



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

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Halifax Regional Council  
November 18, 2003

**REVISED**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:** Julia Hancastle  
Councillor Bruce Hetherington, Chair  
for Harbour East Community Council

**DATE:** November 6, 2003

**SUBJECT:** Case 00554: Request for Expansion of Portland Hills Subdivision in Dartmouth

**ORIGIN**

Harbour East Community Council - November 4, 2003

**RECOMMENDATION**

The Harbour East Community Council recommends that:

- 1. Regional Council give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy presented in Attachment I of the staff report and schedule a Joint Public Hearing with Harbour East Community Council on December 9, 2003.**
- 2. Regional Council adopt the amendments to the Dartmouth Municipal Planning Strategy presented in Attachment I.**

**PLEASE RETAIN REPORT FOR PUBLIC HEARING**

10.3.1



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Halifax, Nova Scotia  
B3J 3A5 Canada

Halifax Regional Council  
November 18, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Julia Hetherington  
Councillor Bruce Hetherington, Chair  
for Harbour East Community Council

DATE: November 6, 2003

SUBJECT: **Case 00554: Request for Expansion of Portland Hills Subdivision in Dartmouth**

**ORIGIN**

Harbour East Community Council - November 4, 2003

**RECOMMENDATION**

The Harbour East Community Council recommends that:

1. **Regional Council give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy presented in Attachment I of the staff report.**
2. **Give Notice of Motion to consider approval of the proposed development agreement, presented as Attachment II, and schedule a public hearing with Regional Council;**
3. **Recommend that Regional Council adopt the amendments to the Dartmouth Municipal Planning Strategy presented in Attachment I.**

**PLEASE RETAIN REPORT FOR PUBLIC HEARING**

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## **DISCUSSION**

Contingent upon the attached amendments being approved by Regional Council and becoming effective pursuant to the requirements of the Municipal Government Act Community Council will consider:

- (a) Approval of the proposed development agreement and;
- (b) Require that the development agreement be signed within 120 days or any extension thereof granted by Community Council on request of the applicant, from the date of approval by the Community 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.

## **ATTACHMENTS**

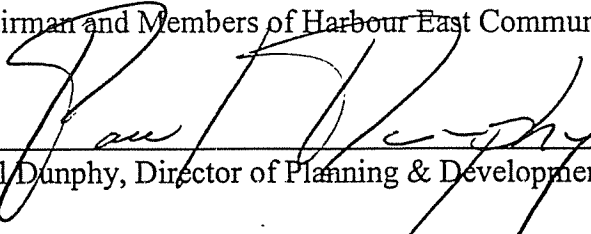
Staff report dated October 24, 2003

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.

Report Prepared by: Julia Horncastle, Legislative Assistant

Harbour East Community Council  
November 4, 2003

**To:** Chairman and Members of Harbour East Community Council

**Submitted by:**   
Paul Dunphy, Director of Planning & Development Services

**Date:** October 24, 2003

**Subject:** Case 00554 - Request for Expansion of Portland Hills Subdivision in Dartmouth

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**ORIGIN:**

Application by Clayton Developments Ltd. to amend the Portland Hills Comprehensive Development District agreement to allow further development of phases within the Portland Hills subdivision.

**RECOMMENDATIONS:**

It is recommended that Harbour East Community Council:

1. Recommend that Regional Council give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy presented as Attachment I to this report;
2. Give Notice of Motion to consider approval of the proposed development agreement, presented as Attachment II, and schedule a joint public hearing with Regional Council;
3. Recommend that Regional Council adopt the amendments to the Dartmouth Municipal Planning Strategy presented in Attachment I;
4. Contingent upon the attached amendments being approved by Regional Council and becoming effective pursuant to the requirements of the Municipal Government Act, approve the proposed development agreement; and
5. Require that the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of approval by the Community 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.

**PLEASE RETAIN REPORT FOR PUBLIC HEARING**

## **BACKGROUND:**

At its November 28, 2002 session, Harbour East Community Council heard a presentation by Clayton Developments Limited in support of the company's request to allow:

- further development phases within Portland Hills Subdivision (an additional 38 acres); and
- new development between Russell Lake and the Circumferential Highway.

A written submission received in support of these requests is presented as Attachment III. The attachment includes maps illustrating the Portland Hills subdivision, as well as a future development proposal for the Morris-Russell Lake area. Following the presentation, Community Council referred the requests to staff for comment on the planning process required and an appropriate means of public consultation.

In a report to Community Council dated 27 January 2003, staff recommended that:

- a plan amendment process be initiated to consider Clayton's request to expand the Portland Hills Subdivision; and
- the proposal to develop the lands between Russell Lake and the Circumferential Highway be referred to the Morris -Russell Lake Public Participation Committee for review and recommendation.

Staff also recommended that the Portland Hills request be referred for recommendation to the subcommittee of the Morris-Russell Lake Public Participation Committee which had participated in negotiations of the Portland Hills development agreement. The Community Council and Regional Council adopted the staff recommendations and agreed to initiate an MPS amendment process along these lines.

The Morris-Russell Lake Subcommittee discussed the Clayton requests on May 1, 2003. The minutes are presented as Attachment IV. A recommendation of support was approved for the proposed 38 acres expansion to Portland Hills.

A public information meeting was then held on June 11, 2003. The minutes are presented as Attachment V. No objections were expressed to proposed expansion of Portland Hills.

## **DISCUSSION:**

### Current MPS Policies - Rationale for Master Plan

The Portland Hills subdivision is within the Morris-Russell Lake master plan area. In 1999, Regional Council approved amendments to the Municipal Planning Strategies (MPS) for Dartmouth, Cole Harbour/Westphal and Eastern Passage/Cow Bay which provided direction and a series of specific policies pertaining to the future development of this area. Portland Hills is entirely within the Dartmouth plan area.

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The MPS generally contemplates that a master development plan be undertaken for the entire master plan area before any development approvals are granted. However, an exception was made to allow Clayton to negotiate development of 93 acres in recognition of existing development rights prior to adoption of the current policy set. The lands proposed for a master development plan and the boundaries of the 93 acre area exempted are illustrated on Map 9M of the MPS (see Attachment VI). The development agreement allowing construction of Portland Hills subdivision was approved pursuant to this policy.

The MPS allows for modification to the 93 acre boundary shown on Map 9M but does not allow for any increase in area except to accommodate a school. In support of the current restrictions, the MPS cites the need to address inadequacies in the existing infrastructure, particularly the traffic congestion on Portland Street and the water distribution system. The master plan process is intended to identify means of addressing infrastructure and traffic issues.

#### Existing Development Agreement - Rationale for 38 Acre Expansion

The approved development agreement contemplated that Portland Hills Drive would be completed within the 93 acres of development allocated by the MPS. A development chart and phasing plan suggested the 93 acres would be developed within phases A through E. This would have resulted in the completion of Portland Hills Drive (The phasing plan, which forms schedule F of the agreement, is presented as Sketch 3, Attachment III).

The agreement, however, permitted modifications to the phasing provided that all other conditions of the agreement were met. Phases F and H have received approval pursuant to this provision. The original phasing was varied to resolve servicing issues, particularly related to storm water management, on lands in the vicinity of Portland Street. A submission in support of the change in phasing is presented as Attachment VII.

#### Analysis of Requested Expansion

As stated in the preliminary staff report, staff is of the opinion that completion of Portland Hills Drive at the earliest time is in the interest of the Municipality. Therefore, staff supports the proposed 38-acre expansion to Portland Hills based on the following reasons:

- The Portland Hills Drive connection would provide improved emergency access to the subdivision, to the elementary school and to the proposed park and ride facility at the intersection of Portland Hills Drive and Portland Street.
- The additional 38 acres represents infilling or completion of the existing subdivision as opposed to commencing a new development. The additional traffic expected on Portland Street may be partially, if not totally, offset by the benefits identified with the completion of Portland Hills Drive. Traffic Services concurs with this assessment.

- The Water Commission has advised that the proposed water main within the Portland Hills Drive right-of-way is a component of a planned water system upgrade for this area which will ultimately connect Portland Hills and Portland Estates with a new main along the Caldwell Road. While the Caldwell Road connection will be needed to achieve the improved service desired, completion of the Portland Hills Road component will allow for local system looping which may improve reliability.

### Proposed MPS Amendments and Amending Agreement

The proposed MPS amendments are presented in Attachment I of this report. In addition to allowing an additional 38 acres of development, policy ML-8 is proposed to be deleted. This policy required that the transportation component of the master development plan be addressed as a condition for approving the agreement for the original 93 acre development. As this was already undertaken in conjunction with the development agreement which was approved for the initial 93 acres, it is redundant.

The amending agreement is presented as Attachment II. Allowance is made for an 80 unit apartment building to be constructed on the 38 acre expansion. Also, no subdivision approvals may be granted for any further phases extending from Portland Hills Drive (phases E and I) until Portland Hills Drive has been constructed and conveyed to the Municipality.

### Summary

Staff is satisfied that the requested expansion is sufficiently small as to make the impacts on existing levels of service provided by local infrastructure negligible. The completion of Portland Hills Drive may, in fact, provide some benefits to the transportation and water systems.

### **ALTERNATIVES:**

- I. Recommend that Regional Council approve the amendments to the Dartmouth MPS, presented as Attachment I to this report and, upon the MPS amendments becoming effective, approve the development agreement presented as Attachment II. This is the staff recommendation.
- II Recommend that Regional Council not approve the amendments to the Dartmouth MPS to accommodate the Clayton Developments' request to develop further phases of the Portland Hills Subdivision. This course of action is not recommended since completion of Portland Hills Drive could be beneficial to the community and no opposition was expressed in public consultations.
- III Staff could be directed to bring forward alternative amendments to those presented as Attachments I and II to this report. If this alternative is preferred, specific direction should be given regarding the nature of the amendments requested.

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**BUDGET IMPLICATIONS:**

None

**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.

**ATTACHMENTS:**

- I Proposed Amendments to the Dartmouth Municipal Planning Strategy
- II Proposed amending development agreement
- III Correspondence from J. Michael Hanusiak of Clayton Developments Ltd. to Kurt Pyle, Planner for Halifax Regional Municipality Re: Application to Expand Development Boundary for Portland Hills and Recommencement of Morris-Russell Lake Master Plan, dated November 28, 2002 with attached correspondence from Paul O'Brien of N.S. Transportation and Public Works to Michael Hanusiak, dated October, 2002.
- IV Minutes of the May 1, 2003 Meeting of the Morris-Russell Lake Subcommittee for Portland Hills
- V Minutes of the June 11, 2003 Public Information Meeting
- VI The Morris-Russell Lake Area (Map 9M of the Dartmouth MPS).
- VII Correspondence from J. Michael Hanusiak, General Manager of Clayton Developments Ltd. to Paul Morgan, Planner, Halifax Regional Municipality, dated 21 January 2003, re: Plan Amendment - Portland Hills.

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.

Report prepared by Paul Morgan, Regional Planning, 490-4482



**ATTACHMENT I:  
Proposed Amendments to the Dartmouth Municipal planning Strategy**

The Dartmouth Municipal Planning Strategy is hereby amended by:

1. Within the subsection entitled "Immediate Development Potential" of the section entitled "Morris-Russell Lake Area", changing all references of "93 acres" to "131 acres"; and
2. Deleting policy ML-8(a)

**Attachment II**

**THIS AMENDING AGREEMENT** made this        day of,        2003

**BETWEEN:**

**CLAYTON DEVELOPMENTS LIMITED**  
(hereinafter called the "Developer")

OF THE FIRST PART

-and-

**HALIFAX REGIONAL MUNICIPALITY**,  
a body corporate, in the County of  
Halifax, Province of Nova Scotia  
(hereinafter called the "Municipality")

OF THE SECOND PART

**WHEREAS** the Developer is the registered owner of certain lands located between Portland Street and Morris Lake in Dartmouth, Nova Scotia, and which said lands are more particularly described in Schedule "A" to this Agreement (hereinafter called "the Lands");

**AND WHEREAS** the Developer entered into a development agreement with the Municipality to allow for the construction of a mixed use development on a portion of the Lands which said agreement was registered at the Registry of Deeds on August 16, 2000 as Document No. 26019, Book 6615 on pages 657 to 695 ("the Agreement");

**AND WHEREAS** the Developer requested certain amendments to the Agreement;

**AND WHEREAS** the Community Council approved this request at a meeting held on (Insert date of approval) referenced as Municipal Case Number 00554;

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

1. All references made to "93 acres" under Section 2.2 of the Agreement are hereby changed to "131 acres".
2. The reference made to "200 apartment units" under clause (b) of Subsection 2.3.6 is hereby changed to "280 apartment units".

- 3. Replacing the last sentence of Section 2.6 with the following: "Modifications to the phasing may be permitted by the Development Officer provided that all other stipulations of this Agreement are maintained except that no final subdivision approval shall be granted for phase E (as shown on Schedule F) until Portland Hills Drive has been constructed from Portland Estates Boulevard to Portland Street and ownership of the said right-of-way has been transferred to the Municipality or a subdividers agreement entered into, in a form acceptable to the Development Officer, for completion of construction and transfer of ownership to the Municipality"
- 4. All other terms and conditions of the Agreement remain in effect.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written:

**SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:**

	) <b>CLAYTON DEVELOPMENTS LIMITED</b>
	)
per: _____	) per: _____
	)
per: _____	) per: _____

<b>Sealed, Delivered and Attested by the proper signing officers of Halifax Regional Municipality duly authorized on that behalf in the presence of:</b>	) <b>HALIFAX REGIONAL MUNICIPALITY</b>
	)
per: _____	) per: _____
	) <b>MAYOR</b>
	)
per: _____	) per: _____
	) <b>MUNICIPAL CLERK</b>



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Clayton Developments Limited  
287 Lacewood Drive, Unit 109  
Halifax, Nova Scotia  
Canada B3M 3Y7

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Tel (902) 445-2000  
Fax (902) 443-1611

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**Subsidiaries**  
Clayton Realty Limited  
Ridgevale Developers Limited

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November 28, 2002

Mr. Kurt Pyle  
Planner  
Halifax Regional Municipality  
PO Box 1749  
Halifax, NS B3J 3A5

✓ Dear Kurt:

**Re: *Application to Expand Development Boundary for Portland Hills  
Recommencement of Morris Russell Lake Master Plan***

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Further to our meeting of November 28, 2002, Clayton Developments Limited wishes to initiate two separate but interrelated development applications. Following is an overview of the individual requests.

### ***Portland Hills***

On July 6, 2000 Harbour East Community Council approved development of 93 acres of our Portland Hills land assembly (Sketch 1). Since that time we have received subdivision approval for approximately 73 acres of mixed-use development. We anticipated that these lands will be sold and fully developed within the next 12 – 18 months (Sketch 2).

Presently, we are preparing construction drawings for the remainder of our 93 - acre allotment (Sketch 2). Our planning must incorporate two important considerations. First, in order to ensure a functional sanitary service to the upper section of Portland Hills Drive, we must complete the two cul-de-sacs in the centre of the plan area, affectionately referred to as the "dog bone". Secondly, we are compelled to provide a water and sanitary services service to the four multiple unit buildings within Areas "B and H" as identified in Schedule "F" of the D.A. (Sketch 3). Assuming that we complete the short cul-de-sac abutting the apartment buildings, we will have reached our development capabilities under the current MPS.

Our concern is for the completion of Portland Hills Drive. At one time it was contemplated that the whole of Portland Hills Drive could be completed under the 93-acre allotment. However, our own rigorous interpretation of the Development

Agreement coupled with detailed survey information suggests this is not possible. Sketch 1 identifies the extent to which we development under current restrictions.

We respectfully submit that the interests of the community are best served by amending the Development Agreement to permit completion of Portland Hills Drive including the residual land inside Bell Brook (approximately 38 acres). Policy ML – 8(a) of the MPS provides that the 93 – acre limitation not be increased until such time as infrastructure deficiencies in the area (specifically, traffic and water) have been addressed. In defense of our request, we offer the following observations:

- There is sufficient water capacity to service the subject area. These lands will be serviced independent of the issues facing Inishowen Subdivision.
- The incremental increase in traffic associated with the additional 38 acres is relatively minor when compared to the overall traffic loads along Portland Street. We are prepared to demonstrate this through a traffic impact study.
- The community benefits associated with the completion of the “loop” far outweigh the incremental increase in traffic volumes.
  - Improved emergency response to the whole of Portland Hills and Portland Estates.
  - Improved access to the new school from the upper sections of Portland Hills. Currently, families must exit the development at Portland Street/Regal Road, turn left at Portland Estates Blvd. and re-enter Portland Street after dropping their children at the school. This amounts to three left-hand turning movements along Portland Street, where only one will be required upon completion of the loop.
  - Improved transit service to Portland Hills, Portland Estates and Norman Newman Blvd. transit service is not available in Portland Hills due to the missing link along Portland Hills Drive. By completing the loop, Metro Transit will be in a position to increase its service to this large residential area, thereby reducing traffic along Portland Street.

*Arguably, completion of the Portland Hills Drive will reduce rather than increase peak hour traffic along Portland Street.* This observation is strengthened by the pending construction of the new park and ride facility adjacent to the intersection of Portland Hills Drive and Portland Street.

This facility will act to reduce peak hour traffic along Portland Street by encouraging local residents to use metro transit rather than their personal vehicles. Unfortunately, the benefit to Portland Hills and Portland Estates will be marginal if commuters are unable to access the facility due to the missing link between the upper and lower sections of Portland Hills Drive. Completion of the loop provides safe and efficient access – both a.m. and p.m. – without the need to access Portland Street.

The fact that we are requesting approval for all lands inside Bell Brook is a matter of simple economics. Portland Hills drive is a designated collector street with increased costs compared to a local street. Typically, these costs are spread over a larger area in order to ensure project viability. There is no cost - sharing associated with this street.

We are also cognizant of the impact that new construction has on existing homes. We would prefer to offer existing and potential homeowners some degree of certainty relative to the completion of nearby streets and open space.

Whether this application requires an amendment to the MPS is debatable. In our opinion, the incremental increase in developable acreage coupled with the resolution of the Portland Street traffic issue is sufficient to proceed by way of amendment to the existing Development Agreement. We require direction from staff in order to provide the appropriate application fees.

### ***Russell Lake***

The Morris-Russell Master Plan has been on hold for over two years (Sketch 4). We believe that certain matters have changed such that it is time to recommence the plan process.

Attached is a revised community concept plan for the Master Plan area (Sketch 5). We have taken the liberty to revise the plan to reflect a number of important considerations, namely:

- The Province has decreed that the Shearwater Interchange will be located adjacent to Woodside Industrial Park. *This is nearly 800 ft. further south than suggested by the Public Participation Committee.*
- Repositioning of the interchange dictates that the “General Commercial” designation shift southward adjacent to the interchange. This puts the bulk of the future commercial activity (i.e. Box stores) on Irving as opposed to Clayton lands.
- Relocation of the interchange increases the length of Baker Drive (extension) to over 4400 ft. It is highly unlikely that we and/or Irving would build the whole of the road at one time in hopes of attracting tenants.

Therefore, the road must be constructed in stages with a less aggressive land use pattern.

- A minor collector has been added connecting the far end of our landholdings with Portland Estates and the "Boot". While this connection is not of an absolute necessity, it reflects the reality the future Shearwater Connector will offer limited access to abutting lands. It also helps to tie one community with the other without encouraging through traffic.
- The previous concept plan proposed a future school site having direct access to the Shearwater Connector. This will not happen given access restrictions. The school site has been relocated to provide proper access to the future street network. There is reason to suggest that the school would be better located adjacent to the large park area (Area 14).

The status of the Shearwater Interchange remains unclear. Through the fine efforts of Councilor Hetherington and his colleagues on Community Council, the Interchange was rated as HRM's number one "transportation" priority under the current Infrastructure Program. Unfortunately, there has been little if any progress relative to final design, land acquisition, and timing of same. The project lacks a champion – staff is not actively pursuing the project, the Province has its own priorities, and Canada Lands Limited has yet to articulate a vision for Shearwater. HRM's traffic authority, Mr. McCusker believes the project to be at least five years away.

In October of this year, we received conditional approval by the Department of Transportation and Public Works for a "right-out" from Baker Drive to the Circumferential Highway. Clayton is in the unique position to discuss such matters with TPW given our current ability to access the Russell Lake lands directly from Highway 101. As indicated by the attached letter, TPW is prepared to grant a temporary access to the Circumferential Highway per an approved development agreement. TPW reserves the right to close the right-out upon opening of the Interchange.

Sketch 5, illustrates a conceptual plan of our entire Russell Lake holdings. In keeping with the density parameters of the Dartmouth MPS (8 units per acre), we wish to pursue a mixed-use development consisting of higher density development at the northern and southern ends of the site (including the possibility of community commercial uses adjacent to Home Depot) with lower density residential in the middle sections, including the lakefront. Our intention is to extend Baker Drive to connect to the Circumferential Highway as part of our initial phase. From there, our plan will be to complete development to the north of the two major "park and open space" areas prior to completion of the interchange. Baker Drive will be extended to the Irving property as part of the "pre-interchange" activity.

With respect to the Master Plan, we are prepared to participate as a major stakeholder. However, the tie-in to our Portland Hills proposal suggests that a single Steering Committee may be in order from this point forward. As for timing, we are concerned that the Plan may be delayed while we collectively wait for Canada Lands to figure out the future of Shearwater. In our opinion, the proposed plan for Russell Lake in no way undermines the "big" picture relative to Shearwater, including the Shearwater Interchange/Connector. On the contrary, there is a long list of community benefits to be derived by connecting Baker Drive to the Circumferential Highway.

- The right-out will allow residents of Portland Hills and Portland Estates to by-pass Portland Street during the morning rush hour. The reduction in traffic will assist in reducing current v/c ratios.
- It has been suggested that the left-hand turning intervals for all side streets along the south side of Portland Street (i.e. Portland Hills Drive, Portland Estates Blvd., Norman Newman Blvd.) etc. could be increased as a result of the right-out. This would further increase peak hour efficiencies along Portland Street.
- Businesses along Portland Street and Baker Drive will benefit from improved circulation to the Circumferential Highway. Home Depot sits at the end of a dead-end street. Through traffic along with nearby residential building activity will benefit this important economic generator. Likewise, the car dealers will be able to direct customer traffic to the highway rather than through the adjacent residential neighbourhoods.
- Last but not least, Metro Transit gains a major route from the proposed park and ride facility through Portland Hills and Portland Estates directly to the Circumferential Highway. This will be of keen interest to individuals making transfers at Penhorn Mall.

In the course of our discussions with various staff, the concept of a "right-in/right-out" was raised on several occasions. Frankly, the idea of a right-in was not pursued with TWP due to the dedicated turning channel along Portland Street between the Portland Interchange and Baker Drive.

Notwithstanding, there is considerable benefit to be derived from a sweeping exit from the Circumferential. In short, all of the "am" benefits afforded Portland Street can be replicated during the afternoon rush hour. This is especially true for transit servicing originating from the Woodside Ferry Terminal. As to cost, we are prepared to participate in the additional expenditure.

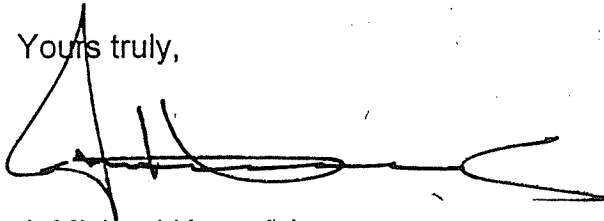


### **Next Steps**

We are anxious to bring these issues to the public albeit in a forum acceptable to Harbour East Community Council. We are also required to prepare a traffic impact statement as part of our formal submission to TPW. While we are prepared to undertake this exercise at our cost, we respectfully submit that a larger review may be in order to investigate the full impact to Portland Street. This may require cost-sharing. We also believe that the traffic impact study should be administered by HRM stay so as to avoid any perception of bias on behalf of Clayton. Staff's direction on this matter would be appreciated.

Kurt, I trust this is to your satisfaction. Please let me know if you have any questions or require any additional information.

Yours truly,

A handwritten signature in black ink, appearing to read 'J. Michael Hanusiak', written over a horizontal line.

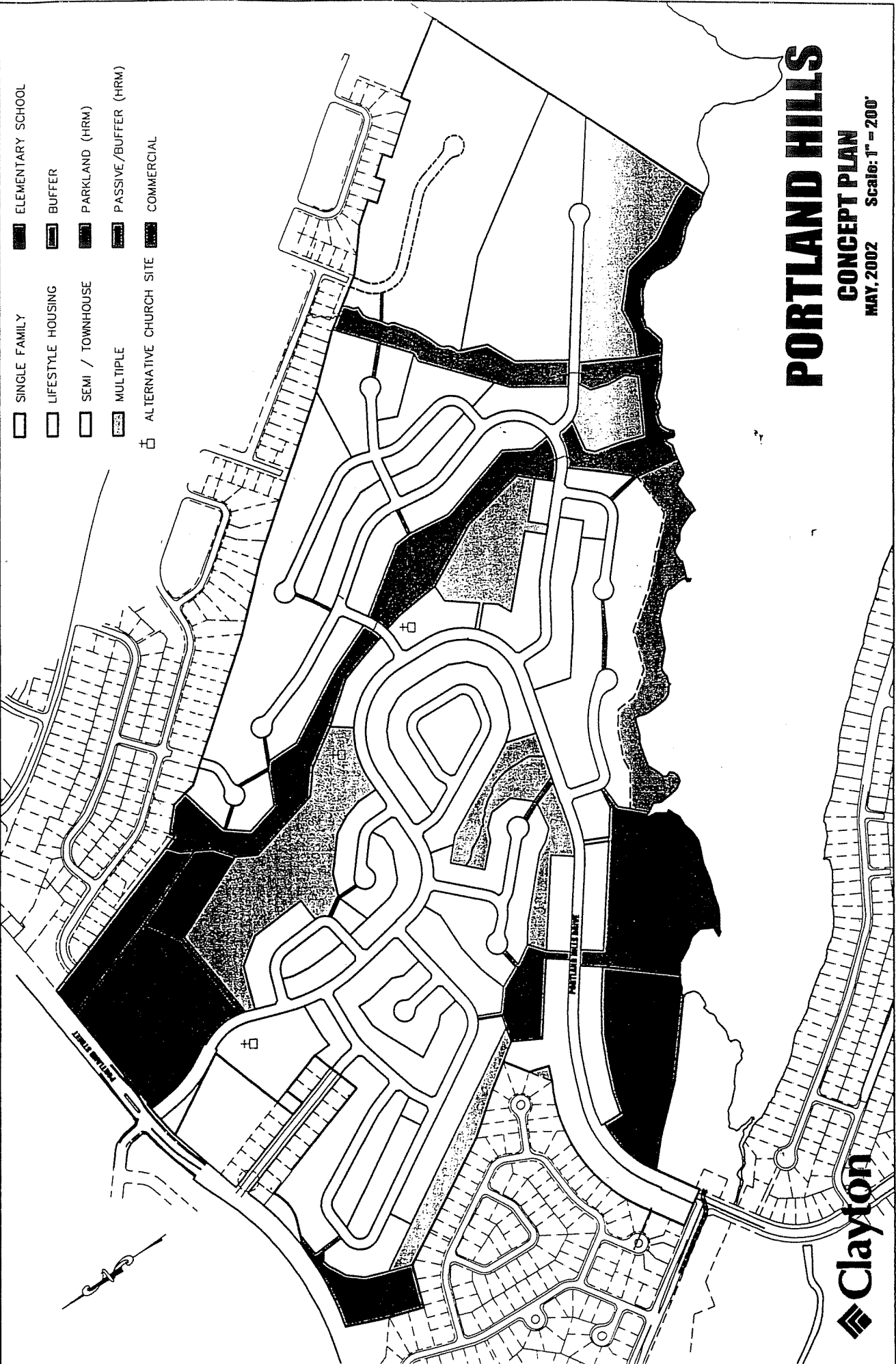
J. Michael Hanusiak  
Senior Vice President

cc. B. Hetherington  
K. Harris, Irving Oil

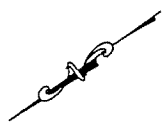
# PORTLAND HILLS

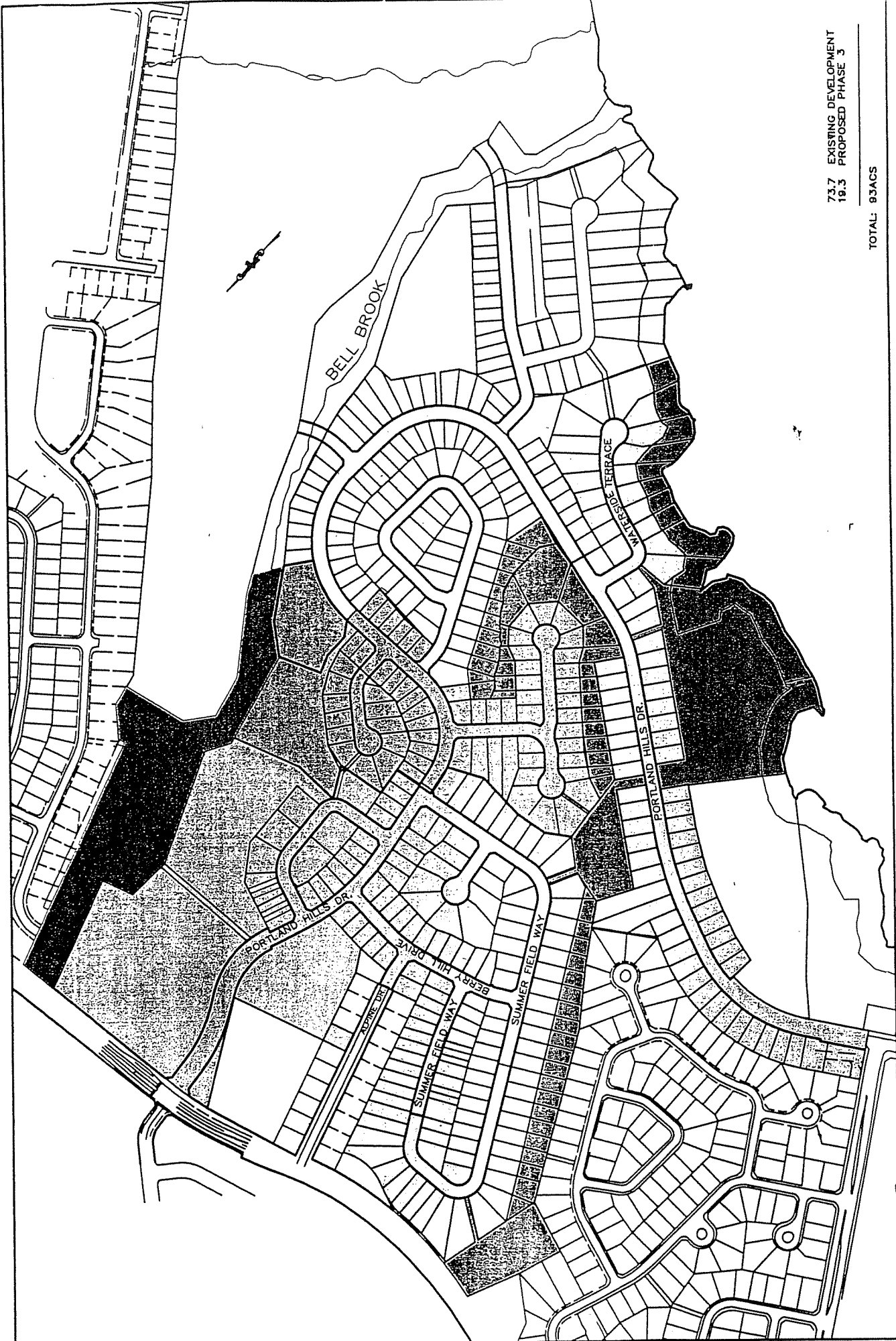
CONCEPT PLAN

MAY, 2002 Scale: 1" = 200'




- SINGLE FAMILY
- LIFESTYLE HOUSING
- SEMI / TOWNHOUSE
- MULTIPLE
- ⊕ ALTERNATIVE CHURCH SITE
- ELEMENTARY SCHOOL
- BUFFER
- PARKLAND (HRM)
- PASSIVE/BUFFER (HRM)
- COMMERCIAL







73.7 EXISTING DEVELOPMENT  
 19.3 PROPOSED PHASE 3

TOTAL: 93ACS

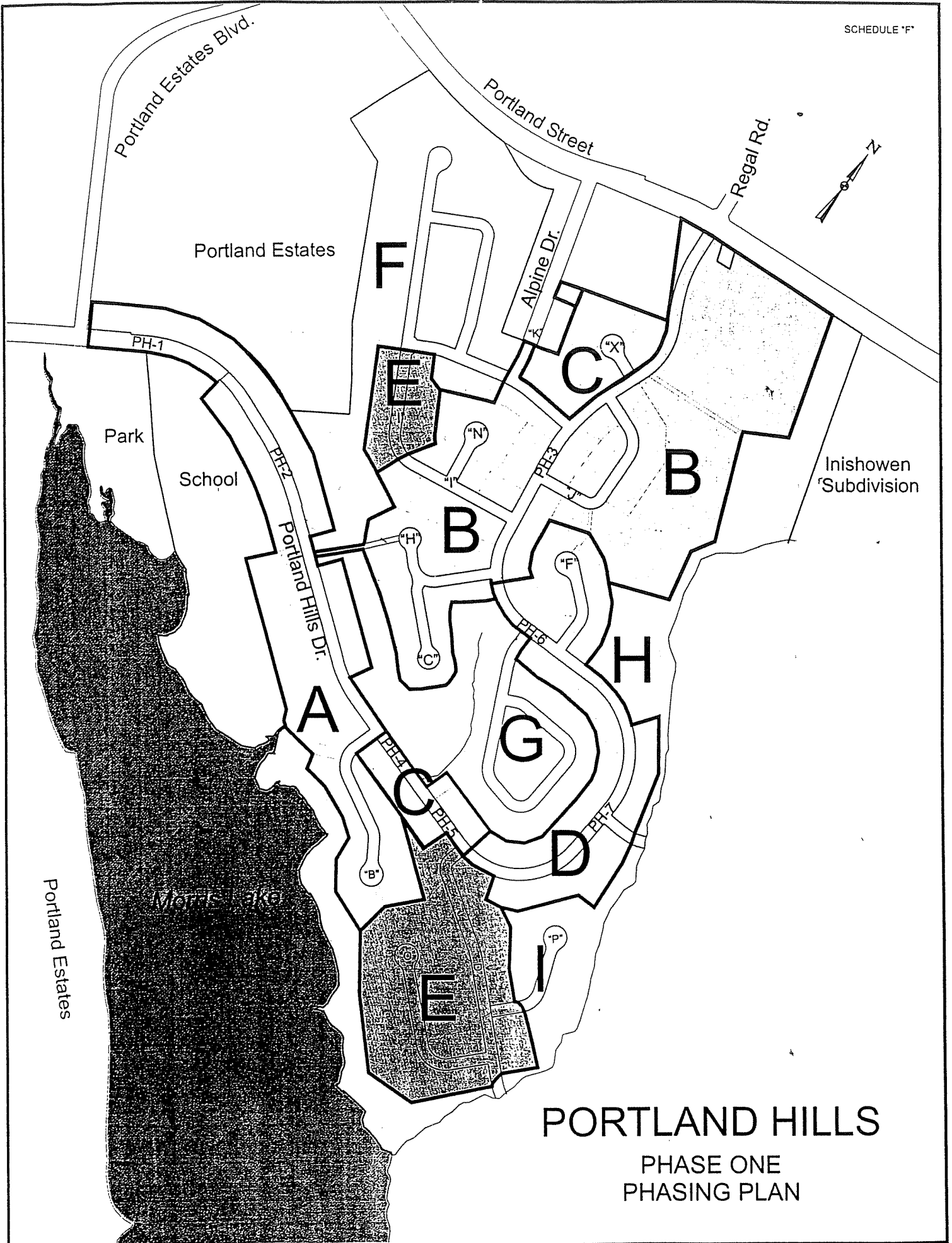
 PHASE 3 (19.3ACSE)

 EXISTING 73.7± ACRES

 REMAINING LANDS (38 ACSE)

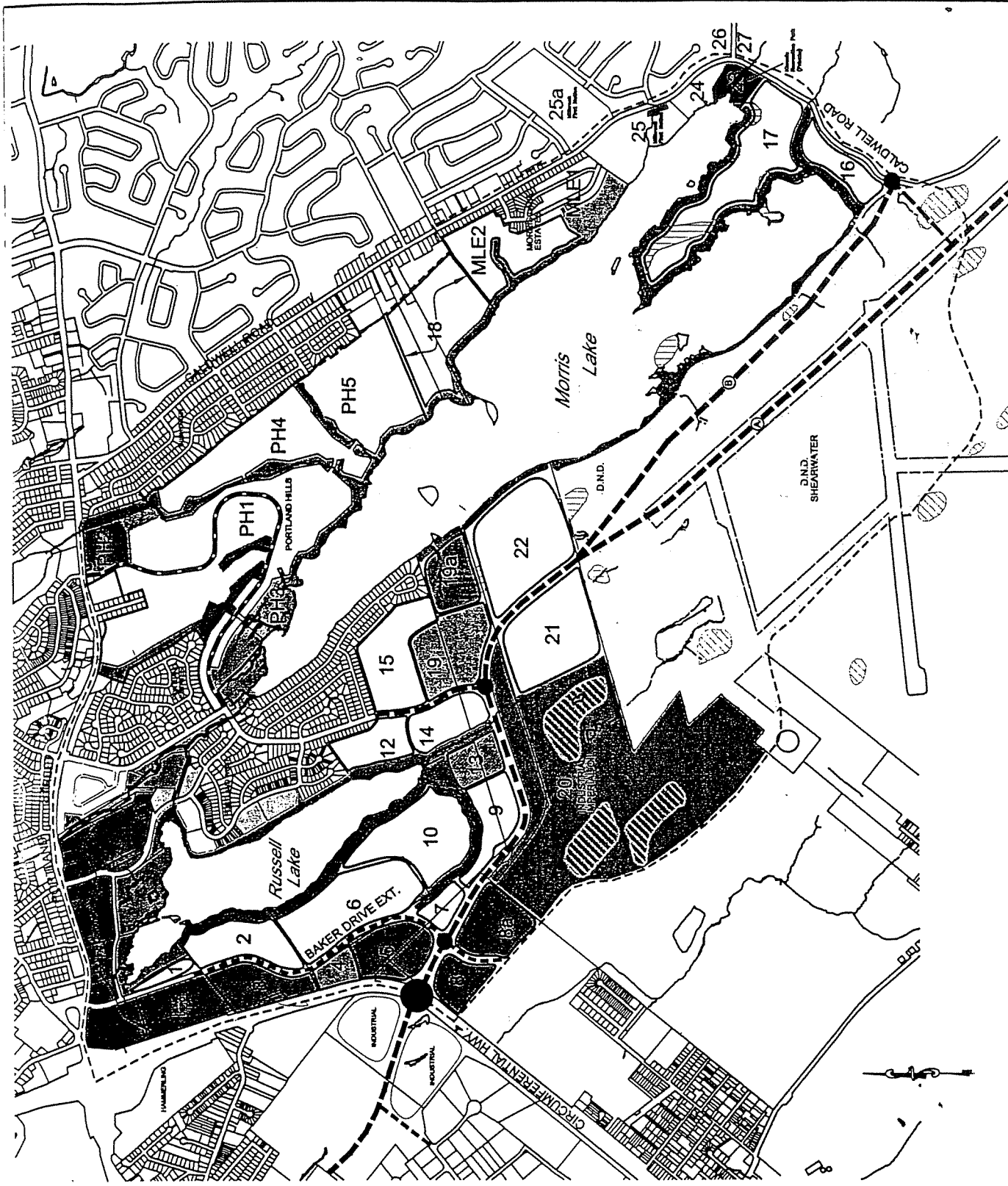
 BUFFER AREA / OPEN SPACE

# PORTLAND HILLS



# PORTLAND HILLS

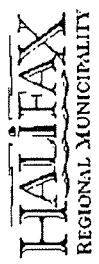
PHASE ONE  
PHASING PLAN



- EXISTING HRM PARBLAND
- ACTIVE HRM PARBLAND
- BUFFER HRM (PUBLIC & PRIVATE)
- WETLANDS
- ENVIRONMENTALLY SENSITIVE
- STUDY AREA BOUNDARY
- SINGLE FAMILY
- SEM / TOWNHOUSE
- MULTIPLE
- COMMERCIAL
- INSTITUTIONAL
- COO (HARBOUR)
- COO RESIDENTIAL MIX
















**MORRIS - RUSSELL LAKE**  
 Master Plan, Public Participation Committee

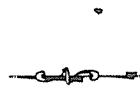
MASTER PLAN - AREA 4  
 MAY, 2000 SCALE: NTS



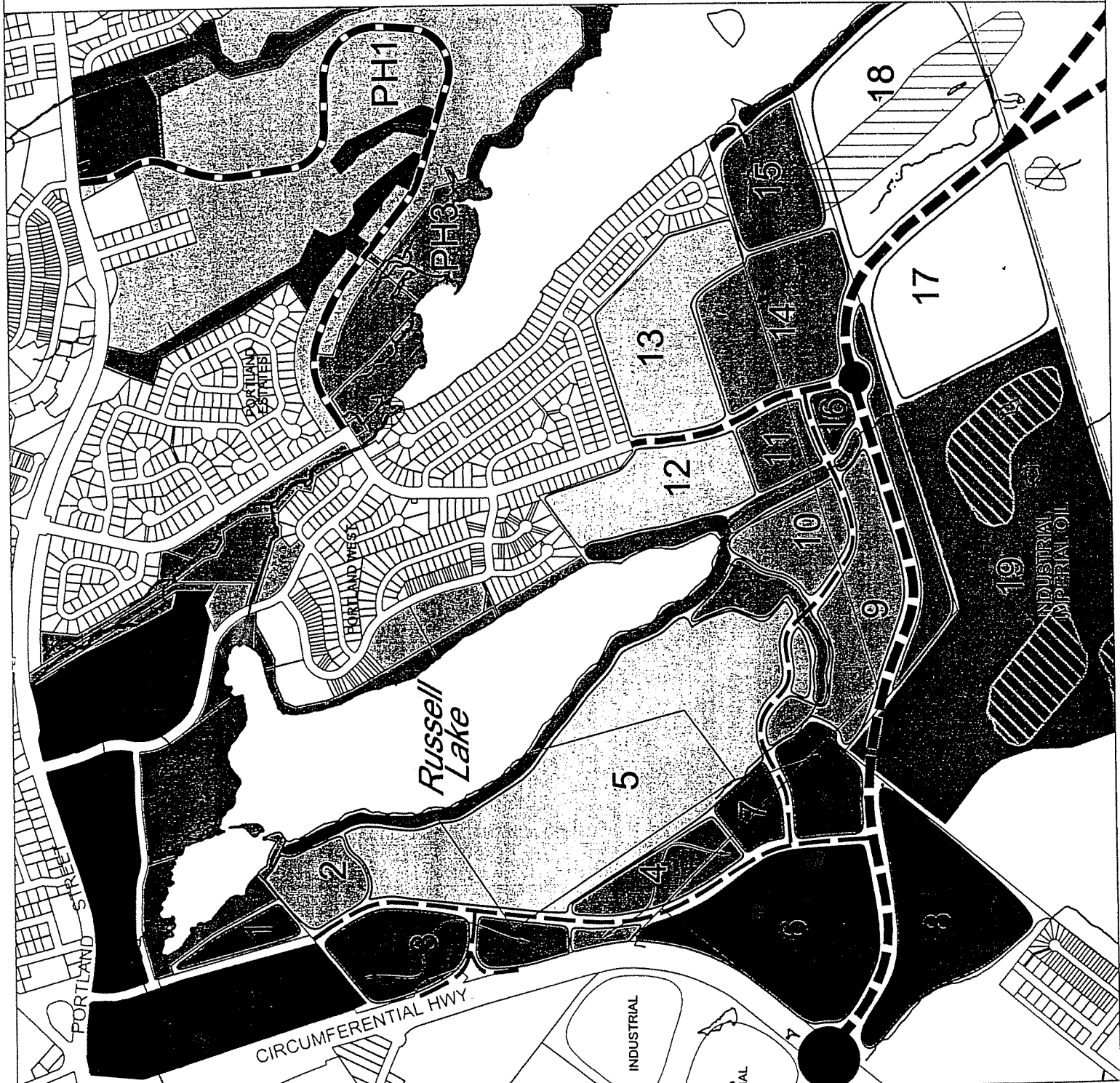
**MORRIS LAKE /  
RUSSELL LAKE**  
CONCEPT MASTER PLAN  
AREA 4

SCALE: NTS  
NOVEMBER, 2002

-  SINGLE FAMILY
-  SEMI / TOWNHOUSE
-  MULTIPLE
-  CDD RESIDENTIAL MIX
-  CDD (Holding)
-  HRM PARKLAND / OPEN SPACE
-  ACTIVE HRM PARKLAND
-  COMMUNITY COMMERCIAL / RESIDENTIAL
-  GENERAL COMMERCIAL
-  EXISTING COMMERCIAL
-  INSTITUTIONAL
-  LAKEFRONT MANAGEMENT ZONE
-  INDUSTRIAL LANDS
-  WETLANDS
-  ENVIRONMENTALLY SENSITIVE



**HALIFAX**  
REGIONAL MUNICIPALITY



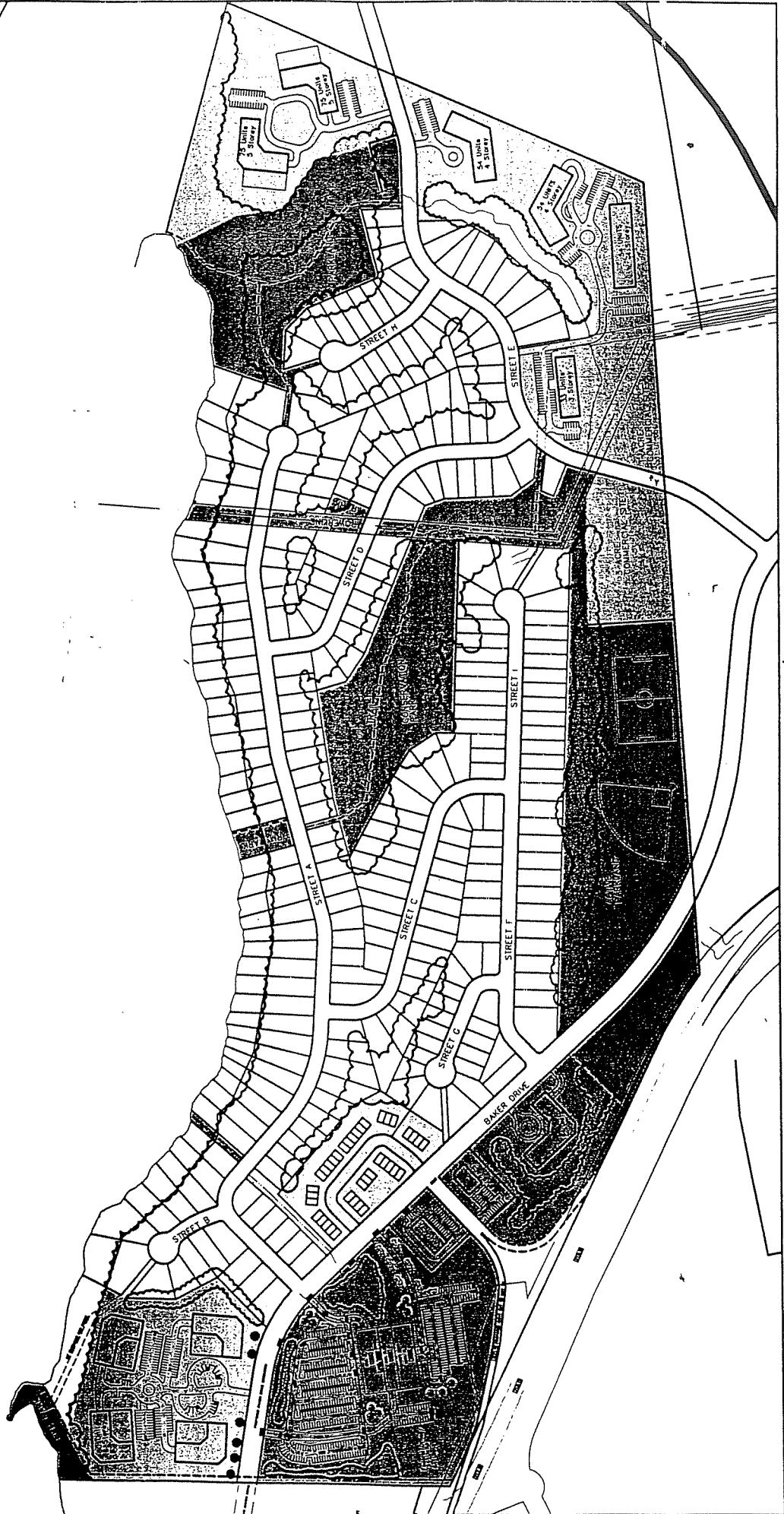
# RUSSELL LAKE

A CLAYTON COMMUNITY ♦ Clayton

NTS NOVEMBER 2002

## RUSSELL LAKE LANDUSE PLAN

- LOW DENSITY RESIDENTIAL
- ▤ HIGH DENSITY MULTIPLE
- HRM PARKLAND
- LAKEFRONT MANAGEMENT ZONE
- GENERAL COMMERCIAL
- ▤ COMMUNITY COMMERCIAL



DTPW # 339  
File 1604.3

October 1, 2002

Mr. Michael Hanusiak  
Senior Vice President  
Director of Planning Services  
Clayton Developments Limited  
287 Lacewood Drive, Unit 109  
Halifax, NS B3M 3Y7

Dear Mr. Hanusiak:

I am writing as a follow up to my July 24, 2002 letter and in response to your July 31, 2002-letter.

It has become apparent that Halifax Regional Municipality will not be pursuing a new interchange on Highway 111 halfway between Portland Street and Pleasant Street for at least five years. They have also expressed no objections to the latest development proposal for the site in question or the proposed right out access onto Highway 111. We have stated that it is not our intention to hold up development by denying access but that it is our intention and responsibility to protect the integrity of Highway 111 as a provincial 100 series controlled access highway.

Therefore, we approve in principle a right out only access to Highway 111 for your development providing the following conditions are met:

1. A traffic study must demonstrate that the development results in at least a LOS D on Portland Street, its intersections and Highway 111. The study must show the impact of build-out of the site on the existing infrastructure and recommend upgrades to accommodate the impact. The upgrades will be carried out at no cost to the Department.
2. The geometric design of the right out access must show all details. The weaving distance on Highway 111 between the new access and the N/B exit ramp of the Portland Street Interchange must be adequate based on the latest edition of the TAC Geometric Design Guide. The design must be approved by TPW prior to construction.



Mr. Michael Hanusiak

October 1, 2002

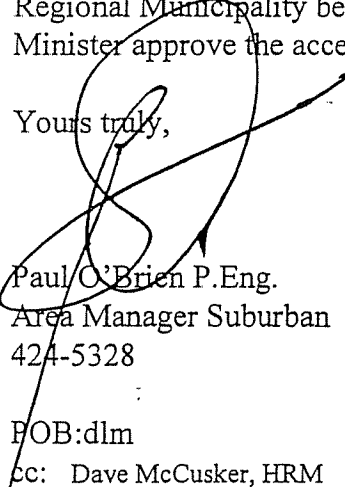
Page 2

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3. The right out access must serve only those lands currently defined in Clayton Development Limited's proposal and included in the traffic study mentioned in item 1.
4. The right out access must be defined as temporary in the Development Agreement with Halifax Regional Municipality. Temporary must be defined to mean that the access will remain in operation only until such time as the new Highway 111 Interchange to the south is opened or until such time as the right out access becomes operationally deficient as confirmed by a traffic study conducted bi-annually from the date of opening, whichever comes first. The traffic study will be carried out at no cost to the Department. The new interchange will then become the access to Highway 111 for the development and at that time the right out access will be permanently eliminated.
5. When the right-out access is opened, the existing Gaston Road intersection must be eliminated. Proper modifications to Highway 111 must be undertaken to accomplish this and these modifications must be shown on the design drawing(s) for the right out access. These modifications will be carried out at no cost to the Department.
6. Halifax Regional Municipality must agree in writing to honour the temporary status of the right out access as described in Item 4 above after the Development Agreement has expired or is no longer valid.

We will await the results of the traffic study, the detailed design drawings, and a letter from Halifax Regional Municipality before proceeding with the access permit. We will then recommend that the Minister approve the access permit with conditions 3 and 4 included.

Yours truly,



Paul O'Brien P.Eng.  
Area Manager Suburban  
424-5328

POB:dlm

cc: Dave McCusker, HRM  
Phil Corkum, TPW  
Kent Speiran, TPW

**Attachment IV**  
**Morris-Russell Lake Subcommittee Minutes**  
**May 1, 2003**

In attendance: Phil Elliott, Vice-Chair  
Hugh Millward  
Dennis Richards, Chair  
Tom Pattison  
Mike Hanusiak, Clayton Developments  
Paul Morgan, Planning & Development Services  
Gail Harnish, Planning & Development Services

**1. Call to order**

The meeting was called to order at approximately 7:00 p.m. at Cole Harbour Place.

**2. Approval of the agenda**

It was agreed to approve the agenda as circulated.

**3. Approval of minutes - May 23, 2002**

It was agreed to approve the minutes with the following changes:

- "Springvale" Avenue should read "Spring" Avenue;
- "Woodland" Avenue should read "Woodlawn" Road;
- "Donegal" Drive is misspelled.

**4. Business arising from the minutes**

Dennis Richards noted that the issue of water in Innishowen Subdivision is still outstanding. The previous recommendations are being ignored.

Mike Hanusiak questioned whether there has been any further discussion with homeowners in Innishowen about the water service, to which Dennis responded no.

Mike Hanusiak commented that nobody has contacted Clayton Developments. In the interim the City is starting their detailed planning process which may reactivate things.

Dennis Richards noted the line coming through there was meant only as a stopgap at best and would only serve one part of the subdivision. The recommendation of this Committee, and ultimately the larger Committee, which was accepted by Community Council, was that the twinning of this line would go down Caldwell Road to Delta Drive which would increase the water pressure in all of Innishowen. None of that has started, nor has any of this discussion started to take place.

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## 5. Project 00554 - Clayton Developments Limited Proposals for Portland Hills - Russell Lake

Phil Elliott stated the discussion on the Russell Lake development is a separate issue and requires the full committee. Dennis and Hugh concurred.

Dennis Richards noted the subcommittee was specifically struck to deal with the Portland Hills development and the main committee was dealing with the full plan. For the subcommittee to entertain another proposal is outside its mandate.

Phil Elliott indicated the bigger committee also includes all the developments around the lake and they have to bring them all into the picture.

Hugh Millward advised that Norman Wiechart is an official PERA resident and there should also be another resident representative on the full committee.

Dennis Richards referenced the third paragraph on Page 2 of the report to Harbour East Community Council (HECC) which states "Community Council endorsed the committee's recommendation that Baker Drive be extended to a temporary at-grade intersection with the Circumferential Highway but that no further connections to the highway be permitted unless a connection to the Caldwell Road is established". The committee did not make that recommendation.

Paul Morgan noted that Dennis was correct. That was a change made to the report by the Director during final editing which was incorrect.

Phil Elliott indicated the committee was very concerned about the impact if anything beyond Baker Drive was connected. It would be a very negative impact on the whole community.

Paul Morgan advised that his involvement started after Clayton Developments made its presentation to HECC. He prepared a report which dealt with two requests by Clayton - an amendment to the Portland Hills development agreement which also requires a plan amendment, and the development of Russell Lake lands. It was not anticipated the Russell Lake proposal would be dealt with tonight. That issue would be brought to the full committee. We have been deferring that because issues have popped up relative to the Shearwater lands and what lands DND will keep. The Mayor and the CAO are involved. Right now we do not know if that has any bearing on the Russell Lake proposal which we are hoping to get resolved soon.

Phil Elliott commented that a large part of the Shearwater lands was sold to Canada Lands but now there has been some rethinking.

Mike Hanusiak stated they did not agree with backing up but they will have that discussion with the CAO. They believe HRM's priority is set forth by Regional Council and is to deal with traffic problems on Portland Street, which is the Shearwater Connector. Why they are getting involved in land uses and not dealing with traffic is what they are trying to deal with.

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Paul Morgan indicated it is staff's opinion that the Portland Hills' request seems relatively minor and getting the connection of Portland Hills Drive would seem to have benefit, so we should try to move that one along which is why we decided to bring it to this subcommittee. It is clear that a plan amendment is required. The policies adopted for the Morris-Russell Lake area speak to 93 acres, so to include an additional 38 acres of land requires a plan amendment. That will require a public participation program. It is not being proposed to change the layout much but will allow infill development.

Mike Hanusiak displayed a copy of the concept plan which he noted is part of the public record. Plan policy was approved for 93 acres inside Bell Brook. That 93 acres did not include a buffer zone and some of the parkland and the school. The land use pattern for the entire Clayton holdings was recognized. The water and sewer services is somewhat separate of Innishowen. The 93 acres was set almost as a point of convenience because that is where the old service boundary was. After that, there was to be no more development until the adequacy of water service and traffic issues were addressed. They were going to come down by the school and loop back. They felt they had a plan in place to develop their 93 acres.

Mike Hanusiak noted the area in blue on the plan amounts to 73 acres of land. That land is either developed or has full subdivision approval and in the process of being developed. It is being developed by necessity because of water, storm and sewer installation. The three of them work together in unison. Because of the lay of the land, there are storm water and development issues. They started by the school and stopped at this point (pointed out on map). They were not originally planning on doing Summer Field Way, but because of the need to get water and sewer into Alpine they had to bring the sanitary services down and instead of doing this area of 14 acres (pointed out on map) they developed this area (pointed out on map) of 15 acres. This is a farm and golf course. The water was leaking into back yards here. The lifestyle project has been very successful but, from a monetary point of view, this area (pointed out on map) has higher value but they had to deal with the stormwater. They completed the loop to get the second means of access.

Mike Hanusiak advised they installed the lights last year which was part of the overall plan.

Mike Hanusiak noted the next area of land they plan to proceed with is shown in brown on the plan. They have to do this area here with two cul de sacs because the land slopes down and then rises and slopes again. All the land in brown goes to the sanitary here (pointed out on map) and back to the cul de sac and down.

Mike Hanusiak commented they now have the 73.2 acres with 20 acres left. They rationalized that it had to be here (pointed out on map). Their desire is to complete the loop for a variety of reasons, ie., fire, school board, parents.

Hugh Millward indicated he was told by the people on the Residents Association that the kids here do not go to this school.

Dennis Richards commented it was not always that way. The new school in Portland Estates is close to capacity because when they brought the kids from the other side of the highway over, it filled it and consequently they did not have capacity so they had to send them back across the road. They got a lot of pressure from many sources, probably including Clayton Developments. People bought there thinking their kids would go to Portland Hills but they were not. The Board has made some concessions in getting the children back down. The configuration in and out of the subdivision is bizarre.

Mike Hanusiak said they do not want to have two cul de sacs. With the new Metro Transit going in, with the absence of this loop, they cannot continue down. All they ask, at this point, is to be allowed to complete the work inside Bell Brook.

Phil Elliott indicated he was concerned about traffic. They are getting severe shortcutting now north of Portland Street and predicted they would have the same problem over there. The traffic on Portland Street is not moving during peak hours. It is not that many houses but it will significantly increase the amount of traffic.

Mike Hanusiak responded he hoped it did not come to that because he hoped they would get moving with the interchange to make it a number one priority across HRM. All the lands that lay beyond them to Lawrencetown continue to be built as-of-right. Somebody has to look at the regional traffic issues. They have to extend the cul de sacs.

Hugh Millward indicated it was his understanding Portland Estates Boulevard West cannot be extended until the Shearwater Connector is built.

Dennis Richards said he felt the comment is probably legitimate but speaks to the much bigger issue of the traffic problem from Penhorn straight out. Unless the Shearwater Connector By-pass comes into play, whatever adjustments they may make, it just moves the traffic around but it does not solve any problem.

Mike Hanusiak indicated they did some modeling. They considered the benefits derived from the looping versus shortcutting. Their traffic people felt it would add a significant amount of time and delay to do so and did not think somebody would go that far out of the way.

Phil Elliott noted the other issue is the 107 By-pass. Since traffic is so bad at Main Street and Forest Hills Parkway, people are coming in Portland Street.

Dennis Richards indicated that the people living on Barry Hill Drive, Summer Field Way, and White Hall Crescent are forced to go back out onto Portland Street. With the looping here which will allow them to go down Portland Hills Drive onto Portland Estates Drive and Boulevard and onto Eisener Boulevard and so on, he felt it might be a wash on the traffic flows.

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Hugh Millward stated that overall he was not opposed to this amendment. He felt there are some good reasons. It will come anyway. It is designed to take that flow and there are certainly benefits for parents getting their kids to school, for emergency service, and transit.

Phil Elliott indicated that in principle he had no problem. He referenced the letter from Kimberly-Lloyd and questioned whether we are getting into a problem with other developers.

Mike Hanusiak advised that Kimberly-Lloyd told them that they wanted to make sure it was an amendment to the MPS and not an amendment to the development agreement.

Paul Morgan reiterated that in addition to an amendment to the development agreement, it would also require an MPS amendment.

Tom Pattison commented it is crazy not to do it.

Dennis Richards stated that when the committee made its recommendation for the 93 acres it included the full Portland Hills Drive. They are not flying in the face of what they originally proposed and agreed upon but because of the development changes Clayton had to do, it got shifted.

Phil Elliott asked that it be noted in the minutes that the committee is extremely concerned about traffic and was strongly disappointed and concerned about the lack of progress.

Paul Morgan indicated that the Shearwater Connector study was completed. He was made very much aware by Roger Wells and others that the traffic is a huge issue.

Dennis Richards commented the other interesting point is the reasons for Clayton's request to have that looping completed because that section over there is stuck out on its own with only one entranceway. We do not want to isolate communities but yet the recommendation to the committee was that they had to separate the two communities rather than integrate Innishowen and Portland Estates.

**The Committee agreed to make a formal recommendation that it supports the proposal of the extension of Portland Hills by the 38 acres as described in the plan in front of the Committee and will be bound by Bell Run on the south and east.**

Tom Pattison referenced the area being developed with semis and townhouses which he had understood would be developed with a church. It was noted that the church was a second use.

Phil Elliott referenced the Committee's report to HECC, noting that part of the recommendations require further amendments.

Mike Hanusiak referenced the May 2000 plan from the Committee, noting that it received approval in principle from HECC. It never went onto Regional Council because they wanted to complete

some of the stormwater management studies for the whole area, plus there were issues with the at-grade intersection and the interchange. When he started working with Clayton Developments in 2000, it stalled. At the time there was a proposal for an interim at-grade intersection at Gaston Road which was approved in principle by HECC. Vernon Krause and Clayton Developments hired Delphi to look at this and prepared a submission to Public Works & Transportation. They said no because it is against their policy to have at-grade intersections on 100 series highways. Shortly after that, the City had the Shearwater interchange ranked as the number one transportation related priority. On the strength of that, Council commissioned Dillon to do a study of the interchange. That report was nearly nine months coming. Last February, Public Works & Transportation decreed that the interchange would not go here. Rather, they said it would go back to its original location which is at Woodside. That changed the dynamics of the corridor. He pointed out the land uses in the area. About a year ago, Clayton Developments went back to staff. Clayton Developments prepared a plan which they want brought back to the master plan committee.

The meeting adjourned at approximately 8:15 p.m.

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**Attachment V**  
**HALIFAX REGIONAL MUNICIPALITY**  
**PLANNING & DEVELOPMENT SERVICES**  
**PUBLIC INFORMATION MEETING**  
**CASE NO. 00554 - PORTLAND HILLS**

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7:00 p.m.  
Wednesday, June 11, 2003  
Portland Estates Elementary School

**STAFF:** Paul Morgan, Regional Planning  
Connie Moore, Planning Services

**APPLICANTS:** Peter Greenwood, Clayton Developments Limited  
Michael Hanusiak, Clayton Developments Limited  
Lynn Ilsley, Clayton Developments Limited  
Earl Richardson, Clayton Developments Limited

**OTHER:** Councillor Bruce Hetherington

**MEMBERS OF  
THE PUBLIC:** 35 approximately

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The meeting commenced at 7:00 p.m.

1. INTRODUCTION / BACKGROUND - PAUL MORGAN, REGIONAL PLANNING

Paul Morgan welcomed everyone to the meeting. He noted an attendance sheet was being circulated for everyone to sign. A map of the notification area was displayed for clarification purposes. Staff, as well as representatives of Clayton Developments Limited and Councillor Hetherington were introduced. Minutes of tonight's meeting are being recorded and will be attached to the staff report. He requested that those asking questions state their name and address for the record.

Paul Morgan explained Clayton Developments Limited made a request through Harbour East Community Council to amend the Portland Hills development agreement. Clayton Developments Limited is also proposing to develop its lands between Russell Lake and the Circumferential Highway which is a separate issue, also subject to review. Clayton Developments Limited has an existing development agreement approved by Harbour East Community Council July 2000 for development of 93 acres. They are restricted to 93 acres pending completion of a Master Plan. The application being discussed tonight requires approval by Regional Council for amendments to the Municipal Planning Strategy for Dartmouth and approval by Harbour East Community Council for amendments to the development agreement. Both requests will have separate public hearings



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although it is not uncommon to have a joint meeting. Notification will take place for the public hearing by the same method as this public information meeting.

A resident asked if the Master Plan has been approved?

Paul Morgan responded the Master Plan has not yet been approved. The Morris-Russell Lake Public Participation Committee (PPC) did submit a Master Plan to Harbour East Community Council. Some work has been done in terms of the traffic study. Clayton Developments has requested amendments to the Master Plan. Staff recommended to reconvene with the PPC to look at the Russell Lake lands. The request has been deferred at this time pending disposal of the Shearwater lands.

2. PRESENTATION - MICHAEL HANUSIAK, CLAYTON DEVELOPMENTS LIMITED

Michael Hanusiak explained in July 2000, Municipal Council approved a portion of the Portland Hills Land Assembly - 93 acres. We were given approval for everything north of Bell Brook. With the use of an overhead, Portland Estates Elementary School, the lower section of Portland Hills Drive, Bell Brook and Regal Drive were identified. He indicated he was happy to be here and will provide a first hand update of what is expected to occur in the next year. He referred to the Master Plan map and indicated the intention is not to change the land use. Density may be increased at Bell Brook. Clayton Developments were given 93 acres anywhere in this area for singles, the opportunity for commercial, multi-unit capability, a series of townhouses and a series of lifestyle properties. Since that time, the townhouses have been grouped at one crescent.

A resident asked for a definition of lifestyle housing?

Michael Hanusiak explained lifestyle housing is a form of attached single storey or one and a half storey townhouses. There is no capability for two storeys along Southfield. For reference purposes, a black and white copy of the map which is attached to the original development agreement was displayed. It shows the plan originally envisioned from the school to Regal Road. A series of land use capabilities can proceed and close the loop. We also intend to close the upper and lower land of Portland Hills Drive. There are no plans to connect to Inishowen Subdivision. Anything on the south side of Bell Brook is not subject to approval by Clayton Developments.

He described Schedule "F", the phasing plan as follows:

- Portland Hills, area in blue (72 acres). It currently has subdivision approval or we have built roads and streets with houses under construction.
- Summerfield Project - townhouses under construction. In the spring of this year, we sold a portion of the land to Metro Transit for a "park and ride".
- Lights were installed at Regal Road one year ago and there is linkage to Alpine.
- Brown area - where we intend to proceed over the next few months. In order to service the area in the low spot, a cul-de-sac must be built first.

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- Upper brown - flows by gravity back into the system. Looked at extending Portland Hills to gravity system.
  - Asking for approval for the yellow area (38 acres). Will allow closure of the loop as far as Bell Brook

Michael Hanusiak explained they would have liked to have stayed with the original plan, but there were servicing constraints. Development was shifted for that reason. Portland Hills Drive is 1800 feet in length and we would like to complete the loop for a second point of access. Kids being driven to school from Portland Hills must go exit onto Portland Street from Regal Road, turn left onto Portland Estates Boulevard and left again toward the school (3 lefts).

It is important to complete all land in yellow before we develop other lands. Density will not be increased. The only change contemplated is semi-detached, small lots which we want to get rid of. If this is how we proceed, a lot of areas in yellow will be more traditional. Open space will remain the same.

### 3. QUESTIONS AND COMMENTS

Nancy Witherspoon, 37 Diana Grace Avenue referred to the parking lot next to the parkland and asked who is responsible for paving it?

Earl Richardson indicated it belongs to the Municipality.

Nancy Witherspoon referred her question to Councillor Hetherington.

Councillor Hetherington responded there was no money in the budget for paving.

Nancy Witherspoon explained there are people in vehicles passing through this parking lot onto the trailway.

Earl Richardson commented Parks and Recreation will be graveling the lot and installing play equipment.

Nancy Witherspoon since people are driving through the parking lot accessing the trail, something has to be done to block it off. The vehicles appear to be driving along the trail to the lake.

Michael Hanusiak indicated he would speak with HRM and ask them to block it.

Paul Morgan explained he will be meeting with Parks and Recreation tomorrow and will raise it as an issue.

Hugh Millward, 3 Ralph Edward Court stated he has the original Portland Hills Master Plan and referenced Lot 15 which is shown as multiple family. He asked if this will remain the same.

Michael Hanusiak responded it will not change.

Hugh Millward asked if the walkway will continue to the road?

Michael Hanusiak responded it would.

Earl Richardson identified the proposed park and noted the trail will join through.

A resident asked what is the schedule?

Michael Hanusiak explained that most of the area in brown will be tackled this summer. We will proceed to Schedule "F" over the course of the next two years. We anticipate a three year time frame in the yellow area. If approved, we will complete the loop in the yellow area during the first phase. This will give Metro Transit a chance to discuss the route.

Councillor Hetherington asked what is the schedule for Phase 1.

Michael Hanusiak identified the areas of the overhead to be done this year and next.

A resident mentioned stormwater management and asked Clayton Developments if they were successful with what has been done to date.

Michael Hanusiak explained there was an episode last year during a rainfall-type hurricane. The incident was published in the newspaper and Clayton Developments took great exception to it. We meet with the Portland Estates Residents Association and went over all of the details with them. They seem satisfied with our actions.

Earl Richardson stated before the storm hit, we shutdown our construction and put berms in place to hold back the flow. The upper area was paved and therefore runoff was quick. The storm washed out a ½ truckload of soil in 5 minutes.

Michael Hanusiak indicated that morning N.S. Department of the Environment met on site. Several storm manholes were covered with material to serve as a filter. The filter clogged resulting in very little water flowing in the storm sewer. Since then the practice has changed whereas the material has now been removed. This matter was turned over to the Environment who believes the problems were caused by the filtered fabric.

A resident asked if Clayton Developments learned by this experience?

Michael Hanusiak explained that Clayton Development did not want the fabric over the catch basins in the first place. A comment was made that no one was on-site when this happened. We had 12 people on site 24 hours before and 24 hours after the storm hit.

Earl Richardson remarked that testing of the fabric is being done by the Environment. He noted it is remarkable how bad something can look in a short time.

A resident asked if the Environment was satisfied with the siltation in the lake?

Paul Morgan responded the colour of the lake was caused by soil erosion which is fine in the case of clay. Second Lake looked brown from the aerial photos but once the clay settled on the bottom the colour of the water cleared.

Michael Hanusiak explained the incident did not happen under their command. The Portland Estates Residential Association were very helpful and assisted us and our contractors. The impact was not long-term and was more of an embarrassment than anything else.

A resident asked if there are processes to ensure covenants are upheld?

Michael Hanusiak responded each street has an approval plan which identifies areas of disturbance. The buffer zone varies at 100 feet. After we sold and there was activity in the zone, each incident was handled over to the Development Officer.

A resident referred to the overhead and asked what is the time line of the yellow area to Bell Brook?

Michael Hanusiak explained the plan is to build in the next year depending on the market conditions. The entire yellow area will be complete in three to four years.

A resident pointed out on completion of Phase 1 there will still be another 75 acres at Bell Brook to be developed.

Michael Hanusiak stated those lands must be developed in context of the Morris-Russell Lake Master Plan. There is a regional transportation issue and therefore the area will not be open until the master planning issue is resolved.

A resident stated there is a great percentage of greenbelt remaining. Can it be extended to Bell Brook to get rid of a lot of foliage?

Michael Hanusiak referred to Bell Brook on the overhead and identified the area to be maintained (buffer). These lands have significant grades which require us to rethink some of the streets. Street configuration and tree retention may be a significant issue.

Earl Richardson explained he receives calls approximately once a week from residents requesting the removal of trees.

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Michael Hanusiak pointed out they have an Information Office at Regal Drive and the plans for Portland Hills can be made available at that office. He also indicated he has business cards available which has their website address.

Paul Morgan mentioned that the notification which was mailed out had his contact information if anyone wanted to call him.

Michael Hanusiak referred to the overhead and pointed out the red area is not all sold. It is intended for community commercial use and a 100,000 square foot building was being proposed. He explained he met with the Morris-Russell Lake PPC and Metro Transit last year regarding the three acres running parallel to Portland Street. The area is intended for a "park and ride". The first break in the meridian at Portland Estates Boulevard will be the access point for the "park and ride". There will be enough space to accommodate 100 vehicles. In our decision to sell a portion to Metro Transit, there was not enough land remaining to handle a 100,000 square foot community commercial building. The remainder of the commercial is under construction.

A resident asked where will the stormwater flow from that site?

Earl Richardson explained it comes down Portland Hills Drive closer to the "park and ride".

A resident asked how many units are in the 38 acres, including the multiple unit dwellings?

Michael Hanusiak responded the number of units are in the vicinity of 100-130. He indicated he would be able to provide a definitive answer tomorrow if anyone wished to contact him.

Chad King, 10 Princeton Lane asked if the new lots are zoned for schools at Portland Estates Boulevard or Bell Ayr?

Michael Hanusiak explained when the school site was sold, it was primarily intended to serve Portland Estates and Portland Hills. We have received an indication that lots within the blue area would go to this school as well as lots in the brown area.

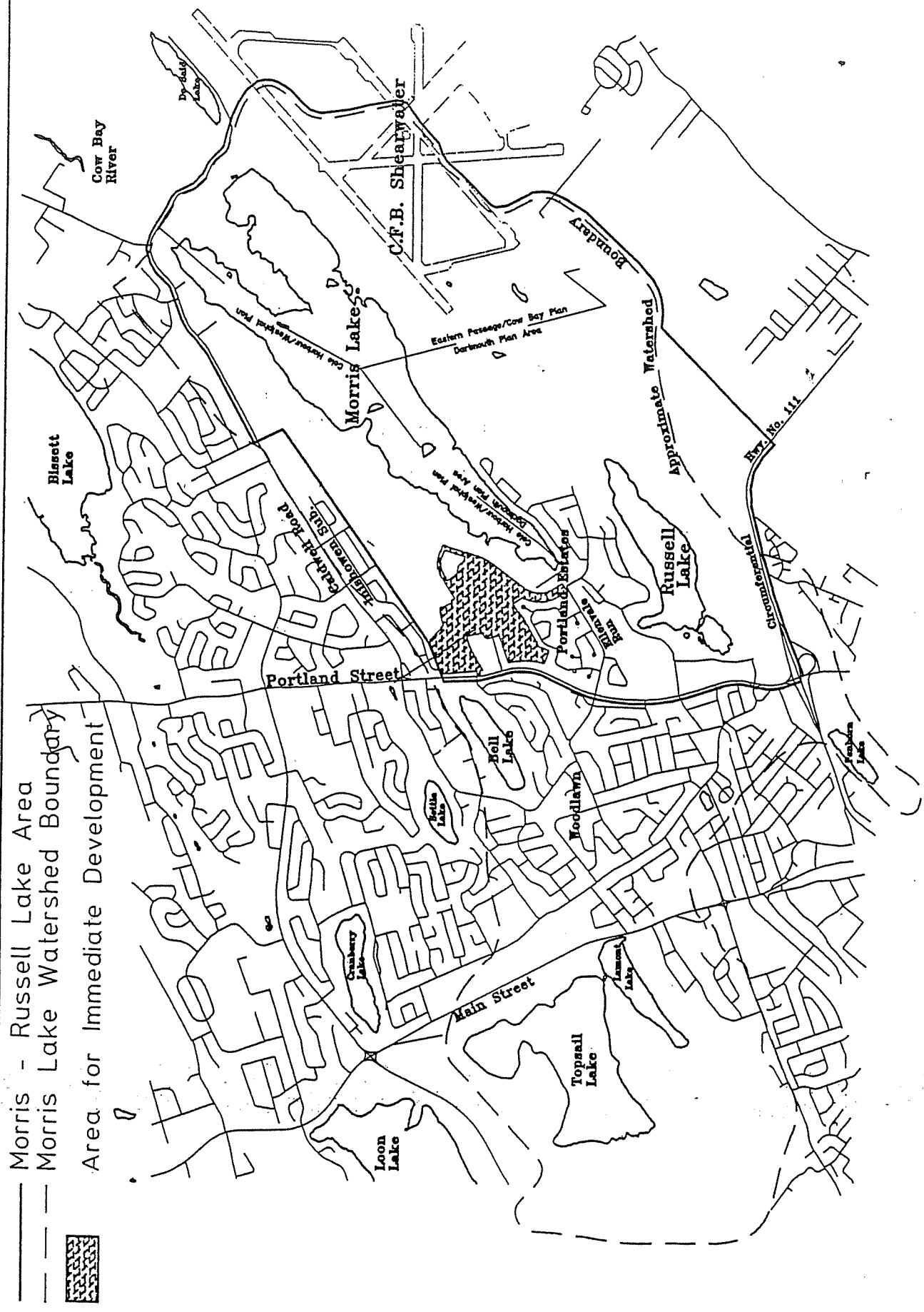
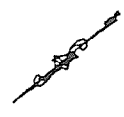
Peter Greenwood commented not all of the blue area is included in this school zone. Primary enrolment will be reviewed each year and a decision will be made at that time.


Councillor Hetherington noted other schools in this area are Bell Ayr and Ellenvale.

#### 4. ADJOURNMENT

Paul Morgan thanked everyone for coming and reminded them to please sign the mailing list.

Attachment VI



— Morris - Russell Lake Area  
 - - - Morris Lake Watershed Boundary  
 Area for Immediate Development



Morris-Russell Lake Area

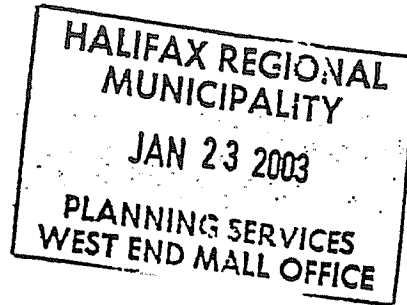
Map 9M

July 8, 1998

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FAXED

Attachment VII



Clayton Developments Limited  
287 Lacewood Drive, Unit 109  
Halifax, Nova Scotia  
Canada B3M 3Y7

Tel (902) 445-2000  
Fax (902) 443-1611

Subsidiaries  
Clayton Realty Limited  
Ridgevale Developers Limited

January 21, 2003

Mr. Paul Morgan  
Planner  
Halifax Regional Municipality  
P.O. Box 1749  
Halifax, NS B3J 3A5

Dear Paul:

**RE: Plan Amendment – Portland Hills**

Thank you for arranging last week's meeting on the above-noted matter. Please pass along our thanks to Kenda for attending as well.

At the conclusion of our discussions, it was agreed that Clayton would provide an overview as to the reasons why we deviated from the conceptual "phasing" plan appended to the development agreement. This information is provided in point form.

- While the development agreement contains a "phasing" plan, it is conceptual as opposed to mandatory. There is nothing in the agreement that compels us to develop in a certain direction.
- Staff requested that we connect Alpine Drive to Barry Hill Drive at the earliest possible date. This would allow homes along Alpine to connect to municipal sanitary services, thereby alleviating concerns about septic systems impacting Morris Lake. Secondly, the Municipality was anxious to remove the left-hand turn from Alpine onto Portland Street. A right-in/right-out is now in place.
- The connection to Alpine required that we route our sanitary and storm sewer services through lands not originally intended to be part of the initial 93 acres. This was done with the full knowledge and consent of staff.
- With the construction of the intersections of Summerfield Way and Barry Hill Drive, we were faced with concerns relating to storm water run-off from the Summerfield section to existing homes within Portland Estates. To ensure an effective storm water management plan, the decision was made to close the Summerfield "loop". This impacted the 93-acre limitation by approximately 15 acres.

- The next phase for this development is the extension of the upper section of Portland Hills Drive and the completion of the twin cul-de-sacs referred to as the "dog bone". This phase must be completed next owing to gravity flow of the sanitary system and the need to maintain an effective storm water management plan.

As you can see, it was not our intent to play fast and loose with the 93-acre limitation. Truth be known, we had fully expected that the traffic problems along Portland Street would have been addressed by now and that the whole of Portland Hills would be approved for development.

Assuming that staff are supportive of our request, we are prepared to covenant that the closure of Portland Hills Drive will constitute the next phase of development after the dog-bone. We will undertake to do this in the spring/summer of 2004.

Paul, I trust this is to your satisfaction and look forward to your report for Community Council. On the issue of traffic impact, my understanding was that Kenda would consider the merits of a traffic impact statement prepared by staff (as opposed to our traffic consultant). In our opinion the incremental difference in traffic volumes resulting from an increase in development rights to 138 acres is inconsequential relative to the overall performance of Portland Street. Moreover, the ramifications for not completing the "loop" far outweigh the impacts of a few more vehicles along the Portland valley.

Please give me a call if you have any questions.

Yours truly,



J. Michael Hanusiak  
General Manager

JMK/mk