



**NORTH WEST COMMUNITY COUNCIL
MINUTES
December 15, 2014**

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

STAFF: Ms. Kirby Grant, Solicitor
 Mr. Quentin Hill, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/commcoun/central/index.php>

The meeting was called to order at 7:00 p.m. and Community Council adjourned at 9:20 p.m.

1. CALL TO ORDER

Councillor Craig called the meeting to order at 7:00 p.m. at the Bedford Hammonds Plains Community Centre.

Election of Chair and Vice-Chair

Councillor Craig turned conduct of the meeting over to the Legislative Assistant for the election of Chair. The Legislative Assistant call for nominations for Chair of the North West Community Council.

MOVED by Councillor Whitman, seconded by Councillor Johns that Councillor Craig be nominated to serve as Chair of the North West Community Council for a term to December 2015. MOTION PUT AND PASSED.

The Legislative Assistant called a second and third time for nominations, hearing none, he declared Councillor Craig the Chair of the North West Community Council and turned conduct of the meeting back to Councillor Craig.

The Chair called for nominations for the Vice-Chair of the North West Community Council.

MOVED by Councillor Dalrymple, seconded by Councillor Johns that Councillor Whitman be nominated to serve as Vice-Chair of the North West Community Council for a term to December 2015. MOTION PUT AND PASSED.

The Chair called a second and third time for nominations, hearing none, he declared Councillor Whitman the Vice-Chair of the North West Community Council.

2. TABLING OF ANNUAL REPORT

The following was before the Community Council:

- A staff report dated November 20, 2014 entitled North West Community Council Annual Report

MOVED by Councillor Whitman, seconded by Councillor Dalrymple that North West Community Council accept and table the North West Community Council Annual report for the period December 2013 – November 2014. MOTION PUT AND PASSED.

3. APPROVAL OF MINUTES - None

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

Additions:

13.1 Appointment to St. Margaret's Bay Planning Advisory Committee

14.1 Councillor Outhit – Motion - Flooding Issues

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

5. BUSINESS ARISING OUT OF THE MINUTES - None

6. **MOTIONS OF RECONSIDERATION – None**
7. **MOTIONS OF RESCISSION – None**
8. **CONSIDERATION OF DEFERRED BUSINESS**
- 8.1 **Case 19503 – Non-Substantive Amendment to the Timber Trail Mobile Home Park Development Agreement, Hammonds Plains**

Consideration of this matter was deferred to this meeting from the November 17, 2014 meeting of North West Community Council to allow Regional Transportation staff provide additional information.

Councillor Johns advised that he had a few concerns. He advised that when the public hearing for this development agreement was held in 2008 there were a number of residents who wanted to maintain the easement rights to extend White Hills Run to Lucasville Road. The Councillor stated that, at the time, traffic services staff weren't positive that the road would be extended in that direction, as they did not want the entrance to Water Stone Run and White Hills Run that close together. He remarked that residents expressed at the public hearing that the easement should be maintained until it was known what the long term plans for Margeson Drive would be. The owners now want to amend the Development Agreement to build on that section and that issue wasn't brought up at the initial public hearing.

Ms. Thea Langille, Major Projects Planner provided a presentation to North West Community Council in regard to application and staff report dated October 20, 2014.

Councillor Craig, Chair thanked Ms. Langille for her presentation and asked if there were any questions of clarification from members of North West Community Council.

Councillor Johns stated that he did not see any significant change in the development of the road network in that area over the past four years. He noted that sections of Margeson Drive were still not constructed. He reiterated that out of the previous public hearing, concerns were heard about maintaining the road reserve. He added that the problem is that there has been no construction of Margeson Drive and there is no indication if the developer or the Municipality is going to construct Margeson Drive anytime soon. He expressed reservations on letting the reserve go; especially if there was possibility that White Hills Run would connect through increasing traffic coming onto the other streets. Councillor Johns concluded that if the motion was to pass, then he felt that residents who spoke at the public hearing were not being listened to as they had requested that the road reserve be maintained until the completion of Margeson Drive.

Mr. Dave McCusker, Regional Transportation Manager, explained that the use of the road reserve is not necessary nor is it desirable from an access management position. He added that the intention is to minimize the number of new intersections on a new road. He noted that the map provided in the presentation was based on a concept plan that had been submitted by staff. He noted that it was conceivable that those plans could change by time of construction.

In response to Councillor Johns, Ms. Langille advised that there are three different property owners involved in making a connection from Newberry down to Lucasville Road. She added there is a piece of a road reserve owned by HRM, a piece owned by Timber Trails and the third piece owned by a different property owner. Concluding her remarks, Ms. Langille indicated there was no discussion of going through the property owned by HRM during the application process as it was not deemed necessary or desirable to use that land.

Councillor Johns advised that he would put the recommendation forward but would not support it. He questioned if it was possible to defer the matter for two years. Ms. Kirby Grant, Solicitor advised that a deferral is not a tool used to allow Council to not make a decision. A deferral is used to gain more information or negotiate further terms with the developer.

Ms. Langille further advised that, if Community Council defeated the motion, the applicant would have the right to appeal the decision to the Nova Scotia Utility and Review Board.

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

- 1. Approve, by resolution, the proposed Amending Agreement as set out in Attachment A of the October 20, 2014 staff report, to allow the development of Phase 2 at the Timber Trail Mobile Home Park, Hammonds Plains.**
- 2. Require the Amending 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 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.**

Councillor Outhit suggested that Council consider defeating the motion and use one of the alternatives that was included in the report.

Ms. Langille clarified that the proposed development is within a mobile home park so the streets are privately owned and not owned by the municipality.

MOTION PUT AND DEFEATED.

Ms. Grant advised Council that the Community Council should elaborate on their reasons for defeating the motion. She noted that the reasoning would be examined if the decision of Community Council was appealed. No further reasons beyond those expressed in the debate were put forward by the Community Council.

9. HEARINGS

9.1 PUBLIC HEARINGS

9.1.1 Case 18897 – Development Agreement – 1840 Hammonds Plains Road

The following was before Community Council:

- *A staff recommendation/information report dated October 21, 2014*

The Chair reviewed the process and rules of order for the public hearing.

Tyson Simms, Planner delivered a brief presentation of the October 21, 2014 staff report regarding Case 18897 – Development Agreement – 1840 Hammonds Plains Road.

In response to questions of clarification, staff provided the following:

- Clarified that a left turning lane is not required at this time. He went on to explain that if Community Council should approve this proposal, the Development Agreement includes clauses which provide that specific uses will trigger a requirement for further study to determine if a turning lane is required.
- The traffic study indicated that the Hammonds Plains Road could accommodate the traffic which will be generated from this proposal.
- If a left turning lane is required in the future for use by the development, there is potential for HRM to recover some level of cost.

Blaise Morrison, Planner, representing the applicant, indicated he was here to answer any questions from Community Council. He went on to note that as outlined by Mr. Simms, application for a building permit for certain uses will require further traffic studies. For example, he noted that an expansion to the barn would not increase traffic and, consequently would not require further study. However, a fruit and vegetable stand or the paintball or obstacle course facilities would require additional study. Mr. Morrison indicated that the Development Agreement had the flexibility to allow the developer and staff to review the requirements.

The Chair reiterated the rules of order for the public portion of the hearing.

Mr. Reg Jones, area resident, indicated that his concerns related to the driveway which has been addressed and the turning lane. He noted continued concern regarding the left turn lane suggesting it should, along with the lighting, be developed immediately.

Mr. Brian Murray, area resident, congratulated the Hatfield's on bringing this process to this stage on behalf of Hammonds Plains Business Association. Mr. Murray indicated that issues regarding property lines and liability issues has delayed the proposal. He went on to note that assurances had been made that these issues would be resolved with a development agreement. Mr. Murray expressed concern that Halifax had not required a full survey (i.e. placing markers in the ground) and that the developer has the right to use the full of his property for recreational use, not buildings, but activities. Mr. Murray reiterated that the concerns regarding liability have not been addressed given that recreational activities will be carried out on the full of the property. He went on to ask if Halifax has the authority to require a full survey.

Mr. Ross Evans, area resident, indicated that he was in favour of having a full survey completed.

Mr. Wayne Shellnutt, Hammonds Plains, expressed concern regarding traffic and speed on Hammonds Plains Road. He indicated a four lane road is required to handle the speed. He went on to indicate that he was in favour of the application and supported Hatfield Farms.

Mr. David Barret, an area resident, noted that he had been a member of the PAC for the area for a number of years. Mr. Barrett encouraged Community Council to assist anyone creating employment in the area. He noted that the Hatfield family is doing that. He expressed concern that no action had been taken regarding Margeson Drive and suggested that Dunbrack Street be used as a model for improvements to Margeson Drive.

Mr. Scott Guthrie, Brookside/ Hatchet Lake spoke in support of the proposal and suggested that the Hatfield family should be applauded for their endeavours in the community. He went on to indicate that it is important to support and encourage small business as they are contributing to the overall Provincial economy. He noted that this proposal will attract tourists to the area and noted that there were no amusement base parks in the area.

Mr. Peter Lund, area resident, referred to the Ivany Report and the need to stimulate the economy. He noted that Hatfield Farms has been very successful, employs local residents, and provides an experience that is not available elsewhere. Mr. Lund referred to the tourism potential and encouraged all levels of government to assist small businesses especially in rural areas. Mr. Lund noted that this attraction has the added value of being close to an urban area. He went on to indicate that he was in favour of the proposal noting that traffic concerns have been addressed in the Development Agreement. He pointed out that the development of the property would happen over time and that there was time to respond to traffic issues as the proposal proceeds. Referring to environmental concerns, Mr. Lund suggested that the setbacks in place would mitigate any impacts. In conclusion, Mr. Lund indicated that this proposal was a good news story for the area.

Mr. Charles Baker, a property owner in Herring Cove, noted that he was in favour of the proposal. He went on to describe his visits to the farm. Mr. Baker stated that Hatfield Farms is a good corporate citizen and should be given every benefit to prosper.

The Chair called three times for further speakers, hearing none, he invited the applicant to come forward to address any of the concerns of

Mr. Morrison, responding to the concerns expressed by the speakers, noted that there are a number of traffic issues, however, the Development Agreement responds to these concerns. He further clarified that the property is registered and the two issues of concern have been resolved and the property re-registered. Regarding use of the property, the Development Agreement provides setbacks to ensure uses do not impact on adjacent properties. He concluded that the property lines identified are the correct lines and meeting the requirements of the Development Agreement.

Following a further brief discussion, it was **MOVED by Councillor Outhit, seconded by Councillor Johns that the public hearing close. MOTION PUT AND PASSED.**

At the invitation of the Chair, Mr. Simms advised respecting the discussion the property boundary that the required description of the land is Schedule A to the Development Agreement and staff have received a document signed and stamped identifying the lines and a description of the property.

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

1. **Approve the proposed development agreement as contained in Attachment A of the October 21, 2014 staff report to permit an expansion of existing commercial recreation uses at 1840 Hammonds Plains Road.**
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 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;**
3. **Approve, by resolution, the discharge of the existing development agreement and amending development agreement that apply to the lands, as shown in Attachment B of the October 21, 2014 report, to take effect upon the registration of the new development agreement; and**
4. **Require the discharge 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 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.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

The Chair noted that a thank you note had been received from the Sandy Lake Conservation Association for the Community Council's support for the protection of Sandy Lake.

10.2 Petitions - None

10.3 Presentation - None

11. REPORTS

11.1 STAFF

11.1.1 Jack Lake, March Lake, Sandy Lake Park Proposal

The following was before Community Council:

- *An information report dated November 4, 2014*

Councillor Outhit clarified that when requesting this report he had wanted a report on the previous studies. He asked staff if they had the motion necessary to bring all the information from those previous reports forward and develop a report which identifies cost and timeline.

Mr. Peter Bigelow, Manager, indicated that staff does have the necessary direction through the Regional Plan and the ongoing Watershed Study.

Councillor Dalrymple requested that members of North West Community Council be advised of the date, time and location of the Regional Watershed Advisory Board meeting at which this matter is to be considered.

11.1.2 Annual Schedule - 2015

The following was before Community Council:

- *A proposed meeting schedule for 2015*

MOVED by Councillor Johns, seconded by Councillor Outhit that the 2015 meeting schedule be approved with an amendment to the date of the March meeting from March 16 to March 23, 2015. MOTION PUT AND PASSED.

11.2 Members of Community Council - None

12. MOTIONS

12.1 Councillor Johns

MOVED by Councillor Johns, seconded by Councillor Whitman that North West Community Council direct staff to implement the process to reallocate the serviceable rights to develop 15 sewer serviceable lots on PID #40676215 to PID #40326217 and to allow PID #40676215 to be developed as unserviced R1. Implementation will include a staff report back to North West Community Council.

By way of explanation, Councillor Johns explained that there is a parcel of land which lies between Lake View Avenue and Spring Lake within the serviceable boundary. The owner of that parcel has the right to develop 15 serviced lots. He went on to note that the issue is that it is a very tight parcel and a number of residents are concerned about having 15 lots developed behind their homes. Residents have indicated that one or two residential homes would be acceptable. The same individual owns a lot on Fenerty Road and has indicated he may be interested in reallocating property rights between these parcels. The Councillor indicated that he is asking that staff prepare a report for consideration by Community Council explaining the implications of such a reallocation.

MOTION PUT AND PASSED.

13. IN CAMERA

13.1 Appointment to St. Margaret's Bay Planning Advisory Committee

This matter was dealt with in an in camera session.

The following motion was ratified in the public session:

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

- 1. One citizen member to the Crosswalk Safety Advisory Committee;**
- 2. Two citizen members to the North West Planning Advisory Committee with a request to Regional Council to waive the limit on maximum length of service of one member for a term to November 2016.**
- 3. One citizen member to the Regional Watersheds Advisory Board.**
- 4. Two citizen members to the St. Margaret's Bay Coastal Planning Advisory Committee; and**
- 5. That the citizen nominations be released to the public following ratification and notification of the successful candidates.**

MOTION PUT AND PASSED.

14. ADDED ITEMS

14.1 Flooding Issues on Union Street

This matter was added during the setting of the agenda.

MOVED by /Outhit/ Councillor Johns It is recommended the North West Community Council request a staff report with respect to the flooding issues on Union Street, Bedford that includes the following:

- 1. An overview of the 2005 engineering study;**
- 2. An overview of the work and approach to addressing flooding issues from the Sackville River;**
- 3. A history of past decisions of Regional Council on the issue; And,**
- 4. A recommended approach to utilizing the Provincial Flood Reduction Assistance program for Union Street.**

Councillor Johns noted that there were reports related to this matter that went back 12 years ago and suggested these be brought forward.

Councillor Craig referred to similar concerns in Lower Sackville with the Little Sackville River and the Leaside Drive and Seawood Avenue area. The Mover and Seconder of the motion indicated they would include these areas in their motion.

The motion now reads:

MOVED by Councillor Outhit, seconded by Councillor Johns that North West Community Council request a staff report with respect to the flooding issues on Union Street, Bedford that includes the following:

1. **An overview of the 2005 engineering study;**
2. **An overview of the work and approach to addressing flooding issues from the Sackville River; Lower Sackville, Little Sackville River and the Leaside/Seawood area, Sackville.**
3. **A history of past decisions of Regional Council on the issue; and,**
4. **A recommended approach to utilizing the Provincial Flood Reduction Assistance program for Union Street.**

Community Council further requested that the report also include discussion of the dam on McCabe's Lake and include a past history on what had previously been done in these areas.

Councillor Dalrymple left the meeting at 8:37 p.m.

15. NOTICES OF MOTION - None

16. PUBLIC PARTICIPATION

Mr. Reg Jones, an area resident, expressed concern regarding the number of street lights that were not operational. He asked if some proactive measures could be taken to mitigate this problem.

Councillor Johns responded that he would forward this concern to the appropriate staff. He noted that it might be possible to have staff work during the evening hours to identify the lights which are not working.

Councillor Craig left the meeting at 8:41 p.m. with Councillor Whitman assuming the Chair.

Mr. Peter Lund, area residents, noted the importance of green belting to Sandy Lake and others and the need to protect the headwaters to protect what is downstream. Referring to flooding in Timberlea, Mr. Lund questioned where there was a need for a pumping station. He went on to note that climate change is having an impact on the intensity.

Mr. Nick Antoff, Lucasville, noted that he had supported the overall Timber Trails development, however, he was concerned regarding traffic. He expressed confusion over why staff has determined a road reserve is not needed and pointed out that only five or six lots of 24 would have to be put on hold in order to achieve a road reserve. Mr. Antoff went on to note that truck traffic is intensifying and the Truck By-law seems to be ineffective and the issues have not progressed from seven years ago. Referring to Margeson Drive, Mr. Antoff indicated continued concern over exactly what will be developed. He asked if there was an opportunity to tie into Hammonds Plains Road and get traffic off Cranely. .

Mr. Dave McCusker, commented that the alignment for Margeson Drive was drawn up many years ago. Staff do have additional direction from Community Council to explore the option suggested by Mr. Antoff. He went on to indicate that the challenge is that the development timeline of the lands is not clear

Referring to the area in question, Councillor Johns asked when the community would be advised of the outcome of the engineering study and when would construction begin.

Mr. McCaskey indicated that pre-engineering has been completed and that there would be public engagement with regard to the matter. He went on to advise that capital budgeting for the area would not be in the 2015-16 budget, but would likely be considered in the 2016-2017 budget. Staff do intend to update the Community Council and Regional Council regarding the tie-in to ensure there is a good understanding of the implications.

Noting that there may be options given the sale of the golf course, Councillor Johns indicated that he would like to meet with staff to discuss those options and develop a motion that would be considered by Community Council and then moved on to Regional Council.

In response to a request for an update on Sussex and Eider Drives, Mr. McCusker advised that staff has had positive discussions with the land owner. He went on to indicate that the matter would be before Regional Council in the near future regarding the purchase of land.

Mr. Ross Evan, indicated that the most logical extension of Margeson Drive would be along the power line. This would put the traffic on Hammonds Plains Road which is somewhat improved with recent capital work.

Mr. Brian Murray, Hammonds Plains, commended Tyson Simms on his good work on the Hatfield Farm file. He went on to express concern regarding the maintenance of street lights. Mr. Murray asked Councillor Whitman for an update on the Truck By-law.

Councillor Whitman noted that efforts are being made to discuss the concerns with the Province. HRM's r Legal Department and the RCMP have advised that the By-law is unenforceable.

Mr. Walter Regan expressed concern regarding development on flood plains and suggested that all flood plains should be in public hands. He referred to Sandy Lake Park and noted that residents wanted the park enlarged. Mr. Regan further requested that staff provide an update on Pine Hill Brook and the fish ways on the dams. Concluding his comments, Mr. Regan asked that Community Council look into having trees planted on Sackville Drive.

16. DATE OF NEXT MEETING – Monday, January 19, 2015 at 7:00 p.m. with location to be determined.

17. ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

**Quentin Hill
Legislative Assistant**