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North West Community Council
February 23, 2006

TO: Chairman and Members of North West Community Council

SUBMITTED BY:

Paul Dunphy, Director of Planning & Development Services

DATE: February 15, 2006

SUBJECT: Waterstone Village Petition

INFORMATION REPORT

ORIGIN

Petition presented to North West Community Council on January 26, 2006.

BACKGROUND & DISCUSSION

Mr. Nick Antoff submitted a petition on behalf of the Waterstone Neighbourhood Association, and residents of Waterstone Village in Lucasville at the January 26, 2006 session of North West Community Council. The petition stated the following:

“The Waterstone Neighbourhood Association, and residents of Waterstone Village in Lucasville wish to express to the Community Council and HRM our concerns regarding proposed development for the areas north and east of McCabe and Webber Lakes to Highway 101. The undersigned are concerned that the proposed development will be allowed to access the HRM road system through Waterstone Village. We feel that any attempt to use this subdivision for a neighbourhood shortcut not only is unfair, but violates the principles of good planning and the traffic policies that currently exist in HRM. The undersigned feel the access to the HRM should incorporate the current roadway east of Hefler Lane. This alternative should achieve the objectives of the developer and HRM and would more closely mirror the good planning principles.”

In submitting the petition, Mr. Antoff and others raised questions in relation to the concerns expressed in the petition. These questions are listed below with the responses.

1. What is the maximum number of homes permitted in a subdivision, before a second exit is required?

Where there is an approved phasing plan and subdivision agreement in place confirming that a second street access will be provided within an agreed specified time, up to 300 lots containing 300 dwelling units may be approved prior to the second access being provided.

2. At what point is the Comprehensive Community Development District process initiated?

The Comprehensive Development District process only applies to lands that are zoned CDD under the Beaver Bank, Hammonds Plains, and Upper Sackville Plan Area.

The lands around McCabe Lake fall within the Residential Growth Management Area described in the Plan. The Residential Growth Management policies allow for “as of right” development on parcels of land in existence prior to October 17, 1998, the effective date of the amendment to the previous MPS. The “as of right” development allows for the creation of a maximum of twenty lots per four year period for each parcel of land.

The Residential Growth Management policies also provide for rezoning of lands to a Comprehensive Development District (CDD) Zone which would allow the development of larger subdivisions that wish to proceed at a faster rate than described above. Where a developer does not intend to develop at a rate in excess of twenty lots per four year period, rezoning to CDD is not necessary.

3. As a way to remediate the cost of stormwater going into the Sackville River, is there a way to place a Capital Cost Contribution on all new developments if they will have stormwater runoff going into the Sackville River?

The Municipal Government Act stipulates the infrastructure over which a Capital Cost Contribution (CCC) can be levied. A CCC is levied for over-sized infrastructure that is required due to multiple users of the infrastructure. It does not apply to local infrastructure. Local infrastructure required for a subdivision is the responsibility of the developer of the subdivision. The location of a stormwater outfall is not a criteria which can be considered when determining an area for a CCC.

In addition, CCC can only be applied to lands prior to subdivision and requires a Master Plan in order to administer the charges. Typically, a Master Plan area is initiated for lands which have significant vacant parcels which can be analysed collectively to determine all infrastructure needs. In the case of the area of lands around McCabe Lake, much of the land is already subdivided or applications for subdivision have been received and there is little remaining undeveloped lands and potential subdivisions.

4. When a Concept Plan is presented, at what stage of development or proposal status is it at?

The Concept Plan is the initial stage of the subdivision approval process for developments that include the construction of new roads. The main intent of this stage is to ensure a well coordinated pattern of development. Concept Plan approval serves to allow the applicant to proceed with tentative subdivision design preparations which includes engineering design drawings for roads. Proposed lot fabric that may be shown on a concept plan is not given an approval. Lot fabric is determined at future subdivision stages when more detailed information is provided by the developer.

5. The new policies proposed in the Regional Plan appear to be a good approach to mitigating problems. Could an explanation be provided as to whether the new policies will be by-laws or policies, and whether they have already been adopted or will be adopted with the Regional Plan?

The policies contained in the draft Regional Plan do not come into effect until the Plan is approved. After approval, some of the policies will be implemented immediately through the application of the various land use by-laws and the Subdivision By-law. Other policies will be implemented later on through secondary planning processes and functional plans.

6. What is the intended purpose of the proposed collector road through the Waterstone Subdivision?

NS Transportation & Public Works has planned a new interchange on Highway 101 just north of Waterstone. Prior to the development of the Waterstone subdivision, HRM established a collector road alignment from this interchange, through the developing lands to the south, and connecting to Lucasville Road. The purpose of this collector road is to collect traffic from the developing lands and deliver it directly to Highway 101. Like most collector roads in HRM, some through traffic might use the road, but it is expected to carry traffic generated in the local area predominantly.

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

None

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.

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