

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, APRIL 7, 2003

PRESENT: Councillor Linda Mosher, Chair
Councillor Diana Whalen, Vice-Chair
Councillor Russell Walker
Councillor Stephen D. Adams

ALSO PRESENT: Mr. Sean Audas, Development Officer
Mr. Barry Allen, Municipal Solicitor
Ms. Chris Newson, Legislative Assistant

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 pm in the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

2. APPROVAL OF MINUTES

2.1 Minutes of Regular Meeting - March 3, 2003

MOVED by Councillor Walker, seconded by Councillor Whalen, that the minutes of the regular meeting held on March 3, 2003, be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

ADDITIONS:

- 12.1 Mailboxes on Margaret Lorne Drive, Herring Cove
- 12.2 Parking Lot at Indoor Soccer Center, Thomas Raddall Drive
- 12.3 Clean-up of Construction Debris on Thomas Raddall Drive

MOVED by Councillor Whalen, seconded by Councillor Walker that the Order of Business be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

4.1.1 Plowing of Linear Park

! An Information Report, dated March 27, 2003 was before the Committee.

Councillor Whalen requested that this be referred to HRM Staff to include in the area rate for sidewalk snow shovelling. To be removed from the Status Sheet.

4.1.2 Parking Meters - Dutch Village Road

! An Information Report, dated March 6, 2003, was before the Committee.

Councillor Walker advised that the parking meters have been removed as requested and there is now one/two hour parking at this section of Dutch Village Road. To be removed from the Status Sheet.

4.1.3 HRM Clearing/Flooding Lakes for Skating

Councillor Walker requested that this item remain on the Status Sheet until the next skating season and that a staff report be prepared for October 2003.

4.1.4 Street Lights - Frog Pond

Councillor Mosher advised that this item has been addressed. To be removed from the Status Sheet.

4.1.5 Off-leash at Frog Pond/Sir Sandford Fleming Park

Deferred to May 5, 2003. Councillor Whalen requested that Dedicated Off-Leash Dog Parks be a separate Status Sheet item. Report requested for May 5, 2003.

4.1.6 Truck Idling By-Law

! An Information Report, dated December 19, 2002, was before the Committee.

Councillor Adams thanked staff for the comprehensive report. This item to be removed from the Status Sheet.

4.1.7 Speed Limits - Bayview Road/Flamingo Drive

Councillor Whalen requested that this item remain on the Status Sheet until a response is received from the Province in regards to the right to reduce speed limits on residential streets.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case #00062: Request to amend the Halifax Municipal Planning Strategy and Land Use By-Law for Block F, Kelly Street

! A staff report, dated February 17, 2003, was before the Committee.

MOVED by Councillor Adams, seconded by Councillor Walker, that this item be deferred to the May 5, 2003 meeting. MOTION PUT AND PASSED UNANIMOUSLY.

8. **PUBLIC HEARINGS**

8.1 Variance Hearings

8.1.1 Variance Application 037260 - Old Lot 1 Purcell's Cove Road, Halifax

Mr. Sean Audas, Development Officer, presented the Staff Report, dated April 1, 2003.

Councillor Mosher called the applicants forward to make their presentation.

The applicant raised the following points:

Ms. Boutilier, 5527 Stoneham Court, owner of Old Lot 1 Purcell's Cove Road

- ! will fix any repairs to Mr. MacAulay's well/retaining wall.
- ! Mr. MacAulay wanted the right of way to use our more valuable land on Purcell's Cove Road and he would give us the right of way through his backyard which would come out on a one lane, dirt road that no one maintains. This dirt road is not as wide as the driveway and the viewing is not as good as coming out of our own driveway.
- ! we notified the Real Estate Agent when the current MacAulay house was for sale that we owned the land beside the house and a copy of our land survey was given so the prospective owners would know what they were getting.
- ! Mr. MacAulay is using our land as his own. He rebuilt a shed that he knew might not be on his land. According to HRM diagrams, the shed is mostly on our land. We spoke to HRM concerning this and it is with their Legal Department.
- ! Mr. MacAulay's septic tank is partially on his property but mostly on HRM property. If there is any damage to it during construction of the driveway, we will fix it.
- ! HRM has approved this building lot. There is sufficient access to Purcell's Cove Road. HRM's Engineering Department said that once trees and shrubs are cut down, which are on HRM property, the view for the driveway would improve.

Councillor Mosher invited any persons living within 30 meters of the property in question, to come forward to speak for or against the variance approval.

Mr. John Paul Cyr, owner of 571 Purcell's Cove Road

- ! expressed concern for safety of his children and also for vehicles using Purcell's Cove Road if variance is approved
- ! concern for potential affects to his well, situated close to the property line, and to his retaining wall
- ! concern for negative impact on his property value if variance approved
- ! his driveway has a 5'-6' steep grade to the road and any driveway put in would have to be cut down and would cause an embankment between the properties, possible danger for his children

! his home is located on a curve on Purcell's Cove Road and on several occasions, cars coming around this turn have almost hit the vehicle coming out of his driveway
! there is only 14'2" road frontage on Purcell's Cove Road for Mr. Boutilier's lot
! an alternate location exists for Mr. Boutilier's driveway which would not be opposed by neighbours. A driveway constructed off Military Road would be cheaper for Mr. Boutilier and a win/win situation for all.

Mr. Cyr responded to questions of Community Council as follows:

! the driveway going between his property and Mr. MacAulay's property would be like a hole between the properties and this could negatively impact his property value
! his property dimensions are 60'x100'

Ms. Pam Coffin MacAulay, 575 Purcell's Cove Road

! submitted photos of the area in question for the proposed driveway and for the alternate driveway location
! concern with possible damage to her sewage field, which is located somewhere in front yard but the exact location is undetermined. Building a driveway could disrupt her sewage but extent wouldn't be known until construction was done. Advised that replacement cost for their sewage would be \$20,000 - \$30,000.
! due to rocky nature of area, blasting may be required which could cause irreparable damage to the structure and foundation of her 40-50 year old home.
! water well is on the opposite side of the proposed driveway but there is concern that blasting could damage this well and have a negative affect on her drinking water
! Old Lot 1 access failed the HRM driveway safety test by a very close margin. She was told that if brush were cleared then the driveway would meet the requirements. She commented that this was a one time test but brush grows back very quickly, questioning the safety of the driveway.
! highway speed on Purcell's Cove Road is much higher than the 60km per hour used for the safety test.
! they are located on the border of HRM Police and RCMP responsibility creating some jurisdictional confusion and as a result do not always receive the same attention to traffic control as other parts of Purcell's Cove Road
! In photo #1, it is obvious that the proposed driveway will be in close proximity of her side steps and this could cause a danger to her children

Councillor Walker requested that a photo be taken looking up the proposed driveway from Purcell's Cove Road.

Mr. MacAulay responded to Councillor Whalen's question stating that their lot size measures 45'x100' .

Mr. Terry MacAulay, 575 Purcell's Cove Road

- ! there is an alternative access to Old Lot 1 Purcell's Cove Road. He referred to a printout of the area obtained from the Halifax Land Information Centre, Registry and Information Management Service Division, as well as photos that he and his wife had taken of the area.
- ! alternative access would be from Military Road, through a right of way across his backyard to Old Lot 1 Purcell's Cove Road.
- ! if Mr. & Mrs. Boutilier agree to the alternate route and the right of way, he would ask that they square off the property to Mr. John Paul Cyr's property.
- ! a 23 year resident of this area is willing to sign a declaration stating that she has used a portion of this area as a sideyard.
- ! expressed his concern for the safety of his child and the possible damage to his sewer and well.

Councillor Walker inquired of Mr. Audas if the right-of-way through the MacAulay's backyard would landlock Old Lot 1. Mr. Audas responded that if it is a landswap - the sideyard for the backyard access, it could landlock the area; if it were just a right-of-way through the MacAulay's backyard it would not be landlocked.

Councillor Whalen expressed concern with the lot sizes and the possibility of redrilling wells/qualifying for a new septic field under the Department of Environment regulations. Mr. Audas commented that if the lot were set up today, septic approval would not be granted.

Councillor Mosher called three times for any speakers wishing to speak for or against the variance application. Hearing none the following motion was made:

MOVED by Councillor Adams, seconded by Councillor Walker that the Public Hearing on Variance Application 037260 - Old Lot 1 Purcell's Cove Road, Halifax be closed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Adams, seconded by Councillor Walker that this matter be deferred to May 5, 2003 and that the interested parties arrange to meet within the next two weeks to find a resolution to this variance application. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Mosher requested that Mr. Sean Audas, Development Officer, organize a meeting within the next two weeks between the three property owners and herself to find a resolution to this matter. Councillor Mosher further requested that Mr. Audas contact the Department of Environment concerning the issues raised regarding lot sizes and septic fields, well redrilling.

Mr. Sean Audas commented that there is approval for a driveway to be constructed at this location without the variance being granted. If the property owner wishes to have access to the property, a driveway could be constructed now, but in order for a home to be built on this

lot, approval of this variance is required.

8.1.2 Variance Application 037707 - 16 Barkton Lane, Halifax

Mr. Sean Audas, HRM Development Officer, presented the Staff Report dated March 31, 2003.

Councillor Mosher called for the applicant to come forward.

Ms. Carol Wheatley, owner of 16 Barkton Lane, advised that she had asked two pool construction/installation companies if she required permits and was told that no permits were required. She further advised that she contacted Clayton Developments and was told that she should speak to her neighbours to see if they had issue with the installation/construction of a pool and deck. Ms. Wheatley commented that her neighbours did not have any concern with the proposed construction at that time. She further commented that since the rejection by the Development Officer, she has contacted her neighbours who have signed a document stating that they do not oppose the pool/deck. Ms. Wheatley submitted photos of her pool and deck area. She added that the children of Barkton Lane appreciate the pool as well.

Councillor Adams inquired of Mr. Audas whether the construction companies or homeowners usually apply for these permits. Mr. Audas responded that usually it is 50/50 but most often the property owners apply for the permits. Councillor Adams inquired if there had been other incidents such as this with pool companies. Mr. Audas responded that from time to time there have been but that was most likely due to information of new by-laws or amendments not reaching the companies in a timely manner.

Councillor Mosher called for any additional speakers for or against the variance. Hearing no further speakers the following motion was made:

MOVED BY Councillor Adams, seconded by Councillor Whalen that the public hearing on Variance Application 037707 - 16 Barkton Lane, Halifax be closed. MOTION PUT AND PASSED UNANIMOUSLY.

Upon further discussion the Community Council agreed that since no one spoke against the variance and that the applicant had done well in contacting the neighbours and Clayton Developments, the following motion was made:

MOVED by Councillor Whalen, seconded by Councillor Walker that Chebucto Community Council overturn the decision of the Development Officer and allow the applicant to proceed with the addition. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Whalen requested that a letter be sent to all the pool companies from the

Development Officer, informing the pool companies of any and all changes to the Land Use By-Law, to ensure they are aware of the proper procedures/permits required by HRM for installing pools/decks on a property.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - None

10. REPORTS

10.1 Intersection - Herring Cove Road and Old Sambro Road

MOVED by Councillor Adams, seconded by Councillor Walker that the Traffic Authority allow a right turn on a red light with a green arrow at the intersection of Herring Cove Road and Old Sambro Road and that a staff report be prepared for May 5, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Case 00214: Development Agreement - 35 Coronation Avenue, Halifax

! A staff report dated April 1, 2003 was before the Committee.

MOVED by Councillor Walker, seconded by Councillor Adams that Chebucto Community Council move Notice of Motion for the proposed development agreement, being Attachment "A", to the Staff Report dated April 1, 2003, to permit construction of eight townhouse units at 35 Coronation Avenue in Halifax and to schedule a public hearing for May 5, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Mailboxes on Margaret Lorne Drive, Herring Cove

MOVED by Councillor Adams, seconded by Councillor Walker that Canada Post and MP Geoff Regan be contacted with a request for repairs to the road around the mailboxes on Margaret Lorne Drive, Herring Cove; and for a concrete base or micropave be constructed/installed around the area as well as a shelter. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Parking Lot at Indoor Soccer Center, Thomas Raddall Drive

MOVED by Councillor Whalen, seconded by Councillor Walker that HRM Staff provide

remediation to the problem with the recycled asphalt used to fill the potholes in the parking lot of the Soccer Nova Scotia Indoor Soccer Center, Thomas Raddall Drive, Mainland Commons and that the parking lot be repaired. **MOTION PUT AND PASSED UNANIMOUSLY.**

12.3 Clean-up of Construction Debris on Thomas Raddall Drive

MOVED by Councillor Whalen, seconded by Councillor Walker that the construction debris along Thomas Raddall Drive be removed. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Mr. Arthur Kidston, 52 Rockingstone Road, Spryfield

Mr. Kidston submitted his comments in writing concerning the Lands Surrounding Kidston Lake and Feldspar Crescent, Spryfield. Mr. Kidston expressed the following concerns:

- ! protection of Kidston Lake and the stream by a no-cut buffer zone in regards to future development of the area.
- ! ownership of the 9.5 acre community park at Kidston Lake in question. He commented that there is a supervised beach operated by HRM but a title search at the Land Registry notes HRM as the owner but no book or page reference for any title or deed for Kidston Lake area.
- ! remaining part of road from Feldspar Crescent to Kidston Lake no longer owned by HRM and could be a problem with access to the lake, also, emergency vehicles would no longer have access to the HRM swimming beach.
- ! continued protection of the Rocking Stone by the Historic Site designation made by Council on August 12, 1971.
- ! protection of Table Rock, near Kidston Lake as there may be some historic cultural significance.
- ! protection of glacial features in the vicinity of Kidston Lake and the adjacent Barrens
- ! concern with the Preservation area on the Barrens or south side of Kidston Lake that was mentioned in the Generalized Future Land Use for Chebucto Peninsula.
- ! Mr. Kidston submitted a photocopy of an article from the Chronicle-Herald/Mail-Star, dated Tuesday, February 11, 2003, regarding " \$7b in benefits from urban cleanups".

Dr. Jogoda Mankowski, 47 Feldspar Crescent

- ! residents assured area around Kidston Lake would remain a Provincial Park. It is now an investment opportunity for a private developer.
- ! only a fraction of what developer plans to do has been disclosed and we deserve to know what the plans are for our neighbourhood, full disclosure

- ! expressed concern with services to the area as the residents will live with the permanent consequences of the development
- ! want to protect this beautiful area for our children and our future
- ! Kidston Lake has a forest full of animals and a recreation area - cross-country skiing, skating and swimming.
- ! eco-system, one hundred years of tree growth, and recreation is being displaced at this time.
- ! questioned why the Department of Environment was not consulted before the land was sold and before the clear-cutting began.
- ! want HRM Planning to come in and make sure that whatever is done is done to preserve the natural habitat
- ! residents have been cheated out of a provincial park and we don't want to be cheated anymore
- ! we want the property authorities present so all is done with everyone's concerns in mind
- ! questioned how public land ended up in private hands and asked how to get assurance that there won't be anymore surprises.

Ms. Mankowski responded to Community Council's inquiry stating that Mr. Stan Havill was the developer. Councillor Adams advised that Mr. Havill is in hospital and he is attempting to communicate with a contact person. He further added that the only information currently on file is a plan for 31 lots with 50' frontages, 100' depths.

Ms. Nancy Wooden, 28 Feldspar Crescent

- ! was a member of City Council when holding zones went in (1977-81)
- ! Holding Zones were intended to hold land until services were in place
- ! services are not just schools or a park, they are transportation services, sewer, storm sewers, the whole realm of infrastructure
- ! a planner was hired to do a complete plan of Mainland South (between 1977-81) as to what infrastructure was in place and what could be developed. Because of his plans, detailed area planning was possible and Holding Zones were brought in so that before you could build beyond a single family home, you had to have a public hearing and you had to have services. If you didn't have that then you didn't build it and we don't have it.
- ! nothing has changed in regards to the Armdale Rotary traffic issues
- ! the sewers are overloaded, basements flooded due to sewer backup during last heavy rain
- ! there has to be an Arm bridge, supposed to be for fire backup

Ms. Wendy Miller, 10 Birchfield Crescent

- ! see commercials on TV all the time that HRM is looking for public input into planning yet a developer cuts away all the trees, that took one hundred years to grow, and residents are not informed as to what is going in there.

- ! Spryfield has a unique area; there are waterways everywhere connecting to hiking trails and there is beauty here.
- ! more of a buffer zone could have been left
- ! there could have been more talk with the community
- ! concerned with public access to Kidston Lake

Councillor Mosher clarified that two years ago she brought the issue of a Private Property Tree By-Law to Regional Council. She further advised that Regional Council does not have municipal authority under the Municipal Government Act to enact a private property tree by-law. Regional Council sent this request to the Province who responded that they are looking into it. Councillor Mosher added that the Private Property Tree By-Law is on the agenda for tomorrow evenings Regional Council meeting.

Ms. Janet Kidston, 62 Rockingstone Road

- ! the road to Kidston Lake was closed in 1987; because of the historical significance of the area, the road should never have been touched, upgraded yes, but Feldspar could have been built beside it instead of on it.
- ! against clear cutting until an environmental study of the land is done
- ! assumed when HRM was formed that all communities would be protected and is astonished that this has not been done
- ! the parkland of 8 acres to the beach at Kidston Lake needs the old road for access and needs us to protect the area
- ! motivated to speak tonight due to a recent newspaper article that quoted the Mayor as saying "residents need to keep their eyes open for some developers in our area whose business ethics may fall short and take advantage of what they can do"
- ! have spoken to a lot of people who feel nothing can be done and that HRM will do whatever they want
- ! people who built in the Leiblin Park/Feldspar area were told that the adjoining forested land would never be built on due to crown land, provincial park and holding zone
- ! asked the HRM the following: how to protect land in their community; is there an emergency measure in regards to clear cutting; are there are any results from presentation on June 17, 2002 on CREATIVE CONSERVATION BY DESIGN, Healthy Growth for HRM.

Councillor Mosher requested an information report on the presentation of June 17, 2002 regarding "Creative Conservation by Design", Healthy Growth for HRM for the May 5, 2003 meeting.

Mr. Jim Connolly, 61 Ridge Park Lane

Mr. Connolly commented that he recently moved back to Halifax and the decision to move back was partly for quality of life. Mr. Connolly stressed that there is value of tree to a street, value of a tree to a neighbourhood and the value of a tree to a community, it does have economic measure/value. He further commented that if you took all the trees out of the South Peninsula, it would not be the same dwelling. Mr. Connolly asked why denature the land when

trees are what people want.

Mr. Connolly raised four specific points on other issues:

- ! can there be an Engineering study done on the amount of light at the corner of Old Sambro Road and Herring Cove Road. He explained that making a left onto Herring Cove Road from Old Sambro Road at night, there is not enough light to see pedestrians in the intersection. He further explained that the placement of the street lights is perhaps the problem and perhaps an additional street light or increased wattage could be considered.
- ! Entrance to parking lot at Provincial Long Lake Park, is in disrepair and perhaps special consideration could be given to maintenance of this entranceway.
- ! 6.1 acres of land adjacent to his home that has been turned upside down and has been partially serviced but then left as it is (between Walter Havill drive over to Osborne). He expressed concern for the possible hazard to Hail Pond due to silting and that this area is also an eyesore.

Councillor Mosher commented that she is attempting to get information and should have some answers in a few days as there was a stop work order issued and is a matter between the subcontractor and the developer.

- ! final point is a health concern, after last heavy rainfall, a friend who lives on Doull Avenue had his basement flooded and expressed concern with the Butler Lands contaminated soil washing onto neighbouring properties.

Councillor Mosher requested a staff report for the May 5, 2003 meeting on the maintenance to the entrance to Provincial Long Lake Park and the lighting at the intersection of Herring Cove Road/Sambro Road.

Mr. Hiram Tiller, Thackery Close

- ! concern with possible affects on Armdale Rotary traffic due to new Williams Lake development
- ! suggested the sign at Armdale Rotary be changed to state only a right turn from 3:00 pm to 5:30 pm instead of 4:00 pm to 5:30 pm as the traffic is already gridlocked at 4:00 pm.
- ! commented that traffic calming in the Bayview Road/Flamingo Drive area seems to be stalled and perhaps there should be some pressure applied for a resolution.
- ! asked when work would be completed along Lacewood Drive where road was widened last year.
- ! asked about a crosswalk from Linear Park to Radcliffe.

Councillor Whalen assumed the Chair at 8:40 pm.

Mr. William Phillips, 9 Crestview Drive

- ! pleased to see overhead crosswalk equipment in place near Harrietsfield Elementary School.
- ! the fire station should be able to block the intersection traffic at Old Sambro Road and Herring Cove Road when required.

Councillor Mosher resumed the Chair at 8:45 pm and made the third and final call for public speakers. Hearing no further speakers the public participation was closed.

15. NEXT MEETING DATE - Monday, May 5, 2003

16. ADJOURNMENT

The meeting was adjourned at 8:47 pm.

Chris Newson
Legislative Assistant