



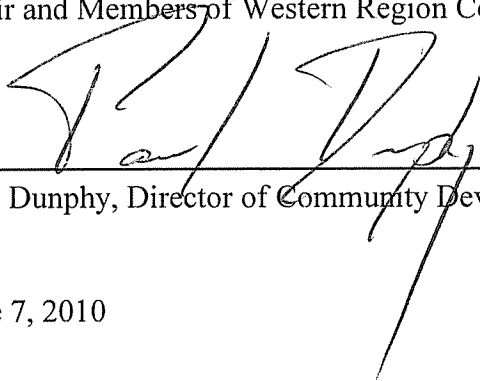
PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

10.1.1

Western Region Community Council  
July 26, 2010

**TO:** Chair and Members of Western Region Community Council

**SUBMITTED BY:**

  
Paul Dunphy, Director of Community Development

**DATE:** June 7, 2010

**SUBJECT:** Case 01280: Development Agreement - Herring Cove Village

**ORIGIN**

Application by Terrain Group Inc. for the lands of Valerium Group Inc. for a development agreement to allow for a new residential subdivision in Herring Cove.

**RECOMMENDATION**

It is recommended that Western Region Community Council:

1. Move Notice of Motion to consider approval of the proposed development agreement, presented as Attachment A, and schedule a Public Hearing.
2. Approve the proposed development agreement, presented as Attachment A, and;
3. Require that the development agreement be signed by the developer and delivered within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

The subject site consists of 950 Herring Cove Road and three adjacent parcels, for a total of 26.7 acres of land. These lands fall generally between Glen Baker Drive and Tanglewood Lane, adjacent and to the rear of 932 - 954 Herring Cove Road (Map 1). The land is zoned HCR (Herring Cove Residential) and designated Residential in the Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy (MPS) (Map 2). Large tracts of Provincial Crown Land zoned PA (Protected Area) abut the properties to the rear.

The current application is for a development agreement to allow a residential subdivision. The proposal includes:

- 49 single family residential lots;
- 2 new public streets;
- a neighbourhood park;
- 10.7 acres of conservation land ;
- municipal sewer and water; and
- a municipal pumping station and stormwater retention pond.

## **DISCUSSION**

### **MPS Policy**

The application is being considered pursuant to Policies RES-2C, RES-2D and RES-2E of the Planning District 5 (Chebucto Peninsula) MPS (Attachment B). Policy RES-2C requires that the subdivision of lots on new public streets with municipal services be considered by development agreement only. Policies RES-2D and RES-2E contain criteria for Council to consider when evaluating a development agreement proposal. These two policy sets reflect the competing goals of protecting the environmental assets of the community while encouraging growth. In this proposal, these goals are achieved, and a balance is proposed that minimizes disturbance to the natural environment while still allowing for the reasonable development of the lands.

Specifically, policy RES-2D focuses on preservation and protection of the natural environment by emphasizing that development should be confined to the most suitable areas of the site to minimize disturbance to topography, drainage, and natural vegetation, and to protect any watercourses or sensitive areas that exist on the lands. The subject properties are currently in a substantially natural state. Two watercourses run through the rear of the lands. The proposal includes establishing a 100 foot (30.48 metre) riparian buffer from these watercourses, which would be a non-disturbance area, and only permit the development of natural trails within this buffer. The majority of the riparian buffer would be deeded to HRM as conservation lands (10.7 acres), although some would continue to be held privately. As a result, natural vegetation will be retained on approximately 50% of the site, which exceeds the policy criteria of retention of 30% of the natural vegetation.

Development is concentrated away from the riparian buffer, on the front portion of the lands, closer to Herring Cove Road. The subdivision has been oriented such that the majority of the areas with

steep slopes (greater than 16%) are avoided. This is the most suitable area for development, not only due to the sensitive nature of the conservation lands, but because it is adjacent to lands already developed for residential purposes, or those that could be developed in the future. This configuration is appropriate, as the developed lands are essentially a continuation of the existing residential community, while the conservation lands abut the PA (Protected Area) Zone, and together with the existing Provincial Crown Land provide for greater contiguous open space. Staff feel that the proposal exemplifies the intent of this policy, by leaving as much of the natural area intact as possible, and concentrating development on the portion of the site that is most suitable.

Policy RES-2E contains criteria relating to density and lot standards. This includes a policy which allows lot frontage to be reduced from the zone standard, 75 feet, to 60 feet, and lot area to be reduced from 10,000 square feet to 6000 square feet, provided that the difference in lot area is set aside as contiguous open space. In the past, staff proposed further flexibility in the lot frontage and area requirements to achieve greater compliance with the environmental objectives of plan policy. Staff felt that such strict minimums were counter to the intent of the policy objectives to confine development to minimize land disturbance. Accordingly, a practical application of the lot standards where the average frontages and area were used.

For this proposal, staff are recommending that the same approach be taken as it relates to lot frontages. In this case, the applicant is proposing 11 flag lots. Flag lots are those that have a relatively narrow 'flag pole' for access, and widen out into the 'flag' portion of the lot further from the street. Due to the unique shape of the lands, allowing flag lots with reduced frontage takes advantage of irregular portions of the lands which in turn allows for better clustering of development. The intent of the policy which requires a minimum of 60 feet of frontage for each lot is to ensure that dwellings are appropriately spaced to address aesthetic and privacy concerns. Allowing flag lots with a minimum of 20 feet of frontage creates empty spaces along the streetscape where dwellings are further back from the street. By still requiring frontages to average to 60 feet, lots abutting the street have greater frontage to compensate for the flag lots. This creates variety, and greater spacing along the streetscape, which staff feel furthers the intent of the policy.

The proposal includes lots that vary in size from 6,035 square feet to 27,642 square feet. As suggested by the policy, for those lots that are less than 10,000 square feet in area, the difference is set aside as contiguous open space in the form of conservation lands. The lots are to be developed as single unit residential dwellings, and the proposed development agreement also allows for auxiliary dwelling units. An auxiliary dwelling by definition is a dwelling unit contained within a single unit dwelling and the building as a whole is still considered a single unit dwelling for the purpose of determining lot design requirements and density. The density of the development is 1.8 units per acre, which is significantly lower than the 4 units per acre permitted by policy. Staff feel that the proposal meets the overall intent of RES-2E, and is a reasonable form of development for these lands.

### **Halifax Watershed Advisory Board**

The application was reviewed by the Halifax Watershed Advisory Board (HWAB) in October, 2009. The HWAB was pleased that a 100 foot riparian buffer was proposed to protect the watercourses on the site. The preference of the HWAB would be for these lands to be entirely within HRM ownership. Although the majority of these lands are included in the conservation lands being deeded to HRM, a portion of the riparian buffer will consist of privately held rear yards. This is necessary to allow for the development of appropriately sized lots. However, staff have included a provision in the proposed development agreement that requires dwellings to be a minimum of 15' from the edge of the buffer, which should allow for the construction and use of these dwellings without encroachment into the buffer.

The HWAB also expressed concern with the ability of the proposed pumping station to function in the event of a power failure. Staff have confirmed that pumping station will be required to be built to Halifax Regional Water Commission specifications, which include provisions for power failures. Also, in response to the HWAB's concerns, staff have confirmed that the stormwater retention pond will have the capacity for a 1 in 100 year storm, and that all stormwater will be directed to this pond, rather than being directly discharged into the brook.

### **Public Information Meeting/Area of Notification**

Two public information meetings were held for this application. On September 30, 2009, a public information meeting was held to discuss a proposal which included 38 semi-detached dwellings. As a result of the comments made at that meeting and the subsequent changes to the application, a second public information meeting was held on February 24, 2010. Minutes of the meetings are included as Attachment D and E. A number of concerns arose at the public meetings, which are discussed below.

### **Lot Sizes/Frontages**

At the first public information meeting, residents suggested that the semi-detached dwellings proposed did not meet the minimum lot size described in policy (6000 square feet per building). Staff had previously taken the interpretation that this applied to the entirety of the building. However, after review of the MPS and background documents, staff determined that the intent of the policy was for this lot minimum to apply to each unit of the building (and thus a semi-detached dwelling would be required to have a minimum lot size of 12,000 square feet). As a result of the comments made at the first public information meeting, and staff's subsequent review, the applicant revised the proposal to only include single unit dwellings and auxiliary dwelling units.

Residents have also expressed concern with the proposed lot frontages, particularly, that not every lot has a minimum lot frontage of 60 feet. As discussed above, staff have taken the position that allowing lots with reduced frontage, provided that the overall frontage of the lots averages 60 feet furthers the intent of this policy by allowing a more varied and spaced out streetscape, and also furthers the overall intent of the MPS by allowing for a clustered development the minimizes land disturbance.

Concerns were also raised regarding solid waste pick-up for the flag lots. Staff at HRM Solid Waste Resources have confirmed that collection vehicles do not travel onto private driveways, and residents would be required to bring materials to the end of the driveway where it abuts a public roadway.

### **Trail**

Concerns were raised at both public information meetings regarding the trail that connects the end of the proposed Reginald Court with Herring Cove Road. The property owner abutting the trail raised concerns about vehicular traffic, and privacy as a result of the trail. This trail is required by HRM Engineering Services as a second access to the subdivision, and is also required for the water and sewage infrastructure. The trail will be a pedestrian connection, fenced on both sides with a chainlink fence, and will be owned and maintained by HRM. It was suggested at the public information meeting that the fence be wooden, however, staff evaluated the proposal against CPTED (Crime Prevention Through Environmental Design) principles, and have recommended that a chain link fence be erected to improve visibility and deter vandalism. Although the trail is required to be 6 metres wide, it is not intended for vehicular use, and only approximately 1.8 metres in width will be paved.

### **Conclusion**

The proposed development agreement satisfies the applicable policies of the Planning District 5 (Chebucto Peninsula) MPS (Attachment B). As such, it is recommended that Western Region Community Council approve the development agreement. Should Community Council decide to hold a Public Hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 1, local ratepayers associations, churches, and the school board, will be sent written notification, and a notice will be posted in local fire stations, convenience stores, and post offices.

### **BUDGET IMPLICATIONS**

There are no budget implications associated with the processing of the Development Agreement. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved budget with existing resources.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital 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 consultation, achieved through

Public Information Meetings held on September 30, 2009 and February 24, 2010. A public hearing must be held by Council before they can consider approval of any amendments.

For the Public Information Meeting, notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 1. Attachments D and E contain copies of the minutes from the meetings. Should 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 1, local ratepayers associations, churches, and the school board, will receive notification, and a notice will be posted in local fire stations, convenience stores, and post offices.

The proposed development agreement will potentially impact the following stakeholders: local residents, property owners.

### **ALTERNATIVES**

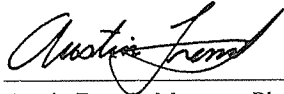
1. Council may approve the development agreement as provided in Attachment A. This is the recommended course of action.
2. Council may choose to refuse the proposed development agreement. Pursuant to subsection 254(6) of the *Halifax Regional Municipality Charter*, Council must provide reasons for this refusal, based on the policies of the MPS.
3. Council may choose to propose modifications to the development agreement. Such modifications may require further negotiations with the Developer.

### **ATTACHMENTS**

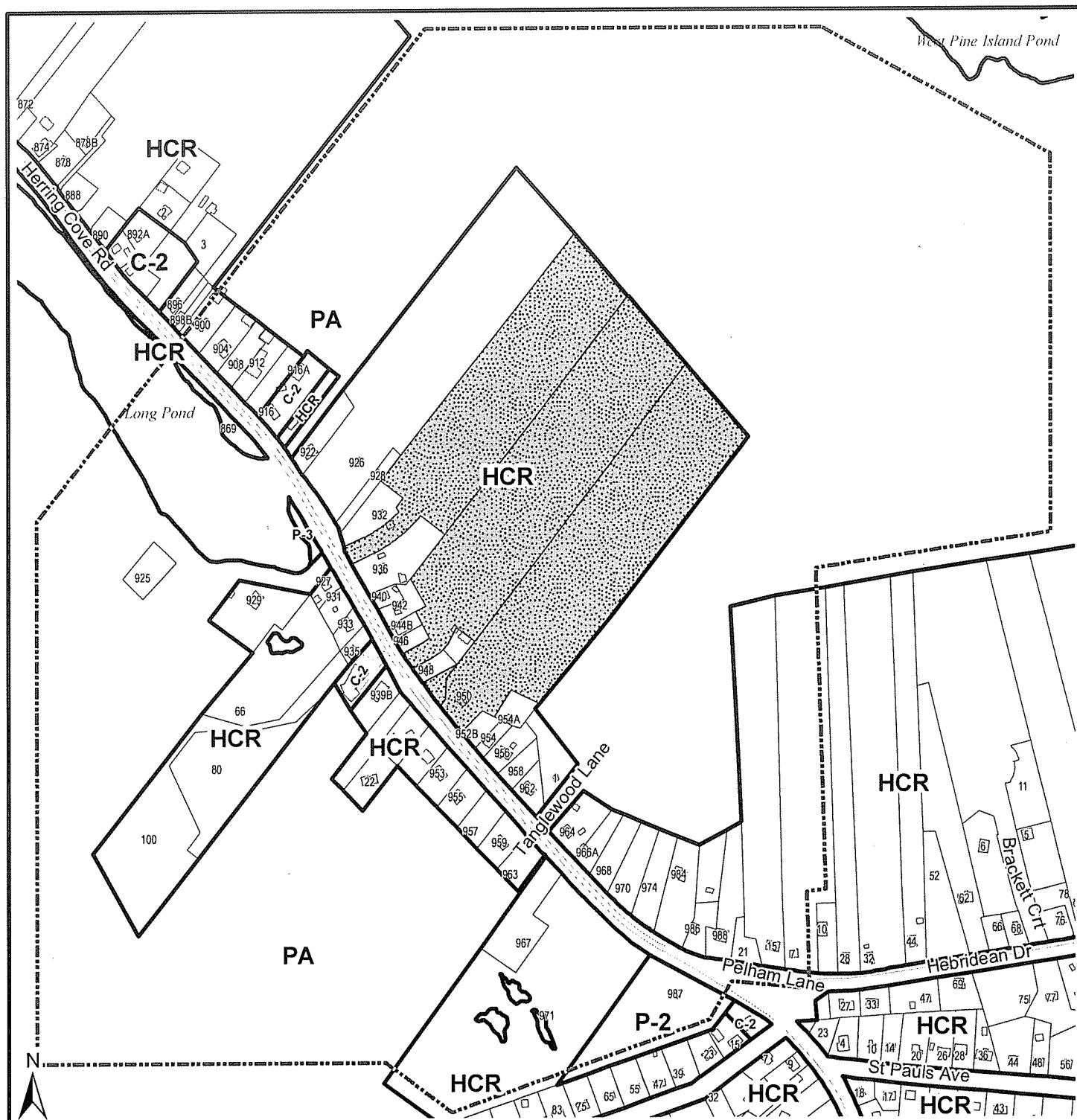
Map 1	Zoning and Area of Notification
Map 2	Generalized Future Land Use
Attachment "A"	Proposed Development Agreement
Attachment "B"	Excerpts from the Planning District 5 (Chebucto Peninsula) MPS
Attachment "C"	Planning District 5 (Chebucto Peninsula) MPS - Relevant Policy Analysis
Attachment "D"	Minutes from the September 30, 2009 Public Information Meeting
Attachment "E"	Minutes from the February 24, 2010 Public Information Meeting
Attachment "F"	Public Submissions
Attachment "G"	Halifax Watershed Advisory Board Recommendation

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 : Patricia Hughes, Planner, 490-1948





Report Approved by: Austin French, Manager, Planning Services, 490-6717



## Map 1 - Location and Zoning

Herring Cove Road  
Herring Cove

 Area of proposed development agreement

 Area of notification

Planning District 5  
(Chebucto Peninsula) Planning Area

### Zone

HCR	Herring Cove Residential
C-2	General Business
P-2	Community Facility
P-3	Park
PA	Protected Area

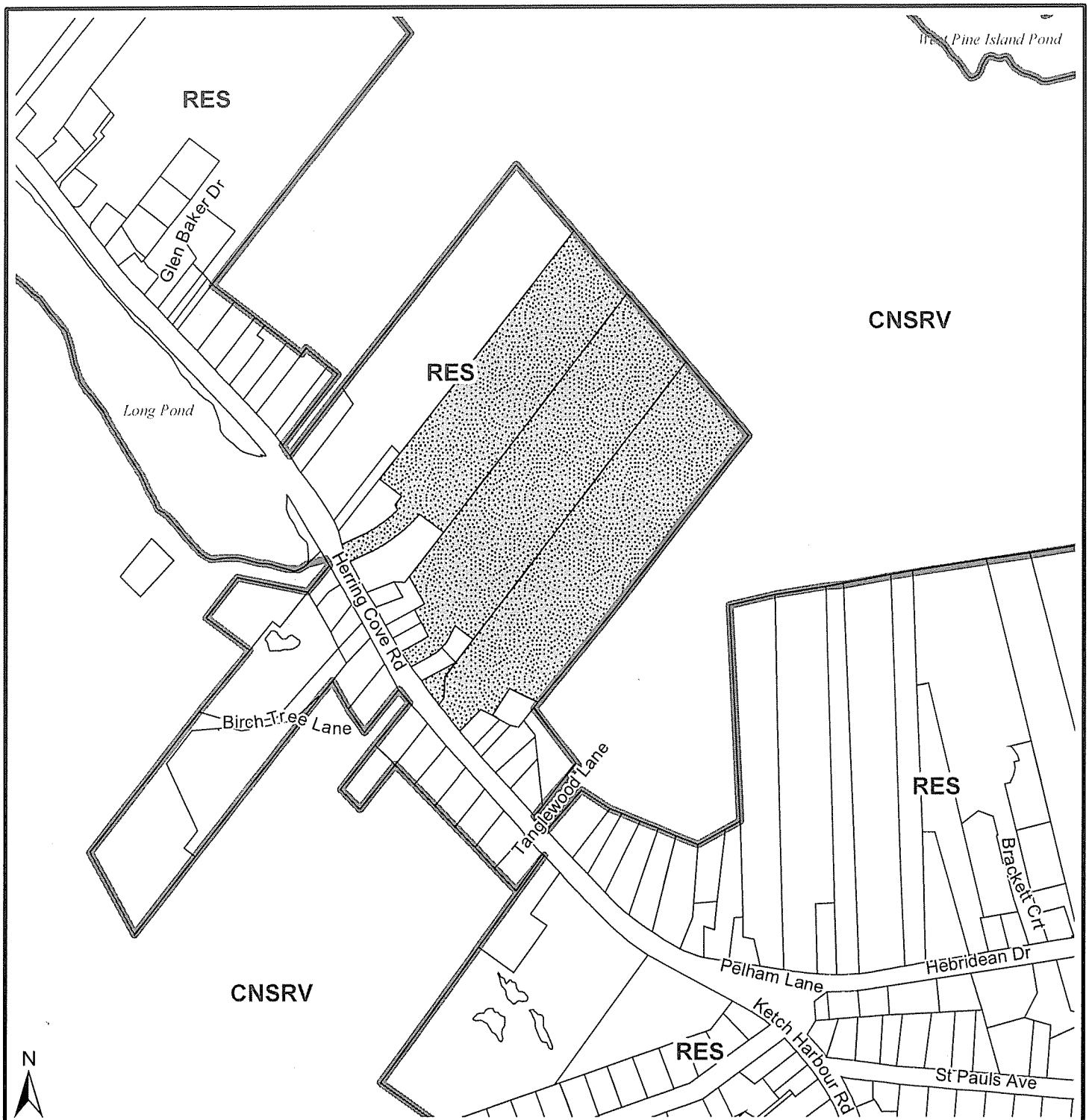
**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES

0 50 100 150 m

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.


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





## Map 2 - Generalized Future Land Use

Herring Cove Road  
Herring Cove

 Area of proposed development agreement

Planning District 5  
(Chebucto Peninsula) Planning Area

### Designation

RES Residential  
CNSRV Conservation

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES

0 50 100 150 m

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

**Attachment "A"**  
**Proposed Development Agreement**

THIS AGREEMENT made this      day of      , 2010,

BETWEEN:

<INSERT DEVELOPER NAME>

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 Herring Cove Road, Herring Cove [insert PIDS here] and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a Development Agreement to allow for a residential subdivision on two new public streets on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy RES-2C, RES-2D, and RES-2E of the Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy;

**AND WHEREAS** the Western Region Community Council of the Halifax Regional Municipality approved this request at a meeting held on [INSERT - Date], referenced as Municipal Case Number 01280;

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

## **PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

### **1.1 Applicability of Agreement**

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

### **1.2 Applicability of Land Use By-law and Subdivision By-law**

Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Planning District 5 (Chebucto Peninsula) and the Regional Subdivision By-law, as may be amended from time to time.

### **1.3 Applicability of Other By-laws, Statutes and Regulations**

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

### **1.4 Conflict**

1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law and Subdivision By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

### **1.5 Costs, Expenses, Liabilities and Obligations**

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

### **1.6 Provisions Severable**

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

### **1.7 Words Not Defined under this Agreement**

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and the Regional Subdivision By-law.

## **PART 2: USE OF LANDS, SUBDIVISION, AND DEVELOPMENT PROVISIONS**

### **2.1 Schedules**

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 01280:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan

### **2.2 Subdivision of the Lands**

- 2.2.1 This Agreement shall be deemed to fulfill the requirements of the Regional Subdivision By-law with respect to Concept Plan approval.
- 2.2.2 Unless otherwise acceptable to the Development Officer, final subdivision applications shall be submitted to the Development Officer in conformance with the Concept Plan as shown in Schedule B. The Development Officer may permit minor changes to the lot layout, provided the revised layout does not increase the number of lots by more than 3 lots, or result in additional flag lots with poles that are not paired.

### **2.3 General Description of Land Use**

The use of the Lands permitted by this Agreement are the following:

- (a) single unit dwellings;

- (b) auxiliary dwelling units;
- (c) in conjunction with permitted single unit dwellings, home occupations, bed and breakfast establishments or day care facilities, subject to the requirements of the HCR (Herring Cove Residential) Zone as set out in the Land Use By-law for Planning District 5 (Chebucto Peninsula);
- (d) open space, conservation, and recreation uses;
- (e) municipal utility uses; and
- (f) uses accessory to any of the foregoing uses.

## **2.4 Requirements**

- 2.4.1 Except where varied by this Agreement, all land uses shall comply with the requirements of the HCR (Herring Cove Residential) Zone as set out in the Land Use By-law for Planning District 5 (Chebucto Peninsula).
- 2.4.2 Notwithstanding Subsection 2.4.1, the minimum required lot area shall be 557.5 square metres.
- 2.4.3 Notwithstanding Subsection 2.4.1, the minimum required lot frontage may be reduced such that the average lot frontage of all lots shall be not less than 18.3 metres.
- 2.4.4 Notwithstanding Subsection 2.4.1, the required setbacks may be reduced such that the minimum front yard setback for any lot shall be not less than 6 metres, and the minimum flankage yard for Lot 49 shall be not less than 4 metres. The front yard setback for flag lots shall be measured from the front of the flag portion of the lot, not from the street.
- 2.4.5 Notwithstanding Subsection 2.4.1, no portion of any main building shall be located less than 4.5 metres from the boundary of any riparian buffer.
- 2.4.6 Accessory buildings shall be permitted subject to the requirements of the Land Use By-law for Planning District 5 (Chebucto Peninsula) but shall be no greater than 35 square metres in area.
- 2.4.7 For residential lots with greater than 12 metres of frontage, a maximum of 33% percent of the front yard shall be used for vehicular access, maneuvering and parking, and a minimum of 67% of the front yard must be landscaped.
- 2.4.8 New driveway access to Herring Cove Road shall not be permitted.
- 2.4.9 The variance provisions and procedures enabled by the *Halifax Regional Municipality Charter* (Sections 250 to 252) shall apply to the development of the Lands permitted by this Agreement.

## **2.5 Riparian Buffers**

- 2.5.1 A riparian buffer shall be established which includes all lands within a minimum of 30.48 metres from any watercourse.
- 2.5.2 No disturbance, including development, erection of structures, clearing of vegetation or grade alteration shall be permitted within any riparian buffer, with the exception of trail development, in which case, clearing may occur to a maximum width of 2 metres. All trails must consist of natural ground coverings, and no grade alteration or construction of any elements such as boardwalks, railings or fencing shall be permitted, with the exception of trails developed on HRM Parkland, in which case, standards for trail development will be at the discretion of municipal staff.
- 2.5.3 Notwithstanding Subsection 2.5.2, where approved in writing by the Development Officer, the Developer may be permitted to remove fallen timber and dead debris where a fire or safety risk is present, or to remove a tree that is dead, dying or in decline and which represents a danger to private property, public infrastructure or other natural trees and vegetation. Prior to granting approval for such removal, the Development Officer has the discretion to require that the Developer or lot owner, as the case may be, engage a Certified Arborist, Forester or Landscape Architect to certify in writing that the timber or debris poses a fire or safety risk, that the tree poses a danger to people or property, or that it is in severe decline. A plan shall be provided by such professional that clearly delineates the area to be cleared.
- 2.5.4 If trees are removed or tree habitat is damaged beyond repair within the riparian buffer, the Developer or the lot owner, as the case may be, shall replace each tree with a new tree of minimum 40 mm caliper for every one removed or damaged, as directed by the Development Officer, in consultation with the appropriate HRM Business Units. This section applies to trees removed without permission, as well as trees removed with the Development Officer's permission as outlined in Subsection 2.5.3. A tree remediation plan shall be provided by the Developer or lot owner.

## **2.6 Temporary Construction Building**

A building shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The temporary construction building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

## **2.7 Parkland and Conservation Area**

- 2.7.1 In conjunction with final subdivision approval, the Developer shall convey to the Municipality a Neighbourhood Park (Parcel P-1) with a minimum frontage of 30.5 metres

on Norawarren Drive. This park parcel must include a 20 metre by 20 metre area adjacent to the roadway which is graded, stabilized, and hydroseeded by the Developer, suitable for Neighbourhood Park site development. Both hydroseeding and the fence shown on Schedule B must be completed by the Developer before acceptance of primary servicing.

- 2.7.2 The Neighbourhood Park (Parcel P-1) shall be useable land free of encumbrances as defined in the Regional Subdivision By-law, unless specifically agreed to in writing by the Development Officer in consultation with the Parkland Planner.
- 2.7.3 If the Neighbourhood Park is encumbered or otherwise deemed to be unacceptable by the Municipality, the 10% Park Dedication shall be conveyed in the form of cash or equivalent value, as per the Regional Subdivision By-law.
- 2.7.4 The Developer shall convey a minimum of 10 acres of Conservation lands to HRM without the benefit of parkland dedication credit. These lands shall be surveyed prior to acceptance by HRM, be subject to site inspection by the Parkland Planner, and shall be conveyed free of encumbrances at the time primary services are accepted.

## **2.8 Signs**

- 2.8.1 Signage shall be in accordance with the Planning District 5 (Chebucto Peninsula) Land Use By-law as amended from time to time.
- 2.8.2 Signs depicting the name or corporate logo of the Developer shall be permitted while a temporary construction building is located on the site.
- 2.8.3 A maximum of one ground sign shall be permitted on private lands at the entrance to the subdivision to denote the community or subdivision name. The location of such sign shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 3.05 metres and the face area of any sign shall not exceed 3.00 square metres. Any such sign shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures.

## **PART 3: STREETS AND MUNICIPAL SERVICES**

### **3.1 General Provisions**

All design and construction of primary and secondary service systems shall satisfy Municipal Service Systems Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work.

### **3.2 Off-Site Disturbance**

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

### **3.3 Site Preparation in a Subdivision**

The Developer shall not commence clearing, excavation or blasting activities required for the installation of primary or secondary services in association with a subdivision prior to receiving final approval of the subdivision design unless otherwise permitted by the Development Officer, in consultation with the Development Engineer.

## **PART 4: ENVIRONMENTAL PROTECTION MEASURES**

### **4.1 Erosion and Sedimentation Control**

- 4.1.1 Prior to the commencement of any onsite works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plans shall comply with the *Erosion and Sedimentation Control Handbook for Construction Sites* as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.
- 4.1.2 The Developer agrees that nothing in this Agreement shall exempt or imply an exemption from environmental protection requirements as may be required by Municipality or other levels of government. Further to this, the Developer recognizes that any such requirement may result in a reduction of the number of proposed lots shown on Schedule "B."

### **4.2 Maintenance**

The Developer, while owner of the Lands, and all future property owners shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of buildings, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting/sanding of walkways and driveways.



## **PART 5: AMENDMENTS**

### **5.1 Non-Substantive Amendments**

The following items are considered by both parties to be not substantive and may be amended by resolution of Council:

- (a) The granting of an extension to the date of commencement of development as identified in Section 6.3 of this Agreement;
- (b) The length of time for the completion of the development as identified in Section 6.5 of this Agreement; and
- (c) If an alternative second access is provided on the adjacent lot, the concept plan may be modified to remove the requirement for a trail between Herring Cove Road and Reginald Court.

### **5.2 Substantive Amendments**

Amendments to any matters not identified under Section 5.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

## **PART 6: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **6.1 Registration**

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

### **6.2 Subsequent Owners**

- 6.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 6.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

### **6.3 Commencement of Development**

- 6.3.1 In the event that Final Subdivision Design Approval for development of the Lands has not been approved within three years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Municipality may,

by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of development.

6.3.2 In the event that the Subdivision Agreement for development of the Lands has not been entered into

- (a) within two years from the date of Final Subdivision Design Approval; or
- (b) within five years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein,

the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of development.

6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

#### **6.4 Completion of Development**

Upon the completion of the whole development, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Planning District 5 (Chebucto Peninsula), as may be amended from time to time.

#### **6.5 Discharge of Agreement**

If the Developer fails to complete the development after 6 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office, Council may review this Agreement, 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.

## **6.6 Occupancy Permits Required**

Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

## **PART 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **7.1 Enforcement**

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

### **7.2 Failure to Comply**

If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the Assessment Act;

- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement 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; and/or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remediation under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

WITNESS that this Development Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Signed, sealed and delivered in the presence of:

per: \_\_\_\_\_  
=====

Sealed, Delivered and Attested by the proper signing officers of Halifax Regional Municipality duly authorized on that behalf in the presence of

per: \_\_\_\_\_

<INSERT DEVELOPER NAME>

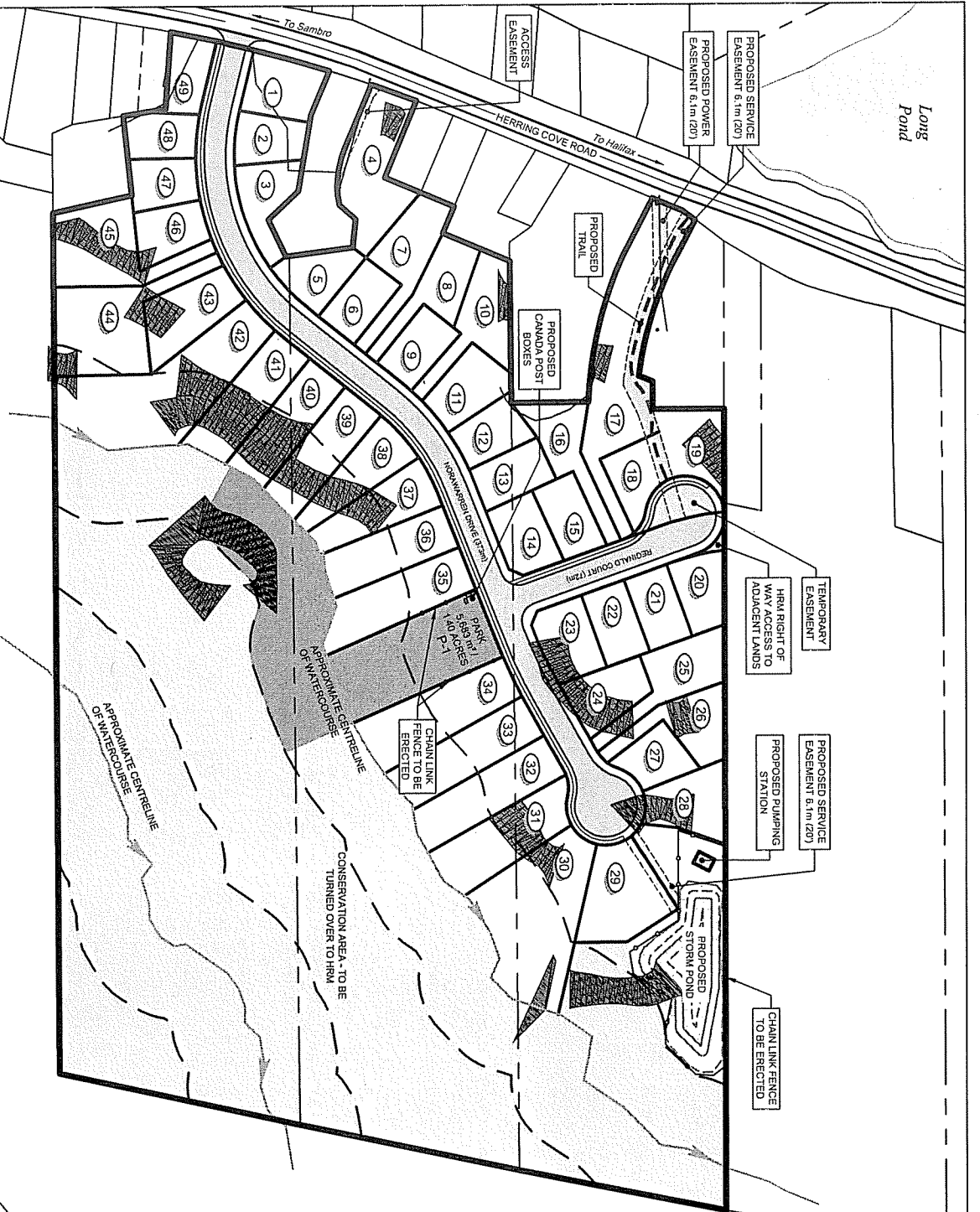
per: \_\_\_\_\_  
=====

**HALIFAX REGIONAL MUNICIPALITY**

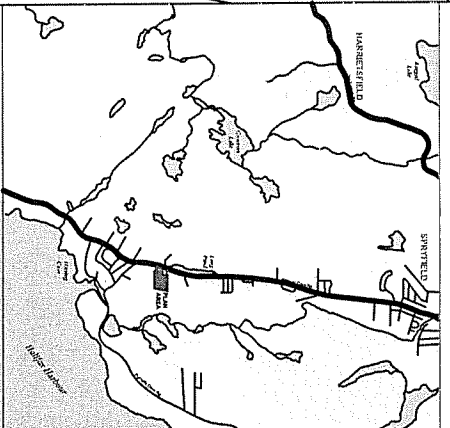
per: \_\_\_\_\_  
MAYOR

per: \_\_\_\_\_  
MUNICIPAL CLERK

Case 01280  
Schedule B - Site Plan



KEY PLAN



LEGEND

- Site Boundary
- Watercourse
- 30.48m Riparian Buffer (Non-Disturbance)
- Proposed Park
- Proposed Trail
- Conservation Area - To be turned over to HRM
- Slopes 16% and Greater

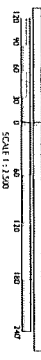
SITE SUMMARY

Total Site Area - 26.8 Ac  
Total ROW Area - 2.1 Acres (7.8 %)  
Total Area of Lots - 11.9 Ac (44.4 %)  
Riparian Buffer Area - 2.6 Ac (Non-Disturbance, included in area of lots)  
Total Area of Park - 1.4 Acres (5.2 %)  
Conservation Area - 10.7 Acres (40.0 %)  
Storm Detention/Pump Str - 0.7 Ac (2.6 %)  
Road Length - 1.473 (449m)

SOURCES:

- Property Lines and Watercourse obtained from Terrain Survey
- drawing CAD file: D08112620.dwg
- Topographic features from 1:10,000 Provincial Mapping

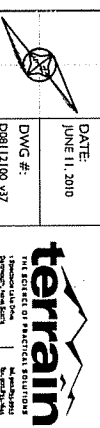
Designer: JMWATERS  
Planner: KARBOKS  
VERSION: 3.7



CLIENT  
VALERIUM GROUP INC  
HALIFAX, NOVA SCOTIA  
HERRING COVE VILLAGE  
CONCEPT PLAN

DATE:  
JUNE 11, 2010

DWG #:  
D08112100\_v37



**Attachment "B"**  
**Excerpts from the Planning District 5 (Chebucto Peninsula) MPS**

- E-32      Within the Herring Cove Community no development (including the erection of a structure, the clearing of vegetation or the alteration of existing grades) shall be permitted within a buffer zone of undisturbed ground and vegetation that extends 100 feet from all watercourses and wetlands, including floodplains, except for required stream crossings or recreational uses. Provision shall be made for 50 feet buffer zones on lots in existence on the effective date of this policy that would be made unreasonably affected by the 100 feet requirement.
- E-33      Every effort shall be made to ensure that vegetation remains undisturbed on slopes 16% and greater.
- RES-2C    Subdivisions which include new or extended public streets may only be considered by development agreement, where:
- a)      municipal sewer and water services are to be provided;
  - b)      sewage treatment facilities are available, and
  - c)      a public street is to be constructed.
- RES-2D    It shall be the intention of Council to encourage all new development under Policy RES-2C to meet certain basic design objectives as follows:
- (a)    to reproduce the pre-development hydrological conditions;
  - (b)    confine development and construction activities to the least critical areas of the site and consider cluster development to minimize land disturbance; and that the subdivision design minimizes change to the existing landscape by matching new streets, services and lot grading to the existing topography as closely as possible.
  - (c)    allocate permitted density to those areas most suitable for development;
  - (d)    minimize changes to the existing topography;
  - (e)    preserve and utilize the natural drainage system to the greatest possible extent,
  - (f)    attempt to retain a minimum of 30% of the natural vegetation on the site in an undisturbed state; and
  - (g)    all shorelines shall be protected by a 100 foot wide buffer zone within which no vegetation or soil should be removed or altered except as required for utilities, trails or water access.
- RES-2E    In considering a development agreement proposal pursuant to Policies RES-2C and RES-2D, the following development criteria shall be addressed:
- a)      That the maximum permissible density is 4 units per net developable acre based on HCR and F-1 zone requirements. The net developable area shall be calculated based on the gross land area less any designated wetland

- areas;
- b) That only single unit dwellings, two unit dwellings and auxiliary dwellings may be considered. Individual lot frontages per dwelling may be reduced to 60 feet, and lot areas to 6,000 square feet provided that an area equivalent to the amount of lot area reduction for each lot is provided as contiguous common open space which shall be maintained permanently in a substantially natural state, in addition to the minimum 10 percent public parkland dedication as required by Policy REC-10;
  - c) That adequate erosion and sediment control plans and stormwater management plans are prepared;
  - d) That full consideration is given to use of a public road standard in keeping with that identified in Policy TR-18;
  - e) That there is adequate provision of public access to traditional trails and recreation areas and that adequate open space areas are provided, including substantial parkland areas and frontages on any lake to serve appropriate parkland functions; and
  - f) The provisions of Policy IM-10. (RC - February 13, 2001 / E-May 5, 2001).

IM-10 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:

- (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;
- (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 on-site sewerage and water services;
  - (iii) the adequacy or proximity of school, recreation or other Community facilities;
  - (iv) the adequacy of road networks leading or adjacent to or within the development;
  - (v) pedestrian safety; and
  - (vi) the potential for damage to or for 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 the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility of flooding.
- (f) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy p-79F”, 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. (RC-Jul 2/02;E-Aug 17/02)



Attachment "C"

Planning District 5 (Chebucto Peninsula) MPS - Relevant Policy Analysis

MPS POLICY

STAFF ANALYSIS

E-32 Within the Herring Cove Community no development (including the erection of a structure, the clearing of vegetation or the alteration of existing grades) shall be permitted within a buffer zone of undisturbed ground and vegetation that extends 100 feet from all watercourses and wetlands, including floodplains, except for required stream crossings or recreational uses. Provision shall be made for 50 feet buffer zones on lots in existence on the effective date of this policy that would be made unreasonably affected by the 100 feet requirement.

The proposed development agreement includes a 100 foot (30.48 metre) riparian buffer from all watercourses.

E-33 Every effort shall be made to ensure that vegetation remains undisturbed on slopes 16% and greater.

Slopes 16% and greater are identified on the site plan. Most of these areas are within the riparian buffer or conservation lands, and the vegetation will remain undisturbed. The subdivision has been oriented such that the majority of the steep slopes within the development area are avoided.

RES-2C

Subdivisions which include new or extended public streets may only be considered by development agreement, where:

- (a) municipal sewer and water services are to be provided;
- (b) sewage treatment facilities are available, and

The proposed development includes municipal sewer and water.

The sewage from this development will be treated by the Herring Cove Waste Water Treatment Facility.

- (c) a public street is to be constructed.

The proposal includes the construction of two new public streets. The agreement requires that all road design and construction shall meet the standards in the Municipality's Municipal Service Systems manual as determined and approved by the Municipal Engineer.

---

RES-2D

It shall be the intention of Council to encourage all new development under Policy RES-2C to meet certain basic design objectives as follows:

- (a) to reproduce the pre-development hydrological condition;
- (b) confine development and construction activities to the least critical areas of the site and consider cluster development to minimize land disturbance; and that the subdivision design minimizes change to the existing landscape by matching new streets, services and lot grading to the existing topography as closely as possible;
- (c) allocate permitted density to those areas most suitable for development;

The developers engineers have provided staff with an analysis regarding management of post development stormwater flows at a rate equivalent to the pre-developed site condition. To satisfy this criteria the developer proposes a stormwater retention pond. Further detailed plans will be prepared at the subdivision stage.

The proposal confines development to the area closest to Herring Cove Road, and furthest away from the watercourses, leaving approximately 50% of the site undisturbed. Reduced lot frontages and lot areas, as well as allowing for flag lots, helps to further cluster the development and minimize land disturbance. The subdivision design attempts to minimize change to the existing topography by avoiding the most sensitive areas, including watercourses, riparian buffers, and steep slopes.

In this situation, the most suitable area for development is the front portion of the lands, closer to Herring Cove Road and furthest away from the watercourses. The proposal includes concentrating the development in this area.

- |  |   |
|--|---|
| (d) minimize changes to the existing topography;   | Staff are satisfied that the proposed plan minimizes changes to topography by avoiding the most sensitive areas of the site, including watercourses and riparian buffers, and avoiding steep slopes where possible. |
| (e) preserve and utilize the natural drainage system to the greatest possible extent;  | Retention and protection of the watercourses and riparian buffer, as well as minimizing land disturbance, aid in preserving the natural drainage system.  |
| (f) attempt to retain a minimum of 30% of the natural vegetation on the site in an undisturbed state; and  | The development includes 13.3 acres of conservation lands/riparian buffer, in which natural vegetation will remain undisturbed. This represents over 50% of the site.   |
| (g) all shorelines shall be protected by a 100 foot wide buffer zone within which no vegetation or soil should be removed or altered except as required for utilities, trails or water access. | The proposed development agreement includes a 100 foot (30.48 metre) riparian buffer from all watercourses within which no disturbance is permitted except to allow for natural trails.                             |

---

RES-2E

In considering a development agreement proposal pursuant to Policies RES-2C and RES-2D, the following development criteria shall be addressed:

- |   |  |
|---|--|
| (a) That the maximum permissible density is 4 units per net developable acre based on HCR and F-1 zone requirements. The net developable area shall be calculated based on the gross land area less any designated wetland areas; | The site is 26.7 acres in total and contains no wetland areas. The proposal is for 49 units, or 1.8 units per acre, which is less than half the permitted density under this policy.   |
| (b) That only single unit dwellings, two unit dwellings and auxiliary dwellings may be considered. Individual lot frontages per dwelling may be reduced to 60 feet, and lot areas to 6,000 square feet provided                   | The agreement specifies that only single unit dwellings and auxiliary dwelling units are permitted. In order to provide greater balance in achieving both the environmental objectives and density criteria the agreement provides for some flexibility on the |

that an area equivalent to the amount of lot area reduction for each lot is provided as contiguous common open space which shall be maintained permanently in a substantially natural state, in addition to the minimum 10 percent public parkland dedication as required by Policy REC-10;

minimum lot frontage whereby the average frontage of all lots total 60 feet. The development includes flag lots, which serve to better take advantage of the irregular shape of the land and cluster development. This furthers the intent of the policy by resulting in greater variation and spacing along the street.

At 10.7 acres, the amount of contiguous open space proposed is 8.75 acres in excess of the amount of the total lot area reduction for each lot.

- (c) That adequate erosion and sediment control plans and stormwater management plans are prepared;

Staff and the Halifax Watershed Advisory Board have reviewed both the preliminary erosion and sediment control plan and preliminary stormwater management plan and found them satisfactory. The Developer will also be required to submit final detailed plans as part of the subdivision process.

- (d) That full consideration is given to use of a public road standard in keeping with that identified in Policy TR-18;

The agreement requires that all road design and construction shall meet the standards in the Municipality's Municipal Service Systems manual as determined and approved by the Municipal Engineer.

- (e) That there is adequate provision of public access to traditional trails and recreation areas and that adequate open space areas are provided, including substantial parkland areas and frontages on any lake to serve appropriate parkland functions; and

The agreement requires that the Developer establish a neighbourhood park, designed and constructed to the Municipality's specifications. The agreement also requires the conservation lands be deeded to HRM. The conservation lands about the Provincial Crown land, and may serve as a potential future connections to those lands.

- (f) The provisions of Policy IM-10.

The provisions of IM-10 have been adequately addressed, as per below.

- IM-10 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:
- (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;
  - (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 on-site sewerage and water services;
    - (iii) the adequacy or proximity of school, recreation or other Community facilities;
    - (iv) the adequacy of road networks leading or adjacent to or within the development;
  - (v) pedestrian safety; and
  - (vi) the potential for damage to or for 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 the steepness of grades, soil and geological conditions, locations

The property is in the established community of Herring Cove and would have adequate access to public schools and community facilities. There are no designated historic sites or buildings on the lands.

The development agreement requires that all sidewalks and roads shall meet the design and construction standards in the Municipality's Municipal Service Systems manual as determined and approved by the Municipal Engineer. The construction of all roads and services including the wastewater pumping station and stormwater management infrastructure are the responsibility of the developer, additionally, the proposed development would be subject to a capital cost contribution towards municipal services.

The development agreement is for single unit dwellings, which are compatible with the surrounding, primarily residential land uses. The site contains two watercourses, and no wetlands, and some steep slopes. As discussed above, development has been confined to the most suitable area of the site, and the development agreement prohibits the disturbance of the watercourses and riparian buffers.

- of watercourses, marshes or bogs  
and susceptibility of flooding.
- (f) Within any designation, where a  
holding zone has been established  
pursuant to "Infrastructure Charges -  
Policy p-79F", 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. (RC-Jul 2/02;E-Aug  
17/02)

Attachment "D"

HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 01280 - Herring Cove Road

7:00 p.m.

Wednesday, September 30, 2009  
William King Elementary School

STAFF IN

ATTENDANCE: Patricia Hughes, Planner, Planning Applications  
Councillor Stephen Adams, District 18  
Hilary Campbell, Planning Technician  
Jennifer Little, Planning Controller

ALSO IN

ATTENDANCE: Mr. Kevin Brooks, Applicant, Terrain Group Inc.

PUBLIC IN

ATTENDANCE: 18

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

**1. Opening remarks/Introductions/Purpose of meeting**

**Ms. Patricia Hughes**, Planner, Planning Applications, called the meeting to order at approximately 7:00 p.m. in the William King Elementary School (Cafeteria), 91 St. Paul's Ave, Herring Cove.

Ms. Hughes advised that the application is to enter into a development agreement to allow 11 single unit dwellings and 76 semi detached dwelling units on two new public streets off Herring Cove Road.

Ms. Hughes reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood. The application will then be brought forward to Western Region Community Council which will hold a public hearing at a later date, prior to making a decision on the proposed development.

Ms. Hughes reviewed a slide of the subject properties, noting that the current zoning is Herring Cove Residential (HCR). She explained that the Municipal Planning Strategy for this area requires that the subdivisions that involve new public roads require approval by a development agreement through Community Council.

**Mr. Kevin Brooks, Terrain Group, Applicant**, explained that they have proposed 76 semi units and 11 single family units; with approximately 230 residents. Viewing a slide of the site, he explained that the site is 26.7 acres, within this there will be approximately 11 acres set aside as conservation land and 1.4 acres for park area. The conservation lands will be abutting existing

Provincial lands and viewed two identified water courses which will have a 30.5 meter non-disturbance buffer surrounding it. Mr. Brooks explained that there will be a storm water retention line to reduce any impact from storm water run off.

## 2. Questions and Answers

**Patricia Chant** indicated that this location is next to her property and asked for Ms. Hughes and Mr. Brooks to point out on the map where the driveway will be located. Ms. Chant also asked how long and wide the trail will be.

Mr. Brooks explained that the trail will be approximately 6 meters wide and will run into the development.

Ms. Chant asked if there will be a lot of drilling involved.

Mr. Brooks explained that there will be some in the newly construction stages.

**Brian Dempsey**, Herring Cove, commented on the Herring Cove Area Settlement and Service Strategy and asked if it is an illegal document. He explained that the document had been approved by Chebucto Community Committee, Regional Council and the Province. He explained that he was told that the two semi-attached buildings lots will be 3000 square feet, however the Herring Cove Area Settlement and Service Boundaries document indicates that these lots should be 6000 square feet.

Ms. Hughes explained that within the Municipal Planning Strategy it states that if you are building as of right, the minimum lot size would be 10,000 square feet however, under the policy that allows for a development agreement, it states that it can be reduced to 6000 square feet if the difference is put aside as conservation lands. In this clause, it states that this is per building and if the lot has a semi-unit on it, it can be split in half resulting in 3000 square feet per side.

Mr. Dempsey read from the document "Two unit dwelling shall be permitted in all residential zones for a min of 10,000 sq foot by area must be provided for each unit".

Mr. Dempsey asked if the Herring Cove Area Settlement and Service Boundaries document was illegal or legal?

Ms. Hughes explained that she would look into this document with more detail within HRM offices.

**Councillor Adams** explained that when this document was implemented, there was a Steering Committee, this Committee had met six or seven times and agreed that it had been approved by this Committee as well as at Regional Council. He explained that Mitch Dickey was the Planner on the Steering Committee and suggested Ms. Hughes schedule a meeting with him to discuss this document and what the intention was behind it.



**Paul Borden**, Herring Cove, explained that he is an abutting neighbour and expressed concern with the pumping station. He asked who would be responsible for damage if the pumping station overflows.

Mr. Brooks explained that the pumping station has been designed for a hundred year storm. Mr. Brooks also explained that he was unable to comment on the liability concerns.

Ms. Chant asked how close will the sewer be to her property and expressed concerns with the possible sewer drainage running on to her property.

Mr. Brooks reviewed the proposed location of the sewage systems by pointing to the map.

Ms. Chant questioned if the application gets approved, when will the development start?

Ms. Hughes explained that a development agreement is a 6-8 month process. Once approved the developer has up to three years to start.

Mr. Brooks explained that once the development is approved by HRM the applicants will need to go through a detailed design process.

Mr. Borden asked if there will be any fencing to separate the subdivision from the adjacent lands?

Mr. Brooks said there are to plans to have a fence on that property line. He indicated on the map where there is proposed fencing.

Ms. Hughes explained that there is a copy of the plan on [www.halifax.ca](http://www.halifax.ca).

A gentleman asked what the prices of the lots will be.

Mr. Brooks explained that he did not know that information.

Mr. Borden asked if the lots will be sold to one company i.e., Scotia Homes or sold individually?

Mr. Brooks explained that it is his understanding that the developer will work with a Company to sell these homes.

**Mr. Ronald Harnish** asked how the sewer will run between the development and the line on the Herring Cove Road?

Mr. Brooks explained that there is a proposed pumping station.

Mr. Harnish expressed concerns with another pumping station in Herring Cove Road and explained that there should be a sewage plant instead. He suggested that HRM look into a sewage plant, which then could accommodate larger homes.

Ms. Chant asked if the development will affect the development that had been approved six months ago?

Ms. Hughes explained that there had been a development agreement approved under the same policy. HRM used the same interpretation as they have been with this application, that the lots can be sized at 3000 square feet.

**3. Closing Comments**

Ms. Hughes thanked everyone for attending. She encouraged anyone with further questions or comments to contact her.

**4. Adjournment**

The meeting adjourned at approximately 7:30 p.m.

Attachment "E"

HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE # 01280 - Herring Cove Road

7:00 p.m.

Wednesday, February 24, 2010

William King Elementary School , Herring Cove

**IN ATTENDANCE:** Patricia Hughes, Planner, HRM Planning Services  
Kemp MacDonald, Parkland Planner, HRM Planning Services  
Shannon Pictou, Planning Technician, HRM Planning Services  
Sharlene Seaman, Planning Controller, HRM Planning Services  
Councillor Steve Adams, District 18

**ALSO IN ATTENDANCE:** Mr. Nick Pryce, Applicant, Terrain Group Inc.

**PUBLIC IN ATTENDANCE:** Approximately 10

---

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

**1. Opening remarks/Introductions/Purpose of meeting - Patricia Hughes**

Patricia Hughes introduced herself as the planner in charge of the application and welcomed everyone to the meeting. She stated that the meeting purpose was to talk about Case # 01280, which involved the Development Agreement (DA) application for Herring Cove Village. She introduced the applicant, Nick Pryce, as a representative for Terrain Group Inc. She also introduced Councillor Steve Adams, Shanan Pictou and Sharlene Seaman.

Ms. Hughes stated that the purpose of the meeting was to exchange information and to receive feedback from the public. There were to be no decisions made at the meeting. It was a chance for all parties to discuss the proposal.

**2. Overview of planning process - Patricia Hughes**

Ms. Hughes stated that they received this application in May of two thousand nine. There was a Public Information Meeting (PIM) first held on September thirtieth of two thousand nine. She noted

that there were a lot of familiar faces. There was discussion at the last PIM about how the policies relating to lot sizes applied to semi detached dwellings. After the last PIM, Staff discussed the issue and decided that it was a good point that was raised. Staff then changed the interpretation of that policy. As a result, revised plans were submitted, in January, by the developer and this meeting would be a chance to show the changes.

She stated that after the PIM, there would be a more detailed review, draft the DA and eventually end up at Western Region Community Council (WRCC) for a Public Hearing (PH) on the agreement.

She showed the subject properties, which are located off the Herring Cove Road. There are about twenty six point seven acres. It is zoned HCR. In this area, the Municipal Planning Strategy (MPS) requires that a new subdivision be built by DA. The policies for the area focus on confining development to the least critical areas of the site to minimize land disturbance and changes to the topography. This also helps protect watercourses, steep slopes and natural vegetation. Specifically, the policies require one hundred foot setbacks from watercourses, protection of sixteen percent of slopes or greater and retaining at least thirty percent of the natural vegetation.

She then turned the floor to Mr. Pryce to talk about the proposal.

### **3. Presentation of Proposal - Nick Pryce**

Mr. Pryce introduced himself as a senior planner with Terrain Group Inc. He noted that Mr. Kevin Brooks is his colleague that had been dealing with the application. He was unable to make the meeting so Mr. Pryce was filling in. He stated that he was familiar with the project. He stated that the original proposal had seventy six semi detached units and eleven single family units. This equates to two hundred and thirty residents. There was ten point seven acres of conservation area. There was one point four acres of residential park area. The comments that came back from the residents noted that they did not want the small lots or semi detached dwelling units. They would prefer single family units and residents wanted to implement the Herring Cove Servicing Strategy. The new proposal has no semi units, forty nine single family units, ten point seven acres of conservation area and one point four acres of residential park area. He showed the new plan on the overhead and welcomed questions.

Ms. Hughes advised of the ground rules for the meeting and opened the floor for questions and comments.

### **4. Questions/Comments**

**Patricia Chant, Herring Cove**, asked if there were still two roads leading off the Herring Cove Road. She heard there was to be a road and a foot path running next to her home. The application still states "two roads". She wanted clarification.

Ms. Hughes stated that the two roads refer to Norwarren Drive and Reginald Court. These are two cul du sac's.

Unknown speaker asked about another road within the development.

Mr. Nick Pryce stated that is a trail or a park that is required by HRM for a subdivision development. It is a pedestrian trail.

Patricia Chant asked how far the pathway was from her home.

Mr. Pryce advised that it adjoins her property and it is six meters wide.

Ms. Chant asked about the water pipe and if it was going underneath the path.

Mr. Pryce advised that it would.

Ms. Chant asked if the path would be accessed by vehicles if something went wrong with the pipe.

Mr. Pryce advised that he believes it would.

Ms. Chant stated that if it is wide enough for a vehicle, what steps will be taken for the public not to have access to this pathway.

Mr. Pryce advised that there is one easy way to take care of that. There could be a gate system. Most paths have a locked gate so people cannot trespass with their vehicles. He asked Ms. Hughes if this might be standard with HRM.

Ms. Hughes was not sure but she would look into the matter.

Ms. Chant is very concerned about her privacy. She asked if the road would be lit.

Ms. Hughes advised that HRM's engineering department does want the foot path lit.

Ms. Chant asked if the section of fence that would be running by her home could be some sort of wood as opposed to a regular chain link fence.

Mr. Pryce advised that he would have to go back to HRM staff and the Engineering department to get the standards. He will certainly take the info into consideration with his company as the purpose of the meeting was to do so.

Ms. Chant asked about dogs on the path, on or off leash.

Mr. Pryce stated that it would be a fenced area so it couldn't get out of the park and secondly, there are By-Laws that can be reinforced.

Ms. Chant asked about signs for dogs on leash.

Mr. Pryce stated that he wasn't aware that signs would be needed. As far as he knew, there would only be a sign if dogs were to be off leash, not on leash.

Ms. Chant noted her concern because the foot path would be very close to her well. Also, she was concerned about the septic as it would be close as well. She noted that she worked for the City and understands that the process would be long, if there were to be any clean up from any damage that might be incurred.

Mr. Pryce stated that he wasn't sure of the answer but he could take the question back to the applicant and HRM. He would try to get an answer for her.

Ms. Chant asked about the square footage (sqft) for each individual properties. She wanted to know if they were in compliance.

Ms. Hughes stated that they were as per the new interpretation by staff. There was an existing DA up the street where HRM did allow semi's on six thousand sqft.

Ms Chant asked what the sqft was on a single dwelling.

Ms. Hughes advised that it was six thousand sqft.

Ms. Chant asked what the frontage was for each unit.

Ms. Hughes stated that HRM did allow extra flexibility for the frontage on both applications. There are flag lots, that come further off the street. These have twenty feet of frontage but the overall frontage average is sixty feet.

**Ronald Harnish** stated that he was not satisfied at the last PIM but he believes the new development is one hundred percent better. He asked if the pond in the corner of the development was placed there to catch overflow in case the pumping station doesn't work. He wonders if there is a hidden reason for the pond. He again noted that he liked the overall plan.

Mr. Pryce advised that is a storm water pond and at this stage in the process they are looking for approval to get a concept to go ahead into a more detailed design. A part of the design is the need for a pump station, which the engineers would take care of, and the placement of a storm water pond. He is not aware of why they placed it there or about the overflow as he is not an engineer.

Ms. Hughes advised that the application did go to the Halifax Watershed advisory Board as a part of the process. They commented to say they were pleased. They did ask questions about generators and back up power. They have to make sure everything was in place.

Mr. Harnish stated that he was only asking because if it wasn't needed, maybe more houses could go in that spot.

**Brian Dempsey, Herring Cove**, stated that of the forty nine houses, nine has a twenty foot frontage. This is against the Herring Cove Area Service and Settlement Strategy. Six houses have less than sixty feet of frontage. According to that document, there has to be at least sixty feet of frontage.

Patricia Chant asked, if the frontages have to be sixty feet and the city gave leeway to that for certain lots, why should she, under the old system, have to pay forty seven hundred dollars plus twenty dollars a foot for every foot. Why should she have to pay for sixty feet at twenty dollars when a new resident only has to pay twenty dollars on twenty feet.

Patricia Hughes stated that new residents do have to pay a fair bit of money and in this case, it is not based on frontage. Its new development and they pay based on gross acre. The Water Commission is charging fees based on the entire parcel. They are paying also on the conservation land, which would be on the twenty six point seven acres. They are paying based on a per acre fee.

Councillor Steve Adams asked who would own the pathway.

Ms. Hughes advised that it would be HRM lands.

Councillor Adams noted that in regard to the flag lots, White Hills had flag lots and he understood that the solid waste folks were not too receptive because there was an issue with people and the green bins. He asked if this information had been looked at by other departments.

Ms. Hughes advised that it has been looked at by Fire and building. She did not think Solid Waste had seen it at this point but she assured him that it would be sent to them.

Councillor Adams noted that he wanted that looked into.

**Melanie Dempsey** stated that she likes this plan as she is please with the single dwellings and thinks semi attached would have taken away from the area. She asked about the Parkland area. Is it a green space or will it have a playground?

Mr. Pryce stated that there is a contribution from the developer when the DA is written. It is usually a percentage of land or cash or a combination of the both. He isn't sure about which it will be for the parkland.

**Kemp MacDonald** introduced himself as the Parkland Planner and spoke about the Parkland. He stated that the idea is that it is intended to be a neighborhood park. That would be a smaller park that would have a Canada Post mail box site. This would make sure that people could keep their eyes on it when it comes to vandalism. The intention is that it could possibly serve as a trail head in the

future. This site is surrounded by crown land and if trails are developed it could accommodate several parking spaces, if the trail is accessed from there.

Mr. MacDonald stated that the sidewalk is on the same side as the park so people could walk easily to and from. HRM doesn't own a lot of land in the area so this is a good opportunity to have a park in the greater area. Usually a neighborhood park accommodates up to eighty or ninety units. This did fit with the last plan but is still a great idea with the new plan, although the new plan has been reduced. There are also two accesses off Herring Cove road which gives ample opportunity to get to it from the site. The frontage is one hundred feet and it extends back and blends into the conservation land. The developer agreed to supply a pad for when a play structure is installed. They have also agreed to supply fencing adjacent to the residential lot. The intention is to have a play set there someday.

**Scott Dempsey** stated that he doesn't want this development as he feels there is enough development happening there already. He is concerned that his property taxes will increase because of the development. He is not happy that he has had to pay for a water pipe that he doesn't even use, because of the developments in his area.

**Darlene Morrison**, Halifax, is interested in seeing this development go forward for the possibility of purchase.

**Colin Mahaney** is new to the area. He would like to build a home in the area and he thinks this development is a really good idea.

Patricia Chant stated that she is clearly upset about this development because she purchased her home four years ago and thought it was a private place. She likes her privacy and the wilderness. She thinks, if anything, it should be developed as a park because the children hang out there quite often in the summertime. She hopes to update her home with water and sewer. She is concerned about her taxes going up and her property value decreasing.

**Laurie Baker**, developer of the property, gave input concerning the development. He had been away from Herring Cove for thirty five years and intends to move back and live on a piece of this property, which he grew up on. He wants people to look at the amount of Crown land in Herring Cove. It is not a high density property. He has relatives in Herring Cove, extending to Ketch Harbour, Sambro and Portugese Cove. These people want to return to Herring Cove so they do not have the brown water and sewer problems that currently extends out to Sambro. There has been a lot of input with the project. He cannot see a huge impact on this community. The elementary school has enrollments, which are down, so they are bringing kids in from Spryfield. This project can help generate and bring those young families back rather than busing kids in. His opinion is that it is a good project for the area.

Patricia Chant commented that if the water in the Sambro area is brown, it is the same in Herring Cove.



**Roy Dempsey** doesn't have a problem with a development in the Herring Cove area. It would be nice to see Terrain go back and see what size and how many houses fit in the Service and Settlement Strategy. As far as water and sewer, he is still waiting for it in his area. It would be nice to see the rules be followed. If the Marriot Group got away with "it" and the developer gets away with "this", down the road they will get away with something else.

**Charles Baker** owned a piece of land and sold it to his brother's company and is fully supportive of the development. He stated he has dealt with Terrain and done the leg work. There was a comment about the area being hilly. He referred to the image on the screen to talk about hunting in the area, lakes in the area, land surrounding the area and the connections of families in the area. He stated that there is history for him with the land and he wouldn't see something detrimental happen there.

He advised that they did look at a plan where each house could have had a septic pumping system instead of, what he believed to be, the proper system. Although it is more expensive, he did not want his or his brothers name attached to something that would not be the best choice for the area. The land gently slopes from the north and from the Herring Cove Road. He spoke of the watercourses; one is virtually dry and the other has a heavy flow of water. Part of this is because HRM or the Province diverted water from the "the pit" across the Herring Cove Road and by a nearby culvert. There is a one hundred foot boundary from the watercourses. Behind the site is like Parkland, it flattens out from the slope. It is all hard wood with two boulders where the streams are.

He stated that the geography of the land is really, really good. The design is perfect. He thinks, after doing some research, that people should be building in clusters so the municipality would save money when it comes to building and maintenance of roads and infrastructure. There is a lot of crown lands there are not being used. He noted that people now have central water and sewer after a forty or fifty year struggle. He thinks Herring Cove is fortunate for the most part when it comes to central water and sewer as you don't need a whole lot of land. This development is like building in a park.

He stated that he has had people stop him and express interest in the development. His point is that the development is being done and being done right. He noted that they are not some "blow ins from overseas, they are from Herring Cove". He wants to move back to Herring Cove where he already owns some properties. Property values will go up, not down. This project enhances the whole community.

Brian Dempsey asked why, if they are such a good developer, don't they abide by the rules as they are put there by the community.

Melanie Dempsey commented that her home is close to where this development is happening and she is concerned about her husband hunting the area. They purchased there as her husband cannot go a long distance to hunt due to a health condition. It is important to hunt nearby to teach their child how to hunt, as people have been doing for hundreds of years in the community. Is the development going to change the rules for hunting.

Patricia Hughes advised that there is an eight hundred meter setback from schools, which does touch the corner of this area currently.

Patricia Chant stated that there is water that runs down both sides of her property. She asked where this water comes from.

Ms. Hughes stated that she wasn't sure but she could look into it.

Ronald Harnish stated that he attended meetings when they were talking about putting a sewage plant in Herring Cove. There were three locations where they were thinking about putting it. They decided to go with a nice piece of land by his house. He thinks the plant should have gone elsewhere. The subdivision would have been able to feed into the plant if it was placed near that site.

He noted that you should never put your trust in politicians or developers.

**5. Closing comments**

Ms. Hughes asked for any other questions and thanked everyone for attending the meeting. She also noted that the minutes from the meeting will be attached to the report so that the Councillors will get them. She advised of her contact information and stated that the public will have another opportunity to give their opinions at the Public Hearing. She encouraged the public to contact her by email with any comments or questions.

**6. Adjournment**

The meeting was adjourned at 7:45 pm.

Case 01280  
Attachment F - Public Submissions

September 17, 2009

RE: Case #01280

Dear Patricia Hughes:

I am writing to you concerning the proposed development on the Herring Cove Road case number 01280. I am opposed to this project. I have always been an avid hunter and grew up in Herring Cove. I am concerned that if the land behind my house, which is in the designated area, should become conservation land, it will be off limits for me to hunt on each fall season. I have recently been diagnosed with a medical condition that disables me from driving a car, so I can't just drive in a vehicle and go somewhere else to hunt. I have a 3 year old son (my only child) that I want to raise the way that I was, with a love of outdoor sports, (hunting and fishing) and if this project goes through, that will all disappear for my son & me.

Not only is it a concern of the land being changed to conservation land, but I am concerned about the number of dwellings, in particular the amount of semi-detached homes. I feel this may have a negative impact on my property value.

I strongly hope you will consider my situation when you make a decision on this development and disallow it. I will be attending the public meeting on September 30<sup>th</sup> at William King School.

Regards,

Scott M Dempsey

Scott Dempsey

When is all the developing going to end, allot of people seem to be moving away. When I walk through the cove now it seems like a different place. I'm sure all the developing is going to drive up property taxes causing more People to move away that can't afford to stay.

I already had to pay for the water supply line that runs past my house on the herring cove road that I don't even use that was put in because of all the development that has taken place in the cove in the last 20 years. Which I had to drain my savings to do so to keep a lean from being put on my house.

Also there are many people that live in the area including myself that have hunted in the woods in the area being proposed for generations and I'm wondering if this is going to come to and end if the development takes place. I get flak from people about hunting all the time which is done following strict conservation rules made by the government then the same government will move into an area and destroy animal habitat whenever they like.

March 2, 2010

Halifax Regional Municipality  
Community Development  
West End Mall Office  
P.O. Box 1749, Halifax  
Nova Scotia,  
B3J 3A5  
Attention: Patricia Hughes, BSc., M. Plan  
Planner 1

Dear Ms. Hughes,

On February 24, 2010, I was in attendance at the public information meeting in Herring Cove as presented by you. I did have the opportunity to briefly address you publicly. I am in support of the proposal, noted as Case No. 01280, lands of Valerium Group Inc.

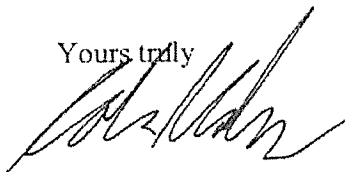
To date, I have made inquiries as to this project and I am interested in constructing a new home, once the development is approved by the Halifax Regional Municipality.

Ms. Hughes, I am professionally employed in a sector of the forestry management industry and it is my opinion that this proposed project fosters all aspects of proper environmental and forestry stewardship.

I have a young family and Herring Cove has so much to offer. Herring Cove is a "hidden gem"!

Would you be so kind as to copy my letter to Mr. Pryce of the Terrain Group Inc., and the H.R.M. council member, Mr. Adams.

Yours truly

A handwritten signature in black ink, appearing to read 'Colin Mahaney', written over the typed name.

Colin Mahaney

March 1, 2010

Halifax Regional Municipality  
Community Development  
Planning Applications  
P.O. Box 1749, Halifax, N.S.  
B3J 3A5

Attention: Ms. Patricia Hughes, B.Sc., M.Plan  
Planner 1

Re: Public Information Meeting, Planning District 5-  
Chebucto Peninsula: Wednesday February 24, 2010.  
Case No: 01280 Terrain Group Inc., for the lands of  
Valerium Group Inc.

Dear Ms. Hughes:

I was present at the noted meeting as hosted and chaired by you. As reflected by the few people in attendance I would suggest that there are limited if any legitimate public concerns with regard to this proposal.

In my possession is a copy of the "agenda" hand -out as was provided prior to the meeting. I note that this "agenda" outlines specific ground rules for the meeting. During the "question and comments from the public" portion of the meeting, I was afforded the opportunity to state my opinion. My comments were brief and were in total support of a development agreement being issued for this application as presented. It is my desire to sell my residential property in Halifax and construct a new "retirement home", in Herring Cove.

Ms. Hughes, I believe that the project design presented by the gentleman from Terrain Group Inc., is perfect in every way. The lots referred to as "flagged - lots" will create that little extra in privacy, while remaining at the center of the community.

Already, I am reviewing "plans" for new home construction. I trust that this project and the slated development of Mr. Marriott's property nearby, will add vitality to the community.

As noted, I have no concerns regarding the proposed project however I was rather disappointed with the behaviour of one member of the public. During the question and

comment portion of the meeting, a gentleman by the name of Scott Dempsey, failed to follow the stated "ground rules for the meeting". Mr. Dempsey's demeanour was to shout his comments from his seated position. I found this to be rude. When addressing the "presenter" from Terrain Group, Mr. Dempsey acted in a disrespectful manner. It appeared to me that Mr. Dempsey was attempting to disrupt the meeting. I fail to understand why he did not approach the microphone and when I watched him leave the meeting he did not appear to be displaying any signs of a physical disability.

Ms. Hughes, again I thank you for the opportunity to voice my support for the proposed development. I look forward to becoming a resident of Herring Cove.

Sincerely,



Darlene Morrison MEd.

TO: Chebucto Community Council

SUBMITTED BY: *A. Ellinor Williams*  
A. Ellinor Williams, Chair, Halifax Watershed Advisory Board

DATE: January 4, 2010

SUBJECT: Case 01280: Development Agreement of Herring Cove Village, Herring Cove

---

**ORIGIN**

On Wednesday, October 21, 2009, an application by Terrain Group Inc. for a Development Agreement to allow 11 single unit dwellings and 76 semi-detached dwelling units along two new public streets off the Herring Cove Road, on lands of Valerium Group Inc., was presented to the Halifax Watershed Advisory Board by Patricia Hughes, Planner.

**RECOMMENDATION:**

The Board recommends that the Development Agreement include the following provisions:

1. A storage tank (of sufficient size to contain overflow for 72 hours) will be constructed adjacent to the pumping station in case of overloading or power failure, and an alarm installed to alert management to either of these occurrences. A back-up power source (diesel generator) will also be provided.
  2. The storm water retention pond will have the capacity to contain run-off from a 1/100 year storm. Natural percolation will be allowed to occur into the existing soil, with no direct discharge into the brook.
  3. The storm water retention pond will be planted with native species for their cleansing properties and for wildlife habitat.
  4. All storm water should go to the planned retention pond or, if this is not possible, be piped to a second retention pond, rather than discharged directly into the brook.
  5. An oil/grit separator will be provided at the head of both the planned storm water retention pond – and the secondary one if this is built. Maintenance reports for these installations will be sent to HRM and the Board.
  6. The 100 ft. non-disturbance buffer on both sides of the brook, will be turned over to HRM ownership.
-



## **BACKGROUND:**

The combined area of the subject properties for this development is 26.7 acres. The proposed street and lot configuration is designed around two watercourses, at the foot of a slope on the eastern side of the properties. A 100 foot non-disturbance buffer is required for each watercourse. 10.9 acres will be maintained as conservation lands and dwellings will be concentrated at the front of the site (Western edge).

## **DISCUSSION:**

The primary concern of the Watershed Advisory Board is the protection of the water resource and the natural environment. The Board is therefore pleased with the incorporation of the 100 foot buffers to protect the two small watercourses, but would like to see all of these turned over to HRM ownership as, without enforcement, this conservation area may not be maintained. The location of the residential buildings close to the road, on the least critical area of the site, is another environmentally sensitive feature of this development.

Concern was expressed over the ability of the pumping station to function in the event of a power failure, bearing in mind that preparations should be made for power outages of up to 72 hours: also the apparent location of a storm water easement running directly towards, and discharging into, one of the brooks.

## **BUDGET IMPLICATIONS:**

Budget Implications associated with the recommendations have not been identified. Any associated budget implications would need to be determined by HRM staff and disclosed to Regional Council in a subsequent report.

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN:**

Implications to any Financial Management Policies or Business Plans associated with the recommendations have not been identified. Any associated implications would need to be determined by HRM staff and disclosed to Regional Council in a subsequent report.

## **ALTERNATIVES:**

None suggested

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208
---