



NORTH WEST COMMUNITY COUNCIL
August 25, 2005

MINUTES

PRESENT: Councillor Brad Johns, Chair
Councillor Robert Harvey

REGRETS: Deputy Mayor Len Goucher

STAFF: Mr. Wayne Anstey, Municipal Solicitor
Ms. Jill Justason, Planner
Mr. Andrew Faulkner, Development Officer
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in the Fenerty Room, Sackville Library, 636 Sackville Drive.

2. APPROVAL OF MINUTES

MOVED by Councillor Harvey, seconded by Councillor Johns, the minutes of July 7, 2005 be approved. MOTION PUT AND PASSED.

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

Councillor Harvey added the following two items to the agenda:

- 9.1.1 Letter from Halifax Watershed Advisory Board
- 12.1 Traffic Issues - Lower Sackville

MOVED by Councillor Harvey, seconded by Councillor Johns the agenda as amended be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES:

4.1 STATUS SHEET ITEMS:

4.1.1 Shopping Cart Bylaw Report

E-mail update by staff was submitted advising that the proposed Nuisance By-Law will be presented to Committee of the Whole in the fall. This item is to remain on the status sheet until that time.

4.1.2 Transit for Lucasville

No update was provided. This item is to remain on the status sheet.

4.1.3 Letter from Sackville Drive Business Association - Height Restrictions

Councillor Harvey advised that he met with staff for discussion on this matter. He added that the Business Association will be contacted in the near future and a report will be forthcoming. This item is to remain on the status sheet.

4.1.4 Springfield Lake Watch

The Chair noted that a report is expected for Community Council's September meeting. This item is to remain on the status sheet.

4.1.5 Judy Avenue Pathway

The Chair noted that staff is exploring the possibility of a land swap. He also pointed

out that the status sheet has incorrectly included an item from the July meeting with this item, i.e. Judy Anne Playground. He explained that the item pertaining to the Judy Anne Playground was a different item and had been dealt with. The Chair asked that the status sheet be corrected.

4.1.6 Purchase of Land for Springfield Lake Rec Centre

No update was provided. This item is to remain on the status sheet.

4.1.7 Union Street Flooding

No update was provided. This item is to remain on the status sheet.

4.1.8 Policy P-71, Beaver Bank, Hammonds Plains and Upper Sackville MPS - Information Report dated June 28, 2005

The Chair noted that, at the last meeting, an information report dated June 28, 2005 was submitted, and Community Council had tabled the report at that time. This item is to remain on the status sheet.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS:**

7.1 Case 00701: Amendments to Development Agreement - 85/91 Sackville Drive - Staff Update

A public hearing on this matter was held at Community Council's July 7, 2005 meeting when, at that time, a motion was passed deferring the matter to this meeting.

Ms. Jill Justason, Planner, addressed Community Council and advised that this matter had been deferred at the last meeting because of a number of deficiencies under the existing development agreement. She added that since this time, staff have worked with the developer and resolved a number of issues. Ms. Justason noted that there were still some outstanding deficiencies and she briefly reviewed these. In conclusion, Ms. Justason indicated that although all the deficiencies had not been addressed, staff was comfortable that everything was moving in the right direction and were recommending approval of the proposed amendments.

Ms. Justason responded to questions.

In response to a question from Councillor Johns, Ms. Justason advised that HRM continues to hold a bond of \$14,000 for environmental and landscaping aspects.

Councillor Harvey addressed the matter and indicated that he was satisfied that the deficiencies were being addressed and this matter was moving in the right direction.

MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council:

1. **Approve the amending agreement (Attachment A) to amend the unit distribution and alter the surface and underground parking ratio for 85/91 Sackville Drive as outlined in the April 12, 2005 staff report; and**
2. **Require the amending agreement be signed within 120 days, or any extension thereof granted by the North West Community Council on request of the applicant, from the date of final approval of said Agreement by the North West Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods. Otherwise this approval shall be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

7.2 Sackville Drive Traffic - Councillor Johns (Information Report)

- An information report dated July 12, 2005 was submitted.

Councillor Johns noted that the information report addressed a question he had regarding traffic concerns in the area of the newly opened Kent Building Supply Store in Sackville.

8. HEARINGS:

8.1 Public Hearings: None

8.2 Variance Hearings:

8.2.1 Appeal of the Development Officer's Decision to Refuse a Variance at 44 Dickey Drive, Sackville. Variance No. 12060

- A staff report dated August 12, 2005 was submitted.

Mr. Andrew Faulkner, Development Officer, addressed Community Council and reviewed his decision to refuse a variance from the front yard setback requirements of the land use bylaw for the location of a front attached deck to the single unit dwelling located at #44 Dickey Drive in Sackville, as outlined in the submitted staff report.

Mr. Faulkner responded to questions from Community Council.

Mr. David Hawkins, the appellant, addressed Community Council and advised that he did not intend to disregard any laws, and noted that he was fixing stairs that had fallen in disrepair and that once he became aware he required a permit, he did so. Mr. Hawkins explained that he hoped Community Council would grant him the variance, however, if that was not acceptable, he was willing to cut back the deck approximately 40 inches, thus, making it more acceptable by staff. Mr. Hawkins advised that he has

spoken to his neighbours and none have voiced opposition to the deck as it presently stands. Mr. Hawkins also submitted letters from Mr. Kevin Mazerolle, 40 Dickey Drive, Lower Sackville; and Mr. George and Mrs. Marilyn Dewitt, 48 Dickey Drive, Lower Sackville stating their support for retaining the deck as it presently stands.

The Chair asked if there was anyone else in attendance, who received notification, that wished to speak on this matter; and there were none.

Councillor Harvey addressed the issue, noting that he visited the site, and that it was his understanding if the existing structure were reduced to the carrier beam, which would be about 40 inches, it would be acceptable to staff. Councillor Harvey indicated that he was prepared to move in favour of the appellant with this provision.

MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council overturn the decision of the Development Officer to refuse the variance with the provision that the existing structure be reduced to the carrier beam, which is approximately 40 inches. MOTION PUT AND PASSED.

8.2.2 Appeal of the Development Officer's decision to approve a variance at 76 Candlewood Lane, Sackville. Variance No. 11976

- A staff report dated August 15, 2005 was submitted.

Mr. Andrew Faulkner, Development Officer, addressed Community Council and outlined the application by Jamie and Oren McCarthy for a variance from the property line setback requirements of the land use bylaw to permit construction of a detached garage for the property at 76 Candlewood Lane in Sackville. Mr. Faulkner reviewed the reasons he approved the variance, as contained in the submitted staff report, and advised that the variance has been appealed by the owners of 68 Candlewood Lane and 119 Alder Crescent.

Mr. Faulkner responded to questions from Community Council.

The Chair advised that he would open the floor first to the appellants, and then the applicants for the variance.

Mr. Winston Teal, a resident of 48 Candlewood Lane, addressed Community Council and indicated he was opposed to granting the variance to allow the garage because the proposed 16 foot driveway was too wide; the garage would negatively impact on the assessment of his home; and it would impact any plans there may be in the distant future for a sidewalk.

The Chair asked if there was anyone else, who received notification, wishing to speak on this matter; and there were none. The Chair noted for the record that a letter had been submitted by Mr. Richard Carpenter, 119 Alder Crescent outlining his reasons for opposing the variance.

Ms. Jamie McCarthy, property owner of 76 Candlewood Lane, Sackville addressed Community Council and submitted a letter containing nine names in support of her application for a variance to permit construction of a detached garage. Attached to the letter were photos and sketches of the property in question, highlighting the area of the proposed garage.

Ms. McCarthy, referring to the submitted photos, pointed out that the sheds on the property will be removed. She added that a concern had been expressed that the proposed garage would be come a place of business, and she assured Community Council that this was not the case. Ms. McCarthy advised that her husband works full time elsewhere and that as a licensed mechanic, his hobby is restoring vehicles, and sometimes assisting family and friends with their vehicles. Ms. McCarthy also pointed that she and her husband were fully aware of the bylaws of their neighbourhood, and home occupations are not permitted in this area.

Mr. Oren McCarthy addressed Community Council and pointed out that the distance from the curb to their property line is 20 feet and, therefore, the proposed garage would be 24 feet from curb to its placement, and not 16 feet. Mr. McCarthy made reference to concern expressed about the garage impeding the view of traffic, and advised that the proposed garage would be placed in an area where there had been large pine trees, and which have recently been cut down.

There were no further persons in attendance to speak on this issue.

Councillor Harvey advised that, initially, he was undecided about this matter, expressing concern the application is a rather large building for a residential lot, and has a wide driveway. The Councillor noted that he has had previous experience with such applications and they have often negatively impacted the neighbours, because the owner ends up, essentially, running a garage out of a garage, rather than it simply being a hobby. The Councillor indicated, however, a significant factor with this application is that nine residents within site of the property have advised they have no objection to this application.

MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council uphold the decision of the Development Officer to approve the variance. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence:

9.1.1 Letter from Halifax Watershed Advisory Board

This item was added at the approval of the agenda.

A letter dated August 12, 2005 from the Halifax Watershed Advisory Board concerning erosion and sedimentation problems in the area of Pinehill Street, Sackville was submitted. Copy of a letter dated August 18, 2005 from David Ellis, P.Eng. Sr. Environmental Engineer, Environmental Management Services was also submitted.

Councillor Harvey, for the information of the public, outlined the concerns expressed by the Halifax Watershed Board in the submitted letter, and the response by staff. The Councillor noted the matter was being investigated by staff, and they have indicated they will report back to the Board and this Community Council.

9.2 Petitions: None

9.3 Presentations: None

10. REPORTS:

10.1 Staff:

10.1.1 Supplementary Report - Case 00738 - Amendments to the Bedford South and Wentworth Secondary Planning Strategies (SPS)

- A supplementary staff report dated August 5, 2005 was submitted.

Councillor Harvey noted that although Deputy Mayor Goucher was unable to be here this evening, he had spoken with him about this item, and he had no concerns and supported the staff recommendation.

MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council:

- 1. Approve the proposed amendments to the development agreement for Neighbourhoods "A" and "C" as provided in the revised Attachment C of the report dated August 5, 2005.**
- 2. Require the amending development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by 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.**

MOTION PUT AND PASSED.

10.2 Boards and Committees:

10.2.1 Halifax Watershed Advisory Board - Amendment to Terms of Reference

- A report dated August 8, 2005 from the Chair of the Halifax Watershed Advisory Board was submitted.

MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council approve the revised Terms of Reference of the Halifax

Watershed Advisory Board as outlined in Attachment 'A' to the report dated August 8, 2005. MOTION PUT AND PASSED.

10.2.2 North West Transit Advisory Committee - Appointment

- A report dated July 14, 2005 from the Chair of the North West Transit Advisory Committee was submitted.

MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council appoint Mr. Alain R. Bourgeois to the North West Transit Advisory Committee as a representative of District 19. MOTION PUT AND PASSED.

11. MOTIONS: None

12. ADDED ITEMS

12.1 Traffic Issues - Lower Sackville

This item was added to the agenda at the request of Councillor Harvey.

Councillor Harvey submitted an e-mail letter from a resident of Lower Sackville expressing a traffic-related concern, in particular, the number of motorists who run red lights and the lack of enforcement. The Councillor advised that the letter included suggestions to curtail this activity over and above the current enforcement practices, and he asked that this be forwarded to the following staff for response: Supt. Gordon Barnett, RCMP, HRM Detachment; Corp. Wornell, RCMP, Sackville Detachment; Chief Frank Beazley, HRM Police Services; and Ken Reashor, HRM Traffic Authority

12.2 Information Item - Memo from Staff RE: Update on the Sackville Drive: Functional Study Add On.

Councillor Harvey indicated that Community Council received an Information Item, providing an update with regard to a motion passed at last Community Council. He advised that meetings have occurred with HRM staff and the Sackville Drive Business Association and a plan is being developed for street scape improvements for Sackville Drive in the budget year of 2005/06. Councillor Harvey noted the Capital Budget included \$300,000 towards the street scape of Sackville Drive.

13. NOTICES OF MOTION: None

14. PUBLIC PARTICIPATION:

Walter Regan, representing the Sackville Rivers Association, addressed Community Council with the following comments/questions:

- Sackville Rivers Association is having a dinner and auction on September

- 16, 2005 at the Sackville Legion and he invited Councillors and the public to attend.
- The Sackville Rivers Association, partnering with HRM and ACOA have begun construction on the million dollar trail between Bedford and Sackville. Mr. Regan added that a ribbon cutting ceremony is anticipated for either November or early spring depending on construction delays. He encouraged Mayor Kelly and Councillors to visit the site.
 - Sackville Rivers Association received a phone call from a gentleman who spent three days pulling 22 shopping carts out of the River in front of the Bedford Mall. It appears that, with a bus stop at this location, people are taking their groceries to the bus stop, leaving the carts, and the carts wind up in the river. Mr. Regan questioned if something could be done. In response, Councillor Harvey noted that a Nuisance By-law will be presented to council in the fall and the issue of shopping carts will be addressed in the bylaw.

Mr. Ed Grace, representing Springfield Lake Watch, questioned the status of item 4.1.4. In response, Councillor Johns advised staff is expected to report back at Community Council's September meeting.

In response to another question by Mr. Grace regarding implementation of Policy P-71, Councillor Johns noted that he asked staff what the cost would be to implement it around Springfield Lake only. The Councillor added that he was advised that the tests to move this forward would be approximately \$10,000. He indicated he would be speaking with staff about funding possibilities and pointed out that this matter is also being investigated within the Regional Plan.

Mr. Walter Regan questioned if there was any update in regard to a letter he submitted last month. In response, Councillor Harvey advised that the letter was forwarded to staff involved with the street scape design implementation as a project. Councillor Harvey noted that the bridge in question would be approximately one million dollars and presently, there are no funds to carry out this. Councillor Harvey indicated that he was hopeful that if the Municipality receives funds in regard to the gas tax, perhaps consideration could be given to this bridge.

Mr. Walter Regan expressed disappointment that the Sackville Drive Functional Design Study is not recommending medians on Sackville Drive and questioned how this could get instituted. In response, Councillor Harvey noted that it was an expensive proposition, pointing out that land would have to be acquired. He added that the issue was not dead for him, and that perhaps it was something that could be phased in as monies become available.

Further to this, Councillor Johns suggested that he and Councillor Harvey sit down with the Sackville Rivers Association, Sackville Drive Business Association, and the Community Development Association for discussion.

Mr. Walter Regan questioned if there was an update concerning the acquisition of 51 Beaverbank Road. In response, Councillor Johns advised there has not been any movement on this, pointing out that staff do not see it as park land and are not going to

acquire it as conservation land.

Mr. Walter Regan expressed appreciation to Councillor Harvey and others involved in a recent weekend event whereby sods were put down on the Fultz House property.

Mr. Walter Regan advised that in May, his son was swarmed and mugged, and upon investigation by the RCMP, one of the culprits was brought to justice. Mr. Regan expressed concern at the amount of policing that is available, adding that he has heard HRM is short 20% staff with regard to policing and asked how the staffing can be increased.

Councillor Harvey advised that on April 1 the Sackville Detachment of RCMP received four additional members and it was his understanding this will be increased by four more members. He also pointed out that this budget included an addition to the Halifax Regional Police Service of 32 over a two year period.

Councillor Johns also noted that a new traffic division will start up in October, and this should free up some officers who presently spend time on traffic complaints.

Further to this matter, Councillor Harvey pointed out that a date has not been announced but sometime in September or October a town hall meeting on policing will be held.

Mr. Ed Grace advised that on Springfield Lake Road there were two or three ditches which have run-off from the street, and he questioned if the culverts could be removed and replaced with proper riparian zones to prevent sludge from the street going into the lake.

Councillor Johns noted that he had discussed this matter a couple of years ago with staff and suggested that Mr. Grace follow up with Mr. Charles Lloyd of Environmental Management Services.

15. NEXT MEETING DATE - September 22, 2005

16. ADJOURNMENT

The meeting adjourned at 8:10 p.m

Sheilagh Edmonds
Legislative Assistant