




P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 11.2.1**  
**Halifax Regional Council**

**May 22, 2012**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**  Original Signed  
Councillor Linda Mosher, Chair, Chebucto Community Council

**DATE:** April 30, 2012

**SUBJECT:** Natural Gas Connection Request

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**ORIGIN**

Chebucto Community Council meeting dated April 2, 2012.

**RECOMMENDATION**

Chebucto Community Council recommends that Halifax Regional Council consider allowing a natural gas connection via the parkland near the Emscote Lands in Wentworth Estates as is currently permitted for water and sewer services.

**BACKGROUND/ DISCUSSION**

At the Chebucto Community Council meeting on April 2, 2012 a Public Hearing was held regarding **Case 17082, Development Agreement for Wentworth Estates – Emscote Lands** and the staff recommendation was approved. During their discussion, the Community Council asked both HRM staff and the Developer, Emscote Limited, about the potential for natural gas services as part of the newly approved development. They were advised that while there were plans for a portion of the new development to have access to natural gas services, the remaining portion would not as there was parkland separating the development and policy states that natural gas may not traverse parkland. It was noted that it would not be economically feasible for Heritage Gas to go around the parkland in order to provide service to the entire new development.

As a result of this information, the following motion was passed:

**MOVED by Councillor Adams, seconded by Councillor Hum that Chebucto Community Council forward a request to Regional Council for consideration with respect to allowing a natural gas connection via the parkland near the Emscote Lands in Wentworth Estates as is currently permitted for water and sewer services. MOTION PUT AND PASSED.**

**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**

Chebucto Community Council meetings are open to the public and agendas and minutes are posted online.

**ENVIRONMENTAL IMPLICATIONS**

Implications not identified.

**ALTERNATIVES**

No alternatives were provided.

**ATTACHMENTS**

Attachment A      Staff report dated February 15, 2012 re: Case 17082, Development Agreement for Wentworth Estates – Emscote Lands  
i) Bedford Watershed Advisory Board Report dated October 11, 2011

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

Report Prepared by:      Shawnee Gregory, Legislative Assistant, 490-6521

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**TO:** Chair and Members of Chebucto Community Council

**SUBMITTED BY:** Original Signed  
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Peter Stickings, Acting Director, Planning and Infrastructure

**DATE:** February 15, 2012

**SUBJECT:** Case 17082, Development Agreement for Wentworth Estates –  
Emscote Lands

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**ORIGIN**

Application by Emscote Limited to enter into a development agreement to permit a residential subdivision for the remaining portions of Neighbourhood B, F and the Business Campus of the Wentworth Secondary Planning Strategy.

**RECOMMENDATION**

It is recommended that the Chebucto 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 residential subdivision for the remaining portions of Neighbourhood B, F and the Business Campus of the Wentworth Secondary Planning Strategy, Halifax; and
3. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **EXECUTIVE SUMMARY**

Emscote Limited is seeking approval of a development agreement pertaining to a portion of Neighbourhood B, F, and the Business Campus area, a component of the Wentworth and Bedford South Secondary Planning Strategy (SPS). In 2002, Regional Council chose the Bedford South area to be an urban growth area. The lands, illustrated on Map 1, encompass approximately 82 acres (33.2 hectares), 68 acres (27.5 ha) located to the east of Highway 102, and north of the Royal Hemlocks Subdivision and 14 acres (5.7 ha) located between Larry Uteck Boulevard and the Bedford Highway.

The development proposal integrates parks and open space with a variety of housing types including single, townhouse and multi-unit dwellings 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 the Municipality and Halifax Water.

A Public Information Meeting was held on September 19, 2011, to discuss the proposed development. Attachment C of this report contains a summary of this meeting. On September 8, 2010, Bedford Watershed 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 Wentworth Secondary Planning Strategy.

## **BACKGROUND**

In 2002, Regional Council approved the Wentworth and Bedford South Secondary Plans (SPS's) which provides guidance for the development of a new community on the east side of Highway 102 and west of the Bedford Highway. The goal of the strategy is to enable infill residential and commercial development which is cost effective for the municipality to service. The Secondary Plan includes objectives and policies pertaining to environmental protection, municipal services and land use. The SPS is divided into 6 neighbourhoods (A through F) and several commercial areas plus parks and open space areas, which are illustrated on Map 3. All development within the SPS is subject to a development agreement.

Various land owners control lands within the Wentworth and Bedford South SPS area, the subject lands are owned by Emscote Limited. On September 18, 2006, Chebucto Community Council approved a development agreement for a portion of Neighbourhood B of the Wentworth SPS, these lands are also owned by this Developer.

Emscote Limited has applied to enter into a development agreement for approximately 82 acres, (33.2 hectares) as illustrated on Map 1 and 2. The lands are comprised of:

- 68 acres (27.5 ha) located to the east of Highway 102 and north of the Royal Hemlocks Subdivision. These lands form part of Neighbourhood F and the Business Campus lands.
- 14 acres (5.7 ha) located between Larry Uteck Boulevard and the Bedford Highway. These lands form part of Neighbourhood B.

### *Existing Zoning*

The subject property is designated WSPS (Wentworth Secondary Planning Strategy) under the Wentworth Secondary Planning Strategy and zoned WCDD (Wentworth Comprehensive Development District) Zone under the Halifax Mainland Land Use By-Law (Map 1 and 2). All development in the Secondary Planning Strategy is subject to the negotiation of a development agreement and Community Council approval.

### *Surrounding Land Uses*

Lands to the south are developed as the Royal Hemlock Subdivision through a series of single unit, semi-detached, townhouse and multi-unit dwellings on lots serviced with municipal sewer and water. Lands to the west (opposite side of Highway 102) are partially vacant and subject to the negotiation of a development agreement for residential development in the future. Lands to the north (Bedford South) are subject to a development agreement for a mix of residential and commercial land uses, however, lands immediately adjacent to the subject parcel have not been constructed as of the drafting of this report. On the north eastside of the lands is the Millview Subdivision, a small existing subdivision of single unit dwellings. The two parcels of land are separated by lands developed by the applicant, known as Wentworth Neighbourhood B. These lands include a portion of Larry Uteck Boulevard, a series of five multiple unit dwellings, and several parcels of parkland.

### *Proposal*

A mixture of residential and parkland and 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 M of the development agreement (Attachment A).

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

### *Residential*

The residential lands, which cover approximately 64.1 acres (25.9 ha), are intended to accommodate a mix of residential development. The concept submitted is proposing approximately 378 dwelling units in a mix of approximately:

- 117 single unit dwellings (31%);
- 54 townhouses (14%);
- 207 multi-unit dwelling units (55%).

The agreement enables a variety of housing types in various configurations. Details regarding precise development requirements may be found in the draft development agreement, specifically Section 3.3 and 3.4 of Attachment A.

#### *Parkland and Open Space*

Approximately 21%, or 17.9 acres (7.24 ha) of the site, is reserved specifically for parkland and open space. This exceeds typical requirements of 10%. The parcels of land include:

- Park P1 (as shown on Schedule I) – A large parcel of approximately 9.95 acres (4.02 ha) is located between the proposed Fleetview Drive extension and Bosun Run and Cutter Drive. The parcel connects parkland in Royal Hemlocks subdivision with proposed open space lands in the adjacent development agreement to the north. This parcel includes a natural ravine. This parcel of land is identified in the Wentworth SPS to be designated as Open Space. This land may be capable of housing a trail in the future and has adequate frontage on Bosuns Run.
- Park P2 (as shown on Schedule I) – A parcel of approximately 3.16 acres (1.27 ha) includes a small wetland which may be expanded (for wetland compensation purposes) to house a future skating pond.
- Park P3 (as shown on Schedule I) – A parcel of approximately 4.7 acre (1.9 ha) is located on the east side of the site, which is an extension of the existing parkland in Royale Hemlocks and connecting to proposed parkland in the development agreement to the north. This parkland will complete a parkland system proposed between Starboard Drive and Larry Uteck Boulevard. Development of this site will include the extension of the existing trail (located in the Royale Hemlock portion of the adjacent parkland) to the northern property line.

All parkland and site development in each park is required to meet the Parkland Development guidelines.

#### *Undeveloped Land in Neighbourhood B*

Approximately 14 acres (5.7 ha) of the site is proposed to be left undeveloped at this time. Based on this proposed agreement and the previous agreement for Neighbourhood B, all density for these lands have been assigned. Access to these lands is limited due to grades near the Bedford Highway and may only be possible from adjacent lands on the Bedford Highway. These adjacent lands are not within the SPS nor under the control of the Developer. Thus no density remains for this 14 acre (5.7 ha) parcel and the lands will remained undeveloped.

The Developer could apply to reassign density to the site in the future, provided density allocations are not exceeded and appropriate access is provided to this site.

## **DISCUSSION**

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

*Environmental Protection:* The Wentworth 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.
- 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 provided in the development agreement, in addition to a street tree planting program required by Municipal road construction standards.
- Staff has been able to provide protection to a minimum of 21% of the site through the parkland and open space acquisition process. No development, except for park or municipal purposes, is permitted on these sites.

*Regional Municipal Services:* The development of the Wentworth/Bedford South area can be accommodated through existing regional sewer, water and transportation infrastructure. A Infrastructure Charge or Capital Cost Program by the Municipality and Halifax Water was approved in 2003 and is in place for the area and the Developer will be required to pay such charges as the project is developed.

*Local Municipal Services:* The Wentworth/Bedford South 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).

*Regional Road Infrastructure:* The Wentworth/Bedford South SPS includes policies which require that the Larry Uteck Boulevard interchange is built and connected prior to build out of more than 2000 dwelling units. The interchange and connecting road network is completed, thus development of greater than 2000 units is now permitted.

*Land Use:* The Wentworth/Bedford South SPS includes policies which require any agreement to provide for 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 (21%) meets and exceeds the Park Dedication criteria of the Regional Subdivision By-Law. Further, the total area plus site development exceeds the By-Law requirements of ten per cent of the lands being subdivided.
- A variety of housing types are provided. Multiple unit dwellings are located close to Starboard Drive or immediately adjacent Highway 102. In addition, these multi-unit dwellings are located in proximity to other existing multi-unit dwellings in the adjacent Royale Hemlocks. Multiple unit dwellings are permitted to a maximum of 8 habitable storeys adjacent Highway 102 and six stories where not located adjacent to Highway 102. Lower density developments have frontage on local streets with the exception of homes located on Starboard Drive.
- The development agreement provides the developer with some latitude to determine the mix of housing on the site to accommodate housing trends while complying to policy. Further, the agreement allows flexibility with respect to the location and configuration of each residential and multiple unit dwellings (Attachment A).

*Larry Uteck Boulevard/Starboard Drive and Bedros Lane Intersection:* Significant concern was expressed at the Public Information Meeting with regard to the Larry Uteck Boulevard, Starboard Drive and Bedros Lane Intersection. Residents identified that they felt this intersection needed additional traffic controls to operate in a safe manner. Specifically, the desire for traffic signals was identified. It was felt that traffic signals would minimize the number of accidents at this location and reduce the number of “close calls”. Existing off-site traffic issues, such as the one identified, are not the responsibility of an individual developer. Traffic Services was notified of the issue and identified that they would investigate further. Traffic Services have identified that the proposed intersection does not meet warrants for traffic signals nor stop signs. They have noted that a new marked crosswalk will be installed with overhead flashing warning lights. At the present time, this item is in the draft 2012 budget.

*Parkland between Royale Hemlocks subdivision and the proposed subdivision:* It was identified that there had been previous discussion in the public around a possible piece of parkland adjacent



the western side of Royal Hemlocks (Transom Drive) and the proposed subdivision. Staff has investigated this issue and wish to identify that the preservation of a strip of open space is required in this area. Through the proposed development agreement, a strip of non-disturbance area or open space is to be provided near Transom Drive. As identified on Schedule I and J of Attachment A, a non-disturbance zone with a minimum of forty feet in width is to be provided.

#### *Road Network*

The proposed road network completes and connects Transom Drive, Starboard Drive, Cutter Drive, Bosuns Run and Fleetview Drive. Because the alignment of Transom Drive is to be determined by the adjacent land owner, under an existing development agreement, two potential alignments are permitted under the proposed agreement. Construction of Transom Drive and Cutter Drive are not permitted until the adjacent roads are constructed and taken over by the Municipality or partially constructed, and their completion secured by bonding as per the Regional Subdivision By-Law.

*Phasing of the Development:* The proposed development contains the final portion of the collector road network for the Wentworth/Bedford South area. The completion of Starboard Drive is part of the proposed development agreement and completes the connection between the Royale Hemlock Subdivision and the rest of Wentworth/Bedford South. Ideally, this portion of Starboard Drive would be constructed first, however, a large ravine in the path of Starboard Drive requires significant fill to be brought up to road grade. Thus, the construction of Starboard Drive and the adjacent Transom Drive are part of the second phase of the development. Fill for this area will come from Phase 1 of the development (Bosuns Run and Fleetview Drive), which requires significant removal of rock. Phase three of the development will be the extension of Cutter Drive.

#### **Conclusion**

The proposed mixed use residential development is in keeping with the vision of the Wentworth SPS. Staff is satisfied that the proposed development reasonably satisfies the relevant policies of the SPS. Staff recommends that the Chebucto Community Council approve the proposed development agreement as provided in the recommendation section of this report.

#### **BUDGET IMPLICATIONS**

There are no unbudgeted 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.

The Developer and Municipality are subject to existing Infrastructure Charges imposed by 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 19, 2011. 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 2. Attachment C contains a copy of the minutes from the meeting. Further, the proposal was reviewed by the Bedford Watershed Advisory Board on September 8, 2011, 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 as shown on Map 2, will be notified.

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

## **ALTERNATIVES**

1. Chebucto 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 Wentworth Secondary Planning Strategy and Halifax Municipal Planning Strategy.
2. Alternatively, Chebucto 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. Chebucto 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 Wentworth Secondary Planning Strategy and Halifax 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:	Wentworth Neighbourhood Map and Community Concept Plan
Attachment A:	Development Agreement
Attachment B:	Policy Review – Wentworth SPS
Attachment C:	Public Information Meeting Minutes – September 19, 2011
Attachment D:	Bedford Waters Advisory Board Minutes – September 8, 2011

### **REPORTS AVAILABLE UPON REQUEST**

Wentworth Master Stormwater Management Plan for Emscote Lands

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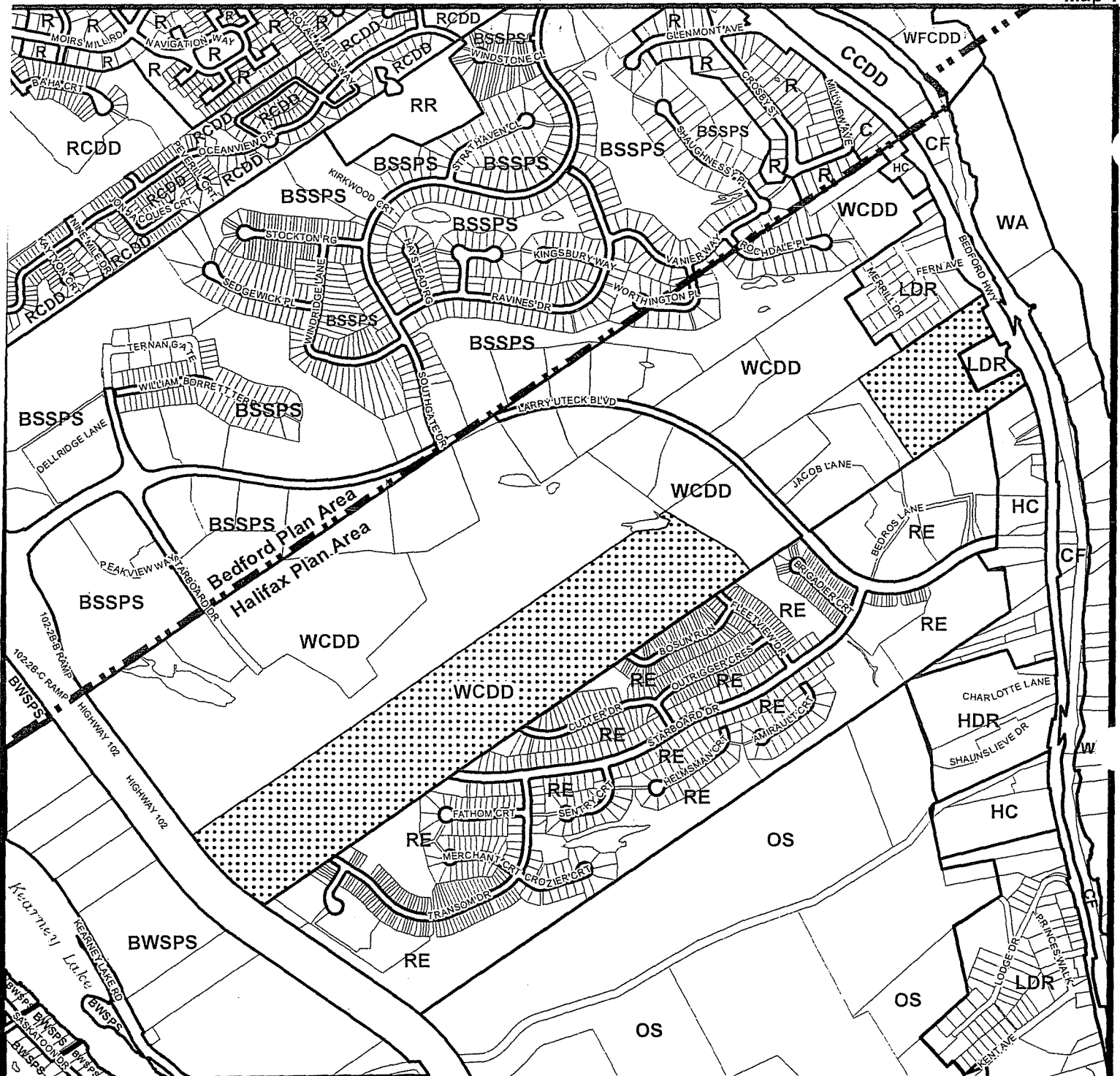
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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

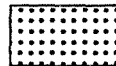
Original Signed

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

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Map 1  
Generalized Future Land Use



Subject Properties

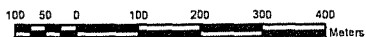
**HALIFAX**  
REGIONAL MUNICIPALITY  
Planning Services

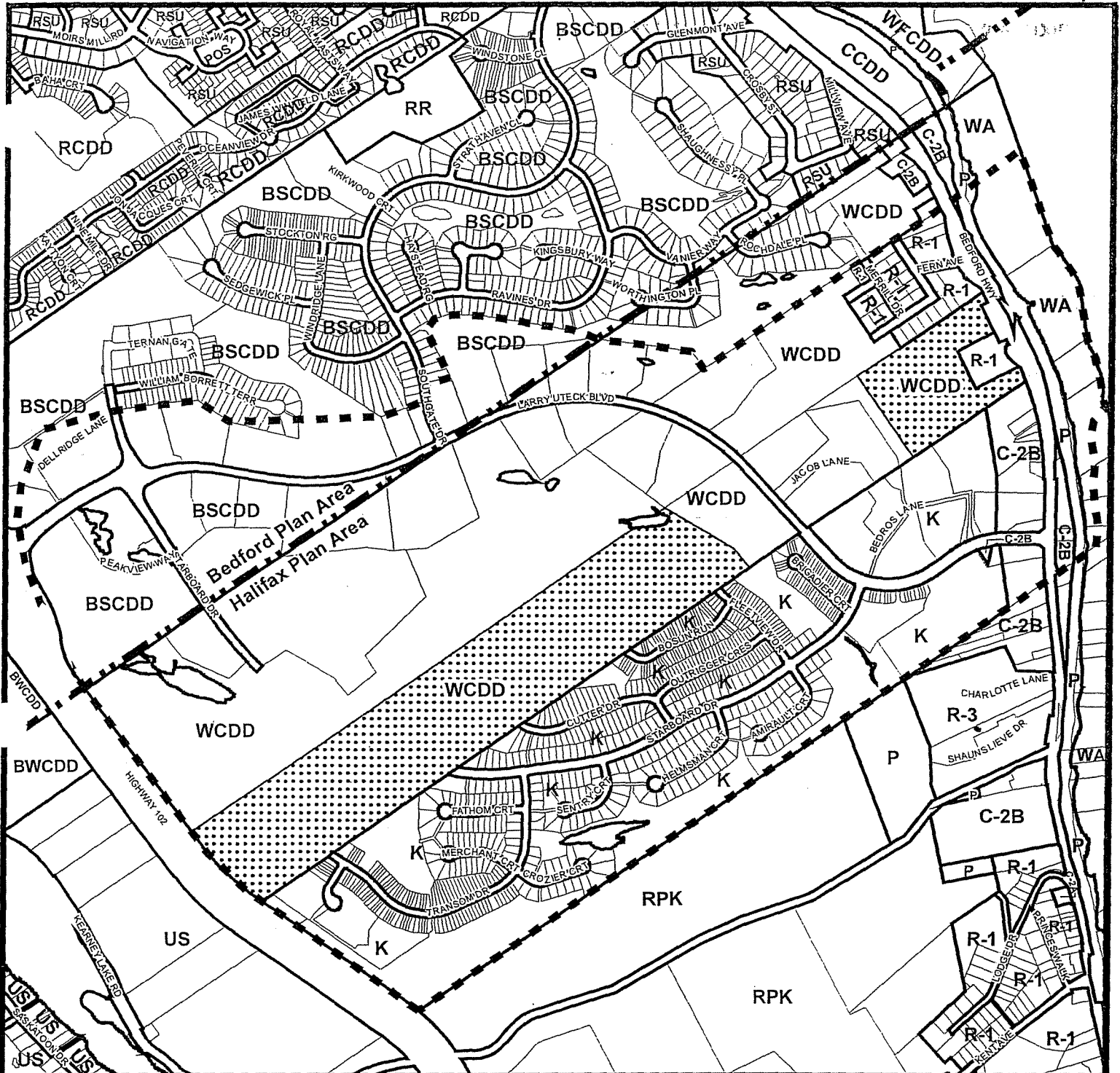
Bedford Plan Area Designations

R	Residential Designation
C	Commercial Designation
RR	Residential Reserve Designation
CCDD	Commercial Comprehensive Development District
RCDD	Residential Comprehensive Development District
BSSPS	Bedford South Secondary Planning Strategy
BWSPS	Bedford West Secondary Planning Strategy
WCDD	Waterfront Comprehensive Development district

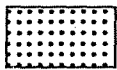
Halifax Plan Area Designations

RE	Residential Environments Designation
CF	Community Facilities Designation
HC	Highway Commercial Designation
OS	Major Community Open Space Designation
WA	Water Access Designation
LDR	Low Density Residential Designation
HDR	High Density Residential Designation
WCDD	Wentworth Comprehensive Development District
BWSPS	Bedford West Secondary Planning Strategy





## Map 2 Zoning



Subject Properties



Notification Area

### Bedford Plan Area Zones

RSU	Single Dwelling Unit Zone
RR	Residential Reserve Zone
POS	Park Open Space Zone
RCDD	Residential Comprehensive Development District
CCDD	Commercial Comprehensive Development District
BSCDD	Bedford South Comprehensive Development District
WFCDD	Waterfront Comprehensive Development District
BWCCD	Bedford West Comprehensive Development District

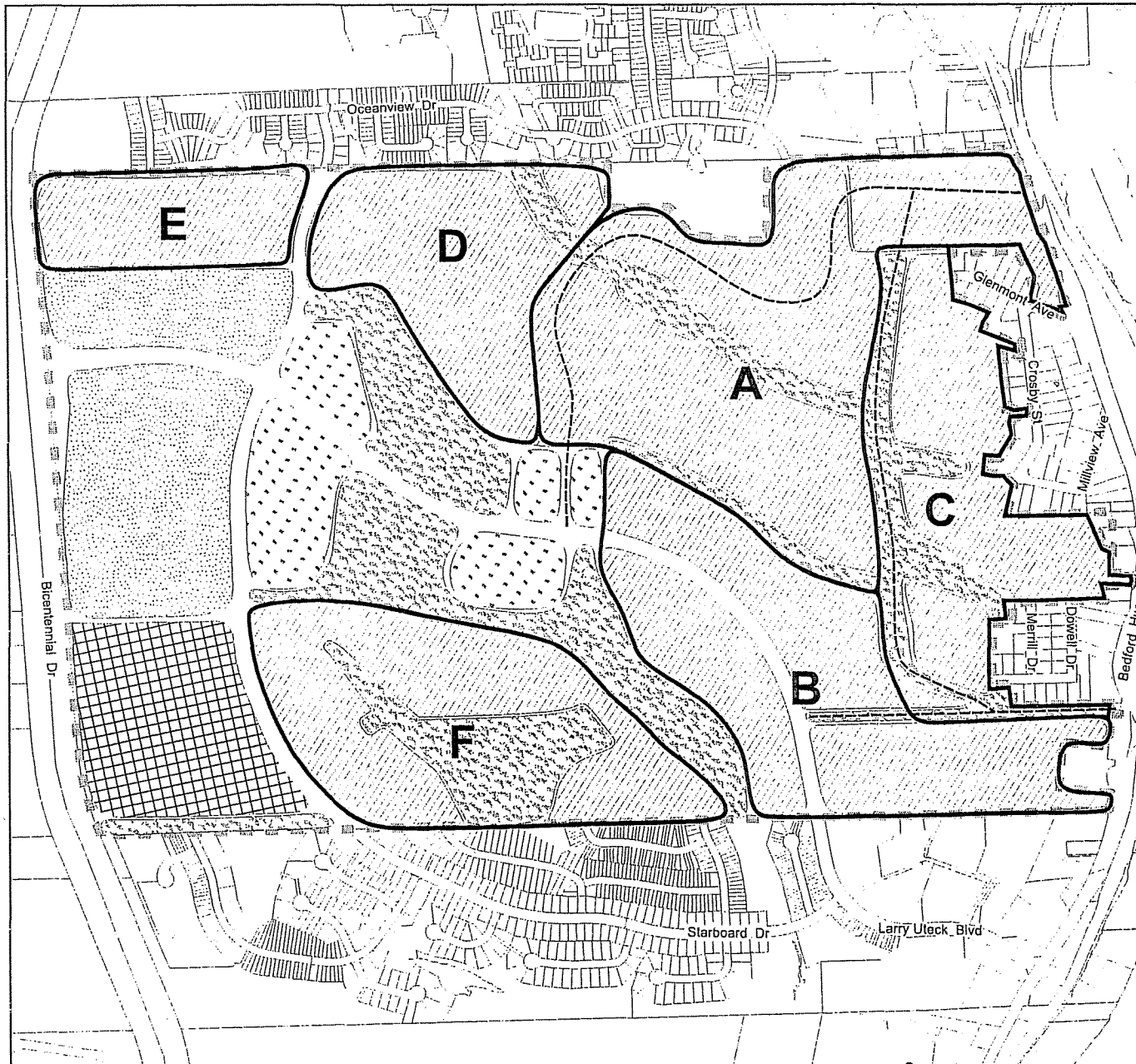
### Halifax Plan Area Zones

R-1	Single Family Dwelling Zone
R-3	Low Rise Apartment Zone
P	Park Institutional Zone
C-2B	Highway Commercial Zone
WA	Water Access Zone
K	Schedule K Zone
US	Urban Settlement Zone
RPK	Regional Park Zone
WCDD	Wentworth Comprehensive Development District
BWCCD	Bedford West Comprehensive Development District



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100 50 0 100 200 300 400  
Meters



**Map 3 - Wentworth Neighbourhood**  
**Map and Community Concept Plan**  
 Schedule 1  
 Rev. 1.1

**Community Concept Plan**  
 Land Use Designation

**Proposed Land Use**

- Residential Neighbourhoods
- General Commercial
- Community Commercial / Institutional
- Mixed Use / Business Campus
- Park / Open Space (Major Areas)

Note: Neighbourhood Parks to be confirmed by Development Agreement.

100 0 100 200 300 m

06 September 2007

HRM Planning and Development Services  
 file: T:\work\planning\Reprmaps\Devagree\00762\wentworth\_sched1.mxd

**Map 3**

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

THIS AGREEMENT made this      day of [Insert Month], 2012,

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 west of the Bicentennial Highway at Starboard Drive, known as Block E-R3, and to the west of the Bedford Highway, known as Block E-R4, Halifax and which said lands are more particularly described in Schedule A and A-1 hereto (hereinafter called the "Lands");

AND WHEREAS the Lands are located within the area known as Wentworth/Bedford South Master Plan Area and all development within this Neighbourhood B, F and the Business Campus 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 Wentworth Secondary Planning Strategy of the Halifax Municipal Planning Strategy and Section 62AC of the Land Use By-law for Halifax Mainland;

AND WHEREAS the Chebucto Community Council for the Municipality approved this request at a meeting held on [Insert - Date], referenced as Municipal Case Number 17082;

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 Halifax Mainland 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. 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 Halifax Mainland 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) "Caliper" means the diameter measurement of a tree trunk. Caliper of the trunk shall be measured six inches above the ground for trees up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.
- (c) "Lot frontage" means the distance between the side lot lines of a lot as measured along the front lot line.
- (d) "Land Use By-law" means the Land Use By-law for Halifax Mainland, as amended from time to time.
- (e) "Master Stormwater Management Plan" means the document entitled *Stormwater Management Plan Emscote Lands, Bedford NS* Project No. 10575, prepared by Mac Williams Engineering Limited, for Emscote Ltd., dated June 30, 2011.
- (f) "Occupy" means to reside as an owner or tenant on a permanent or temporary basis.

- (g) "Secondary Planning Strategy" means the Wentworth Secondary Planning Strategy, adopted under the Halifax Municipal Planning Strategy, as amended from time to time.
- (h) "Townhouse Cluster" means a group of townhouse units within one or more buildings located on a single lot.
- (i) "Waters Advisory Board" means the Bedford Watershed 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**

- 3.1.1 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 17082:

Schedule A	Development Area
Schedule A-1	Legal Description of the Lands(s)
Schedule B	Land Use Plan
Schedule C	Proposed Sanitary Sewer Plan
Schedule D	Proposed Storm Water Service Plan
Schedule E	Water System and Pressure Zones Plan
Schedule F	Phasing Plan
Schedule G	Sidewalk and Trail Plan
Schedule H	Slope Analysis & Riparian Buffer Plan
Schedule I	Parkland and Open Space Plan
Schedule J	Concept Plan (Western Portion) 1 of 2
Schedule J	Concept Plan (Eastern Portion) 2 of 2
Schedule K	Density Chart
Schedule L	Design Criteria for Townhouse and Multiple Unit Dwellings
Schedule M	Map of Block E-R3 and E-R4

- 3.1.2 Where the alignment of Transom Drive has been determined under section 4.2.1 to be Option 1 as shown on Schedules B and G, then development of the Lands shall conform with Option 1 on the Schedules. Where the alignment of Transom Drive has been determined under section 4.2.1 to be Option 2 as shown on Schedules B and G, then development of the Lands shall conform with Option 2 on the Schedules.

### 3.2 Requirements Prior to Approval

- 3.2.1 No approvals shall be granted unless Riparian buffers areas and watercourse buffers, as required by this Agreement, are 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) all required parkland preparations and trails have been agreed upon in accordance with the requirements of Section 3.6 of this Agreement;
  - (b) riparian buffers have been delineated in accordance with the requirements of Section 3.2.1 and 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 4.2.2;
  - (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 5.4.1;
  - (h) copies of all required Watercourse and Wetland Alteration Permits for the subdivision phase have been provided to the Development Officer; and
- 3.2.3 No Municipal Development nor Construction Permit shall be granted unless:
- (a) a Lot Grading Plan has been prepared in accordance with the requirements of Sections 5.4.2 and 5.4.3 of this Agreement and the plan has been approved by the Development Engineer; and
  - (b) for all multiple unit dwellings and townhouse clusters 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 multiple unit dwellings 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, and 4.4.5.
- 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 :

certification from a Professional Landscape Architect in accordance with Section 3.11 of this Agreement (Landscaping) for any multiple unit dwelling or townhouse clusters development;

certification from a qualified person in accordance with Section 3.5 of this Agreement (Lighting) for any multiple unit dwelling;

verification that trees have been planted or a security provided in accordance with the requirements of Section 3.11; and

verification that lot grading has been completed or financial security provided for completion of the work in accordance with Sections 5.4.1 through 5.4.4.

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, except for construction uses permitted this agreement and authorized by Municipal permits, the Developer shall not occupy or use the Lands for any of the land 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 of the Lands permitted by this Agreement are the following:

- (a) A mixed-use residential development as enabled by this Agreement and as illustrated on the Schedules;
- (b) Use of the Lands in the development shall be limited to the following as defined in the Land Use By-law:
  - i) single unit dwellings;
  - ii) townhouse dwellings;
  - iv) multiple unit dwellings;
  - v) parkland and open space uses;
  - vi) home occupations and office of a professional person within a dwelling in single unit, townhouse and multiple unit dwellings;-and
  - vii) day care for not more than 8 children in conjunction with a dwelling in single unit, townhouse and multiple unit dwellings subject to the requirements of the R-1 Zone of Land Use By-law;

- 3.3.2 The number of dwelling units within the Lands as identified in Schedule B shall not exceed 378 units. The proportion of dwelling units shall comply with the following table. The Development Officer may permit up to a five percent variation (increase or decrease) in the number of units in any specified dwelling type provided that population densities identified in clause 4.4.4 are not exceeded.

Dwelling Type	Percentage of Units
Single Unit - fifty-five feet road frontage	28 units (7.5%)
Single Unit - forty five feet road frontage	61 units (16%)
Single Unit – forty-feet road frontage	28 units (7.5%)
Townhouse	54 units (14%)
Multiple Unit	207 units (55%)

- 3.3.3 The location of land uses shall comply with Schedule B. 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 the Schedules provided all other requirements of this Agreement are met.
- 3.3.6 Height of buildings shall be governed by Section 3.4 of this Agreement.
- 3.3.7 Development of the portion of the Lands identified as Block E-R4 on Schedule M shall be prohibited as all land use rights for this parcel have been allocated pursuant to this agreement to Block E-R3 as shown on Schedule M.

### **3.4 DETAILED PROVISIONS FOR LAND USE**

#### **Land Use Requirements**

- 3.4.1 No Subdivision Approval nor Municipal Development Permit shall be granted for any single unit dwelling development identified as “40’ Lot Frontage” on Schedule B except in accordance with the following provisions:
- (a) Minimum lot frontage: 12.19 metres (40 feet) except where a lot fronts on an outside curve, where lot frontage shall be measured at a distance of 20 feet (6.1m) from the property line at the centre point of the lot frontage.
  - (b) Minimum lot area: 371.6 square metres (4,000 square feet)
  - (c) Minimum front yard: 6.10 metres (20 feet)

- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 1.22 metres (4 feet)
- (f) Minimum separation between buildings: 3.66 metres (12 feet) except for garages permitted pursuant to Section 3.4.7
- (g) Minimum flankage yard: 4.57 metres (15 feet).
- (h) Maximum lot coverage: 35%
- (i) Maximum building height: 9.14 metres (30 feet) and no greater than two storeys plus the basement.

3.4.2 No Subdivision Approval nor Municipal Development Permit shall be granted for any single unit dwelling development identified as “45’ Lot Frontage” on Schedule B except in accordance with the following provisions:

- (a) Minimum lot frontage: 13.72 metres (45 feet)
- (b) Minimum lot area: 464.5 square metres (5,000 square feet)
- (c) Minimum front yard: 6.10 metres (20 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 1.22 metres (4 feet)
- (f) Minimum separation between buildings: 3.66 metres (12 feet) except for garages permitted pursuant to Section 3.4.7
- (g) Minimum flankage yard: 4.57 metres (15 feet).
- (h) Maximum lot coverage: 35%
- (i) Maximum building height: 9.14 metres (30 feet and no greater than two storeys plus the basement.

3.4.3 No Subdivision Approval nor Municipal Development Permit shall be granted for any single unit dwelling development identified as “55’ Lot Frontage” on Schedule B except in accordance with the following provisions:

- (a) Minimum lot frontage: 16.76 metres (55 feet)
- (b) Minimum lot area: 557.4 square metres (6,000 square feet)
- (c) Minimum front yard: 6.10 metres (20 feet)
- (d) Minimum rear yard: 6.10 metres (20 feet)
- (e) Minimum side yard: 1.22 metres (4 feet)
- (f) Minimum separation between buildings: 3.66 metres (12 feet) except for garages permitted pursuant to Section 3.4.7
- (g) Minimum flankage yard: 4.57 metres (15 feet).
- (h) Maximum lot coverage: 35%
- (i) Maximum building height: 9.14 metres (30 feet) and no greater than two storeys plus the basement.

3.4.4 No Subdivision Approval nor Municipal Development Permit shall be granted for any townhouse lot 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: 7.62 metres (25 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
- (j) Minimum flankage yard: 4.57 metres (15 feet)
- (k) Maximum lot coverage: 40%
- (l) Maximum building height: 9.14 metres (30 feet) and no greater than two storeys plus the basement.
- (m) each dwelling shall be served with a hard surface driveway that extends from the street curb cut to 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.
- (n) the development conforms with the architectural design criteria for townhouses pursuant to Schedule M.

3.4.5 No Subdivision Approval nor Municipal Development Permit shall be granted for any townhouse cluster 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: 35%
- (i) Maximum building height: 9.14 metres (30 feet) ) and no greater than two storeys plus the basement.
- (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 pursuant to Schedule L.

3.4.6 No Subdivision Approval nor Municipal Development Permit shall be granted for any multiple unit building except in accordance with the following provisions:

- (a) Minimum lot frontage: 15.24 metres (50 feet)

- (b) Minimum lot area: 929 square metres (10,000 square feet)
- (c) Minimum front yard: 6.10 metres (20 feet) or one half the height of the building, whichever is greater
- (d) Minimum flankage yard: 6.10 metres (20 feet)
- (e) Maximum lot coverage: 35%
- (f) Maximum building height (excluding mechanicals): Block TR-36 as shown on Schedule J-six habitable storeys plus underground parking.  
Block TR-37 as shown on Schedule J - eight habitable storeys plus underground parking
- (g) Minimum rear or side yard from underground parking podium: one half the height of the podium or eight feet(2.4m) whichever is greater;
- (h) Minimum rear or side yard from main building; one half the height of the main building to single unit dwelling lot lines.  
one quarter the height of the main building to multiple unit dwellings lot lines.
- (i) Minimum separation distance between multiple unit buildings; one half the height of the main building.
- (j) underground parking shall be provided to satisfy a minimum of fifty percent (50)% of the parking requirements.
- (k) the development conforms with the architectural design criteria for apartment buildings pursuant to Schedule L.
- (l) the development shall comply with Section 34,(2) of the Land Use By-law.

## Encroachments

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

Structural Element	Location of Minimum Yards	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) in a front yard. 3 metres (10 feet) in a rear yard.
steps and stairs	any yard	1.22 metres (4 feet) in a front or rear yard 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)

## General Provisions

### Accessory Buildings

- 3.4.8 Accessory Buildings for land uses shall comply with the provisions of the Land Use By-law as identified below:

Land Use	Applicable Section of Land Use By-law
Singles	21(f) and (g)
Townhouse	28AN (a) and (b)
Multiple Unit Dwelling	As per lot provisions of this Agreement

### Boarders and Lodgers / Bed and Breakfast

- 3.4.9 Boarders and Lodgers and Bed and Breakfasts shall be permitted subject to the requirements of 22(a) and (b) of the Land Use By-law.

### Home Occupations

- 3.4.10 Home occupations shall meet the requirements of Section 14B of the Land Use By-law.

### Boats, Trailers and Campers

- 3.4.11 Boats, Trailers and Campers shall meet the requirements of Section 14I(1) through 14I(4) of the Land Use By-law. For the purposes of this section, the following zones shall be assigned to the land uses:

Land Use	Applicable Section of Land Use By-law
Singles	R-1
Townhouse	R-2

### Shipping Containers

- 3.4.12 Shipping Containers shall not be permitted to be used as buildings or accessory buildings as per Section 14R of the Land Use By-law.

### Storage of Lumber, Etc

- 3.4.13 Section 8 of the Land Use By-law shall apply.

### Variance

- 3.4.14 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 pursuant to this Agreement as established under the Halifax Municipal Planning Strategy.

## 3.5 MULTIPLE UNIT DWELLINGS 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 dwellings 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 luminaires shielded to prevent unnecessary glare.
- 3.5.3 The Developer shall prepare an exterior lighting plan for any Multiple Unit Dwelling 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 AND OPEN SPACE

- 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/or trails. All site development shall meet the requirements of the Municipality as determined by the Development Officer, in consultation with Parkland Planning.

3.6.2 Further to Schedule B and I, the Developer shall provide the following:

- (a) Park P-1 with an area of approximately 9.9 acres with site development in the form of site grading for a Neighbourhood Park, grading, and 150mm of topsoil and hydro seeding. The exact scale of the pad shall be determined prior to construction through consultation with Parkland Planning and depending on site conditions. All work shall meet HRM Parkland Planning specifications.
- (b) Park P-2 with an area of approximately 3.1 acres. Improvements to this site shall be permitted by the Developer to enable passive and active recreation uses including the expansion to the pond for wetland compensation purposes and for creating opportunities for active recreation. All work shall meet HRM Parkland Planning specifications.
- (c) Park P-3 with an area of approximately 4.7 acres with site development in the form of a secondary trail. Notwithstanding the alignment shown on Schedule G, the trail shall remain on Parcel P-3. The location and alignment of the trail will be determined in conjunction with the final design of the stormwater pond proposed for Parcel P-3. The trail shall be 1.5 metres in width and be constructed of crusher dust. All work shall meet HRM Parkland Planning specifications

3.6.3 All parkland dedication shall meet the Subdivision By-law's definition of "useable land". Any outstanding parkland dedication should be in the form of equivalent value such as trail construction or site preparation. Site inspections will be undertaken at the subdivision stage to determine useable land. All parkland frontage shall be within one (1) metre of finished road grade.

3.6.4 Where engineering infrastructure is permitted on lands proposed for park purposes, no physical barrier shall be created and the conditions of clauses 4.4.7 and 4.4.8 shall be 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 parkland 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 shall be built at the cost of the Developer. Where a crossing is provided subject to the terms of this Agreement, municipal infrastructure on Parkland shall not be deemed an encumbrance.

- 3.6.5 Parkland shall be completed and conveyed to the Municipality prior to the completion of each phase. Where this is not possible, bonding as per the Subdivision By-law shall be acceptable.

### **3.7 WATERCOURSE PROTECTION**

- 3.7.1 No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within a minimum of sixty-six (66) feet (20m) of the high water mark, or within the limits of any 1 in 20 year flood plain of the high water mark of any watercourse, except as provided for by this Agreement in accordance with an approved Stormwater Management Plan approved pursuant to the provisions of policy EP-1 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. Section 14QA (1) through 14QA(7) of the 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 management plan shall be submitted to the Watershed Advisory Board for recommendation of approval prior to the Community Council making a decision. The management plan shall meet the requirements of Policy P/OS-4 of the Secondary Planning Strategy.

### **3.8 RIPAREAN BUFFERS**

- 3.8.1 The Developer agrees that Riparian Buffers as identified on Schedule H and pursuant to this clause shall be shown on a Site Plan submitted pursuant to the requirements of subsection 3.2.1 of this Agreement. The plan shall identify all watercourse setbacks identified through clause 3.7.1 and all wetlands greater than or equal to 2,000 square metres, as identified by the Land Use By-law by Section 14T. In addition, non-disturbance areas shall be provided as indicated on Schedule J on Blocks TR-36 and TR-37. 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 who 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 Developer 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.. Certified Arborist, Landscape Architect, Landscape Technologist, Urban Forester or Forestry Technician) prior to granting approval pursuant to this clause.

3.8.2 Where a riparian buffer area or non-disturbance 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 this Agreement.

3.8.3 Where a riparian buffer or non-disturbance 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 this Agreement.

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

Subdivision applications shall be submitted to the Development Officer in accordance with the phasing sequence identified on Schedule F 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. Phase One (1) shall be first and Phase Three (3) shall be last.
- (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.

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 5.4.2 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.
- 3.9.10 Where lots are being approved that may overlap into an adjacent development agreement within the Wentworth Comprehensive Development District, and the lot has frontage on the portion of a street which is pursuant to this Agreement, the lot(s) shall be approved at the Development Officers discretion, pursuant to this Agreement.
- 3.9.11 The Developer acknowledges that lands located in Phase 2 and 3 of this Agreement, or portions thereof, cannot receive Subdivision Design Approval hereunder until such time that certain streets, that is, Transom Drive, Starboard Drive and Cutter Drive, and sewer, water and other services, are made available for connection through the development of abutting property located to the north west by the owner (currently Cresco Holdings Limited) the development of which is subject to a Development Agreement (Case 01194). The Municipality does not warrant that the extensions of services will happen in a prescribed or predetermined timeline.
- 3.9.12 Prior to the issuance of permits for any part of Phase 2, the connecting streets for the phase, that is, Transom Drive and Starboard Drive, must be completed to the property line between the Lands and the abutting property to the north west which is currently owned by Cresco Holdings Limited, and is to be developed in accordance with Development Agreement (Case 01194). Such connecting streets required for the phase of this Agreement shall be constructed by the abutting owner on the abutting lands and taken over by the Municipality through the HRM subdivision process or partially constructed and bonded through the requirements of "Option A" of Section 126 (2)(a) of the Regional Subdivision By-law prior to the issuance of permits for Phase 2. Prior to approval of Phase 2, the determinations of the road alignment for Transom Drive shall be completed as per 4.2.1.
- 3.9.13 Prior to the issuance of occupancy permits for any part of Phase 3A or B, Phase 2 shall be completed on the Lands and take over by the Municipality through the HRM subdivision process has occurred. Prior to the issuance of permits for any part of Phase 3A or 3B, construction permits shall have been issued by the Municipality for Phase 2 .
- 3.9.14 Prior to the issuance of permits for any part of Phase 3, the connecting street for the Phase, that is, Cutter Drive, must be completed to the property line between the Lands and the abutting property to the north west which is currently owned by Cresco Holdings

Limited, and is to be developed in accordance with Development Agreement (Case 01194). Such connecting streets required for the phase of this agreement shall be constructed by the abutting owner on the abutting lands and take over by the Municipality through the HRM subdivision process has occurred or partially constructed and bonded through the requirements of "Option A" of Section 126 (2)(a) of the Regional Subdivision By-law prior to the issuance of permits for Phase 3.

- 3.9.15 This agreement shall permit the issuance of permits for mass earth works in compliance with this agreement prior to the issuance of subdivision approval subject to the applicable by-laws.

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

- 3.10.1 Parking areas for multiple unit dwellings and townhouse clusters shall maintain a minimum 15 feet (4.57 m) setback from property lines.

- 3.10.2 Parking spaces shall be provided as follows:

<b>Land Use</b>	<b>Minimum Parking Spaces Required</b>
Single or townhouse dwelling units	2 per dwelling unit
Multiple unit dwellings	1.5 per dwelling unit
Other uses	As per the Land Use By-law

- 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 necessary, to provide access to all properties.

- 3.10.6 Clearly signed visitor parking areas shall be provided for all multiple unit dwellings or clustered townhouse units.

- 3.10.7 Driveway access and driveway widths shall be governed by the HRM By-law S-300.

### **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 (Cluster Townhouses and Multiple Unit Dwellings)*

- 3.11.2 Prior to the issuance of a Construction Permit for all townhouse clusters and multiple unit dwellings, the Developer agrees to provide a Landscape Plan which complies with the



provisions of this section. The Landscape Plan shall be 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

#### *Reinstatement*

3.11.3 All disturbed areas shall be stabilized and reinstated to original condition or better with landscaping.

#### *Compliance with Landscaping Plan*

3.11.4 Prior to issuance of the first Occupancy Permit for townhouse cluster and multiple 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.

3.11.5 Notwithstanding Section 3.11.3 and 3.11.4, 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*

3.11.6 For multiple unit dwelling and townhouse clusters, 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 and townhouse dwelling units*

3.11.7 The Developer shall plant a minimum of one (1) tree on each lot designated for single or townhouse dwelling unit. 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.

*Tree Planting for Multiple Unit Dwellings*

3.11.8 The Developer shall plant trees to the south east of driveway access to Block TR-36 and TR-37 (as shown on Schedule J) between the driveway and the property line. There shall be a minimum of five trees. 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 and the trees shall be sited by the Landscape Architect. 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 Multiple unit dwellings 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 Multiple unit dwellings 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 Multiple unit dwellings and townhouse clusters with rooftop mechanical equipment shall be permitted provided the equipment is fully screened or incorporated in to the architectural treatments and roof structure. Mechanical equipment shall not be visible from any adjacent 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 Private deliveries to all multiple unit dwellings and townhouse clusters, and the collection of refuse and recyclables, shall occur only between the hours of 7:00am and 10:00pm.

### **3.14 BICYCLE FACILITIES**

3.14.1 Bicycle facilities shall be provided as required in the Land Use By-law, Section 13AA through 13AC.

### **3.15 SIGNS**

3.15.1 The sign requirements shall be in accordance with the Land Use By-law. For the purposes of this section, land uses shall be permitted signs in conformance with the following and Section 14DA of the Land Use By-law:

Land Use	Applicable Section of Land Use By-law
Singles	23
Townhouse	23
Multiple Unit Dwelling	32(2)

#### *Community Signs*

3.15.2 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 fully shielded exterior fixtures and all light shall be directed on to the sign. 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 of its 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 of its 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 AND USES**

Temporary construction uses shall be permitted as per Section 14V of the Land Use By-law. The construction building(s) and uses shall be removed from the Lands prior to the issuance of the last Occupancy Permit on the Lands.

### **3.18 SOLID WASTE FACILITIES (Multiple-unit dwellings)**

3.18.1 The multiple unit dwellings 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 Halifax Regional Municipality 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. Verification of disturbance shall be subject to inspections held prior to and post development.

#### *Underground Services*

- 4.1.3 All electrical, telecommunication and cable service to all multiple unit dwellings shall be underground installation. Multiple unit dwelling sites with a setback of greater than greater than 150 feet from the street shall be exempt from this clause.
- 4.1.4 Nothing in this Agreement shall preclude the installation of natural gas services provided all Municipal requirements are met.

#### *Site Preparation in a Subdivision*

- 4.1.5 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.
- 4.1.6 Nothing in this Agreement shall preclude the Developer from storing or removing rocks, soils or grubbing materials from other development phases established pursuant to the Secondary Planning Strategy, provided that all permission has been granted by the Engineer and all required municipal and provincial approvals have been obtained.
- 4.1.7 Notwithstanding Schedule B, C, D, E, G, and I, 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 Developer's 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 and G . Prior to the issuance of permits for any portion of Phase 2 which includes a portion of Transom Drive, the Development Officer and Development Engineer shall be satisfied that the alignment of Transom Drive is consistent with one of the two options for alignment of Transom Drive at the shared property line with lands located to the north west (currently owned by Cresco Holdings Limited and developed subject to a development agreement (Case 01194)).
- 4.2.2 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. If the proposed private driveway serves greater than thirty townhouse dwelling units, it shall be constructed to a municipal road standard.

### **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 Birch Cove North/ Bedford West Infrastructure Plan 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 The installation of the twenty (20) inch and the ten (10) inch watermain on Transom Drive are required prior to any development on Starboard Drive and Cutter Drive.

##### *Permitted Population Density*

- 4.4.4 For lands identified on Schedule A and A-1, consisting of 82 acres as identified on Schedule B, shall be designed with a maximum population of 1040 persons.
- 4.4.5 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 and townhouse dwellings	3.35 persons per unit
Multiple unit dwellings	2.25 persons per unit
Other	As determined by the Development Engineer

##### *Stormwater Control Measures Required*

- 4.4.6 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.
- 4.4.7 Where mitigative measures are proposed along a watercourse or wetland, no mitigative measure shall be located in a location which would negatively impact the 1 in 100 year floodplain for the watercourse or wetland. All stormwater plans shall indicate the 1 in 100 year floodplains as determined by a qualified professional.
- 4.4.8 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 P/OS-4 of the Wentworth Secondary Planning Strategy.

## **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*

- 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.

### *Subdivision and Lot Grading Plans*

- 5.4.1 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;
- 5.4.2 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 Municipalities Topsoil By-law.
- 5.4.3 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 its cost.

- 5.4.4 No Occupancy Permit shall be granted unless the requirements of Section 5.4.3 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 Topsoil 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) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement;
- (b) The length of time for the completion of the development as identified in Section 7.4 of this Agreement;
- (c) amendments to the development standards in Sections 3.4.1 to 3.4.7 of this Agreement with the exception of building height;

### **6.2 Substantive Amendments**

Amendments to any matters not identified pursuant to 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 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 successors, assigns, mortgagees, lessees, heirs 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 three years from the date of registration of this Agreement at the Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, “commencement of development” shall mean final subdivision approval of the first phase of the Lands.
- 7.3.3 Council may grant an extension of the commencement of development time period through a resolution pursuant to 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 ten 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, as may be amended from time to time.
- 7.4.2 For the purpose of this section, “completion of development” shall mean final subdivision approval of the last phase of the Lands.

### **7.5 Discharge of Agreement**

- 7.5.1 If the Developer fails to complete the development after 10 years from the date of registration of this Agreement at the Land Registry 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 defence 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 Watershed Advisory Board for a recommendation of approval and to the Community Council for approval before being undertaken; or
- (e) 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 \_\_\_\_\_, 2012.

**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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

=

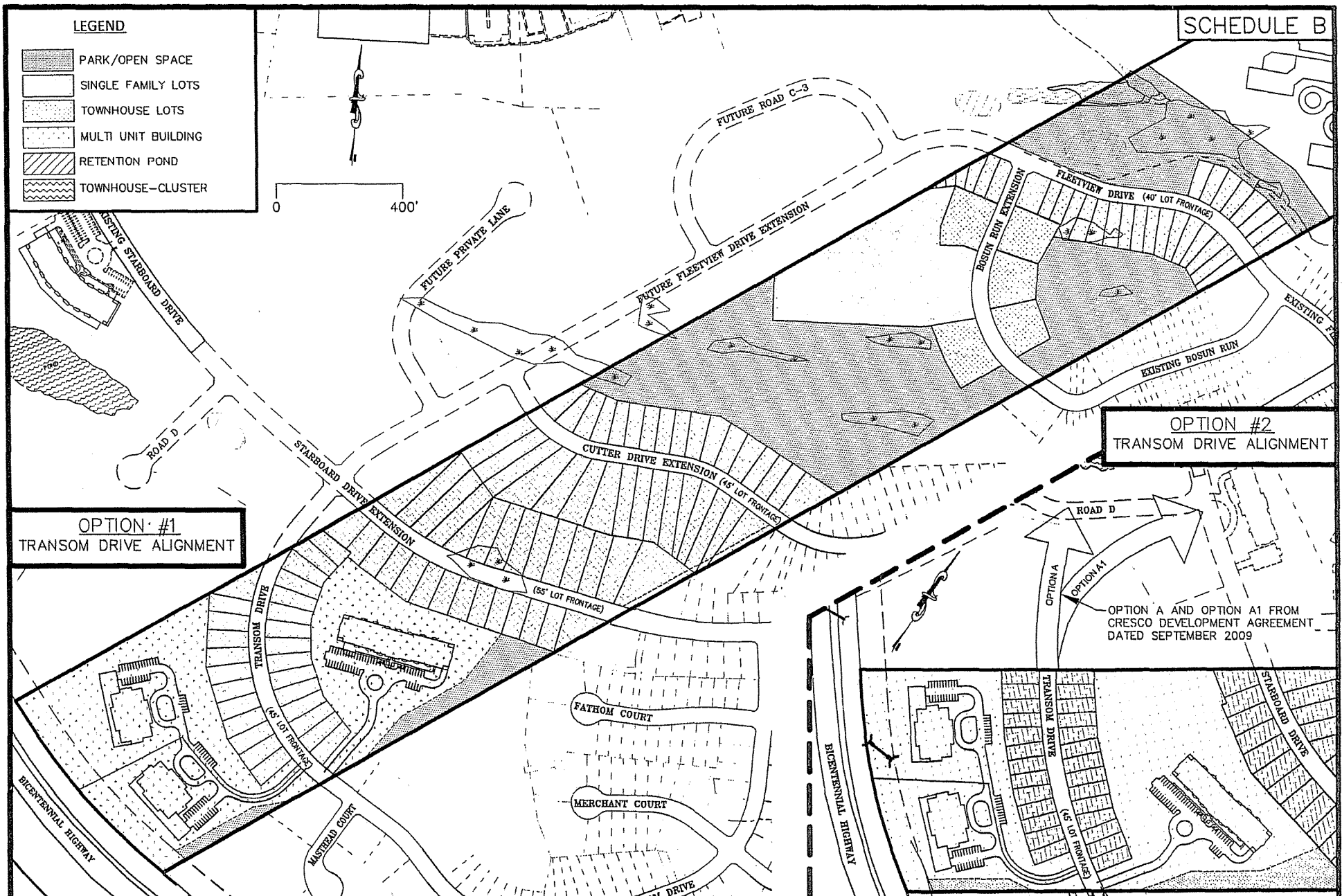
**HALIFAX REGIONAL  
MUNICIPALITY**

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

Mayor

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

Municipal Clerk



**MAC WILLIAMS ENGINEERING  
LIMITED**

**WENTWORTH ESTATES  
LANDS OF EMSCOTE LIMITED**

LAND USE PLAN

**Revision**

No.	Comments	Date	By
3.	HRM/Client Comments	Nov 15/11	KCO
4.	HRM/Planning Comments	Nov 29/11	KCO
5.	HRM/Planning Comments	Dec 22/11	KCO
6.	HRM/Planning Comments	Feb 1/12	KCO

Date: June 29, 2011

Scale: 1"=400'

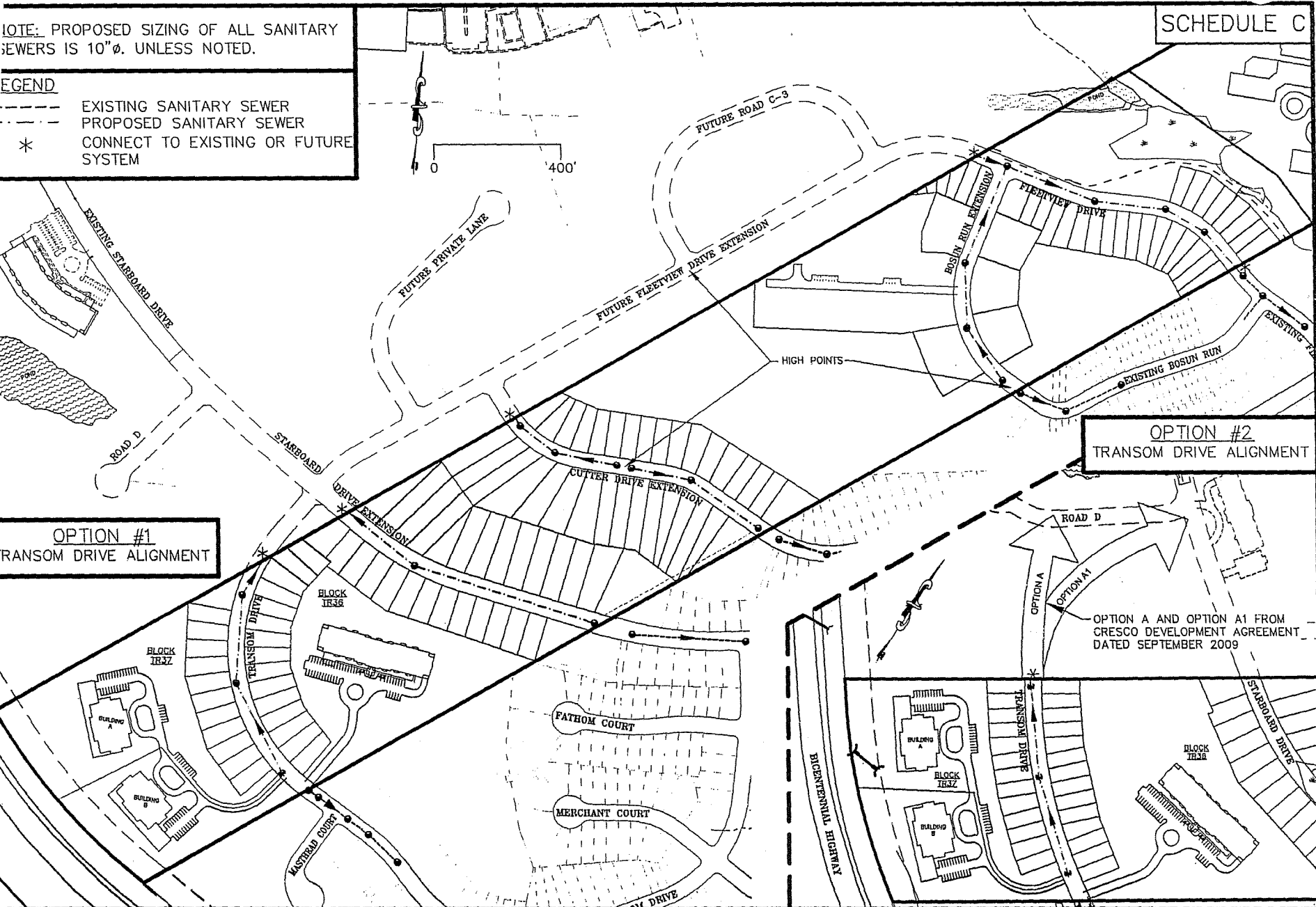
Project No.: 10575

Drawing No.: 10575-SK01-B

**Schedule B**

NOTE: PROPOSED SIZING OF ALL SANITARY SEWERS IS 10"Ø. UNLESS NOTED.

- LEGEND
- EXISTING SANITARY SEWER
  - - - PROPOSED SANITARY SEWER
  - \* CONNECT TO EXISTING OR FUTURE SYSTEM



**MAC WILLIAMS ENGINEERING LIMITED**

**WENTWORTH ESTATES**  
LANDS OF EMSCOTE LIMITED  
PROPOSED SANITARY SEWER PLAN

Revision			
No.	Comments	Date	By
3.	HRM/Planning Comments	Nov 29/11	KCO
4.	HRM/Planning Comments	Dec 22/11	KCO
5.	HRM/Planning Comments	Feb 1/12	KCO

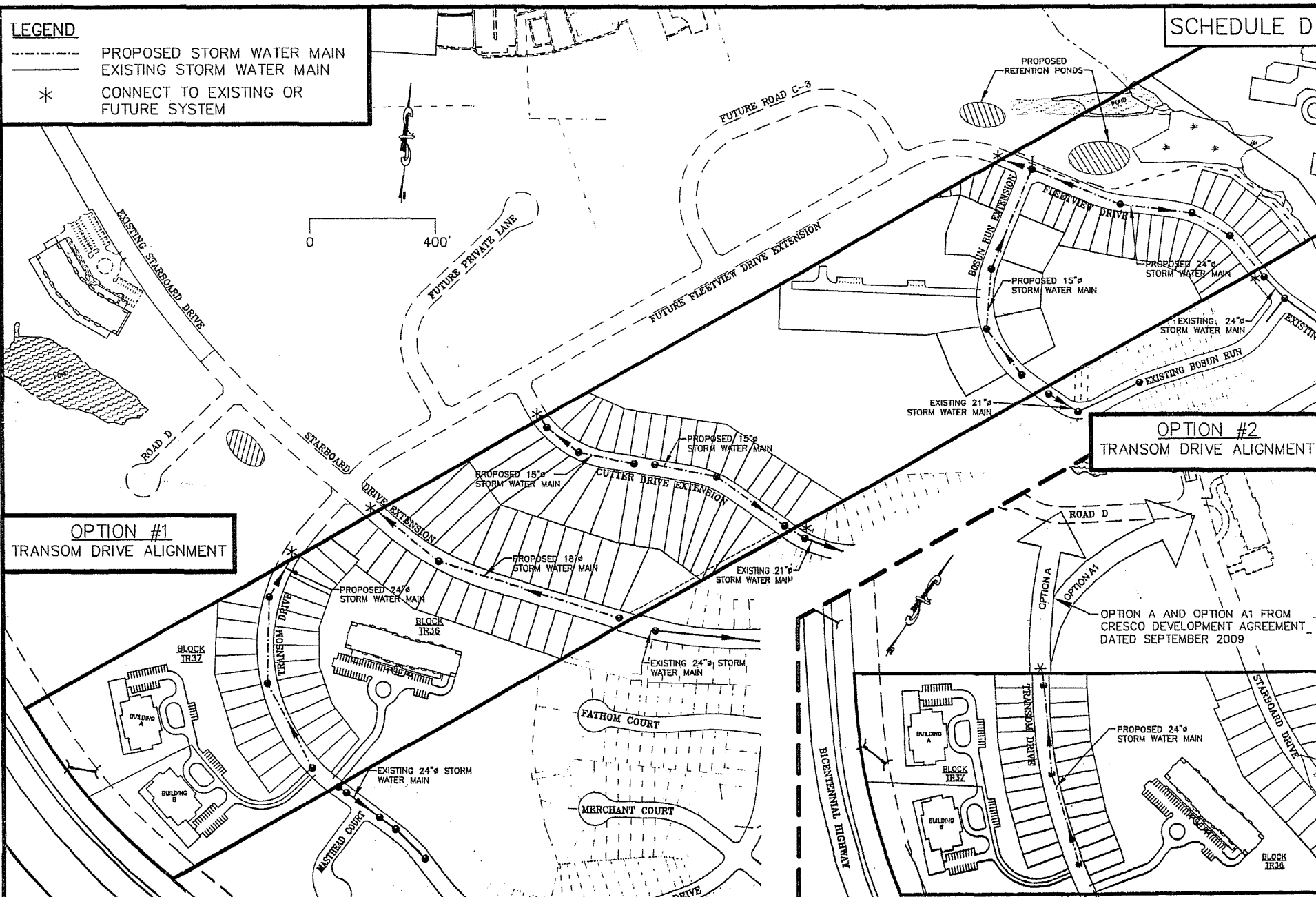
Date:	June 29, 2011
Scale:	1"=400'
Project No.:	10575
Drawing No.:	10575-SK01-C

Schedule C

# LEGEND

- PROPOSED STORM WATER MAIN
- EXISTING STORM WATER MAIN
- \* CONNECT TO EXISTING OR FUTURE SYSTEM

SCHEDULE D



OPTION #1  
TRANSDOME DRIVE ALIGNMENT

OPTION #2  
TRANSDOME DRIVE ALIGNMENT

OPTION A AND OPTION A1 FROM  
CRESCO DEVELOPMENT AGREEMENT  
DATED SEPTEMBER 2009



MAC WILLIAMS ENGINEERING  
LIMITED

WENTWORTH ESTATES  
LANDS OF EMSCOTE LIMITED

PROPOSED STORM WATER SERVICE PLAN

Revision

No.	Comments	Date	By
3.	HRM/Planning Comments	Nov 29/11	KCO
4.	HRM/Planning Comments	Dec 22/11	KCO
5.	HRM/Planning Comments	Feb 1/12	KCO

Date: June 29, 2011

Scale: 1"=400'

Project No.: 10575

Drawing No.: 10575-SK01-D

Schedule D

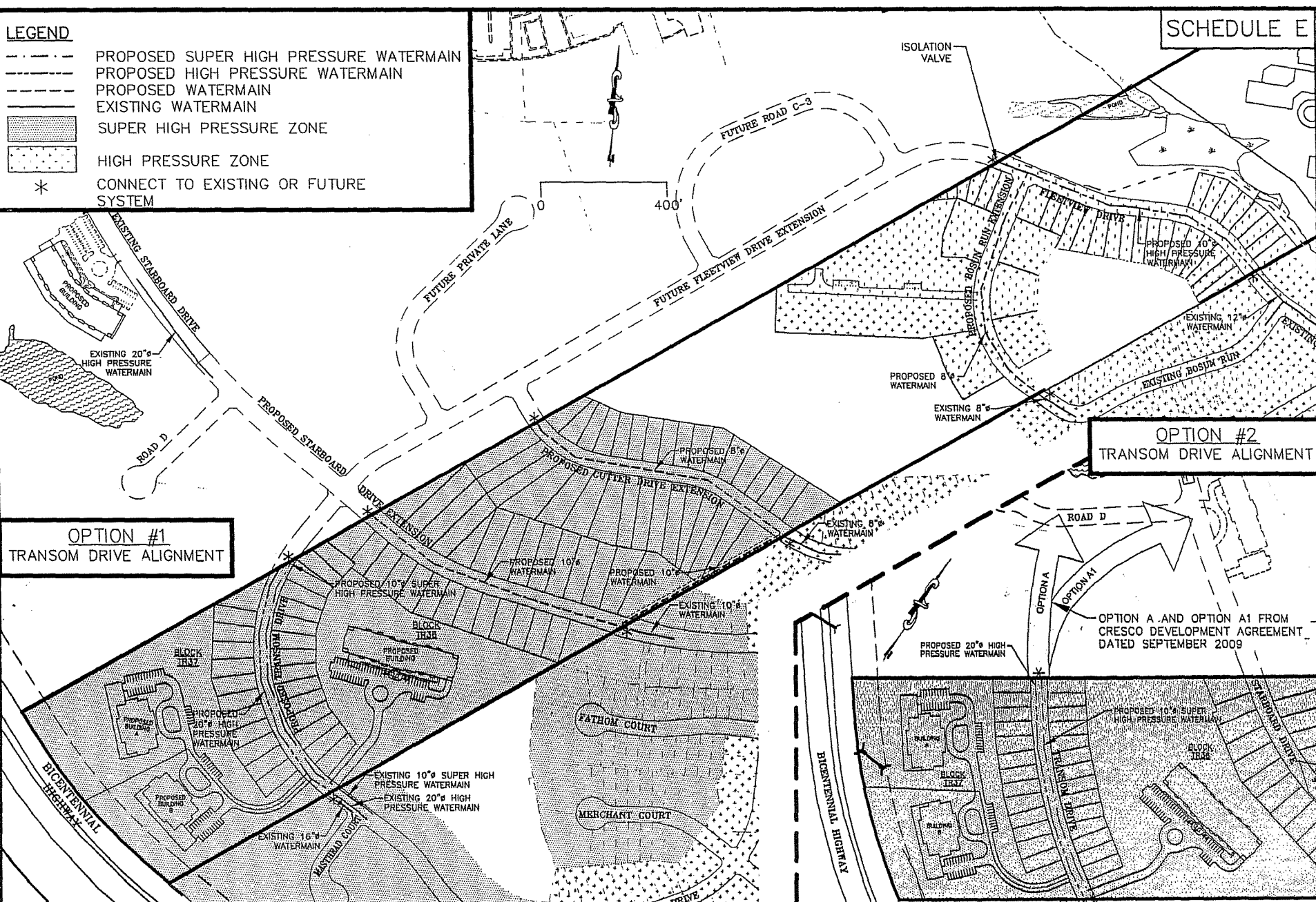
# LEGEND

- PROPOSED SUPER HIGH PRESSURE WATERMAIN
- PROPOSED HIGH PRESSURE WATERMAIN
- PROPOSED WATERMAIN
- EXISTING WATERMAIN
- SUPER HIGH PRESSURE ZONE
- HIGH PRESSURE ZONE
- \* CONNECT TO EXISTING OR FUTURE SYSTEM

## SCHEDULE E

### OPTION #1 TRANSM DRIVE ALIGNMENT

### OPTION #2 TRANSM DRIVE ALIGNMENT



**MAC WILLIAMS ENGINEERING  
LIMITED**

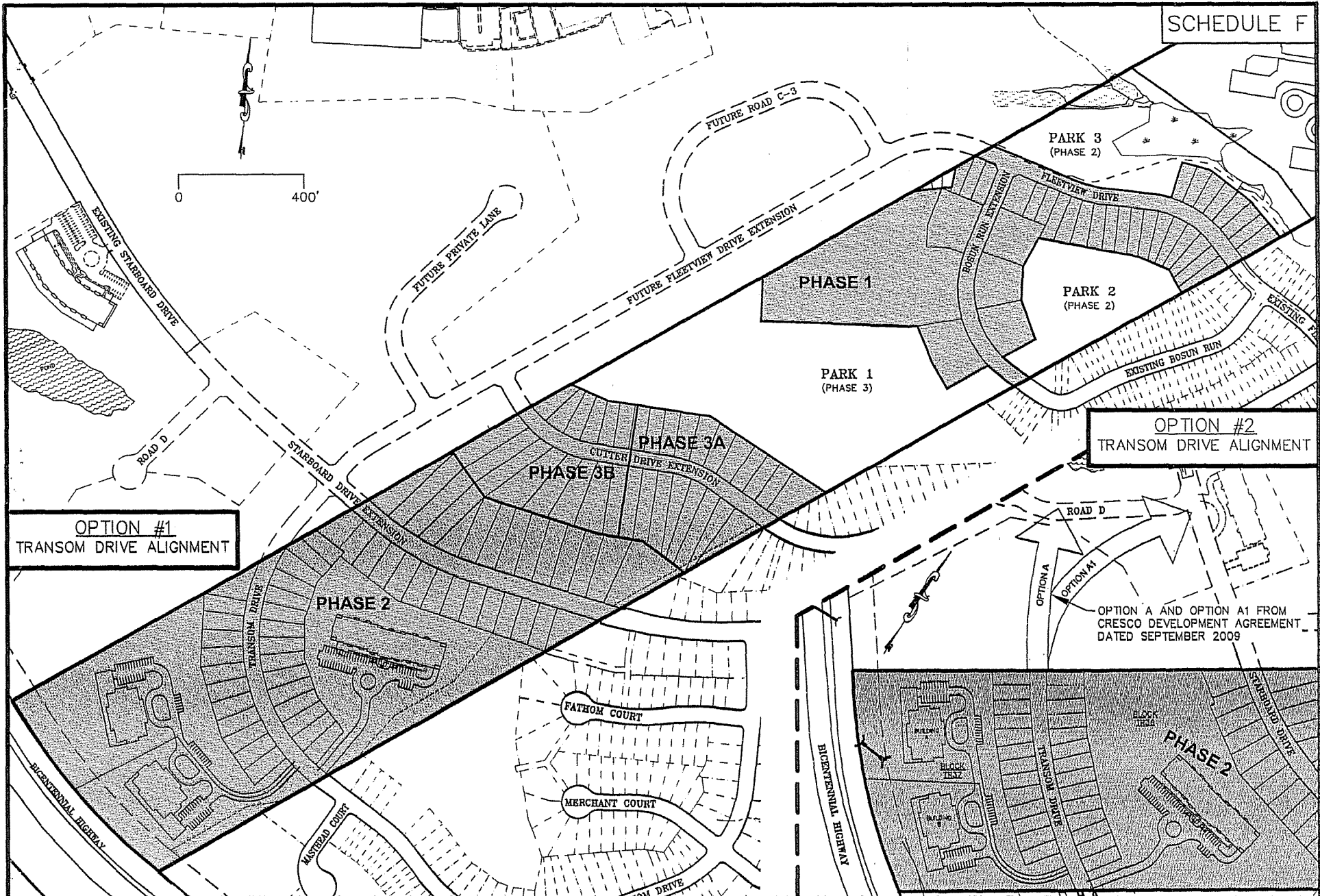
**WENTWORTH ESTATES**  
LANDS OF EMSCOTE LIMITED  
WATER SYSTEM & PRESSURE ZONES

Revision				Date:	June 29, 2011
No.	Comments	Date	By	Scale:	1"=400'
3.	HRM/Planning Comments	Nov 29/11	KCO	Project No.: 10575 Drawing No.: 10575-SK01-E	
4.	HRM/Planning Comments	Dec 22/11	KCO		
5.	HRM/Planning Comments	Feb 1/12	KCO		

Schedule E



SCHEDULE F



**MW**  
MAC WILLIAMS ENGINEERING  
LIMITED

WENTWORTH ESTATES  
LANDS OF EMSCOTE LIMITED  
PHASING PLAN

Revision			
No.	Comments	Date	By
3.	HRM/Client Comments	Nov 15/11	KCO
4.	HRM/Planning Comments	Nov 29/11	KCO
5.	HRM/Planning Comments	Dec 22/11	KCO
6.	HRM/Planning Comments	Feb 1/12	KCO

Date:	June 29, 2011
Scale:	1"=400'
Project No.:	10575
Drawing No.:	10575-SK01-F

Schedule F

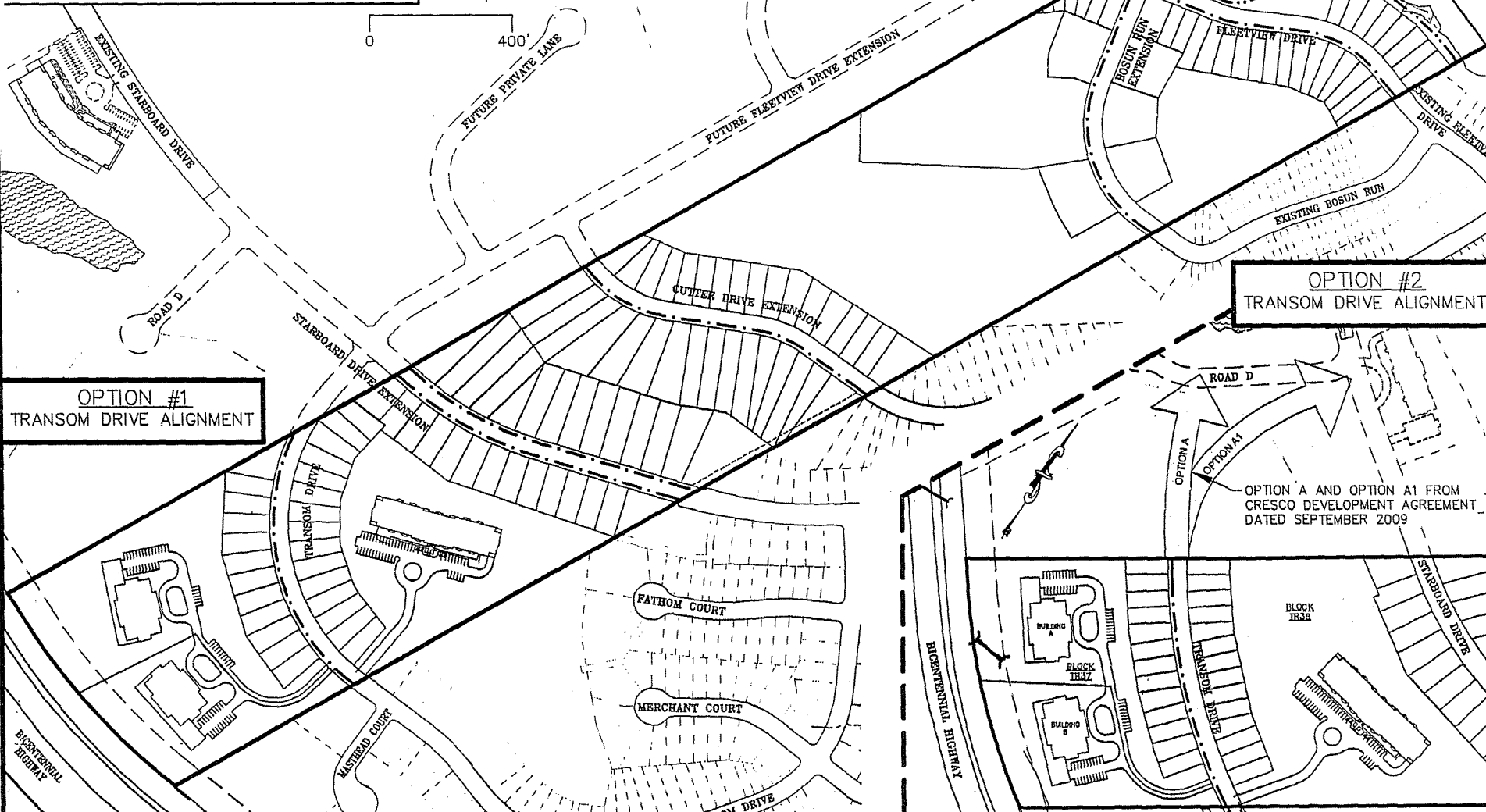


SCHEDULE G

NOTE: DUAL SIDEWALK SHALL BE INSTALLED  
ALONG STARBOARD DRIVE, ALL OTHER  
ROADWAYS SHALL BE SINGLE SIDEWALK AS  
PER HRM SPECIFICATIONS

LEGEND

--- SIDEWALK  
--- SECONDARY TRAIL



OPTION #1  
TRANSDOME DRIVE ALIGNMENT

OPTION #2  
TRANSDOME DRIVE ALIGNMENT

OPTION A AND OPTION A1 FROM  
CRESCO DEVELOPMENT AGREEMENT  
DATED SEPTEMBER 2009



MAC WILLIAMS ENGINEERING  
LIMITED

WENTWORTH ESTATES  
LANDS OF EMSCOTE LIMITED

SIDEWALK AND TRAIL PLAN

Revision

No.	Comments	Date	By
3.	HRM/Planning Comments	Nov 29/11	KCO
4.	HRM/Planning Comments	Dec 22/11	KCO
5.	HRM/Planning Comments	Feb 1/12	KCO

Date: June 29, 2011

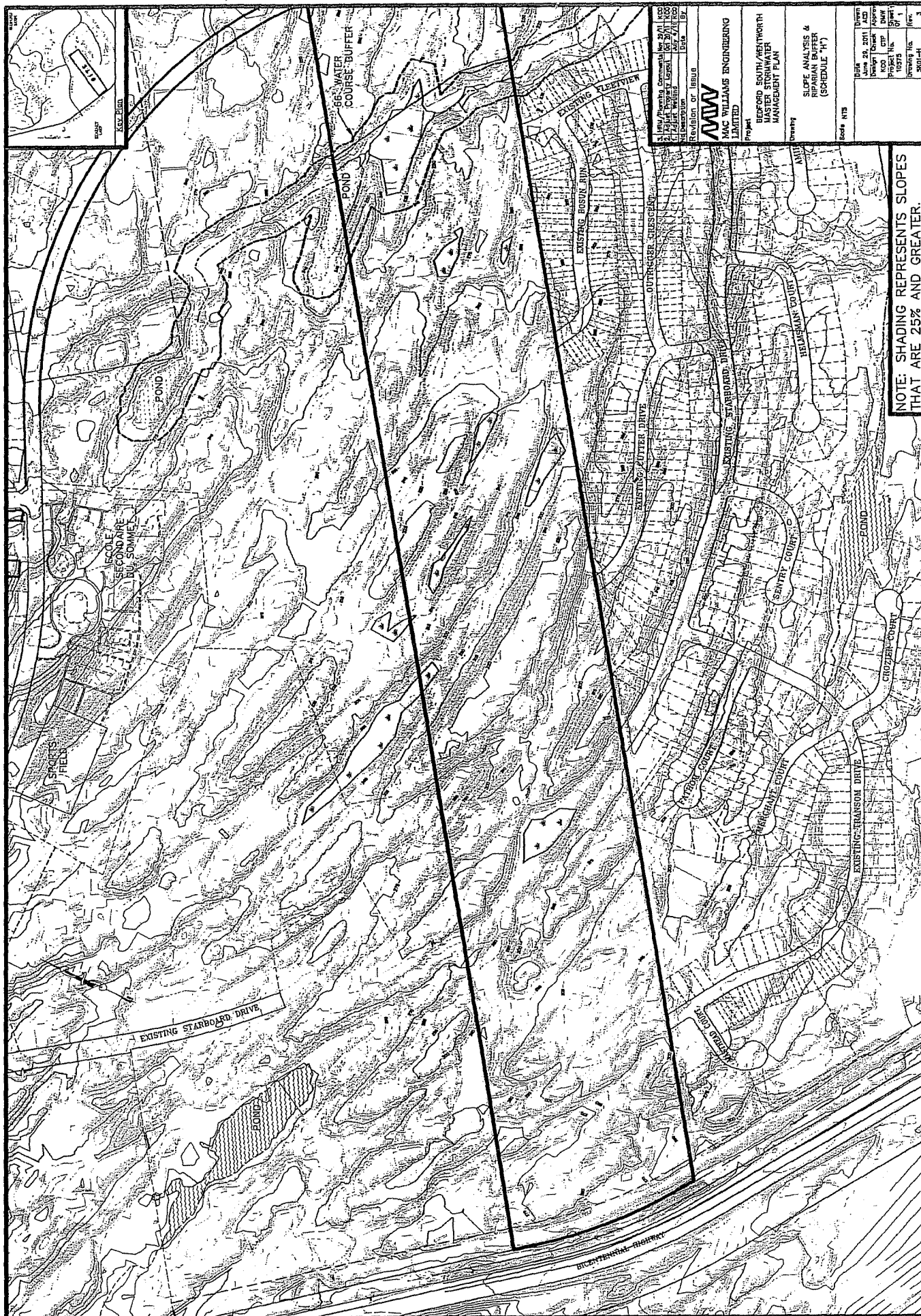
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Project No.: 10575

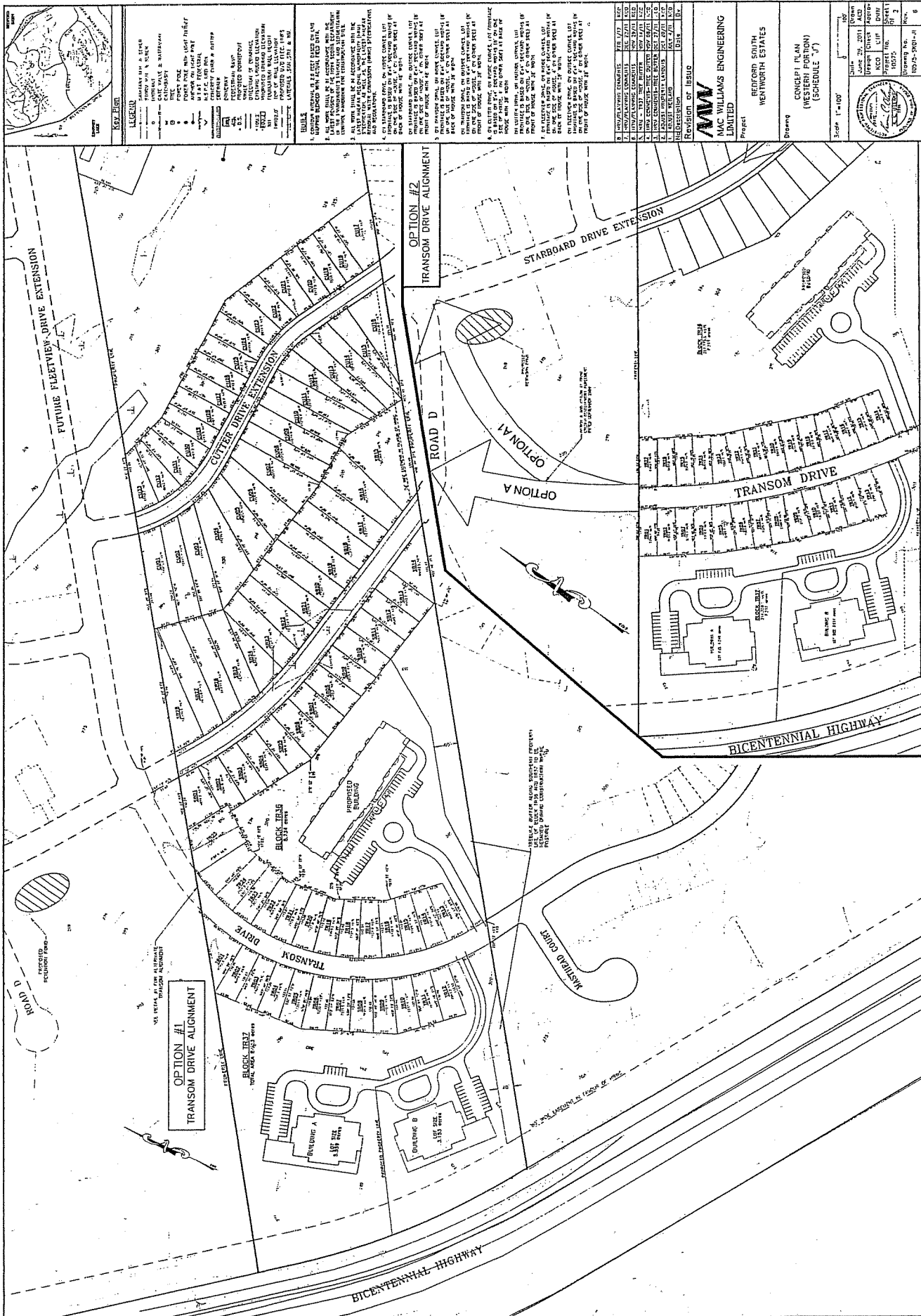
Drawing No.: 10575-SK01-G

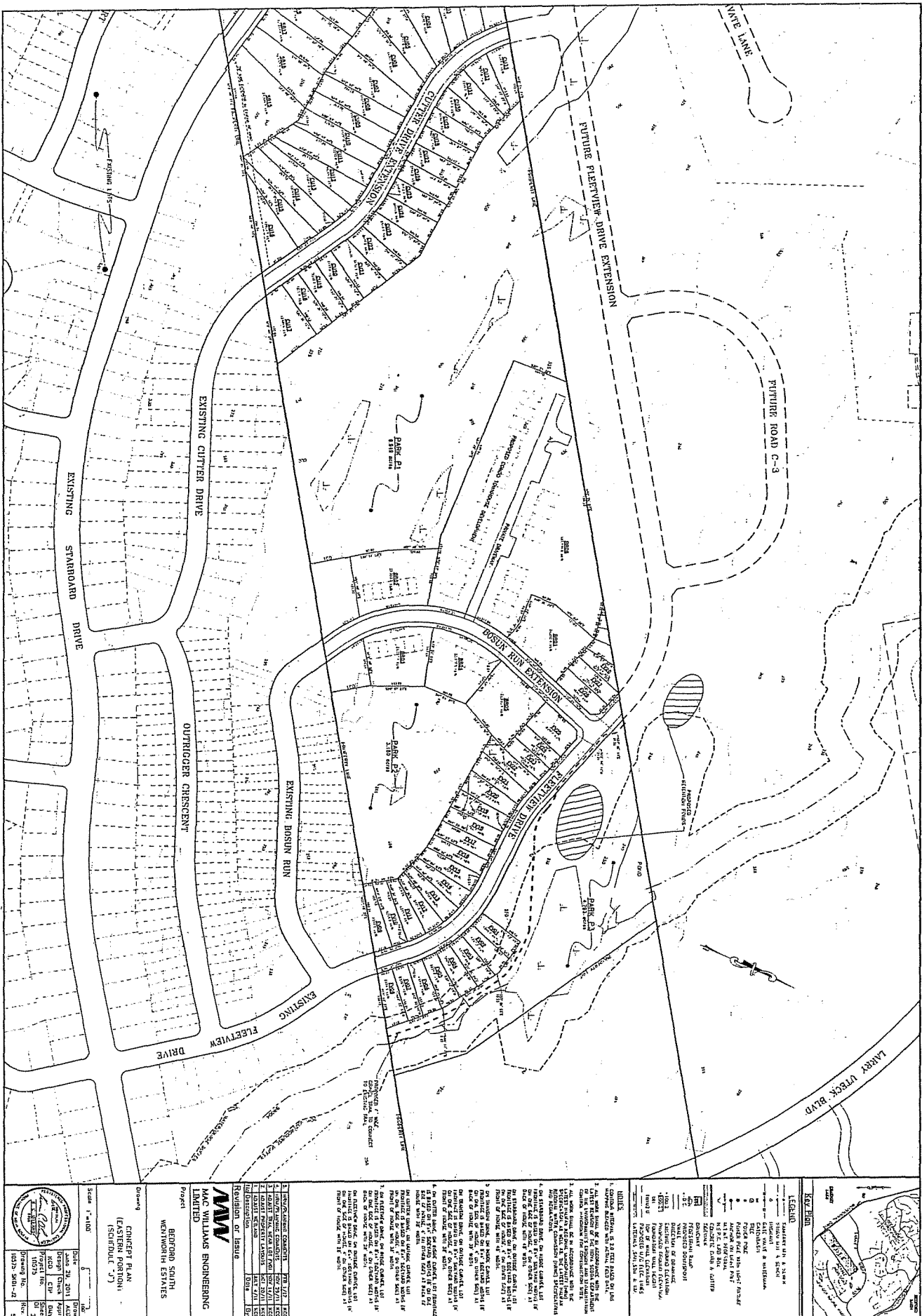
Schedule G

## Schedule H









**SCHEDULE K**  
**Density Chart**

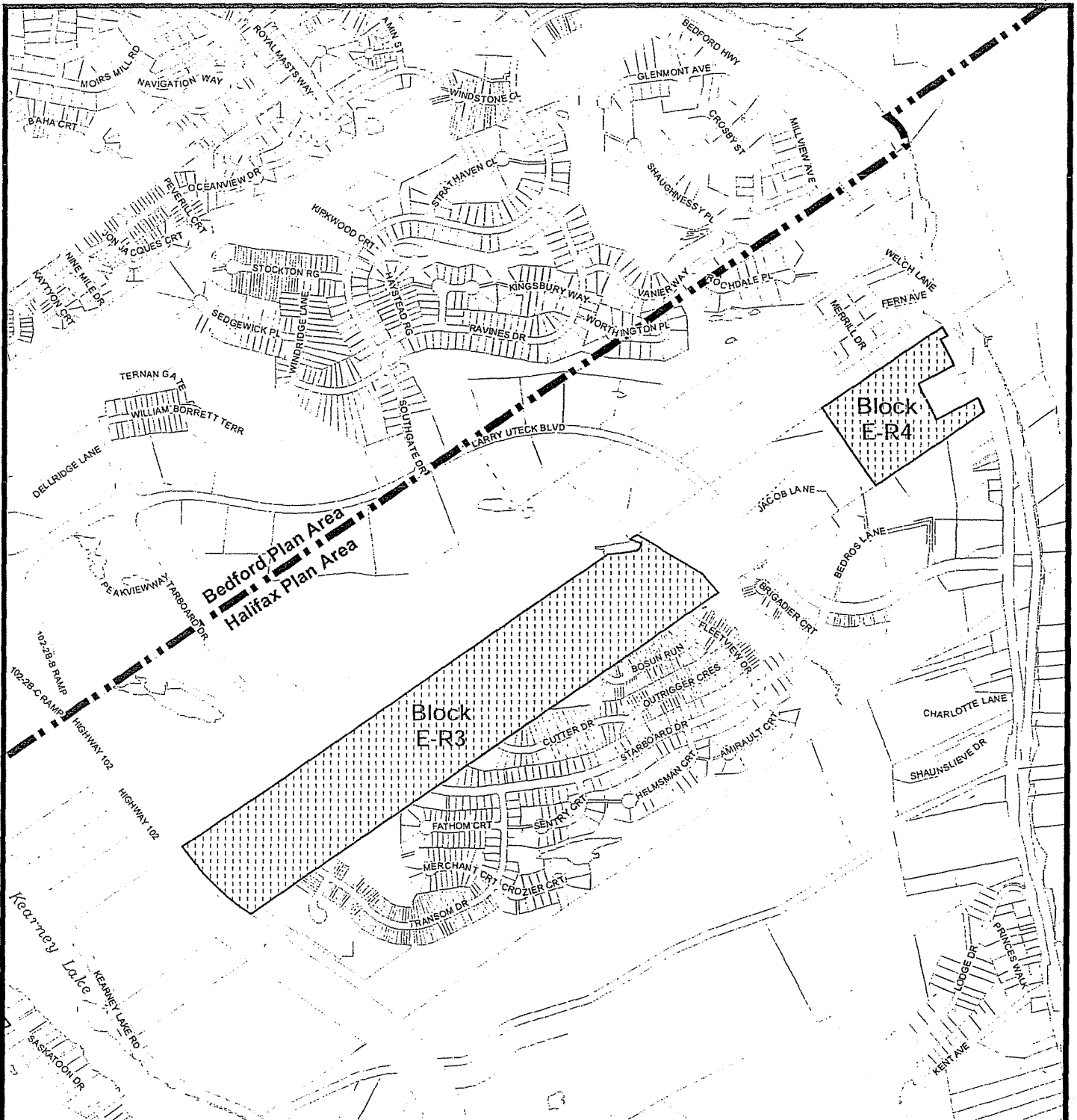
<b>Wentworth Estates</b>	
Total Acreage	106 Acres
Multiplication Factor	<u>20 PPA</u>
Maximum Population	<b>2120</b>
<b>Development Agreement (Case 00624)</b>	
Apartment Block Units	480
Factor	<u>2.25</u>
Total Population	<b>1080</b>
<b>Current Application (Case 17082)</b>	
<b><u>OPTION #1 Transom Drive Extension</u></b>	
Singles 40'	27 x 3.35 = 90.45
Singles 50'	58 x 3.35 = 194.3
Singles 60'	28 x 3.35 = 93.8
Townhouses	54 x 3.35 = 180.90
Multiple	<u>213 x 2.25 = 479.25</u>
Total Population	<b>1038.70</b>
Development Application (Case 00624)	1080
Current Application - Option #1	<u>1038.70</u>
Total Population	<b>2118.70</b>
<b><u>OPTION #2 Transom Drive Extension</u></b>	
Singles 40'	27 x 3.35 = 90.45
Singles 50'	60 x 3.35 = 201
Singles 60'	28 x 3.35 = 93.8
Townhouses	54 x 3.35 = 180.90
Multiple	<u>210 x 2.25 = 472.50</u>
Total Population	<b>1038.65</b>
Development Application (Case 00624)	1080
Current Application - Option #2	<u>1038.65</u>
Total Population	<b>2118.65</b>

**Schedule L**  
**Design Criteria for Townhouses and Multiple Unit Dwellings**

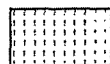
1. All townhouse developments shall conform with the following design criteria:
  - a) Architectural detailing including, but not limited to, lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards, shall be incorporated.
  - b) Architectural treatment shall be 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. Multiple Unit Dwellings 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 M



Schedule M  
Map of Blocks E-R3 and E-R4



Subject Properties

**HALIFAX**  
REGIONAL MUNICIPALITY  
Community Development  
Planning Services



200 100 0 200 400 600 800  
Meters



## Attachment B Halifax MPS Policy Review

Policy MCP-1: The Community Concept Plan, presented as Schedule I, 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 master plan area and any development of the land shall be subject to approval of a development agreement.	The proposed plan is consistent with the community concept plan.
Policy P/OS-1: The areas designated as Park/Open Space on Schedule I shall be reserved for active and passive recreational uses, stormwater management and environmental protection. Provided that the area of the designation is not materially reduced, the boundaries of the Park/Open Space Designation may be varied where such changes provide: <ol style="list-style-type: none"> <li>1. enhanced protection of environmentally sensitive site features;</li> <li>2. more opportunity for preservation of significant aesthetic features;</li> <li>3. more suitable lands for active recreational uses;</li> </ol> or <ol style="list-style-type: none"> <li>4. a more functional path system for pedestrians and cyclists.</li> </ol>	The proposed agreement complies with these requirements. The proposed plan (Schedule G of Attachment A) conforms with this clause.
Policy P/OS-2: No streets shall be permitted to cross the Park/Open Space Designation except: <ol style="list-style-type: none"> <li>1. as illustrated on Schedule I;</li> <li>2. to allow for a local road connection between residential neighbourhoods A and C;</li> <li>3. to allow for a local road connection between Neighbourhood A and the Neighbourhood Collector leading to the Bedford Highway; or</li> <li>4. to allow for a road connection the Royale Hemlocks Estate Subdivision and the Mixed Use/Business Campus Designation</li> </ol>	The road layout for this development has been substantially established by adjacent development. Crossing of the open space designation will take place to allow for a connection between the Royale Hemlock subdivision and the mixed use business campus lands as permitted by this clause.
Policy P/OS-3: No stormwater management, sanitary sewer or water service system shall be located within the Open Space/Park Designation which would adversely affect environmentally sensitive areas, detract from the aesthetics of the area or impair any recreational functions intended and, unless otherwise necessary, all such systems shall be located outside areas delineated for active and passive recreation.	Stormwater, sewer and water services for the proposed subdivision are generally located within the proposed road right-of-ways and outside such lands. However there is a requirement for a stormwater pond which must be located within lands designated for parks and open space by the MPS. The site of this treatment pond has been located in an area outside of the floodplains for the adjacent watercourse to minimize environmental impact. The function of the pond is to manage flows and clean stormwater. Both functions are of environmental importance and minimize the environmental impact of the subdivision and fulfill the requirements of other policies of the MPS. The location of the pond has been reviewed by the Development Engineer (HRM) and the

	<p>Bedford Waters Advisory Board.</p> <p>The proposed agreement requires that this pond and associated infrastructure does not impair the function of the land for trails and crossings. The proposed infrastructure is accommodated within a small portion of the parkland and its construction should not significantly affect the aesthetics of the parkland.</p>
<p>Policy P/OS-4: 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 assessment be undertaken at the cost of the developer by a person qualified to make such a determination.</p>	<p>The proposed agreement will require an environmental study if the Municipality cannot determine the impact of such structures.</p>
<p>Policy P/OS-5: The development of all recreational facilities shall conform with the HRM Guidelines for Parkland Planning and the recommendations adopted under the Hemlock Ravine Park Management Plan (Halifax Regional Municipality. July 7, 2000).</p>	<p>The proposed agreement will comply with these requirements. The HRM requirements for Parkland Planning now form part of the Regional Subdivision By-law through which the development will be regulated. The recommendations adopted under the Hemlock Ravine Park Management Plan do not appear to impact on the subject properties.</p>
<p>Policy P/OS-6: The Municipality shall prepare a recreation facilities plan for the development of active and passive recreational facilities within the Park/Open Space Designation. 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.</p>	<p>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 this neighbourhood are limited to areas identified under policy. This type of study has not been submitted in support of other phases of development within Bedford South or West.</p>
<p>Policy CTS-1: A community street and trail system shall be developed in substantial conformity with the designations and alignments presented on Schedule II except that variations to the alignment may be considered to enhance safety, provide a better fit with the natural terrain or preserve significant environmental features. The following requirements shall be applied:</p> <ol style="list-style-type: none"> <li>1. between the Royale Hemlocks Subdivision and the Nine Mile Drive/Starboard Drive intersection, Larry Uteck Boulevard shall have sufficient right-of-way width to allow for two lanes of traffic and sidewalks on both sides with provisions for turning lanes at major intersections and driveways. Driveway access shall only be permitted for apartment buildings, clustered housing comprising at least ten housing units, commercial and institutional developments. Traffic signals shall be provided at the Neighbourhood Collector and the Nine Mile Drive/Starboard Drive intersections. Driveway locations, the geometric design of intersections and the timing of installation of traffic signals shall be negotiated under development agreements;</li> <li>2. between the proposed interchange and the Nine Mile Drive/Starboard Drive intersection, Larry Uteck Boulevard shall have sufficient right-of-way width for four lanes of traffic and sidewalks on both sides with</li> </ol>	<p>Not Applicable</p> <p>Not Applicable</p>

<p>provisions for turning lanes at the Nine Mile/Starboard Drive intersection. Driveway access shall be restricted to right-in and right-out movements unless traffic signals are provided and the need for sidewalks shall be determined at the time development agreements are negotiated;</p> <p>3. Starboard Drive shall have the same design specifications as in the abutting Royale shall be required;</p> <p>4. Nine Mile Drive shall have sufficient right-of-way width for two lanes of traffic with sidewalks on both sides and provisions for turning lanes at Larry Uteck Boulevard. The number of driveway accesses shall be minimized.;</p> <p>5. The Neighbourhood Collector shall have sufficient right-of-way width for two lanes of traffic with a sidewalk on one side and provisions for turning lanes at Larry Uteck Boulevard and the Bedford Highway. A minimum lot frontage of fifty feet shall be required and, if warranted, the cost of providing traffic signals at the Bedford Highway intersection shall be the responsibility of the developer;</p> <p>6. a community trail system shall be constructed by the developer of the lands on which it is located with the design specifications negotiated under a development agreement. 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.</p>	<p>The road will transition between the Royal Hemlocks ROW width to that required under the development agreement on the adjacent Cresco lands</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>A trail will be constructed by the Developer as a continuation of an existing trail parallel to Fleetview Drive. This trail will extend through parkland to adjacent parkland to be developed in the future by Cresco Holdings Limited. Additional opportunities for future trails may be available once parkland is transferred to the Municipality.</p>
<p>Policy CTS-2: 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 RN-1: The Municipality shall require that any development agreement application encompass an entire Residential Neighbourhood Designation unless satisfied that a property owner within the designation is not willing to participate. In such instance, a development agreement may be approved for part of the neighborhood provided that a neighbourhood concept plan is prepared for the entire neighbourhood which identifies the significant transportation systems, parkland and open space features and municipal service systems and the Municipality is satisfied that the concept plan conforms with all objectives and policies established under this Municipal Planning Strategy and provides for a fair and reasonable allocation of development rights among property owners. Any subsequent development agreement application within the affected Residential Neighbourhood shall conform with neighbourhood concept plan unless an alternative</p>	<p>This proposal is the final major parcel of land in Wentworth/ Bedford South and completes all anticipated road connections.</p>

design is provided which is satisfactory to the Municipality.	
<p>Policy RN-2: The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation:</p> <ol style="list-style-type: none"> <li>1. the density of housing units does not exceed six units per acre within neighbourhoods A, or C;</li> <li>2. 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;</li> <li>3. sidewalks and pathways facilitate safe and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services;</li> <li>4. 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;</li> <li>5. 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;</li> <li>6. building locations, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian scale and compatibility with the natural environment;</li> <li>7. 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 total on-site parking supply;</li> <li>8. all open space/parkland dedications proposed conform with the objectives and policies adopted for the community parkland/open space under this municipal planning strategy and any administrative guidelines adopted by the Municipality and;</li> <li>9. 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.</li> </ol>	<p>Not applicable</p> <p>Small scale daycare is permitted as part of this agreement. Other commercial needs appear to be provided for within other parts of this development.</p> <p>The proposal completes pedestrian systems between the Bedford South and Wentworth areas as well as to the adjacent Royale Hemlocks subdivision.</p> <p>The layout of streets facilitates the goal of this policy.</p> <p>The design of the development achieves these goals. Low density land uses are generally a continuation of existing land use patterns. Larger multiple unit dwellings are located in areas of established multiple unit dwellings.</p> <p>The design of the development achieves these goals. Development controls within the draft agreement (Section 3) deal with specific issues.</p> <p>The development agreement addresses underground parking and will deal with these matters. A minimum of fifty percent of the required parking for multiple unit dwellings is required to be underground.</p> <p>The proposed parkland meets these requirements and has been reviewed by Parkland Planning. In addition the agreement requires Parkland Guidelines be complied with.</p> <p>The agreement meets all required Secondary Planning Strategy policies.</p>
<p>Policy RN-3: Each residential neighbourhood shall conform with the following provisions:</p> <p>Neighbourhood "A":</p>	

<p>Lands located between the minor neighbourhood collector street and the Old Coach Road will be primarily developed with single-family dwellings of varying lot sizes. Single unit dwellings shall have a minimum lot frontage of forty feet, a minimum side yard of four feet and a minimum separation of twelve feet between buildings. A majority of the single unit dwelling lots shall have a minimum fifty foot lot frontage and 5,000 square feet of lot area. A maximum of twenty five (RC:July 5/05; E-Aug 9/05) percent of the housing units may be townhouses or semi-detached dwellings.</p>	Not Applicable
<p>Lands abutting the Neighbourhood Collector Road in the vicinity of the Old Coach Road and the Bedford Highway may be developed with apartment buildings and townhouses, provided that townhouse units have shared driveway access to the Neighbourhood Collector Road. Any apartment building development shall be limited to five storeys above grade and shall maintain a minimum fifty foot non-disturbance area from any existing single unit dwelling lot abutting Glenmount Avenue.</p>	Not Applicable
<p>Commercial uses may also be considered on lots which have frontage on the Bedford Highway.</p>	Not Applicable
<p>Neighbourhood B:</p> <p>This neighbourhood is intended primarily for apartment building and townhouse developments, although lower density housing units and other developments supported in the Residential Neighbourhood Designation may also be considered. Buildings will not exceed twelve stories above ground level, except that no building shall exceed five stories in height if located within 200 feet of an existing residential lot within Fernleigh Park Subdivision.</p>	<p>No development is proposed in this Neighbourhood as all density has been allocated to other areas within the agreement. Due to access constraints, no development on this site is possible.. The agreement requires that nay lands in this Neighbourhood remains undeveloped.</p>
<p>Neighbourhood C:</p> <p>Development will be restricted to single-family dwellings with minimum lot frontages of sixty feet. No new development shall be permitted on any lot abutting Crosby Street unless serviced with municipal sewer and water services.</p>	Not applicable.
<p>Neighbourhood F:</p> <p>Lands will be developed primarily with lower density residential housing which may include single, semi-detached and townhouse units. Apartment buildings may be considered on lots with frontage on Starboard Drive.</p>	Single Unit and townhouse dwellings are proposed.

<p>Policy CCI-1: A range of community commercial, institutional, and recreational uses may be permitted within the Community Commercial/Institutional Designation subject to consideration of the following matters:</p> <ol style="list-style-type: none"> <li>1. no parking or loading areas are located between a public street and a building and any buildings with commercial occupancies shall be located in close proximity to the street line;</li> <li>2. parking areas are designed so as not to appear obtrusive from a public street or dominate the streetscape, provide safe and convenient pedestrian access to the buildings they are intended to serve;</li> <li>3. provisions are made for the storage of bicycles;</li> <li>4. exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment;</li> <li>5. the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets;</li> <li>6. no building height exceeds six stories in height and no residential uses are permitted on the ground floor of any building within fifty (50) feet of a public street;</li> <li>7. 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.</li> </ol>	<p>Policy not applicable.</p>
<p>Policy CCI-2: For lands at the intersection of Larry Uteck Boulevard and the Neighbourhood Collector Road, no development agreement shall be entered into if notified by the Halifax Regional District School Board that such lands are required for a school site. This provision shall remain in effect until the greater of 700 housing units have been constructed in the master plan area or five years from the date of adoption of this secondary planning strategy. In the event that the School Board does not require the site, the property may be developed in accordance with the provisions of this secondary planning strategy.</p>	<p>Not applicable.</p>

Policy MUBC-1: The Mixed Use Business Campus designation shall support a wide range of businesses which produce goods and services, as well as institutional facilities . To encourage development of the Community/Commercial and General Commercial Designations, retail uses and restaurants shall only be permitted as accessory uses within larger buildings and retail uses shall be restricted in floor area. The following matters shall be considered in any development agreement application for business and institutional facilities:

1. building facades incorporate materials and design elements to create a sense of interest from public streets;

2. no outdoor storage or outdoor display and sales shall be permitted and any outdoor waste containers shall be screened;

3. open spaces are integrated into the layout and where feasible, larger trees are retained;

4. landscaping is introduced to all areas disturbed during construction;

5. where more than twenty parking spaces are to be provided, no more than fifty percent (50%) of the parking spaces shall be located between a building and the front lot line and no loading bays shall be located on the building facade facing a public street and parking areas are buffered to provide a visual break from the street and adjacent land uses with fencing, landscaping or both;

6. bicycle storage facilities are provided near the main entrances to the building and/or in designated public spaces.

7. walkways shall extend from the entrances of buildings to a public sidewalk in front of the building and to any public trail system abutting the property and, unless otherwise not possible, shall not cross any driveways or parking areas;

8. buildings, structures and parking lots are located on a lot so as to minimize the alteration of natural grades and to minimize the area of impervious surfaces;

9. a storm water management plan has been prepared by a Professional Engineer with any measures required to prevent the contamination of watercourses and, where possible, allows surface water flows to be directed to permeable surfaces;

No Business uses are proposed. The proposal includes a mix of single unit dwellings and multiple unit dwellings as per Policy MUBC-2.

10. 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.	
Policy MUBC-2: Residential developments may be considered by development agreement within the Mixed Use Business Campus Designation. Consideration will be given to the provisions of policies RN-3 and the provisions for Residential Neighbourhood F under policy RN-3.	No Business uses are proposed. The proposal includes a mix of single unit dwellings and multiple unit dwellings.
Policy EP-2: No development agreement shall be entered into unless the detailed design specifications conform with the master stormwater management plan approved under policy EP-1;	The DA requires compliance with the Master Stormwater Management Plan.
Policy EP-3: No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in under the master stormwater management plan and in accordance with municipal and provincial guidelines.	The DA will comply with these requirements and requires treatment of all stormwater prior to discharge
Policy EP-4: No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within fifty (50) feet of the high water mark, 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 storm water management plan or as provided to allow for trail systems or transportation crossings.	The current LUB requirements exceed this requirement and are required under the draft development agreement
Policy EP-5: No development agreement shall be entered into over lands on which trees have been removed except as may otherwise be required for a bonafide land survey or as may be agreed upon with the Municipality to protect property or ensure safety.	Staff is not aware of any such tree removal which has taken place without appropriate municipal authorizations.
Policy EP-6: Features of environmental significance shall be delineated as non-disturbance areas under development agreements. Non- disturbance areas shall be located to allow for continuity non-disturbance areas on abutting lots, municipal parkland and open space dedications, and natural areas adjacent to watercourses.	These matters are dealt with via the land use design (Schedule B) and through Clause 3.8 of the proposed agreement.
Policy EP-7: A tree replanting program shall be incorporated into development agreements to allow for regrowth of trees over all lands on which the natural vegetation has been removed as a consequence of	Clause 3.11.7 and 3.11.8 of the proposed agreement deal specifically with this matter. In addition HRM Municipal Service Specifications require additional tree planting within the right-of-ways for public streets.



development. 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.	
Policy EP-8: Development of land on major slope areas 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.	Most development within Bedford South has taken place in areas which exceed this requirement because the natural geology of the area includes a series of ravines. Significant grade alteration is required to bring developed areas to safe grades.
Policy EP-9: 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.	No modifications are proposed.
Policy EP-10: All development agreements shall conform with all applicable regional policies adopted by the Municipality in support of the regional solid waste management program, Halifax Harbour cleanup and the water resources management study.	The proposed agreement complies to these requirements. Clause 3.18 of the agreement deals with solid waste issues for multiple unit dwellings..
Policy MS-1: For sewage flow calculations, the population of the master plan area shall not exceed a gross density of twenty (20) persons per acre. To provide for an equitable distribution of development among property owners, three sub areas are established as illustrated in Schedule "III". Within each area, a maximum twenty persons per acre shall be permitted.	The proposed agreement requires compliance with this matter through Clause 4.4.4 and 4.4.5 of the draft agreement..
Policy MS-2: Populations shall be calculated 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. Commercial densities shall be calculated to a maximum of 50 persons per acre for general commercial uses and to a maximum of 30 persons per acre for community commercial, community facility and institutional uses. Final determination of the commercial densities shall be established by development agreement in accordance with intended land uses. In the event that the design population proposed for a residential neighbourhood or commercial designation is less than the maximum permitted, the Municipality may allow the difference to be allocated to another residential neighbourhood or commercial designation within the applicable sub area, provided that all other policy criteria can be satisfied.	The proposed agreement requires compliance with this matter through Clause 4.4.4 and 4.4.5 of the draft agreement..
Policy MS-3: The "Bedford" sewershed shown on Schedule "IV" shall be limited to a maximum of 2,900 people in recognition of the limited capacity of the Mill	The proposal meet this requirement as all development is within the Halifax sewershed and not within the Bedford sewershed.

<p>Cove Sewage Treatment Plant and the need to reserve capacity for other areas currently outside the serviceable boundary. Additional density may be considered in the future should the Municipality determine that sufficient capacity exists at the Mill Cove treatment plant and that other areas currently outside the serviceable boundary have been evaluated for future development potential.</p>	
<p>Policy MS-4: The community water distribution system shall conform with the recommendations of the Birch Cove North/ Bedford West Water Infrastructure plan unless otherwise acceptable to the Halifax Regional Water Commission and no development shall be approved by the Municipality unless notified by the Commission that the proposed distribution system conforms with all design and operating specifications established.</p>	<p>The proposed agreement conforms with this requirement.</p>
<p>Policy MS-5: No municipal approvals shall be granted within the watersheds of Fernleigh Park or Millview Subdivisions unless the Municipality is satisfied that the potable water supplies serving these subdivisions are protected and that a physical and financial means is established to allow for connection to the water distribution system that is owned and maintained by the Halifax Regional Water Commission. The Municipality shall require the developer to furnish whatever studies are needed and guarantees provided to assure that these conditions are satisfied.</p>	<p>Both Ferneigh and Millview subdivisions have been connected to municipal water. This policy is no longer relevant.</p>
<p>Policy MS-6: A maximum of 1,330 residential units may be permitted within the master plan area prior to the construction of the proposed interchange. The allocation to each sub area shown on Schedule III shall be as follows:</p> <p style="padding-left: 40px;">Sub Area "A": 615 units Sub Area "B": 235 units Sub Area "C": 480 units</p>	<p>The interchange at Highway 102 is now constructed. This policy is no longer relevant.</p>
<p>Policy MS-7: No development agreement shall be approved which would permit building permits to be granted for more than 2,000 housing units within the master plan area and the abutting Royale Hemlocks Subdivision unless:</p> <p>(a) the interchange has been constructed and connected to Larry Uteck Boulevard or the financing for the interchange and roads has been secured, a time frame for implementation agreed upon; and</p> <p>(b) consideration is given to the transportation improvements recommended by the Prince's Lodge/ Bedford South Transportation Study or any other transportation study available to the Municipality. A development agreement application shall not be</p>	<p>The interchange is now in full operation and all connections have been made.</p>

<p>approved where a traffic study concludes that the level of service for any road within the secondary planning strategy or connecting to the abutting road network does not conform with the performance criteria established under the Municipality's Guidelines for Preparation of Traffic Impact Studies and the applicant shall be required to provide the analysis, prepared by a qualified consultant, needed to make such a determination. Without limiting the generality of the foregoing statement, particular consideration will be given to traffic impacts on the Bedford Highway, Nine Mile Drive and Oceanview Drive.</p>	
<p>Policy MS-8: 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>No such variations are being proposed.</p>
<p>Policy MS-9: In accordance with the provisions and requirements of the Municipality's Infrastructure Charges Best 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 development agreement shall be entered until infrastructure charges are in effect.</p>	<p>An Infrastructure charge is in place and all development shall be subject to the charge as required by the Regional Subdivision By-law.</p>

**Attachment C**  
**Minutes Public Information Meeting – September 19, 2011**

**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case No. 17082**

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**Monday, September 19, 2011**  
**7:00 p.m.**  
**St. Peter's Anglican Church**

**STAFF IN  
ATTENDANCE:**

Andrew Bone, Planner, HRM Planning Services  
Alden Thurston, Planning Technician, HRM Planning Services  
Cara McFarlane, Planning Controller, HRM Planning Services

**ALSO IN  
ATTENDANCE:**

Councillor Debbie Hum, District 16  
Kathleen O'Donovan, Emscote Limited  
Don Williams, Emscote Limited

**PUBLIC IN  
ATTENDANCE:**

Approximately 61

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**1. Call to order / Purpose of Meeting – Andrew Bone**

HRM has received an application from Emscote Limited to enter into a development agreement for a mixed use residential subdivision for Neighbourhood F and the business campus area of Bedford South/Wentworth Estates.

The purpose of the public information meeting (PMI) is to identify that HRM has received an application, give the public background on the proposal and to receive feedback. No decisions are made at the PIM.

The agenda for the meeting was shown.

Mr. Bone introduced himself as the planner facilitating the application through the planning process; Councillor Debbie Hum, District 16; Cara McFarlane and Alden Thurston, HRM Planning Services; Kathleen O'Donovan, Emscote Limited, and Don Williams, Engineer for the applicant.

The Secondary Planning Strategy (SPS) dictates when and where someone can ask for a  
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development agreement. In this case, all development in the Bedford South/Wentworth Estates area is to be done by development agreement. These agreements are negotiated with HRM and they lay out all the terms of development ranging for phasing, land use, timing to where the services go and how they are supposed to be installed.

Once a draft agreement is negotiated with the applicant, Council would then review the application to determine whether it complies with the SPS and a public hearing would be held at a later point to vote on whether the proposal does or does not comply. In general, the decision is to be consistent with plan policies. There are a number of policies for the Wentworth Estates area (approximately 30) for Council to consider in reviewing a development agreement.

A development agreement rides on the deed of these properties and stays with the property until Council decides to discharge the agreement. In a case like this, the development agreements are typically around for a long time. What happens is once the property is sold to a new owner, they are bound by the terms of the agreement and what is permitted on the property.

## **2. Overview of planning process – Andrew Bone**

The development agreement process was reviewed: a) the PIM is generally the first or second step; b) in this case, there is a review from the Bedford Watershed Advisory Board (BWAB) which already took place (last week); c) a detailed internal review for the proposal is done; d) a staff report which will include a draft development agreement and a full analysis of the issues will be provided to Chebucto Community Council (CCC); e) Council would then generally hold a public hearing; f) a decision by CCC is then followed by a 14 day appeal period.

Anybody who feels that CCC has not followed the policies of the plan may wish to appeal the decision and make an application to the Nova Scotia Utility and Review Board (NSURB). Subsequent to that, if there is no appeal, the development agreement can be signed by the land owner and HRM. It is registered to the property and at that point the applicant or the developer would be bound by the terms of that agreement. Once the development agreement is registered, HRM would be able to issue a building permit or a subdivision permit for the proposal under the terms of the agreement.

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

The application is a proposal to enter into a development agreement for a residential subdivision with a mix of housing types consisting of 45 townhouses, 115 single unit dwellings, and 224 dwelling units in a total of three multiple unit dwellings.

The parcel is broken up into two portions. One being 68 acres and is immediately north of the existing Royale Hemlocks Subdivision. To the north are the new Larry Uteck Boulevard area and the Bedford South development. The lands owned by Cresco Limited are largely undeveloped at the moment; however, there is an existing development agreement that was approved a number of years ago that enables full development of that area. The main features are Larry Uteck Boulevard up to the new interchange, the intersection of Nine Mile Drive and

Starboard Drive. Nine Mile Drive goes to the north and Starboard Drive to the south. Starboard Drive is completed halfway through the Cresco property and will continue and connect into the existing Starboard Drive in the future.

The other portion is a 14 acre parcel between the condominiums at Bedros Lane and Fernleigh Subdivision. Although this parcel has frontage on the Bedford Highway, because of grades, the land is not accessible at this time. In the event of a need for an emergency vehicle, the Municipal requirement for grades may not exceed 8%. The grades in that area are in excess of 16% or 20% and at the present time it is impossible for the property owner to gain access and develop these lands.

As a result, the 14 acre parcel is part of this agreement but all of the density (all the number of units) has been transferred to the 68 acre parcel.

A slide was shown highlighting a number of environmental features on the site. There is a pond partially on the property, a watercourse that runs from that, a series of wetlands and a number of isolated wetlands throughout the site. Because of the ravines in the area, there are small pockets of wet areas. There is a larger wetland in the way of Starboard Drive that will have to be removed and excavated. The Province requires that the developer compensate and recreate wetlands typically in the immediate area. Typically, for every acre that is disturbed, three have to be created.

A slide of the grades was shown. The gray areas indicated the really steep areas and a series of ridges throughout the site could be seen. As with all development in the Bedford South/Wentworth Estates area and much of Bedford, there will be significant cut and fill because some areas will need to be blasted and some will need to be filled.

The proposed land use plan was shown. Single unit dwellings are proposed on the south side of Fleetview Drive and extend up the north side a short distance, Cutter Drive, Starboard Drive and most of Transom Drive. Bosun Run would have 45 townhouses (area shown). On Transom Drive, adjacent to Highway 102, there are two proposed multiple unit dwellings and one proposed between Transom Drive and Starboard Drive (shown in red). The remainder of the land would primarily become park or open space.

Everything discussed tonight is subject to further negotiation with the developer. There may be some variations when it comes to final consideration by Council.

The 14 acre parcel cannot be developed under the current policy. If at some point the developer decides not build out to maximum density on the 68 acre parcel and put the rest down below, staff could consider that; however, access from the Bedford Highway would have to be gained. Presently, the ability is not there. As with any development agreement, the developer is free to come back and if the proposal complies with policy, staff and Council can consider it.

Height restrictions are to be negotiated. Some of the buildings on Larry Uteck Boulevard are

twelve storeys. There is some policy that does talk about the height. In the past, twelve storeys have been enforced but each is to be negotiated. For tonight's proposal, the height will be twelve storeys or less.

A plan of the eastern side of the site was shown. Fleetview Drive will eventually connect over to Starboard Drive and the Cresco lands (shown). The road network shown (on the dash line) has been conceptually approved in their development agreement. There is very limited opportunity to move because the road network is substantially set. Bosun Run will curve around to Fleetview Drive and connect and Cutter Drive will connect through.

The plan for the western side of the site was shown. All of the streets are generally an extension of the land uses that are already on them. Again singles on the existing Starboard Drive being extended up to the Cresco property line, Transom Drive would be singles along the face and then the proposed multiple unit buildings.

The original proposal showed five phases: 1) Fleetview Drive; 2) Bosun Run; 3) Transom Drive; 4) Starboard Drive; and 5) Cutter Drive. In some discussions with the developer, three phases have been negotiated. Fleetview Drive and Bosun Run would be phase one because there is a substantial amount of rock that has to come out of there and the Starboard Drive extension requires a substantial amount of rock. Therefore, they will be taking the rock out of Phase One and placing it in Phase Two which would be Starboard Drive Extension and Transom Drive. Phase Three would be Cutter Drive Extension. There would be an impact on traffic by bringing fill into this area due to the truck traffic.

Construction vehicle traffic is identified as an issue. There will be construction vehicle traffic associated with the development during construction.

There are a number of concerns staff has recorded to date:

- Phasing and completion of Starboard Drive.
- Traffic locally within the subdivision and on the Bedford Highway.
- Installation of traffic signals at Larry Uteck Boulevard and Starboard Drive – HRM Traffic Services has been monitoring this location for some time. There is a fixed scoring system based on traffic and turning movements. The ideal time to install lights is when the score reaches 100.
- Crosswalks at Larry Uteck Boulevard and Starboard Drive – there is a warrant system involving volumes, how many pedestrians in the area and see how much vehicle traffic is in the area.
- When the centerline on Larry Uteck Boulevard will be painted.
- Construction traffic – markings have been recently placed down. It is on the fall program to be painted.

#### **4. Questions and Comments**

**Claire Germain, Royale Hemlocks** – understand that rocks from Phase One will be used to fill in at Starboard Drive. Are those trucks going to be coming up Starboard Drive? That's a heavy traffic flow. How long will this be happening? Mr. Bone said that is the only option. The developer to the north will not be ready to develop their area at the same time; therefore, that area will not be usable. If the opportunity arises, HRM will do what they can to keep the trucks off the road network. The traffic flow will be heavy but for a limited time. Don Williams said it would be on and off over a three month period. Ms. Germain is concerned as the neighbourhood children, all under the age of eight, play on the street (Starboard and Transom Drives). Mr. Williams said they put caution signs up for that time period. Ms. Germain as if the residents could petition for a stop sign on Transom Drive. Mr. Bone said as part of the review, Traffic Services will be made aware and they can make that decision. Traffic Services is an independent body and they have their own rules and regulations. Kathleen O'Donovan hopes that if the application is approved soon enough, construction will start through the winter season. Perhaps a mailout could be done to let the parents in the neighbourhood aware that construction is beginning.

**Linda LeBlanc, Royale Hemlocks** – Will the grade of the designated green space between Cutter Drive and Bosun Run change? Could that piece be developed in the future and lose the green space? Mr. Bone explained that in general the open space areas are intended to be left as passive recreation. First of all, HRM would take ownership of the land and it would be park or open space. At the present time, if the developer or anyone came in at a later point and proposed a condo or something there, HRM would not be able to recommend approval to Council because policy does not allow it. The risk of that happening is extremely low. For that to happen, Council would have to change the entire plan. The intent is to protect it. The only grade alteration that might take place in this area would be to put a path or a walkway through. Alteration at the street frontage may occur as a result of the development of a playground. Any street frontage that would be used for parkland might be altered as well.

Ms. Leblanc's property backs onto that current land and there is a rockface there. Are there any plans to bring that down? Mr. Bone explained that further negotiations are happening but the parkland is intended to be passive in general. The small pockets could be more active uses like a tot lot or a small pad for a basketball hoop.

**Cheri Wilson, Royale Hemlocks** – Lives very close to where the blasting will take place. Would the rockface there be blasted? Mr. Bone will have to look at that in detail. He couldn't say if the property would be affected. Ms. Wilson wondered if it would be wise to have a building inspector come in. Mr. Bone explained that there is an HRM Blasting By-law and an engineering technician who looks after that program. The developers also have responsibilities within a blasting area and require insurance. Officials do surveys of all the buildings and foundations in an area deemed to be affected by blasting. Ms. Wilson would like to know how close the blasting will come to her property. Is there somewhere she can find that out? Mr. Bone explained that when blasting does take place, people in the affected area are notified.

Ms. Wilson wondered if there was a picture online that shows the preserved strip of the ravine. The houses on Fleetview Drive back on that ravine and she understands it is greenspace. Mr.



Bone showed where the ravine will remain untouched.

Ms. Wilson mentioned that in the wintertime Fleetview Drive already has traffic issues as the street is not wide enough with cars parked on the side of the road. They should have allowed more room for snow removal. Mr. Bone said that in cases like that there should be more vigilance in snow removal or Traffic Services could look at putting in temporary no parking signs. Ms. Wilson wondered, long term, how much volume is predicted to come down through Fleetview Drive. There will be two main routes to travel to Larry Uteck Boulevard, Fleetwood and Starboard Drives. Mr. Bone believes it should be just local traffic. The majority of traffic should use Starboard Drive. Starboard Drive is much wider and Fleetview Drive has an additional intersection to navigate at the bottom; therefore, not a timesaver.

**Harvey Silverstein, Royale Hemlocks** – Believes the demand for single level residents will be more popular given generational changes. Townhouses and single family homes are continually being built as two and three levels. Mr. Bone said the form of single unit dwelling is left to the market and is up to the developers. The Cresco and Clayton lands to the north will house a lifestyle community that will market towards seniors. It is a very large site off of Fleetview Drive and Starboard Drive and will offer everything from single level homes to assisted living to residential care.

Mr. Silverstein added that they were one of the first residents in the entire area and like it very much. It's very convenient and it's a wonderful place to live. He is concerned though because there are no provisions or thought given to bike lanes on these new road extensions. Currently, Fleetview Drive has room for only one sidewalk. When people park on both sides of the road, even when there isn't heavy snow, you have to dodge in and out of parked cars in order to get up and down Fleetview Drive. Therefore, he strongly recommends that any roads being extended have provisions for bike lanes and be a wider to accommodate sidewalks on both sides. People would much rather ride their bikes on the quiet side roads. Mr. Bone explained that Starboard Drive and Larry Uteck Boulevard would have a requirement for sidewalks on both sides while local streets, such as Fleetview Drive, would probably only have a requirement for a single sidewalk. Mr. Bone will review his request with HRM's bike people and Traffic Services. Mr. Silverstein said it is a question of looking ahead of what the world will be like in five or ten years and not just trying to look backward and fitting needs as they have evolved to this point.

**Roland Levesque, Royale Hemlocks** – Has lived in his home at this location for six years. It is located at the intersection of Larry Uteck Boulevard (originally a dead-end street) and Bedros Lane. Within five years Larry Uteck Boulevard has expanded to join up with Highway 102. There will be seven multi-unit dwellings along Larry Uteck Boulevard, it is hooked up with Southgate Drive now and if you try to get out of Starboard Drive or Bedros Lane at peak traffic hours, it is a nightmare. This new development proposes 384 units which at a very conservative estimate, means 384 more cars coming down Starboard Drive and accessing Larry Uteck Boulevard. Starboard Drive may link further up and join Highway 102, but not all of those cars will take that route. It is going to create pure havoc because right now the traffic on Larry Uteck Boulevard is considerable and at peak traffic hours, it is a nightmare trying to get out of those two side access lanes. The traffic coming down Larry Uteck is coming at a very fast rate of

speed. HRM may have a statistical formula before putting in traffic lights and a crosswalk, but if a serious car accident could occur in the meantime. There are two schools on that road, the primary school at the bottom and the high school at the top. Buses also pick up kids going to other schools. School children are going to be hurt, or killed, trying to cross the four-lane highway at the intersection at Larry Uteck Boulevard due to speeding traffic while HRM waits for some statistical formula to exist before putting in a crosswalk. He suggests HRM not agree to this plan until traffic lights and a designated crosswalk are put in at that intersection.

**Mary Wilton, Royale Hemlocks** – Asked about height restrictions of the multi-residential buildings. Her house backs right onto one of the buildings. Ms. O'Donovan said under the MPS there is a height restriction of twelve storeys. The developer fought to keep the height under six storeys because it would not be conforming to the area and grades. Ms. Wilton was told when they bought the property that behind them would remain greenspace. Ms. O'Donovan said, but couldn't promise, the plan is to retain as many trees as possible in the area. It depends on the grades and what has to be done. We purposely made our lots deeper so that the land owner could keep a tree buffer. Mr. Bone clarified that there is a parcel of HRM parkland in behind Fathom Court and the other court (shown). When issues like this are identified, staff works with the developer to ensure that if the trees do come down, replacements are planted for the future. There is a lot of rock in the area; therefore, growing trees is difficult at best. That is also why trees come down during construction.

Ms. Wilton asked what the timeline would be to get to Phase Two. Ms. O'Donovan said the developer is planning to start the lower two streets (shown) as soon as possible and cut the street in Phase Two so the fill from Phase One can be used right away. They want to have this connection (shown) at some point in 2013 or early 2014 in order to make a connection to Larry Uteck Boulevard. There will not be a considerable impact of traffic before the connection is made.

**Patricia Leader, Fernleigh Park** - Advised people to take photographs now of their homes (inside and outside walls), foundations and any garden type walls. From her own experience, no one came to take pictures at her house until after the blasting was done.

**Matt Harpell, Royale Hemlocks** – Lives on the same greenbelt as Ms. Wilton was referring to. His real estate agent claimed to have the same developers, had a fancy power point presentation to show the development at that point in time. He and his neighbours purchased their properties at that time based on development plans that were presented. What is the next step? Mr. Bone will do a detailed review too see what the HRM policy states. Ultimately, it is the policy that identifies what land is to be parkland. If the policy speaks to it, it can be dealt with in the agreement. The first development in the area was Royale Hemlocks done around 1995/96. The only thing set in stone right now is the Royale Hemlocks and Cresco proposal (on the other site). This is subject to negotiation and a review of existing policy. All of the development of one piece of land (shown) happened well after the development of the other land and are subject to different policies. One parcel was developed under the City of Halifax, Schedule K lands, and the other under the Bedford South/Wentworth Estates Master Plan with a completely different

set of requirements, policies and end results. We have not done a complete detailed review yet, that is forthcoming.

**Brian Boyden, Royale Hemlocks** – Encouraged the developer to ensure that the barriers at the end of Starboard Drive and Falthom Court remain there until this development is ready to be sold to people. This would stop truck traffic in and out of our residential area. The developer can gain access to the parcel from the greenbelt and commercial area. When Cresco developed the first phase temporary roads were built internally for truck traffic. This is an excellent development but temporary roads should be built across the back for the truck traffic that will be hauling rock from one phase to another. Once completed, the development will be great, but not on the backs of the residential area, put it on the backs of the area that is not developed.

**Kathryn Silverstein, Royale Hemlocks** – Due to a curve in the road on Larry Uteck Boulevard, it is very hard getting out of Bedros Lane. She also fears for the school children crossing the streets there. What is the score now for that intersection? There is a signal light at Southgate Drive. Surely the score at the intersection is not 100. Mr. Bone was not sure because Traffic Services did not disclose the score.

Ms. Silverstein is concerned that by putting up barriers is not efficient for the safety of small children and adults that use the small park on Fleetview Drive.

Ms. Silverstein asked what is happening on the parcel of land which has been excavated that was shown on a previous slide. Mr. Bone said there will be five multiple unit dwellings developed there. Mr. Williams said the buildings will be twelve storeys in height. The three on Larry Uteck Boulevard have already been approved. Ms. Silverstein feels that the area looks institutional. Although it is a different development, it still impacts our neighbourhood and it is very discouraging.

**Wendy Greenberg, Royale Hemlocks** – Was told when she purchased her condo that the area would remain as is (view of the water and wouldn't see any rooftops). She would like to know where she can get the rules and regulations for which area in writing. Mr. Bone recommends to people buying a piece of property and wanting to know what is happening in the area to call HRM Planning Services. There are two places to find the rules and regulations. The MPS lays out the general rules for the area. If there are development agreements enabled in a certain area, a lot of it is subject to negotiation. Those rules don't change that often. They are fairly static rules. The Bedford South and Wentworth Estates plans have been around since 2002 and they have not substantially changed.

Ms. Greenberg – By the rules of this community, the 14 acre parcel of land cannot be developed because of the access and grade? Who is the governing body that has to power to say yes or no? Mr. Bone explained that the access and grade are the technical limitations to the development of the site. The applicant can develop it but they currently don't have access. In the end, Community Council makes a final decision on whether an application is approved or denied. If at some point, the developer could access this land in a safe manner, they could ask to develop this land but would require the acquisition of a different parcel of land and potentially would require

a change in the rules. Changing the rules would require a full public process.

Mr. Bone mentioned that there is a piece of parkland that comes in behind Bedros Lane and there is a water line that is going to go across. That waterline will become part of the trail and come into Bedros Lane. There is a requirement in the existing Bedros Lane development agreement that access to the street be provided along the sidewalk. That will become a public trail. There is parkland strip for the Old Coach Trail provided adjacent to this parcel which goes into Bedros Lane (shown on the map).

**Nathalie McJannet, Royale Hemlocks** – A survey has recently been done (someone come in and take pictures) because blasting in this area is occurring all the time. Now that there is new blasting being done, will people be coming in and out of her residence every time there is a new development or a new apartment? Mr. Bone would have to talk to the HRM Blasting By-law individual. I would expect for liability purposes they would probably come in every time because it is potentially a different party each time.

**Bill Delaney, Royale Hemlocks** – He is appalled by two things: that there are no traffic lights installed at the Larry Uteck Boulevard intersection and that Larry Uteck Boulevard has been developed for six to eight years and no one has put lines on the street. It's inconceivable that it could take so long to put white lines up and down the street that designates which side of the street a person should drive on. He strongly recommended that if the site is approved for development, that HRM would force the developer, who has deep pockets, to put in their own roads until development is done 100% to avoid having to use residential streets where there are small children.

Mr. Boyden wondered if the developer could give a date as to when Starboard Drive may be completed through so that the traffic would flow to the Bi-Hi without coming down the street. Do they have any agreement with the developer next door which would help alleviate this problem? Ms. O'Donovan said that is an HRM issue. When the road is brought to the Emscote property line, the developer will continue it. Mr. Boyden feels that HRM has to make sure that this agreement and the prior agreement from Cresco are implemented now so that traffic will flow out of this area. Mr. Bone explained that the Cresco development agreement has a phasing plan. Mr. Williams said that the sewer from that developer's property has to go out that way; therefore, the other developer has to build the road to the property line first in order for our sewer to pass through. The pipes have to go in before the road. There are a lot of things at play not just traffic. The Cresco and Emscote lands are intertwined. On one end, Cresco has to happen first, on the other end in order for Cresco to develop, Emscote has to develop first because of the way the sewers flow.

**Wendy McDonald, Halifax** – She is involved with the local regional trails group who has been following developments around the region for about eight years now. The goal is to make sure that connectivity, bike lanes, pathways, walkways, etc. happen in new development. Are there going to be any pathways in among the townhouses or the single family dwellings to connect into that greenspace in the middle? Mr. Bone explained that the details of the greenspace are being negotiated in order to make the greenspace functional for parkland purposes and to ensure

that there is good visibility into the site. Planning staff, parkland planning and the developer are working together to try to coordinate things and come up with a revised plan which may address some of those connectivity and usability perspectives, but for the most part this parkland will be passive. There is another piece of parkland (shown on the slide) that will be taken as well. We're working on that. At this point, he cannot say if there will be a trail in that particular area cut most likely there will be one in another area. Ms. McDonald asked who is responsibility for that, the developers? Mr. Bone said that if the policy requires it, the developer would have to. Ms. McDonald hopes that the developer will work with one of the trails experts in parkland planning so that the grades are appropriate. The trail that goes up behind Starboard Drive is well above the recommended grades causing some erosion problems. Where will the Fleetview Drive trail lead to? Mr. Bone said to the school. The only portion covered by this agreement though would potentially be between the property lines. The further ones would be covered by the other agreements that were previously approved.

Ms. McDonald believes the detention pond off of Transom Drive is an eyesore at this point. Have there been any discussions in terms of preserving that pond as a passive bog or nature appreciation area. Mr. Bone said that the wetlands will be protected in one form or another. There is a wetland immediately in the path of Starboard extension. The developer will have to destroy that wetland but it will be compensated as required by the Department Of Environment (DOE). DOE's goal is no net loss and to have the compensation generally in the watershed or general.

Ms. McDonald asked for plans regarding transit. Has Transit Services seen this development? Mr. Bone explained that this application was circulated to Transit Services but to date, there has been no comment. However, the generic street network in the master plan which was approved in 2002, was reviewed by Transit Services at the time to ensure that there is good connectivity for service. Ms. McDonald suggests that streets may not be wide enough for transit. Mr. Bone understands that there may be some transit service provided in here now but they are not travelling the collector road network. He expects the two streets for transit would be Starboard Drive and Larry Uteck Boulevard.

Ms. McDonald asked, as a side question, who will be responsible for the development of the continuation of the Old Coach Road, HRM or the developer. Mr. Bone said the it does not go through this property. The location of where the Old Coach Road out was shown. It will cross the property line. There is also a waterline that will cross. The two will parallel therefore happen at the same time. There is a requirement in the Bedros Lane development agreement to further that connectivity and provide an easement to HRM to get to the public street at Larry Uteck Boulevard. Ms. McDonald asked who the best contact person would be. Mr. Bone mentioned that any design is reviewed by HRM (may be Jan Skora or Kemp MacDonald). Ms. McDonald would like to see trail signs posted to make citizens aware that there is a trail so they can start using them. When developers are responsible for a trail, they should be asked to also put up the sign.

**Sonia Verabioff, Royale Hemlocks** – Reiterated the dangerous intersection at Larry Uteck Boulevard, Bedros Lane and Starboard Drive. Cars frequently pass school buses. Starboard

Drive and Larry Uteck Boulevard are speedways. She wondered why the extension of Fleetview Drive could not be put in from Phase One to Phase two so that the trucks can use that to dump the rocks. Starboard Drive and Larry Uteck Boulevard were in before the buildings started. The streets came first, the nice sidewalks and then the houses went up. Mr. Bone said that the land to the north is owned by another property owner and Emscote does not have permission to cross the property. The challenge with this area is two-fold. First, the challenge is the existing ravines which make it very difficult to cross unless the road is blasted and second, the large park areas (the green areas in the middle) would be destroyed if internal roads were built. There is not a lot of flexibility. It is very challenging and without a doubt, it will impact the local neighbourhood during construction. If there is an opportunity to manage it, staff will work with the developers to try to ensure that does take place.

**Dave Matheson, Halifax** –Do you know if a soccer field is still proposed at the top of Starboard? Mr. Bone explained that it was talked about in discussions today with parkland planning. In the end, it will be up to parkland planning to determine whether that's an appropriate site for a soccer field. There is a soccer field at the new French school at the top of Southgate Drive. He will check on that and get an official confirmation.

Ms. Silverstein wondered why Cresco cannot develop their land first. Why can't they get sewer and water from Starboard Drive? Mr. Bone explained that the pressure zones are different therefore causing it to flow the opposite way. There is a master plan to ensure there is proper pressure. A portion of the area flows to Halifax and the other portion flows to Bedford. This particular area is on a crossing line of services so there are all sorts of technical reasons why Cresco's land cannot be developed first. Mr. Williams said that the other developer's development agreement is in effect. Ms. O'Donovan explained that the sewer needs to be brought up to Emscote's property line because of the way the pipes need to be laid and the fact that the sewer has to flow downhill. Ms. Silverstein has been through this before and doesn't want to do it again. Ms. O'Donovan said this is the final piece. This has all been planned from 2002.

One resident asked how long the process will be if the development is approved. Mr. Bone explained that it usually takes six to eight months. There is a bit of negotiation that needs to take place. It could be as early as spring 2012. The resident believes the development will be great once finished. It is the process of getting there.

One resident asked for explained on the flow of the sewer. Ms. O'Donovan said that it depends on the grade of the land. The resident asked if the road could be built without sewer. Mr. Bone explained that the engineering to install the sewer and water to this point cannot be done unless it is finalized on the Cresco lands because they will not know what they are connecting to.

Mr. Boyden revisited the parkland and parkland access. Mr. Bone understands that the grades are such that the connectivity in some areas will probably never happen. Ms. O'Donovan said the plan is that this whole area be connected. Instead of the trail ending in Fernleigh Subdivision, it will now end in Royale Hemlocks.

A resident from Fernleigh Park stated, and has documents, that at one time the Old Coach Road was the stage coach road from Halifax to Windsor. She asked Mr. Bone to keep tabs of the drawings that the developers submit and make sure that they tie in with the written document. Earlier and throughout this evening, the applicant has made reference to the twelve storey buildings but all the visuals put in front of the public at previous meetings showed those buildings as eight storeys. There is a line at the end of the development agreement that states the written words will override the drawings. The twelve storeys were in the written words. The written words and the drawings need to be compared because it is the drawings that the new homeowners are given. If further negotiations are made, make sure the drawings are updated. Mr. Bone said that staff goes to Council with the final drawings. The Fernleigh resident said that did not occur; therefore, she feels that is how the twelve storey buildings feel ended up there. She doesn't want to see it happen again.

One resident asked about putting in natural gas infrastructure. Mr. Williams said that natural gas is in the area but that is a question for Heritage Gas. Mr. Bone explained that Heritage Gas is part of HRM's circulation for approval process and are made aware of expansions to developments. Ms. O'Donovan mentioned that the utilities could possibly be underground services.

**Marlene Hamshaw, Halifax** – Will there be any impact on Kearney Lake Road? Is connecting the sewer going to be dependent on the new pumping station that is going to be down in our area? Mr. Williams said that this sewer system goes down Starboard Drive and comes to a temporary pumping station on Larry Uteck Boulevard.

One resident asked about density for the area. Ms. O'Donovan said the density is twenty people per acre. Mr. Bone said that will complete their density allotment.

## **5. Closing Comments**

Mr. Bone thanked everyone for coming and expressing their comments and concerns regarding this application.

## **6. Adjournment**

The meeting adjourned at approximately 9:04 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 for 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, 2010<sup>1</sup> and forward the proposal to North West Community Council. MOTION PUT AND PASSED.**





P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

8.1.1 (i)

**Chebucto Community Council**  
**April 2, 2012**

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

**SUBMITTED BY:** Original Signed  
for Mr. Richard Hattin, Chair, Bedford Watershed Advisory Board

**DATE:** October 11, 2011

**SUBJECT:** Case 17082: Emscote Development Agreement – Bedford South

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**ORIGIN**

The Bedford Watershed Advisory Board meeting held September 14, 2011.

**RECOMMENDATION**

The Bedford Watershed Advisory Board recommends that Chebucto Community Council accept the Stormwater Management Plan and the concept for the Emscote Development Agreement as outlined in the staff memorandum dated August 29, 2011.

## **BACKGROUND**

The Bedford Watershed Advisory Board reviewed the staff memorandum dated August 29, 2011 and heard a presentation on Case 17082 during its September 14, 2011 meeting.

## **DISCUSSION**

During the Board's discussion it was noted that all but one of the wetlands are being avoided. In response to concern respecting retention ponds and the size of the wetlands, the Board was advised that Cresco's Development Agreement has a clause requiring approval from Emscote regarding the selection of which traffic patterns affect its land. Both parties have already jointly agreed to the cost sharing equations of the retention pond.

## **BUDGET IMPLICATIONS**

There are no budget implications. The developer will be responsible for all costs, expenses, liabilities and obligations imposed or incurred in order to satisfy the terms of a development agreement. The administration of such an agreement can be carried out within the approved budget with existing resources.

## **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 Bedford Watershed Advisory Board is an Advisory Committee to Community Council and Regional Council, and is comprised of volunteer citizens and two Councillors.

## **ALTERNATIVES**

None.

## **ATTACHMENTS**

Staff Memorandum dated August 29, 2011

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

Report Prepared by: Krista Vining, Legislative Assistant, Municipal Clerks Office, 4902-6519

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## Item 6.2

### MEMORANDUM

TO: Chairperson and Members of Bedford Waters Advisory Board  
FROM: Andrew Bone, Senior Planner  
DATE: August 29, 2011  
SUBJECT: Case 17082 – Emscote Development Agreement – Bedford South / Wentworth

#### Synopsis of Proposal

The subject property is approximately 82 acres in size and is located between the Bedford Highway and Highway 102, north of the Royal Hemlocks Subdivision. This parcel is the last major piece of land to be proposed for development in the Bedford South/ Wentworth Estates Master Plan Area.

The proposed site is located within the MPS for Halifax and is designated and zoned Wentworth Comprehensive Development District. The area is intended for comprehensive residential development and all development is required to be by development agreement. This development will complete development between Royal Hemlocks Subdivision and Bedford South. The proposal will connect Starboard Drive and complete Bosun Run, Fleetview Drive, Cutter Drive and Transom Drive.

Emscote Limited, the applicant, is proposing 115 single unit dwellings, 45 townhouse dwellings and 224 multiple unit dwellings.

Detailed conceptual plans are attached for the proposal.

#### Site Features

The site features a series of rock ridges which radiates across the subject lands. Between the ridges there are a series of wetlands (of varying sizes). The attached plans identify the location and scale of these wetlands. Watercourses connect a series of ponds and wetlands on the eastern side of the site.

#### Proposed Development

The proposal includes the following:

- Extension of Fleetwood Drive – A series of 27 single unit dwellings and parkland.
- Extension of Bosun Run – 45 townhouse units
- Extension of Cutter Drive – 33 single unit lots
- Extension of Starboard Drive – 27 single unit dwellings
- Extension of Transom Drive – 28 single unit dwellings and three multi-unit dwellings (224 units)

All development is proposed on central sewer and water services. Parkland donations are

proposed through four areas as identified on the attached concept plans.

### **Planning Process**

A planning process was initiated in August 2011 to review the proposed request. The process includes a public information meeting to receive public comment on the proposal (September 19, 2011). A report reviewing the proposal will be drafted for review by Chebucto Community Council. A public hearing and decision by Community Council is the final steps.

### **Input Sought:**

Staff is seeking comment on matters within the boards mandate relating to water. Specifically comments relating to the proposed Stormwater Management Plan and proposed land uses are sought. For reference and consideration, please see policies within the Wentworth MPS relevant for discussion.

### **Next Steps:**

Subsequent to a review of any new comments, and a full staff review of all materials submitted, a staff report will be finalized and then be forwarded to Chebucto Community Council for a review. Should Community Council decide to hold a public hearing, a notice will be sent out by mail to surrounding property owners identifying the time and location of the public hearing.

Should you have any questions on this matter, please contact me via email at [bonea@halifax.ca](mailto:bonea@halifax.ca) or at 869-4226.

Yours truly,

Andrew Bone  
Senior Planner

### **Attachments:**

Attachment A	Wentworth MPs Policies
	Stormwater Management Plan – Emscote Lands
Schedule A-1	Visual Description
Schedule B	Land Use Plan
Schedule C	Sanitary Plan
Schedule D	Storm Water Plan
Schedule E	Water Plan
Schedule F	Phasing Plan
Schedule G	Sidewalk and Trail Plan
Schedule H	Slope and Riparian Buffers
Schedule I	Parkland Plan
Schedule J	Concept Plan (East and West)
Schedule K	Density Chart

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#### **COMMUNITY DEVELOPMENT -- PLANNING APPLICATIONS**

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**Attachment A**  
**Wentworth MPS Policies**

**Policy P/OS-1:**

The areas designated as Park/Open Space on Schedule I shall be reserved for active and passive recreational uses, stormwater management and environmental protection. Provided that the area of the designation is not materially reduced, the boundaries of the Park/Open Space Designation may be varied where such changes provide:

1. enhanced protection of environmentally sensitive site features;
2. more opportunity for preservation of significant aesthetic features;
3. more suitable lands for active recreational uses; or
4. a more functional path system for pedestrians and cyclists.

**Policy P/OS-2:**

No streets shall be permitted to cross the Park/Open Space Designation except:

1. as illustrated on Schedule I;
2. to allow for a local road connection between residential neighbourhoods A and C;
3. to allow for a local road connection between Neighbourhood A and the Neighbourhood Collector leading to the Bedford Highway; or
4. to allow for a road connection the Royale Hemlocks Estate Subdivision and the Mixed Use/Business Campus Designation

**Policy P/OS-3:**

No stormwater management, sanitary sewer or water service system shall be located within the Open Space/Park Designation which would adversely affect environmentally sensitive areas, detract from the aesthetics of the area or impair any recreational functions intended and, unless otherwise necessary, all such systems shall be located outside areas delineated for active and passive recreation.

**Policy P/OS-4:**

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 assessment be undertaken at the cost of the developer by a person qualified to make such a determination.

## Environmental Protection

### Objectives:

- ☐ to undertake storm water management planning on a watershed basis with community design based on natural drainage patterns
- ☐ to prevent flooding of properties and safeguard flood plains
- ☐ to preserve the water quality of lakes and rivers
- ☐ to preserve groundwater flows
- ☐ to preserve and maintain significant environmental features
- ☐ to minimize site disturbance, maximize tree retention and to restore trees over area which have been disturbed by development activities
- ☐ to support regional initiatives in solid waste recovery, Halifax Harbour cleanup and watershed management

### Policy EP-1:

No development agreement shall be entered into unless a master storm water management plan has been prepared for the entire Wentworth/Bedford South master plan area and accepted by the Municipality. The management plan shall:

- identify significant constraints and sensitivities with regard to flood potential, and environmental features;
- provide estimates of pre-development and post development flow rates at critical locations within watercourses such as at culverts and other road crossings and at downstream developments;
- specify water quality and quantity objectives which are consistent with all municipal and provincial guidelines and identify the means of preventing adverse changes to the quantity and quality of watercourses and groundwater;
- specify the type and location of storm water management facilities and the design requirements to protect receiving waters from contamination, excessive flow rates and loss of aquatic habitat and to protect the quantity and quality of groundwater flows;
- prepare a program for implementation and monitoring before, during and after construction, including securities and any remedial action to be taken in the event that water quantity or quality objectives are not achieved.

Policy EP-2:

No development agreement shall be entered into unless the detailed design specifications conform with the master stormwater management plan approved under policy EP-1;

Policy EP-3:

No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in under the master stormwater management plan and in accordance with municipal and provincial guidelines.

Policy EP-4:

No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within fifty (50) feet of the high water mark, 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 storm water management plan or as provided to allow for trail systems or transportation crossings.

Policy EP-5:

No development agreement shall be entered into over lands on which trees have been removed except as may otherwise be required for a bonafide land survey or as may be agreed upon with the Municipality to protect property or ensure safety.

Policy EP-6:

Features of environmental significance shall be delineated as non-disturbance areas under development agreements. Non-disturbance areas shall be located to allow for continuity non-disturbance areas on abutting lots, municipal parkland and open space dedications, and natural areas adjacent to watercourses.

Policy EP-7:

A tree replanting program shall be incorporated into development agreements to allow for regrowth of trees over all lands on which the natural vegetation has been removed as a consequence of development. 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.

Policy EP-8:

Development of land on major slope areas 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.

Policy EP-9:

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.

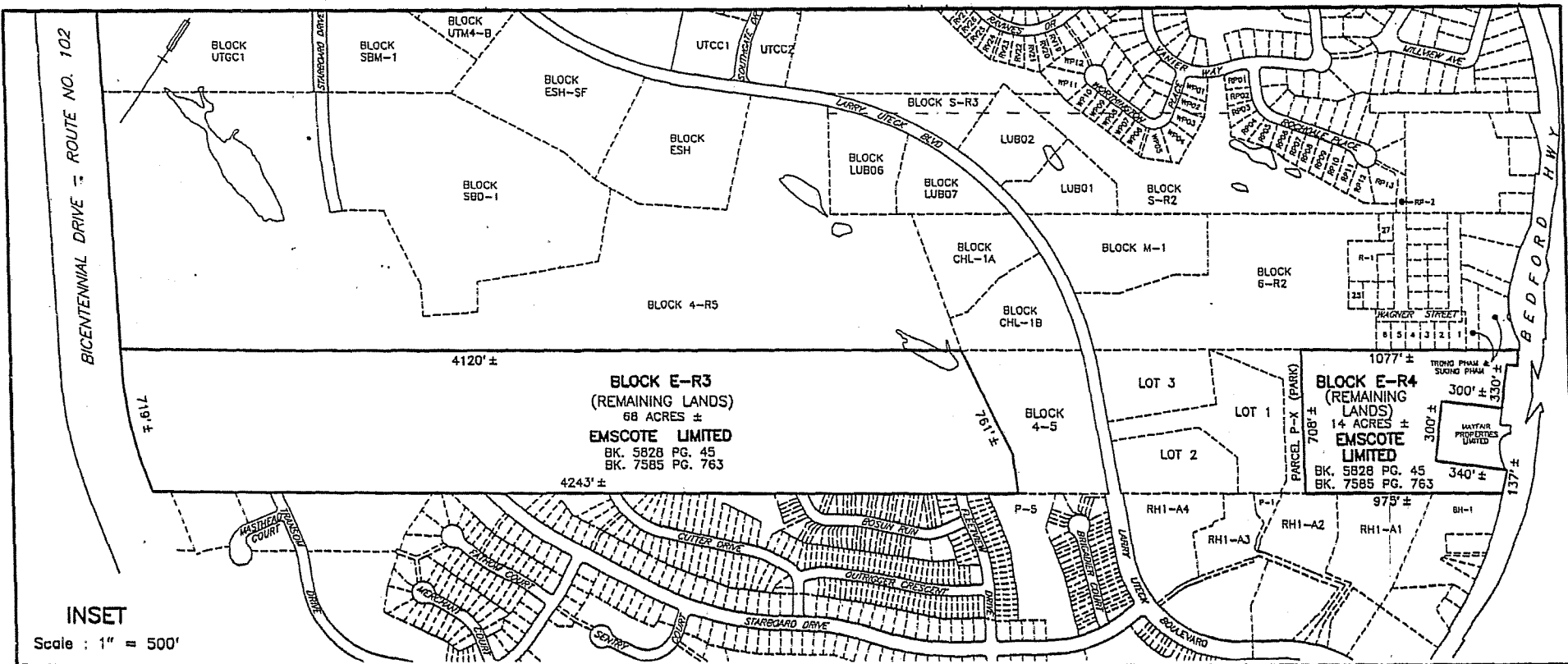
Policy EP-10:

All development agreements shall conform with all applicable regional policies adopted by the Municipality in support of the regional solid waste management program, Halifax Harbour cleanup and the water resources management study.





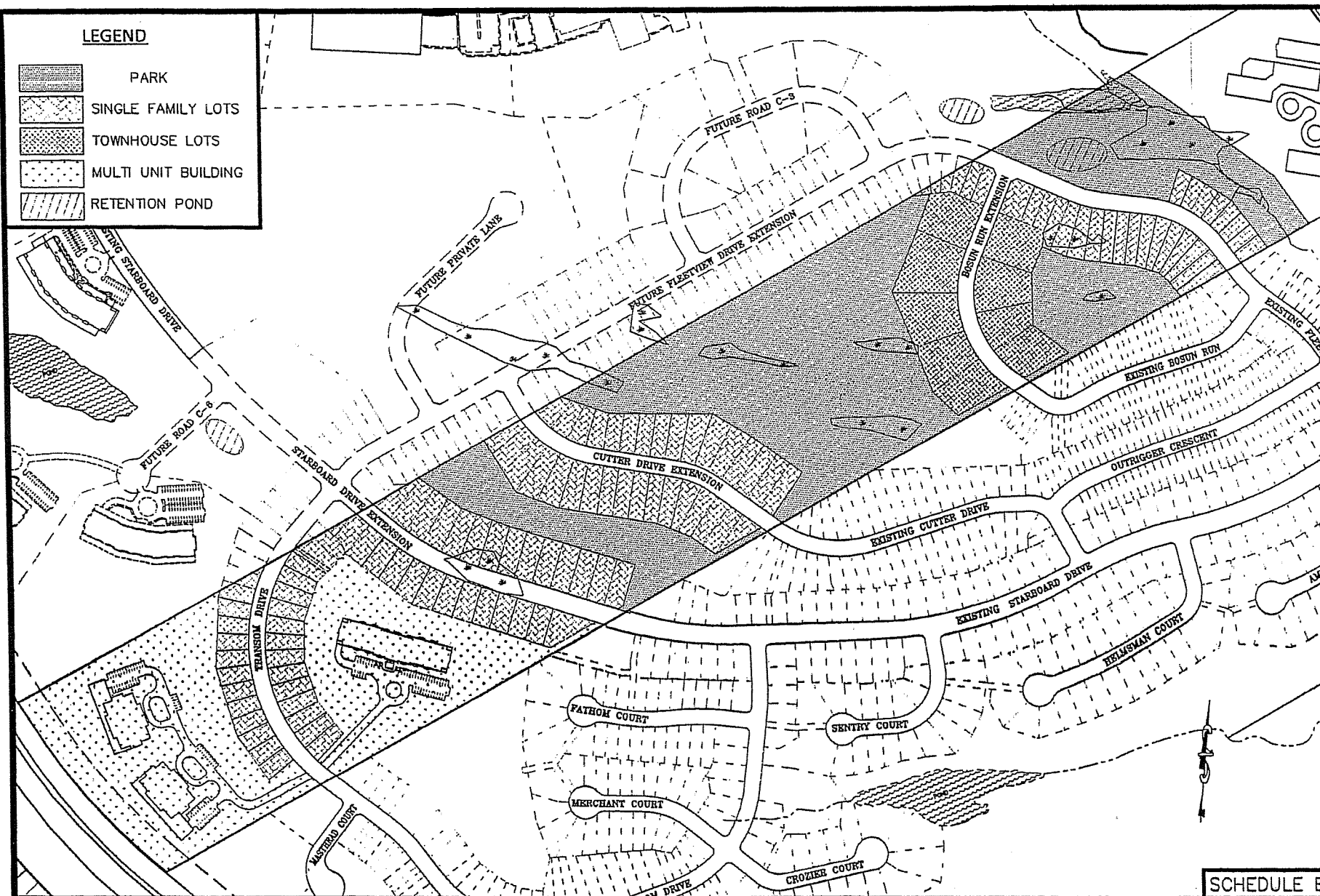
### **Schedule A-1 -- Visual Description**



Legend:  
Block E-R3 - PID 00288506  
Block E-R4 - PID 41247750

# LEGEND

- PARK
- SINGLE FAMILY LOTS
- TOWNHOUSE LOTS
- MULTI UNIT BUILDING
- RETENTION POND



SCHEDULE B



MAC WILLIAMS ENGINEERING  
LIMITED

WENTWORTH ESTATES  
LANDS OF EMSCOTE LIMITED

LAND USE PLAN

## Revision

No.	Comments	Date	By
1.	Add Townhouse Hatch	July 22/11	KCO

Date: June 29, 2011

Scale: 1"=400'

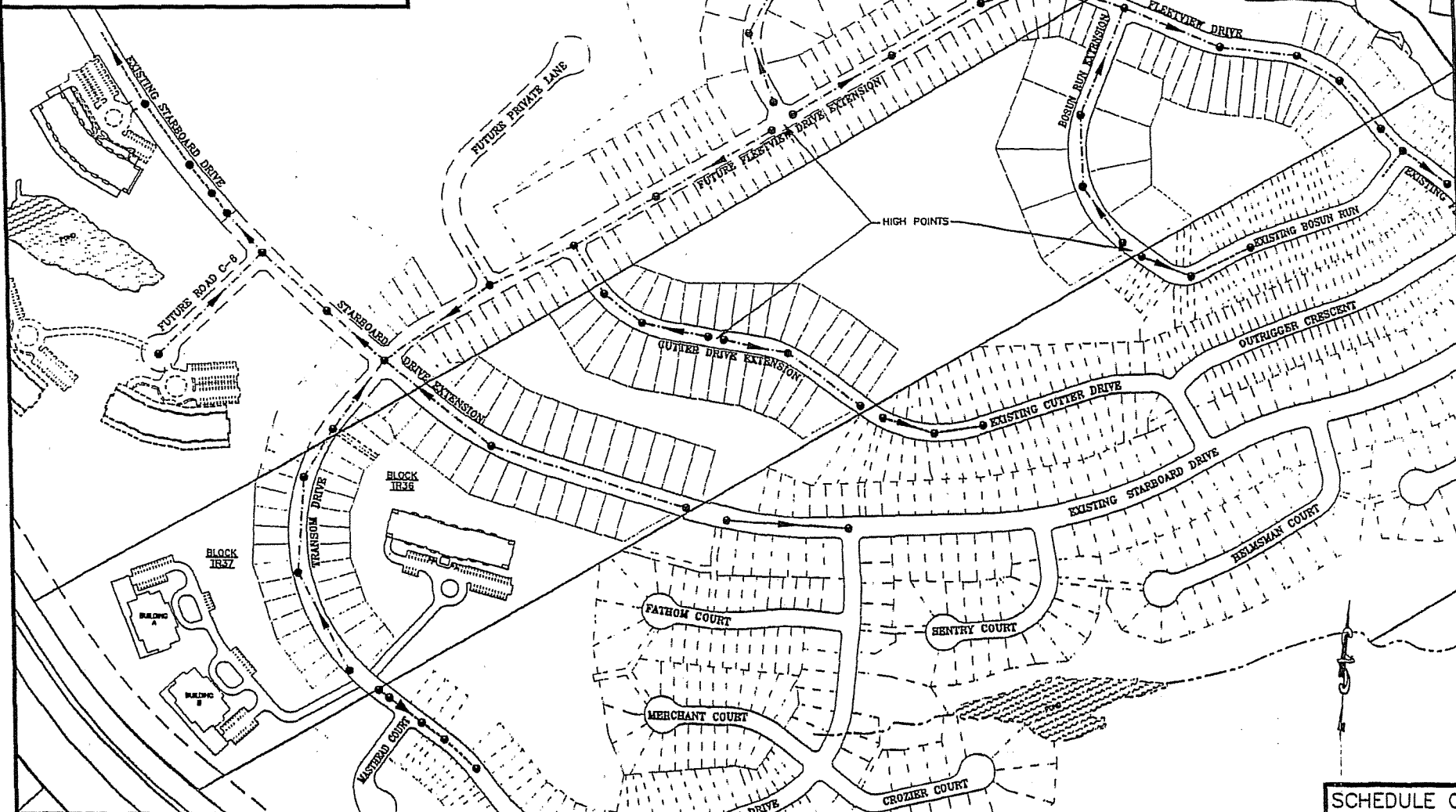
Project No.: 10575

Drawing No.: 10575-SK01-B

NOTE: PROPOSED SIZING OF ALL SANITARY SEWERS IS 10"Ø.

# LEGEND

----- EXISTING SANITARY SEWER  
 - - - - - PROPOSED SANITARY SEWER



SCHEDULE C



MAC WILLIAMS ENGINEERING  
 LIMITED

WENTWORTH ESTATES  
 LANDS OF EMSCOTE LIMITED

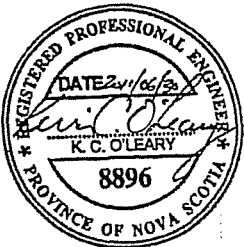
PROPOSED SANITARY SEWER PLAN

## Revision

No.	Comments	Date	By

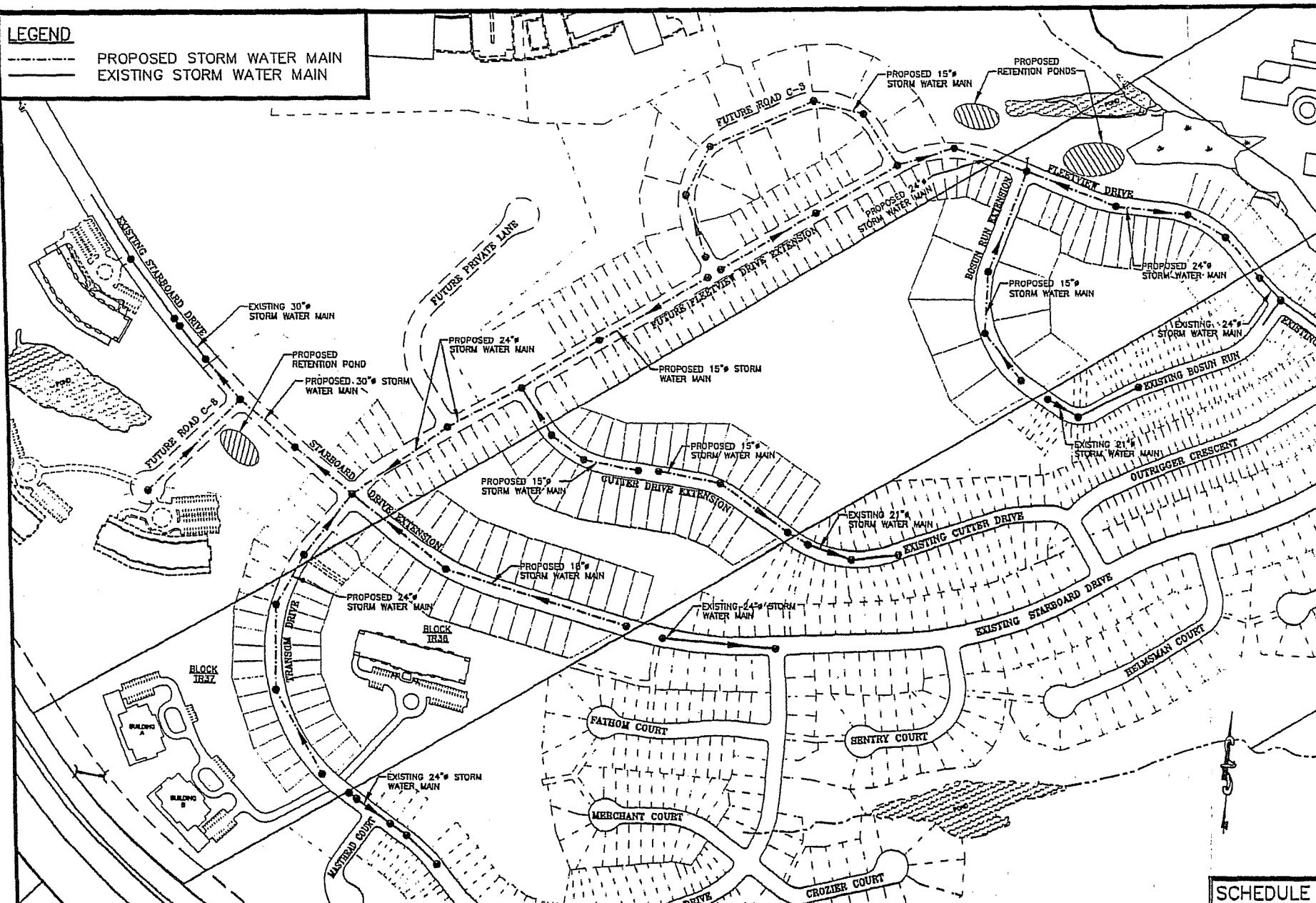
Date:	June 29, 2011
Scale:	1"=400'
Project No.:	10575
Drawing No.:	10575-SK01-C

COMPUTATIONS FOR DESIGN OF SANITARY SEWERS																		
DESIGN SHEET # —		DRAWING # —		CALCULATED BY: KCO		CHECKED BY: DMW		DATE: June 27, 2011		JOB #: 110575		REV #: 0		REV. DATE:		June 27/11		
EMSCOTE LANDS, BEDFORD, NS																		
AVERAGE OCCUPANCY PER DWELLING = 3.5										INFILTRATION ALLOWANCE= 0.35 m <sup>3</sup> /cm <sup>2</sup> /km/d								
SEWER LOCATION				MAX RATE OF FLOW				DESIGN				PROFILE						
STREET	FROM MH NO.	TO MH NO.	SAFETY FACTOR	DESIGN POPULATION	PEAKING FACTOR	PEAK DRY WEATHER FLOW (l/d)	INFILTRATION ALLOWANCE (l/d)	FLOW (l/d)	FLOW (m <sup>3</sup> /sec)	PIPE SIZE (mm)	SLOPE %	CAPACITY WHEN FULL (m <sup>3</sup> /sec)	VELOCITY WHEN FULL (m/sec)	LENGTH (m)	FALL (m)	INVERT ELEV. UPPER END (m)	INVERT ELEV. LOWER END (m)	UPPER COVER ELEV. (m)
Bosun Run Extension	—	—	1.00	158	4.18	224,058	2,004	226,062	0.0026	254	0.28	0.04	0.84	230	0.64	—	—	—
Fleetview Drive	—	—	1.00	634	3.92	844,144	5,688	849,832	0.0098	254	0.28	0.04	0.84	490	1.37	—	—	—
Cutter Drive (East)	—	—	1.00	63	4.28	91,963	1,094	93,057	0.0011	254	0.28	0.04	0.84	125	0.35	—	—	—
Cutter Drive (West)	—	—	1.00	53	4.31	76,940	875	77,815	0.0009	254	0.28	0.04	0.84	100	0.28	—	—	—
Starboard Drive	—	—	1.00	95	4.25	136,559	2,406	138,966	0.0016	254	0.28	0.04	0.84	275	0.77	—	—	—
Transom Drive	—	—	1.00	91	4.25	131,638	1,619	133,255	0.0015	254	0.28	0.04	0.84	185	0.52	—	—	—
NOTES																		
1. Assumes a per household population of 3.5.																		
2. Assumes a minimum slope of 0.0028 using 250 mm (10 in) pipe.																		
3. Fleetview collects flow from road C-3 and portions of Fleetview upgradient.																		
4. Flow analysis does not set absolute elevations for inverts. Uses a minimum allowable slope that yields 2 ft/sec flow velocity. If the proposed flow is less than capacity then actual design slopes, which will be larger than the minimum given the topography of the site, will be sufficient to carry the design flow. Design slopes will be set to be no less than 1.0%.																		



# LEGEND

----- PROPOSED STORM WATER MAIN  
 ----- EXISTING STORM WATER MAIN



SCHEDULE D



MAC WILLIAMS ENGINEERING  
 LIMITED

WENTWORTH ESTATES  
 LANDS OF EMSCOTE LIMITED

PROPOSED STORM WATER SERVICE PLAN

Revision

No.	Comments	Date	By

Date: June 29, 2011

Scale: 1"=400'

Project No.: 10575

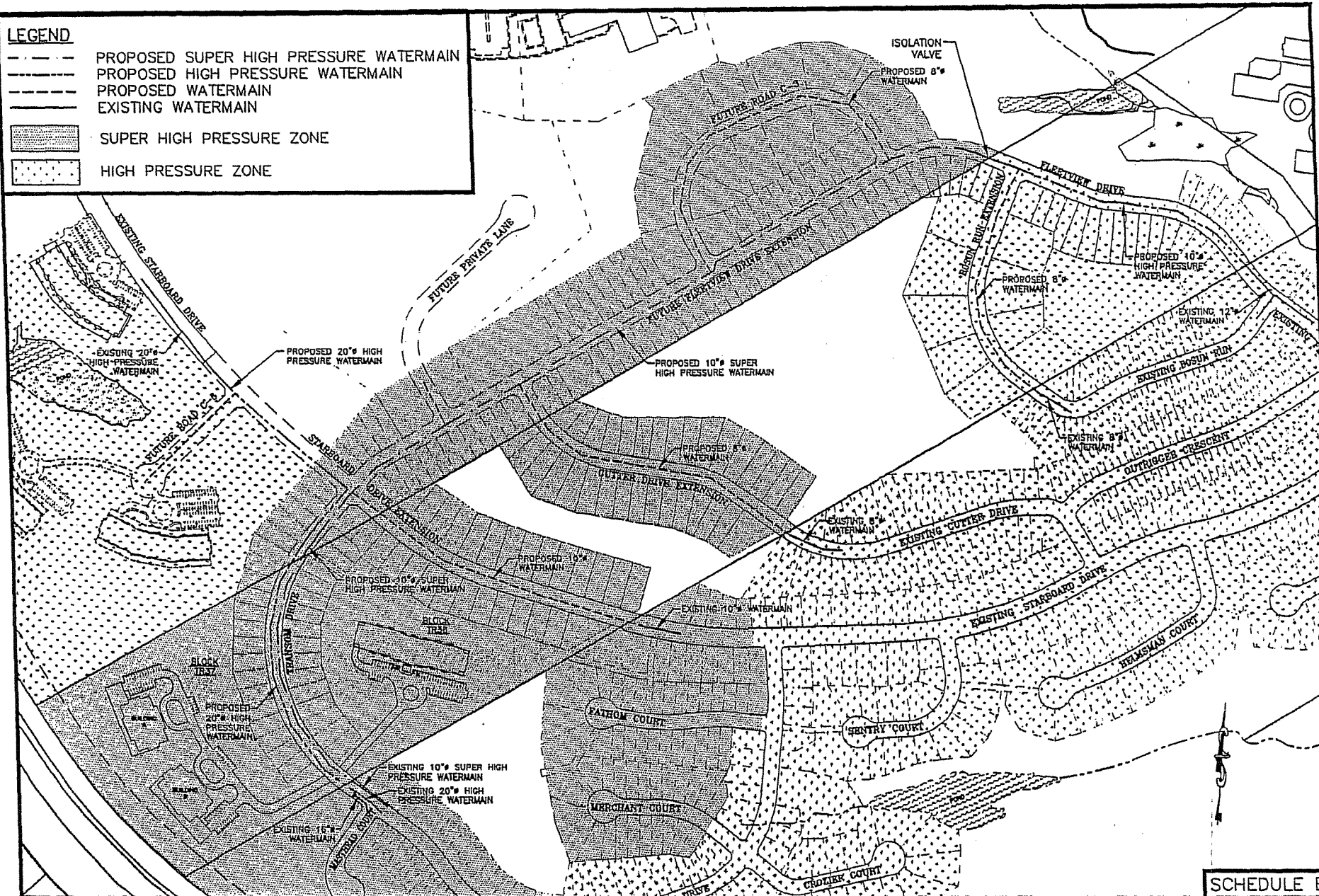
Drawing No.: 10575-SK01-D



# LEGEND

- - - - - PROPOSED SUPER HIGH PRESSURE WATERMAIN  
 - - - - - PROPOSED HIGH PRESSURE WATERMAIN  
 - - - - - PROPOSED WATERMAIN  
 - - - - - EXISTING WATERMAIN

[Hatched Pattern] SUPER HIGH PRESSURE ZONE  
 [Dotted Pattern] HIGH PRESSURE ZONE



SCHEDULE E



**MAC WILLIAMS ENGINEERING  
LIMITED**

**WENTWORTH ESTATES  
LANDS OF EMSCOTE LIMITED**

WATER SYSTEM & PRESSURE ZONES

Revision

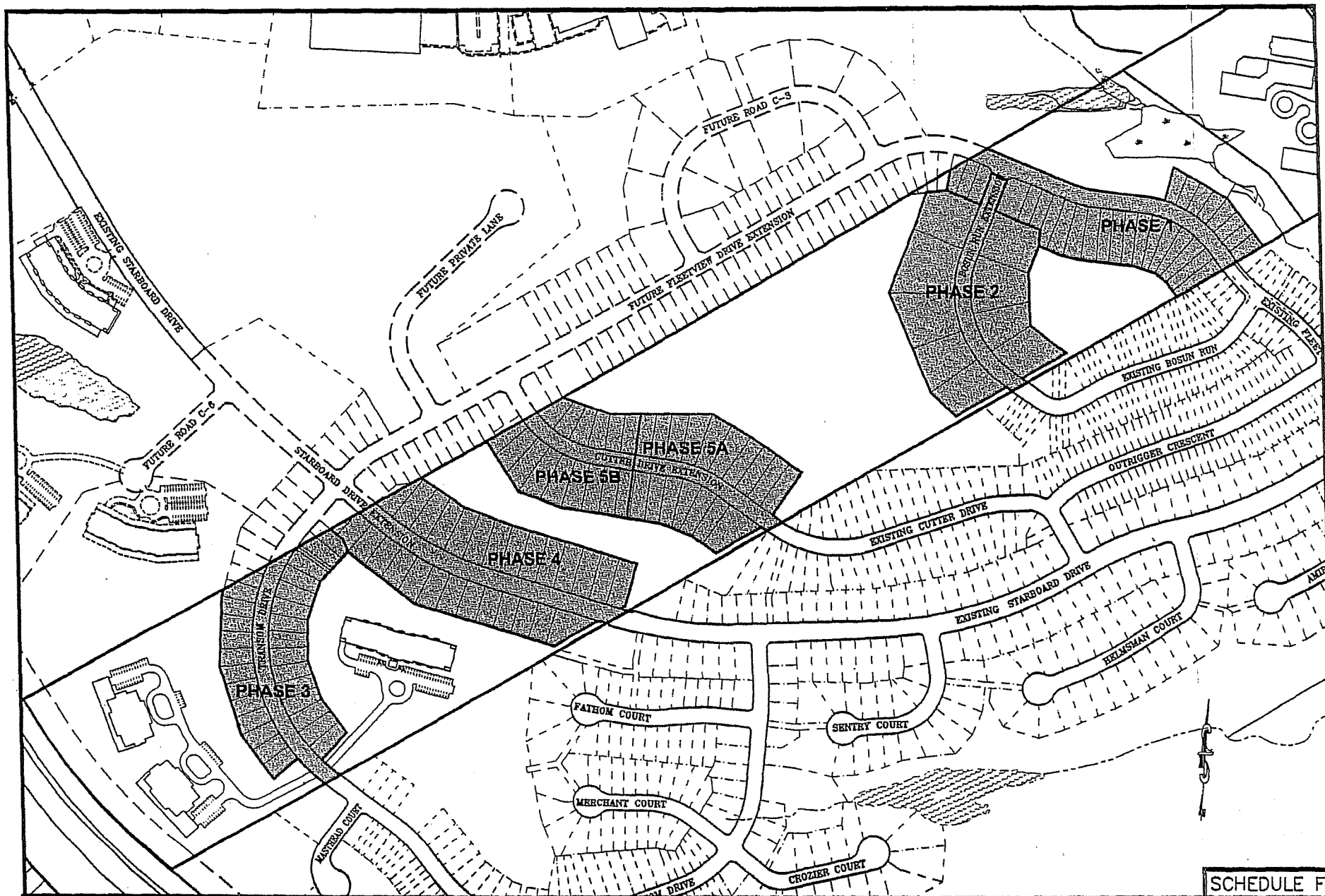
No.	Comments	Date	By

Date: June 29, 2011

Scale: 1"=400'

Project No.: 10575

Drawing No.: 10575-SK01-E



**SCHEDULE F**



**MAC WILLIAMS ENGINEERING  
LIMITED**

**WENTWORTH ESTATES  
LANDS OF EMSCOTE LIMITED**

PHASING PLAN

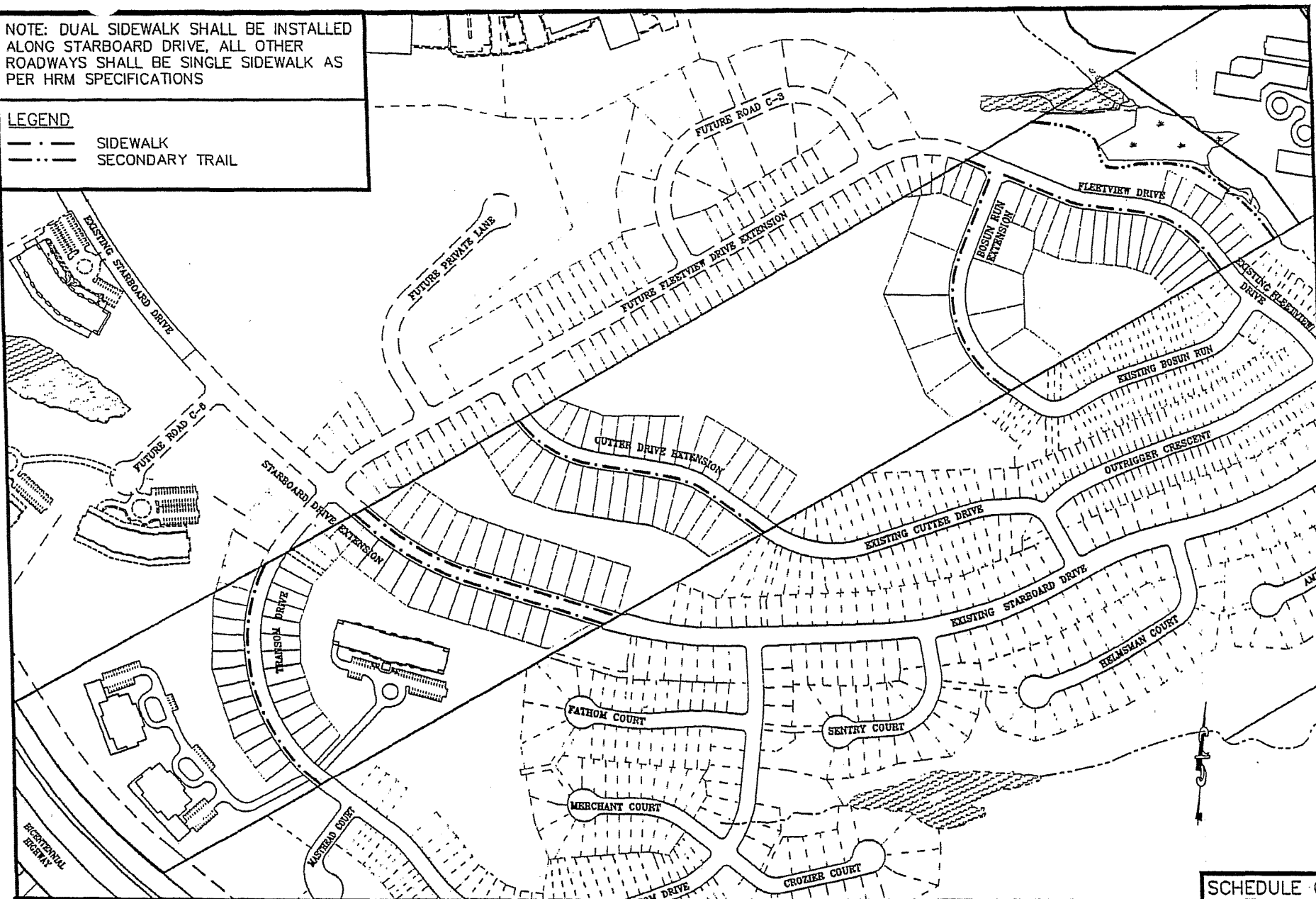
Revision				Date:	June 29, 2011
No.	Comments	Date	By	Scale:	1"=400'
				Project No.:	10575
				Drawing No.:	10575-SK01-F



NOTE: DUAL SIDEWALK SHALL BE INSTALLED  
ALONG STARBOARD DRIVE, ALL OTHER  
ROADWAYS SHALL BE SINGLE SIDEWALK AS  
PER HRM SPECIFICATIONS

# LEGEND

--- SIDEWALK  
--- SECONDARY TRAIL



SCHEDULE G



MAC WILLIAMS ENGINEERING  
LIMITED

WENTWORTH ESTATES  
LANDS OF EMSCOTE LIMITED

SIDEWALK AND TRAIL PLAN

Revision

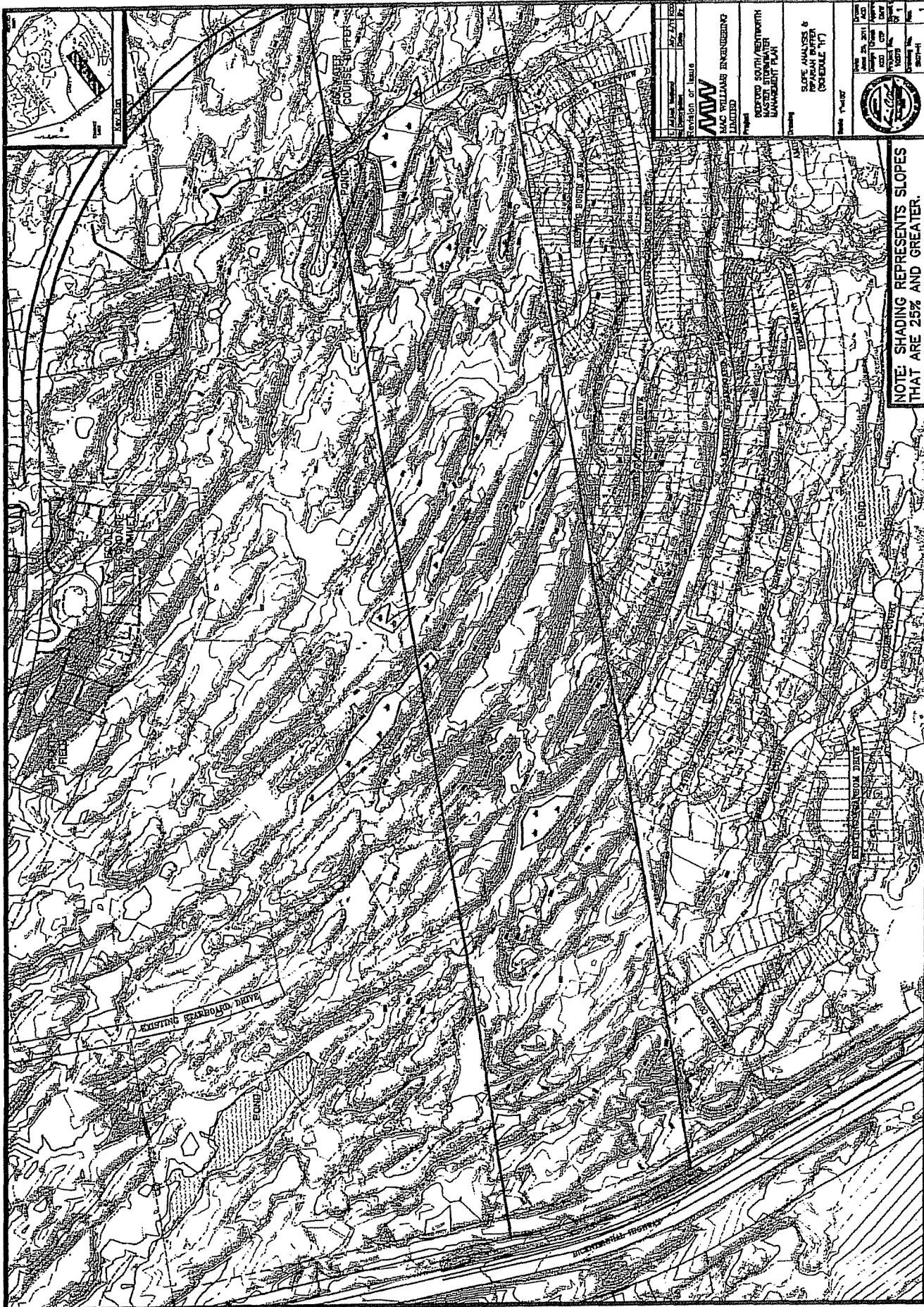
No.	Comments	Date	By

Date: June 29, 2011

Scale: 1"=400'

Project No.: 10575

Drawing No.: 10575-SK01-G

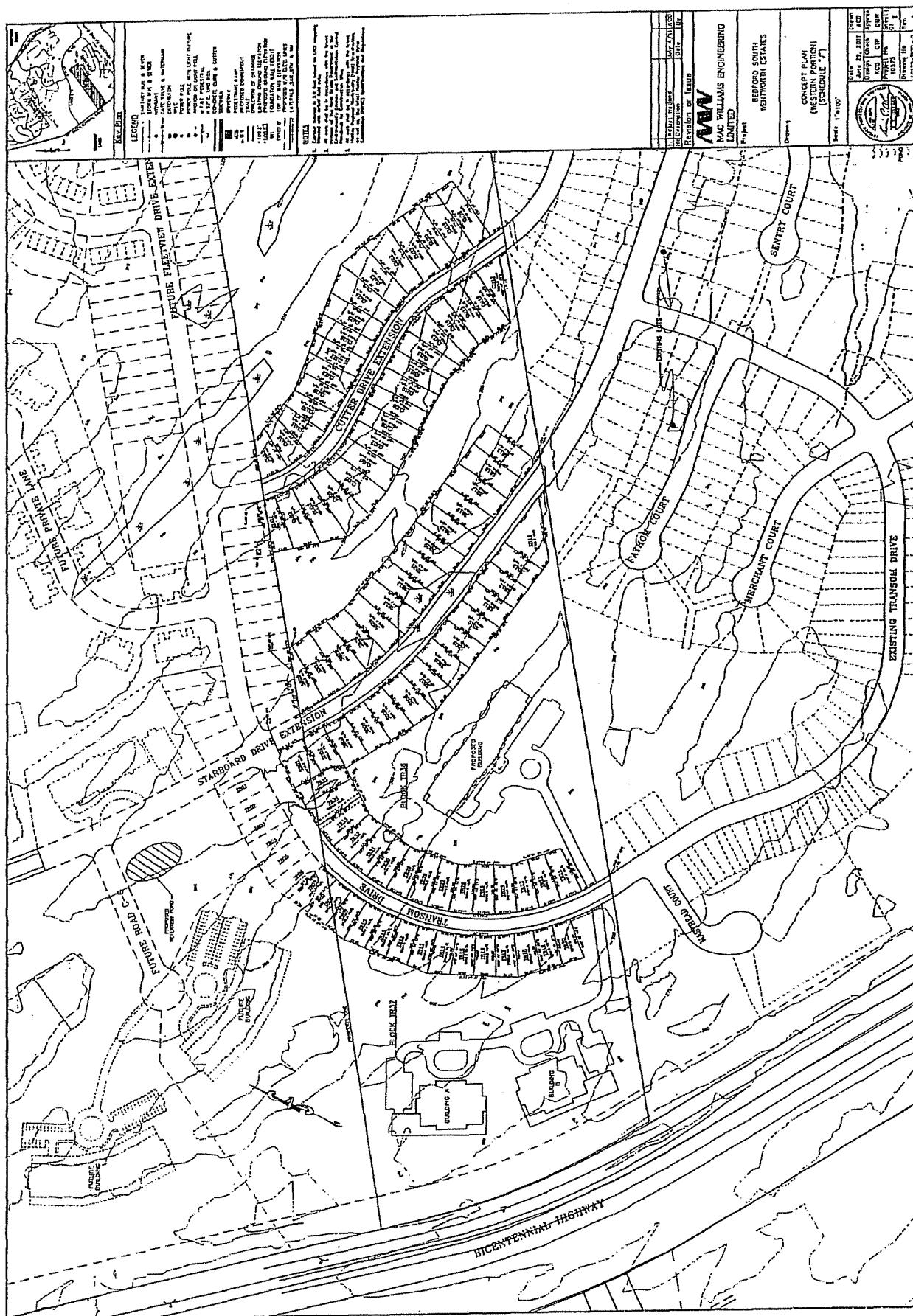


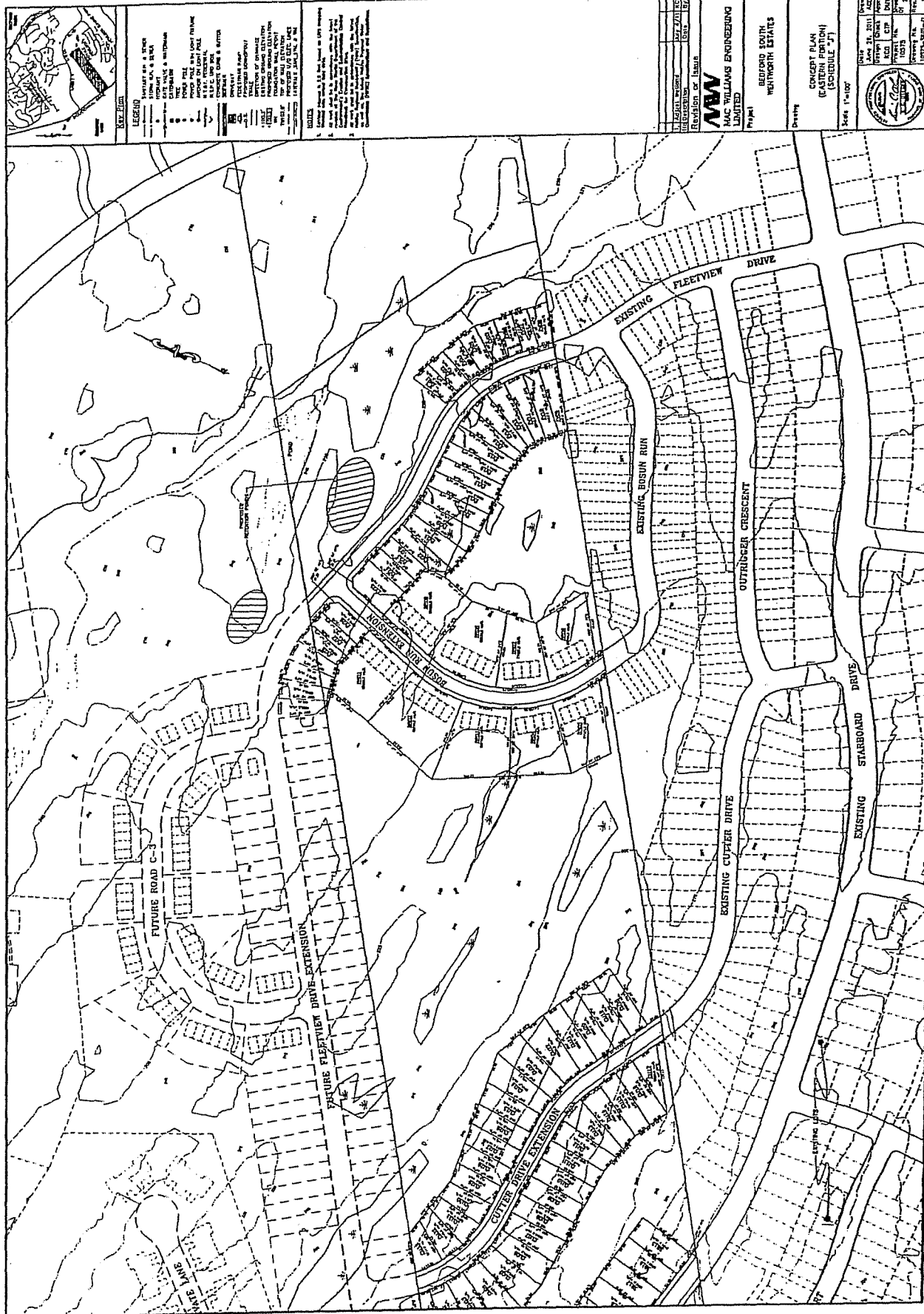
NOTE: SHADING REPRESENTS SLOPES THAT ARE 25% AND GREATER.

Revision of Issue	
Issue No.	Issue Date
1	1/1/00
Project	
DEVELOP SOUTH/WESTWORTH WASTEWATER MANAGEMENT PLAN	
Client	
SLOPE ANALYSIS & REPAIR PLAN (SCHEDULE 'B')	
Scale	
1" = 100'	
Sheet No.	
1 of 1	
Date	
1/1/00	
Drawn by	
J. Williams	
Checked by	
J. Williams	
Title	
SLOPE ANALYSIS & REPAIR PLAN	
Project	
DEVELOP SOUTH/WESTWORTH WASTEWATER MANAGEMENT PLAN	
Client	
SLOPE ANALYSIS & REPAIR PLAN (SCHEDULE 'B')	
Scale	
1" = 100'	
Sheet No.	
1 of 1	
Date	
1/1/00	
Drawn by	
J. Williams	
Checked by	
J. Williams	
Title	
SLOPE ANALYSIS & REPAIR PLAN	









Schedule K  
Density Chart

<b>Wentworth Estates</b>	
<b>Total Acreage</b>	<b>106 Acres</b>
<b>Multiplication Factor</b>	<b><u>20 PPA</u></b>
<b>Maximum Population</b>	<b>2120</b>
<b>November 21, 2011 DA</b>	
<b>Apartment Block Units</b>	<b>480</b>
<b>Factor</b>	<b><u>2.25</u></b>
<b>Total Population</b>	<b>1080</b>
<b>Current Application</b>	
<b>Singles 40'</b>	<b>28 x 3.35 = 93.8</b>
<b>Singles 50'</b>	<b>60 x 3.35 = 201</b>
<b>Singles 60'</b>	<b>27 x 3.35 = 90.45</b>
<b>Townhouses</b>	<b>45 x 3.35 = 150.75</b>
<b>Multiple</b>	<b><u>224 x 2.25 = 504.00</u></b>
<b>Total Population</b>	<b>1040</b>
<b>November 21, 2007 DA</b>	<b>1080</b>
<b>Current Application</b>	<b><u>1040</u></b>
<b>Total Population</b>	<b>2120</b>