

Harbour East Community Council
June 8, 2006

TO: Harbour East Community Council

SUBMITTED BY:

Gail Harnish / for

Ray DeRoche, Chair
Harbour East Planning Advisory Committee

RE: Case 00869: Development Agreement - Ochterloney/Wentworth

DATE: May 26, 2006

ORIGIN

Harbour East Planning Advisory Committee meeting - May 10, 2006

RECOMMENDATION

The Harbour East Planning Advisory Committee recommend that Harbour East Community Council:

1. Give Notice of Motion to consider the development agreement attached to the staff report dated April 11, 2006, and schedule a public hearing;
2. Approve the development agreement, Attachment "C" of the staff report dated April 11, 2006, to allow for a 38 unit multiple residential building with ground floor commercial uses at the corner of Ochterloney Street and Wentworth Street in Downtown Dartmouth;
3. Require that the development agreement be signed within 120 days or any extension thereof granted by Council on request of the applicant from the date of final approval by Council and any other bodies as necessary whichever approval is later, including applicable appeal periods, otherwise, this approval will be void and obligations arising hereunder shall be at an end.

ATTACHMENTS

Staff report dated April 11, 2006

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

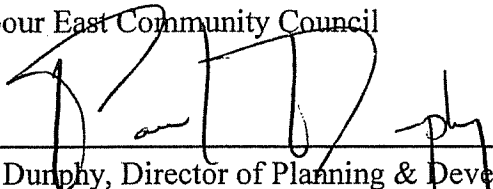
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937
Report reviewed by: Ray DeRoche, Chair, Harbour East PAC



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Planning Advisory Committee
May 10, 2006

TO: Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning & Development Services

DATE: April 11, 2006

SUBJECT: Case # 00869: Development Agreement - Ochterloney/Wentworth

ORIGIN

Application by Nova New England Ltd. for a development agreement to permit a 38 unit multiple residential building with ground floor commercial uses at the corner of Ochterloney St. and Wentworth St. in Downtown Dartmouth.

RECOMMENDATIONS

It is recommended that Harbour East Community Council:

1. **Give Notice of Motion to consider the attached development agreement and schedule a public hearing;**
2. **Approve the development agreement, attached to this report as Attachment "C", to allow for a 38 unit multiple residential building with ground floor commercial uses at the corner of Ochterloney St. and Wentworth St. in Downtown Dartmouth;**
3. **Require that the development agreement be signed within 120 days or any extension thereof granted by Council on request of the applicant from the date of final approval by Council and any other bodies as necessary whichever approval is later, including applicable appeal periods, otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

BACKGROUND

Site Description:

As shown on Map 1, the site consists of two separate lots and contains three distinct buildings: the former Masonic Lodge at the southwest corner of Ochterloney and Wentworth Streets (70/72 Ochterloney); the Lahey building at 66 Ochterloney Street; and the former police station at 41 Wentworth Street. The existing buildings cover 100% of the site and the combined size of both lots is 1,036m² (11,157 ft²).

Existing Nearby Developments:

This urban core site is surrounded by a mix of land uses and several historic properties. Nearby uses include a small apartment building on the southeast corner of the same intersection; Christ Church diagonally opposite the site; and Margaret's House, a meal service operation run by Feeding Others of Dartmouth is on the northwest corner. Immediately next door on Ochterloney Street is the Interlude Spa, and next door on Wentworth Street is the post office. Historic Quaker House is also nearby across Ochterloney Street.

Policy and Zoning:

The property is located within the Downtown Business District (DB) zone of the Downtown Dartmouth Land Use Bylaw. This zone permits multiple unit residential buildings of up to 24 (twenty four) units as-of-right, but requires the negotiation of a development agreement for consideration of larger residential or commercial projects. The Downtown Dartmouth Secondary Planning Strategy directs Council to have regard for policies B-3, D-1, and B-8 when considering approval of such agreements (Attachment B).

Prior to their acquisition of the corner lot (former Masonic Lodge property), this developer obtained a building permit for a 24-unit building on the L-shaped lot fronting Ochterloney and Wentworth Streets (Map 1). The permit is to construct a building very similar in height, scale, and general appearance to that shown on the schedules in the attached development agreement, however does not include the renovation and addition to the Masonic Lodge. Expansion of the project to include the former Masonic Lodge property pushed the unit count beyond 24 units, and necessitated an application for a development agreement.

Public Information Meeting

A public information meeting was held on Feb 16, 2006. Approximately 20 members of the public attended and seemed generally supportive of the design, density, and mix of uses proposed. The minutes of the meeting are provided in Attachment "A". In addition to a newspaper advertisement, written notification of the meeting was sent by regular mail to properties identified on Map 1. Should Council agree to hold a public hearing, a similar process of notification will be undertaken.

DISCUSSION

As noted above, the Downtown Dartmouth Secondary Planning Strategy directs Council to have regard for policies B-3, D-1, and B-8 when considering approval of such agreements. While the complete policies are included under Attachment 'B', criteria relevant to this proposal are addressed in greater detail below.

Pedestrian Orientation and Traditional Character

This development is in keeping with the character of the area in terms of traditional building design and placement in relation to the street:

- Building facades maintain a consistent street edge;
- Commercial ground floor uses add activity at street level;
- The varied architectural treatments add interest at street level and a canopy provides shelter over the side walk;
- The appearance of three distinct, smaller buildings reflects the area's traditional character;
- Maintaining the exterior appearance of the former Masonic Lodge, as well as drawing inspiration for the design of the other parts of the building from buildings previously existing on the site maintains historical continuity while reinforcing the traditional character of the downtown. This approach to designing the new building will help it fit in with older buildings on the street.
- No surface parking is proposed - all parking is internal to the building.

Architecture, Massing, Scale

- The building is within the height limits set out in the Downtown Dartmouth Land Use Bylaw and the guidelines suggested by the Secondary Planning Strategy;
- The building reinforces a human scale streetscape by stepping upper stories back away from the street, and through the subdivision of large building facades to create the appearance of several smaller building. These techniques reduce the impact on the streetscape.
- The proposed exterior architectural design is complex, varied, and interesting. The proposed detailing (such as arched windows, columns, cornices etc.) will create visual interest.
- While the building is higher than other nearby buildings, it is within the limits set out in the Downtown Dartmouth Land Use Bylaw and is not so much higher as to overwhelm other nearby buildings. The building should be complimentary to neighbouring buildings as it draws inspiration for the exterior architectural appearance from the existing buildings on the site. The materials, pattern of windows, and proportion of the building are in keeping with the traditional character of the area.

- The proposed number of residential units is within the density guidelines of the Secondary Planning Strategy.

Parking and Amenities

- One off-street parking space per residential unit will be provided and all the parking will be internal to the building. There is no off-street parking proposed for the commercial uses, however this represents no change from the existing situation (none of the existing commercial uses have any off-street parking) and is consistent with policy for the area;
- Ample storage will be provided in the basement for each residential unit;
- Most units will have private balconies or terraces;
- Despite 100% lot coverage, opportunities to experience nature are provided to soften the experience of urban living through the incorporation of a roof top area accessible to all building residents. This area will contain both east and west facing views and will be professionally landscaped.

Other

Secondary plan policy directs Council to consider the identification and protection of significant natural and cultural features on the site. The agreement attached to this report address this in at least two ways:

- While the Masonic Lodge is not a registered heritage property, this project proposes to maintain the exterior architectural appearance of this building. This will serve to maintain some of the historical fabric that makes up the downtown.
- The developer has agreed to carry out an archaeological assessment prior to doing any excavation, and retain an archaeologist to monitor any site works if deemed appropriate.

The developer has also agreed to consider burying overhead utility wires, an objective of the HRM Capital District. If this is technically feasible, but for any other reason (e.g. cost) is not achievable, the matter will come back to Council for discussion as a non-substantive amendment (i.e. no public hearing required).

Conclusion:

The development of these buildings is in conformance with the intent of the Secondary Planning Strategy for Downtown Dartmouth. Staff therefore recommend approval of the proposal, as presented in the development agreement.

BUDGET IMPLICATIONS:

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

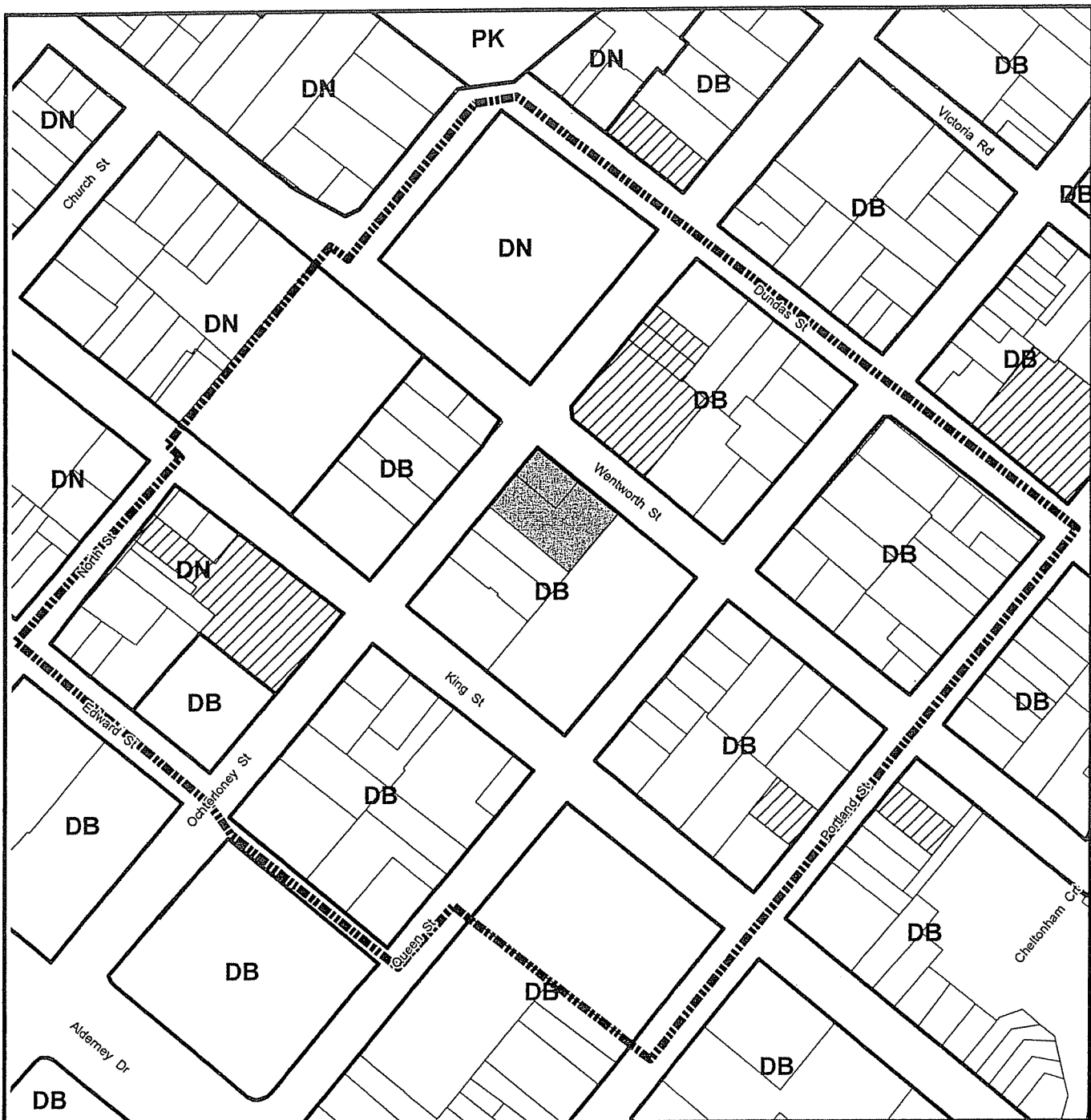
1. Community Council could choose to approve the development agreement. This is the staff recommendation.
2. Community Council could choose to approve the development agreement with amendments. This is not recommended.
3. Community Council could choose not to approve the development agreement. This is not recommended. Should Council reject the application, reasons must be given for the rejection, pursuant to the Municipal Government Act.

ATTACHMENTS

| | |
|---------------|--|
| Map 1: | Location, Zoning, and Notification Map |
| Attachment A: | Minutes of Public Information Meeting, Feb 16, 2006. |
| Attachment B: | Policies of the Downtown Dartmouth Secondary Planning Strategy |
| Attachment C: | Draft Development Agreement |

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

Report Prepared by: Hanita Koblents, Planner, 490-4181



Map 1
Zoning and Location Map

66, 70 Ochterloney Street

Downtown Dartmouth By-law



Subject Property

Notification Area

ZONING

DB - Downtown Business District

DN - Downtown Neighbourhood



Development Agreement



HALIFAX
REGIONAL MUNICIPALITY

PLANNING AND DEVELOPMENT SERVICES

50 25 0 50 100 150 Feet

This map is an unofficial reproduction of a portion of the Zoning Map for the Downtown Dartmouth Land Use By-law area.

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

Attachment "A"

Minutes of Public Information Meeting

**PUBLIC INFORMATION MEETING
CASE 00869 - NOVA NEW ENGLAND
DOWNTOWN DARTMOUTH PLAN AREA**

February 16, 2006
Alderney Gate Library, Helen Creighton Room
7:00 p.m.

STAFF IN

ATTENDANCE: Hanita Koblents, Planner
Samantha Charron, Administrative Assistant

APPLICANT: Terry Brennan, Nova New England
Jim Brennan, Nova New England
Michael Napier, Architect

OTHER: Gloria McCluskey, Councillor

MEMBERS OF

THE PUBLIC: Approximately 20 People

OPENING COMMENTS/PRESENTATION

Hanita Koblents welcomed residents to the meeting and thanked them for attending. She introduced local Councillor, Gloria McCluskey and the applicants representing Nova New England Terry Brennan, Brennan and Michael Napier, the architect for the project. She then introduced herself as the planner assigned to this case.

Hanita Koblents explained she would begin tonight's meeting by describing the planning process and criteria in which planners review proposals. She indicated once her presentation is complete Nova New England representatives will give residents an overview of the development proposal and when that is complete there will be an opportunity for residents to ask the developer and staff questions or express concerns they may have.

Hanita Koblents indicated the purpose of tonight's meeting is to discuss an application submitted by Nova New England Ltd. to build a 36 unit condominium with ground level commercial uses and two artist-in-residence units at the corner of Ootherloney St and Wentworth St in Downtown Dartmouth.

Ms. Koblents gave a brief overview of the planning process so residents could have a better understanding of how applications are evaluated and how residents input is considered by staff.

She explained the planning process typically begins with an application from a developer to receive planning approval for their project. An HRM planner is assigned to the case and begins a technical review of the proposal by circulating it to relevant agencies and departments for example, engineering services, the Water Commission, traffic services, parkland planning, metro transit, the school board, etc. The purpose of this circulation is to get feedback and recommendations for the proposal. She suggested while the technical review is proceeding, a public information meeting (what we are doing now) is scheduled, to help staff get a sense of any issues the community may have, and how these might be addressed.

She explained in some cases the review process can be an iterative one, with the applicant bringing additional information forward to respond to concerns and recommendations, and adjusting their proposal to meet those concerns, if possible. Once the review is complete, the planner prepares a staff report with a recommendation to Community Council which is reviewed by the Harbour East Planning Advisory Committee (HEPAC). Once the review is completed by the HEPAC the staff report will be presented to the Harbour East Community Council (HECC). The HECC normally meets the first Thursday of every month and consists of a subset of Regional Council including the representatives from Dartmouth, Cole Harbour and Eastern Passage.

If Community Council decides to proceed, they will set a Public Hearing date. Ms. Koblents explained that those who received notice in the mail for this meeting will receive notice for the hearing. The public hearing will also be advertised in the Herald for two consecutive Saturdays before the hearing.

The public hearing is a formal opportunity for any member of the public to speak for or against the proposal before Council makes a decision to accept or reject the proposal. After the decision is made, there is a 14 day appeal period.

Ms. Koblents then explained a development agreement (DA) is basically a contract between the landowner and the Municipality that spells out how the land will be developed. She explained a DA can control a range of aspects related to development such as site design, architectural form, landscaping, maintenance, parking, etc,

Ms. Koblents stated that once signed, a DA gets registered at the Registry of Deeds, obligating future land owners to abide by the terms of the agreement. The agreement stays in effect until it's discharged which can typically be done only if both parties consent. She suggested when negotiating a development agreement, the Downtown Dartmouth Secondary Planning Strategy, Policy directs staff to review the proposal based on a number of criteria. These include the form of the building (design, height, bulk, scale); it's relationship to other nearby land uses and how any conflicts will be reduced in terms of parking, access/ egress etc. The policy directs staff to ask how adequate are the local community services (like schools, transportation networks, etc) to support the population that will be living in the proposed development. Staff are also asked to and consider the design of the site and landscaping to ensure the development will be aesthetically pleasing, appropriately buffered, and that the needs of the residents for usable on site amenity areas are met. She described the Downtown Business District Zone requirements from the Downtown Dartmouth Land Use By-law and stated finally that staff are also directed to consider environmental issues such as drainage, soil stability and slope treatment.

Ms. Koblents then asked the applicants to give their presentation.

Terry Brennan welcomed residents to the meeting and thanked them for attending. He explained this project was not only about design but preserving the historical aspects of this site. He indicated they have been working on this project for approximately two and a half years and noted a great deal of research has gone into this project. With use of a site plan he gave a description of the existing structures they are trying to incorporate. He also described lot coverage, parking, elevations, landscaping and heritage aspects they plan to preserve. He continued with a detailed description of interior and exterior construction, features included; interior and exterior finishes, number and size of units, studio design, commercial space, ceiling height and amenities. He noted this development will be the first constructed using natural gas and be equipped with an on-site fail safe natural gas generator. He suggested they are trying to create comfortable living while maintaining the heritage of this site. He feels they will achieve this with the proposed design.

Mr. Brennan explained approval has been granted, as of right, for the development of a five storey, 24 unit portion of this proposal (without the Masonic Lodge). He suggested they are now looking for approval of the entire project.

Mr. Brennan indicated they would be presenting a slide show next, to give residents information on the history of the site. He explained the project is named the Dartmouth Founders Corner because this part of Dartmouth is part of the old town of Dartmouth.

A slide show was presented to the audience showing images of the proposed development.

QUESTIONS AND COMMENTS

Brian Kasauff would like to see consideration given to seniors in the local area. He would like to see additional amenities like grocery stores in the community before more multi-unit residential is proposed or developed. He is worried seniors will not have a place in the Downtown community in the future. He suggested housing costs and amenity locations are making it difficult for seniors trying to survive on a fixed income.

Hanita Koblents stated those are important concerns.

Paul Boudreau asked where the store frontage will be located.

Terry Brennan indicated there will be a commercial presence on the main level of the development and noted the old Lahey Building will have approximately 1500 sq feet of commercial space including a mezzanine. He indicated they have designed an open concept commercial space within the development. He stated they would like to subsidize some of the commercial area to working artists, in his opinion creating more commercial activity in the area will be positive.

Paul Boudreau asked the square footage of the units and parking proposed.

Mr. Brennan explained there will be 35 parking stalls, plus 7 double stalls for approximately 42 parking spaces in the building. He described the location of the parking area, and explained by splitting up the parking they have diminished the amount of parking they would have coming out of one exit/entrance. He noted the square footage of the one bedroom units will be 800-900 square feet, two bedroom units will range approximately 1100 to 1200 square feet and the penthouse units will have additional roof top mezzanines and they will have approximately 1500 to 1600 square feet. He also described a common, recreational space located on the rooftop for residents.

Helen Anstey asked Mr. Brennan if the application is not approved by Council will the portion of the development that can be constructed as of right go ahead.

Terry Brennan stated at this time they would hope the entire proposal will be approved. He suggested they have not considered constructing only a portion of the development.

Michael Napier noted the portion of the proposed development needing approval is no taller than the approved building.

Marilyn Smallman is concerned the views of the neighbourhood will be lost, she asked how this development would compare in height to the post office.

Terry Brennan indicated the proposed development would be approximately two stories higher than the post office and noted lower than the seniors building and the Marina Hotel.

Hanita Koblenz suggested staff do not have the ability to protect private views within the development agreement only the ability to address the public viewplains.

Kathryn Gray stated she is excited to see this type of development proposed for Downtown Dartmouth. She asked about parking for residents of the development and if there will be limitations to the use of commercial space in the development.

Terry Brennan stated the amount of parking will be regulated by the Downtown Dartmouth Land Use By-Law. He suggested the type of commercial use will be chosen, to ensure the spaces are occupied with suitable uses.

Kathryn Gray asked what the commercial and condo unit rent would be per month.

Terry Brennan suggested the rental market and construction costs will be examined before rental prices are determined. He noted the construction aspects of this development will be costly such as in floor radiant heating, natural gas, on-site fail safe natural gas generator and masonry construction.

Residents asked Mr. Brennan the unit rental prices again.

Mr. Brennan suggested this is not a marketing venue, the purpose of this meeting is to inform residents about the proposal and type of uses are being proposed for their area.

Ms. Koblents introduced a member of the Harbour East Planning Advisory Committee (HEPAC) that had not been previously introduced. She described the role of the HEPAC and noted Toby Balch was in attendance this evening as both a resident and a member representing the HEPAC.

Toby Balch asked how the developer plans to maintain the facade of the Masonic Hall if the proposed construction is steel and masonry, considering the original hall was constructed of wood.

Mr. Brennan described the lodge characteristics being retained such as the original window openings and interior aspects. He suggested other construction aspects will resemble the old hall.

Toby Balch asked if the wood will be painted, and maintained.

Terry Brennan stated they have gone through a lot of work to try and maintain the facade and suggested they would like to see the Heritage Department come forward and help cost share on the heritage maintenance of the development.

Toby Balch asked if there will be heritage consideration given to this proposal.

Hanita Koblents indicated the application was circulated to HRM's Heritage Planners for comment, to ensure the development maintains the character of the area.

Toby Balch asked Mr. Brennan to describe features of the back of the buildings and expressed concern over a large blank wall.

Terry Brennan described the back facade of the building in detail.

An unknown resident asked Mr. Brennan to describe the exterior finishes for the development.

Terry Brennan described the stucco, wood combination exterior finishes of the development in detail.

Brent Carmichael asked where the generator will be located and will the area it is located be sound proofed. He also asked if the development would be owner occupied.

Terry Brennan described the location of the generator will be in accordance with the National Building Code. He stated the development is intended to be owner occupied.

Brent Carmichael would like to have assurances the generator will sound proofed so the noise will not be heard by adjacent residents.

Peter Majeau has the same concerns regarding the noise of a running generator.

Terry Brennan described the generator they are considering purchasing and suggested when the generator is running there will probably be very serious weather making a considerable amount of noise. He noted if residents want he will contact the manufacturer for an accurate decibel count.

Dan Norris suggested the design of the building looks more Victorian then Art Deco and asked Mr. Brennan what the reasoning was behind that.

Terry Brennan explained there was a lot of research put into the details of the construction. He suggested they tried to capture an 1890's feel. They are trying to replicate a turn of the century streetscape.

Dan Norris suggested a decorative tower would finish the building's corner better in his opinion.

Councillor McCluskey asked how long the development will be under construction.

Mr. Brennan suggested construction time would be approximately 14 months, once the development is approved.

Brian Kasauff reiterated his views that seniors needs in the community should be considered when new developments are being proposed.

Toby Balch stated it is wonderful to see this amount of time and consideration put into the architectural aspects of this development. He is concerned however about the height of the building and wonders if there is an option to reduce the scale of the building.

Terry Brennan described the height of the proposed sections in this development. He stated the second floor of the Masonic Hall is 16 feet, floor to ceiling, and the existing Lahey building has a floor to ceiling height of 12 feet. He suggested the proposed structure is suitable for the surroundings in their opinion.

Ms. Koblents suggested she will raise Mr. Balch's scale issue to the heritage planners. She also noted the Downtown Dartmouth Land Use By-Law does have some guidelines to address height and these guidelines do suggest that five stories is appropriate.

Councillor McCluskey asked what will be happening with the MT&T building.

The owner of the MT&T building was in attendance and stated it will be constructed as a 24 unit development as of right.

Paul Boudreau asked Ms. Koblents about time lines for the planning process.

Hanita Koblents suggested the minimum time line for the planning process would be six months.

Kathryn Gray commented in her opinion the combination of stucco and stone is pleasant, but feels the stucco alone will create a softer looking facade.

Terry Brennan noted they are considering a wood look for the facade above the lodge, although this has not yet been decided.

Councillor McCluskey suggested downtown residents should consider meeting to discuss the type of commercial use they would like to see in their community in the future. She suggested residents create a commercial plan for the community.

Bill Power suggested the price of the proposed units will be way above the amount existing residents are paying for the convenience of downtown living at this time. He would like to see a wide range of proposals come in to accommodate lower income households as well. He does not feel downtown living should only be offered to wealthy individuals. He agrees however that the downtown commercial market needs to be cleaned up.

Terry Brennan suggested the more people within a community the more support there will be for additional services such as recreational facilities or seniors support.

Trevor Parsons spoke to the rejuvenation of Downtown Dartmouth and suggested if HRM recognized Dartmouth it would make the rejuvenation process a smoother one.

Kathryn Gray suggested the demographic of condo buyers has changed significantly, she stated the average age is now 30 to 35.

Ms. Koblents indicated issues raised this evening will be considered before any decisions are made. She also stated residents who wish to speak to this issue will have an opportunity to do so formally at the public hearing. She added residents will be notified by mail in advance of the public hearing as well as by newspaper ads that run two consecutive Saturdays before the hearing will be held.

Ms. Koblents asked if there were any further questions, thanked everyone for their time and closed the meeting.

MEETING ADJOURNMENT

Meeting adjourned at approximately 8:30 p.m.

Attachment "B"

Relevant Policy of the Downtown Dartmouth Secondary Planning Strategy

Policy B-3

Commercial projects not permitted by the Downtown Business District Zone may be considered by Council through the development agreement process. This process shall be used to assess whether the proposal is consistent with the pedestrian orientation and traditional character of the business district. The following criteria shall be used in evaluating a proposal for such uses:

- a) that the development is in keeping with the character of the area, in terms of traditional building design and placement in relation to the street (refer to Urban design Policy D-1);
- b) that height limits and design features are incorporated to ensure proposed buildings are pedestrian oriented and are in keeping with the scale of adjacent buildings. As a guideline proposed commercial or mixed use buildings should not exceed five to seven stories;

Policy D-1

HRM should ensure that a high quality of urban design is provided for all major developments in the downtown area. To achieve this objective Council shall adopt the following design guidelines for consideration in the design and renovation of buildings and spaces in the downtown area:

- a) The scale, massing, and grain of future development should reflect the downtown's role as a "people place" and respect its historic, small town character. While specific direction is provided in each of the various policy sections within this plan, in general three to five storeys is the desired scale of development.
- b) The traditional street grid pattern and grain of development should be maintained and re-established in new and existing development.
- c) Building facades should maintain a consistent street edge except to provide access to rear parking areas. The use of interesting colour for building facades should be encouraged where it is complementary to the streetscape to add a sense of vibrancy to the area.
- d) The exterior architectural design of new buildings should be complementary to adjacent buildings of historic or landmark significance in terms of the building height and materials, rhythm, colour, and proportion of the building design elements. Traditional building materials such as wood shingle and brick are preferred. Architectural design details should be provided to encourage visual interest.
- e) Development should be oriented to pedestrians rather than cars. Surface parking areas should be designed to minimize the visual impact on the streetscape.
- f) Microclimate issues such as wind, solar orientation, and shadowing should be considered and capitalized upon in all new development or major renovation projects.
- g) Pedestrian street level activity should be encouraged in all development through the incorporation of outdoor cafes, ground floor uses, and uses that are open beyond daytime hours

of operation. Consideration should be given to weather protection for pedestrians through use of decorative canopies and awnings.

- h) Public art should be provided on or adjacent to buildings.
- i) Opportunities to experience nature should be provided to soften the urban setting through the incorporation of roof top gardens, flower boxes, community gardens for vacant lots, and through the use of greenways through the business core.
- j) Important views from public parks and streets should be respected in the design and configuration of development, especially harbour and east-west street corridor views.
- k) Pedestrian circulation and access should be an important consideration of all development. In particular, public access to the water's edge should be protected and enhanced where possible.
- l) A high quality of design should be required for streetscape elements and furniture.
- m) Public safety should be a consideration in the design of new buildings to ensure the design of public spaces does not create opportunities for crime at any time, with special attention paid to placement and intensity of lighting, visibility, directional signage, and land uses which will provide opportunities for eyes on the street through incorporation of residential development and street level activity after normal working hours.

Policy B-8

Higher density housing proposals that do not meet the standards of the Business District Zone may be considered by Council through the development agreement process. In addition to the general criteria set out in Policy N-5, the following criteria shall be considered by Council in evaluating such proposals:

1. The "residential opportunity sites" referenced in Policy B-7 should be given priority for higher density development;
2. The design of apartment buildings should be sensitive to the traditional character of the downtown and the immediate surroundings. A general guideline of 100 units per acre and 5 storeys shall be utilized as parameters for the scale and massing of development.
3. Buildings should be designed to reinforce a human scale streetscape. The stepping back of higher rise buildings away from the street should be considered to avoid a massive building appearance, as should the subdivision of large building facades to create the appearance of several smaller buildings;
4. Commercial or other uses serving the public are encouraged at the street level of residential buildings.
5. Where on-site parking is required, it should be enclosed within a building.

ATTACHMENT "C"
Proposed Development Agreement

THIS AGREEMENT made this day of , 2006,

BETWEEN:

Nova New England Limited
a body corporate, in the County of
Halifax, Province of Nova Scotia

-and-

3102432 Nova Scotia Limited
a body corporate, in the County of
Halifax, Province of Nova Scotia

(hereinafter called the "Developer")

OF THE FIRST PART

and

HALIFAX REGIONAL MUNICIPALITY,
a municipal body corporate,
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 66 and 68 Ochterloney/ 41 Wentworth Street (PID 00108076) and of 70 and 72 Ochterloney Street (PID #00108027), Dartmouth, Nova Scotia, and which said lands are more particularly described in Schedule 'A' to this Agreement; (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for the construction of a multiple unit residential building with associated commercial space on the Lands pursuant to the provisions of the Municipal Government Act and Municipal Planning Strategy and Land Use Bylaw for Downtown Dartmouth;

AND WHEREAS the Harbour East Community Council approved this request at a meeting held on _____, 2006, referenced as Municipal Case Number 00869;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

- 1.1 The Developer agrees that the Lands shall be subdivided, developed and used only in accordance with and subject to the terms and conditions of this Agreement. The Developer further agrees that all parcels of the Lands shall be consolidated into one lot prior to issuance of a development permit.
- 1.2 Except as otherwise provided for herein, development and use of the Lands shall comply with the requirements of the Downtown Dartmouth Land Use Bylaw, as may be amended from time to time.
- 1.3 Except as otherwise provided for herein, the subdivision/ consolidation of the Lands shall comply with the requirements of the Subdivision Bylaw of Dartmouth, as may be amended from time to time.
- 1.4 Pursuant to Section 1.2 and 1.3, 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 Bylaw of the Municipality applicable to the Lands (other than the Land Use Bylaw and Subdivision Bylaw to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia, and the Developer or lot owner agrees to observe and comply with all such laws, Bylaws and regulations in connection with the development and use of the Lands. For greater clarity, the following bylaws and guidelines have been identified which the Developer hereby agrees to comply with:
 - Bylaw B 201 Building Bylaw
 - Bylaw N 200 Noise Bylaw
 - Bylaw S 300 Streets Bylaw
 - Bylaw E-200 Encroachments
 - Bylaw W-101 Wastewater Discharge
 - HRM Municipal Service System Specifications
 - NSDEL Erosion & Sedimentation Control Handbook for Construction Sites
 - NS Special Places Act
- 1.5 Where the provisions of this Agreement conflict with those of any Bylaw of the Municipality applicable to the Lands (other than the Land Use Bylaw and Subdivision Bylaw to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

- 1.6 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, Bylaws or codes applicable to any lands owned by the Developer or lot owner.
- 1.7 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: USE OF LANDS AND DEVELOPMENT PROVISIONS

2.1 Schedules

The Developer shall develop and use the Lands in a manner which in the opinion of the Development Officer is substantially in conformance with plans filed in the Halifax Regional Municipality Planning and Development Services Department as Case 00869 and attached as the following Schedules to this Agreement:

| | |
|---------------|--------------------------------|
| Schedule 'A' | Legal Description of the Lands |
| Schedule B-1: | Floor Plan (Ochterloney Level) |
| Schedule B-2: | Floor Plan (Wentworth Level) |
| Schedule B-3: | Floor Plan (Roof Top Level) |
| Schedule C-1: | North Elevation |
| Schedule C-2: | East Elevation |
| Schedule C-3: | West Elevation |
| Schedule C-4: | South Elevation |

2.2 Permitted Uses

- 2.2.1 The use of the Lands permitted by this Agreement, subject to its terms and as generally illustrated on the Schedules attached hereto, is a multiple unit dwelling with a maximum of 38 residential units (subject to 2.2.3).
- 2.2.2 In addition to 2.2.1, commercial uses may be permitted on the ground level and on any mezzanines accessed internally from within such ground level units. Such commercial uses shall be limited to those permitted in the Downtown Business (DB) zone of the Downtown Dartmouth Land Use Bylaw, as amended from time to time.
- 2.2.3 Two of the residential units shall be located on the ground level of the building on the Wentworth St. façade as shown on Schedule B-2. These units may be converted entirely to commercial units provided there is barrier free access and that each ground floor

residential unit so converted shall result in a reduction in the permissible maximum number of residential units by one.

2.3 Architectural Requirements

- 2.3.1 The Developer shall construct a building on the Lands, which is substantially in conformance with Schedules "B-1 to 3" and "C-1 to 4" attached hereto.
- 2.3.2 The Developer agrees that any building constructed on the Lands shall not exceed 21.3 m (70') in height as measured from the lowest point of grade along the Ochterloney Street frontage, notwithstanding any protruding mechanical equipment or non habitable roof space.
 - 2.3.2.1 Nothing in this agreement shall exempt the developer from complying with viewplanes legislation in the Downtown Dartmouth Land Use Bylaw.
- 2.3.3 The building shall be designed to have the appearance of three (3) different buildings: the Lahey Building, the Masonic Lodge, and the former Police Station, as shown on Schedules C-1 and C-2.
- 2.3.4 As shown on the Schedules, both building facades shall step back in accordance with the Architectural Design Requirements (section 8) of the Downtown Dartmouth Land Use Bylaw,
- 2.3.5 The uppermost level of the building (Schedule B-3) shall be set back a minimum of 3m (10ft) from all edges of the building so as to minimize the visibility of this area from the street. Any fencing to be used on this level that is perpendicular to the building edge, shall slope down towards the building edge as generally shown in Schedule C-1, so as to minimize visibility of such fencing from the street.
- 2.3.6 Construction materials shall be predominantly concrete construction with exterior cladding consisting primarily of products such as stucco, tile, fibre-cement panel, or masonry cement units as shown on Schedules C-1, C-2, C-3, C-4.
- 2.3.7 The windows shall be arranged and shall have the general appearance with regard to shape, size, and pattern of division, as generally shown on Schedules C-1, C-2, C-3, C-4. Ground level Lahey building window frames shall be primarily aluminium and dark in colour, while wood, aluminium or vinyl windows may be used on the residential levels provided window frame colours are dark, or at a minimum, not white.

- 2.3.8 Notwithstanding 2.3.6 the exterior appearance of the former Masonic Lodge (70 Ochterloney st.) as shown on Schedules C-1 and C-2 shall be incorporated into the new building. Materials used on the exterior shall be the same or similar in appearance as found on the existing building.
- 2.3.9 The balconies shall be concrete or steel with coloured aluminium or ornamental steel rails.
- 2.3.10 The roofline of the building shall include a parapet capped with a decorative cornice treatment substantively in conformance with that shown on Schedule C-1.
- 2.3.11 Canopies over the sidewalk shall be provided as shown on Schedule C-1 subject to accordance with the HRM Encroachment Bylaw.
- 2.3.12 As shown in Schedules C-3 and C-4, windows or false windows shall be required on the west and south elevations. Unless otherwise shown on Schedule C-3 or C-4, false windows shall be similar to other windows on the same elevation in terms of size, shape, and spacing, and they shall have depth and cast shadows by way of using recessed panels, paint, or other materials, or a combination thereof. The west elevation shall contain a minimum of six (6) such windows or false windows, while the south elevation shall contain a minimum of four (4).
- 2.3.13 Garage doors for vehicular access shall be similar in colour and texture to abutting building facade, or shall be dark in colour to minimize their visual impact on the street. Bollards may be used in conjunction with garage entrances.
- 2.3.14 The Development Officer may approve minor changes to the architectural requirements and to the building footprint provided that overall unit numbers are not increased, and that such changes, in the opinion of the Development Officer, are minor in nature, and serve to further the intent of this agreement.

2.4 Parking

No less than thirty eight (38) interior parking spaces shall be provided on the Lands, as shown in the schedules. The size of parking spaces shall be as specified in the Land Use Bylaw.

2.5 Streets and Municipal Services

- 2.5.1 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 sanitary sewer system, water supply system, storm sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable Bylaws, standards, policies and regulations of HRM and other approval agencies, except as provided for herein. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer.

- 2.5.2 The Developer shall have prepared by a Professional Engineer for submission a detailed servicing plan illustrating proposed municipal services for the site. This plan shall be subject to review and approval by the Development Engineer, prior to issuance of a Streets and Services Permit through the Building Permit.
- 2.5.3 Any disturbance to existing off site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, landscaped areas and utilities, upgrades or additions to sanitary and storm sewerage infrastructure, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Engineer.
- 2.5.3.1 If technically feasible as determined by the respective utility companies, the Developer agrees to be responsible for all costs of placing secondary services underground as well as civil costs related to infrastructure required to place related primary utility wires underground that are currently above ground within those portions of Ochterloney Street and Wentworth Street which abut the site provided that any and all cabling and/ or pole removal costs associated with the placement of the primary services underground are borne by the respective utility and notwithstanding any existing cost sharing agreements HRM has with the respective utilities.
- 2.5.4 Pursuant to this section (Section 2.5), no occupancy permit shall be issued for any dwelling unit on the Lands until all street improvements and/or reinstatement, municipal servicing systems and utilities have been completed, except that the occupancy permit(s) may, at the discretion of the Building Official, be issued subject to security being provided to the Municipality in the amount of 120 per cent of the estimated cost of completion of all outstanding work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable, automatically renewable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of all work, as described herein and illustrated on the Schedules, and as approved by the Municipality.

2.6 Amenity Space

- 2.6.1 A common internal amenity area that is a minimum 50m² (540 ft²) shall be provided on the uppermost level of the building and shall be set aside for residents' recreational purposes as shown on Schedule B-3. Such area shall consist of a solarium with glazed roof and walls and shall be accessible to all residents of the building.
- 2.6.2 A common external amenity area that is a minimum of 170m² (1830 ft²) shall be provided on the uppermost level of the building and shall be set aside for residents' recreational purposes as shown on Schedule B-3. Such area shall consist of space located on the east and west sides of the building and shall be accessible to all residents of the building.
- 2.6.2.1 A detailed landscape plan prepared by a Landscape Architect who is a member of the Atlantic Provinces Association of Landscape Architects shall be submitted with the application for Building and Development Permits. The landscape plan shall provide details of the rooftop garden area as generally shown on Schedule 'B-3'. At a minimum, the plan shall specify 12 (twelve) lawn chairs, 2 (two) benches, a pergola, a lawn or synthetic turf area of approximately 46m² (500 ft²), and raised planters containing a combination of perennials, grasses, deciduous and evergreen shrubs selected to survive in rooftop environments. The plan shall show details of all landscape features such as planters, pergolas, hard surfaces, and all planting details. The plan shall ensure that all plant material conforms to the Canadian Nursery Trades Association Metric Guide Specifications and Standards.
- 2.6.2.2 It is the responsibility of the developer to ensure that all structures are capable of supporting loads for all rooftop landscaping as well as the anticipated mature weight of the plant material and substrate on any rooftop or terrace.
- 2.6.3 Private outdoor amenity space shall be provided through a minimum of 33 (thirty three) individual balconies or terraces. The combined sum of private and common amenity areas shall be no less than 9.3m² (100 ft²) per residential unit proposed.
- 2.6.4 No occupancy permit shall be issued until such time as the landscaping associated 2.6.2.1 has been completed in accordance with Schedule B-3. The Developer shall provide written certification from a Landscape Architect to the Development Officer indicating that all landscaping has been completed in accordance with 2.7.2 above. However, where such building has been completed and all other terms of this agreement except for landscaping have been met, an occupancy permit may be issued provided that the developer supplies a security deposit in the amount of 120 percent of the estimated cost to complete the landscaping. The security deposit shall be in the form of a certified cheque or an automatically renewing letter of credit issued by a chartered bank to 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 on the landscape plan. The security deposit or unused portion of the security deposit shall be returned to the developer upon completion of the work and its certification.

2.7 Solid Waste Facilities

The proposed building shall include designated space for three stream (refuse, recycling and composting) source separation services (containers, rooms, facilities, etc.). This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Official.

2.8 Storage

Storage shall be provided for individual units as generally shown on Schedule 'B-1' and shall be of sufficient size to accommodate the storage of a bicycle (min. 3' x 6' x 6'H)

2.9 Maintenance

The Developer shall maintain and keep in good repair all portions of the development and Lands, including but not limited to, the interior and exterior of the buildings and driveways; maintenance of all landscaping including the replacement of damaged or dead plant stock; litter control, and snow removal/salting of walkways and driveways.

2.10 Archaeological Monitoring and Protection

The Developer agrees to retain a Professional Archaeologist to prepare a site analysis report and shall submit such report to the Development Officer with the application for building and development permits. The developer agrees to comply with all report recommendations, including any potential requirements for on-site monitoring during site works and excavation, pursuant to the requirements of the Nova Scotia Museum under the Special Places Protection Act.

PART 3: AMENDMENTS

- 3.1 The provisions of this Agreement relating to the following matters are identified as, and shall be deemed to be, not substantive and may be amended by resolution of Harbour East Community Council:

- (a) Changes to the exterior architectural appearance of the building or the design, layout and positioning of the building (excepting such minor changes which may be approved by the Development Officer pursuant to section 2.3.14) provided that plans are submitted for any changes to the building design and that such changes, in the opinion of Council, are minor in nature;
 - (b) Changes to the landscaping requirements under 2.6.2.1 which, in the opinion of Council, are minor in nature;
 - (c) Changes to the requirement under 2.5.3.2 to bury utilities;
 - (d) Changes to the time frames for commencement and/or completion of the development as outlined in Part 4;
 - (e) Changes to any requirements under this agreement arising as a result of the archaeological analysis required under 2.10.
- 3.2 Amendments to any matters not identified under Section 3.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act.

PART 4: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

- 4.1 A copy of this Agreement and every amendment and discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer shall pay or reimburse the Municipality for the registration cost incurred in recording such documents.
- 4.2 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the land which is the subject of this Agreement until this Agreement is discharged by the Council.
- 4.3 Notwithstanding any subdivision approvals granted pursuant to this Agreement or any transfer or conveyance of any lot or of all or any portion of the Property, this Agreement shall continue to apply to and bind the Developer, the Property and each lot owner and the Developer shall continue to be bound by all terms and conditions of this Agreement.
- 4.4 Upon the transfer of title of any lot, the owner thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.

- 4.5 Notwithstanding Section 4.4 or any transfer of title to a lot, the Developer shall continue to be responsible for the fulfillment of the Developer's covenants under this Agreement and any Subdivision Agreement entered pursuant to this Agreement.
- 4.6 In the event that construction on the Lands has not commenced within 5 (five) years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction.
- 4.7 Upon the completion of all development on the Lands, or portions thereof, or after 10 (ten) years from the date of registration of this Agreement at the Registry of Deeds, whichever time period is less, 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 on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use Bylaw, as may be amended.

PART 5: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

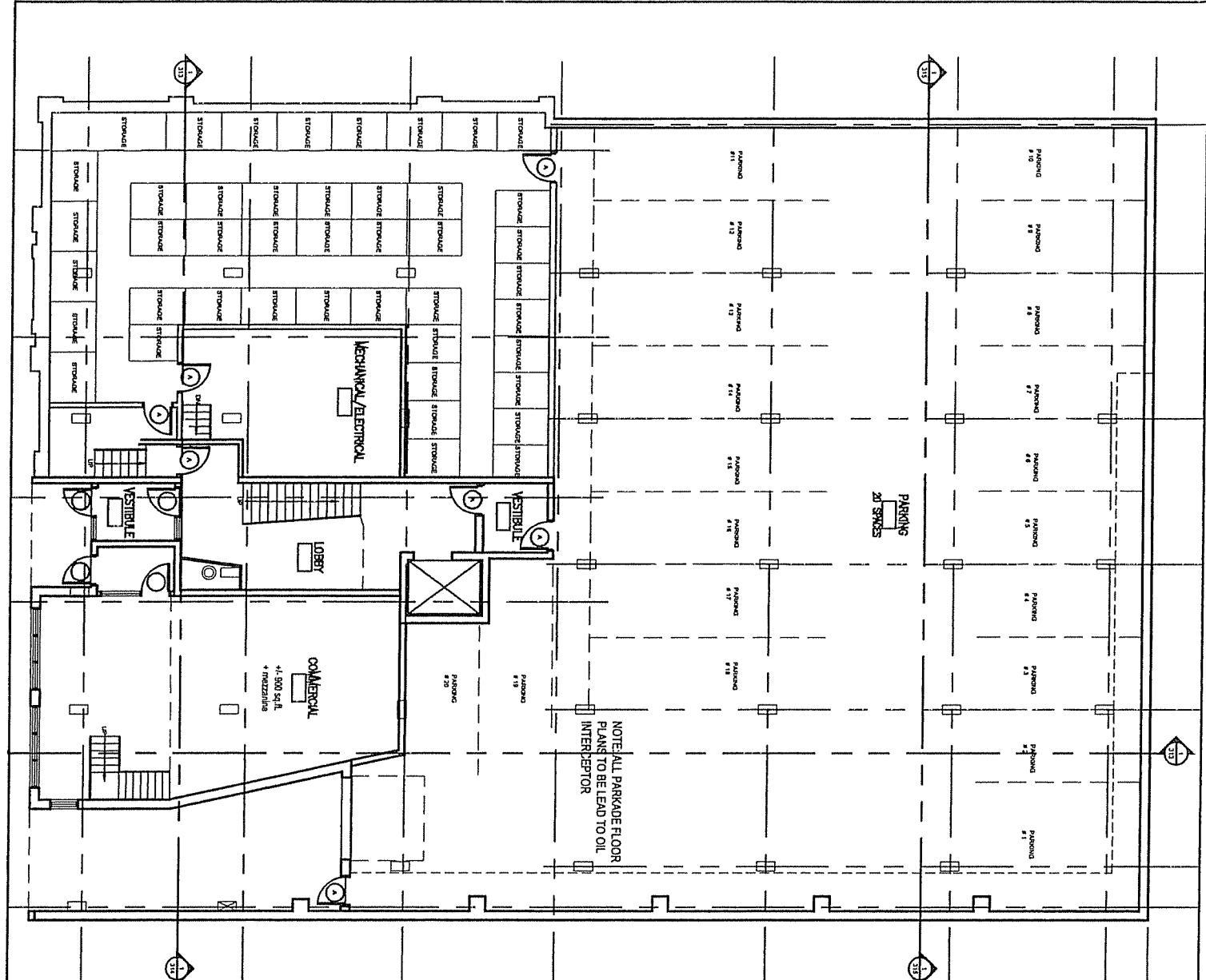
- 5.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of 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 one day of receiving such a request.
- 5.2 If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:
- (a) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;

- (b) the Municipality may enter onto the Property and perform any of the covenants contained in this Agreement whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants may be recovered from the Developer by direct suit and such amount shall, until paid, form a charge upon the Property 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 Bylaw; and/or
- (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

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

| | | |
|------------------------------|---|-----------------------------|
| Signed, sealed and delivered |) | NOVA NEW ENGLAND LIMITED |
| in the presence of: |) | |
| |) | |
| per: _____ |) | per: _____ |
| |) | |
| |) | |
| |) | 3102432 NOVA SCOTIA LIMITED |
| |) | |
| per: _____ |) | per: _____ |

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



HRM DA SCHEDULE B-1

SHERWOOD ENTERPRISES INC.
Commercial Highways Engineering, Quantity Surveying
P.O. Box 11000
1700 Westparkway Rd.
Hillsdale
New Jersey 07642
Tel: 908 443 3000
Fax: 908 443 3000

REVISIONS

| DESCRIPTION | BY | DATE |
|------------------------------------|----|----------|
| 01. ISSUED FOR INFORMATION ONLY | JL | 07/26/04 |
| 02. ISSUED FOR INFORMATION ONLY | BT | 20/06/04 |
| 03. ISSUED FOR INFORMATION ONLY | BT | 17/01/05 |
| 04. ISSUED FOR BUILDING PERMIT | BT | 15/04/05 |
| 05. ISSUED FOR HRM DA APPLICATION | BT | 22/07/05 |
| 06. REVISIONS FOR O.A. APPLICATION | BT | 27/01/06 |
| 07. REVISIONS FOR O.A. APPLICATION | BT | 10/04/06 |
| NO DESCRIPTION | BY | DATE |

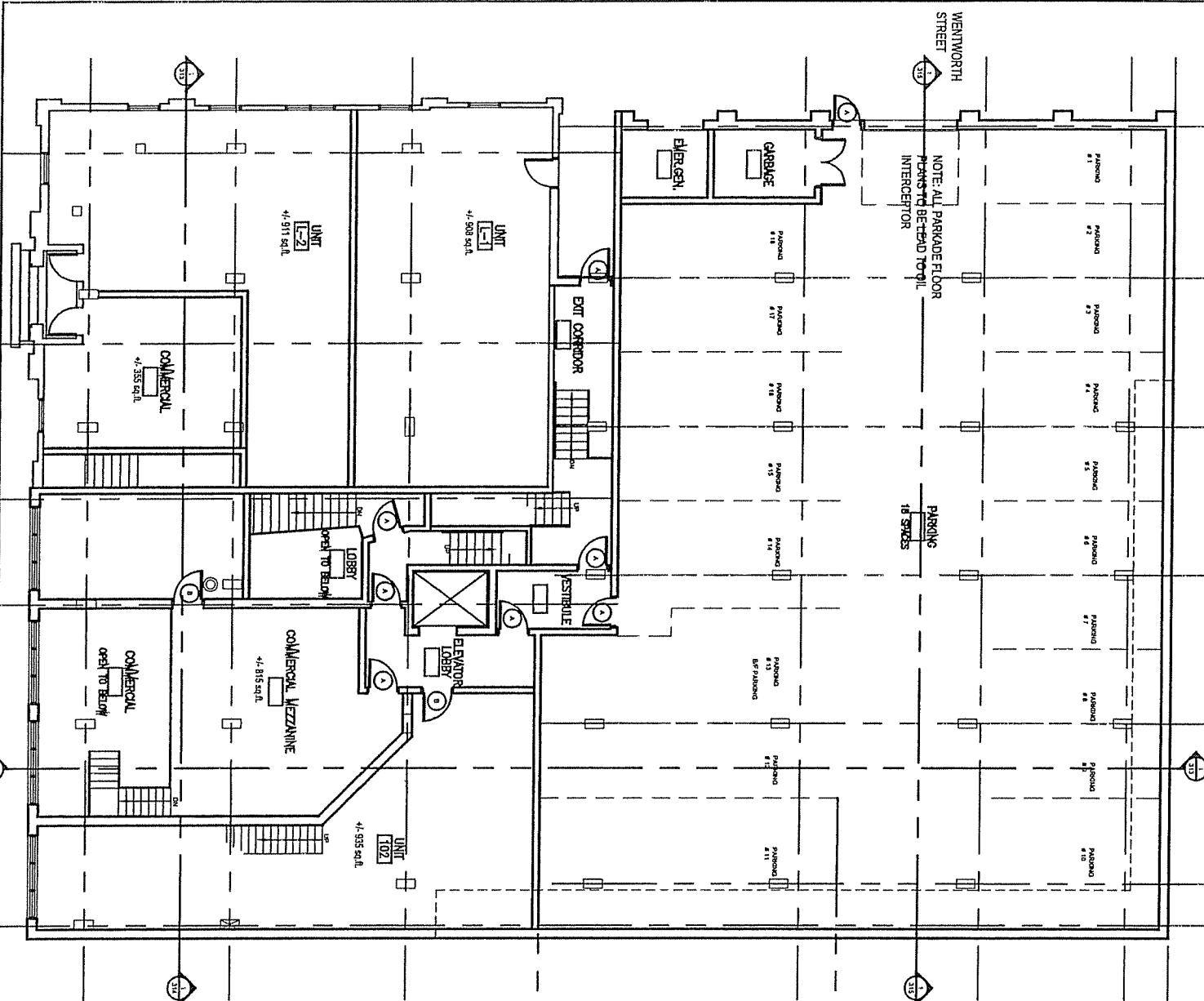
ISSUED

| DRAWN | CHECKED |
|-------|---------------------|
| STAFF | SCALE 1/16" = 1'-0" |
| DATE | JUNE 04 |

Michael N. apier
Architect

5540 Kaye Street
Halters, N.S.
B3K 1Y5
Tel: 902 455 5572
Fax: 902 455 5573

NOVA NEW ENGLAND CONDOMINIUMS
88 Ochterloney Street, Dartmouth, N.S.
DRAWING TITLE
OCHTERLONEY LEVEL



HRM DA SCHEDULE B-2

SHERWOOD ENTERPRISES INC.
Construction Mgmt., Engineering, Quality Surveying
P.O. Box 5100
3700 Bayview Ave.
Markham, Ontario
L3R 9V7
Tel: 905.477.3200
Fax: 905.477.3200

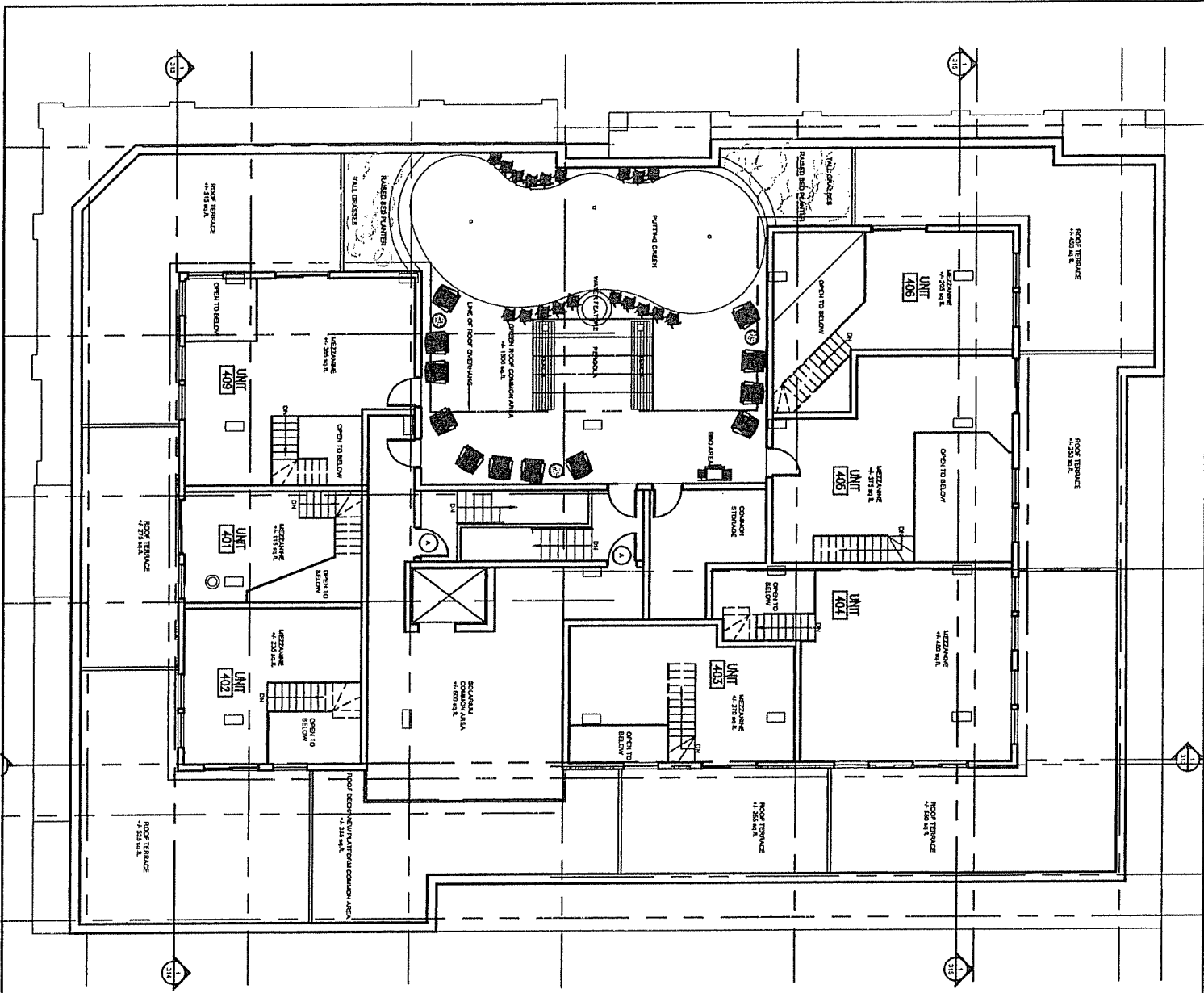
| REVISIONS | |
|-----------|-----------------------------|
| NO | DESCRIPTION |
| 01 | ISSUED FOR INFORMATION ONLY |
| 02 | ISSUED FOR INFORMATION ONLY |
| 03 | ISSUED FOR INFORMATION ONLY |
| 04 | ISSUED FOR INFORMATION ONLY |
| 05 | ISSUED FOR INFORMATION ONLY |
| 06 | ISSUED FOR INFORMATION ONLY |
| 07 | ISSUED FOR INFORMATION ONLY |
| 08 | ISSUED FOR INFORMATION ONLY |
| 09 | ISSUED FOR INFORMATION ONLY |
| 10 | ISSUED FOR INFORMATION ONLY |
| 11 | ISSUED FOR INFORMATION ONLY |
| 12 | ISSUED FOR INFORMATION ONLY |
| 13 | ISSUED FOR INFORMATION ONLY |
| 14 | ISSUED FOR INFORMATION ONLY |
| 15 | ISSUED FOR INFORMATION ONLY |
| 16 | ISSUED FOR INFORMATION ONLY |
| 17 | ISSUED FOR INFORMATION ONLY |
| 18 | ISSUED FOR INFORMATION ONLY |

| ISSUED | |
|---------|---------------|
| DATE | DESCRIPTION |
| JUNE 04 | 1/16" = 1'-0" |

NOVA NEW ENGLAND
CONDOMINIUMS
68 Oakridge Street, Dartmouth, N.S.
5540 Kaye Street
Halifax, N.S.
B3K 1Y5
Tel: 902.455.5522
Fax: 902.455.5523

Michael Napiet
Architect
5540 Kaye Street
Halifax, N.S.
B3K 1Y5
Tel: 902.455.5522
Fax: 902.455.5523

WENTWORTH LEVEL
302



HRM DA SCHEDULE B-3

SHERWOOD ENTERPRISES INC.
 Construction Mgmt., Engineering, Quantity Surveying
 P.O. Box 1105
 100 Redfern Rd.
 New Brunswick
 B3H 4B4
 Telephone: 502.443.3300
 Fax: 502.443.3300
 Cell: 902.443.3079

| REVISIONS | | |
|-----------|-----------------------------|------------|
| NO. | DESCRIPTION | DATE |
| 01 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 02 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 03 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 04 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 05 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 06 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 07 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 08 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 09 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 10 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 11 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 12 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 13 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 14 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 15 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 16 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 17 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 18 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 19 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 20 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |

| ISSUED | | |
|--------|-----------------------------|------------|
| NO. | DESCRIPTION | DATE |
| 01 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 02 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 03 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 04 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 05 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 06 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 07 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 08 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 09 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 10 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 11 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 12 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 13 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 14 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 15 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 16 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 17 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 18 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 19 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |
| 20 | ISSUED FOR INFORMATION ONLY | 08/07/2004 |

Michael Napiet
 Architect
 5540 Kaye Street
 Halifax, N.S.
 B3K 1Y5
 Tel: 902.455.5522
 Fax: 902.455.5523

NOVA NEW ENGLAND CONDOMINIUMS
 68 Oaklawn Street, Dartmouth, N.S.
 DRAWING TITLE
 ROOF TOP LEVEL

DRAWING NUMBER
 307

SHERWOOD ENTERPRISES INC.
Construction Mgmt., Engineering, Quantity Surveying
P.O. Box 11005
RPO Washington Bldg.
Hullville
Hullville
B31 488
Telephone 902 443 1300
Cell 902 330 9079

REVISIONS

| DESCRIPTION | BY | DATE |
|-------------------------------------|----|----------|
| 01. ISSUED FOR INFORMATION ONLY | JR | 07/06/04 |
| 02. ISSUED FOR INFORMATION ONLY | BT | 20/06/04 |
| 03. ISSUED FOR INFORMATION ONLY | BT | 17/01/05 |
| 04. ISSUED FOR BUILDING PERMIT | JR | 18/04/05 |
| 05. ISSUED FOR NEW O.A. APPLICATION | JR | 22/12/05 |
| 06. REVISIONS FOR O.A. APPLICATION | JR | 27/03/06 |
| 07. REVISIONS FOR O.A. APPLICATION | JR | 10/04/06 |

ISSUED

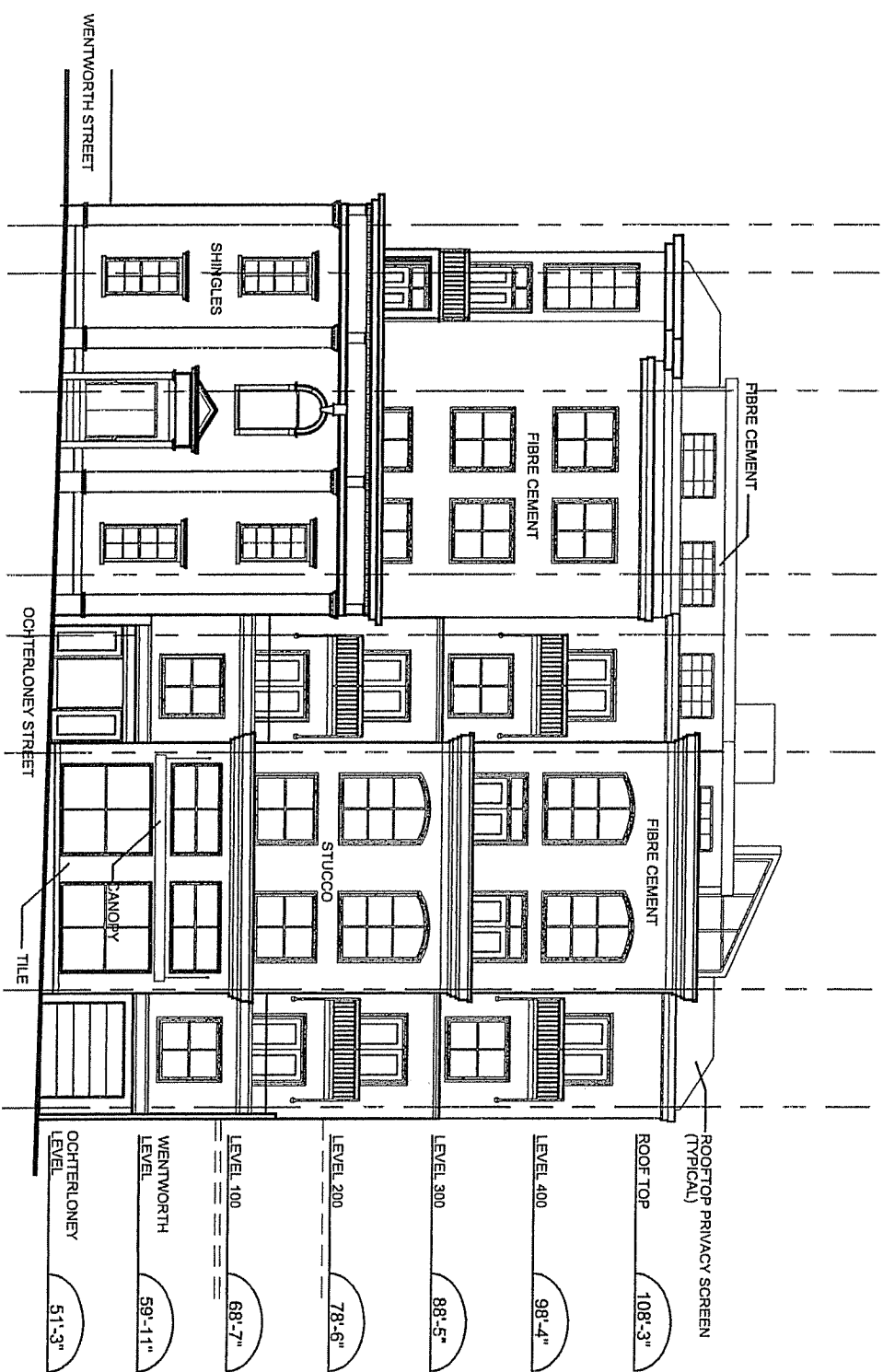
| DRAWN | STAFF | CHECKED |
|-------|---------|---------------------|
| DATE | JUNE 04 | SCALE 1/16" = 1'-0" |

Michael
N apler
A rchitecture

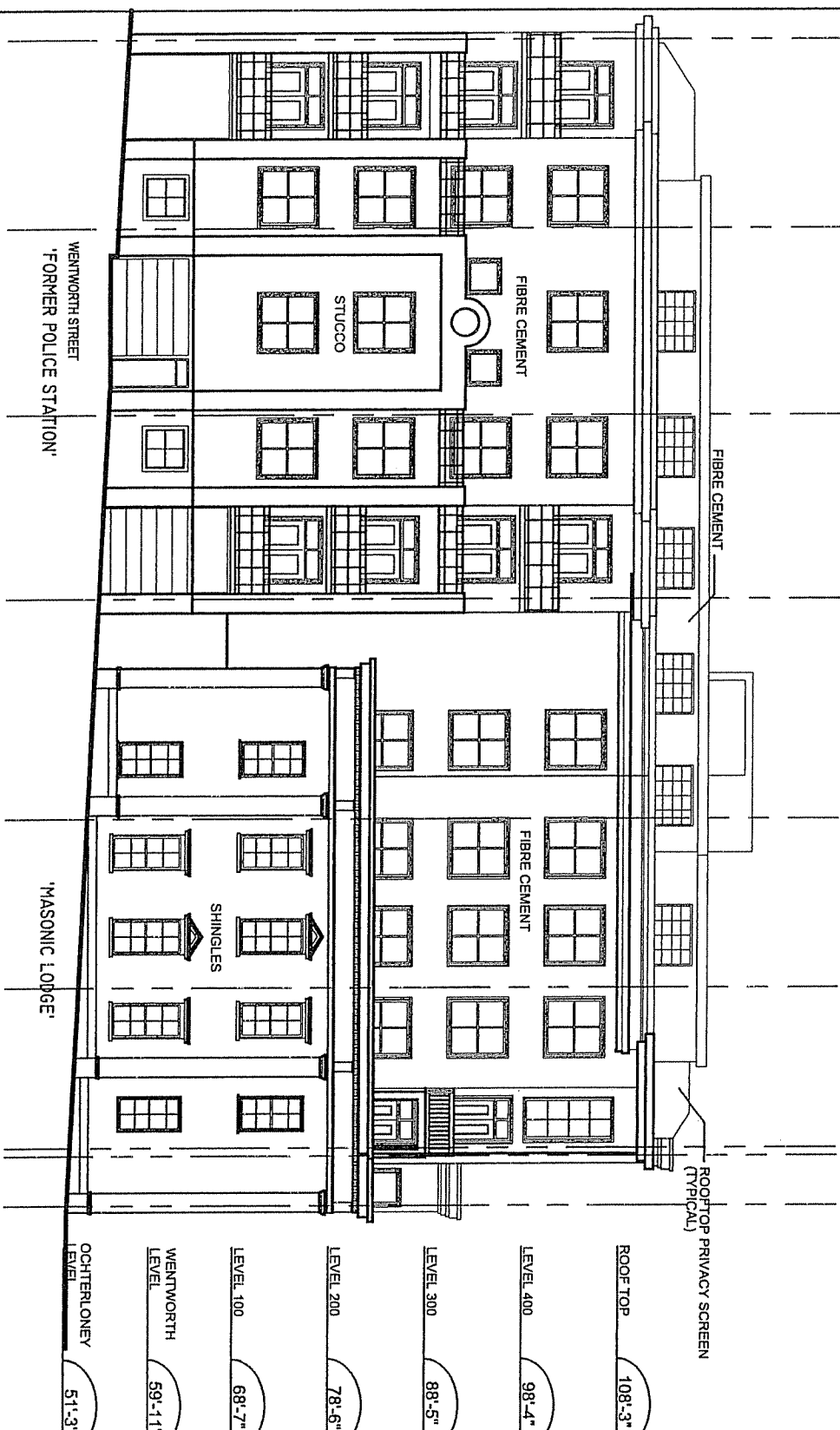
5540 Kaye Street
Hullville, N.S.
B3K 1Y5
tel. 902 455 5322
fax 902 455 5323

NOVA NEW ENGLAND
CONDOMINIUMS
88 Ochterloney Street, Dartmouth, N.S.
DRAWING TITLE
NORTH ELEVATION

HRM DA SCHEDULE C-1



DRAWING NUMBER
308



HRM DA SCHEDULE C-2

SHERWOOD ENTERPRISES INC.
 Construction Mgmt., Engineering, Quality Suretying
 P.O. Box 1008
 Halifax
 Nova Scotia
 B3H 6H6
 Telephone: 902.441.1000
 Fax: 902.441.1079

REVISIONS

| DESCRIPTION | BY | DATE |
|--------------------------------|----|----------|
| 1. ISSUED FOR INFORMATION ONLY | JR | 07/20/04 |
| 2. ISSUED FOR INFORMATION ONLY | ET | 02/06/04 |
| 3. ISSUED FOR INFORMATION ONLY | ET | 11/16/03 |
| 4. ISSUED FOR BUILDING PERMIT | JR | 05/04/03 |
| 5. ISSUED FOR BUILDING PERMIT | JR | 02/19/03 |
| 6. ISSUED FOR BUILDING PERMIT | JR | 02/19/03 |
| 7. REVISIONS FOR D.A. APPROVAL | JR | 01/04/04 |
| 8. REVISIONS FOR D.A. APPROVAL | JR | 01/04/04 |

ISSUED

| DATE | CHECKED | SCALE |
|---------|---------|---------------|
| JUNE 04 | | 1/16" = 1'-0" |

M. Michael
 Architect
A. Architecture

5540 Kaye Street
 Halifax, N.S.
 B3K 1Y5
 Tel. 902.455.5522
 Fax 902.455.5523

NOVA NEW ENGLAND
CONDOMINIUMS

68 Oaklawn Street, Dartmouth, N.S.
EAST ELEVATION

DRAWING NUMBER
309

[illegible]

ISSUED

| | | |
|-------|---------|---------------------|
| DRAWN | STAFF | CHECKED |
| DATE | JUNE 04 | SCALE 1/16" = 1'-0" |

JUNE 2011

Michael
Napier

Architecture

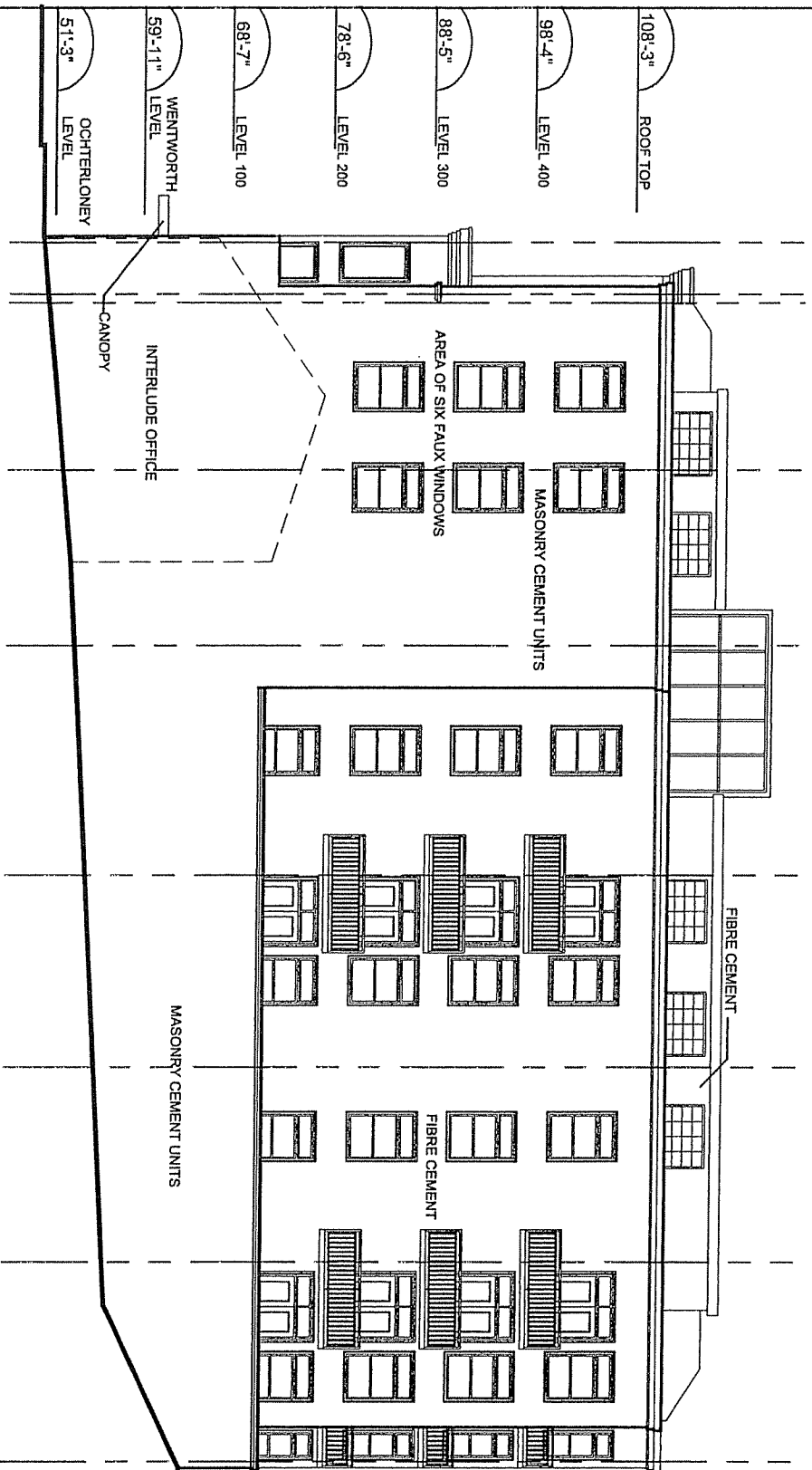
5540 Kaye Street
Haltifax, N.S.
B3K 1Y5
tel. 902 455 5522
fax 902 455 5523

**NOVA NEW ENGLAND
CONDOMINIUMS**
68 Ochlockoney Street, Dartmouth, N.S.

DRAWING TITLE
WEST ELEVATION

DRAWING NUMBER

HRM DA SCHEDULE C-3



SHERWOOD ENTERPRISES INC.
Construction Management, Quantity Surveying

P.O. Box 1103
1000 West Kensington Rd.
Hull, N.S.
B3K 4B8
Telephone 902 443 3000
Cell 902 630 9079

REVISIONS

| DESCRIPTION | BY | DATE |
|-------------------------------------|------|----------|
| 01. ISSUED FOR INFORMATION ONLY | J.B. | 07/06/04 |
| 02. ISSUED FOR INFORMATION ONLY | ST | 20/06/04 |
| 03. ISSUED FOR INFORMATION ONLY | ST | 17/06/05 |
| 04. ISSUED FOR BUILDING PERMIT | J.B. | 15/06/05 |
| 05. ISSUED FOR NEW D.A. APPLICATION | J.B. | 22/06/05 |
| 06. REVISIONS FOR D.A. APPLICATION | J.B. | 27/03/06 |
| 07. REVISIONS FOR D.A. APPLICATION | J.B. | 10/04/06 |

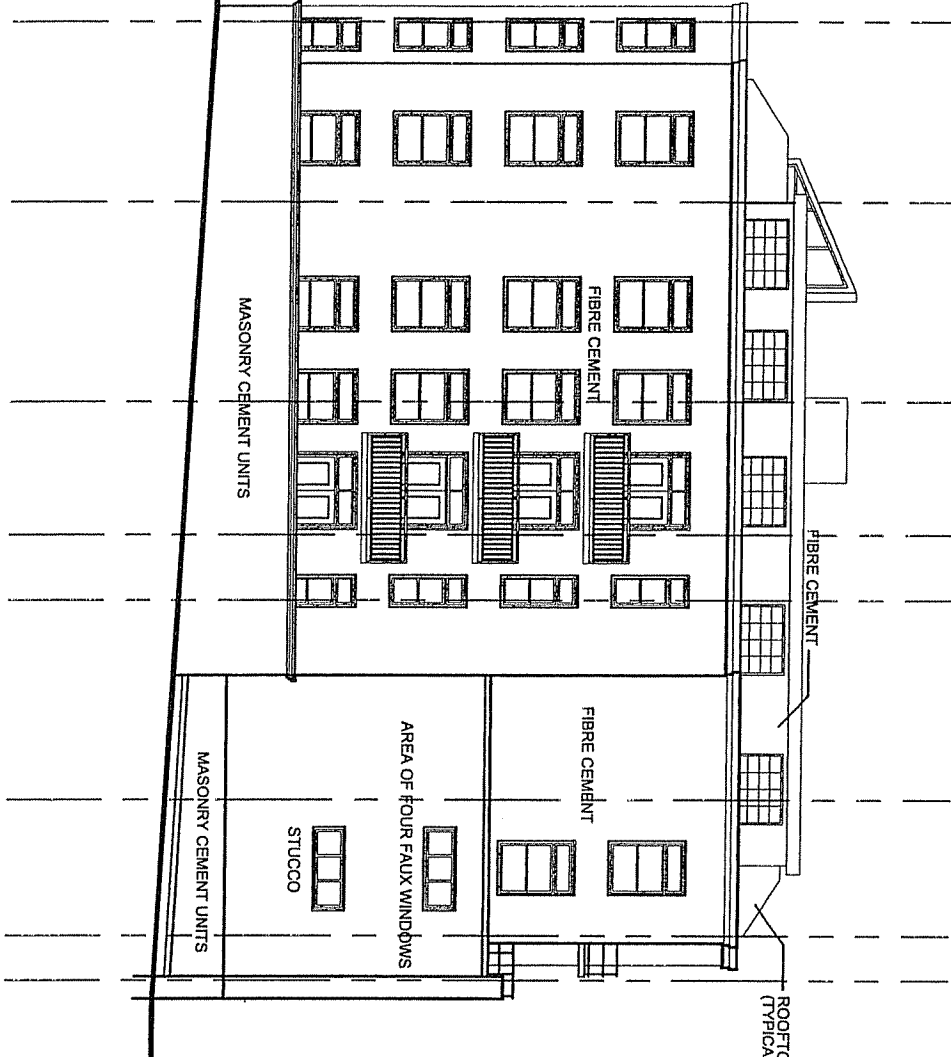
ISSUED

| DRAWN | CHECKED |
|---------|---------------------|
| STAFF | STAFF |
| DATE | SCALE 1/16" = 1'-0" |
| JUNE 04 | |

Michael
Napier
Architecture

5540 Kaye Street
Halifax, N.S.
B3K 1Y5
tel. 902 455 5522
fax 902 455 5523

**NOVA NEW ENGLAND
CONDOMINIUMS**
68 Oakleafway Street, Dartmouth, N.S.
SOUTH ELEVATION



ROOF TOP
108'-3"

LEVEL 400
98'-4"

LEVEL 300
88'-5"

LEVEL 200
78'-6"

LEVEL 100
68'-7"

WENTWORTH
LEVEL
59'-1"

OCHTERLONEY
LEVEL
51'-3"

HRM DA SCHEDULE C-4

310