



**WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
March 11, 2021 – 6:00pm
Sanford Council Chambers / Zoom**

1.0 Call to Order

2.0 Approval of Agenda and Additions

3.0 Approval of Minutes

4.0 Business Arising from the Minutes

4.1 Update: File # 20-17 O'Brien Street, Windsor Rezoning (Sara Poirier)

4.2 Update: File # 20-22 20 Main St. Rezoning (Sara Poirier)

4.3 Update: File # 20-10 Heritage Property By-law (Madelyn LeMay)

4.4 Update: File # 19-15 Meadows Development Agreement (Saira Shah)

5.0 Hantsport Area Advisory Committee (HAAC) Updates (Bill Preston)

6.0 Windsor Area Advisory Committee (WAAC) Updates (Shelley Bibby)

7.0 Building and Development Activity Reports

8.0 New Business

8.1 File # 20-28 234 Mountain Rd., Three Mile Plains / Mobile Homes in Three Mile Plains
(Saira Poirier)

8.2 Brief Discussion regarding growing Medical Cannabis (Saira Shah)

8.3 Review of Some General MPS Policies (Accessory Uses and Accessory Buildings,
Administrative Policies, Home-Based Businesses)

9.0 Notices from Adjacent Municipal Units

10.0 Questions and Comments from Public

11.0 Adjournment

Public Information Meeting Notes
January 19, 2021
File 19-15 A
Meadows Development

Meeting date and time	A public information meeting (PIM) was held on January 19, 2021 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: Councillor Murphy Mayor Zebian CAO Phillips Planner Shah Planner Poirier Chris Markides (Applicant's Planner) Jim Davidson (Resident) As this meeting was held virtually other members of the public viewed the meeting on facebook.
Applicant Overview	Planner Shah outlined the request from Brison Development Limited to permit two, three, and four-unit dwellings on four (4) properties in Falmouth. Note: On February 23, 2021 the applicant withdrew their request for three and four-unit dwellings and asked to proceed with an application for two-unit dwellings. An additional Public Information Meeting is not necessary as two-unit dwellings were discussed at this February 19, 2021 PIM
File Number	19-15 A
Comments	Comments from the public could be submitted by mail, e-mail, telephone or dropped-off at the Municipal Office to Planner Shah. Twenty written comments, five (5) facebook comments and four (4) verbal comments were received from the public. Emails and letters are attached. Staff responses are included in purple. Questions from the public included: • will there be public park space? • yes, the Subdivision By-law requires a parkland contribution and the applicant has indicated in the concept plan they intend to provide land for the parkland contribution.

	• why will the parkland only be developed at the end of the process? • the Municipality entered parkland agreements with the developer in 2011 and 2012 which enable the developer to provide the parkland to the Municipality after the final plan of subdivision has been approved. • what is the planning recommendation based on? • it's based on the policies set by Council. Planners work with Council to develop the policies but ultimately Council determines what criteria will be used to evaluate applications and planners can only assess an application for development agreements based on the criteria. • what is the policy document that governs the public consultation process? • the Public Participation Policy and the Municipal Government Act. • how is feedback used? • feedback received is shared with the Planning Advisory Committee in the Public Information Meeting Notes. • given the stormwater issues in the past could the notification area be expanded beyond 500 ft. to include residents along Elderkin Creek Drainage System? • Council sets the notification area in the West Hants Land Use By-law and staff do not extend that area without Council permission. • has the planning department done an assessment of the current and future water, sewer, storm drainage, and traffic needs? • water, sewer, storm drainage and traffic capabilities are considered during the staff review as Council has set specific criteria related to these issues. Comments on these issues are requested from the Public Works Department and Department of Transportation and Infrastructure Renewal. • will cable and electrical services be above or below ground? • the municipality does not regulate cable and electrical services. • have schools, fire protection, policing, and hospitals been considered? • there are criteria related to schools and fire protection which are addressed in the staff
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	review. Comments on these issues are requested from the Valley Regional Education Centre and the fire chief for the area concerned. There are no criteria related to policing or hospital capability. • why are eight (8) semi-detached dwellings permitted in the existing development? • there is an existing development agreement which permits eight (8) semi-detached dwellings. This was approved by Council on September 12, 2005 • are there housing plans for the entire community? • there are specific policies and designations for housing in the Falmouth Growth Centre in the Municipal Planning Strategy. • are two, three, and four-unit dwellings permitted in all phases? • the applicant has withdrawn their request for three and four-unit dwellings. Only single and two-unit dwellings are permitted in all phases as now requested and drafted in the agreement. • will there be rental units within this development? • the Municipality does not regulate ownership type. • how can the Municipality consider the application if the lot layouts and exact number of two-unit dwellings proposed are not outlined in Phase 3? • the lot requirements and percentage of single unit dwellings required are outlined in the text of the development agreement. This is similar to zoning requirements in the Land Use By-law. The maximum number of units is in the concept plan for Phase 3. • why is landscaping and buffering not required between the new development and existing developed properties? • staff considered landscaping and buffering requirements based on potential land use conflicts. Details are outlined in the recommendation report. • one resident had many specific questions related to flooding and water servicing that have been directly addressed by the Director
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	of Public Works. Both questions and responses are attached. Discussion points included: • general opposition to multi-unit dwellings (two, three, and four-units) as this could impact property values • many residents expected the remainder of the development to be single-unit dwellings based on advertisements for the development and the covenants that apply to properties on Clover Lane and did not appreciate a change to the development plan • some residents felt multi-units would not fit with the current development pattern in Falmouth and this application would encourage more suburban style development similar to Sackville • many residents felt multi-units would increase traffic in the area and could increase water bills to service the new development • some owners of lands nearby the development, and outside the area of the development agreement, fronting on Clover Lane, with an easement for municipal services have concerns about the developers plans to use the easement as a pedestrian path • many residents commented on infrastructure being installed for two-unit dwellings before Council approved the application and felt the decision had already been made • some residents felt semi-detached dwellings have a negative connotation even if high quality finishes are used • general opposition to rental units was expressed by some residents • other residents mentioned not being opposed to semi detached dwellings if built well and if they have character • a few residents raised concerns about the parkland site outlined in the concept plan as they felt it is not suitable due to the slope/steepness of the site • some residents felt the development should not be considered unless all lot layouts are included in the concept plan • parking was raised as a concern by some who felt visitor parking requirements would be beneficial
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	• one resident felt the percent of single unit dwellings required in the policy was not sufficient and suggested a 60/40 or 50/50 split between single unit dwellings and multi-units. The applicant stated the response from the Department of Transportation and Infrastructure Renewal on the criteria sufficiently addresses traffic concerns. The applicant has withdrawn the request for three and four-unit dwellings which addresses many of the concerns raised.
Adjournment	The presentation portion of the PIM ended at 6:17 p.m.; comments could be submitted by the public by mail, e-mail, telephone, or dropped-off at the Municipal Office to Planner Shah until February 9, 2021 due to snow closures on February 8, 2021.

February 5, 2021

Saira Shah
Planner
West Hants Regional Municipality
P.O. Box 3000, 76 Morrison Drive
Windsor, N. S.
B0N 2T0

Subject: Regarding Public Meeting As of January 19, 2021

I am a resident of Falmouth and choose this area to live and bring up my family because of the country setting and the tranquil atmosphere in the community. I now have a few concerns regarding the Meadows Sub Division proposal as I think this could set an undesirable precedent for development in all of Falmouth.

- 1) I am greatly concerned about the multi family housing that will put a great demand on our water and sewage services. If the additional housing causes upgrades to the system I assume that all tax payers will be responsible for the costs. The increases to our water bills since amalgamation are UNBELIEVABLE therefore one cannot imagine what the taxes will be. It is my understanding that Falmouth is zoned R1 and not for multi homes such as 2, 3 and 4 unit buildings.
- 2) Falmouth Elementary School is now at it's capacity, with numerous portables, and how will additional students be handled?
- 3) Property on Falmouth Dyke Road is owned by the same developer and I have concerns as to how this will be developed and the congestion that Dyke Road will be faced with. The country setting will soon disappear and be less appealing to future buyers.

I feel the development in Falmouth will be far less appealing if this type of housing becomes dominant in our area.

Sincerely,



Derek Fleming
417 Falmouth Back Road
Falmouth, N.S.

c.c. Richard Murphy

Questions from Lee Chalmers (Falmouth resident) in response to proposed Development Agreement for the Meadows Phase 2 Development

Thank you for the opportunity to submit questions regarding the Meadows Development Agreement. I have identified four areas where I have questions (the number/configuration of dwelling units in the proposed development, stormwater management, capacity of the sewer system, and capacity of the water system). My questions pertaining to each area appear below, prefaced in each case by some background notes.

In your response, I would very much appreciate receiving the details of the specific data you have that address my questions.

Number/Configuration of Dwelling Units

The public information meeting of January 19, 2021, indicated that Brison Developments Ltd. had applied for a development agreement in December 2019 to permit two-unit residential development in Falmouth and had requested in December 2020 that this be extended to include three- and four-unit dwellings. At this meeting, Chris Markides, from ZZap (Zwicker, Zareski Architecture and Planning), presented a site plan for the Meadows, and the public were invited to submit comments and questions regarding this proposal.

Unfortunately, the site plan presented pertained only to single and two-unit residential development. No information has been provided to date about what is being proposed in terms of three- and four-unit residential development on the Meadows site or the overall configuration of 1-4 unit housing. Without these details, it is difficult to comment on the merits of the proposal, for the number of possible dwelling units, by my count, could range from 83 (as proposed by the ZZap site plan¹) to 130 (perhaps higher).²

¹ ZZap Site Plan: The Meadows, Version 104 (June 8, 2020). While the unit summary in the ZZap site plan identifies 10 R1 units as part of Phase 2B, the site map identifies 11 units, suggesting a total of 83. The lot on the corner of Falmouth Back Road and Clover Lane may account for the discrepancy. A copy of the site plan has been appended for convenience.

² Policy 5.4 of the *Municipality of the District of West Hants Municipal Planning Strategy* pertains to residential policies for Falmouth Growth Centre. Policy 5.4.4(d) requires that the gross density of a development not exceed 4.5 dwelling units an acre. Applying this requirement to Phases 1 and 2 (totaling 29 acres according to the ZZap site map) indicates 130 would be the maximum number of units allowed (29 acres X 4.5 dwellings/acre = 130.5). If the parkland acreage is added to the calculations at this point in the development, the total acreage would be 33.8 and the maximum number of units would increase to 152.1. Policy 5.4.4(a)(i) stipulates “a minimum of 30 percent of the total number of dwelling units shall be single unit dwellings.” Allowing Phase 1 housing to count towards this requirement, Phase 1 and 2 of the proposed development allow for 39 single-unit homes (21 at Phase 1 (Clover Lane), 7 at Phase 2a (Clover Lane Extension) and 11 at Phase 2b (ten at circle end of Thistle St and one at corner of Clover Lane and Falmouth Back Road)). Applying the 30% requirement to 39 single-unit homes yields 130 as the maximum number of dwelling units. Increasing the number of single-unit homes in the design would change this figure.

Both the Zzap site plan and the Valley Garden Homes' map of the Meadows site indicate that Phases 1 and 2 of the Meadows Development combined have 104 lots.³ The Zzap site plan map indicates a total of 39 single-unit dwellings and 18 two-unit dwellings each straddling two lots (for a total of 36). Assuming 130 is the maximum number of dwelling units allowed, this leaves 55 dwelling units to spread out over the remaining 29 lots using some configuration of 1-4 unit dwellings. Compared to having single-unit housing on each of these final lots (104 units on 104 lots), including some configuration of 2-4 unit dwellings to achieve 130 total units represents an increase of 26 units. Similarly, assuming an average household size of 2.5 individuals⁴, shifting from single-unit residential to multiple-unit residential for Phase 2 of the Meadows Development would increase the anticipated population growth from a gain of 260 new residents to 325. By my calculations then (assuming a maximum of 130 dwelling units), the number of households/residents would increase by 25% with a shift from single-unit dwellings to allowing some multiple-unit dwellings.

The total number of units/households has implications for sewer and water capacity (in terms of the number of residents requiring service) and for stormwater management (e.g., in terms of the amount of impervious surface the development generates).

Question:

1. Can a site plan that details the total number of dwelling units and the intended mix of 1/2/3/4-unit housing for Phase 2 of the Meadows development (and as generally described in Policy 5.4.4(i) of the Municipal Planning Strategy) be provided to the public for comments/questions (as part of this public engagement process)?

Stormwater Management

I am encouraged to see that some Low Impact Development (LID) mechanisms (gravel swales with perforated pipes) have been incorporated in the stormwater management design for this phase of the Meadows development. I understand, from DesignPoint Engineering and Surveying, that the area draining from the Brison lands to the Shetland Rd Pond is being reduced from approximately 15.3 acres to 12.3 acres with this development, with most of the area for this development draining to the (new) stormwater management pond on Thistle Street. This would appear to bode well for ensuring post-development flows do not exceed pre-development flows at both the Shetland Rd Pond and the culvert across from it that goes under the Dyke Rd (and on to the Elderkin Creek Drainage System via the Connector Ditch).

³ I have referred to The Valley Garden Homes' map of the Meadows site as I found it offers a clearer (though somewhat different) picture of the type of housing envisioned for particular lots (retrieved February 7, 2021 from <https://valleygardenhomes.ca/the-meadows/>). The count of 104 lots is based on the Phase 1 and 2 boundaries indicated on the Zzap site plan map. A copy of the Valley Garden Homes' map is appended for convenience.

⁴ Based on 2016 census information for Falmouth (<https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=DPL&Code1=120016&Geo2=PR&Code2=01&Data=Count&SearchText=Falmouth&SearchType=Begin&SearchPR=01&B1=All>).

However, I do have some outstanding concerns in this regard. The July 16, 2020 issue (#4) of the Meadows Phase 2 Storm Drainage Environmental Protection Plan (DesignPoint Engineering & Surveying) indicates that post-development flows are expected to be less than pre-development flows for one in 10/25/50/100 year storm events for all four locations examined at the development site.⁵ However, post-development flows are expected to exceed pre-development flows at 3 locations on the development site by .02-.19 cfs for a once in 5 year storm event. Comparable data for the Shetland Rd pond outlet and Dyke Rd culvert outlet locations were not presented, but history suggests that monitoring these locations as development proceeds would be prudent.

Testimony presented at the 2006 preliminary hearing of the Brison appeal⁶ indicated that construction of the stormwater system for the Meadows at Shetland Road Development did not follow engineering plans. Revised assessments of pre-and post-development flows were included in the testimony, indicating that, using as built survey elevations, “a storm that occurs once in two years would generate 50% more stormwater flowing into the Dyke Road culvert post-development storm than pre-development” and that, after full construction of the system, post-development stormwater flows would exceed pre-development flows into the Dyke Road culvert by 128% for one in two year storms and 10% for once in five year storms (section 153). It is not clear whether steps were taken to bring these post-development flows back to pre-development flow levels. In any event, the revised assessments appear to point to the 1 in 2 and 1 in 5 year storm events as problematic for achieving a balance between pre- and post-development flows. The data provided by DesignPoint on the Meadows Phase 2 development indicate that, as noted above, post-development flows are expected to exceed (albeit modestly) pre-development flows for once in 5 year storms. The data presented in the 2006 testimony suggest that post-development flows are expected to exceed pre-development flows at the Dyke Rd culvert by a more substantial amount for once in 2 year storms. This would mean more stormwater flowing into the Connector Ditch and Gabriel Rd Properties Ditch and a greater risk of flooding for the adjacent properties along the Dyke Rd and Gabriel Rd. Unfortunately, no data on once in 2 year storms were included in DesignPoint’s July 16, 2020 issue of the Meadows Phase 2 Storm Drainage Environmental Protection Plan, and again, no pre-/post-development flow data for any storm events were provided for the Shetland Rd Pond/Dyke Rd culvert locations.

Questions:

1. Are there data available that address the question whether the proposed Meadows Phase 2 Development, as configured under the most recent ZZap site plan, is expected to increase flooding risk (as indicated by post-development flows exceeding pre-development flows) for properties on the East side of Falmouth Dyke Rd (where stormwater from the Shetland Rd

⁵ Drawing is appended for convenience.

⁶ Brison, Re, 2006 NSUARB 113 (CanLII), <<http://canlii.ca/t/1pxbm>>, retrieved on 2020-10-09

pond enters the Elderkin Creek Drainage System through the Dyke Rd Culvert and Connector Ditch), including for one in 2 and one in 5 year storm events?

2. Given the deviations from engineering plans that occurred during construction of the Meadows at Shetland Road stormwater management system in 2005-2006, are mechanisms (e.g., third-party certified construction review) in place to ensure that the stormwater management system for the current phase is constructed according to plan and that post-development flow targets will be met?
3. We learned at the January 19th Public Information Meeting that Brison Developments requested on December 11/2020 that the 2019 application for a Development Agreement to permit two-unit residential development as part of Meadows Phase 2 be expanded to consider three- and four-unit dwellings as well. As such a change is likely to hold implications for stormwater management (e.g., with an increase in impervious surfaces, like roofs), there would seem to be a need to reassess the Storm Drainage Environmental Protection Plan developed by DesignPoint (and dated July 16/2020) to consider possible impacts on post-development flows. I recognize such a reassessment may need to await a final determination of how many of each size of dwelling (1-, 2-, 3-, and 4-units) would be built, but has this reassessment been conducted, and can the results be shared once they are available?
4. Who is assuming responsibility for pond maintenance (and its associated costs)?

Sewer Capacity

First, some data that inform the issue of sewer capacity:

- The Municipality's website on "wastewater treatment" indicates that the Falmouth sewer treatment plant serves approximately 600 households and that it was built in 1975 and upgraded in 2009 and 2010.⁷ A municipal staff person is quoted in a 2016 media report indicating that the Falmouth facility served between 500-600 homes at that time, and was processing between 400-600 cubic metres of wastewater a day, out of an approved 723.5 cubic metres a day maximum. He is also quoted as indicating an expansion to double the capacity of the Falmouth facility would cost between \$600,000 - \$800,000.⁸
- While the exact number of households to be added to Falmouth through Phases 1 and 2 of the Meadows Development is not yet clear, it would appear to be somewhere between 104 and 130 (though perhaps higher). This increase alone would bring the number of households relying on the sewer service to between 704-730. If 600 households have been generating a peak volume of 600 cubic metres of wastewater a day, then this addition appears set to bring the peak volume to between 704-730 cubic metres/day, a range that approaches and then exceeds the approved maximum of the

⁷ Retrieved Feb. 7, 2021 from <https://westhants.ca/rural-services.html>.

⁸ Retrieved Feb. 7, 2021 from <https://www.saltwire.com/news/local/west-hants-windsor-fail-to-co-operate-on-joint-sewage-treatment-project-50284/>

facility. Any increase in households from other developments in Falmouth would also need to be taken into account (as well as the potential for up to 75 additional units at Phase 3 of the Meadows Development⁹).

And two additional points:

- It has been observed by local residents that the lift station located along Highway 1 between Gabriel Road and Falmouth Dyke Road already experiences periodic problems which result in wastewater overflow being directed into the field adjacent to the station.
- In the *Municipality of the District of West Hants Planning Strategy* (p. 38), the Council at the time acknowledged the concern of some Falmouth residents about the impact multi-unit residential development could have on the community. However, they pointed out that higher density development would allow the costs of needed service upgrades to the sewage treatment facility and water utility to be shared among more users, reducing the cost to individual households.

Questions:

1. Is the capacity of the current wastewater system (lift stations, treatment plant) able to handle the wastewater flows (including peak flows) projected with the increase in households?
2. On the face of it, the idea that higher density development, like the one proposed for the Meadows, will pay for needed service upgrades suggests that the development may precede the service upgrades. What are the timelines here? The danger, if upgrading fails to precede or at least keep pace with development, is that the period between the completion of the development and then the completion of the service upgrades would be one where our sewer and water utilities would be at heightened risk of being overloaded. How is this problem going to be addressed?

Water Capacity

Background notes:

- It was noted in the *Municipality of the District of West Hants Planning Strategy* (pp. 38, 112) that the Falmouth Water Utility required updates to the dam and reservoir “if it were to meet projected demand past 2016.” In 2006, the cost was estimated to be \$1.5 million (p. 112).
- The Municipality of West Hants indicated in its 2019 application to the Review Board to amalgamate West Hants’s 3 water utilities (section 62) that \$1.5 million was included in the 2021-2022 capital budget for the Falmouth Water Utility dam improvement project.¹⁰

⁹ Unit summary, ZZap site plan, Version 104, June 8, 2020.

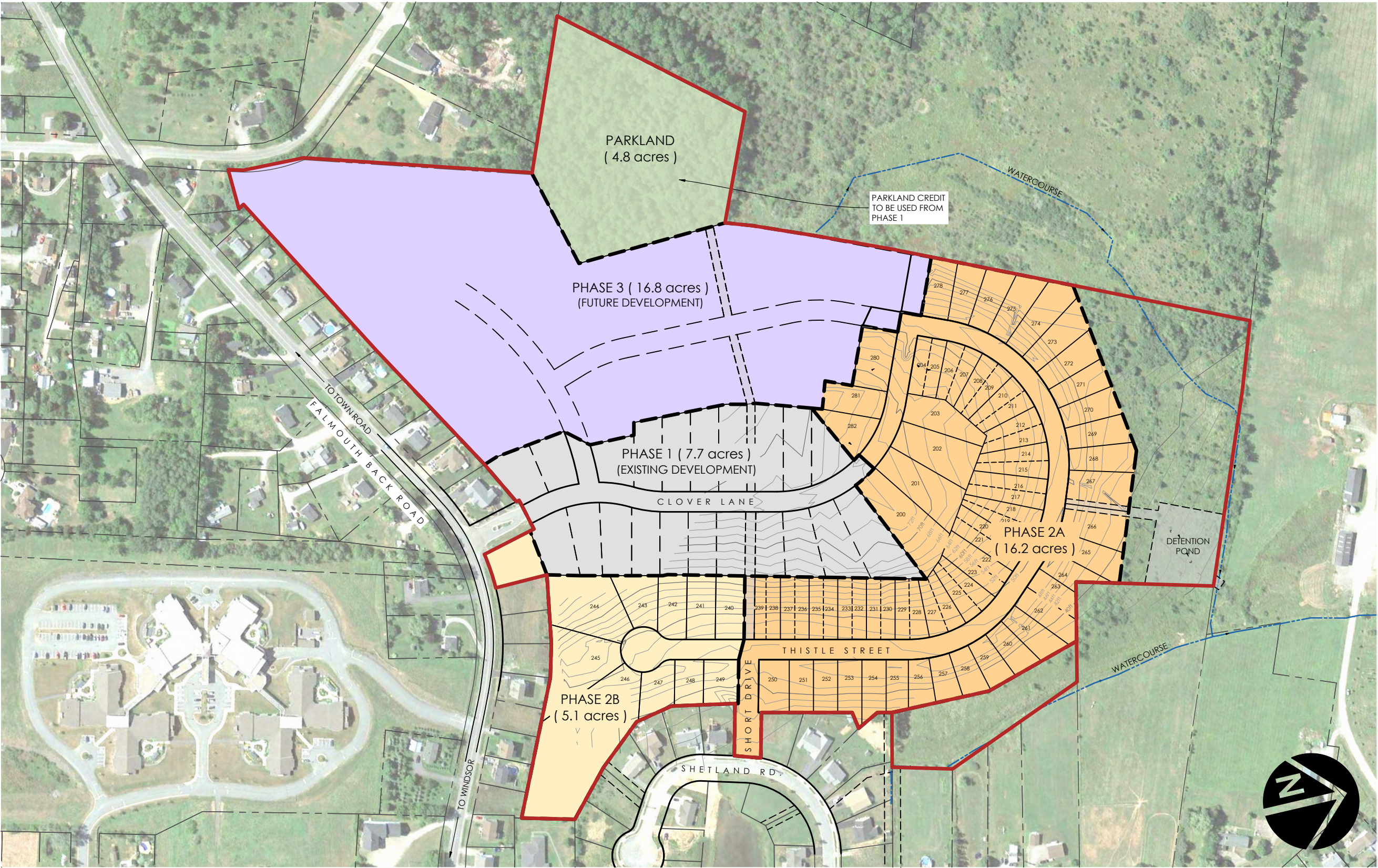
¹⁰ Retrieved Feb. 7, 2021 from <https://nsuarb.novascotia.ca/sites/default/files/M09013%20-%20Decision.pdf>

- The Municipality also indicated in its 2019 application that, because of supply forecasts, the dam needed to be raised to increase the available water yield from the French Mill Brook watershed (section 62).
- In its decision on the 2019 application, the Board noted the Municipality needs to seek Board approval of the proposed capital project (section 67).
- The West Hants Regional Municipality website indicates that the French Mill Brook watershed currently supplies water to approximately 780 households in the Falmouth Growth Centre.¹¹

Questions:

1. What updates (from smaller, like new hydrants, to larger, like the dam project) are currently planned for the Falmouth Water Utility and are they sufficient to meet the increased demand on water services (for residential use, fire protection, etc.) that will accompany Meadows development (with the potential for 130 new dwelling units at Phase 2 and up to 75 additional units at Phase 3 to be added to the 780 households already being supplied by the French Mill Brook watershed)?
2. What is the timeline for implementing needed updates to the utility? Will the updates be implemented on a timeline that allows the Water Utility to keep ahead of the increased demand from this residential development?
3. Have the (shorter/longer-term) impacts of the dam/reservoir project on the French Mill Brook Watershed been assessed?
4. Has the dam/reservoir project been approved?

¹¹ Retrieved Feb. 7, 2021 from <https://www.westhants.ca/water-treatment.html>. Also reported in March 2018 West Hants Planning and Development Department Background Report on Infrastructure (Report 6 of 9) (<https://westhants.ca/planning/west-hants-plan-review/2018-plan-review-reports/2150-6-04-23-2018-background-report-infrastructure-pdf/file.html>).



LEGEND

- Site Boundary
- - - Adjacent Property Boundary

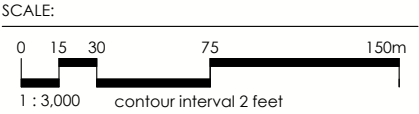
UNIT SUMMARY		
	Area (acres)	Maximum Units
Phase 2A (R1)	16.2	36
Phase 2A (R2)		36
Phase 2B (R1)	5.1	10
Total	21.3	82

Phase 3 up to maximum of 75 units

- SITE SUMMARY:**
- Existing Zone: Multiple Residential
 - Total Land Area: 56.7 acres

- NOTES:**
- Subject to survey. Property lines and topographic features are approximate only.
 - Site subject to by-law review and regulations.

- SOURCES:**
- Plan based on DesignPoint Site Plan file: '14-033_Base_20200401.dwg'



**Zwicker
Zareski
architecture +
planning**

Site Plan : The Meadows

Falmouth, Nova Scotia

1 Canal Street, Dartmouth, NS B2Y 2W1 Zap.ca

Version 104

Designer: K.WATTERS
Planner: C.MARKIDES
Date:
JUNE 08, 2020

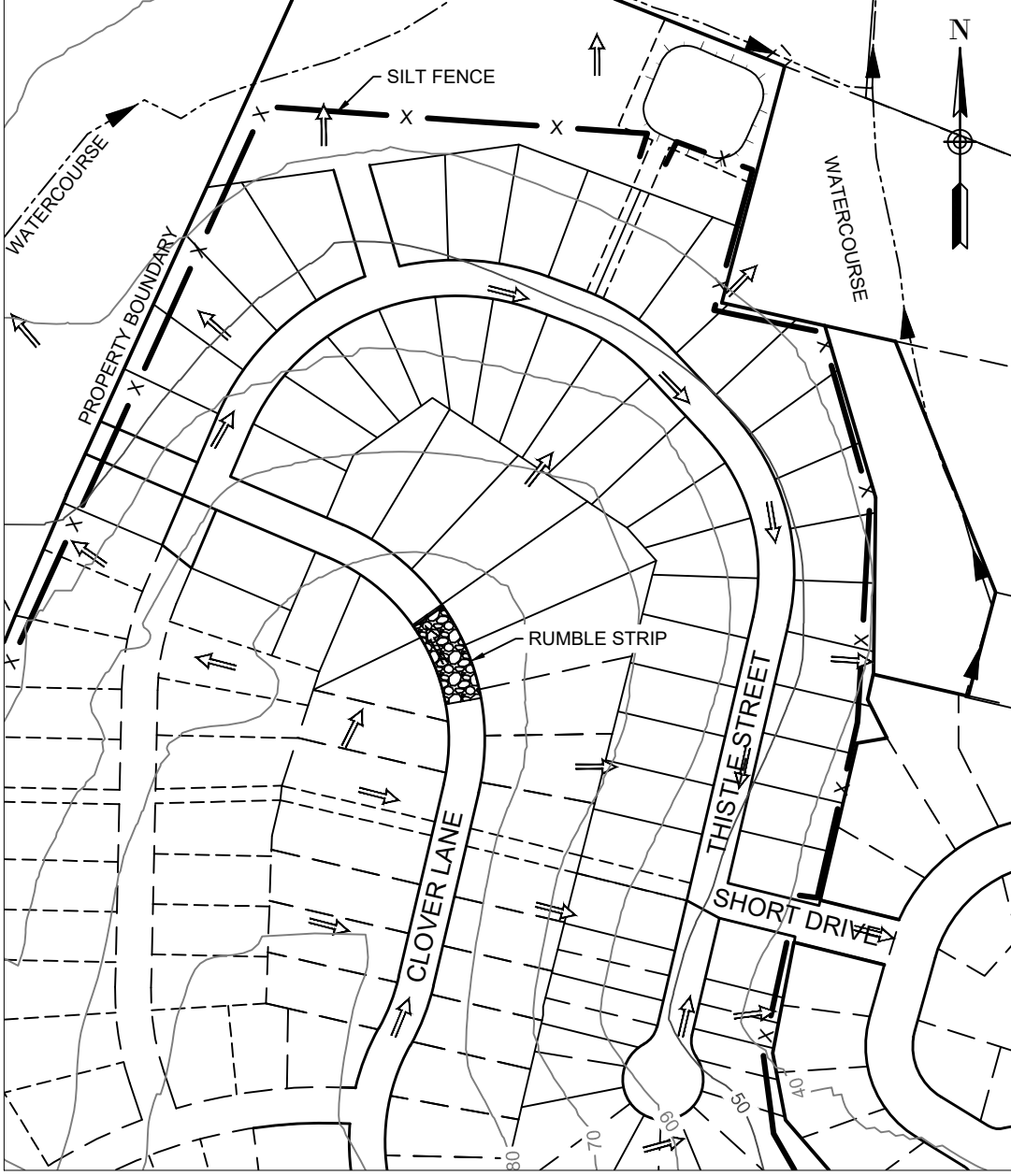


<https://valleygardenhomes.ca/the-meadows/>

GENERAL EROSION AND SEDIMENT CONTROL NOTES

1. EXPOSED SOIL TO BE MINIMIZED AT ALL TIMES DURING CONSTRUCTION TO LIMIT SEDIMENT LADEN RUNOFF. THIS IS TO BE ACCOMPLISHED BY COMPLETING ALL WORK IN A GIVEN AREA ONCE EXCAVATION HAS BEGUN BEFORE DISTURBING ADDITIONAL SOIL. CONTRACTOR IS TO BE AWARE OF CURRENT WEATHER FORECASTS AND PLAN SOIL STABILIZATION ACCORDINGLY.
2. ALL WORKS TO BE IN ACCORDANCE WITH NOVA SCOTIA ENVIRONMENT REQUIREMENTS.
3. CONTRACTOR TO ACQUIRE ALL PERMITS REQUIRED TO PERFORM WORK AND TO COMPLY WITH ALL PERMIT REQUIREMENTS DURING CONSTRUCTION.
4. CONTRACTOR TO PROTECT NATURAL WATERCOURSES FROM SILT LADEN RUNOFF FROM CONSTRUCTION SITE. CONSTRUCTION PROCEDURES CAN BE FOUND IN THE CURRENT EDITION OF "EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" BY NOVA SCOTIA ENVIRONMENT.
5. CONTRACTOR TO ENSURE THAT ALL EXPOSED AREAS ARE STABILIZED PRIOR TO RAINFALL EVENTS BY CHECKING ENVIRONMENT CANADA FORECASTS (https://weather.gc.ca/canada_e.html).
6. CONTRACTOR TO PERFORM WEEKLY INSPECTIONS OF SEDIMENT CONTROL MEASURES AND MAKE REPAIRS AS NEEDED. ADDITIONAL INSPECTION AND REPAIR TO BE CARRIED OUT BEFORE AND AFTER ANY RAINFALL EXCEEDING 10 mm. A LOG OF EACH INSPECTION AND REPAIR IS TO BE KEPT ALONG WITH A WEEKLY REPORT OF EXPOSED AREAS.
7. TRIBUTARY STORM RUNOFF FROM SITE TO BE DIRECTED INTO SEDIMENT CONTROL DEVICES DURING CONSTRUCTION.
8. CONTRACTOR TO CONSTRUCT AND MAINTAIN DIVERSION DITCHES THROUGH AND AROUND THE SITE TO MINIMIZE CONTAMINATION OF CLEAN WATER.
9. CONTRACTOR TO HAVE ADDITIONAL SEDIMENT CONTROL MEASURES ON SITE INCLUDING SILT FENCE, BALED HAY, AND LOOSE HAY/MULCH TO MAINTAIN OR INSTALL CONTROL MEASURES AS REQUIRED.
10. EXPOSED SURFACES TO BE COVERED WITH HAY, MULCH, OR WOOD CHIPS TO LIMIT SEDIMENT RUNOFF.
11. CONTRACTOR MAY SUBSTITUTE WOOD CHIP BERM FOR SILT FENCE IN ROCKY AREAS WHERE SILT FENCE CANNOT BE INSTALLED.
12. SEDIMENTATION BERMS AND PONDS TO REMAIN IN SERVICE UNTIL PROJECT ENGINEER OR THE MUNICIPALITY REQUESTS THEIR REMOVAL. THIS WILL ONLY OCCUR AFTER LOT AND BUILDING CONSTRUCTION IS COMPLETE.
13. SEDIMENTATION BERMS AND PONDS TO BE REMOVED IN THE FOLLOWING ORDER. LEVEL OFF BERMS, HYDROSEED AND COVER ALL EXPOSED AREAS WITH HAY, THEN FILL IN PONDS.
14. UPON COMPLETION OF GRADING ACTIVITY, ALL LOT DRAINAGE EASEMENTS ARE TO BE HYDROSEED AND MULCHED.
15. TOPSOIL AND HYDROSEED TO BE PLACED ON ALL AREAS NOT FINISHED WITH ASPHALT, CONCRETE, GRAVEL, OR SOD.
16. ACCESS ROADS TO SITE ARE TO BE MAINTAINED WITH CLEAN GRAVEL APPLIED PERIODICALLY TO COVER MUDDY AREAS. CLEANING OF ADJACENT STREETS IS THE RESPONSIBILITY OF THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
17. VEHICLE ACCESS TO CONSTRUCTION SITE TO BE RESTRICTED.
18. STABILIZE ON-SITE STOCKPILES USING APPROPRIATE MEASURES (SILT FENCE, HAY, TARPS, ETC.)
19. SITE ACTIVITY TO ADHERE TO REQUIREMENTS OF HALIFAX REGIONAL MUNICIPALITY TOPSOIL BY-LAW.
20. ALL SEDIMENT CONTROL MEASURES TO BE OPERATIONAL OVER ENTIRE CONSTRUCTION PERIOD.
21. SEDIMENTATION AND EROSION CONTROL MEASURES ARE SUBJECT TO CHANGE. ADDITIONAL MEASURES MAY BE REQUIRED DEPENDING ON SITE CONDITIONS DURING CONSTRUCTION.

ENVIRONMENTAL PROTECTION PLAN



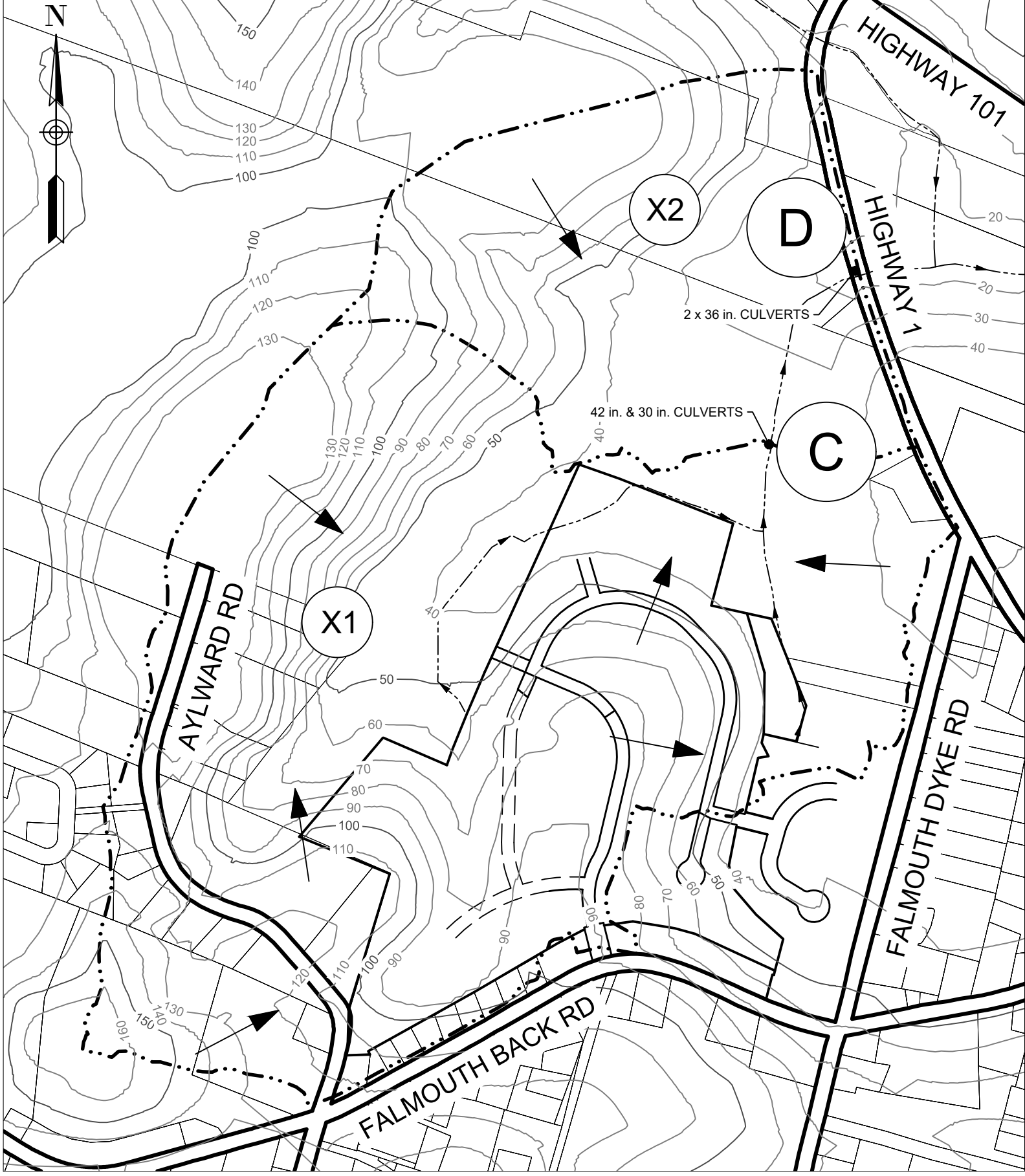
CATCHMENT	AREA (ac) ±	CN
A1	4.75	77
A2	1.47	77
A3	1.75	77
A4	0.81	77
A5	0.83	77
A6	2.16	77
B1	2.10	77
C1	2.06	77
C2	5.48	77
C3	4.80	77
X1	152.31	63
X1A	131.85	63
X2	56.23	63

FLOWES ARE BASED ON RAINFALL DATA FROM ENVIRONMENT CANADA - KENTVILLE 24 HOUR STORM.

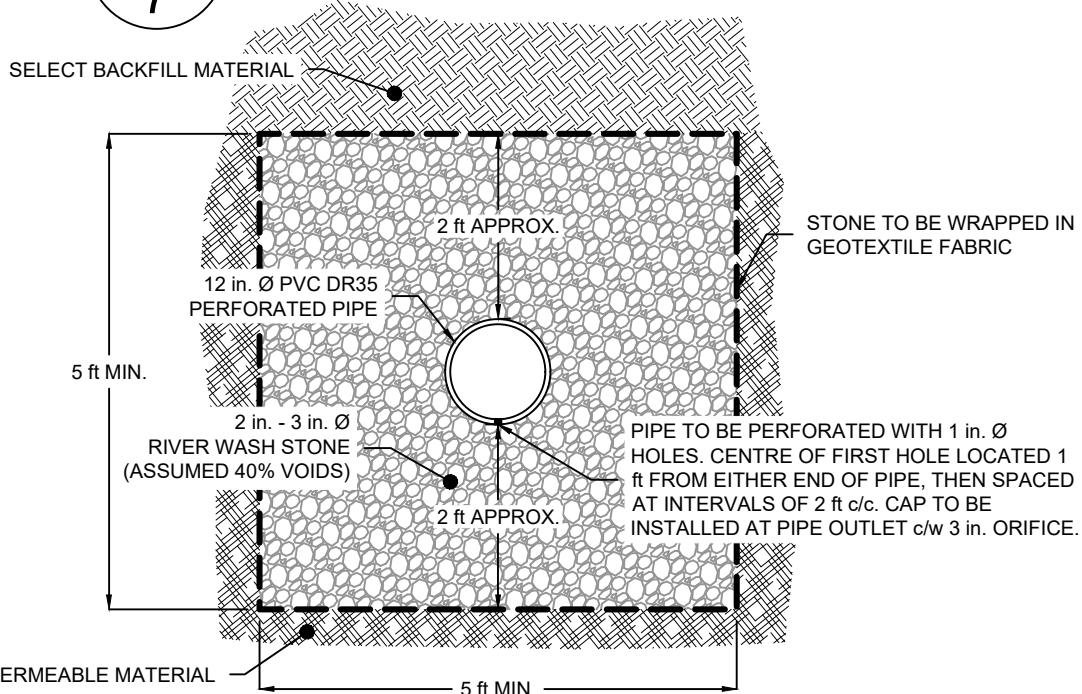
- 5-YEAR: 3.36 in.
- 10-YEAR: 3.84 in.
- 25-YEAR: 4.56 in.
- 50-YEAR: 5.04 in.
- 100-YEAR: 5.52 in.

APPROXIMATE POND/WATER ELEVATIONS (ft)	
BOTTOM	30.00
TOP	37.50
5-YR	32.84
10-YR	33.64
25-YR	34.34
50-YR	34.89

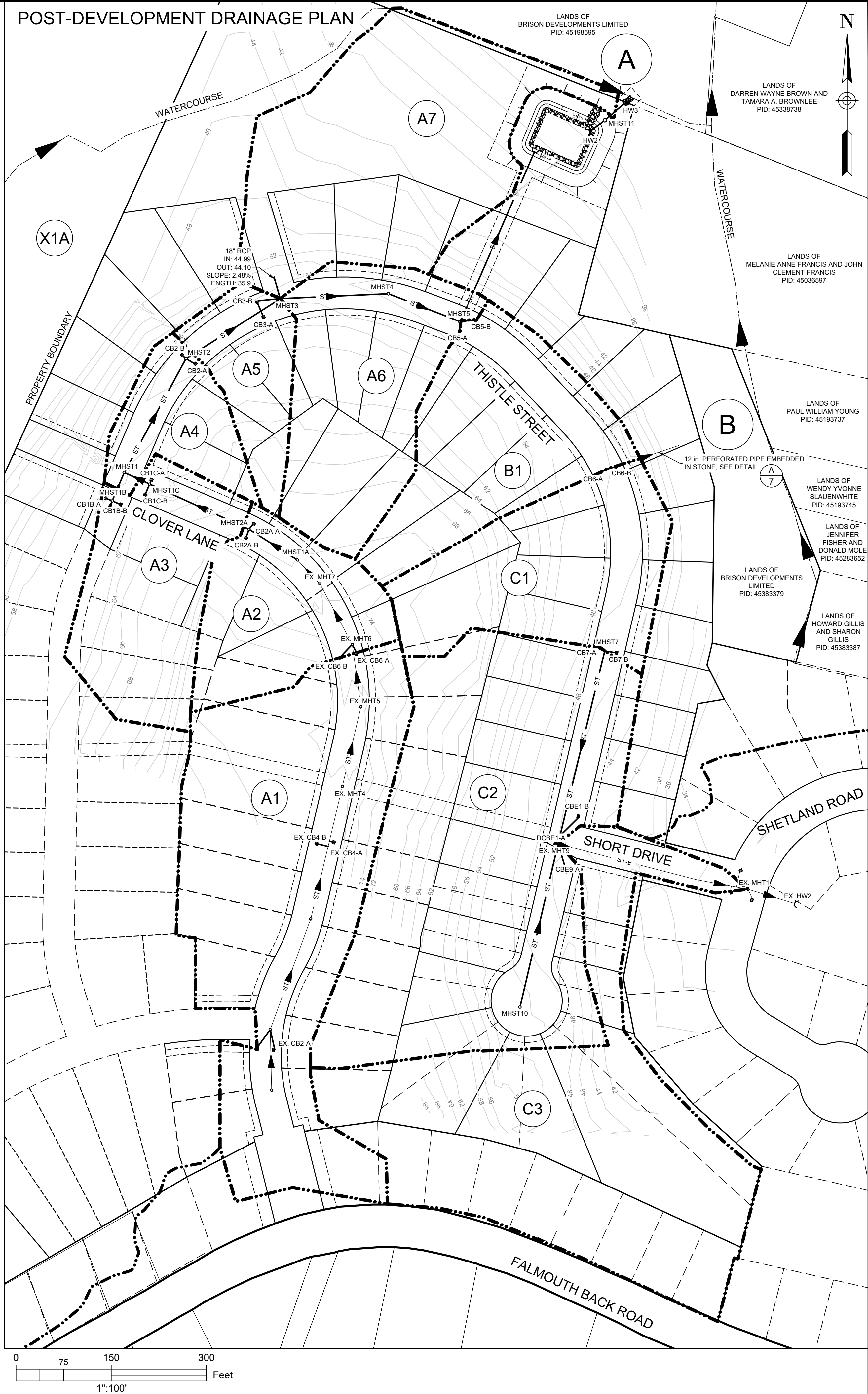
PRE-DEVELOPMENT DRAINAGE PLAN



A7 PERFORATED PIPE SECTION N.T.S.



POST-DEVELOPMENT DRAINAGE PLAN



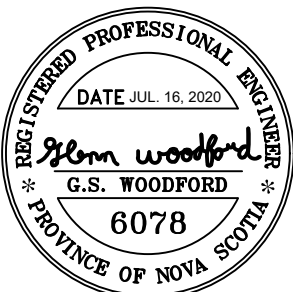
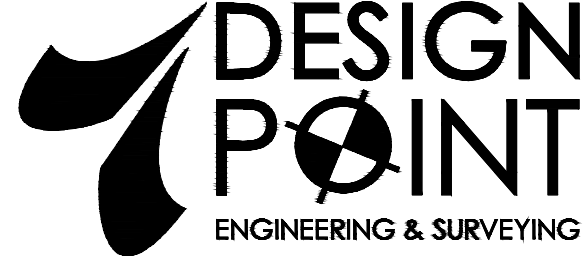
- PRE-DEVELOPMENT DRAINAGE BOUNDARY
- POST-DEVELOPMENT DRAINAGE BOUNDARY
- STORM SEWER
- PRECAST HEADWALL
- TRIBUTARY AREA ID
- SILT FENCE
- MAJOR DRAINAGE ROUTE

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

4	JUL. 16, 2020	PERFORATED PIPE ADDED
3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW

ISSUE	DATE	DESCRIPTION
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CONSULTANT



CLIENT



PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

STORM DRAINAGE /
ENVIRONMENTAL
PROTECTION PLAN

Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033	Drawing No. 7 of 11
Date of 1st Issue MAR. 27, 2015	Scale AS NOTED	Filename 14-033CBase.dwg	

Todd Richard, Director of Public Works, Response to Lee Chambers Questions on February 23, 2021

1. Is there data available that addresses the question whether the proposed Meadows Phase 2 Development, as configured under the most recent ZZap site plan, is expected to increase flooding risk (as indicated by post-development flows exceeding pre-development flows) for properties on the East side of Falmouth Dyke Rd (where stormwater from the Shetland Rd pond enters the Elderkin Creek Drainage System through the Dyke Rd Culvert and Connector Ditch), including for one in 2 and one in 5 year storm events? (may be a question for Design Point, let me know and I can pass it along?)

Response: The Shetland stormwater pond was originally designed to accept stormwater water from part of the phase 2 Meadows lands and the pre/post balancing will take place in both the new and existing ponds. The designers of the Shetland Road project provided a 30" storm pipe to accommodate stormwater from the Meadows Phase 2 project. This connection has been made and the post development flow from the phase 2 Meadows land to this 30" pipe is approximately 23 cfs., while the pipe capacity is approx.. 29cfs. All indications are that less water will be released East of the Dyke Road.

2. On the face of it, the idea that higher density development, like the one proposed for the Meadows, will pay for needed service upgrades suggests that the development may precede the service upgrades. What are the timelines here? The danger, if upgrading fails to precede or at least keep pace with development, is that the period between the completion of the development and then the completion of the service upgrades would be one where our sewer and water utilities would be at heightened risk of being overloaded. How is this problem going to be addressed?

Response: All service upgrades for the proposed development itself are the responsibility of the developer. As development is being reviewed by the municipality the capacity of water and sewer systems is always a factor and consideration before approval is given. It has been determined that the existing potable water and sanitary sewer systems have adequate capacity to support this project.

3. What updates (from smaller, like new hydrants, to larger, like the dam project) are currently planned for the Falmouth Water Utility and are they sufficient to meet the increased demand on water services (for residential use, fire protection, etc.) that will accompany Meadows development (with the potential for 130 new dwelling units at Phase 2 and up to 75 additional units at Phase 3 to be added to the 780 households already being supplied by the French Mill Brook watershed)?

Response: Future water and sewer upgrades, replacements and any required expansions due to increased demand are part of our long term planning and water system assessments. We also operate and maintain our water systems to reduce water leakage and promote water conservation to help off-set costly capital projects. We have been successful in doing this through pressure management, leak detection / repair. Our current average daily usage is approximately 40% of the design capacity of the Falmouth WTP and approximately 67% design capacity for the Falmouth Wastewater Treatment Facility. The wastewater treatment facility in Falmouth received upgrades (phase 2) several years ago. Part of the design allowed for a phase 3 to be added for future growth and capacity if and when required.

4. What is the timeline for implementing needed updates to the utility? Will the updates be implemented on a timeline that allows the Water Utility to keep ahead of the increased demand from this residential development?

Response: Required upgrades for the water utility infrastructure are identified in our 5 year capital budget. We are currently working with professional consultants on reviewing all options for future growth in the service areas and with a regional approach. Consolidation has allowed us to take a more system wide approach and we are currently exploring the feasibility of connecting water systems that are currently independent to increase redundancy, capacity and resiliency.

5. Have the (shorter/longer-term) impacts of the dam/reservoir project on the French Mill Brook Watershed been assessed?

Response: As noted above this assessment is being reviewed / studied on a regional approach. Future water yield requirements for all systems will be part of this review.

6. Has the dam/reservoir project been approved?

Response: Due to ongoing water loss prevention and conservation efforts we have been able to reduce water demand, extending the time until dam upgrades are required. This item is identified in our capital budget for future years, if and when required.

February 5, 2021

Saira Shah
Planner
West Hants Regional Municipality
P.O. Box 3000, 76 Morrison Drive
Windsor, N.S. B0N 2T0

Subject: Public Meeting January 19, 2021 Regarding Phase (2A) (2B) & (3) Meadows
Subdivision

Please Consider this letter as a response from a concerned citizen who owns property under construction at (Lot 101) #11 Clover Lane in the Meadows Subdivision.

We found the presentation to be less than transparent with what exactly is proposed for this Development Agreement Request. We believe that all the specifics of Phase 2A, Phase 2B and Phase 3 should be included in this agreement, i.e. all lots drawn in and type of homes with pictures included. It is apparent that the Development Agreement signed on September 27, 2007 regarding PID 45371887 was not adhered too and was extended. The developer is now trying to grandfather this agreement into Phase 2A but not at the agreed upon 8 two unit semi detached dwelling limit. He has expanded the original agreement of 8 two unit dwelling units to 18 units. That is more than double what was proposed and agreed to on September 27, 2007. This 2021 proposed development agreement does not include landscaping and buffering to screen views of this part of the development from existing developed properties.

We believe that Falmouth is the cash cow of the new municipality and that your current planning policy guidelines will not serve the Municipality well in the future. The single dwelling units in a development should be at least 60% not 30% of any new development and two unit semi detach buildings should be at least 3500 sq. ft. per unit not 2100 sq. ft. A change like that will make it in line with existing developed properties by reducing the dense row of houses and provide more greenery and trees.

We believe the developer should provide accurate details on the map they presented at the meeting. At one time walking access may have been accurate but now it is not accurate. Lots have been changed on the lot side of Clover Lane to eliminate that access, i.e. the Ford property and the one adjacent to it have eliminated that access. The lots in Shetland Road are supposed to be single dwelling but there is a semi detached two unit building as you approach the cul de sac. How did this get approved?? Or is it a legitimate nanny unit??

We are concerned about the current planning policy that allows parkland dedication to wait until the approval of the final plan of the subdivision. This green space should be established with each phase of the subdivision. People should not have to wait 10-20 years for it to be provided if at all. The idea that a developer can do all this construction and then deed over unsuitable land for parkland at the end of the development or just pay cash and not provide any recreation or parkland is definitely not in the interest of the people living in the subdivision or near by. Green space should not be for sale. That is a cash grab for general recreation funds.

With multiple dwelling units comes a higher density of homes, people and vehicle traffic. It will be unsafe for children to play on the street or for senior citizens to go for a walk. We should have walking trails built to facilitate usage for both children and seniors. We should have play ground facilities for recreation now not many years later or not at all.

Why not designate a smaller area in Phase 2B, Phase 2A and Phase 3. A great place would be near the pond in Phase 3 near Alyward Road. Children currently play hockey on the pond. We could have a walking trail and benches. The pond could be enhanced to allow and encourage wild life and be useful year round. The parkland already designated is too steep and difficult to develop as is and comes way too late in the development.

Why are there no parking places for visitors and extra cars associated with the higher density two unit dwellings? Where will visitors and extra cars park? How will snow plowing be affected by this oversight?

If Falmouth is a designated growth area for the municipality why not make it mandatory to have Falmouth Councillors on the Planning Committee?

We think if this plan goes forward as presented and as per the current Planning Policy; people who are attracted to the area which is primarily single unit living with green space, trees and good views will change their mind on moving to Falmouth and go elsewhere. A more enlightened approach would keep density lower, traffic flow lower and enhance the recreation and green spaces of subdivision development.

A reference was made with respect to the Crossings as an example of what to expect in Phase 2A. That development is very dense. There is row upon row of houses all similar in appearance. There are no green spaces. The views for the single unit homes are looking directly down on a well laid out but a very dense trailer court development. How does this protect property values and allow for the continuation of a complimentary and consistent pattern of development.

How does a higher density of homes impact the current sewer and water infrastructure? How fast do we have to plan and pay for additional facilities that all of us will be responsible for? Does it affect traffic patterns and school capabilities, etc?

How do we prevent the slippery slope when dealing with developers? They just give you a little information and then continue to apply for changes even in the same development.

No one in Phase 1 of the Meadows was made aware that the plans for the subdivision were going to change to a higher density. If we had a plan like the one shown on the billboard near the Clover Lane entrance that shows what the developer envisions for all phases 1, 2A, 2B and 3 at least people could make an informed decision when making one of the largest purchases of their life.

In closing, please consider a lower density of development in Phase 2A, Phase 2B and Phase 3 now. Provide green spaces at the beginning of a development not at the end. Avoid 3 and 4 unit options at all cost. Ensure that any development agreements outline the entire picture of the development at the beginning and include details of the phases so that people can make an informed decision when considering the purchase of a lot or home.

If this comes to a vote, even a tie breaking vote, I hope any Councillor or Mayor would excuse themselves from any plan or developer that may present a real or perceived conflict of interest.

Sincerely,



Jim Davidson



Zel Davidson

902-798-7844

cc: Richard Murphy

Dianne Parker
59 Clover Lane
Falmouth, NS
B0P 1L0

RECEIVED

FEB 09 2021

27

February 7, 2021

Saira Shah
West Hants Regional Municipality
76 Morison Drive, PO Box 3000
Windsor, NS
B0N 2T0

Dear Saira,

My name is Dianne Parker and I am a resident of the Meadows Subdivision. I am writing in regard to the proposed development of two, three, and four unit residential houses in the Meadows Subdivision.

I am disappointed to say the least. When I purchased my lot in January 2016, I was under the impression the lots in the subdivision were for single-family homes only. If this proposal moves forward, will these multi-unit residential homes be of comparable value to the homes already built and have similar covenants? I am genuinely concerned these multi-unit homes will severely impact the sale of single-family lots on the street as well as the home value of current single-family homes built in the subdivision.

I personally know of two retired couples, moving here from other counties in Nova Scotia, who are considering buying a lot in the Meadows Subdivision. However, one of these families has expressed to me they will be reconsidering these plans as a result of the multi-unit proposal.

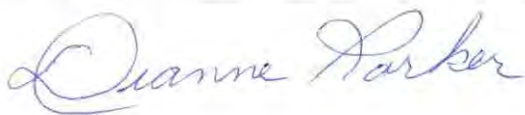
I have been informed that the ratio of multi-unit homes to single family homes, if the proposal moves forward, will be 70% to 30%. What is the reasoning for such a high percentage of multi-unit homes to single family homes? In my opinion, such an unbalanced ratio will make the area and the Meadows Subdivision much less appealing to potential single-family home buyers. If multi-unit homes are built in the Meadows, I believe a more equal ratio such as 50/50 or 60/40 would be more appropriate and be less likely to drive away potential single-family home buyers.

I am also concerned about the parking problems that could arise if this proposal goes forward. Will these multi units share a driveway, or will they each have their own? Extra cars parking on the street can create major safety issues, especially during the winter.

Further, green spaces play a major role in a development of this size. Grass, trees, benches and parks are key for such a family-oriented subdivision and would add great value to this community. It would be great to see a green space developed in the near future, hopefully during this upcoming summer. Are there any plans regarding the development of green spaces within the Meadows Subdivision?

Thank you for taking time to consider my questions and concerns. The decisions made with regards to the development of the Meadows Subdivision will have a vast impact on the sales of lots and future development in Falmouth. The decisions made with respect to this proposal are critical to attracting future buyers or turning them away. I look forward to your response.

Sincerely,



Dianne Parker
902-798-0020

Public Email Responses Submitted for the Meadows PIM

Erin Fitzgerald January 12, 2021

Looking to submit a question for the Meadows development meeting next Tuesday.

Q: Will the planned development include a public park space for the children living in the area? Will there be trails?

Thanks!

Amy MacIntyre January 18, 2021

Hi Saira,

I live on Clover Lane and I am concerned with the development proposal I received in the mail. We chose to build in this subdivision because it was supposed to be single family dwellings. Not only will this affect our property values, but it will alter the look and feel of our community. Our street has several young families and having 2,3, and 4 unit dwellings will greatly increase traffic on what is currently not a very busy street. We were expected to follow the covenants of the subdivision when we built and therefore I would expect the developer to return the curtesy of developing his subdivision as originally planned.

Thanks,

Amy MacIntyre

Amy MacIntyre January 19, 2021

Hi Saira,

I'd like to offer additional comments after watching that presentation. The person that represented Brison Developments was not prepared and could not answer important questions such as whether lots would be for sale or if similar covenants to clover lane would be enforced. This was very disappointing.

I can also say that not one person on my street that I have spoken to was under the impression when they built here that this was the plan for the rest of the development. The development sign that faced the back rd always showed further development behind both sides of Clover Lane and it was implied that the entire development was to be held to the same as Clover Lane (i.e. Single family dwelling with the same covenants. This was very misleading by the developer.

Thanks,

Amy MacIntyre

Bill Preston January 21, 2021

Hi Saira,,

I understand that the Meadow development may consist of maybe 3 phases 2, 2b and future phase 3. Where can I find information on those?

Best regards, Bill

Lee Chambers January 22, 2021

Good morning Saira,

Thank you so much for your email earlier this week. I would very much appreciate being added to your email-list for those who wish to be kept informed about this application.

I will be submitting some questions prior to the Feb. 8 deadline regarding the application. However, I have a few questions about the public consultation process itself that I hope you can help me with.

1. Can you direct me to the policy document that governs the public consultation process for municipal decisions like this one?
2. Looking at the overview of the process you provided, am I correct that there are two public hearings, one prior to the Council meeting (tentatively) scheduled for March 23 and a second prior to the second reading (Apr. 27)?
3. You mentioned notices are placed in the local paper. I have lived in Falmouth for over a year and a half, so I'm a bit embarrassed to say I don't know the name of the local paper or where to find it. So, a similar request, would you direct me to this source?
4. How do members of the public receive answers to the questions they submit? Is there an opportunity for follow-up questions, in response to the answers given? Are all of the questions submitted and answers provided included in the relevant PAC meeting package posted online?
5. Given possible implications for stormwater and sewer, it strikes me that it would make sense to extend notification beyond 500 feet to include, at least, residents of properties along the sewer line and Elderkin Creek Drainage System. Would this be possible?

Thanks so much. Hope you have a nice weekend.

Cheers, Lee C.

Jill Ford January 26, 2021

Re property at 39 Clover Lane(lot 107)

Property owners Jill and Bob Ford

Re the meeting on Jan 19,2021

Showing on the revised Developers plan

For rezoning there is an easement for a right of way between lot 107 and 108.

We do not have this easement in our deed or part of our plot plan!

Can you contact the Developer and get a clarification on this and get back to us!

Thanking you!

Jill and Bob Ford

Stephane Richer January 24, 2021

Hi Saira.

My name is Stephane Richer and I live at 12 Clover Lane, Falmouth. We spoke on Monday, 18 January about the proposed change to the zoning of Meadows Development; PID 45371879, 45383370, 45371887 and 45383957. I am writing this email to record my objection to the proposed zoning change.

When I purchased my home two years ago, I checked the zoning for the area and the covenants for Meadows Development and there was no mention of multi units homes allowed in the area. I am opposed to the change because I need to protect my investment as multi-unit homes will devalue my property. Like it or not, semi detached homes have a negative connotation no matter how upscale they are.

The presentation on Jan 19th mentioned that the Southern section of PID 45371887 would accommodate single detached homes but I walked the area and there are already two water lines going to each lot thus confirming semi detached will be built there. I find this somewhat presumptuous of the builder after spending all this money to assume that the zoning will change in his favor. Or maybe I am too naïve and it's already a done deal.

If the zoning changes, I will probably sell my home and move to another area.

Thanks

Jill Ford January 29, 2021

Hi Saira!

We are the Fords, Jill and Bob at 39 Clover Lane -When we bought here 2 years ago we were not told of the proposed rezoning from R1 to R2 -We are concerned for our property value and a congested area as well as the additional concerns below!

-Our cable and Electrical services are underground, in the new proposal all the services would be above ground -Also concerned about the water and sewer services and storm water drainage being inadequate, can the developer Elaborate further on these?

-With the additional multi units there would be a strain on schools, fireprotection, policing and hospitals, can this be addressed!

-Also with the new proposal for rezoning The streets would be congested with additional traffic and parking as well as heavy equipment making it dangerous for children playing - Water drainage and soil stability may also Be an issue. Can you elaborate more on how this would affect the area with additional housing?

Re Phase 2A

-can we get a clarification of the proposed grandfathered 8 multi units in this phase?

Also can we see what housing plans are proposed for this area?

Also are these units 2,3 or 4 units?

Also would these be rentals? If so this would have an affect on property values The increase in population from 18 single family homes to 36 multi units would again be a concern as above

Phase 2B

-can the developer clarify the lots for this phase .Are they single or multi units?

Phase 3

-Again with an R2 zoning what type of units would be proposed for this phase?

-How can a zoning be changed without seeing the division of lots and what type of housing units to be built?

-our concerns re water pressure as well as a strain on all services in the community will be affected by an increase in population

Parkland

-Greenspace is very important to us as well -Looking at the proposed space we find it is located on a hill and wouldn't be a good space for children and seniors -Also why couldn't the Park space be built now rather than later?

Hopefully our questions will be answered at the next virtual meeting!

Thanking you!

Jill and Bob Ford

Steve and Joy Allen February 2, 2021

Feb 2,2020

Saira Shah

Planner, West Hants Reg. Mun.

I am writing regarding the letter I received and the virtual meeting held January 19th 2020. Regarding the Meadows Developement. My wife and I build a new home at 202 Falmouth Back Road in 2011.

It is my understanding that all of Falmouth for residential is zoned R1 , single Unit Residential.

When we built our home on the corner of Clover Lane and Falmouth Back Road we expected that the development and the future development of clover lane would remain zoned R1 with single residential homes. Everyone I have spoke to on Clover Lane , including the owners of 2 new expensive homes under construction assumed the same thing and are quite upset that the municipality may allow 2,3 and 4 unit residential units. During the virtual meeting a representative from the developer said that these unit could become rental units if there was a demand for them. I think it is hard for anyone to argue that this would take away current homes build in the development.

It is one thing if the Municipality decides to start zoning some developments in Falmouth R2,3 and 4, but a totally do not think it is fair the current land owners in the development to have rezoning or development agreement done in the middle of the project.

Regards

Stephen & Joy Allen

Barry Moore February 5, 2021

Hi Saira,

As a property owner adjacent the proposed development I viewed the information session held online on the 19th January. I added a few comments at the time of the meeting however I would like to provide the following comments and concerns:

a. I would like to comment that I have an issue with the rapid growth and the transformation of the rural Falmouth area into a mass of duplex, triplex homes. I feel that it is out of character with the rural area and is disrespectful to those residents that have lived here for a long time or moved here to enjoy the rural nature. Furthermore if this proposal is allowed to proceed then it sets a precedent that other developers will want to exploit and in 10 years the large rural areas will look like a suburb of Sackville.

b. I would like to comment that the proposed deeding of up to 4 acres of land on this development to the Municipality as green space is not of much use to the other residents of Falmouth. It is contained within the development and is hemmed in by other private properties such that access would be limited.

c. I would like it to be clearly presented to the residents of Falmouth how many additional homes all phases of this development could be adding once the phases are complete. In the presentation the developer talked a bit about the types of homes they are proposing but did not clearly identify the total number of homes; is it 30 homes, 100 , or a couple of hundred more homes. I feel that the public deserves to be presented with the complete picture and this information is essential to enable the planning department to properly assess the impacts.

d. The planning department should be providing an assessment on the impact this proposal will have on the water services. My understanding is that the water capacity in Falmouth is limited to the small collection pond on Eldridge Road and when I walk the trails in that area I don't see a massive reservoir of water . Will our water system be capable of supplying all these homes ?

e. The planning department should be providing an assessment on the impact this proposal will have on the sewer services. A number of years ago the sewer collection was improved (or at least we are paying for that improvement) . What was the design increase in capacity and will this be capable of handling the addition of all these homes ?

f. The planning department should be providing an assessment on the impact this proposal will have on traffic on the Falmouth Back Road. The Falmouth Back Road is a very busy road that is currently hazardous for pedestrians/cyclists due to the speed of cars in the area, the lack of sidewalks, lighting and frequently washed out areas. It would not meet urban standards yet this development proposes to add several hundred cars all trying to enter the Falmouth Back Road at one junction.

g. Although it does not directly affect me , the planning department should be providing an assessment on the impact this proposal will have on the school services. Falmouth school is a relatively small rural school with a good student/teacher ratio resulting in a quality education. Many of these new families will have young school age kids. Will the

school board have to bus the younger grade kids to other feeder schools or introduce temporary classrooms due to overcrowding.. What will be the quality of education that parents could expect ?

I would like to conclude by thanking you for your time. My personal feeling is that the residents of Falmouth, the Municipality of West Hants and the current infrastructure are not prepared for the rapid expansion that proposals such as this one will lead to. I look forward to your responses in the next public presentation of this proposal.

Regards,

Barry Moore

Peter Arsenault February 5, 2021

Your office was provided with a detailed letter by Jill Ford a resident of Clover Lane. I would like to support fully her comments against the upgrade to R2 from R1 . Also I am against the purposed foot path displayed on your map used in the internet briefing in Jan 2021, connecting everything to the green space in phase 3. This would be right through my yard . When I purchased here I was told the existing right of way was for maintenance of the water pipe if required . Nothing ever said about a right away for a foot path.

I have no problem with R1 as I knew that was the plan all along, but why change the game half way through?

That's my point!

So if this goes thru , it's going to be another " if you don't like it you can always move" situation again. I've already moved from two other residential houses in hants county because of other rule juggling.

I realize I'm most likely in the minority with the big plan , but this is the situation as it applies to me.

Peter Arsenault

38 Clover Lane

Sue Harvey February 5, 2021

To whom this may concern,

I strongly oppose the prospect of multi unit buildings in Falmouth. Has there been an impact study on property values of the existing properties? How much consideration has been given to the impact on existing infrastructure?

The local hospital and doctors can barely handle the existing population. There is no space available in the local schools. This is a process that should take many years in advance to plan.

Sincerely, Sue Harvey (local homeowner)

Adam Mosher February 8, 2021

Hi Sara,

My wife and I live on Clover Lane in Falmouth. Its been mentioned at a recent meeting that there are significant changes to what is being planned for our area, from what we were told when we bought our house (which we did in May 2020).

I was instructed by a neighbour who is getting everyone to express concern, that there is even a planned walk way over the easement. Which is not disclose during the purchase of our house on the easement wording as well.

Is this the right department to contact regarding this issue?

Thanks

Adam W. Mosher

Amanda Mosher February 8, 2021

Hi Sara

I'm Amanda Mosher Of 44 Clover Lane.

I will not allow or support any walkway near or on my property or anywhere on our street.

This is ridiculous, as I was not informed of any of this during the purchase of our property. I will support and stand with all Clover lane residents to ensure this new plan is stopped.

Matt Hebb February 6, 2021

Hi my name is Matthew Hebb I currently live on 31 Clover Lane. I'm emailing in regards to the quad plex and duplex structures that our being planned in that development. The covenants clearly stated when I built my house that only single dwelling homes were aloud to be built there. It is still in the covenants currently. If I knew a few years down the road my street would be turning into a retirement community or a low income housing plan. I never would of built there. Duplexes and quads usually attract older people or lower income families. Talking to all my neighbors they are saying the same thing. Building these multiple dwelling houses is only going to lower the value of the current single family homes and bring much more un wanted traffic on the street. 4x the amount as apposed to just single family dwellings. My question is how can the covenants that attracted most people to that street suddenly change. Also, from my understanding and correct me if I'm wrong, this could impact my sewer and water fees / bills. Anyway, no one on the street would of built there knowing what the future had in store. By reading the covenants before building there it seemed like a safe bet it would just be nicely maintained single family dwelling homes. What's the point of having covenants if they can change after a dozen houses already have built there, doesn't make sense to me. Thanks.

Brian Lynch February 7, 2021

Hello Ms. Shah,

Thank you for the information provided in you Facebook session. Unfortunately, we had some issues logging in and we missed the first few minutes of your presentation. My apologies if we ask questions that you may have already addressed.

Could you please clarify the number and type of new dwellings being built in Phase I, Phase 2A, Phase 2B and Phase 3?

What is the projected start and completion date of Phase 3?

If we understood correctly, there would be 70+ homes to be built in Phase 3 alone. We are very concerned about the amount of traffic on the newly constructed road behind our house as well as the increased volume of traffic on the already busy Falmouth Back Road. It is often difficult to get out of our driveway as it stands now and I can't imagine how much these 100+ houses will impact the traffic flow on the Falmouth Back Road.

We are wondering if there is any plan to address this issue?

Also, with this increase in population, how will this affect our water supply? Can the water supply accommodate such a large development? Will our water bills continue to escalate? This is definitely a concern.

Another issue is we are wondering how this will affect the value of our property. With a busy road already at the front of our property and now a busy road behind, it is concerning.

Is there any way to find out exactly where the houses/duplexes will be located in Phase 3 as they are already outlined in Phases 1 and 2 on the map?

Thank you for taking the time to consider these questions and concerns.

Take care

Brian Lynch and Tina Leighton



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X ☒	Decision Request ☐	Councillor Activity ☐
--------------------------------------	--	---	--

To: Members of Planning Advisory Committee

Submitted by: _____
Saira Shah, Planner

Date: 2021-03-11

Subject: File 19-05 Meadows Development

LEGISLATIVE AUTHORITY

Municipal Government Act Section 229 and 230.

RECOMMENDATION

In order to allow the requested development and discharge the current development agreement, staff recommends that the Planning Advisory Committee (PAC) forward a positive recommendation by passing the following motion:

PAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow two-unit residential uses at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, in a manner substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated March 11, 2021, taking note that this development agreement will discharge and replace the development agreement for PID 45371879 recorded at the Registry of Deeds on September 27, 2007 as document 88923751.

BACKGROUND

An initial application was received on December 13, 2019 from Brison Developments Limited to permit two-unit residential development at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, West Hants. All necessary material for the application was submitted on July 14, 2020.

On December 11, 2020 the applicant requested that staff consider three and four-unit dwellings in addition to the two-unit dwellings requested on December 13, 2019.

On February 23, 2021 the applicant withdrew their request for three and four-unit dwellings and asked that staff only consider the initial application request for two-unit

residential development. The change in application is further explained in the "Applicant Requests" section of this report.

The combined properties are approximately 49 acres and are all owned by Brison Developments Limited. There is a registered development agreement between Meadows Development Limited (former owners) and the Municipality on PID 45371887 in August 2007 to permit eight (8) semi-detached dwellings. Brison Developments Limited wishes to discharge that agreement as part of this application to ensure the same requirements apply to the entire development site.

DISCUSSION

All four (4) properties are designated Residential in the Falmouth Growth Centre on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1).

The properties are all zoned Single Unit Residential (R-1) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). The properties are bound on almost all sides by properties zoned Single Unit Residential (R-1) except for PID 45371887 which neighbours a property zoned institutional (I) to the east and PID 45371879 which neighbours a property zoned Agricultural Priority 3 (Ar-3) to the north.

Only single unit dwellings, accessory apartments, and existing manufactured homes are permitted in the Single Unit Residential (R-1) zone. The applicant would like the opportunity to develop two-unit dwellings which are not permitted as-of-right.

Section 6.1 of the WHLUB, Development Agreements, states that *the following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:*

- (d) *comprehensively designed multiple residential development consisting of a mix of single unit, semi-detached, duplex and townhouse dwellings in the Falmouth Growth Centre in accordance with Policy 5.4.4 of the Municipal Planning Strategy;*

A semi-detached dwelling is defined in the WHLUB as *a building that is divided vertically into two dwelling units, each of which has an independent entrance*. A duplex is defined in the WHLUB as *a building that is divided horizontally into two dwelling units, each of which has an independent entrance directly or through a common vestibule*. The current definitions for semi-detached and duplex are specific in terms of construction type and staff have discussed adopting more general definitions for two-unit dwellings as part of the plan review with PAC. Staff have added the two-unit dwelling definition accepted by the PAC for the plan review to the agreement and use the term two-unit dwelling instead of semi-detached or duplex in the agreement. This will give the applicant more flexibility in terms of construction type while still restricting the number of units per building to two (2) meeting the overall intention of Council in Section 6.1 (d) of the WHLUB.

Development Agreements

A development agreement is a legal contract between the Municipality and a property owner that describes the type of development permitted on a property. Development agreements provide an opportunity for Council to exercise a greater degree of control over aspects of a development proposal and allow Council to consider uses that would

otherwise not be permitted in the underlying zone. A development agreement is binding upon a property until the agreement is discharged by Council.

Applicant Requests

The applicant is proposing a mix of single and two-unit dwellings built over three phases: Phase 2A, 2B and 3. The draft development agreement, including the concept plan, can be found in Appendix C. Lot dimensions and street layout are established in the concept plan for Phase 2A and Phase 2B. However, the applicant has not provided those details for Phase 3 and wishes to have flexibility in terms of the layout. The agreement enables the applicant to use any lot configuration or design elements from Phase 2A and 2B in Phase 3 and the lot requirements are outlined in the text of the agreement. Any new streets not shown on the concept plan must meet the requirements of the Municipal Services Specifications Manual and the West Hants Subdivision By-law.

The applicant wishes to have flexibility in terms of the types of dwelling units permitted in Phase 3 to meet changing market demand. This included a request to list "dwelling types" as a non-substantive amendment to the development agreement. A non-substantive amendment would not require a Public Hearing by Council. Staff determined an amendment to add additional "dwelling types" to the list of uses permitted would have a major impact on the community and should not be considered a non-substantive amendment. However, staff have discussed alternative options to create flexibility for the applicant. The criteria that enables Council to consider this development agreement specifies that a minimum of 30 percent of the development must be single unit dwellings and the density of development must be limited to four and a half (4.5) dwelling units per acre. These requirements are included in the development agreement to reflect Council's intention for the area. The concept plan states a maximum of 75 units can be constructed in Phase 3. However, the specific number of two-unit dwellings permitted has not been specified in the concept plan or text of the development agreement for Phase 3 which will create flexibility for the applicant.

Policy 5.4.4 which enables Council to consider this application by development agreement includes criteria which requires the property (or development site) to have frontage on an arterial or collector street and be at least 25 acres. Staff told the applicant if they sell the property that provides the frontage or subdivide and sell several properties reducing the overall development site to under 25 acres future amendment applications for the agreement may not be recommended by staff as the development site would no longer meet the criteria. In December 2020, the applicant requested the addition of three and four-unit dwellings to be considered for Phase 3 of the development to avoid a future amendment application for the agreement. Staff sent out additional inquiries to receive comments on the criteria as the addition of three and four-unit dwellings was considered a major change to the application. The Department of Transportation and Infrastructure Renewal (DTIR) requested that a traffic impact study (TIS) be provided before a development permit could be issued. This was different than DTIR's initial request based on the initial application for two-unit dwellings. In the first request for comment DTIR asked for a traffic impact study after the 100th residential permit had been issued or any development commenced in Phase 3. When staff asked for clarification as the proposed maximum number of units permit had not changed DTIR stated "*The TIS is triggered by the number of trips generated as opposed to the actual number of structures. With the increased population density*

(from single and two-unit to the addition of three and four-unit dwellings), it is anticipated that the trip generation threshold will be met sooner than at 100 structures.” The applicant was made aware of this requirement and on February 23, 2021 they withdrew their request for three and four-unit dwellings to proceed with the initial request for two-unit dwellings as the applicant felt the additional requirements from DTIR would place an unnecessary burden on them.

The applicant requested a reduced minimum lot frontage requirement for single-unit dwellings of 50 ft. and reduced side yard requirements of 6 ft. Staff have no concerns with these reductions as it will enable compact development that better utilizes municipal services and National Building Code requirements would still apply.

The applicant has entered into two (2) parkland agreements with the Municipality for development in the surrounding area. As a large area of parkland is dedicated in the agreements, staff have enabled the Development Officer to consider the Public Parkland outlined in the parkland agreements on August 22, 2011 and April 10, 2012 as part of the parkland contribution requirement for this development. If additional parkland is required to meet the requirements of the Subdivision By-law and the agreement the Development Officer can request additional land.

Sections of the development agreement related to storm drainage and ownership of the detention pond required extensive consultation with the Director of Public Works, the applicant, and the Chief Administrative Officer. Staff have determined the requirements of the Subdivision By-law and the Municipal Services Specifications Manual for West Hants are sufficient. However, if the owner wishes to maintain ownership of the detention pond, the owner will need to submit confirmation of performance on an annual basis and fix any issues that arise.

WHMPS Specific Criteria

Policy 5.4.4 of the WHMPS establishes Council’s intention to consider proposals for comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement. The above policy establishes the criteria to be considered by Council, which are examined in detail in Appendix A. In summary, the criteria are met since:

- the development agreement has specific stipulations for density and ensures that a minimum of 30 percent of the total number of dwelling units will be single unit dwellings;
- a traffic impact study will be required before the 100th residential unit development permit can be issued or before any development can start in Phase 3 and all work required by the recommendations in the traffic impact study must be completed;
- the reduced setback requirements will enable a planned compact community that makes efficient use of streets and municipal infrastructure; and
- the stormwater management plan is considered satisfactory by the Municipal Engineer.

WHMPS General Criteria

Policy 16.3.1 of the WHMPS states general criteria for any development agreement considered in West Hants. These criteria are examined in detail in Appendix B. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Manager of Building and Fire Inspections Services, Director of Public Works and Department of Transportation and Infrastructure Renewal have no major concerns which have not been address in the draft development agreement.

Request for Discharge

West Hants entered into a development agreement with Meadows Development Limited in 2007 to permit eight (8) semi-detached dwellings on PID 45371887. To include this property in the new agreement, staff recommend discharging the current agreement.

Section 229 (2) of the MGA states *A council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with the concurrence of the property owner.*

The applicant has indicated they agree to a discharge of the previoys agreement. Clause 5.7 (b) of the draft development agreement would discharge the existing development agreement for PID 45371887.

Municipal Climate Change Action Plan

Based on the Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps there may be a risk of inland and coastal flooding in close vicinity to the properties but not directly on the properties as shown in Figure 3 and 4. The Falmouth Stormwater Management Plan (Falmouth SWMP) shows similar flooding potential downstream from the development site (Figure 5). The Municipal Engineer is satisfied that the stormwater management ponds will reduce the post-development flows by 10% to 23% compared to the pre-development flows to the downstream area based on the stormwater model presented.

NEXT STEPS

As noted above, the proposed development has been considered within the context of both the specific and general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. The development meets the specific and general criteria for development agreements as outlined in the WHMPS. As a result, it is reasonable to consider approving the development agreement to allow two-unit dwellings at PID 45371879, 45383379, 45371887, and 45383957 in Falmouth.

Approval Process

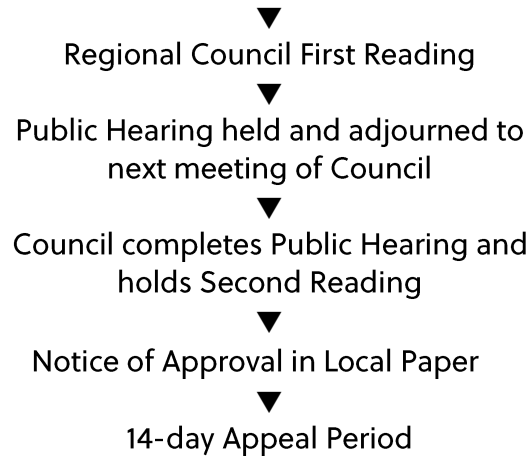
Staff Review



Public Information Meeting



Planning Advisory Committee receives staff report and PIM Notes
Planning Advisory Committee Review and Recommendation



FINANCIAL IMPLICATIONS

There would be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by new residents moving to the development.

ALTERNATIVES

In response to the application, PAC may recommend that Council:

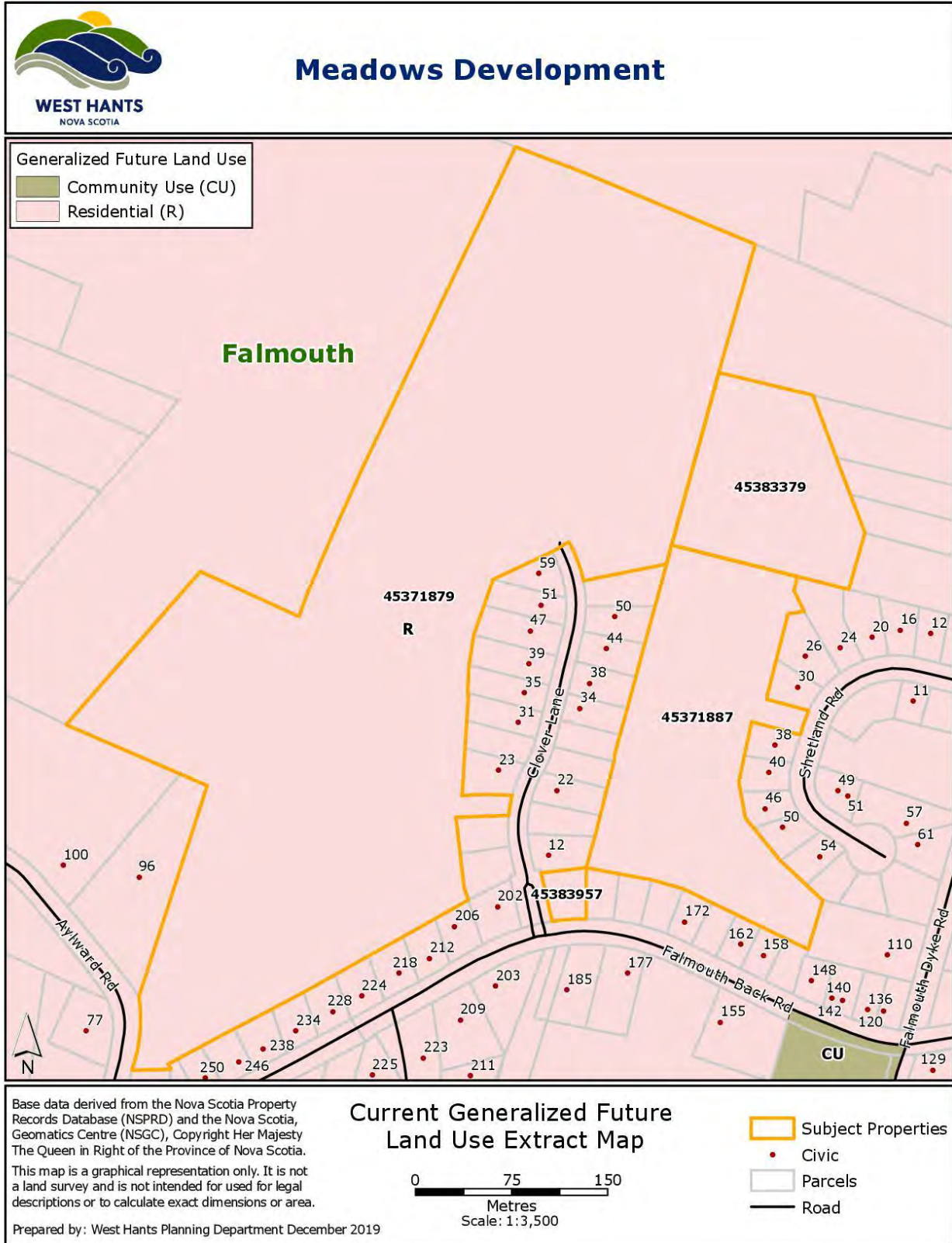
- hold First Reading and authorize a Public Hearing to approve the Development Agreement as drafted or as specifically revised by direction of PAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	Generalized Future Land Use Map
Figure 2	Existing Zoning Map
Figure 3	MCCAP Inland Flooding Map (Falmouth)
Figure 4	MCCAP Coastal Flooding Map (Falmouth)
Figure 5	Falmouth SWMP 1 In 100 Year Flooding Extent with Climate Change Map
Appendix A	Specific Criteria for Development Agreement
Appendix B	General Criteria for Development Agreement
Appendix C	Draft Development Agreement

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

**FIGURE 1
GENERALIZED FUTURE LAND USE MAP**



**FIGURE 2
EXISTING ZONING MAP**

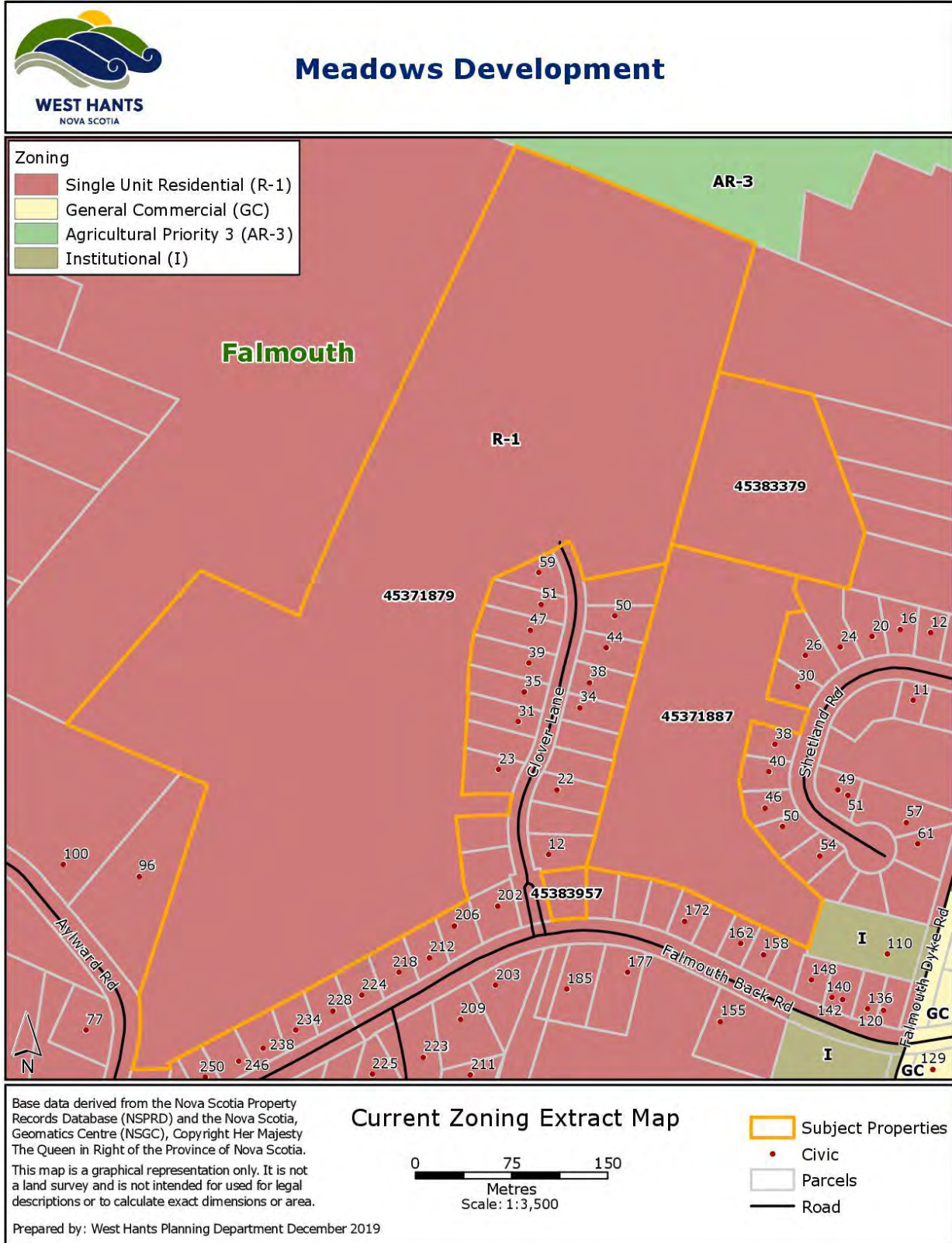


FIGURE 3
MCCAP INLAND FLOODING MAP (FALMOUTH)



Development site

FIGURE 4
MCCAP COASTAL FLOODING MAP (FALMOUTH)



-  Town of Windsor
-  Rivers
-  10 m Contour
-  Roads
-  Sea Level 10 m
-  Buildings
-  Water
-  Emergency Services - Paramedic
-  Fire Department
-  Hospital
-  Municipal Building
-  Pumping Station
-  Rural RCMP
-  Town of Windsor/RCMP
-  Water Treatment Plant
-  Variance
-  Watersheds
-  Municipality of West Hants



Development site

FIGURE 5
Falmouth SWMP 1 IN 100 YEAR FLOODING EXTENT
WITH CLIMATE CHANGE MAP



Legend

-  1 in 100 Year Flooding Extent with Additional Detention Pond
-  1 in 100 Year Flooding Extent without Additional Detention Pond

 Development site

APPENDIX A
SPECIFIC CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 5.4.4 *It shall be the policy of Council to consider proposals for comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement subject to the following:*

CRITERIA	COMMENT
<i>(a) the development consists of a mix of housing types where:</i>	
<i>(i) a minimum of 30 percent of the total number of dwelling units shall be single unit dwellings; and</i>	Clause 2.2 (a) of the development agreement addresses this requirement.
<i>(ii) the remaining dwelling units may include any combination of townhouse dwellings along with semi-detached or duplex dwellings, provided that not more than four dwelling units shall be permitted per building or attached structure;</i>	In Section 2.1 Uses of the development agreement two-unit dwellings are the largest dwellings permitted which means no building will have more than two (2) dwelling units meeting the intent of this criterion.
<i>(b) the property:</i>	
<i>(i) is at least 25 acres (10.12 ha) in size;</i>	As the development site is a combination of multiple properties that will be subdivided into individual residential lots, staff are not requiring the applicant to consolidate the four (4) properties into one (1) property and are considering the development site the "property" for policy criteria. The development site is 49 acres.
<i>(ii) is serviced, or is capable of being serviced, by both municipal water and sewer; and (Amendment WHMPS 14-01 Effective January 22, 2015)</i>	The Director of Public Works has confirmed that portions of the development site are currently serviced with potable water and central sewer services and the remaining portions of the development site are capable of being serviced.
<i>(iii) has frontage on an arterial or collector street designated on the Transportation Map (Map 2);</i>	The development site has frontage on an arterial street (Falmouth Back Road) designated on the Transportation Map. This criterion does not specify that direct access to an arterial street is necessary. The development site will have access to Falmouth Back Road though Clover Lane.
<i>(c) the development exhibits comprehensive site planning and design with an emphasis on the conservation of significant natural</i>	The concept plan exhibits comprehensive planning and design with conservation of existing watercourses. Staff considered the landscaping and buffering

<i>features of the site, provision of open space and recreational areas, and landscaping and buffering to screen views of the development from existing developed properties;</i>	requirements based on potential land use conflicts. Staff will not require landscaping and buffering for the existing agricultural and institutional uses. The concept plan shows significant distance between the proposed residential uses and existing farm operations. PID 45371887 is adjacent to an institutional use (senior's complex) which is surrounded by existing residential uses. The Development Officer has confirmed there have not been any land use conflicts between the existing institutional use and adjacent residential uses. In the Development Officer's experience, they have not witnessed a conflict between any institutional use and residential uses in West Hants. The remainder of the existing developed properties are designated and zoned residential and the proposed development is not expected to create potential land use conflicts.
<i>(d) the gross density of the development shall not exceed 4.5 dwelling units per acre; where the gross density exceeds 3 dwelling units per acre, at least 10 percent of the total area of the property shall be dedicated to the Municipality for parkland or open space purposes;</i>	Clause 2.2 (d) of the development agreement addresses this requirement.
<i>(e) the Multiple Residential (R-3) zone standards are used as a guide for minimum lot area, frontage and yards; however, Council may consider reduced lot requirements where the proposed development is a planned compact community that makes efficient use of streets and municipal infrastructure;</i>	The Single Unit Residential (R-1) and Two Unit Residential (R-2) zone requirements in the West Hants Land Use By-law will apply to single and two-unit dwellings with the exception of the minimum lot frontage and side yard requirements for single-unit dwellings which have been reduced at the applicant's request. These reductions will enable a planned compact community that makes efficient use of streets and Municipal infrastructure.
<i>(f) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;</i>	DTIR has requested a Traffic Impact Study be submitted before the 100th development permit can be issued for a residential unit or before development starts in Phase 3. Section 2.4 of the development agreement addresses this request.

<i>(g) the development is compatible with the surrounding area in terms of building height, scale and architectural design;</i>	The building height and scale requirements will be the same as the requirements in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones in Falmouth. There are no architectural design requirements. The applicant has provided photos to illustrate the architectural style of the development.
<i>(h) a stormwater management plan shall be submitted, satisfactory to the Municipal Engineer, that shows the development will not adversely affect receiving watercourses and downstream properties;</i>	The Municipal Engineer is satisfied with the stormwater management plan submitted and has stated that <i>"the retention ponds will reduce the post-development flows by 10% to 23% less than the pre-developed flows to the downstream area based on the stormwater model presented."</i> In addition, DTIR has reviewed the stormwater management plan in relation to the Provincial road network and find the proposed system to be acceptable.
<i>(i) the application is accompanied by:</i>	
<i>(i) a site plan showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;</i>	The site plan which forms part of the Development Agreement as the concept plan shows all relevant information required.
<i>(ii) other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and</i>	Topography and significant natural features such as watercourses are shown on the concept plan.
<i>(iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;</i>	Photos were included in the application showing the style of the buildings.
<i>(j) any other matter which may be addressed by development agreement; and</i>	No other matter has been raised.
<i>(k) Policy 16.3.1.</i>	Please see Appendix B for further details.

APPENDIX B
GENERAL CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 16.3.1 *In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	Please see 5.4.4 (b) (ii) for further details.
<i>(ii) the adequacy of school facilities;</i>	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated they have no concerns as schools in West Hants are projected to decreased in enrollment over the next ten years.
<i>(ii) the adequacy of fire protection and other emergency services;</i>	The Manager, Building and Fire Inspection and Fire Chief for the area have no concerns with regards to fire protection and emergency services.
<i>(iii) the adequacy of road networks adjacent to, or leading to the development; and</i>	Please see 5.4.4 (f) for further details.
<i>(iv) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There would be an increase in households using water, sewer, and waste disposal services in the area. New residents moving to the development would be expected to cover some of the increased costs for the Municipality.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	Please see 5.4.4 (b) (ii) for further details.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	Please see 5.4.4 (f) for further details. All new roads must be built to the standards in the Municipal Services Specifications Manual and West Hants Subdivision By-law.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The lot dimensions and shape will be regulated in section 2.3 <i>Setbacks and Buffering</i> of the development agreement.
<i>(e) the pattern of development which the proposal might create;</i>	Policy 5.1.1 encourages concentrated residential development in designated

	Growth Centres. Two-unit dwellings are in line with this policy.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i>	Based on a preliminary visual assessment there are no evident concerns in terms of steepness of grade, soil, geological conditions, and location of water courses or wetlands. In terms of flooding, the MCCAP Inland and Coastal Flooding maps show there may be a risk of inland and coastal flooding in close vicinity to the properties but not directly on the properties. The Falmouth Stormwater Management Plan shows flooding potential downstream from the development site. Please see 5.4.4 (h) for comments from the Municipal Engineer regarding stormwater management. The applicant will be responsible if any issues arise in terms of the suitability of the area for the proposed uses.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i>	The proposed amendment meets all relevant municipal, provincial and federal regulations.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	Please see Appendix A for further details.

W/WH
WINDSOR / WEST HANTS
TOGETHER

WHEREAS Policy 5.4.4 of the Municipal Planning Strategy; and Section 6.1 (d) of the Land Use By-law enables Council to consider new comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement; and

WHEREAS the Council of the Municipality, at a meeting held on **Date**, approved this request and adopted this Agreement by policy subject to the execution of this development agreement by the parties hereto;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use By-law, except those defined as follows:

“Municipal Engineer” means the engineer of the West Hants Regional Municipality and includes a person acting under the supervision and direction of the engineer.

“Two-unit Dwelling” means a completely detached building containing only two (2) dwelling units.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

- Schedule A - Legal Description
- Schedule B – Concept Plan
- Schedule C – Stormwater Management Plan

1.3 Municipal Planning Strategy, Land Use By-law, and Subdivision By-law

- (a) *Municipal Planning Strategy* means the West Hants Municipal Planning Strategy, approved on May 13, 2008, as amended, or successor By-laws;
- (b) *Land Use By-law* means the West Hants Land Use By-law, approved on May 13, 2008, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the West Hants Subdivision By-law, approved on May 13, 2008, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

The Parties agree that the uses on the Properties shall be limited to the following:

- (a) those uses permitted by the underlying zoning in the Land Use By-law; and
- (b) two-unit dwellings.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and the Subdivision By-law apply to any development undertaken pursuant to this Agreement.

2.2 Development Location and Design

The development location and design shall conform to the following at all times:

- (a) a minimum of 30 percent of the dwellings constructed must be single unit dwellings;
- (b) maximum units per phase shall not exceed the numbers shown on the Unit Summary table on Schedule B;
- (c) the development shall be constructed using any of the lot configurations or design elements shown in Schedule B; and
- (d) the gross density of the development shall not exceed four and a half (4.5) dwelling units per acre. Where the gross density exceeds three (3) dwelling units per acre, at least 10 percent of the total area of the property shall be dedicated to the Municipality for parkland or open space purposes. This includes the 5% parkland dedication required in the Subdivision By-law. The Public Parkland outlined in the parkland agreements entered into by the Owner and the Municipality on August 22, 2011 and April 10, 2012 may be used as part of the parkland contribution requirement for this development.

2.3 Lot and Yard Requirements

All Single Unit dwellings shall conform to the following lot requirements:

Minimum Lot Area	6,000 ft ² (557.40 m ²) 7,000 ft ² (650.30 m ²) for corner lots
Minimum Lot Frontage	50 ft. (15.24 m)
Minimum Front/Flankage Yard	25 ft (7.62 m)
Minimum Rear Yard	25 ft (7.62 m)
Minimum Side Yard	6 ft. (1.83 m) on both sides
Maximum Height of Main Building	35 ft (10.67 m)

All Two-unit dwellings shall be regulated under sections 9.2 and 9.3 of the Land Use By-law.

The Development Officer may grant a variance from one or more of the following subject to the requirements of the Municipal Government Act:

- (a) minimum lot area and frontage;

- (b) minimum yard dimensions;
- (c) percentage of land that may be built upon;
- (d) number of parking and loading spaces required;
- (e) height of a structure;
- (f) floor area occupied by a home-based business; and
- (g) height and area of a sign.

2.4 Access and Egress

Before a development permit can be issued for the 100th residential unit within the area of the development agreement and/or prior to the commencement of any development in Phase 3 as shown on Schedule B, a Traffic Impact Study must be submitted to the Municipality and approved by Department of Transportation and Infrastructure Renewal, and all work required by the recommendations in the Traffic Impact Study must be completed. This requirement applies only to applications for development permits made following the effective date of this development agreement.

2.5 Roads and Municipal Services

Roads and Municipal Services in the development shall conform to the following:

- (a) the layout of streets within the development shall be as generally shown on Schedule B. The Development Officer, in consultation with the Municipal Engineer, may give consideration to minor incidental changes to the street layout;
- (b) all streets and municipal services within the development shall be designed and constructed in accordance with the requirements of the Municipal Services Specifications Manual. Detailed design plans of the street networks, water and sewer servicing and storm water systems shall be approved by the Municipal Engineer for each phase of the development prior to construction commencing for that phase; and
- (c) the development of new streets not shown on Schedule B for the purpose of development shall be permitted provided all requirements of the Subdivision By-law are met.

2.6 Parking

Parking shall be provided in accordance with the requirements of section 5.31 of the Land Use By-law.

2.7 Signs and Lighting

Signage and illumination shall be regulated under sections 5.18 and 7.0 of the Land Use By-law which controls lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to minimize light spilling, glare or light cast over neighbouring properties or the street.

2.8 Maintenance

The Owner shall keep the Properties and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

2.9 Storm Drainage

The Owner shall ensure the Stormwater Management Plan, Schedule C, is implemented to ensure neighboring properties are not negatively impacted by storm drainage.

The Owner may transfer ownership of the stormwater management system, and specifically the detention pond, to the Municipality provided all acceptance requirements in the Subdivision By-law are met. If the Owner wishes to enable alternative requirements for acceptance, the Owner may enter into a servicing agreement with the Municipality as outlined in the Subdivision By-law.

If the Owner wishes to retain ownership of the stormwater management system, and specifically the detention pond, the Owner must provide the Municipal Engineer evidence annually, or upon request of the Municipality, that the detention pond conforms to the performance expectations detailed in Schedule "C" of this agreement. All costs associated with addressing performance concerns will be at the sole expense of the owner and must be addressed by the Owner within six (6) months of notification. The Owner may be given an extension in writing by the Development Officer to complete the work for an equivalent period. Should the owner not address the concerns, the Municipality reserves the rights to make any repairs necessary and charge the Owner for the costs incurred.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not vary or change the use of the Properties from that provided for in *Section 2.1 Uses* of this Agreement unless a new agreement is entered into with the Municipality or this Agreement is amended.

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the overall intended effect of this Agreement.

3.3 The following matters are substantive matters:

- (a) the uses permitted on the Properties as listed in *Section 2.1 Use* of this Agreement;
- (b) the location and design requirements for the Properties as listed in *Section 2.2 Development Location and Design*;
- (c) the lot and yard requirements for the Properties as listed in *Section 2.3 Lot and Yard Requirements* of this Agreement; and

- (d) the stormwater management plan for the Properties as described in Section 2.9 Storm Drainage of this Agreement.
- 3.5 Notwithstanding the foregoing, discharge of this agreement is not a substantive matter and this agreement may be discharged by Council without a public hearing.
- 3.6 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner following a resolution of Council to give such Notice:
 - (a) as provided for in *Section 4.1 Commencement of Operation* of this Agreement; or
 - (b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least forty-eight (48) months; or
 - (c) at any time upon the written request of the Owner, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.
- 3.7 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Operation

- (a) The Owner may not commence any construction or use on the Properties related to this development until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.
- (b) Development as provided in Part 2 of this Agreement shall commence not later than forty-eight (48) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.
- (c) If the Owner is bona fide delayed from commencing the development for reasons which are beyond the Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owner is excused for the period of the delay and the time period for the Owner to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Owner shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required within ten (10) days of completion of any work which requires the engineered design.
- (b) The Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other By-laws and Regulations

- (a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Properties (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

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.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender.
- (b) 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.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Owner about the suitability of the Properties for the development proposed by this agreement. The Owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the Development.
- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owners in writing. In the event that the Owners have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Owner shall pay all costs associated with the costs of registering this Agreement and discharging any prior agreements encumbering the Properties, and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

- (a) This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality.
- (b) This Agreement replaces and discharges the Development Agreement between the Municipality of the District of West Hants and the Owner dated August 7, 2007 and recorded at the Registry of Deeds in the Province of Nova Scotia on September 27, 2007 as Document No. 88923751.

5.8 Assignment of Agreement

The Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to 258 King Street P.O. Box 2018 Windsor, NS, CA B0N 2T0, or at any other address provided by the Owner.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, Nova Scotia, B0N 2T0.

5.10 Full Agreement

This Agreement constitutes the entire Agreement and contract entered into by the Municipality and the Owner. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

Witness

Witness

WEST HANTS REGIONAL MUNICIPALITY

)
)
)
) Per: _____
) Abraham Zebian, Mayor
)

) Per: _____
) Rhonda Brown, Municipal Clerk
)

) **Brison Developments Limited**
)
)
) Per: _____
) Mitchel Brison, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2021, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2021, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS _____ day of _____, A.D. 2021, before me, the subscriber, personally came and appeared _____, a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **MITCHEL BRISON**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in his presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK
WEST HANTS REGIONAL MUNICIPALITY

I, Rhonda Brown of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (The "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the Municipal Government Act, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the Municipal Government Act, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

Sworn before me at _____, Nova Scotia,
this _____, 2021.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

RHONDA BROWN

I CERTIFY that on this date Rhonda Brown personally came before me and swore under oath the foregoing Affidavit.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mitchel Brison, Nova Scotia, make oath and say that:

1. I am Mitchel Brison of Brison Developments Limited, the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this **Month Day**, 2021 the Deponent came before me, made oath, and swore the foregoing affidavit at _____, Nova Scotia.

Print Name:

Authority (e.g. Commissioner of Oaths):
Please affix seal

Schedule 'A'
Legal Description – PID 45371879

Place Name: FALMOUTH BACK ROAD FALMOUTH
Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY
Designation of Parcel on Plan: BLOCK 1-R
Title of Plan: SURVEY PARCEL PH-2, S/D PORTION BLOCK 1, LANDS OF MEADOWS
DEVELOPMENT LTD, FALMOUTH BACK RD, AYLWARD RD & SHETLAND RD (PROPOSED),
FALMOUTH, APP PARCEL PH-2 & BLOCK 1-R
Registration County: HANTS COUNTY
Registration Number of Plan: 88595377
Registration Date of Plan: 2007-08-16 13:49:14

SAVING and EXCEPTING Lot MD-1 as shown on registered Plan No. 91651050 at the Land
Registration Office for Hants County.

SAVING and EXCEPTING LOTS M-1 to M-4, inclusive as shown on registered Plan No.
97335914 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOTS 114-121 inclusive, as shown on registered Plan No. 99835861 at
the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 113 as shown on registered Plan No. 99835861 at the Land
Registration Office for Hants County.

SAVING and EXCEPTING LOT 112 as shown on registered Plan No. 100545707 at the Land
Registration Office for Hants County.

SAVING and EXCEPTING LOT 103 as shown on registered Plan No. 104799615 at the Land
Registration Office for Hants County.

SAVING and EXCEPTING LOT 104 and LOT 105 as shown on registered Plan No. 105333000 at
the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 109 as shown on registered Plan No. 106182976 at the Land
Registration Office for Hants County.

SAVING AND EXCEPTING Lot 108 as shown on registered plan no. 107755051 recorded in the
Land Registration Office for Hants County.

SAVING AND EXCEPTING Lot 106 as shown on registered plan no. 108175689 recorded in the
Land Registration Office for Hants County.

SAVING and EXCEPTING Lot 107 as shown on registered Plan No. 108291684 at the Land
Registration Office for Hants County.

SAVING and EXCEPTING LOT 110 as shown on registered Plan No. 108314981 at the Land Registration Office for Hants County.

SAVING and EXCEPTING LOT 101 and LOT 102 as shown on registered Plan No. 110487163 at the Land Registration Office for Hants County.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: HANTS COUNTY

Registration Year: 2017

Plan or Document Number: 110487163

The MGA compliance statement has been applied by SNSMR during the processing of Land Registration Plan.

Legal Description – PID 45383379

Registration County: HANTS COUNTY

Street/Place Name: FALMOUTH DYKE ROAD /FALMOUTH

Title of Plan: PLAN OF S/D OF LOT GE-2, LAND OF RICHARD ARNOLD ELDRIDGE, TO FORM LOT GE-2A & REMAINDER LOT GE-2B, FALMOUTH DYKE RD, FALMOUTH

Designation of Parcel on Plan: LOT GE-2A

Registration Number of Plan: 96299525

Registration Date of Plan: 2010-07-07 11:26:40

Legal Description – PID 45371887

Place Name: FALMOUTH BACK ROAD FALMOUTH

Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY

Designation of Parcel on Plan: PARCEL PH-2

Title of Plan: SURVEY PARCEL PH-2, S/D PORTION BLOCK 1, LANDS OF MEADOWS DEVELOPMENT LTD, FALMOUTH BACK RD, AYLWARD RD & SHETLAND RD (PROPOSED), FALMOUTH, APP PARCEL PH-2 & BLOCK 1-R

Registration County: HANTS COUNTY

Registration Number of Plan: 88595377

Registration Date of Plan: 2007-08-16 13:49:14

SAVING and EXCEPTING LOTS M-2 to M-10, inclusive as shown on registered Plan No. 97335914 at the Land Registration Office for Hants County.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Hants as plan or document number 97335914.

The MGA compliance statement has been applied by SNSMR during the processing of the abovementioned plan 97335914.

Legal Description – PID 45383957

Parcel Description

Registration County: HANTS COUNTY

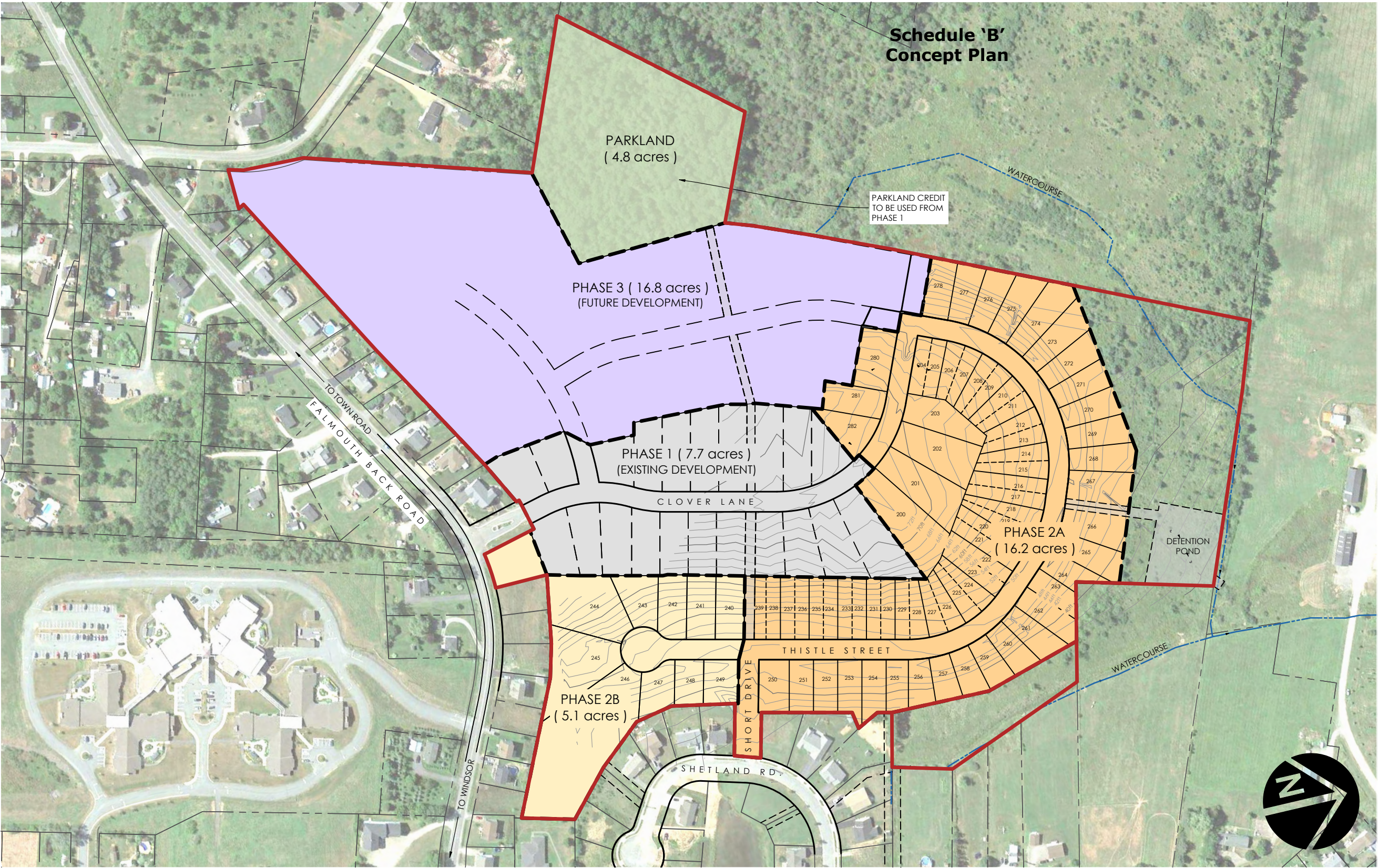
Street/Place Name: FALMOUTH BACK ROAD /FALMOUTH

Title of Plan: PLAN OF SURVEY OF LOTS M-1 TO M-10, BEING A S/D AND CONSOLIDATION OF BLOCK 1-RA & PARCEL PH-2, LANDS OF BUCKWOOD INVESTMENTS LTD & LANDS CLAIMED BY BUCKWOOD INVESMENTS LTD, (THE OLD TOWNSHIP RD), FALMOUTH BACK RD, FALMOUTH

Designation of Parcel on Plan: LOT M-2

Registration Number of Plan: 97335914

Registration Date of Plan: 2010-12-02 13:22:33



LEGEND

	Site Boundary
	Adjacent Property Boundary

UNIT SUMMARY

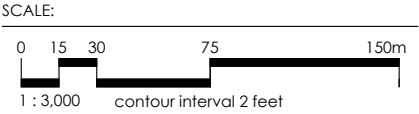
	Area (acres)	Maximum Units
Phase 2A (R1)	16.2	36
Phase 2A (R2)		36
Phase 2B (R1)		10
Total	21.3	82

Phase 3 up to maximum of 75 units

- SITE SUMMARY:**
- Existing Zone: Multiple Residential
 - Total Land Area: 56.7 acres

- NOTES:**
- Subject to survey. Property lines and topographic features are approximate only.
 - Site subject to by-law review and regulations.

- SOURCES:**
- Plan based on DesignPoint Site Plan file: '14-033_Base_20200401.dwg'



**Zwicker
Zareski
architecture +
planning**

Site Plan : The Meadows

Falmouth, Nova Scotia

1 Canal Street, Dartmouth, NS B2Y 2W1 ZZap.ca

Version 104

Designer: K.WATTERS
Planner: C.MARKIDES
Date:
JUNE 08, 2020

Schedule 'C'

Stormwater Management Plan



June 22, 2020

West Hants Regional Municipality

100 King Street

Windsor, Nova Scotia B0N 2T0

Attention: Rick Sherrard, Manager of Technical Engineering Services

RE: The Meadows Phase 2A – Storm Drainage System Modification Request

DesignPoint Project #: 14-033

Further to our site meeting, I herein request that the Municipality allow the Developer to modify the storm drainage plan as follows:

- 1) Install an additional 250 mmØ PVC DR35 storm pipe from CB7-A and CB7-B to rear lot line between lots 240 and 242. This pipe will discharge water from area A7 only (2.1 acres). The discharge will be directed into the existing ditch/drainage route at the rear of the lots, the property at this location is owned by Brison Developments. This ditch drains to the same watercourse that the discharge from the drainage pond for the project discharges to.
- 2) Remove the deep storm sewer pipes from MHST7A to MHST9 and from MHST7 to MHST5, with CB7-A and CB7-B directed to the ditch as described above. The deep storm sewer pipes are not needed for CB7-A and CB7-B. The Developer has decided to build all homes as slab on grade and therefore a deep storm sewer for footing drains is not required.

We will be able to balance the pre and post development flows with oversized pipe or perforated pipe. This storm water design approach will provide adequate drainage for this project and will meet all regulatory requirements.

For reference, refer to attached design drawings for The Meadows Phase 2, sheets 1-11, revision 3, dated June 12, 2019, as signed by myself.

If this is acceptable to the Municipality, we will submit a revised design along with the storm drainage calculations.

If you have any questions, please feel free to contact me.

Thank you,

DesignPoint Engineering & Surveying Ltd.

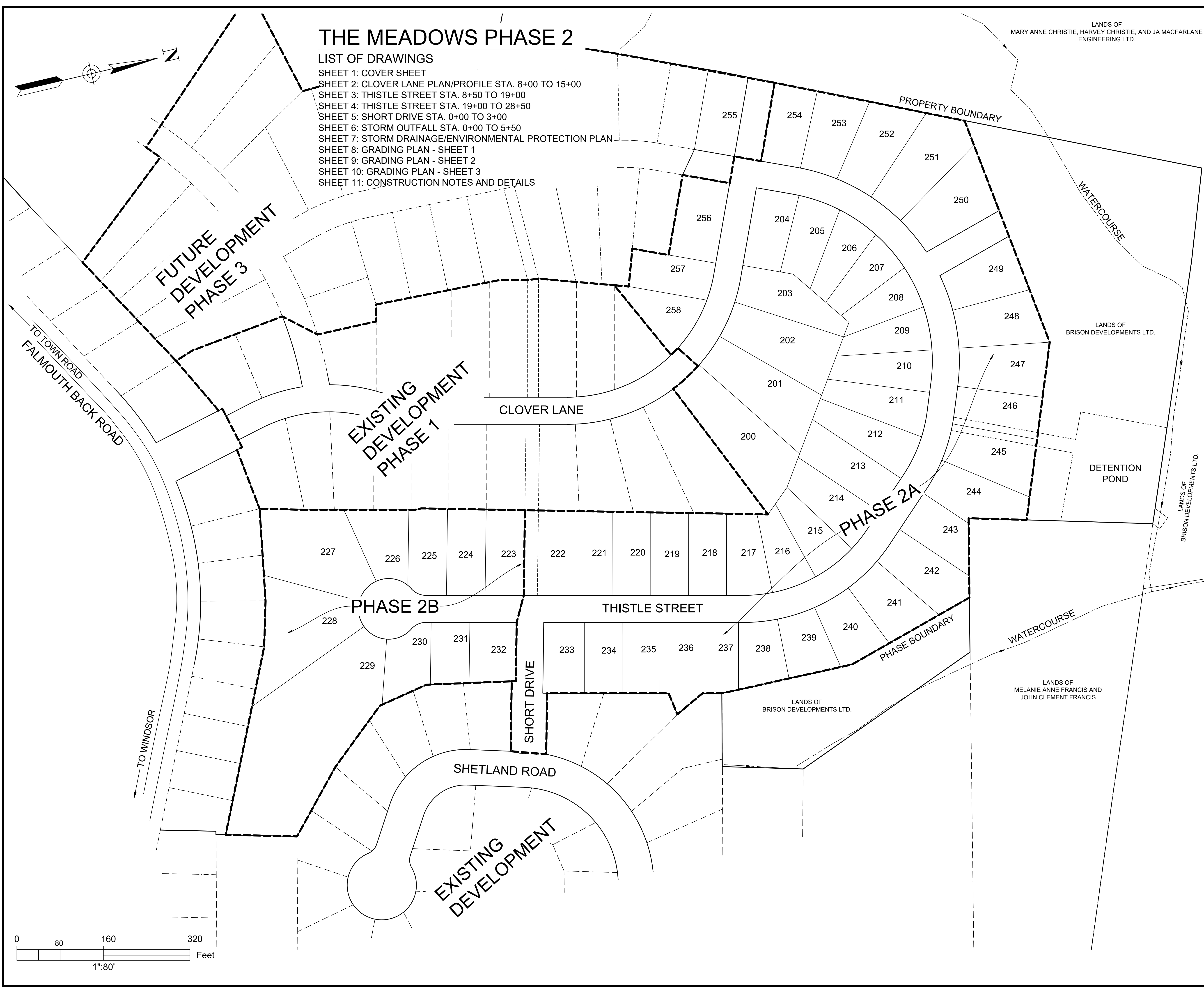
A handwritten signature in blue ink that reads 'Glenn Woodford'.

Glenn Woodford, P.Eng.

Senior Engineer & Principal

GSW/alc

Enclosures: The Meadows Phase 2 Design Drawings

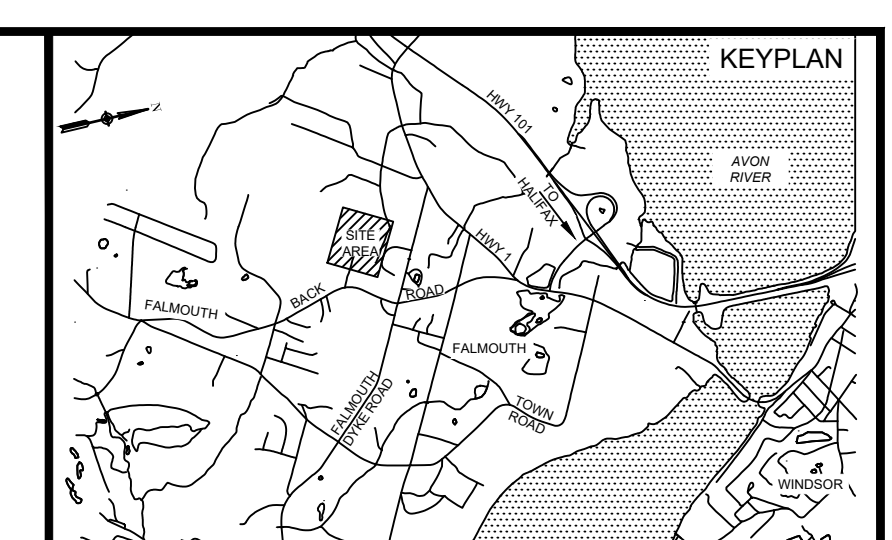


THE MEADOWS PHASE 2

LIST OF DRAWINGS

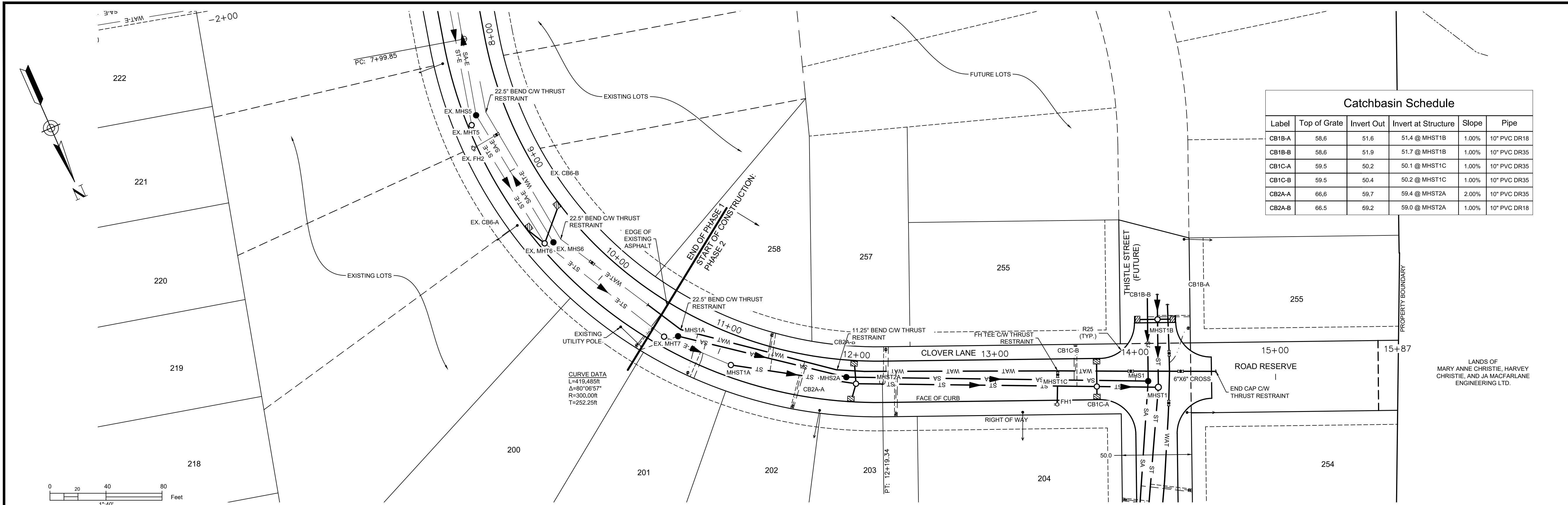
- SHEET 1: COVER SHEET
- SHEET 2: CLOVER LANE PLAN/PROFILE STA. 8+00 TO 15+00
- SHEET 3: THISTLE STREET STA. 8+50 TO 19+00
- SHEET 4: THISTLE STREET STA. 19+00 TO 28+50
- SHEET 5: SHORT DRIVE STA. 0+00 TO 3+00
- SHEET 6: STORM OUTFALL STA. 0+00 TO 5+50
- SHEET 7: STORM DRAINAGE/ENVIRONMENTAL PROTECTION PLAN
- SHEET 8: GRADING PLAN - SHEET 1
- SHEET 9: GRADING PLAN - SHEET 2
- SHEET 10: GRADING PLAN - SHEET 3
- SHEET 11: CONSTRUCTION NOTES AND DETAILS

LANDS OF
MARY ANNE CHRISTIE, HARVEY CHRISTIE, AND JA MACFARLANE
ENGINEERING LTD.

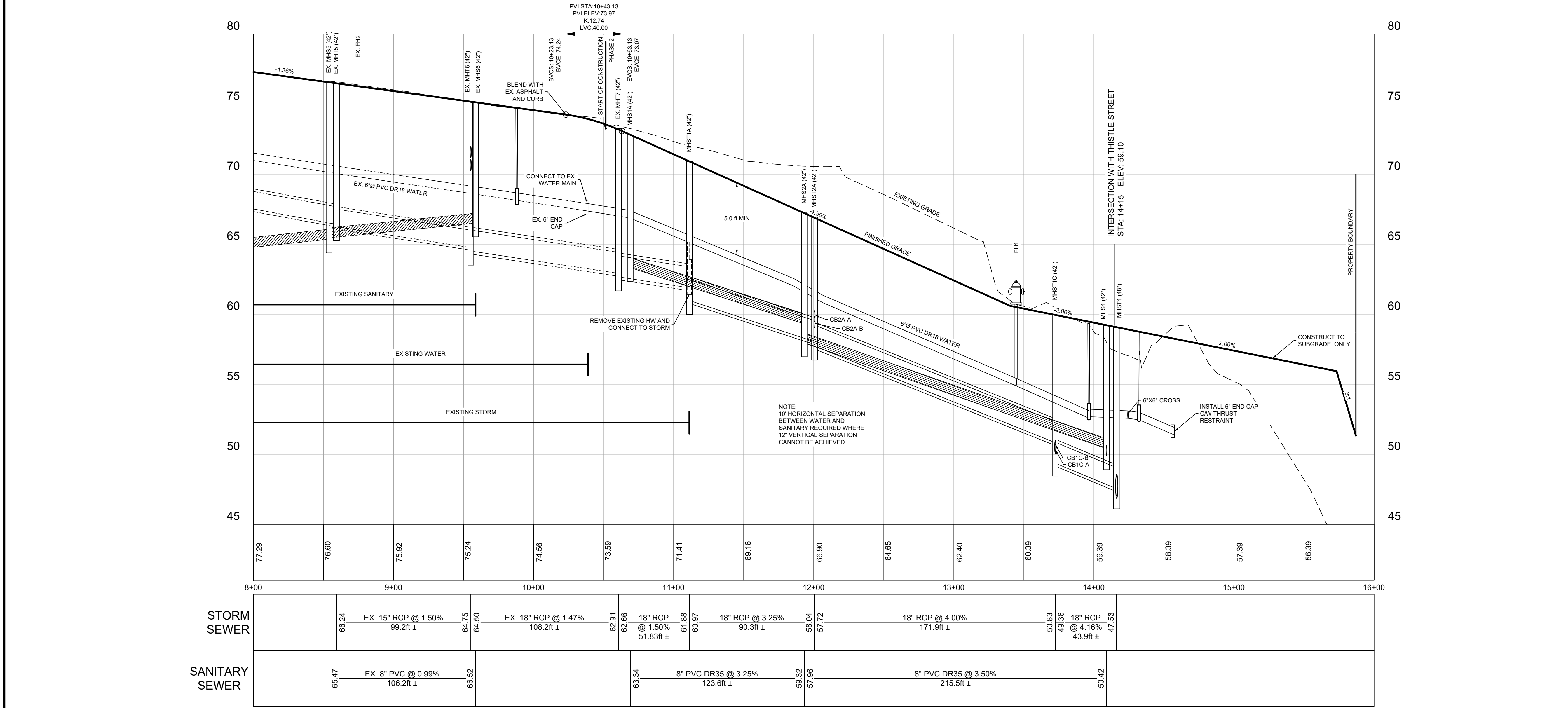


ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW
ISSUE	DATE	DESCRIPTION
CONSULTANT		
CLIENT		
PROJECT DESCRIPTION		
THE MEADOWS PHASE 2 FALMOUTH, NOVA SCOTIA		
SHEET DESCRIPTION		
COVER SHEET		
Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033
Date of 1st Issue MAR. 27, 2015	Scale 1"=80' H	Filename 14-033CBase.dwg
Drawing No. 1 of 11		



Catchbasin Schedule					
Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB1B-A	58.6	51.6	51.4 @ MHST1B	1.00%	10" PVC DR18
CB1B-B	58.6	51.9	51.7 @ MHST1B	1.00%	10" PVC DR35
CB1C-A	59.5	50.2	50.1 @ MHST1C	1.00%	10" PVC DR35
CB1C-B	59.5	50.4	50.2 @ MHST1C	1.00%	10" PVC DR35
CB2A-A	66.6	59.7	59.4 @ MHST2A	2.00%	10" PVC DR35
CB2A-B	66.5	59.2	59.0 @ MHST2A	1.00%	10" PVC DR18



LEGEND

DESIGN GRADE	—————
EXISTING GRADE	- - - - -
CENTERLINE	- · - · -
RIGHT OF WAY	=====
CURB	=====
EASEMENT	-----
PROPERTY BOUNDARY	=====
SANITARY LINE	— MHS — SA —> SA — MHS —
STORM LINE	— MHS — ST —> ST — MHS —
WATER LINE	— WAT —> WAT —
SANITARY LATERAL	-----
STORM LATERAL	-----
WATER LATERAL	-----
STORM EASEMENT	-----
OVERHEAD UTILITY	— OH — OH —
WATER VALVE	⌘ FIRE HYDRANT
CURB STOP	⊙ UTILITY POLE
CATCHBASIN	⊠ PRECAST HEADWALL

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CLIENT

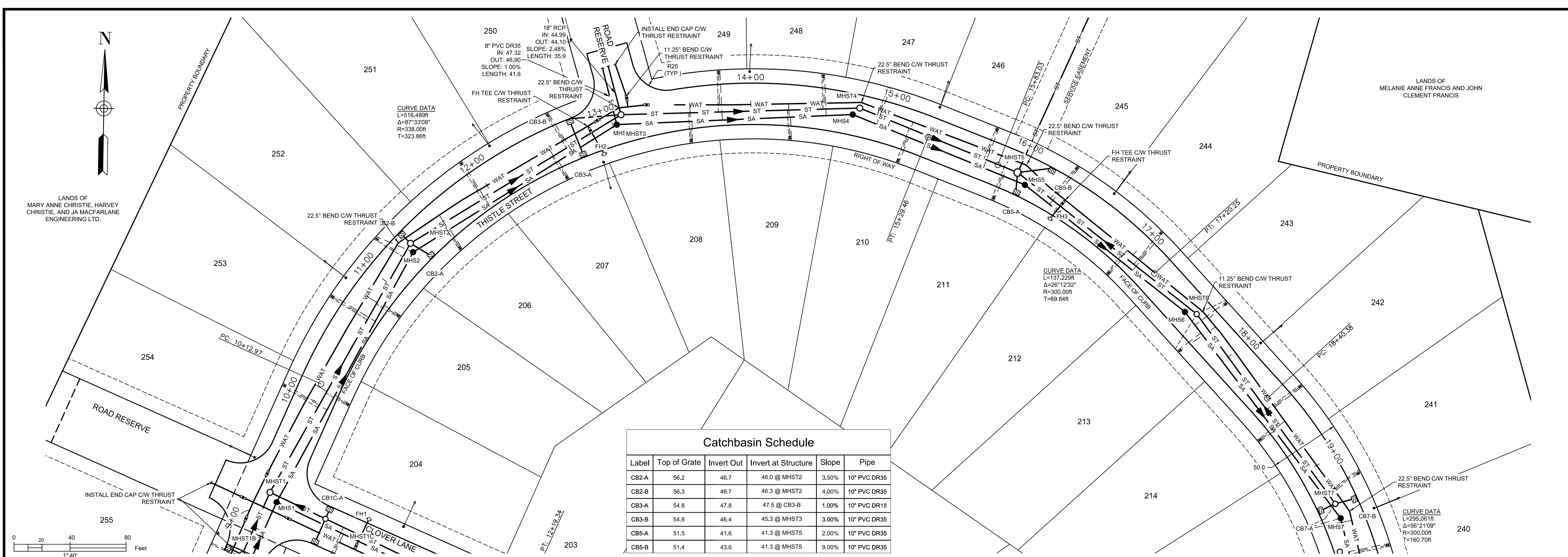
PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

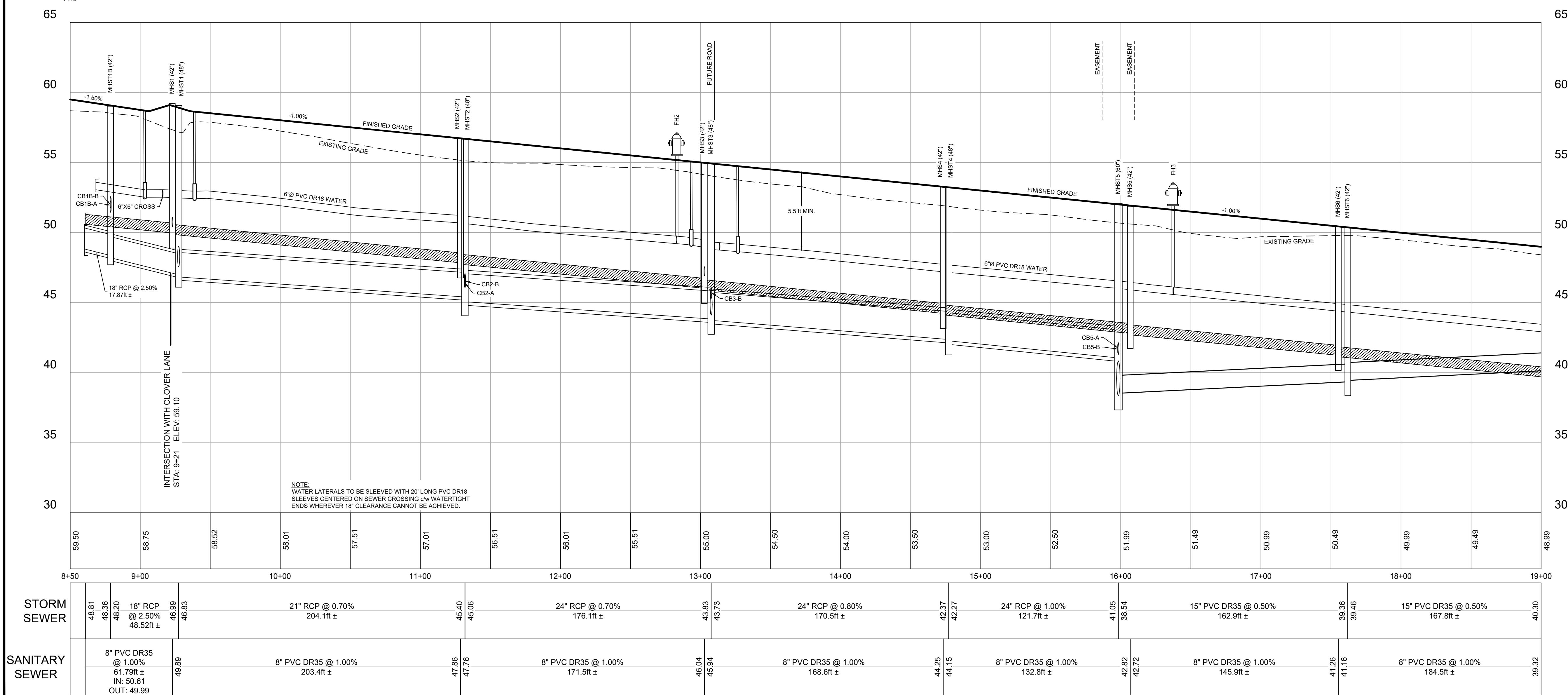
SHEET DESCRIPTION

PLAN / PROFILE
CLOVER LANE
STA. 8+00 TO 15+00

Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033	Drawing No. 2 of 11
Date of 1st Issue MAR. 27, 2015	Scale 1"=40' H, 1"=4' V	Filename 14-033CBase.dwg	



Catchbasin Schedule					
Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB2-A	56.2	46.7	46.0 @ MHST2	3.50%	10" PVC DR35
CB2-B	56.3	46.7	46.3 @ MHST2	4.00%	10" PVC DR35
CB3-A	54.8	47.8	47.5 @ CB3-B	1.00%	10" PVC DR18
CB3-B	54.8	46.4	45.3 @ MHST3	3.00%	10" PVC DR35
CB5-A	51.5	41.6	41.3 @ MHST5	2.00%	10" PVC DR35
CB5-B	51.4	43.6	41.3 @ MHST5	9.00%	10" PVC DR35



LEGEND

DESIGN GRADE	---
EXISTING GRADE	---
CENTERLINE	---
RIGHT OF WAY	---
CURB	---
EASEMENT	---
PROPERTY BOUNDARY	---
SANITARY LINE	MHS SA MHS
STORM LINE	MHS ST MHS
WATER LINE	WAT WAT
SANITARY LATERAL	---
STORM LATERAL	---
WATER LATERAL	---
STORM EASEMENT	---
OVERHEAD UTILITY	OH OH
WATER VALVE	⊞ FIRE HYDRANT
CURB STOP	⊞ UTILITY POLE
CATCHBASIN	⊞ PRECAST HEADWALL

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CONSULTANT

CLIENT

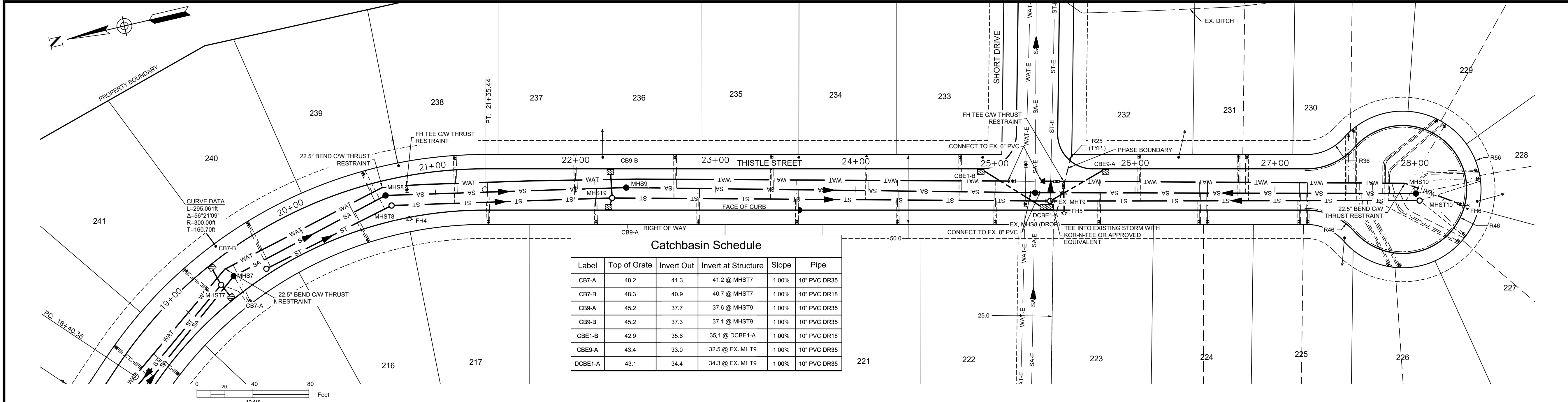
PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

PLAN / PROFILE
THISTLE STREET
STA. 8+50 TO 19+00

Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033	Drawing No. 3 of 11
Date of 1st Issue MAR. 27, 2015	Scale 1"=40' H, 1"=4' V	Filename 14-033CBase.dwg	



Catchbasin Schedule					
Label	Top of Grate	Invert Out	Invert at Structure	Slope	Pipe
CB7-A	48.2	41.3	41.2 @ MHST7	1.00%	10" PVC DR35
CB7-B	48.3	40.9	40.7 @ MHST7	1.00%	10" PVC DR18
CB9-A	45.2	37.7	37.6 @ MHST9	1.00%	10" PVC DR35
CB9-B	45.2	37.3	37.1 @ MHST9	1.00%	10" PVC DR35
CBE1-B	42.9	35.6	35.1 @ DCBE1-A	1.00%	10" PVC DR18
CB9-A	43.4	33.0	32.5 @ EX. MHT9	1.00%	10" PVC DR35
DCBE1-A	43.1	34.4	34.3 @ EX. MHT9	1.00%	10" PVC DR35

LEGEND		
DESIGN GRADE	———	
EXISTING GRADE	- - - - -	
CENTERLINE	- - - - -	
RIGHT OF WAY	———	
CURB	———	
EASEMENT	- - - - -	
PROPERTY BOUNDARY	———	
SANITARY LINE	MHS	SA
STORM LINE	MBT	ST
WATER LINE	WAT	WAT
SANITARY LATERAL	———	
STORM LATERAL	———	
WATER LATERAL	———	
STORM EASEMENT	———	
OVERHEAD UTILITY	OH	OH
WATER VALVE	⊞	FIRE HYDRANT
CURB STOP	⊞	UTILITY POLE
CATCHBASIN	⊞	PRECAST HEADWALL

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ISSUE	DATE	DESCRIPTION

CONSULTANT

DESIGN POINT
ENGINEERING & SURVEYING

CLIENT

BRISON DEVELOPMENTS

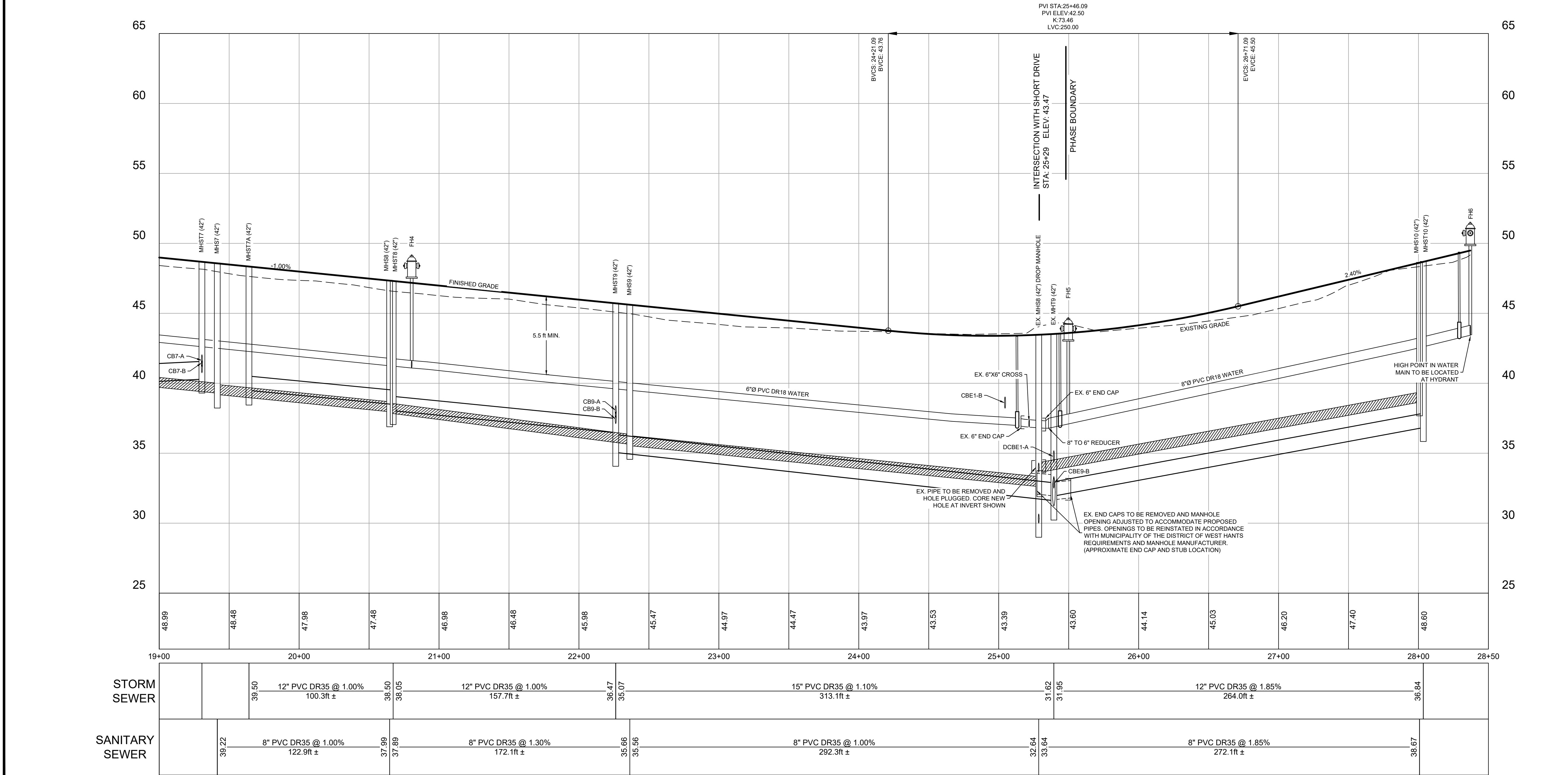
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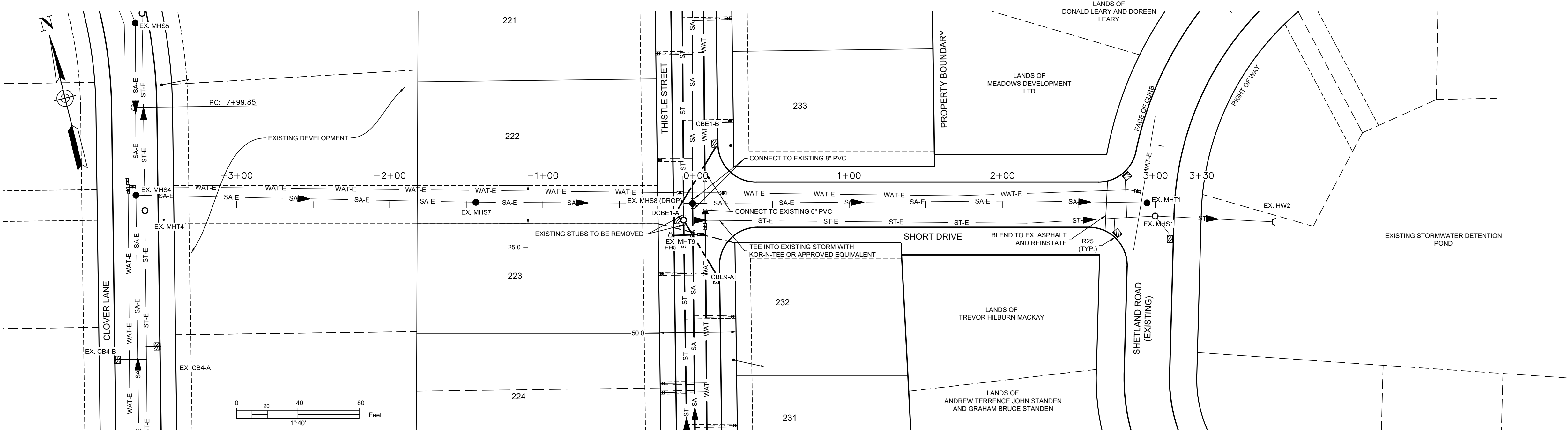
**THE MEADOWS
PHASE 2**
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

PLAN / PROFILE
THISTLE STREET
STA. 19+00 TO 28+50

Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033	Drawing No. 4 of 11
Date of 1st Issue MAR. 27, 2015	Scale 1"=40' H, 1"=4' V	Filename 14-033CBase.dwg	





LEGEND		
DESIGN GRADE	—————	
EXISTING GRADE	- - - - -	
CENTERLINE	- · - · -	
RIGHT OF WAY	=====	
CURB	=====	
EASEMENT	-----	
PROPERTY BOUNDARY	-----	
SANITARY LINE	● MHS — SA —> SA —> MHS ●	
STORM LINE	○ MHS — ST —> ST —> MHS ○	
WATER LINE	—— WAT —> WAT —> WAT —	
SANITARY LATERAL	-----	
STORM LATERAL	-----	
STORM EASEMENT	-----	
OVERHEAD UTILITY	—— OH —> OH —> OH —	
WATER VALVE	⊞	FIRE HYDRANT
CURB STOP	⊙	UTILITY POLE
CATCHBASIN	⊞	PRECAST HEADWALL

ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

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1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW
ISSUE	DATE	DESCRIPTION

CONSULTANT

CLIENT

PROJECT DESCRIPTION

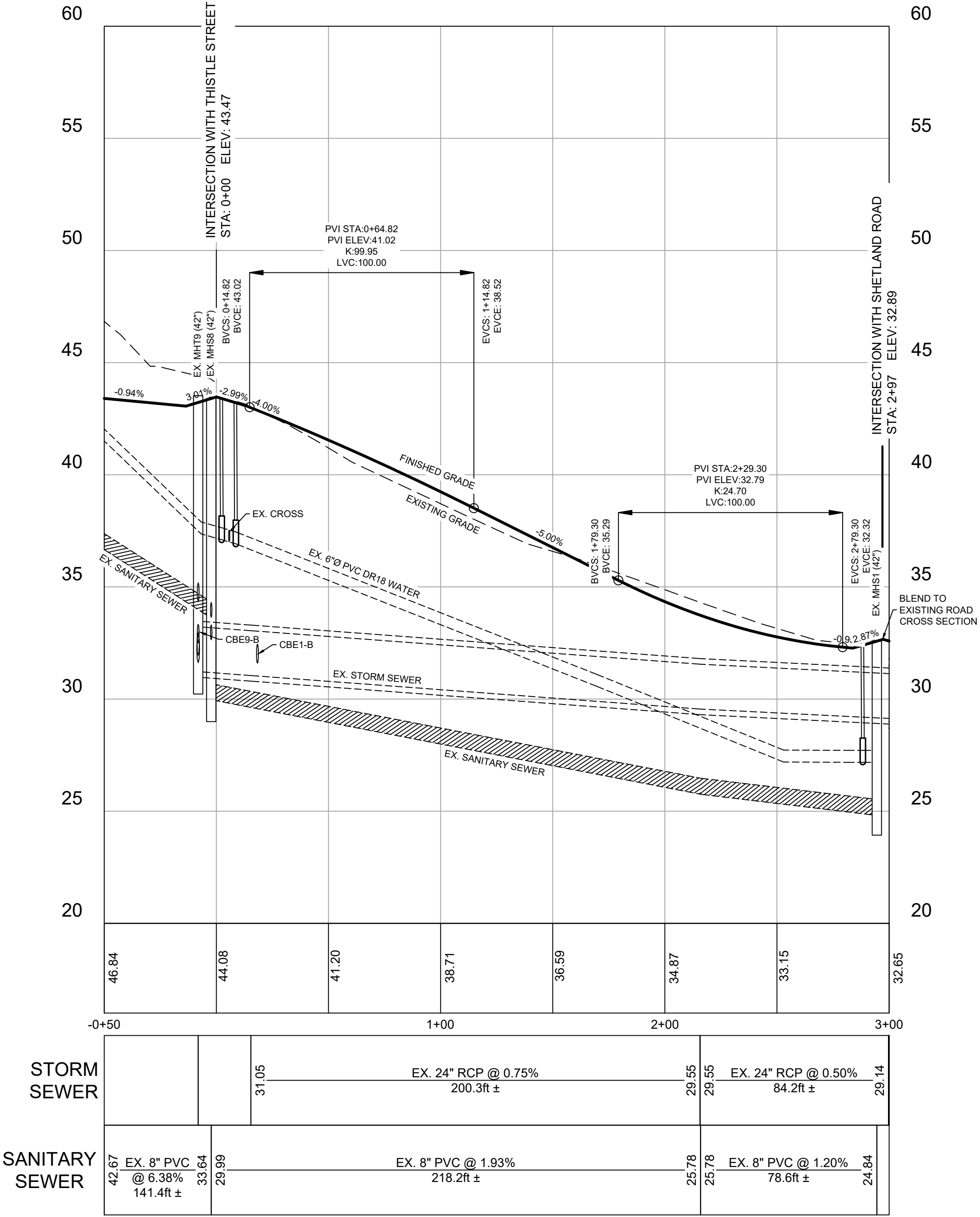
THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

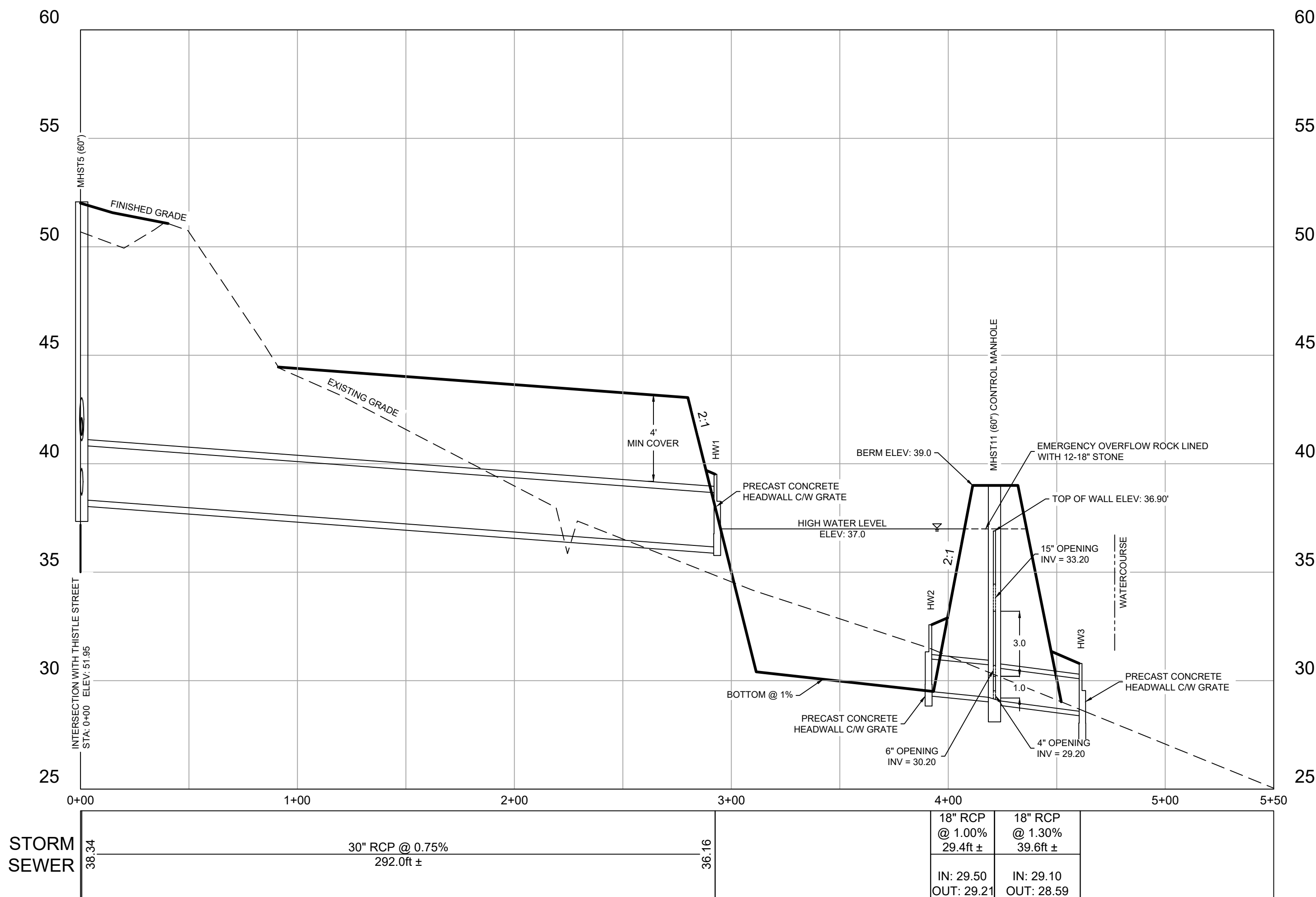
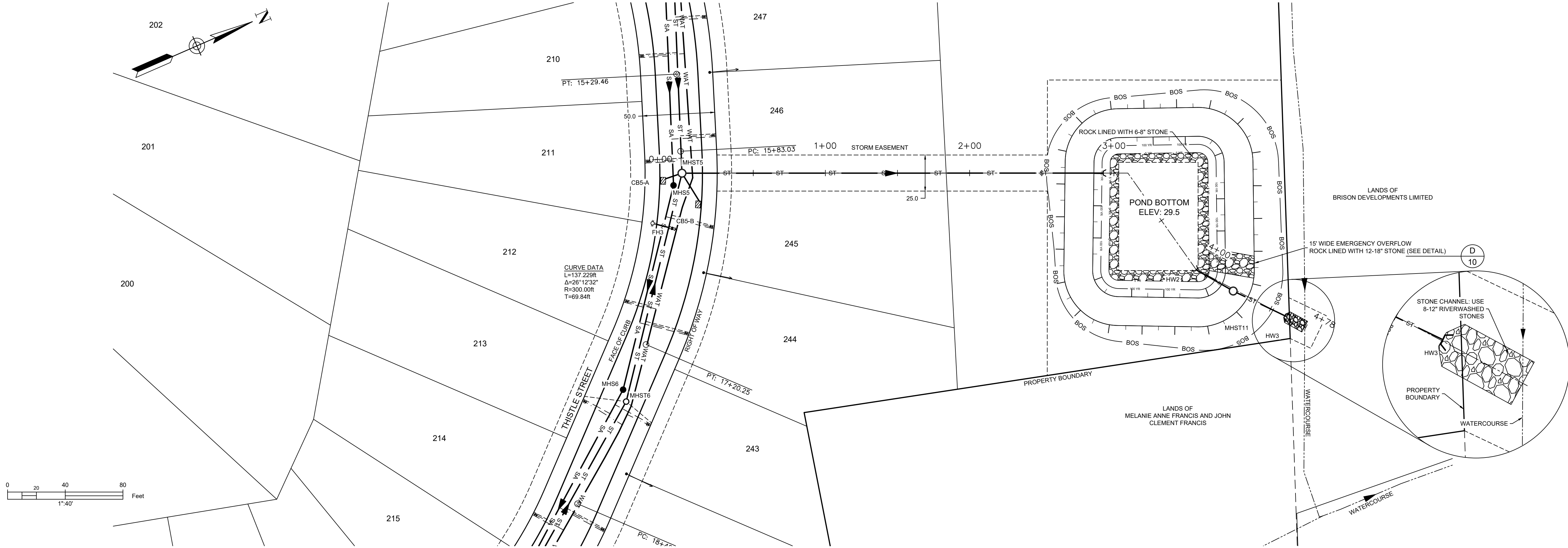
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PLAN / PROFILE

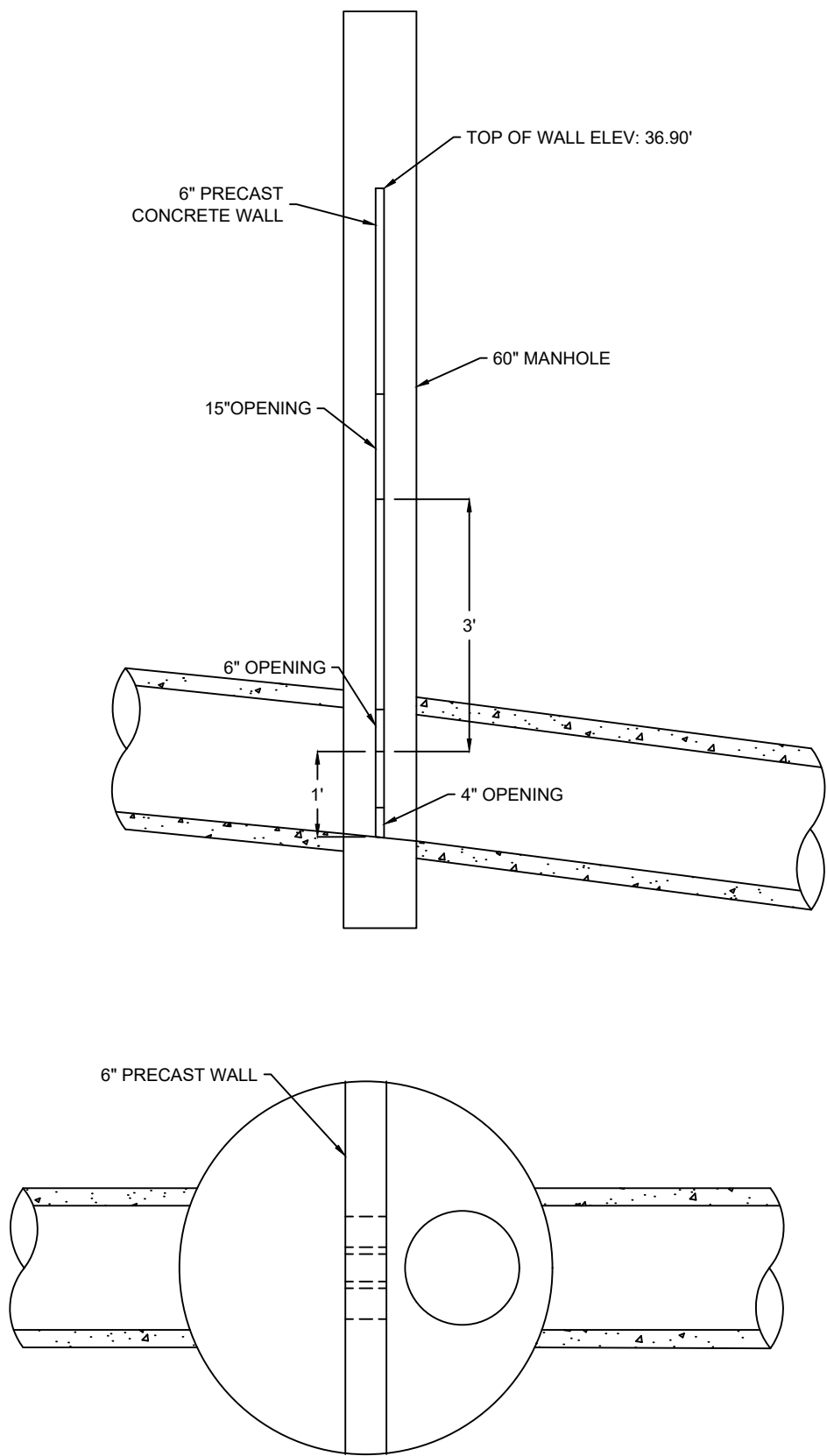
SHORT DRIVE
STA. 0+00 TO 3+00

Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033	Drawing No. 5 of 11
Date of 1st Issue MAR. 27, 2015	Scale 1"=40' H, 1"=4' V	Filename 14-033CBase.dwg	





DETAIL FOR MHST11 (NTS)



LEGEND

DESIGN GRADE	
EXISTING GRADE	
CENTERLINE	
RIGHT OF WAY	
CURB	
EASEMENT	
PROPERTY BOUNDARY	
SANITARY LINE	MS SA MS
STORM LINE	MS ST MS
WATER LINE	WAT WAT
SANITARY LATERAL	
STORM LATERAL	
WATER LATERAL	
STORM EASEMENT	
OVERHEAD UTILITY	OH OH
WATER VALVE	FW
CURB STOP	UP
CATCHBASIN	PC

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ISSUE	DATE	DESCRIPTION

CONSULTANT

DESIGN POINT
ENGINEERING & SURVEYING

REGISTERED PROFESSIONAL ENGINEER
JUN. 12, 2019
G.S. WOODFORD
6078
PROVINCE OF NOVA SCOTIA

CLIENT

BRISON DEVELOPMENTS

PROJECT DESCRIPTION

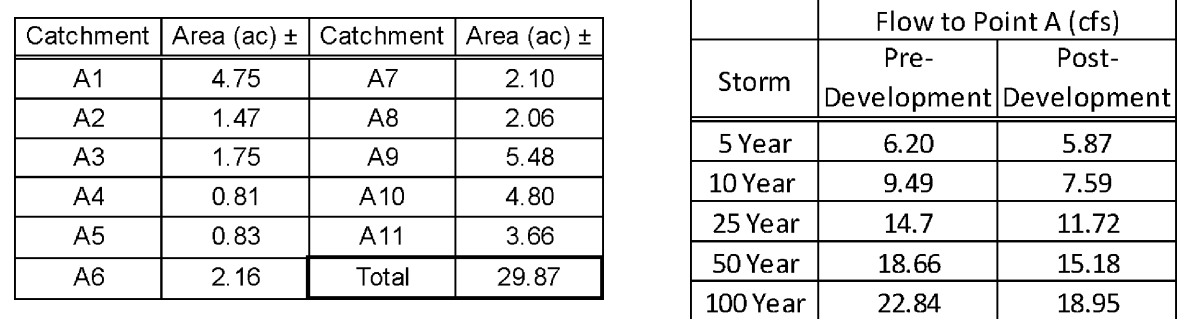
**THE MEADOWS
PHASE 2**
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

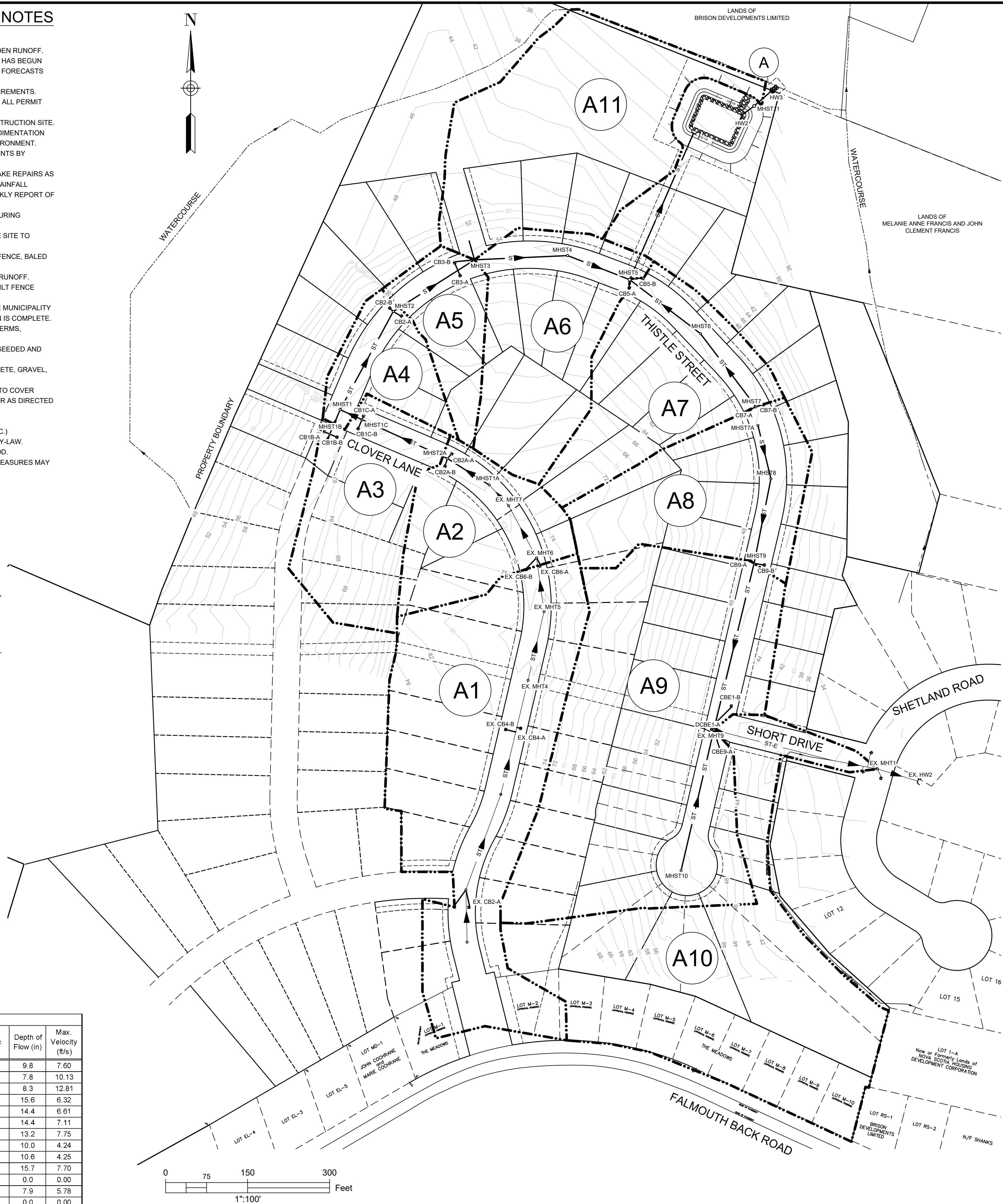
PLAN / PROFILE
STORM OUTFALL
STA. 0+00 TO 5+50

Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033	Drawing No. 6 of 11
Date of 1st Issue MAR. 27, 2015	Scale 1"=40' H, 1"=4' V	Filename 14-033CBase.dwg	

1. EXPOSED SOIL TO BE MINIMIZED AT ALL TIMES DURING CONSTRUCTION TO LIMIT SEDIMENT LADEN RUNOFF. THIS IS TO BE ACCOMPLISHED BY COMPLETING ALL WORK IN A GIVEN AREA ONCE EXCAVATION HAS BEGUN BEFORE DISTURBING ADDITIONAL SOIL. CONTRACTOR IS TO BE AWARE OF CURRENT WEATHER FORECASTS AND PLAN SOIL STABILIZATION ACCORDINGLY.
2. ALL WORKS TO BE IN ACCORDANCE WITH NOVA SCOTIA DEPARTMENT OF ENVIRONMENT REQUIREMENTS.
3. CONTRACTOR TO ACQUIRE ALL PERMITS REQUIRED TO PERFORM WORK AND TO COMPLY WITH ALL PERMIT REQUIREMENTS DURING CONSTRUCTION.
4. CONTRACTOR TO PROTECT NATURAL WATERCOURSES FROM SILT LADEN RUNOFF FROM CONSTRUCTION SITE. CONSTRUCTION PROCEDURES CAN BE FOUND IN THE CURRENT EDITION OF "EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO ENSURE THAT ALL EXPOSED AREAS ARE STABILIZED PRIOR TO RAINFALL EVENTS BY CHECKING ENVIRONMENT CANADA FORECASTS (https://weather.gc.ca/canada_e.html).
6. CONTRACTOR TO PERFORM WEEKLY INSPECTIONS OF SEDIMENT CONTROL MEASURES AND MAKE REPAIRS AS NEEDED. ADDITIONAL INSPECTION AND REPAIR TO BE CARRIED OUT BEFORE AND AFTER ANY RAINFALL EXCEEDING 10mm. A LOG OF EACH INSPECTION AND REPAIR IS TO BE KEPT ALONG WITH A WEEKLY REPORT OF EXPOSED AREAS.
7. TRIBUTARY STORM RUNOFF FROM SITE TO BE DIRECTED INTO SEDIMENT CONTROL DEVICES DURING CONSTRUCTION.
8. CONTRACTOR TO CONSTRUCT AND MAINTAIN DIVERSION DITCHES THROUGH AND AROUND THE SITE TO MINIMIZE CONTAMINATION OF CLEAN WATER.
9. CONTRACTOR TO HAVE ADDITIONAL SEDIMENT CONTROL MEASURES ON SITE INCLUDING SILT FENCE, BALED HAY, AND LOOSE HAY/MULCH TO MAINTAIN OR INSTALL CONTROL MEASURES AS REQUIRED.
10. EXPOSED SURFACES TO BE COVERED WITH HAY, MULCH, OR WOOD CHIPS TO LIMIT SEDIMENT RUNOFF.
11. CONTRACTOR MAY SUBSTITUTE WOOD CHIP BERM FOR SILT FENCE IN ROCKY AREAS WHERE SILT FENCE CANNOT BE INSTALLED.
12. SEDIMENTATION BERMS AND PONDS TO REMAIN IN SERVICE UNTIL PROJECT ENGINEER OR THE MUNICIPALITY REQUESTS THEIR REMOVAL. THIS WILL ONLY OCCUR AFTER LOT AND BUILDING CONSTRUCTION IS COMPLETE.
13. SEDIMENTATION BERMS AND PONDS TO BE REMOVED IN THE FOLLOWING ORDER. LEVEL OFF BERMS, HYDROSEED AND COVER ALL EXPOSED AREAS WITH HAY, THEN FILL IN PONDS.
14. UPON COMPLETION OF GRADING ACTIVITY, ALL LOT DRAINAGE EASEMENTS ARE TO BE HYDROSEED AND MULCHED.
15. TOPSOIL AND HYDROSEED TO BE PLACED ON ALL AREAS NOT FINISHED WITH ASPHALT, CONCRETE, GRAVEL, OR SOD.
16. ACCESS ROADS TO SITE ARE TO BE MAINTAINED WITH CLEAN GRAVEL APPLIED PERIODICALLY TO COVER MUDDY AREAS. CLEANING OF ADJACENT STREETS IS THE RESPONSIBILITY OF THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
17. VEHICLE ACCESS TO CONSTRUCTION SITE TO BE RESTRICTED.
18. STABILIZE ON-SITE STOCKPILES USING APPROPRIATE MEASURES (SILT FENCE, HAY, TARPS, ETC.)
19. SITE ACTIVITY TO ADHERE TO REQUIREMENTS OF HALIFAX REGIONAL MUNICIPALITY TOPSOIL BY-LAW.
20. ALL SEDIMENT CONTROL MEASURES TO BE OPERATIONAL OVER ENTIRE CONSTRUCTION PERIOD.
21. SEDIMENTATION AND EROSION CONTROL MEASURES ARE SUBJECT TO CHANGE. ADDITIONAL MEASURES MAY BE REQUIRED DEPENDING ON SITE CONDITIONS DURING CONSTRUCTION.



Minor Piped Storm System Drainage Analysis - SCS Method (10 Year Return)										
Upstream MH	Downstream MH	Tributary Area	Tributary Area +/- (Ac)	Qd - Design Flow (cfs)	Pipe Size (in)	Pipe Slope (%)	Qc - Pipe Capacity (cfs)	Qd/Qc	Depth of Flow (in)	Max. Velocity (ft/s)
EX 7	1A	A1	4.75	7.55	18	1.50	12.89	0.59	9.8	7.60
1A	2A	A1	4.75	7.58	18	3.25	18.92	0.40	7.8	10.13
2A	1	A1-A2	6.23	10.29	18	4.95	23.38	0.44	8.3	12.81
1	2	A1-A3	7.98	12.63	21	0.70	13.26	0.95	15.6	6.32
2	3	A1-A4	8.78	14.02	24	0.70	18.91	0.74	14.4	6.81
3	4	A1-A5	9.61	15.36	24	0.80	20.20	0.76	14.4	7.11
4	5	A1-A5	9.81	15.36	24	1.00	22.65	0.88	13.2	7.75
6	5	A7	2.10	3.88	15	0.50	4.58	0.65	10.0	4.24
7	6	A7	2.10	3.95	15	0.50	4.57	0.86	10.6	4.25
5	Outfall	A1-A7	13.87	22.60	30	0.75	35.44	0.64	15.7	7.70
8	9	-	-	0.00	12	1.00	3.57	0.00	0.0	0.00
9	EX 9	A8	2.06	3.83	15	1.10	6.78	0.57	7.9	5.78
10	EX 9	-	-	0.00	12	1.85	4.85	0.00	0.0	0.00
EX 9	EX 1	A8-A9	7.54	13.83	24	0.68	18.59	0.74	15.1	6.57
EX 1	Outfall	A8-A10	12.34	22.55	30	0.50	29.00	0.78	19.4	6.53

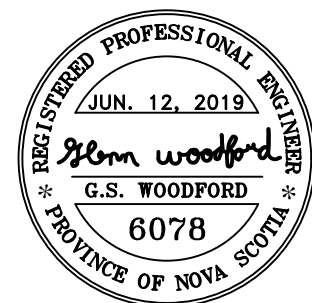
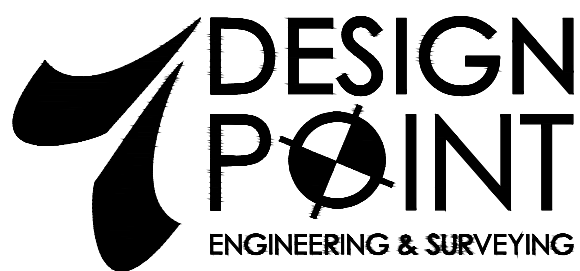


- | | |
|---|----------------------|
|  | DRAINAGE BOUNDARY |
|  | STORM SEWER |
|  | PRECAST HEADWALL |
|  | TRIBUTARY AREA ID |
|  | SILT FENCE |
|  | MAJOR DRAINAGE ROUTE |

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CONSULTANT



CLIENT



PROJECT DESCRIPTION

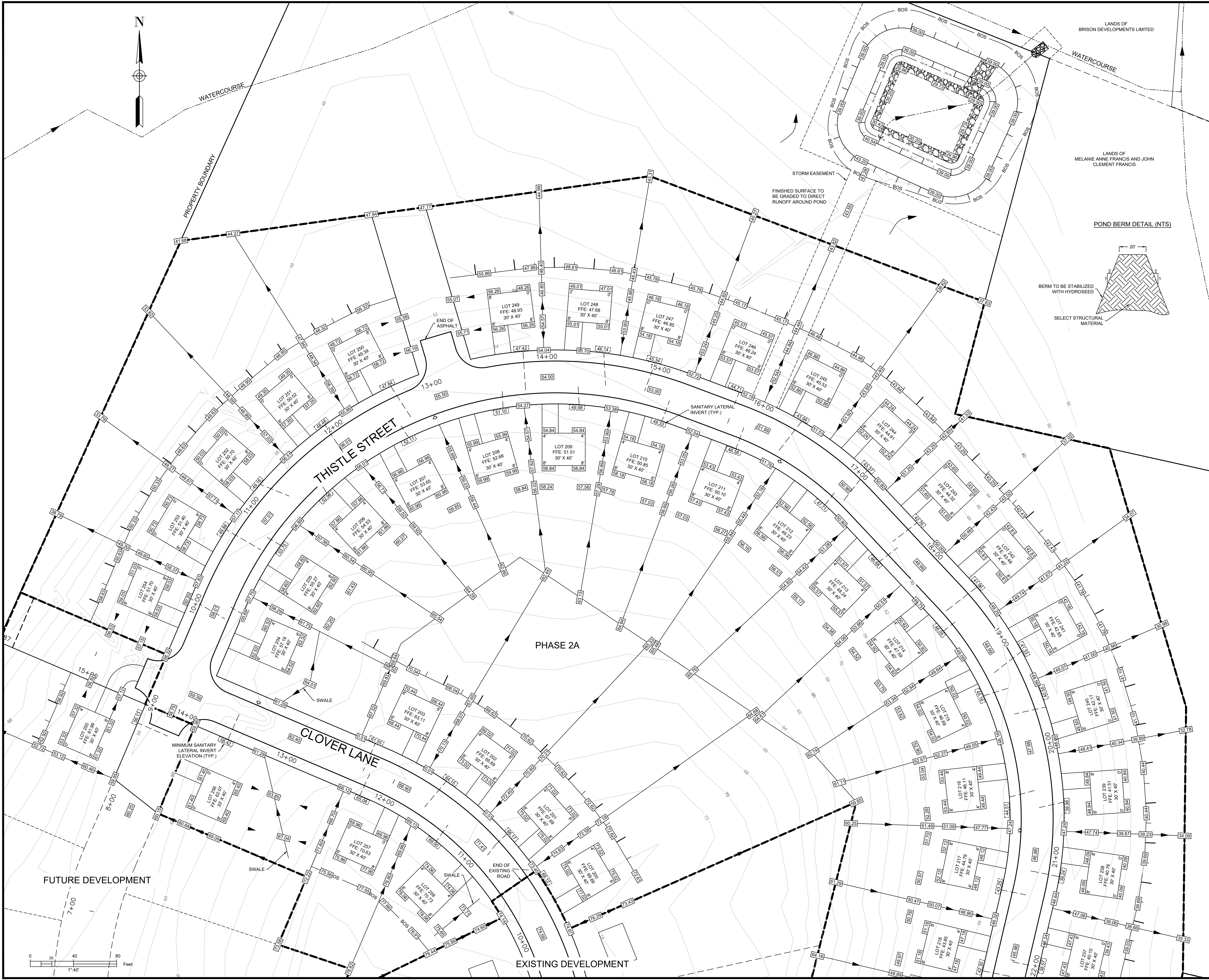
THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

**STORM DRAINAGE /
ENVIRONMENTAL
PROTECTION PLAN**

Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033	Drawing No. 7 of 11
Date of 1st Issue MAR. 27, 2015	Scale 1":100' H	Filename 14-033CBase.dwg	



LEGEND

CONTOUR	-38		
CURB			
PROPERTY LINE WITH FLOW ARROW			
TOP OF SLOPE			
BOTTOM OF SLOPE	BOS BOS		
UTILITY POLE		FIRE HYDRANT	
FINISHED GRADE	42.00	SANITARY LATERAL INVERT	42.00

NOTES

1. CONTOURS BASED ON TOPOGRAPHIC SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTOUR INTERVAL = 2FT.
2. MINIMUM LOT GRADE TO BE 2%.
3. MAXIMUM LOT GRADE TO BE 3.1%.
4. INDIVIDUAL LOT GRADING DESIGN TO BE COMPLETED PRIOR TO HOUSE CONSTRUCTION BASED ON AS BUILT CONDITIONS.
5. FLOOR ELEVATIONS TO BE CONFIRMED AS PART OF INDIVIDUAL LOT GRADING DESIGN BASED ON AS BUILT LATERAL LOCATIONS.
6. FOUNDATION DRAIN INVERT ELEVATIONS AT BUILDING TO BE A MINIMUM OF 1' BELOW FFE.
7. FOUNDATION DRAIN INVERT ELEVATIONS TO BE MINIMUM 2' ABOVE THE STORM MAIN CROWN AT THE POINT OF CONNECTION.

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CONSULTANT

CLIENT

PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

GRADING PLAN
- SHEET 1

Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033	Drawing No. 8 of 11
Date of 1st Issue MAR. 27, 2015	Scale 1"=40' H	Filename 14-033CBase.dwg	



LEGEND

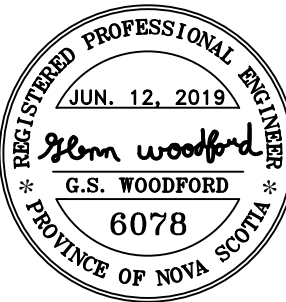
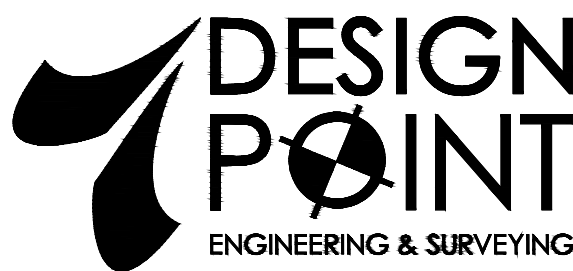
CONTOUR	-38	
CURB		
PROPERTY LINE WITH FLOW ARROW		
TOP OF SLOPE		
BOTTOM OF SLOPE	BOS	BOS
UTILITY POLE		FIRE HYDRANT
FINISHED GRADE	42.00	SANITARY LATERAL INVERT
		42.00

- NOTES:
1. CONTOURS BASED ON TOPOGRAPHIC SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTOUR INTERVAL = 2FT.
 2. MINIMUM LOT GRADE TO BE 2%.
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 5. FLOOR ELEVATIONS TO BE CONFIRMED AS PART OF INDIVIDUAL LOT GRADING DESIGN BASED ON AS BUILT LATERAL LOCATIONS.
 6. FOUNDATION DRAIN INVERT ELEVATIONS AT BUILDING TO BE 1' BELOW FFE.
 7. FOUNDATION DRAIN INVERT ELEVATIONS TO BE MINIMUM 2' ABOVE THE STORM MAIN CROWN AT THE POINT OF CONNECTION.

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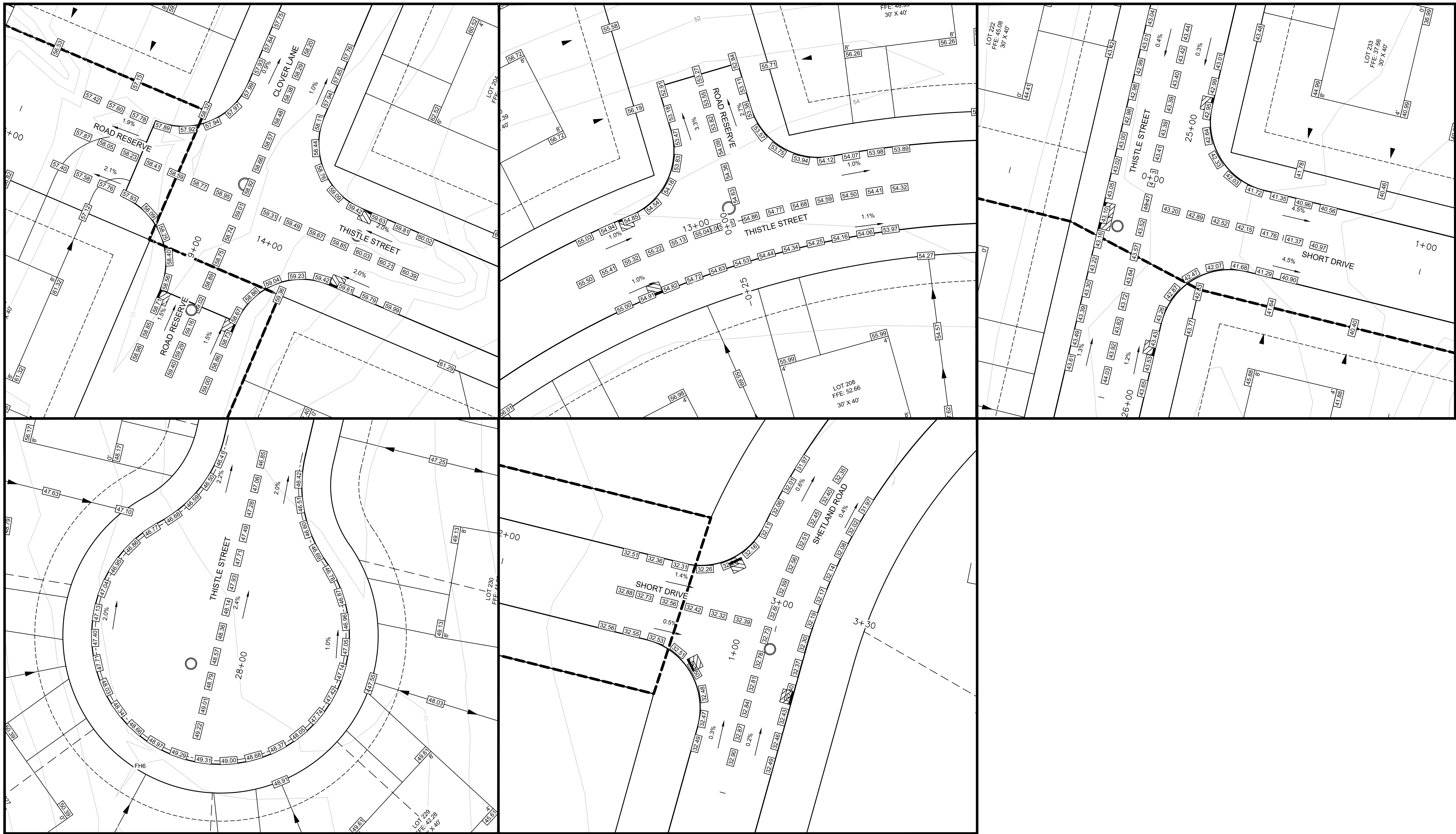
PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

GRADING PLAN
- SHEET 2

Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033	Drawing No. 9 of 11
Date of 1st Issue MAR. 27, 2015	Scale 1"=40' H	Filename 14-033CBase.dwg	



LEGEND

CONTOUR	— 38 —		
CURB	—————		
PROPERTY LINE WITH FLOW ARROW	—————▶		
TOP OF SLOPE	—————		
BOTTOM OF SLOPE	— BOS —	BOS —	—
UTILITY POLE	●	FIRE HYDRANT	⊕
FINISHED GRADE	[42.00]	SANITARY LATERAL INVERT	[42.00]

- NOTES:
1. CONTOURS BASED ON TOPOGRAPHIC SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTOUR INTERVAL = 2FT.
 2. MINIMUM LOT GRADE TO BE 2%.
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 4. INDIVIDUAL LOT GRADING DESIGN TO BE COMPLETED PRIOR TO HOUSE CONSTRUCTION BASED ON AS BUILT CONDITIONS.
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CONSULTANT

DESIGN POINT
ENGINEERING & SURVEYING

CLIENT

BRISON DEVELOPMENTS

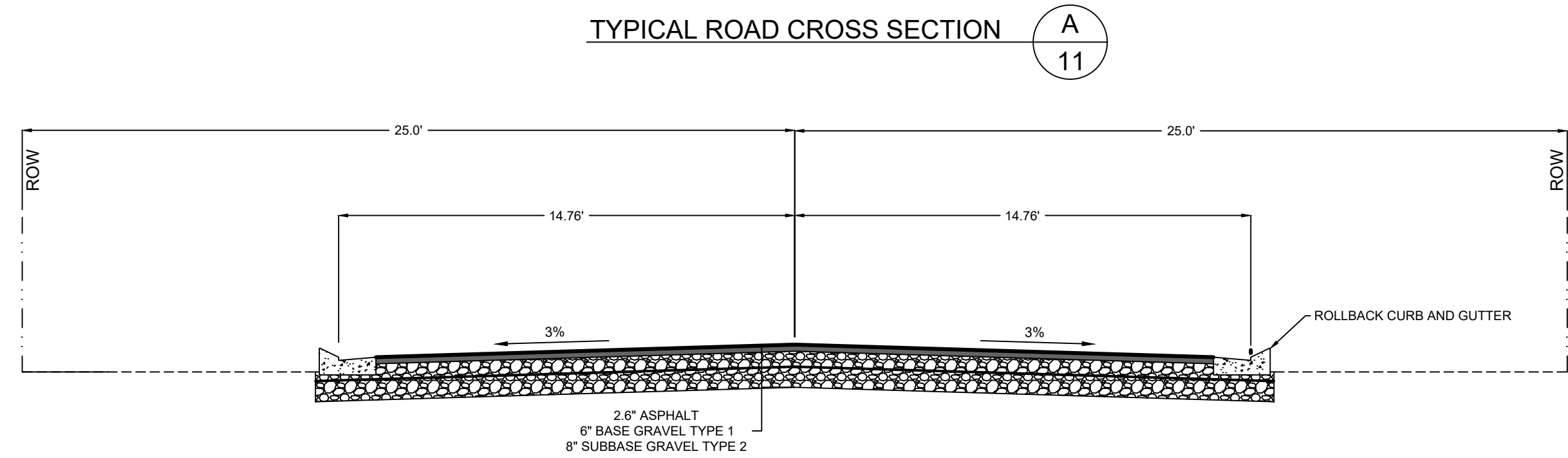
PROJECT DESCRIPTION

**THE MEADOWS
PHASE 2**
FALMOUTH, NOVA SCOTIA

SHEET DESCRIPTION

**GRADING PLAN
- SHEET 3**

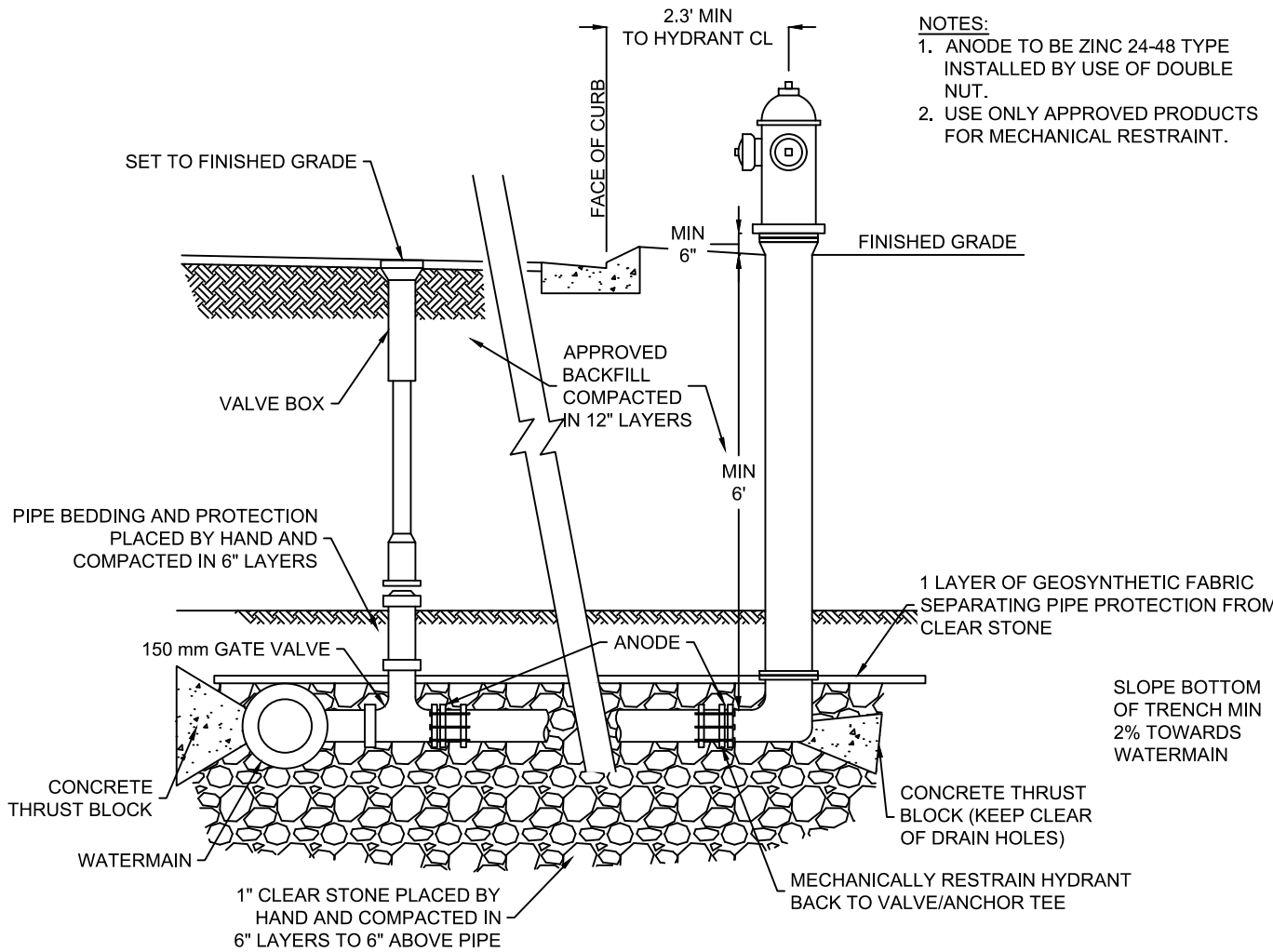
Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033	Drawing No. 10 of 11
Date of 1st Issue MAR. 27, 2015	Scale 1"=20' H	Filename 14-033CBase.dwg	



GENERAL CONSTRUCTION NOTES:

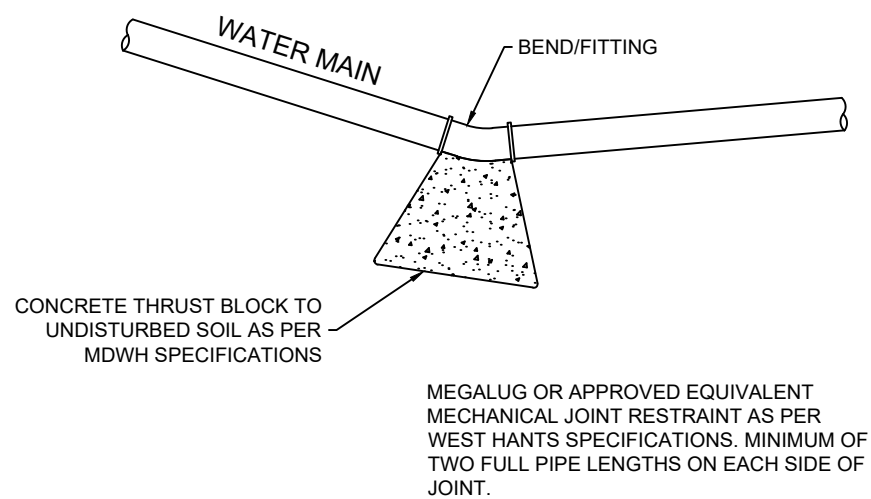
- SAFETY IS PARAMOUNT AND THE CONTRACTOR MUST USE SAFE WORK PRACTICES IN ACCORDANCE WITH THE NOVA SCOTIA OCCUPATIONAL HEALTH AND SAFETY ACT.**
- MDWH'S MUNICIPAL SERVICES SPECIFICATION MANUAL SHALL FORM PART OF THE DESIGN AND SHALL BE ADHERED TO AND THE CONTRACTOR SHALL HAVE A COPY OF THE MANUAL ON SITE DURING CONSTRUCTION.
- ALL WORKS TO BE IN ACCORDANCE WITH THE "STANDARD SPECIFICATION FOR MUNICIPAL SERVICES" PREPARED JOINTLY BY THE NOVA SCOTIA ROADBUILDERS ASSOCIATION AND THE CONSULTING ENGINEERS OF NOVA SCOTIA (CURRENT EDITION).
- ALL WORKS TO BE IN ACCORDANCE WITH REQUIREMENTS OF ALL PERMITS AND REGULATIONS AS ISSUED BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
- CONTRACTOR TO NOTIFY DESIGNPOINT AND THE MUNICIPALITY OF THE DISTRICT OF WEST HANTS REGARDING CONSTRUCTION SCHEDULING PRIOR TO COMMENCING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF NATURAL WATERCOURSES FROM DAMAGE DUE TO SILT LADEN RUNOFF FROM THE CONSTRUCTION SITE. ACCEPTABLE CONSTRUCTION PROCEDURES MAY BE OBTAINED FROM 'EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES' (CURRENT EDITION), BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
- ALL DISTURBED AREAS NOT STABILIZED BY GRAVEL, ASPHALT, CONCRETE, OR SOD ARE TO BE STABILIZED WITH HYDROSEED AND HAY. HYDROSEED AREAS THAT DO NOT SHOW ACTIVE GROWTH WITHIN THE FIRST GROWING SEASON TO BE RE-STABILIZED.
- MATERIALS SHALL NOT BE SUBSTITUTED UNLESS PRIOR APPROVAL IS PROVIDED BY THE ENGINEER.
- SHOP DRAWINGS TO BE PROVIDED FOR REVIEW AND APPROVAL BY THE ENGINEER PRIOR TO CONSTRUCTION.
- CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS REQUIRED TO PERFORM WORKS AND TO COMPLY WITH ALL PERMIT REQUIREMENTS AND CONDITIONS.
- LOCATIONS OF EXISTING INFRASTRUCTURE IS BASED ON BEST AVAILABLE INFORMATION, INCLUDING RECORD INFORMATION. CONTRACTOR TO CONFIRM LOCATIONS OF EXISTING INFRASTRUCTURE AND NOTIFY ENGINEER OF ANY DISCREPANCIES IMMEDIATELY. CONTRACTOR TO ALLOW A 1 WEEK REVIEW PERIOD BY THE ENGINEER.
- CONTRACTOR TO VERIFY ALL EXISTING UTILITY LOCATIONS, SUCH AS NOVA SCOTIA POWER, BELL ALIANT, EASTLINK, AND THE MUNICIPALITY. CONTRACTOR TO COORDINATE ALL WORK WITH THE NECESSARY UTILITIES.
- PERMISSION FROM LANDOWNER(S) REQUIRED TO WORK ON PRIVATE PROPERTY.
- ALL ELEVATIONS ARE IMPERIAL AND GEODETIC. TOPOGRAPHICAL SURVEY CONDUCTED BY DESIGNPOINT ON NOVEMBER 20, 2014. CONTRACTOR TO CONTACT DESIGNPOINT FOR CONSTRUCTION LAYOUT CONTROL INFORMATION 2 WEEKS PRIOR TO CONSTRUCTION.
- ALL EARTHWORK, TRENCH WORK, PIPE BEDDING, AND SURFACE TREATMENT TO BE REVIEWED AND CERTIFIED BY PROJECT GEOTECHNICAL ENGINEER.
- DRAWINGS SUBJECT TO CONSTRUCTION APPROVAL BY THE APPLICABLE APPROVAL AGENCIES (i.e. THE MUNICIPALITY AND NOVA SCOTIA DEPARTMENT OF ENVIRONMENT) PRIOR TO CONSTRUCTION.
- CONTRACTOR RESPONSIBLE FOR ALL TRAFFIC CONTROL MEASURES REQUIRED FOR THE PROJECT.
- INSULATION TO BE 50 mm THICK HI40 RIGID STYROFOAM (ROAD AND TRAFFIC RATED).
- CONTRACTOR MAY REQUEST GRADE ADJUSTMENTS SUBJECT TO REVIEW AND APPROVAL BY ENGINEER AND APPLICABLE APPROVAL AGENCIES. CONTRACTOR RESPONSIBLE FOR COSTS ASSOCIATED WITH DRAWING REVISIONS AND APPROVALS.
- CATCHBASINS TO BE 42"Ø PRECAST CONCRETE. WATER MAIN TO BE PVC DR18 AND SANITARY MAIN TO BE PVC DR35. STORM TO BE PVC DR35 (8" - 15") AND REINFORCED CONCRETE TO CSA A257.2 (18" AND LARGER).
- ALL STORM AND SANITARY SERVICE LATERALS TO HAVE A MINIMUM SLOPE OF 2%.
- ALL MANHOLE FRAMES AND COVERS ARE TO BE IMP TYPE R60 (IMP R12 FOR PARKS AND EASEMENTS) AND WILL INCLUDE A 2" RISER AS MANUFACTURED BY IMP.

STANDARD HYDRANT INSTALLATION (B 11)

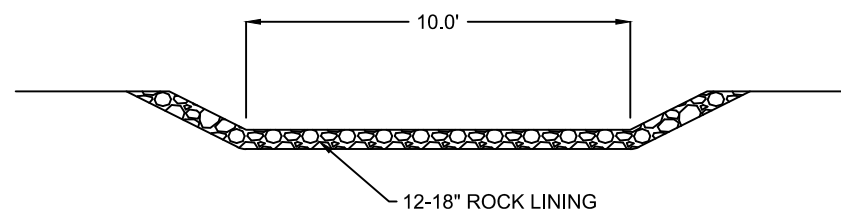


- NOTES:
- ANODE TO BE ZINC 24-48 TYPE INSTALLED BY USE OF DOUBLE NUT.
 - USE ONLY APPROVED PRODUCTS FOR MECHANICAL RESTRAINT.

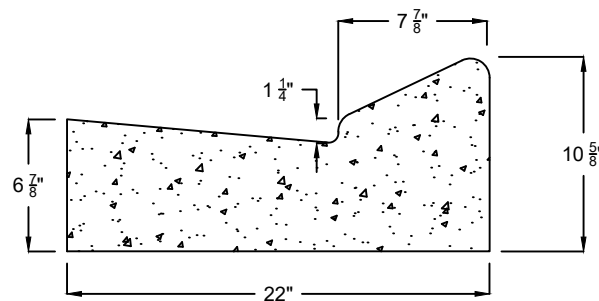
THRUST BLOCK DETAIL (NTS) (C 11)



STORMWATER POND EMERGENCY OVERFLOW DETAIL (NTS) (D 11)

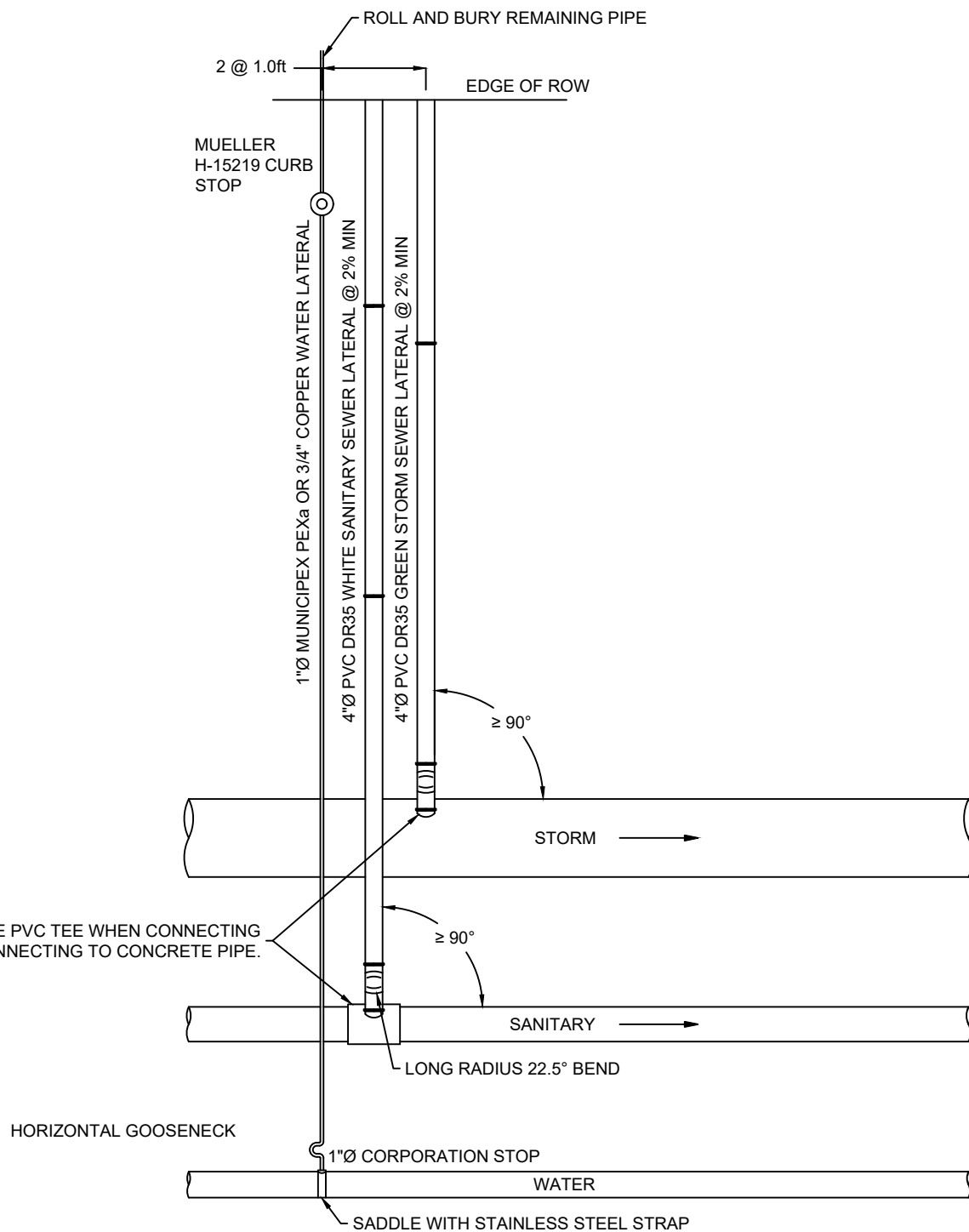


ROLLBACK CURB AND GUTTER DETAIL (NTS) (G 11)

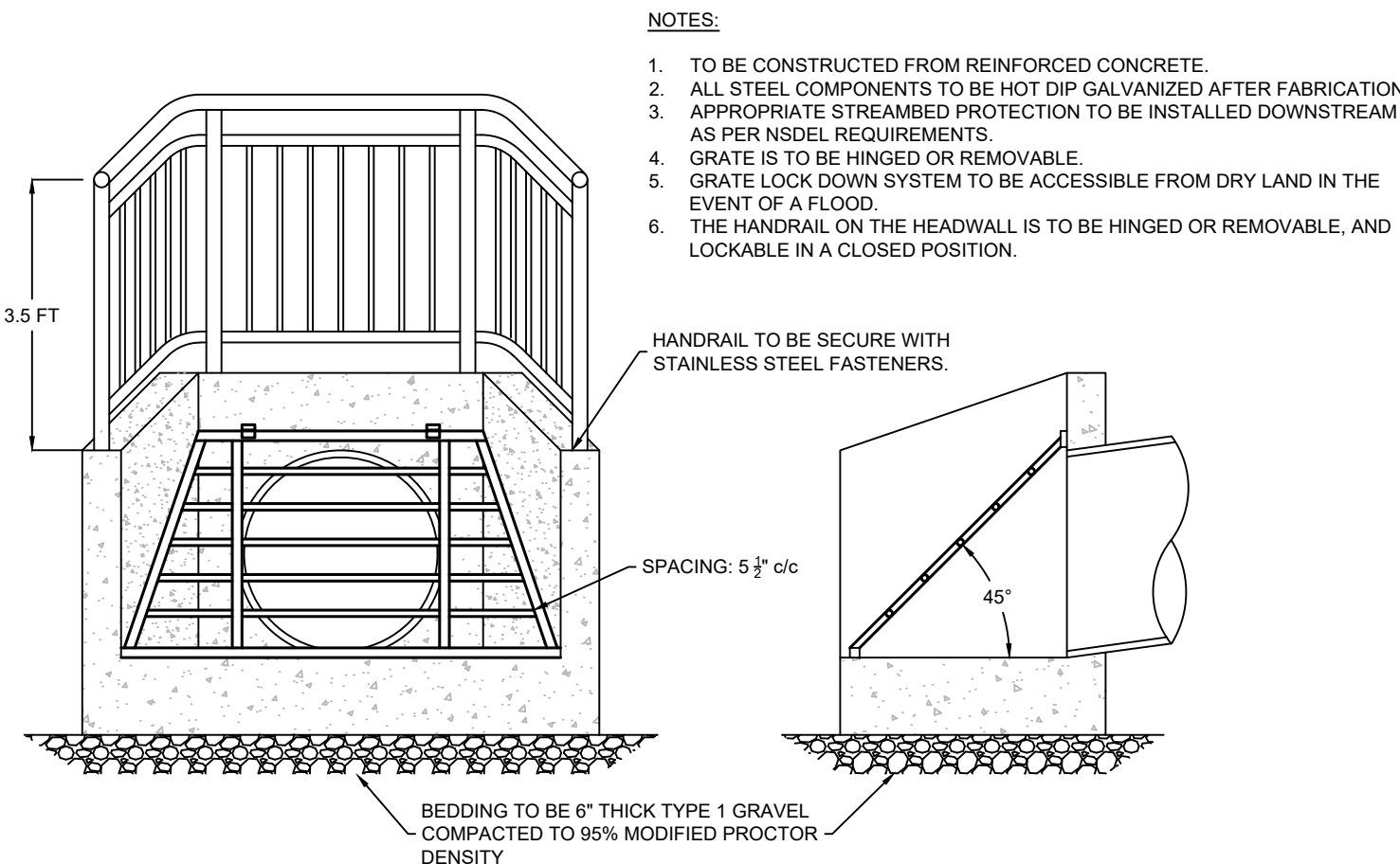


NOTE:
CURB AND GUTTER SHALL BE PLACED ON AN APPROVED GRANULAR BASE HAVING A MINIMUM DEPTH OF 6"

SERVICE LATERAL DETAIL (NTS) (F 11) SEE MDWH DETAIL #10

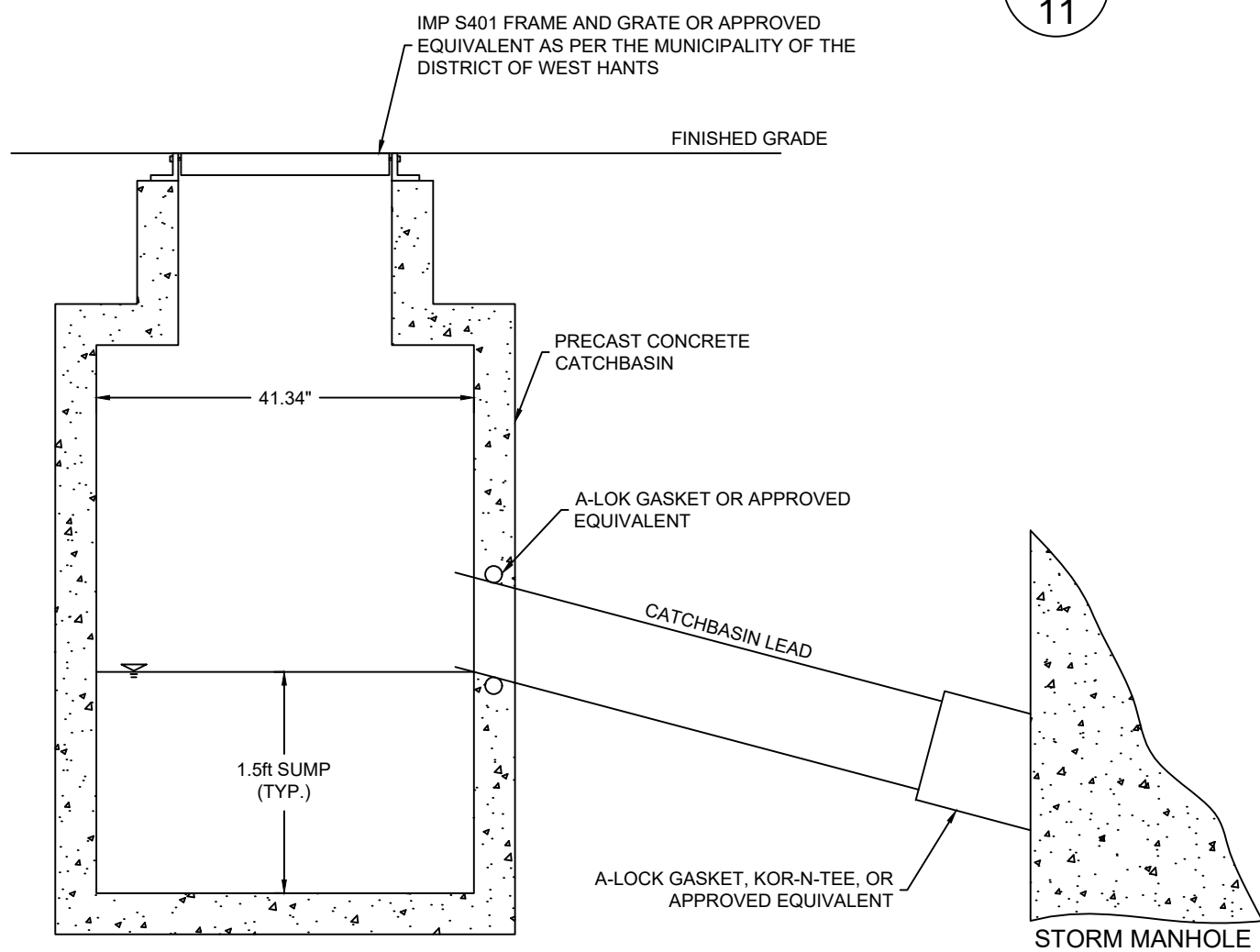


STORM OUTFALL DETAIL (NTS) (F 11)



- NOTES:
- TO BE CONSTRUCTED FROM REINFORCED CONCRETE.
 - ALL STEEL COMPONENTS TO BE HOT DIP GALVANIZED AFTER FABRICATION.
 - APPROPRIATE STREAMBED PROTECTION TO BE INSTALLED DOWNSTREAM AS PER NSDEL REQUIREMENTS.
 - GRATE IS TO BE HINGED OR REMOVABLE.
 - GRATE LOCK DOWN SYSTEM TO BE ACCESSIBLE FROM DRY LAND IN THE EVENT OF A FLOOD.
 - THE HANDRAIL ON THE HEADWALL IS TO BE HINGED OR REMOVABLE, AND LOCKABLE IN A CLOSED POSITION.

TYPICAL CATCHBASIN DETAIL (NTS) (E 11)



ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

3	JUN. 12, 2019	REVISED AS PER MDWH COMMENTS
2	NOV. 04, 2015	REVISED AS PER MDWH COMMENTS
1	MAR. 27, 2015	ISSUED FOR REGULATORY REVIEW
ISSUE	DATE	DESCRIPTION

CONSULTANT			
CLIENT			
PROJECT DESCRIPTION			
THE MEADOWS PHASE 2 FALMOUTH, NOVA SCOTIA			
SHEET DESCRIPTION			
CONSTRUCTION NOTES AND DETAILS			
Drawn A. SKETCHLEY Date of 1st Issue MAR. 27, 2015	Engineer G. WOODFORD Scale NTS	Project No. 14-033 Filename 14-033CBase.dwg	Drawing No. 11 of 11

April 1, 2020

Brisson Developments

411 Gabriel Road

Falmouth, Nova Scotia B0P 1L0

Attention: Mitch Brisson

RE: The Meadows Phase 2 – Storm Drainage System

DesignPoint Project #: 14-033

Further to our discussion, I understand that you are interested in changing the large 75 ft wide R1 lots to semi-detached, townhomes, or small R1 lots. The changes apply to The Meadows Phase 2 including Thistle Street, the extension of Clover Lane, and Short Drive.

The storm drainage system as designed in my latest drawing package for this project (dated June 12, 2019, Rev 3) is adequate to accommodate these changes to the development.

For reference, please refer to the Storm Drainage / Environmental Protection Plan, Sheet 7 of 11, Revision 3, dated June 12, 2019 (included with this letter).

If you have any questions, please feel free to contact me.

Thank you,

DesignPoint Engineering & Surveying Ltd.

A handwritten signature in blue ink that reads "Glenn Woodford".

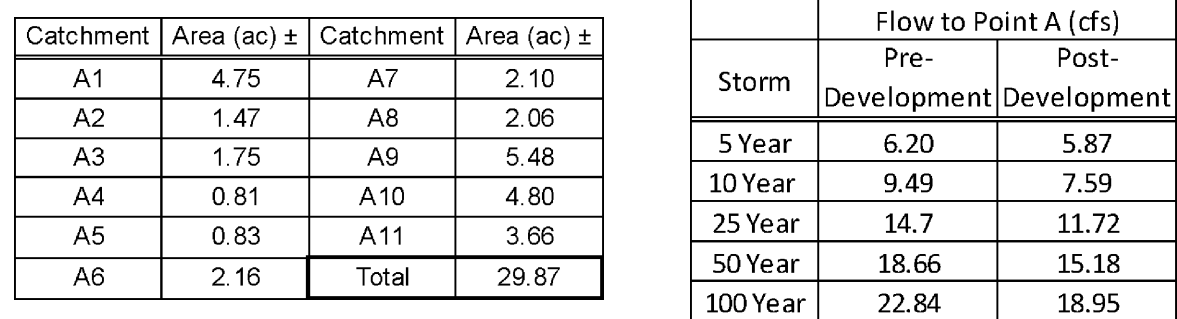
Glenn Woodford, P.Eng.

Senior Engineer & Principal

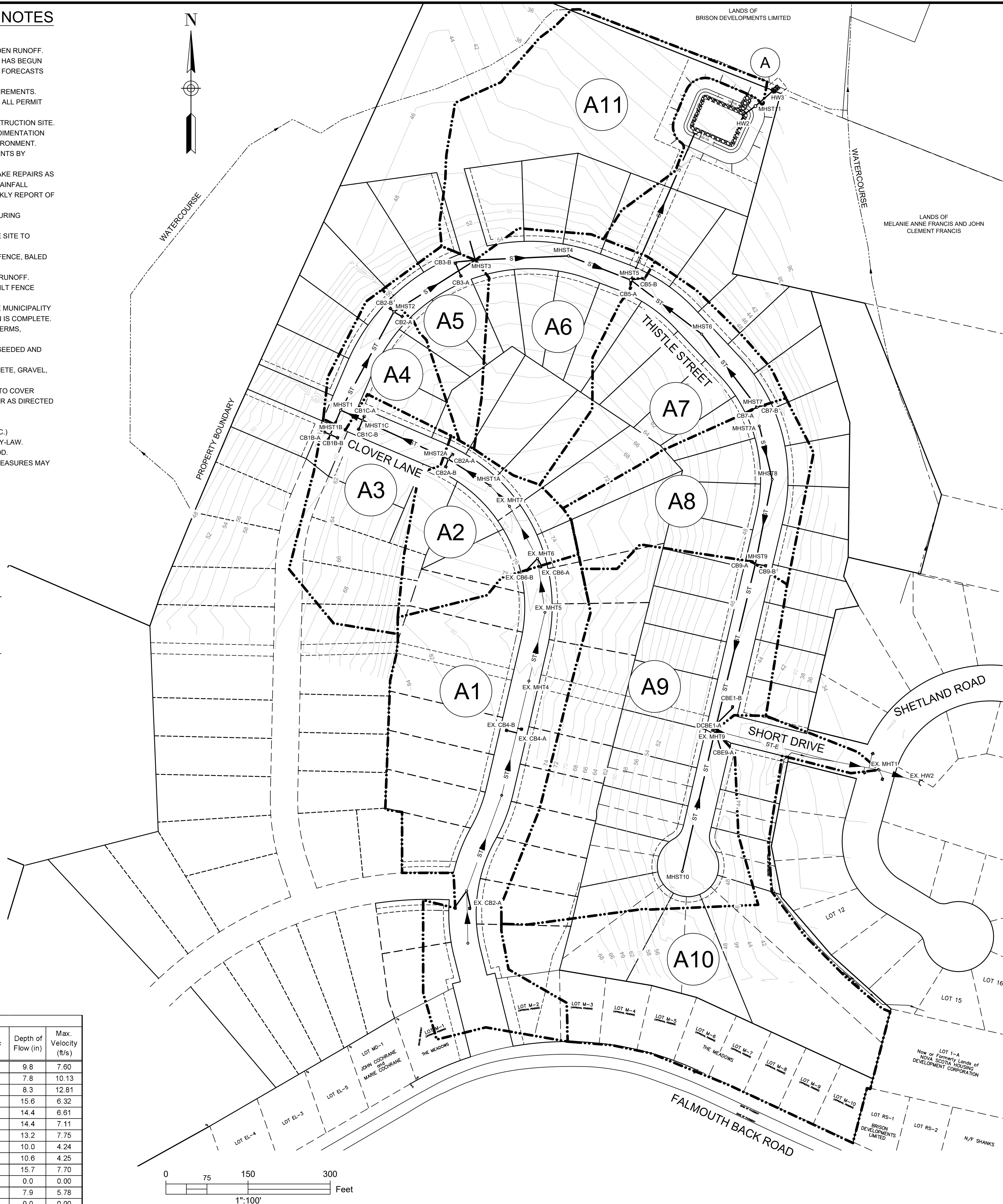
GSW/alc

Enclosures: Storm Drainage / Environmental Protection Plan

1. EXPOSED SOIL TO BE MINIMIZED AT ALL TIMES DURING CONSTRUCTION TO LIMIT SEDIMENT LADEN RUNOFF. THIS IS TO BE ACCOMPLISHED BY COMPLETING ALL WORK IN A GIVEN AREA ONCE EXCAVATION HAS BEGUN BEFORE DISTURBING ADDITIONAL SOIL. CONTRACTOR IS TO BE AWARE OF CURRENT WEATHER FORECASTS AND PLAN SOIL STABILIZATION ACCORDINGLY.
2. ALL WORKS TO BE IN ACCORDANCE WITH NOVA SCOTIA DEPARTMENT OF ENVIRONMENT REQUIREMENTS.
3. CONTRACTOR TO ACQUIRE ALL PERMITS REQUIRED TO PERFORM WORK AND TO COMPLY WITH ALL PERMIT REQUIREMENTS DURING CONSTRUCTION.
4. CONTRACTOR TO PROTECT NATURAL WATERCOURSES FROM SILT LADEN RUNOFF FROM CONSTRUCTION SITE. CONSTRUCTION PROCEDURES CAN BE FOUND IN THE CURRENT EDITION OF "EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION SITES" BY THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT.
5. CONTRACTOR TO ENSURE THAT ALL EXPOSED AREAS ARE STABILIZED PRIOR TO RAINFALL EVENTS BY CHECKING ENVIRONMENT CANADA FORECASTS (https://weather.gc.ca/canada_e.html).
6. CONTRACTOR TO PERFORM WEEKLY INSPECTIONS OF SEDIMENT CONTROL MEASURES AND MAKE REPAIRS AS NEEDED. ADDITIONAL INSPECTION AND REPAIR TO BE CARRIED OUT BEFORE AND AFTER ANY RAINFALL EXCEEDING 10mm. A LOG OF EACH INSPECTION AND REPAIR IS TO BE KEPT ALONG WITH A WEEKLY REPORT OF EXPOSED AREAS.
7. TRIBUTARY STORM RUNOFF FROM SITE TO BE DIRECTED INTO SEDIMENT CONTROL DEVICES DURING CONSTRUCTION.
8. CONTRACTOR TO CONSTRUCT AND MAINTAIN DIVERSION DITCHES THROUGH AND AROUND THE SITE TO MINIMIZE CONTAMINATION OF CLEAN WATER.
9. CONTRACTOR TO HAVE ADDITIONAL SEDIMENT CONTROL MEASURES ON SITE INCLUDING SILT FENCE, BALED HAY, AND LOOSE HAY/MULCH TO MAINTAIN OR INSTALL CONTROL MEASURES AS REQUIRED.
10. EXPOSED SURFACES TO BE COVERED WITH HAY, MULCH, OR WOOD CHIPS TO LIMIT SEDIMENT RUNOFF.
11. CONTRACTOR MAY SUBSTITUTE WOOD CHIP BERM FOR SILT FENCE IN ROCKY AREAS WHERE SILT FENCE CANNOT BE INSTALLED.
12. SEDIMENTATION BERMS AND PONDS TO REMAIN IN SERVICE UNTIL PROJECT ENGINEER OR THE MUNICIPALITY REQUESTS THEIR REMOVAL. THIS WILL ONLY OCCUR AFTER LOT AND BUILDING CONSTRUCTION IS COMPLETE.
13. SEDIMENTATION BERMS AND PONDS TO BE REMOVED IN THE FOLLOWING ORDER. LEVEL OFF BERMS, HYDROSEED AND COVER ALL EXPOSED AREAS WITH HAY, THEN FILL IN PONDS.
14. UPON COMPLETION OF GRADING ACTIVITY, ALL LOT DRAINAGE EASEMENTS ARE TO BE HYDROSEED AND MULCHED.
15. TOPSOIL AND HYDROSEED TO BE PLACED ON ALL AREAS NOT FINISHED WITH ASPHALT, CONCRETE, GRAVEL, OR SOD.
16. ACCESS ROADS TO SITE ARE TO BE MAINTAINED WITH CLEAN GRAVEL APPLIED PERIODICALLY TO COVER MUDDY AREAS. CLEANING OF ADJACENT STREETS IS THE RESPONSIBILITY OF THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
17. VEHICLE ACCESS TO CONSTRUCTION SITE TO BE RESTRICTED.
18. STABILIZE ON-SITE STOCKPILES USING APPROPRIATE MEASURES (SILT FENCE, HAY, TARPS, ETC.)
19. SITE ACTIVITY TO ADHERE TO REQUIREMENTS OF HALIFAX REGIONAL MUNICIPALITY TOPSOIL BY-LAW.
20. ALL SEDIMENT CONTROL MEASURES TO BE OPERATIONAL OVER ENTIRE CONSTRUCTION PERIOD.
21. SEDIMENTATION AND EROSION CONTROL MEASURES ARE SUBJECT TO CHANGE. ADDITIONAL MEASURES MAY BE REQUIRED DEPENDING ON SITE CONDITIONS DURING CONSTRUCTION.



Minor Piped Storm System Drainage Analysis - SCS Method (10 Year Return)										
Upstream MH	Downstream MH	Tributary Area	Tributary Area +/- (Ac)	Qd - Design Flow (cfs)	Pipe Size (in)	Pipe Slope (%)	Qc - Pipe Capacity (cfs)	Qd/Qc	Depth of Flow (in)	Max. Velocity (ft/s)
EX 7	1A	A1	4.75	7.55	18	1.50	12.89	0.59	9.8	7.60
1A	2A	A1	4.75	7.58	18	3.25	18.92	0.40	7.8	10.13
2A	1	A1-A2	6.23	10.29	18	4.95	23.38	0.44	8.3	12.81
1	2	A1-A3	7.98	12.63	21	0.70	13.26	0.95	15.6	6.32
2	3	A1-A4	8.78	14.02	24	0.70	18.91	0.74	14.4	6.81
3	4	A1-A5	9.61	15.36	24	0.80	20.20	0.76	14.4	7.11
4	5	A1-A5	9.81	15.36	24	1.00	22.65	0.68	13.2	7.75
6	5	A7	2.10	3.88	15	0.50	4.58	0.85	10.0	4.24
7	6	A7	2.10	3.95	15	0.50	4.57	0.86	10.6	4.25
5	Outfall	A1-A7	13.87	22.60	30	0.75	35.44	0.64	15.7	7.70
8	9	-	-	0.00	12	1.00	3.57	0.00	0.0	0.00
9	EX 9	A8	2.06	3.83	15	1.10	6.78	0.57	7.9	5.78
10	EX 9	-	-	0.00	12	1.85	4.85	0.00	0.0	0.00
EX 9	EX 1	A8-A9	7.54	13.83	24	0.68	18.59	0.74	15.1	6.57
EX 1	Outfall	A8-A10	12.34	22.55	30	0.50	29.00	0.78	19.4	6.53

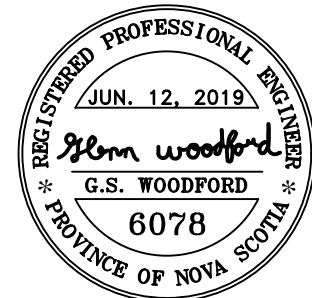
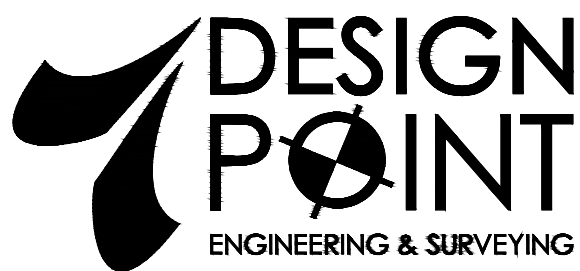


- | | |
|---|----------------------|
|  | DRAINAGE BOUNDARY |
|  | STORM SEWER |
|  | PRECAST HEADWALL |
|  | TRIBUTARY AREA ID |
|  | SILT FENCE |
|  | MAJOR DRAINAGE ROUTE |

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ISSUE	DATE	DESCRIPTION

CONSULTANT



CLIENT



PROJECT DESCRIPTION

THE MEADOWS
PHASE 2
FALMOUTH, NOVA SCOTIA

FALMOUTH, NOVA SCOTIA

STORM DRAINAGE / ENVIRONMENTAL PROTECTION PLAN

Drawn A. SKETCHLEY	Engineer G. WOODFORD	Project No. 14-033	Drawing No. 7 of 11
Date of 1st Issue MAR. 27, 2015	Scale 1":100' H	Filename 14-033CBase.dwg	



PLANNING & DEVELOPMENT SERVICES
76 Morison Drive, Windsor-West Hants Industrial Park
P.O. Box 3000, Windsor, Nova Scotia B0N 2T0
Tel: (902) 798-8391 Ext. 115 Fax: (902) 798-8553

ACTIVITY REPORT

For Month of February 2/28/2021

	<i>Feb 2020</i>			<i>Feb 2021</i>		
Type	Permits	Units	Value of Construction	Permits	Units	Value of Construction
*Single Unit	4	2	596,000	6	4	874,100
Duplex/Semi	2	4	317,000	0	0	0
Apartments	0	0	0	0	0	0
**Other Residential	3	0	9,700	2	0	44,100
Commercial	0	0	0	2	0	27,000
Industrial	0	0	0	0	0	0
Inst & Gov	0	0	0	1	0	50,000
Agriculture	1	0	50,000	0	0	0
Park/Recreational	0	0	0	0	0	0
Total	10	6	972,700	11	4	995,200
Year To Date	16	6	1,121,000	38	17	3,697,000
Demolition	1	0		1	0	
Sign Permits	2			0		
Sub Applications	2	4 (Lots Requested)		3	5 (Lots Requested)	

*includes new construction, additions, renovations, repairs, and development permits.

**includes garages/sheds/carports, decks, and swimming pools.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Members of Planning and Heritage Advisory Committee

Submitted by: _____
Sara Poirier, Planner

Date: 2021-03-11

Subject: WHLUB Amendment: 234 Mountain Rd, Three Mile Plains; PID 45213758; File #20-28

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Land Use By-law to add “Mobile homes in the Three Mile Plains Growth Centre” to the list of permitted uses in the Two Unit Residential (R-2) zone in a manner substantively the same as the draft set out in Attachment A of the report to the Planning and Heritage Advisory Committee report #20-28 dated March 11, 2021.

BACKGROUND

A completed application was received on December 24, 2020 from Jack and Aletha Lantz to consider permitting a mobile home on the lot at 234 Mountain Road, Three Mile Plains (PID 45213758). The lot is owned by Mr. Jack Richard Lantz; Ms. Aletha Lantz is his mother.

The subject lot is zoned Two Unit Residential (R-2) and within the Residential designation and the Three Mile Plains Growth Centre. The lot is approximately 15,000 sq. ft. (0.34 acres) in size. A survey plan of the lot from 1988 shows that a mobile home was located

on the lot. The owner purchased the then-vacant lot in October 2019. Mr. Lantz stated that he believes the lot has been vacant for at least the last 6-8 years.

A mobile home was placed on the lot in November 2020 without first receiving development and occupancy permits. Only single and two-unit dwellings, mini homes, accessory apartments and existing manufactured homes are permitted in the Two Unit Residential (R-2) zone, as per the West Hants Land Use By-law. Therefore, the Development Officer could not issue a permit for the mobile home that was placed on site and the resident was advised to apply to have Council consider the addition of mobile homes to the list of permitted uses in the Two Unit Residential (R-2) zone in Three Mile Plains.

DISCUSSION

The subject lot is located on Mountain Road in Three Mile Plains. The lot is designated Residential on the Generalized Future Land Use Map (Figure 1) of the West Hants Municipal Planning Strategy (WHMPS) and is within the Three Mile Plains Growth Centre. Part 5.3 of the WHMPS contains the overall intention for properties designated Residential within the Three Mile Plains Growth Centre in West Hants.

The lot is zoned Two Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). As noted above only single and two-unit dwellings, mini homes, accessory apartments and existing manufactured homes are permitted in the Two Unit Residential (R-2) zone. The lot abuts properties zoned Two Unit Residential (R-2) and designated Residential within the Three Mile Plains Growth Centre.

The applicant requested that Council consider amending the text of the West Hants Land Use By-law (WHLUB) to permit “Mobile homes in the Three Mile Plains Growth Centre” to the list of permitted uses in the Two Unit Residential (R-2) zone. If the application is approved, any vacant lot within the Three Mile Plains Growth Centre would be permitted to place a mobile home on the lot (Figure 3), subject to receiving the required development and building permits.

Mobile Homes

A mobile home is a type of manufactured home incorporating a bow-truss roof and designed for transportation on its own frame. Table 1 outlines the definitions for mobile homes, mini homes and manufactured home as per the current West Hants Land Use By-law and as per the list of definitions accepted by the Planning Advisory Committee on September 10, 2020 for incorporation in the Regional planning documents.

The Manager of Building and Fire Inspection Services has confirmed that there is no difference in terms of building or fire codes between mobile homes and mini homes as per the National Building Code of Canada and added that mobile homes are just an older style factory built home.

Table 1: Definition of Mobile Home, Mini Home and Manufactured Home

Term	Description
Mobile Home	<i>means a manufactured home incorporating a bow-truss roof and designed for transportation on its own frame;</i> (Definition from the West Hants Land Use By-law and approved for incorporation in the Regional documents) Identifiers: • bow-truss roof • designed for transportation on its own frame  Website: https://toughnickel.com/real-estate/Tips-on-Buying-and-Older-Mobile-Home  Mobile home placed on site at 234 Mountain Rd., Three Mile Plains
Mini Home	<i>means a manufactured home incorporating a pitched roof;</i> (Definition from the West Hants Land Use By-law) <i>means a dwelling unit built as a manufactured home to a CSA standard which meets or exceeds a length to width ratio of 3:1 and incorporates pitched roof;</i> (Definition approved for incorporation in the Regional documents) Identifiers: • meets or exceeds a length to width ratio of 3:1 • incorporates pitched roof  Website: http://www.havillsminihomes.com  Website: https://heatherhomes.co/new-3-bdrm-mini-homes/

Manufactured Home	<i>means a dwelling unit manufactured in a factory and designed for transportation after fabrication, whether on its own wheels or a trailer, which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor unpacking and assembling operations to place the building on an acceptable foundation), and having a width of not more than 6 m (20 ft), but does not include a travel trailer or recreational vehicle. Manufactured home includes a mobile home and a mini home, but does not include a modular or sectional home transported in two or more sections and assembled on site;</i> (Definition from the West Hants Land Use By-law and approved for incorporation in the Regional documents)
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DOCUMENT REVIEW

The Province of Nova Scotia has six (6) *Statements of Provincial Interests* which form part of the *Municipal Government Act* and provide municipalities guidance on certain aspects of development in the Province: drinking water, flood risk areas, agricultural land, infrastructure, housing and the development of the Nova Centre. The *Statement of Provincial Interest* related to housing specifies that the goal is to “provide housing opportunities to meet the needs of all Nova Scotians” by incorporating housing policies into the municipal planning documents which address affordable housing, special-needs housing, rental accommodation, and providing for manufactured housing. All of the planning documents for the Region have housing policies and discuss residential development in specific communities. Staff reviewed the planning documents for Hantsport, West Hants and Windsor to determine where mobile homes are permitted in the Region (Table 2).

Table 2: Zones where Mobile Homes are Permitted in the Regional Municipality

Hantsport	West Hants	Windsor
Mini Home Park Zone permits “Mini homes”; this zone is not used anywhere in Hantsport.	Single Unit Residential (R-1) Zone permits “Existing manufactured homes” Two Unit Residential (R-2) Zone permits “Mini homes” but not mobile or manufactured homes; and permits “Uses permitted in the R-1 zone subject to the R-1 zone requirements” Rural Residential (R-4), Manufactured Home Park (MHP), Agricultural Priority Two (AR-2), General Resource (GR)	No discussion on mobile or mini homes in Windsor.

	and Mineral Resource (MR) Zones permit “Manufactured homes” General Commercial (GC) Zone permits “Single unit dwellings or mini homes on existing vacant lots under 10,000 ft² in area, subject to the R-1 zone requirements” Agricultural Priority Three (AR-3) Zone permits “Manufactured homes” however “21.3 (b) mobile homes shall not be permitted on properties zoned AR-3 in a Growth Centre or Village designation.” Resource Industrial (M-1) and Hamlet Industrial (M-2) Zones permit “One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot”	
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West Hants Municipal Planning Strategy

As the application to permit a mobile home came from a resident in Three Mile Plains, staff concentrated on the housing policies in the West Hants Municipal Planning Strategy for guidance and direction.

An excerpt from Section 4.11, *Housing*, of the West Hants Municipal Planning Strategy outlines Councils intention for housing in West Hants by stating “*Council feels it is important to encourage the provision of housing that is inclusive of all citizens of West Hants regardless of socio-economic status, age or physical or mental disability*”. Policy 4.11.1 outlines that Council will “*encourage the provision of housing adequate to meet the needs of all citizens of West Hants. Affordable housing, special-needs housing and rental accommodation shall be encouraged to develop in a manner that is sensitive to the needs of the community and those being served*” and Policy 4.11.2 states that Council shall “*provide for the development of a range of housing types in West Hants*”.

Manufactured Home Parks

Section 4.15 of the West Hants Municipal Planning Strategy General Land Use Policies describes the policies for the creation of manufactured home parks where “residents may own, lease or rent their homes, but do not own the land”. Policy 4.15.1 specifies that a Manufactured Home Park (MHP) Zone will be created and applied to existing manufactured home parks, and Policy 4.15.2 specifies that new manufactured home parks will be considered by development agreement only in the Growth Centres.

The specific sections for the Falmouth and Three Mile Plains Growth Centres also outline a corresponding policy which allows manufactured home parks to be considered by development agreement (Policy 5.3.9 and 5.4.6). To determine if stand alone mobile homes are permitted in specific areas of the municipality the specific policies for each community were reviewed.

Falmouth

Some of the general development objectives of the Falmouth Growth Centre are to provide for predominantly residential development, accommodate rural lifestyle activities that are compatible with moderate density residential development, and to monitor the extension of services to ensure the capacity of the municipal sewer and water system is not exceeded. Section 5.4 of the West Hants Municipal Planning Strategy discusses the residential policies for the Falmouth Growth Centre. Policy 5.4.7 specifically states that *“It shall be the policy of Council to prohibit the development of mobile homes on separate lots which are not part of a manufactured home park in the Falmouth Growth Centre.”*

Staff are not recommending any changes that would permit mobile homes on individual lots in the Falmouth Growth Centre.

Brooklyn

The general development objectives for the community of Brooklyn are to maintain the quiet, village atmosphere and continue its role as a commercial and institutional service centre for surrounding communities. Section 6.2 of the West Hants Municipal Planning Strategy discusses the residential policies for the community of Brooklyn, currently referred to as a Village in the planning documents. Policy 6.2.2 specifically states that *“It shall be the policy of Council to apply Two Unit Residential (R-2) zoning to the majority of residential land outside the Village Core area of Brooklyn. Within the Village designation, the R-2 zone will permit one and two unit dwellings and mini homes; however, mobile homes will not be permitted.”*

Staff are not recommending any changes that would permit mobile homes on individual lots in the community of Brooklyn.

Three Mile Plains

Some of the general development objectives of the Three Mile Plains Growth Centre are to accommodate the majority of future commercial growth in West Hants, permit an urban residential growth pattern which includes higher density development, and allow the development of small lots to make better use of existing infrastructure. Section 5.3 of the West Hants Municipal Planning Strategy discusses residential policies for the Three Mile Plains Growth Centre. The background statement for the residential policies in the Three Mile Plains Growth Centre states *“The majority of residential land in the Three Mile Plains Growth Centre will be zoned Two Unit Residential (R-2) which permits one and two unit dwellings and mini homes. Mobile homes will not be permitted except in manufactured home parks which will be considered by development agreement”*. Unlike the sections of the West Hants Municipal Planning Strategy for Falmouth and Brooklyn,

there is no policy that corresponds with this background statement to prohibit stand alone mobile homes in Three Mile Plains. Therefore, staff are requesting Council consider the request to add “Mobile homes in the Three Mile Plains Growth Centre” to the list of permitted uses in the Two Unit Residential (R-2) Zone.

Two Unit Residential (R-2) Zone

Staff investigated where else in West Hants the Two Unit Residential (R-2) zone is permitted. The Two Unit Residential (R-2) zone is one of the residential zones in the communities of Three Mile Plains, Brooklyn, Currys Corner, Garlands Crossing and Falmouth (Figure 3). The Three Mile Plains Growth Centre incorporates the land zoned Two Unit Residential (R-2) in the communities of Currys Corner, Garlands Crossing and Three Mile Plains (Figure 4).

As the amendment to the list of permitted uses in the Two Unit Residential (R-2) zone would be written specifically as “Mobile homes in the Three Mile Plains Growth Centre”, this use would not be permitted on any other lot zoned Two Unit Residential (R-2) outside of the Three Mile Plains Growth Centre. This amendment would be consistent with the policies described earlier.

WHMPS Specific Criteria

There are no specific criteria for this text amendment.

WHMPS General Criteria

The proposed amendment will meet the general criteria for amendments and development agreements set out in WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment B. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated;
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Director of Public Works, Manager of Public Works Operations, and Area Manager for the Department of Transportation and Infrastructure Renewal have no concerns.

West Hants Land Use By-law

Section 5.23 of the West Hants Land Use By-law states that “where manufactured homes are permitted by this By-law, the following conditions shall be met:

- (a) No wheels, hitches or other transport attachments shall be visible; and
- (b) The structure shall be skirted within 30 days of placement on the lot.”

The applicants would be required to follow these regulations if this application is approved.

Text Amendment

To permit the requested use, an amendment to the text of the West Hants Land Use By-law (WHLUB) would be required. The proposed amendment is to add “Mobile homes in the Three Mile Plains Growth Centre” to the list of permitted uses in the Two Unit Residential (R-2) zone (Attachment A).

Map Amendment

As the subject lot is currently zoned Two Unit Residential (R-2), a map amendment is not required as part of this application.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for West Hants (2013) identifies that overtopping of the Lebreau Creek Brook has caused flooding of homes adjacent to the brook along Highway 1, near Panuke Road, and in Three Mile Plains. Map 2B shows that some properties along Highway 14 and the Windsor Back Road may experience flooding in the future due to sea level rise, and Appendix B, the Inland Flooding Map, shows some areas in Three Mile Plains that may face inland flooding in the future.

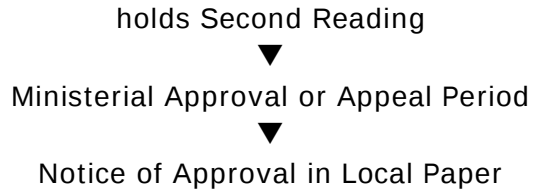
The Three Mile Plains Stormwater Management Study (2019) completed a series of simulations to identify areas that may be potentially vulnerable to flooding. Specific Lebreau Creek Brook crossings at Old Shanks Road, Mountain Road and Panuke Road in Three Mile Plains were identified as areas that may be vulnerable to flooding. Other flood vulnerable areas in Three Mile Plains include: Alexander Drive, Denise Drive, Windsor Back Road, Highway 1, and Three Mile Plains Cross Road.

As this is a general text amendment and not a map amendment for a specific lot, any property owner within the Three Mile Plains Growth Centre should review the MCCAP and Three Mile Plains Stormwater Management Study to be aware of any potential flood risk to their lot prior to developing.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of the general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. The amendment meets the general criteria for amendment to the WHLUB. As a result, it is reasonable to amend the text of the West Hants Land Use By-law to add “Mobile homes in the Three Mile Plains Growth Centre” to the list of permitted uses in the Two Unit Residential (R-2) zone.





FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

ALTERNATIVES

In response to the application, PAC may recommend that Council:

- recommend that Council hold First Reading and authorize a Public Hearing to approve the WHLUB amendment as drafted or as specifically revised by direction of PAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Zoning Map Extract - Two Unit Residential (R-2) Zone
Figure 4	West Hants Zoning Map Extract - Two Unit Residential (R-2) Zone within the Three Mile Plains Growth Centre
Attachment A	Draft Amendments to the West Hants Land Use By-law
Attachment B	General Criteria for Amendment

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Figure 1
West Hants GFLUM Extract

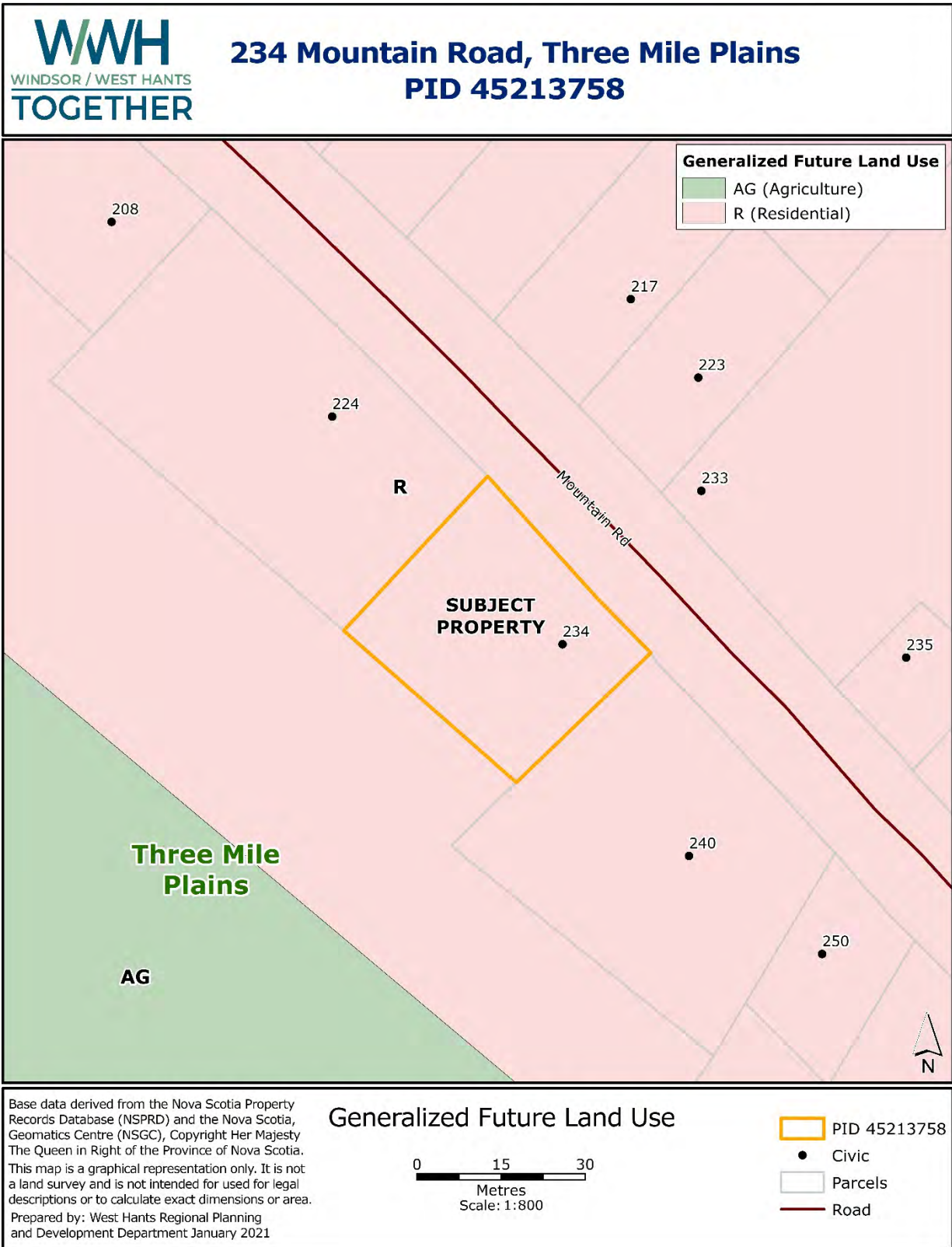


Figure 2
West Hants Zoning Map Extract

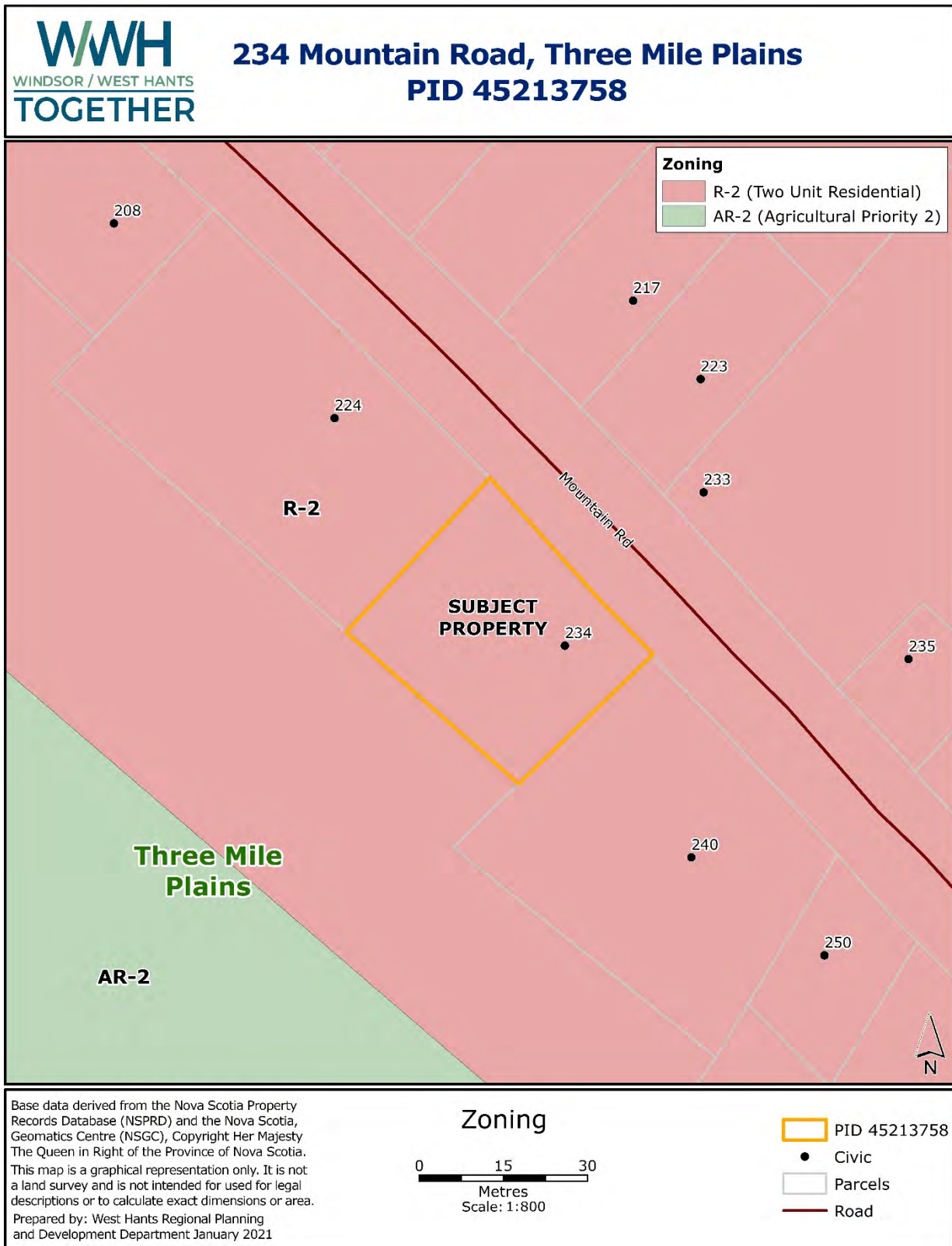


Figure 3
West Hants Zoning Map Extract
Two Unit Residential (R-2) Zone

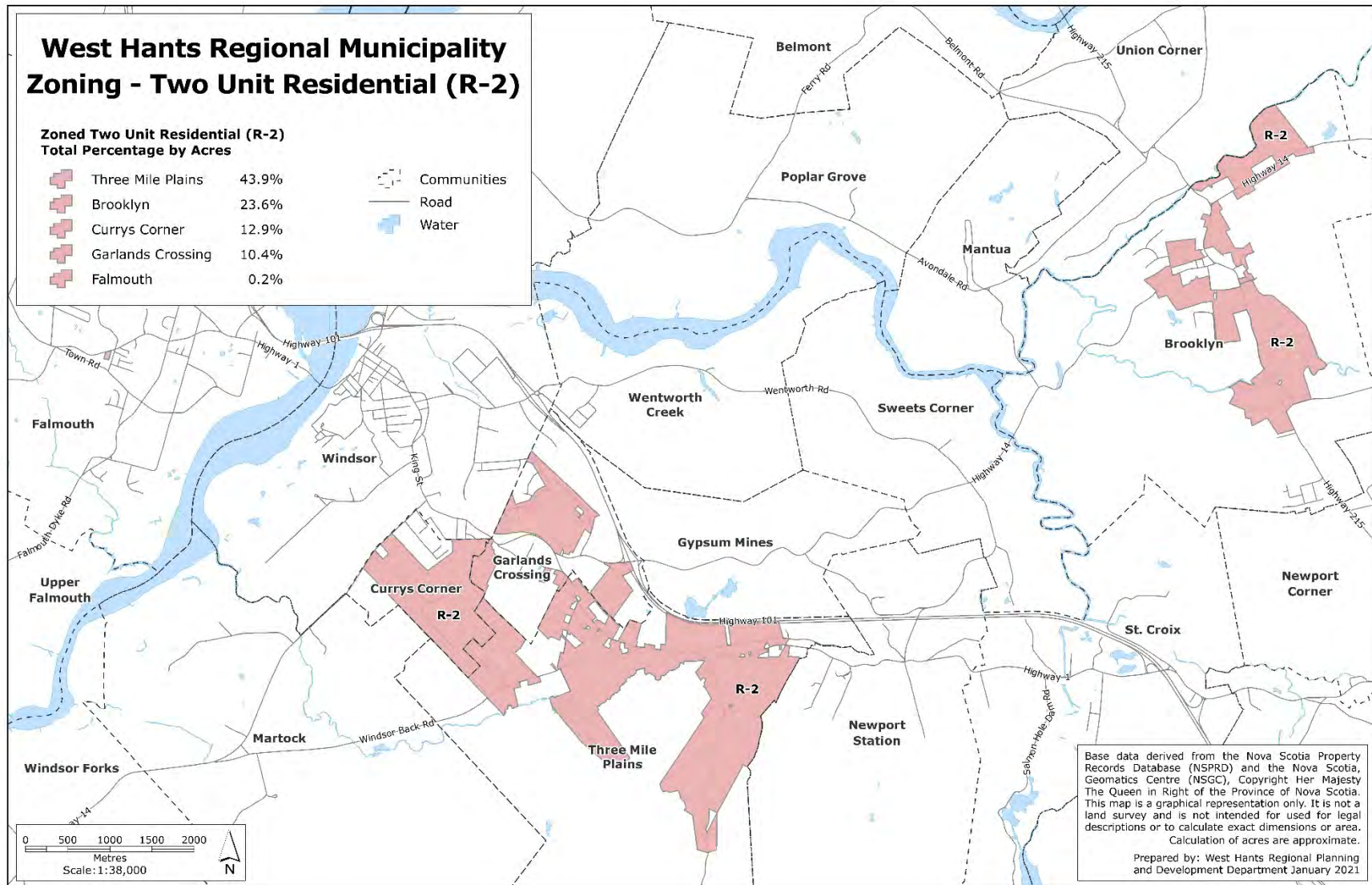
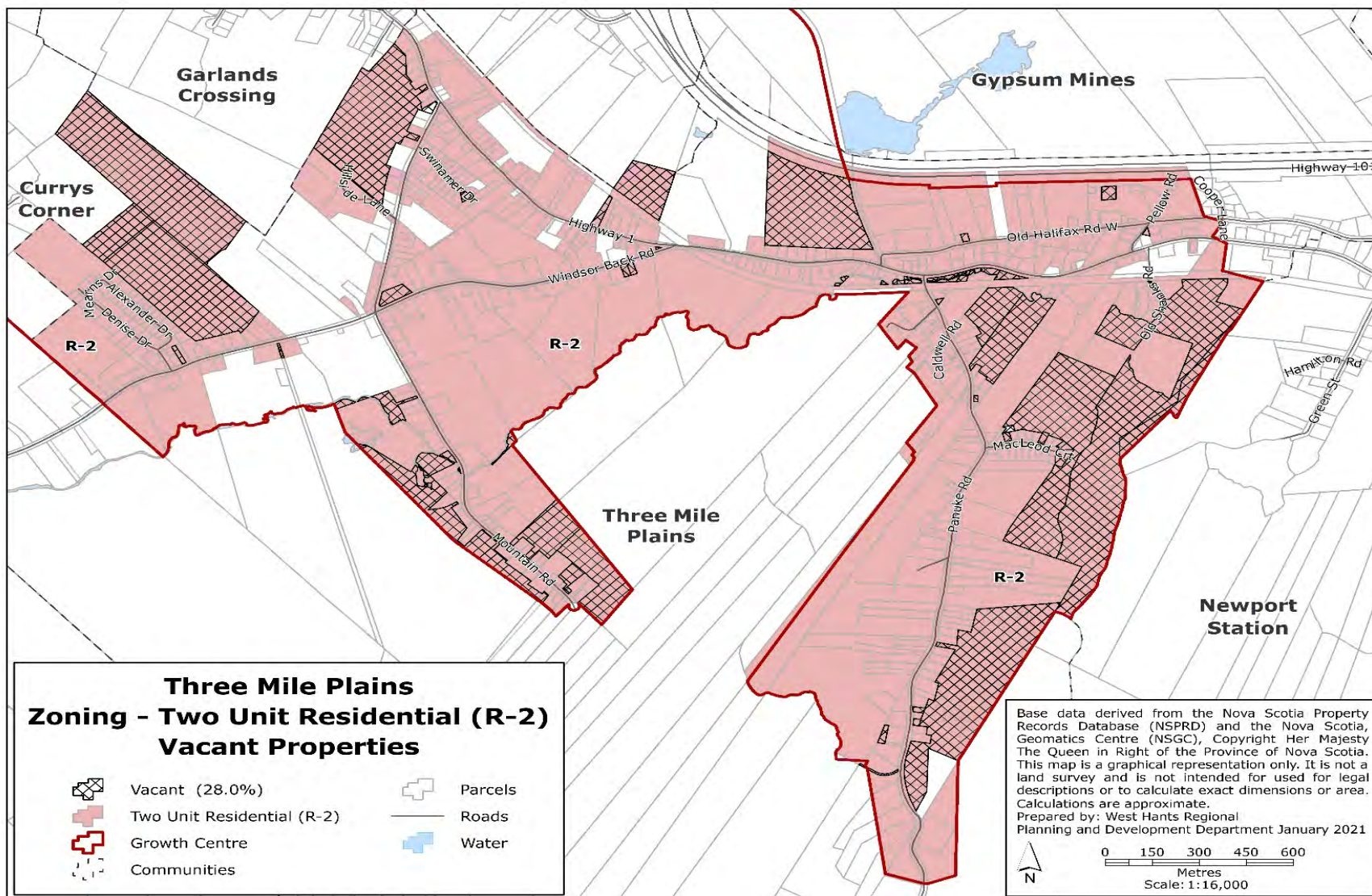


Figure 4
West Hants Zoning Map Extract
Two Unit Residential (R-2) within the Three Mile Plains Growth Centre



Attachment A

Draft Amendments to the West Hants Land Use By-law

A text amendment to the list of permitted uses in the Two Unit Residential (R-2) Zone in the West Hants Land Use By-law to permit mobile homes in the Three Mile Plains Growth Centre.

In Part 9.0 of the West Hants Land Use By-law, *Two Unit Residential (R-2)*:

- 1. Amend Part 9.1 *Permitted Uses* to include mobile homes in the Three Mile Plains Growth Centre to the list of permitted uses by adding “Mobile homes in the Three Mile Plains Growth Centre” to the list of permitted uses; and**
- 2. Amend the lot specification chart in Part 9.2 to require the same lot specifications for mobile homes as mini homes by adding “Mobile homes”, so that it reads as follows:**

9.0 TWO UNIT RESIDENTIAL (R-2)

Permitted Uses

9.1 The following uses shall be permitted in the Two Unit Residential (R-2) zone:

- Two-unit dwellings
- Mini homes
- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- [Mobile homes in the Three Mile Plains Growth Centre](#)

9.2 In the R-2 zone, no development permit shall be issued except in conformity with the following:

	Mobile homes and Mini homes		Two-unit dwellings	
	with municipal services	with on-site services	with municipal services	with on-site services
Minimum lot area	6,000 ft ² (557.40 m ²); 7,000 ft ² (650.30 m ²) for corner lots	29,000 ft ² (2,694.10 m ²)	3,500 ft ² (325.15 m ²)/unit	29,000 ft ² (2,694.10 m ²)/unit
Minimum lot frontage	50 ft (15.24 m)	100 ft (30.48 m)	30 ft (9.14 m) / unit	100 ft (30.48 m) / unit
Minimum front yard	15 ft (7.62 m)			

Minimum rear yard		25 ft (7.62 m)
Minimum side yard	one side	6 ft (1.83 m)
	other side	6 ft (3.05 m)
Max. height of main building		35 ft (10.67 m)

(Amendment GC2LUB 17-01 Effective March 7, 2018)

Subdivision of Semi-detached Units

- 9.3 Semi-detached dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the West Hants Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

Attachment B
General Criteria for Amendment

Policy 16.3.1 In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Director of Public Works has stated that adding mobile homes in the Three Mile Plains Growth Centre to the list of permitted uses in the Two Unit Residential (R-2) zone would have no negative impact related to the adequacy of municipal services in these serviced areas. They also noted that some of the areas shown on the map (Figure 3) may not have access to municipal water / wastewater services.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	In response to an inquiry, the local Fire Chief stated “I do not have any fire resource or hazard concerns with these structures being permitted in the county. There are many of these that are older models and we do definitely adjust our approach to them, but none that would refuse them being allowed in bylaws.” The Manager of Building and Fire Inspection Services stated that “under the Building & Fire Codes, there is no difference between Mini Homes & Mobile Homes. Mobile Homes are just an older style factory built home”. They have no issues with this change with regard to fire safety.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager for the Department of Transportation and Infrastructure Renewal stated that “the Department does not anticipate an impact to the adequacy of the Provincial road network with the proposed changes to the West Hants Land Use By-law.” The Manager of Public Works Operations stated they would not anticipate any

	impact or have any concerns related to transportation of the mobile homes on the West Hants Regional Municipality road network by permitting mobile homes in the Two Unit Residential (R-2) zone of the West Hants Land Use By-law.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality related to this development agreement amendment.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	The Director of Public Works noted that some areas on the map (Figure 3) may not have access to municipal water / wastewater services. This would be assessed as permits are requested for specific properties.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager for the Department of Transportation and Infrastructure Renewal stated that “the Department has no transportation concerns with respect to permitting mobile homes in the Two Unit Residential (R-2) zone.” The Manager of Public Works Operations stated they would not anticipate any impact or have any concerns related to transportation of the mobile homes on the West Hants Regional Municipality road network by permitting mobile homes in the Two Unit Residential (R-2) zone of the West Hants Land Use By-law. There are no anticipated impacts to rail or pedestrian traffic by permitting mobile homes in the Three Mile Plains Growth Centre.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The dimensions and shape of the lot for a mobile home would have to meet the Two Unit Residential (R-2) zone requirements. This would be assessed as permits are requested for specific properties.
<i>(e) the pattern of development which the proposal might create;</i>	One of the Development Officer stated that they do not have any issues or concerns allowing mobile homes in the Two Unit Residential (R-2) zone as they may provide a more affordable housing option for residents. However, they did note that mobile homes are encouraged in Mobile Home Parks by Development Agreement and are not encouraged in

	Falmouth and Brooklyn as per policy based on public input. They stated that if mobile homes were permitted in Falmouth and Brooklyn the general public may be opposed. The proposed amendments to the documents would only allow mobile homes on properties zoned Two Unit Residential (R-2) in the Three Mile Plains Growth Centre. The other Development Officer added that "Mobile homes provide an affordable housing option. Mobile homes are sometimes a first step in an effort to find affordable housing and quite often leads to a future investment in a mini home, single unit dwelling, etc. Although they may not be appropriate in all R2 zones, I do not have a problem in permitting them in the R2 zones in the Three Mile Plains Growth Centre as the area is already the location for many mobile homes. As the availability of mobile homes due to decreasing production over time will become a factor and with the increase in popularity of mini homes, it can be expected the number of mobile homes will greatly be reduced. Allowing mobile homes in the R2 zones of the Three Mile Plains Growth Centre I don't believe would create a pattern of development negatively affecting other areas."
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i>	The suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding would have to be assessed as permits are requested for specific properties. The lot for a mobile home would have to meet the Two Unit Residential (R-2) zone requirements. This would be assessed as permits are requested for specific properties.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i>	All Municipal, Provincial and Federal regulations will have to be met.

<i>(h) any other matter required by relevant policies of this Strategy.</i>	All other matters have been addressed elsewhere in this report.
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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information	Recommendation	Decision Request X	Councillor Activity ☐
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To: Planning Advisory Committee

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: March 11, 2021 HAAC

Subject: Accessory Uses and Structures

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8

2.0 BACKGROUND

West Hants Regional Municipality has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for each of Hantsport, West Hants and Windsor. As part of the plan review, planning staff are working on updating the planning documents and combining the nine (9) documents into three (3) documents: one Municipal Planning Strategy, Land Use By-law and Subdivision By-law for the Region. To help ensure a smooth transition, staff are reviewing the general policies of each MPS and developing one consistent policy where possible. The policies regarding accessory uses and structures from Hantsport, Windsor and West Hants and the recommended policies appear in Attachment A.

3.0 DISCUSSION

3.1 Process

This topic was reviewed by Hantsport Area Advisory Committee (HAAC) on March 2 and by the Windsor Area Advisory Committee (WAAC) on March 4. The comments provided by these committees have been included within this report and appear in [blue](#).

Just as with definitions and more general policies, these Accessory Uses and Structures policies will be included in the draft documents for future review by the public. For any topic where the consensus of the Windsor Area Advisory Committee (WAAC) or the Planning Advisory Committee differs from HAAC, the HAAC opinion will be used only in the Secondary, or Community plan for Hantsport which will form part of the Regional Municipal Planning Strategy; the WAAC opinion will be used only for the Secondary or

Community Plan for Windsor and the PAC opinion will be used for the remainder WHRM. The same is true of the LUB material - it will be carried forward into the appropriate part of the LUB. Public review of the Accessory Uses and Structures policy as a separate item is not recommended.

3.2 Definitions

Two definitions are relevant to this discussion, and have been agreed to for inclusion in the Regional documents by PAC/HAC during the discussion of definitions:

Accessory Building

means a subordinate building or structure ~~on the same lot as a main building,~~ devoted exclusively to an accessory use excluding a building attached in any way to the main building, a building located completely underground or a motor vehicle, truck body, transport trailer or any part thereof;

Accessory Use

means a use subordinate in impact and naturally, customarily and normally incidental to a main use of land or building; ~~and located on the same lot.~~

In reviewing the overall policies related to accessory buildings and accessory uses, planning staff is recommending removal of the material in red above – the requirement that the building or use be located on the same lot as the main use (4.2.3 below). The policies recommended in Attachment A reflect this change.

HAAC & WAAC: by consensus it was agreed that the phrase “and located on the same lot” be removed from the definitions of accessory use and accessory building.

3.3 Background and Policy

Hantsport has a very brief policy regarding accessory buildings, and no policy regarding accessory uses. As noted above, Windsor and West Hants both have policy which require accessory uses and buildings to be located on the same lot as the main use “*unless specifically permitted in the LUB*” and a policy which prohibits the use of an accessory building for human habitation unless a dwelling is permitted as an accessory use.

The proposed policy differs from existing policies in three (3) ways:

- 3.3.1 the prohibition on using accessory buildings for human habitation has been removed. There does not seem to be any reason to prohibit use of an accessory building for human habitation – any building in which people are permitted to live would require an appropriate occupancy permit from a Building Official, and occupancy permits are based on, and refer to the development permit issued; and

HAAC & WAAC: by consensus it was agreed that the prohibition on using accessory buildings for human habitation be removed.

- 3.3.2 the requirement that a main building must be constructed before an accessory building can be constructed has been removed as experience has shown that this sometimes needed. This can only be done if development and building permits have been issued for the main use. This helps to assure there is a real intent to construct the main building, as the permits have associated costs; and

HAAC & WAAC: by consensus it was agreed that accessory buildings can be constructed before the main use being started if development and building permits have been issued for the main use. WAAC wondered if there is a need or potential to require a main building to be constructed within a certain period of time. This will be discussed with the Development Officers.

- 3.3.3 the proposed policy would permit an accessory building or use to be located on a lot separate from the main use or building provided they are in close proximity, as established in the policy.

Windsor and West Hants documents each have policy which requires accessory uses and buildings to be located on the same lot as the main use *“unless specifically permitted in the LUB”*, and both LUBs have provided very limited ability to locate an accessory use on a separate lot. As a result, if someone wishes to place an accessory use on a second lot that they own, these definitions require the consolidation of the lots into one lot.

The Development Officers note that this issue has been experienced in the past in the community of West Hants but not in the community of Windsor as far as they are aware. The issue can create some hardship and bewilderment for a property owner who may own two (2) properties side by side which have been used as one lot for several years or perhaps generations. While the owner considers the property as one family property it is technically two (2) separate lots and the Development Officers must respect the lot boundaries. They must explain this requirement to the owner and cannot issue a permit for an accessory building on an adjoining property.

The issue can be resolved without “watering down” the intent of the existing definitions by removing the phrase “on the same lot” from each definition and adding requirements regarding location and zone in the policy.

HAAC & WAAC: by consensus it was agreed that an accessory building or use could be located on a lot separate from the main use or building provided they are in close proximity, as established in the policy. WAAC noted that using the phrase “same ownership” may be a problem if different members of the same family own the abutting lots; it was also noted that this can affect mortgages if the same ownership is required. Planners will try to find a workable solution.

4.0 NEXT STEPS

Once the Planning Advisory Committee has reviewed the recommendations and provided comments, the accepted policies will be incorporated into the Regional planning documents during the Plan Review.

5.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

6.0 ALTERNATIVES

Should PAC not wish to accept the draft policies as written or recommended by the HAAC or WAAC, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

7.0 ATTACHMENTS

Attachment A Existing and Proposed Accessory Structure and Uses
Definitions and Policies

Report Content Prepared by: Planners and Development Officers
Planning and Development Department

ATTACHMENT A
Accessory Structures and Uses

Proposed Definitions:

Accessory Building
means a subordinate building or structure devoted exclusively to an accessory use excluding a building attached in any way to the main building, a building located completely underground or a motor vehicle, truck body, transport trailer or any part thereof.

Accessory Use
means a use subordinate in impact and naturally, customarily and normally incidental to a main use of land or building.

Existing and Recommended Policies

Hantsport	Windsor	West Hants	Draft Recommendation
2.4 include in the LUB a full range of provisions to ensure a high quality urban and rural environment in all land use designations. Such provisions shall include, but not be limited to regulations concerning signage, landscaping and buffering, accessory buildings , separation distances, and obnoxious uses. GP-4	<u>Accessory Uses (4.1)</u> Whenever a use is permitted pursuant to provisions of a land use zone it is intended that uses, buildings or structures normally incidental, accessory or essential to the primary permitted use are also permitted unless the LUB expressly states otherwise. Policy As a result, it shall be the policy of Council to:	4.1 <i>Accessory Uses, Building and Structures (4.1)</i> Where the LUB provides that any land, building or structure may be used for a purpose, the purpose includes any accessory building, structure or use unless specifically prohibited. Policy As a result, it shall be the policy of Council to: 4.1.1 regulate accessory uses in the LUBB (4.1.1) 4.1.2 prohibit the use of an accessory building for human habitation unless a dwelling is permitted as an accessory use. (4.1.2)	Accessory Uses and Buildings Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed or a use initiated. Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed. Policy As a result, it shall be the policy of Council to: G1 regulate accessory uses and buildings by:

	2.1 regulate accessory uses in the LUB; (4.1.1) 2.2 prohibit the use of an accessory building for human habitation unless a dwelling is permitted as an accessory use; (4.1.2) 2.3 exclude buildings or structures from being considered as accessory if attached to the main building or located completely underground. (4.1.3) 2.4 require accessory uses and buildings to be located on the same lot as the main use unless specifically permitted by the LUB (4.1.4)	4.1.3 not consider a building or structure as accessory if attached to the main building or located completely underground. (4.1.3) 4.1. 4 ensure accessory uses and buildings are located on the same lot as the main use unless specifically permitted in the LUB. (4.1.4)	(a) regulating the number, size, location and height of accessory buildings; and (b) regulating the types, location, and size of accessory uses. G2 permit accessory uses to be located on a lot held in the same ownership and: (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and (b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve. G3 permit accessory buildings to be located on a lot held in the same ownership and: (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and (b) on a lot which directly abuts or is directly across a public street or highway or private
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			road from the lot containing the main building or use it is intended to serve. G3 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building. Note: In the LUB remove the ability for more than 1 building to be located on a lot in an agricultural Zone it is not needed.
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WEST HANTS REGIONAL MUNICIPALITY REPORT

Information	Recommendation	Decision Request X	Councillor Activity ☐
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To: Planning Advisory Committee

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: March 11, 2021

Subject: Administrative Policies

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8

2.0 BACKGROUND

West Hants Regional Municipality has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for each of Hantsport, West Hants and Windsor. As part of the plan review, planning staff are working on updating the planning documents and combining the nine (9) documents into three (3) documents: one Municipal Planning Strategy, Land Use By-law and Subdivision By-law for the Region. To help ensure a smooth transition, staff are reviewing the general policies of each MPS and developing one consistent policy where possible. The Administrative policies, referred to as "Implementation" in the Hantsport (Attachment A), Windsor (Attachment B) and West Hants (Attachment C) MPS are provided for comparison along with the policies recommended for the Region (Attachment D).

3.0 DISCUSSION

3.1 Process

This topic was reviewed by Hantsport Area Advisory Committee (HAAC) on March 2 and by the Windsor Area Advisory Committee (WAAC) on March 4. The comments provided by these committees have been included within this report and appear in [blue](#).

Just as with definitions and more general policies, these Administrative policies will be included in the draft documents for future review by the public. For any topic where the consensus of the Windsor Area Advisory Committee (WAAC) or the Planning Advisory Committee differs from HAAC,

the HAAC opinion will be used only in the Secondary, or Community plan for Hantsport which will form part of the Regional Municipal Planning Strategy; the WAAC opinion will be used only for the Secondary or Community Plan for Windsor and the PAC opinion will be used for the remainder WHRM. The same is true of the LUB material - it will be carried forward into the appropriate part of the LUB.

Public review of the Administrative policy as a separate item is not recommended.

3.2 There are several areas where the proposed policies differ from the existing policies or were not included in older documents. These include:

3.2.1 The definitions accepted by PAC for the Land Use By-law have been “tied” to the MPS, so that they will apply to the policies of the MPS.

3.2.2 Hantsport now prohibits subdivision on private roads. The benefits/draw backs of development on private roads will be discussed in the future at a PAC meeting.

3.2.3 Maps: At present, the individual documents do not specify that an MPS amendment is needed when any map which forms part of the MPS is changed; this should be specified for clarity as it has been an issue in the past.

3.2.4 Timing of Review: Present Windsor and West Hants documents require review of the Municipal Planning Strategy at least every eight (8) years; Hantsport requires a review every seven (7) years. The proposed policy lengthens the time between required reviews to ten (10) years.

HAAC & WAAC: by consensus it was agreed that the time between reviews be lengthened to ten (10) years.

3.2.5 Policy xx.8 allows Council to consider amending “any area abutting a designation on the GFLUM to a zone permitted in the abutting designation without requiring a MPS amendment”.

WAAC: by consensus it was agreed that policies xx.8 and xx.9 were satisfactory. During discussion, members had expressed concern that this could extend in a domino-like effect into perpetuity. It was noted that the policy is not used a lot, but any amendment would also need to meet all other policies of the MPS. It was also noted that it could be limited by using a reference to the “initial” GFLUM, but this was not the choice of the Committee.

- 3.2.6 Proposed policy x.x.10 requires that there be a specific proposal before an application for amendment to the zoning map of the Land Use By-law is considered. This is a very usual policy. None of the documents now have such a policy, which is why the 20 Main Street, Hantsport, application can be considered. Even if an applicant proposes a “specific” development, there is nothing to prevent them from doing something else once the zone they have requested is in place.

HAAC & WAAC: by consensus it was agreed that a specific proposal be required in order to consider an amendment to the LUB.

- 3.2.7 Policies xx.13, .14 and .15 are longer and more detailed than the present criteria for development agreements and amendments. There will be a corresponding decrease in detail in specific policies for amendment and development agreement; this will reduce redundancy within the proposed document.

HAAC & WAAC: by consensus it was agreed that the proposed criteria are satisfactory.

- 3.2.8 Policy x.14 permits Council to require specific reports to ensure criteria have been met. We are still gathering information about who should prepare these reports and will provide those details in future to PAC.

Just as with definitions and more general policies, these Administrative policies will be included in the draft documents for future review by the public. Public review of the Administrative policies as a separate item is not recommended.

4.0 NEXT STEPS

Once the Planning Advisory Committee has reviewed the recommendations and provided comments, the accepted policies will be incorporated into the Regional planning documents during the Plan Review.

5.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC not wish to accept the draft policies as written, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 ATTACHMENTS

Attachment A	Hantsport Administrative Policies
Attachment B	Windsor Administrative Policies

ATTACHMENT A
HANTSPORT ADMINISTRATIVE PORTION

Note: Parts considered in other sections of the Review have been removed for ease of reference: (Statements of Provincial Interest).

Part 9 Implementation

11.2 Review of Municipal Planning Strategy

The *Municipal Government Act* states that a Strategy shall include policies on how Council intends to review the Strategy and Land Use By-law. We live in a world in which conditions relating to development may change rapidly. When Council determines that these types of changes warrant a review of the planning documents it shall conduct a review, and seek public input throughout the process.

The same holds true with the ICSP part of the Strategy. Council may review ICSP policies independently of the entire Strategy when circumstances such as direction from the senior levels of government with respect to sustainability change. Council also believes that a review should occur no later than seven years from the effective date of the Strategy and Land Use By-law.

Policy IM-1

It shall be a policy of Council to review the Municipal Planning Strategy and Land Use By-law as deemed necessary by Council due to changing conditions but not later than every seven years.

Policy IM-2

It shall be a policy of Council to review the ICSP part of the Strategy independently from the rest of the Strategy as deemed necessary by Council or in response to direction from the senior levels of government.

11.3 Amendments of the Land Use By-law

11.3.1 Criteria

The Strategy is accompanied by a regulatory document known as a Land Use Bylaw. It is intended that the Land Use By-law be amended from time to time usually through a formal application process made to the Town. An application may be received to amend a clause(s) or section(s) of the Bylaw or to amend the Zoning Map (these latter amendments are also known as rezonings).

Council may only approve amendments to the Land Use By-law if they are consistent with the policies of this Strategy. In addition to policies or statements contained throughout the Strategy the following is a list of general criteria to be followed by Council in its consideration of an amendment.

Policy IM-3

In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

- (a) whether the proposal is considered appropriate in terms of:
 - (i) the adequacy of sewer and water services;
 - (ii) the adequacy of school facilities;
 - (iii) the adequacy of fire protection;
 - (iv) the impact on adjacent uses;
 - (v) the adequacy of road networks adjacent to, or leading to the development; and
 - (vi) the financial capacity of the Town to absorb any costs relating to the development.
- (b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;
- (c) the adequacy of the dimensions and shape of the lot for the intended use;
- (d) the pattern of development which the proposal might create;
- (e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;
- (f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations;
- (g) the impact of not only the use being proposed but all uses permitted in the zone;
- (h) the site meets all of the zone requirements for the zone sought; and
- (i) any other matter required by relevant policies of this Strategy.

11.3.2 Amendments not Requiring a MPS Amendment

When a rezoning to a zone is in an area not consistent with the Generalized Future Land Use Map, the rezoning should not be approved unless the Map is amended. However, since the designations on the GFLUM are meant to be general, a rezoning in an area adjacent to a required land use designation may be considered without amending the GFLUM.

Policy IM-4

It shall be a policy of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.

11.4 Subdivision

Subdivision includes the creation of one or more new lots, consolidation of two or more existing lots or boundary adjustments on existing lots. All subdivision in the Town of Hantsport is controlled by the standards set out the Subdivision By-law.

Policy IM-5

It shall be the intention of Council to adopt a Subdivision By-law which reflects the intent and policies of this Strategy. The By-law shall include:

- (a) road construction standards;
- (b) water and sewer installation standards; and
- (c) other requirements as permitted through the Municipal Government Act.

Policy IM-6

It shall be the policy of Council to prohibit subdivision of land on private roads.

Policy IM-7

It shall be the intention of Council to include in the Subdivision By-law provisions for the subdivision of lots that do not meet the applicable minimum lot area and frontage requirements of the Land Use By-law. The conditions under which such lots may be approved are as follows:

- (a) where two or more main buildings are located on a lot, subdivision is permitted to create the same number or fewer lots as there are main buildings;
- (b) where two lot owners wish to alter their common boundary, provided that no additional lots are created and each lot meets the Land Use By-law frontage and area requirements or does not have its frontage or area reduced;
- (c) where new lots are being created, two lots may be approved in accordance with Section 279 of the Municipal Government Act which allows for the creation of not more than two undersized lots where the lot dimensions and area are not less than 90 percent of the required minimum; and
- (d) where two lots have a common boundary, they may alter their common boundary where a development component of a permanent nature such as a structure, driveway, well or septic tank is encroaching in or upon an immediately adjacent area of land.

11.5 Recovery of Expenses

The Municipal Government Act allows municipalities to establish fees to cover the costs of amendments to the Land Use By-law and variances.

Policy IM-8

It shall be the policy of Council to levy fees from the applicant for following:

- (a) cost of notifying adjacent land owners;
- (b) cost of advertising in the newspaper; if the advertising costs are more than the established fee, then the applicant will be billed for the difference, or if it is less, the difference shall be refunded; and
- (c) administrative processing costs.

11.6 Repeal of Strategy

The Town of Hantsport Municipal Planning Strategy as adopted by Town Council January 1, 1977 and all amendments thereto, are hereby repealed.

ATTACHMENT B

WINDSOR ADMINISTRATIVE PORTION

Note: Parts considered in other sections of the Review have been removed for ease of reference: (Variances, Capital Improvement)

16.0 IMPLEMENTATION

16.1 Municipal Planning Strategy Amendments and Review

From time to time Council may find it necessary to amend the Municipal Planning Strategy or the accompanying Generalized Future Land Use Map (Map 1).

Policy 16.1.1 *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages of the review. It is recommended that a review be done at least every eight years.

Policy 16.1.2 *It shall be the policy of Council to review the Municipal Planning Strategy regularly as deemed necessary by changing conditions, but not later than every eight years.*

Policy 16.1.3 *It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.*

Policy 16.1.4 *It shall be the intention of Council to consider entering into a development agreement for a property immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) without requiring a Strategy amendment, provided that*

all policies of the Strategy are satisfied.

16.2 Land Use By-law

Policy 16.2.1 *It shall be the policy of Council to adopt a comprehensive Land Use By-law setting out specific requirements to implement this Strategy.*

Policy 16.2.2 *The following zones shall be established in the Land Use By-law:*

Zone	Symbol
Single Unit Residential	R-1
Two Unit Residential	R-2
Medium Density Residential	R-3
High Density Residential	R-4
College Road Comprehensive Development	CR-CDD
Town Centre	TC
Pesaquid Comprehensive Development District	P-CDD
Local Commercial	LC
General Commercial	GC
Highway Commercial	HC
Shopping Centre Commercial	SC
Commercial Transitional (<i>WMPS 14-1 Effective</i>)	CT
Fairground	FG
Light Industrial	LI-1
Joint Industrial Type Two	LI-2
Joint Industrial Type Three	LI-3
Institutional	I
Open Space	OS
Agriculture	AG
Wentworth Road Commercial	WR-C
Special Overlay Zones	
Wentworth Road Gateway District	
Environmental Constraints	
Architectural Control Districts	

16.3 Land Use By-law Amendments and Development Agreements

It may be necessary to amend the Land Use By-law, although the By-law must always be in conformity with the Municipal Planning Strategy. Should Council consider amending the Land Use By-law, it must fully examine the implications of the change and the amendment must comply with all other legal requirements as set out in the *Municipal Government Act*.

A development agreement is a legal agreement between Council and a property owner. In such agreements, a wide range of factors may be addressed that go beyond what may be considered under standard zoning. Development agreements provide an opportunity for Council to exercise a greater degree of control over many aspects of a development proposal such as use, design, architectural detail, hours of operation and other matters of concern to adjacent landowners. Development agreements also can provide a greater degree of flexibility to the developer. A development agreement is binding upon a property until the agreement or part thereof is discharged by the Town.

Policy 16.3.1 *In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

- (a) *whether the proposal is considered premature or inappropriate in terms of:*
 - (i) *the adequacy of sewer and water services;*
 - (ii) *the adequacy of school facilities;*
 - (iii) *the adequacy of fire protection;*
 - (iv) *the adequacy of road networks adjacent to, or leading to the development; and*
 - (v) *the financial capacity of the Town to absorb any costs relating to the development.*
- (b) *the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;*
- (c) *the adequacy of the dimensions and shape of the lot for the intended use;*
- (d) *the pattern of development which the proposal might create;*
- (e) *the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;*
- (f) *whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and*
- (g) *any other matter required by relevant policies of this Strategy.*

Policy 16.3.2 *It shall be the policy of Council that, where considered necessary, a detailed site plan and architectural drawings shall be submitted by the*

developer as a component of the rezoning or development agreement application.

16.4 Subdivision Control

Subdivision includes the creation of one or more new lots, consolidation of two or more existing lots or boundary adjustments on existing lots. All subdivision in the Town of Windsor is controlled by the standards set out the Subdivision By-law.

Policy 16.4.1 *It shall be the intention of Council to adopt a Subdivision By-law which reflects the intent and policies of this Strategy. The By-law shall include:*

- (a) road construction standards;*
- (b) water and sewer installation standards;*
- (c) requirements for dedication of open space or cash-in-lieu; and*
- (d) other requirements as permitted through the Municipal Government Act.*

Policy 16.4.2 *It shall be the policy of Council to prohibit subdivision of land on private roads.*

Policy 16.4.3 *It shall be the intention of Council to include in the Subdivision By-law provisions for the subdivision of lots that do not meet the applicable minimum lot area and frontage requirements of the Land Use By-law. The conditions under which such lots may be approved are as follows:*

- (a) where two or more main buildings are located on a lot, subdivision is permitted to create the same number or fewer lots as there are main buildings;*
- (b) where two lot owners wish to alter their common boundary, provided that no additional lots are created and each lot meets the Land Use By-law frontage and area requirements or does not have its frontage or area reduced;*
- (c) where new lots are being created, two lots may be approved in accordance with Section 279 of the Municipal Government Act which allows for the creation of not more than two undersized lots where the lot dimensions and area are not less than 90 percent of the required minimum; and*

-
- (d) *where two lots have a common boundary, they may alter their common boundary, where a development component of a permanent nature such as a structure, driveway, well or septic tank is encroaching in or upon an immediately adjacent area of land.*

Policy 16.4.5 *It shall be the intention of Council to include in the Subdivision By-law and*

Land Use by-law special lot size provisions where any part of an unserviced lot is located within 75 ft (22.86 m) of a watercourse.

16.8 Development Officer

Policy 16.8.1 In accordance with Sections 243(1) and 243(2) of the Municipal Government Act, it shall be the intention of Council to appoint a Development Officer who shall administer the Land Use By-law and Subdivision By-law and as such shall be responsible for the granting of development permits and approval of plans of subdivision.

16.9 Recovery of Expenses

The Municipal Government Act allows municipalities to establish fees to cover the costs of amendments to the Land Use By-law, variances and development agreements.

Policy 16.9.1 It shall be the policy of Council to levy fees from the applicant for following: (a) the cost of notifying adjacent land owners;

(b) the cost of advertising in the newspaper; if the advertising costs are more than the established fee, then the applicant will be billed for the difference, or if it is less, the difference shall be refunded;

(c) the cost of posting a sign; and

(d) the administrative processing costs.

16.10 Repeal of Strategy

The Town of Windsor Municipal Planning Strategy as adopted by Windsor Town Council on July 23, 1991 and approved by the Minister of Municipal Affairs on October 18, 1991, and all amendments thereto, is hereby repealed.

ATTACHMENT C
WEST HANTS ADMINISTRATIVE PORTION

Note: Parts considered in other sections of the Review have been removed for ease of reference: (Infrastructure, Variances, Capital Improvement, Non-conforming Uses and Structures).

16.0 IMPLEMENTATION

16.1 Municipal Planning Strategy Amendments and Review

From time to time Council may find it necessary to amend the Municipal Planning Strategy or the accompanying Generalized Future Land Use Map (Map 1).

Policy 16.1.1 *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages. It is recommended that a review be done at least every eight years.

Policy 16.1.2 *It shall be the policy of Council to review the Municipal Planning Strategy regularly as deemed necessary by changing conditions, but not later than every eight years.*

Policy 16.1.3 *It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.*

Policy 16.1.4 *It shall be the intention of Council to consider entering into a development agreement for a property immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.*

16.2 Land Use By-law

Policy 16.2.1 *It shall be the policy of Council to adopt a comprehensive Land Use By-law setting out specific requirements to implement this Strategy.*

Policy 16.2.2 The following zones shall be established in the Land Use By-law:

[illegible]

16.3 Land Use By-law Amendments and Development Agreements

Changes to the Land Use By-lawCwhether map amendments (rezoning) or text amendmentsCmay be considered by Council provided they are in conformity with the Municipal Planning Strategy. Should Council consider amending the Land Use By-law, it must fully examine the implications of the change and the amendment must comply with all other legal requirements as set out in the *Municipal Government Act*.

A development agreement is a legal agreement between Council and a property owner. In such agreements, a wide range of factors may be addressed that go beyond what may be considered under standard zoning. Development agreements provide an opportunity for Council to exercise a greater degree of control over many aspects of a development proposal such as use, design, architectural detail, hours of operation and other matters of concern to adjacent landowners. Development agreements also can provide a greater degree of flexibility to the developer. A development agreement is binding upon a property until the agreement is discharged by Council.

Policy 16.3.1 *In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

- (a) *whether the proposal is considered premature or inappropriate in terms of:*
 - (i) *the adequacy of sewer and water services;*
 - (ii) *the adequacy of school facilities;*
 - (iii) *the adequacy of fire protection and other emergency services; (Amendment WHMPS 14-01 Effective January 22, 2015)*

- (iv) *the adequacy of road networks adjacent to, or leading to the development; and*
 - (v) *the financial capacity of the Municipality to absorb any costs relating to the development.*
- (b) *whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;*
- (c) *the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;*
- (d) *the adequacy of the dimensions and shape of the lot for the intended use;*
- (e) *the pattern of development which the proposal might create;*
- (f) *the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;*
- (g) *whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and*
- (h) *any other matter required by relevant policies of this Strategy.*

Policy 16.3.2 *It shall be the policy of Council that, where considered necessary, a detailed site plan and architectural drawings shall be submitted by the developer as a component of the rezoning or development agreement application.*

16.4 Subdivision Control

Subdivision includes the creation of one or more new lots, the consolidation of two or more existing lots and the adjustment of boundaries on existing lots. All subdivision in West Hants is controlled by the standards set out in the Subdivision By-law. **(Amendment WHMPS 14-01 Effective January 22, 2015)**

Policy 16.4.1 *It shall be the intention of Council to adopt a Subdivision By-law which reflects the intent and policies of this Strategy. The By-law shall include:*

- (a) street construction standards;*
- (b) water and sewer installation standards;*
- (c) requirements for dedication of open space or cash-in-lieu;
and*
- (d) other requirements as permitted through the Municipal Government Act.*

Policy 16.4.2 *It shall be the policy of Council to limit the number of new lots which may be created annually in the Agriculture designation.*

Policy 16.4.3 *It shall be the policy of Council to require all lots to have adequate frontage on a street. Lots existing as of the effective date of this Strategy shall be exempt from this requirement.*

Policy 16.4.4 *Notwithstanding Policy 16.4.3, it shall be the intention of Council to permit the subdivision and development of certain lots which do not meet the Land Use By-law minimum requirements for lot frontage and area as follows:*

- (a) lots created on private roads in the General Resource zone, provided that such lots shall only be developed for seasonal dwellings, single unit dwellings or resource uses;*

- (b) *lots created pursuant to Section 279 of the Municipal Government Act which allows the approval of not more than two undersized lots where the lot dimensions and area are not less than 90 percent of the required minimums;*
- (c) *where two or more main buildings are located on a lot, subdivision is permitted to create the same number or fewer number of lots as there are main buildings;*
- (d) *lots created to remove an encroachment;*
- (e) *lots created on an island in the General Resource zone where there are no public streets or private roads and the only means of access is by water, provided that such lots shall only be developed for seasonal dwellings; or*
- (f) *lots created on a right-of-way*

16.9 Development Officer

Policy 16.9.1 *In accordance with Sections 243(1) and 243(2) of the Municipal Government Act, it shall be the intention of Council to appoint a Development Officer who shall administer the Land Use By-law and Subdivision By-law and as such shall be responsible for the granting of development permits and approval of plans of subdivision.*

16.10 Recovery of Expenses

The *Municipal Government Act* allows municipalities to establish fees to cover the cost of amendments to the Land Use By-law, variances and development agreements.

Policy 16.10.1 *It shall be the policy of Council to levy fees from the applicant for following costs:*

- (a) *the cost of notifying adjacent land owners;*

- (b) the cost of advertising in the newspaper; if the advertising costs are more than the established fee, then the applicant will be billed for the difference, or if it is less, the difference shall be refunded;*
- (c) the cost of posting a sign; and*
- (d) administrative processing costs.*

16.11 Repeal of Strategy

The following West Hants Municipal Planning Strategies, and all amendments thereto, are hereby repealed:

- (a) Falmouth Municipal Planning Strategy as adopted by Council on August 12, 1986 and approved by the Minister of Municipal Affairs on December 22, 1986;
- (b) Upper Falmouth Municipal Planning Strategy as adopted by Council on December 20, 1988 and approved by the Minister of Municipal Affairs on April 11, 1989;
- (c) Area One Municipal Planning Strategy as adopted by Council on October 8, 1991 and approved by the Minister of Municipal Affairs on December 16, 1991; and
- (d) Areas Two and Three Municipal Planning Strategy as adopted by Council on September 21, 1994 and approved by the Minister of Municipal Affairs on November 23, 1994.

ATTACHMENT D

WHRM DRAFT ADMINISTRATIVE POLICIES

Note: No changes to these draft policies were suggested by HAAC or WAAC

Administration

This Municipal Planning Strategy is the policy framework used by Council to guide development and other matters regulated by Parts 8 and 9 of the *Municipal Government Act*. This section identifies the administrative tools related to this Municipal Planning Strategy.

Document Structure

This document is structured to make it easy to refer to a particular block of text or policy and to track document changes over time. The outline below shows the numbering and reference system.

- 1.0 Part
- 1.1 Section
- 1.1.1 Subsection
- 1.1 (a) Clause
- 1.1.1 (a) (i) subclause

When amending this MPS these practices will be followed:

- deleted Sections, Subsections, Policies, clauses, or subclauses will be replaced with the date of deletion and a reference to the file or project that led to the deletion. The policies following will not be re-numbered.
- when inserting a policy, a capital letter will be added to differentiate the new number from the proceeding number. For example, policy 30.2A would be inserted between Policy 30.2 and Policy 30.3.

Definitions

The definitions contained within the Land Use By-law shall apply to and be used in interpretation of all policies of this MPS.

Land Use and Subdivision By-laws

The Land Use By-law is the principal means for implementing the land use policies of this MPS pursuant to Section 219 (1) of the *Municipal Government Act*.

The Subdivision By-law is the principal way of regulating the subdivision of land pursuant to Part 9 of the *Municipal Government Act*. Section 193 of the *Municipal Government Act* defines 'subdivision' as "the division of any area of land into two or more parcels and includes a re-subdivision or a consolidation of two or more parcels."

Policy

It shall be the policy of Council to:

- x.x.1 adopt and maintain a Land Use By-law which carries out the intent of this MPS.
- x.x.2 adopt and maintain a Subdivision By-law that carries out the intent of this MPS. Specifically, the Subdivision By-law shall:
 - (a) apply to the entirety of West Hants Regional Municipality;
 - (b) ensure that any subdivision, with the exception of lots created using the variance provisions of Part 9 of the MGA, conforms with the lot requirements contained in the Land Use By-law;
 - (c) establish locations and standards for the development of public and private roads, central services and other publicly owned infrastructure;
 - (d) contain provisions intended to ensure that lots are suitable for on-site sewage disposal where there is no central sewer system,;
 - (e) contain provisions for dedicating land or an equivalent value for park, playground and similar public purpose;
 - (f) ensure the applicable requirements of the Provincial Subdivision Regulations are in effect; and
 - (g) contain any other provisions needed to fulfil the intent of this MPS.

(Note: Hantsport prohibits subdivision on private roads – this will need to be addressed later)
- x.x.3 appoint a Development Officer to administer the Land Use By-law and Subdivision By-law and to approve or deny applications in accordance with the terms of these By-laws; and
- x.x.4 specify on any development permit, in addition to the permitted development, the time for which the permit is valid.

Recovery of Expenses

The *Municipal Government Act* allows municipalities to establish fees to cover the cost of amendments to the Land Use By-law, variances, development agreements, amendments to development agreements and site plan approvals.

As a result, it shall be the policy of Council to:

- x.x.5 charge applicants the fees specified in the Fees policy. The fees are intended to cover all or part of any of the following costs related to amendments to the Land Use By-law (with or without concurrent MPS amendments), variances, development agreements, amendments to development agreements and site plan approvals :
 - (a) notifying nearby landowners;
 - (b) placing notices in the newspaper or other locations;
 - (c) posting a sign;

- (d) processing an application; and
- (e) registering a development agreement.

Municipal Planning Strategy Amendments and Review

This MPS represents council's intentions for the future. Some challenges which will arise in the future can be anticipated and addressed, but unforeseen issues will always arise. Council needs to be able to adapt this MPS to unforeseen circumstances.

The MPS should be updated through continuous regular "housekeeping" changes to clarify policies or address inconsistencies. It may also be necessary to review the entire MPS, LUB and SUB By laws to adjust the overall intent.

As a result, it shall be the policy of Council to:

- x.x.6 adopt a program for comprehensive review of planning documents, amendments to planning documents, development agreements and amendments to development agreements and include within this program requirements regarding consultation with the public and with specific community groups;
- x.x.7 amend the MPS:
 - (a) when the Generalized Future Land Use Map (Map 1) is to be changed (this will require a list of all maps which form part of MPS);
 - (b) when necessary to reflect Provincial Statements of Interest;
 - (c) when necessary because of a change in policy intent or a change in the development environment;
 - (d) not later than every ten (10) years following a comprehensive review. (up from 8)
- x.x.8 consider any area abutting a designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the abutting designation without requiring a MPS amendment, provided that all other policies of the MPS are met. (WH 16.1.3 H:0; Windsor: 16.1.3)
- x.x.9 consider entering into a development agreement for a property abutting a land use designation on the Generalized Future Land Use Map (Map 1) without requiring a MPS amendment, provided that all other policies of the MPS are met. (WH 16.1.4; H:0; Windsor: 16.1.4)

Land Use Bylaw Amendments and Development Agreements

Changes to the text or map of the Land Use By-law may be considered by Council without an amendment to the MPS if the change is in conformity with the policies of the MPS. When Council considers amending the Land Use By-law, all implications of the amendment must be considered.

A development agreement is a contract between Council and an owner of land to permit a use which would not usually be permitted in that location. Any proposed development agreement must be enabled by both the LUB and MPS and must meet the requirements established for development agreements. A development agreement is binding until discharged by Council.

As a result, it shall be the policy of Council to:

x.x.10 consider an application for amendment to the zoning map of the Land Use By-law only if the application is for **a specific development**;

x.x.11 consider an application for amendment to the zoning map of the Land Use By-law only if:

- (a) the lot meets all of the zone requirements for the zone sought, with the following exceptions:
 - (i) the lot(s) meets all other zone requirements but has less than the required frontage and area specified for the zone sought; or
 - (ii) the lot(s) has a building or buildings on it. Any proposed addition to such a building or replacement of such a building shall not further reduce the setback or yard requirements.

If a non-conforming structure will be created, the applicant must be notified of this in writing prior to the amendment being considered.

(WH, H , Windsor -no general requirements; all have specific criteria)

x.x.12 consider in relation to all applications to rezone land:

- (a) the applicable zone policies;
- (b) the impact of both the specific development proposal and all other uses permitted in the proposed zone; and
- (c) the general criteria for amending the Land Use By-law set out in sections xx.13 and xx.14 *Land Use Bylaw Amendments and Development Agreements*.

xx.13 in considering development agreements and amendments to the West Hants Land Use By law, in addition to the criteria set out in various policies of this MPS, Council shall be satisfied that the proposal:

- (a) is consistent with the intent of this MPS, including the relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;
- (b) is not in conflict with any known Municipal, Provincial or Federal programs in effect in the Municipality. Required Provincial or Federal approvals need not be received before the development agreement or amendment is approved.

xx.14 require, in addition to any other required information, any of the following information at a level sufficiently detailed to determine whether the criteria for amending the Land Use By-law or entering into a development agreement have been met:

- (a) a detailed site plan and/or elevations showing:
 - (i) topography;
 - (ii) proposed types and forms of development;
 - (iii) minimum and maximum size of lots;
 - (iv) proposed location, height, dimensions, floor area, and use of all existing and proposed buildings or structures;
 - (v) location and type of roads and proposed access points; and
 - (vi) sidewalks, pedestrian pathways, parks, trails, and open space areas.
- (b) a Traffic Impact Assessment (TIA) prepared by a qualified traffic or transportation engineer and approved by the authority having jurisdiction, showing the adequacy of the existing and proposed road network to accommodate the proposed development. The TIA must also provide recommendations concerning the mitigation of any traffic-related issues which may be caused by the development;
- (c) a landscape plan showing:
 - (i) all hard surfaces including but not limited to sidewalks, driveways, ground-level patios, fences, and retaining walls;

- (ii) utilities above and below ground, including water lines and wells, sewer lines, septic tanks and beds, power lines; and
- (iii) all trees (whether they are being kept, moved, taken out, or taken out then replaced), including but not limited to location, diameter of trunk(s) at 1.4 m from the ground, common and botanical names, trees on adjacent properties within 2 m of the lot line of the development agreement and trees on any public road right-of-way abutting the development agreement site;
- (d) a drainage and storm water management plan prepared by a professional Engineer that demonstrates the impact the proposal will have on adjacent lands or existing storm water management systems;
- (e) a hydrological study of groundwater resources prepared by a professional hydrologist to determine quality, available volume, and natural flows of the resource and to identify the area and rate of recharge;
- (f) an environmental study carried out by a qualified person to assess risks to the environment, including but not limited to, species at risk and environmental contamination;
- (g) a geotechnical assessment prepared by...?? stating that the site is suitable for the proposed development;
- (h) a site grading plan showing the proposed grading of the site with respect to drainage and storm water management.

x.x.15 establish controls within a development agreement that may be needed to adequately address any concerns raised by the specific criteria for the development or criteria set out in Policy xx above, including but not limited to controls regarding:

- (a) off-road parking and loading spaces;
- (b) hours of operation;
- (c) landscaping, buffering, sensitive site orientation and screening;
- (d) reducing the impacts of noise, odour, dust, or light or any other form of emission on other properties in the area;
- (e) managing lighting to reduce glare and light trespass;

- (f) ensuring the development adequately addresses storm water management, including low impact development requirements;
- (g) architectural features, including but not limited to bulk, scale, height, roof shape, building materials, exterior cladding, and shape and size and placement of doors and windows, to ensure they are visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition;
- (h) ensuring the proposal provides sufficient park and trail features are consistent with the applicable policies contained within section xx Recreation and within the Subdivision By-law;
- (i) management of garbage collection and industrial waste disposal;
- (j) ensuring the development meets the criteria established in the Municipal Services Specifications manual;
- (k) on-going ownership and maintenance of the development;
- (l) time limits for the initiation and completion of construction;
- (m) requirements for adequate performance bonding or security to ensure that major components of the development, including but not limited to road construction or maintenance, landscaping or development of amenity areas, are completed in an appropriate and timely manner and maintained for a specific period of time.

Repeal of Municipal Planning Strategy

The Town of Hantsport Municipal Planning Strategy as adopted by Town Council May 20, 2010, and all amendments thereto, are hereby repealed.

The Town of Windsor Municipal Planning Strategy as adopted by Town Council May 13, 2008, and all amendments thereto, are hereby repealed.

The Municipality of the District of West Hants Municipal Planning Strategy as adopted by Municipal Council May 20, 2010, and all amendments thereto, are hereby repealed.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information	Recommendation	Decision Request X	Councillor Activity ☐
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To: Planning Advisory Committee

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: March 11, 2021

Subject: Home Based Businesses

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8

2.0 BACKGROUND

West Hants Regional Municipality has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for each of Hantsport, West Hants and Windsor. As part of the plan review, planning staff are working on updating the planning documents and combining the nine (9) documents into three (3) documents: one Municipal Planning Strategy (MPS), Land Use By-law (LUB) and Subdivision By-law for the Region. To help ensure a smooth transition, staff are reviewing the general policies of each MPS and developing one consistent policy where possible. The MPS policies and LUB regulations regarding home based businesses from Hantsport (Attachment A), Windsor (Attachment B) and West Hants (Attachment C) were considered by the Area Advisory Committees (AACs) in early February. The recommended MPS policies were briefly considered by PAC on February 11, 2021. PAC asked for more information regarding what is now permitted before it reaches a conclusion regarding proposed MPS policies.

3.0 DISCUSSION

3.1 Process

This topic was reviewed by Hantsport Area Advisory Committee (HAAC) on March 2 and by the Windsor Area Advisory Committee (WAAC) on March 4.

The comments provided by these committees have been included within this report and appear in blue.

Just as with definitions and more general policies, these home based business policies will be included in the draft documents for future review by the public. For any topic where the consensus of the Windsor Area Advisory Committee (WAAC) or the Planning Advisory Committee differs from HAAC, the HAAC opinion will be used only in the Secondary, or Community plan for Hantsport which will form part of the Regional Municipal Planning Strategy; the WAAC opinion will be used only for the Secondary or Community Plan for Windsor and the PAC opinion will be used for the remainder WHRM. The same is true of the LUB material - it will be carried forward into the appropriate part of the LUB.

Just as with definitions and more general policies, these home based business policies will be included in the draft documents for future review by the public. Public review of the home based business policies as a separate item is not recommended.

3.2 Definitions

The definition which has been accepted by PAC is:

Home Based Business means the accessory use of a dwelling or accessory building by a resident for gainful employment involving the production, sale, or provision of goods and services on a small scale;

The definition is not intended to include an office within a dwelling intended for personal use or business use which does not involve regular visits by the public. As a result, we recommend adding a definition to clarify this:

Home office means the use of a part of a dwelling or accessory building by a resident as an office for personal or business use which does not involve regular visits by the public.

The LUB would also contain a general statement indicating that home offices will be permitted as accessory to any dwelling and do not require a development permit.

HAAC & WAAC: by consensus it was agreed to add the definition of home office and specify in the LUB that home offices will be permitted as accessory to any dwelling and do not require a development permit.

The definitions earlier accepted by PAC include both professional and business offices. This becomes difficult to administer as it is very difficult to

distinguish between “business” and “professional”; one definition of office should fulfil the need:

Office means a building or part thereof in which one (1) or more persons is employed in the management, direction or conduct of a legal, medical or other service including but not limited to the offices of a lawyer, architect, surveyor, engineer or chartered accountant, a public or private agency, a business, a brokerage or a labour or fraternal organization.

HAAC & WAAC: by consensus it was agreed to use the definitions of office and home office in the Regional documents.

3.3 Policy Accepted

In accepting the definition of home-based business, PAC has effectively accepted:

- that the person running the business must live there;
- that a wide variety of uses is possible; and
- that the use must be “small scale”.

3.4 Policy to be Determined

That leaves quite a short list of policy decisions to be reached by PAC:

3.4.1 Home based businesses are allowed in all dwellings now in all units.

Should this be continued?

(HAAC noted that there could be some parking issues with some types of uses with some forms of housing; WAAC discussed how these uses could be regulated in different housing forms in the LUB, particularly related to parking)

On January 5, HAAC agreed with permitting home based businesses in all dwellings; WAAC agreed January 7.

HAAC March 2 and WAAC March 4: by consensus agreed with permitting home based businesses in all dwellings and deferring discussion about parking until parking for all uses is considered..

3.4.2 Home based businesses are now allowed in accessory buildings in all units.

Should this be continued?

On January 5, HAAC agreed to continue allowing home based businesses in accessory buildings; WAAC agreed January 7.

HAAC March 2 and WAAC March 4: by consensus agreed with allowing home based businesses in accessory building

- 3.4.3 The West Hants documents require the dwelling to be the principal residence of the business operator (occupancy would be a minimum of 185 nights/year). Windsor and Hantsport documents are silent in this regard. It has not been an issue in the community of West Hants and would be impossible to police if it were. Do you wish to require the dwelling to be the principal residence of the business operator?
[This was not discussed in January.](#)

[HAAC March 2 and WAAC March 4: by consensus agreed to not require the dwelling to be the principal residence of the operator.](#)

- 3.4.4 In each document, the Development Officer is permitted to vary the floor area occupied by a home-based business. Do you wish this to continue?
[This was not discussed in January.](#)

[HAAC March 2 and WAAC March 4: by consensus agreed that the Development Officer should be permitted to vary the floor area occupied by a home-based business.](#)

- 3.4.5 should exterior changes be allowed to the dwelling? Owners can make any change they wish prior to applying for the development permit for a home-based business.
[This was not discussed in January.](#)

[HAAC March 2 and WAAC March 4: by consensus agreed that changes to the exterior of the building related to a home based business not be limited.](#)

The location of information varies among the Hantsport, Windsor and West Hants document. As noted above, the MPS is the recommended location for the above policy matters. The material in s. 4.5 below can be contained in the LUB regulations, or if a stronger statement is desired, any item can be placed in MPS policy rather than in regulation. The present policies and regulations for each are summarized in Attachment D along with suggestions to initiate discussion.

3.5 Land Use By-Law Requirements

Once the policies for the draft document are determined, regulations to be placed in the LUB will be developed. The regulations can be based on responses to the following questions or relate to other matters the community may be concerned about. Direction from PAC is needed for:

3.5.1 Should open/outdoor storage and/or outdoor display related to a home based business be permitted? Limited by zone?

HAAC and WAAC in January: by consensus agreed that open/outdoor storage and/or outdoor display related to a home based business be limited by zone.

3.5.2 Should retail sales be permitted?

HAAC and WAAC: by consensus agreed that retail sales be limited to sales accessory to the home based business.

Despite considerable discussion, one area neither committee determined clearly was whether “retail sales of antiques, used clothing, used books and used furniture” should be permitted as a home based business. It is now only permitted in the West Hats documents.

3.5.3 Which uses should be listed as permitted home based business uses?

HAAC and WAAC: by consensus agreed that the following be the listed permitted home based business uses; exceptions are noted in dark red:

- offices;
- arts and crafts studios with or without a retail sales component;
- repair shops for garden and household ornaments, personal effects or toys;
- catering and bakery establishments;
- garden and nursery sales including the sale of produce grown on site;
- hobby kennels (not in Windsor)
- photographic and picture framing studios;
- non-licensed day care centres;
- bed and breakfast establishments;
- personal service shops (means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons including but not limited to a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, tanning shop, *formal rental shop and depots for collecting dry cleaning and laundry and excluding any manufacturing or fabrication of goods for sale.*) material in italics deleted for Windsor
- pet grooming
- private schools with fewer than 6 students;
- retail sales of antiques, used clothing, used books and used furniture (No clear decision by HAAC or WAAC);
- instruction in music, dance or arts and crafts

3.5.4 Which uses should be listed as prohibited home based business uses?

HAAC and WAAC: by consensus agreed that the following be the listed prohibited home based business uses:

- restaurants (a building or part thereof where food and drink are prepared and served to the public for consumption within the building or for takeout)
- automobile-related sales, rentals, or repairs
- commercial kennels
- veterinary clinics
- transport depots
- salvage yards

3.5.5 How many assistants should be allowed who do not live in the dwelling
HAAC by consensus and WAAC by majority of members agreed that the number of employees who do not live on the property should not be limited.

3.5.6 How much of the floor area of the dwelling and accessory buildings can be used for a home based business?
HAAC and WAAC: by consensus agreed that 25% of the gross floor area of the dwelling and accessory building should be allowed with no maximum in more urban areas. No clear conclusion on maximum floor area in more rural areas was reached by HAAC; WAAC agreed on the maximum of 1000 sq. ft.

3.5.7 What type, location and what lighting should be permitted for signs?
HAAC: by consensus agreed that 1 non-illuminated sign no larger than 5 ft² is satisfactory

WAAC: following considerable discussion agreed that:

- 1 non-illuminated sign no larger than three (3) ft² is satisfactory for most of Windsor
- specific controls should be developed for the maximum size appearance, materials and location of signs within the architectural control area
- there has to be a real differentiation among the architectural control area, the remainder of the more urbanized areas of WHRM and the rural areas, particularly regarding size of signs

3.5.8 Do you want to limit the mechanical equipment which can be used? (The hours of operation cannot be regulated outside a development agreement)
HAAC and WAAC: by consensus agreed that mechanical equipment should be limited to equipment reasonably consistent with the use of a dwelling.

3.5.9 Should some automotive uses, such as “powder coating” be permitted in accessory buildings? Powder Coating can be defined as is a finishing process in which dry, free-flowing, thermoplastic or thermoset powder material is

applied to a surface, melted, and hardened into an even coating. Although no permits have been issued, requests have been received.
This was not discussed by HAAC or WAAC.

The following points are specific to bed and breakfast establishments developed as a home based business.

3.5.10 Does the location of parking for a B&B need to be restricted?

HAAC and WAAC: by consensus agreed that location of parking for a B&B should not be restricted.

3.5.11 Should the number of rooms for a B&B be restricted?

HAAC and WAAC: by consensus agreed that the number of rooms for a B & B should not be limited.

3.5.12 Should the number and type of meals be regulated?

HAAC and WAAC: by consensus agreed that the definition of bed and breakfast should be changed to include "only breakfast"

3.5.13 How much parking should be required for a B&B?

HAAC and WAAC: by consensus agreed that 1 space/rental room was satisfactory.

3.5.14 What type, location and what lighting should be permitted for signs for B&Bs?

HAAC: by consensus agreed that one additional ground sign not exceeding 12 ft² (1.11 m²) in area and 5 ft (1.52 m) in height could be allowed and that one sign can be illuminated.

WAAC: by consensus agreed that one additional ground sign not exceeding 12 ft² (1.11 m²) in area and 5 ft (1.52 m) in height could be allowed and that one sign can be illuminated, but that the same concerns regarding location and appearance remain and regulations should apply to both signs. Location on the lot was noted as having major impact. Details regarding the type of illumination must be included; WAAC does not want traditional neon lighting or any flashing or moving including scrolling parts on signs for B&Bs.

The present regulations and initial staff suggestions are summarized in Attachment D.

4.0 NEXT STEPS

Once the Planning Advisory Committee has reviewed the recommendations and provided comments, the accepted policies will be incorporated into the Regional planning documents during the Plan Review.

5.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

6.0 ALTERNATIVES

Should PAC not wish to accept the draft policies as written, it may:

- recommend specific amendments to the proposed policies; or
- provide alternative direction, such as requesting further information

7.0 ATTACHMENTS

Attachment A	Hantsport MPS and LUB Extracts
Attachment B	Windsor MPS and LUB Extracts
Attachment C	West Hants MPS and LUB Extracts
Attachment D	Present and Suggested Policies & Regulations for Home Based Businesses

Report Content Prepared by: Planners
Planning and Development Department

ATTACHMENT A

Taken from the Hantsport Municipal Planning Strategy February 19, 2021

2.3.1 Home Based Businesses

Goal: Encourage home based businesses

The survey asked if residents are opposed to home based businesses. Most respondents indicated that home based businesses are acceptable by a 47% to 32% margin.

This age of technology and communications holds great promise for the growth of home based businesses. Hantsport is particularly poised to welcome these businesses given its efforts to have the entire Town become wireless. (This project is discussed in the next section.) Home based businesses may also access resources through the Hants Regional Development Authority.

Council would like to encourage home based businesses but will impose restrictions to protect adjacent residential uses.

Policy ICSP-13

It shall be the policy of Council to provide for home based businesses in the Town with safeguards designed to minimize impacts on adjacent residential uses.

Please see Section 8.1.1 of the Land Use By-law for the specific regulations regarding home based businesses.

Policy GP-6

It shall be a policy of Council, in accordance with Section 235 of the Municipal Government Act, to enable the Development Officer to grant a variance in one or more of the requirements of the land use bylaw:

...

(c) floor area occupied by a home based business;

RP-4

It shall be the policy of Council to establish conditions on home based businesses to reduce negative impacts on adjacent residential development.

Taken from the Hantsport Land Use By-law February 19, 2021

HOME BASED BUSINESS means a business activity carried on wholly within a residential structure or accessory structure, without limiting the generality of the foregoing, includes: office uses, personal services shops, craft shops, and the repair of minor household appliances. Home occupations do not include the sale, rental, or repair of automobiles.

8.1.1 Home Based Businesses

A development permit shall be issued for a home based business contained in a dwelling or accessory building, provided that:

- (a) the dwelling is occupied as a residence by the user and the external appearance of the dwelling is not changed by the home occupation;
- (b) there shall not be more than 2 assistants who are not residents in the dwelling employed in the use;
- (c) not more than 25% of the total floor area of the dwelling or 50 m² whichever is less, may be devoted to the home occupation;
 - (i) in calculating the total floor area of a dwelling where a home occupation is being operated in an unfinished basement, attic, porch, sunroom, or attached garage, the total floor area of the basement, attic, porch, sunroom or attached garage shall be included in calculating the total floor area of the dwelling.
 - (ii) in the case of a home occupation operating in an accessory building, the size of the home occupation shall not exceed 25% of the total floor area of the dwelling combined with that of any accessory buildings involved;
- (d) one off-street parking space, in addition to that required for the dwelling, is provided for every 25 m² of floor space occupied by the home occupation;
- (e) no outdoor storage or outdoor display shall be permitted;
- (g) no retail sales of merchandise shall take place on the property, except to the customer already purchasing a service on the property as an accessory to the service being provided.

Note to Readers Retail sales of merchandise are permitted in a home based business which are clearly accessory and incidental to the main home occupation use. (Examples include the sale of hairspray by a hairdresser or contact lenses by an optometrist.)

8.1.2 Special Requirements for Bed and Breakfasts

In any Residential Zone, a development permit shall be issued for a bed and breakfast establishment provided that:

- (a) such use is accessory to the main residential use occupied by a resident of the property;
- (b) parking is located in the rear or side yard
- (c) only breakfast is served solely for registered guests;
- (d) the bed and breakfast operation is the only accessory use on the lot, and;
- (e) no addition or expansion is made to the footprint or bulk of the building, other than modifications necessary to comply with fire safety standards.

ATTACHMENT B

Windsor: Home Based Businesses

From the Windsor MPS February 19, 2021

3.1.1 Development Principles

Ensure planning documents provide opportunities and flexibility for a wider range of home based businesses.

4.7 Home-based Businesses

A home-based business is a small business carried on in a dwelling by a resident of the dwelling. For many businesses no outward sign of the commercial activity can be noticed. Provided they remain small in scale, home-based businesses are considered compatible uses in residential areas. Such businesses provide flexible employment opportunities.

Policy 4.7.1 *It shall be the policy of Council to permit home-based businesses in any residential dwelling and in any zone in which a residential dwelling is located.*

Policy 4.7.2 *It shall be the policy of Council to establish development standards in the*

Land Use By-law regulating the nature and size of home-based businesses to ensure that they remain small-scale and compatible with residential neighbourhoods.

Policy 4.7.3 *It shall be the policy of Council to regulate signage and to prohibit outdoor storage and display associated with home-based businesses to minimize impact on adjacent uses.*

Policy 4.7.4 *It shall be the policy of Council not to permit home-based businesses which may be considered obnoxious by reason of sound, odour, dust, fumes, smoke or other emission, refuse material or water-carried waste, or which may be considered incompatible with residential areas for reasons such as increased traffic flow and required parking.*

Policy 16.6.1 *It shall be the policy of Council to allow the Development Officer to grant a variance in Land Use By-law requirements or terms of a development agreement where the development agreement so provides, in one or more of the following:*

...

(c) floor area occupied by a home-based business

From the Windsor LUB February 19, 2021

Home-Based Business means the accessory use of a dwelling by any resident of that dwelling unit for gainful employment involving the production, sale, or provision of goods and services, on a small scale;

Home-based Business

- 5.17 (a) Any dwelling or building accessory thereto may be used for a home-based business provided that:
- (i) the dwelling is occupied as the principal residence of the operator of the home-based business;
 - (ii) the external appearance of the dwelling is not changed by the home-based business;
 - (iii) there are no more than two assistants employed in the home-based business who are not resident of the dwelling;
 - (iv) not more than 25 percent of the total floor area of the dwelling and accessory building is devoted to the home-based business to a maximum of 500 ft² (46.45 m²);
 - (v) one off-street parking space, other than that required by the dwelling, is provided for every 200 ft² (18.58 m²) of floor space occupied by the home-based business;
 - (vi) no signage shall be permitted except a non-illuminated business identification sign no larger than 5 ft² (0.46 m²) in area;
 - (vii) no mechanical equipment is used except what is reasonably consistent with the use of a dwelling; and
 - (viii) no open storage or outdoor display shall be permitted.
- (b) A home-based business shall include the following types of uses:
- (i) offices;
 - (ii) arts and crafts studios with or without a retail sales component;
 - (iii) dressmaking and tailoring shops;
 - (iv) repair shops for garden and household ornaments, personal effects or toys;
 - (v) catering establishments;
 - (vi) hairdressing salons and barbershops;
 - (vii) photographic and picture framing studios;
 - (viii) non-licensed day care centres;
 - (ix) bed and breakfasts;
 - (x) private schools with fewer than 6 students; or
 - (xi) instruction in music, dance or arts and crafts.
- (c) A home-based business shall not include the following types of uses:
- (i) convenience stores;
 - (ii) grocery stores;
 - (iii) snack bars;
 - (iv) service shops;
 - (v) auto body or automobile repair shops;

- (vi) veterinary clinics;
 - (vii) restaurants;
 - (viii) transport depots;
 - (ix) salvage yards; or
 - (x) retail sales of any products which cannot fall within the activities in Section 5.17 (b);
- (d) The following special provisions shall apply to bed and breakfasts:
- (i) bed and breakfasts shall not be subject to the size restrictions specified in Section 5.17 (a) (iv);
 - (ii) in addition to the sign permitted in 5.17 (a) (vi), one ground sign not exceeding 12 ft² (1.11 m²) in area and 5 ft (1.52 m) in height shall be permitted; and
 - (iii) in addition to the normal parking requirements for the dwelling, one parking space shall be provided for each bedroom used for rental purposes.

ATTACHMENT C

Taken from the West Hants Municipal Planning Strategy February 19, 2021

4.8 Home-based Businesses

A home based business is a small business carried on in a dwelling by a resident of the dwelling. Such businesses provide flexible employment opportunities. In many cases, no outward sign of the commercial activity is apparent. Provided they remain small in scale, home based businesses are considered compatible uses in residential areas. This is especially true in rural areas with large lots where a business can be operated from a home with little or no impact upon adjacent uses.

Policy 4.8.1 *It shall be the policy of Council to permit home-based businesses in any residential dwelling and in any zone in which a residential dwelling is located.*

Policy 4.8.2 *It shall be the policy of Council to establish development standards in the Land Use By-law regulating the nature and size of home-based businesses to ensure they remain small-scale and compatible with residential neighbourhoods and adjacent uses*

Policy 4.8.3 *It shall be the policy of Council to regulate signage, open storage and outdoor display associated with home-based businesses to minimize impacts on adjacent residential uses.*

Policy 4.8.4 *It shall be the policy of Council not to permit home businesses which may be considered:*

- (a) obnoxious by reason of sound, odour, dust, fumes, smoke or other emission, refuse material or water-carried waste;*
- (b) incompatible in residential or rural areas because of increased traffic flow, parking requirements or other reasons; or*
- (c) more suitable to a commercial zone which allows accessory residential uses.*

Taken from the West Land Use By-law February 19, 2021

Home-Based Business means the accessory use of a dwelling by any resident of that dwelling unit for gainful employment involving the production, sale, or provision of goods and services, on a small scale;

Home-Based Business

- 5.16 (a) Any dwelling or building accessory thereto may be used for a home-based business provided that:
- (i) the dwelling is occupied as the principal residence of the operator of the home-based business;
 - (ii) the external appearance of the dwelling is not changed by the home-based business;
 - (iii) there are no more than two assistants employed in the home-based business who are not resident of the dwelling;
 - (iv) in the Growth Centre and Village designations, not more than 25 percent of the total floor area of the dwelling and accessory building is devoted to the home-based business to a maximum of 500 ft² (46.45 m²);
 - (v) in the Hamlet, Agriculture and Resource designations, not more than 25 percent of the total floor area of the dwelling and accessory building is devoted to the home-based business to a maximum of 1,000 ft² (92.90 m²);
 - (vi) one off-street parking space, other than that required by the dwelling, is provide for every 200 ft² (18.58 m²) of floor space occupied by the home-based business;
 - (vii) no signage shall be permitted other than a non-illuminated business identification sign no larger than 5 ft² (0.46 m²) in area;
 - (viii) no mechanical equipment is used except what is reasonably consistent with the use of a dwelling;
 - (ix) outdoor display is limited to not more than 200 ft² (18.58 m²); and
 - (x) open storage shall be limited to the rear yard and screened from adjacent residential properties by a continuous row of trees, a hedge, a fence or a combination of the foregoing arranged to form a dense or opaque screen.
- (b) A home-based business shall include the following types of uses:
- (i) offices;
 - (ii) arts and crafts studios with or without a retail sales component;
 - (iii) retail sales or antiques, used clothing, used books and used furniture;
 - (iv) dressmaking and tailoring shops;
 - (v) repair shops for garden and household ornaments, small appliances, person effects or toys;

- (vi) garden and nursery sales including the sale of produce grown on site;
 - (vii) catering and bakery establishments;
 - (viii) hairdressing salons and barbershops;
 - (ix) photographic and picture framing studios;
 - (x) nonlicensed day care centres;
 - (xi) bed and breakfasts;
 - (xii) private schools with fewer than six students;
 - (xiii) instruction in music, dance or arts and crafts;
 - (xiv) hobby kennels, subject to requirements of Section 5.20 of this By-law; and
 - (xv) pet grooming.
- (c) A home-based business shall not include the following types of uses:
- (i) convenience stores;
 - (ii) grocery stores;
 - (iii) snack bars;
 - (iv) service shops;
 - (v) auto body or automobile repair shops;
 - (vi) veterinary clinics;
 - (vii) restaurants;
 - (viii) transport depots;
 - (ix) commercial kennels;
 - (x) salvage yards; and
 - (xi) retail sales of any products which cannot fall within the activities in Section 5.16 (a)
- (d) The following special provisions shall apply to bed and breakfasts:
- (i) bed and breakfasts shall not be subject to the size restrictions specified in subsections (a) (iv) and (v);
 - (ii) in addition to the sign permitted in subsection (a) (vii), one ground sign not exceeding 12 ft² (1.11 m²) in area and 5 ft (1.52 m) in height shall be permitted; and
 - (iii) in addition to the normal parking requirements for the dwelling, one parking space shall be provided for each bedroom used for rental purposes:

Variance

- 5.48 (a) Notwithstanding the general requirements set out for each zone in this By-law, the Development Officer may grant a variance from one or more of the following subject to the requirements of the *Municipal Government Act*:
- ...
- (vi) floor area occupied by a home-based business; and

ATTACHMENT D

PRESENT and SUGGESTED POLICIES & REGULATIONS FOR HOME BASED BUSINESSES

	Hantsport	Windsor	West Hants	SUGGESTED
MPS intentions	encourage home based businesses minimize impact on adjacent uses	remain small in scale allow flexible business opportunities	considered compatible uses in residential areas, especially rural areas	
Open/outdoor storage and outdoor display	LUB: none permitted	MPS & LUB prohibited	MPS: to be regulated in LUB	MPS: regulate in LUB
are they allowed in all dwellings	LUB yes	MPS yes	MPS yes	MPS: yes
Are they allowed in accessory buildings?	LUB yes	LUB yes	LUB yes	MPS yes
does it have to be the principal residence of the business operator? (185 nights/year)?	Not specified	Not specified	LUB: principal residence	No – very difficult to administer
Can the DO vary the floor area occupied?	yes	yes	LUB yes	MPS yes
Are exterior changes allowed to the house	no	LUB no	LUB no	Regulation not effective
Prohibited uses	Not specified	<i>obnoxious by reason of sound, odour, dust, fumes, smoke or other emission, refuse material or water-</i>	MPS: <i>obnoxious by reason of (a) sound, odour, dust, fumes, smoke or other emission,</i>	identify any you wish to strongly prohibit

		<i>carried waste, or which may be considered incompatible with residential areas for reasons such as increased traffic flow and required parking.</i>	<i>refuse material or water-carried waste</i> (b) incompatible in residential or rural areas because of increased traffic flow, parking requirements or other reasons; or © more suitable to a commercial zone which allows accessory residential uses.	
# of employees	2	LUB 2	LUB 2	LUB 2
size	LUB 25% of floor area of dwelling or 50 m2	LUB 25 percent of the total floor area of the dwelling and accessory building is devoted to the home-based business to a maximum of 500 ft ² (46.45 m ²);	LUB Growth Centre and Village designations, 25 percent of the total floor area of the dwelling and accessory building to a maximum of 500 ft ² (46.45 m ²); Hamlet, Agriculture and Resource designations, 25 percent of the total floor area of the dwelling and accessory building	For more urban areas: 25% of floor area of the total floor area of the dwelling and accessory building to a maximum of 50 m2 For more rural areas: 25% of floor area of the total floor area of the dwelling and accessory building to a maximum of 93 m2

			to a maximum of 1,000 ft ² (92.90 m ²);	
parking	1 space/25 m ² of floor space	1 space/200 ft ² (18.58 m ²) of floor space	1 space/200 ft ² (18.58 m ²) of floor space	Committee direction?
Retail sales	Only as accessory to the business	LUB Only allowed as accessory to the business	LUB Only allowed as accessory to the business	MPS allow as accessory to the business
B & B s	Parking in side or rear yard - No other business on lot - - no additions or expansions to building			No suggested restrictions
signs	n/a	1 non-illuminated no larger than 5 ft ² (0.46 m ²)	1 non-illuminated no larger than 5 ft ² (0.46 m ²)	1 no larger than 5 ft ² (0.46 m ²)
Mechanical equipment	n/a	no mechanical equipment is used except what is reasonably consistent with the use of a dwelling	no mechanical equipment is used except what is reasonably consistent with the use of a dwelling	Committee direction?

FLOOR SIZE B & B: HANTSPORT

In calculating the total floor area of a dwelling where a home occupation is being operated in an unfinished basement, attic, porch, sunroom, or attached garage, the total floor area of the basement, attic, porch, sunroom or attached garage shall be included in calculating the total floor area of the dwelling.

(ii) in the case of a home occupation operating in an accessory building, the size of the home occupation shall not exceed 25% of the total floor area of the dwelling combined with that of any accessory buildings involved;

REFERENCE: USES PERMITTED		
Hantsport	Windsor	West Hants
In LUB definition: office uses personal services shops craft shops repair of minor household appliances	In LUB: (i) offices; (ii) arts and crafts studios with or without a retail sales component; (iii) dressmaking and tailoring shops; (iv) repair shops for garden and household ornaments, personal effects or toys; (v) catering establishments; (vi) hairdressing salons and barbershops; (vii) photographic and picture framing studios; (viii) non-licensed day care centres; (ix) bed and breakfasts; (x) private schools with fewer than 6 students; or (xi) instruction in music, dance or arts and crafts.	(i) offices; (ii) arts and crafts studios with or without a retail sales component; (iii) retail sales or antiques, used clothing, used books and used furniture; (iv) dressmaking and tailoring shops; (v) repair shops for garden and household ornaments, small appliances, person effects or toys; (vi) garden and nursery sales including the sale of produce grown on site; (vii) catering and bakery establishments; (viii) hairdressing salons and barbershops; (ix) photographic and picture framing studios; (x) non licensed day care centres; (xi) bed and breakfasts; (xii) private schools with fewer than six students; (xiii) instruction in music, dance or arts and crafts; (xiv) hobby kennels, subject to requirements of Section 5.20 of this By-law; and (xv) pet grooming.

PROHIBITED USES		
In LUB definition sale, rental, or repair of automobiles	In LUB (i) convenience stores; (ii) grocery stores; (iii) snack bars; (iv) service shops; (v) auto body or automobile repair shops;	In LUB (i) convenience stores; (ii) grocery stores; (iii) snack bars; (iv) service shops; (v) auto body or automobile repair shops; (vi) veterinary clinics; (vii) restaurants; (viii) transport depots; (ix) commercial kennels; (x) salvage yards; and (xi) retail sales of any products which cannot fall within the activities in Section 5.16 (a)