



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Director of Planning and Development

Date: July 11, 2024

Subject: Development Agreement: 1781 King Street, Windsor (PID 45162005) and PID 45408374, Edward Drive, Garlands Crossing; File #24-15

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Based on the information staff have at the time of drafting this report, staff do not recommend in favour of the application until such time that further information can be provided from the Municipal Traffic Authority regarding the potential traffic impact, from the Fire Chiefs on the design of the proposed emergency access route and from the applicant to address the parking concerns from the Municipal Public Works Engineering Division. Currently criteria 5.4.6 (c) compatibility with residential character of the area with respect to traffic generation, 5.4.6 (e) well designed parking areas, 5.4.6 (g) minimal traffic impact, 5.3.7 (c) compatibility with the character of the area with respect to traffic generation, 5.3.7 (d) adequacy of proposed streets, 16.3.1 (a) (iv) the adequacy of road networks leading to the development, and 16.3.1 (b) suitability of auto movement, are not met.

If the PAC/HAC would like to recommend in favour of the application the following motion would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a total of 92 dwelling units within 23 four-unit dwellings grouped on a portion of PID 45162005 and PID 45408374 in Windsor and Garlands Crossing which is substantively the same as the draft set out in Attachment C of the report File #24-15 to the Planning and Heritage Advisory Committee dated July 11, 2024.

...that PAC/HAC recommends that Council require that the development agreement with Mitch Brison for PID 45162005 and PID 45408374 be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

An original application letter entitled *“Rezoning for Brison Developments”* was received on October 5, 2023, from Chrystal Fuller on behalf of the owner, Mitch Brison of 3229190 Nova Scotia Limited, outlining the request to rezone PID 45162005 from Agriculture (AG) to Two Unit Residential (R-2) as the first step of the overall development proposal. This rezoning was approved by Council on May 28, 2024.

The original application also discussed future applications for potential Windsor Municipal Planning Strategy (WMPS) text amendments and a development agreement to permit grouped dwellings. At the meeting on June 25, 2024, Council approved amendments to the criteria of Policy 5.4.6 to allow multi-unit developments or grouped dwellings over 12 units to be considered by development agreement on local roads if a favorable traffic impact study, and where necessary, an emergency access is provided.

An amendment to the original application was received on February 13, 2024, from Chrystal Fuller to confirm the owner’s development plans. The application requests Council consider a development agreement to permit up to 88 dwelling units within 22 four-unit dwellings grouped on the subject lots. The proposal has since been updated to include 92 dwelling units within 23 four-unit dwellings. The applicant has requested this application be brought forward to PAC/HAC and Council for further direction.

DISCUSSION

PID 45162005 is approximately 5 acres in size and PID 45408374 is approximately 2.6 acres in size. The application states the proposed development will utilize 6.3 acres of the subject lots.

PID 45162005 at 1781 King Street is currently occupied by a single unit dwelling and a detached garage/accessory building with a large field behind these structures. The property also includes a gravel emergency access road, required through the Crossing development agreement, that extends from the end of Irven Drive to the shared driveway that provides access to King Street. PID 45408374 is currently vacant.

PID 45162005 and the majority of PID 45408374 are designated Residential on the Generalized Future Land Use Map of the WMPS and a small portion of PID 45408374 is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (Figure 1). PID 45162005 and the majority of PID 45408374 are zoned Two Unit Residential (R-2) on the Zoning Map of the Windsor Land Use By-law a small portion of PID 45408374 is zoned Two Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law.

Dwellings with more than two units and grouped dwellings are not permitted in the underlying Two Unit Residential (R-2) zone.

In May 2024, the Government of Canada opened up a funding stream to incentivize the construction of purpose-built rental housing by providing a 100% rebate on the Goods and Services Tax (GST), or the Federal portion of the Harmonized Sales Tax (HST), on new purpose-built rental housing. The Government of Nova Scotia has also announced that it will provide a 100% rebate of the Provincial portion of HST for the same purpose. Eligible projects in this program need to include at least 4 residential units per building, with at least 90% of the residential units to be held for long-term residential rental, and developers need to begin construction on these units by 2031 with completion by 2036. The applicant has purposely designed this application for four-unit dwellings to submit the project to this and any future funding opportunity.

Surrounding Context

This proposal at the end of Irven Drive is seen as an extension of the Crossing. The properties surrounding the subject lots include the Avon View High School and future residential development to the north, the Crossing development to the east, residential properties and King Street to the south and west. These properties are designated Community Use and Residential. They have a variety of zoning including Institutional (I), Single Unit Residential (R-1), Two Unit Residential (R-2), Agriculture (AG) and Open Space (OS).

Additional Information

Staff have discussed the proposed Irven Drive Extension with the applicant since the fall of 2023. Throughout these discussions staff highlighted concerns with the proposed design of the Irven Drive Extension due to the following:

- The length of cul-de-sac being proposed;
- The criteria of Policy 5.4.6 requiring the development to abut an arterial or collector street as shown on the Transportation Map (Map 2) if the development consists of 12 or more units; and
- In relation to the Future Streets Map of the Subdivision By-law which shows a future connection from the Crossing to King Street.

For these reasons, staff have been advocating for the Irven Drive Extension to connect to the future Payzant Drive Connection in relation to this proposal.

Length of Proposed Cul-de-sac

The Municipal Services Specifications Manual (2022) states that *“the maximum length of a cul-de-sac shall be as established in the Subdivision By-Law but shall not exceed 400m unless otherwise approved by the Municipal Engineer.”* The cul-de-sac proposed by the applicant for the Irven Drive Extension is greater than 400m in length, therefore the Public Works Engineering Division has stated that a road reserve should be provided to allow a future street connection to the Payzant Drive Connection. The Municipal Services Specifications Manual (2022) states *“acceptable road reserves to adjacent properties must be identified and deeded to the Municipality. These reserves must be not more than 400 m apart. Road reserves and their spacing are subject to acceptance by the Municipal Engineer. The road reserves will be located along the subdivision boundary in such a manner as to not prejudice development of the adjacent land.”* Staff received a memorandum from Traffic Engineers from WSP which highlighted that the cul-de-sac length starts from the bottom of the “P” intersection at Irven Drive and Merriweather Crescent as this where the one way in and out begins.

Although the Municipal Services Specifications Manual states that *“the maximum length of a cul-de-sac shall be as established in the Subdivision By-Law but shall not exceed 400m unless otherwise approved by the Municipal Engineer”* the Municipal Public Works Engineering Division has confirmed that they will not approve a cul-de-sac exceeding 400m in this location for the following reasons:

- *“Density proposed is high and would present risks, related to road closures for watermain repair, road construction and maintenance, emergency response, structure fires blocking street.*
- *Emergencies requiring more than one access point.*
- *Evacuations requiring more than one exit point.*
- *Safe and efficient movement of traffic in all conditions and storm events.*
- *Snow removal and solid waste collection issues with a long street with no connection.*

Our suggestion would be to require a 16 meter road reserve to connect to the Payzant Connection. This would allow the municipality to construct a local municipal street in future when required.”

Criteria of Policy 5.4.6

The criteria of Policy 5.4.6 (g) required the development to abut an arterial or collector street as shown on the Transportation Map (Map 2) if the development consists of 12 or more units. The current Irven Drive is shown as a local street on the Windsor Municipal Planning Strategy Transportation Map (Map 2) therefore the Irven Drive Extension would also be considered a local road unless connected to the future Payzant Drive Connection.

The applicant requested text amendments to this criterion of the WMPS. At the meeting on June 25, 2024, Council approved amendments to the criteria of Policy 5.4.6 to allow multi-unit developments or grouped dwellings over 12 units to be considered by development agreement on local roads if a favorable traffic impact study, and where necessary, an emergency access is provided. Therefore, the Irven Drive Extension is no longer required to connect to the future Payzant Drive Connection if a favourable traffic impact study and emergency access are provided and acceptable to the Municipal Public Works Engineering Division.

Future Streets Map

In relation to the Future Streets Map of the Subdivision By-law which shows a future connection from the Crossing to King Street. Section 28 of the Windsor Subdivision By-law states:

“(c) Where an area of land being subdivided includes or abuts land that contains a Required Street Connection as identified on the Future Streets Map (Map 1), the general layout of new streets in the proposed subdivision shall conform to the Future Streets Map. The location of such new streets is not required to be an exact match of the Future Streets Map, but must allow for, in the opinion of the Development Officer, the future continuation and completion of any Required Street Connection.”

The Development Officer stated that if the applicant is proposing to further develop and subdivide the subject lots with the creation of a new public street, they would need to connect from Irven Drive Extension to Payzant Drive Connection. The exact location may be varied to some degree, but the street connection from Irven Drive Extension to Payzant Drive Connection is required.

Applicant Submissions and Staff Response

On January 24, 2024, the applicant submitted the following traffic information:

- GAALCO Traffic Engineering Report dated June 21, 2021, entitled *“Brison Developments Ltd. The Crossing, Windsor/West Hants, Additional Street Connection Traffic Impact Study”*;
- Letter from GAALCO Traffic Engineering dated September 1, 2023, entitled *“The Crossing: Additional Street Connectors”*; and
- GAALCO Traffic Engineering Report dated January 9, 2024, entitled *“Brison Developments Ltd. The Crossing, Windsor/West Hants, 22 Four-plex units on Irven Drive Traffic Report”*.

The conclusion of the reports as cited in the letter from GAALCO Traffic Engineering (September 2023) states:

*“The analysis of the four scenarios definitely demonstrated that the **best** connection for **both** the residents of The Crossing and the **general public** is Community Way connected to Payzant Drive. This connection will allow residents of The Crossing direct access to the hospital, the school, and a commercial district in Windsor; it will allow the public much better access to the hospital, the school, and a commercial district in Windsor.*

*The **worst** connection for both the residents and the general public is Irven Drive connected to King Street. This connection does little for the residents of The Crossing to access their desired destinations and allows the general public to use a long and circuitous route through The Crossing to reach the hospital, the school, etc. This route would **not** be of great benefit to the public, compared to Payzant Drive connected to King Street, and would have the very undesirable effect of bringing ‘short cutting’ traffic through The Crossing using Irven Drive. Irven Drive is already built as a residential street, not a collector, and which cannot be rebuilt, even if one wanted; the short-cutting traffic would be quite detrimental to the residents quality of life.”*

The Municipal Traffic Authority requested a Traffic Engineer at WSP to review the Traffic Impact Study provided by the applicant and received a memorandum entitled “*Review of the Crossing Development Plans and Traffic Impact Study (TIS)*” dated March 27, 2024. This memorandum provided feedback on the Traffic Impact Study provided by the applicant. In response to the feedback from WSP, on April 19, 2024, the applicant provided:

- A memorandum from Allan Golding of GAALCO Traffic Engineering entitled “*Re: Memorandum to Troy Burgess from Patrick Hatton March 27 2024*”; and
- GAALCO Traffic Engineering Report dated April 15, 2024 entitled “*Brison Developments Ltd. The Crossing, Windsor/West Hants, 22 Four-plex units on Irven Drive Traffic Impact Analysis*”.

On May 7, 2024, the Municipal Traffic Authority stated the following:

“The GAALCO Report is in contradiction to information given to WHRM Staff by WSP. As a result, WHRM commissioned a TIS. Taking in account traffic with a wholistic view of the entire area from Underwood Rd, King St, Wentworth Rd, Payzant, Cole Dr and the entire Crossing Development. All known development information and the connect to Community Way to Payzant, the connection from Edward Dr to Cole Dr, Payzant Dr to King St connection and traffic calming all being considered. Until such time that Staff receives this completed TIS, Staff is not in the position to comment on the GAALCO report. Staff will comment once all the relevant information is in front of them.”

On May 27, 2024, the Municipal Traffic Authority confirmed:

“The contradiction to the GAALCO report mention was the fact that WSP told Staff they felt there should be a connection from Irven to Payzant and WSP’s advice is that the Cul-de-sac starts at Merriweather not Goosie Loop. Staff agree with this point. The Municipal Traffic Impact Study is expected to be completed in July.”

Connection Options

The applicant has provided three design options for a connection between Irven Drive Extension and the Payzant Drive Connection (Figure 3-5).

Option 1 shows the proposed Irven Drive Extension ending in a cul-de-sac with a 25 ft. wide access easement in favour of the Municipality to provide an emergency access / active transportation connection. This is the option that is attached to the draft development agreement. Due to the reasons mentioned above (i.e., length of cul-de-sac and Future Streets Map requirements) this option is not recommended by staff.

Option 2 shows the proposed Irven Drive Extension ending in a cul-de-sac with a road reserve being provided, angled towards the abutting private property to the north west. The applicant suggests that the two private property owners could provide land to allow the road reserve to connect the future Irven Drive Extension to the future Payzant Drive Extension. However, unless there is agreement from both property owners to provide the road reserve as depicted on the plan it would not be a feasible option.

Option 3 shows the proposed Irven Drive Extension ending in a cul-de-sac with a road reserve being provided on the applicant's property and connecting to the future Payzant Drive Connection. This would be the most viable option provided and is preferred by staff.

Summary

At this time staff do not recommend in favour of the application until such time that further information can be provided from the Municipal Traffic Authority regarding the potential traffic impact, from the Fire Chiefs on the design of the proposed emergency access route and from the applicant to address the parking concerns from the Municipal Public Works Engineering Division.

Windsor and West Hants Municipal Planning Strategy's

WMPS Specific Criteria

Policy 5.4.6 of the WMPS establishes the intent of Council to consider entering into a development agreement to allow new multiple unit residential development consisting of three or more units and grouped dwellings in the Residential designation. The criteria of Policy 5.4.6 are examined in detail in Attachment A. In summary the proposal does not meet the criteria since:

- the Municipal Traffic Authority is unable to provide final comment on traffic impact of the proposal to determine the compatibility and impact of traffic generation (5.4.6 (c) and (g));
- the applicant has not addressed the concerns of the Municipal Public Works Engineering Division regarding potential impacts of the proposed parking to the sidewalk, snow removal, street maintenance and solid waste collection (5.4.6 (e)); and
- the local Fire Chiefs and the Municipal Emergency Management Coordinator has not had sufficient time to comment on the proposed emergency access (5.4.6 (g)).

WHMPS Specific Criteria

Policy 5.3.10 of the WHMPS establishes the intent of Council to consider entering into a development agreement to allow grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre. The criteria of Policy 5.3.10 are examined in detail in Attachment A. In summary the proposal does not meet the criteria since:

- the Municipal Traffic Authority is unable to provide final comment on the compatibility of traffic generation and the adequacy of proposed streets (5.3.7 (c) and (d)).

WMPS and WHMPS General Criteria

Policy 16.3.1 of the WMPS and WHMPS outlines the general criteria for development agreements. These criteria are examined in detail in Attachment B. In summary, the proposal does not meet the criteria as:

- the Municipal Traffic Authority is unable to provide final comment on the adequacy of proposed streets and suitability of auto movement (16.3.1 (a) (iv), WMPS 16.3.1 (b), WHMPS 16.3.1 (c)).

MUNICIPAL CLIMATE CHANGE ACTION PLAN

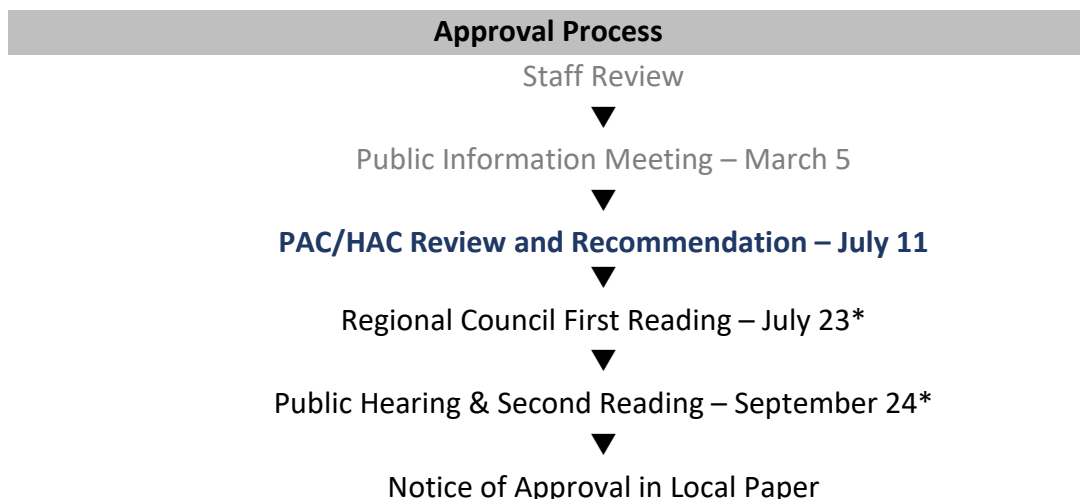
The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding. However, the mapping does not recognize the subject lots to be at risk as this area is located further inland. The subject lots do not contain any identified watercourses.

Property owners are responsible for ensuring that the lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed development agreement has been considered within the context of both the specific and general criteria of the WMPS and WHMPS. Until such time that further information can be provided from the Municipal Traffic Authority regarding the traffic impact, from the Fire Chief on the design of the proposed emergency access route and from the applicant to address the parking concerns from the Municipal Public Works Engineering Division staff do not recommend moving forward with this application.

Note: the draft development requires legal review. This is anticipated prior to Council's First Reading. The applicant has also not provided any feedback on the draft development agreement.





14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

The current development as proposed poses no cost to the Municipality other than providing services such as water, sewer, snow plowing, and garbage collection to new residents which would be offset by Municipal taxes.

In response to the proposed length of cul-de-sac, the Municipal Public Works Engineering Division stated *“Our suggestion would be to require a 16 meter road reserve to connect to the Payzant Connection. This would allow the municipality to construct a local municipal street in future when required.”* If this was added as a requirement of the development proposal, the future construction of this road would be an additional cost to the Municipality, however, could be included in the overall project budget for the Payzant Drive Connection.

ALTERNATIVES

In response to the application, PAC/HAC 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/HAC;
- hold First Reading and authorize a Public Hearing to refuse the development agreement as drafted, citing the criteria that PAC/HAC consider not to be met; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Zoning Map Extract
Figure 3	Applicants Proposed Design Option 1
Figure 4	Applicants Proposed Design Option 2
Figure 5	Applicants Proposed Design Option 3
Attachment A	Specific Criteria for Development Agreement
Attachment B	General Criteria for Development Agreement
Attachment C	Draft Development Agreement
Attachment D	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Director of Planning and Development

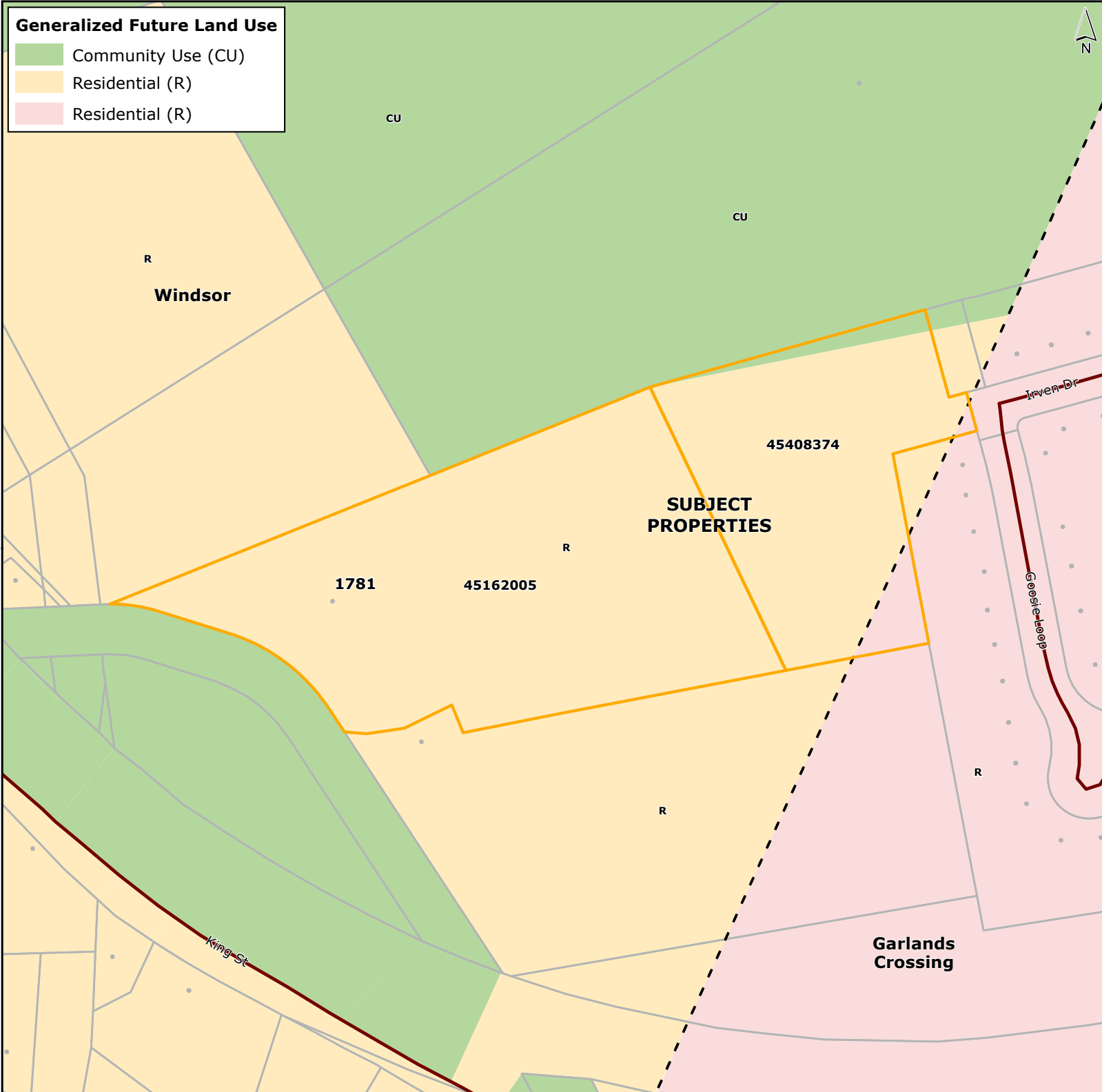
Report Reviewed by: _____
Alex Dunphy, Senior Planner

Figure 1 - GFLUM Extract



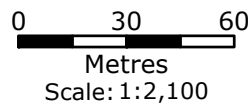
1781 King Street, PID 45162005 and Edward Drive, PID 45408374

West Hants



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department June, 2024.

Generalized Future Land Use



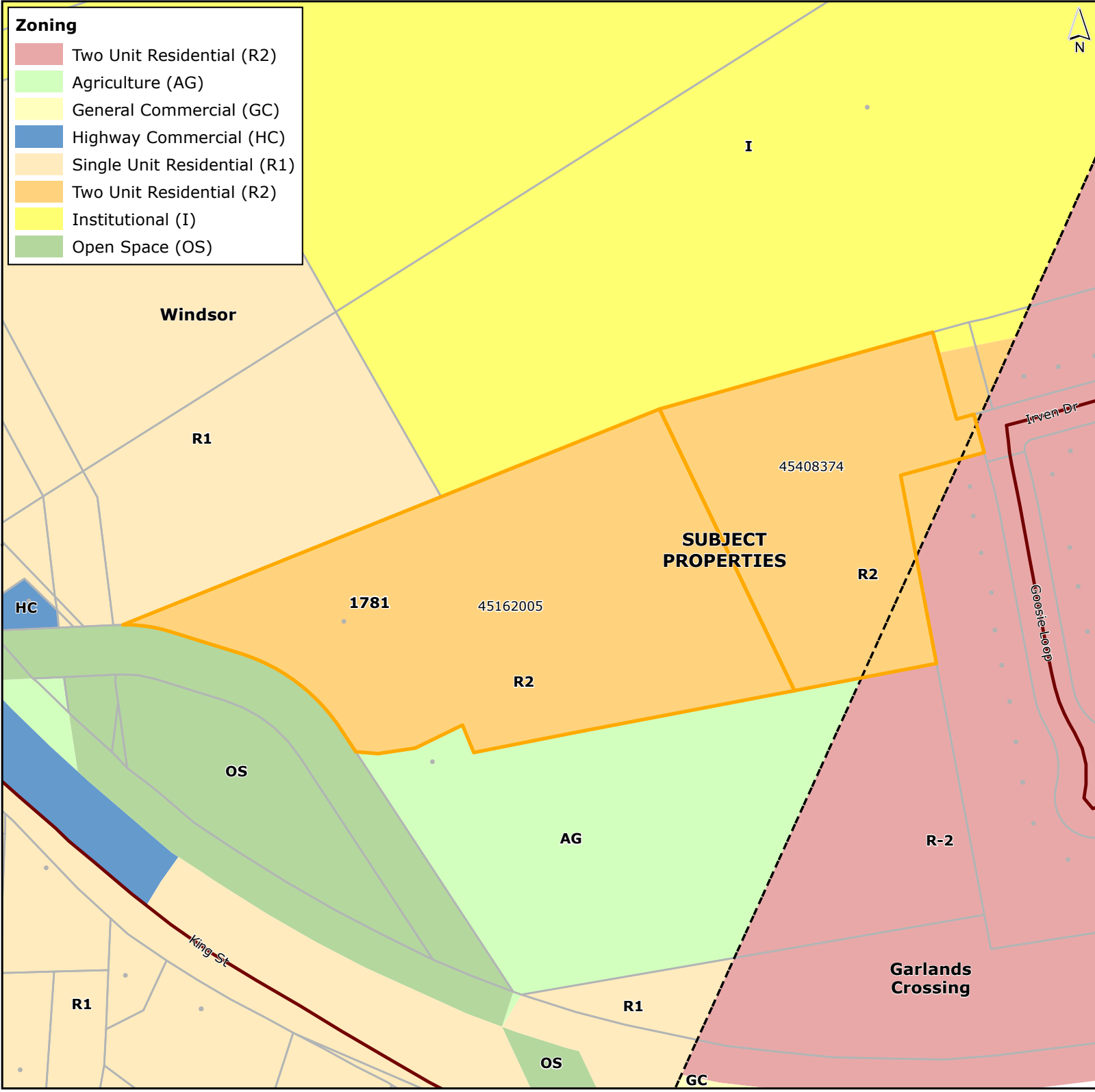
- PID 45162005 and 45408374
- Communities
- Parcels
- Civics
- Roads

Figure 2 - Zoning Map Extract



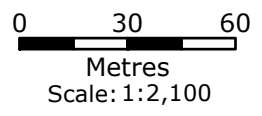
1781 King Street, PID 45162005 and Edward Drive, PID 45408374

West Hants



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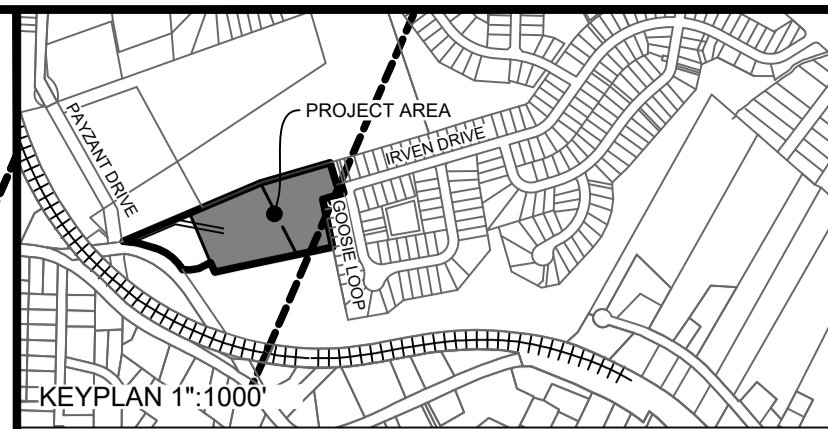
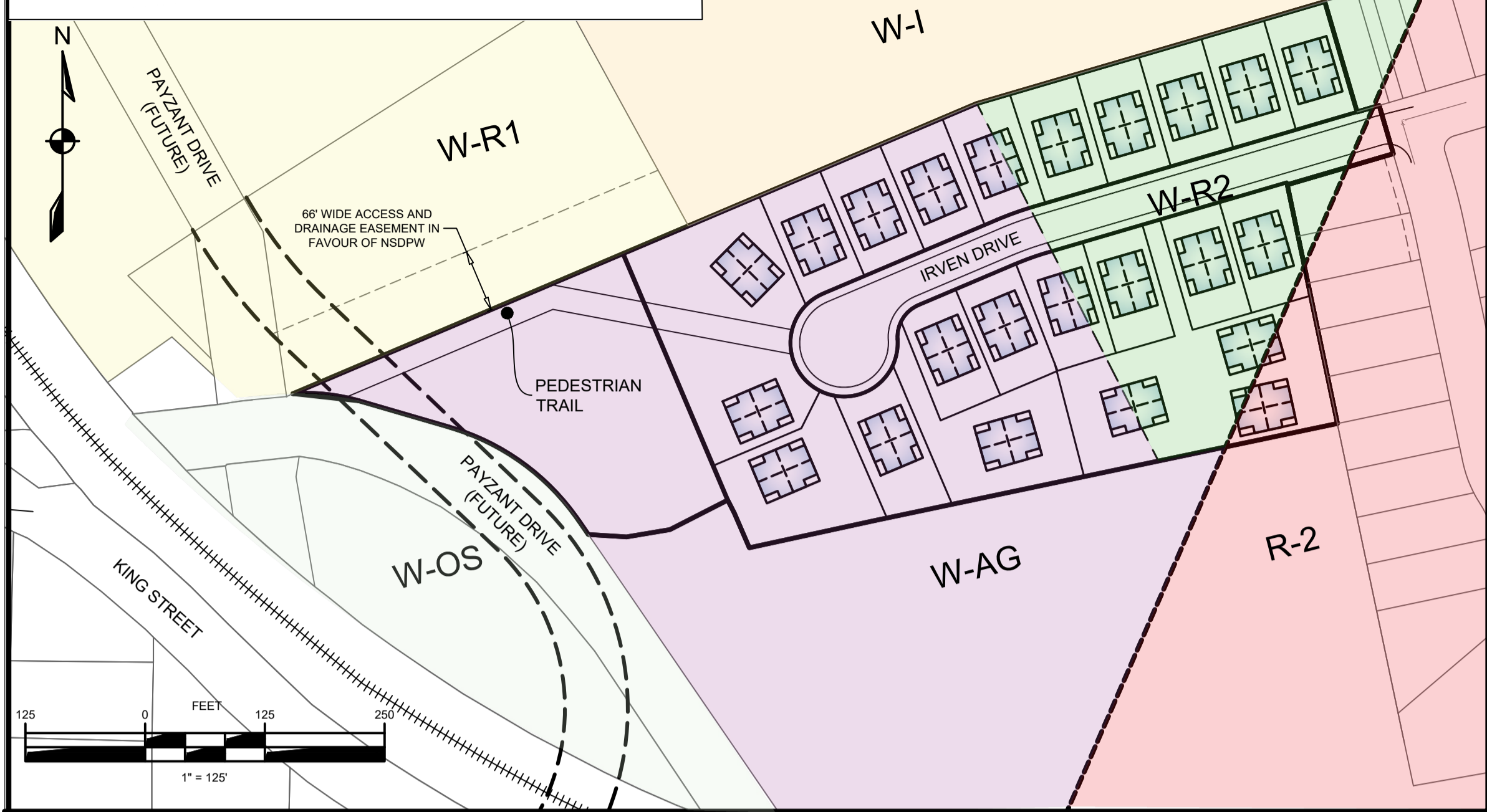
Zoning



- PID 45162005 and 45408374
- Communities
- Parcels
- Civics
- Roads

Figure 3 - Applicants Proposed Design Option 1

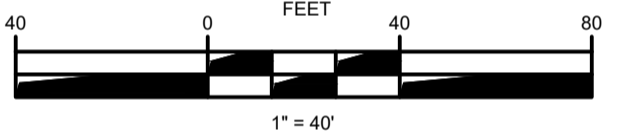
CURRENT ZONING CONDITIONS



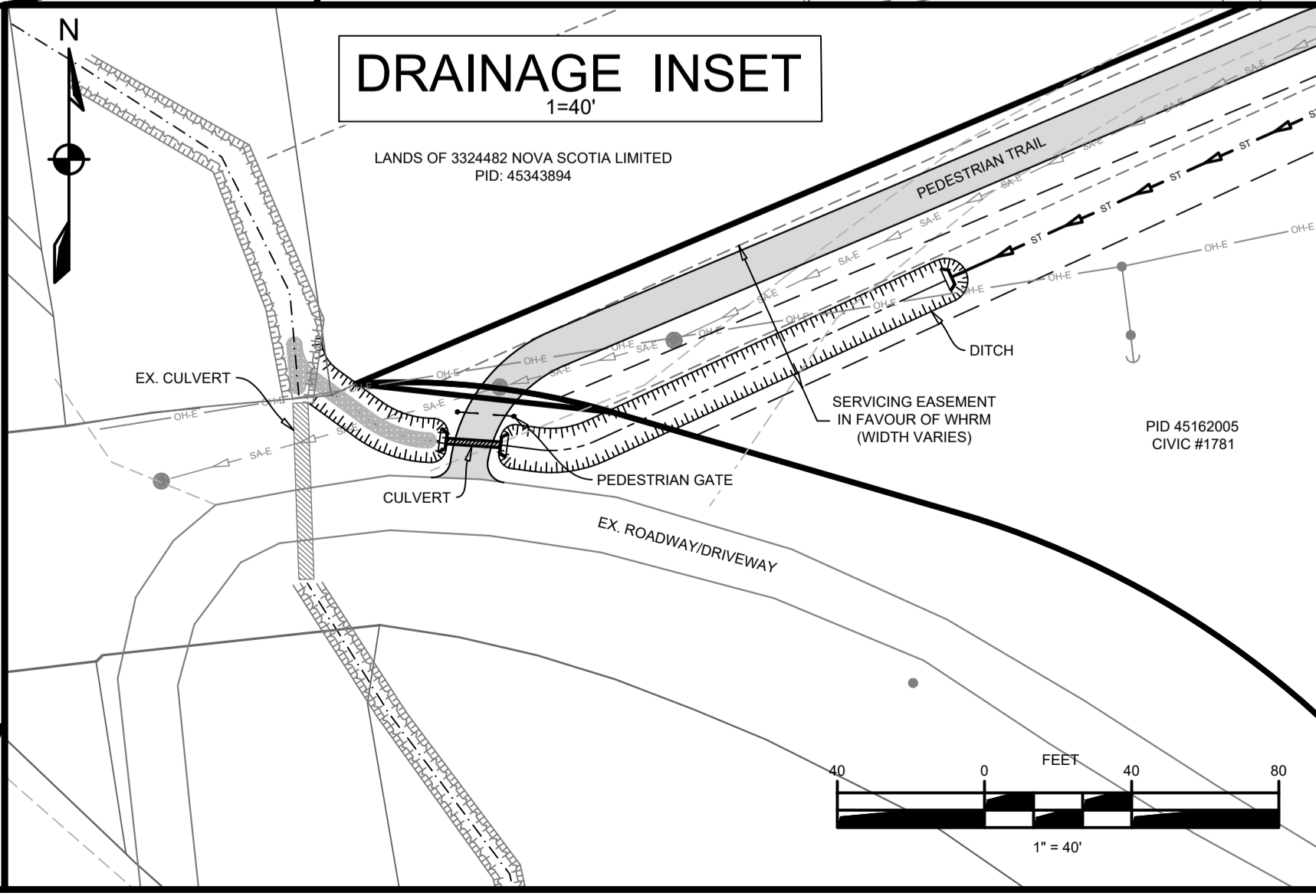
LEGEND

EXISTING	EASEMENT	PROPOSED
W-A-E	WATER PIPE	W-A
S-A-E	SANITARY PIPE	S-A
S-T-E	STORM PIPE	S-T
S-W	SIDEWALK	S-W
W-W	WALKWAY/T. TRAIL	W-W
G	GUARDRAIL	G
T-O-S	TOP OF SLOPE	T-O-S
B-O-S	BOTTOM OF SLOPE	B-O-S
F	FENCELINE	F
CURB CUT/RAMP	EXISTING PROPOSED WATER VALVE	W-V
CURBSTOP	HYDRANT	H
R	REDUCER	R
P-H	PRECAST HEADWALL	P-H
STREET TREE	EXISTING PROPOSED CATCHBASIN	C-B
	UTILITY POLE w/ GUY WIRE	U-P
	STREET SIGN	S-S

BUILDINGS	UNITS
23	92



DRAINAGE INSET
1"=40'



ISSUE	DATE	DESCRIPTION
1	MAY 9, 2024	ISSUED FOR REVIEW

DESIGNPOINT
engineering • surveying • solutions

PRELIMINARY
MAY 9, 2024



THE CROSSING - IRVEN DRIVE

WINDSOR, NOVA SCOTIA
SHEET DESCRIPTION

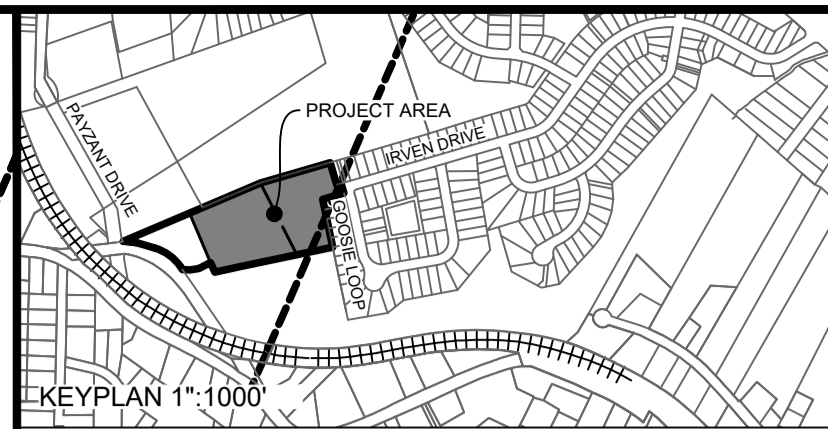
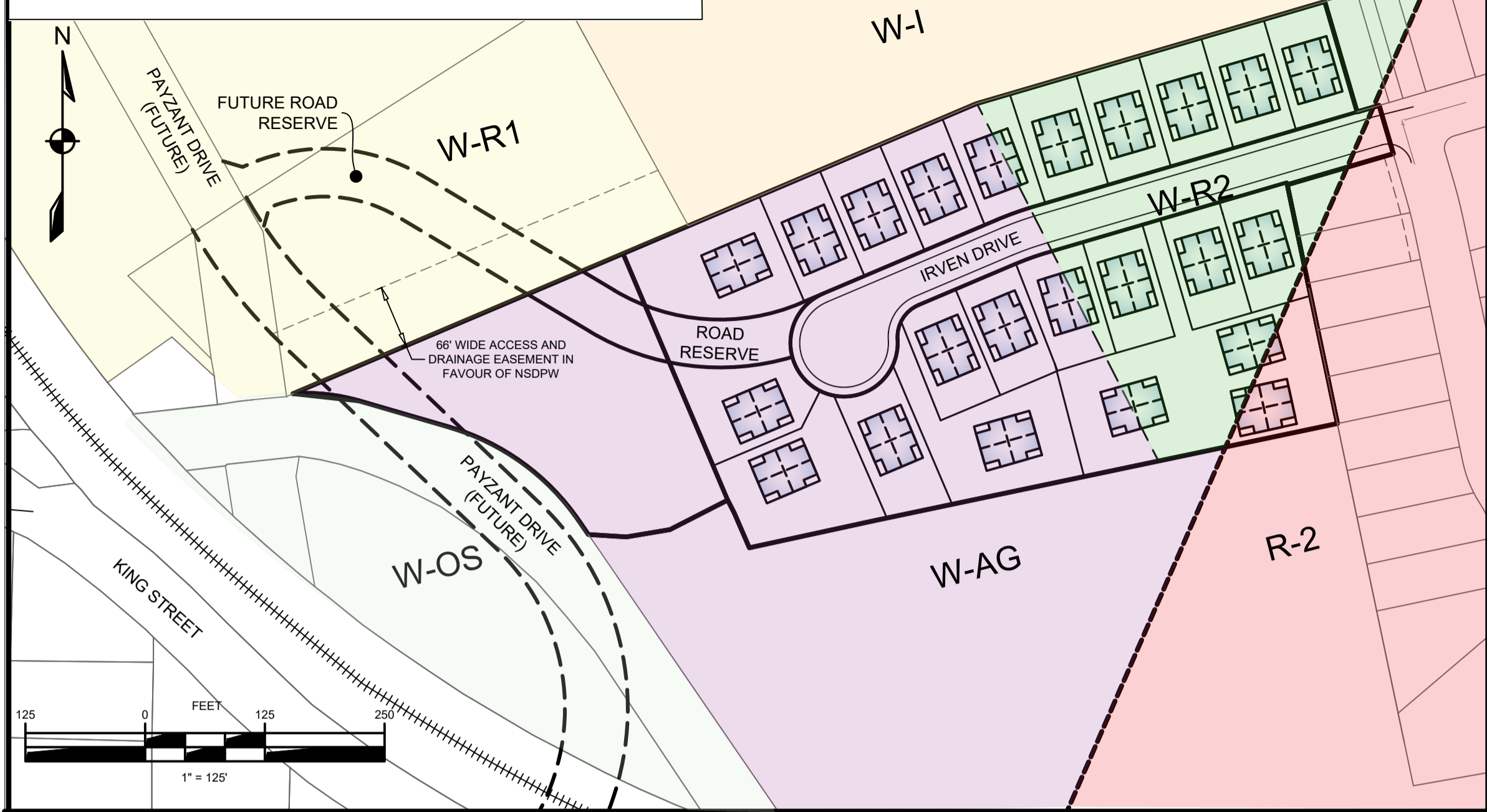
**IRVEN DRIVE
CONCEPT PLAN (MULTI-UNIT HOMES)
OPTION 1 - PEDESTRIAN TRAIL**

Drawn S. STACEY	Engineer L. GRANT	Project No. 22-278	Drawing No. CP-01
Scale 1" = 40'H	Filename 22-278_Concept 1.dwg		1 of 1

P:\2022\22-278 Brison - The Crossing - Irven Street\01 - Drawings\Eng Design\Sheets\Concepts\22-278_Concept 1.dwg, Plot Date: 2024-May-9, Plot Size: ISO FULL BLEED A1 (841.00 X 594.00 MM)

Figure 4 - Applicants Proposed Design Option 2

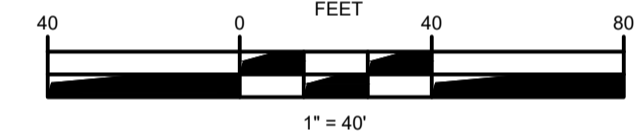
CURRENT ZONING CONDITIONS



LEGEND

EXISTING	EASEMENT	PROPOSED
W-1	WATER PIPE	W-1
W-2	SANITARY PIPE	W-2
W-3	STORM PIPE	W-3
W-4	SIDEWALK	W-4
W-5	WALKWAY/T. TRAIL	W-5
W-6	GUARDRAIL	W-6
W-7	TOP OF SLOPE	W-7
W-8	BOTTOM OF SLOPE	W-8
W-9	FENCELINE	W-9
W-10	CURB CUT/RAMP	W-10
W-11	REDUCER	W-11
W-12	PRECAST HEADWALL	W-12
W-13	STREET TREE	W-13
W-14	WATER VALVE	W-14
W-15	HYDRANT	W-15
W-16	CATCHBASIN	W-16
W-17	UTILITY POLE w/ GUY WIRE	W-17
W-18	STREET SIGN	W-18

BUILDINGS	UNITS
23	92



ISSUE	DATE	DESCRIPTION
1	MAY 9, 2024	ISSUED FOR REVIEW

DESIGNPOINT
engineering • surveying • solutions

PRELIMINARY
MAY 9, 2024

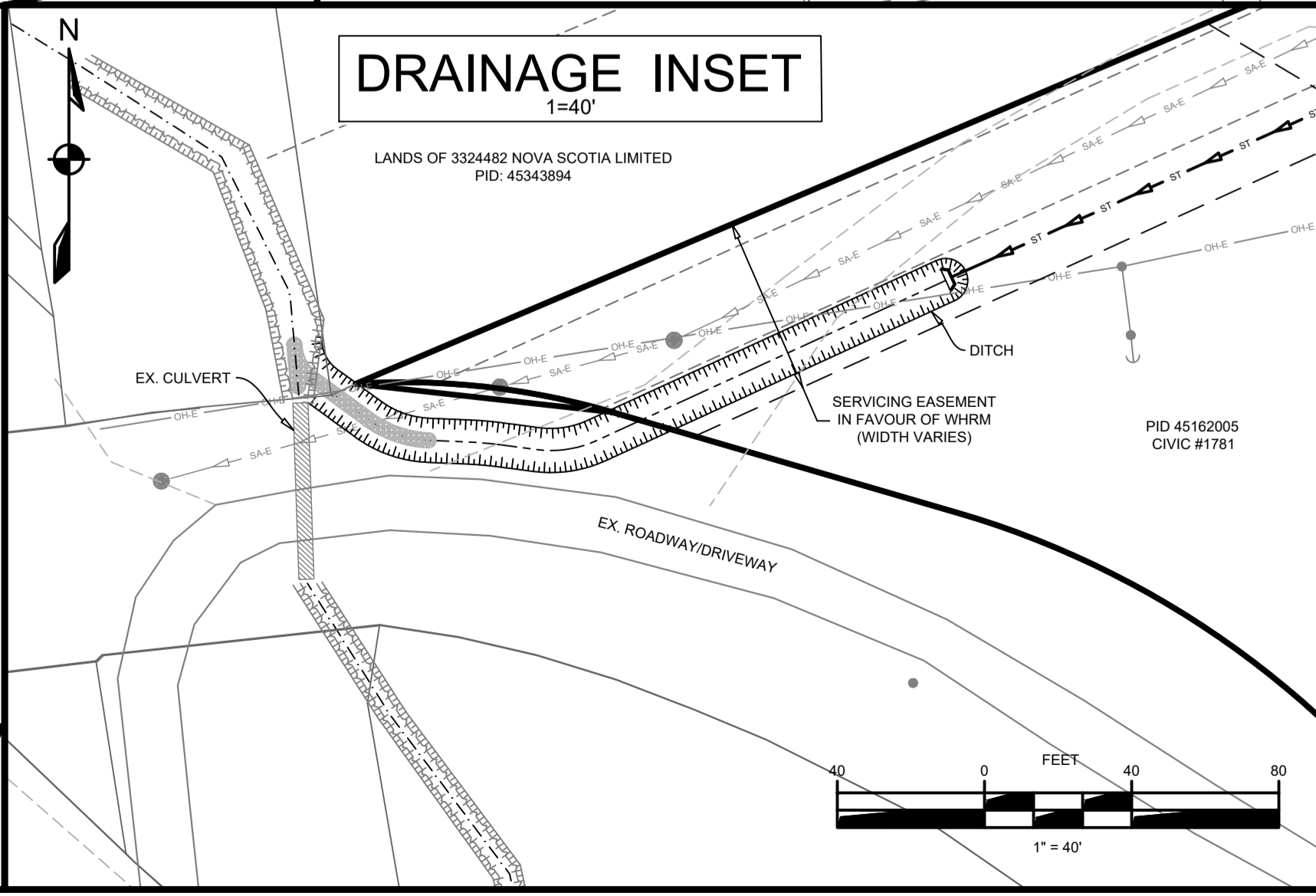


THE CROSSING - IRVEN DRIVE

WINDSOR, NOVA SCOTIA
SHEET DESCRIPTION

**IRVEN DRIVE
CONCEPT PLAN (MULTI-UNIT HOMES)
OPTION 2 - ROAD RESERVE (OWNER)**

DRAINAGE INSET
1"=40'



Drawn	Engineer	Project No.	Drawing No.
S. STACEY	L. GRANT	22-278	CP-01
Scale	Filename		1 of 1
1" = 40H	22-278_Concept 2.dwg		

Figure 5 - Applicants Proposed Design Option 3

Attachment A
Specific Criteria for Development Agreements

Windsor Municipal Planning Strategy

Policy 5.4.6 It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings to three or more units, subject to the following:

CRITERIA	COMMENT
(a) the proposed use meets one of the following:	
(i) in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards; or	The developer is proposing to construct 92 dwelling units within 23 four-unit dwellings grouped on the subject lots through the draft development agreement. The High Density Residential (R-4) zone requires a minimum of 100 ft. of frontage per lot, 35 ft. for front and rear yards, and a 15 ft. side yard on one side with a 5 ft. side yard on the other. The draft development agreement requires slightly less minimum lot requirements for this proposed development as the development is an extension of the existing Crossing development and this will maximize the potential of the subject lots. The draft development agreement requires a minimum of 60 ft. of frontage, 25 ft. front yard and 15 ft. rear yard, with a 10 ft. minimum side yard on both sides. The maximum height of the main buildings and accessory buildings, as well as the minimum distance between grouped dwellings, is consistent with the High Density Residential (R-4) zone.
(ii) in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the	Not applicable as the existing residential dwelling located at 1781 King Street is not being converted as

<p>setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;</p>	<p>part of this proposal. It will remain as-is.</p>
<p>(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;</p>	<p>This proposal is considered an extension of the land leased community known as the Crossing and is very similar in design in relation to the height, bulk, lot coverage and appearance as the Crossing. This proposal is also considered compatible with adjacent land uses, including the existing single unit on PID 45162005, the Crossing, single unit dwellings on King Street and Payzant Drive, and the Avon View High School.</p>
<p>(c) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;</p>	<p>On January 24, 2024, the applicant submitted a GAALCO Traffic Engineering Report dated January 9, 2024, entitled <i>“Brison Developments Ltd. The Crossing, Windsor/West Hants, 22 Four-plex units on Irvén Drive Traffic Report”</i>. In response to an inquiry, in April 2024 the Municipal Traffic Authority stated <i>“As the road network is now and illustrated on the attached drawing this extension to Irvén Dr would exceed 400m with only one entrance. This would contravene the WHRM Specifications.”</i> In May, the Municipal Traffic Authority provided additional details on their review of the Traffic Impact Study provided by the developer. They noted <i>“The GAALCO Report is in contradiction to information given to WHRM Staff by WSP. As a result, WHRM commissioned a Traffic Impact Study taking in account traffic with a wholistic view of the entire area from Underwood Rd., King St., Wentworth Rd., Payzant Dr., Cole</i></p>

Dr. and the entire Crossing Development. All known development information and the connection from Community Way to Payzant Dr., the connection from Edward Dr. to Cole Dr., connection from Payzant Dr. to King St. and traffic calming will all be considered. Until such time that Staff receives this completed Traffic Impact Study, Staff is not in the position to comment on the GAALCO report. Staff will comment once all the relevant information is in front of them.” The Municipal Traffic Authority clarified that *“the contradiction to the GAALCO report mention was the fact that WSP told Staff they felt there should be a connection from Irven Dr. to Payzant Dr.”* The Municipal Traffic Impact Study is expected to be completed in July. Windsor has a population density of 522 people per sq. km. (Statistics Canada Census for 2022). The Crossing development as currently constructed has a population density of almost double this and this area of Burgess Crescent, Underwood Drive and Fraser Drive has a population density almost three and a half times the population density of Windsor. A 6-storey 83-unit apartment building in the Crossing is in the process of being constructed with three other apartment buildings in the area already received development agreement approval from Council. The density proposed through this development agreement would be consistent with the current and future development plans and population for the area. Due to the Municipal Traffic Authority not being able to provide final comment on traffic impact of the

	proposal this criterion is considered not to be met.
(d) consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;	As this proposal is considered an extension of the land leased community known as the Crossing the effects on adjacent land uses is expected to be minimal. There is a requirement written in the draft development agreement to require fencing along the subject lot boundaries with PID 45294980 as this lot is currently zoned Agriculture (AG).
(e) adequate on-site parking is provided and parking areas are well designed;	<p>Parking for each dwelling unit is required to be located on the same lot as that dwelling unit within the draft development agreement. In response to an inquiry, the Municipal Public Works Engineering Division responded in April 2024 that <i>“currently the proposed driveways (parking for units) looks like it would impact the sidewalk. Driveways must be constructed to prevent cars encroaching onto sidewalk or road ROW. There is no room on the street for any additional parking, this presents a concern for snow removal, street maintenance and solid waste collection.”</i></p> <p>This criterion is not considered to be met as the applicant has not addressed the concerns of the Municipal Public Works Engineering Division regarding potential impacts of the proposed parking to the sidewalk, snow removal, street maintenance and solid waste collection.</p>
(f) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;	Due to the proximity of the subject lots to Payzant Drive and the Crossing development it is expected that nearby public parks, such as the Tregothic Trail and Burgess Crescent park, as well as

	<p>the private parkland within the Crossing development would be sufficient to serve the residents of this development. This proposal also includes an emergency access / active transportation route which will connect active transportation users from the Irven Drive Extension to the future Payzant Drive Connection.</p>
<p>(g) the development abuts an arterial or collector street as shown on the Transportation Map (Map 2) if the development consists of 12 or more units, unless a traffic impact study indicates there will be minimal impact on traffic and an emergency access is provided if the site only has one road access. In circumstances where these parameters can be met, more than 12 units can be considered without abutting an arterial or collector street.</p>	<p>The current Irven Drive is shown as a local street on the Windsor Municipal Planning Strategy Transportation Map (Map 2). On January 24, 2024, the applicant submitted a GAALCO Traffic Engineering Report dated January 9, 2024, entitled <i>“Brison Developments Ltd. The Crossing, Windsor/West Hants, 22 Four-plex units on Irven Drive Traffic Report”</i>. In response to an inquiry, in April 2024 the Municipal Traffic Authority stated <i>“As the road network is now and illustrated on the attached drawing this extension to Irven Dr would exceed 400m with only one entrance. This would contravene the WHRM Specifications.”</i> In May, the Municipal Traffic Authority provided additional details on their review of the Traffic Impact Study provided by the developer. They noted <i>“The GAALCO Report is in contradiction to information given to WHRM Staff by WSP. As a result, WHRM commissioned a Traffic Impact Study taking in account traffic with a wholistic view of the entire area from Underwood Rd., King St., Wentworth Rd., Payzant Dr., Cole Dr. and the entire Crossing Development. All known development information and the connection from Community Way to Payzant Dr., the connection from Edward Dr. to Cole Dr.,</i></p>

	<p><i>connection from Payzant Dr. to King St. and traffic calming will all be considered. Until such time that Staff receives this completed Traffic Impact Study, Staff is not in the position to comment on the GAALCO report. Staff will comment once all the relevant information is in front of them.”</i> The Municipal Traffic Authority clarified that <i>“the contradiction to the GAALCO report mention was the fact that WSP told Staff they felt there should be a connection from Irvan Dr. to Payzant Dr.”</i> The Municipal Traffic Impact Study is expected to be completed in July. The proposed emergency access was sent to the local Fire Chiefs and the Municipal Emergency Management Coordinator on June 27, 2024, for review. A response is yet to be received regarding the adequacy of the design of the emergency access for the proposal. Due to the Municipal Traffic Authority not being able to provide final comment on traffic impact of the proposal and the local Fire Chiefs and the Municipal Emergency Management Coordinator having insufficient time to comment on the proposed emergency access this criterion is considered not to be met.</p>
<p>(h) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;</p>	<p>Not applicable as the subject lots are not within an Architectural Control District.</p>
<p>(i) in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;</p>	<p>Not applicable as the existing residential dwelling located at 1781 King Street is not being converted as part of this proposal. It will remain as-is.</p>

(j) any other matter which may be addressed in a development agreement; and	All other matters are addressed elsewhere in this report.
(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.	Please see Attachment B for further details.

West Hants Municipal Planning Strategy

Policy 5.3.10 *It shall be the policy of Council to consider development of grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre by development agreement subject to the following:*

CRITERIA	COMMENT
(a) the development has frontage on:	
(i) a public street; or	The proposed Irven Drive Extension will be a public street.
(ii) a right-of-way clearly granted by deed or easement, unrestricted	Not applicable as the development will have frontage on a public street as noted in Policy 5.3.10 (a)(i).
(b) where access to the development is by a right-of-way as specified in clause (a)(ii), the street along such right-of-way shall be designed by a professional engineer, who is a member in good standing of the Association of Professional Engineers of Nova Scotia and who carries appropriate professional liability insurance, who will certify that the design and construction of the street are adequate to accommodate the traffic generated by the development and access by emergency protection vehicles. Street design and construction plans shall be subject to review by the Municipal Engineer;	Not applicable as the development will have frontage on a public street as noted in Policy 5.3.10 (a)(i).
(c) building clusters are located so as to conserve existing natural features of the site;	The subject lots gently slope towards the south and is mostly cleared of vegetation. There are no identified watercourses or marsh areas. Due to the lack of existing natural features on the site the developer has created the site plan to maximize the potential of the subject lots.

(d) the specific requirements for multiple unit development set out in clauses (b) to (h) of Policy 5.3.7;	The specific requirements in clauses (b) to (h) of Policy 5.3.7 are reviewed below.
(e) the application is accompanied by:	
(i) a site plan drawn to scale 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;	Site plans were submitted with the application. A site plan showing the Irven Drive Extension ending in a cul-de-sac with an emergency access / active transportation route is included as part of the draft development agreement.
(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	The application letter included proposed site plans, building plan, and a master plan of the Crossing development. As noted previously there are no significant natural features identified on the subject lots.
(iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;	The applicant did not provide any photo examples or drawings of the exterior of the proposed buildings, however, they did provide a proposed building plan for the four-unit dwellings as an attachment to the application letter.
(f) any other matter which may be addressed by development agreement; and	All other matters are addressed elsewhere in this report.
(g) Policy 16.3.1	Please see Attachment B for further details.

Policy 5.3.7 It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:

CRITERIA	COMMENT
(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer;	The lot is capable of being serviced with municipal water and sewer. There are currently a sewer easement and a service easement in favour of the Municipality on the subject lots where

	<p>the current servicing for the area is located. It is anticipated that the developer will request these easements be discharged once they relocate the servicing to be located beneath the Irven Drive Extension and potential emergency access / active transportation route.</p>
<p>(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;</p>	<p>Please see Policy 5.4.6 (b) and (c) above.</p>
<p>(d) 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;</p>	<p>Based on the current proposal, traffic traveling to and from the proposed development is expected to enter through the Crossing development to the extension of Irven Drive which would be constructed by the developer and end in a cul-de-sac with emergency access / active transportation route option.</p> <p>As noted in 5.4.6 (g) in April 2024 the Municipal Traffic Authority stated <i>“As the road network is now and illustrated on the attached drawing this extension to Irven Dr. would exceed 400m with only one entrance. This would contravene the WHRM Specifications.”</i> The Traffic Authority noted that <i>“WRHM has to rely on the interpretation of the two WSP Traffic Engineers who produced the memo I sent to you previously, which states [the 400m calculation begins at] the bottom of the “P” intersection at Irven Dr and Merriweather Crescent because this is where the one way in and out begins.”</i></p> <p>In May, 2024, the Public Works Engineering Division stated the reasoning for following the 400m rule in the Municipal Services Specifications</p>

	<p>Manual in relation to this proposal. They stated <i>“The 400m must be followed for the following reasons:</i></p> <ul style="list-style-type: none"> • <i>Density proposed is high and would present risks, related to road closures for watermain repair, road construction and maintenance, emergency response, structure fires blocking street.</i> • <i>Emergencies requiring more than one access point</i> • <i>Evacuations requiring more than one exit point</i> • <i>Safe and efficient movement of traffic in all conditions and storm events</i> • <i>Snow removal and solid waste collection issues with a long street with no connection</i> <p><i>Our suggestion would be to require a 16 meter road reserve to connect to the Payzant Connection. This would allow the municipality to construct a local municipal street in future when required.”</i></p> <p>This proposal outlines that the development will have an emergency access / active transportation route instead of Irven Drive Extension being built out to the future Payzant Drive Connector. Based on the comments received from the Municipal Traffic Authority and Public Works Engineering Division which indicate the proposed streets do not meet the requirements of the Municipal Services Specifications Manual and are therefore inadequate to support the development, staff do not consider this criterion to be met.</p>
(e) adequate open space or recreational space is provided;	Please see 5.4.6 (f).

(f) adequate on-site parking is provided;	Parking for each dwelling unit is required to be located on the same lot as that dwelling unit within the draft development agreement.
(g) any other matter which may be addressed by in a Land Use By law; and	All other matters are addressed elsewhere in this report.
(h) Policy 16.3.1	Please see Attachment B for further details.

Attachment B
General Criteria for Development Agreements

Windsor Municipal Planning Strategy

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:

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The lot is capable of being serviced with municipal water and sewer. There are currently a sewer easement and a service easement in favour of the Municipality on the subject lots where the current servicing for the area is located. It is anticipated that the developer will request these easements be discharged once they relocate the servicing to be located beneath the Irven Drive Extension and potential emergency access / active transportation route.
(ii) the adequacy of school facilities;	The Windsor Elementary School and Avon View High School are both within walking distance of the subject lots. It is Staff's understanding that the Annapolis Valley Regional Centre for Education are prepared to accommodate any increase in student population within the school network.
(iii) the adequacy of fire protection;	The subject lots are located within the Windsor and Three Mile Plains Fire Districts. In response to an inquiry, the Windsor Fire Chief (April 2024) responded that <i>"There is adequate fire protection. As for the connection, whenever we can create multiple routes of access and egress it, this benefits our operational options. I support the idea of connectivity and believe that would</i>

	<p><i>be best case scenario for emergency services, as it gives the chance to use alternate routes if the primary access is compromised. Where this property borders two fire districts it also allows for responding departments to choose the quickest and most efficient and direct route.”</i></p> <p>As noted above, the Fire Chief confirmed there is adequate fire protection available. The proposed emergency access was sent to the local Fire Chiefs and the Municipal Emergency Management Coordinator on June 27, 2024, for review. A response is yet to be received regarding the adequacy of the design of the emergency access for the proposal.</p>
<p>(iv) the adequacy of road networks adjacent to, or leading to the development; and</p>	<p>Please see response to 5.3.7 (d).</p>
<p>(v) the financial capacity of the Town to absorb any costs relating to the development.</p>	<p>The current development as proposed poses no cost to the Municipality other than providing services such as water, sewer, snow plowing, and garbage collection to new residents which would be offset by Municipal taxes. In response to the proposed length of cul-de-sac, the Municipal Public Works Engineering Division stated <i>“Our suggestion would be to require a 16 meter road reserve to connect to the Payzant Connection. This would allow the municipality to construct a local municipal street in future when required.”</i> If this was added as a requirement of the development proposal, the future construction of this road would be an additional cost to the Municipality, however, could be included in the overall project budget for the Payzant Drive Connection.</p>

<p>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</p>	<p>As mentioned elsewhere the Municipal Traffic Authority has stated that the proposed extension of Irven Drive would exceed 400m which would contravene the Municipal Services Specifications Manual. In addition, they noted that <i>“Until such time that Staff receives this completed Traffic Impact Study, Staff is not in the position to comment on the GAALCO report. Staff will comment once all the relevant information is in front of them.”</i></p> <p>Due to the Municipal Traffic Authority not being able to provide final comment on traffic impact of the proposal this criterion is considered not to be met.</p> <p>The Municipal Public Works Engineering Division confirmed that a sidewalk would be required on at least one side of the new public road.</p> <p>There is no active rail transportation in the vicinity.</p>
<p>(c) the adequacy of the dimensions and shape of the lot for the intended use;</p>	<p>The application states the proposed development will utilize 6.3 acres of the subject lots. The applicant will be responsible for constructing a new public road to service the proposed lots following the requirements of the draft development agreement, Subdivision By-law and Municipal Services Specifications Manual. The dimensions and shape of the lot appear adequate to support the proposed uses.</p>
<p>(d) the pattern of development which the proposal might create;</p>	<p>The proposal would not create any unusual development patterns. This proposal is considered an extension of the land leased community known as the Crossing and is very similar in design in relation to the height, bulk, lot coverage and appearance as the Crossing.</p>

(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;	The subject lots gently slope towards the south. There are no identified watercourses on the subject lots and they are not located within any protected marsh areas.
(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	All Municipal, Provincial, and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

West Hants Municipal Planning Strategy

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
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	Please see 16.3.1 (a)(i) above.
(ii) the adequacy of school facilities;	Please see 16.3.1 (a) (ii) above.
(iii) the adequacy of fire protection and other emergency services;	Please see 16.3.1 (a) (iii) above.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	Please see 16.3.1 (a) (iv) above.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	Please see 16.3.1 (a) (v) above.
(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;	Please see 16.3.1 (a)(i) above.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Please see 16.3.1 (b) above.

<p>(d) the adequacy of the dimensions and shape of the lot for the intended use;</p>	<p>Please see 16.3.1 (c) above.</p>
<p>(e) the pattern of development which the proposal might create;</p>	<p>Please see 16.3.1 (d) above.</p>
<p>(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;</p>	<p>Please see 16.3.1 (e) above.</p>
<p>(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</p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p>(h) any other matter required by relevant policies of this Strategy.</p>	<p>All relevant matters have been addressed in this report.</p>

Attachment C



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2024.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

3229190 NOVA SCOTIA LIMITED a body corporate, with a head office at 130 Eileen Stubbs Avenue, Suite 201, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Owner is the registered Owner of the parcels of land located at 1781 King Street in Windsor (PID 45162005) and PID 45408374 on Edward Drive in Garlands, hereinafter referred to as the “Properties”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS PID 45162005 and the majority of PID 45408374 are designated Residential on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy and zoned Two Unit Residential (R-2) on the Zoning Map of the Windsor Land Use By-law; and

WHEREAS a small portion of PID 45408374 is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy and zoned Two Unit Residential (R-2) on the Zoning Map of the Land Use By-law; and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit up to 92 dwelling units within 23 four-unit dwellings grouped on the Properties (the “Development”); and

WHEREAS Policy 5.4.6 of the Windsor Municipal Planning Strategy and Section 6.1 (b) of the Windsor Land Use By-law enable Council to consider entering into a development agreement to allow new multiple unit residential developments consisting of three or more units and grouped dwellings in the Residential designation, and Policy 5.3.10 of the West Hants Municipal Planning Strategy and Section 6.1 (c) of the West Hants Land Use By-law enable Council to consider entering into a development agreement to allow development of grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2024, 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 applicable Land Use By-law, except those defined as follows:

- (a) “Active Construction” means that the Owner has active development and building permits for the construction of the dwellings, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit;
- (b) “Applicable Land Use By-law” means the Land Use By-law that has jurisdiction related to the properties or portion thereof (i.e., the West Hants Land Use By-law applies to the properties or portion thereof in the former District of West Hants and the Windsor Land Use By-law applies to the properties or portion thereof in the former Town of Windsor);

- (c) “Commencement” means the date the Owner begins Active Construction on the dwellings within this Agreement as permitted by an issued development and building permit; and
- (d) “Irven Drive Extension” means a new Municipal street and associated sidewalk, water, wastewater and storm water infrastructure to be constructed at the Owner’s expense on the area shown as Irven Drive Extension on Schedule B which will be deeded to the Municipality in accordance with the applicable Subdivision By-law.

1.2 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

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

- (a) *West Hants Municipal Planning Strategy* means the West Hants Municipal Planning Strategy, approved on May 13, 2008, as amended, or successor By-laws;
- (b) *West Hants Land Use By-law* means the West Hants Land Use By-law, approved on May 13, 2008, as amended, or successor By-laws;
- (c) *West Hants Subdivision By-law* means the West Hants Subdivision By-law, approved on May 13, 2008, as amended, or successor By-laws;
- (d) *Windsor Municipal Planning Strategy* means the Municipal Planning Strategy of the Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;
- (e) *Windsor Land Use By-law* means the Land Use By-law of the Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;
- (f) *Windsor Subdivision By-law* means the Subdivision By-law of the Town of Windsor, approved on January 24, 2012, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

- (a) The Parties agree that uses on the Properties shall be limited to the following:
 - (i) those uses permitted by the underlying zoning in the applicable Land Use By-law; and

- (ii) residential development consisting of a maximum of 92 dwelling units in four-unit dwellings.

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

2.2 Development Location and Design

- (a) The Development location and design shall be generally consistent with the Site Plan shown in Schedule B. Changes to the Site Plan may be approved in writing in accordance with reports generated in Section 2.6, *Site Drainage*, of this Agreement.
- (b) The four-unit dwellings shall be limited to a maximum of 92 dwelling units on the Properties. The four-unit dwellings shall conform to the following requirements:

Minimum Frontage	60 ft. (18.29 m.)
Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	15 ft. (4.57 m.)
Minimum Side Yard	10 ft. (3.05 m.)*
Maximum Building Height	35 ft. (10.67 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

*No side yard setback is required along the common wall dividing each unit.

- (c) The minimum distance between grouped dwellings shall be 20 ft. (6.10 m.).
- (d) In the event that the Owner chooses to build and occupy one building at a time, the following infrastructure is required for each such building:
 - (i) the necessary services for the proper use and enjoyment of the building including but not limited to the public street and sidewalk, a driveway and access, landscaping, parking, lighting, and water and sewer services.
- (f) Accessory buildings are permitted in accordance with Section 5.1 of the applicable Land Use By-law, *Accessory Buildings and Structures*.
- (h) The Owner shall keep all undeveloped areas of the Properties landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.
- (i) Fencing is required along the southern lot line of the Properties where they abut with PID 45294980.

2.3 Road and Municipal Services

- (a) Roads and Municipal Services in the Development shall conform to the following:

- (i) the layout of the Irven Drive Extension 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 its design, without such changes being deemed to be amendments to this development agreement; and
 - (ii) the Irven Drive Extension, sidewalk, municipal services, and stormwater management shall be designed and constructed in accordance with the requirements of the Municipal Services Specifications Manual. Detailed design plans of the Irven Drive Extension 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.
- (b) In accordance with the Municipal Services Specifications Manual, the Owner shall provide a sidewalk on one side of the Irven Drive Extension.
- (c) Should the Owner choose not to construct Irven Drive Extension to connect to Payzant Drive Connection, a minimum of 30 ft. (9.14 m.) wide emergency access / active transportation trail shall be built at the western end of Irven Drive Extension as shown on Schedule B. This emergency access must be approved by the Municipal Engineer and Traffic Authority. The Municipality shall consult with emergency service providers on the design of the emergency access. The Owner shall provide to the Municipality a copy of the maintenance agreement pertaining to the emergency access.
- (d) The emergency access / active transportation trail will not be a Municipal public street and shall be maintained and kept accessible at all times by the Owner. Appropriate signage shall be erected indicating that the road is to be used for emergency access only.
- (e) Irven Drive Extension and the emergency access / active transportation trail will be required to be completed by the Owner to the satisfaction of the Development Officer and Municipal Engineer by December 31, 2030, or in conjunction of with the completion of the Payzant Drive Connection to King Street to be completed by the Municipality, whichever occurs first.

2.4 Driveways and Parking

- (a) The Owner shall develop, construct, and maintain the driveways for the grouped four-unit dwellings within the Development. The distance between the driveways must be approved by the Municipal Engineer in accordance with the Municipal Services Specifications Manual.

- (b) A minimum of one (1) parking space per dwelling unit shall be provided on the same lot as that building.
- (c) Each required parking space shall be a minimum of 10 ft. by 20 ft. (3.05 m. by 6.10 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m.) wide.
- (d) The driveways and parking spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention. The vehicular entrance and exit shall be clearly demarcated.
- (e) The Owner agrees that it will seek and obtain approval in writing from the Municipality before any driveway from the Development is connected to the Irven Drive Extension or any other public road.
- (f) No on-street parking will be permitted on Irven Drive Extension, unless written permission is provided by the Municipal Traffic Authority.
- (g) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.11, *Variance*, of this Agreement.

2.5 Fire Safety

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) connected to the Municipal water supply has been approved by the water utility, in consultation with the local Fire Chief.
- (b) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Properties by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

2.6 Site Drainage

- (a) No development permit shall be issued until the Owner provides to the Development Officer a stormwater management plan that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will balance pre- and post-construction flows to ensure there is no negative impact on downstream properties. If the stormwater management plan provided by the Owner does not in fact balance pre-and post-construction flows to ensure the absence of such impacts the Owner

shall undertake such remediation as the Municipal Engineer may reasonably require.

- (b) The Owner shall undertake all construction activities in accordance with an erosion and sedimentation control plan prepared by a Professional Engineer, unless otherwise directed by Nova Scotia Environment, and also agrees to assume sole responsibility for compliance with all regulations of Nova Scotia Environment.

2.7 Servicing

(a) Waste Collection

- (i) Municipal garbage collection will be provided to the dwellings in this Agreement.
- (ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads.

(b) Water and Sewer Services

- (i) The buildings shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.
- (ii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Properties.

(c) Snow Plowing

The Owner shall have sole responsibility for snow plowing within the Development, excluding the Irven Drive Extension once deeded to the Municipality.

2.8 Maintenance

The Owner shall keep the Properties and buildings and any portion thereof clean and in good repair. Any driveways, walkways, emergency access routes, active transportation trails, fences, lawns, trees, shrubs, 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 Signs and Lighting

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the applicable Land Use By-law, *Illumination* and *Signs*, 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 ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

2.10 Subdivision

Subdivision of the properties shall be permitted in accordance with this Agreement and the applicable Subdivision By-law. No additional parkland or parkland fees shall be required for subdivision or consolidation of the Properties subject to this Agreement.

2.11 Variance

In accordance with Section 5.48 of the Windsor Land Use By-law and Section 5.40 of the West Hants Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

- (i) minimum lot area and frontage;
- (ii) minimum required yard dimensions; and
- (iii) number of parking spaces required.

2.14 Road Reserve

A road reserve on PID 45162005 as shown on Schedule B is required to ensure that there is available land to construct the Payzant Drive Connection to King Street in the most effective way. In the event that the Municipal Engineer determines in their discretion that the road reserve is unnecessary for the construction of the Payzant Drive Connection, the Developer may construct on this portion of the lot with the written permission of the Municipal Engineer and the Development Officer, and changes to the Site Plan reflecting this will not be deemed an amendment to this Agreement.

2.15 Phasing

The Municipality and the Owner acknowledge that the Development as shown on Schedule B is a phased Development. Construction of the buildings and all relevant infrastructure shall be completed within thirty-six (36) months of the development agreement being registered at the Land Registry Office. If, in the opinion of the Development Officer, this time limit has not been met, Development in accordance with this Agreement shall no longer be permitted and this Agreement may be discharged in whole or in part at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act thirty (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 completion of Development without such an extension being deemed to be an amendment to this Agreement.

PART 3 CHANGES AND DISCHARGE

3.1 The Owner shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, *Use*, 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 approved in writing by the Development Officer without a public hearing, in accordance with Section 230 of the *Municipal Government Act*, provided that the Development Officer determines that the changes do not significantly alter the intended effect of this Agreement.

3.3 The following matters are substantive matters:

- (a) the uses permitted on the Property as listed in Section 2.1;
- (b) the requirement of an emergency access / active transportation trail to be provided if the Owner chooses not to connect Irvén Drive Extension to the Payzant Drive Connection, as listed in Section 2.3;
- (c) the fire safety requirements listed in Section 2.5; and
- (d) the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.6.

3.4 Upon conveyance of land by the Owner to either:

- (a) the Municipality for the purpose of creating or expanding a public street over the Properties, including for the Irvén Drive Extension or a portion of the Payzant Drive Connection; or
- (b) the Municipality for the purpose of creating or expanding any Municipally owned facility or infrastructure over the Properties;

registration of the deed reflecting the conveyance shall be conclusive evidence that that this agreement shall be discharged as it relates to the public street or public facility, as the case may be, as of the date of registration with the Land Registry Office, but this Agreement shall remain in full force and effect for all remaining portions of the Properties.

3.5 Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter, and this Agreement may be discharged by the Chief Administrative Officer in accordance with Section 229 of the *Municipal Government Act*.

- 3.6** Notice of Intent to Discharge this Agreement in whole or in part may be given by the Municipality to the Owner following a resolution of Council to give such Notice:
- (a) as provided for in 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 twenty-four (24) 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 in whole or in part 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

The Owner may not commence any construction or use on the Properties until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Owner begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.

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 Windsor or West Hants Land Use By-laws and Subdivision By-laws to the extent expressly 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.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

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 Owner in writing. In the event that the Owner 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 registering this Agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

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 in accordance with Section 229 of the *Municipal Government Act*.

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 Mitchell W. Brison at 130 Eileen Stubbs Avenue, Suite 201, Dartmouth, NS, B3B 2C4, or at any other address provided in writing or email 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, NS, B0N 2T0, or at any successor address provided in writing or email by the Municipality to the Owner.

5.10 Full Agreement

This Agreement replaces and discharges the development agreement registered on PID 45408374, dated April 2, 2019 between the Municipality of the District of West Hants and 3229190 Nova Scotia Limited, 3307437 Nova Scotia Limited and 3307427 Nova Scotia Limited recorded at the Registry of Deeds in Hants County, Nova Scotia on May

16, 2019 as document #114467864, such that the sole development agreement applicable to the lands described in Schedule A attached hereto is this agreement.

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: _____

) Mark Phillips, Chief Administrative Officer

)

)

)

) Per: _____

) Deanna Snair, Municipal Clerk

)

)

)

) **3229190 NOVA SCOTIA LIMITED**

)

)

)

Per: _____

) Mitchell W. Brison, President

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2024, 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 **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 presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2024, 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, **Mitchell W. Brison**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair 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).

I certify that on this _____, 2024
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Mitchell W. Brison, Nova Scotia, make oath and say that:

1. I, Mitchell W. Brison, of **3229190 NOVA SCOTIA 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 _____, 2024
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

MITCHELL W. BRISON, President

Schedule A
Legal Description

PID 45162005

ALL that lot of land in the Town of Windsor shown as Lot AB-1 on a plan of lands of Nova Scotia Farm Loan Board (Philip I. Burgess) made by Robert S. Redden, NSLS, dated the 31 st day of July A.D., 1981, approved by the Town of Windsor on the 18th day of August, A.D., 1981 and filed at the Registry of Deeds at Windsor as Plan P-3400, said Lot being described as follows:

BEGINNING at a survey marker driven in the ground on the Eastern boundary of the Old Halifax Road, the said survey marker being distant five hundred seventy-seven decimal twenty-five feet (577.25 feet) in a direction South eighty-eight degrees thirty minutes fifty-five seconds East (S 88 degrees 30 minutes 55 seconds E) from NSCM No. 8629;

THENCE IN A Northeasterly and Easterly direction following the boundary of the old Halifax Road three hundred seventy feet (370 feet) more or less to another survey marker driven in the ground at a point distant three hundred fifty-eight decimal twenty-three feet (358.23 feet) in a direction North sixty-two degrees fifty-seven minutes fifty-eight seconds West (N 62 degrees 57 minutes 58 seconds W) from the survey marker at the place of beginning;

THENCE North sixty-seven degrees zero zero minutes zero zero seconds East (N 67 degrees 00 minutes 00 seconds E) seven hundred seventy-five decimal zero six feet (775.06 feet) to a survey marker driven in the ground;

THENCE South twenty-six degrees fifty-nine minutes fifty-five seconds East (S 26 degrees 59 minutes 55 seconds E) four hundred eighteen decimal eight-six feet (418.86 feet) to a survey marker driven in the ground;

THENCE South seventy-eight degrees zero nine minutes thirteen seconds West (S 78 degrees 09 minutes 13 seconds W) three hundred decimal thirteen feet (300.13 feet) to an iron bar driven in the ground;

THENCE South seventy-seven degrees forty-four minutes zero two seconds West (S 77 degrees 44 minutes 02 seconds W) one hundred thirty-six decimal fifty-five feet (136.55 feet) to an iron bar driven in the ground;

THENCE North twenty-three degrees twenty-one minutes twenty seconds West (N23 degrees 21 minutes 20 seconds W) thirty-nine decimal sixty-six feet (39.66 feet) to a survey marker driven in the ground;

THENCE South sixty-two degrees fifty-eight minutes fifty-six seconds West (S 62 degrees 58 minutes 56 seconds W) seventy feet (70 feet) to a survey marker driven in the ground;

THENCE south eighty degrees twenty-eight minutes fifty-six seconds West (S 80 degrees 28 minutes 56 seconds W) fifty feet (50 feet) to a survey marker driven in the ground;

THENCE North eighty-six degrees thirty-one minutes zero four seconds West (N 86 degrees 31 minutes 04 seconds W) thirty feet (30 feet) to the survey marker at the place of beginning;

CONTAINING five decimal zero (5.0) acres more or less;

Burden One:

SUBJECT TO a sewer line easement 20 feet in width from the Southerly boundary of Lot AB-1 Northerly over, across and under Lot AB-1 to where the present sewer line is located to the manhole at or near the northerly boundary of Lot AB-1, said easement for the benefit of the lands presently of Grant A. Burgess.

Burden Two:

SUBJECT TO an easement 66 feet in width for access from the former Old Halifax Road along the northerly boundary of Lot AB-1 to the lands of Philip Burgess.

Benefit:

TOGETHER WITH a right of way for all purposes from King Street, in the Town of Windsor, aforesaid, to Lot AB-1, which said right-of-way has been previously described as follows:

Also a right-of-way from the lands hereby conveyed on, to and over the old Halifax Road aforesaid and across lands of the Nova Scotia Railway, now the Dominion Atlantic Railway, and unto to the new post road leading from Windsor to Halifax as it was formerly used by the said Thomas McLatchy, and for all purposes whatsoever.

*** 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: 1981

Plan or Document Number: 3400

PID 45408374

ALL that certain lot, piece or parcel of land situate, lying and being at Windsor and Garlands Crossing in the County of Hants, Province of Nova Scotia which may be more particularly bounded and described as follows:

BEGINNING at a survey marker set in the southwesterly margin of Irven Drive, so called, at a northerly corner of Block 4, which said survey marker is 4,512.427 meters from NSHPN 208653 when measured on Calculated Grid Tie line having a bearing of North 67 degrees 07 minutes 31.5 seconds West therefrom;

THENCE North 16 degrees 19 minutes 22 seconds West along the southwesterly margin of Irven Drive a distance of 16.002 meters to the southeasterly boundary of Lot 445;

THENCE South 73 degrees 40 minutes 38 seconds West along Lot 445 a distance of 7.305 meters to a survey marker set at the southwesterly corner thereof;

THENCE North 16 degrees 19 minutes 22 seconds West along Lot 445 a distance of 36.576 meters to a survey marker set in the southerly boundary of lands now or formerly of Her Majesty the Queen in right of the Province of Nova Scotia represented by the Department of Transportation and Public Works;

THENCE South 73 degrees 40 minutes 38 seconds West along lands now or formerly of Her Majesty the Queen in right of the Province of Nova Scotia represented by the Department of Transportation and Public Works a distance of 115.54 meters more or less to a survey marker found at the northeast corner of Lot AB-1 as shown on Plan No. 3400 filed at the Registry of Deeds for Hants County on September 17, 1981;

THENCE Southeasterly along Lot AB-1 a distance of 418.86 feet more or less to a survey marker found in the northerly boundary of Lot 1A;

THENCE North 78 degrees 09 minutes 13 seconds East along Lot 1A a distance of 190.87 feet to a survey marker found in the southwesterly boundary of Block 4;

THENCE North 11 degrees 50 minutes 58 seconds West along Block 4 a distance of 195.457 meters to a survey marker set at a northwest corner thereof;

THENCE North 73 degrees 40 minutes 38 seconds East along Block 4 a distance of 35.140 meters to the place of beginning.

SUBJECT to an easement to the Municipality of the District of West Hants over and across Parcel SSE-1 as shown on Plan 107927965 which said easement is more fully described in a Grant of Easement dated the 18th day of August, 2015 and recorded in the Hants County Land Registration Office as document 107947526 on October 16, 2015.

*** 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

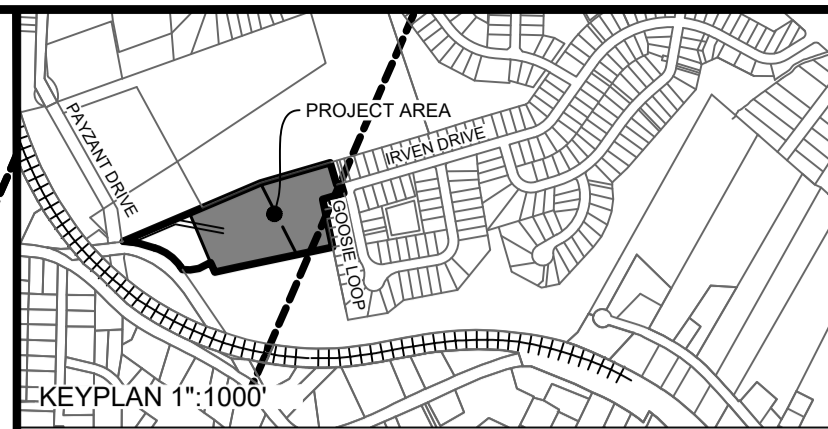
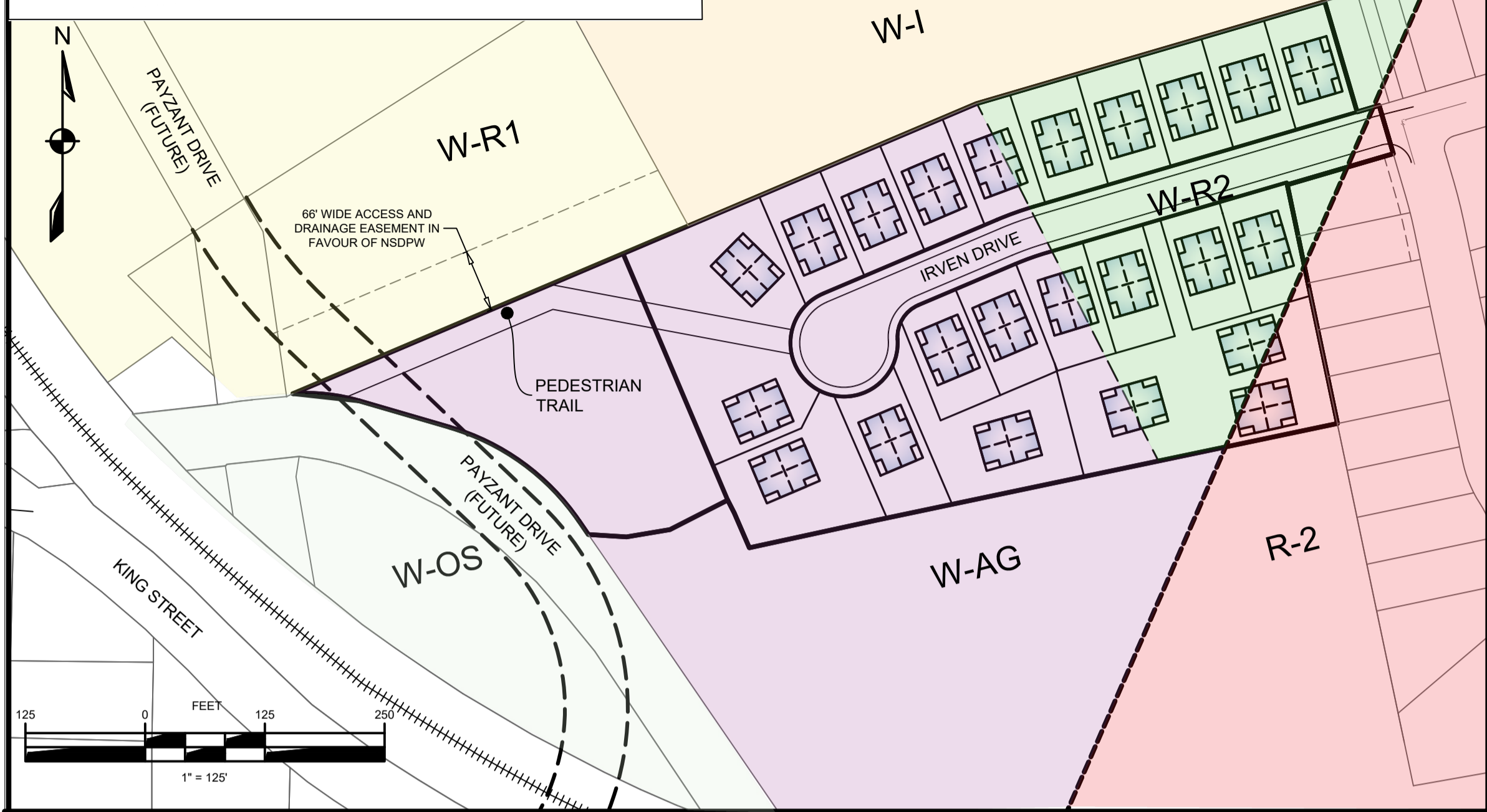
Registration District: HANTS COUNTY

Registration Year: 2018

Plan or Document Number: 112989844

Schedule B
Site Plan

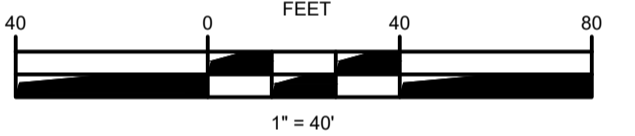
CURRENT ZONING CONDITIONS



LEGEND

EXISTING	EASEMENT	PROPOSED
W-A-E	WATER PIPE	W-A
S-A-E	SANITARY PIPE	S-A
S-T-E	STORM PIPE	S-T
S-W	SIDEWALK	S-W
W-W	WALKWAY/T. TRAIL	W-W
G	GUARDRAIL	G
T-O-S	TOP OF SLOPE	T-O-S
B-O-S	BOTTOM OF SLOPE	B-O-S
F	FENCELINE	F
CURB CUT/RAMP	EXISTING PROPOSED WATER VALVE	W-V
CURBSTOP	EXISTING PROPOSED HYDRANT	H
R	EXISTING PROPOSED CATCHBASIN	C-B
P-H	EXISTING PROPOSED UTILITY POLE w/ GUY WIRE	U-P
STREET TREE	EXISTING PROPOSED STREET SIGN	S-S

BUILDINGS	UNITS
23	92



ISSUE	DATE	DESCRIPTION
1	MAY 9, 2024	ISSUED FOR REVIEW

DESIGNPOINT
engineering • surveying • solutions

PRELIMINARY
MAY 9, 2024

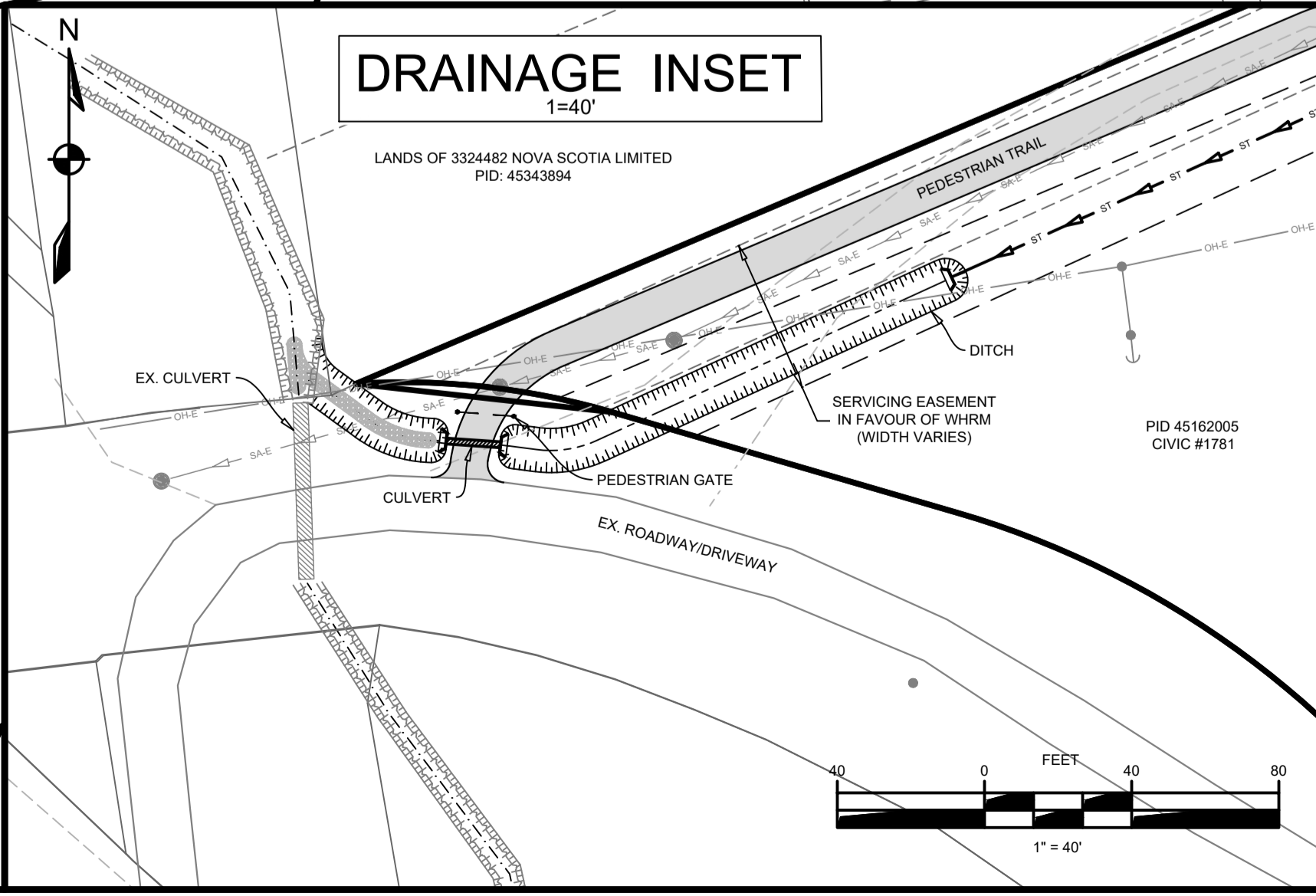


THE CROSSING - IRVEN DRIVE

WINDSOR, NOVA SCOTIA
SHEET DESCRIPTION

**IRVEN DRIVE
CONCEPT PLAN (MULTI-UNIT HOMES)
OPTION 1 - PEDESTRIAN TRAIL**

Drawn S. STACEY	Engineer L. GRANT	Project No. 22-278	Drawing No. CP-01
Scale 1" = 40'H	Filename 22-278_Concept 1.dwg		1 of 1



Attachment D

Public Information Meeting Notes

March 5 – 19, 2024

Development Agreement: PID 45162005 and PID 45408374, Windsor; File 24-09

Meeting date and time	A public information meeting was held on March 5, 2024 beginning at 6:56 p.m. in Council Chambers at 76 Morison Drive in Windsor.
Attending	In attendance: <ul style="list-style-type: none">• Chair – Councillor Laurie Murley Four (4) members of staff: <ul style="list-style-type: none">• Director of Planning and Development, Sara Poirier (online)• Senior Planner, Mark Fredericks• Planner, Alex Dunphy• Planning Administrative Assistant Vanessa Lake Council members <ul style="list-style-type: none">• Mayor Zebian• Councillor Murley Applicant <ul style="list-style-type: none">• Chrystal Fuller 6 members of the public attended the meeting.
Applicants: Chrystal Fuller on behalf of Brison Developments Property: PID 45162005 and PID 45408374	Planner Fredericks outlined the request for a development agreement to build 88 units in a grouped dwelling configuration of 22 fourplexes at the end of Irven Drive on an extension of this road. The planning policies for both the Windsor MPS and West Hants MPS were reviewed because a small portion of PID 45408374 falls within the West Hants boundary. Chrystal Fuller outlined the proposal for fourplex style buildings which would include 4 units, each approximately 600 square feet in floor area. This housing form would provide affordable and alternative housing options. The ability to build these in a grouped dwelling configuration helps keep costs lower as the road construction expense is spread across more units.

<p>Comments</p>	<p>3 members of the public spoke at the Public Information Meeting. The questions and comments from the public are summarized below. No comments were received following the meeting during the comment period.</p> <p>At the Public Information Meeting the following comments were made:</p> <ul style="list-style-type: none"> • Rick Purcell owns the nearby Windsor Motors auto repair business and shared his support for Irven Drive having a connection to Payzant Drive instead of allowing a cul-de-sac. He shared that the road network in the Crossing area is like a maze now, and more connections would be helpful for everyone. He also highlighted the gravel driveway at the end of Irven Drive is currently used frequently as a connection to King Street. • Grant Burgess lives close to the subject lot and operates a trucking and excavation business from his adjacent property. Mr. Burgess has a shared driveway and a sewer easement that are within the property at 1781 King Street. He has concerns about these and how they may be maintained or changed in the future. Mr. Burgess also shared that the proposed grouped dwellings would be very close to his house and would like to see more separation. • David Pemberton – shared his desire to have the Municipality do more to support affordable housing and shared his traffic concerns around King Street and how this development could increase the traffic problems. He lives on King Street and sees vehicles traveling at high speeds.
<p>Adjournment</p>	<p>There being no further business, the meeting adjourned at 7:34 p.m.</p>