



**NORTH WEST COMMUNITY COUNCIL  
MINUTES  
March 23, 2015**

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

REGRETS: Councillor Matt Whitman, Vice-Chair

STAFF: Mr. Martin Ward, Solicitor  
Mr. Liam MacSween, 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/150323nwcc-agenda.php>*

*The meeting was called to order at 7:00 p.m., and adjourned at 8:37 p.m.*

**1. CALL TO ORDER**

Councillor Craig, Chair called the meeting to order in the Multi-Purpose Room of the Gordon R. Snow Recreation Centre.

• **Presentation to Sackville Lakes Parks and Trails Association**

The members of North West Community Council presented a cheque to the Sackville Lakes Parks and Trails Association in the amount of \$120,000.00 to assist in building a parking lot on First Lake Drive for the safe access to the Glen Slaunewhite First Lake Trail and the Sackville Lakes Provincial Park.

**2. APPROVAL OF MINUTES – NONE**

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

Additions/deletions: None

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

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

**5. MOTIONS OF RECONSIDERATION – NONE**

**6. MOTIONS OF RESCISSION – NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS – NONE**

**8. HEARINGS**

**8.1 PUBLIC HEARINGS**

**8.1.1 Case 19329: Development Agreement Amendment, 930 and 932 Bedford Highway, Bedford**

The following was before Community Council:

- *A staff recommendation report dated February 9, 2015*

Councillor Craig, Chair invited Ms. Jacqueline Belisle, Planner to present on Case 19329.

Ms. Belisle provided a presentation pertaining to Case 19329. Councillor Craig thanked Ms. Belisle for her presentation and requested questions of clarification from members of North West Community Council.

Councillor Johns inquired if the new development has accessibility options incorporated in to its design.

Ms. Karla Connelly, on behalf of the Applicant noted that the development will include accessible features such as automatic door openers and ramps. She commented that the proposed property is part of a larger nation-wide renovation program which is being undertaken by Tim Hortons.

Councillor Craig thanked Ms. Connelly for her comments and asked her if she wished to provide further commentary to North West Community Council. Ms. Connelly did not wish to provide further commentary.

Councillor Craig read the rules of procedure regarding Public Hearings and invited members of the Public to come forward and address Community Council. Councillor Craig called three times for further speakers to come forward, there were no speakers present.

**MOVED by Councillor Outhit, seconded by Councillor Dalrymple that the public hearing close.  
MOTION PUT AND PASSED.**

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

- 1. Approve the proposed amending Development Agreement as set out in Attachment A of the November 26, 2014 staff report to allow for changes to the front façade of the Tim Hortons building at 930 and 932 Bedford Highway; and**
- 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.**

Councillor Outhit stated that the North West Planning Advisory Committee has examined this application at length and advised there were no concerns expressed to him by members of the community with respect to the proposed application.

Councillor Dalrymple inquired if the design of the proposed building will be applied to the Fall River location.

Ms. Connolly commented that the design of the Fall River location will be similar to what has been proposed as part of the current application but noted that the design could differ slightly depending on the modelling of the restaurant.

**MOTION PUT AND PASSED.**

**8.1.2 Case 19393 - Development Agreement to enable Commercial Recreation at  
429 McMullin Road, Antrim**

The following was before Community Council:

- *A staff recommendation report dated January 19, 2015*

Councillor Craig, Chair invited Ms. Jacqueline Belisle, Planner to present on Case 19393. Ms. Belisle provided a presentation pertaining to Case 19393, clarifying that the total area of the proposed development is 360 acres.

Councillor Craig thanked Ms. Belisle for her presentation and requested questions of clarification from the Committee, there were none.

Councillor Craig invited the Applicant to come forward and address North West Community Council; the Applicant did not wish to address Community Council at this time.

Councillor Craig read the rules of procedure respecting Public Hearings and invited members of the Public to come forward and address Community Council.

**Mr. David Barrett**, of 2 Maple Wood Lake Drive commented that he is very pleased that the applicant is pursuing the proposed development. He expressed his opinion that the proposed development is good for small businesses and the forestry industry. He concluded by stating the Halifax Regional Council should do everything possible to support small businesses particularly in rural areas of the municipality.

**Mr. David Bassinet**, commented that he owns a wood lot property adjacent to the subject property. He advised of his concern surrounding forestry practices in the area and the possibility of incursion by ATV riders on neighbouring properties. He stated that he is unaware if property lines have been established with neighbouring properties and noted his position that good fences make good neighbours. He concluded by expressing his concern regarding active commercial situations taking place on pasture lands.

**Mr. Shawn Graham**, of Fall River, noted his attendance on behalf of his mother who owns a wood lot adjacent to the property. He commented that he and the Applicant's property both border the same area of Crown Land which is often frequented by ATV users. He expressed his concern that the proposed property is too small to accommodate ATV users and that there is not enough in place in the proposal to regulate and encourage individuals to stay on the designated trails and not on to private property. He expressed further concern regarding noise pollution in the early morning and evening hours and increased ATV traffic within the area.

Councillor Craig thanked the speakers for their comments and called three times for further speakers to come forward and address Community Council. No further speakers came forward.

**MOVED by Councillor Outhit, seconded by Councillor Johns that the public hearing close.  
MOTION PUT AND PASSED.**

Councillor Craig provided the Applicant with an opportunity to respond to concerns raised by the speakers during the public hearing.

Mr. Steven Bowdridge, Applicant, noted his appreciation for the concerns raised by members of the community. He commented that the preservation of the of old growth forests in the area is a main concern of his and noted that his business model allows for this. He commented that his proposed business is to provide guided tours on his property. He commented that there is no ATV rental situation within his business model and advised that the proposed ATV tours will be guided with a leader in the front and an individual at the end of the guide. He clarified that his perspective clients will always be under supervision while navigating the trails and noted the proposed hours of operation from 8 a.m. to 8 p.m. With respect to property lines, Mr. Bowdridge stated that they are not physically marked but noted that a detailed plot plan was undertaken by surveyor within the boundaries of his property.

Ms. Belisle advised that it is the responsibility of the property owners to determine property lines, and to ensure compliance with HRM By-laws. She clarified that a Development Agreement is required with this particular application as it involves a commercial enterprise. She further clarified that the Province of Nova Scotia enforces ATV regulations through the Department of Natural Resources and noted that officials from that department would look in to complaints if they are made.

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

- 1. Approve the proposed development agreement as contained in Attachment A of the staff report dated January 19, 2015 to permit a commercial recreation use at 429 McMullin Road;**
- 2. Require the development 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 Dalrymple stated that the speakers raised good points and advised that he had received similar concerns from neighbours regarding the possibility of ATV's moving on to other properties. He commented that Mr. Bowbridge had met with him personally and addressed most of the concerns that were raised by the community. He stated that the property in question is very impressive as it is made up

of old growth forests and two waterways. He further commented that the proposed business will be directed at cruise ships passengers whereby clients will be shuttled in from downtown Halifax, alleviating some traffic concerns.

Councillor Dalrymple expressed his opinion that noise will likely not be an issue but rather the largest concern is access to the trails by other ATV's users. He noted that the proposed tours will be guided, which leaves little opportunity for joy riders to take over the trail system. He concluded by noting his support for the project as it will enhance tourism within the rural areas of the municipality.

Councillor Johns noted his support for the project and noted the requirement for proper signage within the development agreement.

Councillor Craig noted his support for the project stating that the proposed business will assist in showcasing the area to visitors.

**MOTION PUT AND PASSED.**

**8.1.3 Case 16742 – Development Agreement – 5 Sawlers Road,**

The following was before Community Council:

- *A staff recommendation report dated February 9, 2015*

Councillor Craig, Chair invited Mr. Andrew Bone, Planner to present on Case 16742.

Mr. Bone provided a presentation pertaining to Case 19393. He advised of an error within the staff report dated February 9, 2015 noting that schedule B had been duplicated as it is found within attachment A. He further advised that the Applicant could not be present at the meeting due to personal reasons. He further advised that because of the personal reasons stated by the Applicant, Community Council may choose to consider granting the applicant additional time that is required of the property owner to sign the discharge and development agreements from 120 days to 240.

Councillor Craig thanked Mr. Bone for his presentation. He read the rules of procedure respecting Public Hearings and invited members of the Public to come forward and address Community Council

**Ms. Roberta-Hilton King**, of Waverly commented that the current tenant has been doing an excellent job with respect to the management of the property. She expressed her concern that the auto repair shop is located too close to the Marsh. She commented that she has witnessed barriers that have breached in the past, and noted that it is really the only thing that causes her concern with the proposed development.

**Mr. Barry Irvine**, of Waverly noted concern with the lack of landscaping along the section of the property that borders the Cobequid Road. He noted that he would not like to see unsightly vehicles in the centre of the village.

Councillor Craig thanked the members of the public for their comments and called three times for further speakers, there were none.

**MOVED by Councillor Johns, seconded by Councillor Outhit that the public hearing close.  
MOTION PUT AND PASSED.**

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

1. **Approve, by resolution, the discharge agreement as contained in Attachment B of the staff report dated February 9, 2015, to allow for the discharge of the development agreement applied to 5 Sawlers Road Cobequid Road, Waverley; and**

2. **Require the discharge agreement be signed by the property owner not later than 120 days from the date the new development agreement has been approved by Council, or any extension thereof granted by the Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including any applicable appeal period for the new development agreement, whichever is later, otherwise this discharge agreement shall be void.**
3. **Approve the proposed development agreement as contained in Attachment A of the staff report dated February 9, 2015, to allow for a variety of commercial and industrial uses at 5 Sawlers Road;**
4. **Require the development 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 Johns asked if there is a provision in the Development Agreement with respect to landscaping for screening and the amount of parking permitted on the subject property.

Mr. Bone commented that there is a restriction for large vehicles whereby only ten are permitted on the site. He commented that there is no limit with respect to small vehicles but advised that the site is fairly limited in that regard.

Mr. Bone further noted that some of the previous agreements on the subject property required tree planting. He advised that it is difficult to grow trees in the environment as it is a hard packed surface. He commented that the adjacent property at 1495 Cobequid Road, is not in use and has become overgrown, providing the best screening of the property. He further advised that there is a fence around the property but it is not a screening fence.

In response to a follow up question from Councillor Dalrymple, Mr. Bone commented that there is a requirement within the Development Agreement to plant trees and shrubbery around the property line surrounding the Marshland, to ensure that no auto repair work is completed in close proximity to the Marsh.

Councillor Craig requested further information respecting mitigation of automotive fluids going in to the wetlands.

Mr. Bone noted that the disposal of automotive fluids is a regulated industry and advised that there is always a risk of spills. He advised that there is no provision within the proposed development that would preclude or protect from that other than what is currently accounted for by the Provincial department of Environment and Labour. He commented that site previously was previously used as a truck maintenance facility and is quite suited for the proposed uses as there are several large bays within the building. He concluded by noting that the site is built to the current provincial standard.

Councillor Dalrymple proposed the following amended motion:

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

1. **Adjust the amount of time required by the property owner to sign the discharge and development agreements as outlined in recommendations two and four, from 120 days to 240 days; and**
2. **Add “and require additional landscaping (trees or shrubs) along the section of the property which is on the Cobequid Road” to recommendation three.**

**MOTION PUT AND PASSED.**

The motion before Community Council now reads:

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

- 1. Approve, by resolution, the discharge agreement as contained in Attachment B of the staff report dated February 9, 2015, to allow for the discharge of the development agreement applied to 5 Sawlers Road Cobequid Road, Waverley; and**
- 2. Require the discharge agreement be signed by the property owner not later than 240 days from the date the new development agreement has been approved by Council, or any extension thereof granted by the Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including any applicable appeal period for the new development agreement, whichever is later, otherwise this discharge agreement shall be void.**
- 3. Approve the proposed development agreement as contained in Attachment A of the staff report dated February 9, 2015, to allow for a variety of commercial and industrial uses at 5 Sawlers Road; and require additional landscaping (trees or shrubs) along the section of the property which is on the Cobequid Road.**
- 4. Require the development agreement be signed by the property owner within 240 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 Dalrymple expressed his opinion that the proposed development is far better than what is currently on the site. He noted that most of the concerns that was raised by members of the community had to do with sightlines and proximity to the Marsh. He noted that the proposed development removes the industrial allowance, and incorporates much better landscaping. He advised that the amended motion will help to fill in the section that is open along the Cobequid Road.

**THE MOTION, AS AMENDED, WAS PUT AND PASSED.**

**8.2 VARIANCE APPEAL HEARINGS – NONE**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence**

**9.1.1** Councillor Johns submitted correspondence from Mr. Ward Dicks, President, Springfield Lake Recreation Association, dated March 4, 2015.

**9.2 Petitions – NONE**

**9.3 Presentation – NONE**

**10. REPORTS**

**10.1 STAFF**

**10.1.1 Case 19004 – Amending Development Agreement – Three Brooks Subdivision, Granite Cove Drive, Hubley**

The following was before Community Council:

- *A staff recommendation report dated February 27, 2015.*
- *A motion memo for the consideration of North West Community Council*

Mr. Andrew Bone, Planner provided a presentation pertaining to Case 19004. Councillor Craig thanked Mr. Bone for his presentation and requested questions of clarification from Members of Community Council.

**MOVED by Councillor Johns, seconded by Councillor Dalrymple that North West Community Council give Notice of Motion to consider the proposed amending development agreement, as contained in Attachment A of the staff report dated February 27, 2015, to allow for various text amendments and changes to the schedules and schedule a public hearing.**

**MOTION PUT AND PASSED.**

## **10.2 MEMBERS OF COMMUNITY COUNCIL**

### **10.2.1 Allocation of Funds from the Sackville Landfill Community Compensation Fund Inclusive Playground – Letter from Acadia Recreation Club**

The following documentation was before Community Council:

- Correspondence from Linda Hefler, Director of the Acadia Recreation Club dated March 10, 2015

**MOVED by Councillor Johns, seconded by Councillor Outhit to suspend the rules of order with respect to notice of Motion. MOTION PUT AND PASSED (Two-Third Majority Vote Required).**

**MOVED by Councillor Johns, seconded by Councillor Dalrymple that North West Community Council direct staff to provide the following transfer of funds from the Sackville Community Compensation Fund:**

- a.) \$300,000.00 to Springfield Recreation Association for the development of the 8.79 acre HRM owned property, PID# 41350117 acquired in November 2011 located next to the Weir Filled Recreation facility in Upper Sackville; work is to include but is not limited to the addressing of parking and safety issues, the installation of secure fencing on the property, and the construction of an outdoor play structure to service the community of Upper Sackville.**
- b.) \$100,000.00 to the Cobequid Cultural Arts Society upon successfully negotiating a long term lease agreement between the Cobequid Cultural Arts Society and the Halifax Regional Municipality (Halifax Transit) for the construction of an Arts and Cultural Centre on HRM owned land located at the intersection of Margeson Drive and Highway 101 in Middle Sackville.**
- c.) \$150,000.00 to Acadia Recreation Association for the construction of an inclusive Playground for Acadia Park in Lower Sackville.**

Councillor Johns commented that the proposed contributions as stipulated in his motion, like the previous motion passed at Community Council on February 23, 2015, do not cover the entire costs associated with the proposed projects. He advised that there is approximately \$600,000 left in the compensation fund and provided further background information with respect the genesis and administration of the fund. He identified Ms. Linda Hefler, of the Acadia Recreation Centre, Mr. Don Fleming, President and Mr. Ray Smith, Vice President of the Cobequid Cultural Arts Society as well as Mr. Ward Dicks, President of the Springfield Recreation Association.

Councillor Dalrymple requested clarification respecting the total allocation of \$ 550,000 and the remaining balance of the fund.



Councillor Johns advised that there is approximately \$ 200,000 that will be allocated to the fund from in the near future as a result of loan payment. He further advised that the balance that is in the fund is sufficient to fund the proposed projects outlined in the motion.

Councillor Outhit commented that he had supported the previous item at the last meeting and requested further information with respect to the Cobequid Cultural Arts Society.

Councillor Johns noted that the society has existed for twelve years and provided further commentary with respect to its goals of establishing an Arts and Cultural Centre upon successfully negotiating a lease agreement with HRM for lands in Middle Sackville.

Councillor Craig noted that the Landfill Community Council Act was established in 1993 and commented that the monies that were allocated for the compensation for the Landfill was to be held in Trust and disbursed by Community Council for the benefit of the community projects in the Sackville area. He advised of the many community projects which were funded over the years and noted that there is a current balance of \$651,000.00 remaining. He further noted that the Bursary fund program for students in Sackville area is fully funded and will remain intact and will be for many years to come. He concluded by noting his support for the recommendation.

**MOTION PUT AND PASSED.**

11. MOTIONS – NONE
12. IN CAMERA – NONE
13. ADDED ITEMS – NONE
14. NOTICES OF MOTION – NONE
15. PUBLIC PARTICIPATION

**Mr. Don Fleming**, President of the Cobequid Cultural Society provided information respecting his organization and its goal to establish an Arts and Cultural Centre in the Cobequid area.

Councillor Outhit requested further information respecting the cost of the proposed facility and how much has funding has been raised in this regard.

Mr. Fleming noted that the total cost for the proposed facility is between \$16 and \$20 million dollars. He noted that some organizations have promised us substantial funds and they are currently working with HRM with respect to a lease agreement for lands.

**Mr. Ross Evans**, of the Pockwock Road, provided commentary with respect to existence of a catchment system to protect the wetlands on the property previously discussed at 5 Sawlers, Road.

**Ms. Linda Hefler**, of the Acadia Recreation Club, thanked Community Council for their motion respecting the funds for the accessible playground. She noted that she will apply to Province for additional funding to assist in completing the project.

16. DATE OF NEXT MEETING – April 20, 2015
17. ADJOURNMENT

The meeting was adjourned at 8:37 p.m.

Liam MacSween  
Legislative Assistant

**INFORMATION ITEMS**

1. Memorandum from Bob Bjerke, Chief Planner and Director, Planning and Development dated February 27, 2015 re Accessory Building Requirements, Sackville
2. Memorandum from Bob Bjerke, Chief Planner and Director, Planning and Development dated February 18, 2015 re Union Street Flooding Report
3. Memorandum from the Deputy Clerk dated March 20, 2015 re: Requests for Presentations – None