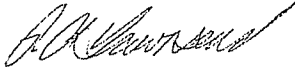


Harbour East Community Council
March 1, 2012

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: 
Phil Townsend, Director of Planning & Infrastructure

DATE: February 7, 2012

SUBJECT: Case 17443 Clayton Developments, Rezoning of Colby South, Phase II

ORIGIN

Application by Clayton Developments to zone lands in Colby South Phase II from R-7 (Rural Estate) to R-1 (Single Unit Dwelling).

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. Give Notice of Motion to consider the proposed land use by-law amendments as set out in Attachment A and on Figure 2 of this report, and schedule a public hearing; and
2. Approve the proposed land use by-law amendment as set out in Attachment A and on Figure 2 of this staff report, to apply the R-1 zone within Phase II of Colby South.

BACKGROUND

Proposal

Clayton Developments has submitted a concept for the development of 80 serviced lots in Phase II of Colby South on Astral Drive, as shown on Figure 1. A portion of the subject lands is already zoned R-1 (Single Unit Dwelling), which allows single unit dwellings on lots of at least 6,000 square feet with 60 feet of frontage. Approximately 35 of the lots can be accommodated on an as-of-right basis within this existing R-1 area. However, the remainder of the lands are zoned R-7 (Rural Estate) which requires a minimum lot size of 80,000 square feet and a frontage of 200 feet. In order to develop the other 45 lots as proposed, a rezoning of that portion of the site from R-7 to R-1 is necessary. The proposed rezoning to R-1 aligns with the Urban Service District, which is shown on Map 1. The existing and proposed zoning is shown on Map 2.

Subject Property

The first phase of Colby South was developed by Clayton in the mid 1990's, with 110 single unit dwellings. The proposed 80 lots in Phase II are in contrast to the original development concept prepared in the 1990's, when it was anticipated that Phase II would comprise about 140 lots. The extent of wetlands on the site has led to the reduction in the number of units. The remaining lands comprise some 81 acres, which are generally forested with extensive wetlands.

Applicable MPS Policy

Approximately 1/3 of the total development site is designated Urban Residential under the Cole Harbour/Westphal MPS. About 2/3 of the site is within the Urban Service boundary, where development must utilize central sewer and water. The remainder of the site is designated Rural Residential, which is applied to less accessible lands or where the possibility of services is remote. Normally, the R-1 zone cannot be applied in the Rural Residential designation; however, Policy E-7 is a site specific policy which enables the zone for Colby South.

DISCUSSION

The Cole Harbour/Westphal MPS contains a policy specific to the lands of Colby South. Policy E-7, as shown in Attachment B to this report, establishes that the site may be zoned R-1, provided that certain matters are addressed. These matters are as follows:

Wastewater System Capacity

The policy requires flow monitoring to confirm that wastewater volumes from Phase XV of Colby Village and Phase I of Colby South meet the original flow projections that were prepared in the 1980's. The purpose of this is to ensure that the wastewater treatment capacity, as originally allocated, is in fact still available and has not been reduced due to stormwater inflow and infiltration. Halifax Water advises that this criteria has been satisfied and that the wastewater system can accommodate the additional flows created by 80 new homes.

Parkway Drive Extension

Policy E-7 of the Cole Harbour MPS allows Council to consider the rezoning of Phase II of Colby South to R-1, on the condition that a road connection is established between Astral Drive

and Atholea Drive via an extension of Parkway Drive. The connection is required to improve traffic circulation and to provide a second access for both existing and proposed housing. To satisfy this requirement, Clayton has prepared a detailed design of the approximately 800 foot long road connection and received approval from Nova Scotia Department of Environment to place a culvert across a watercourse. To ensure that construction is undertaken, Clayton is in the process of seeking design approval and entering into a Subdivision Agreement with HRM and providing security in an amount sufficient to guarantee construction of the road. Council can hold the public hearing on the application but should not make a decision on it until the agreement and the security are in place to ensure the road will be constructed.

Impacts on Bissett Lake

The applicant has provided reports which indicate that there were no issues resulting from the development of Phase I, in terms of impacts on Bissett Lake. The proposed development meets the Regional MPS standard for watercourse setbacks and buffers, and the stormwater management plan minimizes the potential for impacts both during and after construction. The Dartmouth Lakes Advisory Board has reviewed the submission and has no concerns relative to the proposed rezoning and the construction of Phase II.

In addition to Policy E-7, Policy IM-11 (included in Attachment B) provides general criteria for consideration. Based on public input received, several matters in particular are of note:

Parkland

Pursuant to the Regional Subdivision By-Law, the applicant is required to dedicate useable parkland in the amount of 10% of the area being subdivided. The applicant has proposed a hybrid neighbourhood/community park, to be located at the end of the Astral Drive extension, to satisfy this requirement. This park is a 3.7 acre waterfront parcel with a pad area where HRM can provide appropriate infrastructure. In addition, further land intended primarily as a conservation parcel to be left in its natural state will be deeded to HRM. The location and configuration of this additional land provides for the possibility of a trailhead to access a future connection toward the Shearwater Flyer Trail, which is located approximately 1,000 feet to the southeast.

Traffic and Pedestrian Circulation

As previously noted, an extension of Parkway Drive to Astral Drive will be provided as required by MPS policy in order to provide improved traffic and pedestrian connectivity. Further, a traffic impact study will be required to address the functioning of the local road network and in particular, identify potential impacts (and any required upgrades) at the intersections of Caldwell Road with Astral Drive and Atholea Drive. The study does not need to address the functionality of the intersection at Caldwell Road and Cole Harbour Road, as specific development rights are conferred by the MPS for Colby South.

Road Reserves

The owner of adjacent lands to the south, off the end of Atholea Drive, has expressed concern that the Clayton proposal does not provide a road reserve for future access to his lands. This is not a matter which can be dealt with as part of a rezoning application but is rather more typical

of a development agreement process. However, there is no MPS policy which enables use of the development process for a single unit dwelling subdivision. Further, staff advises that a road reserve is not required in this instance due to the configuration of the proposed development.

Sidewalks

Sidewalks will be provided on one side of all the streets within Phase II of Colby South, per standard municipal specifications. The extension of Parkway Drive would be to HRM's normal rural road standard to match the existing street with gravel shoulders and ditches. Concerns were expressed at the public meeting about the lack of sidewalks on the existing streets in the neighbourhood. HRM has a process to upgrade existing streets with sidewalks where there is a public concern or identified deficiency, however, that cannot be dealt with as part of a rezoning application.

Tree Retention

The ability of HRM to require the retention of trees, for environmental and privacy reasons, was raised by several residents. Clayton does intend to retain areas of trees where new lots back onto existing homes, however, there is no mechanism by which HRM can require this when development takes place on an as-of-right basis under an R-1 zone. Where subdivisions are developed through the development agreement process, tree retention areas can be required but there is no ability to use that process for this development. Tree retention is mandatory, however, as part of the 20 metre minimum natural buffer requirement where proposed lots abut a watercourse.

Conclusion

The proposed rezoning as shown on Figure 2 satisfies both the site specific requirements of Policy E-7 and the general criteria of Policy IM-11. Approval of the rezoning would allow as-of-right development on the site, and the standards contained in the Regional Subdivision By-Law and the Land Use By-Law are sufficient to adequately regulate such development.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the 2010/11 operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through the HRM website, responses to inquiries, as well as a public information meeting held on January 18, 2012, to which nearby property owners were invited. The minutes of the public information meeting are included as Attachment B to this report.

Should Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, both property owners within the area and those who attended the public information meeting will be notified by mail.

ALTERNATIVES

1. Council may choose to approve the proposed rezoning as set out in Figure 2. This is staff's recommendation.
2. Council may choose to refuse the rezoning, and in doing so must provide reasons based on a conflict with the MPS policies.

ATTACHMENTS

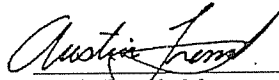
- Map 1: Generalized Future Land Use
Map 2: Zoning
- Figure 1: Concept Plan, Colby South Phase II
Figure 2: Lands to be Rezoned

- Attachment A: Amendments to the Land Use Bylaw for Cole Harbour/Westphal
Attachment B: Excerpts from the Cole Harbour/Westphal MPS
Attachment C: Minutes of January 18, 2012 Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Mitch Dickey, Planner, 490-5719




Report Approved by:



Austin French, Manager of Planning Services, 490-6717



Map 1 - Generalized Future Land Use

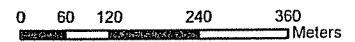
-  Subject Area
-  Urban Service District
-  Plan Area Boundary

Cole Harbour Plan Area

Designation

- RR Rural Residential
- UR Urban Residential

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



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Cole Harbour Plan Area.

HRM does not guarantee the accuracy of any representation on this plan.



Map 2 - Location and Zoning

-  Area to be rezoned from R-7 to R-1
-  Urban Service Boundary
-  Plan Area Boundary

Cole Harbour Plan Area

Zone

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-7 Rural Estate
- C-1 Neighbourhood Business
- I-1 Light Industry
- P-1 Open Space
- P-2 Community Facility

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This map is an unofficial reproduction of a portion of the Zoning Map for the Cole Harbour Plan Area.

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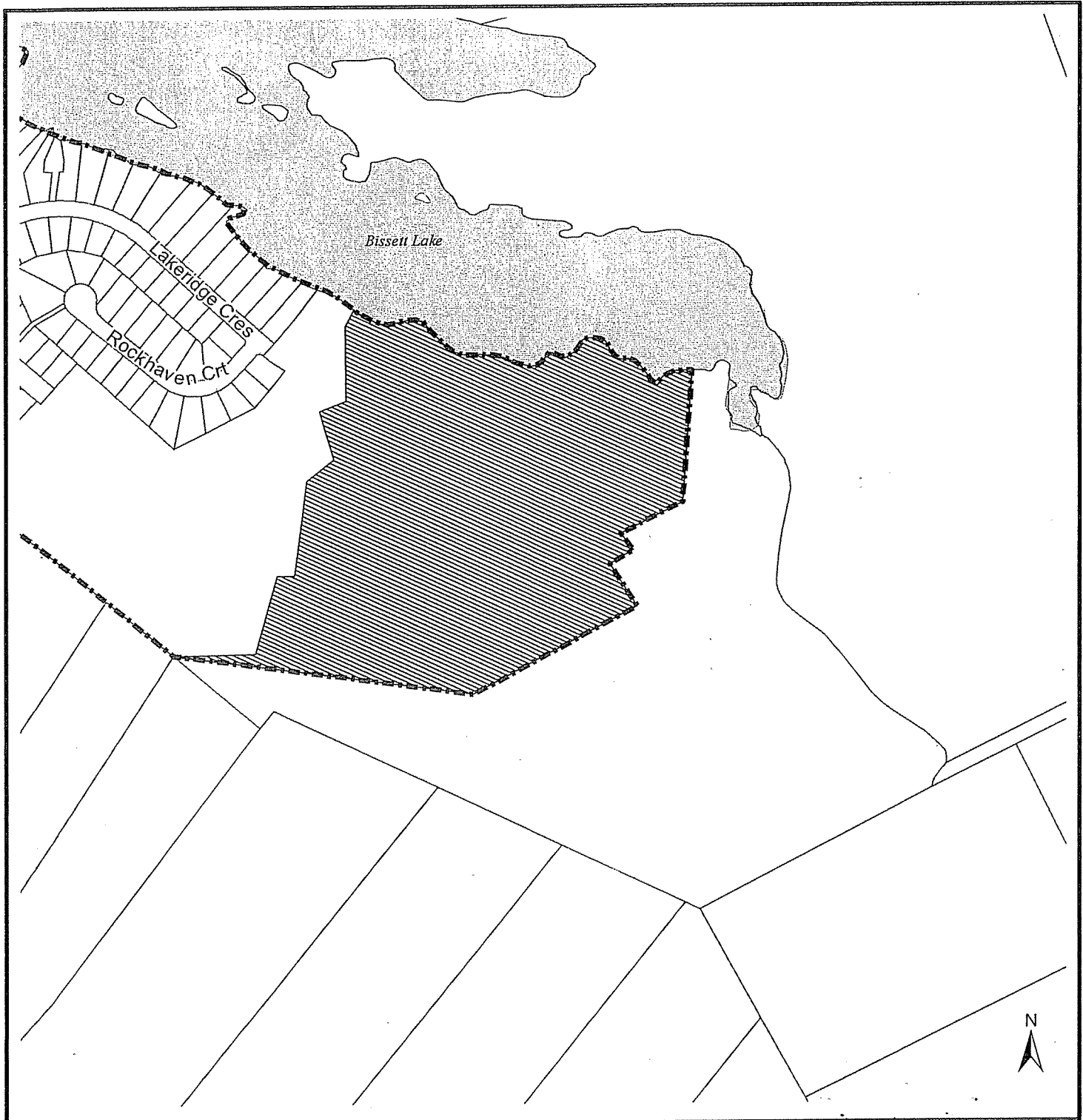



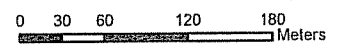


Figure 2 - Amendments to the Land Use Bylaw

-  Area to be rezoned from R-7 to R-1
-  Urban Service Boundary
-  Plan Area Boundary

Cole Harbour Plan Area

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 COMMUNITY DEVELOPMENT
 PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Cole Harbour Plan Area.

HRM does not guarantee the accuracy of any representation on this plan.

Attachment A
Amendments to the Land Use By-Law for Cole Harbour/Westphal

BE IT ENACTED by the Harbour East Community Council of the Halifax Regional Municipality that the Land Use By-law for Cole Harbour/Westphal as enacted by the former Halifax County Municipality on the 30th day of November, 1992 and as approved by the Minister of Municipal Affairs on the 3rd^h day of March, 1993, and as subsequently amended, is hereby further amended as follows:

Schedule A (Cole Harbour/Westphal Zoning Map) is amended by rezoning lands as shown on Figure 2 attached to this report, from R-7 (Rural Estate) Zone to R-1 (Single Unit Dwelling) Zone.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Cole Harbour/Westphal as set out above, was passed by a majority vote of the Harbour East Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2012

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2012

Attachment B
Excerpts from Cole Harbour/Westphal MPS

In 1989, Council approved an expansion to the Plan Area's Servicing Boundary as well as the establishment of the Development Boundary. This decision was undertaken to accommodate an additional 73 acres of land adjacent to Colby Village in the Atholea Drive/Astral Drive area, known as Colby South. This expansion is possible because population densities and peak sewage flows discharging from the Colby Village area are substantially less than the design values used in estimating sewage flow from this area in the 1985 Pollution Control Study. Inclusion of these lands within the serviceable area will have a positive effect on community form, and will improve service and road connections between Astral Drive and the Atholea Drive area.

To ensure that the capacity of the overall sewerage system is not negatively affected by inclusion of additional lands, expansion of the services to Colby South is being approved in two phases. The first phase to be included in the serviceable area, consists of 50 acres. The second phase of 23 acres is included within the Development Boundary. Council may approve an extension of services within the Development Boundary subject to a number of conditions being met.

E-7 It shall be the intention of Council to establish a Development Boundary, as shown on Map 2, Servicing Boundaries. Notwithstanding Policy E-3 and in addition to Policy E-2, Council shall consider the extension of municipal services and the rezoning of Phase II of Colby South to R-1 (Single Unit Dwelling) Zone within this Development Boundary, without requiring an amendment to the Servicing Boundary, subject to the following conditions:

- (a) that regular flow monitoring be conducted by the developer to verify that flows from Phase XV, Colby Village and Phase I Colby South are within predicted performance levels as identified in the 'Colby Village Sewer Flow Gauging Study', prepared by UMA Engineering Ltd. for Clayton Development Ltd. in 1988;
- (b) that there is a road connection between Astral Drive and Parkway Drive;
- (c) consideration of a report or reports from the appropriate provincial or federal agency or agencies indicating:
 - (i) whether there has been a significant negative effect on Bissett Lake and its outflows as a result of the development of Phase I, and
 - (ii) whether there has been careful adherence to the Environmental Construction Practice Specifications for the Province of Nova Scotia, dated September, 1981.

IM-11 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, Cole Harbour/Westphal Community Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and water services;
 - (iii) the adequacy or proximity of school, recreation and other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding; and
- (e) any other relevant matter of planning concern.
- (f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

Attachment C
Minutes of Public Information Meeting

CASE NO. 17443 – COLBY SOUTH PHASE II

7:00 p.m.
Wednesday, January 18, 2012
Cole Harbor Place
51 Forest Hills Parkway

STAFF IN

ATTENDANCE: Mitch Dickey, Planner, HRM Planning Applications
Holly Kent, Planning Technician, HRM Planning Applications
Jennifer Purdy Little, Planning Controller, HRM Planning Applications

ALSO IN

ATTENDANCE: Lorelei Nicoll, Councillor for District 4
Kevin Neatt, Clayton Developments, Applicant

PUBLIC IN

ATTENDANCE: 57

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

1. Opening remarks / Introductions / Purpose of Meeting

Mr. Mitch Dickey, Planner, Planning Applications, called the meeting to order at approximately 7:00 p.m. Cole Harbor Place, Dartmouth.

Mr. Dickey advised that the application is to rezone lands off Astral Drive from R-7 (Rural Estate) to R-1 (Single Unit). He introduced Councillor Lorelei Nicoll, District 4; Holly Kent, Planning Technician; Jennifer Purdy, Planning Controller; and the applicant, Kevin Neatt, Clayton Developments.

2. Purpose of this meeting

Mr. Dickey explained that this public information meeting is the initial stage of the application process and is intended to allow the public to provide feedback. The purpose of the public information meeting is to identify that HRM has received an application, to identify the scope of the rezoning proposal, to provide the public with an overview of the planning process, and to give the public an opportunity to ask questions and make comments. No decisions will be made at tonight's meeting. After the public information meeting, the comments received from the public will be incorporated into a staff report with a recommendation that will go to Harbor East Community Council. Council will make the final decision on the application. Following Council's decision, there is an appeal period, during which the decision can be appealed to the Nova Scotia Utility and Review Board.

3. Presentation of Proposal

Mr. Dickey reviewed slides showing the property and indicated that the site is designated Urban Residential. The extent of the existing R-1 zone would allow about 35 of the proposed lots, while the

R-7 zone would also allow single unit dwellings but on much larger lots. Site specific policy in the local planning strategy allows consideration of rezoning of the entire site to R-1, subject to the following:

- Wastewater flow monitoring of earlier phases,
- Provision of a road connection from Parkway to Astral and
- Consideration of lake water quality.

4. Presentation of Proposed Rezoning – Clayton Developments

Mr. Kevin Neatt, Clayton Developments, introduced fellow staff members Michael Hanusiak, Peter Greenwood and Christina Baker. He gave a brief overview of Clayton Developments explaining that their projects have supplied over 16,000 homes in HRM and have hosted over 1.2 million square feet of retail and office space and have been in business for over 50 years. Reviewing a slide showing the bounding along Colby South Phase I and Phase II, he explained that Colby South Phase II dates back to 1989. At that time, there was only one tentative plan for both phases. Phase II is approximately 80 acres however, they are only asking for half of the area to be rezoned to the R1. He explained that there will be a one road connection into Astral Drive, Parkway Drive will be extended further up and Lakeridge Crescent will be the third access point.

In Municipal Planning Strategy was adopted it set out criteria which included the sewer capacity study which has been submitted to HRM and the plans to connect Parkway and Astral Drive have also been completed and has been submitted to HRM. The third criteria is an environmental study of the lake, explained that the lake has not deteriorated as a result of the first phase of Colby South. He assured that they will continue monitoring as the development continues on. He reviewed a slide of the full 80 acres, 37 acres being the land which will be developed and the conservation area is 20 acres; these 20 acres will be deeded to HRM. He added that there will be 3.7 acres of high, dry, usable parkland which will have a pad that will be large enough that HRM will be able to make a good place. There will be 80 lots, 60 feet wide, with the depth ranging from 120 feet to 250 feet. Reviewing a slide he pointed to the wooded area and explained that the current plan is to retain these trees. He reviewed the slide showing the direction of the sewer pumping station and explained that it will run on Astral Drive as it is 15 feet higher than the other routes, therefore the sewer cannot drain towards the existing sewer. He reviewed the storm water plan, explaining that it has been presented to the Dartmouth Lakes Advisory Board. He explained that the run off doesn't dump directly into the lake which will help lake quality. He reviewed the retention pond explaining that it will hold back the water which will help with the quality and also holds back the flow limiting eroding problems in the future. He ended his presentation by adding that Colby South II will be very similar to Colby South I in terms of housing type and appearance.

5. Question / Comments

Mr. Michael McFadden, Cole Harbor Parks and Trails Association, suggested that the City consider establishing access to the Shearwater Flyer which is only 150 meters away from the proposed parkland area. He added that there is still no alternate access to the 118 or Shearwater area. He asked about the additional traffic and asked about the buffer surrounding the Lake and the River and asked how they plan on maintaining the 20 meter buffer that is required by the Land Use By-Law.

Mr. Neatt explained that previous conversations with Parkland Planning it was his impression that it

is staff's intention to place the parkland at this proposed area to be closer to the trail.

Mr. Dickey explained that the future of the land in between this property and the Shearwater Flyer is unknown and will be part of a long term planning trails planning initiative. Mr. Dickey explained that he is aware of the traffic concerns on Caldwell Road and explained that for any development, the developer needs to submit a traffic study showing what the impact will be. He added that this particular site is 'Grandfathered' by policy that states that it can be developed subject to the three previous conditions discussed earlier in the meeting. Clayton Developments have been asked to submit a localized traffic impact study. He explained that regarding the lake buffer, Clayton Developments is proposing that the lots all front directly on to Bissett Lake, therefore, the lake frontage is proposed to be privately owned. HRM does not have the ability to require that the lake shore line be in public ownership. A 20 meter minimum of natural buffer has to be provided.

Mr. Dennis Doyle, Cole Harbor, explained that he remembers Phase I of this development and asked what the time line from start to finish for the road. He expressed concern with archives and the Municipality not having a copy of the documents from Colby South and some of the minutes from the previous meetings are missing. He requests that the meeting minutes and documents for this application be available within a reasonable amount of time. He also addressed concern about how construction equipment is going to access Phase II from Caldwell Road.

Mr. Neatt explained that if the rezoning gets approved, they would like to start the development in spring 2012. It will take approximately 3-4 months to complete Parkway. This development will be constructed in three phases, first stage being parkway in conjunction with Lake Ridge Crescent to the pumping station. The construction of the homes will take an approximate 3-4 year building process.

Mr. Mark Johanson asked about a cut line through the woods that runs to the lake. Mr. Neatt explained that there was a former plan that had tentative concept approval at that time which had 143 lots with roads laid out, and said the cut line is likely from an old road alignment.

Mr. Johanson explained that Bissett Lake currently is a rich fishery resource with lots of species. He asked what the plans are to protect this lake.

Mr. Neatt explained that it is very important to the Dartmouth Lake Advisory Board to protect this lake. They were quite excited to learning which direction the storm water will be running and happy to hear that it was not running into the lake or into the run further down but will be filtered overland. He explained that Clayton Developments are currently working with HRM on a continuous monitoring plan as well.

Mr. Dickey explained that the park area that is being deeded to HRM there is a slight slope that runs down towards Bissetts Run, therefore, HRM will have no plans to do anything other than a small trail. This will allow for the buffer to continue all around the lake and down Bissett Run.

Mr. Ron Parker, Cole Harbor, asked if there will be sidewalks and if so, on what street.

Mr. Neatt explained that there will be sidewalks on both side of Astral Lane.

Mr. Parker explained that the sidewalk ends on Parkedge. He explained that with the additional houses, there will be more pedestrians and more traffic addressed concern that there is currently no buffer between cars and pedestrians.

Mr. Neatt explained that they are currently working with HRM's current regulations to build sidewalks.

Mr. Dickey explained that when the previous development was completed, the design of roads was a Provincial responsibility and they did not require sidewalks at that time.

Mr. Parker asked if this development will be bringing in natural gas.

Mr. Neatt explained that he isn't aware of any natural gas.

Mr. Parker addressed concern with the current vehicle speed on Astral Drive and asked if there could be vehicle speed reducers put in place to slow the vehicles down and suggested that there should be.

Mr. Neatt explained that there is no plan for vehicle speed reducers like Clayton built in Russell Lake West, however, not a bad idea to revisit the possibility of it.

Mr. Parker asked if the school will be able to handle the additional children this development will bring in.

Mr. Dickey explained that the Halifax Regional School Board will be aware of the development and how many children are anticipated. They at that time, will determine the capacity whether it is at the local school or at another one. It is the School Boards responsibility to accommodate the children somewhere in the system.

Ms. Heather Riley expressed concern with the additional traffic and the noise level the construction will produce. She expressed concern with kids walking to school without a sidewalk on Parkway and added that there are only seven houses on Parkway that do not have sewer and asked if there are any future plans to connect sewer.

Mr. Neatt explained that Clayton Developments work closely with the community and explained that it is their goal to restrict unnecessary noise and explained that HRM has strict by-laws in terms of when trucks can and cannot be working. He explained that they have close oversight with the contractor to make sure the development and the construction is done in the most responsible way possible. He explained that there will not be a sidewalk on the connection street, that it will be an extension on the existing parkland. Reviewing a slide, he explained that Clayton Developments has reviewed the sewer concerns but, they are unable to connect the sewer.

Mr. Dickey explained that Clayton Lands are within the sewer water service boundary, so they are eligible to receive it. Land along Parkway are outside the boundary and explained that with the current status of the Eastern Passage waste water treatment plant, there cannot be any consideration given to extend the sanitary sewer system at this time.

Ms. Joanna Parker asked what the plan is to remove the rock pile where Parkway will meet Astral Drive. Mr. Neatt explained that they will be grading this material and that there is no blasting required for the extension of Parkway.

Mr. Brent Anesty, Cole Harbour, explained that he enjoys the forest in his backyard and asked what the plans are to keep some of the trees to retain some privacy.

Mr. Neatt explained that the plan is to retain as much vegetation as possible. He explained that some lots are not as deep as they would like but are 110 feet deep therefore, some vegetation should still remain.

Mr. Anesty expressed concern with the traffic on Caldwell Road and asked what type of study was done when looking at the traffic.

Mr. Neatt explained that in 1989 when Colby South I and II were contemplated, the Municipal Planning Strategy at that time recognized that this development was going to take place at some time in the future; therefore, the traffic studies have since then always allowed for the additional traffic Phase II would generate from an additional 134 lots even though only 80 lots are proposed.

Mr. Melvin Harris, Cole Harbor, asked what the plans are for further development and expressed concern with previously being told that there would be no future development for the next 10 years.

Mr. Neatt reviewed the boundary line on the slide and explained that they are not contemplating any future/further development.

Mr. Dickey explained that Mr Harris' property is well outside the sewer and water service boundary and therefore the development potential is very limited. The existing zoning allows these owners some limited development potential such as two acre lots, single family homes or a development agreement with an open space subdivision with on-site systems. At this time, there are no plans to allow for more development. It will be another 10-15 years before any changes.

Mr. Harris expressed concern with the City not keeping its promises in regards to no further development because of the sewer capacity and doesn't agree with this proposal being developed because the systems cannot handle it.

Mrs. Gerrie Irwin, Cole Harbor, asked how this will impact the bus services.

Mr. Dickey explained that the plans have been circulated to Metro Transit but, is not aware of any changes at this time.

Councillor Nicoll explained that she has also given them the heads-up and hopefully will be able to provide more service.

Mr. McFadden explained that there are no sidewalks to connect to the Colby South II to Colby South Phase I, and asked whose responsibility it will be to connect the two.

Mr. Neatt explained that it is a requirement by HRM to put in a sidewalk in for Colby South II development unlike Colby South Phase I. He does not anticipate Clayton Developments putting in any sidewalk connections and that it would be up to HRM to connect the two if deemed necessary. Mr. Dickey explained that he is not familiar with the program and policy is in retrofitting existing streets with sidewalks but, will look in to it. Councillor Nicoll explained that typically, they will send out a letter to residents who abut the sidewalk and ask if they would be in agreement with it. It would impact their driveways as well as they may be asked to contribute to the cost.

Mr. Bruce Paddon, Cole Harbor, expressed concern with Metro Transit having a run through the area and then stopping the run. This was used a lot but, now they stopped service. Requested that this be

looked into to bring it back. He asked if anybody had spoken to Nova Scotia Power and explained that they are at the end of their service and these houses are being added to the end of the circuit which will affect the current residents. He expressed concern with the blasting that took place when developing Colby South I and explained that they didn't care about the trees or runoffs. He expressed concern with this happening with this development as well.

Mr. Neatt explained that there will be blasting for this development however, they have to following strict environmental regulations and protocols to follow.

Mr. Paddon expressed concern with the additional traffic from other areas and now this development and added concern with the lack of crosswalks and the danger it causes for the children. He explained that the studies conducted do not work and needs to be further reviewed.

Ms. Pam Hinam, Cole Harbor, asked about the development timelines and if there have been any prices decided for the properties including the waterfront properties.

Mr. Neatt explained that they are anticipating 3 years for the building of the road. Not sure about the prices of the properties at this time.

A gentleman asked if they conservation area is a piece of waste land or swamp lands. Mr. Neatt explained that it is a mix of wetlands and high and dry land. They have deemed it unsuitable for development.

A gentleman suggested that the run be properly looked after so that the run off can get down through it. Extra water in the brook can cause a back-up on to the Cole Harbor Road.

Councillor Nicoll thanked everyone for attending the meeting.

6. Closing comments

Mr. Dickey thanked everyone for coming to the meeting and expressing their comments and concerns. He directed the public to his business cards, and asked those who did not get a chance to speak to contact him by phone or email.

7. Adjournment

The meeting adjourned at approximately 8:30 p.m.