.

5. Section 7.5.1 of the Existing Agreement shall be amended by deleting the text shown in strikeout, and inserting the text shown in bold as follows:

7.5.1 If the Developer fails to complete the development after seven years from the date of registration of ~~this~~ **the First Amending** Agreement at the Registry of Deeds or Land Registration Office Council may review ~~this~~ **the Existing** Agreement, **as amended**, 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.

**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, personally came and appeared \_\_\_\_\_, the 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, personally came and appeared \_\_\_\_\_, the subscribing witness to the foregoing indenture who having been by me duly 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

**Attachment B:**

**Review of Relevant MPS Policies**

**Planning Districts 14 & 17 Municipal Planning Strategy**

<p><i>P-68 It shall be the intention of Council to prohibit the development of new multiple unit dwellings within the plan area. Council may, however, consider permitting multiple unit residential uses within any designation, on lands which are served by oversize septic tanks and fields or private sewage treatment plants which were in existence prior to the effective date of this strategy, according to the provisions of Sections 55, 66 and 67 of the Planning Act. In considering such an agreement, Council shall have regard to the following:</i></p>	
<p><i>(a) the means by which solid and liquid waste will be treated;</i></p> <p><i>(b) provisions for the continuing maintenance of the proposed development;</i></p> <p><i>(c) that the architectural design and scale of any building(s) is compatible with nearby land uses;</i></p> <p><i>(d) provisions for landscaping;</i></p> <p><i>(e) the location, size and number of access points and parking areas, and</i></p> <p><i>(f) the provisions of Policy P 155.</i></p>	<p>The time extension request does not impact or conflict with this policy provision. Staff consulted with Nova Scotia Environment and Climate Change regarding the proposed private sewage treatment plant, who confirmed that the requested time extension does not impact their review. Matter is addressed under the existing development agreement.</p>
<p><i>P-154 The following uses shall only be considered subject to the entering into of a development agreement according to the Provisions of Section 55, 66 and 67 of the Planning Act.</i></p>	
<p><i>(a) within any Designation:</i></p> <p><i>(ii) multiple unit residential uses on existing oversize septic systems or existing private sewage treatment plants according to Policy P-68;</i></p>	<p>The time extension request does not impact or conflict with this policy provision. Matter is addressed under the existing development agreement.</p>
<p><i>P-155 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>The time extension request does not impact or conflict with this policy provision. Matter is addressed under the existing development agreement.</p>

<p><i>(b) that the proposal is not premature or inappropriate by reason of:</i></p> <ul style="list-style-type: none"> <li><i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i></li> <li><i>(ii) the adequacy of central or on-site sewerage and water services;</i></li> <li><i>(iii) the adequacy or proximity of school, recreation or other community facilities;</i></li> <li><i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i></li> <li><i>(v) potential for damage to or for destruction of designated historic buildings and sites.</i></li> </ul>	<p>The time extension request does not impact or conflict with this policy provision. Matter is addressed under the existing development agreement.</p> <p>At the time the Development Agreement was approved May 25, 2015, the site was to be serviced with on-site water. However, with the expansion of the Water Service Area in Fall River, Halifax Water has confirmed that the property can be serviced with central water. Changes are proposed to the existing DA to allow the property to be serviced through the existing on-site services, or for the property to be connected to the Halifax Water system.</p> <p>The time extension request does not impact or conflict with this policy provision. Matter is addressed under the existing development agreement.</p> <p>The time extension request does not impact or conflict with this policy provision. Staff consulted with Nova Scotia Transportation and Active Transit and HRM Development Engineering, who confirmed that the requested time extension does not impact their review. Matter is addressed under the existing development agreement.</p> <p>The time extension request does not impact or conflict with this policy provision. Matter is addressed under the existing development agreement.</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></p> <ul style="list-style-type: none"> <li><i>(i) type of use;</i></li> <li><i>(ii) height, bulk and lot coverage of any proposed building;</i></li> </ul>	<p>The time extension request does not impact or conflict with this policy provision. Matter is addressed under the existing development agreement.</p> <p>The time extension request does not impact or conflict with this policy provision. Matter is addressed under the existing development agreement.</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><i>(vi) any other relevant matter of planning concern.</i></p>	<p>The time extension request does not impact or conflict with this policy provision. Staff consulted with Nova Scotia Transportation and Active Transit and HRM Development Engineering, who confirmed that the requested time extension does not impact their review. Matter is addressed under the existing development agreement.</p> <p>The time extension request does not impact or conflict with this policy provision. Matter is addressed under the existing development agreement.</p> <p>The time extension request does not impact or conflict with this policy provision. Matter is addressed under the existing development agreement.</p> <p>The time extension request does not impact or conflict with this policy provision. Matter is addressed under the existing development agreement.</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 or flooding.</i></p>	<p>The time extension request does not impact or conflict with this policy provision. Matter is addressed under the existing development agreement.</p>

<p><i>P 156 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the provisions of Section 60 of the Planning Act.</i></p>	<p>A public hearing is required prior to a decision on the proposed substantive development agreement amendment.</p>
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# ATTACHMENT C

## Summary of Public Engagement



HRM Planning Application Website



Signage Posted on the Site



Mailout to residents and property owners



Future Public Hearing Prior to a Decision

### Information Sharing

Information on Case 23495 was shared through the HRM planning applications webpage, signage posted on the subject site, and notices mailed to property owners surrounding the proposed development and around Lake Thomas. The typical 500-foot notification area for rural applications was expanded to include all properties around Lake Thomas to match the notification area that was used for the original planning application for the development agreement, and to recognize that the impact to property owners on the other side of the lake will be similar to properties abutting the property (Map 2 of Staff Report).

As the development agreement is already approved by Council, the only information submitted as part of this application was a written request for a time extension. Therefore, staff included a synopsis of the existing approved development in the information that was shared, including the original staff reports detailing the review and policy analysis for the original proposal.

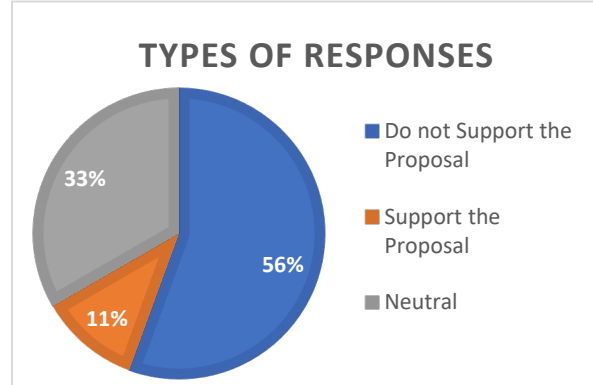
#### Public Engagement Statistics:

<b>Halifax.ca Planning Applications Website</b>	
Number of unique website views up to June 23, 2021	136
Average time spent on the website (minutes: seconds)	4:04
<b>Notices Mailed to Area Residents</b>	
Number of notices mailed within notification area	267
<b>Direct Communication with the HRM Planner</b>	
Number of calls received (unique callers)	0
Number of emails received from the public (unique email addresses)	9

## Responses to Public Questions and Concerns

Of the nine residents who contacted us, five people expressed that they do not support the proposal, one was in support, and two people had questions but did not share their thoughts on the proposal. One resident stated they were representing 17 property owners, one person spoke on behalf of a residents association, and one person spoke on behalf of an organization.

HRM planning staff compiled all the public comments and questions provided to date. Broadly, these concerns fell into five categories:



## Water quality/recreational use of Lake Thomas

- Many residents use lake water for their homes. There appears to be no possibility that the homes on Highway 2 between the traffic circle and Rocky Lake Rd will receive municipal water. A significant increase in gas powered watercraft would be detrimental to their water supply, not to mention natural habitats.
- The septic system near the lake is a big concern. I have seen murky effluent coming from the Inn on the Lake site. In the proposal, they claim that the oversize septic system can handle the development. I disagree with this claim as the current one is not managing the effluent that is coming from the site. How much septic runoff is an acceptable amount for Lake Thomas to tolerate?
- The proposed development is right on the water meaning there will be very little opportunity for treatment chemicals, detergents and other agents that are not removed by the wastewater treatment process to disperse before entering Lake Thomas. When considered along with other developments that are planned and approved within the Lake Thomas watershed, I have significant concerns related to the health of the lake.
- Residents of the development may take cancer or other medications, and all that chemical waste runs off into their septic. Those chemicals will eventually ruin the lake, and the environment in Fall River. That complex will be too close to the lake.
- Construction on the redevelopment would be occurring extremely close to the water's edge. Over the past few years there has been a noticeable decrease in the water quality of Lake Thomas with higher rates of algae blooms and coliforms, and anecdotally a reduction in aquatic biodiversity, likely owing to the high rates of development within the Lake Thomas Watershed, higher traffic around the lake, greater use of road salt within the watershed and increased public use of the lake. Combined with the existing stresses on Lake Thomas, a construction project of this magnitude so close to the lake would place an unacceptable risk to remaining lake ecosystem.
- If there is a significant increase in watercraft on the lake, the activities of the paddling club and the children's summer camps will be negatively impacted. The paddling club has a 52-year history of providing high quality programming for children and surrounding community members.



## Traffic

- Concerns around traffic and safety associated with the planned redevelopment.
- Congestion at the traffic circle is an issue now. Hotel guests would not likely impact the commute as much as permanent residents.
- The proposed redevelopment is located on a particularly busy section of Highway 2, with its entrance located between the highway exits and onramps for the 102 and 118, and Fall River Road, and thus on the main artery for all traffic entering and exiting the communities of Fall River, Fletchers Lake, Wellington, Lockview, St Andrews, Windsor Junction, and Capilano Estates. This road is currently a single lane in each direction meaning the potentially 182 vehicles entering and exiting this property will significantly delay traffic in the area.
- A traffic study in 2015 cannot compare to the current traffic in Fall River. The traffic coming out of a development this size would cause significant congestion from the approximately 200 or more vehicles coming and going from this site. A traffic study during the Covid 19 lockdowns cannot be considered a valid representation of the real traffic in Fall River as many people are working and studying from home.

## Impacts of construction activity

- Underground parking will mean blasting. How can this be acceptable in a riparian zone so close to Lake Thomas?
- There is a shortfall of pervious surface.
- The noise from what would take approximately two years to build will travel across the lake to our community. We are already experiencing elevated noise levels from constant construction over the last number of years and from the traffic that has increased also.
- Many homes on this side of the lake will have a complete view of the ongoing development. To potentially endure up to 7 years of construction noise which will include the operation of various machinery from early morning to late evening hours all year round would be very excessive. The time frame should be reasonable so as to not have a long-lasting negative impact of those living nearby.
- Is blasting expected to occur and if so, are surrounding properties at any risk?

## The proposed development

- In 2015, it was decided that the developers of this property were to be allowed to put up a six-story complex at this site. Prior to this decision, Fall River residents were consulted about the future planning of Fall River. At that time, no building higher than three stories was to be built. The decision to develop Inn on the Lake changed this. I'm not sure how this was allowed. To my knowledge, there is not one high rise building on the lake shores of the whole Shubenacadie canal lake system. If you look at Lake Banook, Lake Mic Mac, Lake Charles, Lake William, Lake Thomas, Lake Fletcher, and Grand Lake, there are no six-story buildings existing at the edge, nor on the riparian zones.
- It is stated that there are already non-conforming structures on the site. It is also stated that the building scale and mass is beyond what is currently permitted by LUB and that Policy P-68 does not prescribe specific parameters for such development. There is no

other building of this size in Fall River. So, why was the developer given permission to continue to build on the non-conforming structures? The architectural scale is not compatible with our single family homes that are directly across the lake from this site.

- I find the aerial rendering of the proposed development and the options that they are suggesting are vague. This will allow the developers to make many changes as they find resources to build on this site.
- This development will greatly affect my quality of life and how I live. In the proposal, it is stated that there are no homeowners nearby that would be affected. This is untrue.
- The proposed development structure is quite high (6 stories); I thought there were limitations or restrictions to the height of such buildings to 3 or possibly 4 stories only – was there a change in this regard?

### Misc.

- Inn on the Lake is a well-managed and valuable asset for the community. The proposed redevelopment will add value to the neighbourhood when it is finally realized.
- The Inn on the Lake is a lovely property and a staple in our community. Hopefully any changes or redevelopment approvals for the owner are respectful and protective of the lake and surrounding properties and are in keeping with the existing charm of the Inn. However, if the approved plan varies from the community's understanding and knowledge of the project, a re-application of the process may be warranted in this case.
- The applicant failed to request an extension of the development timeline within the 60 day prior to expiry (section 7.3.3). We consider this an extremely important condition to uphold. Why would he be excused from that?
- What are the hurdles that caused the delay that Mr. Nelson refers to?
- Why has the development not moved forward in the five years that the developers have had to start this project? Did investors back out? Did they lose interest in the project? If the developers ran out of money, then how can we know that they won't run out of money midway through construction? If that happens, we could be left looking at an unfinished construction site for an unknown period of time.
- The developers at Inn on the Lake should have to reapply to develop this property. The original proposal was designed in 2012, with approval in 2015. The proposal should be re-evaluated as too much time has passed. The councillors and city planners that were involved in the initial agreements have changed. This development should not be allowed at this large scale. Homeowners should have some reassurance that their properties are protected from large scale developments that change how they live and enjoy their homes.
- If the delay was the result of any financial issues, it would be very concerning once the project is under construction to learn the owner may no longer be in a position to complete the work.
- Since the early community engagement sessions and initial approval of the development proposal, have there been any significant changes to the water services and sewage treatment plans for the new development? Would an extension to the agreement bypass any new requirements of the HRM or other environmental bodies? Will assurances be built into the agreement so that the construction complies with future requirements for building and land development and not based on old standards?