

NORTH WEST COMMUNITY COUNCIL

MINUTES

March 25, 2013

PRESENT: Councillor Brad Johns, Chair
Councillor Barry Dalrymple
Councillor Matt Whitman
Councillor Steve Craig

REGRETS: Councillor Tim Outhit, Vice Chair

STAFF: Ms. Kirby Grant, Senior Solicitor
Ms. Jillian MacLellan, Planner
Ms. Jennifer Chapman, Planner
Mr. Kurt Pyle, Supervisor, Planning Applications
Mr. Roddy MacIntyre, Transportation Engineer
Mr. Gordon Roussel, Senior Financial Consultant
Mr. Ted Aubut, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:10 pm at the BMO Centre, 61 Gary Martin Drive, Bedford.

2. APPROVAL OF MINUTES – February 25, 2013

Councillor Craig requested that the following correction be made:

- Page 7, item 14: Change “Ms. Theresa Crass” to “Ms. Theresa Scratch”

The Chair requested that, on a go forward basis, minutes indicate the location of the next meeting.

MOVED by Councillor Whitman, seconded by Councillor Dalrymple that minutes of February 25, 2013 be approved, as amended. MOTION PUT AND PASSED.

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

MOVED by Councillor Dalrymple, seconded by Councillor Whitman that the agenda be approved, as presented. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

5. STATUS ITEMS

5.1 Margeson Drive

No update was provided.

5.2 Update on Soil and Grading By-law

Community Council discussed a written update submitted by Richard MacLellan, Manager Energy and Environment, noting that the Stormwater Management and Lot Grading By-law will be before the Environment and Sustainability Standing Committee in fall 2013. It was agreed that this item should remain on the status item until that time.

5.3 Pine Hill Brook Update

Councillor Craig indicated that \$166,000 is earmarked in the 2014-2015 budget for the Pine Hill Drive embankment protection project.

Community Council subsequently agreed to remove this item from the status sheet.

6. MOTIONS OF RECONSIDERATION AND/OR RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Waverley Ratepayers Association Traffic Study and Transportation Study, Fall River, Waverly and Wellington Area

An information report dated February 5, 2013 was before Community Council.

Councillor Dalrymple was concerned about the conclusion reached in the report. He recognized that expanding transportation infrastructure in the Fall River area presents a number of challenges, both financial and jurisdictional. However, this does not mean that HRM should do nothing. Many roads need to be widened to accommodate increased traffic and to make room for active transportation routes, like walking and biking lanes. He acknowledged that many projects require support from the Province, but not all of them, like the installation of lighting systems. He asked that such projects be added to HRM's public works queue and that staff continue to update Community Council on their progress.

Mr. Roddy MacIntyre, Transportation Engineer with Traffic and Right of Way Services, explained that staff regularly meets with the Province to discuss infrastructure needs in provincial jurisdiction. Overall, the two parties work well together but municipal and provincial priorities do not always align. Financial and geographic considerations, like significant rock, can also prevent projects from moving forward. He explained that infrastructure upgrades, like the addition of bike lines, are done in coordination with major roadway projects.

Councillor Dalrymple replied that this had not been clearly articulated in the report. He also recommended that a trail be cleared across provincial land so that residents can walk or bike to the Fall River Park and Ride site.

A brief discussion followed on the regularity of updates to be provided by Traffic and Right of Way Services.

MOVED by Councillor Dalrymple, seconded by Councillor Craig that North West Community Council request staff to provide oral or written updates on transportation issues in the Fall River, Waverly and Wellington Area every six months instead of every three months, as previously requested.

MOTION PUT AND PASSED.

8. HEARINGS

8.1 Case 17585: Open Space Design Development Agreement – 130 Dreamcatcher Lane, Hubley

The following documents were before Community Council:

- A staff report dated February 15, 2013
- Correspondence from Peter Lund dated March 25, 2013

The Chair reviewed the procedures for public hearings before inviting staff to the microphone.

Ms. Jillian MacLellan, Planner, explained that Case 17585 is an application to develop 57 residential units by way of a development agreement at 130 Dreamcatcher Lane in Hubley. The application was submitted by Sunrose Land Use Consulting on behalf of Foxwood Development Limited, which owns the site.

Ms. MacLellan described the location of the property, noting that surrounding uses are mainly residential. However, directly south is an industrial site on which Trecaan Combustion manufactures snow melting equipment. Adjacent to it is a former salvage yard that caused contamination of drinking water on 12 neighbouring residential properties. In 1993, the Province installed and continues to service a well at 130 Dreamcatcher Lane which serves as mini water utility for the 12 properties impacted by contamination.

She indicated that the subject property is located in planning districts 1 and 3 and is designated mixed rural residential (MRR). Proposed is the construction, over three phases, of 57 units, including single unit dwellings, two unit dwellings, and townhouses. She reminded Community Council that since 2006, the Regional Municipal Plan limits as-of-right subdivisions in areas without central water or sanitary systems. Given this, the applicant wishes to proceed by way of a development agreement.

Ms. MacLellan explained the difference between classic and hybrid open space designs, noting that the applicant had initially proposed the latter. However, due to concerns over possible disturbance of the salvage yard and nearby wetlands, the application was changed to the classic style. This means that the dwellings will be clustered on no more than 40% of the property. The remaining 60% will be retained as for conservation and passive recreational uses, and may include trails, benches and/or gazebos. In this particular case, 67% of the land will be conserved. The developed parcel will have a shared driveway, wide enough for emergency and waste collection vehicles, as well as a shared septic system.

The proposed development agreement, she continued, requires 50 foot setbacks from neighbouring properties and an additional 30 foot non-disturbance area along the property line that abuts the industrial property. Moreover, the two-unit dwellings and

townhouses will be located away from existing residential and industrial development to further avoid conflict.

Ms. MacLellan noted that cisterns, which collect rain water, will be the primary water source for residents. Collected water will be run through a water treatment facility, for which there will be one per dwelling. The future condo corporation will be responsible for the maintenance of these facilities. For supplementary needs, residents will rely on well water, to be treated through the same facilities. Wells will be equipped with water meters and pumps to ensure that withdrawal rates remain below 0.5 gallons per minute. Withdrawal rates must be recorded and submitted to HRM when requested by the Development Officer.

Ms. MacLellan indicated that the proposal is below the maximum density of 1 unit per acres. If groundwater assessments conclude that the property can support more dwellings, then the applicant could increase by up to 10% the number of dwellings through a non-substantive amendment to the agreement.

Ms. MacLellan then spoke of safeguards in place to protect the integrity of the property's well, noting that clause 3.10.1 of the agreement forbids blasting within 150 metres of the mini water utility. This will require that the location of the road be changed. A second safeguard is outlined in clause 3.15.1, which forbids the installation of septic systems within 150 metres of the well.

Ms. MacLellan noted that a public information meeting was held in April, 2012 to gather input from the community. The application was also reviewed by the Halifax Watershed Advisory Board in May 2012. Feedback from these meetings has been incorporated into the development agreement.

Ms. MacLellan, in her concluding remarks, emphasized that the application:

- Minimizes property disturbance
- Allows for the sharing of common services, like septic
- Locates dwellings far from the former salvage lands and the mini water utility to avoid problems
- Meets driveway standards so it can support emergency vehicles.

Given this, staff is of the opinion that the development agreement is consistent with policy and should be approved.

The Chair thanked Ms. MacLellan for her presentation and asked members of Community Council if they had questions of clarification.

Councillor Craig asked a number of questions regarding the cistern system and the proposed safeguards for protecting the existing well.

Ms. MacLellan explained that each residence will have its own cistern, rain water being the primary water source. If there is not enough rain, then residents will draw from the

well. As for the existing well, she explained that the intent is for it to stay operational as it provides water to 12 neighbouring properties. She believed that the 150 metre buffer would be a sufficient safeguard. She added that the Province manages the well but does not own the land on which it sits.

Councillor Whitman wished to know how the size of the buffer was determined and what measures are in place to ensure that the 57 unit development did not balloon to, say, 145 units.

Ms. MacLellan replied that engineering consultants from CBCL Limited had suggested the buffer be 150 metres. Regarding the number of dwellings, she indicated that the development agreement only allows for 57 units. To increase this by 10%, the applicant would need to request a non-substantive amendment, which would require a groundwater study and Council review. Increasing the number of dwellings by more than 10% would require a public hearing.

The Chair invited members of the public, for or against, the application, to the microphone.

Mr. Peter Lund indicated that he submitted a letter to Community Council outlying his concerns of which there are two:

- The concentration of dwellings on the eastern portion of the property and at the top of the watershed. He believed that the applicant was creating a suburban-style community in a rural area. He was also concerned that, in the future, the western portion of the property, designated open space, could be developed.
- The sustainability of the water supply. While the installation of water metres was a good, first step, he hoped that the applicant would address the issue of flow regulators. He also wished to know if there would be compensation for destroying the wetlands.

Mr. Walter Regan was pleased by the amount of wetlands that will be protected and wished to know if water testing would be undertaken in the brooks. He also asked how often the Development Officer would review the water withdrawal rate and what would happen if there was not enough water to meet the community's needs.

Ms. Jennifer Tsang of Sunrose Land Use Consulting responded to questions raised, noting the following:

- The development is considered low density as there is only one unit per acre. As such, it will not resemble an urban service area, which often has six or more units per acre.
- HRM policies allow up to 144 units on this site but the applicant is only proposing 57, which will be clustered on less than 40% of the site, leaving the remaining for open space.
- The 60% open space will always be protected
- Cisterns were chosen so that the development does not affect the existing well. The 150 metre buffer is another level of protection.

- Water metres will monitor flow. HRM will see the water reports and can request them at any time.
- There will be one well per building. If the cistern is low, then the pump will turn on and supply the dwelling with well water. In the case of drought, water could be trucked in.
- Buffers around the watercourses reflect Municipal Planning Strategy requirements.
- Brooks will not be tested, as there is no requirement for that.

MOVED by Councillor Whitman, seconded by Councillor Craig that the hearing be closed. MOTION PUT AND PASSED.

The Chair invited staff to address comments raised.

Ms. MacLellan indicated that the buffer around the wetlands is required by the land use by-law. Moreover, the Department of the Environment requires compensation when wetlands are disturbed. She reiterated that the 60% of conservation land cannot be developed.

Councillor Craig wished to know the consequences should the dwellings exceed the withdrawal rate of 0.5 gallons per minute.

Ms. MacLellan indicated that the Development Officer is responsible for ensuring that the development adheres to the water withdrawal rate. If it is not being followed, then HRM would take appropriate steps to ensure that the terms of the development agreement are upheld.

MOVED by Councillor Whitman seconded by Councillor Dalrymple that North West Community Council:

- **Approve the development agreement contained in Attachment A of the staff report dated February 15, 2013 including amendments to clauses 3.10.1, 3.15.5 and 3.16.4 as outlined in the staff presentation, to allow for a Classic Open Space Design development agreement at 130 Dreamcatcher Lane, Hubley; and**
- **Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

Councillor Dalrymple was pleased that hydrological assessments are now common practice and thanked staff for bringing forward amendments to section 3 of the development agreement. Moreover, he commended the applicant for agreeing to grass

ditches, meter wells, and make extensive use of cisterns. If in the future there is not enough water, there are many companies that could truck water into the community. He also thanked the applicant for locating the dwellings away from the brook and for maintaining the integrity of wetlands.

MOTION PUT AND PASSED.

Councillor Johns exited the meeting at 8:16 pm, with Councillor Whitman assuming the Chair.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - NONE

9.2 Petitions - NONE

9.3 Presentations - NONE

10. REPORTS

10.1 Uniform Charge for Three Brooks Homeowner's Association

A staff report dated March 11, 2013 was before Community Council.

MOVED by Councillor Dalrymple, seconded by Councillor Craig that North West Community Council recommend to Regional Council that it approve:

- **An annual uniform charge of \$20.00 to be applied against each of the residential properties within the mapped area depicted in Appendix A of the staff report dated March 11, 2013 effective with the 2013-2014 fiscal year for the purpose of funding the recreational activities of the Three Brooks Homeowner's Association**

Councillor Dalrymple noted that the response rate was close to 50% and, of those, over 90% voted in favour of the proposal. He saw this as evidence that the community has been well informed and has decided it wants proceed with the uniform rate.

Councillor Johns returned at 8:20 pm.

Councillor Craig wished to know if it was common for homeowner associations to ask HRM to collect funds on its behalf.

Mr. Gordon Roussel, Senior Financial Consultant replied that HRM manages approximately 20 area rates of this type. The municipality receives two or three requests per year.

MOTION PUT AND PASSED.

Councillor Johns reassumed the Chair at 8:22 pm.

10.2 Case 18222: Telecommunications Tower at 5152 Highway 357, Meaghers Grant

A staff report dated March 7, 2013 was before Community Council.

Ms. Jennifer Chapman, Planner, explained that Eastlink wishes to construct a 61 metre telecommunications tower in Meaghers Grant. To do so, federal regulation requires that it consult the affected municipality.

Ms. Chapman explained that the site is located 1 km to the south of Highway 357 in the Musquodoboit Valley. The area is rural and zoned Mixed Use, which supports a wide variety of land uses. The land is largely vacant with a few scattered properties.

She then described the proposed tower, noting that it will be constructed in steel lattice and enclosed with a steel fence. It will be accessed by a gravel driveway that connects to Highway 357 and is located 225 metres from the closest property.

Ms. Chapman indicated that the height of the tower would not be intrusive because it is far away from the nearest residence and because tree cover will hide most of it. Only the top portion of the tower will be seen.

Given this, she recommended that Community Council not object to the construction of the tower.

The Chair wished to know if a public information meeting had been held in the affected community.

Ms. Chapman replied in the affirmative.

MOVED by Councillor Dalrymple, seconded by Councillor Craig that North West Community Council:

- **Inform Industry Canada that they have no objection to the proposal by Eastlink to erect a new, 62 metre (200 feet), self-supporting telecommunication tower and associated equipment cabinet at 5152 Highway 357 in Meaghers Grant as shown on Attachment A of the staff report dated March 7, 2013; and**
- **Forward a copy of the staff report dated March 7, 2013 to Industry Canada for background purposes and to inform them of the public feedback on the proposal as contained in Attachment J of the staff report dated March 7, 2013.**

Councillor Dalrymple confirmed that a public information meeting had been held and, in addition to Eastlink, two or three residents were in attendance. Those living closest to the site were in favour of the project because they wanted the cell phone service that would result from the tower.

MOTION PUT AND PASSED.

11. **MOTIONS – NONE**
12. **ADDED ITEMS - NONE**
13. **NOTICES OF MOTION - NONE**
14. **PUBLIC PARTICIPATION**

Mr. Peter Lund noted that public information meetings are held for telecommunication towers only if they are being proposed for residential zones. In the case of an area zoned multi-use, current policy stipulates that no meeting is required. He recalled that the former Western Region Community Council had passed a motion requesting a consistent approach to tower construction. He wished to know if this status sheet item had been transferred to North West Community Council, and if the status sheet could be posted to the website.

The Chair replied that Community Council status sheets had been consolidated. He requested that the Clerk follow-up on Mr. Lund's second point, public access to the status sheet.

Mr. Kurt Pyle, Supervisor of Planning Applications, indicated that staff is working on a new protocol for telecommunications tower. It will be presented to a Standing Committee in April 2013.

Mr. Nick Antoff explained that he had learned that Halifax Water is introducing a ditch tax. He wished to know how ditch maintenance was paid for previously. If, as he suspected, it was paid out of the general tax rate, then that rate should be adjusted accordingly.

Mr. Walter Regan invited Councillors to a Monte Carlo night on June 6, 2013 organized by the Sackville Rivers Association, which is celebrating its 26th anniversary.

Councillor Dalrymple thanked Mr. Regan for the invitation and updated him on the lot grading by-law, which he and Mr. Lund had asked about at previous meetings. He noted that HRM has a number of projects underway, including:

- The Regional Plan five-year review, which contains a section on stormwater management

- A stormwater infrastructure funding program approved by Regional Council in February
- A review of Halifax Water's governance structure

To these, he added that a stormwater management and lot grading by-law should be before the Environment and Sustainability Standing Committee in fall 2013.

15. STATUS SHEET

No status sheet items were discussed.

16. IN CAMERA

16.1 Personnel Matters

16.1.1 Committee Review

This was dealt with in camera.

16.1.2 Citizen Appointments to various Boards and Committees

This was dealt with in camera.

17. NEXT MEETING DATE – April 8, 2013 (G.R. Snow Community Centre)

The Chair clarified that the next meeting will be on April 8th, not April 6th as indicated on the agenda.

18. ADJOURNMENT

The meeting adjourned at 8:42 pm.

Ted Aubut
Legislative Assistant