

**NORTH WEST COMMUNITY COUNCIL
MINUTES**

October 23, 2008

PRESENT: Councillor Robert Harvey, Chair
Councillor Brad Johns
Councillor Tim Outhit

STAFF: Ms. Karen Brown, Municipal Solicitor
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. at the Lebrun Centre, Lions Den, 35 Holland Avenue, Bedford.

2. APPROVAL OF MINUTES - September 25, 2008 and October 7, 2008

MOVED BY Councillor Johns, seconded by Councillor Outhit that the minutes of September 25, 2008 and October 7, 2008, as presented, be approved. MOTION PUT AND PASSED.

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

Additions: 11.1 Correspondence - Letter from the Sackville Community Development Association.
11.2 Submission from Armco Capital re: Case 00970.

Move: Request to move Variance Appeal Item 8.2.1 prior to the Public Hearing Item 8.1.1.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the order of business, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

4.1.1 Pinehill Street Stormwater Drainage - No update.

4.1.2 Storm Drain Issue - Cavalier Drive - No update

4.1.3 Union Street Flooding

Councillor Harvey noted that an e-mail message from staff had been received in regard to this issue.

4.1.4 Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-Law Amendment to Permit Signage for Small Home-Based Businesses.

Councillor Johns noted that staff were working on this request.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RECISSION - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

The Community Council agreed, during the approval of the agenda, to deal with Item 8.2.1 at this time.

8. **HEARINGS**

8.2 **Variance Hearings**

8.2.1 **Refusal of Variance #14805 - 56 Neily Drive, Lower Sackville**

- A staff report dated October 13, 2008 was before Community Council.

Mr. Trevor Creasor, Development Officer, presented the report.

Councillor Harvey, Chair, advised that speakers for a variance appeal hearing were limited to the property owner and those who had received written notice on the issue.

Mr. Bill Moulton, Applicant

Mr. Moulton advised that his variance request was in order to permit the construction of a front porch addition to his home. The addition would address household safety and quality of life issues for his family. He explained that the front entrance area of his home, as it currently exists, was too narrow and in the case of an emergency the limited space could result in catastrophe. Fire Services denied his request for a home inspection advising that they do not inspect structures under three stories; they advised that a Building Inspector would be the person to contact for a site inspection.

Mr. Moulton submitted, for the Community Council's consideration, pictures of his entryway; other properties in the area with additions to similar to that which he hoped to construct. Letters of support for the variance (porch addition) from his neighbours were also submitted at this time.

Speakers

Duane Kruck, Lower Sackville

Advised that he is a neighbour and had submitted a letter in support of the variance. He commented that the porch addition would beautify the street/neighbourhood.

Greg Canning, Lower Sackville

Advised that he was in support of the variance. He agreed with the quality of life issue and that the addition would add to the quality of the neighbourhood.

The Chair called for the third and final time for any further speakers on this matter. Hearing none, it was **MOVED BY Councillor Outhit, seconded by Councillor Johns that the variance hearing be closed. MOTION PUT AND PASSED.**

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West

Community Council overturn the Development Officers decision and substitute a variance of six feet (6'). MOTION PUT AND PASSED.

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 00970 - Bedford West Development Agreement, Sub Area 2

Councillor Bob Harvey, Chair, reviewed the public hearing procedures. He then called upon Mr. Andrew Bone, Planner, to present the report.

In response to questions of clarification from Council, Mr. Bone advised that:

- there will be a multi-use paved trail system, in lieu of a sidewalk, that would permit bikes. The paved trail would be less costly than a sidewalk.
- staff could inquire of the Halifax Regional School Board (HRSB) whether they would be open to extending the time frame in regard to the school site (Section 3.5.11).
- in regard to section 6.2 (g) Non-substantive amendments and the temporary diversion of sewer from Halifax to Bedford, the Municipal Planning Strategy (MPS) allows for consideration of the temporary flow of sewage to Mill Cove. The MPS for this area indicates that the long-term destination of the sewage from Sub-Area 2 would be Halifax. Staff have identified the temporary sewage flow to Bedford (Mill Cove) as a non-substantive amendment. Community Council would have to decide if they wanted to hold a public hearing on the non-substantive issue.

Public Hearing

The Chair reviewed the guidelines for public hearings. He then called forward those speakers indicated on the speakers list. The Chair noted that others wishing to speak may do so once the Speakers List was depleted.

Walter Reagan, Lower Sackville

Expressed the following ten concerns/comments:

- there did not appear to be plans for the Sandy Lake Watershed in regard to testing/monitoring.
- there were no plans for fishways over the three dams.
- suggested that there should be a trail access under Highway 102 to connect Bedford West to Paper Mill and Moirs Run.
- the trails should be built to HRM standards with a long-term maintenance and funding agreement.
- every lot should have a service charge applied to cover infrastructure charges.
- the sewer line should be connected to eliminate the Highland Park sewer plant.
- the multi-use /commercial buildings should be built to LEED (Leadership in Energy and Environmental Design) standards with green roofs.
- reduce parking as much as possible to reduce hard surfaces.
- suggested a four lane bridge over Kearney Lake River with bike paths and sidewalks.

- The sewer flow should be to Halifax as Bedford Basin has been guaranteed “A” class water.

Wendy MacDonald, Clayton Park West; Member of Trails Group

Advised that she had attended the Public Information Meeting on this proposal and that there were several questions still unanswered. She expressed concern with the following:

- Non-disturbance area along Kearney Run/possible loss of trees along the watercourse: She would like to see the woodlands maintained with occasional viewpoints noting that there was a mature stand of white pine in the area.
- Stormwater Runoff: possible compromise of the water in regard to stormwater runoff. She explained that stormwater directed toward the wetlands in the Clayton Park West area was not working well as the wetland was not designed to cope with the amount of runoff from roofs/pavement; pollution to the wetland was considerable. She referenced Belchers Marsh in Clayton Park and the flooding each year playing havoc with the trail system and the marsh itself. Ms. MacDonald requested clarification on the retention pond for this development and whether it were a recessed piece of land.
- Suggested a detailed management plan be introduced if any building was to be done in the parkland area.
- Trees: She was pleased that native trees would be used in the tree planting as the loss of trees could cost \$400 each to replace. She noted the loss of trees along Regency Drive and Lacewood Drive as they do not seem to have taken ground.

Mr. Andrew Bone, Planner, responded to Ms. MacDonald’s concerns as follows:

- Riparian buffers/walkways: There would be secondary trails that would go around the trees to minimize disturbance. Trails in specialized areas would be three metres, or less, in width. The planning staff have worked closely with trails staff.
- Trees: Standards for single family homes include the placement of additional trees on the properties.
- Stormwater Runoff: There is a requirement for rainbarrels in front yards to manage the rush of stormwater in peak periods as a means to manage stormwater runoff. In the commercial areas, bio-retention facilities are required to help the stormwater seep into the ground. There is an extensive stormwater management plan to identify what needs to be done to protect watercourses in the area.
- Connectors: A connection is planned through the development to the interchange and then to Bedford West and Highway 102. Other connections are also proposed.
- Active Transportation: The trails and walkway systems would allow for active transportation. The community is considered a transit community.

Andrew Giles, Vice President Development, Armco Capital Inc.

Advised that his comments were outlined in the correspondence submitted. His request was that item (d) Section 6.2 of the proposed development agreement be removed and that any amendments in regard to sewage flow be dealt with through the regular amendment process, Item 6.1 Substantive Amendment.

Maryann McGrath, Kearney Lake

Expressed concern with the level of setback between the pond/green area and the multi-use buildings at Kearney Run; the amount of open space resulting from the clearing and

how that would affect the blow down of the larger trees. She noted that green areas should be green. Ms. McGrath inquired if the development would occur prior to the construction of the new interchange. She noted concern with the possible increase in traffic along Kearney Lake Road without that interchange and the current difficulty residents face when trying to exit or enter the Hamshaw Drive area. She requested the expected time frame for the construction of the sewer line from the Petro Canada to Kearney Lake Road that would service the development.

Mr. Andrew Bone, Planner, responded to Ms. McGrath's concerns as follows:

- The timing for the sewer line has not been determined; it would be part of the capital cost negotiations which are ongoing. The sewer/water infrastructure extension must go through the Nova Scotia Utility and Review Board.
- Transportation issues would go before Regional Council.
- The timing for the construction of the interchange has not been determined and would depend on the funding; to be cost shared between the Municipal, Provincial and Federal government levels. The goal is to have the interchange in place by the year 2010.
- In regard to the multi-use buildings/potential impact on green space, an area of 100' of vegetation is required to be maintained along Kearney Run. There are a number of predetermined non-disturbance areas. The blow down of existing trees is unavoidable.

Councillor Johns advised that Regional Council approved their 1/3 portion of funding for the interchange on April 8, 2008.

Jack Bryant, Oceanview Drive

Inquired if the sewer line proposed to run along Kearney Lake Road would be accessible to residents along the route. He inquired what would happen to the current contract if the temporary sewer route was not approved.

Mr. Andrew Bone provided the following responses:

- the sewer line to Halifax would go through the private lanes and would be available as those lands develop. Most of the line would be back from Kearney Lake Road and may not be immediately available to adjacent properties.
- if permission was not granted for the temporary sewage flow to Bedford, the development may not be able to proceed. A review of the entire policy for the area may occur. The Regional Plan indicated that Halifax was the final destination in regard to the sewage flow. Installation of sewer/water infrastructure is not that far off in regard to this development.
- area residents would not have access to the waterline at this time due to concern for the integrity of the high pressure water line.

The Chair opened the floor to further speakers wishing to comment on the development.

Debbie Hum, Councillor, District 16

Councillor Hum expressed concern that she was not officially notified of the public hearing. She explained that her district has great interest in the development of Bedford West and the impact it will have on District 16, specifically the Kearney Lake Road area residents.

She requested that she, the residents in her area along Kearney Lake Road including the Kearney Lake community (Hamshaw Drive etc.), and the Chebucto Community Council be kept apprised of all future meetings/correspondence in regard to development of the area.

Councillor Johns clarified that the Planning Department would be the Business Unit responsible for updating the area Councillor/residents in regard to development of this area.

Mike Hanusiack, Senior Vice-President Clayton Developments, Representing Applicant.

Mr. Hanusiack advised that Clayton Developments was in partnership with Crestco, the Project Manager in regard to this Masterplan Community. He introduced Mr. Kevin Neat, Associate Planner, responsible for the design work for this proposal.

The following points of clarification, in response to comments heard during the public hearing, were offered by Mr. Hanusiack and Mr. Neat:

- A comprehensive Stormwater Management Plan has been prepared by Jacques Whitford Limited / Williams Engineering and vetted through the Bedford Watershed Advisory Board.
- This particular area (Sub area 2) is not within the Sandy Lake Watershed.
- Annapolis Group owns and controls the dams. Clayton Developments/Crestco has no control over the fishways, repairs or upgrades to the dams.
- In regard to traffic concerns, construction in Sub-Areas 2,3 and 4 can proceed before construction of the interchange but not before the Capital Cost Charges are approved. Other Sub-areas, such as 7, 8 and 9, cannot be developed until the interchange and future connection to the Kearney Lake Road are constructed.
- Policy BW16 permits a temporary pumping station force main to Mill Cove. This provision was included due to original concerns with the timing of the connection through to Halifax. The aim and intent of Clayton Developments/Crestco is to work with Halifax Water and HRM to see the connection through to Halifax which is where it would eventually have to go.
- In regard to accessibility to sewer service, the major pumping station in Bedford South will flow by gravity reducing the pumping stations from three to one. This system was designed to pick up more lands, however; houses along Kearney Lake Road would have to have a pump in each house to force them into the force main. New houses will have a gravity system that would be cheaper and less complicated than a pumping station. The intent for the sewer line route would be to go overland adjacent to the power line; at the high point the force main would transfer into a gravity main to the proposed pumping station located at the Petro Canada / Kearney Lake Road area. The sewer line would not run along the Kearney Lake Road due to the old water line in that vicinity. He suggested that Mr. Mark McGonnell, HRM Development Engineer, Community Development, could provide more detail on this matter.
- In regard to parkland /open space concerns, the extremely environmentally sensitive areas along Kearney Run and the Ravines has been recognized. The waterfront park area will be a minimum 100' wide, additionally, the sideyard requirement for the six-storey building area would be half the height of the building

which would be 30' in this instance. The natural occurrence of blow down would be inevitable, however; it is hoped that the hardwood and deeper root mat of the white pine in the area would result in less blow down.

Upon third and final call by the Chair for any further speakers, and hearing none, it was **MOVED BY Councillor Johns, seconded by Councillor Outhit that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Harvey called a five minute recess at 8:33 p.m.

The meeting reconvened at 8:40 p.m.

Councillor Harvey advised that a letter from Armco Capital had been received that afternoon and was part of the official record for the public hearing.

Councillor Johns commented that traditionally five years has not been adequate time for the school board to determine if it will require the proposed school site in a development. For this development, it could be three years or more before the applicant commences to build due to the unknown timelines for sewer extension to the area. He suggested an amendment that the five years be extended to ten years in regard to the school site in Section 3.5.11 (a).

In response to Councillor Johns, Mr. Andrew Bone responded that there were two additional school sites in Phase 3 and 4. He indicated that there could be school sites in other phases.

MOVED by Councillor Johns, seconded by Councillor Outhit that the motion be amended as follows: *that page 20, Institutional Use, Section 3.5.11(a) to read as follows:*

- (1) *ten (10) years have elapsed since the date of entering into this agreement; or***

MOTION TO AMEND PUT AND PASSED.

The motion before Community Council now reads as follows:

MOVED BY Councillor Outhit, seconded by Councillor Johns that the North West Community Council:

- 1. Approve the proposed development agreement as presented in Attachment A of the staff report dated September 11, 2008 and amended by the North West Community Council on October 23, 2008 as follows:**

That page 20, section 3.5.11 (a) be amended to read as follows:

- (1) *ten (10) years have elapsed since the date of entering into this***

agreement;

2. **Require the Development Agreement be signed within 120 days, or any extension thereof granted by the Community Council on request of the applicant, from the date of final approval of said agreement by the Community Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

Mr. Andrew Bone, Planner, advised that the province cannot make commitments more than five years out. He also noted that the province was aware of the amount of growth in the area and that there was a large community group who would inform the School Board of growth in the area.

MOTION PUT AND PASSED.

8.2 Variance Hearings

8.2.1 Refusal of Variance #14805 - 56 Neily Drive, Lower Sackville

This item was addressed earlier in the meeting. See page 5.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - See Added Item 11.1, page 13.

9.2 Petitions - None

9.3 Presentations - None

10. REPORTS

10.1 Staff

10.1.1 Case 00908: Development Agreement - Expansion of Timber Trails Mobile Home Park

- A Supplementary Report dated October 7, 2008 was before the Community Council.
- A report dated October 2, 2008 from the North West Planning Advisory Committee was before Community Council.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the Supplementary Report dated October 7, 2008 re: Case 00908 Development Agreement - Expansion of Timber Trails Mobile Home Park be referred to the North West Planning Advisory Committee for review. The item is to be added to the November 27, 2008 North West Community Council agenda. MOTION PUT AND PASSED.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council give first reading to consider a development agreement to permit

the expansion of the Timber Trails Mobile Home Park, located on Lucasville Road, in the community of Hammonds Plains, as shown in Attachment A of the staff report dated September 11, 2008, and schedule a public hearing for November 27, 2008. MOTION PUT AND PASSED.

10.1.2 Proposed 2009 Meeting Schedule

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council approve the 2009 Community Council meeting schedule with the exception of the December 24, 2009 date. MOTION PUT AND PASSED.

10.2 Members of Council - None

10.3 North West Planning Advisory Committee

10.3.1 Case 00970 - Bedford West Development Agreement, Sub Area 2

This item was dealt with during the public hearing for Item 8.1.1. See page 6.

10.3.2 Case 001120 - Full Service Restaurants with Accessary Drive Thru Functions - Sackville Drive Land Use By-Law

- A report dated October 2, 2008 from the North West Planning Advisory Committee was before Community Council.

Mr. Miles Agar, Planner, was in attendance to speak the matter if required.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council not approve an amendment to the Sackville Drive Land Use By-Law to enable an accessary drive thru function within a full service restaurant in all commercial zones, and; not to move forward with the proceeding. MOTION PUT AND PASSED.

10.3.3 Case 00908: Development Agreement - Expansion of Timber Trails Mobile Home Park

This item was dealt with under Item 10.1.1. See page 11.

10.4 North West Transit Advisory Committee - None

10.5 Halifax Watershed Advisory Board - None

10.6 Bedford Watershed Advisory Board

This item was dealt with under the public hearing Item 8.1.1 Case 00970. See page 6.

11. ADDED ITEMS

11.1 Correspondence dated October 17, 2008 from the Sackville Community Development Association

Councillor Harvey requested that the issues raised in the correspondence be forwarded to the following staff:

- Traffic issues at Walker Avenue and extension of sidewalk - Mr. Dave Hubley, Design and Construction Services.
- Traffic issues - Mr. Ken Reashor, Traffic Authority.
- Transit issues - Metro Transit

Councillor Harvey noted that a review was already underway in regard to the No Parking signs; the gravel parking area (overflow parking for MetroLink service) on the Wheaton's property and the development of an extra lane from Walker Avenue to the Beaver Bank Connector Road. He explained that residents were bringing forward safety issues due to the increase in traffic which is due, in part, to the several apartment buildings, homes and new street in the area.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council endorse the concerns raised in the Sackville Community Development Association letter dated October 17, 2008 and advise staff that these issues need to be addressed and all suggestions be considered. A letter from the North West Community Council endorsing the concerns and need for action in the near future to be included with copy of letter to pertinent staff. MOTION PUT AND PASSED.

12. NOTICES OF MOTION - None

13. PUBLIC PARTICIPATION

Mr. Walter Regan, Sackville

- Congratulated the Councillors on behalf of Sackville Rivers.
- Requested that an HRM staff person be invited to the November meeting in regard to the shopping cart By-law as he has been receiving conflicting information from HRM staff.
- Have oil grid separators installed at the Park 'n Ride located at the new by-pass at Lucasville Road in order to keep oil out of the river.
- Requested that the land adjacent to Webber Lake be made available for a Park 'n Ride.
- Requested that the North West Community Council support \$5 million for trails and extra money for trail maintenance in the next budget.

Councillor Harvey requested that the Legislative Assistant inquire if a staff person from By-Law Service could provide clarity on the shopping cart by-law issue for the November meeting.

Councillor Johns clarified that HRM did not own the land adjacent to Webber Lake. He

has suggested that HRM try to acquire the land for park/public access.

There were no further speakers.

14. NEXT MEETING DATE - November 27, 2008

15. ADJOURNMENT

The meeting adjourned at 9:03 p.m.

Chris Newson
Legislative Assistant