

**Harbour East-Marine Drive Community Council
January 9, 2014**

TO: Chair and Members of Harbour East-Marine Drive Community Council

SUBMITTED BY: Original signed
Brad Anguish, Director of Community and Recreation Services

DATE: December 18, 2013

SUBJECT: Case 17575: Open Space Design Development Agreement, Nature's Ridge, Lake Echo and Porters Lake

ORIGIN

Application by PJC Land Developments Limited.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council:

1. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment A of this report, to allow for a hybrid open space design development on the lands between Circle Drive, Lake Echo and Myra Road, Porters Lake, as shown on Map 1, and schedule a public hearing;
2. Approve the proposed development agreement, as contained in Attachment A of this report, to allow for a hybrid open space design development on the lands as shown on Map 1 between Circle Drive, Lake Echo and Myra Road, Porters Lake; and
3. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

PJC Land Developments has submitted an application to develop a parcel of land located between Circle Drive in Lake Echo and Myra Road in Porters Lake. The applicant proposes a Hybrid Open Space Design development for 204 residential units/lots through a development agreement. The residential development includes provisions for single unit dwellings on lots serviced by wells and septic systems. Through the Hybrid Open Space Design provisions, development on the lands is confined to 20% of the property, while the remaining 80% is retained for passive recreation and conservation use.

This report highlights features of the development and Regional Municipal Planning Strategy (RMPS) policy considerations, including the proposed development standards and the permissible density. In staff's opinion, the proposed development is consistent with the applicable policies of RMPS. Therefore, staff recommends that Community Council approve the proposed development agreement as identified in the recommendation section of this report.

BACKGROUND

PJC Land Developments has submitted an application for a hybrid open space design community on lands between Lake Echo and Porters Lake. The subject lands are 216 hectares and located north of Highway 7 between Circle Drive and Myra Road (Map 1). The lands are currently undeveloped and are a mix of tree cover and cleared terrain. The RMPS and Regional Subdivision By-law limit development on new streets in areas not serviced by central water and sanitary sewer systems. Therefore, the applicant is proposing to develop the subject property for an open space development subdivision through the development agreement process, as enabled by the RMPS (Attachment B).

Open Space Design Development

With the adoption of the RMPS and Regional Subdivision By-law in 2006, the as-of-right subdivision of land in most unserviced areas throughout HRM is limited to 8 lots on new streets unless the subdivision was approved prior to 2004. New subdivisions involving more than 8 lots on new streets are now only considered through a development agreement.

Open Space Design Development is a creative form of subdivision design that conserves open space in a contiguous form. The basic principal is to locate homes on portions of the property which are best suited for development, while retaining the remainder of the property as undisturbed open space. There are two forms of Open Space Design Developments, one is called "Classic" and the other form is called a "Hybrid".

Hybrid Open Space Designs involve homes and lots with individual wells and septic systems where only 20% of the lot can be developed and the remaining 80% must be retained as open space. Dwellings are to be placed away from environmentally sensitive areas and well and septic can be placed in the open space areas. The Hybrid form of Open Space Design allows the consideration of a maximum density of one residential unit per hectare (1 unit per 2.4 acres).

Classic Open Space Designs involve the entire development being under single ownership and homes with shared or communal wells and septic systems. Forty percent of the property can be developed and the remaining 60% must be retained as open space. The Classic form of Open Space Design allows the consideration of a maximum density of one residential unit per 0.4 hectares (1 unit per 1.0 acres).

Location, Designation, Zoning and Surrounding Land Use

The lands are:

- located between Circle Drive in Lake Echo and Myra Road in Porters Lake (Map 1);
- approximately 216 hectares (533.7 acres) in area;
- designated Rural Commuter under the Regional Municipal Planning Strategy (RMPS);
- designated Mixed Use, with a small portion Lake Echo Community near Circle Drive, under Planning Districts 8 and 9 Municipal Planning Strategy (MPS) (Map 1);
- zoned RE (Rural Enterprise), with a small portion zoned R-1 (Single Unit Dwelling) near Circle Drive, under Planning Districts 8 and 9 Land Use By-law (LUB) (Map 2) which allows for a broad range of residential, commercial, resource based, industrial and institutional uses; and
- surrounded by RE (Rural Enterprise) zoned land uses, some R-1 and R-6 zoned lands near Lewis Lake and adjacent to existing residential development on Circle Drive and Myra Road.

Proposal

The applicant is proposing to develop a Hybrid Open Space Design subdivision through the development agreement process. Features of the proposed development include:

- 204 dwelling units to be developed in 8 phases;
- single unit dwellings;
- public road network connecting Circle Drive to Myra Road;
- each lot will be privately owned;
- services for each lot will be through on-site wells and septic;
- retaining 80% of each lot to be used for conservation, on-site wells and septic; and
- parkland along Jack Weeks Lake and adjacent the Lake Echo Community Play Park.

MPS Policy

Under the RMPS, the subject lands are designated Rural Commuter which envisages a mix of low to medium density residential, commercial, institutional and recreational uses. Policy S-15 (Attachment B) of the RMPS sets out the criteria by which Council shall consider Hybrid Open Space Design Development proposals. The policies focus on retaining important ecological and cultural features, while demonstrating there is sufficient groundwater and minimal overall site disturbance.

Community Visioning

Lake Echo is currently identified as a Rural Commuter centre under the RMPS and as such is to participate in a comprehensive Community Visioning exercise. The comprehensive exercise is intended to determine boundaries, population targets, specific land uses, densities and implementation methods.

To assist the community in the Visioning exercise, the RMPS requires preparation of a watershed management and servicing study of Lake Echo to determine the potential of providing municipal wastewater, stormwater and water distribution systems. The study was presented to the Lake Echo community in April 2013 and Harbour East-Marine Drive Community Council moved that:

- the study be accepted as background for future community planning;
- proceed cautiously with development to avoid further degradation of Lake Echo; and
- this study be forwarded to NSE and Clean Nova Scotia in the event there are programs or initiatives to support the aims and objectives of the report.

The findings of the Lake Echo Watershed Study are discussed in more detail later in this report.

DISCUSSION

Staff conducted a review of the proposed development relative to the applicable policy criteria and has concluded that the proposed development is consistent with the intent of the Regional MPS. Attachment B contains staff's analysis of the applicable policies. Staff has identified below some aspects of the development that warrant further discussion.

Density

Policy S-15 of the Regional Plan allows for the consideration of a maximum density of 1 unit per hectare. As the subject property is 216 hectares (533.7 acres) in area, Community Council could consider up to 216 units for the development. However, the applicant is proposing 204 units due to numerous wetlands and watercourses on the subject property.

Phasing/Hydrogeological Assessment

The proposal is to develop the project in 8 phases over a 20 year timeframe (Attachment A, Schedule C). To minimize risk to HRM and ensure future connection between Circle Drive and Sugarwood Court (off of Myra Road), the development agreement requires the public road be bonded at Phases 4 and 5 and these two phases be submitted concurrently.

In association with the phasing of the proposed development the development agreement requires that for each phase an overall site disturbance plan, an erosion and sedimentation control plan and a stormwater management plan be submitted.

The required hydrogeological study is an important component of the policy evaluation to assess groundwater adequacy required to service the proposed development. In accordance with the proposed development agreement, a supplemental hydrogeological study is required to be prepared for each phase to determine that the quality and quantity of ground water is adequate before development approvals can be issued for the future phases. Due to the total size and inaccessibility of the lands, it may be difficult to complete an assessment of the entire lands without impacting areas that may potentially be retained as common open space.

The required Level 1 hydrogeological study has been completed for the entire development and the Level 2 assessment for Phase 1 has been completed. The developer also carried out a Well

Survey for review. The test wells revealed general chemistry and dissolved metals parameters below Health Canada's *Guidelines for Canadian Drinking Water Quality* (GCDWQ) limits: The exceedences were turbidity, iron, manganese, aluminum, antimony with the presence of e. coli and colour. These levels were reduced to guideline standards after long term pumping but if they develop in the future they may be treated to acceptable aesthetic levels by filter systems.

Placement and data analysis of the test wells reveals there is an adequate yield of potable water in the aquifer for residential purposes in Phase 1. The HRM *Guidelines for Groundwater Assessment and Reporting* (2006) provides general administrative and technical guidance for subdivision approval and the developer will continue to develop in compliance with these guidelines.

Traffic Issues

The proposed development features a public road that connects through from Circle Drive in Lake Echo to Myra Road in Porters Lake, two existing provincial roads. It is the opinion of staff the proposed public road has minimized any significant impact on riparian buffers and wetlands by means of its design as it seeks to avoid these features, crossing at minimal widths and non-disturbance of higher functioning wetlands. The proposed public road will be conveyed to HRM upon completion within each phase and under the terms of the proposed development agreement (Attachment A) and will meet municipal standards and specifications.

Nova Scotia Transportation and Infrastructure Renewal (NSTIR) have concurred with the Traffic Impact Study prepared for this proposed development. Further, supplemental Traffic Impact Study Addendums were prepared to address concerns raised by staff as well as members of the public during the review process. The documents were reviewed and confirmed the following:

- no road improvements would be required at the intersection of Myra Road and Trunk 7;
- the combined impacts of the nearby Seven Lakes residential development and this proposed development on the intersection of West Porter's Lake Road and Trunk 7 identify timelines for intersection improvements that will be used to develop an agreement between both developers for funding and providing the improvements; and
- that projected traffic can be accommodated with Trunk 7 access via Circle Drive alone.

Disturbance/Non-Disturbance Areas

A Hybrid Open Space Design development allows for the development of 20% of the individual property with the remaining 80% of the property to be retained for conservation and passive recreational uses. No development will be permitted beyond wells and on-site sewage treatment in the identified non-disturbance area of the property including no grubbing, tree removal or grade alteration. Nonetheless, removal of unhealthy trees or dead or damaged may be approved in accordance with the agreement whereby staff may request the developer engage a certified professional to certify the tree(s) poses a fire or safety risk, is a danger to persons or property or that it is in severe decline. Additionally, if trees are removed or damaged beyond "repair" in the non-disturbance area the developer shall replace each tree removed or damaged (Attachment A). The proposed agreement requires the non-disturbance area be demarcated prior to any site development and this demarcation must be kept in place until an Occupancy Permit is issued for the lot (Attachment A). It is important to maintain these areas with existing vegetation cover, and to minimize clear cutting overall, as this is a contributor to nutrient runoff.

Building Development Standards

The proposed development agreement (Attachment A) specifies minimum dwelling separation distances of 4.57 metres (15ft) from the boundary of the lands or the non-disturbance area. Each dwelling is permitted accessory buildings subject to the Planning Districts 8 and 9 Land Use By-law subject to a 2.44 metres separation distance from the associated dwelling as per the proposed agreement. The separation distance from the boundary or the non-disturbance provides adequate horizontal distance between the structure and the protected vegetation for construction or maintenance without damage to non-disturbance edge.

Lake Echo Watershed Study/Environmental Protection Measures

A portion of the proposed development is located within the boundaries of the Lake Echo Watershed Study: one of the secondary watersheds of the Musquodoboit Primary Watershed (Map 4). The purpose of the Lake Echo Watershed Study was to determine the carrying capacity of the study area by defining existing terrestrial and aquatic environments, identifying existing constraints and assessing the cause.

The Watershed Study is enabled under RMPS Policy E-17, and is intended to provide 'background information to be considered in the development of secondary planning strategies'. Until the Watershed Study's recommendations are implemented through these plan policies, there is limited ability to evaluate the development proposal according to the specific recommendations presented in the Watershed Study.

This being said, there is strong overlap between the objectives of open space design development, the Watershed Study recommendations, and Council's direction to proceed cautiously with development. The Open Space Design policies are modelled after low impact development or conservation design, which aim to generate lower pollutant loads (e. coli, nitrogen, phosphorous), avoid development on environmentally sensitive areas and incorporate best management practices.

It is the opinion of staff, the intrusion of the proposed development on the watershed is minimized due to open space design considerations taken from the policy criteria (S-15). Further, the open space design development agreement provides for large lots (none of which are under 8000 square metres) that, by the very nature of open space design, are protected through the connectivity of the non-disturbance areas. Large lots provide stormwater an opportunity to flow over vegetated surfaces that slow down sheet flow and allow infiltration with high efficiency ranges for nitrogen and phosphorous reduction.

To further minimize the risk of generating additional sources of pollutants and to improve existing water quality where feasible, the proposed development agreement requires preparation of an overall site disturbance plan, stormwater management plan and erosion/sedimentation controls to be put in place during development of the lands. Stormwater management plans will address minimization of runoff volume and peak flows, enhance infiltration and enable treatment of runoff where possible. Erosion and sedimentation controls act to minimize nutrient loading of nitrogen and phosphorous in environmental receptors.

Pyritic Slate

The site is located in an area known to have a predominance of pyritic slate. Pyritic slate is a type of bedrock that, when exposed to water and air, produces acidic run-off which can cause significant environmental damage through fish kills and other negative impacts. Pyritic slate can be exposed during the development process. In Nova Scotia, there are regulations which come into effect if pyritic slate is discovered on a property. These regulations place strict controls on the amount of land that is permitted to be exposed during development. Nothing in the proposed development agreement precludes the enforcement of these regulations. Further, staff has identified to the developer that the site is within an area known to contain pyritic slate. The developer acknowledged the issue if encountered, the developer is required to follow the regulations or be subject to penalty under the Environment Act.

Parkland Dedication

The proposed development will contain public parkland in a number of forms including: a community park adjacent Jack Weeks Lake having frontage on the proposed Woodbend Land public street; a trail connection along the eastern shore of Jacks Weeks Lake to the abutting provincial Waverly Salmon River Long Lake Wilderness Area; and, lands adjacent HRM Lake Echo Community Play Park abutting the eastern boundary of the existing park. Under the terms of the proposed agreement, the developer is responsible for developing the trail. It is the opinion of staff the intent of the parkland and connectivity policy criteria is adequately met by the proposed trail, in conjunction with public parklands.

On-Site Sewage Treatment

Nova Scotia Environment is the regulatory agency for on-site sewage disposal systems. The on-site septic systems will be designed, specified, constructed according to current standards and regulatory regulations of the *On-Site Sewage Disposal System Regulations* established under the Sections 66 and 110 of the *Environment Act* (NS Reg 194/2007) as administered by Nova Scotia Environment. Properly installed and maintained septic systems are designed to protect water supply, public health and the environment and should pose no additional threat to Lake Echo Watershed. All on-site sewage disposal systems will be designed and specified by a Qualified Person, registered with Nova Scotia Environment. Proper installation and maintenance of on-site sewage disposal minimizes nutrient loading (both nitrogen and phosphorous) that contributes to potential eutrophication of receiving waters.

Community School Capacity

The Halifax Regional School Board (HRSB) indicates that a proposed development of 204 homes would generate a potential yield of 90 students. The assigned schools for this development would be O'Connell Drive Elementary, Gaetz Brook Junior High and Eastern Shore District High School. O'Connell Drive Elementary is at or near capacity but enrolment is anticipated to drop over the next few years. Gaetz Brook Junior High and Eastern Shore District High have adequate capacity at this time to support the potential students from this proposed development. The HRSB noted that if the schools do not have adequate capacity that the students of this development will be assigned to another school within the Board's jurisdiction.

Regional Plan 5 Year Review (RP+5)

The Regional MPS, RP+5 review is currently underway by the Planning and Infrastructure business unit. As part of this review, changes to the way in which large scale subdivision are implemented are being considered. The timelines for Regional Council to consider such changes are not certain as of the writing of this report. Staff will advise at first reading if there are any potential issues or conflicts with the proposed changes to the Regional MPS. Further, Planning and Infrastructure staff have been advised that the development agreement application for this subdivision is proceeding through the approval process.

Conclusion

The proposed application for a Hybrid Open Space Design Development limits the overall disturbance of the subject property, through the principles of the Hybrid Open Space Design Development. The location of the proposed dwellings will minimize disturbance to ecological features and environmentally sensitive areas on the subject property such as wetlands, watercourses. Provisions have been included in the proposed development agreement to address compatibility with neighbouring uses.

Staff is of the opinion that the proposed development is consistent with Policy S-15 of the Regional Plan. Therefore, staff recommend approval of the proposed development agreement as contained in Attachment A of this report.

FINANCIAL IMPLICATIONS

There are no financial implications. 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 proposed budget with existing resources.

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 a Public Information Meeting held on March 8, 2012. 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 2. Attachment C contains a copy of the minutes from the meeting.

A Public Hearing has to be held by Council before they may consider approval of a proposed development agreement. 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 2 will be notified of the Hearing.

The proposed development agreement will potentially impact local residents and property owners on Circle Drive and Myra Road.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies. No additional concerns were identified beyond those discussed in this report. The proposed development agreement (Attachment A) requires the following actions to mitigate potential pollution loads from the lands:

- Overall Site Disturbance Plan;
- Individual Lot Site Disturbance Plan;
- Stormwater Management Plan;
- Erosion and Sedimentation Control Plan;
- Compliance with NSE regulatory regime for on-site sewage disposal systems; and
- Large lots and demarcated 80% non-disturbance areas.

ALTERNATIVES

1. Council may choose to approve the proposed development agreement contained in Attachment A of this report. This is the recommended course of action for reasons outlined in this report. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Council may refer the case back to staff with specific changes to modify the proposed development agreement. Such modifications may require further negotiations with the Developer and may require a supplementary staff report or an additional public hearing. This alternative is not recommended for reasons outlined in this report. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
3. Council may refuse the proposed development agreement, and in doing so, must provide reasons based on a conflict with policy of the MPS for Planning Districts 8 and 9 or the Regional MPS.

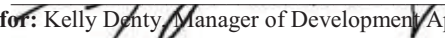
ATTACHMENTS

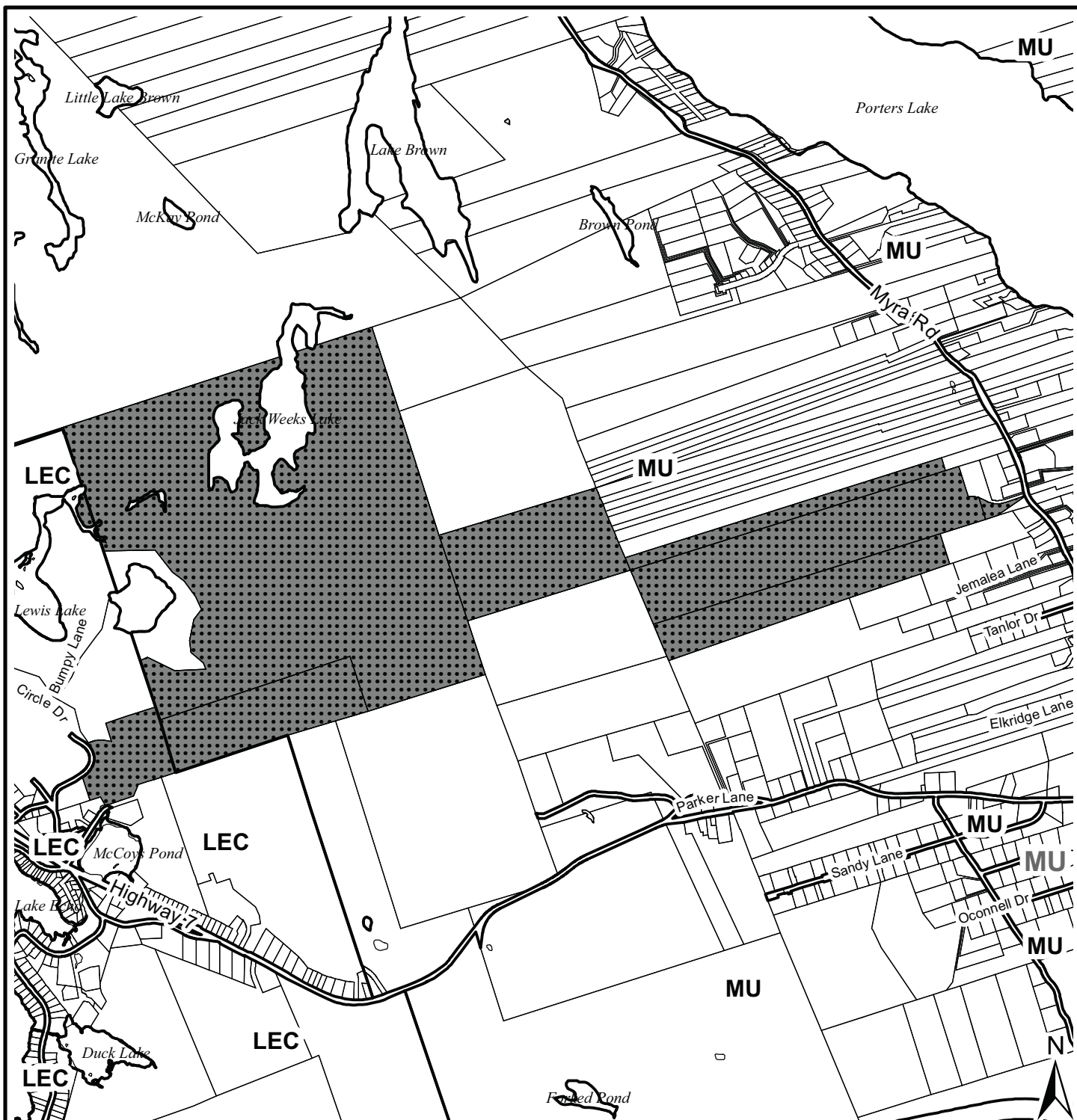
Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Notification Area
Map 4	Lake Echo Watershed Study Area
Attachment A	Proposed Development Agreement
Attachment B	Review of Relevant Regional Municipal Planning Strategy Policies
Attachment C	Minutes from the Public Information Meeting

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

Report Prepared by: Darrell Joudrey, Planner I, 490-4181

Original signed

Report Approved by:  for: Kelly Denty, Manager of Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

off Myra Road
Porters Lake

 Subject Area

Designation

MU Mixed Use
LEC Lake Echo Community

Planning Districts 8 & 9
(Lake Echo/Porters Lake) Plan Area

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 200 400 600 800 m


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

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



Map 2 - Zoning

off Myra Road
Porters Lake

 Subject Area

Planning Districts 8 & 9
(Lake Echo/Porters Lake) Plan Area

Zone

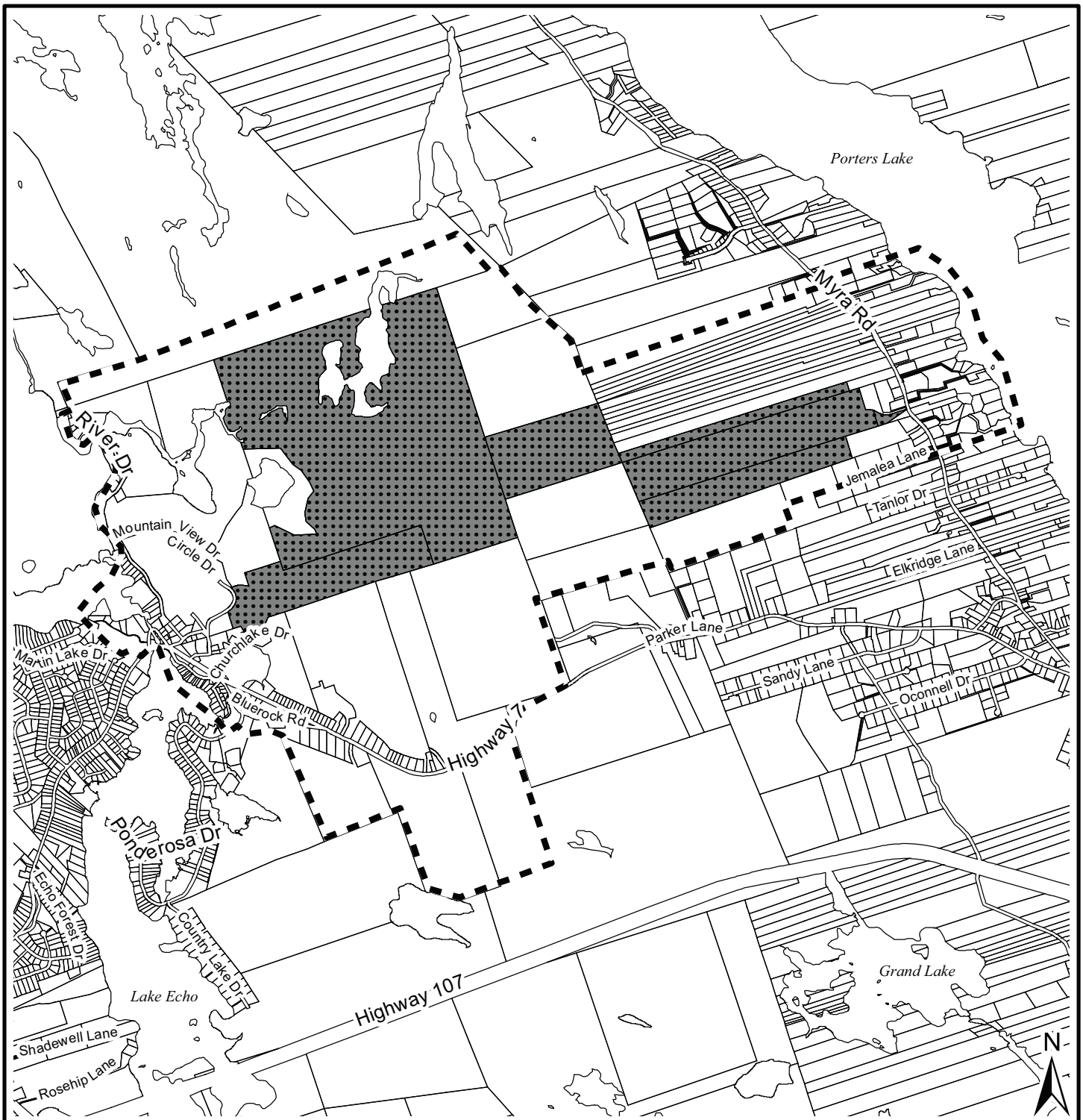
R-1	Single Unit Dwelling
R-A	Residential A
R-6	Rural Residential
RE	Rural Enterprise
MR	Mixed Resource
C-1	Community Commercial
I-2	Salvage Yard
PA	Protected Area

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DEVELOPMENT APPROVALS

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

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Map 3 - Notification Area

off Myra Road
Porters Lake

-  Subject Area
-  Area of notification

Planning Districts 8 & 9
(Lake Echo/Porters Lake) Plan Area

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DEVELOPMENT APPROVALS

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of any representation on this plan.



Map 4 - Lake Echo Watershed Study Area Boundary

off Myra Road
Porters Lake

 Subject Area

 Lake Echo WaterShed Study Area Boundary

Planning Districts 8 & 9
(Lake Echo/Porters Lake) Plan Area

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REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

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

Attachment A: Proposed Development Agreement

THIS AGREEMENT made this _____ day of _____, 2014 ,

BETWEEN:

<INSERT COMPANY NAME>,

a body corporate, in the Province of Nova Scotia

OF THE FIRST PART

and

<INSERT INDIVIDUAL'S NAME>,

an individual in the Halifax Regional Municipality,
in the Province of Nova Scotia

OF THE SECOND PART

and

<INSERT INDIVIDUAL'S NAME>,

an individual in the Halifax Regional Municipality,
in the Province of Nova Scotia

OF THE THIRD PART

and

<INSERT INDIVIDUAL'S NAME>,

an individual in the Halifax Regional Municipality,
in the Province of Nova Scotia

OF THE FOURTH PART

and

HALIFAX REGIONAL MUNICIPALITY,

a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE FIFTH PART

WHEREAS the Developer is the registered owner of certain lands (216 ha) located between Circle Drive in Lake Echo and Myra Road in Porters Lake, 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 Hybrid Open Space Design Development of up to 204 single unit dwellings on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy S-15 of the Regional Municipal Planning Strategy;

AND WHEREAS the Harbour East-Marine Drive Community Council for the Municipality approved this request at a meeting held on <INSERT DATE>, referenced as Municipal Case Number 17575;

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 Districts 8 and 9 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 of this Agreement, nothing in this Agreement shall exempt or be taken to exempt the Developer, future property 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 and Subdivision By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial or Federal Government, and the Developer or future property owner agrees 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 systems, water supply systems, stormwater 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, installation, operation and maintenance 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 Regional 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.

PART 2: DEFINITIONS

2.1 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 Regional Subdivision By-law. If not defined in these documents their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

The following words used in this Agreement shall be defined as follows:

- (a) “Certified Arborist” means a professional, full member in good standing with the International Society of Arboriculture.
- (b) “Developable Area” means the portion of each lot, not to exceed 20% of the lot area, where all development and site disturbance including but not limited to, buildings, lawns, grade alterations, placement of wells and/or on-site sewage disposal systems, driveways and paved areas, shall be located. The area disturbed for the placement of the driveway may be calculated as ½ the actual area of disturbance.
- (c) “Footprint” means the area of a building, including land over which the building projects, but excluding any area below the eaves of a roof, and excluding any portion not covered by a roof, such as unsheltered steps, verandas or decks.

- (d) “Forester” means a professional, full member in good standing with the Registered Professional Foresters Association of Nova Scotia.
- (e) “Home Business” means any office or personal service use resulting in a product or service which is conducted within part of the principal operator’s dwelling unit and is subordinate to the residential use on the property and shall not include the retail sales of products other than those incidental to the home business and shall exclude a day care.
- (f) “Hybrid Open Space Design Development” means a residential development enabled under Policy S-15 of the Regional Municipal Planning Strategy which has a maximum development density of 1 unit per hectare of the gross site area and where approximately 80% of the Lot is retained as Non-Disturbance Area by the property owner.
- (g) “Individual Lot Site Plan” means plan that is prepared and endorsed by a qualified professional engineer. The Individual Lot Site Plan shall identify the Developable Area and Non-Disturbance Areas. The Individual Lot Site Plan shall identify the location and size of all well and septic systems, dwelling footprint, the location of all other structures, including setbacks from adjacent property lines, the driveway and all surrounding structures, the proposed location and size of the lawn areas, proposed location and size of all paved areas, and any watercourse and riparian buffers. The Individual Lot Site Plan shall include enough detail to verify that not more than 20% of the area of the lot(s) shall be disturbed, except as otherwise permitted by this Agreement. The Site Plan shall also include measures to implement the requirements of the Erosion and Sedimentation Control Plan and the Stormwater Management Plan as per this this agreement.
- (h) “Landscape Architect” means a professional, full member in good standing with the Canadian Society of Landscape Architects.
- (i) “Non-Disturbance Area” means the portion of each lot, encompassing a minimum of 80% of the lot area, where no development shall be permitted including but not limited to, buildings, lawns, alterations of grades or driveways or paved areas. The placement of wells and/or on-site sewage disposal systems may be located within the Non-Disturbance Area.
- (j) “Overall Site Disturbance Plan” means plan that is prepared and endorsed by a qualified professional engineer. The Overall Site Disturbance Plan shall include the limits of disturbance for the public streets and any watercourse and riparian buffers. The Overall Site Disturbance Plan shall also include measures to implement the requirements of the Erosion and Sedimentation Control Plan and the Stormwater Management Plan as per this agreement.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms to the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 17575:

Schedule A	Legal Description of the Lands
Schedule B	Conceptual Layout Plan
Schedule C	Phasing Plan
Schedule D	Erosion and Sedimentation Control Measures
Schedule E	Preliminary Stormwater Management Plan

3.2 Subdivision of the Lands and Phasing

- 3.2.1 This Agreement shall be deemed to meet the requirements of the Regional Subdivision By-law with respect to Concept Plan Approval. As per Section 99 of the Regional Subdivision By-law, a tentative application is optional.
- 3.2.2 Applications for Subdivision Approval shall be submitted in the order of the phasing, as set out in Schedule C Phasing Plan.
- 3.2.3 To ensure the required street connection (Sugarwood Drive to Circle Drive) will be completed, Subdivision Applications for Phase 4 and 5 shall be made concurrently. Prior to the commencement of construction of Phase 4 the Developer must receive Design Approval and post security of 110% of the estimated cost of construction for the primary and secondary services in Phase 5.
- 3.2.4 Applications for Final Subdivision Approval shall be in accordance with the HRM Subdivision By-Law as amended from time to time and shall also be in accordance with Schedule B Conceptual Plan, Schedule C Phasing Plan and all applicable provisions of this agreement.
- 3.2.5 The location and number of lots in each phase shall be as shown on Schedule B Conceptual Plan. The Development Officer may approve changes in the number of lots up to a maximum of 2 additional lots per phase. At no time shall the number of units on the Lands exceed 204. This provision shall not apply to Phases 4, 5 and 7.
- 3.2.6 Prior to receiving Design Approval for the public road and municipal infrastructure and entering into the Subdivision Agreement, in addition to the requirements of the Regional Subdivision By-law, the Developer shall submit for each Phase of the Development the following:
 - (a) A Supplemental Hydrogeological Analysis in accordance with this Agreement;
 - (b) An Overall Site Disturbance Plan in accordance with this Agreement;

- (c) An Erosion and Sedimentation Control Plan in accordance with this Agreement and the requirements of the Regional Subdivision By-law; and
- (d) A Stormwater Management Plan in accordance with this Agreement and the requirements of the Regional Subdivision By-law.

3.2.7 Requirements for Municipal Service Acceptance of each Phase

Prior to acceptance of any Municipal Service, the Developer shall comply with the requirements of the HRM Regional Subdivision By-Law (accept as varied by this Agreement) and shall provide certification from a qualified professional engineer that the Developer has complied with the required Overall Site Disturbance Plan as required by this Agreement to the Development Officer.

3.2.8 Requirements for Supplemental Hydrogeological Analysis

Prior to any site clearing or tree removal beyond that which is required to carry out this provision or construction on the Lands associated with Phases 2 to 8, the Developer shall provide a supplementary hydrogeological analysis that determines water quality and quantity levels for each subsequent Phase. Such testing and analysis shall meet the HRM Guidelines for Groundwater Assessment and Reporting (2006), as amended from time to time. If analysis identifies insufficient quantity or quality in the local aquifer for the remaining unapproved dwellings, the number of permitted dwellings shall be reduced to a point where there is adequate groundwater.

3.3.1 Requirements Prior to Construction Permit Approvals for Any Phase

- 3.3.1 Prior to the issuance of a Construction Permit for each individual lot proposed for the Lands, the Developer shall provide the Development Officer with an Individual Lot Site Plan prepared and endorsed by a professional engineer.
- 3.3.2 Non-Disturbance Areas shall be identified with snow fences or other appropriate method, as approved by the Development Officer, prior to any site preparation (i.e. grubbing, tree cutting and excavation activity). The Developer shall provide confirmation to the Development Officer that the Non-Disturbance Area(s) have been appropriately marked. Such demarcations shall be maintained by the Developer for the duration of the construction and may only be removed upon the issuance of an Occupancy Permit for the lot.
- 3.3.3 Notwithstanding any other provision of the Agreement, no dwelling shall be occupied or the Lands used for any uses permitted by this Agreement until after an Occupancy Permit has been issued by the Municipality. Upon the issuance of an Occupancy Permit the Developer shall comply with all applicable provisions, of this Agreement, the Land Use By-law and the Subdivision By-law (except to the extent that the provisions of the Land Use By-law and Subdivision 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.
- 3.3.4 Further to Section 3.3.3, at the time of the issuance of an Occupancy Permit the Developer shall provide to the Development Officer with certification from a qualified

professional engineer that the Developer has complied with the required Individual Lot Site Disturbance Plan as required by this Agreement.

3.4 General Description of Land Use

3.4.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) A 204 unit Hybrid Open Space Development of single unit dwellings as enabled by this Agreement and generally illustrated on the Schedules; and,
- (b) Home Business Uses.

3.4.2 Flag lots as generally shown on Schedule B Conceptual Plan shall be approved by the Development Officer provided that each flag lot has no less than 6.096 meters (20 feet) of frontage on a public street and otherwise adheres to all requirements and provisions of this Agreement. There shall be no more than three flag lots contiguous to each other.

3.4.3 Home Business shall comply with Section 6.3 of the Planning Districts 8 and 9 Land Use By-law, as amended from time to time and as defined in this agreement.

3.5 Siting and Architectural Requirements

3.5.1 Nothing in this Agreement shall exempt the Lands from the requirements of Section 4.18 of the Land Use By-law for Planning Districts 8 and 9 concerning watercourse setbacks and buffers as amended from time to time.

Single Unit Dwellings

3.5.2 Single Unit Dwellings shall comply with the requirements of the R-1 Zone as set out in the Planning Districts 8 and 9 Land Use By-law except as varied or restricted by this Agreement and be subject to the following requirements:

- (a) No portion of a dwelling shall be located less than 4.57 meters (15 feet) from the boundary of the Lands or the Non-Disturbance Area;
- (b) The maximum Footprint of a single unit dwelling shall not exceed 325.15 square metres (3500 square feet), excluding any area for an attached garage.

Accessory Buildings and Structures

3.5.3 Within the Developable Area each Single Unit Dwelling is permitted one accessory building or structure, subject to the following requirements of the Planning Districts 8 and 9 Land Use By-law and shall be subject to the following requirements:

- (a) No portion of the building or structure shall be located less than 2.44 meters (8 feet) from the dwelling with which the accessory building or structure is associated; and
- (b) The maximum height of the building or structure shall not exceed 6.1 meters (20 feet).

3.6 Disturbance and Non-Disturbance Areas

- 3.6.1 The Developer agrees that a minimum of 80% of each lot shall be identified as a Non-Disturbance Area on a site plan submitted under the requirements of this Agreement. Further, no development, grubbing, tree cutting, grade alteration shall be permitted within any Non-Disturbance Area except where permitted under the requirements of this Agreement.
- 3.6.2 All disturbed areas shall be regraded and stabilized with suitable materials as per the direction of the Development Officer.
- 3.6.3 No development, tree removal or grade alteration shall be permitted within the Non-Disturbance Area except where approved in writing by the Development Officer 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 may require that the Developer 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.
- 3.6.4 If trees are removed or tree habitat is damaged beyond repair in the Non-Disturbance Area, the Developer or future property owner as the case may be, shall replace each tree 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 permission as outlined in this Agreement.

3.7 Park Dedication

- 3.7.1 The Developer shall convey to the municipality the parkland as shown on Schedule B and described below:
 - (a) One community park adjacent Jack Weeks Lake with frontage on the proposed Woodbend Lane public street right-of-way;
 - (b) Lands adjacent to and along the eastern shore of Jack Weeks Lake providing connection to the Waverly Salmon River Long Lake Wilderness Area; and
 - (c) Lands adjacent HRM Lake Echo Community Play Park extending from the eastern boundary of the existing park to the high water mark on the west side of the stream/outfall for a private sewage treatment facility associated with the Mountainview Mobile Home Park.
- 3.7.2 Parkland and open space dedication shall substantially conform with the locations and dimensions illustrated on Schedule B Conceptual Plan with the final adjustments to configuration and the site areas to be agreed upon by Parkland Planning and the Developer prior to construction. All parkland identified in this Section shall meet the HRM Regional Subdivision By-Law definition of “usable land” and HRM Parkland Quality of Land Criteria. The land shall be free of legal, environmental or physical encumbrances. “Encumbrances” mean, for the purposes of park dedication, legal,

environmental or physical constraints on the lands that may limit its intended use and management or present an unreasonable development or remediation cost to the Municipality. The Development Officer may permit variations to parkland site configuration provided appropriate access and road frontage is maintained, the total area of land is not reduced and the proposed parkland meets the requirements of Parkland Planning.

- 3.7.3 The Developer shall provide a design and cost estimate for a trail, to be accepted by the Municipality, adjacent to and along the eastern shore of Jack Weeks Lake providing connection to the Waverly Salmon River Long Lake Wilderness as shown on Schedule B. Further, the Developer shall be responsible for the construction of the trail.
- 3.7.4 The Developer shall convey the identified parkland in this Agreement to the Municipality, upon completion of the public road on which it has frontage.
- 3.7.5 The Municipality agrees that fulfillment of the requirements of Section 3.7.1 through 3.7.4 of the Agreement shall be deemed to satisfy all park dedication requirements for the development and of the Subdivision By-law for any subdivision approvals sought within Phase 1 to 8 as illustrated on the Schedules of this Agreement.

3.8 Signs

- 3.8.1 Signs shall be limited to those permitted under the Planning Districts 8 & 9 Land Use By-law, as amended from time-to-time.
- 3.8.2 Two (2) ground signs that contain the subdivision name shall be permitted, in conformance with the following requirements:
 - (a) The maximum height of the signs shall not exceed 4.6 metres (15 feet) inclusive of support structures;
 - (b) The face area of the signs shall not exceed 4.7 square metres (50 square feet);
 - (c) The face area of the signs shall be constructed of natural materials such as wood or stone;
 - (d) The supports of the signs shall be constructed of wood, stone or metal;
 - (e) Illumination of the signs shall include only down-pointing, full cut-off fixtures; and
 - (f) Ornamental plants shall be planted and maintained by the Developer around the base of the signs.
- 3.8.3 Signs for parks and recreational use shall be permitted.

3.9 Construction/Sales Office

A temporary 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 building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

Notwithstanding, one of the permitted single unit dwellings may be used as a construction/sales office.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

All construction shall satisfy Subdivision Design Approval in accordance with the Regional Subdivision By-law unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work. The Development Officer, in consultation with the Development Engineer, may give consideration to changes to the road network provided the modifications serve to maintain or enhance the intent of this Agreement.

4.2 Off-Site Disturbance

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, roads, 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.

4.3 Road Network

- 4.3.1 The location of all public roads and roads reserves shall be as generally shown on Schedules. Notwithstanding, the Development Officer may approve, in conjunction with the Development Engineer minor changes to the location and design of all public roads and road reserves. The Development Officer, in consultation with the Development Engineer, may give consideration to changes to the public road network provided the intent of the Development Agreement is met and that the changes do not negatively impact an environmentally sensitive area.
- 4.3.2 All construction of public roads and services shall be in compliance with Municipal Design Guidelines in accordance with the Regional Subdivision By-law unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Erosion and Sedimentation Control Plan

- 5.1.1 The Developer shall submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction.

- 5.1.2 The Parties agree that the Schedule D Erosion and Sedimentation Control Measures is intended as guidelines only.
- 5.1.3 The Developer agrees to provide on-site supervision on a regular basis during construction of the public road and individual lots of each Phase to ensure that Erosion and Sedimentation Control Plan are properly implemented. Additionally, on-site supervision shall also be provided prior to and after rain events.

5.2 Stormwater Management Plan

The Developer shall submit to the Development Officer a detailed Stormwater Management Plan prepared by a Professional Engineer in accordance with the Schedule E.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council:
- (a) An increase in the height or sign area of community name ground signs;
 - (b) An increase in the number of units greater than 204 but to a maximum of 216 provided the increase in the number of units is supported by a Hydrogeological Study and consistent with the intent of all other relevant provisions of this agreement.
 - (c) Changes to the Phasing Plan;
 - (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
 - (e) The length of time for the completion of the development as identified in Section 7.4 of this Agreement.

6.2 Substantive Amendments

Amendments to any matters not identified under Section 6.1 of this Agreement shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 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.

7.2 Subsequent Owners

- 7.2.1 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.
- 7.2.2 Upon the transfer of title of any lot(s)/unit(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)/unit(s).

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within three (3) years from the date of registration of this Agreement at the Land Registry Office, as indicated herein, the 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.
- 7.3.2 For the purpose of this section, commencement of development shall mean Subdivision Design Approval for Phase 1.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1 of this Agreement, 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.

7.4. Completion of Development

- 7.4.1 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; or
 - (c) Discharge this Agreement.
- 7.4.2 In the event that development on the Lands has not been completed within twenty (20) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the 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.
- 7.4.3 For the purpose of this section, completion of development shall mean the issuance of a Construction Permit for all dwelling units of each Phase.
- 7.4.4 For the purpose of this section, Council may consider granting an extension of the completion of development time period through a resolution under Section 6.1 of this Agreement, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the completion of development time period.

- 7.4.5 Provided the requirements of this Agreement have been fulfilled, the Municipality shall consent to the registration of condominiums on the Lands through the *Condominium Act*, if requested by the Developer.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 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.

8.2 Failure to Comply

- 8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, 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; or
 - (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the Halifax Regional Municipality Charter or Common Law in order to ensure compliance with this Agreement

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 20____ .

SIGNED, SEALED AND DELIVERED
in the presence of:

=====

**SEALED, DELIVERED AND
ATTESTED** to by the proper signing
officers of Halifax Regional Municipality,
duly authorized in that behalf, in the
presence of:

**<INSERT REGISTERED
OWNER NAME>**

Per: _____

Per: _____

Per: _____

Per: _____

Per: _____

=====

**HALIFAX REGIONAL
MUNICIPALITY**

Per: _____

Mayor

Per: _____

Municipal Clerk

Schedule B

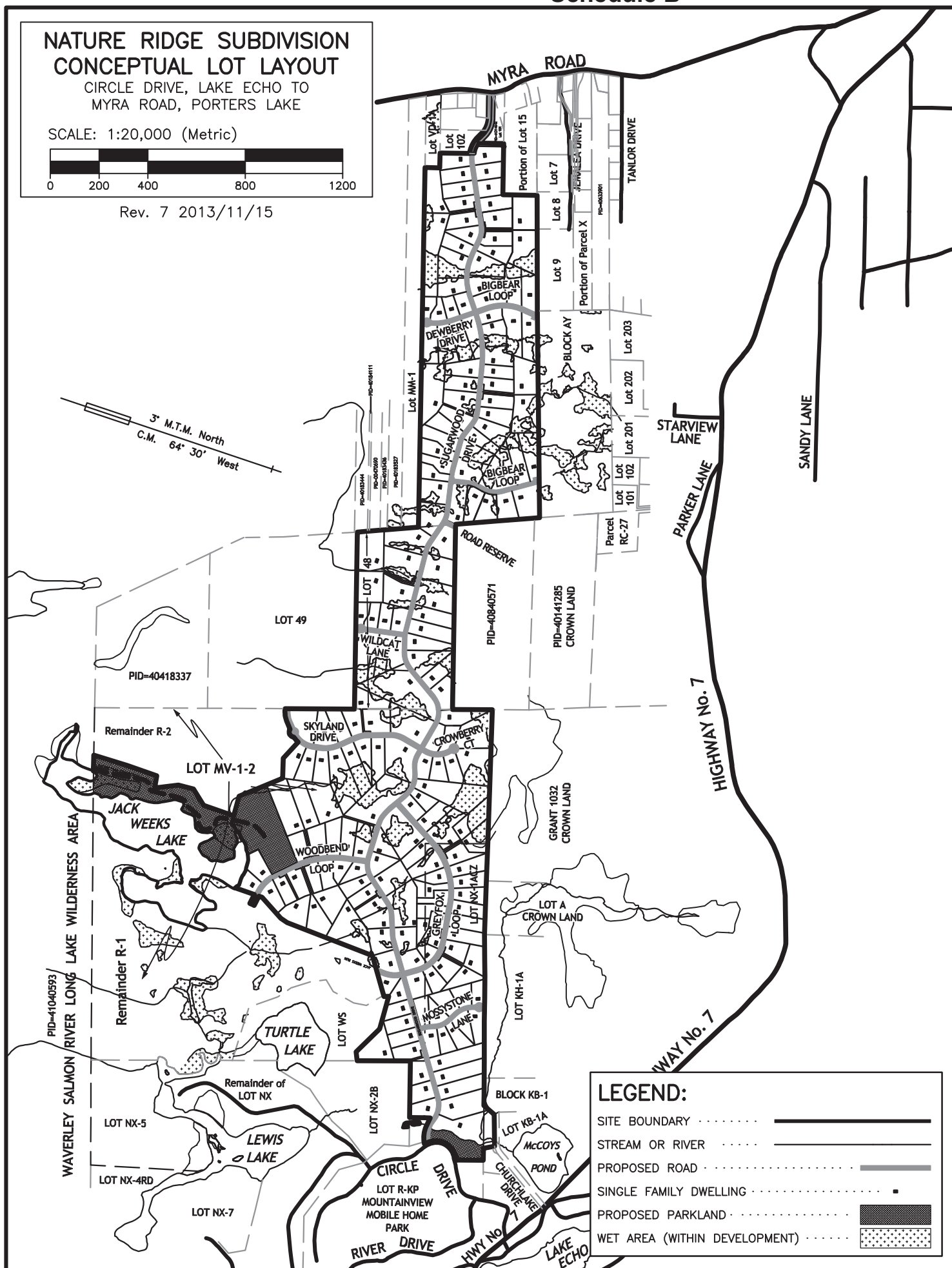
NATURE RIDGE SUBDIVISION CONCEPTUAL LOT LAYOUT

CIRCLE DRIVE, LAKE ECHO TO
MYRA ROAD, PORTERS LAKE

SCALE: 1:20,000 (Metric)



Rev. 7 2013/11/15



Schedule C

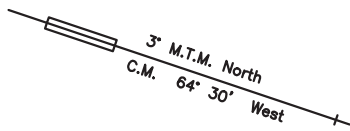
NATURE RIDGE SUBDIVISION PHASING PLAN

CIRCLE DRIVE, LAKE ECHO TO
MYRA ROAD, PORTERS LAKE

SCALE: 1:20,000 (Metric)



Rev. 7 2013/11/15



Phase	Units
1	36
2	32
3	24
4	27
5	29
6	17
7	26
8	13

LEGEND:

- SITE BOUNDARY 
- PHASE BOUNDARY 
- PROPOSED ROAD
- PROPOSED PARKLAND

Schedule D: Erosion and Sedimentation Control Measures

Erosion and sedimentation can occur at any time during project activities; however, the highest potential for erosion and sedimentation occurs during site preparation activities such as clearing, grubbing and grading, especially during and immediately following precipitation events. Control of erosion and potential sedimentation is essential for protection of wetlands, watercourses and water bodies both on and off-site.

When design plans are available for the residential development, a site-specific Erosion and Sediment Control Measures shall be designed for each Phase of construction. Erosion and sediment control (ESC) measures completed on the site shall be inspected by an on-site supervisor throughout the project duration to ensure conformance with the ESC plan and applicable regulations and guidelines. Specific ESC measures that will be performed during all site activities will include the following:

- All ESC measures utilized shall be in compliance with the “Erosion and Sedimentation Handbook for Construction Sites”, issued by Nova Scotia Environment, as well as Federal, Provincial and Municipal laws, regulations and guidelines that apply, including (but not limited to) the Nova Scotia Environment Act, Canadian Environmental Protection Act, Fisheries Act and the Canadian Council of Ministers of the Environment guidelines.
- The Contractor performing the work is ultimately responsible for the protection of natural water bodies from sediment-laden runoff originating from the site, and should ensure that sediment-laden water above discharge criteria does not leave the site.
- All development work should be planned and completed in stages in order to expose only limited areas of soil at one time. Minimizing the extent of exposed soils and duration of exposure will be the most significant and pertinent control measure of this plan.
- All ESC structures utilized for the work should be installed prior to the start of work. ESC structures should be functional and remain in place at all times until construction work is completed and all work areas are permanently stabilized. All ESC structures should be removed following final site stabilization.
- Sediment discharge into wetland areas should not be permitted during the project. For watercourses and water bodies, discharge criteria should include a total suspended solids (TSS) concentration not exceeding 25 mg/L above baseline levels, and a turbidity concentration not exceeding 8 NTU above baseline levels. Water samples should be collected from nearby watercourses and water bodies prior to the start of work and tested for TSS and turbidity to establish baseline levels.
- Environment Canada’s weather forecasts should be monitored on a daily basis throughout the duration of construction. When rainfall is forecast, the contractor will verify that all work areas are stabilized with temporary surface cover and that all ESC structures are in place and functional.

- All ESC measures should be inspected on a weekly basis, as well as before and after each rainfall event exceeding 10 mm. Any necessary repairs or alterations to the ESC measures shall be made immediately.
- Wherever possible, existing vegetative cover shall be left undisturbed. Where applicable, any grubblings generated during clearing activities shall be kept on site for reuse as cover material. Existing trees should be clearly marked to be preserved and protected from ground disturbance wherever possible.
- Soil disturbance and/or infilling should only be completed in permitted areas and all construction boundaries should be identified using stakes. Site soils should not be disturbed, infilling should not be completed, and a vegetative buffer shall be maintained within 20 m of all wetland areas, watercourses and/or water bodies, unless required Federal, Provincial and/or Municipal approvals are received prior to the start of work. Wherever possible, disturbed soils should be left loose (i.e. only compacted in required areas) to promote surface water infiltration and minimize the generation of surface flow.
- Sediment fence should be installed on contour down-gradient of all work areas and up-gradient of adjacent wetlands, watercourses and/or water bodies. Sediment fence should consist of a manufactured product specifically designed for use as sediment fence, and should be installed as per the manufacturer's instructions. Soils and vegetative cover should not be disturbed within 2 m of sediment fence, and care should be taken to prevent damage to sediment fence during installation and subsequent construction activities. Damaged sediment fence should be replaced within 24 hours of detection, or immediately if rainfall is imminent.
- Where applicable, clean surface water should be diverted around work areas using drainage channels such as swales and/or ditches. Separate drainage channels should be utilized to direct surface water away from disturbed areas. All drainage channels utilized for the work should have a positive grade with no dips to collect water, and should be lined either with grass or granular material.
- Check dams should be installed in any drainage channels utilized for the work, provided construction of check dams will not cause overflow of the channel. Sediment build-up should be removed from check dams as required.
- Trucks hauling fill to and from the site should be covered (e.g. cloth, tarps, etc.) to prevent dust generation. Construction vehicle traffic on exposed soils should shall be minimized. If wet material is being transferred off site, truck beds should be lined to prevent unwanted residue from escaping.
- Areas for fuel storage, refuelling, lubrication or cleaning of construction equipment should be located at least 30 m from wetland areas, watercourses and/or water bodies.

- During dry, windy weather, any unpaved access roads on-site or in the immediate vicinity of residential homes, should be sprayed lightly with clean water to prevent dust generation. Any paved access roads should be swept to remove excess sediment traced from construction zones, if possible.
- Any fill stockpiles stored on site should be compacted in a berm shape using appropriate equipment, protected from precipitation using anchored polyethylene tarps, and placed up-gradient of ESC structures to capture runoff. Sediment fence should be installed and maintained around the perimeter of any stockpiles, approximately 2 m from the toe of the pile.
- Water from excavations and dewatering should be pumped through filter bags to vegetated areas up-gradient of ESC structures.
- Sediment fence should be installed at the inlets of any culverts or drains, and rock dams should be constructed at the outlets of any culverts, drains, ditches, or swales where the velocity of flow may cause erosion. Geotextile fabric should be anchored under the cover of catch basins located within or down-gradient of work areas to prevent infiltration of sediment-laden runoff. Sediment build-up should be removed as required to prevent clogging of sediment fence and geotextile.
- All exposed soils should be covered prior to precipitation events to temporarily prevent erosion. This temporary cover should consist of a suitable material, such as straw mulch, wood chips, grubblings, grass, and/or polyethylene tarps. Temporary cover should be continuously applied and maintained as required throughout the construction period until all work areas are permanently stabilized.
- The application of seed or sod for temporary or permanent site stabilization should be in conformance with applicable landscaping plans. The seed species used should not be invasive, and the application of fertilizers to seed or sod shall be limited. Considering the sensitivity of local ecological receptors, hydroseeding will be limited to soil stabilization in ditches only. Where possible, surface water drainage will be directed to natural or engineered wetlands prior to draining to on-site lakes/watercourses.
- Topsoil placement may be required prior to seed or sod application, and surface soils should first be scarified to prevent seed loss and promote plant growth. Following seed application, straw mulch should be applied for protection. Straw mulch should be moistened with clean water following application to prevent displacement. Watering of placed seed or sod will be completed as required to ensure growth.

Final stabilization will be achieved when surface soils are no longer exposed and permanent surface cover is in place in all work areas. Permanent surface cover should consist of foundations, paved areas, compacted gravel-covered areas, and/or established vegetation.

Schedule E

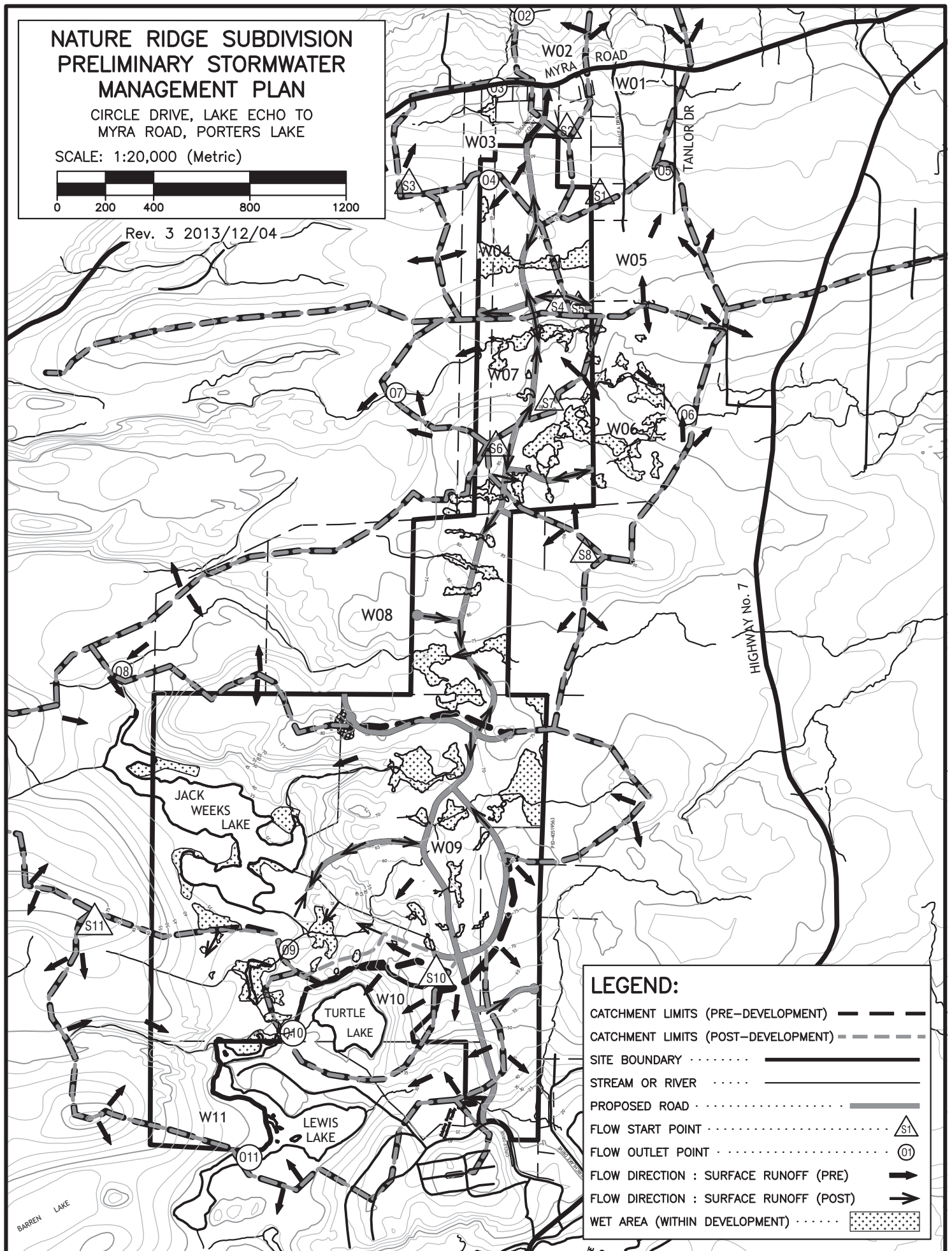
NATURE RIDGE SUBDIVISION PRELIMINARY STORMWATER MANAGEMENT PLAN

CIRCLE DRIVE, LAKE ECHO TO
MYRA ROAD, PORTERS LAKE

SCALE: 1:20,000 (Metric)



Rev. 3 2013/12/04



LEGEND:

- CATCHMENT LIMITS (PRE-DEVELOPMENT) — — — — —
- CATCHMENT LIMITS (POST-DEVELOPMENT) - - - - -
- SITE BOUNDARY
- STREAM OR RIVER
- PROPOSED ROAD
- FLOW START POINT S1
- FLOW OUTLET POINT 01
- FLOW DIRECTION : SURFACE RUNOFF (PRE) ———→
- FLOW DIRECTION : SURFACE RUNOFF (POST) ———→
- WET AREA (WITHIN DEVELOPMENT)

Attachment B:
Review of Relevant Regional Municipal Planning Strategy Policies

- S-15 HRM shall permit the development of Open Space Design residential communities, as outlined in this Plan, within the Rural Commuter and Rural Resource designations and within the Harbour designation outside of the Urban Service Area, but not within the portions of the Beaver Bank and Hammonds Plains communities as identified in the Subdivision By-law under Policy S-25 and within the Rural Area Designation under the Eastern Passage/Cow Bay Plan Area. HRM will consider permitting the maximum density of such developments to one unit per hectare of gross site area. In considering approval of such development agreements, HRM shall consider the following:

Applicable Policies	Staff Comments
Policy S-15 (a) where the development is to be serviced by groundwater and as determined through a hydrogeological assessment conducted by a qualified professional, that there is an adequate supply of ground water to service the development and that the proposed development will not adversely affect groundwater supply in adjacent developments;	The Level I and Level II groundwater assessments have been prepared for the lands. The scope of work for the Level II assessment was completed directly west of Sugarwood Court and further Level II assessment is planned for the lands in conjunction with the development phases contained in the proposed development agreement. The 6 test wells revealed general chemistry and dissolved metals parameters below Health Canada's Guidelines for Canadian Drinking Water Quality (GCDWQ) limits: The exceedences were turbidity, iron, manganese, aluminum, antimony and colour. Turbidity is often associated with newly drilled wells and reduced to guideline standards after long term pumping. Iron, manganese, colour and aluminum levels dropped after long term pumping also but if they develop in the future they may be treated to acceptable aesthetic levels by filter systems. Placement and data analysis of the 6 test wells reveals there is an adequate yield of potable water in the aquifer for residential purposes. If the future assessments identify insufficient quantity or quality in the local aquifer for the remaining unapproved dwellings the proposed development agreement (Attachment A) requires the permitted number of dwellings to be reduced to a point where there is adequate groundwater to service them. Staff believe the submitted groundwater assessment show an adequate supply of groundwater is present to service the proposed residential development.

(b) that there is sufficient traffic capacity to service the development;	Nova Scotia Transportation and Infrastructure Renewal (NSTIR) have approved the traffic impact study prepared for the proposed development. Additionally they have reviewed and approved supplemental documents requested by NSTIR to address concerns raised by TIR staff as well as members of the public during the review process. Based on the findings TIR Trunk 7 access to the western end of the development via Circle Drive only is acceptable to NSTIR. It is understood that the developer will enter into an agreement with TIR to help fund improvements at the intersection of West Porter's Lake Road and Trunk 7. Required improvements include auxiliary turning lanes on all approaches and possibly traffic signals. The terms of this agreement are presently being worked out and will become conditions of Work Within Highway Right-of-Way Permits for access to TIR roads.
(c) the types of land uses to be included in the development which may include a mix of residential, associated public or privately-owned community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses;	The proposed DA allows for single unit dwellings and home based businesses as per Section 6.3 of the Planning Districts 8&9 Land Use By-law. Forestry, agricultural, industrial and other RE (Rural Enterprise) zone uses are not permitted under the terms of the Agreement.
(d) whether soil conditions and other relevant criteria to support on-site sewage disposal systems can be met;	Preliminary on-site soil testing confirms there is adequate soil depth and appropriate soil types to accommodate on-site sewage disposal systems.
(e) the lot frontages and yards required to minimize the extent of road development, to cluster building sites on the parcel and provide for appropriate fire safety separations;	The hybrid form of residential development is similar to a typical subdivision with lots fronting on a public street. The hybrid form must use the frontage requirements and the minimum lot size of the local Land Use By-law. The extent of road development is minimized by a fairly extensive use of flag lots and fewer numbers of required intersections.
(f) that the building sites for the residential units, including all structures, driveways and private lawns, do not exceed approximately 20% of the lot area;	The concept plan (Attachment B) identifies the 20% developable area on each lot: An 8000 sq. m (two acre lot) therefore yields about 1600 sq. m (17,460 square feet) developable area. The local Land Use By-law permits up to 35% lot coverage solely for a dwelling unit compared to the hybrid form that accommodates all lot development within 20% of the lot area thus

	maximizing amount of permeable surface area. The 20% envelope shall be identified and demarcated to the perimeter boundary.
(g) approximately 80% of the lot is retained as a non-disturbance area (no alteration of grades, except for the placement of a well or on-site sewage disposal system in the non-disturbance area shall be permitted and provision shall be made for the selective cutting of vegetation to maintain the health of the forest);	The terms of the proposed Development Agreement permit wells and on-site sewage disposal system to locate within the 80% non-developable area of the lot. The proposed Agreement also provides for a culture of tree care whereby non-healthy trees are identified and professionally removed.
(h) that the development is designed to retain the non-disturbance areas and to maintain connectivity with any open space on adjacent parcels;	The non-disturbance areas will be retained by the lot owners as required under the terms of the proposed Agreement. Connectivity to open space on adjacent parcels will also be maintained under terms of the proposed Agreement as no cutting or removal of vegetation, trees or soil cover is permitted on the lot beyond what the proposed Agreement permits.
(i) connectivity of open space is given priority over road connections if the development can be sited on the parcel without jeopardizing safety standards;	The use of flag lots allows for a higher connectivity of open spaces on adjacent lots than would locating a road for lot access as driveways do not require as much clearing and create less impervious surface area.
(j) trails and natural networks, as generally shown on Map 3 or a future Open Space Functional Plan, are delineated on site and preserved;	Trails and natural networks, as generally shown on Map 3 of the RMPS, are not located on the lands.
(k)parks and natural corridors, as generally shown on Map 4 or a future Open Space Functional Plan, are delineated on site and preserved;	Parks and natural corridors, as generally shown on Map 4 of the RMPS, are not located on the lands. However the provincial Waverly Salmon River Wilderness Area abuts the subject lands and a proposed trail alongside the eastern shore Of Jack Weeks Lake will connect to it.
(l)that the proposed roads and building sites do not significantly impact upon any primary conservation area, including riparian buffers, wetlands, 1 in 100 year floodplains, rock outcroppings, slopes in excess of 30%, agricultural soils and archaeological sites;	The proposed road network impacts on wetlands by crossing them in a number of locations as there is a preponderance of wetlands in the area: Maritime Testing has prepared a report on behalf of the applicant stating the road layout minimizes impact on wetlands by avoiding recharge areas, maintaining habitat integrity and avoiding high functioning wetlands.
(m)the proposed road and building sites do not encroach upon or are designed to	Staff are of the opinion that the developer has taken the listed features into account when

retain features such as any significant habitat, scenic vistas, historic buildings, pastoral landscapes, military installations, mature forest, stone walls, and other design features that capture elements of rural character;	designing the development. The proposed development does not encroach upon any such features that would have been identified in the Stage I portion of the application.
(n)that the roads are designed to appropriate standards as per Policy T-2;	No proposed rural road standards have been approved as per Policy T-2.
(o)views of the open space elements are maximized throughout the development;	Home owners may orient their view towards the open space on their lot if they so wish.
(p)opportunities to orient development to maximize the capture of solar energy;	Individual home owners will have opportunities to capture solar energy.
(q)the proposed residential dwellings are a minimum of 800 metres away from any permanent extractive facility;	There is no permanent extractive facility within 800 metres of the proposed dwellings.
(r)the proposed development will not significantly impact any natural resource use and that there is sufficient buffering between any existing resource use and the proposed development to mitigate future community concerns; and	It is the opinion of staff the proposed development will not impact any natural resource use.
(s) consideration be given to any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.	Comments received from HRSB show the assigned schools for this development would be O'Connell Drive Elementary, Gaetz Brook Junior High and Eastern Shore District High School. O'Connell Drive Elementary is at or near capacity but enrolment is anticipated to drop over the next few years. Gaetz Brook Junior High and Eastern Shore District High have adequate capacity at this time to support the potential students from this proposed development. The HRSB noted that if the schools do not have adequate capacity that the students of this development will be assigned to another school within the Board's jurisdiction.

IM-15 In considering development agreements or amendments to land use by-laws, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:

Applicable Policies	Staff Comments
(a) that the proposal is not premature or inappropriate by reason of:	
(a) The financial capability of HRM to absorb any costs relating to	Upon completion and conveyance of the public street all costs associated with

the development;	maintaining the road are HRM's responsibility.
(ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;	The proposed development is outside of the municipally serviced area. Staff believe the stormwater management plan required under the proposed development agreement (Attachment A) will adequately address runoff and conveyance from the public street as it must meet municipal standards.
(iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;	See S-15(s).
(iv) the adequacy of road networks leading to or within the development;	See S-15(b).
(v) the potential for damage to or for destruction of designated historic buildings and sites;	Not applicable.
(b) that controls are placed on the proposed development so as to reduce conflict with any adjacent or	
(i) type of use;	Residential use (single unit dwellings) with associated parkland/open space uses is permitted. Staff believe these uses are compatible with existing adjacent residential development in the area.
(ii) height, bulk and lot coverage of any proposed building;	The proposed development agreement (Attachment A) permits single unit dwellings. The height is limited to 35 feet under the LUB and is not varied by the proposed Agreement. The permitted lot coverage for a single unit dwelling is 35% under the LUB however the open space design policy allows only a 20% developable area to contain all site development.
(iii) traffic generation, access to and egress from the site, and parking;	The Traffic Impact Study prepared for the lands estimates the built out development will generate 206 during the AM peak hour and 273 trips during the PM peak hour. Trips will be distributed 75% to the west and 25% to the east. The TIS intersection level of performance evaluations indicate that Circle Drive and Myra Road intersections will continue to operate at LOS "A" for projected

	2026 volumes that include trips generated by full build out of the proposed development.
(iv) open storage;	The proposed development agreement (Attachment A) does not permit open storage.
(v) signs; and	Staff believe that the two ground signs permitted by the proposed development agreement (Attachment A) to act as community identification signage at Circle Drive entrance and Myra Road entrances are of appropriate scale and materials for a residential development. Driveway name signage in accordance with the Civic Addressing By-law is permitted. Public street signs shall be in conformance with all HRM regulations.
(c) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.	The form or layout of the proposed development was determined by identifying primary and secondary conservation areas. Primary conservation areas (steep slopes, wetlands, riparian buffers, poor soils, rock outcroppings, etc.) were deemed not suitable for development. The numerous wetlands could not all be avoided but the applicant has submitted a report that the layout minimized the number of crossings, crossing the least productive wetlands (such as elevated wetlands, non-aquifer areas, sloughs) and maintaining habitat integrity. NSE has issued approvals for the crossings and the applicant will be either creating new wetlands or contributing cash towards provincial wetlands programs.

Attachment C
Minutes from the Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 17575

7:00 p.m.
Thursday, May 17, 2012
O'Connell Drive Elementary School
40 O'Connell Drive, Porters Lake

STAFF IN
ATTENDANCE:

Darrell Joudrey, Planner, Planning Applications
Scott Leblanc, Planning Technician
Jennifer Purdy Planning Controller

ALSO IN
ATTENDANCE:

Councillor David Hendsbee, District 2
Paul Norwood, PJC Land Development Limited

PUBLIC IN
ATTENDANCE:

85

The meeting commenced at approximately 7:14 p.m.

Opening remarks/Introductions/Purpose of meeting

Mr. Darrell Joudrey, Planner, Planning Applications, called the meeting to order at approximately 7:14 p.m. in the Gymnasium of the O'Connell Drive Elementary School, 40 O'Connell Drive, Porters Lake.

He introduced himself as the planner guiding this application through the process and also introduced Councillor David Hendsbee, District 2; Scott Leblanc, Planning Technician, HRM Planning Services and Jennifer Purdy, Planning Controller, HRM Planning Services.

Mr. Joudrey advised that the application is by PJC Land Development to enter into a development agreement to permit a hybrid open space design development, for lands in Porters Lake.

Mr. Joudrey reviewed the application process, noting that the public information meeting is an initial step, whereby HRM identifies to the community early in the process that a development application has been received and what policies allow it to be considered. Staff will also identify what the applicant is proposing and give them the opportunity to present their proposal to the community. Staff will seek feedback from citizens before the staff report is prepared, and that no decisions have been made to this point or will be made at this meeting. Following this meeting, the application will then be brought

forward to Council to hold a public hearing at a later date, prior to making a decision on the proposed development.

Presentation on Application

Mr. Joudrey explained that PJC Land Development has applied to enter into a development agreement to permit a hybrid open space design development, for lands in Porters Lake. The application is for 218 dwelling units with individual wells and on-site sewage treatment located off a public road connecting Myra Road and Circle Drive. Mr. Joudrey reviewed a slide of the subject property explaining that the zoning in the Lake Echo Community is mixed use and is in the rural commuter. The current zoning of the property is RE (Rural Enterprise) and is undeveloped.

Under the Planning Districts 8&9 Municipal Planning Strategy, the Urban Residential designation is intended to establish the priority area for employment generating development, but low density residential development and general community services are encouraged.

The Rural Enterprise zone created under the mixed use designation permits: all residential uses with the exception of mobile home parks; all community uses; all industrial uses except salvage yards and any uses that produce waste that cannot be treated by on-site sewer disposal systems; all resource uses except fish waste processing; and all commercial uses except adult entertainment. Additionally, no C and D material operations are permitted. Under the Municipal Planning Strategy for the Lake Echo Community, the Urban Residential designation is applied to create an area for low density residential development and supporting uses. The R-1 zone created under the Lake Echo Community designation permits single unit dwellings, seniors housing and open space uses. There are provisions for day care and business uses in conjunction with the single unit dwelling. Pursuant to Section 3.5 of the Regional Municipal Planning Strategy, the subdivision of land may proceed as an open space design development within the Agriculture, Rural Resource, and non-growth management areas of the Rural Commuter designation through the process of a development agreement. Open Space Design Development is a form of subdivision designed to conserve open space. The basic principle of the design is to locate homes on the portion of the site where the soils are best suited for development while retaining the remainder of the site as open space. All open space design development agreement applications follow a two stage process:

Stage 1: is a preliminary site design process intended to determine open space areas to be preserved and potential areas for development.

Stage 2: involves the delineation of roads, lots, parks and other physical design features of the development. This plan requires approval of the applicable community council in the form of a development agreement.

If approved, the Stage 2 Plan forms the conceptual plan for future final subdivision applications under the Regional Subdivision By-law.

Mr. Joudrey reviewed a slide of open space design forms and the actual design proposal for this application. Policy S-15 of the Regional Municipal Planning Strategy allows the hybrid form of open space design development within the Rural Commuter, Rural Resource and Agriculture designations. A hybrid open space design development preserves open space or conservation areas by setting aside 80% on the individual lot for that purpose. The remaining 20% may be used for the dwelling, accessory

buildings, driveway and so on. The maximum density of this form of development is 1 unit per 1 hectare.

Paul Norwood, Applicant, thanked the residents for coming to the meeting and gave a brief on his family's history and how they live and work in the Community. Mr. Norwood reviewed a slide showing the phasing of the development. The first phase will be 37 lots which will be developed over 2-3 years with completion of the overall project being between 15-20 years. He explained that this is a family owned business and are community minded and will develop this responsibly and use local tradesmen. He added that they have met all necessary requirements for the stage 1 and stage 2 application for open space subdivision. He reviewed the slide showing the first house that was built, and explained that this is a good example of what an open space hybrid lot looks like; it is on a 3.5 acre lot and has 20% of it is developed. He introduced Ken O'Brian, Traffic Engineer with Genivar; Ralph Jacobs with Bluenose Well Drilling; and Rob Ashley with North Star Engineering.

Mr. Ken O'Brian, Genivar, explained that he has been working on the project for the last 4 years. He explained that a Traffic Study answers 4 questions:

- What is the existing traffic situation on the road in the area;
- What traffic changes are expected because of a development;
- What impact the traffic changes will have on the level of performance on the road; and
- Are there any improvements that are required.

Traffic counts can help to determine how many trips are generated by a single family dwelling in the morning and afternoon peak hour. One house will generate one trip during a pm peak; sixty five trips will be going into the development, and thirty-five will be going out. He added that senior's housing generates less trips. The trips were distributed to the three intersections. The following traffic counts were obtained at each of the below intersections:

Triple Drive: 5 more entering trips in the morning and 12 exiting.

Church Lake Drive: 29 more entering trips in the morning and 79 exiting; and

Myra Road: 22 more entering trips and 59 exiting.

As a result to the Myra Road hook-up to this development there would be one more trip/minute during the pm peak hour exiting Myra Road at Trunk 7. In the afternoon, at Church Lake there is 90 going in and 53 coming out and at Myra Road there are 68 going in and 40 coming out. Each intersections will be valued with a standard level of service analysis program that evaluates the travelling public interprets the level of service received from the intersection.

Average delay without the development in 2026:

Triple Drive –	am: 9.1 seconds / vehicle and with the development 9.3 seconds/vehicle
	pm: 9.4 seconds / vehicle and with the development 10 seconds/vehicle
Church Lake Drive –	am: 8.8 seconds / vehicle and with the development 9.2 seconds/vehicle
Myra Road -	am: 12.8 seconds / vehicle and with the development 14.7 seconds/vehicle

He added that these numbers are based on the entire overall development. The average delays at the intersection approaches are low now and will not change significantly with this development. The volume capacity ratios are low and additional turning lanes are not required at these study area intersections. Added trips are not expected to have any significant impact to the level of traffic performance at these three intersections.

Ralph Jacobs, Bluenose Well Drilling, explained that he has been in the business for 38 years, and from his experience with drilling in this area, they have had no problems with water. There is a requirement from HRM and Environment that before any development can proceed there is pre-drilling and a pump test completed to see if there is significant water to sustain. In the fall of 2011, they were contacted and drilled six wells off the Myra Road which produced anywhere between 3 – 20 gallons per minute. These wells were spaced out a large distance. They also drilled wells in the Lake Echo and Porters Lake areas and are known for between 20 – 150 gallons per minute. He reviewed other areas where there are issues, but explained that there is no concern with water supply in this area.

Questions and Answers

Mr. Bill McLaughlin asked if quality of water is tested while the testing for volume is tested. He added that the water in this area has been known for bad water.

Mr. Jacobs explained that when the wells are completed, a consulting firm will come in and perform the water testing.

Mr. Norwood explained that the wells were tested on the wells that have been dug. There are no arsenic concerns, however, there is a little bit of iron in a couple of the wells, but overall they will have good water.

Mr. Brian Taylor, Myra Road asked if the area off to the west with an additional 193 lots was included within the application.

Mr. Joudrey reviewed a slide showing the portion that is included within this application and explained that the portion that Mr. Taylor is referring to is under a separate application by PJC Land Developments which is an older case for MPS amendments to allow a module home park for seniors. This is not part of the open space application.

Mr. Mike Gaudreau, Lake Echo explained that he had barely enough time to review this application prior to this meeting. The Lake Echo Watershed has no capacity for additional runoff. He explained that this is a confirmation that many in this community fear and has been trying to tell HRM for a long time. He explained that he feels bad for Mr. Norwood for the expenses that he had to pay in trying to get this development approved. He explained that they have repeatedly asked for HRM to control topsoil removal and enforce site remediation matters and has forwarded many complaints with no result. He explained that he is opposed to all development. He asked for prudence for the residents in Lake Echo before this is given any further consideration. He explained that he reviewed the concept plan that was submitted and asked if this was part of the stage 1 process.

Mr. Joudrey explained that this is stage 2. The concept plan is not part of the stage 1, which is the biophysical analysis component of the open space.

Mr. Gaudreau explained that the notes on the concept plan states that there are no areas of significant habitat or endangered species within the area of proposed development, yet the existing Regional Plan specifically shows portions of the proposed areas containing significant habitat and endangered species are at risk or may be at risk. He explained that either the developer is incorrect in the acquisitions being made, or the Province and the Federal Department of Environment are incorrect. He asked if anyone has

ever checked the species at risk registry. He explained that for almost two years, Lake Echo has been discussing the implications of an existing development agreement which is located on the lower south west portion of the lot where the proposed road enters onto Circle Drive and where the proposed retirement village would go. To date, HRM has not implemented the existing agreement that specifically prevents the development on those portions of the development which is being presented at this meeting. This should have been brought to the Council and the community to negotiate the existing development agreement. This needs to be considered and renegotiated as required before any new development agreements are considered for the effected properties. He explained that the Lake Echo Draft Watershed Study clearly laid out the expectations of the community with regard to the quality of the lake and watershed. It suggested remedial measures need to be taken before any new development takes place.

Mr. Norwood explained that he had the Department of Environment visit twice; two Engineers and an Inspector couldn't see any problems with acid, slate or siltation. Rod Wright of HRM who administers the top soil removal permit also did a site visit and never found any problems with the site. He explained that Maritime Testing was the company who did all the evaluating for the wetlands, which have all been approved by the Department of Environment to date. There are no endangered plants or birds in this area that will be disturbed as a result of this development. He added that he attended the Lake Watershed Study meeting the previous Monday and explained that there had been an online study completed over the last year which listed 4-5 questions. One of the questions was "how would you like your quality of water in Lake Echo". He explained that 111 residents answered this question stating that they want to be able to drink the water. He explained that there are no lakes in Nova Scotia that you can drink out of without treatment. He understood that CBCL will be going back and explaining that this is a sustainable development and that they do not see any problems with it.

Mr. Randy Price, Lake Echo explained that the distance between Circle Drive and Church Lake Road is 100 yards at the most; therefore, traffic coming out of two areas that are so close following a blind corner will be trouble. He also added he is glad there is water available in the area, however, concerns were raised at the Watershed meeting. In 1986, the Nova Scotia Department of Environment stated that the McCoy's Pond was a tertiary sewage lagoon and since that time, there has been a lot more stuff feeding into there and has resulted in concern. He expressed concern about losing some species of fish and losing the birds that feed on them. If HRM rewrites the study to allow a deterioration of the lake to allow it to die, then someone didn't do their job looking after the people they represent. He explained that the Lake Echo Watershed begins at the end of the first chunk on the right hand side. He has no concern for the area to the right of that and the Porters Lake Watershed. He requested a moratorium on further development in the Lake Echo Watershed.

Mr. Joudrey at this time pointed out where the Watershed boundary is.

Ms. Eileen Beiswanger explained that she lives across from McCoy's Pond. She explained that there are currently a lot of birds and beavers there.

Ms. Sarah Blades, Myra Road explained that she liked the idea of a development that will grow slowly over time. She asked why the intersection on West Porters Lake Road and Truck 7 was not included in the traffic study, and asked if the results of the traffic study in 2026 reflect the impact of the Seven Lakes' development. She expressed concerns about the traffic with the addition of two developments in the area, and suggested that there be better transit in this area.

Mr. O'Brian explained that the intersection on West Porters Lake Road and Trunk 7 is not included in the traffic study because it is covered in another study taking place for Mr. Norwood's other application. He understood the need for turning lanes at Alps Road and the turning lane requirements at West Porter Lake Road. The traffic study results for 2026 do not reflect the impact of the Seven Lakes' development - these results will be considered when looking at the total impact of the West Porters Lake Road intersection.

He explained that there will be a Porters Lake transit coming to the new school site.

Ms. Blades explained that she does not understand why the developments are being considered in isolation. She explained that she understands that it is a slow growing development and, if approved, eventually an additional 200 homes plus the 600 coming from the opposite directions that will severely impact the intersection.

Mr. O'Brian explained that there are two different projects within the same community and two individual companies, so it isn't proper from an ethical point of view to mix them. He explained that from a practical point of view, the combined accumulative impact will be looked at for the West Porters Lake connector intersection. The traffic from the proposed development will be going west and the majority of the traffic during the am and pm peaks will be using either Truck 7, Minesville Road interchange, or Truck 7 going to the West Porters Lake interchange. The other development will probably use the other three interchanges - 21, 20 and 19.

Ms. Blades explained that she understands not mixing the two developments, however, they are within a km of each other.

Councillor Hendsbee talked about the Metro X and indicated there will be a park and ride terminal at exit 20. The current transit will be connecting with that terminal. He explained that as communities continue to grow and, if this development was to go forward, an option in the future may be to route the bus through the proposed subdivision rather than along the highway. These options will be both investigated in the future.

Ms. Kathleen Masai, Porters Lake explained that there are two different developments; one on the Porters Lake side which is one house per hectare which is low density, but the other which is on the Lake Echo side is the high density part. She asked if they will be able to afford the Porters Lake part if the other part doesn't get accepted.

Mr. Norwood explained that putting the development in through Myra Road will hopefully be approved. If the retirement village doesn't get approved, they will probably turn the entire property into a hybrid open space subdivision. He explained that he doesn't want to do that as the area is in need of a place for retirees.

Mr. Joudrey explained that the application for the retiree home park is co-dependent on each other's approvals to be successfully developed. The senior's development relies on the two connections to the public road for required access.

Mr. Glen Gilbert, Myra Road explained that the idea of a retirement village for the elderly in the community is a great idea and is very rare throughout Canada. It is a great opportunity and a great idea and thinks the Community should support it.

Mr. Joudrey explained that the Seniors Retirement Village is part of another application and this meeting is for the open space application only.

Mr. Bill Slaunwhite, Myra Road explained that he is a fisherman and addressed concern with the water in Lake Echo. They made what was once camps into homes and the sewer systems can't handle it. He also addressed concern with drivers who do not obey the speed limits. He currently doesn't feel there is anything wrong with the amount of traffic as is. He added that he thinks the retirement village is a great idea.

Mr. Jim Simmonds, Myra Road explained that he is in support of the development, but supports the concerns regarding the water quality of Lake Echo. He explained that he likes how the development is sequenced. This will help with not getting too much exposed soil, or uncontrolled run off that can't be dealt with. He explained that the community should work with the developer to help the community, and the water quality with things like sanding the roads vs. salting, etc. He explained that Nova Scotia's unemployment rate is 9%, and that it's a win-win situation if the developer can buy supplies from local businesses. He explained that the community needs new development, that you can't have all of the youth going to Alberta and British Columbia and not coming back.

Mr. Jim Colford, East Chezzecook explained that he is a Realtor and explained that the City's limit is pretty maxed out leaving development for outside the City. He gets calls looking for this type of development and explained Mr. Norwood builds nice houses. This type of home built on this size of land is exactly what people are looking for. He explained that he has known Mr. Norwood and his family for over 50 years, and explained that he and his family have done a lot of good in these areas.

Mr. Randy Miles, Porters Lake explained that he is a resident in the area for 20 years and explained that he does not see any difference in travelling in and out of the City. He explained that Hammonds Plains and Fall River are so congested now; therefore, a planned development like this application is the way to go.

Mr. Ryan Quick explained that he grew up on Myra Road and is interested in this development. He explained that if Mr. Norwood is getting permits and not taking any shortcuts then, if there are problems with the watershed, these concerns are not Mr. Norwood's fault, but should be taken up with the Department of Environment or the Municipality. He explained that development is great for the area.

Mr. Deverne Kiaser, Lake Echo thinks this development is what this area needs and likes the idea of slow steady growth and is organized. The local schools and local businesses need to be supported and the best way of doing this is to bring in organized growth and sustained development.

Mr. Dan Regan, Lake Echo explained that the Mr. Norwood is a great guy and explained that he has served on Parish Council with his wife Anne. He is in support of this development. He is concerned with the results of the watershed study. He explained that the levels are very high in the water, especially after a rainstorm and nobody should be eating the fish from there. If there is another development, then the lake quality is going to go down further. Three choices are to: not develop and the lake will

hopefully stay as is; fix the lake and restore some of the simulative capacity and then go on with reasonable development; or develop it and just let the lake continue to get worse. He explained that this is not what he wants.

Mr. Ralph Jacobs explained that he has been in Lake Echo since mid-70's and at that time there were two service stations at the mouth of the river. He recommends that the Municipality take some soil samples from the beach area. There are a lot of septic systems in the area that completely go under water when the water level rises. He addressed concern with these systems only being 10 years old and was approved by somebody.

Councillor Hendsbee explained that the old Irving gas station has been bought by the Municipality to keep as parkland and a public area. They have been postponing the parkland development on that site, waiting to get a plan together. They need to make sure that there are no hydrocarbons present. Irving had completed a clean site pass before they could sell it. In regards to the faulty septic systems in the Lake Echo area, he is waiting to see the final report to be completed by CBCL. He understands that these are some issues in the area with the history of Lake Echo being a small cottage and cabin country, and that some lots are undersized. Some things that may be considered are for certain lots to have their septic systems upgraded or pumped out more regularly. He asks that if anyone knows of any problematic areas, to contact him or staff to make sure that they are identified and investigated further.

Mr. Regan explained that in February, CBCL Group had a get together with select people on an invitation basis and one of the things they talked about was the preliminary findings. He explained that at times of heavy runoff, McCoy's Pond has had readings of over 100,000. He suggested this be a good spot to start looking.

Councillor Hendsbee explained that if the outfall of McCoy's Pond should theoretically dilute itself in its numbers, but it wasn't. This shows the result of septic capacity problems along Ponderosa Drive and also further down. He explained that there will be a meeting with the Department of Transportation on May 23rd to talk about traffic concerns through Highway #7 through Porters Lake, and on May 24th there will be the Porters Lake Watershed Study presentation.

Mr. J.G. Arseneau, Porters Lake explained that he is a local business owner, and noted that there are also a lot of others within the area who have businesses that will benefit from this development. He also added that he was not concerned with the current traffic. He is in support of this application.

Mr. Bill MacLaughin, Lake Echo explained that the PH level from 6.5 – 9 keeps fish healthy. Looking at Lake Echo's numbers starting in 2006 they keep deteriorating. They are poor numbers and there is a real problem.

Councillor Hendsbee thanked everyone for coming out.

Closing Comments

Mr. Joudrey thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

Adjournment - The meeting adjourned at approximately 8:20p.m.