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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Bedford Leisure Centre, 1800 Bedford Highway, Bedford.

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - April 26, 2001**

MOVED by Councillor Goucher, seconded by Councillor Johns to approve the Minutes of Regular Meeting held on April 26, 2001 as circulated. MOTION PUT AND PASSED.

2.2 **Special Council Session - May 8, 2001**

MOVED by Councillor Johns, seconded by Councillor Goucher to approve the Minutes of Special Council Session held on May 8, 2001 as circulated. MOTION PUT AND PASSED.

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

Added Item: Councillor Goucher - Bernie's Auto, Dartmouth Road

MOVED by Councillor Goucher, seconded by Councillor Johns to approve the Order of Business as amended. MOTION PUT AND PASSED.

4. **BUSINESS ARISING OUT OF THE MINUTES** - None

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Case 00239 - Application for a Rezoning to CDD (Comprehensive Development District) and a Development Agreement to Permit an Expansion to Monarch Estates and Rivendale Subdivisions, Beaver Bank**

The Public Hearing was held and closed at the April 26, 2001 meeting. A Supplementary Report dated May 14, 2001 was before Community Council. As well, correspondence was submitted from Ross Sheppard, Beaver Bank with regard to this application.

MOVED by Councillor Johns, seconded by Councillor Goucher to:

- 1. Approve the rezoning of the subject lands from MU-1 (Mixed Use 1) Zone and MR-1 (Mixed Resource) Zone to CDD (Comprehensive Development District) Zone, as shown on Maps 1 and 2 of the Staff Report dated March 23, 2001;**
- 2. Subject to the approval of the rezoning and the expiration of the appeal period or an appeal of the rezoning, approve the Development Agreement to allow approximately 130 single unit dwelling residential development at a rate greater than 20 lots per four-year period;**
- 3. Require the 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.

8. PUBLIC HEARINGS

8.1 Case 00340 - Application by Wallace Macdonald and Lively, on behalf of Ramar Construction to Enter into a Development Agreement to Permit a Basement Apartment at 32 Dartmouth Road, Halifax

A Staff Report dated May 2, 2001 was before Community Council together with a recommendation from North West Planning Advisory Committee dated May 3, 2001 for approval.

Andrew Bone, Planner provided an overview of the application with the aid of overheads. During the course of his presentation, he referred to issues/concerns that have come up during the process and provided the following information:

- HRM cannot control who is the occupant of a dwelling but can control the land use.
- If ownership changes, the Development Agreement could be discharged at that time; however, the implications of discharging are that the land use is permitted to continue under the Municipal Government Act as a non-conforming use and the owner of the property would have more rights to expand the property beyond the 700 sq. ft. permitted in Policy R-8 and control within the Development Agreement.
- If it becomes a non-conforming use after the Development Agreement is discharged, after a six month period of the dwelling not being occupied as a basement apartment, the owner's right to use it as a basement apartment would expire. This, however, is very hard to enforce and staff does not recommend putting a clause in the Development Agreement re discharge at a later time.

Subsequently, Mr. Bone advised that staff was recommending approval of the application.

Councillor Goucher quoted Policy R-18. He asked if a Development Agreement could designate use for relatives or parents only.

Mr. Barry Allen, Municipal Solicitor said it was necessary to go back one step to the Municipal Government Act which enables the Municipal Planning Strategy. The Courts have ruled in several cases that municipalities have the power to regulate the use of land but not the power to regulate who uses the land. When you get down to regulating such things as occupation by people of a certain age/class or relatives, you are regulating people rather than land use.

Councillor Goucher asked if Community Council discharged the Agreement, with the agreement of the owner and it was included in the agreement, would it revert to residential.

In response, Mr. Allen advised that it could be set up that way, provided there was policy support for it, but there would have to be criteria to judge after a five year period. You would be bound to continue approving it, if there were no changes, because it was approved the first time.

Councillor Goucher asked if the Agreement could be released on the sale of the home.

In response, Mr. Allen advised that is a provision that really regulates who occupies the unit rather than the existence of the unit per se. The basement apartment will no doubt be there until the owner no longer wants it.

Councillor Goucher advised that he had been advised by people in the area that they have no problem with the home being used for the use but there is no way to trigger it.

In response, Mr. Allen advised you could put something in the Agreement but it might not work. You would have to do battle at that time and see what happens.

The Chair then called for speakers for or against the application.

Mr. Don McCarthy, 36 Main Street pointed out on the map a number of specific homeowners he had contacted who live on R-1 lots in the area. He stated that all these people would like the area to stay RSU. A commercial/income unit could jeopardize the value of the properties in the area. None of the people in the area have any problem with a granny suite or with the parents coming in. He was bothered with the fact that after the parents have left - for whatever reason - the unit would become a commercial unit which could be sold for two families. His area is being singled out with the potential of degradation of properties. If there could be some kind of agreement that when the people

in the apartment move forward, the agreement would be discharged, there was no problem. As far as putting a new unit into his living area, the people were not interested. There will be some other houses going into the area and there was the potential of the area becoming an area of multi-family homes.

Mr. Kevin Marchand, Ramar Construction, speaking in favour of the application, advised his company recognized the community's concern and, therefore, only applied for one of the four properties they own to be designated as a two-unit dwelling. It was important to recognize that they were following Policy R-18 which allows for an additional unit for the benefit of seniors or people requiring assistance. His company is in full support of having the agreement discharged in the event of a change of use.

The Chair then called three times for additional speakers for or against the application. There were none.

MOVED by Councillor Goucher, seconded by Councillor Johns to close the Public Hearing. MOTION PUT AND PASSED.

Councillor Goucher acknowledged that the people in the area have been willing to work to achieve a common goal. In this particular case, he was willing to go along with the application provided the solicitor can provide some mechanism to make the development work in the way the people in the community want it to work.

Mr. Allen advised that there could be a provision for discharge on certain conditions being met subject to the potential that no matter what is included, would not necessarily be binding. It might not be honoured; enforceability is a problem.

Councillor Goucher said that what he is hearing is that there is no plausible way to make it work to give some security with regard to the discharge of the agreement.

Councillor Harvey asked what constitutes in the Plan a separate unit and what can it have and not have.

Ms. Langille-Hanna, Planner advised that from a Building Code standpoint, it was the kitchen itself, particularly the electrical wiring for the stove.

Mr. Marchand added that safety issues were involved with having a family reside downstairs. Further, he advised that the issue was very time sensitive.

Councillor Goucher stated he could not get the comfort level from the solicitor to get something in writing that would cause a discharge of the agreement if the owner sold the property or if the people moved.

Mr. Marchand advised the zoning does allow for this kind of situation. He suggested the zoning should be R-1 rather than RSU if, in fact, Community Council will never consider such an application. There would be an injustice if Community Council decided against the application as other people in the community would have the same privilege or opportunity to reside in their own homes as their children move in to take care of them.

Councillor Harvey suggested a deferral to allow staff to see if some wording can be reached to satisfy everybody. It appeared that "may consider" clauses in the Municipal Planning Strategy come up and, if the immediate neighbourhood has no objection to it, then it is considered. If there is strong objection by the immediate neighbourhood, then the spirit is that it does not proceed, as far as the Bedford Plan is concerned.

MOVED by Councillor Goucher, seconded by Councillor Johns to defer a decision until a Special Council Session on June 5, 2001 to allow the solicitor time to respond to the questions raised. MOTION PUT AND PASSED.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Notice for Amendment to Development Agreement No. 92-01**

A letter dated May 14, 2001 from Stewart McKelvey Stirling Scales was before Community Council requesting that a newspaper notice be published in accordance with the Municipal Government Act advising of the amendment to the Development Agreement for Site 4.5 Provident Development Incorporated as the amendment is, in their opinion, a substantive amendment to the Development Agreement.

Ms. Thea Langille-Hanna advised that the request had been sent to her and she was in the process of providing comments to the Planning Coordinator. She expected there would be a written response in the near future.

Councillor Goucher then provided some history of the Development Agreement and how the amendment was deemed to be non-substantial.

MOVED by Councillor Goucher, seconded by Councillor Johns that staff be requested to respond to the letter. MOTION PUT AND PASSED.

10. **REPORTS**

10.1 **Case 00352 - Application to Erect Two Cellular Antenna at 3 Stokil Drive, Sackville**

A Staff Report dated April 17, 2001 was before Community Council along with a positive recommendation from North West Planning Advisory Committee dated May 3, 2001.

Angus Schaffenburg, Planner provided an overview of the proposal. Staff was recommending that Community Council forward a positive recommendation to Industry Canada.

Councillor Johns asked if the number of antenna that can be put on the site after these, if approved, is becoming limited.

In response, Mr. Schaffenburg advised that if there were more antennas that some company wanted to put on, it would have to be considered as a new application, particularly in terms of overcrowding.

Councillor Goucher noted that placement was significant because if the antennas were on the back side, they would be away from the residential areas.

In response, Mr. Schaffenburg advised the antennas in question were on the side but visible from the rear of the abutting properties. The applicant is trying to limit visibility.

Councillor Harvey referred to the Public Information Meeting held on April 9, 2001, advised that this was not a Public Hearing and that Community Council does not have the ability to approve or not approve the application; however, members of the public might wish to comment. Community Council would send the information obtained to Industry Canada for consideration.

Ms. Terry Lauziere, 1 Saturn Drive advised she expressed health concerns at the Public Information Meeting and did not care what the antennas looked like. The proposed antennas would be right behind her house. She knew there were people in the neighbourhood who, during the last five years, developed breast cancer. She was concerned with the cumulative health effects of the antennas. She wanted to see them in unpopulated areas.

Councillor Harvey asked if Ms. Lauziere was drawing a link between the antennas and the disease.

In response, Ms. Lauziere advised no, there could be other reasons; however, she thought there were enough antennas there now.

Mr. Steve Martin, 5 Stokil Drive stated the area in question was supposed to be residential. There was supposed to be a greenbelt there and then a reservoir went in. If the proposal is approved, it should be limited to these last two and let the companies locate elsewhere.

Councillor Johns stated that due to the fact that this is regulated by Industry Canada and due to conversations he had with a number of people, he did not think the addition of two antennas would be a problem.

MOVED by Councillor Johns, seconded by Councillor Goucher to forward a positive recommendation to Industry Canada supporting the proposal by Microcell Connections for two cellular antennae to be clipped on the water reservoir at 3 Stokil Drive and to include the comments regarding cumulative health concerns. MOTION PUT AND PASSED.

Councillor Goucher stated that although Community Council does not regulate antennas, he felt that the input from Community Council is taken under serious consideration by Industry Canada. If Community Council sends a positive recommendation, in all probability there could be two more antennas on the reservoir in future. It was critical, therefore, to emphasize that when people do have health concerns, even without proof, these concerns need to be highlighted.

MOVED by Councillor Johns, seconded by Councillor Goucher to indicate to staff, Industry Canada and the Halifax Regional Water Commission that Community Council feels that the point has been reached where no more antenna should be considered for this site. MOTION PUT AND PASSED.

10.2 Appointments to Bedford Waters Advisory Committee

MOVED by Councillor Goucher, seconded by Councillor Johns to extend appointments to Bedford Waters Advisory Committee as follows:

**Brian Hoyle - November, 2001
Elizabeth Tucker - November, 2002
Lawrence White - November, 2002
Robert Kerr - November, 2002
William Matheson - November, 2002**

MOTION PUT AND PASSED.

10.3 Appointment to North West Transit Advisory Committee

The Clerk advised that an advertisement had been placed in the newspaper requesting expressions of interest for one member representing District 20 for the above Committee; however, no applications were received.

Councillor Harvey advised, therefore, that an application has been on file from Michael Cormier who lives just across the boundary between Districts 20 and 19 at 174 Sampson Drive. In view of the fact that no one from District 20 has come forward, he was prepared to support a motion to appoint Michael Cormier to North West Transit Advisory Committee.

MOVED by Councillor Johns, seconded by Councillor Goucher to appoint Michael Cormier to North West Transit Advisory Committee representing District 20. MOTION PUT AND PASSED.

With regard to the survey information provided by North West Transit Advisory Committee under Information Items, Councillor Harvey asked the other members of Community Council to join him in extending thanks and gratitude to the volunteer members of the Committee for carrying out the survey.

MOVED by Councillor Johns, seconded by Councillor Goucher that a letter be sent to Janice Bellefeuille in this regard . MOTION PUT AND PASSED.

Councillor Johns added that the survey is being used by Metro Transit for information as a supplement to the Metro Transit survey.

10.4 Meeting Schedule - Remainder of 2001

MOVED by Councillor Goucher, seconded by Councillor Johns to approve the proposed Meeting Schedule to the end of 2001 as submitted. MOTION PUT AND PASSED.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Bernie's Auto, Dartmouth Road

Councillor Goucher provided background information regarding concerns re violations of the existing Development Agreement and with the fact that cars are parked on the sidewalk and people have to use Dartmouth Road to walk. He recognized that By-Law Enforcement has been trying to address the situation.

MOVED by Councillor Goucher, seconded by Councillor Johns to request By-law Enforcement to react to the fullest extent with regard to the enforcement of the Development Agreement with Bernie's Auto. MOTION PUT AND PASSED.

Councillor Harvey asked if By-law Enforcement can issue tickets. If so, By-law Enforcement should make a habit of going by that location and issuing tickets.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Mr. Walter Regan, Sackville Rivers Association raised the following points:

- He asked the status of the stormwater management plan for Sackville River. He was told there was no information.
- He asked the status of Policy P-71. There was no recent information.
- He asked the status of the 60 acres on Second Lake. He was told there was movement at this time.
- He asked if it was possible to get a Silt Inspector for the Sackville River.

It was agreed to write a letter to Department of Environment requesting assistance with regard to the silt in the Sackville River, to express concern and request that a Silt Inspector check out the river.

The Clerk advised Mr. Regan that with regard to construction material on the vacant lot on Riverside Drive, this has been referred to By-law Enforcement.

15. **NEXT MEETING DATE**

Thursday, June 28, 2001 - Upper Sackville Recreation Facility, 2476 Sackville Drive.

16. **ADJOURNMENT**

On a motion from Councillor Goucher, the meeting adjourned at 8:05 p.m.

Sandra M. Shute
Assistant Municipal Clerk