



**Subject:** *James Kerr- Development Agreement Application*  
**To:** CAO for Planning Advisory Committee, Jun 18<sup>th</sup>, 2024  
**Date Prepared:** May 27<sup>th</sup>, 2024  
**Related Motions:** None  
**Prepared by:** Lee-Ann Martin, Planner and Development Officer  
**Approved by:** John Woodford, Director of Planning and Development

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### Summary

James Kerr has submitted an application for a new subdivision in Milford which is being considered through a development agreement application.

### Financial Impact Statement

There are no immediate financial impacts associated with the recommendations outlined in this report. A summary of any financial impacts will be provided in the final staff report.

### Recommendation

That Planning Advisory Committee recommend that Council give initial consideration to the development agreement application and authorize staff to schedule a Public Hearing.

### Recommended Motion

*Planning Advisory Committee recommends that Council:*

- *Give initial consideration to enter into a Development Agreement on property identified as PID 45092749; and authorize staff to schedule a Public Hearing.*

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## Background

The Municipality received a completed application in May 2024 from James Kerr and Edward Kerr to enter into a development agreement to allow for a new subdivision to be considered on Highway 2, Milford. A development agreement is required as the property falls within the Milford Groundwater Overlay Zone, which only considers the development of four (4) lots and over through the development agreement process. This report outlines the application and recommends that initial consideration be given.

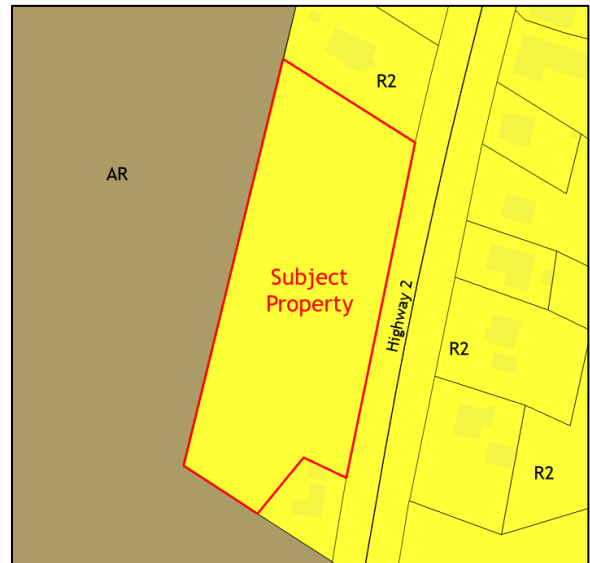
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## Subject Property

An excerpt of the zoning map to the right shows the subject property, identified as PID 45092749 that is located along Highway 2 in Milford. The property is currently zoned Two Dwelling Unit Residential (R2) as per the Land Use Bylaw (LUB) and designated as Established Residential Neighbourhood (ER) as per the Generalized Future Land Use Bylaw map.

The abutting property to the rear is zoned and designed as Agricultural Reserve (AR) zone and designation and there is R2 zoning abutting the property and on the opposite side of Highway 2.

The property is located on the boundary of the Milford Growth Management area and falls within the Milford Groundwater Overlay Zone (MGW)



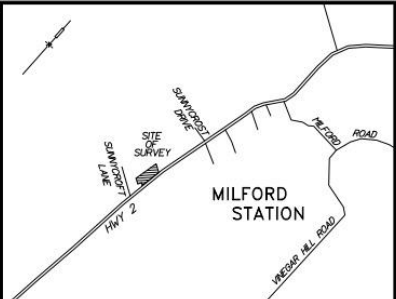
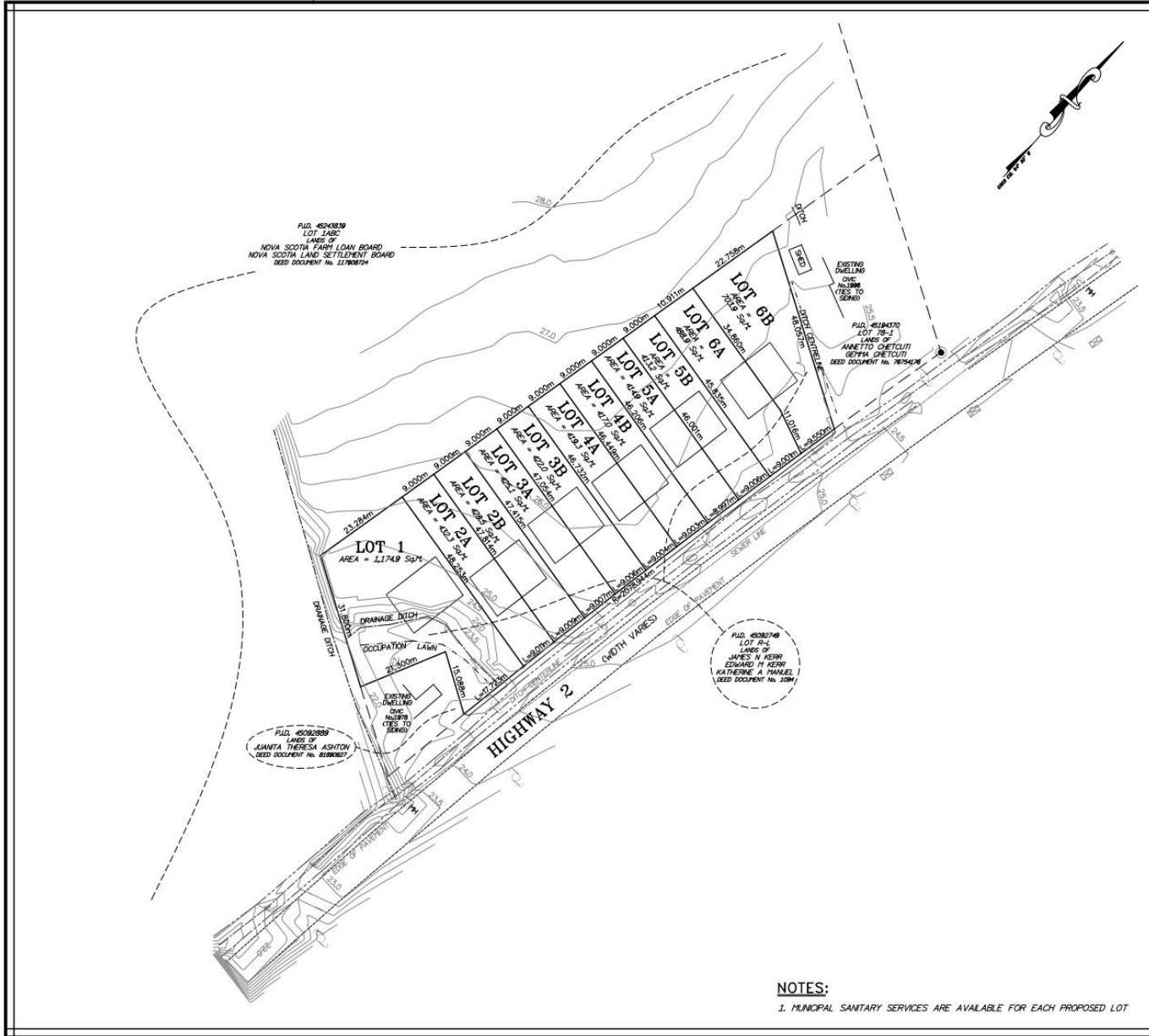
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## Development Proposal

The applicant has requested to enter into a development agreement with the Municipality to enable a new subdivision with six (6) lots for the development of semi-detached dwellings. These properties can then be further subdivided to accommodate one unit on each lot, for a total of 12 units on 11 lots. The preliminary subdivision plan is provided below.

Each new lot is required to meet the minimum lot frontage requirement of 18m and minimum lot area of 920 m<sup>2</sup>. These lots can then be further subdivided provided half of the minimum lot frontage a lot area can be met. This would require a minimum of 9m of road frontage and 460m<sup>2</sup> of lot area per lot. The subdivision of semi-detached dwellings is only permitted where municipal piped services are available.

This plan detailed below is only a preliminary plan of subdivision. The applicant is required to go through the subdivision process once approval has been given to the development agreement to obtain their final subdivision approval. The final plan of subdivision is required to comply with all minimum lot area and frontage requirements outlined in the Land Use Bylaw.

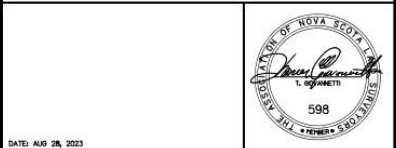


**LEGEND:**

LANDS DEALT WITH BY THIS SURVEY	△	NSE/2M
NOVA SCOTIA CO-ORDINATE MONUMENT	⊙	SZ/L
SURVEY MARKER	⊙	R.P.
ROCK POST	⊙	LB.
IRON BAR	⊙	IP.
IRON PIPE	⊙	FL. W. (W/5)
FOUND WITNESS - NOT TO SCALE	⊙	IP. (I)
PLUM BESS	⊙	OD.
CALCULATED FROM FIELD MEASUREMENTS	⊙	OD/M/L
ORDINARY HIGH WATER MARK	⊙	(T/L) (T)
TE LINE, TOTAL	⊙	B.C. E.C.
BEGINNING OF CURVE, END OF CURVE	⊙	P.C.C. P.A.C.
POINT OF COMMON CURVATURE, POINT OF REVERSE CURVATURE	⊙	R. A. C.
RADIUS, ARC, CHORD	⊙	BUILDING
BUILDING	⊙	⊙
POWER POLE, HANDBOLE	⊙	⊙
FIRE HYDRANT, CATCH BASIN	⊙	⊙

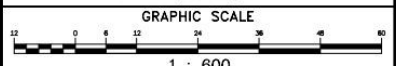
GNSS SURVEY TYPE:	NRTK	SOURCE:	CanNet
<b>COORDINATE SYSTEM INFORMATION</b>			
HORIZONTAL DATUM:	NAD83 (CSRS)	CALCULATED OFFSET BETWEEN:	EPOCH 2010.0
VERTICAL DATUM:	CGVD2013	CGVD28/CGVD2013	
N.T.M. ZONE 5 CENTRAL MERIDIAN 64° 32'			

**PRELIMINARY PLAN OF SUBDIVISION OF**  
**LOTS 1, 2A, 2B, 3A, 3B**  
**4A, 4B, 5A, 5B, 6A AND 6B**  
 BEING A SUBDIVISION OF  
**P.I.D. 45092749 (LOT R-L),**  
 LANDS CONVEYED TO  
**JAMES N KERR,**  
**EDWARD M KERR,**  
 AND  
**KATHERINE A MANUEL**  
 HANTS COUNTY, NOVA SCOTIA



DATE: AUG 28, 2023

**CIVTECH ENGINEERING & SURVEYING LIMITED**  
 P.O. Box 3237, D.E.P.S., DARTMOUTH  
 NOVA SCOTIA, B2W 5G2, 434-4600



NO.	REVISION/REMARKS	DATE	SCALE:
			1:600
DRAWN BY: D.E. & K.S.		CHECKED BY: T. GIOVANNETTI	23172PRE

**NOTES:**  
 1. MUNICIPAL SANITARY SERVICES ARE AVAILABLE FOR EACH PROPOSED LOT

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## Discussion

### STRATEGIC ALIGNEMENT

One of the key strategies from Council's Strategic Plan is Strong Community. Supporting the continuous growth of the community by providing various housing options within the Municipality offers option for those who live or are moving to East Hants.

### LEGISLATIVE AUTHORITY

The Municipal Government Act, Part VIII gives legislative authority for this application. This section outlines the process for Development Agreement applications, and the scheduling of a Public Hearing.

### FINANCIAL CONSIDERATIONS

A summary of any financial impacts will be provided in the final staff report.

### MUNICIPAL PLANNING STRATEGY POLICY ANALYSIS

The Planning and Development Department will review the proposed application based on the applicable policies contained in the Municipal Planning Strategy. A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff and reviewing agencies will be attached to the final report.

This application is being considered under policy EN53 of the Municipal Planning Strategy which states that:

*Within the Milford Groundwater (MGW) Overlay Zone. Council shall:*

- a) *Consider the following developments through a development agreement application:*
  - i) ***subdivisions where more than four residential lots are to be created;***
  - ii) *over four residential units on a property; or*
  - iii) *water intensive commercial uses.*
  
- b) ***With the development agreement application, consider the impact of well interference through the submission of a professional hydrogeological study***

In addition to the above noted criteria from EN53, staff will also take into consideration policies IM26, IM27 and IM28 of the MPS which outline the evaluation criteria, terms and conditions for a development agreement that Council shall consider.

### HYDROGEOLOGICAL STUDY

The East Hants Municipal Planning Strategy identifies Milford as an area where residential and commercial growth is encouraged. There is no municipal water in Milford, however the community is serviced with Municipal waste water services. Based on the groundwater study that was completed for the community, the Milford Groundwater Overlay Zone was created that introduces policies for properties that fall within the overlay zone. As part of this process, a hydrogeological study is required to be completed to identify the potential impacts of well interference that may arise from new development over four (4) lots or more than four (4) dwelling units per lot.

HERAA Consulting Inc. was engaged by the applicant to conduct a level 1 hydrogeological study for the subject property. The study results concluded that there is sufficient potable water available to support the proposed development. The information from the study indicates potable water within the area will require treatment as water quality is expected to be extremely hard as a result of high concentrations of calcium sulphate, possible with levels of iron, manganese and TDS.

The study also indicates that although there is the possibility for well interference, the volume of recharge within this area will be greater than the volume extracted by the homes. Lastly, the calculations suggest there may be insufficient area within the lot to serve as an adequate recharge for the underlying aquifer. However, as the current usage of the adjacent agricultural farmland, this is not considered to be a concern.

The full hydrogeological study has been provided to PAC and Council.

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## Citizen Engagement

Planning staff will comply with the Citizen Engagement policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the proposal and indicating that it is under review by staff will be placed in an upcoming edition of the *Chronicle Herald*. A letter and questionnaire will be mailed to all property owners within 300 m of the subject property asking for comments on the application.

As per the requirements of the *Municipal Government Act*, a Public Hearing will also be required with authorization from Council. Notice of the Public Hearing indicating the date, time and location of the hearing will be mailed to all property owners within 300m of the site, as well as advertised in the *Chronicle Herald* for two consecutive weeks prior to the Hearing.

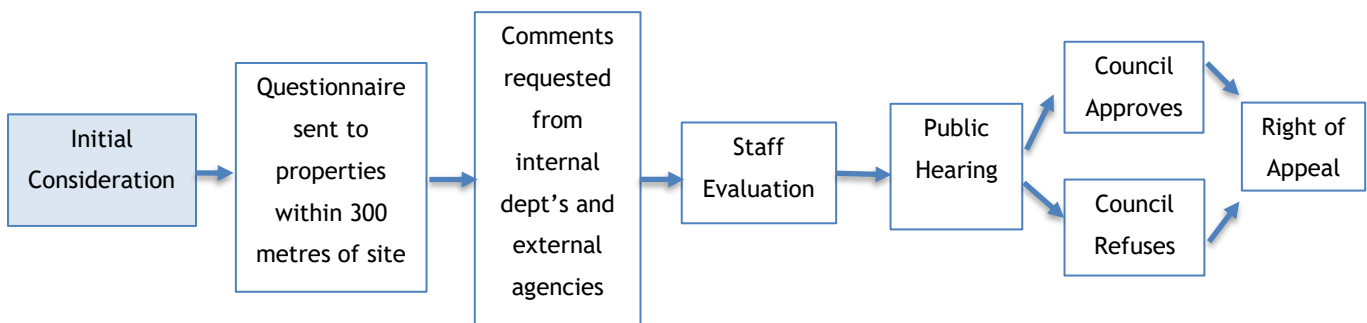
A Public Information Meeting is not required as this application does not have an amendment to the policy or the policy mapping.

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## Conclusion

Planning staff will continue to review the development agreement application using all the evaluative criteria outlined in the Municipal Planning Strategy. Staff will make a recommendation to PAC in their final staff report.

Council's decision on this application is appealable to the Nova Scotia Utility and Review Board (NSUARB) as it does not involve amendments to policy or policy mapping.



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## Recommendation

That the Planning Advisory Committee recommend that Council give initial consideration to the development agreement application and authorize staff to schedule a Public Hearing.

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## Alternatives

If the PAC does not support this application, they can choose to recommend that Council not move forward with the application. Planning staff do not support this approach and recommend that the application be taken to a Public Hearing to allow staff to complete their full review and analysis of the policies to be provided to PAC and Council in the final staff report.

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## Attachments

None