

Item No. 11.2.1
Halifax Regional Council
October 29, 2013

TO: Mayor Savage and Members of Halifax Regional Council
Original Signed

SUBMITTED BY: ~~Councillor Darren Fisher~~
Chair, Harbour East-Marine Drive Community Council

DATE: October 18, 2013

SUBJECT: **Case 01290: Amendments to the Regional MPS to allow an Open
Space Development, Glendale Drive, Westphal**

INFORMATION REPORT

ORIGIN

October 17, 2013 meeting of Harbour East-Marine Drive Community Council.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning and Development

BACKGROUND

Case 01290 was presented to Harbour East-Marine Drive Community Council at their meeting of October 17, 2013.

For detailed background information on the application, please refer to the Background section of the October 1, 2013 staff report.

DISCUSSION

At the request of Community Council, staff presented the application.

Community Council inquired why this matter was brought before Community Council to give recommendation to Regional Council, when the normal process for Regional Municipal Planning Strategy (RMPS) Amendments would be to bring them directly to Regional Council. Staff advised that since the proposed amendments to the RMPS would affect only this Community Council, it was decided to bring this matter to this Community Council for review and recommendation, prior to bringing it forward to Regional Council. Staff clarified that this matter has not been to Community Council before, and that it was initiated by Regional Council in November 2009.

Discussion was held with regard to the application, with the following comments noted by members:

- Council and Community Council are not prepared with policies in place to deal with such an application, noting that the RP+5 process (the five year review of the Regional MPS) is not yet complete, and Council is awaiting the completion of the Cole Harbour Open Space Plan, the Stormwater Functional Plan and the Wastewater Functional Plan.
- The Lot Grading and Drainage By-law (By-law L-300) needs to be updated.
- Because of the topography of the area, nearby residents are concerned that development of this proposal may cause the flooding of their properties.

Staff responded to questions from members, clarifying that this application proposes wetland modification to create stormwater retention ponds and to build a large berm approx. ½ km long to capture stormwater from the development and release it in modified streams. It was further clarified that Open Space guidelines indicate that at least 60% of the site must be left as a non-disturbance area, meaning left in a natural state.

The staff recommendation was moved, but without a seconder, the motion was lost.

A motion was subsequently approved by Harbour East-Marine Drive Community Council to refer this matter to Regional Council without recommendation.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Application.

Please refer to the 'Financial Implications' section of the October 1, 2013 staff report for long term capital cost implications of allowing an Open Space Design development on the site.

COMMUNITY ENGAGEMENT

Harbour East-Marine Drive Community Council is comprised of five duly elected members of Regional Council. HEMDCC meets monthly, and meetings are open to the public, unless stated. Meeting agendas, minutes and reports are posted on the HEMDCC website.

Please refer to the 'Community Engagement' section of the October 1, 2013 staff report for further information on the community engagement process associated with this application.

ATTACHMENTS

Attachment A: Staff report dated October 1, 2013

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: Jennifer Weagle, Legislative Assistant, 490-6517

**Harbour East-Marine Drive Community Council
October 17, 2013**

TO: Chair and Members of Harbour East-Marine Drive Community Council

SUBMITTED BY: Original signed

Brad Anguish, Director, Community & Recreation Services

DATE: October 1, 2013

SUBJECT: Case 01290: Amendments to the Regional MPS to allow an Open Space Development, Glendale Drive, Westphal

ORIGIN

- Application by Genivar.
- On November 10, 2009 Regional Council passed the following motion:

"MOVED BY Councillor Hendsbee, seconded by Councillor Lund that Halifax Regional Council initiate the process to consider amending the Regional Municipal Planning Strategy to redesignate the subject property from Urban Reserve to Rural Commuter in order to enable consideration of a Water Service Area expansion and an Open Space Design subdivision. MOTION PUT AND PASSED."

LEGISLATIVE AUTHORITY

HRM Charter, Part VIII, Planning and Development

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council recommend that Halifax Regional Council:

Not approve amendments to the Regional Municipal Planning Strategy as provided in Attachment A, to change the designation of a 104 acre parcel of land on Glendale Drive, Westphal, from Urban Reserve to Rural Commuter in order to enable consideration of a Water Service Area expansion and an Open Space Design subdivision through the development agreement process.

EXECUTIVE SUMMARY

Regional Council in 2009 initiated the Municipal Planning Strategy (MPS) amendment process in order to allow public consultation on a proposal by Kiel Developments for a 106 residential unit, Open Space Design development in Westphal. The 104 acre site owned by Geldart Property Developments Limited (shown on Maps 1 and 2), is designated Urban Reserve under the Regional Municipal Planning Strategy. The Urban Reserve designation is an important component of the Regional MPS that is intended to provide a long term supply of fully serviced land in strategic locations of suburban HRM. Development within the designation is therefore not supported in order to ensure this reserve is maintained in the long term. The draft revised Regional MPS (RP+5) reiterates these goals of the original 2006 Regional MPS. Redesignating a single property within this Urban Reserve area may result in increased pressure to do the same for other lands in this and other Urban Reserve areas of HRM.

This application seeks to change the Regional Plan designation of the 104 acre parcel from Urban Reserve to Rural Commuter, to allow a residential Open Space Design subdivision through the development agreement process. If this amendment is approved, the applicant would also seek an amendment to the Regional Subdivision By-law to allow an extension of a Water Service District to the site for the purpose of providing municipal water to new development.

A conceptual plan for the project, based on the higher density Classic Open Space Design criteria of the Regional MPS, submitted by the applicant does not meet the criteria of Regional MPS Policies S-15 and S-16. These policies, included in Attachment B to this report, outline detailed design considerations. The proposal as submitted does not satisfy requirements to preserve wetlands and watercourse buffers, and requires watercourse alterations. An excessive amount of road is proposed, and the wastewater treatment facility extends significantly into the common open space. Even in the event that Regional Council chooses to approve the Regional MPS amendment, staff could not recommend approval of a development agreement without significant changes to the concept to align it with the criteria established by MPS policies.

BACKGROUND

Overview

This is a request by Genivar to amend the Regional Municipal Planning Strategy (Regional MPS), by changing the Generalized Future Land Use Map (GFLUM) designation of a 104 acre site in Westphal (Maps 1 and 2), owned by Geldart Property Developments Limited. The request is to apply the Rural Commuter Designation to the site, rather than the current Urban Reserve Designation. This amendment is being sought in order to enable consideration of a 106 unit residential Open Space Design project through the development agreement process. Such developments may not be considered within the Urban Reserve designation, but may be considered in the Rural Commuter designation. If the requested Regional MPS amendment is approved by Regional Council, the applicant would then have two additional stages of application to complete:

- Consideration by Regional Council of an amendment to Schedule B of the Regional Subdivision By-law in order to expand the abutting Water Service Area to the site, and

- Consideration by Harbour East-Marine Drive Community Council (HEMDCC) of a detailed development agreement application for an Open Space Design subdivision.

Location, Designation, and Zoning

The subject site at approximately 104 acres in area is a significant portion of the Westphal Urban Reserve, which includes approximately 12 other parcels, comprising a total of approximately 900 acres. The largest of the parcels is the former site of the Nova Scotia Home for Coloured Children (approximately 315 acres), which is to the west of the subject lands (Map 1).

The lands have limited public road frontage. This frontage consists of 20 m on each of the dead ends of Glendale Drive and Westmount Drive. There is also extensive frontage on the Old Lawrencetown Road, a road right of way which is owned by HRM but is not constructed or maintained as a public road.

The lands are designated Urban Reserve under the Regional MPS, and Rural Residential under the Cole Harbour/Westphal MPS. The zoning is UR (Urban Reserve) which is essentially a holding zone that implements the intent of the Regional MPS to limit development on the lands until such time as full municipal services are available.

Surrounding Land Uses

Abutting the site to the east are the Westmount and Greendale subdivisions. Just to the southwest is the Coleridge Estates subdivision. These are single unit dwelling neighbourhoods with on-site septic systems and municipal water supply. Adjacent lands to the north, south and west are vacant and also fall within the Urban Reserve designation.

Regional MPS Context

The Urban Reserve (UR) designation and zone are applied to lands that abut the Urban Settlement designation, in locations where central sewer and water services may eventually be provided. It is intended to ensure that HRM has a long-term supply of serviceable land beyond the 25 year horizon of the Regional MPS. Therefore, opportunities for unserviced development are limited within the UR designation so as not to compromise the future potential for comprehensive and efficient development to occur once services may be provided.

The basis for the UR designation arose during the preparation of the Regional MPS, when HRM commissioned the Greenfield Areas Servicing Analysis Study¹ to compare the land use and servicing opportunities and constraints of several large undeveloped areas located adjacent to existing service boundaries. The study concluded that fully serviced urban development of these greenfield sites was not recommended in the short term due to the lack of appropriate infrastructure and potential costs to HRM. Accordingly, the Regional MPS placed seven areas, all of which demonstrated long term potential for servicing with sewer and water, within the Urban Reserve designation. The RP+5 process, the five year review of the Regional MPS, is

¹ CBCL Limited, Greenfield Areas Servicing Analysis: Final Report, July 2004.

recommending no changes to the Urban Reserve designation in the Westphal area.

Open Space Design Subdivisions

In addition to focusing fully serviced urban development in strategic and comprehensively planned areas, the Regional MPS also seeks to achieve residential development that protects the character of rural communities within areas located outside of service boundaries. This approach, known as the Open Space Design concept, is intended to protect features of natural or cultural significance, provide a connected system of open space and to minimize extensive road development and the loss of important resource lands. Community Councils may consider proposals for Open Space Design subdivisions on lands within the Rural Commuter, Rural Resource and Agricultural designations through the development agreement process. Pursuant to Regional MPS policies S-15 and S-16 (Attachment B), such subdivisions may not be considered within the Urban Reserve designation.

Two forms of Open Space Design subdivisions exist, and where permitted by the land use designation, a developer may propose either form as follows:

- Open Space – these are based on the traditional form of individual on-site well and septic systems at a density of one unit per 2.5 acres. At least 80% of the residential portion of the site is to be retained in its natural state; and
- Classic Open Space - the use of piped water (where available) and shared sewage treatment systems allow a more compact form at a higher density of just under one unit per acre. Under this second form, 60% of the entire site is maintained in its natural state, and dwellings and infrastructure are clustered together on the remaining 40%, creating a tighter lot fabric than in traditional rural subdivisions.

Although the UR zone and policies S-15 and S-16 do not allow development of the subject site, some limited development could be considered under Policy IM-18 of the Regional MPS (Attachment A). This policy enables the consideration of an Open Space Design subdivision on the subject property, since the use can be considered on the abutting Rural Commuter-designated lands. However, this policy would enable consideration of only a limited amount of development, with limited road extensions, immediately abutting the existing subdivisions. Development of the entire 104 acre parcel would exceed the intent of Regional MPS Policy IM-18. The developer has therefore requested that the entire site be designated as Rural Commuter in order to allow a larger scale development agreement application under policies S-15 and S-16.

DISCUSSION

In response to the applicant's request to allow development on the site in the short term, community engagement has been undertaken as directed by Council in order to obtain public feedback on the proposal. An evaluation of the proposal has now been completed, relative to both the request to amend Regional MPS policy and the detailed development concept:

Regional MPS Amendment

The applicant's proposal focuses on a single 104 acre parcel within a larger UR area that includes approximately 900 acres and 11 other properties. The primary purpose for the UR

designation, as established by the Regional MPS, is to ensure that unserviced or partially serviced development does not occur at any scale until careful and comprehensive consideration is given to the potential for fully serviced development of the area. Any such fully serviced development within a UR area is contingent upon a comprehensive master plan exercise being completed. This process would include significant public and stakeholder consultation and carefully consider issues such as storm water management, transportation planning, open space, and environmental protection. Allowing development on this site now could prejudice a future master planning exercise for the larger area, for example by limiting road network options, opportunities for storm water management, or parkland corridors.

The Waste Water Management Functional Plan, currently being finalized by Halifax Water, considers existing and projected capacity in the waste water collection and treatment systems across HRM. Based on this analysis, and projected infrastructure upgrades, the study projects that it will be possible to extend the municipal service boundary to provide for urban expansion and development in the Cole Harbour/Westphal and/or Eastern Passage areas. HRM will have to determine where this capacity can best be allocated, in order to ensure that future suburban expansion maximizes utilization of not just piped services but also of existing transportation, recreation, and school infrastructure. This site would be a potential candidate for servicing, however allowing an Open Space Design development would likely preclude such infrastructure in the future.

At the time of writing this report, the draft new Regional MPS (RP+5) did not include any changes to either the land use designations or provisions for development within this UR area. Removing one parcel from the Urban Reserve to allow for piecemeal development would compromise the intent of the Regional MPS and could result in similar applications within this and other UR-designated areas across HRM. The entire premise of establishing the Urban Reserve Designation to ensure rational long term urban growth would then be in jeopardy.

The applicant has not demonstrated that allowing an Open Space Design development on this site furthers HRM's goals for rational and cost-effective development. From a Regional planning perspective, it is therefore most prudent to consider development of this one parcel only within the context of the entire UR area. This would be considered through a secondary planning process to be undertaken when there is clarity as to future servicing capability.

Evaluation of Development Concept

The development concept for the proposal includes 106 single unit dwellings as shown on Map 3. This is the maximum possible density that could be considered within the Classic form of an Open Space Design development. The development would be accessed via extensions of two existing public streets, Glendale Drive and Old Miller Road. Each lot would include a septic tank, with effluent then piped to a communal treatment system. The proposal also envisages that the Water Service District which provides municipal water to adjacent developments would be extended to service this project. There are physical challenges with the site in terms of the extent of wetlands and the presence of watercourses, and design deficiencies with the proposal as outlined in Attachment C to this report. These shortcomings would, even if the site was designated Rural Commuter, result in staff being unable to support the current proposal. The

challenges that this site poses would best be addressed as part of a future comprehensive planning exercise for the larger UR area.

Review by Watershed Advisory Board

The site contains three large wetlands and two watercourses. At one of the public information meetings, staff advised that due to the development's impacts on these natural features that the proposal would be reviewed by the area Watershed Advisory Board (WAB). However, due to recent changes to the WAB structure, reviews of individual developments are no longer done unless mandated by local MPS policy. As there is no such policy in the Cole Harbour/Westphal MPS, the WAB has not reviewed the proposal.

Conclusion

Given the clear goals of the Regional MPS to preserve strategic lands for long term urban growth, staff advise that the requested redesignation of the site to Rural Commuter from Urban Reserve is inappropriate. Policy IM-18 provides an opportunity to consider a small scale development for this particular site. However, given that this property represents a significant portion of the Westphal Urban Reserve area, it would be beneficial to wait until such time as central sewer & water services can be extended and the area is master-planned. The need for a master plan process is particularly important, given some of the technical challenges identified such as road access and stormwater management. Finally, the design of the proposed development exhibits shortcomings with the result that the proposal does not meet the detailed design criteria that are applied to Open Space Design developments. Therefore, staff recommend that Regional Council not approve the requested amendment to the Regional MPS.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications.

Allowing an Open Space Design development on the site may have long term capital cost implications for HRM. Such costs may arise due to a need for improvements to the storm water management system to manage flooding, or because future infrastructure needs are negatively affected due to the lack of comprehensive planning for the entire 900 acre Urban Reserve area.

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 two Public Information Meetings held on January 28, 2010 and September 21, 2011 (Attachments D and E). Notices of this meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area (Map 2).

A public hearing has to be held by Regional Council before it can consider approval of any amendments. Should Regional Council proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners within the notification area

will be advised of the public hearing by mail. The proposal will potentially impact property owners and residents in the surrounding area.

ENVIRONMENTAL IMPLICATIONS

Beyond those which are discussed above, no environmental implications of this project have been identified.

ALTERNATIVES

Harbour East-Marine Drive Community Council may recommend that Regional Council:

1. Refuse the proposed amendment to the Regional MPS as provided in Attachment A of this report. This is the staff recommendation. A decision of Council to refuse the proposed amendments is not appealable as per Section 262 of the *HRM Charter*.
2. Approve the proposed amendment to the Regional MPS as provided in Attachment A of this report. A decision of Council to approve this proposed amendment is not appealable as per Section 262 of the *HRM Charter*. This is not recommended for the reasons discussed above.


ATTACHMENTS


Map 1: Regional MPS Generalized Future Land Use Map
Map 2: Location and Zoning
Map 3: Conceptual Subdivision Concept Plan

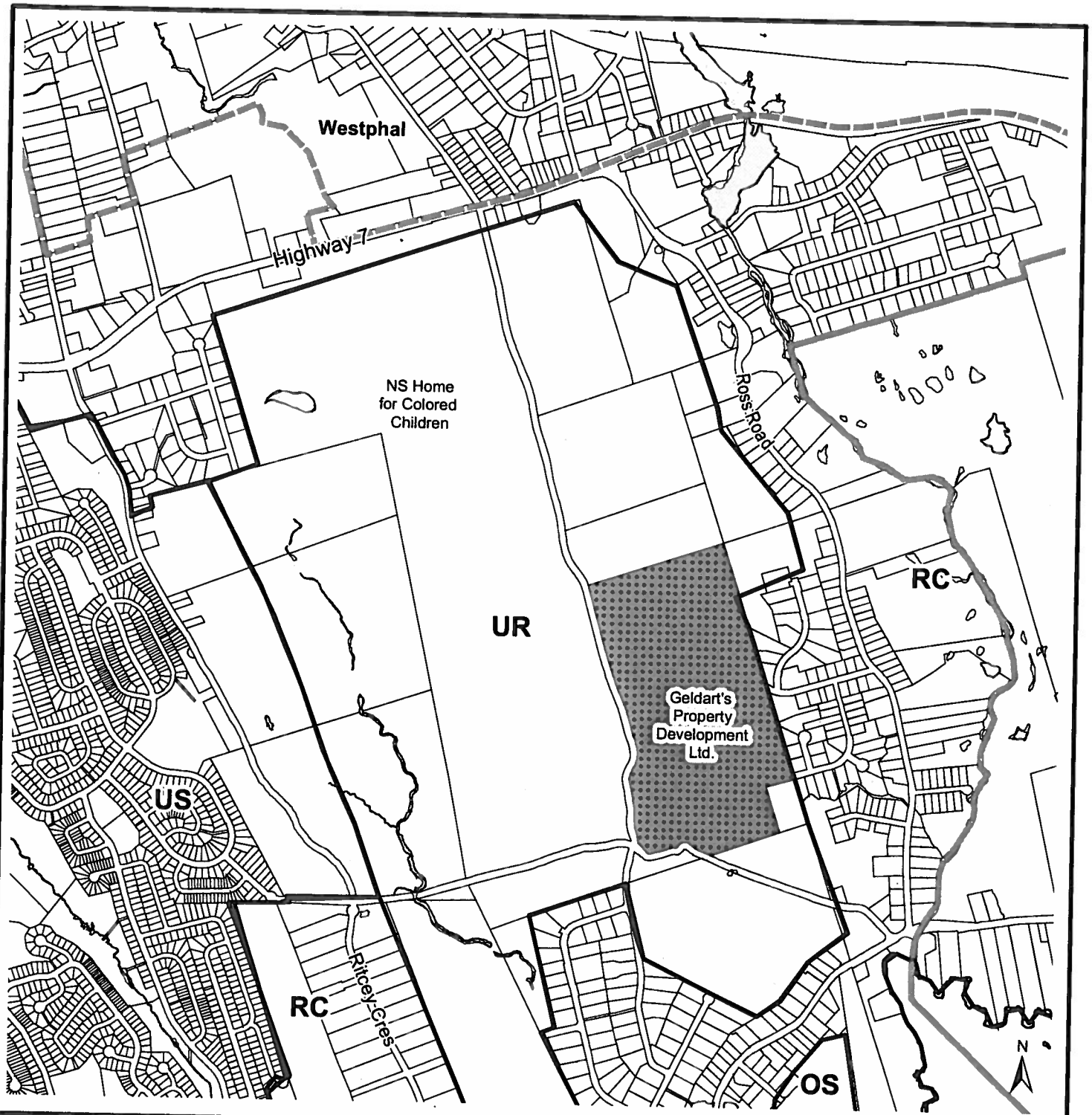
Attachment A: Amendments to the Regional Municipal Planning Strategy
Attachment B: Excerpts from the Regional Municipality Planning Strategy
Attachment C: Evaluation of Development Concept Against Key Regional MPS Policies for Open Space Developments
Attachment D: Minutes of Public Information Meeting, January 28, 2010
Attachment E: Minutes of Public Information Meeting, September 21, 2011

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: Mitch Dickey, Planner, 490-5719
Original signed

Report Approved by: 
Kelly Denty, Manager, Development Approvals, 490-4800
Original signed

Report Approved by: 
Austin French, Manager, Community & Regional Planning, 490-6717



Map 1 Generalized Future Land Use

Regional Plan

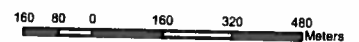
 Subject Property

 Plan Area Boundary

Designation

- RC Rural Commuter
- UR Urban Reserve
- OS Open Space and Natural Resource
- US Urban Settlement

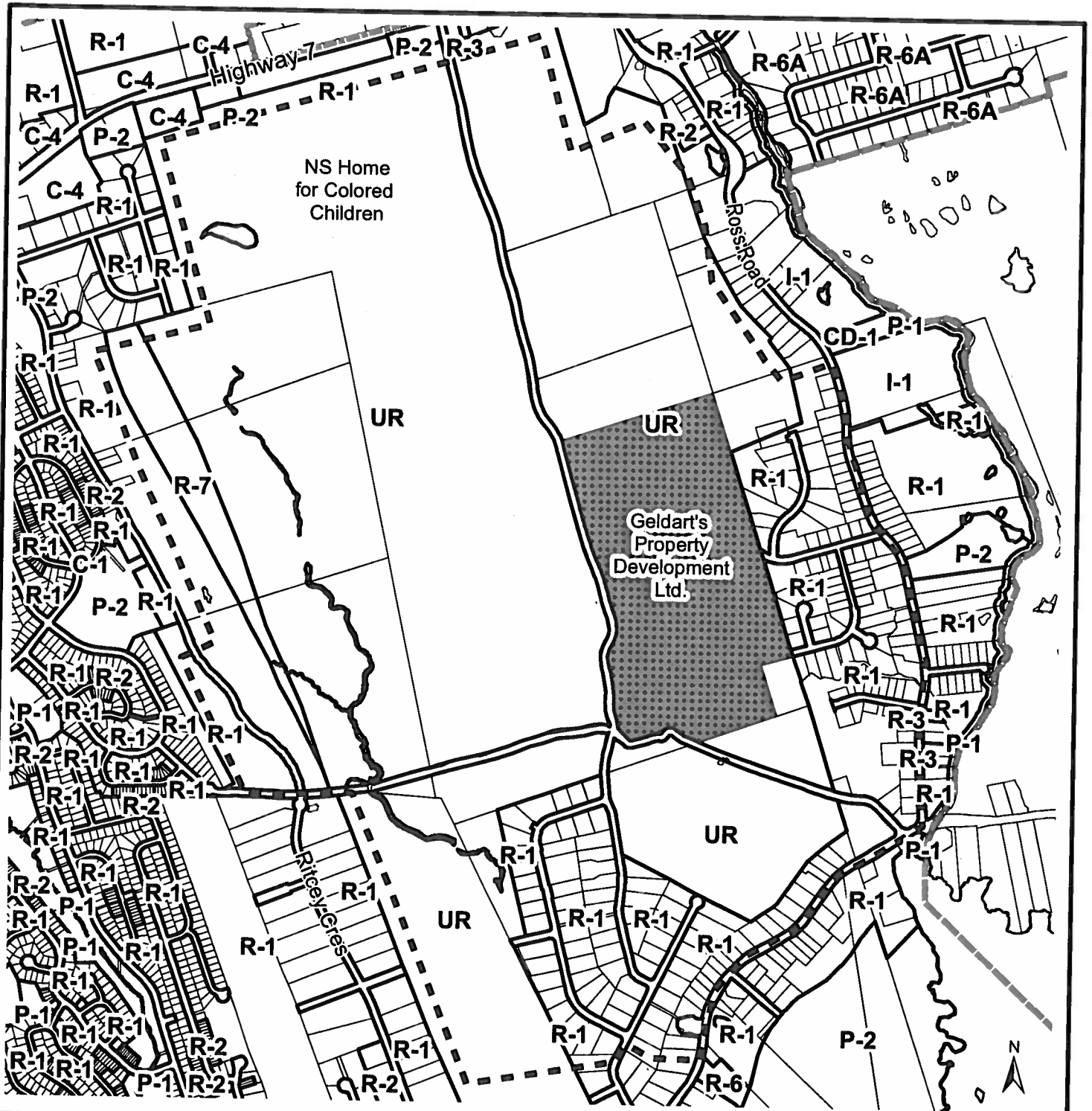
HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



This map is an unofficial reproduction of a portion of the Regional Generalized Future Land Use Map for the Plan Area indicated.

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

Cole Harbour/ Westphal Plan Area



Map 2 Zoning & Notification

PID 00460733

Subject Property

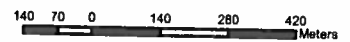
Notification Area

Plan Area Boundary

Cole Harbour/ Westphal Plan Area

Zoning

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- R-6a Rural Residential Single Unit Dwelling
- R-6 Rural Residential
- R-7 Rural Estate
- C-1 Neighbourhood Business
- I-1 Light Industry
- P-1 Open Space
- P-2 Community Facility
- CD-1 C & D Material Transfer Stations
- UR Urban Reserve

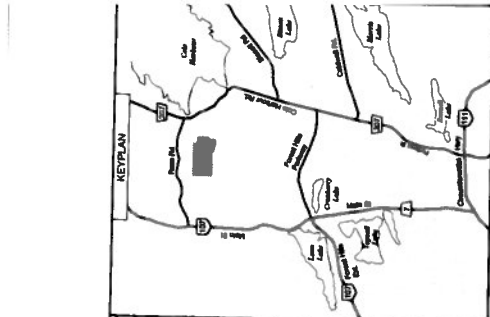


This map is an unofficial reproduction of a portion of the Zoning Map for Plan Area indicated.

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



CLIENT: KIEL DEVELOPMENTS LTD.
 PROJECT: CONCEPT DEVELOPMENT
 WESTPHAL, NOVA SCOTIA
 SHEET DESCRIPTION: Map 3- Concept Plan
 DATE: 20-APR-2009
 DRAWN: J. J. 2009
 CHECKED: J. J. 2009
 DATE: 28-JUL-2007
 SHEET: 1 of 2

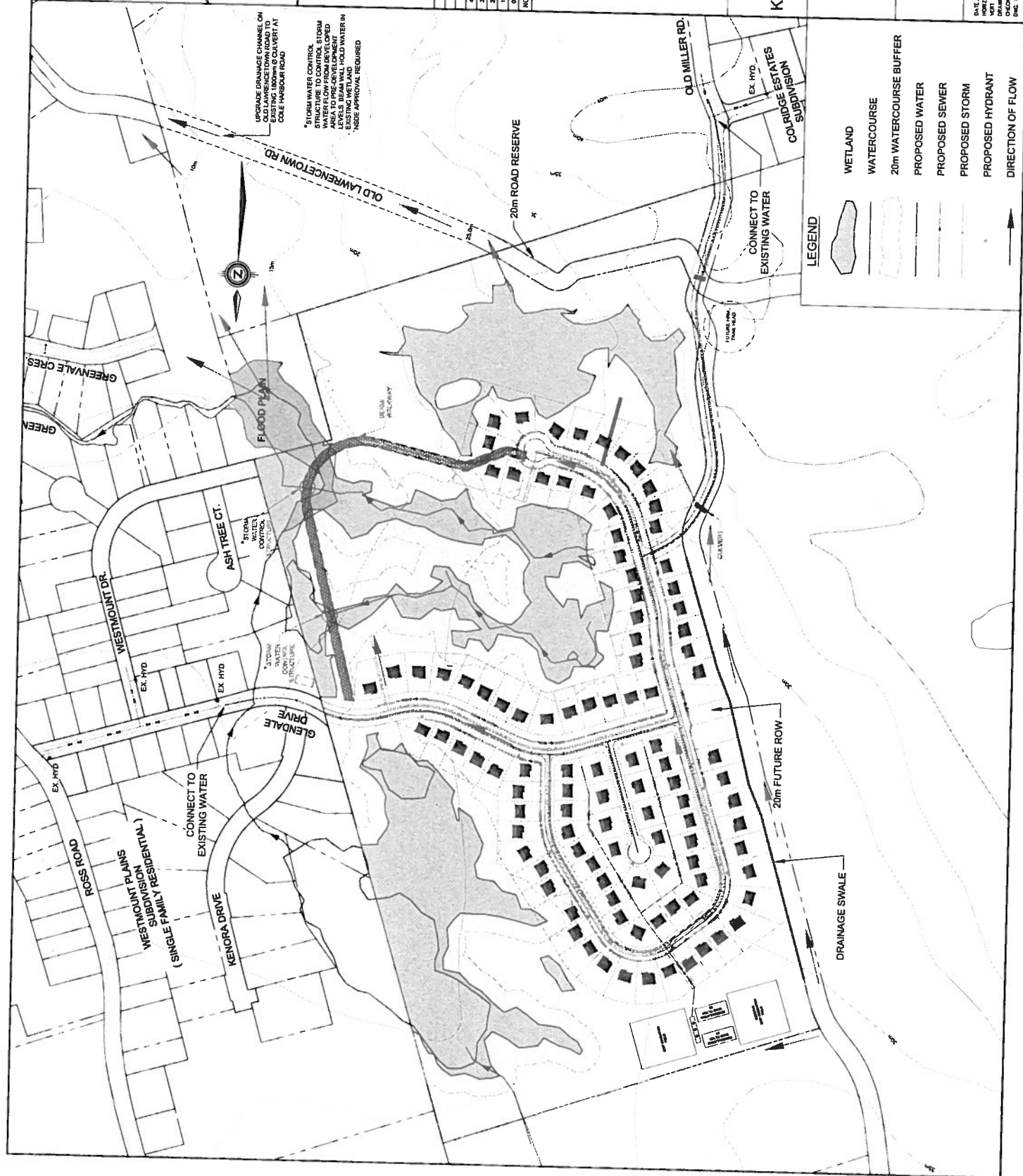


NOTES

- 1) 100 MILL TO BE 200mm DUCTILE IRON W/CH LUSTING
- 2) QUANTITY BEHIND TO BE 200mm PVC DRAIN
- 3) PIPING TO BE PAIR TO BE 100mm POLYETHYLENE GLYCOL MANA
- 4) ALL CONCEPTUAL STORM DRAINAGE PLAN PART 2 OF 2 (FOR STORM MANAGEMENT DETAILS)

NO.	DESCRIPTION	CHK'D	DATE
1	REVISED AS PER MEHC COMMENTS		9-AUG-2012
2	REVISED FOR REVIEW		13-FEB-2010
3	REVISED FOR REVIEW		28-JUN-2010
4	REVISED FOR REVIEW		19-JUL-2010
5	REVISED FOR REVIEW		25-APR-2009

0 20 40 60 80 100 120 140 METERS
 SCALE: 1:2000



Attachment A
Amendments to the Regional MPS

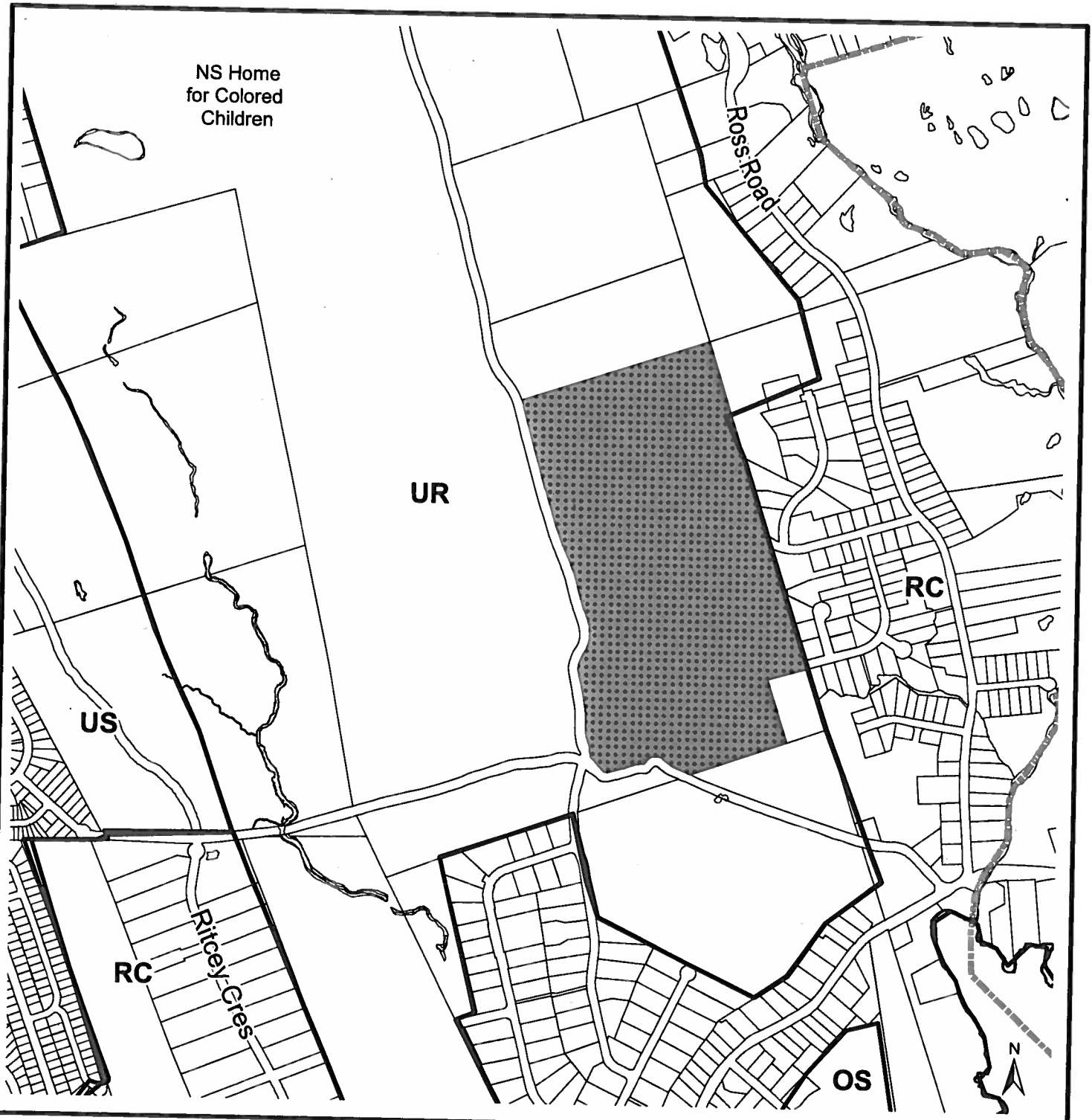
BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Regional Municipal Planning Strategy is hereby amended as follows:

1. Map 2 – Generalized Future Land Use is hereby amended as shown on Appendix A attached hereto.

THIS IS TO CERTIFY that the amendments to the Regional Municipal Planning Strategy for Halifax Regional Municipality, as set out above, were passed by a majority vote of the Halifax Regional Council on the ____ day of _____, 201_.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 201_.

Municipal Clerk

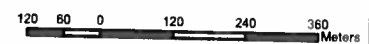


Appendix A

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



Lands to be Redesignated from Urban Reserve to Rural Commuter



This map is an unofficial reproduction of a portion of the Regional Generalized Future Land Use Map for the Plan Area indicated.

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

Cole Harbour/ Westphal Plan Area

April 26, 2013

Case 01290

file: /work/planning/Holly/Official_Maps/Case_maps/case 01290 (HK)

Attachment B
Excerpts from the Regional Municipal Planning Strategy

3.2 URBAN RESERVE DESIGNATION

The primary intent of the Urban Reserve Designation is to ensure there is a continuous supply of land that can be serviced with central (municipal wastewater and water distribution) services beyond the 25 year time horizon of this Plan. The Urban Settlement Designation identifies those lands which HRM intends to service within the next 25 years. The Urban Reserve Designation focuses on those lands abutting the Urban Settlement Designation which could be serviced beyond the next 25 years to ensure the Municipality has a long term supply of serviceable lands. Providing services to these lands may be considered within the 25 year time frame of this Plan subject to Policy IM-18. The following seven areas of land have been designated as Urban Reserve:

- interior lands bounded by Highway 7, Ross Road, Highway 207 and Broom Road (Cole Harbour/Westphal);
- S-4 HRM shall establish the Urban Reserve Designation for those lands situated outside the Urban Settlement Designation where central services (municipal wastewater and water distribution) may eventually be provided, as shown on the Generalized Future Land Use Map (Map 2). The primary intent of this designation shall be to retain sufficient lands which shall provide an adequate supply of serviceable land beyond the time horizon of this Plan.

3.3.1 Rural Commuter Designation

The primary intention of the Rural Commuter Designation is to focus low to medium density uses within defined centres which are within easy commuting distance to the Regional Centre, to support the delivery of convenience services to the surrounding settlement area, protect the natural resource base and preserve the natural features that foster the traditional rural community character. Residential development within this designation has historically been characterized by large lot residential developments. Many residents who reside here commute to the urban and suburban centres for employment.

- S-6 HRM shall establish the Rural Commuter Designation, shown on the Generalized Future Land Use Map (Map 2), as the area within commuting distance of the Regional Centre that has been heavily influenced by low density residential development. The primary intent of this designation shall be to protect the character of rural communities and conserve open space and natural resources by focussing growth within a series of centres, as shown on Settlement and Transportation Map (Map 1), and carefully controlling the amount and form of development between centres. The three types of centres within the designation are the Rural Commuter, Rural Commuter District and Rural Commuter Local centres.

S-15 HRM shall permit the development of Open Space Design residential communities, as outlined in this Plan, within the Rural Commuter and Rural Resource designations and within the Harbour designation outside of the Urban Service Area, but not within the portions of the Beaver Bank and Hammonds Plains communities as identified in the Subdivision By-law under Policy S-25 and within the Rural Area Designation under the Eastern Passage/Cow Bay Plan Area. HRM will consider permitting the maximum density of such developments to one unit per hectare of gross site area. In considering approval of such development agreements, HRM shall consider the following:

- (a) where the development is to be serviced by groundwater and as determined through a hydrogeological assessment conducted by a qualified professional, that there is an adequate supply of ground water to service the development and that the proposed development will not adversely affect groundwater supply in adjacent developments;
- (b) that there is sufficient traffic capacity to service the development;
- (c) the types of land uses to be included in the development which may include a mix of residential, associated public or privately owned community facilities, home based offices, day cares, small scale bed and breakfasts, forestry and agricultural uses;
- (d) whether soil conditions and other relevant criteria to support on-site sewage disposal systems can be met;
- (e) the lot frontages and yards required to minimize the extent of road development, to cluster building sites on the parcel and provide for appropriate fire safety separations;
- (f) that the building sites for the residential units, including all structures, driveways and private lawns, do not exceed approximately 20% of the lot area;
- (g) approximately 80% of the lot is retained as a non-disturbance area (no alteration of grades, except for the placement of a well or on-site sewage disposal system in the non-disturbance area shall be permitted and provision shall be made for the selective cutting of vegetation to maintain the health of the forest);
- (h) that the development is designed to retain the non-disturbance areas and to maintain connectivity with any open space on adjacent parcels;
- (i) connectivity of open space is given priority over road connections if the development can be sited on the parcel without jeopardizing safety standards;
- (j) trails and natural networks, as generally shown on Map 3 or a future Open Space Functional Plan, are delineated on site and preserved;
- (k) parks and natural corridors, as generally shown on Map 4 or a future Open Space Functional Plan, are delineated on site and preserved;
- (l) that the proposed roads and building sites do not significantly impact upon any primary conservation area, including riparian buffers, wetlands, 1 in 100 year floodplains, rock outcroppings, slopes in excess of 30%, agricultural soils and archaeological sites;
- (m) the proposed road and building sites do not encroach upon or are designed to retain features such as any significant habitat, scenic vistas, historic buildings, pastoral landscapes, military installations, mature forest, stone walls, and other design features that capture elements of rural character;
- (n) that the roads are designed to appropriate standards as per Policy T-2;
- (o) views of the open space elements are maximized throughout the development;
- (p) opportunities to orient development to maximize the capture of solar energy;

- (q) the proposed residential dwellings are a minimum of 800 metres away from any permanent extractive facility;
- (r) the proposed development will not significantly impact any natural resource use and that there is sufficient buffering between any existing resource use and the proposed development to mitigate future community concerns; and
- (s) consideration be given to any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM 15.

S-16 Further to Policy S 15, within the Rural Commuter, Rural Resource and Agricultural Designations, HRM shall permit an increase in density for Open Space Design Developments up to 1 unit per 4000 square metres, or greater in centres as may be provided for in secondary planning strategies, where approximately 60% or more of the site is retained in single ownership of an individual, land trust, condominium corporation or the Municipality. Notwithstanding Policy E-5, the parkland dedication shall be relaxed to a minimum of 5% for this type of development. In considering approval of such development agreements, HRM shall consider the following:

- (a) the criteria specified in Policy S-15, with the exception of items (f) and (g); and
- (b) that the common open space cannot be used for any other purpose than for passive recreation, forestry, agriculture or conservation related use except for a portion of which may be used as a village common for active recreation or the location of community facilities designed to service the development.

7.3.1 Water Service Areas

SU-13 HRM may consider establishing new Water Service Areas, subject to the financial ability of HRM to absorb any related costs, provided a wastewater management plan is also considered in accordance with Policy SU-20, if:

- (a) the area is within a Rural Commuter, Rural Resource or Agricultural centre and it has been determined through a secondary planning process that new growth is to be encouraged in this area;
- (b) an Open Space Design development is proposed within a Rural Commuter, Rural Resource or Agricultural centre pursuant to Policy S-16;
- (c) the lands are adjacent to an existing Water Service Area and an Open Space Design development is proposed within an Urban Reserve designation pursuant to Policies IM-18 and S-16; or
- (d) a study has been prepared by a qualified person verifying that there is a water quality or quantity problem in an existing community that cannot reasonably be rectified by an alternative means.

IM-15 In considering development agreements or amendments to land use by-laws, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:

- (a)** that the proposal is not premature or inappropriate by reason of:
 - (i)** the financial capability of HRM to absorb any costs relating to the development;
 - (ii)** the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;
 - (iii)** the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;
 - (iv)** the adequacy of road networks leading to or within the development;
 - (v)** the potential for damage to or for destruction of designated historic buildings and sites;
- (b)** that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i)** type of use;
 - (ii)** height, bulk and lot coverage of any proposed building;
 - (iii)** traffic generation, access to and egress from the site, and parking;
 - (iv)** open storage;
 - (v)** signs; and
 - (c)** that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.

Attachment C
Evaluation of Development Concept Against Key
Regional MPS Policies for Open Space Developments

Extent of New Roads – Policy S-15 (e) and Policy IM-15 (a)

The applicant proposed a single road access as an extension of Greendale Drive. However, because of the number of existing and proposed units that would use Greendale Drive, HRM requires a second access road for public safety reasons. To address this the applicant has proposed an extension of Old Miller Road in the Coleridge Estates development, using an existing HRM-owned right of way. This road extension would result in an approximately 450 m section of new road with no lot frontages. One of the key goals of the open space design concept is to minimize the amount of rural road which HRM must accept and maintain. A road of this length with no development to support its maintenance is contrary to this goal. At the same time, one side of this new public road would provide additional road frontage to a 315 acre parcel within the Urban Reserve. This may result in additional development pressure and further erosion of the Urban Reserve, which is not a desirable outcome.

Stormwater Management Concerns – Policy IM-15 (a) and (b)

A large portion of the Urban Reserve area to the north drains toward the subject site, a substantial proportion of which is taken up by wetlands. Watercourses from these wetlands drain toward existing development in the Glendale and Westmount Subdivisions. There are existing documented flooding problems on these downstream lands.

Standard policy is that the designs for new development must ensure that pre and post development flows of water leaving the site are balanced, with no net increase in flows. The applicant is proposing to achieve this through creation of a large water impoundment on an existing wetland. This would be achieved by construction of an approximately 480 m long berm to capture surface runoff. Alterations to two existing watercourses would also be made, to capture flows behind the berm and then release water at a reduced rate into the downstream system, in order to mitigate the effects of large volumes of water during peak flows.

Given existing flooding problems in the adjacent Glendale and Westmount Subdivisions, there is no certainty that this design would work as intended. If development were to be permitted, and after completion of the project flooding problems actually worsened for existing homes, it would be the responsibility of the condominium corporation for this site that would be financially responsible. Alternatively there could be demands for HRM and Halifax Water to alleviate flooding, a risk which should be avoided.

Use of Non-Disturbance Areas - Policy S-15 (h) & (l), and Policy S-16 (b)

These policy criteria establish that 60% of the site is to be retained as a non-disturbance area, which is to be left primarily in a natural state although some community uses are permitted. As noted above, the applicant is proposing to manage stormwater through the use of large retention

areas. These would be created through the construction of a large berm and retention area within the required 60% non-disturbance area. Undertaking large scale wetland and watercourse alterations as proposed would therefore be contrary to this goal.

As an alternative to creating a water impoundment on the wetland, and to comply with the policy goal of retaining wetlands in their natural state, the applicant has advised that one or more large storm water retention ponds could be built in non-wetland areas. Such infrastructure may be considered on a limited scale within the non-disturbance area, however storm water ponds would be an excessive intrusion.

A large communal sewage treatment facility is proposed which would treat waste water from the homes in a central location. This concept is supported by MPS policy. However, the facility proposed in this case would utilize an acre of the communal space, in the only large conservation area outside of a wetland. As with storm water retention ponds, such infrastructure cannot be considered on a large scale within the 60% of the site intended to remain in its natural state.

Encroachment on Riparian Buffers – Policy S-15 (l)

The applicant is attempting to maximize density on the site, with the result that large portions of twelve of the proposed lots fall partially within the required 20 m watercourse buffer around a large wetland. No disturbance is permitted within such a buffer. However, the small size of the home sites greatly increases the probability of construction related disturbance and subsequent homeowner modifications such as tree removal and grading. Therefore the proposed lot design does not conform to the open space policy criteria.

Views of Open Space Elements – Policy S-15 (o)

Views of open space elements would be available from the rear of about half of the homes. From the street, the development would have the character of an urban development, with little indication that there are open space elements. Therefore the proposed lot design does not meet this goal.

**Attachment D
Minutes of Public Information Meeting
January 28, 2010**

HALIFAX REGIONAL MUNICIPALITY PUBLIC INFORMATION MEETING

CASE NO.01290 - MPS LUB Amendment for Cole Harbour/ Westphal

7:00 p.m. Monday, January 28, 2010

Ross Road Elementary School, Cafeteria

STAFF IN ATTENDANCE:

Joseph Driscoll, Senior Planner, HRM Planning Services
Holly Kent, Planning Technician, HRM Planning Services
Jennifer Little, Planning Controller, HRM Planning Services
Rob Jahncke, Senior Parkland Planner, HRM

ALSO IN ATTENDANCE:

Councillor David Hendsbee, District 3
Kevin Brooks, Terrain Group
Adam Brown, Terrain Group
Mike and Marilyn Geldart
Jeff Kielbratowski, Kiel Developments

**PUBLIC IN
ATTENDANCE: 89**

The meeting commenced at approximately 7:05 p.m. - Application by Terrain Group and Kiel Developments, on behalf of Geldart Property Developments Ltd., to amend the Regional Plan (Regional MPS) by redesignating PID 00460733 from Urban Reserve to Rural Commuter (Regional Plan designations), amend the Regional Subdivision By-Law to include the subject lands within the abutting Water Service Area; and enter into a development agreement to permit a classic open space design subdivision on the lands if the first two components of the application are approved.

1. Opening remarks/Introductions

Councillor Hendsbee welcomed everyone to the meeting and explained that he and staff are here to listen to the residents comments. The input from the meeting will be included in the staff report that will be submitted to Council prior to the public hearing. His role is to listen to the input and not express an opinion for or against the proposal at this point.

Mr. Joseph Driscoll introduced himself as the planner guiding this application through the process; he introduced Holly Kent, Planning Technician, HRM Planning Applications and Jennifer Little, Planning Controller, HRM Planning Applications. Mr. Driscoll, then introduced the applicant and their consultants.

2. Overview of planning process

Mr. Driscoll explained that HRM has received an application that, if approved, would result in development of a subdivision comprised of single unit dwellings on a vacant property between Westmount Plains subdivision and Coleridge Estates. The purpose of the meeting is to identify that HRM has received an application, to identify exactly what the applicant is requesting, and to provide residents with information about the proposal and to listen to points of view and concerns. Tonight's meeting is only an information exchange, no decision will be made tonight. Following tonight's meeting, HRM will conduct a thorough review of the proposal including the consideration of potential impacts on natural features such as watercourses and wetlands as well as the design of the subdivision relative to features such as roads, lots and parks. In addition to the HRM staff review, the proposal will be considered by Halifax Watershed Advisory Board and the Regional Plan Advisory Committee which will provide Council with recommendations on the proposal. Prior to Council making a decision on the proposal, a public hearing will be held for further public consultation.

At this time, Councillor Hendsbee took count of how many residents received notification of this public information meeting via mail, newspaper ads or by email.

3. Overview of Proposal

Reviewing a slide of the subject property, Mr. Driscoll explained that the lands are located between the NSHFCC lands, Coleridge Estates and Westmount Plains. It is undeveloped and is approximately 100 acres in size. This land is designated Urban Reserve by the Regional MPS and therefore has limited development potential in the short term. Mr. Driscoll explained that the first part of the proposal seeks to take the land out of the Urban Reserve so that it may be developed in the short term. If taken out of the reserve as proposed, it would be designated Rural Commuter, the same designation applied to the surrounding subdivisions. He reviewed the 7 Urban Reserve Areas across HRM, explaining that the purpose of these areas is to ensure that there is a future supply of land that may be developed on municipal services in the long term and subject to comprehensive planning. Without this type of temporary holding zone lands that abut currently serviced areas would likely be developed without central services and it would be much more difficult to expand service boundaries in the future. As part of the planning process, he explained that there is a two part evaluation. First, Regional Council must decide whether or not to redesignate the land from Urban Reserve to Rural Commuter and extend a Water Service Area; then, if these elements of the proposal are approved, Community Council would consider a development agreement for the residential subdivision. Consideration of the proposed development agreement would be based on the criteria of policies S-15 and S-16 which include criteria such as traffic/road capacity; water and sewer capacity/stormwater drainage/proposed land uses/dwelling types; preservation of open space and the protection of sensitive/ important features.

4. Presentation of Proposal: Terrain Group, Kiel Developments

Kevin Brooks, Terrain Group, explained that their initial review started with reviewing the background information that HRM had prepared for this site in 2004 during the original Regional Municipal Planning Strategy Greenfield Study. That study illustrated that these lands are not

serviceable within the next 25-50 years and at which time, will be reviewed for possible urban style development and density. Since then, Terrain Group and Mr. and Mrs. Geldart decided to speak with HRM about the development of this land and determined that Open Space Design was a possible opportunity. They have since been working with the Municipality to develop a proposed concept that meets the Municipal Policy requirements and attempts to preserve as much open space as possible and help to address some environmental and storm water concerns. The water service boundaries for this area end at Glendale Drive and Old Miller Road. They have requested that this water service boundary be extended to the subject property to loop the water system between these two points allowing for a more reliable water service to both of those subdivisions. He explained that there is a road connection provided to both of the subdivisions providing for better emergency access. Reviewing a slide of the area, he pointed to the area where the proposed sewage treatment system was located, explaining that the sewer for this proposal is collected from each unit and sent to an onsite sewage system that provides secondary treatment. The system treats that sewage and then discharges the sewage into a technology known as a recirculating sand filter and then into the ground for further treatment. There is a proposed 105 units on the site with 2 acres of land set aside for park. He explained that the requirements under the current policy are that approximately 5% of land is required to be set aside for park. Currently there is only 2% set aside and they are looking at making up the difference by paying the Municipality so that the money can be allocated towards trail systems in the area. He reviewed the location of the three storm water detention ponds and explained that these storm water detention ponds have been designed to address the stormwater drainage on the site.

Adam Brown, Terrain Group, explained that this area has a lot of flooding problems. There have been studies conducted and there have been some improvements. He explained that they will not be adding to the problem, the detention ponds will be designed for a 1 in 100 year storm event. If there is light rain over a few days, there will be no issues however, in the event of heavier rains there are more risks of flooding problems but the ponds will hold water back and then release it slowly until it empties.

5. Questions/Comment

Mr. Bill Frank commented regarding Mr. Brooks presentation and asked for clarification regarding the Terrain Group using the 2004 Plan as the starting point.

Mr. Brooks explained that urban reserve policies were partly based on the 2004 Greenfield Study.

Mr. Frank questioned Mr. Brooks' comments regarding the 25 - 50 year window under the urban reserve plan and how that timeline was not feasible for them or the applicant. He asked for clarification as to whether it wasn't feasible or whether it wasn't profitable. In 2004, the Municipality developed a plan with some objective in mind.

Mr. Brooks explained that the properties were studied, and this piece of land was the least feasible for servicing.

Mr. Driscoll explained that the Greenfield Study that Mr. Brooks was referring to was one of the pieces of information considered when the Regional Plan was formulated. He explained that it looked at seven areas and provided estimations of the overall costs required to service each area. This includes such as things like sewer and water, treatment plants, highways etc.

Mr. Frank explained that the proposal includes 105 homes and noted that, within Mr. Brooks presentation, he had explained that HRM requires a 5% parkland designation. He asked clarification why the developer is only proposing 2% parkland designation and to pay the rest in cash?

Mr. Driscoll explained that within a subdivision application, there is a requirement for a specific contribution of park land. Typically it is 10%, however in the open space approach it is reduced to 5% because 60% of the land has to be left as common open space that cannot be developed. In this situation, the actual park land contribution can be reduced to 5%. In all cases, the 5% can be in the form of either land, money or equivalent value. If it is taken in money, the money is placed in a parkland reserve and is used to upgrade existing park facilities (playgrounds, ball diamonds etc.).

Mr. Frank asked if it is the Municipality that ends up determining what that balance is and where the money goes?

Mr. Driscoll explained that if it is taken as money, Council decides how/where the money is spent through the budget process.

Mr. Frank expressed concerns with the holding ponds and asked if they will reflect the Harbour Solutions clean up project? He expressed concerns with the ponds filling up, not draining and overflowing. He explained that he is unsure that holding ponds will be a good solution.

Mr. Driscoll explained that the developer will be required to submit engineering plans including subdivision grading plans. These are also reviewed by Department of Environment. One of their requirements is that the flow does not increase beyond what the pre-development flows are and there is also a requirement that prohibits any additional discharge of storm water flow onto any neighboring properties.

Mr. Gary Cherwonick explained that the proposed plan to extend of Old Miller Road will affect the existing natural trail that extends to Main Street. He read a statement from the Regional Plan regarding preservation of the natural features that foster traditional Rural Community character and expressed concern with replacing the wood lined trail with a paved road. This will not improve the quality of the area.

Mr. Driscoll explained that Old Miller Road includes a road reserve, owned by HRM, that extends to the subject property. Under the developer's proposal, the subdivision would connect to the existing Old Miller Road in Coleridge Estates via that road reserve. If there is concern regarding removing an existing trail then staff would look at the issue and if it could be accommodated into this proposal.

Mr. Cherwonick explained that Old Miller Road would be the shortest route from the new development to Cole Harbour Road and adding 105 units to this street will increase the traffic in the existing subdivision. He expressed concern with the added traffic and large trucks traveling through his subdivision and noted that the roads should be widened and improved before increasing the traffic. He asked what the traffic management plan will be and indicated that this application will cause his quality of life and also his property value to decrease.

Mr. Chewonick expressed concern that approving this application may lead to more development approvals and asked if there were any further plans for developing other portions of the Urban Reserve?

Mr. Driscoll explained that this is a site specific application from a private land owner and it will be up to Council whether it gets approved or not. Other Developer initiated applications are submitted by land owners and would have to follow this same process. The road reserve area at the end of Old Miller Road would be required in all subdivisions in order to access abutting lands and there is always an anticipation on HRM's behalf that the lands in and around will be linked eventually. This allows for more reliable water services, better emergency access and more efficient provision of municipal services such as snow & garbage removal.

Mr. Ron Wilcox agreed with Mr. Cherwonick and explained that he has been a resident of the area for 50 years. He questioned a slide and what the arrow was pointing at and asked if it was a road access or a proposed road access from Westmount Drive.

Mr. Brooks explained that the arrow on the plan signifies where there is an existing road that terminates at the subject property. However, they are not proposing access into the site from that point due to the water course and the large wet area.

Mr. Wilcox expressed concerns with the additional traffic and explained that the access is not suitable and there is a hill on Cole Harbour Road that is dangerous. He also expressed concerns with the drainage entering the small water course that runs under Ross Road.

Mr. Mike Murtha expressed concern with the traffic impact this will cause. He currently has a long waiting time exiting onto Cole Harbour Road and explained a previous accident. If there is a concern about emergency access, the two streets should not be connected and generate more traffic. This development will only generate more traffic concerns for this area. He also noted concern with the proposed subdivision damaging the value of their homes. Another exit is needed to Highway 7.

Mr. Driscoll clarified that HRM is not endorsing the subdivision as presented at this meeting. However, connections between subdivisions and neighbourhoods are generally desirable from a planning perspective for emergency access and operations services such as solid waste and snow removal, etc. He explained that at this point there is no way to access the site directly from Highway 7. Over time, as surrounding lands are developed, it might be possible. The only option for this application would be to require road reserves that can begin to form that connection.

Glendale Drive, Westphal
Community Council Report

Mr. Ivor Axford runs a pipe to drain his surrounding neighbours' properties. Any rain fall over 35mm results in his back yard flooding, and 50mm of rain will interfere with his septic field. He expressed concern with developing another subdivision and the drainage from that being dumped into the brook. He explained that when there is over 30mm of rain, the brook backs up all of the drainage down Ross Road. He added that bedrock is at 9 feet, the bottom of his basement is 8 inches above the road and explained that HRM will not trench their street so that he can continue to drain his neighbours' properties. A rain fall over 25mm of rain backs up into the neighbours yards and once absorbed into the ground, it then ends up at properties 2, 4 and 6 Brookside Avenue.

Mr. Axford also expressed concerns with the capacity at the schools. He explained that education cost should be considered if there are an additional 50 children added to the Jr. High. Mr. Driscoll explained that this information has been sent to the school board for review. This review will address how many student are expected based on the average for a household and whether the schools in the area can accommodate them. If they are unable to accommodate, HRSB will advise of the alternatives and these will be communicated to Council.

Mr. Axford explained that he has done some review of drainage in this area from a more global perspective. The water for the new houses will have to be drained somewhere. He explained that there will be no way to stop the flooding any longer.

Ms. Donna Lassaline expressed concerns with flooding. When the Subdivision of Clarence Morash and then Westmount Plains were subdivided, some residents had major flooding. She expressed her concerns to the Municipality at the time but, felt she got no where. She asked if staff could confirm that there would be no more danger of flooding.

Mr. Driscoll explained that he could not promise that their wouldn't be an increase to the flooding issue in the future but that the pre and post development flows from a newly developed property must balance, so that additional flooding will not occur as a result of the proposal. He indicated that at this stage it is a proposal which has not been endorsed or approved.

Ms. Lassaline asked who will be liable if there is an increase to the flooding on her property?

Mr. Brown explained that the proposed development flow will meet or be less than the predevelopment flow.

Mr. Lassaline asked if Mr. Brown has ever walked the land to see how much water is there.

Mr. Brown explained that he has and agrees that it is wet.

Ms. Lassaline expressed concern with the sewage treatment plant. She requested that it be put in writing who will be liable for the damage of her property if this development creates more water and flooding.

Mr. Driscoll suggested that Ms. Lassaline contact him and he could further look into her concerns.

Mr. Nelson Slaunwhite expressed concern with flooding. He currently has a sub-pump in his basement, the water backs up to about 6 inches in his basement. He explained that the water table is very high. The holding ponds will drain to the brook and it will overflow.

Mr. Brooks explained that the holding ponds will capture the service run off which will be the same if the development wasn't there. The only potential increase would be from the treatment of sewage.

A gentleman explained that whenever trees are cut, it always results in more water flow. There is certain vegetation currently there that absorbs rain water, and these will be replaced with cement, therefore, the water levels will increase.

Mr. Brown agreed and explained that the volume of water will increase. However, the volume of water over time will be the same because it will be held back and released more slowly.

Ms. Cindy Murtha explained that a lot of people have been long term residents of this area and have genuine concerns. She explained that it is her understanding that having a large septic creates a large amount of groundwater. She also referred to the MPS where it speaks to a development agreement specifying different types of future land use. She explained that approving this application may open the door for a lot of traffic inflow and a lot of other things to happen in this proposal.

Mr. Driscoll explained that the policy allows an applicant to propose, and the development agreement to specify, the permitted uses and dwelling types for the consideration of Council. In this case the Developer is only proposing single unit dwellings. That will be part of the development agreement that will go to Council, single unit dwellings will be the only land use permitted.

Ms. Murtha expressed concern with the green sludge in the ditches /drains on Lawlers Crescent and Old Miller Road and expressed concern that this will increase. She also expressed concern with the wildlife that currently live in this area.

Mr. Moren Pelly explained that he works for Halifax Water. He explained that there are retention ponds in Eastern Passage that are horrible. After every rain event, backhoes have to go there and clean out the outlets. There will be debris from trees and animals. He explained that he is very familiar with all the water problems in this area and that the proposal will not work. He asked who is going to staff it because Halifax Water is not going to be able to take it over right away. He explained that Halifax Water currently has to clean every inlet and outlet in the City. This is an ongoing issue and he wouldn't consider buying a house in Eastern Passage/Cow Bay because on October 8th, every home flooded and Halifax Water had to service this area because the ponds and ditches did not do what they were supposed to do. There is only one storm drain in this area and that one goes down Westmount Plains. He bought his property to be off the sanitary sewer system and is not interested in hearing a jet truck when there are issues with the treatment plant

or sewer system. He expressed concern with there being a sewage treatment plant for 100 homes. He suggested that the developer cut back on the amount of houses proposed and then they could have individual septics like the rest of the area.

Mr. Brooks explained that larger lots on individual septics are not permitted by HRM under the policy in this area. He explained that it is called a hybrid development but is not permitted.

Mr. Pelly asked who will staff the plant?

Mr. Brooks explained that it falls under a private entity which is the condominium corporation. The plant, detention ponds and the maintenance of the land would be under the condominium cooperation.

Mr. Driscoll explained that there are two options for open space development. One of these options allows for on-site systems to be proposed. The other option that can be proposed is like this one, where the applicant requests to extend the water service area and can propose a private sewage treatment system to be approved by the Department of Environment.

Mr. Brooks explained that under the HRM development requirements, they have to set aside 60% of the land as non developed area. The remaining 40% of the land is where they are allowed to develop which results in smaller lots.

Mr. Pelly asked who continues to pay for the management of this system and what happens if the firm goes bankrupt.

Mr. Brooks explained that it is a requirement of the Province that the condominium pay for it.

Mr. Driscoll explained that the septic approval is through the Province and explained that if requested, he could find out more information regarding Mr. Pelly's concerns.

Ms. April Scudder explained that she is part of a fairly new trail group. This group is proposing to have a trail go throughout this area and asked how the developer intends to work with them.

Mr. Driscoll explained that there are Parkland Planners at HRM who are currently reviewing park and recreational aspects of the proposal.

Ms. Scudder explained that she would like to see the trail in the back of the houses.

Mr. Brooks explained that they can schedule a time to meet with the trails group.

Ms. Scudder referred to the map and asked if there was going to be a three-way stop sign and cross walks in place.

Mr. Brooks assumes that there will have to be a three way stop at all of the intersections. They haven't proceeded far enough along in the process to determine what will be in place.

Mr. Driscoll explained that this will be determined by the HRM Traffic Authority.

Ms. Scudder asked what the price range of the houses will be.

Mr. Brooks was not sure of the prices as of right now.

Mr. L. Peters expressed concern with flooding. Supplying piped water to the homes that will be developed will add to the existing water table. Removing the trees which absorb the water will cause this to be worse. He suggested that they put in a proper drainage system before there are any more developments. Explaining how there will be 100 homes, he asked how big the treatment plant will be. He asked if the holding ponds will be fenced in and also expressed concerns with traffic.

Mr. Brooks explained that the holding ponds will be fenced in; the minimum regulation is 5ft high.

Ms. Belinda Parker explained that she has moved to this area for the safety of her children, she has concerns with traffic and suggested that the development extend towards Old Lawrencetown Road instead of directly to existing subdivisions.

Mr. Driscoll explained that the impacts on the lands and the existing subdivisions are considered. This includes a review of traffic and storm water issues. Within a development agreement there are issues that can be controlled such as land uses, setbacks, size of buildings etc., He explained that staff would consider the resident's concerns and some may be addressed in the development agreement. He added that a covenant is a private contract between the developer and homeowner which the municipality has no involvement in.

Ms. Parker also added that it is very important to protect their property value.

Mr. Bob Anderson asked if it was their intention to take the water from the holding ponds and to drain it through the brook under Ross Road? He explained that it is already 3/4 full and that when there is a heavy rain it increases another 8 inches.

Ms. Lassaline explained that when they had flooding from the Westmount Plains development, the residents wanted to get together to clean the brook out but, were not permitted to do so because it was the jurisdiction of the Department of Fisheries. This brook is drained into the Salmon River, how is this going to impact the fish?

Mr. Driscoll explained that whenever there is potential impact on fish habitat, any storm water management plans are reviewed by the Department of Environment and the Federal Department of Fisheries.

Ms. Jacqueline Chiasson explained that she agrees with everyone's concerns and added concern with the size of the lots. The planned lots are very small and have larger houses on them. With this there will be fewer trees and it will change the look of the neighbourhood. She also expressed concern with parking on the streets.

Mr. Don Currie expressed concern with the lack of outcomes from previous public consultations and meetings held about drainage in the area. He explained that he had met with Councillor Hendsbee and Mr. Ian Guppy of Halifax Water. They had explained a proposal to him, but still nothing has been completed. Home owners on Glendale were supposed to have a hook into their basements that, when flooding exists, would drain water off into the Harbour. He explained that he does not have a problem with the development but, until the current water issues are resolved, they should not add to these concerns.

Mr. Samuel Cote expressed concerns with flooding and noted concern with the developers cutting corners and explained that he does not trust this development or the developers.

Mr. Brown explained that they are legally not able to drain or disturb the wetland boundaries. This is due to Provincial and Municipal regulations, which is why the development is avoiding these wetlands.

Mr. Wilcox expressed concern with water and roads.

Mr. Driscoll explained that the reason the wetlands and water courses have to be delineated and protected is that in most cases the wetlands are holding water back. In most cases where subdivisions are built on wetlands there are problems. The idea is to identify those areas that should be protected and left in a natural state to the greatest degree possible.

Ms. Jocelyn Conrad expressed concern with traffic issues and wanted it to be put on the record that it is a death trap in this area. The traffic turning left off of Ross Road is very dangerous.

Mr. Richard Colwell expressed concerns with traffic issues. He explained that there should be some plans for Highway 207. If there is going to be an additional 200 vehicles to Highway 207, what kind of public transit will be offered to the public? This should have been addressed and discussed at this public information meeting. Mr. Caldwell asked what the capacity of the treatment plant is? Will this plant be big enough for 100 homes or 500 homes?

Mr. Brooks explained that 106 homes is the maximum number of houses that could be built on this site. The treatment plant would be built to accommodate 106 homes plus 25%.

Mr. Colwell asked if the plans for the treatment plant will be available for the public?

Mr. Brooks explained that the details of this treatment plant will be completed during detailed design phase and specifications can be forwarded at that time if requested.

Mr. William (Bill) Frank asked who owns Old Lawrencetown Road.

Mr. Brooks explained that HRM owns Old Lawrencetown Road.

Mr. Frank explained that prior to this meeting he didn't read or hear anything in regards to a Condominium Corporation. He asked about the difference between stand alone property ownership (an R1 zoning) and the condominium corporation. He explained that the residents have expressed their concerns during this meeting and added that just because the proposal can be considered from a legal perspective shouldn't give them the right to develop.

Mr. Driscoll reminded the residents that this application is a proposal only and is still at the very early stages. This public information meeting is held to hear the comments and concerns from the public.

Mr. Brooks explained that as Terrain Group moves forward in the proposal, they will do their best to address and incorporate the comments and concerns expressed during this meeting. He then explained that under the open space policy, they are required to have a sewage treatment system on that land. As a result, the lands must stand under one single ownership. The only way to do that in Nova Scotia is through a condominium corporation.

Mr. Frank asked if the land would be owned by the condominium corporation or by the property owner?

Mr. Brooks confirmed that the land would be owned by the condominium corporation and the lots are an exclusive use lot that the person buys for their use.

Mr. Driscoll explained that most of the public information that had been mailed out to residents has been sent out by HRM Planning Staff and explained that HRM has no control over tenancy or property ownership.

Mr. Mike Murtha questioned why, if this is a special, unique development, is it being connected to subdivisions that are more traditional? The current property owners have paid a lot of money to live in this area.

Mr. Brooks explained that following the approval of the Regional Municipality Planning Strategy, there are only two ways to develop in rural areas. This is one of them. The other option is called a Hybrid Open Space Sub-division and looks a lot more like the current subdivisions in this area. But, because of the policy requirements, they are unable to do a hybrid design on these lands.

Mr. Driscoll explained that the two options are the hybrid and the classic design. In this case the proposed development requires an amendment to the Regional Municipal Strategy to go forward as it is. That same process could include the proposal of the other design.

Mr. Axford asked how the developer establishes the size of the lots. He explained that in his own experience, the minimum HRM would allow him was 20,000 square feet per lot. How can this developer have a minimum of 6000 square feet?

Mr. Driscoll explained that within the classic approach, the density is limited approximately to a maximum of 1 unit per acre. What the developer is proposing is to place the units on smaller lots and having the remainder of the property preserved as open space.

Ms. Janis Fisher questioned why the developer did not do a hybrid open space development.

Mr. Brooks replied that Policy IM-18 under Regional Municipal Planning Strategy states that if you want to extend a water service boundary you can propose to do so with a classic open space subdivision. They were trying not to have to do a number of amendments to the Regional Municipal Strategy. He explained that this was the first time that he was aware that they could possibly have done an additional amendment to do a hybrid.

A gentleman explained that if HRM owns Old Lawrencetown Road all the way to Highway #7 and connects with Broom Road, HRM should extend the road to release some of the traffic off of Ross Road and Cole Harbour Road.

Councillor Hendsbee thanked everyone for attending the meeting and explained that Council is currently reviewing rerouting Transit Services to go down Ross Road and out through Cole Harbour Road. It would go through Porters Lake, out through Highway #7, down Salmon River Drive, down Ross Road and through Cole Harbour into the Portland Hills Terminal. He also explained that final decisions regarding the traffic issues on Lake Major Road and Highway #7 are determined by the Traffic Authority. He suggested that any concerns be forwarded to HRM Customer Service Centre at 490-4000.

6. Closing comments

Mr. Driscoll thanked the residents for attending the meeting and for voicing their comments and concerns.

7. Adjournment

The meeting adjourned at approximately 9.08 p.m.

Attachment E
Minutes of Public Information Meeting
September 21, 2011

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 01290 – MPS Amendment for Cole Harbour/ Westphal

7:00 p.m.
Wednesday, September 21, 2011
Ross Road Elementary School Cafeteria
336 Ross Road, Westphal

STAFF IN

ATTENDANCE: Mitch Dickey, Planning Applications
Holly Kent, Planning Technician
Jennifer Little, Planning Controller

ALSO IN ATTENDANCE: Councillor David Hendsbee, District 3

PUBLIC IN ATTENDANCE: 113

The meeting commenced at approximately 7:07 p.m.

Opening remarks/Introductions/Purpose of meeting

Mr. Mitch Dickey introduced himself as the planner guiding this application through the process; he introduced Holly Kent, Planning Technician, HRM Planning Applications and Jennifer Little, Planning Controller, HRM Planning Applications. Councillor David Hendsbee, District 3.

The purpose of the meeting is that HRM has received an application by Genivar Inc on behalf of Geldart Property Developments Ltd. to redesignate PID 00460733 from Urban Reserve to Rural Commuter (Regional Plan designation) amend the Regional Subdivision By-Law to include the subject lands within the abutting Water Service Area; and enter into a development agreement to permit a classic open space design subdivision on the lands.

Process and Overview of Application

Mr. Dickey explained that this is the second public information meeting for this proposal; an initial one was held in 2009. During tonight's meeting the applicant will provide residents with information about the revised proposal. Residents can express their points of view and concerns

and ask questions. This meeting is only an information exchange and no decisions will be made. Following tonight's meeting; HRM will conduct a thorough review of the proposal and prepare a report which will be sent to Council. A public hearing has to be held before Council can make a decision which enables further public input.

Reviewing a slide of the property and nearby area, Mr. Dickey explained that the property under consideration is approximately 100 acres and abuts Coleridge Estates and Westmount Plains. Under the Municipal Planning Strategy and Regional Plan, these lands are designated Urban Reserve, which effectively establishes a holding zone. The purpose of this is to hold the land for fully serviced urban development that would occur within the next 25 years. The proposal is for Regional Council to consider redesignating the land from Urban Reserve to Rural Commuter and to extend the Water Service Area by extending the piped city water from the adjacent area into the development. The second part of the proposal is for Harbour East Community Council to consider a development agreement for an open space subdivision to allow for 100 homes.

Mr. Dickey explained that when going through the development agreement, the applicant would have to satisfy all of HRM standards on traffic issues; water and sewer capacity/stormwater management; proposed land uses/dwelling types; preservation of open space; and the protection of sensitive and important features.

He explained that because since it has been over a year that we held the first public meeting, staff decided to hold a second one to update the residents. The developer has also made a change to the road. After tonight's meeting, staff will have a detailed review on traffic, water service and parklands. It will also be reviewed by the Watershed Advisory Board, the Regional Plan Advisory Committee and Community Council with a recommendation to Regional Council.

Mr. Nathan Rogers, Genivar, explained that he is representing Kiel Developments for the Geldart Lands. He explained that the subject lands are on Ross Road and the nearby subdivision is Westmount Plains and Coleridge Estates. He reviewed a slide of the subject property and gave a general overview of the area. He explained that there are a number of things that are the same as what was proposed at the Public Information Meeting in 2010. They are proposing 106 single family homes similar to Westmount Plains. The Classic Open Space design requires that 60% of the site is maintained as open space. There will be a public park that will be parallel to Glendale Drive and the trail/bike path could extend to future connections. They are proposing a bareland condominium and explained that each homeowner would own their house; the entire parcel would remain un-subdivided as a single parcel as a condominium and be held by a condominium corporation.

Mr. Rogers explained that as a result of the last public information meeting, the major concerns that were expressed regarding this proposal were traffic, storm water, flooding and sewage treatment. He explained that included in this development is proposed water servicing that would involve connecting water services to Coleridge Estates which will provide a more reliable water service to this development and to the existing Coleridge Estates and other neighboring developments as well. Regarding the traffic concerns, he explained that above and beyond the original traffic study, they have also had an intersection review on Ross Road Truck 7 and Ross Road and Highway 207. Because of the width of the road, Traffic Engineers have suggested adding a lane northbound on Ross Road to enable right hand turns separate from people turning left. This will reduce the queuing time for people who are going northwards on Ross Road merging left onto Truck 7. He also added that they are able to create a right-hand turn lane on Trunk 7 which would enable people a greater opportunity to make a left hand turn.

In terms of stormwater and flooding, Mr. Rogers explained that they have spent substantial amounts of time speaking with local homeowners in the area regarding the existing flooding problems and assured that this proposed development would not increase flooding problems on these properties. He added that HRM requires that lands cannot be developed in a way that would increase post development flows; the flows that are there now, have to be controlled and Kiel Developments has tried to come up with a solution with the land owners however, no solution has been resolved at this time. Regarding the sewage treatment concerns, he explained that this system is a shared sanitary treatment system to be owned by the condo corporation, that requires a certified operator which is regulated by Nova Scotia Environment that is quarterly monitored and a back-up irrigation field.

Questions and Answers

Ms. Deborah Beaupre, Cole Harbour, expressed concern with traffic concerns on #7 Highway and Ross Road and the current dangers it already imposes. She suggested that traffic lights be put in place.

Councillor Hendsbee explained that HRM is currently working on the expansion of the Highway #7 (widening project) from Forest Hills Drive going eastward. The next phase will be the Cherry Brook Road, Nelson Drive, Lake Major, and Ross Road section. Originally staff wanted to do a widening of Lake Major section only. He explained that he had met with staff expressing his concern and suggested that the widening include the Cherry Brook Road through to Lake Major because the crest of the hill is very difficult especially at sunset. Drawings have been submitted and just need Councils approval in the 2012 capital budget for the funding for the project. There are three property owners affected by this widening, the Church, the Nova Scotia Home for Colored Children, and a house that is currently up for sale. They were advised of the Municipality's plans of widening the road. He explained that regarding the proposal of the intersection approval on Ross Road that the applicant is proposing, HRM Traffic Authorities are still not convinced that lights are warranted at this time.

Mr. Bill Frank, Cole Harbour, explained that he has been party to the debate on this proposal since January 2010. He explained that he is very familiar with the Regional Municipal Plan and the efforts that have been made by the Developer since January 2010. He explained that Kiel Developments and Genivar are first class operators and wanted to give them credit for the manner in which they have conducted themselves in addressing the residents concerns. However, the members of the residents against the subdivision have still not come to an agreement with the Developer. They have met on numerous occasions with Genivar and the developer who have listened to the residents concerns and have tried to make changes.

Mr. Frank explained that Councillor Hendsbee has been a proponent of this proposal since October 2009 and added that he proposed that this application go forward after it was opposed by HRM staff. He explained that it is very important for the residents to understand that staff, when first reviewing the plan, in its original concept, recommended to Council not to go forward. However, Councillor Hendsbee made the motion that staff go forward with the application. He noted that Mr. Rogers' presentation noted that traffic, storm water and sewage were the primary concerns of the community but, there has not been any discussion regarding alternating the Regional Municipal Plan and removing the Urban Reserve Zone from this property.

Mr. Rogers explained that he is aware that this is part of the application and is aware that there is a petition against it.

Mr. Frank suggested that this should have been part of the presentation. He explained that the majority of the residents are opposed to deviating from the Regional Municipal Plan and added that he has asked why the residents should consider not objecting to this, and have never had a response. He explained that he does not know how the Community will be improved by not objecting to the rezoning of the land and added that this is a key issue of the residents.

Mr. Rogers explained that the Regional Plan has policies to enable Council to consider changing the designation of these lands.

Mr. Frank asked why anyone would want to consider changing those lands at this time when the Planning Department says "not a good idea". The Community is concerned that there is not enough infrastructure to satisfy the demands, and while there is policy, and are familiar with the policy, they would like to understand the basis other than a 'build for profit' why they should consider a change. Mr. Frank asked Councillor Hendsbee what his motivation in bringing forward this plan / proposal on several different occasions when it has been opposed by the Planning Staff and knowing that the majority of the residents in Coleridge Estates and Westmount Plains have been in opposition and have addressed these concerns. He expressed concern with Councillor Hendsbee ignoring the rights of the citizens of the community to expect reasonable address when such a significant change is to be made. He stressed without hesitation that Kiel Developments and Genivar have been honorable and Mr. Hendsbee has been not.

Councillor Hendsbee addressed Mr. Frank's concerns by explaining that with all due respect, his comments were unjust and explained that any changes to the development agreement after the fact will have to go through the public hearing process. The development agreement cannot be

altered unless it goes through the public process. Regarding the process in 2009, he asked how many people were aware of the Regional Plan coming into effect 5 years ago. When the development community was up-in-arms about the moratorium which imposed no more subdivision applications, and asked how many were aware about the issues about how can the community grow and how the community not grow, or how it ought to grow. Back then, Mr. Geldart was speaking to staff about the situation and made his appeals to Council. With that, Regional Plan policies were set to allow Council to consider amendments to some of the zonings. He felt that the Urban Reserve was too harsh of a zoning at the time for this particular region and knowing that they anticipate sewage services to come out to this area, however it will not be for at least a quarter of a century, they have been waiting for Halifax Harbour Clean-Up Project to move forward. He added that every property owner has the right to seek development opportunities as Mr. Geldart has the right to request these things. Councillor Hendsbee is ensuring that the owner has the right to go through the process and to deny it up front, is not appropriate. These applications need to be tested by its merits. The Regional Plan talks about new development strategies. This particular application is a test model for the Regional Plan. When it talks about building space concept having 60% green space and 40% condensed development to try to lower the footprint, that the objectives of the Regional Plan. This example is to test the Regional Plan to see if it truly works. He added that he does not have any physical benefit from this application.

Ms. Jane Biggs, Cole Harbour, asked where the sewage treatment discharge will go. There was a large culvert dug under Ross Road and Cole Harbour Road; will this drain down into Salmon River.

Mr. Glenn Woodford of Genivar explained that the waste water treatment system will have a very low amount of flow. The culvert is not related, it is related to the stormwater that comes off the larger property away from this development. It is less than half a percent of what the storm water flows are coming from. There are about 600 acres that drain to the little brook that runs down behind Greenvale. This development is about 40 acres of streets and houses that will be developed lands and paved roads.

Ms. Biggs asked where the sewage treatment water is going to go.

Mr. Woodford explained that it will go through a sand filter, similar to a waste water system that goes through a septic tank. The water will then go through a sand filter and then into the ground water as with a septic system. The flow levels are very tiny compared to the storm water.

Ms. Biggs asked if the sewer water has chemicals in it.

Mr. Woodford explained that it is cleaned up to a level that would be better than any treatment plant that discharges into the Harbour. It is comparable or better than any septic system in someone's backyard.

Ms. Biggs explained that this will end up in Cole Harbour and also in Salmon River.

Mr. Woodford agreed that once the treated water is absorbed into the ground it will move through the sand and eventually into surface water bodies.

Ms. Biggs expressed concern with Salmon River and explained that there are fish in there and that it is a protected river. The chemicals will affect the fish. She also expressed concern with the 60% green space being all wetlands and asked if they have walked through after a rainfall and explained that it is standing water.

Mr. Mike Kenny, Cole Harbour, expressed concern with the traffic on Ross Road and explained that it is a nightmare trying to exit onto Ross Road and on a foggy morning/night is very dangerous. He explained that it is crucial that traffic lights are put there. He added concern with this development adding 1.5 cars per home.

Mr. Rogers explained that there are two improvements proposed that will help when turning left from Ross Road on to Trunk 7. One was a right hand lane turning on Ross Road turning towards Porters Lake and the other one being the right hand turn channel that would be part of Trunk 7. Mr. Rogers explained that traffic coming towards Ross Road on Trunk 7 will be slightly diverted. When cars are turning right, it is hard to tell that they are turning right unless they have their signals on. Therefore a right hand turn lane on Ross Road will alleviate some of the hold up. At this time Mr. Rogers referred to the slide of the area to further explain.

Mr. Rogers explained that their traffic engineers looked at traffic flows to the year 2016 as an example. Without the development and without the traffic improvements, the queuing is in the range of 75-100 meters. With the improvement of a right turn lane, the queuing time is lessened substantially.

Mr. Woodford explained that their traffic engineer looked at both ends. HRM had reviewed their proposal very carefully and made numerous comments for further review. This intersection is currently not good and it is very difficult to make a left however; they are still in discussion with HRM to what the ultimate solution should be. He explained that Council Hendsbee has been working with HRM Engineering to lobby for lights at this intersection.

Some discussion was had on the traffic accidents statistics at this location.

Ms. Ashley Currie, Cole Harbour, explained that the traffic concern is making the left hand turn not the right.

Mr. Woodford explained that they fully understand the problems with turning left at that intersection.

Mr. John Fennen, Cole Harbour, explained that putting in a right hand lane is a waste of money. He explained that he attended the first public meeting for this application 01290; he explained the Councillor Hendsbee chaired this meeting and had only two people there to explain what they had in mind for the Geldart property. He explained that these two men had some drawings for the future development of the Geldart property which brought forward a lot of questions and

objections. Shortly after this meeting, residents of Westmount and Coleridge Estates got together to discuss a plan to represent the area. This plan was not in the works and the residents were very upset about the past development in their subdivision that was causing flooding problems. The residents here at tonight's meeting don't seem to mind a newer subdivision being put in if they could get the past flooding problem fixed and assurance that the new development won't make things worse. At the previous public meeting the general public was allowed to ask questions and comments, it seems that these public sessions are just to satisfy the requirements of the hearing; he explained that it always ends up that whatever HRM wanted was already in the works and the public meetings didn't have any weight. He doesn't want to see this again with Case 01290. Most people don't trust politicians. He explained that Mr. Don Currie and Mr. Bill Frank have had at least three meetings that had HRM representatives and the Terrain Group involved. He addressed concern with the runoff and explained that the residents cannot get a fair market price for their homes if they decided to sell. He expressed concern with the flooding and that it is coming to the point where the insurance agencies won't pay any more for these damages. The elevation of the land makes it difficult to properly drain the runoff. He explained that Genivar had modified their plans on how to develop the property and the second plan will work, however there are still problems that will have to deal with. They have plans for over a 105 homes on City Water which will have central septic to serve all the homes. This type of system will probably work however, if it can go wrong, it will go wrong. He expressed concern with the City and its sewage treatment plant. He mentioned that the dirt road proposed which will be closed off to the public and only used for emergency access may cause further flooding to the Currie property. He expressed concern with damage to the Currie property from the last development and this development would cause more damage. Mr. Fennen expressed concern with the additional traffic and the issues this development will cause. He expressed concern with Councillor Hendsbee pushing this application forward.

Councillor Hendsbee explained that the tax reform isn't an appropriate concern related to this meeting. He explained that the current taxation regime, why should you be paying for services based on value of homes only and he thinks that there is a new way on revaluating taxations and that is what he is trying to stress for.

Ms. Linda Zwicker, Cole Harbour, asked who had drawn the diagram shown on the side of the subdivision.

Mr. Woodford explained that employees of Genivar did, they vary from Planners, Surveyor's and Technicians that work together as a team to draw developments.

Ms. Zwicker expressed concerns with the traffic and the vehicles that cannot currently get out of the road, this road can not handle any additional traffic. She also addressed concern with the schools being able to accommodate more children.

Mr. Woodford explained that HRM has standards for how many homes per single entrance, but you can put up to and beyond 100 units on a single entrance with traffic not causing a problem with one entrance. They originally suggested two entrances at a previous meeting but, people were irate about an entrance to Coleridge Estates, so they removed it.

Ms. Zwicker explained that they are going to overload Ross Road. She addressed concerns with the children walking to school every day on the Highway.

Mr. Woodford explained that when the people in his office design these projects, they try to make them as safe as they possibly can.

Ms. Jacqueline Chiasson, Cole Harbour, explained that there are 106 houses with really small lots and addressed concern with the noise factor that this will generate from the number of people in such a small space. This will impact her life and asks why these lots have to be so tiny. These do not fit into the neighbourhood and changes the feel of their neighbourhood and how they live. She expressed concern with neither HRM staff nor Genivar coming out to their neighborhood during a storm and suggested they come see how much water they have and how long it takes to dissipate. She also addressed concerns with the map on the website that shows the names of the residents and that she doesn't agree that people can go onto the website and see who belongs which house. She requested these be removed.

Mr. Woodford explained that the names and addresses have been taken from the Provincial Website.

Mr. Dickey explained that it is a matter of public record at the Provincial level.

Mr. Peter Bing, Cole Harbour, explained that he and his family are opposed to this proposed subdivision. He addressed concern with traffic and doesn't like hearing conversations about fixing up the Ross Road and Highway 7 intersection because he feels that the developers feel that if this traffic concern is fixed, then the residents will be ok with the subdivision. He explained that this is not the case and that the Highway #7 and Ross Road concerns are a completely separate issue from this proposed subdivision. He has concerns with the amount of traffic that will be travelling down Glendale and asked about the previous plan that had an entrance on Coleridge Estates that had been removed and explained that there are other ways to enter and exit the subdivision for example from the lands of the Nova Scotia Colored Children's Home, off Main Street. He asked if this was ever considered, and if it has been considered, why it isn't part of the proposal.

Mr. Woodford explained that the client that they are working for does not own that land however, they do have two road reserves owned by HRM that may be an option. These have been considered.

Mr. Bing explained that if they are developing a subdivision then maybe they should bring some capital into it, maybe even have to purchase lands. But, just having Glendale Drive and Ross Road will overload the area and will be unsafe. He addressed concerns with the safety of children and recommended Genivar look at an alternate entrance and exit out of the subdivision. He added that even though with these changes, it does not endorse his interest in having the subdivision there.

Ms. Janet Barkier, Cole Harbour, explains that she walks this area and past the school every morning and expressed concerns with the traffic with parents dropping their kids off. She explains that due to the heavy traffic, she travels to Lawrencetown Road. People coming out of Glendale often turn right to avoid Ross Road Main Street. This brings them through the area where people are dropping their kids off and on the bus route. This development will add more congestion on a two lane street that a lot of people are currently using to park on. She expressed concern with accidents that are going to happen.

Ms. Donna Lassaline, Cole Harbour, explained that she has been a resident in this area for 40 years. Prior to the development of Westmount, she had never experienced any flooding. If this development takes place, there will be new water brought in though the proposed water system. This is totally different than taking it out of the ground from the wells. Now you will be introducing new water in, there will be flooding in every ditch. She expressed concerns with everybody's backyards flooding and how this affects the septic tanks. Not good to have your septic tanks flooded. She sees standing water in people's backyards. The insurance companies will no cover flooding and asked if the developer would post a bond to pay for future flooding.

Mr. Dickey explained that if this application goes through the various steps and Council approves the development agreement, the principle has been stated that no net increases are allowed in stormwater flows. He added that a very detailed design has to be presented to HRM prior to any approval.

Mr. Joe Maloney, Cole Harbour, asked about the Municipal Planning Strategy stating that there is enough land to be developed for 20-25 years. Looks like there were 8 urban reserves there.

Mr. Dickey explained that there are 7.

Mr. Maloney explained that if there is enough land out there to be developed, that we don't need 106 lots at this location.

Reviewing a slide of the area, referring to redlines marking the existing sewer boundaries, Mr. Dickey explained that the theory behind the 25 year urban reserves is that there are enough lands available in there and lots already approved for probably 25 years of need. One of the issues in the past with HRM growth has been haphazard developments of subdivisions. So it is now mostly about master planning, efficient development and long term for HRM to hold down what it has to spend. It was decided that for urban land, sewer and water there should be enough land here within the next 25 years. These areas represent logical extensions of the City as further down the road, this is where you bring more sewer and water and have more dense development. Outside these areas development is provided for through the type of Subdivision that the developer is proposing.

Mr. Maloney asked if these were specifically set aside.

Mr. Dickey explained that they were put on hold.

Mr. Maloney explained that this was supposed to be on hold for 20-25 years. In the last 5 years something has happened to go in and develop 106 lots in this urban reserve. This shouldn't be being looked at, at this time.

Mr. Dickey explained that every landowner has the right to apply.

Mr. Maloney asked how this happened to be brought forward.

Mr. Dickey explained that there was already one staff report on this brought forward to Regional Council. Staffs position was at this time they didn't see merit in removing these lands from the 25 year reserve. The initial staff recommendation to Regional Council was not accepted, and Council however decided to send it through the public process for consultation.

Mr. Maloney explained that staff should stick with the plan. It was well thought out and should not be changed at this time.

Councillor Hendsbee explained that back when the Regional Plan first came into effect in 2005/6, Mr. Geldart at that time requested that his properties not be included within the Urban Reserve. Council allowed policy to be put in place for allowing consideration of the adjacent properties in these Urban Reserves to be developed under the Rural Commuter area rules. Staff also pointed out that one of the reserves is the extension to the Burnside Park, so not all the reserves are residential. A lot of it will be commercial and industrial growth. The plan was to try to utilize the sewage treatment plants that they have now. Where a centralized sewage service probably will not be brought to this area within the next 25-30 years, this is an opportunity for the developer to look at another option.

Mr. Nelson Slaunwhite, Cole Harbour, expressed concern with the brook carrying the water into his backyard. He currently has ducks swimming in his backyard and added that 106 additional homes are just going to add to this problem.

Mr. Woodford explained that they have designed this for minimal water runoff. Department of Environment and HRM require them to build storm detention ponds to reduce the flow that runs off the site is no different after the development and will not increase the amount of water leaving the site at once.

Ms. Danna Wambolt, Cole Harbour, address concern with the traffic and turning onto Ross Road and the poor visibility. She explained that they couldn't get Metro Transit Buses because it is not safe. Adding 106 homes is going to make this worse. She addressed concern with her name being posted on a public website.

Councillor Hendsbee explained that starting November 21, 2011, Transit will be coming down Ross Road and out the Cole Harbour Road. They are re-routing the Transit Service, and there will be about 4-6 runs a day.

Ms. Patricia Boutilier, Cole Harbour, explained that she has no current issues with flooding, however, it was suggested to her to have someone come into her home and make note of its current state just in case that if this development goes through and then develops issues. She asked what staff recommends for this.

Mr. Dickey explained that where there is blasting proposed, HRM bylaws can require pre-blast inspections to protect nearby properties. He advised it never hurts to have a qualified inspector look at your property to see if there are any problems with drainage, regardless of what is going in around you. He explained that HRM does not pay for these tests and suggested that she may look into hiring her own engineer to take a look at it.

Ms. Boutilier added concern with noise and how this development will affect this and also the additional flow of traffic.

Ms. Jane Symes, Cole Harbour, asked that in the original application, there were two accesses, one to Coleridge and one to Glendale however, the one from Coleridge is off the table because it met some opposition? She understands that in the original planning thought this proposal required two accesses but because it met with such opposition that it now off the table, she asked how is it acceptable now to have just one access.

Mr. Woodford explained that two entrances are preferable however, from the traffic load point of view, for 106 lots, it is not necessary to have two accesses for traffic volume.

Mr. Don Currie, Cole Harbour, explained that the Coleridge people got together and worked one direction. He has worked with this group for the past year to bring change to this application. He explained that the people of Coleridge are present at this meeting fighting on behalf of those from Ross Road as well. He asked what will be talking place with the Cole Harbour end of the Ross Road and what the proposed changes are.

Mr. Rogers explained that the Traffic Engineers did a projection of traffic on the main roads, and a right hand turn lane from Ross Road at each end would help traffic flow.

Mr. Currie asked how many thousand liters will come out of the sewage treatment plant per day.

Mr. Woodford explained that approximately 300 meters or 1/3 cubic meter per day per household, therefore, approximately 30,000 liters per day.

Mr. Currie explained that with this many liters coming from the development and with the water table being so high from the Spring and Fall weather won't this add to the situation.

Mr. Woodford explained that 30,000 liters sounds like a big number however, there will be very little impact to the current water levels.

Mr. Currie said that the HRM specifications note that you cannot add to the current runoff.

Mr. Woodford explained that it will be going into the ground and will not be running off.

Mr. Currie explained that there could be chemicals in this water which will get into the water table and added concerns regarding those residents who are on wells.

Mr. Woodford explained that it will be similar to the situation that exists now. He explained that it is not a chemical treatment that they are proposing, it is a sand filter.

Mr. Currie explained that there are two decision components in this whole process. The first one is that an application is put into the City. City Engineers will take the information, assess it and see if it meets what the regulations are, and then the City Planning Department will make a recommendation to Marine Drive, Valley and Canal Community Council who has the opportunity at that time to approve or not to approve the application. He explained who sits on this Committee and addressed concern that even though City Staff may recommend against this application, the Community Council still has the right to move ahead with the application. Then if approved by Community Council, the application moves forward to Regional Council for another approval process. He added concerns with this process.

Mr. Royce Walker, Cole Harbour, said an integrated holistic plan is missing from this process. He explained that he is hearing all the issues and concerns from the residents. However, if there were responsible leadership from HRM in how they plan on developing this as part of the City, then they would be sharing the podium with the proponent and indicating how they are going to help this development move forward in a suitable fashion that will satisfy everyone. This is missing from this process. He understands that it is the property owners right to apply for a development. However, he feels that the residents should also have the right to say not the right development at this time. He feels that it is very important for the Urban Reserve Designation to stay in place until HRM has the wherewithal to look at the whole parcel of land, come up with exits that appropriate for traffic, schools, and all of the situations that have been a concern during this meeting. He requested that Councillor Hendsbee listen to his constituents and put an end to this process as soon as he possible can.

Mr. Gordon King, Cole Harbour, explained that there is nothing about this application that he agrees with and added concern with the current volume of traffic. He explained that he is opposed to the application.

Mr. Leo Peters, Cole Harbour, explained that he has been a resident in the area for 50 years. He explained that based on the HRM charts, the average household uses about 200 gallons/day. He addressed concern with adding 106 extra houses to this amount a day to a system that is already maxed. He explained that this is going to increase the ground levels and addressed concern with this creating a big problem. The extra drainage going down through the system is eventually going to go down to the Harrisons Brook down to Ross Road. The brook is full now and will flood all of the people on Glendale and across the back of Ross Road. He explained that with this development, they will be cutting down a lot of the trees, and with the severe rainfall, and no vegetation to absorb extra water, the brook will flood. He encouraged the residents at this meeting to contact their councilors to address the concern regarding this development.

October 17, 2013

Councillor Hendsbee explained that HRM is looking at a Cole Harbour Open Space Planning exercise, which will look at the lands from this area over to the top of Lake Major talking about the passive recreation open lands and the development opportunities. He encouraged residents to take part of these processes and noted that it will become more public as the date gets closer.

Mr. Frank asked if he on behalf of the Residents against the Geldart Lands Development could take a copy of the sign up sheet to cross reference it with their current list of residents for mailouts regarding this case. He explained that the City cannot give out this information without individual permission. He requested that anybody interested to see him and he would add it.

Closing Comments

Mr. Dickey thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

Adjournment

The meeting adjourned at approximately 9:05p.m.