

# HALIFAX REGIONAL MUNICIPALITY

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## MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL MINUTES

October 13, 2010

PRESENT: Councillor David Hendsbee, Chair  
Councillor Barry Dalrymple, Vice Chair

REGRETS: Councillor Steve Streach

STAFF: Mr. Randolph Kinghorne, Municipal Solicitor  
Ms. Krista Tidgwell, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m. at the LWF Community Hall, 843 Fall River Road, Fall River.

**2. APPROVAL OF THE MINUTES – August 3, 2010 special meeting  
– September 28, 2010 special meeting**

**MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that the special meeting minutes of August 3, 2010 and September 28, 2010 be approved, as presented. MOTION PUT AND PASSED.**

**2.1 Requested Revisions to MDVCCC June 9, 2010 Approved Minutes**

The following was before the Community Council for review:

- A memorandum dated October 4, 2010 with the requested revisions.
- A verbatim extract of the MDVCCC June 9, 2010 Minutes.
- A copy of the June 9, 2010 MDVCCC Approved Minutes.

Councillor Hendsbee provided an overview of the October 4<sup>th</sup> memorandum.

**MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that the Marine Drive, Valley and Canal Community Council accept the requested revisions as provided for in the October 4, 2010 memorandum and approve the June 9, 2010 minutes as amended. MOTION PUT AND PASSED.**

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

**MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that the Order of Business be approved, as presented. MOTION PUT AND PASSED.**

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

**4.1 STATUS SHEET REVIEW**

A copy of the Status Sheet was before the Community Council for review.

**4.1.1 River Road**

Update provided, see Information Items 1 and 2. Item to remain on the Status Sheet.

**4.1.2 Case 01278: MPS Amendments to Permit a Mobile Home Development in Lake Echo**

Supplementary Staff Report to be provided at next meeting, item to remain on the Status Sheet.

**4.1.3 Civic Addressing**

No update, Item to remain on the Status Sheet.

**4.1.4 Cameron Park**

No update, Item to remain on the Status Sheet.

**4.1.5 Willie's Walk**

No update, Item to remain on the Status Sheet.

**4.1.6 Stan Nelson Trail**

Councillor Dalrymple advised that this matter was raised during a recent Shubeacadie Canal Commission meeting. The Commission will be bringing this matter forward in the near future to seek approval of the regulations and hold a ceremonial process respecting this matter.

**4.1.7 Beaver Bank Road**

Councillor Dalrymple commented that this matter could be removed from the Status Sheet as there are no current plans or processes for the Margeson Drive extension.

**MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that Item 4.1.7 - Beaver Bank Road be removed from the Status Sheet. MOTION PUT AND PASSED.**

5. **MOTIONS OF RECONSIDERATION – NONE**
6. **MOTIONS OF RESCISSION – NONE**
7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

## 8. HEARINGS

### 8.1 PUBLIC HEARING

#### 8.1.1 Case 15982 – Development Agreement – Fall River Shopping Plaza, Fall River

A staff report dated September 15, 2010 was before the Community Council.

A copy of the proposed amendments to the agreement as identified in Attachment “A” of the September 15, 2010 staff report was circulated to the Community Council.

Mr. Andrew Bone, Planner, Community Development, delivered a presentation to the Community Council.

Staff responded to questions of clarification raised by the Community Council.

Councillor Hendsbee reviewed the public hearing procedures and opened the public hearing, calling three times for any speakers for or against the matter to come forward at this time.

In response to a question raised by **Mr. Creighton, Lockview Road**, Mr. Bone advised that the site’s storm water treatment plan would manage the storm flows off the site and treat the removal of oil and grit from the parking lot, as required under the development agreement. He further noted that the storm water treatment plan to lower the pH would be over and above the normal requirements and is regulated by the Department of Environment. Mr. Creighton thanked staff on behalf of the Vision Implementation Committee for their efforts.

**Mr. Jim Reid, Lake Echo**, suggested that staff could have provided an overlay of a geological rock map on the site map. This would have allowed residents to see the extent of the underlying bedrock on the site. He further provided examples of reports respecting the impact of acid drainage at the Halifax Stanfield Airport. He commented that it is better not to disturb bedrock and suggested that HRM develop solutions, such as building over the bedrock rather than through it, to address these types of issues for future developments.

Mr. Bone clarified that the developer has moved the building forward to minimize the disturbance of pyritic slate.

In response to a question raised by **Mr. Bill Munden, Fall River**, respecting the installation of traffic lights at the second entrance of the property, Mr. Bone advised that a National Standard is used to determine whether or not an intersection warrants a traffic light. The warrants have to reach 100 points before a traffic light can be installed.

Staff reviewed the traffic generation at the intersection and determined that the warrants were not reached and therefore, is not a requirement.

In response to questions raised by **Ms. Anna MacCarron, Chair of the Subenacadie Canal Environmental Protection Society**, Mr. Bone noted the following:

- water for the site is drawn from Lake Thomas; a water withdrawal permit has been obtained through the Nova Scotia Department of Environment
- a conceptual storm water management plan was reviewed and accepted by the Halifax Water Advisory Board and their development engineer; a detailed storm water management plan will be required when the developer applies for permits; a requirement under the detailed plan is that the developer have storm water treatment units to remove oil and grit as well as water treatment to address the low pH
- there is no proposed blasting; however, the development agreement does allow for blasting; HRM's Blasting By-Law requires both pre and post inspections and surveys
- there will be some removal of pyretic slate; a reminder has been provided through the development agreement respecting the Provincial regulations

**Mr. Keith Manchester, Fall River**, expressed concern with regard to significant storm water runoff and suggested that trees be planted on the steep embankment of the upper south east corner of the site to prevent runoff into the parking lot.

Mr. Bone indicated that similar concerns were raised during the public information meeting. He provided an overview of clause 3.8.11 - Compliance with Landscaping Plan of the Development Agreement. The developer would be permitted to include trees if they so chose; however, it is not a requirement under the development agreement. Mr. Bone further commented that he does not believe trees would provide the level of stabilization for the site as compared to hydroseed.

**Mr. Kirby Thompson, consultant for the applicant**, clarified that blasting was not permitted in the existing development agreement due to the potential damage to resident's wells. He further noted that a rock breaker would be permitted.

In response to a question raised by **Ms. Jacqueline Steudler, Fall River**, respecting the design of the stormwater treatment building on the property, Mr. Bone advised that the building may or may not be built in that location due to:

- location of pyretic slate
- possibility of lack of sewer capacity

Mr. Bone advised that at present the Land Use By-Law (LUB) will not permit anything to be built on the proposed location until it has gone through a development agreement process. If approved, new LUB regulations would be established and this may allow development as of right on the site. If so, the developer will have to follow the requirements of the new LUB. If the vision is not implemented or done in a way that

requires a development agreement to this site, the architecture of the site will be through an amendment to the development agreement.

Ms. Steudler expressed concern with the water being removed from Lake Thomas and asked what could be done to stop this process. Mr. Bone indicated that his understanding is that Department of Environment has a limit that they allow to be withdrawn from the lake; however, he could not clarify how the permitting process could be reversed.

**Mr. Lawrence Spencer, Fall River**, asked whether consideration has been given to using materials more aesthetically pleasing, as opposed to a brick frontage.

Mr. Bone advised that through negotiations with the applicant respecting various styles of architecture, staff was able to achieve some changes to the design of the building while still maintaining the applicant's corporate style.

In response to a question of clarification raised by **Ms. Susan Hawkins, 3800 Highway 2**, respecting the process for the storm water treatment building, Mr. Bone clarified that the applicant could appeal the Community Council's decision. He commented that non-substantive amendments do not require a public information or public hearing process; however, staff felt this matter should come back to Community Council to address the placement of the stormwater treatment building as well as its design, fencing, etc.

In response to a question raised by Mr. Reid, Mr. Bone confirmed that there is an existing Development Agreement in place for the property that has already been disturbed. He further clarified that the developer is monitoring the property, which is required under Provincial regulations. The development agreement would reference the Provincial guideline respecting monitoring but is not a Municipal requirement.

In response to a question raised by **Mr. Peter Hawkins, 3800 Highway 2**, respecting excavation of the back of the building, Mr. Bone advised that the back section will be widened to allow for truck traffic access. Mr. Hawkins expressed concern with the possibility of pyretic slate being uncovered at the back of the building.

Councillor Hendsbee gave the third and final call for speakers; there being no further speakers, it was **MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that the Marine Drive, Valley and Canal Community Council:**

- 1. Approve the proposed agreement (discharging the existing agreement and entering into a new agreement) which enables a 105,000 square foot shopping plaza at 3286 Highway 2 as provided in Attachment "A" of the**

**September 15, 2010 staff report with revisions to clauses 3.2.1(h), 5.3 and 6.1(d) being:**

- 3.2.1 (h)      A copy of approvals from Nova Scotia Environment related to any stormwater treatment systems required for the treatment of pyretic slate.**
  
- 5.3              Add at end of existing clause. If the treatment of stormwater due to pyretic slate is required, the Development Officer may issue permits for the construction of such an underground stormwater treatment system on the site provided no major alteration of the site plan is required. For the purposes of this clause, major alteration is determined to be any change to the placement of Block B (Phase 2) which is outside that enabled in Section 3.5 and 3.6 of this agreement. For further clarity the removal of Block C (Phase 3) because of the use of that portion of the site for underground stormwater treatment purposes shall be considered a minor alteration and shall be permitted. Above ground stormwater treatment systems shall be as per the non-substantive amendment section of this agreement,**
  
- 6.1 (d)          Above ground pyretic slate stormwater treatment system.**
  
- 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 acknowledged concerns raised and commented that there are many good features being proposed. He indicated that feedback he has received from residents is that many want a bigger and better shopping plaza. Residents have also indicated that they would like the expansion to better reflect the community. Councillor Dalrymple further advised that there are major improvements to be done to the main intersection of Fall River. A report will be coming forward from the Fall River Visioning Committee regarding design plans for future development within the community.

Councillor Hendsbee suggested that consideration be given to adding shrubbery as a form of stabilization to the east slope of the property. He further expressed concern with future traffic issues and commented that there may be a need for a left turning lane in the future and if so, that consideration be given to capital cost contribution with the developer.



**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence – None**

**9.2 Petitions – None**

**9.3 Presentations – None**

**10. REPORTS – NONE**

**11. ADDED ITEMS – NONE**

**12. NOTICES OF MOTION – NONE**

**13. PUBLIC PARTICIPATION**

Mr. Michel Gaudreau, on behalf of Citizens for Responsible Development in Lake Echo, submitted correspondence to the Community Council regarding concerns of the degrading conditions of the lakes and watershed area.

Mr. Randy Praise, Lake Echo, submitted correspondence to the Community Council requesting that an investigation be undertaken to determine the increase of unsafe drinking water in Lake Echo. Further that a full review of the Lake Echo watershed be conducted to confirm the status of the watershed prior to any further large scale developments being approved.

Councillor Hendsbee clarified that in a few months time a watershed analysis should be commencing for the Lake Echo area as part of the Porter Lake watershed study analysis. He noted that this information was provided in past newsletters.

Mr. Praise provided clarification respecting Councillor Hendsbee's newsletter and the Lake Echo watershed analysis.

**14. NEXT MEETING DATE**

**14.1 Proposed 2010-2011 Meeting Schedule**

A proposed 2010-2011 meeting schedule was before the Community Council for review.

The Community Council deferred this matter to seek clarification from Councillor Streach.

The next meeting date is to be announced.

**15. ADJOURNMENT**

The meeting adjourned at 8:13 p.m.

Krista Tidgwell  
Legislative Assistant

**INFORMATION ITEMS**  
**October 13, 2010**

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1. Correspondence to the Honourable John MacDonell dated June 22, 2010 re: Ownership of River Road, Lake Echo.
2. Correspondence to the Honourable Bill Estabrooks dated June 22, 2010 re: Ownership of River Road, Lake Echo.