



**NORTH WEST COMMUNITY COUNCIL
MINUTES
June 15, 2015**

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. 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/150615nwcc-agenda.php>

The meeting was called to order at 7:04 p.m., and recessed at 8:43 p.m. Community Council reconvened at 8:49 p.m. and adjourned at 9:59 p.m.

1. CALL TO ORDER

Councillor Craig, Chair called the meeting to order at the Springfield Lake Recreation Centre, 266 Lakeview Avenue, Middle Sackville.

2. APPROVAL OF MINUTES – NONE

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

Additions:

- 13.1 Councillor Whitman – Request for a staff report to adjust Boundaries of the North West Planning Advisory Committee and the St. Margaret’s Bay Planning Advisory Committee (PAC)

The Chair suggested that Item No. 9.3.1 be moved up on the agenda to take place before the scheduled public hearings.

MOVED by Councillor Whitman, seconded by Councillor Johns, that the agenda be approved as amended.

MOTION PUT AND PASSED (2/3rd 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 HRM Emergency Measures Office (EMO) Volunteer Organization- Joint Emergency Management Council

The following documentation was before Community Council:

- A presentation dated June 15, 2015

Ms. Jean Milne and Mr. Leonard Milne provided a presentation with respect to the HRM Emergency Measures Office (EMO) Volunteer Organization Joint Emergency Management Council.

Councillor Craig thanked Mr. and Ms. Milne for their presentation and noted the important role that EMO volunteer organizations have in the community.

8. HEARINGS

8.1 PUBLIC HEARINGS

8.1.1 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*
- *Correspondence from Theresa Scratch dated June 15, 2015*

Councillor Craig invited Mr. Darrell Joudrey, Planner to present on Case 19105. Mr. Joudrey provided a presentation on Case 19105.

Councillor Craig thanked Mr. Joudrey for his presentation and called for questions of clarification from Members of North West Community Council.

Councillor Johns inquired as to when construction of the community facility planned for phase two of the proposed development will commence.

Mr. Joudrey advised that the proposed community facility is not tied to a particular time line and noted that its construction or the construction of any other structures as part of the second phase of development is subject to approval of a supplementary hydrogeological assessment prior to further development taking place.

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

Mr. Jeffrey Hagget, Planner with WSP Group, introduced Mr. Kurt Repchull, Developer to provide introductory remarks.

Mr. Kurt Repchull, Developer, stated that he has been a resident of Sackville for most of his life and noted that this is also the case for his business partners. He noted that the project is being proposed in response to a lack of housing options for those who are interested in "aging in place" and remaining a part of same community where they have spent most of their lives. He advised that the development will comprise one level bungalow living which appeals to demographics wishing to downsize, as well as those living with mobility or accessibility issues. He commented that he and his business partners are not large scale developers, but rather members of the community who wish to provide a viable housing option for the area.

Mr. Hagget, of WSP provided a presentation with respect to Case 19105. He advised that the proposed development offers a solution to a demonstrated need in the community and does so in a green and ecologically sensitive manner. He stated that the development respects the character of the existing neighbourhood and provided an overview of the primary conservation features incorporated into the design of the proposed development. He provided commentary with respect to the wetland and waterway protection designs and stated that the developer is committed to ensuring a 60% open space area. He further advised that no homes as part of the development will be constructed on the designated wetlands or within buffers.

Mr. Hagget commented that the developer is comfortable with the two phased development approach and provided commentary respecting additional amenities as part of the development such as a comprehensive trail system. He stated that the developer is committed to the conservation of the water table to ensure minimum impact on the existing water supply and commented that a ground water analysis has been completed to ensure an adequate and safe supply of water to service the entire development. He remarked that a storm water management and traffic study plan has been conducted on the subject property and stated that tertiary wastewater system will be utilized to ensure that outflow waters are managed to the highest environmental standards.

Councillor Craig thanked Mr. Repchull and Mr. Hagget for their comments and requested questions of clarification from members of North West Community Council. There were no questions of clarification from members of Community Council at this time.

Councillor Craig read the rules of procedure with respect to public hearings and invited speakers to come forward to address North West Community Council.

Ms. Deborah Benn, of Lakeview Avenue, Middle Sackville noted that she is in favour of the development. She commented that it is very nice that members of the community are coming forward to address the need for seniors and accessible housing in the community.

Ms. Anne Merritt, of 576 Lakeview Avenue, commented that she is the Chair of the North West Planning Advisory Committee. She noted that the matter was discussed at length by the Planning Advisory Committee and expressed concern with the water quality report that was conducted on the subject property. She advised that the report has indicated high levels of arsenic, aluminum and Manganese in the water supply for the proposed development. She advised that the treatment of water is very expensive for those who are on a well and inquired if the housing will include a filtration system which will remove minerals from the water.

Ms. Tracey Johnson, of Middle Sackville, advised that she has reviewed the water quality report for the subject property and has been in the water treatment industry for 27 years. She further noted that she owns and operates a water treatment business and advised that all of the water treatment issues identified in the report are not uncommon for the area and are easily treatable. She further commented that full treatment of the water can be incorporated in to one household system in a cost effective manner.

Mr. Kevin Copley, of Sackville, noted that he is a member of the North West Planning Advisory Committee at which this matter was discussed at length. He advised that Ms. Merritt's points were brought up by the committee at its meeting on the matter and advised that he is in favour of the overall development. He concluded by requesting further clarification with respect to measures taken by the developer to ensure safe and effective water management for the subject property.

Councillor Craig called three times for further speakers, there were none present.

Councillor Craig invited the Applicant to briefly respond to points made during the public hearing.

Mr. Hagget, of WSP thanked the speakers for their comments and noted that the water for the proposed development will be treated to ensure that it is safe to consume. He noted that Mr. Sean Cassidy, Environmental Engineer with WSP, will provide further details in this regard and advised that the processes for water treatment will be maintained through the shared services cost for the development collected through the Nova Scotia Condominium Corporation. He advised that the processes in this regard will be audited on a bi-annual basis to ensure compliance with the appropriate environmental legislation.

Mr. Sean Cassidy, Environmental Engineer with WSP, commented that the preliminary testing of the water on the subject property indicated elevated levels of Manganese, Iron, and Arsenic which is not uncommon for the water in the area. He further advised that each well needed for the site requires testing and the installation of a treatment system before a unit can be sold.

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

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

- 1. Approve the proposed development agreement as set out in Attachment A of the staff report dated May 1, 2015: and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension therefore 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 stated that he is quite familiar with the property noting that many other individuals were interested in it in the past, but walked away due to the amount of work involved in its development. He noted that the current property owner has recognized these needs and has taken the initiative to ensure that the development will meet the appropriate environmental standards. He thanked Ms. Merritt and Mr.

Copeland for bringing forward the water management and quality issues which were addressed by the developers. He concluded by expressing his support for the development.

Councillor Dalrymple commended staff for implementing hydrogeological testing to take place after each phase of development to ensure adequate water quality. He inquired as approval guidelines for testing and the implementation of the test.

Mr. Repchull stated that water testing on the property takes place on a yearly basis and is regulated by the provincial government. He advised that under provincial regulations, if he were to sell a house to a new owner, he has a duty to provide potable water. He advised that he and his partners have budgeted and planned for the installation of water treatment systems to ensure that safe water is provided.

Councillor Outhit expressed concern that that there will be large snow removal costs for the development as it will be situated on a private road utilizing shared driveways. He inquired if the costs for snow removal will be disclosed to perspective buyers.

Mr. Repchull advised that those living with the proposed development will pay predetermined condominium fees which will cover the costs associated with snow removal. He commented that the fees will be set by the Condominium Corporation of Nova Scotia and advised that they will likely be in the area of \$60 to \$80 per month.

Councillor Craig requested further information on policy guidelines for the proposed development in relation to encroachments into riparian buffers.

Mr. Joudrey advised that the protection of wetlands for the proposed development is based on the same level of protection which exists in the Land Use Bylaw for the area. He stated that the placing of a twenty meter riparian is required on wetlands that are alongside of the flowing of the watercourse.

MOTION PUT AND PASSED.

8.1.2 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*
- *Correspondence from Tammy Rondeau dated June 15, 2015*

Councillor Craig invited Mr. Tyson Simms, Planner to present on Case 17361. Mr. Simms provided a presentation on Case 17361.

Councillor Craig thanked Mr. Simms for his presentation and called for questions of clarification from Members of North West Community Council.

In response to a follow up question from Councillor Whitman, Mr. Simms noted that the traffic assessment on the site was reviewed by staff and commented that no issues have been identified with the proposed right of way to access the parking lot.

Councillor Craig invited the Applicant to come forward and address members of Community Council.

Ms. Lalainya Biasotti, Applicant stated that she is the current owner of Atlantic Playland and advised of her intention to expand her business to further develop the property. She noted that Atlantic Playland employs 25 students for the summer season and reiterated her intention to upgrade and improve upon an existing functional business in the area.

Councillor Craig thanked Ms. Biasotti for her comments and requested questions of clarification from members of North West Community Council. There were no questions from members of Community Council.

Councillor Craig read the rules of order with respect to public hearings and invited members of the public to come forward and address Community Council on Case 17361.

Mr. Scott Warnica, commented that he owns the adjoining property at 1390 Lucasville Road which. He advised that he has owned the property for two and a half years where he operates a commercial business. He stated that he has no issues with respect to noise or traffic and remarked that he approves of the proposed development. He expressed his opinion that HRM is limited with respect to commercial recreation and stated that the expansion of Atlantic Playland will increase business in the area.

Mr. Peter Verge, of 1359 Lucasville Road, noted that he owns the property directly across from Atlantic Playland. He commented that he and his wife had developed the property in 2000 and keep horses. He stated that they have been impacted by noise from the operations of Atlantic Playland in the past, but advised that many of the concerns have been addressed by the owners of the park who have been good neighbours and cooperative. He expressed concern with the proposed expansion of amusement rides and potential plans to install a roller coaster on the site. He requested clarification on whether or not a roller coaster is planned for the area noting that increased noise levels from the rides could startle his horses and potentially impact the safety of individuals riding on his property.

Ms. Annette Verge, of 1359 Lucasville Road, echoed her husband Peter's comments who had previously spoken on the matter. She commented that the owners and staff of Atlantic Playland have been good neighbours and cooperative over the years. She noted concern with overflow parking during weekends and holidays and the ensuing traffic issues that may be prevalent with the proposed expansion. She advised that in some instances, overflow cars tend to park on the side of the Lucasville Road which poses safety concerns for the area. She inquired if there are plans to accommodate increased parking spaces on the site and further noted concerns with respect to increased height limits for amusement rides.

Mr. Nick Antov, of Waterstone, commented that the expansion of the park is a great idea. He inquired as to how Margeson Drive will be impacted by the proposal, given that there will likely be more traffic on the road ways.

Mr. Robbie Watts, of Lucasville Road, commented that the expansion will be good for the community and noted that the owners of Atlantic Playland are good neighbours. He advised that he has not witnessed any issue with individuals parking on the side of the Lucasville Road.

Ms. Iris Strum, of 693 Lucasville Road, commented that she is looking forward to the expansion of Atlantic Playland as it benefits the area and employs young people in the summer months.

Councillor Craig called three times for further speakers. No further speakers came forward. He thanked members of the public for their comments and invited the Applicant to come forward and briefly respond to the points raised by the public.

Ms. Biasotti, Applicant stated that she has no intention of installing a roller coaster on the site. With respect to height requirements, she advised that there no new ride will exceed 50 feet, or that of the existing Ferris wheel. She further noted that all rides will be located in the centre of the property to reduce noise. With respect to Noise, she advised that that the park's hours of operation are from 11 p.m. to 9 p.m. and are in compliance with the Noise By-Law. She further commented in her six years as owner of the park she has never witnessed cars parking along the Lucasville Road.

Councillor Dalrymple requested further clarification with respect to the number of parking spaces for the site.

Mr. Simms commented that the development agreement requires a minimum 260 spaces and advised that currently, there are approximately 200 parking spaces available. He noted that with the proposed addition of the new parking lot, there will be capacity for an additional 135 parking spaces.

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

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 staff report dated May 6, 2015 to permit an expansion of existing commercial recreation uses (Atlantic Playland) at 1200 Lucasville Road, Hammonds Plains;**
- 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 that applies to the lands, as shown in Attachment B of the staff report dated May 6, 2015, 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.**

Councillor Johns advised that this has been a lengthy process for Atlantic Playland and advised that there have been small issues over the years with neighbouring properties which have been resolved by the owners. He noted that he is glad that Atlantic Playland will stay in the community and noted his support for the recommendation.

Councillor Outhit stated that the business owners also have good neighbours and noted his support for the recommendation.

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 numbers 8.1.1 and 8.1.2 which was previously distributed to members of North West Community Council.

9.2 Petitions – NONE

9.3 Presentation

9.3.1 HRM Emergency Measures Office (EMO) Volunteer Organization- Joint Emergency Management Council

The following documentation was before Community Council:

- A presentation dated June 15, 2015

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

10. REPORTS

10.1 STAFF

10.1.1 Case 01192: Halifax Stanfield International Airport: Regulation of Adjacent Development

The following was before Community Council:

- *A staff recommendation report dated May 11, 2015*

Mr. David Lane, Planner provided a presentation on Case 01192. Councillor Craig thanked Mr. Lane for his presentation and requested questions of clarification from North West Community Council.

Councillor Dalrymple noted that there are a number of landowners which have some degree of concern with the proposed NEF zone. He requested further information from the Solicitor with respect to the process for setting a public hearing.

Ms. Kirby Grant, Solicitor commented that the recommendation on this matter would be forwarded to Regional Council for first reading. She advised that North West Community Council would act in an advisory capacity in this regard as it deals with a proposed Municipal Planning Strategy Amendment which requires consideration by Regional Council.

Councillor Dalrymple requested further clarification with respect to the following items:

1. Further clarification and information regarding reducing the allowable lot frontage from the proposed 300' to 200' and the number of new residences that would be permitted because of the proposed change.
2. Other potential forms of restrictions, such as the construction of homes with sound barriers
3. The potential for lands within the Noise Exposure Forecast which can be zoned commercial (ie: a quarry etc.)

Councillor Johns expressed concern with respect to the proposed rezoning as it will impact the value of private properties in the area. He noted that he cannot support the proposed rezoning which devalues private properties without a compensation program.

Further discussion ensued with Community Council agreeing by consensus to request a supplementary staff report on the proposed amendments to Planning Districts 14 and 17.

MOVED by Councillor Dalrymple, seconded by Councillor Whitman that Case 01192 be deferred until the next meeting of North West Community Council to allow for the preparation of a supplementary staff report on the proposed amendments to Planning Districts 14 and 17 Municipal Planning Strategy and Land Use By-Law for the consideration of North West Community Council.

MOTION PUT AND PASSED.

10.1.2 Case 19172: Rezoning to permit a drive-in restaurant at 2074, 2090 and 2092 Hammonds Plains Road, Hammonds Plains

The following was before Community Council:

- *A staff recommendation report dated May 25, 2015*

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

1. **Give First Reading of the proposed rezoning of 2074, 2090 and 2092 Hammonds Plains Road from MU-1 (Mixed Use 1), I-1 (Mixed Industrial) and P-2 (Community Facility) to the C-4 (Highway Commercial) Zone, as contained in Attachment A of the staff report dated May 25, 2015, and schedule a public hearing;**

MOTION PUT AND PASSED.

10.1.3 Case 19430: Development Agreement, 215 Conrad's Road, Hubbards

The following was before Community Council:

- *A staff recommendation report dated May 21, 2015*
- *A memorandum from the St. Margaret's Bay Planning Advisory Committee dated March 27, 2015*

MOVED by Councillor Whitman, seconded by Councillor Outhit 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 21, 2015 to permit a home business use within an accessory building at 215 Conrad's Road, Hubbards, and schedule a public hearing;**

MOTION PUT AND PASSED.

10.1.4 Case 19384: Application by Crombie Property Holdings Limited to permit an expansion to the Tantallon Plaza by development agreement at 3650 Hammonds Plains Road, Upper Tantallon

The following was before Community Council:

- *A staff recommendation report dated May 11, 2015*

MOVED by Councillor Whitman, seconded by Councillor Johns 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 11, 2015, to permit the construction of a new commercial building and the continuation of the lounge and existing uses at 3650 Hammonds Plains Road, Hammonds Plains and to schedule a public hearing;**

MOTION PUT AND PASSED.

10.2 MEMBERS OF COMMUNITY COUNCIL

10.2.1 Councillor Outhit - Amendment to the Bedford Land Use Bylaw

The following documentation was before Community Council:

- *A Councillor Request for consideration form dated June 15, 2015*

MOVED by Councillor Outhit, seconded by Councillor Johns that North West Community Council request a staff report regarding an amendment to the Bedford Land Use Bylaw to amend the definition of "special care facility" to allow for special care facilities that do not include accommodations (ie. non-residential hospice)".

MOTION PUT AND PASSED.

11. MOTIONS – NONE

12. IN CAMERA

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

The following motion was passed in public session:

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

1. Proceed to nominate two citizens at Large to the St. Margaret's Bay Coastal Planning Advisory Committee as outlined in attachment #1 of the private and confidential staff report dated June 3, 2015
2. It is further recommended that the citizen appointments be released to the public following ratification and notification of the successful candidate.

MOTION PUT AND PASSED.

13. ADDED ITEMS

13.1 Councillor Whitman – Request for a staff report to adjust Boundaries of the North West Planning Advisory Committee and the St. Margaret's Bay Planning Advisory Committee (PAC)

The following documentation was before Community Council:

- A councillor request for consideration form dated June 15, 2015.

MOVED by Councillor Whitman, seconded by Councillor Dalrymple that North West Community Council request a staff report to consider adjusting the boundaries between North West Planning Advisory Committee and the St. Margaret's Bay Planning Advisory Committee to encompass the entire area of District 13.

Councillor Outhit noted that he had similar concerns respecting a portion of his district not covered by the North West Planning Advisory Committee. He requested the following amendment to the motion:

MOVED by Councillor Outhit, seconded by Councillor Johns that North West Community Council request a staff report to consider adjusting the boundaries of the North West Planning Advisory Committee to encompass the entire area of District 16.

The motion before North West Community Council now reads:

MOVED by Councillor Whitman, seconded by Councillor Dalrymple that North West Community Council request a staff report to:

1. Consider adjusting the boundaries between North West Planning Advisory Committee and the St. Margaret's Bay Planning Advisory Committee to encompass the entire area of District 13.
2. Consider adjusting the boundaries of the North West Planning Advisory Committee to encompass the entire area of District 16.

AMENDED MOTION PUT AND PASSED.

14. NOTICES OF MOTION

15. PUBLIC PARTICIPATION

Mr. Doug Ledwidge, of Enfield noted that he is the president of Ledwidge Lumber and a representative of his Father's Estate which will be affected by the proposed amendments to Planning Districts 14 and 17 Municipal Planning Strategy and Land Use By-Law as outlined in Case 01192. He advised that his property along with 28 others in the area will be adversely affected by the proposed NEF contour and noted his opinion that the proposed rezoning equates to land expropriation without compensation. He advised that the forestry industry had been significantly impacted by the recession and advised that the proposed regulations will further affect the viability of his business and industry. He concluded by noting his opinion that insufficient notice was provided for the meeting.

Councillor Craig thanked Mr. Ledwidge for his comments and advised that the process with respect to Case 01192 has been lengthy. He clarified that the notice for the public hearing, when considered by Regional Council will be well advertised a minimum of two weeks before the meeting.

Mr. Ross Evans, of Hammonds Plains provided commentary with respect to land appropriation policies which contain watersheds.

Mr. Brain Murray, of Hammonds Plains, provided commentary with respect to land appropriation policies.

In response to a follow up question from Councillor Johns, Ms. Thea Langille, Major Project Planner commented that individual may apply for subdivision approval up until the point that a public hearing on perspective amendments to the Municipal Planning Strategy and Land Use By-Law is first advertised.

Mr. Peter Spurway, Vice-President of the Halifax International Airport Authority (HIAA) advised that the HIAA is a locally governed organization of which Halifax Regional Council appoints four members of its Board of Directors. He commented that his is very confident that the HIAA has no power to appropriate land as it leases the land that airport is located on. He further advised that there is no commercial advantage to any one individual in expanding the airport but rather to the local economy of which the Airport is a significant contributor. He advised that the development of the airport is community based and benefits the community and that it is not the intention of the HIAA to disrupt the community located around the airport. He advised that the HIAA appreciates the impact on local homeowners and stated that he is very supportive of staff taking another look at the concerns raised by Community Council and will continue to work with all parties in this regard.

16. DATE OF NEXT MEETING – July 20, 2015

17. ADJOURNMENT

The meeting was adjourned at 9:59 p.m.

Liam MacSween
Legislative Assistant