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REPORT TO BRIDGEWATER TOWN COUNCIL	
SUBMITTED BY:	Jessica McDonald, Director of Planning and Rec. Shelley Dickey, Consultant (on behalf of TOB)
DATE:	November 29, 2018
SUBJECT:	144 Victoria Road, 126 Victoria Road and 229 York Street: Application to amend MPS, LUB and enter into a development agreement for multiple unit dwellings

ORIGIN

On June 15, 2018 the Planning Department received an application from Sterling Stephens of Front Line Properties regarding the property at 144 Victoria Road (PID 60592367). This application is for a plan amendment (redesignation), a rezoning, and a development agreement to permit the construction of a 30-unit affordable residential development targeted to seniors on a one acre portion of 144 Victoria Road.

On October 12th, 2018 the Planning Department also received an application from Mark Seamone of 3300657 Nova Scotia Limited regarding a site comprised of three properties at 144 Victoria Road (PID 60592367), 126 Victoria Road (PID 60592359), and 229 York Street (PID 60592342) (subject site). This application is for a plan amendment (redesignation), a rezoning, and a development agreement to ensure the required storm water management system and to enable the future construction of a four-unit dwelling, and a plan amendment



Map 1: Subject property site plan overview

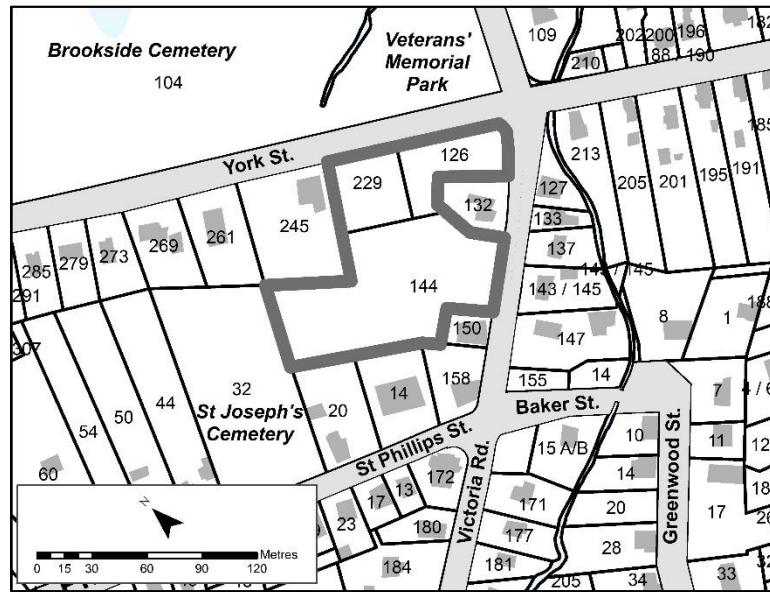
(redesignation) and rezoning to permit mixed residential/ commercial buildings. This site is located near the corner of York Street and Victoria Road. This application has been submitted as an **addendum** to the application previously received on June 15th, 2018 by Sterling Stephens of Front Line Properties as requested by planning staff.

The application addendum was based in large part on concerns from the Town Engineer related to density and the implications for wastewater servicing for the original 30-unit proposal. This addendum was considered necessary to understand and plan

comprehensively for all the proposed land uses, the shared facilities, and the servicing implications of the three properties making up the subject site.

These will be concurrent amendments to the policy (redesignation), land use by-law (rezoning) with a subsequent development agreement. The concurrent amendments are not appealable to the Utility and Review Board but will be reviewed by the Province. The development agreement is appealable to the Nova Scotia Utility and Review Board (NSUARB).

SURROUNDING LAND USE, DESIGNATION & ZONING



Map 2: Context map of subject property

This subject site is surrounded by a variety of land uses including single unit dwellings (all zoned Single Unit Residential (R1) on Victoria Road, St. Phillips Street and York Street. There is a 12 unit multiple-unit dwelling zoned High Density Residential (R6) to the south of the site at 14 St. Phillips Street, and St. Joseph's Cemetery is located to the west. Veterans' Memorial Park and the Brookside Cemetery are located across from the site on York Street.

Victoria Road is designated as an Arterial Street on Map 4- Street Classification of the Municipal Planning Strategy (MPS) and York Street is designated as a Collector Street on Map 4 and as a Tertiary Route on the Active Transportation Network- Map 5 of the MPS.

All of the three properties making up this site are designated as *Low Density Residential* on the MPS- Map 2- Future Land Use (FLUM). The three properties making up this site are zoned Institutional (I1), on the Zoning Map of the Land Use Bylaw (LUB).

The current institutional zoning of all of these properties would allow a wide range of uses including nursing homes and residential care facilities by-right with no density limitations and a height limit of 46 feet allowing four full storeys. See Appendix A for the future land use designation and zoning maps associated with the subject property and surrounding neighbourhood.

BACKGROUND

Property History:

The subject site was previously used in large part by MacKenzie Bus Lines with various buildings and areas used to store and service vehicles. In addition, the portion of 144 Victoria Road proposed for the 30-unit dwelling was previously used for residential and agricultural purposes.

The properties were vacated by MacKenzie Bus lines and sold around 1998. Institutional zoning was placed on these properties in 2001 at the request of a previous land owner to allow the development of supportive housing and/or a nursing home. This development did not subsequently occur, and the lands continue to remain vacant.

Property Description:

All of the properties making up this site are owned by 3300657 Nova Scotia Limited. An additional property at 132 Victoria Road is also owned by this company and is currently occupied as a single unit dwelling. This property is not included in the subject site related to this application.

The property at 144 Victoria Road is approximately 1.68 acres (71,003 square feet) and is vacant and lightly wooded. 126 Victoria Road has frontage on both Victoria Road and York Street and is 18,880 square feet in area while 229 York Street is 16,690 square feet. These two latter properties are vacant and graveled with some area of concrete.

As a result of the past use of this site by MacKenzie Bus Lines, it is suspected that portions of the site may have soil contamination. The current extent of this potential contamination and the results any remediation measures that may have taken place are not completely known.

Master Site Plan:

A master site plan (Appendix B) has been proposed to show the overall intent for the development of this subject site. An approximately 1-acre parcel of land would be subdivided from 144 Victoria Road for the proposed 30-unit dwelling. A detailed site plan for this multiple unit dwelling has been provided. To the east along Victoria Road there is a conceptual proposal for a 4-unit residential dwelling fronting on Victoria Road with parking and green space to the rear. The remainder of 144 Victoria Road would be used as a shared storm water catchment and retention area which is intended to service all of the future development on the full subject site.

The next component of this master site plan is a concept for a mixed neighbourhood commercial/residential development from the corner of Victoria Road and York Street along York Street to the boundary of the subject site encompassing all of 229 York Street and 126 Victoria Road.

It is also proposed that there would be shared driveway access with two driveways proposed onto Victoria Road and York Street as shown. There is the potential for shared parking areas between the mixed-use commercial buildings and the stormwater catchment area.

All of these properties on the master site plan as proposed, are linked by consideration of the combined impact that the development of this currently vacant land could have on stormwater management, driveway access, and wastewater generation on the site.

It must be stressed that beyond the proposal for 144 Victoria Road, the concept for the remaining properties has been provided to allow comprehensive analysis of the entire subject site at this time and is very likely to change. Any changes would have to be considered within the restrictions and provisions of the zoning that applies to the property at the time.

Development Proposal (144 Victoria Road):

A. 30-Unit Dwelling (Front Line Properties) - Detailed Proposal

Land Use, Lot size, and Density:

The approximately one-acre parcel proposed for this dwelling would have an irregular shape with 79 feet of frontage on Victoria Road, and a density of 30 units per acre. All of the 30 units would provide affordable housing through an agreement with Housing Nova Scotia, and 10 of the 30 units would be subsidized through agreement with the Western Regional Housing Authority. The target market for this proposed multiple unit dwelling is seniors.

Building Details and Placement:

The proposed building is shown in Appendix C. It is a 50-foot three-storey wood-framed building with a footprint of 8,350 square feet and a total gross floor area of 25,050 square feet. Although the dwelling is 50 feet in total height, its height as measured by the LUB provisions (which only incorporates ½ of the height of the roof) results in a height of approximately 39 feet. With a lot size of 44,910 square feet, the lot coverage would be approximately 19%. There are 10 units proposed per floor each with a central common amenity area which includes laundry facilities and gathering spaces. Each of the units will be 600 square feet in area. All units are “visitable” (accessible for visitors with mobility aids) and 2 of the units would be barrier free. There are elevators to provide barrier free access to all three floors of the building.

The dwelling has been designed with a steep pitched roof and will be clad in vertical and horizontal vinyl, wood and metal siding in muted tones as shown on the elevation drawings (Appendix C).

The building will have approximate setbacks as follows: from the front lot line on Victoria Road - 95 feet, from the southwest side lot line bordering properties on St. Phillips Street - 18.5 feet, from the northeast side lot line (bordering properties on York Street) - 43 feet, from the rear lot line (bordering St. Joseph’s Cemetery) - 69.5 feet, and from the rear lot line of the property at 150 Victoria Road - 11 feet.

Access and Landscaping:

The new multiple unit dwelling would be accessed via a two-way - 25-foot wide driveway on Victoria Road utilizing (in part) an existing curb cut. A pedestrian walkway which runs parallel to the driveway is proposed from the main entrance of the building to the existing sidewalk on Victoria Road.

Trees will be retained wherever possible along the southwestern boundary of the property where the development abuts the rear of the properties on St. Phillips Street and along the Victoria Road frontage. Where the retention of mature trees is not possible due to the limitations of construction, new trees will be planted to provide buffering from adjacent uses. Where tree retention or planting is not feasible due to limited space, fences will be constructed to provide a visual buffer. Fences are proposed along the northeast portion of the site where it abuts the rear yard of 245 York Street, and where the southeast portion of the building abuts the rear property line of 150 Victoria Road.

There are decorative planter boxes provided along the front of the building. Appendix C shows the applicant's proposed landscaping plan.

Amenity Space and Signs:

There is a total of 18,000 square feet of amenity space provided for the residents of this building which consists of common rooms on each floor, individual balconies for all of the units, and grassed areas surrounding the building. In addition, at the rear of the building an amenity area is provided which consists of garden/planter boxes for the use of the tenants along with a gazebo structure.

Signage identifying the building may be placed at the driveway entrance.

Parking (Vehicular and Bicycle):

A total of 33 parking spaces are proposed with 2 spaces being barrier free. This parking will serve the residents of the building as well as visitors. The majority of parking will be located to the north of the property, with the barrier free parking located at the entrance to the building. Bicycle parking (racks) for 10 bicycles is located near the main entrance.

B. 4-Unit Multiple Unit Dwelling (3300657 Nova Scotia Limited) - Concept Proposal

This part of the proposal is for a two storey four-unit dwelling fronting on Victoria Road. The parking area would be to the rear of the dwelling and would be accessed using the driveway proposed for the 30-unit dwelling. The proposal for this four-unit dwelling is conceptual at this time and would require going through the site plan approval process prior to proceeding to construction.

C. Shared Storm Water Catchment and Retention Area

A storm water catchment area and green space is proposed for the remainder of 144 Victoria Road. Subject to approval of a detailed design, it is intended that this area will serve as the catchment and retention area for the stormwater produced from all of the uses proposed on the subject site.

Development Proposal (126 Victoria Road and 229 York Street):

It is proposed that these two properties fronting on York Street and the corner of York Street and Victoria Road be developed with various neighbourhood commercial uses on the ground floor with apartment units above. Potential neighbourhood commercial uses could include small scale personal service shops, offices, grocery and convenience stores, and restaurants. Parking for these uses is currently envisioned to the rear of the mixed-use buildings with a driveway off York Street connecting to the Victoria Road driveway. It is proposed that a total of 1,400 square metres of commercial space be developed along with 14 dwelling units.

The proposal for these mixed-use building is provided only as a concept at this stage and would require approval of a detailed site plan and elevations meeting the requirements of the zoning in place at the time prior to proceeding to development.

Public Participation Meetings:

There were two Public Participation meetings held. The first was held on July 25, 2018 to consider the proposal for the 30 unit dwelling only. Notification was provided to all properties within 30 m (100 ft.) of the subject property, and notice was published on July 18th, 2018 in the local paper one week prior to the meeting.

Two members of the public attended in addition to the applicants and Town staff. The minutes of this meeting are found in Appendix D. The main concern raised by members of the public was related to traffic volumes from the proposed 30 unit dwelling as well as access and egress onto Victoria Road.

The second meeting was held on November 14th, 2018 to consider the proposed master site plan with proposals for the remainder of the site. Notification was provided to all properties within 30m (100ft.) of the subject property, and notice was published on November 18th, 2018 in the local paper one week prior to the meeting.

Three members of the public attend this meeting in addition to the applicants and Town staff. The minutes of this meeting are attached. There were concerns raised about traffic from the 30- and 4-unit dwellings and the safety of the driveway access.

DISCUSSION

Development Proposal (144 Victoria Road)

Amendments Required:

The current Low Density Residential designation and zoning of 144 Victoria Road would not permit the development of the 30-unit or the 4-unit multiple unit dwellings. To allow these developments the property is proposed to be redesignated to *Comprehensive Residential* to permit a rezoning to Comprehensive Residential (R3). This R3 zoning will allow the consideration of the 30-unit dwelling by development agreement as enabled by policy R-23 of the MPS and Sections 4.4.4 and 4.4.6 of the LUB which allow multiple unit dwellings in the zone subject to density limits and the provision of affordable housing. The 4-unit dwelling would be permitted in this R3 zone by site plan approval.

Consideration of Redesignation:

A redesignation (MPS amendment) of a property is a change in the policy direction for that property related to its intended future development. The consideration of an MPS amendment should relate to a change in circumstances for the property and should be considered within the broad planning context of the Town which are reflected in Bridgewater's Planning Objectives which form part of the MPS. Of the most relevance in this application are the following objectives:

*2. Control land use and development in a manner that will **minimize conflicts between land uses** and in a manner that is compatible with the town's service infrastructure.*

*3. **Mix compatible land uses** to promote diverse and convenient neighbourhoods.*

*4. **Encourage compact development** to maximize the town's shared infrastructure and to promote healthy, close-knit neighbourhoods.*

*6. **Enable the development of a full range of housing options** so that all people can live out their lives in Bridgewater.*

144 Victoria Road was once part of a larger industrial/commercial site (MacKenzie Bus Lines) and was subsequently considered 17 years ago for institutional development.

The redesignation of 144 Victoria Road from Low Density Residential to Comprehensive Residential would allow the property to develop with a greater intensity of residential development and provide a range of housing options. This allows this long-vacant site to respond to the overall intent of the MPS to promote residential densification in strategic areas, to encourage residential development which is compatible with its context and surrounding land uses, and maximizes the use of existing municipal infrastructure.

This site is an appropriate location to allow residential infill development which provides affordable housing for seniors and additional rental housing in a four-unit dwelling form. A greater intensity of residential development is appropriate given the mix of residential and open space uses surrounding the site, its proximity to commercial and other services in the downtown area, and its transportation and transit accessibility.

Consideration of Rezoning and Development Agreement:

Following is the analysis of the relevant policies of the MPS as it relates to this proposal. For 144 Victoria Road this includes the proposed rezoning of the property as well as the development agreement. This analysis includes comments received from the Development Officer as well as the Town Engineer.

This section includes provides a summary of the policy analysis. A more detailed analysis can be found in Appendix E - Policy Matrices

Compatibility of the Development:

The proposed three storey 30-unit dwelling will be located adjacent to a variety of existing residential and open space uses on Victoria Road and St. Phillips Street. Other residential uses include a three storey, 12-unit apartment building and various converted dwellings with multiple units. The 30-unit dwelling will be taller than adjacent dwellings due to the steep pitch of the roof but will have a similar or lower lot coverage than adjacent uses. This building is well set back from the street and the impact of the height and mass of the building as well as the location of the parking areas is mitigated through the requirement of treed buffers and fences where it abuts existing residential uses.

The proposed four-unit dwelling would be located between the three-unit converted multiple unit dwelling at 150 Victoria Road and the existing single unit dwelling at 132 Victoria Road.

An additional dwelling would complete the residential streetscape on this portion of Victoria Road and 4 units would be compatible with adjacent residential uses.

Servicing Considerations:

There is sufficient water service for both the 30- and 4-unit dwellings and the concept master plan for the entire site proposes a common storm water catchment and retention area which is designed to ensure that the peak stormwater flows from a fully developed site is equal to or less than the existing peak stormwater flows from the current vacant site.

There were originally concerns with the wastewater generation from the proposed 30-unit dwelling which would have a density of 30 units per acre in an area that was designed to accommodate a lesser density. While the sanitary service in Victoria Road has the capacity to deal with wastewater generated from this development, there was concern with the downstream impact of this wastewater at the pumping station in relation to potential overflows. This potential impact of this 30-unit dwelling was offset by the following considerations:

1. The current institutional zoning of the property would allow by-right development of various types of residential uses including nursing homes and special care homes with no density limits. The impact on the wastewater system of these currently permitted uses could be of a much greater magnitude than a 30-unit and a 4-unit dwelling.
2. All of the 30 units are limited in the development agreement to one bedroom only and are targeted to seniors. It is assumed for the purposes of servicing calculations that half of the units will be occupied by one person and half by two persons. This number of persons is expected to have a reduced impact on the wastewater system than would normally be expected from a 30-unit dwelling of varying bedroom sizes.
3. This site is within an area of the Town where it is possible to reallocate wastewater capacity that was previously allocated to areas outside the Town boundary prior to a 2006 change in policy which disallowed this practice.
4. To further offset the impact of the 30-unit dwelling it was determined that it was desirable to produce a master plan for the development of the entire site consisting of the three properties at Victoria Road and York Street. With commercial and mixed residential/commercial uses proposed for the remainder of the properties, which would be ensured through concurrent changes in land use designation and zoning, the future wastewater implications of the entire site could be predicted and “capped” to an acceptable level based on the maximum permitted density under this new zoning.

In summary it was determined that when compared to the current basically unlimited by-right density potential on the entire site with institutional zoning, that the proposed development master plan for the subject site, with the offsets incorporated, will serve to limit overall density to a level that is acceptable in terms of future downstream impacts on the wastewater system.

It is important to note however that the opportunities to offset the impacts of continued and future by-right and discretionary residential development in this area of the Town are not unlimited. With the current understanding of the limitations of the wastewater system as detailed in the recently completed *Town of Bridgewater Sanitary Storm Water Master Plan*, staff advises that there is a need to consider and plan for ways to upgrade the wastewater

system in order to allow for future residential growth in key areas of the Town through appropriate infill and intensification.

Transportation Considerations:

Both the proposed 30-unit and 4-unit dwellings would be accessed through a driveway which utilizes an existing curb cut and is located approximately midblock between St. Phillips Street and York Street. Victoria Road is an arterial street which is adequate to serve the proposed residential development.

The exact configuration and operation of the driveway as it intersects with Victoria Road will be finalized at the development permit stage.

Environmental Considerations:

Given the past use of portions of this site in conjunction with the MacKenzie Bus Lines depot there is the potential for contamination on this site. Based on this, the site of the proposed 30-unit dwelling was assessed by the applicant, and the stormwater catchment area is currently being assessed and tested for various types of contamination. Testing has revealed no evidence of environmental contamination on the site of the 30 unit dwelling. The detailed design of the complete stormwater management system from original catchment to final downstream release into the Town system or watercourses must be approved prior to allowing any development to proceed. Final approval of this design will take into account any contamination over all aspects of the stormwater system.

The site of the proposed 4-unit dwelling has not been tested pending a detailed development proposal for this portion of 144 Victoria Road. Development of this portion of the site by right or through site plan approval would require assurances that any contamination discovered on the site has been mitigated to meet Provincial standards.

Portions of 144 Victoria Road adjacent to the York Street properties has been identified on the Environmental Constraints Map (Map 6) of the MPS as an area subject to flooding. Mitigation of this will be required as part of the detailed site stormwater plan.

General Considerations:

Overall the proposal for 144 Victoria Road responds to the Towns policy to encourage context-sensitive residential intensification in appropriate locations. The redevelopment of a long vacant site previously used in conjunction with industrial transportation uses is an appropriate and desirable infill development. A new 30-unit affordable housing development and a 4-unit rental dwelling including ground level units will provide two additional and varied housing opportunities for families of various ages, abilities, and income levels in the Town.

Appendix F sets out the proposed MPS and LUB amendments for the redesignation and rezoning of 144 Victoria Road.

Development Agreement:

The draft development agreement to allow this proposed 30-unit affordable dwelling as well as the 4-unit dwelling is attached as Appendix G.

In this development agreement detailed provisions are made to allow the development of the 30-unit dwelling. There are requirements in this development agreement which regulate the land use, building placement, building design and cladding, parking and access, amenity space and landscaping. The development agreement is structured to ensure that the 30-unit dwelling is developed in substantive conformance with the proposed site plan, landscaping plan and elevations provided by the applicant.

The development agreement as structured would allow the development of the 4-unit dwelling through the site plan approval process as a use permitted by the zone. Alternatively, the owners could proceed with a one or two unit dwelling at this location by-right. By-right and site plan approval processes would require the development to meet the relevant requirements of the LUB.

Finally, the stormwater catchment area required on the remainder of the site is subject to approval of a detailed design of the system which includes consideration of any contamination that may be present.

Development Proposal (126 Victoria Road and 229 York Street)

Amendments Required

The current Institutional zoning of 126 Victoria Road and 229 York Street would not permit the development of mixed neighbourhood commercial and residential uses as proposed. To allow the future consideration of these uses, the properties would need to be redesignated to Limited Commercial and rezoned to Neighbourhood Commercial (C7). This C7 zoning would allow the development of single- and two-unit dwelling by-right and the consideration of neighbourhood commercial uses and mixed-use buildings with up to 4 dwelling units, through either the site plan approval process or the development agreement process depending on the types of uses proposed and their relative floor areas.

Consideration of Redesignation:

Similar to the consideration of a redesignation of 144 Victoria Road the following objectives are the most relevant in the consideration of a redesignation of 229 York Street and 126 Victoria Road to Limited Commercial.

- 2. Control land use and development in a manner that will **minimize conflicts between land uses** and in a manner that is compatible with the town's service infrastructure.*
- 3. **Mix compatible land uses** to promote diverse and convenient neighbourhoods.*
- 4. **Encourage compact development** to maximize the town's shared infrastructure and to promote healthy, close-knit neighbourhoods.*
- 6. **Enable the development of a full range of housing options** so that all people can live out their lives in Bridgewater.*

Both 126 Victoria Road and 229 York Street were used by MacKenzie Bus Lines and were previously considered 17 years ago for institutional development. They have remained vacant since MacKenzie Bus lines sold the property.

The redesignation of 229 York Street and 126 Victoria Road from Low Density Residential to Limited Commercial would allow these properties at the strategic intersection of Victoria and York to provide a modest range and scale of residential and commercial uses in mixed-use buildings to serve this predominately residential area. The location at the corner will minimize conflicts with surrounding residential uses and will allow nearby residents to access convenience retail uses and services in a compact area, leading to a more diverse, complete, and convenient neighbourhood which facilitates walking and cycling for many daily trips. Mixed commercial and residential development with housing units above ground floor commercial uses provides a form of housing that appeals to residents in various life stages.

Consideration of Rezoning:

Following is the analysis of the relevant policies of the MPS as it relates to this proposal. For 126 Victoria Road and 229 York Street this relates only to the proposed rezoning of the property. A highly conceptual proposal has been provided by the applicants which demonstrates one possible development scheme for this site. There is no final detailed site plan or building drawings which can be assessed at this time. This policy analysis, therefore, assumes the greatest intensity of development that could occur on the site under the C7 zone either by-right or through site plan approval or development agreement.

This section includes provides a summary of the analysis. A more detailed analysis can be found in Appendix E - Policy Analysis Matrices.

Compatibility of the Development:

Under C7 zoning these properties could be developed for stand-alone commercial uses or with mixed residential/commercial uses with commercial uses required on the majority of the ground floor. The permitted commercial uses are intended to provide local neighbourhood services and are limited to offices, personal service shops, neighbourhood grocery and convenience stores, and small restaurants. The sizes of the individual commercial uses are restricted to ensure a fine-grained commercial streetscape as opposed to one large commercial building.

The by-right height of buildings is limited to 33 feet although this could be varied by development agreement if policy criteria related to compatibility are met. There would be a requirement for landscaping between new commercial uses and adjacent residential uses on York Street and Victoria Road to ensure that these new uses are appropriately integrated with existing uses. There are appropriate controls in place to ensure that any impacts of commercial development such as outdoor storage, deliveries, lighting, parking, access and signage are considered and mitigated in relation to their residential neighbours.

Servicing Considerations:

The water, wastewater, and stormwater servicing considerations for this site has been included as part of the overall master site plan for all properties including 144 Victoria Road. Based on the combined size of the two lots proposed for C7 zoning, a maximum of 1,400 square metres of neighbourhood commercial uses and 16 residential units that could be developed by any process. This intensity of development in conjunction with the residential density proposed for 144 Victoria Road is acceptable in terms of wastewater impacts from the subject site.

The stormwater system on 144 Victoria Road is designed to manage the stormwater from all of the properties and ensure that peak post-development stormwater flows are equal to or less than peak pre-development flows. Depending on the final detailed design of the site stormwater system, there may be a requirement for an easement over 229 York Street or a servicing agreement. These will be ensured through the subdivision process.

Transportation Considerations:

Access to the future commercial developments and parking areas would be assessed based on a specific development proposal. There is a policy intention for this zone that commercial development be mainly pedestrian and bicycle oriented although there is also allowance for vehicular access. Although a common driveway is proposed from York Street to join with the Victoria Road driveway no approvals for this are implied through a rezoning of the properties, and this would have to be assessed through a future site plan approval or development agreement process.

Environmental Considerations:

Given that 229 York Street and 126 Victoria Road were previously used by MacKenzie Bus Lines for vehicle storage, repair and servicing there is the potential for site contamination. Development of any uses on the site, whether residential or commercial and through any process including by-right, site plan approval, or development agreement would require assurances that any contamination discovered on the site has been mitigated to meet Provincial standards.

Portions of 229 York Street and 126 Victoria Road have been identified on the Environmental Constraints Map (Map 6) of the MPS as an area subject to flooding. Mitigation of this will be required as part of the detailed site stormwater plan for the entire site as well as development plans for mixed residential/commercial uses on the site.

General Considerations:

The development of neighbourhood commercial and mixed-use buildings at the corner of York Street and Victoria Road is an appropriate infill development on this brownfield site. There is an existing commercial development close to the site at 261 York Street (Langille's Heating and Plumbing). Redevelopment has the potential to provide retail and services uses which are located near existing residential uses and those which would be developed on the remainder of the site. Residential uses located above commercial uses provide a third type of residential use in this master plan area which can provide convenient and affordable housing for a range of families.

Recommended Text Amendments to the Limited Commercial Designation and the C7 zone.

In considering the rezoning of properties at 126 Victoria Road and 229 York Street to the C7 zone it was noted that currently the development of mixed-use building with up to 4 dwelling units above ground floor commercial can only proceed by site plan approval and not by development agreement. It is staff's opinion that the development agreement process should also be enabled for these mixed-use developments with a commercial floor area of up to 350 m² (with the exception of restaurants which are limited to 180 m²) to correspond with

other development agreement provisions in this zone. Such a change would be enabled for any property with C7 zoning.

In addition, a site-specific MPS policy and associated LUB provision is recommended which allows the consideration of commercial uses over the entirety of 229 York Street and 126 Victoria Road as opposed to limiting it to the corner. This site-specific policy also limits development to a maximum of 16 dwelling units and 1,400 square metres of commercial space over the site whether by-right, or through site plan approval or development agreement processes in order to limit overall site density. Additions to the development agreement policy CDA-3 are also needed to reflect the site-specific policy for 126 Victoria Road and 229 York Street.

Appendix F sets out the proposed MPS and LUB amendments for both of these items.

Alternatives for Consideration:

1) Amend the Municipal Planning Strategy and Land Use Bylaw and enter into the development agreements for the property at 144 Victoria Road. Amend the Municipal Planning Strategy and Land Use Bylaw for the properties at 229 York Street and 126 Victoria Road. This is the recommended alternative as it is staff's opinion that this is reasonably consistent with relevant MPS policy.

2) Deny the request for amendments to the Municipal Planning Strategy and Land Use Bylaw and the development agreements for 144 Victoria Road. Deny the request for amendments to the Municipal Planning Strategy and Land Use Bylaw for the properties at 229 York Street and 126 Victoria Road.

3) Separate the two related requests and make amendments to allow one but deny the other. The amendments for all of the properties on the subject site have been proposed collectively to facilitate a comprehensive master plan for this site which is reasonably consistent with the relevant policies of the MPS. Their separation would require additional analysis and consideration.

BUDGET IMPLICATIONS

There are no budget implications to the town for any of the proposed developments on this site which will be responsibility of the applicants.

RELEVANT PLANS

Municipal Planning Strategy
Land Use By-law
Subdivision By-Law

LEGAL IMPLICATIONS

A signed development agreement is a legal contract binding the property owner and the Town. Any proposed development agreement will be reviewed and approved by the Town Solicitor before its presentation to Council.

PUBLIC CONSULTATION/COMMUNICATIONS

Public Participation Meetings were held on Wednesday, July 25th and Wednesday November 14th, 2018 as per the requirement of the Municipal Government Act Section 205 (4). A public hearing will be held prior to final consideration of the proposed amendments to the Municipal Planning Strategy and the Land Use Bylaw and the proposed development agreement in accordance with Section 206 of the Municipal Government Act.

Next Steps:

The next step in the application process would be for Council to schedule a Public Hearing to consider the MPS amendments (redesignation), LUB amendments (rezoning), the MPS and LUB text amendments, and the draft development agreement. Following includes an outline of the entire process for Council's information.

Simplified Planning Application Timeline:

Step 1 – Preliminary report to Council **(completed)**

Step 2 – Public Participation Meeting (PPM) **(completed)**

Step 3 – Planning Analysis Report to Council **(completed)**

Step 4 – First consideration of proposed Municipal Planning Strategy Amendments, Land Use By-Law amendments and the Development Agreement **(this report)**

Step 5 – Public Hearing and Council decision on the following:

- MPS amendments and the associated LUB amendments. Note, there is no appeal of this decision of Council to the Nova Scotia Utility and Review Board.
- development agreement for 30-unit dwelling at 144 Victoria Road, contingent upon approval and effective date of the MPS and LUB amendments. A decision of Council on the development agreement is appealable to the NSUARB.

Step 6 – Review of the MPS amendments and associated LUB amendments by the Province.

Step 7 – Publication of notice in the local paper that the MPS and LUB amendments are effective, and publication of notice in the local paper that the Development Agreement is approved.

Step 8 – Appeal Period for 14 days after the publication of the Development Agreement.

RECOMMENDATION

Staff recommend that Town Council for the Town of Bridgewater:

1. Give first consideration to the amendments to the Municipal Planning Strategy, and amendments to the Land Use Bylaw (Appendix F) for the properties at 144 Victoria Road, 126 Victoria Road and 229 York Street;
2. Give first consideration to the proposed Development Agreement (Appendix G) for the property at 144 Victoria Road; and,
3. Schedule a Public Hearing during the regularly scheduled Council meeting on Monday January 14th, 2019 at 6:00 pm in Council Chambers of Town Hall.

In summary, the amendments recommended are:

1. Redesignate 144 Victoria Road from Low Density Residential to Comprehensive Residential

2. Redesignate 126 Victoria Road and 229 York Street from Low Density Residential to Limited Commercial.
3. Rezone 144 Victoria Road from I1 (Institutional) to R3 (Comprehensive Residential).
4. Rezone 126 Victoria Road and 229 York Street from I1 (Institutional) to C7 (Neighbourhood Commercial)
5. Amend the MPS (Neighbourhood Commercial Zone Policies) and the LUB (C7 zone) to allow for multiple unit dwellings of up to 4 units and 350 m² of ground floor commercial space by development agreement; and, add a site-specific development policy for 126 Victoria Road and 229 York Street to limit scale and intensity of mixed-use residential and commercial development.
6. Enter into a development agreement for 144 Victoria Road to permit the development of a 30-unit dwelling for affordable housing and limit the total number of units on the property to 34.

ATTACHMENTS

Appendix A – Current Designation and Zoning for Subject Properties

Appendix B – Master Site Plan

Appendix C – Proposed Development – Site plan, Landscaping, Elevations and Floor Plans

Appendix D – Minutes from Public Participation Meetings

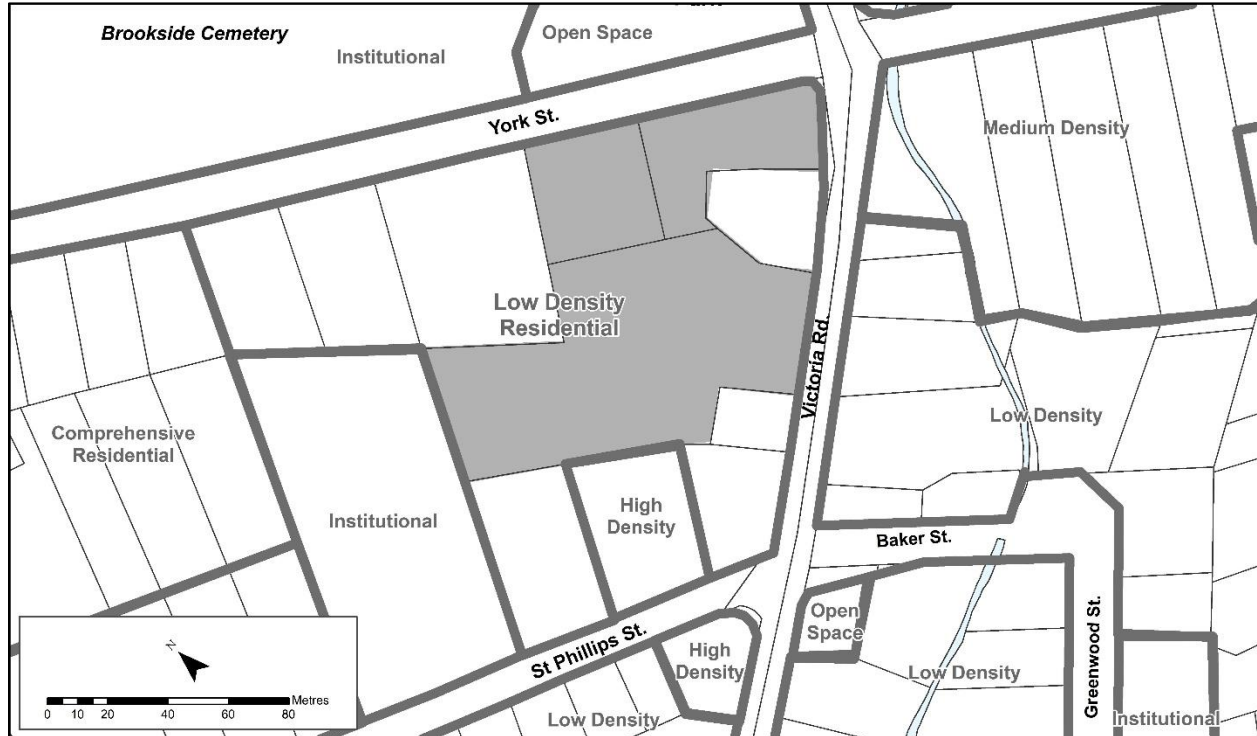
Appendix E – policy Analysis Matrices

Appendix F – Text Amendments to the Municipal Planning Strategy and Land Use Bylaw

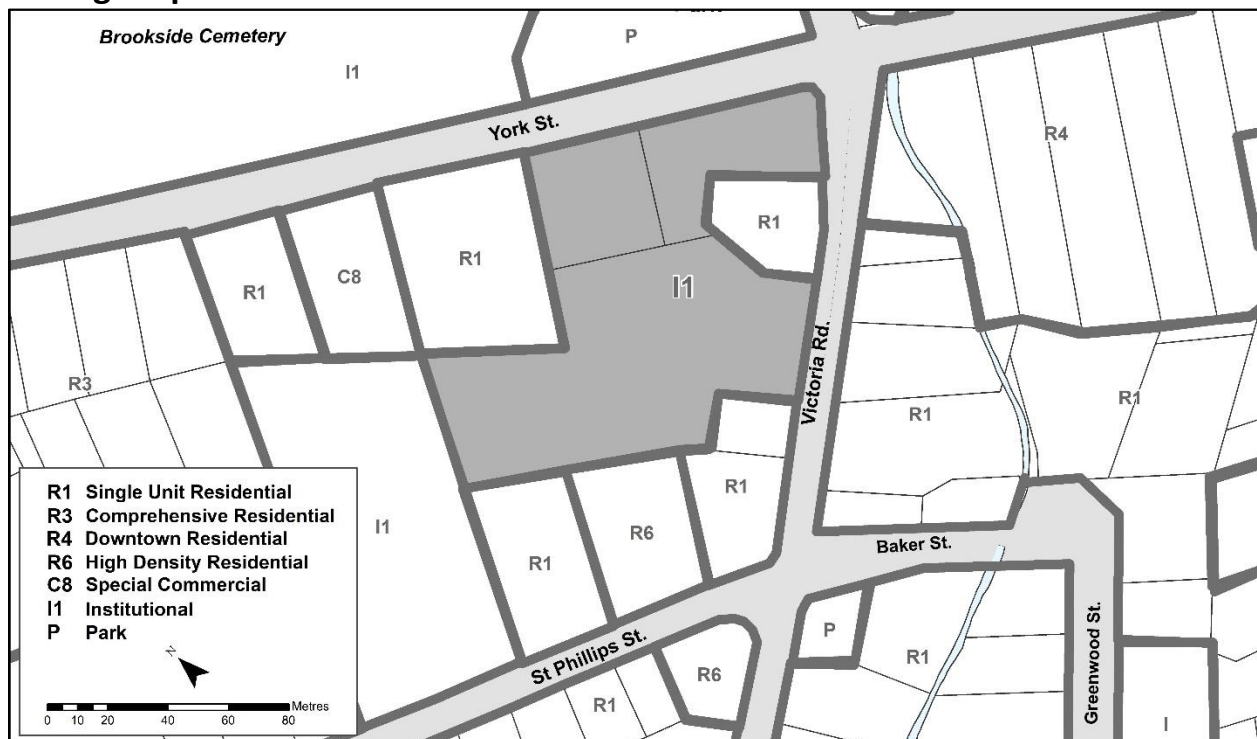
Appendix G – Draft Development Agreement

Appendix A – Current Designation and Zoning for Subject Properties

Future Land Use Designation Map



Zoning Map



Appendix B – Master Site Plan



A000

Appendix C – Site plan, Landscaping, Elevations and Floor Plans

- $\frac{1}{2} \square z$

The site plan illustrates the proposed development at 20 York Street. The building footprint is shown in a dark grey area, with a label 'PROPOSED DEVELOPMENT' pointing to it. To the north of the building is an 'EXISTING PARKING' area with several spaces. The plan also shows 'EXISTING ROADWAY' along York Street and Victoria Road. Other labels include 'EXISTING LANDSCAPE' and 'EXISTING UTILITIES'. The plan is oriented with York Street at the top and Victoria Road at the bottom. A north arrow is located in the upper right corner.

[illegible]

202.446.6062
63 King Street
Dartmouth, ns. b2y 1t7

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Authorisation: Requirements and Approvals: All materials and workmanship must comply with the National Building Code of Canada, a present edition, and with the requirements of all applicable laws and regulations over this work. It is the builder's responsibility to verify measurements and dimensions of the building and to ensure that all dimensions are in accordance with the National Building Code of Canada. All dimensions must be given in millimetres (mm) and all drawings, including drawings, shall comply with the design of all relevant inventors must comply with the National Building Code of Canada.

06/21/18 CHANGES AS PER
DISCUSSIONS WITH URBAN PLANNER
06/21/18 UPDATES SHOWING FULL
DEVELOPMENT & CHANGES TO
PARKING/LANDSCAPING AS PER
DISCUSSIONS WITH URBAN PLANNER
10/11/18 UPDATES TO MIXED USAGE
RESIDENTIAL & COMMERCIAL

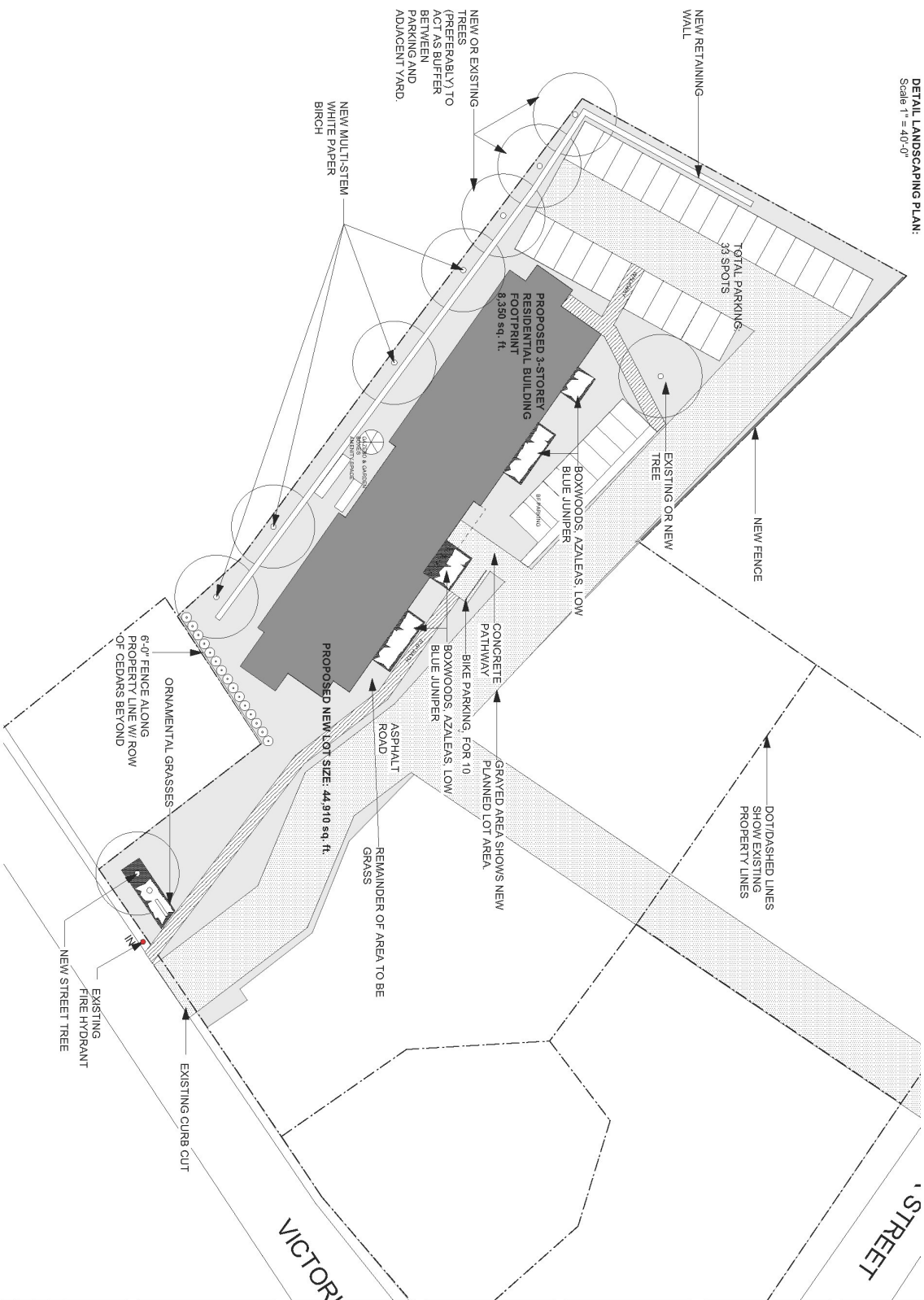
THIS ISSUE:
10.26.18
DEVELOPMENT
AGREEMENT SET

**BRIDGEWATER
MULTI-RESIDENCE
CORNER OF VICTORIA
& YORK ST.
BRIDGEWATER, NS**

MASTER SITE PLAN

FEB 2018	A100
Revision	

Scale 1" = 40'-0"

rhadd
ARCHITECTS

902.444.8063
63 King Street
Dartmouth, ns. b2y 1r7

REVISED:
06/27/16 CHANGES AS PER
DISCUSSIONS WITH URBAN PLANNER
08/14/16 UPDATES SHOWING FULL
DEVELOPMENT & CHANGED TO
PARALLEL LANDING AS PER
DISCUSSIONS WITH URBAN PLANNER
10/11/16 UPDATES TO MIXED USAGE
RESIDENTIAL & COMMERCIAL

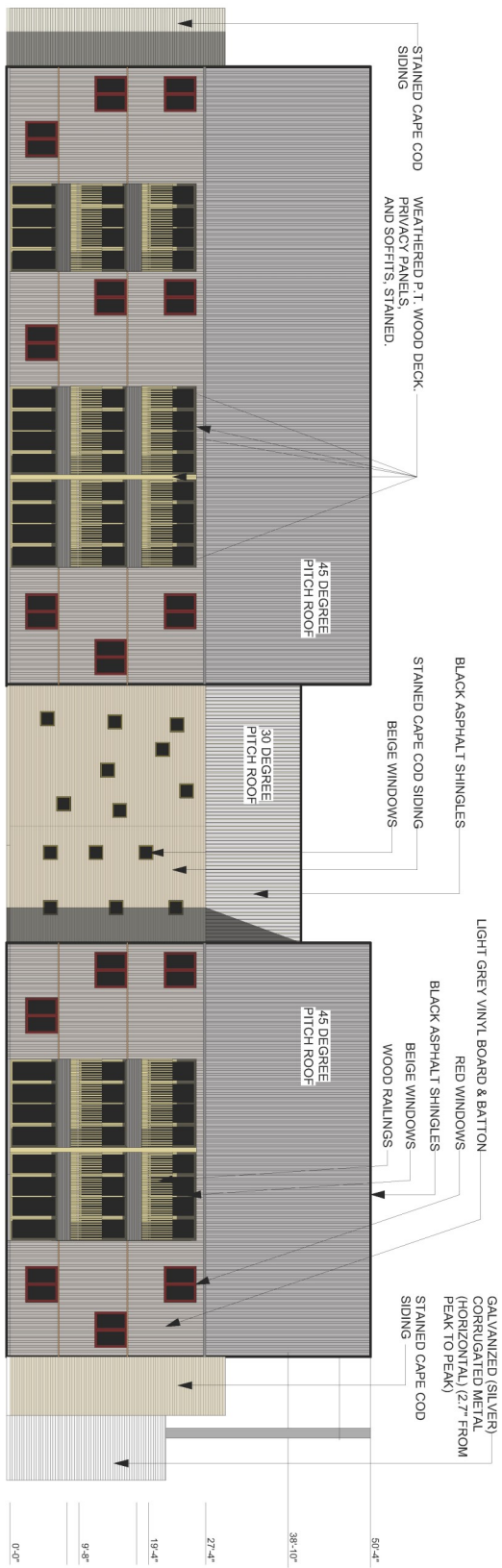
THIS ISSUE:
10.26.18
DEVELOPMENT
AGREEMENT SET

**BRIDGEWATER
MULTI-RESIDENC
CORNER OF VICTORIA
& YORK ST.
BRIDGEWATER, NS**

LANDSCAPING PLAN
W/ BIKE PARKING

FEB 2018
Revision

	08-09



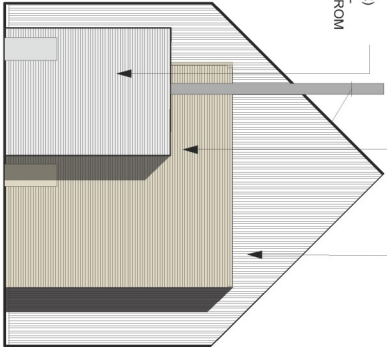
BACK ELEVATION

LIGHT GREY VINYL BOARD & BATTON

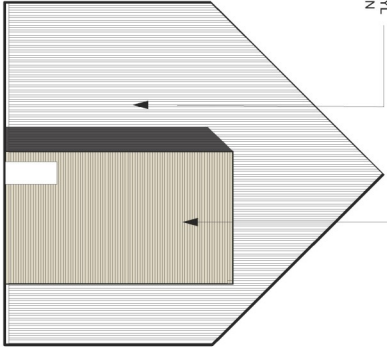
STAINED CAPE COD SIDING

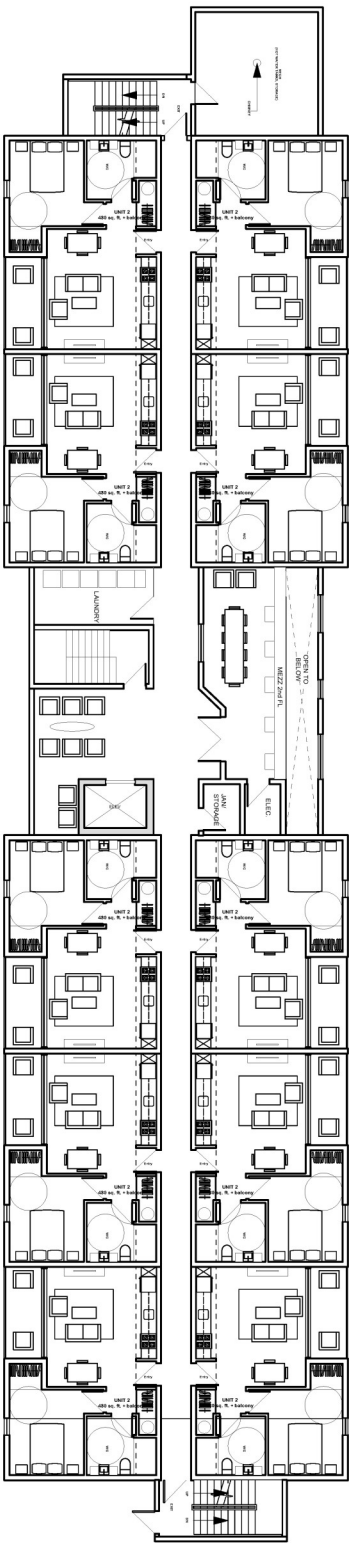
GALVANIZED (SILVER) CORRUGATED METAL (HORIZONTAL) (2.7' FROM PEAK TO PEAK)

SOUTH-EAST ELEVATION

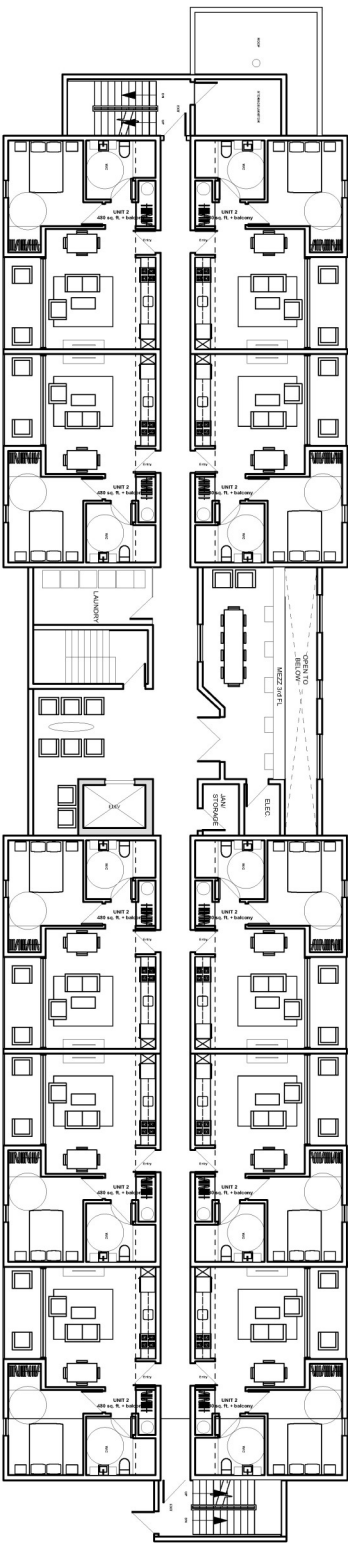


NORTH-WEST ELEVATION





SECOND FLOOR PLAN



THIRD FLOOR PLAN



802 JAMES
BRIDGEWATER, NJ 07005
TEL: 908.231.1234
WWW.RCHADARCHITECTS.COM

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REVISIONS
001:18 CHANGES AS PER DISCUSSIONS WITH OWNER PLANNERS
002:18 UPDATES SHOWN FULL DEVELOPMENT & CHANGES TO PARKING/ANALOGY/AS PER DISCUSSIONS WITH OWNER PLANNERS
003:18 UPDATES TO PARKING/ANALOGY/AS PER DISCUSSIONS WITH OWNER PLANNERS

THIS ISSUE:
10.26.18
DEVELOPMENT SET
AGREEMENT SET
RESIDENTIAL, & COMMERCIAL

BRIDGEWATER
MULTI-RESIDENCE
CORNER OF VICTORIA
& YORK ST.
BRIDGEWATER, NJ

Second Floor
SECOND AND THIRD
FLOOR PLANS

Drawn By: JH
Date: FEB 2018
Scale: A201

Appendix D – Minutes from Public Participation Meeting

144 Victoria Road- 30-unit affordable housing development

Wednesday, July 25, 2018

Start 6:00PM

End 6:35PM

Attendance: Rose & Andy Hubley (137 Victoria Road); Sterling Stephens and Brett Benoit (Front Line Properties, applicant); Shelley Dickey (planning consultant, Town); Mackenzie Childs (Junior Planner, Town); Jessica McDonald (Dir. Planning, meeting chair); Nelson Nolan and Katie Walker (town staff)

- Primary concern is traffic and access to the site. Traffic can be heavy on Victoria Road from time to time. Concerned about more cars coming in and out of the area. Have a problem coming out of their own driveway. Applicant indicated that they anticipate low vehicle ownership among their clients/tenants.
- How wide will the driveway be? 1-lane? 2-lanes? Will 2 vehicles be able to pass? How much frontage will there be along Victoria Rd? Applicant suggested it would be 2-lanes.
- Planner indicated that the Town's Traffic Authority is reviewing the plans and would ultimately determine the width of the driveway access and any restrictions for accessing the site and managing potential traffic issues.
- Concerns were raised about having all 30 units be "affordable" (low-income).
- Concerned about the loss of trees; that the lot will be clear cut and they will be left looking at a driveway and building. Applicant replied that they have no intention of clearing the whole property and will only cut what is necessary for sight lines and the driveway and save the rest.

144 Victoria Road and York Street and Victoria

Wednesday, November 14, 2018

Start: 6:05PM

End 7:35PM

Attendance: Rose & Andy Hubley (137 Victoria Road); Sara-Ann Faulkner (150 Victoria Road); Sterling Stephens and Brett Benoit (Front Line Properties, applicant); Mark Seamone and Kris Snarby (3300657 NS Ltd., applicant); Shelley Dickey (planning consultant for the Town); Nick Brown (development officer, meeting chair).

- Question about much stormwater will be generated?
 - Ms. Dickey responded that stormwater is calculated so that the catchment system works properly.
- Additional questions ensued about the design of the stormwater catchment area.

- Ms. Dickey and Mr. Stephens explained the design, where stormwater is collected and gradually distributed into the town's stormwater system.
- Questions regarding the 1 acre parcel.
 - Ms. Dickey clarified the existing and proposed lot configuration
- How many stories are permitted in the Institutional Zone, Comprehensive Residential Zone and Neighbourhood Commercial Zone?
 - Mr. Brown responded: four, three and three, respectively.
- There was considerable concern related to anticipated volume of traffic entering and exiting the site (now being 34 units in the development agreement area from the 30 presented in July).
 - Mr. Stephens indicated that low vehicle ownership among their tenants is anticipated.
- Traffic concerns also included the speeds on Victoria Rd, the congestion at times from the traffic lights at York Street – Questions arose concerning how analysis was completed.
- Discussion around driveway access included the suggested use of York Street to lessen impact or to control traffic flow.
 - Ms. Dickey confirmed driveway width to Victoria Rd at 25 ft, allowing two-way traffic.

Appendix E – Policy Analysis Matrices

144 Victoria Road

(This policy analysis focuses mainly on the proposed 30-unit dwelling given that a detailed proposal has been provided at this time)

Policy IM-6: When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:	
Compatibility of the Development:	Analysis
a) Compatibility of the proposed land use with adjacent land uses; and	<p>The proposal is for a 30-unit dwelling and a separate 4 unit dwelling on an undeveloped property surrounded by a variety of other residential uses ranging from single unit dwellings to a 12 unit apartment building. There are also institutional open space uses (cemeteries and a park) adjacent to or near the site. This multiple unit dwelling is a compatible infill within this predominately residential area.</p>
b) Compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, bulk, and architectural style; and	<p>The proposed 30-unit dwelling is three storeys with a steeply pitched roof and unique architectural style and will be taller and larger than adjacent residential uses. There is, however, no predominate style of building in the area which range from converted dwellings to a converted commercial use to a 12-unit dwelling. The 30-unit dwelling will integrate with these existing uses given the relative location of the dwelling on the lot set back from the street and the range of neutral and natural tones that have been proposed.</p> <p>The small size of the individual suites at 600 square feet serves to limit the overall size and footprint of a building leading to a lot coverage of 19 percent. This lot coverage is lower than adjacent properties including 14 St. Phillips Street and 150 Victoria Road.</p> <p>150 Victoria Road is the closest existing dwelling to the proposed 30-unit dwelling with an 11 foot setback to the common property line. The impact of the height of the new 30-unit dwelling is mitigated by the fact that there are no suites with windows on this portion of the dwelling which would overlook the dwelling at 150 Victoria Road. Also a privacy fence will be provided at the property line.</p> <p>Various other landscaping and buffering measures have been incorporated on the site plan to mitigate the impact of the height and bulk of this development in relation to adjacent properties as discussed below in Section (d).</p> <p>The density of the building at approximately 30 units per acre is comparable with the density of 14 St. Phillips Street</p>

Policy IM-6: When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:

	<p>at 27 units per acre and 150 Victoria Road with 25 units per acre when comparing the number of units to the size of the property. It should be noted that all of the proposed units provide affordable housing through a density bonus provision which only requires 3 of the units to be affordable housing.</p> <p>The proposed 4-unit dwelling faces on Victoria Road and will be adjacent to the driveway and the existing house at 132 Victoria Road which is also owned by the applicant. This building would serve to complete the residential streetscape in this location.</p>
c) Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise; and	<p>As a residential use this development will have limited impact on other surrounding residential properties. All lighting for this development including building, parking lot and driveway lighting will be directed away from adjacent properties. Signage will be restricted to one ground sign on Victoria Road to identify the building. There will be no outdoor storage or display of goods permitted for this residential use.</p> <p>Both the 30- and 4-unit dwellings are proposed to be served by the same driveway requiring only one access point on Victoria Road.</p> <p>Traffic impacts have been addressed under transportation considerations section g and h of this table).</p>
d) Integration of the development into the surrounding area by means of appropriate landscaping, with screening provided by existing and new vegetation and fencing as required; and	<p>There are several provisions included in the development agreement to ensure compatible integration of this residential development. Tree retention and/or replanting is required along the rear of the 30-unit dwelling where it backs on the properties on St. Phillips Street in order to buffer the rear portions of these properties. A 6 foot tall opaque wooden fence is required where the multiple unit dwelling abuts the rear yard of the property at 150 Victoria Road. Similarly, the rear of the property at 245 York Street will be buffered to the proposed driveway and parking lot area by a 6 foot wooden fence.</p>
Servicing Considerations:	
e) The adequacy of sanitary services, water services, and storm water management services; and	<p>Victoria Road contains a 300mm diameter sanitary sewer main, a 250 mm diameter watermain and a 300 diameter storm sewer (the storm sewer ends along the frontage of 144 Victoria Road). There is adequate sanitary and water service capacity for both the 30-unit and 4-unit dwelling. There was originally concern with wastewater generation from the 30-unit dwelling in relation to pumping station capacity. The offsets and density reassignments proposed to</p>

Policy IM-6: When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:

	<p>mitigate this concern are detailed in the discussion section of this report.</p> <p>A stormwater concept has been proposed for this development which would see the stormwater gathered from the parking and driveway areas and all buildings to a central combined stormwater catchment area. The intent is that this catchment area will slow down the rainwater from peak events leading to its gradual dispersal to the downstream system. It is required and will be ensured that the detailed design of this system will result in peak stormwater flows from the development which are less than or equal to existing stormwater flows from the larger vacant site.</p>
<p>f) Contribution of the proposal towards an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services; and</p>	<p>This is an infill redevelopment of a site previously used in large part for commercial/industrial purposes. The placement of the 30-unit dwelling makes efficient use of this long, narrow site.</p> <p>Infill residential development on such sites promotes a compact development pattern for the Town which allows for the more efficient uses of existing services when compared to greenfield suburban development.</p>
Transportation Considerations	
<p>g) The adequacy of the road network in, and adjacent to, or leading to the development, regarding connectivity, congestion and traffic hazards; and</p>	<p>The two multiple unit dwellings with 34 units in total will be accessed by a 25 foot two way driveway from Victoria Road. Victoria Road is an arterial and is adequate to serve the proposed development.</p>
<p>h) The adequacy of site access as determined by the Traffic Authority; and</p>	<p>The configuration of the driveway will be determined with the requirement of detailed design at the development permit stage.</p>
<p>i) The ability of emergency services to respond to an emergency at the location of the proposed development; and</p>	<p>This proposed use will not change the ability for emergency vehicles to respond to an emergency at this location with appropriate civic numbering in place.</p>
<p>j) The adequacy of active transportation infrastructure to support walking and cycling to and from the proposed development; and</p>	<p>The 30-unit dwelling will provide a pedestrian walkway to allow residents and visitors to safely travel from the main building entrance to the sidewalk on the north side of Victoria Road. In addition, bike storage racks are to be provided at the entrance to the dwelling to support and encourage cycling to and from the dwelling. York Street serves as a tertiary route for active transportation with bike lanes on both sides, and the Centennial trail is within walking distance to this development via sidewalks.</p>
<p>k) The provision of off-street vehicle and bicycle parking to prevent significant congestion, nuisance and inconvenience in the area; and</p>	<p>The 30-unit dwelling will provide 33 parking spaces for residents and visitors with two spaces designated as barrier free. With modest size units which would support on or two residents per each, this amount of vehicle parking is deemed</p>

Policy IM-6: When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:	
	<p>to be adequate. Shared parking is also possible with the development of the four unit dwelling.</p> <p>Ten bicycle parking spaces have been provided for the residents of the 30-unit dwelling and their visitors.</p>
Environmental Considerations	
l) Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and	<p>The one acre site of the proposed 30 unit dwelling has been assessed by a qualified site professional as defined in the Nova Scotia Contaminated Site Regulations. The conclusion of this report is that “Based on information gathered and observations made during site reconnaissance there is no evidence of environmental contamination of the subject site.” There is some evidence that there may be sulphide bearing slate on this site. If this becomes evident during excavation all Provincial requirements for removal and handling of these materials must be met.</p> <p>The location of the stormwater catchment area is currently being assessed in relation to contamination and cannot proceed until all relevant Provincial requirements are met. In addition, the final approval of a design for the 4 unit dwelling can only proceed where appropriate assurances are provided related to any potential site contamination.</p>
m) Suitability of the site in terms of slope and flood and erosion risk in accordance with Map 6 – Environmental Constraints; and	<p>A small portion of 144 Victoria Road where it borders 229 York Street and 126 Victoria Road is identified on Map 6 as an area of flooding risk. This portion of the site is not proposed for any buildings but would be part of the storm water catchment area and landscaped space for the 4-unit dwelling. A detailed stormwater management plan will be required prior to any development on this site. This plan will address and ameliorate any localized on-site flooding risk.</p>
n) Consideration of any anticipated environmental impacts resulting from the development, such as air and water pollution, soil contamination, and potential for the contamination or sedimentation of watercourses. Where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed development, an environmental impact assessment shall be carried out by the developer for the purpose of determining the nature and extent of any impact and no agreement shall be approved until Council is satisfied that the proposed	<p>As a residential development this dwelling itself is not anticipated to result in negative environmental impacts.</p> <p>However, there is the potential for soil and groundwater contamination from previous uses on this site in relation to the stormwater management system. Any such contamination on the stormwater catchment area could have the potential to impact downstream areas and watercourses depending on the final design of the system. Approval of the final stormwater plan for the entire master plan area will require assurances that all relevant requirements of the Province related to contaminated sites have been met.</p>

Policy IM-6: When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:	
development will not create or result in undue environmental damage; and	
o) The application of sustainable design principles and energy efficient technology, including but not limited to renewable energy infrastructure, environmentally friendly paving alternatives, provision of alternative transportation parking, integration of landscaping into the design of parking lots, green roofs, etc.; and	<p>This development will provide an adequate number of bicycle parking spaces which will allow both residents and visitors to use this active form of transportation. In addition, raised concrete planter boxes are required in an amenity area to the rear of the building. This promotes and enhances food security among the residents allowing them the opportunity to grow fruits and vegetables in a convenient manner on the property.</p> <p>The portions of the development not required for driveways or parking will be landscaped with grass. Grassed areas surround the building on three sides and along Victoria Road.</p>
General Considerations	
p) The financial ability of the Town to absorb any costs relating to the proposal; and	There are no costs which must be absorbed by the Town to develop or service this development.
q) The proposal's conformance with the intent of the Municipal Planning Strategy and to all other applicable Town By-laws and regulations, except where the application is for a development agreement and the requirements of the Land Use By-law are regarded as guidelines.	See below for the assessment of other relevant MPS policies. The development of 144 Victoria Road will be required to meet all applicable Town by-laws and regulations.

Additional Relevant Policies:

Policy EM-3: It shall be a policy of Council to encourage the retention of existing trees and vegetation in new multi-unit residential development, and all new development projects that are permitted through site plan approval or by development agreement, in accordance with the Land Use By-law.	The proposed development agreement encourages the retention of trees on the site specifically those which will buffer adjacent uses from the 30-unit dwelling.
Policy EM-8: It shall be the policy of Council to ensure that all post-development peak flows for all development permitted by site plan approval and development agreement are equal to or less than pre-development peak flows, to the satisfaction of the Town Engineer.	This will be ensured through the detailed design and approval of the stormwater management system for the overall site.
Policy R-3: It shall be a policy of Council to support a full range of housing options and styles in order to meet the diverse residential needs and preferences of all residents, in accordance with the Land Use By-law.	The proposed development of 144 Victoria Road will add 30 modest and affordable housing for seniors and others requiring accessible housing to the Town. In addition, the 4-unit dwelling will add new accommodations which would appeal to a variety of families.
Policy R-5: It shall be a policy of Council to require the integration of sidewalks, pedestrian connections and bicycle parking in all multi-unit residential development projects permitted by site plan approval and development agreement, to support increased walking and bicycling behaviour.	Connections to the existing sidewalk along Victoria Road are provide along with bicycle parking.
Policy R-9: It shall be a policy of Council to promote residential densification in strategic areas of Bridgewater, in accordance with the Zoning Map and the Land Use By-law	This currently vacant site provides a strategic location for residential densification within the Town.
Policy R-10: It shall be a policy of Council to encourage context sensitive residential infill development which is compatible with surrounding land uses, maximizes existing municipal infrastructure and helps enhance the appearance of the public streetscape	Proposed residential development on 144 Victoria Road is considered to be context sensitive infill development in this predominately residential area.
Policy G-18: It shall be a policy of Council to require landscaping in all development subject to site plan approval and development agreement, in order to enhance or preserve the character of the areas, to provide screening and buffers, or to reduce conflict with surrounding land uses	Appropriate landscaping of the 30-unit dwelling is proposed to meet the requirements of this policy.

126 Victoria Road and 229 York Street

Policy IM-6: When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:	
Compatibility of the Development:	Analysis
a) Compatibility of the proposed land use with adjacent land uses; and	This rezoning from Institutional to Neighbourhood commercial would allow the development of commercial uses which serve the day to day convenience needs of surrounding residents including small scale offices, neighbourhood grocery and convenience stores, personal services shops and restaurants. This limited commercial area as proposed would abut two single unit dwellings on either end with one currently owned by the applicant, and would be across from open space uses. Whether ultimately developed by site plan approval or by development agreement, there are provisions to ensure that commercial uses would be suitably buffered from adjacent residential uses and provisions would be put in place to limit and mitigate any potential impacts of commercial operation such as noise, traffic, outdoor storage, and waste resources storage and collection.
b) Compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, bulk, and architectural style; and	Permitted commercial uses in the zone are limited in size through site plan approval (up to 200 m ² of commercial space per lot) or by development agreement (up to 350 m ² of commercial space per lot with up to 180 m ² for restaurants). These zone provisions lead to a fine-grained building form with selected commercial uses of limited scale and intensity which may be in combination with residential uses. Compatibility of building form and style would be assessed during future site plan approval or development agreement processes related to a detailed proposal for this property.
c) Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise; and	Both the site plan approval and development agreement processes have criteria to address these potential impacts of commercial development. Compatibility of these aspects of commercial development on adjacent residential properties will be assessed during future site plan approval or development agreement processes related to a detailed proposal for this property.
d) Integration of the development into the surrounding area by means of appropriate landscaping, with screening provided by existing and new vegetation and fencing as required; and	Landscaping provisions to buffer or screen adjacent residential uses from commercial buildings, driveways and parking areas will ensure the appropriate integration of new commercial uses into this predominately residential area. Compatibility of these aspects of commercial development on the properties will be assessed during future site plan approval or development agreement processes related to a detailed proposal for this property.

Policy IM-6: When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:

Servicing Considerations:	
e) The adequacy of sanitary services, water services, and storm water management services; and	<p>It has been determined that the maximum limits of commercial and/or residential development on these properties that would be enabled by the C7 zone through development agreement or site plan approval could be adequately serviced by sanitary and water services, when considered in the context of the master site plan.</p> <p>The storm water management system, which will be designed and approved for the entire site, will service future development on these properties.</p>
f) Contribution of the proposal towards an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services; and	<p>Mixed residential/commercial development of limited scale and intensity on this strategic corner of the Town is appropriate infill development utilizing vacant land previously used for industrial transportation purposes. Infill and redevelopment within the developed area of the Town which directly surround the downtown leads to efficient overall growth and use of infrastructure.</p>
Transportation Considerations	
g) The adequacy of the road network in, and adjacent to, or leading to the development, regarding connectivity, congestion and traffic hazards; and	<p>This neighbourhood commercial area would be located at the intersection of Victoria Road (arterial) and York Street (collector) which have the ability to service the limited scale of mixed residential/commercial development that would be permitted on the site.</p>
h) The adequacy of site access as determined by the Traffic Authority; and	<p>This will be assessed based on the submission of a detailed development proposal when the location of a driveway or driveways would be determined.</p>
i) The ability of emergency services to respond to an emergency at the location of the proposed development; and	<p>These sites have direct road frontage and their development would not affect the ability to respond to emergencies at this location.</p>
j) The adequacy of active transportation infrastructure to support walking and cycling to and from the proposed development; and	<p>There is currently a sidewalk on the Victoria Road frontage of these properties but not on the York Street frontage. In order to encourage pedestrian use of any future mixed residential/commercial development at this corner, a sidewalk would be a priority for consideration with any development.</p> <p>There are bike lanes on York Street adjacent to the site.</p> <p>The majority of infrastructure is in place to facilitate walking and cycling to this sit from surrounding neighbourhoods.</p>
k) The provision of off-street vehicle and bicycle parking to prevent significant congestion, nuisance and inconvenience in the area; and	<p>The location and number of vehicle and bike parking spaces would be assessed during the site plan approval or development agreement processes of a detailed development proposal.</p>

Policy IM-6: When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:

Environmental Considerations	
l) Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and	Given the past use of these properties for MacKenzie Bus Lines vehicle service, repair and storage it is suspected that these properties may have some level of contamination. Assurances must be provided with any development of this site for residential or commercial uses through the by-right, site plan approval or development agreement processes that there is no contamination of the soil or groundwater which would restrict or limit occupancy for commercial or residential purposes. Rezoning the site from Institutional to Neighbourhood Commercial does not alter this requirement.
m) Suitability of the site in terms of slope and flood and erosion risk in accordance with Map 6 – Environmental Constraints; and	A portion of 229 York Street and 126 Victoria Road is identified on Map 6 as an area of flooding risk. A detailed stormwater management plan would be required prior to any development on this site. This plan will address and ameliorate any localized on-site flooding risk.
n) Consideration of any anticipated environmental impacts resulting from the development, such as air and water pollution, soil contamination, and potential for the contamination or sedimentation of watercourses. Where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed development, an environmental impact assessment shall be carried out by the developer for the purpose of determining the nature and extent of any impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage; and	The commercial and mixed residential/ commercial uses which would be permitted in this zone are not anticipated to result in negative environmental impacts.
o) The application of sustainable design principles and energy efficient technology, including but not limited to renewable energy infrastructure, environmentally friendly paving alternatives, provision of alternative transportation parking, integration of landscaping into the design of parking lots, green roofs, etc.; and	This will be assessed based on the submission of a detailed development proposal.
General Considerations	
p) The financial ability of the Town to absorb any costs relating to the proposal; and	Rezoning of this property from Institutional to Neighborhood Commercial will not result in any costs to the Town.

Policy IM-6: When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:	
q) The proposal's conformance with the intent of the Municipal Planning Strategy and to all other applicable Town By-laws and regulations, except where the application is for a development agreement and the requirements of the Land Use By-law are regarded as guidelines.	See additional policies below which are relevant to this rezoning application.

Additional Relevant Policies:

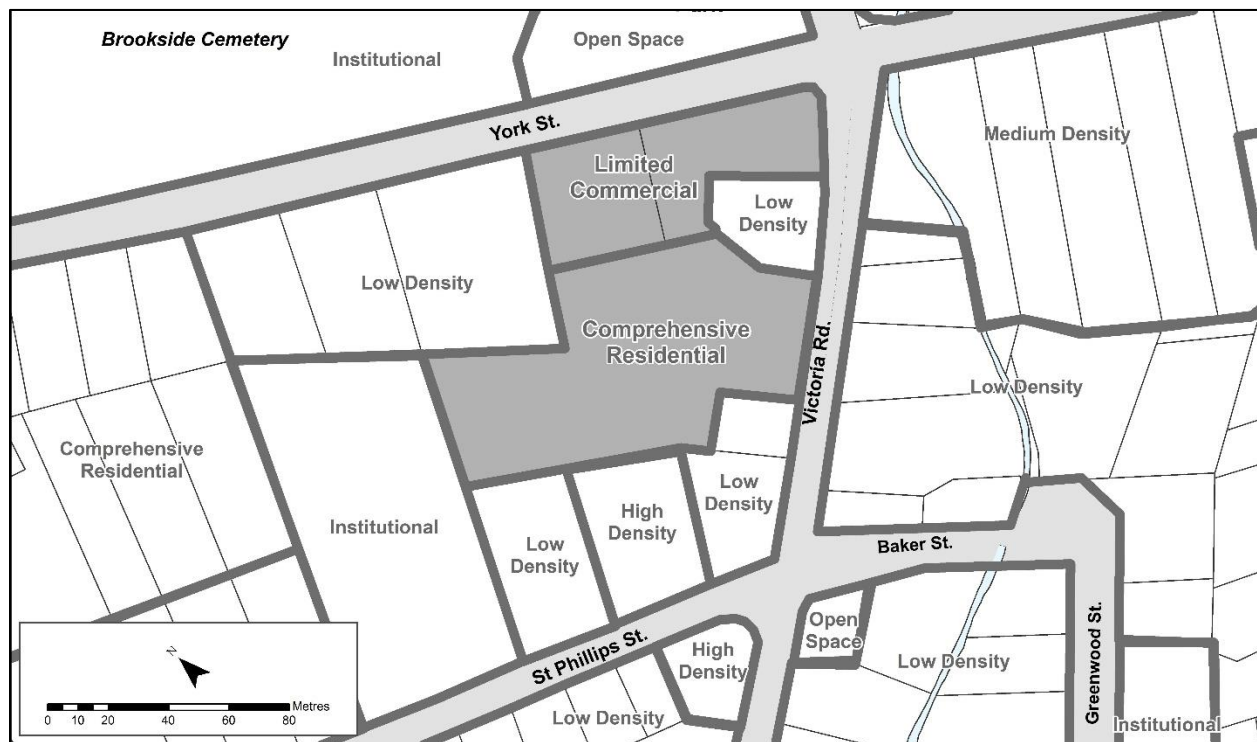
Policy C-1: It shall be the policy of Council to establish future land use designations in the Municipal Planning Strategy and land use zones in the Land Use By-law to accommodate a range of commercial uses and community services in strategic locations of Bridgewater.	The range and intensity of commercial and mixed residential/ commercial uses which could be considered in the C7 zone for these properties are suitable for this strategic intersection with direct access via primary roads, transit, and active transportation routes to surrounding neighborhoods.
Policy C-6: It shall be a policy of Council to encourage the development of compact urban form, adaptive reuse and infill development in the downtown, and other strategic commercial areas of Bridgewater, in accordance with the Land Use By-law.	Rezoning these properties to allow a limited range of commercial uses and mixed residential/commercial uses will encourage the redevelopment of this strategic location at a major signalized intersection which is close to the downtown. The site will have shifted over time from industrial transportation uses to a long-standing vacant site to a small commercial node serving surrounding neighborhoods.

Appendix F – Proposed Amendments to the MPS and LUB

Proposed amendments to the Town of Bridgewater Municipal Planning Strategy (2014):

NOTE: The proposed amendments are shown below. Underlined text is to be added. Strikethrough text is to be removed.

1. That the following land use designation change be made to **Map 2 – Future Land Use Map** to redesignate 144 Victoria Road from Low Density Residential to Comprehensive Residential and to redesignate 229 York Street and 126 Victoria Road from Low Density Residential to Limited Commercial.



2. That the following underlined text be added to **Section 6.5.2 Neighbourhood Commercial (C7) Zone** and any sections renumbered accordingly:

Policy C-53: It shall be a policy of Council to consider the following developments by **development agreement** in the Neighbourhood Commercial (C7) Zone:

- a. Multi-unit residential development up to a maximum of four units where more than 70% of the ground floor is used for commercial purposes (not exceeding 350m² (3,767ft²) in gross floor area), in accordance with Policy CDA-3.

Policy C-53A: The existing vacant properties at 229 York Street (PID 60592342) and 126 Victoria Road (PID 60592359) are a suitable location for either mixed use residential/neighbourhood commercial development or residential and commercial in single use individual developments. It shall be the policy of Council to consider the following developments by **development agreement** on the site formed by PID Nos. 60592342 and 60592359, as of *(insert effective date of this amendment)*, 2019, in the Neighbourhood Commercial (C7) Zone:

- a) Multi-unit residential to a maximum of 16 dwelling units, and neighbourhood commercial development to a maximum of 1,400 m² (15,069 ft²), in accordance with Policy CDA-3.

Policy CDA-3: It shall be a policy of Council to ensure that the following criteria are met when Council is considering proposals for neighbourhood commercial development by development agreement:

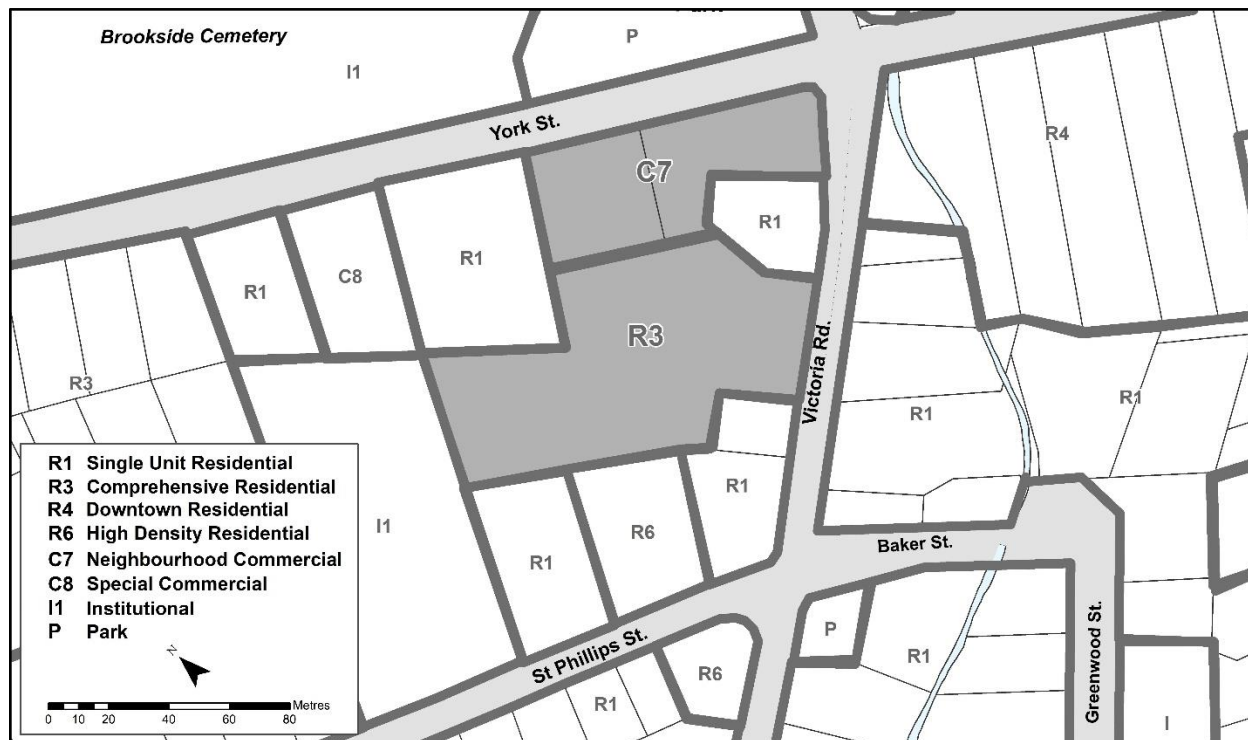
- a) The development is "neighbourhood service" oriented;
- b) The development favours active transportation access over vehicles, with a focus on pedestrian walkways, sitting areas and bicycle parking;
- c) Except for PID No. 60592342, the development shall be located on a corner lot where two arterial and/or collector roads intersect, or where an arterial and/or collector road intersects with the Centennial Trail;
- d) All signage shall be reasonably consistent with the requirements of the Land Use By-Law; and
- e) For the site formed by PID Nos. 60592342 and 60592359, the development consists of mixed-use buildings, or single use buildings, with a maximum of 4 dwelling units and a maximum of 350 m² for commercial purposes in any individual building;
- f) The development is in accordance with Policy IM-6.

PUBLIC PARTICIPATION MEETINGS conducted on:	July 25, 2018 November 14, 2018
FIRST READING conducted on:	, 2018
PUBLIC HEARING conducted on:	, 2018
SECOND & FINAL READING conducted on:	, 2018

Proposed amendments to the Town of Bridgewater Land Use By-Law (2014):

NOTE: The proposed amendments are shown below. Underlined text is to be added. Strikethrough text is to be removed.

1. That the following land use zone change be made to the **Land Use By-law Zoning Map** to rezone 144 Victoria Road from I1 (Institutional) to R3 (Comprehensive Residential); and to rezone 229 York Street and 126 Victoria Road from I1 (Institutional) to C7 (Neighbourhood Commercial).



2. That the following underlined text be added to **Section 5.8.4 of the Land Use Bylaw** and any sections renumbered accordingly:

5.8.4 (e) Multi-unit residential development up to four units where a minimum of 70% of the gross ground floor area, up to a maximum of 350 m² (3,767ft²) is used for commercial purposes in accordance with MPS Policy CDA-3.

5.8.4 (f) For the site formed by PID Nos. 60592342 and 60592359, multi-unit residential to a maximum of 16 dwelling units, and neighbourhood commercial development to a maximum of 1,400 m² (15,069 ft²), in accordance with Policies C-53A and CDA-3.

PUBLIC PARTICIPATION MEETINGS conducted on:	July 25, 2018 November 14, 2018
FIRST READING conducted on:	, 2018
PUBLIC HEARING conducted on:	, 2018
SECOND & FINAL READING conducted on:	, 2018

Appendix G – Draft Development Agreement for 144 Victoria Road

DEVELOPMENT AGREEMENT

144 Victoria Road BRIDGEWATER, NS

THIS AGREEMENT made this _____ day of _____, A.D. 2019.

BETWEEN: **3300657 NOVA SCOTIA LIMITED,**
hereinafter called the “**Property Owner**”

OF THE FIRST PART

AND

TOWN OF BRIDGEWATER,
a municipal body corporate pursuant to the
Municipal Government Act,
hereinafter called the “**Town**”

OF THE SECOND PART

WHEREAS the Property Owner wishes to construct one 3 storey 30 - unit multiple unit residential building on Lot MBLL-4 (PID 60592367) on 144 Victoria Road (“the Property”), as described in Schedule A; and

WHEREAS the property described in Schedule A is situated within an area designated ‘Comprehensive Residential’ on the Future Land Use Map of the Municipal Planning Strategy (December 2014), and zoned ‘Comprehensive Residential (R3)’ on the Zoning Map of the Land Use By-Law (December 2014); and

WHEREAS Policy R-23 (c) of the Municipal Planning Strategy (December 2014) and Part 4.4.6 (a) of the Land Use By-Law (December 2014) allow Town Council to consider the proposed development at Lot MBLL-4 (PID 60592367) only by Development Agreement; and

WHEREAS on -----, Council of the Town of Bridgewater approved a Development Agreement on the property described in Schedule A, to allow the proposed development, subject to the execution of the Development Agreement by the parties hereto; and

WHEREAS the Property Owner is the owner of the property described in Schedule A:

Now this agreement witnesseth that in consideration of the foregoing recitals and for other good and valuable consideration the parties hereto agree as follows:

1. SCHEDULES

The following attached Schedules shall form part of this Agreement:

- Schedule A Property Description
- Schedule B Site Plan
- Schedule C Landscaping Plan
- Schedule D Elevation Drawings

2. DEFINITIONS SPECIFIC TO THIS AGREEMENT

The following words used in this Agreement shall be defined as follows:

(a) Affordable Housing means housing confirmed in writing to be managed or owned by a recognized third-party housing provider and which costs less than 30% of before tax income.

3. PERMITTED LAND USES

Development on the Property described in Schedule A shall be limited to:

- (a) One multiple unit dwelling with a maximum of 30 one bedroom units in substantive accordance with the Site Plan attached as Schedule B and the Elevation Drawings as contained in Schedule C. A minimum of 3 of the 30 units must be affordable housing.
- (b) Those uses permitted in the underlying zoning of the Land Use By-Law, as amended from time to time.
- (c) Thirty-four dwelling units in total.

4. BUILDING CHARACTERISTICS

- (a) The height, massing, exterior design (including but not limited to the architectural style, the shape of the roof, and the number, size and placement of windows), building materials, and tone shall be as shown on Schedule D.
- (b) Front, side, and rear yard setbacks of all structures on the Property shall be no less than those indicated on the Site Plan attached to this Agreement as Schedule B.

5. LANDSCAPING AND AMENITY SPACE

- (a) The Property Owner shall ensure landscaping is provided in substantive accordance with the Landscaping plan attached as Schedule C. This includes but is not limited to all trees, grassed areas, fences, shrubs, planters, and retaining walls. All fences as shown on Schedule B shall be a minimum of 1.8 metres (6 feet) from grade and of wooden opaque construction.
- (b) The Property Owner shall ensure that, wherever possible, existing trees and vegetation are retained during the early development stage and during construction. The planting of new trees shall be considered an alternative to the retention of trees. The planting of native species is strongly encouraged.
- (c) The building shall include, in addition to individual balconies or terraces for each of the 30 apartment units, a minimum of 93 square metres (1000 square feet) of common amenity space for the residents of the building in the form of common rooms and/or areas within the building.
- (d) The Property shall include an amenity space for residents which shall include but not be limited to a gazebo and planter boxes which shall be in substantive conformance with Schedule C.
- (d) The Property Owner will be considered in default if any of the required landscaping and/or amenity space is not completed within twelve (12) months of the issuance of an Occupancy Permit.

6. LIGHTING

- (a) The Property Owner shall ensure that lighting on the Property is sufficient to promote the safety and security of all users, including guests and the general public.
- (b) The Property Owner shall ensure that any exterior lighting is focused on the Property and positioned so as to minimize the illumination of surrounding areas, and is located so that nearby properties and streets are not illuminated to the extent that a hazard or nuisance will result.

7. PARKING AND BICYCLE PARKING

- (a) No fewer than 33 surface parking spaces shall be provided on the Property in substantive accordance with Schedule B. A minimum of 8 of these parking spaces including the required barrier free spaces shall be located near the primary entrance to the building as indicated on Schedule B.
- (b) The limits of the parking area, approaches, or points of access shall be defined by a permanent curb, fencing, landscaping or vegetation to provide a neat appearance.
- (c) All parking areas, approaches, and points of access shall have a permanent hard surface.
- (d) Secure parking for no fewer than 10 bicycles shall be provided on the Property and shall be located as shown in Schedule C.

8. SIGNAGE

No more than one (1) ground sign which identifies the 30 unit dwelling may be located on the Property. This sign shall meet all applicable requirements of the Land Use Bylaw as may be amended from time to time.

9. MAINTENANCE

- (a) The Property Owner shall ensure that all buildings on the Property are kept in good repair, and that exposed exterior surfaces are painted or treated as may be necessary, so that the buildings are maintained in a tidy and attractive state.
- (b) The Property Owner shall ensure that all fences, retaining walls, lawns, trees, shrubs, gardens, and other landscaping elements are regularly maintained and that any undeveloped, unused portions of the lot are kept in a tidy state and free from unkempt materials or matter of any kind.

10. CONSTRUCTION TIMELINE

- (a) Prior to Development Permit issuance for any development shown on the Site Plan attached as Schedule B, the Property Owner shall submit a detailed Construction Timeline to the satisfaction of the Development Officer.
- (b) The detailed Construction Timeline shall provide details on the sequence and anticipated timing of construction for all elements of development, including but not limited to grading, paving, water and sewer servicing, stormwater servicing, construction, and landscaping.

11. SITE ACCESS

- (a) The Property Owner shall construct a private driveway and a private walkway that provide vehicular and a pedestrian access respectively from Victoria Road to the Property that are in substantively the same location as is shown on the Site Plan attached as Schedule B. Private driveways

must provide a clear travelled surface of at least 6 metres (20 feet) in width. Both the driveway and the pedestrian walkway shall be hard surfaced.

- (b) The Property Owner shall submit detailed drawing related to the configuration of the driveway access onto Victoria Road to the satisfaction of the Traffic Authority prior to the issuance of any Development Permit. All design drawings and information shall be certified by a Professional Engineer or appropriate profession as required by this Agreement or other approval agencies.
- (c) The Property must comply with the *National Building Code of Canada*, Part 3, Fire Truck Access Routes.

12. SANITARY SEWER AND WATER SERVICES

- (a) The Property Owner shall submit detailed sanitary sewer and water servicing drawings to the satisfaction of the Town Engineer, prior to the issuance of any Development Permit.
- (b) The Property Owner shall ensure all sanitary sewer and water servicing infrastructure is constructed to the applicable standards of the Town of Bridgewater's Subdivision By-Law, as amended from time to time.

13. STORMWATER MANAGEMENT

- (a) The Property Owner shall submit a detailed stormwater management plan to the satisfaction of the Town Engineer, prior to the issuance of any Development Permit.
- (b) The Property Owner shall ensure that all post-development peak stormwater runoff flows for all development on the Property are equal to or less than pre-development stormwater peak runoff flows for small and large storms, to the satisfaction of the Town Engineer.
- (c) The Property Owner shall submit verification from a qualified site professional as defined in the Nova Scotia Contaminated Site Regulations that the storm water management system is in compliance with all relevant legislation and regulations of the Province of Nova Scotia with regards to the assessment and treatment of sites with potential contamination prior to the issuance of any Development Permit.

14. STEEP SLOPE

No structure may be placed on any part of the Property with a post-construction slope of 30% or greater in accordance with the Land Use Bylaw, as amended from time to time.

15. SEDIMENTATION MANAGEMENT

- (a) The Property Owner shall submit a detailed erosion and sedimentation management plan which addresses both on and off-site impacts and mitigation measures during and after construction to the satisfaction of the Town Engineer prior to the issuance of any Development Permit.
- (b) The Property Owner shall ensure that all silt and sedimentation released during development and construction are contained on the Property.
- (c) The Property Owner shall ensure compliance with the detailed erosion and sedimentation management plan required under subsection 15(a) and all applicable environmental standards applied by the relevant provincial authority, including but not limited to the Nova Scotia Department of Environment Erosion and Sedimentation Control Handbook for Construction Sites.

16. STREETS AND MUNICIPAL SERVICES

- (a) Any disturbance to existing off-site infrastructure resulting from the development including streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Property Owner and shall be reinstated, removed, replaces, or relocated by the Property Owner as directed by the Town Engineer. In addition, the Property Owner shall be responsible for all costs and work associated with the relocation of on-site and off-site underground services to accommodate the needs of the development.

17. ENVIRONMENTAL PROTECTION

The Property Owner agrees to comply with the legislation and regulation of the Province of Nova Scotia with regards to the handling, removal, and disposal of any sulphide bearing materials which may be found on the Property.

18. CHANGES AND ALTERATIONS

- (a) The Property Owner shall not vary or change the use of the Property except as provided for in Section 3, Permitted uses, of this Agreement, unless a new development agreement is entered into with the Town of Bridgewater, or this Agreement is amended.
- (b) All matters in this agreement not specified in Subsection 18(c) below are non-substantive matters which may be changed or altered without a public hearing, but by resolution of Town Council, provided that Town Council determines that the changes do not significantly alter the intended effect of this Agreement.
- (c) The following matters are substantive matters and may not be changed or altered except by amendment to this Agreement in the form of a further development agreement incorporating the intended change:
 - (i) Permitted Use as outlined in Section 3 of this Agreement;
 - (ii) The minimum setbacks of the 30 unit dwelling from the rear lot lines of the properties on St. Phillips Street, and the rear lot line of the property at 150 Victoria Road as outlined in Section 4 (b) of this Agreement.
- (d) The boundaries of the lot to which this Agreement applies may be altered by the creation or expansion of public streets and this Agreement shall be discharged by Town Council as against the portion of the public street.
- (e) Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by Council at the request of the Property Owner without a public hearing.

19. APPLICABILITY OF THE AGREEMENT

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

20. APPLICABILITY OF THE LAND USE BYLAW AND THE SUBDIVISION BYLAW

Except as otherwise provided in this Agreement, the provisions of the Land Use By-Law and the Subdivision Bylaw as amended from time to time, apply to any development, use or subdivision on the Property.

21. COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS

- (a) Nothing in this agreement shall exempt or be taken to exempt the Property Owner from general compliance with federal, provincial, and/or municipal statutes, regulations and/or bylaws. This includes complying with other By-laws or Regulations in force with the Town, including the Building Code

By-law, or from obtaining any Federal, Provincial or Municipal license, permission, permit, authority or approval required.

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

22. CONFLICT

- (a) Where the provision of this Agreement conflict with those of any by-law of the Town applicable to the Property (other than the Land –Use Bylaw to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- (b) In case of conflict, the text of the Agreement prevails over the Schedules.

23. DEFINITIONS

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

24. COSTS

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

25. FULL AGREEMENT

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

26. 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.

27. INTERPRETATION

Where the context requires, the singular shall include the plural, and the masculine gender shall include the feminine and neutral genders.

28. BREACH OF TERMS OR CONDITIONS

Upon the breach by the Property Owner of the terms or conditions of this Agreement, the Town may undertake any remedies permitted by the *Municipal Government Act*, including but not limited to any remedies permitted by section 264 of the *Municipal Government Act*.

29. TERMINATION OF AGREEMENT

- (a) This Agreement shall be in effect until discharged by resolution of the Council of the Town pursuant to the *Municipal Government Act*, whereupon the Land Use By-law shall apply to the lands described in

Schedule A; and

- (b) The Town of Bridgewater may discharge this Development Agreement if the use described herein in Section 3 (a) has not been commenced within twelve (12) months of the date of this Agreement; and
- (c) The Town of Bridgewater may discharge this Development Agreement if construction of the development or the use described herein is discontinued for twelve (12) months or longer; and
- (d) In this Agreement, the development is deemed to have been commenced or started when a building permit for any part of the development has been issued; and
- (e) The Town of Bridgewater retains the option of discharging this Development Agreement should any fact provided by the Property Owner to the Town constitute a material misrepresentation of the facts; and
- (f) This Agreement shall enure to the benefit of, and be binding upon the Town and its successors and assigns and shall enure to the benefit of and be binding upon the developers, their heirs, executors, administrators, and assigns, the owner or owners from time to time of the Property described in Schedule A, until discharged.

OWNERSHIP

I, the Property Owner, hereby certify that I am the sole owner of the property having PID 60592367, as described in Schedule A, having received the deed from PBD Supportive Housing Inc. dated 16 August 2016, and registered at the Land Registration Office in Lunenburg County as Document No. 109437468, on 17 August 2016. I have not disposed of any interest in the property and there are no judgments or other liens or encumbrances affecting the property.

3300657 NOVA SCOTIA LIMITED

Witness

Signature

Witness

Signature

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed by affixing their seals and corporate seals on the day and year first above written.

3300657 NOVA SCOTIA LIMITED

Witness

Witness

TOWN OF BRIDGEWATER

Witness

DAVID MITCHELL, Mayor

Witness

TAMMY WILSON, CAO

AFFIDAVIT OF STATUS

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF _____

I, _____ of _____ in the County of _____ and
Province of Nova Scotia, make oath and say as follows:

- 1. THAT I am _____ of **3300657 NOVA SCOTIA LIMITED** and as such have a personal knowledge of the matters herein deposed to.
- 2. THAT for purposes of this my Affidavit “matrimonial home” means a dwelling and real property occupied by a person and that person’s spouse or registered domestic partner as their family residence.
- 3. THAT the lands described in the within Indenture are not occupied as a dwelling by any of the shareholders of **3300657 NOVA SCOTIA LIMITED**.

SWORN TO at _____)
in the County of _____)
Province of Nova Scotia)
This _____ day of _____)
A.D. 2019, before me: _____)
_____)
A Commissioner of the Supreme)
Court of Nova Scotia)

AFFIDAVITS OF EXECUTION

**PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG, NS**

ON THIS _____ day of _____ A.D., 2019, 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 **TOWN OF BRIDGEWATER**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be hereunto affixed in h_____ presence.

A COMMISSIONER OF THE SUPREME
COURT OF NOVA SCOTIA

**PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG, NS**

ON THIS _____ day of _____ A.D., 2019, 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 **3300657 NOVA SCOTIA LIMITED**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be hereunto affixed in h_____ presence.

A COMMISSIONER OF THE SUPREME
COURT OF NOVA SCOTIA

Schedule A

Property Description

Lot MBLL-4

All that certain lot, piece or parcel of land situate, lying and being on the northwestern side of York Street and Victoria Road, Lunenburg County, Nova Scotia, which is, and is intended to be, portions of those lands described as the lands of MacKenzie Bus Line Limited in deeds recorded at the registry of deeds for the Municipality of Lunenburg at Bridgewater in book 501 at page 121, under number 4218 and in book 124 at page 98, under number 136 and book 141 at page 392 under number 651. The herein described lot is shown as Lot MBLL-4 on a Plan of Subdivision showing Lot MBLL, consolidation of Lots 1, 2, 3, 4 and 5 and showing Lots MBLL-1, MBLL-2, MBLL-3 and MBLL-4 of lands of MacKenzie Bus Line Limited located at Victoria Road, Bridgewater, Lunenburg County, Nova Scotia, said plan being plan number 00-888 dated June 6, 2000 as prepared by Gerald D. Eisnor, NSLS No. 525. The herein described lot is more particularly bounded and described as follows:

Beginning at a survey marker set on the northeastern limits of Victoria Road, at the southern corner of Lot MBLL-3 of lands formerly of MacKenzie Bus Line Limited, said marker being the southeastern corner of the herein described lot and is hereinafter referred to as the place of beginning;

THENCE south fifty-four degrees forty-nine minutes twenty-five seconds west along the northwestern limits of Victoria Road a distance of eighty-three decimal seven two feet to a survey marker found on the northwestern limits of Victoria Road;

THENCE south fifty-six degrees zero six minutes twenty-nine seconds west along the northwestern limits of Victoria Road a distance of forty-nine decimal six one feet to a survey marker found at the southeastern corner of lands of Richard G. Kirchner and Gloria I. Wagner;

THENCE north thirty-seven degrees fifty minutes twenty-four seconds west along the northeastern boundary of lands of Richard G. Kirchner and Gloria I. Wagner a distance of eighty-four decimal three eight feet to a survey marker set at the northeastern corner of lands of Richard G. Kirchner and Gloria I. Wagner;

THENCE south fifty-six degrees ten minutes fifty-four seconds west along the northwestern boundary of lands of Richard G. Kirchner and Gloria I. Wagner a distance of sixty-three decimal zero zero feet to a survey marker set on the northeastern boundary of lands of Dora J. Hirtle;

THENCE north forty-three degrees fifteen minutes forty-eight seconds west along the northeastern boundary of lands of Dora J. Hirtle a distance of thirty-four decimal five eight feet to a survey marker found at the eastern corner of lands of E. W. Dorey and Sons Construction Ltd.;

THENCE north fifty-three degrees twenty-one minutes zero eight seconds west along the northeastern boundary of lands of E. W. Dorey and Sons Construction Limited a distance of one hundred twenty-two decimal nine six feet to an iron pipe found at the eastern corner of lands of Gwen A. Hebb;

THENCE north fifty-three degrees twenty-two minutes eleven seconds west along the northeastern boundary of lands of Gwen A. Hebb a distance of one hundred thirteen decimal four nine feet to an iron pipe found on the southeastern boundary of lands of the Roman Catholic Church;

THENCE north twenty-eight degrees forty-two minutes twenty-eight seconds east along the southeastern boundary of lands of the Roman Catholic Church a distance of one hundred fifty-two decimal two four feet to an iron pipe found at the western corner of lands of Florence M. Little;

THENCE south forty-five degrees forty-six minutes twenty-four seconds east along the southwestern boundary of lands Florence M. Little a distance of one hundred fifty-five decimal four two feet to a survey marker set at the southern corner of lands of Florence M. Little;

THENCE north thirty-five degrees zero zero minutes twenty-six seconds east along the southeastern boundary of lands of Florence M. Little a distance of eighty-six decimal six three feet to a survey marker set at the western corner of Lot MBLL-1 of lands of MacKenzie Bus Line Limited;

THENCE south fifty-five degrees twenty-seven minutes forty-seven seconds east along the southwestern boundary of Lot MBLL-1 of lands of MacKenzie Bus Line Limited a distance of one hundred thirty decimal zero one feet to a survey marker set at the western corner of Lot MBLL-2 of lands of MacKenzie Bus Line Limited;

THENCE continuing south fifty-five degrees twenty-seven minutes forty-seven seconds east along the southwestern boundary of Lot MBLL-2 of lands of MacKenzie Bus Line Limited a distance of fifty-eight decimal zero six feet to a survey marker set at the northwestern corner of Lot MBLL-3 of lands formerly of MacKenzie Bus Line Limited;

THENCE south zero three degrees forty minutes thirty-seven seconds east along the southwestern boundary of Lot MBLL-3 of lands formerly of MacKenzie Bus Line Limited a distance of fifty-nine decimal zero six feet to a survey marker set on the southwestern boundary of Lot MBLL-3 of lands formerly of MacKenzie Bus Line Limited;

THENCE south thirty-three degrees zero seven minutes nineteen seconds east along the southwestern boundary of Lot MBLL-3 of lands formerly of MacKenzie Bus Line Limited a distance of sixty-two decimal six six feet, or to the place of beginning.

The enclosed area for the above described lot is 70,831 square feet, more or less.

The bearings are grid.

Subdivision approval for MBLL-4 was granted by the development officer for the Town of Bridgewater on June 12, 2000 under application number BW200004 and a copy of the approved plan was filed at the registry of deeds on June 13, 2000 under number 11,465.

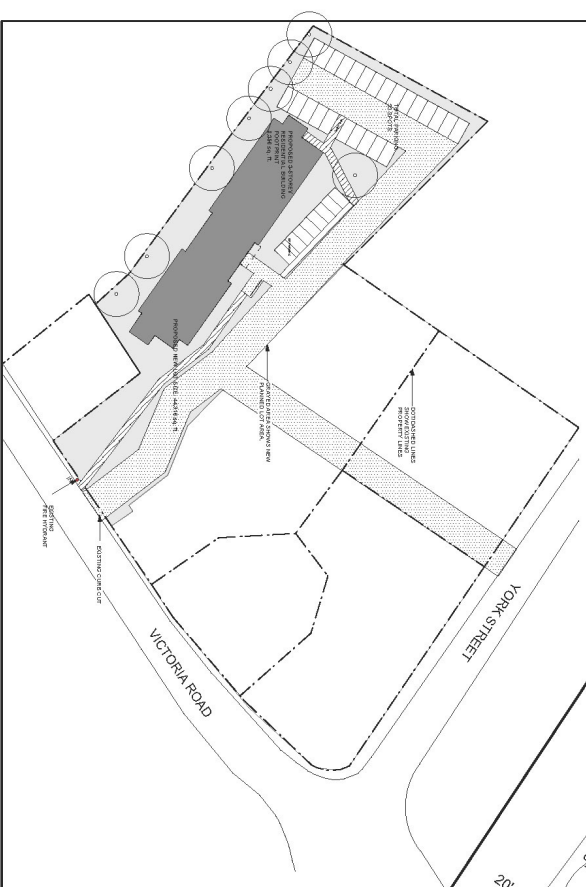
The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Lunenburg County as plan or document number 11,465.

Site Plan

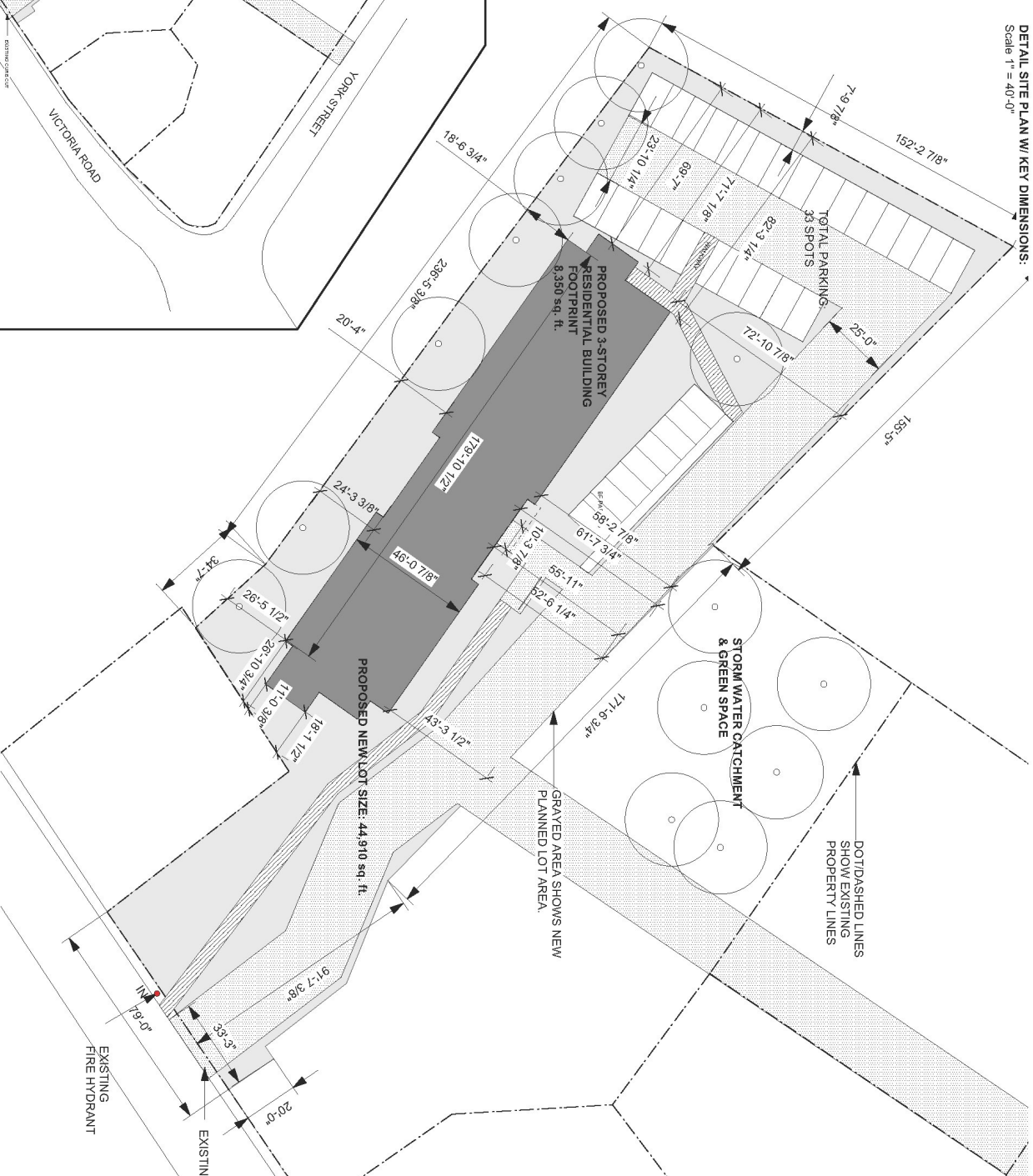
- KEY BUILDING FEATURES:
- RESIDENTIAL OCCUPANCY
- SPRINKLERED
- COMBUSTIBLE CONSTRUCTION
- 3-STORIES, NO BASEMENT
- TOTAL GROSS FLOOR AREA, 25,050 SQ. FT.
- 30 ONE-BEDROOM UNITS, 600 SQ. FT. INCL. BALCONIES
- 10 UNITS PER FLOOR
- 18,000 SQ. FT. OF AMENITY SPACE, COMMON ROOMS, BALCONIES, GRASSY AREAS, URBAN GARDENS & GAZEBO
- ALL UNITS VISITABLE, TWO UNITS BARRIER FREE
- 31 PARKING SPACES OF WHICH 6 ARE BARRIER FREE

		Z
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LOCATION MAP:
Scale 1" = 100'-0"



DETAIL SITE PLAN W/ KEY DIMENSIONS:
Scale 1" = 40'-0"



902-444-8085
63 King Street
Dartmouth, ns. b2y 1t7

rhadd
ARCHITECTS

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REVIEWED:
06/21/16 CHANGES AS PER
DISCUSSIONS WITH URBAN PLANNER
09/30/16 UPDATES SHOWING FULL
DEVELOPMENT & CHANGES TO
PARKING/LANDSCAPING AS PER
DISCUSSIONS WITH URBAN PLANNER
10/17/16 UPDATES TO MIXED USAGE
RESIDENTIAL & COMMERCIAL

THIS ISSUE:
10.26.18
DEVELOPMENT
AGREEMENT SET

**BRIDGEWATER
MULTI-RESIDENC
& YORK ST.
BRIDGEWATER, NS**

Drawing Title

MASTER SITE PLAN

Drawn By	
RH	
Date	
FEB 2018	
Revised By	
Scale	
	A100

Landscaping Plan

DETAIL LANDSCAPING PLAN:
Scale 1" = 40'-0"

NEW RETAINING WALL

TOTAL PARKING 33 SPOTS

EXISTING OR NEW TREE

NEW FENCE

PROPOSED 3-STORY RESIDENTIAL BUILDING FOOTPRINT 8,350 sq. ft.

BOXWOODS, AZALEAS, LOW BLUE JUNIPER

CONCRETE PATHWAY/BIKE PARKING FOR 10 PLANNED LOT AREA

GRAYED AREA SHOWS NEW PLANNED LOT AREA

ASPHALT ROAD

REMAINDER OF AREA TO BE GRASS

PROPOSED NEW LOT SIZE: 44,910 sq. ft.

NEW MULTI-STEM WHITE PAPER BIRCH

NEW OR EXISTING TREES (PREFERABLY) TO ACT AS BUFFER BETWEEN PARKING AND ADJACENT YARD.

6'-0" FENCE ALONG PROPERTY LINE W/ ROW OF CEDARS BEYOND

ORNAMENTAL GRASSES

EXISTING CURB CUT

EXISTING FIRE HYDRANT

NEW STREET TREE

VICTORIA STREET

DOT-DASHED LINES SHOW EXISTING PROPERTY LINES

[illegible]

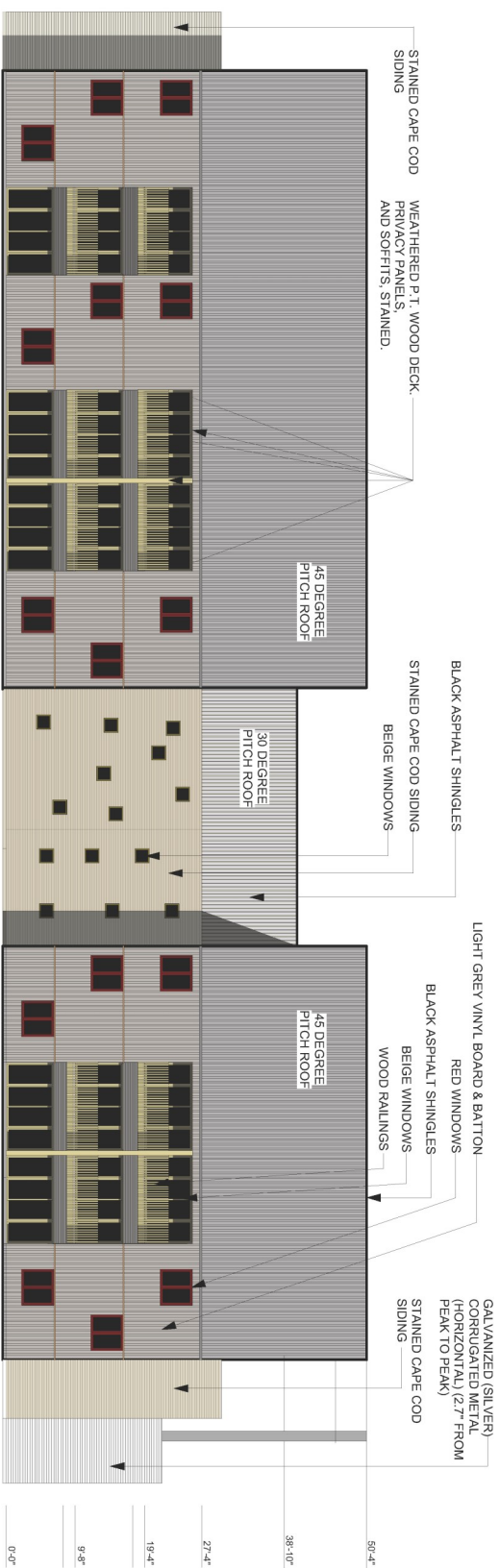
REVIEWED:
MAJOR CHANGES AS PER
DISCUSSIONS WITH URBAN PLANNER
08/15/16 UPDATES SHOWING FULL
DEVELOPMENT & CHANGES TO
PARKING/LANDSCAPING AS PER
DISCUSSIONS WITH URBAN PLANNER
STARTING UPDATES TO MIXED USAGE
PRESIDENTIAL & COMMERCIAL

THIS ISSUE:
10.26.18
DEVELOPMENT
AGREEMENT SET

**BRIDGEWATER
MULTI-RESIDENCE
& YORK ST.
BRIDGEWATER, NS**

Landscaping Plan w/ Bike Parking	Drawing Title Date FEB 2018 Revision 0-200	Drawing By RH	A101
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Elevation Drawings

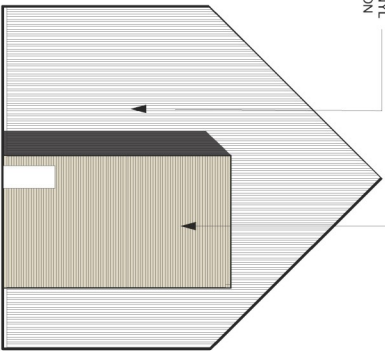
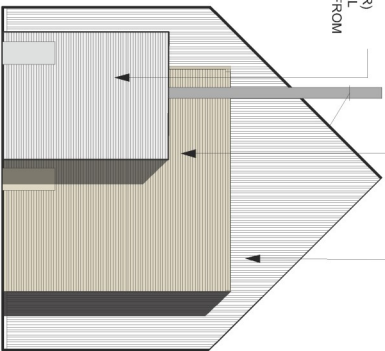


BACK ELEVATION

LIGHT GREY VINYL
BOARD & BATTON

STAINED CAPE COD
SIDING

GALVANIZED (SILVER)
CORRUGATED METAL
(HORIZONTAL) (2.7" FROM
PEAK TO PEAK)



STAINED CAPE COD
SIDING

LIGHT GREY VINYL
BOARD & BATTON

SOUTH-EAST ELEVATION

NORTH-WEST ELEVATION

[illegible]