



WEST HANTS REGIONAL MUNICIPALITY
Public Hearing Minutes – Meadows Development Conclusion
May 25, 2021 - 6:00 p.m.
Held virtually via Zoom (also Facebook Livestreamed)

1. **Call to Order** – Mayor Zebian called the meeting to order at 6:00 p.m.

2. **Attendance**

Council:

Abraham Zebian, Mayor
Rupert Jannasch, Councillor Dist. 1
Scott McLean, Councillor Dist. 2
Mark McLean, Councillor Dist. 3
Jeff Hartt, Councillor Dist. 4

Paul Morton, Deputy Mayor, Dist. 8
Debbie Francis, Dist. 5
Bob Morton, Councillor Dist. 6
Ed Sherman, Councillor Dist. 7
Jim Ivey, Councillor Dist. 11

Staff & Guests:

Mark Phillips, CAO
Shelleena Thornton, Admin. Supervisor
Kathy Kehoe, Dir. Community
Development
Chris Markides, Brison Developments

Todd Richard, Dir. Public Works
Carlee Rochon, Dir. Financial Services
Madelyn LeMay, Dir. Planning &
Development
Sara Poirier, Planner

Regrets:

Laurie Murley, Councillor Dist. 10

3. **Public Hearings**

MOVED BY COUNCILLOR JANNASCH AND DEPUTY MAYOR P. MORTON TO MOVE INTO PUBLIC HEARINGS FOR TWO MATTERS AT 6:13PM. MOTION CARRIED.

a) **Meadows Development - Public Hearing (closing)** - Public Hearings for development agreements are required by Part 8 of the Municipal Government Act. This virtual public hearing is hosted by Council. The Public Hearing began on April 27 and was adjourned to 6 pm tonight. Comments have been received from the public in the interim.

Tonight, a brief presentation will be made by the planner, and all comments received by planning staff between April 27 and May 21 will be read into the record by the Clerk. A presentation may then be made by the applicant.

I will remind Council that in order to be able to vote on this matter, Councillors must have be present at both parts of the hearing – April 27 and tonight.

When the Public Hearing is complete, Council will consider the application and members of Council may then ask questions of the applicant or staff and make comments.

Director LeMay provided a presentation of the development and Clerk Thornton read submissions received until May 21st.

Director LeMay provided a summary of many of the questions/comments raised in the submissions and responses to them (through her presentation). She further highlighted the process.

This public hearing concluded at 7:26pm.

This portion of the public hearing resumed at 7:39pm and Mr. Chris Markides made a presentation on behalf of Brison Developments. The presentation concluded at 7:45pm.

Mayor Zebian declared the public hearing closed at 7:45pm.

Mayor Abraham Zebian

Administrative Supervisor,
Shelleena Thornton



Meadows Development, Falmouth Development Agreement

Public Hearing Conclusion
May 25, 2021

Application

- ▶ From Brison Developments Limited for development agreement to permit two-unit residential development in an area of Falmouth
- ▶ 2007 development agreement for 1 lot which permits 8 semi-detached dwellings will be discharged

- ▶ proposed DA permits:
 - ▶ maximum 4.5 units/acre; includes only single and 2-unit dwellings
 - ▶ requires a Traffic Impact Study before a development permit can be issued for the 100th dwelling unit or in the 3rd Phase
 - ▶ includes a storm water drainage management plan satisfactory to the Municipal Engineer

Development Agreements

- ▶ ability to have 2 unit dwellings by DA in place since prior to 2007 in this area
- ▶ when reviewing an application for a development agreement, staff and Council may only consider the criteria established in the MPS, the policy document of Council
- ▶ Council must make its decision based on the criteria established by Council

Comments and Questions

- ▶ between April 27 & May 21, concerns and questions have been received from the public; these are individually presented in the Second Reading Report circulated to Council May 21
- ▶ submissions received as part of the Public Hearing process will be read into the record now by the Clerk, and will be followed by brief comments for clarification to Council

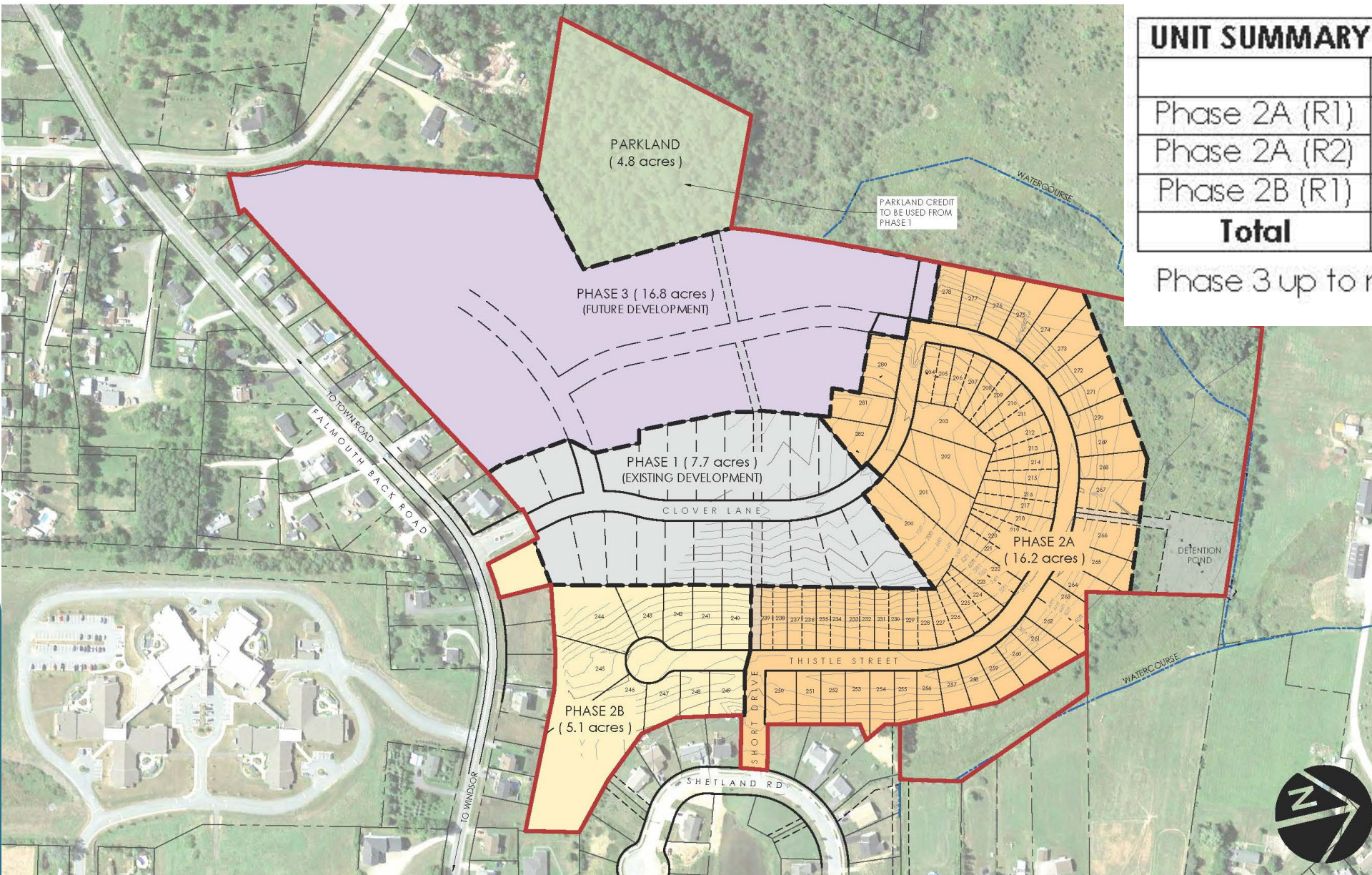


**Meadows Development, Falmouth
Development Agreement**

Comments from the Public

Summary

- ▶ can Council change the DA during Second Reading?
 - minor changes can be made; anything substantive would require a new public hearing process, including notice
- ▶ can the May 25th public hearing be extended because of the COVID lockdown?
 - Council could decide to adjourn to another specific date and time but Council should provide a specific reason
- ▶ what does the proposal include?
 - proposed DA permits a mix of single and two-unit dwellings. 30% of the dwellings must be single unit dwellings. The maximum number of units in Phase 2 is 82; in Phase 3 it is 75



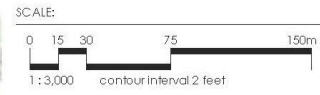
UNIT SUMMARY

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

Phase 3 up to maximum of 75 units

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

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



SHEET 11x17
FILE: C:\Users\kern\zcap.ca\Business Development - Documents\2020\027_Bison - Meadows\1_DWG\1_Site Plan\20-B-027-SITE_PLAN-104.dwg

Summary

- ▶ parkland: where will it be located? can it be designated before development is complete? would the Developer consider building the Parkland area now?
 - final amount of parkland required is determined during the subdivision process.
 - DA includes more than may be determined necessary through subdivision process
 - Developer entered into a parkland agreement (MGA; Subdivision By-law); Municipality is holding funds which will be returned when the land is deeded to the Municipality
 - in order to require a developer to contribute parkland at an earlier stage, Council may need to change policy in the MPS and regulations in the Subdivision By-Law

Summary

- ▶ advertised as an “R1 executive subdivision”; why is there no extension of the Covenants from Clover lane to Phase 2A 2B?; site zoned for single unit housing and marketed as offering single family homes
 - ability to have 2-unit dwellings by DA since before 2007
 - marketing not controlled or regulated by the Municipality
- ▶ how is it possible for the developer to install all the infrastructure for duplexes if the project is “not approved”?
 - a risk the developer decides to make
- ▶ water, sewer, storm sewer services
 - many queries to the Municipal Engineer; he has expressed no concern about sewer and water services; has stated the storm water management plan is satisfactory

Summary

- ▶ Traffic and on-street parking issues?
 - Traffic Authority has expressed no concern
- ▶ what is the plan with the properties (on Shetland) that border 2A and 2B?
 - up to the developer; the West Hants MPS does not require site grading plans

Process

- ▶ PIM held January 19, 2021
- ▶ staff recommended in favour of the proposed DA March 11, 2021
- ▶ PAC/HAC recommended in favour of the proposed DA March 11, 2021
- ▶ First Reading was held March 23; Council set the date for the Public Hearing to begin April 27 & included 3 minor changes to the DA:
 - included the most up-to-date Storm Water Management plan;
 - added ability of Development Officer and Municipal Engineer to make minor changes to the Storm Water Management Plan;
 - reduced the flankage yard requirement

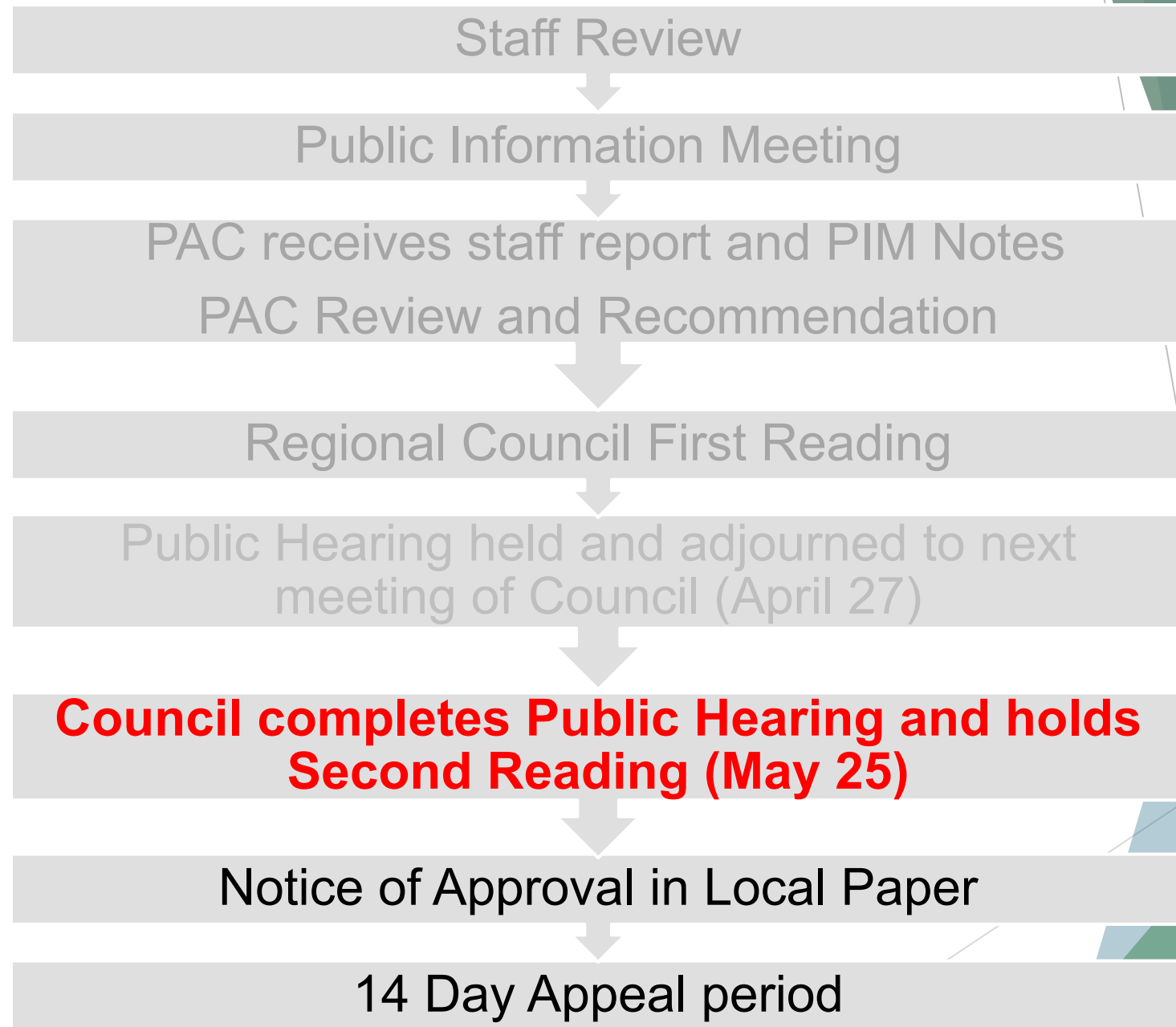
Process

Notice was placed in the local paper and website/Facebook

Letters were mailed to residents within 500 ft. of the property

Sign placed

All statutory requirements have been met





WWH
WINDSOR / WEST HANTS

TOGETHER

Possible Motion

...that Council gives Second Reading to and approves entering into a development agreement to allow two-unit residential uses at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, in a manner substantively the same as the draft set out in Attachment C of the report to Council dated April 27, 2021, including the stormwater management plan completed on July 16, 2020, taking note that this development agreement will discharge and replace the development agreement for PID 45371879 recorded at the Registry of Deeds on September 27, 2007 as document 88923751.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation	Decision Request X	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council.

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

Date: 2021-05-25

Subject: File 19-05 E Meadows Development Agreement, Falmouth

LEGISLATIVE AUTHORITY

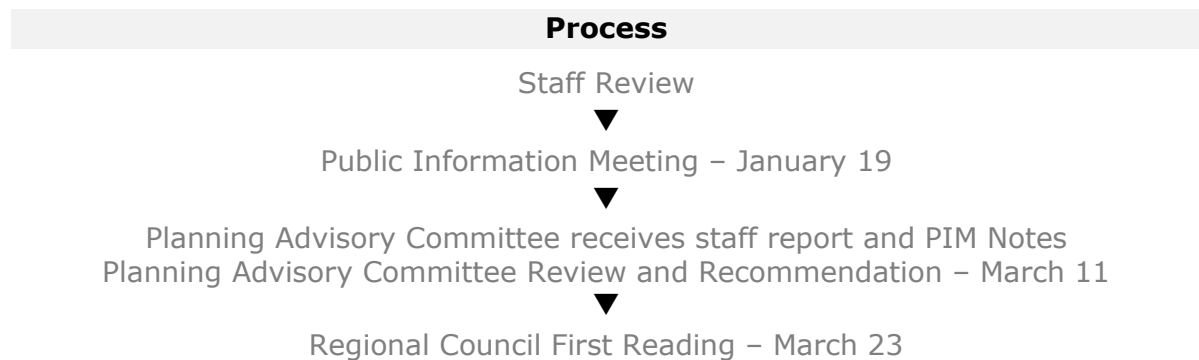
Municipal Government Act Section 229 and 230.

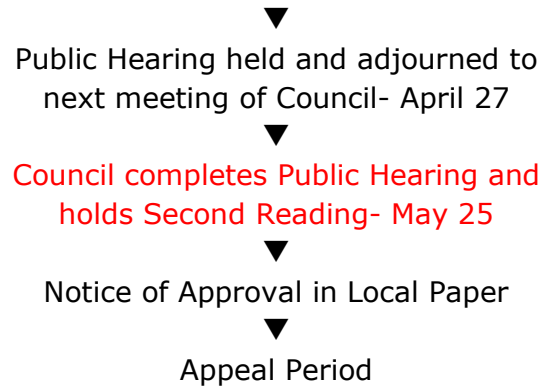
DECISION REQUEST: POSSIBLE MOTION

Should Council wish to allow the requested development agreement and discharge the current development agreement following the Public Hearing, the following motion would be in order:

...that Council gives gives Second Reading to and approves entering into a development agreement to allow two-unit residential uses at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, in a manner substantively the same as the draft set out in Attachment C of the report to Council dated April 27, 2021, including the stormwater management plan completed on July 16, 2020, taking note that this development agreement will discharge and replace the development agreement for PID 45371879 recorded at the Registry of Deeds on September 27, 2007 as document 88923751.

NEXT STEPS





ATTACHMENTS

Submissions from Public

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

Public Hearing Submissions

Development Agreement: The Meadows, Falmouth

Submission Period: April 27 to 4:30 - May 21, 2021

From: Lee Chalmers
Sent: Friday, April 30, 2021 3:25 PM
To: Saira Shah <SShah@westhants.ca>
Subject: Query re: May 25th

Just wanted to check, would it be possible to give a brief presentation at the May 25th meeting? If so, can I be added to the agenda? I did a zoom one once before, so that would be fine.

Also, I emailed Mr. Richard (admittedly just Wednesday afternoon) to set up a phone meeting for sometime next week to go over my outstanding questions about stormwater, water and sewer. I haven't heard back yet, and thought I'd just check whether he is around and, if not, if there is someone else at public works who'd be familiar with the file and whom I could speak with sometime next week...?

Lee Chalmers

From: Jill Ford
Sent: Friday, April 30, 2021 11:52 AM
To: Saira Shah <SShah@westhants.ca>; Richard Murphy <rmurphy@westhants.ca>
Subject: The Meadows

A group of area residents have been meeting about the proposed Development Agreement and had planned to speak to other residents and councillors To try and understand the positive or negative impact of an R2 zoning in our Small community of Falmouth!

As a result ,our group is asking for an extension to the May 25th public hearing Because of the COVID lockdown!

There are a few concerns regarding the DA and if there has been a new agreement Drafted to take in consideration of the merging municipalities!
Does this R2 zoning proposal come under the old DA or would this be part of The new DA?

It is difficult to understand if there would be a huge impact on various services such As water,sewer,drainage etc. Unless the public could hear from the experts in The Municipality regarding these services!

Parkland is still a concern and there still isn't a clear picture of where this would be and if we could have this area designated now rather than later!

Storm water management is still a concern and most of us do not understand If this is being addressed by the Municipality and public works and if this remains As a concern!

We do understand the need for more housing but it seems it will be at the expense Of the small community of Falmouth where we as seniors elected to

move to be In a quiet and peaceful environment!

It is also very difficult for many in our community to access facebook and view the Various meetings!

Maybe a letter from the Municipality to be sent to residents explaining the Meadows Development and the proposed change from single family units to semis!

Thanking you!

Jill and Bob Ford and concerned constituents

From: Amy MacIntyre

Sent: Friday, May 14, 2021 12:49 PM

To: Abraham Zebian <AZebian@westhants.ca>; Madelyn LeMay <MLeMay@westhants.ca>

Subject: Meadows Development

West Hants Council,

I would like to express my opposition to the proposed R2 development at the Meadows in Falmouth. When we built our family home here 7 years ago on Clover Lane we were sold a lot in what was advertised as an R1 executive subdivision. If I had wanted to live in a retirement community, I would have moved next to the Crossing. This development will create a lot of traffic and congestion on our family friendly street. We have a lot of kids that play on our street and this will be dangerous. In addition, I am concerned about water resources, especially water pressure. Our water pressure is not great currently for being on a municipal water supply.

Amy MacIntyre

From: Roger West

Sent: Saturday, May 15, 2021 8:00 AM

To: Madelyn LeMay <MLeMay@westhants.ca>

Cc: Abraham Zebian <AZebian@westhants.ca>; Rupert Jannasch <RJannasch@westhants.ca>; Scott McLean <smclean@westhants.ca>; Mark McLean <mmclean@westhants.ca>; Jeff Hartt <jhartt@westhants.ca>; Debbie Francis <DFrancis@westhants.ca>; Bob Morton <bmorton@westhants.ca>; Ed Sherman <esherman@westhants.ca>; Paul Morton <PMorton@westhants.ca>; Laurie Murley <LMurley@town.windsor.ns.ca>; Jim Ivey <jivey@westhants.ca>

Subject: Proposed Development Agreement for the Meadows site in Falmouth

My wife and I signed a petition today against the proposal for the Meadows. We have a couple of extra concerns.

- 1) With the current terrible tasting water in Falmouth. Are you expecting more households to use it?
- 2) Ever since they have started to build the roads. they make a mess of Shetland Road and don't clean it up . Why not close off the street up to the new development and run it down through Brison's own property?

We hope you will not pass this proposal.

Ruth & Roger West

Jill and Bob Ford

-As Residents of the Meadows Subdivision we are against the rezoning from R1 to R2 When we built our home two years ago we were told we were moving to a Single family home area and not a neighbourhood with duplexes!

-We now know there will be 8 duplexes built from a previous approval!

-Developing subdivisions that will accommodate newcomers and existing Families is beneficial to our community growth. We do have an issue with Squeezing as many residential lots as possible into a development as this, as It is foreseen as a cash flow for both the Municipality and the Developer and Does not consider the residents by putting a strain on various services such As water supply, traffic, drainage , sewage!

-Would the Municipality be able to address these issues such as water, sewage, Drainage by having an expert on hand to answer questions or maybe give A presentation on the proposals for this subdivision!

-We do have a concern for the properties with drop offs in back of their houses and wonder if someone could address this pertaining to Erosion during heavy rain storms!

Large rocks are to be used as a retaining wall and is there a concern that these Rocks would move in heavy rains?

-Would the Developer consider building the Parkland area now ,to allow a safe Space for children to play as well as a walking area to avoid the traffic on the Street while construction is taking place!

-Phase 3 is of concern since there is no site plan proposed or details of the type Of structures to be built. This should be addressed as a courtesy to the Families living in the area!

-By changing the size of the lots and making them smaller to accommodate more Duplexes we feel that will take away from proper landscaping of each property! Would the builder consider changing the number of 2 units from 54 to 27 and Keeping the lot sizes the same?

-Water increases are also a concern and if someone from Public Works would Consider a presentation on this issue that would be appreciated!

-We love living in this subdivision but feel that more duplexes mean more people And allows for a strain on outside facilities as well ,such as schools, Hospitals, Fire and police services, traffic!

-The concept of having a mixed group of houses built in a small community is Probably the thing of the future but it can be quite attractive if landscaped properly And not so overcrowded!

By email from K AuCoin

May 19, 2021

The Meadows Subdivision

(observations on shortcomings and thoughts for improvement)

Overview:

A local committee of some Meadow Subdivision, Falmouth residents has concerns about the future development and growth of the subdivision and with a sincere interest to attain a progressive level of residential satisfaction and value of the community on a go-forward basis. Following several discussions with the committee, I offer the following as some concerns that may be an impediment to achieving these goals for the subdivision. The logic and methodology of densely populated areas through the subdivision process has evolved significantly during the past 30-40 years and currently residents are more concerned now about the current and future livability of the area than just having a place of residence and an investment that will offer a future financial return. More than ever, it is about quality of life for the family. Subdivision developers and municipal regulators should be cognizant of this and keep the full interests of the land owners as a priority.

One of the most desirable factors about living in rural Nova Scotia is the number and array of community assets that draw people to the area and if these assets meet the newcomers needs and, they are pleased with how this adds to their quality of life, they will be satisfied with the community and decide to stay in the area. This begins with the livability of their residential area and how it meets the resident's financial, residential, social and recreational needs and how comfortable they are with the neighborhood.

Financially they see their home as an investment and expect it to grow in value as the neighborhood develops and improves. Most folks equate livability with minimal problems and pleasant experiences. Developing subdivisions with these ideals in mind and planning well into the future should be the goal of each developer and municipal government. Squeezing as many residential lots as possible into a subdivision to maximize density ratios is contrary to smart forward planning in the 21st century. Property development should be more than just a money making venture for both the developer and the municipality. The resident's long term interests needs be at the top of the priority list and this should be part of the residential growth model for the municipal region as well.

Concerns:

- 1.Future population growth, enhanced livability and property value and lot density throughout the community
- 2.Traffic flow problems
- 3.Over capacity with the sanitary sewer system as the subdivision grows
- 4.Flooding and erosion in the lower reaches of the subdivision and areas downstream from there.
- 5.Concerns that the increase numbers in residential lots will push the limit on the water supply system to near capacity.

Density –

The larger the density of the community, the greater the demand on the storm and sanitary system, the more substantial the increase with safety concerns, the more significant the negative impact will be on the aesthetics of the neighborhood

and the more water run-off concerns there will be with increased soil exposure. The full community infrastructure design should be part of the original plan of the subdivision and not a change your mind, design-as-you-go planning approach. Expanded residential electrical services will soon be a huge issue for everyone, as household modern convenience applications change and electric vehicles become more of a family travel option. Increased density will drive this more rapidly in each community and the greater the density, the sooner this will become a change issue. Electrical vehicles will be a heavy draw on the local electrical demand and will require electrical grid upgrades in the subdivision proportional to the number of residents and the volume of new and modern vehicles.

Recreation –

The developer will likely allow for the required percentage size of community green space but it will no doubt be in one or two blocks that will meet the needs of a very small portion of the development and not always in an ideal location. In today's environment, the recreational needs of all residents of the community need to be considered and one or two designated blocks of land that are selected because they are less desirable for residential purposes, isn't sufficient to meet a community's recreational needs. A greater array of smaller recreational spots should be scattered throughout the subdivision. The community should be seen as a desirable place to live by all residents and this will be a major draw to newcomers and be a key factor for home owners to want to stay. Seniors particularly, but families in general, desire more outside activities and facilities that meet a full range of needs. This should all be part of the original design of the subdivision. After all, this is 2021 and the path forward for families, communities and society in general requires a more healthy and active lifestyle. The subdivision plans do not detail sidewalks, walking/biking trails and other facilities and in 2021, this should be a visible component of the community. The safety of children playing and adults exercising should be of prime importance in the design.

Aesthetics/ value of property –

Aesthetics is one of the most important factors in the continuing growth of communities. It's a huge issue that relates to the curb appeal of individual properties, the livability of families in the community and the overall perspective of the subdivision. Excessive density detracts from the pride factor of individual home owners, the perception of potential follow-up purchasers and the resale value of each property. Lot sizes, road frontages, street set-back distances, sideline limitations and cookie cutter designs in the municipal subdivision regulations should be examined with a view to improving aesthetics and property resale values. By in large, this is about a family's future and it will be the biggest financial investment they make in their lifetime.

Traffic flow –

The exit locations for ingress and egress to the subdivision are limited and, even with just single family dwellings, they will be pushed to the maximum during peak times. Although sight lines at street intersections seem to meet code, volume may very well be a concern with this layout, especially with the piece

meal design and approval process that seems to be happening. With increased R2 units and possibly R3's, this will increase safety concerns, particularly at busy times of the day. The community is currently home to a large number of young children who frequently play in the street and increased traffic will just add to the safety worries. As well, poor street and driveway visibility in winter will also add to these concerns. Currently, visitors are parking on the street in the Meadow's subdivision and together with all the local recreational activity, this will present a challenge for the safe flow of traffic on the main arterial roads. As well, busy streets have a negative connotation that will affect the value and salability of local properties.

Storm and Sanitary System –

Currently the projected use of the Falmouth sanitary system is in the medium high to high range and with the community reaching and exceeding capacity for up to 60 days a year, doubling down on a larger percentage of R2 lots at the Meadows development is unwise. Adding a high percentage of R2 units in the development will exacerbate this situation and likely put excessive strain on the current waste water/sewer treatment plant. Actually, the development ratio for this subdivision allows for a minimum of 30 % R1 and up to 70% R2 units and for this site, these ratios should be flipped. Adding this many potential R2 units to this subdivision would be restrictive for the subdivision and for all practical purposes, almost restrict any other development in Falmouth area. The sanitary system would be close to or over capacity on too many occasions throughout the year. Upgrading the present sewage treatment plant to accommodate additional development would be a huge financial burden that would likely see a significant tax increase.

Flooding –

The more housing units developed in the subdivision, the more soil that will be exposed. Considering the excessive grades for many of the proposed building lots and the additional landscaping that will follow, a huge portion of soil will be exposed creating the opportunity for erosion and bank washouts. To remediate this is expensive. Although the future global weather prognosis suggests warmer and drier climates, the general thinking among the world's leading scientists and climatologists offers predictions of more frequent and extreme adverse weather systems in the decades ahead. A major concern today should be about the design criteria for grades and drainage in subdivisions and whether or not the downstream runoffs are of sufficient capacity to deal with extreme weather conditions.

Conclusion:

The purpose of this paper is not to try and hamper or inhibit the design and creation of the Meadows Subdivision, but to cast a cautious eye on the short comings of the current design of the whole subdivision. This design appears to be for a difficult piece of land on which to create homes for a significant percentage of future West Hants residents. As stated earlier, the development process should be about a lot more than a business opportunity to make money. The logic, design criteria, safeguards and the desire to maximize subdivision density and tax

revenue that were the guiding principles for the past two generations, need to be brought into the 21st century. The needs for family livability, the necessity to address recreational and behavioral concerns for residents of all ages and for financial sustainability of properties for future generations needs to be at the forefront of municipal and developer thinking in future subdivision creations.
KP AuCoin, P.Eng, NSLS

Questions for Council, Meadows Subdivision:

21 May 2021,

Peter Arsenault

First of all, I have been watching and following all of the presentations on your site. Let me say right here that I am not opposed to future R1 development. When I built my home here on Clover Lane, it was R1 in this area. I was happy with this plan, and even now there is a prior agreement with the developer and the municipality for 8 duplex units, I'm ok with that too, as that is an acceptable ratio in my view.

What I'm not ok with is the proposed blanket change from R1 to R2 and the obvious density this will create. I feel like a customer that has purchased a new car from a dealership and is told it's a wonderful car with a great warranty. Only to bring it in a few years later for work and be told it's not covered, and the salesman no longer works there! I understand plans change, but I say... not this much. What happened to negotiations on what the developer wants now in 2A and 2B? Big changes! Sounds like ask and you shall receive, as long as current site codes are met. There have been no negotiations, at least in public because the planning committee recommended to council on your face book meeting that this was a reasonable request. That is not a negotiation in the public interest. Down the road when Richard Murphy tried to suggest amendments to what the duplexes were to look like, council wanted that amendment that same night. How is that even possible, shouldn't the member have a little bit of time to consult with at least his peers, himself, developer or his constituents, before being pressed at that second for a poorly worded amendment. I found this to be a mere pressure tactic, as I doubt the councillor could pull a reasonably worded motion out of his head in that second. Also, when I listened to the first presentation in January 2021 the agent representing Brisson Developments was talking about foot paths connecting all the areas up to the green spaces. That statement was withdrawn eventually, but it caused some stress because on the presenters map it went right thru my yard across the street and up to the greenspace. I have a right of way on my legal documents for a right of way to effect repairs to the water pipe, and repairs to the underground electrical system, but nothing for a "community foot path". So as a result of that initial statement, I was finding it confusing {and, frustrating} to follow this fellows' presentation as he had very little information on the overall concept of the project. Just fancy pictures, and outdated maps, with no indication of what phase 3 would look like. So other than

the gaff over the footpaths, and the inability to ask him direct questions and clarify his points, I found this presentation and future presentations from this agent who represents the developer, lacking details, not able to speak on the developer's behalf, {for fear of saying something he shouldn't} on some of the basic questions from council, and therefore ineffective mainly due to a lack of preparation. I don't think we can get too excited about any potential economic spin off locally from this project, if a building developer from HRM was to purchase 30 of these duplex lots. All his employees will get the work. Might sell some building supplies locally, unless New Valley homes is able to sell and construct some of the single-family homes across from the rows of duplexes in 2A. Not sure if that would attract any potential forever home individuals at the price of houses these days, building across the street from the row of R2. Some of us here on Clover Lane are Brisson Development and New Valley Homes customers. The sign out front of the subdivision says "Quality Single Family Homes". **That's why we purchased here!** If I wanted a development modeled on "The Crossings" I would have moved there in the first place. Now it looks like "The Crossings" is moving to me. This in my humble opinion is not fair and foul, to those of us that invested in our properties on Clover Lane.

Finally in my preamble here, some years ago I owned a fairly large horse operation in West Hants, and I need a permit to construct improvements to a barn and establish a site to pile horse waste. To make a long story short, I could not get a permit to do anything or put a shovel in the ground until West Hants Municipality had approved my plan according to what planners at West Hants told me, what I need extra to do for code. The list was exhaustive and the red tape unbelievable. It was my land, but West Hants had the final say on what I could build on it. In the end the project was never realized. So, this leads me into my first question, and I thank you for your time and complete answers in advance

1. So, in my few conversations with Saira in your planning dept," if nothing is approved yet", and based upon my preamble about my previous horse situation. Was there the necessary Permits issued by the planning office at West Hants Municipality? How is it possible for the developer to install all the infrastructure for duplexes over the summer of 2019 and 2020 in this area for a project that is still being "negotiated" or "not approved"? It would make no sense from the developer to spend that kind of money on a guess. It would only be logical if Brisson Developments had an approval from planning by way of a permit, this would have been issued in 2018 or 2019. That's when construction began. So the water infrastructure would have gone into the ground during this time period. I find it hard to believe there were no permits or inspections over that time by the planning dept. This can only go a couple of ways. The developer knew as early as 2018 they wanted R2 or earlier {2008, grandfathered 8 duplex units}. They built it already, so there must be a permit for the R2 infrastructure or no permit and just went ahead anyway because they assumed approval down the road. When I spoke to Saira in planning," nothing was approved by council". I

don't think we can have it both ways? This is the main reason why some residents feel "it's a done deal". Somebody somewhere had to know what was going on in those years, almost 2 years to the day BEFORE the developer applied to the Municipality in December 2020 for the R2/3, change. Can anybody show these permits or paperwork and inspections to approve the infrastructure of water development for that many proposed duplex units in 2A and 2B. If there was such a permit issued why could that not have been disclosed months ago? Instead of saying "nothing is approved" or "everything is under negotiation" {member of WHRM Council}. These statements are misleading, as this project is currently going full steam ahead with construction. Go ahead with the work, then we will approve it! I refer you back to my original situation on my horse operation, with regards to construction work and permits. Comments, answers please.

2. The developer is asking for approval for phase 3 based on the approval for phase 2A, and 2B to R2. Without disclosing what will be on it besides more duplexes. Why would you or anybody agree to that? The developer has already displayed to the municipality the ability to lobby you to change your minds. Just look at what had been proposed for change already in 2A and 2B. This is a blank cheque again to achieve leverage in this development. Once again, no plan here, if as a resident, if I can't see it or feel it, {Plans!} I'm not voting for it.

3. How can we be somewhat protected about our property values on Clover Lane, with this sort of mass R2 development. What's the point of improving further our lots on Clover Lane just to have a nice pool or whatever, to look at the backyards of more R2?

4. Why is there no extension of the Covance's from Clover lane to Phase 2A 2B? This is a must, so people will know what they can do, and NOT do to their property. On Clover Lane we all have to have some sort of stone fronting the homes, approved backyard sheds, no in home business signs, etc. etc. Seems like a no brainer to me.

5. If in the short term were going to add 36 more duplex units {purposed} from the original 8 units, and down the road more in phase 3. Wouldn't that be a continual drain on our existing water pressure and demand on the sewer system. As it stands right now, I can't have a sprinkler on in the backyard and the front yard at the same time to water grass because of little pressure. I use that as only an example. But I have tried it. This will be a whole bunch more yards to water, washing machines, cars to wash, toilets and showers. How can our taxes not go up! They're too high now, and from what I've heard on line at your council meetings you folks cannot even decide how much profit the municipality has to make from the taxpayer to make the "water and sewer system" work long term. According to your figures were already at 75%, on some of the systems. Sounds like another hit to the tax base down the road to improve and expand it. The only thing I have heard on your presentations from planning is, new residents will be expected to pay for it through the increased tax base they will provide. I know that's the way it is. but that sounds like a lot of new residents to effectively pay

for it and maintain the systems over time. That all starts right here with another 100-plus families in this new development. Comments?

6. Based on your engineer's storm water runoff plan, are we sure we have this correct? This area is very wet 2A & 2B. That's in normal rain conditions. Add a couple heavy rain storms and a hurricane or to, in those calculations. Water flows down hill, and there is quite a bit of uneven ground here. Based on the pictures I've provided there is a lot of wash out already. One such wash out at the bottom of Clover Lane and Thistle Street, across the first lot where the ground slopes to the back of those lots. A large crack is formed, from water flowing down Clover Lane and right across Thistle Street cut into the ground to an estimated depth of 3ft already. There are many more of these runoffs in the development although not as bad as the one I mentioned, but time will tell if the trend is not corrected. The green pipe that extends out the back of the R1 site lots in 2A is not encased in gravel or cement. It just drains into the field. I wonder who followed up on these things before telling the council "were good to go". See pictures.

7. The slope of the ground in 2A in some areas has a 6 to 8 ft {Est} higher downgrade slope along the northern end of those lots. The water again, has already cut large groves because there's nowhere else for water to run but downhill. I would think the residents already there must have concerns about this. {Back end of Shetland road, North side of Short Street} See pictures.

8. With the infrastructure already in the ground for duplexes from the south side of Short Drive wrapping all the way around 2B and the west side of 2A to the lower end of Clover Lane, does anybody have a positive outlook on what that's going to look like? Add the extra family's, cars, dogs, noise, garbage, general disrepair, backyard trampolines and above ground pools, not to mention the obvious parking issues and snow removal. It's a challenge here on Clover Lane sometimes, and we generally have large lots and parking for visitors in our own driveways. But there were only 12 or so families. You're going to add 100 plus families in this proposed area, and then are going to have to deal with it. Just think about that density. I merely point you back to Edward Drive at "The Crossing". Have a look at the number of cars in driveways and parking on that street. Planning has already recommended to council to reduce the size of the frontage of these lots at the Meadows, I guess to fit it all in. It's not just about the revenue to just sell more homes, and tax dollars to meet the area's budget targets. Comments on that.

9. Based on listening to a couple of your online meetings regarding the water and sewer rates and the latest update on these rates for Windsor, Falmouth, Hantsport and TMP, all using the same water / sewage systems at some point. More medium and large density developments are going to drive the price only higher and that will affect all councillor's and their residents using the system, so everybody has a stake in this.

10. The greenspace makes no sense to me personally. Why does it have to be in any contract where it always comes last? Is that in the resident's best interest? Also, if it doesn't get done, the developer just remits the cost to the

county? That's a good reason not to build it from a development side of things. I haven't seen a plan of what's supposed to be in it or anything else about it? Except where it's supposed to be. Again, what's the Plan please? Let's not wait 10 years to figure it out and another election. Does anybody have a comment on this?

11. Why is there no tie in plan with the properties that border the 2A and 2B? I've been looking at a 3 ft bank of dirt and a 15 ft drop off cliff at the back of my house for a year now, and there's no tie in plan.? I know the unapproved work is not done yet, but why can't there be a detailed plan for that? See pictures.

So tonight, the focus shifts to the residents of the area to finally address the council. In the past questions went through the planning department, and I'm not even sure if all councillor's even saw or read the comments already sent in from the last round in January February of 2021. Those comments were only summarized to the council in the most general of terms. They were not read, so why did we take the time to write in? There were concerns right from the start on this, so tonight should be no surprise. I've listened to the Facebook presentations, things like underground electrical service in the new areas are not the municipality's concern, or traffic flow before the first 100 units. Not to mention effects on schools, hospitals, and community infrastructure. If these things are not the municipality's concern now, then I don't know what is. So we're going to wait on all of that and decide tonight what to do.... Right now!

I would bet quite comfortably if a residential majority private vote was to occur from your mailing list on the residents that received your correspondence on this issue, on what has been presented here and the emotion that goes with it, this plan would be defeated in its current form. This is what most folks say in public. What they do about it privately is their concern. It's going to be too late when the construction trucks and dust begin to roll on Clover Lane for however long it takes to "sell this and build it".

Summerside PEI just had the same sort of situation with a development in their city from R1 to R2. Although the developer didn't go ahead there and start putting things in the ground. But they were promised greenspaces too, and that proposal failed on 20 duplex units as the residents didn't feel that would "fit" with the area. The city council sided with the residents because they felt it was their duty to do so, as elected officials. The project has been sent for a redo.

Today, and the last bunch of weeks/months, covid 19 has ruled the day. We as residents have not been able to properly organize, or to meet, see each other face to face. Haven't even had a chance to properly meet with my council rep in this area {from what I hear we don't have one right now}. Instead, it's a forced deadline because the developer needs to get on with it. I understand the path of flow with respect to approval as presented by Saira at the council meetings. In times like these I would submit to a common-sense approach. If we can't meet to discuss the issues, why have a hard deadline? I would submit that perhaps on what the council hears tonight, some of you would like to have more information, and more time. Perhaps more feedback from the developer and residents is

prudent. Do more homework. Ask more questions. Just don't approve it now because there's a deadline. This has not even been fully debated at council on your Facebook council meetings. I haven't heard any real debate because nobody seems on council to ask the tough questions. A Few minor questions supported by studies and then silence, then a rush to vote and push it through, seems to be the way of democracy these days. Surely the council has more questions, than to just inquire what colour these units will be? I'm sure tonight others besides me based on their concerns will point out even more problems with the lack of meaningful conversation to just what is going on with this project! Come out here, and walk the ground, get the feel for the flavor of the situation. See what's in the ground by your own admission "hasn't been approved yet" Just don't say it's ok because the book says so. You allowed Brisson Developments to have 2 or 3 presentations by Zoom, why can't a chosen representative from our group present this way as well?

It is all your job no matter what region you represent to make a collective decision for the correct reasons, not based on tax revenue, or Falmouth is a great location, or your personal opinion linked to political pressure. In order to do that you need the information from all of these questions submitted tonight from myself and others.

Finally, if you don't get this right, you can be sure another R2, R3, development is coming down the road to your backyard too.

These thoughts are mine alone and my intent is to not to pass any disrespect to any company or individual. I am not an expert in these areas, I have used my time just to state the obvious questions as it applies to me.

Peter Arsenault

Petition (May 2021)

TO: The Council of West Hants Regional Municipality

WHEREAS the proposed development agreement for the Meadows site (Falmouth)

- would allow up to 54 two-unit dwellings (108 out of a total of 157 households) on a site zoned for single unit housing and marketed as offering single family homes;
- fails to develop parkland as part the next phase of the Meadows development (Phase 2), with no timeline for parkland development indicated;
- fails to consider the implications for on-street parking that more residents with more visitors will require;
- includes the third phase of the development with minimal detail and no site plan, with no commitment to a public hearing regarding housing configuration, parkland allocation, stormwater management plan, and implications for municipal sewer and water systems;

and

WHEREAS the Municipality

- has indicated an additional 157 households in Falmouth requires the Municipality to consider (a) further upgrades to the Falmouth Wastewater (sewer) Treatment Plant, and (b) connecting the Falmouth and Windsor water systems to address water supply requirements and meet peak demand for this development, while not informing existing homeowners about the impact on utility rates and taxes or providing reassurance that the public will have this information before the agreement is approved and construction begins;

and

WHEREAS residents in the area

- remain concerned about the impacts of the proposed multiple residential development on traffic, flooding and erosion risks, and the livability of their community,

WE, the undersigned residents of West Hants, petition the Council of West Hants Regional Municipality to vote AGAINST entering into the proposed development agreement with Brison Development Ltd.

Name (printed)	Address (printed)	Signature
SCOTT KILLINGTON	54 CLOVER LANE	Scott Killington
Derek Fleming	417 Falmouth Dyke Rd	Derek Fleming
Pat Howner	348 Dyke Rd.	Patricia Howner
Brian Treacy	355 FALMOUTH DYKE RD	Brian Treacy
Judith Jeffrey	" "	Judith Jeffrey
Sage Phillips	367 Falmouth Dyke RD	Sage Phillips
Anne Moore	394 Dyke Rd Falmouth	Anne Moore

Petition (May 2021)

Name (printed)	Address (printed)	Signature
Mary J. Frank	427 Falmouth Dyke Rd	MJ Frank
BRIAN R PRISQUE	439 FALMOUTH DYKE RD	B. PRISQUE
Lois J. PRISQUE	439 FALMOUTH DYKE	L. Prisque
Malcolm Manning	498 Dyke Rd	Malcolm MANNING
Leah Fisher	38 Southview Court	L Fisher
Nathalie Hardy	14 Julie Court	N Hardy
Debbie Mitchell	481 Falmouth Dyke Rd	Debbie Mitchell
Paul Betuik	481 Falmouth DR	PA Betuik
Adam Mitchell	481 Falmouth DR	Adam Mitchell
BILL JONES	486 FALMOUTH RD	Bill Jones
Laurene Moller	474 Gabriel Rd	Laurene Moller
Sonia Nelson	466 Gabriel Rd	Sonelson
Brenda Botev	458 GABRIEL RD	B Botev
Gus Murray	17 Mountain View Dr	Gus Murray
Kathy Le Fron	32 Mountain View Dr	Kathy Le Fron
Don Low	32 Mountain View Dr	Don Low
Salvatore DiRe	42 Mountain View Dr	Salvatore DiRe
John Ryan	49 Mountain View Dr	John Ryan
Lisa MacAvoy	442 Mountain View Gabriel Road	Lisa MacAvoy
Kaye O'Leary	436 Gabriel Road	Kaye O'Leary
Gail Demmings	192 Gabriel Road	Gail Demmings

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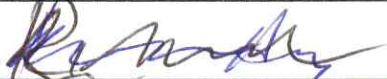



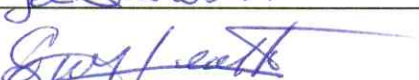
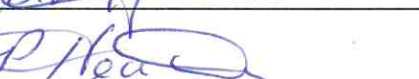


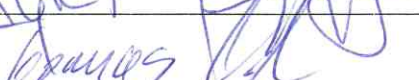
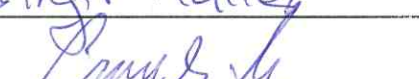



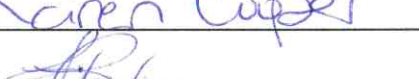
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Name (printed)	Address (printed)	Signature
Beverley Matheson	161 Eldridge Rd., Falmouth	Beverley Matheson
Mike Goss	431 GABRIEL Rd. Falmouth	[Signature]
Donald Richard	372 Gabriel Rd Falmouth	Donald Richard
Joanne Richard	372 GABRIEL Rd. Falmouth	Joanne Richard
Sara Alexander	362 Gabriel Rd. Falmouth	S Alexander
Grant Matheson	379 Gabriel Rd Falmouth	[Signature]
Betty Lou Kummer	340 Gabriel Road N.S.	BETTY LOU KUMMER

Petition (May 2021)

Name (printed)	Address (printed)	Signature
Ruffolo	330 GABRIEL Rd.	
LAWY. WALSH	290 GABRIEL Rd	
Abbey Stelkelenberg	417 FALMOUTH DYKE Rd.	
JAMES L DAVIDSON	11 CHOVER LANE	
ZELMA DAVIDSON	11 CHOVER LANE	Zel Davidson
George HEATH	16 HALEWOOD Drive	
Phyllis Heath	16 HALEWOOD Drive	
Rebecca Somerville	31 Halewood Drive	
Kyle Mamyat	37 Halewood Drive	
Thomas Mueller	42 Halewood Drive	
Birgit Mueller	"	Birgit Mueller
Craig Gibbs	57 Halewood	
Wanda Donnell	76 Halewood	Wanda Donnell
Michael Donella Michael Donnell	76 Halewood	Michael Donnell
Justin Cooke	91 Halewood	
Chris Shields	97 Halewood	
Blair BAKER	461 Town Road	
Krista Dugway	100 HALEWOOD	K Dugway
Karen Cooper	104 Halewood Dr	Karen Cooper
Lee Chalmers	10 Gabriel Rd Falmouth	
Alicia Henry	154 Halewood Dr.	Alicia Henry

Petition (May 2021)

TO: The Council of West Hants Regional Municipality

WHEREAS the proposed development agreement for the Meadows site (Falmouth)

- **would allow up to 54 two-unit dwellings** (108 out of a total of 157 households) on a site zoned for single unit housing and marketed as offering single family homes;
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WHEREAS the Municipality

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Name (printed)	Address (printed)	Signature
Donna Henry Cous. Sunford	57 Shetland Rd. 61 SHETLAND RD.	Donna Henry Cous. Sunford
Steven Herrick Sue Harvey	50 Shetland Rd	SHERRICK
Sue Harvey	46 Shetland Rd	Sue Harvey
Sharon Harvey	22 Clover Lane	Sharon Harvey
Robyn MacDuff	910 Cl. Hon Ave.	Robyn MacDuff
Robyn MacDuff	" " "	R MacDuff

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Name (printed)	Address (printed)	Signature
Laurie Higdon Tremblett	218 falmouth Back Rd 218 falmouth	Laurie Higdon Tremblett
Dean Tremblett	218 falmouth Back Rd	Dean Tremblett
Kyle Tremblett	218 falmouth Back Rd	Kyle Tremblett
Josh Tremblett	218 falmouth Back Rd	Josh Tremblett
Matthew Tremblett	218 falmouth Back Rd	Matt Tremblett
David Huck	224 Falmouth Back Rd	David Huck
PAMELA HUCK	224 Falmouth Back Rd.	Pamela Huck

Petition (May 2021)

Name (printed)	Address (printed)	Signature
Jocelyn Welton	158 Falmouth Back Rd	J Welton
Jim Clayton	120 Falmouth Dyke Rd	J Clayton
Ruth West	12 Shetland Rd	Ruth West
Roger West	12 Shetland Rd.	Roger West
KEVIN HENRY	57 SHELTON RD	Kevin Henry
Stephane Richer	12 Clover lane	Stephane Richer
Anita Tucker	12 Clover Lane	A.T.
Peter ARSENAULT	38 CLOVER LANE	P.A.
Jerie Westman	38 Clover Lane	Jerie Westman
JIM ARSENAULT	38 CLOVER LANE	J.A. Arsenault
Kaitlin Rillington	54 Clover Lane	Kaitlin Rillington
JILL FORD	39 CLOVER HANE	Jill Ford
Bob FORD	39 CLOVER LANE	Bob Ford
Andrew Woodward	35 clove Lane	A. Woodward
Wendy Woodworth	38 clover lane.	Wendy Woodworth
Peggy Kochanoff	12 Curry Rd	Peggy Kochanoff
Alan Kochanoff	12 Curry Rd	Alan Kochanoff
Katherine Huntley	Juanes Corner	Katherine Huntley
Deanne Parker	59 Clover Lane	Deanne Parker
Kurt AuCoin	430 Stannus St.	K.A.
T. DOLENA AuCoin	" " "	T. Dolena AuCoin

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Name (printed)	Address (printed)	Signature
Stephen Allen	202 Falmouth Back Rd. BOP 120	
Joy Allen	202 Falmouth Bk Rd. BOP 120	
Amy MacIntyre	34 Clover Lane BOP 120	
Josie Mosher	31 Clover lane	
Matt Hebb	31 Clove lane	
Paul Isenor	22 Clover Lane	
Jody Isenor	22 Clover Lane	

To: Members of West Hants Regional Municipality Council

From: Lee Chalmers, resident of Falmouth

Date: May 21, 2021

RE: Vote on Proposed Development Agreement (DA) for the Meadows Development

The recommendation report (dated April 27/21) for the proposed Meadows Development DA indicates that, in response to this application, Council may decide to

- approve the development agreement as drafted, or
- refuse the development agreement as drafted, noting the criteria [from the West Hants Municipal Planning Strategy] that have not been met.

In this regard, I submit the following points for Council's consideration:

(1) Number and configuration of dwelling units allowed, and impact on livability

- From the West Hants Municipal Planning Strategy (MPS):
 - Section 3.2: One of the general development goals for West Hants listed in the MPS is to "maintain a 'quiet, rural atmosphere'."
 - Section 5.4: Council will consider "*limited* multiple unit residential development in Falmouth by development agreement" (emphasis added).
- As written, the DA will allow the total number of units in the Meadows subdivision to increase from 144 to 178 (an increase of 23.6%, with 157 to be constructed through phases 2a/b and 3).
- As written, the DA also allows the number of units in two-unit housing to increase almost seven-fold from 16 (in 8 two-unit buildings) to 108 (in 54 two-unit buildings), across phases 2a/b and 3.
- Refusing to approve the DA does not shut the developer down. We have been told he already has approval to build 144 units made up of at least 128 single-unit homes (the single unit homes already built along Clover Lane would count towards this total) and a maximum of 8 two-unit buildings.
- Refusing to approve does push the pause button and allow time to better address residents' concerns about the livability of their community and, more broadly, to consider the sort of housing and community we want, looking ahead from this point in the 21st century. Perhaps it is a mix of housing types and higher density, but with greater preservation of green space (for environmental and ecological reasons and also human need) and protection of the rural character of the area? It is worth taking the time now, as a community, and as we face the likelihood of increased growth and the challenges associated with climate change, to envision how we want development to unfold going forward.

(2) Sewer and water

- From the West Hants Municipal Planning Strategy:
 - Section 3.2 (general goal): “Encourage development which does not place undue strain on the existing facilities or financial resources of West Hants.”
 - Section 16.3.1(a)(i): “In considering development agreements...Council shall consider: whether the proposal is considered premature or inappropriate in terms of the adequacy of sewer and water services.”
- Sewer: With the addition of 157 households (during Phases 2a/b and 3 of the proposed development), the approved daily maximum of the sewer (wastewater) treatment facility is expected to be exceeded at least 59 days a year. While the wastewater flow continues to pass through the treatment facility during these periods, the effectiveness of treatment is lowered. Treated effluent discharge standards can still be achieved when this happens, but sometimes will not.
- Water: Raw water usage is already at 72% of the annual allowable withdrawal rate from the French Mill Brook water supply (for Falmouth). This is projected to increase to 88% with the addition of 157 households to the Meadows site (and without taking into account additional development that may take place in Falmouth over the same time period).
- The Municipality has recognized the limits of both systems. For a number of years, a third upgrade to the sewer/wastewater system has been planned (the second occurred in 2010). In addition, with consolidation, attention has returned to the idea of connecting the Windsor and Falmouth water systems to address water supply issues. The sewer upgrade is currently scheduled in the capital budget for 2025/2026 (earlier if needed) and work on connecting the water systems is scheduled in the current 5-year capital plan to run from 2021/22 through 2024/25. These capital projects are expected to allow both systems to accommodate the additional households.
- Approving this DA likely commits the municipality to prioritize these two projects for completion within a somewhat shorter timeframe than might otherwise have been the case. Information on the impact of approving these two projects in the near future on the Municipality’s finances and on utility rates have not yet been made available.

(3) Stormwater management plan

- From the West Hants Municipal Planning Strategy:
 - Policy 5.4.4(h): For Council’s consideration of a proposed DA, “a stormwater management plan shall be submitted, satisfactory to the Municipal Engineer, that shows the development will not adversely affect receiving watercourses and downstream properties.”
- It is a regulation that the rate of stormwater flow (runoff) leaving a site during precipitation events is not to be greater “post-development” than it was “pre-development.” Storm drainage plans are judged by whether or not they comply with this regulation.

- Schematics for the storm drainage plan for the Meadows Phase 2 development, designed by DesignPoint (July 2020), are attached to the proposed development agreement. Pre-/post-development flow data are included for four locations on the Meadows site but not for the Shetland Road pond, which discharges water to the ditch on the west side of Falmouth Dyke Road. Some of the runoff from Meadows Phase 2 will empty into this pond.
- In February, I requested pre-/post development flow data for the location where the Shetland Road pond discharges water to the Dyke Road ditch. In response, I was referred to the pre-/post-development flow data from 2005, when the pond was designed and constructed, which indicated post-development flows at this location would actually be lower than pre-development flows by 10%-23%, depending on the precipitation event.
- I then asked that the flow data be updated for this location, questioning whether the 2005 data would still apply, with one reason being that the performance of retention ponds is known to diminish over time as sediment accumulation occurs.
- On May 19, I received a response from DesignPoint addressing this point:
 - They stated that post-development runoff from the Meadows site complies with all necessary regulations regarding stormwater management. Although no further flow data were provided, the statement suggests this applies as well to the runoff leaving the Meadows site and entering the pond.
 - DesignPoint agreed that the buildup of silt/sediment in the pond has likely reduced its capacity. This could mean that, even if post-development runoff leaving the Meadows site to the Shetland Road Pond meets regulations, the volume/velocity of runoff discharging from this 15 year old pond may not.
 - DesignPoint observed that the pond, its maintenance and repair, are now the responsibility of the Municipality.
 - The updated pre-/post-development flow data requested for the Shetland Road pond outlet (the location for the flow data provided in 2005) were not provided; DesignPoint observed this location is outside the boundaries of the current Meadows site and not the responsibility of the Meadows developer.
 - The runoff from the pond is directed downstream to areas in the east and north that have been identified as vulnerable to flooding. At this point in time, it remains unclear whether or not the post-development flows at the Shetland Road pond outlet location remain at/below pre-development flow levels.

The material I have appended provides additional details/background information on the three topic areas summarized above.

From: [Saira Shah](#)
To: [Lee Chalmers](#)
Cc: [Richard Murphy](#)
Subject: RE: Follow-up questions re: Recommendation Report and draft DA
Date: Thursday, March 11, 2021 10:34:55 AM
Attachments: [image078419.png](#)
[PID_45371887_45383379_45371879_45383957_Zoning.pdf](#)

Good Morning Lee,

I have answered the first few questions below. The other questions would require a response from Public Works so I will send them along to the Director.

1. Given the language of the Development Agreement (as drafted): a. Is it correct that the developer will be committing at Phase 2 (a,b) to a maximum of 82 units as indicated in the ZZap site plan (with the configuration of 36 single-unit dwellings and 36 units in 18 two-unit dwellings at Phase 2a, and 10 single-unit dwellings at Phase 2b), and that the configuration currently advertised on the Valley Garden Homes site (<https://valleygardenhomes.ca/the-meadows/>) will not be possible under the agreement (this configuration totals 89 units within the Phase 2a and 2b boundaries, consisting of 39 single unit dwellings (7 estate homes and 32 garden homes) and 50 units in 25 semi-detached homes)?
Yes you are correct the developer will be committed to developing based on the maximum numbers set in the development agreement so 82 in total for Phase 2A and 2B.

b. Is it correct that the developer will be committing to there being a maximum of 75 units at Phase 3, and thus we will be looking at a maximum of 157 new units/households in Phase 2 and 3 combined?
Yes you are also correct on this one.

2. How will the requirement that 30% of dwellings be single-unit be applied to Phase 3?

- If it is applied to Phase 3 alone, then 23 of the 75 dwelling units must be single units.

- However, if it is applied to Phase 3 as part of the overall development, and assuming 21 single units at Phase 1 and 46 at Phase 2, then the first two phases would have already contributed 67 single-unit dwellings to the total of 178 for all 3 phases, or 37.6%. With this method of calculation, it appears all (or at least 74 of the 75) dwelling units at Phase 3 could be two-unit dwellings.

The 30% single unit requirements will apply to Phase 2A, 2B, and 3. Based on the maximums set in the concept plan for Phase 2A and 2B approximately 56% of the development will be single unit dwellings. They may proceed with this percentage in Phase 3 or develop more two-unit dwellings in phase 3 as long as they maintain that 30% requirement for all three phases combined (Phase 2A, 2B, and 3). The 30% requirement does not include Phase 1 as the development agreement only includes Phase 2A, 2B, and 3 (properties included in the DA are highlighted in the map attached as subject properties)

Best,
Saira Shah



Saira Shah, LPP, MCIP

Planner

West Hants Regional Municipality

PO Box 3000, 76 Morison Drive, Windsor, NS, B0N2T0

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E SShah@westhants.ca

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From: Lee Chalmers <chalmers@unb.ca>

Sent: Thursday, March 11, 2021 8:24 AM

To: Saira Shah <SShah@westhants.ca>

Cc: Richard Murphy <rmurphy@westhants.ca>

Subject: Follow-up questions re: Recommendation Report and draft DA

Caution

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Hi Saira,

I am attaching some follow-up questions for you, now that I have had a chance to review the Recommendation Report and Draft DA. I apologize for sending this to you so close to the meeting tonight. I had hoped to get them to you earlier (and for it to be a shorter document) but I have included more detail so that the sort/level of information I'm seeking is clear. At any rate, I hope these are helpful, and I look forward to hearing from you and your colleagues on these issues.

I have copied this to Richard, as my councillor, as well.

Cheers, Lee C.

Lee Chalmers

Number/Configuration of Dwelling Units

1. Given the language of the Development Agreement (as drafted):
 - a. Is it correct that the developer will be committing at Phase 2 (a,b) to a maximum of 82 units as indicated in the ZZap site plan (with the configuration of 36 single-unit dwellings and 36 units in 18 two-unit dwellings at Phase 2a, and 10 single-unit dwellings at Phase 2b), and that the configuration currently advertised on the Valley Garden Homes site (<https://valleygardenhomes.ca/the-meadows/>) will not be possible under the agreement (this configuration totals 89 units within the Phase 2a and 2b boundaries, consisting of 39 single unit dwellings (7 estate homes and 32 garden homes) and 50 units in 25 semi-detached homes)?

Public Works Response: Planning Department to address this.

- b. Is it correct that the developer will be committing to there being a maximum of 75 units at Phase 3, and thus we will be looking at a maximum of 157 new units/households in Phase 2 and 3 combined?

Public Works Response: Planning Department to address this.

2. How will the requirement that 30% of dwellings be single-unit be applied to Phase 3?
 - If it is applied to Phase 3 alone, then 23 of the 75 dwelling units must be single units.
 - However, if it is applied to Phase 3 as part of the overall development, and assuming 21 single units at Phase 1 and 46 at Phase 2, then the first two phases would have already contributed 67 single-unit dwellings to the total of 178 for all 3 phases, or 37.6%. With this method of calculation, it appears all (or at least 74 of the 75) dwelling units at Phase 3 could be two-unit dwellings.

Public Works Response: Planning Department to address this.

Stormwater Management

1. So that the impact of the new development on the downstream Elderkin Creek Drainage system can be assessed and monitored, can the pre-/post-development flow data for the Shetland Rd pond/Dyke Rd culvert be provided, and in the same level of detail as provided for the 4 other locations depicted on DesignPoint's July 2020 Storm Drainage/ Environmental Protection Plan but with the inclusion of 1 in 2 year storm events?

Public Works Response: DesignPoint Engineering firm is currently preparing an updated Stormwater analysis which should include pre/post-development flow data for the Shetland Road pond and the culvert at Dyke Road. Also see attached 2005 AMEC Storm Water Report.

2. Given that deviations from engineering designs have been known to occur at the construction phase, can the mechanisms in place to address this possibility with the stormwater management plan for Phase 2a/b of the Meadows development be detailed, and included as part of the DA?

Public Works Response: Yes, the stormwater plans will be included as a part of the DA.

3. Is it correct that, as the stormwater management plan attached to the DA pertains to Phases 2a and 2b alone, that a separate stormwater management plan will be required for Phase 3, and that the public will be provided with an opportunity for review?

Public Works Response: Yes, this is correct.

Sewer Capacity

1. What is the current capacity (approved daily maximum in cubic metres) of the Falmouth wastewater treatment facility?

Public Works Response: Design Flow = 723.4 m³/Day

2. What are the daily processing figures for over the last 3 years or so, in cubic metres (average, but also peak flows)?

Public Works Response: Refer to Chart Below

YEAR	TOTAL	YEARLY AVG	Daily Usage With Meadows	Number of Days over Design Flow
2013	220571	604.30	725.98	65
2014	305420	836.77	958.44	79
2015	301017	824.70	946.38	81
2016	228080	623.17	744.84	61
2017	197236	540.37	662.05	59
2018	250987	687.64	809.31	77
2019	207955	569.74	691.41	59
2020	203285	555.42	677.10	63

3. What are the projected daily processing figures (average, but also peak flows), in cubic metres, with the addition of 157 new households?

Public Works Response: Refer to Chart Below.

UNITS	Person/UNIT	WW used/Day (liters)	Avg Usage (Cubic meters)
157	2.5	310	121.675

4. What are the details of the calculations that led to the conclusion sewer capacity was adequate for this development?

Public Works Response: Detailed calculations provided in March 2005 “Sanitary Sewer System Analysis Summary” prepared by AMEC Engineering firm. (attached)

5. In line with the requirement that a traffic study be conducted before commencement of Phase 3 of the development, would it not be prudent to include in the DA that sewer capacity be reassessed at this point as well?

Public Works Response: The Municipality assesses sewer capacity prior to every new application for development agreements and rezonings or amendments to existing agreements.

Water Capacity

1. While the capacity of the Falmouth treatment plant is an important consideration when assessing whether the water service is adequate for a new development, a more crucial consideration is how well the source of the water – in this case French Mill Brook and its watershed along with its dam and reservoir system – is able to respond to the increased demand, and at a time when drought is likely to become of increasing seasonal concern. Given this, and its importance, could “a hydrological study of groundwater resources [be] prepared by a professional hydrologist to determine quality, available volume, and natural flows of the resource and to identify the area and rate of recharge” to provide the information needed to conduct a full assessment of the adequacy of the water service for this development?

Public Works Response: CBCL Engineering firm is currently conducting a Water System Review for the Municipality, which considers various scenarios, such as upgrading Windsor Water Treatment Plant, and connecting the Windsor & Falmouth Water distribution systems, etc. Staff are currently reviewing the DRAFT report, along with follow up discussions with CBCL.

2. Given the need for capital improvements to the dam was emphasized as recently as 2019 in the Municipality’s application to the Review Board, what specific loss prevention and conservation efforts have been undertaken in Falmouth over this time period and what are the before and after water demand figures (in cubic metres)?

The dam improvements were recommended before consolidation with Windsor/West Hants, and did not reflect the vision of a regionalized approach to source water and water utility stability with the viable connection of the Windsor and Falmouth Water Utilities. A recent study submitted (in draft) by CBCL favors strongly in a Windsor/Falmouth interconnection which would provide additional demand flows for both residential/commercial use as well as fire flow protection.

Since Consolidation, the Public Works Department now has a dedicated water distribution division which focuses on leak detection and repair which has significantly reduced the amount of unaccountable loss not just in the Falmouth system but throughout all our distribution systems. Social media posts are also utilized to educate customers on the importance of water conservation.

3. What is the current maximum daily capacity (in cubic metres) of the Falmouth water treatment facility?

- Design flow 1500lpm / 2160m³/day
- 30 day maximum not to exceed 1400m³ (Regulatory Nova Scotia Environment Water Withdrawal Approval Requirement)
- Annual average not to exceed 1000m³/day (Regulatory Nova Scotia Environment Water Withdrawal Approval Requirement)
- Current daily average usage (based on 2020 annual total) is 720m³/day of the allotted 1000m³/day (72%) and 33% of the maximum plant design flow capacity of 2160m³/day.

4. What are the water usage figures for Falmouth over the past 3 or so years, by meter size and in cubic metres (average, but also levels and periods of peak demand)?

Total plant usage is answered in question 6. Finance to supply the rest of the information.

5. What are the projected water usage figures (average, but also levels/periods of peak demand), by meter size and in cubic metres, with the addition of 157 new households to the 780 current household users?

Public Works Response: Awaiting Finance Department

6. What are the details of the calculations that led to the conclusion water capacity was adequate for this development?

Public Works Response: Detailed calculations provided in March 2005 “Water System Analysis Summary” prepared by AMEC Engineering firm. Also see attached 2015 Water System Analysis. Water Treatment Plant Capacity is not an issue for projected growth, however it have been documented and noted that the limitation currently is the yield capacity of French Mill Brook. Preliminary capital works to address the yield are to raise the dam at French Mill Brook or as recently studied (CBCL 2021 – Windsor-West Hants Water System Review- Draft) Essentially this report finds that upgrading the Windsor WTP and connecting the two distribution systems would defer required upgrades to the Falmouth WTP and Dam. Detailed information can be found in the attached draft report.

The following chart shows raw water consumption for the last 8 years in liters. The third column shows the percent usage against the allowable 1000m³/day average. The last

column shows the percent usage against the plants maximum design flow rate of 2160m³/day

Year	Annual Raw Water Usage (L)	% Usage of Annual Withdrawal Rate	% of Maximum Production Rate
2013	253414987	69.4%	32.1%
2014	255084420	69.9%	32.4%
2015	243531218	66.7%	30.9%
2016	259941463	71.2%	33.0%
2017	247205372	67.7%	31.4%
2018	246944998	67.7%	31.3%
2019	257714307	70.6%	32.7%
2020	262958000	72.0%	33.4%

The following chart shows estimated raw water consumption for the last 8 years in liters if it had included an addition 157 dwellings. This calculation is done by using the AWWA standard of 415L/person/day with 2.5 people/home (415 L x 2.5 people x 157 homes x 365 days). The third column shows the percent usage against the allowable 1000m³/day average. The last column shows the percent usage against the plants maximum design flow rate of 2160m³/day.

Year	Annual Raw Water Usage (L)	% Usage of Annual Withdrawal Rate	% of Maximum Production Rate
2013	312152612	85.52%	39.59%
2014	313822045	85.98%	39.80%
2015	302268843	82.81%	38.34%
2016	318679088	87.31%	40.42%
2017	305942997	83.82%	38.81%
2018	305682623	83.75%	38.77%
2019	316451932	86.70%	40.14%
2020	321695625	88.14%	40.80%

- In line with the requirement that a traffic study be conducted before commencement of Phase 3 of the development, would it not be prudent to include in the DA that water capacity be reassessed at this point as well?

Public Works Response: The Municipality re-assesses water capacity prior to every new development.

Chalmers Follow-Up Questions for Public Works (May 5, 2021)

Stormwater Management

1. **Pre-/post development flow data:** I have asked questions in two prior submissions to the public participation process (February 8, March 11) seeking pre-/post-development flow data for the Elderkin Creek Drainage System, via the Shetland Rd pond outlet/Dyke Road culvert (and at the same level of detail provided for the 4 North Ditch Drainage System locations in DesignPoint's July 2020 Storm Drainage/Environmental Protection plan, but with the inclusion of 1 in 2 year storm events).
 - (a) Public Works response (April 6): "DesignPoint Engineering firm is currently preparing an updated Stormwater analysis which should include pre/post-development flow data for the Shetland Road pond and the culvert at Dyke Road. Also see attached 2005 AMEC Storm Water Report."

Question: Has the updated Stormwater analysis been completed? If so, may I have a copy?
 - (b) Subsequent Public Works response to the same question (April 16): "The Storm Drainage Plan included in the March 2005 report by amec includes pre and post-development flows downstream of the Shetland Pond – this includes an allowance for the Meadows development of 25.3 acres of developed area. The post-development peak flows are reduced by between 10% and 23% compared to the pre-development flows, depending on the return period storm. Based on the as-built road systems included in Phase 2A/B of Meadows, as well as the planned Phase 3 development, there will be approximately 20.3 acres of developed area from The Meadows tributary to this pond. This demonstrates that the developed area tributary to the pond is less than what was originally included, and therefore the post-development peak flows downstream of this pond would be less than the pre-development peak flows."

This response makes no mention of DesignPoint updating the Stormwater Analysis. Updating the Stormwater Analysis, rather than relying on AMEC's 2005 analysis, is required in my view, as the validity of relying on AMEC's original 2005 analysis in the assessment of pre-/post-development flows for the Elderkin Creek Drainage system is questionable for at least three reasons:

- In 2006, an AMEC engineer presented a revised report on the Meadows stormwater management system at the Brison Appeal before the Review Board. It indicated that, using "as built" survey elevations "a storm that occurs once in two years would generate 50% more stormwater flowing into the Dyke Road culvert post-development storm than pre-development.... After the system is fully constructed the post-development stormwater flows...into the Dyke Road culvert...are at 128% and 10% greater for the storms which occur once in two years and once in five years, respectively."¹ No later pre-/post-development flow data have been presented in

¹ <https://www.canlii.org/en/ns/nsuarb/doc/2006/2006nsuarb113/2006nsuarb113.html> (section 153)

Chalmers Follow-Up Questions for Public Works (May 5, 2021)

response to indicate that this situation was addressed, so these 2006 data would appear to be the most recent.

- The AMEC (2005) analysis was based on the retention pond operating as designed. However, it is recognized that “[t]he performance of a stormwater management pond is time dependent and steadily decreases as sediment accumulation occurs”² With the ongoing construction in this area, silt/sediment has been (and continues to be) carried into the pond with each rainstorm.³
- From the AMEC (2005) report: “Areas outside The Meadows site were included in the model at their present level of development. No allowance was made for increased development in these areas.” It would appear that the impact of subsequent construction along Falmouth Back Road (and change in the amount of impervious surface) in the area draining towards the Shetland Road pond would need to be considered in a pre-/post-development flow analysis for the present development.

Question: For the reasons stated, relying on AMEC’s 2005 model is questionable, so I would ask that, if not yet included, DesignPoint’s update to the Stormwater Analysis provide pre-/post-development flow data for the Shetland Rd pond outlet/Dyke Rd culvert, and at the same level of detail as provided for the 4 other locations depicted on DesignPoint’s July 2020 Storm Drainage/Environmental Protection Plan but with the inclusion of 1 in 2 year storm events. It would be helpful if DesignPoint could include, along with the flow data, a brief written summary of the results of their analysis (as was provided in AMEC’s 2005 report). Also I would ask that these data be made available, to the public as well as to Council, prior to a second hearing vote taking place.

2. **Background information for DesignPoint Stormwater Analysis:**

Question: Are DesignPoint’s Storm Drainage Plan for Phase 2 of the Meadows Development, and their April 2020 assessment of the impact of changes the developer requested to the proposed development agreement (regarding changes to lot sizes and the introduction of multi-unit housing), based on the housing configuration indicated in the unit summary of the ZZAP site/concept plan (with 46 single unit homes and 18 two-unit dwellings (36 units) submitted for the proposed Development Agreement)?

3. **Shetland Road Pond:**

- (a) **Question:** Who is responsible for maintenance/repair of the Shetland Road Pond?
- (b) **Question:** Given the impact of subsequent Meadows development on silt/sediment accumulation in the pond, what work is planned to address this accumulation and (if it is the Municipality’s responsibility) what is the approximate cost?

² Drake, Jennifer & Guo, Yiping (2008). Maintenance of wet stormwater ponds in Ontario. *Canadian Water Resources Journal*, 33(4), 351-368.

³ I have photographs showing this for two recent rainstorms, one on November 2/2020 (approx. 25-30mm of rainfall) and one on April 30/2021 (approx. 10-15 mm).

Chalmers Follow-Up Questions for Public Works (May 5, 2021)

4. *Opportunity for Review of Stormwater Plan for Phase 3:*

On March 11, I submitted the following question: Is it correct that, as the stormwater management plan attached to the DA pertains to Phases 2a and 2b alone, a separate stormwater management plan will be required for Phase 3, and the public will be provided with an opportunity for review?

- Public Works response (April 6): “Yes, that is correct.”
- Subsequent Public Works response to same question (April 16): “Yes, the current Stormwater Management Plan is for Phase 2 only. A separate Stormwater Management Plan will be submitted as part of the Meadows Phase 3 Subdivision Application. As discussed during our call, West Hants planners will determine the availability of this plan to the public.”

I am unclear what call is being referred to in the last sentence of the April 16 response. In any event, this second response offers a different answer regarding whether the public will be offered an opportunity for review.

Question: Given that the Stormwater Management Plan for Phase 2 has been available for public review as part of the development agreement application process, why wouldn't the same opportunity for public review of the Stormwater Management Plan hold for Phase 3?

DesignPoint Responses to Stormwater Questions Posed by Lee Chalmers on May 5, 2021

1. a. As the post-development runoff from the Meadows subdivision is in accordance with the design and original construction of the downstream infrastructure, including the Shetland Pond, the Meadows complies with all necessary regulations regarding stormwater management. We understand that changes to the ditch immediately downstream of the Shetland Pond have occurred after the construction of the pond. These changes included raising the overflow elevation of the ditch moving north along Falmouth Dyke Road, which eventually drains to the North Ditch. Raising this overflow directed more flow to the Dyke Road culvert and Elderkin Creek and less flow to the North Ditch. While these changes may have altered the downstream flow characteristics of the Elderkin Creek, it is not the responsibility of the Meadows developer to maintain the downstream system. This ditch could be lowered to allow more flow to go to the North Ditch and less to the Elderkin Creek.

b. We agree that significant silt/sedimentation to the Shetland Pond and Elderkin Creek has likely reduced the capacity of the system. We recommend cleaning out the pond and ditch system to increase the capacity.

c. Regarding areas outside of The Meadows tributary to the Shetland Pond, these areas would have been responsible to manage the post-development runoff flows from the area onsite before releasing the flows to the rest of the system. The Shetland Pond is not responsible to attenuate the post-development flows if the development of those areas was not included in the original pond design.
2. The runoff coefficient we selected for the post-development area is representative of the housing configuration included in the ZZAP site/concept plan. As well, several LID measures have been constructed in Phase 2 of The Meadows, including a rear yard swale with perforated pipe along the upper side of the lots on the west side of Thistle Street, as well as a perforated pipe and exfiltration trench draining part of the storm system on Thistle Street. These LID measures will help to reduce the post-development flows from the site before they reach the Shetland Pond.
3. a. As the Shetland Pond parcel is owned by the Municipality of the District of West Hants, it would be the Municipality's responsibility to maintain/repair the pond as needed.

b. We agree that maintenance/cleaning of the Shetland Pond would be beneficial to the downstream system. This would include pumping down the pond and excavating the sediment on the bottom of the pond.
4. We will be submitting a Stormwater Management Plan to the Municipality and to Nova Scotia Environment as part of The Meadows Phase 3 subdivision application and have no issue with the plan being shared with the public.

A scenic view of a residential neighborhood. In the foreground, there is a pond with tall green reeds. The middle ground shows a row of houses on a grassy hill. The houses are mostly two-story, light-colored buildings with dark roofs. Some have garages. The background shows a clear blue sky with a few wispy clouds.

The Meadows

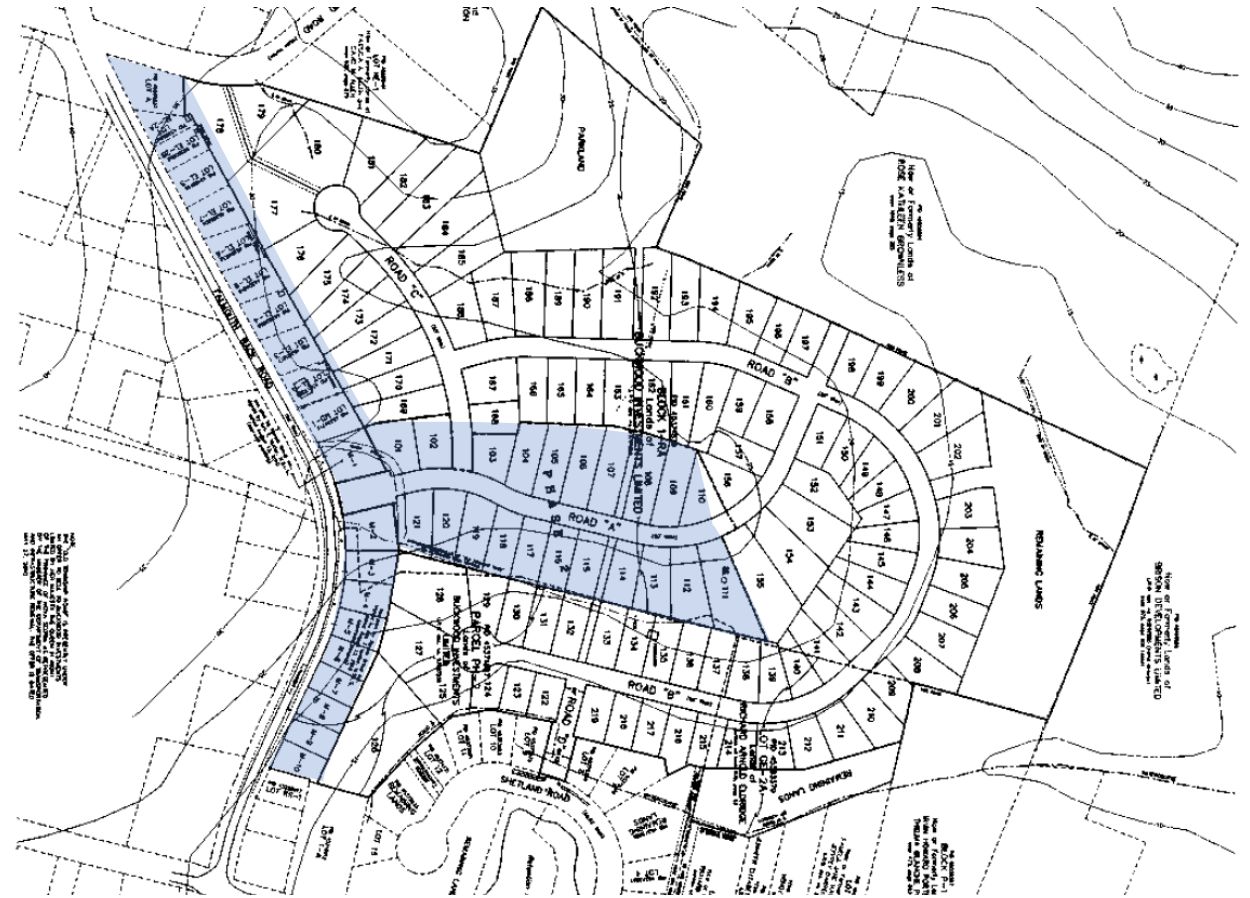
Windsor West Hants Public Hearing

May 25th, 2021

How did we get here?

- Subdivision plan initially approved in 2011
- 144 units (8 semi-detached lots)

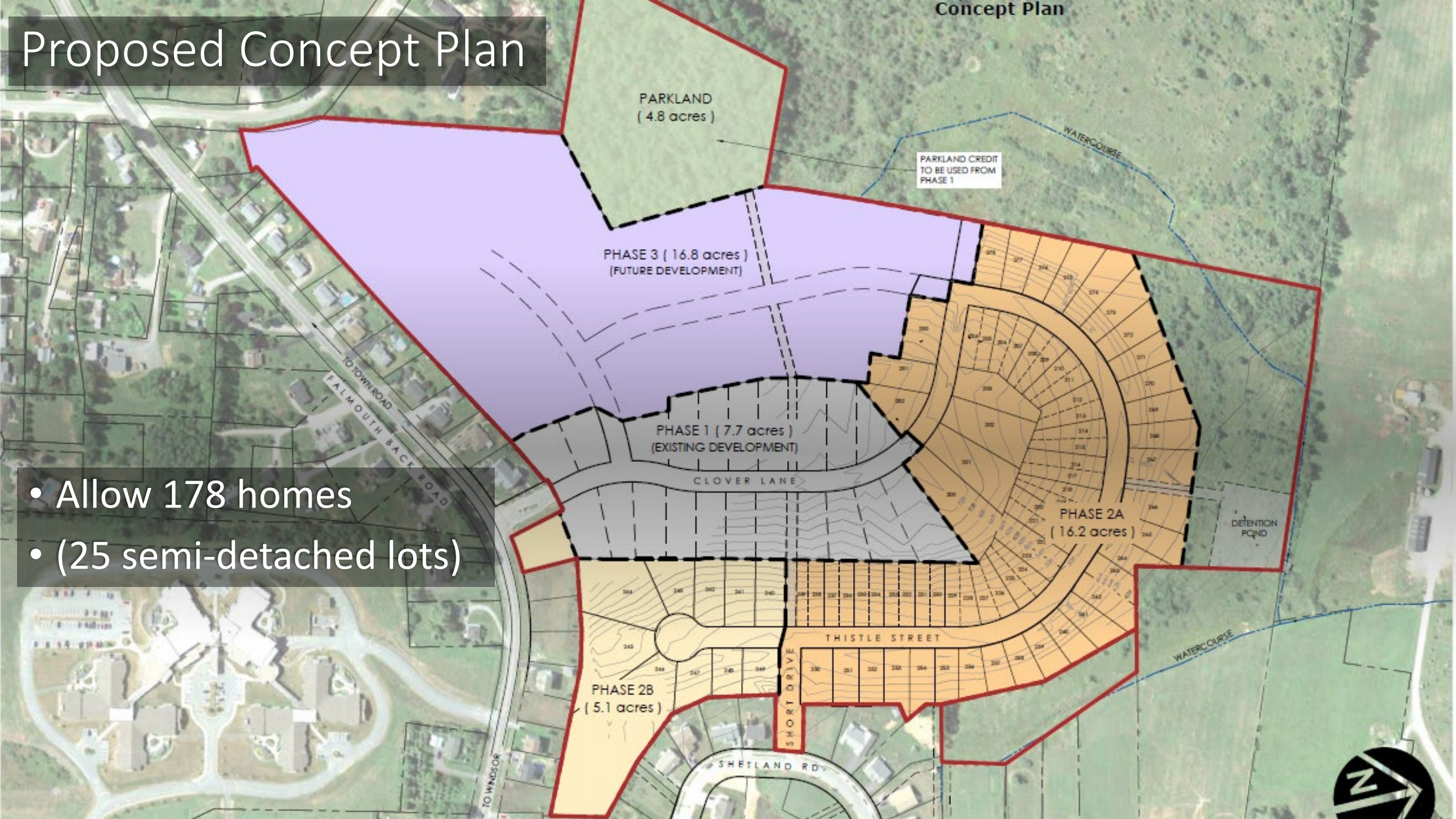
2011 Approved Subdivision



Portion of existing subdivision already built

Proposed Concept Plan

- Allow 178 homes
- (25 semi-detached lots)





What are we asking for?

- Approval of 34 additional homes (17 semi-detached lots)
- Lot sizes modeled after The Crossing development in West Hants
 - Smaller lot frontage (50' instead of 60')
 - Smaller side yard (6' instead of 10')

What kinds of homes will they be?

Semi-Detached (2 family homes)



Single Family Homes



Why reduced lot sizes and side yards?

- Simple - More efficient use of municipal infrastructure.
- Roads and pipes are deeded over to the municipality as they get built.
- More units allows for the cost of maintaining the infrastructure to be distributed over a larger property tax base.
















What is required of after approval?

- Traffic Study required after 100 development permits are issued
 - Will be reviewed by NS Department of Transportation and Infrastructure Renewal
- Meet all other requirements of the Land Use Bylaw (except minimum lot frontage and minimum side yard)

Policy Context

- Policy 5.4.4 - “It shall be the policy of Council to consider proposals for comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement”
- Subject to a list of conditions as follows...

Condition		Meets Condition
Are at least 30% of the units single unit dwellings?		Yes – Requirement of Development Agreement
Are the remaining structures less than four units?		Yes – Two unit buildings are the most intensive land use permitted
Is the property is at least 25 acres?		Yes – Property is 49 acres
Is the development site serviced, or capable of being serviced by both municipal water and sewer?		Yes – Confirmed by Director of Public Works
Does it have frontage on an arterial or collector street?		Yes – Frontage on Falmouth Back Road
Does the proposal place emphasis on the conservation of significant natural features of the site and provide open space and recreational areas?		Yes - A significant open space area is part of the parkland contribution
Is the gross density less than 4.5 PPA?		Yes – Requirement of the Development Agreement
Do the proposed lot standards make efficient use of municipal infrastructure?		Yes – This is the intent of the requested lot alterations
Are existing and proposed streets adequate to support the development?		Yes – NSTIR has confirmed their adequacy up to 100 units. Traffic study is required after.
Is the proposed development compatible with the surrounding area in terms of building height, scale and architectural design?		Yes – Buildings are required to meet R-1 and R-2 height and lot coverage requirements
Is the submitted stormwater management plan satisfactory to the Municipal Engineer?		Yes – Municipal Engineer is satisfied with the stormwater management plan

Summary

- Does this application meet the intent of the Municipal Planning Strategy as outlined in Policy 5.4.4?
- YES!
- Request that Council vote in favour of staff's recommended motion to approve the development agreement.

An aerial photograph of a large estate. In the foreground, there are several buildings: a large white house with a dark roof, a dark blue barn-like structure, and a long brown building. The estate is surrounded by lush green lawns and trees, some of which are showing autumn colors. In the background, a large blue lake stretches across the horizon, with a forested shoreline and a small peninsula visible. The sky is clear and blue.

Thank you!

Questions?