



Doc. # 20 083  
Approved [Signature]  
Date 16 Apr 2020  
Copies To:  
Council ✓  
Senior Mgmt. ✓  
Brief Session \_\_\_\_\_  
Agenda 27 Apr 2020  
Committee \_\_\_\_\_  
Other \_\_\_\_\_

## MEMO

**To:** Bridgewater Town Council  
**From:** Jessica McDonald, Director, Community Development  
**Cc:** Tammy Crowder, CAO  
Larry Feener, Director of Engineering  
Nick Brown, Development Officer  
**Date:** April 15, 2020  
**Re:** **Oakland Drive – application for Development Agreement and Public Participation Meeting to be held on May 6, 2020**

Please find attached the Application Briefing for a development agreement to permit the construction of 14 dwelling units on a private laneway (Oakland Drive). Staff in both the Engineering and Community Development Departments have reviewed this application.

A public meeting will be held on May 6, 2020. This meeting will be held virtually. As per the Municipal Government Act, notice will be provided to all property owners within 30 metres of the subject property. Advertisement will also be placed in the Wednesday edition of the Chronicle Herald 1 week in advance of the meeting. It will also be advertised through the Town's social media channels. Information regarding the public hearing and how to participate will be provided on the Town's Development Applications webpage: [www.bridgewater.ca/DA](http://www.bridgewater.ca/DA)

This moves the application into **Step 2: Public Engagement | Council Recommendation** of the development agreement process. After the public meeting, staff will bring forward the Planning Analysis Report, a draft Development Agreement and a recommendation for your consideration.

Respectfully submitted,

A handwritten signature in blue ink that reads 'McDonald'.

Jessica McDonald

## Development Agreement / Rezoning Application PROCESS

Applicant meets with staff pre-submission to discuss proposal and to confirm what studies and information are required to consider the application complete.

### Step 1: Application is made | Staff review

- a) Complete application is submitted to Department.
- b) Application Briefing is prepared by the Planner.
- c) Proposal is reviewed by Town Staff in Community Development and Engineering Departments.
- d) Additional information (traffic, local infrastructure/wastewater) may be requested by Staff at this time.  
Applicant may revise proposed concept based on initial staff review or outcomes of additional studies.

### Step 2: Public Engagement | Recommendation to Council

- a) Memo to Council regarding application and announcement of public participation meeting.
- b) Application details made available on Town's website.
- c) Notice of public meeting sent to adjacent property owners, advertised in newspaper and on social media.
- d) Public are invited to comment on development proposal.
- e) Applicant may commit to revise their proposed concept to address concerns raised at the meeting.
- f) Town staff prepare report and draft development agreement/rezoning.
- g) Planning Analysis report received by Town Council for consideration.

### Step 3: Public Hearing & Decision by Town Council

- a) If application proceeds, Council sets the Public Hearing date.
- b) Application details on Town's website are updated.
- c) Public hearing advertised in local newspaper (and social media).
- At the public hearing/council meeting*
- d) Planner presents staff report and recommendations.
- e) Applicant may present their proposal to Council.
- f) Public are invited to comment on proposal.
- g) Council may give additional feedback to the applicant based on information raised at the hearing.
- h) Applicant may commit to revise their development concept to address concerns raised at this meeting.
- i) Council makes its decision.
- Following the public hearing/Council Meeting*
- j) Notice of approval published in local newspaper or refusal notice sent to applicant.
- k) Decision may be appealed to the Nova Scotia Utility and Review Board up to 14 days following notification.

### Step 4: Registration of Development Agreement | Building & Development Permits

- a) Once appeal period has expired or all appeals have been exhausted, Development Agreement is signed.
- b) Development Agreement gets registered at the Registry of Deeds as an encumbrance against the property.
- c) For a rezoning, the Land use By-law is updated (print and web).
- d) Building and Development Permits may be issued for the development so long as any outstanding requirements identified in a development agreement are deemed to be satisfied by the Town.

Approximate timeframes for each step of the process:

Step 1	Step 2	Step 3	Step 4
8-12 weeks (depending on complexity)	6-8 weeks	9 weeks	2-4 weeks



APPLICATION BRIEFING	
<b>SUBMITTED BY:</b>	Jessica McDonald, Director of Community Development
<b>DATE:</b>	February 6, 2020
<b>SUBJECT:</b>	Development Agreement application for multi-unit residential (14 townhouses) on a private drive on Oakland Drive

### Background

An application was received on October 28th, 2019 by 3307878 Nova Scotia Limited ("the applicant") for a development agreement to construct a multi-unit residential (14 units) development on the lands comprised of Lot 3,4,5,6,7,8,9 and the road parcel at Oakland Drive, collectively to be known as "the subject property". The subject property is located in the Comprehensive Residential (R3) Zone. In the R3 Zone, multi-unit residential development greater than 4 units require a development agreement.

The proposed development will consist of 14 townhouses in three blocks containing 7, 4 and 3 units, held in common ownership and on a private driveway for the purposes of rental. Each unit will be 1,365 square feet in size with 2-bedrooms, 2.5 bathrooms and a driveway.

The subject properties have a pre-existing development agreement (2012) with the Town for a condominium development consisting of eight (8) single-storey semi-detached dwellings (16 units) off of a proposed private laneway. Construction phasing was outlined within the development agreement and consisted of 5 phases. To date, only two phases have been built. A remaining 14 units are approved under the current development agreement.

### Subject Property

The subject property is owned by 3307878 Nova Scotia Limited and is currently a vacant forested site, as shown in the context map and photos, with an existing development agreement in place for 14-units. The property is zoned Comprehensive Residential (R3) on the Zoning Map of the Land Use By-law (LUB) and designated as Comprehensive Residential on the Future Land Use Map of the Municipal Planning Strategy (MPS). The subject property is comprised of 7 parcels of land and the road parcel (PIDs 60036589, 60382132, 60036597, 60382116, 60382124, 60036605, 60382108 and 60541133). The un-built, crescent-shaped road, that is intended to provide access to the proposed development, has been commonly referred to as Oakland Drive since the land was originally subdivided in the mid-1970s. The applicant intends to consolidate the parcels into a single parcel for the development. The total size of the subject property is 8,998 square metres (2.2 acres), broken down as follows:

Lot	PID	Land Area (sq.m.)	Lot	PID	Land Area (sq.m.)
Street parcel	60541133	3,595	6	60382116	887
3	60382108	650	7	60036597	808
4	60036605	806	8	60382132	650
5	60382124	808	9	60036589	794



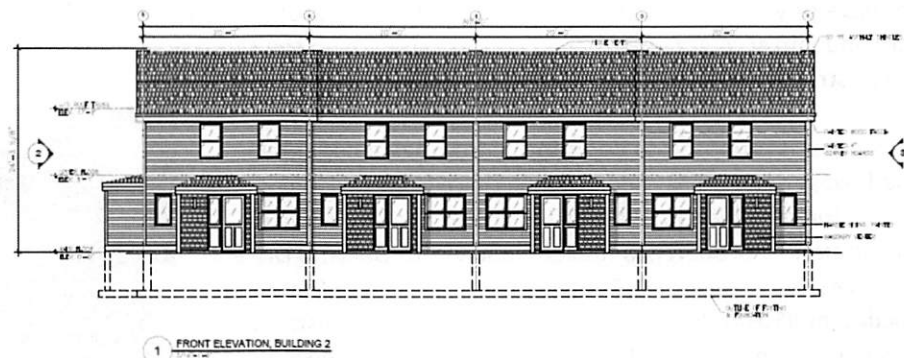
The property is currently partially cleared but predominantly wooded. The private driveway is accessible from both directions without encumbrance. The pictures below were taken on January 13, 2020. Top two provide views of the property in the middle of the property. Bottom left picture shows the private driveway looking toward Lot 10, Oakland Drive, which was built during the second phase of the original development proposal. The bottom right photo shows the westerly access of Oakland Drive and Jubilee Road.



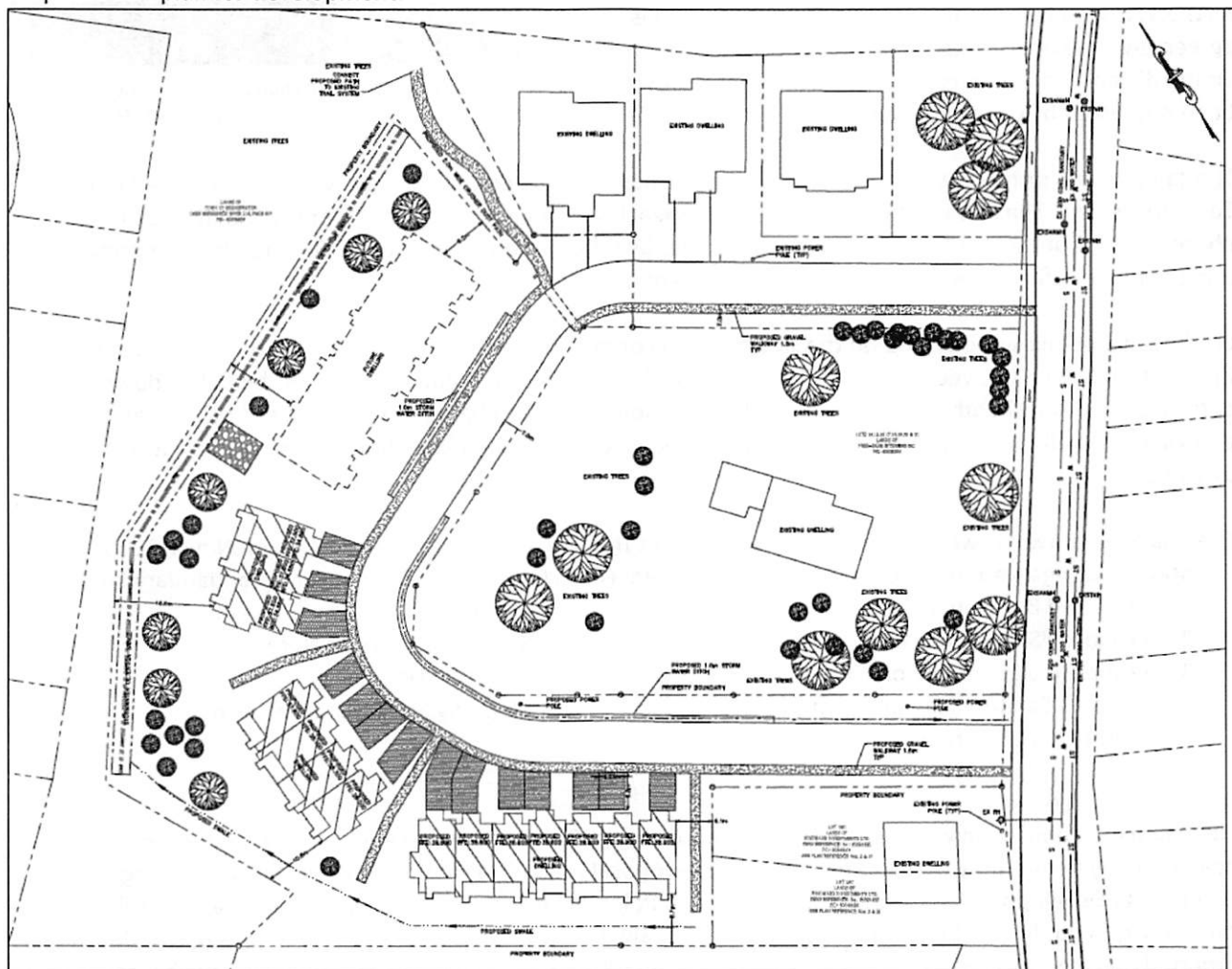
## Development Proposal

The applicant proposes to consolidate the seven (7) lots and street parcel and develop 14 townhouses in three separate blocks each containing 7, 4 and 3 units, held in common ownership and on a private driveway, for the purposes of rental. Each unit will be 1,365 square feet in size with 2-bedrooms, 2.5 bathrooms and a driveway. The architectural style and cladding will be consistent between all three blocks of townhouses.

Elevation drawing of 4-unit  
townhouse.



Proposed site plan for development:





The driveway is not required to be built to public street standards because it is to remain private. The Town does not have private lane/road standards. The applicant proposes a travel width of 7.0 m (approx. 21 feet) without curb and gutter. A graveled/paved pedestrian path on the same side of the street as the dwelling units to create a pedestrian connection to Jubilee Road will be provided.

Site access is proposed to be from the frontage along Jubilee Road, west of civic 172. Additionally, there is pre-existing right-of-way for vehicular and pedestrian access and site servicing for the subject property to Jubilee Road via 18 Oakland Drive, the access point east of 172 Jubilee Road. This is confirmed in Document #109408667 registered with the Land Registration Office in Lunenburg County in August 2016. The proposed access differs from that of the 2012 development agreement.

As the access to the site has changed from the previous agreement, a review of the site access in consideration of site vision, distances to intersections and significant driveways has been requested by the Traffic Authority.



*Image taken at intersection of Oakland Drive and 172 Jubilee Road, looking west (toward the LaHave River).*

The sanitary and drinking water servicing for the site has been developed. Plans have been submitted to the Town for review. The applicant is aware of the deficiencies existing in the existing servicing that was built in phases 1 and 2 of the 2012 development agreement, by different property owners. The applicant intends to remedy those deficiencies as part of this development proposal.

Landscaping details are included on the site plan and contain the pedestrian connection to the Woodland Garden trail system between Lot 9 and Nos. 26/28 Oakland Drive. Preliminary gravel has been laid down on a portion of this trail already. However, the full connection remains to be built. The proposed pedestrian pathway/sidewalk along the private driveway will connect the trail to Jubilee Road on the same side as the dwelling units.

The following drawings were submitted in hard copy at the time of the initial application on Nov 8, 2019. Elevation drawings were received on December 16<sup>th</sup>. Revisions to items 1-3 were received on January 29<sup>th</sup>, 2020.

- |                                      |                                 |
|--------------------------------------|---------------------------------|
| 1. Proposed Base Site Plan           | 6. Storm Analysis               |
| 2. Proposed Site Service Plan        | 7. Service Details and Notes    |
| 3. Proposed Site grading plan        | 8. Elevation Drawings           |
| 4. Water & Sanitary Plan and Profile | 9. Stopping Sight Distance Form |
| 5. Storm Plan and Profile            |                                 |

### Application Process

The complete application was received by staff on January 28, 2020 date. An initial review of the proposal has been done by Community Development staff. The proposal requires a thorough review by Engineering and Community Development staff against the criteria of Policy IM-6 and other relevant policies (as identified in this report). A public meeting is also required prior to any Council consideration. Further revisions to the proposal may be considered based on public feedback. Following the public meeting and any further revisions to the proposal, staff will provide a full analysis of the proposed development and the draft development agreement at a future meeting of Council. If given consideration by Council, the application will proceed to public hearing. Staff will present a final report and recommendation at that time.

- Step 1: Application is made | Staff review
- Step 2: Public Engagement | Recommendation to Council
- Step 3: Public Hearing & Decision by Town Council
- Step 4: Registration of Development Agreement | Building & Development Permits

## Policy Index

### ***Policy G-9***

*It shall be a policy of Council to ensure that all developments permitted by site plan approval and development agreement include provisions for adequate automobile and bicycle parking to serve the development.*

### ***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.*

### ***Policy G-19***

*It shall be a policy of Council to encourage the use of native plant species and plants selected for their water efficiency in all landscaping proposals.*

### ***Policy G-24***

*It shall be a policy of Council to require fencing in any development permitted by site plan approval and development agreement, where Council believes fencing will help preserve the character of the area, provide necessary screening, or help to reduce land potential conflicts with surrounding land uses.*

### ***Policy G-25***

*It shall be a policy of Council to regulate the type and location of outdoor lighting in all new developments in order to minimize the energy used by lighting fixtures and reduce the impact lighting creates on properties in the surrounding areas.*

### ***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*

### ***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 development projects permitted by site plan approval and development agreement, to support increased walking and bicycling behavior.*

### ***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.*

**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.*

**Policy R-23**

*It shall be a policy of Council to consider the following developments by development agreement in the Comprehensive Residential (R3) Zone:*

- a) Proposals for single unit development as a collective development, two unit development as a collective development, and multi-unit residential development as a collective development up to a maximum of 62 units per hectare (25 units per acre) in accordance with policy IM-6;*
- b) Proposals for multi-unit residential development consisting of more than four units, up to a maximum of 62 units per hectare (25 units per acre) in accordance with policy IM-6;*

**Policy OS-4**

*It shall be a policy of Council to require developers to provide greenspace, recreational or leisure-based amenities on-site for all new multi-unit residential development containing five or more dwelling units, and all new multi-unit residential development permitted by development agreement in accordance with Policy IM-6.*

**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, an all new development projects that are permitted through site plan approval or by development agreement, in accordance with the Land Use By-law.*

**Policy EM-8**

*It shall be a 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.*

**Policy T-4**

*It shall be a policy of Council to require developers to construct new sidewalks and walkways, as set out in the Subdivision By-law and Municipal Specifications, in order to provide pedestrians with continuous, integrated sidewalks and walkways for access to public facilities, shopping areas and residential neighbourhoods throughout the town.*

**Policy T-5**

*It shall be a policy of Council to require all new streets and extensions to existing streets to be constructed to standards referred to in the Town's Subdivision By-law and Municipal Specifications.*

**T-17**

*It shall be the policy of Council to ensure that all new streets and street extensions identified in the Map 4 – Street Classification Map include required active transportation infrastructure in accordance with the design requirements referred to in the Subdivision By-law.*

**Policy INF-1**

*It shall be the policy of Council to require a developer to design and install water mains within a development and negotiate the costs of providing water mains outside the development sufficient to connect to the Town's water supply system.*



*Policy INF-2*

*It shall be the policy of Council to require all water lines to be designed and constructed to meet the standards set out in the Subdivision By-law.*

*Policy INF-7*

*It shall be a policy of Council to provide efficient and responsive sanitary collection and treatment and storm drainage collection programs for the town.*

*Policy INF-8*

*It shall be a policy of Council to require a developer to install sanitary sewers, and storm sewers or open channels, within a development and negotiate the costs of providing sanitary sewers, and storm sewers or open channels, outside the development sufficient to connect with the town's sanitary sewer system.*

*Policy INF-9*

*It shall be a policy of Council to require all of the sanitary sewer and storm sewer system to be designed and constructed to meet the standards set out in the Subdivision By-law.*

*Policy INF-14*

*It shall be the policy of Council to utilize natural water courses for conveyance of stormwater run-off from serviced areas, subject to statutory provisions for utilization and alteration of watercourses. In so doing, Council will ensure that appropriate planning, design, and engineering techniques are employed to minimize any impacts that alteration of the natural flow of water may have.*

*Policy IM-5*

*It shall be the policy of Council to enter into a development agreement pursuant to the Municipal Government Act on the terms and conditions set forth in this Municipal Planning Strategy and a development agreement shall:*

- a) specify the development, expansion, alteration, or change permitted; and*
- b) specify the conditions under which the development may occur; and*
- c) set forth the terms by which Town Council may terminate the agreement.*

*The provisions of the Land Use By-law shall prevail after discharge of any agreement.*

*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:*

- a) Compatibility of the proposed land use with adjacent land uses; and*
- b) Compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, bulk, and architectural style; and*
- c) Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise; and*
- 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*
- e) The adequacy of sanitary services, water services, and storm water management services; and*
- 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*
- g) The adequacy of the road network in, and adjacent to, or leading to the development, regarding connectivity, congestion and traffic hazards; and*

- h) The adequacy of site access as determined by the Traffic Authority; and*
- i) The ability of emergency services to respond to an emergency at the location of the proposed development; and*
- j) The adequacy of active transportation infrastructure to support walking and cycling to and from the proposed development; and*
- k) The provision of off-street vehicle and bicycle parking to prevent significant congestion, nuisance and inconvenience in the area; and*
- l) Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and*
- m) Suitability of the site in terms of slope and flood and erosion risk in accordance with Map 6 – Environmental Constraints; and*
- 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;*
- 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) The financial ability of the Town to absorb any costs relating to the proposal; and*
- 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.*