



**NORTH WEST COMMUNITY COUNCIL  
MINUTES  
May 25, 2015**

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

REGRETS: Councillor Tim Outhit

STAFF: Ms. Kirby Grant, 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/150525nwcc-agenda.php>*

*The meeting was called to order at 7:02 p.m., and recessed at 9:22 p.m. Community Council reconvened at 9:31 p.m. and adjourned at 9:45p.m.*

**1. CALL TO ORDER**

Councillor Craig called the meeting to order at the LWF Hall, 843 Fall River Road, Fall River.

**2. APPROVAL OF MINUTES – April 20 & May 5, 2015 (Special Meeting)**

**MOVED by Councillor Johns, seconded by Councillor Whitman that the minutes of April 20 & May 5, 2015 (Special Meeting) be approved as presented. MOTION PUT AND PASSED.**

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

Additions: 13.1 Councillor Craig - Sackville Community Bursary Awards

It was suggested by the Chair that Item No. 9.3.1 – RCMP Strategic Plan presentation be moved up on the agenda to be dealt with prior to the public hearing.

**MOVED by Councillor Dalrymple, seconded by Councillor Whitman that the agenda be approved as amended. MOTION PUT AND PASSED. (2/3<sup>rd</sup> Majority Vote Required)**

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

**5. MOTIONS OF RECONSIDERATION – NONE**

**6. MOTIONS OF RESCISSION – NONE**

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

**9.3.1 Halifax District RCMP - Policing Priorities 2015-16**

Chief Superintendent Roland Wells, RCMP introduced Inspector Jeff Dowling, RCMP and provided a presentation on the Halifax District RCMP's Policing priorities for 2015-16. He noted that the Halifax District is the largest RCMP detachment east of the Rocky Mountains and commented that the 2015-16 priorities will build on that of the previous years'. He advised Community Council that the RCMP will be focusing its resources in the following areas:

1. Crime Reduction
2. Cybercrime
3. Road Safety

Chief Superintendent concluded his presentation by encouraging residents to follow the Halifax Detachment on Twitter and Facebook stating that is an effective way to gain access to the most recent media releases, public service announcements, and to provide feedback to police working in the area.

Councillor Craig thanked Chief Superintendent Wells and Inspector Dowling for their presentation.

**8. HEARINGS**

**8.1 PUBLIC HEARINGS**

**8.1.1 Case 17651: Development Agreement to enable a multiple unit dwelling at 3009 Highway 2, Fall River**

The following was before Community Council:

- *A staff recommendation report dated February 6, 2015*
- *Correspondence from Mr. Trevor Allen dated May 22, 2015*
- *Correspondence from James and Barbara King; Trevor Allen; Mike and Carolyn McKenna; and Jake Urquhart dated May 25, 2015*

Councillor Craig read the rules of procedure with respect to public hearings and invited Mr. Andrew Bone, Planner to present on Case 17651. Mr. Bone provided a presentation on Case 17651 and noted a clause not included in the proposed development agreement in relation to offsite parking which was requested by the applicant. He identified clause 3.7.10 which states that "The Developer may provide off-site parking within 121.9 m (400 feet) of the Lands provided the parking area is situated in the same zone". He advised that staff has no objection to the addition of the clause to the development agreement but stated that the specific wording would need to be included in the motion if added by Community Council.

Councillor Craig thanked Mr. Bone for his presentation and requested questions of clarification from members of North West Community Council. There were no questions of clarification from Community Council.

Councillor Craig invited the applicant to come forward and address Community Council.

**Mr. Ron Nelson**, Applicant thanked members of the Community and Community Council for hearing the application. He advised that he is co-owner of Inn on the Lake which he and his wife and co-owner, Susan Nelson have operated for 29 years. He introduced Mr. Benji Nycum, Mr. Tom Austin and Ms. Beth Casey and noted their availability to answer specific questions related to Architecture, water systems engineering, and traffic analysis for the proposed development. He further advised that he has attempted to address all feedback received by the community.

Councillor Craig opened the public hearing and requested members of the public to come forward and address Community Council on Case 17651.

**Mr. Michael Creighton**, of Fall River, commented that the limit on the height for the building was to remain at three stories only or thirty feet as per the secondary municipal planning study. He advised that the proposed development is in access of that requirement and expressed concern with respect to the left hand turning lane to access the building and the impact that it will have on traffic in the area. He further inquired if the proposed provision for off-site parking will require the installation of a crosswalk.

**Ms. Lois Miller**, of Fall River, expressed concern regarding the scale of the project, water intake and outflow, buffering and parking. She noted that the site is not well serviced by public transit and that many people in the area rely on cars. She stated that she is not in favour of any reduction in parking because of the lack of transit services in the area. She further noted concern with intrusions in to the existing buffer around the lake and the potential impact that proposed water and wastewater system will have on water quality. She expressed further concern that the water system may be unreliable if there is a flood situation. She concluded by noting concern that the proposed building is not in scale with the existing neighbourhood, as its current mass will be significantly increased under the proposal.

**Mr. Peter Molson**, of Fall River, commented that there is likely not enough land available on the subject property for the proposed development as it is too large. He expressed further concern with a perceived lack of parking for the site.

**Mr. Allen MacKenzie**, of Wellington requested further information respecting the environmental standards of the sewage treatment facility and whether or not it will be built as a third (tertiary) level.

**Ms. Sandra Carr**, of Fall River expressed concern with the overall scale of the building. She noted that she likes the architectural design of the proposed building but advised that it is too large and contrary to height guidelines set forth by the visioning committee for the area.

**Ms. Susan Conrad**, of the Lake Thomas Park Association noted concerns with the water and waste water systems associated with the proposed development. She advised that the proposed 92 dwelling units will require a significant amount of water usage and sewage treatment, and inquired if the water systems have the capacity to handle an increase demand for water on site.

**Mr. Allan Billard**, of Fall River, noted concerns regarding the flood plain and riparian zone associated with the property. He advised that he applicant has industry experts available for clarification and inquired if members of Community Council can request that these matters be clarified.

**Mr. Owen Evans**, of Grand Lake, stated that he would like to see a list of all the variations to the planning policies that have been undertaken to allow for the proposed development to go forward.

**Ms. Jacqueline Stoller**, of Fall River expressed concern regarding about the impact that the development will have on the lake and the noise and light pollution that will be associated with a larger building. She expressed further concern with the affordability of the residential dwelling units.

**Mr. Evan Henderson**, of Fall River stated that he would encourage the idea of having as many units possible as part of the development. He advised that he would like to stay in the community as long as he can and noted that it provides a viable housing option for those who wish to stay in the area but cannot or do not wish to maintain the upkeep on a single family home.

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

Councillor Craig invited the applicant to address Community Council for a final time.

**Mr. Nelson**, Applicant, stated that many of the concerns that have been raised have been brought up by the community in the past. With regard to parking, he noted that there will be an underground option as part of the proposed development which will be located above the flood plain level. He invited Mr. Tom Austin, to provide commentary with respect to the water and waste water systems.

**Mr. Tom Austin**, on behalf of the Applicant noted that he is a Professional Engineer with over 35 years-experience specializing in water and waste water treatment systems. He advised that the system will take water out of the lake to service the development. He advised that the water will be treated with a microfiltration system which will not require the addition of many chemicals to treat the water. He further advised that the water system will meet all the requirements of Department of Environment for safety.

With respect to wastewater, Mr. Austin commented that it will be dealt with in much the same way as the water intake system. He commented that waste water will be removed of any contaminants, biologically treated, and run through a microfiltration process before it is discharged in the lake. He noted a commitment by the developers to put in the highest level treatment system, which is at a tertiary level to ensure that water that is being discharged into the Lake is not being contaminated. He further noted that the developer would not wish to contaminate the water in the lake as it is the same water that is used to service the development. He advised that the proposed system will have more than adequate capacity to handle the population of the building.

Councillor Craig invited Mr. Bone to come forward and address questions raised in the public hearing.

Mr. Bone noted that the development agreement option for the subject property is not bound by the requirements of the zoning applied to Policy P-68 which stipulates height requirements for the area. He advised that the matter of mass and scale are subject to negotiation with the Applicant and is ultimately the decision of Community Council as to whether or not the building is permitted.

With respect to the Traffic study, Mr. Bone stated that a left turning lane is required to provide access to the subject property. He noted that province and municipality require that the developer provide a conceptual design to determine compatibility with the existing ramps and bridge on Highway 102. He noted that the design was completed and reviewed by both HRM and Provincial Engineers which was determined to meet the appropriate standards.

Mr. Bone stated that development agreement allows potentially, for offsite parking to the north or the east of the subject property. He advised that there are no arrangements in place for offsite parking as it is only an option that is available to the developer at this point. He advised that if an offsite parking lot is established, and it is determined by municipal or provincial officials that a crosswalk is required, than one will be installed.

With respect to the scale of the building, Mr. Bone noted that it is larger than structures in the area. He advised that staff have reviewed the setbacks and architectural design of the building and noted staff's position that it will not affect compatibility in the area. He commented that the visual impact does not necessarily equate to compatibility and advised of existing vegetation which will assist in screening the building from the highway vantage point.

With respect to storm water management for the proposed development, Mr. Bone commented that a detailed storm water management plan for the site is required under the development agreement. He noted that a detailed plan meeting all the pertinent engineering and environmental requirements is required at the permitting stage. He further noted that the storm water management plan requires that water flows off of the site be managed to pre-development levels.

With respect to flood plains, Mr. Bone noted that section 5.5.1 of the development agreement stipulates the one in one hundred year flood plain be shown on the site plan for the property and that no buildings are to be permitted within those flood plains.

With respect to intrusion into the riparian buffer, Mr. Bone noted that it is a measure established in the Regional Plan requiring a setback of 20 meters from the high water mark of water course to allow for environmental protection. He advised that the development agreement requires that the riparian buffer be maintained, and advised that there are existing approved intrusions in to the Riparian Buffer which predates the requirement under the Regional Plan. He advised that the current buffer maintains the existing dimensions of the water course

With respect to parking reductions, Mr. Bone commented that suburban parking standards allow for multiple uses and advised that it is not uncommon for a reduction of spaces to be considered as part of a development agreement. He commented that staff have reviewed the proposed number of parking spaces and recommend that there is adequate parking available for the proposed development. He further noted that if the proposed amendment to the development agreement respecting offsite parking is approved by Community Council, it could potentially add more parking for the site.

Mr. Bone noted that staff has reviewed the amount of land available for the proposed development and stated that the developer was required to do a full survey of the subject property. He commented that there is underground parking proposed for the site and that there have been no red flags identified by staff in that proposal.

With respect to sound and light pollution, Mr. Bone advised that a light pollution plan is required as part of the permitting phase for the development. He commented that the site must be in compliance with the By-Law N-200 respecting Noise.

In terms of Affordability, Mr. Bone advised that staff does not examine development in that regard unless affordability is specifically required. He noted that in this particular case there is no requirement for affordability. In addition to this, he advised that staff have assessed Statistics Canada Data with respect to multi-unit dwelling availability in the area and noted that there is a perceived need in the area.

Councillor Johns commented that he is disappointed that there is not an affordability component built in to the development agreement. He inquired if the development agreement includes provisions for seniors housing.

Mr. Bone commented that there are no provisions within the development that regulates the type of housing required for the proposed development.

Councillor Dalrymple proposed the following amended motion:

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

- 1. Approve the proposed development agreement as contained in Attachment A of the staff report dated February 6, 2015 to permit the development of a multiple unit dwelling at 3009 Highway 2, with the addition of section 3.7.10 which states “that the Developer may provide off-site parking within 121.9 m (400 feet) of the Lands provided the parking area is situated in the same zone”;**
- 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 Dalrymple stated that there have been many adaptations of the proposed development over the process. He acknowledged the hard work of staff and the applicant in this regard and noted the importance that Inn on the Lake has in the community. He advised that the proposed development will allow for greater housing for those who wish to move to a multiple unit dwelling. He advised that although the building is not specifically designated for seniors, it will be a viable option for senior citizens who wish to downsize and remain in the community.

With respect to concerns raised by the community in relation to sewer and water management, Councillor Dalrymple noted his opinion that the concerns have been adequately addressed by the developer and stated that the subject property will need to meet all of the Department of Environment standards in this regard. He further noted stipulations within the development agreement for traffic management which have been well documented and thoroughly addressed by the applicant. He concluded by stating that a great deal of work was put in to the proposed development which will allow him to support the staff recommendation.

**AMENDED MOTION PUT AND PASSED.**

**8.2 VARIANCE APPEAL HEARINGS – NONE**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence**

The Legislative Assistant noted correspondence received by the Municipal Clerk’s Office in relation to Item No. 8.1.1 which was previously distributed to members of North West Community Council.

**9.2 Petitions**

**9.3 Presentation**

**9.3.1 Halifax District RCMP - Policing Priorities 2015-16**

This matter was dealt with earlier in the meeting. Please refer to page 2.

## 10. REPORTS

### 10.1 STAFF

#### 10.1.1 Uniform Charge for Frame Subdivision Homeowners' Association

The following was before Community Council:

- *A staff recommendation report dated May 12, 2015*

**MOVED by Councillor Dalrymple, seconded by Councillor Johns that North West Community Council recommend to Regional Council that an annual uniform charge of \$45.00 be approved to be applied against each of the residential properties within the mapped area depicted in Appendix A of the staff report dated May 12, 2015 commencing with the 2015-16 fiscal year for the purpose of funding neighbourhood improvement programs, recreation development, and social activities in the Frame Subdivision Homeowners' Association.**

Councillor Dalrymple noted his support for staff's recommendation and commented that the uniform charge was requested from the community to assist in funding neighbourhood programs.

#### **MOTION PUT AND PASSED.**

#### 10.1.2 Case 18686: Amendments to Extend the Central Water Service Boundary from Lucasville Road to McCabe Lake North, Middle Sackville

The following was before Community Council:

- *A staff recommendation report dated April 21, 2015*

Mr. Shayne Vipond, Planner provided a presentation with respect to Case 18686. Councillor Craig thanked Mr. Vipond for his presentation and requested questions of clarification from members of North West Community Council.

Councillor Johns requested inquired as to who would be responsible for the costs associated with providing central water service to the subject area at the present time.

Mr. Vipond commented that the land developer has indicated that they would share the costs for central water service jointly with Halifax Water.

Councillor Johns expressed concern with the length of time associated in waiting for the secondary planning process to unfold. He commented that he would not want to miss an opportunity to obtain the Capital Cost Contributions through the developer, rather than have the costs passed on to residents which has taken place in past instances.

Mr. Vipond noted that North West Community Council could consider the alternative recommendation as outlined in the staff report which would recommend that staff prepare amendment to the Regional Municipal Planning Strategy and Regional Subdivision By-law to allow for the extension of water service to McCabe Lake. He noted that the process would involve holding a public hearing and would likely require some type of site specific amendment.

Councillor Johns proposed the following alternative recommendation:

**MOVED by Councillor Johns, seconded by Councillor Dalrymple that North West Community Council recommend that Halifax Regional Council direct staff to prepare amendments to the Regional Municipal Planning Strategy and Regional Subdivision By-law as required for Public Hearing by extending a single line water service boundary along the service road extending to a**

point sufficient to service all of the McCabe Lake North Lands as generally shown on Maps 1 and 2 of the staff report dated April 21, 2015 with the addition of a parcel of HRM owned lands designated for a park and ride facility located near the subject area.

**MOTION PUT AND PASSED.**

**10.1.3 Case 19060: Amendments to the Sackville Drive SPS and LUB and a development agreement - 8 Walker Avenue and 732 Old Sackville Road, Lower Sackville**

The following was before Community Council:

- *A staff recommendation report dated April 23, 2015*

**MOVED by Councillor Johns, seconded by Councillor Whitman that North West Community Council recommend that Halifax Regional Council:**

- 1. Give First Reading to consider the proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law as set out in Attachments A and B of the staff report dated April 23, 2015 and schedule a joint Public Hearing with North West Community Council; and**
- 2. Approve the proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law as contained in Attachment A of the staff report dated April 23, 2015.**

**It is recommended that North West Community Council:**

- 3. Move Notice of Motion to consider the proposed development agreement as set out in Attachment C of the staff report dated April 23, 2015 to permit the development of two (2) mixed use multiple unit buildings at 8 Walker Avenue and 732 Old Sackville Road, Lower Sackville. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

**MOTION PUT AND PASSED.**

**10.1.4 Case 17361: Development Agreement to Expand Atlantic Playland at 1200 Lucasville Road, Hammonds Plains**

The following was before Community Council:

- *A staff recommendation report dated May 6, 2015*

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

- 1. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment A of the staff report dated May 6, 2015, to permit an expansion of existing commercial recreation uses (Atlantic Playland) at 1200 Lucasville Road, Hammonds Plains, and to schedule a public hearing.**

The Legislative Assistant noted that the public hearing on this matter will be scheduled for the June 15, 2015 meeting of North West Community Council.

**MOTION PUT AND PASSED.**

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

The following was before Community Council:



- *A staff supplementary staff report dated May 8, 2015 (i)*
- *A staff report dated February 27, 2015 (ii)*

Ms. Jillian MacLellan, Planner provided a presentation on the supplementary staff report for Case 19004. Councillor Craig thanked Ms. MacLellan for her presentation and requested questions of clarification from members of North West Community Council.

In response to a question from Councillor Dalrymple, Ms. MacLellan clarified the areas on the site which would allow for encroachment in to the riparian buffer.

Councillor Dalrymple inquired as to when further hydrogeological assessments would take place as part of the proposed phasing of the subject property.

Ms. MacLellan advised that an additional hydrological assessment is triggered after all the dwellings within a particular phase are fully occupied.

In response to a question from Councillor Craig, Ms. MacLellan noted that the developer would have to verify the slopes associated with riparian buffer and noted that the development agreement would ensure that the appropriate slopes are re-verified if further development takes place.

Councillor Whitman expressed concern with the proposed encroachment in to the riparian buffer. He noted that he would support the approval of the proposed development agreement with provisions that no encroachments be allowed in the riparian buffer.

Councillor Craig suggested that North West Community Council take a short break.

North West Community Council reconvened with Councillor Whitman proposing the following amended motion:

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

- 1. Approve the proposed amending development agreement as contained in Attachment A of the supplementary staff report dated May 8, 2015 with the exception of removing item 15 clarifying that no encroachment in the riparian buffer is permitted, to be more consistent with policy S-15(l) and;**
- 2. Require that the amending development agreement be signed by the property owner within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval of said agreement by Community 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.**

**AMENDED MOTION PUT AND PASSED.**

**10.1.6 Case 19105: Development Agreement - Open Space Design Development, Sackville Drive, Upper Sackville**

The following was before Community Council:

- *A staff recommendation report dated May 1, 2015*
- *A memorandum from the North West Planning Advisory Committee dated December 8, 2014*

**MOVED by Councillor Johns, seconded by Councillor Dalrymple that North West Community Council Give Notice of Motion to consider the proposed development agreement to allow a classic form open space development as set out in Attachment A of the staff report dated May 1, 2015.**

The Legislative Assistant noted that the public hearing for this matter will be scheduled for the June 15, 2015 meeting of North West Community Council.

**MOTION PUT AND PASSED.**

**10.1.7 Tantallon Crossroads: Follow-up Amendments to Planning Districts 1 and 3 Land Use By-law and Municipal Planning Strategy**

The following was before Community Council:

- *A staff recommendation report dated May 7, 2015*

**MOVED by Councillor Whitman, seconded by Councillor Johns that North West Community Council recommend that Halifax Regional Council:**

- 1. Give First Reading to the amendments to the Secondary Planning Strategy and Land Use By-Law for Planning District 1 & 3 as set forth in Attachment A of the staff report dated May 7, 2015**
- 2. Set the date for a Public Hearing to consider the amendments to the Secondary Planning Strategy and Land Use By-Law for Planning District 1 & 3 as set forth in Attachment A of the staff report dated May 7, 2015.**

**MOTION PUT AND PASSED.**

**11. MOTIONS**

**12. IN CAMERA**

**12.1 Approval of In Camera Minutes – April 20, 2015**

The following motion was passed in public session:

**MOVED by Councillor Dalrymple, seconded by Councillor Whitman that the In Camera of April 20, 2015 be approved as circulated. MOTION PUT AND PASSED.**

**13. ADDED ITEMS**

**13.1 Councillor Craig - Sackville Community Bursary Awards**

The following was before Community Council:

- *A staff recommendation report dated December 8, 2014*

**MOVED by Councillor Johns, seconded by Councillor Whitman that North West Community Council adopt the Sackville Community Award criteria as set out in Attachment 2 of the staff report dated December 8, 2014.**

**MOTION PUT AND PASSED.**

**14. NOTICES OF MOTION – NONE**

**15. PUBLIC PARTICIPATION**

Mr. Peter Lund, of Dartmouth provided commentary with respect to hydrogeological assessments and water plans for the three brooks subdivision. He noted concern that basements of houses could be constructed below the water table and the capacity for the wetlands to hold surface water. He reiterated

an early point regarding the subjectivity of the phrase “significant impact” in development agreements and planning policies. He advised that more clarity is required in some of the language. He noted further concern with the proposed changes to the storm water service charge levied by Halifax Water.

**16. DATE OF NEXT MEETING – June 15, 2015**

**17. ADJOURNMENT**

The meeting was adjourned at 9:45 p.m.

Liam MacSween  
Legislative Assistant