HALIFAX
REGIONAL MUNICIPALITY

P.O. Box 1749
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Heritage Advisory Committee
May 28, 2014

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: Original Signed
Brad Anguish, Director of Community and Recreation Services

DATE: May 15, 2014

SUBJECT: **Case 18078: Development Agreement for Lovett Lake Village, Beechville**

ORIGIN

Application from WSP Canada Inc.

LEGISLATIVE AUTHORITY

HRM Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Halifax and West Community Council:

1. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment A to this report, to permit a mixed residential development and a commercial site on the lands abutting Lovett Lake, in Beechville, and schedule a public hearing;

2. Approve the proposed development agreement as contained in Attachment A of this report; and

3. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

BACKGROUND

An application has been submitted by WSP Canada Inc., on behalf of the property owner Armco Capital Inc., to enable a mixed residential development and a local commercial use site on the lands abutting the eastern side of Lovett Lake, Beechville (Maps 1 and 2). As the proposal is located on lands zoned Comprehensive Development District, the applicant has applied for a development agreement as required by the Municipal Planning Strategy and Land Use By-law for Timberlea/Lakeside/Beechville to develop the subject site.

Location and Surrounding Area

The subject site is:

- approximately 43.1 acres in size and consists of a portion of 4 large properties (see Maps 1 and 2);
- currently vacant with most of the vegetation removed, except along Lovett Lake; and
- located along St. Margarets Bay Road in Beechville and abuts the eastern side of Lovett Lake, the Chain of Lakes Multi Use Trail and Bayers Lake Industrial Park as shown on Maps 1 and 2.

Other surrounding land uses include the Beechville Baptist Church, a municipally registered heritage property, undeveloped lands along St. Margarets Bay Road to the east, a gas station and Beechville Estates (a mixed residential development located on the opposite side of St. Margarets Bay Road located to the south of the subject site).

Designation and Zoning

The subject site is:

- designated Urban Residential by the Municipal Planning Strategy (MPS) for Timberlea/Lakeside/Beechville (Map 1); and
- zoned Comprehensive Development District (CDD) by the Land Use By-law (LUB) for Timberlea/Lakeside/Beechville (LUB) (Map 2).

The CDD Zone is generally applied to larger parcels of land and allows development through the development agreement process. The CDD Zone was applied to the subject area as well as abutting properties in 2010 (Map 2).

Enabling Policy

Policies UR-11 and UR-12 of the MPS enables Community Council to consider a mixed use development on the subject site through the development agreement process. The proposed development is also subject to Policy IM-12 which contains general policy evaluation criteria for all discretionary planning approvals under the MPS.

In addition to the applicable Policies of the MPS, the proposed development is further subject to policy CH-2 of the Regional Plan which applies to properties that abut a registered municipal heritage property. Attachment B of this report contains the policies by which Community Council may consider this application.

The properties within the subject site are quite large and portions of each property are located within the Halifax Plan Area. It is important to note that only the portion of the properties within the Timberlea/Lakeside/Beechville Plan Area will be subject to the attached development agreement.

Proposal

The applicant wishes to develop a mixed residential development on the subject site. Initially, the applicant proposed the construction of 306 residential units, parkland inclusive of park design and construction, and a commercial site. This original proposal included all development to be completed through a single phase. Through discussions with staff, the applicant revised the proposal in response to issues raised through the evaluation and negotiation process for the application. Features of the revised proposed development include:

- a total of 253 residential units to be developed in two phases;
- a mix of single unit, two unit, and townhouse unit dwellings;
- parkland dedication which could accommodate a neighbourhood park and a linear trail connecting St. Margarets Bay Road and the Chain of Lakes multi-use trail; and
- a commercial site allowing C-1 (Local Business) Zone uses (see Attachment C) which may be converted for residential use.

Registered Heritage Property and the Baptismal Path

The subject site is located adjacent to a municipally registered heritage property, known as the Beechville Baptist Church, at 1135 St. Margarets Bay Road. The original Beechville Baptist Church was built in 1844 and since its construction the church and property has served as an important community focal point for the African Nova Scotian Community in Beechville. Traditionally, patrons of the church used Lovett Lake for baptismal ceremonies and the passage between the church and lake is referred to as the "Baptismal Path". It is important to note that the main portion of the Baptismal Path is located on the subject site (see Maps 1 and 2).

The Beechville Baptist Church property was recorded as a municipal registered heritage property in 2005. At the time of application for the municipal heritage registration for the church, the baptismal path was not included as it is located on a separate property and the property owner, would not provide their consent. It is important to note that Armco Capital Inc. acquired the property after this time.

Diversion of Wastewater

For several years the capacity of the Timberlea Wastewater Treatment Facility has caused development activity to be limited within the Plan Area. To address this, Halifax Water is currently in the process of achieving a solution to the capacity issue within the Plan Area through the construction of the Lakeside Pump Station Diversion project.

As the subject site abuts lands within the Halifax Plan Area, there is the opportunity to divert the wastewater generated by this development directly to the Halifax Waste Water Treatment Facility. Therefore, the proposed development is not dependent upon the construction or the completion of the Lakeside Pump Station Diversion project. The applicant has been in consultation with Halifax Water on the construction of a pump station to facilitate the proposed diversion strategy into the Halifax Waste Water Treatment Facility. This strategy is in keeping

with the revised overall wastewater servicing plan for both the Lakeside/Timberlea area and the undeveloped lands within the Bayers Lake Business Park.

Watershed Advisory Board
When this application was originally submitted in 2012, applications on lands that included wetlands or watercourses were presented to the applicable watershed advisory board for their review and recommendation. In this case, the application would have been sent to the Halifax Watershed Advisory Board. However, on November 27, 2012, Regional Council approved a motion to consolidate the individual watershed advisory boards to create the Regional Watersheds Advisory Board (RWAB). Planning applications are to be presented to RWAB only if required by the Municipal Planning Strategy for the plan area. As the MPS for the Timberlea/ Lakeside/Beechville Plan Area does not require the review from a water advisory board, this application was not presented to RWAB.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and has determined that the proposed development is consistent with the MPS. Attachment B provides an evaluation of the proposed development agreement in relation to the relevant MPS policies. The following issues have been identified for more detailed discussion.

Density
The proposed density of the development is 20 persons per acre. The MPS discusses the general density for the Plan area of 17 persons per acre; however, the small increase in density is supported by staff for various reasons. The subject site is located adjacent to the Halifax Plan Area where higher densities are generally permitted. The subject area is further highlighted as a Suburban Local Centre in the Regional Plan. Suburban Local Centres throughout HRM generally have a density of 20 persons per acre.

Finally, the density of 17 persons per acre was based on the capacity of the Timberlea Wastewater Treatment Facility. As the sewage from this development is to be diverted to the Halifax Wastewater Treatment Facility, a small increase in density can be supported.

Phasing
The proposed development agreement requires the development to proceed in two phases. This requirement stems from policies within the MPS and the requirements of the Municipal Design Guidelines. To proceed from phase 1 to phase 2, a second public road access to St. Margarets Bay Road is to be secured or constructed and accepted by the Municipality. This will be required before any site work can be initiated for the 2nd phase.

The first phase of the development will include the conveyance of the entire parkland to HRM as it is considered an important public benefit. Further, there is no definitive timeline for the development of phase 2 at this time.

Archaeological Assessment

During the public information meeting for this application, concerns were raised regarding the proposed development and the potential impact to unmarked grave sites located on the subject site. As a result, the applicant has been working with the Province to complete an archeological assessment around the subject site.

The archaeological assessment identified a settlement located in the middle of the subject site and the applicant is in consultation with the Province to remediate the site in accordance with their requirements. Further, the Developer is proposing to convey to the church a portion of the subject site abutting the church. This will aide in mitigating the effect the development may have on the church site. Although the development agreement cannot require that this area be conveyed to the church, it does include provisions that would facilitate the conveyance. If the conveyance does not take place, the area will be included as additional HRM parkland.

The proposed development agreement further includes a provision to reinforce the requirement that the developer shall contact the Province prior to any site work on the subject site.

Parkland

A major component of the project includes the dedication of approximately 5.8 acres of parkland to the Municipality. The area to be dedicated as parkland also includes the lands containing the Baptismal Path. The parkland will be provided as undeveloped land and will be required to meet the definition of "useable land" as defined by the Regional Subdivision By-law. The Municipality will be responsible for the development of a trail connection on the property from St. Margarets Bay Road to the Chain of Lakes Multi Use Trail as well as for any improvements to create the neighbourhood park.

As the parkland to be conveyed to HRM is in the form of undeveloped land, it will be the responsibility of HRM to develop the linear trail, trail parking lot and the neighbourhood park. The current estimated cost of this work is approximately $130,000 and would be subject to Regional Council approval through the Capital Budget approval process.

Single Unit Dwelling Lots

The Timberlea/Lakeside/Beechville Plan Area encourages residential development predominately in the form of single unit dwellings. For CDD developments, the MPS allows for the consideration of a unit mix of 50% single unit dwellings and 50% other forms of residential development such as two unit dwellings, townhouse dwellings or multiple unit dwellings. Consistent with the provisions of the MPS, the proposed development agreement requires that at least 50% of the dwelling units are developed as single unit dwellings and the remaining residential units may be developed as two-unit dwellings and townhouse dwellings.

The development agreement will allow for reduced lot sizes for single unit dwellings than what is otherwise permitted in the plan area. This is to allow a greater variety in housing types and styles.

Buffering from Adjacent Industrial Land Uses

The proposed development directly abuts the Bayers Lake Business Park. The Bayers Lake Industrial Park is located within the Halifax Plan Area and is zoned I-3 in the Land Use By-law for Halifax Mainland. The I-3 Zone permits a wide variety of commercial and industrial uses.

The proposed development agreement requires a buffer to be established to reduce potential land use conflicts between the proposed residential uses and the existing industrial lands. The buffer will include a berm to be located on the residential lots that abut the industrial lands which will require an approximately 20 metre separation from the rear property line. The buffer shall include fencing and may also include landscape features.

Adjacent Municipally Registered Heritage Property - Beechville Baptist Church

As noted in this report, the subject site abuts the municipally registered heritage property, the Beechville Baptist Church. As such, the proposed development is subject to policy CH-2 of the Regional Plan. Staff's analysis of the proposal against the criteria of Policy CH-2 is included in Attachment B. The proposed development project is within a different context than most development projects that would usually be considered under this policy. The subject site is not in an urban setting, nor is the development in relation to a specific building. Rather, the application deals with a large scale residential development within a suburban environment.

The proposed development agreement requires a visual buffer on the abutting residential and commercial properties to limit the potential disturbance the development may have on the heritage property. The buffer requirement will include vegetation and will not permit the locating of any structure or parking within the buffer.

A smaller buffer has been further applied to the commercial and residential properties which abut the neighbouring P-2 Zoned property. Although it is not a registered heritage property, a buffer is important to mitigate potential land use conflicts due to the relationship with the neighbouring heritage property.

Commercial Property

The proposed development includes a site for a local commercial use which will be required to be developed as per the requirements of the C-1 Zone of the LUB.

To allow flexibility within the development, the development agreement allows the commercial site to be developed with single unit dwellings. The buffering provisions required for the commercial use will also apply to residential uses at this site.

Conclusion

The proposed development agreement is consistent with the applicable policies of the MPS (Attachment B). Therefore, staff recommends that Halifax and West Community Council approve the proposed development agreement as contained in Attachment A of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting held on November 26, 2012. Attachment D contains a copy of the minutes from the meeting. For the Public Information Meeting, notices were posted on the HRM website, in newspapers, and mailed to property owners with the notification area shown on Map 3.

A public hearing must be held by Community Council before they can consider approval of a development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area as shown on Map 3 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed development agreement will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

FINANCIAL IMPLICATIONS

The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved budget with existing resources.

ENVIRONMENTAL IMPLICATIONS

No additional concerns have been identified beyond those raised in this report.

ALTERNATIVES

The Heritage Advisory Committee may recommend that Halifax and West Community Council:

1. Approve the proposed development agreement with modifications. This may necessitate further negotiation with the applicant, a supplementary staff report and the need to hold a second public hearing.

2. Refuse the proposed development agreement, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended, as the proposal is consistent with the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1 Generalized Future Land Use

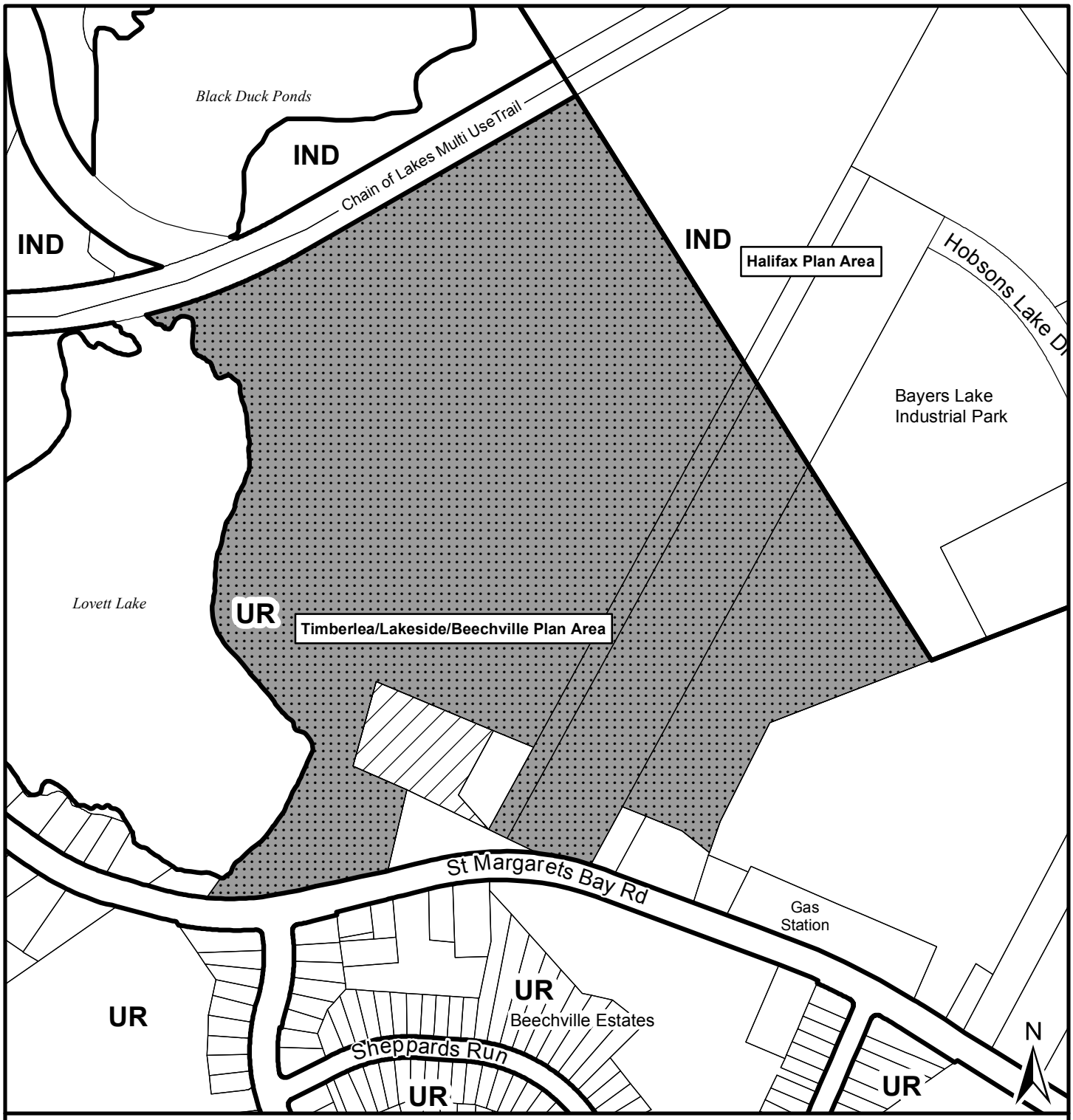
Map 2	Zoning
Map 3	Area of Notification
Attachment A	Proposed Development Agreement
Attachment B	Policy Review – Excerpt from the Timberlea/Lakeside/Beechville MPS
Attachment C	C-1 Zone of Timberlea/Lakeside/Beechville LUB
Attachment D	Minutes from the Public Information Meeting

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

Report Prepared by: Jillian MacLellan, Planner 1, Planning Services, 490-4423

Original Signed

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



Map 1 - Generalized Future Land Use

Lands off St. Margarets Bay Road near Lovett Lake
Beechville

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 60 80 100 m

Area of proposed development agreement

Municipally Registered Heritage Property

Timberlea/Lakeside/Beechville Plan Area

Designation

UR Urban Residential
IND Industrial

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

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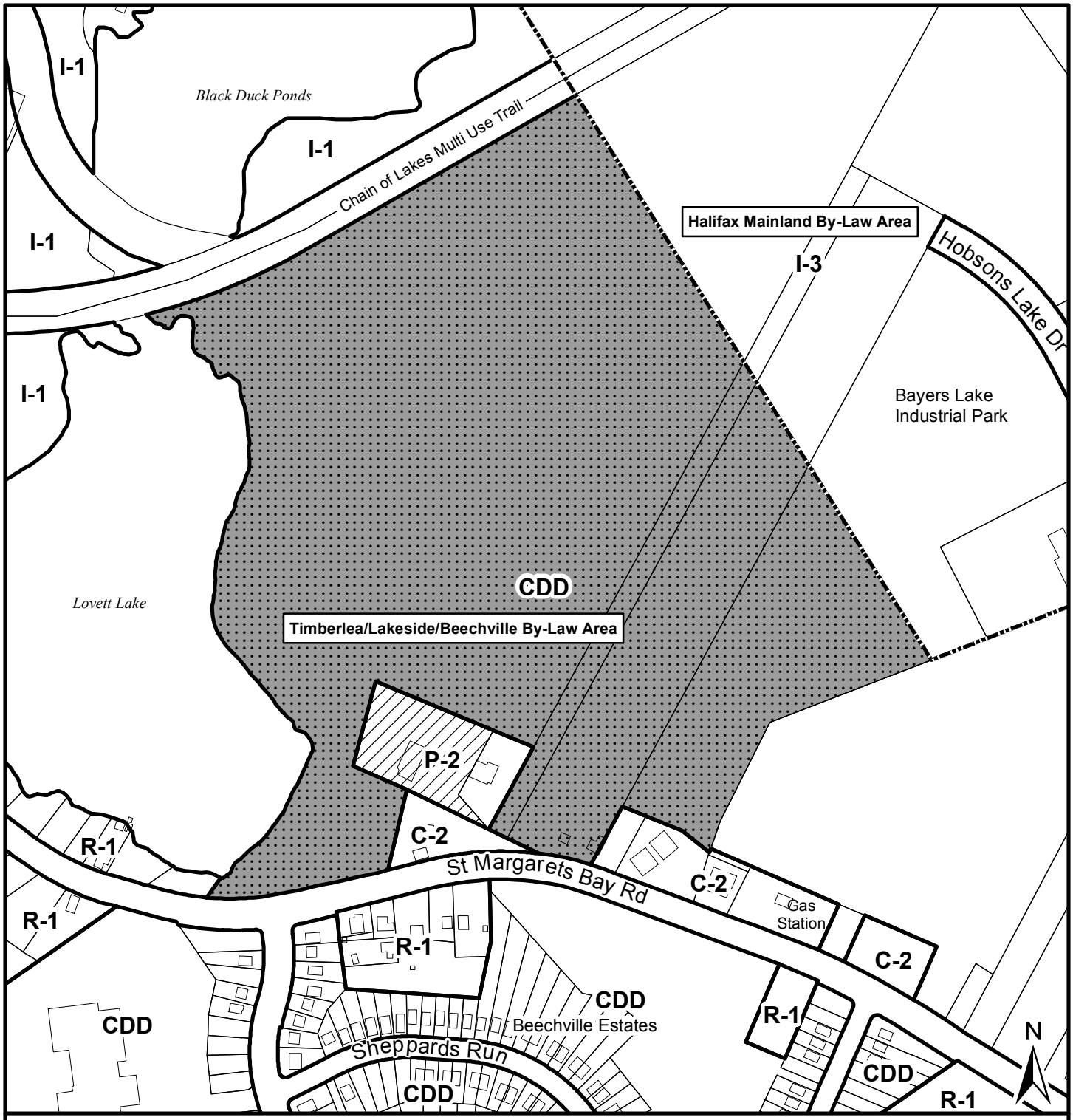

Map 2 - Zoning

Lands off St. Margarets Bay Road near Lovett Lake
Beechville

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

Area of proposed development agreement

Municipally Registered Heritage Property

Timberlea/Lakeside/Beechville Plan Area

Zone

R-1	Single Unit Dwelling
C-2	General Business
I-1	Light Industry
P-2	Community Facility
CDD	Comprehensive Development District

0 20 40 60 80 100 m

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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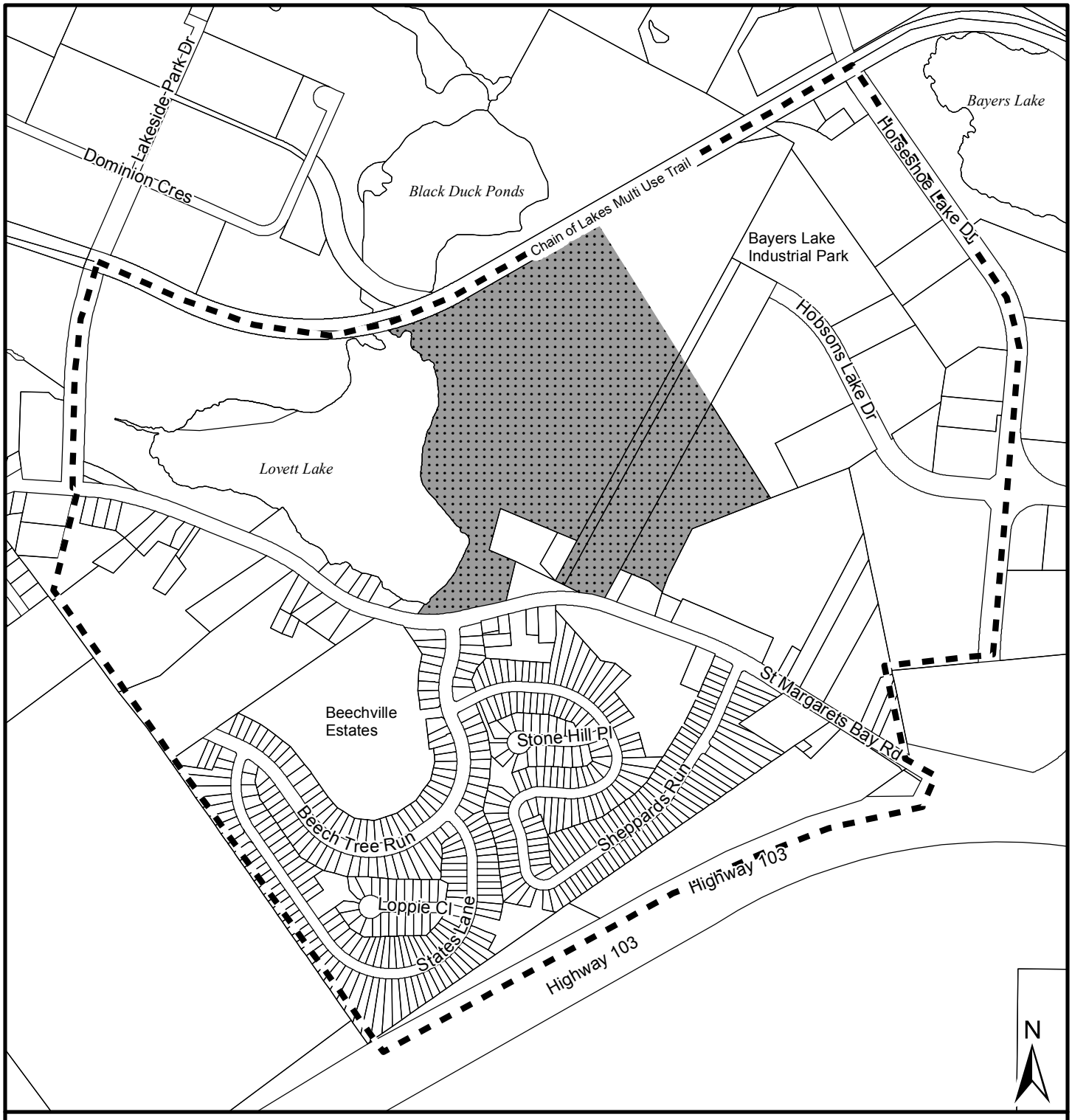

Map 3 - Area of Notification

Lands off St. Margarets Bay Road near Lovett Lake
Beechville

HALIFAX
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DEVELOPMENT APPROVALS

Area of proposed development agreement

Area of notification

0 100 200 m

Timberlea/Lakeside/Beechville Plan Area

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

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Case 18078
Attachment A: Proposed Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

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

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of the lands PID numbers 40049694, 40049884, 40160582 and 40049728 on St. Margarets Bay Road in Beechville, Halifax located within the Timberlea Lakeside Beechville Plan Area and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a mixed use residential and commercial development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and policies UR-11, UR-12, UR-19 and IM-12 of the Municipal Planning Strategy for Timberlea, Lakeside, Beechville and Section 3.6 of the Timberlea, Lakeside, Beechville Land Use By-law;

AND WHEREAS the Halifax and West Council for the Municipality approved this request at a meeting held on [**Insert - Date**], referenced as Municipal Case Number 18078;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By-law and Subdivision By-law

Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Timberlea Lakeside Beechville and the Regional Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other By-laws, Statutes and Regulations

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

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Regional Subdivision By-law, if not defined in these documents their customary meaning shall apply.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 18078:

Schedule A	Description of the Lands
Schedule B	Land Use Map
Schedule C	Typical Berm Section
Schedule D	Land To be Determined (TBD) Sketch

3.2 Requirements Prior to Approval

3.2.1 Prior to the commencement of any site work or disturbance in the applicable phase the Developer shall:

(a) Provide the design of the buffers pursuant to Sections 3.5.8 and 3.5.10;

(b) Delineate the area to be dedicated as parkland shall be delineated pursuant to Section 3.6.8;

(c) Obtain an executed subdivision agreement from the Municipality, pursuant to Section 3.7 of this Agreement and the Regional Subdivision By-law; and

(d) Provide a copy of a letter from the Coordinator of Special Places with the Culture and Heritage Development Division of the Department of Communities, Culture and Heritage of the Province of Nova Scotia indicating the archaeological assessment and

mitigation has been completed for the Lands and is in compliance with requirements set forth by the Province pursuant to Section 3.10 of this Agreement.

3.2.2 Prior to entering into an executed subdivision agreement for Phase 2, a second public street providing access for ingress and egress from the Lands to St. Margarets Bay Road shall be secured or constructed and deeded to the Municipality, pursuant to Section 3.4.5 of this Agreement.

3.2.3 Prior to the takeover of primary services, the Developer shall complete the construction of the buffers for the applicable phase, as shown on Schedules B and C and pursuant to Sections 3.5.8 3.5.9 and 3.5.10 of this Agreement.

3.2.4 Further to Section 3.2.2, site work or disturbance may be completed within Phase 2 in order to complete work for the development of the buffer.

3.2.5 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement until after a Development Permit has been issued by the Municipality. Upon the issuance of a Development Permit, the Developer shall comply with all applicable provisions of this Agreement and the Land Use By law (except to the extent that the provisions of the Land Use By law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.2.6 Upon the issuance of the first Occupancy Permit, the Developer shall confirm to the Development Officer that the requirements of this Agreement, for the applicable phase, have been met.

3.3 General Description of Land Use

3.3.1 The uses of the Lands permitted by this Agreement are as follows:

(a) Single Unit Dwellings;
(b) Two Unit Dwellings;
(c) Townhouse Dwellings;
(d) Commercial Uses permitted in the C-1 Zone of the Land Use By-law for Timberlea Lakeside Beechville, as amended from time to time; and
(e) Open Space Uses.

3.3.2 The maximum number of dwelling units permitted is 253 units.

3.3.3 Up to 50% of the total dwelling units may be a combination of two unit dwelling units and townhouse unit dwelling units.

3.3.4 The combination of two unit dwellings and townhouse unit dwellings shall have a minimum ratio of 70:30 or 30:70.

3.3.5 Further to subsection 3.3.2, the maximum number of dwelling units may be increased to 257 units if the commercial lands are developed as single unit dwellings, pursuant to Section 3.5.6 of this Agreement.

3.4 Phasing

3.4.1 The development shall be completed in two phases as shown on Schedule B.

3.4.2 Phase 1 shall include the following:

(a) residential development of up to 159 units;
(b) parkland dedication; and
(c) commercial development.

3.4.3 Of the total number of units permitted within Phase 1, up to 82 units may be a combination of two unit dwellings and townhouse units.

3.4.4 Phase 2 shall include the following:

(a) the development of the remaining residential units; and
(b) the extension of Higgins Avenue from Grosse Street to the property line in order to connect the development to the second public street providing ingress and egress to St. Margarets Bay Road.

3.4.5 No executed subdivision agreement shall be granted for Phase 2 until a second public street connection providing ingress and egress to St. Margarets Bay Road is secured or constructed and deeded to the Municipality.

3.5 Land Use Requirements

3.5.1 A minimum of 50 % of all single unit dwelling lots on the Lands shall conform with the following requirements:

(a) Minimum Lot Frontage: 40 feet
(b) Minimum Lot Area: 4,000 square feet
(c) Minimum Front Yard: 20 feet
(d) Minimum Flankage Yard: 15 feet
(e) Minimum Rear or Side Yard: 8 feet
(f) Maximum Lot Coverage: 35 per cent
(g) Maximum Height of Main Building: 35 feet

3.5.2 Up to 50 % of all single unit dwelling lots on the Lands shall conform with the following requirements:

(a) Minimum Lot Frontage: 34 feet
(b) Minimum Lot Area: 3,400 square feet

(c) Minimum Front Yard: 20 feet
(d) Minimum Flankage Yard: 15 feet
(e) Minimum Rear or Side Yard: 6 feet
(f) Maximum Lot Coverage: 35 per cent
(g) Maximum Height of Main Building: 35 feet

3.5.3 Two unit dwelling lots shall conform with the R-2 (Two Unit Dwelling) Zone of the Land Use By-law for Timberlea Lakeside Beechville, as amended from time to time, with the exception that the minimum front yard shall be reduced to no less than 20 feet.

3.5.4 Townhouse dwelling lots shall conform with the R-5 (Townhouse Dwelling) Zone of the Land Use By-law for Timberlea Lakeside Beechville, as amended from time to time, with the exception that the maximum lot coverage shall be no more than 40%.

3.5.5 Commercial uses shall conform with the C-1 (Local Business) Zone of the Land Use By-law for Timberlea Lakeside Beechville, as amended from time to time.

3.5.6 Commercial uses shall be limited to the area noted as "Local Commercial Site" on Schedule B. If not developed for a commercial use, the commercial lands may be developed with single unit dwellings was per the requirements of Section 3.5.1 of this Agreement.

3.5.7 Further to Section 3.3.1 of this Agreement, day care uses and business uses in conjunction with a single unit dwelling and two unit dwelling shall be permitted pursuant the requirements of the corresponding zones of the Land Use By-law for Timberlea Lakeside Beechville, as amended from time to time.

3.5.8 A 15 foot buffer shall be provided on all lands for residential or commercial development thatabut a Municipally Registered Heritage Property as shown on Schedule B and a preliminary design of the buffer shall be provided to the Municipality prior to any site work. The buffer shall comply with the following requirements:
(a) No development shall be located in the buffer, including but not limited to any building, parking, or outdoor storage; and
(b) The buffer shall include plantings, such as trees or shrubbery, inclusive of existing vegetation, to provide a visual buffer from the neighbouring property.

3.5.9 A 5 foot buffer shall be provided on all lands for residential or commercial development that abut the P-2 property as shown on Schedule B. The buffer shall comply with the following requirements:
(a) No development shall be located in the buffer, including but not limited to any building, parking, or outdoor storage;
(b) The buffer shall include plantings, such as trees or shrubbery, inclusive of existing vegetation, to provide a visual buffer from the neighbouring property; and
(c) Fencing shall be provided for commercial properties abutting the P-2 property. The fencing shall be constructed of a high quality material including wood, wrought iron or a similar material as determined by the Development Officer in his/her sole

discretion, acting reasonably and in keeping with standard practices, but shall not include chain link fencing.

3.5.10 The Developer shall provide a buffer as generally constructed in accordance with Schedule C, located along the northwest boundary line, where the Lands abut the Bayers Lake Business Park. The buffer shall consist of a berm, vegetation and fencing. The final design of the buffer shall be provided to the Municipality for review and approval prior to any site work.

3.6 Parkland

3.6.1 The Developer shall convey to the Municipality parkland as shown as Park on Schedule B at the time of final subdivision approval of Phase 1. Subject to meeting the other requirements of Section 3.6 of this Agreement, this shall satisfy the parkland dedication requirements for the development of the Lands as enabled by this Agreement. All parkland conveyed must meet the requirements of the Regional Subdivision By-law including that the parkland must meet the definition of "useable" as contained within the By-law.

3.6.2 The lands to be conveyed as parkland shall be able to accommodate a commercial driveway access from St. Margarets Bay Road.

3.6.3 The parkland shall be a minimum of 65.6 feet in width in all locations except where the parkland abuts the stormwater management infrastructure as shown on Schedule B. The width of the parkland in this area shall be adequate to provide a trail as determined by the Municipality in keeping with standard municipal practices.

3.6.4 Further to Section 3.6.3, where the parkland abuts the TBD lands, as shown on Schedule B, the width of parkland may also be reduced in accordance with Section 3.7.4 and as generally shown on Schedule D, provided that the width is adequate for trail development, inclusive of a buffer, as determined by the Municipality in keeping with standard municipal practices and meets all other requirements of this section.

3.6.5 Infrastructure for primary services may be considered on the lands to be conveyed as parkland, where the parkland is adjacent to the stormwater management area, as shown on Schedule B, and shall be subject to the following:

(a) no barrier shall be created on the parkland which would impede pedestrian movement;
(b) the area of parkland shall meet the definition of "useable" as defined by the Regional Subdivision By-law; and
(c) the construction material and operational use is complementary to the parkland.

3.6.6 The design of any required pedestrian crossing over infrastructure for primary services for parkland purpose shall be submitted to the Municipality for review and approval and shall be in keeping with municipal standard practices.

3.6.7 The design and construction of all infrastructure for primary services within the proposed parkland will be the sole responsibility of the Developer and shall comply with the requirements of this Agreement and the Regional Subdivision By-law.

3.6.8 The area to be conveyed as parkland shall be undisturbed during construction and delineated on site with an appropriate method as approved by the Development Officer. The Developer shall provide written confirmation to the satisfaction of the Development Officer that the area of land to be dedicated has been appropriately marked. Such demarcations shall be maintained by the Developer or future property owner for the duration of the construction and may be removed after the acceptance of the parkland by the Municipality. The Developer shall not use in anyway whatsoever the parkland area other than in accordance with the development of the stormwater area.

3.7 Subdivision

3.7.1 Subdivision applications shall be submitted to the Development Officer in accordance with the phasing plan presented on Schedule B and Section 3.4 of this Agreement.

3.7.2 Subdivision applications shall include a table that tracks the proposed total number of dwelling units and type dwelling units. In the case of subdivision application(s) for the 2nd phase, the table shall also include the total number of dwelling units and dwelling types that received approval in the 1st phase.

3.7.3 This Agreement shall be deemed to meet the requirements of the Regional Subdivision By-law with respect to Concept Plan Approval.

3.7.4 Lands noted as "TBD" on Schedule B and D shall be provided as parkland or shall be consolidated with an abutting property at the time of subdivision in Phase 1. The dimensions of the TBD Lands shall be as generally shown on Schedule D. If the Lands are consolidated with an abutting property, the lands shall be subject to the P-2 Zone of the Timberlea Lakeside Beechville Land Use Bylaw as amended from time to time.

3.7.5 Pedestrian walkways shall be provided, as generally shown on Schedule B. An additional walkway connection between Granit Terrace and Gough Close is permitted.

3.7.6 Public road frontage shall be required for any parcel to be used for public utility purposes, including but not limited to, the stormwater infrastructure area, as generally shown on Schedule B.

3.8 Signs

3.8.1 A maximum of two ground signs shall be permitted on the Lands for the purposes of a community sign and for the commercial site.

3.8.2 The community sign shall:

(a) be set back a minimum of 8 feet from any lot line and shall not be located in or project over a public right-of-way, daylighting triangle, driveway or parking space;

(b) not exceed a height of 12 feet and the sign area shall not exceed 64 square feet per side; and

(c) be permitted to have a maximum of two sides;

3.8.3 The sign for the commercial site shall comply with the requirements for signage in the C-1 Zone of the Land Use By-law for Timberlea, Lakeside, Beechville.

3.9 Construction/Sales Structure

3.9.1 A temporary structure shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The structure shall be removed from the Lands upon the acceptance of secondary services by the Municipality.

3.9.2 The construction of 3 model homes shall be permitted prior to receipt of final endorsement of Subdivision of Phase 1. The model homes shall not be occupied or cannot connect to municipal services until the acceptance of primary services.

3.10 Archeological Resources

3.10.1 The Developer shall contact the coordinator of Special Places with the Culture and Heritage Development Division of the Department of Communities, Culture and Heritage of the Province of Nova Scotia prior to any disturbance of the Lands and the Developer shall comply with requirements set forth by the Province in this regard.

3.10.2 The Developer shall provide a copy of the letter from the Coordinator of Special Places with the Culture and Heritage Development Division of the Department of Communities, Culture and Heritage of the Province of Nova Scotia indicating the archaeological assessment and mitigation has been completed to the Development Officer prior to site work on the Lands.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

4.1.1 All construction shall conform to the most current edition of the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications and shall receive written approval from the Development Engineer prior to undertaking any work.

4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer and shall be reinstated, removed, replaced, or relocated by the Developer as directed by the Development Engineer. Furthermore, the Developer shall be

responsible for all costs and work associated with the relocation of on-site/ off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plans

5.1.1 Prior to the commencement of any site work on the Lands for construction of streets and services, including grade alteration or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:

(a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared, stamped and certified by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;

(b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared, stamped and certified by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and

(c) Submit to the Development Officer a detailed Site Grading Plan prepared, stamped and certified by a Professional Engineer, which shall include an appropriate stormwater management system. The Site Grading Plan shall identify structural and vegetative stormwater management measures, which may include infiltration, retention, and detention controls, wetlands, vegetative swales, filter strips, and buffers that will minimize adverse impacts on receiving watercourses during and after construction.

5.3 Failure to Conform to Plans

If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under this Agreement, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure compliance with the environmental protection measures.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

(a) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
(b) The length of time for the completion of the development as identified in Section 7.5 of this Agreement.

6.2 Substantive Amendments

6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

7.2 Subsequent Owners

7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.

7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

7.3.1 In the event that development on the Lands has not commenced within 4 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this section, commencement of development shall mean final subdivision approval of the lots in Phase 1.

7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1.1(a), if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4. **Completion of Development**

Upon the completion of the whole development or complete phases of the development, Council may review this Agreement, in whole or in part, and may:

(a) retain the Agreement in its present form;
(b) negotiate a new Agreement;
(c) discharge this Agreement; or
(d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Timberlea Lakeside Beechville as may be amended from time to time.

7.5 Discharge of Agreement

7.5.1 If the Developer fails to complete the development after 10 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

(a) retain the Agreement in its present form;
(b) negotiate a new Agreement; or
(c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

8.2 Failure to Comply

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer fourteen days written notice of the failure or default, then in each such case:

(a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such

default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;

(b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;

(c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or

(d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

_____

_____

Witness

Per:_____

HALIFAX REGIONAL MUNICIPALITY

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

_____

_____

Witness

Per:_____
MAYOR

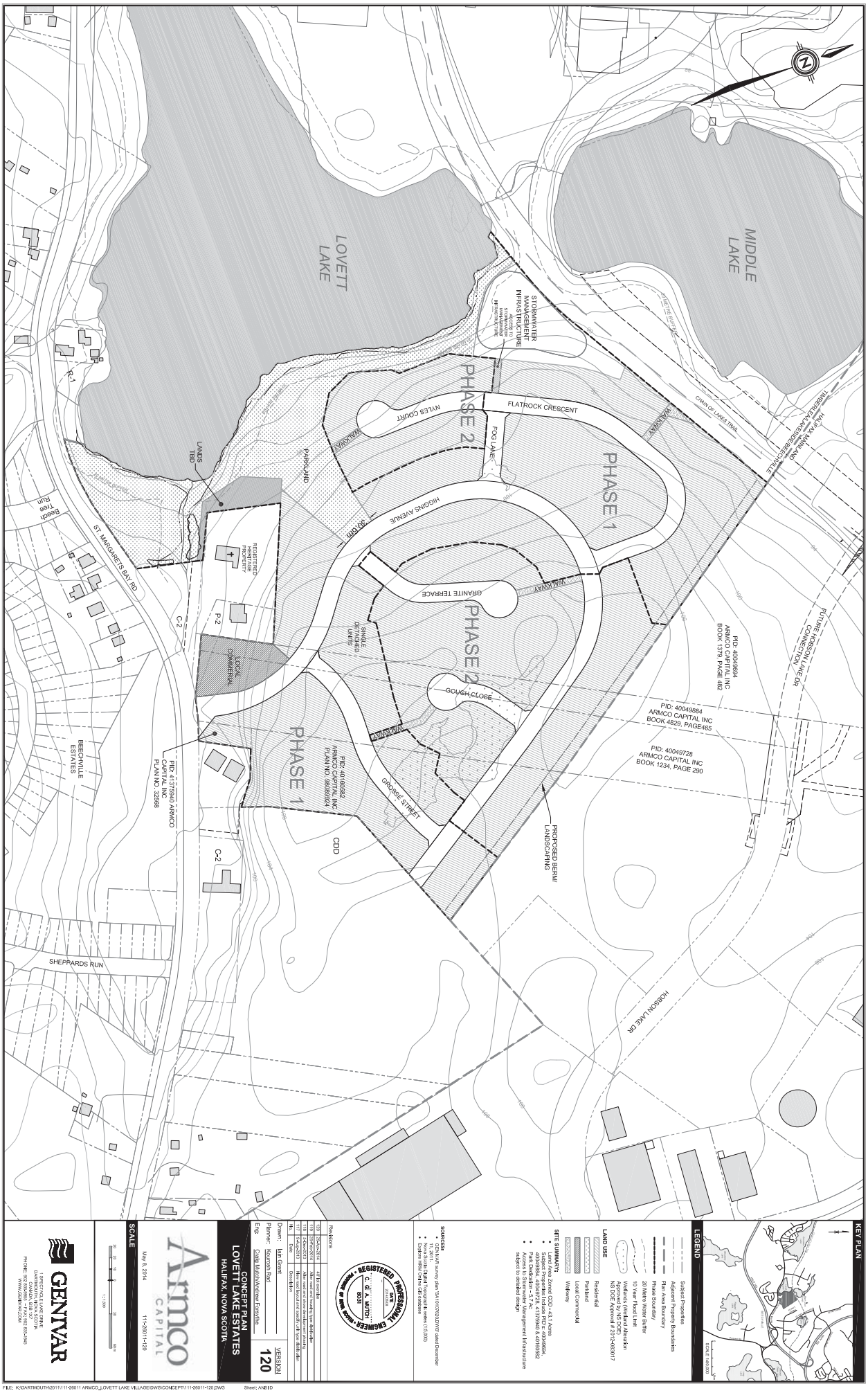
_____

_____

Witness

Per:_____
MUNICIPAL CLERK

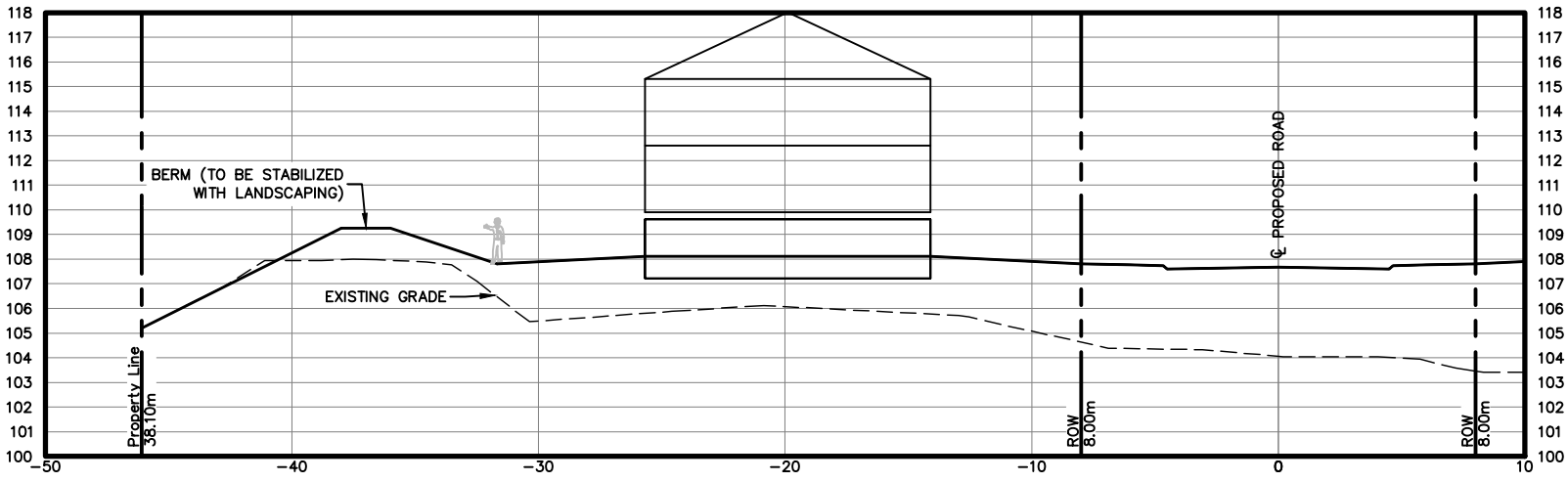
Case 18078 Schedule B - Land Use Map



FILE: K:\DARTMOUTH\2011\111-26011 ARMCO_LOVETT LAKE VILLAGE\DWG\CONCEPT\111-26011-120.DWG Sheet: ANSI D

Case 18078 Schedule C - Typical Berm Section

BERM SECTION 1



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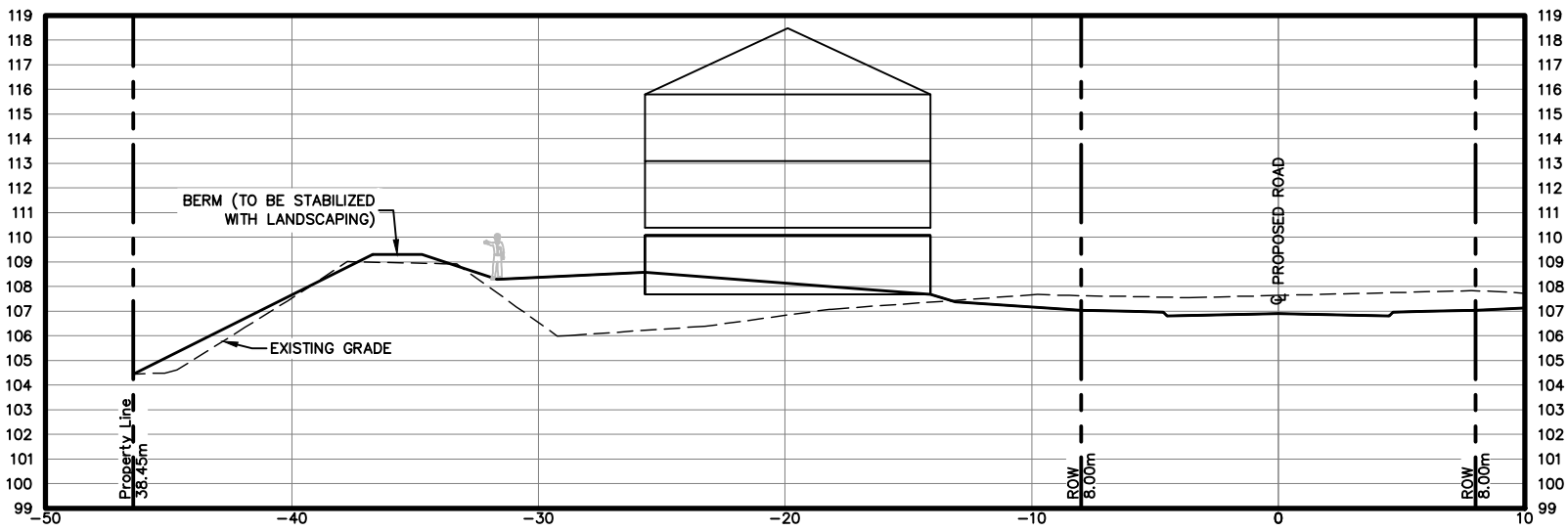

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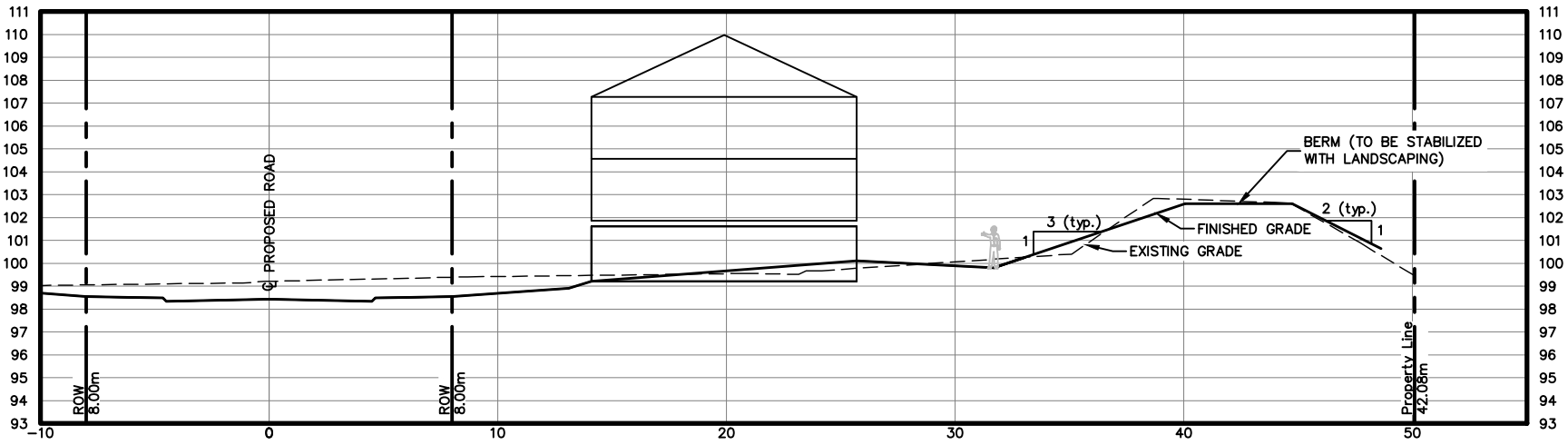

NOTE: THESE CROSS-SECTIONS ARE PRELIMINARY AND SUBJECT TO DETAILED DESIGN.

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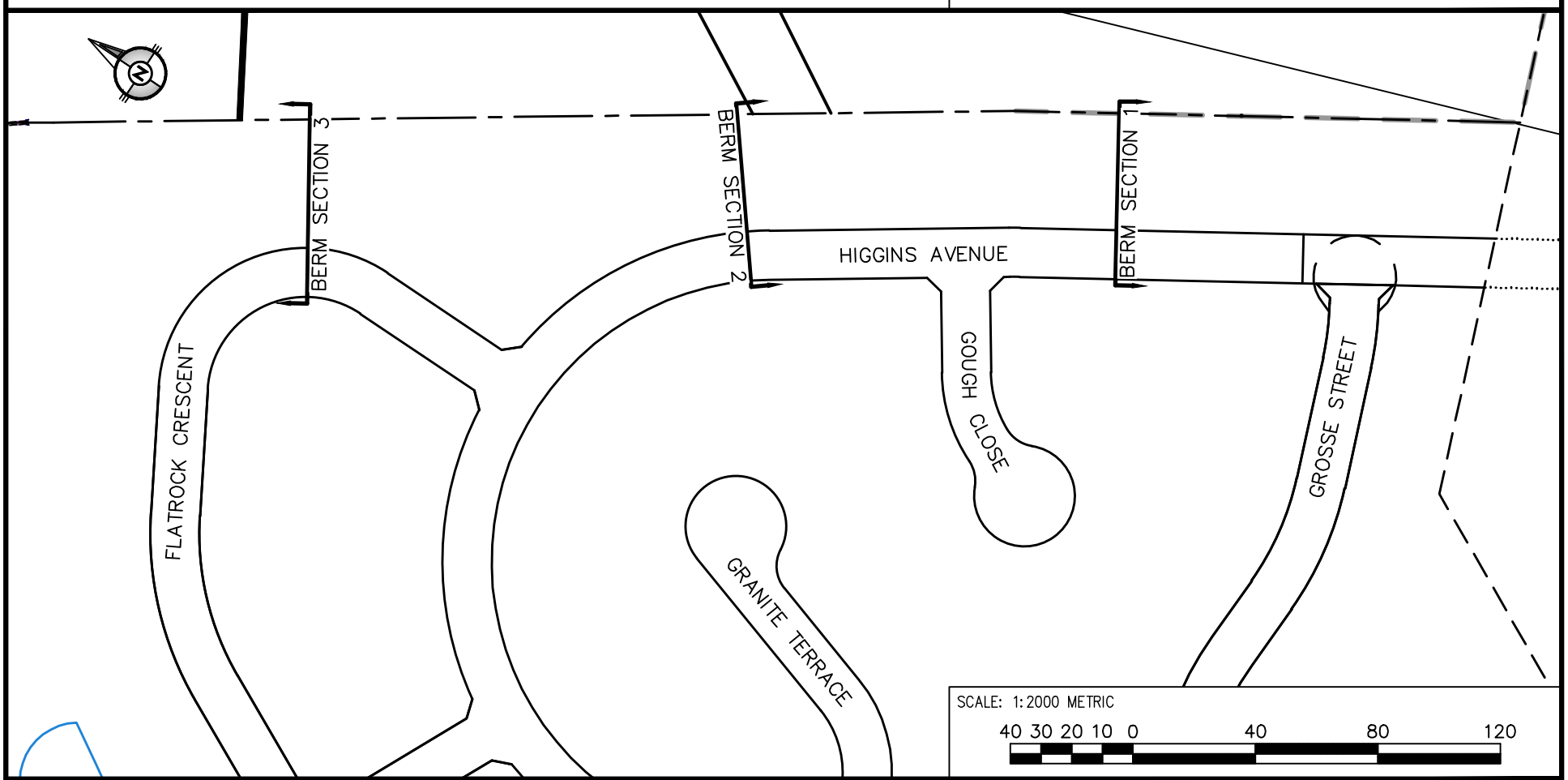

SCALE: 1:2000 METRIC

40 30 20 10 0 40 80 120

GENIVAR
1 SPECTACLE LAKE DRIVE
DARTMOUTH, NOVA SCOTIA
CANADA, B3B 1X7
PHONE: 902 835-9955 ~ FAX: 902 835-1645
WWW.GENIVAR.COM

TITLE:

LOVETT LAKE
TYPICAL BERM SECTIONS

SCALE: AS NOTED	REVISION: 0
DATE: (YYYY/MM/DD) 2014/03/07	DRAWING NO: 1
PROJECT NO: 111-26011	

Case 18078 Schedule D - Land to be Determined (TBD) Sketch

FILE: K:\DARTMOUTH\2011\111-26011 ARMCO_LOVETT LAKE VILLAGE\DWG\CONCEPT\111-26011-120.DWG

Attachment B – Policy Review
Excerpt from the MPS for Timberlea Lakeside Beechville

Comprehensive Development Districts

The Planning Act contains provisions for comprehensive development districts, which allow consideration of development on a comprehensive basis and control through specific agreements. Residential development on larger tracts of land may be planned and evaluated with regard to detailed consideration of the lay of the land, housing mix including any innovative housing forms, the scheduling of development, provision for public land dedication, road layout, sidewalks, the location of schools and other community facilities, provisions for storm drainage as well as the general effects of the development on the environment and adjacent uses. In return for the greater degree of control afforded by comprehensive development districts, it is appropriate to allow for consideration of a decreased proportion of fifty percent low density (single unit) housing to be established as a general housing mix target when considering specific development agreements.

The development of an approximately 500 acre parcel of land situated between Highway No. 3 and Highway No. 103 in the central portion of the plan area, adjacent to the Commercial Designation, will very significantly affect the nature of the community in terms of the transportation network as well as the mixture of housing. Comprehensive planning for the development of this area will both remove considerable uncertainty as to how the area will be developed as well as ensure its most effective integration within the community.

The use of comprehensive development districts for major residential projects has been specifically limited to prohibit general commercial and industrial development within the Urban Residential Designation. However, where a comprehensive development district is proposed for more than one hundred acres and includes a major collector road in its development, there is opportunity to consider general commercial developments in accordance with the intent of this strategy. By including both commercial and residential development under a single development agreement it is possible to afford flexibility in considering commercial uses provided these uses are compatible with existing and future residential uses.

Policy Criteria	**Staff Comment**
SECTION III – URBAN RESIDENTIAL DESIGNATION	
UR-11- It shall be the intention of Council to establish a comprehensive development district within the land use by-law which permits any residential use and the development of local commercial and community facility uses when in association with residential uses. Industrial uses shall specifically be prohibited. When considering an amendment to the schedules of the land use by-law to establish a comprehensive development district, Council shall have regard for the following	
(a) that the proposal is within the Urban Residential Designation;	The subject area is located within the Urban Residential Designation.

(b) that the development is capable of utilizing existing municipal sewer and water services;	The development is capable of being serviced by municipal sewer and water. Halifax Water is in the process of installing a booster station which will enable this development to be serviced by the Halifax Waste Water Treatment Facility.
(c) that the development includes a minimum land area of five (5) acres to be so zoned;	The total area of lands subject to this development agreement is approximately 43.1 acres.
(d) that the development provides for a mix of housing types in keeping with the general target for housing mixture and does not detract from the general residential character of the community;	The proposed development agreement allows for the development of the subject area as a mix of single unit dwellings, two unit dwellings and townhouse dwelling units. Further, the development agreement allows for reduced sized single unit dwellings. The development agreement also requires that at least 50 % of the dwelling units be developed as single unit dwellings which is discussed as a general housing target in this MPS.
(e) that adequate and useable lands for community facilities are provided;	The development agreement requires lands be provided along Lovett Lake as parkland. The parkland would serve as a neighbourhood park and would provide a trail connection from St. Margarets Bay Road to the Chain of Lakes Multi Use Trail. The proposed parkland is considered to be adequate only for the development of the subject site. Further, development of the adjacent CDD lands would require additional parkland. The amount, type and site features of the additional parkland would be determined when considering the development of those lands.
(f) that the development has a minimum of two (2) separate accesses to the public road network;	The development of the existing subject site is only able to accommodate a single public road access, however a second

	public road access could be accommodated through the adjacent CDD lands.
(g) consideration of the impact on traffic circulation and in particular traffic on the St. Margarets Bay Road;	A traffic impact statement was completed for the proposed development which indicated the development of turning lanes would suffice to mitigate the impact of the development on traffic along St. Margarets Bay Road. The design and construction of the turning lanes will be addressed during the subdivision approval process.
(h) that the development is consistent with the general policies of this planning strategy and furthers its intent; and	The proposed development exceeds the density discussed in Section II of this MPS. Due to the location of the subject site and the arrangement regarding stormwater, a higher density is considered to be appropriate. Please see the main body of the staff report for further discussion.
(i) the provisions of Policy IM-12.	Please see the analysis below
UR-12 - With reference to Policy UR-11, and as provided for by the development agreement sections of the Planning Act, the development of any district shall only be considered by Council through a development agreement or agreements which shall specify;	
(a) the types of land uses to be included in the development;	The proposed development agreement allows for single unit dwellings, two unit dwellings, townhouse unit dwellings, a commercial site and open space uses.
(b) the general phasing of the development relative to the distribution of specific housing types or other uses;	The proposed development agreement requires the development to be completed within two phases. The 2nd phase requires the development of a second public road access to St. Margarets Bay Road before development can proceed.
(c) the distribution and function of proposed public lands;	The proposed development agreement outlines the location of the lands to be dedicated to the Municipality as parkland.
(d) any specific land use elements which	The proposed development agreement

characterize the development;	requires a buffer to be provided around the Beechville Baptist Church lands, which are a municipally registered heritage property and will require public parkland to be located along the frontage of Lovett Lake.
(e) that new multiple unit dwellings have direct access to a major collector road as identified subject to the provisions of Policy TR-3.	N/A
(f) that industrial and general commercial uses be excluded;	The proposed development agreement allows for the development of a local commercial use, subject to the requirements of the C-1 Zone in the LUB.
(g) matters relating to the provisions of central sewer and water services to the development;	Central sewer and water services will be subject to the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications.
(h) provisions made for the proper handling of storm water and general drainage within and from the development; and	Storm water and drainage within and from the development will be subject to the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications.
(i) any other matter relating to the development's impact upon surrounding uses or upon the general community, as contained in Policy IM-12.	
SECTION IV – IMPLEMENTATION	
IM-12 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this strategy, Council shall have appropriate regard to the following:	
(a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.	The proposal meets the intent of the MPS. The Agreement requires conformity with all other municipal by-laws and regulations.
(b) that the proposal is not premature or inappropriate by reason of:	The provisions in the proposed development agreement are not considered premature or inappropriate.

(i) the financial capability of the Municipality to absorb any costs relating to the development; (ii) the adequacy of sewer and water services; (iii) the adequacy or proximity to school, recreation or other community facilities; (iv) the adequacy of road networks leading or adjacent to, or within the development; and (v) the potential for damage to or for destruction of designated historic buildings and sites. (vi) the proposed means of handling storm water and general drainage within and from the development. RC - October 30, 2001 E / December 8, 2001	Regarding clause (v) which discusses the potential damage to or destruction of designated historic buildings and sites, the proposed development agreement includes provisions to reduce potential impact to the Municipally Registered Heritage property, the Beechville Baptist Church. Provisions include buffers for residential and commercial uses that abut the church and by including provisions which allow a portion of the subject area to be conveyed to the church. Further, the proposed development agreement requires the portion of the subject site which includes the "Baptismal Path" to be located on HRM Parkland.
(c) 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 and outdoor display; (v) signs; and (vi) any other relevant matter of planning concern.	Controls have been placed in the proposed development agreement that either require specific setbacks for each type of use or require the provisions of the LUB to be applied. The proposed development agreement requires a buffer where the residential and commercial uses abut the Beechville Baptist Church and where the subject site abuts the Bayers Lake Industrial Park.
(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding.	The proposed site is considered suitable. There are two wetlands located on the property that have received approval from DOE for alteration. Portions of the parkland are to be located near a steep slope. Provisions have been included in the development agreement

	that require adequate space to be provided to accommodate the trail.
(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC July 2, 2002 / E - August 17, 2002)	N/A

6.1.1 Development Abutting Registered Heritage Properties

The Halifax Secondary Planning Strategy contains criteria that new development adjacent to heritage properties must meet. While these criteria apply only within the Halifax Plan Area, the development of properties which abut federally, provincially or municipally registered heritage properties in all areas of HRM also warrants consideration. Policy EC-3 requires HRM to prepare a Regional Centre Urban Design Study that will be coordinated with the Heritage Functional Plan required in Policy CH-13. Once completed these plans will, among other things, address and clarify issues surrounding heritage protection and new development. In the interim, Policy CH-2 will provide guidance for development abutting heritage properties. It is not the intent of this policy to require that new development replicate the appearance of abutting federally, provincially or municipally registered heritage structures, but rather to require innovative design solutions that incorporate architecture, place-making, and material selection of the highest quality that are appropriate in relation to their abutting neighbours.

CH-2 For lands abutting federally, provincially or municipally registered heritage structures, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage structures by considering the following:

(a) ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they: (i) incorporate fine-scaled architectural detailing and human-scaled building elements within the pedestrian realm;	The proposed development project is within a different context than most development projects that would usually considered under this policy. The subject property is not in an urban setting and deals with a large scale residential development and not a site specific building. There have been measures

(ii) consider, within the pedestrian realm, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage structures; and (iii) any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm by incorporating design solutions, such as setbacks from the street wall and modulation of building massing, to help reduce its apparent scale;	included in the proposed development agreement that outline the types of uses permitted adjacent to the church and that require provisions for buffering.
(b) the siting of new developments such that their footprints respect the existing development pattern by: (i) physically orienting new structures to the street in a similar fashion to existing federally, provincially or municipally registered heritage structures to preserve a consistent street wall; and (ii) respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape;	See comments above
(c) minimizing shadowing on public open spaces;	See comments above
(d) complementing historic fabric and open space qualities of the existing streetscape;	An important component of the Beechville Baptist Church includes the former Baptismal Path. The location of the baptismal path will be included within lands HRM will be receiving as parkland.
(e) minimizing the loss of landscaped open space;	The proposed development agreement includes a parcel of land which has the opportunity to be conveyed to the heritage property which would increase the area of open space. Further the majority of the subject area which abut the church are to

	be developed as parkland.
(f) ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;	The proposed development agreement requires a landscaped buffer for any residential or commercial property that abuts the church property. The buffer cannot include any structures, parking areas or outdoor storage.
(g) placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;	See discussion above
(h) having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and	See discussion above
(i) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.	

For the purposes of Policy CH-2, the following definitions apply:

1. "Abutting" means adjoining and includes properties having a common boundary or a building or buildings that share at least one wall. Properties are not abutting where they share only one boundary point as opposed to a boundary line.
2. "Building scale" means a building's size relative to another building's size, or the size of one building's elements relative to another building's elements.
3. "Massing" means the way in which a building's gross cubic volume is distributed upon the site, which parts are higher, lower, wider, or narrower.
4. "Proportion" means the relationship of two or more dimensions, such as the ratio of width to height of a window or the ratio of width to height of a building or the ratio of the height of one building to another.
5. "Profile" means a building's cross-sectional shape or the shape of its outline.
6. "Building character" means the combined effect of all of the architectural elements of a building or a group of buildings.
7. "Human-scaled building elements" means a range of building details from small (masonry units, doorknobs, window muntins, etc.) to medium (doors, windows, awnings, balconies, railings, signs, etc.) to large (expression of floor lines, expression of structural bays, cornice lines, etc.).

8. "Street wall" means the vertical plane parallel to the street in which the front building facades of the majority of the buildings along a street are located.

9. "Pedestrian realm" means the volume of space enclosed by the horizontal plane of the street and sidewalks, and the vertical planes of the facing streetwalls. The height of this volume is determined by the height of the base of the adjacent buildings as defined by a major cornice line or by the point at which a building's massing is first stepped-back from the streetwall. Where cornice lines or setbacks do not exist, the height will be generally two to five stories, as appropriate.

Further to Policy EC-5A, Policy CH-2 shall not apply within the Downtown Halifax Plan Area. (RC-Jun 16/09;E-Oct 24/09)

Attachment C
C-1 Zone of Timberlea, Lakeside, Beechville LUB

PART 12: C-1 (LOCAL BUSINESS) ZONE

12.1 C-1 USES PERMITTED

No development permit shall be issued in any C-1 (Local Business) Zone except for the following:

Residential Uses

Single unit dwellings

Commercial Uses

Variety stores
Food stores
Service and personal service shops

12.2 C-1 ZONE REQUIREMENTS

In any C-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m^2)
	on-site services	20,000 square feet (1858 m^2)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		15 feet (4.6 m)
Maximum Lot Coverage		35 percent
Maximum Height of Main Building		35 feet (10.7 m)
Minimum Width of Main Building		20 feet (6.1 m)

12.3 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as Commercial Uses in any C-1 Zone, the following shall apply:

(a) The gross floor area of any permitted commercial use shall not exceed two thousand (2,000) square feet.
(b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
(c) Except where any lot in any C-1 Zone abuts another lot in a C-1 Zone, no portion of any

parking space within the C-1 Zone shall be permitted within any required side or rear yard, except where a fence or other visual and physical barrier is erected in which case there shall be no parking within five (5) feet (1.5 m) of the side or rear lot line.

(d) No open storage or outdoor display shall be permitted.

Attachment D – Minutes from the Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE No. 18078

7:00 p.m.
Monday, November 26, 2012
Beechville Baptist United Church
1135 St. Margarets Bay Road

IN ATTENDANCE: Jillian MacLellan, Planner, HRM Planning Services
Alden Thurston, Planning Technician, HRM Planning Services
Jayne Anderson, Planning Controller, HRM Planning Services
Greg Zwicker, GENIVAR
Councillor Reg Rankin

PUBLIC IN ATTENDANCE: Approximately 36

The meeting commenced at approximately 7:05 p.m.

1. Opening remarks/Introductions/Purpose of meeting – Jillian MacLellan

Jillian MacLellan opened the meeting by introducing herself as a planner for the Western Region with Halifax Regional Municipality (HRM), Councillor Reg Rankin and other HRM staff. Greg Zwicker, GENIVAR, the consultant working on behalf of the applicant. Ms. MacLellan thanked everyone for coming and noted that the meeting was being held to assess Case # 18078, a proposed residential development just adjacent to this property.

She gave the agenda for the meeting and reviewed the ground rules.

2. Overview of planning process/Presentation of Proposal - Jillian MacLellan

Ms. MacLellan stated that the purpose of the meeting was to identify the scope of the application and the planning process which the application will go through. She was also looking for feedback on any issues or concerns anything unique about this area we should be paying attention to when we are looking at this application. She noted that no decisions would be made here tonight we are here only for feedback. People were encouraged to contact Ms. MacLellan throughout the planning process. Ms. MacLellan further noted there will be a public hearing that is required before any decisions would be made.

Ms. MacLellan noted that the proposed development abuts Lovett Lake and also abuts the Beechville Baptist Church. She noted the residential development across the two industrial parks, the Lakeside and Bayers Road Industrial Park adjacent to the development. She further noted the proposed development is bordered by the Beechville Lakeside Timberlea Trail.

Ms. MacLellan noted the property is located in the Timberlea, Lakeside Beechville Plan Area and its designated Urban Residential in the Municipal Planning Strategy, and is zoned Comprehensive Development District, which is a CDD Zone in the Land Use Bylaw. Copies of the policy and zones were made available. Ms. MacLellan also pointed out that this property was zoned to the CDD in 2008, so it was only a couple years ago it was rezoned. This zone permits primarily residential uses, however, local commercial uses and community facilities and parks would also be permitted in relation to the residential uses. All development is pursuant to a development agreement. A development agreement is a contract between a property owner and the municipality and it talks about what type of land should be permitted on the property and where certain types of uses should take placed.

The policy that allows staff and council to consider this type of development in the CDD Zone and subsequent development agreement are Policy UR-11 and UR-12. Copies of those policies were made available. The policies consider the types of land uses that are going to be permitted; the phasing of the development and it also looked at the function of the public land and how it works in relation to the rest of the neighborhood.

Ms. MacLellan provided a brief description of the development which included 306 single unit dwellings, a 0.87 acre commercial parcel, a public park and a linear trail connecting St. Margarets Bay Rd. to the multi-use trail.

Ms. MacLellan explained the planning application process. She explained, following the receipt of the application HRM will first hold a public information meeting. The intent of the public information meeting is to get an idea how people feel about the application, what concerns and what we should really paying attention to when looking at this application. HRM staff will continue their review, this application will be reviewed by our development engineers, HRM traffic, Development Officer and supply comments to planning staff. Ms. MacLellan explained that the application will be reviewed by the Halifax Water Advisory Board as the development is adjacent to Lovett Lake. Staff will then draft a development agreement will provide a report to council with staff's recommendations. Ms. MacLellan noted, before council can make a decision on the application a public hearing must be held. Ms. MacLellan explained that if one received notification regarding the public information meeting one would also receive a notification regarding the public hearing. If one didn't receive notification regarding the public information meeting as long one provided their address on the signup sheet, one would be included on the mailing list for notification. Ms. MacLellan concluded by explaining that there is a 2 week appeal period after council renders their decision.

Ms. MacLellan turned the floor over to Greg Zwicker.

3. Presentation of Proposal – Greg Zwicker, GENIVAR

Mr. Zwicker introduced himself and presented slides showing a little bit of the surrounding area, close to where the project is. He explained the context of the site highlighting Bayers Lake, the Mainland commons, Clayton Park, St. Margarets Bay Rd., Governors Lake and Lovett Lake.

He highlighted the different types of residential units in the project which include single unit dwelling, two unit dwelling and townhouses. He highlighted that no multi-units, no apartment buildings and no condos would be included as part of this development.

Mr. Zwicker noted that there is a substantial amount of parkland coming in. He highlighted a new piece of parkland out in front of the church and a trail along the waterfront hooking into the multi-use trail at the back, which one can take all the way out to Tantallon and also back into Bayers Lake.

Mr. Zwicker noted the key features of the project. He noted the subject area is 43 acres. There is one acre of commercial proposed at the main driveway which would be just past the end of the church driveway. He noted the development proposed 306 units, 155 are single, 151 townhouses which is about 20 persons per acre, which is the way HRM measures the density now for all their new master plan projects. He noted along the lake frontage there is 5 acres of parkland, which equals 14% of the land. He noted in an as-of-right development he would be required to provide 10% of the land as parkland.

Mr. Zwicker noted the development must be hooked up to the municipal water, sanitary and storm water systems. He noted there is a concern in this area with sanitary with the system that is in place today and explained as part of this development the sanitary system would go into the Bayers Lake pumping station into the Harbor Solutions Project. So it will take the land out of the local treatment system and sent it towards proper system the municipality has constructed.

Mr. Zwicker presented slides showing the types of housing, showing singles with similar design types, that we are planning here. Showing semi's, two units with similar types of design from Armco Projects.

Mr. Zwicker showed a couple of slides on sustainability around the environment and highlighted erosion type of silt control measures. He noted during construction measures will be taken to ensure that the sediment doesn't flow into the lake. Afterwards when the project is constructed the storm water will be collected and there will be some type of storm water retention pond to slow that water down and the silt come out of that and then the water will enter the lake from there.

Mr. Zwicker noted, the Metro Transit is running right out in front so people will be able to take the bus into work and home again. He also noted that Bayers Lake is the largest shopping center in the region and the day to day shopping, convenience and gas pickups along St Margarets Bay Rd.

Mr. Zwicker discussed the connection to that chain of Lakes trail as a huge opportunity, not for just this development but for people in the community to come down from Beechville Estates get onto that trail to either bike or walk back. The use of the multi -use trail and be able to go for hours on that. He noted there will be no loss with waterfront in private hands the entire stripe along the waterfront will be taken over by HRM and managed as parkland.

Mr. Zwicker presented a couple of pictures of what the trail may look like. He noted there are quite a few big trees in there and there is a sort of a man made footpath. It will be cleaned up and have proper trail specs.

He noted the only road access is coming in up on St. Margarets Bay Rd there is no connection through to Bayers Lake so no short cuts. He noted it is all going to be properly approved designed intersection that HRM engineers will have to sign off on.

Mr. Zwicker referred to an earlier meeting held in June was a developer initiated process. He noted this meeting (tonight's) is as part of the formal process. The one in June was put on by the applicant to get a few people out to talk about the project, what are the concerns. The plans have changed since then as good input was received at that meeting.

Mr. Zwicker stated that Armco has been speaking with the church members quite a bit about what has to happen around this property as it's a sensitive area and historically significant. He noted there are ongoing discussions with HRM engineers and Planning Department.

Mr. Zwicker described the overall community investment in this project and that it brings in 14% parkland and the construction of two tot lots. Armco is prepared to build a tot lot in this project but also to go back over to Beechville Estates and now are looking for a spot in there to further invest in that project to get a tot lot constructed. He highlighted the park along the lake, the connection through that trail and then a new trail head to St Margarets Bay Rd. A trail head is a place to park with 8 to 10 parking stalls.

Mr. Zwicker described Heritage Preservation aspect of the development and the intent to preserve the cultural value and historical significance. He noted the location of the Baptismal path which leads down from the graveyard down through the woods to the water and noted that that historical trail is still there. He explained the proposed development does not include roads going through there and that the area will be preserved and maintained so access from the church down to the water that connection will still be there. In that same area if there are some graves that have been located off of the church property down towards the lake, the proposed plan will allow for a piece of land to be turned over to the church so those graves will be brought onto church property and will be protected that way.

Mr. Zwicker noted that there has been quite a bit of screening coming up around the project so again no development to the water side or the back. The park, trail and trees will be maintained. Back behind the community center there is some single families that abut the church property but they are up on the hill quite a ways back there. Putting some investment into that Baptismal Path and working with the church trying to figure out to what to do with that path. Does it need to be cleaned up, cut out some trees, leave it as it is? So that it gets usable and maintained and people are aware of it. So there is some investment proposed to fix up that trail.

Mr. Zwicker showed on the slide to discuss the trail development. He noted that he thinks it is a good asset not just for the project but for the surrounding community.

In closing, Mr. Zwicker summarized the development as a high quality residential development well planned, well thought out. He noted it is a planned community and not just mish mash of each little piece of land getting developed by different owners. The project recognizes the importance of the cultural and heritage around the church area and he highlighted that the developer has had an ongoing discussion with the church for a year or two now especially in relation to what happens around the church and the Baptismal Path. He further emphasized that the proposed development will be providing more parkland to HRM than would be required in an as-of-right subdivision.

Mr. Zwicker concluded that the developer hopes to have approval by Spring 2013 and anticipates that units will be available in late 2013 and 2014.

4. Questions/Comments

David Banks, Sheppards Run – He questioned the clear cutting months before predevelopment was issued by HRM. From pictures, this area contained a wetland with mature trees. He is unsure of the definition of an official wetland. He suspects that there has been some soil erosion from the lands above into that wetland which may have reduced its status as a wetland. He is concerned about the protection of the wetland and trees from the construction machinery during development and what steps are being taken by HRM and the developer.

Ms. MacLellan was unsure of what government department was responsible for tree cutting in that area. Going forward, Staff will take steps to protect environmentally sensitive wet areas. Halifax Water Advisory Board (HWAB) will give recommendation in relation to wet areas and this is something that Staff will continue to discuss with the applicant. **Mr. Zwicker** stated that their main objective is to protect the wetland from soil erosion and maintain the buffer as much as possible. The developer needs to follow Department of Environment (DOE) guidelines and receive their approval.

Steve Zoi, Clayton Park – He likes the plan and the trail around the lake. He would like clarification on the sewer system that is going to be pumped to Bayers Lake. Will it be isolated from the current city sewer system? Also, will the housing be similar to those on Beechtree Run? **Mr. Zwicker** said that the sanitary sewer would flow down to St. Margarets Bay Road, go to the existing treatment plant and out towards Governors Lake which flows into fresh water (DOE requires upgrades to that system).

Dennis Wright, Oliver Street – He does not appreciate the clear cutting of the trees around the cemetery area and is strongly against any digging or blasting that may disturb the gravesites without being examined by a qualified archeologist. He would like to know who discovered, the mentioned unmarked graves by the Baptismal Path. Where and when were they discovered and who were they reported to? **Mr. Zwicker** mentioned that it was discussed with Armco by a church representative. Therefore, a study has to be done to make sure there aren't any graves beyond the church property. If there are, they need to be protected. **Mr. Wright** wants to ensure that is confirmed before digging starts in the area. **Mr. Zwicker** said beyond that, there is a piece of land with a park around that would go to the church. If a grave is beyond that square, it is going to be given to the church but still be in the HRM parkland with no roads or houses. **Mr. Wright** said that out of respect for the community's ancestors, he wants a qualified archeologist to study the area before it is disturbed. **Mr. Zwicker** stated there will be site research, testing and walking of the lands with someone from the congregation. **Mr. Wright** gets emotional every time he drives by the graveyard. Please take the time to look into this before proceeding.

Wayne Hamilton, Dartmouth, works with African Nova Scotia Affairs – He would like the community informed what criteria is used in making decisions. It was mentioned that the developer wants to make everyone aware of what is happening and pay special attention to Beechville. There is a lot of historical significance to the community and he urged that there be recognition from the developer. Developers change the dynamics of the physical space and when people come here they don't know the history of the community. Developers lose sight of that when there is a social profit attached to economic profit. How will our heritage be honored?

What steps will be taken with regard to the burial sites? Whether they are there or not, a developer is required to do a Category C and if there are any archeological or heritage concerns, the developer is responsible to take care of it. He asked about the added 14% green space and how that was calculated and tot lots.

A resident – Has a traffic impact assessment been done? There will be an increase in traffic, Ridgecliff School and people walking the trail. **Ms. MacLellan** stated that the website includes the detailed site and traffic impact statement, or the information can be obtained by email or by hardcopy.

Mr. Hamilton - Does the lake become part of the recreational trail at some point in time? **Ms. MacLellan** stated that there are criteria and policy to follow when Staff review applications. Staff make recommendation to Council, who will make the overall decision. **Mr. Hamilton** would like to know the social construct around development.

Craig Durling, Beechville Estates – From the design, it looks like the connector to St. Margarets Bay Road is across the street from Beechtree Run which is a tricky place to cross. Therefore, a crosswalk would allow people walking and taking the bus to cross the road safely.

Patsy Crawford, Hamilton Street – There has been a lot of things that were promised and has never happened. Communities should be given preferences within their own community spaces.

Bernadette Hamilton-Reid, Beechville - What is the criteria for commercial property being in a community that has so much culture and heritage? Are those businesses going to be complimentary or detrimental to the community? **Ms. MacLellan** replied that there is an opportunity to do that through the development agreement.

Mr. Banks – He wondered how much parking space would be need for a small store. The land is not suitable for anything big.

Walter Hughes, Sheppards Run – He asked about the time line of the project and the priority of the park. **Ms. MacLellan** believes the park development would be priority; however, that needs to be negotiated with the developer. **Mr. Zwicker** said the full build-out is probably eight to ten years. The developer would like the park to be part of Phase 1.

Donna Symonds, Beechville – How close will the access to the trail and parking be to the church? Will there be a park? **Ms. MacLellan** said there was talk about perhaps a park in Beechville Estates but that still has to be negotiated. **Ms. Symonds** asked how close the walking trail will be to the church and the cemetery. In the past, Department of Archeology has said, that before any digging takes place, a qualified archeologist scans the land with a unit to see if there are any graves. Any findings are recorded. In regards to a park, when Beechville Estates was developed When they were putting in Beechville Estate they were to put in a commercial park somewhere by the Irving, consensus was that people didn't want it due to increased traffic. Also, being so close to the church, noise may interrupt services. Are the residents going to have a say in what goes where and how they are set up? This community is isolated from Beechville Estates. There have been no discussions with our community about placement of houses. What is the affordability of these homes? She would like to see people former members of the community come back. **Ms. MacLellan** stated that the location of the parking areas and trails can be negotiated (ie. buffering). Tonight's meeting is to get the community's feedback as to the location of certain uses.

Troyce Ashe – If the community of Beechville doesn't approve, will HRM? **Ms. MacLellan** explained that Staff will write a staff report, which will include the proposed development agreement, and make recommendation to Council who in the end will approve or reject the proposal at the public hearing. There is an opportunity at the public hearing for the residents to speak before Council makes their decision.

Mr. Ashe – HRM has hired an African Nova Scotia person to address policy as it relates to the black community. How does the developer plan to work with this individual to assure the community members in Beechville, as African descendants, are part of this planning process? What can the developer give back to this community? The residents would like something on paper.

Channing Davis – She referred to HRM's Strategy, Page 19 – there is no voice on Council for the African community. **Ms. MacLellan** encouraged the residents to be in contact with her throughout the process so the community's interests are met. **Mr. Zwicker** mentioned that working with Chris Downy has widened the community circle.

Chris Downy, Beechtree Run – He said that ongoing discussions are out in the open to the community. There is a partnership with Armco, along with the church, and the impact of developing 300 homes would definitely be brought to the community. With regards to the parks and the like, that is something that the church is definitely on board with as far as if there are graves on site then absolutely we would want those brought back in.

Iona Duncan States, Lacewood Drive – She has seen the community dwindle over the years because government will not allow the residents to develop their own land but they allow developers to create subdivisions and an industrial park. Society is going backwards and sees it as prejudice against the community. Beechville is isolated. The only thing left is the church, and that may be taken from us as well to entertain commercial property. Developers should be helping the residents to develop the community. Give some land to build decent houses and remain as a unit.

Tara Taylor, Dartmouth – She supports the community members. There has been a lot of talk and promises about Archeological digs and whatnot. When designing the site plans, consultants need to be hired. There has to be record that an archeological study was conducted. There hasn't been any documentation on those studies. There is testing available where the land can be scanned to determine if there are human remains in the ground. She previously contacted Mr. Zwicker to make sure this will be done.

Ms. Hamilton-Reid – She wanted to assure that HRM and the developer will consult with the African Nova Scotia Affairs representative for the community. Also, she would like some clarification from Mr. Zwicker regarding the homes behind the centre. **Mr. Zwicker** said that there are no homes behind the centre, he was referring to the park and the green space that goes around the church.

Mr. Banks – He referred to the HRM Urban Forest Master Plan and the benefits people are exposed to because of trees in the community. He does not like to see an area clear cut and mature trees being replaced with ratty ones. The Master Plan doesn't apply if there are no sewer and water services. In this case, the sewer and water services won't apply until after the development happens. Therefore, does the developer have to follow the Master Plan? Can the residents follow the process on-line? How will the wetland be monitored? How is the developer

going to make space in that community for the planting of trees?

Mr. Wright – He referred to HRM's Economic Strategy, 2011 to 2016, Page 19 – no representation for the black community on Council. How does HRM and developers plan to work this part of the strategy to make it a reality for the African Nova Scotia community in Beechville? **Ms. MacLellan** will ensure to include the proper review agencies when reviewing the application. **Mr. Wright** said that most of his comments seem to already be built into the research. **Ms. MacLellan** said that the clear cutting on the property did not require HRM's approval. This particular proposal is still in the early stages and needs a more detailed review. **Mr. Wright** believes that something of this size should fit within the Master Plan. **Ms. MacLellan** said the project is not going on. **Mr. Wright** said the surroundings have been changed quite significantly and encouraged Ms. MacLellan to look more closely. He passes by the graveyard and finds it emotionally taxing. The community is not happy about this at all. He wants his voice heard and transparency is needed. The community is not being involved. Category C, Archeological Resource Impact Assessment and the proper channels are followed is crucial. This community was promised green space and a recreation centre which never came to be. He feels emotionally traumatized because of what HRM and developers have done.

Ms. Hamilton-Reid – Councillor Rankin has heard what the community thinks. She feels confident that Councillor Rankin will bring their concerns to the table and if the community needs to be at that public hearing for support, they will be. Council needs to be made accountable.

Mr. Wright – What is next in the process? **Ms. MacLellan** explained that the application will be reviewed and determine if more studies need to be conducted. **Mr. Wright** hopes that HRM takes into consideration what the community has expressed, that they are very passionate and would like to be part of what is built in the community. There is a gap between Beechville and Beechville Estates which has causes animosity towards the developers.

Ms. Crawford – She is concerned about the number of accesses and the impact of increased traffic in the area.

Josh Crawford, Hamilton Street – He would like to know what is being considered for the youth in the community in terms of a safe place to go such as a community centre. **Ms. MacLellan** will look into that further.

Christine Ash, Beechville – She asked for clarification on moving graves that were found off of the church property. **Mr. Zwicker** said there are no plans to move any graves. The known graves will be boxed off and given to the church. **Ms. Ash** wanted to assurance that this will be done to which Mr. Zwicker responded that the developer has to.

5. Closing comments

Ms. MacLellan thanked everyone for coming and provided his contact information.

6. Adjournment

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