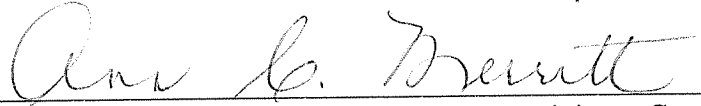


**North West Community Council**  
**June 23, 2011**

**TO:** Chair and Members of North West Community Council

**SUBMITTED BY:**   
Ann Merritt, Chair, North West Planning Advisory Committee

**DATE:** June 1, 2011

**SUBJECT:** **Case 16775: Development Agreement for Bedford West Sub Area 5,  
Bedford**

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**ORIGIN**

North West Planning Advisory Committee Meeting – June 1, 2011

**RECOMMENDATION**

It is recommended that North West North West Community Council:

1. Give Notice of Motion to consider the proposed development agreement as provided in Attachment A of the staff report dated May 17, 2011 and schedule a public hearing;
2. Approve the proposed development agreement as set out in Attachment A of the staff report dated May 17, 2011 to permit a mixed use subdivision at Bedford West Sub Area 5, Kearney Lake Road, Bedford.
3. Require the Development Agreement be signed by the property owner within 240 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.

**BACKGROUND/DISCUSSION**

At its meeting on June 1, 2011 the Committee reviewed and discussed the proposed Development Agreement for mixed use (residential and commercial) subdivision for Sub Area 5 of the Bedford West Master Plan Area. The proposed development agreement, as identified in the staff report dated May 17, 2011, is supported by this Committee.

### **BUDGET IMPLICATIONS**

None associated with this report

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

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

### **COMMUNITY ENGAGEMENT**

As per staff report dated May 17, 2011

### **ALTERNATIVES**

1. North West Community Council may choose to approve the agreement, as contained in Attachment A of the staff report dated May 17, 2011. This is the recommended course of action as the proposed development agreement meets the overall intent of the Bedford West Secondary Planning Strategy and Bedford Municipal Planning Strategy.
2. Alternatively, North West Community Council may choose to approve the terms of the agreement, as contained in Attachment A of the staff report dated May 17, 2011, with modifications or conditions. Some modification or conditions may require additional negotiation with the developer and may require an additional public hearing.
3. North West Community Council may choose to refuse the agreement. Pursuant to Section 245(6) of the *Halifax Regional Municipality Charter*, Council must provide reasons to the applicant justifying this refusal, based on policies of the Bedford West Secondary Planning Strategy and Bedford Municipal Planning Strategy. This alternative is not recommended for the reason outlined in this report.

### **ATTACHMENTS**

Staff report dated May 17, 2011

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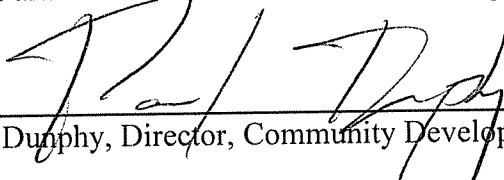
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Donna Honeywell, Administration/PAC Coordinator, 490-4937

Item #  
**North West Planning Advisory Committee**  
**June 1, 2011**

**TO:** Chair and Members of North West Planning Advisory Committee

**SUBMITTED BY:**

  
\_\_\_\_\_  
Paul Dunphy, Director, Community Development

**DATE:** May 17, 2011

**SUBJECT:** Case 16775: Development Agreement for Bedford West Sub Area 5

**ORIGIN**

Application by West Bedford Holdings Limited to enter into a development agreement to mixed use (residential and commercial) subdivision for Sub Area 5 of the Bedford West Master Plan Area.

**RECOMMENDATION**

It is recommended that North West Planning Advisory Committee recommend that North West Community Council:

1. Give Notice of Motion to consider the proposed development agreement as provided in Attachment A, and schedule a public hearing;
2. Approve the proposed development agreement as set out in Attachment A of this report to permit a mixed use subdivision at Bedford West Sub Area 5, Kearney Lake Road, Bedford.
3. Require the Development Agreement be signed by the property owner within 240 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**

West Bedford Holdings Limited is seeking approval of a development agreement pertaining to Sub Area 5 of the Bedford West Master Plan Area; a component of the Bedford West Secondary Planning Strategy (SPS). In 2006, Regional Council chose the Bedford West area to be one of the main urban growth areas in the Municipality for the next 25 years. The lands, illustrated on Map 1, encompass 115 acres (46.5 hectares) to the west of Highway 102, northeast of Kearney Lake Road and south of Kearney Run (watercourse).

The development proposal integrates parks and open space with a variety of housing types including single, townhouse and multi-unit dwellings as well as some neighbourhood commercial land uses. The proposed development agreement (Attachment A) reflects this integration and includes terms pertaining to environmental protection, land development, parks and open space, the provision of municipal services and phasing. Further, the agreement is subject to capital cost contribution charges by the developer to Municipality and in the future to Halifax Water.

A Public Information Meeting was held on September 27, 2010 to discuss the proposed development. Attachment C of this report contains a summary of this meeting. On September 8, 2010 Bedford Waters Advisory Board provided a positive recommendation (Attachment D) on the proposed development and the detailed Stormwater Management Plan. In summary, staff is recommending approval of the proposed development agreement (Attachment A) as it complies with the relevant policies for the Bedford West Secondary Planning Strategy.

## **BACKGROUND**

In 2006, Regional Council approved the Bedford West Secondary Plan (SPS) which provides guidance for the development of a new community on the west side of the Highway 102 in the vicinity of the Hammonds Plains and Kearney Lake Roads. The goal of the strategy is to enable residential and commercial development which is cost effective for the municipality to service. It is anticipated that the Bedford West area will house a significant portion of HRM's urban growth over the next twenty-five years. The Secondary Plan includes objectives and policies pertaining to environmental protection, municipal services and land use and is divided into 12 Sub Areas which are illustrated on Map 4 and most development is subject to a development agreement.

West Bedford Holdings Ltd., a joint venture between Cresco Developments Ltd. and Clayton Developments Ltd., controls a large portion of land holdings in the Secondary Plan. On August 12, 2008, North West Community Council approved a development agreement for Sub Area 3 and 4 of Bedford West. Further, on October 23, 2008, the development Agreement for Sub Area 2 was approved.

As part of previous applications (Case 16104/16106) approved in 2011, several SPS amendments were approved by Regional Council to modify the boundaries of Sub Area 5 and 9. Further these applications also expanded the proposed land use plan (Community Concept Plan) to encompass the entirety of these Sub Areas.

Bedford West Holdings has applied to enter into a development agreement for Sub Area 5. Sub Area 5 encompasses approximately 115 acres (46.5 acres) and is illustrated on Map 1 and 2. West Bedford Holdings currently owns the majority of land holdings in the Sub Area, however there are 20 acres (8.3 ha) of land owned by Halifax Water which form part of the application. West Bedford Holdings has this land under agreement and it is anticipated that the land will be transferred to Halifax Water at the late June of 2011.

### ***Existing Zoning***

The subject property is designated BWSPS (Bedford West Secondary Planning Strategy) under the Bedford West Secondary Planning Strategy and zoned BWCDD (Bedford West Development District) Zone under the Bedford Land Use By-law (Map 1 and 2). All development in Sub Area 5 is subject to the negotiation of a development agreement and Community Council approval.

### ***Surrounding Land Uses***

Lands to the south are developed as a series of single family homes on larger suburban un-serviced lots along Kearney Lake Road. Lands to the north are currently vacant but are subject to an approved development agreement which would enable a mixed use subdivision, known as Sub Area 2. Lands to the east (opposite side of Highway 102) are partially vacant (subject to a development agreement for residential development (Paper Mill Lake) and partially developed as a residential subdivision (Bedford South and Oceanview Drive). Lands to the south and south-east are undeveloped and are subject to a development agreement application for a mixed use subdivision containing primarily commercial land uses near the existing Larry Uteck Boulevard interchange.

### ***Proposal***

A mixture of residential, neighbourhood commercial, parkland and other open space uses are proposed. Plans illustrating key elements of the project such as municipal services, park dedications, trails and development phasing are found in Schedules B to R of the development agreement (Attachment A).

The development is comprised of two key components: a neighbourhood commercial area and a residential area:

#### *Neighbourhood Commercial*

Approximately 3.7 acres (1.5 ha) of the development is intended for neighbourhood commercial purposes and will house neighbourhood commercial land uses. Commercial land uses are small scale uses intended to directly serve the neighbourhood. The maximum building size enabled in this area is 12,500 sq ft (1161.2 sq m).

#### *Residential*

The remaining lands, which cover approximately 111 acres (45 ha), are intended to accommodate a mix of residential development and parks and open space. The concept submitted is proposing approximately 691 housing units:

- 55 townhouse lots;
- 11 condominium townhouses;
- 134 single unit dwelling lots - 40' frontage; and
- 491 multi-unit dwelling units.

#### *Parkland and Open Space*

Approximately 11 percent or 12.7 acres (5.13 ha) of the site is reserved specifically for parkland and another 3.5 percent or 4 acres (1.61 ha) is set aside as a conservation area. The total open space accepted by HRM is 16.7 acres (6.75 ha) which forms approximately 15 percent of the subject property. In addition to the land dedication, the developer is proposing the construction of a trail and site improvements for a neighbourhood park.

## **DISCUSSION**

An evaluation of the development proposal against the policy criteria of the Secondary Plan is presented as Attachment B. Staff has identified the following areas for specific discussion:

*Environmental Protection:* The Bedford West SPS includes policies which require significant environmental protection. In compliance with the SPS, the following measures have been completed:

- A master stormwater management plan and water quality monitoring program have been prepared, reviewed by the Bedford Watershed Advisory Board and incorporated into the development agreement. Staff wishes to identify that the developer has committed to include rain barrels and a minimum soil depth on residential lots as part of their stormwater management plan. Staff have reviewed this proposal and determined that we cannot include this clause in the development agreement because it is not practical to enforce. As a result, it is up to the developer to ensure that this commitment is kept.

- Watercourses on the property, including wetlands greater than 2000 sq m (21528 sq ft), have been identified and will be confirmed onsite. The lands abutting watercourses have been designated as riparian buffer and where limited disturbance is permitted in accordance with the Regional Plan. Most lands identified as riparian buffers will be dedicated as parkland or open space.
- A tree replanting program is mandated in accordance with the directive of the Secondary Planning Strategy and is incorporated through a street tree planting program required by Municipal road construction standards and through additional planting required on residential properties.

*Regional Municipal Services:* The development of Sub Area 5 requires a significant extension of municipal sewer services. Existing sewer services currently end near Kearney Lake Road and Highway 102. Sewer service must be extended along Kearney Lake Road, past and through several undeveloped Sub Areas of Bedford West to eventually reach a new sewer pump station in the Sub Area 5.

The NS Utility and Review Board (NSUARB) controls approval of significant Halifax Water programs requiring the expenditure of significant funds and the collection of Capital Cost Charges. It is anticipated the NSUARB will review and if deemed appropriate, approve the collection of Capital Cost Charges and an implementation program to extend sewer service, as noted above. The review process will likely begin in the Fall of 2011. Occupancy of any development within Sub Area 5 shall not occur until services to the site have been extended.

*Local Municipal Services:* The Bedford West SPS includes policies which require the provision of sufficient municipal infrastructure. In compliance with the SPS, the following measures have been completed:

- The design of the sewer and water systems has received a recommendation of approval from Halifax Water.
- A series of sidewalks, walkways and secondary trails will be constructed by the applicant at the locations shown on Schedule G of the agreement (Attachment A).
- A 3 metre (9.8 foot) wide multi-purpose boulevard pathway is also proposed within the road right of way along the Kearney Lake Connector (Larry Uteck Boulevard) collector road. This pathway is proposed as part of a regional trail system that will extend from the existing trail system in Clayton Park .
- No subdivision approval will be granted until capital cost contributions and a sewer extension implementation plan is approved by the NS Utility and Review Board for sewer and water upgrades by Halifax Water.

*Regional Road Infrastructure:* The Bedford West SPS includes policies which require that a piece of regional road infrastructure is built through Sub Area 5. The Kearney Lake Connector (Larry Uteck Boulevard) will dissect Sub Area 5. The road will connect the new interchange at Highway 102 and Larry Uteck Boulevard to Kearney Lake Road. In compliance with the SPS, the following measures have been completed:

- Specifications for the construction of the road are included in the development agreement. The road will be a two lane minor collector road with a 3 m (9.8 ft) wide asphalt multi-use trail. The road will be designed and constructed by the developer.
- The road design will accommodate traffic signals at the Kearney Lake Connector Road and Road 5-C, if warranted, and at the Kearney Lake Connector and Kearney Lake Road.
- The developer will be responsible for the costs of traffic signals, if warranted, and the right and left turning lanes required at the Kearney Lake Collector Road and Road 5-C.
- As the proposed collector road is part of HRM Capital cost Charge program for Bedford West, the developer will be reimbursed for a portion of the costs under an Infrastructure Charge Agreement, subject to budget approval by Regional Council.

*Land Use:* The Bedford West SPS includes policies which require the proposed agreement provide good neighbourhood design. In compliance with the SPS, the following measures have been completed:

- Park dedication via land acquisition has been located to serve the recreation needs of the proposed community and aid to conserve natural features worthy of public access (see Schedule I). The land acquisition (15%) meets and exceeds the Park Dedication criteria of the Regional Subdivision By-law. Further, the total area plus site development exceed the By-law requirements of ten per cent of the lands being subdivided.
- A variety of housing types are provided and integrated with neighbourhood commercial sites to serve the community. Multiple unit dwellings and neighbourhood commercial developments are generally located on larger lots with frontage on or near collector roads. Multiple unit dwellings are permitted to a maximum of 8 habitable storeys. This pattern allows for reduced numbers of driveways which provides efficient traffic movement and an increased spacing between buildings which allows for a spacious environment. Lower density developments have frontage on local streets which are designed to preclude short cutting and excessive speeds.
- The development agreement provides the developer with significant latitude to determine the mix of low density development. Further, the agreement allows flexibility with respect to the location and configuration of each residential, multiple unit or commercial building (Attachment A).

*Transportation:* The Bedford West area was part of a Master Plan Area studied to determine the impact growth would have on the surrounding community. As growth happens in the area, a series of upgrades will take place to the surrounding road network. The first two major upgrades



have taken place with the opening of the interchange at Highway 102 and Larry Uteck Boulevard and a widening to part of Hammonds Plains Road. The construction of a portion of the Kearney Lake Connector is included in this agreement. Future upgrades including the widening of portions of Kearney Lake Road will happen in the future phases. Significant portions of these upgrades will be paid for from the Capital Cost Charges collected for the Bedford West.

*Cell Tower Relocation:* The proposed development requires the relocation of an existing cell tower owned by Rogers Communications. The tower relocation is contemplated in the proposed development agreement and two options are enabled. The tower can be relocated to a new location adjacent the Kearney Lake Connector or can be enabled as a rooftop tower on a multiple unit building proposed to be located adjacent the existing tower. The relocation would be subject to a review of applicable safety requirements, known as Safety Code 6, by Industry Canada.

*Extended Time for Signing of Agreement:* The proposed development agreement includes lands which are subject to a land sale. The agreement assumes that the land transfer is complete. To account for any potential delays in the transfer of land between Halifax Water and West Bedford Holdings, staff has included a longer time frame for the signing of the agreement. Typically 120 days is allotted for the signing of an agreement, staff are suggesting 240 days.

### **Conclusion**

The proposed mixed use (residential and neighbourhood commercial) development is in keeping with the vision of the Bedford West SPS. Staff is satisfied that the proposed development reasonably satisfies the relevant policies of the SPS. Staff recommends that North West Community Council approve the proposed development agreement as provided in the recommendation section of this report.

### **BUDGET IMPLICATIONS**

There are no budget 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 approved 2011/12 budget in C310 Planning & Applications.

Subject to the future negotiation of an Infrastructure Charge Agreement with HRM Infrastructure and Asset Management, there would be budget implication as this Infrastructure agreement would distribute funds to pay for regional transportation infrastructure. These funds have been and will continue to be collected through Infrastructure Charges applied through the Regional Subdivision By-law.

## FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

## COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on September 27, 2010. A public hearing has to be held by Council before they can consider approval of the proposed development agreement.

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 3. Attachment C contains a copy of the minutes from the meeting. Further the proposal was reviewed by the Bedford Waters Advisory Board on September 8, 2010, copies of the boards' recommendation can be found as Attachment D. 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 will be notified as shown on map 2.

The proposed development agreement will potentially impact (but not limit to) the following stakeholders: local residents and property owners.

## ALTERNATIVES

1. North West Community Council may choose to approve the agreement, as contained in Attachment A. This is the recommended course of action as the proposed development agreement meets the overall intent of the Bedford West Secondary Planning Strategy and Bedford Municipal Planning Strategy.
2. Alternatively, North West Community Council may choose to approve the terms of the agreement, as contained in Attachment A, with modifications or conditions. Some modification or conditions may require additional negotiation with the developer and may require an additional public hearing.
3. North West Community Council may choose to refuse the agreement. Pursuant to Section 245(6) of the *Halifax Regional Municipality Charter*, Council must provide reasons to the applicant justifying this refusal, based on policies of the Bedford West Secondary Planning Strategy and Bedford Municipal Planning Strategy. This alternative is not recommended for the reason outlined in this report.

**ATTACHMENTS**

- Map 1: Generalized Future Land Use Map  
Map 2: Zoning Map and Public Hearing Notification Area  
Map 3: Notification Area  
Map 4: Bedford West Sub Area Map  
Map 5: Bedford West Community Concept Plan  
Attachment A: Development Agreement  
Attachment B: Policy Review – Bedford MPS  
Attachment C: Public Information Meeting Minutes – August 15, 2010  
Attachment D: Bedford Waters Advisory Board Minutes

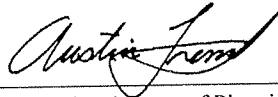
**REPORTS AVAILABLE UPON REQUEST**

Bedford West Master Stormwater Management Plan for Sub Areas 5 and 9

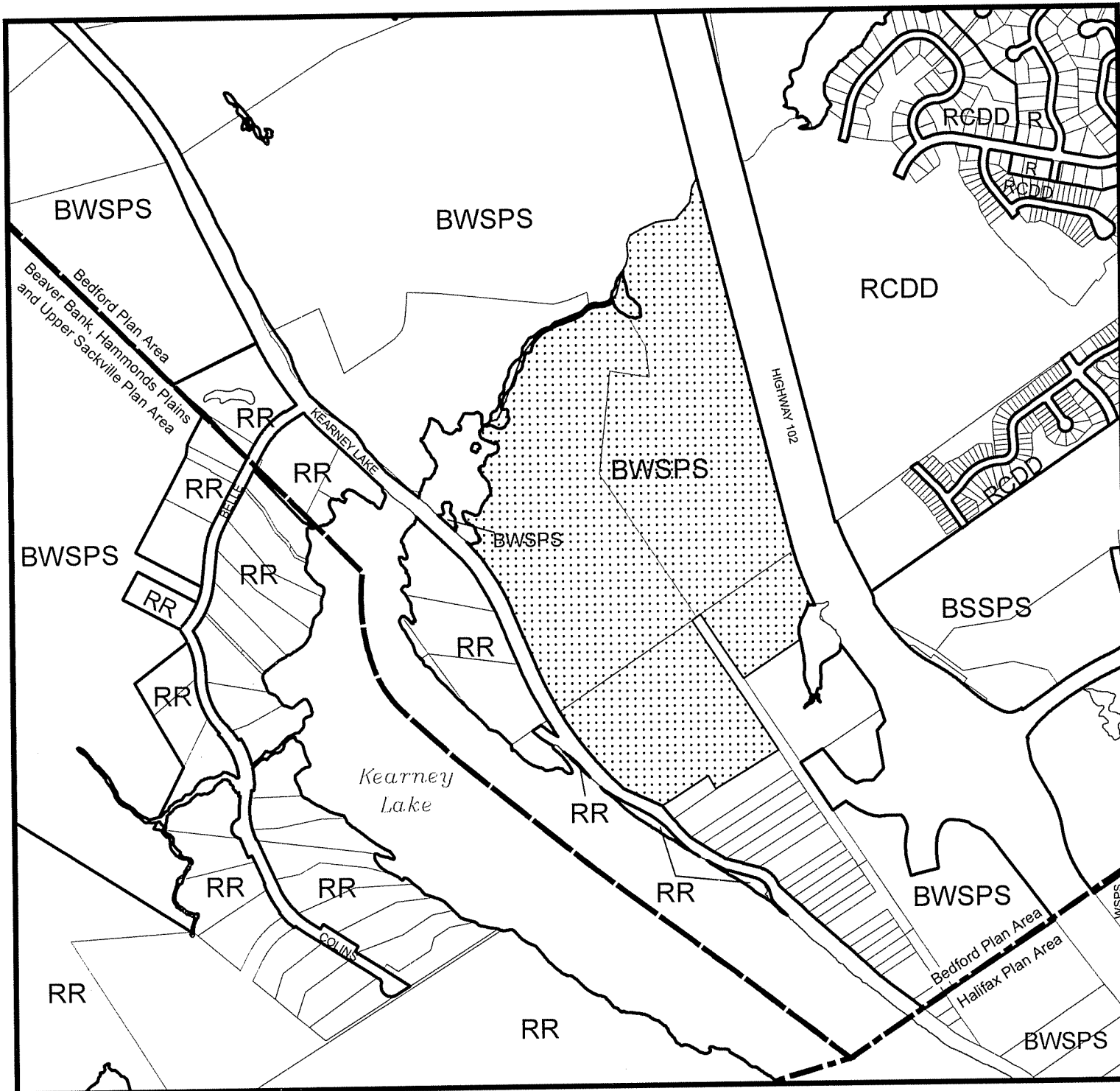
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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Andrew Bone, Senior Planner, 869-4226




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



Map 1  
Generalized Future Land Use



 Subject Area

**Bedford Designations**

- R Residential Designation
- RR Residential Reserve Designation
- RCDD Residential Comprehensive Development District
- BWSPS Bedford West Secondary Planning Strategy
- BSSPS Bedford South Secondary Planning Strategy

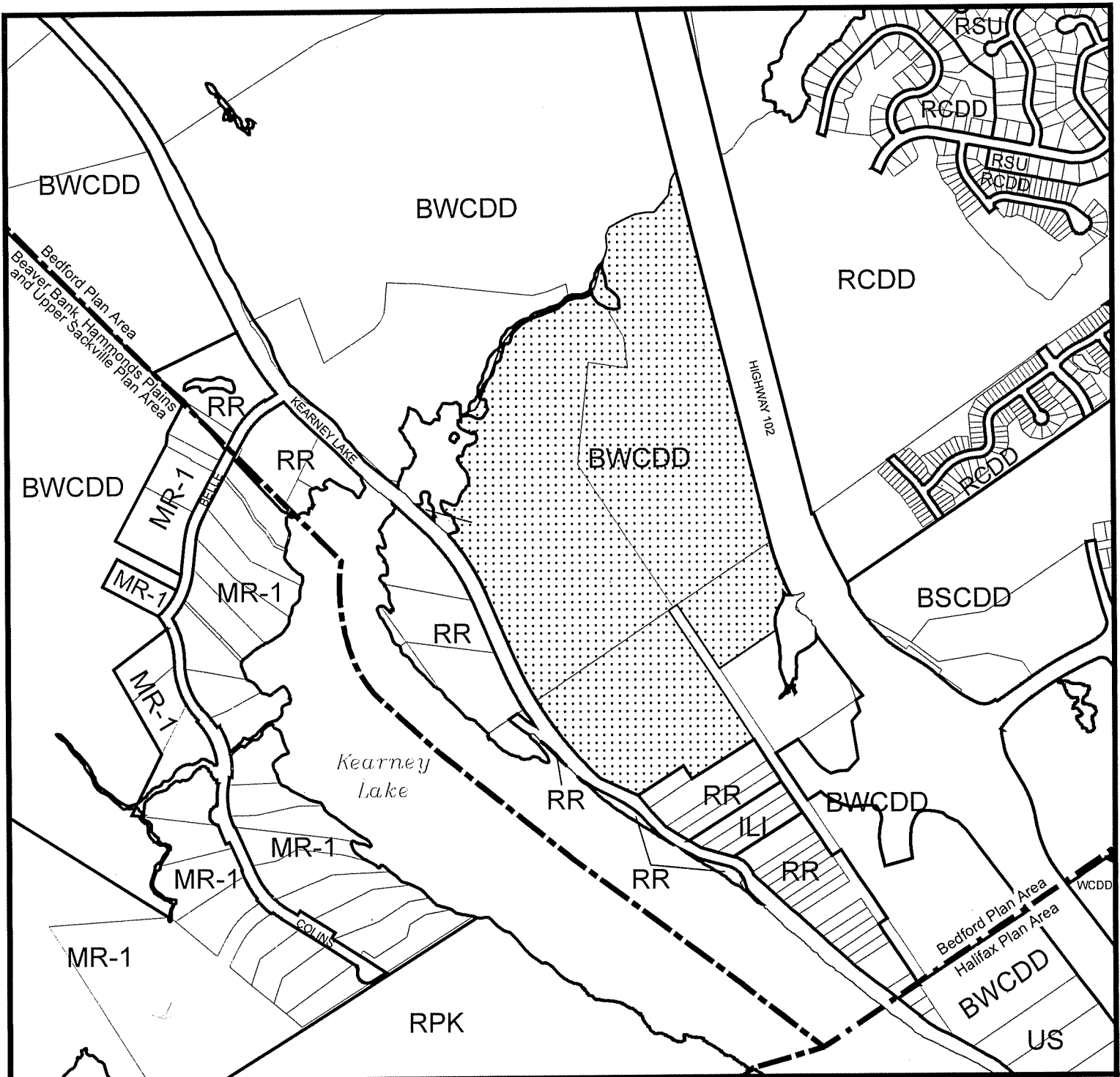
**Beaver Bank, Hammonds Plains and Upper Sackville Designations**

- RR Rural Resource Designation
- BWSPS Bedford West Secondary Planning Strategy

**Halifax Designations**

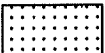
- WSPS Wentworth Secondary Planning Strategy
- BWSPS Bedford West Secondary Planning Strategy





**Map 2  
Zoning**

**HALIFAX**  
REGIONAL MUNICIPALITY  
Community Development  
Planning Services

 Subject Area

**Bedford Zones**

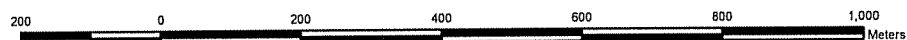
- RSU Single Dwelling Unit Zone
- RR Residential Reserve Zone
- ILI Light Industrial Zone
- RCDD Residential Comprehensive Development District
- BWCCD Bedford West Comprehensive Development District
- BSCDD Bedford South Comprehensive Development District

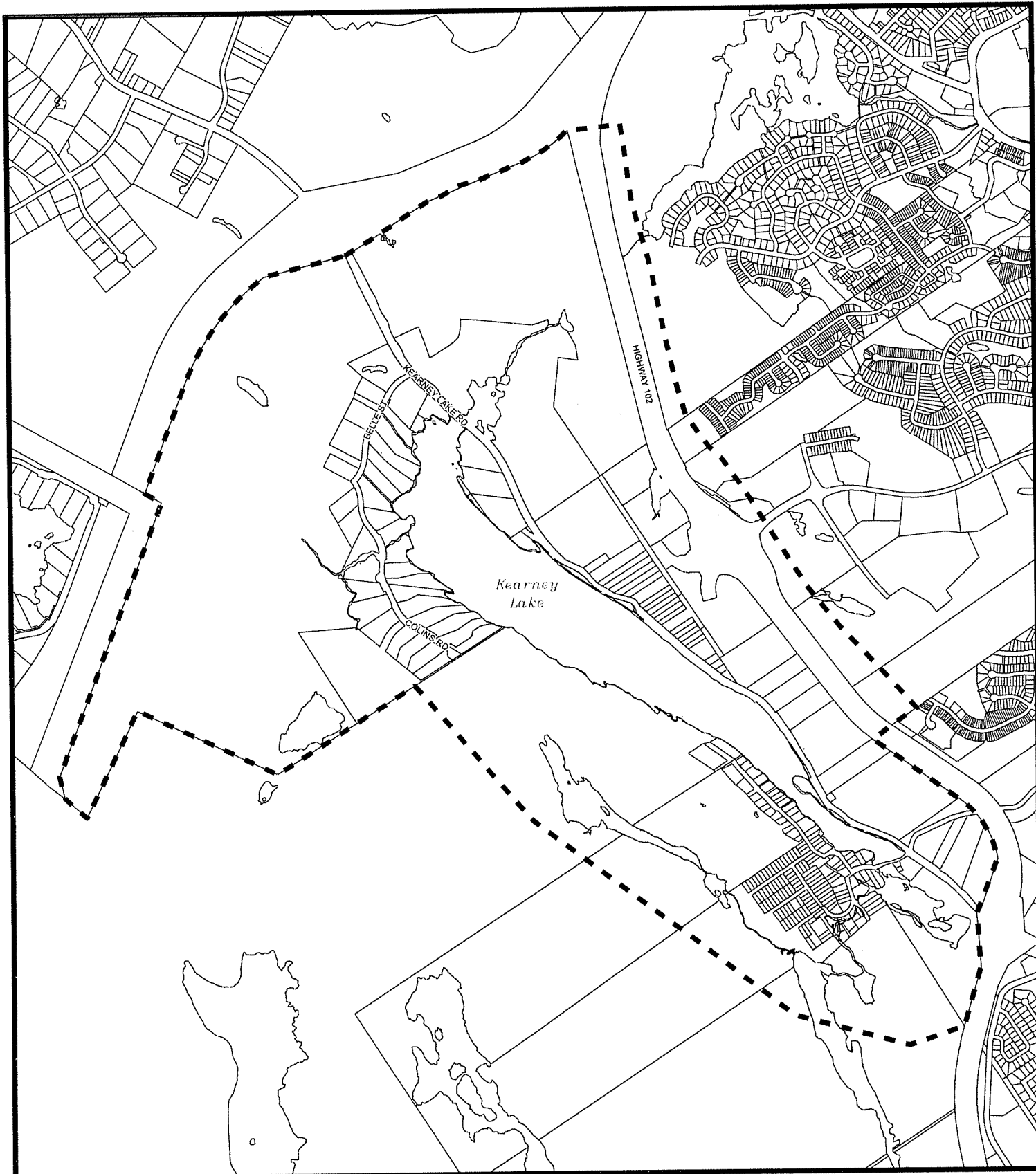
**Beaver Bank, Hammonds Plains  
and Upper Sackville Zones**

- MR-1 Mixed Resource Zone
- BWCCD Bedford West Comprehensive Development District
- RPK Regional Park Zone

**Halifax Zones**

- US Urban Settlement Zone
- WCDD Wentworth Comprehensive Development District





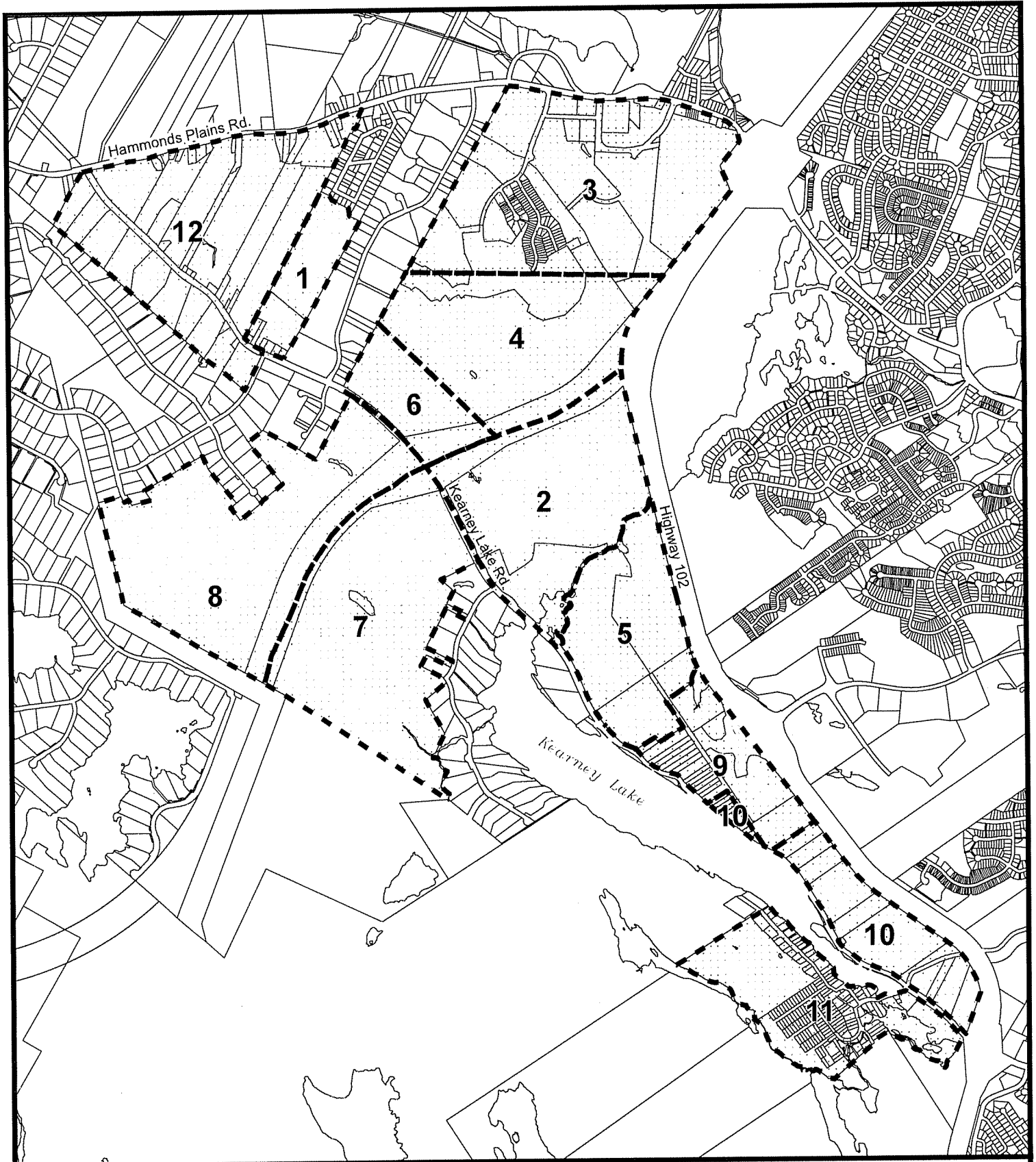
Map 3  
Notification Area



**HALIFAX**  
REGIONAL MUNICIPALITY  
Planning Services

--- Notification Area





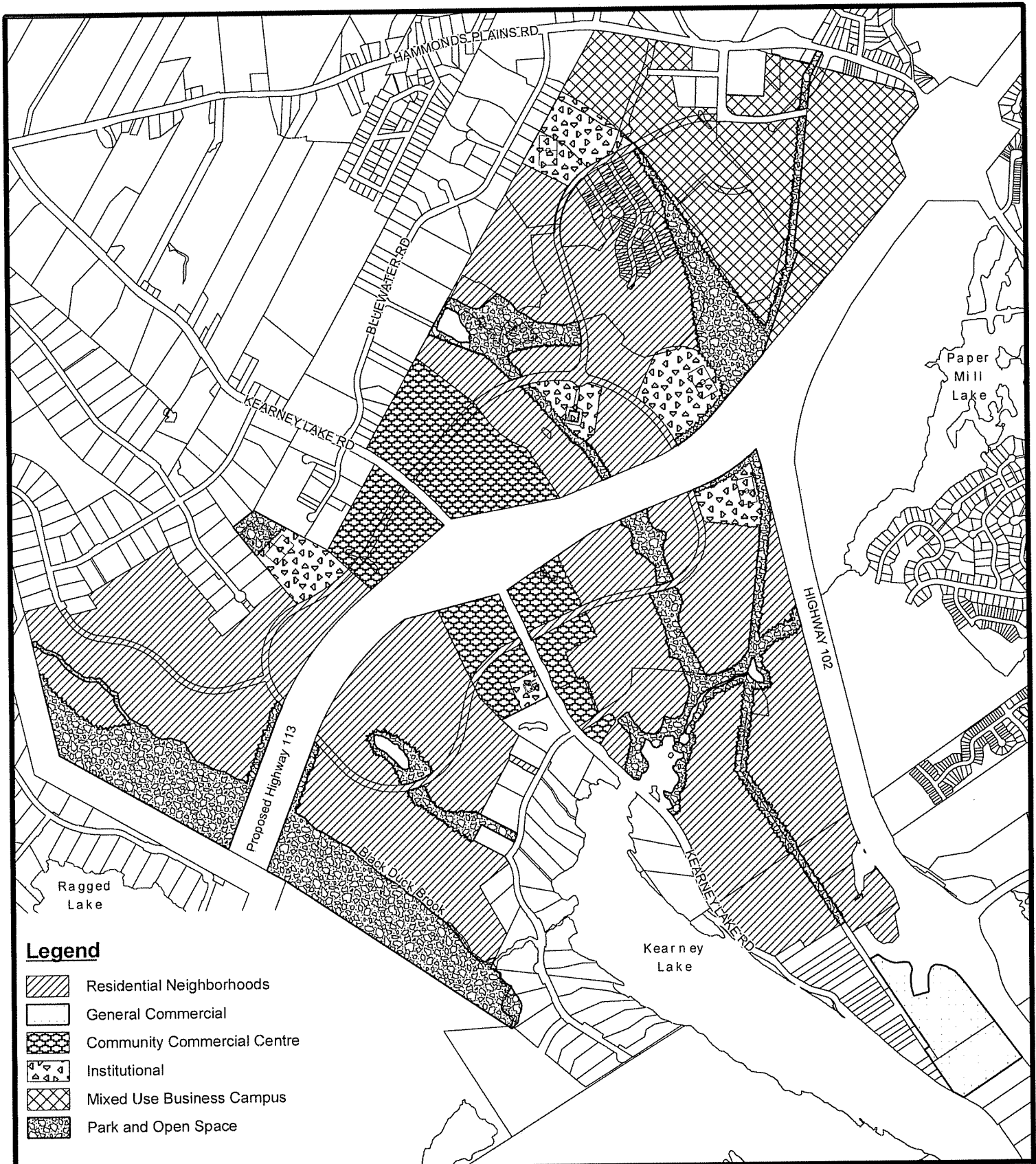
Map 4 (Schedule BW-6 of the Bedford West SPS)

 Bedford West Development Sub-Areas



**HALIFAX**  
REGIONAL MUNICIPALITY  
Planning Services

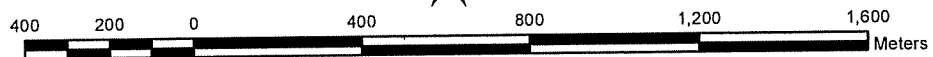




**Legend**

-  Residential Neighborhoods
-  General Commercial
-  Community Commercial Centre
-  Institutional
-  Mixed Use Business Campus
-  Park and Open Space

Map 5 (Schedule BW-7 of the Bedford West SPS)  
Bedford West Community Concept Plan



**HALIFAX**  
REGIONAL MUNICIPALITY  
Planning Services



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

THIS AGREEMENT made this      day of **[Insert Month]**, 2011,

BETWEEN:

**(INSERT PROPERTY OWNER)**

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

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY**

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at Kearney Lake Road, Bedford and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

WHEREAS the Lands are located within the area known as Bedford West Sub Area 5 and all developments within this Sub Area are only permitted by development agreement.

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for residential subdivision on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to the Policies for the *Bedford West Secondary Planning Strategy* of the *Bedford Municipal Planning Strategy* and Part 4, Section 3 (p) of the Bedford Land Use By-law;

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 16775;

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

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## **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 Bedford and the Regional Subdivision By-law, as may be amended from time to time.

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

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

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer except where an Implementation Plan is approved by the Nova Scotia Utility and Review Board. 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 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 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) "Building height" means the vertical distance between the average finished grades of a building to the soffit of a building, excepting gables.
- (b) "Neighbourhood commercial" uses" means uses identified in Schedule L.
- (c) "Lot frontage" means the distance between the side lot lines of a lot as measured in a perpendicular direction from the front lot line at a horizontal distance equal to 7.01 meters (23 feet).
- (d) "Master Stormwater Management Plan" means the document entitled *Master Stormwater Management Plan for Bedford West Sub Area 5 and 9*, Project No. 121510557, prepared by Stantec Consulting Limited, for West Bedford Holdings Ltd., dated July 2010.
- (e) "Secondary Planning Strategy" means the Bedford West Secondary Planning Strategy, adopted under the Bedford Municipal Planning Strategy, as amended from time to time.
- (f) "Waters Advisory Board" means the Bedford Waters Advisory Board, or any other successor body, as established by an administrative order of the Municipality.

## **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 with this agreement and the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 16775:

Schedule A	Development Area Sub-Area 5
Schedule A-1	Legal Description of the Lands(s)
Schedule B	Land Use Plan
Schedule C	Sanitary Service Plan
Schedule D	Stormwater Servicing Plan
Schedule E	Waterline Plan
Schedule F	Phasing Plan
Schedule G	Trail & Transportation Plan
Schedule H	Slope Map & Riparian Buffer Areas
Schedule I	Parks and Open Space Plan
Schedule J	Cell Tower Relocation Plan
Schedule K	Neighbourhood Commercial Design Guidelines
Schedule L	Neighbourhood Commercial Uses
Schedule M	Design Criteria for Townhouse and Multi Unit Building
Schedule N	Bedford West Trunk Sewer Phasing
Schedule O	Concept Plan
Schedule P	Density
Schedule Q	Water Quality Monitoring Locations Areas
Schedule R	NSPI Easement Plan

### **3.2 Requirements Prior to Approval**

3.2.1 Riparian buffers areas and watercourse buffers as required by this agreement shall be identified with snow fence or other appropriate method such as flagging tape, as approved by the Development Officer, prior to any site preparation (i.e. tree cutting, and excavation activity). The Developer shall provide confirmation to the Development Officer that the non-disturbance areas and watercourse buffers have been appropriately marked. Such demarcations shall be maintained by the Developer for the duration of the construction and may only be removed only upon the issuance of an Occupancy Permit for the lot or unless otherwise directed by the Development Officer.

3.2.2 No subdivision approvals shall be granted unless the following conditions have been met:

- (a) an infrastructure charge has been established over the Lands by the NSUARB as recommended by Halifax Water;
- (b) all required parkland preparations and trails have been agreed upon in accordance with the requirements of Section 3.6 of this Agreement;

- (c) riparian buffers have been delineated in accordance with the requirements of Section 3.8;
- (d) if required, notifications for the design of the storm drainage system have been received in accordance with the requirements of Section 5.3.1;
- (e) a note for non-publicly owned driveways have been placed on the subdivision plan in accordance with the requirements of Section 4.2.4;
- (f) an erosion and sedimentation control plan has been complied with in accordance with the requirements of Section 5.2.1;
- (g) certification of the subdivision grading plan has been complied with in accordance with the requirements of Section 5.5.1;
- (h) if required, a financial security for completion of the water quality monitoring program has been posted in accordance with the requirements of Clause 5.4.1 (e);
- (i) copies of all required watercourse and wetland alteration permits for the subdivision phase have been provided to the Development Officer; and
- (j) construction of offsite water services, and sewer services (as generally shown on Schedule N), to the site have been completed or security posted as per the Subdivision By-law in a form acceptable to the Development Officer.

3.2.3 No municipal development or construction permit shall be granted unless:

- (a) a lot grading plan has been prepared in accordance with the requirements of Sections 5.5.2 and 5.5.3 of this Agreement and the plan has been approved by the Development Engineer; and
- (b) for all commercial, multi-unit residential and institutional land uses a landscaping plan has been prepared by a Professional Landscape Architect in accordance with the requirements of Section 3.11
- (c) a lighting plan for commercial and multi-unit residential buildings has been prepared by a qualified person in accordance with the requirements of Section 3.5.
- (d) verification that the number of dwelling units has not been exceeded in accordance with the requirements of Sections 3.3.2, 3.9.8, 4.4.4, 4.4.5 and 4.4.6.
- (e) for Block F and H, as shown on Schedule O, until a report relating to the proposed cell tower is received subject to Section 3.4.7.

3.2.4 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) for any multi-unit, commercial or institutional development unless a certification has been received from a Professional Landscape Architect in accordance with Section 3.11 of this Agreement (Landscaping);
- (b) for any multi-unit or commercial development unless a certification has been received from a qualified person in accordance with Section 3.5 of this Agreement (Lighting);
- (c) trees have been planted or a security provided in accordance with the requirements of Clause 3.11.8; and

- (d) lot grading approval has been received or financial security provided for completion of the work in accordance with Sections 5.5.1 through 5.5.4.

3.2.5 Prior to the acceptance of any streets and municipal services within any phase of subdivision, the Developer shall provide the Development Officer with certification from a Professional Engineer that the Developer has complied with the required Erosion and Sedimentation Control Plan as required by Section 5.2.1 of this Agreement and that there is permanent and temporary stabilization of all disturbed areas.

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

### **3.3 General Description of Land Use**

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

- (a) A mixed use development as enabled by this Agreement and as generally illustrated on the Schedules;
- (b) Use of the Lands in the development shall be limited to the following as defined in the Bedford Land Use By-law:
  - i) single unit dwellings;
  - ii) semi-detached dwellings;
  - iii) townhouse dwellings;
  - iv) multi-unit dwellings;
  - v) institutional uses;
  - vi) neighbourhood commercial uses;
  - vii) parkland and open space uses;
  - viii) home occupations in single unit, semi-detached, townhouse and multi-unit dwellings subject to the requirements of the Land Use By-law for Bedford, Part 5, Section 8 (a) through l) as amended from time to time;
  - ix) day care facilities, nursery schools, early learning centres, and after school care in single unit, semi-detached, townhouse and multi-unit dwellings subject to the requirements of the Land Use By-law for Bedford, Part 5, Section 9 a) through i) as amended from time to time; and
  - x) cellular tower and accessory building as identified on Schedule J

3.3.2 The number of dwelling units within Sub Area 5 as identified in Schedule B shall not exceed 691 units. Further the proportion of dwelling units shall comply with the following table:

Dwelling Type	Permitted Number of Units
Single Unit, Townhouse or Semi-Detached	minimum 29% of 691 ( 200 units)
Multiple Unit	maximum 71 % of 691 (491 units)

3.3.3 The location of land uses shall comply with Schedule B and O. Notwithstanding, the Development Officer may permit minor modifications to the location of land uses.

3.3.4 Building locations shall be governed by Section 3.4 of this agreement.

3.3.5 Building Configurations may be varied from those shown on Schedule O.

3.3.6 Height of buildings are to be governed by Section 3.4 of this agreement.

3.3.7 The Developer acknowledges that there are easements on the Lands, as identified on Schedule R, and that the Developer is responsible for compliance with those easements.

**3.4 DETAILED PROVISIONS FOR LAND USE**

**Land Use Requirements**

3.4.1 No subdivision approval or municipal development permit shall be granted for any single unit dwelling development except in accordance with the following provisions:

- (a) Minimum lot frontage: 12.19 metres (40 feet)
- (b) Minimum lot area: 371.6 square metres (4,000 square feet)
- (c) Minimum front yard: 4.57 metres (15 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 1.83 metres (6 feet)
- (f) Minimum separation between buildings: 3.66 metres (12 feet) except for garages permitted under Section 3.4.8
- (a) Minimum flankage yard: 4.57 metres (15 feet).
- (b) Maximum lot coverage: 40%
- (c) Maximum building height: 9.14 metres (30 feet)

3.4.2 No subdivision approval or municipal development permit shall be granted for any semi-detached development except in accordance with the following provisions:

- (a) Minimum lot frontage: 9.14 metres (30 feet) per dwelling unit
- (b) Minimum lot area: 278.7 square metres (3,000 square feet) per dwelling unit
- (c) Minimum front yard: 4.57 metres (15 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 2.43 metres (8 feet), 0 on common boundary between units
- (f) Minimum flankage yard: 4.57 metres (15 feet)
- (g) Maximum lot coverage: 40%
- (h) Maximum building height: 9.14 metres (30 feet)

3.4.3 No subdivision approval or municipal development permit shall be granted for any townhouse development, where each unit is on an individual lot, except in accordance with the following provisions:

- (a) Minimum lot frontage: 6.10 metres (20 feet) per dwelling unit
- (b) Minimum lot area: 185.8 square metres (2,000 square feet) per dwelling unit
- (c) Minimum front yard: 4.57 metres (15 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 2.43 metres (8 feet) per block, 0 on common boundary between units
- (f) Minimum flankage yard: 4.57 metres (15 feet)
- (g) Maximum lot coverage: 40%
- (h) Maximum building height: 9.14 metres (30 feet)
- (i) Maximum driveway width: 3.65 metres (12 feet)
- (j) each dwelling shall be served with a hard surface driveway that extends from the street curb cut to the front facade of the building and a parking space for an automobile in the dwelling (i.e. garage) measuring not less than 3.05 metres (10 feet) in width and 5.49 metres (18 feet) in length.
- (k) the development conforms with the architectural design criteria for townhouses under Schedule M.

3.4.4 No subdivision approval or municipal development permit shall be granted for any townhouse cluster or condominium townhouse development, where each unit is not on an individual lot except in accordance with the following provisions:

- (a) Minimum lot frontage: 18.29 metres (60 feet)
- (b) Minimum lot area: 185.8 square metres (2,000 square feet) per dwelling unit
- (c) Minimum front yard: 6.10 metres (20 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 6.10 metres (20 feet)
- (f) Minimum flankage yard: 6.10 metres (20 feet)
- (g) Minimum distance



- between buildings: 2.43 metres (8 feet)
- (h) Maximum lot coverage: 40%
- (i) Maximum building height: 9.14 metres (30 feet)
- (j) Minimum width of each unit 6.10 metres (20 feet)
- (k) Minimum driveway width: 6.10 metres (20 feet)
- (l) each dwelling shall be served with a hard surface driveway and a parking space for an automobile in the dwelling (i.e. garage) measuring not less than 3.05 metres (10 feet) in width and 5.49 metres (18 feet) in length.
- (m) Maximum density of townhouse units – 15 dwelling units per acre (0.405ha)
- (n) the development conforms with the architectural design criteria for townhouses under Schedule M.

3.4.5 No subdivision approval or municipal development permit shall be granted for any multiple unit development except in accordance with the following provisions:

- (a) Minimum lot frontage: 30.48 metres (100 feet)  
18.28 metres (60 feet) on a curve or part thereof
- (b) Minimum lot area: 929 square metres (10,000 square feet)
- (c) Minimum front yard: 4.57 metres (15 feet) or one half the height of the building, whichever is greater
- (d) Minimum flankage yard: 4.57 metres (15 feet)
- (e) Maximum lot coverage: 35%
- (f) Building shall conform with the height restrictions (number of storeys) shown on individual buildings identified on Schedule O. Buildings heights shown on Schedule O indicate habitable storeys, a maximum of two storeys of underground parking may also be permitted. Buildings shall not exceed eight habitable storeys, excluding underground parking structures.
- (g) the minimum rear or side yard shall be the greater of 6.10 metres (20 feet) or one half the height of the building; and
- (h) underground parking shall be provided to satisfy a minimum of fifty percent (50)% of the parking requirements of the Land Use By-law. Where the number of units in a building exceeds 48, this requirement may be met through the construction of a parking structure which shall meet all the requirements of clauses (c) through (g), above.
- (i) the development conforms with the architectural design criteria for apartment buildings under Schedule M.

3.4.6 No subdivision approval or municipal development permit shall be granted for any neighbourhood commercial development except in accordance with the following provisions:

- (a) Minimum lot frontage: 30.48 metres (100 feet)
- (b) Minimum lot area: 929 square metres (10,000 square feet)
- (c) Minimum front yard: 4.57metres (15 feet);
- (d) Minimum side yard: 4.57metres (15 feet);
- (e) Minimum rear yard: 4.57 metres (15 feet) or one half the height of the building, whichever is greater;

- (f) Minimum flankage yard: 4.57metres (15 feet); 7.6 metres (25 feet) vision triangle for corner lots)
- (g) Maximum lot coverage: 50%
- (h) Building height two storeys above grade facing the street
- (i) the development conforms with the Neighbourhood Commercial Guidelines and Requirements and Neighbourhood Commercial Uses under Schedules K and L.
- (j) Maximum gross floor area 12,500 square feet (3048 m<sup>2</sup>)

3.4.7 No municipal development permit shall be issued for Block F and H, as identified on Schedule O, until the Developer has provided a study, from a qualified person, outlining the Safety Code 6 implications of the relocated cell tower in relation to surrounding residential development. Alternatively, the developer may provide a letter from Industry Canada, outlining that all safety measures have been complied with for the proposed site. Should the study indicate that the relationship between the cell tower and residential development does not meet the provisions of Safety Code 6, an alternate location must be found. For the purposes of this agreement, the cell tower, subject to the above noted study, may be placed as identified on Schedule J or integrated onto the rooftop of buildings located on Block H, as identified in Schedule O. Should another location be required, the Developer shall seek a non-substantive amendment to the agreement per Section 6.1 of this agreement.

**Encroachments**

3.4.8 Encroachments into required yards, not including easements may be permitted in accordance with and subject to the following:

Structural Element	Location	Maximum Encroachment
sills, cornices, eaves, gutters, chimneys and fire place inserts	any yard	0.61 metres (2.0 feet)
window bays	front and rear yards	0.91 metres (3 feet)
decks	rear and side yards	1.22 metres (4 feet) provided that a minimum 1.22 metres (4 foot) side yard is maintained. 3 metres (10 feet) in a rear yard.
Open, roofed porches not exceeding 1 storey in height	front and rear yards	1.22 metres (4 feet). 3 metres (10 feet) in a rear yard.

steps and stairs	any yard	1.22 metres (4 feet) provided that a minimum 1.22 metres (4 foot) side yard is maintained
attached garage (not including habitable space)	side yard	0.61 metres (2 feet) except for townhouses

## General Provisions

3.4.9 Any development of the Lands shall conform with the provisions and requirements of Part 5 of the Land Use By-law with the exception of Section 21 (1)(g) through (h), 21(2), 21(3), 21(7), 23, 24, 27, 32 and 33. For the purposes of Part 5, an RCDD Zone shall be deemed to apply to all residential and multi-unit residential land uses on the Lands and a CGB Zone shall be deemed to apply to all Neighbourhood Commercial land uses on the Lands.

## Variance

3.4.10 The Municipality agrees that the variance provisions and procedures made under the *Halifax Regional Municipality Charter* shall apply to the development of the Lands permitted under this Agreement as established under the Bedford MPS.

## 3.5 MULTIPLE UNIT AND COMMERCIAL SITE LIGHTING

3.5.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

3.5.2 Security lighting for multiple unit residential dwellings and neighbourhood commercial uses shall be directed to all walkways and parking areas. Freestanding security lighting shall not exceed a height of 18 feet (5.4m). All exterior lighting shall be directed downwards with luminaries shielded to prevent unnecessary glare.

3.5.3 The Developer shall prepare an exterior lighting plan for any Multi Unit Building and Neighbourhood Commercial building and submit it to the Development Officer for review to determine compliance with this Agreement. The lighting plan shall contain, but shall not be limited to, the following:

- (a) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices;
- (b) The lighting plan shall include certification from a qualified person that the lighting plan meets the requirements of this agreement; and
- (c) Prior to Occupancy Permits being issued the Developer shall provide to the Development Officer a letter from a qualified person that the installation of lighting meets the requirements of this Agreement;

## 3.6 PARKLAND

- 3.6.1 Parkland and open space dedication via land acquisition shall substantially conform with the locations, dimensions, site improvements and site preparation areas illustrated on Schedules B and I with the final adjustments to configuration and grades of the site preparation areas to be agreed upon by Parkland Planning and the Developer prior to subdivision approval being granted. The Development Officer may permit variations to lot 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. The parkland dedication shall include identified parkland, site development including driveways, parking areas, neighbourhood park facilities, and trails. All site development shall meet the requirements of the Municipality.
- 3.6.2 Further to schedule B and I, the developer shall provide the following:
- (a) Community Park with an area of 12 acres with site development in the form of the construction of approximately 379 metres of Secondary Trail to HRM Parkland Planning specifications and approval. For further clarity, the trail shall be a 1.5 metre width and be constructed of crusher dust. The Community Park must be able to accommodate the trail outside of the 1 in 10 year floodplain and allow for a 5 metre buffer to adjacent properties.
  - (b) Neighbourhood Park with an area of 0.7 acres with site development in the form of a prepared pad of 10,000 square feet with topsoil (or equivalent) and hydro-seed grass mixture, subject to HRM Parkland Planning specifications and approval.
  - (c) Conservation land with an area of 4 acres as identified on Schedule I, will be contributed by the developer, outside of the parkland dedication process.
- 3.6.3 The Municipality agrees that fulfillment of the requirements of Clause 3.6.1 and 3.6.2 of this Agreement shall be deemed to satisfy Part 82 of the Subdivision By-law for any subdivision approvals sought within Sub-Area 5 and further identified as the Lands.
- 3.6.4 Engineering infrastructure may be considered on lands proposed for park purposes, provided no physical barrier is created and the conditions of clauses 4.4.12 and 4.4.13 are met. Where engineering infrastructure crosses parkland, the Developer shall ensure that a crossing is provided to ensure that the land meets the definition of useable as defined in the HRM Subdivision By-law. The design of any crossing must be submitted to Parkland Planning for review and approval. The crossing shall meet the requirements of Parkland Planning and be built at the cost of the Developer. Where a suitable crossing is provided subject to the terms of this agreement, municipal infrastructure on Park lands shall not be deemed an encumbrance.
- 3.6.5 Parkland shall be completed and deeded to the Municipality prior to the completion of each phase.

### **3.7 WATERCOURSE PROTECTION**

- 3.7.1 No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within one hundred (100) feet of the high water mark, or within the limits of any 1 in 20 year flood plain of Kearney Lake or Kearney Lake Run or within sixty-six (66) feet of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by this agreement in accordance with an approved water management plan approved pursuant to the provisions of policy BW-9 or as provided to allow for trail systems, transportation crossings or utilities. The 1 in 20 year floodplain shall be shown on the subdivision grading plan and subdivision plan. Further, for clarification, Part 5, Section 21 (1)(a) through (f), (4) through (6) of the Bedford Land Use By-law shall apply.
- 3.7.2 Except as required for safety reasons or to allow for the installation or maintenance of a municipal service systems or to allow for the construction of a park facility such as a trail, no lands shall be disturbed within the required setback from a watercourse unless a management plan has been prepared by a qualified consultant and submitted to the Community Council for approval. The plan shall be submitted to the Waters Advisory Board for recommendation of approval prior to the Community Council making a decision.

### **3.8 RIPAREAN BUFFERS**

- 3.8.1 The Developer agrees that Riparian Buffers as identified on Schedule H and under Clause 3.8.1 shall be shown on a site plan submitted under the requirements of subsection 3.2.1 of this Agreement. Further, the plan shall identify all watercourse setbacks identified through clause 3.7.1 and all wetlands greater than or equal to 2000 square metres, as defined by Nova Scotia Environment. Further, no development, tree cutting or grade alteration shall be permitted within any non-disturbance area except where approved in writing by the Development Officer under one of the following circumstances:
- (a) To install municipal service systems, driveway accesses and trails. In these cases, the location, size and extent of the disturbance shall be identified on a plan prepared and endorsed by a qualified professional which shall identify measures to minimize disturbance within the non-disturbance area to the satisfaction of the Development Officer;
  - (b) 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 the removal of such a tree, the Development Officer shall have the discretion to require that the landowner engage a Certified Arborist, Landscape Architect, Landscape Technologist, Urban Forester or other person with equivalent credentials to certify in writing that the tree poses a danger to people or property or is in severe decline. If trees are removed or tree habitat damaged beyond repair, with the exception of those to be removed in accordance with Section 3.8.1,

the Developer shall replace each tree with a new tree of ½ inch (38mm) caliper for every one removed or damaged, as directed by the Development Officer, in consultation with the appropriate HRM Business Units; or

- (c) To remove fallen timber and dead debris where a fire or safety risk is present. The Development Officer may require verification in writing by a qualified professional (i.e., Arborist, Forester or Forestry Technician, Landscape Architect) prior to granting approval under this clause.

3.8.2 Where a riparian buffer area is established over lots intended for development, the area shall be shown on a plan of subdivision as a non-disturbance area with a note on the plan that no vegetation or soils are to be removed or altered unless undertaken in accordance with a management plan approved pursuant to the requirements of this Agreement.

3.8.3 Where a riparian buffer area is established over lots intended for development, the area shall be shown on a lot grading plan for each individual property as a non-disturbance area with a note on the plan that no vegetation or soils are to be removed or altered unless undertaken in accordance with a management plan approved pursuant to the requirements of this Agreement.

### **3.9 SUBDIVISION OF THE LANDS**

Subdivision applications shall be submitted to the Development Officer in accordance with the phasing sequence identified below and the Development Officer shall grant subdivision approval subject to and in accordance with the following terms and conditions:

3.9.1 All subdivision of the Lands shall meet the requirements of the Subdivision By-law except where varied by this agreement.

3.9.2 This Agreement shall be deemed to meet the requirements of the Subdivision By-law with respect to concept plan approval.

3.9.3 Prior to occupancy of any dwelling unit, the final parcel on which the dwelling unit is located shall be created through the subdivision process.

3.9.4 Final subdivision applications shall be submitted to the Development Officer in accordance with the phasing plan presented as Schedule F and the Development Officer shall grant subdivision approvals for the phase for which approval is sought subject to and in accordance with the following terms and conditions:

- (a) Applications for subdivision approval shall encompass entire phases of the development as indicated on the Schedules;
- (b) Applications for subdivision approval shall be submitted in the order of their sequence identified on Schedule F.
- (c) Final subdivision approval for any phase shall not be granted until final approval

- has been granted for the previous Phase;
- (d) Notwithstanding subsection 3.9.4 (c), the Development Officer may grant final subdivision approval of a Phase prior to granting final approval for the previous phase if the Developer submits performance security in the amount of 110 percent of the estimated cost of uncompleted services or if the Development Engineer determines that the portion of the incomplete phase is non-essential to the greater service network ; and
  - (e) The Development Officer may grant final subdivision approval for partial Phases of the development.
  - (f) Notwithstanding 3.9.4 (b), the Development Officer, in consultation with the Development Engineer, may vary the sequence of phasing provided there are no negative effects of the proposed phasing change.
- 3.9.5 Unless otherwise acceptable to Development Officer, prior to acceptance of any Municipal Service system, the Developer shall provide the following to the Development Officer:
- (a) Certification from a qualified professional engineer that the Developer has complied with the required Erosion and Sedimentation Control Plan as required pursuant to this Agreement (Section 5.2.1) ; and
  - (b) Certification from a qualified professional engineer indicating that the Developer has complied with the Stormwater Management Plan required pursuant to this Agreement (Section 5.3.1).
- 3.9.6 Site preparation for each Phase or portion thereof shall not occur until the Developer provides a subdivision grading plan to the Development Officer indicating where lot disturbance is to occur at the time of construction of municipal services, as set out in section 3.8 and 5.5.2 of this agreement.
- 3.9.7 Each subdivision application for each phase shall include a table with the number of units permitted by this agreement, the number of dwelling units for which municipal development permit applications are expected to be sought and the number of dwelling units which have received or are expected to receive municipal development permit approvals from previous subdivision applications submitted for the development pursuant to the provisions of this Agreement. This table shall be attached to the application. A copy of this table shall be forwarded to the Development Engineer and Halifax Water.
- 3.9.8 Each subdivision application for each phase shall include a table with the total capacities permitted by this agreement, sewer calculations for dwelling unit, institutional uses and commercial lands which municipal development permit applications are expected to be sought and the sewer calculations for the number of dwelling units, institutional uses and commercial lands which have received or are expected to receive municipal development permit approvals from previous subdivision applications submitted for the development pursuant to the provisions of this Agreement. This table shall be attached to the

application. A copy of this table shall be forwarded to the Development Engineer and Halifax Water.

- 3.9.9 Building lots shown on the schedules are conceptual in nature, the exact quantity and location of lots are not defined by this agreement.

### **3.10 PARKING, CIRCULATION AND ACCESS**

- 3.10.1 Parking areas shall maintain a minimum 15 feet ( 4.57 m) setbacks from property lines.
- 3.10.2 All parking areas shall provide at least the minimum number of parking spaces required by the Bedford Land Use By-law based on use.
- 3.10.3 All parking areas shall be hard surfaced with asphalt, concrete or equivalent.
- 3.10.4 The limits of all parking areas shall be defined by fencing or landscaping or curb.
- 3.10.5 It is the responsibility of the Developer to convey all required rights-of-way over properties, as required, to provide access to all properties.
- 3.10.6 Clearly signed visitor parking areas shall be provided for all multiple unit dwellings or clustered housing units.
- 3.10.7 Townhouse, multiple unit and neighbourhood commercial developments are required to meet the requirements of Schedule K and M.
- 3.10.8 Access to the Kearney Lake Connector (Larry Uteck Boulevard) shall be limited to road intersections.

### **3.11 LANDSCAPING**

- 3.11.1 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

#### *Landscape Plan (Neighbourhood Commercial and Multiple Unit Dwellings)*

- 3.11.2 Prior to the issuance of a Construction Permit for all Neighbourhood Commercial, and Multi-Unit Dwellings, the Developer agrees to provide a Landscape Plan which complies with the provisions of this section. The Landscape Plan shall prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and shall illustrate:

- (a) landscaping to be introduced to all areas disturbed during construction;
- (b) natural vegetation, landscaping or screening is to be employed around parking



- areas and measures are taken to allow for safe and convenient pedestrian access to public entrances of buildings;
- (c) walkways extending from the entrances of buildings to a public sidewalk in front of the building and to any public trail system abutting the property; and
  - (d) guidelines and requirements of Schedule K for Neighbourhood Commercial land uses.

3.11.3 The developer shall provide a best practices guide to initial owners of residential single unit, semi-detached and townhouse home owners prior to the first occupancy permit which outlines best practices for landscaping and maintenance of landscaping which minimizes the impact of development on watercourses. The Developer shall provide written confirmation to the Development Officer that the guide has been provided to the owner prior to issuance of the first occupancy permit.

#### *Reinstatement*

3.11.4 All disturbed areas shall be reinstated to original condition or better with landscaping.

#### *Compliance with Landscaping Plan*

3.11.5 Prior to issuance of the first Occupancy Permit for Neighbourhood Commercial, and Multi-Unit Dwellings, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.

3.11.6 Notwithstanding Section 3.11.3 and 3.11.5, the Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape works and that the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects or a qualified person. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

#### *Outstanding Site Work*

3.11.7 For Multi-unit residential and commercial buildings, securities for the completion of outstanding on-site paving and landscaping work (at the time of issuance of the first Occupancy Permit) may be permitted. Such securities shall consist of a security deposit in the amount of 110 percent of the estimated cost to complete the work. The security

shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable automatically renewing letter of credit issued by a chartered bank. The security shall be returned to the Developer by the Development Officer when all outstanding work is satisfactorily completed.

*Tree planting for single, semi-detached or townhouse dwelling units*

3.11.8 The Developer shall plant a minimum of one (1) tree on each lot designated for single, semi-detached or townhouse dwelling unit and two (2) trees for every lot designated for a single unit dwelling which is greater than or equal to 15.24 metres (50 feet) in width. Each tree shall be a type which is indigenous to Nova Scotia with a minimum height of 1.52 metres (5 feet) and a minimum diameter of 5 centimeters (2 inches). The location of the tree shall not interfere with services. The Development Officer may vary or waive the standard where it is determined that placement of tree(s) are not possible. No Occupancy Permit shall be granted unless this requirement has been satisfied or a security has been provided, in form acceptable to the Development Officer, in the amount of one hundred and ten percent (110%) of the estimated cost of planting the required tree or trees as the case may be.

### **3.12 SCREENING**

3.12.1 Neighbourhood Commercial, Multiple Unit Residential Buildings and townhouse clusters with refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.

3.12.2 Neighbourhood Commercial, Multiple Unit Residential Buildings and townhouse clusters with propane tanks and electrical transformers shall locate the tanks and transformers in such a way to ensure minimal visual impact from any street and adjacent residential properties. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.

3.12.3 Mechanical equipment shall be permitted on the roof provided the equipment is screened or incorporated in to the architectural treatments and roof structure. Mechanical equipment shall not be visible from any street.

3.12.4 Any ground or wall mounted mechanical equipment shall be screened from view from any street or residential properties with a combination of fencing, landscaping or building elements.

### **3.13 HOURS OF OPERATION**

3.13.1 Deliveries to all commercial and multi-unit buildings, and the collection of refuse and recyclables, shall occur only between the hours of 7:00am and 10:00pm.

3.13.3 Hours of operation shall conform to all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

### **3.14 BICYCLE FACILITIES**

3.14.1 Bicycle facilities shall be provided as required in the Bedford Land Use By-law, Part 5, clauses 37a) through c), as amended from time to time.

### **3.15 SIGNS**

3.15.1 The sign requirements shall be in accordance with the Bedford Land Use By-law, as amended from time to time.

3.15.2 Neighbourhood Commercial uses shall meet the requirements for signs in the General Business (CGB) Zone.

#### *Community Signs*

3.15.3 A maximum of one ground sign shall be permitted at each entrance to the subdivision or phase or street to denote the community or subdivision name. The locations of such signs shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 10 feet (3.05 m) and the face area of any sign shall not exceed 50 square feet (4.65 sq. m.). All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures. Notwithstanding this section, the construction of decorative entrance gates shall be permitted outside of the public street right of way.

### **3.16 MAINTENANCE**

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

### **3.17 TEMPORARY CONSTRUCTION BUILDING**

A building(s) 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 construction building(s) shall be removed from the Lands prior to the issuance of the last Occupancy Permit on the subject lands.

### **3.18 SOLID WAST FACILITIES (Commercial, Multi-unit and Institutional)**

- 3.18.1 The building shall include designated space for five stream (refuse, recycling, paper, cardboard and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources.
- 3.18.2 Refuse containers and waste compactors shall be confined to the loading areas of each building, and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.
- 3.18.3 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal affect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

## **PART 4: STREETS AND MUNICIPAL SERVICES**

### **4.1 General Provisions**

- 4.1.1 All design and construction of Municipal service systems shall satisfy Municipal Service Systems Specifications, Halifax Water Design and Construction Specifications and the requirements of and shall receive written approval from the Development Engineer prior to undertaking the work.

#### *Off-Site Disturbance*

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

#### *Underground Services*

- 4.1.3 All electrical, telecommunication and cable service to all Neighbourhood Commercial and Multiple Unit Residential Dwellings shall be underground installation. Multiple unit sites with a setback of greater than greater than 150 feet from the street shall be exempt from this clause.

#### *Site Preparation in a Subdivision*

- 4.1.4 The Developer shall not commence clearing, excavation or blasting activities required for the installation of primary or secondary services in association with a subdivision prior to receiving final approval of the subdivision design unless otherwise permitted by the Development Officer, in consultation with the Development Engineer. Where oversized infrastructure to serve the development is to be installed by or on behalf of Halifax

Water, the Development Officer may permit commencement of clearing, excavation or blasting activities required for the installation prior to the developer receiving final approval of the subdivision design, subject to written consent by the developer.

- 4.1.5 Nothing in this Agreement shall preclude the Developer from storing or removing rocks, soils or grubbing materials from other development phases established under the Secondary Planning Strategy, provided that all permission has been granted by the Engineer and all required municipal and provincial approvals have been obtained.
- 4.1.6 Notwithstanding Schedule B, C, D, E, G, where infrastructure or land is to be provided, all parcels and easements shall meet the requirements of HRM and Halifax Water such as size, separation distances and setbacks. If these requirements necessitate a loss of dwelling units, this shall be at the developers cost.

#### *Streets*

- 4.2.1 Unless otherwise acceptable to the Development Engineer, streets, sidewalks and walkways shall conform with the locations and alignments illustrated on Schedule B, F and G. Further, the street system may include round-a-bouts, subject to the approval of the Development Engineer.
- 4.2.2 The geometric design of Road 5-C on the Schedules may generally conform to the dimensions illustrated on Schedules provided that the Development Engineer grants a variance to the Municipal Service Systems Specifications. Otherwise the road shall be built to the Municipal Service Systems Specifications.
- 4.2.3 The construction of road intersections of Road 5-C with the existing Kearney Lake Road and the proposed Kearney Lake Connector shall include turning lanes and traffic signals where required. The determination of the need for turning lanes or signals shall be made by the Development Engineer based on the results of a Traffic Impact Study provided at the time of detailed design. The study shall identify the impact of the full build out of the development and provide turning lane and traffic signal warrants for the two intersections. The study shall be by a qualified Transportation Engineer and meet the requirements of the Municipality. Where required, traffic signals and turning lanes shall be the responsibility of the Developer.
- 4.2.4 Where any private driveway is proposed to service more than one building, no subdivision approvals shall be granted with lot frontage on the private driveway and a note shall be placed on the subdivision plan that the Municipality does not own or maintain the private-driveway. Further if the proposed private driveway serves greater than thirty single, semi-detached or townhouse dwelling units, it shall be constructed to a municipal road standard.
- 4.2.5 Driveway access to the Kearney Lake Connector (Larry Uteck Boulevard) shall be restricted to neighbourhood commercial developments and multi-unit dwellings.

- 4.2.6 No subdivision approvals shall be granted in any Phase as shown on Schedule F of this Agreement unless the Municipality has established an infrastructure charge area under the Subdivision By-law, and the Developer has entered into an infrastructure charge agreement with the Municipality for the upgrading of regional transportation infrastructure.
- 4.2.7 The Developer shall construct a pedestrian circulation and walkway system as required by the Subdivision By-law, the Municipal Servicing System Specifications and Schedule G. The land for secondary trails shall be deeded to HRM or Halifax Water. The system shall include where required easements in favour of the Municipality and/or Halifax Water or any other Utility.

#### *Kearney Lake Connector*

- 4.2.8 The Kearney Lake Connector as generally shown on Schedule F shall be designed and built subject to the following criteria:
- (a) The road shall be a two lane minor collector road with a design speed of 60 km/h.
  - (b) The final design of the road shall be prepared by the developer.
  - (c) The road shall conform to a 25.0m Rural Minor Collector standard with the following exceptions:
    - i. The north side of the roadway shall include a concrete curb and gutter, a 1.5 metres sod boulevard, and a 3 metres wide asphalt multi-use trail.
    - ii. The minimum right-of-way width shall be 28.50 metres.
    - iii. Additional through lanes (if required) shall be 3.5 metres wide.
    - iv. Auxiliary lanes (if required) shall be 3.3 metres wide.
  - (d) The road design shall accommodate traffic signals at the Kearney Lake Connector Road and Road 5-C, if warranted, and at the Kearney Lake Connector and Kearney Lake Road.
- 4.2.9 Prior to the design and construction of the Kearney Lake Connector, the Developer shall confirm the specifications and design of the Kearney Lake Connector Road with the Development Engineer in writing. Should a variation in the design be required by HRM, the Development Engineer shall confirm any modifications to the proposed design in writing.
- 4.2.10 The developer shall construct the roadway and will be reimbursed for a portion of the costs under an Infrastructure Charge Agreement, subject to budget approval by Regional Council.
- 4.2.11 The Developer shall provide the right-of-way required for the Kearney Lake Connector Road to the Municipality at no additional charge and there shall be no reimbursement for the costs associated with this right-of-way via this or any other agreement.
- 4.2.12 The developer shall be responsible for the costs of traffic signals, if warranted, and the right and left turning lanes required at the Kearney Lake Collector Road and Road 5-C.

4.2.13 The Development of lands identified as Blocks H, as shown on Schedule O, shall not take place until the Kearney Lake Collector Road is built.

### **4.3 Water Distribution System**

4.3.1 The water distribution system shall conform with the Halifax Water Design and Construction Specifications and, unless otherwise required by Halifax Water, the water distribution system shall conform with the Bedford West Capital Cost Contribution Analysis, prepared by CBCL and Schedule E. Halifax Water may allow variations to Schedule E where deemed appropriate. Further, where the water system crosses private land, appropriate easements shall be provided to Halifax Water.

### **4.4 Sanitary Sewer System and Storm Drainage System**

4.4.1 The sanitary sewer system and the storm drainage system shall conform with the Halifax Water Design and Construction Specifications unless otherwise acceptable to Halifax Water.

4.4.2 No subdivision approvals shall be granted in any Phase as shown on Schedule F of this Agreement unless:

- (a) the Engineer is satisfied that there is sufficient capacity remaining in the downstream sanitary sewer system directly affected by the Bedford West Development area; or
- (b) Halifax Water has established an infrastructure charge area for water and wastewater services inclusive of the extension of sewer services as shown on Schedule S, and the Developer has entered into a service agreement with Halifax Water for connections to the oversized infrastructure.

4.4.3 The Developer agrees to maintain all public stormwater treatment units proposed for the storm sewer system for a minimum of three (3) years from the date of receiving subdivision approval for the development phase in which the stormwater treatment units is located.

#### *Permitted Population Density*

4.4.4 Neighbourhood Commercial lands, consisting of 3.7 acres as identified on Schedule B, shall be designed with a maximum population of 30 persons per acre for a maximum population of 111 persons. Density within Neighbourhood Commercial lands, as identified on Schedule B, may be transferred from lot to lot as required.

4.4.5 All other lands (residential, HRM and Utility lands) identified on Schedule B, consisting of 111.4 acres shall be designed for a maximum population of 2191 persons. Density within these remaining lands may be transferred from lot to lot subject to the terms of this agreement.

- 4.4.6 Further to Clause 4.4.4 and 4.4.5, the total density for the Lands shall not exceed 2302 persons (115.1 acres x 20 persons per acre).
- 4.4.7 Nothing in this agreement shall preclude the transfer of unused density from this agreement to other Sub-Areas of Bedford West, however an amendment to this agreement will be required for a transfer of density into areas covered by this agreement. Should the transfer of density to another Sub-Area be permitted by another development agreement, the developer shall provide an update density table for this development to the Development Officer which provides an updated density at the subdivision stage. The Development Officer shall not issue permits under this agreement for density transferred to another Sub-Area. Transfers of density in to this agreement which affect the collection of Capital Cost Charges will be considered a substantive amendment. Transfers of density into this agreement which do not affect the collection of Capital Cost Charges will be considered a non-substantive amendment.
- 4.4.8 Changes to the phasing or transfer of density shall be subject to a review of the impact on infrastructure charges. Any change which will have a negative impact may be declined by the Municipality. The developer may transfer density between multiple unit dwellings provided other provisions of this agreement are met.
- 4.4.9 For the purposes of calculating sewer allocation, the following conversion factors shall be used:

<b>Land Use Type</b>	<b>Equivalent per Unit</b>
Single unit, semi-detached townhouse	3.35 persons per unit
Multiple	2.25 persons per unit
Other	As determined by the Development Engineer

*Stormwater Control Measures Required*

- 4.4.10 No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in the Master Stormwater Management Plan and in accordance with municipal and provincial guidelines.
- 4.4.11 Where the Developer proposes to incorporate Kearney Lake, Kearney Lake Run or Paper Mill Lake into the storm drainage system serving the Lands, the Developer shall secure all, permissions, permits and approvals as may be required from the Province and the license holder of the dams on Kearney Lake and Paper Mill Lake and the Developer agrees that nothing in this Agreement obligates the Municipality or Halifax Water to assume any responsibility for the ownership or maintenance of the dams on Kearney Lake or Paper Mill Lake or any other component of a storm drainage system that is not located with the boundaries of the Lands.



- 4.4.12 Where mitigative measures are proposed along a watercourse, no mitigative measure shall be located in a location which would negatively impact the 1 in 100 year floodplain for the watercourse. All stormwater plans shall indicate the 1 in 100 year floodplains as determined by a qualified professional.
- 4.4.13 Mitigative measures in proposed parks, watercourse buffers and non-disturbance areas may be considered by the Development Engineer in consultation with Parkland Planning. Provided no encumbrances are created on parkland. The Development Engineer may permit such mitigative measures provided the proposed measure meets the design requirements of the Municipality (where required) subject to review of an environmental study which determines if the proposal adversely affects environmentally sensitive features as required by Policy BW-28 of the Bedford West Secondary Planning Strategy.
- 4.4.14 Commercial and institutional storm drainage systems shall include Best Management Practices such as bioretention facilities as a component further to the Master Storm Water Management Plan.

## **PART 5: ENVIRONMENTAL PROTECTION MEASURES**

- 5.1.1 All private storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

### *Erosion and Sedimentation Control and Grading Plans*

- 5.2.1 Prior to the commencement of any onsite works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plans shall comply with the *Erosion and Sedimentation Control Handbook for Construction Sites* as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.

### *Stormwater Management Plan*

- 5.3.1 A qualified professional shall provide written confirmation that the design of the storm drainage system conforms with the Master Stormwater Management Plan, unless otherwise acceptable to the Development Officer.
- 5.3.2 Where easements are required as part of the stormwater system, the Developer shall provide the easements to the Municipality or Halifax Water as required.
- 5.3.3 Where private storm systems cross multiple properties, the Developer shall provide easements in favour of the affected properties to permit the flow of stormwater.

## *Water Quality Monitoring Program*

- 5.4.1 The Parties agree that a water quality monitoring program shall be undertaken in conformity with the following requirements:
- (a) the consultant shall be selected by the Municipality and the Developer agrees to pay for all required costs;
  - (b) except as required by clause (d), monitoring shall be undertaken at each location shown on Schedule Q three (3) times per year. Spring testing shall include the RCAP-MS suite, Total Phosphorus (0.002 mg/L detection limit) , Total Suspended Solids, E. coli, Total Coliforms and Chlorophyll A (acidification and Welschmeyer methodologies), plus standard field measurements (pH, dissolved oxygen (mg/L), conductivity, temperature, Secchi Depth, total dissolved solids, salinity). Summer and Fall testing shall include the RCAP suite (without MS), Total Phosphorus, Total Suspended Solids, E.Coli and Chlorophyll A (Acidification and Welschmeyer techniques), plus standard field measurements (pH, dissolved oxygen (mg/L), conductivity, temperature, Secchi Depth, total dissolved solids, salinity);
  - (c) monitoring shall be undertaken at least one time at each location illustrated on Schedule Q prior to any initial disturbance being commenced within the upstream watershed of the Lands;
  - (d) in the event that threshold levels specified under 5.4.2(b) are exceeded, the Municipality may direct the consultant to undertake further testing deemed reasonable to verify results;
  - (e) except as provided for by clause (f), the program shall be undertaken until two (2) years after subdivision approval has been granted for the final phase of development permitted by this Agreement and, prior to subdivision approval being granted for the first phase, the Developer shall post a security in an amount of 110 percent of the cost to complete the monitoring program for a period of one year. This security shall be maintained for the term of testing. Should this security have to be used by the Municipality because of default of payment, no further subdivision shall be permitted until bonding for another year is provided;
  - (f) where further development agreement applications are approved within the Paper Mill Lake watershed which require that a water quality monitoring program be undertaken pursuant to the requirements of the Secondary Planning Strategy, the Parties agree that the Developer may seek amendments to the requirements of this Section in accordance with the provisions of Clause 6.1 of this Agreement.
  - (g) The water quality monitoring program shall commence a minimum of six months prior to initial disturbance and the developer shall pay all costs associated. The developer shall give the Municipality an additional 30 days notice to prepare for the program.

- 5.4.2 The Municipality will designate a person to administer the requirements of Section 5.4.1 and receive the test results of the monitoring program. The designated person shall submit the test results to the Developer, the Community Council and the Waters Advisory Board within:
- (a) three (3) months of being received from the consultant; or
  - (b) if any total phosphorous measurement meets or exceeds ten (10) micrograms per liter or if the geometric mean of any E. coli measurement within a given calendar year exceeds two hundred (200) counts per 100ml at any location or if any fecal coliform measurement exceeds four hundred (400) counts per 100ml, the findings will be reported immediately to the Developer and to the Waters Advisory Board and the Community Council at the next scheduled meeting. The Municipality shall make all reports provided to the Waters Advisory Board and the Community Council available to the public.

#### *Subdivision and Lot Grading Plans*

- 5.5.1 Any Subdivision Grading Plan submitted for subdivision approval shall be certified by a qualified professional that the plan conforms with the recommendations of the Master Stormwater Management Plan;
- 5.5.2 Any riparian buffer area established pursuant to Section 3.8 of this Agreement shall be shown on any lot grading plan submitted pursuant to the requirements of the Municipality's Grade Alteration By-law.
- 5.5.3 The Developer shall prepare lot grading plans which comply with the Subdivision Grading Plan. Modifications to the site grading and proposed finished elevations may be approved by the Development Engineer. The Developer shall provide written confirmation of compliance that the lot has been graded in accordance with the lot grading plan and, where it has been determined that any lot grading has not been properly carried out, remedial or corrective measures shall be carried out by the Developer at it's cost.
- 5.5.4 No occupancy permit shall be granted unless the requirements of Section 5.5.3 have been satisfied or a security deposit for the completion of the work has been provided in accordance with the requirements of the Municipality's Grade Alteration By-law

## **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) Changes to multiple unit dwellings identified on Schedule B and Schedule O as Block E and G to allow for a change in use to cluster townhouses;
- (b) Changes to land uses on Road 5-C from Single Unit Dwellings to Townhouse Dwellings;
- (c) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement;
- (d) The length of time for the completion of the development as identified in Section 7.5 of this Agreement;
- (e) amendments to the development standards in Sections 3.4.1 to 3.4.6 of this Agreement;
- (f) amendments to the lake monitoring program on Schedule Q and clauses 5.4.1 and 5.4.2 to this Agreement provided that a recommendation of approval has been received from the Waters Advisory Board;
- (g) Transfers of density into this agreement which do not affect the collection of Capital Costs or exceed an additional 1 unit per acre;
- (h) Conversion of Neighbourhood Commercial areas to low rise (four habitable storey) multiple unit dwellings; and
- (i) Changes to the Cell Tower location as identified on Schedule J and Section 3.4.7.

## **6.2 Substantive Amendments**

Amendments to any matters not identified under Section 6.1 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 to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

### **7.3 Commencement of Development**

7.3.1 In the event that development on the Lands has not commenced within ten 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.

- 7.3.2 For the purpose of this section, commencement of development shall mean final subdivision approval of the first phase of the lands.
- 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, 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 or complete phases of the development, or after twenty years, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement;
  - (c) discharge this Agreement; or
  - (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Bedford, as may be amended from time to time.

#### **7.5 Discharge of Agreement**

- 7.5.1 If the Developer fails to complete the development after 15 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement; or
  - (c) discharge this Agreement.

### **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

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 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;
- (d) Where trees or other vegetation are removed in contravention to the requirements of section 3.7 of this Agreement, the Development Officer may direct that a site rehabilitation plan be prepared with measures including but not limited to, the replanting of trees or vegetation of a similar size, age, and appearance within the disturbed area. The property owner shall pay all expenses associated with preparing and undertaking the plan and shall submit the plan to the Waters Advisory Board for a recommendation of approval and to the Community Council for approval before being undertaken; or
- (c) 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 \_\_\_\_\_, 2011.

**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 PROPERTY OWNER)**

Per: \_\_\_\_\_

Per: \_\_\_\_\_  
=====

=

**HALIFAX REGIONAL  
MUNICIPALITY**

Per: \_\_\_\_\_

Mayor

Per: \_\_\_\_\_

Municipal Clerk

Schedule A



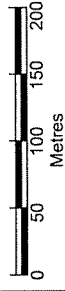
THE PARKS  
OF WEST BEDFORD

1000 PARKS DRIVE, WEST BEDFORD, ONTARIO

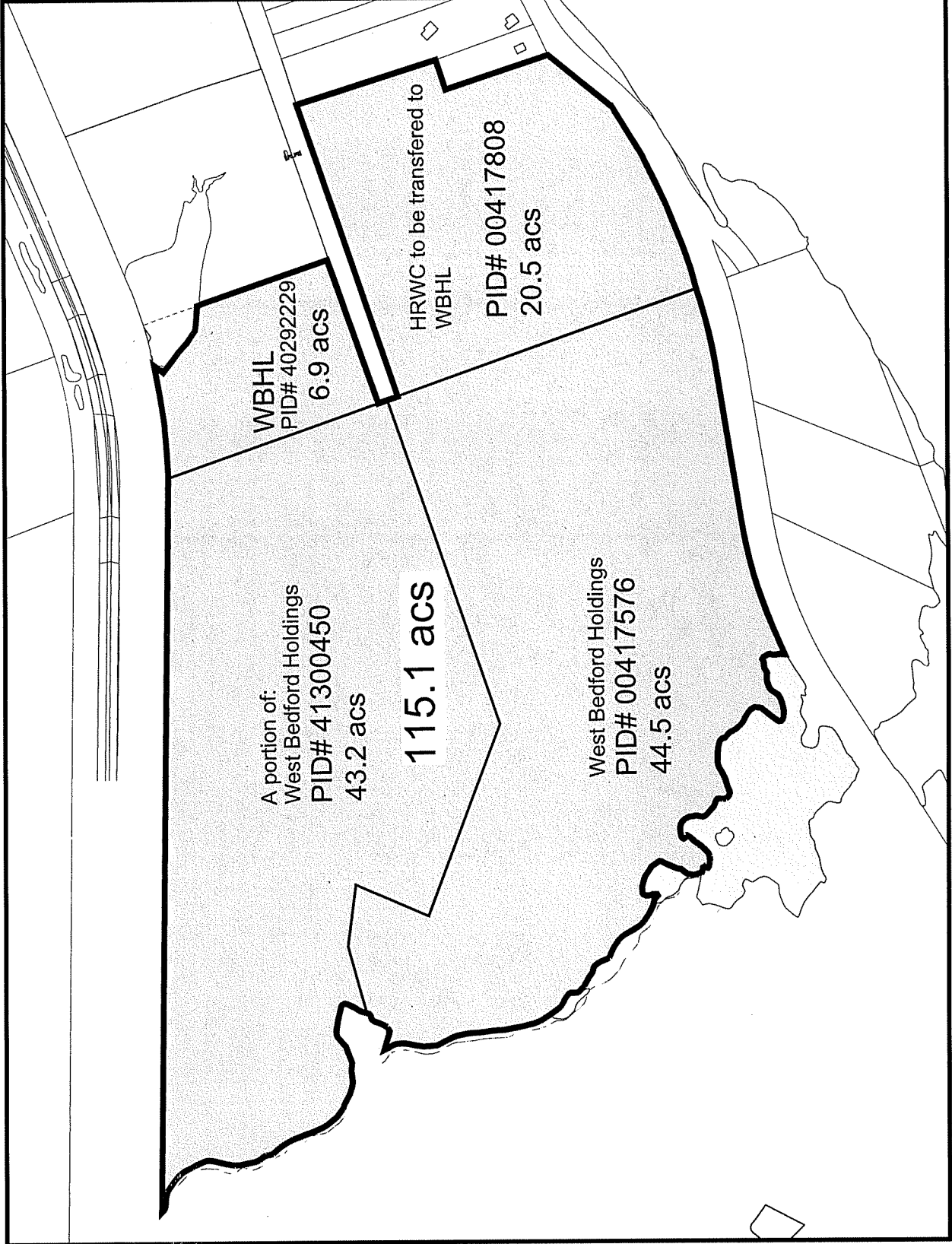
Development Area  
Sub-Area 5



Development Area  
~115.1 acres total



March, 2011











Schedule B



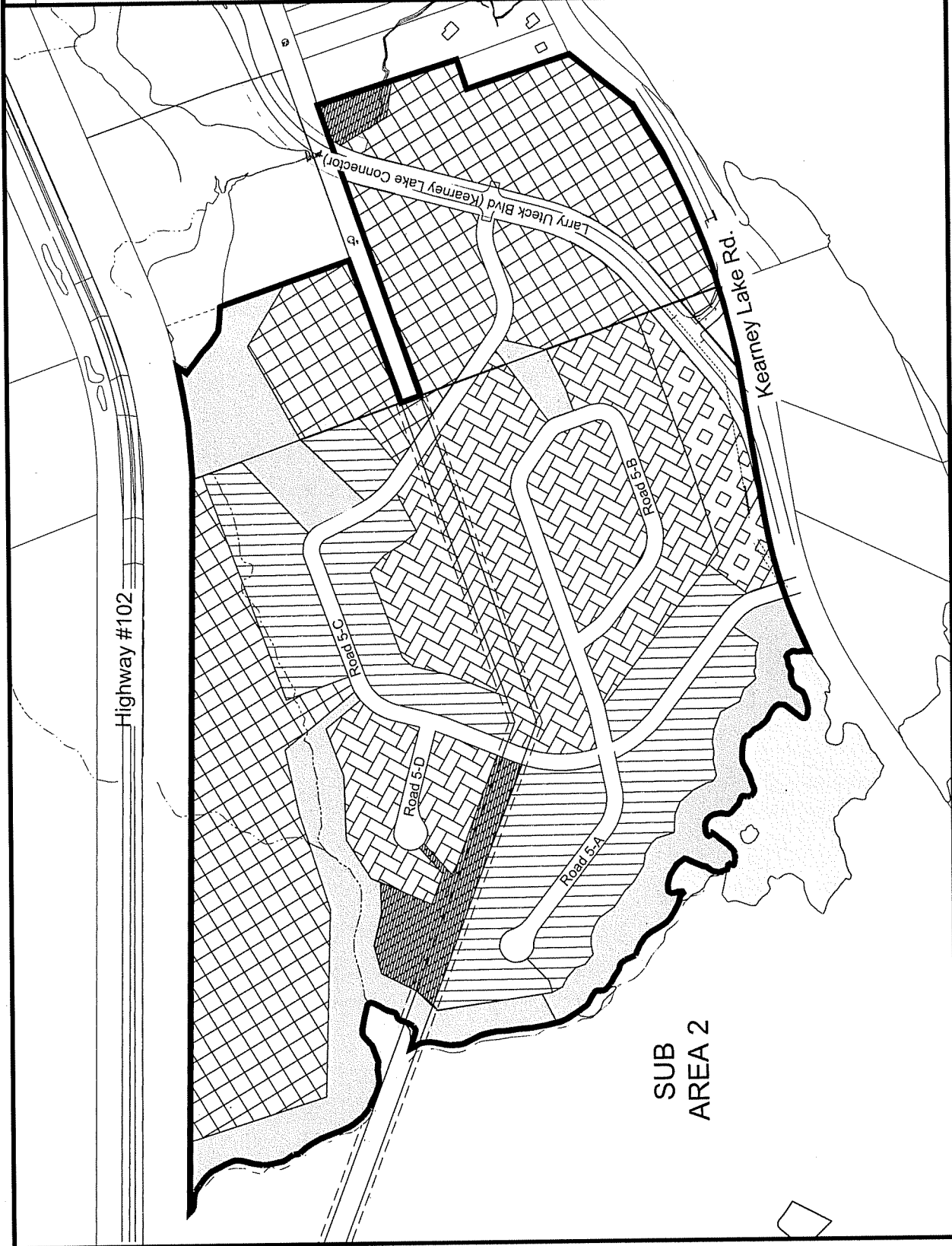
THE PARKS  
OF WEST BEDFORD

Land Use Plan



-  SINGLES (min 40')
-  TOWNHOUSE/SEMI-DETACHED/SINGLES/CONDO T.H.
-  MULTIPLE
-  NEIGHBOURHOOD COMMERCIAL
-  FUTURE HRM LAND
-  UTILITY LANDS (to be owned by HRM / HRWC)

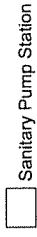
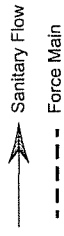
May, 2011



Schedule C



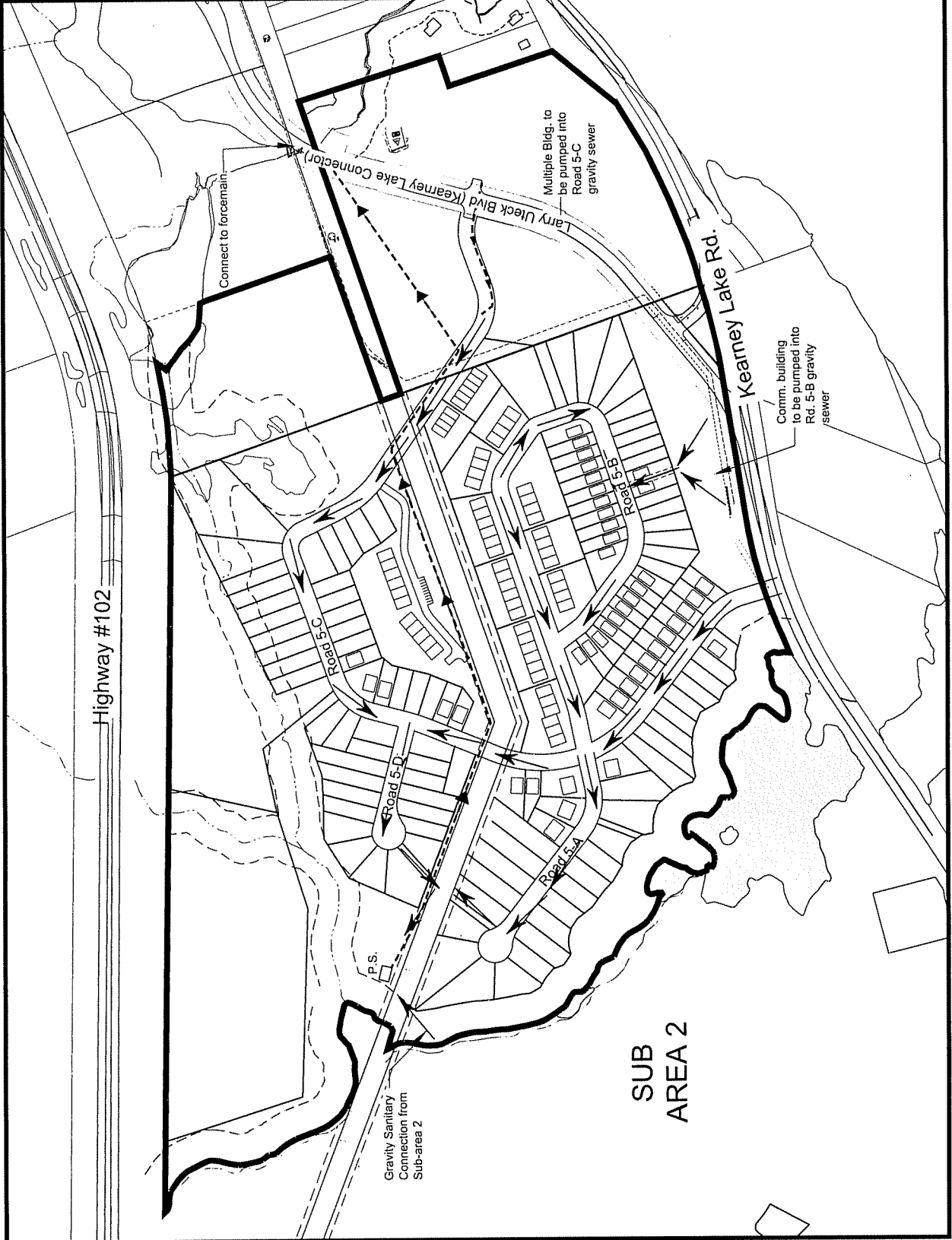
Sanitary Service Plan



Note: Final pump station location to be determined at detailed design stage.



May, 2011



Schedule D



Stormwater Servicing Plan



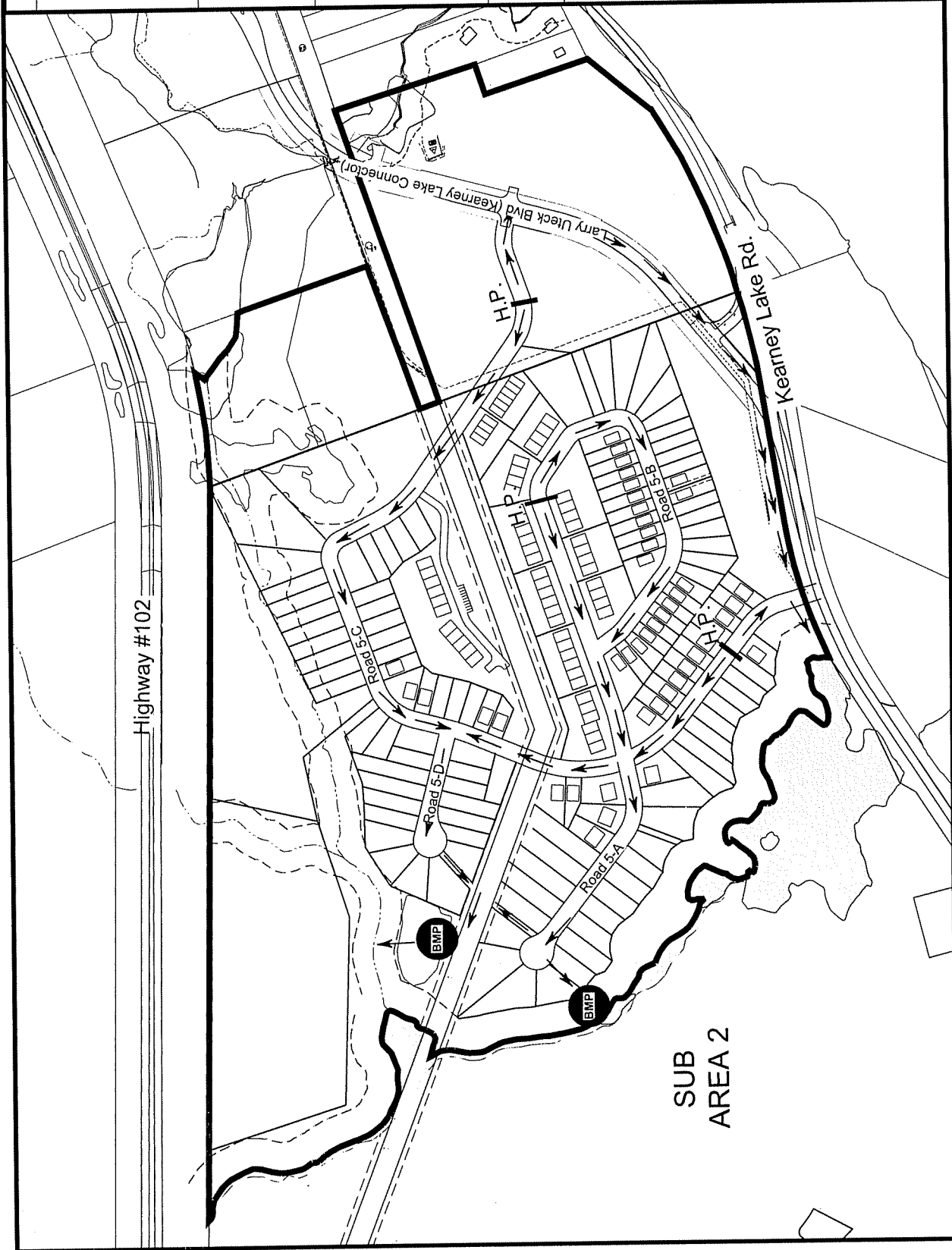
Stormwater Flow



Best Management Practice, per Stormwater Management Plan



May, 2011



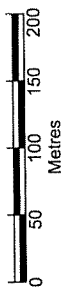
Schedule E



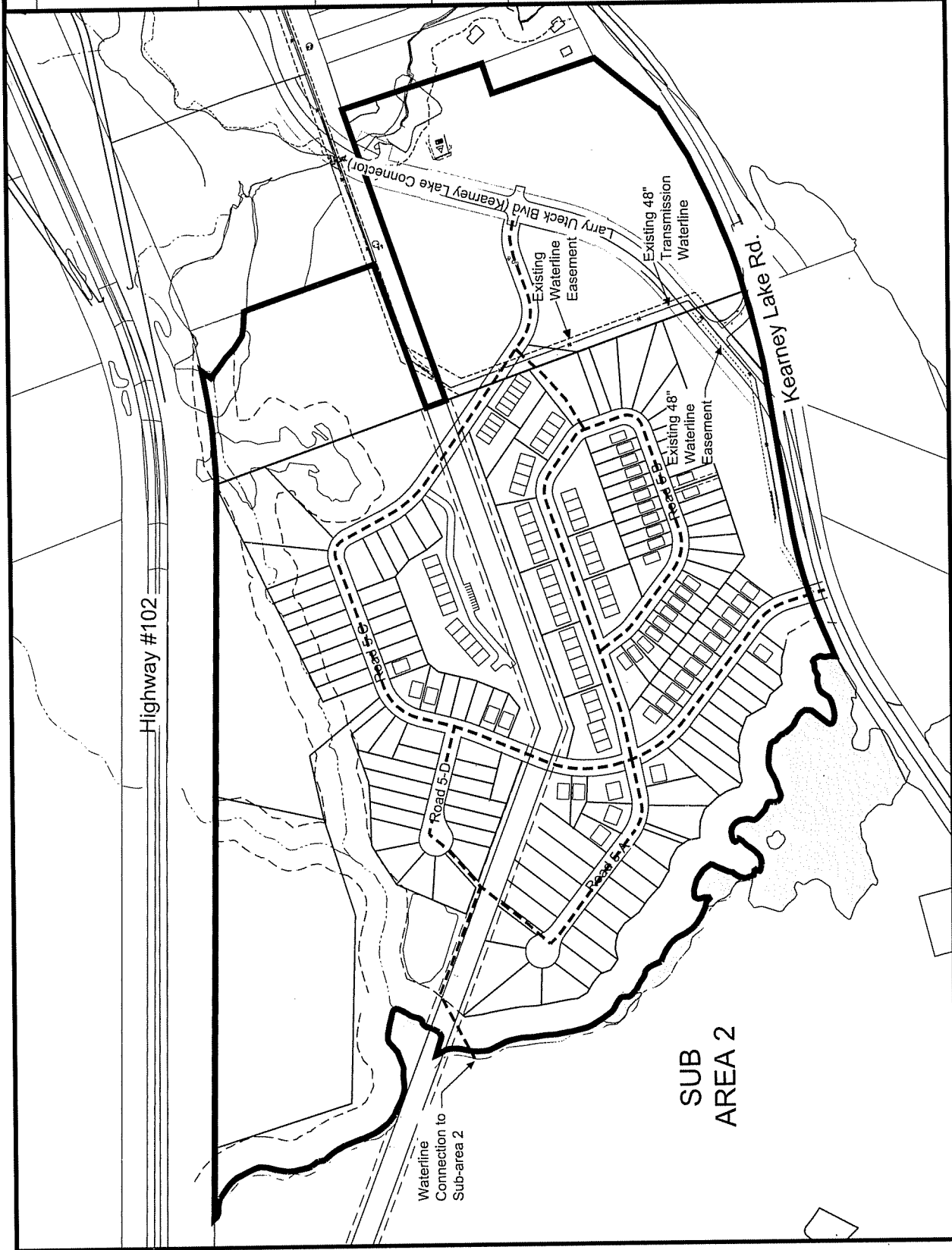
Waterline



- Waterline
- Existing 48" Transmission Line



May, 2011



SUB AREA 2

Schedule F



**THE PARKS**  
OF WEST BEDFORD

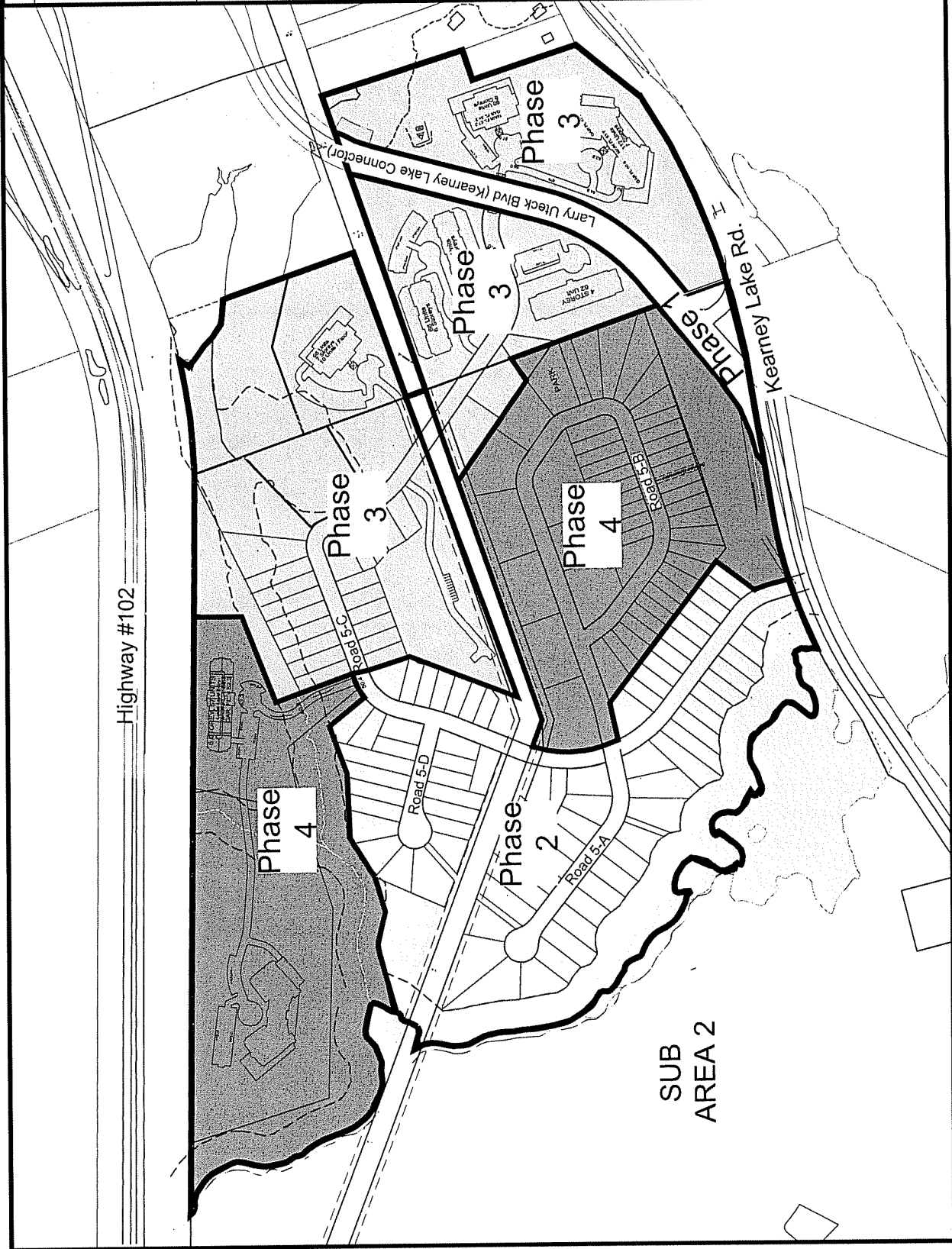
Phasing Plan



- Phase 1
- Phase 2
- Phase 3
- Phase 4



May, 2011



Schedule G



THE PARKS  
OF WEST BEDFORD

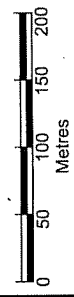
1000 WOODBINE DRIVE, WEST BEDFORD, N.H. 03091  
603.882.2222

Trail & Transportation  
Plan

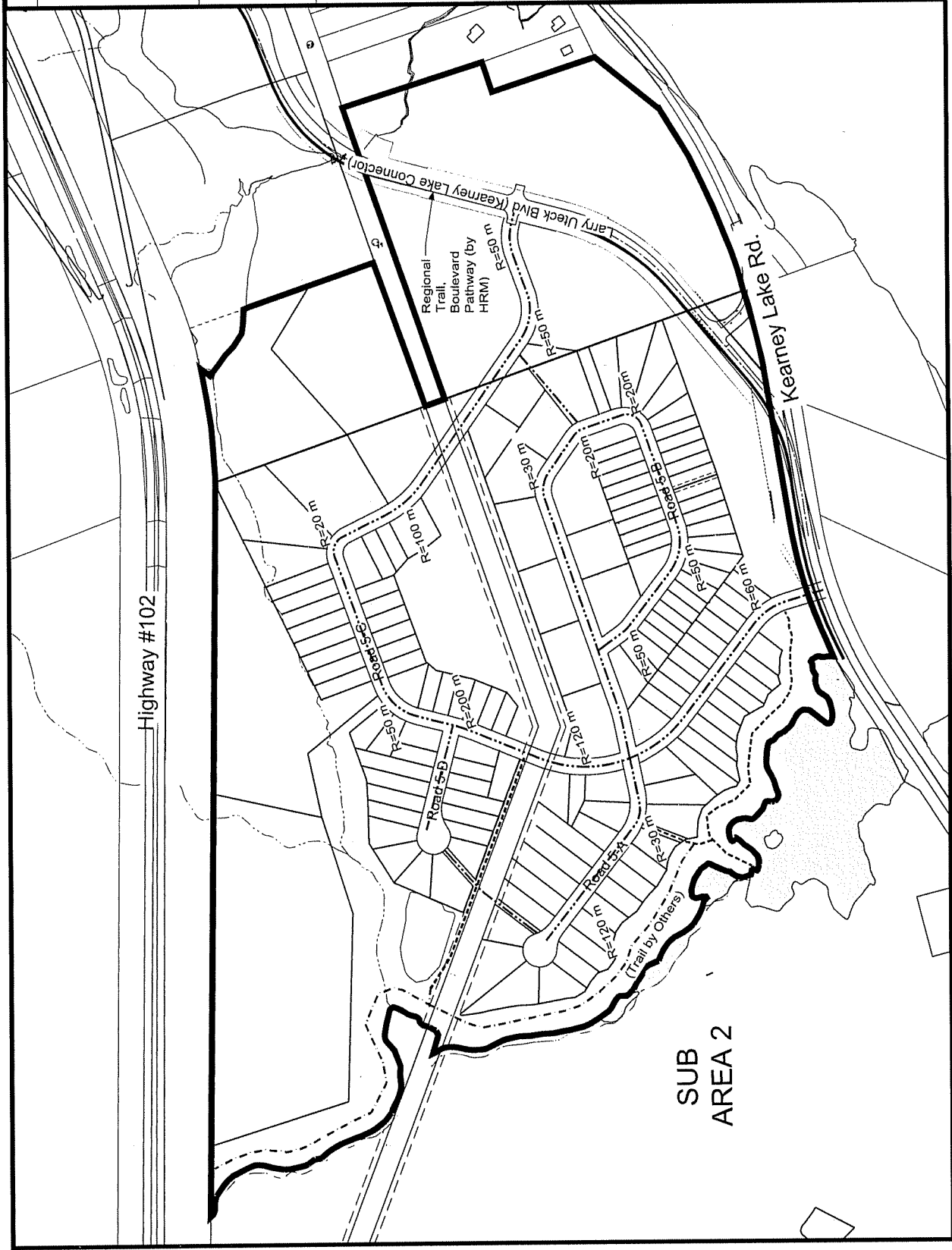


- - - Secondary Trail (5' wide Crusher Dust)
- - - Future Trail to be Constructed by Others
- - - Sidewalk / Walkway (per HRM Spec.)

R=XXm Centerline Radius



May, 2011



SUB  
AREA 2

Schedule H



THE PARKS  
OF WEST BEDFORD

Slope Map & Riparian  
Buffer Areas



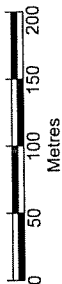
Riparian Buffer



Slopes >25%

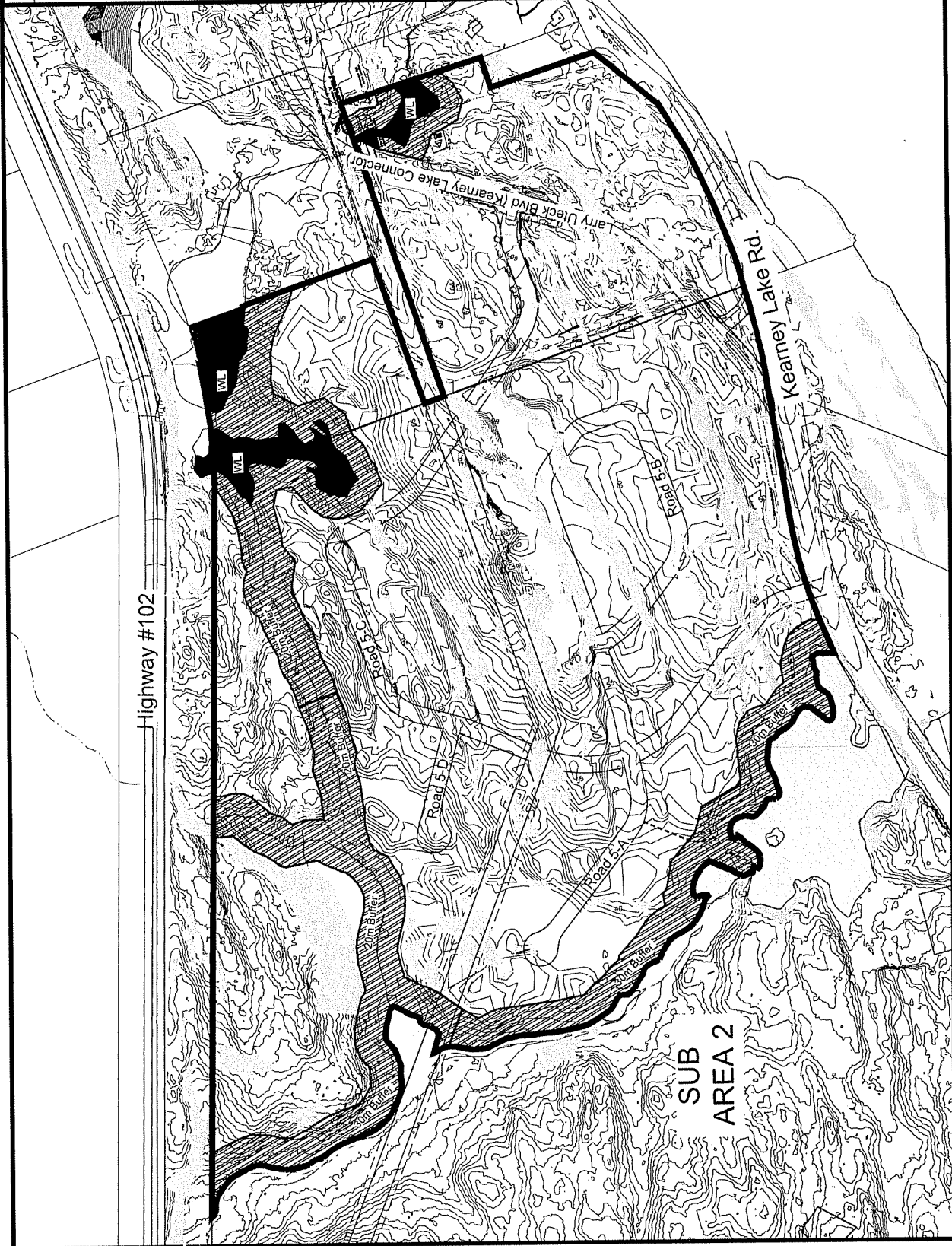


Wetland



1m Contour Intervals

May, 2011



Schedule I



THE PARKS  
OF WEST BEDFORD

Park and Open  
Space



PARK  
(HRM)



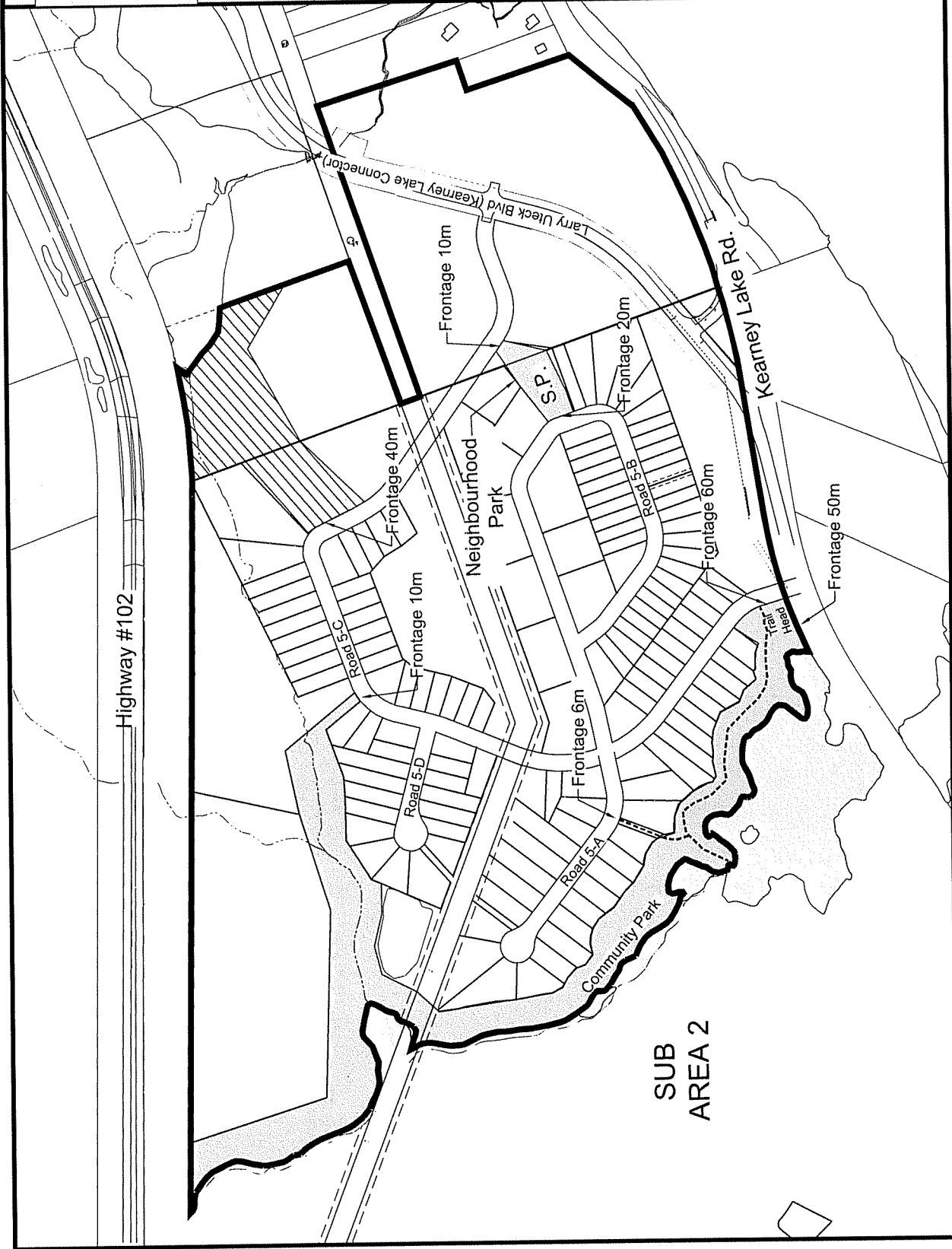
CONSERVATION LAND  
(HRM)



S.P.

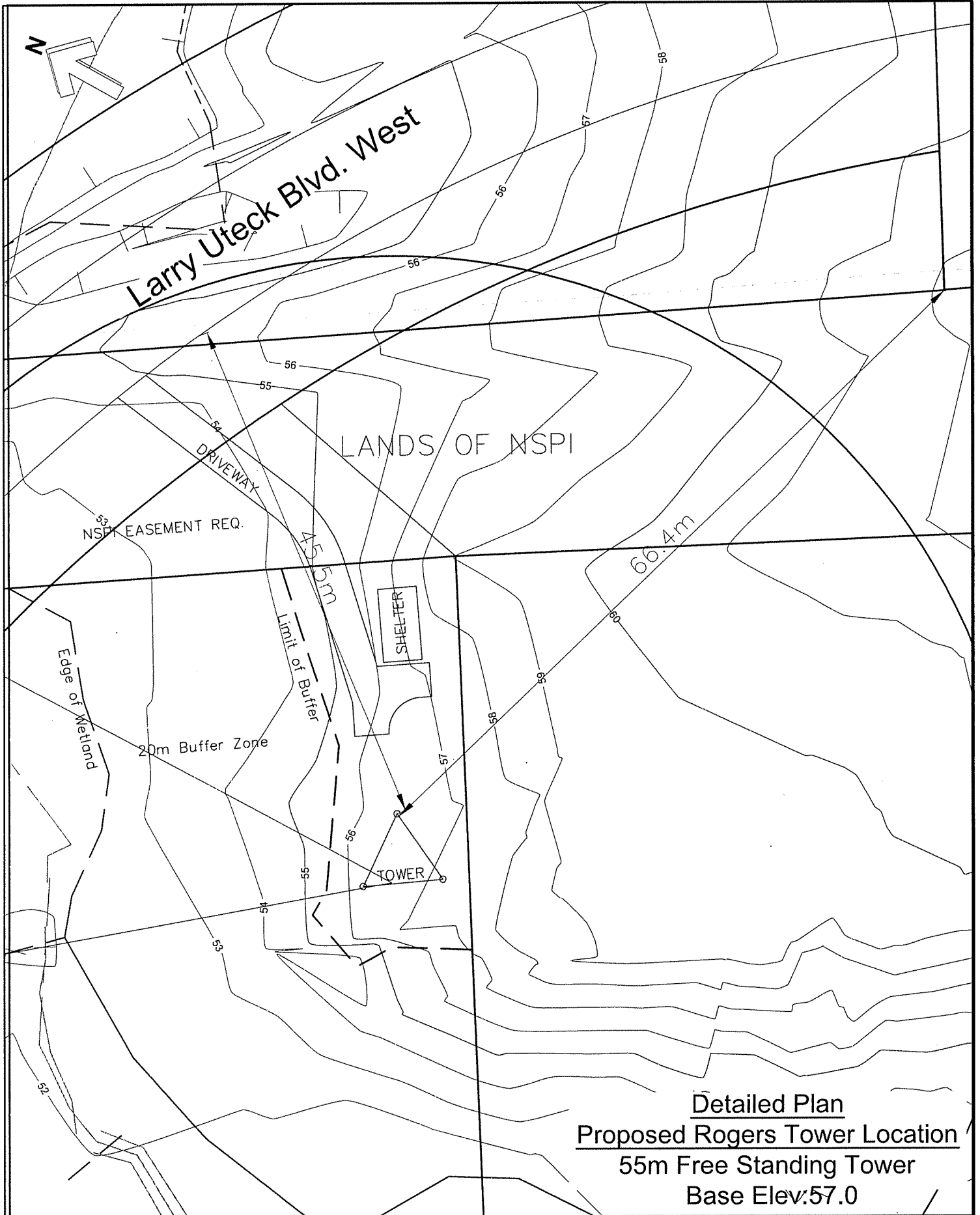
Site Preparation Area by  
Developer, (10,000 sq.ft. of  
prepared pad, including topsoil  
or equivalent, and hydroseed)

May, 2011





Schedule J - Cell Tower Relocation Plan



Detailed Plan  
Proposed Rogers Tower Location  
55m Free Standing Tower  
Base Elev:57.0

**Schedule K**  
**Bedford West - Sub Area 5 - Neighbourhood Commercial Guidelines**

**Pedestrian Access, Circulation and Parking**

Applicants shall submit a detailed pedestrian circulation and parking plan with all development applications that provides safe, efficient and convenient pedestrian access and circulation patterns within and between developments. All applications shall comply with the following:

**Required Pedestrian Connections** - An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- a) The primary entrance or entrances to each commercial building;
- b) Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with neighbourhood commercial development;
- c) Any public sidewalk system along the perimeter streets adjacent to the commercial development; and
- d) Where practicable and appropriate, adjacent land uses and developments, including but not limited to adjacent residential multiple unit dwelling developments.

**Minimum Walkway Width** - All site walkways shall be a minimum of 1.5 metres in width.

**Walkways Along Buildings**- Continuous pedestrian walkways shall be provided along the full length of a building along any facade featuring a customer entrance and along any facade abutting customer parking areas. Such walkways shall be located at least 1.8 metres from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

**Amount of Parking:** Parking shall be provided in accordance with the parking provisions of the Bedford Land Use By-law, as amended from time to time. The Development Office may permit a reduction in the required parking by 30 percent where parking is to serve multiple tenants or uses.

**Location of Parking:**

- a) A maximum of fifty percent ( 50%) of the off-street surface parking spaces provided for a site shall be located between the facade of the closest building to the right-of-way of Kearney Lake Road or the Kearney Lake Connector (Larry Uteck Boulevard).

**Building Design**

- a) **Minimum Wall Articulation for Commercial Buildings**
  - i) All buildings walls shall consist of a building bay or structural building system that is a maximum of ten (10) metres in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers, changes in wall planes, changes in texture or materials, and fenestration pattern no less than thirty

(30) centimeters in width. The only exception being the rear and side wall of a building greater than 4,645 square metres of gross floor area where the articulation can be widened to thirty (30) metres in width.

- ii) Any wall exceeding ten (10) metres in length shall include at least one change in wall plane, such as projections or recesses, having a depth of at least three percent (3%) of the entire length of the façade and extending at least twenty percent (20%) of the entire length of the façade.
- iii) All building walls shall include materials and design characteristics consistent with those on the front.

**Building Walls Facing Public Areas** - In addition to the above, building walls that face public streets, connecting walkways, or adjacent development shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, trellises with vines, or alternate architectural detail, along no less than sixty percent (60%) of the façade.

**Windows Adjacent Walkways, Sidewalks and Parking areas** - In addition to the above, building walls that face sidewalks, connecting walkways, shall include windows which provide natural surveillance over these public areas.

### **Miscellaneous Requirements**

- (a) Architectural detailing including, but not limited to, lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards, shall be incorporated.
- (b) Architectural treatment shall be continued around all sides.
- (c) Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping .
- (d) Any exposed foundation in excess of 0.61 metres (2 feet) in height and 1.86 square metres (20 square feet) in total area shall be architecturally detailed or veneered with stone or brick
- (e) Any exposed lumber on the exterior shall be painted, stained or clad on a painted metal or vinyl.
- (f) Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc. ) are not visible from a street or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented.
- (g) Mechanical equipment shall be screened from view be a combination of architectural treatments, fencing and landscaping.
- (h) Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade.
- (i) The main entrances to building shall be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels,

pediments, pilasters, columns, porticos, overhangs, cornerboards, fascia boards or an acceptable equivalent approved by the Development Officer. Service entrances shall be integrated into the design of the building and shall not be a predominate feature.

**Schedule L**  
**Neighbourhood Commercial Land Uses**

No development permit shall be issued in a Community Commercial area except for one or more of the following uses:

- a) Banks and Financial Institutions
- b) Daycare Facilities, Nursery Schools, Early Learning Centres
- c) Drycleaning Depots
- d) Garden Markets
- e) General Retail exclusive of mobile home dealerships
- f) Medical Clinics
- g) Neighbourhood Convenience Stores
- h) Office Uses
- i) Full Service, Take Out Restaurants
- j) Service, Personal Service Shops, Health and Wellness Centres exclusive of massage parlours
- k) Mixed use commercial/multi-unit residential buildings with less than 6 residential units
- l) Institutional uses
- m) Parking lots
- n) Uses accessory to the foregoing uses

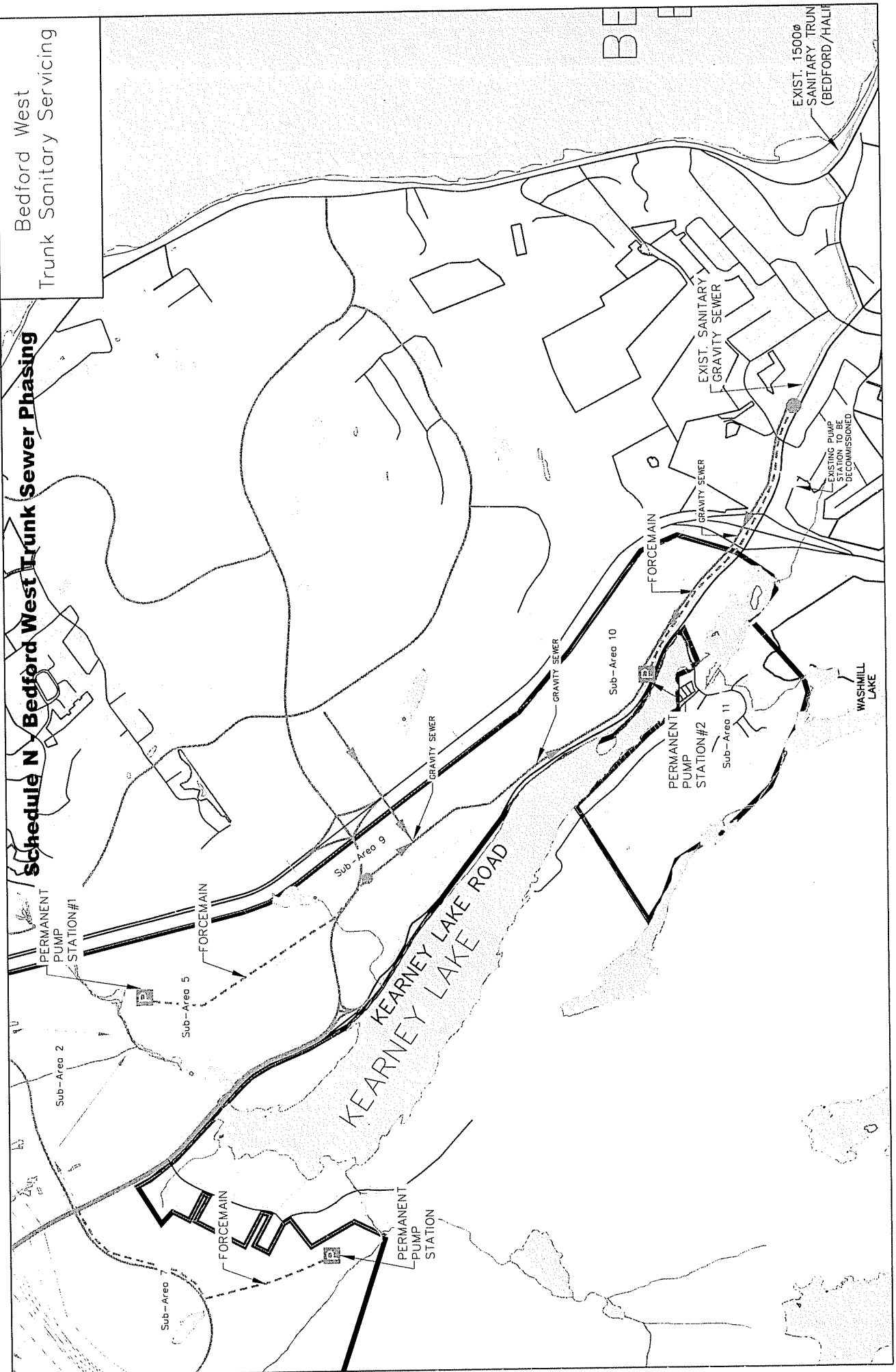
(All uses shall be defined as found in the Bedford Land Use By-law)

**Schedule M**  
**Design Criteria for Townhouses and Multi-Unit Buildings**

1. All townhouse developments shall conform with the following design criteria:
  - a) Architectural detailing including, but not limited to, lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards, shall be incorporated.
  - b) Architectural treatment shall be continued around the sides of the building.
  - c) Vinyl siding may be utilized to a maximum of forty percent (40%) on front elevations. Vinyl siding may be permitted along the side and rear of the units.
  - d) Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping.
  - e) Electrical power, telephone, cable and similar utilities shall be brought by underground conduit to the building.
  - f) Any exposed lumber on the front facade of any townhouse shall be painted or stained or clad in a painted metal or vinyl.
  - g) Any exposed foundation in excess of 1 metre (3.28 feet) shall be architecturally detailed, veneered with stone or brick, painted, stucco, or an equivalent.
  - h) Buildings should be oriented with the main entrance facing a public street where possible.
  - i) The maximum number of townhouse dwelling units per building shall be six units.
  - j) The townhouse dwellings shall be designed so that no more than four units are constructed which are less than two feet (0.61 metres) in variation from the building line of any abutting unit.
  
2. Multi-unit building developments shall conform with the following design criteria:
  - a) Architectural detailing including, but not limited to, lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards, shall be incorporated.
  - b) Architectural treatment shall be continued around all sides.
  - c) Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping.
  - d) Electrical power, telephone, cable and similar utilities shall be brought by underground conduit to the building.
  - e) Any exposed foundation in excess of 0.61 metres (2 feet) in height and 1.86 square metres (20 square feet) in total area shall be architecturally detailed or veneered with stone or brick
  - f) Any exposed lumber on the exterior shall be painted, stained or clad in a painted metal or vinyl.
  - g) Mechanical equipment shall be screened from view by a combination of architectural treatments, fencing and landscaping.

# Schedule N Bedford West Trunk Sewer Phasing

Bedford West  
Trunk Sanitary Servicing





THE PARKS  
LAND DEVELOPMENT, INC.

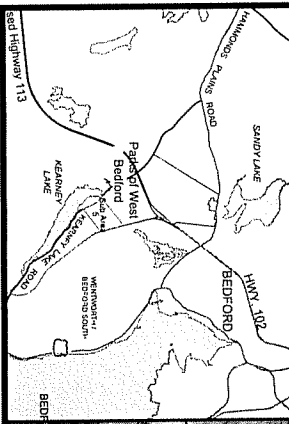
Sub Area 5  
Conceptual  
Master Plan  
May 2011



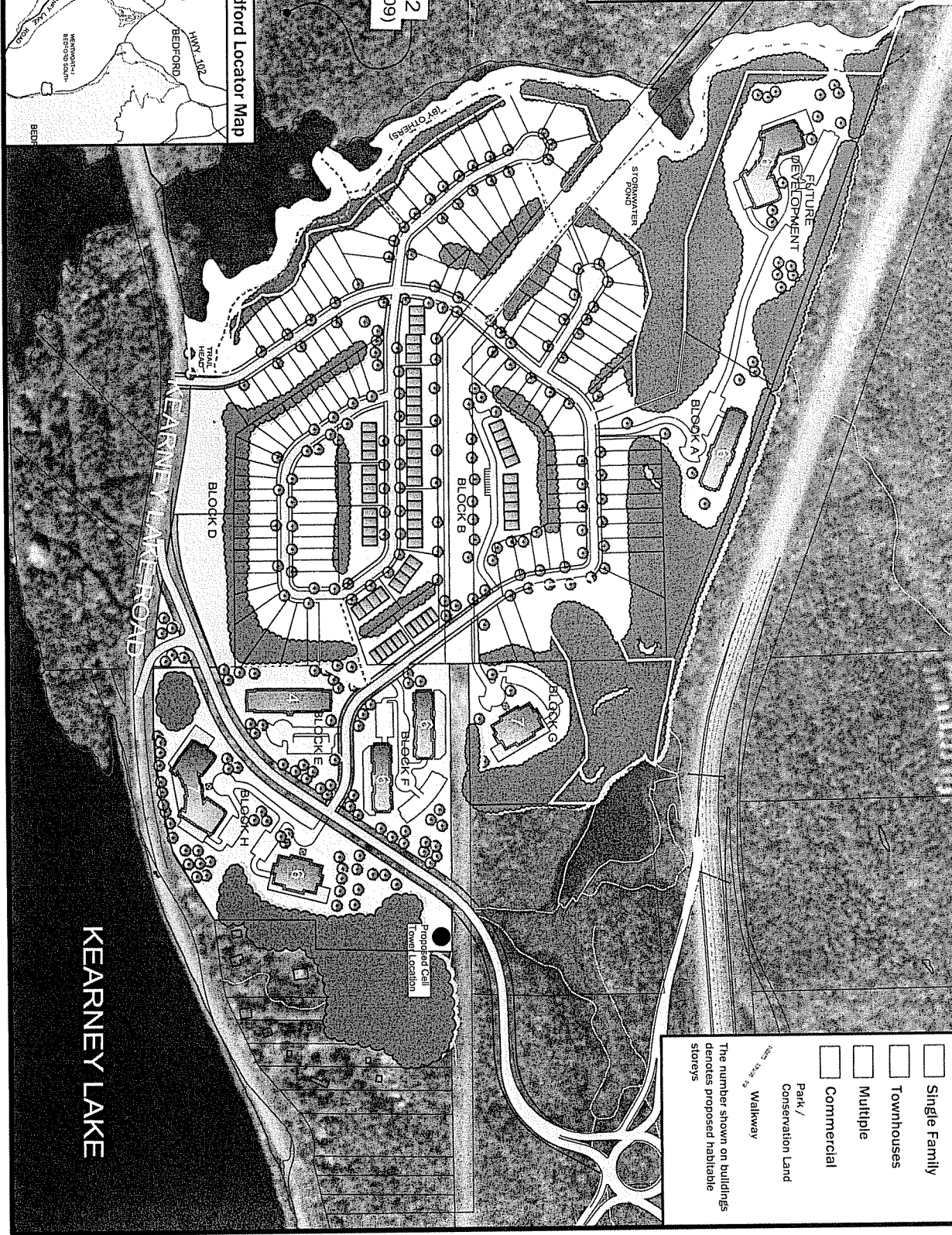
Note: This concept plan does not denote building location or configuration.

Sub-Area 2  
(Approved 2009)

The Parks of West Bedford Locator Map



### Schedule O Concept Plan



### Legend

- Single Family
- Townhouses
- Multiple
- Commercial
- Park / Conservation Land
- Walkway

The number shown on buildings denotes proposed habitable storeys

KEARNEY LAKE



# Schedule P - Density

West Bedford

Sub Area 5

87.6 acres WBHL  
 20.5 acres HRWC  
 7 acres TIR Lands  
 115.1

27-Jan-11

691 Residential Unit Entitlement  
 2,302 Residential Population Entitlement

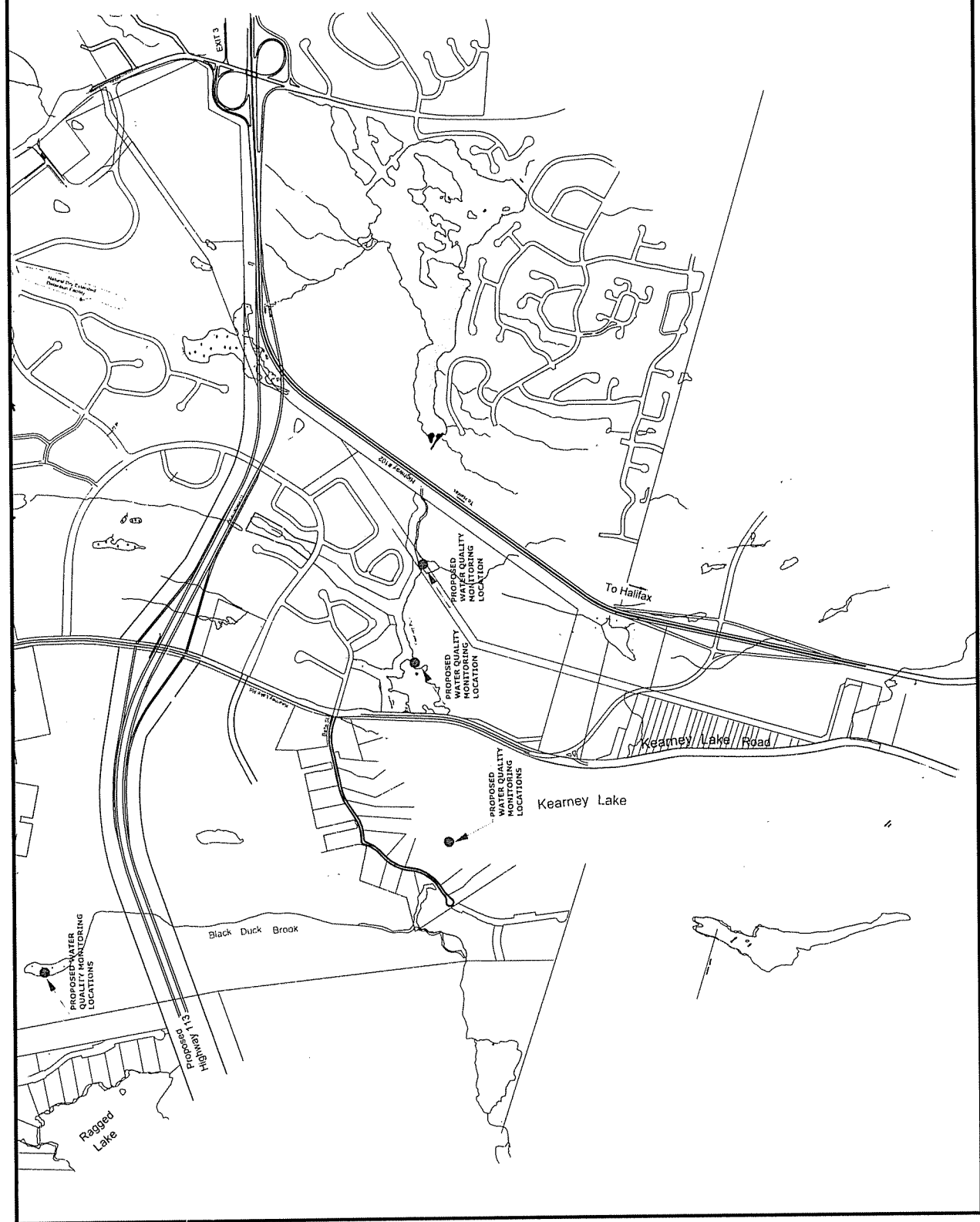
Road Name	Length in Meters	65' Lots	50' Lots	40' Bung	Bung TH	TH (22')	Bung Condo
Road 5-A	236		23				
Road 5-B	667			38	44		
Road 5-C	1078		56			11	
Road 5-D	125		17				
<b>BLOCK B</b>							11

23	73	38	44	11	11
----	----	----	----	----	----

Total Road Length 2.106  
 Total Low Density Units **200**  
 People 670

BLOCK A	57	128.25	ppa
BLOCK D	3.7 acs	30	111
BLOCK E	62	139.5	
BLOCK F	132	297	
BLOCK G	68	153	
BLOCK H	172	387	

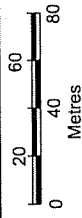
Total Multiple **491** 71%  
 Total Units **691** 0  
 Density **6.0 upa**  
 Total Population **1,886**  
 Residual population 416



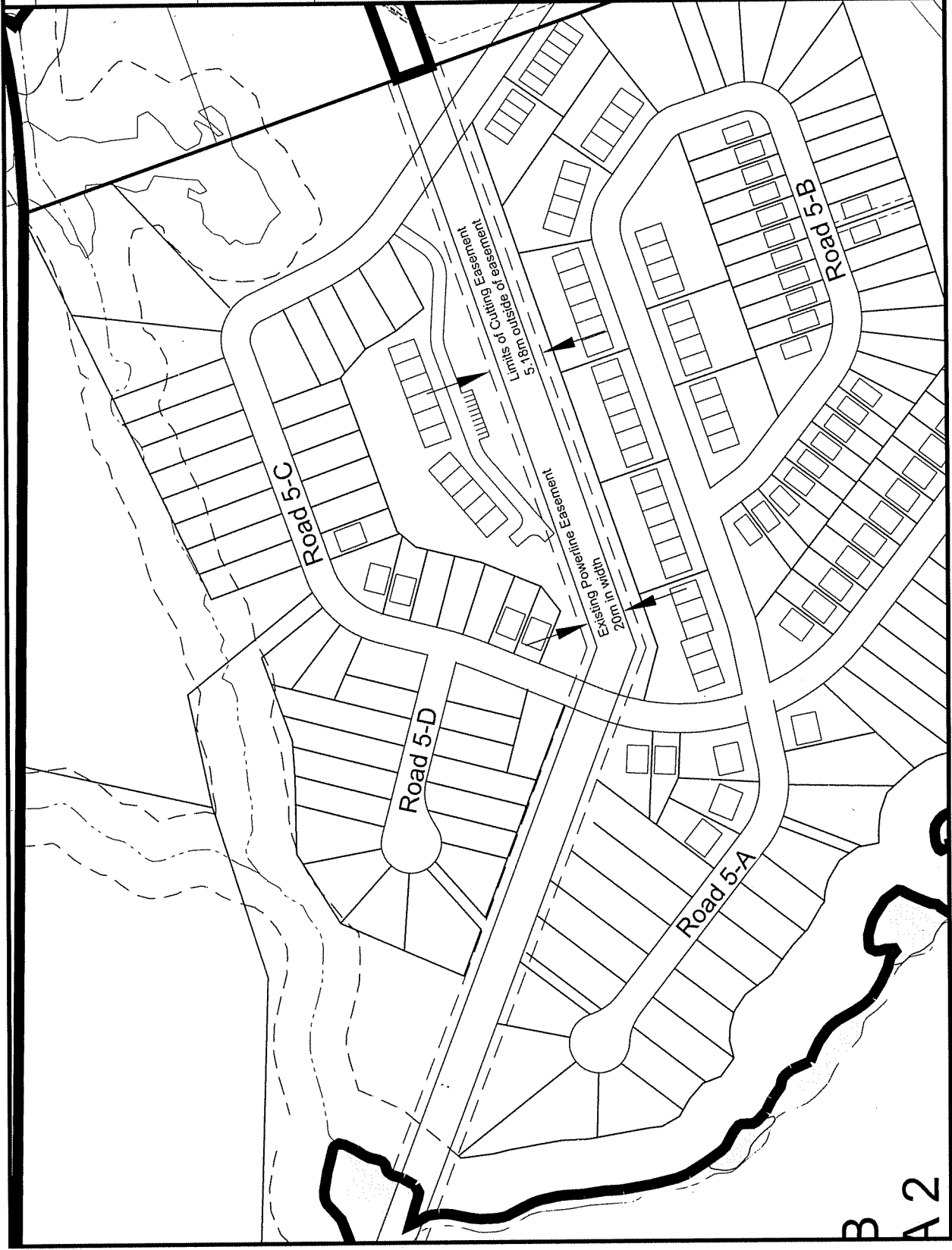
Schedule R



NSPI Easement Plan



May, 2011



**Attachment B**  
**Bedford MPS Policy Review**

<p>Policy BW-1: No development agreement shall be approved unless a master storm water management plan has been prepared, reviewed by the Bedford Waters Advisory Board and accepted by the Municipality. The management plan shall:</p> <ul style="list-style-type: none"> <li>(a) identify significant constraints and sensitivities with regard to flood potential, and environmental features and provide appropriate protection measures;</li> <li>(b) provide estimates of pre-development and post development flow rates (where post development flow rate means the expected flow rates upon full build out of an area as permitted by the development agreement) at critical locations within watercourses such as at culverts and other road crossings and at downstream developments;</li> <li>(c) outline the type and location of storm water management facilities and the approach to protecting receiving waters from contamination, excessive flow rates and loss of aquatic habitat and to protect the quantity and quality of groundwater flows; and</li> <li>(d) conform with the recommendations of the Bedford West Planning Area Subwatershed Management Plan (Jacques Whitford: May 2004) unless otherwise acceptable to the Municipality and the Province.</li> </ul>	<p>A master stormwater management plan has been prepared and reviewed by the Bedford Waters Advisory Board. The master stormwater plan includes all the requirements of Polic BW-1. Further the plan has been reviewed by the Municipality and the Province and has been deemed acceptable. Copies of the Master Storm Water Management Plan are available upon request.</p>
<p>Policy BW-2: No subdivision approvals shall be granted unless the detailed design specifications conform with the master stormwater management plan approved under policy BW-1.</p>	<p>The proposed development agreement requires that the detailed design of the development conform to the master stormwater management plan.</p>
<p>Policy BW-3: A water quality monitoring program shall be undertaken for the Paper Mill Lake watershed, illustrated on Schedule BW-2 to track the eutrophication process. The program is to be designed in accordance with national guidelines established by the Canadian Council for Ministers of the Environment (the CCME guidelines) and undertaken by a qualified persons retained by the Municipality and financed in whole or in part by developers within the watershed area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Bedford Watershed Advisory Board. The monitoring program shall:</p> <ul style="list-style-type: none"> <li>(a) specify the duration of monitoring for the pre-construction, construction and post-construction phases of development. Pre-construction phase means a period of time before construction activity starts. Post-construction phase means a period of time that commences at full build out of the area permitted by a development agreement. Construction phase means the full time period between the pre-construction and post-construction phase);</li> </ul>	<p>A water quality monitoring program for the Papermill Lake watershed is required to be established by the proposed development agreement. The proposed monitoring program complies with the requirements of Policy BW-3.</p>

<p>(b) specify the physical and chemical water quality indicators to be measured, the location and frequency of testing and the format of submissions to the Municipality in each phase referenced under clause (a);</p> <p>(c) establish physical and chemical water quality indicator threshold levels for the recreational uses of the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area. The threshold indicators are to be established prior to any development approvals being granted;</p> <p>(d) conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.</p>	
<p>Policy BW-4: Where the Community Council is satisfied that a development agreement application has been made for a development proposal which could not be reasonably expected to impact the quality of water within the Paper Mill Lake watershed, the requirements of policy BW-3 may be waived. The Community Council shall seek the advice of the Bedford Watershed Advisory Board before granting any waiver.</p>	<p>The requirements for a water quality monitoring program have not been waived, as the proposed development could potentially affect the quality of water within Paper Mill Lake.</p>
<p>Policy BW-5: In the event that water quality threshold levels, as specified under clause (c) of policy BW-3, for Paper Mill Lake or Kearney Lake are reached, the Municipality shall undertake an assessment and determine an appropriate course of action respecting watershed management and future land use development in the area. An assessment shall consider the CCME guidelines. Water quality thresholds and any assessment reports shall be made available to the public.</p>	<p>These requirements do not need to be included in the development agreement as they are not intended to bind the developer to a specific action. The Municipality will undertake the identified assessment and should threshold indicators be exceeded seek remedies.</p>
<p>Policy BW-6: No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in under the stormwater management plan and in accordance with municipal and provincial guidelines.</p>	<p>The proposed development agreement requires mitigative measures prior to discharging stormwater in to a watercourse.</p>
<p>Policy BW-7: No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within one hundred (100) feet of the high water mark, or within the limits of any 1 in 20 year flood plain of Kearney Lake, Kearney Lake Run or Black Duck Brook or within sixty-six (66) feet of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by development agreement in accordance with an approved water management plan approved pursuant to the provisions of policy BW-9 or as provided to allow for trail systems, transportation crossings or utilities.</p>	<p>The proposed development agreement includes requirements to fulfill the requirements of Policy BW-7.</p>
<p>Policy BW-8: No development agreement shall be entered into over lands on which trees have been removed except:</p>	<p>The removal of trees was authorized in specific location by the Municipality on the Sub Area 5 site to meet a provincial need to</p>

<p>a) as may be required for a bonafide land survey;  b) to satisfy any provincial or federal requirements; or  c) where, in the opinion of Council, the extent of such cutting would not preclude achieving the three objectives stated above.</p>	<p>provide aggregate associated with the interchange at Larry Uteck Boulevard. Such removal was limited to areas where future disturbance was expected.</p>
<p>Policy BW-9: Within any watercourse protection setback established under policy BW-7, no vegetation or soil shall be removed or altered unless a management plan has been approved to provide for restoration of vegetation, shoreline access paths, habitat management, safety and welfare or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake. Any study or management plan submitted pursuant to this clause shall be prepared by a person qualified to make the required determinations and an approval procedure shall be established under the terms of a development agreement.</p>	<p>The majority of the required watercourse setback lands are to be controlled by the Municipality as parkland. Within these buffers little disturbance is expected except for trail development where a secondary trail will be constructed in a sensitive manner which would minimize the removal of vegetation and the alteration of grade..</p>
<p>Policy BW-10: Wetlands, lakes, watercourses, endangered species habitat and any other features of environmental significance shall be delineated as non-disturbance areas under development agreements. Non-disturbance areas shall be located to allow for continuity of non-disturbance areas on abutting lots, municipal parkland and open space dedications, and natural areas adjacent to watercourses.</p>	<p>Riparian buffers have been established along all watercourses and wetlands as required by policy BW-7 and the watercourse setback requirements of the Bedford Land Use By-law. These controls act as non-disturbance zones. Further, except for limited stormwater infrastructure, parkland development and crossings, there is no activity proposed within these areas. Further, the developer is required to delineate these areas prior to the start of construction activity.</p>
<p>Policy BW-11: A tree replanting program shall be incorporated into development agreements. The program shall specify the locations, number, type and diameter of trees to be planted. The type of trees shall be indigenous to Nova Scotia.</p>	<p>A tree replanting program which complies to Policy BW-11 has been included in the proposed development agreement. (Clause 3.11.8) Further the Municipal Service System Specifications require the planting of street trees within the public right-of-way for streets.</p>
<p>Policy BW-12: Development of major land areas on slopes in excess of twenty-five percent (25%) shall be prohibited under any development agreement except where it can be demonstrated that such development would not create any hazard and could better preserve open spaces or areas of environmental value.</p>	<p>Sub Area 5 consists of a series of rock ridges that are distributed throughout the Sub Area. Avoidance of these areas is not possible. Significant grading of the lands will take place to render these ridges developable land. Protection of ridges has been enabled within riparian buffers. Schedule H of Attachment A identifies slopes of 25 percent or greater.</p>
<p>Policy BW-13: The Municipality may allow for modifications to the service system specifications adopted under subdivision regulations where such modifications would enhance the ability to preserve the natural environment without compromising the intended objectives of the service systems.</p>	<p>The proposal does not request to modify these specifications.</p>
<p>Policy BW-14: The water distribution system shall conform with the recommendations of the Birch Cove North/ Bedford West Water Master Infrastructure Plan (CBCL, 1999) and with the system schematics illustrated on Schedule BW-3 unless otherwise acceptable to the Halifax Regional Water Commission and no development shall be approved by the</p>	<p>The proposed agreement requires compliance to the study and the requirements of Halifax Water. (Clause 4.3.1)</p>

<p>Municipality unless notified by the Commission that the proposed distribution system conforms with all design and operating specifications established.</p>	
<p>Policy BW-15: The sanitary sewer system shall be designed in conformity with the schematics illustrated on Schedule BW-4 and in accordance with the Municipality's Service Systems Specifications, as amended from time to time. Sewage flow calculations, shall be based on an assumed occupancy of 3.35 persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; 50 persons per acre for general commercial uses within the Community Commercial Centre shown on Schedule BW-7 or proposed within Sub-Area 9; and 40 persons per acre for mixed use business campus uses; and 30 persons per acre for local commercial, community facility and institutional uses<sup>1</sup>.</p>	<p>The sanitary sewer is required to be designed to the Halifax Water Design and Construction Specifications which supersedes the Municipality's MSS Specifications (Clause 4.4.1). The proposal conforms with Schedule BW-4. The requirements of the proposed agreement comply to the identified sewer calculations. (Clause 4.4.9) The proposal includes a small area of community commercial uses at 30 persons per acre. (Clause 4.4.4)</p>
<p>Policy BW-16: Based on the assumed occupancies under policy BW-15 and the phasing plan illustrated on schedule BW-6, the sanitary sewer system shall be designed to satisfy the following conditions:</p> <ul style="list-style-type: none"> <li>a) a maximum density of 40 persons per acre shall be permitted for all lands to be developed as a mixed use business campus within Sub-Area 3;</li> <li>b) a maximum density of 50 persons per acre shall be permitted for all lands designated community commercial centre within Sub-Areas 2, 6, 7 and 8 as illustrated on schedule BW-7 or proposed for general commercial uses within Sub-Area 9 and 12;</li> <li>c) For all other Sub-Areas or part thereof, a maximum density of 20 person per acre shall be permitted; and</li> <li>d) the temporary pumping station and forcemain, illustrated as "PS (TEMP)" and "FORCEMAIN (TEMP)" on schedule BW-4, shall be permitted to service a maximum of 6,100 persons where upon the permanent pumping station and forcemain along the Kearney Lake Road must be designed and constructed to service all lands intended to flow to the Halifax Sewage Treatment Plant ( as illustrated on schedule BW-4) . This requirement may be waived if: <ul style="list-style-type: none"> <li>i.) the financing for the construction for the permanent pumping station and forcemain has been secured by the Municipality and a time frame for construction agreed upon; and</li> <li>ii.) there is sufficient capacity remaining in the temporary pumping station and forcemain to allow for additional sewage discharge to the Mill Cove Sewage Treatment Plant.</li> </ul> </li> </ul> <p>In the event that any Sub-Area is not developed to the</p>	<p>The proposed development agreement enables development a maximum density of 20 persons per acre. (Clause 4.4.6)</p>

<sup>1</sup> For the purposes of this Secondary Planning Strategy, all density calculations are based on gross area.

<p>maximum permitted density, the Municipality may consider allowing the difference to be allocated to another Sub-Area provided that the development proposal conforms will all other policies established under this secondary planning strategy.</p>	
<p>Policy BW-17: A community street and trail system shall be developed in substantial conformity with the designations and alignments presented on Schedule BW-5 except that variations to the alignment may be considered to enhance safety, provide a better fit with the natural terrain, mitigate surface runoff or preserve significant environmental features. The following requirements shall be applied:</p> <ul style="list-style-type: none"> <li>a) the connector road from Kearney Lake Road to the Larry Uteck Drive interchange shall be designed with a right-of-way width sufficient to allow for two lanes of through traffic with turning lanes at intersections. Direct driveway access shall be restricted to commercial developments in the vicinity of the interchange and all other access shall be restricted to street intersections. The need for sidewalks will be determined at the time a street plan is submitted in association with a development agreement for Sub-Area 9 as illustrated on Schedule BW-6;</li> <li>b) the Community Collector Road shall be designed as an urban minor collector with sufficient right-of-way width for two lanes of traffic, turning lanes, where required, and sidewalks on both sides. Direct driveway access shall be restricted to commercial developments, apartment buildings, institutions and clustered housing developments comprised of at least eight housing units with one driveway access to the Community Collector Road. One or more rotaries may be permitted;</li> <li>c) a regional trail system shall be designed to connect with the destination nodes illustrated on BW-5.</li> <li>d) community trail systems shall be constructed by the developer of the lands on which it is located with the design specifications negotiated under a development agreement. Trails shall be designed and constructed in accordance with the Guidelines of the Nova Scotia Trails Federation unless otherwise acceptable to the Municipality. Variations to the Municipal Service Specifications for sidewalks may be considered where a trail is proposed which would provide improved accessibility for pedestrian travel in the community; and</li> <li>e) phasing of transportation system upgrades shall be undertaken in accordance with the recommendations of the Transportation Plan (MRC Delphi, February 2004) unless otherwise agreed to by the Municipality and the Province.</li> </ul>	<p>The street and trail system conform to Schedule BW-5 (Schedule G of Attachment A). The requirements for the Kearney Lake Connector are met (Clause 4.2.5 and 4.2.8) The Kearney Lake Connector requirements include a boulevard pathway (multi-use trail) intended to be part of the regional trail system. The proposed development agreement includes a community trail with a length of 379 metres as part of the required parkland development. Additional trail may be constructed in the future, subject to HRM budget availability. Phasing of future transportation upgrades are included in the development agreement as determined applicable. These upgrades include the construction of the Kearney Lake Connector, which is required under the agreement.</p>
<p>Policy BW-18: The Municipality shall prohibit motorized conveyances on all trails, except maintenance, emergency or patrol vehicles, and except electric wheelchairs or similar devices required for mobility by persons with disabilities.</p>	<p>This item is a matter for the Municipality to enforce once trails are constructed; this is not a matter for the development agreement.</p>



<p>Policy BW-19: Variations to municipal service system standards may be considered where such variations conform with the principles set forth in the Transportation Association of Canada's "A New Vision for Urban Transportation" or any other guidelines or policies acceptable to the Municipality. Consideration shall be given to the objectives and policies established under this Municipal Planning Strategy, public safety, environmental and lifestyle factors, and capital and operating costs as well as other benefits to the Municipality, such as construction of trail systems on public lands.</p>	<p>Minor variations to municipal service system standards have been requested and can be handled under current powers given to the Development Engineer. The developer is seeking a reduction in the minimum permitted curve radius on Road 5-C as shown on Schedule G of Attachment A.</p>
<p>Policy BW-20: A development Sub-Area plan is established for this secondary plan area as illustrated on Schedule BW-6 in which the following conditions shall apply:</p> <ul style="list-style-type: none"> <li>a) Any approvals within Sub-Areas 1 to 12 will also be contingent upon availability of capacity within municipal service systems;</li> <li>b) any development agreement entered into within Sub-Areas 2 to 8 and 12 shall include provisions for all new development intended within the Sub-Area;</li> <li>c) any development agreement for Sub-Area 4 will require that either (i) the community collector road be completed from the Kearney Lake Road to the Hammonds Plains Road through Sub-Areas 2 and 3 or (ii) the community collector road is constructed through Sub-Area 6 to the Kearney Lake Road;</li> <li>d) approval for Sub-Area 6 may not precede Sub-Area 4 but approvals for both Sub-Areas may be considered concurrently and approval for Sub-Areas 3 and 4 may be considered concurrently;</li> <li>e) no municipal approval for Sub-Area 5 will be given until development agreements have been entered into for Sub-Areas 2, 3 and 4 or Sub-Areas 2, 4 and 6 but nothing will preclude allowing development to commence before completion of Sub-Areas 2, 3, 4 or 6;</li> <li>f) no municipal approvals will be granted for Sub-Areas 7, 8 and 9 until the Highway 102/Larry Uteck Drive interchange and Kearney Lake Road connector are constructed or financing has been secured and a time frame for completion agreed upon;</li> <li>g) no development agreement shall be entered into for Sub-Areas 5 unless a servicing and phasing plan has been prepared and included in the agreement for the extension of municipal sewer and water services to both Sub-Areas 5 and 9.</li> <li>h) The requirement of clause (g) may be waived if a development agreement for Sub-Area 9 has been approved prior to an application for Sub-Area 5 and the agreement provides for the extension of municipal services to Sub-area 9 at no cost to the Municipality.</li> </ul>	<p>Once regional sanitary sewer system upgrades and extensions are completed, sufficient sewer capacity will be available. There are no know issues with water service. All developable land within Sub Area 5 is included in the proposed development agreement.</p> <p>Development agreements have been entered into for Sub Areas 2,3 and 4.</p> <p>The proposed development agreement includes a phasing plan and the extension of sewer services to Sub Area 9. Section 4.3.1 of the agreement requires the water distribution system shall conform with the Bedford West Capital Cost Contribution Analysis, prepared by CBCL. This document is the servicing and phasing plan for water services.</p>
<p>Policy BW-21: In accordance with the provisions and requirements of the Municipality's Infrastructure Charges Best</p>	<p>Infrastructure charges have been established for transportation in the Regional Subdivision By-law. Halifax Water is in the process of</p>

<p>Practice Guide and Part II of this Municipal Planning Strategy, an infrastructure charge area shall be established under the Subdivision By-law over the area governed by this Secondary Planning Strategy and no subdivision approvals shall be granted until infrastructure charges are in effect.</p>	<p>establishing charges in conjunction with the NS Utility and Review Board. No development is permitted until NSUARB has implemented charges and an implementation plan.</p>
<p>Policy BW-23: The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the lands may be used for development permitted within the abutting land use designation.</p>	<p>The attached development agreement conforms to Schedule BW-7 and the policies of the SPS.</p>
<p>Policy BW-24: To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Bedford Municipal Planning Strategy and Land Use By-law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area.</p> <p>If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved.</p>	<p>Terms to control these matters are included in the proposed development agreement through Section 3.4.</p>
<p>Policy BW-25: The areas designated as Open Space on Schedule BW-7 shall be reserved for recreational uses, conservation uses including stormwater management and environmental protection. Provided that the area of the designation is not materially reduced, the boundaries of the Open Space Designation may be varied where such changes provide:</p> <ol style="list-style-type: none"> <li>a) enhanced protection of environmentally sensitive site features;</li> <li>b) more opportunity for preservation of significant aesthetic features;</li> <li>c) more suitable lands for recreational uses; or</li> <li>d) a more functional trail system for pedestrians and cyclists.</li> </ol> <p>The intended purpose of all open spaces shall be identified and agreed to in a development agreement application. Lands within the Open Space Designation may be allocated to satisfy the Municipality's Subdivision By-law requirements for</p>	<p>The proposed development agreement reasonably complies with Schedule BW-7 and the purpose of all open space is identified in the agreement.</p>

parkland dedication.	
Policy BW-26: Street crossings of the Open Space Designation shall be minimized and any trail development within a watercourse buffer zone established under policy BW-7 shall be subject to the requirements of policy BW-9.	There are only two street crossings of the open space designation at locations where there is an existing power line corridor. There will be one trail established in the watercourse which will be developed to HRM specifications.
Policy BW-27: No stormwater management, sanitary sewer or water service system shall be located within the Open Space Designation which would adversely affect environmentally sensitive areas, detract from the aesthetics of the area or impair any recreational functions intended.	See section below.
Policy BW-28: In the event that the Municipality is unable to determine whether any undertaking will adversely affect environmentally sensitive areas, the Municipality shall require that an environmental impact analysis be undertaken at the cost of the developer by a person qualified to make such a determination and as selected or agreed upon by the Municipality.	Section 4.4.13 requires a study to deal with this matter.
Policy BW-29: The development of all recreational facilities shall conform with the HRM Guidelines for Parkland Planning adopted by Council.	The proposed layout of Parkland and site development appears to meet these requirements.
Policy BW-30: Prior to any subdivision approval being granted, the developer shall prepare a recreation facilities plan for the development of recreational facilities for lands to be conveyed to the Municipality for parkland and open space dedication. The plan shall consider facility requirements in relation to present and future community needs, safety and convenience, environmental protection or enhancement, financial resources and phasing.	It is not typical for a developer to produce such a study. Generally the Municipality would access and identify the needs of the greater community through our Parkland Planning group. The options for parkland in Sub Area 5 are limited to what is generally proposed in the Community Concept Plan and is generally limited to trail development and a neighbourhood park. This type of study has not been submitted in support of other phases of development within Bedford West.
Policy BW-31: Community parks are intended to be located on lands reserved for schools within the Institutional/Residential designation shown on Schedule BW-7. In the event that schools are not developed on these lands, the Municipality may require that these lands or portions thereof be reserved for community parks.	There are no lands designated for schools in this Sub Area. Policy not applicable.
Policy BW-32: The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation shown on Schedule BW-7: a) the density of housing units shall not exceed six units per acre per Sub-Area except that if the maximum density permitted in one development Sub-Area is not achieved, the Municipality may consider transferring the difference between the maximum permitted and actual number of housing units to another development Sub-Area provided all policy criterion can be satisfied and the housing density does not exceed seven units per	The proposed development agreement only permits a maximum of six units per acre.

<p>b) acre in any development Sub-Area; community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores shall be encouraged to locate at intersections with a Community Collector Street and at transit stops;</p> <p>c) sidewalks and pathways facilitate comfortable and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services;</p> <p>d) the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists;</p> <p>e) a variety of housing types is provided within each Sub-Area and distributed so as to avoid a congested appearance of streetscapes. Consideration shall be given, but not limited, to the design guidelines of policies R-12A, R-12B and R-12C of the Municipal Planning Strategy, although the limitations placed on building height and units per building under policy R-12A shall not be applied;</p> <p>f) the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;</p> <p>g) building locations, height, scale, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian safety and compatibility with the natural environment;</p> <p>h) single unit dwelling lots have a minimum street frontage of 40 feet, a minimum area of 4,000 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings;</p> <p>i) natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of the on-site parking supply;</p> <p>j) Vegetation is maintained or landscaping measures, a fence or other physical barrier provided so as to provide a buffer between new developments and commercial or industrial developments which is effective in ensuring public safety and mitigating visual or noise impacts;</p> <p>k) all open space dedications proposed conform with the objectives and policies adopted for open space under this secondary planning strategy and any administrative</p>	<p>Neighbourhood Commercial uses are permitted under the development agreement at the intersection of collector roads (Larry Uteck Boulevard and Kearney Lake Road).</p> <p>The proposed sidewalk and trail system provide for efficient transportation to future transit stops and surrounding community services.</p> <p>m) The proposed road network will enable shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds while enabling direct routes for pedestrians and cyclists.</p> <p>The agreement enables a variety of housing types as identified in the staff report. The provisions of the agreement deal with streetscape matters and include design guidelines where practical.</p> <p>The proposed development agreement and controls in the agreement effectively deal with these matters.</p> <p>These matters are addressed through controls in the proposed agreement.</p> <p>Section 3.4.1 of the agreement enforces this provision.</p> <p>These matters are addressed under the provisions for multiple unit dwellings. Section 3.4.5.</p> <p>Not applicable.</p> <p>All proposed open space complies with these matters.</p>
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<p>d) guidelines adopted by the Municipality; and the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.</p>	<p>The proposal complies with these matters.</p>
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**Attachment C – Public Information Meeting Minutes – September 27, 2010**

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 16775 (formerly Case) 16104 – Bedford West**

**7:00 p.m.  
September 27, 2010  
Basinview Drive Community School  
273 Basinview Drive, Bedford**

**STAFF IN**

**ATTENDANCE:** Andrew Bone, Senior Planner, HRM Planning Services  
Alden Thurston, Planning Technician, HRM Planning Services  
Jennifer Weagle, Planning Controller, HRM Planning Services

**ALSO IN**

**ATTENDANCE:** Kevin Neatt, Clayton Developments  
Mike Hanusiak, Clayton Developments  
Joseph Daniel, Cresco Holdings

**PUBLIC IN**

**ATTENDANCE:** Approximately 12

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The meeting commenced at approximately 7:00 p.m. at the Basinview Drive Community School cafeteria, 273 Basinview Drive, Bedford.

**1. Opening Remarks/Introduction/Purpose of Meeting**

Mr. Andrew Bone introduced himself as the Planner working with this application through the planning process. He also introduced Mr. Kevin Neatt, representative of Clayton Developments, who will be presenting the proposal this evening. Mr. Bone introduced HRM staff present: Alden Thurston, Planning Technician, HRM Planning Services, and Jennifer Weagle, Planning Controller, HRM Planning Services.

The agenda and purpose of the meeting were reviewed.

**2. Overview of Planning Process**

Mr. Bone reviewed the definition of a development agreement and provided an overview of the planning process as it relates to this application.

### **3. Presentation of Proposal – Andrew Bone**

This application by West Bedford Holdings Limited is for the lands of West Bedford Holdings and Halifax Water (115 acres/46.54 ha), located west of Highway 102, south of Kearney Run, east of Kearney Lake Road and northwest of the new Larry Uteck Boulevard interchange at Highway 102.

The subject properties are part of the Bedford West Master Plan area and the property owners would like to reconfigure the boundaries of Sub-Areas 5 and 9 as identified in a previous public meeting held on July 15, 2010. In association with the previous request, the applicant has applied for a development agreement to develop a residential subdivision. The proposal includes a mix of single unit dwellings or townhouse units (202 units) and 489 multiple unit dwellings in 8 buildings. The proposed multiple unit buildings range in height from four to seven floors.

Mr. Bone reviewed a site plan of the map of the subject property.

### **Presentation of Proposal – Kevin Neatt, Planner, Clayton Developments**

Mr. Neatt advised that West Bedford Holdings is a joint venture of Cresco Holdings and Clayton Developments. The West Bedford Master Plan was approved in 2002. This proposal is to extend the boundary of sub-area 5.

Mr. Neatt reviewed the topography and gradation of the subject property, to explain why certain land uses are proposed for certain areas. He explained that their intention is to not disturb any more land than they have to. Mr. Neatt reviewed the guiding principles of the Bedford Municipal Plan (2002), including:

- Minimize site disturbance, maximum tree retention
- Stormwater Management Plan (approved by the Bedford Watershed Advisory Board)
- Land Use (integrated, density)
- Transportation (pedestrian mobility, transit)
- Parks & open spaces

Mr. Neatt introduced Mike Hanusiak, General Manager of Clayton Developments, who will also be available to answer questions.

Mr. Neatt reviewed that the development will be made up of townhouses and condominiums, from four to seven stories. 20% of the land will be retained for park, open space and natural area. The parkland will be turned over to HRM. Pedestrian access to the community has been incorporated. A multi-use trail is being proposed. Mr. Neatt invited residents to go look at sub-area 3 and 4 and provide feedback.

Mr. Hanusiak inquired to staff when the Kearney Lake connector would be constructed. Mr. Bone advised that this project is included in the capital budget for next year, noting that the budget still requires Council approval during budget debate next year.

Mr. Hanusiak and Mr. Bone discussed upgrades planned for Kearney Lake Road, which will alleviate current and future commuter traffic concerns.

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

Mr. Bone opened the floor for comments or questions.

An unidentified resident asked for clarification on mention he had heard of an express terminal for the area.

Mr. Bone clarified that transit routes are added as the need warrants, not in advance of developments in anticipation of an increase of users.

Andy Anderson commented that he regularly uses the Bedford Highway. While the Larry Uteck interchange will help traffic on the Bi-Hi, it will not help Bayers Road backing up off the Bedford Highway. He asked if there are any improvements planned for the Bedford Highway.

Mr. Bone advised that he cannot recall any planned improvements for the Bedford Highway, although a key improvement in the area will be the interchange connection.

Mr. Hanusiak clarified that as a part of the Bedford West Master Plan business case, aside from the increased office space available in Bedford, a new high school and transit link location are anticipated for the area. Bedford is developing as a commercial node, with one million square feet of employment space. Now is the time to shift employment to the area, instead of funneling its residents downtown.

Bob O'Quinn noted that the Larry Uteck exchange construction is nice, but he doesn't see how it will alleviate traffic. Mr. Hanusiak commented that metro transit "Park & Ride" seemed to have dropped off the radar for the Bedford/Hammonds Plains area.

Mr. Bone commented that the Metro Link has been the new focus of Metro Transit, and that the Sackville Metro Link has been a great success. Metro Transit plans to expand the service. Transit decisions are based on statistical data.

Mr. O'Quinn commented that the area can't handle the present traffic without future growth and more growth if the area will be drawing traffic with increased local employment.

Mr. Bone discussed the traffic challenges associated with Peninsula Halifax, noting that there are limited entry points on and off the peninsula. Traffic and Metro Transit are aware of planned developments and growth areas.



Mark from Saskatoon Drive commented that pods are being developed and are creating a requirement to move large numbers of people. He inquired what consideration HRM has given to public transportation along with these developments. What is HRM role for infrastructure and transportation?

Mr. Bone indicated that transportation and infrastructure planning for the area is not an after thought, it is a key component. Studies have been completed for the area on transportation, land use, etc. Bedford West is a key growth area of HRM, and this will be a phased development.

Derek Banks, Kearney Lake Road, commented that there had been a Transportation Plan presented years ago for the area. Mr. Bone indicated that was a background study for the Bedford Municipal Plan Strategy.

Mr. Hanusiak commented on initiative taken by Annapolis Group (former Clayton owner) in working with the development of the MPS. He commented on the level of detail and modeling that went into this planned development. Mr. Hanusiak discussed the how capital cost contributions off set the cost of services, noting that the Larry Uteck interchange came out of the capital cost contribution program. He ensured that much thought and planning has gone into this development.

Walter Regan, Candlewood Lane, noted concern that no fishways were proposed for the Kearney Lake Dam. He asked whether the developer would be paying for a trails system?

Mr. Bone clarified that the Development Agreement hasn't yet been negotiated.

An unidentified resident requested clarification regarding whether the set back from Kearney Lake Run was 100 feet.

Mr. Neatt advised that this would be by deeded ownership to the Municipality. Mr. Hanusiak advised that the 100 feet is dictated in the Regional Plan.

Mr. Bone added that there is a 20 metre set back on all water areas, which was extended to 30 metres for this development.

Mr. Reagan inquired as to the plans for the designated park land on the property.

Mr. Neatt advised that they will be working with the Parkland Planners, and that it will be up to the public and HRM what they want to do with the park land.

Ms. Mary Ann McGrath, Hemshaw Drive, noted concern with the trail system running along the power lines on the property. She noted she would prefer to not have the trail near the power lines because of potential electro-magnetic radiation concerns.

Mr. Walter Regan inquired whether the sewage for this area would be pumped to Halifax.

Mr. Hanusiak advised that as per the Wastewater Masterplan, sewage will be uplinked to the park pumping master station in sub-area 12, which will later be removed and gravity fed to Halifax within the next 6-8 years.

Mr. Regan inquired as to the stormwater treatment and retention before it flows into the lakes.

Mr. Bone advised that a Stormwater/Wastewater Management Plan is in place for this development, which was approved by the Bedford Watershed Advisory Board. Mr. Neatt commented on bio-retention areas to filter stormwater.

Mr. Hanusiak advised that baseline testing would be taking place for 2-3 years, which would be paid for by the developer. He noted that test results would be made available on the HRM website. He noted that testing started on the site 2 years ago.

An unidentified resident inquired as to the timeline for development of this site. Mr. Neatt commented that the trunk sewer is critical to proceed, but that they hope to begin development next summer.

At the request of an unidentified a resident, Mr. Hanusiak advised that the Stormwater Management Plan was developed by McWilliams Engineering & Stantec.

Roger Hamshaw, Kearney Lake Road, inquired as to the development of sub-area 9 and a part 10.

Joseph Daniel, Cresco Holdings advised that the development agreement application had been submitted last week and there is a push to get this going.

Andrew Bone commented that traffic patterns will change with commercial development in the area.

Walter Regan requested an update on the Paper Mill Lake dam.

Mr. Bone advised that staff are waiting for the Department of Environment to set target dates for improvements. The Bedford Watershed Advisory Board and Councillor Outhit are on top of it.

Mr. Regan inquired as to the cost of service per lot, for transportation, water and sewer.

Mr. Bone advised that the cost would vary by sub-area, that it is determined by a complicated formula. The intent is for cost recovery of these three services.

## **5. Closing Comments**

Mr. Bone reviewed the next steps of the process, including internal staff reviews, a report to Community Council, and a public hearing at Regional Council. The report will include a draft development agreement and the public hearing will be another opportunity for public input before Council makes a decision.

Mr. Bone provided his contact information, encouraging anyone to contact him with questions or for an update. He thanked everyone for attending.

**6. Adjournment**

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

**Attachment D**  
**Bedford Waters Advisory Board Minutes – September 8, 2011**

**5.1 West Bedford Holdings Limited Master Stormwater Management Plan**

Mr. Andrew Bone, Senior Planner, presented a presentation fo the Master Stormwater Plan to the Committee. It was noted that staff of West Bedford Holding Ltd. were in attendance.

After the presentation the points of clarification were provided to the Committee members

- the stormwater plan is similar to previous stormwater management plans presented for other developments in Bedford.
- a 30 metre buffer will run along Kearney Lake Run.
- an infiltration basin will be utilized.
- retention ponds will be used.
- control areas may be overcompensated in the retention pond.
- post development flows will keep area hydrated.
- a culvert is installed.
- lawn care management practices will be put in place.
- buffer zones will be place.
- wetlands have been determined and work continues with the Department of the Environment.

Mr. Hattin requested data on the phosphorous model to run the numbers and work with the Developer on the numbers. It was noted that the Dr. Watt model is being used for Papermill Lake.

**MOVED by Mr. Murphy, seconded by Ms Hadden, that the Bedford Watershed Advisory Board accept the presentation provided on September 8, 20101 and forward the proposal to North West Community Council. MOTION PUT AND PASSED.**