

# HALIFAX REGIONAL MUNICIPALITY

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## NORTH WEST COMMUNITY COUNCIL

### MINUTES

**JULY 10, 2003**

THOSE PRESENT: Councillor Len Goucher, Chair  
Councillor Robert P. Harvey  
Councillor Brad Johns

ALSO PRESENT: Barry Allen, Municipal Solicitor  
Thea Langille-Hanna, Planner  
Andrew Bone, Planner  
Sandra Shute, Legislative Assistant

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Lions Den, LeBrun Centre, 36 Holland Avenue, Bedford.

A Joint Meeting of North West Community Council and Western Region Community Council was scheduled to precede the meeting of North West Community Council. There was no quorum, however, for Western Region Community Council. It was agreed, therefore, to hold the Public Hearing dealing with the portion of the Plan under the jurisdiction of North West Community Council under Public Hearings. See Section 8.1 below.

2. **APPROVAL OF MINUTES - JUNE 11, 2003**

**MOVED by Councillor Harvey, seconded by Councillor Johns to approve the Minutes of meeting held on June 11, 2003 as circulated. MOTION PUT AND PASSED.**

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

Added Items:           Public Hearing for Case 00444 - Accessory Buildings in the Beaver Bank, Hammonds Plains and Upper Sackville and Sackville Plan Areas - Item 8.1 below (Also see Item #1 above)

                                Bernie's Auto, Dartmouth Road - Councillor Goucher  
                                Millwood Drive - Councillor Johns

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

4. **BUSINESS ARISING OUT OF THE MINUTES**

4.1 **Status Sheet Items**

4.1.1 Repairs to Abutments of Lucasville Road Bridge - No report.

4.1.2. Cap on Taxi Roof Lights in the Bedford/Sackville area - No report.

4.1.3 Sidewalk on Sackville Drive - Middle and Upper Sackville

An Information Report dated July 8, 2003 was before Community Council.

Councillor Johns acknowledged receipt of the information provided; however, he indicated that the area in question along Sackville Drive is now woods and now is the time to look at acquiring property prior to any development. There could be potential for 15'-20' front yards where people are against having a sidewalk because of the loss of space. As well, the Councillor reiterated concerns re safety along that portion of Sackville Drive.

**MOVED by Councillor Johns, seconded by Councillor Harvey that staff be requested to look into the possibility of purchasing a portion of the vacant property along Sackville Drive from Melham Drive to Springfield Estates Trailer Park to ensure there will be sufficient land available when it comes time to construct a sidewalk. Additionally, with the lack of sidewalk in this area being a safety concern, staff be requested to look at creating some type of plan that would achieve a sidewalk along that portion, by inclusion in the budget or on a four-year plan basis. MOTION PUT AND PASSED.**

Councillors Harvey and Goucher, although supporting sidewalks for Sackville Drive in Middle and Upper Sackville, expressed concern regarding the need for sidewalks in their Districts as well, namely Cobequid Road in District 20 and Bedford Highway in District 21.

#### 4.1.4 Status of 60 Acres at Second Lake

An Information Report dated July 7, 2003 was before Community Council providing an update regarding the 60-acre parcel of land owned by Nova Scotia Department of Community Services adjacent to Second Lake Provincial Park reserve and a portion of the site fronting on First Lake in Sackville.

Councillor Harvey noted that the report does go through the process over the past year or so and at the end tells us that the stakeholders are now providing comments on the report being circulated and that a meeting will take place late July or early August with the stakeholders to try to reach common recommendations. Following such meeting, a full report will be circulated.

Councillor Harvey then stated he objected to a couple of phrases in the Information Report. He referred to the bottom of the first page, last sentence, which indicated that: "In July, 2002, Council, under pressure from the community, ..." He stated he did not like that phrase because Council was not under pressure from the community. There was a presentation from community organizations interested in the subject to Council; however, the Councillors in the area, before the presentation and without pressure from community groups, drafted a motion to rescind the willingness of Council to proceed with the application for 150 serviced lots and change the service boundary. There was no lobbying or pressure from the community. A conclusion had been reached that this was following down the wrong path.

Additionally, Councillor Harvey referred to page 2, second paragraph, the phrase: “while technically changing nothing”. He stated it actually changed everything. What changed was that there is no political will at the municipal level to proceed with 150 lots on the 60 acres, leaving 20 acres to Natural Resources.

Councillor Harvey stated he looked forward to a report being circulated with some meat in the sense of recommendations which hopefully will meet the expectations of the community.

Councillor Johns stated that both Councillors feel the proposal will be of benefit to the Sackville area and have supported same to staff.

Councillor Goucher acknowledged that he and Councillor Hines were supportive relative to the 60 acres. The Minister of Community Services at the time was willing to help. There is a desire for the 60 acres which could come in the form of a land swap with the province.

Councillor Harvey expressed appreciation for Minister Christie’s efforts.

It was agreed to hold Public Participation on this matter as there were a number of residents in attendance regarding this issue.

Ms. Theresa Scratch, First and Second Lake Regional Park Planning Committee raised the following points:

- The Committee appreciates the support from Councillors and the Mayor and are aware that this matter is with staff in HRM and Department of Housing.
- About two weeks ago, she spoke to Premier Hamm who indicated the province was more than willing to trade land with HRM but has not heard from HRM. In all fairness to HRM, she did not think Housing would have been prepared to consider an offer.
- The Committee is made up of two representatives from Friends of First Lake, Second Lake Regional Park Association and Lake District Recreation Association.
- When Department of Housing was advised they would not be considered, their only way to get any consideration for construction of houses on the land in question was to get it back to Council. The only way to do that would be to have some sort of community co-operation. The Committee was asked to meet with them to discuss the 60 acres and stated up front that they would discuss interests and concerns but in no way would the Committee be prepared to compromise their position nor represent the residents in the community or those residents who would be affected by housing in that area.
- She had concerns as to where the process was going; it could be heading to an agreement or something perceived to be a compromise with recommendations. They would like to see us accept housing development somewhere on the 60 acres and preferably some housing development within Second Lake Park.

- At no point, other than the elected representatives, is anybody prepared to listen to the community on the community vision for the property and why the vision is there. It seems that HRM has decided there is no other open space required in the community. If it was possible to prove there is a need for active recreation fields, then maybe the trade or purchase of the land could be justified.
- With regard to comments made in the Information Report, she had a problem with a number of them. There has not been any agreement and with regard to the report coming forward, there are edits right down to and including the final recommendation.
- With regard to options regarding land swaps, the Committee was given a list of nine properties but it was questionable whether they would be available for trade or not. There was the question of trading from one community to another to address recreation needs. HRM does not have a suitable site within Sackville to equate to 150 serviced lots.
- She appreciated what Community Council has done so far and hoped that Community Council would continue to be there as this proceeds.

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

- This was a case of the tail wagging the dog. Here was the Minister of the day, Peter Christie, indicating he wants a trade and the Premier, the Councillors and the public want a trade. He asked why staff could not be instructed to make it happen. The Community wants the 60 acres.
- He requested that Mayor Kelly be contacted and staff asked to get on with it.

Mr. Shane O'Neil, First and Second Lake Regional Park Planning Committee raised the following points:

- The report is being pulled together by staff. Friends of First Lake, Second Lake Regional Park Association and Lake District Recreation Association came together for the joint group but all report back to their respective groups.
- Planning for the future requires forward thinking. When the 700 acres was transferred from Department of Housing to Natural Resources, there was a piece along First Lake Drive that was left out because it was deemed most suitable for development. When the park was considered, and the ecology of the park, it became clear that active recreational opportunities and open space desires could not be met inside the park because the ecology would be damaged. That was why the 60 acres was looked at to provide park access and other open space opportunities and to bank for the community for future development needs with respect to recreation.
- A Workshop was hosted in June, 2002. The report as a result of the Workshop is nearly finished and should be released within the next few weeks. The Workshop resulted in a Concept Plan for the area which is a vision for the community. This

- represented input from the organizations that participated in the Workshop and additional consultation with the community.
- Part of the document was to incorporate a needs assessment. It took repeated calls to HRM Recreation staff before a meeting was held with staff at which time the process was started to facilitate a report and discussion with Housing with the idea of coming to a compromise.
  - Coming to a compromise was not the intent of the Committee. The Workshop and consultation was held in north Metro to see what the needs were and look at visionary plans for the future. To facilitate discussion for compromise was another initiative they felt they had to do because Housing did not want to give up the 60 acres. This has been proceeding in a totally different vein and the Committee feels it is much less sensitive to the community's input.
  - The fact that the Committee disagrees with HRM staff on some of the issues makes for difficult discussion and negotiations but it does not mean they question the integrity nor professional ability. There seems, however, to be an underlying motivation to not facilitate the transfer to the community.
  - Second Lake has been given funds to do some trail development this year and this is very appreciated. It has not been all adversarial.
  - At the last meeting in March which the Committee attended, the next step was to look at a parcel of land in Timberlea owned by HRM which Housing had interest in. No one has been to see the parcel yet.
  - The objective is to bank the land and look for complimentary development to address the needs as they arise. He referenced the new Rocky Lake development and the fact that the former City of Halifax had the foresight to bank the land for the Mainland Common.
  - The Committee has not met with Mayor Kelly and he suggested that it might be time to do so.

Councillor Harvey asked how Mr. O'Neil saw a meeting with the Mayor fitting in with the rest of the process described in the Information Report with a meeting the end of July/first of August and a final report being circulated. In response, Mr. O'Neil stated that, in his opinion, the report should not come out. The groups involved are at odds and they want a compromise. His Committee does not want a compromise.

**MOVED by Councillor Harvey, seconded by Councillor Johns that the Clerk be requested to facilitate a meeting with Mayor Kelly and George McLellan, CAO, which would include the two Councillors from Sackville, with representatives from the community group with Shane O'Neil as the contact person. MOTION PUT AND PASSED.**



Mr. Shane O'Neil then stated that it seemed that one of the big stumbling blocks is money as \$1.3 million could be recovered by selling the lots. He asked if it would be possible for a long term arrangement for a land swap which would not occur today but over the next 20 years.

Ending Public Participation, Ms. Theresa Scratch referred to the money received for trail development in Second Lake Regional Park this summer. There was no formal park access to the trail because park access has been identified within the 60 acres.

4.1.5 Exposed Manholes - Springfield Lake Road - No report.

4.1.6 Mobile Home Park Issues - No report.

4.1.7 Redevelopment of Former Sackville Heights Elementary School - Nothing further.

4.1.8 Drainage and Sediment - Springfield Lake - No report.

4.1.9 Outdoor Display Courts - No report.

4.1.10 Setback for Accessory Buildings on R-0 Lots in Sackville - No report.

4.1.11 Policy P-71, Beaver Bank, Hammonds Plains, Upper Sackville MPS - No report.

4.1.12 Fencing of Pathways - No report.

4.1.13 Floodplain Issues re Little Sackville River - No report.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **PUBLIC HEARINGS**

8.1 **Case 00444 - Accessory Buildings in the Beaver Bank, Hammonds Plains and Upper Sackville and Sackville Plan Areas**

A Staff Report dated May 1, 2003 was before Community Council along with a recommendation for approval from North West Planning Advisory Committee dated June 5, 2003.

Andrew Bone, Planner provided an overview of the application dealing with the Sackville Plan area and North West Community Council's jurisdictional area of the Beaver Bank, Hammonds Plains and Upper Sackville Plan with the aid of overheads. (The Joint Public Hearing which was scheduled with Western Region Community Council was not held due to lack of a quorum on the part of Western Region Community Council.)

Mr. Bone circulated a map indicating the areas affected in the Plan areas as this had been a question at North West Planning Advisory Committee and provided information on those areas.

Councillor Johns explained the origin of Community Council's request which dealt mainly with properties in the Upper Sackville area zoned MU-2.

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

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

**MOVED by Councilor Johns, seconded by Councillor Harvey to:**

- 1. Approve the amendments to the Land Use By-law for Sackville, as shown in Attachment 3 of the Staff Report dated May 1, 2003;**
- 2. Approve the amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, as shown in Attachment 2 of the Staff Report dated May 1, 2003 subject to approval by Western Region Community Council.**

**MOTION PUT AND PASSED.**

#### **8.2 Case 00587 - Amendment to the 25 Dartmouth Road Development Agreement**

A Staff Report dated May 30, 2003 was before Community Council along with a recommendation for approval from North West Planning Advisory Committee dated June 5, 2003.

Thea Langille-Hanna, Planner provided an overview of the application. This was a request from the residents of Brook Street for removal of the requirement for a chain link fence at the rear of the property at 25, 27 and 35 Dartmouth Road from the Development Agreement.

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

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

**MOVED by Councillor Harvey, seconded by Councillor Johns to:**

1. **Approve the amending Development Agreement for 25, 27 and 35 Dartmouth Road, presented as Attachment 1 of the Staff Report dated May 30, 2003, to remove Section 2.7.2 in its entirety and remove the words “a fence” from Section 2.7.4;**
2. **Require that the amending Development Agreement be signed within 120 days or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None
10. **REPORTS** - None
11. **MOTIONS** - None
12. **ADDED ITEMS**
- 12.1 **Bernie’s Auto, Dartmouth Road**

Councillor Goucher explained the present situation with regard to the Development Agreement for Bernie’s Auto, Dartmouth Road. He then requested that Councillor Johns take the chair.

**MOVED by Councillor Goucher, seconded by Councillor Harvey that staff review the Development Agreement for Bernie’s Auto and, in discussion with Legal Services, review the process required to be able to have the Development Agreement revoked. MOTION PUT AND PASSED.**

Councillor Johns then relinquished the chair.

- 12.2 **Millwood Drive**

Councillor Johns outlined safety concerns and problems arising because Millwood High School is being used by HRM for soccer and because the gate has been locked by the School Board due to security reasons at the High School. Parents of soccer players have nowhere to park and are parking on both sides of Millwood Drive for about 1000' on both sides of the road. The Councillor was concerned with the potential for accidents in this location.

Discussion took place on the possibility of asking the School Board to reopen the gate or to have a security guard for the summer months who would be able to open the gate and close it again after the soccer games are over.

**MOVED by Councillor Johns, seconded by Councillor Harvey that staff be requested to place a temporary restriction in this area to temporarily allow parking on one side of Millwood Drive only so that Millwood Drive stays open in the area of Millwood High School and Millwood Commons. MOTION PUT AND PASSED.**

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Walter Regan, Sackville Rivers Association referred to a new sign at the Sackville Library and asked if it met the regulations. In response, Councillor Harvey advised that the sign does meet current requirements. The front of the sign is more professional than the one it replaced; however, the back needs to be painted. It was put up to advertise the Tourist Information Centre.

Mr. Regan also asked the status of construction for sidewalks on Millwood Drive. In response, Councillor Johns advised sidewalks would be installed from Millwood Drive to where the sidewalk ends currently all the way to Beaver Bank Road at Stokil Drive.

15. **NEXT MEETING DATE**

Thursday, August 28, 2003 if required.

16. **ADJOURNMENT**

On a motion from Councillor Johns, the meeting adjourned at 8:35 p.m.

Sandra M. Shute  
Legislative Assistant

