

NORTH WEST COMMUNITY COUNCIL
MINUTES

January 24, 2008

PRESENT: Councillor Robert Harvey, Vice Chair
Councillor Brad Johns

REGRETS: Councillor Gary Martin, Chair

STAFF: Ms. Karen Brown, Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:05 p.m. in the Sackville Heights Community Centre, 45 Connolly Road, Sackville.

2. APPROVAL OF MINUTES

MOVED by Councillor Johns, seconded by Councillor Harvey that the minutes of November 21, 2007 and December 11, 2007 be approved. MOTION PUT AND PASSED.

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

Additions:

11.1 Information Report: Future Community Visioning: Sackville

MOVED by Councillor Johns, seconded by Councillor Harvey that 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 Pinehill Street Stormwater Drainage

No update. To remain on Status Sheet.

4.1.2 Storm Drain Issue - Cavalier Drive

No update. To remain on Status Sheet.

4.1.3 Judy Avenue Pathway

No update. To remain on Status Sheet.

4.1.4 Union Street Flooding

No update. To remain on Status Sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. HEARINGS:

8.1 Public Hearings:

8.1.1 Case 01044: Development Agreement - Church and Residential Development

Notice of Motion for this matter was given at a meeting of North West Community Council on December 11, 2007.

A report dated December 6, 2007 from the Chair of the North West Planning Advisory Committee was submitted, with an attached staff report dated November 7, 2007.

E-mail correspondence from Mr. John Devoe was submitted.

Prior to the staff presentation, the Chair outlined the public hearing procedure for the information of those in attendance.

The Chair advised that Regional Council has granted Councillor Martin leave from his Council related duties, due to his illness.

Ms. Leticia Smillie, Planner I, addressed Community Council and outlined the application by W. M. Fares and Associates on behalf of Sackville Wesleyan Church to enter into a development agreement to permit a church and 44-unit residential development at the corner of Sackville Drive and Melham Drive, Middle Sackville.

The Chair opened the hearing for anyone wishing to speak either in favour against the application.

Mr. Walter Regan, representing the Sackville Rivers Association questioned the possibility of having sewage retained onsite. He also asked if he could receive copies of the sewage flow monitoring reports.

Ms. Smillie indicated the monitoring reports could be sent to the Sackville Rivers Association.

Mr. Peter Simpson addressed Community Council and advised that he lived in the adjacent property. He advised that he was on well-water service and questioned if this development will have an adverse impact on the supply of well-water.

In response, Ms. Smillie noted that this development will be on municipal services.

In response to a further question by Mr. Simpson, Mr. Mark McGonnell, Development Engineer, HRM Community Development, advised that there is potential for those who lived on Mellon Drive to connect to municipal water services, but for information on whether he could connect to municipal sewer services, he would have to contact the Halifax Regional Water Commission.

Ms. Simpson, addressed Council indicating that she lived adjacent to the proposal in

question and advised that every spring her lower field floods when there is heavy rain. She questioned if there was a plan for diverting rain from the proposed site. Ms. Simpson also questioned if consideration had been given to the amount of children that would eventually be living in the development, and if the local school is able to handle the increased capacity.

In response, Mr. McGonnell advised that the engineering design has to account for the storm water flows, adding that the developer is not permitted to add to those flows.

In response to Ms. Simpson's question on school capacity, Ms. Smillie advised that staff spoke with the School Board and, although there are capacity issues, they feel they can handle the additional capacity from this development.

Mr. Robert Menendez addressed Community Council and advised that he was representing the developer. He indicated that he was available to respond to any concerns expressed by Community Council or the public.

The Chair noted that one submission has been received, adding that the individual is currently out of the country and has stated he is against the proposal, but does not give reasons for his opposition.

The Chair called three times for anyone else wishing to speak; there being none, it was **MOVED by Councillor Johns, seconded by Councillor Harvey that the public hearing close. MOTION PUT AND PASSED.**

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

1. **Approve the proposed development agreement to permit a church and residential development as shown in Attachment "A" of the November 7, 2007 staff report; and**
2. **Require that the agreement be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at and end.**

MOTION PUT AND PASSED.

8.2 Variance Hearings: None

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence:

9.1.1 i Correspondence dated December 14, 2007 from the General Manager,

Halifax Regional Water Commission Re Flooding Issue - 5 Kindling Crescent

A letter dated December 14, 2007 from Carl Yates, General Manager, Halifax Regional Water Commission was submitted.

ii Correspondence submitted via e-mail dated December 11, 2007 from Nova Scotia Department of Environment and Labour Re Flooding Issue - 5 Kindling Crescent

Correspondence dated December 11, 2007 via e-mail was submitted by Mr. Glen Warner, Compliance and Inspection Coordinator, Nova Scotia Department of the Environment and Labour.

Councillor Johns advised that he was aware there were individuals in attendance this evening who wanted to speak about this issue during Public Participation. Community Council agreed to address this matter during Public Participation.

9.2 Petitions: None

9.3 Presentations: None

10. REPORTS:

10.1 Councillor:

10.1.1 Councillor Johns: Property of Gladys Sleigh, Old Sackville Road - Lot Grading Bylaw.

Councillor Johns advised that there has been an ongoing drainage issue on this property for six to eight months, and he asked staff to provide a verbal update on the matter.

Mr. Mark McGonnell, Development Engineer, HRM Community Development, advised that the problem has actually been ongoing for almost two years. He explained that staff thought they had a resolution when the development behind Lawson Estates redesigned the lots. Some work was carried out but then stopped, and this left a grade on the land greater than what staff permits. He added that if the contractor were to come back in the spring and lower the land the problem would go away and, if not, then the lots would have to be re-graded.

Mr. McGonnell responded to questions from Community Council.

Councillor Johns questioned if the developer who constructed Mrs. Sleigh's house, graded the lot according to the lot grading bylaw approved by staff.

In response, Mr. McGonnell advised that he did not know if it was the builder or the developer who changed the grade on the lot, but that it is not in accordance with the original lot grading plan.

In response to a question, Mr. McGonnell noted that staff are currently working on a report concerning lot grading issues and expect to have it submitted to Regional Council within a couple of months.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council support staff's efforts to resolve lot grading issues, and request that the staff report which will be presented to Regional Council on this matter give consideration to requiring that developers submit larger deposits in regard to lot grading. MOTION PUT AND PASSED.

10.1.2 Councillor Harvey: Sackville Land Use By Law Amendments

Councillor Harvey asked Councillor Johns to assume the Chair.

MOVED by Councillor Harvey, seconded by Councillor Johns that staff initiate a planning process to look at the watercourse setback requirements in the Sackville Drive Land Use By-law and ensure that they meet the requirements of the Regional Plan and the Sackville Drive Planning Strategy. Further, that staff ensure that the Land Use Bylaw regulations provide the development office flexibility (as permitted by the Sackville Planning Strategy and Regional Plan) when granting reductions to the setbacks. MOTION PUT AND PASSED.

MOVED by Councillor Harvey, seconded by Councillor Johns that staff open a planning case to consider amending the Land Use By-laws within its jurisdiction not including Sackville Drive (Sackville, Bedford and Beaver Bank, Hammonds Plains and Upper Sackville Land Use Bylaws) to reduce the parking requirement for medical, dental and other health practitioners. Further, that Council advise staff that they are willing to waive the public information meetings given the minor nature of the request. MOTION PUT AND PASSED.

MOVED by Councillor Harvey, seconded by Councillor Johns that staff initiate a planning process to amend the definition of full service restaurant in the Sackville Drive Land Use By-law to permit the establishment of drive-thru service. Further, North West Community suggests that staff limit drive-thru service to an accessory or secondary use. MOTION PUT AND PASSED.

Councillor Harvey assumed the Chair.

10.2 North West Planning Advisory Committee Report:

- 10.2.1 Case 01081: Bedford Land Use By-law Amendment - Bedford West Business Campus Zone (*First Reading and schedule Public Hearing*)**
 - Report from North West Planning Advisory Committee**
 - Supplementary Staff report**

A report dated January 7, 2008 from the Chair of the North West Planning Advisory

Committee was submitted, with an attached staff report dated November 29, 2007.

A supplementary staff report dated January 7, 2008 was submitted.

The Chair requested that the supplementary staff report be forwarded to the North West Planning Advisory Committee, for information.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council give First Reading to the proposed amendments to the Bedford Land Use By-law to amend the driveway access requirements of the BWBC Zone and permit the re-alignment of the Community Collector as shown in Attachment "A" of the November 29, 2007 staff report, and schedule a public hearing for February 28, 2008. MOTION PUT AND PASSED.

11. ADDED ITEMS:

11.1 Information Report: Future Community Visioning: Sackville

An Information Report entitled *Future Community Visioning: Sackville* was submitted.

For the information of those in attendance, the Chair advised that the report stated that the final selections have not been made in regard to the community visioning project. The Chair expressed concern that the report seems to make a case for not including Sackville in the visioning study.

MOVED by Councillor Johns, seconded by Councillor Harvey that the report be forwarded to the Chair of the North West Planning Advisory Committee and a letter be forwarded to staff expressing concern about the direction the community visioning project was taking, and suggest that Sackville be included in the next phase. MOTION PUT AND PASSED.

12. NOTICES OF MOTION: None

13. PUBLIC PARTICIPATION

During Public Participation Mr. Mike Borden, Mr. Wayne Stewart, Mr. Sheldon Deveau, and Mr. Glen Lucas addressed Community Council with their concerns about flooding in and around the area of 5 Kindling Crescent.

Councillor Johns advised that correspondence has been submitted from the Halifax Regional Water Commission and the Nova Scotia Department of Environment and Labour in response to concerns that were brought forward at Community Council's November meeting.

Mr. McGonnell and Councillor Johns responded to questions from the individuals.

Councillor Johns read the correspondence and advised that staff are essentially saying that the issue is a matter between private properties and, therefore, a civil matter.

Councillor Johns advised that he has exhausted every avenue in trying to have staff address this matter, but the response is always the same—HRM is not prepared to take ownership of the problem as it is felt the matter is between the homeowners. He added that if the homeowners believe HRM should accept some responsibility, their next step would be for the homeowners involved to follow up and get a legal opinion.

Mr. McGonnell suggested that the homeowners could talk to Valleyfield Farms about either relocating the ditch or taking measures to improve the situation in the back field. He also suggested that if the homeowners decide to go this route, they speak with the Department of Environment because the Department would want to be involved.

In closing the discussion on this matter, the Chair clarified that staff have determined the issue is between property owners. He added that if the property owners involved want a resolution, then their next step would be to follow it up on their own.

Councillor Johns thanked the Chair for allowing the leeway for this discussion during Public Participation, and emphasized that he has done everything he can to help the residents but the only thing left for the homeowners to do is to get together and meet with the property owners.

Mr. Walter Regan, Sackville Rivers Association made reference to the previous discussion and advised that he believed HRM has a responsibility and should hire a consultant to solve the problem. The Sackville Rivers Association and HRM could then take the lead and work together to repair the habitat, noting that silt in the Sackville River is a major problem.

Councillor Johns raised an objection to Mr. Regan's remarks, advising that it suggests he has not tried hard enough to solve the problem. The Councillor advised that as the District representative, he has gone over and above on this issue and has done everything he could possibly do to assist the residents. He added that he does not agree with the approach HRM has taken, however, there is nothing more he can do.

Mr. Nick Antoft, Waterstone Subdivision, advised that at Community Council's November meeting a staff report was requested on Margeson Drive. He questioned if a report was submitted.

The Chair advised that nothing has come forward, and asked the Legislative Assistant to follow up for an update on this matter.

Mr. Antoft expressed concern about the water quality of MacCabe Lake, advising that it is used mainly for recreation and that according to the HRM website, water quality testing in the Sackville River showed in spots in excess of 10,000 parts per million of coliform, several times throughout the year. He suggested that the lake be tested on a regular basis.

Councillor Johns indicated that he thought the lake was tested but requested the Legislative Assistant to confirm this with staff.

Mr. Antoft advised of an area off Newberry Drive that is continually being used as a

dumpsite and questioned if concrete barriers can be erected to prevent further incidents.

Councillor Johns advised that if this area has been turned over to HRM then it would be HRM's responsibility.

Mr. Regan questioned if there was any update on the Pinehill Drive silt issue. He advised that Sackville Rivers Association has never received an update.

The Chair noted that previously the staff person he spoke with on this matter was David Ellis. He requested the Legislative Assistant follow up with staff and find out why Sackville Rivers Association was not contacted.

Mr. Regan advised that there is a house for sale on Union Street and that it was on the Sackville River Floodplain. He questioned if it would be possible for HRM to purchase this and turn it into a park area.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community recommend staff consider purchasing 27 Union Street, Bedford, to help resolve the ongoing issues on Union Street. MOTION PUT AND PASSED.

14. NEXT REGULAR MEETING DATE:

February 28, 2008, Basinview Community School, Bedford.

15. ADJOURNMENT:

The meeting adjourned at 8:38 p.m.

Sheilagh Edmonds
Legislative Assistant

The following Information items were submitted:

- Memorandum from S.M. Mandaville RE: Water quality Basics - Biotic Integrity and Biodiversity
- Memorandum RE: Councillor Martin Granted Leave from Council Related Duties