

NORTH WEST COMMUNITY COUNCIL
MINUTES

October 21, 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, Solicitor
Mr. Tyson Simms, Planner
Ms. Jennifer Chapman, Planner
Mr. Quentin Hill, Legislative Assistant

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1. CALL TO ORDER

Councillor Johns called the meeting to order at 7:08 p.m. at the Bedford Hammonds Plains Community Centre, 202 Innovation Drive, Bedford.

Councillor Johns passed along regrets from Councillor Outhit who had a death in the family.

2. APPROVAL OF MINUTES – September 9 &17, 2013

MOVED by Councillor Whitman, seconded by Councillor Dalrymple, that the June 24 and July 8, 2013 minutes be approved as presented. MOTION PUT AND PASSED

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

Deletions: 12.1 Motion- Councillor Outhit: Public Safety Project Union Street

Additions:

13.1 Correspondence - Mr. Peter Lund- Concerns with Respect to Current Margeson Drive Extension

13.2 Correspondence - Mr. Peter Lund - Concerns with Respect to Acceptance of Leachate at HWY 101 Landfill Treatment Facility.

Councillor Johns advised that the Public Hearing would begin once Councillor Craig arrived at the meeting.

MOVED by Councillor Whitman seconded by Councillor Craig that the agenda be approved as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

5. STATUS ITEMS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

Community Council agreed to review all the correspondence including the added items before the start of the Public Hearing.

Councillor Craig arrived at 7:12 p.m.

10.1.1 Soil and Water Conservation Society Correspondence regarding:

- Total Phosphorous – Paleolimnology Results**
- Sandy Lake, Glen Arbor, Accelerated Eutrophication**
- Deep Station Total Phosphorus**

10.1.2 Kearney Lake Residents Association – Future of Kearney Lake

10.1.3 Mr. Ross Sheppard – Re: Case 18336 Windgate Drive

13.1 Correspondence - Mr. Peter Lund- Concerns with Respect to Current Margeson Drive Extension

13.2 Correspondence - Mr. Peter Lund - Concerns with Respect to Acceptance of Leachate at HWY 101 Landfill Treatment Facility.

MOVED by Councillor Whitman, seconded by Councillor Dalrymple that North West Community Council accept and table all correspondence received.

MOTION PUT AND PASSED.

9. PUBLIC HEARINGS

9.1 Case 18336: Development Agreement - 991 Windgate Drive, Beaver Bank

The following items were before Council:

- Staff report dated August 12, 2013
- Heritage Advisory Committee report dated September 5, 2013
- North West Planning Advisory Committee report dated September 5, 2013

The Chair invited staff to present Case 18336.

Mr. Tyson Simms, Planner, provided the presentation to Community Council. He stated that the property is located at 991 Wind Gate Drive, Beaver Bank. The property is zone Mixed Use 1 (MU1) and designated Mixed Use A. He noted that the property is 1,588 square feet and is a registered heritage property commonly known as the Hallisey House. Mr. Simms stated that the request for changes to the property came from Mr. Alan Whitlam and Ms. Joyce McCauley. Hallisey House was built in 1872 and Mr.

Simms noted that previous uses included a post office, train station, inn, tavern and private residence. He added that in 2001 the property was redeveloped into a restaurant and mini golf course. He further explained that the agreement from 2001 was discharged into 2011 and there is currently no agreement on the site.

He continued that Policy 125 (a) The Beaver Bank Hammonds Plains and Upper Sackville MPS is the criteria used to evaluate the proposal as well as Policy CH 1 in the Regional Plan Policy, as the property is a registered Heritage Property. He stated that staff is of the opinion the application meets the intent of both policies. Mr. Simms then provided the following items for Councils discussion:

- Required buffered fencing along the north eastern property line and landscaping on the northern property line.
- Noise control – Hours of operation from 9:00 a.m. to 12 a.m. for interior use; exterior use 10:00 a.m. to 9:30 p.m. and Sundays 7:00 p.m.
- Required lighting plan to include directional lighting and restrictions on certain types of lighting.
- No direct access to Beaver Bank Road.
- Landscaping to include keeping and maintaining the apple trees located on the property.
- Signage is to require renewable materials such as wood, and complimentary to the heritage building.

Mr. Simms noted that the application was approved by both North West Planning Advisory Committee and the Heritage Advisory Committee. He also provided Council some amendments to the Development Agreement.

The Chair thanked Mr. Simms for his presentation and invited members of Community Council to ask questions of clarification.

Councillor Whitman pointed out that page 34 of the staff report misspelled the applicant name.

Councillor Craig noted an error in Section 6.4.1 of the Development Agreement (DA) that indicates the wrong MPS and requested that the DA be amended to indicate the correct area of Beaver Bank Hammonds Plains and Upper Sackville MPS.

Councillor Johns reviewed the public hearing procedures and opened the public hearing.

Mr. Tony Benson, 80 Lane Drive expressed support for the proposal. He added that it is a benefit to the community and a place for residents to meet. He was impressed that the applicants wanted to maintain the historical look and feel of the building. He felt the restrictions on noise were appropriate but did not think that the facility would impede on neighbours privacy as they building has had similar uses over the years. He indicated

he knew lots of other in the community that would also lend their support to the development.

Mr. David Barret, Lakewood Court, expressed frustration that he could not find the physical address to the building where the Public Hearing was held, and noted it made him fifteen minutes late. He expressed support of the proposal and wished the applicants success. He added that he would like to see HRM do more to support small businesses such as the one in the proposal.

Councillor Johns noted for the record that correspondence received from Mr. Ross Sheppard indicated support of the proposal but did indicate concern about the alignment of Wind Gate and Beaver Bank Road.

The Chair requested if the Applicant wished to make any comments to come forward.

Mr. Kenny Tillman spoke on behalf of the applicant. He stated the applicant was excited to fix up the building and make it a great looking property.

The Chair called three times any speakers; there being none it was **MOVED by Councillor Craig, seconded by Councillor Whitman that the public hearing close. MOTION PUT AND PASSED.**

Councillor Craig wanted to know when reviewing a development proposal, what triggers staff to look at placing traffic lights on busy intersections such as Wind Gate Drive and Beaver Bank Road. He requested clarification on what a projecting sign is and if there would be space for solid waste containers on the site and where they would be located.

Mr. Simms responded that traffic engineering staff did an analysis of the site and did not feel that the proposal would not create a significant increase in traffic. Mr. Simms clarified that the signs would be limited in size and would have lights would project on the sign as interior sign illumination is prohibited in the area. Mr. Simms explained that five stream separation waste facilities are required for the site for approval but not identified on the staff report, but the development officer would be looking for those facilities on the site during the permitting stage.

Councillor Whitman inquired if the land behind the proposed project could be used for a similar project. He wanted to know what is across the street from the intersection of Wind Gate Drive and Beaver Bank Road and if it would someday connect with Margeson Drive.

In response, Mr. Simms indicated that the land behind the proposed project could be used for a similar project as it is also MU1 land. He noted that there are train tracks adjacent to the property so there is a significant easement that is utilized for the tracks. He could not speculate if Margeson Drive would connect at that intersection and offered that other planning staff may be able to respond to that question.

Councillor Dalrymple wanted to know if during the traffic review of the proposal how close the traffic count is to require a set of lights at the intersection. He added that he is in favour of the project but raised concern about increase in traffic and lack of traffic lights in the area.

Mr. Simms advised he could not comment about when the most recent traffic study was completed and that engineering staff would be best to respond to some of the Councillors concerns.

In response to Councillor Johns, Mr. Simms advised that there had been no application to have an exit from the property onto Beaver Bank Road. He further explained that there is no non-substantive clause that allows consideration of an exit and the agreement currently prohibits access to the Beaver Bank Road. He added that the applicant can make a request to amend the agreement but it would be a public process and would come back before Community Council.

Councillor Johns raised concern that if there was a realignment of Wind Gate Drive that access to the property would be cut off and would require the applicant to have to request an amendment. He wondered if there was possibility to have a clause added to the agreement to allow the applicant ability for access to Beaver Bank Road, should realignment of Wind Gate Drive cut off access to the property. The Councillor wondered if there was the ability to allow the property owner to complete the required landscaping rather than having to hire a certified landscaper.

Mr. Simms advised that a notwithstanding clause would have to be put forward in order to consider the changing the development agreement to allow access to Beaver Bank Road, should there be a realignment of Wind Gate Drive. Mr. Simms added that it would be possible for the applicant to complete the required landscaping, but it would require approval from a qualified individual to indicate that the work was completed.

Ms. Kirby Grant, Solicitor cautioned Council about introducing a lot of amendments to the proposal at this stage of the process. She noted that there was a public information meeting and two Planning Advisory Committees had reviewed the proposal. She stated that if the changes get into substantive matters it might look quite different than what was originally proposed.

Councillor Dalrymple assumed the Chair at 7:53 p.m.

MOVED by Councillor Johns, seconded by Councillor Whitman that North West Community Council:

- 1. Approve the proposed development agreement as contained in Attachment A of the August 12, 2013 staff report, and that the proposed development agreement be amended as follows:**

Delete Section 3.3.2(a) and replace with:

3.3.2(a) The combined maximum gross floor area used for seating, including any exterior patio and/or deck seating area shall not exceed 1,500 square feet.

- Delete Section 3.3.3(a) and replace with:

3.3.3(a) The combined maximum gross floor area used for seating, including any exterior patio and/or deck seating area shall not exceed 1,500 square feet.

- Delete Section 5.1.1(a) and replace with:

5.1.1(a) An increase to the maximum gross floor area used for seating, beyond that enabled by sections 3.3.2(a) and 3.3.3(a), provided the increased area does not result in a change or alteration to the footprint of the building.

Delete the words 'Downtown Dartmouth' and replace with "Hammonds Plains, Beaver Bank and Upper Sackville" in Section 6.4.1(d).

Amend Section 3.7.1 Landscaping Plan as follows:

Further to subsection 3.2.1(b), prior to the issuance of a Development Permit, the developer agrees to provide a Landscaping Plan. The Landscaping Plan shall comply with all provisions of this section.

- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of 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.

Councillor Johns assumed the Chair at 8:00 p.m.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.1.1 Soil and Water Conservation Society

This item was addressed earlier in the meeting. See page 4.

10.1.2 Kearney Lake Residents Association – Future of Kearney Lake

This item was addressed earlier in the meeting. See page 4.

10.1.3 Mr. Ross Sheppard – Re: Case 18336 Windgate Drive

This item was addressed earlier in the meeting. See page 4.

11. REPORTS

11.1 Case 18504: Telecommunications Tower, Cooks Brook

A staff report dated September 4, 2013 was before Council.

The Chair invited staff to present on Case 18504.

Ms. Jennifer Chapman, Planner provided a verbal presentation to Council. She noted a correction that the tower is supported and not free standing as originally indicated in the report. She added that it is a 76.2 meter telecommunications tower which is supported by guide wires. Ms. Chapman stated that the location of the proposed tower is near Highway 224 halfway between Shubenacadie and Middle Musquodoboit. She noted that the zoning for the site is Mixed Use Zone which allows for a wider variety of uses. She advised that the tower is 210 meters away from the nearest residence. She explained that the tower does not require lighting and will be accessed by a gravel road.

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

- 1. Inform Industry Canada that they have no policy-based objection to the proposal by Eastlink to erect a new 76.2 meter (250 foot), guide supported telecommunication tower and associated equipment cabinet located on Corbett Road, Cooks Brook, as shown on Attachment A of the September 4, 2013 staff report; and**
- 2. Forward a copy of this report to Industry Canada for background purposes.**

Councillor Dalrymple advised that most people were in favour of the tower as they know that to get some services it requires having the infrastructure in place.

MOTION PUT AND PASSED.

12. MOTIONS

12.1 Councillor Ouhit

“That North West Community Council request staff to:

- 1. Provide an update on the opportunity to include a public safety project, under Stormwater Infrastructure Funding Solution , for Union Street,**

Bedford and Lower Sackville Floodplain areas identified in the MGA should it qualify for the Provincial Program to Reduce Flood Risk; and

2. Clarify what would be required of Regional Council to submit projects for the Provincial Program.

This item was removed from the agenda. See page 3.

13. ADDED ITEMS

14. NOTICES OF MOTION

15. PUBLIC PARTICIPATION

Councillor Johns acknowledged the attendance of MLA elect Bill Horne.

Mr. Ken McLeod, Kearney Lake Road, advised that he is a member of the Kearney Lake Road Residents Association. He addressed concerns regarding a proposed roundabout being placed at the intersection of Kearney Lake Road and the Larry Uteck extension. He remarked that the addition of a roundabout would increase traffic in the area and would add pollution to Kearney Lake. He noted that the lake is in a fragile state.

Councillor Whitman advised that he recently had a tour of the area and added that there has been no decision on what would be placed at the intersection. He added that if there was a roundabout built there would have to be public consultation and the community would be made aware of any meetings.

Mr. Peter Lund, Glen Haven, expressed concern about the possibility of HRM taking leachate to the Highway 101 leachate treatment facility. He was worried that Regional Council directed staff to consider the facility to take offsite leachate. He was concerned that Halifax Water was no longer taking leachate from Otter Lake and that this might open the door for the 100 facility to take an increased amount of leachate.

Councillor Johns advised that part of the motion that was approved by Regional Council was to hold public consultations. He added that he and Councillor Whitman have requested that two of those consultations to be held in Upper Sackville and Lucasville. He stated that the questions raised by Mr. Lund would be better addressed at those consultations when the appropriate staff was in attendance. The Councillor further requested that the correspondence presented by Mr. Lund and it would be forwarded to staff for consideration.

Mr. Lund raised concern that the CBCL study on water quality at the Sackville Landfill indicated that it met or exceeded the CCME. His concern was that he was unsure that the study did not look at all the parameters. He added that he sits on the Halifax Watershed Advisory Committee and hoped that they would be able to review the report.

Councillor Whitman noted that the issue raised by Mr. Lund would be appropriate to bring up at some of the Solid Waste Consultations that were currently being held around the Municipality.

Mr. Lund commented on the Margeson Drive project that the initial stage will have the road constructed only to Stonewick Crescent in 2015, and will continue beyond that only when the Developer is able to construct the final stages of Glen Arbour Subdivision. He added that he had submitted correspondence outlining his concerns on the project.

Mr. Nick Antoff, Lucasville, wanted to know if there was any development for a review of the T-400 Truck Bylaw. He added that he had attended the Margeson Drive meeting and hoped that some of the recommendations would be supported by Council when they came forward. He echoed concerns regarding the processing of leachate at the old Sackville Landfill site and wondered if there was consideration given for commercial entities such as New Alta to establish a leachate treatment facility and discharge into salt water.

Councillor Johns advised that he was disappointed in some of the Margeson Drive Public Information Meeting. He stated that staff did not bring forward a lot of the suggestions that were presented in the past from Waterstone, which were supported by Council. He added that he hoped that Mr. Antoff would attend any public consultations regarding the processing of leachate at the old Sackville landfill and present his concerns at that meeting.

Mr. Bill Horne, MLA Elect for Waverly- Fall River – Beaver Bank, thanked Community Council for the opportunity to speak. He advised that an issue that came up during his election campaign was the lack of water. He stated that he will be talking to Council and will be requesting support to bring water to those areas which water is needed. Further, he added that traffic issues were a hot topic while meeting with residents. He noted that residents would like to see roads built through to Beaver Bank and through to the airport. He stated he hoped to see the Glendale extension be completed to Burnside to help alleviate some of the traffic issues.

Councillor Johns added that he looked forward to working with the new government and good relations with the province.

A student from Dalhousie University in the Community Design program came forward and introduced students from the program. She thanked Council for allowing the class to attend and observe the meeting for completion of an assignment.

16. STATUS SHEET

There were no changes recommended to the status sheet.

17. IN CAMERA

Community Council convened in camera at 8:55 p.m.

17.1 Approval of In Camera Minutes

This item was dealt with in camera.

17.2 Personnel Matter

17.2.1 Citizen Appointments to North West Planning Advisory Committee

This item was dealt with in camera.

17.2.2 Citizen Appointments to St. Margaret's Bay Coastal Planning Advisory Committee

This item was dealt with in camera.

Community Council reconvened in public session at 9:03 p.m.

MOVED by Councillor Whitman, seconded by Councillor Dalrymple that North West Community Council appoint Mr. Vic Heniss to fill an unexpired term on the St. Margaret's Bay Coastal Planning Advisory Committee.

MOTION PUT AND PASSED.

MOVED by Councillor Whitman, seconded by Councillor Craig that North West Community Council appoint Mr. Brian Murray and Mr. Aaron MacMullin to the North West Planning Advisory Committee.

MOTION PUT AND PASSED.

17. NEXT MEETING DATE – November 18, 2013

18. ADJOURNMENT

The meeting was adjourned at 9:05 p.m.

Quentin Hill
Legislative Assistant

Information Items

1. Waverley Ratepayers Association Traffic Study and Transportation Study – Fall River, Waverley and Wellington Area