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**TO:** Council Advisory Committee

**FROM:** Kirsten Duncan, Acting Development Officer and Planning Technician

**DATE:** May 2023

**SUBJECT:** Supplemental information for the Application for Land Use Bylaw Zoning Map Amendment (Rezoning) of PID 55247761

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## BACKGROUND

An application was received from Brighter Community Planning & Consulting on behalf of the property owner, Mitch Brison of Brison Developments Limited to rezone a vacant parcel of land identified as PID 55247761. The submitted application is to consider amending the Zoning Map of the Kentville Land Use Bylaw to rezone a vacant parcel of land identified as PID 55247761 (“the subject property”) to Single Unit Dwelling (R1), One and Two Unit Dwelling (R2), and High Density Residential (R4). The subject property is currently zoned Large Lot Residential (R5). Staff reports were compiled for March and April CAC providing information regarding this file. The intention of this report is to provide further information to Council around the rezoning application so that it can be considered for first reading at the end of the month.

## DISCUSSION

Staff have been working diligently over the past few months compiling information for Council’s consideration as it relates to the rezoning application for PID 55247761 in the McDougall Heights subdivision. The Town engaged C + D Community Design to provide an opinion on the content of the rezoning application from the standpoint of a Licensed Professional Planner, the analysis can be found at the end of this report in Appendix B. Staff appreciate the effort put into the review from C + D Community Design. There were some pieces of information that were recommended to be submitted during the planners review, however staff are confident that we are able to work with the applicant and developer throughout the Subdivision process to satisfy these items.

## ATTACHMENTS

Appendix A	Memo from Director of Public Works and Engineering
Appendix B	Letter from C + D Community Design, Review of Rezoning Application for PID 55247761
Appendix C	Letter from Brighter Community Planning & Consulting, on behalf of Brison Developments Limited

APPENDIX A



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354 Main Street  
Kentville, Nova Scotia  
B4N 1K6

**INTER OFFICE MEMO**

**To:** Kirsten Duncan, Development Officer  
**From:** Dave Bell, Director of Engineering & Public Works  
**Date:** May 4, 2023  
**Subject:** Rezoning of PID 55247761, Brison Developments Limited, Kentville

.....

Hi Kirsten,

The Engineering & Public Works Department has received sufficient information from Brison Development's engineering consultant with respect to the balancing of pre-development and post-development storm water flows for the rezoning stage. Detailed engineering plans for all aspects of water, sewer, storm and street & sidewalk design will be required at the Tentative Subdivision application stage should the rezoning application be successful.

Yours truly,

A handwritten signature in blue ink that reads "Dave Bell".

Dave Bell, P. Eng.  
Director of Engineering & Public Works



Dan Troke, CAO

APPENDIX B

Town of Kentville  
354 Main Street, Kentville, B4N  
1K6

April 20, 2023

Caroline  
Robertson, MPS  
BCD HONOURS

MCIP, LPP

Phone:

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Re: Rezoning Application for PID 55247761 Kentville

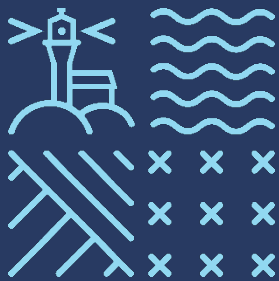
Dear Mr. Troke,

As you know, Maurice Lloyd and Peter Connor engaged C+D Community Design to review the documents related to a rezoning application in the Town of Kentville and provide my opinion on how these relate to your Planning Documents. I checked all the records provided and discussed them with the above-noted Planners. Based on our conversation and a phone chat with you on April 12<sup>th</sup>, 2023. I'd recommend the following approach for processing the rezoning application.

Based on Policy RS-23 of the Town's Municipal Planning Strategy, I believe the application received is incomplete. The application was received in Sept 2022, and the Developer has yet to provide all the relevant information. The Municipal Government Act through Policy 210 states that where Council has not, within 120 days of receipt of a complete application, commenced the procedure required for amending the land use by-law through the publishing of the required public hearing, the application is then deemed to have been refused.

For the application to be complete, the applicant must consider the Town's vision for residential development outlined within the Municipal Planning Strategy. For this reason, it is reasonable for Council to request further information:

- The Stormwater Management Plan includes grey and green infrastructure elements to address concerns raised by residents at the recent public discussion held at the Council Advisory Committee.
  - In addition, extra consideration should be given to the Mitchell Brook Watercourse System. How the construction process and overall development are approached will impact the flow and quality of the watercourse, affecting the neighbouring properties.



## Dan Troke, CAO

Town of Kentville  
354 Main Street, Kentville, B4N  
1K6

April 20, 2023

Caroline  
Robertson, MPS  
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Re: Rezoning Application for PID 55247761 Kentville

- The transportation infrastructure plan considers traffic calming and the efficient, safe movement of pedestrians and cyclists. To prevent the “sidewalk to nowhere” or infrastructure choices that are not the most appropriate for this community, Council may wish to consider working with the developer to extend infrastructure outside the demands of the new development.
- The parks and other community assets required under Policy P-10 for this development should be included in the rezoning and indicated as allocated for Parks and Open Space. These allocated spaces must be in safe and central lots approved by the Town’s Recreation Department.

Should the applicant provide the above information to the satisfaction of the Council, I recommend Council approve the rezoning application. The Municipal Planning Strategy supports diverse residential developments, and the R5 zoning indicates the intent to permit residential development in this area.

I should note that generally, large lots are only split-zoned into multiple zones with a concurrent subdivision application. The approach of processing the rezoning first has made the application difficult for the community and staff to process. However, due to time constraints, I would continue to process this application with the subdivision after the rezoning to avoid extending the administration unnecessarily.

All my best,

Caroline

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## SUBDIVISION APPLICATION PID 55247761

The Town of Kentville has received an application to Re-Zone PID 55247761 from Brighter Community Planning & Consulting on behalf of Brison Developments. The application seeks zoning changes for a mixed-density development near Acadia Drive.

## TIMELINE

The Town has been considering this application for some time, as it was initially received in September 2022.

In agreement with the piece written by Maurice Lloyd, residential development and demand have changed drastically within Nova Scotia. There is a great need for diverse residential types surrounding Halifax. The regions selected for residential growth within the Town of Kentville have been chosen to concentrate and intensify development in established settlement areas such as Kentville, Berwick, Wolfville and New Minas, where a wide range of existing urban infrastructure and services already exist. This approach is intended to protect the existing agricultural land in Kings County. The Town of Kentville's policy is to direct residential development to Residential Designation areas on the future designated land use map.

The subject property is currently zoned Large Lot Residential R5. This land is projected as residential by Policy RS-14 & RS-15, per the Developer's application. Council and Staff should do their best to consider the application and decide quickly while ensuring the best possible development for new and existing residents.

## MUNICIPAL GOVERNMENT ACT

The Municipal Government Act provides Council with 120 days after receiving a completed land use by-law amendment application to respond; if no response is given, the application shall be considered refused.

The Municipal Government Act also outlines how Council may consider a land use by-law amendment. Council is provided with the discretion to adopt a public participation program. The Town of Kentville has adopted a Public Participation Program policy that outlines how public engagement will be handled for amendments to their planning documents.

### 210 Amendment of Land Use By-Law

(2) the procedure for adopting an amendment to a land use by-law is the same as for adopting planning documents. Still, a public participation program is at the council's discretion, and the amendment may be adopted. The amendment may be approved or refused by a majority of vote of the Council members at the public hearing.

(6) where the Council has not, within one hundred and twenty days after receipt of a completed application to amend a land-use bylaw referred to in subsection (1), commenced the procedure required for amending the land-use by-law by

publishing the required notice of public hearing, the application is deemed to have been refused.

Appeals to the Boards (247) of the Municipal Government Act

An appeal shall be served on the board within fourteen days after the date of either the publication notices of the adoption or of written notice of the Council's decision refusing.

## **PUBLIC PARTICIPATION PROGRAM POLICY**

The Town of Kentville Policy Statement G62 Public Participation Policy (Planning) outlines that Council does not intend to implement a Public Participation Program for land use by-law amendments that do not correspond with a Municipal Planning Strategy or Subdivision By-Law amendment.

For this reason, the application is required to adhere to the following process:

1. First Reading at Council
2. Public Hearing (Council)
3. Second Reading at Council
  - A. Approval
  - B. Refusal

\*\*\*\* As Council does not have a Planning Advisory Committee, they are permitted to consider an application at a meeting of the Council Advisory Committee that is open to the public.

The Town Clerk has seven (7) days to notify the applicant of the Council's decision.

Upon adopting an amendment to the land-use by-law, the Town Clerk will place a notice in the newspaper circulating within the Municipality stating that the amendment has been adopted and setting out the right to appeal.

## RESPONSE

The Municipal Planning Strategy stresses the importance of efficient and economic extension of utilities, safe movement of pedestrians and cyclists, and safe and central community parks and amenities, all of which should be addressed in the rezoning and subdivision application phases. The rezoning application should incorporate these elements to the best of the Developers ability, as the Town may need to plan to accept ownership of land and right-a-ways. Clearly outlining these pieces may also support the public with their concerns expressed during the Council Advisory Committee session.

One of the concerns expressed by residents was how long construction would take place, the impact of construction vehicles on the road, and safety concerns for children in the area. The Municipal Government Act allows Council to adopt a By-Law related to when and how construction may occur; this could provide an option for Council to regulate and reduce the impact on existing properties' quality of life.

The most critical piece to convey is that the Town's Municipal Planning Strategy supports diverse residential developments, and the R5 zoning indicates the intent to permit residential development in this area. Council should approve the current application using all available tools to address residents' concerns.

### 5.9 Residential Area Design

#### Policy RS-23

Council shall intend to encourage and promote the provision of affordable housing units, following the Land Use By-law, within residential areas of the Town by:

- a) Provide for the efficient use of land;
- b) Provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;
- c) Provides for the efficient and safe movement of pedestrians and cyclists; and
- d) Provides for parks and other community uses in safe and central locations.



## STORM WATER MANAGEMENT

The Town may request a stormwater management plan for a rezoning or subdivision application. The developer has offered a net zero stormwater management system.

Policy RS-23 Provides for the efficient and economic extension of existing water, sewer, and sanitary services (plus other utilities)

I feel strongly that utilities such as grey and green stormwater infrastructure and transportation infrastructure are necessary when ensuring the efficiency and economic extension of existing services.

The green infrastructure approach to stormwater management relies on source control runoff. To employ source controls, the developer must use existing means to hold and infiltrate stormwater or create them. The most successful source control measures are infiltrations such as garden beds and grass-lined swales combined with current opportunities such as permeable soils with grading, soil treatments and planting schemes as part of site planning and design. There is an opportunity to ask more about the stormwater management plan. With the Brook on-site and the recent feedback from the community, I recommend Council request additional green infrastructure elements. It's up to the Town Engineer and other development staff if they accept what is provided.

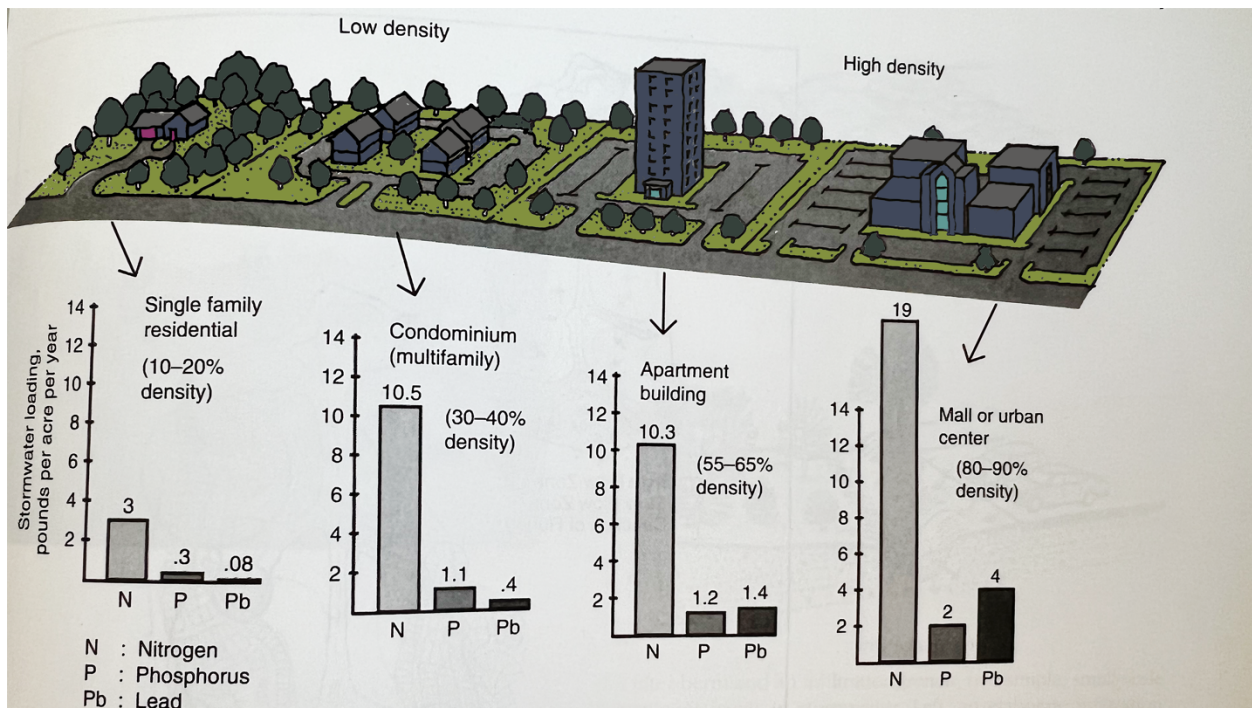


Figure 1 Contamination by Density Level

### Mitchell Brook Watercourse

The subject property will require re-grading; the developer must provide detailed reports on how this will impact the Brook. Understanding the hydraulic behaviour of the brook will involve measuring the velocity of the water flow, taking slope, depth of water and roughness of the channel into consideration. If sediment from the proposed development is transported into the brook, it could cause bed shear stress, requiring the areas to be scoured, or another method must be taken to dissolve the load. Removing existing vegetation, re-grading the property and paving all create storm water run-off that could impact the brook's natural path and result in flooding. The stormwater management plan should prevent contaminated water from flowing directly into the brook.

Residents have expressed concern about how wet this area can become during different parts of the year. Green solutions to stormwater management would help beautify the site and manage wet ground concerns. Stormwater management plans should consider more than just the engineering and piping solutions. The first step is to survey the watershed and record its hydrological systems and essential biophysical features. Land use planning and design should honour these watershed attributes and integrate them functionally, seeking balance with predevelopment performance levels. It should work with the watershed and not rely solely on engineering features. Most small watersheds function as partial area systems receiving much less stormwater than rainfall produces, therefore directing large flows into these systems from development can disrupt the overall system leading to consequences for adjacent properties.

Policy 4.1.4 Alteration of Land shall apply to this development at the process's Development Permit and Site Planning portion. However, it would be good for the developer to consider this requirement early and include as many measures as possible in the stormwater management plan.

#### 4.1.4 Alteration of Land

Alteration to the level of land resulting from any excavation or filling activity for the preparation of the land for development or in conjunction with any permitted development which involves the removal or addition of more than 20 yd<sup>2</sup> (15.3 m<sup>2</sup>) of material from the site shall require a Development Permit before commencement and shall comply with the following:

A) All excavation and filling activities for which a Development Permit is required be wholly contained within the property affected;

**B) No alteration in the level of land resulting from any excavation or filling for preparation of land for development for which a Development Permit is required shall cause water to shed to an adjacent property.**

I. Notwithstanding 4.1.4(b), water may be shed to any existing ditch, culvert, watercourse, or stormwater drainage system upon approval from the Town Engineer. and An approved site drainage plan may be required by the Development Officer and approved by the Town Engineer before the granting of a Development Permit.

## SAFE MOVEMENT OF PEDESTRIANS AND CYCLISTS

The Town of Kentville, through Policy RS-23, requires the safe movement of pedestrians and cyclists to be considered with a residential rezoning application; this also applies within the subdivision application. Walking paths, trails, and the park buffer between the two road extensions are worth considering. The Town should be given a right-of-way for this area and even consider owning and maintaining this piece if the Developer considers incorporating it.

A traffic study recommended a sidewalk linking Acadia Drive with the Donald Hiltz Connector Road. It mentioned that pedestrians are using the grass on the side of the arterial road to access services. TIS states that the proposed density will require no further infrastructure improvements.

At this point, I would not consider the requirement of the LUB/MPS for a traffic study satisfied. The Development application must show sufficient infrastructure within the subdivision application to ensure the safe movement of pedestrians and cyclists.

## SAFE AND CENTRAL PARKS & COMMUNITY ASSETS

The parkland dedication piece is not immediately crucial because it is a requirement of the subdivision application. However, The Town's policies require that parks and community assets be in safe and central locations when considering a rezoning; the applicant still needs to meet this requirement.

The proposed parks must be in safe and central areas. Council can ask that the proposed parkland and open space be indicated as part of the rezoning process to ensure it meets the central and safe requirement.

In response to policy IM-8, the developer has stated that there are considerable recreational amenities in Kentville and chose not to include anything new in their proposal. If this concerns Council, I recommend that staff analyze the existing recreation facilities and the distance between the proposed buildings. Recreation facilities should be within walking distance (2.5 km) of the high-density portion.

## EVALUATION CRITERIA

### Policy RS-22 Affordable housing units

- Appropriate for the area and in keeping with surrounding development.
- Makes efficient use of existing infrastructure and road networks.
- Is anticipated to impact the housing supply within Kentville positively.

### Policy RS-23 Residential Area Design

- Provide for the efficient use of land.
- Provide for the efficient and economic extension of existing water, sewer, and sanitary services (plus other utilities)

There is a potential argument that this requirement's "other utilities" element must still be met.

- Provides for the efficient and safe movement of pedestrians and cyclists.

Based on the subdivision application, this requirement still needs to be met.

- Provide for parks and other community uses in safe and central locations.

Based on the subdivision application, this requirement still needs to be met.

### 10.2.6 Open Space for New Subdivisions

To ensure that Kentville's open spaces and trail networks are extended into newly developed areas, Council shall require the developer subdividing land to dedicate a portion of that land to the Town as open space. The Development Officer shall ensure that the dedicated land meets the Town's minimum requirements for usable open space as defined in the Subdivision By-law. Suppose the available land doesn't satisfy those minimum requirements. In that case, the Town shall require cash-in-lieu of parkland of equivalent value or an acceptable combination of cash-in-lieu and open space.

### Traffic Impact Studies

A significant part of evaluating a development proposal is understanding its potential impact on the existing transportation network. Council feels it is essential to assess this impact early, particularly if development could create or contribute to a need for costly infrastructure improvements such as traffic lights, turning lanes, intersection realignment or other significant changes. To ensure Council has accurate information upon which to base its decision, a traffic impact study will be required as part of the rezoning application; or before tentative subdivision approval where the nature or location of the development warrants such a study.

Generally, the development proponent is financially responsible for transportation system changes required to accommodate the proposal or to mitigate adverse impacts of the proposal. Typically, such changes will be included as conditions of development approval. In cases where improvements are necessary due to several developments, a cost-sharing arrangement may be possible.

### Policy T-8 & T-9

A Traffic Impact Study may be required to be prepared by a qualified engineer.

Traffic impact studies should consider all types of transport requirements in the area. There is mention of a high volume of pedestrians using the grass on the side of the road to access their destinations. Council may request more information regarding the needs of cyclists, traffic calming, transit needs, separation of pedestrians from traffic, etc.

### Statements of Provincial Interest

Statements of Provincial Interest outline the province's vision for protecting Nova Scotia's land and water resources; and address issues related to the growth of our communities. They are intended to help provincial government departments and municipalities make land use decisions with province-wide implications and support the principles of sustainable development.

Drinking Water: To protect drinking water quality within municipal water supply watersheds.

Council has adopted policies to protect the wellfields and recharge areas that provide the town's water supply. There is a backup water supply within a protected watershed around McGee Lake in the Municipality of the County of Kings. It is unknown whether this water supply will be used in the future. However, Council will encourage the County to limit new development within the watershed.

The water commission has an adequate supply for the proposed development.

Flood Risk Areas: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

Kentville is not designated as a flood risk area under the Canada-Nova Scotia Flood Damage Reduction Program. However, the Town has identified areas at risk of flooding. These are established as overlay zones within the Zoning Map and have related policies with standards and permitted uses. The Town has adopted policies outlining environmental constraints and how development can be accommodated in flood-risk areas. Kentville has also been proactive with constructing a 10.5 m high dyke along a portion of the Cornwallis River to mitigate anticipated flooding in the future, as identified through the Town's Municipal Climate Change Action Plan (MCCAP).

I don't believe the community concerns have been fully addressed in this requirement. A stormwater management plan aims to protect neighbouring properties from stormwater runoff from the paving required for the new development. Also, the book on the property would act as a natural flood deterrent. An additional development unaware of the Brook's importance could violate this statement.

Agriculture Land: Protect agricultural land from developing a viable and sustainable agriculture and food industry.

According to Agriculture and Agri-Food Canada, Land Capability for Agriculture has some class 2 and 3 soils; however, most, if not all, have been cleared and urbanized. As an urban settlement, Kentville has limited agricultural potential. Council will support small-scale food production through the Land Use By-law; however, Council believes that concentrating and intensifying development in established settlement areas such as Kentville, Berwick, Wolfville and New Minas, where a wide range of existing urban infrastructure and services exists, is the most sustainable approach to protecting agricultural land in Kings County.

Housing: To provide housing to meet the needs of all Nova Scotians

This Municipal Planning Strategy recognizes the changing demographics, the need for a full range of housing types, and the growing demand for affordable housing. Town Council will support infill housing on undersized lots, reduced parking requirements in the downtown, and increased density where affordable housing is contained.

This development provides diverse housing options.

Infrastructure: To make efficient use of municipal water supply and municipal wastewater disposal systems

An infrastructure asset management plan has been started to map our assets and record our different system components. A five-year capital plan (with annual adjustments as necessary) has been compiled, which looks to infrastructure renewal and future expansion within the Town of Kentville. The Town's water system extends outside the Town boundaries per the Stead Agreement between the Town and the Municipality of the County of Kings. However, Council believes that concentrating development where a wide range of existing urban infrastructure and services already exists is the most effective way to maximize the life and efficiency of this infrastructure and does not support a further extension of this infrastructure outside its boundaries.

Based on all the reports, the development will not place any additional strain on existing infrastructure, and there are minimal needs for the new buildings and residents. However, active transportation should be more of a consideration.

2023-05-02

Kirsten Duncan  
Acting Development Officer  
Town of Kentville

**Re: Response to request for additional information for rezoning application - McDougall Heights**

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Dear Kirsten,

The Town of Kentville has identified three issues where additional information or commentary is required regarding the rezoning application submitted by Brison Developments ("Applicant") for McDougall Heights. As we understand it, once the Town receives this additional information then the application will be complete and Council will consider the rezoning request for First Reading.

The three issues identified are:

1. Stormwater management;
2. Transportation infrastructure; and
3. Park land.

We understand that these requests for additional information arose based on a reconsideration of MPS Policy RS-23, which states:

*Policy RS-23 It shall be the intention of Council to ensure that new residential areas:*

- a) Provide for the efficient use of land;*
- b) Provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;*
- c) Provides for the efficient and safe movement of pedestrians and cyclists; and*
- d) Provides for parks and other community uses in safe and central locations.*



In my opinion, Policy RS-23 establishes broad general policies with which the more specific policies criteria should align. The more specific policies contained in policy IM-8 are the evaluative criteria that are the most relevant for Council's consideration.

The Town has asked for plans to support the rezoning application, which have been previously provided. The Town, in its MPS, states that it understands that any plans that are reviewed as part of the rezoning application are conceptual and subject to change. The MPS does indicate a preference for detailed plans as part of the rezoning process, and Policy IM-7 states what is required.:

- a) the location, area, and dimensions of the subject property;*
- b) the proposed location, dimensions, height, and proposed use of all buildings;*
- c) the means by which the site is to be serviced by sanitary and storm sewers, water, electrical service and other utilities;*
- d) the location of any parking stalls, driveways, walkways, lighting, fencing, refuse containers, and snow storage;*
- e) landscaping elements including existing and proposed shrubs and trees; and*
- f) architectural features where such features are regulated by the planning document.*

IM-7 does not required detailed stormwater calculations, identification of parkland or road construction details (including sidewalks and bike lanes).

To assist Council, we have responded to each item identified by the Town in its letter dated May 1, 2023. For ease of reference, I have quoted the Town's request (*shown in italics*) and included a response below:

## Stormwater Management:

### The Town's Request:

*Greater detail of your anticipated Stormwater Management Plan is requested utilizing both engineered and "green infrastructure" elements, where possible. Additionally, whereas the Mitchell Brook watercourse is present on the property, it would be beneficial for your application to address and acknowledge the responsibility to protect this watercourse and detail your anticipated plans to adhere to the Subdivision Bylaw, Appendix B – Municipal Services Standards and Specifications, Part 12 – Erosion Control Measures.*

### Applicant's Response:

We note that the MPS does not have any specific stormwater management policies. Section 11.2.4 provides a general discussion of stormwater but no policies to guide Council's consideration of stormwater. Policy IM-8 establishes the evaluation criteria for rezoning and does require Council to "have regard for" the adequacy of stormwater management. Section 15.9.2 again provides text about requiring conceptual plans but no policies that require detailed



submissions and defers to the policy in IM-8. In my opinion, Council has no requirement to consider detailed stormwater plans at this time. Recognizing that a development plan/site plan submitted for subdivision approval will change in response to more detailed engineering studies and market condition, the provision of detailed stormwater plans at this stage is unnecessary.

It is my opinion that the letter from DesignPoint on February 22, 2023 confirming that the applicant, "will incorporate on site storage to balance the pre-and post development flows" is sufficient to evaluate the rezoning request under IM-8. However, to further understand your stormwater comments, I have undertaken a review of the Municipal Planning Strategy and Subdivision By-law to seek guidance regarding "green infrastructure" and what exactly that will entail. I was unable to find any specific reference. If the Municipal Specifications has requirements or suggestions that can be considered during detailed design, please provide these to the applicant for their engineering team to consider.

For larger developments such as this, especially where market conditions may alter the detailed site designs, requiring a developer to spend many thousands of dollars for detailed stormwater calculations adds to the cost of the development, which is passed on to purchasers if the rezoning is approved. We acknowledge the importance of managing stormwater and have repeatedly stated the applicant's intention to comply with all provincial and municipal regulations. Requiring developers to prepare plans which are likely to be changed during subdivision only adds to the costs of housing. This is not in the public interest.

The Town is also requesting erosion and sedimentation information at this stage. Erosion and sedimentation plans will be provided to the Town at the time of tentative subdivision when the specific lot configuration and road alignment will be reviewed by the Town for approval. It is only at this point that specific information about how stormwater will be managed in relation to Mitchell Brook will be reviewed by the Town's Engineer. The applicant fully intends to comply with the regulations Nova Scotia Environment and Climate Control and the Town have at the time the application is made for tentative approval.

## Transportation Infrastructure

### Town Request:

*After a preliminary review with the Town's Engineer, it has been agreed that the optimal location for the addition of a sidewalk to the existing Acadia Drive would be on the westside of the road. A 1.5-metre wide bike lane on both the north bound and south-bound lanes of the existing road will be painted to provide efficient and safe movement of cyclists. The developer should submit a plan showing the intention to continue these pieces of transportation infrastructure in your application.*

**Applicant Response:**

The applicant is open to the approach suggested above and understand that they are responsible for the costs of sidewalks and bike lanes within the new development area. Since the site plans submitted as part of a rezoning request have no regulatory enforceability, the bike lane and sidewalk location will be included as part of any tentative subdivision application if the above request continues to be the Town's position. We understand that the Donald Hiltz Collector is still in the planning stages and acknowledge that the Town's position on sidewalks and bike lanes may change as the future collector road is constructed and opened for public usage. Depending on the timing of this development, we further understand that the Municipal Specifications in place at the time of subdivision will be the final determinant of the Town's requirement for sidewalks and bike lanes.

**Parkland**

**Town Request:**

*The Director of Parks and Recreation has expressed interest in an area of land between the existing Acadia Drive and this new proposed phase, on both sides of the road and abutting existing parkland (PID 55540959) to satisfy the "safe and central lots" aspect of Policy RS-23 in the MPS. Using the concept plan to obtain tentative figures for parkland purposes, I've calculated the developable area, exclusive of streets, to be 39.138 acres. A further 5% calculation of that would bring us to 1.957 acres or 85,246.92 sq ft of parkland. We recognize this is a significant area of land and would like to discuss the opportunity to consider a combination of land and a sum of money to satisfy the 5% parkland dedication requirement.*

**Applicant Response:**

The applicant is open to this approach and has invested heavily in parkland development in many other developments outside of Kentville. The applicant understands that park space, trails, and AT links are part of what makes development attractive and is important to supporting a vibrant community where people want to live.

Detailed discussions regarding parkland are not typically part of rezoning applications and at this point, there are no locations for parks specified on the site plan. I draw your attention to the specific evaluative criteria for rezonings. The policy referred to in Policy RS-23 is a general enabling policy that guides development. Since this is a rezoning request not a development agreement, there is no requirement at this stage to determine the exact parkland contribution approach.

Policy P-10 clearly establishes the Subdivision By-law as the method through which parkland is conveyed, either through cash in lieu, land, or a combination of both.

Transportation Policies T-4, T-5, T-6, and T-7 establish the general policy approach for active transportation, including pedestrian pathways and non-motorized trails. Since there is no ability

to regulate trails, parks, and pathways through a rezoning process, these policies will help inform staff during the subdivision process.

I further caution that any calculations prepared by the Town regarding parkland is premature, as the site plan submitted as part of the rezoning request is conceptual in nature. Detailed engineering and market conditions will likely require adjustment to the development plan and the parkland calculations.

In my opinion, it may be best to consider open space, pedestrian pathways and other similar park land requirements within the context of a broader planning process for the large undeveloped area around the new collector road. As I understand it, Council is considering a Secondary Planning process to guide development for this area and open space planning is normally done during this time. The applicant is very interested in supporting recreational and open space planning that protects Mitchell Brook and the ecosystems that surround it.

## Summary

The Town provided a positive staff report to CAC in March 2023 indicating the rezoning is generally consistent with the MPS; however, the Town has now interpreted Policy RS-23 as specific criteria for the evaluation of the rezoning and has requested additional information. In my opinion, Policy RS-23 is about the general intent of the MPS which informs how development is to occur in the Town. The specific criteria of IM-8 guide Council's decisions on rezoning applications which should be informed by Policy RS-23's intent. Other by-laws and plans, such as the LUB and Subdivision by-laws are also guided by the general policy intent of the MPS. In fact, these by-laws have specific regulations that are intended to carry out the policy directions of the MPS.

The Town of Kentville has indicated that a secondary planning process may commence in the near term for the lands surrounding the Donald Hiltz Collector road. The Town's positions on stormwater, parks and transportation will be informed by the SPS policies and plans once adopted by Council, the input and consultation with the public who will contribute to the final SPS, and the technical studies that are required for the creation of the SPS. Creating specific stormwater, park and street plans at this time when the detailed planning and engineering for the larger area has yet to really begin is unnecessary.

With this additional information and policy analysis we believe the application is complete. The applicant requests that this application be forwarded to first reading at the next Council meeting, and if supported by Council, to a public hearing.

The applicant is available to attend the next CAC and answer any questions that Council or staff may have. We hope this satisfies the Town's request for further information.



Respectfully,

A handwritten signature in blue ink that reads "Chr Fuller".

Chrystal Fuller, LPP, MCIP

**Brighter Community Planning & Consulting**

cc: Dan Troke, CAO - Town of Kentville  
David Bell (P. Eng) - Engineer - Town of Kentville  
Mitchell Brison - Brison Developments  
Glenn Woodford (P. Eng) - DesignPoint Engineering