

## Underground Power and Telecommunication Lines

### Origin

Public consultation for Vision New Minas and discussion at the Working Group has raised the idea of requiring the undergrounding of power and telecommunication lines in new development to improve community aesthetics.

### Existing Approach

Powerline or telecommunication undergrounding is not currently required or encouraged in New Minas or elsewhere in the Municipality of Kings.

Some subdivisions, such as Lawrence Gate in Port Williams, have service drop undergrounding (i.e. from the street to the unit) provided on a voluntary basis by the developer.

### Discussion

The *Municipal Government Act* enables municipalities to require electrical and telecommunications lines to be placed underground. Section 271(3)(ga) says:

*A subdivision by-law may include [...] requirements for part of a system for the supply or distribution of electricity or other source of energy or a telecommunications system to be placed underground;*

The installation costs for power and telecommunications are borne by the developer and rebated by the utility as customers connect. However, Nova Scotia Power does not rebate the cost for underground lines, so any additional cost is to be covered by the developer and presumably passed on to buyers through the increased cost of lots or houses.

Nova Scotia Power suggests the cost to provide underground power lines is approximately 10 times that of overhead wires, with fluctuation in costs based on the site-specific costs of excavation. Given the thin soils in New Minas South, it can be assumed development there would fall on the higher end of the scale.

A 2005 study by Kinectrics for HRM estimated the cost of power undergrounding for 70-foot suburban lots in good soils. In this study the 2005 cost of overhead wires was \$2,100/lot, increasing to \$13,500/lot for full undergrounding. Savings could be found by only undergrounding service drops, at a total cost of \$8,000/lot<sup>1</sup>. This does not include the cost of telecommunications undergrounding.

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<sup>1</sup> These numbers convert to \$2,800, \$18,000, and \$10,500, respectively, in 2021 dollars. However, this is a crude calculation based on national inflation rates and not on industry-specific cost increases.

Full undergrounding has been carried out in high-value locations in HRM, such as the Downtown Halifax core and along Spring Garden Road, through collaboration between the Municipality and developers. The Cowie Hill subdivision was also developed with full undergrounding at the developer's cost; however, when the lines came up for renewal Nova Scotia Power intended to place them above ground. While underground lines provide aesthetic and reliability benefits, any work on the lines requires expensive excavation and disruption to other infrastructure. Eventually, Nova Scotia Power settled with the neighbourhood by charging a monthly surcharge to keep the lines underground.

## Options

1. Require full undergrounding of power and telecommunications lines in new development in New Minas; or
2. Require partial (e.g. service drop) undergrounding of power and telecommunications lines in new development in New Minas; or
3. Do not require undergrounding of power and telecommunications lines in new development in New Minas.

## Recommendation

Option 3. While undergrounding improves aesthetics and reliability, it comes at a significant cost and can also be disruptive to maintain. The additional cost would be a burden for housing affordability in New Minas. Developers of higher-end developments could still elect to install underground lines if their market segment would support it.

## Open Space Lands in New Minas South

### Origin

The preliminary development concepts identify potential “open space” lands. The Working Group has requested further discussion of what kinds of land use controls would be applied to these lands.

### Existing Approach

The attached except from the Summary and Scenarios Report shows the lands proposed as open space in New Minas South. Those identified with the number “2” are the ravines, while those with a “3” are proposed as “destination parks”.

### Discussion

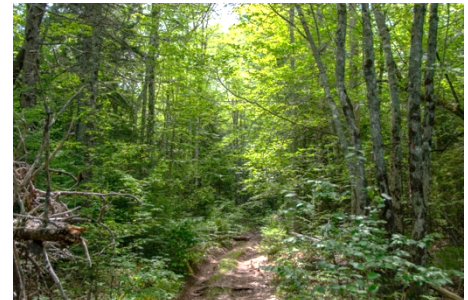
The *Municipal Government Act* enables planning documents to prohibit development on land that has steep slopes (S.220(p)(ii)). The *Municipal Government Act* also enables municipalities to zone private land for future public use. However, in doing so the municipality must identify an alternate use for the land and if they do not purchase the land within one year the alternative zoning comes into effect (S.222).



The *Municipal Government Act* enables municipalities to require a parkland dedication as part of the subdivision process. This can be in the form of land or as cash-in-lieu to be used to acquire land or invest in existing parks. Municipalities can require a dedication of up to 10% of the lot area or lot value.

The areas identified as ravines are sensitive environments with old-growth hemlock forests, watercourses, and steep slopes that would be hazardous to development. Given this context we envision the Secondary Plan direct these areas to be protected with a prohibition on most uses. This would not exclude the establishment of trails.

In contrast, the “destination parks” are not on lands that would qualify for the prohibition of development under the *Municipal Government Act*. A site visit confirms that they do, however, have high environmental and recreational value. The approach to these lands is a little more complicated by the *Municipal Government Act* provisions for future public use. While they could be specifically zoned for parks uses, they would need to be acquired within a year. Alternatively, the Secondary Plan can identify them as potential future parks and include policy directing parkland dedications (and, potentially, municipal land purchases) to be used to put these lands in public hands for recreation and environmental purposes.



## Options

A1. Have the Secondary Plan establish environmental protection for the ravines; or

A2. Do not establish specific direction for the ravines.

B1. Do not identify potential destination parks in the Secondary Plan; or

B2. Identify potential destination parks for municipal acquisition and subdivision dedication through the Secondary Plan but do not implement specific zoning; or

B3. Have the Secondary Plan direct specific zoning for the destination parks.

## Recommendation

Option A1. The ravines are important and sensitive natural environments. Other planning regulations (e.g. watercourse setbacks) may still protect them from development; however, specific environmental protections and prohibitions on development and land alteration would provide clear protections and clear expectations for land owners.

Option B2. This option clearly identifies the intent for the destination parkland and provides a mechanism to implement them, while avoiding the *Municipal Government Act* complications that would come from park-specific zoning.



MIXED USE + OPEN SPACE

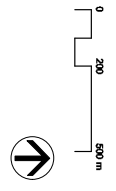
NEW MINAS SECONDARY PLAN

- LEGEND
- Power Corridors
  - Proposed Collector Road
  - Proposed Open Space
  - Mixed Use Intensification
  - High Density Mixed Use

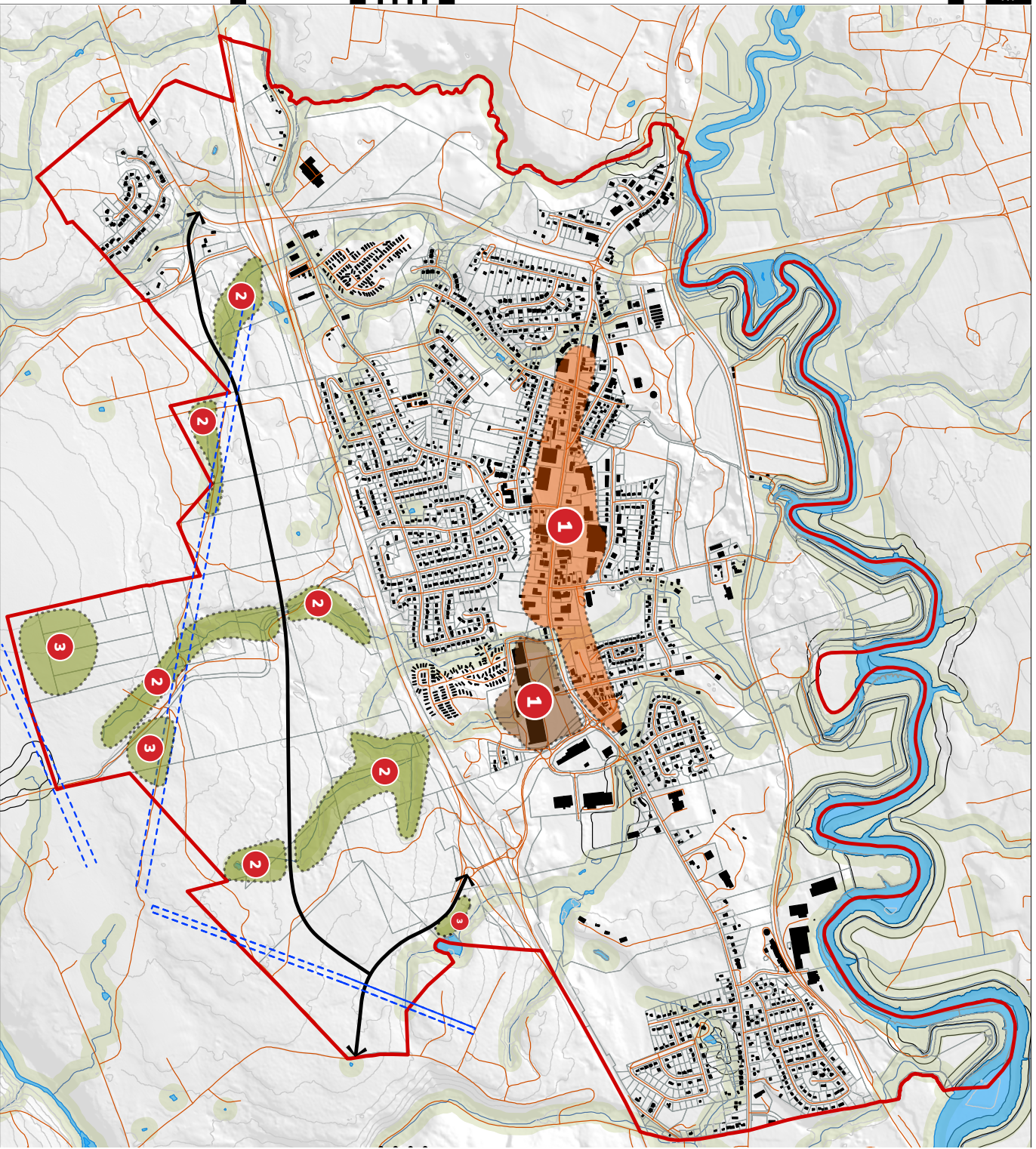
MAP DESIGN

Drawn by	SK
Checked by	SK
Date	21-5-17
Scale	1:5000
Project No.	201701

PARAMETERS & MAP DESIGN



UPLAND



Shared Features

UPLAND

## Source Water Protection

### Origin

Public consultation for Vision New Minas and discussion at the Working Group has identified wellfield protections as a constraint for certain types of development along Commercial Street and to the north end of New Minas.

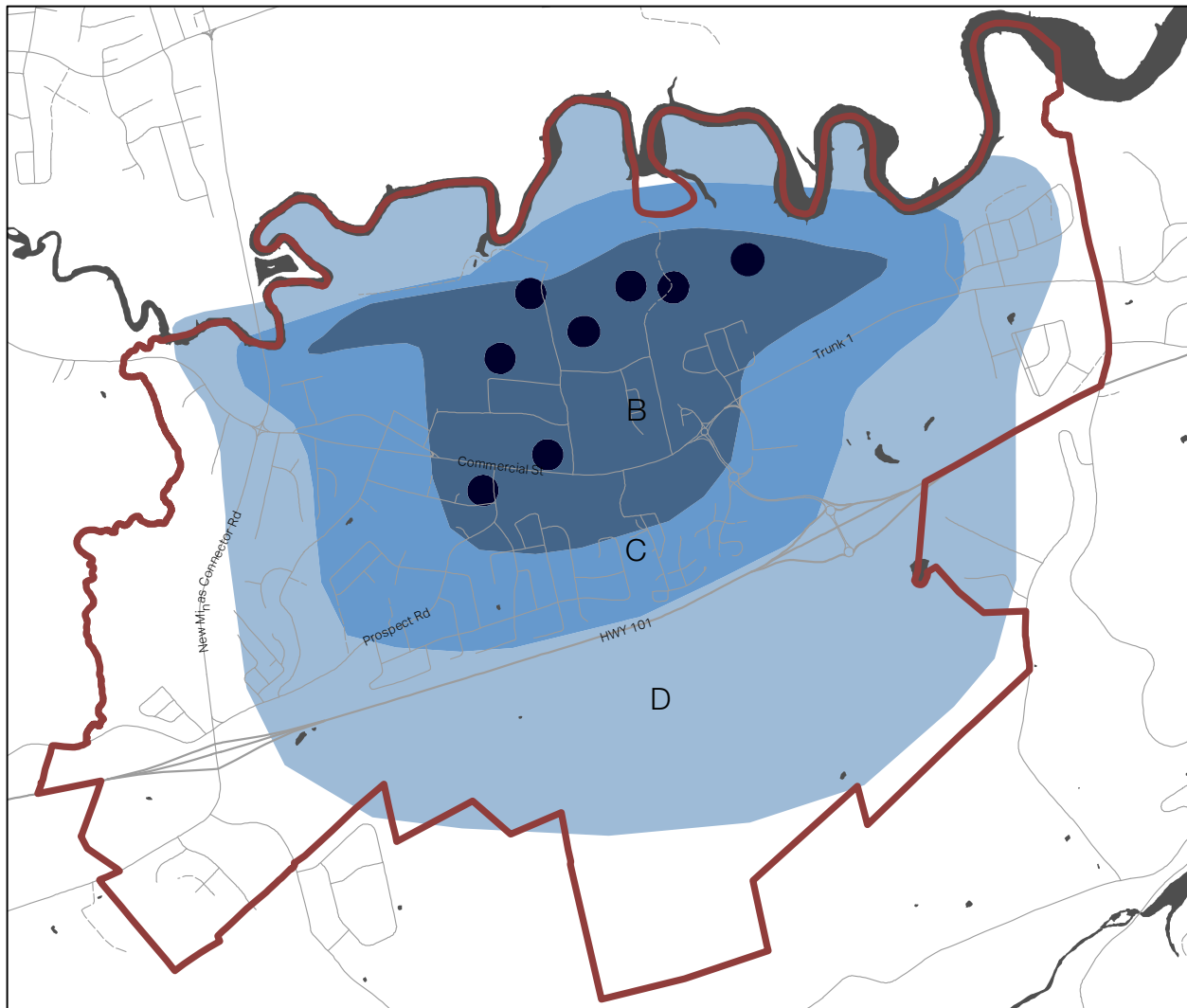
### Existing Approach

New Minas' drinking water is supplied by a series of drilled wells, primarily in the vicinity of the Cornwallis River. These wells are protected by a series of Wellfield Overlay Zones. They are based on "time-of-travel" (TOT), or the time that it would take contaminants to infiltrate through the ground and into the well, which is a function of distance and the underlying geology. This provides risk management – spills of contaminants in areas with higher TOT give more time to respond and implement a mitigation plan.

The New Minas Wellfield Overlay Zones are designated A through D, with A representing the highest risk and D representing the lowest risk.

Each Wellfield Overlay Zone has a list of uses that are prohibited, and those that are permitted by development agreement. This is subject to the underlying land use zone (e.g. the use has to be permitted in both the land use zone and the overlay zone to be permitted). Uses that are prohibited are due to an unacceptable risk presented by that use, while uses that have a development agreement option recognize the fact that while the use itself does not always present a risk, certain implementations of that use could. In those cases, the development agreement seeks to limit the use to only low-risk aspects; for example, warehousing might be permitted by a development agreement with restrictions on the types of materials that are warehoused.

The map on the following page shows the New Minas Wellfield Protection Zones, while the attached excerpts from the Land Use By-law indicate the use restrictions in each Wellfield Protection Zone.



## Discussion

Some business owners on Commercial Street we interviewed as stakeholders raised the concern that Wellfield Overlay Zone B and C prevent the development of what they see as desirable uses, such as gas bars, in much of New Minas. They suggest that modern regulations reduce the risks presented by these uses.

Residential developers we interviewed as stakeholders raised the impact of Wellfield Protection Zone B on residential development along Commercial Street. This zone requires all residential development larger than one unit to occur by development agreement; a process that can add uncertainty and approximately eight months to the development approvals timeline.

While there may be some merit to reconsidering the commercial uses permitted within New Minas' wellfields, the current Secondary Plan process does not provide the framework to do this. Such an evaluation should be science-based and conducted through a new source water protection plan, developed by the appropriate professionals and with the oversight of the New



Minas Water Commission. However, the Secondary Plan can include a policy statement recommending such a process and enabling easy amendment to the Land Use By-law following the results of such a plan.

Wellfield Overlay Zone D, which currently applies to the proposed commercial areas of New Minas South, already permits gas bars and other similar uses.

The development agreement requirement for dwellings in Zone B is likely based on the potential that large residential uses could involve stores of fuel oil for central heating or diesel for generators. However, UPLAND has professional experience with residential development and we are comfortable suggesting that the proliferation of heat pumps has greatly reduced the use of fuel oil for multi-unit residential developments. Additionally, any generators would be similar or smaller in scale than those that would be considered by other uses permitted within Wellfield Protection Zone B (e.g. large commercial retail).

## Options

1. No change to New Minas Wellfield Overlay regulations; or
2. Remove the development agreement requirement for residential uses larger than one unit in New Minas Wellfield Protection Zone B; and/or
3. Include a policy statement in the Secondary Plan that encourages the undertaking of an updated source water protection plan.

## Recommendation

Options 2 and 3 together. A key direction to-date in the Secondary Plan process is to encourage mixed-use intensification of Commercial Street. The current requirement for a development agreement for residential development is a barrier to this approach. We are of the opinion that the current risk faced by modern residential development is small in comparison to other uses permitted within Zone B and the benefits of mixed-use intensification. The undertaking of a professional update to the source water protection plan could also identify additional uses that are now lower risk; having policy support would make adopting any future recommended changes easier.



## 13.8 NEW MINAS WELLFIELD PROTECTION OVERLAYS

### 13.8.1 New Minas Wellfield Protection Overlay A

Notwithstanding any other provisions contained in this By-law, a development permit shall not be issued within the New Minas Wellfield Protection Overlay A except for one or more of the following uses:

Public Water Utilities

### 13.8.2 New Minas Wellfield Protection Overlays B, C, and D

Notwithstanding any other provisions contained in this By-law, the following restrictions shall apply to development of lands located within the New Minas Wellfield Protection Overlays B, C, and D.

Land Use	Wellfield Protection		
	New Minas Overlay B	New Minas Overlay C	New Minas Overlay D
Agricultural Equipment, Parts, Sales, and Service	Not Permitted	Not Permitted	Permitted
Automotive repair	Not Permitted	Not Permitted	Permitted
Automotive sales and Rental	Not Permitted	Permitted	Permitted
Bulk Storage of Fertilizers, pesticides and herbicides	Not Permitted	Not Permitted	Not Permitted
Bulk Storage of Petroleum Fuels, Excluding Propane	Not Permitted	Not Permitted	Not Permitted
Bulk Storage of Salt	Not Permitted	Not Permitted	Not Permitted
Carwash Facilities	Development Agreement	Development Agreement	Permitted
Cemeteries	Not Permitted	Not Permitted	Not Permitted
Dry Cleaning Facilities	Not Permitted	Not Permitted	Permitted
Existing hatchery located at 9565 Commercial St.	Not Permitted	Not Permitted	Not Permitted
Food and Drink Production	Development Agreement	Permitted	Permitted
Forestry Uses	Not Permitted	Not Permitted	Permitted
Gas Bars	Not Permitted	Not Permitted	Permitted
Golf Courses and Driving Ranges	Development Agreement	Development Agreement	Development Agreement
Garden centre accessory to a main commercial use	Not Permitted	Development Agreement	Development Agreement
Greenhouses or garden centres	Not Permitted	Development Agreement	Development Agreement

Land Use	Wellfield Protection		
	New Minas Overlay B	New Minas Overlay C	New Minas Overlay D
Heavy Equipment Facilities	Not Permitted	Not Permitted	Permitted
Lawn Care and Landscaping	Development Agreement	Development Agreement	Permitted
Livestock Operations	Not Permitted	Not Permitted	Not Permitted
Multi-unit Residential Development	Development Agreement	Permitted	Permitted
Organic Soil Mixing Operations	Not Permitted	Not Permitted	Not Permitted
Professional Trades involving painting, acrylic/fibreglass and such similar processes	Not Permitted	Not Permitted	Permitted
Residential dwellings over 1 residential unit	Development Agreement	Permitted	Permitted
Salvage or Scrap Operations	Not Permitted	Not Permitted	Not Permitted
Sanitary Services	Not Permitted	Not Permitted	Not Permitted
Transportation Services	Not Permitted	Not Permitted	Permitted
Uses permitted in the Heavy Industrial (M2) Zone excluding uses permitted in the Light Industrial Commercial (M1) Zone	Not Permitted	Not Permitted	Not Permitted
Warehouses and storage/cold storage	Development Agreement	Development Agreement	Development Agreement

### 13.8.3 Uses Considered by Development Agreement

- (a) The uses listed in section 13.8.2 as being permitted by development agreement within Zone B of the New Minas Wellfield Protection Overlay shall be permitted in accordance with policies 2.6.13 and 2.6.16 of the Municipal Planning Strategy:
- (b) The uses listed in section 13.8.2 that are permitted within Zone C of the New Minas Wellfield Protection Overlay by development agreement shall be permitted in accordance with policies 2.6.14 and 2.6.16 of the Municipal Planning Strategy:
- (c) The uses listed in section 13.8.2 that are permitted by development agreement within Zone D of the New Minas Wellfield Protection Overlay shall be permitted in accordance with policies 2.6.15 and 2.6.16 of the Municipal Planning Strategy:

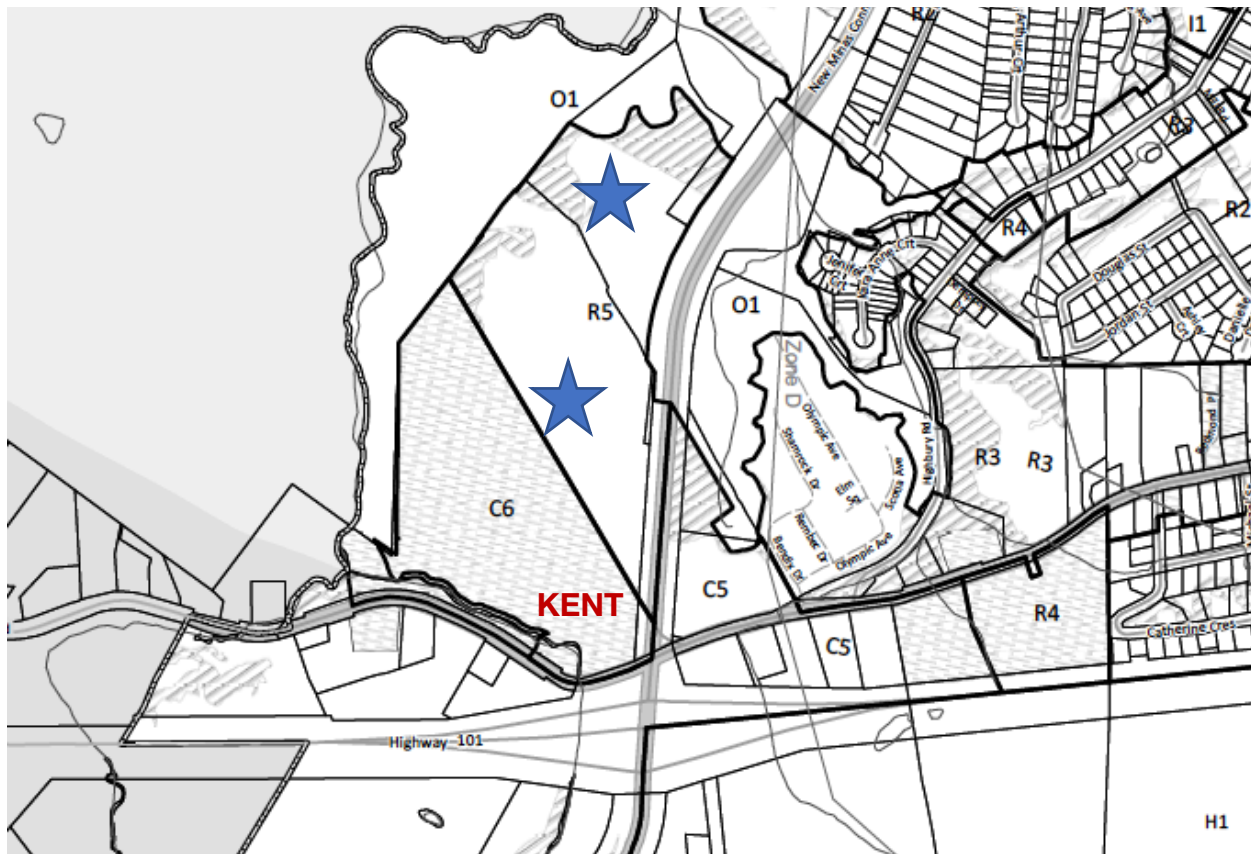
## Site-specific: PID 55286017 and 55209944

### Origin

The Working Group has requested discussion about the vision for the lands north of the new Kent building (PIDs 55286017 and 55209944) and the approach to protecting the adjacent Elderkin Brook Ravine.

### Existing Approach

The publicly-owned lands that actually contain Elderkin Brook are currently zoned Environmental Constraints (O1), which prohibits most forms of development and grade alteration. The properties north of Kent and adjacent to the ravine are privately owned and are zoned Comprehensive Neighbourhood Development (R5). In addition, the steep portions of these lots, which form the initial slopes of the ravine, are covered by the Environmentally Sensitive Area (ESA) Overlay. This is shown by the hatched area on the zoning map around Exit 12, below.



The ESA Overlay applies to flood risk areas and steep slopes throughout Kings. This overlay requires an engineer's involvement in any development in order to address site-specific conditions; in this case, the slope and the risks of erosion to the ravine.

The Comprehensive Neighbourhood Development (R5) Zone permits residential development, but only by development agreement, subject to Policy 3.1.13:

*consider only by development agreement proposals for comprehensive planned neighbourhood developments within the Comprehensive Neighbourhood Development (R5) Zone. In evaluating such development agreements, Council shall be satisfied that the proposal:*

- (a) consists of land uses that are consistent with the intent of the Residential Designation, including but not limited to residential uses, community facilities, recreational facilities and commercial uses intended to serve the neighbourhood;*
- (b) provides a mix of housing options rather than only one building type;*
- (c) has an overall minimum density of four (4) units/acre for developments serviced by central sewer and water and similar density for unserviced developments provided the environment can sustainably support the proposed density;*
- (d) has a neutral or positive long-term impact on municipal finances, as shown by a fiscal impact analysis, or the community or environmental benefits outweigh the costs;*
- (e) includes appropriate phasing to ensure orderly development that minimizes the creation of vacant parcels of land between the existing developed lands and the proposed site;*
- (f) results in public infrastructure that is efficient to service and maintain;*
- (g) encourages active transportation by providing sufficient sidewalks, pathways and/or trails consistent with the transportation infrastructure policies contained in section 2.3, Infrastructure;*
- (h) minimizes environmental impact by protecting sensitive natural features and incorporating low-impact approaches for managing storm water;*
- (i) provides a minimum 100-foot-wide vegetated buffer within Comprehensive Neighbourhood Development (R5) Zones adjacent to the Agricultural (A1) Zone. This buffer area must be entirely contained within the development and may be used for park, recreation and service utility purposes, but must not contain buildings for any other use. The width of the buffer area may be reduced where natural or built features, including but not limited to a ravine, watercourse or road create a buffer with the Agricultural (A1) Zone;*
- (j) notwithstanding the minimum requirements set out in the Subdivision By-law, provides a minimum of ten (10) per cent open space contribution;*
- (k) utilizes, alternative road, lot, servicing and other infrastructure standards where appropriate;*

*(l) provides sufficient vehicle and pedestrian transportation linkages with any adjacent town, village or property through the dedication of land intended for use as a road reserve;*

*(m) complements existing and planned development within an adjacent town or village in location, design, and any linkages between town or village and Municipal infrastructure; and*

*(n) meets the general development agreement criteria set out in section 5.3 Development Agreements and Amending the Land Use By-law;*

## Discussion

The subject sites are large properties with the potential for development. However, they are located next to the Elderkin Brook Ravine, a sensitive natural environment. Additionally, they are landlocked with no road access because the New Minas Connector, on which they front, is a controlled-access road.

## Options

1. Continue the approach of applying the O1 Zone to the public lands containing the ravine and the R5 Zone + ESA Overlay to the private lands north of Kent.
2. Propose alternative land use categories for the private lands north of Kent.

## Recommendation

Option 1. The existing approach provides direct protection to the ravine through the application of the O1 Zone to public land. It provides further protection in the event of any possible development on the private lands through both the ESA Overlay and through the development agreement process. In particular, clause (h) of the development agreement policy, above, would be used to appropriately consider and avoid impacts on the Brook.

Development would continue to be possible on the private land, and we see residential as a low-impact option for this location next to the ravine. The development agreement process would allow appropriate consideration for servicing, access, and the interface with the ravine. Additionally, clause (a) of the development agreement policy could allow consideration of institutional and recreation facilities, which are consistent with the Residential Designation in the Municipal Planning Strategy.



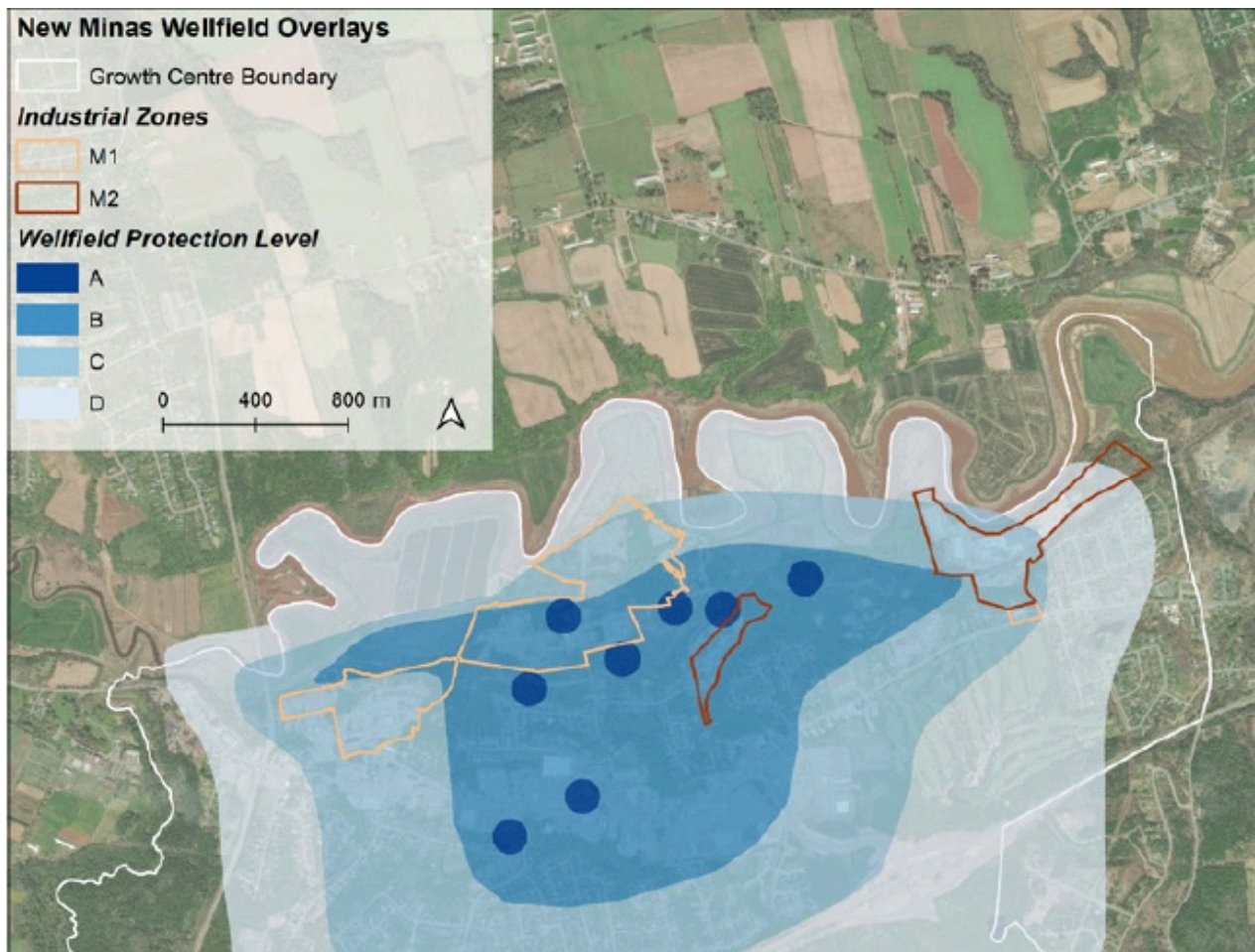
## Existing Industrial Lands

### Origin

Staff and UPLAND have identified this topic as requiring further direction.

### Existing Approach

New Minas includes a significant amount of industrial zoned lands between Commercial Street and the Cornwallis River, as identified in orange and red on the following map.



However, the bulk of these lands are within Wellfield Overlay Zone A, B, or C (see discussion paper on Source Water Protection). This drastically restricts the types of industrial uses that are permitted and limits the expansion of existing industrial uses.

### Discussion

The wellfield protections in New Minas, potentially compounded by other location characteristics such as lack of direct highway access, have limited industrial growth in New Minas. Although

existing uses continue to operate, it will be difficult for them to expand or for new industrial uses to establish if existing ones close for an extended period of time. This raises the question of the future role of these lands.

In the Nova Scotian approach to land use planning there are generally three different options in terms of guiding how the use of a piece of land evolves:

1. Recognize the existing uses of land through zoning and, through the Municipal Planning Strategy, suggest that similar uses continue to occur on the land.
2. Recognize the existing uses of land through zoning but, through the Municipal Planning Strategy, make it easier for people to switch to a more desirable use of land (e.g. recognize that land is currently industrial, but if someone wanted to go through a “rezoning” process they could ask to make the land residential).
3. Apply zoning that does not recognize the existing use and strongly encourages new uses. This does not automatically shut down the existing uses, but rather makes them “non-conforming” and makes it harder for them to expand or to recommence if they close down.

In thinking about the future of these industrial lands there are two additional considerations we think should be top-of-mind:

1. The long history of industrial use of these lands raises the potential of land contamination and the need to remediate before any other land use would be appropriate.
2. Introducing new uses raises the potential for conflicts until such time that the lands fully transition away from industrial.

## Options

1. Continue to zone the lands for industrial development and continue to designate their future use as industrial; or
2. Continue to zone the lands for industrial development but designate their future use as something else (with specific direction on what kind of use, e.g. residential, commercial, etc.); or
3. Designate and zone the lands for a different use (with specific direction on what kind of use, e.g. residential, commercial, etc.).

## Recommendation

We do not have a specific recommendation. While it appears that industrial uses will have a challenging future in New Minas, establishing alternative uses is not without potential challenges. The direction taken depends on how strong is the future vision for these lands.

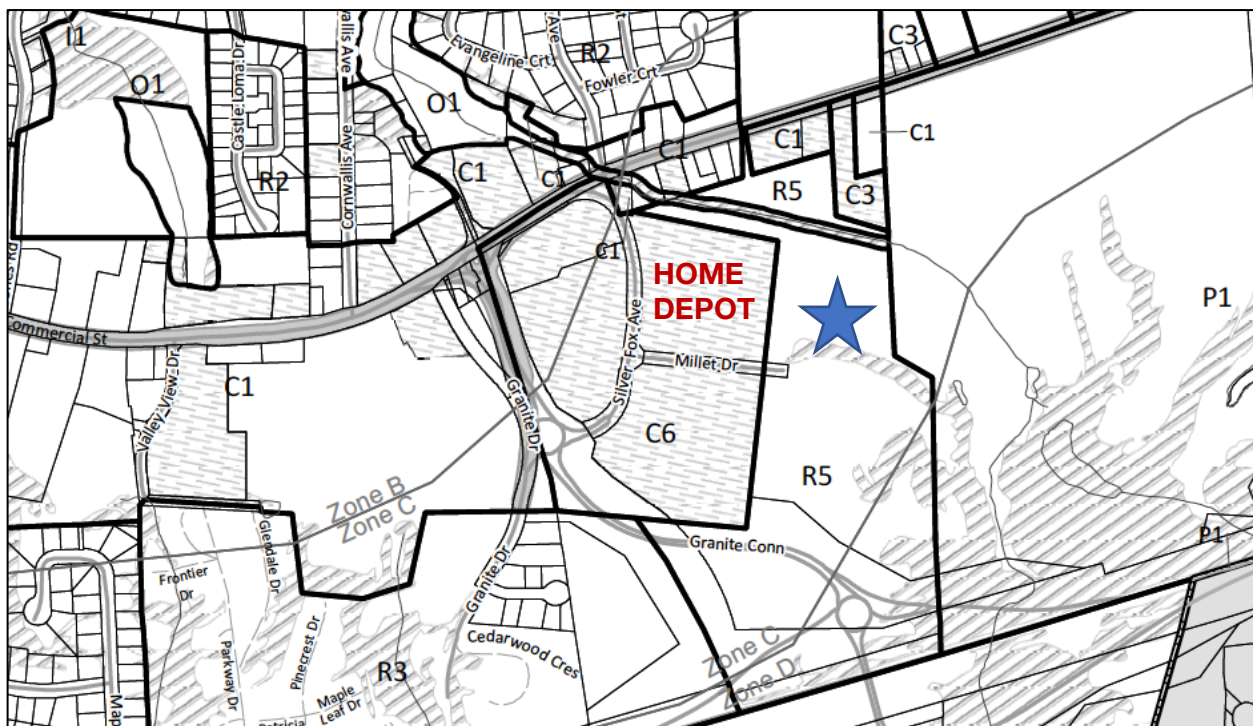
## Site-specific: PID 55493431

### Origin

The Working Group has requested discussion about the vision for the lands east of Home Depot (PID 55493431).

### Existing Approach

The lands are vacant, privately owned, and currently zoned Comprehensive Neighbourhood Development (R5), with small portions subject to the Environmentally Sensitive Area (ESA) Overlay. Please see discussion of lands north of Kent for more information on these zones.



### Discussion

The subject lands are 11 hectares (27 acres) in size, located adjacent to the highway, existing commercial development, and the Ken Wo golf course. They are bisected near their northern extent by a small watercourse, with approximately 1.4 hectares (3.5 acres) of land north of the watercourse (under the upper “R5” label on the map).

Given the size and location of this lot there is merit to considering an alternative option for development. The site is sized and well-located to accommodate large-format retail, including something as large as a Costco, which sits on 6 hectares of land in Dartmouth Crossing and 5 hectares of land in Bayers Lake.

The portion of the land north of the watercourse is functionally separate from the main bulk of the land and could be considered separately.

It is also worth considering the process by which development should occur on this lot. It is a large lot so there is some potential for impacts on the surrounding area due to its development. If residential development occurs there is also a need to consider the practicalities of subdivision and the infrastructure that enables subdivision (public roads, sewer, etc.). The current development agreement process facilitates this additional consideration, at the expense of time and risk.

## Options

1. Maintain the current approach of residential development by development agreement; or
2. Consider commercial development on all or part of the lot by development agreement; or
3. Consider commercial development on all or part of the lot as-of-right.

## Recommendation

Option 3. The lot is of a size and location that would be well-suited to commercial development. It is close to the existing core of Commercial Street and could accommodate relocation of existing undersized businesses or new entrants into the market. An as-of-right process would encourage development here. On the balance, we believe this outweighs the need for additional oversight, especially since careful consideration of public infrastructure is not as warranted as with residential development where extensive subdivision is likely to occur.

The portion of land north of the watercourse should be considered for continued residential development. It is small, has small road frontage (i.e. unattractive for commercial uses), and is immediately adjacent to the new apartment buildings at 9406 Commercial Street.

This approach would also continue to enable recreational and institutional options at this location.

As part of this recommendation we recommend a similar amount of commercial land be removed from the vision for New Minas South to avoid over-provision of commercial land.

## Retail Floor Area

### Origin

The Market Demand Technical Study recommended a maximum floor area cap be placed on retail development in New Minas South.

### Existing Approach

New Minas South is currently zoned New Minas Holding, so there is no specific existing approach there. However, some zones in the Municipality of Kings have maximum floor areas for certain uses. For example, the Rural Commercial (C4) Zone only permits retail uses up to 5,000 square feet of commercial floor area.

### Discussion

The Market Demand Technical Study recommended that the total retail area in New Minas South be limited to 50,000 square feet to supply commercial services to the area while avoiding a migration away from Commercial Street. Similarly, the study recommends capping the maximum floor area of any one retail premise to 25,000 square feet, which would accommodate a small grocery retailer.

In considering the allocation of retail lands it is important to recognize the potential effects of over-supply of commercial land. Investments in retail buildings are relatively short-lived and retailers will relocate to the location that best suits them. To-date, that has been (and continues to be) Commercial Street due to its critical mass of businesses, its central location, and permissive commercial zoning that is not found on large parcels elsewhere in the Municipality. However, the future New Minas South could very well present a more attractive location than Commercial Street for many retailers in New Minas, due to the relative freedom of greenfield development and the easy highway access. In isolation, this could be seen as a good thing – retailers are getting the most attractive location possible.

However, from a holistic community perspective, there is a very real cost to this: potential abandonment of the existing community core. Assuming the migration is limited in scale, the lands left behind could be expected to be taken up by new commercial development or by residential infill development. However, if the scale of the migration is too large there will simply not be enough new demand to fill in existing lands on any reasonable timescale, leaving existing infrastructure underused along with the visual blight of vacant buildings.

The two approaches suggested by the Market Demand Study have two similar, but subtly different effects. Capping the total floor area would put an overall limit on the size of a potential migration, while capping individual floor area would reduce the specific risk of anchor businesses migrating.

From a planning perspective, capping total retail floor is challenging. Any such limits would create a “first-come-first-served” situation, which is potentially unfair and mechanically difficult to



implement. A similar effect can be achieved by limiting the amount of commercial land, but this also affects other commercial uses such as restaurants, hotels, *etc.* so the extent of this approach must be carefully balanced.

## Options

1. Do not implement a cap on retail floor area for individual premises in New Minas South;  
or
2. Implement a cap of 25,000 square feet for retail premises, as recommended by the Market Demand Technical Study; or
3. Implement a different cap size on retail premises than recommended by the Market Demand Technical Study.

## Recommendation

Option 2. A cap of 25,000 square feet on individual retail floor area will serve the retail needs of New Minas South while continuing to prioritize Commercial Street as the retail destination of the Annapolis Valley.