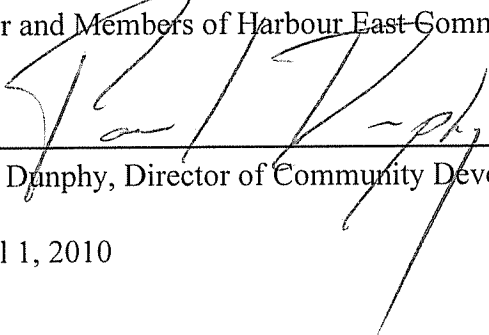




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
May 6, 2010

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: April 1, 2010

SUBJECT: Case 01361: MPS Amendment, Dartmouth Bridge Transit Terminal

ORIGIN

An application by HRM to amend the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable development of a new Metro Transit facility between Thistle Street and Nantucket Avenue in Dartmouth adjacent to the Dartmouth Sportsplex site.

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. Give First Reading to consider amendments to the Dartmouth Land Use By-law as set out in Attachment C of this report, and schedule a joint public hearing with Halifax Regional Council Regional;
2. Recommend that Halifax Regional Council give First Reading to consider amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of this report, and schedule a joint public hearing with Harbour East Community Council;
3. Recommend that Halifax Regional Council approve the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B in order to enable development of a new Metro Transit Dartmouth Bridge Terminal on a portion of the Dartmouth Common; and
4. Approve the proposed amendments to the Dartmouth Land Use By-law, as set out in Attachment C, in order to rezone a portion of the Dartmouth Common from the C-2/R-4 (General Business/Multiple Family-High Density Residential) Zone to the P (Park) Zone.

BACKGROUND

The Dartmouth Common was established in 1788 pursuant to a grant from King George III. In 1986, the *Dartmouth Common Act* vested responsibility for ensuring that the Common was protected for the benefit of its residents with the former City of Dartmouth. The Common is generally bounded by Park Avenue, Alderney Drive, Wyse Road, Nantucket Avenue, Green Street, Boland Road and Victoria Road as illustrated on Map 1. A number of community uses are located within the Common boundary which include schools, the Dartmouth Sportsplex, Metro Transit Dartmouth Bridge Terminal, sports fields, walking trails, as well as natural park and open space areas.

Metro Transit has applied to amend the Dartmouth MPS and LUB in order to permit a new location for the Dartmouth Bridge Transit Terminal on a portion of the Common currently used as part of the Urban Wilderness Area as illustrated on Maps 1, 2 and 4. Staff have also identified that a portion of the Common that is zoned C2/R4 (General Business/Multiple Family Residential - High Density) (Map 1), should be rezoned to P (Park) so as to be consistent with the Dartmouth MPS and the Halifax Charter.

Land Use Policy, Designation and Zoning

The Dartmouth Municipal Planning Strategy (MPS) identifies the Dartmouth Common as part of the park, open space and recreation network for the community of Dartmouth (Attachment D). The proposed terminal location is designated P (Park) and split zoned C2/R4 (General Business/Multiple Family Residential - High Density) and P (Park) as illustrated on Maps 1 and 2. The site of the existing transit terminal is also zoned P and located on the Common but an exemption in the Dartmouth MPS and LUB, placing the lands in Schedule "M" (Map 3), allows for the transit use on a specific portion of the Common. As a result, the MPS and the LUB must be amended to reflect the location and size of the proposed terminal in order for the project to proceed.

Existing Bridge Terminal

The Dartmouth Bridge Terminal is the busiest transit terminal in HRM and is used by approximately 19,000 passengers daily. However, there is a need to improve existing service and to accommodate additional passengers beyond what the existing terminal location is able to accommodate. As a result, Metro Transit has undergone a planning process to identify potential sites for a new terminal location in close proximity to the Macdonald Bridge, a key transit route utilized by almost all bus routes that cross the harbour.

Dartmouth Common Act

The *Dartmouth Common Act* restricts the sale and lease of Common land and does not permit the construction of buildings within the Common. However, in 1994 the Act was amended to enable expansion of the Dartmouth Sportsplex which had been constructed in 1982. Then in 2008, the Act was further amended to permit the development of a new transit facility to replace Metro Transit's existing Dartmouth Bridge Terminal, on a maximum of 6 acres of Common land. In 2009, the *HRM Charter* came into effect and subsumed the *Dartmouth Common Act*. The section of the Charter that deals with the Dartmouth Common is included as Attachment G.

Proposed Transit Terminal

A portion of the Dartmouth Common adjacent the existing terminal was identified as the best location for a new terminal. Originally, the proposed terminal was oriented parallel to Nantucket Avenue. However, based on public concerns and input received following public sessions conducted as part of the Dartmouth Common Master Plan process, the location of the proposed terminal was reoriented to run between Nantucket Avenue and Thistle Street as illustrated on Maps 1, 2, and 4.

The proposed terminal facility would be fully accessible, include a 16 bus platform, a passenger waiting area, bicycle storage areas, leased commercial space, public art and other amenity features. The re-oriented terminal proposal is now located significantly farther away from Dartmouth High School (approximately 90 metres) than the original concept and would be built into a slope which will minimize its visual impact. The proposed terminal design also received a positive CPTED (Crime Prevention Through Environmental Design) review from HRM's Community Response Team.

Dartmouth Common Master Plan

HRM Real Property Planning has initiated a project to create a Dartmouth Common Master Plan to provide a comprehensive guide for the management and use of the Dartmouth Common. The Master Plan includes, but is not limited to plans for the following elements:

- proposed expansion of Dartmouth Sportsplex;
- proposed expansion of Dartmouth High School;
- location of the new Dartmouth Bridge Transit Terminal; and
- use of existing green spaces, including recreational facilities.

During the preparation of the Master Plan, a number of public consultation sessions occurred which included two public meetings held on April 4, 2009 and October 5, 2009. During these meetings, the proposed location for the terminal was discussed at length. It is expected that the Dartmouth Common Master Plan will be before Regional Council in the spring of 2010.

DISCUSSION

Generally, MPS amendments should only be considered where factors related to MPS policies have changed in a manner or to a degree that the MPS had not anticipated. The Dartmouth MPS already identifies the importance of, and the economic and environmental benefits associated with, locating a transit terminal on the Dartmouth Common near the strategic Macdonald Bridge corridor. In 1995, the ideal location for such a terminal was identified as the area between the Bank of Nova Scotia and the Dartmouth Sportsplex (Map 3). While the need still exists, the current terminal location is no longer capable of fulfilling this role.

Improving the Dartmouth Bridge Terminal is a critical component of enhancing transit service in HRM. Since 1995, ridership and demand for transit service have increased to the point that the existing terminal location has become insufficient to maintain the desired level of service. The terminal platform is extremely congested, allows for only very minimal facilities, and is not fully accessible. Therefore, a new site is required in order to accommodate an effective Dartmouth Bridge

Terminal as envisioned by the Dartmouth MPS. The proposed amendments, as set out in Attachments A and B, recognize the importance of clearly defining and limiting the site for the new terminal to 3.5 acres which is significantly less than the 6 acres of Common land that the Charter allows for a terminal site.

Staff are of the opinion that there is no rationale or benefit for a portion of the Dartmouth Common to be zoned C2/R4. The area is designated Park and Open Space (Map 2), and the rezoning is consistent with the intent of the designation and is an option pursuant to Policy IP-1 (j) of the MPS (Attachment E).

Public Participation

A Public Meeting on the proposed MPS and LUB amendments was held at Dartmouth High School on March 8, 2010. Concerns expressed at the meeting included the degree of public consultation that occurred prior to the adoption of changes to the Dartmouth Common as well as the potential impact of the proposed terminal on the Wilderness Area and Dartmouth High School. Residents also voiced their own opinions about sites that they considered to be more appropriate locations for the proposed terminal.

If Council decides to hold a Public Hearing on the proposed amendments, notices that indicate the date, time and location of the Hearing will be published in the newspaper in accordance with the *HRM Charter*. In addition, all residents that attended the Public Meeting on March 8, 2010 and signed the sign-up sheet will be sent written notification.

Conclusion

The MPS recognizes the environmental and economic benefits associated with the operation of a quality transit system as well as the need to clearly define the location and area of such a facility on the Dartmouth Common. Since 1995 the need and demand for transit service has increased to a point that has outgrown the capacity of the existing terminal. Staff are of the opinion that the proposed MPS and LUB amendments would permit development of a modern Bridge Terminal, as envisioned by the MPS, while also specifically limiting its size and location on the Common. The Dartmouth Common Master Plan, which includes the concept of the proposed terminal, will also provide comprehensive direction for the management and use of the Dartmouth Common for public use.

Staff recommend that Regional Council approve the proposed MPS and LUB amendments to permit the proposed terminal, as set out in Attachments A and B, and Harbour East Community Council approve the proposed rezoning of a portion of the Dartmouth Common from C2-R4 Zone to the P Zone as set out in Attachment C.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the proposed 2010/11 operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

Regional Council:

1. Regional Council may approve the proposed amendments to the Dartmouth MPS and LUB, as set out in Attachments A and B in order to enable development of new Metro Transit Bridge Terminal on a portion of the Dartmouth Common. This is the recommended course of action.
2. Regional Council may refuse the requested amendments. A request to amend a MPS is at the discretion of Council. This alternative is not recommended as staff feel that there is merit in proceeding with the proposed amendments.

Harbour East Community Council:

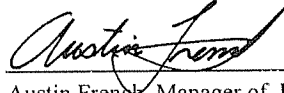
1. Harbour East Community Council may approve the proposed amendments to the Dartmouth LUB, as set out in Attachment C to rezone a portion of the Dartmouth Common to the P (Park) Zone. This is the recommended course of action as staff are of the opinion that the rezoning is consistent with the intent of Dartmouth MPS.
2. Harbour East Community Council may refuse the proposed rezoning and in doing so must indicate the reasons for which the rezoning is not consistent with the MPS. This alternative is not recommended as staff feel that there is merit in proceeding with the proposed amendment.

ATTACHMENTS

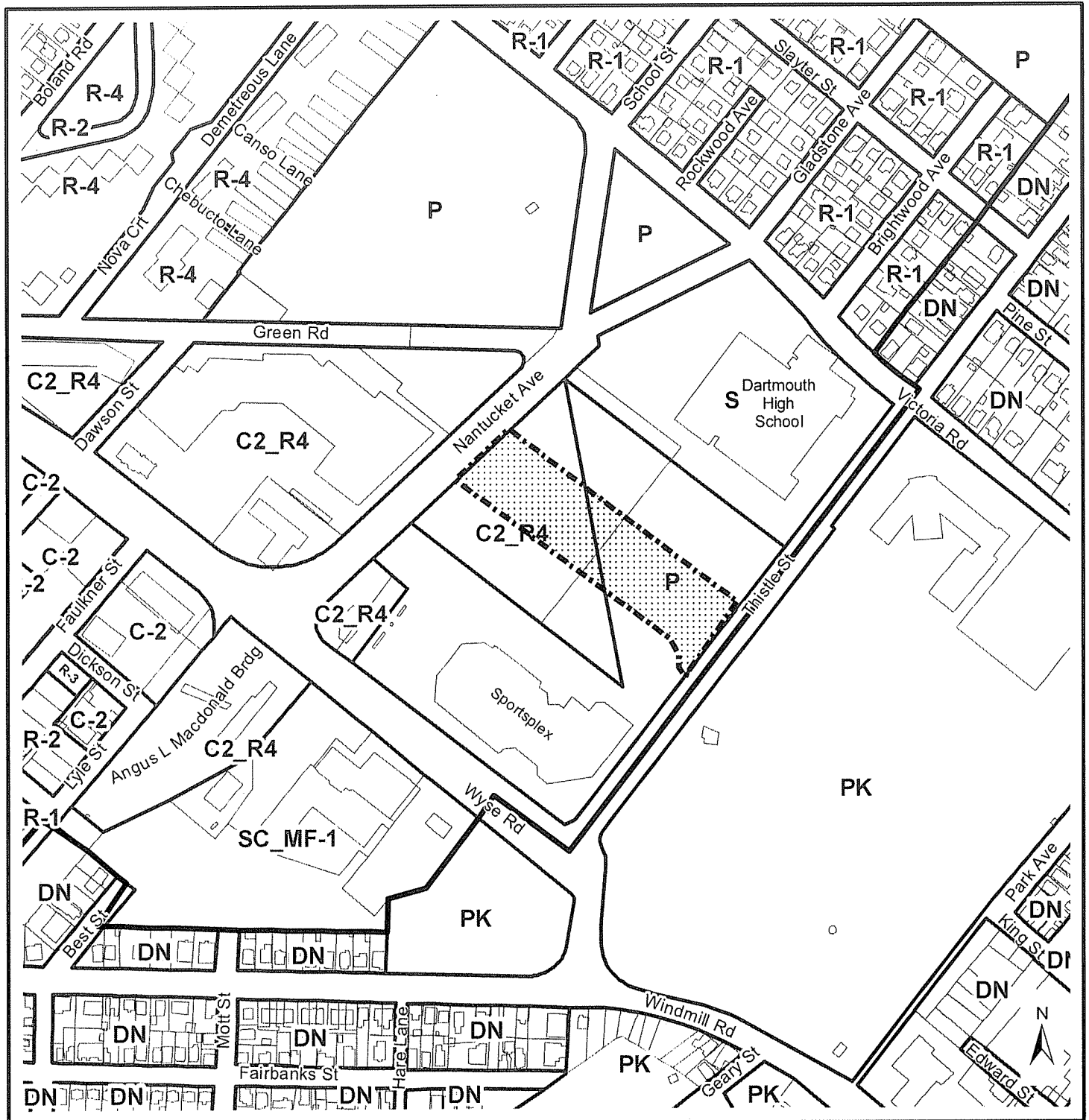
Map 1	Zoning and Location Map
Map 2	Generalized Future Land Use Map
Map 3	Existing Terminal Location (Schedule M - LUB)
Map 4	Concept Plan - Upper Level - Proposed Terminal
Attachment A:	Proposed amendments to the Dartmouth MPS - Transit Terminal
Attachment B:	Proposed amendments to the Dartmouth LUB - Transit Terminal
Attachment C:	Proposed amendments to the Dartmouth LUB - C2/R4 to P Rezoning
Attachment D:	Public Meeting Minutes
Attachment E:	Written Submissions
Attachment F:	Excerpts from the Dartmouth MPS
Attachment G:	Excerpts from the Dartmouth LUB
Attachment H:	Excerpts from the HRM Charter

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 : Joseph Driscoll, Senior Planner, 490-3991



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



Map 1 - Location and Zoning



Plan Area Boundary



Proposed Terminal Location

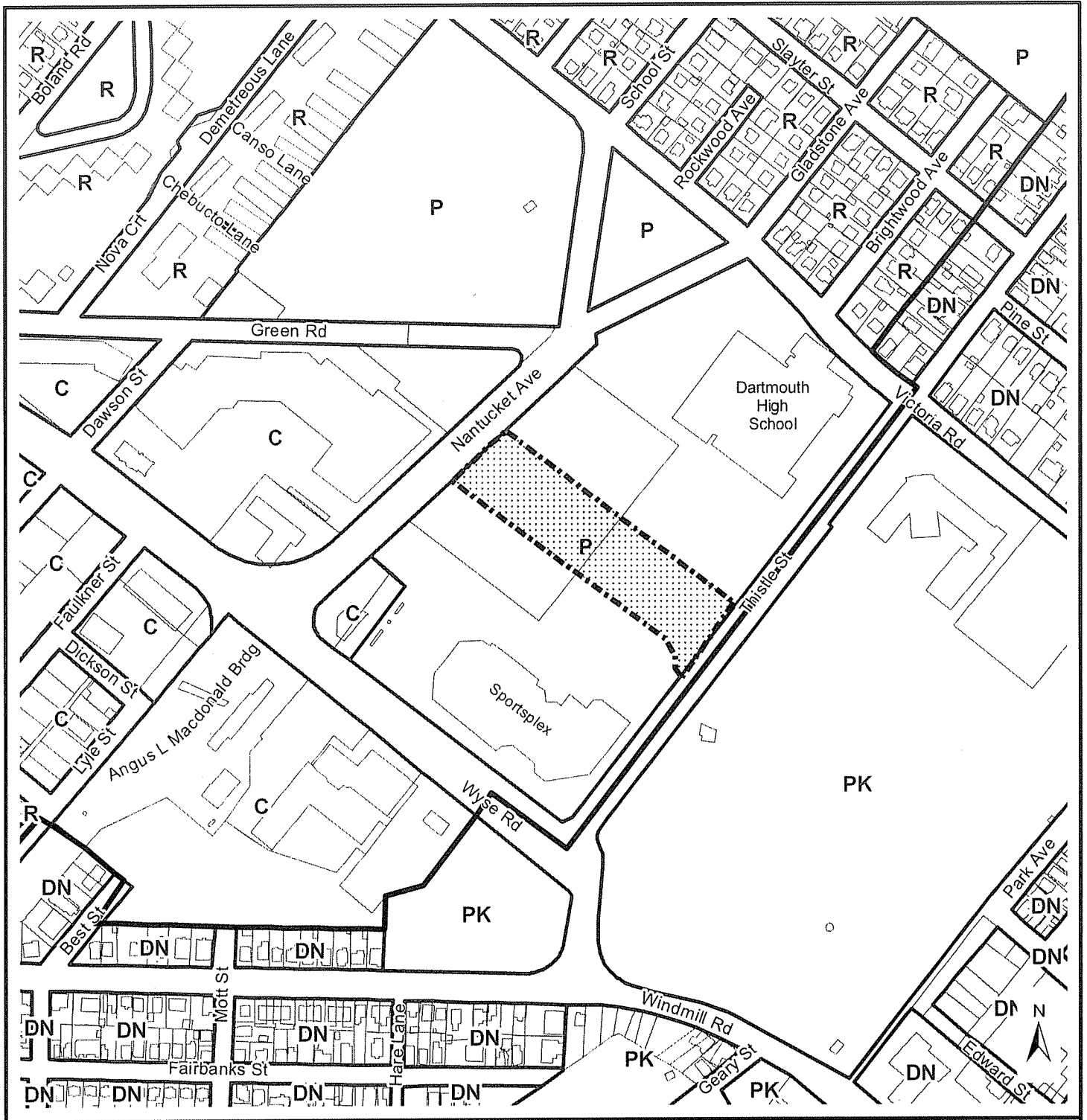
Zone

Dartmouth	R-1	Single Family Residential
	R-2	Two Family Residential
	R-4	Multiple Family Residential
	C-2	General Business
	P	Park
	S	Institutional
	SC	Service Commercial
MF-1	Multiple Family Residential	
Downtown Dartmouth	DN	Downtown Neighbourhood
	PK	Park and Open Space



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth & Downtown Dartmouth Plan Area.

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



Map 2- Generalized Future Land Use



Plan Area Boundary

Proposed Terminal Location

Designation

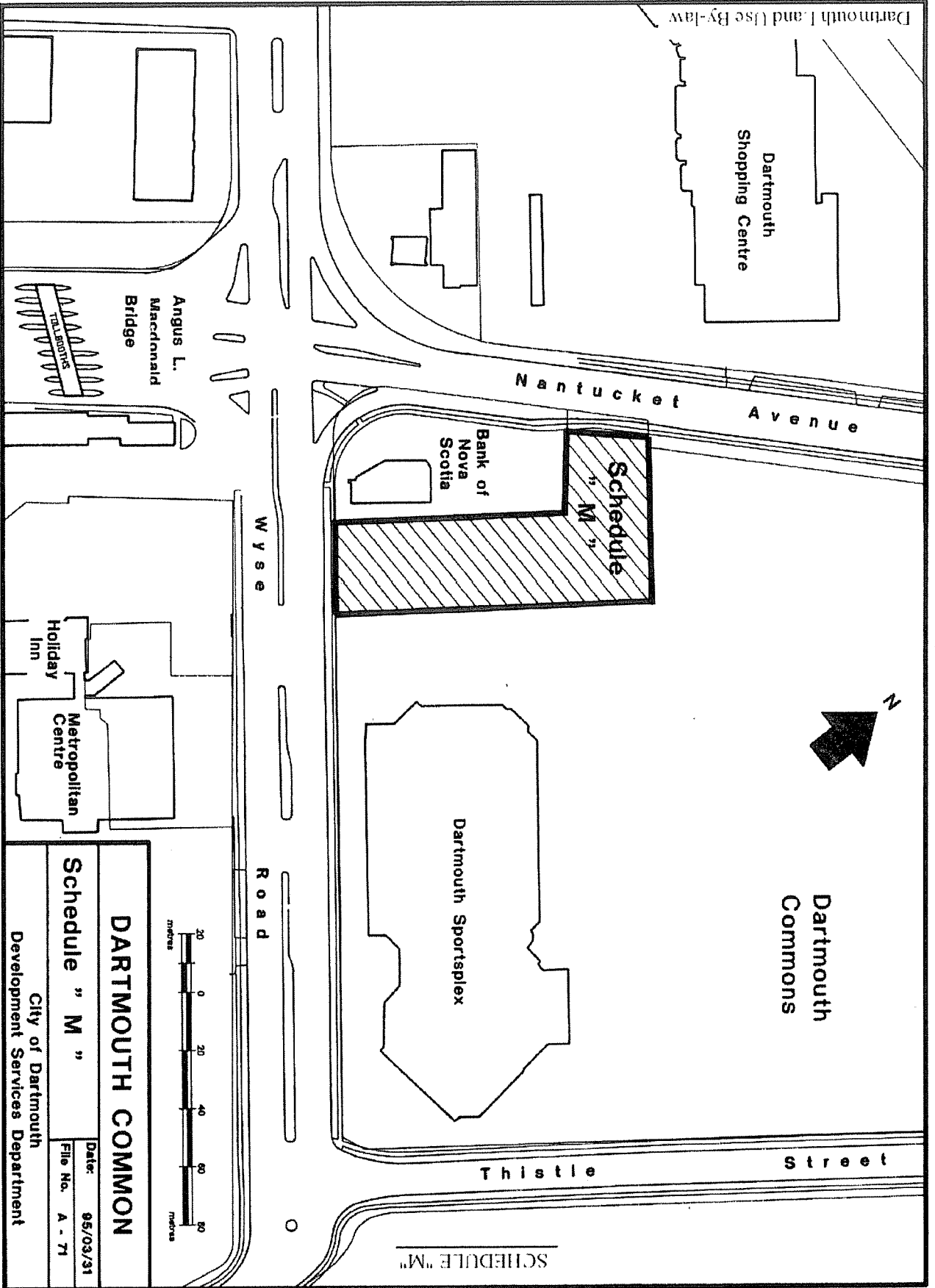
Dartmouth R Residential
 C Commerical
 P Park

Dartmouth & Downtown
 Dartmouth Plan Area

Downtown DN Downtown Neighbourhood
 Dartmouth PK Park and Open Space

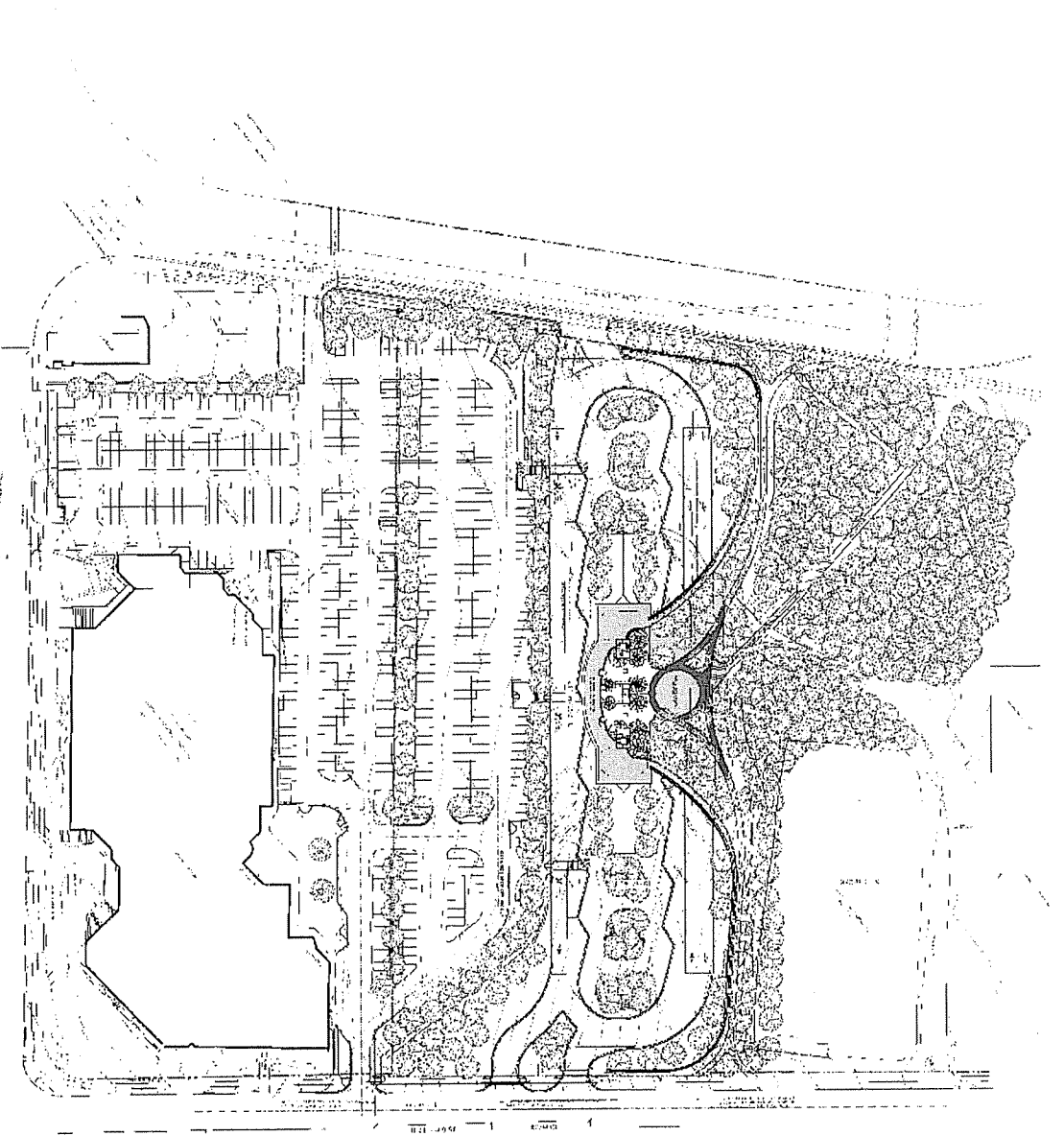
This map is an unofficial reproduction of a portion of the Generalized Future Land Use for the Dartmouth & Downtown Dartmouth Plan Area.

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



**Map 3 Existing Terminal Location
Schedule M - Dartmouth LUB**

HRM does not guarantee the accuracy of any base information.



METRO TRANSIT DARTMOUTH BRIDGE TERMINAL

SITE PLAN

Shen & Partners

ARCHITECTS

1000 North Main Street

Portland, ME 04108



**Map 4 Concept Plan - Upper Level
Proposed Terminal**

HRM does not guarantee the accuracy of any base information.

April 1, 2010

Case 01361

T:\work\planning\Holly\Official_Maps\case_maps\Case_01361\01361_Map4.PDF (HLK)

Attachment A: Proposed Amendments to the Dartmouth MPS

BE IT ENACTED by the Halifax Regional Council that the Dartmouth Municipal Planning Strategy, which was adopted by the Council of the former City of Dartmouth on the 25th day of July 1978, as amended, is hereby further amended as follows:

1. The existing Chapter 8, Sub-section 1 h) is deleted and replaced with the following:

h) DARTMOUTH COMMON

In 1788, King George III granted the Common to the community as a whole, for the benefit of all citizens. Since 1988 the citizens of Dartmouth have begun an enhancement plan to reclaim as much of the original Common as possible, and develop it as an open space for outdoor activity. Notwithstanding the need for the open space, there is a requirement for a transit terminal on the Common between Nantucket Avenue, Thistle Street, Dartmouth High School and the Dartmouth Sportsplex, to provide an efficient transit system to the Metro area.

Council recognizes that a good transit system protects the environment and has economic benefits to the community but that there is also need to clearly limit the size and location of such a facility.

2. Existing Policy R-19 is deleted and replaced with the following:

Policy R-19 It shall be the intention of Council, subject to the HRM Charter, to establish a Schedule in the Land Use By-law, which identifies a site on the Dartmouth Common located between Nantucket Avenue, Thistle Street, Dartmouth High School and the Dartmouth Sportsplex to be considered for the installation of a Metro Transit Terminal, subject to the Land Use By-law and to the provisions as Council requires, to adequately control the development and operation of these facilities.

I HEREBY CERTIFY that the amendments to the Dartmouth Municipal Planning Strategy, as set out above, were passed by a majority vote of the Halifax Regional Council at a meeting held on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Acting Municipal Clerk

Attachment B: Proposed Amendment to the Dartmouth LUB - Dartmouth Bridge Terminal

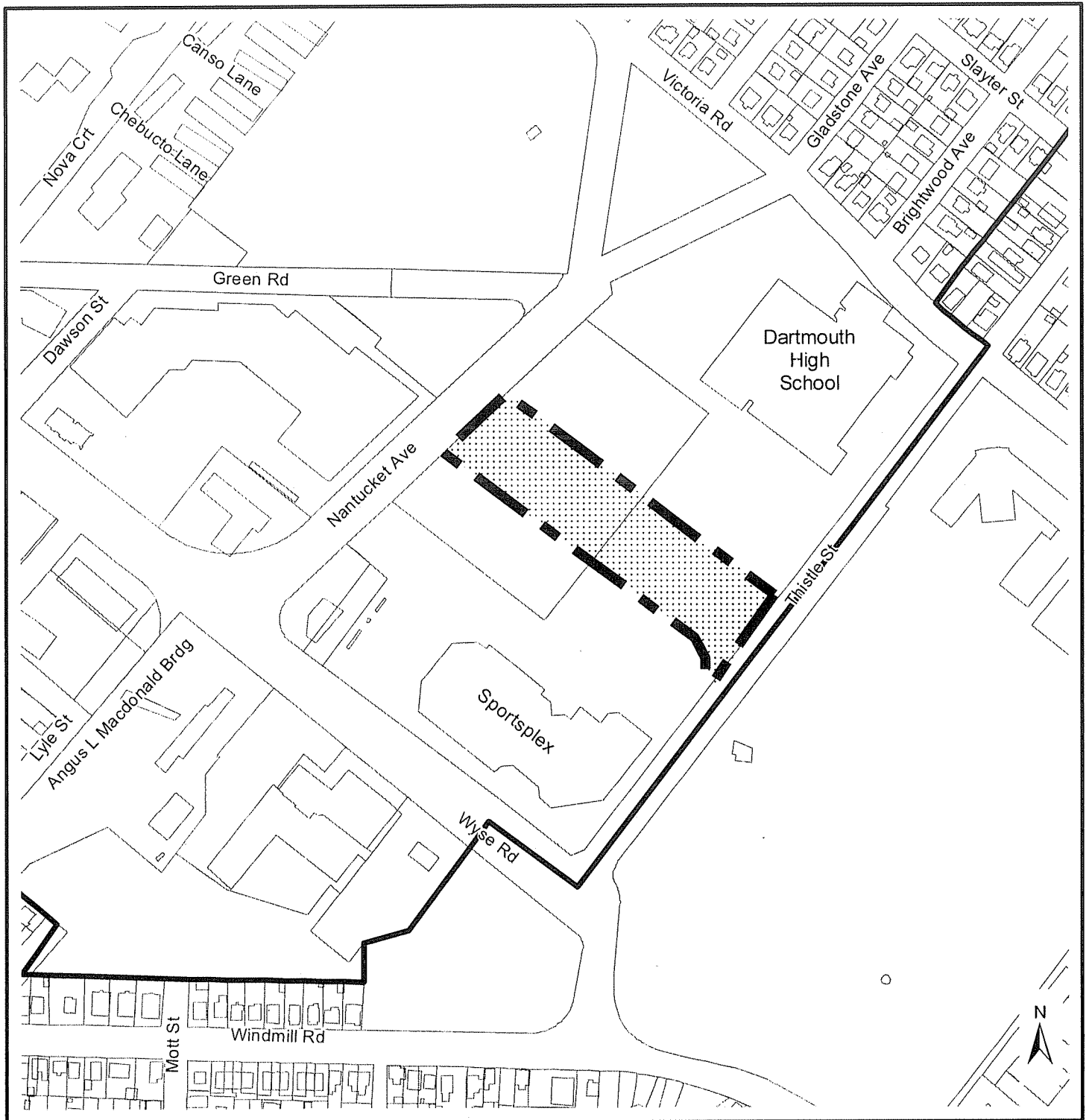
BE IT ENACTED by the Halifax Regional Council that the Dartmouth Land Use By-law, as enacted by the former City of Dartmouth Halifax Regional Council on the 25th day of July 1978, as amended, is hereby further amended as follows:

1. The existing Schedule "M", shall be deleted and replaced with a new Schedule M as illustrated on the attached Schedule "M".



I HEREBY CERTIFY that the amendments to the Dartmouth Land Use By-Law as set out above, were passed by a majority vote of the Halifax Regional Council at a meeting held on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this __ day of _____, 2010.

Acting Municipal Clerk



Schedule M

-  Plan Area Boundary
-  Terminal Location

Dartmouth & Downtown
Dartmouth Plan Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth & Downtown Dartmouth Plan Area.

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

Attachment C: Proposed Amendments to the Dartmouth LUB - Rezoning

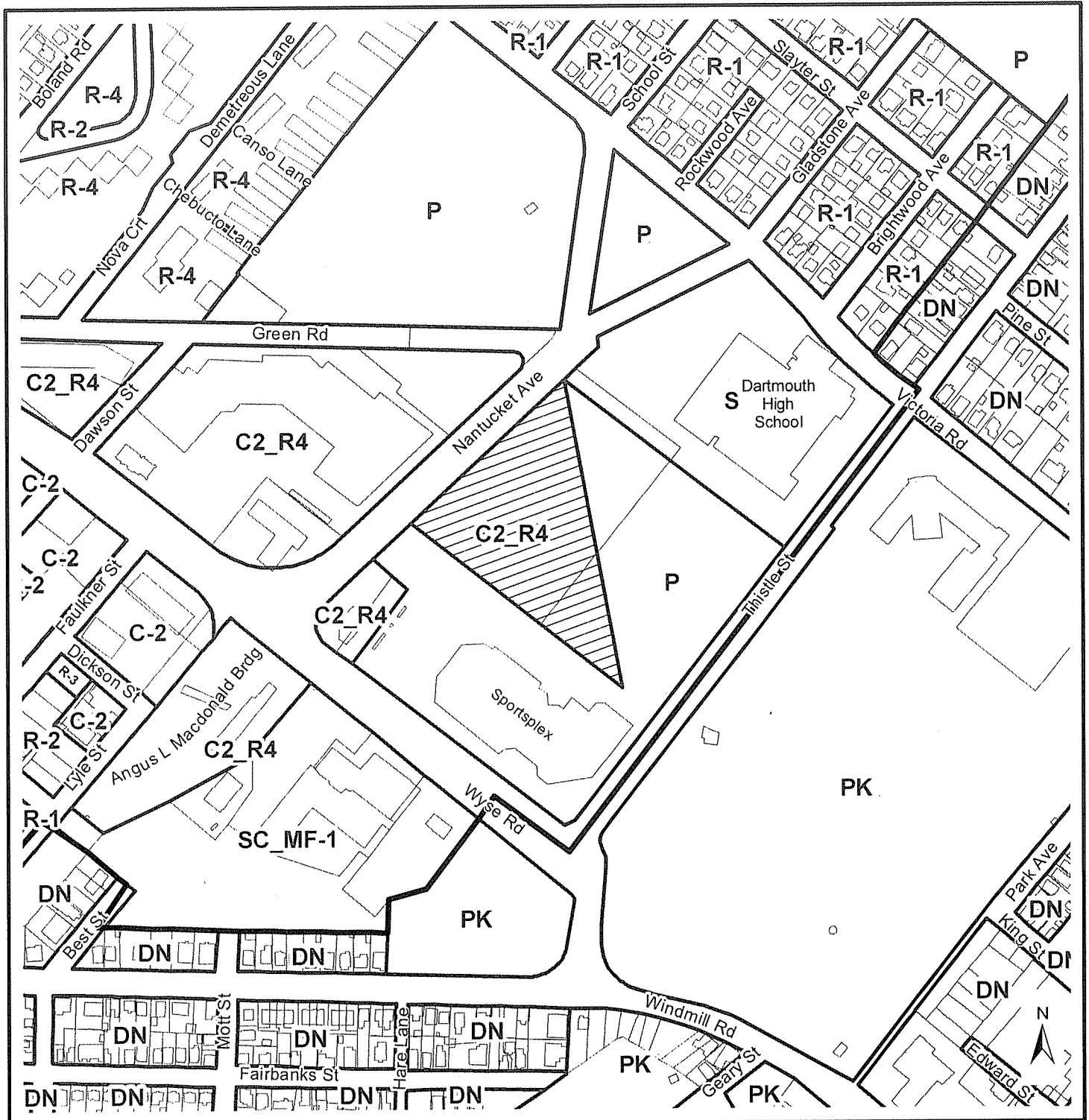
BE IT ENACTED by the Halifax Regional Council that the Dartmouth Land Use By-law, as enacted by the former City of Dartmouth Halifax Regional Council on the 25th day of July 1978, as amended, is hereby further amended as follows:

1. The Dartmouth Zoning Map shall be amended by rezoning a portion of the Dartmouth Common from the General Business/Multiple Family Residential - High Density Zone (C-2/R-4) to the Park (P) Zone as illustrated on the attached Schedule A.

I HEREBY CERTIFY that the amendments to the Dartmouth Land Use By-Law as set out above, were passed by a majority vote of the Halifax Regional Council at a meeting held on the ____ day of _____, 2010.


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2010.

Acting Municipal Clerk



Schedule A

 Plan Area Boundary

 Area to be rezoned from C2-R4 to P

Dartmouth & Downtown
Dartmouth Plan Area

Zone

Dartmouth	R-1	Single Family Residential
	R-2	Two Family Residential
	R-4	Multiple Family Residential
	C-2	General Business
	P	Park
	S	Institutional
	SC	Service Commercial
	MF-1	Multiple Family Residential
Downtown	DN	Downtown Neighbourhood
Dartmouth	PK	Park and Open Space

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth & Downtown Dartmouth Plan Area

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

Attachment D: Public Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 01361 Metro Transit Terminal, Dartmouth Common

7:00 p.m.

Monday, March 8, 2010

Dartmouth High School, Auditorium

STAFF IN

ATTENDANCE: Joseph Driscoll, Senior Planner, Planning Applications
Holly Kent, Planning Technician
Jennifer Little, Planning Controller

ALSO IN

ATTENDANCE: Councillor Jim Smith, District 9
Councillor Gloria McCluskey, District 5
Councillor Darren Fisher, District 6
Trevor Zinck, MLA

PUBLIC IN

ATTENDANCE: 65

The meeting commenced at approximately 7:04 p.m.

1. Opening remarks/Introductions

Mr. Joseph Driscoll, Senior Planner, Planning Applications, called the meeting to order at approximately 7:04 p.m. in the Dartmouth High School Auditorium, 95 Victoria Road, Dartmouth. Mr. Driscoll introduced Troy Scott, Sperry and Partners Architects; Dave Reage, Metro Transit Planning and Project Delivery Coordinator; Councillor Jim Smith, District 9; Councillor Gloria McCluskey, District 5; Councillor Darren Fisher, District 6; Trevor Zinck, MLA; Holly Kent, Planning Technician, HRM Planning Services and Jennifer Little, Planning Controller, HRM Planning Services.

Mr. Driscoll welcomed residents to the meeting and thanked them for attending. He advised that the purpose of the meeting is to share information with the residents and to receive feedback as well. No decisions will be made during this meeting.

2. Overview

Mr. Driscoll explained that this application has been initiated by HRM to amend the Dartmouth Municipal Planning Strategy and Land Use-Bylaw to permit a new location for a Metro Transit Terminal on lands between Nantucket Avenue, Wyse Road and Thistle Street. He added that this is the busiest terminal within the Municipality and the new terminal is designed to accommodate existing and future demands.

Reviewing slides of the existing and proposed terminal sites, Mr. Driscoll explained that the existing Metro Transit location is not sufficient due to safety, accessibility and capacity. A transit terminal is already permitted on the Common, but at the current location only. As a result the proposed terminal location can not go forward unless there are amendments to the Municipal Planning Strategy and Land Use By-Law. He also added that the Province of Nova Scotia recently passed amendments to the Dartmouth Common provisions of the HRM Charter to allow for the use of up to 6 acres of the Dartmouth Common for a Transit Terminal. Metro Transit is proposing to use approximately 3.4 acres of that.

Mr. Driscoll explained that even though the Dartmouth Municipal Planning Strategy recognizes the economic and environmental benefits of a quality transit system, it also recognizes the need to specify the location of where it should be located on the Common in order to specifically limit its scale.

3. Overview of Planning Process

Mr. Driscoll explained that on January 26, 2010 Regional Council had initiated this application, following tonight's public information meeting, a more detailed review of the application will take place. Staff will review the proposal, taking into consideration comments from residents at tonight's meeting. Staff will then bring forward a recommendation report to Harbour East Community Council who will hold a public hearing for an opportunity for further public input and then will be sent to Regional Council for final review. There will be an appeal process following Council's decision through the Nova Scotia Utility and Review Board.

Mr. Troy Scott, Sperry and Partners Architects

Mr. Scott explained that he will be updating everyone on the progression of the terminal site plan and will describe how they have incorporated some of the public feedback into it. He explained that this is the busiest transit terminal in HRM. They have incorporated input from the Dartmouth Common Master plan public sessions into the design and layout of terminal. In October 2009, a meeting was held at the Sportsplex, he explained that since then, the design of the terminal has been revised to incorporate much of this input to provide an enhanced design for the Community. Reviewing slides of the proposed terminal, Mr. Scott reviewed the front/side elevations, the exterior layout and an aerial view explaining that the overpass allows people to pass through without ever crossing paths with a bus. This will be a very safe and effective way to get passengers onto the bus. He explained that there is a lot of water on site and that there will be underground storage systems for this. The new terminal facility would be fully accessible, include a 16 bus platform, a passenger waiting area, bicycle storage areas, leased commercial space, public art and other amenity features. The size of the proposed terminal site is approximately 3.5 acres.

4. Questions and Comments

Ms. Rachel Tabor asked what the access will be from the terminal to the Dartmouth High School.

Mr. Scott explained that there is currently access through the back of the school, there will not be obstruction to any paths that currently exists.

A gentleman of Brule Street, asked if there will be exits on both Thistle Street and Nantucket Street.

Mr. Scott explained that there will be an exit on both streets, however, the exit on Nantucket Street will be only for emergencies.

The gentleman from Brule Street addressed concern with doubling the traffic on to Thistle Street.

Mr. Scott explained that it will increase the bus traffic on Thistle Street however, but that there will be a corresponding upgrade to the intersection of Wyse Road and Thistle to accommodate this.

The gentleman from Brule Street expressed concern that the proposed intersection changes would congest traffic in other parts of the downtown core of Dartmouth. He stated this could be similar to issues in Halifax around the Armdale Rottery.

Mr. Dave Reage, Metro Transit Planning and Project Delivery Coordinator, explained that they have been working closing with HRM Traffic Services throughout the entire project. HRM Traffic Services do not have any concerns with the increase in bus traffic on Thistle. He assured that a full traffic impact study will be completed.

Mr. Michael Cosgrove recognizes that the current terminal is unsafe and that the pedestrian traffic has outgrown some of the waiting areas. He expressed concern with the process to date. He suggested that the Common lands are for the citizens of Dartmouth, and that the citizens should have been consulted before any effort was made to change use of these lands. He expressed concern with Metro Transit being given six acres of the Dartmouth Common for a terminal without any public consultation. He explained that the current park is full of trash and is not an excellent use of land but better uses would have been a skate park, tennis & basketball courts, swimming pools and so fourth such as in place on the Halifax Commons. The Community should have been given the chance to offer suggestions and the ability to have alternative options presented to them. Mr. Cosgrove also expressed concern with how the overall costs for the terminal keep increasing.

Mr. Reage explained that they have reviewed different options for a terminal site, such as expanding the current footprint and they also looked into the Keating lands. The cost of the land on Wyse Road was significant and the bigger concern was the operational issue pertaining to making left hand turns off the MacDonald bridge. The bridge terminal's largest constraint is back ups on to the bridge. The Keating lands are also located next to residential lands which is a concern.

Mr. Cosgrove asked if there could have been something done to buffer parked buses with those homes? He explained that he had a petition with him for anyone opposed to this application to sign.

Mr. Reage explained that it would be very difficult to buffer a busy terminal from abutting residential homes in the Wyse Road area. However, this location is much farther removed from residential uses.

Mr. Tom Gribbin, Dartmouth, explained that the issue is not the bus terminal and agrees that it is much needed, however, other alternatives were not considered. He explained that the public has not seen an analysis or any documentation from traffic engineering or Metro Transit. Many people are against the bus terminal only because it will be on public park land. Referring to the document, he

said that in order for this proposal to proceed, proposed amendments to the Dartmouth Planning document must first be approved by the Halifax Regional Council at a Public Hearing. He asked why this process would take place if the City had already spent 3/4 of a million dollars on design fees? He added that 3/4 of a million dollars is quite expensive. Referring to the Municipal Planning Strategy, under Schedule M, he explained that it states that once the lands are not used by the Municipality for public transit, the lands revert back to their use as part of the Dartmouth Common. He expressed concern with the current plans that indicate the current bus terminal would become parking.

Mr. Driscoll explained that Regional Council must approve the proposed amendments or the project will not proceed. He agreed that there has been a lot of work completed on this project, that has led to this particular location. The design has changed quite a bit based on previous consultations, which he understands has resulted in much of the increased costs. He explained that tonight's meeting gives the public an opportunity to understand and get more information on the new proposal as well as to provide input for Council to consider prior to making a decision on the planning application. He ensured that the public hearing is also another time that this can happen.

Mr. Gribbin further expressed concern with the process. He was then asked to come back to the microphone if he wished for his comments to be put on record.

Mr. Reage explained that the costs are associated with the fact that it is a substantial facility and confirmed that it is a percentage of the overall project budget.

Mr. Reage explained that Legal interpretation would have to be given to properly answer Mr. Gribbin's question regarding the reversion of the former terminal site.

Mr. Andy Sherin explained that he thinks there may be opportunity for utilizing this space and turning it into park. This space should be utilized as public park space, this will cover the back end of the Dartmouth Sportsplex. He asked about the changes to the Wyse and Thistle intersection and what the status of the design changes are and if it will require further encroachments on the Dartmouth Common to enable these changes? He also asked if the results of the siting analysis have ever been made available to the public. He requested that these documents be placed on the website.

Mr. Reage explained that they are in the very early stages of the Wyse and Thistle intersection and added that there may just be a simple signalization that wouldn't require more land. He explained that there is already a lot of unused asphalt. He assured that the recommendation from the consultants report will be placed on their website.

Ms. Elizabeth Anne MacDonald expressed concern with the cost of the Bus Terminal. She asked that, if this application is approved, is there is a chance that the \$10 million cost for the terminal might not get approved? She also asked if there is a plan to widen Thistle Street and explained that two large buses will take up this area. She asked if this will also mean that there will be further encroachment on the fenced south side of the Dartmouth Common or difficulties for small children and high school students at the top of Victoria Road? She expressed disappointment with the lack of consultation from the Municipality prior to selection of this site.

Mr. Reage explained this project is part of the upcoming 2010/2011 capital budget. However, the final decision on whether the capital budget gets approved or not will be up to Regional Council. He explained that Thistle Street will not be widened and confirmed that there is sufficient width available. There may be some removal of parking on Thistle but buses that currently use Thistle for off service parking will no longer have to do so.

Mr. Scott explained that they are trying to bring the park to the top of the building which has resulted in the increase in cost. If you start cutting back the overpass and taking the towers off the top of the building, there will be a huge deduction of costs however, the people of Dartmouth start losing the ability to access this building easily. He explained that they have brought forward the best solution for this project and it will be an asset to the Community.

Ms. Tabor explained that she is speaking on behalf of the School Advisory Council for Dartmouth High. She expressed concern for the safety and security of the students. She advised that it is important for Dartmouth High to receive accurate, transparent information and communication from Metro Transit Plan Committee. She addressed concern for the walking and bus students of Dartmouth High due to the increased traffic that this terminal will bring. She also explained that this new terminal will result in commuters taking shortcuts through the school's property as well as having possible vehicles parking in their staff and student parking lots. She also noted that the increased number of buses will affect the students learning environment and may cause environmental risks due to these buses idling, these risks should not be ignored. She explained that the students and staff value the green space surrounding their school and work to improve it. Student athletes are currently unable to hold official games at their field and should be able to enjoy regulation sized sport fields. These lands are also used for science and social education. The proximity of the terminal site and the possibility of future erosion of their field is of huge concern.

Ms. Jennie Nagus, Highfield Park, explained that these lands should be used for other uses, however, understands that this site will be better accessible for passengers in wheelchairs. She expressed concern with the amount of money being spent on this project when there is such high risks of vandalism in the future.

Mr. Reage explained that the residents of Dartmouth deserve something beautiful and shouldn't assume that it will be vandalized. The Community should not have to suffer for a handful of people. This will be a positive impact on the Community.

Mr. Driscoll explained that there is potential for damage or vandalism to any public or private building however, as part of the consideration in the design of this terminal, 'crime prevention through environmental design' is being considered and will incorporate these principals into the design in order to limit the possibility of these concerns. HRM has an internal unit made up of mostly former police officers who review building and development proposals, they gave this building a good review.

Ms. Mya Warnock, Downtown Dartmouth, asked how much of the right hand side of Thistle Street will be affected by this proposal? She explained that there are parents who pick up their children by the Bicentennial School close to the Sportsplex, how will they be able to pick up their children if the parking is taken away?

Mr. Reage explained that they are unaware that any parking will be taken away in that area. Currently, there are buses that idle along the street, however after the new terminal is in place, this will no longer happen and will leave some free space.

Mr. Scott explained that the only impact on Thistle Street will be the entrances and exits of the terminal.

Ms. Warnock expressed safety concerns for the children and also commented that if traffic lights are put in, this will also cause concern for the crosswalk.

Mr. Scott explained that there will be a crosswalk at Thistle Street and it will be a safer crosswalk due to the intersection improvements.

Mr. Reage explained that they have been working very closely with Traffic Engineers to address any safety issues so it will not negatively impact the area in terms of the overall traffic operations.

Mr. Driscoll explained that originally the Commons was much bigger than what it is today. It has been encroached on over the years of private development and by public uses other than traditional common open space uses. The Dartmouth Common Master Plan will rationalize and program the future of the Dartmouth Common to make sure it is utilized in a manner that is in the best interest of the Community. One of the considerations is the proposed transit terminal among other things.

Mr. Greg Baker explained that encroachment of Common land has not been done all at once, only a little at a time. He asked if Metro Transit would ever consider eliminating the bridge terminal since it could be moved down to Alderney Gate and asked why there would need to be another terminal when there is one so close by?

Mr. Reage explained that Alderney does serve a purpose for buses coming from the Southern half of Dartmouth but doesn't allow the space for all the other buses coming from different areas within the Municipality. It would not be an effective thing to do as it would require many buses to drive past the bridge to get to Alderney Gate and then backtrack to the bridge to cross to Halifax.

Mr. Baker asked how this terminal will integrate with the overall transit operations, with possible upgrading route 1 and possibly changing around routes 59, 58 & 61 and Portland Hills? Currently, one of the major problems with the bridge terminal are buses doing the exact same from Portland Hills inward. Changing this one situation could eliminate the need for having more buses. He asked how moving the Metro-link further stop away from Wyse Road will better the situation.

Mr. Reage agreed that the Metro-link does not currently enter the bridge terminal and that it will remain the same because it would be more of an inconvenience for a larger number of people going across to Halifax vs. a smaller amount of people who might want a transfer. The realigning will not change the total number of buses entering the terminal however, it will streamline the way they enter.

Mr. Baker commented on the Sportsplex parking area as well as the park and ride and suggested that the park and ride lot possibly be eliminated. He explained that with making the current terminal

parking available for the Sportsplex it could possibly allow for enough space to eliminate the parking in the northern section and then the terminal could be put there.

Mr. Reage explained that the Sportsplex controls all of the parking.

Mr. Baker asked who owns the Sportsplex.

Mr. Driscoll explained that HRM owns the Sportsplex and explained that they are a non-for-profit organization. That is run by an independent Board of Directors.

Mr. Reage explained that the Sportsplex may have future plans to expand.

Mr. Baker added that as a member of the Sportsplex, he wouldn't mind if some of the parking was taken away. Being a wellness centre, people can walk, take a bike or get a bus there.

Mr. Reage explained that hockey games generate a lot of cars and utilize the parking.

A Gentleman asked about any zoning changes and a triangular shaped piece of land on the Common that is zoned C2/R4?

Mr. Driscoll explained that if the Land Use By-Law was amended to allow for the terminal, the current zoning wouldn't have to change. However, there is a large portion of the Common that is zoned C2R4 (General Business, High Density Residential Zone). Through this process, the plan is to rezone these portions to Park Zone so as to be consistent with the intent of the MPS and the zoning in place on the Common.

The Gentleman explained that he heard discussion at Regional Council that indicated there would be about an eighteen foot difference in elevation between where the buses park and where the walk way is. During that meeting, Councillor Sloane expressed concern about woman walking at night across that area, using the stairs or elevator at night. He expressed concern this concern as well as the lack of railings on the elevations.

Mr. Reage explained that they were unable to model the railings but they will be built. Regarding Councillor Sloane's concerns, he explained that a request for a CPTED review had been scheduled before her comments and was completed after that meeting. The review identified no problems with the design, the elevator has both side access and the stairwells have direct exit to inside the terminal.

The Gentleman explained that currently buses are parked on Thistle Street. During the winter, this always creates a problem, he expressed concern with additional buses on that route. He asked if there is going to be a café within the terminal?

Mr. Reage explained that there are standard distances from a corner but it is not in the mandate to change the parking on Thistle Street. He also explained that there is commercial space available that will go out to tender.

The Gentleman questioned if the Legal Department was consulted about this development?

Mr. Reage confirmed that their Legal Department has been involved from the beginning.

The Gentleman spoke regarding section 66 subsection 5 and the map of old Dartmouth and reviewed the park areas. He explained that the golf course is the largest green space around and suggested that the Municipality buy this land from and turn it into a public park.

Mr. Tod Hawkal explained that he likes the new proposed layout as opposed to the old proposal along Nantucket and it is much more wheelchair friendly. He also likes how they are bringing the park into the terminal.

Mr. Andrew Call explained that the current terminal is inadequate and dangerous and thinks this is an appropriate location for the new terminal however, he also understands and appreciates the concerns raised here during this meeting. He added that he understands that this will be expensive and would rather this than to have the terminal cheaply made and added that it is money well spent. Bathrooms will be a benefit as well.

Mr. TJ McGuire explained that he is a student of Dalhousie in the School of Planning and works in the urban design field. He explained that he is at this site on a daily basis and has noticed that there are a lot of buses out of service during peak hours. He asked if there could be a waiting lane on Thistle Street for out of service buses. He explained that there are currently scheduling issues, that should be reviewed in the future and requested that more information be placed on the HRM website prior to any further meetings.

Mr. Driscoll explained that they currently have the site plans on the website but they are still working on uploading more information.

Mr. Scott explained that there will be a lane in the back of the terminal for buses that are out of service. He also added that this terminal will have a layover facility to eliminate buses of Thistle and Wyse Road and will also have bathroom facilities for the public as well as staff.

Mr. McGuire asked if there will be anymore opportunities for public input?

Mr. Driscoll explained that in addition to this meeting, there will be a public hearing that will give the public another opportunity to address comments or concerns through written material or verbally during the public hearing.

Mr. McGuire asked if there will be any features of interest on the balcony that will attract the public such as fountains, explaining that this would make it a safer place.

Mr. Reage explained that the design is designed as entranceway to the terminal but that there will be benches as well as it is a beautiful view with walkways that will also have lighting.

Mr. Guy Estabrooks explained that his children who attend Dartmouth High are opposed to the transit terminal. This will take away a green area where they can hang out. This will cause the kids to start hanging out around the terminal, which might lead to a lot of damage and a constant

maintenance problem. He asked if there will be more parking spaces between the Sportsplex and the bus lot?

Mr. Reage explained that there will not be anymore parking spaces added within this area.

Mr. Estabrooks asked how far from Dartmouth High will the bus station be located?

Mr. Reage explained that he wasn't sure of the exact space.

Mr. Estabrooks asked how wide the area is between the bus terminal parking lot and the facility?

Mr. Reage explained that the overpass is approximately a 60 foot span.

Mr. Estabrooks asked about the distance of the Sportsplex

Mr. Reage explained that it is approximately 100 meters.

Mr. Estabrooks explained that this is important information that the residents should be aware of.

Mr. Reage explained that the site is 3.5 acres.

Mr. Estabrooks explained that those planning this development should be concerned with vandalism.

Mr. Driscoll explained that the dimensions can be posted on the website.

Mr. Estabrooks expressed concern with the cost of this terminal.

The Gentleman from Brule Street asked how long the overall project will take from start to finish and explained that the bridge should also be made accessible. He expressed concern with it not being big enough 20 years down the road.

Ms. Lynn Thurber expressed concern with the students at Dartmouth High having allergies and explained her past history. She added that with the bus terminal being so close, this will interfere with the students learning and concentration abilities especially during exams. She also addressed concern with the bus route and noted that the sidewalk is on one side of the street. This is very unsafe and adding more buses will only increase the danger.

Mr. Reage explained that transit is considered one of the greenest ways to travel. The more people on buses the less pollution due to less cars on the road.

Ms. Elene MacDonald asked how this terminal fits into the overall HRM Plan and about Metro Transit's overall goal to expand transit service.

Mr. Reage explained that Council just approved a five year operational strategy which can be reviewed on their website. This provides information on the direction they are looking at within the next five years. The terminal can accommodate the desired growth.

Ms. Linda Forbes explained that they did a good job in the overall design of the terminal. She addressed concern with only seeing parking lots and a bus terminal when entering Dartmouth off the bridge. She also expressed concern with HRM not being able to control the Sportsplex and explained that there is a lack of leadership. The Planning Departments job is to integrate the various needs of the Community. There is a loss of opportunity in this proposal.

Mr. Driscoll explained that the Metro Transit Bus Terminal application is a result of a couple of years of work. A lot of background research has been conducted that has lead to this point and this location. Although the terminal is the only focus of this meeting, there is also a significant ongoing project underway to improve the use and the overall quality of the Dartmouth Common Master.

Ms. Maya Warnock explained that there should be a tunnel put in place from Eastern Passage to Halifax.

Mr. Reage explained that he understood such a tunnel would cost in the range of a \$1 billion. This terminal and transit upgrades would reduce the need for such a project. A third harbour crossing would encourage more people to drive.

Mr. Warnock explained that there should also be a focus on trains rather than buses.

Mr. Reage explained that the buses are currently successful.

Ms. Warnock asked how many people within HRM use the bus?

Mr. Reage explained that there are approximately 85 thousand people per day who use the transit.

Ms. Warnock noted that the majority of people then do not use the bus.

Ms. Jill McGillicuddy, Halifax Regional School Board, explained that the central office of the Halifax Regional School Board has been communicating with HRM throughout the master planning process for the Dartmouth Common as well as for this planning application. She reported that most of the concerns raised during this meeting were discussed at the HRSB and some amendments have been made. The City has been keeping the School Board involved in the process.

4. Closing Comments

Mr. Driscoll thanked the residents for expressing their comments and concerns.

5. Adjourned

8:58 p.m.

Attachment E: Written Submissions

Submission 1: Dartmouth High School Advisory Council

My name is Rachael Tabor and I am the Chair of the School Advisory Council (SAC) at Dartmouth High School and I speak on behalf of the SAC. We thank you for this opportunity to comment this evening given our close proximity to the proposed terminal and the fact that these Common Lands are part of our community at Dartmouth High. As with any good neighbour, communication about land and consideration of others is key to a fine relationship where people work together for the common good.

Our primary concern is for the ultimate safety and security of our students at Dartmouth High and for the provision of an effective and facilitative learning environment. As the proposed terminal boundaries are so close to our school, we understandably require accurate and transparent information and communication with the Metro Transit planning committee and we wish to express our concerns openly.

First, we are concerned with roadway safety issues for our walking and bussing students as a result of the increased traffic created by an expansion to the proposed transfer station. Currently, close to 19000 commuters flow through the existing terminal. The significant increase to passenger traffic which will occur with the proposed 16 platform terminal and commercial space will pose additional safety concerns for Dartmouth High. At present, commuters attempt to take short cuts through our school and park in our staff and student parking lots. Procedures to limit this activity at Dartmouth High have already been required due to this problem.

Second, but certainly of no less importance, is the effect of the proximity of the proposed terminal to our students' learning environment. With many buses travelling through the Common Land and perhaps idling for extended periods of time, the environmental risks cannot be ignored. The obvious noise and air pollution created by these vehicles will have a significant and negative impact on the students and teachers who are in classes facing the terminal. Additionally, the distraction caused by the growing masses of passengers utilizing the station will affect the learning attention of our students and the ability of our staff to teach effectively.

Finally, Dartmouth High has always valued the green space surrounding the school and our sports field adjacent to the proposed terminal. We have been actively seeking ways to repair and improve and perhaps enlarge our playing field so that our athletes can enjoy a regulation-sized field of which they can be proud. Currently, official games cannot be played here; our teams must travel to play all field games and we can never host such a game. This field is used regularly and frequently for all manner of education from the obvious athletic and sports team pursuits to the use of the land for science and social education. The sheer closeness of the proposed terminal site and potential further erosion of our field is of great concern to all at Dartmouth High School.

The issues I have raised do not stand alone but are rather intertwined in their effect on the Dartmouth High School community. Our students and athletes deserve to learn and play in a clean, pollutant-free environment that is safe.

I thank you for this opportunity to present the concerns to your Committee.

Submitted by:

Rachael Tabor
Chair, School Advisory Council
Dartmouth High School
95 Victoria Road
Dartmouth, NS B3A 1V2

Attachment E: Written Submissions

Submission 2: Halifax Regional School Board



Operations Services
 90 Alderney Drive
 Dartmouth, Nova Scotia
 B2Y 4S8
 Tel: (902) 464-2000 Ext. 2277
 Fax: (902) 464-2336

Halifax Regional Council
 PO Box 1749
 Halifax, NS
 B3J 3A5

RE: Case 01361 -- Metro Transit Bridge Terminal, Dartmouth

The Halifax Regional School Board (HRSB) would like to take this opportunity to extend our appreciation for being considered during the master planning process for the Dartmouth Commons. As a tenant on the "Commons", HRSB acknowledges the benefits and constraints for future planning of the Dartmouth Commons.

We acknowledge as part of the overall master plan, Metro Transit is proposing an extended Transit Terminal and at this time they are ready to proceed with the project. On Monday, March 8, 2010 Community Planning held a public meeting to present an overview of the proposal and to hear public comment on the application. The School Advisory Committee (SAC) for Dartmouth High and Operational Services had representation at this meeting.

As indicated, the HRSB has been involved through out the process and at this time we would offer the following comments:

- the proposed location of the Transit Terminal is preferable as compared to the original placement;
- student safety is our primary concern and as such, a buffer between Metro Transit and Dartmouth High School is required and we would offer given the grade difference this may be realized through landscaping; and
- HRSB continues to work with HRM Real Property and CBCL Limited regarding the connection between the various land uses and the schools as it is not appropriate to have the general public on school grounds during operational hours

In closing, I would reiterate our appreciation of being involved in the planning process and look forward to our future working relationship. Should you require any additional information or would like to further discuss this situation, please do not hesitate to contact me directly or Jill McGillicuddy at 464-2000 ext 2277 or by way of e-mail at jmcgillicuddy@hrsb.ns.ca.

Respectfully yours,

Charles Clattenburg
 Director of Operations

/jmcg

cc: Eartha Monard, Principal DHS (emonard@hrsb.ns.ca)
 Mike Cosgrove, Teacher DHS (mcosg@staff.ednet.ns.ca)

Attachment E: Written Submissions

Submission 3:

Hi Joseph,

I wasn't able to attend the public meeting because of work, but I support the proposed terminal changes. The idea of running from Nantucket to Thistle makes good sense. All I wish to see with the construction is good foot traffic flow in multiple directions, and all efforts made to make this have a park like feel. Lots of trees and a green building. The design plans look decent on paper, lets hope for even better in real life construction.

Thank you,
Geoff Bennett
Local Citizen

Submission 4:

Hi:

I was at the meeting on March 8, 2010 at Dartmouth High School discussing the new bus terminal. I did voice some opinions at that meeting, but I have a few more. I am very concerned that HRM is so willing to destroy park land. What would New York be without Central Park, London without its many parks, or Vancouver without Stanley Park? Most cities have parks set aside for its citizens. The Common in Dartmouth is at the entry to the bridge and so is Stanley Park to the Lions Gate Bridge. When one goes from Vancouver to West Vancouver, there is a feeling of a major change as one drives through Stanley Park. Maybe the wealth of West Vancouver is partly due to this change. All this is wonderful, but what should we do about the buses in Dartmouth?

I am not a bus person. I find them uncomfortable, jerky, and very disagreeable to use. In Helsinki the buses would leave at 5 minute intervals during rush hour. I still hated that. However, we need to be able to do three things: 1. get people to work/shopping/visiting and 2. reduce the pollution caused by cars (even though I don't know the effect of the new hybrid cars) and 3. stop building more and more roads to handle the traffic. We do need mass-transportation.

I have some suggestions. Would it be possible to use the Penhorn Bus Terminal as a hub? Have the buses that come to that terminal drop off their

passengers and then load them on buses to Halifax during rush hour. This would completely bypass the terminal by the bridge. These buses would be express buses. They could leave Penhorn at 5-10 minute intervals during rush hour. I don't know how busy these outlying buses are at other times, but this would give you somewhere to start thinking of an alternative to a larger bus terminal at the bridge. Maybe we need a bus terminal by the ferry rather than on Alderney Drive. This would take the buses off the already busy Alderney. Maybe a mirror-image of the terminal on the Halifax side by the ferry.

I would love to see a train system. I take the train even inside Helsinki rather than a bus. We could have trains from Eastern Passage go to the ferry terminal, then to Burnside, Bedford, Rockingham, Fairview, then downtown and back. Even if we used the trains only during rush hour, I think you would find more people using them. They are comfortable, one can do some work on them. They are quiet and relatively fast. Cost may be an issue, but we really need to change from buses to something more agreeable, if we hope to reduce road traffic by cars.

I do understand that this is a difficult issue and I don't envy you your task, however, we need to protect the small parks we have left. The Common was designated as parkland for the citizens of Dartmouth. We need to respect that. The powers-at-be saw a need and had enough courage to do something about it. Why do we have Municipal Planning Strategies etc. if they do not mean anything? Do you really think that Central Park in New York and Stanley Park in Vancouver are not desirable real estate? Can you see either of these parks being destroyed in favor of a bus terminal or other transportation use? I think not. Maybe we need the courage to preserve the little Common land we have left. I agree with Linda Forbes that we should enhance the look of the entry to the bridge and not destroy more of the precious little park land we have left.

Regards

Maya Warnock
Dartmouth

Attachment F: Excerpts from the Dartmouth MPS

1. RECREATION SYSTEM

The Recreation System provides a framework through which the Recreation Master Plan can be implemented by applying guidelines and polices to individual elements of the system. It also provides definitions for each of the elements, including service radius and possible contents. There are seven major elements in the system with appropriate policies for each.

(h) **DARTMOUTH COMMON**

In 1788, King George III granted the Common to the community as a whole, for the benefit of all citizens. Since 1988 the citizens of Dartmouth have begun an enhancement plan to reclaim as much of the original Common as possible, and develop it as an open space for outdoor activity. Notwithstanding the need for the open space, there is a requirement for a transit terminal near the intersection of Nantucket Avenue and Wyse Road, to provide an efficient transit system to the Metro area. The only land available is on the Common between the bank and the Sportsplex.

Council recognizes that a good transit system protects the environment and has economic benefits to the community. (As amended by By-law C-721, June 9, 1995).

Policy R-19 *It shall be the intention of City Council, subject to the Dartmouth Common Act, to establish a Schedule in the Land Use By-law, which identifies a site on the Dartmouth Common to be considered for the installation of a Metropolitan Transit Terminal, subject to the land Use By-law and to the provisions of leases or agreements, as City Council requires, to adequately control the development and operation of these facilities. (As amended by By-law C-721, June 9, 1995).*

Policy IP-1

(j) Plan amendments Not Required

An amendment to the Plan shall not be required where:

- (1) rezonings which fall within the list of permitted uses within the generalized land use categories as shown on Table 4 and Map 8
- (2) rezonings on/or adjacent the generalized land use boundaries as shown on Map 8 where the effect of the rezoning is to provide more detailed boundary definitions between differing generalized land use categories
- (3) updating the Development Control By-laws that do not conflict with the intent of the policies of the Plan.

Attachment G: Excerpts from the Dartmouth LUB

PART 16: P (PARK) ZONE

- 44(1) The following uses only shall be permitted in a P Zone:
- (a) public parks;
 - (b) recreational fields and facilities;
 - (c) golf courses;
 - (d) cemeteries;
 - (e) circuses, sports meets or uses of a similar nature on motion of the City Council for limited periods of time;
 - (f) uses accessory to any of the foregoing uses.
- 44(2) *Notwithstanding the provisions of subsection (1) transit terminal facilities are permitted on land identified by Schedule "M". (As amended by By-law C-722, Jun 9/95)*
- 44(3) *No Buildings or structures shall exceed 35 feet in height on those parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC-Feb 8/05;E-Apr 23/05)*

Attachment H: Excerpts from the HRM Charter

Dartmouth common

66 (1) In this Section, “Dartmouth common” means the common of Dartmouth so far as it was vested in the City of Dartmouth on April 22, 1986.

(2) The Municipality may not sell, lease, license or otherwise alienate the Dartmouth common.

(3) Subject to subsections (4) and (5), no person shall build on the Dartmouth common.

(4) A person may build an addition to a building located on the lands described in the Schedule to Chapter 87 of the Acts of 1994, An Act to Amend Chapter 68 of the Acts of 1986, the *Dartmouth Common Act*, if the building and the addition are both totally located on those lands.

(5) The Municipality may build, expand or improve public transit facilities on that part of the Dartmouth Common adjacent to Nantucket Avenue and not exceeding six acres.

(6) When the lands referred to in subsection (5) are no longer used by the Municipality for public transit facilities, the lands revert back to their use as part of the Dartmouth Common.

(7) The Dartmouth common is held by the Municipality in trust for the inhabitants of the Municipality. 2008, c. 39, s. 66.