

NORTH WEST COMMUNITY COUNCIL
MINUTES

October 20, 2011

PRESENT: Councillor Robert Harvey, Chair
Councillor Tim Outhit, Vice Chair
Councillor Peter Lund
Councillor Barry Dalrymple

REGRETS: Councillor Brad Johns

STAFF: Ms. Karen Brown, Municipal Solicitor
Ms. Krista Vining, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. in the BMO Centre Multipurpose Room, 61 Gary Martin Drive, Bedford.

2. APPROVAL OF MINUTES – September 22, 2011

MOVED by Councillor Lund, seconded by Councillor Dalrymple that the minutes of September 22, 2011 be approved, as presented. MOTION PUT AND PASSED.

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

Additions:

In Camera Recommendation:

12.1 Personnel Matter – Citizen Appointments to Board/Committee

The Community Council agreed to add Information Item 1 - Information Report dated September 22, 2011 entitled: NWTAC Request for Bus Route Improvements – HPR Corridor to the November 24, 2011 agenda for discussion.

MOVED by Councillor Outhit, seconded by Councillor Dalrymple that the Order of Business be approved, as amended. 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.

4.1.1 HRM's Blasting By-law

This matter was dealt with under Item 7.1 and removed from the Status Sheet.

4.1.2 Petition – Request for playground installation next to Legacy Court

No update, item to remain on the Status Sheet.

4.1.3 Case 16795: Rezoning for Day Care Facility – 1040 Bedford Hwy

This matter was dealt with under Item 8.1.1 and removed from the Status Sheet.

4.1.4 Petition - Springfield Lake Wastewater Facility

No update, item to remain on the Status Sheet.

4.1.5 Rain Event of Tuesday, August 2, 2011 and the property at 327 Lakeview Avenue, Sackville

No update, item to remain on the Status Sheet.

4.1.6 Bus Route Improvements – Hammonds Plains Road Corridor

The Community Council agreed during the approval of the Order of Business to add the September 22nd Information Report entitled: NWTAC Request for Bus Route Improvements – HPR Corridor to the November 24, 2011 agenda for discussion.

Item to remain on the Status Sheet.

4.1.7 Case 01311: Paper Mill Lake CCDD MPS Amendment, Bedford

No update, item to remain on the Status Sheet.

4.1.8 Extend Water Service Area to Fenerty Road, Springfield Lake Estates

This matter was dealt with under Item 10.1.1 and removed from the Status Sheet.

4.1.9 Cushing Hill Comprehensive Development (CCDD)

Staff report forthcoming to Regional Council for its November 8, 2011 session. Item removed from the Status Sheet.

4.1.10 Area Rate for Implementing a Sidewalk within the Sunset Ridge and Twinbrooks Subdivisions

No update, item to remain on the Status Sheet.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS/BUSINESS ARISING OUT OF THE MINUTES

7.1 Information Report dated August 9, 2011 re: Blasting By-law

An information report dated August 9, 2011 was before the Community Council.

A discussion was held on whether to extend the distance of the blast zone requirements. An example was provided respecting previous blasting on Giles Drive, which affected resident's wells, and the concern that no pre-surveying had been completed for that area. Mr. Mark McGonnell, Development Engineer, clarified that the scale distance identified in HRM's Blasting By-law is based on the size of the charge. The larger the charge the further the scale distance. Based on proximity, a pre-blasting report would be completed for the properties in the blast zone. A pre-blasting report is not required for properties outside of the blast zone.

Councillor Lund questioned whether the Community Council or Regional Council could request an extension to the blast zone under certain circumstances (ie. geologically related), or whether staff could make this recommendation. Mr. McGonnell indicated that this would be on a project by project basis. If the situation had a unique circumstance such as a well, consideration could be given during the design stage of the project to extend the blast zone or decrease the charge. Examples were provided where the size of the blast was reduced as the blast zone was in proximity to a water main.

Mr. McGonnell further responded to questions raised respecting monitoring industry changes and how blasting is handled in other municipalities. It was noted that this is not actively done but is something that could be added to the task of keeping on top of the Blasting By-law and recommending futures changes.

Clarification was further noted that prior to blasting, specialists analyse the blast zone and surround areas to determine the type of rock and geological formation and set the scale distance and charges accordantly. Staff commented that it is easier to prove damage was caused as a result of the blasting if a pre-survey is completed. However, under unique circumstances if it can be proven that the blasting caused damage to a property without a pre-survey being completed, then the insurance company would cover the cost of the damages.

The Community Council agreed to remove this item from the Status Sheet.

8. HEARINGS

8.1 PUBLIC HEARING

8.1.1 Case 16792: Rezoning for Day Care Facility – 1040 Bedford Highway, Bedford

A staff report dated September 6, 2011 was before the Community Council.

Submissions from Joseph Daniel, Matthew Pendlebury, John Ghosn and Milo Negulic were circulated to the Community Council.

Ms. Jacqueline Belisle, Planner, delivered a presentation on the proposed rezoning of 1040 Bedford Highway to permit a day care facility. Two corrections were noted within the August 22, 2011 staff report:

- Bottom of page 2 should read *included 246.6 m² (2,750 sq.ft.) of space reserved for outside play*
- Attachments I & J are labelled correctly in the top left hand corner but incorrectly at the bottom right hand corner of the page.

Staff responded to questions of clarification respecting:

- Trees remaining in the right-of-way identified in the site plan
- The elimination of the hash marks in the roadway and extending the left hand turning lane onto Holland Avenue
- Driveway requirements
- Landscaping and lighting
- Privacy fence around the property (ie. play area and parking lot)

Councillor Harvey invited the applicants to speak at this time.

Mr. Cesar Saleh, Developer, introduced himself, the applicants and Mr. Ken O'Brian, Traffic Consultant hired by the applicants, who were in attendance at the meeting.

Ms. Sonia H. Cameron, Applicant, indicated that she is a partner in a newly formed family business with her siblings and provided an overview of the development plan. She noted that there are only 256 day care spaces and many more are needed to accommodate the growing families in Bedford. She and her siblings met with HRM's planning department and understood that there is a planning process in place that would allow them to meet their objective in opening this community business and wanted to meet all technical requirements. Based on this process they took a risk and purchased the land knowing that nothing comes without risk and work. They hired professionals to take care of the technical requirements of the process and received approval from all internal HRM departments, including planning and development, building inspections, engineering, water commission and traffic. Concerns were raised at the North West Planning Advisory Committee meeting regarding access and traffic on the Bedford Highway. As a result, they hired a traffic consultant who prepared a traffic report, which met the approval of HRM traffic engineers.

Ms. Cameron noted that the preschool will be called Play Learn Grow in Bedford and will provide a unique service for children ages three to five (3-5) and their families. They created the name Play Learn Grow based on the idea that children begin their lives by playing. From their play activities they learn about the world around them and learn skills they need to grow. She commented that children grow mentally, physically, socially, emotionally and cognitively. Their intention is to be a warm and involved place where children will come and play, learn and grow together. Being a mother of three school aged children, she knows how important preschool play is and from the parent's perspective, she knows the importance of quality care for their children. It is her

objective as the Director to provide a safe, secure, professional and educational place for families to bring their children.

Ms. Cameron reiterated the need for quality childcare and commented that childcare in itself is not enough. There is a need for an educational family orientated place for children and their families. At Play Learn Grow they will address the needs of the entire family and ask for family input into how and what programs are offered. They will have fully trained staff, educational programs for children and families, nutritional meals and snacks, ample reading space for playing and the most up to date facility and equipment. The Centre will offer plenty of parking for drop off and pick up. They expect morning drop off to take place between 7 a.m. and 9 a.m. She indicated that the drop off times will be staggered within the two hour time period. Parents will park their cars and bring their children into the Centre to be signed in and leave knowing their children are safe.

Ms. Cameron advised that she has a Masters Degree in Child Studies from Mount St. Vincent University and brings over 20 years experience to the Centre. She will be the Director of the Centre and oversee all its components. Her brother and sister have extensive business experience and will support her in all aspects of running the preschool. In addition to her training, she works with children of all ages, youth, parents and caregivers in a wide variety of capacities; including a parent facilitator, an instructor of early childhood educators, a preschool teacher, council for children with special needs and community outreach programs.

Councillor Harvey reviewed the public hearing procedures and opened the public hearing, calling three times for any speakers for or against Case 16792 to come forward at this time.

Mr. Ted Devonport, 1044 Bedford Highway, expressed concern with the affects of blasting on his abutting property and questioned how his property and the buffer will be protected without being damaged. Mr. Devonport indicated that he works in construction and has witnessed open air blasting; providing an example of the blasting in Park West. He expressed concern that the rezoning is approved, there is nothing in writing to protect the existing residents. He expressed concern with lack of privacy for neighbours, commented that a six foot fence is complementary. However, if the applicants blast the rock out for parking lot elevation, the wall would be reduced to four feet in some areas and six feet in others. He leaves his driveway around 7:30 a.m. and has almost been hit three times due to motorists not looking as they travel down Holland Road. He is concerned with public safety with the location of the day care on the Bedford Highway and families dropping off their children during heavy traffic volumes. Mr. Devonport further expressed concern with people parking on High Street and walking to the Centre. He commented that signage does not stop people from parking and provided an example of traffic congestion around the Bedford Academy on the Hammonds Plains Road. He further added that the construction of the condo units near the waterfront will add an additional 200 people to the intersection.

Mr. Saleh provided clarification on Mr. Devonport's concerns respecting blasting and how the neighbouring properties will be protected. It was noted that they are working with the grades and the elevations. The building will be slab grade, no foundation, and no blasting will be required. A rock breaker would be used to excavate the rock, where needed.

Mr. Mark McGonnell, Development Engineer, confirmed that blasting probably would not be required due to the side of the site. Construction activities would be maintained within the property boundaries. Extension beyond the boundaries would require approval from the affected property owners. Therefore, the developer and applicant would not be able to encroach onto Mr. Devonport's property and cause damage to his trees; however, roots sometime extend beyond the property boundaries but would be reviewed at the time of construction.

In response to further concern expressed by Mr. Devonport respecting the buffer zone, Mr. McGonnell reiterated that work can be done up to the property line but could not be exceeded past those boundaries.

Mr. Gerald Sampson, 62 High Street, Bedford, commented that the main concern is traffic and questioned the single access into the property. He asked whether consideration was given to having an entrance off the Bedford Highway and an exit off of High Street. Suggesting there be two ways in and out off of High Street and only one way in off the Bedford Highway. This would eliminate some of the traffic concerns, commented that it is earlier to get off of the Bedford Highway into the property than it would be to exit the property onto the Bedford Highway.

Mr. Mike Murphy, Bedford, echoed similar concerns expressed during the meeting. He commented that a six foot privacy fence sitting below grade offers no privacy and questioned how this would be addressed. Mr. Murphy made reference to the bedrock and commented on the difficulty to remove it without blasting. He agreed that a drive through would offer a solution to concerns raised. He suggested motorists used High Street over to Holland Avenue to access the lights, and further suggested that people could park on High Street and walk the children to the Centre to avoid getting in and out of the parking lot. Mr. Murphy noted that congestion in the parking lot is going to prompt people to park along the Bedford Highway or on High Street.

Councillor Harvey referred the four written submissions, all in favour of Case 16792, submitted for the record.

Mr. Saleh, Developer, provided a brief background on the applicants; nothing that the brother is in the construction business, one of the sisters is an interior decorator and real estate agent and the other sister is a child care expert who will run the family business. The business is intended to service the residents of Bedford, in particular commuters traveling to and from work. The applicants have applied through HRM's public planning process and met all requirements:

- Municipal Planning Strategy

- Land Use By-Law
- HRM internal reviews
- Provincial conditions for day care facilities

In response to comments and concerns raised during the hearing, Mr. Saleh provided the following clarification:

Blasting

Blasting is not required on the site as the building has no foundation and will be slab grade. There will be some excavation of rock, which will be removed by machine (ie. rock breaker). The grades elevate going up the Bedford Highway and he and the applicants are working with those grades.

Traffic congestion near Bedford Academy

The Bedford Academy is a school with approximately 100 students. Students arrive at the school and leave around the same time each day based on the class schedule. The day care facility will have a drop off and pick up time within a two hour time period, which is not comparable to the Bedford Academy. There will be sufficient parking at the day care (ie. 22 parking spaces per 40 children) .

Access to High Street

Since the NWPAC meeting, he and the applicants have met with HRM staff and their traffic consultant to ensure that what is being presented in regard to access is the best scenario. Consideration of the narrowness of High Street and the grades was not the best approach. Comments were also made during the public information meeting, not in favour of an access off of High Street.

The fence at the back of the property

The fence at the back of the property if placed at grade would be lower than six feet. The intent is to build a retaining wall and construct the fence above the retaining wall, bringing it to grade level and allow for privacy and security that is required.

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

Councillor Outhit expressed concern with the location of the day care but noted that there is no regulation in the rezoning that identifies the requirement for extra security, view planes, egress and ingress for day care facilities. He suggested that rezoning could be approved with some traffic control enhancements:

- Implementing no parking during weekdays between the hours of 9 a.m. to 5 p.m. on High Street, which would eliminate people from parking on the narrow street and walking down to the day care facility

- The removal of the hash marks and extending the left hand turning lane, which would encourage motorists to use the parking lot and discourage parking along the Bedford Highway and using High Street

Councillor Outhit questioned how he could ensure that those requests would happen, indicating that there would probably be a small cost involved, paid for by the applicants, to remove the hash marks and extending the turning lane. He asked whether approval could be given tonight based on those conditions, or whether the matter had to be deferred to request written approval from HRM traffic services.

Ms. Karen Brown, Municipal Solicitor, advised that this is not a development agreement situation and therefore, it is not possible to tie those conditions to the development. She indicated that the Community Council could chose to defer this matter pending a supplementary staff report, addressing whether or not the suggestions made by Councillor Outhit could be completed. She was not aware of a way to require the applicant to cover the cost of these suggestions, unless specified in the Land Use By-Law.

Mr. Saleh confirmed that the applicants are willing to cove the cost for the removal of the hash marks and extension of the turning lane.

Mr. McGonnell advised that he has spoken with traffic and right of way services and there are no concerns with the removal of the hash marks. There is also no concern will the placement of no parking signage along the Bedford Highway. However, signage should not be necessary given the volume of traffic. People will want to use the parking lot when dropping their small children off at the day care. The parking lot is more than sufficient size to accommodate families dropping off their children. In response to restricting or limiting parking on High Street, signage can be implemented; however, traffic services would like to review and evaluate this option as it would impact residents on High Street.

During the ensuing discussion, Mr. Sampson expressed concern with an increase in rats in the neighbourhood following the demolition of the first house on the property. He suggested that prior to tearing down the second house where the parking lot will be located, if the applicant could have an exterminator in to take care of any issues with rats. It was noted that the applicants were agreeable to this request.

MOVED by Councillor Outhit, seconded by Councillor Dalrymple that North West Community Council approve the proposed rezoning of 1040 Bedford Highway from RSU (Single Dwelling Unit Zone) to SI (Institutional Zone) as set out in Attachment A of the staff report dated August 22, 2011.

Further discussion ensued with staff responding to questions of clarification respecting the development.

Mr. Ken O'Brian, Traffic Consultant for the applicants, advised during the traffic impact study it was determined that there is adequate sight distances in both directions of the

Bedford Highway from the property. He provided an overview on how the traffic impact study was conducted to determine that if there were any obstructions. He noted that the traffic lights at Conway Run would provide motorists the opportunity when exiting the driveway, turning left to merge into traffic. It is expected that there will be around four to five vehicles at a time dropping children off at the facility during the two hour period and not all at one time.

Mr. Saleh confirmed that lighting would be on the building and not in the parking lot. Councillor Lund suggested that the lighting face downward, so as to not disrupt the neighbours.

Councillor Outhit advised that he would follow up with staff and High Street residents to determine a solution for the traffic concerns.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence – None

9.2 Petitions – None

9.3 Presentations – None

10. REPORTS

10.1 STAFF REPORT

10.1.1 Central Water and Sewer Issues: Lively Subdivision, Springfield Estates Mobile Home Park and Springfield Lake Subdivision, Middle Sackville

A staff report dated October 12, 2011 was before the Community Council.

Shane Vipond, Senior Planner, Planning & Infrastructure, delivered a presentation on an overview of the Lively subdivision, Springfield Estates Mobile Home Park and Springfield Lake subdivision central water and sewer services.

MOVED by Councillor Dalrymple, seconded by Councillor Lund that North West Community Council recommend that Halifax Regional Council:

- 1. Initiate the process to consider the approval of a Local Improvement Charge (LIC) By-Law for the provision of central sewer and water systems and stormwater improvements for the Lively Road area;**
- 2. Initiate the process to consider an amendment to the Regional Subdivision By-Law and the Beaver Bank, Hammonds Plains and Upper Sackville MPS, to extend the Water Service Area Boundary along Highway #1 to Springfield Avenue (Springfield Estates Mobile Home Park);**

3. **Initiate the process to consider the approval of a Local Improvement Charge (LIC) By-Law for the extension of central water services along Highway #1 to and including the Springfield Estates Mobile Home Park;**
4. **Request staff to submit a request for a financial contribution from the Province, through the Provincial Capital Assistance Program (PCAP), toward the provision of central water services to the Springfield Estates Mobile Home Park; and**
5. **Request that Halifax Water continue to address short term solutions to the servicing issues in the Springfield Lake subdivision, with the intent that this area will be considered for connection to the Bedford-Sackville trunk servicing system, pending downstream capacity improvements.**

A brief discussion was held with staff responding to questions of clarification respecting the short term and long term solutions for water service to the subdivisions.

MOTION PUT AND PASSED.

11. MOTIONS – NONE

12. ADDED ITEMS

12.1 Personnel Matter – Citizen Appointments to Board/Committee

The following was discussed during an earlier In Camera meeting and was now before the Community Council for ratification.

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

Michael Cogan, District 20

Carrie Purcell, District 21

Pam Lovelace, District 23

and reappoint Jessica Alexander, District 19 to the North West Planning Advisory Committee for a term expiring November 30, 2012.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION- NONE

14. PUBLIC PARTICIPATION

No members of the public came forward at this time.

15. NEXT MEETING DATE – November 24, 2011

16. ADJOURNMENT

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

Krista Vining
Legislative Assistant

INFORMATION ITEMS

1. Information Report dated September 22, 2011 re: NWTAC Request for Bus Route Improvements – HPR Corridor