

**CHEBUCTO COMMUNITY COUNCIL**

**MINUTES**

**MARCH 1, 1999**

THOSE PRESENT: Councillor Bill Stone, Chair  
Councillor Russell Walker  
Councillor Stephen D. Adams

ALSO PRESENT: Mary Ellen Donovan, Municipal Solicitor  
David McCusker, Manager, Traffic & Transportation  
John MacKay, Director, Works & Natural Services  
John Sheppard, Manager, Environmental & Development  
Thea Langille, Planner  
Roger Wells, Regional Coordinator, Planning Services  
Bruce Fisher, Budget Coordinator  
Sandra Shute, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 7:05 p.m. with an Invocation at 2750 Dutch Village Road, Halifax.

2. **APPROVAL OF MINUTES - FEBRUARY 1, 1999**

**MOVED by Councillors Adams and Walker to approve the Minutes of meeting held on February 1, 1999 as circulated. MOTION PUT AND PASSED.**

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

**MOVED by Councillors Adams and Walker to approve the Order of Business as presented. MOTION PUT AND PASSED.**

4. **BUSINESS ARISING FROM THE MINUTES**

4.1 **Status Sheet Items**

4.1.1 **Snow Removal from Sidewalks**

An Information Report dated February 23, 1999 was before Community Council.

Councillor Walker referred to the fact that last year the cost for an area rate for sidewalks was 1 cent on the tax rate but now it was 1.2 cents for residential only. He asked for clarification as to what had changed since last year.

Mr. John MacKay, Director, Works and Natural Services explained that the previous rates did not consider overhead and supervision which represented a 10% adjustment over last year. The areas currently being charged an area rate are charged at 1.1 cents. Mr. Bruce Fisher, Budget Coordinator advised further that the kilometres represent all properties but the area rate factored out HRM properties.

Councillor Walker asked when the commercial rate was calculated, how much of the Business Park was factored in for District 16. He did not think that area was included because when you weigh in the commercial, it should have come down lower than it did. Mr. Fisher replied he assumed all of it was included but he would check.

Further, Councillor Walker acknowledged it was too late for this year to establish an area rate. He was still doing a survey of his District.

Councillor Stone pointed out that now there was the opportunity to include commercial rates which could not be done before as the new Municipal Government Act comes into effect on April 1, 1999.

#### 4.1.2 Dumping - Harrietsfield and Williamswood and Possibility of Gate

Councillor Adams advised he was meeting with the area MLA later in the month and hoped to have a report for the next meeting.

#### 4.1.3 Feasibility of Community Transit - Sambro/Harrietsfield Area

An Information Report dated February 26, 1999 was before Community Council.

Councillor Adams said it appeared because Regional Council has recommended no increase in taxes, there would be no opportunity to apply an area rate. He asked for clarification from Mr. Fisher, Budget Coordinator who indicated that the general tax rates have not been finalized as yet but the proposal was for no increase. This, however, was an area rate issue. There were three options that Community Council could consider: increase the urban tax rate, change the service of the catchment area or pay an area rate through the rural area. Community Council could still levy an area rate for the 1999/2000 year because area rates have not been finalized by Regional Council. He expected that Regional Council would be considering area rates once the Operating Budget is approved.

Councillor Adams then recommended deferring the issue to Regional Council during area rate discussions and look for further information at that point. It can be left on the Community Council agenda in the interim.

#### 4.1.4 Highway 102 and Lacewood Drive Interchange

An Information Report dated February 23, 1999 entitled "Bayers Lake Interchange Traffic Study" was before Community Council. David McCusker, Manager, Traffic & Transportation was in attendance for this matter.

Councillor Stone asked if Department of Transportation had funds in their budget this year to carry out the work. In reply, Mr. McCusker advised that Department of Transportation had been vague with regard to funding commitments but he thought they would fund the signalization at least.

Councillor Stone asked for confirmation that there was money in HRM's budget for the sidewalk. With regard to this, Mr. McCusker advised that it was hoped to do as much as possible this year in cooperation with Department of Transportation. It was planned to

build the sidewalk in context with the six lanes. The starting date would be fairly early in the construction season.

4.1.5 823 Herring Cove Road

Councillor Adams advised that a report had been received from the solicitor. He would be discussing the issue with the owner of the property and, as far as Community Council was concerned, no further investigation was required.

4.1.6 Request for Mailbox - 3 Ford Street

A letter dated February 16, 1999 from Ronald Josey, Equipment Coordinator, Canada Post was before Community Council. The request for a mailbox at 3 Ford Street had been denied by Canada Post.

Councillor Walker requested that Community Council contact someone higher up in Canada Post and provided his reasons for the request. He found the decision of Canada Post totally unacceptable.

**MOVED by Councillors Walker and Adams to bring this request to the attention of higher personnel in Canada Post. MOTION PUT AND PASSED.**

4.1.7 Tax Rate for Fergusons Cove Area

An Information Report dated February 23, 1999 was before Community Council.

Councillor Adams requested that this item be deferred to the Public Participation portion of this meeting since there were residents of the Fergusons Cove area who wished to provide input. Community Council members agreed.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **4 Melville Avenue**

A report dated February 24, 1999 entitled "Melville Avenue - Driveways" was before Community Council.

**MOVED by Councillors Walker and Adams that a Streets and Services Permit be issued to Albert Gibson to carry out the following work at the front of his property at 6 Melville Avenue:**

- (a) Construct a planter generally as described in Mr. Gibson's letter to the Municipality dated February 8, 1999.**
- (b) Reconstruct the shared driveway so as to improve the gradient, including surfacing a portion of the driveway, possibly with pavers.**
- (c) Provide a landscaped buffer between Hynes' concrete driveway and the reconstructed shared driveway, 3' in width, in the area where there is no planter.**
- (d) Possibly relocate the stone marker to provide more space for the shared driveway which serves Civic Nos. 6, 8, 10 and 14 Melville Avenue.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8. PUBLIC HEARINGS**

**8.1 Case 00059 - Application by Kiel Developments Limited to Rezone 3100, 3098 and 3070 Dutch Village Road from R-1 (Single Family Dwelling) Zone to R-2T (Townhouse) in order to permit Townhouse Development**

A Staff Report dated February 16, 1999 was before Community Council. Thea Langille-Hanna, Planner provided an overview of the application with the aid of overheads. She subsequently advised that staff was recommending approval of the application since staff felt the proposed rezoning would result in a development which is compatible with the area and the surrounding land uses. It has excellent access to major streets, transit, community services and facilities. She also advised that David McCusker, Manager, Traffic & Transportation was in attendance to speak on traffic questions which could be raised during the Public Hearing.

Councillor Stone referred to the existing set of lights at the intersection and asked if they would tie into the development. In response, Ms. Langille-Hanna advised that modifications would be made to the intersection to make it a four-way.

Mr. Barry Zwicker, Wallace Macdonald & Lively, speaking on behalf of Kiel Developments Limited provided an overview of the intent of the application. The cul-de-sac will intersect Mumford and Dutch Village Road and will complete the intersection with very little work. In addition to the 32 townhouses, there were two single family units utilizing an existing driveway cut along Dutch Village Road. He acknowledged the application was different from the original request which was for a condominium project without constructing a

public street; however, the application before Community Council appears to also be consistent with positive feedback received. There would be a parkland dedication to HRM of approximately one acre which represents 20-25% of the total site whereas the requirement was for 5% of the net site. The natural brook flowing through the proposed parkland site and the natural vegetation would buffer the property on the south side. The townhouses were intended to be high end units with an assessed value of \$8 million and would be landscaped to this extent. The proposal was consistent with the Municipal Planning Strategy and would be an asset to the community.

Councillor Stone asked if the parkland would be passive parkland to be left as is. Mr. Zwicker confirmed that intention.

Councillor Walker asked if the application were approved, what guarantees would there be that the townhouses would be built. Mr. Zwicker, in reply, advised there were only two other uses that could be put on the property - seven detached units but, based on the value of the land, it needed to be developed as townhouses to get the return necessary. There was a commitment to build townhouses.

Councillor Walker asked how long it would take to start after the 30 days, if approved. Mr. Zwicker advised that if there was approval tonight, detailed design could start within a week in order to be ready to make a submission to the Municipality at the expiration of the appeal period. It was expected that work on the grounds would start in the early spring. In terms of the street construction, it was only 345' long.

Councillor Walker expressed concern that the development, if approved, could drag on for one or two years with nothing done and there might be a whole new set of rules by that time.

The Chair then called three times for speakers in favour of the application. There were none.

The Chair then called for speakers in opposition to the application.

Mr. Terry Gallagher, 7143 Royal Pine Avenue stated the development was out of scale with the local area. There were a number of lots on the north side each approximately 120' long and there was nothing in the area that long. There would be one block 120' x 120'. The individual lot sizes are 18-20'. If you devote 9-10' for a car and a walk in front, all that would be left was 6-8' per unit. When you look down the road, all you would see is cars. He did not see any benefit to the general neighbourhood other than the parkland which would be very difficult to access. Profitability of the project was probably between \$600-800,000 and from that, you would think there would be more benefit to the local neighbourhood. The area was not going to be used to its maximum potential.



Ms. Mary Surette, Royal Pine Avenue expressed concern there was no Councillor for the area and she could not see why the application could not wait until after the election on March 13. She did not see why it could not be delayed until April 12 - the next meeting of Community Council - to relay concerns to the new Councillor. Secondly, she had concerns with traffic on Mumford Road as it is primarily a residential area where traffic goes right or left but now there will be traffic going straight. There was already difficulty with the intersections of Springfield and Murdoch. There was no traffic flow study done.

Councillor Stone advised that Councillor Walker took over the duties of Councillor Hanson in September, 1998.

Mr. Peter Pelham, 100 Hebridean Drive, Herring Cove asked where the septic fields were on the property which explains the large lots. The brook going through the property comes from Ashburn Golf Course. As of June, 1998, legislation requires that the applicant show where the sewage treatment is and the exact course of alteration of the brook or any provincial permit applied for. He was against the application until he had the information about sewage treatment and that it was within the guidelines of the provincial Environment Act and the provincial Natural Resources Act for not altering an historical brook.

Mr. Caleb Fishman, 3191 Hemlock Avenue asked if the existing infrastructure could handle the extra load, particularly storm and sewer lines. He asked if there was a study done and if not, would one be done before the development could go ahead.

Mr. Graham Read, 19 Lawnwood Avenue advised he was a former member of the Planning Advisory Committee for the former City of Halifax. He pointed out that the proposal would result in a population density of approximately 33% greater than would probably be achieved under as-of-right development. The former Planning Advisory Committee, when considering a townhouse development, wanted assurance that the total population achieved would not exceed what could happen as of right. The policies used in the Municipal Planning Strategy to justify the rezoning could just as well have been used to argue against it in many cases. The Municipal Planning Strategy is 20 years old and has never had the five year review required by the Planning Act. The area does not have a detailed area Plan or a Secondary Planning Strategy to better define the desired development pattern. There is always development pressure to rezone to more intensive uses resulting in a net loss of R-1 lands. People then have to move further into the suburbs for single family dwellings.

Ms.

Mr. David McCusker, Manager, Traffic & Transportation advised that a traffic study has not been done. For a development such as this, there really is not enough traffic generated to cause a study to be initiated. With regard to difficulty in getting out of driveways on Mumford Road and Dutch Village Road and onto Dutch Village Road from the side streets, he acknowledged it was difficult to get out of driveways and side streets onto major arterial roadways and collector roads. Even the small amount of traffic to be generated from this development could make a difference; however, it was hoped to address issues like this in the long term by taking high volumes of traffic off streets like this and put it onto major roadways that can handle it. It was hoped to see infilling in the core of the former city because there was access to existing transit routes as opposed to development outside the core where all the traffic would end up being vehicle traffic. The major focus would be on improving the intersection, getting the signal timing to work and have new traffic patterns at the intersection.

Councillor Stone asked how much money would be involved in upgrading the lights at the intersection. In reply, Mr. McCusker said it would be approximately \$20,000 which was not a major problem.

In rebuttal, Mr. Zwicker referred to sewage treatment and advised the intention was to connect to the existing municipal system so there will be no on-site. All of the necessary approvals from Department of Environment with respect to the extension of sanitary sewer and water systems will be sought and achieved before any of the development goes forward. There is no intention to divert the brook. With regard to whether or not the proposed development can be handled by the infrastructure, particularly sanitary sewer and storm water systems, there was preliminary analysis done on both indicating there is capacity. There was an issue raised at the Public Information Meeting such that when detailed design takes place, there will be a detailed analysis of the system. If it cannot handle the addition, other alternatives will be investigated.

With regard to the sewage system, Councillor Adams referred to correspondence from the Minister of Environment suggesting there be a moratorium on development until appropriate sewage treatment is available. He asked what is the status of that document as far as Mr. Zwicker was concerned. In reply, Mr. Zwicker advised there has been no indication to anyone in the development community that is the case or that it will ever be employed. He acknowledged there was a strong suggestion to move forward to sewage treatment but the initial legislation identified in the 1970's intended to eliminate discharge from sewage systems in fresh water but it was not directed for salt water discharge.

Councillor Adams asked if the system would empty into Herring Cove. In reply, Mr. Zwicker advised no. He acknowledged that any time sanitary and water mains are extended, they required Department of Environment approval. The permits are issued through the approval process of HRM.

Ms. Langille-Hanna advised that the proposal has been reviewed by Engineering Department with regard to water service, storm water and sewage. The capacity was there. If the development is approved, there is a detailed concept review that is part of the permit application which will be considered and the appropriate permits required. With regard to the configuration of the cul-de-sac being different to what is in the area now, staff did not disagree with the comment; however, when considering the policies and what they encourage - a variety of residential uses and planning uses which are compatible in terms of scale and maintaining the integrity of the area - it was staff's opinion that this particular proposal, due to its scale - two stories and similar to a single family dwelling - is compatible with the existing neighbourhood. The proposal is considered to be a medium intensity use and was compatible with the area. In terms of the development pattern, there was a mix in the area. The property was fairly unique because of its size and configuration.

At this time, the Chair acknowledged correspondence from the following in opposition:

Petition signed by 21 residents of Retreat Avenue  
Letter dated February 3, 1999 from M. C. Nicholson, 34 Doull Avenue  
Letter dated February 5, 1999 from D. L. Nicholson, 34 Doull Avenue  
Letter dated February 16, 1999 from Jerry Spargo, 72 Arlington Avenue

**MOVED by Councillors Adams and Walker to close the Public Hearing. MOTION PUT AND PASSED.**

Councillor Walker explained that he attended the first Public Information Meeting where the residents indicated they did not want the two towers with 120 units and the developers heard the same thing. The developer then brought forward the present proposal and he had taken it to the neighbourhood. Another Public Information Meeting had been held which indicated the neighbourhood could tolerate the development within reason. Subsequently, however, Regional Council agreed to have staff begin to develop guidelines for High Density Residential for three sites - this property being one. That was why he asked the developer when the project would start, if approved. During budget deliberations last week, Council was advised that the High Density Residential was on track for September and he did not want to see any delays because then two towers with 120 units could develop as of right. He could not tolerate high density residential in the neighbourhood and, in his opinion, this was the lesser of two evils. As to traffic, he advised he asked for a study of the intersection to be done in the spring for signalization which will be coming to Community Council.

**MOVED by Councillors Walker and Adams to approve the rezoning of 3100, 3098 and 3070 Dutch Village Road from R-1 (Single Family Dwelling) Zone to R-2T (Townhouse) Zone as shown on Map 1 of the Staff Report dated February 16, 1999.**

Councillor Adams said that one of his concerns had been what would happen with the sewage treatment aspect because of its impact on the residents of Herring Cove. Mr. Zwicker had provided assurance that it would not dump into Herring Cove and, as well, Department of Environment approvals are necessary to proceed. This will satisfy the concerns of the Herring Cove Ratepayers.

Councillor Stone advised he attended the Public Information Meeting in January where it was quite clear they preferred R-1; however, the difficulty was that the land was not owned by those who wanted to keep it R-1. This is a reasonable compromise from what can or may go there. As well, the brook will not be touched and will be in the passive area proposed.

**MOTION PUT AND PASSED UNANIMOUSLY.**

At 8:20 p.m. Community Council took a five-minute recess. The meeting resumed at 8:25 p.m.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None
10. **REPORTS** - None
11. **MOTIONS** - None
12. **ADDED ITEMS** - None
13. **NOTICES OF MOTION** - None
14. **PUBLIC PARTICIPATION**

Tax Rate for Fergusons Cove (deferred from Status Sheet Items)

Mr. Ed Hanrahan, 874 Purcells Cove Road (Fergusons Cove) advised he had correspondence from Finance Department re sidewalks and sidewalk plowing. The nearest sidewalk was three miles away. He did not agree with the justification he received and did not feel he should have to pay.

Mr. Jim Glazebrook, Fergusons Cove expressed concern with the differences in the tax structure between the former County and City.

Mr. Peter Pelham, 100 Hebridean Drive, Herring Cove stated that the tax rate for Herring Cove and Fergusons Cove should be rural with area rates after that.

Councillor Adams said, in his opinion, when the tax structure was put forward, there was an oversight with regard to Fergusons Cove. Herring Cove was given the benefit of a suburban tax rate but Fergusons Cove is an area which enjoys even less in the way of services than Herring Cove. Transit runs through Herring Cove, there is one sidewalk and more access to hydrants. For Fergusons Cove to go from a former County area into an urban tax rate makes no sense. He felt that Fergusons Cove should be included in the suburban tax rate which would cost approximately \$10,000 in the difference in taxes.

Mr. Fisher, Budget Coordinator provided background information on the urban, suburban, rural tax structure and area rates. Discussion then took place on the tax structure designations and the implications of same.

**MOVED by Councillors Adams and Walker to request a further Staff Report to look at changing the tax structure for the Fergusons Cove area from urban to a more appropriate suburban rate and extend it to Regional Council. MOTION PUT AND PASSED.**

Residents of Aster Court, Glenbourne

Mr. Peter Gallagher, 4 Aster Court submitted a Petition to oppose the land development in Glenbourne. He acknowledged that when he bought his property, he realized there would be development behind his property but Greater Homes indicated to him that there would be single homes, condos or no development at all. Eventually the residents found out that an apartment building would be located behind their properties. Less than three months ago, the apartment building was increased in size and moved. The parking lot was supposed to be on the other side of the greenbelt and the building was supposed to be at the corner of Farnham Gate Road and Parkland. An extra 20' of trees have been cut down resulting in only 30' of trees on the other side of the brook. The path and a fence was supposed to be on the other side of the brook but now it was supposed to go right behind their homes and this was a major disturbance. He quoted from Covenants which were provided by Greater Homes. There would be increased traffic with the apartment buildings, a lowering of property values and increased noise. With regard to blasting for construction of the apartment buildings, there was no warning but this has been corrected. There was noise from construction vehicles taking place before 7 a.m. He requested that Community Council investigate how Greater Homes goes about selling its homes, would like to see the parking lot built behind their homes instead of the apartment building and, if necessary, have the Municipality start legal action.

Mr. Dave Meagher, 2 Aster Court said that Phase I for his area was developed in 1993. In 1998 it appeared the apartment was enlarged and the parkland decreased by 20'. He asked what environmental issues were explored at that point because there was a brook which flooded in the spring. Removal of the trees could jeopardize the abutting properties

and cause the land to become swampy. He provided a copy of the Covenants provided as home buyers and a copy of Schedule "H" which was part of the change made in 1998.

Mr. Rob MacDonald, 6 Aster Court expressed concern with the way the development process proceeded. For the Stage I agreement in 1993, he understood there had been no public participation and that was the only time that public participation could be involved. Stage II in December, 1998 had a lot of changes, particularly the relocation of the apartment building. Stage II came out after the whole street was sold. The walkway had to be relocated and his biggest concern was the brook as 20' had been taken away.

It was agreed to request a Staff Report on the comments and information provided for the next meeting.

Other

Ms. Mary Ann McGrath, 33 Hamshaw Crescent raised the following points:

- C With reference to crosswalk safety, she asked for speedy consideration for improvement of the crosswalks at the two points on Kearney Lake Road that lead to the school.
- C She requested consideration of a stop sign, rather than a yield sign, at Kearney Lake Road where it merges with Dunbrack going uphill to prevent cars racing through the yield sign and cutting off people in the crosswalk at Wedgewood.
- C There was a need for two crossing guards at Wedgewood because the crossing was 4-6 lanes. If not a crossing guard, then increased police monitoring.
- C She requested follow up with David McCusker re concerns raised during a crosswalk safety demonstration.
- C With regard to the Francophone School due to open in September, 1999, she previously understood it would take two years to get services in place for Hemlock Ravine; however, now that the school will be up and running, she asked if Hemlock Ravine would be going ahead much faster as well. She asked for clarification.
- C She asked if a letter had been sent to Department of Education in support of maintaining the school site in Clayton Park West.

Councillor Stone advised that the letter was sent with regard to the school site in Clayton Park West. With regard to the Francophone School, it was part of the P-3 School partnership and has nothing to do with Hemlock Estates. It will be serviced by means of a water line that comes from the Bedford Highway paid for by P-3 development. The sewer line will be constructed before September as part of the P-3 development as well. The sewer line connects at Cresthaven Drive along the Bedford Highway. Residents will be made aware, if they want to pay to connect, that there is opportunity to do so.

Mr. Hiram Tiller, 4 Thackeray Close expressed appreciation for having finally received the Staff Report re the Bayers Lake Interchange. He pointed out, however, that it has taken a long time to come this far and he hoped that Council would be following up with Department of Transportation to have the work done. He noted that the new Business Park interchange on the 102 at Bedford/Sackville did not service as large a park as the Bayers Lake one and it had complete controlled access whereas the Bayers Lake did not.

Councillor Stone suggested that Mr. Tiller also contact his area MLA in this regard because it is partly a provincial responsibility.

Mr. Don Siteman, 46 Rosedale Avenue referred to beautification of the salt dome at Bayers Lake Park but asked what was the point of spending \$140,000 for this when there were glow signs taking away from the attractiveness of the area. In response, Councillor Stone advised that a By-law would be coming forward at some time in the future which would amalgamate all the By-laws from the four former municipalities. There were, however, other pressing needs with more priority.

15. **NEXT MEETING** - April 12, 1999

16. **ADJOURNMENT**

On a motion from Councillor Adams, the meeting adjourned at 9:30 p.m.

Sandra M. Shute  
Assistant Municipal Clerk