

2 Planning Context

2.1 Policy Context

The Dartmouth Common Master Plan takes place within the larger context of provincial legislation and planning policies within the Halifax Regional Municipality. The Master Plan aligns with the goals and policies outlined in higher level policy documents while providing a guiding vision and specific recommendations for the Dartmouth Common.

2.1.1 Relevant Provincial Legislation

2.1.1.1 HALIFAX REGIONAL MUNICIPALITY CHARTER, 2008

The *Dartmouth Common Act* was established as provincial legislation in 1986 to preserve and protect the Dartmouth Common for the use and enjoyment of present and future inhabitants of the City of Dartmouth. In 1994 the *Act* was amended to allow for additions to the Sportsplex (current subsection 4). In 2008 further amendments were made allowing for the development of a new transit terminal on up to six acres (current subsections 5 and 6). In January 2009, the *Halifax Regional Municipality Charter* came into effect and subsumed the *Dartmouth Common Act* (1986); the current legislation is quoted below (amendments are in bold):

(1) In this Section, "Dartmouth common" means the common of Dartmouth so far as it was vested in the City of Dartmouth on April 22, 1986.

(2) The Municipality may not sell, lease, license or otherwise alienate the Dartmouth common.

(3) Subject to subsections (4) and (5), no person shall build on the Dartmouth common.

(4) A person may build an addition to a building located on the lands described in the Schedule to Chapter 87 of the Acts of 1994, An Act to Amend Chapter 68 of the Acts of 1986, the Dartmouth Common Act, if the building and the addition are both totally located on those lands.¹

(5) The Municipality may build, expand or improve public transit facilities on that part of the Dartmouth Common adjacent to Nantucket Avenue and not exceeding six acres.

(6) When the lands referred to in subsection (5) are no longer used by the Municipality for public transit facilities, the lands revert back to their use as part of the Dartmouth Common.

¹ The lands described in this section are depicted in Figure 3.3 under "1994 Amendment Dartmouth Common Act"

(7) The Dartmouth common is held by the Municipality in trust for the inhabitants of the Municipality.

2.1.2 Relevant Halifax Regional Municipality Policy and Initiatives

2.1.2.1 REGIONAL MPS

The HRM Regional Municipal Planning Strategy (MPS)² identifies the Central Common Area as part of the regional centre (urban core) and capital district, which is the principal economic, social and cultural centrepiece of the region. The Regional MPS also identifies the Dartmouth Common as a major component of the parks and trails system, as well as recognizes significant views of the Halifax Harbour from the Dartmouth Common.

2.1.2.2 DARTMOUTH MPS AND LUB

The Dartmouth Municipal Planning Strategy³ states the overall goal for recreation planning in Dartmouth:

“To make available opportunities for the development of the physical and mental well being of all segments of the population of the City of Dartmouth during their leisure time through the provision and development of open space, the construction of facilities, and the provision of leadership.”

The Dartmouth MPS refers to the Dartmouth Common as a specific element of the Recreation Network:

(h) DARTMOUTH COMMON

In 1788, King George III granted the Common to the community as a whole, for the benefit of all citizens. Since 1988 the citizens of Dartmouth have begun an enhancement plan to reclaim as much of the original Common as possible, and develop it as an open space for outdoor activity. Notwithstanding the need for the open space, there is a requirement for a transit terminal near the intersection of Nantucket Avenue and Wyse Road, to provide an efficient transit system to the Metro area. The only land available is on the Common between the bank and the Sportsplex. Council recognizes that a good transit system protects the environment and has economic benefits to the community. (As amended by By-law C-721, June 9, 1995).

² August 2006, with amendments to 28 March 2009.

³ 1978, with amendments to 25 July 2009

The Dartmouth Common Master Plan is in line with the policies guiding the Regulation of Lake and Park Use⁴ particularly Policy R-6:

*“It shall be the intention of City Council to protect and develop the **Dartmouth Commons... as strong city wide recreation areas.**”*
(emphasis added)

Policy R-19 is also specifically related to the Dartmouth Common and the use of the site for Transit purposes, stating:

It shall be the intention of City Council, subject to the Dartmouth Common Act, to establish a Schedule in the Land Use By-law, which identifies a site on the Dartmouth Common to be considered for the installation of a Metropolitan Transit Terminal, subject to the land Use By-law and to the provisions of leases or agreements, as City Council requires, to adequately control the development and operation of these facilities. (As amended by By-law C-721, June 9, 1995).

The Dartmouth Land Use By-Law (LUB)⁵ outlines uses permitted in each zoning category.

2.1.2.3 DOWNTOWN DARTMOUTH SECONDARY PLANNING STRATEGY AND LUB

The Downtown Dartmouth Secondary Planning Strategy⁶ provides an additional level of detail for the downtown area. Within this Secondary Planning Strategy there are specific policy statements with relevance to the Dartmouth Common. The section on Recreation, Open Space and Environment⁷ specifically highlights the Dartmouth Common as a “regional resource” and an important aspect of the downtown:

“the Common plays a special role for the downtown community: it serves as an open space resource for the many people who live, work and visit the downtown, it provides economic benefits to the region through tourism and quality of life spin-offs, and is a dominant feature of the urban landscape: shaping its visual character and forming a impressive gateway into the downtown.”

In addition, as part of Policy W-1, which is in regard to waterfront development, there is a list of priority projects, including “re-establishment of the Dartmouth Common at the western edge of the waterfront on the Geary Street lands” (See also Policies O-11 and O-12). The Master Plan for the Dartmouth Common takes into consideration the policy and initiatives related

⁴ Dartmouth MPS, Open Space and Recreation, Section 5

⁵ December 1978, with amendments up to 30 March 2009

⁶ July 2000, with amendments up to 26 July 2008

⁷ Recreation, Open Space and Environment, Section 4.6

to the waterfront district. The Downtown Secondary Planning Strategy establishes viewplanes from the Dartmouth Common, which influence the height of buildings along the waterfront and in other areas within the viewplanes (Policies D-5 and W-4). The Land Use By-Law for Downtown Dartmouth⁸ outlines uses permitted in each zoning category within the downtown Dartmouth area.

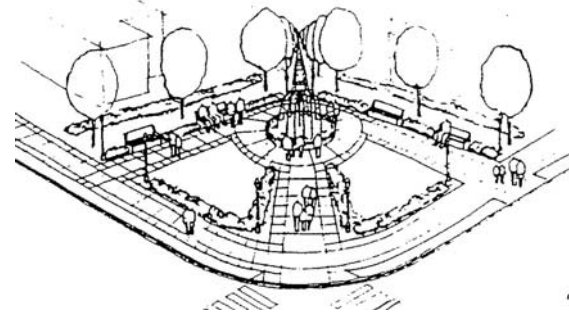
2.1.2.4 DARTMOUTH COMMON ENHANCEMENT PLAN

The Dartmouth Common Enhancement Plan (1989) was developed in response to growing concern about encroachment on the Common. The Dartmouth Common Master Plan builds on the 1989 Enhancement Plan and acknowledges the many good ideas that emerged from the planning process that engaged the public. Among many important points, the Dartmouth Common Enhancement Plan (1989) emphasized that:

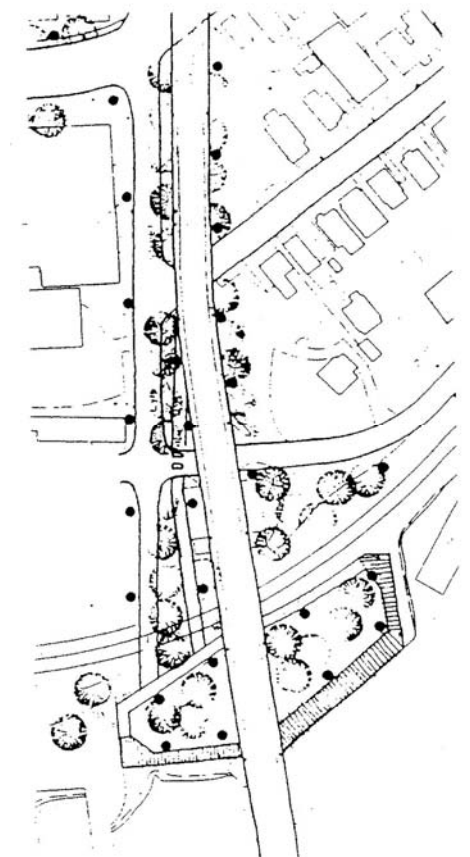
- the Common is a significant gateway to Dartmouth;
- the spirit of the Common can be enhanced through public awareness, interest and support;
- the use of the Common can be enhanced through better public utility and accessibility; and
- the function of the Common can be enhanced through better municipal maintenance and management.

The Dartmouth Common Enhancement Plan recommended many projects that were never completed, yet which still remain relevant and interesting ideas in today's context, including:

- Boland and Wyse Rd Corner Park – This park would provide an entryway to the northwest area of the Common with a fountain, street furniture, and lighting leading into the “Green Street Promenade” that was also proposed in the 1989 Plan;
- East-West Pedestrian Promenade – The promenade would re-establish a pedestrian connection from Wyse Rd to the waterfront, linking the residential neighbourhoods on the Common;
- Common Waterfront Park – A park developed on the city-owned land under the bridge would provide access to the harbour and “bring the Common back to the waterfront”; and
- Close Thistle Street – Closing Thistle Street between Wyse Road and Victoria Road would link the two largest areas of the Common and add the equivalent area of one small city block to the Common's open space.



Boland & Wyse Corner Park (Dartmouth Common Enhancement Plan, 1989)



Common Waterfront Park leading into the Pedestrian Promenade (Dartmouth Common Enhancement Plan, 1989)

⁸ July 2000, with amendments up to 26 July 2008

2.1.2.5 HRMByDESIGN

In 1989 the Dartmouth Common Enhancement Plan emphasized the significance of the Common as a gateway to Dartmouth. Almost two decades later, the HRMbyDesign process re-emphasized the gateway opportunity of the Dartmouth Common, identifying the built up area in the central Common (at the intersection of Nantucket Avenue and Wyse Road) as a future “Urban Centre” that could serve the surrounding neighbourhoods and become a potential regional destination. Emerging through the dialogue between the consultants and the public during the HRMbyDesign process were a number of concept drawings and several suggestions for the area including establishing a monumental entrance/exit at the gateway intersection of Nantucket Ave. and Wyse Rd., intensifying residential and office use, improving the transportation hub, enhancing the area with more landscaping and streetscaping, and incorporating public art.

2.2 Immediate Development Needs

The two schools, transit terminal, and Sportsplex are all anticipating future development changes and expansions that will have a bearing on the future land use of the Dartmouth Common.

2.2.1 Dartmouth High School and Bicentennial School

Major alterations to Dartmouth High School are recommended in the School Board’s “Imagine our Schools” master plan. The alterations would enhance program delivery, improve parking and drop off areas, add childcare, and possibly develop a Centre of Excellence for Sports in conjunction with the Sportsplex. Provincial funds of approximately \$12 million were approved in the spring of 2009. Dartmouth High School would benefit from the following improvements:

- ↗ Improve parking and drop-off area;
- ↗ Provide bigger gymnasium;
- ↗ Make school a neighbourhood feature;
- ↗ Solve safety issues associated with wilderness area;
- ↗ Enhance edge between school and wilderness area; and
- ↗ Improve connections/paths for students.

Bicentennial School requires alterations to enhance program delivery, and a lunch room. Student safety is a concern for both schools on the Common. The safety of the students travelling to and from school has been a priority in the Dartmouth Common Master Planning process, in addition to considering the movement of non-students throughout the Common without having to pass through school property.

2.2.2 Dartmouth Sportsplex

The Dartmouth Sportsplex is a non-profit community sports, fitness and recreation facility built in 1982. There are about one million entrances per year, with users from across HRM, as well as surrounding communities. Plans by the Dartmouth Sportsplex to expand its operation are currently being evaluated and quantified through a needs assessment and feasibility study (Dartmouth Sportsplex Renewal and Capitalization Plan). The parking requirement for the Dartmouth Sportsplex, currently 500 stalls, is expected to increase pending the outcome of the needs assessment.⁹

The Sportsplex is planning a facilities expansion to include a 47,000 square foot multipurpose, multi court field house on the north side of the current building. The total parking requirement for the Sportsplex will be 700 parking stalls (500 currently existing plus 200 additional spaces for the operation of the new field house).

2.2.3 Metro Transit Nantucket Bus Terminal

With 17,000 daily on and offs, the Metro Transit Bridge Terminal is the busiest bus terminal in HRM and is currently facing Issues with capacity, security, safety, accessibility and amenities. The Central Common Area was identified by Metro Transit as the only feasible location for a New Bridge Terminal. Preliminary programming for the terminal includes a platform for 16 buses, layover lane, large passenger waiting area, ticket vending and information, leased commercial space, taxi stands, kiss n' ride spots, bicycle storage, pedestrian control measures, guaranteed accessibility, security measures, public art, and green initiatives. Metro Transit has awarded the design contract for the new bus terminal in October of 2009. Construction is expected to begin in 2010.

To allow for the construction of the bus terminal on lands governed by the *Dartmouth Common Act*, Halifax Regional Council recommended amendments to the *Act* on June 17, 2008:

⁹ Spatial assumptions in this Master Plan are based on previous expansion plans by the Sportsplex. These preliminary design drawings stipulated a 47,000 square foot multipurpose, multi court field house on the north side of the current building. Based on these preliminary plans, the total parking requirement for the Sportsplex would be 700 parking stalls (500 currently existing plus 200 additional spaces for the operation of the new field house).

That Halifax Regional Council approve, in principle, the concept of creating a new transit terminal on the Dartmouth Common, *including the Wilderness Park area between Nantucket and Thistle Streets (the area west of Dartmouth High School)*; and further, that Halifax Regional Council approve the recommended amendment to the *Municipal Government Act* in relation to the Dartmouth Common and that the recommended amendment be forwarded to the Province of Nova Scotia for consideration for the Fall 2008 sitting of the Legislature.

The amendment to the Act was subsequently passed by the Provincial Legislature in December 2008, **yet without a provision that would allow Metro Transit to replace lost parking for the Dartmouth Sportsplex on Dartmouth Common land.**