



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 9.1.1**  
**Heritage Advisory Committee**  
**November 10, 2021**

**TO:** Chair and Members of Heritage Advisory Committee

**-Original Signed-**

**SUBMITTED BY:**

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Kelly Denty, Executive Director of Planning and Development

**DATE:** October 19, 2021

**SUBJECT:** **Case 22879: Amending Development Agreement for Lovett Lake Estates, Beechville**

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**ORIGIN**

Application by Zzap Consulting Inc.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.*

**RECOMMENDATION**

It is recommended that the Heritage Advisory Committee recommend that Halifax and West Community Council:

1. Give notice of motion to consider the proposed amending development agreement, as set out in Attachment A, for the inclusion of additional lands (phase 3) within the Lovett Lake Estates residential development in Beechville and schedule a public hearing;
2. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

ZZap Consulting Inc., on behalf of Armco Capital Inc., is requesting substantive amendments to the existing development agreement for Lovett Lake Estates in Beechville to include additional lands and allow for an extension of Phase 2 and Phase 3 of the development, resulting in an increase in the number of residential units from 257 to 348 units on the site.

<b>Subject Site</b>	PIDs 40049777, 40049579, 40160590, 40049702, 40160582, 40049728, 40049884, 40049694, and 41375940
<b>Location</b>	North side of St. Margaret's Bay Road to the east of Lovett Lake
<b>Regional Plan Designation</b>	Urban Settlement (US)
<b>Community Plan Designation (Map 1)</b>	Urban Residential (UR) of the Timberlea/Lakeside/Beechville Municipal Planning Strategy (MPS)
<b>Zoning (Map 2)</b>	Comprehensive Development District (CDD) in the Timberlea/Lakeside/Beechville Land Use By-law (LUB)
<b>Size of Site</b>	Approximately 23.5 hectares (58.2 acres)
<b>Street Frontage</b>	Approximately 292 m (960 ft.)
<b>Current Land Use(s)</b>	Vacant
<b>Surrounding Use(s)</b>	<ul style="list-style-type: none"><li>• Surrounding neighborhood is composed of low density residential, a mix of commercial uses</li><li>• a municipally registered heritage property, Beechville Baptist Church, near an area with gravesites and a baptismal path</li><li>• The site backs on the Bayers Lake business park, although it has no direct access to the park without accessing through Highway 103</li></ul>

## **Proposal Details**

The applicant proposes to amend an existing development agreement on lands located on the St. Margaret's Bay Road and to the east of Lovett Lake in Beechville. The existing agreement allows 257 residential dwellings (single family homes and townhomes) to be built over two phases. The application is proposing to add four large parcels of land to extend the second phase and create a third phase of development creating and additional 93 residential units.

The major aspects of the proposal are as follows:

- Add 4 properties (approximately 15 acres) to the existing development agreement site (which is currently made up of 5 properties);
- Add 93 residential units (single family homes and townhomes) which would allow a total of 348 residential units across all three phases;
- Create an additional (second) road access to St. Margaret's Bay Road;
- Facilitate the provision of an area of land to be conveyed to the Beechville Baptist Church where a historic baptismal path and gravesites are located. This area of land is currently approved as parkland in the existing agreement, and the property owner intends to deed this land to the Baptist Church and provide parkland elsewhere; and
- Provide two parkland areas:
  1. An area in Phase 1 to the east of Lovett Lake; and
  2. An area in Phase 1 where a historic homestead was identified.

## **History**

On June 26, 2014, Halifax and West Community Council approved a development agreement (Case 18078) to allow for a mixed use residential and commercial development on the lands over two phases. This agreement allows the development of up to 257 dwelling units (singles, two-units, and townhomes), and local commercial use. The original staff report and development agreement can be found here: <http://legacycontent.halifax.ca/Commcoun/west/documents/140626hwcc811.pdf>.

On September 30, 2015, Armco Capital Inc. requested to amend the Timberlea, Lakeside, Beechville Municipal Planning Strategy (case 20226) to allow for 59 acres of undeveloped land in Beechville to be developed with new public streets and public parks, sidewalks and multi-use trails, 1,293 residential units consisting of single and two unit dwellings, townhouses, apartment buildings, and commercial uses. As part of this application, on November 28, 2017, Regional Council directed staff to begin a planning process to consider authoring new planning policies in the community of Beechville. This process included the larger study area of Beechville and a public participation program that involved creating a Beechville African Nova Scotian Community Liaison Group and hosting several rounds of public meetings with the Beechville Community.

On July 30, 2018, Halifax and West Community Council approved a first amending agreement (case 21706) to allow for a four (4) year extension to the commencement of development. Commencement of development is defined within the existing agreement as final subdivision approval for Phase 1. At that time, subdivision approval had not yet been granted, and the only work underway was site preparation. In June of 2020, the developer received final subdivision design approval of Phase 1, under the terms of the existing development agreement approved in 2014. Site work has since commenced including tree clearing, and blasting for Phase 1, which began in August 2021.

In October of 2019, Armco Capital Inc. withdrew their request to amend the MPS and subsequently applied on April 7, 2020 for this application. This application may be considered under existing MPS policy and proposes to amend the existing development agreement by adding a third phase of development with 83 additional dwelling units (Case 22879).

On September 29, 2020, Regional Council acknowledged that this site is no longer part of Case 20226, and passed a motion ([see recommendation 2 of the Case 20226 staff report](#)) directing staff to ensure the following actions are undertaken, some of which require amendments to the existing development agreement:

1. Work with the Beechville Community Development Association to consider amendments to the applicable planning documents, with a focus on addressing the assets and opportunities identified by the Beechville African Nova Scotian community;
2. Engage and negotiate with applicable parties to facilitate amendments to the parkland provisions of the existing development agreement on land next to the Beechville Baptist Church to facilitate transfer of the Baptismal Path and burial grounds to the Church;
3. Engage and negotiate with applicable parties to ensure the assets and opportunities identified by the Beechville African Nova Scotian community are addressed, wherever possible, as part of Armco's April 2020 application to amend their 2014 development agreement for land surrounding Lovett Lake in Beechville;
4. Engage with Beechville Community Development Association prior to developing a draft development agreement, as part of Armco's April 2020 application to amend their 2014 development agreement for land surrounding Lovett Lake in Beechville; and
5. Ensure the all other matters identified by the Beechville Community Association, as outlined in Attachment F, are investigated, and resolved wherever possible, as part of the Beechville Planning Strategy Review.

Regional Council also approved recommendations to continue the Beechville Planning Strategy Review process and undertake a Beechville Community Benefit Action Plan (Case 20226). The goal of the Beechville Planning Strategy Review is to create new municipal planning policies for the community of Beechville, with a focus on responding to opportunities identified by the community, and to the community's concerns. The goal of the Beechville Community Benefit Action Plan is to address matters important to the Beechville community that are outside the scope of municipal planning documents. This work is on-going.

### **Existing Development Agreement**

On June 26, 2014, Halifax and West Community Council approved a development agreement (Case 18078) to allow for a mixed use residential and commercial development on the lands.

The details of the existing development agreement include:

- The development of up to 257 dwelling units (singles, two-units, and townhomes) over two phases;
- Home business and daycare uses in conjunction with single and two-unit dwellings as per Land Use By-law (LUB) regulations;
- Options for local commercial uses;
- The condition that no subdivision agreement shall be granted for Phase 2 until a second public street connection to St. Margaret's Bay is secured or constructed and deeded to the Municipality;
- A 15 foot vegetation buffer on all lands for residential or commercial development which abut the Municipally Registered Heritage Property;
- A 5 foot vegetation buffer on all lands for residential or commercial development that abut P-2 property within the development agreement lands;
- A vegetation buffer consisting of a berm, vegetation, and fencing along the northwest boundary line, where lands abut the Bayers Lake Business Park;
- An area of parkland to be created from the St. Margaret's Bay Road along Lovett Lake, connecting to the Chain of Lakes Trail, including a small area to be designed as a public parking lot on St. Margaret's Bay Road and including public trail access along the lake to the Chain of Lakes Trail;
- An area of land noted as to be determined "TBD" to be provided as parkland or consolidated with an abutting property and be subject to the P-2 (Community Facility) zone. These lands are adjacent to the Baptist Beechville Baptist Church and contain historic gravesites;
- Non-substantive amendments allow extensions to the date of commencement of construction and completion of development; and
- Conditions for the date of commencement of construction and completion of development.

### **Registered Heritage Property, Baptismal Path, and Homestead Property**

The subject site is located adjacent to a municipally registered heritage property known as the Beechville Baptist Church, at 1135 St. Margaret's Bay Road. The original Beechville Baptist Church was built in 1844 and since that time, the Church and property have served as an important community focal point for the African Nova Scotian Community in Beechville. Traditionally, patrons of the Church used Lovett Lake for baptismal ceremonies and the passage between the church and lake is referred to as the "Baptismal Path" on schedules of the proposed development agreement. It is important to note that the main portion of the Baptismal Path is located on the subject site, however as part of this application, the landowner has agreed to deed these lands back to the Church.

The Beechville Baptist Church property was registered as a municipal registered heritage property in 2005. At the time of application for the municipal heritage registration for the church, the baptismal path was not included as it is located on a separate property and the property owner did not provide their consent. Armco Capital Inc. has acquired the property since that time.

An archaeological study was undertaken in 2014 by the developer prior to site disturbance and preparation that was required by the existing development agreement and the Province of Nova Scotia. During this archeological study, remains of a historic homestead foundation were discovered and excavated. The archaeological study of the lands concluded that these remains were likely related to the habitations and activity of first-generation War of 1812 Black refugees that formed the community. The report provides an excellent description of what was found, its relevance, and then relevant artifacts were catalogued and moved to the Nova Scotia Museum.

### **Enabling Policy and LUB Context**

Policies UR-11 and UR-12 of the Timberlea, Lakeside Beechville MPS enables Community Council to consider a mixed use development on the subject site through the development agreement process. The proposed amending development agreement is also subject to Implementation policy IM-12 which contains general policy evaluation criteria for all discretionary planning approvals under the MPS.

In addition to the applicable policies of the MPS, the proposed development is further subject to policy CH-16 of the Regional Plan which applies to properties that abut a registered municipal heritage property. Attachment B of this report contains the policies by which Community Council may consider this application.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, 534 letters mailed to property owners within the notification area and a virtual public information meeting held on Thursday, June 17, 2021. Attachment C contains a copy of a summary from the meeting. Approximately 43 attendees were at the meeting. The public comments received include the topics below. Staff received 1 phone call from the public and 8 emails. The website was viewed 2,614 times, by 1,995 unique visitors, for an average time of 3 minutes, 44 seconds.

The Beechville Community Development Association and black community in Beechville expressed many of the following concerns collectively, both during public engagement for case 20226 ([Beechville Planning Strategy Review & Community Benefit Action Plan](#)) and during public engagement for this application. Staff met with a representative from the BCDA biweekly for a number of weeks for additional communication and feedback. The following comments were made by the BCDA and general public at the public information meeting and through e-mail communication:

- Community expressed that the baptismal path/gravesite land should be given to the community before the application goes in front of Council;
- Community expressed a mistrust in government and the property owner;
- Community fear and frustration about losing historic lands and historic artifacts; concerns about heritage preservation especially lands near the Baptist church;
- Community expressed that the lands where historic homestead remains were found should be deeded to community, not as HRM parkland. The community should have a say and be involved in what this area looks like in the future with proper commemoration;
- Community expressed that more land should be given to community and that the lands have cultural significance that should be recognized and not built over;
- Concerns about blasting amounts, and timing during a pandemic;
- Concerns about the number of trees being taken down, inadequate tree buffering, wildlife disappearing, and water quality of Lovett Lake due to development;
- Concerns about traffic impacts beyond what the traffic study is covering, the number of crosswalks, the amount of traffic, potential for traffic accidents, traffic implications for those exiting/entering the Beechville Estates subdivision due to additional vehicles;
- Concern about location of water retention area to the east- that it is too close to the adjacent existing residential;
- Concerns about lack of visual and physical barrier along easternmost property line adjacent to existing residential;
- Concerns about lake access - will it be accessible and will there be swimming access;
- Concerns about drainage into the lake and water quality;
- Concerns about housing prices being too high and lack of affordable housing. The community expressed that this scale of development is intrusive to the community;
- Concerns about local school capacity;
- Concerns that existing vegetation buffers are inadequate around the church;

- Concerns about adequacy and amount of parkland provided, and feel more should be provided;
- Community would like to see the lands fronting St. Margaret's Bay Rd which were previously proposed as parkland, undeveloped (leave all trees).

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed amending development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

### **Proposal Changes Resulting from Community Engagement**

The applicant made the following changes to the proposal in response to the community's concerns gathered during engagement:

- An increase of 15 feet to the required 15 foot vegetation buffer from residential uses that abut the Registered Heritage Beechville Baptist Church. This is now proposed as a 30 foot buffer;
- A vegetation buffer consisting of a berm, vegetation/trees, and fencing along the easternmost property line abutting existing residential lands (inclusive of the water retention area); and
- A visual buffer consisting of a retaining wall and fence along the easternmost property line of the townhome lots in Phase 2, abutting existing residential properties to the east.

### **DISCUSSION**

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment B provides an evaluation of the proposed amending development agreement in relation to the relevant MPS policies.

### **Proposed Amending Development Agreement**

Attachment A contains the proposed amending development agreement for the subject site and the conditions under which the development may occur. The proposed amending development agreement addresses the following matters:

- Allowance of an extension of the second phase and a third phase of development with an increased dwelling unit maximum of 348 across all three phases;
- The extension of Higgins Avenue to St. Margarets Bay Road to provide a second public street connection required to enable development of Phase 2;
- Allowance of Phases 2 and 3 to be developed concurrently;
- Removal of previously approved local commercial uses from the list of permitted uses;
- Baptismal path lands to be consolidated with the abutting Beechville Baptist Church at the time of subdivision approval for Phase 1, and these lands will be subject to the P-2 (Community Facility) zone provisions of the Timberlea Lakeside Beechville Land Use By-law;
- Lowering minimum side yard setback for 40 foot single unit dwelling lots from a minimum of 8 feet, to a minimum of 6 feet;
- Addition of municipal parkland where the homestead site is located and a sum of cash-in-lieu of parkland (no less than \$164,000) to be provided to the Municipality for "Park 1" infrastructure;
- Increased vegetative buffer from the Heritage Registered Beechville Baptist Church property (was 15 feet, now 30 feet);
- Vegetative buffer consisting of a berm, vegetation/trees, and fencing along the easternmost property line abutting existing residential.
- Time extension of 5 years for the date of commencement of construction, from the date of the registration of the first amending agreement; and
- Time extension of 10 years for the date of completion of construction, from the date of the registration of the first amending agreement.

The attached amending development agreement will permit an extension of the second phase and a third phase of development with 93 residential units, subject to the controls identified above. Of the matters addressed by the proposed amending development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

#### Parkland

The parkland configuration enabled under the existing development agreement has been altered in response to community engagement and recent upgrades to the nearby Chain of Lake Trail. During engagement for the original agreement, unmarked gravesites located on the lands had been discovered. The existing agreement designates the area of land where these gravesites are located as “to be determined”. The lands noted as TBD “shall be provided as parkland or shall be consolidated with an abutting property”. The abutting property is the Beechville Baptist Church. However, there are two areas of land since the approval of the existing agreement that have been identified to require protection as part of this agreement: the baptismal path and homestead site.

Applicable policies within the MPS require development agreements to consider adequate and useable lands for community facilities, the distribution and function of proposed public lands, land use elements which characterize the development, and any relevant matter of planning concern. Additionally, Regional Plan heritage policy requires the consideration of how the development complements the historic fabric and open space qualities of the existing streetscape. Staff identified that protection of the baptismal path and homestead site are imperative for consistency with these policies. To provide consistency with MPS policy, the applicant, in consultation with both the Planning and Park departments has proposed parkland as a combination of land and cash-in-lieu.

#### *Baptismal Path*

The community has noted that it is vital that the baptismal path be in ownership of the Beechville Baptist Church. The Municipality acknowledges that these lands have significance in the community and should be in their stewardship. The baptismal path lands (as labelled in Schedule B-1 of the amending agreement) are currently designated as parkland in the existing agreement. The proposed amending agreement removes the parkland designation from the baptismal path. It is not possible to convey these lands to the church in advance of the application being decided upon by Council, where a parcel containing the path must be subdivided from the remaining lands to be redeveloped. Although the development agreement cannot require that this area be conveyed to the church, it does include provisions that would facilitate the conveyance. The remaining portion of the originally approved parkland fronting Higgins Road remains as parkland.

The subdivision and conveyance would result in the existing approved parkland being divided into two disconnected parcels. The original intent of this parkland was to provide a public parking lot along St. Margaret's Bay Road and an active transportation connection along Lovett Lake, ultimately connecting to the Chain of Lakes Trail (COLTA). However, parkland in this configuration for this use is no longer warranted. A trail connection from St. Margaret's Bay Road to the COLTA Trail via Horseshoe Lake Drive was constructed in 2017 approximately 330 metres east of the site, which sufficiently serves the area with a COLTA trail connection. The proposed agreement no longer includes the portion of parkland along St. Margaret's Bay Road as the trail connection is no longer warranted. The parkland (Park 1) in the amending agreement is proposed with access from Higgins Avenue and will serve as a community park with children's play equipment.

#### *Homestead Site*

The required archaeological study that was undertaken in 2014 by the developer prior to site disturbance unearthed the remains of a historic homestead that was likely related to the habitations and activity of first-generation War of 1812 Black refugees that formed the community. The relevant artifacts were catalogued and moved to the Nova Scotia Museum. The site has been acknowledged by the Municipality as having historical and cultural significance in the community. The site is currently designated for residential development in the existing agreement; however, the developer is proposing an area of land in the approximate location of the homestead site to be provided as parkland. The amending development

agreement requires this area of land (Park 2) to be provided as municipal parkland in Phase 1. Details of proper site commemoration will occur once the parkland is acquired.

#### Density

The proposal totals a density of 20 persons per acre. The MPS discusses the general density for the Plan area of 17 persons per acre; however, the density in the existing agreement allows a population density of 20 persons per acre. The subject area is a Suburban Local Centre in the Regional Plan which generally has a density of 20 persons per acre. The density of 17 persons per acre was based on the capacity of the Timberlea Wastewater Treatment Facility. The recently installed Lakeside Pumping Station Diversion wastewater infrastructure along the Chain of Lakes trail provides adequate servicing capacity for this proposal. Halifax Water has confirmed that this area was considered as an area of growth in the Infrastructure Master Plan and that there are no issues for a density of 20 persons per acre. The amending agreement does not increase the density beyond the 20 persons per acre.

#### Road Networks and Phasing

The existing development agreement requires the development to proceed in two phases. This requirement stems from policies within the MPS and the requirements of the Municipal Design Guidelines. To proceed from Phase 1 to Phase 2, a second public road access to St. Margaret's Bay Road is required to be secured or constructed and accepted by the Municipality. This is required before any site work can be initiated for the second phase. The amending development agreement permits the second and third phase of development to occur concurrently, with a second access to St. Margaret's Bay Road through the extension of Higgins Avenue.

A Traffic Information Study was provided by the applicant, reviewed by HRM Development Engineering and determined to be acceptable. The findings in the TIS concluded that site generated trips are not expected to have a significant impact to levels of performance on St. Margaret's Bay Road.

Access to Phases 1 and 2 of the development is approved along St. Margaret's Bay Road, east of Beech Tree Run. This access will have a set of traffic lights and intersection upgrades. Access to the Phase 3 portion of the development is proposed along the site frontage with St. Margaret's Bay Road east of Sheppards Run; this access would be right turn in and out only. Phase 3 does not include any additional crosswalks along St. Margaret's Bay Road. However, through the HRM Road Safety Plan, the St. Margaret's Bay Road corridor is scheduled to be reviewed this year and may identify and plan for additional marked crosswalks to better support pedestrian connectivity.

#### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the Timberlea, Lakeside, Beechville MPS. The proposed density, housing mixture, uses, phasing and road networks are reasonably consistent with the general housing target within the MPS and does not detract from the general residential character of the community. The historical and cultural significance of the lands and proximity to the municipally registered heritage property have been considered which results in the protection of the homestead site and conveyance of the baptismal path and gravesites to the Beechville Baptist Church. Additional adequate useable lands for the public have been provided through parkland dedication. Therefore, staff recommend that the Halifax and West Community Council approve the proposed amending development agreement.



### **FINANCIAL IMPLICATIONS**

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed amending development agreement. The administration of the proposed amending development agreement can be carried out within the approved 2021-2021 operating budget for Planning and Development.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amending development agreement are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

The Heritage Advisory Committee may recommend that Halifax and West Community Council:

1. Approve the proposed amending development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this amending development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amending development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed amending development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

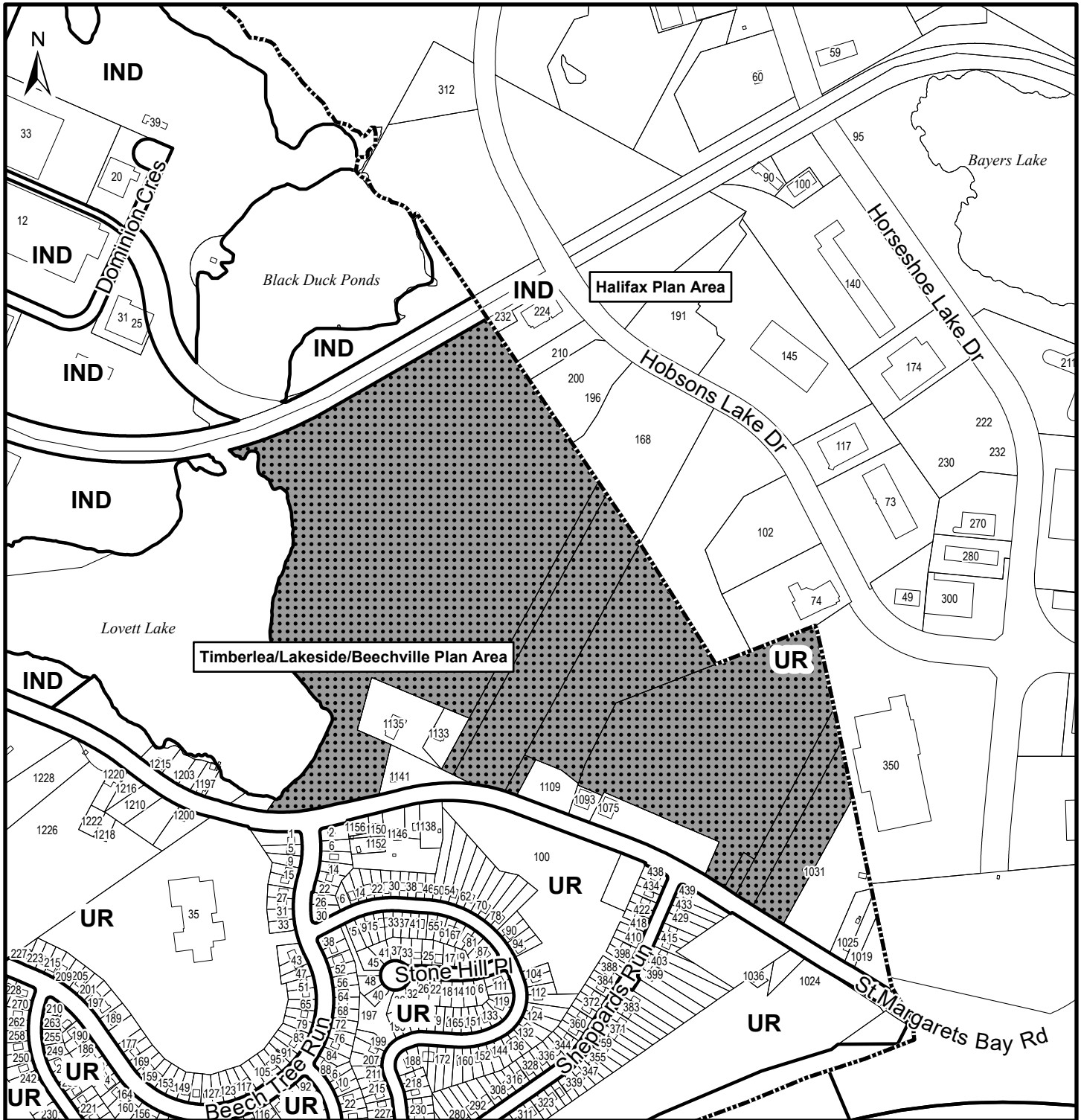
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Amending Development Agreement
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Public Information Meeting Summary

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.


Report Prepared by: Brittney MacLean, Planner II, 902.223.6154

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**Map 1 - Generalized Future Land Use**

Lovett Lake

 Subject Properties

**Designation - Halifax**

- IND Industrial
- UR Western Common



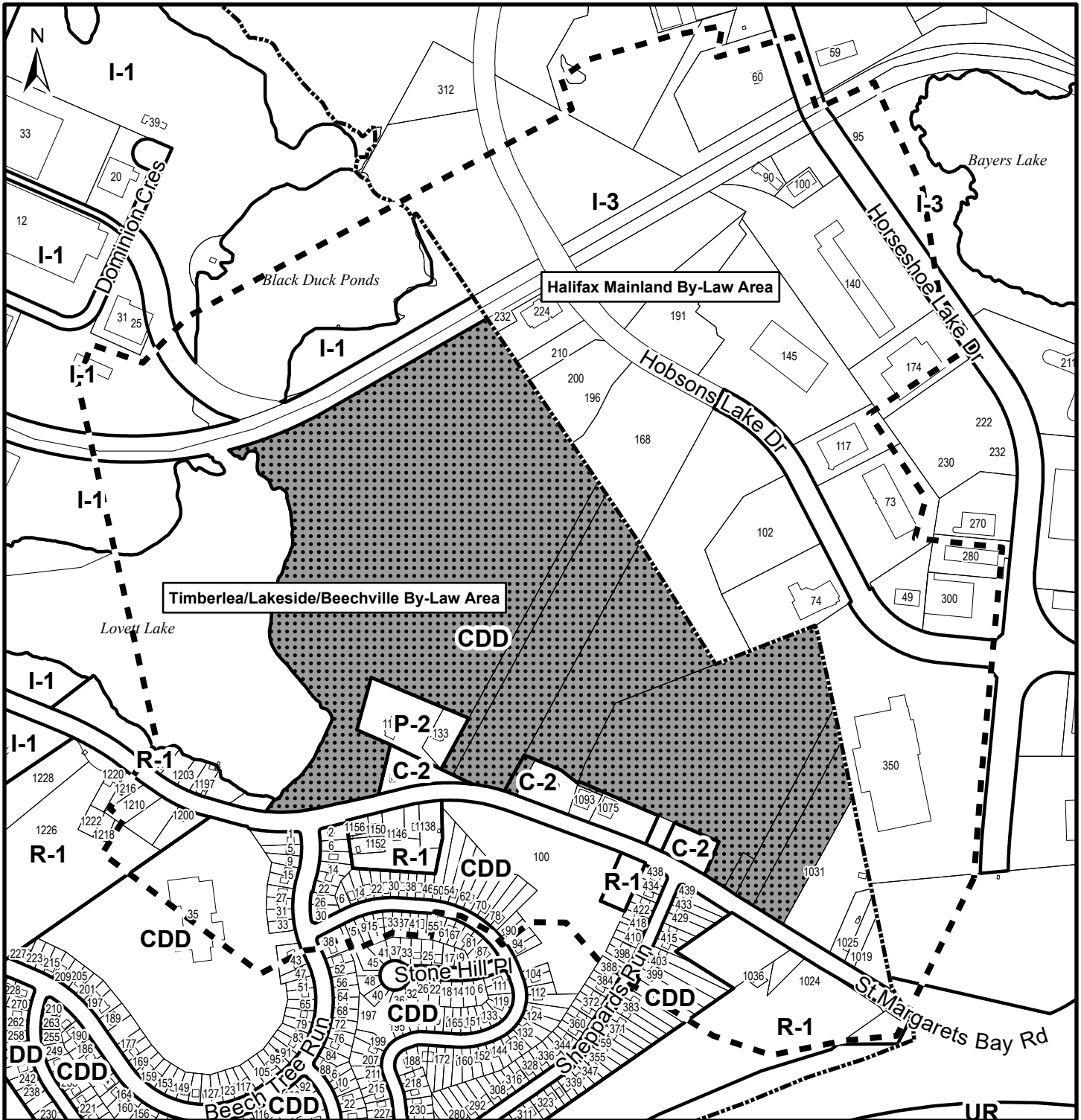
**Designation - Timberlea/Lakeside/Beechville**

- IND Industrial
- WC Urban Residential

Timberlea/Lakeside/Beechville Plan Area,  
Halifax Plan Area

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


The accuracy of any representation on this plan is not guaranteed.



### Map 2 - Zoning and Notification

Lovett Lake

 Subject Properties

 Area of Notification

#### Zone - Halifax Mainland

I-3 General Industrial

UR Urban Reserve

#### Zone - Timberlea/Lakeside/Beechville

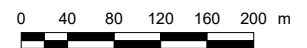
C-2 General Business

CDD Comprehensive Development District

I-1 Light Industry

P-2 Community Facility

R-1 Single Unit Dwelling



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Timberlea/Lakeside/Beechville Land Use By-Law Area,  
Halifax Mainland Land Use By-Law Area

**Attachment A: Proposed Amending Development Agreement**

THIS SECOND AMENDING AGREEMENT made this      day of **[Insert Month]**, 20\_\_.

BETWEEN:

**ARMCO CAPITAL INC.**

a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY**

a municipal body corporate, in the Province of Nova Scotia  
(hereinafter called the "Municipality")

OF THE SECOND PART

**WHEREAS** the Developer is the registered owner of certain lands located at PID's 41375940, 40049694, 40049884, 40160582, 40049728 on St. Margaret's Bay Road, Beechville and which said Lands are more particularly described in Schedule A hereto attached (hereinafter called the "Original Lands");

**AND WHEREAS** on June 26, 2014 Halifax and West Community Council approved an application to enter into a development agreement to allow for a mixed use residential and commercial development on the Original Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and policies UR-11, UR-12, UR-19 and IM-12 of the Municipal Planning Strategy for Timberlea, Lakeside, Beechville and Section 3.6 of the Timberlea, Lakeside, Beechville Land Use By-law and referenced as Case 18078, and which said agreement was registered at the Land Registration Office in Halifax on August 20, 2014 as Document Number 105633672 (hereinafter called the "Original Agreement");

**AND WHEREAS** on July 30, 2018 Halifax and West Community Council approved an application to amend the Original Agreement to allow for a 4 year extension to the Commencement of Development dates for development of the Original Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Part 6 of the Original Agreement referenced as Case 21706, and which said agreement was registered at the Land Registration Office in Halifax on October 19, 2018 as Document Number 113444658 (hereinafter called the "First Amending Agreement");

**AND WHEREAS** the Original Agreement and the First Amending Agreement together comprise the Existing Development Agreement (hereinafter called "the Existing Agreement");

**AND WHEREAS** the Developer is the registered owner of certain lands located at PID's 40049579, 40049777, 40160590 and 40049702 on St. Margaret's Bay Road, Beechville and which said Lands are more particularly described in Schedule A-2 hereto attached (hereinafter called the "Expanded Lands");

**AND WHEREAS** the Original Lands and the Expanded Lands together comprise the Lands (hereinafter called "the Lands");

**AND WHEREAS** the Developer has requested further amendments to the Existing Agreement to allow for residential development on the Lands, pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to policies UR-11, UR-12, UR-19 and IM-12 of the Municipal Planning Strategy for Timberlea, Lakeside, Beechville Municipal Planning Strategy Section 3.6 of the Timberlea, Lakeside, Beechville Land Use By-law;

**AND WHEREAS** the Halifax and West Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as Case 22879;

**THEREFORE**, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

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1. Except where specifically varied by this Second Amending Agreement, all other conditions and provisions of the Existing Agreement as amended shall remain in effect.
2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Second Amending Agreement, and the Existing Agreement.
3. Section 3.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold as follows:

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conform with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Numbers 18078, **21706, and 22879**:

~~Schedule A Description of the Lands~~  
**Schedule A-1 Description of the Original Lands**  
**Schedule A-2 Description of the Expanded Lands**  
~~Schedule B Land Use Map~~  
**Schedule B-1 Land Use Map**  
Schedule C Typical Berm Section  
~~Schedule D Land To be Determined (TBD) Sketch~~ **Intentionally Deleted**  
**Schedule E Park 1 Grading Plan**  
**Schedule F Typical Berm Detail East**

4. The Existing Agreement shall be amended by deleting the following Schedules:

Schedule A Description of the Lands  
Schedule B Land Use Map  
Schedule D Land To be Determined (TBD) Sketch

And inserting the following Schedules:

Schedule A-1 Description of the Original Lands (attached)  
Schedule A-2 Description of the Expanded Lands (attached)  
Schedule B-1 Land Use Map (attached)  
Schedule E Park 1 Grading Plan (attached)  
Schedule F Typical Berm Detail East (attached)

5. The Existing Agreement shall be amended by deleting all text references to Schedule B and Schedule D and replacing them with reference to Schedule B-1.
6. Subsection 3.2.2 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold as follows:

3.2.2 ~~Prior to entering into an executed subdivision agreement for Phase 2, a second public street providing access for ingress and egress from the Lands to St. Margarets Bay Road shall be secured or constructed and deeded to the Municipality, pursuant to Section 3.4.5 of this Agreement.~~ **Lands noted as "Baptismal Lands" on Schedule B-1 shall be**

**provided as parkland or consolidated with the abutting lands owned by the Trustees of the Beechville Baptist Church at the time of subdivision approval for Phase 1, pursuant to Section 3.7.4 of this Agreement.**

7. Insert subsection 3.2.7, as shown in bold below, immediately after subsection 3.2.6:

**3.2.7 Prior to the commencement of any site work for Phase 3, the Developer shall submit wetland alteration permit(s) to the Municipality.**

8. Subsection 3.3.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold, as follows:

3.3.1 The uses of the Lands permitted by this Agreement are as follows:

- (a) Single Unit Dwellings;
- (b) Two Unit Dwellings;
- (c) Townhouse Dwellings;
- (d) ~~Intentionally Deleted Commercial Uses permitted in the C-1 Zone of the Land Use By-law for Timberlea Lakeside Beechville, as amended from time to time;~~ and
- (e) ~~Open Space P-2 Uses~~ **of the Land Use By-law for Timberlea Lakeside Beechville, as amended from time to time.**

9. Subsection 3.3.2 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold as follows:

3.3.2 The maximum number of dwelling units permitted is ~~253~~ **348** units. **Dwelling types shall be as generally shown on Schedule B-1. Secondary and backyard suites as defined under the Timberlea Lakeside Beechville Land Use By-law are not permitted.**

10. Subsections 3.3.3, 3.3.4, and 3.3.5 of the Existing Agreement shall be deleted in their entireties.

11. Subsection 3.4.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold as follows:

3.4.1 The development shall be completed in ~~two~~ **three** phases as shown on Schedule B-1.

12. Subsection 3.4.2 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ as follows:

3.4.2 Phase I shall include the following:

- (a) residential development of up to 159 units; **and**
- (b) parkland dedication; ~~and~~
- (c) ~~commercial development.~~

13. Subsection 3.4.4 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold as follows:

3.4.4 Phase 2 shall include the following:

- (a) the development of the remaining residential units; and
- (b) the extension of Higgins Avenue ~~from Grosse Street to the property line in order to connect the development to the second public street providing ingress and egress to St. Margaret's Bay Road-~~ **in order to provide the second public street connection.**

14. Subsection 3.4.5 of the Existing Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold as follows:

3.4.5 ~~No executed subdivision agreement shall be granted for Phase 2 until second public street connection providing ingress and egress to St. Margarets Bay Road is secured or constructed and deeded to the Municipality.~~ **Subdivision shall be in accordance with the phasing plan as shown on Schedule B-1. Phases 2 and 3 may be developed concurrently in accordance with the Regional Subdivision By-law.**

15. Subsection 3.5.1 of the Existing Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold as follows:

3.5.1 A minimum of 50% of all single unit dwelling lots on the Lands shall conform with the following requirements:

- (a) Minimum Lot Frontage: 40 feet
- (b) Minimum Lot Area: 4,000 square feet
- (c) Minimum Front Yard: 20 feet
- (d) Minimum Flankage Yard: 15 feet
- (e) Minimum Rear ~~or Side~~ Yard: 8 feet
- (f) Maximum Lot Coverage: 35 per cent
- (g) Maximum Height of Main Building: 35 feet
- (h) **Minimum Side Yard: 6 feet**

16. Subsections 3.5.5 and 3.5.6 of the Existing Agreement shall be deleted in their entirety.

17. Subsection 3.5.8 of the Existing Agreement shall be amended by deleting the text shown in strikeout as follows:

3.5.8 A ~~45~~ **30** foot buffer shall be provided on all lands for residential ~~or commercial~~ development that abut a Municipally Registered Heritage Property as shown on Schedule B and a ~~preliminary~~ design of the buffer shall be provided to the Municipality prior to any site work. The buffer shall comply with the following requirements:

- (a) No development shall be located in the buffer, including but not limited to any building, parking, or outdoor storage; and
- (b) The buffer shall include plantings, such as trees or shrubbery, inclusive of existing vegetation, to provide a visual buffer from the neighbouring property.

18. Subsection 3.5.9 of the Existing Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold as follows:

3.5.9 A 5 foot **wide** buffer shall be provided on all lands for residential ~~or commercial~~ development that abut **PID 40049843** ~~the P-2 property as shown on Schedule B.~~ The buffer shall comply with the following requirements:

- (a) No development shall be located in the buffer, including but not limited to any building, parking, or outdoor storage; **and**
- (b) The buffer shall include plantings, such as trees or shrubbery, inclusive of existing vegetation, to provide a visual buffer from the neighbouring property; and building, parking, or outdoor storage;
- (c) ~~Fencing shall be provided for commercial properties abutting the P-2 property. The fencing shall be constructed of a high quality material including wood, wrought iron or a similar material as determined by the Development Officer in~~

~~his/her sole discretion, acting reasonably and in keeping with standard practices, but shall not include chain link fencing.~~

19. Insert subsection 3.5.11, as shown in bold below, immediately after subsection 3.5.10:

**3.5.11 The Developer shall provide a buffer as generally constructed in accordance with Schedule F, and as generally shown on Schedule B-1, located along the eastern property line, where the Lands abut an existing residential property. The buffer shall consist of a berm, vegetation, and opaque fencing. The final design of the buffer shall be provided to the Municipality for review and approval prior to any site work.**

20. Insert subsection 3.5.12, as shown in bold below, immediately after subsection 3.5.11:

**3.5.12 The Developer shall provide a buffer located along the eastern property line of the townhome lot fronting St. Margaret's Bay Road in Phase 2, where the townhome lot abuts the existing residential property. The buffer shall consist of retaining wall and opaque fencing. The final design of the buffer shall be provided to the Municipality for review and approval prior to any site work.**

21. Subsection 3.6.2 of the Existing Agreement shall be deleted in its entirety.

22. Subsection 3.6.3 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold as follows:

3.6.3 The parkland **shown as Park 1 shall be as generally shown on Schedules B-1 and E, and** shall:

(a) be a minimum of 65.6 feet in width in all locations except where the parkland abuts the stormwater management infrastructure as shown on Schedule B-1. The width of the parkland in this area shall be adequate to provide a **possible future trail along Lovett Lake to the COLTA trail**, as determined by the Municipality in keeping with standard municipal practices-; **and**

(b) **prior to construction of all infrastructure for primary services for Phase 2, the Developer shall submit design and cost estimates for proposed site development of Park 1. The value of the site development shall not be less than the assessed value of two single unit dwelling lots, or \$164,000, whichever is greater. The design and cost estimates, and any related site development shall be subject to the approval of the Development Officer.**

23. Subsection 3.6.4 of the Existing Agreement shall be deleted in its entirety and replaced with the words "Intentionally Deleted".

24. Insert subsection 3.6.9, as shown in bold below, immediately after subsection 3.6.8:

**3.6.9 The Developer shall install 1.4 m high chain link fencing on Park 2 adjacent all abutting residential property lines.**

25. Subsection 3.7.2 of the Existing Agreement shall be amended by inserting the text shown in bold as follows:

3.7.2 Subdivision applications shall include a table that tracks the proposed total number of dwelling units and type dwelling units. In the case of subdivision application(s) for the 2nd phase, the table shall also include the total number of dwelling units and dwelling types



that received approval in the 1st phase. **Subdivision application(s) for the 3rd phase shall include a table with the total number of dwelling units and dwelling unit types that received approval in the 1st and 2nd phases.**

26. Subsection 3.7.4 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold as follows:

3.7.4 Lands noted as "~~TBD~~ **Baptismal Lands**" on Schedule B-1 ~~and D~~ shall be provided as parkland or shall be consolidated with ~~an~~ **the** abutting property **owned by the Trustees of the Beechville Baptist Church** at the time of the subdivision in Phase 1. The dimensions of the ~~TBD~~ **Baptismal** Lands shall be generally shown on Schedule **B-1 D**. If the **Baptismal** Lands are consolidated with an abutting property, the lands shall be subject to the P-2 Zone of the Timberlea Lakeside Beechville Land Use Bylaw as amended from time to time.

27. Insert subsection 3.7.7, as shown in bold below, immediately after subsection 3.7.6:

**3.7.7 All pedestrian crosswalks shall be reviewed and approved by the Municipality.**

28. Subsection 3.8.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold as follows:

3.8.1 A maximum of two ground signs shall be permitted on the Lands for the purposes of a community **signage** ~~and for the commercial site.~~

29. Subsection 3.8.3 shall be deleted in its entirety.

30. Subsection 3.10.1 of the Existing Agreement shall be amended by inserting the text shown in bold as follows:

3.10.1 The Developer shall contact the coordinator of Special Places with the Culture and Heritage Development Division of the Department of Communities, Culture and Heritage of the Province of Nova Scotia prior to any disturbance of the Lands **in all phases**, and the Developer shall comply with requirements set forth by the Province in this regard.

31. Subsection 3.10.2 of the Existing Agreement shall be amended by inserting the text shown in bold as follow:

3.10.2 The Developer shall provide a copy of the letter from the Coordinator of Special Places with the Culture and Heritage Development Division of the Department of Communities, Culture and Heritage of the Province of Nova Scotia indicating the archaeological assessment and mitigation has been completed to the Development Officer prior to site work on the Lands **in all phases**.

32. Subsection 7.3.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold as follows:

7.3.1 In the event that development on the Lands has not commenced within ~~4~~ **5** years from the date of registration of ~~the First~~ **this Second** Amending Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

33. Subsection 7.5.1 of the Existing Agreement shall be amended by inserting the text shown in bold as follows:

7.5.1 If the Developer fails to complete the development after 10 years from the date of registration of this **Second Amending** Agreement at the Registry of Deeds or Land Registry Office Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

**IN WITNESS WHEREAS** the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

**HALIFAX REGIONAL MUNICIPALITY**

**SIGNED, DELIVERED AND ATTESTED** to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

**MAYOR**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

**MUNICIPAL CLERK**

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, 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 \_\_\_\_\_, \_\_\_\_\_ of the parties thereto, signed, sealed and delivered the same in his/her presence.

\_\_\_\_\_  
A Commissioner of the Supreme Court  
of Nova Scotia

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, the subscriber personally came and appeared \_\_\_\_\_ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

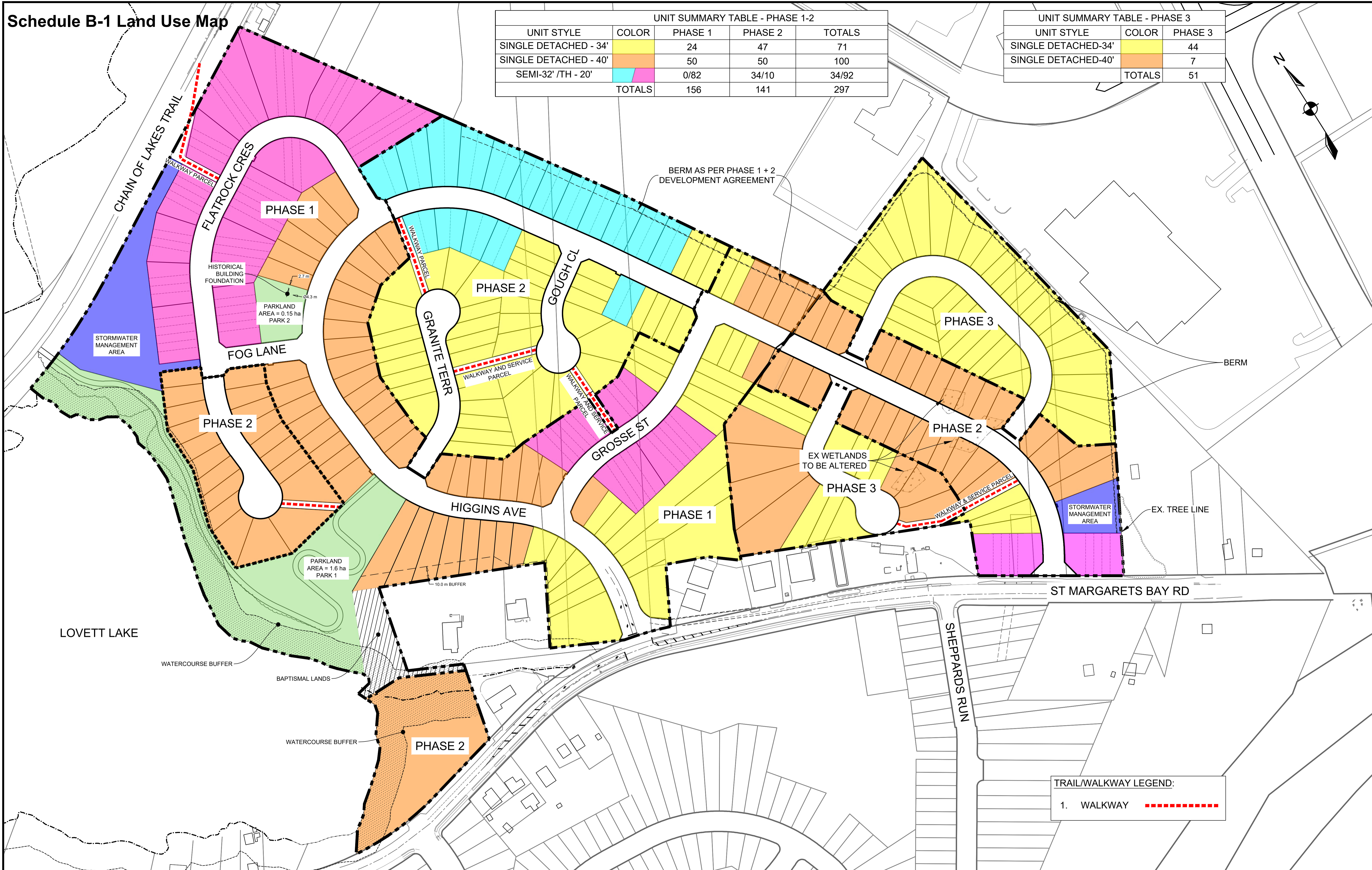
\_\_\_\_\_  
A Commissioner of the Supreme Court  
of Nova Scotia



# Schedule B-1 Land Use Map

UNIT STYLE	COLOR	PHASE 1	PHASE 2	TOTALS
SINGLE DETACHED - 34'		24	47	71
SINGLE DETACHED - 40'		50	50	100
SEMI-32' /TH - 20'		0/82	34/10	34/92
TOTALS		156	141	297

UNIT STYLE	COLOR	PHASE 3
SINGLE DETACHED-34'		44
SINGLE DETACHED-40'		7
TOTALS		51



BERM AS PER PHASE 1 + 2 DEVELOPMENT AGREEMENT

BERM

EX WETLANDS TO BE ALTERED

EX. TREE LINE

ST MARGARETS BAY RD

LOVETT LAKE

WATERCOURSE BUFFER

BAPTISMAL LANDS

WATERCOURSE BUFFER

1. WALKWAY	
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**NOTES:**  
 1. ALL PROPOSED STREETS TO HAVE 18m URBAN LOCAL (HRM 1) ROAD CROSS SECTION WITH THE EXCEPTION OF HIGGINS AVE WHICH WILL HAVE A 18m URBAN MINOR COLLECTOR (HRM 2) ROAD CROSS SECTION.

PREPARED FOR

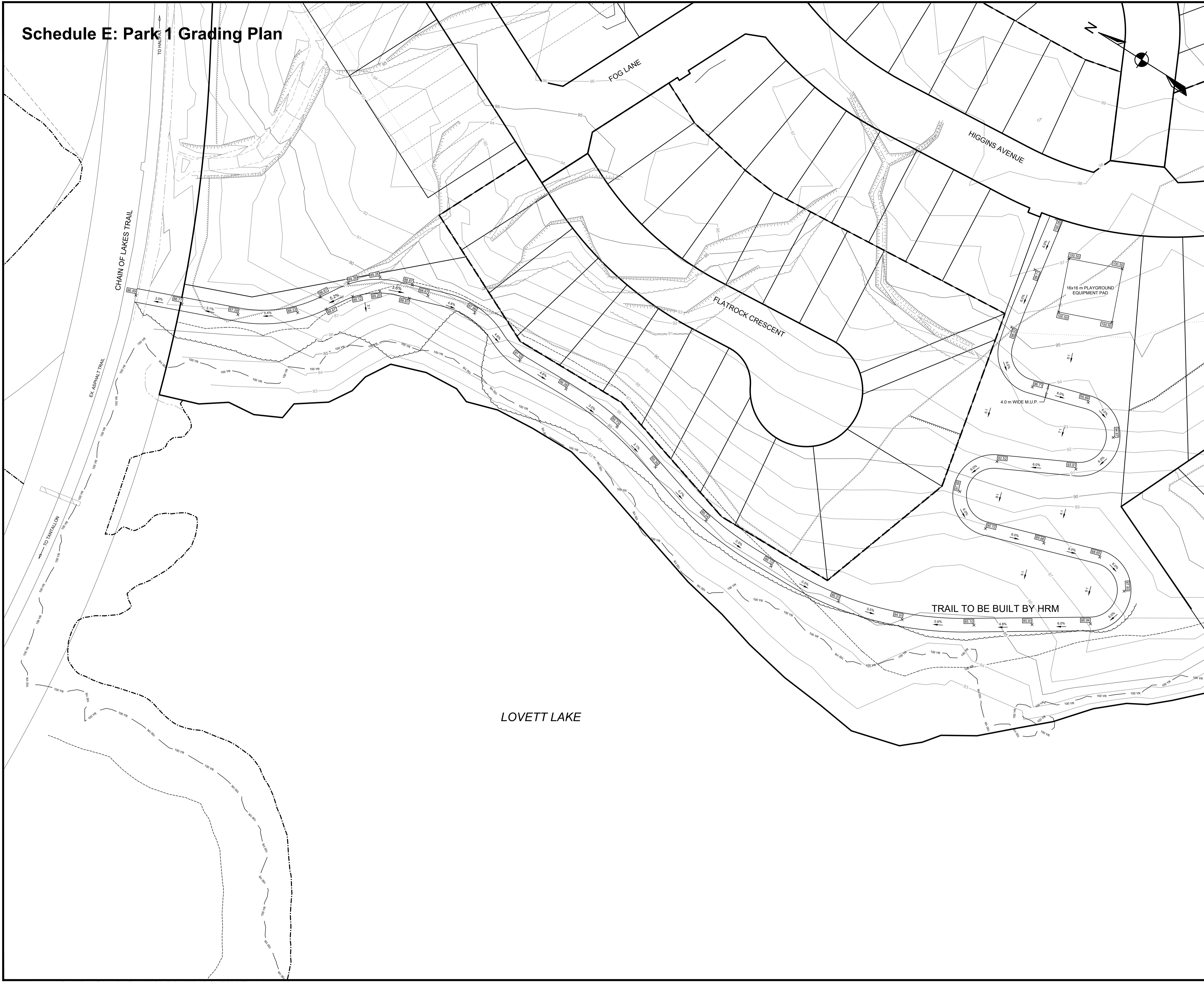
PREPARED BY

PROJECT  
**LOVETT LAKE ESTATES PHASES 1-3 CONCEPT PLAN**  
 BEECHVILLE, NOVA SCOTIA

Engineer NTF	Drawn ATL
Scale 1:1250	Date Oct. 18, 2021
Project No. 19-233	Drawing No. C-100
Filename 19-233_P3_CP.dwg	



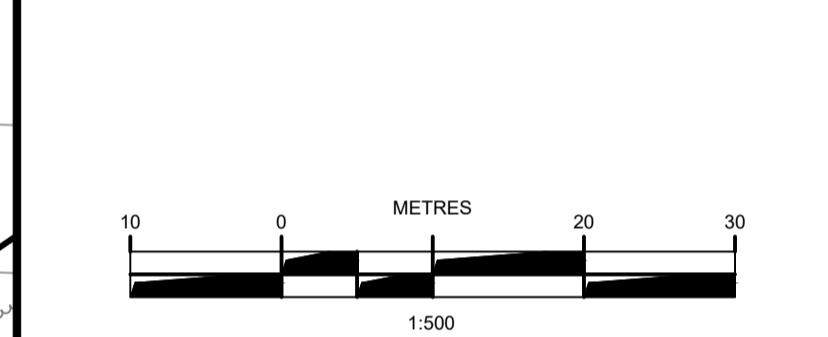
# Schedule E: Park 1 Grading Plan



### LEGEND

EXISTING	MAJOR CONTOUR	PROPOSED	
-10	-10	-10	
-10	MINOR CONTOUR	-10	
-10	EASEMENT	-10	
-10	RIGHT OF WAY	-10	
-10	LOT LINE	-10	
EXISTING	PROPOSED	EXISTING	PROPOSED
PRECAST HEADWALL	CATCHBASIN	EXISTING	PROPOSED
SURFACE GRADE	FLOW ARROW	EXISTING	PROPOSED
SURFACE SLOPE	CURB CUT	EXISTING	PROPOSED

- NOTES:
1. EXPOSE SERVICE LATERALS PRIOR TO FOOTING PLACEMENT TO CONFIRM CONNECTION TO BUILDING.
  2. HOMEOWNER/HOME BUILDER IS RESPONSIBLE FOR FINAL LOT GRADING AND SURFACE TREATMENT AS PART OF HOME CONSTRUCTION.
  3. THE DESIGNER OF EACH INDIVIDUAL LOT GRADING PLAN MUST FOLLOW THE REQUIREMENTS OF THE HRM SUBDIVISION GRADING BY-LAW. THIS INCLUDES AT A MINIMUM, COMPLETING A TOPOGRAPHIC SURVEY OF INDIVIDUAL LOT AND LOCATING PROPERTY BOUNDARIES IN THE FIELD. BOUNDARY INFORMATION MUST BE DETERMINED BY A LICENSED LAND SURVEYOR IN ACCORDANCE WITH THE REGULATIONS OF THE NOVA SCOTIA LAND SURVEYORS ACT AND MUST INCLUDE AT A MINIMUM, FIELD MEASUREMENTS OF LEGAL BOUNDARY INFORMATION AND REVIEW OF THE APPROVED SUBDIVISION SURVEY PLAN.
  4. ALL ELEVATIONS ARE METRIC AND GEODETIC. CONTOURS BASED ON TOPOGRAPHIC SURVEY CONDUCTED BY DESIGNPOINT ON OCTOBER 23-31, 2017.
  5. MINIMUM LOT GRADE TO BE 2%.
  6. MAXIMUM FILL SLOPE TO BE 2:1 AND MAXIMUM CUT SLOPE TO BE 3:1 UNLESS OTHERWISE NOTED. STEEPER CUTS IN BEDROCK MAY BE PERMITTED SUBJECT TO PROJECT GEOTECHNICAL ENGINEER CERTIFICATION.
  7. INDIVIDUAL LOT GRADING DESIGN TO BE COMPLETED PRIOR TO HOUSE CONSTRUCTION BASED ON AS-BUILT CONDITIONS.
  8. FLOOR ELEVATIONS TO BE CONFIRMED AS PART OF INDIVIDUAL LOT GRADING DESIGN BASED ON AS BUILT LATERAL LOCATIONS.
  9. ROOF LEADERS TO DISCHARGE TO SURFACE AND TOWARDS ROAD.
  10. FENCE OR HANDRAIL REQUIRED FOR WALLS HIGHER THAN 1 m (AS PER HRM REQUIREMENTS).
  11. THE INFORMATION ON THIS PLAN IS INTENDED TO PROVIDE GUIDANCE TO THE DESIGNER OF EACH INDIVIDUAL LOT GRADING PLAN.
  12. THIS PLAN ALONE IS NOT INTENDED FOR, AND IS NOT SUITABLE FOR THE PREPARATION OF INDIVIDUAL LOT GRADING PLANS.



ISSUE	DATE	DESCRIPTION	CONSULTANT
8	JUL. 13, 2021	REVISED SEWER DEPTH AND WATER ALIGNMENT	
7	JUNE 11, 2021	REVISED AS PER NSPI COMMENTS	
6	MAY 13, 2021	RE-ISSUED FOR CONSTRUCTION	
5	MAY 4, 2021	ISSUED FOR CONSTRUCTION	
4	APR. 28, 2021	REVISED GRADING PLANS	
3	MAR. 5, 2021	RE-ISSUED FOR SUBDIVISION APPLICATION	
2	OCT. 5, 2020	RE-ISSUED FOR SUBDIVISION APPLICATION	
1	JUN. 1, 2020	ISSUED FOR SUBDIVISION APPLICATION	

**DESIGN POINT**  
ENGINEERING & SURVEYING  
PHONE: 902.832.5597 www.designpoint.ca

CLIENT

**Armco CAPITAL**

PROJECT DESCRIPTION

**LOVETT LAKE ESTATES**

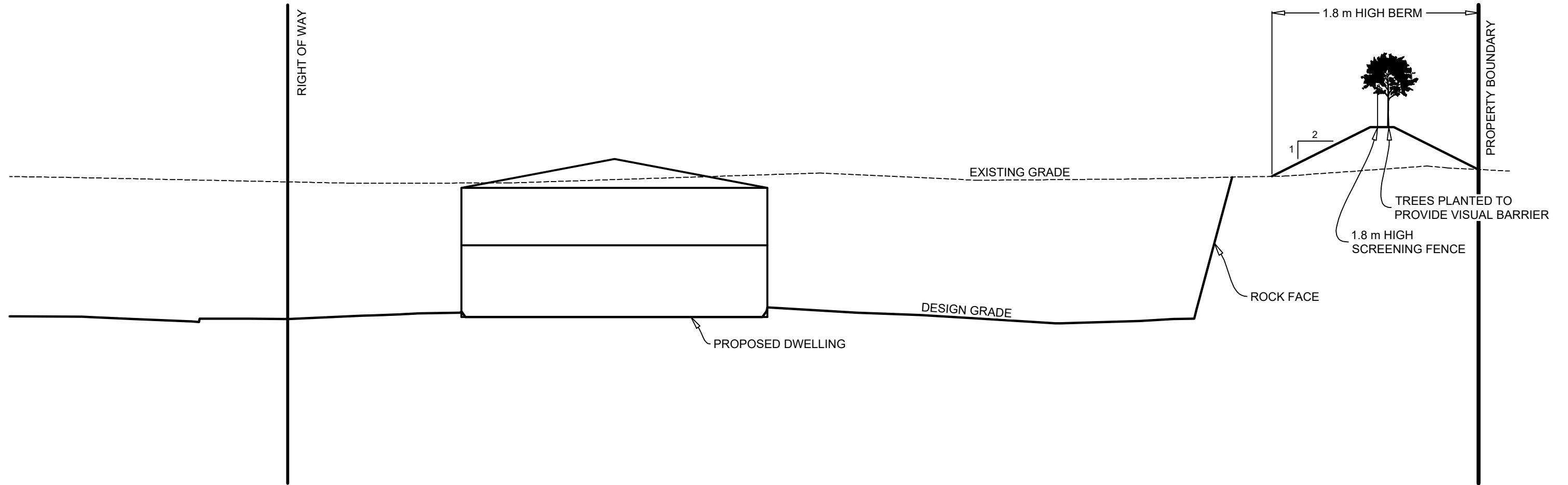
HALIFAX, NOVA SCOTIA

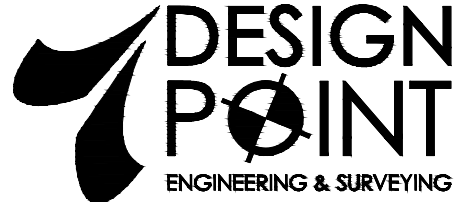

SHEET DESCRIPTION

SCHEDULE E  
PARK 1 GRADING PLAN

Drawn J. DWYER	Engineer N. FOUGERE	Project No. 19-232	Drawing No. C-01
Scale 1:500	Filename 19-232_G.dwg		1 of 2

# Schedule F: Typical Berm Details East



CONSULTANT	CLIENT	PROJECT DESCRIPTION	SHEET DESCRIPTION	Engineer	Drawn
 <p>PHONE: 902.832.5597      www.designpoint.ca</p>		<p>LOVETT LAKE ESTATES: PHASES 1-3</p> <p>BEECHVILLE, NOVA SCOTIA</p>	<p>TYPICAL BERM DETAIL</p>	N. FOUGERE	J. DWYER
				Scale N.T.S.	Date Oct. 08, 2021
				Project No. 19-233	Drawing No. <b>C-103</b>
				Filename 19-233_P3_CP.dwg	1 OF 1

**Attachment B: Review of Relevant MPS Policies**

<b>Planning Policy Review</b>	
<b>Timberlea/Lakeside/Beechville MPS, Section III- Urban Residential Designation</b>	
<b>Policy Number</b>	<b>Provided</b>
<p><b>UR-11</b>  <i>It shall be the intention of Council to establish a comprehensive development district within the land use by-law which permits any residential use and the development of local commercial and community facility uses when in association with residential uses. Industrial uses shall specifically be prohibited.</i>  <i>When considering an amendment to the schedules of the land use by-law to establish a comprehensive development district, Council shall have regard for the following:</i></p>	
<p><i>(a) that the proposal is within the Urban Residential Designation;</i></p>	<p>The site is within the Urban Residential Designation.</p>
<p><i>(b) that the development is capable of utilizing existing municipal sewer and water services;</i></p>	<p>Halifax Water has reviewed the proposal and has confirmed that this area was considered as an area of growth in the Infrastructure Master Plan and that there are no issues.</p>
<p><i>(c) that the development includes a minimum land area of five (5) acres to be so zoned;</i></p>	<p>The total area of lands proposed is approximately 58.29 acres.</p>

*(d) that the development provides for a mix of housing types in keeping with the general target for housing mixture and does not detract from the general residential character of the community;*

The proposal includes a mix of single unit dwellings, two unit dwellings and townhouse dwelling units, the same housing types which are permitted through the existing development agreement.

The existing development agreement allows for reduced sized single unit dwellings and further requires that a minimum of 50% of the dwelling units be developed as single unit dwellings which is discussed as the general housing target in this MPS.

Proposed is at least 50% low density, single unit dwellings and no more than 50% higher density dwellings. 222 single unit dwellings are proposed within the development, which equates to approximately 63.7% of the overall unit count. 126 semi-detached and townhouse dwellings are proposed, equating to approximately 36.2% of the overall unit count.

The residential character of the community consists of a mix of low density housing types including single family homes and semi-detached homes, as well as approved but not yet constructed townhomes as part of the original development agreement.

*(e) that adequate and useable lands for community facilities are provided;*

Please see IM-12(c)(vi) below.



<p><i>(f) that the development has a minimum of two (2) separate accesses to the public road network;</i></p>	<p>The existing agreement has one approved access onto St.Margarets Bay Road, with the intent that a second access would be gained through adjacent CDD lands.</p> <p>The proposal (which includes the remaining adjacent CDD lands) includes a secondary access connecting Higgins Avenue from Phase 1, to St.Margarets Bay Road. The amending agreement allows for development of Phases 2 and 3 simultaneously, and includes the construction of the second access to St.Margarets Bay Road.</p>
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<p><i>(g) consideration of the impact on traffic circulation and in particular traffic on the St. Margarets Bay Road;</i></p>	<p>HRM Development Engineering and Traffic Services have reviewed the submitted Traffic impact study and have no concerns.</p>
<p><i>(h) that the development is consistent with the general policies of this planning strategy and furthers its intent; and</i></p>	<p>The existing development agreement allows for a population density of 20 ppa. The proposed site totals as density of 20.00 ppa, which meets the previously approved density. This density remains the same in the amending agreement.</p> <p>A preliminary review of wastewater servicing has been conducted by the applicant and the recently installed Lakeside Pumping Station Diversion wastewater infrastructure along the Chain of Lakes trail provides adequate servicing capacity for this proposal.</p> <p>Halifax Water has reviewed the proposal and has confirmed that this area was considered as an area of growth in the Infrastructure Master Plan and that there are no issues for a density of 20 ppa, as originally approved.</p>

<p><i>(i) the provisions of Policy IM-12.</i></p>	<p>See Policy IM-12 below.</p>
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<p><b>UR-12</b>  <i>With reference to Policy UR-11, and as provided for by the development agreement sections of the Planning Act, the development of any district shall only be considered by Council through a development agreement or agreements which shall specify;</i></p>	
<p><i>(a) the types of land uses to be included in the development;</i></p>	<p>The existing development agreement allows for single unit dwellings, two unit dwellings, townhouse unit dwellings, a commercial site and open space uses.</p> <p>The proposed uses (single unit dwellings, and townhome unit dwellings) are included within the permitted uses of the existing agreement.</p>
<p><i>(b) the general phasing of the development relative to the distribution of specific housing types or other uses;</i></p>	<p>The existing agreement requires the development be completed within two phases. The existing agreement requires a second public street internal connection for ingress and egress from the lands to St. Margarets Bay Road before Phase 2 can be constructed.</p> <p>The proposal joins the road networks in Phases 1 and 2 (Higgins Ave) and provides the second road access to St.Margarets Bay Road. This second access is controlled through provisions in the amending agreement.</p>
<p><i>(c) the distribution and function of proposed public lands;</i></p>	<p>The existing development agreement outlines a location of the lands to be dedicated to the Municipality as Parkland, which has now changed. A portion of the parkland where the baptismal path is located is no longer to be provided as parkland.</p> <p>There are instead, two areas to be provided as parkland as regulated in the amending agreement:</p> <ol style="list-style-type: none"> <li>1. the remaining portion of the existing parkland along Lovett Lake.</li> <li>2. A portion of land to the North where the historic homestead was excavated.</li> </ol>

	<p>Parks and Recreation have confirmed that the proposed parkland in combination with money for upgrades is sufficient. The amending agreement requires these areas and a sum of money for upgrades to Park 1.</p>
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<p><i>(d) any specific land use elements which characterize the development;</i></p>	<p>The existing development agreement requires a 15 foot buffer to be provided around the Beechville Baptist Church Lands and requires public parkland to be located along the frontage of Lovett Lake. A 15 foot increase in this vegetation buffer is proposed. The amending agreement requires a vegetation buffer of 30 feet.</p> <p>A visual buffer is proposed along the easternmost property line which is adjacent to an existing property. The amending agreement regulates this buffer. The buffer requirement includes a berm, trees, and fencing.</p>
<p><i>(e) that new multiple unit dwellings have direct access to a major collector road as identified subject to the provisions of Policy TR-3.</i></p>	<p>N/A</p>
<p><i>(f) that industrial and general commercial uses be excluded;</i></p>	<p>No industrial or commercial uses are proposed or permitted by the development agreement.</p>
<p><i>(g) matters relating to the provisions of central sewer and water services to the development;</i></p>	<p>Central sewer and water services will be subject to the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications as per the development agreement provisions.</p>

<p><i>(h) provisions made for the proper handling of storm water and general drainage within and from the development; and</i></p>	<p>Stormwater and drainage within and from the development will be subject to the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications as per the development agreement provisions.</p>
<p><i>(i) any other matter relating to the development's impact upon surrounding uses or upon the general community, as contained in Policy IM-12.</i></p>	<p>See IM-12 below.</p>

<p><b>Timberlea/Lakeside/Beechville MPS, Section IV- Implementation</b></p>	
<p><b>IM-12</b>  <i>In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this strategy, Council shall have appropriate regard to the following:</i></p>	
<p><i>(a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.</i></p>	<p>See comments in UR-11, UR-12, and IM-12 accordingly.</p>

*(b) that the proposal is not premature or inappropriate by reason of:*

*(i) the financial capability of the Municipality to absorb any costs relating to the development;*

*(ii) the adequacy of sewer and water services;*

*(iii) the adequacy or proximity to school, recreation or other community facilities;*

*(iv) the adequacy of road networks leading or adjacent to, or within the development; and*

*(v) the potential for damage to or for destruction of designated historic buildings and sites.*

*(vi) the proposed means of handling storm water and general drainage within and from the development.  
(RC-Oct 30/01;E-Dec 8/01)*

(i) the Municipality will not absorb any costs relating to the development.

(ii) Halifax Water has reviewed the proposal and has confirmed that this area was considered as an area of growth in the Infrastructure Master Plan and that there are no issues.

(iii) The residential area is within the HRCE school district, with access to Beechville-Lakeside-Timberlea Jr. Elementary School, Ridgecliff Jr. High School, and Sr. John A MacDonald High School. The Education Act mandates that every person over the age of five years and under the age of 21 years has the right to attend a public school serving the school region in which that person resides. The HRCE will work to ensure all students are provided with access.

The area has access to the B/L/T Rails to Trails recreational pathways, and the HRM Lakeside Community Centre located along the St.Margarets Bay Road.

(iv) HRM Development Engineering and Traffic Services have reviewed the submitted traffic impact study and have no concerns.

(v) The existing development agreement includes provisions to reduce potential impact to the Municipally Registered Heritage property (the Beechville Baptist Church) by requiring buffers for residential and commercial uses. See Policy CH-16 below.

(vi) The existing agreement includes provisions to handle storm water drainage within and from the development.

<p><i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i></p> <p><i>(i) type of use;</i></p> <p><i>(ii) height, bulk and lot coverage of any proposed building;</i></p> <p><i>(iii) traffic generation, access to and egress from the site, and parking;</i></p> <p><i>(iv) open storage and outdoor display; (v) signs; and</i></p> <p><i>(vi) any other relevant matter of planning concern.</i></p>	<p>(i) The existing agreement regulates types of use permitted to single unit dwellings, two unit dwellings, townhouse dwellings, commercial uses permitted in the C-1 Zone of TLB LUB, and open space uses. Proposed Phase 3 does not include types of uses which are different from those already permitted.</p> <p>(ii) The existing agreement places controls that either require site provisions for each type of use or require the provisions of the LUB to be applied, including maximum building heights, setbacks from property lines, and lot coverage maximums.</p> <p>(iii) The existing agreement places controls on parking to the provisions of the LUB. Access to and egress from the site are also regulated in the agreement.</p> <p>(iv) The existing agreement places controls on open storage and outdoor display as per the provisions of the TLB LUB for commercial uses.</p> <p>(v) The existing agreement regulates signage on the site to two ground signs (one for community sign, one for commercial use).</p> <p>(vi) The existing development agreement has provisions for an area of lands referred to as “TBD” (to be determined) adjacent to the Baptist Church property. There is a provision in the existing agreement in which these lands shall be provided as parkland OR be consolidated with the Baptist Church property through land subdivision in Phase 1. The Municipality was made aware through extensive</p>
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	<p>community consultations as part of the Municipalities ongoing Plan Review, Case no.20226, that these lands have historical value to the Baptist Church, and contain unmarked graves. Additionally, a historical and culturally significant baptismal path is located adjacent to these “TBD” lands. The community had expressed interest in owning these lands by way of deed to the Beechville Baptist Church.</p>
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	<p>A provision is provided in the amending agreement that labels the TBD lands and baptismal path together as “Baptismal Lands”. The “Baptismal Lands” are required by the development agreement, to be consolidated with the abutting Beechville Baptist Church at the time of subdivision approval for Phase 1.</p> <p>Additionally, lands where a historically and culturally significant homestead was discovered and removed from the site in 2014, are required by the amending agreement to be provided to the Municipality as Parkland in Phase 1. Details of proper site commemoration will occur once the parkland is acquired.</p>
<p><i>(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding.</i></p>	<p>There are three wetlands located within the proposal. As per regulations set out by the Nova Scotia Department of Environment, alteration and compensation will be provided to develop these wetlands.</p>
<p><i>(e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</i></p>	<p>N/A</p>

**Halifax Regional Municipal Planning Strategy  
Section 7.4 - Development Abutting Registered Heritage Properties**

<p><b>Policy</b></p>	<p><b>Provided</b></p>
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<p><b>CH-16</b>  <i>For lands abutting federally, provincially or municipally registered heritage properties, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage properties by considering the following:</i></p>	<p>The proposed development project is within a different context than most development projects that would usually be considered under this policy. The subject property is not in an urban setting and deals with a larger scale residential development and not a site specific building. Each of the following policy sets have been reviewed, however there are some which do not apply to the site.</p>
<p><i>(a) the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce those same aspects of the existing buildings;</i></p>	<p>The existing development agreement includes provisions for low-density housing styles permitted with additional land use requirements. While the additional land use requirements do not address materials and colours, the proposal does address lot coverage, building scale, and heights.</p> <p>The proposed housing styles are the same as those in the existing approved agreement.</p>
<p><i>(b) ensuring that new development is visually compatible with yet distinguishable from the abutting registered heritage property. To accomplish this, an appropriate balance must be struck between mere imitation of the abutting building and pointed contrast, thus complementing the abutting registered heritage property in a manner that respects its heritage value;</i></p>	<p>The existing development agreement includes provisions for low-density housing styles permitted with additional land use requirements of lot coverages and building heights.</p>



*(c) ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they:*

*(i) incorporate fine-scaled architectural detailing and human-scaled building elements.*

*(ii) reinforce, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage properties; and*

*(iii) any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm and abutting registered heritage properties by incorporating design solutions, such as stepbacks from the street wall and abutting registered heritage properties, modulation of building massing, and other methods of massing articulation using horizontal or vertical recesses or projections, datum lines, and changes in material, texture or colour to help reduce its apparent scale;*

See above.

<p><i>(d) the siting of new developments such that their footprints respect the existing development pattern by:</i></p> <p><i>(i) physically orienting new structures to the street in a similar fashion to existing federally, provincially or municipally registered heritage structures to preserve a consistent street wall; and</i></p> <p><i>(ii) respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape;</i></p>	<p>The original agreement includes measures to aid in respecting the heritage property including provisions requiring a vegetation buffer of 15 feet for lands used for residential or commercial abutting the heritage property. This is proposed to increase to better protect the heritage property. The amending agreement requires a 30 foot vegetation buffer.</p> <p>Additionally, the existing development agreement includes provisions for low-density housing styles with additional land use requirements of lot coverages, building heights, and yard setbacks that ensure footprints respect the development on the heritage property.</p> <p>The proposed lands do not abut the heritage property, but the proposed low-density housing styles are similar to those in the first two phases.</p>
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<p><i>(e) not unreasonably creating shadowing effects on public spaces and heritage resources;</i></p>	<p>The original development includes provisions for 15ft vegetation buffering from the Church (P-2 Zoned) property, as well as additional land use requirements such as setbacks that aid in not unreasonably creating shadowing effects. This has been increased to 30 feet by the amending agreement.</p>
<p><i>(f) complementing historic fabric and open space qualities of the existing streetscape;</i></p>	<p>An important component of the Beechville Baptist Church includes the former Baptismal Path. Under the existing development agreement the location of the former Baptismal Path was to be taken over by HRM as parkland, however Parks has confirmed they no longer have interest in parkland in this location. The Developer has proposed to subdivide that area of land to deed to the Baptist Church after approval of an amending agreement. The amending agreement requires the Baptismal Lands be consolidated with the abutting Beechville Baptist Church at the time of subdivision approval for Phase 1.</p>

<p><i>(g) minimizing the loss of landscaped open space;</i></p>	<p>The original development agreement includes a parcel of “TBD” lands adjacent to the Baptist Church which has the opportunity to be conveyed to the church property which would increase the area of open space.</p>
<p><i>(h) ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;</i></p>	<p>The original development agreement requires a landscaped buffer for any residential property that abuts the church property. The buffer cannot include any structures, parking areas or outdoor storage.</p>

<p><i>(i) placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;</i></p>	<p>See above.</p>
<p><i>(j) having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and</i></p>	<p>N/A</p>
<p><i>(k) any applicable matter as set out in Policy G-14 of this Plan.</i></p>	<p>N/A</p>

*For the purposes of Policy CH-16, the following definitions apply:*

- 1. "Abutting" means adjoining and includes properties having a common boundary or a building or buildings that share at least one wall. Properties are not abutting where they share only one boundary point as opposed to a boundary line.*
- 2. "Building scale" means a building's size relative to another building's size, or the size of one building's elements relative to another building's elements.*
- 3. "Massing" means the way in which a building's gross cubic volume is distributed upon the site, which parts are higher, lower, wider, or narrower.*
- 4. "Proportion" means the relationship of two or more dimensions, such as the ratio of width to height of a window or the ratio of width to height of a building or the ratio of the height of one building to another.*
- 5. "Profile" means a building's cross-sectional shape or the shape of its outline.*
- 6. "Building character" means the combined effect of all of the architectural elements of a building or a group of buildings.*
- 7. "Human-scaled building elements" means a range of building details from small (masonry units, doorknobs, window muntins, etc.) to medium (doors, windows, awnings, balconies, railings, signs, etc.) to large (expression of floor lines, expression of structural bays, cornice lines, etc.).*
- 8. "Street wall" means the vertical plane parallel to the street in which the front building facades of the majority of the buildings along a street are located.*
- 9. "Pedestrian realm" means the volume of space enclosed by the horizontal plane of the street and sidewalks, and the vertical planes of the facing streetwalls. The height of this volume is determined by the height of the base of the adjacent buildings as defined by a major cornice line or by the point at which a building's massing is first stepped-back from the streetwall. Where cornice lines or setbacks do not exist, the height will be generally two to five stories, as appropriate.*



**Virtual Public Information Meeting  
Case 22879**

***The following does not represent a verbatim record of the proceedings of this meeting.***

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**Thursday, June 17, 2021  
6:00 p.m.  
Virtual**

**STAFF IN**

**ATTENDANCE:**

Brittney MacLean, Planner II, HRM Planning & Development  
Maggie Holm, Principle Planner, HRM Planning & Development  
Carl Purvis, Planning Applications Program Manager, HRM Planning & Development  
Miles Agar, Principal Planner, HRM Planning & Development  
Mapfuma Chidzonga, Diversity & Inclusion Advisory, HRM Planning & Development  
Ayo Aladejebi, Senior Advisor, African Nova Scotia Affairs  
Cara McFarlane, Processing Coordinator - Planning, HRM Planning & Development

**ALSO IN**

**ATTENDANCE:**

Iona Stoddard (District 12) - Councillor for Timberlea-Beechville-Clayton Park-Wedgewood  
Chris Markides, Zzap Consulting Inc.  
Marc Ouellet, Armco Capital Inc.  
Laura Masching, Armco Capital Inc.  
Greg O'Brien, WSP Canada Inc.

**PUBLIC IN**

**ATTENDANCE:**

Approximately: 43

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**1. Call to order and Introductions – Brittney MacLean, Planner**

Case 22879 - Application by ZZap Consulting Inc., on behalf of Armco Capital Inc., requesting substantive amendments to the existing development agreement for Lovett Lake to add additional lands and allow for a Phase 3 of Lovett Lake, Beechville with 91 residential units, resulting in an increase of residential units from 257 to 348 units on the site.

B. MacLean is the Planner and Facilitator guiding the above-noted application through the planning process and introduced other staff members, the applicant and presenters for this application and the area Councillor for District 12, Iona Stoddard.

**2. Presentations**

2a) Presentation by HRM Staff – Mapfuma Chidzonga

**M. Chidzonga's** presentation acknowledged that the land is in Mi'kma'ki, the ancestral tradition lands of the Mi'kmaq people. HRM acknowledges the Peace and Friendship Treaties signed in this Territory and recognizes that we are all Treaty People. M. Chidzonga acknowledged the Indigenous Communities and survivors and too often ignored deadly legacy of the Canadian Indian Residential School System. African American Nova Scotians are a distinct founding people in our Community who have been a key part of

Nova Scotia culture and history. The Road to Economic Prosperity Action Plan continues the work that African Nova Scotian Communities have been doing for generations and recognizes future opportunities for people of African descent. Regional Council recently endorsed an anti-black racism framework which is a roadmap that will inform the creation of a strategy and action plan for combating anti-black racism in all municipal services. Also recognized, was the Beechville Community Development Association (BCDA) and Carolann Write, Director of Capacity Building and Strategic Initiatives, African Nova Scotian Communities and the Halifax Partnership, who provides support for the BCDA for their continuous work in the Community and participation in community engagement with HRM through the Beechville Municipal Planning Strategy (MPS) review and Community Benefit Action Plan. A previous public engagement session as part of the review and Community Benefit Action Plan was attended by many. The detailed feedback from the Community and BCDA during the previous engagement will be factored into the engagement for this newly proposed application.

2b) Presentation by HRM Staff - Miles Agar

**M. Agar** gave some background and an overview of the Beechville MPS Review Action Plan:

- (a) previous Armco development proposal;
- (b) Regional Council's direction (2017): community planning process for Beechville, Beechville African Nova Scotian Community, Armco's development proposal considered as part of the community planning process for Beechville;
- (c) Armco proposal withdrawn (2019): current development proposal; and
- (d) Regional Council's direction (2020): community planning process for Beechville, Beechville community benefit action plan, BCDA, no longer consider previous development proposal.

2c) Presentation by HRM Staff – Brittney MacLean

**B. MacLean's** presentation included information on the following:

- (a) the purpose of the meeting, to share information and collect public feedback about the proposal - no decisions were made at this meeting;
- (c) the role of HRM staff through the planning process; and
- (d) a brief description of the application including: application proposal, subject property proposal (B. MacLean noted that located on the lands are areas of historic significance. A historic baptismal path used by the Beechville Baptist Church and gravesite. There is also an area of land where a historic building foundation remains related to the habitations and activity of the first-generation War of 1812 black refugees that formed the Community were uncovered and excavated in 2014.), site context, proposal, what a development agreement is, Council's direction, planning context, planning process and status of the application.

2d) Presentation by the Applicant – Chris Markides

**C. Markides** introduced staff from Armco Capital Inc. and WSP Canada Inc. and presented details about Zzap's Consulting Inc.'s proposal including background and timeline, 2014 concept plan for Phases 1 and 2, proposed concept plan for Phase 3, transportation, traffic impact study (prior to Covid-19 pandemic), stormwater management, and open space and commemoration sites.

### 3. Questions and Comments

**B. MacLean** welcomed attendees to ask questions to staff and the presenters and provide their feedback. Attendees that were connected via Teams webcast were called upon to provide their comments and questions.

(1) Questions from people connected via MS Teams

**M. Holms** invited the speakers from the public, one at a time, to unmute themselves and provide their comments:

**(i) Danielle Jackson, Jacob Sampson, Shawna Wright – BCDA - Beechville:**

**D. Jackson** - The BCDA does not support the proposal. Acknowledged that the land is on ancestral

and unseeded territory of the Mi'kmaq people and is covered by Treaties of Peace and Friendship which the Mi'kmaq first signed with the British Crown in 1725. Background was given on the ancestral and historical significance of the Beechville Community and their contribution to building this nation. As black descendants of Beechville, they are committed to form alliances with indigenous peoples in hopes to make the promises of truth and reconciliation available to all. The Beechville Community stands in solidarity to mark these lands of the indigenous people to be sacred lands. The proposed development is detrimental to the Beechville Community causing harm to ancestral lands, people and artifacts. Armco's development goes directly against the anti-black racism framework that HRM created by violating the cultural significance, self-representation and authority of the black community. The power of privilege continues to squeeze Beechville (and surrounding black communities) out of existence. In 2008, Armco Inc. originally agreed to transfer the baptismal path and surrounding lands back to the Community. The Community demands the lands be returned immediately. In 2017, Council approved a plan that included five phases that named Beechville, HRM and Armco as participants and Armco continued unethical practices and disrespect towards the Community of Beechville by pulling out of the agreement that was to work towards an outcome to benefit all. A strong working relationship was built between the former Councillor and HRM Staff which resulted in many firsts and the Community expects to receive the same level of support moving forward by HRM continuing to listen and learn from the voices of those that have been silenced for centuries. The Community wants their lands returned which would lead to Beechville's preservation and revitalization and would demonstrate that HRM is both recognizing and reconciling the wrongs made and it would show HRM as a leader in decolonizing practices.

**J. Sampson** – Is not in favour of the proposed amendments. Over the past two years in Halifax, there has been fierce debate about what parts of black history should be upheld or glorified and what should be given further context. There is fear of black history being erased. Education teaches mostly European and Anglo-Saxon history. The city is designed around Citadel Hill. Black history is omitted from history books and is being erased. The foundation and artifacts found on the Armco lands confirm that our roots existed on these lands. There is fear in the Community that other items may have been lost, or are buried, on those lands and outlying areas, that would have given context to current traditions. There has to be a process for when significant sites are found and a guarantee of preservation and that history is commemorated properly and appropriately with the Community's involvement. The proposed amendments would continue to put black history at risk.

**Shawna Wright** – The quality of life in the Beechville Community is dependent on the revitalization of our culture through many programs and activities. The lack of access to community space and green space that the Community controls is important to this progress. People of African descent must make significant and immediate progress in regards to acquiring the land in Beechville. The Community is tired of broken promises. S. Wright is concerned about the environment with the clear-cutting of trees leaving very little vegetation which can cause temperature changes and decrease in oxygen. The development will also have an affect on ecosystems in the area. Traffic will increase with the addition of at least 1000 more cars. A buffer was promised but never created. The lakes need cleaning in the area. St. Margarets Bay Road will become more dangerous with more houses and accessways.

**B. MacLean** – Suggested to the previous speakers to share these same comments at the public hearing.

(ii) **From the chat** – Did the traffic study consider school bus traffic for the right in/right out entrance?  
**Greg O'Brien** – The direction of travel for the school busses is unknown. At the time the of design, those types of vehicles will have to be considered.

(iii) **Antonio Jackson, Beechville:**

A participant and youth leader in many Beechville programs. The development negatively impacts the Beechville Community. A. Jackson referred to a picture (see Appendix A) of how the development makes him feel because the development shows disrespect to their ancestors and land by damaging property. The Community will not take anymore bribes and are tired of the trauma caused. Enough is enough.

**B. MacLean** – Received A. Jackson's picture and will make sure it makes public record.

**(iv) Patsy Crawford, BCDA, Beechville:**

This land belongs to the Beechville Community. Apologies mean nothing if the same mistakes happen constantly. Promises are forever being broken. The traffic is already bad in the whole community. Our people have been here for over 200 years and will stand to the end. The Lakeside Industrial Park sign took a long time to have changed to Beechville but that's what it should have been in the first place. The church property has been damaged and the trees removed.

**(v) Reverend Lloyd Grant, Beechville:**

Came to the Beechville Baptist Church in 2021. Development continues without consideration for the Community. The physical and emotional state of individuals along with the mental state of mind and spirituality has been emotionally damaged. The emotional impact of the Community elders is detrimental. This is systemic racism and the Community is being disregarded as an African Nova Scotian Community. If black lives matter, people of African Nova Scotia expect to be treated equally and fairly. The Development Agreement promised a 150-foot buffer. Why has it been reduced to 50 feet?

**B. MacLean** – The Development Agreement states that a 15-foot buffer (consisting of trees, shrubbery and existing vegetation) be provided on all lands for residential development that abuts a registered municipal heritage property and no development is permitted within that buffer. The feedback will be taken into consideration when preparing the staff report.

**(vi) Carolann Wright, Beechville / Director of Strategic Initiatives and Capacity Building for African Nova Scotian Communities within HRM with Halifax Partnership:**

Impossible to support the proposed amendments knowing the work that the Community has done. The details in the Attachments of the Beechville Staff Report of 2020 that was supported unanimously by Council need to be initiated and in place. A black community waiting for the return of their property at the behest of a developer is very problematic. The cultural and historical sights are not for Armco to decide when and where they happen. The pipe shown beside the Armco site have aboriginal slogans on them, are extremely significant and have local, Provincial and international implications. The Beechville Community is connected to Aboriginalists which means that the Community was settled between 1812 and 1815. The people were fighting to free people in the United States and elsewhere that were still enslaved. Black history is often lost and there is nothing that the Community can visit, see or acknowledge. As a black community, we have an over-riding of policies and administrative orders that have historically affected our communities. This amendment and process needs to be halted and a roundtable discussion on the protection and revitalization of African Nova Scotian Communities needs to happen with HRM. C. Wright suggested that blasting does not occur during Covid.

**B. MacLean** – Blasting can continue unless it does not adhere to the Blasting By-law. Will express the Community's concerns to Council.

**M. Holm** – Blasting is governed by a by-law and Council would have to amend that by-law to revoke or change those rights. Permits in accordance with the by-law have already been issued for blasting.

**(vii) Matt DeLeon, BCDA – Housing Committee, Beechville:**

Our ancestors were given licenses of occupation rather than deeds or titles which resulted in the land being reduced, rezoned, repurposed, repackaged as an affordable amenity housing development rather than a historical significant community. The land has been physically altered forever and subdivisions have been presented that don't pay homage to the blood and tears that were shed during the long journey from the Southern United States. Would like to see Phase 3 water treatment moved because it is adjacent, or on top of, one of the longest landholder properties of the original community. Would like to have some details on the significant investment and infrastructure for the parks and an invitation for community participation as to what goes into the parks. Access to the lake was always a selling feature but now this seems highly unlikely. Would like to know how the street names were created and would like to see ones that pay homage to the significance of the land.

**M. Holm** – Staff can ask the developer to choose street names that better reflect the Community while meeting the requirements of the Street By-law.



**B. MacLean** – The Parks Department confirmed that there will be access to the lake but they don't currently know what it will look like. The access may be by stairs limiting access for people with mobility difficulties. The Parks Department would like more community input regarding the parkland.

**C. Markides** – Will speak to their client regarding reviewing the stormwater pond close to Phase 3 as they didn't realize the impact on the history of the site.

**(viii) Reginaldo Marcelo dos Santos, Beechville:**

Commented on the right in/right out access. Would like to see houses and no apartment buildings. Is school capacity considered when creating a new development? Are more crossings planned?

**B. MacLean** – HRM sends planning applications with significant residential development to the Halifax Regional Centre for Education (HRCE) for their comment. The HRCE Act mandates that every person between the ages of 5 and 21 has the right to attend a public school within the region with which they live. The Engineering Department indicated that other than the intersection upgrades for Phase 1, the development does not include any crosswalks. There is a crosswalk along the St. Margarets Bay Road at the end of Beechville Estates. It was mentioned that beginning this year, there is a HRM Road Safety Plan for St. Margarets Bay Corridor.

**(ix) Peter Service, Beechville Estates:**

More ethical consideration has to be put forth by HRM before this proposal continues. Concerned about the increase vehicular and pedestrian traffic and the two exits from one neighbourhood on the same street within a few hundred metres of each other. The traffic study was done mid-week in the afternoon in early 2020. Documentation on the HRM website indicates that there was originally supposed to be an exit into the park itself. This should be given serious consideration because adding another large development amongst an already congested area will cause problems in the event of a mass evacuation. Recommends reconsidering the original street plan. Consideration has to be given to the existing infrastructure.

**G. O'Brien** – This is the reason the second access was recommended as right in/right out movements only. The traffic study (done prior to Covid) included volumes from the Irving car block and historical counts for St. Margarets Bay Road. There are no pedestrian amenities on the south side of St. Margarets Bay Road in the vicinity of the right in/right out access point and the next crossing point (push button with flashing beacons) would be at Sheppards Run. A crosswalk at the main intersection of the development will be provided.

**M. Ouellett** – The previous MPS amendment for additional density showed a connection to Bayers Lake Business Park; however, at the time HRM Traffic and Engineering were not keen about that connection.

**P. Service** – What about EMO?

**M. Ouellett** – The MPS requires developments to have two access points.

**P. Service** – What would take to reconsider and make the community viable and safe to exit?

**M. Ouellett** – Phase 1 and 2 are fully designed.

**(x) Terry Pulliam, Beechville:**

Is very respectful of the work that is being done by the BCDA and supports in preserving the special unique heritage of the area. Concerned about the lake. T. Pulliam was unsuccessful when asking for a water test be done on the lake. Water quality testing and monitoring should be done. Concerns with the homes being 20 metres up against the watercourse. The proposal includes more properties encroaching on the watercourse buffer and as a result more people accessing the lake. Would like to see a further study and report about the environmental impact on this lake. Is Armco currently harvesting trees?

**B. MacLean** – A permit from Department of Environment is required for any wetland alteration on the site. Additionally, any kind of grade alteration and stormwater management plans are required at the permitting stage.

**M. Agar** – The 2020 Regional Council report recommended staff go back and look at any water quality monitoring data that the municipality has. A program existed in 2012 where a study was done on Lovett Lake. There is some background data that can be brought forward and made available to the public. A report is coming to Regional Council soon to bring back the water quality monitoring program.

**M. Ouellet** – There has been some site prep for the work starting soon in terms of the construction activity. Phase 1 and 2 are continuing under the original Development Agreement from 2014. Phase 1 has been approved. Blasting permits will likely be issued tomorrow or Monday and blasting will begin soon after that. This amendment is proposing to include Phase 3 with Phases 1 and 2. Originally, Armco was going to apply for just Phase 3 but HRM staff recommended that the original Development Agreement include Phase 3 but also include some tweaks to Phases 1 and 2 to give more benefits to the Community. Currently, the Development Agreement does not easily allow the transfer of the areas of historical significance to the Community.

**(xi) From the chat:**

**M. Holm** – Will the housing styles be similar to Beechville Estates?

**M. Ouellett** – Those details haven't been decided but it will be a bit different.

**(x) Suzanne Sheffield, Beechville:**

Shares the same concerns as BCDA. Wasn't aware that Phase 1 was approved and is concerned about the tree cutting that is happening so close to the church and perhaps the gravesites. The lands around the lake aren't really protected but unbuildable. Concerned the land will be clear cut and destroy the wildlife. What will happen to the parkland up against the lake? Are the trees going to be maintained? Wanted clarification about Phase 2 along St. Margarets Bay Road. Can it be retained as parkland, continued tree land? In addition, S. Sheffield is concerned about the two accesses feeding into St. Margarets Bay Road especially the one closest to Bayers Lake (right in and out) due to safety concerns. Would like to see more land left around the church.

**B. MacLean** – The watercourse setback is undevelopable. The only consideration would be if the Parks Department were trying to get lake access (eg. a pathway). The orange area by the road was originally designated as parkland but when the applicant came back with the intent to deed the land back to the Community, it cut off the parkland connection to the trail. The Parks Department would have had to, and did not want to, create an easement over the baptismal path to the parkland.

**C. Markides** – HRM did not want that land as parkland and the developer requested that the land be converted to two single family lots.

**(xi) Charline Cormier, Beechville:**

Concerned about traffic and would like to see additional studies done during high peak hours. Concerned about the high density of the development and also wanted clarification about the three properties added in the orange area. Would like to see it left as greenspace. Would like to know Armco's sustainability goals. The Community's needs have to be met. C. Cormier was surprised to find out that Phase 1 has begun. There should be more greenery and sustainability design in the development. Asked for another traffic study to be done that better reflects what is currently happening in the Community.

**M. Ouellet** – The treed lots in Beechville Estates were always private lots. In terms of this subdivision, in the previous MPS amendment, there was a proposed street leading to Lovett Lake to permit that access but HRM wasn't going to approve it; therefore, it was turned into a lot. The opportunity is lost at this point. There are policies that requires 10% parkland dedication which have been met with this project (this doesn't include the transfer to the church).

**B. MacLean** – HRM does require a minimum of 10% parkland and the applicant would have to meet that. The 10% does not include the land the developer intends to deed to the Community. The application is at the beginning stages and Engineering is still reviewing the plans. Feedback regarding additional traffic studies will be taken back to internal agencies and it will be captured for Council.

**C. Cormier** – Are the lots for Phase 1 all sold?

**M. Ouellet** – The property behind the development, which were owned by Armco, are industrial lands. If there were a connection, it would have taken place between Hobsons Lake Drive and this development. Those properties have since been sold.

**C. Cormier** – Do you have a timeline on when Phase 1 construction will begin?

**M. Ouellet** – The work will begin as soon as the blasting permit is approved and will be ongoing until September/October 2022.

- (xi) **From the chat** – What year was Phase 1 approved?  
**B. MacLean** – The application was approved by Council on August 14, 2014 and the Development Agreement registered shortly after that.
- (xii) **Ian Angus, Beechville:**  
 There will be added traffic on St. Margarets Bay Road with multiple developments being constructed within the area. No exit out of the backend of this development will definitely create traffic issues.  
**G. O'Brien** – Any traffic studies for the other developments have been completed and done after the studies for this development would have been done. However, the traffic study that was completed as part of this development does include background traffic growth.  
**I. Angus** – Agreed with Carolann Wright that conversations have been had with certain people and believes that more community interaction has to be done with Armco and the Community of Beechville. Armco could arrange to have something done with the slope of the park area to make it more accessible.  
**M. Holm** – Staff could have a discussion with Armco and the Parkland Planners.  
**I. Angus** – It is important to also include the Community members in Beechville. Has there been discussion regarding new schools in the area?  
**B. MacLean** – HRCE is informed of the number of units and population density. They have a mandate to provide schooling for children in the area in which they live; therefore, it would be the responsibility of HRCE.  
**M. Holm** – All development applications are circulated to HRCE in order to do their long-term planning but HRM is not privy to the information afterwards.  
**I. Angus** – There has to be more transparency with regards to all aspects of the process.
- (xiii) **From the chat** – How do the townhouses next to the right in/right out access get vehicular access?  
**C. Markides** – It would be internal from their site.
- (xiv) **Chris Muller, Beechville:**  
 Has a lot of the same concerns as previously mentioned. Schools are near capacity and would like more of an explanation in regards to schooling instead of putting the responsibility on HRCE. It is irresponsible of HRM to consider an application without knowing all the information. Agreed with the other comments regarding the increase of traffic. Did Armco make any effort to go back to HRM after their proposal changed regarding the connection to Hobsons Lake Drive? Was a water pressure study done and can the current infrastructure cope with 100s of additional homes? Will we experience increased water and power outages?  
**B. MacLean** – Plans are sent to Halifax Water who do capacity analysis. Their comments revealed that the proposed density would be manageable with the capacity that currently exists in the pipes in the area.
- (xv) **Irvine Carvery, Beechville, Co-Chair of the Nova Scotia Road to Prosperity, President of the Africville Genealogy Society:**  
 The Committee's mandate is to work with the African Nova Scotian communities within HRM to work on economic prosperity, community wellbeing, and building capacities within our communities. Believes that no one has learned from what happened to Africville. Apologies have been given but the same mistakes keep happening. No one communicates with the affected community. The foundation that was found on the property implies that there were more houses belonging to our ancestors and forms a part of that whole Community of Beechville. All African Nova Scotian Communities continue to be under siege. Back in 1815, the black communities were deliberately placed, but currently the urban area want to encroach upon our lands. Black communities continue to be the victims of institutionalized racism. Is the historic homestead site still intact? I. Carvery is opposed to this amendment.  
**M. Holm** – An archaeological study is done for all of the lands. Ground sonar may be able to see some stones and things on a map that there was, at one time, a foundation there. Everything of significance has been removed by archaeologists and are at the Nova Scotia Museum.

- (xvi) **From the chat** – What will be the cost of the homes?  
**M. Ouellet** – Currently, the cost would be quite unpredictable as prices have risen within the past year.
- (xvii) **D. Jackson** – The access to the lake should be accessible to all. It is insulting to bring us here for a meeting and not have any answers.  
**M. Holm** – Due to the significance of the slope from the road, a pathway or set of stairs to the lake would cause less disturbance to the land but would not allow full accessibility. The developer hasn't done all the design work yet and there are challenges due to the slope.
- (xviii) **P. Service** – Has assurance from Dexter Construction that a house inspection would be done prior to the blasting commencing. Wants confirmation when blasting will commence upon receipt of that certificate.  
**M. Ouellet** – Through the Councillor, it was communicated that P. Service's property is outside the blasting area.  
**P. Service** – Has assurance from Dexter Construction. All of these houses are going to be affected. P. Services expects the inspection to be done prior to blasting. What is the value of the properties within your business plan?
- (xix) **C. Wright** – Concerns about the blasting as well and stated that there needs to be a discussion on the blasting time. Permits seem to be the answer for everything but general respect for the residents of the Community should be important. Believes that blasting should be held off until everyone is assured the houses will be safe when it happens.  
**M. Ouellet** – Clarified that there will be a lot of blasting in Phases 1 and 2 of the development but the blasting for Phase 3 would be very limited.

#### 4. **Closing Comments**

**B. MacLean** thanked everyone for their participation in the meeting.

#### 5. **Adjournment**

The meeting adjourned at approximately 8:50 p.m.



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