

CHEBUCTO COMMUNITY COUNCIL  
MINUTES

Monday, May 3, 2010

PRESENT: Councillor Russell Walker, Chair  
Councillor Debbie Hum, Vice Chair  
Councillor Mary Wile  
Councillor Linda Mosher

REGRETS: Councillor Stephen Adams

STAFF: Ms. Kirby Grant, Solicitor  
Ms. Sheilagh Edmonds, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:01 p.m. in the Keshen Goodman Library.

**2. APPROVAL OF MINUTES**

**MOVED by Councillor Wile, seconded by Councillor Mosher that the minutes of April 12, 2010 be approved. MOTION PUT AND PASSED.**

**3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Additions:

12.1 Request for Installation of Waste Receptacle and Dog Waste Bag Dispenser at the HRM Owned Chain of Lakes Trail Head - Crown at Brook Street (Councillor Mosher)

12.2 Permit Construction Valuation for 40 Masthead Court (Councillor Hum)

At the request of Councillor Mosher, it was agreed that item 10.1.1 would be moved up and dealt with prior to item 7.1.

**MOVED by Councillor Hum, seconded by Councillor Wile that the agenda, as amended, be approved. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Status Sheet Items:**

**4.1.1 J.L IIsley High School - Campus Opportunity**

Councillor Mosher submitted a Memorandum dated April 29, 2010 from Cst. Gerry Murney and Cst. Dwight Hennigar, Public Safety Office, Community Response Team in regard to a CPTED Audit carried out on HRM property between J. L. IIsley High School and Spryfield Lions Arena.

Councillor Mosher briefly reviewed the recommendations contained in the memo.

**MOVED by Councillor Mosher, seconded by Councillor Hum that a copy of the memo be circulated to the following:**

- C the principal of J. L. IIsley High School for information,**
- C the Spryfield Rink and Lion's Recreation Society for information**

- C **HRM Fire Services for information**
- C **HRM Parks staff with a request to post the appropriate signage and implement the measures recommended by Community response**

**MOTION PUT AND PASSED.**

Councillor Mosher advised that she wanted this item to remain on the Status Sheet as there are two other matters she is waiting to hear back on.

**4.1.2 Keefe Drive - Emergency Concerns Due to Road Condition and Lack of Seawall**

There was no update. This item is to remain on the Status Sheet.

**4.1.3 75 Rockingstone Road Re: Sidewalk**

There was no update. This item is to remain on the Status Sheet.

**4.1.4 Northwest Arm Seawall**

There was no update. This item is to remain on the Status Sheet.

**4.1.5 Plow Damage**

There was no update. This item is to remain on the Status Sheet.

**4.1.6 Nova Scotia Power Outages**

Councillor Hum advised that she received a response from Nova Scotia Power in a letter dated March 24, 2010 to Community Council. She requested that the Legislative Assistant forward a copy of the letter to the resident that brought the concern forward. Councillor Hum also noted that she would post the letter on her website.

**MOVED by Councillor Hum, seconded by Councillor Wile that this item be removed from the Status Sheet. MOTION PUT AND PASSED.**

**4.1.7 Northwest Arm Drive Sidewalk Request**

There was no update. This item is to remain on the Status Sheet.

**4.1.8 Resident Traffic and Safety Concerns - Fairmount Subdivision**

There was no update. This item is to remain on the Status Sheet.

Community Council then dealt with item 10.1.1 as agreed to during the approval of the order of business.

**10.1.1 Case 01130 - MPS/LUB Amendments and DA - Mayor Avenue, Halifax  
(supplementary report)**

C A Supplementary Staff Report dated April 19, 2010 was submitted.

**MOVED by Councillor Mosher, seconded by Councillor Wile that Chebucto  
Community Council:**

- 1. Approve the proposed development agreement as contained in Attachment A to the April 19, 2010 staff report to allow for a 13 unit townhouse style residential development;**
- 2. Require the agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, 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.**

**MOTION PUT AND PASSED.**

**5. MOTIONS OF RECONSIDERATION - None**

**6. MOTIONS OF RECISION - None**

**7. CONSIDERATION OF DEFERRED BUSINESS:**

**7.1 Case 01251: Amendments to Halifax MPS - Western Shore Bedford  
Basin**

This matter had been deferred from Community Council's last meeting, at the request of Councillor Hum, as she was unable to attend the meeting.

C A staff report dated February 18, 2010 was submitted

**MOVED by Councillor Hum, seconded by Councillor Wile that Chebucto  
Community Council recommends Regional Council:**

- 1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law as provided in Attachments A and B of the February 18, 2010 staff report, and schedule a Public Hearing.**
- 2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law as provided in Attachments A and B of the February 18, 2010.**

Councillor Hum referred to page 3 of the report noting that it states, *The study also recommends that in the long term infilling should be reconsidered as a logical extension of the Bedford Waterfront Phase II development.* Councillor Hum pointed out that during this entire process of the Western Shore Bedford Basin study one of the comments consistently brought forward was that there be no infilling of the Bedford Basin except for public use and the multi-use trail.

Ms. Randa Wheaton, Planner, addressed Community Council and clarified that the intent of the statement in the report was that the study did, in fact, make that recommendation for a long term but at this point, any amendments being made are not reflecting that statement; therefore, at least in the short term there is no intention of changing policy to allow that to occur.

**MOTION PUT AND PASSED.**

**7.2 Case 15840: Discharging Agreement - Shaunslieve Drive, Halifax**

This matter had been deferred from Community Council's last meeting, at the request of Councillor Hum, as she was unable to attend the meeting.

C A staff report dated March 17, 2010 was submitted.

**MOVED by Councillor Hum, seconded by Councillor Wile that Chebucto Community Council recommends:**

- 1. By resolution, approve the discharging agreement, presented as Attachment A to the March 17, 2010 staff report, for land located at Shaunslieve Drive, Halifax; and**
- 2. Require that the discharging agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

**8. HEARINGS**

**8.1 Public Hearings: None**

**8.2 Variance Appeal Hearings**

**8.2.1 Appeal of the Development Officer's Decision to Deny an Application for a Variance # 16003 - 39 Wyndrock Drive, Halifax**

C A staff report dated April 26,2010 was submitted.

Ms. Brenda Seymour, Development Technician provided the staff presentation outlining the reasons why the Development Officer denied a variance for the front yard setback of the Halifax Mainland Land Use Bylaw to permit an attached garage to a single unit dwelling. In her remarks she noted that the land use bylaw requires a minimum of a 20 foot setback from the front property boundary and the applicant proposed a 9 foot 2 inch setback. Ms. Seymour advised that the majority of the front yard was proposed as parking and driveway and this would defeat the intent of the Bylaw.

Ms. Seymour responded to questions from Community Council.

The Chair reviewed the rules of procedure for variance appeal hearings and opened the hearing.

Mr. Gord Dickie, the appellant, addressed Community Council and outlined his reasons for requesting the variance. He explained that he wanted the variance to build an attached garage to his house, as his current driveway makes it difficult and dangerous to back out of his driveway when there is ice or snow. Mr. Dickie also noted that the current grade of his driveway results in water getting into his basement through the garage door. Mr. Dickie displayed drawings of his proposed garaged, noting that it was designed to be aesthetically pleasing and to blend in with the other homes on the street.

The Chair called three times for anyone else wishing to speak; there bring none, it was **MOVED by Councillor Hum, seconded by Councillor Mosher that the variance hearing close. MOTION PUT AND PASSED.**

Councillor Mosher advised that a letter had been submitted from Susan and Andrew Ross, neighbours of Mr. Dickie, stating that they had no objection to the variance required for construction of the proposed garage. Councillor Mosher also noted that no other residents had contacted her regarding this matter.

**MOVED by Councillor Mosher, seconded by Councillor Wile that the decision of the Development Officer be overturned and the variance be granted.**

Councillor Hum advised that she could not support the motion based on advice that the Solicitor had given previously with regard to the legalities around variance appeals.

Ms. Kirby Grant, Solicitor, clarified that a property owner has the right to appeal the decision of the Development Officer. She added that the development officer has make decisions based on criteria and her advice to Community Council, as referred to by Councillor Hum, was to remind the Councillors that whether they decided to approve or deny the variance, the decision has to be made under the same criteria, and that other criteria should not factor into it.



Councillor Mosher indicated that her reason for allowing the variance was based on Policy 2.4 and that the change will be compatible and retain the existing residential character of a stable neighbourhood.

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS:**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**9.3 Presentations - None**

**10. REPORTS:**

**10.1.1 Case 01130 - MPS/LUB Amendments and DA - Mayor Avenue, Halifax**

This matter had been dealt with earlier in the meeting. See page 5.

**10.1.2 Case 01003: MPS/LUB Amendments and Development Agreement - Regatta Point, Halifax (supplementary report)**

C A Supplementary Staff Report dated April 19, 2010 was submitted.

Councillor Mosher noted that she was unable to be present at the joint public hearing with Regional Council on this matter, therefore she would remove herself from the vote.

**MOVED by Councillor Hum, seconded by Councillor Wile that Chebucto Community Council:**

- 1. Approve the discharging agreement contained in Attachment A of the April 19, 2010 Supplementary Staff Report to release 16 Anchor Drive (Lot RP-2) from the existing Regatta Point development agreement;**
- 2. Approve the development agreement contained in Attachment B of the April 19, 2010 Staff Report to allow for a 118 unit residential building at 16 Anchor Drive (Lots RP-1 and RP-2);**
- 3. Require both agreements be signed within 120 days, or any extension thereof granted by Council on request of the applicant, 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.**

The Chair noted that there was an e-mail forwarded to Community Council today, however, it was to be discounted as it was received after the public hearing had closed.

**MOTION PUT AND PASSED.**

**10.2 Councillor:**

**10.2.1 Fire and Dirt Bike Concerns on the Chain of Lakes Trail Behind Springvale Avenue - Councillor Mosher**

Councillor Mosher submitted photos that had been forwarded to her from residents who about the Chain of Lakes Trail behind Springvale Avenue. She advised that the photos show where fires had been started, adding that this occurred last year and Fire Services were aware of the issue, but it appears it is starting up again this year. In addition, Councillor Mosher noted that there is evidence of dirt bikes and All Terrain Vehicles on the Trail. Councillor Mosher advised that these were serious issues and the residents are very concerned. As well, she noted that there are old rails and ties and that the ties would provide an accellerant in the event of a fire.

**MOVED by Councillor Mosher, seconded by Councillor Wile that this matter be forwarded to Fire Services for comment on what can be done to mitigate the concerns of fires; that Halifax Regional Police Bicycle Patrol be requested to monitor the area; and that Community Council write to CN with a request that they remove the old railway ties as soon as possible.**

**MOTION PUT AND PASSED.**

**10.2.2 Vandalism in Frog Pond/Sir Sandford Fleming Park - Councillor Mosher**

Councillor Mosher advised that this issue was similar to the previous issue. She noted that there is a group home located across the Street, and residents of the area have observed the residents of the group home kicking down trees and starting fires. Councillor Mosher advised that the park abuts residential areas, including Park Hill Road and Fleming Drive.

**MOVED by Councillor Mosher, seconded by Councillor Hum that this issue be forwarded to Fire Services for an assessment on the issue and to the Halifax Regional Police for report back on ways to mitigate the vandalism concerns in the area. MOTION PUT AND PASSED.**

**11. MOTIONS - None**

**12. ADDED ITEMS:**

**12.1 Request for Installation of Waste Receptacle and Dog Waste Bag Dispenser at the HRM Owned Chain of Lakes Trail Head - Crown at Brook Street (Councillor Mosher)**

Councillor Mosher advised that on the Chain of Lakes Trail, at the intersection of Crown at Brook Street, there is a vacant lot in which people walk their dogs but that there are not the appropriate receptacles such as garbage cans and dog waste bag receptacles. She indicated that she had contacted staff from both the Public Works and Parks departments; however the public works has declined the request and she has not yet had response back from Parks staff.

**MOVED by Councillor Mosher, seconded by Councillor Hum that staff be requested to visit the site and carry out the appropriate maintenance. MOTION PUT AND PASSED.**

**12.2 Permit Construction Valuation for 40 Masthead Court 9 (Councillor Hum)**

Councillor Hum submitted correspondence dated January 19, 2010 from N. Kent Clarke, Blois, Nickerson & Bryson.

Councillor Hum advised that she had been corresponding with the property owner of 38 and 40 Masthead Court in Royal Hemlock Estates in regard to the difference in permit construction valuation of both properties. She referred to the submitted correspondence and advised that she would like it forwarded to staff for response to the concerns in the letter. Councillor Hum added that she did not want to wait for the next Community Council meeting for a report to come back, and that she would like for staff to respond via e-mail as soon as possible.

**MOVED by Councillor Hum, seconded by Councillor Mosher that staff respond to Community Council on the concerns raised in the correspondence dated January 19, 2010 from N. Kent Clarke, Blois, Nickerson & Bryson. MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION - None**

**14. PUBLIC PARTICIPATION:**

Mr. Mike Bonin and his wife Linda Bonin addressed Community Council noting they were residents of the Stoneridge Subdivision. Mr. Bonin advised that he was representing a group of concerned citizens who felt that they were not fully apprised of developments or plans nor adequately consulted about the upcoming Metro Transit Route 22 Armdale. Mr. Bonin read his presentation. In his remarks, Mr. Bonin advised that the group he represents does not want transit service going through Walter Havill Drive and he provided alternative suggestions in regard to addressing increased transit service in the area. He indicated that he had a signed petition from the residents.

The Chair suggested that Mr. Bonin submit his presentation for the file and for staff to follow up on, and to pass the petition on to Councillor Mosher.

Councillor Mosher advised that, where Community Council had already dealt with 'Petitions' on the agenda, she would submit the petition at the next meeting.

Councillor Mosher advised that for the record she wanted to provide clarification on two points raised in Mr. Bonin's presentation. First, with regard to the statement that she recanted saying the two sides of Walter Havill Drive will never meet, Councillor Mosher explained that the former representative of United Gulf stated that they would not be connected; however, he is no longer with United Gulf. She added that United Gulf was fully within their legal right to connect the two sides, but they did not come to the Community. Secondly, with regard to the second Waterton, based on Community consent, this matter was taken to the Utility and Review Board and to the Supreme Court of Nova Scotia, and there is no other body which this matter can be appealed.

Mr. Jeff Haines, a resident of Walter Havill Drive addressed Community Council and spoke in opposition to a proposed bus route going through Walter Havill Drive. Mr. Haines advised that it would not be suitable for a bus routed, because currently the street allows parking on both sides, it is a street with an S-turn in it, and there is no crosswalk at the Park. He added that he felt it would be a safety concern and would result in decreased property values.

Councillor Mosher advised that she would submit for the record, a letter which details the questions she received to date in regard to the proposed #22 Armdale transit route, and the responses to those questions from staff.

**15. NEXT MEETING DATE - June 7, 2010**

**16. ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

Sheilagh Edmonds  
Legislative Assistant